



# Indiana Register

Volume 26, Number 4  
Pages 1059-1510

January 1,  
2003

Retain this issue  
as a  
supplement to the  
Indiana Administrative  
Code (See p. 1060)

The Indiana Register is on the  
Internet at:  
[www.in.gov/legislative/](http://www.in.gov/legislative/)

Published By

Indiana Legislative  
Services Agency

Office of Code  
Revision  
317/232-9557



This issue contains documents  
officially filed through 4:45 p.m.,  
December 10, 2002

## IN THIS ISSUE

<b>State Agencies</b> .....	1062
<b>Final Rules</b>	
Department of Correction .....	1064
Natural Resources Commission .....	1068
Air Pollution Control Board .....	1070
Office of the Secretary of Family and Social Services .....	1079
Fire Prevention and Building Safety Commission .....	1083
State Boxing Commission .....	1103
Board of Podiatric Medicine .....	1104
Indiana Optometric Legend Drug Prescription Advisory Committee .....	1104
State Board of Registration for Land Surveyors .....	1105
Indiana Real Estate Commission .....	1106
<b>Errata</b>	
State Board of Cosmetology Examiners .....	1109
Indiana Plumbing Commission .....	1109
Indiana Real Estate Commission .....	1109
<b>Notice of Recall</b>	
Division of Disability, Aging, and Rehabilitative Services .....	1110
<b>Emergency Rules</b>	
Natural Resources Commission .....	1111
<b>Notice of Rule Adoption</b>	
Division of Mental Health and Addiction .....	1112
Division of Family and Children .....	1112
<b>Change in Notice of Public Hearing</b>	
Air Pollution Control Board .....	1113
Water Pollution Control Board .....	1113
<b>Notice of Intent to Adopt a Rule</b>	
State Board of Accounts .....	1114
Department of State Revenue .....	1114
Department of Local Government Finance .....	1114
Law Enforcement Training Board .....	1115
Indiana Pesticide Review Board .....	1115
Office of the Secretary of Family and Social Services .....	1115
Division of Disability, Aging, and Rehabilitative Services .....	1115
Board of Podiatric Medicine .....	1115
Alcohol and Tobacco Commission .....	1116
<b>Proposed Rules</b>	
Department of Local Government Finance .....	1117
Oversight Committee on Public Records .....	1118
Natural Resources Commission .....	1121
Air Pollution Control Board .....	1132
Water Pollution Control Board .....	1158
Solid Waste Management Board .....	1201
Indiana Pesticide Review Board .....	1243
Indiana State Department of Health .....	1245
Division of Disability, Aging, and Rehabilitative Services .....	1247
Indiana State Board of Education .....	1252
Professional Standards Board .....	1253
Indiana Education Savings Authority .....	1257
<b>Readopted Rules</b> .....	1259
<b>AROC Notices</b>	
Department of Local Government Finance .....	1263
Division of Family and Children .....	1264
<b>IC 13-14-9 Notices</b>	
Air Pollution Control Board .....	1266
Water Pollution Control Board .....	1357
Solid Waste Management Board .....	1358
<b>Executive Orders/Proclamations</b> .....	1363
<b>Nonrule Policy Documents</b> .....	1364
<b>Cumulative Table of Nonrule Policy Documents</b> .....	1423
<b>Cumulative Table of Executive Orders and Attorney General's Opinions</b> . . .	1431
<b>Rules Affected by Volumes 25 and 26</b> .....	1432
<b>Index</b> .....	1466



# INDIANA REGISTER

(ISSN 0193-1520)

is published monthly by the Indiana Legislative Council, Room 302 State House, Indianapolis, Indiana 46204-2789. An order form is on the back of this issue. Subscription price is \$60 for volume 26, in advance. PERIODICALS postage paid at Indianapolis, Indiana.

Postmaster: Send change of address to:

**Indiana Register  
Legislative Services Agency  
200 West Washington Street, Suite 302  
Indianapolis, IN 46204-2789**

---

### Indiana Legislative Council

Senator Robert D. Garton, Chairman  
Representative B. Patrick Bauer, Vice Chairman

Senator Richard Young  
Senator Becky Skillman  
Senator Joseph Harrison  
Senator Patricia Miller  
Senator Tom Wyss  
Senator James Lewis  
Senator Earline Rogers

Representative Mark Kruzan  
Representative Dale Grubb  
Representative William Cochran  
Representative Charlie Brown  
Representative Richard Mangus  
Representative Kathy Richardson  
Representative Brian Bosma

Philip J. Sachtleben, Executive Director

### Indiana Code Revision Commission

Senator Luke Kenley, Chairman

Representative Robert Behning  
Representative Ralph Foley  
Representative John Frenz  
Representative Bob Kuzman  
David Remondini  
Chief Judge Sanford M. Brook  
Cynthia Baker

Senator Sue Landske  
Senator Anita Bowser  
Senator Sam Smith, Jr.  
Jennifer Thuma  
Heather Sewell  
Jon Laramore  
Debbie Lynch

John J. Stieff, Director of Code Revision

Linda Miller, Managing Editor

Stephen G. Barnes, Kimbra K. Salt, Editorial Assistants

Becky Walker, Data Processing Manager

---

### RELATION OF THE INDIANA REGISTER TO THE INDIANA ADMINISTRATIVE CODE

The Indiana Register is an official monthly publication of the state of Indiana. The Indiana Legislative Council publishes the full text of proposed rules, final rules, and other documents, such as executive orders and attorney general's opinions, in the Indiana Register in the order in which the Indiana Legislative Council receives the documents.

The Indiana Administrative Code is an official annual publication of the state of Indiana. It codifies the current general and permanent rules of state agencies in subject matter order.

The Indiana Register acts as a source of information about the rules being proposed by state agencies and acts as an "advance sheet" to the Indiana Administrative Code. With few exceptions, an agency may not adopt a rule, i.e., a policy statement having the force of law, without publishing a substantially similar proposed version in the Indiana Register. Although a rule becomes effective without publication in the Indiana Register, an agency must file an adopted and approved rule with the Indiana Legislative Council. The Council publishes these final rules in the Indiana Register.

---

### RETENTION SCHEDULE

A person must consult the following publications to find the current rules of state agencies:

- (1) Indiana Administrative Code (2001). (3) Volumes 25 and 26 of the Indiana Register.
- (2) The 2002 Supplement.

The 1996 Edition of the Indiana Administrative Code, the 2000 Cumulative Supplement, and other volumes of the Indiana Register may be discarded. (Please consider recycling.)

### JUDICIAL NOTICE AND CITATION FORM

IC 4-22-9 provides for the judicial notice of rules published in the Indiana Register or the Indiana Administrative Code. Subject to any errata notice that may affect a rule, the latest published version of a final rule is prima facie evidence of that rule's validity and content.

Cite to a current general and permanent rule by Indiana Administrative Code citation, regardless of whether it has been published in a supplement to the Indiana Administrative Code. For example, cite the entire current contents of title 312 as "Title 312 of the Indiana Administrative Code," cite the entire current contents of the third article in title 312 as "312 IAC 3," cite the entire current contents of the fourth rule in article three as "312 IAC 3-4," and cite part or all of the current contents of the second section in rule four as "312 IAC 3-4-2." IC 4-22-9-6 provides that a citation in this form contains later adopted amendments. Cite a noncodified rule provision by LSA document number, SECTION number, and Indiana Register citation to the page at which the cited text begins. If a reference to a particular version of a rule or a page in the Indiana Register is appropriate, cite the volume, page, and year of publication as "25 Ind. Reg. 120 (2002)." A shorter Indiana Register citation form is "25 IR 120."

### PRINTING CODE

**This style type** is used to indicate that substantive text is being inserted by amendment into a rule, and **this style type** is used to indicate that substantive text is being eliminated by amendment from a rule. **This style type** is replaced by a single large "X" to show the elimination of a form or other piece of artwork. **This style type** is used to indicate a rule is being added. *This style type* and **this style type** also are used to highlight nonsubstantive annotations to a rule and to indicate that an entry in a reference table or the index concerns a final rule.

### REFERENCE TABLES AND INDEX

The page location of rules and other documents printed in the Indiana Register may be found by using the tables and index published in the Indiana Register. A citation listing of the general and permanent rules affected in a volume and a cumulative index are published in each issue. Cumulative tables that cite executive orders, attorney general's opinions, and other nonrule policy documents printed in a calendar year are published quarterly.

### FILING AND PUBLISHING SCHEDULE

**NOTICE AND PUBLICATION SCHEDULE.** The Legislative Services Agency publishes documents filed by 4:45 p.m. on the tenth day of a month (no later than the twelfth day of a month, excluding holidays or weekends) in the following month's Indiana Register according to the schedule below:

#### PUBLICATION SCHEDULE

<b>Closing Dates:</b>	<b>Publication Dates:</b>	<b>Closing Dates:</b>	<b>Publication Dates:</b>
December 10, 2002	January 1, 2003	July 10, 2003	August 1, 2003
January 10, 2003	February 1, 2003	August 11, 2003	September 1, 2003
February 10, 2003	March 1, 2003	September 10, 2003	October 1, 2003
March 10, 2003	April 1, 2003	October 10, 2003	November 1, 2003
April 10, 2003	May 1, 2003	November 11, 2003	December 1, 2003
May 9, 2003	June 1, 2003	December 10, 2003	January 1, 2004
June 10, 2003	July 1, 2003	January 9, 2004	February 1, 2004

Documents will be accepted for filing on any business day from 8:00 a.m. to 4:45 p.m.

**AROC NOTICES:** Under IC 2-5-18-4, the Administrative Rules Oversight Committee is established to oversee the rules of any agency not listed in IC 4-21.5-2-4. As a result, certain notices to the AROC are required and are printed in the Indiana Register.

**CORRECTIONS:** IC 4-22-2-38 authorizes an agency to correct typographical, clerical, or spelling errors in a final rule without initiating a new rulemaking procedure. Correction notices are printed on errata pages in the Indiana Register.

**EFFECTIVE DATE:** IC 4-22-2-36 provides that, unless a later date is specified in the rule, a rule becomes effective thirty (30) days after filing with the Secretary of State.

**EMERGENCY RULES:** IC 4-22-2-37.1 provides summary rulemaking procedures for certain specified categories of rules.

**INCORPORATION BY REFERENCE:** IC 4-22-2-21 requires that a copy of matters that are incorporated by reference into a rule must be filed with the Attorney General, the Governor, and the Secretary of State along with the text of the incorporating final rule.

**NONRULE POLICY DOCUMENTS:** IC 4-22-7-7 requires that any nonrule document that interprets, supplements, or implements a statute and that the issuing agency may use in conducting its external affairs must be filed with the Legislative Services Agency and published in the Indiana Register.

**NOTICE OF INTENT TO ADOPT A RULE:** IC 4-22-2-23 requires an agency to publish a Notice of Intent to Adopt a Rule at least thirty (30) days before publication of the proposed rule.

**PROMULGATION PERIOD:** In order to be effective, the final version of an adopted rule must be approved by the Attorney General and the Governor within one (1) year after the date that the notice of intent is published. The final rule must then be filed with the Secretary of State.

**PUBLIC HEARINGS:** IC 4-22-2-24 requires that the public hearing on a proposed rule be scheduled at least twenty-one (21) days after a notice of the hearing is published in the Indiana Register and in a newspaper of general circulation in Marion County.

**RULES READoption:** IC 4-22-2.5 provides that a rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date.

# State Agencies

## ALPHABETICAL LIST

AGENCY	TITLE NUMBER	AGENCY	TITLE NUMBER
Accountancy, Indiana Board of	872	†Industrial Board of Indiana	630
Accounts, State Board of	20	Insurance, Department of	760
Adjutant General	270	Labor, Department of	610
Administration, Indiana Department of	25	Land Surveyors, State Board of Registration for	865
†Administrative Building Council of Indiana	660	Law Enforcement Training Board	250
†Aeronautics Commission of Indiana	110	Library and Historical Board, Indiana	590
†Aging and Community Services, Department on	450	Library Certification Board	595
Agricultural Development Corporation, Indiana	770	Local Government Finance, Department of	50
Agricultural Experiment Station	350	Lottery Commission, State	65
†Agriculture, Commissioner of	340	Medical and Nursing Distribution Loan Fund Board of	
†Air Pollution Control Board	325.1	Trustees, Indiana	580
Air Pollution Control Board	326	Medical Licensing Board of Indiana	844
†Air Pollution Control Board of the State of Indiana	325	Mental Health and Addiction, Division of	440
Alcohol and Tobacco Commission	905	Meridian Street Preservation Commission	925
Amusement Device Safety Board, Regulated	685	Motor Vehicles, Bureau of	140
Animal Health, Indiana State Board of	345	Natural Resources, Department of	310
Architects and Landscape Architects, Board of Registration for	804	Natural Resources Commission	312
Athletic Trainers Board, Indiana	898	Nursing, Indiana State Board of	848
Attorney General for the State, Office of	10	Occupational Safety Standards Commission	620
Auctioneer Commission, Indiana	812	Optometric Legend Drug Prescription Advisory Committee, Indiana	857
Barber Examiners, Board of	816	Optometry Board, Indiana	852
Boiler and Pressure Vessel Rules Board	680	Organic Peer Review Panel, Indiana	375
Boxing Commission, State	808	Parole Board	220
Budget Agency	85	†Personnel Board, State	30
Chemist of the State of Indiana, State	355	Personnel Department, State	31
Children's Health Insurance Program, Office of the	407	Pesticide Review Board, Indiana	357
Chiropractic Examiners, Board of	846	Pharmacy, Indiana Board of	856
Civil Rights Commission	910	Plumbing Commission, Indiana	860
†Clemency Commission, Indiana	230	Podiatric Medicine, Board of	845
Commerce, Department of	55	Police Department, State	240
Community Residential Facilities Council	431	Political Subdivision Risk Management Commission, Indiana	762
Consumer Protection Division of the Office of the Attorney General	11	Port Commission, Indiana	130
Controlled Substances Advisory Committee	858	Private Detectives Licensing Board	862
Coroners Training Board	207	Professional Standards Board	515
Correction, Department of	210	Proprietary Education, Indiana Commission on	570
Cosmetology Examiners, State Board of	820	Psychology Board, State	868
Creamery Examining Board	365	Public Access Counselor, Office of the	62
Criminal Justice Institute, Indiana	205	Public Employees' Retirement Fund, Board of Trustees of the	35
Dentistry, State Board of	828	Public Records, Oversight Committee on	60
Developmental Disabilities Residential Facilities Council	430	Public Safety Training Institute	280
Dietitians Certification Board, Indiana	830	Real Estate Commission, Indiana	876
Disability, Aging, and Rehabilitative Services, Division of	460	Reciprocity Commission of Indiana	145
Disaster Relief Fund, State	290	Revenue, Department of State	45
†Education, Commission on General	510	Safety Review, Board of	615
Education, Indiana State Board of	511	School Bus Committee, State	575
Education Employment Relations Board, Indiana	560	Secretary of State	75
Education Savings Authority, Indiana	540	Securities Division	710
Egg Board, State	370	Seed Commissioner, State	360
†Election Board, State	15	Social Worker, Marriage and Family Therapist, and Mental Health	
Election Commission, Indiana	18	Counselor Board	839
†Elevator Safety Board	670	†Soil and Water Conservation Committee, State	311
Emergency Medical Services Commission, Indiana	836	†Solid Waste Management Board	320.1
Employees' Appeals Commission, State	33	Solid Waste Management Board	329
†Employment and Training Services, Department of	645	Speech-Language Pathology and Audiology Board	880
Engineers, State Board of Registration for Professional	864	Standardbred Board of Regulations, Indiana	341
Enterprise Zone Board	58	†Stream Pollution Control Board of the State of Indiana	330
Environmental Adjudication, Office of	315	Student Assistance Commission, State	585
Environmental Health Specialists, Board of	896	Tax Review, Indiana Board of	52
†Environmental Management Board, Indiana	320	†Teacher Training and Licensing, Commission on	530
Ethics Commission, State	40	Teachers' Retirement Fund, Board of Trustees of the Indiana State	550
Fair Commission, State	80	Television and Radio Service Examiners, Board of	884
Family and Children, Division of	470	†Textbook Adoptions, Commission on	520
Family and Social Services, Office of the Secretary of	405	Toxicology, State Department of	260
Financial Institutions, Department of	750	†Traffic Safety, Office of	150
Fire Marshal, State	650	†Transportation, Department of	100
Fire Prevention and Building Safety Commission	675	Transportation, Indiana Department of	105
Firefighting Personnel Standards and Education, Board of	655	Transportation Finance Authority, Indiana	135
Forensic Sciences, Commission on	415	Underground Storage Tank Financial Assurance Board	328
Funeral and Cemetery Service, State Board of	832	†Unemployment Insurance Board, Indiana	640
Gaming Commission, Indiana	68	Utility Regulatory Commission, Indiana	170
Geologists, Indiana Board of Licensure for Professional	305	†Vehicle Inspection, Department of	160
Grain Buyers and Warehouse Licensing Agency, Indiana	824	Veterans' Affairs Commission	915
Grain Indemnity Corporation, Indiana	825	Veterinary Medical Examiners, Indiana Board of	888
Hazardous Waste Facility Site Approval Authority, Indiana	323	Violent Crime Compensation Division	480
Health, Indiana State Department of	410	†Vocational and Technical Education, Indiana Commission on	572
Health Facilities Council, Indiana	412	†Wage Adjustment Board	635
Health Facility Administrators, Indiana State Board of	840	War Memorials Commission, Indiana	920
†Highways, Department of	120	†Watch Repairing, Indiana State Board of Examiners in	892
†Horse Racing Commission, Indiana	70	Water Pollution Control Board	327
Horse Racing Commission, Indiana	71	†Water Pollution Control Board	330.1
Housing Finance Authority, Indiana	930	Workforce Development, Department of	646
Human Service Programs, Interdepartmental Board for the		Worker's Compensation Board of Indiana	631
Coordination of	490		

†Agency's rules are entirely repealed, transferred, or otherwise voided.

# State Agencies

## NUMERICAL LIST

TITLE  
NUMBER

TITLE  
NUMBER

### GENERAL GOVERNMENT

### EDUCATION AND LIBRARIES

10 Office of Attorney General for the State  
11 Consumer Protection Division of the Office of the Attorney General  
†15 State Election Board  
18 Indiana Election Commission  
20 State Board of Accounts  
25 Indiana Department of Administration  
†30 State Personnel Board  
31 State Personnel Department  
33 State Employees' Appeals Commission  
35 Board of Trustees of the Public Employees' Retirement Fund  
40 State Ethics Commission  
45 Department of State Revenue  
50 Department of Local Government Finance  
52 Indiana Board of Tax Review  
55 Department of Commerce  
58 Enterprise Zone Board  
60 Oversight Committee on Public Records  
62 Office of the Public Access Counselor  
65 State Lottery Commission  
68 Indiana Gaming Commission  
†70 Indiana Horse Racing Commission  
71 Indiana Horse Racing Commission  
75 Secretary of State  
80 State Fair Commission  
85 Budget Agency

†510 Commission on General Education  
511 Indiana State Board of Education  
515 Professional Standards Board  
†520 Commission on Textbook Adoptions  
†530 Commission on Teacher Training and Licensing  
540 Indiana Education Savings Authority  
550 Board of Trustees of the Indiana State Teachers' Retirement Fund  
560 Indiana Education Employment Relations Board  
570 Indiana Commission on Proprietary Education  
†572 Indiana Commission on Vocational and Technical Education  
575 State School Bus Committee  
580 Indiana Medical and Nursing Distribution Loan Fund Board of Trustees  
585 State Student Assistance Commission  
590 Indiana Library and Historical Board  
595 Library Certification Board

### LABOR AND INDUSTRIAL SAFETY

### TRANSPORTATION AND PUBLIC UTILITIES

†100 Department of Transportation  
105 Indiana Department of Transportation  
†110 Aeronautics Commission of Indiana  
†120 Department of Highways  
130 Indiana Port Commission  
135 Indiana Transportation Finance Authority  
140 Bureau of Motor Vehicles  
145 Reciprocity Commission of Indiana  
†150 Office of Traffic Safety  
†160 Department of Vehicle Inspection  
170 Indiana Utility Regulatory Commission

610 Department of Labor  
615 Board of Safety Review  
620 Occupational Safety Standards Commission  
†630 Industrial Board of Indiana  
631 Worker's Compensation Board of Indiana  
†635 Wage Adjustment Board  
†640 Indiana Unemployment Insurance Board  
†645 Department of Employment and Training Services  
646 Department of Workforce Development  
650 State Fire Marshal  
655 Board of Firefighting Personnel Standards and Education  
†660 Administrative Building Council of Indiana  
†670 Elevator Safety Board  
675 Fire Prevention and Building Safety Commission  
680 Boiler and Pressure Vessel Rules Board  
685 Regulated Amusement Device Safety Board

### BUSINESS, FINANCE, AND INSURANCE

### CORRECTIONS, POLICE, AND MILITARY

205 Indiana Criminal Justice Institute  
207 Coroners Training Board  
210 Department of Correction  
220 Parole Board  
†230 Indiana Clemency Commission  
240 State Police Department  
250 Law Enforcement Training Board  
260 State Department of Toxicology  
270 Adjutant General  
280 Public Safety Training Institute  
290 State Disaster Relief Fund

710 Securities Division  
750 Department of Financial Institutions  
760 Department of Insurance  
762 Indiana Political Subdivision Risk Management Commission  
770 Indiana Agricultural Development Corporation

### OCCUPATIONS AND PROFESSIONS

### NATURAL RESOURCES, ENVIRONMENT, AND AGRICULTURE

305 Indiana Board of Licensure for Professional Geologists  
310 Department of Natural Resources  
†311 State Soil and Water Conservation Committee  
312 Natural Resources Commission  
315 Office of Environmental Adjudication  
†320 Indiana Environmental Management Board  
†320.1 Solid Waste Management Board  
323 Indiana Hazardous Waste Facility Site Approval Authority  
†325 Air Pollution Control Board of the State of Indiana  
†325.1 Air Pollution Control Board  
326 Air Pollution Control Board  
327 Water Pollution Control Board  
328 Underground Storage Tank Financial Assurance Board  
329 Solid Waste Management Board  
†330 Stream Pollution Control Board of the State of Indiana  
†330.1 Water Pollution Control Board  
†340 Commissioner of Agriculture  
341 Indiana Standardbred Board of Regulations  
345 Indiana State Board of Animal Health  
350 Agricultural Experiment Station  
355 State Chemist of the State of Indiana  
357 Indiana Pesticide Review Board  
360 State Seed Commissioner  
365 Creamery Examining Board  
370 State Egg Board  
375 Indiana Organic Peer Review Panel

804 Board of Registration for Architects and Landscape Architects  
808 State Boxing Commission  
812 Indiana Auctioneer Commission  
816 Board of Barber Examiners  
820 State Board of Cosmetology Examiners  
824 Indiana Grain Buyers and Warehouse Licensing Agency  
825 Indiana Grain Indemnity Corporation  
828 State Board of Dentistry  
830 Indiana Dietitians Certification Board  
832 State Board of Funeral and Cemetery Service  
836 Indiana Emergency Medical Services Commission  
839 Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board  
840 Indiana State Board of Health Facility Administrators  
844 Medical Licensing Board of Indiana  
845 Board of Podiatric Medicine  
846 Board of Chiropractic Examiners  
848 Indiana State Board of Nursing  
852 Indiana Optometry Board  
856 Indiana Board of Pharmacy  
857 Indiana Optometric Legend Drug Prescription Advisory Committee  
858 Controlled Substances Advisory Committee  
860 Indiana Plumbing Commission  
862 Private Detectives Licensing Board  
864 State Board of Registration for Professional Engineers  
865 State Board of Registration for Land Surveyors  
868 State Psychology Board  
872 Indiana Board of Accountancy  
876 Indiana Real Estate Commission  
880 Speech-Language Pathology and Audiology Board  
884 Board of Television and Radio Service Examiners  
888 Indiana Board of Veterinary Medical Examiners  
†892 Indiana State Board of Examiners in Watch Repairing  
896 Board of Environmental Health Specialists  
898 Indiana Athletic Trainers Board

### MISCELLANEOUS

### HUMAN SERVICES

405 Office of the Secretary of Family and Social Services  
407 Office of the Children's Health Insurance Program  
410 Indiana State Department of Health  
412 Indiana Health Facilities Council  
415 Commission on Forensic Sciences  
430 Developmental Disabilities Residential Facilities Council  
431 Community Residential Facilities Council  
440 Division of Mental Health and Addiction  
†450 Department on Aging and Community Services  
460 Division of Disability, Aging, and Rehabilitative Services  
470 Division of Family and Children  
480 Violent Crime Compensation Division  
490 Interdepartmental Board for the Coordination of Human Service Programs

905 Alcohol and Tobacco Commission  
910 Civil Rights Commission  
915 Veterans' Affairs Commission  
920 Indiana War Memorials Commission  
925 Meridian Street Preservation Commission  
930 Indiana Housing Finance Authority

†Agency's rules are entirely repealed, transferred, or otherwise voided.

**TITLE 210 DEPARTMENT OF CORRECTION**

LSA Document #02-173(F)

**DIGEST**

Amends 210 IAC 6-1-1 concerning the applicability of the article. Amends 210 IAC 6-2-3 concerning the definition of department. Amends 210 IAC 6-2-4 concerning the definition of dispositional program. Amends 210 IAC 6-2-5 concerning the definition of existing facility. Amends 210 IAC 6-2-13 concerning the definition of standard. Amends 210 IAC 6-3-1 concerning administration and management general provisions. Amends 210 IAC 6-3-2 concerning physical plant. Amends 210 IAC 6-3-3 concerning institutional operations. Amends 210 IAC 6-3-4 concerning facility services. Amends 210 IAC 6-3-5 concerning juvenile services. Amends 210 IAC 6-3-9 concerning the construction of juvenile detention facilities. Amends 210 IAC 6-3-10 concerning compliance with mandatory standards. Amends 210 IAC 6-3-11 concerning compliance. Effective 30 days after filing with the secretary of state.

<b>210 IAC 6-1-1</b>	<b>210 IAC 6-3-3</b>
<b>210 IAC 6-2-3</b>	<b>210 IAC 6-3-4</b>
<b>210 IAC 6-2-4</b>	<b>210 IAC 6-3-5</b>
<b>210 IAC 6-2-5</b>	<b>210 IAC 6-3-9</b>
<b>210 IAC 6-2-13</b>	<b>210 IAC 6-3-10</b>
<b>210 IAC 6-3-1</b>	<b>210 IAC 6-3-11</b>
<b>210 IAC 6-3-2</b>	

SECTION 1. 210 IAC 6-1-1 IS AMENDED TO READ AS FOLLOWS:

**210 IAC 6-1-1 Applicability**

**Authority:** IC 11-8-2-5; IC 31-31-8-2  
**Affected:** IC 11-8-2; IC 31-31-8

Sec. 1. (a) This article applies to all newly constructed, remodeled, converted, and existing juvenile detention facilities.

(b) This article does not apply to secure facilities or other facilities licensed by the ~~state division of family and children~~ **social services administration**. (*Department of Correction; 210 IAC 6-1-1; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1312; filed Nov 25, 2002, 9:30 a.m.: 26 IR 1064*)

SECTION 2. 210 IAC 6-2-3 IS AMENDED TO READ AS FOLLOWS:

**210 IAC 6-2-3 "Department" defined**

**Authority:** IC 11-8-2-5; IC 31-31-8-2  
**Affected:** IC 11-8-2; IC 31-31-8

Sec. 3. "Department" means the ~~state~~ department of correction. (*Department of Correction; 210 IAC 6-2-3; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1312; filed Nov 25, 2002, 9:30 a.m.: 26 IR 1064*)

SECTION 3. 210 IAC 6-2-4 IS AMENDED TO READ AS FOLLOWS:

**210 IAC 6-2-4 "Dispositional program" defined**

**Authority:** IC 11-8-2-5; IC 31-31-8-2; IC 31-37-19-1  
**Affected:** IC 11-8-2; IC 31-31-8; IC 31-37-19

Sec. 4. "Dispositional program" means activities and services provided for juveniles who are placed in a juvenile detention facility as a disposition of a juvenile court. ~~in accordance with IC 31-6-4-15-9(i).~~ (*Department of Correction; 210 IAC 6-2-4; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1312; filed Nov 25, 2002, 9:30 a.m.: 26 IR 1064*)

SECTION 4. 210 IAC 6-2-5 IS AMENDED TO READ AS FOLLOWS:

**210 IAC 6-2-5 "Existing facility" defined**

**Authority:** IC 11-8-2-5; IC 31-31-8-2  
**Affected:** IC 11-8-2; IC 31-31-8

Sec. 5. "Existing facility" means any juvenile detention facility in use prior to ~~the effective date of this article.~~ **March 1, 1996.** (*Department of Correction; 210 IAC 6-2-5; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1312; filed Nov 25, 2002, 9:30 a.m.: 26 IR 1064*)

SECTION 5. 210 IAC 6-2-13 IS AMENDED TO READ AS FOLLOWS:

**210 IAC 6-2-13 "Standard" defined**

**Authority:** IC 11-8-2-5  
**Affected:** IC 11-8-2

Sec. 13. "Standard" means one (1) of the minimum standards produced by the ACA and contained in the publication, Standards for Juvenile Detention Facilities, Third Edition, May 1991 ~~Any later and all amendments or editions are not included.~~ **published through 1995 consistent with 210 IAC 6-3-1 through 210 IAC 6-3-9.** (*Department of Correction; 210 IAC 6-2-13; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1313; filed Nov 25, 2002, 9:30 a.m.: 26 IR 1064*)

SECTION 6. 210 IAC 6-3-1 IS AMENDED TO READ AS FOLLOWS:

**210 IAC 6-3-1 General provisions**

**Authority:** IC 11-8-2-5; IC 31-31-8-2  
**Affected:** IC 11-8-2; IC 31-31-8

Sec. 1. (a) Except as provided in this section, ACA standards 1A-01 through 1G-09 are adopted as a part of this article.

(b) The following ACA standards are deleted in their entirety:  
 (1) 1A-03, 1A-05, 1A-08, 1A-10, 1A-14, 1A-15, 1A-17, 1A-23, 1A-25, and 1A-28.  
 (2) 1B-02, 1B-04, 1B-09, 1B-10, 1B-12, 1B-13, 1B-16, 1B-17, and 1B-20.

- (3) 1C-03, 1C-06, 1C-09, 1C-10, 1C-11, and 1C-18.
- (4) 1D-02, 1D-03, 1D-06, 1D-10, 1D-11, and 1D-12.
- (5) 1F-02 and 1F-04.
- (6) 1G-06, **1G-07, and 1G-08.**

(c) The following ACA standards are adopted as modified:  
 (1) Change the last sentence of standard 1B-05 to read as follows: Facility staff's participation in preparing the facility's written budget request is encouraged.

(2) Change ~~ACA~~ standard 1B-08 to read, ~~as follows:~~  
 "Written policy, procedure, and practice demonstrate that the procedures for the collection, safeguarding, and disbursement of monies comply with the accounting procedures established by the state board of accounts and local policies. These policies shall be reviewed annually and updated as needed."

(3) **Change standard 1C-13 to read, "A criminal record and sex offender registry check is conducted on all new employees in accordance with state and federal statutes."**

(4) **Change standard 1C-22 to read, "Written policy, procedure, and practice provide that employees, consultants, volunteers and contract personnel who work with juveniles are informed in writing about the facility's policies on confidentiality of information and agree to abide by them in writing."**

(5) **Change the first sentence of standard 1D-08 to read, "Written policy, procedure, and practice provide that all managerial staff receive forty (40) hours of training in addition to orientation training during their first year of employment and forty (40) hours of training each year thereafter."**

(6) **Change the first sentence of standard 1D-09 to read, "Written policy, procedure, and practice provide that all new juvenile staff careworkers receive an additional one hundred twenty (120) hours of training during their first year of employment."**

(7) **Add new standard 1D-09A to read, "Written policy, procedure, and practice provide that all juvenile staff careworkers receive an additional forty (40) hours of training each calendar year."**

(8) **Change standard 1D-13 to read, "All part-time staff, volunteers, support and administrative staff and contract personnel receive formal orientation appropriate to their assignments and additional training as needed."**

~~(9)~~ (9) Change ~~ACA~~ standard 1G-04 to read, ~~as follows:~~  
 "Written policy, procedure, and practice provide that the program director curtails, postpones, or terminates the services of a volunteer or volunteer organization when there is a reason for doing so."

*(Department of Correction; 210 IAC 6-3-1; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1313; filed Nov 25, 2002, 9:30 a.m.: 26 IR 1064)*

SECTION 7. 210 IAC 6-3-2 IS AMENDED TO READ AS FOLLOWS:

**210 IAC 6-3-2 Physical plant**

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 2. (a) Except as provided in this section, ACA standards 2A-01 through 2G-02 are adopted as a part of this article.

(b) ACA standards 2B-02, ~~and 2B-08, and 2D-02~~ are deleted in their entirety.

(c) In ACA standard 2A-04, change ~~the word~~ "recognized" to "applicable".

(d) Change ACA standard 2B-04 to read, ~~as follows:~~ "Written policy and ~~procedures~~ **procedure** provide that a replacement detention facility be constructed or an existing facility be expanded only after a needs evaluation study has been completed by the parent agency or other appropriate agency. **A copy of this study must accompany blueprints submitted to the department for review.**"

(e) **Change subsection 3 of ACA standard 2C-03 to read, "a bed, desk, and seating."** *(Department of Correction; 210 IAC 6-3-2; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1313; filed Nov 25, 2002, 9:30 a.m.: 26 IR 1065)*

SECTION 8. 210 IAC 6-3-3 IS AMENDED TO READ AS FOLLOWS:

**210 IAC 6-3-3 Institutional operations**

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 3. (a) Except as provided in this section, ACA standards 3A-01 through 3E-05 are adopted as a part of this article.

(b) The following ACA standards are deleted in their entirety:

- (1) **3A-03.**
- (2) 3A-11.
- (3) 3A-12.
- (4) 3A-17.
- (5) 3B-08.
- (6) 3B-09.
- (7) 3E-01.
- (8) 3E-02.
- (9) 3E-03.
- (10) 3E-04.
- (11) 3E-05.

(c) The following ACA standards are adopted as modified:

(1) **Change the first sentence of standard 3A-13 to read, "The facility has a system for physically counting juveniles and maintains a daily report on juvenile population movement."**

(1) (2) Change ~~ACA~~ standard 3A-20 to read, ~~as follows~~:  
 “Written policy, procedure, and practice provide that manual or instrument inspection of body cavities is conducted only when there is reason to do so. Except in the case of an emergency, inspection is conducted only when authorized by the facility administrator or designee. The inspection is conducted in private by health care personnel only.”.

(2) (3) Change ~~ACA~~ standard 3A-21 to read, ~~as follows~~:  
 “Written policy, procedure, and practice provide that strip searches and visual inspection of juvenile private body cavities be conducted based on a reasonable belief that the juvenile is carrying contraband or other prohibited material. The inspection is conducted in private by a trained staff member of the same sex as the juvenile.”.

(3) (4) Change ~~ACA~~ standard 3A-26 to read, ~~as follows~~:  
 “Written policy, procedure, and practice govern the availability, control, and use of chemical agents and related security devices and specify the level of authority required for their access and use.”.

(5) Change standard 3B-06 to read, **“The facility has access to an alternate power source to maintain the following minimum essential services in an emergency: lighting, heating and ventilation, water, security systems and communications systems.”.**

(4) (6) Change ~~ACA~~ standard 3C-08 to read, ~~as follows~~: “Written policy, procedure, and practice specify the circumstances which justify room restriction and limit the time period to one (1) hour unless an extension is approved by the facility administrator or designee. Juveniles placed on room restriction are checked visually by staff at least every fifteen (15) minutes.”.

(7) Change standard 3C-12 to read, **“Written policy, procedure, and practice require that a juvenile charged with a major violation of facility rules is given a written copy of the alleged rule violation or violations within twenty-four (24) hours of the alleged violation or violations or the conclusion of the investigation into the alleged violation or violations. A hearing may be held within the subsequent twenty-four (24) hour period with the juvenile’s written consent.”.**

(5) (8) Change standard ~~ACA~~ 3C-14 to read, ~~as follows~~:  
 “Written policy, procedure, and practice provide that disciplinary hearings on rule violations are conducted by an impartial person or a disciplinary committee appointed by the facility administrator or designee. A record of the proceedings is made and maintained for at least six (6) months.”.

(6) (9) The “Comment” ~~which that~~ follows ~~ACA~~ standard 3C-21 is added as part of the standard.

(7) (10) Change ~~ACA~~ standard 3D-07 to read, ~~as follows~~:  
 “Written policy, procedure, and practice allow freedom in personal grooming and dress unless a safety, security, or hygiene concern justifies otherwise.”.

(Department of Correction; 210 IAC 6-3-3; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1314; filed Nov 25, 2002, 9:30 a.m.: 26 IR 1065)

SECTION 9. 210 IAC 6-3-4 IS AMENDED TO READ AS FOLLOWS:

## 210 IAC 6-3-4 Facility services

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 4. (a) Except as provided in this section, ACA standards 4A-01 through 4C-48 are included as a part of this article.

(b) The following ACA standards are deleted in their entirety:

- (1) 4B-09.
- (2) 4C-03.
- (3) 4C-05.
- (4) 4C-19.
- (5) 4C-23.
- (6) 4C-30.
- (7) 4C-31.
- (8) 4C-32.

(c) The following ACA standards are adopted as modified:

(1) Change ~~ACA~~ standard 4A-01 to read, ~~as follows~~: “A staff member, experienced in food service management, supervises food service operations.”.

(2) Change ~~ACA~~ standard 4A-03 to read, ~~as follows~~: “There is documentation that the facility’s system of dietary allowance is reviewed at least annually by a dietician or state authorized agency to ensure compliance with nationally recommended food allowances.”.

(3) Change standard 4A-05 to read, **“The food service plan provides for a single menu so that all juveniles and staff, except those on a special diet, eat the same meals.”.**

(3) (4) Change ~~ACA~~ standard 4A-11 to read, ~~as follows~~: “Shelf goods, refrigerated foods, and frozen foods shall be maintained at temperatures established under the Indiana state department of health standards.”.

(4) (5) After the second sentence of ~~ACA~~ standard 4A-13, add, ~~the following~~: “Snacks and food will be available for special occasions such as late night admissions.”.

(5) (6) After the second sentence of ~~ACA~~ standard 4B-12, add, ~~the following~~: “Policy and procedures will address the special linen needs of the juveniles.”.

(6) (7) After the third sentence of ~~ACA~~ standard 4C-01, add, ~~the following~~: “The health authority shall meet at least quarterly with the facility administrator.”.

(7) (8) Change ~~ACA~~ standard 4C-16 to read, ~~as follows~~: “Written policy, procedure, and practice specify the provision of mental health services for juveniles and assure juvenile detention facilities are not intended to be mental health treatment facilities.”.

(9) Change standard 4C-20 to read, **“The person administering medications has training approved by the responsible physician, and the official responsible for the facility, is accountable for administering medications according to orders, and records the administration of medications in a manner and on a form approved by the responsible physician.”.**

(8) (10) Change ACA standard 4C-21 to read as follows: Insert “hearing problems” and “eye problems” in the “Inquiry into” list, after:

- (A) “mental health problems”, insert “hearing problems” and “eye problems”; and
- (B) “suicide”, insert “attempt”.

(9) (11) Change ACA standard 4C-25 as follows: Delete by deleting the second and third items listed after “This care includes the following.”.

(12) Change the first sentence of standard 4C-27 to read, “Written policy, procedure, and practice provide that juvenile careworker staff and other personnel are trained to respond to health related situations within a four-minute response time.”.

(10) (13) Add, the following as a part of ACA standard 4C-29, “For facilities that operate with no more than twenty (20) juveniles, sick call must be available at a minimum of once per week.”.

(11) (14) Change ACA standard 4C-36 to read, as follows: “Written policy, procedure, and practice specify approved actions to be taken by employees concerning juveniles who have been diagnosed HIV-positive or who have hepatitis-B. The policy shall include, at a minimum, the following:

- (A) When and where juveniles are to be tested.
- (B) Appropriate safeguards for staff and juveniles.
- (C) When and under what conditions juveniles are to be separated from general population.
- (D) Staff and juvenile training procedures.
- (E) Issues of confidentiality.”. (ACA-4C-36)

(12) (15) Change ACA standard 4C-39 to read, as follows: “Written policy, procedure, and practice provide for screening, care, or referral for care for mentally ill or retarded juveniles. The responsible physician shall designate, in advance, specific referral sources. Policy and procedures shall provide for emergency transfers to mental health facilities. Emergency transfers shall be reported to the court the next working day.”.

(13) (16) Change ACA standard 4C-41 to read, as follows: “Written policy, procedure, and practice provide for the clinical management of chemically dependent juveniles.”.

(14) (17) Change ACA standard 4C-47 to read, as follows: after “2” and prior to “access”, insert “Physical”.

(Department of Correction; 210 IAC 6-3-4; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1314; filed Nov 25, 2002, 9:30 a.m.: 26 IR 1066)

SECTION 10. 210 IAC 6-3-5 IS AMENDED TO READ AS FOLLOWS:

#### 210 IAC 6-3-5 Juvenile services

Authority: IC 11-8-2-5; IC 31-31-8-2  
Affected: IC 11-8-2; IC 31-31-8

Sec. 5. (a) Except as provided in this section, ACA standards

5A-01 through 5H-07 are adopted as a part of this rule.

(b) The following ACA standards are deleted in their entirety:

- (1) 5A-01, 5A-03, 5A-04, 5A-05, 5A-07, 5A-08, 5A-09, 5A-10, 5A-12, and 5A-13.
- (2) 5B-02 and 5B-03.
- (3) 5D-02.
- (4) 5H-01, 5H-05, and 5H-06.

(c) The following ACA standards are adopted as modified:

(1) In the first sentence of ACA standard 5A-02, after “juveniles”, delete the word “new”.

(2) Change ACA standard 5A-06 to read, as follows: “Written policy, procedure, and practice ensure that any juvenile placed in detention or shelter care shall be brought before the juvenile court consistent with state law.”.

(3) Change standard 5A-11 to read “Written policy, procedure, and practice grant all juveniles the right to complete at least one local or collect long distance telephone call to a family member, attorney, or other approved individual during the admissions process.”.

(3) (4) At the end of ACA standard 5B-01, change the word delete “treatment” to and insert “services”.

(4) (5) Change ACA standard 5E-01 to read, as follows: “The facility has a qualified staff member who shall direct and supervise all recreation programs.”.

(6) Change standard 5H-03 to read, “Juveniles shall be provided a copy of all specific release information received in writing at the facility, and the decision is recorded in the case record.”.

(5) (7) Change ACA standard 5H-07 to read, as follows: “Written policy, procedure, and practice provide for and govern leaves into the community.”.

(Department of Correction; 210 IAC 6-3-5; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1315; filed Nov 25, 2002, 9:30 a.m.: 26 IR 1067)

SECTION 11. 210 IAC 6-3-9 IS AMENDED TO READ AS FOLLOWS:

#### 210 IAC 6-3-9 Construction of juvenile detention facilities

Authority: IC 11-8-2-5; IC 31-31-8-2  
Affected: IC 11-8-2; IC 31-31-8

Sec. 9. Prior to the construction or expansion of a juvenile detention facility, plans and specifications shall be submitted to the department for review and comment. The department's review shall focus on compliance with Plans and specifications shall satisfy all physical plant standards contained in section 2 of this rule. The department's written review shall be provided to fire and building services for plan release within ten (10) working days from the date of receipt. (Department of Correction; 210 IAC 6-3-9; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1316; filed Nov 25, 2002, 9:30 a.m.: 26 IR 1067)

---

## Final Rules

---

SECTION 12. 210 IAC 6-3-10 IS AMENDED TO READ AS FOLLOWS:

### 210 IAC 6-3-10 Compliance with mandatory and physical plant standards

Authority: IC 11-8-2-5; IC 31-31-8-2  
Affected: IC 11-8-2; IC 31-31-8

Sec. 10. (a) ~~No more than forty-five (45) days after the effective date of this article, an existing juvenile detention facility shall submit a report to the department regarding compliance with mandatory standards. These reports shall:~~

- ~~(1) be based upon a self-assessment of compliance with each mandatory standard; and~~
- ~~(2) detail a plan of action and time frame for compliance regarding any standard with which the facility does not comply.~~

~~(b) A new juvenile detention facility shall not begin operation until the department has determined through inspection that the facility is in compliance with all mandatory and physical plant standards. (Department of Correction; 210 IAC 6-3-10; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1316; filed Nov 25, 2002, 9:30 a.m.: 26 IR 1068)~~

SECTION 13. 210 IAC 6-3-11 IS AMENDED TO READ AS FOLLOWS:

### 210 IAC 6-3-11 Compliance

Authority: IC 11-8-2-5; IC 31-31-8-2  
Affected: IC 11-8-2; IC 31-31-8

Sec. 11. (a) In order to achieve and maintain provisional compliance with this article, ~~an existing a new~~ juvenile detention facility shall have been determined through inspection to be in compliance with the following:

- (1) All mandatory standards.
- (2) A minimum of ~~sixty~~ **seventy-five** percent ~~(60%)~~ **(75%)** of ~~the~~ recommended standards within one (1) year of ~~the effective date of this article: commencing operation.~~
- (3) A minimum of ~~seventy-five percent (75%) of recommended standards within two (2) years of the effective date of this article: All physical plant standards.~~

~~(b) Provisional compliance requirements for new facilities shall be as stated in subsection (a) except that the time frames for compliance with the stated percentages of recommended standards shall start when the facility begins operation.~~

~~(c) (b)~~ In order to achieve and maintain full compliance with standards adopted under this article, a juvenile detention facility shall have been determined through inspection to be **in compliance with the following:**

- ~~(1) in compliance with~~ All mandatory standards. ~~and~~
- ~~(2) in compliance with~~ A minimum of ninety percent (90%) of ~~the~~ recommended standards **within two (2) years of commencing operation and each year thereafter.**

~~(d) (c)~~ A certification in writing, either full or provisional, shall be issued by the department to all juvenile detention facilities that achieve compliance.

~~(d)~~ Should a new or existing facility fail to achieve or maintain the required level of compliance with this article, a plan of action shall be submitted to the department within **thirty (30) days to correct each deficiency. Approved plans of action shall remain valid for a period not to exceed one (1) year.**

~~(e) In the event a plan of action is not approved, compliance with this article is not achieved within one (1) year or the deficiencies are so severe as to affect life, health, or safety, the department may petition the judge of the circuit court in the county in which the facility is located to restrict, alter the use of, or close the facility. (Department of Correction; 210 IAC 6-3-11; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1316; errata filed Mar 8, 1996, 2:00 p.m.: 19 IR 2044; filed Nov 25, 2002, 9:30 a.m.: 26 IR 1068)~~

LSA Document #02-173(F)

Notice of Intent Published: 25 IR 3209

Proposed Rule Published: September 1, 2002; 25 IR 4151

Hearing Held: September 25, 2002

Approved by Attorney General: November 7, 2002

Approved by Governor: November 20, 2002

Filed with Secretary of State: November 25, 2002, 9:30 a.m.

Incorporated Documents Filed with Secretary of State: None

---

## TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #02-68(F)

### DIGEST

Amends 312 IAC 9-2-13 to allow scientific collectors to administer drugs and vaccines to animals held under a scientific purposes license. Amends 312 IAC 9-10-6 that governs scientific purposes licenses by adding scientific collector qualifications and requiring additional information on collection reports. Effective 30 days after filing with the secretary of state.

**312 IAC 9-2-13**

**312 IAC 9-10-6**

SECTION 1. 312 IAC 9-2-13 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-2-13 Administration of chemical to nondomestic animals, to animals held on a game breeder license, to animals held on a wild animal possession permit, or to animals held under a rehabilitation permit**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 13. (a) A person may not administer any drug, vaccine, steroid, micro-organism, or other chemical to any:

- (1) noncaptive wild bird or mammal;
- ~~(2) animal held under a scientific collector license;~~
- ~~(3) (2) animal held under a game breeder license;~~
- ~~(4) (3) animal held under a wild animal possession permit; or~~
- ~~(5) (4) animal held under a rehabilitation permit;~~

without a permit for such administration issued by the director of the division of fish and wildlife.

(b) Notwithstanding subsection (a), an animal held under a:

- ~~(1) scientific collector license;~~
- ~~(2) (1) game breeder license;~~
- ~~(3) (2) wild animal possession permit; or~~
- ~~(4) (3) rehabilitation permit;~~

may be administered a pharmaceutical product approved by a state or federal agency for the purpose of prevention or treatment of malnutrition, illness, disease, injury, or stress. Normal reproductive functions and the potential for pregnancy do not qualify under this subsection.

(c) Notwithstanding subsection (a), a licensed veterinarian, county animal control agent, municipal animal control agent, or holder of a nuisance wild animal control permit, or holder of a scientific purposes license may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia. (*Natural Resources Commission; 312 IAC 9-2-13; filed May 28, 1998, 5:14 p.m.: 21 IR 3713; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed Nov 15, 2002, 3:42 p.m.: 26 IR 1068*)

SECTION 2. 312 IAC 9-10-6 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-10-6 Scientific purposes licenses

Authority: IC 14-22-2-6; IC 14-22-22

Affected: IC 4-21.5; IC 14-22-22-2; IC 20-1-1-6; IC 20-1-1-6.2

Sec. 6. (a) An application for a scientific collector purposes license shall be made on a departmental form and include the following information:

- (1) The purpose for collection.
- (2) The species and number of the species to be collected.
- (3) The location and any method of collection.
- (4) The intended administration of any drug, vaccine, steroid, micro-organism, or other chemical to the wild animal to be collected.
- (5) The intended treatment of the wild animal collected, including the use bacterial or other markers and any proposed genetic modification.
- (6) The disposition of any wild animal or nest or egg of a wild bird to be collected.

(b) A license issued under this section is subject to the specifications set forth in the application and to terms, or conditions, set by the division, and restrictions on the license. The director may condition the license according to any of the following terms:

- (1) The kind and number of specimens that may be taken.
- (2) The type of methods used.
- (3) The time and seasons for take.
- (4) The areas where take may occur.
- (5) The use and disposition of the wild animal or nest or egg of a wild bird held, treated, or taken under this rule.
- (6) Contingent upon the applicant receiving and possessing a valid license from the United States Fish and Wildlife Service under 50 CFR 17.22, 50 CFR 17.32, 50 CFR 21.22, 50 CFR 21.23, and 50 CFR 21.27 for any of the following:
  - (A) A migratory bird.
  - (B) The nest or egg of a migratory bird. or
  - (C) A federally endangered or threatened species of wild animal.

(c) The license holder must carry the license and any amendments to the license when conducting any activity authorized by the license.

(d) The director may amend the conditions of a license at any time upon written notification to the license holder. A notice under this subsection is subject to IC 4-21.5.

(e) The director may issue a license only to a properly accredited person who will collect the wild animal or nest or egg of a wild bird for a scientific purpose, including scientific education. The applicant must meet at least one (1) of the following requirements:

- (1) Hold a bachelor's degree in the biological sciences or related field that the director deems appropriate for the purpose outlined in the application.
- (2) Be currently pursuing a bachelor's degree in the biological sciences or related field that the director deems appropriate for the purpose outlined in the application.
- (3) Hold a federal permit for the purpose indicated in the application.
- (4) Be requested by an accredited educational or scientific institution to perform this activity for the institution. The institution must present a valid and compelling need for the applicant to perform the activity covered by this license for the institution.
- (5) Be sponsored by the department to perform the activity for the protection and regulation of wild animal populations.

The original application form submitted for the taxonomic group indicated on the application must be signed by two (2) scientists that have a degree in the biological sciences attesting to the character, academic and scientific accomplishments, and fitness of the applicant. An applicant currently pursuing a bachelor's degree must obtain the signature of a faculty biologist for that taxonomic group.

(f) An applicant must be affiliated with one (1) of the following institutions:

(1) A public school accredited under IC 20-1-1-6, a nonpublic school accredited under IC 20-1-1-6 or IC 20-1-1-6.2, or a college or university.

(2) A federal, state, city, county, or similar government agency associated with a biological or scientific area of study or research.

(3) A nonprofit educational organization with an exemption from federal income tax under 26 U.S.C. 501(c)(3). The educational organization must be associated with a biological or scientific area of study or research. The applicant must provide written documentation to the department certifying that tax exemption status has been achieved under 26 U.S.C. 501(c)(3).

(4) A scientific research organization, accredited museum, or institution of higher learning, consulting firms, individuals working in cooperation with a college, university, or government agency, or private company under a contract for scientific or educational purposes.

(g) The applicant must ensure compliance with monitoring, tagging, and reporting requirements for all extra-label drug use as required in 21 CFR 530, et seq. (1998). Documentation in the form of written approval from a licensed veterinarian or approval from a university animal care and use committee to use the drug or chemical for the purposes intended must be submitted with the application form.

(h) The sale or transport for sale and offer to sell or transport to sell an animal or a part of an animal held under the authority of this license is prohibited. As used in this subsection, "sale" includes barter, purchase, or trade or the offer to sell, barter, purchase, or trade.

(i) A license issued under this section is not transferable. A person may assist the license holder if the license holder is present and oversees the activities of the person.

(j) The license holder must obtain permission from the landowner or public land property manager to conduct an activity authorized by a license issued under this section. For an activity to be conducted on lands owned or operated by a federal, state, or local agency, the license holder must also comply with the conditions imposed by the property manager or the designee of the property manager.

~~(e)~~ (k) A license expires on December 31 of the year the license is issued. A report of the collection by species, number, and location of the collection must be supplied within fifteen ~~(+15)~~ sixty (60) days after the expiration of the license and contain the following information:

(1) Any species collected.

(2) The date on which a wild animal or nest or egg of a wild bird was collected.

(3) A description of the location of the collection site.

(4) The number of each species collected.

(5) The treatments and markings, if any, of any wild animal collected.

(6) The disposition of any wild animal or nest or egg of a wild bird collected.

The department shall not renew a license unless a properly completed report is received in a timely fashion.

(1) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder:

(1) fails to comply with a provision of a license issued under this section;

(2) fails to comply with IC 14-22-22-2;

(3) provides false information on the license application and report;

(4) fails to establish that the collection or release of a wild animal would not threaten the welfare of the wild animal population or the people;

(5) collects or releases a specimen that is likely to threaten the welfare of the wild animal population; or

(6) collects or releases a specimen that is likely to threaten the welfare of the people.

*(Natural Resources Commission; 312 IAC 9-10-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2729; filed Nov 15, 2002, 3:42 p.m.: 26 IR 1069)*

*LSA Document #02-68(F)*

*Notice of Intent Published: 25 IR 2277*

*Proposed Rule Published: June 1, 2002; 25 IR 2751*

*Hearing Held: June 28, 2002*

*Approved by Attorney General: October 29, 2002*

*Approved by Governor: November 14, 2002*

*Filed with Secretary of State: November 15, 2002, 3:42 p.m.*

*Incorporated Documents Filed with Secretary of State: 21 CFR 530.1 through 21 CFR 530.40 (1988 edition); 50 CFR 17.22; 50 CFR 17.32; 50 CFR 21.22; 50 CFR 21.23; 50 CFR 21.27; 26 U.S.C. 501(c)(3).*

---

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

LSA Document #00-44(F)(2)

### **DIGEST**

Amends 326 IAC 4-2-1 and 326 IAC 4-2-2 concerning particulate matter emissions for incinerators. Amends 326 IAC 9-1-1 and 326 IAC 9-1-2 concerning carbon monoxide emissions for incinerators. Repeals 326 IAC 19-1. Effective 30 days after filing with the secretary of state.

### **HISTORY**

First Notice of Comment Period: March 1, 2000, Indiana Register (23 IR 1488).

Continuation of First Notice of Comment Period: May 1, 2000, Indiana Register (23 IR 2109).

Second Notice of Comment Period: October 1, 2000, Indiana Register (24 IR 132).

Republication of Second Notice of Comment Period: January 1, 2001, Indiana Register (24 IR 1139).

Notice of First Hearing: January 1, 2001, Indiana Register (24 IR 1179).

First Public Hearing: March 7, 2001.

Proposed Rule and Notice of Public Hearing: June 1, 2001, Indiana Register (24 IR 2750).

Change in Notice of Second Hearing: May 1, 2002, Indiana Register (25 IR 2542).

Change in Notice of Second Hearing: July 1, 2002, Indiana Register (25 IR 3208).

Date of Second Hearing: August 7, 2002.

### 326 IAC 4-2-1

### 326 IAC 9-1-2

### 326 IAC 4-2-2

### 326 IAC 19-1

### 326 IAC 9-1-1

SECTION 1. 326 IAC 4-2-1, AS AMENDED AT 25 IR 1597, SECTION 26, IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 4-2-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule establishes standards for the use of incinerators which emit regulated pollutants.

(b) This rule does not apply to the following:

(1) Incinerators in residential units consisting of four (4) or fewer families. All other incinerators are subject to this rule.

(2) Sources subject to the following:

(A) 40 CFR 60 Subpart Eb\*, Large Municipal Waste Combustors for which Construction Commenced after September 20, 1994.

(B) 40 CFR 60 Subpart Ec\*, Hospital/Medical/Infectious Waste Incinerators for which Construction Commenced after June 20, 1996.

(C) 40 CFR 60 Subpart CCCC\*, Commercial and Industrial Solid Waste Incineration Units for which Construction Commenced after November 30, 1999.

(D) The state plan approved under 40 CFR 62.3640\* through 40 CFR 62.3642\*, Hospital/Medical/Infectious Waste Incinerators.

(E) The state plan approved under 40 CFR 62.3650\* through 40 CFR 62.3652\*, Large Municipal Waste Combustors.

(F) 40 CFR 63 Subpart EEE\*, Hazardous Waste Combustors.

\*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 4-2-1; filed Mar 10, 1988, 1:20 p.m.:*

*11 IR 2420; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2366; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1597; filed Nov 15, 2002, 11:12 a.m.: 26 IR 1071)*

SECTION 2. 326 IAC 4-2-2 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 4-2-2 Incinerators

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-17-3

Sec. 2. (a) All incinerators shall comply with the following requirements:

(1) Consist of primary and secondary chambers or the equivalent.

(2) Be equipped with a primary burner unless burning only wood products.

(3) Comply with 326 IAC 5-1 and 326 IAC 2.

(4) Be maintained, properly as specified by the manufacturer and approved by the commissioner; operated, and burn waste in accordance with the manufacturer's specifications or an operation and maintenance plan as specified in subsection (c).

(5) be operated according to the manufacturer's recommendations and only burn waste approved by the commissioner;

(6) comply with other state and/or local rules or ordinances regarding installation and operation of incinerators;

(7) be operated so that emissions of hazardous material including, but not limited to, viable pathogenic bacteria, dangerous chemicals or gases, or noxious odors are prevented;

(8) not emit particulate matter in excess of:

(A) incinerators with a maximum refuse-burning capacity of two hundred (200) or more pounds per hour: three-tenths (0.3) pounds of particulate matter per one thousand (1,000) pounds of dry exhaust gas at standard conditions corrected to fifty percent (50%) excess air; or

(B) all other incinerators: five-tenths (0.5) pounds of particulate matter per one thousand (1,000) pounds of dry exhaust gas at standard conditions corrected to fifty percent (50%) excess air; and

(9) not create a nuisance or a fire hazard:

If any of the above result, the burning shall be terminated immediately.

(5) Not emit particulate matter in excess of one (1) of the following:

(A) Three-tenths (0.3) pound of particulate matter per one thousand (1,000) pounds of dry exhaust gas under standard conditions corrected to fifty percent (50%) excess air for incinerators with a maximum solid waste capacity of greater than or equal to two hundred (200) pounds per hour.

(B) Five-tenths (0.5) pound of particulate matter per one thousand (1,000) pounds of dry exhaust gas under standard conditions corrected to fifty percent (50%) excess air for incinerators with solid waste capacity less than two hundred (200) pounds per hour.

(6) If any of the requirements of subdivisions (1) through (5) are not met, then the owner or operator shall stop charging the incinerator until adjustments are made that address the underlying cause of the deviation.

(b) An incinerator is exempt from subsection (a)(5) if subject to a more stringent particulate matter emission limit in 40 CFR 52 Subpart P\*, State Implementation Plan for Indiana.

(c) An owner or operator developing an operation and maintenance plan pursuant to subsection (a)(4) must comply with the following:

(1) The operation and maintenance plan must be designed to meet the particulate matter emission limitation specified in subsection (a)(5) and include the following:

- (A) Procedures for receiving, handling, and charging waste.
- (B) Procedures for incinerator startup and shutdown.
- (C) Procedures for responding to a malfunction.
- (D) Procedures for maintaining proper combustion air supply levels.
- (E) Procedures for operating the incinerator and associated air pollution control systems.
- (F) Procedures for handling ash.
- (G) A list of wastes that can be burned in the incinerator.

(2) Each incinerator operator shall review the plan before initial implementation of the operation and maintenance plan and annually thereafter.

(3) The operation and maintenance plan must be readily accessible to incinerator operators.

(4) The owner or operator of the incinerator shall notify the department, in writing, thirty (30) days after the operation and maintenance plan is initially developed pursuant to this section.

(d) The owner or operator of the incinerator must make the manufacturer's specifications or the operation and maintenance plan available to the department upon request.

\*This document is incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or is available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 4-2-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2421; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1127; filed Nov 15, 2002, 11:12 a.m.: 26 IR 1071*)

SECTION 3. 326 IAC 9-1-1 IS AMENDED TO READ AS FOLLOWS:

## 326 IAC 9-1-1 Applicability of rule

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12-3-1; IC 13-14-8-3; IC 13-14-8-4; IC 13-17-1

Sec. 1. (a) This rule (~~326 IAC 9-1-1~~) is applicable to all stationary sources of carbon monoxide (CO) emissions commencing operation after March 21, 1972, and for which an emission limit has been established in section 2 of this rule.

(b) Sources are exempt from this rule if subject to a carbon monoxide emission limit in any of the following:

(1) 40 CFR 60\*, Standards of Performance for New Stationary Sources.

(2) A state plan approved under 40 CFR 62 Subpart P\*, Approval and Promulgation of State Plans for Specific Sources and Facilities in Indiana.

(3) 40 CFR 62 Subpart FFF\*, Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or before September 20, 1994.

(4) 40 CFR 62 Subpart HHH\*, Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or before June 20, 1996.

(5) 40 CFR 63\*, National Emission Standards for Hazardous Air Pollutants for Source Categories.

\*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 9-1-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2547; filed Nov 15, 2002, 11:12 a.m.: 26 IR 1072*)

SECTION 4. 326 IAC 9-1-2, AS AMENDED AT 25 IR 1601, SECTION 36, IS AMENDED TO READ AS FOLLOWS:

## 326 IAC 9-1-2 Carbon monoxide emission limits

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12

Affected: IC 13-15; IC 13-17

Sec. 2. (a) Emissions of carbon monoxide shall be limited to the following unless specific carbon monoxide emission limits have been established in 326 IAC ~~11~~, 326 IAC ~~20~~, 326 IAC ~~60\*~~, 40 CFR ~~62\*~~, or 40 CFR ~~63\*~~: as follows:

(1) Petroleum refining emissions. ~~No person~~ The source shall ~~cause or allow the discharge of carbon monoxide from any not operate a catalyst regeneration of a petroleum cracking system or from any a petroleum fluid coker into the atmosphere unless the waste gas stream is burned in a direct-flame afterburner or boiler that maintains a minimum temperature of one thousand three hundred (1,300) degrees Fahrenheit for a minimum retention time of three-tenths (0.3) second or is controlled by other means approved by~~

the commissioner: one (1) of the following:

(A) Boiler.

(B) Direct-flame afterburner.

(2) Ferrous metal smelters. ~~No person~~ **The source** shall ~~cause or allow the discharge of carbon monoxide from any not operate a~~ grey iron cupola, blast furnace, basic oxygen steel furnace, or other ferrous metal smelting equipment, having a capacity of ten (10) tons per hour or more process weight, unless the waste gas stream is burned in a ~~direct-flame afterburner or boiler that maintains a minimum temperature of one thousand three hundred (1,300) degrees Fahrenheit for a minimum retention time of three-tenths (0.3) second or is controlled by other means approved by the commissioner:~~ **one (1) of the following:**

(A) Boiler.

(B) Direct-flame afterburner.

(C) Recuperative incinerator.

In instances where carbon monoxide destruction is not required, carbon monoxide emissions shall be released at such elevation that the maximum ground level concentration from a single source shall not exceed twenty percent (20%) of the maximum one (1) hour Indiana ambient air quality value for carbon monoxide.

(3) ~~Solid waste Refuse~~ incineration and ~~refuse~~ burning equipment. ~~No person~~ **The source** shall ~~not operate an a refuse incinerator or refuse burning equipment that burns solid waste; as defined in 329 IAC 11-2-39;~~ unless the waste gas stream is burned in a ~~direct-flame afterburner that maintains a minimum temperature of one thousand three hundred (1,300) degrees Fahrenheit for a minimum retention time of three-tenths (0.3) seconds or carbon monoxide emissions are controlled by other means approved by the commissioner:~~ **one (1) of the following:**

(A) Direct-flame afterburner.

(B) Secondary chamber.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(b) Alternatives to the carbon monoxide control methods specified in subsection (a) may only be used if submitted as an amendment to the state implementation plan (SIP) and approved by U.S. EPA. (*Air Pollution Control Board; 326 IAC 9-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2547; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2370; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1601; errata filed Jan 7, 2002, 2:20 p.m.: 25 IR 1644; filed Nov 15, 2002, 11:12 a.m.: 26 IR 1072*)

SECTION 5. 326 IAC 19-1 IS REPEALED.

LSA Document #00-44(F)(2)

Proposed Rule Published: June 1, 2001; 24 IR 2750

Hearing Held: August 7, 2002

Approved by Attorney General: October 30, 2002

Approved by Governor: November 14, 2002

Filed with Secretary of State: November 15, 2002, 11:12 a.m.

Incorporated Documents Filed with Secretary of State: None

## TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #01-251(F)

### DIGEST

Amends 326 IAC 8-1-2 to provide compliance methods applicable to dip or flow operations at miscellaneous metal coating operations regulated at 326 IAC 8-2-9. Effective 30 days after filing with the secretary of state.

### HISTORY

First Notice of Comment Period: August 1, 2001, Indiana Register (24 IR 3826).

Second Notice of Comment Period and Notice of First Hearing: November 1, 2001, Indiana Register (25 IR 556).

Date of First Hearing: February 6, 2002.

Proposed Rule and Notice of Public Hearing: June 1, 2002, Indiana Register (25 IR 2753).

Date of Second Hearing: August 7, 2002.

### 326 IAC 8-1-2

SECTION 1. 326 IAC 8-1-2 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 8-1-2 Compliance methods

Authority: IC 13-14-8

Affected: IC 13-17

Sec. 2. (a) The emission limitations specified in this article shall be achieved through one (1) or any combination of the following:

(1) Carbon adsorption.

(2) Thermal or catalytic incineration. The owner or operator of a source using a natural gas afterburner incineration method may petition the commissioner for permission to not operate the natural gas afterburner during the months of November, December, January, February, and March. The commissioner may allow such exemption if the owner or operator adequately demonstrates that the operation of the natural gas afterburner is not required for control of toxic substances or odor.

(3) Higher solids (low solvent) ~~coating~~ **coatings, including powder, ultraviolet, and electron beam coatings.**

(4) Water borne coatings.

(5) Equivalent emission limitations based on an actual measured transfer efficiency **higher greater** than the specified baseline transfer efficiency **as follows**:

(A) This subdivision is applicable only to **the following**:

(i) 326 IAC 8-2-2(b)(2), automobiles and light duty truck assembly **operations**.

(ii) 326 IAC 8-2-6, metal furniture coating **and operations**.

(iii) 326 IAC 8-2-7, large appliance coating **operations**.

(iv) 326 IAC 8-2-9, miscellaneous metal coating **operations**.

(B) For metal furniture coating operations, large appliance coating operations, or miscellaneous metal coating operations, this subdivision and the equivalent emission limits it contains may not be used to determine compliance unless a test method for determining actual measured transfer efficiency has been specified by U.S. EPA or submitted to U.S. EPA and approved as a SIP revision.

(C) The equivalent emission limitations in units of kilograms of volatile organic compounds (VOC) per liter solids deposited (pounds of VOC per gallon solids deposited), baseline transfer efficiencies, and baseline volume percent solids content of the coating are specified below:

Category	Equivalent Emission Limit	Baseline Transfer Efficiency	Baseline Volume Percent Solids
Automobiles and light duty trucks assembly (topcoat)	1.83 (15.1)	30	62.0
Metal furniture	1.01 (8.4)	60	59.2
Large appliances	0.91 (7.4)	60	62.0
<b>Miscellaneous metal coating category</b>			
Clear coatings	2.08 (17.3)	60	41.6
Air dried up to 90°C	1.34 (11.2)	60	52.4
Extreme performance coatings	1.34 (11.2)	60	52.4
All other coatings and coating systems	1.01 (8.4)	60	59.2

(D) Compliance with an equivalent emission limit shall be determined as follows:

(i) For automobile and light duty topcoating operations, compliance with the equivalent emission limit shall be determined using use procedures found in "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations"; EPA-450/3-88-018; December 1988\*. **or**

(B) another procedure approved by the commissioner: (ii) For metal furniture **or coating operations**, large appliance coating operations, compliance with the equivalent emission limit shall be determined using the procedures approved by the commissioner. Unless the method for determining actual measured transfer efficiency has been

approved or specified by the United States Environmental Protection Agency (U.S. EPA), the equivalent emission limitation shall be submitted to the U.S. EPA as a state implementation plan (SIP) revision: **or miscellaneous metal coating operations use the following equation**:

$$E = \frac{L}{[(1 - (L / D)) \times (T)]}$$

Where: E = Actual emissions in pounds of VOC per gallon of coating solids deposited.

L = Actual VOC content in pounds of VOC per gallon of coating, as applied, excluding water and nonphotochemically reactive hydrocarbons.

D = Actual density of the VOC in the coating in pounds per gallon of VOC.

T = Actual measured transfer efficiency.

(6) The use of nonphotochemically reactive hydrocarbons as defined in 326 IAC 1-2-48.

(7) A daily volume-weighted average of all coatings applied in a coating line or printing line subject to the requirements in 326 IAC 8-2 or 326 IAC 8-5-5. Records of daily usage of gallons solids coating and VOC content of each coating, **or ink, and** solvent shall be maintained and made available upon request. Also, records of daily emissions in pounds VOC shall be maintained and made available upon request. If daily records sufficient to determine an accurate daily weighted average are not available, each coating, **or ink, and** solvent shall meet the requirements of the applicable section.

(8) The use of an emission control device specifically allowed under provisions of any rule in this article to meet the emission limitations specified in the rule.

(9) Equivalent emissions limitations based on an actual measured transfer efficiency higher than the specified baseline transfer efficiency: This subdivision is applicable only to **dip coating or flow coating operations at** miscellaneous metal coating operations subject to 326 IAC 8-2-9.

(A) Equivalent emission limits in units of kilograms of VOC per liter solids deposited (pounds of VOC per gallon solids deposited); baseline transfer efficiencies; and baseline volume percent solids content of coatings are as follows:

Miscellaneous Metal Coating Category	Equivalent Emission Limit kg/l (lbs/gal) of Solids Deposited	Baseline Transfer Efficiency	Baseline Volume Percent Solids
Clear coatings	2.08 (17.3)	60	41.6
Air dried up to 90°C	1.34 (11.2)	60	52.4
Extreme performance coatings	1.34 (11.2)	60	52.4
All other coatings and coating systems	1.01 (8.4)	60	59.2

(B) Compliance with the equivalent emission limit shall be determined according to the following equation:

$$E = (L) / [(1 - (L / D)) \times (T)]$$

Where: E = Equivalent emission limit in pounds of VOC per gallon of coating solids deposited.  
 L = Actual VOC content in pounds of VOC per gallon of coating, as applied.  
 D = Actual density of VOC in coating in pounds per gallon of VOC.  
 T = Actual measured transfer efficiency.

Unless the method for determining actual measured transfer efficiency has been approved or specified by the U.S. EPA, the equivalent emission limitation shall be submitted to the U.S. EPA as an SIP revision.

(A) For dip coating or flow coating operations only. The equivalent emission limit in kilograms VOC/liter (lb/gallon) of coating solids is as follows:

	Limit in kilograms VOC/liter (lb/gallon) of coating less water	Equivalent emission limit in kilograms VOC/liter (lb/gallon) of coating solids
Miscellaneous metal coating category		
Clear coatings	0.52 (4.3)	1.22 (10.2)
Air dried or forced warm air dried at temperatures up to ninety (90) degrees Celsius (one hundred ninety-four (194) degrees Fahrenheit)	0.42 (3.5)	0.80 (6.7)
Extreme performance coatings	0.42 (3.5)	0.80 (6.7)
All other coatings and coating application systems	0.36 (3.0)	0.61 (5.1)

(B) Compliance with the equivalent emission limit shall be determined by doing the following:

(i) Calculate the VOC content of a dip coating or flow coating, expressed in units of weight of VOC per volume of coating solids, on a thirty (30) day rolling average basis using the following equation:

$$VOC_A = (\sum (W_{oi} \times D_{ci} \times Q_i) + \sum (W_{oj} \times D_{dj} \times Q_j)) / (\sum (V_{ni} \times Q_i))$$

Where: VOC<sub>A</sub> = The as-applied, VOC content in pound VOC per gallon (lb VOC/gal) of coating solids for a dip coating or flow coating, calculated on a thirty (30) day rolling average basis.

W<sub>oi</sub> = Percent VOC by weight of each as supplied coating (i) added to the dip coating or flow coating process, expressed as a decimal fraction (that is 55% = 0.55).

D<sub>ci</sub> = Density of each as supplied coating (i) added to the dip coating or flow coating process, in pounds per gallon.

Q<sub>i</sub> = Quantity of each as supplied coating (i) added to the dip coating or flow coating process, in gallons.

V<sub>ni</sub> = Percent solids by volume of each as supplied coating (i) added to the dip coating or flow coating process, expressed as a decimal fraction.

W<sub>oj</sub> = Percent VOC by weight of each thinner (J) added to the dip coating or flow coating process, expressed as a decimal fraction.

D<sub>dj</sub> = Density of each thinner (J) added to the dip coating or flow coating process, in pounds per gallon.

Q<sub>j</sub> = Quantity of each thinner (J) added to the dip coating or flow coating process, in gallons.

(ii) Maintain the following records on a daily basis for each VOC-containing coating, solvent, or other material added to the tank:

(AA) The following parameters for each coating, thinner, or other material as supplied:

(aa) The coating, thinner, or other material identification number.

(bb) The volume used.

(cc) The mix ratio.

(dd) The density or specific gravity.

(ee) The weight percent of total volatiles, water, solids, and exempt solvents.

(ff) The volume percent of solids.

(BB) The VOC content of each coating and thinner as supplied.

(CC) The VOC content of each as-applied coating.

(iii) Maintain all records necessary to confirm compliance:

(AA) On-site for the most recent three (3) year period.

(BB) Make reasonably accessible for an additional two (2) years.

(10) For dip or flow coating operations only; miscellaneous metal coating operations subject to the requirements of 326 IAC 8-2-9 may determine compliance by using one (1) of the following methods:

(A) A monthly volume-weighted average of all coatings applied in a coating tank, flow coater, or flow coating line. For each coating, thinner, or solvent, the following records shall be maintained:

(i) Monthly usage.

(ii) VOC content as supplied by the manufacturer for coatings, thinners, and solvents.

(iii) Monthly emissions in pounds of VOC.

(iv) Calculated monthly volume-weighted average VOC content of the coating as applied.

If monthly records sufficient to determine an accurate monthly weighted average are not available, then a compliance method specified in this subsection or subsection (b) must be used to confirm compliance. Records necessary for determining compliance shall be maintained at the source

for a minimum of three (3) years and shall be made available upon request.

(B) Using coatings in compliance with 326 IAC 8-2-9(d), in the tank or reservoir, and maintaining a viscosity of the coatings that is no less than the viscosity of the initial coating. During the first year of operation using this compliance method the source must demonstrate, by means of viscosity readings and a minimum of two (2) U.S. EPA approved VOC content tests, performed at a minimum four (4) month interval, that the VOC content of the coating as applied does not exceed the VOC content stipulated in 326 IAC 8-2-9(d). Such testing must comply with the provisions of 326 IAC 3-2.1. After the first year of operation and providing that the VOC content tests have confirmed compliance using viscosity readings, the source may use viscosity readings to confirm compliance. Sources may monitor the viscosity of the coating with a viscosity meter or an equivalent method approved by the department. The viscosity shall be measured weekly or after each time solvent is added to the tank or reservoir, whichever is more frequent. The viscosity measurement must be corrected for the temperature of the coating in the tank or reservoir and the solvent density of the thinner. Records of viscosity and temperature, sufficient to confirm compliance, shall be maintained at the source for a minimum of three (3) years and shall be made available upon request. Equipment necessary to demonstrate compliance based on viscosity must be properly maintained and available at all reasonable times. If viscosity is not monitored, then another compliance method specified in this subsection must be used to confirm compliance. For determining compliance based on this clause, an actual test, using approved methods such as a U.S. EPA Method 24 test and sampling procedures, of the VOC content of the coating in the tank or reservoir shall take precedence over viscosity.

(b) VOC emissions shall be limited to no greater than the equivalent emissions, expressed as pounds of VOC per gallon of coating solids, allowed under the applicable emission limitation contained in this article for any surface coating operation using the compliance methods contained in subsection (a) or section 5 of this rule.

(1) Equivalency shall be determined by the following equation:

$$E = \frac{L}{1 - \frac{L}{D}}$$

Where: **E** = Equivalent emission limit in pounds of VOC per gallon of coating solids, as applied.

**L** = Applicable emission limit from this article in pounds of VOC per gallon of coating.

**D** = Baseline solvent density of VOC in the coating in and shall be equal to seven and thirty-six hundredths (7.36) pounds of VOC per gallon of VOC solvent.

**E** = Equivalent emission limit in pounds of VOC per gallon of coating solids as applied:

A solvent density of seven and thirty-six hundredths (7.36) pounds of VOC per gallon of coating shall be used to determine equivalent pounds of VOC per gallon of solids for the applicable emission limit contained in this article. Actual solvent density shall be used to determine compliance of surface coating operations using the compliance methods contained in subsection (a) or section 5 of this rule.

(2) Compliance with an equivalent emission limit established in subdivision (1) shall be determined according to the following equation:

$$E_a = \frac{L_a}{1 - \frac{L_a}{D_a}}$$

Where: **E<sub>a</sub>** = Actual emissions in pounds of VOC per gallon of coating solids, as applied.

**L<sub>a</sub>** = Actual VOC content in pounds of VOC per gallon of coating, as applied.

**D<sub>a</sub>** = Actual density of the VOC in the coating, as applied, in pounds per gallon of VOC.

(c) The overall efficiency of any capture system and control device determined by the test methods and procedures specified in section 4 of this rule shall be no less than the equivalent overall efficiency, which shall be calculated by the following equation:

$$O = \frac{V - E}{V} \times 100$$

Where: **V** = The actual VOC content of the coating or, if multiple coatings are used, the daily weighted average VOC content of all coatings, as applied to the subject coating line as determined by the applicable test methods and procedures specified in section 4 of this rule in units of pounds of VOC per gallon of coating solids as applied.

**E** = Equivalent emission limit in pounds of VOC per gallon of coating solids as applied.

**O** = Equivalent overall efficiency of the capture system and control device as a percentage.

(d) Any other equivalent method which is allowed to be used to determine or achieve compliance with any provision of this article shall must be submitted to the U.S. EPA and approved as a SIP revision by U.S. EPA before it can be used to determine or achieve compliance with any provision of this article.

\*This document has been is incorporated by reference and may be obtained from the Library Services Office (MD-35), United States Environmental Protection Agency, Office of

**Air Quality, Planning and Standards, Research Triangle Park, NC 27711** or is available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, **Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 8-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2527; errata, 11 IR 2632; filed Sep 23, 1988, 11:59 a.m.: 12 IR 256; filed Jan 16, 1990, 4:00 p.m.: 13 IR 1016; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1676; filed May 9, 1990, 5:00 p.m.: 13 IR 1845; filed May 6, 1991, 4:45 p.m.: 14 IR 1713; filed Aug 21, 1996, 2:00 p.m.: 20 IR 6; filed Nov 15, 2002, 11:27 a.m.: 26 IR 1073*)

LSA Document #01-251(F)

Proposed Rule Published: June 1, 2002; 25 IR 2753

Hearing Held: August 7, 2002

Approved by Attorney General: October 30, 2002

Approved by Governor: November 14, 2002

Filed with Secretary of State: November 15, 2002, 11:27 a.m.

Incorporated Documents Filed with Secretary of State: Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations, EPA-405/3-88-018, December 1988.

## TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #02-88(F)

### DIGEST

Amends 326 IAC 1-4-1, 326 IAC 4-1-4.1, 326 IAC 8-2-9, and 326 IAC 13-3-1 concerning the redesignation of Clark and Floyd Counties to attainment of the one hour ozone standard. Effective 30 days after filing with the secretary of state.

### HISTORY

Second Notice of Comment Period and Section 7 Notice of First Hearing: April 1, 2002, Indiana Register (25 IR 2315).

Date of First Hearing: June 5, 2002.

Proposed Rule and Notice of Public Hearing: July 1, 2002, Indiana Register (25 IR 3240).

Date of Second Hearing: August 7, 2002.

**326 IAC 1-4-1**

**326 IAC 8-2-9**

**326 IAC 4-1-4.1**

**326 IAC 13-3-1**

SECTION 1. 326 IAC 1-4-1, AS AMENDED AT 25 IR 3056, SECTION 6, IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 1-4-1 Designations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. The air pollution control board incorporates by reference 40 CFR 81.315\* and 66 FR 53665 (October 23, 2001)\* concerning attainment status designations.

\*This document is \*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2379; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed Dec 30, 1992, 9:00 a.m.: 16 IR 1382; filed Apr 18, 1995, 3:00 p.m.: 18 IR 2220; filed Oct 22, 1997, 8:45 a.m.: 21 IR 932; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3342; filed Apr 29, 1998, 3:15 p.m.: 21 IR 3341; filed May 21, 2002, 10:20 a.m.: 25 IR 3056; filed Nov 15, 2002, 11:17 a.m.: 26 IR 1077*)

SECTION 2. 326 IAC 4-1-4.1 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 4-1-4.1 Open burning approval; criteria and conditions

Authority: IC 13-15-2-1; IC 13-17-3-4

Affected: IC 4-21.5; IC 13-12; IC 13-17-9

Sec. 4.1. (a) Burning not exempted by section 3 or 4 of this rule may be authorized by the issuance of an approval by the commissioner or the commissioner's designated agent after consideration of an approval application. Such burning may be authorized for, but not limited to, the following:

- (1) Burning for the purpose of fire training.
- (2) Burning of natural growth derived from a clearing operation, such as removal of natural growth for change in use of the land.
- (3) Burning of highly explosive or other dangerous materials for which no alternative disposal method exists or where transportation of such materials is hazardous.
- (4) Burning of clean wood products.
- (5) Burning of natural growth for the purpose of land management.

(b) The following criteria may be considered for approval under this section:

- (1) The applicant has demonstrated that alternative methods for disposal are impractical or prohibitively expensive.
- (2) There are not more than five (5) residences or structures within five hundred (500) feet of the proposed burning site.
- (3) There have been no open burning violations at the site of the proposed burning or by the applicant.
- (4) If the application involves a structure for fire training, the structure has not been demolished prior to training activities.
- (5) The burning site is located in a county not designated as a nonattainment area for PM<sub>10</sub> or ozone **and is not located in Clark or Floyd County.** The commissioner or the commissioner's agent may allow open burning in **such nonattainment these** areas, subject to conditions necessary to protect air quality.

(c) No approval shall be granted at any time for residential burning in Clark, Floyd, Lake, or Porter County.

(d) Any approval shall be subject to the following conditions unless otherwise stipulated in the open burning approval letter:

- (1) Only clean wood products shall be burned.
- (2) No asbestos-containing material shall be burned.
- (3) No burning shall be conducted during unfavorable meteorological conditions, such as:
  - (A) high winds, temperature inversions, or air stagnation; or
  - (B) when a pollution alert or ozone action day has been declared.
- (4) Burning shall be conducted during daylight hours only and all fires shall be extinguished prior to sunset.
- (5) If at any time the fire creates:
  - (A) an air pollution problem;
  - (B) a threat to public health;
  - (C) a nuisance; or
  - (D) a fire hazard;

the burning shall be extinguished.

- (6) The local fire department and health department must be notified at least twenty-four (24) hours in advance of the date, time, and location of the burning.
- (7) The approval letter shall be made available at the burning site to state and local officials upon request except during emergency burning.
- (8) Adequate fire fighting equipment shall be on-site for extinguishing purposes during burning times.
- (9) No burning shall take place within:
  - (A) one hundred (100) feet of any structure or powerline; or
  - (B) three hundred (300) feet of a frequently traveled road, fuel storage area, or pipeline.
- (10) Fires must be attended at all times until completely extinguished.
- (11) All burning must comply with other federal, state, or local laws, regulations, or ordinances, including 40 CFR 61, Subpart M\* (National Emissions Standards for Asbestos).
- (12) No waste that is regularly generated as a result of a routine business operation shall be burned.
- (13) The material to be burned shall not exceed one thousand (1,000) cubic feet.

(e) An approval letter shall be valid for no longer than one (1) year from the date of issuance. However, an approval letter may be valid for as long as five (5) years if the approval application is accompanied by an open burning plan. The plan shall:

- (1) contain a description of the open burning proposed for the period of time for which an approval letter is sought; and
- (2) be incorporated as a condition of the approval letter under subsection (d) or (f).

Any change in the plan must receive an additional approval letter, unless the change is to reduce open burning or the change is to conduct burning exempted under section 3 of this rule. The plan shall be available for review upon the request by the department.

(f) The commissioner or the commissioner's designated agent may add conditions to an approval letter, as necessary, to prevent a public nuisance or protect the public health or the environment. Such conditions may be based on local air quality conditions, including whether the area is a nonattainment county as defined in 326 IAC 1-4-1 or has been redesignated from nonattainment to attainment status.

(g) A decision on the open burning approval letter is subject to IC 4-21.5 (Administrative Orders and Procedures Act).

**\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 4-1-4.1; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3343; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Nov 15, 2002, 11:17 a.m.: 26 IR 1077*)

SECTION 3. 326 IAC 8-2-9 IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 8-2-9 Miscellaneous metal coating operations**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 9. (a) This section is applicable to the surface coating of the following:

- (1) Large and small farm machinery.
- (2) Small household appliances.
- (3) Office equipment.
- (4) Industrial machinery.
- (5) Any other industrial category which coats metal parts or products under the Standard Industrial Classification Code of major groups #33, #34, #35, #36, #37, #38, and #39.

(b) This section is not applicable to the surface coating of the following metal parts and products or to the following types of coating except as indicated in subsection (c):

- (1) Any metal parts or products limited by other sections of this rule.
- (2) Exterior of airplanes.
- (3) Automobile refinishing.
- (4) Customized top coating of automobiles and trucks, if production is less than thirty-five (35) vehicles per day.
- (5) Exterior of marine vessels.
- (6) Maintenance coatings of production equipment.
- (7) The application of adhesives or preparation of adhesives.
- (8) Lubricants used to prevent sticking of internally moving parts.
- (9) Chromium plated plastics.
- (10) The application of coatings to burial caskets (Standard Industrial Classification Code 3995) if the source is not

located in or adjacent to a county designated as nonattainment for ozone **or if the source is not located in or adjacent to Clark or Floyd County.**

(c) Commencing July 1, 1991, the operations described in subsection (b)(6) through (b)(9) shall comply with the requirements of this section.

(d) No owner or operator of a facility engaged in the surface coating of miscellaneous metal parts and products may cause, allow, or permit the discharge into the atmosphere of any volatile organic compounds in excess of the following:

(1) Fifty-two hundredths (0.52) ~~kilograms~~ **kilogram** per liter (four and three-tenths (4.3) pounds per gallon) of coating, excluding water, delivered to a coating applicator that applies clear coatings. A clear coating is a coating that lacks color or opacity and is transparent and uses the undercoat as a reflectant base or undertone color.

(2) Forty-two hundredths (0.42) ~~kilograms~~ **kilogram** per liter (three and five-tenths (3.5) pounds per gallon) of coating excluding water, delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to ninety (**90**) degrees Celsius (~~90°C~~) (one hundred ninety-four (**194**) degrees Fahrenheit). (~~194°F~~).

(3) Forty-two hundredths (0.42) ~~kilograms~~ **kilogram** per liter (three and five-tenths (3.5) pounds per gallon) of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings. Extreme performance coatings are coatings designed for exposure to temperatures consistently above ninety-five (**95**) degrees Celsius, (~~95°C~~), detergents, abrasive or scouring agents, solvents, corrosive atmospheres, outdoor weather at all times, or similar environmental conditions.

(4) Thirty-six hundredths (0.36) ~~kilograms~~ **kilogram** per liter (three (3) pounds per gallon) of coating, excluding water, delivered to a coating applicator for all other coatings and coating application systems.

(e) If more than one (1) emission limitation in subsection (d) applies to a specific coating, then the least stringent emission limitation shall be applied.

(f) Solvent sprayed from application equipment during cleanup or color changes shall be directed into containers. Such containers shall be closed as soon as such solvent spraying is complete, and the waste solvent shall be disposed of in such a manner that evaporation is minimized. (*Air Pollution Control Board; 326 IAC 8-2-9; filed Feb 9, 1988, 2:07 p.m.: 11 IR 1736; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2534; filed Apr 18, 1990, 4:55 p.m.: 13 IR 1678; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Nov 15, 2002, 11:17 a.m.: 26 IR 1078*)

SECTION 4. 326 IAC 13-3-1 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 13-3-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to:

- (1) all refiners, importers, carriers, or terminals who supply gasoline for use in the Clark and Floyd Counties ~~ozone nonattainment area~~ between May 1 and September 15 of each calendar year beginning in 1995; and
- (2) all retail stations and other end users who sell or dispense gasoline in Clark or Floyd ~~Counties~~ **County** between June 1 and September 15 of each calendar year beginning in 1995.

(b) If federal Reformulated Gas (RFG) is required by operation of federal law to be sold in Clark and Floyd Counties or if the governor elects to participate in the RFG program, this rule shall no longer apply after the date that RFG is required to be sold. The department shall make all reasonable efforts to notify the affected parties listed in this section no later than thirty (30) days after federal law requires RFG to be sold or the governor's election to participate in the RFG program. (*Air Pollution Control Board; 326 IAC 13-3-1; filed Jul 6, 1995, 11:30 a.m.: 18 IR 2738; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Nov 15, 2002, 11:17 a.m.: 26 IR 1079*)

LSA Document #02-88(F)

Proposed Rule Published: July 1, 2002; 25 IR 3240

Hearing Held: August 7, 2002

Approved by Attorney General: October 30, 2002

Approved by Governor: November 14, 2002

Filed with Secretary of State: November 15, 2002, 11:17 a.m.

Incorporated Documents Filed with Secretary of State: 66 FR 53665-53686 (October 23, 2001); 40 CFR 61, Subpart M (July 1, 2001).

## TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #02-121(F)

### DIGEST

Amends 405 IAC 1-18-2 to specify Medicaid reimbursement methodology for Medicare cross-over claims. Repeals 405 IAC 1-18-3. Effective 30 days after filing with the secretary of state.

### 405 IAC 1-18-2

### 405 IAC 1-18-3

SECTION 1. 405 IAC 1-18-2, AS ADDED AT 25 IR 2477, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 405 IAC 1-18-2 Reimbursement of cross-over claims

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2; IC 12-15-21-3

Affected: IC 12-15-14

Sec. 2. (a) Cross-over claims filed by ~~nursing facilities~~ **Medicaid providers** are reimbursed as set out in this section.

(b) If the Medicare payment amount for a claim exceeds or equals the Medicaid allowable amount for that claim, Medicaid reimbursement will be zero (0).

(c) If the Medicaid allowable amount for a claim exceeds the Medicare payment amount for that claim, Medicaid reimbursement is the lesser of:

- (1) the difference between the Medicaid allowable amount minus the Medicare payment amount; or
- (2) the Medicare coinsurance and deductible, if any, for the claim.

~~(d) Cross-over claims filed by providers other than nursing facilities are reimbursed as described in section 3 of this rule. (Office of the Secretary of Family and Social Services; 405 IAC 1-18-2; filed Mar 18, 2002, 3:32 p.m.: 25 IR 2477; filed Nov 27, 2002, 4:30 p.m.: 26 IR 1079)~~

SECTION 2. 405 IAC 1-18-3, AS ADDED AT 25 IR 2477, SECTION 1, IS REPEALED.

*LSA Document #02-121(F)*

*Notice of Intent Published: 25 IR 2544*

*Proposed Rule Published: July 1, 2002; 25 IR 3243*

*Hearing Held: July 23, 2002*

*Approved by Attorney General: November 20, 2002*

*Approved by Governor: November 26, 2002*

*Filed with Secretary of State: November 27, 2002, 4:30 p.m.*

*Incorporated Documents Filed with Secretary of State: None*

---

## **TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES**

LSA Document #02-144(F)

### **DIGEST**

Amends 405 IAC 1-14.5-13, 405 IAC 1-14.5-14, and 405 IAC 1-14.5-15 to change the index used in the calculation of the fair rental allowance from the United States Treasury thirty year bond to the United States Treasury ten year bond. Effective 30 days after filing with the secretary of state.

#### **405 IAC 1-14.5-13**

#### **405 IAC 1-14.5-14**

#### **405 IAC 1-14.5-15**

SECTION 1. 405 IAC 1-14.5-13 IS AMENDED TO READ AS FOLLOWS:

#### **405 IAC 1-14.5-13 Allowable costs; capital return factor; computation of use fee component; interest; allocation of loan to facilities and parties**

**Authority:** IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2

**Affected:** IC 12-13-7-3; IC 12-15

Sec. 13. (a) The use fee limitation is based on the following:

- (1) The assumption that facilities and equipment are prudently acquired and financed.
- (2) Providers will obtain independent financing in accordance with a sound financial plan.
- (3) Owner capital will be used for the balance of capital requirements.

(b) The amortization period to be used in computing the use fee shall be the greater of twenty (20) years or the actual amortization period for the facility and for facilities and equipment where a single lending arrangement covers both. Where equipment is specifically financed by means of a separate lending arrangement, a minimum of seven (7) years shall be the amortization period. Provided, however, that a mortgage existing on April 1, 1983, has a fully amortizing life of less than twenty (20) years, the use fee will be calculated using the actual life of the lending arrangement, but not less than twelve (12) years.

(c) The use fee component of the capital return factor shall be limited by the lesser of:

- (1) the original loan balance at the time of acquisition;
- (2) eighty percent (80%) of historical cost of the facilities and equipment; or
- (3) eighty percent (80%) of the maximum allowable property basis at the time of the acquisition plus one-half (½) of the difference between that amount and the maximum property basis per bed on the rate effective date.

(d) The maximum interest rate allowed in computing the use fee shall not exceed one and one-half percent (1.5%) above the United States Treasury bond, ~~thirty (30)~~ **ten (10)** year amortization, constant maturity rate plus three percent (3%), rounded to the nearest one-half percent (.5%) or the actual interest rate, whichever is lower. For property financing with a fixed interest rate, the date that the financing commitment was signed by the lender and borrower shall be the date upon which the allowable rate shall be determined. For property financing with a variable interest rate, the allowable interest rate shall be determined each year at the provider's report year end.

(e) The use fee determined under this section shall be subject to the limitations under section 15(b) of this rule.

(f) Refinancing of mortgages shall be amortized over the amortization period of the refinancing; however, the amortization period for the refinanced mortgage shall not be less than twenty (20) years. Refinancing arrangements shall only be

recognized when the interest rate is less than the original financing, and the interest rate on the refinancing shall not be allowable in excess of the interest rate limit established on the date the refinancing commitment was signed and the interest rate fixed by the lender and borrower.

(g) Variable interest debt will be recognized for the purpose of calculation of the use fee if the variable rate is a function of an arrangement entered into and incorporated in the lending arrangement at the time of the acquisition of the facility or as part of an allowable refinancing arrangement under subsection (f).

(h) Interest costs on borrowed funds used to construct facilities or enlarge existing facilities which are incurred during the period of construction shall be capitalized as part of the cost of the facility or addition.

(i) Interest costs on operating loans each reporting period shall be limited to interest costs of principal amounts that do not exceed a value equal to two (2) months of actual revenues. Interest on such loans shall only be recognized if the provider can demonstrate that such loans were reasonable and necessary in providing patient related services. Working capital interest must be reduced by investment income. Working capital interest is an operating cost and will not be included in calculating the use fee.

(j) Loans covering more than one (1) facility or asset shall apply to the several facilities or assets acquired in proportion to the cost that each item bears to the total cost. Accordingly, if any building or asset covered by the loan is used for purposes other than patient care, the use fee applicable to such assets will be determined based upon its proportionate share of the total asset cost.

(k) Loans from a related party must be identified and reported separately on the annual or historical financial report. Such loans shall be allowable if they meet all other requirements, the interest does not exceed the rate available in the open market, and such loans are repaid in accordance with an established repayment schedule.

(l) Use fee for variable interest rate mortgages will be calculated as follows:

- (1) Recalculate the use fee for the reporting year based upon the provider's average actual rate of interest paid.
- (2) Compare the use fee allowed in the reporting year and the recalculated use fee and determine the variance (amount by which the amount allowed in the prior rate case exceeded or was less than the amount earned under the recalculation in subdivision (1)).
- (3) Calculate the prospective use fee based upon the interest rate in effect at the end of the provider's reporting year.
- (4) The use fee on the prospective rate is the amount determined in subdivision (3) plus or minus the variance in subdivision (2).

(Office of the Secretary of Family and Social Services; 405 IAC

1-14.5-13; filed Aug 12, 1998, 2:32 p.m.: 22 IR 55; filed Sep 1, 2000, 2:10 p.m.: 24 IR 19; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Dec 3, 2002, 3:15 p.m.: 26 IR 1080)

SECTION 2. 405 IAC 1-14.5-14 IS AMENDED TO READ AS FOLLOWS:

**405 IAC 1-14.5-14 Allowable costs; capital return factor; computation of return on equity component**

**Authority:** IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2

**Affected:** IC 12-13-7-3; IC 12-15

Sec. 14. (a) For a provider with an initial interim rate resulting from:

- (1) a change of provider status; or
- (2) a new operation;

before the effective date of this rule, the return on equity shall be computed on the higher of twenty percent (20%) of the allowable historical cost of facilities and equipment, or actual equity in allowable facilities and equipment. Allowable historical cost of facilities and equipment is the lesser of the provider's actual historical cost of facilities and equipment or the maximum allowable property basis at the time of the acquisition plus one-half (½) of the difference between that amount and the maximum allowable property basis per bed on the rate effective date.

(b) For a provider with an initial interim rate resulting from:

- (1) a change of provider status; or
- (2) a new operation;

on or after the effective date of this rule, the return on equity shall be computed on the actual equity in allowable facilities and equipment up to a maximum of eighty percent (80%) of allowable historical cost of facilities and equipment.

(c) The return on equity factor shall be equal to the interest rate used in computing the use fee plus one percent (1%), or one percent (1%) below the United States Treasury bond, ~~thirty (30) ten (10)~~ year amortization, constant maturity rate on the last day of the reporting period, plus three percent (3%), whichever is higher.

(d) The return on equity determined under this section shall be subject to the limitations under section 15(b) of this rule. (Office of the Secretary of Family and Social Services; 405 IAC 1-14.5-14; filed Aug 12, 1998, 2:32 p.m.: 22 IR 56; filed Sep 1, 2000, 2:10 p.m.: 24 IR 20; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Dec 3, 2002, 3:15 p.m.: 26 IR 1081)

SECTION 3. 405 IAC 1-14.5-15 IS AMENDED TO READ AS FOLLOWS:

**405 IAC 1-14.5-15 Allowable costs; capital return factor; use fee; depreciable life; property basis**

**Authority:** IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2

**Affected:** IC 12-13-7-3; IC 12-15

## Final Rules

Sec. 15. (a) The following is a schedule of allowable use fee lives by property category:

Property Basis	Use Fee Life
Land	20 years
Land improvements	20 years
Buildings and building components	20 years
Building improvements	20 years
Movable equipment	7 years
Vehicles	7 years

The maximum property basis per bed at the time of acquisition shall be in accordance with the following schedule:

Acquisition Date	Maximum Property Basis Per Bed
7/1/76	\$12,650
4/1/77	\$13,255
10/1/77	\$13,695
4/1/78	\$14,080
10/1/78	\$14,630
4/1/79	\$15,290
10/1/79	\$16,115
4/1/80	\$16,610
10/1/80	\$17,490
4/1/81	\$18,370
10/1/81	\$19,140
4/1/82	\$19,690
9/1/82	\$20,000
3/1/83	\$20,100
9/1/83	\$20,600
3/1/84	\$20,600
9/1/84	\$21,200
3/1/85	\$21,200
9/1/85	\$21,200
3/1/86	\$21,400
9/1/86	\$21,500
3/1/87	\$21,900
9/1/87	\$22,400
3/1/88	\$22,600
9/1/88	\$23,000
3/1/89	\$23,100
9/1/89	\$23,300
3/1/90	\$23,600
9/1/90	\$23,900
3/1/91	\$24,500
9/1/91	\$24,700
3/1/92	\$24,900
9/1/92	\$25,300
3/1/93	\$25,400
9/1/93	\$25,700
3/1/94	\$26,000
9/1/94	\$26,300

3/1/95	\$26,500
9/1/95	\$27,300
3/1/96	\$27,700
9/1/96	\$28,000
3/1/97	\$28,300
9/1/97	\$28,600

The schedule shall be updated semiannually, effective on March 1 and September 1 by the office, and rounded to the nearest one hundred dollars (\$100) based on the change in the R.S. Means Construction Index.

(b) The capital return factor portion of a rate that becomes effective after the acquisition date of an asset shall be limited to the maximum capital return factor which shall be calculated as follows:

(1) The use fee portion of the maximum capital return factor is calculated based on:

(A) the maximum property basis per bed at the time of acquisition of each bed, plus one-half (½) of the difference between that amount and the maximum property basis per bed at the rate effective date times eighty percent (80%);

(B) the term is determined per bed at the time of acquisition of each bed and is twenty (20) years for beds acquired on or after April 1, 1983, and twelve (12) years for beds acquired before April 1, 1983; and

(C) the allowable interest rate is the United States Treasury bond, ~~thirty (30)~~ **ten (10)** year amortization, constant maturity rate plus three percent (3%), rounded to the nearest one-half percent (.5%) plus one and one-half percent (1.5%) at the earlier of the acquisition date of the beds or the commitment date of the attendant permanent financing.

(2) The equity portion of the maximum capital return factor is calculated based on:

(A) the allowable equity as established under section 14 of this rule; and

(B) a rate of return on equity that is the greater of United States Treasury bond, ~~thirty (30)~~ **ten (10)** year amortization, constant maturity rate plus three percent (3%), rounded to the nearest one-half percent (.5%) on the last day of the reporting period minus one percent (1%), or the weighted average of the United States Treasury bond, ~~thirty (30)~~ **ten (10)** year amortization, constant maturity rate plus three percent (3%), rounded to the nearest one-half percent (.5%) plus one percent (1%) at the earlier of the acquisition date of the beds or the commitment date of the attendant permanent financing.

(c) For facilities with a change of provider status, the allowable capital return factor of the buyer/lessee shall be no greater than the capital return factor that the seller/lessor would have received on the date of the transaction, increased by one-half (½) of the percentage increase (as measured from the date of acquisition/lease commitment date by the seller/lessor to the

date of the change in provider status) in the Consumer Price Index for All Urban Consumers (CPI-U) (United States city average). Any additional allowed capital expenditures incurred by the buyer/lessee shall be treated in the same manner as if the seller/lessor had incurred the additional capital expenditures.

(d) The following costs which are attributable to the negotiation or settlement of the sale or purchase of any capital asset (by acquisition or merger) for which any payment has been previously made under the Indiana Medicaid program shall not be recognized as an allowable cost:

- (1) Legal fees.
- (2) Accounting and administrative costs.
- (3) Travel costs.
- (4) The costs of feasibility studies.

(Office of the Secretary of Family and Social Services; 405 IAC 1-14.5-15; filed Aug 12, 1998, 2:32 p.m.: 22 IR 56; filed Sep 1, 2000, 2:10 p.m.: 24 IR 20; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Dec 3, 2002, 3:15 p.m.: 26 IR 1081)

LSA Document #02-144(F)

Notice of Intent Published: 25 IR 2748

Proposed Rule Published: August 1, 2002; 25 IR 3825

Hearing Held: August 22, 2002

Approved by Attorney General: November 20, 2002

Approved by Governor: November 26, 2002

Filed with Secretary of State: December 3, 2002, 3:15 p.m.

Incorporated Documents Filed with Secretary of State: None

## TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #01-430(F)

### DIGEST

Amends 675 IAC 21 to incorporate updated standards for regulated lifting devices, amend the application and testing requirements for installation and alteration permits and operating certificates, and repeal the rules for sewage lift stations and handpowered personnel hoists. Repeals 675 IAC 21-1-2, 675 IAC 21-1-2.1, 675 IAC 21-1-3, 675 IAC 21-1-4, 675 IAC 21-1-6, 675 IAC 21-1-8, 675 IAC 21-2, 675 IAC 21-6, and 675 IAC 21-7. Effective 30 days after filing with the secretary of state.

675 IAC 21-1-1	675 IAC 21-1-7
675 IAC 21-1-1.5	675 IAC 21-1-8
675 IAC 21-1-2	675 IAC 21-1-9
675 IAC 21-1-2.1	675 IAC 21-1-10
675 IAC 21-1-3	675 IAC 21-2
675 IAC 21-1-3.1	675 IAC 21-3-1
675 IAC 21-1-4	675 IAC 21-3-2
675 IAC 21-1-6	675 IAC 21-4-1

675 IAC 21-4-2	675 IAC 21-6
675 IAC 21-5-1	675 IAC 21-7
675 IAC 21-5-3	675 IAC 21-8

SECTION 1. 675 IAC 21-1-1 IS AMENDED TO READ AS FOLLOWS:

### 675 IAC 21-1-1 Installation and alteration permit; registration; application; expiration

Authority: IC 22-13-2-13; IC 22-15-5-2

Affected: IC 22-12-6-9; IC 22-13; IC 22-14; IC 22-15-5-3

Sec. 1. Permits are (a) An installation permit is required prior to commencement of work for new installations or alterations: an installation of a new regulated lifting device. An alteration permit is required prior to commencement of work for an alteration to an existing installations of regulated lifting devices governed under this article and pursuant to IC 22-15-5- device.

Applications (b) An application for permits an installation or alteration permit shall be made to the division of elevator safety office of the state building commissioner on forms provided by the division: office. Each application shall be accompanied by plans, specifications, shop drawings, certificates, or other documentation necessary for the division director to evaluate the installation for compliance with this article: and to accomplish registration pursuant to IC 22-15-5-3. Such application shall also be accompanied by a check made payable to the "State Building Commissioner Fund" in such amount as set out in IC 22-12-6-9: contain the following:

- (1) The name, address, e-mail address, and fax number of the elevator contractor that will be installing or altering the regulated lifting device, and if applicable, the license number of the elevator contractor.
- (2) The name, address, and e-mail address of the owner of the building in which the new regulated lifting device is being installed or the existing regulated lifting device is being altered.
- (3) The name, address, and e-mail address of the user of the regulated lifting device.
- (4) All information required under IC 22-15-5-3(c) for registration of the regulated lifting device. This includes the following for the regulated lifting device:
  - (A) The type.
  - (B) The rated load and speed.
  - (C) The name of the manufacturer.
  - (D) The location.
  - (E) The nature of use.
- (5) Complete plans, including:
  - (A) copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building;

- (B) plans showing the location of the machine room and the equipment to be installed, relocated, or altered;
- (C) plans showing the structural supporting members, including foundations; and
- (D) a specification of all materials employed and loads to be supported or conveyed.

These plans must be sufficient to show that the installation or alteration will comply with all applicable equipment laws and must be sufficiently complete to illustrate all details of construction and design.

(6) The required fee.

(7) The affirmations by the appropriate signatories as required under section 1.5 of this rule.

*(Fire Prevention and Building Safety Commission; 675 IAC 21-1-1; filed Aug 30, 1985, 11:52 a.m.: 9 IR 38, eff Oct 1, 1985; filed Sep 27, 1989, 4:30 p.m.: 13 IR 285; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1083)*

SECTION 2. 675 IAC 21-1-1.5 IS ADDED TO READ AS FOLLOWS:

### **675 IAC 21-1-1.5 Signatories; affirmation**

Authority: IC 22-13-2-13

Affected: IC 22-13; IC 22-14; IC 22-15-5-3

Sec. 1.5. (a) All signatories to an application shall be determined as follows:

- (1) For a corporation, the signatory shall be a responsible corporate officer. For the purpose of this section, a responsible corporate officer means a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policymaking or decision-making functions for the corporation.
- (2) For a partnership or sole proprietorship, the signatory shall be a general partner or the proprietor, respectively.
- (3) For a municipality, state, or other public agency, the signatory shall be a principal executive officer or ranking elected official.

(b) Alternatively, a duly authorized representative of a signatory listed under subsection (a) may be the signatory on the application. A person is a duly authorized representative only if:

- (1) the authorization is made in writing by an individual described in subsection (a);
- (2) the authorization specifies either an individual or a position having responsibility for the regulated lifting device such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for building and fire safety matters for the company; and
- (3) the written authorization is submitted to the office, if requested.

(c) The elevator contractor that is responsible for the installation or alteration of the regulated lifting device shall make the following affirmation on an application for an installation or alteration permit: "I affirm, under penalty of perjury, the following:

(1) This document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

(2) The regulated lifting device will be installed or altered in accordance with all applicable statutes and rules adopted by the commission and will not be changed from the design specified in the plans and specifications submitted with the application and released by the office.

(3) All individuals installing or altering the regulated lifting device:

(A) have sufficient background, knowledge, skills, and training to install or alter, inspect, and maintain the regulated lifting device;

(B) have the training and expertise necessary to recognize and report any condition that could result in the unsafe operation of the regulated lifting device;

(C) are provided with sufficient ongoing training to reasonably ensure that the individuals are proficient in the standards affecting regulated lifting devices that have been adopted by the commission; and

(D) possess the requisite authority and are required to immediately suspend the operation of the regulated lifting device upon discovering a condition that could result in the unsafe operation of the regulated lifting device, and to report the discovery of such a condition to the office."

(d) The designated signatories shall make the following affirmation on an application for an initial or renewal operating certificate:

(1) The owner of the building in which the regulated lifting device is located shall make an affirmation that reads, "I affirm, under penalty of perjury, the following:

(A) This document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

(B) The regulated lifting device will be maintained and repaired in accordance with all applicable statutes and rules adopted by the commission.

(C) If an elevator contractor performed the safety tests of the regulated lifting device, this contractor was chosen under my direction and to the best of my knowledge and belief, after exercising due diligence, has the expertise necessary to install or alter the regulated lifting device in accordance with the rules adopted by the commission.

(D) I hereby grant the authority to and require all individuals employed by either the elevator contractor or the owner to immediately suspend the operation of the regulated lifting device upon discovering a condition that could result in the unsafe operation of the regulated lifting device, and to report the discovery of such a condition to the office.”.

(2) If an elevator contractor performed the safety tests of the regulated lifting device, this contractor shall make an affirmation that reads, “I affirm, under penalty of perjury, the following:

(A) This document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

(B) The regulated lifting device is in compliance with all applicable equipment and building laws.

(C) All individuals responsible for performing these safety tests of the regulated lifting device:

(i) have sufficient background, knowledge, skills, and training to perform these tests on the regulated lifting device;

(ii) have the training and expertise necessary to recognize and report any condition that could result in the unsafe operation of the regulated lifting device;

(iii) are provided with sufficient ongoing training to reasonably ensure that the individuals are proficient in the standards affecting regulated lifting devices that have been adopted by the commission; and

(iv) possess the requisite authority and are required to immediately suspend the operation of the regulated lifting device upon discovering a condition that could result in the unsafe operation of the regulated lifting device, and to report the discovery of such a condition to the office.”.

*(Fire Prevention and Building Safety Commission; 675 IAC 21-1-1.5; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1084)*

SECTION 3. 675 IAC 21-1-3.1 IS AMENDED TO READ AS FOLLOWS:

#### 675 IAC 21-1-3.1 Operating certificate; display; location

Authority: IC 22-13-2-13; IC 22-15-5-4; IC 22-15-5-5

Affected: IC 22-12-6-9; IC 22-13; IC 22-14; IC 22-15

Sec. 3.1. (a) After inspection, testing, and acceptance of an installation under section 3 of this rule, the division director shall issue an operating permit for each such installation. A regulated lifting device may not be operated without an operating certificate that covers the operation of the regulated lifting device. However, an individual who is performing maintenance on, repairing, installing, or altering the regulated lifting device may use the regulating lifting device without an operating certificate to the extent necessary to complete the work and required testing.

(b) For elevators, dumbwaiters, and vertical wheelchair lifts the operating permit shall be displayed inside the cab enclosure in a protective frame.

(c) For escalators, moving walks, and inclined lifts the operating permit shall be displayed in a protective frame mounted on a nearby column or wall at the lowest floor level served, or at a location approved by the division director.

(b) The office shall issue an initial operating certificate for a regulated lifting device if:

(1) the applicant for the operating certificate has:

(A) demonstrated through an acceptance inspection and tests that the regulated lifting device complies with the laws governing its construction, repair, maintenance, and operation. This acceptance inspection must be conducted by a licensed inspector;

(B) submitted a notice of compliance/completion to the office that has been completed and signed and affirmed by the appropriate signatory as required under section 1.5 of this rule;

(C) paid the required fee; and

(2) been inspected by the office and the office has determined that the regulated lifting device complies with the laws governing its construction, repair, maintenance, and operation.

(c) The office shall issue a renewal operating certificate for a regulated lifting device if the applicant:

(1) demonstrates through the completion of applicable safety tests that the regulated lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device; and

(2) has paid the required fee.

(d) Upon receiving an initial or renewal operating certificate, a copy of the initial or renewal operating certificate shall be displayed in or on each regulated lifting device or in an associated machine room. *(Fire Prevention and Building Safety Commission; 675 IAC 21-1-3.1; filed Sep 27, 1989, 4:30 p.m.: 13 IR 286; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1085)*

SECTION 4. 675 IAC 21-1-7 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 21-1-7 Accident reports and investigations**

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 7. (a) ~~The following includes, but is not limited to, the occurrences which shall be reported:~~

- ~~(1) Any occurrence in which one (1) or more riders are fatally injured or require hospitalization.~~
- ~~(2) Any collision in which the damage exceeds one thousand dollars (\$1,000).~~

**An accident involving a regulated lifting device shall be reported by the owner of the regulated lifting device within twenty-four (24) hours after the accident has occurred. This initial report shall contain, to the extent available, the information specified in subsection (b)(1) through (b)(8).**

**(b) The owner shall submit a final written accident report to the office as soon as possible after the accident has occurred, but in any event no later than two (2) weeks after the date of the accident. The following information shall be reported:**

- ~~(1) Registration number of the installation: regulated lifting device.~~
- ~~(2) Owner and operator of installation: the regulated lifting device.~~
- (3) The names, address, and phone numbers of all persons responsible for the maintenance or repair of the regulated lifting device.**
- ~~(3) (4) Location of the installation: regulated lifting device.~~
- ~~(4) (5) Names, addresses, and phone numbers of any persons injured.~~
- ~~(5) (6) Date and time of the occurrence: accident.~~
- ~~(6) (7) Operating condition of the installation as known.~~
- ~~(7) (8) Brief details of the occurrence: accident.~~
- (9) Police report, if it exists.**
- (10) Fire department report, if it exists.**
- (11) Emergency medical report, if it exists.**
- (12) Any other emergency response reports.**

~~(c) The occurrence shall be reported by the owner unless the installation is solely operated by a lessee in which event the lessee shall report.~~

~~(d) The occurrence shall be reported by telephone to the division within twenty-four (24) hours after the occurrence or during the next regular working day in the event the office of the division is closed.~~

~~(e) The chief inspector shall have the right to request information on any occurrence which in his opinion should be investigated.~~

**(f) The owner or lessee shall make available to the chief inspector (c) The office may request, and the owner shall provide, any additional records and information which in any way relate to any occurrence an accident and shall afford**

~~reasonable assistance to him assist the office in the investigation of any occurrence: accident.~~

**(d) The following definitions apply throughout this section:**

**(1) "Accident" means any occurrence involving a regulated lifting device in which:**

- (A) one (1) or more individuals are fatally injured or require medical treatment; or**
- (B) the damage to the regulated lifting device exceeds two thousand five hundred dollars (\$2,500).**

**(2) "First aid" means any one-time treatment, and any follow-up visit for the purpose of observation, of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care. Such one-time treatment, and follow-up visit for the purpose of observation, is considered first aid even though provided by a physician or registered professional personnel.**

**(3) "Medical treatment" includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician (including emergency medical technicians, advanced emergency medical technicians, and paramedics). Medical treatment does not include first aid treatment even though provided by a physician or registered professional personnel.**

*(Fire Prevention and Building Safety Commission; 675 IAC 21-1-7; filed Aug 30, 1985, 11:52 a.m.: 9 IR 39, eff Oct 1, 1985; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1086)*

**SECTION 5. 675 IAC 21-1-9 IS AMENDED TO READ AS FOLLOWS:**

**675 IAC 21-1-9 Title**

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

~~Sec. 9. (a) All codes and standards adopted or established in 675 IAC 21-3 through 675 IAC 21-7 this article shall collectively be known as the Indiana Elevator Safety Code, 1989 2002 edition.~~

~~(b) All rules under this article may be purchased from the Fire and Building Services Department, 1099 North Meridian Street, Indianapolis, Indiana 46204. (Fire Prevention and Building Safety Commission; 675 IAC 21-1-9; filed Aug 30, 1985, 11:52 a.m.: 9 IR 40, eff Oct 1, 1985; filed Sep 27, 1989, 4:30 p.m.: 13 IR 287; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1086)~~

**SECTION 6. 675 IAC 21-1-10 IS ADDED TO READ AS FOLLOWS:**

**675 IAC 21-1-10 Definitions**

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15-5-11

Sec. 10. (a) The definitions in this section apply throughout this article.

(b) "Licensed inspector" means an individual licensed as an elevator inspector under IC 22-15-5-11. Prior to March 1, 2003, a qualified inspector may perform any inspection required to be conducted by a licensed inspector.

(c) "Qualified inspector" means an individual:

- (1) certified by an organization accredited by ASME in accordance with the requirements of ASME QE1-1; or
- (2) certified by an organization that the authority having jurisdiction has determined has equivalent requirements and conditions as ASME QE1-1 for obtaining and retaining such certification.

(Fire Prevention and Building Safety Commission; 675 IAC 21-1-10; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1086)

SECTION 7. 675 IAC 21-3-1 IS AMENDED TO READ AS FOLLOWS:

#### 675 IAC 21-3-1 Adoption by reference

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. (a) That certain document, being titled as ANSI/ASME A17.1, 1987, 2000, Safety Code for Elevators and Escalators, published by the American Society of Mechanical Engineers, 345 East 47th Street, Three Park Avenue, New York, New York 10017, be and the same 10016 is hereby adopted by reference and made a part of this rule as if fully set out herein, save and except those additions, deletions, and amendments as are made in section 2 of this rule.

(b) The following standards are intended for use as a guide in the design, testing, and installation of equipment regulated by this code and are not adopted or enforceable as part of this code:

- (1) AGMA 420.04-1975; AGMA 440-04.1971; AGMA 441-04-1978; AGMA 460-05-1971; AGMA 480-06-1977.
- (2) AISC Book #S326; 1978.
- (3) ANSI A10.4; ANSI A10.5; ANSI A12.1-1973; ANSI A14-3-1974; ANSI A58.1; ANSI A117.1-1980; ANSI Z35.1-1972; ANSI Z97.1-1975.
- (4) ANSI/ACI 318-77.
- (5) ANSI/ASME A17.2; ANSI/ASME A17.3; ANSI/ASME B1.20.1-1983; ANSI/ASME B20.1; ANSI/ASME B29.1-1975; ANSI/ASME B29.2-1957; ANSI/ASME QE1-1-1984; ANSI/ASME Y1.1.
- (6) ANSI/AWS D1.1.
- (7) ANSI/NFPA No. 13-1980; ANSI/NFPA No. 70-1984; ANSI/NFPA No. 72E-1982; ANSI/NFPA No. 80-1981; ANSI/NFPA No. 101-1981.
- (8) ANSI/RMA IP-20-1977.
- (9) ANSI/Vol. Prod. Std. PS-1-74.
- (10) ASME Boiler and Pressure Vessel Code; Section VIII; 1980.

(11) ASME Guide S1-1.

(12) ASTM A27-81a; ASTM A36-81a; ASTM 283-81; ASTM A307-78; ASTM A502-76; ASTM A668-81a; ASTM D97-66; ASTM D198-76; ASTM D345-74; ASTM D2270-79; ASTM E84-81a; ASTM 3152-80; ASTM 380.

(13) National Building Code.

(14) NFPA 252-1979.

(15) Federal Test Method Standard 191.

(16) Plywood Design Specification (April 1978).

(17) SAE J517D-1979.

(18) Standard Building Code.

(19) UL 104.

(Fire Prevention and Building Safety Commission; 675 IAC 21-3-1; filed Aug 30, 1985, 11:52 a.m.: 9 IR 41, eff Oct 1, 1985; filed Mar 6, 1986, 3:00 p.m.: 9 IR 1658; errata, 9 IR 2063; filed Sep 27, 1989, 4:30 p.m.: 13 IR 288; errata filed Nov 15, 1989, 5:00 p.m.: 13 IR 675; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1087)

SECTION 8. 675 IAC 21-3-2 IS AMENDED TO READ AS FOLLOWS:

#### 675 IAC 21-3-2 Amendments to adopted code

Authority: IC 22-13-2-13

Affected: IC 22-12-1-22; IC 22-12-2-10; IC 22-13-2-10; IC 22-14; IC 22-15; IC 36-7

Sec. 2. (a) Section 4. Reference Codes, Standards, and Specifications. Delete the first paragraph and substitute the following: Section 4. is not adopted as part of this code; however, the referenced standards are deemed to be accepted practice. Explanatory material, in the form of notes, that is not part of a table, figure, or graph, is not a part of this standard and is not enforceable as part of this rule.

(b) Rule 111.10 Access to Hoistways for Emergency Purposes is changed by adding a new subparagraph (d) as follows: Elevators installed in single hoistways shall be provided with a hoistway door unlocking device at each landing. Elevators installed in multiple hoistways shall be provided with a hoistway door unlocking device for at least one (1) elevator at each landing.

(c) Rule 200.2a Requirements for Steel, Where Used is changed to read as follows: (2) Bolts which conform to ANSI/ASTM A307 are deemed acceptable; (3) Rivets which conform to ANSI/ASTM A502 are deemed acceptable.

(d) Rule 204.3b Openings in Car Tops; add a second sentence as follows: Such emergency exit shall be provided with electric contacts conforming to Rule 111.5; and so located as to be inaccessible from the inside of the car.

(e) Rule 207.3 Capacity and Data Plates; add a new subparagraph as follows: 207.3d No Smoking Signs: A sign having a principal stroke of not less than one-eighth (1/8) inch lettering

reading “No Smoking”, or the international symbol for no smoking shall be installed in a conspicuous position inside each passenger elevator car.

(f) Rule 211.3b Smoke Detectors; delete the second paragraph and substitute as follows: No device, other than the Phase I switch (Rule 211.3a) or detectors required by this Rule (211.3b) and 675 IAC 13, Indiana Building Code, shall initiate Phase I operation.

(b) Delete subsection 1.1.4 Effective Date, without substitution.

(c) Delete section 1.2 Purpose and Exceptions, without substitution.

(d) Amend section 1.3 Definitions to read as follows:

(1) Add a definition to read as follows: NFPA 70 means the Indiana Electrical Code (675 IAC 17).

(2) Add a definition to read as follows: ANSI A117.1 means the Indiana Building Code, Chapter 11, Part 1 (675 IAC 13).

(3) Change the definition of approved to read as follows: APPROVED means, as to materials, equipment, products, and construction, acceptance by the authority having jurisdiction by one (1) of the following methods:

(A) Investigation or tests conducted by recognized authorities.

(B) Investigation or tests conducted by technical or scientific organizations.

(C) Accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment, products, and construction are safe for their intended purposes.

(4) Change the definition of authority having jurisdiction to read as follows: AUTHORITY HAVING JURISDICTION means the office of the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10.

(5) Change the definition of building code to read as follows: BUILDING CODE means the Indiana Building Code, 675 IAC 13, for Class 1 structures except townhouses or the Indiana Residential Code, 675 IAC 14, for Class 2 structures and townhouses in effect at the time of the construction, addition, or alteration of the building or structure.

(6) Change the definition of certified to read as follows: CERTIFIED means approved.

(7) Change the definition of elevator to read as follows: ELEVATOR means a regulated lifting device as defined in IC 22-12-1-22.

(8) Change the definition of labeled/marked to read as follows: LABELED equipment or materials to which has been attached a label, symbol, or other identifying mark

of an organization engaged in product evaluation, that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

(9) Change the definition of listed/certified to read as follows: LISTED. Equipment or materials included in a list published by an organization engaged in product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

(10) Change the definition of regulatory authority to read as follows: REGULATORY AUTHORITY: See AUTHORITY HAVING JURISDICTION.

(g) Rule 211.3d (e) Delete the text in section 2.27.8 Switch Keys, delete the “Note” and add to the first paragraph substitute as follows: The emergency operation keys, machine room door keys, and hoistway door unlocking devices shall be placed in a heavy metal enclosure. All such keys shall be clearly identified. ~~The enclosure shall be clearly identified.~~ The enclosure shall be conspicuously located and identified by a sign stating “For Emergency Use Only”. All such enclosures shall be equipped with a seven (7) pin cylindrical lock opened by a common key SI-2. Only fire officials, ~~the authority having jurisdiction~~, and ~~general~~ the elevator inspectors ~~contractor~~ shall be permitted to retain keys for such enclosures.

(h) Part V Private Residence Elevators excepting Rule 501.2 Car Enclosure, is deleted in its entirety and the following is substituted therefor: Private residence elevators are not regulated by the Division of Elevator Safety. Such installations made in private residences, including condominium units, are exempt from the permit and inspection requirements of 675 IAC 21-1. However, the provisions of Part V are recommended for use in such installations. Rule 501.2 is applicable only to installations covered by the exception to Rule 2000.7a:

(f) Delete sections 5-3, 5-4, and 5-9 without substitution.

(g) Amend section 6.1.1.1 Protection Required to read as follows: Floor openings for escalators shall be protected against the passage of flame, heat, and/or smoke in accordance with the Indiana Building Code, 675 IAC 13.

(h) Amend subsection 6.1.2.1 Protection Required as follows:

(1) Delete “of NFPA 101, whichever is applicable (see Chapter 9)”.

(2) Delete “adequate” and insert “required”.

(i) ~~Rule 902.1~~ Amend section 6.2.1.1 Protection Required, is changed to read as follows: Where a moving walk pierces

penetrates a building floor, the opening shall be protected against the passage of flame, heat, and/or smoke in accordance with the provisions of ~~675 IAC 13~~; the Indiana Building Code, **675 IAC 13**.

(j) Rule ~~1001.1~~ Inspection and Test Periods; add an exception to read as follows:

**EXCEPTION:** The routine inspection for passenger elevators may be performed at intervals not longer than one (1) year during the five (5) year period of service following issuance of the initial operating permit. In such case, the inspection and test requirements of Rule ~~1001.2~~ shall be combined with the one (1) year inspection and test requirements of Rule ~~1002.2~~.

(k) Rule ~~1005.3~~ Three Year Inspection and Tests; delete and substitute as follows: No Requirements.

(l) Rule ~~1010.2~~ Private Residence Elevators and Lifts; delete and substitute as follows: No Requirements.

(m) Rule ~~1900.6d~~ Openings of Hoistway Doors or Gates from the Landing Side is changed to read as follows:

(1) Delete the first sentence in paragraph one and substitute as follows: Hoistway doors or gates shall be provided with means that will latch the doors or gates mechanically so that they cannot be opened from the landing side, conforming to the requirements of Rule ~~1901.1~~.

(2) Delete the first sentence in paragraph two and substitute as follows: Hoistway doors shall be provided with one of the following:

(A) interlocks conforming to the requirements of Rule ~~111.3j~~; or

(B) combination mechanical locks and electric contacts conforming to the requirements of Rule ~~111.4~~.

(n) Rule ~~2000.7a~~ Limitation of Load; Speed; and Travel; add an exception to read as follows:

**EXCEPTION:** The travel may extend to thirty feet (30') and may penetrate a floor providing the car enclosure requirements of Rule ~~501.2~~ are met.

(o) Rule ~~2001.6e~~ Obstruction Devices; add two sentences to read as follows: The lift may operate in the direction away from the obstruction. The underside obstruction device shall stop the lift only when the lift is obstructed while traveling in the down direction.

(p) Part XXI Private Residence Inclined Stairway, Chairlifts, and Inclined and Vertical Wheelchair Lifts; including Rules ~~2100~~ through ~~2102~~; is deleted in its entirety and the following is substituted therefor: Private residence inclined stairway chairlifts and inclined and vertical wheelchair lifts are not regulated by the Division of Elevator Safety. Such installations made in private residences; including condominium units; are exempt from the permit and inspection requirements of ~~675 IAC~~

~~21-1~~. However, the provisions of Part XXI are recommended for use in such installations:

(j) Amend subsection 6.2.2.1 Protection Required as follows:

(1) Delete "of NFPA 101, whichever is applicable (see Chapter 9)".

(2) Delete "adequate" and insert "required".

(k) Amend subsection 7.1.1.1 by deleting the second sentence.

(l) Amend subsection 7.1.8.2 as follows: Requirement 2.8.2.3 does not apply. Sprinklers shall be permitted in the hoistway when conforming to NFPA 13 (675 IAC 13-1). All sprinkler risers and returns shall be located outside the hoistway.

(m) Amend subsection 8.6.1.4.2 Record Availability as follows: Add "and the AUTHORITY HAVING JURISDICTION" to the end of the section.

(n) Amend subsection 8.10.1.1.1 to read as follows: A licensed inspector must conduct the acceptance inspection. A licensed inspector employed by the enforcement authority may conduct the acceptance inspection. If the enforcement authority chooses not to make this inspection, a third party licensed inspector shall make the acceptance inspection in accordance with the following:

(1) This third party licensed inspector shall sign an attestation for each test that reads, "I hereby attest under penalty for perjury that:

(A) all of the tests required by 8.10.2, 8.10.3, 8.10.4, or 8.10.5 have been completed in my presence by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(2) The third party licensed inspector that performs the acceptance inspection shall not be an employee of the elevator contractor that installed or altered the regulated lifting device or that is performing the required tests.

(o) Delete section 8.10.1.1.3 in its entirety without substitution.

(p) Delete section 8.10.5.2 in its entirety without substitution.

(q) Delete section 8.11.1.1 in its entirety without substitution.

(r) Amend section 8.11.1.1.2(a) to read as follows: A qualified inspector shall attest to the Category 1, Category 3, and

**Category 5 Periodic Test Requirements.** This qualified inspector shall sign an attestation for each test that reads, "I hereby attest under penalty for perjury that:

- (A) all of the required tests have been completed by persons qualified to perform such services; and
- (B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(s) Amend section 8.11.1.2(b) to read as follows: The owner or the owner's authorized agent shall have all of the tests required by 8.11.2, 8.11.3, 8.11.4, and 8.11.5 made by persons qualified to perform such service. For the Category 1, Category 3, and Category 5 Test Requirements, the owner or the owner's authorized agent shall have these tests attested to by a qualified inspector in the manner specified in 8.11.1.2(a).

(t) Amend section 8.11.1.3 to read as follows: The frequency of periodic inspections shall be established by the authority having jurisdiction and the frequency of periodic tests shall be as established in the Indiana Elevator Safety Code (675 IAC 21).

(u) Delete section 8.11.2.1 Periodic Inspection Requirements in its entirety without substitution.

(v) Delete section 8.11.3.1 Periodic Inspection Requirements in its entirety without substitution.

(w) Delete section 8.11.4.1 in its entirety without substitution.

(x) Delete section 8.11.5.2 in its entirety without substitution.

(y) Delete section 8.11.5.13.1 in its entirety without substitution.

- (z) In section 9, the following definitions are applicable:
- (1) Except as specified in subdivision (2), "latest edition" means the edition that is in effect on October 1, 2002.
  - (2) For those codes that are adopted in this article, "latest edition" means the edition that has been adopted into this article.

(aa) Delete the following appendices without substitution:

- (1) Appendix D.
- (2) Appendix E.
- (3) Appendix H.
- (4) Appendix J.
- (5) Appendix K.
- (6) Appendix L.
- (7) Appendix M.
- (8) Appendix O.

(bb) Appendix N is adopted and amended as follows: In Table N1, delete without substitution, both columns under Periodic Inspections.

(cc) The following appendices are adopted:

- (1) Appendix A.
- (2) Appendix B.
- (3) Appendix C.
- (4) Appendix F.
- (5) Appendix G.
- (6) Appendix I.

(Fire Prevention and Building Safety Commission; 675 IAC 21-3-2; filed Aug 30, 1985, 11:52 a.m.: 9 IR 41, eff Oct 1, 1985; filed Nov 14, 1986, 9:22 a.m.: 10 IR 873, eff Jan 1, 1987; filed Sep 27, 1989, 4:30 p.m.: 13 IR 288; filed Feb 23, 1995, 11:00 a.m.: 18 IR 1832; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1087)

SECTION 9. 675 IAC 21-4-1 IS AMENDED TO READ AS FOLLOWS:

## 675 IAC 21-4-1 Adoption by reference

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. That certain document being titled as ANSI A10.4, ~~1981~~, **1990, American National Standard Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations**, published by the American National Standards Institute, 1430 Broadway, New York, New York 10018, be and the same **National Safety Council, 444 North Michigan Avenue, Chicago, Illinois 60611**, is hereby adopted by reference and made a part of this section as if fully set out herein, save and except those additions, deletions, and amendments as are made in the following sections ~~section 2~~ of this rule. (~~675 IAC 21-4~~). (Fire Prevention and Building Safety Commission; 675 IAC 21-4-1; filed Aug 30, 1985, 11:52 a.m.: 9 IR 42, eff Oct 1, 1985; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1090)

SECTION 10. 675 IAC 21-4-2 IS AMENDED TO READ AS FOLLOWS:

## 675 IAC 21-4-2 Amendments to adopted standard

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13-2-10; IC 22-14; IC 22-15-5; IC 25-31; IC 25-4

Sec. 2. (a) Section 6.2 Door Locking Devices; add a new sentence at the end of the first paragraph as follows: Every landing door shall be provided with an electric contact device to prevent operation of the hoist when the mechanical locking device is in an unlocked position: Explanatory material, in the form of notes, that is not part of a table, figure, or graph, is not a part of this standard and is not enforceable as part of this Indiana Elevator Safety Code.

(b) Section 30 Revision of American National Standards referred to in this document, is deleted in its entirety. Delete section 1.3, Exceptions, without substitution.

(c) Delete section 2, References, without substitution.

(d) In section 3, Definitions, make the following changes:

(1) Change the definition of APPROVED to read as follows: APPROVED means as to materials, equipment, and types of construction, acceptance by the authority having jurisdiction by one (1) of the following methods:

- (1) Investigation or tests conducted by recognized authorities.
- (2) Investigation or tests conducted by technical or scientific organizations.
- (3) Accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment and types of construction are safe for their intended purpose.

(2) Add the following definitions:

**AUTHORITY HAVING JURISDICTION** means the office of the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10.

**ENFORCING AUTHORITY** means the office of the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10.

**GOVERNING AUTHORITY** means the office of the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10.

**DESIGN PROFESSIONAL** means an architect registered under IC 25-4 or a professional engineer registered under IC 25-31.

(e) Amend section 4 to read as follows: Permanent passenger or freight elevators under construction, modification, or demolition may be used for carrying workers or materials or both provided that the elevators are approved for such use by the authority having jurisdiction in accordance with IC 22-15-5 and the Indiana Elevator Safety Code.

(f) In subsection 5.4.3, delete “qualified professional engineer” and “qualified engineer” and insert “design professional” for each.

(g) In subsection 8.1.3, make the following changes:

(1) Delete “American National Standard National Electrical Code, ANSI/NFPA 70-1990” and insert “the Indiana Electrical Code (675 IAC 17)”.

(2) In the last sentence, delete “ANSI/NFPA 70-1990” and insert “the Indiana Electrical Code (675 IAC 17)”.

(h) In subsection 14.3.1, delete “Part II, section 201, Rule 201.4 of ANSI/ASME A17.1-1987” and insert “section 2.22.4 of ANSI/ASME A17.1-2000 as adopted by the Indiana Elevator Safety Code”.

(i) In subsection 24.3.1, make the following change: In the last sentence, delete “ANSI/NFPA 70-1990” and insert “the Indiana Electrical Code (675 IAC 17)”.

(j) In subsection 24.4, make the following change: delete “ANSI/NFPA 70-1987” and insert “the Indiana Electrical Code (675 IAC 17)”.

(k) In subsection 26.1.1, in the second sentence, delete “A similar inspection” and insert “An acceptance inspection”.

(l) In subsection 26.1.2, make the following amendments:

(1) In the title, delete “Initial and Periodic Installation”.

(2) Delete the first paragraph and insert the following: A licensed inspector must conduct the acceptance inspection and witness the full load tests required by 26.1.1. A licensed inspector employed by the authority having jurisdiction may conduct the acceptance inspection and witness these full load tests. If the authority having jurisdiction chooses not to make this inspection and witness this test, a third party licensed inspector shall conduct the required acceptance inspection and witness the full load test.

(3) In the third paragraph, delete “can be performed by state, local, licensed authority or the manufacturer.” and insert “may be performed by a licensed inspector employed by the authority having jurisdiction. If the authority having jurisdiction chooses not to make this inspection, it shall be performed by a third party licensed inspector”.

(4) In the fourth paragraph, insert a period after “equipment” and delete “in the presence of an inspector employed by the enforcement authority” and insert “The enforcement authority may require that these tests be conducted in the presence of a licensed inspector employed by the enforcement authority. If the enforcement authority chooses not to be present for these tests, the tests shall be performed in the presence of a third party licensed inspector.”.

(m) In subsection 26.1.3, add the following at the end of the sentence: The owner or the owner’s authorized agent shall have all of the required acceptance tests made by persons qualified to perform such service. The enforcement authority may require that the acceptance tests be performed in the presence of a licensed inspector employed by the enforcement authority. If the enforcement authority chooses not to be present, then these tests shall be per-

formed in the presence of a third party licensed inspector. The third party licensed inspector shall not be an employee of the elevator contractor that installed or altered the regulated lifting device or that is performing the required tests. The third party licensed inspector shall sign an attestation for each test that reads, "I hereby attest under penalty for perjury that:

(A) all of the required acceptance tests have been completed in my presence by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(n) In section 26.3, delete "Part X, Section 1000, Rule 1000.3 of ANSI/ASME A17.1-1988" and insert "Section 8.10.2.2.5(c) of ANSI/ASME A17.1-2000 as adopted by the Indiana Elevator Safety Code (675 IAC 21)".

(o) Delete subsections 26.4.1 and replace it with the following: **26.4.1 Periodic Inspections.** Periodic inspections shall be made by an inspector employed by the governing authority. The governing authority shall establish the frequency of these periodic inspections.

(p) Delete subsection 26.4.2 and replace it with the following: **26.4.2 General Requirements for Periodic Tests.**

(1) Periodic tests shall be attested to by a qualified inspector.

(2) The qualified inspector identified in 26.4.2(1) shall sign an attestation for each periodic test for each regulated lifting device that reads, "I hereby attest under penalty for perjury that:

(A) all of the periodic tests required by this standard have been completed by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(3) The owner or the owner's authorized agent shall have all of the required periodic tests made by persons qualified to perform such service and shall have these tests attested to by a qualified inspector in the manner specified in 26.4.2(2).

(q) Delete subsection 26.4.3 and replace it with the following: **26.4.3 Frequency of Periodic Tests.** Periodic tests of hoists shall be made at intervals not to exceed three (3) months.

(r) In subsection 26.4.4, in the title, delete "Inspections and".

(s) In subsection 26.4.5, in the title, delete "Inspections and".

(t) In subsection 26.4.6, in the title, delete "Inspection" and insert "Test".

(u) In subsection 26.4.7, in the title, delete "Inspection" and insert "Test".

(v) In subsection 26.5, in the last sentence, delete "and" and insert "but the installation must be".

(w) Delete section 29 in its entirety without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 21-4-2; filed Aug 30, 1985, 11:52 a.m.: 9 IR 42, eff Oct 1, 1985; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1090*)

SECTION 11. 675 IAC 21-5-1 IS AMENDED TO READ AS FOLLOWS:

### 675 IAC 21-5-1 Adoption by reference

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. That certain document, being titled as ANSI A90.1, 1985, 1997, Safety Standard for Belt Manlifts, published by the American Society of Mechanical Engineers, 345 East 47th Street, Three Park Avenue, New York, New York 10017, be and the same 10016, is hereby adopted by reference and made a part of this section as if fully set out herein, save and except section 1.4, Exceptions which is deleted in its entirety: those additions, deletions, and amendments as are made in section 3 of this rule. (*Fire Prevention and Building Safety Commission; 675 IAC 21-5-1; filed Aug 30, 1985, 11:52 a.m.: 9 IR 43, eff Oct 1, 1985; filed Sep 27, 1989, 4:30 p.m.: 13 IR 290; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1092*)

SECTION 12. 675 IAC 21-5-3 IS ADDED TO READ AS FOLLOWS:

### 675 IAC 21-5-3 Amendments to adopted standard

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13-2-10; IC 22-14; IC 22-15

Sec. 3. (a) Explanatory material, in the form of notes, that is not part of a table, figure, or graph, is not a part of this standard and is not enforceable as part of the Indiana Elevator Safety Code (675 IAC 21).

(b) In section 1.2 Purpose, delete the second sentence.

(c) In section 1.3 Application, revise (c) to read as follows: This standard applies to new installations. Existing belt manlifts shall be inspected, tested and maintained in accordance with the code or standard in effect at the time of installation and the manufacturer's instructions.

(d) Delete paragraph 1.4, Exceptions, without substitution.

(e) In section 2 References, add the following: When the term ANSI/NFPA 70-1984 is used it shall mean the Indiana Electrical Code (675 IAC 17).

(f) In section 3, Definitions, add the following definitions: INDIANA ELECTRICAL CODE means the Electrical Code in effect in Indiana at the time of construction, installation, remodeling, or alteration of the equipment.

(g) In paragraph 8.1, Acceptance and Annual Tests, delete the Note and the first sentence and insert the following:

(A) On completion of the manlift installation, an acceptance test shall be performed by the owner, manufacturer, or installer (under no circumstances shall be humans be used as weights for testing). The enforcement authority may require that these tests be conducted in the presence of a licensed inspector employed by the enforcement authority. If the enforcement authority chooses not to be present at these tests, these tests shall be conducted in the presence of a third party licensed inspector. The third party licensed inspector shall not be an employee of the elevator contractor that installed or altered the regulated lifting device or that is performing the required tests. The third party licensed inspector shall sign an attestation for each test that reads, "I hereby attest under penalty for perjury that:

- (1) all of the required acceptance tests have been completed in my presence by persons qualified to perform such services; and
- (2) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(B) The same series of tests as outlined in this paragraph shall be performed by the owner annually. These annual tests shall be attested to by a qualified inspector. This qualified inspector shall sign an attestation for each annual test of each manlift that reads, "I hereby attest under penalty for perjury that:

- (1) all of the required tests have been completed by persons qualified to perform such services; and
- (2) the manlift conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(h) In paragraph 8.2, Periodic Inspection, in the title delete "Periodic" and insert "Routine".

(i) In subsection 8.2.1, Frequency, add the following sentence at the end of the subsection: A qualified inspector shall attest to these tests. This qualified inspector shall sign an attestation for each test of each manlift that reads, "I

hereby attest under penalty for perjury that:

- (1) all of the required tests have been completed by persons qualified to perform such services; and
- (2) the manlift conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(j) In subsection 8.2.2, delete "periodic" and insert "routine".

(k) Appendices A and B of this standard are not adopted, are not enforceable, and are for guidance purposes only. (*Fire Prevention and Building Safety Commission; 675 IAC 21-5-3; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1092*)

SECTION 13. 675 IAC 21-8 IS ADDED TO READ AS FOLLOWS:

#### Rule 8. Platform and Stairway Chair Lifts

##### 675 IAC 21-8-1 Adoption by reference

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. That certain document, being titled as ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016, is hereby adopted by reference and made a part of this rule as if fully set out herein, save and except those additions, deletions, and amendments as are made in section 2 of this rule. (*Fire Prevention and Building Safety Commission; 675 IAC 21-8-1; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1093*)

##### 675 IAC 21-8-2 Amendments to adopted code

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13-2-10; IC 22-14; IC 22-15

Sec. 2. (a) In section 1.1.1, change the fourth sentence to read as follows: Except as specifically allowed in 2.7.1, the device shall not penetrate more than one (1) floor.

(b) Delete section 1.1.4 Effective Date, in its entirety without substitution.

(c) In section 1.2, Purpose and Exceptions, delete the third paragraph in its entirety without substitution.

(d) In section 1.3 Definitions, change the definitions to read as follows:

APPROVED means, as to materials, equipment, products, and construction, acceptance by authority having jurisdiction by one (1) of the following methods:

- (A) Investigation or tests conducted by recognized authorities.

(B) Investigation or tests conducted by technical or scientific organizations.

(C) Accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment, products, and construction are safe for their intended purposes.

**AUTHORITY HAVING JURISDICTION** means the office of the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10.

**BUILDING CODE** means the Indiana Building Code (675 IAC 13), for Class 1 structures except townhouses or the Indiana Residential Code (675 IAC 14), for Class 2 structures and townhouses in effect at the time of the construction, addition, or alteration of the building or structure.

**CERTIFIED** means approved.

**LABELED** equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation, that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate stands or performance in a specified manner.

**LISTED** means equipment or materials included in a list published by an organization engaged in product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

**ELECTRICAL CODE** means the Indiana Electrical Code (675 IAC 17) in effect at the time of construction, installation, remodeling, or alteration of the equipment.

(e) Add a new paragraph to section 1.4 to read as follows: Where ANSI A117.1-1986 is used in this standard, it shall mean Chapter 11 of the Indiana Building Code (675 IAC 13). Where ANSI/NFPA 70 is used, it shall mean the Indiana Electrical Code (675 IAC 17). Where the term “building code” is used, it shall mean the Indiana Building Code (675 IAC 13). In Table 1.4-1, “latest edition” means the edition that is in effect on October 1, 2002, except that for those codes that are adopted in this article, “latest edition” means the edition that has been adopted into this article.

(f) Amend section 2.3.1.6 by adding a third paragraph to read as follows: If a winding drum is used, it shall have no more than one (1) layer of cable.

(g) Amend the third sentence in section 2.7.1 to read: The travel shall not exceed thirty (30) feet, and may penetrate more than one (1) floor.

(h) Amend section 2.11.3 to read as follows: If the audible signaling device(s), or the means of two-way conversation, or both, are connected to the building power supply, they shall automatically transfer to a source of standby or emergency power upon failure of the normal power supply. This standby or emergency power source shall be capable of providing for the operation of the audible signaling device and illumination of the alarm switch for at least one (1) hour, and the means of two-way conversation for at least four (4) hours.

(i) In section 10, delete “Routine” in the title and in the following paragraph.

(j) Delete section 10.1.1 and insert the following: 10.1.1. Periodic inspections. Periodic inspections shall be made by the authority having jurisdiction at a frequency determined by the authority having jurisdiction.

(k) Amend the title of section 10.1.2 to delete “Inspections and”.

(l) Amend section 10.1.2.1 to read as follows: The one-year test requirements under 10.3.1, the three-year test requirements under 10.3.2, and the five-year test requirements under 10.3.3 shall be attested to by a qualified inspector. This qualified inspector shall sign an attestation for each test that reads, “I hereby attest under penalty for perjury that:

(A) all of the tests required by 10.3.1, 10.3.2, or 10.3.3 have been completed by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration.”.

(m) Amend section 10.1.2.2 to read as follows: The owner or his/her authorized agent shall have all of the tests required by paragraph 10.3 made by a person qualified to perform such service.

(n) Delete section 10.1.2.3 without substitution.

(o) Amend section 10.1.3.1 to read as follows: A licensed inspector must conduct the acceptance inspection. A licensed inspector employed by the enforcement authority may conduct the acceptance inspection. If the enforcement authority chooses not to make this inspection, a third party licensed inspector shall make the acceptance inspection in accordance with the following:

(1) This third party inspector shall sign a attestation for each test that reads, “I hereby attest under penalty for perjury that:

(A) all of the tests required by paragraphs 10.4 or 10.5 have been completed in my presence by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration.”.

(2) The third party licensed inspector that performs the acceptance inspection shall not be an employee of the elevator contractor that installed or altered the regulated lifting device or that is performing the required tests.

(p) Amend section 10.1.3.2 to read as follows: The person installing or altering the equipment shall perform all of the tests required by paragraphs 10.4 or 10.5 in the presence of the enforcement authority or a qualified inspector.

(q) Delete section 10.1.3.3 without substitution.

(r) Delete section 10.2.1 without substitution.

(s) Amend section 10.2.2 to read as follows: Routine inspections and tests shall include where applicable the following:.

(t) In paragraph 10.3, delete “Inspections and” in the title and amend the following paragraph to read as follows: Periodic Tests Periods. In addition to the routine inspections and tests identified in paragraph 10.2, the applicable inspections and tests specified in paragraph 10.3.1 shall be performed in intervals not longer than one (1) year, the applicable inspections and tests specified in paragraph 10.3.2 shall be made at intervals not longer than three (3) years and the applicable inspections and tests specified in paragraph 10.3.3 shall be made at intervals not longer than five (5) years. (*Fire Prevention and Building Safety Commission; 675 IAC 21-8-2; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1093*)

SECTION 14. THE FOLLOWING ARE REPEALED: 675 IAC 21-1-2; 675 IAC 21-1-2.1; 675 IAC 21-1-3; 675 IAC 21-1-4; 675 IAC 21-1-6; 675 IAC 21-1-8; 675 IAC 21-2; 675 IAC 21-6; 675 IAC 21-7.

*LSA Document #01-430(F)*

*Notice of Intent Published: 25 IR 1197*

*Proposed Rule Published: March 1, 2002; 25 IR 2031*

*Hearing Held: May 15, 2002 and July 2, 2002*

*Approved by Attorney General: November 18, 2002*

*Approved by Governor: November 26, 2002*

*Filed with Secretary of State: December 3, 2002, 3:05 p.m.*

*Incorporated Documents Filed with Secretary of State: None*

## TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #02-51(F)

### DIGEST

Amends 675 IAC 13-1-8, NFPA 13, 1999 Edition and 675 IAC 13-1-10, NFPA 20, 1999 Edition to revise, clarify, and correct miscellaneous technical and editorial provisions. Effective 30 days after filing with the secretary of state.

#### 675 IAC 13-1-8

#### 675 IAC 13-1-10

SECTION 1. 675 IAC 13-1-8, AS AMENDED AT 25 IR 1166, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

#### 675 IAC 13-1-8 NFPA 13; installation of sprinkler systems

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 8. (a) Standard for the Installation of Sprinkler Systems, NFPA 13, 1999, published by National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 is adopted by reference except as revised hereafter.

(b) NFPA 11A, NFPA 22, NFPA 24, NFPA 40, NFPA 86C, NFPA 214, and NFPA 703 are not adopted, are not enforceable, and are referenced for information purposes only.

(c) Amend section 1-2 to read as follows: 1-2 Purpose. The purpose of this standard is to provide a reasonable degree of protection for life and property from fire through standardization of design, installation, and testing requirements for sprinkler systems based upon sound engineering principles, test data, and field experience. For alternate materials, methods, and design, see the General Administrative Rules (675 IAC 12-6-11).

(d) Delete section 1-3 in its entirety.

(e) Amend the following definitions in subsection 1-4.1 to read as follows:

APPROVED means, as to materials, equipment, and types of construction, acceptance by the authority having jurisdiction by one (1) of the following methods: investigation or tests conducted by recognized authorities; or investigation or tests conducted by technical or scientific organizations; or accepted principles. The investigation, tests, or principles shall establish that the materials, equipment, and types of construction are safe for their intended purpose.

AUTHORITY HAVING JURISDICTION means the state building commissioner, the state fire marshal, or an officer of a local unit of government empowered by law to administer and enforce the rules of the commission. For the purposes of Industrialized Building Systems (675 IAC 15), authority having jurisdiction means the state building commissioner.

LISTED means equipment or materials included in a list published by an organization engaged in product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

(f) Add the following definitions to subsection 1-4.1 to read as follows:

**BUILDING CODE** is the building code in effect in Indiana at the time of construction, remodeling, alteration, addition, or repair of a structure.

**FIRE CODE** is the fire code in effect in Indiana at the time of construction, remodeling, alteration, addition, or repair of a structure.

**LABELED.** Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

**NFPA 70** means the Indiana Electrical Code (675 IAC 17).

**NFPA 72** means the National Fire Alarm Code (675 IAC 22-2.2-17).

(g) Amend the following definitions in subsection 1-4.2 to read as follows:

**DWELLING UNIT** means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the Indiana Building Code (675 IAC 13), for not more than one (1) family, or a congregate residence for ten (10) or fewer persons. For purposes of this standard, dwelling unit includes hotel rooms, dormitory rooms, apartments, condominiums, sleeping rooms in nursing homes, and similar living units.

**SHOP WELDED.** As used in this standard, shop, in the term shop welded, means either of the following:

- (1) At a sprinkler contractors' or fabricators' premises.
- (2) In an area specifically designed for such work, such as a detached outside location, maintenance shop, or other area of noncombustible or fire-resistive construction free of combustible and flammable contents and segregated from adjacent areas.

(h) Amend the following definition in subsection 1-4.8 as follows: **SHELF-STORAGE** means storage on shelves less than thirty (30) inches (seven hundred sixty-two (62) *[sic.]* millimeters) ~~(762 mm)~~ deep with the distance between shelves not exceeding three (3) feet (nine hundred fourteen (914) millimeters) ~~(914 mm)~~ vertically. **There shall be a minimum of thirty (30) inches (seven hundred sixty-two (762) millimeters) aisle width between shelf rows.**

(i) Delete the last sentence of subsection 1-6.2.

(j) Delete the text of Chapter 2 and substitute to read as follows: **Commodity and occupancy classification shall be as set forth in Article 81 of the Indiana Fire Code (675 IAC 22-2.2); sections 2-2.3 through 2-2.4.3.**

(k) Amend Exception No. 3 in subsection 3-8.1.1 to read as follows: A nonindicating valve, such as an underground gate valve with an approved roadway box complete with T-wrench, acceptable to the water purveyor shall be permitted.

(l) Amend subsection 3-9.1 to read as follows: The fire department connection(s) shall be internal threaded swivel fitting(s) having threads compatible with those of the local fire department.

(m) Delete subsection 4-5.1.

(n) Amend the first sentence of subsection 4-6.1.6 to read as follows: Materials added to water shall not adversely affect the fire fighting properties of the water.

(o) Amend subsection 4-9.1 to read as follows: In cooking areas protected by automatic sprinklers, additional sprinklers or automatic spray nozzles shall be provided to protect commercial-type ventilation systems that are designed to carry away grease-laden vapors as required by the Indiana Mechanical Code (675 IAC 18).

(p) Delete subsection 4-9.8.3 and substitute as follows: See the Indiana Mechanical Code (675 IAC 18) for shut off requirements.

(q) Amend subsection 5-2 by deleting "NFPA Standards" in two (2) places and substituting "rules of the commission as applicable".

(r) Amend subsection 5-4.5.1 by inserting ", sleeping rooms in health care facilities" after the words "dwelling units".

(s) Amend subsection 5-4.6.3 to read as follows: ESFR sprinklers shall be permitted for use in buildings with unobstructed or obstructed construction. Where depths of the solid structural members (beams, stems, etc.) exceed twelve (12) inches (three hundred four (304) mm). ESFR sprinklers shall be installed in each channel formed by the solid structural members. Minimum sprinkler spacing and area coverage shall comply with 5-11.2.3 and 5-11.3.4.

(t) Delete Exception 1 in subsection 5-5.6.

(u) Delete the Exception in subsection 5-6.6.

(v) Delete the Exception in subsection 5-8.6.

(w) Amend subsection 5-13.4 Exception 2(b) by deleting "NFPA 101 Life Safety Code" and substituting "applicable rules of the Commission".

(x) Amend the exception to subsection 5-13.6.3 to read as follows: Exception: Sprinklers are not required at the tops of noncombustible hoistways of passenger elevators whose car enclosure materials meet the requirements of the Indiana Safety Code for Elevators, Escalators, Manlifts, and Hoists (675 IAC 21).

(y) Delete the second sentence of subsection 5-14.2.6.1.

(z) Amend subsection 5-15.5.1.1 in two (2) places:

(1) delete “lines” and substitute “connections”.

(2) after the words “Hose System”, add “675 IAC 13”.

(aa) Amend subsection 5-16.1 by adding “675 IAC 22-2.2-6” after “materials”.

(bb) Delete sections 5-17 and 5-18 without substitution.

(cc) Amend subsection 5-19.1 by adding “675 IAC 22-2.2-10” after “Processes”.

(dd) Delete section 5-20 without substitution.

(ee) Amend section 5-21 by adding “675 IAC 13” in two (2) places:

(1) in 5-21.1 after “equipment”; and

(2) in 5-21.2 after “NFPA 82” and before “shall be used”.

(ff) Delete section 5-22 without substitution.

(gg) Delete sections 5-23, 5-24, 5-25, 5-26, 5-27, 5-28, 5-29, 5-30, and 5-31 without substitution.

(hh) Amend subsection 6-1.1 as follows:

(1) Add to the second line of Exception 1 after “engineer” and before “to”, the following: “or architect”.

(2) Delete, in the last paragraph of Exception 1, “when required by the reviewing authority” and substitute to read as follows: to the office of the state building commissioner as required by the General Administrative Rules (675 IAC 12-6).

(ii) Amend subsection 6-3.3.1.2 by deleting the words “by the authority having jurisdiction” from the exception.

(jj) Amend the first sentence of subsection 6-4.1 to read as follows: Sprinkler systems shall be protected to prevent pipe breakage where subject to earthquakes in accordance with the requirements of 6-4 and the Indiana Building Code (675 IAC 13) except where alternative methods of providing earthquake protection of sprinkler systems is based on a dynamic seismic analysis certified by a design professional, such that system performance will be at least equal to that of the building structure under expected seismic forces.

(kk) Delete the exception in subsection 6-4.5.6 without substitution.

(ll) Amend the subsection 6-4.5.8 as follows:

(1) Amend the exception to read as follows: Exception: Other pipe schedules and materials not specifically included in Table 6-4.5.8 shall be permitted to be used if certified by a registered professional engineer or architect to support the loads determined in accordance with the above criteria. Calculations shall be submitted to the office of the state building commissioner as required by the General Administrative Rules (675 IAC 12-6).

(2) In Table 6-4.5.8, change the second slenderness ratio for pipe (Schedule 40) from 200 to 100.

(mm) Amend subsection 6-4.5.9 Exception 2 to read as follows: Other fastening methods are acceptable for use if certified by a registered professional engineer or architect to support the loads determined in accordance with the criteria in 6-4.5.9.

(nn) Amend subsection 7-9.2.2 as follows:

(1) After the last word “criteria”, insert “, but not less than to provide a minimum of .01 gpm/per sq ft over the design area”.

(2) Add an exception to read as follows: Exception: For modification or alteration to existing systems equipped with residential sprinklers, the listed discharge criteria shall be permitted to be used.

(oo) Amend subsection 7-9.4.1 by deleting “NFPA Standards” and substituting “rules of the Fire Prevention and Building Safety Commission”.

(pp) Amend subsection 7-9.4.2.1 by deleting “NFPA standards” and substituting “rules of the Fire Prevention and Building Safety Commission”.

(qq) Amend subsection 7-9.4.2.2 by deleting from the last sentence “NFPA Standards” and substituting “rules of the Fire Prevention and Building Safety Commission”.

(rr) Amend subsection 7-9.5.1 by deleting “NFPA Standards” and substituting “rules of the Fire Prevention and Building Safety Commission”.

(ss) Delete subsections 7-10.1 and 7-10.2 and substitute the following:

(1) Flammable and combustible liquids: See Article 79 in the Indiana Fire Code (675 IAC 22-2.2).

(2) Aerosol products: See Article 88 in the Indiana Fire Code (675 IAC 22-2.2).

(tt) Amend subsection 7-10.3.1 by adding “675 IAC 22-2.2-6” after “Materials”.

(uu) Delete subsections 7-10.4, 7-10.5, 7-10.6, and 7-10.7 without substitution.

(vv) Amend subsection 7-10.8.1 by adding “675 IAC 22-2.2-10” after “Processes”.

(ww) Amend subsection 7-10.9.1 by adding “675 IAC 22-2.2-11” after “Plants”.

(xx) Amend subsection 7-10.9.2 to read as follows: The need for automatic water spray system protection for acetylene cylinder charging manifolds and cylinder storage areas shall be determined by the building code (675 IAC 13). Where automatic water spray systems are installed, they shall be in accordance with NFPA 15, Standard for Water Spray Fixed Systems for Fire Protection (675 IAC 22-2.2-4).

(yy) Delete subsection 7-10.10 in its entirety without substitution.

(zz) Amend subsection 7-10.11.1 by adding “675 IAC 22-2.2-15” after “Plants”.

(aaa) Amend subsection 7-10.12.1 by adding “675 IAC 22-2.2-16” after “Gas”.

(bbb) Amend subsection 7-10.13.1 to read as follows: Ventilation control and Fire Protection of Commercial Cooking Operations shall be in accordance with the Indiana Mechanical Code (675 IAC 18).

(ccc) Delete sections 7-10.14, 7-10.15, 7-10.16, 7-10.17, 7-10.18, 7-10.19, 7-10.20, 7-10.21, 7-10.22, 7-10.23, 7-10.24, 7-10.25, 7-10.26, and 7-10.27 without substitution.

(ddd) Delete section 8-1 in its entirety and substitute to read as follows: Plans and specifications shall be filed as required by the General Administrative Rules (675 IAC 12).

(eee) Amend subsection 8-4.1 by deleting from the last sentence “standards” and substituting “rules of the Fire Prevention and Building Safety Commission”.

(fff) Amend the footnote to Table 8-4.4.5 by deleting “is permitted to consider” and substituting “may approve”.

(ggg) Amend section 8-6 to read as follows: Open sprinkler and deluge systems shall be hydraulically calculated.

(hhh) ~~Delete~~ Amend subsection 9-1.7 ~~without substitution.~~ to read as follows: **Where meters are provided, they shall be listed.**

(iii) Amend subsection 9-1.8 to read as follows: Where equipment is installed to guard against possible contamination of the water supply system, such equipment and devices shall be listed for fire protection service.

(jjj) Amend subsection 9-2.1 to read as follows: A connection to a water purveyors distribution system shall be an acceptable water supply source. The volume and pressure of a public water supply shall be determined from waterflow test data.

(kkk) Amend subsection 9-2.3.1.1 to read as follows: An

approved pressure tank shall be an acceptable water supply source.

(III) Amend subsection 9-2.4 to read as follows: An approved elevated tank shall be an acceptable water supply source.

(mmm) Amend section 10-1(1) to read as follows: Notify the owner’s representative of the time and date testing will be performed.

(nnn) Amend the Contractors’ Material and Test Certificate for Aboveground Piping as follows:

(1) Delete from the second paragraph of Procedure “approving authorities” in two (2) places.

(2) Delete the Plans category.

(ooo) Amend the Contractors’ Material and Test Certificate for Underground Piping as follows:

(1) Delete from the second paragraph of Procedure “approving authority” in two (2) places.

(2) Delete the Plans category.

(ppp) Delete Chapter 11 in its entirety.

(qqq) Amend section 12-1 by deleting everything after the words “Protection Systems” and substitute “675 IAC 22-2.2-5”.

(rrr) Delete Chapter 13 in its entirety. (*Fire Prevention and Building Safety Commission; 675 IAC 13-1-8; filed Sep 5, 1986, 9:22 a.m.: 10 IR 14; filed Oct 2, 1989, 4:25 p.m.: 13 IR 291; filed Aug 15, 1997, 8:54 a.m.: 21 IR 94; filed Nov 14, 2001, 4:55 p.m.: 25 IR 1166; filed Nov 25, 2002, 9:10 a.m.: 26 IR 1095*)

SECTION 2. 675 IAC 13-1-10, AS AMENDED AT 25 IR 1172, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

### **675 IAC 13-1-10 NFPA 20; installation of stationary pumps for fire protection**

**Authority:** IC 22-13-2-2; IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 10. (a) Standard for the Installation of Stationary Pumps for Fire Protection, NFPA 20, 1999, published by National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 is adopted by reference except as revised hereafter.

(b) The following documents referenced in NFPA 20 are not adopted, are not enforceable, and are for information purposes only:

(1) NFPA 24, and NFPA 110.

(2) Hydraulic Institute Standards for Centrifugal, Rotary, and Reciprocating Pumps.

(3) NEMA Standards.

(4) SAE Standards, J-1349.

(5) ANSI/IEEE C62.1, C62.11, C62.41.

(6) ASTM-E.380.

(c) Delete the last sentence of subsection 1-2.1 and substitute to read as follows: For alternate methods, materials, and design, see the General Administrative Rules (675 IAC 12-6-11).

(d) Delete subsection 1-2.2 in its entirety without substitution.

(e) Delete subsection 1-4.3 and substitute the following: Plans and specifications shall be filed as required by the General Administrative Rules (675 IAC 12-6).

(f) Delete subsection 1-5 without substitution.

(g) Change the last sentence of section 1-7 to read as follows: The purchaser shall furnish this data to the authority having jurisdiction when requested.

(h) Amend the following definitions in section 1-8 to read as follows:

APPROVED means, as to materials, equipment, and types of construction, accepted by the authority having jurisdiction by one (1) of the following methods: investigation or tests conducted by recognized authorities; or investigation or tests conducted by technical or scientific organizations; or accepted principles. The investigation, tests, or principles shall establish that the materials, equipment, and types of construction are safe for their intended purpose.

AUTHORITY HAVING JURISDICTION means the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission. For the purposes of Industrialized Building Systems (675 IAC 15), authority having jurisdiction means the state building commissioner.

LISTED. Equipment or materials included in a list published by an organization engaged in product evaluation that maintains periodic inspection or production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

(i) Add the following definitions to section 1-8 to read as follows:

NFPA 13, Installation of Sprinkler Systems means 675 IAC 13-1-8.

NFPA 70, National Electrical Code means the Indiana Electrical Code (675 IAC 17).

TESTING LABORATORY means an independent nationally recognized testing laboratory or other organization listed in the General Administrative Rules (675 IAC 12-6-11).

(j) Delete, in section 1-8, the definition of Aquifer.

(k) Delete subsection 1-8.1 in its entirety without substitution.

(l) Delete subsection 2-1.1 in its entirety without substitution.

(m) Delete subsection 2-1.2 in its entirety without substitution.

(n) Amend subsection 2-2.3 to read as follows: Dual-drive pump units shall not be used.

(o) Delete, in section 2-3, the last sentence of the first paragraph.

(p) Amend Exception No. 2 to subsection 2-7.1.1 to read as follows: In buildings protected with an automatic sprinkler system installed in accordance with NFPA 13 (675 IAC 13-1-8), the separation requirement may be reduced to 1-hour fire-rated construction.

(q) Amend subsection 2-8.4 to read as follows: Torch-cutting or welding in the pump house shall be permitted as a means of modifying or repairing pump house piping when it is performed in accordance with NFPA 51B (675 IAC 22-2.2-12).

(r) Amend Exception No. 2 to subsection 2-9.9(a) to read as follows: Check valves and backflow prevention devices and assemblies shall be permitted where required by the water purveyor.

(s) Amend the last sentence of subsection 2-10.2 to read as follows: All pump discharge pipe shall be hydrostatically tested in accordance with NFPA 13 (675 IAC 13-1-8).

(t) Amend subsection 2-14.3.2 to read as follows: Hose valve(s) shall have threads that are compatible with the local fire department hose threads.

(u) Delete subsection 2-14.3.2, Exception without substitution.

(v) Delete subsection 2-21.4 without substitution.

(w) Delete subsection 2-22.1 and substitute to read as follows: The fire pump, driver, diesel fuel tank, and the fire pump controller shall resist lateral loads as required by the Building Code (675 IAC 13).

(x) Amend subsection 4-2.1.1 to read as follows: The water supply shall have the capacity to supply one hundred fifty percent (150%) of the system that it serves as the system design. **be in accordance with Chapter 4.**

(y) Amend subsection 4-2.1.2 by deleting "satisfactory" in two (2) places.

(z) Amend the third sentence of subsection 4-2.7 to read as follows: The test shall be witnessed by a representative of the customer and contractor as required.

(aa) Amend subsection 4-3.3.2 by deleting "suitable" and substituting "approved".

(bb) Amend the first sentence of subsection 4-4.2 to read as follows: The driver shall be screened or enclosed and protected against tampering.

---

## Final Rules

---

(cc) Amend the first and second sentences of subsection 4-5.1.3.1 to read as one (1) sentence as follows: Gear drives and flexible connecting shafts shall be of the vertical hollow-shaft type.

(dd) Amend subsection 7.5.4 by deleting from the exception “or where the authority having jurisdiction has required manual shutdown”.

(ee) Delete section 7-7 without substitution.

(ff) Amend subsection 7-8.1.1 by deleting “by the authority having jurisdiction”.

(gg) Amend subsection 8-1.2 to read as follows: Spark-ignited internal combustion engines shall not be used. This restriction shall not be interpreted to exclude gas turbine engines as future pump drivers.

(hh) Delete subsection 8-4.1 and substitute the following: Plans and specifications shall be filed as required by the General Administrative Rules (675 IAC 12).

(ii) Amend the first sentence of subsection 8-4.5 to read as follows: Diesel fuel supply tanks shall be located aboveground in accordance with the Indiana Fire Code (675 IAC 22) and shall not be buried.

(jj) Amend the exception to subsection 9-5.2.6 to read as follows: Automatic shutdown shall not be permitted where the pump constitutes the sole source of supply of a fire sprinkler or standpipe system.

(kk) Delete subsection 9-6.7.4 without substitution.

(ll) Amend the last sentence of subsection 9-6.13 to read as follows: Manual shutdown shall also be provided.

(mm) Delete **the text in** subsection 11-2.2 in its entirety **without substitution; and substitute to read as follows: The fire department shall be notified a minimum of twenty-four (24) hours prior to the test.**

(nn) Delete subsection 11-3.2 without substitution.

(oo) Delete section 11-5 without substitution.

(pp) Delete Chapter 12 in its entirety without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 13-1-10; filed Sep 5, 1986, 9:22 a.m.: 10 IR 14; filed Apr 5, 1988, 3:05 p.m.: 11 IR 2868; filed Aug 15, 1997, 8:54 a.m.: 21 IR 100; filed Nov 14, 2001, 4:55 p.m.: 25 IR 1172; filed Nov 25, 2002, 9:10 a.m.: 26 IR 1098*)

LSA Document #02-51(F)

Notice of Intent Published: 25 IR 1929

Proposed Rule Published: May 1, 2002; 25 IR 2560

*Hearing Held: July 15, 2002 and September 4, 2002*

*Approved by Attorney General: November 6, 2002*

*Approved by Governor: November 20, 2002*

*Filed with Secretary of State: November 25, 2002, 9:10 a.m.*

*Incorporated Documents Filed with Secretary of State: None*

---

### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #02-52(F)

#### DIGEST

Amends 675 IAC 20 concerning editorial and technical issues in the 1989 Indiana Swimming Pool Code. Effective 30 days after filing with the secretary of state.

**675 IAC 20-2-17**

**675 IAC 20-2-20**

**675 IAC 20-2-24**

**675 IAC 20-2-26**

**675 IAC 20-3-5**

**675 IAC 20-3-6**

**675 IAC 20-3-7**

SECTION 1. 675 IAC 20-2-17, AS READOPTED AT 25 IR 530, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

#### **675 IAC 20-2-17 Circulation systems**

**Authority:** IC 22-13-2-2

**Affected:** IC 22-12; IC 22-13; IC 22-15; IC 36-7

Sec. 17. (a) A circulation system consisting of pumps, piping, overflows, skimmers, filters, and other necessary equipment shall be provided for complete and continuous circulation of water through all parts of the pool.

(b) The circulation system shall be of adequate size to produce not less than the following turnover times:

(1) Class A, **Class B**, and **Class C** diving pools: twelve (12) hours.

(2) Class A, **Class B**, and **Class C** pools without wading areas: six (6) hours.

(3) Class B and **Class C** pools with wading areas: two (2) hours.

(4) Class B and **Class C** wading pools: one (1) hour.

(5) Class B and **Class C** wave pools and zero (0) depth pools: two (2) hours.

(c) Circulation components ~~which that~~ may require replacement or servicing shall be accessible and available for inspection, repair, or replacement and installed according to manufacturer's instructions.

(d) Materials and equipment used in the circulation system shall be of an approved type.

(e) The water velocity in the pool piping shall not exceed ten

(10) feet per second for discharge piping and six (6) feet per second for suction piping, unless summary calculations are provided to show that the greater flow is possible with the pump and piping provided. Pool piping shall be sized to permit the rated flows for filtering and cleaning without exceeding the maximum head at which the pump will provide such flows or exceeding the velocities stated. Exception: The water velocity in copper pipe shall not exceed eight (8) feet per second.

(f) The circulation piping and fittings shall be nontoxic and capable of withstanding operating pressures and conditions.

**(g) The suction side of the circulation system shall be tied and split hydraulically equally between the two (2) or more main drains. Both branches shall have the same size pipe as the main drain.**

~~(g)~~ (h) Pool piping shall have a uniform slope in one (1) direction equipped with valves for adequate drainage. Pool piping shall be supported at sufficient intervals to prevent entrapment of air, water, or dirt. Provision shall be made for expansion or contraction of pipes.

~~(h)~~ (i) Equipment shall be designed and fabricated to drain the pool water from the equipment, together with exposed face piping, by removal of drain plugs and manipulating winter drain valves.

~~(i)~~ (j) A pressure or vacuum gauge or other means of indicating system condition shall be provided in the circulation system in an accessible location. Class A, Class B, and Class C pools shall be provided with an indicator measuring the rate of flow through the filter system with an appropriate range readable in gallons per minute and accurate within ten percent (10%) actual flow.

~~(j)~~ (k) When time clocks are used to regulate the operation of circulation systems, they shall be set to regulate all circulation equipment and appurtenant devices.

~~(k)~~ (l) Operation and maintenance instructions shall be provided for circulation system components. *(Fire Prevention and Building Safety Commission; 675 IAC 20-2-17; filed Aug 14, 1989, 9:00 a.m.: 13 IR 55, eff Sep 1, 1989 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-17 was filed Aug 14, 1989.]; errata filed Aug 11, 1990, 5:00 p.m.: 13 IR 2140; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Nov 25, 2002, 9:00 a.m.: 26 IR 1100)*

SECTION 2. 675 IAC 20-2-20, AS READOPTED AT 25 IR 530, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**675 IAC 20-2-20 Inlets and outlets**

Authority: IC 22-13-2-2

Affected: IC 22-12; IC 22-13; IC 22-15; IC 36-7

Sec. 20. (a) Pool inlets and outlets for circulated water shall be located to produce uniform circulation of water and to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool. Where skimmers are used, the inlets shall be located so as to help bring floating particles within range of the skimmers.

(b) The minimum number of inlets required shall be based on two (2) inlets per six hundred (600) square feet of pool surface area or fraction thereof.

(c) Inlets shall be sufficient in number such that the flow through any single inlet shall not exceed forty (40) gallons per minute.

(d) Wall inlets shall be located not less than twelve (12) inches below the waterline.

(e) Pools with a width over thirty (30) feet shall have bottom inlets.

(f) Inlets shall be designed and installed so as not to provide a hazard to bathers.

(g) Outlet drain covers and grates shall be installed in such a way that they cannot be removed without the use of tools.

(h) All pools shall be provided with a main outlet in the lowest point of the pool floor. **All main drains smaller than a twelve (12) inch by twelve (12) inch grate shall be dual main drains with a separation distance of three (3) feet between drains in any dimension. All main drains larger than a twelve (12) inch by twelve (12) inch grate shall be dual main drains with a separation distance three (3) feet or more.** The spacing of the main outlets for pool pump suction shall not be greater than twenty (20) feet on centers nor more than fifteen (15) feet from each side wall.

(i) The main outlet sumps shall be covered with suitable protective covers or grates. The total velocity through grate openings shall not exceed one (1) foot per second. The grate opening shall not exceed one-half (½) inch. ~~Where only one (1) The main drain is provided, it drains~~ shall be of the antivortex design **that can only be removed with the use of tools**, and velocity shall not exceed six (6) feet per second.

~~(j) The piping shall be designed to carry one hundred percent (100%) of the recirculation rate and shall be equipped with a valve.~~ *(Fire Prevention and Building Safety Commission; 675 IAC 20-2-20; filed Aug 14, 1989, 9:00 a.m.: 13 IR 56, eff Sep 1, 1989 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-17 was filed Aug 14, 1989.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Nov 25, 2002, 9:00 a.m.: 26 IR 1101)*

SECTION 3. 675 IAC 20-2-24, AS READOPTED AT 25 IR 530, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**675 IAC 20-2-24 Disinfectant equipment and chemical feeders**

**Authority:** IC 22-13-2-2

**Affected:** IC 22-12; IC 22-13; IC 22-15; IC 36-7

Sec. 24. Disinfectant equipment and chemical feeders shall be capable of automatically providing a continuous residual chemical effect in accordance with 410 IAC, the rules of the Indiana state ~~board~~ **department** of health. All such equipment shall be of an approved type and shall be installed downstream from the pump and wired so they will not operate unless the filter pump is operating. Exception: Erosion-type chlorinators may feed their solution to the suction side of the pump. *(Fire Prevention and Building Safety Commission; 675 IAC 20-2-24; filed Aug 14, 1989, 9:00 a.m.: 13 IR 58, eff Sep 1, 1989 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-17 was filed Aug 14, 1989.]; errata filed Aug 11, 1990, 5:00 p.m.: 13 IR 2140; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Nov 25, 2002, 9:00 a.m.: 26 IR 1102)*

SECTION 4. 675 IAC 20-2-26, AS READOPTED AT 25 IR 530, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**675 IAC 20-2-26 Safety requirements**

**Authority:** IC 22-13-2-2; IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13; IC 22-15; IC 36-7

Sec. 26. (a) Pools shall be provided with a suitable handhold around their perimeter in areas where depths exceed three (3) feet six (6) inches. Handholds shall be provided no farther apart than four (4) feet and may consist of any one (1) or a combination of the following:

- (1) Coping, ledge, or deck along the immediate top edge of a pool that provides a slip-resisting surface of at least a four (4) inch minimum horizontal width located not over twelve (12) inches above the waterline.
- (2) Ladders, stairs, or seat ledges.
- (3) A railing fastened to the wall placed not over twelve (12) inches above the waterline.

(b) A transition line shall be provided between one (1) foot and two (2) feet on the shallow side of the break in grade between the shallow and deep portions of the swimming pools, with its position marked with visible floats at not greater than seven (7) feet intervals. This transition line shall be securely fastened to wall anchors of corrosion-resisting materials and of the type which shall be recessed.

(c) Depth of water in feet shall be plainly and conspicuously marked at or above the water surface on the vertical pool wall and on the top of coping or edge of the deck or walk next to the pool as follows:

- (1) Depth markers on the deck shall be within eighteen (18)

inches of the water edge and positioned to be read while standing on the deck facing the water.

(2) Depth markers shall be installed at the maximum and minimum water depths and at all points of slope change and at intermediate increments of water depth not to exceed two (2) feet.

(3) Depth numbers shall not be less than four (4) inches minimum height, permanently colored, and in contrast to the background on which they are applied.

(d) Lifeguard chairs are required for all pools over two thousand (2,000) square feet at a rate of one (1) chair per every two thousand (2,000) square feet of water surface.

(e) All Class A, **Class B**, and **Class C** pools shall be furnished with not less than the following:

- (1) One (1) ~~U.S.~~ **United States** Coast Guard approved ring buoy **or rescue tube** attached to a one-fourth (1/4) inch diameter throwing line **equal to the width of the pool but not less than to exceed** forty-five (45) feet ~~long~~ **in length**.
- (2) One (1) shepherd's hook with a pole not less than twelve (12) feet long.
- (3) One (1) twenty-four (24) unit first aid kit.
- (4) Access to a telephone.

(f) All Class A, **Class B**, and **Class C** pools shall be enclosed by a fence, wall, building, or other enclosures that are not less than six (6) feet high, to aid in the control of the movement of bathers and to discourage the entrance of unwanted persons. *(Fire Prevention and Building Safety Commission; 675 IAC 20-2-26; filed Aug 14, 1989, 9:00 a.m.: 13 IR 58, eff Sep 1, 1989 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-17 was filed Aug 14, 1989.]; filed Nov 5, 1991, 5:00 p.m.: 15 IR 238; errata filed Mar 10, 1992, 11:00 a.m.: 15 IR 1393; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Nov 25, 2002, 9:00 a.m.: 26 IR 1102)*

SECTION 5. 675 IAC 20-3-5, AS READOPTED AT 25 IR 530, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**675 IAC 20-3-5 Mechanical, electrical, and water supply**

**Authority:** IC 22-13-2-2

**Affected:** IC 22-12; IC 22-13; IC 22-15; IC 36-7

Sec. 5. (a) Mechanical equipment shall be installed in accordance with 675 IAC 18, the Indiana Mechanical Code.

(b) Electrical equipment, system wiring, and grounding of all spa equipment and appurtenances shall be in accordance with 675 IAC 17, the Indiana Electrical Code.

(c) **An emergency shutdown device shall be installed that will immediately cut power to the pump serving the main drains. This emergency shutdown device shall be readily accessible in the event of an emergency. This device shall be distinctly labeled as EMERGENCY SPA SHUTDOWN**

**DEVICE. This device shall be installed in the same room as the spa and within site of the spa.**

(e) (d) The water supply serving the spa shall meet 327 IAC, the rules of the water pollution control board, before any bather uses the spa. (*Fire Prevention and Building Safety Commission; 675 IAC 20-3-5; filed Aug 14, 1989, 9:00 a.m.: 13 IR 61, eff Sep 1, 1989 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-17 was filed Aug 14, 1989.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Nov 25, 2002, 9:00 a.m.: 26 IR 1102*)

SECTION 6. 675 IAC 20-3-6, AS READOPTED AT 25 IR 530, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**675 IAC 20-3-6 Inlets and outlets**

Authority: IC 22-13-2-2

Affected: IC 22-12; IC 22-13; IC 22-15; IC 36-7

Sec. 6. (a) Spa inlets and outlets shall be arranged to produce a uniform circulation of water throughout the spa.

(b) Water velocity in the spa piping shall not exceed ten (10) feet per second with the following exceptions:

- (1) Suction velocity shall not exceed six (6) feet per second.
- (2) Water velocity in existing asbestos cement pipe shall not exceed six (6) feet per second.
- (3) Water velocity in copper pipe shall not exceed eight (8) feet per second.

(c) Total velocity through grate openings shall not exceed two (2) feet per second.

(d) All outlets below the waterline shall be covered with either a protective grate with individual openings of three-eighths (3/8) of an inch or less, or an antivortex cover.

(e) All spas shall have a surface skimming (overflow) system and ~~a main outlet~~ **dual drain outlets** at the lowest point on the spa floor. **The dual drains shall be spaced at least three (3) feet apart.** When skimmers are the sole overflow system, not less than one (1) skimmer shall be provided for each one hundred (100) square feet, or portion thereof, of water surface. (*Fire Prevention and Building Safety Commission; 675 IAC 20-3-6; filed Aug 14, 1989, 9:00 a.m.: 13 IR 61, eff Sep 1, 1989 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-17 was filed Aug 14, 1989.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Nov 25, 2002, 9:00 a.m.: 26 IR 1103*)

SECTION 7. 675 IAC 20-3-7, AS READOPTED AT 25 IR 530, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**675 IAC 20-3-7 Circulation systems**

Authority: IC 22-13-2-2

Affected: IC 22-12; IC 22-13; IC 22-15; IC 36-7

Sec. 7. (a) Every spa shall be provided with an approved type

circulation system capable of turning over the entire spa water capacity in not less than thirty (30) minutes.

(b) All circulation shall go through the spa filtration system and be chemically treated prior to injection into the spa.

(c) A removable strainer or screen shall be installed upstream from all pumps.

(d) Filters shall meet the following requirements:

- (1) They shall be capable of maintaining the standards of turbidity set by the state ~~board~~ **department** of health.
- (2) They shall be provided with a means to safely release air which builds up in the filter tank.
- (3) Piping furnished with the filter system shall be capable of withstanding three (3) times the designed working pressure.
- (4) **The suction side of the circulation system shall be tied and split hydraulically equally between the two (2) or more main drains. Both branches shall have the same size pipe as the main drain.**

(4) (5) All filters and their components shall be accessible.

(e) Air induction systems, when provided, shall prevent water backup and shall not introduce contaminants into the spa water.

(f) Chemical feeder systems capable of maintaining a chemical residual and pH level in accordance with 410 IAC, the rules of the Indiana state ~~board~~ **department** of health. (*Fire Prevention and Building Safety Commission; 675 IAC 20-3-7; filed Aug 14, 1989, 9:00 a.m.: 13 IR 61, eff Sep 1, 1989 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-17 was filed Aug 14, 1989.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Nov 25, 2002, 9:00 a.m.: 26 IR 1103*)

LSA Document #02-52(F)

Notice of Intent Published: 25 IR 1929

Proposed Rule Published: May 1, 2002; 25 IR 2566

Hearing Held: July 15, 2002 and September 4, 2002

Approved by Attorney General: November 6, 2002

Approved by Governor: November 20, 2002

Filed with Secretary of State: November 25, 2002, 9:00 a.m.

Incorporated Documents Filed with Secretary of State: None

**TITLE 808 STATE BOXING COMMISSION**

LSA Document #02-120(F)

**DIGEST**

Amends 808 IAC 2-6-1 to revise the fees charged and collected by the commission. Effective 30 days after filing with the secretary of state.

**808 IAC 2-6-1**

---

## Final Rules

---

SECTION 1. 808 IAC 2-6-1 IS AMENDED TO READ AS FOLLOWS:

### 808 IAC 2-6-1 Fees; two year license validation

Authority: IC 25-1-8-2

Affected: IC 25-9-1-9

Sec. 1. All new licenses and all renewal licenses, granted by the commission, shall be valid in a period of two (2) years from the date of issuance and shall be subject to the following fees:

- (1) Promoter (boxing), ~~fifty one hundred~~ dollars (~~\$50~~): **(\$100)**.
- (2) Physicians, ten dollars (\$10).
- (3) Timekeepers, ten dollars (\$10).
- (4) Matchmakers, ~~fifteen~~ **twenty-five** dollars (~~\$15~~): **(\$25)**.
- (5) Managers, ~~fifteen~~ **twenty-five** dollars (~~\$15~~): **(\$25)**.
- (6) Trainers, ten dollars (\$10).
- (7) Boxers, ten dollars (\$10).
- (8) Seconds, ten dollars (\$10).
- (9) Judges, ten dollars (\$10).
- (10) Referees, ~~twenty-five~~ **fifty** dollars (~~\$25~~): **(\$50)**.

(State Boxing Commission; Appendix A; filed Dec 16, 1975, 11:40 a.m.: Rules and Regs. 1976, p. 47; filed Jan 28, 1982, 3:04 p.m.: 5 IR 555; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1166; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3088; readopted filed Jun 8, 2001, 2:38 p.m.: 24 IR 3235; filed Dec 2, 2002, 3:00 p.m.: 26 IR 1104)

LSA Document #02-120(F)

Notice of Intent Published: 25 IR 2546

Proposed Rule Published: September 1, 2002; 25 IR 4210

Hearing Held: September 30, 2002

Approved by Attorney General: November 18, 2002

Approved by Governor: November 26, 2002

Filed with Secretary of State: December 2, 2002, 3:00 p.m.

Incorporated Documents Filed with Secretary of State: None

---

## TITLE 845 BOARD OF PODIATRIC MEDICINE

LSA Document #01-363(F)

### DIGEST

Adds 845 IAC 1-5-2.1 concerning reporting of continuing education credit. Repeals 845 IAC 1-5-2. Effective 30 days after filing with the secretary of state. *NOTE: Under IC 4-22-2-25(b), if a rule document is not approved by the governor one (1) year from the date that a notice of intent is published in the Indiana Register, the rule document is ineffective. The notice of intent for LSA Document #01-363 was published in the November 1, 2001, Indiana Register and signed by the governor November 7, 2002, making this document ineffective. See a new notice of intent LSA Document #02-341, printed in this Indiana Register at 26 IR 1115.*

**845 IAC 1-5-2**

**845 IAC 1-5-2.1**

SECTION 1. 845 IAC 1-5-2.1 IS ADDED TO READ AS FOLLOWS:

### 845 IAC 1-5-2.1 Reporting continuing education credit; audit

Authority: IC 25-29-2-11; IC 25-1-4-3

Affected: IC 25-29-6-4

**Sec. 2.1. (a) The licensee shall provide the board with a sworn statement signed by the licensee that the licensee has fulfilled the continuing education requirements required by the board.**

**(b) The licensee shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The licensee shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.**

**(c) Every two (2) years the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the licensees required to take continuing education courses.** (Board of Podiatric Medicine; 845 I-5-2.1; filed Nov 8, 2002, 10:00 a.m.: 26 IR 1104)

SECTION 2. 845 IAC 1-5-2 IS REPEALED.

LSA Document #01-363(F)

Notice of Intent Published: 25 IR 408

Proposed Rule Published: July 1, 2002; 25 IR 3455

Hearing Held: October 18, 2002

Approved by Attorney General: October 23, 2002

Approved by Governor: November 7, 2002

Filed with Secretary of State: November 8, 2002, 10:00 a.m.

Incorporated Documents Filed with Secretary of State: None

---

## TITLE 857 INDIANA OPTOMETRIC LEGEND DRUG PRESCRIPTION ADVISORY COMMITTEE

LSA Document #02-123(F)

### DIGEST

Amends 857 IAC 2-3-16 concerning formulary of legend drugs listed by category. Effective 30 days after filing with the secretary of state.

### 857 IAC 2-3-16

SECTION 1. 857 IAC 2-3-16 IS AMENDED TO READ AS FOLLOWS:

### 857 IAC 2-3-16 Formulary of legend drugs

Authority: IC 25-26-15-13

Affected: IC 35-48-1

Sec. 16. (a) ~~Any legend drugs that fall into the following categories are independent drug for treating the treatment of the eye or associated structures of the eye.~~

- ~~(1) Topically applied drugs:~~
- ~~(2) Oral antihistamine drugs:~~
- ~~(3) Oral decongestant drugs:~~
- ~~(4) Oral antimicrobial drugs:~~
- ~~(5) Oral nonsteroidal anti-inflammatory drugs (NSAIDs):~~
- ~~(6) Oral antiglaucoma drugs:~~
- ~~(7) Oral analgesics, which may be prescribed for a period of time not to exceed five (5) days:~~

(b) Controlled substances as defined in IC 35-48-1 are prohibited from use by an optometrist. (*Indiana Optometric Legend Drug Prescription Advisory Committee*; 857 IAC 2-3-16; filed Feb 4, 1994, 5:00 p.m.: 17 IR 1099; filed Jun 30, 1999, 2:45 p.m.: 22 IR 3414; readopted filed Apr 24, 2001, 10:21 a.m.: 24 IR 2896; filed Nov 25, 2002, 10:30 a.m.: 26 IR 1104)

LSA Document #02-123(F)

Notice of Intent Published: 25 IR 2547

Proposed Rule Published: August 1, 2002; 25 IR 3873

Hearing Held: September 4, 2002

Approved by Attorney General: November 8, 2002

Approved by Governor: November 20, 2002

Filed with Secretary of State: November 25, 2002, 10:30 a.m.

Incorporated Documents Filed with Secretary of State: None

## TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

LSA Document #02-56(F)

### DIGEST

Amends 865 IAC 1-4-8 to change the number of examination attempts for certification as a land surveyor-in-training. Amends 865 IAC 1-12-28 to modify the requirements for a surveyor location report. Effective 30 days after filing with the secretary of state.

**865 IAC 1-4-8**  
**865 IAC 1-12-28**

SECTION 1. 865 IAC 1-4-8 IS AMENDED TO READ AS FOLLOWS:

### **865 IAC 1-4-8 Examination attempts for certification as a land surveyor-in-training**

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 8. (a) This section applies to the examination for certification as a land surveyor-in-training.

(b) An applicant who does not pass the examination may take it ~~one (1)~~ **two (2)** additional time times provided that the applicant applies for the second ~~and third~~ examination [*sic.*, examinations] within two (2) years of the date of the first examination. **Any individual who took the examination the first time after January 1, 2002, shall be entitled to the third attempt.** (*State Board of Registration for Land Surveyors*; 865 IAC 1-4-8; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3907; filed Oct 13, 1992, 5:00 p.m.: 16 IR 878; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Nov 15, 2002, 3:33 p.m.: 26 IR 1105) NOTE: 864 IAC 1.1-4.1-9 was renumbered by Legislative Services Agency as 865 IAC 1-4-8.

SECTION 2. 865 IAC 1-12-28 IS AMENDED TO READ AS FOLLOWS:

### **865 IAC 1-12-28 Surveyor location reports; requirements**

Authority: IC 25-31-1-7

Affected: IC 25-31-1

Sec. 28. When conducting a surveyor location report, a registered land surveyor shall do the following:

(1) Briefly describe and show the location of ~~any monuments found and~~ visible evidence of possession including, but not limited to, the following:

- (A) Buildings.
- (B) Fences.
- (C) Hedgerows.
- (D) Other improvements appurtenant to either the surveyed property or the adjoining property.

Show the location of this evidence by the shortest dimension to the nearest adjacent boundary line or any depicted easement line in order to reveal the extent of any possible encroachment. The statement "No visible evidence of possession found" must be noted along record boundary lines when applicable. (For this purpose, monuments found do not constitute evidence of possession.)

(2) Show the location, dimensions, and a brief description of all buildings or structures on the property including, but not limited to, the following:

- (A) Driveways.
- (B) Parking lots.
- (C) Such personal property as aboveground swimming pools or yard barns.

Show the location of such buildings adjacent to the boundary lines by the shortest distance thereto and dimension any violation of a depicted easement or building setback line. Identify any buildings that appear to have no foundation and may be readily moveable. Show the name of the occupant, if easily available, and any client identification data requested. (3) Show the location of and briefly describe any visible evidence of use by others such as for roadways, utility lines, or driveways or possible joint use of driveways (do not label as "joint" or "common"), which may affect the surveyed tract. Note the name of the user, if marked (for example, joint use by electric, tele-

phone, and cable television companies on poles marked with electric company tags). With respect to any railroad on or adjoining the property, note if the tracks have been removed. If that is the case, note any visible evidence of construction, trenching, or other use observed on or along said railroad.

(4) Show the location and recording data for any easements or setback lines on the tract as determined from recorded documents provided by the client or from a recorded plat.

(5) Show the location of the perimeter of any visible evidence of cemeteries found on the surveyed tract.

(6) Show the approximate size, location, and brief description of any lakes, ditches, streams on the tract, or any known legal drains on or within seventy-five (75) feet of the property. Detailed locations are required when a boundary is determined thereby or when buildings or other improvements are located within a legal drain easement.

(7) Show the location of any road, street, alley, or other public way abutting or on the surveyed property with the width of the travelled way, known right-of-way lines, name, location, and source of any known name or right-of-way information indicated. If not known, note which records, if any, were searched. Physical access to the property, or lack thereof, must be shown.

(8) Show the drawing scale, a north arrow, property description and address, surveyor's job number, company name, certificate, signature, and seal, client name, and the names of those to whom the report is certified.

(9) Show a report/certificate date less than thirty (30) days from the date of delivery.

*(State Board of Registration for Land Surveyors; 865 IAC 1-12-28; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2253; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Nov 15, 2002, 3:33 p.m.: 26 IR 1105) NOTE: 864 IAC 1.1-13-43 was renumbered by Legislative Services Agency as 865 IAC 1-12-28.*

*LSA Document #02-56(F)*

*Notice of Intent Published: 25 IR 1929*

*Proposed Rule Published: July 1, 2002; 25 IR 3456*

*Hearing Held: August 9, 2002*

*Approved by Attorney General: October 29, 2002*

*Approved by Governor: November 14, 2002*

*Filed with Secretary of State: November 15, 2002, 3:33 p.m.*

*Incorporated Documents Filed with Secretary of State: None*

---

## **TITLE 876 INDIANA REAL ESTATE COMMISSION**

LSA Document #02-148(F)

### **DIGEST**

Amends 876 IAC 3-2-4 to revise the procedures to reactivate an inactive license. Amends 876 IAC 3-2-5 to revise the fees charged to reinstate an expired license. Amends 876 IAC 3-2-7 to revise the

fee schedule for the real estate appraiser licensure and certification program and to add an issuance and renewal fee for preclicensure real estate appraiser schools and courses under 876 IAC 3-4 and real estate appraiser continuing education course providers under 876 IAC 3-5. Amends 876 IAC 3-3-22 to allow an Indiana licensed trainee appraiser who has not associated with a licensed or certified appraiser to hold an inactive license either upon initial issuance of the license or upon the ending of a previous association with a licensed or certified appraiser and to establish a time period during which an Indiana licensed trainee appraiser license may be held in an inactive status before it becomes void. Amends 876 IAC 3-6-9 to revise the requirements for the use and supervision of Indiana licensed trainee appraisers by licensed or certified appraisers. Effective 30 days after filing with the secretary of state.

**876 IAC 3-2-4**

**876 IAC 3-3-22**

**876 IAC 3-2-5**

**876 IAC 3-6-9**

**876 IAC 3-2-7**

SECTION 1. 876 IAC 3-2-4 IS AMENDED TO READ AS FOLLOWS:

### **876 IAC 3-2-4 Expiration of licenses**

**Authority:** IC 25-34.1-3-8

**Affected:** IC 25-34.1

Sec. 4. (a) Licenses issued under this article shall expire January 1 of every even-numbered year.

(b) To renew a license, an individual must do the following:

- (1) Pay the fee required by section 7(b)(2) of this rule.
- (2) Complete an application for renewal on a form provided by the board.
- (3) Satisfactorily complete the continuing education required by 876 IAC 3-5.
- (4) Sign a statement under penalty of perjury that:
  - (A) the hours submitted are correct;
  - (B) the licensee attended and completed courses taken; and
  - (C) to the best of the licensee's knowledge, the courses completed meet the requirements of 876 IAC 3-5.

(c) When renewing a license, a licensee may apply for and receive an inactive license. Such an individual is exempt from the continuing education requirements stated in subsection (b)(3) and 876 IAC 3-5. The holder of an inactive license may not appraise real estate.

(d) To reactivate an inactive license, a licensee must ~~apply to the board~~ **complete an application for reactivation** and have obtained the number of qualifying continuing education hours required by the provisions of 876 IAC 3-5-1 within the two (2) years preceding the filing of the application. *(Indiana Real Estate Commission; 876 IAC 3-2-4; filed Sep 24, 1992, 9:00 a.m.: 16 IR 736; filed Jan 8, 1993, 4:00 p.m.: 17 IR 771; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2113; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2790; errata filed Jul 3, 1995, 12:00 p.m.: 18 IR 2796; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1758; readopted*

filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1106)

SECTION 2. 876 IAC 3-2-5 IS AMENDED TO READ AS FOLLOWS:

**876 IAC 3-2-5 Reinstatement of expired license**

Authority: IC 25-1-8-2; IC 25-34.1-3-8; IC 25-34.1-3-9

Affected: IC 25-34.1

Sec. 5. (a) An expired license may be reinstated within one hundred twenty (120) days after its expiration by complying with section 4(b) of this rule and paying a reinstatement fee of twenty dollars (\$20).

(b) If the license is renewed within one (1) year, but more than one hundred twenty (120) days after expiration, the licensee must comply with section 4(b) of this rule and pay ~~an additional~~ a reinstatement fee of one hundred ~~twenty-five~~ dollars ~~(\$100): (\$125)~~.

(c) If the license is renewed within eighteen (18) months, but more than one (1) year after expiration, the licensee must comply with section 4(b) of this rule and pay ~~an additional~~ a reinstatement fee of ~~seventy-five two hundred~~ dollars ~~(\$75): (\$200)~~.

(d) If a licensee fails to reinstate a license within eighteen (18) months after expiration, the license may not be reinstated. To be licensed again, the individual must obtain a new license following the requirements of this article. (*Indiana Real Estate Commission; 876 IAC 3-2-5; filed Sep 24, 1992, 9:00 a.m.: 16 IR 737; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1758; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1107*)

SECTION 3. 876 IAC 3-2-7 IS AMENDED TO READ AS FOLLOWS:

**876 IAC 3-2-7 Fee schedule**

Authority: IC 25-1-8-2; IC 25-34.1-3-8; IC 25-34.1-3-9

Affected: IC 25-34.1

Sec. 7. (a) This section establishes the fee schedule for the real estate appraiser licensure and certification program. The fees stated in subsection (b) apply to Indiana licensed trainee appraisers, Indiana licensed residential appraisers, Indiana certified residential appraisers, and Indiana certified general appraisers. However, the fee for licensed trainee appraisers under ~~subsections~~ subsection (b)(2), (b)(3), (b)(5), and (b)(6) shall be ~~fifty one hundred~~ dollars ~~(\$50): (\$100)~~, because there is not a requirement under federal law to transmit these amounts for licensed trainee appraisers.

(b) The fee schedule is as follows:

- (1) Application for admittance to the examination ~~\$50~~ **\$100**
- (2) Fee for license or certificate (after passing the examination) during an even-numbered year (including fifty dollars (\$50) required by federal law to be transmitted to the federal government) ~~\$100~~ **\$150**
- (3) Fee for license or certificate (after passing the examina-

- tion) during an odd-numbered year (including twenty-five dollars (\$25) required by federal law to be transmitted to the federal government) ~~\$75~~ **\$125**
- (4) Application for licensure by reciprocity ~~\$50~~ **\$100**
- (5) Fee for license or certificate by reciprocity (after approval by the board) during an even-numbered year (including fifty dollars (\$50) required by federal law to be transmitted to the federal government) ~~\$100~~ **\$150**
- (6) Fee for license or certificate by reciprocity (after approval by the board) during an odd-numbered year (including twenty-five dollars (\$25) required by federal law to be transmitted to the federal government) ~~\$75~~ **\$125**
- (7) Application for the renewal of a license or certification (including fifty dollars (\$50) required by federal law to be transmitted to the federal government) ~~\$100~~ **\$150**
- (8) Duplicate license or certificate ~~\$5~~ **\$10**
- (9) Duplicate pocket card ~~\$5~~ **\$10**
- (10) Certification of license to another state ~~\$10~~
- (11) Application by a holder of an Indiana trainee appraiser license to be approved for a regular license ~~\$15~~ **\$25**
- (12) Application for the issuance of a permit for temporary practice ~~\$10~~ **\$50**
- (13) **Fee for issuance and renewal of approvals for (pre)licensure) real estate appraiser schools and courses under 876 IAC 3-4** **\$500**
- (14) **Fee for issuance and renewal of approval for real estate appraiser continuing education course providers under 876 IAC 3-5** **\$250**

(c) All fees are nonrefundable and nontransferable. (*Indiana Real Estate Commission; 876 IAC 3-2-7; filed Sep 24, 1992, 9:00 a.m.: 16 IR 737; filed Dec 8, 1993, 4:00 p.m.: 17 IR 772, eff Jan 2, 1994 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #93-130 was filed Dec 8, 1993.]; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2791; filed Jun 21, 1996, 10:00 a.m.: 19 IR 3111; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2697; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1107*)

SECTION 4. 876 IAC 3-3-22 IS AMENDED TO READ AS FOLLOWS:

**876 IAC 3-3-22 Indiana licensed trainee appraiser; examination; licensure procedures**

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 22. (a) An applicant for an Indiana licensed trainee appraiser license shall be required to pass the Indiana licensed residential appraiser examination.

(b) After an applicant passes the examination and pays the fee required by 876 IAC 3-2-7(b)(2) or 876 IAC 3-2-7(b)(3), the board shall do the following:

- (1) Issue a wall certificate in the name of the Indiana licensed trainee appraiser to a licensed or certified appraiser who

certifies the Indiana licensed trainee appraiser's association with the licensed or certified appraiser.

(2) Issue to the Indiana licensed trainee appraiser an identification card which:

(A) certifies that the Indiana licensed trainee appraiser is licensed; and

(B) indicates the expiration date of the license and the name of the licensed or certified appraiser with whom the licensed trainee appraiser is associated.

**(c) If the Indiana licensed trainee appraiser has not associated with a licensed or certified appraiser, the trainee may be issued an inactive license (either upon initial issuance of the license or upon the ending of a previous association with a licensed or certified appraiser). However, the license shall become void if the Indiana trainee appraiser is not associated with a licensed or certified appraiser described in subsection (b)(1) within three (3) years after issuance of the inactive license.**

~~(c)~~ **(d)** Upon termination of an Indiana licensed trainee appraiser's association with a licensed or certified appraiser described in subsection (b)(1), the trainee's license shall be returned to the Indiana professional licensing agency within five (5) working days. The Indiana professional licensing agency shall reissue the license to any licensed or certified appraiser upon application as described in subsection (b)(1). (*Indiana Real Estate Commission; 876 IAC 3-3-22; filed Dec 8, 1993, 4:00 p.m.: 17 IR 778; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2792; errata filed Nov 13, 1995, 10:00 a.m.: 19 IR 675; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1764; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1107*)

SECTION 5. 876 IAC 3-6-9 IS AMENDED TO READ AS FOLLOWS:

### **876 IAC 3-6-9 Indiana licensed trainee appraisers; supervision**

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 9. (a) This section establishes requirements for the use and supervision of Indiana licensed trainee appraisers.

(b) Indiana licensed trainee appraisers shall be subject to direct supervision (including inspection of all properties except as allowed by subsection ~~(h)~~ **(i)**) by a supervising appraiser who shall be licensed or certified in Indiana.

(c) The supervisor shall be responsible for the direct supervision of the Indiana licensed trainee appraiser by signing and certifying the report as in compliance with the Uniform Standards of Professional Appraisal Practice.

(d) The Indiana licensed trainee appraiser is permitted to have more than one (1) supervising appraiser in the office of the licensed or certified appraiser holder of record with whom the Indiana licensed appraiser has associated under 876 IAC 3-3-22.

**(e) Effective January 1, 2004, a certified or licensed appraiser may not be the supervising appraiser for more than two (2) trainees.**

~~(e)~~ **(f)** An appraisal log shall be maintained by the Indiana licensed trainee appraiser and supervising appraiser and shall, at a minimum, include the following for each appraisal:

(1) Client name and address.

(2) Address of appraised property.

(3) Description of work performed.

(4) Number of work hours.

~~(f)~~ **(g)** The supervising appraiser shall review and sign the appraisal log annually and provide the log to the trainee. It is the responsibility of the trainee to retain the log for submission to the board with any future application for license certification. **The trainee shall be entitled to copies of appraisals, including appraisal reports and any work files, which the trainee completes.**

~~(g)~~ **(h)** Separate appraisal logs shall be maintained by each supervising appraiser.

~~(h)~~ **(i)** The Indiana licensed trainee appraiser shall be subject to direct supervision until the Indiana licensed trainee appraiser is competent in accordance with the Competency Provision of the Uniform Standards of Professional Appraisal Practice, as adopted in section 2 of this rule, to perform appraisals for the specific property type. After the Indiana licensed trainee appraiser demonstrates competency, the supervising appraiser is not required to inspect the properties. However, the supervising appraiser must continue to sign and accept full responsibility for all appraisals performed by the Indiana licensed trainee appraiser.

**(j) In addition to the requirements in subsection (i), the supervising appraiser shall accompany the Indiana licensed trainee appraiser, and inspect the subject and comparable properties, on the following appraisal assignments:**

**(1) The first fifty (50) assignments performed by the trainee.**

**(2) During the first year the trainee holds an active license, all assignments located more than fifty (50) miles from the supervising appraiser's office.**

(*Indiana Real Estate Commission; 876 IAC 3-6-9; filed Dec 8, 1993, 4:00 p.m.: 17 IR 782; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1108*)

LSA Document #02-148(F)

Notice of Intent Published: 25 IR 2750

Proposed Rule Published: September 1, 2002; 25 IR 4212

Hearing Held: October 24, 2002

Approved by Attorney General: November 18, 2002

Approved by Governor: November 26, 2002

Filed with Secretary of State: December 3, 2002, 3:00 p.m.

Incorporated Documents Filed with Secretary of State: None

---

---

**TITLE 820 STATE BOARD OF COSMETOLOGY  
EXAMINERS**

LSA Document #01-345(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #01-345(F), printed at 25 IR 3178:

- (1) In 820 IAC 4-4-5(a), on page 1 of the original document (25 IR 3178), delete “manicurists” and insert “manicurist”.
- (2) In 820 IAC 4-4-14(e), on page 3 of the original document (25 IR 3179), after “REQUIREMENTS FOR USE”, delete “OF” and insert “IN”.
- (3) In 820 IAC 4-4-14(e)(3), on page 3 of the original document (25 IR 3179), after “accuracy and credit”, insert “and”.
- (4) In 820 IAC 4-4-14(e), on page 3 of the original document (25 IR 3180), after the fourth “Instructor’s signature”, insert “Instructor’s identifying initialing\_\_\_\_\_”.
- (5) In 820 IAC 4-4-14(e), on page 3 of the original document (25 IR 3180), after “(40”, delete “performance” and insert “performances”.
- (6) In 820 IAC 6-2-1(a)(3), on page 5 of the original document (25 IR 3180), delete “(3)” and show the text in that block as flush left.

*Filed with Secretary of State: November 15, 2002, 3:37 p.m.*

*Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from date and time filed with the Secretary of State.*

---

---

**TITLE 860 INDIANA PLUMBING COMMISSION**

LSA Document #01-425(AC)

Under IC 4-22-2-38, corrects the following clerical error in LSA Document #01-425(F), printed at 25 IR 4109:

In 860 IAC 1-1-2.1(4), on page 1 of the original document (25 IR 4109), delete “fifteen” and insert “thirty”.

*Filed with Secretary of State: November 15, 2002, 3:40 p.m.*

*Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from date and time filed with the Secretary of State.*

---

---

**TITLE 876 INDIANA REAL ESTATE  
COMMISSION**

LSA Document #01-346(AC)

Under IC 4-22-2-38, corrects the following clerical error in LSA Document #01-346(F), printed at 25 IR 4111:

In 876 IAC 3-3-21(d), on page 1 of the original document (25 IR 4112), delete “privilege” and insert “privileges”.

*Filed with Secretary of State: November 15, 2002, 3:39 p.m.*

*Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from date and time filed with the Secretary of State.*

---

---

**TITLE 876 INDIANA REAL ESTATE COMMISSION**

Under IC 4-22-2-38, corrects the following clerical error in the Indiana Administrative Code, 2001 edition:

In 876 IAC 3-3-6, delete “sections 1 through 3” and insert “section [sections] 3 through 5”.

*Filed with Secretary of State: November 15, 2002, 3:38 p.m.*

*Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.*

---

---

---

---

**Notice of Recall**

---

---

**TITLE 460 DIVISION OF DISABILITY, AGING, AND  
REHABILITATIVE SERVICES**

LSA Document #02-210

Under IC 4-22-2-40, LSA Document #02-210, printed at 26 IR  
525, is recalled.

---

---

**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #02-330(E)

**DIGEST**

Temporarily modifies 312 IAC 9-6-1 and 312 IAC 9-6-7 governing fish and fishing activities. Modifications are made to the list of fish species that are illegal to import, possess, or release into public or private waters without a license issued by the department. Included are the exotic nuisance species black carp, bighead carp, silver carp, white perch, all species of snakeheads in the family Channidae, and any hybrid of these fish. Effective December 1, 2002.

**SECTION 1.** In addition to the definitions contained in 312 IAC 9-6-1, the following are added and apply throughout 312 IAC 9-7, 312 IAC 9-8, 312 IAC 9-10, and this document:

- (1) "Bighead carp" means the species *Hypophthalmichthys nobilis*.
- (2) "Black carp" means the species *Mylopharyngodon piceus*.
- (3) "Exotic fish" means an exotic catfish, bighead carp, black carp, silver carp, white perch, snakehead, rudd, ruffe, tubenose goby, round goby, or a hybrid of any of these fish.
- (4) "Silver carp" means the species *Hypophthalmichthys molitrix*.
- (5) "Snakehead" means all species of the family Channidae, including the genera *Channa* and *Parachanna*.
- (6) "White perch" means the species *Morone americana*.

**SECTION 2.** (a) This SECTION supercedes 312 IAC 9-6-7.

(b) Except as otherwise provided under this SECTION, a person must not import, possess, propagate, buy, sell, barter, trade, transfer, loan, or release into public or private waters, any of the following live fish:

- (1) Exotic catfish.
- (2) Bighead carp.
- (3) Black carp.
- (4) Silver carp.
- (5) White perch.
- (6) Snakehead.
- (7) Rudd.
- (8) Ruffe.
- (9) Tubenose goby.
- (10) Round goby.
- (11) A hybrid of any of these fish.

(c) A person who takes a fish listed in subsection (b) does not violate this SECTION if a fish listed in subsection (b) is killed immediately upon capture.

(d) This SECTION does not apply:

- (1) to the use of a fish by a properly accredited zoological park as defined in 312 IAC 9-5-8(i);
- (2) during the lawful interstate shipment of fish through the state of Indiana;
- (3) to the use of a fish authorized by a permit issued by the U.S. Department of the Interior; or
- (4) to a person who lawfully possesses an exotic fish under a permit issued under 312 IAC 9-10-17 for medical, educational, or scientific research purposes.

(e) A person who possesses federally listed injurious species must also comply with 18 U.S.C. 42 and 50 CFR 16.

**SECTION 3.** SECTIONS 1 and 2 of this document expire November 30, 2003.

LSA Document #02-330(E)

Filed with Secretary of State: November 18, 2002, 12:02 p.m.

---

---

---

---

## **Notice of Rule Adoption**

---

---

### **TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION**

LSA Document #02-106

LSA Document #02-106, adds 440 IAC 9-2-10, 440 IAC 9-2-11, and 440 IAC 9-2-12 to establish standards and requirements for community mental health centers and certified managed care providers regarding case management, outpatient services, and medication evaluation and monitoring as part of the required continuum of care for persons needing addiction services, persons with serious mental illness, or children with serious emotional disorders was adopted by the Director of the Division of Mental Health and Addiction, Janet Corson, on October 17, 2002. The rule that was adopted is in a form that is different from the proposed rule that was published in the Indiana Register on September 1, 2002.

---

---

### **TITLE 470 DIVISION OF FAMILY AND CHILDREN**

LSA Document #02-74

Under IC 12-8-3-4.4, LSA Document #02-74, printed at 26 IR 167, amending 470 IAC 3.1-12-2 to include fees received pursuant to the cost participation legislation (IC 12-17-15-17) as a funding source for assistance to children eligible for early intervention services, and adding 470 IAC 3.1-12-7 to adopt cost participation procedures, was adopted by the director of the division of family and children on December 2, 2002.

---

---

### **TITLE 470 DIVISION OF FAMILY AND CHILDREN**

LSA Document #02-203

Under IC 12-8-3-4.4, LSA Document #02-203, printed at 26 IR 169, amending 470 IAC 11.1-1-5 to increase the maximum monthly income allowable for participation in the hospital care for the indigent program, was adopted by the director of the division of family and children on December 2, 2002.

**TITLE 326 AIR POLLUTION CONTROL BOARD**

#01-407(APCB)

The Air Pollution Control Board hereby gives notice that the public hearing for consideration of preliminary adoption of Document #01-407(APCB) concerning U.S. Steel-Gary Works particulate matter emission limits, printed at 25 IR 4129, was opened on November 6, 2002, and has been continued. The new Notice of Public Hearing appears below:

**Notice of Public Hearing**

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on **February 5, 2003** at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Air Pollution Control Board will continue the public hearing on proposed amendments to 326 IAC 6-1-10.1 and 326 IAC 6-1-10.2.*

*The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their view concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed in this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).*

*Additional information regarding this action may be obtained from Chris Pedersen, Rules Development Section, Office of Air Quality, 317-233-6868 or (800) 451-6027, press 0, and ask for ext. 3-6868 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register.*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator  
Indiana Department of Environmental Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855. TDD: (317) 232-6565. Speech and hearing impaired callers may also contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file with the Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana and are open for public inspection.*

Kathryn A. Watson, Chief  
Air Programs Branch  
Office of Air Quality

**TITLE 327 WATER POLLUTION CONTROL BOARD**

LSA Document #01-96

The Water Pollution Control Board hereby gives notice that the date and location of the public hearing for consideration of final adoption of #01-96, printed at 26 IR 829, has been changed. The changed Notice of Public Hearing appears below:

**Notice of Public Hearing**

*Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that the Water Pollution Control Board will hold a public hearing on **January 8, 2003** at 1:30 p.m. at the **Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana**. This hearing is on proposed amendments to 327 IAC 5 NPDES and pretreatment programs; and new rules under 327 IAC 15 NPDES general permit rule program related to municipal separate storm sewer systems (MS4s). Procedures to be followed in this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).*

*The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their view concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.*

*Technical information regarding this action may be obtained from Lori Gates, Office of Water Quality, Wet Weather Section, (317) 233-6725 or (800) 451-6027 (in Indiana). Additional information regarding this action may be obtained from Kiran Verma, Office of Water Quality, Rules Section, (317) 234-0986 or (800) 451-6027 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register.*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*ADA Coordinator  
Indiana Department of Environmental Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015*

*or call (317) 234-1208 (V) or (317) 232-6565 (TTD). Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file with the Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Twelfth Floor West and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Mary Ellen Gray  
Deputy Assistant Commissioner  
Office of Water Quality

---

---

## Notice of Intent to Adopt a Rule

---

---

### TITLE 20 STATE BOARD OF ACCOUNTS

LSA Document #02-344

Under IC 4-22-2-23, the State Board of Accounts intends to adopt a rule concerning the following:

**OVERVIEW:** The State Board of Accounts intends to adopt rules to provide guidance on the allocation and distribution of property taxes subsequent to a certified technology park being designated as an allocation area. This rule will also establish the uniform procedures necessary to implement the tax distribution. *NOTE: This document is jointly promulgated with the Department of Local Government Finance. See LSA Document #02-343, printed at 26 IR 1114.* The State Board of Accounts invites written submissions expressing your views on these matters. Questions or comments may be directed to Charles Johnson III, State Examiner, State Board of Accounts, at 402 West Washington Street, Room E418, Indianapolis, Indiana 46204 or [cjohnson@sboa.state.in.us](mailto:cjohnson@sboa.state.in.us); telephone number: 317-232-2513. Statutory authority: IC 36-7-32-19; P.L.192-2002(ss), SECTION 187.

---

### TITLE 45 DEPARTMENT OF STATE REVENUE

LSA Document #02-333

Under IC 4-22-2-23, the Department of State Revenue intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 45 IAC 3.1-1-29 concerning the definition of “business income” for adjusted gross income tax purposes. Public comments are invited. Statutory authority: IC 6-8.1-3-3.

---

### TITLE 45 DEPARTMENT OF STATE REVENUE

LSA Document #02-334

Under IC 4-22-2-23, the Department of State Revenue intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 45 IAC 3.1-1 concerning the filing of consolidated returns for adjusted gross income tax purposes. Adds new sections 45 IAC 3.1-1-110.1 “Election to file consolidated return,” and 45 IAC 3.1-1-111.1 “Calculation of consolidated income”. Repeals 45 IAC 3.1-1-110, 45 IAC 3.1-1-111, and 45 IAC 3.1-1-112. Public comments are invited. Statutory authority: IC 6-8.1-3-3.

### TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

*NOTE: Under IC 6-1.1-31-1, the name of the State Board of Tax Commissioners is changed to Department of Local Government Finance, effective January 1, 2002.*

LSA Document #02-342

Under IC 4-22-2-23, the Department of Local Government Finance intends to adopt a rule concerning the following:

**OVERVIEW:** The Department of Local Government Finance intends to adopt rules to provide just valuations of industrial facilities. This rule will also establish the uniform procedures necessary to review and assess the real property of an industrial facility as defined by the chapter. The Department of Local Government Finance invites written submissions expressing your views on these matters. Questions or comments may be directed to Beth Henkel, General Counsel, Department of Local Government Finance, at 100 North Senate Avenue, Room 1058, Indianapolis, Indiana 46204 or [bhenkel@tcb.state.in.us](mailto:bhenkel@tcb.state.in.us). Telephone number: 317-233-4361. Statutory authority: IC 6-1.1-8.5-12; P.L.151-2001; P.L.90-2002.

---

### TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

*NOTE: Under IC 6-1.1-31-1, the name of the State Board of Tax Commissioners is changed to Department of Local Government Finance, effective January 1, 2002.*

LSA Document #02-343

Under IC 4-22-2-23, the Department of Local Government Finance intends to adopt a rule concerning the following:

**OVERVIEW:** The Department of Local Government Finance intends to adopt rules to provide guidance on the allocation and distribution of property taxes subsequent to a certified technology park being designated as an allocation area. This rule will also establish the uniform procedures necessary to implement the tax distribution. *NOTE: This document is jointly promulgated with the State Board of Accounts. See LSA Document #02-344, printed at 26 IR 1114.* The Department of Local Government Finance invites written submissions expressing your views on these matters. Questions or comments may be directed to Beth Henkel, General Counsel, Department of Local Government Finance, at 100 North Senate Avenue, Room 1058, Indianapolis, Indiana 46204 or [bhenkel@tcb.state.in.us](mailto:bhenkel@tcb.state.in.us). Telephone number: 317-233-4361. Statutory authority: IC 36-7-32-19; P.L.192-2002(ss), SECTION 187.

**TITLE 250 LAW ENFORCEMENT TRAINING BOARD**

LSA Document #02-339

Under IC 4-22-2-23, the Law Enforcement Training Board intends to adopt a rule concerning the following:

**OVERVIEW:** To add a completely new set of administrative rules within Title 250 IAC which will entirely replace all of the administrative rules that formerly existed within Title 250 IAC 1. This comprehensive series of new administrative rules regarding the training of law enforcement officers will deal with among other matters general provisions, definitions, basic training mandated for law enforcement officers appointed on or after July 6, 1972; waiver of basic training, citizenship requirement; age requirement, strength, agility, vision, and hearing; safety hazard, academic qualifications, valid driver's license, reputation and character of applicant; investigation; written record, criminal record of applicant; fingerprinting, reading comprehension and writing ability, military discharge; effect on qualification of applicant, physical examination; report to board; time limit, trainees not yet hired by a law enforcement agency, town marshal training, minimum standards for schools other than the central facility, minimum curriculum, attendance, equipment, and facility requirements, revocation of basic training certification, police chief executive training, prebasic training course, inservice training, training status report, reserve police officers, certification of instructors, instructor qualifications, revocation of certification, review of certification, completion of instructor training course, term of certification, and Indiana law enforcement academy police officers. Public comments are invited and questions or comments on the adoption of the proposed rules may be directed by mail to the Law Enforcement Training Board, ATTENTION: Charles Braun, Staff Attorney, P. O. Box 313, Plainfield, Indiana 46168-0313, or by electronic mail to [cbraun@ilea.state.in.us](mailto:cbraun@ilea.state.in.us), or by telephone at (317) 837-3264. Statutory authority: IC 5-2-1-9; IC 5-2-1-11; IC 5-2-1-15; IC 5-2-1-16.

---

---

**TITLE 357 INDIANA PESTICIDE REVIEW BOARD**

LSA Document #02-332

Under IC 4-22-2-23, the Indiana Pesticide Review Board intends to adopt a rule concerning the following:

**OVERVIEW:** The rule will establish certification and licensing requirements for all applicators that use any pesticide as part of a mosquito abatement operation conducted on publicly accessible areas. The rule will also establish registration requirements for technicians using pesticides under the supervision of the certified and licensed applicators. Effective

30 days after filing with the secretary of state. Questions concerning the proposed rule may be directed to David E. Scott at (765) 494-1587, or [scottde@purdue.edu](mailto:scottde@purdue.edu), or Office of the Indiana State Chemist, Purdue University, 175 South University Street, West Lafayette, Indiana 47907-2063. Statutory authority: IC 15-3-3.5-3; IC 15-3-3.6-4.

---

---

**TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES**

LSA Document #02-340

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 405 IAC 1-14.6 to revise the case mix reimbursement methodology that the Medicaid program utilizes to reimburse nursing facilities by increasing the minimum occupancy parameter for the direct care, indirect care, and administrative rate components; eliminating the provision that disallows annual rebasing of Medicaid payment rates; extending the date that the historical cost inflation reduction factor applies; and removing the profit add-on from the direct care component. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3(2).

---

---

**TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES**

LSA Document #02-345

Under IC 4-22-2-23, the Division of Disability, Aging, and Rehabilitative Services intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 460 IAC 3.5 to revise the definitions of adult day services and the reimbursement rates for adult day services paid by the Division of Disability, Aging, and Rehabilitative Services to approved providers. The update may include a mechanism for calculating rates. Adult day services are provided to eligible individuals with a developmental disability. Statutory authority: IC 12-8-8-4; IC 12-9-2-3.

---

---

**TITLE 845 BOARD OF PODIATRIC MEDICINE**

LSA Document #02-341

Under IC 4-22-2-23, the Board of Podiatric Medicine intends to adopt a rule concerning the following:

---

---

## Notice of Intent to Adopt a Rule

---

---

**OVERVIEW:** Adds 845 IAC 1-5-2.1 concerning reporting of continuing education credit. Repeals 845 IAC 1-5-2. Questions or comments may be directed by mail to the Board of Podiatric Medicine, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204, or by electronic mail to wlowhorn@hpb.state.in.us. Statutory authority: IC 25-29-2-11.

---

### **TITLE 905 ALCOHOL AND TOBACCO COMMISSION**

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #02-338

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 905 IAC 1-45 to establish rules regulating tracking of beer kegs under IC 7.1-3-6.5. This rule would provide definitions and procedures to implement said statutes. Questions concerning the proposed rule may be directed to Mary L. DePrez at 232-2444. Statutory authority: IC 7.1-2-3-7.

---

**TITLE 50 DEPARTMENT OF LOCAL  
GOVERNMENT FINANCE**

*NOTE: Under IC 6-1.1-31-1, the name of the State Board of Tax Commissioners is changed to Department of Local Government Finance, effective January 1, 2002.*

**Proposed Rule**  
LSA Document #02-81

**DIGEST**

Adds 50 IAC 18 to provide uniform procedures necessary to review and assess the real property of an industrial facility under IC 6-1.1-8.7. Effective 30 days after filing with the secretary of state.

**50 IAC 18**

SECTION 1. 50 IAC 18 IS ADDED TO READ AS FOLLOWS:

**ARTICLE 18. INDUSTRIAL FACILITY; REAL  
PROPERTY ASSESSMENT**

**Rule 1. Primary Definitions**

**50 IAC 18-1-1 Applicability**

Authority: IC 6-1.1-8.7-9  
Affected: IC 6-1.1-8.7

**Sec. 1.** Unless otherwise indicated, the definitions contained in IC 6-1.1-8.7 also apply to this article. (*Department of Local Government Finance; 50 IAC 18-1-1*)

**Rule 2. General Provisions**

**50 IAC 18-2-1 Filing procedure for petition for reassessment**

Authority: IC 6-1.1-8.7-9  
Affected: IC 6-1.1-4-4; IC 6-1.1-8.7-1; IC 6-1.1-8.7-2

**Sec. 1. (a)** Before January 1 of each year that a general reassessment commences under IC 6-1.1-4-4, two hundred fifty (250) or more owners of real property in a township may petition the department of local government finance to assess the real property of an industrial facility as defined in IC 6-1.1-8.7-2 in the township for that general reassessment. The petitioners shall use the form of petition required by the department.

**(b)** A copy of the petition completed pursuant to subsection (a) must also be filed with the auditor of the county in which the industrial facility is located. Within fifteen (15) days thereafter, the county auditor shall certify the number of petitioners that are owners of real property within the township, pursuant to a form required by the department and forward the certification and the petitions to the commissioner of the department.

**(c)** An industrial company as defined in IC 6-1.1-8.7-1 may petition the department to assess an industrial facility owned or used by the company. Petitions by an industrial company must be filed with the commissioner of the department on the form required by the department. (*Department of Local Government Finance; 50 IAC 18-2-1*)

**50 IAC 18-2-2 Assessment by the department**

Authority: IC 6-1.1-8.7-9  
Affected: IC 6-1.1-8.7-5; IC 6-1.1-30-13

**Sec. 2. (a)** The department may assess the real property of an industrial facility pursuant to a properly filed and certified petition in accordance with section 1 of this rule, but may choose not to assess the property if the industrial facility is currently under appeal.

**(b)** To determine the true tax value of the industrial facility, the department shall use appraisal methods consistent with the rules pertaining to the assessment of real property.

**(c)** Not less than thirty (30) days before making a physical inspection of the property, the department shall give notice pursuant to IC 6-1.1-8.7-5 to the owner of the industrial company and the assessor of the county of the department's intention to enter and inspect the property for assessment purposes.

**(d)** The department may request that the industrial company make available all information necessary or proper to determine the true tax value. If the industrial company fails or refuses to provide the information requested, the department may take necessary actions pursuant to IC 6-1.1-30-13 in order to obtain the information and further, the industrial company may not introduce any information withheld as evidence in any proceedings involving the assessment of the industrial company's real property. (*Department of Local Government Finance; 50 IAC 18-2-2*)

**50 IAC 18-2-3 Certification of values; appeal and review**

Authority: IC 6-1.1-8.7-7  
Affected: IC 6-1.1-8.7

**Sec. 3. (a)** The department shall certify the true tax value of the industrial facility to the county auditor and to the county assessor.

**(b)** The county assessor has thirty (30) days to review the certified value to determine the validity, and may present findings to the department. The department may extend this time to review for good cause. The department may make additions or corrections to the assessment.

**(c)** When the department determines the final assessment of an industrial facility, the department shall provide notice

---

## Proposed Rules

---

of the assessment to the owner of the industrial facility.  
(Department of Local Government Finance; 50 IAC 18-2-3)

### 50 IAC 18-2-4 Appeal of assessments

Authority: IC 6-1.1-8.7-9

Affected: IC 6-1.1-8.7

Sec. 4. (a) The industrial company that owns or uses the industrial facility assessed under this article, a taxpayer that petitioned for assessment of an industrial facility assessed under this article, or the county assessor of the county in which the industrial facility is located may appeal an assessment by the department made under this article to the department.

(b) The department shall hold a hearing on the appeal and issue an order within one (1) year of the date the appeal is filed. (Department of Local Government Finance; 50 IAC 18-2-4)

### Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 6, 2003 at 2:00 p.m., at the Indiana Government Center-North, 100 North Senate Avenue, 1045 IEERB Conference Room, Indianapolis, Indiana the Department of Local Government Finance will hold a public hearing on proposed new rules to govern the assessment of industrial facilities.

Parties interested in participating in the public hearing are encouraged to attend and submit written statements expressing their specific or general concerns, any suggested additions or revisions, and any documentation that may serve to support, clarify, or supplement their concerns, suggestions, or proposed revisions. The Department of Local Government Finance also encourages any interested party who has concerns, suggestions, or proposed revisions to contact Beth Henkel, Department of Local Government Finance, at (317) 233-4361.

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 1058 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Lisa Acobert  
Commissioner  
Department of Local Government Finance

---

## TITLE 60 OVERSIGHT COMMITTEE ON PUBLIC RECORDS

### Proposed Rule

LSA Document #02-261

### DIGEST

Amends 60 IAC 2 concerning microfilming standards. Adds 60 IAC 2-2-3.1 concerning the preparation of documents for

microfilming. Adds 60 IAC 2-2-5.1 concerning notice and certification of destruction of records. Repeals 60 IAC 2-1-2, 60 IAC 2-1-3, 60 IAC 2-2-6, and 60 IAC 2-2-7. Effective 30 days after filing with the secretary of state.

60 IAC 2-1-1

60 IAC 2-1-2

60 IAC 2-1-3

60 IAC 2-2-1

60 IAC 2-2-2

60 IAC 2-2-3

60 IAC 2-2-3.1

60 IAC 2-2-4

60 IAC 2-2-5

60 IAC 2-2-5.1

60 IAC 2-2-6

60 IAC 2-2-7

SECTION 1. 60 IAC 2-1-1, AS READOPTED AT 25 IR 1268, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 60 IAC 2-1-1 Purpose

Authority: IC 5-15-5.1-8; IC 5-15-5.1-20

Affected: IC 5-15-5.1-1; IC 5-15-5.1-5

Sec. 1. (a) The purpose of these ~~microfilm~~ microfilming standards is to create minimum legal, legibility, permanency standards for source document microfilm with a retention period of more than fifteen (15) years; generated by agencies subject to IC 5-15-5.1-1. These microfilming standards are consistent with the microfilming standard approved by the Indiana state supreme court as Administrative Rule 6.

(b) ~~This article does not apply to computer-output microforms nor does it apply to records filmed for administrative purposes with a retention schedule of fifteen (15) years or less. (Oversight Committee on Public Records; 60 IAC 2-1-1; filed Feb 23, 1987, 11:30 a.m.: 10 IR 1358; filed Dec 19, 1988, 4:45 p.m.: 12 IR 1086; readopted filed Dec 2, 2001, 12:20 p.m.: 25 IR 1268)~~

SECTION 2. 60 IAC 2-2-1, AS READOPTED AT 25 IR 1268, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 60 IAC 2-2-1 Application of standards

Authority: IC 5-15-5.1-5; IC 5-15-5.1-20

Affected: IC 5-15-5.1-19

Sec. 1. All agencies, as defined by IC 5-15-5.1, shall meet the standards set forth under this article regarding the use of microfilm for the preservation of any record generated by that agency. Only those records or record series ~~which that~~ have been approved by the oversight committee on public records under IC 5-15-5.1-19 ~~implementing IC 5-15-5.1-12~~; shall be eligible for microfilming. (Oversight Committee on Public Records; 60 IAC 2-2-1; filed Feb 23, 1987, 11:30 a.m.: 10 IR 1359; filed Dec 19, 1988, 4:45 p.m.: 12 IR 1088; readopted filed Dec 2, 2001, 12:20 p.m.: 25 IR 1268)

SECTION 3. 60 IAC 2-2-2, AS READOPTED AT 25 IR 1268, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

## 60 IAC 2-2-2 Definitions

Authority: IC 5-15-5.1-5; IC 5-15-5.1-8; IC 5-15-5.1-20

Affected: IC 5-15-5.1-1; IC 5-15-5.1-18

Sec. 2. The following definitions in this section shall apply throughout this article:

(a) (1) "AIIM" means Association for Information and Image Management.

(b) (2) "ANSI" means American National Standards Institute.

(3) "Critical records" has the meaning set forth at IC 5-15-5.1-1.

(4) "ISO" means International Organization for Standardization.

(5) "LE" means life expectancy.

(c) "MS" means microfilming standards.

(d) (6) "Microfilm", when used as a noun, means a photographic film containing an image greatly reduced in size from the original, and when used as a verb, means the recording of microphotographs on film.

(e) (7) "Microform" is a generic term for any form, usually film, which contains microimages.

(f) "NMS" means National Micrographics Standards.

(g) "PH" means photography standards.

(h) "Target" means any document or chart containing identification information, coding, or test charts. A target is an aid to technical or bibliographical control which is photographed on the film proceeding or following the document.

(i) "Standard" means a uniformly accepted set of compliances to a predefined norm.

(j) "Specifications" means a set of requirements to be satisfied, and whenever appropriate, the procedure which proves that the requirements given are satisfied.

(k) "Records series" means a group of related documents, either as to form or content, which are arranged under a single filing system, or kept together as a unit because they:

- (1) consist of the same form;
- (2) relate to the same subject;
- (3) result in the same activity; and
- (4) have certain physical characteristics (tapes, discs, microforms).

(8) "MS" means microfilming standards.

(9) "Oversight committee" means the oversight committee on public records under IC 5-15-5.1-18.

(10) "PIMA" means Photographic & Imaging Manufacturers Association, Inc.

(h) (11) "Record retention schedules" means a series of documents governing, on a continuing basis, the retention and disposition of recurring record series of an agency, court, or organization.

(12) "Record series" means a group of related documents, either as to form or content, which are arranged under a single filing system, or kept together as a unit because they:

- (A) consist of the same form;
- (B) relate to the same subject;

(C) result in the same activity; and

(D) have certain physical characteristics (tapes, discs, microforms).

(m) (13) "Reproduction" means the process of making an exact copy from an existing document.

(14) "Standard" means a uniformly accepted set of compliances to a predefined norm.

(Oversight Committee on Public Records; 60 IAC 2-2-2; filed Feb 23, 1987, 11:30 a.m.; 10 IR 1359; filed Dec 19, 1988, 4:45 p.m.; 12 IR 1088; readopted filed Dec 2, 2001, 12:20 p.m.; 25 IR 1268)

SECTION 4. 60 IAC 2-2-3, AS READOPTED AT 25 IR 1268, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

## 60 IAC 2-2-3 Documentation

Authority: IC 5-15-5.1-5; IC 5-15-5.1-8; IC 5-15-5.1-20

Affected: IC 5-15-5.1

Sec. 3. A formal written documentation file shall be created and retained for the life of the microfilm based upon an approved retention schedule documenting the following:

(1) The authority to microfilm specifically enumerated records.

(2) The arrangement of originals to be microfilmed.

(3) Any weeding policy of documents to determine what papers from the file will be placed on microfilm.

(4) Any contracts with agents of record custodians, in-house or vendor, who will perform the actual microfilming.

(5) The reproduction process employed to assure accuracy.

(6) Verification of the microfilm for completeness and legibility according to the following standards as approved by the oversight committee in record retention schedules:

(A) Level A, frame-by-frame verification of microfilm containing the following records:

(i) Critical records.

(ii) Records that document the continuing protection of public and private rights.

(iii) Records that are significant to the functions of government.

(B) Level B, proof of verification by performing a cross-check of microfilm of the following records with original records by order or arrangement:

(i) Records that are not critical records.

(ii) Records that document the performance of agency functions.

(C) Level C, verification by comparing a significant sample of documents to microfilm for all other records not covered under Levels A and B. If any errors are detected, verification shall be made under Level B.

(7) The justification for the microfilming of the originals, i.e., that is, space reduction, security, and the written process for the destruction of originals as authorized by an approved retention schedule.

(8) The identity of persons who supervised the microfilming procedures who are capable of giving evidence of these procedures.

(9) The retention schedule for the documentation matching the length of time of the microform.

(10) Certification of compliance with this section to the director, Indiana commission on public records.

*(Oversight Committee on Public Records; 60 IAC 2-2-3; filed Feb 23, 1987, 11:30 a.m.: 10 IR 1359; filed Dec 19, 1988, 4:45 p.m.: 12 IR 1089; readopted filed Dec 2, 2001, 12:20 p.m.: 25 IR 1268)*

SECTION 5. 60 IAC 2-2-3.1 IS ADDED TO READ AS FOLLOWS:

### **60 IAC 2-2-3.1 Preparation of documents for microfilming**

Authority: IC 5-15-5.1

Affected: IC 5-15-5.1

**Sec. 3.1. Agencies shall prepare documents for microfilming as follows:**

(1) **Organization of documents.**

(2) **Preparation of an index to be submitted with the documents.**

(3) **Removal of staples, paper clips, or other fasteners.**

*(Oversight Committee on Public Records; 60 IAC 2-2-3.1)*

SECTION 6. 60 IAC 2-2-4, AS READOPTED AT 25 IR 1268, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **60 IAC 2-2-4 Legibility**

Authority: IC 5-15-5.1-1; IC 5-15-5.1-5; IC 5-15-5.1-8; IC 5-15-5.1-20

Affected: IC 5-15-5.1

Sec. 4. (a) Resolution in a microfilm system for documents shall be tested for resolution capability, upon installation, by use of a camera test chart ~~such as the "Rotary Camera Test Chart", ANSI/AIIM MS112-1983 and ANSI/AIIM MS113-1983; "The Planetary Camera Test Chart", AIIM MS303-1980; provided in ANSI/AIIM MS23-1998.~~ Micrographics systems used for agency records must meet the following standards:

(1) A micrographic system for documents must produce a quality index level of not less than 5.0 for first-generation microfilm as measured according to ~~ANSI/NMA MS23-1983; ANSI/AIIM MS23-1998.~~ In applying this ANSI standard, a lowercase letter "e" height of one and four-tenths (1.4) millimeters or less must be used.

(2) All pattern groups on the camera test chart must be read. The smallest line pattern, which corresponds to the highest number, in which both horizontal and vertical lines are clearly discernible is the resolving power of that pattern group.

(3) The film used in reading the camera test chart must be processed to the density standard in subsection (b).

(b) Density in microfilm systems used for agency records must meet the following standards:

(1) Background density in first-generation negative microfilm of

documents must be maintained as nearly as practical in the range of 0.92 to 1.20. No density over 1.25 or under 0.87 is allowed.

(2) If a density in first-generation negative microfilm of documents occurs in the ranges 0.87 to 0.91 or 1.21 to 1.25, the records custodian shall determine by visual inspection that all such images satisfactorily reproduce all required record information.

(3) The density of microfilm in a clear area (base plus fog density or Dmin) must not be greater than 0.10.

(c) Reduction ratio in microfilm systems for agency records must meet the following standards:

(1) For microfilming of documents, a ratio of 25:1 or 24:1 or less is required.

(2) A reduction ratio for microfilm of documents of greater than 25:1 may be used only if the micrographic system can maintain the required quality index at the higher reduction.

(d) **"Standard Recommended Practice—Production, Inspection, and Quality Assurance of First Generation, Silver Microforms of Documents", ANSI/AIIM MS23-1998 is hereby incorporated by reference. Copies of this publication may be obtained by writing to AIIM, 1100 Wayne Avenue, Suite 1100, Silver Spring, Maryland 20910.** *(Oversight Committee on Public Records; 60 IAC 2-2-4; filed Feb 23, 1987, 11:30 a.m.: 10 IR 1360; errata, 10 IR 1884; filed Dec 19, 1988, 4:45 p.m.: 12 IR 1089; readopted filed Dec 2, 2001, 12:20 p.m.: 25 IR 1268)*

SECTION 7. 60 IAC 2-2-5, AS READOPTED AT 25 IR 1268, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **60 IAC 2-2-5 Permanency**

Authority: IC 5-15-5.1-5; IC 5-15-5.1-8; IC 5-15-5.1-20

Affected: IC 5-15-5.1

Sec. 5. For records requiring permanent retention, based on an approved retention schedule, the following shall apply:

(1) Raw stock microfilm shall **meet the requirements of ANSI/AIIM MS23-1998 and be of a safety-based permanent record film meeting specification of American National Standards Institute PH1.25-1984; capable of an LE 500-year rating, be polyester based, and include an anti-halation dye system to prevent light scattering and fogging.**

(2) The camera-generated master negative microfilm shall be silver-halide, silver-gelatin, meeting the permanency requirements of ~~American National Standards Institute PH1.28-1984 and PH1.41-1984; ISO 18917.~~

(3) **Camera-generated negatives must be processed according to ISO 18917.**

~~(3) (4)~~ Residual thiosulfate on the film must be measured using the methylene blue test and meet ~~American National Standards Institute PH4.8-1985; ANSI/AIIM MS23-1998.~~

~~(4) (5)~~ The master microfilm record meeting the above criteria shall be stored at a site other than the producing agency's structure, in a fire-proof vault, ~~meeting American~~

National Standards Institute PH1-43-1985: in accordance with ANSI/PIMA IT9.11-1998.

(5) (6) In addition to the master microfilm record, which is a security copy, the agency may provide working copies of the microfilm. These may be on silver, diazo, vesicular, dry silver, or transparent electro-photograph film, on a safety base of cellulose ester or polyester material.

(7) “Photography—Determination of residual thiosulfate and other related chemicals in processed photographic materials—Methods using iodine-amylose, methylene blue and silver sulfide”, ISO 18917 (First edition 1999-0601) is hereby incorporated by reference. Copies of this publication may be obtained by writing to ISO, Case postale 56, 1211 Geneva 20, Switzerland.

(8) “Standard Recommended Practice—Production, Inspection, and Quality Assurance of First Generation, Silver Microforms of Documents”, ANSI/AIIM MS23-1998 is hereby incorporated by reference. Copies of this publication may be obtained by writing to AIIM, 1100 Wayne Avenue, Suite 1100, Silver Spring, Maryland 20910.

(9) “Processed Safety Photographic Films—Storage”, ANSI/PIMA IT9.11-1998 is hereby incorporated by reference. Copies of this publication may be obtained by writing to ANSI, 11 West 42<sup>nd</sup> Street, New York, New York 10036.

*(Oversight Committee on Public Records; 60 IAC 2-2-5; filed Feb 23, 1987, 11:30 a.m.: 10 IR 1360; filed Dec 19, 1988, 4:45 p.m.: 12 IR 1090; readopted filed Dec 2, 2001, 12:20 p.m.: 25 IR 1268)*

SECTION 8. 60 IAC 2-2-5.1 IS ADDED TO READ AS FOLLOWS:

**60 IAC 2-2-5.1 Notice and certification of destruction**

Authority: IC 5-15-5.1-5; IC 5-15-5.1-8; IC 5-15-5.1-20

Affected: IC 5-15-5.1

Sec. 5.1. (a) Records that have been microfilmed in accordance with this rule may be destroyed or otherwise disposed of only after:

- (1) the agency files a destruction notice with the oversight committee certifying that the records have been microfilmed in accordance with this rule; and
- (2) the oversight committee issues a written authorization for the destruction of such records.

(b) The oversight committee shall provide a form for this purpose. *(Oversight Committee on Public Records; 60 IAC 2-2-5.1)*

SECTION 9. THE FOLLOWING ARE REPEALED: 60 IAC 2-1-2; 60 IAC 2-1-3; 60 IAC 2-2-6; 60 IAC 2-2-7.

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on January 23, 2003 at 10:00 a.m., at the Indiana Government*

*Center-South, 402 West Washington Street, Indiana Arts Commission Conference Room, Room W072-076, Indianapolis, Indiana the Oversight Committee on Public Records will hold a public hearing on proposed amendments concerning micro-filming standards, new provisions concerning the preparation of documents for microfilming and providing for notice and certification of destruction of records, and repeals 60 IAC 2-1-2, 60 IAC 2-1-3, 60 IAC 2-2-6, and 60 IAC 2-2-7. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W472 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Anne Mullin O'Connor

Member

Oversight Committee on Public Records

---



---

**TITLE 312 NATURAL RESOURCES COMMISSION**

**Proposed Rule**

LSA Document #02-201

**DIGEST**

Amends 312 IAC 18-3-12 that governs standards for the control of larger pine shoot beetle by adding Bartholomew, Franklin, Monroe, Morgan, and Putnam Counties to the quarantine area. Effective 30 days after filing with the secretary of state.

**312 IAC 18-3-12**

SECTION 1. 312 IAC 18-3-12, AS AMENDED AT 25 IR 3049, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 18-3-12 Control of larger pine shoot beetles**

Authority: IC 14-10-2-4; IC 14-24-3

Affected: IC 14-24

Sec. 12. (a) The larger pine shoot beetle (*Tomicus piniperda*) is a pest or pathogen. This section governs standards for the control of the larger pine shoot beetle in Indiana.

(b) Except as provided in subsection (c), the division has determined Indiana is an infested area where the larger pine shoot beetle is present.

(c) Exempted from subsection (b) are the following counties:

(1) ~~Bartholomew~~.

(2) (1) Clark.

(3) (2) Clay.

(4) (3) Crawford.

(5) (4) Daviess.

(6) (5) Dearborn.

(7) (6) Decatur.

(8) (7) Dubois.

## Proposed Rules

- (9) (8) Floyd.
- (10) ~~Franklin.~~
- (11) (9) Gibson.
- (12) (10) Greene.
- (13) (11) Harrison.
- (14) (12) Jackson.
- (15) (13) Jefferson.
- (16) (14) Jennings.
- (17) (15) Knox.
- (18) (16) Lawrence.
- (19) (17) Martin.
- (20) ~~Monroe.~~
- (21) ~~Morgan.~~
- (22) (18) Ohio.
- (23) (19) Orange.
- (24) (20) Perry.
- (25) (21) Pike.
- (26) (22) Posey.
- (27) ~~Putnam.~~
- (28) (23) Ripley.
- (29) (24) Scott.
- (30) (25) Spencer.
- (31) (26) Sullivan.
- (32) (27) Switzerland.
- (33) (28) Union.
- (34) (29) Vanderburgh.
- (35) (30) Vigo.
- (36) (31) Warrick.
- (37) (32) Washington.

(d) The following items are regulated articles:

- (1) The larger pine shoot beetle in any life stage.
- (2) Entire plants or parts of the genus pine (*Pinus* spp.). Exempted from this subdivision are plants that conform to each of the following:

- (A) Are less than thirty-six (36) inches high.
- (B) Are one (1) inch in basal diameter or less.

- (3) Logs and lumber of pine with bark attached. Exempted from this subdivision are logs of pine and pine lumber with bark attached if:

- (A) the source tree was felled during the period of July through October; and
- (B) the logs and lumber are shipped from the quarantined area during the period of July through October.

- (4) Any other article, product, or means of conveyance if determined by the division director to present the risk of spread of the larger pine shoot beetle.

- (e) The following actions are ordered within the infested area:
- (1) The movement by a person of a regulated article to a destination outside the infested area is prohibited, except under the following conditions:

- (A) A thorough examination of all nursery stock takes place on a piece by piece basis.
- (B) A statistically based examination of Christmas trees is

made according to the following schedules:

TABLE 1. PAINTED (COLOR-ENHANCED)  
PINE CHRISTMAS TREES<sup>1</sup>

No. of Trees in Shipment	No. of Trees to Sample	No. of Trees in Shipment	No. of Trees to Sample
1-72	All	700-800	120
73-100	73	801-900	121
101-200	96	901-1,000	122
201-300	106	1,001-2,000	126
301-400	111	2,001-3,000	127
401-500	115	3,001-5,000	128
501-600	117	5,001-10,000	129
601-700	119	10,001 or more	130

<sup>1</sup>If a pine shoot beetle is detected in any one (1) of the trees being sampled, the entire shipment must be rejected. If no pine shoot beetle is detected in any of the trees sampled, the shipment will be allowed to move with a limited permit. The limited permit must state, "All trees that remain unsold as of December 25 must be destroyed by burning or chipping, or must be fumigated prior to January 1."

TABLE 2. NATURAL (UNPAINTED)  
CHRISTMAS TREES<sup>1</sup>

No. of Trees in Shipment	No. of Trees to Sample	No. of Trees in Shipment	No. of Trees to Sample
1-57	All	501-600	80
58-100	58	601-700	81
101-200	69	701-1,000	82
201-300	75	1,001-3,000	84
301-400	77	3,001-10,000	85
401-500	79	10,001 or more	86

<sup>1</sup>If a pine shoot beetle is detected in any one (1) of the trees being sampled, the entire shipment must be rejected. If no pine shoot beetle is detected in any of the trees sampled, the shipment will be allowed to move with a limited permit. The limited permit must state, "All trees that remain unsold as of December 25 must be destroyed by burning or chipping, or must be fumigated prior to January 1."

(C) Following the examination, a determination is made that no life stages of the larger pine shoot beetle are present. The determination must be accompanied by either of the following:

- (i) A certificate of inspection approved by the division.
- (ii) A certificate or similar authorization issued by the U.S. Department of Agriculture under a parallel federal quarantine.

(D) The certificate for the absence of the larger pine shoot beetle must be attached to and remain on the regulated articles until the articles reach their destinations. This requirement is, however, satisfied if the certificate is attached to the shipping document and the regulated article is adequately described on the shipping document of the certificate.

(2) A regulated article originating outside the infested area may move through the infested area without a certificate of inspection if the point of origin of the regulated article is indicated on the waybill or shipping documents and transportation conforms with this subdivision. Passage through the infested area must be made without stopping, except for refueling or traffic conditions, and shall be conducted within either of the following conditions:

(A) The ambient temperature is below fifty (50) degrees Fahrenheit.

(B) The regulated article is carried in an enclosed vehicle with an adequate covering to prevent access by the larger pine shoot beetle. Examples of an adequate covering include canvas, plastic, or loosely woven cloth.

(3) A regulated article originating outside the infested area which is moved into the infested area and exposed to potential infestation by the larger pine shoot beetle is considered to have originated from the infested area. Any regulated article under this subdivision is controlled by subdivision (1).

(4) The movement of a regulated article from an infested area through any noninfested area to another infested area is prohibited without a certificate for the absence of the larger pine shoot beetle except where both of the following conditions are met:

(A) Passage through a noninfested area is made without stopping, except for refueling or traffic conditions, if the ambient temperature is below fifty (50) degrees Fahrenheit or if in an enclosed vehicle with an adequate covering to prevent access by the larger pine shoot beetle.

(B) The waybill or shipping documents accompanying any shipment of regulated articles within or through Indiana indicate the county and state of origin of the regulated articles.

(5) Any regulated article imported or moved within Indiana in violation of this section shall be immediately removed from any noninfested area or destroyed. The expense of compliance with this subdivision is the joint and several responsibility of any person possessing or owning the regulated article. Compliance with this subsection shall be performed under the direction of the division director.

(6) In addition to the penalty set forth in subdivision (5), a person who violates this section is subject to any administrative, civil, or criminal sanction set forth in IC 14-24 and this article.

(7) This section does not preclude the division director from issuing any permit under section 3 of this rule.

*(Natural Resources Commission; 312 IAC 18-3-12; filed Nov 22, 1996, 3:00 p.m.: 20 IR 950; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1273; filed Feb 9, 1999, 4:16 p.m.: 22 IR 1945; filed Apr 4, 2001, 3:02 p.m.: 24 IR 2404; filed May 16, 2002, 12:28 p.m.: 25 IR 3049; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546)*

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on January 27, 2003 at 10:00 a.m., at the Indiana Government*

*Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments that govern standards for the control of larger pine shoot beetle by adding Bartholomew, Franklin, Monroe, Morgan, and Putnam Counties to the quarantine area. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Kiley  
Chairman  
Natural Resources Commission

---

## **TITLE 312 NATURAL RESOURCES COMMISSION**

### **Proposed Rule**

LSA Document #02-202

### **DIGEST**

Amends 312 IAC 18-3-8 that governs the standards for the control of black stem rust by adding new varieties to the list of rust-resistant *Berberis*, *Mahoberberis*, and *Mahonia* species. Effective 30 days after filing with the secretary of state.

### **312 IAC 18-3-8**

SECTION 1. 312 IAC 18-3-8, AS READOPTED AT 26 IR 546, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 18-3-8 Control of black stem rust**

**Authority:** IC 14-10-2-4; IC 14-24-3

**Affected:** IC 14-24-5

Sec. 8. (a) Black stem rust is a pest or pathogen. This section governs standards for the control of black stem rust in Indiana.

(b) The following items are regulated under this section:

(1) Seedlings and plants ~~which~~ **that** exhibit growth for less than two (2) years of the genus *Berberis*.

(2) All plants, seeds, fruits, and other plant parts capable of propagation from the following rust-resistant *Berberis* species:

**B. aggregata x B. wilsoniae “Pirate King”**

**B. “Amstelveen”**

B. aridocalida

B. beaniana

B. buxifolia

B. buxifolia nana

B. calliantha

B. candidula

**B. candidula “Amstelveen”**

**B. candidula x B. verruculosa “Amstelveen”**

B. cavallieri

## Proposed Rules

B. chenaulti  
 B. chaneultii "Apricot Queen"  
 B. circumscissata  
 B. concinna  
 B. coxii  
 B. darwini  
 B. dasystachya  
 B. dubia  
 B. feddeana  
 B. formosana  
 B. franchetiana  
 B. gagnepainii  
**B. gagnepainii "Chenault"**  
 B. gilgiana  
 B. gladwynensis  
 B. gladwynensis "William Penn"  
 B. gyalaiica  
 B. heterophylla  
 B. horvathi  
 B. hybrido-gagnepainii  
 B. insignis  
**B. integerrima "Wallichs Purple"**  
 B. julianae  
 B. julianae "Nana"  
 B. julianae "Spring Glory"  
 B. koreana  
 B. koreana x B. thunbergii hybrid Bailseil  
 B. koreana x B. thunbergii hybrid Tara  
 B. lempergiana  
 B. lepidifolia  
 B. linearifolia  
 B. linearifolia var. "Orange King"  
 B. lologensis  
**B. lologensis "Mystery Fire"**  
 B. manipurana  
 B. media "Park Jewel" ~~"Jewel"~~ **Jewel**  
**B. media "Red Jewel"**  
 B. mentorensis  
 B. pallens  
**B. poiretii "BJG 073", "MTA"**  
 B. potanini  
 B. renton  
 B. replicata  
 B. sanguinea  
 B. sargentiana  
 B. sikkimensis  
**B. soulieana "Claret Cascade"**  
 B. stenophylla  
 B. stenophylla diversifolia  
 B. stenophylla gracilis  
 B. stenophylla irwini  
 B. stenophylla nana compacta  
 B. taliensis  
 B. telomaica artisepala  
 B. thunbergii

**B. thunbergii "Antares"**  
 B. thunbergii argenteo marginata  
 B. thunbergii atropurpurea  
 B. thunbergii atropurpurea erecta  
 B. thunbergii atropurpurea erecta Marshalli  
 B. thunbergii atropurpurea "Golden King"  
 B. thunbergii atropurpurea "Intermedia"  
 B. thunbergii atropurpurea "Knight Burgundy"  
 B. thunbergii atropurpurea nana  
 B. thunbergii atropurpurea "Redbird"  
 B. thunbergii atropurpurea "Rosy Glow"  
 B. thunbergii aurea  
**B. thunbergii "Aurea Nana"**  
 B. thunbergii "Bagatelle"  
**B. thunbergii "Bailgreen" (Jade Carousel™)**  
**B. thunbergii "Bailone"**  
**B. thunbergii "Bailone" (Ruby Carousel®)**  
**B. thunbergii "Bailtwo"**  
**B. thunbergii "Bailtwo" (Burgundy Carousel®)**  
 B. thunbergii "Bonanza Gold"  
**B. thunbergii "Concorde"**  
 B. thunbergii "Crimson Pygmy"  
**B. thunbergii "Criruzam" Crimson Ruby™**  
 B. thunbergii "Dwarf Jewell"  
 B. thunbergii erecta  
 B. thunbergii "globe"  
 B. thunbergii "golden"  
**B. thunbergii "Golden Pygmy"**  
**B. thunbergii "Green Carpet"**  
**B. thunbergii "Harlequin"**  
 B. thunbergii "Helmond Pillar"  
 B. thunbergii ~~"Kobald"~~ **"kobold"**  
**B. thunbergii "Lime Glow"**  
**B. thunbergii "Lustre Green"**  
 B. thunbergii maximowiczii  
**B. thunbergii "Midruzam" Midnight Ruby™**  
 B. thunbergii minor  
 B. thunbergii "Monlers"  
**B. thunbergii "Monomb"**  
**B. thunbergii "Monry"**  
**B. thunbergii "Painter's Palette"**  
**B. thunbergii "Pink Queen"**  
 B. thunbergii pluriflora  
**B. thunbergii "Royal Burgundy"**  
**B. thunbergii "Royal Cloak"**  
 B. thunbergii "Sparkle"  
 B. thunbergii "Thornless"  
 B. thunbergii "Upright Jewell"  
 B. thunbergii variegata  
 B. thunbergii xanthocarpa  
**B. thunbergii x "Bailseil" (Golden Carousel®)**  
**B. thunbergii x "Tara" (Emerald Carousel®)**  
 B. triacanthophora  
 B. triculosa  
 B. verruculosa

B. virgatorum  
 B. workingensis  
 B. xanthoxylon

**B. x carminea "Pirate King"**

**B. x frikartii "Amstelveen".**

(3) All plants, seedlings, seeds, fruits, and other plant parts capable of propagation from the following rust-resistant Mahoberberis and Mahonia species, except Mahonia cuttings for decorative purposes:

(A) The following genera Mahoberberis:

M. aquicandidula

**M. aquifolium "Smaragd"**

M. aquisargentiae

M. miethkeana

**M. x "Magic".**

(B) The following genera Mahonia:

M. amplexans

M. aquifolium

M. aquifolium atropurpurea

M. aquifolium compacta

M. aquifolium compacta "John Muir"

M. aquifolium "Donewell"

M. aquifolium "Kings Ransom"

M. aquifolium "Orange Flame"

**M. aquifolium "Undulata"**

M. aquifolium "Winter Sun"

M. "Arthur Menzies"

M. bealei

M. dictyota

M. fortunei

M. "Golden Abundance"

M. japonica

**M. japonica x M. lomariifolia "Charity"**

M. lomariifolia

M. nervosa

M. pinnata

M. pinnata "Ken Hartman"

M. piperiana

M. pumila

M. repens

**M. x media "Charity"**

**M. x media "Winter Sun".**

(4) All plants, seeds, fruits, and other plant parts capable of propagation from rust-susceptible species and varieties of the genera Berberis, Mahoberberis, and Mahonia, and seedlings from rust-susceptible species and varieties of the genera Mahoberberis and Mahonia, except Mahonia cuttings for decorative purposes.

(5) Any other product or article not listed in this subsection which a division inspector determines presents a risk of spread of black stem rust. The division inspector shall notify the person in possession of a product or article **which that** qualifies under this subdivision that it is subject to this section.

(c) During the inspection of a nursery under IC 14-24-5, a

division inspector shall examine all nursery stock to determine that the nursery stock consists only of rust-resistant varieties of the genera Berberis, Mahoberberis, and Mahonia, and that the plants are true to type. A plant **which that** does not meet the requirements of this subsection must be destroyed.

(d) If a nursery raises plants of the genera Berberis, Mahoberberis, or Mahonia from seed, the division shall conduct a visual inspection to verify that no wild or domesticated plants are growing within one-half (½) mile of the nursery. The inspection must conform to standards set forth in 7 CFR 301.38-3. A nursery **which that** does not meet the requirements of this subsection must cease raising plants of the described genera.

(e) Except as provided in subsection (g), the following articles regulated under this section are prohibited from moving interstate into or through Indiana:

(1) All Berberis seedlings and plants **which that** exhibit growth for less than two (2) years; rust-susceptible Berberis plants, seeds, and fruits; and other plant parts capable of propagation.

(2) Rust-susceptible Mahoberberis and Mahonia plants, seedlings, seeds, fruits, and other plant parts capable of propagation.

(f) The following articles regulated under this section may be moved interstate into or through Indiana only if accompanied by a certificate issued and attached under 7 CFR 301.38-5 and 7 CFR 301.38-7:

(1) Plants **which that** exhibit growth for at least two (2) years, seeds, fruits, and other plant parts capable of propagation of the genera Mahoberberis and Mahonia that are designated as rust-resistant in subsection (b)(2).

(2) Plants, seedlings, seeds, fruits, and other plant parts capable of propagation of the genera Mahoberberis and Mahonia that are designated as rust-resistant in subsection (b)(3).

(g) A regulated article not eligible for a certificate under 7 CFR 301.38-5 and 7 CFR 301.38-7 may be moved interstate into or through Indiana as authorized by a special permit issued under 7 CFR 301.38-4 by an employee of the Animal and Plant Health Inspection Service of the United States Department of Agriculture. (*Natural Resources Commission; 312 IAC 18-3-8; filed Nov 22, 1996, 3:00 p.m.: 20 IR 947; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546*)

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on January 27, 2003 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments that govern the standards for the control of black stem rust by adding new*

---

## Proposed Rules

---

*varieties to the list of rust-resistant Berberis, Mahoberberis, and Mahonia species. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Kiley  
Chairman  
Natural Resources Commission

---

### TITLE 312 NATURAL RESOURCES COMMISSION

#### Proposed Rule LSA Document #02-236

#### DIGEST

Amends 312 IAC 2-4 that governs organized activities and tournaments on public waters. A definition for "major organized boating activity" is added, and the regulation of a major organized boating activity is placed under 312 IAC 5-3. Identifies the division of law enforcement as the administering division for 312 IAC 2-4. Additional factors are included for the division to consider in evaluating a license for fishing tournaments, and additional duties are defined for license holders. The department's fall consideration of tournament applications is limited to the next season rather than the next two seasons. Lake Wawasee and Syracuse Lake in Kosciusko County are added to the public waters for which the sponsor of a fishing tournament must obtain a license, and specific numerical limitations are established for tournament activities on these lakes. Amendments are made to 312 IAC 5-3 to provide consistent administration with 312 IAC 2-4. Makes other substantive and technical changes. Repeals 312 IAC 2-4-8 and 312 IAC 2-4-10. Effective October 1, 2003.

<b>312 IAC 2-4-1</b>	<b>312 IAC 2-4-9.5</b>
<b>312 IAC 2-4-2</b>	<b>312 IAC 2-4-10</b>
<b>312 IAC 2-4-4</b>	<b>312 IAC 2-4-12</b>
<b>312 IAC 2-4-6</b>	<b>312 IAC 2-4-13</b>
<b>312 IAC 2-4-7</b>	<b>312 IAC 5-3-1</b>
<b>312 IAC 2-4-8</b>	<b>312 IAC 5-3-2</b>
<b>312 IAC 2-4-9</b>	<b>312 IAC 5-3-3</b>

SECTION 1. 312 IAC 2-4-1, AS READOPTED AT 26 IR 546, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

#### 312 IAC 2-4-1 Applicability

Authority: IC 14-10-2-4; IC 14-15-7-3  
Affected: IC 14

Sec. 1. (a) This rule applies to both of the following:  
(1) The process for designating any public water where organized activities and tournaments are regulated.

(2) The administration of organized activities and tournaments on waters designated under subdivision (1).

(b) Exempted from this rule ~~is any~~ **are each of the following:**

(1) A boat race. ~~or~~

(2) A water ski event. ~~Those activities are governed by 312 IAC 5-3.~~

(3) A major organized boating activity.

(c) A person must not conduct or participate in a fishing tournament or other organized activity on a public water designated in this rule except under a license issued under this rule.

(d) ~~The director department's division of law enforcement shall designate a point of contact within the department for the administration of this rule, including the supervision of an activity regulated under administer this rule. (Natural Resources Commission; 312 IAC 2-4-1; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3930, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546)~~

SECTION 2. 312 IAC 2-4-2, AS READOPTED AT 26 IR 546, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

#### 312 IAC 2-4-2 Definitions

Authority: IC 14-10-2-4; IC 14-15-7-3  
Affected: IC 14

Sec. 2. (a) The definitions in this section apply throughout this rule and are in addition to the definitions in 312 IAC 1.

(b) "Boat race" has the meaning set forth at 312 IAC 5-2-5.

(c) "Fishing tournament" means an activity involving fifteen (15) or more watercraft used for taking fish where:

- (1) persons compete for a trophy, citation, cash, or prize; or
- (2) a fee is charged to participants.

(d) ~~Other~~ **"Major organized boating activity"** means an activity ~~involving fifteen (15) or more watercraft~~ other than

~~(1) a boat race,~~

~~(2) a fishing tournament, or~~

~~(3) a water ski event that:~~

**(1) involves fifteen (15) or more watercraft as participants;**

**(2) involves fifty (50) or more watercraft as spectators;**

**(3) is conducted according to a prearranged schedule for a limited duration; or**

**(4) is reasonably expected to significantly disrupt boat traffic.**

(e) "Water ski event" has the meaning set forth at 312 IAC 5-2-44. (Natural Resources Commission; 312 IAC 2-4-2; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3930, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546)

SECTION 3. 312 IAC 2-4-4, AS READOPTED AT 26 IR 546, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 2-4-4 Notice of and response to petition**

**Authority:** IC 14-10-2-4; IC 14-15-7-3  
**Affected:** IC 14

Sec. 4. (a) Upon receipt of a completed petition under section 3 of this rule, the division of hearings of the commission shall cause:

- (1) a copy of the petition to be delivered for each deputy director of the department; and
- (2) notice of the petition and a brief summary of its contents to be delivered to the legislative services agency for publication in the Indiana Register.

(b) Within ninety (90) days after the receipt of a petition under subsection (a), the department shall review and tender written recommendations to the commission regarding preliminary adoption of a rule to implement the petition. A copy of the recommendations shall also be served upon the petitioner and any other person who requests in writing that the department provide a copy.

(c) In preparing the recommendations described in subsection (b), the department shall consult with the petitioner and any other interested person. The recommendations shall consider each of the following:

- (1) Fish, wildlife, or botanical resource management.
- (2) The protection of users, including the following:
  - (A) Limitations of the public water to safely accommodate watercraft.
  - (B) Limitations of facilities relative to vehicular access, pedestrian safety, parking, and the launching of watercraft.
- (3) The protection of private and public property.
- (4) Cultural resources.

**(d) For an application to establish a license requirement on a public freshwater lake, the department shall consider limiting the total number of boats in an activity conducted between April 1 and September 30, and licensed under this rule or under 312 IAC 5-3.**

**(e) The maximum number established under subsection (d) governs any date on which the activity or a portion of the activity is conducted.**

~~(d)~~ **(f)** If the department does not tender its written recommendations to the commission in a timely fashion as provided in subsection (b), the petitioner may move the commission to place the petition on its agenda at the next regular ~~monthly~~ meeting. *(Natural Resources Commission; 312 IAC 2-4-4; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3930, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546)*

SECTION 4. 312 IAC 2-4-6, AS READOPTED AT 26 IR 546, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 2-4-6 License application**

**Authority:** IC 14-10-2-4; IC 14-15-7-3  
**Affected:** IC 14

Sec. 6. (a) An application for a license to conduct a fishing tournament or other organized activity must be completed on a department form at least ninety (90) days before the date of the proposed tournament.

**(b) An applicant must be an individual who is at least eighteen (18) years of age and a resident of Indiana.**

~~(b)~~ **(c)** The applicant shall attach a copy of the proposed ~~tournament~~ standards and regulations **governing the activity.**

**(d) The department shall condition any license to achieve at least one (1) of the following:**

- (1) Prevention of unusual conditions or hazards.**
- (2) Promotion of scientific fish, wildlife, or botanical resource management.**
- (3) Assistance in the protection of users.**

**(e) To accomplish the purposes described in subsection (d), the department may do any of the following:**

- (1) Designate the starting time or ending time for an activity.**
- (2) Designate the time and location for the use of any public facilities.**
- (3) Spread starting times among license holders if more than one (1) is approved for a particular waterway.**
- (4) Restrict portions of the waterway from use by the participants.**

*(Natural Resources Commission; 312 IAC 2-4-6; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3931, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546)*

SECTION 5. 312 IAC 2-4-7, AS READOPTED AT 26 IR 546, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 2-4-7 Advance date approval**

**Authority:** IC 14-10-2-4; IC 14-15-7-3  
**Affected:** IC 14

Sec. 7. (a) The department will conduct an organizational meeting between October 1 and December 15 to establish dates for the following ~~two (2) years~~ **year** on which fishing tournaments or other organized activities can be conducted.

(b) A person who receives a reserved date must submit a completed license application within thirty (30) days of notification and at least ~~ninety (90)~~ **sixty (60)** days before the scheduled event, whichever is earlier. Failure to submit a timely completed application releases the reservation. *(Natural Resources Commission; 312 IAC 2-4-7; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3931, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546)*

## Proposed Rules

SECTION 6. 312 IAC 2-4-9, AS READOPTED AT 26 IR 546, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 2-4-9 General duties of license holder

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 9. In addition to the terms of the license and the requirements otherwise set forth in this rule, a license holder must do the following:

**(1) At least fourteen (14) days before the scheduled event, deliver a list of officials who will be present during the event.**

~~(1)~~ **(2) Obtain permission from the department to use a zone or zones in the public water for mooring, judging, and weigh-in, starting, or for any other activities using public facilities.**

~~(2)~~ **(3) Upon the request of the department, meet with a designated authorized representative or representatives before a tournament or other organized activity begins.**

~~(3)~~ **(4) Remove equipment and refuse and otherwise restore zones used in connection with a fishing tournament or other organized activity to the condition that existed before the event as directed by the department.**

~~(4)~~ **(5) Provide officials needed to supervise contestants participants and spectators.**

~~(5)~~ **(6) Require each participating watercraft to clearly display a logo, banner, or other visible item approved by the department to identify the tournament or other organized activity.**

~~(6)~~ **(7) Establish a starting location for the tournament or other organized activity within an idle speed zone.**

~~(7)~~ **(8) Refrain from and prohibit the sale of food, beverages, or supplies within the area of the activity unless approved in writing by the department and the owner of the area.**

**(9) Refrain from obstructing ingress, egress, or regress from private property.**

**(10) Assure reasonable access to all persons to public use facilities, including swimming areas, mooring areas, navigational channels, and similar facilities. Limitations on the usage of facilities must include the following:**

**(A) Except as provided in clause (B), vehicles and trailers of contestants must use no more than seventy-five percent (75%) of the ramp and parking facilities in the staging area of the tournament.**

**(B) The owner of the staging area may, in writing, authorize more than the maximum allowed usage under clause (A). This clause does not apply to a fishing tournament that is subject to section 12 of this rule.**

**(11) Sponsor no more than one (1) event licensed under this rule on the same waterway with starting dates separated by less than fourteen (14) days. A tournament scheduled for two (2) consecutive days is considered a single event. The division of law enforcement may authorize an individual to seek more than one (1) event on the same waterway, with starting dates separated by less than fourteen (14) days, if in seeking the license, the**

**individual is acting as the agent for different tournament organizations.**

**(12) Act in good faith to fully perform the event. A person who demonstrates a pattern of violations of this subdivision may be denied another license.**

*(Natural Resources Commission; 312 IAC 2-4-9; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3931, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546)*

SECTION 7. 312 IAC 2-4-9.5, AS ADDED AT 25 IR 3045, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 2-4-9.5 Reporting

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 14

Sec. 9.5. (a) **A license holder must report the results of the event on a form provided by the department within thirty (30) days of the completion of the event, including the number of boats and participants, starting and ending times, and actual use of public facilities.**

(b) In addition to the terms of the license and the requirements otherwise set forth in this rule, the department may require a fishing tournament license holder to keep and report, on a department form, legible and accurate records of the following:

(1) Tournament name.

(2) Name, address, and telephone number of the license holder.

(3) Tournament date or dates, including starting time and ending time.

(4) Target fish species.

(5) Name of any waterway fished.

(6) Number of boats and number of participants.

(7) Individual or team catch statistics for each species of fish taken, including the following:

(A) The numbers and lengths of fish weighed-in.

(B) The numbers and lengths of fish caught and released.

*(Natural Resources Commission; 312 IAC 2-4-9.5; filed May 16, 2002, 10:00 a.m.: 25 IR 3045; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546)*

SECTION 8. 312 IAC 2-4-12, AS READOPTED AT 26 IR 546, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 2-4-12 Limitations on fishing tournaments at lakes administered by the division of state parks and reservoirs

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 5-14-3; IC 14

Sec. 12. (a) This section governs fishing tournaments at lakes administered by the division of state parks and reservoirs.

(b) The number of watercraft that may participate in a fishing tournament must not, on any date, exceed the following:

	Monroe	Salamonie	Mississinewa	Huntington	Brookville	Hardy	Patoka	Lieber	Raccoon
March	100	75	0	18	100	30	178	50	100
April	175	75	0	18	100	30	178	50	60
May	175	75	0	30	100	20	178	28	50
June	175	30	0	30	75	20	125	28	50
July	175	30	0	30	75	20	125	28	50
August	175	30	0	30	75	20	125	28	50
September	175	75	0	30	100	20	178	28	60
October	175	75	0	18	100	30	178	50	100
November	100	0	0	0	100	30	178	0	0

(c) A watercraft used to administer a tournament is excluded in determining the number of participating watercraft.

(d) The director may authorize a license for a fishing tournament under this section where the participants are not provided advance notice of the location. The name of the lake may be omitted from the license application, but the department must be provided with the name of the lake at least ten (10) days before the tournament. A license issued under this subsection does not authorize a fishing tournament that conflicts with another license issued under this section. Subject to IC 5-14-3, the department will not publish the location of a fishing tournament issued under this subsection.

(e) **Notwithstanding section 7(a) of this rule, the department's division of state parks and reservoirs will conduct an organizational meeting between October 1 and December 15 to establish dates for the following two (2) years on which fishing tournaments or other organized activities can be conducted.**

(f) Notwithstanding subsection (b), no more than one hundred (100) watercraft may participate in a fishing tournament on Monroe Lake on any date after October 15.

(g) At least thirty (30) days before the scheduled event, a license holder shall file a certificate of insurance or an insurance binder with the department. The certificate of insurance or insurance binder shall name the license holder and the department as insureds and shall demonstrate the license holder has obtained an irrevocable general liability insurance policy with a limitation for each of the following of not less than:

- (1) One hundred thousand dollars (\$100,000) for all damages to property for a single occurrence.
- (2) One hundred thousand dollars (\$100,000) for injury or death of one (1) person in a single occurrence.
- (3) Three hundred thousand dollars (\$300,000) for injury to or death of multiple persons in a single occurrence.

(h) At least fourteen (14) days before the scheduled event,

a license holder must deliver each of the following to the department:

(1) A cash bond or other security approved by the department in the amount of one hundred fifty dollars (\$150) to compensate the department for expenses incurred to:

- (A) restore the mooring, judge's, or spectators' area; and
- (B) reimburse the department for the costs of supervision, maintenance, and labor.

(2) A user fee equal to the number of individual contestants in a fishing tournament or other organized activity at a rate of one dollar (\$1) per contestant or participant.

(i) The director may require insurance in addition to what is set forth in subsection (a) if the director determines a fishing tournament poses an unusual risk of liability to the department.

(j) A license holder shall indemnify, defend, exculpate, and hold harmless the department and its officials, employees, and agents from liability due to loss, damage, injury, or other casualty to the person or property of anyone arising directly or indirectly from the activity. (*Natural Resources Commission; 312 IAC 2-4-12; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3932, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546*)

SECTION 9. 312 IAC 2-4-13 IS ADDED TO READ AS FOLLOWS:

**312 IAC 2-4-13 Limitations on organized boating activities at Lake Wawasee and Syracuse Lake, Kosciusko County**

Authority: IC 14-10-2-4; IC 14-15-7-3  
Affected: IC 14

**Sec. 13. (a) This section governs organized boating activities on Lake Wawasee and Syracuse Lake in Kosciusko County.**

**(b) On the combined waters of Lake Wawasee and Syracuse Lake, the maximum number of watercraft that can lawfully participate in a fishing tournament on a Saturday or a Sunday is as follows:**

**(1) One hundred twenty-five (125) for the following periods:**

- (A) from April 1 until the weekend including Memorial Day; and**
- (B) after the weekend including Labor Day until September 15.**

**(2) One hundred (100) from the weekend including Memorial Day through the weekend including Labor Day.**

**(c) For a tournament subject to subsection (b) that is scheduled to continue past midnight, the number of participating watercraft may be attributed either to Saturday or to Sunday so as to facilitate the ability of an organized boating activity to use the lake.** (*Natural Resources Commission; 312 IAC 2-4-13*)

## Proposed Rules

SECTION 10. 312 IAC 5-3-1 IS AMENDED TO READ AS FOLLOWS:

### Rule 3. Boat Races, Water Ski Events, and Major Organized Boating Activities

#### 312 IAC 5-3-1 Boat races, water ski events, and major organized boating activities; applicability

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 14

Sec. 1. (a) This rule governs the conduct of any boat race, ~~or~~ water ski event, **and major organized boating activity**.

(b) No person shall sponsor, conduct, participate, or compete in a boat race, ~~or~~ water ski event, **or major organized boating activity** upon the public waters of this state, including ice, unless a license for a boat race, ~~or~~ water ski event, **or major organized boating activity** is issued by the division under this rule.

(c) A license application must be made on a department form and delivered to the central office for the division. The application shall include a description of the proposed boat race or water ski event course, capable of being marked and fixed. An application that is not filed with the division at least sixty (60) days before the proposed race or event will be denied unless the requirements of this rule are satisfied pertaining to permit review by the division and notice to interested persons. (*Natural Resources Commission; 312 IAC 5-3-1; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2369, eff Jan 1, 2002*)

SECTION 11. 312 IAC 5-3-2 IS AMENDED TO READ AS FOLLOWS:

#### 312 IAC 5-3-2 Site inspection by a conservation officer before issuance of a license for a boat race, water ski event, or major organized boating activity

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 14

Sec. 2. (a) Upon the receipt of a license application, a conservation officer shall inspect the ~~proposed boat race or water ski event course~~ **areas that would be affected by the event**.

(b) The conservation officer shall consider the following factors in reviewing the permit application:

- (1) The density of water traffic on the public water.
- (2) The physical characteristics of the public water.
- (3) The proximity of the proposed ~~course event~~ to land owned by a person other than the license applicant.
- (4) The kinds of watercraft that ~~will participate in the race or event~~ **would be involved**.
- (5) Any other factors ~~relative to the proposed race or event that may cause a hazard to persons, property, or the envi-~~

~~ronment~~ **are appropriate to at least one (1) of the following:**

- (A) Preventing the existence of unusual conditions or hazards.
- (B) Promoting scientific fish, wildlife, or botanical resource management.
- (C) Assisting in the protection of users.

(c) A written report of the inspection shall be submitted by the conservation officer to the division director, together with recommendations for approval, disapproval, or the placement of conditions on the license. (*Natural Resources Commission; 312 IAC 5-3-2; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2369, eff Jan 1, 2002*)

SECTION 12. 312 IAC 5-3-3 IS AMENDED TO READ AS FOLLOWS:

#### 312 IAC 5-3-3 Public notice before the issuance of a license for a boat race, water ski event, or major organized boating activity

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 4-21.5; IC 14

Sec. 3. (a) This section establishes notification requirements before a license is issued under this rule. Subsequent to the issuance of a license by the division, IC 4-21.5 applies.

(b) At least thirty (30) days before the division can issue a license, an applicant shall provide, at its expense, notice of the license application as follows:

- (1) Once in one (1) newspaper of general circulation in the county or counties where the boat race, ~~or~~ water ski event, **or major organized boating activity** will occur.
- (2) In person, by certified mail with return receipt requested, or by first class mail with proof of mailing, to the following:
  - (A) Any person who provides the division with a written request to be notified if a boat race, ~~or~~ water ski event, **or major organized boating activity** permit is requested. A request under this clause is valid during the year in which it is received for the waterway named in the request.
  - (B) If a ~~course the affected area~~ for the boat race, ~~or~~ water ski event, **or major organized boating activity** is located on a public freshwater lake or Lake Michigan, to at least one (1) of the owners of each parcel of property reasonably known to be located within two hundred (200) feet of the course.
  - (C) If a ~~course the affected area~~ for the boat race, ~~or~~ water ski event, **or major organized boating activity** is located within a municipality, to the municipality.

(c) A notice under this section shall do the following:

- (1) Provide the name and address of the applicant.
- (2) Specify that the license is sought under this rule and whether the license will authorize a boat race, ~~or~~ water ski event, **or major organized boating activity**.

(3) Describe or illustrate the ~~course of~~ **area affected by** the event and when the event will occur.

(4) Include an explanation of the options available to the persons served. These options are as follows:

(A) File a petition with the central office of the division requesting an informal hearing that is signed by at least twenty-five (25) individuals who are at least eighteen (18) years old and who reside in the county where the event will occur. A hearing under this clause is governed by 312 IAC 2-3.

(B) Request the division to notify the person in writing when an initial determination is made to issue or deny the license. Following the receipt of notice under this clause, a person may request administrative review of the determination under 312 IAC 3-1.

*(Natural Resources Commission; 312 IAC 5-3-3; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2369, eff Jan 1, 2002)*

SECTION 13. THE FOLLOWING ARE REPEALED: 312 IAC 2-4-8; 312 IAC 2-4-10.

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on January 27, 2003 at 6:00 p.m., at the Oakwood Inn Conference Room, 702 East Lake View Road, Syracuse, Indiana; AND on January 29, 2003 at 9:00 a.m., Training Room C2, Indiana Department of Administration Conference Center, 402 West Washington Street, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments concerning organized activities and tournaments on public waters and boat races and water ski events. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Kiley  
Chairman  
Natural Resources Commission

---



---

## **TITLE 312 NATURAL RESOURCES COMMISSION**

### **Proposed Rule**

LSA Document #02-294

### **DIGEST**

Amends 312 IAC 3-1-12 that governs oral arguments following objections to authorize the chair of the natural resources commission to form a committee to provide final agency relief for matters subject to IC 4-21.5-3-31. Places authority in the committee to provide other appropriate relief under IC 4-21.5-3-28 through IC 4-21.5-3-31. Effective 30 days after filing with the secretary of state.

### **312 IAC 3-1-12**

SECTION 1. 312 IAC 3-1-12, AS READOPTED AT 26 IR 546, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 3-1-12 Relief under IC 4-21.5-3-28 through IC 4-21.5-3-31, including disposition of objections to nonfinal orders of administrative law judge; commission objections committee**

**Authority:** IC 14-10-2-4; IC 4-21.5-3-28

**Affected:** IC 4-21.5-1-6; IC 4-21.5-3; IC 14-10-1-1; IC 25

Sec. 12. (a) This section governs **relief under IC 4-21.5-3-28 through IC 4-21.5-3-31, including** the disposition of objections under IC 4-21.5-3-29.

(b) A party who wishes to contest whether objections provide reasonable particularity shall move, in writing, for a more definite statement. The administrative law judge may rule upon a motion filed under this subsection, and any other motion filed subsequent to the entry of the nonfinal order by the administrative law judge, and enter an appropriate order (including removal of an item from the commission agenda).

(c) If objections are timely filed, the objections shall be scheduled for argument before the commission **committee established by subsection (d)**, simultaneously with the presentation by the administrative law judge of findings, conclusions, and a nonfinal order. Unless otherwise ordered by the commission **committee**, argument shall not exceed ten (10) minutes for each party and twenty (20) minutes for each side.

**(d) For the review of objections, and to consider any other appropriate relief under IC 4-21.5-3-28 through IC 4-21.5-3-31, the chair of the commission shall appoint a committee consisting of at least three (3) members of the commission. To the extent practicable, the chair shall include persons on the committee who are licensed to practice law in Indiana. The chair shall announce the members of the committee during the first meeting of the commission held in a calendar year. The chair may supplement or modify the membership of the committee, as needed for the efficient conduct of the proceedings, during the course of the year. A member of the committee may serve through a designate where a designate is authorized under IC 14-10-1-1. A final determination by the committee is a final agency action of the commission under IC 4-21.5-1-6.**

**(e)** At least ten (10) days before oral argument is scheduled on objections filed under subsection (c), a nonparty may file a brief with the commission **committee**. A copy of the brief must be served upon each party. The brief must not be more than five (5) pages long and cannot include evidentiary matters outside the record. Unless otherwise ordered by the commission **committee**, a nonparty may also present oral argument for not

---

## Proposed Rules

---

more than five (5) minutes in support of the brief. If more than one (1) nonparty files a brief, the administrative law judge shall order the consolidation of briefs if reasonably necessary to avoid injustice to a party. A nonparty who has not filed a brief at least ten (10) days before oral argument is first scheduled on objections may participate in the argument upon the stipulation of the parties.

(e) (f) Upon the written request of a party filed at least forty-eight (48) hours before an oral argument to consider objections, the commission **committee** shall provide the services of a stenographer or court reporter to record the argument.

(f) (g) If objections are not filed, the secretary of the commission ~~as its designee under IC 4-21.5-3-28(b)~~, may affirm the findings and nonfinal order. The secretary has exclusive jurisdiction to affirm, remand, or submit to the commission for final action, any findings and nonfinal order subject to this subsection. No oral argument will be conducted under this subsection unless ordered by the secretary.

(g) (h) A party may move to strike all or any part of objections, a brief by a nonparty, or another pleading under this section that the party believes does not comply with this section. The administrative law judge shall act upon a motion filed under this subsection by providing relief ~~which that~~ is consistent with IC 4-21.5 and this rule. (*Natural Resources Commission*; 312 IAC 3-1-12; filed Feb 5, 1996; 4:00 p.m.: 19 IR 1320; filed Oct 19, 1998, 10:12 a.m.: 22 IR 749; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546)

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on January 29, 2003 at 11:30 a.m., at the Indiana Department of Administration Conference Center, Indiana Government Center-South, 402 West Washington Street, Training Room C2, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments that govern oral arguments following objections to authorize the chair of the natural resources commission to form a committee to provide final agency relief for matters subject to IC 4-21.5-3-31. Places authority in the committee to provide other appropriate relief under IC 4-21.5-3-28 through IC 4-21.5-3-31. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Kiley  
Chairman  
Natural Resources Commission

---

## TITLE 326 AIR POLLUTION CONTROL BOARD

### Proposed Rule LSA Document #02-54

#### DIGEST

Amends 326 IAC 10-3-1 to delete emission limits for Ispat Inland in Lake County. Amends 326 IAC 10-4 to change compliance dates, amend emission trading allowances, and add formulas for energy efficiency programs. Effective 30 days after filing with the secretary of state.

#### HISTORY

First Notice of Comment Period: March 1, 2002, Indiana Register (25 IR 2045).

Second Notice of Comment Period and Notice of First Public Hearing: August 1, 2002, Indiana Register (25 IR 3886).

Change in Notice of Public Hearing: December 1, 2002, Indiana Register (26 IR 810).

First Public Hearing: December 4, 2002.

#### PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least twenty-one (21) days long.

#### REQUEST FOR PUBLIC COMMENTS

This proposed (preliminarily adopted) rule is substantively different from the draft rule published on August 1, 2002 at 25 IR 3886. The Indiana Department of Environmental Management (IDEM) is requesting comment on the entire proposed (preliminarily adopted) rule.

The proposed rule contains numerous changes from the draft rule that make the proposed rule so substantively different from the draft rule that public comment on the entire proposed rule is advisable. This notice requests the submission of comments on the entire proposed rule, including suggestions for specific amendments. These comments and the department's responses thereto will be presented to the board for its consideration at final adoption under IC 13-14-9-6. Mailed comments should be addressed to:

#02-54 NO<sub>x</sub> Corrections  
Suzanne Whitmer  
c/o Administrative Assistant, Rules Development Section  
Air Programs Branch  
Indiana Department of Environmental Management  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the Office of Air Quality, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana. Comments may also be submitted by facsimile to (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rule Development Section at (317) 233-0426.

#### COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by January 23, 2003.

## SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from August 1, 2002, through August 30, 2002, on IDEM's draft rule language. IDEM received comments from the following parties:

National Steel Corporation (NSC)  
 Clean Air Action Corporation (CAAC)  
 Ispat Inland Inc. (II)  
 International Steel Group (ISG)  
 Purdue University (PU)  
 Barnes and Thornburg for Bethlehem Steel Corporation (BSC)  
 U.S. Steel (USS)  
 Indiana Department of Commerce (IDC)  
 American Electric Power (AEP)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* National Steel supports the proposed change in the rule that clarifies that our company is not subject to any portion of 326 IAC 10-4. The company no longer operates any affected units and were not allocated any NO<sub>x</sub> allowances for the now-retired units. (NSC)

*Response:* IDEM agrees that a company that does not have any affected units should not be included in the rule.

*Comment:* Allow non-budget sources that make qualified emission reductions to receive allowances equivalent to those reductions. It would be a voluntary program and not take place under the opt-in provision. We would like to have IDEM add the following clause to the allowance trading rule:

"The permitting authority may allocate additional allowances to NO<sub>x</sub> Budget units that have been generated through NO<sub>x</sub> emission reductions from industrial, mobile, and area source sectors that are permanent, enforceable, quantifiable, and surplus as determined by and approved by the Administrator and permitting authority." (CAAC)

*Response:* IDEM is not prepared to make this change to the rule at this time. In the NO<sub>x</sub> SIP Call, U.S. EPA indicated that there would be monitoring issues associated with mobile and area sources and non-budget industrial sources that would require additional evaluation to determine their suitability for inclusion in the trading program. The suggested language has many policy implications, and is beyond the scope of this rulemaking.

*Comment:* The CEM certification for operating budget units affected by these rule changes, should be May 1, 2003 or 180 days after the effective date of the rule, whichever is later. Another option would be to extend the date until November 1, 2003. (II)(USS)

*Response:* 326 IAC 10-4-2(10) defines the term "commence operation". For a unit that was not subject to the NO<sub>x</sub> trading program when the unit commenced operation, the definition states that the date the unit becomes subject to the rule, i.e., the rule's effective date, is the unit's date of commencement of operation. Under 326 IAC 10-4-12(c), the monitoring deadline is based on the date the unit commenced operation and requires compliance within one hundred eighty (180) days or ninety (90) days depending on whether the unit is an electricity generating unit. Therefore, units that are newly regulated under the NO<sub>x</sub> trading program would have up to one hundred eighty (180) days after the effective date of the rule to meet the monitoring requirements.

*Comment:* Allow companies with blast furnace gas-fired boilers currently regulated under 326 IAC 10-3 the flexibility to opt-into and out of the NO<sub>x</sub> trading program, at their option, under 326 IAC 10-4. There are several suggested changes that should be included to allow for this flexibility:

- Boilers opting into the trading program must be allocated NO<sub>x</sub> allowances based on a minimum of seventeen-hundredths (0.17)

pound per million Btu emission rate and the unit specific allocations should be included in 326 IAC 10-4-9(d).

- The monitoring deadline should be extended to November 1, 2003, for units opting into the trading program.
- The rule should include specific procedures for opting into and out of the trading program under 326 IAC 10-4, including notification requirements. (ISG)(BSC)(USS)

*Response:* Companies already have the ability to opt-into the NO<sub>x</sub> trading program under 326 IAC 10-4. 326 IAC 10-4-13 provides the procedures and requirements for opting into the NO<sub>x</sub> trading program. This was included with U.S. EPA's original SIP call and the language under this section describes the methodology and the emission rate that must be used to establish NO<sub>x</sub> allowance allocations for units that are opting into the trading program. This section also specifies the procedures that the owner or operator of a unit must use to opt into and out of the trading program and NO<sub>x</sub> monitoring requirements. IDEM is unaware of any flexibility on the part of U.S. EPA to allow for alternative language or methodologies.

In addition, companies that have affected boilers currently regulated by 326 IAC 10-3 may shift them permanently into the trading program in 326 IAC 10-4, as Ispat Inland is doing as a part of this rulemaking. They would receive allowances equal to the emission limit in 326 IAC 10-3, that is, .17 lb./mmBTU.

*Comment:* IDEM should not allow for any allocations in excess of seventeen-hundredths (0.17) pound per million Btu emission rate for any units moving from 326 IAC 10-3 to the trading program under 326 IAC 10-4. This could affect the ability of Indiana to maintain the NO<sub>x</sub> budget and would provide unfair competitive advantage to those receiving allocations based on a higher emission rate. (ISG)(USS)

*Response:* IDEM agrees that industrial boilers opting into the NO<sub>x</sub> trading program from 326 IAC 10-3 should receive allocations based on seventeen-hundredths (0.17) pound per million BTU emission rate.

*Comment:* Amend 326 IAC 10-4-2(18)(D) to add anaerobic digesters to the list of those eligible for EE/RE allowances. Anaerobic digesters are closed, air-tight systems that utilize bacteria to break down organic matter using the same biological processes as natural decomposition. A major by-product of this system is methane gas. The combusting of methane gas in engines or turbines connected to electric generators reduces greenhouse gas emissions and produces energy. (IDC)

*Response:* IDEM will make the proposed change.

*Comment:* We recommend that the department expeditiously move this rulemaking through the state rule process without any further changes and urge U.S. EPA to promptly adopt the changes in this rulemaking into the approved NO<sub>x</sub> SIP. (AEP)

*Response:* IDEM will continue the rulemaking expeditiously in accordance with Indiana statutory requirements and will work closely with U.S. EPA to gain their approval.

*Comment:* The allocation level provided in the second notice for Purdue's Boilers 1, 2, and 3 which were not originally included in the current rule, are a source of concern. Purdue believes that the allocations as currently proposed are lower than would have otherwise been received if it had been included in the original rulemaking. Purdue requests that the department examine the historic, current, and projected NO<sub>x</sub> emission rates from Purdue in relationship to allocations that were made in the rule and develop an allocation that is consistent with that developed for other facilities. (PU)

*Response:* IDEM will continue to work with Purdue University during the rulemaking to evaluate all available options in light of the need for U.S. EPA's approval.

## SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On December 4, 2002, the air pollution control board (board)

## Proposed Rules

conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 10-3 and 326 IAC 10-4. Comments were made by the following parties:

U.S. Steel (USS)

Purdue University (PU)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* U.S. Steel supports the rule changes to date and continues to review its situation and whether to move its boilers to the budget trading rule. U.S. Steel will move to the trading rule if an economic opportunity becomes available prior to final adoption of the rule. (USS)

*Response:* If U.S. Steel decides to move its boilers to the trading program the department will work with U.S. Steel on its request.

*Comment:* Purdue University is a state institution and the addition of their boilers to the NO<sub>x</sub> budget trading rule presents serious fiscal challenges and there are limited options to address the situation. The university acknowledges that the department has worked to increase the allowances from 199 to 261 in the draft rule, but the university will still have a shortfall of 69 to 88 tons needed by 2009. Purdue University will need an additional \$1,440,000 from the state during the allocation period of 2004 to 2009 to purchase allowances on the open market to meet the rule requirements. Purdue University suggests a flexible year-to-year supplemental allocation of credits or other mechanism to enable them to meet their emission needs.

*Response:* The department will continue to work with Purdue and will evaluate and obtain U.S. EPA review of any changes Purdue may propose to the rule prior to final adoption.

<b>326 IAC 10-3-1</b>	<b>326 IAC 10-4-10</b>
<b>326 IAC 10-4-1</b>	<b>326 IAC 10-4-13</b>
<b>326 IAC 10-4-2</b>	<b>326 IAC 10-4-14</b>
<b>326 IAC 10-4-9</b>	<b>326 IAC 10-4-15</b>

SECTION 1. 326 IAC 10-3-1, AS ADDED AT 25 IR 14, SECTION 4, IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 10-3-1 Applicability

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to any of the following:

(1) Portland cement kiln with process rates equal to or greater than:

- (A) long dry kilns of twelve (12) tons per hour (tph);
- (B) long wet kilns of ten (10) tph;
- (C) preheater kilns of sixteen (16) tph; or
- (D) precalciner and combined preheater and precalciner kilns of twenty-two (22) tph.

(2) The following affected boilers:

Source	Point ID	Unit
(A) Bethlehem Steel Corporation	075	Boiler #7
	076	Boiler #8
	077	Boiler #9
	078	Boiler #10
	079	Boiler #11
	080	Boiler #12
	280 & 281	Boiler #211
(B) Ispat Inland Incorporated	282 & 283	Boiler #212
	284 & 285	Boiler #213
	330	Boiler #501
	330	Boiler #502
	330	Boiler #503

(B) LTV Steel Company	020	Boiler #4
	021	Boiler #5
	022	Boiler #6
	023	Boiler #7
(C) U.S. Steel Company-Gary Works	024	Boiler #8
	720	Boiler #1
	720	Boiler #2
	720	Boiler #3
	701	Boiler #1
	701	Boiler #2
	701	Boiler #3
	701	Boiler #5
	701	Boiler #6

(3) Any other blast furnace gas fired boiler with a heat input greater than two hundred fifty million (250,000,000) British thermal units per hour **that is not subject to 326 IAC 10-4.**

(b) A unit subject to this rule and a New Source Performance Standard (NSPS), a National Emission Standard for Hazardous Air Pollutants, or an emission limit established under 326 IAC 2 shall comply with the limitations and requirements of the more stringent rule. For a unit subject to this rule and 326 IAC 10-1, compliance with the emission limits in section 3(a)(1)(A) of this rule during the ozone control period shall be deemed to be compliance with the emission limits in 326 IAC 10-1-4(b)(1) during the ozone control period, and such limits shall supersede those in 326 IAC 10-1-4(b)(1) during the ozone control period.

(c) The monitoring, record keeping, and reporting requirements under sections 4 and 5 of this rule shall not apply to a unit that opts into the NO<sub>x</sub> budget trading program under 326 IAC 10-4.

(d) The requirements of this rule shall not apply to the specific units subject to this rule during startup and shutdown periods and periods of malfunction.

(e) During periods of blast furnace reline, startup, and period of malfunction, the affected boilers shall not be required to meet the requirement to derive fifty percent (50%) of the heat input from blast furnace gas. (*Air Pollution Control Board; 326 IAC 10-3-1; filed Aug 17, 2001, 3:45 p.m.: 25 IR 14; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1183*)

SECTION 2. 326 IAC 10-4-1, AS ADDED AT 25 IR 18, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 10-4-1 Applicability

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) This rule establishes a NO<sub>x</sub> emissions budget and NO<sub>x</sub> trading program for electricity generating units and large affected units as described in this rule. The following units shall be NO<sub>x</sub> budget units, and any source that includes one (1) or more NO<sub>x</sub> budget units shall be a NO<sub>x</sub> budget source, and shall be subject to the requirements of this rule:

- (1) An electricity generating unit (EGU) as defined under section 2(16) of this rule.
- (2) A large affected unit as defined in section 2(27) of this rule.

(b) A unit described under subsection (a) shall not be a NO<sub>x</sub> budget unit, if the unit has a federally enforceable permit that meets the requirements of subdivisions (1) through (3):

- (1) The federally enforceable permit includes terms and conditions that restrict the unit to burning only natural gas or fuel oil during the ozone control period in 2004 or the first year of operation for the source and each ozone control period thereafter.
- (2) The federally enforceable permit includes terms and conditions that restrict the unit's potential NO<sub>x</sub> mass emissions for the ozone control period to twenty-five (25) tons or less.
- (3) For each ozone control period, the federally enforceable permit must do the following:

(A) Restrict the unit to burning only natural gas or fuel oil during an ozone control period in 2004 or later and each ozone control period thereafter.

(B) Include one (1) of the following mechanisms for ensuring that the unit's ozone control period NO<sub>x</sub> emissions do not exceed twenty-five (25) tons:

- (i) Limit the unit's total actual control period emissions to twenty-five (25) tons of NO<sub>x</sub> emissions, measured by a continuous emissions monitoring system (CEMS) in accordance with 40 CFR 75, Subpart H\* and section 12 of this rule or monitoring approved under 40 CFR 75, Appendix E\*.
- (ii) Restrict the unit's operating hours to the number calculated by dividing twenty-five (25) tons of potential NO<sub>x</sub> mass emissions by the unit's maximum potential hourly NO<sub>x</sub> mass emissions, where the unit's potential NO<sub>x</sub> mass emissions shall be calculated as follows:

(AA) Select the default NO<sub>x</sub> emission rate in 40 CFR 75.19(c), Table LM-2\* that would otherwise be applicable assuming that the unit burns only the type of fuel, for example, only natural gas or only fuel oil, that has the highest default NO<sub>x</sub> emission factor of any type of fuel that the unit is allowed to burn under the fuel use restriction in clause (A).

(BB) Multiply the default NO<sub>x</sub> emission rate under subitem (AA) by the unit's maximum rated hourly heat input. The owner or operator of the unit may petition the department to use a lower value for the unit's maximum rated hourly heat input than the value as defined under section 2(25) of this rule. The department may approve the lower value if the owner or operator demonstrates that the maximum hourly heat input specified by the manufacturer or the highest observed hourly heat input, or both, are not representative, and that the lower value is representative, of the unit's current capabilities because modifications have been made to the unit, limiting its capacity permanently.

(iii) Restrict the unit's usage of each fuel that it is authorized to burn such that the unit's potential NO<sub>x</sub> mass emissions will not exceed twenty-five (25) tons per ozone control period, calculated as follows:

(AA) Identify the default NO<sub>x</sub> emission rate in 40 CFR 75.19(c), Table LM-2\* or an alternative emission rate determined in accordance with 40 CFR 75.19(c)(1)(iv)\* for each type of fuel that the unit is allowed to burn under the fuel use restriction in clause (A).

(BB) Identify the amount of each type of fuel (in mmBtu) that the unit burned during the ozone control period.

(CC) For each type of fuel identified in subitem (BB), multiply the default NO<sub>x</sub> emission rate under subitem (AA) and the amount (in mmBtu) of the fuels burned by the unit during the ozone control period.

(DD) Sum the products in subitem (CC) to verify that the unit's NO<sub>x</sub> emissions were equal to or less than twenty-five (25) tons.

(C) Require that the owner or operator of the unit shall retain records, on site at the source or at a central location within Indiana for those owner or operators with unattended sources that includes the unit for a period of five (5) years, demonstrating that the terms and conditions of the permit related to these restrictions were met. Records retained at a central location within Indiana shall be available immediately at the location and submitted to the department or U.S. EPA within three (3) business days following receipt of a written request. Nothing in this clause shall alter the record retention requirements for a source under 40 CFR 75\*.

(D) Require that the owner or operator of the unit shall report the unit's hours of operation, treating any partial hour of operation as a whole hour of operation, or such other parameter as is being used to demonstrate compliance with the twenty-five (25) ton per ozone control period during each ozone control period to the department by November 1 of each year for which the unit is subject to the federally enforceable permit.

The unit shall be subject only to the requirements of this subsection starting with the effective date of the federally enforceable permit under subdivision (1).

(4) Within thirty (30) days after a final decision, the department shall notify the U.S. EPA in writing when a unit under subsection (a):

- (A) is issued a federally enforceable permit under this subsection; or
- (B) whose federally enforceable permit issued by the department under this subsection:
  - (i) is revised to remove any restriction;
  - (ii) includes any restriction that is no longer applicable; or
  - (iii) does not comply with any restriction.

(5) A unit described under this subsection shall be a NO<sub>x</sub> budget unit, subject to the requirements of this rule if one (1) of the following occurs for any ozone control period:

(A) The fuel use restriction under subdivision (3)(A) or the applicable restriction under subdivision (3)(B) is removed from the unit's federally enforceable permit or otherwise becomes no longer applicable.

(B) The unit does not comply with the fuel use restriction under subdivision (3)(A) or the applicable restriction under subdivision (3)(B).

The unit shall be treated as commencing operation and, for a unit under subsection (a)(1), commencing commercial operation on September 30 of the ozone control period for which the fuel use restriction or the applicable restriction is no longer applicable or during which the unit does not comply with the fuel use restriction or the applicable restriction.

(6) A unit exempt under this subsection shall comply with the restriction in subdivision (3) during the ozone control period in each year.

(7) The department will allocate NO<sub>x</sub> allowances to the unit under section 9(d) of this rule. For each control period for which the unit is allocated NO<sub>x</sub> allowances under section 9(d) of this rule:

(A) the owners and operators of the unit must specify a general account, in which U.S. EPA will record the NO<sub>x</sub> allowances; and

(B) after U.S. EPA records the NO<sub>x</sub> allowance allocation under section 9(d) of this rule, the U.S. EPA will deduct, from the general account in clause (A), NO<sub>x</sub> allowances that are allocated for the same or a prior ozone control period as the NO<sub>x</sub> allowances allocated under section 9(d) of this rule and that equal the NO<sub>x</sub> emission limitation (in tons of NO<sub>x</sub>) on which the unit's exemption under this subsection is based. The NO<sub>x</sub> authorized account representative shall ensure that the general account contains the NO<sub>x</sub> allowances necessary for completion of the deduction.

~~(c) A unit subject to 40 CFR 97\* shall be subject to the requirements of this rule on May 1, 2004. Allowances for such unit shall be allocated in accordance with section 9 of this rule for the 2004 ozone control period and thereafter. Allowances from the compliance supplement pool shall be allocated in accordance with section 15 of this rule and any banked allowances shall be available for use under this rule beginning in 2004. A unit subject to 40 CFR 97\* may petition the commissioner for an extension of the compliance date from May 1, 2004, to a date no later than May 31, 2004, and the commissioner shall grant the petition if but only if final U.S. EPA action, final federal legislation, or an order from a court of competent jurisdiction delays the compliance date under 40 CFR 97\* beyond May 1, 2004.~~

\*These documents are incorporated by reference. ~~and~~ Copies may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, **Tenth Floor**, 100 North Senate

Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-1; filed Aug 17, 2001, 3:45 p.m.: 25 IR 18*)

SECTION 3. 326 IAC 10-4-2, AS ADDED AT 25 IR 19, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 10-4-2 Definitions**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-11-2; IC 13-15; IC 13-17

Sec. 2. For purposes of this rule, the definition given for a term in this rule shall control in any conflict between 326 IAC 1-2 and this rule. In addition to the definitions provided in IC 13-11-2 and 326 IAC 1-2, the following definitions apply throughout this rule, unless expressly stated otherwise or unless the context clearly implies otherwise:

(1) "Account certificate of representation" means the completed and signed submission required by section 6 of this rule for certifying the designation of a NO<sub>x</sub> authorized account representative for a NO<sub>x</sub> budget source or a group of identified NO<sub>x</sub> budget sources who is authorized to represent the owners and operators of the source or sources and of the NO<sub>x</sub> budget units at the source or sources with regard to matters under the NO<sub>x</sub> budget trading program.

(2) "Account number" means the identification number given by the U.S. EPA to each NO<sub>x</sub> allowance tracking system account.

(3) "Acid rain emissions limitation" means, as defined in 40 CFR 72.2\*, a limitation on emissions of sulfur dioxide or nitrogen oxides under the acid rain program under Title IV of the Clean Air Act (CAA).

(4) "Allocate" or "allocation" means the determination by the department or the U.S. EPA of the number of NO<sub>x</sub> allowances to be initially credited to a NO<sub>x</sub> budget unit or an allocation set-aside.

(5) "Automated data acquisition and handling system" or "DAHS" means that component of the CEMS, or other emissions monitoring system approved for use under 40 CFR 75, Subpart H\*, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by 40 CFR 75, Subpart H\*.

(6) "Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other heat transfer medium.

(7) "Combined cycle system" means a system comprised of one (1) or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

(8) "Combustion turbine" means an enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

(9) "Commence commercial operation" means, with regard to a unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation subject to the following:

(A) Except as provided in section 3 of this rule, for a unit that is a NO<sub>x</sub> budget unit under section 1 of this rule on the date the unit commences commercial operation, the date shall remain the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or repowered.

(B) Except as provided in section 3 or 13 of this rule, for a unit that is not a NO<sub>x</sub> budget unit under section 1 of this rule on the date the unit commences commercial operation, the date the unit becomes a NO<sub>x</sub> budget unit under section 1 of this rule shall be the unit's date of commencement of commercial operation.

(10) "Commence operation" means to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, startup of a unit's combustion chamber subject to the following:

(A) Except as provided in section 3 of this rule, for a unit that is a NO<sub>x</sub> budget unit under section 1 of this rule on the date of commencement of operation, the date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered.

(B) Except as provided in section 3 or 13 of this rule, for a unit that is not a NO<sub>x</sub> budget unit under section 1 of this rule on the date of commencement of operation, the date the unit becomes a NO<sub>x</sub> budget unit under section 1 of this rule shall be the unit's date of commencement of operation.

(11) "Common stack" means a single flue through which emissions from two (2) or more units are exhausted.

(12) "Compliance account" means a NO<sub>x</sub> allowance tracking system account, established by the U.S. EPA for a NO<sub>x</sub> budget unit under section 10 of this rule, in which the NO<sub>x</sub> allowance allocations for the unit are initially recorded and in which are held NO<sub>x</sub> allowances available for use by the unit for an ozone control period for the purpose of meeting the unit's NO<sub>x</sub> budget emissions limitation.

(13) "Compliance certification" means a submission to the department or the U.S. EPA, as appropriate, that is required under section 8 of this rule to report a NO<sub>x</sub> budget source's or a NO<sub>x</sub> budget unit's compliance or noncompliance with this rule and that is signed by the NO<sub>x</sub> authorized account representative in accordance with section 6 of this rule.

(14) "Continuous emission monitoring system" or "CEMS" means the equipment required under 40 CFR 75, Subpart H\* to sample, analyze, measure, and provide, by readings taken at least once every fifteen (15) minutes of the measured parameters, a permanent record of nitrogen oxides emissions, expressed in tons per hour for NO<sub>x</sub>. The following systems are component parts included, consistent with 40 CFR 75\*, in a continuous emission monitoring system:

(A) Flow monitor.

(B) Nitrogen oxides pollutant concentration monitors.

(C) Diluent gas monitor, oxygen or carbon dioxide, when the monitoring is required by 40 CFR 75, Subpart H\*.

(D) A continuous moisture monitor when the monitoring is required by 40 CFR 75, Subpart H\*.

(E) An automated data acquisition and handling system.

(15) "Electricity for sale under firm contract to the grid" means electricity for sale where the capacity involved is intended to be available at all times during the period covered by a guaranteed commitment to deliver, even under adverse conditions.

(16) "Electricity generating unit" or "EGU" means the following:

(A) For units that commenced operation before January 1, 1997, a unit serving a generator during 1995 or 1996 that had a nameplate capacity greater than twenty-five (25) megawatts and produced electricity for sale under a firm contract to the electric grid.

(B) For units that commenced operation on or after January 1, 1997, and before January 1, 1999, a unit serving a generator during 1997 or 1998 that had a nameplate capacity greater than twenty-five (25) megawatts and produced electricity for sale under a firm contract to the electric grid.

(C) For units that commenced operation on or after January 1, 1999, a unit serving a generator at any time that has a nameplate capacity greater than twenty-five (25) megawatts and produces electricity for sale.

(17) "Emissions", for the purpose of this rule, means nitrogen oxides exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the U.S. EPA by the NO<sub>x</sub> authorized account representative and as determined by the U.S. EPA in accordance with 40 CFR 75, Subpart H\*.

(18) "Energy efficiency or renewable energy projects" means any of the following implemented in Indiana:

(A) End-use energy efficiency projects, including demand-side management programs.

(B) Highly efficient electricity generation for the predominant use of a single end user, such as combined cycle, combined heat and power, microturbines, and fuel cell systems. In order to be considered as highly efficient electricity generation under this clause, combined cycle, combined heat and power, microturbines, and fuel cell generating systems must meet or exceed the following thresholds:

(i) For combined heat and power projects generating both electricity and thermal energy for space, water, or industrial process heat, rated energy efficiency of sixty percent (60%).

(ii) For microturbine projects rated at or below five hundred (500) kilowatts generating capacity, rated energy efficiency of forty percent (40%).

(iii) For combined cycle projects rated at greater than five hundred (500) kilowatts, rated energy efficiency of fifty percent (50%).

(iv) For fuel cell systems, rated energy efficiency of forty percent (40%), whether or not the fuel cell system is part of a combined heat and power energy system.

(C) Zero-emission renewable energy projects, including wind, photovoltaic, and hydropower projects. Eligible hydropower projects are restricted to systems employing a head of ten (10) feet or less or systems employing a head greater than ten (10) feet that make use of a dam that existed prior to the effective date of this rule.

(D) Energy efficiency projects generating electricity through the capture of methane gas from **sanitary municipal solid waste** landfills, water treatment plants, or sewage treatment plants, **or anaerobic digestion systems operating on animal or plant wastes.**

(E) The installation of highly efficient electricity generation equipment for the sale of power where such equipment replaces or displaces retired electrical generating units. In order to be considered as highly efficient under this clause, generation equipment must meet or exceed the following energy efficiency thresholds:

(i) For coal-fired electrical generation units, rated energy efficiency of forty-two percent (42%).

(ii) For natural gas-fired electrical generating units, rated energy efficiency of fifty percent (50%).

(F) Improvements to existing fossil fuel fired electrical generation units that increase the efficiency of the unit and decrease the heat rate used to generate electricity.

Energy efficiency or renewable energy projects do not include nuclear power projects. This definition is solely for the purposes of implementing this rule and does not apply in other contexts.

(19) "Energy Information Administration" means the Energy Information Administration of the United States Department of Energy.

(20) "Excess emissions" means any tonnage of NO<sub>x</sub> emitted by a NO<sub>x</sub> budget unit during an ozone control period that exceeds the NO<sub>x</sub> budget emissions limitation for the unit.

(21) "Fossil fuel" means any of the following:

(A) Natural gas.

(B) Petroleum.

(C) Coal.

(D) Any form of solid, liquid, or gaseous fuel derived from the above material.

(22) "Fossil fuel-fired" means, with regard to a unit, the combustion of fossil fuel, alone or in combination with any other fuel, under any of the following scenarios:

(A) Fossil fuel actually combusted comprises more than fifty percent (50%) of the annual heat input on a British thermal unit (Btu) basis during any year starting in 1995. If a unit had no heat input starting in 1995, during the last year of operation of the unit prior to 1995.

(B) Fossil fuel is projected to comprise more than fifty percent (50%) of the annual heat input on a Btu basis during any year, provided that the unit shall be fossil fuel-fired as of the date, during the year, that the unit begins combusting fossil fuel.

(23) "General account" means a NO<sub>x</sub> allowance tracking system account, established under section 10 of this rule, that is not a compliance account or an overdraft account.

(24) "Generator" means a device that produces electricity.

(25) "Heat input" means the product, in million British thermal units per unit of time (mmBtu/time), of the following:

(A) The gross calorific value of the fuel, in British thermal units per pound (Btu/lb).

(B) The fuel feed rate into a combustion device, in mass of fuel per unit of time (lb/time), as measured, recorded, and reported to the U.S. EPA by the NO<sub>x</sub> authorized account representative and as determined by the U.S. EPA in accordance with 40 CFR 75, Subpart H\*.

Heat input does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

(26) "Heat input rate" means the amount of heat input (in mmBtu) divided by unit operating time (in hours) or, with regard to a specific fuel, the amount of heat input attributed to the fuel (in mmBtu) divided by the unit operating time (in hours) during which the unit combusts the fuel.

(27) "Large affected unit" means the following:

(A) For units that commenced operation before January 1, 1997, a unit that has a maximum design heat input greater than two hundred fifty million (250,000,000) Btus per hour and that did not serve during 1995 or 1996 a generator producing electricity for sale under a firm contract to the electric grid.

(B) For units that commenced operation on or after January 1, 1997, and before January 1, 1999, a unit that has a maximum design heat input greater than two hundred fifty million (250,000,000) Btus per hour and that did not serve during 1997 or 1998 a generator producing electricity for sale under a firm contract to the electric grid.

(C) For units that commence operation on or after January 1, 1999, a unit with a maximum design heat input greater than two hundred fifty million (250,000,000) Btus per hour that:

(i) at no time serves a generator producing electricity for sale; or

(ii) at any time serves a generator producing electricity for sale, if any such generator has a nameplate capacity of twenty-five (25) megawatts or less and has the potential to use no more than fifty percent (50%) of the potential electrical output capacity of the unit.

Large affected unit does not include a unit subject to 326 IAC 10-3.

(28) "Life-of-the-unit, firm power contractual arrangement" means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy from any specified unit and pays its proportional amount of the unit's total costs, pursuant to a contract:

(A) for the life of the unit;

(B) for a cumulative term of no less than thirty (30) years, including contracts that permit an election for early termination; or

(C) for a period equal to or greater than twenty-five (25) years or seventy percent (70%) of the economic useful life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

(29) "Maximum design heat input" means the ability of a unit to combust a stated maximum amount of fuel per hour on a steady state basis, as determined by the physical design and physical characteristics of the unit.

(30) "Maximum potential hourly heat input" means an hourly heat input used for reporting purposes when a unit lacks certified monitors to report heat input. The unit may use either of the following:

(A) 40 CFR 75, Appendix D\* to report heat input. Calculate this value in accordance with 40 CFR 75\*, using the maximum fuel flow rate and the maximum gross calorific value.

(B) A flow monitor and a diluent gas monitor. Report this value in accordance with 40 CFR 75\*, using the maximum potential flow rate and either of the following:

(i) The maximum carbon dioxide (CO<sub>2</sub>) concentration, in percent of CO<sub>2</sub>.

(ii) The minimum oxygen (O<sub>2</sub>) concentration, in percent of O<sub>2</sub>.

(31) "Maximum potential NO<sub>x</sub> emission rate" means:

(A) the emission rate of nitrogen oxides, in pounds per million British thermal units (lb/mmBtu);

(B) calculated in accordance with 40 CFR 75, Appendix F, Section 3\*;

(C) using the maximum potential nitrogen oxides concentration as defined in 40 CFR 75, Appendix A, Section 2\*; and

(D) either the:

(i) maximum oxygen (O<sub>2</sub>) concentration in percent of O<sub>2</sub>; or

(ii) minimum carbon dioxide (CO<sub>2</sub>) concentration in percent of CO<sub>2</sub>;

under all operating conditions of the unit except for unit start up, shutdown, and upsets.

(32) "Maximum rated hourly heat input" means a unit-specific maximum hourly heat input, in million British thermal units (mmBtu), that is the higher of either the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input.

(33) "Monitoring system" means any monitoring system that meets the requirements of 40 CFR 75, Subpart H\*, including the following:

(A) A continuous emissions monitoring system.

(B) An excepted monitoring system under 40 CFR 75.19\* or 40 CFR 75, Appendix D or E\*.

(C) An alternative monitoring system.

(34) "Most stringent state or federal NO<sub>x</sub> emissions limitation" means, with regard to a NO<sub>x</sub> budget opt-in source, the lowest NO<sub>x</sub> emissions limitation, in terms of pounds per million British thermal units (lb/mmBtu), that is applicable to the unit under state or federal law, regardless of the averaging period to which the emissions limitation applies.

(35) "Nameplate capacity" means the maximum electrical generating output, in megawatt electrical (MWe), that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the United States Department of Energy standards.

(36) "Nontitle V permit" means a federally enforceable permit issued by the department under 326 IAC 2-8.

(37) "NO<sub>x</sub> allowance" means an authorization by the department or the U.S. EPA under the nitrogen oxides (NO<sub>x</sub>) budget trading program to emit up to one (1) ton of NO<sub>x</sub> during the ozone control period of the specified year or of any year thereafter, except as provided in section 14(b) of this rule.

"NO<sub>x</sub> allowance" also includes an authorization to emit up to one (1) ton of nitrogen oxides during the ozone control period of the specified year or of any year thereafter by the U.S. EPA under 40 CFR 97\* or by a permitting authority in accordance with a state NO<sub>x</sub> budget trading program established pursuant to 40 CFR 51.121\* and approved and administered by the U.S. EPA.

(38) "NO<sub>x</sub> allowance deduction" or "deduct NO<sub>x</sub> allowances" means the permanent withdrawal of NO<sub>x</sub> allowances by the U.S. EPA from a NO<sub>x</sub> allowance tracking system compliance account or overdraft account to account for the number of tons of NO<sub>x</sub> emissions from a NO<sub>x</sub> budget unit for an ozone control period, determined in accordance with 40 CFR 75, Subpart H\* and section 12 of this rule, or for any other allowance surrender obligation under this rule.

(39) "NO<sub>x</sub> allowance tracking system" means the system by which the U.S. EPA records allocations, deductions, and transfers of NO<sub>x</sub> allowances under the NO<sub>x</sub> budget trading program.

(40) "NO<sub>x</sub> allowance tracking system account" means an account in the NO<sub>x</sub> allowance tracking system established by the U.S. EPA for purposes of recording the allocation, holding, transferring, or deducting of NO<sub>x</sub> allowances.

(41) "NO<sub>x</sub> allowance transfer deadline" means midnight of November 30 or, if November 30 is not a business day, midnight of the first business day thereafter and is the deadline by which NO<sub>x</sub> allowances may be submitted for recordation in a NO<sub>x</sub> budget unit's compliance account, or the overdraft account of the source where the unit is located, in order to meet the unit's NO<sub>x</sub> budget emissions limitation for the ozone control period immediately preceding the deadline.

(42) "NO<sub>x</sub> allowances held" or "hold NO<sub>x</sub> allowances" means the NO<sub>x</sub> allowances recorded by the U.S. EPA, or submitted to the U.S. EPA for recordation, in accordance with sections 10 and 11 of this rule, in a NO<sub>x</sub> allowance tracking system account.

(43) “NO<sub>x</sub> authorized account representative” means either of the following:

(A) For a NO<sub>x</sub> budget source or NO<sub>x</sub> budget unit at the source, the natural person who is authorized by the owners and operators of the source and all NO<sub>x</sub> budget units at the source, in accordance with section 6 of this rule, to represent and legally bind each owner and operator in matters pertaining to the NO<sub>x</sub> budget trading program.

(B) For a general account, the natural person who is authorized, in accordance with section 10 of this rule, to transfer or otherwise dispose of NO<sub>x</sub> allowances held in the general account.

(44) “NO<sub>x</sub> budget emissions limitation” means, for a NO<sub>x</sub> budget unit, the tonnage equivalent of the NO<sub>x</sub> allowances available for compliance deduction for the unit and for an ozone control period under sections 10(i) and 10(k) of this rule, adjusted by any deductions of the NO<sub>x</sub> allowances for any of the following reasons:

(A) To account for excess emissions for a prior ozone control period under section 10(k)(5) of this rule.

(B) To account for withdrawal from the NO<sub>x</sub> budget trading program.

(C) For a change in regulatory status, for a NO<sub>x</sub> budget opt-in source under section 13(g) through 13(i) of this rule.

(45) “NO<sub>x</sub> budget opt-in permit” means a NO<sub>x</sub> budget permit covering a NO<sub>x</sub> budget opt-in source.

(46) “NO<sub>x</sub> budget opt-in source” means a source that includes one (1) or more NO<sub>x</sub> budget units:

(A) that has elected to become a NO<sub>x</sub> budget source under the NO<sub>x</sub> budget trading program; and

(B) whose NO<sub>x</sub> budget opt-in permit has been issued and is in effect under section 13 of this rule.

(47) “NO<sub>x</sub> budget permit” means the legally binding and federally enforceable written document, or portion of the document:

(A) issued by the department under this rule, including any permit revisions; and

(B) specifying the NO<sub>x</sub> budget trading program requirements applicable to the following:

(i) A NO<sub>x</sub> budget source.

(ii) Each NO<sub>x</sub> budget unit at the NO<sub>x</sub> budget source.

(iii) The owners and operators and the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit.

(48) “NO<sub>x</sub> budget source” means a source that includes one (1) or more NO<sub>x</sub> budget units.

(49) “NO<sub>x</sub> budget trading program” means a multistate nitrogen oxides air pollution control and emission reduction program established in accordance with this rule, 40 CFR 97\*, and a state NO<sub>x</sub> budget trading program established pursuant to 40 CFR 51.121\* and approved and administered by the U.S. EPA, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

(50) “NO<sub>x</sub> budget unit” means a unit that is subject to the NO<sub>x</sub> budget trading program emissions limitation under

section 1(a) or 13(a) of this rule.

(51) “Operating” means, with regard to a unit under sections 7(c)(4)(B) and 13(a) of this rule, having documented heat input for more than eight hundred seventy-six (876) hours in the six (6) months immediately preceding the submission of an application for an initial NO<sub>x</sub> budget permit under section 13(d) of this rule.

(52) “Operator” means any person who operates, controls, or supervises a NO<sub>x</sub> budget unit, a NO<sub>x</sub> budget source, or a unit for which an application for a NO<sub>x</sub> budget opt-in permit under section 13(d) of this rule is submitted and not denied or withdrawn and shall include, but not be limited to, any holding company, utility system, or plant manager of a unit or source.

(53) “Opt-in” means to elect to become a NO<sub>x</sub> budget unit under the NO<sub>x</sub> budget trading program through a final, effective NO<sub>x</sub> budget opt-in permit under section 13 of this rule.

(54) “Overdraft account” means the NO<sub>x</sub> allowance tracking system account, established by the U.S. EPA under section 10 of this rule, for each NO<sub>x</sub> budget source where there are two (2) or more NO<sub>x</sub> budget units.

(55) “Owner” means any of the following persons:

(A) Any holder of any portion of the legal or equitable title in a NO<sub>x</sub> budget unit or in a unit for which an application for a NO<sub>x</sub> budget opt-in permit under section 13(d) of this rule is submitted and not denied or withdrawn.

(B) Any holder of a leasehold interest in a NO<sub>x</sub> budget unit or in a unit for which an application for a NO<sub>x</sub> budget opt-in permit under section 13(d) of this rule is submitted and not denied or withdrawn.

(C) Any purchaser of power from a NO<sub>x</sub> budget unit or from a unit for which an application for a NO<sub>x</sub> budget opt-in permit under section 13(d) of this rule is submitted and not denied or withdrawn under a life-of-the-unit, firm power contractual arrangement. However, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through the lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the NO<sub>x</sub> budget unit or the unit for which an application for a NO<sub>x</sub> budget opt-in permit under section 13(d) of this rule is submitted and not denied or withdrawn.

(D) With respect to any general account, any person who has an ownership interest with respect to the NO<sub>x</sub> allowances held in the general account and who is subject to the binding agreement for the NO<sub>x</sub> authorized account representative to represent that person’s ownership interest with respect to NO<sub>x</sub> allowances.

(56) “Ozone control period” means the period as follows:

(A) For 2004, ~~the following:~~

(i) ~~For units not subject to 40 CFR 97\*, beginning May 31 and ending on September 30, inclusive.~~

(ii) ~~For units subject to 40 CFR 97\*, beginning May 1 and ending on September 30, inclusive.~~

(B) For 2005 and each year thereafter, beginning May 1 of a year and ending on September 30 of the same year, inclusive.

(57) "Percent monitor data availability" means, for purposes of sections 13(e)(2) and 15(b)(1)(D) of this rule, total unit operating hours for which quality-assured data were recorded under 40 CFR 75, Subpart H\* and section 12 of this rule in a control period, divided by the total number of unit operating hours per control period, and multiplied by one hundred percent (100%).

(58) "Potential electrical output capacity" means thirty-three percent (33%) of a unit's maximum design heat input.

(59) "Rated energy efficiency" means the percentage of gross energy input that is recovered as useable net energy output in the form of electricity or thermal energy, or both, that is used for heating, cooling, industrial processes, or other beneficial uses as follows:

(A) For electric generators, rated energy efficiency is calculated as one (1) net kilowatt hour (three thousand four hundred twelve (3,412) British thermal units) of electricity divided by the unit's design heat rate using the higher heating value of the fuel.

(B) For combined heat and power projects, rated energy efficiency is calculated using the following formula:

$$\text{Eff\%} = (\text{NEO} + \text{UTO})/\text{GEI}$$

Where: Eff% = Rated energy efficiency.

NEO = Net electrical output of the system converted to British thermal units per unit of time.

UTO = Utilized thermal output or the energy value in British thermal units of thermal energy from the system that is used for heating, cooling, industrial processes, or other beneficial uses, per unit of time.

GEI = Gross energy input, based upon the higher heating value of fuel, per unit of time.

(60) "Receive" or "receipt of" means, when referring to the department or the U.S. EPA, to come into possession of a document, information, or correspondence, whether sent in writing or by authorized electronic transmission, as indicated in an official correspondence log, or by a notation made on the document, information, or correspondence, by the department or the U.S. EPA in the regular course of business.

(61) "Recordation", "record", or "recorded" means, with regard to NO<sub>x</sub> allowances, the movement of NO<sub>x</sub> allowances by the U.S. EPA from one (1) NO<sub>x</sub> allowance tracking system account to another, for purposes of allocation, transfer, or deduction.

(62) "Reference method" means any direct test method of sampling and analyzing for an air pollutant as specified in 40 CFR 60, Appendix A\*.

(63) "Repowered natural gas-fired generating unit", for the purposes of this rule, means an electricity generating unit that

is fueled by natural gas and provides steam to a generation turbine that was previously served by a coal-fired unit that was retired in 2000 or later.

(64) "Serial number" means, when referring to NO<sub>x</sub> allowances, the unique identification number assigned to each NO<sub>x</sub> allowance by the U.S. EPA, under section 10(e) through 10(g) of this rule.

(65) "Source" means any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the CAA. For purposes of Section 502(c) of the CAA, a source, including a source with multiple units, shall be considered a single facility.

(66) "Submit" or "serve" means to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation:

(A) in person;

(B) by United States Postal Service; or

(C) by other means of dispatch or transmission and delivery.

Compliance with any submission, service, or mailing deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

(67) "Title V operating permit" means a permit issued under 326 IAC 2-7.

(68) "Title V operating permit regulations" means the rules under 326 IAC 2-7.

(69) "Ton" or "tonnage" means any short ton, two thousand (2,000) pounds. For the purpose of determining compliance with the NO<sub>x</sub> budget emissions limitation, total tons for an ozone control period shall be calculated as the sum of all recorded hourly emissions, or the tonnage equivalent of the recorded hourly emissions rates, in accordance with 40 CFR 75, Subpart H\*, with any remaining fraction of a ton equal to or greater than fifty-hundredths (0.50) ton deemed to equal one (1) ton and any fraction of a ton less than fifty-hundredths (0.50) ton deemed to equal zero (0) tons.

(70) "Trading program budget" means the total number of NO<sub>x</sub> tons apportioned to all NO<sub>x</sub> budget units, in accordance with the NO<sub>x</sub> budget trading program, for use in a given ozone control period.

(71) "Unit" means a fossil fuel-fired:

(A) stationary boiler;

(B) combustion turbine; or

(C) combined cycle system.

(72) "Unit operating day" means a calendar day in which a unit combusts any fuel.

(73) "Unit operating hour" or "hour of unit operation" means any hour, or fraction of an hour, during which a unit combusts any fuel.

(74) "United States Environmental Protection Agency" or "U.S. EPA" means the administrator of the U.S. EPA or the administrator's duly authorized representative. The department authorizes the U.S. EPA to assist the department in implementing this rule by carrying out the functions set forth for the U.S. EPA in this rule.

(75) "Utilization" means the heat input, expressed in million British thermal units per unit of time, for a unit. The unit's total heat input for the ozone control period in each year shall be determined in accordance with 40 CFR 75\* if the NO<sub>x</sub> budget unit was otherwise subject to the requirements of 40 CFR 75\* for the year, or shall be based on the best available data reported to the U.S. EPA for the unit if the unit was not otherwise subject to the requirements of 40 CFR 75\* for the year.

\*These documents are incorporated by reference. ~~and~~ Copies may be obtained from the Government Printing Office, **732 North Capitol Avenue NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-2; filed Aug 17, 2001, 3:45 p.m.: 25 IR 19; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1183*)

SECTION 4. 326 IAC 10-4-9, AS ADDED AT 25 IR 32, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

#### **326 IAC 10-4-9 NO<sub>x</sub> allowance allocations**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 9. (a) The trading program budget allocated by the department under subsections (d) through (f) for each ozone control period shall equal the total number of tons of NO<sub>x</sub> emissions apportioned to the NO<sub>x</sub> budget units under section 1 of this rule for the ozone control period, as determined by the procedures in this section. The total number of tons of NO<sub>x</sub> emissions that are available for each ozone control period for allocation as NO<sub>x</sub> allowances under this rule are ~~fifty-three thousand nine hundred sixty (53,960)~~ **fifty-four thousand nine hundred eighteen (54,918)** tons apportioned as follows:

(1) For existing units:

(A) forty-three thousand six hundred fifty-four (43,654) tons for electricity generating units in 2004 through 2009 and forty-five thousand thirty-three (45,033) tons thereafter; and

(B) ~~six thousand eight hundred forty-nine (6,849)~~ **seven thousand seven hundred seventy-eight (7,778)** tons for large affected units;

less the sum of the NO<sub>x</sub> limitations (in tons) for each unit under section 1(b) of this rule that is not allocated any NO<sub>x</sub> allowances under subsection (d) for the ozone control period and whose NO<sub>x</sub> emission limitation (in tons of NO<sub>x</sub>) is not included in the amount calculated under subsection (e) for the control period.

(2) For new unit allocation set-asides:

(A) two thousand two hundred ninety-eight (2,298) tons for electricity generating units in 2004 through 2009, and nine hundred nineteen (919) tons thereafter; and

(B) ~~eighty (80)~~ **ninety (90)** tons for large affected units in 2004 and each year thereafter.

(3) For the energy efficiency and renewable energy allocation set-aside, ~~one thousand seventy-nine (1,079)~~ **one thousand ninety-eight (1,098)** tons.

(b) The department shall allocate NO<sub>x</sub> allowances to NO<sub>x</sub> budget units according to the following schedule:

(1) For EGUs, a three (3) year allocation that is recorded three (3) years in advance of the ozone control period that the allowances may be used as follows:

(A) Within thirty (30) days of the effective date of this rule, the department shall submit to the U.S. EPA the NO<sub>x</sub> allowance allocations, in accordance with subsection (c), for the ozone control periods in 2004, 2005, and 2006.

(B) By December 31, 2003, the department shall submit to the U.S. EPA the NO<sub>x</sub> allowance allocations, in accordance with subsection (c), for the ozone control period in 2007, 2008, and 2009.

(C) By December 31, 2006, the department shall submit to the U.S. EPA the NO<sub>x</sub> allowance allocations, in accordance with subsection (c), for the ozone control period in 2010, 2011, and 2012.

(D) By December 31, 2009, and by December 31 every three (3) years thereafter, the department shall submit to the U.S. EPA, the NO<sub>x</sub> allowance allocations, in accordance with subsection (c), for the ozone control periods four (4) years, five (5) years, and six (6) years after the year of the allowance allocation.

(2) For large affected units, within thirty (30) days of the effective date of this rule, the department shall submit to the U.S. EPA the NO<sub>x</sub> allowances for the ozone control periods in 2004 through 2009. By December 31, 2006, the department shall review the allocations in light of emission trends, new units, and other relevant factors to determine whether revisions are appropriate.

(3) If the department fails to submit to the U.S. EPA the NO<sub>x</sub> allowance allocations in accordance with this rule, the U.S. EPA will allocate, for the applicable ozone control period, the same number of NO<sub>x</sub> allowances as were allocated for the preceding ozone control period.

(4) The department shall make available for review to the public the NO<sub>x</sub> allowance allocations under subdivision (1)(B), (1)(C), and (1)(D) on December 31 of each year cited in subdivision (1)(B), (1)(C), and (1)(D) and shall provide a thirty (30) day opportunity for submission of objections to the NO<sub>x</sub> allowance allocations. Objections shall be limited to addressing whether the NO<sub>x</sub> allowance allocations are in accordance with this section. Based on any such objections, the department shall consider any objections and input from affected sources and, if appropriate, adjust each determination to the extent necessary to ensure that it is in accordance with this section. Any revised NO<sub>x</sub> allowance allocations shall be submitted to the U.S. EPA for recordation by the following April 1.

(c) The heat input, in million British thermal units (mmBtu),

used for calculating NO<sub>x</sub> allowance allocations for each NO<sub>x</sub> budget unit under section 1 of this rule shall be:

- (1) For a NO<sub>x</sub> allowance allocation under subsection (b)(1)(A), the average of the two (2) highest amounts of the unit's heat input for the ozone control periods in 1995 through 1999.
- (2) For a NO<sub>x</sub> allowance allocation under subsection (b)(1)(B) through (b)(1)(D), the unit's average of the two (2) highest heat inputs for the ozone control period in the years that are one (1), two (2), three (3), four (4), and five (5) years before the year when the NO<sub>x</sub> allocation is being calculated. For the purpose of this subdivision, the ozone control period for the year 2004 shall be from May 1 through September 30.
- (3) If a NO<sub>x</sub> budget unit does not have a full five (5) years of ozone control period heat inputs, the following shall apply:
  - (A) For a NO<sub>x</sub> budget unit with ozone control period heat inputs for more than two (2) years, the average of the two (2) highest ozone control period heat inputs.
  - (B) For a NO<sub>x</sub> budget unit with two (2) years of ozone control period heat input, the average of the ozone control period heat input for the two (2) years.
  - (C) For a NO<sub>x</sub> budget unit with one (1) year of ozone control period heat input, the actual ozone control period heat input for that year.
- (4) For a NO<sub>x</sub> allowance allocation under subsection (b)(1)(B), (b)(1)(C), and (b)(1)(D) for a unit exempt under section 1(b) of this rule, the heat input shall be treated as zero (0) if the unit was exempt during the previous allocation period.

The unit's total heat input for the ozone control period in each year shall be determined in accordance with 40 CFR 75\* if the NO<sub>x</sub> budget unit was otherwise subject to the requirements of 40 CFR 75\* for the year, or shall be based on the best available data reported to the department for the unit if the unit was not otherwise subject to the requirements of 40 CFR 75\* for the year. The owner or operator of a NO<sub>x</sub> budget unit shall submit heat input data within thirty (30) days if requested by the department.

(d) For each ozone control period under subsection (b), the department shall allocate to all NO<sub>x</sub> budget units that have been in operation for at least one (1) year prior to the year in which allocations are made, and for new NO<sub>x</sub> budget units that have commenced operation on or after May 1, 2000 and that have not submitted notification in accordance with subsection (i), a total number of NO<sub>x</sub> allowances equal to the amount under subsection (a)(1), in accordance with the following procedures:

- (1) The department shall allocate NO<sub>x</sub> allowances to each electricity generating unit in an amount equaling fifteen-hundredths (**0.15**) pound per million British thermal units (~~0.15 lb/mmBtu~~) or the allowable emission rate as of the date that the unit becomes affected by this rule, whichever is more stringent, except that a coal-fired electrical generation unit with a rated energy efficiency of forty percent (40%) or higher, a repowered natural gas-fired electrical generating unit with a rated energy efficiency of forty-five percent (45%)

or higher, a natural gas-fired electrical generating unit, that is not repowered, with a rated energy efficiency of fifty percent (50%) or higher, or a combined heat and power unit with an overall rated energy efficiency of sixty percent (60%) or higher shall be allocated allowances based on fifteen-hundredths (0.15) lb/mmBtu notwithstanding the allowable emission rate, multiplied by the heat input determined under subsection (c) **and divided by two thousand (2,000) pounds per ton**, rounded to the nearest whole NO<sub>x</sub> allowance, as appropriate.

(2) If the initial total number of NO<sub>x</sub> allowances allocated to all electricity generating units for an ozone control period under subdivision (1) does not equal the amount under subsection (a)(1), the department shall adjust the total number of NO<sub>x</sub> allowances allocated to all NO<sub>x</sub> budget units for the ozone control period under subdivision (1) so that the total number of NO<sub>x</sub> allowances allocated equals the amount under subsection (a)(1). This adjustment shall be made by:

- (A) multiplying each unit's allocation by the amount under subsection (a)(1); and
- (B) dividing by the total number of NO<sub>x</sub> allowances allocated under subdivision (1), and rounding to the nearest whole NO<sub>x</sub> allowance, as appropriate.

(3) The department shall allocate NO<sub>x</sub> allowances to each large affected unit in an amount equaling the following:

Source	Unit	Allowances
(A) Alcoa	1	1,089
	2	1,057
	3	1,026
(B) American Electric Power-Rockport	Auxiliary Boiler 1	2
	Auxiliary Boiler 2	1
(C) BP Amoco-Boiler House 1	1	21
	2	21
	3	21
	4	21
	5	22
(D) BP Amoco-Boiler House 3	1	252
	2	252
	3	252
	4	252
	5	252
(E) Citizens Thermal Energy	11	120
	12	138
	13	85
	14	75
	15	54
(F) Ispat Inland	16	69
	<b>211</b>	<b>110</b>
	<b>212</b>	<b>110</b>
	<b>213</b>	<b>109</b>
	401	255
	402	255
	403	257
	404	257
	405	344

## Proposed Rules

	<b>501</b>	<b>137</b>
	<b>502</b>	<b>137</b>
	<b>503</b>	<b>137</b>
(G) National Steel	+	0
(H) (G) New Energy	003	238
(H) (H) Portside Energy	Auxiliary Boiler 1	50
	Auxiliary Boiler 2	5
	Combustion Turbine	34
(I) (I) Purdue University	<b>1</b>	<b>90</b>
	<b>2</b>	<b>91</b>
	<b>3</b>	<b>8</b>
	<b>5</b>	<b>72</b>

For units having an emission limitation only in tons on an annual basis, the allowable emission rate in pounds per million Btu (lb/mmBtu) shall be determined by dividing the emission limitation by eight thousand seven hundred sixty (8,760) hours, multiplying by two thousand (2,000) pounds, and dividing the result by the unit's permitted heat input rate. For units having an emission limitation only in parts per million (ppm), the conversion factors under 326 IAC 3-4-3 shall be used.

(e) For new NO<sub>x</sub> budget units that commenced operation, or are projected to commence operation, on or after May 1, 2000, or for projects that reduce NO<sub>x</sub> emissions through the implementation of energy efficiency or renewable energy measures, or both, implemented during an ozone control period beginning May 1, 2004, the department shall allocate NO<sub>x</sub> allowances in accordance with the following procedures:

(1) The department shall establish allocation set-asides for new NO<sub>x</sub> budget units and for energy efficiency and renewable energy projects for each ozone control period as follows:

(A) The new unit allocation set-asides shall be allocated NO<sub>x</sub> allowances equal to the following:

(i) For EGUs, two thousand two hundred ninety-eight (2,298) tons (five percent (5%) of EGU budget) for each ozone control period in 2004 through 2009, and nine hundred nineteen (919) tons (two percent (2%) of the EGU budget) for each ozone control period thereafter.

(ii) For large affected units, ~~eighty (80)~~ **ninety (90)** tons (one percent (1%) of the large affected unit budget) in 2004 and each year thereafter.

(B) The energy efficiency and renewable energy allocation set-aside shall be allocated NO<sub>x</sub> allowances equal to ~~one thousand seven hundred ninety-nine (1,079)~~ **one thousand ninety-eight (1,098)** tons (two percent (2%) of overall trading budget).

(2) The NO<sub>x</sub> authorized account representative of a new NO<sub>x</sub> budget unit or a general account may submit to the department a request, in writing or in a format specified by the department, for NO<sub>x</sub> allowances as follows:

(A) For a new NO<sub>x</sub> budget unit, for one (1) ozone control period under subsection (b), during which the NO<sub>x</sub> budget unit commenced, or is projected to commence, operation. The NO<sub>x</sub> authorized account representative shall reapply each year until the NO<sub>x</sub> budget unit is eligible to use NO<sub>x</sub> allowances allocated under subsection (d).

(B) For energy efficiency or renewable energy projects, project sponsors may request the reservation of NO<sub>x</sub> allowances, for one (1) control period in which the project is implemented. The NO<sub>x</sub> authorized account representative may reapply each year, not to exceed five (5) ozone control periods. Requests for allowances may be made only for projects implemented within two (2) years of the beginning of the first ozone control period for which allowances are requested. Projects must equal at least one (1) ton of NO<sub>x</sub> emissions and multiple projects may be aggregated into one (1) allowance allocation request to equal one (1) or more tons of NO<sub>x</sub> emissions.

The NO<sub>x</sub> allowance allocation request must be submitted by September 1 of the calendar year that is one (1) year in advance of the first ozone control period for which the NO<sub>x</sub> allowance allocation is requested and for new NO<sub>x</sub> budget units, after the date on which the department issues a permit to construct the NO<sub>x</sub> budget unit and final approval is granted from the Indiana utility regulatory commission.

(3) In a NO<sub>x</sub> allowance allocation request under this subsection, the NO<sub>x</sub> authorized account representative may request for an ozone control period, NO<sub>x</sub> allowances in an amount that does not exceed the following:

(A) For an electricity generating unit, multiplying the following:

(i) Fifteen-hundredths (0.15) pound per million British thermal units or the allowable emission rate as of the date that the unit becomes affected by this rule, whichever is more stringent except that a coal-fired electrical generation unit with a rated energy efficiency of forty percent (40%) or higher, a repowered natural gas-fired electrical generating unit with a rated energy efficiency of forty-five percent (45%) or higher, a natural gas-fired electrical generating unit that is not repowered with a rated energy efficiency of fifty percent (50%) or higher, or a combined heat and power unit with an overall rated energy efficiency of sixty percent (60%) or higher shall be allocated allowances based on fifteen-hundredths (0.15) lb/mmBtu notwithstanding the allowable emission rate.

(ii) The NO<sub>x</sub> budget unit's maximum design heat input, in million British thermal units per hour as follows:

(AA) For a unit that is permitted as a major stationary source or major modification under 326 IAC 2-2 or 326 IAC 2-3 and that is not a simple cycle system, seventy-five percent (75%) of the maximum design heat input.

(BB) For a unit that is not permitted as a major stationary source or major modification under 326 IAC 2-2 or 326 IAC 2-3 and that is a combined cycle system, fifty percent (50%) of the maximum design heat input.

(CC) For a unit that is not permitted as a major stationary source or major modification under 326 IAC 2-2 or 326 IAC 2-3 and that is not combined cycle system or for a unit that is permitted as a major stationary source or major modification under 326 IAC 2-2 or 326 IAC 2-3 and that is a simple cycle system, twenty-five percent (25%) of the maximum design heat input.

(iii) The number of hours remaining in the ozone control period starting with the first day in the ozone control period on which the unit operated or is projected to operate **and dividing by two thousand (2,000) pounds per ton.** The NO<sub>x</sub> allowances requested shall not exceed annual allowable NO<sub>x</sub> emissions.

**(B) For a large affected unit multiplying:**

(i) seventeen-hundredths (0.17) pound per million British thermal units or the allowable emission rate as of the date that the unit becomes affected by this rule, whichever is more stringent;

(ii) ~~multiplied by~~ the NO<sub>x</sub> budget unit's maximum design heat input, in million British thermal units per hour; and

(iii) ~~multiplied by~~ the number of hours remaining in the ozone control period starting with the first day in the ozone control period on which the unit operated or is projected to operate;

**and dividing by two thousand (2,000) pounds per ton.** The NO<sub>x</sub> allowances requested shall not exceed annual allowable NO<sub>x</sub> emissions.

**(C) For energy efficiency or renewable energy projects:**

(i) Projects in section 2(18)(A) ~~and 2(18)(B)~~ of this rule that claim allowances based upon reductions in the consumption of electricity and that are sponsored by end-users or nonutility third parties receive allowances based upon the number of kilowatt hours of electricity saved during an ozone control period and the following formula:

$$\text{Allowances} = (\text{kWS} * 0.0015) / 2000$$

Where: Allowances = The number of allowances awarded to a project sponsor.

kWS = The number of kilowatt hours of electricity saved during an ozone control period by the project.

(ii) Projects in section 2(18)(A) ~~and 2(18)(B)~~ of this rule that claim allowances based upon reductions in the consumption of electricity and that are sponsored by NO<sub>x</sub> allowance account holders that own or operate units that produce electricity and are subject to the emission limitations of this rule will be awarded allowances according to the following formula:

$$\text{Allowances} = (\text{kWS} * 0.000375) / 2000$$

Where: Allowances = The number of allowances awarded to a project sponsor.

kWS = The number of kilowatt hours of electricity saved during an ozone control period by the project.

(iii) Projects in section 2(18)(A) of this rule that claim allowances based upon reductions in the consumption of energy other than electricity and that are not NO<sub>x</sub> budget units will be awarded allowances according to the following formula:

$$\text{Allowances} = (((\text{Et1}/\text{Pt1}) - (\text{Et2}/\text{Pt2})) \times \text{Pt2} \times \text{NRate} / 2000 \times \text{NPt2} \times (\text{NPt1}/\text{NPt2}) / 2000$$

Where: Allowances = The number of allowances awarded to a project sponsor.

Et1 = Energy consumed per ozone control period prior to project implementation.

Pt1 = Units of product produced per ozone control period prior to project implementation.

Et2 = Energy consumed in the most recent ozone control period.

Pt2 = Units of product produced in the most recent ozone control period.

NRate = ~~NO<sub>x</sub> produced during the consumption of energy, measured in pounds per million (1,000,000) British thermal units.~~

NPt1 = **NO<sub>x</sub> produced during the consumption of energy, measured in pounds per million British thermal units prior to project implementation.**

NPt2 = **NO<sub>x</sub> produced during the consumption of energy, measured in pounds per million British thermal units in the most recent ozone control period.**

(iv) Projects in section 2(18)(A) of this rule that claim allowances based upon reductions in the consumption of energy other than electricity and that are NO<sub>x</sub> budget units will be awarded allowances according to the following formula:

$$\text{Allowances} = (((\text{Et1}/\text{Pt1}) - (\text{Et2}/\text{Pt2})) \times \text{Pt2} \times \text{NRate} \times \text{NPt2} \times (\text{NPt1}/\text{NPt2}) \times 0.25) / 2000$$

Where: Allowances = The number of allowances awarded to a project sponsor.

Et1 = Energy consumed per ozone control period prior to project implementation.

Pt1 = Units of product produced per ozone control period prior to project implementation.

Et2 = Energy consumed in the most recent ozone control period.

Pt2 = Units of product produced in the most recent ozone control period.

NRate = ~~NO<sub>x</sub> produced during the consumption of energy, measured in pounds per million (1,000,000) British thermal units.~~

NPt1 = **NO<sub>x</sub> produced during the consumption of energy, measured in pounds per million British thermal units prior to project implementation.**

## Proposed Rules

**NPt2** = NO<sub>x</sub> produced during the consumption of energy, measured in pounds per million British thermal units in the most recent ozone control period.

Product produced, as used in these formulas in this item and item (iii), may include manufactured items; raw, intermediate, or final materials; or other products measured in discrete units and produced as a result of the consumption of energy in a specific process or piece of equipment. Claims for allowances must include documentation of NO<sub>x</sub> emissions per British thermal unit both before and after implementation of the project for the energy-consuming process for which energy savings are claimed.

(v) Projects in section 2(18)(B) of this rule that claim allowances based upon highly efficient electricity generation using systems such as combined cycle, microturbines, and fuel cell systems for the predominant use of a single end user, that meet the thresholds specified in section 2(18)(B) of this rule, that are not electric generating units or large affected units as defined in section 2 of this rule, and that are sponsored by end-users or nonutility third parties, receive allowances based upon the net amount of electricity generated during an ozone control period and the following formula:

$$\text{Allow} = (\text{kWG} \times (0.0015 - \text{NO}_x)) / 2000$$

Where: **Allow** = The number of allowances awarded to a project sponsor.

**kWG** = The number of net kilowatt hours of electricity generated during an ozone control period by the project.

**NO<sub>x</sub>** = The amount of NO<sub>x</sub> produced during the generation of electricity, measured in pounds per kilowatt hour.

(vi) Projects in section 2(18)(B) of this rule that claim allowances based upon highly efficient combined heat and power systems for the predominant use of a single end user, that meet the thresholds specified in section 2(18)(B) of this rule, that are not electric generating units or large affected units as defined in section 2 of this rule, and that are sponsored by end-users or nonutility third parties, receive allowances based upon the net amount of energy generated and used during an ozone control period and the following formula:

$$\text{Allow} = ((\text{BtuIn} \times \text{Efficiency}) / 3,412) \times (0.0015 - (\text{NO}_x\text{Rate} / \text{EnRate})) / 2000$$

Where: **Allow** = The number of allowances awarded to a project sponsor.

**BtuIn** = The number of British thermal units (Btu) of fuel used to produce electricity, heat, or steam during an ozone control period by the project.

**Efficiency** = The effective net efficiency of a combined heat and power system, calculated as  $(\text{kWG} \times 3,412) / (\text{BtuIn} - \text{HeatOut})$ .

Where: **kWG** = The number of net kilowatt hours of electricity generated during an ozone control period by the project.

**HeatOut** = The number of British thermal units (Btu) of heat or steam effectively used for space, water, or industrial process heat during an ozone control period by the project divided by eight-tenths (0.8).

**NO<sub>x</sub>Rate** = NO<sub>x</sub> emitted, measured in pounds per hour of normal system operation.

**EnRate** = The amount of energy measured in British thermal units (Btu) of electricity generated and heat or steam effectively used for space, water, or industrial process heat per hour of normal system operation, divided by three thousand four hundred twelve (3,412).

(vii) Projects in section 2(18)(D) of this rule receive allowances based upon the number of kilowatt hours of electricity each project generates during an ozone control period. Highly efficient electricity generation projects using systems such as combined cycle, microturbines, and fuel cell systems for the predominant use of a single end user, that meet a rated energy efficiency threshold of sixty percent (60%) for combined cycle systems and forty percent (40%) for microturbines and fuel cells, and that are sponsored by NO<sub>x</sub> allowance account holders that own or operate units that produce electricity and are subject to the emission limitations of this rule will receive allowances based upon the net amount of electricity generated during an ozone control period and the following formula:

$$\text{Allowances} = (\text{kWG} * (0.0015 - \text{NO}_x) * 0.25) / 2000$$

Where: **Allowances** = The number of allowances awarded to a project sponsor.

**kWG** = The number of net kilowatt hours of electricity generated during an ozone control period by the project.

**NO<sub>x</sub>** = The amount of NO<sub>x</sub> produced during the generation of electricity, measured in pounds per kilowatt hour.

(viii) Projects in section 2(18)(C) and 2(18)(D) of this rule receive allowances based upon the number of kilowatt

hours of electricity each project generates during an ozone control period and according to the following formula:

$$\text{Allowances} = (\text{kWG} * 0.0015) / 2000$$

Where: Allowances = The number of allowances awarded to a project sponsor.

kWG = The number of kilowatt hours of electricity generated during an ozone control period by the project.

(vi) (ix) Projects in section 2(18)(E) and 2(18)(F) of this rule receive allowances based upon the difference in emitted NO<sub>x</sub> per megawatt hour of operation for units before and after replacement or improvement and according to the following formula:

$$\text{Allowances} = ((\text{Et1} - \text{Et2}) * h) * 0.25 / 2000$$

Where: Allowances = The number of allowances awarded to a project sponsor.

Et1 = The emission rate in pounds per megawatt hour of NO<sub>x</sub> of the unit before improvement or replacement.

Et2 = The emission rate in pounds per megawatt hour of NO<sub>x</sub> of the unit after improvement or replacement.

h = The number of megawatt hours of operation during the ozone control period.

Allowances will be awarded only after verification of project implementation and certification of energy, emission, or electricity savings, as appropriate. The department will consult the Indiana department of commerce concerning verification and certification.

(4) The department shall review, and allocate NO<sub>x</sub> allowances pursuant to, each NO<sub>x</sub> allowance allocation request by December 31 of each year as follows:

(A) Upon receipt of the NO<sub>x</sub> allowance allocation request, the department shall determine whether and shall make any necessary adjustments to the request to ensure that:

- (i) for electricity generating units, the ozone control period and the number of allowances specified are consistent with the requirements of subdivision (3)(A);
- (ii) for large affected units, the ozone control period and the number of allowances specified are consistent with the requirements of subdivision (3)(B);
- (iii) for energy efficiency and renewable energy projects the number of allowances specified are consistent with the requirements of subdivision (3)(C); and
- (iv) for units exempt under section 1(b) of this rule, the department will determine the sum of the NO<sub>x</sub> emission limitations (in tons of NO<sub>x</sub>) on which the unit's exemption under section 1(b) of this rule is based.

(B) The department shall allocate allowances to all qualifying energy efficiency and renewable energy projects prior to allocating allowances to any new NO<sub>x</sub> budget unit. The

department shall give first priority to energy efficiency and renewable energy projects under section 2(18)(A), 2(18)(C), and 2(18)(D) of this rule, next section 2(18)(B) of this rule, next section 2(18)(E) of this rule, and finally section 2(18)(F) of this rule.

(C) If the energy efficiency and renewable energy allocation set-aside for the ozone control period for which NO<sub>x</sub> allowances are requested has an amount of NO<sub>x</sub> allowances greater than or equal to the number requested, as adjusted under clause (A), the department shall allocate the amount of the NO<sub>x</sub> allowances requested, as adjusted under clause (A), to the energy efficiency and renewable energy projects. Any unallocated allowances shall be distributed as follows:

(i) Fifty percent (50%) of the unallocated allowances shall remain in the set-aside for use in the next year's allocation.

(ii) Fifty percent (50%) of the unallocated allowances shall be returned to existing large affected units on a pro rata basis.

(D) If the energy efficiency and renewable energy allocation set-aside for the ozone control period for which NO<sub>x</sub> allowances are requested has an amount of NO<sub>x</sub> allowances less than the number requested, as adjusted under clause (A), the department shall allocate the allocation set-aside on a pro rata basis, except that allowances requested for projects under section 2(18)(A), 2(18)(C), and 2(18)(D) of this rule shall be allocated first, allocated to projects under section 2(18)(B) of this rule second, allocated to projects under section 2(18)(E) of this rule third, and allocated to projects under section 2(18)(F) of this rule fourth.

(E) If the new unit allocation set-aside for the ozone control period for which NO<sub>x</sub> allowances are requested, less the amount under ~~subdivision~~ **clause** (A)(iv), has an amount of NO<sub>x</sub> allowances greater than or equal to the number requested, as adjusted under clause (A), the department shall allocate the amount of the NO<sub>x</sub> allowances requested, as adjusted under clause (A), to the NO<sub>x</sub> budget unit. If the energy efficiency and renewable energy set-aside is oversubscribed in clause (D), the remaining allowances shall be transferred to the energy efficiency and renewable energy set-aside. If the energy efficiency and renewable energy set-aside is under subscribed in clause (C), the remaining allowances shall be transferred to existing sources on a pro rata basis.

(F) If the new unit allocation set-aside for the ozone control period for which NO<sub>x</sub> allowances are requested, less the amount under ~~subdivision~~ **clause** (A)(iv), has an amount of NO<sub>x</sub> allowances less than the number requested, as adjusted under clause (A), the department shall allocate the allocation set-aside to the NO<sub>x</sub> budget units on a pro rata basis.

(G) After a new budget unit has operated in one (1) ozone control period, it becomes an existing budget unit unless a notification has been received under subsection (i) requesting allocations under this subsection, and the department

will allocate allowances for the ozone control period according to subsections (b) and (d). The unit will continue to receive allowances from the new unit set-aside according to subdivision (3) until it is eligible to use allowances allocated under subsection (d).

By December 31 of each year, the department shall take appropriate action under subdivision (4) and notify the NO<sub>x</sub> authorized account representative that submitted the request and the U.S. EPA of the number of NO<sub>x</sub> allowances allocated for the ozone control period to the NO<sub>x</sub> budget unit or energy efficiency or renewable energy projects.

(f) For a new NO<sub>x</sub> budget unit that is allocated NO<sub>x</sub> allowances under subsection (e) for an ozone control period, the U.S. EPA will deduct NO<sub>x</sub> allowances under section 10(k)(1) or 10(k)(8) of this rule to account for the actual emissions of the unit during the ozone control period. Any allowances remaining in the account shall be returned to the new source unit set-aside.

(g) After making the deductions for compliance under section 10(k)(1) or 10(k)(8) of this rule for an ozone control period, the U.S. EPA will notify the department whether any NO<sub>x</sub> allowances remain in the allocation set-asides for the ozone control period. Any NO<sub>x</sub> allowances remaining in the new unit allocation set-asides shall remain in the new unit allocation set-aside for use in the next year's allocation.

(h) If the number of banked allowances in the new unit set-asides or the energy efficiency set-aside is greater than the following amounts:

(1) For the EGU new unit set-aside, three thousand three hundred ~~and seventy-seven (3,377)~~ **ninety-six (3,396)** tons for each year in 2004 through 2009 and ~~one thousand nine hundred ninety-eight (1,998)~~ **two thousand seventeen (2,017)** tons each year thereafter.

(2) For the large affected ~~new~~ unit set-aside, one thousand one hundred ~~fifty-nine (1,159)~~ **eighty-eight (1,188)** tons in 2004 and each year thereafter.

(3) For energy efficiency and renewable energy set-aside, two thousand one hundred ~~fifty-eight (2,158)~~ **ninety-six (2,196)** tons in 2004 and each year thereafter.

Any banked allowances in excess of the values in subsection (e)(1)(A) or (e)(1)(B) shall be allocated to the relevant existing NO<sub>x</sub> budget units on a pro rata basis. The allowances from the energy efficiency and renewable energy set-aside shall be allocated to existing large affected units.

(i) A new EGU that commenced operation on or after May 1, 2000, has the option to remain in the new unit set-aside and have allowances allocated in accordance with subsection (e) until such time that it has heat input data for at least two (2) full ozone control periods, but not more than five (5) full ozone control periods for the purpose of determining heat input under subsection (c). The new NO<sub>x</sub> budget unit shall submit a notification to the department by no later than December 1 of the year prior to the allocation schedule in

subsection (b), indicating the unit is to receive NO<sub>x</sub> allowances in accordance with subsection (e).

~~\*These documents are~~ **\*This document is** incorporated by reference. ~~and~~ Copies may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402 20401~~ or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-9; filed Aug 17, 2001, 3:45 p.m.: 25 IR 32; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1183*)

SECTION 5. 326 IAC 10-4-10, AS ADDED AT 25 IR 38, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 10-4-10 NO<sub>x</sub> allowance tracking system**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 10. (a) The U.S. EPA will establish compliance and overdraft accounts consistent with subsection (c). NO<sub>x</sub> allowances shall be recorded in the compliance accounts or overdraft accounts according to the following:

(1) Allocations of NO<sub>x</sub> allowances pursuant to section 9 or 13(i) of this rule.

(2) Deductions or transfers of NO<sub>x</sub> allowances pursuant to one (1) of the following:

(A) Section 8(d), 8(e), 11, 13, or 14 of this rule.

(B) Subsection (j), (k), or (m).

(b) The U.S. EPA will establish, upon request, a general account for any person consistent with subsection (d). Transfers of allowances pursuant to section 11 of this rule shall be recorded in the general account in accordance with this section.

(c) Upon receipt of a complete account certificate of representation under section 6(h) of this rule, the U.S. EPA will establish the following:

(1) A compliance account for each NO<sub>x</sub> budget unit for which the account certificate of representation was submitted.

(2) An overdraft account for each source for which the account certificate of representation was submitted and that has two (2) or more NO<sub>x</sub> budget units.

(d) Any person may apply to open a general account for the purpose of holding and transferring allowances. The establishment of a general account shall be subject to the following:

(1) A complete application for a general account shall be submitted to the U.S. EPA and shall include the following elements in a format prescribed by the U.S. EPA:

(A) The following information concerning the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative:

(i) Name.

(ii) Mailing address.

(iii) E-mail address, if any.

(iv) Telephone number.

(v) Facsimile transmission number, if any.

(B) At the option of the NO<sub>x</sub> authorized account representative, organization name, and type of organization.

(C) A list of all persons subject to a binding agreement for the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative to represent their ownership interest with respect to the allowances held in the general account.

(D) The following certification statement by the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative: "I certify that I was selected as the NO<sub>x</sub> authorized account representative or the NO<sub>x</sub> alternate authorized account representative, as applicable, by an agreement that is binding on all persons who have an ownership interest with respect to allowances held in the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO<sub>x</sub> budget trading program on behalf of persons and that each person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the U.S. EPA or a court regarding the general account."

(E) The signature of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative and the dates signed.

(F) Unless otherwise required by the department or the U.S. EPA, documents of agreement referred to in the account certificate of representation shall not be submitted to the department or the U.S. EPA. Neither the department nor the U.S. EPA will be under any obligation to review or evaluate the sufficiency of the documents, if submitted.

(2) Upon receipt by the U.S. EPA of a complete application for a general account under subdivision (1), the following shall apply:

(A) The U.S. EPA will establish a general account for the person or persons for whom the application is submitted.

(B) The NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative for the general account shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each person who has an ownership interest with respect to NO<sub>x</sub> allowances held in the general account in all matters pertaining to the NO<sub>x</sub> budget trading program, notwithstanding any agreement between the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative and the person. Any person having an ownership interest with respect to NO<sub>x</sub> allowances shall be bound by any order or decision issued to the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative by the U.S. EPA or a court regarding the general account.

(C) Each submission concerning the general account shall be submitted, signed, and certified by the NO<sub>x</sub> authorized

account representative or any alternate NO<sub>x</sub> authorized account representative for the persons having an ownership interest with respect to NO<sub>x</sub> allowances held in the general account. Each submission shall include the following certification statement by the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative: "I am authorized to make this submission on behalf of the persons having an ownership interest with respect to the NO<sub>x</sub> allowances held in the general account. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(D) The U.S. EPA will accept or act on a submission concerning the general account only if the submission has been made, signed, and certified in accordance with clause (C).

(3) The following shall apply to the designation of a NO<sub>x</sub> authorized account representative, alternate NO<sub>x</sub> authorized account representative, or persons having an ownership interest with respect to NO<sub>x</sub> allowances in the general account:

(A) An application for a general account may designate the following:

(i) One (1) and only one (1) NO<sub>x</sub> authorized account representative.

(ii) One (1) and only one (1) alternate NO<sub>x</sub> authorized account representative who may act on behalf of the NO<sub>x</sub> authorized account representative.

The agreement by which the alternate NO<sub>x</sub> authorized account representative is selected shall include a procedure for authorizing the alternate NO<sub>x</sub> authorized account representative to act in lieu of the NO<sub>x</sub> authorized account representative.

(B) Upon receipt by the U.S. EPA of a complete application for a general account under subdivision (1), any representation, action, inaction, or submission by any alternate NO<sub>x</sub> authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NO<sub>x</sub> authorized account representative.

(C) The NO<sub>x</sub> authorized account representative for a general account may be changed at any time upon receipt by the U.S. EPA of a superseding complete application for a general account under subdivision (1). Notwithstanding the change, all representations, actions, inactions, and submissions by the previous NO<sub>x</sub> authorized account representative prior to the time and date when the U.S. EPA receives the superseding application for a general account shall be binding on the new NO<sub>x</sub> authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.

(D) The alternate NO<sub>x</sub> authorized account representative for a general account may be changed at any time upon receipt by the U.S. EPA of a superseding complete application for a general account under subdivision (1). Notwithstanding the change, all representations, actions, inactions, and submissions by the previous alternate NO<sub>x</sub> authorized account representative prior to the time and date when the U.S. EPA receives the superseding application for a general account shall be binding on the new alternate NO<sub>x</sub> authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.

(E) In the event a new person having an ownership interest with respect to NO<sub>x</sub> allowances in the general account is not included in the list of persons having an ownership interest with respect to the NO<sub>x</sub> allowances in the account certificate of representation, the new person shall be deemed to be subject to and bound by the account certificate of representation, the representation, actions, inactions, and submissions of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative of the source or unit, and the decisions, orders, actions, and inactions of the U.S. EPA, as if the new person were included in the list.

(F) Within thirty (30) days following any change in the persons having an ownership interest with respect to NO<sub>x</sub> allowances in the general account, including the addition of persons, the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative shall submit a revision to the application for a general account amending the list of persons having an ownership interest with respect to the NO<sub>x</sub> allowances in the general account to include the change.

(4) Once a complete application for a general account under subdivision (1) has been submitted and received, the U.S. EPA will rely on the application unless and until a superseding complete application for a general account under subdivision (1) is received by the U.S. EPA.

(5) Except as provided in subdivision (3)(C) through (3)(F), no objection or other communication submitted to the U.S. EPA concerning the authorization, or any representation, action, inaction, or submission of the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative for a general account shall affect any representation, action, inaction, or submission of the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative or the finality of any decision or order by the U.S. EPA under the NO<sub>x</sub> budget trading program.

(6) The U.S. EPA will not adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative for a general account, including private legal disputes concerning the proceeds of NO<sub>x</sub> allowance transfers.

(e) The U.S. EPA will assign a unique identifying number to

each account established under subsection (c) or (d).

(f) Following the establishment of a NO<sub>x</sub> allowance tracking system account, all submissions to the U.S. EPA pertaining to the account, including, but not limited to, submissions concerning the deduction or transfer of NO<sub>x</sub> allowances in the account, shall be made only by the NO<sub>x</sub> authorized account representative for the account. The U.S. EPA will assign a unique identifying number to each NO<sub>x</sub> authorized account representative.

(g) The U.S. EPA will record the NO<sub>x</sub> allowances for 2004 **and each year thereafter** in the NO<sub>x</sub> budget units' compliance accounts and the allocation set-asides, as allocated under section 9 of this rule. The U.S. EPA will also record the NO<sub>x</sub> allowances allocated under section 13(i)(1) of this rule for each NO<sub>x</sub> budget opt-in source in its compliance account.

(h) Each year, after the U.S. EPA has made all deductions from a NO<sub>x</sub> budget unit's compliance account and the overdraft account pursuant to subsection (k), the U.S. EPA will record NO<sub>x</sub> allowances, as allocated to the unit under section 9 or 13(i)(2) of this rule, in the compliance account for the year after the last year for which allowances were previously allocated to the compliance account. Each year, the U.S. EPA will also record NO<sub>x</sub> allowances, as allocated under section 9 of this rule, in the allocation set-aside for the year after the last year for which allowances were previously allocated to an allocation set-aside.

(i) When allocating NO<sub>x</sub> allowances to and recording them in an account, the U.S. EPA will assign each NO<sub>x</sub> allowance a unique identification number that shall include digits identifying the year for which the NO<sub>x</sub> allowance is allocated.

(j) The NO<sub>x</sub> allowances are available to be deducted for compliance with a unit's NO<sub>x</sub> budget emissions limitation for an ozone control period in a given year only if the NO<sub>x</sub> allowances:

(1) were allocated for an ozone control period in a prior year or the same year; and

(2) are held in the unit's compliance account, or the overdraft account of the source where the unit is located, as of the NO<sub>x</sub> allowance transfer deadline for that ozone control period or are transferred into the compliance account or overdraft account by a NO<sub>x</sub> allowance transfer correctly submitted for recordation under section 11(a) of this rule by the NO<sub>x</sub> allowance transfer deadline for that ozone control period.

(k) The following shall apply to deductions for purposes of compliance with a unit's allocations:

(1) Following the recordation, in accordance with section 11(b) or 11(c) of this rule, of NO<sub>x</sub> allowance transfers submitted for recordation in the unit's compliance account or the overdraft account of the source where the unit is located by the NO<sub>x</sub> allowance transfer deadline for an ozone control period, the U.S. EPA will deduct NO<sub>x</sub> allowances available under subsection (j) to cover the unit's NO<sub>x</sub> emissions, as determined in accordance with 40 CFR 75, Subpart H\*:

- (A) from the compliance account; and
- (B) only if no more NO<sub>x</sub> allowances available under subsection (j) remain in the compliance account, from the overdraft account.

In deducting allowances for units at the source from the overdraft account, the U.S. EPA will begin with the unit having the compliance account with the lowest NO<sub>x</sub> allowance tracking system account number and end with the unit having the compliance account with the highest NO<sub>x</sub> allowance tracking system account number, with account numbers sorted beginning with the left-most character and ending with the right-most character and the letter characters assigned values in alphabetical order and less than all numeric characters.

(2) The U.S. EPA will deduct NO<sub>x</sub> allowances first under subdivision (1)(A) and then under subdivision (1)(B) until:

- (A) the number of NO<sub>x</sub> allowances deducted for the ozone control period equals the number of tons of NO<sub>x</sub> emissions, determined in accordance with 40 CFR 75, Subpart H\*, from the unit for the ozone control period for which compliance is being determined; or
- (B) no more NO<sub>x</sub> allowances available under subsection (j) remain in the respective account.

(3) The NO<sub>x</sub> authorized account representative for each compliance account may identify by serial number the NO<sub>x</sub> allowances to be deducted from the unit's compliance account under this section. The identification shall be made in the compliance certification report submitted in accordance with section 8(a) through 8(c) of this rule.

(4) The U.S. EPA will deduct NO<sub>x</sub> allowances for an ozone control period from the compliance account, in the absence of an identification or in the case of a partial identification of NO<sub>x</sub> allowances by serial number under subdivision (3), or the overdraft account on a first-in, first-out (FIFO) accounting basis in the following order:

- (A) Those NO<sub>x</sub> allowances that were allocated for the ozone control period to the unit under section 9 or 13 of this rule.
- (B) Those NO<sub>x</sub> allowances that were allocated for the ozone control period to any unit and transferred and recorded in the account pursuant to section 11 of this rule, in order of their date of recordation.
- (C) Those NO<sub>x</sub> allowances that were allocated for a prior ozone control period to the unit under section 9 or 13 of this rule.
- (D) Those NO<sub>x</sub> allowances that were allocated for a prior ozone control period to any unit and transferred and recorded in the account pursuant to section 11 of this rule, in order of their date of recordation.

(5) After making the deductions for compliance under subdivisions (1) and (2), the U.S. EPA will deduct from the unit's compliance account or the overdraft account of the source where the unit is located a number of NO<sub>x</sub> allowances, allocated for an ozone control period after the ozone control period in which the unit has excess emissions, equal to three

(3) times the number of the unit's excess emissions.

(6) If the compliance account or overdraft account does not contain sufficient NO<sub>x</sub> allowances, the U.S. EPA will deduct the required number of NO<sub>x</sub> allowances, regardless of the ozone control period for which they were allocated, whenever NO<sub>x</sub> allowances are recorded in either account.

(7) Any allowance deduction required under subdivision (5) shall not affect the liability of the owners and operators of the NO<sub>x</sub> budget unit for any fine, penalty, or assessment, or their obligation to comply with any other remedy, for the same violation, as ordered under the CAA or applicable state law. The following guidelines shall be followed in assessing fines, penalties, or other obligations:

(A) For purposes of determining the number of days of violation, if a NO<sub>x</sub> budget unit has excess emissions for an ozone control period, each day in the ozone control period, one hundred fifty-three (153) days, constitutes a day in violation unless the owners and operators of the unit demonstrate that a lesser number of days should be considered.

(B) Each ton of excess emissions is a separate violation.

(8) In the case of units sharing a common stack and having emissions that are not separately monitored or apportioned in accordance with 40 CFR 75, Subpart H\*, the following shall apply:

(A) The NO<sub>x</sub> authorized account representative of the units may identify the percentage of NO<sub>x</sub> allowances to be deducted from each unit's compliance account to cover the unit's share of NO<sub>x</sub> emissions from the common stack for an ozone control period. The identification shall be made in the compliance certification report submitted in accordance with section 8(a) through 8(c) of this rule.

(B) Notwithstanding subdivision (2)(A), the U.S. EPA will deduct NO<sub>x</sub> allowances for each unit, in accordance with subdivision (1), until the number of NO<sub>x</sub> allowances deducted equals either of the following:

- (i) The unit's identified percentage of the number of tons of NO<sub>x</sub> emissions, as determined in accordance with 40 CFR 75, Subpart H\*, from the common stack for the ozone control period for which compliance is being determined.
- (ii) If no percentage is identified, an equal percentage for each unit.

(9) The U.S. EPA will record in the appropriate compliance account or overdraft account all deductions from an account pursuant to this section.

(l) The U.S. EPA may at its own discretion and on its own motion correct any error in any NO<sub>x</sub> allowance tracking system account. Within ten (10) business days of making the correction, the U.S. EPA will notify the NO<sub>x</sub> authorized account representative for the account.

(m) The NO<sub>x</sub> authorized account representative of a general account may instruct the U.S. EPA to close the account by

submitting a statement requesting deletion of the account from the NO<sub>x</sub> allowance tracking system and by correctly submitting for recordation under section 11(a) of this rule, an allowance transfer of all NO<sub>x</sub> allowances in the account to one (1) or more other NO<sub>x</sub> allowance tracking system accounts.

(n) If a general account shows no activity for a period of one (1) year or more and does not contain any NO<sub>x</sub> allowances, the U.S. EPA may notify the NO<sub>x</sub> authorized account representative for the account that the account shall be closed and deleted from the NO<sub>x</sub> allowance tracking system following twenty (20) business days after the notice is sent. The account shall be closed after the twenty (20) business day period unless before the end of the twenty (20) business day period the U.S. EPA receives a correctly submitted transfer of NO<sub>x</sub> allowances into the account under section 11(a) of this rule or a statement submitted by the NO<sub>x</sub> authorized account representative demonstrating to the satisfaction of the U.S. EPA good cause as to why the account should not be closed.

~~\*These documents are~~ **\*This document is** incorporated by reference. ~~and~~ Copies may be obtained from the Government Printing Office, **732 North Capitol Avenue NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-10; filed Aug 17, 2001, 3:45 p.m.: 25 IR 38; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1184*)

SECTION 6. 326 IAC 10-4-13, AS ADDED AT 25 IR 48, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 10-4-13 Individual opt-ins**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 13. (a) A unit may qualify to become a NO<sub>x</sub> budget opt-in source under this section if the unit meets the following requirements:

- (1) Is not a NO<sub>x</sub> budget unit under section 1 of this rule.
- (2) Has all of its emissions vented to a stack.
- (3) Is currently operating.

A unit that is a NO<sub>x</sub> budget unit, is covered by an exemption under section 1(b) of this rule or a retired unit exemption under section 3 of this rule, or is not operating is not eligible to become a NO<sub>x</sub> budget opt-in source.

(b) Except otherwise as provided in this rule, a NO<sub>x</sub> budget opt-in source shall be treated as a NO<sub>x</sub> budget unit for purposes of applying sections 1 through 12 and 14 of this rule.

(c) A unit for which an application for a NO<sub>x</sub> budget opt-in permit is submitted and not denied or withdrawn, or a NO<sub>x</sub> budget opt-in source, located at the same source as one (1) or

more NO<sub>x</sub> budget units, shall have the same NO<sub>x</sub> authorized account representative as the NO<sub>x</sub> budget units.

(d) In order to apply for an initial NO<sub>x</sub> budget opt-in permit, the NO<sub>x</sub> authorized account representative of a unit qualified under subsection (a) may submit an application to the department at any time, except as provided under subsection (g), that includes the following:

- (1) A complete NO<sub>x</sub> budget permit application under section 7(c) of this rule.
- (2) A monitoring plan submitted in accordance with section 12 of this rule.
- (3) A **copy of the** complete account certificate of representation **submitted to U.S. EPA** under section 6(h) of this rule, if no NO<sub>x</sub> authorized account representative has been previously designated for the unit.

The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget opt-in source shall submit a complete NO<sub>x</sub> budget permit application under section 7(c) of this rule to renew the NO<sub>x</sub> budget opt-in permit in accordance with section 7(b)(1)(C) and 7(b)(2)(C) of this rule and, if applicable, an updated monitoring plan in accordance with section 12 of this rule.

(e) The department shall issue or deny a NO<sub>x</sub> budget opt-in permit for a unit for which an initial application for a NO<sub>x</sub> budget opt-in permit under subsection (d) is submitted, in accordance with section 7(a) of this rule and the following:

- (1) The department shall determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a NO<sub>x</sub> budget opt-in permit under subsection (d). A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that the NO<sub>x</sub> emissions rate and heat input of the unit are monitored and reported in accordance with section 12 of this rule. A determination of sufficiency shall not be construed as acceptance or approval of the unit's monitoring plan.
- (2) If the department determines that the unit's monitoring plan is sufficient under subdivision (1) and after completion of monitoring system certification under 40 CFR 75, Subpart H\* and section 12 of this rule, the NO<sub>x</sub> emissions rate and the heat input of the unit shall be monitored and reported in accordance with 40 CFR 75, Subpart H\* and section 12 of this rule for one (1) full ozone control period during which percent monitor data availability is not less than ninety percent (90%) and during which the unit is in full compliance with any applicable state or federal NO<sub>x</sub> emissions or emissions-related requirements. Solely for purposes of applying the requirements in the prior sentence, the unit shall be treated as a NO<sub>x</sub> budget unit prior to issuance of a NO<sub>x</sub> budget opt-in permit covering the unit.
- (3) Based on the information monitored and reported under subdivision (2), the unit's baseline heat rate shall be calculated as the unit's total heat input, in million British thermal units, for the ozone control period and the unit's baseline NO<sub>x</sub> emissions rate shall be calculated as the unit's total NO<sub>x</sub> mass emissions, in pounds, for the ozone control period divided by the unit's baseline heat rate.

(4) After calculating the baseline heat input and the baseline NO<sub>x</sub> emissions rate for the unit under subdivision (3), the department shall serve a draft NO<sub>x</sub> budget opt-in permit on the NO<sub>x</sub> authorized account representative of the unit.

(5) Within twenty (20) days after the issuance of the draft NO<sub>x</sub> budget opt-in permit, the NO<sub>x</sub> authorized account representative of the unit must submit to the department a confirmation of the intention to opt in the unit or a withdrawal of the application for a NO<sub>x</sub> budget opt-in permit under subsection (d). The department shall treat the failure to make a timely submission as a withdrawal of the NO<sub>x</sub> budget opt-in permit application.

(6) If the NO<sub>x</sub> authorized account representative confirms the intention to opt in the unit under subdivision (5), the department shall issue the draft NO<sub>x</sub> budget opt-in permit in accordance with section 7(a) of this rule.

(7) Notwithstanding subdivisions (1) through (6), if at any time before issuance of a draft NO<sub>x</sub> budget opt-in permit for the unit, the department determines that the unit does not qualify as a NO<sub>x</sub> budget opt-in source under subsection (a), the department shall issue a draft denial of a NO<sub>x</sub> budget opt-in permit for the unit in accordance with section 7(a) of this rule.

(8) A NO<sub>x</sub> authorized account representative of a unit may withdraw its application for a NO<sub>x</sub> budget opt-in permit under subsection (d) at any time prior to the issuance of the final NO<sub>x</sub> budget opt-in permit. Once the application for a NO<sub>x</sub> budget opt-in permit is withdrawn, a NO<sub>x</sub> authorized account representative wanting to reapply must submit a new application for a NO<sub>x</sub> budget permit under subsection (d).

(9) The effective date of the initial NO<sub>x</sub> budget opt-in permit shall be May 1 of the first ozone control period starting after the issuance of the initial NO<sub>x</sub> budget opt-in permit by the department. The unit shall be a NO<sub>x</sub> budget opt-in source and a NO<sub>x</sub> budget unit as of the effective date of the initial NO<sub>x</sub> budget opt-in permit.

(f) The following shall apply to the content of a NO<sub>x</sub> budget opt-in permit:

(1) Each NO<sub>x</sub> budget opt-in permit, including any draft or proposed NO<sub>x</sub> budget opt-in permit, if applicable, shall contain all elements required for a complete NO<sub>x</sub> budget opt-in permit application under section 7(c) of this rule.

(2) Each NO<sub>x</sub> budget opt-in permit is deemed to incorporate automatically the definitions of terms under section 2 of this rule and, upon recordation by the U.S. EPA under this section and sections 10 and 11 of this rule, every allocation, transfer, or deduction of NO<sub>x</sub> allowances to or from the compliance accounts of each NO<sub>x</sub> budget opt-in source covered by the NO<sub>x</sub> budget opt-in permit or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located.

(g) The following requirements must be satisfied in order to

withdraw an opt-in unit from the NO<sub>x</sub> budget trading program:

(1) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget opt-in source shall submit to the department a request to withdraw effective as of a specified date prior to May 1 or after September 30. The submission shall be made no later than ninety (90) days prior to the requested effective date of withdrawal.

(2) Before a NO<sub>x</sub> budget opt-in source covered by a request under subdivision (1) may withdraw from the NO<sub>x</sub> budget trading program and the NO<sub>x</sub> budget opt-in permit may be terminated under subdivision (6), the following conditions must be met:

(A) For the ozone control period immediately before the withdrawal is to be effective, the NO<sub>x</sub> authorized account representative must submit or must have submitted to the department an annual compliance certification report in accordance with section 8 of this rule.

(B) If the NO<sub>x</sub> budget opt-in source has excess emissions for the ozone control period immediately before the withdrawal is to be effective, the U.S. EPA will deduct or have deducted from the NO<sub>x</sub> budget opt-in source's compliance account, or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located, the full amount required under section 10(k)(5) through 10(k)(7) of this rule for the ozone control period.

(C) After the requirements for withdrawal under this subdivision and subdivision (1) are met, the U.S. EPA will deduct from the NO<sub>x</sub> budget opt-in source's compliance account, or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located, NO<sub>x</sub> allowances equal in number to, and allocated for, the same or a prior ozone control period as any NO<sub>x</sub> allowances allocated to that source under subsection (i) for any ozone control period for which the withdrawal is to be effective. The U.S. EPA will close the NO<sub>x</sub> budget opt-in source's compliance account and shall establish, and transfer any remaining allowances to, a new general account for the owners and operators of the NO<sub>x</sub> budget opt-in source. The NO<sub>x</sub> authorized account representative for the NO<sub>x</sub> budget opt-in source shall become the NO<sub>x</sub> authorized account representative for the general account.

(3) A NO<sub>x</sub> budget opt-in source that withdraws from the NO<sub>x</sub> budget trading program shall comply with all requirements under the NO<sub>x</sub> budget trading program concerning all years for which the NO<sub>x</sub> budget opt-in source was a NO<sub>x</sub> budget opt-in source, even if the requirements arise or must be complied with after the withdrawal takes effect.

(4) After the requirements for withdrawal under subdivisions (1) and (2) are met, including deduction of the full amount of NO<sub>x</sub> allowances required, the department shall issue a notification to the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget opt-in source of the acceptance of the withdrawal of the NO<sub>x</sub> budget opt-in source as of a specified effective date that is after the requirements have been met and that is prior to May 1 or after September 30.

(5) If the requirements for withdrawal under subdivisions (1) and (2) are not met, the department shall issue a notification to the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget opt-in source that the NO<sub>x</sub> budget opt-in source's request to withdraw is denied. If the NO<sub>x</sub> budget opt-in source's request to withdraw is denied, the NO<sub>x</sub> budget opt-in source shall remain subject to the requirements for a NO<sub>x</sub> budget opt-in source.

(6) After the department issues a notification under subdivision (4) that the requirements for withdrawal have been met, the department shall revise the NO<sub>x</sub> budget permit covering the NO<sub>x</sub> budget opt-in source to terminate the NO<sub>x</sub> budget opt-in permit as of the effective date specified under subdivision (1). A NO<sub>x</sub> budget opt-in source shall continue to be a NO<sub>x</sub> budget opt-in source until the effective date of the termination.

(7) If the department denies the NO<sub>x</sub> budget opt-in source's request to withdraw, the NO<sub>x</sub> authorized account representative may submit another request to withdraw in accordance with subdivisions (1) and (2).

Once a NO<sub>x</sub> budget opt-in source withdraws from the NO<sub>x</sub> budget trading program and its NO<sub>x</sub> budget opt-in permit is terminated under this section, the NO<sub>x</sub> authorized account representative may not submit another application for a NO<sub>x</sub> budget opt-in permit under subsection (d) for the unit prior to the date that is four (4) years after the date on which the terminated NO<sub>x</sub> budget opt-in permit became effective.

(h) When a NO<sub>x</sub> budget opt-in source becomes a NO<sub>x</sub> budget unit under section 1 of this rule, the NO<sub>x</sub> authorized account representative shall notify the department and the U.S. EPA in writing of the change in the NO<sub>x</sub> budget opt-in source's regulatory status, within thirty (30) days of the change. If there is a change in the regulatory status, the department and the U.S. EPA will take the following actions concerning a NO<sub>x</sub> budget opt-in source:

(1) When the NO<sub>x</sub> budget opt-in source becomes a NO<sub>x</sub> budget unit under section 1 of this rule, the department shall revise the NO<sub>x</sub> budget opt-in source's NO<sub>x</sub> budget opt-in permit to meet the requirements of a NO<sub>x</sub> budget permit under section 7(d) and 7(e) of this rule as of an effective date that is the date on which the NO<sub>x</sub> budget opt-in source becomes a NO<sub>x</sub> budget unit under section 1 of this rule.

(2) The U.S. EPA will deduct from the compliance account for the NO<sub>x</sub> budget unit under subdivision (1), or the overdraft account of the NO<sub>x</sub> budget source where the unit is located, NO<sub>x</sub> allowances equal in number to, and allocated for, the same or a prior ozone control period as follows:

(A) Any NO<sub>x</sub> allowances allocated to the NO<sub>x</sub> budget unit, as a NO<sub>x</sub> budget opt-in source, under subsection (i) for any ozone control period after the last ozone control period during which the unit's NO<sub>x</sub> budget opt-in permit was effective.

(B) If the effective date of the NO<sub>x</sub> budget permit revision under subdivision (1) is during an ozone control period, the NO<sub>x</sub> allowances allocated to the NO<sub>x</sub> budget unit, as a NO<sub>x</sub>

budget opt-in source, under subsection (i) for the ozone control period multiplied by the ratio of the number of days, in the ozone control period, starting with the effective date of the permit revision under subdivision (1), divided by the total number of days in the ozone control period.

(3) The NO<sub>x</sub> authorized account representative shall ensure that the compliance account of the NO<sub>x</sub> budget unit under subdivision (1), or the overdraft account of the NO<sub>x</sub> budget source where the unit is located, includes the NO<sub>x</sub> allowances necessary for completion of the deduction under subdivision (2). If the compliance account or overdraft account does not contain sufficient NO<sub>x</sub> allowances, the U.S. EPA will deduct the required number of NO<sub>x</sub> allowances, regardless of the ozone control period for which they were allocated, whenever NO<sub>x</sub> allowances are recorded in either account.

(4) For every ozone control period during which the NO<sub>x</sub> budget permit revised under subdivision (1) is effective, the following shall apply:

(A) The NO<sub>x</sub> budget unit under subdivision (1) shall be treated, solely for the purposes of NO<sub>x</sub> allowance allocations under section 9(c) through 9(e) of this rule, as a unit that commenced operation on the effective date of the NO<sub>x</sub> budget permit revision under subdivision (1) and shall be allocated NO<sub>x</sub> allowances under section 9(c) through 9(e) of this rule.

(B) Notwithstanding clause (A), if the effective date of the NO<sub>x</sub> budget permit revision under subdivision (1) is during an ozone control period, the following number of NO<sub>x</sub> allowances shall be allocated to the NO<sub>x</sub> budget unit. The number of NO<sub>x</sub> allowances otherwise allocated to the NO<sub>x</sub> budget unit under section 9(c) through 9(e) of this rule for the ozone control period multiplied by the ratio of the number of days, in the ozone control period, starting with the effective date of the permit revision under subdivision (1), divided by the total number of days in the ozone control period.

(5) When the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget opt-in source does not renew its NO<sub>x</sub> budget opt-in permit under subsection (d), the U.S. EPA will deduct from the NO<sub>x</sub> budget opt-in unit's compliance account, or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located, NO<sub>x</sub> allowances equal in number to and allocated for the same or a prior ozone control period as any NO<sub>x</sub> allowances allocated to the NO<sub>x</sub> budget opt-in source under subsection (i) for any ozone control period after the last ozone control period for which the NO<sub>x</sub> budget opt-in permit is effective. The NO<sub>x</sub> authorized account representative shall ensure that the NO<sub>x</sub> budget opt-in source's compliance account or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located includes the NO<sub>x</sub> allowances necessary for completion of the deduction. If the compliance account or overdraft account does not contain sufficient NO<sub>x</sub> allowances, the U.S. EPA will deduct the required number of NO<sub>x</sub> allowances, regardless of the ozone control period for which they were allocated, whenever NO<sub>x</sub> allowances are recorded in either account.

(6) After the deduction under subdivision (5) is completed, the U.S. EPA will close the NO<sub>x</sub> budget opt-in source's compliance account. If any NO<sub>x</sub> allowances remain in the compliance account after completion of the deduction and any deduction under section 10(j) and 10(k) of this rule, the U.S. EPA will close the NO<sub>x</sub> budget opt-in source's compliance account and will establish, and transfer any remaining allowances to a new general account for the owners and operators of the NO<sub>x</sub> budget opt-in source. The NO<sub>x</sub> authorized account representative for the NO<sub>x</sub> budget opt-in source shall become the NO<sub>x</sub> authorized account representative for the general account.

(i) The department shall allocate NO<sub>x</sub> allowances to NO<sub>x</sub> budget opt-in sources as follows:

(1) By December 31 immediately before the first ozone control period for which the NO<sub>x</sub> budget opt-in permit is effective, the department shall allocate NO<sub>x</sub> allowances to the NO<sub>x</sub> budget opt-in source and submit to the U.S. EPA the allocation for the ozone control period in accordance with subdivision (3).

(2) By no later than December 31, after the first ozone control period for which the NO<sub>x</sub> budget opt-in permit is in effect, and December 31 of each year thereafter, the department shall allocate NO<sub>x</sub> allowances to the NO<sub>x</sub> budget opt-in source, and submit to the U.S. EPA allocations for the next ozone control period, in accordance with subdivision (3).

(3) For each ozone control period for which the NO<sub>x</sub> budget opt-in source has an approved NO<sub>x</sub> budget opt-in permit, the NO<sub>x</sub> budget opt-in source shall be allocated NO<sub>x</sub> allowances according to the following procedures:

(A) The heat input, in million British thermal units, used for calculating NO<sub>x</sub> allowance allocations shall be the lesser of the following:

(i) The NO<sub>x</sub> budget opt-in source's baseline heat input determined pursuant to subsection (e)(3).

(ii) The NO<sub>x</sub> budget opt-in source's heat input, as determined in accordance with section 12 of this rule, for the ozone control period in the year prior to the year of the ozone control period for which the NO<sub>x</sub> allocations are being calculated.

(B) The department shall allocate NO<sub>x</sub> allowances to the NO<sub>x</sub> budget opt-in source in an amount equaling the heat input, in million British thermal units, determined under clause (A) multiplied by the lesser of the following, **then divided by two thousand (2,000) pounds per ton:**

(i) The NO<sub>x</sub> budget opt-in source's baseline NO<sub>x</sub> emissions rate, in pounds per million British thermal units, determined pursuant to subsection (e)(3).

(ii) The most stringent state or federal NO<sub>x</sub> emissions limitation applicable to the NO<sub>x</sub> budget opt-in source during the ozone control period.

~~\*These documents are~~ **\*This document is** incorporated by reference. ~~and~~ Copies may be obtained from the Government Printing Office, **732 North Capitol Avenue NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and** copying at the

Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 10-4-13; filed Aug 17, 2001, 3:45 p.m.: 25 IR 48; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1184*)

SECTION 7. 326 IAC 10-4-14, AS ADDED AT 25 IR 52, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 10-4-14 NO<sub>x</sub> allowance banking**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 14. (a) NO<sub>x</sub> allowances may be banked for future use or transfer in a compliance account, an overdraft account, or a general account as follows:

(1) Any NO<sub>x</sub> allowance that is held in a compliance account, an overdraft account, or a general account shall remain in the account unless and until the NO<sub>x</sub> allowance is deducted or transferred under:

(A) section 8(d), 8(e), 10(j), 10(k), 11, or 13 of this rule; or

(B) subsection (b).

(2) The U.S. EPA will designate, as a banked NO<sub>x</sub> allowance, any NO<sub>x</sub> allowance that remains in a compliance account, an overdraft account, or a general account after the U.S. EPA has made all deductions for a given ozone control period from the compliance account or overdraft account pursuant to section 10(j) and 10(k) of this rule, 40 CFR 97\*, a state NO<sub>x</sub> budget trading program established pursuant to 40 CFR 51.121\* and approved and administered by the U.S. EPA, or a federal implementation plan and that was allocated for that ozone control period or a ozone control period in a prior year.

(b) Each year starting in ~~2005~~, **2006**, after the U.S. EPA has completed the designation of banked NO<sub>x</sub> allowances under subsection (a)(2) and before May 1 of the year, the U.S. EPA will determine the extent that banked NO<sub>x</sub> allowances may be used for compliance in the ozone control period for the current year as follows:

(1) The U.S. EPA will determine the total number of banked NO<sub>x</sub> allowances held in compliance accounts, overdraft accounts, or general accounts.

(2) If the total number of banked NO<sub>x</sub> allowances determined, under subdivision (1), to be held in compliance accounts, overdraft accounts, or general accounts is less than or equal to ten percent (10%) of the sum of the trading program budget for the ozone control period, any banked NO<sub>x</sub> allowance may be deducted for compliance in accordance with section 10(k) of this rule.

(3) If the total number of banked NO<sub>x</sub> allowances determined, under subdivision (1), to be held in compliance accounts, overdraft accounts, or general accounts exceeds ten percent (10%) of the sum of the trading program budget for the ozone control period, any banked allowance may be deducted for compliance in accordance with section 10(k) of this rule, except as follows:

(A) The U.S. EPA will determine the following ratio:

(i) One-tenth (0.10) multiplied by the sum of the trading program budget for the ozone control period.

(ii) Divided by the total number of banked NO<sub>x</sub> allowances determined, under subdivision (1), to be held in compliance accounts, overdraft accounts, or general accounts.

(B) The U.S. EPA will multiply the number of banked NO<sub>x</sub> allowances in each compliance account or overdraft account by the ratio determined under clause (A). The resulting product is the number of banked NO<sub>x</sub> allowances in the account that may be deducted for compliance in accordance with section 10(k) of this rule. Any banked NO<sub>x</sub> allowances in excess of the resulting product may be deducted for compliance in accordance with section 10(k) of this rule, except that, if these NO<sub>x</sub> allowances are used to make a deduction, two (2) NO<sub>x</sub> allowances must be deducted for each deduction of one (1) NO<sub>x</sub> allowance required under section 10(k) of this rule.

\*These documents are incorporated by reference. ~~and~~ Copies may be obtained from the Government Printing Office, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~ **20401** or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, **Tenth Floor**, Indianapolis, Indiana 46204. (*Air Pollution Control Board*; 326 IAC 10-4-14; filed Aug 17, 2001, 3:45 p.m.: 25 IR 52; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1184)

SECTION 8. 326 IAC 10-4-15, AS ADDED AT 25 IR 53, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 10-4-15 Compliance supplement pool**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 15. (a) The department may allow sources required to implement NO<sub>x</sub> emission control measures by May 31, 2004, and subject to this rule, to demonstrate compliance in the 2004 and 2005 ozone control periods using credit issued from a compliance supplement pool in accordance with this section. A source may not use credit from the compliance supplement pool to demonstrate compliance after the 2005 ozone control period.

(b) The department may distribute NO<sub>x</sub> allocations from the compliance supplement pool to NO<sub>x</sub> budget units that are required to implement control measures using one (1) or both of the following mechanisms:

(1) The department may issue credits to NO<sub>x</sub> budget units that implement emissions reductions beyond all applicable requirements from May 1 through and including September 30 in any year in 2001 through 2003 according to the following provisions:

(A) The department shall complete the issuance process **no later than March 31**, the year after the control measures were implemented. ~~as follows:~~

~~(i) For sources subject to 40 CFR 97\*, no later than March 31, 2003.~~

~~(ii) For sources not subject to 40 CFR 97\*, no later than March 31, 2004.~~

(B) The emissions reduction may not be required by Indiana's state implementation plan (SIP), state law or rule, or be otherwise required by the Clean Air Act (CAA).

(C) The emissions reduction must be verified by the source as actually having occurred from May 1 through and including September 30 in any year in 2001 through 2003.

(D) Each NO<sub>x</sub> budget unit for which the owner or operator requests any early reduction credits under this section shall monitor NO<sub>x</sub> emissions in accordance with 40 CFR 75, Subpart H\* starting in the ozone control period prior to the ozone control period for which the early reduction credits are requested and for each ozone control period for which the early reduction credits are requested. The unit's percent monitor data availability shall be not less than ninety percent (90%) during the ozone control period prior to the ozone control period for which the early reduction credits are requested, and the unit must be in compliance with any applicable state or federal NO<sub>x</sub> emissions or emissions-related requirements during the ozone control period for which the early reduction credits are requested.

(E) The emissions reduction must be quantified according to procedures set forth in 40 CFR 75, Subpart H\*.

(F) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit that meets the requirements of clauses (B) through (D) may submit to the department a request for early reduction credits for the unit based on NO<sub>x</sub> emission rate reductions made by the unit in the ozone control period for any year in 2001 through 2003. The request shall include the following:

(i) In the early reduction credit request, the NO<sub>x</sub> authorized account may request early reduction credits for the ozone control period in an amount equal to the unit's heat input for the ozone control period **in which the early reductions occurred** multiplied by the difference between:

(AA) the unit's actual average NO<sub>x</sub> emission rate in the ozone control period prior to the first ozone control period for which the early reduction credits are requested; **and**

(BB) the unit's NO<sub>x</sub> emission rate for the ozone control period in which the early reductions occurred; divided by two thousand (2,000) pounds per ton, and rounded to the nearest ton.

(ii) The early reduction credit request must be submitted, in a format specified by the department, by October 31 of the year in which the NO<sub>x</sub> emission rate reductions on which the request is based are made or a later date approved by the department.

(G) The department shall allocate NO<sub>x</sub> allowances from the compliance supplement pool, to NO<sub>x</sub> budget units meeting the requirements of this subdivision, in accordance with the following procedures:

(i) Upon receipt of each early reduction credit request, the department shall accept the request only if the requirements of clauses (B) through (D) and (F)(ii) are met and, if the request is accepted, shall make any necessary adjustments to the request to ensure that the amount of the early reduction credits requested meets the requirement of clauses (B) through (D).

(ii) If the compliance supplement pool has an amount of NO<sub>x</sub> allowances equal to or greater than the number of early reduction credits in all accepted early reduction credit requests for any year in 2001 through 2003, as adjusted under item (i), the department shall allocate to each NO<sub>x</sub> budget unit covered by the accepted requests one (1) allowance for each early reduction credit requested, as adjusted under item (i).

(iii) If the compliance supplement pool has an amount of NO<sub>x</sub> allowances less than the number of early reduction credits in all accepted early reduction credit requests for any year in 2001 through 2003, as adjusted under item (i), the department shall allocate NO<sub>x</sub> allowances to each NO<sub>x</sub> budget unit covered by the accepted requests according to the formula, A NO<sub>x</sub> budget unit's allocated early reduction credits = ((NO<sub>x</sub> budget unit's adjusted early reduction credits) ÷ (total adjusted early reduction credits requested by all NO<sub>x</sub> budget units)) × (available NO<sub>x</sub> allowances from the compliance supplement pool) where:

(AA) A NO<sub>x</sub> budget unit's adjusted early reduction credits is the number of early reduction credits for the unit for any year in 2001 through 2003 in accepted early reduction credit requests, as adjusted under item (i).

(BB) Total adjusted early reduction credits requested by all NO<sub>x</sub> budget units is the number of early reduction credits for all NO<sub>x</sub> budget units for any year in 2001 through 2003 in accepted early reduction credit requests, as adjusted under item (i).

(CC) Available NO<sub>x</sub> allowances from the compliance supplement pool is the number of NO<sub>x</sub> allowances in the compliance supplement pool and available for early reduction credits for 2001 through 2003.

(H) By March 31 of the year following the request, the department shall submit to the U.S. EPA the allocations of NO<sub>x</sub> allowances determined under clause (G). The U.S. EPA will record the allocations to the extent that they are consistent with the requirements of clauses (B) through (G).

(I) NO<sub>x</sub> allowances recorded under clause (H) may be deducted for compliance under section 10(k) of this rule for the ozone control periods in ~~2003~~ **2004** through 2005. ~~except that no more than two thousand four hundred fifty-four (2,454) tons shall be available for use in 2003.~~ Notwithstanding section 14(a) of this rule, the U.S. EPA will deduct as retired any NO<sub>x</sub> allowance that is recorded under clause (G) and is not deducted for compliance in accordance with section 10(k) of this rule for the ozone control period in 2004 or 2005.

(J) NO<sub>x</sub> allowances recorded under clause (G) are treated

as banked allowances in 2005 for the purposes of section 14(a) and 14(b) of this rule.

(K) Sources that receive credit according to the requirements of this section may trade the credit to other sources or persons according to the provisions in this rule.

(2) The department may issue to NO<sub>x</sub> budget units that demonstrate a need for an extension of the May 31, 2004, compliance deadline according to the following provisions:

(A) The department shall initiate the issuance process by the later date of September 30, 2002, or after the department issues credit according to the procedures in subdivision (1).

(B) The department shall complete the issuance process by no later than May 31, 2004.

(C) The department shall issue credit to a source only if the source demonstrates the following:

(i) For electricity generating units, compliance with the applicable control measures under this rule by May 31, 2004, would create undue risk for the reliability of the electricity supply. This demonstration must include a showing that it would not be feasible to import electricity from other electricity generation systems during the installation of control technologies necessary to comply with this rule.

(ii) For large affected units, compliance with the applicable control measures under this rule by May 31, 2004, would create undue risk for the source or its associated industry to a degree that is comparable to the risk described in item (i).

(iii) For a unit subject to this rule and subdivision (1) that allows for early reduction credits, it was not possible for the source to comply with applicable control measures by generating early reduction credits or acquiring early reduction credits from other sources.

(iv) For a unit subject to an approved emissions trading program under this rule, it was not possible to comply with applicable control measures by acquiring sufficient credit from other sources or persons subject to the emissions trading program.

(D) The department shall ensure the public an opportunity, through a public hearing process, to comment on the appropriateness of allocating compliance supplement pool credits to a NO<sub>x</sub> budget unit under clause (C).

(c) The total number of NO<sub>x</sub> allowances available from the compliance supplement pool shall not exceed nineteen thousand nine hundred fifteen (19,915) tons of NO<sub>x</sub>. ~~except that no more than two thousand four hundred fifty-four (2,454) tons shall be available for use in 2003.~~ No more than fifty percent (50%) of the compliance supplement pool shall be allocated in 2003 for early reductions implemented in 2001 and 2002. The remainder of the compliance supplement pool shall be allocated in 2004 for early reductions implemented in 2003 and any demonstrations of need. Any NO<sub>x</sub> allowances that remain in the compliance supplement pool after the 2005 ozone control period shall be retired.

---

## Proposed Rules

---

~~\*These documents are~~ **\*This document** is incorporated by reference. ~~and Copies may be obtained from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20402 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 10-4-15; filed Aug 17, 2001, 3:45 p.m.: 25 IR 53; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1184)~~

### Notice of Public Hearing

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on April 16, 2003 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed amendments to 326 IAC 10-3 and 326 IAC 10-4.*

*The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from rulewriter Suzanne Whitmer, Rule Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator*

*Indiana Department of Environmental Management*

*100 North Senate Avenue*

*P.O. Box 6015*

*Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855. (TDD): (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Janet G. McCabe

Assistant Commissioner

Office of Air Quality

---

## TITLE 327 WATER POLLUTION CONTROL BOARD

### Proposed Rule

LSA Document #01-238

### DIGEST

Amends 327 IAC 6.1 concerning the rules for the application of a biosolid, industrial waste products, and pollutant-bearing water. The purpose of this rule change is to amend and clarify sections of the article that are creating unnecessary problems for the regulated community and IDEM staff. Indiana's rule regarding the land application of biosolid, industrial waste product, and pollutant-bearing water became effective June 14, 1998. Since that time both IDEM staff and the regulated community have concluded that some inconsequential and some substantive rule changes are required. Inconsequential changes are contextual in nature and provide more clarity. The substantial changes improve and enhance the program. The following are considered substantial changes: (1) A small-quantity generator notification program for nondomestic pollutant-bearing water land application programs. (2) Broadening the agricultural lime substitute notification program to include liquid waste products. (3) Delineation of the hybrid land application permit program. (4) Molybdenum concentrations of  $\geq$  forty (40) mg/kg are prohibited from application to pasture land. (5) Standard detection limits for seven heavy metals. (6) Clarification of nutrient monitoring requirements and recognition of presampling for nutrients in some cases. (7) Deletion of the suspended solids limits and monitoring requirement for certain stabilization pond systems when disinfection is not required. (8) Recognition of alternative methods of pollutant-bearing water land application to include subsurface methods. (9) Clarification of storage structure applicability and requirements. (10) Elimination of seasonal high water table restrictions during land application. (11) Reduces the monitoring frequencies to times set by 40 CFR 503. Effective 30 days after filing with the secretary of state.

### HISTORY

First Notice of Comment Period: August 1, 2001, Indiana Register (24 IR 3827).

Continuation of First Notice: October 1, 2001, Indiana Register (25 IR 206).

Second Notice of Comment Period: May 1, 2002, Indiana Register (25 IR 2592).

Notice of First Public Hearing: May 1, 2002, Indiana Register (25 IR 2622).

Renotice of First Public Hearing: October 1, 2002, Indiana Register.

Date of First Hearing: October 9, 2002.

### PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least twenty-one (21) days long.

**REQUEST FOR PUBLIC COMMENTS**

This proposed (preliminarily adopted) rule is substantively different from the draft rule published on May 1, 2002, at 25 IR 2592. The Indiana Department of Environmental Management (IDEM) is requesting comment on the entire proposed (preliminarily adopted) rule.

The proposed rule contains numerous changes from the draft rule that make the proposed rule so substantively different from the draft rule that public comment on the entire proposed rule is advisable. This notice requests the submission of comments on the entire proposed rule, including suggestions for specific amendments. These comments and the department's responses thereto will be presented to the board for its consideration at final adoption under IC 13-14-9-6. Mailed comments should be addressed to:

#01-238 [Land Application Change rule]

Marjorie Samuel

Rule, Outreach and Planning Section

Office of Land Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty on the eleventh floor. Comments may also be submitted by facsimile to (317) 232-3403, 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, Outreach and Planning Section at (317) 232-7995.

**COMMENT PERIOD DEADLINE**

Comments must be postmarked, hand delivered, or faxed by January 22, 2003.

**SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

IDEM requested public comment from May 1, 2002, through June 3, 2002, on IDEM's draft rule language. IDEM received comments from the following parties:

Terry Merrell, Merrell Bros., Inc. (MBROS)

Colin E. Bullock, City of Huntington Water Pollution Control (HUN)

Angela B. Andrews, City of Lafayette Water Pollution Control Department (LAF)

Karl R. Kopec, Mishawaka Utilities (MIU)

David McCollum, Marion Utilities (MU)

Thomas J. Crawford, Milorganite Division, Milwaukee Metropolitan Sewerage District (MMSD)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* The following are comments relating to the proposed development of Amendments to rules concerning the Land Application of Biosolid, Industrial Waste Product, And Pollutant-Bearing Water. First, I would like to commend the department on some positive proposed changes included in these amendments. I believe that the elimination of the seasonal high water table monitoring, broadening the agricultural lime substitute notification program to include liquid waste products, standard detection limits for seven heavy metals, clarification of nutrient monitoring requirements, recognition of pre-sampling for nutrients and clarification of storage structure requirements are all very good changes that serve to improve the safety and effectiveness for all land application programs in the state of Indiana. However, being in the business of Biosolids management, I have serious concerns regarding a few of the proposed changes in these amendments. While some of these concerns may be small in nature, I feel that they all will in some way potentially effect a large amount of permit holders

financially as well as effecting their ability to run a land application program efficiently. I will attempt to address these concerns in detail and try to explain the effect each item will have to the end user. (MBROS)

*Response:* IDEM agrees that the rule changes improve the land application program in Indiana.

*Comment:* Concern #1 Location: Indiana Register, Volume 25, Number 8, May 1, 2002, page 2600: 327 IAC 6.1-3-8 Responsibility of person who prepares and blends: Sec. 8. (a)(2) and (3).

The current wording in this section states that both (2) and (3) must apply. This means that biosolids or Industrial waste products accepted for blending must not only meet Class B under 327 IAC 6.1-4-13(c) prior to receiving but they must also meet these same requirements at the time of land application. I believe this requirement is excessive because it levies an extra financial burden on the receiving facility to pay for testing prior to receiving these products as well as having to run another test on the materials prior to land application. This extra burden could be eliminated if the department simply added the word "or" between lines (2) and (3). If the department was concerned about additional re-growth of pathogens once the material was received at the facility then this could be corrected by eliminating item (2) altogether. It appears that the goal of this regulation is to insure that the pathogens meet 327 IAC 6.1-4-13(c) before land application occurs so it should not be a concern as to the condition of the pathogens until the material is ready for land application. This is evident in the wording that immediately follows this section where it allows for a facility to receive material without knowing the status of the pathogens as long as it treats the material prior to land application. Both sections are trying to achieve the same result, which is in compliance with 327 IAC 6.1-4-13(c) prior to land application. Therefore, we feel it is an unnecessary burden to have to meet 327 IAC 6.1-4-13(c) prior to receiving the material and then have to turn around and meet the same regulation again prior to land application. (MBROS)

*Response:* IDEM agrees that it is unnecessary for both (2) and (3) to apply to liquid biosolid and a change was made to 327 IAC 6.1-3-8 to reflect this. However, IDEM does not believe that dewatered biosolid can be blended as thoroughly into a homogeneous mixture. Therefore, the draft standards requiring both (2) and (3) still apply to dewatered biosolid.

*Comment:* Concern #2 Location: Indiana Register, Volume 25, Number 8, May 1, 2002, page 2609: 327 IAC 6.1-4-16 Monitoring and Analysis Sec. 16(g).

The proposed Table 6 changes are a very good idea in this section. This will help eliminate confusion for permit holders not having to adhere to two sets of monitoring requirements between the federal EPA 503 requirements and the state of Indiana requirements. The area of concern that I have is in section (g). This section allows for the permit holder to request for a reduction in frequency if certain criteria are met. While this requirement could have proven beneficial in the past, my concern is that any approved request would now put the permit holder in direct violation of the federal EPA 503 rules. This is due to the fact that since Table 6 would now reflect the Federal frequency of monitoring requirements any reduction from this would violate the federal law. I believe that some permit holders might possibly receive a reduced frequency exemption from the state and not consider that this reduced frequency exemption will put them in direct violation with the federal EPA 503 rules. I have tried to think this through and come up with a scenario where an exemption would not put the permit holder in direct violation of the federal rules and I have not been able to think of any situation. If the department knows of a situation I would be very interested in knowing about it so that I can better understand this section. (MBROS)

---

## Proposed Rules

---

*Response:* The rule cannot be less stringent than the federal rules. However, the federal rules allow for metals and pathogen reduction but not vector attraction reduction. The Indiana rule will reflect this.

*Comment:* Concern #3 Location: Indiana Register, Volume 25, Number 8, May 1, 2002, page 2605: 327 IAC 6.1-4-9 Pollutant Limits Sec. 940.

This is in regards to Table 2 and Table 3 regarding more restrictive limits for molybdenum. Table 2 lists the Cumulative Loading Rate for molybdenum at 35 pounds per acre and Table 3 lists a ceiling concentration of 40 mg/kg on a dry weight basis. The proposed requirement for a cumulative loading rate is understood. However, what molybdenum value does a facility use for sites that have been used in the past? Does a facility start at zero for a cumulative value for every site now used? My concern is that IDEM may possibly estimate this value for each application site and not have an exact number. If this is true, estimating a cumulative loading value may be inaccurate and could cause a site to be prematurely abandoned based on an estimated number. This is especially true if these numbers were derived at from analysis that did not detect a molybdenum number low enough but yet it met Table one standards. This in turn could cause facilities additional expense by having to haul the biosolids further away to other land application sites. The proposed Table 3 limit for molybdenum at 40 mg/kg on a dry weight basis is the second concern. It appears IDEM is trying to enforce a regulatory metal concentration limit that is not enforced by the federal EPA. Currently, the IDEM limit for molybdenum is 75 mg/kg for Table 1 and Table 3. This is also true for the federal EPA. By requiring a more stringent ceiling concentration for molybdenum on Table 3, this will disqualify several facilities from utilizing non-specific sites as they have done for the past several years. We have compiled analytical data supporting the claim that a 40-mg/kg molybdenum number is too stringent and will affect many, many facilities. This documentation was attached. Molybdenum is a hard test to consistently get the same results from. In other words if you ran the same test twice on the same sample you probably won't get the same result. The differences that you would probably see would not be huge and maybe would only be a few mg/kg but when you are already dealing with low numbers to begin with a difference of 7-8 mg/kg could make a big difference. I have enclosed a copy of 25 analyses from 25 different facilities and then summarized these results as to the effects this proposed change would have. As you can see 56% of these facilities would currently be affected if the limit were left at 40 mg/kg. I realize that it is probably the intent of the department to try and reward or encourage facilities for producing a cleaner biosolid but it is my experience from talking to facilities that the reward for trying to get molybdenum within these limits will not be worth the effort and costs involved. Thus, I believe that this stringent limit will actually end up being more of a penalty to the facility instead of an incentive. If the proposed rule is adopted, any facility with a hybrid permit or nonsite specific permit that exceeds the molybdenum number of 40 mg/kg will be forced to use only site-specific sites and will have their permit revoked hopefully replacing it with a site-specific permit. By eliminating the availability of these non-site specific sites, this will cause a major financial burden for the many facilities by:

- Having to reapply for a site-specific permit
- Reducing the number of acres readily available to a facility for land application, in turn causing the need to permit additional land
- Eliminating the quick availability of biosolids to additional farmers and their ground without going through the 4-6 month permitting process required for site-specific permits.

IDEM's goal in the past has been to promote the beneficial reuse of biosolids through land application. However, by adopting a rule more stringent than the federal EPA will eliminate several facilities from

utilizing their hybrid/non-site specific permit and does not promote the "easy-to-use" hybrid/nonsite specific permits. It is our recommendation to keep the molybdenum ceiling concentration value at least equivalent to the federal EPA regulatory limit of 75 mg/kg. By doing this, it will allow for further study into the molybdenum debate and will eliminate any confusion between the Federal EPA and IDEM ceiling limits. If the department was concerned that the federal EPA may impose limits in the future a clause could be added to include that. Another concern is that if the state of Indiana does impose a limit that does not match the future federal limits, then there would be two sets of rules to follow. With the effort the department is making in trying to match the state rules with the federal rules in the area of frequency of monitoring, it seems kind of reverse to make another rule that more than likely won't match the federal rules. Since we are all subject to following the federal rules anyway, it would appear less burdensome to preliminarily impose more restrictions on the facilities in Indiana only when the rest of the states may or may not have a limit imposed at all. We strongly urge the department to give this issue some very serious thought as to the possibility of removing this from the proposed amendments. (MBROS)

*Response:* The molybdenum requirements in Tables 2 and 4 have been deleted. The molybdenum requirement in Table 3 has been raised from 40 milligrams per kilogram to 75 milligrams per kilogram. It is also being added under the management practices that it is prohibited to apply biosolid or industrial waste product that contains more than 40 milligrams per kilogram of molybdenum to pasture. The proposed limits for molybdenum are based on a study, "A Modified Risk Assessment to Establish Molybdenum Standards for Land Application of Biosolids" by O'Connor, Brobst, Chaney, Kincaid, McDowell, Pierzynski, Rubin and Riper. However, rather than the more stringent limits first proposed in the rule, the limits now proposed are based on the concerns directly reflected in the study. The rule now restricts biosolid and industrial waste products containing higher levels of molybdenum on pasture and for marketing and distribution when applied to pasture.

*Comment:* Concern #4 Location: Indiana Register, Volume 25, Number 8, May 1, 2002, page 2613: 327 IAC 6.1-6-3 Agricultural Lime substitute application: Sec. 3.

This area of the rule explains a very detailed method of determining application rates based on several factors.

Table 9 of this formula however assumes that all material is being either injected or incorporated into the soil. What this area of the rule does not address is the surface application of liming material onto ground that will later be incorporated into the soil (pasture, etc.) or the surface application of material onto no-till ground. It would be helpful if a section were added that stated: If a agricultural lime substitute material is being applied to the surface of the ground and the material is going to be incorporated into the soil within 12 months then the depth at which the material is going to be incorporated into the soil can be used in the Table 9 formula when determining application rates. This statement would help clarify this area more clearly. The application of material onto no-till ground however creates a different set of issues. The main question raised under this situation is when a Liming material is added to the surface of the ground and is not incorporated into the soil how much of the soil does it affect and how quickly does it move down through the soil. To help answer this I researched a study that was performed by The University of Pennsylvania, which had to deal with the migration of lime through the soil. The attached chart displays the results of this study that I received from A & L Laboratories in Fort Wayne, Indiana. The outlines for this study where prefaced on the fact that 3 tons of lime were added every three years. Soil tests were then taken in 2 inch increments annually to determine the pH level effects in each section. The results showed that all three cross

sections responded to the lime during the first twelve-month period. The pH levels then began to drop in all three areas the 2nd year until finally they responded again when the next application was applied the third year. It was interesting to note that while all three sections of the soil increased in soil pH the top layer still increased at a higher rate. However, it is also important to note that some of the lime did migrate down rather quickly and affect the soil as deep as 6 inches within the first year. Because of this, I feel that it would be beneficial to add a third column to Table 9 for surface application of material. The justification would be that even though the material is being surface applied it still affects the soil up to a depth of 6 inches. The Depth Factor (DF) for soil at 6 inches is currently .75. I believe a depth factor of .50 would be appropriate for material that was surface applied. This .50 factor is actually what is identified for 4 inches but I believe that since the soil from 2-6 inches did not respond as high as the soil on the surface that it might be more of a compromise to only allow a .50 Depth Factor (DF) to be used instead of .75. If the department felt like further safeguards were needed to implement this idea a clause could be added that stated that sites that received this type of material that had not been incorporated into the soil could not be used again until soil samples were taken in the top six inches of the soil which is where the Lime from previous applications should be. One of the main driving forces behind these requests for change is the fact that there are no-till farmers who are excluded from receiving this product because the application rate is so low when a depth factor of .25 is used that the product cannot be applied at that low of a rate. Besides, the landowner is actually getting penalized because although the attached study shows' that the lime will migrate down into the soil 6 inches the landowner can only lime the top 2 inches.

Table 9 Depth Factor

Injected or Incorporated Surface Applied

Plowing Depth (inches) Depth Factor (DF) Depth Factor (DF)

2.25

4.50.50

6.75

8 1.00

10 1.25

12 1.50

(MBROS)

*Response:* IDEM agrees that surface application of agricultural lime substitute would likely impact the top four (4) inch layer of soil. As such, the two (2) inch plowing depth category as been eliminated from the table. The depth factor table used to calculate the adjusted lime rate has been modified to cover all plow depths clearly.

*Comment:* Concern #5 Location: Indiana Register, Volume 25, Number 8, May 1, 2002, page 2603: 327 IAC 6.1-4-6 Site Restrictions Sec. 6.(Q)(3)

I think this section is a good idea to add to these amendments. This question has been asked over the last few years with different responses so a clarification is definitely necessary. I do however feel that 20 acres is a little overkill. Due to the lack of a set acreage amount, 25 acres has been widely used in our community ever since the rules were first established, I believe that switching back to 20 acres would add confusion as well as add additional testing costs in more soil tests being required per site. I researched this issue with A&L laboratories Agronomy handbook (see attached) and found that they recommend a maximum area of no more than 40 acres per composite. Smaller areas are suggested if the soil is not uniform throughout the field. Since A & L Labs recommends a maximum amount of 40 acres, I would like to suggest that this part of the amendments be changed from 20 acres to 25 acres. This change would still be well under the A & L recommendations of 40 acres. (MBROS)

*Response:* IDEM agrees with your arguments and has changed the requirement from twenty (20) acres to twenty-five (25).

*Comment:* 327 IAC 6, 1-4-9 Pollutant Limits Sec. 9.0 This is in regards to Table 2 and Table 3 regarding more restrictive limits for Molybdenum. Table 2 lists the Cumulative Loading Rate for Molybdenum at 35 pounds per acre and Table 3 lists a ceiling concentration of 40 mg/kg on a dry weight basis. The proposed requirement for a cumulative loading rate is understood. However, what Molybdenum value does a facility use for sites that have been used in the past? Does a facility start at zero for a cumulative value for every site now used? My concern is that IDEM may possibly estimate this value for each application site and not have an exact number. If this is true, estimating a cumulative loading value may be inaccurate and could cause a site to be prematurely abandoned based on an estimated number. Especially if these numbers were derived at from analysis that did not detect a Molybdenum number low enough but yet it met Table one standards. This in turn could cause our facility additional expense by having to haul the biosolids further away to other land application sites.

The proposed Table 3 limit for Molybdenum at 40 mg/kg on a dry weight basis is the second concern. It appears IDEM is trying to enforce a regulatory metal concentration limit that is not enforced by the Federal EPA. Currently, the IDEM limit for Molybdenum is 75 mg/kg for Table 1 and Table 3. This is also true for the Federal EPA. By requiring a more stringent ceiling concentration for Molybdenum on Table 3, this will disqualify our facility from utilizing non-specific sites as we have done for the past several years.

Molybdenum is a hard test to consistently get the same results from. In other words, if you ran the same test twice on the same sample you probably would not get the same result. The differences that you would probably see would not be huge and maybe would only be a few mg/kg, but when you are already dealing with low numbers to begin with, a difference of 7-8 mg/kg could make a big difference.

I realize that it is probably the intent of the department to try and reward or encourage our facility for producing a cleaner Biosolid. It is my experience from talking to other facilities that the reward for trying to get Molybdenum within these limits will not be worth the effort and costs involved. Thus, I believe that this stringent limit will actually end up being more of a penalty to our facility instead of an incentive.

If the proposed rule is adopted, any facility with a hybrid permit or nonsite specific permit that exceeds the Molybdenum number of 40 mg/kg will be forced to use only site-specific sites and will have their permit revoked, hopefully, replacing it with a site-specific permit. By eliminating the availability of these nonsite specific sites, this will cause a major financial burden on our facility by:

Having to reapply for a site-specific permit.

Reducing the number of acres readily available to a facility for land application, in turn causing the need to permit additional land.

Eliminating the quick availability of biosolids to additional farmers and their ground without going through the 4-6 month permitting process required for site-specific permits.

IDEM's goal in the past has been to promote the beneficial reuse of biosolids through land application. However, by adopting a rule more stringent than the Federal EPA can eliminate our facility from utilizing their hybrid/nonsite specific permit and does not promote the "easy-to-use" hybrid/nonsite specific permits. It is our recommendation to keep the Molybdenum ceiling concentration value at least equivalent to the Federal EPA regulatory limit of 75 mg/kg. By doing this, it will allow for further study into the Molybdenum debate and will eliminate any confusion between the Federal EPA and IDEM Ceiling Limits. If the department was concerned that the Federal EPA may impose limits in the future a clause could be added to include that. Another concern is that if the state of Indiana does impose a limit that does not match the

future Federal limits, then there would be two sets of rules to follow. With the effort the department is making in trying to match the State rules with the federal rules, in the area of Frequency of Monitoring, it seems kind of reverse to make another rule that more than likely won't match the federal rules. Since we are all subject to following the federal rules anyway it would appear less burdensome to preliminarily impose more restrictions on our facility in Indiana, only when the rest of the states may or may not have a limit imposed at all. We strongly urge the department to give this issue some very serious thought as to the possibility of removing this from the proposed amendments. (HUN)

*Response:* The molybdenum requirements in Tables 2 and 4 have been deleted. The molybdenum requirement in Table 3 has been raised from 40 milligrams per kilogram to 75 milligrams per kilogram. It is also being added under the management practices that it is prohibited to apply biosolid or industrial waste product that contains more than 40 milligrams per kilogram of molybdenum to pasture. The proposed limits for molybdenum are based on a study, "A Modified Risk Assessment to Establish Molybdenum Standards for Land Application of Biosolids" by O'Connor, Brobst, Chaney, Kincaid, McDowell, Pierzynski, Rubin and Riper. However, rather than the more stringent limits first proposed in the rule, the limits now proposed are based on the concerns directly reflected in the study. The rule now restricts biosolid and industrial waste products containing higher levels of molybdenum on pasture and for marketing and distribution when applied to pasture.

*Comment:* 327 IAC 6.1-4-9 Pollutant Limits Sec. 9. (c) The Molybdenum limit proposed in Table 3 at 40 mg/kg is a concern. It is not uncommon for our facility to have numbers near 40 mg/kg. In the past, we had numbers around 60 mg/kg. To address this issue, we sent letters to potential users, asking that they discontinue their Molybdenum use, and educated them on the fact that there are alternative chemicals to use that contain no Molybdenum. This effort proved to be effective by dropping our Molybdenum levels, now ranging from 20 - 38 mg/kg.

Lafayette aggressively responded to rising Molybdenum levels achieving a significant reduction. The levels have remained in an acceptable range. If we are forced to meet the 40 mg/kg we cannot do so without modifications to our Local Sewer Use Ordinance, Industrial User Discharge permits, and increased collection system monitoring. These next steps would allow the City to enforce Molybdenum discharges, but would all be very cost and time intensive.

If Table 3 limit for Molybdenum is set at 40 mg/kg, it is very likely that we would violate, thus losing our hybrid permit. This scenario could be detrimental to the success of our biosolids program.

I believe the City has proactively taken steps to achieve a cleaner biosolid product. Lowering the limit of Molybdenum to the proposed level would only produce significant costs and effort put forth by municipalities with little benefit gain in biosolids quality. (LAF)

*Response:* The molybdenum requirements in Tables 2 and 4 have been deleted. The molybdenum requirement in Table 3 has been raised from 40 milligrams per kilogram to 75 milligrams per kilogram. It is also being added under the management practices that it is prohibited to apply biosolid or industrial waste product that contains more than 40 milligrams per kilogram of molybdenum to pasture. The proposed limits for molybdenum are based on a study, "A Modified Risk Assessment to Establish Molybdenum Standards for Land Application of Biosolids" by O'Connor, Brobst, Chaney, Kincaid, McDowell, Pierzynski, Rubin and Riper. However, rather than the more stringent limits first proposed in the rule, the limits now proposed are based on the concerns directly reflected in the study. The rule now restricts biosolid and industrial waste products containing higher levels of molybdenum on pasture and for marketing and distribution when applied to pasture.

*Comment:* 327 IAC 6.1-4-6 Sec. 6.(g)(3) Clarifying this section was needed; however, I think that setting the sampling area to every 20 acres is excessive. Currently Lafayette uses a 25-acre set point. I believe this has become a standard throughout the industry. The majority of our acreage has remained in our program, with established maps and set 25 acre grids. By switching to 20 acres, there will be a cost issue for little benefit gain. I am supportive of specifying an amount, but would propose leaving that amount at 25 acres. (LAF)

*Response:* IDEM agrees with your arguments and has changed the requirement from twenty (20) acres to twenty-five (25).

*Comment:* Sec. 22, 327 IAC 6.1-4-9 The pollutant limits have been revised to include limits for molybdenum in tables 2, 3 and 4. federal regulations do not currently contain these limits and we are unaware of any guidance suggesting that molybdenum limits be set at these concentrations. Recent monitoring of our biosolids indicates that it is likely that our municipal treatment facility will be unable to meet these concentrations. Adoption of the proposed limits for molybdenum will severely restrict land application of biosolids and will force us to landfill significant quantities of biosolids. We suggest that the State postpone the implementation of molybdenum limits until the federal 503 regulations adopt them. (MIU)

*Response:* The molybdenum requirements in Tables 2 and 4 have been deleted. The molybdenum requirement in Table 3 has been raised from 40 milligrams per kilogram to 75 milligrams per kilogram. It is also being added under the management practices that it is prohibited to apply biosolid or industrial waste product that contains more than 40 milligrams per kilogram of molybdenum to pasture. The proposed limits for molybdenum are based on a study, "A Modified Risk Assessment to Establish Molybdenum Standards for Land Application of Biosolids" by O'Connor, Brobst, Chaney, Kincaid, McDowell, Pierzynski, Rubin and Riper. However, rather than the more stringent limits first proposed in the rule, the limits now proposed are based on the concerns directly reflected in the study. The rule now restricts biosolid and industrial waste products containing higher levels of molybdenum on pasture and for marketing and distribution when applied to pasture.

*Comment:* Sec. 35, 327 IAC 6.1-4-16 section 16(1) allows for nutrient data from a representative sample, collected prior to land application, to be used for reporting purposes. This is a welcome modification to the rule, as it will allow for better management of applications at agronomic rates. However, the definition of "fixed volume" is very strict and allows little flexibility. In many municipal treatment facilities it is likely that biosolids generation would continue after this sampling. It is unlikely that the volume of this material would be significant or change in characteristics from the "fixed" stock piled volume. We suggest that some flexibility be given to allow for small additions to a fixed volume stock pile if the biosolids are being generated from a process that has shown to produce concentrations that are relatively consistent. (MIU)

*Response:* IDEM disagrees. The nutrients are typically the most limiting factor and must be measured as accurately as possible. IDEM does not believe that nutrients can always be accurately measured when additional material is added to a volume after the biosolid has been sampled.

*Comment:* Sec. 41, 327 IAC 6.1-5-4 sec. 4 (a)(5) Requires that the name and address of recipients of one (1) metric ton or more of distributed or marketed biosolids be included in annual reports. This volume of material is insignificant, amounting to less than one cubic yard. It is questionable the value that is gained by tracking such information. We request that consideration be given to increasing the reportable limit to 10 metric tons. In addition, we request that consideration be given to exempting municipal biosolids that can show 2 years of consistent pollutant concentrations. (MIU).

*Response:* IDEM believes that it is valuable to know the name and address of anyone who has taken more than one (1) ton of biosolid in the event that an unmonitored contaminate of concern is found from a facility that markets and distributes. However, IDEM is eliminating the requirement to report the names and addresses to the department. Permittees will be required to retain this information for five (5) years.

*Comment:* 327 IAC 6.1-4-9: Pollutant Limits It seems premature to create molybdenum limits in Tables 2, 3, and 4 since EPA has not promulgated any rules on molybdenum. If this change were adopted and EPA does issue new rules, that might necessitate another round of rulemaking to conform to EPA's changes. At this point, there doesn't seem to be any compelling reason why Indiana needs to go beyond current EPA rules. (MU)

*Response:* The molybdenum requirements in Tables 2 and 4 have been deleted. The molybdenum requirement in Table 3 has been raised from 40 milligrams per kilogram to 75 milligrams per kilogram. It is also being added under the management practices that it is prohibited to apply biosolid or industrial waste product that contains more than 40 milligrams per kilogram of molybdenum to pasture. The proposed limits for molybdenum are based on a study, "A Modified Risk Assessment to Establish Molybdenum Standards for Land Application of Biosolids" by O'Connor, Brobst, Chaney, Kincaid, McDowell, Pierzynski, Rubin and Riper. However, rather than the more stringent limits first proposed in the rule, the limits now proposed are based on the concerns directly reflected in the study. The rule now restricts biosolid and industrial waste products containing higher levels of molybdenum on pasture and for marketing and distribution when applied to pasture.

*Comment:* 327 IAC 6.1-4-16: Monitoring and Analysis

We agree with the change in Table 6, Frequency of Monitoring. The monitoring required by the current rule seemed excessive. There are additional costs involved for lab analysis and few benefits. In 2001, we stopped applying biosolids in early November to avoid exceeding 1000 dry tons and placing us in the monthly monitoring level. The new levels suggested are reasonable and cost effective. (MU)

*Response:* IDEM concurs.

*Comment:* 327 IAC 6.1-6-2: Agricultural Lime

We would like IDEM to consider reducing the frequency of analysis based on historical data. We have a Water treatment plant using lime softening for ground water. Our lime contains exceedingly low levels of pollutants listed in Table 1 of 6.1-4-9. It seems excessive and not beneficial to the environment to be testing our lime as frequently as we test our biosolids. (MU)

*Response:* IDEM agrees and changed the requirement for frequency of testing to reflect the requirement for testing frequency in Table 6 under 327 IAC 6.1-4-16(f).

*Comment:* One improvement affecting Milorganite® marketing and distribution jumps out as precedent setting. Given past our tortured experience, decidedly enlightened. 327 IAC 6.1-4-9(c) establishes 40 mg/kg as the no adverse effect concentration of molybdenum (Mo) for safe unrestricted Milorganite® use. No more false warning about Milorganite® being "toxic to cows." The Milwaukee Metropolitan Sewerage District congratulates you for taking action on the best science about the Molybdenosis pathway. Newtonians (scholars not adrift with uncertainty about pretend risks) suggest that if EQ biosolids agricultural use is the exposure pathway of concern to open pasture grazing cows, then the risk of a copper deficiency is effectively eradicated with a monthly average of 40 mg/kg Mo, even if the neglected cows are deprived of mineral supplements. Thank you for being the first state to "cure" the problem. (Attached award) (MMSD)

*Response:* The molybdenum requirements in Tables 2 and 4 have been deleted. The molybdenum requirement in Table 3 has been raised

from 40 milligrams per kilogram to 75 milligrams per kilogram. It is also being added under the management practices that it is prohibited to apply biosolid or industrial waste product that contains more than 40 milligrams per kilogram of molybdenum to pasture. The proposed limits for molybdenum are based on a study, "A Modified Risk Assessment to Establish Molybdenum Standards for Land Application of Biosolids" by O'Connor, Brobst, Chaney, Kincaid, McDowell, Pierzynski, Rubin and Riper. However, rather than the more stringent limits first proposed in the rule, the limits now proposed are based on the concerns directly reflected in the study. The rule now restricts biosolid and industrial waste products containing higher levels of molybdenum on pasture and for marketing and distribution when applied to pasture.

#### **SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On October 9, 2002, the Water Pollution Control Board (board) conducted the first public hearing/board meeting concerning the development of amendments to the rules for the application of a biosolid, industrial waste products, and pollutant-bearing water in 327 IAC 6.1. Comments were made by the following parties:

Mark Shere, Bethlehem Steel Corporation, (BSC)

Glenn Pratt, (GP)

Patrick Bennett, Indiana Manufacturing Association, (IMA)

Ryan Zeck, Merrell Brothers, Inc., (MBI)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* I'd like to briefly call your attention to a narrow drafting issue that deserves attention before final adoption, and it may illustrate a slightly broader problem. The narrow issue concerns the wording of the private ponds exclusion in the Indiana statutes. On my handout at the top is the wording for this exclusion as it appears in the statute. The way it's phrased there, a private pond is its own little subcategory. Then there's a separate subcategory for certain facilities built for reduction or control or pollution or cooling of water. The two subcategories are separated by different subsection numbers, by punctuation—a semicolon—and by the word "or" that comes between them.

The current regulatory section, 6.1, in this land application rule has every word the same as the statute. There's a difference in format, with no separate subsections and no semicolon, but it is only format, and you could fairly view the current section 6.1 as have been drafted with the desire to be fully faithful to the statute.

But the proposed language for preliminary adoption is a different story. The word "or", which separated the private ponds from pollution control facilities, has been dropped, and the word "other, has been added to try to link the two subcategories together in a new way. The wording changes are not excessive by any means, but there's no way to view them as neutral formatting either. This is an essential change in the statutory language to try to limit the scope of the private pond exclusion, to make it look like it's just an example of a pollution control facility instead of a separate, independent exclusion. (BSC)

*Response:* "Private pond" is a key term in the state's definition of "waters" and is currently an issue under discussions related to wetland protection in Indiana. The Water Pollution Control Board has a key role to play in wetland protection and has heard testimony in the past on the importance of the term "private pond" in that context. However, the term "private pond" has no such importance in context to its use in the land application rules. For the land application rule, "private pond" is used in the term "surface water". This term is not utilized in the rule for the purposes of exerting any regulatory authority over such a body of water. The term is used for the purposes of establishing a setback from such bodies of water for applying and storing biosolid, industrial

waste product, and pollutant-bearing water. The need to define a term such as “surface water” was first identified in the Confined Feeding Operation (CFO) rules that became effective in March 2002. A CFO approval had been successfully appealed because staff did not consider water running through a field tile qualified as “waters” of the state and were thus subject to a setback from “waters”. The Environmental Law Judge disagreed and upheld the appeal of the approval. To avoid such an interpretation, and its resultant impractical application to CFO activities, staff developed the definition of “surface water” for the purposes of applying setbacks for land application of manure. It was a similar thought process that prompted the inclusion of a definition for “surface water” in the proposed Land Application Rule. The department does not view the inclusion of a definition for the term “surface water” as a significant change to the rule. However, the definition of the term “surface water” will be modified to eliminate the exemptions for a private pond, off-stream pond, etc. from the definition to be more consistent with the CFO rules. For the purposes of providing protection of surface waters through setbacks, certainly private ponds and the other features listed should be afforded the same protection from potential run-off of biosolids and industrial waste products.

*Comment:* A similar manipulation of the words occurs in about half a dozen other places in the proposed rule. The current Rule 6.1 limits the scope to discharges to waters of the state. The proposed rule removes this phrase in what looks like an apparent attempt to extend regulatory controls to nonstate waters. There’s a narrow point here about following the statute, and I hope that my raising of the narrow point here will be enough to get IDEM to take another look at the proposed language and to make changes before final adoption. There’s also a good chance that the Indiana Supreme Court or the legislature will have more to say about this particular issue within the coming months. (BSC)

*Response:* Obviously, your suggestion that IDEM was in some manner looking to expand the department’s regulatory in the midst of other unrelated discussions on statutory terms as important as “waters” and not fully explaining such intent to the Water Pollution Control Board is very disturbing in its misinterpretation. The Indiana Department of Environmental Management takes our responsibility to work with the public and the Boards in an open, direct and honest way very seriously. Please see response to the comment above.

*Comment:* The broad point, which is really what prompts me to bend your ear for a few minutes here, is that a few times lately we’ve seen very lengthy, detailed rulemaking proposals, with the explanation on the cover of them that the agency is clarifying existing requirements. It’s only when you get into the details of the proposal that you see changes that really are not clarifications at all. It’s one thing for the agency to say, up front, that it’s changing the language for private ponds to reflect the litigating positions that it’s taken into court or to reflect policy choices. It’s another thing to bury that kind of change in the middle of a 60 page proposal about fertilizer and land conditioning, with nothing really to let you know that it’s there. I’d hate to see this kind of practice become more of a pattern, because it really undermines the process for public notice and public comment, and just makes more work for lawyers, like me. I hope that raising the issue today, the concern today, without opposing preliminary adoption, will help keep that pattern from developing further, and that my comment may go a ways towards encouraging more transparent rulemaking. (BSC)

*Response:* The department made the extent of the changes to this rule quite transparent in the second notice. The following is a quote from that second notice: “The purpose of this rule change is to **amend** and clarify.” “Since that time both IDEM staff and the regulated community have concluded that some inconsequential and some **substantive rule changes are required**. Inconsequential changes are

contextual in nature and provide more clarity. **The substantial changes improve and enhance the program. The following are considered substantial changes:**

- (1) A small-quantity generator notification program for nondomestic pollutant-bearing water land application programs.
- (2) Broadening the agricultural lime substitute notification program to include liquid waste products.
- (3) Delineation of the hybrid land application permit program.
- (4) Molybdenum concentration and loading standards.
- (5) Standard detection limits for seven heavy metals.
- (6) Clarification of nutrient monitoring requirements and recognition of presampling for nutrients in some cases.
- (7) Deletion of the suspended solids limits and monitoring requirement for certain stabilization pond systems when disinfection is not required.
- (8) Recognition of alternative methods of pollutant-bearing water land application to include subsurface methods.
- (9) Clarification of storage structure applicability and requirements.
- (10) Elimination of seasonal high water table restrictions during land application.”.

The Indiana Department of Environmental Management takes our responsibility to work with the public and the Boards in an open, direct and honest way very seriously and works hard to characterize changes appropriately. However, rather than argue about terms such as “clarification”, “substantial”, or “inconsequential”, the department was looking for substantive comments on the rule changes.

*Comment:* I’ve always believed that in fact particularly biosolids are a valuable resource if we can in fact assure that they’re safe for use. In fact, as Board Member Wagner is aware, back when we were both at EPA, that I opposed the construction of the Indianapolis incinerator for sludge, because I thought this was a misuse of federal resources for a potentially valuable product that should be cleaned up, as it now is, for land application rather than incineration, causing an air problem. So, I strongly support this, assuming we can assure the safety of people, and I think that this has gone a long ways in moving that way; that originally the whole federal pretreatment program was started because of the contamination of municipal sludge. (GP)

*Response:* The department agrees.

*Comment:* We had cases, as you’re aware, in Bloomington with very high levels of PCBs. We had in Chicago high levels of cadmium, where the City of Chicago was calling their, quote, “new earth”, as they called it, to inner-city vegetable gardens when the sludge exceeded the maximum health levels by tenfold as far as bioconcentrate in leafy green vegetables, and that’s exactly what people in their inner-city garden were raising. So, we’ve had some blatant examples in the past of significantly misuse of the program, and unfortunately back at that time, the state of Indiana as several other states, had to be forced by the federal government to analyze the sewage sludge, and this is when the problems of PCBs and other things were found. (GP)

*Response:* As with most current environmental regulations, the regulations and the program are the result of improper disposal in the past. As new knowledge and the application of that knowledge come to light, so changes in the rules and program occur.

*Comment:* I think one of the things we have to look at in moving ahead, and particularly with the shortage of resources at IDEM, is that if we’re going to have a program that adequately protects people, then we have to have adequate levels of staffing, and we also have to have adequate public information. I think one thing that needs to be modified here, as in the animal waste rules, is that data has to be available to the public on where materials are being applied, and what materials are being applied, as well as we have to assure, along with that modification of the proposed rule, that we have the parallel work

in the pretreatment program to assure that we have the required analysis to look for other possible contaminants, so that we don't have the problem of Kepone that happened back east, where it's not on the list of normal things, but we had major contamination from something unique. So, I think the whole idea of eternal vigilance, of assuring, again, the safety of people, is critical if this program is working. And as far as this particular rule, we must have the ability of people to know what's going on. I'm not suggesting posting land or anything, but just that the information needs to be available to all parties on where material is being applied and what's being applied. (GP)

*Response:* All of the department's active land application sites are posted and updated monthly on the IDEM Web page. Public files that contain analysis results are available to the public. Pretreatment is the responsibility of the industry and the overseers of that program.

*Comment:* The one thing I would suggest, which is perhaps outside of this, is that I would suggest strongly to IDEM that they move this program back into that Office of Water, because I think it simply, as far as the potential impacts are concerned, is water quality, be it sludge, contamination of groundwater, or be it runoff into surface waters. (GP)

*Response:* You are correct this is not a rule issue and is outside the scope of this rulemaking.

*Comment:* One of the things that IDEM—that's been suggested to them for over ten years is that they need to start looking at the potential for breakthrough of phosphorus and other materials that would saturate the groundwater and would then start coming through field tiles back out into the surface water. And the issue was raised by several university research people that we may in fact have a major surface water contamination from some of these applications. (GP)

*Response:* The department is in the process of gathering data regarding phosphorus as it relates to the land application program. Data may show that additional rule changes and more stringent controls are necessary for phosphorus. However, gathering that data will take time and also time to evaluate the data and set a level or management standards that are fair and well thought out. It is the department opinion that this rulemaking should not be held up waiting on this information that may or may not cause additional changes to the rule at 327 IAC 6.1.

*Comment:* So, I think along with this work here, IDEM needs to find the resources to assure that these other problems do not occur, and so I think we need a much more proactive agency in addressing this, and again, I think that this is a program that is very good, but there must be the resources and the initiative there to assure that it's worked. (GP)

*Response:* You are correct this is not a rule issue and is outside the scope of this rulemaking.

*Comment:* I just wanted to provide a brief comment to you in support of the comments that Mr. Shere made. We've talked about this issue with him and share his concern for that technical consideration in this drafting, and we request your guidance in the development of this rule, to make sure that that's taken care of. (IMA)

*Response:* Please see the responses to Mr. Shere's comments above.

*Comment:* I just wanted to speak on behalf of the rule changes and the effort that the Department has made in implementing these changes. Obviously, in our opinion, a lot of them are beneficial and they go a long way in benefitting the land application of biosolids. Obviously the land application of biosolids throughout Indiana is very popular and benefits several facilities, including the farmers, and we're not only talking about just municipalities, but the farmers who are limited and could not get access to the biosolids, and they would definitely feel the effect as much as the municipalities. So, based on these rule changes, I would like to just complement the Board—complement IDEM, I guess—for the rule changes that they've made. (MBI)

*Response:* The department believes that the rule changes will make

the rule easier to understand and comply with. The rule also makes the regulation less onerous on several groups and concentrates on placing the most stringent regulations on the wastes that can potentially cause the worst environmental concerns. Because resources are so limited at the department, every effort is being made to make the rules fair, logical and protective of the environment without being onerous or burdensome on either the regulated community or the department.

<b>327 IAC 6.1-1-1</b>	<b>327 IAC 6.1-4-6</b>
<b>327 IAC 6.1-1-3</b>	<b>327 IAC 6.1-4-7</b>
<b>327 IAC 6.1-1-4</b>	<b>327 IAC 6.1-4-8</b>
<b>327 IAC 6.1-1-5</b>	<b>327 IAC 6.1-4-9</b>
<b>327 IAC 6.1-1-7</b>	<b>327 IAC 6.1-4-10</b>
<b>327 IAC 6.1-2-3</b>	<b>327 IAC 6.1-4-11</b>
<b>327 IAC 6.1-2-6</b>	<b>327 IAC 6.1-4-13</b>
<b>327 IAC 6.1-2-7</b>	<b>327 IAC 6.1-4-16</b>
<b>327 IAC 6.1-2-7.5</b>	<b>327 IAC 6.1-4-17</b>
<b>327 IAC 6.1-2-8</b>	<b>327 IAC 6.1-4-18</b>
<b>327 IAC 6.1-2-10</b>	<b>327 IAC 6.1-4-19</b>
<b>327 IAC 6.1-2-12</b>	<b>327 IAC 6.1-5-1</b>
<b>327 IAC 6.1-2-13</b>	<b>327 IAC 6.1-5-2</b>
<b>327 IAC 6.1-2-14</b>	<b>327 IAC 6.1-5-3</b>
<b>327 IAC 6.1-2-20.5</b>	<b>327 IAC 6.1-5-4</b>
<b>327 IAC 6.1-2-28</b>	<b>327 IAC 6.1-6-1</b>
<b>327 IAC 6.1-2-30</b>	<b>327 IAC 6.1-6-2</b>
<b>327 IAC 6.1-2-31.5</b>	<b>327 IAC 6.1-6-3</b>
<b>327 IAC 6.1-2-35</b>	<b>327 IAC 6.1-7-1</b>
<b>327 IAC 6.1-2-42</b>	<b>327 IAC 6.1-7-2</b>
<b>327 IAC 6.1-2-43</b>	<b>327 IAC 6.1-7-3</b>
<b>327 IAC 6.1-2-54</b>	<b>327 IAC 6.1-7-4</b>
<b>327 IAC 6.1-2-55</b>	<b>327 IAC 6.1-7-5</b>
<b>327 IAC 6.1-2-55.5</b>	<b>327 IAC 6.1-7-6</b>
<b>327 IAC 6.1-2-61</b>	<b>327 IAC 6.1-7-9</b>
<b>327 IAC 6.1-3-1</b>	<b>327 IAC 6.1-7-10</b>
<b>327 IAC 6.1-3-2</b>	<b>327 IAC 6.1-7-11</b>
<b>327 IAC 6.1-3-3</b>	<b>327 IAC 6.1-7-5</b>
<b>327 IAC 6.1-3-4</b>	<b>327 IAC 6.1-8-1</b>
<b>327 IAC 6.1-3-7</b>	<b>327 IAC 6.1-8-2</b>
<b>327 IAC 6.1-3-8</b>	<b>327 IAC 6.1-8-3</b>
<b>327 IAC 6.1-4-1</b>	<b>327 IAC 6.1-8-4</b>
<b>327 IAC 6.1-4-3</b>	<b>327 IAC 6.1-8-5</b>
<b>327 IAC 6.1-4-4</b>	<b>327 IAC 6.1-8-6</b>
<b>327 IAC 6.1-4-5</b>	<b>327 IAC 6.1-8-7</b>
<b>327 IAC 6.1-4-5.5</b>	<b>327 IAC 6.1-8-8</b>

SECTION 1. 327 IAC 6.1-1-1 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-1-1 Purpose**

**Authority:** IC 13-14-8-1; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2; IC 13-18-3

Sec. 1. (a) The purpose of this article is to establish procedures, requirements, and standards to implement IC 13-18-3 **regarding land application and related activities**. This article is being promulgated for the purpose of protecting and enhanc-

ing the quality of Indiana's environment and protecting the public health, safety, and well-being of its citizens.

(b) This article regulates the disposal of any biosolid, contaminant that is an industrial waste product, or pollutant-bearing water by application upon or incorporation into the soil. This article establishes standards for the following:

- (1) General requirements.
- (2) Site requirements.
- (3) Pollutant limits.
- (4) Pathogen ~~treatment~~ **reduction** requirements.
- (5) Vector attraction reduction requirements.
- (6) Monitoring and analysis requirements.
- (7) Record keeping requirements.
- (8) Reporting requirements.
- (9) **Storage.**

(c) **Unless specified in the incorporated by reference documents incorporated in this article, the version of documents referenced in the incorporated by reference documents is the latest version that is in effect on the date of the latest adoption of the incorporated by reference documents into this article.** (*Water Pollution Control Board; 327 IAC 6.1-1-1; filed May 15, 1998, 10:20 a.m.: 21 IR 3776; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 2. 327 IAC 6.1-1-3 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-1-3 Applicability**

**Authority:** IC 13-14-8-1; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2; IC 13-18; IC 13-22

Sec. 3. (a) This article applies to the following:

- (1) Any person who prepares biosolid, industrial waste product, or pollutant-bearing water for land application or marketing and distribution in Indiana.
- (2) Any person who applies biosolid, industrial waste product, or pollutant-bearing water to the land in Indiana.
- (3) Biosolid, industrial waste product, or pollutant-bearing water applied to the land in Indiana.
- (4) Biosolid or industrial waste product that is marketed or distributed for use as soil or soil amendment.
- (5) Land in Indiana where biosolid, industrial waste product, or pollutant-bearing water is **land** applied.
- (6) Storage structures for any ~~material~~, **biosolid, industrial waste product, or pollutant-bearing water** regulated under this article.

(b) A land application permit is required for the disposal in Indiana of any biosolid, industrial waste product, or pollutant-bearing water by application upon or incorporation into the soil except for the exclusions listed under subsection (c).

(c) This article does not apply to the following:

(1) Materials that are:

- (A) Animal manures.
- (B) Not a solid waste as defined under 329 IAC 10-2-174.
- (C) Disposed of under **327 IAC 7.1**, 329 IAC 10-3-1(1), or 329 IAC 10-3-1(3) through 329 IAC 10-3-1(15). ~~and 327 IAC 7-~~
- (D) Determined to be hazardous waste in accordance with 329 IAC 3.1.
- (E) Grit, including sand, gravel, cinders, or other materials with a high specific gravity.
- (F) Screenings, including relatively large materials such as rags, generated during preliminary treatment of domestic sewage in a treatment works.
- ~~(G) Industrial storm water that does not exceed the pollutant concentrations in Table 10 in 327 IAC 6.1-7-1(d);~~

(2) Persons who apply biosolid or industrial waste product that is prepared or generated by another person in accordance with the terms of a marketing and distribution program permitted under 327 IAC 6.1-5.

(3) Land that receives only biosolid or industrial waste product prepared or generated in accordance with the terms of a marketing and distribution program permitted under 327 IAC 6.1-5.

(4) The selection of biosolid, industrial waste product, or pollutant-bearing water use or disposal practice. The determination of the manner in which biosolid, industrial waste product, or pollutant-bearing water is used or disposed is a local determination.

(5) Industrial storm water that:

- (A) does not ~~meet or~~ exceed the pollutant limits in Table 10 in 327 IAC 6.1-7-1(d); or
- (B) is regulated by:
  - (i) a storm water pollution prevention plan under 327 IAC 15-6; or
  - (ii) an NPDES permit under 327 IAC 5-4-6.

(6) Lawn irrigation at wastewater treatment facilities that:

- (A) have a valid NPDES permit under 327 IAC 5;
- (B) are not in violation of any discharge limits;
- (C) have restricted public access to the area to be irrigated; and
- (D) disinfect the domestic wastewater prior to application to the facility grounds.

(*Water Pollution Control Board; 327 IAC 6.1-1-3; filed May 15, 1998, 10:20 a.m.: 21 IR 3776; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 3. 327 IAC 6.1-1-4 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-1-4 Enforcement**

**Authority:** IC 13-14-8-1; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-14-2-6; IC 13-18; IC 13-30-3

Sec. 4. No person shall conduct activities for which requirements are established in this rule except in accordance with such requirements. The ~~administration and~~ enforcement of this

article shall be in accordance with ~~IC 4-21-5; IC 13-11; 13-14; IC 13-15-7; IC 13-24; and IC 13-30-3 or IC 13-14-2-6.~~ (*Water Pollution Control Board; 327 IAC 6.1-1-4; filed May 15, 1998, 10:20 a.m.: 21 IR 3777; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 4. 327 IAC 6.1-1-5 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-1-5 Penalties**

Authority: IC 13-14-8-1; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-14-12; IC 13-18; IC 13-30

Sec. 5. Penalties for violations of this article are ~~as outlined in IC 13-14-12 and IC 13-30~~ provided for at:

- (1) IC 13-30-4;
- (2) IC 13-30-5; and
- (3) IC 13-30-6.

(*Water Pollution Control Board; 327 IAC 6.1-1-5; filed May 15, 1998, 10:20 a.m.: 21 IR 3777; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 5. 327 IAC 6.1-1-7 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-1-7 Relationship to other rules**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-14; IC 13-15; IC 13-18; IC 13-30

Sec. 7. (a) Disposal of a biosolid or industrial waste product in a municipal solid waste landfill unit, as defined in 329 IAC 10-2-117, that complies with the requirements in 329 IAC 10 and the municipal solid waste landfill permit, constitutes compliance with Section 405(d) of the Clean Water Act. ~~Any person who prepares a biosolid or industrial waste product that is disposed in a municipal solid waste landfill unit shall ensure that the biosolid or industrial waste product meets the requirements in 329 IAC 10-7 and 329 IAC 10-8 concerning the quality of biosolid or industrial waste product disposed in a municipal solid waste landfill unit.~~

(b) Any person who prepares or applies a biosolid, industrial waste product, or pollutant-bearing water that is applied to land in a delineated wellhead protection area shall comply with any applicable requirements under 327 IAC 8-4.1. (*Water Pollution Control Board; 327 IAC 6.1-1-7; filed May 15, 1998, 10:20 a.m.: 21 IR 3777; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 6. 327 IAC 6.1-2-3 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-2-3 "Agricultural land" defined**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 3. "Agricultural land" means land used for: ~~the following purposes:~~

- (1) production of a food crop;
- (2) production of a feed crop;
- (3) production of a fiber crop;
- (4) production of trees for harvest; **or**
- (5) pasture for animals.

(*Water Pollution Control Board; 327 IAC 6.1-2-3; filed May 15, 1998, 10:20 a.m.: 21 IR 3778; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 7. 327 IAC 6.1-2-6 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-2-6 "Beneficial use" defined**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 6. "Beneficial use" means the use of a ~~material~~ **solid waste** for fertilizing or soil conditioning properties to:

- (1) provide nutrients for growing plants or crops;
- (2) increase organic matter;
- (3) provide pH adjustment capabilities; or
- (4) provide other benefits to the soil or crops as shown to the satisfaction of the commissioner through an approved research or demonstration project under 327 IAC 6.1-4-19.

(*Water Pollution Control Board; 327 IAC 6.1-2-6; filed May 15, 1998, 10:20 a.m.: 21 IR 3778; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 8. 327 IAC 6.1-2-7 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-2-7 "Biosolid" defined**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 7. (a) "Biosolid" means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Examples of biosolid include, **but are not limited to**, the following:

- (1) Scum or solids removed in primary, secondary, or advanced wastewater treatment processes.
- (2) A material derived from biosolid.
- (3) An industrial waste product that contains domestic sewage or material under **subdivision** (1) or (2).

(b) Biosolid does not include ash generated during the firing of biosolid in a biosolid incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (*Water Pollution Control Board; 327 IAC 6.1-2-7; filed May 15, 1998, 10:20 a.m.: 21 IR 3778; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 9. 327 IAC 6.1-2-7.5 IS ADDED TO READ AS FOLLOWS:

**327 IAC 6.1-2-7.5 “Biosolid containing an industrial waste product” defined**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

**Sec. 7.5. “Biosolid containing an industrial waste product” means a biosolid where one (1) of the following conditions apply:**

**(1) The industrial waste product contains domestic sewage or material described under section 7(a)(1) or 7(a)(2) of this rule and is generated from one (1) source or generator.**

**(2) The industrial waste product contains blends of industrial waste products and biosolids from different sources or generators.**

*(Water Pollution Control Board; 327 IAC 6.1-2-7.5)*

SECTION 10. 327 IAC 6.1-2-8 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-2-8 “Cation exchange capacity” defined**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 8. “Cation exchange capacity” means the sum of exchangeable cations a soil can absorb expressed in milliequivalents per one hundred (100) grams of soil as determined by sampling the soil to the depth of cultivation, sludge waste product placement, or wastewater placement, whichever is greater, and analyzing by the summation method for distinctly acid soils\* or the sodium acetate method for neutral, calcareous, or saline soils\*.

\*The summation method for distinctly acid soils and the sodium acetate method for neutral, calcareous, or saline soils can be found in “Methods of Soil Analysis, Agronomy Monograph No. 9,” C.A. Black, ed., pp. 149-157, 1982, available from American Society of Agronomy, Soil Science of America, Inc., 677 South Segoe Road, Madison, Wisconsin 53711. This method is also available for copying at the Indiana Department of Environmental Management, Office of ~~Solid and Hazardous Waste Management~~, **Land Quality**, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. *(Water Pollution Control Board; 327 IAC 6.1-2-8; filed May 15, 1998, 10:20 a.m.: 21 IR 3778; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 11. 327 IAC 6.1-2-13 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-2-13 “Dewatered” defined**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 13. “Dewatered” means the removal of free liquid from

the biosolid or industrial waste product as determined by Method 9095\* (Paint Filter Liquids Test).

\*Method 9095 may be found in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, EPA Publication SW-846 [Third Edition, November 1986, as amended by Updates 1 (July 1992), 2 (September 1994), 2A (August 1993), and 2B (January 1995)], available from U.S. EPA. This method is also available for copying at the Indiana Department of Environmental Management, Office of ~~Solid and Hazardous Waste Management~~, **Land Quality**, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. *(Water Pollution Control Board; 327 IAC 6.1-2-13; filed May 15, 1998, 10:20 a.m.: 21 IR 3779; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 12. 327 IAC 6.1-2-14 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-2-14 “Discharge” defined**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 14. “Discharge” means any addition of any pollutant, or combination of pollutants, into any **surface waters of the state or ground water** from a point source such as any discernible, confined, and discrete conveyance, including the following:

- (1) Pipe.
- (2) Channel.
- (3) Tunnel.
- (4) Conduit.
- (5) Well.
- (6) Discrete fissure.
- (7) Container.
- (8) Rolling stock.
- (9) Vessel.
- (10) Other floating craft from which pollutants are or may be discharged.

The term does not include return flow from irrigated agriculture or agricultural storm water. *(Water Pollution Control Board; 327 IAC 6.1-2-14; filed May 15, 1998, 10:20 a.m.: 21 IR 3779; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 13. 327 IAC 6.1-2-20.5 IS ADDED TO READ AS FOLLOWS:

**327 IAC 6.1-2-20.5 “Fixed volume” defined**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 20.5. “Fixed volume” means the amount of biosolid or industrial waste product prepared for land application where the volume does not change by either adding to or removing any of the biosolid or industrial waste product between sampling and land application. Examples of fixed

volume include, but are not limited to, the following:

- (1) Dewatered biosolid or industrial waste product stockpiled.
- (2) Liquid biosolid or industrial waste product contained in a storage structure.

(Water Pollution Control Board; 327 IAC 6.1-2-20.5)

SECTION 14. 327 IAC 6.1-2-28 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-2-28 “Industrial process wastewater” defined**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 28. “Industrial process wastewater” means liquid waste that is:

- (1) generated by industrial or commercial facilities; ~~and~~
- (2) does not contain domestic sewage; ~~and~~
- (3) contains less than one percent (1%) total solids.

(Water Pollution Control Board; 327 IAC 6.1-2-28; filed May 15, 1998, 10:20 a.m.: 21 IR 3781; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 15. 327 IAC 6.1-2-30 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-2-30 “Industrial waste product” defined**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 30. “Industrial waste product” means the following:

~~(1) Material that is not considered biosolid or pollutant-bearing water under this article.~~

~~(2) Material that is generated as waste in the production process and may be disposed of through:~~

- ~~(A) surface application;~~
- ~~(B) injection; or~~
- ~~(C) incorporation into the soil.~~

~~(3) (1) Material that meets the following criteria:~~

- ~~(A) Is a solid waste as defined under 329 IAC 10-2-174.~~
- ~~(B) Does not include material from any processes listed in 329 IAC 10-3-1.~~
- ~~(C) Is used for a beneficial use as defined under section 6 of this rule.~~

~~(D) Contains one percent (1%) or greater total solids.~~

~~(2) Solid waste that is not considered biosolid or pollutant-bearing water under this article.~~

(Water Pollution Control Board; 327 IAC 6.1-2-30; filed May 15, 1998, 10:20 a.m.: 21 IR 3781; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 16. 327 IAC 6.1-2-31.5 IS ADDED TO READ AS FOLLOWS:

**327 IAC 6.1-2-31.5 “Lagoon” defined**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 31.5. “Lagoon” means a type of storage structure that is constructed wholly or partially below the original grade of the earth surface. A steel tank that is installed partially below ground is not a lagoon but a storage structure under 327 IAC 6.1-8. (Water Pollution Control Board; 327 IAC 6.1-2-31.5)

SECTION 17. 327 IAC 6.1-2-35 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-2-35 “Land with a low potential for public exposure” defined**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 35. (a) “Land with a low potential for public exposure” means land that:

- (1) has restricted access;
- (2) is inaccessible to the public; or
- (3) is not used by the public during normal work or recreational activities.

(b) Examples include, but are not limited to, the following:

- (1) Agricultural land, except land in section ~~34(4)~~ **34(b)(4)** of this rule.
- (2) Forest not included in section ~~34(1)~~ **34(b)(1)** of this rule.
- (3) Solid waste land disposal facilities as defined in 329 IAC 10-2-176.
- (4) Strip mines not located in a populated area or accessible to the public.
- (5) Industrial sites not located in a populated area or accessible to the public.
- (6) Construction sites not located in a populated area or accessible to the public.
- (7) Other sites that the commissioner may consider to have a low potential for public exposure based on any of the following:
  - (A) Existing public roads.
  - (B) Population density.
  - (C) Recreational opportunity.
  - (D) Infrastructure development.
  - (E) Level of management of property.

(Water Pollution Control Board; 327 IAC 6.1-2-35; filed May 15, 1998, 10:20 a.m.: 21 IR 3782; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 18. 327 IAC 6.1-2-42 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-2-42 “Person who applies” defined**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 42. “Person who applies” means any person who land applies a ~~material~~ **biosolid, industrial waste product, or**

## Proposed Rules

**pollutant-bearing water** under this article. (*Water Pollution Control Board; 327 IAC 6.1-2-42; filed May 15, 1998, 10:20 a.m.: 21 IR 3783; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 19. 327 IAC 6.1-2-43 IS AMENDED TO READ AS FOLLOWS:

### 327 IAC 6.1-2-43 “Person who prepares” defined

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 43. (a) “Person who prepares” means:

- (1) the person who generates any **material biosolid, industrial waste product, or pollutant-bearing water** for application to the land **or for marketing and distribution** and **which is** regulated under this article; or
- (2) the person who derives a **new material biosolid, industrial waste product, or pollutant-bearing water** for application to the land **or for marketing and distribution** from other **materials biosolid, industrial waste product, or pollutant-bearing water** regulated under this article.

(b) The term includes any person that mixes two (2) or more biosolids, industrial waste products, or pollutant-bearing waters.

(c) The term does not include a hazardous waste generator as regulated by 329 IAC 3.1 or a solid waste generator as defined under 329 IAC 10-2-78. (*Water Pollution Control Board; 327 IAC 6.1-2-43; filed May 15, 1998, 10:20 a.m.: 21 IR 3783; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 20. 327 IAC 6.1-2-54 IS AMENDED TO READ AS FOLLOWS:

### 327 IAC 6.1-2-54 “Stockpiling” defined

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 54. “Stockpiling” means the temporary placement of a dewatered biosolid or industrial waste product in a pile for more than twenty-four (24) hours but less than ~~five (5) working days~~ **six (6) months** at the land application site in accordance with an approved management plan. (*Water Pollution Control Board; 327 IAC 6.1-2-54; filed May 15, 1998, 10:20 a.m.: 21 IR 3784; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 21. 327 IAC 6.1-2-55 IS AMENDED TO READ AS FOLLOWS:

### 327 IAC 6.1-2-55 “Storage” defined

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 55. “Storage” means containment of biosolid, industrial

waste product, or pollutant-bearing water for a period of two (2) years or less at: ~~the following:~~

- (1) treatment plant;
  - (2) generating facility; **or**
  - (3) approved ~~off-site~~ storage structure. ~~or earthen lagoon.~~
- (*Water Pollution Control Board; 327 IAC 6.1-2-55; filed May 15, 1998, 10:20 a.m.: 21 IR 3784; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 22. 327 IAC 6.1-2-55.5 IS ADDED TO READ AS FOLLOWS:

### 327 IAC 6.1-2-55.5 “Surface waters” defined

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 55.5. (a) “Surface waters” mean the accumulation of water on the earth’s surface, either natural or artificial, public or private, or parts thereof, which are wholly or partially within or flow through this state, including all surface waters, such as the following:

- (1) Lakes.
- (2) Rivers.
- (3) Streams, including intermittent streams.
- (4) Ditches.
- (5) Potholes.
- (6) Ponds.
- (7) Wetlands.

(b) The term does not include any private pond, off-stream pond, reservoir, or other facility built for reduction or control of pollution or cooling of water prior to discharge unless the discharge therefrom causes or threatens to cause water pollution. (*Water Pollution Control Board; 327 IAC 6.1-2-55.5*)

SECTION 23. 327 IAC 6.1-3-1 IS AMENDED TO READ AS FOLLOWS:

### 327 IAC 6.1-3-1 Permit applications

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-15-7-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2-77; IC 13-15-7; IC 13-30-6; IC 36-9-30-35

Sec. 1. (a) Permit applications under this article must be submitted on forms and in a format prescribed by the commissioner and include applicable accompanying documentation as described on the forms.

(b) ~~Except for permit applications submitted in accordance with section 4(c) or 4(d) of this rule;~~ A permit application must be submitted at least one hundred eighty (180) days prior to the proposed commencement of the operation.

(c) ~~Except for permit applications submitted in accordance with section 4(c) or 4(d) of this rule;~~ A permit application for

renewal of an existing permit must be: ~~submitted~~

- (1) **postmarked;**
- (2) **hand delivered to the Office of Land Quality, Indiana Department of Environmental Management; or**
- (3) **deposited with a private carrier as shown by the receipt issued by the carrier, if the application is sent by the private carrier to the address for the department on the application;**

at least one hundred eighty (180) days prior to the expiration of the existing permit **or the permit will be invalid upon expiration.**

**(d) A permit may be renewed with new or modified conditions based on the information provided in the renewal application.**

**(e) The commissioner may:**

- (1) deny a permit application or a renewal application; or**
- (2) place additional conditions on a permit or renewal permit;**

**if the commissioner determines that one (1) or more of the criteria in subsection (f) demonstrate the applicant's inability or unwillingness to manage biosolid, industrial waste product, or pollutant-bearing water under the requirements of this article.**

~~(d)~~ **(f) The commissioner may deny a permit application, including or place additional conditions on a permit or renewal permit or place conditions on a permit for based on one (1) or more of the following:**

- (1) The applicant has been convicted of a crime under IC 13-30-6 or IC 36-9-30-35.**
- (2) The commissioner, under IC 13-15-7, has revoked the applicant's previous permit to operate under:**
  - (A) this article; or**
  - (B) 327 IAC 6, which was repealed in 1998.**
- (3) The applicant is, at the time of the permit application or permit decision, not in compliance with the Environmental Protection Acts, or regulations has a history of one (1) or more violations of IC 13 or rules promulgated thereunder, or has a history of repeated violations of the Acts or regulations or material permit conditions that evidence an inability or unwillingness to comply with this article or a permit: by authority of IC 13.**
- (4) The applicant was the subject of one (1) or more administrative or judicial enforcement actions concerning land application under this article or 327 IAC 6, which was repealed in 1998.**
- (5) The applicant is the subject of one (1) or more pending administrative or judicial enforcement actions commenced under authority of IC 13.**

**(g) The application for a permit or the issuance of a permit does not:**

- (1) convey any property rights of any sort or any exclusive privileges to the applicant or permittee;**

**(2) authorize:**

- (A) any injury to any person or private property;**
- (B) invasion of other property rights; or**
- (C) any infringement of federal, state, or local laws or regulations; or**
- (3) preempt any duty to comply with other federal, state, or local requirements.**

~~(e)~~ **(h) Proposals for equivalent methods for meeting requirements may be submitted for approval to the commissioner with the permit application for the following:**

- (1) Site restrictions in 327 IAC 6.1-4-6 and 327 IAC 6.1-7-5.**
- (2) The storage requirement in 327 IAC 6.1-4-8(a) and ~~327 IAC 6.1-7-9~~ 327 IAC 6.1-7-9(a).**
- (3) Nutrient Loading rates in 327 IAC 6.1-4-10, and 327 IAC 6.1-7-10(a)(1) through 327 IAC 6.1-7-10(a)(3).**
- (4) Vector attraction reduction requirements in 327 IAC 6.1-4-15.**
- (5) Monitoring and analysis requirements in 327 IAC 6.1-4-16 and 327 IAC 6.1-7-2 through 327 IAC 6.1-7-4.**

~~(f)~~ **(i) A management plan must be submitted to the commissioner with the permit application if any of the following are applicable:**

- (1) The management practice in 327 IAC 6.1-4-7(l) and or 327 IAC 6.1-7-6(j).**
- (2) The stockpiling requirement in ~~327 IAC 6.1-4-8(f)~~ 327 IAC 6.1-4-8(e).**
- (3) Marketing and distribution in 327 IAC 6.1-5.**

*(Water Pollution Control Board; 327 IAC 6.1-3-1; filed May 15, 1998, 10:20 a.m.: 21 IR 3785; errata filed May 20, 1998, 1:15 p.m.: 21 IR 3939; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

**SECTION 24. 327 IAC 6.1-3-2 IS AMENDED TO READ AS FOLLOWS:**

**327 IAC 6.1-3-2 Terms of land application permits**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77

**Sec. 2. (a) A land application permit shall conform with the following:**

- (1) The technical criteria and other requirements of the applicable sections of this article.**
- (2) If applicable, approved equivalent methods for meeting requirements under section 1(e) of this rule that are developed by the applicant for the proposed operation.**
- (3) If applicable under section 1(f) of this rule, an approved management plan specifically developed by the applicant for the proposed operation.**

**(b) The commissioner may include conditions to ensure compliance with this article.** *(Water Pollution Control Board; 327 IAC 6.1-3-2; filed May 15, 1998, 10:20 a.m.: 21 IR 3786;*

---

## Proposed Rules

---

*readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 25. 327 IAC 6.1-3-3 IS AMENDED TO READ AS FOLLOWS:

### **327 IAC 6.1-3-3 Discharges from land application operations**

**Authority:** IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4  
**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 3. There must be no discharge into ~~the surface~~ waters of ~~the state or ground water~~ from a land application operation except under a valid National Pollutant Discharge Elimination System (NPDES) permit issued in accordance with 327 IAC 5. (Water Pollution Control Board; 327 IAC 6.1-3-3; filed May 15, 1998, 10:20 a.m.: 21 IR 3786; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 26. 327 IAC 6.1-3-4 IS AMENDED TO READ AS FOLLOWS:

### **327 IAC 6.1-3-4 Permit duration and transition requirements**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4  
**Affected:** IC 13-15-3

Sec. 4. (a) Except as specifically provided for elsewhere in this article or Indiana statute, permits may be issued by the commissioner for any period of time not to exceed five (5) years as specified by IC 13-15-3.

(b) A permit application for the land application of biosolid, industrial waste product, or pollutant-bearing water submitted after the effective date of this article must comply with applicable sections of this article.

(c) ~~For any person with a land application permit on the effective date of this article, a permit renewal application must be submitted within nine (9) months of the effective date of this article if the current permit:~~

- ~~(1) was issued before the effective date of this article; and~~
- ~~(2) has an expiration date that is less than or equal to two (2) years after the effective date of this article.~~

(d) ~~For any person with a land application permit on the effective date of this article, a permit renewal application must be submitted within one (1) year of the effective date of this article if the current permit:~~

- ~~(1) was issued before the effective date of this article; and~~
- ~~(2) has an expiration date that is more than two (2) years and less than five (5) years after the effective date of this article.~~

(e) (c) If a person holding a valid permit under this article has made a timely and complete application for a renewal, ~~or new permit in accordance with this rule;~~ the existing permit does not expire until a final determination on the application is made by

the commissioner. The commissioner may seek injunctive relief with regard to the continuing activity of the permit applicant while the permit application is pending if the continuing activity of the permit applicant constitutes a threat to the environment or the public health, safety, or welfare.

(d) **Any permits granted under this article will continue to be in effect under the rules effective at the time the permit was issued until the permit is renewed as required.** (Water Pollution Control Board; 327 IAC 6.1-3-4; filed May 15, 1998, 10:20 a.m.: 21 IR 3786; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 27. 327 IAC 6.1-3-7 IS AMENDED TO READ AS FOLLOWS:

### **327 IAC 6.1-3-7 Responsibility of person who prepares**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4  
**Affected:** IC 13-11-2-77; IC 13-30-2

Sec. 7. (a) A person who prepares a biosolid, industrial waste product, or pollutant-bearing water is legally responsible under this article for:

- (1) the handling, transporting, storage, **marketing and distribution**, and land application ~~A person who prepares a~~ of the biosolid, industrial waste product, or pollutant-bearing water; ~~is responsible for and~~
- (2) compliance with the land application permit issued under this article and all applicable provisions of this article.

(b) In the event a person who prepares a biosolid, industrial waste product, or pollutant-bearing water provides a biosolid, industrial waste product, or pollutant-bearing water to another person for final land application **or for marketing and distribution**, and that **receiving** person alters the characteristics of the biosolid, industrial waste product, or pollutant-bearing water:

- (1) the person who receives and alters the biosolid, industrial waste product, or pollutant-bearing water is considered the person who prepares the biosolid, industrial waste product, or pollutant-bearing water; and
- (2) assumes ~~primary~~ responsibility for compliance with this article and ~~IC 13-30-2~~ **IC 13-30-2**.

(c) In the event a person who prepares a biosolid, industrial waste product, or pollutant-bearing water:

- (1) provides a biosolid, industrial waste product, or pollutant-bearing water to another person for final land application **or for marketing and distribution**; and
- (2) that **receiving** person alters the characteristics of the biosolid, industrial waste product, or pollutant-bearing water; the person who first prepares the biosolid, industrial waste product, or pollutant-bearing water shall submit ~~a letter~~ **the information as required by 327 IAC 6.1-4-18(a)** to the commissioner ~~stating the name of the facility that states who~~

received the biosolid, industrial waste product, or pollutant-bearing water.

(d) If the person who prepares a biosolid, industrial waste product, or pollutant-bearing water provides a biosolid, industrial waste product, or pollutant-bearing water to another person for final land application **or for marketing and distribution** and that **receiving** person does not alter the characteristics of the biosolid, industrial waste product, or pollutant-bearing water, then the person who applies **or markets and distributes** the biosolid, industrial waste product, or pollutant-bearing water is also responsible for complying with this article and ~~IC 13-30~~. **IC 13-30-2.**

(e) When a person who prepares a biosolid or industrial waste product provides the biosolid or industrial waste product to:

(1) another person who prepares the biosolid or industrial waste product; or

(2) to a person who applies the biosolid or industrial waste product to the land **or for marketing and distribution**;

the person who provides the biosolid or industrial waste product shall provide the person who receives the biosolid or industrial waste product ~~notice and applicable~~ information to comply with this ~~rule article~~ and IC 13-30-2. (*Water Pollution Control Board; 327 IAC 6.1-3-7; filed May 15, 1998, 10:20 a.m.: 21 IR 3787; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 28. 327 IAC 6.1-3-8 IS ADDED TO READ AS FOLLOWS:

**327 IAC 6.1-3-8 Responsibility of person who prepares by receiving and blending**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2-77; IC 13-30

Sec. 8. (a) If the person who prepares the biosolid or industrial waste product for land application blends either or both biosolid or industrial waste products, but does not treat the blend, the following apply:

(1) Biosolid or industrial waste product received for blending must not exceed the limits in Table 1 under 327 IAC 6.1-4-9(a).

(2) Dewatered biosolid received for blending must meet either:

(A) Class A under 327 IAC 6.1-4-13(a); or

(B) Class B under 327 IAC 6.1-4-13(c) standards.

(3) Blends that contain a dewatered biosolid and an industrial waste product must at the time of land application meet either:

(A) Class A under 327 IAC 6.1-4-13(a); or

(B) Class B under 327 IAC 6.1-4-13(c) standards.

(4) Liquid biosolid must meet one (1) of the following:

(A) When received for blending meet either:

(i) Class A under 327 IAC 6.1-4-13(a); or

(ii) Class B under 327 IAC 6.1-4-13(c) standards.

(B) At the time of land application meet either:

(i) Class A under 327 IAC 6.1-4-13(a); or

(ii) Class B under 327 IAC 6.1-4-13(c) standards.

(b) If the person who prepares the biosolid or industrial waste product for land application blends either or both biosolid or industrial waste products, but treats the blend, the following apply:

(1) Biosolid or industrial waste product received for blending must not exceed the limits in Table 1 under 327 IAC 6.1-4-9(a).

(2) Blends that contain a biosolid and industrial waste products must at the time of land application meet either:

(A) Class A under 327 IAC 6.1-4-13(a); or

(B) Class B under 327 IAC 6.1-4-13(c).

(*Water Pollution Control Board; 327 IAC 6.1-3-8*)

SECTION 29. 327 IAC 6.1-4-1 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-4-1 Applicability**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2-77; IC 13-18-14-1; IC 13-30-2-1

Sec. 1. This rule applies to any person who prepares a biosolid or industrial waste product that:

(1) is land applied; and

(2) meets the criteria set forth in section 4, ~~or 5~~, **or 5.5** of this rule.

(*Water Pollution Control Board; 327 IAC 6.1-4-1; filed May 15, 1998, 10:20 a.m.: 21 IR 3788; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 30. 327 IAC 6.1-4-3 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-4-3 General requirements**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2-77; IC 13-18-14-1; IC 13-30-2-1

Sec. 3. (a) Land application of biosolid or industrial waste product must be conducted under the supervision of:

(1) a certified wastewater treatment plant operator licensed under 327 IAC 8; or

(2) a person with at least one (1) year of experience in land application management practices and procedures as demonstrated ~~through~~ **by specific facts contained in** a signed affidavit.

Notice must be submitted to the commissioner of any change in the supervisor of the activity **within thirty (30) days**.

(b) Any person who prepares or applies a biosolid or industrial waste product shall ensure that the applicable requirements in this article and the permit are met when the biosolid or industrial waste product is prepared for application to the land or is applied to land.

## Proposed Rules

(c) No person shall apply a biosolid or industrial waste product to any site if any of the cumulative pollutant loading rates in Table 2 in section 9(b) of this rule have been ~~reached or~~ exceeded.

(d) The person who prepares a biosolid or industrial waste product that is applied to any land application site shall:

(1) provide the person who applies the biosolid or industrial waste product written notification of the ~~most recent nutrient concentrations as determined by testing under application rates necessary to comply with~~ section ~~16(i)~~ **4(10)** of this rule; and

(2) provide any person that farms the land with nutrient loadings as determined by information provided by the person who applies the biosolid or industrial waste product.

(e) The person who prepares a biosolid or industrial waste product **to be applied** to the land shall obtain information needed to comply with the following requirements:

(1) Based on all available records, if a biosolid, ~~or~~ industrial waste product, **or pollutant-bearing water** has not been applied to the land application site, the cumulative amount for each pollutant listed in Table 2 in section 9(b) of this rule may be applied to the land application site in accordance with Table 2 in section 9(b) of this rule.

(2) If a biosolid, ~~or~~ industrial waste product, **or pollutant-bearing water** has been applied to the land application site and the cumulative amount of each pollutant ~~applied to the land application site in the biosolid, or industrial waste product~~ is known, the cumulative amount ~~of each pollutant applied to the land application site~~ shall be used to determine the additional amount of each pollutant that can be applied to the land application site in accordance with Table 2 in section 9(b) of this rule.

(3) If a biosolid, ~~or~~ industrial waste product, **or pollutant-bearing water** has been applied to the land application site and the cumulative amount of each pollutant ~~applied to the land application site in the biosolid, or industrial waste product~~ is not documented, application of any additional biosolid, ~~or~~ industrial waste product, **or pollutant-bearing water** is prohibited.

(f) Before a biosolid, ~~or~~ industrial waste product, **or pollutant-bearing water** is applied to the land, the person who proposes to apply the biosolid, ~~or~~ industrial waste product, **or pollutant-bearing water** shall contact the commissioner to determine if a biosolid, ~~or~~ industrial waste product, **or pollutant-bearing water** has been applied to the land application site based on department records.

(g) The person who applies a biosolid or industrial waste product to the land shall provide the owner or lease holder of the land on which the biosolid or industrial waste product is applied ~~notice and applicable~~ information to comply with the management practices in section 7 of this rule.

(h) Any person who applies a biosolid or industrial waste product that was not generated in Indiana to land in Indiana must:

(1) be in compliance with IC 13-18-14-1; and

(2) obtain a permit under section 4, ~~or 5, or 5.5~~ of this rule from the commissioner.

(*Water Pollution Control Board; 327 IAC 6.1-4-3; filed May 15, 1998, 10:20 a.m.; 21 IR 3788; readopted filed Jan 10, 2001, 3:23 p.m.; 24 IR 1518*)

SECTION 31. 327 IAC 6.1-4-4 IS AMENDED TO READ AS FOLLOWS:

### 327 IAC 6.1-4-4 Site-specific permits

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2-77; IC 13-15; IC 13-30-2-1

Sec. 4. (a) For a biosolid to ~~be eligible for~~ **qualify under** a site-specific permit, the following criteria must be met:

(1) Either of the pathogen requirements:

(A) Class A in section 13(b) of this rule; or

(B) Class B in section 13(c) of this rule.

(2) Compliance with the vector attraction reduction requirements in section 15 of this rule.

(3) The pollutant limits in Table 1 in section 9(a) of this rule must not be exceeded.

(b) For an industrial waste product to ~~be eligible for~~ **qualify under** a site-specific permit, the pollutant limits in Table 1 in section 9(a) of this rule must not be ~~reached or~~ exceeded.

(c) A completed permit application must:

(1) be submitted to the commissioner on forms and in a format prescribed by the commissioner;

(2) include analytical data that demonstrates that pollutant concentrations do not exceed the limits in Table 1 in section 9(a) of this rule;

(3) for ~~biosolids, a biosolid~~, provide the documentation of methods of pathogen ~~treatment reduction~~ and vector attraction reduction as required by sections 13 and 15 of this rule; and

(4) **include** any other information as may be required by the commissioner **to ensure compliance with this article**.

(d) ~~A person who prepares a biosolid or a person applying for a permit shall comply with all applicable procedural requirements of the following:~~

(1) ~~IC 13-15-4 pertaining to schedules for determinations on permits.~~

(2) ~~IC 13-15-5 pertaining to comments on permit issuance or denial.~~

(3) ~~IC 13-15-6 pertaining to an appeal of an agency determination.~~

(4) ~~IC 13-15-8 pertaining to public notice.~~

(~~e~~) (d) A person who prepares a biosolid **or industrial waste**

**product** that has a site-specific permit shall comply with:

- (1) all permit conditions;
- (2) unless specified otherwise, all requirements under this rule; ~~and~~
- (3) other applicable parts of this article; **and**
- (4) the submission of monthly reports in accordance with section 18 of this rule.**

~~(f) A person who prepares a biosolid that has a site-specific permit shall submit monthly reports in accordance with section 18 of this rule. (Water Pollution Control Board; 327 IAC 6.1-4-4; filed May 15, 1998, 10:20 a.m.: 21 IR 3789; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)~~

SECTION 32. 327 IAC 6.1-4-5 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-4-5 Nonsite-specific permits**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 5. (a) For a biosolid to ~~be eligible for~~ **qualify under** a nonsite-specific permit, the following criteria must be met:

- (1) Either of the pathogen requirements:
  - (A) Class A in section 13(b) of this rule; or
  - (B) Class B in section 13(c) of this rule.
- (2) Compliance with the vector attraction reduction requirements in section 15 of this rule.
- (3) The pollutant concentrations ~~in Table 1 in section 9(a) of this rule and~~ in Table 3 in section 9(c) of this rule must not be exceeded.

(b) For an industrial waste product to ~~be eligible for~~ **qualify under** a nonsite-specific permit, the pollutant concentrations in ~~Table 1 in section 9(a) of this rule and~~ Table 3 in section 9(c) of this rule must not be ~~reached or~~ exceeded.

(c) A completed permit application must:

- (1) be submitted to the commissioner on forms and in a format prescribed by the commissioner;
- (2) include analytical data that demonstrates that pollutant concentrations do not exceed the limits in ~~Table 1 in section 9(a) of this rule and~~ Table 3 in section 9(c) of this rule;
- (3) include the names of all counties in which the biosolid or industrial waste product will be applied;
- (4) for biosolid, provide the documentation of methods of pathogen ~~treatment reduction~~ and vector attraction reduction as required by sections 13 and 15 of this rule; and
- (5) **include** any other information as may be required by the commissioner to ~~protect the environment or public health.~~ **ensure compliance with this article.**

(d) A person who prepares a biosolid or industrial waste product and that has a nonsite-specific permit shall:

- (1) comply with all permit conditions;

(2) unless otherwise specified, comply with this rule;

(3) only apply to agricultural land;

(4) not apply a biosolid or industrial waste product within six hundred sixty (660) feet of any residence unless a signed waiver has been received from the owner and, if applicable, tenant of the residence; ~~and~~

(5) not apply a biosolid or industrial waste product within six hundred sixty (660) feet of any public building or public or nonpublic school building; **and**

**(6) submit monthly reports in accordance with section 18 of this rule.**

(e) Waivers must be obtained from the residence owner and, if applicable, tenant of the residence:

(1) for each year in which biosolid or industrial waste product is proposed to be applied at distances less than the setback distance in subsection (d)(4); and

(2) prior to the application of the biosolid or industrial waste product at distances less than the setback distance in subsection (d)(4).

~~(f) A person who prepares a biosolid or industrial waste product and that has a nonsite-specific permit shall submit monthly reports in accordance with section 18 of this rule. (Water Pollution Control Board; 327 IAC 6.1-4-5; filed May 15, 1998, 10:20 a.m.: 21 IR 3789; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)~~

SECTION 33. 327 IAC 6.1-4-5.5 IS ADDED TO READ AS FOLLOWS:

**327 IAC 6.1-4-5.5 Hybrid permits**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 5.5. (a) For a biosolid to **qualify under a hybrid permit**, the following criteria must be met:

(1) **Either of the pathogen requirements:**

(A) **Class A in section 13(b) of this rule; or**

(B) **Class B in section 13(c) of this rule.**

(2) **Compliance with the vector attraction reduction requirements in section 15 of this rule.**

(3) **The pollutant concentrations in Table 3 in section 9(c) of this rule must not be exceeded.**

(b) **For an industrial waste product to qualify under a hybrid permit, the pollutant concentrations in Table 3 in section 9(c) of this rule must not be exceeded.**

(c) **A completed permit application must:**

(1) **be submitted to the commissioner on forms and in a format prescribed by the commissioner;**

(2) **include analytical data that demonstrates that pollutant concentrations do not exceed the limits in Table 3 in section 9(c) of this rule;**

- (3) include the names of all counties in which the biosolid or industrial waste product will be applied;
- (4) for biosolid, provide the documentation of methods of pathogen reduction and vector attraction reduction as required by sections 13 and 15 of this rule;
- (5) include site-specific information for those sites to be identified in the permit and presented in a format and on forms prescribed by the commissioner; and
- (6) include any other information as may be required by the commissioner to ensure compliance with this article.

(d) A person who prepares a biosolid or industrial waste product and that has a hybrid permit shall comply with the following:

- (1) The site restrictions in section 6 of this rule.
- (2) For nonsite-specific sites:
  - (A) comply with all permit conditions;
  - (B) unless otherwise specified, comply with this rule;
  - (C) only apply the biosolid or industrial waste product to agricultural land;
  - (D) not apply a biosolid or industrial waste product within six hundred sixty (660) feet of any residence unless a signed waiver has been received from the owner and, if applicable, tenant of the residence; and
  - (E) not apply a biosolid or industrial waste product within six hundred sixty (660) feet of any public building or public or nonpublic school building.
- (3) For site-specific sites:
  - (A) comply with all permit conditions; and
  - (B) unless otherwise specified, comply with this rule.
- (4) Submission of monthly reports in accordance with section 18 of this rule.

(e) Waivers must be obtained from the residence owner and, if applicable, tenant of the residence:

- (1) for each year in which biosolid or industrial waste product is proposed to be applied at distances less than the setback distance in subsection (d)(2)(D); and
- (2) prior to the application of the biosolid or industrial waste product at distances less than the setback distance in subsection (d)(2)(D).

*(Water Pollution Control Board; 327 IAC 6.1-4-5.5)*

SECTION 34. 327 IAC 6.1-4-6 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-4-6 Site restrictions**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4  
Affected: IC 13-11-2-77; IC 13-30-2-1

Sec. 6. (a) **Land** application of a biosolid or industrial waste product must not be conducted:

- (1) within thirty-three (33) feet of any ~~surface waters of the state; or the surface conduit to a subsurface feature when the method of land application is by subsurface injection~~

~~or surface application followed by incorporation by the end of the day;~~

~~(2) except by subsurface injection or incorporation by the end of the day, within three hundred (300) feet of any surface waters of the state or the surface conduit to a subsurface feature for all land application except when the method of land application is by subsurface injection or surface application followed by incorporation by the end of the day;~~

~~(3) except by subsurface injection, within three hundred (300) feet of any residence, except when the method of land application is by subsurface injection;~~

~~(4) within fifty (50) feet of any well;~~

~~(5) within two hundred (200) feet of a potable water well or drinking water spring; or~~

~~(6) within fifty (50) feet of the property line of any public building or public or nonpublic school.~~

(b) Waivers must be obtained from the residence owner and, if applicable, tenant of the residence:

(1) for each year in which biosolid or industrial waste product is proposed to be applied at distances less than the setback distance in subsection (a)(3); and

(2) prior to the application of the biosolid or industrial waste product at distances less than the setback distance in subsection (a)(3).

(c) Using soil survey data established by USDA Natural Resource Conservation Service, application of a biosolid or industrial waste product is prohibited if:

(1) the seasonal high water table is within eighteen (18) inches of the soil surface; and

(2) the seasonal high water table is:

(A) within thirty-six (36) inches of the soil surface; and

(B) any soil layer between eighteen (18) inches and thirty-six (36) inches below the surface has a permeability of greater than two (2) inches per hour.

(d) Requirements for **land** application of a biosolid or industrial waste product onto a slope are as follows:

(1) Application of a biosolid or industrial waste product on slopes greater than eighteen percent (18%) is prohibited.

(2) Dewatered biosolid or industrial waste product may be applied by surface application on slopes that are no greater than twelve percent (12%).

(3) Dewatered biosolid or industrial waste product incorporated into the soil on the day of application may be applied to slopes that are no greater than eighteen percent (18%).

(4) Liquid biosolid or industrial waste product may be applied by surface application on slopes that are no greater than six percent (6%).

(5) Liquid biosolid or industrial waste product may be injected into the soil on slopes that are no greater than eighteen percent (18%).

(e) (d) Biosolid or industrial waste product must not be

applied to land unless there is a minimum depth of twenty (20) inches of soil overlying bedrock.

~~(f) Except for a biosolid containing an industrial waste product with a cadmium level of two (2) milligrams per kilogram or greater; (e) The soil pH must be 5.5 or greater at the time a biosolid is applied unless the commissioner determines that the soil pH must be higher to protect the environment or public health: of land application for the following:~~

- ~~(1) Biosolid.~~
- ~~(2) Biosolid containing an industrial waste product with a cadmium concentration less than two (2) milligrams per kilogram.~~
- ~~(3) Industrial waste product with a cadmium concentration less than two (2) milligrams per kilogram.~~

~~(g) (f) The soil pH must be 6.5 or greater at the time an industrial waste product or a biosolid containing an industrial waste product with a cadmium level of two (2) milligrams per kilogram or greater is applied unless the commissioner determines that the soil pH must be higher to protect the environment or public health: of land application for the following:~~

- ~~(1) Industrial waste product with a cadmium concentration greater than two (2) milligrams per kilogram.~~
- ~~(2) Biosolid containing an industrial waste product with a cadmium concentration greater than two (2) milligrams per kilogram.~~

~~(h) (g) The soil pH value shall be:~~

- ~~(1) obtained by sampling the soil to the depth of cultivation or a depth of placement of the biosolid or industrial waste product, placement, whichever is greater; and analyzing~~
- ~~(2) analyzed by the electrometric method\*;~~
- ~~(3) collected as one (1) representative composite sample per every twenty-five (25) acres or fraction thereof within the application site; and~~
- ~~(4) be valid only if the analyses were performed within the last two (2) years of the date of application on the site.~~

\*The electrometric method may be found in "Methods of Soil Analysis, Agronomy Monograph No. 9.", C.A. Black, ed., American Society of Agronomy, Madison, Wisconsin, pp. 199-209, 1982, available from the American Society of Agronomy, Soil Science of America, Inc., 677 South Segoe Road, Madison, Wisconsin 53711. This method is also available for copying at the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, Land Quality, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (*Water Pollution Control Board; 327 IAC 6.1-4-6; filed May 15, 1998, 10:20 a.m.: 21 IR 3790; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 35. 327 IAC 6.1-4-7 IS AMENDED TO READ AS FOLLOWS:

### **327 IAC 6.1-4-7 Management practices**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-30-2-1; IC 14-20-1; IC 14-22-34

Sec. 7. (a) Food crops shall not be harvested for fourteen (14) months after application of a biosolid if the harvested part:

- (1) touches the ground where biosolid has been applied; and
- (2) has no harvested parts below the soil surface.

(b) Food crops shall not be harvested for twenty (20) months after application of a biosolid if:

- (1) the biosolid remains on the land surface for four (4) months or longer prior to incorporation into the soil; and
- (2) harvested parts are below the soil surface.

(c) Food crops shall not be harvested for thirty-eight (38) months after application of biosolid if:

- (1) the biosolid remains on the land surface for less than four (4) months prior to incorporation into the soil; and
- (2) harvested parts are below the soil surface.

(d) Unless subsection (a), (b), or (c) applies, food crops, feed crops, and fiber crops shall not be harvested for thirty (30) days after application of biosolid.

(e) Grazing of animals on land that has received biosolid is prohibited for thirty (30) days after application of the biosolid.

(f) **Except for a Class A biosolid under section 13(b) of this rule**, turf grown on land where biosolid is applied shall not be harvested for one (1) year after application of the biosolid if the harvested turf is placed on ~~either~~ land with a high potential for public exposure. ~~or a lawn unless otherwise approved by the commissioner.~~

(g) Except for a Class A biosolid under section 13(b) of this rule, public access to land with a high potential for public exposure shall be restricted for one (1) year after application of biosolid to that land.

(h) Except for a Class A biosolid under section 13(b) of this rule, public access to land with a low potential for public exposure shall be restricted for thirty (30) days after application of biosolid.

(i) A biosolid or industrial waste product shall not be applied to the land:

- (1) if the biosolid or industrial waste product is likely to adversely affect a threatened or endangered species or its designated critical habitat; or
- (2) in violation of ~~endangered species regulations at IC 14-22-34.~~

(j) A biosolid or industrial waste product shall not be applied to the land in violation of historic preservation requirements under IC 14-20-1. ~~or 310 IAC 15-3.~~

---

## Proposed Rules

---

(k) Application of biosolid or industrial waste product is prohibited if the moisture holding capacity of the soil is exceeded, ~~as a result of previous land application practices, precipitation occurrences, or flooding.~~

(l) A biosolid or industrial waste product may only be applied to land that is frozen or snow-covered if:

(1) the biosolid or industrial waste product does not enter a ~~wetland or other surface waters of the state; or ground water;~~ and

(2) a management plan has been submitted and approved by the commissioner including the following:

(A) ~~Setbacks~~ **Setback distances from residences and public buildings, surface waters, wells, and other structures.**

(B) Application rates.

(C) Site characteristics, **including the following:**

(i) **Flood plains.**

(ii) **Water table.**

(iii) **Slope.**

(D) Supervision and operational oversight. ~~and~~

(E) Other ~~applicable~~ **relevant information to show that the land application will not violate this article.**

(m) A biosolid or industrial waste product may only be applied in a flood plain if the **biosolid or industrial waste product:**

(1) ~~the biosolid or industrial waste product~~ is injected or incorporated into the soil by the end of the day of placement in the flood plain; and

(2) ~~the biosolid or industrial waste product~~ does not enter a ~~wetland or other surface waters of the state or ground water.~~

(n) **A biosolid or industrial waste product with a concentration of molybdenum greater than forty (40) milligrams per kilogram is prohibited from being applied to pasture.** (*Water Pollution Control Board; 327 IAC 6.1-4-7; filed May 15, 1998, 10:20 a.m.: 21 IR 3790; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 36. 327 IAC 6.1-4-8 IS AMENDED TO READ AS FOLLOWS:

### **327 IAC 6.1-4-8 Storage, stockpiling, and staging of biosolid or industrial waste product**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 8. (a) A minimum of ninety (90) days effective storage capacity is required for **storing** a biosolid or industrial waste product unless an equivalent method of meeting the requirement is approved by the commissioner.

(b) Except for ~~earthen~~ lagoons under 327 IAC 6.1-8, any storage structures, such as pits or tanks, which are subject to

volume fluctuations due to precipitation events, must have a minimum of one (1) foot of freeboard at all times.

~~(c) A construction permit must be obtained from the commissioner under 327 IAC 3 prior to construction of storage structures located at the treatment works that generates the biosolid or industrial waste product.~~

~~(d) Off-site~~ (c) Storage structures for the storage of biosolid or industrial waste product must **be in accordance** ~~comply~~ with 327 IAC 6.1-8.

~~(e) (d)~~ A **fixed volume of** biosolid or industrial waste product for land application may be stored **in any storage structure** for no more than two (2) years.

~~(f) (e)~~ Stockpiling of a biosolid or industrial waste product at a land application site must be handled in accordance with an approved management plan, including the following:

(1) ~~Setbacks~~ **Setback distances from residences and public buildings, surface waters, wells, and other structures.**

(2) Site characteristics, **including the following:**

(A) **Flood plains.**

(B) **Water table.**

(C) **Slope.**

(3) Handling practices, **including the following:**

(A) **Length of time the biosolid or industrial waste product will be stockpiled.**

(B) **Run-off control measures.**

(C) **Berm construction.**

(4) **Nuisance control measures.**

~~(4) (5)~~ (5) Other applicable information.

~~(g) (f)~~ Staging of a biosolid or industrial waste product for less than twenty-four (24) hours must be handled in accordance with the following:

(1) The biosolid or industrial waste product must be dewatered.

(2) The permittee shall conduct the land application operation in such a manner that staging of dewatered biosolid or industrial waste product is minimized.

(3) The amount of biosolid or industrial waste product staged must not exceed the maximum amount that can be applied to that land application site within twenty-four (24) hours of placement at the land application site in accordance with this rule or the permit.

(4) Staging of dewatered biosolid or industrial waste product is prohibited:

(A) within three hundred (300) feet of any ~~surface waters of the state~~ or surface inlet to a subsurface drainage system;

(B) within six hundred sixty (660) feet of any residence unless a signed waiver has been received from the owner and, if applicable, tenant of the residence;

(C) within two hundred (200) feet of any potable water supply well or drinking water spring;

- (D) on any area with a slope greater than two percent (2%); **and**  
 (E) on any area located in the flood plain unless applied by the end of same day it is staged. **and**  
~~(F) on any area with a seasonal high water table within three (3) feet of the surface.~~

~~(h)~~ (g) Waivers must be obtained from the residence owner and, if applicable, tenant of the residence for each year in which biosolid or industrial waste product is proposed to be staged at distances less than the setback distance in subsection ~~(g)(4)(B)~~: **(f)(4)(B).**

~~(i)~~ (h) In addition to the requirements in subsection ~~(g)~~; (f), the following requirements apply to staging of a biosolid or industrial waste product for more than twenty-four (24) hours due to unforeseen circumstances, such as an extreme weather event or equipment failure:

- (1) Except under subdivision (2), the biosolid or industrial waste product must be completely covered by a tarp or plastic sheet.
- (2) If not covered in accordance with subdivision (1), the biosolid or industrial waste product must be applied to the land application site or returned to an approved storage site within forty-eight (48) hours of placement at the staging location.
- (3) The person who prepares a biosolid or industrial waste product shall submit written notification within one (1) week to the commissioner that includes the following information:
  - (A) The date the biosolid or industrial waste product was placed at the land application site.
  - (B) The reason the biosolid or industrial waste product could not be applied within twenty-four (24) hours of staging.
  - (C) The date the biosolid or industrial waste product was applied to the land application site or returned to an approved storage site.

*(Water Pollution Control Board; 327 IAC 6.1-4-8; filed May 15, 1998, 10:20 a.m.: 21 IR 3791; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 37. 327 IAC 6.1-4-9 IS AMENDED TO READ AS FOLLOWS:

### 327 IAC 6.1-4-9 Pollutant limits

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4  
**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 9. (a) Table 1 in this subsection lists ceiling concentrations of metal pollutants \* for a biosolid or industrial waste product that is land applied. A biosolid or industrial waste product must not be applied to land if the concentration of pollutants in the biosolid or industrial waste product ~~as determined by EPA-600/4-79-020\*~~ reaches or exceeds any of the ceiling concentration limits established in the following:

Table 1  
Ceiling Concentrations  
Ceiling Concentration  
(milligrams per kilogram)<sup>1</sup>

Pollutant	Ceiling Concentration (milligrams per kilogram) <sup>1</sup>
Arsenic	75
Cadmium	85
Copper	4,300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100
Zinc	7,500

<sup>1</sup>Dry weight basis

(b) Table 2 in this subsection lists the cumulative pollutant loading rates \* for sites on which a biosolid or industrial waste product is applied:

Table 2  
Cumulative Pollutant Loading Rates \*  
Cumulative Pollutant Loading Rates  
(pounds per acre)

Pollutant	Cumulative Pollutant Loading Rates (pounds per acre)
Arsenic	<del>37</del> <b>36</b>
Cadmium	<del>35*</del> <b>34<sup>1</sup></b>
Copper	<del>1,339</del> <b>1,338</b>
Lead	<del>268</del> <b>267</b>
Mercury	15
<b>Molybdenum</b>	<b>not applicable</b>
Nickel	<del>375</del> <b>374</b>
Selenium	89
Zinc	2,499

<sup>1</sup>**This number is for biosolid only.** The cumulative pollutant loading rate for cadmium ~~in from an industrial waste product or a biosolid that includes containing~~ an industrial waste product is four and one-half (4.5) pounds per acre for a soil cation exchange capacity of less than 5; nine (9) pounds per acre if the soil cation exchange capacity is between 5 and 15; and eighteen (18) pounds per acre if the soil cation exchange capacity is greater than 15.

(c) Table 3 in this subsection lists the pollutant concentrations for biosolid or industrial waste product ~~as determined by EPA-600/4-79-020\*~~, to be applied to the land in accordance with a nonsite-specific permit under section 5 of this rule, **a hybrid permit under section 5.5 of this rule**, or a marketing and distribution program permit under 327 IAC 6.1-5:

Table 3  
Pollutant Concentrations  
Pollutant Concentrations  
(milligrams per kilogram)<sup>1</sup>

Pollutant	Pollutant Concentrations (milligrams per kilogram) <sup>1</sup>
Arsenic	41
Cadmium	39
Copper	1,500
Lead	300

## Proposed Rules

Mercury	17
<b>Molybdenum</b>	<b>75</b>
Nickel	420
Selenium	100
Zinc	2,800

<sup>1</sup>Dry weight basis

(d) Table 4 in this subsection lists the maximum annual pollutant loading rates for sites where biosolid or industrial waste product is land applied:

Table 4

### Maximum Annual Pollutant Loading Rates

Pollutant	Annual Pollutant Loading Rate (pounds per acre per 365 day period)
Arsenic	1.8
Cadmium	0.45
Copper	66.0
Lead	13.4
Mercury	0.7
<b>Molybdenum</b>	<b>not applicable</b>
Nickel	18.7
Selenium	4.4
Zinc	124.9

(e) **Table 4.5 in this subsection lists the maximum detection limits to be achieved for all analysis of industrial waste products and biosolid that have total solids of one percent (1%) or greater:**

Table 4.5

### Detection limits (milligrams per kilogram dry weight)

<b>Arsenic</b>	<b>2</b>
<b>Cadmium</b>	<b>10</b>
<b>Lead</b>	<b>10</b>
<b>Mercury</b>	<b>2</b>
<b>Molybdenum</b>	<b>10</b>
<b>Nickel</b>	<b>10</b>
<b>Selenium</b>	<b>2</b>

(~~e~~) (f) A permitted biosolid or industrial waste product that exceeds any pollutant ceiling concentrations in Table 1 in subsection (a) must not be applied to the land unless the commissioner approves the results of the following analyses prior to initial application:

- (1) The person who prepares a biosolid or industrial waste product shall take at least four (4) representative samples of the biosolid or industrial waste product to be applied to analyze for any metal concentration in Table 1 in subsection (a) that has been exceeded.
- (2) For a biosolid or industrial waste product that is receiving additional biosolid or industrial waste product, the four (4) samples must be taken:
  - (A) within a thirty (30) day period; and
  - (B) at least two (2) days apart.
- (3) For a fixed volume of a biosolid or industrial waste product that is not receiving additional biosolid or industrial

waste product, the four (4) samples must be taken within a thirty (30) day period.

(4) The analysis for each pollutant in all four (4) samples must be less than the comparable pollutant ceiling concentration in Table 1 in subsection (a).

(~~f~~) (g) Under a nonsite-specific **or hybrid** permit, the person who prepares a biosolid or industrial waste product that exceeds any concentration of a metal listed in Table 3 in subsection (c) shall do either of the following:

(1) Within ninety (90) days of first receiving knowledge of the exceeded limit, the person who prepares a biosolid or industrial waste product shall apply for a site-specific permit for land application of the biosolid or industrial waste product. The biosolid or industrial waste product must be applied under a site-specific permit.

(2) Provide the following analysis within forty-five (45) days of first receiving knowledge of the exceeded limit for approval by the commissioner:

(A) The person who prepares a biosolid or industrial waste product shall take at least four (4) representative samples of the biosolid or industrial waste product to be applied to analyze for any metal concentration in ~~Table 1~~ **Table 3** in subsection (~~a~~) (c) that has been exceeded.

(B) For biosolid or industrial waste product that is ~~receiving additional biosolid or industrial waste product~~, **not a fixed volume**, the four (4) samples must be taken:

- (i) within a thirty (30) day period; and
- (ii) at least two (2) days apart.

(C) For a fixed volume of biosolid or industrial waste product, ~~that is not receiving additional biosolid or industrial waste product~~, the four (4) samples must be taken within a thirty (30) day period.

(D) The ~~analysis of the~~ average of the four (4) samples for each pollutant must be less than the comparable pollutant concentrations in Table 3 in subsection (c).

(E) If ~~any of the analyses of~~ the average of the four (4) samples for each pollutant exceeds the comparable pollutant concentrations in Table 3 in subsection (c), the person who prepares a biosolid or industrial waste product shall apply for a site-specific permit within sixty (60) days of receiving the results of the analysis in this subdivision.

(~~g~~) (h) A person who prepares a biosolid or industrial waste product and that intends to reapply for a nonsite-specific **or hybrid** permit shall complete the following for approval by the commissioner:

(1) The person who prepares a biosolid or industrial waste product shall take at least eight (8) representative samples of the biosolid or industrial waste product to be applied to analyze for any metal concentration in Table 3 in subsection (c) that has been exceeded.

(2) The samples must be taken:

- (A) within a twelve (12) month period; and
- (B) at least thirty (30) days apart.

(3) All pollutant concentrations in all eight (8) samples must have pollutant concentrations less than the comparable pollutant concentrations in Table 3 in subsection (c).

\*Methods referenced in this section may be obtained as follows:

(1) EPA-600/4-79-020; *Methods for Chemical Analysis of Water and Wastes*; March 1983; available from Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, Ohio 45202.

(2) For the purpose of determining annual pollutant loading rates and cumulative pollutant loading rates, methods for measuring inorganic pollutants may be found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, [Third Edition, November 1986, as amended by Updates 1 (July 1992), 2 (September 1994), 2A (August 1993), 2B (January 1995)]; available from U.S. EPA.

These methods are also available for copying at the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (*Water Pollution Control Board*; 327 IAC 6.1-4-9; filed May 15, 1998, 10:20 a.m.; 21 IR 3792; readopted filed Jan 10, 2001, 3:23 p.m.; 24 IR 1518)

SECTION 38. 327 IAC 6.1-4-10 IS AMENDED TO READ AS FOLLOWS:

### 327 IAC 6.1-4-10 Loading rate limits

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2-77; IC 13-30-2-1

Sec. 10. (a) Maximum crop and annual loading rates are determined for a biosolid or industrial waste products to be applied on the basis of the following parameters:

(1) Crop application rates, based on plant available nitrogen (PAN) loadings using the appropriate formulas in subsection (b), shall not exceed either of the following:

(A) PAN loading rates for crop production in Table 5 as follows:

Table 5

Crop	Plant Available Nitrogen Loading for Crop Production Pounds of PAN Per Acre <sup>1</sup>
Corn	200
Soybeans	100
Hay	100
Cereal grain	100
Set aside/idle	50

<sup>1</sup>An equivalent method of meeting the nutrient management requirement may be submitted to the commissioner for approval for alternative nutrient loading rates that provide equivalent or greater protection to the environment and public health.

(B) The nitrogen removal rate for the proposed crop to be grown on the land application site adjusted to account for application of fertilizers, manure, and the presence of residual available nitrogen in the soil from previous applications of a biosolid, industrial waste product, or pollutant-bearing water.

(2) Annual loading rates of a biosolid or industrial waste product must not result in any of the annual pollutant loading rates in Table 4 in section 9(d) of this rule being exceeded. The following formula for annual loading rate calculation applies to this article and must be used to calculate the amount of biosolid or industrial waste product to be applied per acre per three hundred sixty-five (365) day period:

$$ALR = \frac{APLR}{C \times 0.002}$$

Where: ALR = Annual loading rate in dry tons per acre per three hundred sixty-five (365) day period (**dry, short ton of biosolid or industrial waste product/acre/year**).

APLR = Annual pollutant loading rate in pounds per acre per three hundred sixty-five (365) day period (**pounds/acre/year**).

C = Pollutant concentration in milligrams per kilogram (**mg/kg**) of total solids as determined by Part 2540 G\*: (**mg of pollutant/kg of biosolid or industrial waste product dry weight**).

(3) Phosphorus loading requirements may be included as a permit condition if the commissioner determines it is necessary for protection of public health or the environment.

(b) The following formulas for PAN loading calculations apply to this article and must be used to calculate the amount of PAN in the biosolid or industrial waste product and the residual available nitrogen at the application site; all calculations are based on a percent dry weight basis:

(1) %Total N = %Total Kjeldahl N + %Nitrate N

(2) %Organic N = %Total N - (% ~~Ammonium~~ **Ammonia** N + %Nitrate N)

(3) Pounds Organic N per dry ton of industrial waste product or biosolid, except anaerobically digested biosolid, available during year of application = %Organic N × 6

(4) Pounds Organic N per dry ton of anaerobically digested biosolid available during year of application = %Organic N × 4

(5) Pounds of ~~Ammonium~~ **Ammonia** N per dry ton = % ~~Ammonium~~ **Ammonia** N × 20

(6) Pounds of Nitrate N per dry ton = %Nitrate N × 20

(7) Pounds PAN per dry ton = Pounds of Organic N per dry ton + Pounds of ~~Ammonium~~ **Ammonia** N per dry ton + Pounds of Nitrate N per dry ton

(8) Residual nitrogen from past biosolid or industrial waste product applications:

(A) Pounds of residual N from industrial waste product or biosolid, except anaerobically digested biosolid, available one (1) year after application = %Organic N × 3 × dry tons applied per acre

(B) Pounds of residual N from anaerobically digested biosolid available one (1) year after application = %Organic N  $\times$  2  $\times$  dry tons applied per acre

(C) Pounds of residual N from industrial waste product or biosolid, except anaerobically digested biosolid, available two (2) years after application = %Organic N  $\times$  1.6  $\times$  dry tons applied per acre

(D) Pounds of residual N from anaerobically digested biosolid available two (2) years after application = %Organic N  $\times$  dry tons applied per acre

(E) Pounds of residual N from industrial waste product or biosolid, except anaerobically digested biosolid, available three (3) years after application = %Organic N  $\times$  0.8  $\times$  dry tons applied per acre

(F) Pounds of residual N from anaerobically digested biosolid available three (3) years after application = %Organic N  $\times$  0.5  $\times$  dry tons applied per acre

Where: N = Nitrogen.

\*Part 2540 G may be found in "Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, available from American Public Health Association, 1015 15th Street, N.W., Washington, D.C. 20005. This method is also available for copying at the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (Water Pollution Control Board; 327 IAC 6.1-4-10; filed May 15, 1998, 10:20 a.m.: 21 IR 3794; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 39. 327 IAC 6.1-4-11 IS AMENDED TO READ AS FOLLOWS:

## 327 IAC 6.1-4-11 Land application of paper waste

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2-77; IC 13-30-2-1

Sec. 11. (a) Any person who is applying for a permit to land apply paper waste shall analyze the paper waste using EPA Method 1613 B\* to determine the total toxic equivalency factor (TEF) for tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) and tetrachlorodibenzo-p-furan (2,3,7,8-TCDF) where:

$$\text{Total TEF} = 2,3,7,8\text{-TCDD} + 0.1(2,3,7,8\text{-TCDF})$$

(b) Rather than conduct a new analysis under subsection (a), a person who prepares a biosolid or industrial waste product and that applies for a permit renewal to land apply paper waste may submit results of an analysis for 2,3,7,8-TCDD and 2,3,7,8-TCDF by EPA Method 1613 B\* that is up to one (1) year old if the applicant also provides a signed statement that:

- (1) the analysis is representative of the **material paper waste** currently being produced; and
- (2) no significant **manufacturing or waste treatment** process changes have been made.

(c) Land application of any paper waste with a total toxic equivalency factor for 2,3,7,8-TCDD and 2,3,7,8-TCDF that is greater than or equal to seventy-five (75) parts per trillion is prohibited.

(d) Land application of any paper waste with a total toxic equivalency factor for 2,3,7,8-TCDD and 2,3,7,8-TCDF that is less than seventy-five (75) parts per trillion must be in accordance with applicable permit conditions.

(e) For purposes of this section, paper waste means a **material solid waste** generated in the production or recycling of paper or paper-like products.

\*Method 1613 B may be found in EPA 821-B-94-005, October 1994, available from the Water Resource Center, Mail Code RC 4100, 401 M Street, S.W., Washington, D.C. 20460, (202) 260-7786. This method is also available for copying at the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, Land Quality, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (Water Pollution Control Board; 327 IAC 6.1-4-11; filed May 15, 1998, 10:20 a.m.: 21 IR 3795; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 40. 327 IAC 6.1-4-13 IS AMENDED TO READ AS FOLLOWS:

## 327 IAC 6.1-4-13 Pathogen requirements

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2-77; IC 13-30-2-1

Sec. 13. (a) This section contains the requirements for a biosolid to be classified either Class A or Class B with respect to pathogens.

(b) To be categorized as Class A, a biosolid must meet or exceed the following requirements:

(1) The pathogen requirements in subdivision (2) must be met either prior to, or at the same time as, the vector attraction reduction requirements in section 15(b)(1) through 15(b)(5), 15(b)(9), and 15(b)(10) of this rule.

(2) The requirements in one (1) of the following alternatives:  
(A) For Class A, Alternative 1, except for composting, the following:

(i) ~~Either~~ The density of fecal coliform in the biosolid, as determined by Part 9221 E\* or Part 9222 D\*, must be less than one thousand (1,000) most probable number (MPN) per gram of total solids. ~~or the density of Salmonella sp. bacteria in the biosolid, as determined using Part 9260 D\*, must be less than three (3) MPN per four (4) grams of total solids.~~

(ii) The temperature of the biosolid that is used or disposed must be maintained at a specific value for a period of time as applicable in the following:

(AA) When the percent total solids of the biosolid is seven percent (7%) or higher, the temperature of the biosolid must be fifty (50) degrees Celsius (~~50°C~~) or higher; the time period must be twenty (20) minutes or longer; and the temperature and time period must be determined using Equation 1 as follows, except when small particles of biosolid are heated by either warmed gases or an immiscible liquid:

Equation 1:

$$D = \frac{131,700,000}{10^{0.14000t}}$$

Where: D = Time in days.

t = Temperature in degrees Celsius.

(BB) When the percent total solids of the biosolid is seven percent (7%) or higher and small particles of biosolid are heated by either warmed gases or an immiscible liquid, the temperature of the biosolid must be fifty (50) degrees Celsius (~~50°C~~) or higher; the time period must be fifteen (15) seconds or longer; and the temperature and time period must be determined using Equation 1 in subitem (AA).

(CC) When the percent total solids of the biosolid is less than seven percent (7%) and the time period is at least fifteen (15) seconds, but less than thirty (30) minutes, the temperature and time period must be determined using Equation 1 in subitem (AA).

(DD) When the percent total solids of the biosolid is less than seven percent (7%), the temperature of the biosolid is fifty (50) degrees Celsius (~~50°C~~) or higher; and the time period is thirty (30) minutes or longer, the temperature and time period must be determined using Equation 2 as follows:

Equation 2:

$$D = \frac{50,070,000}{10^{0.14000t}}$$

Where: D = Time in days.

t = Temperature in degrees Celsius.

(B) For Class A, Alternative 2, the following:

(i) ~~Either~~ The density of fecal coliform in the biosolid, as determined by Part 9221 E\* or Part 9222 D\*, must be less than one thousand (1,000) MPN per gram of total solids. ~~or the density of Salmonella sp. bacteria in the biosolid, as determined using Part 9260 D\*, must be less than three (3) MPN per four (4) grams of total solids.~~

(ii) The pH of the biosolid must be raised to above 12 and shall remain above 12 for seventy-two (72) hours.

(iii) The temperature of the biosolid must be above fifty-two (52) degrees Celsius (~~52°C~~) for twelve (12) hours or longer during the period that the pH of the biosolid is above 12.

(iv) At the end of the seventy-two (72) hour period during which the pH of the biosolid is above 12, the biosolid must be air dried to achieve a percent total solids in the biosolid greater than fifty percent (50%).

(C) For Class A, Alternative 3, the following:

(i) ~~Either~~ The density of fecal coliform in the biosolid, as determined by Part 9221 E\* or Part 9222 D\*, must be less than one thousand (1,000) MPN per gram of total solids. ~~or the density of Salmonella sp. bacteria in the biosolid, as determined using Part 9260 D\*, must be less than three (3) MPN per four (4) grams of total solids.~~

(ii) Regarding enteric viruses, the following:

(AA) The biosolid must be analyzed prior to pathogen treatment to determine whether the biosolid contains enteric viruses using ASTM Designation: D 4994-89\*.

(BB) When the density of enteric viruses in the biosolid prior to pathogen treatment is less than one (1) plaque-forming unit (PFU) per four (4) grams of total solids the biosolid is Class A with respect to enteric viruses until the next monitoring required by section 16 of this rule for the biosolid.

(CC) When the density of enteric viruses in the biosolid prior to pathogen treatment is equal to or greater than one (1) PFU per four (4) grams of total solids the biosolid is Class A with respect to enteric viruses when the density of enteric viruses in the biosolid after pathogen treatment is less than one (1) PFU per four (4) grams of total solids and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the biosolid that meets the enteric virus density requirement are documented.

(DD) After the enteric virus reduction in subitem (CC) is demonstrated for the pathogen treatment process, the biosolid continues to be Class A with respect to enteric viruses when the values for the pathogen treatment process operating parameters are consistent with the values or ranges of values documented in subitem (CC).

(iii) Regarding viable helminth ova, the following:

(AA) Prior to pathogen treatment the biosolid must be analyzed to determine whether the biosolid contains viable helminth ova using methods in EPA 600/1-87-014\*.

(BB) When the density of viable helminth ova in the biosolid prior to pathogen treatment is less than one (1) per four (4) grams of total solids the biosolid is Class A with respect to viable helminth ova until the next monitoring required by section 16 of this rule for the biosolid.

(CC) When the density of viable helminth ova in the biosolid prior to pathogen treatment is equal to or greater than one (1) per four (4) grams of total solids the biosolid is Class A with respect to viable helminth ova when the density of viable helminth ova in the biosolid after pathogen treatment is less than one (1) per four (4) grams of total solids and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the biosolid that meets the viable helminth ova density requirement are documented.

(DD) After the viable helminth ova reduction in subitem (CC) is demonstrated for the pathogen treatment process, the biosolid continues to be Class A with respect to viable helminth ova when the values for the pathogen treatment process operating parameters are consistent with the values or ranges of values documented in subitem (CC).

(D) For Class A, Alternative 4, the following:

- (i) ~~Either~~ The density of fecal coliform in the biosolid, as determined by Part 9221 E\* or Part 9222 D\*, must be less than one thousand (1,000) MPN per gram of total solids. ~~or the density of Salmonella sp. bacteria in the biosolid, as determined using Part 9260 D\*, must be less than three (3) MPN per four (4) grams of total solids.~~
- (ii) The density of enteric viruses in the biosolid must be less than one (1) PFU per four (4) grams of total solids.
- (iii) The density of viable helminth ova in the biosolid must be less than one (1) per four (4) grams of total solids.

(E) For Class A, Alternative 5, the following:

- (i) ~~Either~~ The density of fecal coliform in the biosolid, as determined by Part 9221 E\* or Part 9222 D\*, must be less than one thousand (1,000) MPN per gram of total solids. ~~or the density of Salmonella sp. bacteria in the biosolid, as determined using Part 9260 D\*, must be less than three (3) MPN per four (4) grams of total solids.~~
- (ii) Biosolid must be treated in one (1) of the processes to further reduce pathogens described in section 14(b) of this rule.

(F) For Class A, Alternative 6, the following:

- (i) ~~Either~~ The density of fecal coliform in the biosolid, as determined by Part 9221 E\* or Part 9222 D\*, must be less than one thousand (1,000) MPN per gram of total solids. ~~or the density of Salmonella sp. bacteria in the biosolid, as determined using Part 9260 D\*, must be less than three (3) MPN per four (4) grams of total solids.~~
- (ii) A biosolid must be treated in a process that is equivalent to a process to further reduce pathogens as determined by the commissioner on the recommendation of EPA.

(c) To be categorized as Class B, a biosolid must meet one (1) of the following alternatives:

(1) For Class B, Alternative 1, the following:

- (A) Seven (7) representative samples of the biosolid must be collected prior to land application.
- (B) The geometric mean of the density of fecal coliform in the samples collected in ~~item (i) clause (A)~~ must be less than either two million (2,000,000) MPN per gram of total solids or two million (2,000,000) colony-forming units (CFU) per gram of total solids.

(2) For Class B, Alternative 2, the biosolid must be treated by one (1) of the processes to significantly reduce pathogens described in section 14(a) of this rule.

(3) For Class B, Alternative 3, the biosolid that is used or disposed must be treated in a process that is equivalent to a

process to significantly reduce pathogens, as determined by the commissioner on the recommendation of EPA.

(d) For purposes of subsection (b)(2)(B), the pH of biosolid must be measured at twenty-five (25) degrees Celsius (25°C) or measured at another temperature and then converted to an equivalent value at twenty-five (25) degrees Celsius. (25°C):

\*Methods referenced in this section may be obtained as follows:

(1) Part 9221 E and Part 9222 D may be found in "Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, available from American Public Health Association, 1015 15th Street, N.W., Washington, D.C. 20005.

(2) ~~Part 9260 D may be found in "Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, available from the American Public Health Association, 1015 15th Street, N.W., Washington, D.C. 20005; or Kenner, B.A. and H.P. Clark, "Detection and Enumeration of Salmonella and Pseudomonas Aeruginosa", Journal of the Water Pollution Control Federation, Vol. 46, no. 9, September 1974, pp. 2163-2171, available from Water Environment Federation, 601 Wythe Street, Alexandria, Virginia 22314.~~

(3) (2) ASTM Designation: D 4994-89 may be found in "Standard Practice for Recovery of Viruses From Wastewater Sludges", 1996 Annual Book of ASTM Standards: Section 11.02, Water, Part 2, available from ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187.

(4) (3) EPA 600/1-87/014, Yanko, W.A., "Occurrence of Pathogens in Distribution and Marketing Municipal Sludges", January 1988, is available from National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (PB 88-154273/AS).

These methods are also available for copying at the Indiana Department of Environmental Management, Office of ~~Solid and Hazardous Waste Management, Land Quality~~, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (*Water Pollution Control Board; 327 IAC 6.1-4-13; filed May 15, 1998, 10:20 a.m.; 21 IR 3795; errata, 21 IR 4537; readopted filed Jan 10, 2001, 3:23 p.m.; 24 IR 1518*)

SECTION 41. 327 IAC 6.1-4-16 IS AMENDED TO READ AS FOLLOWS:

## 327 IAC 6.1-4-16 Monitoring and analysis

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-14-4-3

Sec. 16. (a) Characteristics of a biosolid or industrial waste product must be monitored as required in this section.

(b) The resulting analyses of such characteristics must be reported on both a wet weight and dry weight basis.

(c) Analyses of additional parameters may be required by the

commissioner on a case-by-case basis to protect the environment or public health.

(d) Biosolid or industrial waste product that is to be applied to the land must be monitored each day of land application for percent total solids.

(e) Prior to land application, representative samples of biosolid or industrial waste product that is to be applied to the land shall be collected and analyzed at the frequency listed in Table 6 in subsection (f) for the following parameters:

- (1) Percent total solids.
- (2) The following total metals, **as determined by EPA/600/4-91/010 or SW 846\*, with detection limits not to exceed Table 4.5 of section 9(e) of this rule:**
  - (A) Arsenic.
  - (B) Cadmium.
  - (C) Copper.
  - (D) Lead.
  - (E) Mercury.
  - (F) Molybdenum.
  - (G) Nickel.
  - (H) Selenium.
  - (I) Zinc.
- (3) Polychlorinated biphenyls (PCBs).
- (4) The applicable pathogen density requirements in section 13 of this rule.
- (5) The applicable vector attraction reduction requirements in section 15(b) of this rule or an equivalent vector attraction reduction requirement as determined by the commissioner.

(f) The results of the analysis in subsection (e) are valid for the applicable length of time listed in Table 6 as follows:

Table 6	
Amount of Biosolid or Industrial Waste Product <sup>1</sup> (dry tons per 365 day period)	Frequency of Monitoring <sup>2</sup>
Greater than 0 but less than <del>400</del> <b>319</b>	12 months
Equal to or greater than <del>400</del> <b>319</b> but less than <del>300</del> <b>1,653</b>	3 months
Equal to or greater than <del>300</del> <b>1,653</b> but less than <del>1,000</del> <b>16,530</b>	2 months
Equal to or greater than <del>1,000</del> <b>16,530</b>	1 month

<sup>1</sup>For existing facilities, either the amount of biosolid or industrial waste product generated in the previous year or the amount of biosolid or industrial waste product received by a person who prepares biosolid or industrial waste product that is marketed or distributed for application to the land, dry weight basis. For new facilities, the amount determined by engineering estimates for generation of biosolid or industrial waste product for the specific new facility.

<sup>2</sup>For the purposes of this table, a month is a 30 day period.

(g) After the biosolid or industrial waste product has been monitored for two (2) years at the frequency in Table 6 in

subsection (f), the person who prepares a biosolid or industrial waste product may request a reduced frequency of monitoring from the commissioner for pollutant concentrations in subsection ~~(e)~~: **(e)(2) and (e)(4).**

(h) If the person who prepares a biosolid or industrial waste product can demonstrate to the satisfaction of the commissioner that the biosolid or industrial waste product has contained no detectable concentrations of PCBs for the previous two (2) years, the commissioner may reduce the required monitoring frequency for PCBs.

(i) For ~~each~~ **biosolid or industrial waste product that is a fixed volume, the person who prepares must, as specified in the permit, do either subdivision (1) or (2) as follows:**

**(1) A representative sample of the biosolid or industrial waste product must be collected and analyzed for the parameters in subdivision (3) prior to land application. The results of this analysis are valid for reporting land application activities for a thirty (30) day period that biosolid or industrial waste product is applied; a composite sample of the biosolid or industrial waste product sufficient for analysis must be collected and analyzed for the following the sample report date.**

**(2) Collect a composite sample and analyze for the parameters in subdivision (3). The composite sample must consist of a representative sample collected during each day of application. The composite sample must be collected over no more than thirty (30) days.**

**(3) The following parameters must be analyzed\*\*:**

- ~~(1)~~ **(A)** Percent total solids.
- ~~(2)~~ **(B)** Total nitrogen.
- ~~(3)~~ **(C)** Ammonia nitrogen.
- ~~(4)~~ **(D)** Nitrate nitrogen.
- ~~(5)~~ **(E)** Phosphorus.
- ~~(6)~~ **(F)** Potassium.

**(j) For biosolid or industrial waste product that is not a fixed volume, the person who prepares must collect a composite sample and analyze for the parameters in subsection (i)(3). The composite sample must consist of a representative sample collected during each day of application. The composite sample must be collected over no more than thirty (30) days.**

~~(j)~~ **(k)** Alternative equivalent methods meeting the requirements of ~~327 IAC 6.1-3-1(e)(5)~~ **this section** may be used ~~if by~~ the person who prepares a biosolid or industrial waste product ~~receives prior written approval from~~ **if approved by** the commissioner.

**\*Methods referenced in this section may be obtained as follows:**

**(1) EPA/600/4-91/010, "Methods for the Determination of Metals in Environmental Samples", June 1991, available from Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, Ohio 45202.**

(2) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, [Third Edition, November 1986, as amended by Updates 1 (July 1992), 2 (September 1994), 2A (August 1993), and 2B (January 1995) and 3 (December 1996)], available from U.S. EPA.

**\*\*EPA-600/4-79-020, "Methods for Chemical Analysis of Water and Wastes", March 1983, available from Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, Ohio 45202.**

These methods are also available for copying at the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (*Water Pollution Control Board; 327 IAC 6.1-4-16; filed May 15, 1998, 10:20 a.m.: 21 IR 3800; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 42. 327 IAC 6.1-4-17 IS AMENDED TO READ AS FOLLOWS:

### **327 IAC 6.1-4-17 Records and record keeping**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-14-4-3; IC 13-15-2

Sec. 17. (a) Information regarding application rates and site conditions must be recorded daily by the person who prepares a biosolid or industrial waste product or as otherwise specified by the permit.

(b) The person who prepares a biosolid or industrial waste product shall record the monitoring results and information required by section 16 of this rule. Such records must be:

(1) retained by the person who prepares the biosolid or industrial waste product for:

(A) a minimum of five (5) years; or

(B) a longer time if required by the commissioner in the permit; and

(2) accessible to department representatives at the facility or other location clearly identified in writing to the commissioner.

(c) For biosolid or industrial waste product that is applied to any land application site under 327 IAC 6.1-4 the following applies:

(1) The person who prepares the biosolid or industrial waste product shall develop the following information and shall retain the information for five (5) years:

(A) The results of the analyses conducted under section 16 of this rule.

(B) A certification statement on forms and in a format prescribed by the commissioner.

(C) A description of how the Class A pathogen require-

ments in section 13(b) of this rule or Class B pathogen requirements in section 13(c) of this rule are met.

(D) When one (1) of the vector attraction reduction requirements in section 15(b)(1) through 15(b)(8) of this rule is met, a description of how the vector attraction reduction requirement is met.

(E) The information in subdivision (3)(E) through (3)(G) provided by the person who applies the biosolid or industrial waste product.

**(F) Documentation for the length of time for stockpiles under section 8(e)(3)(A) of this rule.**

(2) The person who prepares the biosolid or industrial waste product shall develop the following information and shall retain the information indefinitely:

(A) The cumulative amount of each pollutant in pounds per acre listed in Table 2 in section 9(b) of this rule in the biosolid or industrial waste product applied to each site, including the amount in section 3(e)(3) of this rule.

(B) A description of how the requirements to obtain information in section 3(e) of this rule are met.

(C) The information in subdivision (3)(A) through (3)(D) provided by the person who applies the biosolid or industrial waste product.

(3) For each day in which biosolid or industrial waste product is applied, the person who applies the biosolid or industrial waste product shall develop the following information and provide it to the person who prepares the biosolid or industrial waste product:

(A) The location, indicated on a site map, of each site that biosolid or industrial waste product is applied.

(B) The number of acres in each site to which biosolid or industrial waste product is applied.

(C) The date biosolid or industrial waste product is applied to each site.

(D) The amount of biosolid or industrial waste product in dry tons applied to each site.

(E) A description of how the site restrictions in **section sections 5(d), 5.5(d), and 6** of this rule and the management practices in section 7 of this rule are met for each site on which biosolid or industrial waste product is applied.

(F) When the vector attraction reduction requirement in either section 15(b)(9) or 15(b)(10) of this rule is met, a certification statement on forms prescribed by the commissioner.

(G) If the vector attraction reduction requirements in either section 15(b)(9) or 15(b)(10) of this rule are met, a description of how the requirements are met.

**(4) The person who prepares by receiving and blending shall document the following:**

**(A) The generating source of the received biosolid or industrial waste product.**

**(B) The amount of the biosolid or industrial waste product.**

**(C) The date the biosolid or industrial waste product was received.**

**(d) A copy of the permit must be kept at the treatment plant or generating facility.** (*Water Pollution Control Board; 327 IAC 6.1-4-17; filed May 15, 1998, 10:20 a.m.: 21 IR 3801; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 43. 327 IAC 6.1-4-18 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-4-18 Reports and reporting**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-14-4-3; IC 13-15

Sec. 18. (a) Activities and analyses related to ~~land application~~ **disposal** of a biosolid or industrial waste product must be reported:

- (1) to the commissioner ~~each~~ within thirty (30) days of the last day of each calendar month for the term of the permit; and
- (2) submitted on forms and in a format prescribed by the commissioner.

(b) The person who prepares a biosolid or industrial waste product shall notify the commissioner of the cumulative application on a land application site of any metal in Table 2 in section 9(b) of this rule for the applied biosolid or industrial waste product in a quantity equal to or greater than ninety percent (90%) of the quantity specified in Table 2 in section 9(b) of this rule within thirty (30) days after that level is reached.

(c) The quantity of all metals listed in Table 2 in section 9(b) of this rule that are applied to the land application site will be forwarded by the commissioner to the county recorder of the county where the land application site is located for inclusion in the permanent land records when ninety percent (90%) of the level of any metal is reached as per Table 2 in section 9(b) of this rule. (*Water Pollution Control Board; 327 IAC 6.1-4-18; filed May 15, 1998, 10:20 a.m.: 21 IR 3801; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 44. 327 IAC 6.1-4-19 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-4-19 Research and demonstration projects for biosolid or industrial waste product**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 19. Biosolid or industrial waste product may be used for research and demonstration projects in accordance with IC 13-30-2-1(7) if a plan with the following information is submitted and approved by the commissioner:

- (1) Name, address, phone number, and authorizing signatures of:
  - (A) the person conducting the research or demonstration project;

- (B) the responsible person designated from the facility providing the biosolid or industrial waste product; and
- (C) the owner of the property upon which the research or demonstration project will be conducted.

(2) Narrative statement of goals and objectives of research or demonstration project.

(3) Description of experimental design.

(4) Description and quantity of ~~material~~ **biosolid or industrial waste product**.

(5) Analytical data.

(6) Location of property upon which research or demonstration project will be conducted.

(7) Duration of project.

(8) Other applicable information.

(*Water Pollution Control Board; 327 IAC 6.1-4-19; filed May 15, 1998, 10:20 a.m.: 21 IR 3802; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 45. 327 IAC 6.1-5-1 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-5-1 Marketing and distribution permit eligibility criteria for biosolid**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-18-14-1; IC 13-30-2-1

Sec. 1. For a biosolid to be eligible for a marketing and distribution permit, the following criteria must be met:

(1) The Class A pathogen requirements in 327 IAC 6.1-4-13(b).

(2) Compliance with at least one (1) of the vector attraction reduction requirements in 327 IAC 6.1-4-15(b)(1) through 327 IAC 6.1-4-15(b)(8) or an equivalent vector attraction reduction requirement as determined by the commissioner.

(3) The pollutant concentrations are less than the concentrations in ~~Table 1 in 327 IAC 6.1-4-9(a)~~ and Table 3 in 327 IAC 6.1-4-9(c).

(4) The biosolid must be dewatered.

(5) The biosolid must not contain a concentration of polychlorinated biphenyls (PCBs) of two (2) milligrams per kilogram or greater on a dry weight basis.

(*Water Pollution Control Board; 327 IAC 6.1-5-1; filed May 15, 1998, 10:20 a.m.: 21 IR 3802; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 46. 327 IAC 6.1-5-2 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-5-2 Marketing and distribution permit eligibility criteria industrial waste product**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-18-14-1; IC 13-30-2-1

Sec. 2. For an industrial waste product to be eligible for a

marketing and distribution permit, the following criteria must be met:

- (1) The pollutant concentrations are less than the concentrations in ~~Table 1 in 327 IAC 6.1-4-9(a)~~ and Table 3 in 327 IAC 6.1-4-9(c).
  - (2) The industrial waste product must be dewatered.
  - (3) **The industrial waste product must not contain a concentration of polychlorinated biphenyls (PCBs) of two (2) milligrams per kilogram or greater on a dry weight basis.**
- (Water Pollution Control Board; 327 IAC 6.1-5-2; filed May 15, 1998, 10:20 a.m.: 21 IR 3802; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 47. 327 IAC 6.1-5-3 IS AMENDED TO READ AS FOLLOWS:

### 327 IAC 6.1-5-3 Marketing and distribution permit application

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4  
**Affected:** IC 13-11-2-77; IC 13-18-14-1; IC 13-30-2-1

Sec. 3. (a) Approval for a biosolid or industrial waste product marketing and distribution permit must be requested in an application on forms and in a format prescribed by the commissioner and submitted to the commissioner in accordance with 327 IAC 6.1-3. The application must include a proposed management plan submitted and approved by the commissioner, including the following:

- (1) How the ~~material~~ **biosolid or industrial waste product** will be marketed.
- (2) Quality control measures.
- (3) Treatment process description.
- (4) How the ~~material~~ **biosolid or industrial waste product** will be stored, including the following:
  - (A) Setback distances from residences and public buildings, ~~surface~~ **waters, of the state**, wells, and other structures.
  - (B) Location criteria including flood plains, ~~floodways~~, slopes, seasonal high water table, soil pH, and other location criteria.
  - (C) Design and construction of storage structures.
  - (D) Nuisance control measures.
- (5) Procedures for addressing noncomplying practices by ~~end~~ users, including:
  - (A) a written notification of the proper use of the ~~material~~ **biosolid or industrial waste product** to the noncomplying ~~end~~ user; and
  - (B) other applicable procedures.
- (6) Other applicable information.

(b) To market or distribute biosolid or industrial waste product that is not generated in Indiana and that is to be applied to land in Indiana under a marketing and distribution permit, persons who prepare the biosolid or industrial waste product that was not generated in Indiana or marketers of the biosolid or industrial waste product that was not generated in Indiana must:

- (1) be in compliance with IC 13-18-14-1; and
- (2) obtain an Indiana permit by:
  - (A) requesting reciprocity from the commissioner; or
  - (B) submitting an application in accordance with subsection (a).

(c) Persons who prepare a biosolid or industrial waste product that was not generated in Indiana and that are requesting reciprocity shall hold a valid permit from another state that is at least as stringent as this article.

(d) The commissioner shall issue a permit that is valid for no longer than the expiration date of the out-of-state permit **or up to five (5) years, whichever is shorter**, to the person who prepares a biosolid or industrial waste product that was not generated in Indiana and that is for marketing and distribution program if:

- (1) a submitted application or request for reciprocity is approved by the commissioner; and
- (2) the commissioner determines that the operation of the program under the proposed project description does not pose a risk to the environment or public health.

*(Water Pollution Control Board; 327 IAC 6.1-5-3; filed May 15, 1998, 10:20 a.m.: 21 IR 3802; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 48. 327 IAC 6.1-5-4 IS AMENDED TO READ AS FOLLOWS:

### 327 IAC 6.1-5-4 Marketing and distribution permits; general

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4  
**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 4. (a) Any person who prepares a biosolid or industrial waste product and that holds a marketing and distribution permit shall comply with the following:

- (1) All permit conditions.
- (2) The person who prepares a biosolid or industrial waste product shall develop and distribute an information sheet that includes the following:
  - (A) The name and address of the person who prepared the biosolid or industrial waste product that is marketed or distributed for application to the land.
  - (B) A statement that application of the biosolid or industrial waste product is prohibited, except in accordance with the instructions on the information sheet.
  - (C) Quality criteria based on current analytical data for the biosolid or industrial waste product.
  - (D) Recommended maximum application rates based upon nutrient content.
  - (E) For the information sheet for an industrial waste product or a biosolid containing an industrial waste product containing more than two (2) milligrams per kilogram cadmium, a statement that the soil pH must be at least 6.5 when applied to land for food crops.

**(F) For the information sheet for a biosolid or an industrial waste product containing more than forty (40) milligrams per kilogram of molybdenum, a statement that the biosolid or the industrial waste product must not be applied to pasture.**

(3) This information sheet must be:

- (A) kept on file for the duration of the permit and for five (5) years following the expiration of the permit;
- (B) updated quarterly or as specified in the permit; and
- (C) be accessible to department representatives at the facility or other location approved by the commissioner.

(4) Each person who prepares a biosolid or industrial waste product is responsible for informing users of a biosolid or industrial waste product of the biosolid or industrial waste product quality and proper amounts for specific needs.

(5) Annual reports must be submitted on forms and in a format prescribed by the commissioner by January 31 of each **subsequent year. the material is generated, distributed, or marketed. In addition to an updated copy of the information sheet to be distributed with the material;** The report must include the following information:

(A) The biosolid or industrial waste product **quality and quantity generated, distributed or marketed.**

~~(B) The name and address of recipients of more than one (1) metric ton per calendar quarter.~~

**(B) An updated copy of the information sheet to be distributed with the biosolid or industrial waste product.**

**(C) The analytical data required under subsection (b).**

(b) The person who prepares a biosolid or industrial waste product under a marketing and distribution permit shall collect and analyze representative samples for the parameters listed in 327 IAC 6.1-4-16(e) and 327 IAC 6.1-4-16(i) at the applicable frequency listed in Table 6 in 327 IAC 6.1-4-16(f), except for biosolid or industrial waste product in quantities of less than **one hundred (100) three hundred nineteen (319) dry tons per three hundred sixty-five (365) day period that must be monitored at least twice per year.**

(c) The person who prepares a biosolid or industrial waste product under a marketing and distribution permit in ~~327 IAC 6.1-5~~ **this rule** shall develop the following information and shall retain the information for five (5) years:

(1) Analyses conducted in accordance with ~~327 IAC 6.1-5-4(b).~~ **subsection (b).**

(2) A certification statement on forms prescribed by the commissioner.

(3) A description of how the Class A pathogen requirements in ~~section 13(b) of this rule~~ **327 IAC 6.1-4-13(b)** are met.

(4) A description of how one (1) of the vector attraction reduction requirements in ~~section 15(b)(1) through 15(b)(8) of this rule~~ **is 327 IAC 6.1-4-15(b)(1) through 327 IAC 6.1-4-15(b)(8)** are met.

(5) Copies of all written notifications for noncomplying use

of the ~~material biosolid or industrial waste product~~ that have been sent to end users.

**(6) The name and address of recipients of more than one (1) metric ton per calendar quarter.**

*(Water Pollution Control Board; 327 IAC 6.1-5-4; filed May 15, 1998, 10:20 a.m.: 21 IR 3803; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 49. 327 IAC 6.1-6-1 IS AMENDED TO READ AS FOLLOWS:

#### **327 IAC 6.1-6-1 Notification eligibility criteria**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 1. (a) For an agricultural lime substitute to be eligible for the notification program under this rule, the following criteria must be met:

- (1) Be an agricultural lime substitute that has greater than fifty percent (50%) calcium carbonate equivalency (CCE) or that has a calculated adjusted lime rate of two (2) tons per acre or less using a recommended agricultural lime rate of one (1) ton per acre and a depth factor of seventy-five hundredths (0.75).
- (2) Contain no biosolid.
- (3) Pollutant concentrations are less than the concentrations in ~~Table 1 in 327 IAC 6.1-4-9(a) and~~ Table 3 in 327 IAC 6.1-4-9(c).

~~(4) Be dewatered.~~

~~(5)~~ **(4)** Must not contain a concentration of polychlorinated biphenyls (PCBs) of two (2) milligrams per kilogram or greater on a dry weight basis.

(b) For purposes of this article, agricultural lime substitute does not include the following:

- (1) Unprocessed fly ash.
- (2) Cement kiln dust.
- (3) Alum sludges from water treatment facilities.

*(Water Pollution Control Board; 327 IAC 6.1-6-1; filed May 15, 1998, 10:20 a.m.: 21 IR 3804; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 50. 327 IAC 6.1-6-2 IS AMENDED TO READ AS FOLLOWS:

#### **327 IAC 6.1-6-2 Agricultural lime substitute notifications; general**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 2. (a) The person who prepares an agricultural lime substitute under the notification program shall submit a written notification to the commissioner of the activity:

- (1) at least thirty (30) days before initial application of the agricultural lime substitute; and

## Proposed Rules

(2) by January 31 of each subsequent year in which the agricultural lime substitute will be applied.

(b) The written notification must contain the following information:

- (1) The name and address of the person who prepares the agricultural lime substitute.
- (2) The name and address of the person who applies the agricultural lime substitute.
- (3) An analysis of the agricultural lime substitute **including that was obtained and analyzed within the previous three hundred sixty-five (365) days that includes** the following:
  - (A) Calcium carbonate equivalency (CCE)\*.
  - (B) The pollutants listed in ~~Table 1 of 327 IAC 6.1-4-9(a);~~ **Table 3 in 327 IAC 6.1-4-9(c).**

(c) Unless notified by the commissioner within thirty (30) days after submitting a written notification, the person who prepares an agricultural lime substitute and that submitted the written notification may begin applying the agricultural lime substitute in compliance with this rule.

(d) Analyses for the following must be conducted ~~quarterly:~~ **at the frequency in 327 IAC 6.1-4-16(f):**

- (1) The pollutants listed in ~~Table 1 of 327 IAC 6.1-4-9(a);~~ **Table 3 in 327 IAC 6.1-4-9(c).**
- (2) The percent passing mesh size\*.
- (3) The calcium carbonate equivalency (CCE)\*.

(e) The person who prepares an agricultural lime substitute and that is operating under the notification program shall maintain records of the following information for five (5) years and report to the commissioner the following information by January 31 of each **subsequent** year in which agricultural lime substitute was applied:

- (1) The results of analyses in subsection (d).
- (2) The quantity of the ~~material~~ **agricultural lime substitute** applied during the previous year.

\*Methods for the percent passing mesh size and calcium carbonate equivalency may be found in ~~Agricultural~~ **Agricultural** Liming Materials, Frank Johnson, Associate Chapter Editor, National Fertilizer Development Center, Tennessee Valley Authority, Official Methods of Analysis, Association of Official Analytical Chemists, Agricultural Chemicals; Contaminants; Drugs, Volume One, 15th Edition, 1990. Edited by Kenneth Helrich, available from the Association of Official Analytical Chemists, Inc., Suite 400, 2200 Wilson Boulevard, Arlington, Virginia 22201. This method is also available for copying at the Indiana Department of Environmental Management, Office of ~~Solid and Hazardous Waste Management; Land~~ **Quality**, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (Water Pollution Control Board; 327 IAC 6.1-6-2; filed May 15, 1998, 10:20 a.m.: 21 IR 3804; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 51. 327 IAC 6.1-6-3 IS AMENDED TO READ AS FOLLOWS:

### 327 IAC 6.1-6-3 Agricultural lime substitute application

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2-77; IC 13-30-2-1

Sec. 3. Agricultural lime substitute ~~may not must be~~ **evenly** applied ~~in excess of at rates based on~~ the adjusted lime rate as determined by Equation 4 as follows:

Equation 4:

$$\text{Adjusted Lime Rate} = \text{RALR} \times \text{FF} \times \text{NF} \times \text{DF}$$

Where: RALR = Recommended agricultural lime rate **derived from the soil analysis of report for the application site.**

FF = Fineness factor.

NF = Neutralizing factor.

DF = Depth factor.

Table 7 Fineness Factor

Mesh Size	Percent 8	Passing 20	Mesh 60	Size 100	Fineness Factor (FF)
	100	100	100	100	.60
	100	100	95	80	.63
	100	95	70	60	.76
	95	70	50	40	1.00
	85	60	40	30	1.19
	80	50	30	20	1.45
	80	45	20	10	1.77
	80	40	15	5	2.03

Table 8 Neutralizing Factor

CCE*	Neutralizing Factor (NF)
110-119	.83
100-109	.90
90-99	1.00
80-89	1.12
70-79	1.27
60-69	1.46
50-59	1.73
40-49	2.00

\*CCE = Calcium Carbonate Equivalency

Table 9 Depth Factor

Plowing Depth (Inches)	Depth Factor (DF)
2	.25
0-≤4	.50
>4-≤6	.75
>6-≤8	1.00
>8-≤10	1.25
>10-≤12	1.50

(Water Pollution Control Board; 327 IAC 6.1-6-3; filed May

15, 1998, 10:20 a.m.: 21 IR 3804; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 52. 327 IAC 6.1-7-1 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-7-1 Pollutant-bearing water land application**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 1. (a) Land application or injection of pollutant-bearing water must be conducted under the supervision of:

- (1) a certified wastewater treatment plant operator licensed under 327 IAC 8; or
- (2) a person with at least one (1) year of experience in land application management practices and procedures **as demonstrated by specific facts contained in a signed affidavit.**

Notice must be submitted to the commissioner of any change in supervisor of the activity **within thirty (30) days.**

(b) Any application of domestic wastewater or industrial process wastewater to the land is prohibited unless a valid site-specific land application permit in accordance with 327 IAC 6.1-1-3(b) has been obtained from the commissioner prior to the application of the domestic wastewater or industrial process wastewater.

(c) Any person who prepares industrial storm water that exceeds any of the pollutant concentrations in Table 10 of subsection (d) shall obtain a permit under subsection (b).

(d) Industrial storm water that exceeds any of the pollutant concentration limits in Table 10 is subject to this rule:

Table 10  
Pollutant Concentrations  
for Industrial Storm Water

Pollutant	mg/l
Arsenic	0.07
Cadmium	0.06
Copper	2.57
Lead	0.51
Mercury	0.02
<b>Molybdenum</b>	<b>0.06</b>
Nickel	0.72
Selenium	0.17
Zinc	4.80

(e) **Land application of pollutant-bearing water is excluded from any other requirements of this rule as long as the following are applicable:**

- (1) **Meets the requirements for notification under 327 IAC 6.1-7.5-1.**
- (2) **Applies at a rate of less than two hundred fifty**

**thousand (250,000) gallons per year.**

(3) **Applies at a rate of less than five thousand (5,000) gallons per acre per week.**

(4) **Applies at a rate of less than fifty thousand (50,000) gallons per acre per year.**

(5) **Applies a pollutant-bearing water that contains less than or equal to one thousand (1,000) pounds per million gallons of plant available nitrogen. Plant available nitrogen is calculated using the formula in subsection (f).**

(6) **Is not a domestic wastewater.**

(7) **Does not exceed pollutant concentration in Table 10 in subsection (d).**

(f) **The following formula for plant available nitrogen must be used to calculate the amount of plant available nitrogen required by subsection (e)(5):**

**Where:** 
$$\text{Total N} = \text{Total Kjeldahl N} + \text{Nitrate N.}$$

$$\text{Organic N} = \text{Total N} - (\text{Ammonia N} + \text{Nitrate N}).$$

$$\text{Pounds Organic N} = \text{Organic N} \times 2.5.$$

$$\text{Pounds of Ammonia N} = \text{Ammonia N} \times 8.34.$$

$$\text{Pounds of Nitrate N} = \text{Nitrate N} \times 8.34.$$

$$\text{Plant available nitrogen} = \text{Pounds of Organic N} + \text{Pounds of Ammonia N} + \text{Pounds of Nitrate N.}$$

(Water Pollution Control Board; 327 IAC 6.1-7-1; filed May 15, 1998, 10:20 a.m.: 21 IR 3805; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 53. 327 IAC 6.1-7-2 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-7-2 Pollutant-bearing water application on land with a high potential for public exposure**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 2. (a) Pollutant-bearing water applied to land with a high potential for public exposure must be treated by subdivisions (1) and (2) in the following order before being applied to the land:

(1) Secondary treatment and any additional treatment necessary to produce effluent in which both BOD is less than or equal to ten (10) milligrams per liter and suspended solids do not exceed five (5) milligrams per liter and that must include:

- (A) activated sludge processes;
- (B) trickling filters;
- (C) rotating biological contactors;
- (D) stabilization pond systems; or
- (E) other secondary treatment approved by the commissioner in the permit.

## Proposed Rules

(2) For domestic wastewater, disinfection by:

- (A) chlorination;
- (B) ozonation;
- (C) chemical disinfectants;
- (D) UV ~~radiation~~; **irradiation**;
- (E) membrane processes; or
- (F) other processes approved by the commissioner in the permit.

(b) Pollutant-bearing water to be applied to land with a high potential for public exposure must meet the following water quality criteria at the time of application:

- (1) The pH must be between 6 and 9 standard units.
- (2) The BOD must be less than or equal to ten (10) milligrams per liter as determined from the five (5) day BOD test.
- (3) For domestic wastewater, suspended solids must not exceed five (5) milligrams per liter averaged over a twenty-four (24) hour period prior to disinfection.
- (4) For domestic wastewater, analysis for fecal coliform using Part 9221 E\* or Part 9222 D\* must include the following:
  - (A) Using values determined from the bacteriological results of the last seven (7) days for which analyses have been completed:
    - (i) no detectable fecal coliform is found using the median value; and
    - (ii) the number of fecal coliform organisms must not exceed fourteen (14) per one hundred (100) milliliters in any sample.
  - (B) Analysis must be completed using one (1) of the following:
    - (i) Membrane filter technique.
    - (ii) Fermentation tube technique.
- (5) If chlorination is used as the means of disinfection, the total chlorine residual after a minimum contact time of thirty (30) minutes must be at least one (1) milligram per liter.
- (6) All applicable permit conditions.

(c) Monitoring for pollutant-bearing water to be applied to land with a high potential for public exposure must be completed no less frequently than the following:

- (1) pH must be monitored at least weekly.
- (2) BOD must be monitored at least weekly.
- (3) For domestic wastewater, suspended solids must be monitored daily.
- (4) For domestic wastewater, coliform must be monitored daily.
- (5) For domestic wastewater, residual chlorine must be monitored daily.
- (6) Pollutants listed in ~~Table 2 in 327 IAC 6.1-4-9(b)~~ **Table 10 in section 1(d) of this rule** must be monitored at least annually **prior to initiation of land application**.
- (7) Monitoring at least monthly is required for the following:
  - (A) Total nitrogen.
  - (B) ~~Ammonium~~ **Ammonia** nitrogen.
  - (C) Nitrate nitrogen.

(D) Phosphorus.

(E) Potassium.

**(8) PCBs must be monitored at least annually.**

\*Part 9221 E and Part 9222 D may be found in "Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, available from American Public Health Association, 1015 15th Street, N.W., Washington, D.C. 20005. This method is also available for copying at the Indiana Department of Environmental Management, Office of ~~Solid and Hazardous Waste Management~~, **Land Quality**, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (*Water Pollution Control Board; 327 IAC 6.1-7-2; filed May 15, 1998, 10:20 a.m.: 21 IR 3805; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 54. 327 IAC 6.1-7-3 IS AMENDED TO READ AS FOLLOWS:

### **327 IAC 6.1-7-3 Domestic wastewater application on land with a low potential for public exposure**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 3. (a) Domestic wastewater to be applied to land with a low potential for public exposure must be treated by subdivisions (1) and (2) in the following order before application:

(1) Secondary treatment to produce effluent that has both BOD and suspended solids that do not exceed thirty (30) milligrams per liter and which must include:

- (A) activated sludge processes;
- (B) trickling filters;
- (C) rotating biological contactors;
- (D) stabilization pond systems; or
- (E) other secondary treatment approved by the commissioner in the permit.

(2) Disinfection by:

- (A) chlorination;
- (B) ozonation;
- (C) chemical disinfectants;
- (D) UV ~~radiation~~; **irradiation**;
- (E) membrane processes; or
- (F) other processes approved by the commissioner in the permit.

(b) Domestic wastewater to be applied to land with a low potential for public exposure must meet the following water quality criteria at the time of application:

- (1) The pH must be between 6 and 9 standard units.
- (2) The BOD must be less than or equal to thirty (30) milligrams per liter as determined from the five (5) day BOD test.
- (3) Less than or equal to thirty (30) milligrams per liter suspended solids.
- (4) The analysis for fecal coliform using Part 9221 E\* and Part 9222 D\* must include the following using values

determined from the bacteriological results of the last seven (7) days for which analyses have been completed:

- (A) The median fecal coliform level must be less than or equal to two hundred (200) fecal coliform per one hundred (100) milliliters.
- (B) The number of fecal coliform organisms must not exceed eight hundred (800) per one hundred (100) milliliters in any sample.
- (5) If chlorination is used as the means of disinfection, the total chlorine residual after a minimum contact time of thirty (30) minutes must be at least one (1) milligram per liter.

(c) **Monitoring for suspended solids under subsection (e)(3), the suspended solids limits under subsection (b)(3), and the requirement to disinfect under subsection (a)(2) may be waived by the commissioner in the permit for multi-celled stabilization pond systems approved by the commissioner may be used to meet coliform limits without the use of disinfection: with a minimum of one hundred twenty (120) days retention time. The waiver is conditional and only applies if the limits for fecal coliforms under subsection (b)(4)(A) are not exceeded. If the fecal coliform limit is exceeded under subsection (b)(4)(A), the permit waiver is invalidated, disinfection under subsection (a)(2) and monitoring of suspended solids under subsection (e)(3) must commence and the suspended solid limits under subsection (b)(3) apply immediately.**

(d) **If specified in the permit**, no restrictions are placed on fecal coliform organisms in domestic wastewater for land application on land to which public access is strictly restricted and food crops are not grown.

(e) Monitoring for domestic wastewater to be applied to land with a low potential for public exposure must be completed no less frequently than the following:

- (1) pH must be monitored at least weekly.
- (2) BOD must be monitored at least weekly.
- (3) Suspended solids must be monitored daily.
- (4) Coliform must be monitored daily **unless subsection (d) applies.**
- (5) Residual chlorine must be monitored daily.
- (6) Pollutants listed in ~~Table 2 of 327 IAC 6.1-4-9(b)~~ **Table 10 in section 1(d) of this rule** must be monitored at least annually **prior to initiation of land application.**
- (7) Monitoring at least monthly is required for the following:
  - (A) Total nitrogen.
  - (B) ~~Ammonium~~ **Ammonia** nitrogen.
  - (C) Nitrate nitrogen.
  - (D) Phosphorus.
  - (E) Potassium.
- (8) PCBs must be monitored at least annually.**

\*Part 9221 E and Part 9222 D may be found in "Standard Methods for the Examination of Water and Wastewater", 18th

Edition, 1992, available from American Public Health Association, 1015 15th Street, N.W., Washington, D.C. 20005. This method is also available for copying at the Indiana Department of Environmental Management, Office of ~~Solid and Hazardous Waste Management~~, **Land Quality**, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (*Water Pollution Control Board; 327 IAC 6.1-7-3; filed May 15, 1998, 10:20 a.m.: 21 IR 3806; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 55. 327 IAC 6.1-7-4 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-7-4 Industrial process wastewater and storm water application on land with a low potential for public exposure**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 4. (a) Industrial process wastewater and industrial storm water to be applied to land with a low potential for public exposure must have a pH between 6 and 9 standard units.

(b) Monitoring for industrial process wastewater and industrial storm water to be applied to land with a low potential for public exposure must be completed no less frequently than the following:

- (1) pH must be monitored at least weekly.
- (2) BOD must be monitored at least weekly.
- (3) Volatile solids must be monitored at least weekly using Part 2540 G\*.
- (4) Pollutants listed in ~~Table 3 of 327 IAC 6.1-4-9(c)~~ **Table 10 in section 1(d) of this rule** must be monitored at least annually **prior to initiation of land application.**
- (5) Monitoring at least monthly is required for the following:
  - (A) Total nitrogen.
  - (B) ~~Ammonium~~ **Ammonia** nitrogen.
  - (C) Nitrate nitrogen.
  - (D) Phosphorus.
  - (E) Potassium.

**(6) PCBs must be monitored at least annually.**

\*Part 2540 G may be found in "Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, available from American Public Health Association, 1015 15th Street, N.W., Washington, D.C. 20005. This method is also available for copying at the Indiana Department of Environmental Management, Office of ~~Solid and Hazardous Waste Management~~, **Land Quality**, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (*Water Pollution Control Board; 327 IAC 6.1-7-4; filed May 15, 1998, 10:20 a.m.: 21 IR 3807; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 56. 327 IAC 6.1-7-5 IS AMENDED TO READ AS FOLLOWS:

## Proposed Rules

### 327 IAC 6.1-7-5 Site restrictions

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2-77; IC 13-30-2-1

Sec. 5. (a) Pollutant-bearing water to be **surface** applied to land must be applied at least:

- (1) two hundred (200) feet from potable water supply wells or drinking water springs;
- (2) three hundred (300) feet from any **surface waters of the state or the surface conduit to a subsurface feature**; and
- (3) three hundred (300) feet from any residence.

(b) Pollutant-bearing water to be applied beneath the surface must be applied at least:

- (1) two hundred (200) feet from potable water supply wells or drinking water springs; and
- (2) **thirty-three (33) feet from any surface waters or the surface conduit to a subsurface feature.**

~~(b)~~ (c) The soil pH must be 5.5 or greater at the time the pollutant-bearing water is applied unless the commissioner determines that the soil pH should be higher to protect the environment or public health. **The soil pH value shall be:**

- (1) **obtained by sampling the soil to the depth of cultivation or depth of placement of the pollutant-bearing water, whichever is greater;**
- (2) **analyzed by the electrometric method\*;**
- (3) **collected as one (1) representative composite sample per every twenty-five (25) acres or fraction thereof within the application site; and**
- (4) **valid only if the analyses were performed within the last two (2) years of the date of application on the site.**

(e) Using soil survey data established by USDA Natural Resource Conservation Service, application of pollutant-bearing water is prohibited if:

- (1) the seasonal high water table is within eighteen (18) inches of the soil surface; or
- (2) the seasonal high water table is:
  - (A) **within thirty-six (36) inches of the soil surface; and**
  - (B) **any soil layer between eighteen (18) inches and thirty-six (36) inches below the surface has a permeability of greater than two (2) inches per hour.**

(d) Pollutant-bearing water must not be applied to land unless there is a minimum depth of twenty (20) inches of soil overlying bedrock.

(e) **Surface** application of pollutant-bearing water on slopes greater than six percent (6%) is prohibited.

\*The electrometric method may be found in "Methods of Soil Analysis, Agronomy Monograph No. 9.", C.A. Black, ed., American Society of Agronomy, Madison, Wisconsin, pp. 199-209, 1982, available from the American Society of

Agronomy, Soil Science of America, Inc., 677 South Segoe Road, Madison, Wisconsin 53711. This method is also available for copying at the Indiana Department of Environmental Management, Office of Land Quality, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (*Water Pollution Control Board; 327 IAC 6.1-7-5; filed May 15, 1998, 10:20 a.m.: 21 IR 3807; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 57. 327 IAC 6.1-7-6 IS AMENDED TO READ AS FOLLOWS:

### 327 IAC 6.1-7-6 Management practices

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2-77; IC 13-30-2-1; IC 14-20-1; IC 14-22-34

Sec. 6. (a) Food crops shall not be harvested for fourteen (14) months after land application of domestic wastewater if the harvested part:

- (1) touches the ground where domestic wastewater has been land applied; and
- (2) has no harvested parts below the soil surface.

(b) Food crops shall not be harvested for thirty-eight (38) months after land application of domestic wastewater if harvested parts are below the soil surface.

(c) Unless subsection (a) or (b) applies, food crops, feed crops, and fiber crops shall not be harvested for thirty (30) days after land application of domestic wastewater.

(d) **Except for domestic wastewater applied in accordance with section 2 of this rule**, turf grown on land where domestic wastewater is land applied shall not be harvested for one (1) year after application of the domestic wastewater if the harvested turf is placed on **either** land with a high potential for public exposure. **or a lawn unless otherwise approved by the commissioner.**

(e) Public access to land with a low potential for public exposure shall be restricted for thirty (30) days after land application of domestic wastewater to that land.

(f) Grazing of animals on land that has received domestic wastewater is prohibited for thirty (30) days after application of the domestic wastewater.

- (g) Pollutant-bearing water shall not be applied to the land:
- (1) if the pollutant-bearing water is likely to adversely affect a threatened or endangered species or its designated critical habitat; or
  - (2) in violation of **endangered species regulations** at IC 14-22-34.

(h) Pollutant-bearing water shall not be applied to the land in violation of historic preservation requirements under IC 14-20-1. ~~or 310 IAC 15-3.~~

(i) Application of pollutant-bearing water is prohibited if the moisture holding capacity of the soil is exceeded. ~~as a result of previous land application practices, precipitation occurrences, or flooding.~~

(j) Pollutant-bearing water may only be applied to **the surface of** land that is frozen or snow-covered if:

- (1) the pollutant-bearing water does not enter a wetland, ~~or other surface waters, of the state or ground water;~~ and
- (2) a management plan has been submitted and approved by the commissioner, including the following:

(A) ~~Setbacks~~ **Setback distances from residences and public buildings, surface waters, wells, and other structures.**

(B) Application rates.

(C) Site characteristics, **including the following:**

(i) **Flood plains.**

(ii) **Slope.**

(D) Supervision and operational oversight.

(E) Other applicable information **to show that the land application will not violate this article.**

(k) Pollutant-bearing water may only be applied in a flood plain if the pollutant-bearing water does not enter a wetland, ~~or other surface waters, of the state or ground water.~~ (*Water Pollution Control Board; 327 IAC 6.1-7-6; filed May 15, 1998, 10:20 a.m.: 21 IR 3808; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 58. 327 IAC 6.1-7-9 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-7-9 Storage of pollutant-bearing water for application**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 9. (a) A minimum of ninety (90) days effective storage capacity is required for a pollutant-bearing water unless an equivalent method of meeting the requirement is approved by the commissioner.

(b) Except for ~~earthen~~ lagoons under 327 IAC 6.1-8, any storage structures ~~such as pits or tanks, which that~~ are subject to volume fluctuations due to precipitation events, must have a minimum of one (1) foot of freeboard at all times.

(c) ~~A construction permit must be obtained from the commissioner under 327 IAC 3 prior to construction of~~ Storage structures located at the treatment works that generates the ~~for the storage of~~ pollutant-bearing water **must be approved, constructed, installed, maintained, and closed in accordance with 327 IAC 6.1-8.**

(d) ~~Off-site storage structures for the storage of pollutant-~~

~~bearing water must be constructed and maintained in accordance with 327 IAC 6.1-8: (*Water Pollution Control Board; 327 IAC 6.1-7-9; filed May 15, 1998, 10:20 a.m.: 21 IR 3809; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)~~

SECTION 59. 327 IAC 6.1-7-10 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-7-10 Loading rates**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-11-2-77; IC 13-30-2-1

Sec. 10. (a) Maximum loading rates are determined for the pollutant-bearing water to be applied on the basis of the following parameters:

- (1) Hydraulic loads must not exceed the rates established in Table 11 as follows and a rate of two (2) inches per seven (7) day period:

Table 11

**Maximum Application Rates**

**Application Rate in Inches per Hour**

Textural Class	Grass Sod	Cultivated
Sand	1.5	0.8
Loamy sand	1.3	0.7
Sandy loam	0.9	0.5
Fine sandy loam	0.8	0.5
Loam	0.7	0.4
Silt loam	0.7	0.4
Clay loam	0.6	0.3
Clay	0.5	0.2
Organic soils (muck)	1.0	1.0

- (2) Organic loading for industrial process wastewaters must not exceed the following:

(A) One thousand four hundred (1,400) pounds per acre per week of **total** volatile solids as determined using Part 2540 G\*.

(B) Nine hundred thirty-three (933) pounds per acre per week of BOD as determined by a five (5) day BOD test.

(C) The commissioner may approve a higher loading rate if the commissioner determines that adequate documentation has been presented to show effective operation at higher loading rates.

- (3) Available nitrogen loadings must not exceed either of the following:

(A) The limits in Table 5 in 327 IAC 6.1-4-10(a)(1)(A) for crop production as determined using the methodology for calculating available and residual nitrogen values in subsection (b).

(B) The nitrogen removal rate for the proposed crop to be grown on the land application site adjusted to account for application of fertilizers and manure and the presence of residual available nitrogen in the soil from previous applications of a biosolid, industrial waste product, or pollutant-bearing water.

## Proposed Rules

(4) Phosphorus loading requirements may be included as a permit condition if the commissioner determines it is necessary for protection of public health or the environment.

(5) Annual heavy metal loadings must not exceed the limits in Table 4 in 327 IAC 6.1-4-9(d).

**(6) Cumulative heavy metal loading must not exceed the limits in Table 2 in 327 IAC 6.1-4-9(b).**

(b) The following formulas for PAN loading calculations apply to this article and must be used to calculate the amount of PAN in the pollutant-bearing water and the residual available nitrogen at the application site; all calculations are based on a wet weight basis in milligrams per liter:

(1) Total N = Total Kjeldahl N + Nitrate N

(2) Organic N = Total N - ~~(Ammonium~~ **(Ammonia** N + Nitrate N)

(3) Pounds Organic N applied per acre =  
$$\frac{(\text{Organic N}) \times (\text{gallons applied}) \times (8.34)}{(3.33) \times (1,000,000) \times (\text{acres applied to})}$$

(4) Pounds of ~~Ammonium~~ **Ammonia** N applied per acre =  
$$\frac{(\text{Ammonium} \text{ } \text{Ammonia N}) \times (\text{gallons applied}) \times (8.34)}{(1,000,000) \times (\text{acres applied to})}$$

(5) Pounds of Nitrate N applied per acre =  
$$\frac{(\text{Nitrate N}) \times (\text{gallons applied}) \times (8.34)}{(1,000,000) \times (\text{acres applied to})}$$

(6) Pounds PAN applied per acre = Pounds of Organic N applied per acre + Pounds of ~~Ammonium~~ **Ammonia** N applied per acre + Pounds of Nitrate N applied per acre

(7) Residual nitrogen from past biosolid or industrial waste products applications:

(A) Pounds of residual N available per acre after one (1) year =

$$\frac{(\text{Organic N}) \times (\text{gallons applied}) \times (8.34)}{(6.67) \times (1,000,000) \times (\text{acres applied to})}$$

(B) Pounds of residual N available per acre after two (2) years =

$$\frac{(\text{Organic N}) \times (\text{gallons applied}) \times (8.34)}{(12.5) \times (1,000,000) \times (\text{acres applied to})}$$

(C) Pounds of residual N available per acre after three (3) years =

$$\frac{(\text{Organic N}) \times (\text{gallons applied}) \times (8.34)}{(25) \times (1,000,000) \times (\text{acres applied to})}$$

Where: N = Nitrogen.

\*Part 2540 G may be found in "Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, available from American Public Health Association, 1015 15th Street, N.W., Washington, D.C. 20005. This method is also available for copying at the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, Land Quality, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (*Water Pollution Control Board; 327 IAC 6.1-7-10; filed May 15, 1998, 10:20 a.m.: 21 IR 3809; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 60. 327 IAC 6.1-7-11 IS AMENDED TO READ AS FOLLOWS:

### 327 IAC 6.1-7-11 Records and record keeping

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-14-4-3; IC 13-15-2

Sec. 11. (a) Information regarding application rates and site conditions must be recorded daily or as otherwise specified in the permit by the person who prepares a pollutant-bearing water.

(b) The person who prepares a pollutant-bearing water shall record the applicable monitoring results and information required by sections 2(c), 3(e), and 4(b) of this rule. Such records must be:

(1) retained by the person who prepares the pollutant-bearing water for:

(A) a minimum of five (5) years; or

(B) a longer time if required by the commissioner; and

(2) accessible to department representatives at the facility or other location approved by the commissioner.

(c) For pollutant-bearing water that is applied to any land application site under ~~327 IAC 6.1-7~~, **this rule**, the following applies:

(1) The person who prepares the pollutant-bearing water shall retain the information in subdivision (3)(E), provided by the person who applies the pollutant-bearing water, for five (5) years.

(2) The person who prepares the pollutant-bearing water shall develop the following information and shall retain the information indefinitely:

(A) The cumulative amount of each pollutant in pounds per acre listed in Table 2 in 327 IAC 6.1-4-9(b) in the pollutant-bearing water applied to each site.

(B) The information in subdivision (3)(A) through (3)(D) provided by the person who applies the pollutant-bearing water.

(3) For each day of land application of the pollutant-bearing water, the person who applies the pollutant-bearing water shall develop the following information and provide it to the person who prepares the pollutant-bearing water:

(A) The location, indicated on a site map, of each site that the pollutant-bearing water is applied.

(B) The number of acres to which pollutant-bearing water is applied.

(C) The date the pollutant-bearing water is applied to each site.

(D) The amount of pollutant-bearing water in gallons applied to each site.

(E) A description of how the site restrictions in section 5 of this rule and the management practices in section 6 of this rule are met for each site on which pollutant-bearing water is applied.

*(Water Pollution Control Board; 327 IAC 6.1-7-11; filed May 15, 1998, 10:20 a.m.; 21 IR 3810; readopted filed Jan 10, 2001, 3:23 p.m.; 24 IR 1518)*

SECTION 61. 327 IAC 6.1-7.5 IS ADDED TO READ AS FOLLOWS:

**Rule 7.5. Small Quantity Generators–Pollutant-Bearing Water**

**327 IAC 6.1-7.5-1 Requirements for small quantity generator notification**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-11-2-77; IC 13-30-2-1

**Sec. 1. Land application of pollutant-bearing water that is excluded under 327 IAC 6.1-7-1(e) must comply with the following requirements:**

(1) The person who prepares shall submit a written notification to the commissioner of the activity as follows:

(A) At least thirty (30) days before initial application of the pollutant-bearing water.

(B) Annually by January 31 of each subsequent year in which the pollutant-bearing water will be applied.

(C) The written notification on forms provided by the commissioner must contain the following information:

(i) The name and address of the person who prepares.

(ii) The name and address of the person who applies.

(iii) An analysis of the pollutant-bearing water that was completed within the past three hundred sixty-five (365) days, including the following:

(AA) Total nitrogen.

(BB) Ammonia nitrogen.

(CC) Nitrate nitrogen.

(DD) Phosphorus.

(EE) Potassium.

(FF) BOD.

(GG) Volatile solids.

(HH) pH.

(II) The pollutants listed in Table 10 of 327 IAC 6.1-7-1(d).

(iv) Location and specification of land application sites.

(D) Unless notified by the commissioner within thirty (30) days after submitting a written notification, the person who prepares the pollutant-bearing water and that submitted the written notification may begin applying the pollutant-bearing water in compliance with this rule.

(2) The person who prepares a pollutant-bearing water operating under this exclusion shall do the following:

(A) Retain all records regarding the pollutant-bearing water for:

(i) a minimum of five (5) years; or

(ii) a longer time if required by the commissioner.

(B) Provide for the records to be accessible to department representatives at the facility or other location approved by the commissioner.

(C) Record the applicable monitoring results and information for the pollutant-bearing water.

(D) For each day of land application of the pollutant-bearing water, the person who applies the pollutant-bearing water shall develop the following information and provide it to the person who prepares the pollutant-bearing water:

(i) The location, indicated on a site map, of each site that the pollutant-bearing water is applied.

(ii) The number of acres to which pollutant-bearing water is applied.

(iii) The date the pollutant-bearing water is applied to each site.

(iv) The amount of pollutant-bearing water in gallons applied to each site.

(3) The person who prepares a pollutant-bearing water operating under this notification shall report activities and analyses related to land application of pollutant-bearing water to the commissioner within thirty (30) days of the last day of each month on forms provided by the commissioner.

(4) Pollutant-bearing water to be applied to land must be applied at least:

(A) two hundred (200) feet from potable water supply wells or drinking water springs;

(B) three hundred (300) feet from any surface waters or the surface conduit to a subsurface feature; and

(C) six hundred sixty (660) feet from any residence.

(5) The soil pH must be 5.5 or greater at the time the pollutant-bearing water is applied unless the commissioner determines that the soil pH should be higher to protect the environment or public health. The soil pH value shall be:

(A) obtained by sampling the soil to the depth of cultivation or depth of placement of the pollutant-bearing water, whichever is greater;

(B) analyzed by the electrometric method\*;

(C) collected as one (1) representative composite sample per every twenty-five (25) acres or fraction thereof within the application site; and

(D) valid only if the analyses were performed within the last two (2) years of the date of application on the site.

(6) Pollutant-bearing water must not be applied to land unless there is a minimum depth of twenty (20) inches of soil overlying bedrock.

(7) Application of pollutant-bearing water on slopes greater than six percent (6%) is prohibited.

(8) For pollutant-bearing water, the following:

(A) A minimum of ninety (90) days effective storage capacity is required for a pollutant-bearing water unless an equivalent method of meeting the requirement is approved by the commissioner.

(B) Except for lagoons under 327 IAC 6.1-8, any storage structures, which are subject to volume fluctuations due to precipitation events, must have a minimum of one (1) foot of freeboard at all times.

(C) Storage structures for the storage of pollutant-bearing water must be constructed, installed, maintained, and closed in accordance with 327 IAC 6.1-8.

\*The electrometric method may be found in "Methods of Soil Analysis, Agronomy Monograph No. 9.", C.A. Black, ed., American Society of Agronomy, Madison, Wisconsin, pp. 199-209, 1982, available from the American Society of Agronomy, Soil Science of America, Inc., 677 South Segoe Road, Madison, Wisconsin 53711. This method is also available for copying at the Indiana Department of Environmental Management, Office of Land Quality, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (Water Pollution Control Board; 327 IAC 6.1-7.5-1)

SECTION 62. 327 IAC 6.1-8-1 IS AMENDED TO READ AS FOLLOWS:

### **Rule 8. Storage Structures**

#### **327 IAC 6.1-8-1 General requirements**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 1. (a) This rule applies to all off-site storage structures for the storage of biosolid, industrial waste product, or pollutant-bearing water unless permitted, registered, or notified under any of the following programs:

- (1) The marketing and distribution program in 327 IAC 6.1-5. or
- (2) the notification program in 327 IAC 6.1-6.
- (2) A wastewater treatment plant permitted under 327 IAC 3.
- (3) A solid waste processing facility permitted under 329 IAC 11.
- (4) A composting facility registered under 329 IAC 14.
- (5) A permitted land disposal facility under 329 IAC 10.

(b) Except for in subsection (c), off-site Storage structures for the storage of biosolid, industrial waste product, or pollutant-bearing water must be constructed, installed, maintained, and closed in accordance with this rule.

(c) Construction, installation, and operation of underground storage tanks for the storage of biosolid, industrial waste product, or pollutant-bearing water must be done in accordance with 329 IAC 9.

(d) Earthen (c) Lagoons must not be constructed for the off-site storage of biosolid, industrial waste product, or pollutant-bearing water except in accordance with sections 2 and 6 of this rule.

(e) (d) Except for earthen lagoons and off-site storage structures approved under designated by subsection (f), off-site (e), storage structures for the storage of biosolid, industrial waste product, or pollutant-bearing water must be constructed or installed in compliance with this rule and with written notification to the commissioner at least thirty (30) days prior to construction or installation of the off-site storage structure, to include the following:

- (1) The location, indicated on a site map, of each off-site storage structure.
- (2) The name, address, and phone number of the property owner of all locations in subdivision (1).
- (3) The name, address, and phone number of the person who prepares the biosolid, industrial waste product, or pollutant-bearing water to be stored at the locations.
- (4) The design of the off-site storage structure.
- (5) The capacity of the off-site storage structure.
- (6) A description of the biosolid, industrial waste product, or pollutant-bearing water to be stored.

(f) (e) The notification requirement in subsection (e) (d) does not apply to off-site any lagoons or to storage structures that use alternatives to:

- (1) the site restrictions listed in section 3 of this rule; or
- (2) the construction performance standards listed in section 4 or 5 of this rule.

Off-site Storage structures that use alternatives to the requirements listed in section 3, 4, or 5 of this rule must be approved permitted by the commissioner. Lagoons must be permitted under section 2 of this rule.

(g) (f) Unless permitted by the commissioner or notification was submitted prior to the effective date of this rule, information about off-site storage structures, except earthen lagoons, constructed on or before the effective date of this rule must be submitted to the commissioner in a written notification that includes information in subsection (e)(1) (d)(1) through (e)(5) (d)(5) prior to use, or continued use, of the structure for the off-site storage of biosolid, industrial waste product, or pollutant-bearing water.

(h) (g) Unless approved by the commissioner prior to the effective date of this rule, as-built plans for earthen lagoons constructed on or before the effective date of this rule must be submitted to the commissioner for approval a permit.

(i) (h) A notification of off-site storage structures or a request for approval for an earthen lagoon a permit for any storage structure under this rule must be accompanied by a signed statement from either the person who prepares the biosolid, industrial waste product, or pollutant-bearing water or the property owner accepting responsibility for closure and abandonment in compliance with section 8 of this rule. (Water Pollution Control Board; 327 IAC 6.1-8-1; filed May 15, 1998, 10:20 a.m.: 21 IR 3811; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 63. 327 IAC 6.1-8-2 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-8-2 Application procedures for permitting lagoons**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-18-12

Sec. 2. (a) Requests for ~~approval of an earthen~~ **a permit for a lagoon** must be submitted at least ~~ninety (90)~~ **one hundred eighty (180)** days prior to the intended date of construction.

(b) The ~~request for approval permit application~~ must be accompanied by plans, specifications, and sufficient information to indicate compliance with the requirements of this article. The applicant shall submit such additional information as may be required by the commissioner to make a determination.

(c) Plans and specifications for ~~earthen~~ lagoons must be certified by a ~~registered~~ professional engineer ~~licensed to practice~~ **registered** in Indiana. (*Water Pollution Control Board; 327 IAC 6.1-8-2; filed May 15, 1998, 10:20 a.m.: 21 IR 3811; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 64. 327 IAC 6.1-8-3 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-8-3 Site restrictions for storage structures**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-18-12

Sec. 3. (a) ~~Off-site~~ Storage structures, except for ~~earthen~~ lagoons, must not be constructed or maintained:

- (1) within one thousand (1,000) feet of any residence or public building;
- (2) within three hundred (300) feet of any **surface waters of the state; or the surface conduit to a subsurface feature;**
- (3) within two hundred (200) feet of any well;
- (4) in a flood plain; and
- (5) in a manner that allows the biosolid, industrial waste product, or pollutant-bearing water to enter surface waters **or ground water.**

(b) ~~Earthen~~ Lagoons must not be constructed or maintained:

- (1) within one thousand (1,000) feet of any:
  - (A) residence;
  - (B) public building; ~~or and~~
  - (C) property line;
- (2) within six hundred (600) feet of any **surface waters of the state; or the surface conduit to a subsurface feature;**
- (3) within two hundred (200) feet of any well;
- (4) in a flood plain; and
- (5) in a manner that allows the biosolid, industrial waste product, or pollutant-bearing water to enter surface waters **or ground water.**

(c) **The distance established in subsections (a)(1) and**

**(b)(1) applies unless the written consent to shorten the distance is obtained from the property owner or the property owner and the dwelling occupant if the property owner and dwelling occupant are different persons. This written consent must be recorded as a notation on the deed to the property on which the storage structure is located or on some other instrument that is normally examined during title search.** (*Water Pollution Control Board; 327 IAC 6.1-8-3; filed May 15, 1998, 10:20 a.m.: 21 IR 3811; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 65. 327 IAC 6.1-8-4 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-8-4 Performance standards and construction standards for storage structures for liquid biosolid or industrial waste product, and pollutant-bearing water**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-18-12; IC 25-31.5-4

Sec. 4. Except for ~~earthen~~ lagoons, ~~off-site~~ storage structures for liquid biosolid or industrial waste product and for pollutant-bearing water must be constructed and maintained in accordance with the following:

- (1) The structure material and wall thickness must be adequate to contain the contents.
- (2) Steel tanks must be coated to prevent corrosion.
- (3) Structures constructed of ~~other~~ materials **other than steel** must have prior approval of the commissioner and must be coated if necessary to prevent corrosion or afford further protection from leakage.
- (4) The ~~off-site~~ storage structures must be adequately anchored, supported, and bedded to provide structural safety and prevent its movement.
- (5) The structure must be supported by a concrete base.
- (6) The bottom of any ~~off-site~~ storage structure ~~constructed below the ground surface~~ must be at least two (2) feet above the ~~seasonal high water table~~ and bedrock.
- (7) The bottom of the storage structure must be at least two (2) feet above the water table. The depth to the water table must be determined using:

- (A) soil survey data established by the USDA Natural Resource Conservation Service; or
- (B) information obtained from a professional soil scientist registered under IC 25-31.5-4;

unless it can be demonstrated that the water table has been or will be artificially lowered to two (2) feet or more from the bottom of the storage structure prior to use of the storage structure.

~~(7) (8)~~ Any discharge pipe from the ~~off-site~~ storage structure must be equipped with a water-tight valve and a sanitary cap or plug.

~~(8) (9)~~ The ~~off-site~~ storage structure must be of such construction or design as to allow inspection and sampling of the contents in the structure.

## Proposed Rules

(9) (10) The receiving or inlet facility or opening must be constructed or designed to prevent nuisance conditions, safety hazards, or the harborage and breeding of vectors.

(11) **The structure must be constructed to prevent leaks and seepage and prevent spills that could enter surface water or ground water.**

(*Water Pollution Control Board; 327 IAC 6.1-8-4; filed May 15, 1998, 10:20 a.m.: 21 IR 3812; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 66. 327 IAC 6.1-8-5 IS AMENDED TO READ AS FOLLOWS:

### **327 IAC 6.1-8-5 Performance standards and construction standards for storage structures for dewatered biosolid and industrial waste product**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 5. ~~The off-site~~ **Except for lagoons, a storage structure for dewatered biosolid or industrial waste product must:**

- (1) have an impermeable base designed to support the stored dewatered biosolid or industrial waste product and the equipment utilized in handling the ~~material~~; **stored dewatered biosolid or industrial waste product;**
- (2) have leak-proof side walls at least three (3) feet in height or as otherwise approved by the commissioner;
- (3) be designed and constructed to prevent contact with precipitation or to contain any contaminated storm water;
- (4) be of such construction or design as to allow inspection and sampling of the contents; ~~and~~
- (5) be constructed or designed to prevent nuisance conditions, safety hazards, or the harborage and breeding of vectors; ~~and~~
- (6) **be constructed to prevent leaks and seepage and prevent spills that could enter surface waters or ground water.**

(*Water Pollution Control Board; 327 IAC 6.1-8-5; filed May 15, 1998, 10:20 a.m.: 21 IR 3812; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 67. 327 IAC 6.1-8-6 IS AMENDED TO READ AS FOLLOWS:

### **327 IAC 6.1-8-6 Construction for lagoons**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-18-12; IC 25-31.5-4

Sec. 6. ~~Earthen~~ Lagoons must be constructed and maintained in accordance with the following:

- (1) The ~~earthen~~ lagoon bottom must be a minimum distance of **ten (10) feet above the bedrock and** four (4) feet above the ~~seasonal high water table. and ten (10) feet above bedrock. The depth to the water table must be determined using:~~

(A) **soil survey data established by the USDA Natural**

**Resource Conservation Service; or**

(B) **information obtained from a professional soil scientist registered under IC 25-31.5-4;**

**unless it can be demonstrated that the water table has been artificially lowered to four (4) feet or more from the bottom of the lagoon.**

(2) The ~~earthen~~ lagoon bottom and walls must meet the design standards in "Recommended Standards for Wastewater Facilities"\*.

(3) The ~~earthen~~ lagoon bottom must be ~~flat~~ **level**.

(4) Slopes of ~~earthen~~ dikes must not be steeper than 1 vertical to 3 horizontal (1:3).

(5) Minimum ~~earthen~~ dike top width must be at least eight (8) feet.

(6) An all-weather off-loading area with drainage to the ~~earthen~~ lagoon must be provided at any point where the truck contents are off-loaded into the ~~earthen~~ lagoon or receiving facilities.

(7) ~~Earthen~~ Lagoons must be constructed in a manner to prevent entry of storm water from surrounding areas.

(8) **Lagoons must be constructed to prevent leaks and seepage and prevent spills that could enter surface waters or ground water.**

\*The ~~earthen~~ lagoon bottom and walls design standards may be found in "Recommended Standards for Wastewater Facilities", 1990 Edition, available from Health Education Services, P.O. Box 7126, Albany, New York 12224, Chapter 90, Pond Bottom, pages 90-19 to 90-20. This method is also available for copying at the Indiana Department of Environmental Management, Office of ~~Solid and Hazardous Waste Management~~; **Land Quality**, 100 North Senate Avenue, Room 1154, Indianapolis, Indiana 46204. (*Water Pollution Control Board; 327 IAC 6.1-8-6; filed May 15, 1998, 10:20 a.m.: 21 IR 3812; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 68. 327 IAC 6.1-8-7 IS AMENDED TO READ AS FOLLOWS:

### **327 IAC 6.1-8-7 Operational requirements for storage structures**

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 7. (a) The ~~off-site~~ storage structure must be maintained and operated to prevent any nuisance or health hazards as follows:

(1) Unauthorized access to the ~~off-site~~ storage structure must be prevented by locks or the facility must be adequately fenced and posted.

(2) ~~Off-site~~ Storage structures must be maintained such that there is no discharge or seepage of biosolid, industrial waste product, or pollutant-bearing water from the ~~off-site~~ storage structure other than controlled removal for final disposal or land application of the biosolid, industrial waste product, or pollutant-bearing water.

(3) ~~Off-site~~ Storage structures must be maintained to prevent nuisance conditions, safety hazards, or the harborage and breeding of vectors.

(4) ~~Off-site~~ Storage structures must be maintained such that there is no discharge of pollutants into the **surface** waters of ~~the state~~; or **ground water**.

(b) The ~~earthen~~ lagoon must be maintained and operated in accordance with the following:

(1) ~~The Earthen lagoon~~ dikes must be maintained free of weeds, burrowing animals, and other conditions that may undermine the integrity of the dikes.

(2) ~~The Earthen lagoon~~ dikes and banks must be seeded with grass to provide cover to prevent erosion.

(3) The ~~earthen~~ lagoon location must be posted, fenced, or otherwise secured to prevent access by unauthorized persons and livestock.

(4) The minimum freeboard must be eighteen (18) inches at all times.

(Water Pollution Control Board; 327 IAC 6.1-8-7; filed May 15, 1998, 10:20 a.m.: 21 IR 3813; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 69. 327 IAC 6.1-8-8 IS AMENDED TO READ AS FOLLOWS:

**327 IAC 6.1-8-8 Closure of storage structures**

**Authority:** IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4

**Affected:** IC 13-18-12

Sec. 8. In the event ~~an off-site~~ a storage structure ceases to be operated or used for more than two (2) years, it is the responsibility of the person who signed the statement submitted in accordance with section ~~1(e)~~ **1(h)** of this rule to ~~abandon~~ **close** the ~~off-site~~ storage structure properly. The following steps are required:

(1) The commissioner shall be notified at least thirty (30) days in advance that the ~~off-site~~ storage site is to be ~~abandoned~~; **closed**.

(2) The contents of ~~an off-site~~ a storage structure must be disposed of in a manner consistent with this article and as required by the commissioner.

(3) ~~An earthen~~ **A** lagoon must be either:

(A) leveled or filled with earth and its appurtenances removed; or

(B) cleaned and closed in an alternative manner that has been approved by the commissioner.

(4) ~~An off-site~~ **Except for lagoons,** a storage structure must be dismantled and removed or its interior filled with earth.

(5) The site shall be returned approximately to its natural contours and be mounded to allow for settling and to divert surface waters.

(6) Documentation indicating that the requirements of this section have been met must be sent to the commissioner **within thirty (30) days of the completion of closure**.

(Water Pollution Control Board; 327 IAC 6.1-8-8; filed May 15, 1998, 10:20 a.m.: 21 IR 3813; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 70. THE FOLLOWING ARE REPEALED: 327 IAC 6.1-2-10; 327 IAC 6.1-2-12; 327 IAC 6.1-2-61.

**Notice of Public Hearing**

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on March 12, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Water Pollution Control Board will hold a public hearing on proposed amendments to 327 IAC 6.1.*

*The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Lynn West, Rules, Outreach and Planning Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator*

*Indiana Department of Environmental Management*

*100 North Senate Avenue*

*P.O. Box 6015*

*Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855. (TDD): (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, IDEM File Room, Twelfth Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Bruce H. Palin

Deputy Assistant Commissioner

Office of Land Quality

**TITLE 329 SOLID WASTE MANAGEMENT BOARD**

**Proposed Rule**

LSA Document #01-161

**DIGEST**

Amends 329 IAC 9 concerning underground storage tanks. The most current edition of 329 IAC 9 became effective August 1999. Changes were made at that time so the Indiana rules were consistent with federal requirements. Many of the Indiana

underground storage tank guidance manual requirements were put into the rule. The rule has been implemented for more than two years. As staff have implemented this rule, they found some instances of confusion and inconsistency with the requirements. This rule will amend those parts. The UST closure section is also being scrutinized and changed. This rule only clarifies language and requirements. Several new definitions were added. The definitions at 329 IAC 9-1-10.1, 329 IAC 9-1-10.2, 329 IAC 9-1-14.1, and 329 IAC 9-1-41.1 were repealed and renumbered to alphabetize additional definitions that were added. This rule has also added appropriate changes to make the rule consistent with IC 13-12-3-2. This rule reorganizes and clarifies Rule 6, the closure of UST systems. "Modified closure" and the accompanying requirements are being deleted. This rule also relocates several sections to be consistent with the federal regulations and appropriate procedures. Incorporation by reference documents are being updated as appropriate. Effective 30 days after filing with the secretary of state.

### HISTORY

First Notice of Comment Period: June 1, 2001, Indiana Register (24 IR 2917).

Second Notice of Comment Period: June 1, 2002, Indiana Register (25 IR 2900).

Notice of First Hearing: June 1, 2002, Indiana Register (25 IR 2900).

Date of First Hearing: October 15, 2002.

### PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least twenty-one (21) days long.

### REQUEST FOR PUBLIC COMMENTS

This proposed (preliminarily adopted) rule is substantively different from the draft rule published on June 1, 2002, at 25 IR 2900. The Indiana Department of Environmental Management (IDEM) is requesting comment on the entire proposed (preliminarily adopted) rule.

The proposed rule contains numerous changes from the draft rule that make the proposed rule so substantively different from the draft rule that public comment on the entire proposed rule is advisable. This notice requests the submission of comments on the entire proposed rule, including suggestions for specific amendments. These comments and the department's responses thereto will be presented to the board for its consideration at final adoption under IC 13-14-9-6. Mailed comments should be addressed to:

#01-161 [UST Change rule]

Marjorie Samuel

Rules, Outreach, and Planning Section

Office of Land Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the eleventh floor, Indiana Government Center-North. Comments may also be submitted by facsimile to (317) 232-3403, 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, Outreach and Planning Section at (317) 232-7995.

### COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by January 22, 2003.

### SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from June 1, 2002, through July 1, 2002, on IDEM's draft rule language. IDEM received comments from the following parties:

Vincent L. Griffin, Indiana Chamber (ICC)

C. Michael Pitts, Indiana Petroleum Marketers and Convenience Store Association (IPCA)

Patrick M. Gorman, Indiana Steel Environmental Group (ISEG)

Catherine Gibbs, Lee & Ryan (L & R)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* We appreciate the agency's intentions behind the proposal. These intentions may be largely wasted, however, because the proposal does not respond to the main practical issues facing the UST section. Portions of the proposal are also likely to cause confusion regarding the meaning of the agency's non-binding "RISC" policy. (ICC) (ISEG)

*Response:* The agency's intention was to clarify parts of the rule that have been a problem for both the regulated community in understanding and compliance and a problem for the agency in implementation, protectiveness or consistency with the federal rules.

*Comment:* The first step in revising IDEM's UST regulations needs to be a clear definition of the practical problem. Thanks to design improvements over the past decades, the great majority of underground storage tanks do not leak and are not an environmental problem. Where leaks have occurred, mostly in older units containing gasoline and other petroleum products, extensive nationwide experience shows that the environmental problems are typically limited and that the sites will clean themselves over time through natural attenuation of chemical constituents. For example, the National Research Council recently reported that "natural processes have been used alone, without engineered steps to enhance them, at more than fifteen thousand (15,000) sites where fuels from underground storage tanks have leaked into ground water". NRC, Natural Attenuation for Groundwater Remediation, p. 1 (National Academy Press 2000) (emphasis added). IDEM estimates on its Web site that Indiana currently contains "about 4,000" underground storage tanks that have leaked. Of these, the agency describes ten percent (10%) as "high priority" sites, which includes sites where "drinking water may be impacted". The key objective is to separate the relative handful of high priority sites from the great majority of sites that are routine or that have no leaks at all. This separation is also important to the environment because it allows environmental professionals to focus their time and resources where they are needed. This separation is important to the economy of Indiana. It allows the great majority of UST sites to be returned quickly to productive use. This separation is also important to state government. The state is facing a major budget crisis and has already asked its employees to cut back on hours on a voluntary basis. IDEM simply cannot provide maximum scrutiny to every UST site without sacrificing its ability to do its job in other areas. The practical problem is that IDEM's UST regulations have done a poor job of making this separation. (ICC)(ISEG)

*Response:* IDEM agrees that the state and federal regulations requiring upgrades to UST systems has greatly reduced the number of releases of petroleum products. IDEM also agrees that natural attenuation is a viable option for obtaining closure for a cleanup. IDEM recently published a draft nonrule policy document titled

“Monitored Natural Attenuation for Petroleum Contaminated Sites”. The draft document can be found on the LUST Web site at <http://www.IN.gov/idem/land/lust/index.html>. It will be finalized in the near future. However, not all sites are candidates for using MNA alone. U.S. Environmental Protection Agency, Office of Underground Storage Tanks reported on March 31, 2002, that about four hundred twenty-three thousand (423,000) release reports have been documented nationally. Of those, about two hundred seventy-seven thousand (277,000) have been cleaned up. Based on the number you quoted from the NRC report of fifteen thousand (15,000) sites, only five percent (5%) of the UST releases used monitored natural attenuation (MNA) for ground water. The comment seems to imply that only “high priority” sites should require cleanup and that all other sites should simply use natural attenuation. IDEM does have a simple prioritization scheme to ensure that the worst sites receive attention first. To say that low and medium priority sites do not require cleanup is incorrect. The comment did not say whether source removal was used at the sites in the NRC report. In most circumstances, source removal is needed. As always, early detection and quick response often keeps low and medium priority sites from becoming high priority. However, the risk integrated system of closure (February 2001) and ground water quality standards (329 IAC 2-11) are the appropriate policy and law, respectively, for evaluating risk and whether corrective action is needed, not the UST rule. IDEM does allocate resources to address high, medium, and low priority sites. Just because the state is in a budget crisis, it is not a reason to abandon IDEM law and policy at the expense of public health and the environment. The Leaking Underground Storage Tank (LUST) program is funded by EPA grant money and dedicated funds generated by UST fees, penalties, and cost recovery. No “general fund” dollars are spent to administer the IDEM LUST program. As for putting properties back into use, IDEM dedicates significant resources to facilitate reuse. However, IDEM has no control over whether a lending institution chooses to grant a loan and does not approve or deny property transfer and redevelopment. IDEM believes that the LUST program is effective at keeping LUST sites in compliance and facilitating closure. IDEM continues to streamline LUST processes and maximize state resources.

*Comment:* Two (2) regulatory provisions are primarily responsible for this lack of separation. First, the regulations require a “site investigation and corrective action” if any individual soil sample shows total petroleum hydrocarbons (TPH) of more than one hundred (100) ppm when a UST is being closed. 329 IAC 9-6-2(c)(1). Second, this “site investigation and corrective action” is also required if any ground water sample shows a chemical constituent present in any detectable concentration. 329 IAC 9-6-2(a)(3). Each of these regulatory provisions is also reflected in the current version of the agency’s nonbinding RISC guidelines. The RISC User’s Guide identifies one hundred (100) ppm TPH as, not just a trigger for further investigation, but as the “default” clean-up standard for soil (page 3–6). Similarly, the User’s Guide states that a wide-ranging “nature and extent determination is required” for any constituents reported in ground water at minimum laboratory quantitation limits. (page 3–4). What this means in practice is that essentially all UST closures are forced into a costly, detailed study of soil and ground water—a level of study that is appropriate for the handful of high priority sites with leaking tanks but that is overkill to apply on a routine basis. (ICC) (ISEG)

*Response:* The UST rule is being revised to make it consistent with the RISC policy (effective February 16, 2001). The current draft rule repeals 329 IAC 6-2 and is replaced with 329 IAC 6-2.5. Both 329 IAC 9-4 (Releases) and 5 (Corrective Action) are being revised as well to make them consistent with RISC. All references to TPH testing were deleted in the rule. In addition, RISC does not specifically require TPH

analyses under most circumstances. IDEM is currently assessing risk associated with “TPH” as a revision to RISC. This revision to RISC is expected to be finalized in 2003.

To suggest that only “high priority” sites should require investigation and corrective action and that addressing lower priority sites is “overkill” is invalid. Decisions about corrective action are only as good as the information IDEM has. In many cases, low priority sites are found to be medium or high priority once site characterization activities are conducted. In addition, IDEM’s prioritization scheme for LUST sites is designed for resource allocation and not to say that “low and medium priority” sites have no risk. In conclusion, the UST rule is written with respect to “site investigation and corrective action” to provide flexibility:

(1) 329 IAC 9-5-5.1 requires the submission of an initial site characterization while 329 IAC 9-5.5.1(c) allows for alternative procedures. Under many circumstances, a complete ISC is not required and only minor information is requested.

(2) 329 IAC 9-5-6(a) says that a further site investigation may be required in order to determine the full extent of soil and ground water contamination. The information gathered is used to determine whether corrective action is necessary.

(3) 329 IAC 9-5-7(a) says that the commissioner may require submission additional information or a corrective action plan. 329 IAC 9-5-7(f)(2) and (3) state that the soil and ground water objectives must be risk-based as mandated by IC 13-12-3-2.

*Comment:* IDEM has acknowledged in public meetings that the one hundred (100) TPH standard for soil is preventing closure from occurring at many sites and that a higher threshold, “in the thousands of ppm”, would still be protective. Similarly, costly and time consuming ground water investigations are currently being required based on initial sample results that show water quality better than tap water, better than natural background, and better than the state’s ground water quality standards. IDEM’s current proposal does not acknowledge or respond to this practical problem. This omission essentially ensures that UST closures will continue to be needlessly slow and costly, and that future rounds of rulemaking will be necessary. (ICC) (ISEG)

*Response:* IDEM acknowledges that the clean-up objective in the 1994 UST branch guidance manual for on-site site contamination is one hundred (100) ppm TPH. Several years ago, IDEM initiated the process of developing a “risk-based” approach for closure in response to the ASTM “risk-based corrective action (RBCA)” guidance, encouragement from U.S. EPA and support from the regulated community. The end result of this process was RISC. The published RISC transition policy allows owners and operators using old guidance to transition to RISC. The RISC policy is designed to quantify and qualify risk to human health and the environment that is less restrictive than the 1994 guidance. Currently, the LUST program approves many sites for LUST closure using 1994 guidance when the soil and/or ground water corrective action guidelines are exceeded based on IDEM’s experience with petroleum releases and how they behave, and site specific conditions. As stated earlier, the need for corrective action or not cannot be assessed without knowing the extent of the problem, i.e., decisions are only as good as the information provided to IDEM. To make decisions regarding corrective action and closure without adequate information would be contrary to government and industry policies and standards, including, but not limited to Superfund Risk Assessments Guidelines (RAGs), RISC, ATSM RBCA, and Indiana Code (IC 13-12-3-2). IDEM disagrees that UST closures are needlessly slow and costly. As always, rules change as needs change. IDEM concurs that future revisions of the UST rule will be necessary, but probably not for the reasons you state.

*Comment:* We strongly encourage the agency to respond to this

practical problem by incorporating the following language in the rule for evaluating initial soil and ground water data:

329 IAC 9-6-2.5 Closure procedure

(a)(2) Closure sampling, laboratory analysis with the associated detection limits for the UST system closure are required as follows...

**(D) Sampling to further characterize the site is required if TPH concentrations in any single soil sample are above four thousand (4,000) ppm. Sampling to further characterize the site is required if constituent concentrations in any single ground water sample exceed applicable ground water quality standards. The commissioner may also require further sampling based on site-specific information that soil or ground water pose an environmental risk.**

This type of language will separate the potential priority sites, which require further investigation, from the large number of sites where a simple and routine closure process is appropriate. The last sentence of the suggested language above would provide IDEM with flexibility to identify sites for further study based on site-specific factors. To apply this kind of flexible rule language, IDEM could and should use its experience and its written statements of policy or guidance. (ICC) (ISEG)

*Response:* IDEM strongly disagrees with the suggestion to incorporate the recommended language into 329 IAC 9-6-2.5. There is no scientific basis for the concentration of four thousand (4,000) ppm TPH. Indiana Code 13-12-3-2 prohibits this approach as it is not risk-based. It also does not address the issue of releases discovered in ways other than UST closure such as environmental data collected as a result of a suspected release or prior to property transfer as a Phase 2 Environmental Assessment. As stated in previous comments, to equate the LUST prioritization scheme with risk is incorrect and decisions about corrective action and closure cannot be assessed without knowing the nature and extent of contamination. Admittedly, data gathered during a UST closure or Phase 2 environmental assessment may be adequate to make this assessment, but not always. Finally, a change to four thousand (4,000) ppm TPH would also be inconsistent with government and industry standards and policies.

*Comment:* But the agency's current proposal takes a very different approach. In about half a dozen locations, the proposal would "require" facilities to "comply" with a recent guidance document, the "Risk Integrated System of Closure" or "RISC". (Example: "The sampling must meet... the exposure criteria established under RISC"). These references to the RISC policy are likely to cause serious confusion. It's unclear what it means to "require" compliance with a policy statement that was not written as a force of law regulation. (ICC) (ISEG)

*Response:* IDEM concurs and all references to RISC have been deleted from the proposed rule.

*Comment:* For example, the RISC policy explains that it provides only a "default" approach that may be used at essentially any site, but that any particular facility may follow "nondefault" approaches instead. According to the policy, "the nondefault process is not, by definition, superior or inferior to the default process. Nondefault procedures may be more applicable or advantageous for use at a particular site, and closure may be granted for nondefault approaches, when appropriate". (RISC Technical Support Document, p. 1-4). In its current proposal, does IDEM intend that facilities must comply only with the "default" approach under RISC? If so, this is a requirement that the RISC policy itself rejects. If not, then what does it mean to require compliance with a policy that says, on its face, that other approaches may be more applicable or advantageous for use at particular sites, and may be used at such sites? (ICC) (ISEG)

*Response:* IDEM concurs and all references to RISC have been deleted from the proposed rule. It was never IDEM's intention to

require anyone to follow a default approach and as stated in the comment the RISC Guidance provides flexibility to allow nondefault approaches.

*Comment:* More generally, RISC consists of several hundred pages of text and appendices divided between two (2) volumes. It is not appropriate to incorporate this enormous amount of text in the state regulations. (ICC) (ISEG)

*Response:* IDEM concurs and all references to RISC have been deleted from the proposed rule.

*Comment:* IDEM issued its RISC policy one (1) year ago, and its practical value remains unclear. IDEM has not provided any objective statistics about the performance of the program to date. The UST program apparently has completed few if any closures under RISC, in part due to the 100-ppm requirement for TPH. At least one (1) IDEM program reports that it has not performed any "default" investigations under RISC. At this point, RISC does not have a proven track record that would warrant its incorporation in the state's regulations. (ICC) (ISEG)

*Response:* IDEM is preparing a report to provide information on the number of RISC reviews that have been completed since January of this year. It is important to remember that the transition period for RISC did not end until February of this year and it is not unusual for an UST review to take a significant amount of time to work through the complete process. Given these time frames it is not surprising that very few sites have been closed under the RISC guidance. In order to respond to the specific concern of referencing RISC in the rule all references to RISC have been deleted.

*Comment:* Finally, IDEM often refers to RISC as a "living document" that will undergo continual improvement based on experience. By contrast, the document would become frozen in place upon incorporation in the Indiana regulations, which requires reference to a specific version of the document on a fixed date. (ICC) (ISEG)

*Response:* IDEM concurs and all references to RISC have been deleted from the proposed rule.

*Comment:* IDEM's first notice of proposed rulemaking, at 24 Ind. Reg. 2917 (June 1, 2001), stated that the rule under development would "clarify language in the existing rule without adding new requirements". (Emphasis added). In fact, the agency's proposal includes several apparently new regulatory requirements. These include:

329 IAC 9-3-1(c)(12)-(15) new record keeping requirements for manufacturer's information; for results of sampling, testing, and monitoring; and for documentation of calibration, maintenance, and repairs.

329 IAC 9-3.1-2(3)(B) new testing requirements for cathodic protection systems.

329 IAC 9-3.1-4(b)(2) new prohibition on continued use of a tank after maintenance has been performed on thirty percent (30%) of the original lined surface.

329 IAC 9-3.1-4(b)(6) new testing requirements following maintenance of corrosion protection systems.

No reason is provided by the agency for these changes. Consistent with the first notice, these new requirements should be withdrawn. (ICC) (ISEG)

*Response:* 329 IAC 9-3-1(c)(12)-(15) This is not a new requirement; it was moved from 329 IAC 9-7-6. It made sense to put this record keeping requirement in the reporting and record keeping section. 329 IAC 9-7-6 was repealed.

329 IAC 9-3.1-2(3)(B) The federal regulations at 40 CFR 280.31(b)(1) requires that all cathodic protection systems must be tested within six (6) months of installation and at least every three (3) years thereafter or according to another reasonable time frame

established by the department. The state rules needed to clarify that requirement because it was not clear that the testing was for all types of tanks requiring cathodic protection. This is not an additional requirement because an owner/operator would have had to test under the federal requirements.

329 IAC 9-3.1-4(b)(2) The state rule clearly states that a tank can't be relined. This means that any tank that needed relining would have to be replaced instead. This new provision, however, allows for up to thirty percent (30%) relining before the tank must be replaced.

329 IAC 9.3.1-4(b)(6) The department agrees and did not intend to make the testing requirement for maintenance. The words "and maintenance" will be deleted in this subdivision only.

*Comment:* IDEM proposes to allow electronic reporting for UST closures but states that any "documents submitted in an electronic format must also be submitted as a paper copy". 329 IAC 9-3-2 (proposed). The requirement for a separate paper copy defeats the purpose of electronic reporting. The costs of this duplication are shared by the facility, which must generate the paper copies, and by IDEM, which must receive, process, and store the paper versions. Electronic documents in Acrobat PDF format provide exact electronic duplicates of paper copies. These documents are widely used and relied upon in commerce. Numerous IDEM programs rely on data that is submitted in electronic form only. IDEM's UST program should do the same. 329 IAC 9-3-2 Electronic reporting and submittal—page 2909; The IPCA appreciates that this rule would allow submission of electronic reports. However, to require that said reports also be submitted as a paper copy defeats the purpose of electronic filing and does not reduce the time and paperwork burdens these rules impose at all. The paper copy provision can and should be deleted. If IDEM is concerned about receipt of electronic submittals, a process can be built in to verify the agency has received the information. (ICC) (ISEG) (IPCA)

*Response:* The federal government is encouraging states to set up systems and rules that allow for electronic reporting and electronic records. 40 CFR 3 is a new, proposed rule by the Environmental Protection Agency that sets the standards for electronic reporting. Because the state rules are opened for changes infrequently, the department determined that this rulemaking was the best vehicle for adding what will be a commonplace requirement in the future and start facilities thinking about doing business electronically. Remember, it is an option for facilities to submit electronically; the department is laying the groundwork for electronic submissions and reporting. As electronic reporting becomes more common, paper copies will not be needed. However, the department is also gearing up and the paper copies, which are a necessity now, can probably be phased out in the future.

*Comment:* 329 IAC 9-1-1(f) Applicability, page 2901; In this section, and elsewhere in these proposed rules, the Risk Integrated System of Closure (RISC) standards are fully incorporated as the only standards for remediating UST releases. RISC is still evolving at this point and our industry has numerous concerns about its applicability and appropriateness for the typical gasoline station clean-up. This rule would forever lock in RISC, which exists merely as a nonrule policy and is subject to change by IDEM at any time. Thus, we are being asked to make a great leap of faith in this regard. The IPCA requests that this section be amended to reflect a commitment from IDEM that any changes to RISC affecting petroleum UST remediations will be thoroughly discussed with industry stakeholders prior to implementation. (IPCA)

*Response:* IDEM concurs and all references to RISC have been deleted from the proposed rule. IDEM has provided multiple opportunities for input into the RISC Guidance and such opportunities continue to exist. Any group that would like to meet with staff to discuss the RISC Guidance and the need for revisions or clarifications is encouraged to do so at any time.

*Comment:* 329 IAC 9-3-1(c)(12)(13)(14)(15) Reporting and record keeping, page 2909; These new sections would add extensive new record keeping requirements to an already burdensome rule. The IPCA finds these additions to be extremely vague, yet amazingly expansive in their scope. There are several references to "all" and "any" documents of various types, which must be kept for the "longest time period" possible. We seriously question the necessity for, and the benefits gained to be gained, from such onerous record keeping requirements and whether anything will truly be accomplished by them. The UST owner already has numerous financial and other reasons to ensure that his leak detection systems are operating properly. Let's not distract him with additional new and burdensome paperwork requirements. (IPCA)

*Response:* This is not a new requirement; it was moved from 329 IAC 9-7-6. It made sense to put this record keeping requirement in the reporting and record keeping section. 329 IAC 9-7-6 was repealed.

*Comment:* Section 329 IAC 9-3-1(d) Reporting and record keeping, page 2909; IDEM is proposing changes to this section regarding availability of records. The IPCA does not oppose the changes being made but, they do not address a more important issue faced by UST owners. Despite many protests from this association and others, IDEM staff have persisted in showing up unannounced for routine UST inspections at gasoline/convenience store operations where there may only be one or two clerks on duty. Records are better kept at company offices and for this reason, the IPCA was instrumental in amending this rule several years ago to add item (2). However, that has not kept IDEM from being overbearing in their demands for instantaneous production of documents when they've shown up unannounced. For this reason, the IPCA proposes the following changes to this section, as follows:

(d) The owner and operator shall maintain the records required: (1) at the underground storage tank site and ~~immediately~~ **available for inspection by the agency upon at least three (3) business days advance notice; or** (2) at a readily available alternative site and be provided **within three (3) business days** for inspection to the agency. ~~upon request.~~ (IPCA)

*Response:* The Indiana statute at IC 13-14-2-2 allows a designated agent, upon presentation of proper credentials, to enter upon private or public property to inspect for and investigate possible violations of any of the following:..... (3) Environmental management laws.....(8) any rule adopted by one (1) of the boards. This statute does not require prior notification of an impending inspection. According to 329 IAC 9-3-1(d)(2) the owner and operator shall maintain the records required at a readily available alternative site and be provided for inspection to the agency upon request. The records are necessary to perform adequate inspections. The records can be kept at an alternative site, however to do a proper inspection, the records need to be available as soon as possible upon request by the inspector. Compliance with this requirement can save the state money because the inspector is not sitting around waiting for records to arrive, but can inspect a facility as it normally does business. Further, Indiana's rule language must be at least as stringent as the federal regulation.

*Comment:* 329 IAC 9-3.1-2(b) Operation and maintenance of corrosion protection, page 2910; Corrosion protection systems are normally tested shortly after installation. Our reading of new section (b) is that testing upon installation is "within" six (6) months. If the intent of this new language is to require a new test at the six (6) month interval, then IPCA would oppose this requirement as unnecessary in light of existing section (a), which requires inspection every sixty (60) days to ensure operation. (IPCA)

*Response:* Your reading is correct.

*Comment:* 329 IAC 9-3.1-4 Repairs and maintenance allowed, page

2910; The word “maintenance” is added numerous times throughout this entire section, yet it is not defined. Maintenance is a vague term which could be interpreted to include many very minor and routine functions which, per section (7), must then be documented. The vagueness involved creates a compliance nightmare which is coupled with onerous new paperwork requirements. The IPCA, again, does not see the benefits to be gained from this addition of extensive new regulatory requirements. (IPCA)

*Response:* “Maintenance” is defined in the underground storage tank rules at 329 IAC 9-1-29. The addition of “maintenance” to 329 IAC 9-3.1-4 does not add additional requirements but an allowance for maintenance to be accomplished. This is a benefit. In 329 IAC 9.3.1-4(b)(6), the department agrees and did not intend to make the testing requirement on maintenance. The words “and maintenance” will be deleted in this subdivision only.

*Comment:* 329 IAC 9-5-5.1(b) Initial site characterization, page 2914; RISC is much more complex than existing UST clean-up standards and requires more time for lab results, etc. The IPCA requests that this section be amended to allow for submission of initial site characterizations in sixty (60) days rather than the forty-five (45) days presently allowed. (IPCA)

*Response:* It is a requirement in the federal regulations that the initial site characterization (ISC) at 40 CFR 280.63(b) must be submitted within forty-five (45) days of release confirmation or another reasonable period of time determined by the implementing agency. The implementing agency believes that forty-five (45) days is an adequate time for the owner and operator to submit the ISC. To help expedite the submittal, IDEM has adjusted the requirements for the ISC to what will provide the necessary information without holding up the submittal. The department is confident that information can be obtained for the ISC, written and submitted within forty-five (45) days. Further site information and more in-depth testing can be done later.

*Comment:* 329 IAC 9-5-5.1(b)(2)(E)(viii)(EE) ISC—Soil borings, page 2915; The IPCA objects to the addition of this new requirement regarding horizontal accuracy for soil boring locations. Presently, tape measure reading are adequate. To achieve the kind of accuracy contemplated by this proposed change would necessitate the involvement of a surveyor at LUST sites which are generally small parcels of land. The IPCA strongly recommends keeping this rule as is. (IPCA)

*Response:* The department is not asking for the accuracy that the commentor seems to envision. This measurement is done as the soil borings are done. The rule does not require that a certified surveyor make the measurement.

*Comment:* 329 IAC 9-5-7(a)(f) Corrective action plan, page 2916/2917; The IPCA strongly objects to the proposed deletion of the language regarding deemed approved corrective action plans. This is provided for by statute and should remain in the rules. Additionally, we encourage IDEM to allow at least ninety (90) days for submission of Corrective Action Plans rather, than the current sixty (60) days, due to the complexities involved with RISC. (IPCA)

*Response:* The language that allows for Corrective Action Plans to be approved is found under the excess liability trust fund allowances. This statute directs IDEM on what can be reimbursed for corrective action taken on underground storage tanks. This does not set the standards for corrective action plans for underground storage tanks. Regarding the current sixty (60) days, this is a policy and cannot be found in the rule. The rule says in 329 IAC 9-5-7(a) that, “If a (corrective action) plan is required, the owner and operator shall submit the plan according to a schedule established by the commissioner.....”. The corrective action plans are submitted according to a schedule established by the commissioner, which in the past has, as a policy, been sixty (60) days. However if an owner and operator can

show that additional time is needed the commissioner can grant ninety (90) days for the CAP submittal without changing the rule. The current rule language leaves flexibility for the owner and operator to ask for longer times as necessary.

*Comment:* 329 IAC 9-6-2.5(a)(5)(7) Closure procedure, page 2919; RISC is more extensive and requires additional tests, etc. Therefore, the IPCA requests that this section be amended to allow forty-five (45) days for the submission of closure reports and for the submission of additional information which may subsequently be required. (IPCA)

*Response:* Because this is not a federal requirement and because the department is not sure the extent RISC will increase the time needed to complete a closure report, IDEM agrees with the commentor and will amend the thirty (30) days required to submit a closure report. New language will allow for the closure report to be submitted within forty-five (45) days.

*Comment:* 329 IAC 9-6-2.5(3) Water samples, page 2921; The IPCA is opposed to the addition of item (3) requiring soil borings to continue to “a depth where a ground water sample can be obtained”. In some areas of Indiana, this could require borings as deep as sixty (60) to seventy (70) feet down. When you bore that far down, contamination found could come from anywhere. The IPCA believes that the requirements of section (2) are reasonable but, section (3) should be deleted. (IPCA)

*Response:* The department will clarify the rule. 329 IAC 9-6-2.5(e)(3), (f)(5), and (g)(3) will be changed to read, “If ground water is not encountered within a depth of thirty (30) feet, an additional soil sample must be obtained at the base of the boring or a minimum of thirty (30) feet”.

*Comment:* 329 IAC 9-1-14.3 “Contaminant” defined: Lee & Ryan believes that this definition is too broad and suggests that the definition of “contaminant” reference the definition of “regulated substance” contained in IC 13-11-1-183. (L&R)

*Response:* The Indiana Code at 13-23-1-2(5) says that the rules adopted by the solid waste management board must have requirements for underground storage tanks to prevent future releases of regulated substances into the environment. However, (3) requires the reporting of **any** release. The use or reference to “regulated substance” only differs by excluding regulated hazardous waste. The exclusion for “regulated hazardous waste” was added to the definition of “contaminant”.

*Comment:* 329 IAC 9-1-41.3 “RISC” defined: Lee & Ryan suggests that this definition include a reference to the number assigned to the RISC nonrule policy document. (L&R)

*Response:* All references to RISC have been deleted in the proposed rule.

*Comment:* 329 IAC 9-5-7 Corrective Action Plan: Lee & Ryan is specifically concerned about the requirement in (f)(1)(B)(ii). Will this information be necessary if the owner or operator chooses to use the default option under RISC? (L&R)

*Response:* All references to RISC have been deleted in the proposed rule.

## **SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On October 15, 2002, the solid waste management board (board) conducted the first public hearing/board meeting concerning the development of amendments to rules at 329 IAC 9. Comments were made by the following parties:

Maggie McShane, Indiana Petroleum Council (IPC)

C. Michael Pitts, Indiana Petroleum Marketers and Convenience Store Association (IPCA)

Following is a summary of the comments received and IDEM’s responses thereto:

*Comment:* The IPCA and the Petroleum Council do not object if the board chooses to go forward, but we'd like to ask IDEM if, in the weeks and months that follow before we would return to the board for final adoption, if during that time we maybe could get together as a stakeholder group and meet with you to discuss some of our technical concerns in more detail, as opposed to standing in the way of board action today. I really don't think that we're that far from coming to closer agreement. We further request that IDEM schedule a meeting with industry stakeholders to discuss these prior to the second and final hearing. (IPC) (IPCA)

*Response:* A stakeholder meeting to discuss the rule was held on December 17, 2002. IDEM agrees that it is essential to meet and work out the regulated community's concerns prior to final adoption.

*Comment:* We appreciate that the department is allowing electronic reporting in this rule, and I'm sure down the road that's going to save quite a bit of time and money. But we'd like to suggest maybe that since that's going to be allowed that we may also be liberated somewhat from the burden of also having to file the paper hard copy. I understand that there may be some technical barriers to that right now at the department, but that's one (1) question we have, if we file electronically and the system is in place at the department to handle that, can that serve as the official filing? And it save us one (1) additional step of sending in a hard copy. It helps us a little bit with the paperwork. (IPC)

*Response:* IDEM appreciates your comment and is anxious to reach a level of electronic competency and sufficient faculty to allow the submittal of electronic reports to the agency. Electronic reporting solely will be allowed only when the agency is capable of dealing without paper. IDEM currently does not have the infrastructure to manage electronic information that would make it readily available to the public. State law requires at least one (1) paper copy. Even providing one (1) paper copy instead of three (3) paper copies should provide some regulatory relief.

*Comment:* Another issue that has been raised at rulemakings in the past with our industry, is when inspections are done at retail sites oftentimes an inspector will show up at a gas station or retail site for an inspection when the only person available at the site is the clerk, who's also managing quite a number of other tasks at the same time. There are provisions that allow a company that owns multiple sites to keep certain amounts of paperwork for those sites at a corporate headquarters or at a location other than on-site, and we would ask if possible, if the department would consider that, for practical purposes, that's the way our industry operates and understand that maybe if an inspection could be announced in advance, it would help us to get the proper paperwork at each site, possibly even to allow for another staff person to be on hand so the lone clerk won't be responsible for having to field the questions. I'm sure you can imagine that those folks are probably pretty baffled when an inspector comes on-site. That's not to suggest that we don't recognize that there may be reasons for spot inspections, if there's a suspicion of a release or something that's of an immediate threat to human health or the environment. The purpose of this is not to try to get a heads-up on an inspection in order to go back and do the housecleaning prior to that, but rather just to appreciate that for practical purposes, we do have owners that do own multiple sites, and we want to try to relieve that extra burden that's put on the clerk to the extent possible, but not to the extent that we are causing any delay in treating an environmental threat or the like. Section 329 IAC 9-3-1(d) Reporting and record keeping The IPCA proposed an amendment that would afford owners and operators a reasonable amount of time to produce various UST related records during IDEM inspections. Our proposal was offered in good faith borne out of years of frustration and complaint that IDEM inspectors regularly show up, with no advance

notice, at a convenience store where only one clerk may be on duty. We do not question IDEM's right to make immediate inspections where a release is suspected or for other just cause. However, IDEM's response that their current inspection practices "can save the state money because the inspector is not sitting around waiting for records to arrive, but can inspect a facility as it normally does business" is laughable. A much better inspection for both parties, would be achieved if IDEM would simply call to schedule in advance as many other government agencies do. This is something we've asked for, for several years. (IPCA) (IPC)

*Response:* The Indiana Statute at IC 13-14-2-2 allows a designated agent, upon presentation of proper credentials, to enter upon private or public property to inspect for and investigate possible violations of any of the following:..... (3) Environmental management laws.....(8) any rule adopted by one (1) of the boards. This statute does not require prior notification of an impending inspection. According to 329 IAC 9-3-1(d)(1) records maintained at the site must be immediately available for inspection by the agency. The records are necessary to perform complete inspections. Since IDEM recognizes this need, agency inspectors contact the facility in advance of an inspection as a general policy. Past experiences has shown that even with adequate notice some facilities are not prepared and do not have the records and personnel available. The records can be kept at an alternative site; however, to perform a complete inspection, the records need to be available as soon possible upon request by the inspector. In addition, Indiana's rule language must be at least as stringent as the federal regulation.

*Comment:* The other point that I'd like to raise is about the requirement that a tank that has maintenance done to thirty percent (30%) that it be required to be removed and replaced rather than repaired. We feel very strongly that if maintenance is done on a tank and they follow the standards that are in place, that the thirty percent (30%) number is very arbitrary, that it doesn't necessarily indicate the future integrity of that tank. We'd like a chance to discuss this more with the department about why we think that's the case, maybe bring a little bit more of the industry experience to the table in that discussion. I think it's a very good argument that there is a concern if you have a dilapidated tank, but we'd still like a little bit more time to discuss where that thirty percent (30%) figure comes from and whether or not that's consistent with what we believe the risk to be. 329 IAC 9-3-1-4 Repairs and maintenance allowed IDEM has proposed a new rule stating that maintenance to a steel lined tank is not allowed if thirty percent (30%) or more of the original lined surface has had maintenance performed. The IPCA believes the thirty percent (30%) standard is an arbitrary one that will not be possible to determine and therefore impossible to enforce. It should therefore be dropped. (IPCA) (IPC)

*Response:* This issue was discussed at the public meeting held on December 17, 2002, with the regulated community and appropriate modifications were made in the rule.

*Comment:* 329 IAC 9-3-1(c)(12)(13)(14)(15) Reporting and record keeping IDEM merely responded that "this is not a new requirement; it was moved from 329 IAC 9-7-6". The IPCA agrees that rules similar to these were relocated. However, IDEM did not acknowledge that these rules have been significantly altered nor explain why. In at least two (2) instances these rules would impose a potential record keeping requirement substantially greater than five (5) years by the addition of the "longest time period" of five (5) years or "the time period the release detection system is used". Inasmuch as the life span of such systems can well exceed five (5) years, this imposes an unnecessarily lengthy record keeping period. (IPCA)

*Response:* IDEM did not consider the changes to be significant. The original rule stated that the written performance claims must be kept

---

## Proposed Rules

---

five (5) years or another reasonable period of time determined by the commissioner. This language posed both a rule drafting problem and an ascertainable standard problem and by moving this section opened it up to closer scrutiny. Staff believed that a reasonable time period would be the time period the release detection system is used so that was put in the rule. This is comparable to keeping the warranty on a new appliance. For the protection of the owner/operator, it seems that the written performance claims should be kept as long as the system is being used.

*Comment:* 329 IAC 9-5-5.1 Initial site characteristic The IPCA requested that this rule be amended to allow for submission of initial site characterizations within sixty (60) days, rather than forty-five (45). In its response IDEM cited federal rules (40 CFR 280.63(b)) that states ISC's "must be submitted within forty-five (45) days of release confirmation or another reasonable period of time determined by the implementing agency" (emphasis added). The industry strongly believes that a sixty (60) day time period is reasonable and allowed under federal rules. The IPCA asserts that a majority of ISC submittals are not currently being made within forty-five (45) days. (IPCA)

*Response:* The commentor is correct regarding the federal rule language. Another time period could be allowed that would be consistent with the federal requirement. Rather than lengthening the time period allowed for submission of an ISC, IDEM intends to set a standard by nonrule policy that makes the forty-five (45) day period reasonable and attainable. IDEM believes that it is important for facilities to submit the ISCs within the forty-five (45) days in order for the department to assess threats to human health and the environment in a timely manner.

*Comment:* 329 IAC 9-5-5.1(b)(2)(E)(viii)(EE) ISC—soil borings The IPCA objected to this proposed requirement for soil borings, stating that it will require a substantially greater level of accuracy than under current rules. IDEM responded that they are "not asking for the accuracy that the commentor seems to envision". This begs the question. We agree that it is possible in some cases to maintain the accuracy of horizontal closure that is requested on small uncomplicated sites. However, as the size of the site increases, the quantity and the distance of the measurements increase. As the quantity and distance of the measurements increase, accuracy decreases. (Equate it to trying to hit a target at ten (10) feet vs. sixty (60) feet). As the complexity of the site increases due to landscaping and site improvement it also becomes more difficult to maintain this level of accuracy without performing a professional survey. If you are working at an abandoned station that has been leveled, it will be much easier to maintain the accuracy level than if you are working at an active facility trying to measure distances around obstructions such as moving traffic, MPDs, canopies, car washes, landscaping, etc. Most measurements obtained in the field during drilling activities are performed with tape measures or roll-atapes. Additional quality controls and equipment utilized during a professional survey would be necessary to maintain the level of accuracy demanded by the rule. In addition, it would be nearly impossible to translate these measurements to a scaled map at this level of accuracy unless prepared by a certified surveyor. As the scale of this map increases (1:10 vs.1:60) the level of accuracy decreases. In proposing a rule change, IDEM should be forthcoming with a response that clearly tells the industry how this level of accuracy is to be achieved. (IPCA)

*Response:* IDEM agrees with the commentor and has modified the language to not require a vertical accuracy of soil borings.

*Comment:* 329 IAC 9-6-2.5(e)(3) Water samples The IPCA is appreciative that the department responded that it will clarify the rule. However, we found the proposed clarification to also be confusing. The IPCA proposes that the clarification state, "If ground water is not

encountered within a depth of thirty (30) feet, a soil sample must be obtained at the base of the boring". (IPCA)

*Response:* IDEM agrees with the commentor and has modified the proposed language to read as the commentor suggested. This language was modified in several places in the proposed rule.

*Comment:* 329 IAC 9-6-2.5(f)(4) Closure procedure IDEM's proposed new language requiring that a ground water sample must be collected "from a continuous boring in the center of the tank pit that extends to the first saturated ground water zone or to a total of the thirty (30) feet below grade" should be dropped. If a tank is removed and no ground water is encountered in the excavation, and the confirmatory soil samples obtained during removal indicate that there are no impacts to the soil on the sidewalls and the base of the excavation and there is no evidence of a release from the tank and product piping, then it is still required to advance a push probe boring to the ground water table or to a minimum of thirty (30) feet deep to obtain a ground water sample in the center of the tank pit. This boring is not necessary if there is not evidence of a release or suspected release. What is the point of performing the confirmatory soil sampling and documentation of the condition of tanks and product lines when it is still required to obtain a ground water sample regardless of whether the soils are clean and the tanks and lines are not leaking? In addition, if you are closing a waste oil UST, it could effectively double the cost of closure. Minimum charge for a push probe rig is six hundred fifty (\$650) to seven hundred fifty dollars (\$750). If located in a remote area or if drilling penetration is difficult, the charge will be one thousand dollars (\$1,000) to one thousand two hundred dollars (\$1,200). In addition, a geologist must supervise the activity (two hundred fifty dollars (\$250) to five hundred dollars (\$500)). (IPCA)

*Response:* IDEM agrees with the commentor and the assessment. 329 IAC 9-6-2.5(f)(4) will be deleted. The department will rely on collection of soil and ground water samples, when encountered, in the UST pit for removal closure. Borings will be required for in-place and change-in-service closure, however.

<b>329 IAC 9-1-1</b>	<b>329 IAC 9-2-2</b>
<b>329 IAC 9-1-4</b>	<b>329 IAC 9-2.1-1</b>
<b>329 IAC 9-1-10.1</b>	<b>329 IAC 9-3-1</b>
<b>329 IAC 9-1-10.2</b>	<b>329 IAC 9-3-2</b>
<b>329 IAC 9-1-10.4</b>	<b>329 IAC 9-3.1-1</b>
<b>329 IAC 9-1-10.6</b>	<b>329 IAC 9-3.1-2</b>
<b>329 IAC 9-1-10.8</b>	<b>329 IAC 9-3.1-3</b>
<b>329 IAC 9-1-14</b>	<b>329 IAC 9-3.1-4</b>
<b>329 IAC 9-1-14.1</b>	<b>329 IAC 9-4-3</b>
<b>329 IAC 9-1-14.3</b>	<b>329 IAC 9-4-4</b>
<b>329 IAC 9-1-14.5</b>	<b>329 IAC 9-5-1</b>
<b>329 IAC 9-1-14.7</b>	<b>329 IAC 9-5-2</b>
<b>329 IAC 9-1-25</b>	<b>329 IAC 9-5-3.1</b>
<b>329 IAC 9-1-27</b>	<b>329 IAC 9-5-3.2</b>
<b>329 IAC 9-1-29.1</b>	<b>329 IAC 9-5-4.1</b>
<b>329 IAC 9-1-36</b>	<b>329 IAC 9-5-4.2</b>
<b>329 IAC 9-1-39.5</b>	<b>329 IAC 9-5-5.1</b>
<b>329 IAC 9-1-41</b>	<b>329 IAC 9-5-6</b>
<b>329 IAC 9-1-41.1</b>	<b>329 IAC 9-5-7</b>
<b>329 IAC 9-1-41.5</b>	<b>329 IAC 9-6-1</b>
<b>329 IAC 9-1-42.1</b>	<b>329 IAC 9-6-2</b>
<b>329 IAC 9-1-47</b>	<b>329 IAC 9-6-2.5</b>
<b>329 IAC 9-1-47.1</b>	<b>329 IAC 9-6-3</b>
<b>329 IAC 9-2-1</b>	<b>329 IAC 9-6-4</b>

**329 IAC 9-6-5**  
**329 IAC 9-7-1**  
**329 IAC 9-7-2**

**329 IAC 9-7-4**  
**329 IAC 9-7-6**

SECTION 1. 329 IAC 9-1-1 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-1-1 Applicability**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
**Affected:** IC 13-12-3-2; IC 13-23

Sec. 1. (a) The requirements of this article apply to all owners and operators of ~~a~~ **an** UST system as defined in section 49 of this rule, except as otherwise provided in subsections (b), (c), and (d). Any UST system listed in subsection (c) shall meet the requirements of section 1.1 of this rule. Nothing in this article shall be construed to conflict with, circumvent, rescind, or repeal any authority, power, or duty possessed by the office of the state fire marshal under Indiana law.

(b) The following UST systems are excluded from the requirements of this article:

- (1) Any UST system holding:
  - (A) hazardous wastes regulated under Subtitle C (42 U.S.C. 6921 through 42 U.S.C. 6939b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901, et seq., in effect on September 30, 1996; or
  - (B) a mixture of such hazardous waste and other regulated substances.
- (2) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 (33 U.S.C. 1342) or 307(b) (33 U.S.C. 1317(b)) of the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., in effect on October 31, 1994.
- (3) Equipment or machinery that contains regulated substances for operational purposes and that may include any of the following:
  - (A) Hydraulic lift tanks.
  - (B) Electrical equipment tanks.
- (4) Any UST system whose capacity is one hundred ten (110) gallons or less, except an owner and operator with two (2) or more UST systems on-site whose individual capacities are one hundred ten (110) gallons or less are not excluded if the total capacity of all tanks on-site containing the same product exceeds one hundred ten (110) gallons.
- (5) Any UST system that contains a de minimis concentration of regulated substances.
- (6) Any emergency spill or overflow containment UST system that is expeditiously emptied after use.

(c) 329 IAC 9-2 through 329 IAC 9-4, 329 IAC 9-6, and 329 IAC 9-7 do not apply to any of the following types of UST systems:

- (1) Wastewater treatment tank systems.
- (2) Any UST system containing radioactive material that is

regulated under the Atomic Energy Act of 1954, 42 U.S.C. 2011, et seq., as amended, in effect on April 26, 1996.

- (3) Any UST system that is part of an emergency generator system at a nuclear power generation facility regulated by the Nuclear Regulatory Commission under 10 CFR 50, Appendix A.
- (4) Airport hydrant fuel distribution systems.
- (5) UST systems with field-constructed tanks.

(d) 329 IAC 9-7 does not apply to any UST system that stores fuel solely for use by emergency power generators.

(e) Unless specified in the incorporated by reference documents incorporated in this article, the version of documents referenced in the incorporated by reference documents is the latest version that is in effect on the date of **the most recent** final adoption of the incorporated by reference documents into **a section** of this article.

**(f) Notwithstanding any information submitted prior to the effective date of this rule, the department will use this rule and IC 13-12-3-2, as appropriate, on which to base assessments and closure and remediation approvals.** (*Solid Waste Management Board; 329 IAC 9-1-1; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1062; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3683; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 2. 329 IAC 9-1-4 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-1-4 “Agency” defined**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
**Affected:** IC 13-23

Sec. 4. “Agency” means the department of environmental management. ~~underground storage tank branch.~~ This definition is not applicable under 329 IAC 9-8. (*Solid Waste Management Board; 329 IAC 9-1-4; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1063; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3685; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 3. 329 IAC 9-1-10.4 IS ADDED TO READ AS FOLLOWS:

**329 IAC 9-1-10.4 “Change-in-service” defined**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
**Affected:** IC 13-23

**Sec. 10.4. “Change-in-service” means continued use of the UST or UST system to store a nonregulated substance.** (*Solid Waste Management Board; 329 IAC 9-1-10.4*)

SECTION 4. 329 IAC 9-1-10.6 IS ADDED TO READ AS FOLLOWS:

**329 IAC 9-1-10.6 “Chemical of concern” or “COC” defined**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
**Affected:** IC 13-23

## Proposed Rules

**Sec. 10.6. “Chemical of concern” or “COC” means the parameter to be analyzed as a possible contaminant.** (*Solid Waste Management Board; 329 IAC 9-1-10.6*)

SECTION 5. 329 IAC 9-1-10.8 IS ADDED TO READ AS FOLLOWS:

**329 IAC 9-1-10.8 “Closure” defined**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-13-1-1; IC 13-23

**Sec. 10.8. “Closure” means the owner or operator has met all the program requirements of 329 IAC 9-6. Closure does not imply that the site is completely free of contaminants. There may be some acceptable level of contaminants still on site.** (*Solid Waste Management Board; 329 IAC 9-1-10.8*)

SECTION 6. 329 IAC 9-1-14 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-1-14 “Consumptive use” defined**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-11-2-241; IC 13-13-1-1; IC 13-23

**Sec. 14. “Consumptive use”, with respect to heating oil, means consumed on the premises on which the tank is stored. The heating oil exclusion under IC 13-11-2-241(b)(2) does not apply to the storage of heating oil for resale, marketing, or distribution.** (*Solid Waste Management Board; 329 IAC 9-1-14; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1064; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 7. 329 IAC 9-1-14.3 IS ADDED TO READ AS FOLLOWS:

**329 IAC 9-1-14.3 “Contaminant” defined**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-11-2-42; IC 13-13-1-1; IC 13-23

**Sec. 14.3. “Contaminant” has the definition set forth at IC 13-11-2-42. However, for purposes of this article, the term does not include hazardous waste regulated under 329 IAC 3.1.** (*Solid Waste Management Board; 329 IAC 9-1-14.3*)

SECTION 8. 329 IAC 9-1-14.5 IS ADDED TO READ AS FOLLOWS:

**329 IAC 9-1-14.5 “Corrective action” defined**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-23

**Sec. 14.5. “Corrective action” means action taken to minimize, contain, eliminate, remediate, mitigate, or clean up a release, including emergency measures taken as part of an initial response to the release under 329 IAC 9-5-2.** (*Solid Waste Management Board; 329 IAC 9-1-14.5*)

SECTION 9. 329 IAC 9-1-14.7 IS ADDED TO READ AS FOLLOWS:

**329 IAC 9-1-14.7 “Corrective action plan” or “CAP” defined**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-23

**Sec. 14.7. “Corrective action plan” or “CAP” means the corrective action plan described under 329 IAC 9-5-7(a) through 329 IAC 9-5-7(b).** (*Solid Waste Management Board; 329 IAC 9-1-14.7*)

SECTION 10. 329 IAC 9-1-25 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-1-25 “Hazardous substance UST system” defined**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-23

**Sec. 25. “Hazardous substance UST system” means a UST system that contains any of the following:**

- (1) A hazardous substance that is:
  - (A) defined in Section 101(14) of CERCLA (42 U.S.C. 9601(14)); and
  - (B) not regulated as a hazardous waste under 329 IAC 3.1.
- (2) Any mixture of such substances specified in subdivision (1)(A) or (1)(B) and petroleum and which is not a petroleum UST system.

(*Solid Waste Management Board; 329 IAC 9-1-25; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1065; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3690; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 11. 329 IAC 9-1-27 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-1-27 “Hydraulic lift tank” defined**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-23

**Sec. 27. “Hydraulic lift tank” means a tank that holds hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate any of the following:**

- (1) Lifts.
- (2) Elevators.
- (3) ~~Other similar~~ Devices **similar to those in subdivision (1) or (2).**

(*Solid Waste Management Board; 329 IAC 9-1-27; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1066; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3691; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 12. 329 IAC 9-1-36 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-1-36 “Petroleum UST system” defined**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-23

**Sec. 36. “Petroleum UST system” means a UST system that contains petroleum or a mixture of petroleum with de**

minimis quantities of other regulated substances. Such systems include those containing any of the following:

- (1) Motor fuels.
- (2) Jet fuels.
- (3) Distillate fuel oils.
- (4) Residual fuel oils.
- (5) Lubricants.
- (6) Petroleum solvents.
- (7) Used oils.

(Solid Waste Management Board; 329 IAC 9-1-36; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1066; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3692; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 13. 329 IAC 9-1-39.5 IS ADDED TO READ AS FOLLOWS:

**329 IAC 9-1-39.5 "Removal closure" defined**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-23

**Sec. 39.5. "Removal closure" means a closure where an UST system is completely extracted.** (Solid Waste Management Board; 329 IAC 9-1-39.5)

SECTION 14. 329 IAC 9-1-41.5 IS ADDED TO READ AS FOLLOWS:

**329 IAC 9-1-41.5 "SARA" defined**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-23

**Sec. 41.5. "SARA" means the Superfund Amendments and Reauthorization Act of 1986, as amended, 42 U.S.C. 9601, et seq., in effect on September 30, 1996, that amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.** (Solid Waste Management Board; 329 IAC 9-1-41.5)

SECTION 15. 329 IAC 9-1-47 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-1-47 "Underground release" defined**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-23

Sec. 47. "Underground release" means any ~~belowground~~ release **beneath the ground surface.** (Solid Waste Management Board; 329 IAC 9-1-47; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1068; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 16. 329 IAC 9-1-47.1 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-1-47.1 "Underground storage tank" or "UST" defined**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-11-2-241

Sec. 47.1. "Underground storage tank" or **"UST"** has the meaning as set forth in IC 13-11-2-241. (Solid Waste Management

Board; 329 IAC 9-1-47.1; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3694; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 17. 329 IAC 9-2-1 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-2-1 New UST systems**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-23; IC 25-31-1

Sec. 1. In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances, all owners and operators of new UST systems shall meet the following requirements:

(1) Each tank must be properly designed and constructed, and any portion underground that routinely contains product must be protected from corrosion as specified under one (1) of the following:

(A) The tank is constructed of fiberglass-reinforced plastic and meets one (1) of the following:

(i) Underwriters Laboratories Standard 1316, "Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohol, and Alcohol-Gasoline Mixtures", ~~1994~~, **1996**, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(ii) Underwriters Laboratories of Canada ~~CAN-615-M83~~, **CAN/ULC-S615-1998**, "Standard for Reinforced Plastic Underground Tanks for Petroleum Products", ~~1983~~, **1998**, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.

(iii) ASTM D4021-86, "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks", revised 1992, American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.

(B) The tank is constructed of steel and cathodically protected in the following manner:

(i) The tank is coated with a suitable dielectric material and is cathodically protected.

(ii) Field-installed impressed current systems are designed by a corrosion expert to allow determination of current operating status under 329 IAC 9-3.1-2(3).

(iii) Cathodic protection systems are operated and maintained under 329 IAC 9-3.1-2.

(iv) The tank complies with one (1) or more of the following:

(AA) Steel Tank Institute "sti-P<sub>3</sub>® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks", STI-P3-98, revised 1998, Steel Tank Association, 570 Oakwood Road, Lake Zurich, Illinois 60047.

(BB) Underwriter Laboratories Standard 1746, "External Corrosion Protection Systems for Steel Underground Storage Tanks", ~~1993~~, **2000**, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

## Proposed Rules

- (CC) Underwriters Laboratories of Canada ~~CAN4-S603-M85~~, **CAN/ULC-S603-92**, "Standards for Steel Underground Tanks for Flammable and Combustible Liquids", **1992**, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.
- (DD) Underwriter Laboratories of Canada ~~CAN4-603.1-M85~~, **CAN/ULC-603.1-92**, "Standard for Galvanic Corrosion Protection Systems for Underground Tanks for Flammable and Combustible Liquids", **1992**, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.
- (EE) Underwriters Laboratories of Canada CAN4-S631-M84, "Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic Systems", **1998**, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.
- (FF) NACE International (formerly the National Association of Corrosion Engineers) Standard RP0285-95, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection", revised 1995, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.
- (GG) Underwriters Laboratories Standard 58, "Steel Underground Tanks for Flammable and Combustible Liquids", ~~1986~~, **1998**, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.
- (C) The tank is constructed of a steel-fiberglass-reinforced-plastic composite and complies with one (1) or more of the following:
- (i) Underwriters Laboratories Standard 1746, "External Corrosion Protection Systems for Steel Underground Storage Tanks", ~~1993~~, **2000**, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.
  - (ii) Association for Composite Tanks ACT-100®, "Specification for External Corrosion Protection of FRP Composite Steel USTs, F894-98", revised ~~1998~~, **2001**, Steel Tank Association, 570 Oakwood Road, Lake Zurich, Illinois 60047.
- (D) The tank is constructed of metal without additional corrosion protection measures provided that the following requirements are completed:
- (i) The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life.
  - (ii) The owner and operator shall demonstrate that soil resistivity in an installation location is twelve thousand (12,000) ohms per centimeter or greater by using one (1) of the following:
    - (AA) ASTM Standard G57-78, "Standard Test Method for Field Measurement of Soil Resistivity Using the Wenner Four-Electrode Method", revised ~~1978~~, **1995**, reapproved ~~1984~~, **2001**, American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.
    - (BB) A standard approved by the commissioner that exhibits the same or greater degree of reliability and accuracy as ASTM Standard G57-78 cited in subitem (AA).
  - (iii) The owner and operator shall maintain records that demonstrate compliance with items (i) and (ii) for the remaining life of the tank.
- (E) The tank construction and corrosion protection are determined by the commissioner to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than clauses (A) through (D).
- (2) The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion. The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion as specified under one (1) of the following:
- (A) The piping is constructed of fiberglass-reinforced plastic and complies with one (1) or more of the following:
    - (i) Underwriters Laboratories Standard 971, "Nonmetallic Underground Piping for Flammable Liquids", 1995, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.
    - (ii) Underwriters Laboratories Standard 567, **revised 2001**, "Pipe Connectors for Petroleum Products and LP Gas", Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.
    - (iii) Underwriters Laboratories of Canada Subject ~~C-107C-M1984~~ **CAN/ORD-C 107.7-1993**, "Guide for Glass Fibre Reinforced Plastic Pipe and Fittings for Flammable Liquids", **1993**, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.
    - (iv) Underwriters Laboratories of Canada Standard ~~CAN4-S633-M84~~, **CAN/ULC-S633-99**, "Flexible Underground Hose Connectors", **1999**, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.
  - (B) The piping is constructed of steel and cathodically protected in the following manner:
    - (i) The piping is coated with a suitable dielectric material and is cathodically protected.
    - (ii) Field-installed impressed current systems are designed by a corrosion expert to allow determination of current operating status under 329 IAC 9-3.1-2(3).
    - (iii) Cathodic protection systems are operated and maintained under 329 IAC 9-3.1-2.
    - (iv) The piping system meets one (1) or more of the following:
      - (AA) Article 79, "Flammable and Combustible Liquids", of the 1998 Indiana Fire Code under rules of the fire prevention and building safety commission at 675 IAC 22-2.2.

(BB) American Petroleum Institute Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems", Fifth Edition, March 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(CC) American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Third Edition, May 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(DD) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0169-96, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems", 1992 Edition, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(C) The piping is constructed of metal without additional corrosion protection measures provided that the following requirements are completed:

- (i) The piping is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life.
- (ii) The owner and operator shall demonstrate that soil resistivity in an installation location is twelve thousand (12,000) ohms per centimeter or greater by using one (1) of the following:

(AA) ASTM Standard G57-78, "Standard Test Method for Field Measurement of Soil Resistivity Using the Wenner Four-Electrode Method", revised ~~1978~~, **1995**, reapproved ~~1984~~, **2001**. American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.

(BB) A standard approved by the commissioner that exhibits the same or greater degree of reliability and accuracy as ASTM Standard G57-78 cited in subitem (AA).

(iii) The piping complies with one (1) or more of the following:

(AA) Article 79, "Flammable and Combustible Liquids", of the 1998 Indiana Fire Code under rules of the fire prevention and building safety commission at 675 IAC 22-2.2.

(BB) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0169-96, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems", 1992 Edition, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(iv) The owner and operator shall maintain records that demonstrate compliance with items (i) and (ii) for the remaining life of the piping.

(D) The piping is equipped with secondary containment that includes one (1) of the following:

- (i) Double-walled piping that consists of an outer wall constructed of a dielectric material.
- (ii) Vaulted piping.

(E) The piping construction and corrosion protection are determined by the commissioner to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than clauses (A) through (D).

(3) The following spill and overfill requirements must be completed:

(A) Except as provided in clause (B), the owner and operator shall use the following spill and overfill prevention equipment to prevent spilling and overfilling associated with product transfer to the UST system:

(i) Spill prevention equipment that prevents the release of product to the environment when the transfer hose is detached from the fill pipe as one (1) of the following:

(AA) Minimum five (5) gallon spill catchment basin with drain to tank.

(BB) Minimum twenty-five (25) gallon spill catchment basin without drain to tank.

(ii) Overfill prevention equipment that completes one (1) of the following:

(AA) Automatically shuts off flow into the tank when the tank is no more than ninety-five percent (95%) full.

(BB) Alerts the transfer operator when the tank is no more than ninety percent (90%) full by restricting the flow into the tank or triggering a high level alarm.

(CC) Restricts flow thirty (30) minutes prior to overfilling, alerts the transfer operator with a high level alarm one (1) minute before overfilling, or automatically shuts off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.

(B) The owner and operator are not required to use the spill and overfill prevention equipment specified in clause (A) if one (1) of the following is completed:

(i) Alternative equipment is used that is determined by the commissioner to be no less protective of human health and the environment than the equipment specified in clause (A).

(ii) The UST system is filled by transfers of no more than twenty-five (25) gallons at one (1) time.

(C) A drop tube for deliveries must extend to within one (1) foot of the tank bottom.

(4) All tanks and piping must be installed properly in accordance with one (1) or more of the following:

(A) American Petroleum Institute Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems", Fifth Edition, March 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(B) Petroleum Equipment Institute Publication PEI/RP100-97, "Recommended Practices for Installation of Underground Liquid Storage Systems", revised ~~1997~~, **2000**, Petroleum Equipment Institute, P.O. Box 2380, Tulsa, Oklahoma 74101-2380.

---

## Proposed Rules

---

(C) American National Standards Institute Standard ANSI/ASME B31.3-1996, "Process Piping", ~~1996~~, **revised 1999**, American National Standards Institute, 11 West 42<sup>nd</sup> Street, New York, New York 10036. ASME B31.3a-1996, addenda to ASME B31.3-1996 Edition, Process Piping, An American National Standard, The American Society of Mechanical Engineers, United Engineering Center, 345 East 47<sup>th</sup> Street, New York, NY 10017. ASME B31.3b-1997, addenda to ASME B31.3-1996 Edition, Process Piping, An American National Standard, the American Society of Mechanical Engineers, United Engineering Center, 345 East 47<sup>th</sup> Street, New York, NY 10017.

(D) American National Standards Institute Standard ANSI/ASME B31.4-1992, "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ~~1992~~, **revised 1998**, American National Standards Institute, 11 West 42<sup>nd</sup> Street, New York, New York 10036. ASME B31.4a, addenda to ASME B31.4-1992 Edition, Pipeline Transportation Systems For Liquid Hydrocarbons and Other Liquids, An American National Standard, The American Society of Mechanical Engineers, United Engineering Center, 345 East 47<sup>th</sup> Street, New York, NY 10017.

(5) The owner and operator shall ensure the following:

(A) The installer has been certified by the office of the state fire marshal under rules of the fire prevention and building safety commission at 675 IAC 12-12.

(B) One (1) or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with subdivision (4):

(i) The installer has been certified by the tank and piping manufacturers.

(ii) The installation has been inspected and certified by a registered professional engineer under IC 25-31-1 with education and experience in UST system installation.

(iii) The installation has been inspected and approved by one (1) of the following:

(AA) The agency.

(BB) The office of the state fire marshal.

(iv) The owner and operator have complied with another method for ensuring compliance with subdivision (4) that is determined by the commissioner to be no less protective of human health and the environment.

(C) The owner and operator shall provide a certification of compliance on the ~~underground storage tank~~ notification form under section 2 of this rule.

*(Solid Waste Management Board; 329 IAC 9-2-1; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1068; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3695; errata filed Sep 10, 1999, 9:08 a.m.: 23 IR 26; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 18. 329 IAC 9-2-2 IS AMENDED TO READ AS FOLLOWS:

### 329 IAC 9-2-2 Notification requirements

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

Affected: IC 13-23-3

Sec. 2. (a) **All notifications required to be submitted under this section must be submitted on a form and in a format prescribed by the commissioner.**

~~(a)~~ (b) Any owner who brings ~~a~~ **an** UST system into use shall, within thirty (30) days of bringing such tank into use, submit notice to the agency to register the tank system. ~~using a form provided by the agency for this notification.~~

~~(b)~~ (c) An owner required to submit notice under subsection (a) shall provide notice for each tank the owner owns. The owner may provide notice for several tanks at one (1) location using one (1) form. An owner with tanks located in more than one (1) place of operation shall submit a separate notification form for each separate place of operation.

~~(c)~~ (d) An owner required to submit notice under subsection (a) shall provide all the information required by the form provided by the agency for each tank for which notice is submitted.

~~(d)~~ (e) All owners and operators of new UST systems shall certify, on each notification form submitted, with original signature in ink, compliance with the following requirements:

(1) Installation of all tanks and piping under section 1(5) of this rule.

(2) Cathodic protection of steel tanks and piping under section 1(1) of this rule and section 1(2) of this rule.

(3) Release detection under 329 IAC 9-7-2 and 329 IAC 9-7-3.

(4) Financial responsibility under 329 IAC 9-8.

~~(e)~~ (f) All owners and operators of UST systems shall ensure that whoever performs tank system installations, testing, upgrades, closures, removals, and change-in-service is certified by the office of the state fire marshal. The certified person who performs the work shall certify, by original signature in ink on the notification form provided by the agency, that the work performed complies with methods specified by section 1(4) of this rule.

~~(f)~~ (g) All owners and operators of UST systems who upgrade the tank system to meet upgrade requirements under 329 IAC 9-2.1 shall, within thirty (30) days of completing the upgrade, submit notice of the upgrade to the agency. ~~as required by subsection (a):~~

~~(g)~~ (h) All owners and operators of UST systems who:

(1) temporarily close a tank system under 329 IAC 9-6-5; or  
(2) ~~permanently close or perform a change-in-service on a~~ tank system under 329 IAC 9-6-1;

shall, within thirty (30) days of completing such action, submit notice of this action to the agency. ~~as required by subsection (a):~~

~~(h)~~ (i) All owners and operators of UST systems who install a method of release detection under 329 IAC 9-7-2 and 329 IAC 9-7-3 shall, within thirty (30) days of completing such

action, submit notice of this action to the agency. ~~as required by subsection (a):~~

(j) Any person who sells a facility with a regulated underground storage tank that:

- (1) is being used as ~~a~~ **an** UST system; or
- (2) will be used as ~~a~~ **an** UST system;

shall notify the purchaser of such tank of the owner's obligation to submit notice under subsection ~~(a):~~ **(b).**

(k) An owner and operator of ~~a~~ **an** UST system that is:

- (1) in the ground on or after May 8, 1986; and
- (2) not taken out of operational life on or before January 1, 1974;

shall notify the agency of the service status of the UST system under 42 U.S.C. 6991a of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901, et seq., in effect on September 30, 1996, on a form provided by the agency for this notification. *(Solid Waste Management Board; 329 IAC 9-2-2; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1068; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3699; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 19. 329 IAC 9-2.1-1 IS AMENDED TO READ AS FOLLOWS:

### **329 IAC 9-2.1-1 Upgrading of existing UST systems**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

**Affected:** IC 13-23-3

Sec. 1. (a) All existing UST systems shall comply with one (1) of the following requirements no later than December 22, 1998:

- (1) New UST system performance standards under 329 IAC 9-2-1.
- (2) The upgrading requirements under subsections (b) through (d).
- (3) Closure requirements under 329 IAC 9-6, including applicable requirements for corrective action under 329 IAC 9-5.

(b) A steel tank must be upgraded to meet one (1) of the following requirements:

- (1) A tank is upgraded by cathodic protection and the cathodic protection system meets the requirements of 329 IAC 9-2-1(1)(B)(ii) and 329 IAC 9-2-1(1)(B)(iii), and the integrity of the tank is ensured using one (1) of the following methods:

(A) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system.

(B) The tank has been installed for less than ten (10) years and is monitored monthly for releases under 329 IAC 9-7-4(4) through 329 IAC 9-7-4(8).

(C) The tank has been installed for less than ten (10) years and is assessed for corrosion holes by conducting two (2) tightness tests under 329 IAC 9-7-4(3):

- (i) the first tightness test must be conducted prior to installing the cathodic protection system; and
- (ii) the second tightness test must be conducted between three (3) months and six (6) months following the first operation of the cathodic protection system.

(D) The tank is assessed for corrosion holes by a method that is determined by the commissioner to prevent releases in a manner that is no less protective of human health and the environment than established in clauses (A) through (C).

(2) A tank is upgraded by internal lining and the following requirements are completed:

(A) The lining is installed under 329 IAC 9-3.1-4.

(B) Within one (1) year after lining and every five (5) years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.

(C) The tank may be lined one (1) time during the service life to meet the upgrading requirements of this subsection.

(3) A tank is upgraded by both internal lining and cathodic protection, and the following requirements are completed:

(A) The lining is installed under 329 IAC 9-3.1-4.

(B) The cathodic protection system meets the requirements of 329 IAC 9-2-1(1)(B)(ii) and 329 IAC 9-2-1(1)(B)(iii).

(4) A tank is upgraded by a method that is determined by the commissioner to be no less protective of human health and the environment than the methods specified in subdivisions (1) through (3).

(5) The tank must comply with one (1) or more of the following:

(A) American Petroleum Institute Recommended Practice 1631, "Interior Lining of Underground Storage Tanks", Fourth Edition, ~~October 1997~~, **June 2001**, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(B) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0285-95, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection", revised 1995, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(C) American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Third Edition, May 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(D) National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection", revised ~~1991~~, **1992**, National Leak Prevention Association, Route 2, Box 106A, Falmouth, Kentucky 41040.

(c) Metal piping that routinely contains regulated substances and is in contact with the ground must meet the following:

- (1) Be cathodically protected in accordance with one (1) or more of the following:

(A) Article 79, "Flammable and Combustible Liquids", of the 1998 Indiana Fire Code, 675 IAC 22-2.2.

(B) American Petroleum Institute Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems", Fifth Edition, March 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(C) American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Third Edition, May 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(D) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0169-96, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems", ~~1992~~, **1995** Edition, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(2) Meet the requirements of 329 IAC 9-2-1(2)(B)(ii) and 329 IAC 9-2-1(2)(B)(iii).

(d) All existing UST systems shall comply with the new UST system spill and overfill prevention equipment requirements under 329 IAC 9-2-1(3) and 329 IAC 9-3.1-1 to prevent spilling and overfilling associated with product transfer to the UST system.

(e) The owner and operator shall demonstrate compliance with this section by providing a certification of compliance on the ~~underground storage tank~~ notification form under 329 IAC 9-2-2. The certification must demonstrate that the person that performs the work has been certified by the office of the state fire marshal. (*Solid Waste Management Board; 329 IAC 9-2.1-1; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3700*)

SECTION 20. 329 IAC 9-3-1 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-3-1 Reporting and record keeping**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

**Affected:** IC 13-23

Sec. 1. (a) The owner and operator of ~~a~~ **an** UST system shall cooperate fully with inspections, monitoring, and testing conducted by the agency, as well as requests for document submission, testing, and monitoring by the owner or operator under Section 9005 (42 U.S.C. 6991d) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901, et seq., in effect on September 30, 1996.

(b) The owner and operator shall submit the following information to the agency:

(1) Notification for all UST systems under 329 IAC 9-2-2 that includes:

(A) certification of installation for new UST systems under 329 IAC 9-2-1(5); and

(B) locational information within an accuracy of 1:24,000,

plus or minus forty (40) feet, or plus or minus twelve and two-tenths (12.2) meters in any of the following formats, if known:

(i) Universal transverse mercator (UTM) coordinates.

(ii) Latitude and longitude coordinates.

(iii) UTM coordinates and latitude and longitude coordinates.

(2) Reports of all releases, including:

(A) suspected releases under 329 IAC 9-4-1;

(B) spills and overfills under 329 IAC 9-4-4; and

(C) confirmed releases under 329 IAC 9-5-2.

(3) Corrective actions planned or taken, including:

(A) free product removal under ~~329 IAC 9-5-3.1~~; **329 IAC 9-5-4.2**;

(B) initial abatement measures under ~~329 IAC 9-5-4.1~~; **329 IAC 9-5-3.2**;

(C) initial site characterization under 329 IAC 9-5-5.1;

(D) investigation of soil and ground water cleanup under 329 IAC 9-5-6; and

(E) corrective action plan under 329 IAC 9-5-7.

(4) A notification upon completion of all upgrade activities under 329 IAC 9-2.1.

(5) A notification before ~~permanent~~ closure or change-in-service under 329 IAC 9-6-1.

(6) A notification upon completion of:

(A) temporary closure under 329 IAC 9-6-5; or

(B) ~~permanent~~ closure or change-in-service under 329 IAC 9-6-1 and ~~329 IAC 9-6-2~~; **329 IAC 9-6-2.5**.

(7) A notification upon completion of the installation of a method of release detection under 329 IAC 9-7-2 and 329 IAC 9-7-3.

(8) Results of the site investigation conducted at ~~permanent~~ closure or change-in-service under 329 IAC 9-6-4.

(9) Documentation supporting the suitability of the underground storage tank to be upgraded with cathodic protection. The documentation must be submitted within thirty (30) days after the determination is completed under 329 IAC 9-2.1-1(b)(1). The documentation must include a signed affidavit from the corrosion expert who designed the field-installed cathodic protection system.

(10) Documentation supporting the suitability of the underground storage tank to be upgraded with an internal lining. The documentation must be submitted within thirty (30) days after the determination is completed under 329 IAC 9-2.1-1(b)(2).

(11) Documentation supporting the suitability of the underground storage tank to be upgraded with an internal lining combined with cathodic protection. The documentation must be submitted within thirty (30) days after the determination is completed under 329 IAC 9-2.1-1(b)(3). The documentation also must include the following:

(A) A report of the condition of the underground storage tank prior to lining that includes the following:

(i) Diagram showing the location and size of any repair necessary to the interior of the underground storage tank prior to lining.

(ii) Diagram showing the location and size of any repair necessary to the exterior of the underground storage tank prior to cathodic protection.

(iii) Documentation showing the tank has met both thickness and tank deflection criteria specified in the publications for upgrades under clause (B).

(B) The suitability of the tank for lining must meet the following requirements:

(i) American Petroleum Institute Recommended Practice 1631, "Interior Lining of Underground Storage Tanks", Fourth Edition, ~~October 1997~~, **June 2001**, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(ii) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0285-95, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection", revised 1995, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(iii) American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Third Edition, May 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(12) Documentation of operation and maintenance of corrosion protection equipment under 329 IAC 9-3.1-2. The results of the postinstallation cathodic protection:

- (A) test for a galvanic cathodic protection system; and
- (B) inspection for an impressed current cathodic protection system;

must be submitted within thirty (30) days after the test or inspection is completed for a new UST system and an upgraded UST system.

(13) Documentation supporting the suitability of the excavation zone for the proper function of:

- (A) vapor observation wells under 329 IAC 9-7-4(5); and
- (B) ground water observation wells under 329 IAC 9-7-4(6);

as a method of release detection. The documentation must be submitted within thirty (30) days after the observation wells installation is completed for a new UST system and an upgraded UST system.

(14) Documentation supporting the suitability of the excavation zone to support a secondary barrier in the excavation zone as a method of release detection under 329 IAC 9-7-4(7)(B). The documentation must be submitted within thirty (30) days after the installation of the secondary barrier is completed for a new UST system and an upgraded UST system.

(15) Documentation supporting the suitability of the secondary barrier as a method of release detection under 329 IAC 9-7-4(7)(B). The documentation must be submitted within thirty (30) days after the installation of the secondary barrier is completed for a new UST system and an upgraded UST system.

(c) The owner and operator shall maintain the following information:

(1) Documentation of operation and maintenance of corrosion

protection equipment under 329 IAC 9-3.1-2. The results of the postinstallation cathodic protection:

- (A) test for a galvanic cathodic protection system; and
- (B) inspection for an impressed current cathodic protection system;

must be maintained under subsection (d) within thirty (30) days after the test or inspection is completed for a new UST system and an upgraded UST system.

(2) Documentation of UST system repairs under 329 IAC 9-3.1-4(b)(6).

(3) Documentation of compliance with release detection requirements under ~~329 IAC 9-7-6~~, **329 IAC 9-3-1**.

(4) Results of the site investigation conducted at ~~permanent~~ closure under 329 IAC 9-6-4.

(5) Documentation supporting the suitability of the underground storage tank to be upgraded with cathodic protection. The documentation must be maintained under subsection (d) within thirty (30) days after the determination is completed under 329 IAC 9-2.1-1(b)(1). The documentation must include a signed affidavit from the corrosion expert who designed the field-installed cathodic protection system.

(6) Documentation supporting the suitability of the underground storage tank to be upgraded with an internal lining. The documentation must be maintained under subsection (d) within thirty (30) days after the determination is completed under 329 IAC 9-2.1-1(b)(2).

(7) Documentation supporting the suitability of the underground storage tank to be upgraded with an internal lining combined with cathodic protection. The documentation must be maintained under subsection (d) within thirty (30) days after the determination is completed under 329 IAC 9-2.1-1(b)(3). The documentation also must include the following:

(A) A report of the condition of the underground storage tank prior to lining that includes the following:

- (i) Diagram showing the location and size of any repair necessary to the interior of the underground storage tank prior to lining.
- (ii) Diagram showing the location and size of any repair necessary to the exterior of the underground storage tank prior to cathodic protection.
- (iii) Documentation showing the tank has met both thickness and tank deflection criteria specified in the publications for upgrades under clause (B).

(B) A signed certification by a corrosion expert indicating the suitability of the tank for lining under the following:

(i) American Petroleum Institute Recommended Practice 1631, "Interior Lining of Underground Storage Tanks", Fourth Edition, ~~October 1997~~, **June 2001**, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(ii) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0285-95, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection", revised 1995, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

## Proposed Rules

(iii) American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Third Edition, May 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(8) Documentation supporting the suitability of the excavation zone for the proper function of:

(A) vapor observation wells under 329 IAC 9-7-4(5); and

(B) ground water observation wells under 329 IAC 9-7-4(6);

as a method of release detection. The documentation must be maintained under subsection (d) within thirty (30) days after the observation wells installation is completed for a new UST system and an upgraded UST system.

(9) Documentation supporting the suitability of the excavation zone to support a secondary barrier in the excavation zone as a method of release detection under 329 IAC 9-7-4(7)(B). The documentation must be maintained under subsection (d) within thirty (30) days after the installation of the secondary barrier is completed for a new UST system and an upgraded UST system.

(10) Documentation supporting the suitability of the secondary barrier as a method of release detection under 329 IAC 9-7-4(7)(B). The documentation must be maintained under subsection (d) within thirty (30) days after the installation of the secondary barrier is completed for a new UST system and an upgraded UST system.

(11) A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used under 329 IAC 9-2-1(1)(D) or 329 IAC 9-2-1(2)(C). The documentation must be maintained under subsection (d) within thirty (30) days after the analysis is completed.

**(12) All written performance claims that pertain to any release detection system used and the manner in which the claim has been justified or tested by the equipment manufacturer or installer. All claims must be maintained for the longest time period of the following time periods:**

**(A) Five (5) years.**

**(B) The time period the release detection system is used.**

**(C) The time period of any unresolved litigation between the commissioner and the owner or operator of the UST system.**

**(13) The results of any sampling, testing, or monitoring relating to release detection systems must be maintained for at least one (1) year except that the results of tank tightness testing conducted under 329 IAC 9-7-4(3) must be maintained until the next test is conducted.**

**(14) Documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site must be maintained for at least one (1) year after the servicing work is completed.**

**(15) Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer must be maintained for the longest time period of the following time periods:**

**(A) Five (5) years from the date of installation.**

**(B) The time period the release detection system is used.**

(d) The owner and operator shall maintain the records required:

(1) at the underground storage tank site and immediately available for inspection by the agency; **or**

(2) at a readily available alternative site and be provided for inspection to the agency upon request. **or**

~~(3)~~ **(e)** In the case of ~~permanent~~ closure records required under 329 IAC 9-6-4, the owner and operator are also provided with the additional alternative of mailing closure records to the agency if they cannot be kept at the site or an alternative site as ~~indicated~~ **allowed in this subsection (d)(2).** (*Solid Waste Management Board; 329 IAC 9-3-1; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1069; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3701; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 21. 329 IAC 9-3-2 IS ADDED TO READ AS FOLLOWS:

### **329 IAC 9-3-2 Electronic reporting and submittal**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

**Affected:** IC 13-23

**Sec. 2. Documentation required to be submitted to the agency by this article, with the exception of reports required under 329 IAC 9-4-4, may be submitted in an electronic format as prescribed by the commissioner. Any documents submitted in an electronic format must also be submitted as a paper copy.** (*Solid Waste Management Board; 329 IAC 9-3-2*)

SECTION 22. 329 IAC 9-3.1-1 IS AMENDED TO READ AS FOLLOWS:

### **329 IAC 9-3.1-1 Spill and overfill control**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

**Affected:** IC 13-23

Sec. 1. (a) The owner and operator shall ensure the following:

(1) Releases due to spilling or overfilling do not occur.

(2) The volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made.

(3) The transfer operation is monitored constantly to prevent overfilling and spilling.

(4) The transfer operation complies with the following:

(A) National Fire Protection Association Publication 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids", ~~1990~~ **2000** Edition, as incorporated by reference under rules of the fire prevention and building safety commission at 675 IAC 22-2.2-21.

(B) Article 79, "Flammable and Combustible Liquids", of the 1998 Indiana Fire Code under rules of the fire prevention and building safety commission at 675 IAC 22-2.2.

(b) The owner and operator shall report, investigate, and clean up any spills and overfills under 329 IAC 9-4-4.

(c) Deliveries must be made through a drop tube that extends to within one (1) foot of the tank bottom. (*Solid Waste Management Board; 329 IAC 9-3.1-1; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3704*)

SECTION 23. 329 IAC 9-3.1-2 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-3.1-2 Operation and maintenance of corrosion protection**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
**Affected:** IC 13-23

Sec. 2. The owner and operator of a steel UST system with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances:

(1) All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that:

- (A) routinely contain regulated substances; and
- (B) are in contact with the ground.

(2) All UST systems equipped with galvanic cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester under the following requirements:

(A) All galvanic cathodic protection systems must be tested within six (6) months of installation and at least every three (3) years thereafter.

(B) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0285-95, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection", revised 1995, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(3) All UST systems with impressed current cathodic protection systems must be:

- (A) inspected every sixty (60) days to ensure the equipment is running according to manufacturer's specifications; **and**
- (B) **tested within six (6) months of installation and at least every three (3) years thereafter.**

(4) Records of the operation of the cathodic protection must be maintained under 329 IAC 9-3 to demonstrate compliance with the performance standards in this section. These records must provide the following:

- (A) The results of the most recent three (3) inspections required in subdivision (3).
- (B) The results of testing from the last two (2) inspections required in subdivision (2).

(5) The owner and operator shall demonstrate compliance with this section by providing a certification of compliance on the ~~underground storage tank~~ notification form under 329 IAC 9-2-2. The certification must demonstrate that the person

that performs the work has been certified by the office of the state fire marshal.

(*Solid Waste Management Board; 329 IAC 9-3.1-2; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3704*)

SECTION 24. 329 IAC 9-3.1-3 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-3.1-3 Compatibility**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
**Affected:** IC 13-23

Sec. 3. (a) The owner and operator shall use ~~a~~ **an** UST system made of or lined with materials that are compatible with the regulated substance stored in the UST system.

(b) For tanks that store alcohol blends, one (1) or more of the following codes must be used to comply with subsection (a):

(1) American Petroleum Institute Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations", First Edition, April 1985, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(2) American Petroleum Institute Recommended Practice 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations", First Edition, August 1986, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070. (*Solid Waste Management Board; 329 IAC 9-3.1-3; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3704*)

SECTION 25. 329 IAC 9-3.1-4 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-3.1-4 Repairs and maintenance allowed**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
**Affected:** IC 13-23

Sec. 4. (a) The owner and operator of ~~a~~ **an** UST system shall ensure that repairs **and maintenance** prevent releases due to:

- (1) structural failure as long as the UST system is used to store regulated substances; or
- (2) corrosion as long as the UST system is used to store regulated substances.

(b) The repairs **and maintenance** must meet the following requirements:

(1) Repairs **and maintenance** to a steel UST system must be conducted in accordance with one (1) or more of the following:

(A) Article 79, "Flammable and Combustible Liquids", of the 1998 Indiana Fire Code, 675 IAC 22-2.2.

(B) American Petroleum Institute Recommended Practice 2200, "Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines", Third Edition, May 1994, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(C) American Petroleum Institute Recommended Practice 1631, "Interior Lining of Underground Storage Tanks", Fourth Edition, ~~October 1997~~, **June 2001**, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(D) National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection", revised ~~1991~~, **1992**, National Leak Prevention Association, Route 2, Box 106A, Falmouth, Kentucky 41040.

**(2) Maintenance to a steel tank lined under section 2 of this rule is not allowed if thirty percent (30%) or more of the original lined surface of the steel tank has had maintenance performed under subdivision (1). The tank must be replaced.**

~~(2)~~ (3) Repairs **and** maintenance to a fiberglass-reinforced plastic tank may be made:

(A) by the manufacturer's authorized representative using the manufacturer's specifications; or

(B) by the owner or operator in accordance with one (1) or more of the following:

(i) Underwriters Laboratories Standard 1316, "Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohol, and Alcohol-Gasoline Mixtures", ~~1994~~, **1996**, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(ii) Codes listed in Class 6 of American Petroleum Institute Recommended Practice 1631, "Interior Lining of Underground Storage Tanks", Fourth Edition, ~~October 1997~~, **June 2001**, American Petroleum Institute, 1220 L Street NW, Washington, D. C. 20005-4070.

(iii) National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection", revised ~~1991~~, **1992**, National Leak Prevention Association, Route 2, Box 106A, Falmouth, Kentucky 41040.

~~(3)~~ (4) The requirements for **repair and maintenance** to pipes and fittings are as follows:

(A) Metal pipe sections and fittings that have released product as a result of corrosion or other damage must be replaced.

(B) Fiberglass pipes and fittings may be repaired **or have maintenance performed** in accordance with the manufacturer's specifications.

~~(4)~~ (5) The repaired tank and piping must be tightness tested under 329 IAC 9-7-4(3) and 329 IAC 9-7-5(2) within thirty (30) days following the date of the completion of the repair except as provided under one (1) of the following:

(A) The repaired tank is internally inspected in accordance with one (1) or more of the standards listed in subdivision (1) or (2).

(B) The repaired portion of the UST system is monitored

monthly for releases under a method specified in 329 IAC 9-7-4(4) through 329 IAC 9-7-4(8).

(C) Another test method is used that is determined by the commissioner to be no less protective of human health and the environment than those listed in clauses (A) and (B).

~~(5)~~ (6) Following the repair of any cathodically protected UST system, the cathodic protection system must be tested under:

(A) section 2(2) of this rule within six (6) months following the repair for a galvanic cathodic protection system to ensure that it is operating properly; and

(B) section 2(3) of this rule within sixty (60) days following the repair for an impressed current cathodic protection system to ensure that it is operating properly.

~~(6)~~ (7) The UST system owner and operator shall maintain records of each repair for the remaining operating life of the UST system that demonstrate compliance with this section. **Maintenance must be documented but is not reported to the agency.**

~~(7)~~ (8) The owner and operator shall demonstrate compliance with this section by providing a certification of compliance on the ~~underground storage tank~~ notification form under 329 IAC 9-2-2. The certification must demonstrate that the person that performs the work has been certified by the office of the state fire marshal.

*(Solid Waste Management Board; 329 IAC 9-3.1-4; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3705)*

SECTION 26. 329 IAC 9-4-3 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-4-3 Release investigations and confirmation steps**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

**Affected:** IC 13-23

Sec. 3. Unless corrective action is initiated in accordance with 329 IAC 9-5, the owner and operator shall immediately investigate and confirm all suspected releases of regulated substances requiring reporting under section 1 of this rule within seven (7) days using the following steps or another procedure approved by the commissioner:

(1) The owner and operator shall conduct tests according to the requirements for tightness testing in 329 IAC 9-7-4(3) and 329 IAC 9-7-5(2) to determine whether a leak exists in that portion of the tank that routinely contains product or the attached delivery piping, or both. The owner and operator shall complete one (1) of the following:

(A) The owner and operator shall repair, replace, or upgrade the UST system and begin corrective action in accordance with 329 IAC 9-5 if the test results for the system, tank, or delivery piping indicate that a leak exists.

(B) Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a leak exists and if ~~environmental contamination is~~ **contaminants are** not present.

(C) The owner and operator shall conduct a site check as described in subdivision (2) if the test results for the system, tank, and delivery piping do not indicate that a leak exists, but **environmental contamination is contaminants are** present.

(2) The owner and operator shall measure for the presence of a release where **contamination the contaminant** is most likely to be present at the underground storage tank site. In selecting sample types, sample locations, and measurement methods, the owner and operator shall consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth to ground water, and other factors appropriate for identifying the presence and source of the release. The owner and operator shall complete one (1) of the following:

(A) If the test results for the excavation zone or the underground storage tank site indicate that a release has occurred, the owner and operator shall begin corrective action in accordance with 329 IAC 9-5.

(B) If the test results for the excavation zone or the underground storage tank site do not indicate that a release has occurred, further investigation is not required.

*(Solid Waste Management Board; 329 IAC 9-4-3; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1070; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3706; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 27. 329 IAC 9-4-4 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-4-4 Reporting and cleanup of spills and overfills**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
**Affected:** IC 13-23

Sec. 4. (a) The owner and operator of **a an** UST system shall contain and immediately clean up a spill or overfill, report **the incident** to the **agency emergency response twenty-four (24) hour spill hotline at (888) 233-7745 in Indiana or (317) 233-7745 as soon as possible but** within twenty-four (24) hours and begin corrective action in accordance with 329 IAC 9-5 in the following cases:

(1) Spill or overfill of petroleum that results in a release to the environment that:

(A) equals or exceeds twenty-five (25) gallons; or

(B) causes a sheen on nearby surface water.

(2) Spill or overfill of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under 40 CFR 302.4, **revised 2000**. The Code of Federal Regulations is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(b) The owner and operator of **a an** UST system shall contain and immediately remove any contaminated media when one (1) of the following occur:

(1) Spill or overfill of petroleum that is less than twenty-five (25) gallons.

(2) Spill or overfill of a hazardous substance that is less than the reportable quantity under 40 CFR 302.4, **revised 2000**. The Code of Federal Regulations is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

If the removal of any contaminated media cannot be accomplished within twenty-four (24) hours, the owner and operator shall immediately notify the agency. *(Solid Waste Management Board; 329 IAC 9-4-4; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1070; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3707; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 28. 329 IAC 9-5-1 IS AMENDED TO READ AS FOLLOWS:

**Rule 5. Initial Response, Site Investigation, and Corrective Action**

**329 IAC 9-5-1 Applicability for release response and corrective action**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
**Affected:** IC 13-12-3-2; IC 13-23

Sec. 1. (a) An owner and operator of a petroleum or hazardous substance UST system shall, in response to a confirmed release from the UST system, comply with the requirements of this rule **except for unless the UST systems system is** excluded under 329 IAC 9-1-1(b) **and or the UST systems system is** subject to corrective action requirements under Section 3004(u) (42 U.S.C. 6924(u)) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901, et seq., in effect on September 30, 1996.

(b) The owner and operator shall conduct corrective action that meets the following requirements:

(1) The corrective action plan is in the following format:

(A) Executive summary, including the following:

(i) A briefing about the site in narrative form, highlighting events regarding the need for corrective action.

(ii) Other information regarding the need for corrective action.

(B) A narrative concerning contaminant and site conditions, including the following:

(i) Contaminant identification including chemical and physical properties.

(ii) Contaminant toxicological data.

(iii) Potential effects of residual contamination.

(iv) Site specific soil and hydrogeologic characteristics.

(v) Proximity of local surface waters and ground water and associated water quality data.

(vi) Current and potential future uses of local water sources.

(vii) A summary of site specific water quality data generated during previously completed site investigations.

(viii) Other information necessary to describe site conditions.

(C) Health and safety plan, including the following:

- (i) Known hazards and risk evaluation associated with site activities;
- (ii) List of personnel; alternates to personnel; and areas of responsibilities of personnel;
- (iii) Levels of personal protection for personnel;
- (iv) Decontamination equipment and procedures;
- (v) Site access control measures;
- (vi) Site emergency procedures; medical care availability; and a route by roadway to health care facilities;
- (vii) List of emergency phone numbers that includes the fire department; the police department; a local ambulance; and the local hospital or medical facility;
- (viii) List of personnel's training; qualifications; and certifications;
- (ix) A description of how the plan will meet health and safety requirements.

(D) An appropriately scaled regional map that can be reproduced from previously submitted and approved site investigation reports but must include the following:

- (i) Illustrated legends and compass directions;
- (ii) A legible; topographic base with ten (10) foot contour intervals;
- (iii) Location and depth of any wells that have a capacity greater than seventy (70) gallons per minute within a two (2) mile radius of the site;
- (iv) Location and depth of any wells that have a capacity of less than seventy (70) gallons per minute within a one (1) mile radius of the site;
- (v) Identification of facilities and land for agricultural, residential, commercial, and industrial use within a one (1) mile radius of the site;
- (vi) Locations of surface water within a one (1) mile radius of the site;
- (vii) Site location.

(E) Appropriately scaled site maps that can be reproduced from previously submitted and approved site investigation reports but must include the following:

- (i) Illustrated legends and compass directions;
- (ii) Topographic base with appropriate contour intervals to accurately describe the site;
- (iii) Identified above ground features; including buildings, roadways, manways, pump islands, and property lines;
- (iv) Identified subsurface features; including tanks, piping, and utility conduits;
- (v) Soil boring and monitoring well locations surveyed to one-hundredth (.01) foot accuracy from an on-site temporary benchmark;
- (vi) Both field and laboratory sampling locations; depth of sample taken; and the contaminant concentration results;
- (vii) Contaminant plume delineation;
- (viii) Ground water flow direction;
- (ix) The location of remediation equipment shown; to scale.

(F) Geologic and hydrogeologic maps that describe subsurface features and contaminant plume identification and include the following:

- (i) Cross sections;
- (ii) Fence diagrams;
- (iii) Geophysical profile or geophysical maps; or both; if available;

(G) A narrative on selected remediation technology that includes the following:

- (i) Feasibility studies showing the effectiveness of the selected remediated technology;
- (ii) A detailed description of the selected technology; design explanations; and illustrations;
- (iii) Projected contaminant removal or treatment rates; or both;
- (iv) Technical specifications of equipment and the process.

(H) Sampling and analysis plan to evaluate the performance of the remediation technology that includes the following:

- (i) A minimum of quarterly samples taken and reported;
- (ii) The following as applicable:
  - (AA) Field investigation procedures;
  - (BB) Field screen samples;
  - (CC) Laboratory procedures for checking sample validity; sample acquisition; container; preservation; shipping requirements; storage time; chain of custody; and decontamination of equipment between samples;
  - (DD) Provisions for retention of laboratory quality assurance and quality control information;
  - (EE) Documentation that the sampling and analysis will be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods"; United States Environmental Protection Agency Publication SW-846, Third Edition (November 1986) as amended by Updates I (July 1992); H (September 1994); HA (August 1993); HB (January 1995); and HH (December 1996). Publication SW-846 is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402;
  - (FF) Provisions for submission of reports that must include a signed laboratory certificate of analysis that lists analysis method; method preparation; date of sample receipt; date of analysis; a statement that the method quality assurance and quality control procedures were followed; the chain of custody documentation; including laboratory receipts; decontamination procedures; and sampling procedures and techniques;
- (I) Timetable that includes the following shown on a Gantt chart:
  - (i) Installation and implementation dates;
  - (ii) Sampling events;
  - (iii) Progress milestones;
  - (iv) Completion dates;
- (J) Provisions for progress reports to be submitted that include the following:

- (i) Brief narrative of the remediation process;
- (ii) Documentation and data graphically demonstrating remediation effectiveness;
- (iii) Quarterly sampling results.
- (K) Provisions for a final report that includes:
  - (i) documentation that the clean-up goals and objectives have been achieved; and
  - (ii) a signature by either a professional engineer, professional geologist, hydrologist, or certified hazardous materials manager.
- (2) The soil clean-up objectives must be determined and met by complying with IC 13-12-3-2.
- (3) The ground water clean-up objectives must be determined and met by complying with IC 13-12-3-2.

(c) The owner and operator may conduct another method of corrective action that is:

- (1) as protective of human health and the environment as that provided in subsection (b); and
- (2) approved by the commissioner.

*(Solid Waste Management Board; 329 IAC 9-5-1; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1071; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3707; errata filed Sep 10, 1999, 9:08 a.m.: 23 IR 26; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 29. 329 IAC 9-5-2 IS AMENDED TO READ AS FOLLOWS:

### **329 IAC 9-5-2 Initial response**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
 Affected: IC 13-23

Sec. 2. Upon confirmation of a release in accordance with 329 IAC 9-4-3 or after a release from the UST system is identified in any other manner, the owner and operator shall perform the following initial response actions within twenty-four (24) hours of a release:

- (1) Report the release to the agency:
  - (A) by telephone at (317) 232-8900 or after hours or holidays at (317) 233-7745;
  - (B) by fax at (317) 234-0428; or
  - (C) at [LeakingUST@dem.state.in.us](mailto:LeakingUST@dem.state.in.us) for electronic mail.
- (2) Take immediate action to prevent any further release of the regulated substance into the environment.
- (3) Identify and mitigate fire, explosion, and vapor hazards.
- (4) Mitigate to the extent practicable adverse effects to human health and the environment.

*(Solid Waste Management Board; 329 IAC 9-5-2; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1071; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3709; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 30. 329 IAC 9-5-3.2 IS ADDED TO READ AS FOLLOWS:

### **329 IAC 9-5-3.2 Initial abatement measures and site check**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
 Affected: IC 13-23

Sec. 3.2. (a) The owner and operator shall perform the following abatement measures:

- (1) Remove as much of the regulated substance from the UST system as necessary to prevent further release to the environment.
- (2) Visually inspect any aboveground releases or exposed belowground releases and prevent further migration of the released substance into surrounding soils and ground water.
- (3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the underground storage tank excavation zone and entered into subsurface structures, which may include:
  - (A) storm sewers;
  - (B) sanitary sewers;
  - (C) utility lines;
  - (D) inhabitable buildings with a basement or crawl space; or
  - (E) underground conduits.
- (4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator shall comply with applicable state and local requirements.
- (5) Measure for the presence of a release where the contaminant is most likely to be present at the underground storage tank site unless the presence and source of the release have been confirmed in accordance with the site check required by 329 IAC 9-4-3(2) or the closure site assessment of 329 IAC 9-6-2.5. In selecting sample types, sample locations, and measurement methods, the owner and operator shall consider the nature of the stored substance, the type of backfill, depth to ground water, and other factors as appropriate for identifying the presence and source of the release.
- (6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with section 4.2 of this rule.

(b) If:

- (1) drinking water is affected;
- (2) free product is present; or
- (3) vapors are present in:
  - (A) storm sewers;
  - (B) sanitary sewers;
  - (C) utility lines;
  - (D) inhabitable buildings with a basement or crawl space; or
  - (E) underground conduits;

within twenty (20) days after release confirmation, the owner and operator shall submit a report to the agency summarizing the initial abatement measures taken under subsection (a) and any resulting information or data.

---

## Proposed Rules

---

(Solid Waste Management Board; 329 IAC 9-5-3.2)

SECTION 31. 329 IAC 9-5-4.2 IS ADDED TO READ AS FOLLOWS:

### 329 IAC 9-5-4.2 Free product removal

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

Affected: IC 13-23

Sec. 4.2. At sites where investigations indicate the presence of free product, the owner and operator shall remove free product to the maximum extent practicable as determined by the commissioner based on free product removal technology and site conditions while continuing, as necessary, any actions initiated under sections 2, 3.2, and 5.1 of this rule, or preparation for actions required under sections 6 and 7 of this rule. In meeting the requirements of this section, the owner and operator shall do the following:

- (1) Conduct free product removal in a manner that:
  - (A) minimizes the spread of the contaminant into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site; and
  - (B) properly treats, discharges, or disposes of recovery products and byproducts in compliance with applicable local, state, and federal regulations.
- (2) Use abatement of free product migration as a minimum objective for the design of the free product removal system.
- (3) Handle any flammable products in a manner so as to prevent fires or explosions in accordance with the site health and safety plan as required by section 7(e) of this rule.
- (4) Unless directed to do otherwise by the commissioner, prepare and submit to the agency, within forty-five (45) days after confirming a release, a free product removal report that provides at least the following information:
  - (A) The name of the person responsible for directing the free product removal measures.
  - (B) The estimated quantity, type, and thickness of free product observed or measured in wells, boreholes, and excavations.
  - (C) The type of free product recovery system used.
  - (D) Whether any discharge of free product will take place on-site or off-site during the recovery operation and where this discharge will be located.
  - (E) The type of treatment applied to, and the effluent quality expected from, any discharge.
  - (F) The steps that have been, or are being taken, to obtain necessary permits for any discharge.
  - (G) The disposition of the recovered free product.

(Solid Waste Management Board; 329 IAC 9-5-4.2)

SECTION 32. 329 IAC 9-5-5.1 IS AMENDED TO READ AS FOLLOWS:

### 329 IAC 9-5-5.1 Initial site characterization

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

Affected: IC 13-12-3-2; IC 13-23; IC 25-17-6; IC 25-31-1; IC 25-31.5-4

Sec. 5.1. (a) **In conformance with IC 13-12-3-2**, the owner and operator shall assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial **response and** abatement measures in sections 2 and ~~4~~ **3.2** of this rule. This information must include the following:

- (1) Data on the nature and estimated quantity of release.
  - (2) Data from available sources or site investigations, or both, concerning the following factors:
    - (A) Surrounding populations.
    - (B) **Surface and ground** water quality.
    - (C) Use and approximate locations of all wells within:
      - (i) a ~~one~~ (1) mile radius for ground water wells for background;
      - (ii) a two (2) mile radius for municipal water supply wells for investigations;
      - (iii) a two (2) mile radius for wells with a capacity greater than seventy (70) gallons per minute for investigation; and
      - (iv) a one (1) mile radius for wells with a capacity less than seventy (70) gallons per minute for investigation.**potentially affected by the release but at minimum include those wells specified in subsection (b)(2)(E)(v)(CC) and (b)(2)(E)(v)(DD).**
  - (D) Subsurface soil conditions.
  - (E) Locations of
    - (i) storm sewers;
    - (ii) sanitary sewers;
    - (iii) utility lines; and
    - (iv) french drains.
- on-site and adjacent subsurface features.**
- (F) Climatological conditions.
  - (G) Land use.

(3) Results of the site check required under section ~~4.1(a)(5)~~ **3.2(a)(5)** of this rule.

(4) Results of the free product investigations required under section ~~4.1(a)(6)~~ **3.2(a)(6)** of this rule, to be used by the owner and operator to determine whether free product must be recovered under section ~~3.1~~ **4.2** of this rule.

(5) Known or expected extent of ~~contamination; the contaminant or contaminants.~~

(6) Information requested by the commissioner.

(b) Within forty-five (45) days of release confirmation, the owner and operator shall submit the information collected under subsection (a) to the agency as follows:

- (1) In a manner that demonstrates the applicability and technical adequacy of the information.
- (2) In a format **as required by the agency that includes the information** as follows:
  - (A) Background, including the following:
    - (i) The owner's and operator's name and address.

- (ii) Past owners' and operators' names and addresses.
- (iii) The facility name, address, and telephone number.
- (iv) All prior and present operations of the facility.
- (v) Prior construction activities.
- (vi) List prior spills at the facility.
- (vii) Site proximity to sensitive areas, such as **residences**, schools, and well fields.
- (viii) Subsurface soil descriptions.
- (ix) ~~Location of~~ **Information known about** all ground water wells within a one (1) mile radius of the facility.
- (x) Description of all site work completed **and the date the site work was completed.**
- (xi) Number and volume of underground storage tank or tanks.
- (xii) Underground storage tank construction material and type of leak detection.
- (xiii) Past and present contents of each underground storage tank.
- (xiv) Records of most recent tightness test results, inventory records, and underground storage tank gaging records for the prior calendar year.
- (xv) Underground storage tank age and date of installation.
- (xvi) Underground storage tank system closure report submittal date, if applicable.
- (B) Release incident description, including the following:
  - (i) Date reported to the ~~department.~~ **agency.**
  - (ii) Release incident number given by the ~~department~~ **agency** at the initial report.
  - (iii) Assigned ~~departmental~~ **agency** site priority ranking obtained at the initial report.
  - (iv) List material or materials released.
  - (v) List volume lost.
  - (vi) List areas affected, such as the soil, ground water, **surface water features**, or ~~sewers.~~ **subsurface conduits.**
  - (vii) Health and environmental risks associated with the spill incident.
- (C) Initial response and abatement information, including the following:
  - (i) Detailed description of immediate actions **taken** to ~~present~~ **prevent** any further release.
  - (ii) Measures taken to prevent further migration of the spill.
  - (iii) Actions taken to identify and mitigate fire and explosion hazards posed by vapors or free product.
  - (iv) Actions **taken** to investigate free product release.
- (D) Free product recovery information, including the following:
  - (i) Name of person or persons responsible for product removal.
  - (ii) Estimated quantity, type, and thickness of product observed or discovered.
  - (iii) A description of the recovery system.
  - (iv) Copies of all permits from local, state, and federal

- agencies necessary for handling, treating, discharging, and disposing of the contaminants.
- (v) Final disposition of the recovered free product **and associated documentation.**
- (E) Investigation information, including the following:
  - (i) Types of bedrock.
  - (ii) Soil series description.
  - (iii) List of regional soil and geologic references used.
  - (iv) Regional hydrogeological references used.
  - (v) Appropriately scaled regional maps with the following:
    - (AA) Illustrated legends, **scale**, and compass direction.
    - (BB) Topographic base with ten (10) foot contour intervals.
    - (CC) Location, depth, and corresponding department of natural resources' well records ~~of for~~ wells **with located within a two (2) mile radius of the site that have a capacity of over seventy (70) gallons per minute and or that are** municipal water supply wells. ~~within a two (2) mile radius of the site.~~
    - (DD) Location, depth, and corresponding department of natural resources' well records ~~of for~~ wells with a capacity of less ~~that than~~ seventy (70) gallons per minute within a one (1) mile radius of the site.
    - (EE) Identification of facilities and land for agricultural, industrial, and commercial use within one (1) mile radius of the site.
    - (FF) Locations of surface water **features** within a one (1) mile radius of the site.
- (vi) Site-specific geologic information as follows:
  - (AA) A minimum of three (3) on-site, continuously sampled soil borings.
  - (BB) Soil ~~borings,~~ **boring locations**, accurately field surveyed with a horizontal closure of less than one (1) foot error. ~~placed as needed to confirm the extent of soil contamination.~~
  - (CC) Site soil stratigraphy identification, including cross sections.
  - (DD) Boring logs that give lithologic descriptions, degree of sorting, sedimentary contacts, gas readings, and vapor readings.
  - (EE) Boring logs with the same vertical scale and including surface elevations.
- (vii) Hydrogeologic information, including the following:
  - (AA) Depth to ground water. ~~with seasonal fluctuations determined by at least quarterly monitoring events.~~
  - (BB) **Ground water** flow directions and gradients.
  - (CC) Hydraulic conductivity, transmissivity, storativity, confined or unconfined condition, porosity **of the aquifer or aquifers involved**, and the average linear velocity of the **ground water in the** aquifer or aquifers involved.
  - (DD) A minimum of three (3) monitoring wells screened across water table fluctuation and not placed in a straight line.

## Proposed Rules

- (EE) Monitoring wells placed as needed to confirm extent of ground water contamination: **must be installed as per the requirements of rules of the department of natural resources at 312 IAC 13.**
- (FF) Monitoring well location surveyed to a temporary benchmark with a vertical accuracy of one-hundredth (.01) foot and with a horizontal closure of less than one (1) foot.
- (GG) Well construction records submitted with the same scale that includes surface and the top of the well casing elevations **and well screen length, and depth to the top and bottom of screen.**
- (viii) Contamination plume identification and maps, appropriately scaled, that include the following:
- ~~(AA) The horizontal and vertical extent of contamination must be defined.~~
  - ~~(BB)~~ (AA) Illustrated legends, **scale**, and compass directions.
  - ~~(CC)~~ (BB) Topographic base with appropriate contour intervals to accurately describe the site.
  - ~~(DD)~~ (CC) Identification of aboveground features, including buildings, roadways, manways, pump islands, and property lines.
  - ~~(EE)~~ (DD) Identification of subsurface features, including tanks, piping, and utility conduits, **storm sewers, sanitary sewers, utility lines, and french drains.**
  - ~~(FF)~~ (EE) Soil borings and monitoring well locations surveyed to a temporary benchmark with **an a horizontal closure accuracy of one (1) foot, and a vertical accuracy of one-hundredth (.01) foot.**
  - ~~(GG)~~ Both field and laboratory (FF) Sampling locations, depth of sample taken, and the contaminant concentration results.
  - ~~(HH)~~ (GG) Horizontal and vertical contaminant plume identification.
  - ~~(H)~~ (HH) Geologic cross sections showing the water table and illustrating **the vertical extent of the contaminant plume. identification.**
  - ~~(J)~~ (II) Ground water flow directions.
- (F) Sampling information, including the following:
- (i) Field investigation procedures.
  - (ii) Field screen samples.
  - (iii) Laboratory procedures that include checking sample validity, sample acquisition, container, preservation, shipping requirements, storage time, chain of custody, and decontamination of equipment between samples.
  - (iv) Provisions for retention of laboratory quality assurance and quality control information, so that the information may be made available to representatives of the **department agency** upon request.
  - (v) Documentation **that** of the sampling and analysis conducted. **was in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", United States Environmental Protection Agency Publication SW-846, Third Edition (November 1986) as amended by Updates I (July 1992), H (September 1994), HA (August 1993), HB (January 1995), and HI (December 1996). Publication SW-846 is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.**
- (vi) A report that includes a signed laboratory certificate of analysis that lists analysis method, method preparation, date of sample receipt, date of analysis, a statement that the method quality assurance and quality control procedures were followed, the chain of custody documentation, including laboratory receipts, decontamination procedures, and sampling procedures and techniques.
  - (vii) Analytical methods and corresponding detection limits. **in the tables at 329 IAC 9-1-10.2.**
- (G) Results and conclusions that include the following:
- (i) Discussion of the results of the site investigation.
  - (ii) Field and laboratory sample results in a tabular format.
- (H) Recommendations that include the following:
- ~~(i) Feasibility studies.~~
  - ~~(ii) Discussion of effective remediation alternatives, including the following for each alternative:~~
    - ~~(AA) Overall effectiveness of technology.~~
    - ~~(BB) Ability to achieve clean-up criteria.~~
    - ~~(CC) Expected treatment duration.~~
    - ~~(DD) Treatment reliability.~~
    - ~~(EE) Permits that will be required.~~
- a discussion of the need for further site investigations to determine the nature and extent of the contaminants.**
- (3) In a report that is signed by **an environmental professional that may include: a:**
- (A) registered professional engineer under IC 25-31-1;
  - (B) **certified licensed** professional geologist under IC 25-17.6; **or**
  - (C) certified hazardous materials manager (CHMM); **or**
  - (D) professional soil scientist registered under IC 25-31.5-4.**
- (c) The commissioner may approve an alternative procedure for initial site characterization only if the procedure provides substantially equal protection for human health and the environment as the initial site characterization in subsections (a) and (b) **and is in the format as described in subsection (b)(2) through (b)(3).** (*Solid Waste Management Board; 329 IAC 9-5-5.1; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3710; errata filed Sep 10, 1999, 9:08 a.m.: 23 IR 26; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)
- SECTION 33. 329 IAC 9-5-6 IS AMENDED TO READ AS FOLLOWS:
- 329 IAC 9-5-6 Further site investigations for soil and ground water cleanup**
- Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-23

Sec. 6. (a) In order to determine the full extent and location of soils contaminated by the release and the presence and concentrations of dissolved product ~~contamination as a contaminant~~ of the ground water, the owner and operator shall conduct ~~investigations~~ **a further site investigation** of the release, the release site, and the surrounding area possibly affected by the release if any of the following conditions exist:

**(1) Information collected and submitted in section 5.1 of this rule is incomplete and fails to define the nature and extent of contamination in the soil and ground water.**

~~(1)~~ **(2)** There is evidence that ground water wells have been affected by the ~~release~~ **constituent of concern**. This evidence may include any ~~found information collected~~ during release confirmation or previous corrective action measures.

~~(2)~~ **(3)** Free product is found to need recovery in compliance with section ~~3.1~~ **4.2** of this rule.

~~(3)~~ **(4)** There is evidence that contaminated soils may be in contact with ground water. This evidence may include any ~~found information collected~~ while conducting the initial response measures or investigations required under sections 1, ~~through 2~~, **3.1, 4.1, and 5.1** of this rule.

~~(4)~~ **(5)** The commissioner requests ~~an~~ **a further site** investigation based on the potential effects of contaminated soil or ground water on nearby surface water and ground water resources.

(b) The owner and operator shall submit the information collected under subsection (a) as soon as practicable or in accordance with a schedule established by the commissioner **in the format described in section 5.1(b)(2) and 5.1(b)(3) or 5.1(c) of this rule.**

**(c) Discussion of effective remediation alternatives, including the following for each alternative:**

**(1) Overall effectiveness of technology.**

**(2) Ability to achieve clean-up criteria.**

**(3) Expected treatment duration.**

**(4) Treatment reliability.**

**(5) Permits that will be required.**

*(Solid Waste Management Board; 329 IAC 9-5-6; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1072; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3712; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 34. 329 IAC 9-5-7 IS AMENDED TO READ AS FOLLOWS:

### **329 IAC 9-5-7 Corrective action plan**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

**Affected:** IC 13-12-3-2; IC 13-23-8-4; IC 25-17-6; IC 25-31-1; IC 25-31-5-4

Sec. 7. (a) At any point after reviewing the information submitted in compliance with sections 1, 2, ~~4.1~~, **3.2**, and 5.1 of this rule, the commissioner may require the owner and operator to:

(1) submit additional information; or

(2) develop and submit a corrective action plan for respond-

ing to contaminated soils and ground water.

If a plan is required, the owner and operator shall submit the plan according to a schedule established by the commissioner and the format designated under ~~section 1(b)(1) of this rule~~ **subsection (f)**. Alternatively, the owner and operator may, after fulfilling the requirements of sections 2, ~~4.1~~, **3.2**, and 5.1 of this rule, choose to submit a corrective action plan for responding to contaminated soil and ground water. In either case, the owner and operator are responsible for submitting a plan that provides for adequate protection of human health and the environment, as determined by the commissioner, and shall modify their plan as necessary to meet this standard. ~~The corrective action plan may be automatically deemed approved under subsection (f).~~

(b) The commissioner will approve the corrective action plan only after ensuring that implementation of the plan will adequately protect human health, safety, and the environment. In making this determination, the commissioner shall consider the following factors, as appropriate:

(1) The physical and chemical characteristics of the regulated substance, including its toxicity, persistence, and potential for migration.

(2) The hydrogeologic characteristics of the facility and the surrounding area.

(3) The proximity, quality, and current and future uses of nearby surface water and ground water.

(4) The potential effects of ~~a residual contamination~~ **contaminant** on nearby surface water and ground water.

**(5) The proximity of potential contaminant receptors, including adjacent residences.**

~~(5)~~ **(6)** An exposure assessment.

~~(6)~~ **(7)** Any information assembled in compliance with this rule.

~~(7)~~ **(8)** The suitability of the chosen remediation method for site conditions.

(c) Upon approval of the corrective action plan or as directed by the commissioner, the owner and operator shall implement the plan, including modifications to the plan made by the commissioner. The owner and operator shall monitor, evaluate, and report the results of implementing the plan in accordance with a schedule and in a format established by the commissioner.

(d) The owner and operator may, in the interest of minimizing ~~environmental contamination~~ **the effect of a contaminant** and promoting more effective cleanup, begin cleanup of soil and ground water before the corrective action plan is approved provided that the owner and operator:

(1) notify the agency of their intention to begin cleanup;

(2) comply with any conditions imposed by the commissioner, including halting cleanup or mitigating adverse consequences from cleanup activities; and

(3) incorporate these self-initiated cleanup measures in the corrective action plan that is submitted to the commissioner for approval.

(e) During corrective action, the owner and operator and their designees shall adhere to a written health and safety plan that meets all applicable requirements of the occupational safety standards commission, and the rules of the fire prevention and building safety commission, 675 IAC 22-2.2.

(f) If requirements are satisfied under IC 13-23-8-4(a)(5)(A) and IC 13-23-8-4(a)(5)(B), the corrective action plan is automatically deemed approved under IC 13-23-8-4(a)(5). The owner and operator shall conduct corrective action that meets the following requirements:

(1) The corrective action plan must be presented in a format prescribed by the commissioner and contain the following information:

(A) Executive summary, including the following:

- (i) A briefing about the site in narrative form, highlighting events leading to the need for corrective action.
- (ii) Other information regarding the need for corrective action.

(B) A narrative concerning contaminant and site conditions, including the following:

- (i) Contaminant identification including chemical and physical properties.
- (ii) Determination of chemical reference doses (RfDs), cancer slope factors (Sfs or CPFs), reference ingestion factors, and maximum contaminant levels.
- (iii) Potential effects of residual contaminants.
- (iv) Site specific soil and hydrogeologic characteristics.
- (v) Proximity of local surface waters and ground water and associated water quality data.
- (vi) Current and potential future uses of local water sources.
- (vii) A summary of site specific water quality data generated during previously completed site investigations.
- (viii) Other information necessary to describe site conditions.

(C) Health and safety plan for corrective action activities, including the following:

- (i) Known hazards and risk evaluation associated with site activities.
- (ii) List of personnel, alternates to personnel, and areas of responsibilities of personnel.
- (iii) Levels of personal protection for personnel.
- (iv) Decontamination equipment and procedures.
- (v) Site access control measures.
- (vi) Site emergency procedures, medical care availability, and a route by roadway to at least one (1) health care facility.
- (vii) List of emergency phone numbers that includes the fire department, the police department, a local ambulance, and the local hospital or medical facility.
- (viii) List of personnel training, qualifications, and certifications.

(ix) A description of how the plan will meet health and safety requirements of the Indiana occupational health and safety standards and the rules of the fire prevention and building safety commission at 675 IAC 22-2.2.

(D) An appropriately scaled regional map that can be reproduced from previously submitted and approved site investigation reports but that must include the following:

- (i) Illustrated legends, scales, and compass directions.
- (ii) A legible, topographic base with ten (10) foot contour intervals.
- (iii) Location and depth of any wells that have a capacity greater than seventy (70) gallons per minute within a two (2) mile radius of the site.
- (iv) Location and depth of any wells that have a capacity of less than seventy (70) gallons per minute within a one (1) mile radius of the site.
- (v) Identification of facilities and land for agricultural, residential, commercial, and industrial use within a one (1) mile radius of the site.
- (vi) Locations of surface water features within a one (1) mile radius of the site.
- (vii) Site location.

(E) Appropriately scaled site maps that can be reproduced from previously submitted and approved site investigation reports that must include the following:

- (i) Illustrated legends, scales, and compass directions.
- (ii) Topographic base with appropriate contour intervals to accurately describe the site.
- (iii) Identified aboveground features, including buildings, roadways, manways, pump islands, and property lines.
- (iv) Identified subsurface features, including tanks, piping, and utility conduits.
- (v) Soil boring and monitoring well locations surveyed with a horizontal closure of less than one (1) foot error.
- (vi) Sampling locations, depth of sample taken, and the contaminant concentration results.
- (vii) Soil and ground water contaminant plume delineation.
- (viii) Ground water elevation contours and ground water flow direction.
- (ix) The location of remediation equipment shown, to scale.

(F) Geologic and hydrogeologic maps that describe subsurface features, identify the contaminant plume and include the following:

- (i) Cross sections.
- (ii) Fence diagrams.
- (iii) Geophysical profile or geophysical maps, or both, if available.

(G) A narrative on selected remediation technology that includes the following:

- (i) Feasibility studies showing the effectiveness of the selected remediated technology.
- (ii) A detailed description of the selected technology, design explanations, and illustrations.
- (iii) Projected contaminant removal or treatment rates, or both.
- (iv) Technical specifications of equipment and the process.
- (H) Sampling and analysis plan to evaluate the performance of the remediation technology that includes the following:
  - (i) A minimum of quarterly samples taken and reported.
  - (ii) The following as applicable:
    - (AA) Field investigation procedures.
    - (BB) Field screen samples.
    - (CC) Sampling methods and laboratory procedures conducted in a manner that will generate scientifically valid data.
    - (DD) Provisions for retention of laboratory quality assurance and quality control information.
    - (EE) Documentation of the sampling, quality assurance measures, and analysis.
    - (FF) Provisions for submission of reports that must include a signed laboratory certificate of analysis that lists analysis method, method preparation, date of sample receipt, date of analysis, a statement that the method quality assurance and quality control procedures were followed, the chain of custody documentation, including laboratory receipts, and laboratory decontamination procedures.
- (I) Timetable that includes the following shown on a bar chart:
  - (i) Installation and implementation dates.
  - (ii) Sampling events.
  - (iii) Progress milestones.
  - (iv) Completion dates.
- (J) Provisions for the corrective action plan to be signed by an environmental professional that is a:
  - (i) registered professional engineer under IC 25-31-1;
  - (ii) licensed professional geologist under IC 25-17.6;
  - (iii) certified hazardous materials manager (CHMM); or
  - (iv) professional soil scientist registered under IC 25-31.5-4.
- (K) Provisions for progress reports to be submitted quarterly in a format prescribed by the commissioner that include the following:
  - (i) Brief narrative of the remediation process.
  - (ii) Documentation and data graphically demonstrating remediation effectiveness.
  - (iii) Quarterly sampling results presented in a tabular format as prescribed by the commissioner with all previous sample data, if previous samples were taken.
  - (iv) Quarterly ground water elevation gauging results presented in a tabular format, as prescribed by the

commissioner, showing wellhead or measuring point elevation, depth to ground water, and ground water elevation.

(v) Updated site maps showing soil and ground water contaminant plume delineations, ground water elevation contours, and ground water flow directions.

(vi) Signed by an environmental professional that is a:

(AA) registered professional engineer under IC 25-31-1;

(BB) licensed professional geologist under IC 25-17.6;

(CC) certified hazardous materials manager (CHMM); or

(DD) professional soil scientist registered under IC 25-31.5-4.

(vii) Discussion of remediation system function, days of operation, and explanation for any time periods remediation system does not function. This discussion must include volumes pumped with the remediation system.

(L) Provisions for a final report that includes:

(i) documentation that the clean-up goals and objectives have been achieved; and

(ii) a signature by an environmental professional that is a:

(AA) registered professional engineer under IC 25-31-1;

(BB) licensed professional geologist under IC 25-17.6;

(CC) certified hazardous materials manager (CHMM); or

(DD) professional soil scientist registered under IC 25-31.5-4.

(2) The soil clean-up objectives must be determined and met by complying with IC 13-12-3-2.

(3) The ground water clean-up objectives must be determined and met by complying with IC 13-12-3-2.

*(Solid Waste Management Board; 329 IAC 9-5-7; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1072; errata, 16 IR 1955; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3713; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 35. 329 IAC 9-6-1 IS AMENDED TO READ AS FOLLOWS:

#### **329 IAC 9-6-1 Applicability**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-23

Sec. 1. (a) At least thirty (30) days before beginning either permanent closure or a change-in-service, the owner and operator shall notify the agency of their intent to permanently close or make the change-in-service unless such action is in response to corrective action. The required assessment of the excavation zone under section 2 of this rule must be performed:

(1) after notifying the agency; and

---

## Proposed Rules

---

(2) before completion of the permanent closure or change-in-service:

(b) Continued use of a UST system to store a nonregulated substance is considered a change-in-service. Before a change-in-service, the owner and operator shall complete the following:

(1) Empty and clean the tank by removing all liquid and accumulated sludge:

(2) Conduct a site assessment in accordance with section 2 of this rule:

(c) To permanently close a tank, the owner and operator shall complete the following:

(1) Empty and clean the tank by removing all liquids and accumulated sludges:

(2) Complete either of the following:

(A) Remove the tank from the ground under section 2(a) or 2(b) of this rule:

(B) Fill the tank with an inert solid material under section 2(d) of this rule:

Closure of an UST system must be completed by one (1) of the following methods and the applicable requirements in section 2.5 of this rule:

(1) In-place closure as defined at 329 IAC 9-1-27.3.

(2) Removal closure as defined at 329 IAC 9-1-39.5.

(3) Change-in-service as defined at 329 IAC 9-1-10.4.

*(Solid Waste Management Board; 329 IAC 9-6-1; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1073; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3714; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 36. 329 IAC 9-6-2.5 IS ADDED TO READ AS FOLLOWS:

### 329 IAC 9-6-2.5 Closure procedure

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

Affected: IC 13-12-3-2; IC 13-23

Sec. 2.5. (a) The procedure for closure is as follows:

(1) At least thirty (30) days before beginning closure, the owner and operator shall notify, using the notification form required by 329 IAC 9-2-2(a), the agency and the office of the state fire marshal of the intent to close as specified by one (1) of the methods in section 1 of this rule unless such action is a part of the response to corrective action.

(2) Closure sampling, laboratory analysis with the associated detection limits for the UST system closure are required as follows:

(A) Quantity and location of soil samples for each closure method are as follows:

(i) In-place closure soil samples must be taken as described in subsection (b).

(ii) Removal closure soil samples must be taken as described in subsection (c).

(iii) Change-in-service soil samples must be taken as described in subsection (d).

(B) Quantity and location of ground water samples for each closure method are as follows:

(i) In-place closure ground water samples must be taken as described in subsection (e).

(ii) Removal closure ground water samples must be taken as described in subsection (f).

(iii) Change-in-service ground water samples must be taken as described in subsection (g).

(C) Laboratory analyses and detection limits for soil samples and ground water samples for all closure methods are as required for the chemical of concern.

(3) If, at any time during the closure process for any method of closure, a release is either suspected or detected in the backfill, native soil, or ground water, the owner or operator shall contact the agency to report within twenty-four (24) hours after the release is suspected or detected.

(4) A confirmed release based on the soil and ground water samples taken at the UST removal requires the owner or operator to contact the agency to report within twenty-four (24) hours after the release is confirmed if a leaking underground storage tank (LUST) incident number was not obtained under subdivision (3).

(5) A closure report must be completed and submitted to the agency within thirty (30) days after the UST removal. The closure report must include the following:

(A) The notification form provided by the agency under 329 IAC 9-2-2.

(B) The underground storage tank closure report. The closure report must include the following information:

(i) For the responsible party, the following information:

(AA) The UST system facility owner or operator name, agency's owner identification number, address, and phone number.

(BB) The name of the UST system facility contact person, owner or operator affiliation, and phone number.

(CC) Owner or operators during the last twenty-five (25) years.

(ii) For the UST contractor, the following information:

(AA) UST closure contractor, company name and address.

(BB) Name of the person on-site during closure that is certified by the office of the state fire marshal to perform UST closure and that person's certification number.

(iii) For the UST site information regarding the following:

(AA) Facility name, agency's facility identification number, address and phone number.

(BB) Type of facility, past and current operation.

(CC) Coverage, stating if coverage is turf, concrete, asphalt, or other.

- (DD) History of any spill reports listed by incident number.
- (EE) Site proximity to both human and environmentally sensitive areas, such as residences, schools, and well fields.
- (FF) Backfill and site natural soil texture.
- (iv) Site specific map or maps with illustrated legends and compass directions and at appropriate scale to show site details described as follows:
  - (AA) Drainage features, surface slope, or surface water run-off direction.
  - (BB) Identified aboveground features, such as buildings, roadways, man ways, pump islands, and utility and property lines.
  - (CC) Identified subsurface features, such as tanks and excavation pit, piping, and utility conduits.
  - (DD) Locations where samples were taken, soil borings made, and monitoring wells drilled.
  - (EE) Location of active and previously closed tanks, as applicable.
  - (FF) Site surroundings, such as adjacent buildings, businesses, or human and environmentally sensitive areas, such as residences, schools, and wells or well fields.
- (v) Information for the underground storage tank being closed as follows:
  - (AA) Number and volume of tanks.
  - (BB) Past and present contents of the tank.
  - (CC) Construction material of tank.
  - (DD) Construction and material of piping.
  - (EE) Age and installation date of tank.
  - (FF) Leak detection methods used.
  - (GG) Records of the most current tank tightness test results.
  - (HH) Records of any other current leak detection method results including the inventory records, ground water or vapor monitoring results.
  - (II) Information on any previously closed UST system, such as the date closed and the number, size, and product stored.
- (vi) Physical and chemical results of the samples taken under subdivision (2) as follows:
  - (AA) Data from analysis of soil samples presented in a tabular format.
  - (BB) Data from analysis of water samples presented in a tabular format.
  - (CC) A signed laboratory certificate of analysis listing analysis method, preparation method, date of sample receipt, and date of analysis.
  - (DD) Proper sample identification numbers for cross reference to UST site maps.
  - (EE) Chain of custody documentation.
  - (FF) Description of the sampling procedures, sampling equipment, and decontamination procedures.
  - (GG) Data from analyses of used oil sampling, as applicable.
- (vii) Miscellaneous closure documentation, including manifests or receipts, or both, as follows:
  - (AA) Contaminated soil and contaminated water disposal documentation.
  - (BB) Remaining product and sludge disposal documentation.
  - (CC) Tank and piping disposal documentation.
- (6) If one (1) or more additional tanks are discovered during a closure, the owner and operator shall conduct the following:
  - (A) The owner and operator shall close each additional tank under this rule.
  - (B) The owner and operator shall supply all known information on each additional tank in the closure report.
- (7) The commissioner shall require additional information if the closure report is deemed incomplete or incorrect. The commissioner shall provide in writing the reasons for requiring additional information and a list of the additional information required to be submitted. The owner and operator shall have forty-five (45) days to submit the additional information to the agency, after receipt of written notification from the commissioner that additional information is required.
- (8) The closure will not be considered complete until all closure report requirements are met.
- (9) If the underground storage tank contains hazardous substances the owner and operator shall perform sampling and analyses as required for the chemical of concern.
- (10) The owner and operator shall demonstrate compliance with this section by providing a certification of compliance on the notification form under 329 IAC 9-2-2. The certification must demonstrate that the person that performs the work has been certified by the office of the state fire marshal under rules of the fire prevention and building safety commission at 675 IAC 12-12.
- (b) Soil sampling for in-place closure must be achieved as follows:
  - (1) The owner and operator shall submit a site plan with proposed boring locations to the agency with the notification form under 329 IAC 9-2-2 and to the office of the state fire marshal for approval to request in-place closure. The accompanying map must be to scale and include the entire site. Submission of an additional map of solely the underground storage area is recommended for large sites. The boring locations should be as follows:
    - (A) One (1) boring every twenty (20) feet around the tank area, with a minimum of four (4) borings.
    - (B) Each boring must be within three (3) feet adjacent to the underground storage tank.
  - (2) The commissioner may grant conditional approval to proceed with in-place closure of the UST system based on the following:

(A) The location of the borings as required under subdivision (1).

(B) Approval from the office of the state fire marshal.

(3) After approval is received under subdivision (2), the owner and operator may proceed with soil borings that must meet the following requirements:

(A) Soil sampling must be performed continuously using a sampling device relevant to the drilling technology used.

(B) Borings must extend two (2) feet or greater below the elevation of the base of the underground storage tank.

(C) If the boring depth is fifteen (15) feet or less, a minimum of two (2) soil samples are required at the following locations:

(i) Point where a contaminant is detected.

(ii) One (1) soil sample must be taken at the midpoint of the boring.

(iii) One (1) soil sample must be taken at the bottom of the boring.

(D) If the boring depth is greater than fifteen (15) feet, a minimum of three (3) soil samples are required. The most shallow soil sample must be taken one (1) foot or greater below grade. Samples must be taken where the release is suspected or detected.

(4) Piping and dispenser sampling and analysis must be completed under subsection (c)(3) or (c)(4).

(5) The waiver of closure sampling requirements under subsection (i) will not be granted for in-place closure.

(c) Soil sampling for removal closure must be achieved as follows:

(1) Soil removal is allowed as follows:

(A) The backfill may be removed from the following to provide access to native soil for sampling:

(i) Tank cavity excavation.

(ii) Piping trenches.

(iii) Dispensing unit areas.

(iv) Remote fill pipe trenches.

(B) A maximum depth of twelve (12) inches of native soil may be removed from the following:

(i) Sidewalls and bottom of the tank cavity excavation.

(ii) Piping trenches.

(iii) Dispensing unit areas.

(iv) Remote fill pipe trenches.

(C) Closure soil samples must be taken from the:

(i) excavated backfill under subdivision (2)(B); and

(ii) undisturbed native soil under subdivision (2)(A).

(2) Each underground storage tank excavation must be sampled separately. Composite samples are not acceptable for closure. The samples must meet the following requirements:

(A) All samples must be discrete grab samples taken directly from the undisturbed native soil from the base and sidewalls of the excavation. The following requirements apply to samples:

(i) Bottom samples must meet the following requirements:

(AA) Soil sampling must consist of a minimum of two (2) soil samples taken within two (2) feet below both ends of each underground storage tank.

(BB) If the underground storage tank capacity is greater than ten thousand (10,000) gallons, one (1) additional sample must be taken within two (2) feet below the middle of the underground storage tank.

(ii) Sidewall samples must meet the following requirements:

(AA) The sidewalls must be sampled and analyzed at a rate of one (1) sample every twenty (20) feet of perimeter distance around the excavation zone.

(BB) If the perimeter dimension measures less than eighty (80) feet, a minimum of one (1) sample for each sidewall must be taken.

(CC) Sidewall samples must be taken at a point half the distance from the surface to the bottom of the underground storage tank excavation.

(B) Excavated materials must be staged in a separate area. Samples must be discrete grab samples taken directly from the excavated materials. Sampling of the excavated soil must occur for every fifty (50) cubic yards of material.

(3) Native soil under piping and dispenser islands, which routinely contains regulated substances, must be sampled. All samples must be discrete grab samples. The following requirements apply to the number and location of sampling for piping and dispensers:

(A) Soil sampling under piping must be completed as follows:

(i) Soil under piping must be sampled every twenty (20) feet, or fraction thereof, along the piping run. If the piping run is less than twenty (20) feet in length, one (1) soil sample must be taken half the distance between the underground storage tank excavation and the pump or dispenser island.

(ii) Piping must have soil sampled under piping elbows and connectors.

(B) Soils under the dispenser islands must be sampled and analyzed at a rate of one (1) soil sample per dispenser.

(C) If the UST system has a remote fill line, the following soil samples must be collected:

(i) Soils under the remote fill line must be sampled and analyzed at the origin or fill area and every twenty (20) feet, or fraction thereof, from the fill area to the underground storage tank connection.

(ii) If the remote fill line is less than twenty (20) feet, one (1) soil sample must be taken half the distance between the fill area and the underground storage tank.

(D) Composite samples are not acceptable for closure.

(4) Soil sampling under the piping and product dispenser islands are not required if the following requirements are complied with:

**(A) All:**

- (i) piping that routinely contains product; and
  - (ii) dispensers;
- are located directly above the UST system that is being closed.
- (B) The requirements of clause (A) are documented in the closure report.

(d) Soil sampling for change-in-service must be achieved as follows:

**(1) The boring locations are as follows:**

- (A) One (1) soil boring every twenty (20) feet around the tank area, with a minimum of four (4) borings.
  - (B) Each soil boring must be within three (3) feet adjacent to the underground storage tank.
  - (C) Soil sampling must be performed continuously using a sampling device relevant to the drilling technology used.
  - (D) Each soil boring must extend two (2) feet or greater below the elevation of the base of the underground storage tank.
  - (E) If the soil boring depth is fifteen (15) feet or less, a minimum of two (2) soil samples are required at the following locations:
    - (i) Point where a contaminant is detected.
    - (ii) One (1) soil sample must be taken at the midpoint of the soil boring.
    - (iii) One (1) soil sample must be taken at the bottom of the soil boring.
  - (F) If the soil boring depth is greater than fifteen (15) feet, a minimum of three (3) soil samples are required. The most shallow soil sample must be taken one (1) foot or greater below grade. Samples must be collected where the release is suspected or detected.
- (2) Piping and dispenser sampling and analysis must be completed under subsection (c)(3) or (c)(4).
- (3) The waiver of closure sampling requirements under subsection (i) will not be granted for change in service.

(e) Water samples for an in-place closure must be collected in the following quantities and locations:

- (1) One (1) boring must be placed in each of the four (4) principal directions within ten (10) feet of the area most likely to have contaminated ground water.
- (2) Each boring must extend to the first saturated ground water zone or to a total depth of thirty (30) feet below grade at the area of suspected or confirmed release. A water sample must be collected from each boring if ground water is present within a depth of thirty (30) feet depth or less.
- (3) If ground water is not encountered within a depth of thirty (30) feet, an additional soil sample must be obtained at the base of the boring or a minimum depth of thirty (30) feet.

(4) A ground water sample must be collected within any area where a suspected contaminant release has occurred, or where a chemical of concern release has been substantiated through one (1) of the following:

- (A) Visual staining of the soil or water.
- (B) Field screening with the following:
  - (i) Flame ionization detector or FID.
  - (ii) Photo ionization detector or PID.
  - (iii) Field gas chromatograph or GC.
- (C) Petroleum odors.
- (D) Laboratory analytical results.

(5) If bedrock is encountered in a boring before a depth of thirty (30) feet is reached, and a saturated ground water zone is not encountered in the boring, an owner or operator may contact the agency for approval of alternative sampling or waiver of ground water sampling requirements. The agency may approve a waiver of ground water sampling within the bedrock if the owner or operator can demonstrate the following:

- (A) A soil zone at least ten (10) feet thick existing immediately above the bedrock does not have a contaminant.
- (B) A soil sample collected immediately above the bedrock does not have a contaminant.

(f) Water samples for a removal closure must be collected in the following quantities and locations:

- (1) If any water is encountered in any excavation, a minimum of one (1) water sample must be appropriately collected from the water encountered.
- (2) A ground water sample must be collected within any area where a suspected contaminant release has occurred, or where a chemical of concern release has been substantiated through one (1) of the following:
  - (A) Visual staining of the soil or water.
  - (B) Field screening with the following:
    - (i) Flame ionization detector or FID.
    - (ii) Photo ionization detector or PID.
    - (iii) Field gas chromatograph or GC.
  - (C) Petroleum odors.
  - (D) Laboratory analytical results.
- (3) The sample collected in subdivision (2) must be collected from a continuously sampled boring that extends to the first saturated ground water zone or to a total depth of thirty (30) feet below grade at the area of suspected or confirmed release.
- (4) Except when a ground water sample is collected under subdivision (1) or (2), a ground water sample must be collected from a continuous boring in the center of the tank pit that extends to the first saturated ground water zone or to a total depth of thirty (30) feet below grade.
- (5) If ground water is not encountered within a depth of thirty (30) feet, an additional soil sample must be obtained at the base of the boring or a minimum depth of thirty (30) feet.

(6) If bedrock is encountered in a boring before a depth of thirty (30) feet is reached, and a saturated ground water zone is not encountered in the boring, an owner or operator may contact the agency for approval of alternative sampling or waiver of ground water sampling requirements. The agency may approve a waiver of ground water sampling within the bedrock if the owner or operator can demonstrate the following:

- (A) A soil zone at least ten (10) feet thick existing immediately above the bedrock does not have a contaminant.
- (B) A soil sample collected immediately above the bedrock does not have a contaminant.

(g) Water samples for a change-in-service must be collected in the following quantities and locations:

- (1) One (1) boring must be placed in each of the four (4) principal directions within ten (10) feet of the area most likely to have contaminated ground water.
- (2) Each boring must extend to the first saturated ground water zone or to a total depth of thirty (30) feet below grade at the area of suspected or confirmed release. A water sample must be collected from each boring if ground water is present within a depth of thirty (30) feet depth or less.
- (3) If ground water is not encountered within a depth of thirty (30) feet, an additional soil sample must be obtained at the base of the boring or a minimum depth of thirty (30) feet.
- (4) A ground water sample must be collected within any area where a suspected contaminant release has occurred, or where a chemical of concern release has been substantiated through one (1) of the following:

- (A) Visual staining of the soil or water.
- (B) Field screening with the following:
  - (i) Flame ionization detector or FID.
  - (ii) Photo ionization detector or PID.
  - (iii) Field gas chromatograph or GC.
- (C) Petroleum odors.
- (D) Laboratory analytical results.

(5) If bedrock is encountered in a boring before a depth of thirty (30) feet is reached, and a saturated ground water zone is not encountered in the boring, an owner or operator may contact the agency for approval of alternative sampling or waiver of ground water sampling requirements. The agency may approve a waiver of ground water sampling within the bedrock if the owner or operator can demonstrate the following:

- (A) A soil zone at least ten (10) feet thick existing immediately above the bedrock does not have a contaminant.
- (B) A soil sample collected immediately above the bedrock does not have a contaminant.

(h) During removal closure, native soil and backfill that is to be returned to the underground storage tank excava-

tion must be sampled. The sampling must meet the requirements as follows:

- (1) The exposure criteria in accordance with IC 13-12-3-2.
- (2) One (1) discrete grab sample must be taken for every fifty (50) cubic yards of native soil or backfill.

(i) Closure sampling waiver requirements must be completed as follows:

- (1) The commissioner may waive closure sampling based on the following:

(A) The LUST incident number is assigned and the following requirements are completed:

- (i) Closure is conducted due to a confirmed release at the site.
- (ii) The confirmed release occurred before the request for closure.

(B) The initial site characterization meets the requirements of 329 IAC 9-5-5.1.

(C) The corrective action plan meets the requirements of 329 IAC 9-5-7.

- (2) Sites that have previous releases and are not under remediation at the time of closure are not eligible for the closure sampling waiver.

*(Solid Waste Management Board; 329 IAC 9-6-2.5)*

SECTION 37. 329 IAC 9-6-3 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-6-3 Applicability to previously closed UST systems**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-23

Sec. 3. When directed by the commissioner, the owner and operator of a an UST system permanently closed before December 22, 1988, shall assess the excavation zone and close the UST system in accordance with this rule, **and the rules of the fire prevention and building safety commission at 675 IAC 12-12**, if releases from the underground storage tank may, in the judgment of the commissioner, pose a current or potential threat to human health and the environment. ~~under rules of the fire prevention and building safety commission at 675 IAC 12-12.~~ *(Solid Waste Management Board; 329 IAC 9-6-3; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1074; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3722; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 38. 329 IAC 9-6-4 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-6-4 Closure records**

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2  
Affected: IC 13-23

Sec. 4. The owner and operator shall maintain records in accordance with 329 IAC 9-3-1 that are capable of demonstrating compliance with closure requirements under this rule. The

results of the excavation zone assessment required in section 2 of this rule must be submitted to the agency within thirty (30) days after completion of ~~permanent~~ closure or change-in-service of the UST system. Results of the excavation zone assessment must be maintained for at least three (3) years after completion of ~~permanent~~ closure or change-in-service in one (1) of the following ways:

- (1) By the owner and operator who took the UST system out of service.
- (2) By the current owner and operator of the UST system site.
- (3) By mailing these records to the agency if the records cannot be maintained at the closed facility.

*(Solid Waste Management Board; 329 IAC 9-6-4; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1074; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3722; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 39. 329 IAC 9-6-5 IS AMENDED TO READ AS FOLLOWS:

### **329 IAC 9-6-5 Temporary closure**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

**Affected:** IC 13-23

Sec. 5. (a) When ~~a~~ **an** UST system is temporarily closed, the owner and operator shall complete the following:

- (1) Continue operation and maintenance of corrosion protection under 329 IAC 9-3.1-2.
- (2) Continue operation and maintenance of any release detection under 329 IAC 9-7, except release detection is not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than:
  - (A) two and five-tenths (2.5) centimeters or one (1) inch of residue; or
  - (B) three-tenths percent (0.3%) by weight of the total capacity of the UST system; remains in the system.
- (3) Comply with 329 IAC 9-4 and 329 IAC 9-5 if a release is suspected or confirmed.

(b) When ~~a~~ **an** UST system is temporarily closed for three (3) months or more, the owner and operator also shall comply with the following requirements:

- (1) Leave vent lines open and functioning.
- (2) Cap and secure the following:
  - (A) All other lines.
  - (B) Pumps.
  - (C) Manways.
  - (D) Ancillary equipment.

(c) When ~~a~~ **an** UST system has been temporarily closed for twelve (12) months, the following requirements must be completed:

- (1) The owner and operator shall permanently close the UST system if it does not meet:
  - (A) the performance standards in 329 IAC 9-2-1 for new UST systems; or

(B) the upgrading requirements in 329 IAC 9-2.1; except that the spill and overfill equipment requirements do not have to be met.

(2) The owner and operator shall permanently close the substandard UST system at the end of the temporary twelve (12) month period under sections 1 through 4 of this rule.

(3) The commissioner may grant an extension of the twelve (12) month temporary closure period based on the following:

(A) The owner and operator shall complete a site assessment under section 2 of this rule before the owner and operator may apply for an extension.

(B) The length of the extension is based on the following:

- (i) The results of the site assessment under clause (A).
- (ii) The owner and operator shall submit written proof that explains why permanent closure cannot take place within the twelve (12) month period of temporary closure.
- (iii) The owner and operator shall submit information that explains when permanent closure will take place.

(d) The owner and operator shall demonstrate compliance with this section by providing a certification of compliance on the ~~underground storage tank~~ notification form under 329 IAC 9-2-2. The certification must demonstrate that the person that performs the work has been certified by the office of the state fire marshal under rules of the fire prevention and building safety commission at 675 IAC 12-12. *(Solid Waste Management Board; 329 IAC 9-6-5; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3722; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 40. 329 IAC 9-7-1 IS AMENDED TO READ AS FOLLOWS:

### **329 IAC 9-7-1 General requirements for all UST systems**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

**Affected:** IC 13-23

Sec. 1. (a) All owners and operators of new and existing UST systems shall provide a method, or combination of methods, of release detection that does the following:

- (1) Can detect a release from any portion of the tank and the connected underground piping that routinely contains product.
- (2) Is installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition.
- (3) Meets the performance requirements in section 4 or 5 of this rule, with any performance claims and the manner of determination of the performance claims described in writing by the equipment manufacturer or installer. In addition, methods used after the date shown in the following table corresponding with the specified method, except for methods permanently installed prior to that date, must be capable of detecting the leak rate or quantity specified for that method in the corresponding citation of this rule shown in the table with a probability of detection (Pd) of ninety-five hundredths

## Proposed Rules

(0.95) and a probability of false alarm (Pfa) of five-hundredths (0.05):

Method	Citation	Date After Which Pd/Pfa Was Demonstrated
Manual tank gauging	section 4(2) of this rule	December 22, 1990
Tank tightness testing	section 4(3) of this rule	December 22, 1990
Automatic tank gauging	section 4(4) of this rule	December 22, 1990
Automatic line leak detectors	section 5(1) of this rule	September 22, 1991
Line tightness testing	section 5(2) of this rule	December 22, 1990

(b) When a release detection method that is operated under the performance standards in sections 4 and 5 of this rule indicates a release may have occurred, the owner and operator shall notify the agency under 329 IAC 9-4.

(c) Owners and operators of all UST systems shall comply with the release detection requirements of this rule by December 22 of the year listed in the following table:

### SCHEDULE FOR PHASE-IN OF RELEASE DETECTION

Year System Was Installed	Year When Release Detection Was Required (By December 22 of the Year Indicated)				
	1989	1990	1991	1992	1993
Before 1965 or date unknown	RD	P			
1965-69		P/RD			
1970-74		P	RD		
1975-79		P		RD	
1980-88		P			RD

New tanks (after December 22, 1988) immediately upon installation. P = Shall have begun release detection for all pressurized piping under sections 2(2)(A) and 3(2)(D) of this rule. RD = Shall have begun release detection for tanks and suction piping under sections 2(1), 2(2)(B), and 3 of this rule.

(d) Any existing UST system that cannot apply a method of release detection that complies with this rule shall complete the closure procedures under ~~329 IAC 9-6~~ **329 IAC 9-6-2.5** by the date on which release detection is required for that UST system under subsection (c). (*Solid Waste Management Board; 329 IAC 9-7-1; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3723; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 41. 329 IAC 9-7-2 IS AMENDED TO READ AS FOLLOWS:

### **329 IAC 9-7-2 Requirements for petroleum UST systems**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

**Affected:** IC 13-23

Sec. 2. The owner and operator of a petroleum UST system shall provide release detection for tanks and piping as follows: (1) Tanks must be monitored at least every thirty (30) days for releases using one (1) of the methods listed in section 4(4) through 4(8) of this rule, except for the following:

(A) ~~A~~ **An** UST system that meets **the performance standards in 329 IAC 9-2-1 or 329 IAC 9-2.1 may use:**

(i) ~~the performance standards in 329 IAC 9-2-1 or 329 IAC 9-2.1; and~~

(ii) (i) the monthly inventory control requirements in section 4(1) or 4(2) of this rule; ~~may use and~~

(ii) tank tightness testing conducted under section 4(3) of this rule at least every five (5) years until December 22, 1998, or until ten (10) years after the tank is installed or upgraded under 329 IAC 9-2.1-1(b), whichever is later.

(B) ~~A~~ **An** UST system that does not meet the performance standards in 329 IAC 9-2-1 or 329 IAC 9-2.1 may use:

(i) monthly inventory controls conducted under section 4(1) or 4(2) of this rule; and

(ii) annual tank tightness testing conducted under section 4(3) of this rule;

until December 22, 1998, when the tank must be upgraded under 329 IAC 9-2.1 or ~~permanently~~ closed under 329 IAC 9-6-1 **through 329 IAC 9-6-2.5.**

(C) Tanks with capacity of five hundred fifty (550) gallons or less may use weekly tank gauging conducted under section 4(2) of this rule.

(2) Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets one (1) of the following requirements:

(A) Underground piping that conveys regulated substances under pressure must:

(i) be equipped with an automatic line leak detector under section 5(1) of this rule; and

(ii) have an annual line tightness test conducted under section 5(2) of this rule or have monthly monitoring conducted under section 5(3) of this rule.

(B) Underground piping that conveys regulated substances under suction must either have a line tightness test conducted at least every three (3) years under section 5(2) of this rule or use a monthly monitoring method under section 5(3) of this rule. No release detection is required for suction piping that is designed and constructed to meet the following standards:

(i) The below-grade piping operates at less than atmospheric pressure.

(ii) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released.

(iii) Only one (1) check valve is included in each suction line.

(iv) The check valve is located directly below and as close as practical to the suction pump.

(v) A method is provided that allows compliance with items (ii) through (iv) to be readily determined.

(*Solid Waste Management Board; 329 IAC 9-7-2; filed Jul 19,*

1999, 12:00 p.m.: 22 IR 3724; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 42. 329 IAC 9-7-4 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 9-7-4 Methods of release detection for tanks**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2

**Affected:** IC 13-23

Sec. 4. Each method of release detection for tanks used to meet section 2 of this rule must be conducted in accordance with the following:

(1) Product inventory control, or another test of equivalent performance, must be conducted monthly to detect a release of at least one percent (1.0%) of flow-through plus one hundred thirty (130) gallons on a monthly basis in the following manner:

(A) Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank are recorded each operating day.

(B) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth (C) of an inch.

(C) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery.

(D) Product dispensing is metered and recorded within the local standards for meter calibration or an accuracy of six (6) cubic inches for every five (5) gallons of product withdrawn.

(E) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth (C) of an inch at least once a month.

(F) Deliveries must be made through a drop tube that extends to within one (1) foot of the tank bottom.

(2) Manual tank gauging must meet the following requirements:

(A) Tank liquid level measurements are taken at the beginning and ending of a period of at least thirty-six (36) hours during which no liquid is added to or removed from the tank.

(B) Level measurements are based on an average of two (2) consecutive stick readings at both the beginning and ending of the period in clause (A).

(C) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth (C) of an inch.

(D) A leak is suspected and subject to 329 IAC 9-4 if the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table:

Nominal Tank Capacity	Weekly Standard (1 Test)	Monthly Standard (Average of 4 Tests)
550 gallons or less	10 gallons	5 gallons
551–1,000 gallons	13 gallons	7 gallons
1,001–2,000 gallons	26 gallons	13 gallons

(E) The following requirements apply:

(i) Only tanks of five hundred fifty (550) gallons or less nominal capacity may use manual tank gauging as the sole method of release detection.

(ii) Tanks of five hundred fifty-one (551) to two thousand (2,000) gallons may use manual tank gauging in place of **manual product** inventory control in subdivision (1).

(iii) Tanks of greater than two thousand (2,000) gallons nominal capacity must not use manual tank gauging to meet the requirements of this rule.

(3) Tank tightness testing, or another test of equivalent performance, must be capable of detecting a one-tenth (0.1) gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of the following:

(A) Thermal expansion or contraction of the product.

(B) Vapor pockets.

(C) Tank deformation, evaporation, or condensation.

(D) Location of the water table.

(4) Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:

(A) The automatic product level monitor test can detect a two-tenths (0.2) gallon per hour leak rate from any portion of the tank that routinely contains product.

(B) Inventory control, or another test of equivalent performance, is conducted under subdivision (1).

(5) Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:

(A) The materials used as backfill are sufficiently porous to readily allow diffusion of vapors from releases into the excavation area. The materials used as backfill may include any of the following:

(i) Gravel.

(ii) Sand.

(iii) Crushed rock.

(B) The stored regulated substance or a tracer compound placed in the tank system, which may include gasoline as an example, is sufficiently volatile to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank.

(C) The measurement of vapors by the monitoring device is not rendered inoperative by the ground water, rainfall, soil moisture, or other known interferences so that a release could go undetected for more than thirty (30) days.

(D) The **background level of background contamination for contaminants** in the excavation zone must not interfere with the method used to detect releases from the tank.

(E) The vapor monitors are designed and operated to detect any significant increase in concentration above background of any of the following:

(i) The regulated substance stored in the tank system.

(ii) A component or components of the regulated substance stored in the tank system.

(iii) A tracer compound placed in the tank system.

---

## Proposed Rules

---

(F) In the UST excavation zone, the site is assessed:

- (i) to ensure compliance with clauses (A) through (D); and
- (ii) to establish the number and positioning of observation wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product.

(G) Observation wells are clearly marked and secured to prevent damage and unauthorized access and tampering.

(6) Testing or monitoring for liquids on the ground water must meet the following requirements:

(A) The regulated substance stored is immiscible in water and has a specific gravity of less than one (1).

(B) Ground water is never more than twenty (20) feet from the ground surface. The hydraulic conductivity of the soil between the UST system and the observation wells, monitoring wells, or monitoring devices is not less than one-hundredth (0.01) centimeter per second. The soil may consist of any of the following:

- (i) Gravel.
- (ii) Coarse to medium sand.
- (iii) Coarse silt.
- (iv) Other permeable material.

(C) The slotted portion of the observation well casing must be designed:

- (i) to prevent migration of natural soils or filter pack into the well; and
- (ii) to allow entry of regulated substance on the water table into the well under both high and low ground water conditions.

(D) Observation wells must be sealed from the ground surface to the top of the filter pack.

(E) Observation wells, monitoring wells, or monitoring devices must be located as follows:

- (i) An observation well intercepts the excavation zone.
- (ii) A monitoring well that meets the requirements of rules of the department of natural resources at ~~310 IAC 16~~ **312 IAC 13** is installed as close to the excavation zone as is technically feasible if an observation well cannot intercept the excavation zone.
- (iii) A monitoring device intercepts the excavation zone or is as close to the excavation zone as is technically feasible.

(F) The continuous monitoring devices or manual methods used can detect the presence of at least one-eighth (C) of an inch of free product on top of the ground water in the observation wells or monitoring wells.

(G) Within and immediately below the UST system excavation zone, the site is assessed:

- (i) to ensure compliance with clauses (A) through (E); and
- (ii) to establish the number and positioning of observation wells, monitoring wells, or monitoring devices that will detect releases from any portion of the tank that routinely contains product.

(H) Observation wells and monitoring wells are clearly marked and secured to prevent damage and unauthorized access and tampering.

(7) Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed, and installed to detect a leak from any portion of the tank that routinely contains product and also meets one (1) of the following requirements:

(A) For a double-walled UST system, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product.

(B) For ~~a~~ **an** UST system with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier. The following must be completed:

(i) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (no more than  $1 \times 10^{-6}$  centimeters per second for water) to direct a release to an observation well and allow its detection.

(ii) The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected.

(iii) For cathodically protected tanks, the secondary barrier must be installed so that the secondary barrier does not interfere with the proper operation of the cathodic protection system.

(iv) The ground water, soil moisture, or rainfall must not render the testing or sampling method used inoperative so that a release could go undetected for more than thirty (30) days.

(v) The site is assessed to ensure that the secondary barrier is always above the ground water and not in a twenty-five (25) year flood plain unless the barrier and observation well designs are for use under such conditions.

(vi) Observation wells are clearly marked and secured to prevent damage and unauthorized access and tampering.

(C) For tanks with an internally fitted liner, the following must be completed:

(i) An automated device that can detect a release between the inner wall of the tank and the liner.

(ii) The liner is compatible with the substance stored.

(8) Any other type of release detection method, or combination of methods, may be used if one (1) of the following is completed:

(A) The release detection method or combination of methods must meet the following requirements:

(i) Capability to detect a two-tenths (0.2) gallon per hour leak rate or a release of one hundred fifty (150) gallons within a month.

(ii) Probability of detection of ninety-five hundredths (0.95) and a probability of false alarm of five-hundredths (0.05).

(iii) The method is third party certified.

(B) The commissioner may approve another method if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subdivisions (3) through (7) and clause (A). In comparing methods, the commissioner shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with any conditions imposed by the commissioner on the method's use to ensure the protection of human health and the environment.

*(Solid Waste Management Board; 329 IAC 9-7-4; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3725; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

**SECTION 43. THE FOLLOWING ARE REPEALED:** 329 IAC 9-1-10.1; 329 IAC 9-1-10.2; 329 IAC 9-1-14.1; 329 IAC 9-1-29.1; 329 IAC 9-1-41; 329 IAC 9-1-41.1; 329 IAC 9-1-42.1; 329 IAC 9-5-3.1; 329 IAC 9-5-4.1; 329 IAC 9-6-2; 329 IAC 9-7-6.

#### ***Notice of Public Hearing***

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on February 18, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Solid Waste Management Board will hold a public hearing on proposed amendments concerning underground storage tanks at 329 IAC 9.*

*The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Lynn West, Rules, Outreach and Planning Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator*

*Indiana Department of Environmental Management*

*100 North Senate Avenue*

*P.O. Box 6015*

*Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855. (TDD): (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Land Quality, Eleventh Floor, Indiana Government Center-North, 100 North Senate Avenue and Legislative Services Agency, One*

*North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Bruce H. Palin

Deputy Assistant Commissioner

Office of Land Quality

---

## **TITLE 329 SOLID WASTE MANAGEMENT BOARD**

### **Proposed Rule**

LSA Document #02-235

### **DIGEST**

Amends 329 IAC 3.1-1-7 to incorporate by reference the July 1, 2002, edition of 40 CFR 260 through 40 CFR 270 and 40 CFR 273. Amends 329 IAC 3.1-4-1 to remove a reference to mercury-containing lamps. Amends 329 IAC 3.1-7-2 and 329 IAC 3.1-10-2 to require retention of the annual report required by IC 13-22-4-3.1 for three years. Amends 329 IAC 3.1-9-2 to require retention of the annual report required by IC 13-22-4-3.1 for three years and to delete 40 CFR 264.555(e)(6). Effective 30 days after filing with the secretary of state.

### **HISTORY**

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8, Draft Rule, and Notice of First Public Hearing: September 1, 2002, Indiana Register (25 IR 4222).

Date of First Hearing: November 19, 2002.

### **PUBLIC COMMENTS UNDER IC 13-14-9-4.5**

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least twenty-one (21) days long. Because this proposed rule is not substantively different from the draft rule published on September 1, 2002, at 25 IR 4222, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

### **SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On November 19, 2002, the solid waste management board (board) conducted the first public hearing/board meeting concerning the development of amendments to 329 IAC 3.1. No comments were made at the first hearing.

### **FISCAL ANALYSIS PREPARED BY THE LEGISLATIVE SERVICES AGENCY**

Under IC 4-22-2-28, IDEM has estimated that the economic impact of the proposed amendments to rules removing references to special waste and industrial waste will be less than five hundred thousand dollars (\$500,000) on the regulated entities. The economic impact analysis for this rule was not submitted to the Legislative Services Agency.

**329 IAC 3.1-1-7**

**329 IAC 3.1-4-1**

**329 IAC 3.1-7-2**

**329 IAC 3.1-9-2**

**329 IAC 3.1-10-2**

---

## Proposed Rules

---

SECTION 1. 329 IAC 3.1-1-7, AS AMENDED AT 25 IR 3111, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 329 IAC 3.1-1-7 Incorporation by reference

Authority: IC 13-19-3-1; IC 13-22-4

Affected: IC 13-14-8; 40 CFR 260.11

Sec. 7. (a) When incorporated by reference in this article, references to 40 CFR 260 through 40 CFR 270 and 40 CFR 273 shall mean the version of that publication revised as of July 1, 2001. ~~2001. 2002.~~ When used in 40 CFR 260 through 40 CFR 270 and 40 CFR 273, as incorporated in this article, references to federally incorporated publications shall mean that version of the publication as specified at 40 CFR 260.11. The following publications are also incorporated by reference:

- (1) 40 CFR 146 (1995).
- (2) 40 CFR 60, Appendix A (1995).

(b) Federal regulations that have been incorporated by reference do not include any later amendments than those specified in the incorporation citation in subsection (a). Sales of the Code of Federal Regulations are handled by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The telephone number for the Government Printing Office is (202) 512-1800. The incorporated materials are available for public review at the offices of the department of environmental management.

(c) Where exceptions to incorporated federal regulations are necessary, these exceptions will be noted in the text of the rule. In addition, all references to administrative stays are deleted.

(d) Cross-references within federal regulations that have been incorporated by reference shall mean the cross-referenced provision as incorporated in this rule with any indicated additions and exceptions.

(e) The incorporation of federal regulations as state rules does not negate the requirement to comply with federal provisions which may be effective in Indiana which are not incorporated in this article or are retained as federal authority. (*Solid Waste Management Board; 329 IAC 3.1-1-7; filed Jan 24, 1992, 2:00 p.m.: 15 IR 909; filed Oct 23, 1992, 12:00 p.m.: 16 IR 848; filed May 6, 1994, 5:00 p.m.: 17 IR 2061; errata filed Nov 8, 1995, 4:00 p.m.: 19 IR 353; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3353; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1111; filed Oct 31, 1997, 8:45 a.m.: 21 IR 947; filed Mar 19, 1998, 10:05 a.m.: 21 IR 2739; errata filed Apr 8, 1998, 2:50 p.m.: 21 IR 2989; filed Mar 6, 2000, 8:02 a.m.: 23 IR 1637; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Apr 5, 2001, 1:29 p.m.: 24 IR 2431; errata filed Oct 15, 2001, 11:24 a.m.: 25 IR 813; filed Jun 3, 2002, 10:40 a.m.: 25 IR 3111*)

SECTION 2. 329 IAC 3.1-4-1 IS AMENDED TO READ AS FOLLOWS:

### 329 IAC 3.1-4-1 Applicability

Authority: IC 13-14-8; IC 13-19-3-1

Affected: IC 13-14-8; IC 13-11-2; 40 CFR 260 through 40 CFR 270

Sec. 1. (a) In addition to the definitions contained in IC 13-11-2 and in this rule, the definitions contained in 40 CFR 260 through 40 CFR 270 are hereby adopted and incorporated by reference and made applicable to this article, except as provided otherwise in subsection (b).

(b) The following are exceptions to federal definitions:

(1) Delete the definitions of "existing tank system" or "existing component" in 40 CFR 260.10 and substitute the definition under section 11 of this rule.

(2) Delete the definitions of "new tank system" or "new tank component" in 40 CFR 260.10 and substitute the definition under section 18 of this rule.

~~(3) In addition to the definition of "universal waste" in 40 CFR 260.10, add the following: Mercury-containing lamps as described in 329 IAC 3.1-16-2(3);~~

*(Solid Waste Management Board; 329 IAC 3.1-4-1; filed Jan 24, 1992, 2:00 p.m.: 15 IR 920; errata filed Feb 6, 1992, 3:15 p.m.: 15 IR 1024; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3354; filed Aug 7, 1996, 5:00 p.m.: 19 IR 3364; errata filed Jan 10, 2000, 3:01 p.m.: 23 IR 1109; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 3. 329 IAC 3.1-7-2, AS AMENDED AT 25 IR 3112, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

### 329 IAC 3.1-7-2 Exceptions and additions; generator standards

Authority: IC 13-14-8; IC 13-22-2-4

Affected: IC 13-22-2; IC 13-22-4-3.1; 40 CFR 262

Sec. 2. Exceptions and additions to federal standards for generators are as follows:

(1) Delete 40 CFR 262.12(a) and substitute "A generator who has not received an EPA identification number may obtain one by applying on forms provided by the commissioner. Upon receipt of the completed forms, an EPA identification number will be assigned."

(2) In addition to the requirements of 40 CFR 262, Subpart B and the appendix to 40 CFR 262, the generator shall enter the EPA hazardous waste number for each waste on the Uniform Hazardous Waste Manifest (EPA Form 8700-22) as follows:

(A) Enter the four (4) digit EPA hazardous waste number from 40 CFR 261 that identifies the waste in item "I" of the manifest form or item "R" of the continuation sheet (EPA Form 8700-22A).

(B) If multiple EPA hazardous waste numbers apply, enter the hazardous waste numbers as follows:

(i) Enter the one (1) EPA hazardous waste number that identifies the most distinctive or most hazardous property of the waste in item "I" of the manifest form or item "R" of the continuation sheet.

(ii) The remaining EPA hazardous waste numbers may be entered in item "J" of the manifest form or item "S" of the continuation sheet.

(C) For nonhazardous or unregulated waste that may be included in the shipment, enter "NONE" in item "I".

**(3) In addition to the requirements of 40 CFR 262.40, a generator shall keep the reports required by IC 13-22-4-3.1 on file for at least three (3) years after submission to the department.**

~~(3)~~ (4) Delete 40 CFR 262.41 dealing with biennial reporting and substitute section 14 of this rule.

~~(4)~~ (5) In 40 CFR 262.42(a)(2), delete "in the Region in which the generator is located".

~~(5)~~ (6) Delete 40 CFR 262.43 dealing with additional reporting and substitute section 15 of this rule.

~~(6)~~ (7) In 40 CFR 262.53 and 40 CFR 262.54, references to the "EPA" are retained. A copy of the notification of intent to export, which must be submitted to the EPA, must also be submitted to the Office of Land Quality, Indiana Department of Environmental Management, P.O. Box 7035, Indianapolis, Indiana 46207-7035.

~~(7)~~ (8) Exception reports required from primary exporters pursuant to 40 CFR 262.55 must be filed with the Regional Administrator of the EPA and the commissioner.

~~(8)~~ (9) Delete 40 CFR 262.56 dealing with annual reports for exports and substitute section 16 of this rule.

~~(9)~~ (10) In 40 CFR 262.57(b), the reference to the "administrator" is retained. The commissioner may also request extensions of record retention times for hazardous waste export records.

*(Solid Waste Management Board; 329 IAC 3.1-7-2; filed Jan 24, 1992, 2:00 p.m.: 15 IR 925; errata filed Nov 8, 1995, 4:00 p.m.: 19 IR 353; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3355; filed Jan 3, 2000, 10:00 a.m.: 23 IR 1098; errata filed Aug 10, 2000, 1:26 p.m.: 23 IR 3091; filed Apr 5, 2001, 1:29 p.m.: 24 IR 2432; filed Jun 3, 2002, 10:40 a.m.: 25 IR 3112)*

SECTION 4. 329 IAC 3.1-9-2, AS AMENDED AT 25 IR 3112, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

**329 IAC 3.1-9-2 Exceptions and additions; final permit standards**

**Authority:** IC 13-14-8; IC 13-22-2-4

**Affected:** IC 13-14-10; IC 13-22-2; IC 13-30-3; 40 CFR 264

Sec. 2. Exceptions and additions to federal final permit standards are as follows:

(1) Delete 40 CFR 264.1(a) dealing with scope of the permit program and substitute the following: The purpose of this rule is to establish minimum standards which define the acceptable management of hazardous waste at final state permitted facilities.

(2) In 40 CFR 264.4 dealing with imminent hazard action, delete "7003 of RCRA" and insert "IC 13-30-3 and IC 13-14-10".

(3) Reports to the state required at 40 CFR 264.56(d) shall be

communicated immediately to the Office of Land Quality, Department of Environmental Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015, (317) 233-7745, or (888) 233-7745 (toll-free in Indiana). In addition to the requirements of this rule, all requirements for spill reporting under 327 IAC 2-6.1 shall be complied with.

(4) The written spill report required by 40 CFR 264.56(j) must also include information deemed necessary by the commissioner or the commissioner's authorized agent to carry out the purpose and intent of 327 IAC 2-6.1.

(5) In 40 CFR 264.75 dealing with the biennial report, delete "EPA form 8700-13B" and insert "forms provided by the commissioner".

(6) In 40 CFR 264.76 dealing with unmanifested waste reports, delete "The unmanifested waste report must be submitted on EPA form 8700-13B".

(7) In 40 CFR 264.77 regarding additional reports, insert after the first sentence in (c), "Ground water data for laboratory analytical results and field parameters must be submitted as follows:

(A) Two (2) paper copies on the most current form prescribed by the commissioner.

(B) In addition to the paper copies required in clause (A), an electronic report in a format prescribed by the commissioner.

(d) The commissioner may request other information, as required by Subparts F, K through N, and AA through CC of this part, be submitted in an electronic format as prescribed by the commissioner."

**(8) In addition to the requirements in 40 CFR 264, Subpart E, the reports required by IC 13-22-4-3.1 must be kept on file for at least three (3) years after submission to the department.**

~~(8)~~ (9) Delete 40 CFR 264, Subpart H dealing with financial requirements and substitute 329 IAC 3.1-15.

~~(9)~~ (10) Exceptions and additions to the standards for tank systems in 40 CFR 264, Subpart J are under section 3 of this rule.

~~(10)~~ (11) In 40 CFR 264.221(e)(2)(i)(C), delete "permits under RCRA Section 3005(c)" and insert "with final state permits".

~~(11)~~ (12) Delete 40 CFR 264.301(l).

~~(12)~~ (13) Delete 40 CFR 264, Appendix VI.

~~(13)~~ (14) In 40 CFR 264.316(b), delete "(49 CFR Parts 178 and 179)" and substitute "(49 CFR Part 178)".

~~(14)~~ (15) In 40 CFR 264.316(f), delete "fiber drums" and substitute "nonmetal containers".

**(16) Delete 40 CFR 264.555(e)(6).**

*(Solid Waste Management Board; 329 IAC 3.1-9-2; filed Jan 24, 1992, 2:00 p.m.: 15 IR 935; errata filed Nov 8, 1995, 4:00 p.m.: 19 IR 353; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3356; filed Aug 7, 1996, 5:00 p.m.: 19 IR 3365; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1112; filed Mar 19, 1998, 10:05 a.m.: 21 IR 2741; errata filed Apr 8, 1998, 2:50 p.m.: 21 IR 2989; errata filed*

*Aug 10, 2000, 1:26 p.m.: 23 IR 3091; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1617; errata filed Mar 19, 2001, 10:31 a.m.: 24 IR 2470; filed Apr 5, 2001, 1:29 p.m.: 24 IR 2433; filed Jun 3, 2002, 10:40 a.m.: 25 IR 3112)*

SECTION 5. 329 IAC 3.1-10-2, AS AMENDED AT 25 IR 3113, SECTION 4, IS AMENDED TO READ AS FOLLOWS:

**329 IAC 3.1-10-2 Exceptions and additions; interim status standards**

**Authority:** IC 13-14-8; IC 13-22-2-4

**Affected:** IC 4-21.5; IC 13-14-10; IC 13-22-2; IC 13-22-4-3.1; IC 13-30-3; 40 CFR 265

Sec. 2. Exceptions and additions to federal interim status standards are as follows:

- (1) In 40 CFR 265.1(a) dealing with scope of the permit, delete "national" and insert "state".
- (2) In 40 CFR 265.1(b), delete "section 3005 of RCRA" and insert "329 IAC 3.1-13" in both places where it occurs.
- (3) Delete 40 CFR 265.1(c)(4).
- (4) In 40 CFR 265.4 dealing with imminent hazard action, delete "7003 of RCRA" and insert "IC 13-30-3 and IC 13-14-10".
- (5) Reports to the state required at 40 CFR 265.56(d) shall be communicated immediately to the Office of Land Quality, Department of Environmental Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015, (317) 233-7745, or (888) 233-7745 (toll-free in Indiana). In addition to the requirements of this rule, all requirements for spill reporting under 327 IAC 2-6.1 shall be complied with.
- (6) The written spill report required by 40 CFR 265.56(j) must also include information deemed necessary by the commissioner or the commissioner's authorized agent to carry out the purpose and intent of 327 IAC 2-6.1.
- (7) In 40 CFR 265.75 dealing with the biennial report, delete "EPA form 8700-13B" and insert "form provided by the commissioner".
- (8) In 40 CFR 265.76 dealing with unmanifested waste reports, delete "The unmanifested waste report must be submitted on EPA form 8700-13B".
- (9) In 40 CFR 265.77 regarding additional reports, insert, after the first sentence in (c), "Ground water data for laboratory analytical results and field parameters must be submitted as follows:
  - (A) Two (2) paper copies on the most current form prescribed by the department.
  - (B) In addition to the paper copies required in (A), an electronic report in a format prescribed by the department."
- (10) In 40 CFR 265.77 regarding additional reports, insert, after the first sentence in (d), "The commissioner may request other information as required by Subparts AA through CC of this part be submitted in an electronic format as prescribed by the commissioner."

**(11) In addition to the requirements in 40 CFR 265, Subpart E, the reports required by IC 13-22-4-3.1 must be kept on file for at least three (3) years after submission to the department.**

~~(11)~~ **(12)** In 40 CFR 265.90 dealing with ground water monitoring requirements, delete all references to effective date.

~~(12)~~ **(13)** Delete 40 CFR 265.112(d)(3)(ii) and substitute: "Issuance of a judicial decree or final order under section 3008 of RCRA, judiciary decree under IC 13-30-3, or final administrative order under IC 4-21.5 to cease receiving hazardous waste or close".

~~(13)~~ **(14)** Delete 40 CFR 265.118(e)(2) and substitute the language in subdivision (11).

~~(14)~~ **(15)** Delete 40 CFR 265, Subpart H dealing with financial requirements and substitute 329 IAC 3.1-14.

~~(15)~~ **(16)** In 40 CFR 265.191(a), the January 12, 1988, deadline date for integrity assessments shall only apply to existing interim status or permitted tank systems that are underground and cannot be entered for inspection. Integrity assessments shall be completed on all remaining tank systems by December 20, 1989.

~~(16)~~ **(17)** In 40 CFR 265.191(c), delete "July 14, 1986" and insert "June 20, 1988".

~~(17)~~ **(18)** In 40 CFR 265.193(a), delete all references to deadline dates for secondary containment for existing systems and substitute the dates specified in 329 IAC 3.1-9-3(c)(1) through 329 IAC 3.1-9-3(c)(8).

~~(18)~~ **(19)** In 40 CFR 265.301(d)(2)(i)(B) dealing with the definition of the term "underground source of drinking water", delete "144.3 of this chapter" and insert "40 CFR 270.2".

~~(19)~~ **(20)** In 40 CFR 265.301(d)(2)(i)(C), delete "RCRA Section 3005(c)" and insert "329 IAC 3.1-13".

~~(20)~~ **(21)** In 40 CFR 265.314(g)(2) dealing with the definition of the term "underground source of drinking water", delete "144.3 of this chapter" and insert "40 CFR 270.2".

~~(21)~~ **(22)** In 40 CFR 265.316(b), delete "(49 CFR Parts 178 and 179)" and substitute "(49 CFR Part 178)".

~~(22)~~ **(23)** In 40 CFR 265.316(f), delete "fiber drums" and substitute "nonmetal containers".

~~(23)~~ **(24)** Delete 40 CFR 265.430(b) and substitute the following: "The requirements of this subpart apply to owners and operators of wells used to dispose of hazardous waste which are classified as Class I and Class IV in section 3 of this rule."

*(Solid Waste Management Board; 329 IAC 3.1-10-2; filed Jan 24, 1992, 2:00 p.m.: 15 IR 937; errata filed Nov 8, 1995, 4:00 p.m.: 19 IR 353; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3357; filed Aug 7, 1996, 5:00 p.m.: 19 IR 3365; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1113; filed Mar 19, 1998, 10:05 a.m.: 21 IR 2742; errata filed Apr 8, 1998, 2:50 p.m.: 21 IR 2989; errata filed Aug 10, 2000, 1:26 p.m.: 23 IR 3091; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24*

IR 1617; errata filed Mar 19, 2001, 10:31 a.m.: 24 IR 2470; filed Apr 5, 2001, 1:29 p.m.: 24 IR 2434; filed Jun 3, 2002, 10:40 a.m.: 25 IR 3113)

### **Notice of Public Hearing**

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on February 18, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Solid Waste Management Board will hold a public hearing on proposed amendments to 329 IAC 3.1.*

*The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Steve Mojonner, Rules, Planning and Outreach Section, Office of Land Quality, (317) 233-1655 or (800) 451-6027 (in Indiana).*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator*

*Indiana Department of Environmental Management*

*100 North Senate Avenue*

*P.O. Box 6015*

*Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855. (TDD): (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the IDEM Office of Land Quality, Indiana Government Center-North, 100 North Senate Avenue and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Mary Beth Tuohy

Assistant Commissioner

Office of Land Quality

---

---

## **TITLE 357 INDIANA PESTICIDE REVIEW BOARD**

### **Proposed Rule**

LSA Document #02-292

### **DIGEST**

Adds 357 IAC 1-10 to establish pesticide use, application,

storage, and disposal requirements near community public water systems wells in addition to any requirements that may already be established on the pesticide product labels. Effective 30 days after filing with the secretary of state.

### **357 IAC 1-10**

SECTION 1. 357 IAC 1-10 IS ADDED TO READ AS FOLLOWS:

### **Rule 10. Regulation of Pesticides Near Community Public Water Supply System Wells**

#### **357 IAC 1-10-1 Definitions**

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24

Affected: IC 15-3-3.6

**Sec. 1.** The following definitions apply throughout this rule:

(1) "Community public water supply system" or "CPWSS" means a public water supply system as referenced in 327 IAC 8-4.1-1(5) that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

(2) "Discharge" means a release of a pesticide from a storage container into secondary containment.

(3) "Impervious surface" means a surface composed of a watertight material that effectively prevents discharged pesticide from impacting the soil or ground water, and from reaching a drinking water well or dry well, storm or sanitary sewer, or septic system.

(4) "Isolation area" means an area as referenced in 327 IAC 8-3.4-9, which is established around a CPWSS production well, to protect ground water from direct contamination by pesticides.

(5) "Public water supply system" or "PWSS" means a public water supply as established by 326 IAC 8-4.1-1(20) for the provision to the public of piped water for human consumption if such a system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

(6) "Secondary containment" means any structure, such as a dike, used to contain pesticide discharge from storage containers and prevent run-off or leaching.

(7) "State chemist" means the Indiana state chemist or his appointed agent.

(8) "Time of travel" or "TOT", as referenced in 327 IAC 8-4.1-1(25) means the calculated length of time that a particle of water takes to reach a CPWSS production well from a certain point.

(9) "Time of travel (TOT) threshold" means a minimum five (5) year TOT for modeled wellhead protection areas or three thousand (3,000) feet for fixed radius wellhead protection areas, as delineated in 327 IAC 8-4.1-1(26).

---

## Proposed Rules

---

(10) “Wellhead protection area” or “WHPA” as referenced in 327 IAC 8-4.1-1(27) means the surface and subsurface area that contributes water to a CPWSS production well or well field and through which contaminants are likely to move and reach the well within the TOT threshold.

*(Indiana Pesticide Review Board; 357 IAC 1-10-1)*

### 357 IAC 1-10-2 Prohibited activities within the isolation area

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24

Affected: IC 15-3-3.6

Sec. 2. (a) The following activities shall be prohibited within the isolation area, except for pesticides labeled for the intentional use in the treatment of water for drinking:

- (1) Pesticide loading.
- (2) Pesticide mixing.
- (3) Pesticide storage.

(b) Application of pesticides within the isolation area shall be permitted unless prohibited by:

- (1) the pesticide label; or
- (2) a rule by the Indiana pesticide review board.

*(Indiana Pesticide Review Board; 357 IAC 1-10-2)*

### 357 IAC 1-10-3 Pesticide storage within the WHPA and outside of the isolation area

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24

Affected: IC 15-3-3.6

Sec. 3. (a) Pesticide containers with the capacity for the storage of pesticides in undivided quantities exceeding fifty-five (55) U.S. gallons or one hundred (100) pounds dry product shall be subject to the storage and containment requirements in 355 IAC 5.

(b) Pesticide containers not covered by the requirements referenced in subsection (a) shall be stored:

- (1) on an impervious surface;
- (2) in a covered area that is protected from precipitation; and
- (3) within secondary containment when the quantity of pesticide product in all containers exceeds fifty-five (55) U.S. gallons of liquid or one hundred (100) pounds of dry product and a spill or leak is likely to enter a septic system, sanitary or storm sewer, drinking water well, or dry well.

(c) Secondary containment required in subsection (b) shall be:

- (1) constructed with a capacity of a minimum of at least one hundred ten percent (110%) of the volume of the largest storage container within the contained area plus the volume displaced by all other pesticide containers, equipment, and other items in the containment vessel; and

(2) constructed, installed, and maintained so as to prevent the spill or leakage of the pesticide.

*(Indiana Pesticide Review Board; 357 IAC 1-10-3)*

### 357 IAC 1-10-4 Cleanup of discharged or spilled pesticide

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24

Affected: IC 15-3-3.6

Sec. 4. (a) Remediation and cleanup of discharged or spilled pesticide shall be performed immediately upon discovery.

(b) Clean-up procedures shall be conducted:

- (1) in accordance with the procedures on the pesticide product label; and
- (2) in a manner that prevents the pesticide from impacting the soil or ground water, and from reaching a drinking water well, dry well, storm sewer, sanitary sewer, or septic system.

*(Indiana Pesticide Review Board; 357 IAC 1-10-4)*

### 357 IAC 1-10-5 Inspection and compliance

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24

Affected: IC 15-3-3.6

Sec. 5. (a) The inspection for compliance with this rule is the responsibility of the state chemist, but may be delegated by the state chemist to the Indiana department of environmental management and to employees of state, county, or municipal government.

(b) The initiation of enforcement for violations of the provisions shall be the sole responsibility of the state chemist. *(Indiana Pesticide Review Board; 357 IAC 1-10-5)*

### 357 IAC 1-10-6 Compliance with the effective date of rule

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24

Affected: IC 15-3-3.6

Sec. 6. (a) This rule shall become effective within one (1) year of the date of adoption.

(b) For newly established facilities, full compliance shall be required immediately.

(c) For existing facilities:

- (1) full compliance with section 3 shall be required no later than two (2) years following adoption; and
- (2) full compliance with all other sections of this rule shall be required immediately.

*(Indiana Pesticide Review Board; 357 IAC 1-10-6)*

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on February 10, 2003 at 9:00 a.m., at the Office of the Indiana State Chemist, Purdue University, 1154 Biochemistry, Room A151, West Lafayette, Indiana the Indiana Pesticide Review*

*Board will hold a public hearing on a proposed new rule to establish pesticide use, application, storage, and disposal requirements near community public water system wells in addition to any requirements that may already be established on the pesticide product labels. Copies of these rules are now on file at the Office of the Indiana State Chemist, Purdue University, 1154 Biochemistry Building, West Lafayette and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

David E. Scott  
Secretary  
Indiana Pesticide Review Board

---

## **TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH**

### **Proposed Rule LSA Document #02-266**

#### **DIGEST**

Adds 410 IAC 7-22 to establish standards for the certification of food handlers for food establishments and the imposition of penalties for violations. Effective 30 days after filing with the secretary of state.

#### **410 IAC 7-22**

SECTION 1. 410 IAC 7-22 IS ADDED TO READ AS FOLLOWS:

##### **Rule 22. Certification of Food Handlers**

#### **410 IAC 7-22-1 Applicability**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 1.** The definitions in this rule apply throughout this rule. (*Indiana State Department of Health; 410 IAC 7-22-1*)

#### **410 IAC 7-22-2 “Accredited” defined**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 2.** “Accredited” means that an accrediting organization has verified a food safety certification examination meets the standards established by the Conference for Food Protection. The food safety certification examination shall be reviewed by an independent accrediting organization to verify compliance with standards established by the Conference for Food Protection. (*Indiana State Department of Health; 410 IAC 7-22-2*)

#### **410 IAC 7-22-3 “Accredited certification examination” defined**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 3.** “Accredited certification examination” means a food protection certification examination that meets the criteria established by the Conference for Food Protection, and has met the Conference for Food Protection standards, such as the American National Standards Institute standards for such programs. (*Indiana State Department of Health; 410 IAC 7-22-3*)

#### **410 IAC 7-22-4 “Accredited testing service” defined**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 4.** “Accredited testing service” means a testing service that meets the standards established by the Conference for Food Protection and has met the Conference for Food Protection and the American National Standards Institute standards for such examinations. (*Indiana State Department of Health; 410 IAC 7-22-4*)

#### **410 IAC 7-22-5 “Accrediting organization” defined**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 5.** “Accrediting organization” means an independent organization, such as the American National Standards Institute, that determines whether a food protection certification examination meets the standards established by the Conference for Food Protection. (*Indiana State Department of Health; 410 IAC 7-22-5*)

#### **410 IAC 7-22-6 “Certification document” defined**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 6.** “Certification document” means a certificate, letter, or other document verifying the individual has passed an accredited examination given by an accredited testing service. (*Indiana State Department of Health; 410 IAC 7-22-6*)

#### **410 IAC 7-22-7 “Certified food handler” defined**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 7.** “Certified food handler” means a food handler who holds a certificate recognized by the Conference for Food Protection or an equivalent nationally recognized certification program as determined by the department. (*Indiana State Department of Health; 410 IAC 7-22-7*)

#### **410 IAC 7-22-8 “Department” defined**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 8.** “Department” means the Indiana state department of health. (*Indiana State Department of Health; 410 IAC 7-22-8*)

#### **410 IAC 7-22-9 “Food establishment” defined**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 9. “Food establishment”** means any building, room, basement, vehicle of transportation, cellar, or open or enclosed area occupied or used for handling food. (*Indiana State Department of Health; 410 IAC 7-22-9*)

**410 IAC 7-22-10 “Food handler” defined**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 10. “Food handler”** means an individual who is:  
(1) an owner, an operator, a manager, or an employee of a food establishment; and  
(2) responsible for or oversees the storage, preparation, display, or serving of food to the public.

(*Indiana State Department of Health; 410 IAC 7-22-10*)

**410 IAC 7-22-11 “Person-in-charge” defined**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 11. “Person-in-charge”** means an individual present at a food establishment who is responsible for the food operation at the time of inspection. (*Indiana State Department of Health; 410 IAC 7-22-11*)

**410 IAC 7-22-12 “Prepackaged food” defined**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 12. “Prepackaged food”** means prior to service and/or receipt of a food, the food is bottled, canned, cartoned, securely wrapped, whether packaged in a food establishment or a food processing plant. The term does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer. (*Indiana State Department of Health; 410 IAC 7-22-12*)

**410 IAC 7-22-13 “Recertification” defined**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 13. “Recertification”** means requiring a precertified individual to pass an accredited certification examination at least five (5) years from the original certificate issue date, or complying with the accredited testing service’s written policy for recertification. (*Indiana State Department of Health; 410 IAC 7-22-13*)

**410 IAC 7-22-14 “Regulatory authority” defined**

Authority: IC 16-42-5.2-13  
Affected: IC 16-42-5.2

**Sec. 14. “Regulatory authority”** means the local or state body or authorized representative having jurisdiction over a food establishment. (*Indiana State Department of Health; 410 IAC 7-22-14*)

**410 IAC 7-22-15 Certified food handler requirements**

Authority: IC 16-42-5.2-13

Affected: IC 12-15; IC 16-21; IC 16-28; IC 16-42-5.2; IC 23-2-4

**Sec. 15. (a)** A corporation or local health department may not impose any registration, certification, or licensing requirements on food handling or food handlers.

**(b)** After December 31, 2004, at least one (1) food handler at a food establishment must be a certified food handler. A food handler’s certification must be recognized by the Conference for Food Protection or an equivalent nationally recognized certification examination as determined by the department.

**(c)** A food establishment shall have at least one (1) certified food handler responsible for all periods of the food establishment’s operation. However, a certified food handler need not be present at the food establishment during all hours of operation. It shall be the responsibility of the certified food handler to provide the certificate, letter, or document for verification of passing the examination.

**(d)** A food establishment that begins operation or changes ownership shall comply with subsection (b) not later than six (6) months after beginning operation or changing ownership.

**(e)** If a food establishment does not have a certified food handler because the certified food handler terminates employment with the food establishment, the owner or operator of the food establishment shall comply with subsection (b) not later than three (3) months after the termination date of the previous certified food handler.

**(f)** If more than one (1) food establishment operated by the same individual is located on the same property or on contiguous properties, only one (1) certified food handler is required for the food establishments.

**(g)** The certified food handler requirement does not apply to a food establishment when the food establishment’s food handling activities are limited solely to one (1) or more of the following:

- (1) Heating or serving precooked hot dog or sausage products, popcorn, nachos, pretzels, or frozen pizza.
- (2) Preparing or serving a continental breakfast, such as rolls, coffee, juice, milk, and cold cereal.
- (3) Preparing or serving nonalcoholic or alcoholic beverages or ice.
- (4) Grinding coffee beans.
- (5) Packaged foods that are not potentially hazardous foods in accordance with the rules adopted by the executive board.
- (6) Heating when it is the only step for a bakery product.
- (7) Providing prepackaged food in its original package.

(h) The certified food handler requirement does not apply to the following institutions:

- (1) Hospitals licensed under IC 16-21.
- (2) Health facilities licensed under IC 16-28.
- (3) Housing with services establishments that are required to file disclosure statements under IC 12-15.
- (4) Continuing care retirement communities required to file disclosure statements under IC 23-2-4.

(Indiana State Department of Health; 410 IAC 7-22-15)

#### **410 IAC 7-22-16 Assignment of supervision and responsibility**

Authority: IC 16-42-5.2-13

Affected: IC 16-42-5.2

**Sec. 16. (a)** The food establishment shall have a person-in-charge present at the food establishment during all hours of operation.

(b) From one (1) year beyond the effective date of this rule, any food establishment not exempted from the law, shall maintain at least one (1) copy of this rule on premises at all times. Immediate electronic access to this rule shall be considered acceptable for meeting this requirement.  
(Indiana State Department of Health; 410 IAC 7-22-16)

#### **410 IAC 7-22-17 Qualifications for certification**

Authority: IC 16-42-5.2-13

Affected: IC 16-42-5.2

**Sec. 17.** In order to become a certified food handler, an individual must comply with the following:

- (1) Successfully pass an accredited examination administered by an accredited testing service.
- (2) Provide name, certification document (copies thereof), and photo identification card at the food establishment for the certified food handler. The certification document shall be made available by the person-in-charge for inspection by the regulatory authority at all times.
- (3) The certification document shall be removed from the food establishment when the certified food handler terminates employment with the food establishment.
- (4) No person shall be designated as a certified food handler, or in any way represent himself or herself as a certified food handler unless they hold a certification document.

(Indiana State Department of Health; 410 IAC 7-22-17)

#### **410 IAC 7-22-18 Penalties**

Authority: IC 16-42-5.2-13

Affected: IC 16-42-5.2

**Sec. 18.** Unless adjusted by an administrative order, the following schedule of monetary penalties shall be used if penalties are to be assessed:

**Section 15(a), 15(b), 15(c), \$0–100 per day per violation 15(d), 15(e), and 15(f) of this rule**

**Section 16(a) of this rule \$0–100 per day per violation**

**Section 16(b) of this rule \$0–50 per day per violation**

**Section 17(a)(1), 17(a)(2), \$0–100 per day per violation 17(a)(3) and 17(a)(4) of this rule**

(Indiana State Department of Health; 410 IAC 7-22-18)

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on January 27, 2003 at 2:00 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on a proposed new rule to establish standards for the certification of food handlers for food establishments and the imposition of penalties for violations. Copies of these rules are now on file at the Indiana State Department of Health, Health Care Regulatory Services Commission, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Gregory A. Wilson, M.D.

State Health Commissioner

Indiana State Department of Health

---

---

## **TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES**

### **Proposed Rule**

LSA Document #02-210

### **DIGEST**

Adds 460 IAC 7 to establish standards and requirements for individualized support plans for eligible individuals with a developmental disability. *NOTE: Under IC 4-22-2-40, LSA Document #02-210, printed at 26 IR 525, was recalled by the Division of Disability, Aging, and Rehabilitative Services. This document was revised and readopted.* Effective 30 days after filing with the secretary of state.

#### **460 IAC 7**

**SECTION 1.** 460 IAC 7 IS ADDED TO READ AS FOLLOWS:

### **ARTICLE 7. INDIVIDUALIZED SUPPORT PLAN**

#### **Rule 1. Purpose**

**460 IAC 7-1-1 Purpose**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 1.** The purpose of this article is to establish standards and requirements for individualized support plans for service plans developed by the bureau of developmental disabilities services for eligible individuals with a developmental disability. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 7-1-1)

**Rule 2. Applicability**

**460 IAC 7-2-1 Applicability**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 1.** This article applies to the development of ISPs for individuals receiving services under an individualized support plan through the bureau of developmental disabilities services. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 7-2-1)

**Rule 3. Definitions**

**460 IAC 7-3-1 Applicability**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 1.** The definitions in this rule apply throughout this article. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 7-3-1)

**460 IAC 7-3-2 “BDDS” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 2.** “BDDS” means the bureau of developmental disabilities services. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 7-3-2)

**460 IAC 7-3-3 “Facilitator” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 3.** “Facilitator” means the person who leads the individual’s support team through the person centered planning process, which includes developing an ISP. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 7-3-3)

**460 IAC 7-3-4 “Goal” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 4.** “Goal” means an endpoint of instruction. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 7-3-4)

**460 IAC 7-3-5 “ICF/MR” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 5.** “ICF/MR” means a facility certified under Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) as an intermediate care facility for the mentally retarded. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 7-3-5)

**460 IAC 7-3-6 “Individual” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1-1

**Sec. 6.** “Individual” means an individual with a developmental disability who has been determined eligible for services by a service coordinator pursuant to IC 12-11-2.1-1. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 7-3-6)

**460 IAC 7-3-7 “Individualized support plan” or “ISP” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 7.** “Individualized support plan” or “ISP” means a plan that establishes supports and strategies intended to accomplish the individual’s long term and short term outcomes by accommodating the financial and human resources offered to the individual through paid provider services or volunteer services, or both, as designed and agreed upon by the individual’s support team. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 7-3-7)

**460 IAC 7-3-8 “Legal representative” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-10-13-3.3; IC 12-11-1.1; IC 12-11-2.1

**Sec. 8.** “Legal representative” has the meaning set forth in IC 12-10-13-3.3. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 7-3-8)

**460 IAC 7-3-9 “Legal status” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 9.** “Legal status” means an indication of whether or not the individual is a subject of a guardianship or some other protective proceeding, or is a minor. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 7-3-9)

**460 IAC 7-3-10 “Objective” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 10.** “Objective” means a specifiable intermediate point toward a goal. (*Division of Disability, Aging, and Rehabilitative Services*; 460 IAC 7-3-10)

**460 IAC 7-3-11 “Outcome” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
 Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 11. “Outcome” means the result of attainment of:**

- (1) a goal, including a training goal; or
- (2) an objective.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-11)*

**460 IAC 7-3-12 “Person centered planning” or “PCP” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
 Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 12. “Person centered planning” or “PCP” means a process that:**

- (1) allows an individual, the individual’s legal representative, if applicable, and any other person chosen by the individual to direct the planning and allocation of resources to meet the individual’s life goals;
- (2) achieves understanding of how an individual:
  - (A) learns;
  - (B) makes decisions; and
  - (C) is and can be productive;
- (3) discovers what the individual likes and dislikes; and
- (4) empowers an individual and the individual’s family to create a life plan for the individual that:
  - (A) is based on the individual’s preferences, dreams, and needs;
  - (B) encourages and supports the individual’s long term hopes and dreams;
  - (C) is supported by a short term plan that is based on reasonable costs, given the individual’s support needs;
  - (D) includes individual responsibility; and
  - (E) includes a range of supports, including funded, community, and natural supports.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-12)*

**460 IAC 7-3-13 “Profile information” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
 Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 13. “Profile information” means a summary of the information developed through the person centered planning process that is attached to the ISP.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-13)*

**460 IAC 7-3-14 “Provider” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
 Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 14. “Provider” means a person or entity approved by the BDDS to provide the individual with agreed upon services.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-14)*

**460 IAC 7-3-15 “Qualified mental retardation professional” or “QMRP” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
 Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 15. “Qualified mental retardation professional” or “QMRP” means a staff of an ICF/MR who meets the qualifications and functions contained in 42 CFR 483.430(a).** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-15)*

**460 IAC 7-3-16 “Service coordinator” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
 Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 16. “Service coordinator” means a service coordinator employed by the BDDS under IC 12-11-2.1.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-16)*

**460 IAC 7-3-17 “Support team” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
 Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 17. “Support team” means a team of persons, including an individual, the individual’s legal representative, if applicable, an individual’s providers, provider of case management services, and other persons who:**

- (1) are designated by the individual;
- (2) know and work with the individual; and
- (3) participate in the development and implementation of the individual’s ISP.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-17)*

**Rule 4. Development of an ISP**

**460 IAC 7-4-1 Development of an ISP**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
 Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 1. An ISP shall be developed by an individual’s support team using a “person centered planning” process. The support team shall be led by a facilitator chosen by the individual.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-1)*

**460 IAC 7-4-2 Collection of information**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
 Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 2. The support team shall collect all the information required to complete the ISP. In collecting the information needed to complete the ISP, the team shall be cognizant of the past, present, and future influences of a variety of factors that define the individual’s quality of life.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-2)*

**460 IAC 7-4-3 Composition of the support team**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 3. (a)** The support team shall include, as appropriate, the following persons, as designated by the individual:

- (1) The individual.
- (2) His or her legal guardian, if applicable.
- (3) Close family members/advocates.
- (4) The provider providing case management services to the individual.
- (5) Providers providing services to the individual.
- (6) A BDDS service coordinator.
- (7) Others identified by the individual as being important in his or her life.

**(b)** The responsibility for assuring the convening of the individual's support team and the development of the ISP shall be the responsibility of:

- (1) the provider providing case management services to the individual if the individual receives case management services;
- (2) the individual's QMRP if the individual is receiving services in an ICF/MR; or
- (3) the BDDS service coordinator if the individual does not receive case management services or is not receiving services in an ICF/MR.

If an individual is receiving services in an ICF/MR and a ISP is not in place, the individual's service coordinator shall work with the individual's QMRP to assure development of an ISP. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-3*)

**460 IAC 7-4-4 Written ISP**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 4.** The support team shall develop a written ISP that contains all of the sections required by 460 IAC 7-5. A profile sheet shall be attached to the ISP. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-4*)

**460 IAC 7-4-5 Updating the ISP**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 5.** The ISP shall be updated:

- (1) whenever a change in the individual's condition or circumstances warrants the updating the individual's ISP; or
- (2) annually.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-5*)

**Rule 5. Sections of an ISP**

**460 IAC 7-5-1 Sections of an ISP**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 1.** An ISP shall have the following sections:

- (1) Personal and demographic information section.
- (2) Individual's diagnosis section.
- (3) Individual's emergency contacts section.
- (4) Outcome section.
- (5) Statement of agreement section.
- (6) Individualized support plan participants section.
- (7) Meeting issues and requirements section.
- (8) An optional attachment regarding resources.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-1*)

**460 IAC 7-5-2 Personal and demographic information section**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 2.** The personal and demographic information section shall contain the following:

- (1) The individual's last name, first name, and middle initial.
- (2) The individual's address.
- (3) The individual's date of birth.
- (4) If applicable, the individual's Medicaid recipient number.
- (5) The individual's legal status.
- (6) The individual's current living arrangement.
- (7) An indication of whether or not the individual is in school, is employed, or has another daily routine. If the individual has another daily routine, the daily routine shall be described.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-2*)

**460 IAC 7-5-3 Diagnosis section**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 3.** The diagnosis section shall identify the individual's primary diagnosis, and, if applicable, a secondary diagnosis. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-3*)

**460 IAC 7-5-4 Emergency contacts section**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 4.** The emergency contacts section shall contain the name, phone number, relationship, addresses, and an alternate contact method for any emergency contacts for the individual. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-4*)

**460 IAC 7-5-5 Outcome section**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 5. (a)** The outcome section shall include all outcomes for the individual.

(b) Each outcome listed in the ISP shall contain the following:

- (1) The desired outcome for the individual.
- (2) The individual's current status regarding attainment of the outcome. Current status information shall be based upon the support team's discussions during the development of the ISP and a review of relevant documentation.
- (3) The individual's past experience with the outcome. Past experience information shall be based upon the support team's discussions during the development of the ISP and a review of relevant documentation.
- (4) Proposed strategies and activities for meeting and attaining the outcome.

(A) Multiple strategies can be used to meet more than one (1) outcome.

(B) Preferred strategies shall be assessed through discussion during the development of the ISP and shall include input from the individual and the individual's guardian or family members, or both.

Each strategy shall be clearly outlined and include all related information.

(5) The party or parties, paid or unpaid, responsible for assisting the individual in meeting the outcome. A responsible party cannot be changed unless the support team is reconvened and the ISP is amended to reflect a change in responsible party.

(6) Time frame for accomplishment of the outcome, which shall not exceed one (1) year.

(c) An area for progress notes shall be included for each outcome. Information can be added in this area, at any time during the life of the ISP, identifying progress made in meeting the desired outcome. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-5*)

#### **460 IAC 7-5-6 Statement of agreement section**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 6. The statement of agreement section shall contain the following sentence: "I have been involved in the development of my Individualized Support Plan and I agree with this Plan. I know I can appeal to the DDARS if I disagree with how this plan is put into action.". There shall be a signature and date line for the individual to sign. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-6*)

#### **460 IAC 7-5-7 Individualized support plan participants section**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 7. (a) The individualized support plan participants section shall list each person participating in the development of the ISP.

(b) The relationship of each participant to the individual shall be indicated.

(c) The date or dates the ISP was forwarded to each participant shall be indicated.

(d) The method by which the ISP was forwarded to the participant shall be indicated. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-7*)

#### **460 IAC 7-5-8 Meeting issues and requirements section**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 8. (a) The meeting issues and requirements section shall have a subsection regarding health and behavioral issues as follows:

(1) The health and behavioral issues section shall indicate if a provider is needed to provide health care or behavioral supports and if a provider is needed to provide either health care or behavioral supports, the provider responsible for providing health care or behavioral supports.

(2) Health and behavioral issues included in health and behavioral issues section shall include, as applicable, the following:

- (A) Seizures or history of seizures.
- (B) Allergies or history of allergies.
- (C) Uses or requires dentures.
- (D) Chewing difficulties.
- (E) Swallowing difficulties.
- (F) Dining difficulties.
- (G) Vision difficulties.
- (H) Hearing difficulties.
- (I) Speaking difficulties or the individual's mode of communication.
- (J) Behavior issues.
- (K) Health or behavior issue identified as a result of a review of incident reports concerning the individual.
- (L) Medication or self medication issues, or both.
- (M) Results of laboratory testing.
- (N) Any other chronic condition or healthcare issue.

(3) The health and behavioral issues section shall identify the following:

- (A) The individual's regular family physician.
- (B) The individual's dentist.
- (C) Any specialist with whom the individual consults.

(4) For each health issue or behavioral issue that is identified, a comment section shall be included that contains a discussion of how the health issue or behavioral issue:

- (A) affects the individual; and
- (B) is addressed by the ISP.

(b) The meeting issues and requirements section shall have a subsection identifying any environmental require-

ments the individual may have, including the following:

- (1) The environmental requirements section shall indicate if a provider is needed to provide environmental and living arrangement supports and if a provider is needed, the provider responsible for providing environmental and living arrangement supports.
- (2) The environmental requirements section shall include, as applicable, the following:
  - (A) The provider responsible for environment and living arrangement supports.
  - (B) Carbon monoxide detectors.
  - (C) Smoke detectors.
  - (D) Emergency phone numbers.
  - (E) Emergency evacuation routes and plan.
  - (F) Fire extinguishers.
  - (G) Insurance.
  - (H) Anti-scaling devices.
  - (I) Devices and home modifications.
  - (J) Personal emergency response system.
  - (K) Need for a photograph in the individual's personal file.
  - (L) Transportation.
  - (M) Individual property and financial resources.
- (3) For each environmental requirement that is identified in the ISP, a comment section shall be included that contains a discussion of how the environmental need:
  - (A) affects the individual; and
  - (B) is addressed by the ISP.

(c) The meeting issues and requirements section shall have a subsection identifying the following provider requirements:

- (1) If the individual is receiving case management services, when the provider providing case management services shall make the first contact with the individual.
- (2) If the individual is receiving case management services, the minimum frequency of contacts the provider providing case management services shall have with the individual.
- (3) The provider who is to maintain the individual's personal file.
- (4) How often each provider shall analyze and update the provider's records.
- (5) How often the individual shall be informed of the following:
  - (A) Medical condition.
  - (B) Developmental status.
  - (C) Behavior status.
  - (D) Risk of treatment.
  - (E) Right to refuse treatment.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-8)*

#### **460 IAC 7-5-9 Optional attachment: resources**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 9. An optional resources attachment regarding resources may be attached to the ISP. If an optional resources attachment is used it may indicate the following:**

- (1) The funding supports the individual currently receives.
- (2) The funding supports the support team discussed during the development of the ISP.
- (3) The funding supports the individual does not desire to receive.
- (4) The funding supports for which the individual has applied.
- (5) Any funding supports for which the individual is on a waiting list.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-9)*

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on January 23, 2003 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451A, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on proposed new rules concerning the standards and requirements for individualized support plans for eligible individuals with a developmental disability. If an accommodation is required to allow an individual with a disability to participate in a public hearing, please contact Jean Oswalt at (317) 232-1161 at least 48 hours before the hearing. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Steven C. Cook

Director

Division of Disability, Aging, and Rehabilitative  
Services

---

---

## **TITLE 511 INDIANA STATE BOARD OF EDUCATION**

### **Proposed Rule**

LSA Document #02-274

### **DIGEST**

Amends 511 IAC 6.1-5.1-8 to add new courses to the list of approved high school fine arts courses. Designates advanced theatre arts as a laboratory course. Effective 30 days after filing with the secretary of state.

#### **511 IAC 6.1-5.1-8**

**SECTION 1. 511 IAC 6.1-5.1-8 IS AMENDED TO READ AS FOLLOWS:**

**511 IAC 6.1-5.1-8 Fine arts courses**

**Authority:** IC 20-1-1-6; IC 20-1-1.2-18

**Affected:** IC 20-10.1

Sec. 8. (a) The following courses may be offered in the fine arts area of study:

- (1) The following art courses:
  - (A) The following general art courses:
    - (i) Introduction to two-dimensional art (L).
    - (ii) Introduction to three-dimensional art (L).
    - (iii) Advanced two-dimensional art (L).
    - (iv) Advanced three-dimensional art (L).
  - (B) The following historical art courses:
    - (i) Art history.
    - (ii) Advanced art history.
    - (iii) Fine arts connections.
  - (C) The following three-dimensional art courses:
    - (i) Ceramics (L).
    - (ii) Jewelry (L).
    - (iii) Sculpture (L).
    - (iv) Fiber arts (L).
    - (v) Studio art (drawing or general), advanced placement or college credit.
  - (D) The following two-dimensional art courses:
    - (i) Drawing (L).
    - (ii) Painting (L).
    - (iii) Printmaking (L).
    - (iv) Media arts.
  - (E) The following visual design courses:
    - (i) Computer graphics (L).
    - (ii) Visual communication.
- (2) The following dance courses:
  - (A) Dance performance—ballet, modern, jazz, or ethnic-folk (L).
  - (B) Dance choreography—ballet, modern, jazz, or ethnic-folk (L).
  - (C) Dance history and appreciation.
- (3) The following music courses:
  - (A) The following instrumental music courses:
    - (i) Beginning concert band (L).
    - (ii) Intermediate concert band (L).
    - (iii) Advanced concert band (L).
    - (iv) Instrumental ensemble (L).
    - (v) Jazz ensemble (L).
    - (vi) Beginning orchestra (L).
    - (vii) Intermediate orchestra (L).
    - (viii) Advanced orchestra (L).
  - (B) The following vocal music courses:
    - (i) Choral chamber ensemble (L).
    - (ii) Beginning chorus (L).
    - (iii) Intermediate chorus (L).
    - (iv) Advanced chorus (L).
    - (v) Vocal jazz (L).
  - (C) Other music courses as follows:
    - (i) Applied music (L).
    - (ii) Electronic music (L).

- (iii) Piano and electronic keyboard (L).
  - (iv) Music history and appreciation.
  - (v) Music theory and composition (L).
- (4) The following theatre arts courses:
  - (A) Theatre arts (L).
  - (B) Advanced theatre arts (L).
  - ~~(C) Technical theatre (L).~~
  - ~~(D)~~ (C) Theatre production (L).
  - ~~(E)~~ (D) Theatre arts history.
  - (E) Advanced acting (L).**
  - (F) Technical theatre (L).**
  - (G) Advanced technical theatre (L).**
  - (H) Theatre arts special topic (L).**
  - (I) Musical theatre (L).**

(b) In order to use the courses listed in this section toward the thirty-eight (38) credit requirements, any course that is suffixed with a capital "L" in parentheses is to be presented as a laboratory course, as defined at 511 IAC 6.1-1-2(l). (*Indiana State Board of Education; 511 IAC 6.1-5.1-8; filed Nov 8, 1990, 3:05 p.m.: 14 IR 657; filed Nov 4, 1999, 10:08 a.m.: 23 IR 569, eff Jul 1, 2000*)

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on February 6, 2003 at 9:00 a.m., at the Department of Education, 151 West Ohio Street, James Whitcomb Riley Conference Room, Indianapolis, Indiana the Indiana State Board of Education will hold a public hearing on proposed amendments to add new courses to the list of approved high school fine arts courses. Designates advanced theatre arts as a laboratory course. Copies of these rules are now on file at 229 State House and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Suellen Reed  
 Superintendent of Public Instruction  
 Indiana State Board of Education

---



---

**TITLE 515 PROFESSIONAL STANDARDS BOARD**

**Proposed Rule**  
 LSA Document #02-314

**DIGEST**

Adds 515 IAC 1-7 to define continuing education requirements for the renewal of certain proficient practitioner licenses and for all instructional, school services, instructional supervision, administrative standard and professional licenses.  
 July 1, 2003.

**515 IAC 1-7**

---

## Proposed Rules

---

SECTION 1. 515 IAC 1-7 IS ADDED TO READ AS FOLLOWS:

### Rule 7. Renewal of Licenses

#### 515 IAC 1-7-1 “Academic content standards” defined

Authority: IC 20-1-1.4-7  
Affected: IC 20-6.1-2-1

Sec. 1. As used in this rule, “academic content standards” mean expectations of what a student should know and be able to do as adopted by the Indiana state board of education. (*Professional Standards Board; 515 IAC 1-7-1*)

#### 515 IAC 1-7-2 “Board” defined

Authority: IC 20-1-1.4-7  
Affected: IC 20-6.1-2-1

Sec. 2. As used in this rule, “board” means the professional standards board. (*Professional Standards Board; 515 IAC 1-7-2*)

#### 515 IAC 1-7-3 “Certification renewal credit” or “CRU” defined

Authority: IC 20-1-1.4-9  
Affected: IC 20-6.1-2-1

Sec. 3. As used in this rule, “certification renewal credit” or “CRU” means credit for two (2) contact hours experienced by an applicant during a class that is presented by a sponsor approved by the board and is designed to improve the skills of a teacher. (*Professional Standards Board; 515 IAC 1-7-3*)

#### 515 IAC 1-7-4 “License” defined

Authority: IC 20-1-1.4-7  
Affected: IC 20-6.1-2-1

Sec. 4. As used in this rule, “license” means the following:

- (1) A proficient practitioner license.
- (2) A standard license.
- (3) A provisional license issued under this title.

(*Professional Standards Board; 515 IAC 1-7-4*)

#### 515 IAC 1-7-5 “License renewal report” defined

Authority: IC 20-1-1.4-7  
Affected: IC 20-6.1-2-1

Sec. 5. As used in this rule, “license renewal report” includes the professional growth plan prepared by the applicant and any additional documentation as required by the board. (*Professional Standards Board; 515 IAC 1-7-5*)

#### 515 IAC 1-7-6 “Licensing advisor” defined

Authority: IC 20-1-1.4-7  
Affected: IC 20-6.1-2-1

Sec. 6. As used in this rule, “licensing advisor” means the

person at an accredited teacher preparation institution who is responsible for advising students who are studying to be teachers with respect to licensing requirements. (*Professional Standards Board; 515 IAC 1-7-6*)

#### 515 IAC 1-7-7 “Professional growth experiences” defined

Authority: IC 20-1-1.4-7  
Affected: IC 20-6.1-2-1

Sec. 7. As used in this rule, “professional growth experiences” means professional experiences based on the following:

- (1) Principles promulgated by the Interstate New Teacher Assessment and Support Consortium (INTASC) in its Model Standards for Beginning Teacher Licensing and Development: A Resource for State Dialogue, current 1992 edition, which are incorporated herein by reference, copies of which are available from INTASC, One Massachusetts Avenue, NW, Suite 700, Washington, D.C. 20001.
- (2) Content and development standards set forth in administrative rules promulgated by the board.
- (3) Standards promulgated by the National Board for Professional Teaching Standards (NBPTS) in its Guide to National Board Certification, current 2002-2003 edition, which is incorporated herein by reference, copies of which are available from 26555 Evergreen Road, Suite 400, Southfield, Michigan 48076, or online at [www.nbpts.org](http://www.nbpts.org).
- (4) Standards promulgated by the Interstate School Leaders Licensure Consortium (ISLLC) of the Council of Chief State School Officers (CCSSO), copies of which are available from CCSSO.

(*Professional Standards Board; 515 IAC 1-7-7*)

#### 515 IAC 1-7-8 “Professional growth plan” defined

Authority: IC 20-1-1.4-7  
Affected: IC 20-6.1-2-1

Sec. 8. As used in this rule, “professional growth plan” means a report submitted by an applicant that demonstrates goals and strategies related to the following:

- (1) The Interstate New Teacher Assessment and Support Consortium principles, board content, and development standards.
- (2) The National Board for Professional Teaching standards.
- (3) The Indiana state board of education’s core professional development principles.
- (4) The standards of Interstate School Leaders Licensure Consortium.

The plan must include a minimum of ninety (90) professional growth experience points (*Professional Standards Board; 515 IAC 1-7-8*)

#### 515 IAC 1-7-9 “Rule 46-47 basis” defined

Authority: IC 20-1-1.4-9  
Affected: IC 20-6.1-2-1

**Sec. 9.** As used in this rule, “Rule 46-47 basis” means a teaching license that was issued pursuant to the requirements of this article. (*Professional Standards Board; 515 IAC 1-7-9*)

**515 IAC 1-7-10 “Standards-based” defined**

Authority: IC 20-1-1.4-9  
Affected: IC 20-6.1-2-1

**Sec. 10.** As used in this rule, “standards-based” means teaching and learning that is based on content as adopted by the Indiana state board of education and on standards as adopted by the board. (*Professional Standards Board; 515 IAC 1-7-10*)

**515 IAC 1-7-11 “Teaching standards” defined**

Authority: IC 20-1-1.4-9  
Affected: IC 20-6.1-2-1

**Sec. 11.** As used in this rule, “teaching standards” means expectations of what teachers, school administrators, and school service persons should know and be able to do to assist learning for students as adopted by the board. (*Professional Standards Board; 515 IAC 1-7-11*)

**515 IAC 1-7-12 Application requirements for renewal of proficient practitioner licenses and standard licenses**

Authority: IC 20-1-1.4-9  
Affected: IC 20-6.1-2-1

**Sec 12.** A proficient practitioner license is a renewable five (5) year license issued by the board to a teacher, school administrator, or school services person who has successfully completed the two (2) year assessment program as defined by 515 IAC 1-4, or other equivalent assessment or experience as defined by the board. An application for renewal of a proficient practitioner license or a standard license must include the following:

- (1) Completed application form approved by the board, which application may be submitted electronically.
- (2) Limited criminal history report issued by the Indiana state police not earlier than one (1) year prior to the board’s receipt of the application.
- (3) The application fee prescribed by 515 IAC 1-2-19, which fee may be submitted electronically if arrangements to accept electronic payment have been made by the board.
- (4) Documents or other verification that the requirements of this rule have been met.
- (5) Any additional documentation required by the board.

(*Professional Standards Board; 515 IAC 1-7-12*)

**515 IAC 1-7-13 Renewal of standard licenses with a Rule 46-47 basis and issued before December 31, 2007; Bulletin 400 provisional licenses; and Bulletin 192 licenses**

Authority: IC 20-1-1.4-9  
Affected: IC 20-1-11.3; IC 20-5-11; IC 20-6.1-2-1; IC 36-1-7

**Sec. 13.** An applicant for the renewal of a standard license with a Rule 46-47 basis that was issued before December 31, 2007, must meet the following requirements:

- (1) An applicant who has:
  - (A) obtained a master’s degree in accordance with 515 IAC 1-1;
  - (B) completed five (5) years’ teaching experience in accredited schools at the level and in one (1) or more areas covered by the license; and
  - (C) met the other requirements for such a license;
 may be issued a renewal license that will be valid for ten (10) years and renewable for five (5) years thereafter as provided in 515 IAC 1-1.
- (2) An applicant who has completed six (6) semester hours of academic credit approved by the board and earned, prior to December 31, 2012, ninety (90) certification renewal units (CRUs) or an equivalent combination of academic credit and CRUs, may be issued a renewal license, provided, however, that, for purposes of this subdivision, CRUs shall be the equivalent of semester hours and quarter hours of academic credit in the ratios set forth in subdivision (5)(A) and, provided further, that academic credits and CRUs shall count toward license renewal only if they are earned during the five (5) year period immediately preceding the submission of the application for renewal.
- (3) Academic credit must be earned in the applicant’s certification major, certification minor, or professional education. Credits or CRUs in excess of the minimum required for renewal of the current license will not count toward a subsequent renewal.
- (4) CRUs are granted for experiences that will aid applicants in maintaining and improving professional capabilities in areas of licensure.
- (5) CRUs will be granted as follows:
  - (A) One (1) CRU will be granted for each two (2) contact hours of participation in an organized educational experience leading to improved instruction under responsible sponsorship, capable direction, and qualified instruction. Ten (10) CRUs will be granted for each quarter hour of academic credit that is related to professional growth. Fifteen (15) CRUs will be granted for each semester hour of academic credit that is related to professional growth. Programs used for professional growth experiences as part of an applicant’s professional growth plan do not require approval.
  - (B) A CRU program provider will not be approved by the board unless it is one (1) of the following:
    - (i) A bona fide professional educator organization organized under Indiana law.
    - (ii) An accredited college or university.
    - (iii) A school corporation or combination of school corporations.
    - (iv) An educational service center organized under IC 20-1-11.3.

- (v) A joint program organized under IC 20-5-11.
- (vi) An interlocal agreement organized under IC 36-1-7.
- (vii) By the Indiana state board of education through the Indiana department of education, provided however, a professional teacher organization will not be approved by the board unless it files with the board, using the board's form, a report setting forth its name, address, and other information required by the board's form. Thereafter, the report shall be filed with the board annually on the anniversary of the provider's approval by the board.

An individual program sponsored by an approved provider will not be accepted for license renewal unless it is aligned with the standards defined in section 11 of this rule.

(C) Organizations offering CRUs shall issue to each eligible participant a uniform certificate of completion denoting the number of hours attended or CRUs earned. Each participant is responsible for maintaining his or her record for submission to the board at the time of license renewal.

(D) In order to qualify for renewal of a standard or provisional license in instructional supervision, school services, school services personnel, or administration, a licensee must meet the requirements for renewal or professionalization set forth in 515 IAC 1-1, whereupon, the licensee will qualify for a professional (nonlife) license that will be initially issued for ten (10) years and will be renewable thereafter for five (5) year periods under this rule.

(E) If the credits used to renew a license are semester or quarter hour units, the licensing advisor at the applicant's institution will make the necessary recommendation as to whether the license should be renewed.

(F) A license issued pursuant to 515 IAC 1-1 is eligible for renewal for subsequent five (5) year periods if all other requirements are met.

(G) An applicant who has:

- (i) obtained a master's degree in accordance with 515 IAC 1-1;
- (ii) completed the professional education course requirements for a license under 515 IAC 1-1;
- (iii) five (5) years of teaching experience at an accredited school at the level and in one (1) or more areas covered by the license; and
- (iv) met the other requirements for such a license may be issued a professional (nonlife) license.

(H) A license obtained under clause (G) must be renewed under section 12 of this rule.

(I) A person who completes an approved teacher education program and fails to acquire an Indiana standard license within five (5) years thereafter must complete an additional six (6) semester hours of academic credit at an approved teacher preparation institution before applying for a teaching license.

(J) Only academic credits earned after March 31, 1988, under this clause will apply toward the renewal of an Indiana license prior to the applicant obtaining a master's degree or thirty-six (36) semester hours of approved academic credit.

*(Professional Standards Board; 515 IAC 1-7-13)*

### 515 IAC 1-7-14 Renewal of any license expiring on or after July 1, 2004

Authority: IC 20-1-1.4-9

Affected: IC 20-1-1-6.5

Sec. 14. Any license expiring on or after July 1, 2004, may be renewed for an additional five (5) year term by one (1) of the following methods:

- (1) Completion of the process for certification by the National Board of Professional Teaching Standards (NBPTS) in a content area for which the NBPTS offers certification and submission to the board of written verification from the NBPTS that the certification process has been completed, regardless of whether the licensee succeeded in earning NBPTS certification.
- (2) Submission of a license renewal report that is approved by the board or its designee provided, however, that the license renewal report must be in a format approved by the board.
- (3) The license renewal report referred to in subdivision (2) must be submitted not earlier than twenty-four (24) months before and not later than one hundred twenty (120) days after the expiration of the applicant's current proficient practitioner's license. If the license renewal report is approved, a certificate to that effect will be issued to the applicant and that certificate must accompany the application for license renewal.
- (4) If only academic credits are used to fulfill all of the professional growth experiences for the renewal of a license and they were earned at an accredited teacher preparation program as defined by 515 IAC 3, the licensing advisor at that institution may review the license renewal report and submit the license renewal application for the applicant.
- (5) An applicant is responsible for any delays in the issuance of a renewal license if the application for renewal is received by the board less than one hundred twenty (120) days prior to the license's expiration date.
- (6) An applicant whose license is eligible for renewal under section 13 of this rule, but applies for renewal under this section, may not subsequently be granted a license renewal under section 13 of this rule.
- (7) A professional growth team may be established by an applicant as part of the professional growth experiences requirement for renewal of a teaching license; however, such a team must be convened as part of the license renewal process for an administrator's license. The activities of the team shall be compatible with school improvement plans and professional development

programs required by IC 20-1-1-6.5. A professional growth plan submitted for the renewal of an instructional license may not be used to renew a school administrator or a school services license, however, a professional growth plan submitted to renew a school administrator or school services license may also be used to renew an instructional license.

(8) No later than June 30 of each year, the board will publish any changes in the adopted format of the license renewal report and definitions of experiences which qualify as professional growth experiences under section 7 of this rule.

(9) A license that expires on or before the effective date of this rule must be renewed under 515 IAC 1-3.

*(Professional Standards Board; 515 IAC 1-7-14)*

#### **515 IAC 1-7-15 Renewal of original administration and supervision licenses issued after January 1, 2002**

Authority: IC 20-1-1.4-9

Affected: IC 20-1-1-6.5

**Sec. 15.** In order to renew an original administrator's and supervision license that was issued after January 1, 2003, its holder will be required to successfully complete the requirements of the SLLA unless he or she holds a current standard, provisional, or professional administration and supervision license issued by Indiana or an equivalent license issued by another state and he or she can verify at least three (3) years of full-time experience in an accredited kindergarten through grade 12 school in the appropriate position under that license. *(Professional Standards Board; 515 IAC 1-7-15)*

#### **515 IAC 1-7-16 Incomplete applications**

Authority: IC 20-1-1.4-9

Affected: IC 20-6.1-2-1

**Sec. 16.** An incomplete application may be returned to the applicant who may be required to pay a new application fee in the event the application is resubmitted. The applicant is responsible for any delays caused by the submission of an incomplete application. *(Professional Standards Board; 515 IAC 1-7-16)*

#### **515 IAC 1-7-17 Time for submission of application for renewal**

Authority: IC 20-1-1.4-9

Affected: IC 20-6.1-2-1

**Sec. 17.** An application for renewal of a proficient practitioner license shall be submitted no sooner than sixty (60) days prior to the expiration date of the license. *(Professional Standards Board; 515 IAC 1-7-17)*

SECTION 2. 515 IAC 1-3 IS REPEALED.

SECTION 3. SECTIONS 1 through 2 of this document take effect July 1, 2003.

#### ***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on January 29, 2003 at 10:00 a.m., at the Professional Standards Board, 101 West Ohio Street, Suite 300, Indianapolis, Indiana the Professional Standards Board will hold a public hearing on proposed new rules to provide certain requirements for the renewal of various licenses issued by the professional standards board. Copies of these rules are now on file at the Professional Standards Board, 101 West Ohio Street, Suite 300 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Marie Theobald  
Executive Director  
Professional Standards Board

---



---

### **TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY**

**Proposed Rule**  
LSA Document #02-287

#### **DIGEST**

Amends 540 IAC 1-7-2, 540 IAC 1-8-2, and 540 IAC 1-10-1 to clarify how the fee paid to the administrator of the Indiana CollegeChoice 529 Program is calculated, to clarify the initial and subsequent minimum contribution requirements of the Indiana CollegeChoice 529 Program, and to eliminate limitations on frequency of distributions from an account. Repeals 540 IAC 1-9-2.6. Effective 30 days after filing with the secretary of state.

<b>540 IAC 1-7-2</b>	<b>540 IAC 1-9-2.6</b>
<b>540 IAC 1-8-2</b>	<b>540 IAC 1-10-1</b>

SECTION 1. 540 IAC 1-7-2, AS AMENDED AT 25 IR 4107, SECTION 18, IS AMENDED TO READ AS FOLLOWS:

#### **540 IAC 1-7-2 Administrator fee charge**

Authority: IC 21-9-4-7

Affected: IC 21-9

**Sec. 2.** The program administrator shall charge an annual administrator fee, which shall be computed and allocated to account owners' account earnings, based on the value of the assets of the portfolio. As used in this section, "portfolio" means the investment selected by the account owner to which account contributions are allocated. *(Indiana Education Savings Authority; 540 IAC 1-7-2; filed Sep 9, 1997, 4:45 p.m.; 21 IR 88; filed Jul 8, 2002, 1:51 p.m.; 25 IR 4107)*

---

---

## Proposed Rules

---

---

SECTION 2. 540 IAC 1-8-2, AS AMENDED AT 25 IR 4107, SECTION 20, IS AMENDED TO READ AS FOLLOWS:

### 540 IAC 1-8-2 Contribution amount

Authority: IC 21-9-4-7

Affected: IC 21-9

Sec. 2. An account owner or contributor must specify an amount to be contributed according to the contribution option chosen by the account owner in the adoption agreement. All contributions, **other than initial contributions defined in 540 IAC 1-7-1**, must be in an amount not less than twenty-five dollars (\$25). (*Indiana Education Savings Authority; 540 IAC 1-8-2; filed Sep 9, 1997, 4:45 p.m.: 21 IR 88; errata filed Nov 20, 1997, 3:15 p.m.: 21 IR 1350; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4107*)

SECTION 3. 540 IAC 1-10-1, AS AMENDED AT 25 IR 4108, SECTION 28, IS AMENDED TO READ AS FOLLOWS:

### 540 IAC 1-10-1 Benefit payment

Authority: IC 21-9-4-7

Affected: IC 21-9

Sec. 1. For payment of benefits from the trust to begin, the account owner shall submit a notice to use program benefits. The payment of benefits shall be made only for qualified higher education expenses, or shall be subject to applicable penalties for nonqualified distributions. All qualified higher education expenses shall be paid:

- (1) directly to the eligible educational institution;

- (2) to the beneficiary as directed by the account owner; or
- (3) to the account owner.

Payment shall be ~~limited to once a month and~~ subject to a minimum distribution amount of fifty dollars (\$50). (*Indiana Education Savings Authority; 540 IAC 1-10-1; filed Sep 9, 1997, 4:45 p.m.: 21 IR 90; filed Apr 1, 1998, 10:55 a.m.: 21 IR 2823; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4108*)

SECTION 4. 540 IAC 1-9-2.6, AS ADDED AT 25 IR 4108, SECTION 25, IS REPEALED.

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on January 22, 2003 at 11:00 a.m., at the Indiana Education Savings Authority, One North Capitol, Suite 444, Indianapolis, Indiana the Indiana Education Savings Authority will hold a public hearing on proposed amendments that finalize prior emergency rules that define administrator fee, clarify initial and subsequent contribution amounts, and eliminate limitations on frequency of account distributions. Copies of these rules are now on file at the Indiana Education Savings Authority, One North Capitol, Suite 444 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Susan Loftus  
Executive Director  
Indiana Education Savings Authority

**Intent to Readopt Rules**

Natural Resources Commission . . . . .	1260
--	------

**Final Readopted Rules**

Indiana Gaming Commission . . . . .	1261
Office of the Secretary of Family and Social Services . . . . .	1261
Division of Disability, Aging, and Rehabilitative Services . . . .	1261
Board of Firefighting Personnel Standards and Education . . . .	1262
Indiana Grain Indemnity Corporation . . . . .	1262

---

---

## Readopted Rules

---

---

### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #02-331

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

**OVERVIEW:** Rules to be readopted without changes are as follows:

312 IAC 6 NAVIGABLE WATERS  
312 IAC 7 TRAILS AND SCENIC RIVERS  
312 IAC 9 FISH AND WILDLIFE  
312 IAC 14 TIMBER BUYERS, THEIR AGENTS, AND  
TIMBER GROWERS  
312 IAC 15 TIMBER MANAGEMENT  
312 IAC 24 STATE MUSEUMS AND HISTORIC SITES

Questions or comments on the readoption may be directed by mail to the Natural Resources Commission, Division of Hearings, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana 46204, or by electronic mail to [jkane@dnr.state.in.us](mailto:jkane@dnr.state.in.us). Statutory authority: IC 14-10-2-4.

---

---

**TITLE 68 INDIANA GAMING COMMISSION**

LSA Document #01-418(F)

**DIGEST**

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

<b>68 IAC 3</b>	<b>68 IAC 14</b>
<b>68 IAC 5</b>	<b>68 IAC 15</b>
<b>68 IAC 10</b>	<b>68 IAC 16</b>
<b>68 IAC 11</b>	<b>68 IAC 17</b>
<b>68 IAC 12</b>	<b>68 IAC 18</b>
<b>68 IAC 13</b>	<b>68 IAC 19</b>

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

68 IAC 3 MINORITY AND WOMEN'S BUSINESS ENTERPRISES  
68 IAC 5 TRANSFER OF OWNERSHIP  
68 IAC 10 CONDUCT OF GAMING  
68 IAC 11 INTERNAL CONTROL PROCEDURES  
68 IAC 12 SECURITY AND SURVEILLANCE  
68 IAC 13 SEIZURE, FORFEITURE, AND DISCIPLINARY HEARINGS  
68 IAC 14 GAMING EQUIPMENT  
68 IAC 15 ACCOUNTING RECORDS AND PROCEDURES  
68 IAC 16 CREDIT  
68 IAC 17 MOVEMENT OF GAMING EQUIPMENT  
68 IAC 18 DISPUTE PROCEDURES  
68 IAC 19 WAREHOUSES

*LSA Document #01-418(F)**Intent to Readopt Rules Published: January 1, 2002; 25 IR 1264**Proposed Readopted Rules Published: May 1, 2002; 25 IR 2589**Hearing Held: August 6, 2002**Filed with Secretary of State: November 25, 2002, 10:11 a.m.*

---

**TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES**

LSA Document #02-275(F)

**DIGEST**

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date.

Effective 30 days after filing with the secretary of state.

**405 IAC 4-1**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

405 IAC 4-1 Qualified Nonprofit Agencies

*LSA Document #02-275(F)**Intent to Readopt Rules Published: October 1, 2002; 26 IR 182**Proposed Readopted Rules Published: November 1, 2002; 26 IR 544**Hearing Held: December 2, 2002**Filed with Secretary of State: December 2, 2002, 3:05 p.m.*

---

**TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES**

LSA Document #02-262(F)

**DIGEST**

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

**460 IAC 1-3-3****460 IAC 1-3-7****460 IAC 1-3-6****460 IAC 1-3-12**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

460 IAC 1-3-3 Accounting records; retention schedule; audit trail; accrual basis; segregation of accounts by nature of business and by location  
460 IAC 1-3-6 Active providers; rate review; annual request; additional requests; requests due to change in law; request concerning capital return factor; computation of factor  
460 IAC 1-3-7 Request for rate review; budget component; occupancy level assumptions; effect of inflation assumptions  
460 IAC 1-3-12 Allowable costs; capital return factor

*LSA Document #02-262(F)**Intent to Readopt Rules Published: October 1, 2002; 26 IR 182**Proposed Readopted Rules Published: November 1, 2002; 26 IR 544**Hearing Held: December 2, 2002**Filed with Secretary of State: December 2, 2002, 3:07 p.m.*

---

---

---

## Readopted Rules

---

---

### **TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION**

LSA Document #02-128(F)

#### **DIGEST**

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

#### **655 IAC 1-2.1**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

655 IAC 1-2.1 Training for Voluntary Certification Program (1996)

*LSA Document #02-128(F)*

*Intent to Readopt Rules Published: June 1, 2002; 25 IR 2852*

*Proposed Readopted Rules Published: August 1, 2002; 25 IR 3883*

*Hearing Held: December 2, 2002*

*Filed with Secretary of State: December 2, 2002, 12:59 p.m.*

---

---

### **TITLE 825 INDIANA GRAIN INDEMNITY CORPORATION**

LSA Document #02-176(F)

#### **DIGEST**

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

#### **825 IAC 1**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

825 IAC 1 GRAIN INDEMNITY CORPORATION

*LSA Document #02-176(F)*

*Intent to Readopt Rules Published: July 1, 2002; 25 IR 3460*

*Proposed Readopted Rules Published: September 1, 2002; 25 IR 4220*

*Hearing Held: October 4, 2002*

*Filed with Secretary of State: December 2, 2002, 2:52 p.m.*

---

---

**365 Day Notice (IC 4-22-2-25)**

**TITLE 50 DEPARTMENT OF LOCAL  
GOVERNMENT FINANCE**

*NOTE: Under IC 6-1.1-31-1, the name of the State Board of Tax Commissioners is changed to Department of Local Government Finance, effective January 1, 2002.*

LSA Document #02-81

December 5, 2002

The Honorable Luke Kenley, Chair  
Administrative Rules Oversight Committee

**Re: Notice of Delay in Adoption of Rules Governing the method for the assessment of major industrial facilities pursuant to IC 6-1.1-8.7-9 / LSA Document #02-81**

Dear Senator Kenley:

Notice of Delay

This is to notify you that pursuant to IC 4-22-2-25, the Department of Local Government Finance has determined that it may not be able to adopt, and obtain the Governor's approval of, the proposed rule governing the method for the assessment of major industrial facilities, as set out in IC 6-1.1-8.7-9 (LSA Document #02-81) within one (1) year of the date of notice of intent to adopt the rule as published under IC 4-22-2-23.

Reasons for Delay

The proposed rule will establish the criteria to be used by the county and township assessor, the department of local government finance and county taxpayers when making an assessment or appeal of major industrial facility property. A Notice of Intent was published in the Indiana Register April 1, 2002, and the department is in the process on drafting a proposed rule.

Expected Adoption Date

The Department of Local Government Finance expects to forward the promulgation of LSA Document #02-81 as quickly and efficiently as possible. It is anticipated that we will be able to adopt the rule and obtain the Governor's approval, before June 1, 2003. Because the stated "expected date" will control the validity of the rule, we present this notice and state that we now expect to adopt and obtain the Governor's approval of the rules governing the assessment of major industrial facilities (LSA Doc. #02-81), before June 1, 2003.

Your understanding of these circumstances is greatly appreci-

ated. If you need additional information please do not hesitate to contact me at 232-5895. Thank you.

Sincerely,

Heather A. Scheel  
Attorney

Copy to:

Representative Denbo  
Susan Kennell, Attorney for the Committee  
Chuck Mayfield, Fiscal Analyst for the Committee

**TITLE 50 DEPARTMENT OF LOCAL  
GOVERNMENT FINANCE**

*NOTE: Under IC 6-1.1-31-1, the name of the State Board of Tax Commissioners is changed to Department of Local Government Finance, effective January 1, 2002.*

LSA Document #02-82

December 5, 2002

The Honorable Luke Kenley, Chair  
Administrative Rules Oversight Committee

**Re: Notice of Delay in Adoption of Rule defining procedures that will allow local assessing officials to establish a substantial relationship between property and use for exempt purposes / LSA Document #02-82**

Dear Senator Kenley:

Notice of Delay

This is to notify you that pursuant to IC 4-22-2-25, the Department of Local Government Finance has determined that it may not be able to adopt, and obtain the Governor's approval of, the proposed rule governing standards for determining exemptions and whether tangible property used by an exempt organization in a trade or business is substantially related to the exercise or performance of the organization's exempt purpose. IC 6-1.1-36.5 (LSA Document #02-82) within one (1) year of the date of notice of intent to adopt the rule as published under IC 4-22-2-23.

Reasons for Delay

This rule requires that provisions be established to govern the standard of determining whether tangible property is exempt from taxation. Public Law 198-2001 (HEA 1499) effective January 1, 2002, establishes criteria that must be used in evaluating property to determine exempt purposes. The Department of Local Government Finance, a successor entity to the State Board of Tax Commissioners, did not consider it prudent to attempt to adopt a rule and set

---

## AROC Notices

---

standards till HEA 1499 took effect and the department better understood the needs of the assessing community.

### Expected Adoption Date

The Department of Local Government Finance expects to forward the promulgation of LSA Document #02-82 in the near future. It is anticipated that we will be able to adopt the rule and obtain the Governor's approval, before the end of 2003. Because the stated "expected date" will control the validity of the rule, we present this notice and state that we now expect to adopt and obtain the Governor's approval of the rules governing assessment tangible property as used for exempt purposes (LSA Doc. #02-82), before November 1, 2003.

Your understanding of these circumstances is greatly appreciated. If you need additional information please do not hesitate to contact me at 232-5895. Thank you.

Sincerely,

Heather A. Scheel  
Attorney

Copy to:

Representative Jerry Denbo  
Susan Kennell, Attorney for the Committee  
Chuck Mayfield, Fiscal Analyst for Committee

---

### TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

*NOTE: Under IC 6-1.1-31-1, the name of the State Board of Tax Commissioners is changed to Department of Local Government Finance, effective January 1, 2002.*

LSA Document #02-83

December 5, 2002

The Honorable Luke Kenley, Chair  
Administrative Rules Oversight Committee

**Re: Notice of Delay in Adoption of Rules Governing  
standards for computer systems used in Indiana  
counties for the administration of the property tax  
assessment process LSA Document #02-83**

Dear Senator Kenley:

### Notice of Delay

This is to notify you that pursuant to IC 4-22-2-25, the Department of Local Government Finance has determined that it may not be able to adopt, and obtain the Governor's approval of, the proposed rule governing computer specification standards and

for the certification of computer operating systems; computer software, software providers, computer service providers and computer equipment providers IC 6-1.1-31. (LSA Document #02-83) within one (1) year of the date of notice of intent to adopt the rule as published under IC 4-22-2-23.

### Reasons for Delay

The proposed rule will provide for prompt updating of assessment data and standards for the administration of information contained in the sales disclosure forms as well as provide requirements for compiling and reporting information necessary to carry out the administration of the property tax assessment laws. The department did publish a non-rule policy document detailing certain standards that the local officials were asked to adhere to like the need for a standard parceling system, but to date is still receiving feedback from assessing officials and software vendors. A Notice of Intent was published in the Indiana Register April 1, 2002, and the department is in the process on drafting a proposed rule.

### Expected Adoption Date

The Department of Local Government Finance expects to forward the promulgation of LSA Document #02-83 as quickly and efficiently as possible. It is anticipated that we will be able to adopt the rule and obtain the Governor's approval, before November 1, 2003. Because the stated "expected date" will control the validity of the rule, we present this notice and state that we now expect to adopt and obtain the Governor's approval of the rules governing computer specification (LSA Doc. #02-83), before November 1, 2003.

Your understanding of these circumstances is greatly appreciated. If you need additional information please do not hesitate to contact me at 232-5895. Thank you.

Sincerely,

Heather A. Scheel  
Attorney

Copy to:

Representative Denbo  
Susan Kennell, Attorney for the Committee  
Chuck Mayfield, Fiscal Analyst for the Committee

---

### TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #02-74

To: Honorable Luke Kenley, Chairperson  
c/o Ms. Susan Kennell  
The Administrative Rules Oversight Committee

From: Joy A. Heim, Staff Attorney  
Office of General Counsel  
Family and Social Services Administration

Re: LSA #02-74, Amendments to First Steps Early Intervention Rule

Date: November 8, 2002

CC: Susan Kennell, Legislative Services Agency  
Howard Stevenson, General Counsel, FSSA  
Beth Eiler, Deputy Director, DFC/BCD  
Lanier DeGrella, First Steps Manager, DFC/BCD

On behalf of the Family and Social Services Administration, Division of Family and Children, Bureau of Child Development, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the division has determined that the promulgation of the captioned rule may not be completed within one year after publication of the notice of intent to adopt a rule.

The division published its notice of intent to adopt a rule for the captioned document on April 1, 2002 (25 IR 2279). Its proposed rule was published on October 1, 2002 (26 IR 167). This rule amends the First Steps Early Intervention Rule to include as a funding source cost participation by the recipients of this program. There was a delay before the publication of the proposed rule to develop procedures for implementation of this cost participation plan. Three public hearings were held on October 28, 2002, where a total of three persons provided testimony. Additionally, one person has provided written comments to the rule. The division is now reviewing those comments and anticipate that the Final Rule will be adopted by the Division Director no later than December 9, 2002.

However, any rule adopted by the division must be approved by the Family and Social Services Committee (see IC 12-8-3), a committee that meets only once per month. The committee currently has one vacancy and it is often the case where a monthly meeting could occur without a quorum and therefore no action can be taken on an adopted rule. This would mean delayed approval until the next monthly meeting of the committee and presence of a quorum, if there is a quorum that month. Following approval by the FSSA Committee, the rule must be submitted to the Attorney General's Office, Pursuant to IC 4-22-2-32, the Attorney General has forty-five days to complete his review of a rule. Whether a quorum is present at a monthly meeting of the FSSA Committee and the Attorney General's time frame for rule review are outside of the division's control. Although the division intends to have this rule approved by the governor by April 1, 2003, which would be within one year of that date of publication of the notice of intent, this notice is being forwarded to the Administrative Rules Oversight Committee as a precaution since the attendance of a quorum at the Family and Social Services Committee cannot be assured on

any given month. Thus, the division expects that the rule can be approved by the governor by October 31, 2003.

This notice setting forth the expected date of approval of LSA #02-74 by October 31, 2003, is being submitted in a timely manner. December 6, 2002, is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.

---

**TITLE 326 AIR POLLUTION CONTROL BOARD****FIRST NOTICE OF COMMENT PERIOD**

#02-335(APCB)

**DEVELOPMENT OF NEW RULES AND AMENDMENTS  
CONCERNING PARTICULATE MATTER EMISSION  
LIMITATIONS****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new article 326 IAC 6.5 and repeal of 326 IAC 6-1 concerning particulate matter emission limitations. Additional rule amendments may be made to update rule sections to reflect current permit limitations and conditions. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** 326 IAC 6-1-1; 326 C 6-1-1.5; 326 IAC 6-1-2; 326 IAC 6-1-3; 326 IAC 6-1-4; 326 IAC 6-1-5; 326 IAC 6-1-6; 326 IAC 6-1-7; 326 IAC 6-1-8.1; 326 IAC 6-1-9; 326 IAC 6-1-10.1; 326 IAC 6-1-10.2; 326 IAC 6-1-11.1; 326 IAC 6-1-11.2; 326 IAC 6-1-12; 326 IAC 6-1-13; 326 IAC 6-1-14; 326 IAC 6-1-15; 326 IAC 6-1-16; 326 IAC 6-1-17; 326 IAC 6-1-18; 326 IAC 6.5.

**AUTHORITY:** IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11.

**SUBJECT MATTER AND BASIC PURPOSE OF  
RULEMAKING**

326 IAC 6-1 has been the subject of many rule amendments, most of which are initiated after the department changes the permit limits of sources regulated by the rule. Often, the department has multiple rule amendments in the same rule section occurring simultaneously, which makes coordination difficult.

IDEM is proposing to repeal 326 IAC 6-1 and replace it with a new article, 326 IAC 6.5, in order to streamline future rule amendment processes. In 326 IAC 6.5, emission limits for each county will be listed as a separate rule and each source located in a separate section of that rule. This change will eliminate the confusion of multiple rule amendments within the same rule at the same time. This rule action also will eliminate the need to print hundreds of pages for each step in the rule process at a substantial cost savings to IDEM.

In addition, source names and emission units will be updated to conform to current permit information.

**STATUTORY AND REGULATORY REQUIREMENTS**

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

**REQUEST FOR PUBLIC COMMENTS**

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#02-335(APCB) Article 6.5

Suzanne Whitmer

c/o Rules Section Administrative Assistant

Office of Air Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the tenth floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

**COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by February 3, 2003.

Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).

Janet G. McCabe

Assistant Commissioner

Office of Air Quality

---

**TITLE 326 AIR POLLUTION CONTROL BOARD****FINDINGS AND DETERMINATION OF THE  
COMMISSIONER PURSUANT TO IC 13-14-9-7 AND  
SECOND NOTICE OF COMMENT PERIOD**

#02-336(APCB)

**DEVELOPMENT OF NEW RULES CONCERNING INCORPORATION BY REFERENCE OF NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR CHEMICAL RECOVERY COMBUSTION SOURCES AT KRAFT, SODA, SULFITE, AND STAND ALONE SEMICHEMICAL PULP MILLS; PETROLEUM REFINERIES: CATALYTIC CRACKING UNITS, CATALYTIC REFORMING UNITS, AND SULFUR RECOVERY UNITS; MANUFACTURING OF NUTRITIONAL YEAST; CELLULOSE PRODUCTS MANUFACTURING; LEATHER FINISHING OPERATIONS; WET FORMED FIBERGLASS MAT PRODUCTION; AND TIRE MANUFACTURING**

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for new rules to incorporate by reference the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for pulp and paper mills (combustion), some emission units at petroleum refineries, manufacturing of nutritional yeast, cellulose manufacturing, leather finishing operations, wet formed

fiberglass mat production, and tire manufacturing. 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 326 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** 326 IAC 20-49; 326 IAC 20-50; 326 IAC 20-51; 326 IAC 20-52; 326 IAC 20-53; 326 IAC 20-54; 326 IAC 20-55.

**AUTHORITY:** IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11.

### 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 public comment period would provide no substantial benefit, IDEM may forego this comment period and proceed directly to the notice of second public 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 public comment period published in the Indiana Register. This document constitutes the commissioner's written findings pursuant to 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 1990 Amendments to the Clean Air Act require the United States Environmental Protection Agency (U.S. EPA) to regulate major sources of hazardous air pollutants. A major source is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that has the potential to emit as a whole, considering controls, ten (10) tons per year or more of any single hazardous air pollutant (HAP) or twenty-five (25) tons per year or more of any combination of hazardous air pollutants. Hazardous air pollutants are listed by U.S. EPA because they are either known or suspected to cause cancer or other serious health effects. There are currently one hundred eighty-eight (188) HAPs listed in the Clean Air Act. On July 16, 1992 (57 FR 311576), U.S. EPA published a list of industrial groups or source categories that emit one (1) or more of the one hundred eighty-eight (188) listed hazardous air pollutants.

The Clean Air Act requires U.S. EPA to develop emission standards, referred to as national emission standards for hazardous air pollutants (NESHAPs), that require the application of air pollution reduction measures based on maximum achievable control technology (MACT) for the listed source categories. The MACT floor is the minimum control level allowed for NESHAPs and ensures that the standard is set at a level that assures that all existing major sources achieve the level of control at least as stringent as that already achieved by the better-controlled and lower-emitting sources in each source category or subcategory. For new sources, the MACT floor cannot be less stringent than the emission control that is achieved in practice by the best-controlled similar source.

IDEM must incorporate the federal requirements into state rules or

establish state requirements that are no less stringent. This rulemaking will incorporate by reference the following NESHAPs:

#### **Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand Alone Semichemical Pulp Mills**

On January 12, 2001, U.S. EPA issued a final NESHAP (66 FR 3180) to reduce HAPs from chemical recovery combustion sources at kraft, soda, sulfite, and stand alone semichemical pulp mills. Corrections to the rule were published on July 19, 2001 (66 FR 37591) and August 6, 2001 (66 FR 41086). A kraft pulp mill produces pulp from wood by digesting wood chips in a solution of sodium hydroxide and sodium sulfide, a soda pulp mill produces pulp from wood by digesting wood chips in a sodium hydroxide solution, and a sulfite pulp mill produces pulp from wood by digesting wood chips in a solution of sulfurous acid and bisulfite ions. Chemical recovery combustion sources recover pulping chemicals by burning spent pulping liquor. Typically, these facilities are designated as Standard Industrial Classification (SIC) codes 2611, 2621, and 2631 or North American Industry Classification System (NAICS) 32211, 32212, and 32213. In Indiana, two (2) sources have been identified that may be subject to the federal rule. The national standard will reduce emissions of gaseous organic HAP and HAP metals. Other pollutants reduced are particulate matter, volatile organic compounds, carbon monoxide, and sulfur dioxide.

The final rule allows the use of a "bubble compliance alternative" for determining compliance with the particulate matter emission limits for existing process units at kraft and soda pulp mills. The "bubble compliance alternative" allows mills to set particulate matter emission limits for each existing process unit in the chemical recovery system at the mill such that, if these limits are met, the total emissions from all existing process units are less than or equal to a mill specific bubble limit. Some mills will be able to achieve the required emissions reductions by upgrading or installing control devices, such as electrostatic precipitators, wet scrubbers, fiber-bed demisters, or regenerative thermal oxidizers. Compliance options include complying with the particulate matter emissions limits or bubble compliance alternative for kraft and soda combustion units and complying with the emission limit or percent reduction standard for semichemical combustion units. Existing sources subject to the regulation must comply by January 12, 2004, and new and reconstructed sources must comply at initial startup.

#### **Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, Sulfur Recovery Units**

On April 11, 2002, U.S. EPA issued a final NESHAP (67 FR 17762) to reduce HAPs from process vents on catalytic cracking units (CCUs) that regenerate catalyst, catalytic reforming units that regenerate catalyst, and sulfur recovery units as well as associated by-pass lines at petroleum refineries. Typically, these facilities are designated as SIC code 2911 or NAICS 32411. In Indiana, two (2) sources have been identified that may be subject to the federal rule. Petroleum refineries emit a variety of hazardous air pollutants that vary by facility and process operations, but may include: organics (acetaldehyde, benzene, formaldehyde, hexane, phenol, toluene, and xylene); reduced sulfur compounds (carbonyl sulfide, carbon disulfide); inorganics (hydrogen chloride, chlorine); and particulate metals (antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, manganese, and nickel). Other pollutants reduced are particulate matter, volatile organic compounds, carbon monoxide, and hydrogen sulfide.

Facilities can reduce emissions of HAPs and other pollutants and meet the standards using a variety of approaches. Refineries affected by the standards can install new control devices, upgrade existing emission controls, or implement specific measures that will reduce emissions. Surrogates such as particulate matter and nickel, carbon monoxide, total organic carbon, hydrogen chloride, and sulfur dioxide

are used in this rule to represent the HAP emissions. They allow easier, less expensive measurement and monitoring requirements. If the affected source is also subject to the New Source Performance Standard (NSPS), complying with the NSPS emission limitations also allows a source to comply with the MACT standard. The federal rule also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and work practice standards. Existing sources subject to the regulation must comply by April 11, 2005, and new and reconstructed sources must comply at initial startup. The compliance date may be extended for existing catalytic cracking units located at a petroleum refinery that commits to hydrotreating the CCU feed to comply with the gasoline sulfur control requirements in the Tier 2 Motor Vehicle Emission Standards (40 CFR 80) and the applicable emission limitations in this NESHAP (40 CFR 63, subpart UUU).

#### **Manufacturing of Nutritional Yeast**

A final NESHAP was issued by U.S. EPA on May 21, 2001 (66 FR 27876) to reduce HAPs from the manufacturers of varieties of *Saccharomyces cerevisiae* nutritional yeast made for the purpose of becoming an ingredient in dough for bread or other yeast-raised baked products, and for becoming a nutritional food additive intended for consumption by humans. Typically, these facilities are designated as SIC code 2099 or NAICS 311999. No potentially affected sources have been identified in Indiana. These standards will eliminate approximately thirteen percent (13%) nationwide of acetaldehyde that is a by-product of the fermentation process. To achieve the emission limits, facilities must regulate the yeast growth by process control of sugar and oxygen to the yeast. Emission limits on the fermentation process result in lower air emissions from the fermentation tanks, and this process control also results in lower concentration of acetaldehyde in the wastewater.

The affected source is the collection of equipment, but is not limited to the fermentation vessels. Because volatile organic compound (VOC) emission limits are a surrogate for acetaldehyde, a source can demonstrate compliance by monitoring either the VOC concentration in the fermenter exhaust or the brew ethanol concentration in the fermenter. U.S. EPA decided to adopt the reasonably available control technology (RACT) option from the proposed rule without the air flow cap because it offers a direct measure of compliance, does not require calculations based on confidential production data, and is simpler as well as easier to use and enforce than the presumptive MACT that relied on a production based format. The MACT standard will control ninety-eight percent (98%) of the nutritional yeast manufacturing batches to either at or below the VOC concentration limits specified in the rule. This level of control was determined to be achievable on a rolling twelve (12) month average basis. The average concentration is measured over the duration of a batch, and not on an instantaneous basis. The compliance date for existing sources is no later than May 21, 2004 and upon start up for new sources.

#### **Wet-Formed Fiberglass Mat Production**

On April 11, 2002, U.S. EPA issued a final NESHAP (67 FR 17824) to reduce HAPs from wet-formed fiberglass mat production. Wet-formed fiberglass mat is the substrate for several asphalt roofing products. In wet-formed fiberglass mat production, glass fibers are bonded with an organic resin. The mat is formed as the resin is dried and cured in heated ovens. The majority of HAP emissions associated with wet-formed fiberglass mat production are emitted from the drying and curing oven exhaust. The fiberglass mat is produced at both stand-alone facilities and those collocated with asphalt roofing and processing facilities. The primary organic HAPs emitted by these facilities are formaldehyde, methanol, and vinyl acetate. This federal rule will reduce emissions of HAPs from the drying and curing ovens at these facilities by approximately seventy-four percent (74%) from the current

level of emissions nationwide. Typically, these facilities are designated as SIC code 3229 and NAICS 327212. No potentially affected sources have been identified in Indiana.

This NESHAP regulates emissions of formaldehyde as a surrogate for total HAP emissions. Control of formaldehyde by thermal oxidation will also result in control of vinyl acetate and methanol. An affected facility must meet either a mass HAP emission limit or percentage reduction requirement for each drying and curing oven. The operating limits require a source to maintain certain process or control device parameters within the levels established during the initial performance test. Compliance options include mass emission limits or percent reduction standards. Compliance with the standards can be achieved through the use of a thermal oxidizer, other control devices, or process modifications that meet the standards. Existing sources subject to the regulation must comply by April 11, 2005 and new sources must comply upon startup.

#### **Leather Finishing Operations**

On February 27, 2002, U.S. EPA issued a final NESHAP (67 FR 9156) to reduce HAPs from leather finishing operations. In general, a leather finishing operation is a single process or group of processes used to adjust and improve the physical and aesthetic characteristics of the leather surface including upholstery leather, specialty leather, or water-resistant leather. The operation is a multistage application of a coating comprised of dyes, pigments, film-forming materials, and performance modifiers dissolved or suspended in liquid carriers. Typically, these facilities are designated SIC code 3111 or NAICS 3161. No potentially affected sources have been identified in Indiana. According to the federal notice, the national standard will reduce emissions of HAPs such as glycol, toluene, and xylenes by approximately fifty-one percent (51%) nationwide. Non-HAP emissions of VOCs will also be reduced.

The emission standards limit the number of pounds of HAPs lost per square foot of leather processed. To demonstrate compliance, a source must provide a detailed description of all methods of measurement that will be used to determine the amount of usage of the finish substance, HAP content of each finish substance, quantity of leather processed and leather product process operation type. If the value of the compliance ratio of actual HAP loss to allowable HAP loss is less than or equal to one (1.00), an affected source is in compliance with the applicable HAP emission limits. Existing sources subject to the regulation must comply by February 28, 2005, and new and reconstructed sources must comply at initial startup.

#### **Cellulose Products Manufacturing**

On June 11, 2002, U.S. EPA issued a final NESHAP (67 FR 40044) to reduce HAPs from facilities manufacturing cellulose products such as rayon, cellulose sponges, cellulose food casings, and cellophane. Cellulose products manufacturing includes both the miscellaneous viscose process source category and the cellulose ether production source category. The miscellaneous viscose process source category comprises the cellulose food casing, rayon, cellulose sponge and cellophane manufacturing industries. The cellulose ethers production source category comprises the methyl cellulose, hydroxypropyl methyl cellulose, hydroxypropyl cellulose, hydroxyethyl cellulose and carboxymethyl cellulose manufacturing industries. Cellulose ethers are used as thickeners and binders in industrial, food and pharmaceutical products including toothpaste, shampoo and the gel in disposable diapers. Cellulose ethers are also used as an additive to drilling mud. In Indiana, one (1) source has been identified that may be subject to the federal rule. The NAICS codes for this industry includes 326121, 325221, 326199, 325211, 325199. The regulation will reduce emissions of carbon disulfide, carbonyl sulfide, toluene, ethylene oxide, methanol, methyl chloride, propylene oxide and other air toxics.

The federal rule will also reduce hydrogen sulfide emissions. The federal rule establishes emission limits, operating limits, and work practice standards as well as initial and continuous compliance requirements, and notification, reporting, and record keeping requirements.

The emission limits are in the form of a percent reduction requirement. Facilities will be required to reduce the emissions by certain percentages based on the type of product being produced. Most existing sources must comply by June 13, 2005. However, the final standards also give existing rayon operations until 2010 to comply with the forty percent (40%) reduction emission limit and associated operating limits and work practice standards. New sources must comply at initial startup.

#### **Rubber Tire Manufacturing**

On July 9, 2002, U.S. EPA issued a final NESHAP (67 FR 45588) to reduce HAPs from rubber tire manufacturing. Rubber tire manufacturing includes the production of rubber tires, the production of components integral to rubber tires, the production of tire cord, and the application of puncture sealant. Components of rubber tires include, but are not limited to, rubber compounds, sidewalls, tread, tire beads, tire cord and liners. Other components often associated with rubber tires but not integral to the tire, such as wheels, inner tubes, tire bladders, and valve stems, are not components of rubber tires or tire cord and are not subject to this rule. Tire production is the collection of all processes that use or process cements and solvents located at any rubber tire manufacturing facility. It includes storage and mixing vessels and the transfer equipment containing cements and solvents, wastewater handling and treatment operations, tire painting operations, ink and finish operations, process equipment cleaning materials, tire building operations, green tire spray operations, marking operations, tire striping operations, tire repair operations, slab dip operations, and other tire building operations to the extent that cements and solvents are used. Tire cord production is the collection of all processes engaged in the production of tire cord. It includes dipping operations, drying ovens, heat-set ovens, bulk storage tanks, mixing facilities, general facility vents, air pollution control devices, and warehouse storage vents. Puncture sealant application is the puncture sealant application booth operation used to apply puncture sealant to finished tires. The rubber processing affected source is the collection of all rubber mixing processes that either mix compounds or warm rubber compound before the compound is processed into components of rubber tires. Typically, these facilities are designated SIC codes 3011, 7534, and 2296 or NAICS 326211, 326212, 314992. In Indiana, four (4) sources have been identified that may be subject to the federal rule. The national standard will reduce emissions of hexane, toluene, formaldehyde, styrene, and methanol and other HAPs by approximately fifty-three percent (53%) nationwide.

Compliance with the emission limits in the federal rule can be accomplished by a purchase alternative (use only cements and solvents that as purchased contain no more HAP than allowed by the emission limits), use cements and solvents in such a way that the monthly average HAP emissions do not exceed the emission limits, or use a control device to reduce HAP emissions so that the monthly average HAP emissions do not exceed the emission limits. Existing sources subject to the regulation must comply by July 11, 2005, and new and reconstructed sources must comply at initial startup.

#### **FINDINGS**

The commissioner of IDEM has prepared written findings regarding rulemaking on the incorporation by reference of the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for pulp and paper mills (combustion), some emission units at petroleum refineries,

manufacturing of nutritional yeast, cellulose products manufacturing, leather finishing operations, wet formed fiberglass mat production, and tire manufacturing. These findings are prepared under IC 13-14-9-7 and are as follows:

- (1) This rule is the direct adoption of federal requirements that are applicable to Indiana and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.
- (2) Indiana is required by federal law to adopt national emission standards for hazardous air pollutants as established by the U.S. EPA.
- (3) The public will benefit from prompt adoption of this rule, because the state will have the legal authority to enforce these national emissions standards for hazardous air pollutants.
- (4) 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 notice of first public comment period would provide no substantial benefit to the environment or to persons to be regulated or otherwise affected by the rule.
- (5) The draft rule is hereby incorporated into these findings.

Lori F. Kaplan  
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:

#02-336(APCB)(NESHAP#2)  
Jean Beauchamp  
c/o Rules Administrative Assistant  
Air Programs Branch  
Office of Air Quality  
Indiana Department of Environmental Management  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana, Monday through Friday, between 8:15 a.m. and 4:45 p.m.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, 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 Section at (317) 233-0426.

#### **COMMENT PERIOD DEADLINE**

Comments must be postmarked, hand delivered, or faxed by February 3, 2003.

Additional information regarding this action may be obtained from Jean Beauchamp, Rules Development Section, Office of Air Quality, (317) 232-8424 or (800) 451-6027, press 0, and ask for 2-8424 (in Indiana).

#### **DRAFT RULE**

SECTION 1. 326 IAC 20-49 IS ADDED TO READ AS FOLLOWS:

**Rule 49. Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills**

**326 IAC 20-49-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.860\* (66 FR 3193, January 12, 2001).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart MM\*, (66 FR 3193, January 12, 2001, 66 FR 37591, July 19, 2001, and 66 FR 41086, August 6, 2001), National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-49-1*)

SECTION 2. 326 IAC 20-50 IS ADDED TO READ AS FOLLOWS:

**Rule 50. Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units**

**326 IAC 20-50-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.1561\* (67 FR 17774, April 11, 2002).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart UUU\*, (67 FR 17773, April 11, 2002), National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-50-1*)

SECTION 3. 326 IAC 20-51 IS ADDED TO READ AS FOLLOWS:

**Rule 51. Manufacturing of Nutritional Yeast**

**326 IAC 20-51-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.2131\* (66 FR 27884, May 21, 2001).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart CCCC\*, (66 FR 27884, May 21, 2001), National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and

copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-51-1*)

SECTION 4. 326 IAC 20-52 IS ADDED TO READ AS FOLLOWS:

**Rule 52. Wet-Formed Fiberglass Mat Production**

**326 IAC 20-52-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.2981\* (67 FR 17835, April 11, 2002).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart HHHH\*, (67 FR 17835, April 11, 2002), National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-52-1*)

SECTION 5. 326 IAC 20-53 IS ADDED TO READ AS FOLLOWS:

**Rule 53. Leather Finishing Operations**

**326 IAC 20-53-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.5285\* (67 FR 9162, February 27, 2002).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart TTTT\*, (67 FR 9162), National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-53-1*)

SECTION 6. 326 IAC 20-54 IS ADDED TO READ AS FOLLOWS:

**Rule 54. Cellulose Products Manufacturing**

**326 IAC 20-54-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

**Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.5485\* (67 FR 40055, June 11, 2002).**

**(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart UUUU\*, (67 FR 40055, June 11, 2002), National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.**

**\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-54-1)**

SECTION 7. 326 IAC 20-55 IS ADDED TO READ AS FOLLOWS:

**Rule 55. Rubber Tire Manufacturing**

**326 IAC 20-55-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

**Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.5981\* (67 FR 45599, July 9, 2002).**

**(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart XXXX\*, (67 FR 45599, July 9, 2002), National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.**

**\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-55-1)**

**Notice of First Meeting/Hearing**

*Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2 and IC 13-14-9, notice is hereby given that on April 16, 2003 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on new rules 326 IAC 20-49, 326 IAC 20-50, 326 IAC 20-51, 326 IAC 20-52, 326 IAC 20-53, 326 IAC 20-54, and 326 IAC 20-55.*

*The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Jean Beauchamp, Rule Development Section, Office of Air Quality, (317) 232-8424 or (800) 451-6027, press 0 and ask for 2-8424 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register.*

*Individuals requiring reasonable accommodations for participation*

*in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator  
Indiana Department of Environmental Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855. TDD: (317) 232-6565. Speech and hearing impaired callers may also contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana and are open for public inspection.*

---



---

**TITLE 326 AIR POLLUTION CONTROL BOARD**

**FINDINGS AND DETERMINATION OF THE  
COMMISSIONER PURSUANT TO IC 13-14-9-8  
AND DRAFT RULE  
#02-337(APCB)**

**DEVELOPMENT OF AMENDMENTS TO RULES CONCERN-  
ING REFERENCES TO THE CODE OF FEDERAL REGULA-  
TIONS (CFR), COMPILATION OF AIR POLLUTION  
EMISSION FACTORS AP-42 AND SUPPLEMENTS (AP-42)  
AND INCORPORATION BY REFERENCE**

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 326 IAC 1-1-3 concerning references to the Code of Federal Regulations (CFR), to update any references to the CFR in 326 IAC to mean the July 1, 2002, edition and to 326 IAC concerning documents that are incorporated by reference. This change will have the effect of updating every rule in 326 IAC that incorporates the CFR to ensure it is consistent with the federal rule, except for rules in which a CFR edition is mentioned by a specific year. IDEM also has drafted language to amend 326 IAC 1-1-3.5 concerning references to the compilation of air pollution emission factors AP-42 and supplements. In addition, in the citations affected below, the actual language used to incorporate documents by reference, is being updated and standardized. Repeals 326 IAC 14-1-4. IDEM has scheduled a public hearing before the air pollution control board for consideration of preliminary adoption of these rules.

**CITATIONS AFFECTED:** 326 IAC 1-1-3; 326 IAC 1-1-3.5; 326 IAC 1-2-65; 326 IAC 1-2-90; 326 IAC 2-2-13; 326 IAC 2-2-16; 326 IAC 2-3-1; 326 IAC 2-6-4; 326 IAC 2-7-3; 326 IAC 2-7-8; 326 IAC 2-7-18; 326 IAC 2-8-3; 326 IAC 2-9-7; 326 IAC 2-9-8; 326 IAC 2-9-9; 326 IAC 2-9-10; 326 IAC 2-9-13; 326 IAC 3-4-1; 326 IAC 3-4-3; 326 IAC 3-5-2; 326 IAC 3-5-3; 326 IAC 3-5-4; 326 IAC 3-5-5; 326 IAC 3-6-1; 326 IAC 3-6-3; 326 IAC 3-6-5; 326 IAC 3-7-2; 326 IAC 3-7-4; 326 IAC 5-1-2; 326 IAC 5-1-4; 326 IAC 5-1-5; 326 IAC 7-2-1; 326 IAC 7-4-10; 326 IAC 8-1-4; 326 IAC 8-4-6; 326 IAC 8-4-9; 326 IAC 8-7-7; 326 IAC 8-9-2; 326 IAC 8-9-3; 326 IAC 8-9-4; 326 IAC 8-9-5; 326 IAC 8-9-6; 326 IAC 8-10-7; 326 IAC 8-11-2; 326 IAC 8-11-6; 326 IAC 8-11-7; 326 IAC 8-12-3; 326 IAC 8-12-5; 326 IAC 8-12-6; 326 IAC 8-12-7; 326 IAC 8-13-5; 326 IAC 10-1-2; 326 IAC 10-

1-4; 326 IAC 10-1-5; 326 IAC 10-1-6; 326 IAC 11-3-4; 326 IAC 11-7-1; 326 IAC 13-1.1-1; 326 IAC 13-1.1-8; 326 IAC 13-1.1-10; 326 IAC 13-1.1-13; 326 IAC 13-1.1-14; 326 IAC 13-1.1-16; 326 IAC 14-1-1; 326 IAC 14-1-2; 326 IAC 14-1-4; 326 IAC 14-3-1; 326 IAC 14-4-1; 326 IAC 14-5-1; 326 IAC 14-7-1; 326 IAC 14-8-1; 326 IAC 14-8-3; 326 IAC 14-8-4; 326 IAC 14-8-5; 326 IAC 14-9-5; 326 IAC 14-9-8; 326 IAC 14-9-9; 326 IAC 14-10-1; 326 IAC 14-10-2; 326 IAC 14-10-3; 326 IAC 14-10-4; 326 IAC 15-1-2; 326 IAC 15-1-4; 326 IAC 16-3-1; 326 IAC 18-1-2; 326 IAC 18-1-5; 326 IAC 18-1-7; 326 IAC 18-1-8; 326 IAC 18-2-2; 326 IAC 18-2-3; 326 IAC 18-2-6; 326 IAC 18-2-7; 326 IAC 22-1-1; 326 IAC 23-1-31.

**AUTHORITY:** IC 13-14-8; IC 13-14-9; IC 13-14-18; IC 13-15; IC 13-17-3; IC 13-17-8; IC 13-19-3.

### STATUTORY REQUIREMENTS

IC 13-14-9-8 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 there is no anticipated benefit from the first and second public comment periods, IDEM may forego these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for preliminary adoption. Two (2) opportunities for public comment (at the public hearings prior to preliminary and final adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by IC 13-14-9-8, the commissioner shall prepare written findings and publish those findings in the Indiana Register prior to the board meeting at which the draft rule is to be considered for preliminary adoption, and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-8.

The statute provides for this shortened rulemaking process if the commissioner determines that:

- (1) the rule constitutes:
  - (A) an adoption or incorporation by reference of a federal law, regulation, or rule that:
    - (i) is or will be applicable to Indiana; and
    - (ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;
  - (B) a technical amendment with no substantive effect on an existing Indiana rule; or
  - (C) a substantive amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and
- (2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in IC 13-14-9-7(a)(2) from:
  - (A) exposing the rule to diverse public comment under section IC 13-14-9-3 or IC 13-14-9-4;
  - (B) affording interested or affected parties the opportunity to be heard under IC 13-14-9-3 or IC 13-14-9-4; and
  - (C) affording interested or affected parties the opportunity to develop evidence in the record collected under IC 13-14-9-3 and IC 13-14-9-4.

### BACKGROUND

#### INCORPORATION BY REFERENCE

This rulemaking will standardize and clarify the language used to incorporate documents by reference. During the development of rules under Title 326 of the Indiana Administrative Code (IAC), it is often more efficient to refer to or incorporate specific portions of these documents rather than to reprint them in full.

According to IC 4-22-2-21, if incorporation of the text in full would be "cumbersome, expensive, or otherwise inexpedient", an agency may incorporate by reference "a federal or state statute, rule or regulation; or a code, manual, or other standard adopted by an agent of the United States, a state, or a nationally recognized organization or association".

Many of Indiana's air quality standards, sampling procedures, monitoring requirements, and various compliance methodologies are based on federal requirements and are supported by guidelines and standards developed by national experts. Incorporation by reference ensures that state rules will not be interpreted in such a way as to conflict with federal law and national policy and allows the state to use the resources of the federal system instead of expending its own rulemaking resources in what would otherwise be an unnecessary duplication of rulemaking effort. Incorporating guidelines and standards developed by experts also helps IDEM to better establish consistent and fair rules for regulated sources.

#### CODE OF FEDERAL REGULATIONS (CFR)

326 IAC 1-1-3, References to the Code of Federal Regulations (CFR), indicates the yearly edition of the CFR that is applicable to rules that have been incorporated by reference throughout Title 326 of the IAC, unless a different edition is specified in a given rule. By annually updating the reference to the CFR, IDEM is able to incorporate by reference the latest version of the parts of the CFR already incorporated into the air rules, with the exception of those most recently published in the Federal Register (FR).

The 2002 edition of the CFR is a codification of the general and permanent rules published in the FR as of June 30, 2002. IDEM incorporates citations by reference from Titles 29 and 40.

Title 29 of the CFR, entitled "Intergovernmental Review of Environmental Protection Agency Programs and Activities", contains federal rules for the asbestos and lead programs. Title 29 of the CFR is referenced in 326 IAC 14 (Emission Standards for Hazardous Air Pollutants), 326 IAC (Asbestos Management), and 326 IAC 23 (Lead-Based Paint Program). Many of these regulations are either directly incorporated by reference into Title 326 of the IAC as state-enforceable rule provisions or they are incorporated into Title 326 of the IAC as federal authority for the implementation and enforcement of state rule provisions.

Title 40 of the CFR entitled "Protection of Environment," includes all federal environmental regulations promulgated by the U.S. Environmental Protection Agency (U.S. EPA). It is referenced throughout Title 326 of the IAC.

The current version of the CFR referenced in Indiana's air quality rules is dated July 1, 2000. Since that date, a number of new federal rules were promulgated that later were incorporated and referenced in the state rules using their FR citation.

Examples of rules and changes that occurred between July 1, 2000 and June 30, 2002 that will be updated with this rulemaking include:

***Ambient Air Monitoring Reference and Equivalent Methods: Designation of One New Reference Method for PM<sub>10</sub>, Four New Equivalent Methods for PM<sub>2.5</sub>, and One New Reference Method for NO<sub>2</sub> (40 CFR 53 and 40 CFR 58)***

- EPA examined various methods for monitoring concentrations of ambient air pollutants. Monitoring methods are determined for adequacy in order to meet equivalent status of specific requirements. Designation of these references and equivalent methods is intended to assist in establishing and operating air quality surveillance systems. (67 FR 15566)

***Emergency Extension of the Compliance Date for Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (40 CFR 63)***

- The previous deadline required sources to take actions based on the previous compliance date of September 30, 2002. The deadline was extended one year until September 30, 2003. (66 FR 49830)

***National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities (40 CFR 63)***

- A technical correction was issued to reinstate a portion of the final sentence in 40 CFR 63.1270(a) that was mistakenly deleted during the editing process. Reinstatement of this language will make it clear that the rule only applies to major sources of hazardous air pollutants and that transmission and storage systems are subject to the rule only when a local distribution company is not present. (66 FR 49299)

***National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (40 CFR 63)***

- Final rule that affects major sources of petroleum refineries. Hazardous air pollutants that will be reduced include organics (acetaldehyde, benzene, formaldehyde, hexane, phenol, toluene, and xylene); reduced sulfur compounds (carbonyl sulfide, carbon disulfide); inorganics (hydrogen chloride, chlorine); and particulate metals (antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, manganese, and nickel). The health effects of exposure include cancer, respiratory irritation, and damage to the nervous system. (67 FR 17762)

***National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production (40 CFR 63)***

- In 40 CFR 63.1257, paragraph (d)(4)(iii) was redesignated as paragraph (d)(3)(ii). (67 FR 15486)

***Redefinition of the Glycol Ethers Category Under Section 112 (b)(1) of the Clean Air Act and Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (40 CFR 63)***

- Final rule that revises the definition of glycol ethers to exclude the group "surfactant alcohol ethoxylates and their derivatives (SAED)". SAED compounds were removed because, after review, EPA determined that they did not meet the hazardous air pollutants standards as defined in Section 112(b)(1) of the Clean Air Act. (65 FR 47342)

***Protection of Stratospheric Ozone: Removal of Restrictions on Certain Fire Suppression Substitutes for Ozone-Depleting Substitutes and Listing of Substitutes (40 CFR 82)***

- Final rule that removes restrictions on the use of certain substitutes for halon fire suppression and explosion protection agents that are used by the fire protection community. In addition, the rule added a substitute to the list of fire suppression and explosion protection agents. (66 FR 63313)

**INCORPORATION OF COMPILATION OF AIR POLLUTION EMISSION FACTORS AP-42 INCLUDING SUPPLEMENTS (AP-42)**

Compilation of Air Pollution Emission Factors (AP-42) is a document issued by U.S. EPA that is currently referenced in Title 326 of the IAC. This rulemaking updates the References to the Compilation of Air Emissions Factors AP-42 and Supplements to include updates through 2002 to allow sources to use the most recent version of AP-42.

AP-42 is a fundamental tool for air quality management and is used for developing emission control strategies, determining applicability of permitting and control programs, ascertaining the effects of sources and appropriate mitigation strategies, and a number of related applications. The Fifth Edition of AP-42, Volume I, contains information on over 200 stationary source categories. This information includes brief descriptions of processes used, potential sources of air emissions from the processes and common methods used to control these air emissions. Methodologies for estimating the quantity of air pollutants emissions are presented in the emission factors.

**FINDINGS**

The commissioner of IDEM has prepared findings regarding rulemaking on the incorporation by reference of the 2002 version of the

Code of Federal Regulations (CFR) and addition of references to Compilation of Air Pollution Factors AP-42 (AP-42) and supplements as required by federal rule. These findings are prepared under IC 13-14-9-8 and are as follows:

- (1) This rule is the direct adoption of incorporation of federal requirements that are applicable to Indiana and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.
- (2) Indiana in many cases is required by the CAA to adopt these requirements as state rules.
- (3) The public will benefit from the prompt adoption of this rule because it alleviates unnecessary duplication of rulemaking efforts by the state by directly incorporating the Code of Federal Regulations (CFR).
- (4) I have determined that under the specific circumstances pertaining to this rule, there would be no benefit to the environment or to persons to be regulated or otherwise affected by this rule from the first and second public comment periods.
- (5) The draft rule is hereby incorporated into these findings.

Lori F. Kaplan  
Commissioner  
Indiana Department of Environmental Management

**ADDITIONAL INFORMATION**

Additional information regarding this action may be obtained from Gayla Killough, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027, press 0, and ask for extension 3-8628 (in Indiana).

**DRAFT RULE**

SECTION 1. 326 IAC 1-1-3, AS AMENDED AT 25 IR 3054, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-1-3 References to the Code of Federal Regulations**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, 2000; 2002, edition\*.

\*This body of documents is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; filed Oct 30, 2000, 2:13 p.m.: 24 IR 667; filed May 21, 2002, 10:20 a.m.: 25 IR 3054*)

SECTION 2. 326 IAC 1-1-3.5, AS AMENDED AT 25 IR 3055, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-1-3.5 References to the Compilation of Air Pollution Emission Factors AP-42 and Supplements**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; 13-17

Sec. 3.5. Unless otherwise indicated, any reference to the Compilation of Air Pollution Emission Factors AP-42 (AP-42) means the January 1995, Fifth Edition, Volume I\*, including the following AP-42, Fifth Edition, Volume I supplements:

- (1) Supplement A, February 1996\*.
- (2) Supplement B, November 1996\*.
- (3) Supplement C, November 1997\*.
- (4) Supplement D, August 1998\*.
- (5) Supplement E, September 1999\*.
- (6) Supplement F, September 2000\*.
- (7) Supplement G, the version available as of December 2000\*.
- Update 2001\*.**
- (8) Update 2002\*.**

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-1-3.5; filed May 21, 2002, 10:20 a.m.: 25 IR 3055*)

SECTION 3. 326 IAC 1-2-65 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-2-65 “Reconstruction” definition**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-11

Sec. 65. An emissions unit shall be considered to be reconstructed when the fixed capital cost of the new components exceed fifty percent (50%) of the fixed capital cost of a comparable entirely new emissions unit. The fixed capital cost of components shall reflect any exceptions granted under 40 CFR 60\*.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 1-2-65; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2375; filed Nov 25, 1998, 12:13 p.m.: 22 IR 979; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105*)

SECTION 4. 326 IAC 1-2-90 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-2-90 “Volatile organic compound (VOC)” definition**

**Authority:** IC 13-14-8; IC 13-17-3-4  
**Affected:** IC 13-12

Sec. 90. (a) “Volatile organic compound” or “VOC” means any compound of carbon excluding the following:

- (1) Carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- (2) Any organic compound which has been determined to have negligible photochemical reactivity listed in section 48 of this rule. VOC content shall be measured in accordance with 326 IAC 8-1-4.

(b) For purposes of determining compliance with emission limits,

volatile organic compounds will be measured by the test methods in this title or 40 CFR 60, Appendix A\*, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as volatile organic compounds if the amount of such compounds is accurately quantified and such exclusion is approved by the commissioner.

(c) As a precondition to excluding these compounds as volatile organic compounds or at any time thereafter, the commissioner may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the commissioner, the amount of negligibly-reactive compounds in the source’s emissions.

(d) For purposes of federal enforcement for a specific source, the U.S. EPA shall use the test methods specified in Indiana’s approved state implementation plan, in a permit issued pursuant to a program approved or promulgated under:

- (1) Title V of the Clean Air Act;
- (2) 40 CFR 51, Subpart I\*;
- (3) 40 CFR 51, Appendix S\*;
- (4) 40 CFR 52\*; or
- (5) 40 CFR 60\*.

The U.S. EPA shall not be bound by any state determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the provisions listed in this subsection.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 Copies of the pertinent sections of the CFR or are also available from for review and copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 1-2-90; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2377; filed Sep 23, 1988, 11:59 a.m.: 12 IR 256; filed May 9, 1990, 5:00 p.m.: 13 IR 1847; filed Aug 9, 1993, 5:00 p.m.: 16 IR 2828; filed Sep 5, 1995, 12:00 p.m.: 19 IR 30*)

SECTION 5. 326 IAC 2-2-13 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 2-2-13 Area designation and redesignation**

**Authority:** IC 13-14-8; IC 13-17-3  
**Affected:** IC 13-15; IC 13-17

Sec. 13. (a) All of the following areas that were in existence on August 7, 1977, shall be Class I areas and shall not be redesignated:

- (1) International parks.
- (2) National wilderness areas that exceed five thousand (5,000) acres in size.
- (3) National memorial parks that exceed five thousand (5,000) acres in size.
- (4) National parks that exceed six thousand (6,000) acres in size.

(b) The following shall apply to area designations:

- (1) Areas that were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in this section.
- (2) Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this section.

- (3) The following areas may be redesignated only as Class I or II:
- (A) An area that as of August 7, 1977, exceeded ten thousand (10,000) acres in size and was a:
    - (i) national monument;
    - (ii) national primitive area;
    - (iii) national preserve;
    - (iv) national recreational area;
    - (v) national wild and scenic river;
    - (vi) national wildlife refuge; or
    - (vii) national lakeshore or seashore.
  - (B) A national park or national wilderness area established after August 7, 1977, that exceeds ten thousand (10,000) acres in size.

(c) The following shall apply to area redesignations:

(1) All areas, except as otherwise provided under subsection (a), are designated Class II as of December 5, 1974. Redesignation, except as otherwise precluded by subsection (a), may be proposed by the department or Indian governing bodies, as provided in this section, subject to approval by U.S. EPA as a revision to the applicable state implementation plan.

(2) The department may submit to U.S. EPA a proposal to redesignate areas of the state Class I or Class II provided the following:

(A) At least one (1) public hearing has been held in accordance with procedures established in 40 CFR 51.102\*.

(B) Other states, Indian governing bodies, and federal land managers whose lands may be affected by the proposed redesignation were notified at least thirty (30) days prior to the public hearing.

(C) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the:

- (i) health;
- (ii) environmental;
- (iii) economic;
- (iv) social; and
- (v) energy effects;

of the proposed redesignation, was prepared and made available for public inspection at least thirty (30) days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion.

(D) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, the department has provided written notice to the appropriate federal land manager and afforded adequate opportunity, not in excess of sixty (60) days, to confer with the department respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any federal land manager had submitted written comments and recommendations, the department shall have published a list of any inconsistencies between such redesignation and such comments and recommendations, together with the reasons for making such redesignation against the recommendation of the federal land manager.

(E) The department has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(3) Any area other than an area under subsection (a) may be redesignated as Class III if the following occurs:

(A) The redesignation would meet the requirements of subdivision (2).

(B) The redesignation, except a redesignation established by an Indian governing body, has been specifically approved by the governor, after consultation with the appropriate committees of

the legislature, if it is in session, or with the leadership of the legislature, if it is not in session and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation.

(C) The redesignation would not cause, or contribute to, a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard.

(D) Any permit application for any major stationary source or major modification, subject to review under section 5(c) of this rule, that could receive a permit under this rule only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body. The appropriate Indian governing body may submit to U.S. EPA a proposal to redesignate areas Class I, Class II, or Class III provided the following:

(A) The Indian governing body has followed procedures equivalent to those required of the department under subdivisions (2), (3)(C), and (3)(D).

(B) Such redesignation is proposed after consultation with the state or states in which the Indian reservation is located and that border the Indian reservation.

(5) If U.S. EPA disapproves a proposed redesignation, the classification of the area shall be that which was in effect prior to the redesignation that was disapproved.

(6) If U.S. EPA disapproves any proposed redesignation, the department or Indian governing body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by U.S. EPA.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-2-13; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2426*)

SECTION 6. 326 IAC 2-2-16 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 2-2-16 Ambient air ceilings

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-15; IC 13-17

Sec. 16. No concentration of a pollutant under this rule shall exceed the concentration permitted under the national:

(1) secondary ambient air quality standard as listed under 40 CFR 50.5 through 40 CFR 50.7\* and 40 CFR 50.9\* through 40 CFR 50.12\*; or

(2) primary ambient air quality standard as listed under 40 CFR 50.4\*, 40 CFR 50.6\* through 40 CFR 50.9\*, and 40 CFR 50.11\*, through and 40 CFR 50.12\*;

whichever concentration is lowest for the pollutant for a period of exposure.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this section may be

obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-2-16; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2429*)

SECTION 7. 326 IAC 2-3-1, AS AMENDED AT 25 IR 6, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 2-3-1 Definitions**

**Authority:** IC 13-14-8; IC 13-17-3

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with the following:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two (2) year period which precedes the particular date and which is representative of normal source operation. The commissioner shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(2) The commissioner may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emissions unit, other than an electric utility steam generating unit specified in subdivision (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit, other than a new unit or the replacement of an existing unit, actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the department on an annual basis for a period of five (5) years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed ten (10) years, may be required by the department if the department determines such a period to be more representative of normal source post-change operations.

(5) When applying for a pollution control project exclusion under subsection (s)(2)(H) for a pollution control project at an existing emissions unit, actual emissions of the unit following the installation of the pollution control project shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the department on an annual basis for a period of five (5) years from the date the emissions unit resumes regular operation, information demonstrating that the pollution control project and the physical or operational changes to the unit necessary to accommodate the project did not result in an emissions increase. A longer period, not to exceed ten (10) years, may be required by the department if the department determines such a period to be more representative of normal source post-change operations. This subdivision cannot be used to determine if the pollution control project results in a significant net emissions

increase. This subdivision can only be used for an application submitted under the pollution control project exclusion to determine if the project results in a significant net increase in representative actual annual emissions.

(c) "Allowable emissions" means the emissions rate of a source calculated using the maximum rated capacity of the source (unless a source is subject to state or federally enforceable permit limits which restrict the operating rate or hours of operation, or both) and the most stringent of the following:

(1) The applicable standards as set forth in 40 CFR 60, New Source Performance Standards (NSPS)\*, and 40 CFR 61, National Emission Standards for Hazardous Air Pollutants (NESHAPS)\*.

(2) The emissions limitation imposed by any rule in this title, including those with a future compliance date.

(3) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(d) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, the following:

(1) Installation of building supports and foundations.

(2) Laying underground pipework.

(3) Construction of permanent storage structures.

With respect to a change in method of operations, "begin actual construction" refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(e) "Best available control technology" or "BACT" means an emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under the Clean Air Act which would be emitted from any proposed major stationary source or major modification which the commissioner, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR 60\* and 40 CFR 61\*. If the commissioner determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means which achieve equivalent results.

(f) "Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group, that is, those which have the same first two (2) digit code, as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 supplement (U.S. Government Printing Office).

(g) "Clean coal technology" means any technology, including technologies applied at the precombustion, combustion, or postcombustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam that was not in widespread use as of November 15, 1990.

(h) "Clean coal technology demonstration project" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology", up to a total amount of two billion five hundred million dollars (\$2,500,000,000) for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the U.S. EPA. The federal contribution for a qualifying project shall be at least twenty percent (20%) of the total cost of the demonstration project.

(i) "Commence", as applied to construction of a major stationary source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits and either has:

- (1) begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed within a reasonable time; or
- (2) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(j) "Complete", in reference to an application for a permit, means that the application contains all of the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the commissioner from requesting or accepting additional information.

(k) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

(l) "de minimis", in reference to an emissions increase of volatile organic compounds from a modification in a serious or severe ozone nonattainment area, means an increase that does not exceed twenty-five (25) tons per year when the net emissions increases from the proposed modification are aggregated on a pollutant specific basis with all other net emissions increases from the source over a five (5) consecutive calendar year period prior to, and including, the year of the modification.

(m) "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third (⅓) of its potential electric output capacity and more than twenty-five (25) megawatts electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(n) "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant regulated under the provisions of the Clean Air Act.

(o) "Fugitive emissions" means those emissions which could not

reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(p) "Incidental emissions reductions" means the reductions in emissions of a pollutant achieved as an indirect result of complying with another rule for another pollutant.

(q) "Internal offset" means to use net emissions decreases from within the source to compensate for an increase in emissions.

(r) "Lowest achievable emission rate" or "LAER" means, for any source, the more stringent rate of emissions based on the following:

(1) The most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable.

(2) The most stringent emissions limitation which is achieved in practice by such class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions unit within the stationary source. In no event shall the application of the lowest achievable emission rate permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(s) "Major modification" means any physical change or change in the method of operation of a major stationary source that would result in a significant net emissions increase or in an area which is classified as either a serious or severe ozone nonattainment area, an increase in VOC emissions that is not de minimis of any pollutant which is being regulated under the Clean Air Act. The following provisions apply:

(1) Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.

(2) A physical change or change in the method of operation shall not include the following:

(A) Routine maintenance, repair, and replacement.

(B) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 or by reason of a natural gas curtailment plan under the Federal Power Act.

(C) Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act.

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.

(E) Use of an alternative fuel or raw material by a source which:

(i) the source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any enforceable permit condition which was established after December 21, 1976, under 40 CFR 52.21\* or regulations approved under 40 CFR 51.160 through 40 CFR 51.165\* or 40 CFR 51.166\*; or

(ii) the source is approved to use under any permit issued under this rule.

(F) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any enforceable permit condition which was established after December 21, 1976, under 40 CFR 52.21\* or regulations approved under 40 CFR 51.160 through 40 CFR 51.165\* or 40 CFR 51.166\*.

(G) Any change in ownership at a stationary source.

(H) The addition, replacement, or use of a pollution control project at an existing emissions unit if the following conditions are met:

- (i) Upon review, the department does not determine that:
- (AA) such addition, replacement, or use renders the unit less environmentally beneficial; or
  - (BB) the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the CAA, if any; and
  - (CC) the pollution control project would result in a significant net emissions increase that will cause or contribute to a violation of any national ambient air quality standard (NAAQS), PSD increment, or visibility limitation.

During review, the department may request that a source submit an analysis of the air quality impact of the net emissions increase of the pollution control project.

- (ii) If a pollution control project would result in a significant net emissions increase in representative actual annual emissions of a pollutant for which an area is classified as nonattainment, or an emissions increase in VOC that is not de minimis in an area which is classified as either serious or severe ozone nonattainment, then those emissions shall be offset on a one-to-one (1:1) ratio, except that no offsets are required for the following:

- (AA) A pollution control project for an electric utility steam generating unit.
- (BB) A pollution control project that results in a significant net increase in representative actual annual emissions of any criteria pollutant for which the area is classified as nonattainment and current ambient monitoring data demonstrates that the air quality standard for that pollutant in the nonattainment area is not currently being violated.
- (CC) A pollution control project for a NO<sub>x</sub> budget unit, as defined in 326 IAC 10-4-2, that is being installed to control NO<sub>x</sub> emissions for the purpose of complying with 326 IAC 10-4-2.

- (iii) A pollution control project as described under this clause shall be considered a significant source modification under 326 IAC 2-7-10.5(f)(8).

- (I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

- (i) the state implementation plan; and
- (ii) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

- (t) "Major stationary source" means the following:

- (1) Any stationary source of air pollutants, except for those subject to subdivision (2), which emits, or has the potential to emit, one hundred (100) tons per year or more of any air pollutant subject to regulation under the Clean Air Act.

- (2) For ozone nonattainment areas, "major stationary source" includes any stationary source or group of sources located within a contiguous area and under common control that emits or has the potential to emit volatile organic compounds that would equal or exceed any of the following rates:

Ozone Classification	Rate
Marginal	100 tons per year
Moderate	100 tons per year
Serious	50 tons per year
Severe	25 tons per year

- (3) Any of the following stationary sources with potential emissions of five (5) tons per year or more of lead or lead compounds measured as elemental lead:

- (A) Primary lead smelter.
- (B) Secondary lead smelters.
- (C) Primary copper smelters.
- (D) Lead gasoline additive plants.
- (E) Lead-acid storage battery manufacturing plants that produce two thousand (2,000) or more batteries per day.

- (4) Any other stationary source with potential emissions of twenty-five (25) or more tons per year of lead or lead compounds measured as elemental lead.

- (5) Any physical change occurring at a stationary source not qualifying under subdivision (1), if the change would by itself qualify as a major stationary source under subdivision (1).

- (u) "Necessary preconstruction approvals or permits" means those permits or approvals required under 326 IAC 2-2, 326 IAC 2-5.1, and 326 IAC 2-7.

- (v) "Net emissions decrease" means the amount by which the sum of the creditable emissions increases and decreases from any source modification project is less than zero (0).

- (w) "Net emissions increase", with reference to a significant net emissions increase, means the amount by which the sum of the emission increases and decreases at a source exceeds zero (0). For the purpose of determining de minimis in an area classified as serious or severe for ozone, the amount by which the sum of the emission increases and decreases from any source modification project exceeds zero (0). The following emissions increases and decreases are to be considered when determining net emissions increase:

- (1) Any increase in actual emissions from a particular physical change or change in the method of operation.

- (2) Any of the following increases and decreases in actual emissions that are contemporaneous with the particular change and are otherwise creditable:

- (A) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs after January 16, 1979, and between the following:

- (i) The date five (5) years before construction of the particular change commences.

- (ii) The date that the increase from the particular change occurs.

- (B) An increase or decrease in actual emissions is creditable only if the commissioner has not relied on the increase or decrease in issuing a permit for the source under this rule, which permit is in effect when the increase in actual emissions from the particular change occurs.

- (C) An increase in actual emissions is creditable only to the extent that a new level of actual emissions exceeds the old level.

- (D) A decrease in actual emissions is creditable only to the extent that:

- (i) the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

- (ii) it is federally enforceable at and after the time that actual construction on the particular change begins;

- (iii) the commissioner has not relied on it in issuing any permit under regulations approved under 40 CFR 51.160 through 40 CFR 51.165\* or the state has not relied on it in demonstrating attainment or reasonable further progress; and

- (iv) it has approximately the same qualitative significance for

public health and welfare as that attributed to the increase from the particular change.

(E) An increase that results from the physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty (180) days.

(x) "New", in reference to a major stationary source, a modified major stationary source, or a major modification, means one which commences construction after the effective date of this rule.

(y) "Pollution control project" means any activity or project undertaken at an existing emissions unit for purposes of reducing emissions from such unit. Such activities or projects do not include the replacement of an existing emissions unit with a newer or different unit, or the reconstruction of an existing emissions unit. Such activities or projects are limited to any of the following:

- (1) The installation of conventional and advanced flue gas desulfurization and sorbent injection for sulfur dioxide.
- (2) Electrostatic precipitators, baghouses, high efficiency multiclones, and scrubbers for particulate or other pollutants.
- (3) Flue gas recirculation, low-NO<sub>x</sub> burners, selective noncatalytic reduction and selective catalytic reduction for nitrogen oxides.
- (4) Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, flares, and carbon adsorbers for volatile organic compounds and hazardous air pollutants.
- (5) An activity or project to accommodate switching to a fuel which is less polluting than the fuel in use prior to the activity or project, including, but not limited to, natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions and including any activity that is necessary to accommodate switching to an inherently less polluting fuel.
- (6) A permanent clean coal technology demonstration project conducted under Title II, Section 101(d) of the Further Continuing Appropriations Act of 1985 (Sec. 5903(d) of Title 42 of the United States Code), or subsequent appropriations, up to a total amount of two billion five hundred million dollars (\$2,500,000,000) for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the U.S. EPA.
- (7) A permanent clean coal technology demonstration project that constitutes a repowering project.
- (8) Pollution prevention projects which the department has determined through a significant source modification to be environmentally beneficial. Pollution prevention projects that may result in an unacceptable increased risk from the release of hazardous air pollutants or that may result in an increase in utilization are not environmentally beneficial.
- (9) Installation of a technology, for the purposes of this subsection, which is not listed in subdivisions (1) through (8) but is determined to be environmentally beneficial by the department through a significant source modification.

(z) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(aa) "Reasonable further progress" or "RFP" means the annual incremental reductions in emissions of a pollutant which are sufficient in the judgment of the board to provide reasonable progress towards attainment of the applicable ambient air quality standards established by 326 IAC 1-3 by the dates set forth in the Clean Air Act.

(bb) "Repowering" means replacement of an existing coal-fired boiler with one (1) of the following clean coal technologies:

- (1) Atmospheric or pressurized fluidized bed combustion.
- (2) Integrated gasification combined cycle.
- (3) Magnetohydrodynamics.
- (4) Direct and indirect coal-fired turbines.
- (5) Integrated gasification fuel cells.

(6) As determined by the U.S. EPA, in consultation with the Secretary of Energy, a derivative of one (1) or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

Repowering shall also include any oil or gas-fired unit, or both, which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy. The U.S. EPA shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection and is granted an extension under Section 409 of the Clean Air Act.

(cc) "Representative actual annual emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two (2) year period after a physical change or change in the method of operation of a unit, (or a different consecutive two (2) year period within ten (10) years after that change, where the department determines that such period is more representative of normal source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the department shall do the following:

- (1) Consider all relevant information, including, but not limited to, the following:
  - (A) Historical operational data.
  - (B) The company's own representations.
  - (C) Filings with Indiana or federal regulatory authorities.
  - (D) Compliance plans under Title IV of the CAA.

(2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

(dd) "Secondary emission" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this rule, secondary emissions must be specific, well-defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

- (1) emissions from the ships or trains coming to or from the new or modified stationary source; and

(2) emissions from an off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(ee) "Significant", in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, means a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter	25 tpy
PM <sub>10</sub>	15 tpy
Ozone (marginal and moderate areas)	40 tpy of volatile organic compound (VOC)
Lead	0.6 tpy

(ff) "Source modification project" means all those physical changes or changes in the methods of operation at a source which are necessary to achieve a specific operational change.

(gg) "Stationary source" means any building, structure, facility, or installation, including a stationary internal combustion engine, which emits or may emit any air pollutant subject to regulation under the Clean Air Act.

(hh) "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project that is operated for a period of five (5) years or less, and that complies with the state implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

\*These documents are incorporated by reference. ~~and~~ Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 ~~and or~~ are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board*; 326 IAC 2-3-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2401; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1106; filed Nov 12, 1993, 4:00 p.m.: 17 IR 725; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1002; *errata* filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Aug 17, 2001, 3:45 p.m.: 25 IR 6; *errata* filed Nov 29, 2001, 12:20 p.m.: 25 IR 1183)

SECTION 8. 326 IAC 2-6-4 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 2-6-4 Requirements

**Authority:** IC 13-14-8; IC 13-17-3

**Affected:** IC 13-17

Sec. 4. The emission statement submitted by the source must contain, at a minimum, the following information:

(1) Certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. The certification shall include the full name, title, signature, date of signature, and telephone number of the certifying individual. The certifying individual shall be employed by the company and shall take legal responsibility for the accuracy of the emission statement.

(2) Source identification information, to include the following:

(A) Full name, physical location, and mailing address of the facility.

(B) Source latitude and longitude.

(C) SIC code.

(3) Operating data, to include the following:

(A) Percent annual throughput by quarter.

(i) For those sources falling within section 1(a) of this rule, the quarters are as follows:

(AA) December through February.

(BB) March through May.

(CC) June through August.

(DD) September through November.

(ii) For those sources falling within section 1(b) and 1(c) of this rule, the quarters are as follows:

(AA) January through March.

(BB) April through June.

(CC) July through September.

(DD) October through December.

(B) For sources falling within section 1(b) and 1(c) of this rule, the days per week of the normal operating schedule.

(C) For sources falling within ~~within~~ section 1(a) of this rule, the days per week on both the normal operating schedule and on a typical ozone season week, if different from the normal operating schedule. The peak ozone season for Indiana is June through August.

(D) Hours per day during the normal operating schedule.

(E) Hours per year during the normal operating schedule.

(F) For sources falling under section 1(a) of this rule, the weeks of operation during the peak ozone season.

(G) Annual fuel or process weight and units used.

(4) Emissions information, to include the following:

(A) For sources falling within section 1(b) and 1(c) of this rule, the estimated actual volatile organic compounds, oxides of nitrogen, carbon monoxide, sulfur dioxide, lead, or particulate matter (PM<sub>10</sub>) emissions at the segment level, in tons per year for an annual emission rate. Actual emission estimates must include upsets, downtime, and fugitive emissions and must follow an emission estimation method.

(B) For sources falling within section 1(a) of this rule, the estimated actual volatile organic compounds and oxides of nitrogen emissions at the segment level, in tons per year for an annual emission rate and pounds per day for a typical ozone season day. Actual emission estimates must include upsets, downtime, and fugitive emissions and must follow an emission estimation method.

(C) Aerometric information retrieval system (AIRS) facility subsystem estimated emissions method code.

(D) Calendar year for the emissions.

(E) Emission factor. If emissions were calculated using an emission factor, the emission factor must:

(i) be one established in the AP-42\*, "~~Compilation of Air Pollutant Emission Factors~~", Volume 1, Fourth Edition, September 1985\*, or

(ii) in the alternative, the source may substitute site specific values other than those listed under item (i) if these site specific values are accepted by the department and the U.S. EPA.

(F) Source classification code (SCC) number.

(5) Control equipment information, to include the following:

(A) Current primary and secondary AIRS facility subsystem control equipment identification codes.

(B) Current control equipment efficiency percentage. The actual efficiency should reflect the total control efficiency from all

control equipment. If the actual control efficiency is unavailable, the efficiency designed by the manufacturer may be used or the control efficiency limit imposed by a permit should be used.

(6) Process rate data, to include the following:

(A) Annual process rate (annual throughput). The AIRS facility subsystem source classification code table prescribes the units to be used with each source classification code for annual fuel process reporting.

(B) For sources falling under section 1(a) of this rule, the peak ozone season daily process rate. The AIRS facility subsystem source classification code table prescribes the units to be used with each source classification code for peak ozone season daily process rate reporting.

~~\*These document are~~ **\*This document is** incorporated by reference. ~~and Copies~~ **Copies** are available for review ~~and copying~~ **and copying** at the Office of Air Management, Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana. ~~or for purchase from U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711. (Air Pollution Control Board; 326 IAC 2-6-4; filed Nov 12, 1993, 4:00 p.m.: 17 IR 734; errata, 17 IR 1009)~~

SECTION 9. 326 IAC 2-7-3 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 2-7-3 Requirement for a permit**

**Authority:** IC 13-15; 13-17

**Affected:** IC 13-11

Sec. 3. Except as provided in this section, 40 CFR 70.4(b)(12)(i)\*, and section 12(b) and 12(c) of this rule, no Part 70 source may operate after the time that it is required to submit a timely and complete application except in compliance with a Part 70 permit issued under this rule. If a Part 70 source submits a timely and complete application for Part 70 permit issuance (including for renewal), the source's failure to have a Part 70 permit is not a violation of this rule until the commissioner takes final action on a Part 70 permit application, except as noted in this subsection. This protection shall cease to apply if, subsequent to the completeness determination made under section 8(c) of this rule, and as required by section 4(a)(2) of this rule, the applicant fails to submit by the deadline specified in writing by the commissioner any additional information identified as being needed to process the application.

~~\*This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available~~ **\*This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (Air Pollution Control Board; 326 IAC 2-7-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2254)**

SECTION 10. 326 IAC 2-7-8 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 2-7-8 Permit issuance, renewal, and revisions**

**Authority:** IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 8. (a) A Part 70 permit, Part 70 permit modification, or renewal may be issued only if all of the following conditions have been met:

(1) The commissioner has received a complete application for a Part 70 permit, permit modification, or Part 70 permit renewal, except that a complete application need not be received before issuance of a general Part 70 permit under section 13 of this rule.

(2) Except for administrative amendments under section 11 of this rule, the commissioner has complied with the requirements for public notice under section 17 of this rule.

(3) The commissioner has complied with the requirements of section 17 of this rule for notifying and responding to affected states.

(4) The conditions of a Part 70 permit provide for compliance with all applicable requirements and the requirements of this rule.

(5) The U.S. EPA has received a copy of the proposed Part 70 permit and any notices required and has not objected to issuance of the Part 70 permit within the time period specified in section 18(b), 18(c), or 18(d) of this rule.

(b) Except as provided under the initial transition plan provided for under 40 CFR 70.4(b)(11)\* or under regulations promulgated under Title IV or Title V of the CAA for the permitting of affected sources under the acid rain program, the commissioner shall take final action on each Part 70 permit application (including a request for Part 70 permit modification or renewal) within eighteen (18) months or such lesser time approved by the U.S. EPA, after receiving a complete application.

(c) The commissioner shall promptly provide notice to the applicant of whether the application is complete. Unless the commissioner requests additional substantive information or otherwise notifies the applicant of incompleteness within sixty (60) days of receipt of an application, the application shall be deemed complete. For modifications processed through minor Part 70 permit modification procedures, such as those in section 12(b) and 12(c) of this rule, the commissioner is not required to make a completeness determination.

(d) The commissioner shall provide a technical support document that sets forth the legal and factual basis for a draft Part 70 permit conditions (including references to the applicable statutory or regulatory provisions). The commissioner shall send this technical support document to the U.S. EPA, to the applicant, and to any other person who requests it.

(e) If the commissioner fails to act in a timely way on a Part 70 permit renewal, the U.S. EPA may invoke its authority under Section 505(e) of the CAA to terminate or revoke and reissue a Part 70 permit.

(f) The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under 326 IAC 2-2 through 326 IAC 2-3 or a preconstruction approval under 326 IAC 2-5.1, 326 IAC 2-6.1, or section 10.5 of this rule.

~~\*This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (Air Pollution Control Board; 326 IAC 2-7-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2260; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2344; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1037)~~

SECTION 11. 326 IAC 2-7-18 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 2-7-18 Permit review by the U.S. EPA**

Authority: IC 13-14-8; IC 13-15; IC 13-17

Affected: IC 13-11

Sec. 18. (a) Except as otherwise waived by the U.S. EPA, the commissioner shall provide to the U.S. EPA a copy of each Part 70 permit application (including any application for permit modification), each draft and proposed permit, and each final permit in accordance with this section.

(b) The commissioner shall submit the draft permit to the U.S. EPA no later than the beginning of the thirty (30) day public review period. The thirty (30) day public review period and the forty-five (45) day U.S. EPA review period may run concurrently in the following manner:

(1) If the commissioner receives no comments from the public or any affected state, or receives comments that are not based on applicable requirements or the requirements of this rule, the commissioner will so notify the U.S. EPA and transmit a copy of the draft permit, signed by the commissioner, which shall be the proposed permit. The U.S. EPA's review period will end forty-five (45) days from the date it initially received the draft permit.

(2) If the commissioner receives comment from the public or an affected state that is based on an applicable requirement or a requirement of this rule, but determines not to revise the permit, the commissioner shall notify the U.S. EPA and any affected state making such comment in writing of the determination not to revise the permit and the reasons therefore at or after the close of the thirty (30) day public comment period. The commissioner shall include a copy of the draft permit, signed by the commissioner, which shall be the proposed permit. U.S. EPA's review period will end forty-five (45) days from the date it initially received the draft permit unless the U.S. EPA notifies the commissioner within fifteen (15) days of its receipt of the proposed permit that the full forty-five (45) day review period is required.

(3) If the commissioner makes revisions to the draft permit in response to comments from the public or an affected state, the commissioner shall submit a signed copy of the revised permit, which shall be the proposed permit, to the U.S. EPA. The U.S. EPA shall complete its review within forty-five (45) days of receipt of the revised proposed permit and all necessary supporting documentation.

(c) No permit for which an application must be transmitted to the U.S. EPA under subsection (a) shall be issued by the commissioner if the U.S. EPA, in accordance with 40 CFR 70.8(c)(2)\*, objects in writing to its issuance within forty-five (45) days after receipt of the draft or proposed permit and all necessary supporting information as described in subsection (b). ~~above:~~

(d) If the U.S. EPA does not object to the issuance of a Part 70 permit under subsection (c), any person may petition the U.S. EPA, within sixty (60) days after the expiration of the U.S. EPA's forty-five (45) day review period, to make such objection. Any such petition shall be based only on objections to a Part 70 permit that were raised with reasonable specificity during the public comment period provided under section 17 of this rule, unless the petitioner demonstrates that it was impracticable to raise such objections within such period or unless the grounds for such objection arose after such period. Such a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the U.S. EPA's forty-five (45) review period and prior to ~~an~~ a U.S. EPA objection. If the U.S. EPA objects to a Part 70 permit prior to issuance as a result of a

petition filed under this subsection, the commissioner shall not issue the permit until the U.S. EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the forty-five (45) day review period and prior to the U.S. EPA's objection. If the commissioner has issued a permit prior to receipt of a U.S. EPA objection under this subsection, the U.S. EPA will modify, terminate, or revoke the permit, consistent with the procedures in section 9(d) of this rule, except in unusual circumstances, and the commissioner may thereafter issue only a revised permit that satisfies the U.S. EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-7-18; filed May 25, 1994, 11:00 a.m.: 17 IR 2267*)

SECTION 12. 326 IAC 2-8-3 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 2-8-3 Permit application**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 3. (a) The owner or operator of a source seeking a FESOP shall submit a complete application on such form or forms as the commissioner may establish, or in other application formats authorized by the commissioner. An application for a FESOP may be submitted at any time. Unless, within ninety (90) days of receipt of an application, the commissioner determines that an application is not complete, such application shall be deemed to be complete.

(b) In order for an application to be deemed complete, it must contain the following:

(1) Substantive information required under subsection (c). Applications for a FESOP revision must supply substantive information required under subsection (c) only as it relates to the proposed change.

(2) Certification by an authorized individual that the submitted information is consistent with subsection (d).

(c) An application for a FESOP shall include the information specified in this subsection to the extent necessary to determine applicable requirements, compliance with applicable requirements and this rule, and compliance with the terms and conditions of a FESOP. The following information shall be included in the application for all emissions units at a FESOP source:

(1) Identifying information, including the following:

(A) Company name and address (or plant name and address if different from the company name).

(B) Owner's name and agent.

(C) Telephone numbers and names of plant site manager, authorized individual, or site contact.

(2) A description of the source's processes and products (by Standard Industrial Classification Code), including any associated with each alternate scenario identified by the source.

(3) The following emissions related information:

(A) All emissions of regulated air pollutants. A FESOP applica-

tion shall describe all emissions of regulated air pollutants emitted from any emissions unit. The applicant shall provide such additional information related to the emissions of air pollutants as is sufficient to verify which requirements are applicable to the source.

(B) Identification and description of all points of emissions described in clause (A) in sufficient detail to establish the applicability of requirements of this title.

(C) Emissions rates of all pollutants described in clause (A) in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.

(D) The following information to the extent it is needed to determine or regulate emissions:

- (i) Fuels, including types and characteristics.
- (ii) Fuel use, including types and quantities combusted.
- (iii) Raw materials.
- (iv) Production and process rates.
- (v) Operating schedules.

(E) Identification and description of air pollution control equipment and compliance monitoring devices or activities.

(F) Limitations on source operation affecting emissions or any work practice standards, as requested by the applicant, for all regulated pollutants at a FESOP source.

(G) Other information required by any applicable requirement, including information related to stack height limitations developed under Section 123 of the CAA\*.

(H) Calculations, examples of calculations, or descriptions of calculation methods or basis on which the information in this subsection is based.

(I) Insignificant activities shall be listed, but the emissions related information described in this subdivision need not be provided unless the commissioner determines that such information is necessary to determine the applicability of 40 CFR 70\*. Information concerning trivial activities as defined in 326 IAC 2-7-1(40) need not be included in permit applications submitted under this rule.

(4) Other specific information that may be necessary to implement and enforce other applicable requirements of the CAA or of this rule or to determine the applicability of such requirements.

(5) An explanation of any proposed exemptions from otherwise applicable requirements.

(6) Confirmation of the following:

(A) That the source maintains on-site a preventive maintenance plan as described in 326 IAC 1-6-3.

(B) That upon request the source will forward to department the preventive maintenance plan.

(7) At the option of the applicant, a request that the permit provide terms and conditions allowing for the establishment of an emissions cap program or programs. The request for an emissions cap program or programs shall include the information under 326 IAC 2-1.1-12(d).

(d) Any application form or compliance certification submitted under this rule shall contain certification by an authorized individual of truth, accuracy, and completeness. This certification and any other certification required under this section shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(e) In the case where a source has submitted information to the commissioner under a claim of confidentiality under 326 IAC 17, the

commissioner may also require the source to submit a copy of such information directly to the U.S. EPA.

(f) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a FESOP application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. An applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date the applicant filed a complete application but prior to release of a draft FESOP. In addition, the applicant shall provide additional information as requested by the commissioner to determine the compliance status of the source in accordance with section 5(a) of this rule.

(g) If, while processing an application, the commissioner determines that additional information is necessary to evaluate or take final action on that application, the commissioner may request such information in writing and set a reasonable deadline for a response.

(h) For purposes of a FESOP renewal, a timely application is one that is submitted at least nine (9) months prior to the date of expiration of the source's existing permit.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-8-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2271; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2355; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1050; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3107*)

SECTION 13. 326 IAC 2-9-7 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 2-9-7 Sand and gravel plants

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 7. (a) The following definitions apply throughout this section:

(1) "Annual throughput" means the amount of material that is being processed through the plant on a calendar year basis.

(2) "Sand and gravel" means any unconsolidated mixture of fine or coarse aggregate, or both, found in and processed from a natural deposit.

(3) "Surfactant" means any chemical additive that reduces the surface tension of water.

(4) "Wet process in a pit and quarry operation" means the operation in which the aggregate deposit being processed has:

(A) been mined from beneath bodies of water, such as rivers, estuaries, lakes, or oceans; or

(B) a free moisture content of one and five-tenths percent (1.5%) by weight or greater.

The aggregate infeed that undergoes such process shall maintain a minimum of one and five-tenths percent (1.5%) by weight throughout the production process.

(5) "Wet suppression systems" means dust control devices in a pit and quarry operation that use a pressurized liquid, either water or water with a small amount of surfactant, for the controlled reduction or elimination of airborne dust or the suppression of such dust at its source.

(b) Any sand and gravel plant may elect to be subject to this section

by complying with the requirements of section 1 of this rule and meeting the following conditions, outlined under subdivisions (1) through (4), as applicable, and subdivision (5):

- (1) Sand and gravel plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, including fugitive particulate emissions, utilizing at most five (5) crushers, ten (10) screens, and a conveying operation shall limit the annual throughput to less than four hundred ten thousand (410,000) tons per year.
- (2) Sand and gravel plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, excluding fugitive particulate emissions utilizing at most nine (9) crushers, twenty (20) screens, and a conveying operation shall limit the annual throughput to less than one million (1,000,000) tons per year.
- (3) Sand and gravel plants that do not emit particulate matter in excess of or equal to one hundred (100) tons per year, excluding fugitive particulate emissions, utilizing at most twelve (12) crushers, twenty-four (24) screens, and a conveying operation shall limit the annual throughput to less than three million one hundred thousand (3,100,000) tons per year.
- (4) Sand and gravel plants that meet the specific restrictions and conditions in subdivision (1), (2), or (3) shall also comply with the following provisions:

- (A) Each source described by subdivisions (1) through (2) shall maintain annual throughput records at the site on a calendar year basis.
- (B) Each source described by subdivision (3) shall maintain at the site throughput records for the previous twelve (12) months on a monthly rolling total.
- (C) A wet process or continuous wet suppressions shall be used.
- (D) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained at all times of plant operation in such a manner as to meet the requirements of this rule.
- (E) Visible emissions from the screening and conveying operations shall not exceed an average of ten percent (10%) opacity in twenty-four (24) consecutive readings in a six (6) minute period, and visible emissions from the crushing operation shall not exceed an average of fifteen percent (15%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with these limitations shall be determined by 40 CFR 60, Appendix A, Method 9\*.
- (F) Fugitive particulate emissions shall be controlled by applying water on storage piles and unpaved roadways on an as needed basis, such that the following visible emission conditions are met:
  - (i) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.
  - (ii) Visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

(AA) The first shall be taken at the time of emission generation.

(BB) The second shall be taken five (5) seconds after the first.

(CC) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(G) Fugitive particulate emissions at a sand and gravel plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located pursuant to 326 IAC 6-4.

(H) The source shall comply with ~~40 CFR 60, Subpart 600~~; **40 CFR 60.670**, Standards of Performance for Nonmetallic Mineral Processing Plants\*, (~~40 CFR 60.670~~)\*, if applicable.

(5) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents; may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-9-7; filed May 7, 1997, 4:00 p.m.: 20 IR 2307*)

SECTION 14. 326 IAC 2-9-8 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 2-9-8 Crushed stone processing plants

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 8. (a) The following definitions apply throughout this section:

(1) "Annual throughput" means the amount of material that is being processed through the plant in a calendar year.

(2) "Crushed stone" means any composition of limestone, granite, traprock, or any other hard, sound rock that is produced by blasting and then crushing.

(3) "Wet process in a pit and quarry operation" means the operation in which the aggregate deposit being processed has:

(A) been mined from beneath bodies of water, such as rivers, estuaries, lakes, or oceans; or

(B) a free moisture content of one and five-tenths percent (1.5%) by weight or greater.

The aggregate infeed that undergoes such process shall maintain a minimum of one and five-tenths percent (1.5%) by weight throughout the production process.

(4) "Wet suppression systems" means dust control devices in a pit and quarry operation that use a pressurized liquid, either water or water with a small amount of surfactant, for the controlled reduction or elimination of airborne dust or the suppression of such dust at its source.

(b) Any crushed stone processing plant may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions, outlined under subdivisions (1) through (4), as applicable, and subdivision (5):

(1) Crushed stone processing plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, including fugitive particulate emissions, utilizing at most four (4) crushers, seven (7) screens, and a conveying operation shall limit the annual throughput to less than four hundred thousand (400,000) tons per year.

(2) Crushed stone processing plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons, excluding fugitive particulate emissions, utilizing at most six (6) crushers, thirteen (13) screens, and a conveying operation shall limit the annual throughput to less than one million (1,000,000) tons per year.

(3) Crushed stone processing plants that do not emit particulate matter in excess of or equal to one hundred (100) tons per year, excluding fugitive particulate emissions, utilizing at most nine (9) crushers, seventeen (17) screens, and a conveying operation shall comply with the following provisions:

(A) The annual throughput shall not exceed three million (3,000,000) tons per year.

(B) Each source under this subdivision shall pay an annual fee of eight hundred dollars (\$800).

(4) Crushed stone processing plants that meet the specific restrictions and conditions in subdivision (1), (2), or (3) shall also comply with the following provisions:

(A) Each source described by subdivisions (1) through (2) shall maintain annual throughput records at the site on a calendar year basis.

(B) Each source described by subdivision (3) shall maintain at the site throughput records for the previous twelve (12) months on a monthly rolling total.

(C) The crushing, screening, and conveying operations shall be equipped with dust collectors, unless a wet process or continuous wet suppression system is used, to comply with clause (E).

(D) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained at all times of plant operation in such a manner as to meet the requirements of this rule.

(E) Visible emissions from the screening and conveying operations shall not exceed an average of ten percent (10%) opacity in twenty-four (24) consecutive readings in a six (6) minute period, and visible emissions from the crushing operation shall not exceed an average of fifteen percent (15%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with these limitations shall be determined by 40 CFR 60, Appendix A, Method 9\*.

(F) Fugitive particulate emissions shall be controlled by applying water on storage piles and unpaved roadways on an as needed basis such that the following visible emission conditions are met:

(i) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(ii) Visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle

passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

(AA) The first shall be taken at the time of emission generation.

(BB) The second shall be taken five (5) seconds after the first.

(CC) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(G) Fugitive particulate emissions at a crushed stone plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

(H) The source shall comply with ~~40 CFR 60, Subpart 600~~; **40 CFR 60.670**, Standards of Performance for Nonmetallic Mineral Processing Plants\*, (~~40 CFR 60.670~~), if applicable.

(5) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents; may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-9-8; filed May 7, 1997, 4:00 p.m.: 20 IR 2308*)

SECTION 15. 326 IAC 2-9-9 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 2-9-9 Ready-mix concrete batch plants

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 9. (a) The following definitions apply throughout this section:

(1) "Aggregate" means any combination of sand, gravel, and crushed stone in their natural or processed state.

(2) "Aggregate transfer" means the transfer of material:

(A) from process equipment onto the ground;

(B) from the ground into hauling equipment;

(C) from hauling equipment onto a storage pile;

(D) from a storage pile into hauling equipment for transport; or

(E) into an initial hopper for further process.

(3) "Cement" means a powdered substance manufactured from calcined carbonate rock (burned lime) and clay that, when mixed with water, forms a cohesive and adhesive material that will harden into a rigid mass.

(4) "Concrete" means a construction material consisting of a coarse and fine aggregate bound by a paste of cement and water, which then sets into a hard and compact substance.

(5) "Ready-mix concrete batch plant" means a facility that prepares and distributes made-to-order batches of concrete in bulk or package form.

(b) Any ready-mix concrete batch plant with actual annual emissions of particulate matter (PM) less than twenty-five (25) tons per year,

including fugitive particulate emissions, may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

- (1) Production shall be limited to three hundred thousand (300,000) cubic yards annually.
- (2) Each source shall maintain records of annual production at the site on a calendar year basis.
- (3) Fugitive particulate emissions from cement and aggregate silos shall be controlled by operating dust collectors, such that visible emissions do not exceed twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9\*.
- (4) Fugitive particulate emissions shall be controlled by applying water on aggregate storage piles, unpaved roadways, and aggregate transfer operations on an as needed basis such that the following visible emission conditions are met:
  - (A) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.
  - (B) Visible emissions from unpaved roads shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:
    - (i) The first shall be taken at the time of emission generation.
    - (ii) The second shall be taken five (5) seconds after the first.
    - (iii) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.
 The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.
  - (C) Visible emissions from aggregate transferring operations shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but no more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.
- (5) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained in such a manner as to meet the requirements of this rule.
- (6) Cement transferring operations shall always be enclosed.
- (7) Each source shall maintain records on the types of air pollution control devices used at the source and the operation and maintenance manuals for those devices.
- (8) Fugitive particulate emissions at a ready-mix concrete batch plant shall not escape beyond the property line or boundaries of the

property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

(9) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents, may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 2-9-9; filed May 7, 1997, 4:00 p.m.: 20 IR 2309*)

SECTION 16. 326 IAC 2-9-10 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 2-9-10 Coal mines and coal preparation plants**

**Authority:** IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 10. (a) The following definitions apply throughout this section:

- (1) "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM Designation D388-88\*.
- (2) "Coal mine" means an individual excavation site from which coal is removed by surface or underground mining operations.
- (3) "Coal preparation plant" means any facility (excluding underground and surface mining operations) that prepares coal by one (1) or more of the following processes:
  - (A) Breaking.
  - (B) Crushing.
  - (C) Screening.
  - (D) Wet or dry cleaning.
  - (E) Thermal drying.
- (4) "Coal processing and conveying equipment" means any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, the following:
  - (A) Breakers.
  - (B) Crushers.
  - (C) Screens.
  - (D) Conveyor belts.
- (5) "Collocated source" means any coal preparation facility and coal mine that are:
  - (A) located on one (1) piece of property or on contiguous or adjacent properties; and
  - (B) which are owned or operated by the same person (or by persons under common control).
- (6) "Material transfer" means the transfer of material:
  - (A) from process equipment onto the ground;
  - (B) from the ground into hauling equipment;
  - (C) from hauling equipment onto a storage pile;
  - (D) from a storage pile into hauling equipment for transport; or
  - (E) into an initial hopper for further processing.
- (7) "Refuse" means the portion of mined coal which is rejected by the preparation plant as unsalable.
- (8) "Thermal dryer" means any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream that is exhausted to the air.

(b) Any coal preparation plant, coal mine, or collocated source may

elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

(1) Coal preparation plants that do not utilize thermal dryers or pneumatic coal cleaning equipment and do not emit particulate matter less than ten microns ( $PM_{10}$ ) in excess of or equal to one hundred (100) tons per year, including fugitive particulate emissions, shall limit the total annual tons of coal shipped to less than five million (5,000,000) tons per year and must comply with the following:

(A) Each coal preparation plant shall maintain at the site total annual throughput records for the previous twelve (12) months on a monthly rolling total, and records shall be kept for a minimum of five (5) years.

(B) The screening, crushing, and conveying operations at a coal preparation plant shall be enclosed, unless a wet suppression system is used, such that visible emissions shall not exceed an average of twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period using procedures in 40 CFR 60, Appendix A, Method 9\*\*.

(2) Fugitive particulate emissions at a coal preparation plant, coal mine, or collocated source from open storage piles, unpaved roadways, or batch transfer operations shall be controlled by applying water or other approved dust suppressant on an as needed basis such that the following visible emission conditions are met:

(A) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*\*, except that the opacity shall be observed at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth ( $\frac{1}{4}$ ) mile, from the plume and at approximately right angles to the plume.

(B) Visible emissions from unpaved roads shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

- (i) The first will be taken at the time of emission generation.
- (ii) The second will be taken five (5) seconds after the first.
- (iii) The third will be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth ( $\frac{1}{4}$ ) mile, from the plume and at approximately right angles to the plume.

(C) Visible emissions from material transfer operations shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth ( $\frac{1}{4}$ ) mile, from the plume and at approximately right angles to the plume.

(3) All visible emission readings shall be performed by a qualified observer as defined in 326 IAC 1-2-62.

(4) Fugitive particulate emissions at a coal preparation plant, coal

mine, or collocated source shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

(5) The annual notice required by section 1(d) of this rule shall also include the legal description of the source's location.

(6) Each coal preparation plant, coal mine, or collocated source shall pay a one-time application fee of five hundred dollars (\$500) and an annual fee of six hundred dollars (\$600).

**\*This document is incorporated by reference.** Copies of ASTM methods have been incorporated by reference and are available at the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

**\*\*This document is incorporated by reference.** Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents, may be obtained from the Government Printing Office, Washington D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (Air Pollution Control Board; 326 IAC 2-9-10; filed May 7, 1997, 4:00 p.m.: 20 IR 2310)

SECTION 17. 326 IAC 2-9-13 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 2-9-13 External combustion sources

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 13. (a) The following definitions apply throughout this section:

- (1) "Boiler" means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water above the boiling point for water at the operating pressure.
- (2) "Dryer" means a device that uses the heat generated from combustion of a fuel or electrical resistance to drive off volatile compounds by evaporation from materials processed in such a device.
- (3) "Oven" means a device that uses the heat generated from combustion of a fuel or electrical resistance to cause or expedite a chemical curing process or drive off volatile compounds from material processed in such a device.
- (4) "Process heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat a material so as to augment or expedite its processing.
- (5) "Space heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat the air inside a building or otherwise provide comfort heating.
- (6) "Water heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water below the boiling point for water at the operating pressure.

(b) Any external combustion source, including any combination of boilers, space heaters, ovens, dryers, or water heaters may elect to comply with this section by complying with the requirements of section 1 of this rule and the following conditions:

(1) Visible emissions from the source shall not exceed twenty percent (20%) opacity in twenty-four (24) consecutive readings in

a six (6) minute period. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*.

(2) One (1) of the following:

(A) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (f), Table 1 for a single fuel or a combination of two (2) fuels.

(B) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (g), Table 2 for a single fuel or a combination of two (2) fuels.

(c) Sources electing to comply with subsection (b)(2)(A) must be able to demonstrate compliance no later than thirty (30) days after receipt of a written request by the department or U.S. EPA. No other demonstration of compliance shall be required. A source specific operating agreement is not required for these sources.

(d) Sources electing to comply with subsection (b)(2)(B) must comply with the requirements of section 1 of this rule and submit a request for a source specific operating agreement accompanied by a one-time application fee of five hundred dollars (\$500).

(e) For sources complying with subsection (b)(2)(B), the following records shall be kept at the source:

- (1) Hours operated for each combustion unit.
- (2) Records of annual fuel usage for each combustion unit.
- (3) Routine maintenance records.

(f) Table 1 limits shall be as follows:

TABLE 1

<u>Fuel</u>	<u>Maximum Fuel Usage per year</u>
<u>Single Fuel</u>	
Natural gas	1,000.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	714.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	181.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,408.0 kgals
Fuel oil #5 and #6 (distillate)	181.0 kgals
Liquified petroleum gas (LPG)	5,263.0 MMCF
Coal (bituminous and subbituminous)	786.0 tons
Bark-only	5,882.0 tons
Wood-only	7,352.0 tons
Wood and bark	7,352.0 tons
<u>Dual Fuel<sup>1</sup></u>	
Natural gas	976.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgal
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	697.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgal
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	177.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgal
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals
Natural gas	83.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals
Natural gas	59.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals

Natural gas	15.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,291.0 kgal
Fuel oil #5 and #6 (residual)	15.0 kgal
Coal (bituminous and subbituminous)	786.0 tons
Bark, wood, or wood and bark	490.0 tons
Bark, wood, or wood and bark	5,858.0 tons
Coal (bituminous and subbituminous)	65.0 tons
( <sup>1</sup> Top fuel is intended to be the primary fuel, the bottom fuel is the secondary fuel.)	

Unit abbreviations:

kgal = 10<sup>3</sup> gallons

MMCF = 10<sup>6</sup> cubic feet

(g) Table 2 limits shall be as follows:

TABLE 2

<u>Fuel</u>	<u>Maximum Fuel Usage per year</u>
<u>Single Fuel</u>	
Natural gas	1,600.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	1,142.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	290.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	2,253.0 kgals
Fuel oil #5 and #6 (residual)	291.0 kgals
Liquified petroleum gas (LPG)	8,421.0 MMCF
Coal (bituminous and subbituminous)	1,258.0 tons
Bark-only	9,411.0 tons
Wood-only	11,764.0 tons
Wood/bark	11,764.0 tons
<u>Dual Fuel<sup>1</sup></u>	
Natural gas	1,562.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgal
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	1,115.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgal
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	284.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgal
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	133.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	95.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	24.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,065.0 kgal
Fuel oil #5 and #6 (residual)	24.0 kgal
Coal (bituminous and subbituminous)	1,258.0 tons
Bark, wood, or wood and bark	784.0 tons
Bark, wood, or wood and bark	9,373.0 tons
Coal (bituminous and subbituminous)	104.0 tons
( <sup>1</sup> Top fuel is intended to be the primary fuel; the bottom fuel is the secondary fuel.)	
Unit abbreviations:	
kgal = 10 <sup>3</sup> gallons	
MMCF = 10 <sup>6</sup> cubic feet	

**\*\*Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents; \*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (Air Pollution Control Board; 326 IAC 2-9-13; filed May 7, 1997, 4:00 p.m.: 20 IR 2313)**

SECTION 18. 326 IAC 3-4-1 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 3-4-1 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-11; IC 13-15; IC 13-17

Sec. 1. In addition to the definitions provided in IC 13-11, 326 IAC 1-2, and 326 IAC 2-7, the following definitions apply throughout this article unless expressly stated otherwise:

(1) "Applicable emission limitation or standard" means any of the following:

(A) A state or federal emission limitation or standard applicable to a regulated hazardous air pollutant under 40 CFR 61\* or 40 CFR 63\*.

(B) A state or federal emission limitation or standard applicable to a regulated air pollutant, other than a hazardous air pollutant under Section 112 of the CAA, for which the source is classified as a major source.

(2) "Calendar quarter" means a three (3) month period beginning January 1, April 1, July 1, or October 1.

(3) "Certified emissions monitor" means an emissions monitor that meets all applicable performance specifications of 40 CFR 60\* or any other performance specification, and for which performance data has been submitted to and approved by the department.

(4) "Emission test", "source sampling test", "compliance test", or "performance test" means a procedure for sampling a gas stream from a single sampling location at a facility, unit, or pollution control equipment, to determine a pollutant emission rate, concentration, or parameter while the facility, unit, or pollution control equipment is operating at conditions that result in measurement of the highest emission or parameter values (prior to any control device), or at other operating conditions approved by the department or U.S. EPA. A test shall comprise three (3) sampling runs for a specified sampling time span. Additional conditions may be required by applicable rules, permit, or enforcement order. The test shall be performed using sampling and analytical procedures approved by the department or U.S. EPA for the specific pollutant or parameter and facility, unit, pollution control equipment, process, or operation.

(5) "Emissions unit" means any part of or activity at a source that emits or has the potential to emit any regulated air pollutant for which an emission limitation or standard has been established. This term does not alter or affect the definition of the term "unit" for purposes of Title IV of the CAA or of the term "emissions unit" for purposes of Title V of the CAA.

(6) "Major source" means any major source as defined in 326 IAC 2-7-1(22), excluding any source described in 326 IAC 2-7-1(22)(A).

(7) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards.

(8) "Monitor system malfunction" means any interruption in the collection of valid data as a result of the failure of any component of

the system to operate within the specifications of the applicable performance specification.

(9) "Out of control" means any data collected by a continuous monitoring system during periods immediately following an out of tolerance quality assurance assessment and prior to an acceptable quality assurance assessment.

(10) "Permit" means any applicable permit issued, renewed, amended, revised, or modified under 326 IAC 2-1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-7, 326 IAC 2-8, or 326 IAC 2-9.

(11) "Quality assurance" means those activities performed to ensure that monitoring data are sufficiently representative, accurate, precise, reliable, frequent, and timely. Those activities include, but are not limited to, frequent activities (daily) and less frequent activities (weekly, monthly, quarterly, and yearly).

**\*These documents are incorporated by reference. Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (Air Pollution Control Board; 326 IAC 3-4-1; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2062; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)**

SECTION 19. 326 IAC 3-4-3 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 3-4-3 Conversion factors

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 3. (a) Owners or operators of facilities subject to this article shall use the following procedures for converting monitoring data to units of the standard where necessary:

(1) For fossil fuel-fired steam generators, the following procedures shall be used to convert gaseous emission monitoring data in parts per million (ppm) to pounds per million British thermal units (Btu) (lbs/MMBtu) where necessary:

(A) When the owner or operator of a fossil fuel-fired steam generator elects under this article to measure oxygen (O<sub>2</sub>) in flue gases, the measurements of the pollutant concentration and oxygen shall be on a dry basis and the following conversion procedure used:

$$E = CF \frac{(20.9)}{(20.9 - \%O_2)}$$

(B) When the owner or operator elects under this article to measure carbon dioxide (CO<sub>2</sub>) in flue gases, the measurement of the pollutant concentration and the CO<sub>2</sub> concentration shall each be on a consistent basis (wet or dry) and the following conversion procedure used:

$$E = CF_c \frac{(100)}{(\%CO_2)}$$

(C) When the owner or operator elects under this article to measure sulfur dioxide (SO<sub>2</sub>) or nitrogen oxides (NO<sub>x</sub>) in the flue gases, the measurement of the diluent concentration and the SO<sub>2</sub> and the NO<sub>x</sub> concentration shall each be on a wet basis and the following conversion procedure used, except where wet scrubbers are employed or where moisture is otherwise added to the stack gases:

$$E = C_{ws} F_w \frac{(20.9)}{(20.9 (1 - B_{wa}) - \%O_{2ws})}$$

(D) When the owner or operator elects under this article to measure SO<sub>2</sub> or NO<sub>x</sub> in the flue gases, the measurement of the diluent concentration and the SO<sub>2</sub> and the NO<sub>x</sub> concentration shall each be on a wet basis and the following conversion procedure shall be used where wet scrubbers or moisture is otherwise present in the stack gases, provided water vapor content of the stack gas is measured at least once every fifteen (15) minutes at the same point as the pollutant and oxygen measurements are made:

$$E = C_{ws} F \frac{(20.9)}{(20.9 (1 - B_{ws}) - \%O_{2ws})}$$

(E) The values used in the equations under this subdivision are derived as follows:

$C_{ws}$  = Pollutant concentration at stack conditions in grams per wet standard cubic meter (g/wscm) or pounds per wet standard cubic meter (lbs/wscm), determined by multiplying the average concentration in parts per million (ppm) for each one (1) hour period by  $4.15 \times 10^{-5}$  M g/wscm per ppm or  $2.59 \times 10^{-9}$  M lbs/wscm per ppm, where M is pollutant molecular weight in grams per gram-mole (g/g-mole) or pounds per pound-mole (lb/lb-mole).

M = 64.07 for SO<sub>2</sub> and 46.01 for oxides of nitrogen (NO<sub>x</sub>) as NO<sub>2</sub>.

C = Pollutant concentration at stack conditions in pounds per dry standard cubic meter (lbs/dscm) or grams per dry standard cubic meter (g/dscm).

F,  $F_c$  = A factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted (F), and a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted ( $F_c$ ), respectively. Values of F and  $F_c$  are given in 40 CFR 60, Appendix A, Method 19\*, as applicable.

$F_w$  = A factor representing a ratio of the volume of wet flue gases generated to the calorific value of the fuel combusted. Values of  $F_w$  are given in 40 CFR 60, Appendix A, Method 19\*.

$B_{wa}$  = Proportion by volume of water vapor in the ambient air.

$B_{ws}$  = Proportion by volume of water vapor in the stack gas.

E = Pollutant emission, lbs/MMBtu.

Percent O<sub>2</sub>, = Oxygen or carbon dioxide volume (expressed as percent CO<sub>2</sub> percent) determined with equipment specified under this article.

Percent O<sub>2ws</sub> = Oxygen volume (expressed as percent) measurements made at stack conditions on a wet basis.

(2) For sulfuric acid plants or production facilities, the owner or operator shall:

(A) establish a conversion factor three (3) times daily according to the procedures of 40 CFR 60.84(b)\*;

(B) multiply the conversion factor by the average sulfur dioxide (SO<sub>2</sub>) concentration in the flue gases to obtain average SO<sub>2</sub> emissions in pounds per ton (lbs/ton); and

(C) report the average sulfur dioxide emissions for each three (3) hour period in excess of the emission standard set forth in 326 IAC 7 in the quarterly summary.

(b) Alternate procedures for computing emission averages that do not require integration of data or alternative methods of converting pollutant concentration measurements to units of the emission standard may be approved by the department if the owner or operator shows that the alternate procedures are at least as accurate as those in this rule.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-4-3; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2063; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 20. 326 IAC 3-5-2 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 3-5-2 Minimum performance and operating specifications

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 2. Owners and operators of monitoring equipment installed to comply with this rule shall comply with the performance specifications and operating requirements as follows:

(1) Performance specifications set forth in 40 CFR 60, Appendix B\*, shall be used to certify monitoring equipment installed pursuant to this rule; however, where reference is made to the administrator in 40 CFR 60, Appendix B, the term "department" shall be inserted for purposes of this rule, and where continuous emissions monitors were installed prior to March 1983 for measuring opacity, the performance specifications in 40 CFR 60, Appendix B\*, 1982 Edition, shall apply.

(2) Cycling times, which include the total time a monitoring system requires to sample, analyze, and record an emission measurement, shall be as follows:

(A) Continuous monitoring systems for measuring opacity shall complete a minimum of one (1) cycle of operation (sampling, analyzing, and data recording) for each successive ten (10) second period.

(B) Continuous monitoring systems that measure the following emissions shall complete a minimum of one (1) cycle of operation (sampling, analyzing, and data recording) for each successive fifteen (15) minute measuring period:

- (i) Carbon dioxide (CO<sub>2</sub>).
- (ii) Carbon monoxide (CO).
- (iii) Hydrogen sulfide (H<sub>2</sub>S).
- (iv) Oxides of nitrogen (NO<sub>x</sub>).
- (v) Oxygen (O<sub>2</sub>).
- (vi) Sulfur dioxide (SO<sub>2</sub>).
- (vii) Total hydrocarbons (THC).
- (viii) Total reduced sulfur (TRS).
- (ix) Volatile organic compounds (VOC).

(3) For opacity monitoring when effluent from two (2) or more affected facilities is combined before being released to the atmosphere, the owner or operator may either:

(A) install a continuous opacity monitoring system on the combined effluent; or

(B) install a continuous opacity monitoring system comprised of, and capable of combining the signals from, component transmissometers on each effluent stream.

Results shall be reported on combined effluent. This requirement shall not apply to facilities utilizing wet flue gas desulfurization equipment. For facilities using wet flue gas desulfurization equipment, opacity may be reported on the combined exhaust or on individual exhausts except as provided for facilities affected by an NSPS as described at 40 CFR 60.13(i)\*. Compliance for facilities that opt to report on the individual exhausts shall be determined on the individual exhausts based on data provided in accordance with section 7 of this rule.

(4) When the effluent from two (2) or more affected facilities subject to the same emission standard, other than opacity, are combined before being released to the atmosphere, the owner or operator may report the results as required for each affected facility or for the combined effluent.

(5) Instrument full-scale response or upper limit of concentration measurement range for all opacity monitoring systems shall be set at one hundred percent (100%) opacity if possible. If the monitoring system is a requirement of 40 CFR 60\*, 40 CFR 61\*, 40 CFR 63\*, or 40 CFR 75\*, then the appropriate instrument span values and cycling times pursuant to the applicable part shall be used. In all cases, the manufacturer's procedures for calibration shall be followed and may result in an upscale maximum response of less than one hundred percent (100%). The minimum instrument full-scale response for gaseous monitoring systems shall be set at two hundred percent (200%) of the expected instrument data display output corresponding to the emission limitation for the facility unless a request for an alternative setting that provides the following information is submitted to and approved by the department in writing:

(A) The proposed alternate instrument span value.

(B) The expected range of pollutant measured concentrations.

(C) The control device in use.

(D) The process to be controlled.

(E) The location of the monitor, such as stack or duct.

(F) The reason for requesting the alternate instrument span value.

(6) Locations for installing continuous monitoring systems or monitoring devices that vary from locations provided under the performance specifications of 40 CFR 60, Appendix B\*, shall be approved by the department and the U.S. EPA upon a demonstration by the owner or operator that installation at alternative locations will enable accurate and representative measurements.

(7) Owners or operators of affected facilities shall conduct continuous emission monitoring system performance evaluations, upon the request of the department, to demonstrate continuing compliance of the continuous emission monitoring systems with performance specifications as follows:

(A) A performance evaluation is a quantitative and qualitative evaluation of the performance of the continuous emission monitor in terms of:

(i) accuracy;

(ii) precision;

(iii) reliability;

(iv) representativeness; and

(v) comparability;

of the data acquired by the monitoring system.

(B) The department may request owners or operators of affected facilities, as defined in section 1(b) of this rule, to conduct

continuous emission monitoring system performance evaluations if the department has reason to believe, based on review of monitoring data, quality assurance data, inspections, or other information, that the continuous emission monitoring system is malfunctioning or may be providing invalid data over an extended period.

(C) A written report containing the complete information of the performance evaluations shall be furnished to the department within forty-five (45) days after the test date. The department may conduct performance evaluations of the continuous emission monitoring systems at any time in order to verify the continued compliance of the systems with the performance specifications.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-5-2; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2066*)

SECTION 21. 326 IAC 3-5-3 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 3-5-3 Monitor system certification

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 3. Monitor system certification requirements apply to sources and facilities subject to this rule as follows:

(1) The owner or operator shall conduct the applicable performance specifications tests in accordance with the procedures specified in 40 CFR ~~60\*\*~~, 60\*, or other applicable federal regulations, for the required monitoring system as follows:

(A) Not later than one hundred eighty (180) days after a facility start-up or initial monitor installation date.

(B) Not later than forty-five (45) unit operating days after monitor replacement date, or significant monitor repair as described in IDEM's Quality Assurance Manual, Chapter 20 (dated June 20, ~~1997~~)\*, 1997)\*\*, which affects the ability of the analyzer to function date.

(2) The owner or operator shall notify the department in writing as follows:

(A) No less than fourteen (14) days in advance of the start of continuous opacity monitor (COM) certification.

(B) No less than thirty-five (35) days in advance of the certification of a gaseous monitoring system.

(3) The owner or operator shall submit all the required test data and information in the form of a written report to the department for review and approval within forty-five (45) days of completion of the performance specification test.

(4) The department shall issue a written notice of certification status upon review of the complete certification test report. A required monitoring system is certified when the department issues a certification letter stating that the required monitoring system, including all applicable components, has satisfactorily met all federal and state monitoring requirements.

(5) The department may decertify a required monitoring system if an audit or performance evaluation reveals that such monitoring system or a component thereof does not meet applicable performance specifications or requirements. The owner or operator shall repeat

the certification process for the required monitoring system within forty-five (45) days of the date of the department's decertification of the required monitoring system.

\*Copies of IDEM's Quality Assurance Manual, Chapter 20 (dated June 20, 1997) are available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015.

\*\*\* Copies of the Code of Federal Regulations (CFR) referenced **\*This document is incorporated by reference.** Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015.

**\*\*This document is incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015.** (*Air Pollution Control Board; 326 IAC 3-5-3; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2067*)

SECTION 22. 326 IAC 3-5-4 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 3-5-4 Standard operating procedures

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 4. (a) The owner or operator of each affected facility specified in section 1(b) of this rule, any facility subject to 326 IAC 12, or any other facility required to monitor emissions on a continuous basis shall submit to the department, within ninety (90) days after monitor installation, a complete, written continuous monitoring standard operating procedures (SOP). If revisions are made to the SOP, updates shall be submitted to the department biennially. At a minimum, the SOP shall describe complete step-by-step procedures and operations as follows:

- (1) A description of the facility monitored.
- (2) A listing of the following:
  - (A) Each monitor's brand.
  - (B) Model number.
  - (C) Serial number.
  - (D) Monitoring location.
  - (E) Data handling and acquisition system.
- (3) Examples of all reporting and log forms.
- (4) Record keeping and reporting procedures that include the following:
  - (A) Reporting of instrument precision and accuracy.
  - (B) Reporting of emissions data.
- (5) Methods and procedures for analysis and data acquisition.
- (6) Calibration procedures that include the following:
  - (A) Calibration error limits and linearity.
  - (B) Calibration gas type, gas quality, and traceability to the National Institute of Standards and Technology.
  - (C) Calibration frequency.
  - (D) Criteria for recalibration, and analysis procedures to periodically verify the accuracy of span and calibration standards.
- (7) Operation procedures that include daily procedures, quantifying and recording daily zero (0) and high level drift that meet the

requirements of 40 CFR 60, Appendix B\*, Performance Specification 2, Section 4.2 or other applicable regulations, and other operating parameter checks indicating correct operational status.  
(8) Quality control and quality assurance procedures that include the following:

- (A) A statement of quality policy and objectives.
- (B) Organization and responsibilities description.
- (C) Calibration and span and zero (0) drift criteria.
- (D) Excessive drift criteria.
- (E) Corrective action for excessive drift.
- (F) Precision and accuracy audits.
- (G) Corrective action for accuracy audits failure.
- (H) Data validity criteria.
- (I) Participation in department audits.
- (J) Data recording and calculation audits.

(9) Preventive maintenance procedures and corrective maintenance procedures that include those procedures taken to ensure continuous operation and to minimize malfunctions.  
(10) A listing of the manufacturer's recommended spare parts inventory.

(b) If a facility owner or operator fails to submit a SOP or submits a SOP that fails to address the factors provided under subsection (a), the department may require a performance evaluation pursuant to section 2 of this rule.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-5-4; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2068*)

SECTION 23. 326 IAC 3-5-5 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 3-5-5 Quality assurance requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 5. (a) Except where 40 CFR 75\* is applicable for affected facilities under the acid rain program, quality assurance requirements specified in this section and 40 CFR 60, Appendix F\*, apply to continuous emission monitors that monitor the following:

- (1) Carbon dioxide (CO<sub>2</sub>).
- (2) Carbon monoxide (CO).
- (3) Hydrogen sulfide (H<sub>2</sub>S).
- (4) Nitrogen oxide (NO<sub>x</sub>).
- (5) Oxygen (O<sub>2</sub>).
- (6) Sulfur dioxide (SO<sub>2</sub>).
- (7) Total hydrocarbons (THC).
- (8) Total reduced sulfur (TRS).
- (9) Volatile organic compounds (VOC).

(b) Facilities that are subject to 40 CFR 75\* shall follow the quality assurance procedures of 40 CFR 75\* and report the results in accordance with subsection (e).

(c) Quality control (QC) requirements for continuous opacity monitoring systems (COMS) are as follows:

(1) For calibration drift (CD) assessment, the COMS shall be checked at least once daily. The CD shall be quantified and recorded at zero (0) (or low level) and upscale level opacity. The COMS shall be adjusted whenever the CD exceeds the specification of 40 CFR 60, Appendix B\*, Performance Specification 1 (PS-1)\*, and the COMS shall be declared out of control when the CD exceeds twice the specification of PS-1. Corrective actions, followed by a validating CD assessment, are required when the COMS is out of control.

(2) For fault indicators assessment, the fault lamp indicators, data acquisition system error messages, and other system self-diagnostic indicators shall be checked at least daily. Appropriate corrective actions shall be taken when the COMS is operating outside the preset limits.

(3) For performance audits, checks of the individual COMS components and factors affecting the accuracy of the monitoring data, as described in this subdivision, shall be conducted, at a minimum, on a calendar quarter basis. The absolute minimum checks included in the performance audit are as follows:

(A) The status of the optical alignment of the monitor components shall be checked and recorded according to the procedure specified by the monitor manufacturer. Monitor components must be realigned as necessary.

(B) The apparent effluent opacity shall be compared and recorded before and after cleaning each of the exposed optical surfaces. The total optical surface dust accumulation shall be determined by summing up the apparent reductions in opacity for all of the optical surfaces that are cleaned. Caution should be employed in performing this check since fluctuations in effluent opacity occurring during the cleaning cycle may adversely affect the results.

(C) The zero (0) and upscale response errors shall be determined and recorded according to the CD procedures. The errors are defined as the difference (in percent opacity) between the correct value and the observed value for the zero (0) and high level calibration checks.

(D) The value of the zero (0) compensation applied at the time of the audit shall be calculated as equivalent opacity, corrected to stack exit conditions, according to the procedures specified by the manufacturer. The compensation applied to the effluent recorded by the monitor system shall be recorded.

(E) The optical pathlength correction ratio (OPLR) shall be computed from the monitor pathlength and stack exit diameter and shall be compared, and the difference recorded, to the monitor setup OPLR value. The stack exit correlation error shall be determined as the absolute value of the difference between the measured value and the correct value, expressed as a percentage of the correct value.

(F) A three-point calibration error test of the COMS shall be conducted. Three (3) neutral density filters meeting the requirements of PS-1 shall be placed in the COMS light beam path. The monitor response shall be independently recorded from the COMS permanent data recorder. Make a total of five (5) nonconsecutive readings for each filter. The low-range, mid-range, and high-range calibration error results shall be computed as the mean difference and ninety-five percent (95%) confidence interval for the difference between the expected and the actual responses of the monitor as corrected to stack exit conditions. These values shall be calculated using the procedure of PS-1, Section 8.0\*. The following are requirements for these values:

(i) The calibration error test requires the installation of an external calibration audit device (zero-jig). The zero-jig shall be adjusted to provide the same zero (0) response as the monitor's simulated zero (0).

(ii) Use calibration attenuators, that is, neutral density filters or

screens, with values that have been determined according to PS-1, Section 7.1.3, "Attenuator Calibration"\*, and produce simulated opacities (as corrected to stack exit conditions) in the ranges listed in Table 1-2 in PS-1\*.

(iii) The stability of the attenuator values shall be checked at least once per year according to the procedures specified in PS-1\*.

The attenuators shall be recalibrated if the stability checks indicate a change of two percent (2%) opacity or greater.

(4) The following are requirements for monitor acceptance criteria:

(A) The following criteria are to be used for determining if the COMS audit results are acceptable:

TABLE 1. PERFORMANCE AUDIT CRITERIA

Stack Exit Correlation Error	≤ 2 percent
Zero and Upscale Responses	≤ 2 percent opacity
Zero Compensation	≤ 4 percent opacity
Optical Alignment	Misalignment error ≤ 2 percent opacity
Optical Surface Dust Accumulation	≤ 4 percent opacity
Calibration Error	≤ 3 percent opacity

(B) The COMS is out of control whenever the results of a quarterly performance audit indicate noncompliance with any of the performance assessment criteria of Table 1 in clause (A). If the COMS is out of control, the owner or operator must take the action necessary to eliminate the problem. Following corrective action, the source owner or operator must reconduct the appropriate failed portion of the audit and other applicable portions to determine whether the COMS is operating properly and within specifications. The COMS owner or operator shall record both audit results showing the COMS to be out of control and the results following corrective action. COMS data obtained during any out of control period may not be used for compliance determination; the data may be used for identifying periods where there has been a failure to meet quality assurance and control criteria.

(C) Repeated audit failures, that is, out of control conditions resulting from the quarterly audits, indicate that the QC procedures are inadequate or the COMS is incapable of providing quality data. The source owner or operator shall increase the frequency of the above QC procedures until the performance criteria are maintained or modify or replace the COMS whenever two (2) consecutive quarters of unacceptable performance occur.

(5) The performance audit calculations contained in PS-1, Section 8\* shall be followed.

(d) Except where 40 CFR 75\* is applicable for affected facilities under the acid rain program, quality control requirements for flow monitoring systems are as follows:

(1) For CD assessment, the flow monitoring system shall be checked at least once daily. The CD shall be quantified and recorded at zero (0) (or low level) and upscale level. The flow monitoring systems shall be adjusted whenever the CD exceeds the specification of 40 CFR 60, Appendix B, Performance Specification 6 (PS-6)\*, and the flow monitoring systems shall be declared out of control when the CD exceeds twice the specification of PS-6. Corrective actions, followed by a validating CD assessment, are required when the flow monitoring system is out of control.

(2) An annual relative accuracy test.

(e) Reporting requirements for performance audits are as follows:

(1) Owners or operators of facilities required to conduct:

(A) cylinder gas audit;

(B) relative accuracy test audit; or

(C) continuous opacity monitor calibration error audit;

on continuous emission monitors shall prepare a written report of the results of the performance audit for each calendar quarter, or for other periods required by the department. Quarterly reports shall be submitted to the department within thirty (30) calendar days after the end of each quarter.

(2) The performance audit report shall contain the following information:

(A) Plant and monitor information, including the following:

- (i) The plant name and address.
- (ii) The monitor brand, model, and serial number.
- (iii) The monitor span.
- (iv) The monitor location, for example, duct, boiler, unit, or stack designation.

(B) Performance audit information, including the following:

- (i) The auditor's name.
- (ii) A copy of the audit standard's certification, for example, the vendor's Protocol 1 certification, or neutral density filter certification.
- (iii) All data used to calculate the audit results.
- (iv) The audit results and an indication if the monitor passed or failed the audit. If the performance audit results show the CEMS or COMS to be out of control, the CEMS or COMS owner or operator must report both the audit results showing the CEMS or COMS to be out of control and the results of the audit following corrective action showing the COMS to be operating within specification.
- (v) Any corrective actions performed as the result of a failed audit.

(f) If a relative accuracy test audit of any continuous emission monitor listed in subsection (a) is performed, the department must be notified at least thirty-five (35) days prior to the audit.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-5-5; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2069*)

SECTION 24. 326 IAC 3-6-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 3-6-1 Applicability; test procedures**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 1. This rule applies to any facility emissions testing performed to determine compliance with applicable emission limitations contained in this title, or for any other purpose requiring review and approval by the department (such as an alternate emission factor determination). Emission tests subject to this rule shall be conducted in accordance with any applicable procedures and analysis methods specified in 40 CFR 51\*, 40 CFR 60\*, 40 CFR 61\*, 40 CFR 63\*, 40 CFR 75\*, or other procedures approved by the department.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of

Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-6-1; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2072*)

SECTION 25. 326 IAC 3-6-3 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 3-6-3 Emission testing**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 3. (a) Department staff may observe field test procedures and source operation during the emission test.

(b) All emission tests shall be conducted as follows:

- (1) While the facility being tested is operating at ninety-five percent (95%) to one hundred percent (100%) of its permitted operating capacity.
- (2) Under conditions representative of normal operations.
- (3) Under other capacities or conditions specified and approved by the department. As used in this subdivision, "capacity" means the design capacity of the facility or other operating capacities agreed to by the source and the department.

(c) Facilities subject to 326 IAC 12, New Source Performance Standards, or 326 IAC 20, Hazardous Air Pollutants, shall be tested under conditions as specified in the applicable provision for that facility in 40 CFR 60\* or 40 CFR 63\* and this rule where appropriate.

(d) The source shall make available at the test site calibration results of the various sampling components. The information shall include the following:

- (1) The date or dates the test was performed.
- (2) The methods used.
- (3) The data.
- (4) The results.

All components requiring calibration shall be calibrated within sixty (60) days prior to the actual test date. Post-test calibrations shall be performed on the components not later than forty-five (45) days after the actual test date. Components requiring calibration are listed in the federal test methods specified in this rule.

(e) The department may perform or require the performance of audits of equipment or procedures associated with the test series up to the time of the actual performance of the test, between test runs, or following the test series. The department reserves the right to perform or observe all associated analyses.

(f) The original or a photocopy of the raw field data generated during the test series shall be provided to the department observer upon request if such request may be reasonably met under the existing circumstances.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-6-3; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2073*)

SECTION 26. 326 IAC 3-6-5 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 3-6-5 Specific testing procedures; particulate matter; sulfur dioxide; nitrogen oxides; volatile organic compounds**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 5. (a) Particulate matter tests shall be conducted in accordance with the following procedures:

- (1) 40 CFR 60, Appendix A, Method 5\*, 5A\*, 5B\*, 5C\*, 5D\*, 5E\*, or 5F\*, as applicable, or other procedures approved by the department.
- (2) Visible emissions (VE) evaluations shall be performed in conjunction with a particulate emissions test by a qualified observer in accordance with the procedures contained in 326 IAC 5-1-4. VE readings shall be continuously recorded for at least thirty (30) minutes per hour of sampling time for each sampling repetition. A waiver from this requirement may be granted by the on-site department staff person if adverse conditions exist that would invalidate the VE readings. Complete waivers may not be granted to facilities required to complete opacity testing pursuant to 40 CFR 60.8\*. Facilities equipped with continuous opacity monitors may submit the six (6) minute integrated readings of such monitors during the sampling period, instead of performing VE evaluations, provided:
  - (A) the monitoring system meets the performance specifications as specified in 40 CFR 60, Appendix B\*, and is, or will be, certified by the department; and
  - (B) the monitor readings submitted with the test include a zero (0) and upscale calibration check before the first test run and following the end of the final run.
- (3) At least three (3) repetitions of the test shall be performed under consistent facility operating conditions unless otherwise allowed by the department. For boiler emissions testing, at least one (1) of the three (3) repetitions shall be conducted during a normal sootblowing cycle that is consistent with frequency and duration normally experienced.
- (4) At Richmond Power and Light's Whitewater Generating Station, when sootblowing occurs during one (1) of the three (3) repetitions, emission test results shall be evaluated using either a time weighted averaging period (TWAP) or a straight averaging technique. When using TWAP, the following equation shall be used to ensure proper weighting of an intermittent cleaning cycle performance test run regardless of the length of the length of the cleaning cycle and regardless of the number and duration of the test runs made on the unit. When using TWAP, the representative pounds per hour of particulate emissions shall be calculated using the following equation:

$$E = E_{cc} \frac{(A + B)}{AR} S + E_{ncc} \frac{(R - S)}{R} - \frac{BS}{AR}$$

Where: E = Pounds per hour of particulate emissions.  
 E<sub>cc</sub> = Average E of sample containing cleaning cycle.  
 E<sub>ncc</sub> = Average E of sample containing no cleaning cycle.  
 A = Hours of cleaning cycle operation during sample.  
 B = Hours with no cleaning cycle operation during sample.  
 R = Average hours of operation per twenty-four (24) hours.  
 S = Average hours of cleaning cycle operation per twenty-four (24) hours.

- (5) Only those fuels representative of normal fuel quality used during normal operations shall be combusted.
- (6) During each repetition, each sampling point shall be sampled for a minimum of two (2) minutes.
- (7) The total test time per repetition shall be no less than sixty (60) minutes.
- (8) The total sample volume per repetition shall be no less than thirty (30) dry standard cubic feet (dscf).
- (9) The total particulate weight collected from the sampling nozzle, probe, cyclone (if used), filter holder (front half), filter, and connecting glassware shall be reported to the department. Particulate analysis of the impinger catch is not required, unless specified by the department.

(b) Sulfur dioxide (SO<sub>2</sub>) tests shall be conducted in accordance with the following procedures:

- (1) 40 CFR 60, Appendix A, Method 6\*, 6A\*, or 6C\*, or 8\*, as applicable, or other procedures approved by the department.
- (2) At least three (3) repetitions of two (2) samples, each according to 40 CFR 60, Appendix A, Method 6\*, 6A\*, or 6C\*, or three (3) repetitions according to 40 CFR 60, Appendix A, Method 8\*, performed under identical facility operating conditions, shall constitute a test. For boiler emissions testing, only those fuels representative of fuel quality during normal operations shall be combusted.
- (3) During each of the repetitions for 40 CFR 60, Appendix A, Method 8\*, each sampling point shall be sampled for a minimum of two (2) minutes.
- (4) The total test time per repetition shall be as follows:
  - (A) For tests using 40 CFR 60, Appendix A, Method 6\*, 6A\*, or 6C\*, a minimum of twenty (20) minutes per run with a thirty (30) minute interval between each run.
  - (B) For tests using 40 CFR 60, Appendix A, Method 8\*, a minimum of sixty (60) minutes per run.
- (5) The total sample volume per repetition under 40 CFR 60, Appendix A, Method 8\*, shall be no less than forty (40) dry standard cubic feet (dscf).

(c) Nitrogen oxide (NO<sub>x</sub>) tests shall be conducted according to the following procedures:

- (1) 40 CFR 60, Appendix A, Method 7\*, 7A\*, 7B\*, 7C\*, or 7E\*, as applicable, or other procedures approved by the department.
- (2) At least three (3) repetitions of four (4) samples each shall constitute a test.

(d) Volatile organic compounds (VOC) emissions tests shall be conducted in accordance with the following procedures:

- (1) 40 CFR 60\*, Appendix A, Method 25\*, or other procedures approved by the department, shall be used for the total nonmethane organic emissions.
- (2) At least three (3) samples shall be collected and analyzed.
- (3) The total test time per repetition shall be a minimum of sixty (60) minutes.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 3-6-5; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2074)

SECTION 27. 326 IAC 3-7-2 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 3-7-2 Coal sampling and analysis methods**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 2. (a) Owners or operators of coal sampling systems for sources with total coal-fired capacity greater than or equal to one thousand five hundred (1,500) million British thermal units (Btus) per hour actual heat input shall follow procedures specified in ASTM D2234-89\*, "Standard Methods for Collection of a Gross Sample of Coal", unless otherwise provided in section 3 of this rule. Additionally, the coal sampling system shall meet the following requirements:

- (1) The coal sample acquisition point shall be at a location where representative samples of the total coal flow to be combusted by the facility or facilities may be obtained. A single as-bunkered sampling station may be used to represent the coal to be combusted by multiple facilities using the same stockpile feed system.
- (2) The increment collection method is specified in ASTM D2234-89\*, Table 1, I-A-1, I-B-1, or I-C-1.
- (3) The opening of the sampling device shall be at least two and one-half (2.5) times the top-size of the coal and not less than one and one-fourth (1.25) inches.
- (4) The sampling device shall have sufficient capacity to completely retain or entirely pass the increment without loss or spillage.
- (5) The velocity with which the cross-stream cutting instrument travels through the stream shall not exceed eighteen (18) inches per second. The velocity requirement shall not apply to a swing-arm sampler or to a sampler whose cutter opening is perpendicular to the stream of coal. Owners or operators of all coal sampling systems shall detail the proper operating procedures in the standard operating procedures document required under section 5 of this rule.
- (6) Increments obtained during the sampling period shall be protected from changes in composition to maintain the integrity of constituent characteristics required to convert sample sulfur content to units of the applicable emission standard.
- (7) A comparison of weight or volume of collected sample with that of the total flow of coal shall be conducted at a minimum of one (1) time every two (2) weeks to assure a constant sampling ratio is maintained for increments composited into a sample representing a single twenty-four (24) hour period.
- (8) A routine inspection of the sampling system shall be established to meet requirements and guidelines specified in ASTM D4702-87\*, "Guide for Inspecting Mechanical Coal Sampling Systems that Use Cross-Cut Sample Cutters for Conformance with Current ASTM Methods".
- (9) Composite samples shall be collected for analysis at a minimum of one (1) time per twenty-four (24) hour period.

(b) Owners or operators of coal sampling systems for sources with total coal-fired capacity between one hundred (100) and one thousand five hundred (1,500) million Btus per hour actual heat input shall comply with requirements specified as follows:

- (1) in subsection (a);
- (2) in section 3 of this rule; or
- (3) shall meet the following minimum requirements:
  - (A) The coal sample acquisition point shall be at a location where representative samples of the total coal flow to be combusted by the facility or facilities may be obtained. A single as-bunkered or as-burned sampling station may be used to represent the coal to be combusted by multiple facilities using the same stockpile feed system.

(B) Coal shall be sampled at least three (3) times per day and at least one (1) time per eight (8) hour period unless no coal is bunkered during the preceding eight (8) hour period.

(C) Minimum sample size shall be five hundred (500) grams.

(D) Samples shall be composited and analyzed at the end of each calendar month.

(c) Coal samples shall be prepared for analysis in accordance with procedures specified in ASTM D2013-86\*, "Standard Method of Preparing Coal Samples for Analysis". The preparation of samples shall meet the following requirements:

- (1) Samples shall be prepared in accordance with ASTM D2013-86\*, Procedure A or Procedure B.
- (2) Sample preparation shall be checked at weekly intervals by performing a split sample of the twenty-four (24) hour composite sample and preparing and analyzing these two (2) identically.

(d) The heat content of coal samples shall be determined in accordance with procedures specified in ASTM D2015-95\*, "Standard Test Method for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter", or ASTM D3286-91A\*, "Standard Test Method for Gross Calorific Value of Coal and Coke by the Isothermal Jacket Bomb Calorimeter". Restandardization requirements in Section 11 of both methods shall be followed. Precision requirements for repeatability shall be verified according to Section 16.1.1 of both methods at a minimum of once per week.

(e) The sulfur content of coal samples shall be determined according to procedures specified in ASTM D3177-89\*, "Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke", or ASTM D4239-94\*, "Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods". Precision requirements for repeatability shall be verified according to ASTM D3177-89, Section 13\*, or ASTM ~~D4239-94\*~~, **D3177-89**, Section 18\*, at a minimum of one (1) time per week. The laboratory that performs the analysis shall participate in an interlaboratory audit program using coal samples supplied by the department.

(f) Compliance with this section is required unless a source owner or operator demonstrates to the department that modifications to the coal sampling and analysis procedures at a source are necessary to meet the requirements of this section.

**\*These documents are incorporated by reference.** Copies of the American Society for Testing and Materials (ASTM) procedures referenced may be obtained from ASTM, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428; (610) 832-9585 and are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-7-2; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2075; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 28. 326 IAC 3-7-4 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 3-7-4 Fuel oil sampling; analysis methods**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-14-4-3; IC 13-15; IC 13-17

Sec. 4. (a) Sampling and analysis of the sulfur content of fuel oil

shall be performed in accordance with the following ASTM procedures:

- (1) Collection of fuel oil samples shall be conducted according to either of the following:
  - (A) ASTM D4057-88\*, "Standard Practice for Manual Sampling of Petroleum and Petroleum Products".
  - (B) ASTM D4177-82\*, "Standard Method for Automatic Sampling of Petroleum and Petroleum Products".
- (2) Determination of sulfur content shall be conducted according to any of the following:
  - (A) ASTM D129-95\*, "Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)".
  - (B) ASTM D1266-91\*, "Standard Test Method for Sulfur in Petroleum Products (Lamp Method)".
  - (C) ASTM D1552-95\*, "Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method)".
  - (D) ASTM D2622-94\*, "Standard Test Method for Sulfur in Petroleum Products (X-Ray Spectrographic Method)".
- (3) Determination of heat content shall be conducted according to ASTM D240-92\*, "Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter".

(b) An owner or operator may, with the prior approval of the department, modify the procedures specified in subsection (a), use alternate equivalent procedures, or rely upon equivalent sampling and analysis procedures performed by the vendor prior to delivery of the fuel oil to the owner or operator.

**\*These documents are incorporated by reference.** Copies of the American Society for Testing and Materials (ASTM) procedures referenced may be obtained from ASTM, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428, (610) 832-9585 and are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 3-7-4; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2077; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 29. 326 IAC 5-1-2 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 5-1-2 Opacity limitations

**Authority:** IC 13-14-8; IC 13-17-3-4  
**Affected:** IC 13-11; IC 13-17

Sec. 2. Opacity from a source or facility shall not exceed any of the following limitations, and, unless otherwise stated, opacity levels shall be observed in accordance with the procedures set forth in section 4 of this rule:

- (1) Sources or facilities of opacity located in areas not listed in section 1(c) of this rule shall meet the following limitations:
  - (A) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period.
  - (B) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9\* or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.
- (2) Sources or facilities of opacity located in the areas listed in section 1(c) of this rule shall meet the following limitations:
  - (A) Opacity shall not exceed an average of thirty percent (30%) in any one (1) six (6) minute averaging period.

(B) Opacity from a facility located in Lake County shall not exceed an average of twenty percent (20%) in any one (1) six (6) minute averaging period unless otherwise specified in 326 IAC 6-1-10.1. This opacity limit shall supersede the opacity limit contained in clause (A).

(C) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9\* or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

(3) Opacity from Richmond Power & Light's Coal Boiler No. 1 and Coal Boiler No. 2 shall not exceed an average of thirty percent (30%) in any one (1) six (6) minute averaging period. Effective May 1, 1999, opacity from Richmond Power & Light's Coal Boiler No. 1 and Coal Boiler No. 2 shall not exceed an average of twenty-five percent (25%) in any one (1) six (6) minute averaging period.

(4) Sources and facilities of opacity, for which an alternate opacity limitation has been established under section 5(b) of this rule, shall comply with the limitations in section 5(b) of this rule instead of the limitations in subdivisions (1) and (2).

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 5-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2421; filed May 12, 1993, 11:30 a.m.: 16 IR 2364; filed Jun 15, 1995, 1:00 p.m.: 18 IR 2727; errata filed Jul 6, 1995, 5:00 p.m.: 18 IR 2795; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3049; filed Oct 9, 1998, 3:56 p.m.: 22 IR 427*)

SECTION 30. 326 IAC 5-1-4 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 5-1-4 Compliance determination

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12  
**Affected:** IC 13-11; IC 13-17

Sec. 4. (a) Determination of opacity from sources or facilities to which this rule applies shall be made in accordance with subdivision (1) or (2) as follows:

- (1) Determination of opacity by means of visible emissions readings shall be made in accordance with 40 CFR 60, Appendix A, Method 9\*.
- (2) For a source or facility in compliance with the requirements of 326 IAC 3-5, determination of compliance with visible emission limitations established in this rule may also be made in accordance with a source's or facility's continuous monitoring equipment if determined appropriate by the department or the U.S. EPA.

(b) This subsection applies in the event of a conflict between the opacity readings obtained under subsection (a)(1) and those obtained under subsection (a)(2) for the same time period. If the conflict occurs, the commissioner may require that the source perform an audit on the opacity monitoring system consistent with 326 IAC 3-5-2(7)(B). After reviewing the results of the audit, if performed, enforcement action may be taken based on the opacity readings obtained under subsection (a)(1) or the opacity readings obtained under subsection (a)(2). This does not preclude a source from using the opacity readings obtained under subsection (a)(2) or other relevant information to refute the findings of the commissioner.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 5-1-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2422; filed May 12, 1993, 11:30 a.m.: 16 IR 2365; filed Oct 9, 1998, 3:56 p.m.: 22 IR 430*)

SECTION 31. 326 IAC 5-1-5 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 5-1-5 Violations

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12  
**Affected:** IC 13-11; IC 13-17

Sec. 5. (a) Except as provided in section 4(b) of this rule, a violation of this rule shall constitute prima facie evidence of a violation of the applicable mass emission limitation. A violation of the mass emission rule may be refuted by a performance test conducted in accordance with 326 IAC 3-6. The test shall refute the mass emission violation only if the source is shown to be in compliance with the allowable mass emission limit. An exceedance of the allowable opacity emission limit during a performance test shall not be treated as a violation of the applicable mass emission limitation if, during the test described in 326 IAC 3-6, the source demonstrates compliance with the allowable mass emission limit while simultaneously having opacity more than or equal to the reading at which the exceedance was originally observed.

(b) If a source or facility believes it can operate in compliance with the applicable mass emission limitation, but exceeds the limits specified in section 2 of this rule, the owner or operator may submit a written petition to the commissioner requesting that an alternate opacity limitation (AOL) be established.

(1) The petition must be submitted to the commissioner, and a copy submitted to the local air pollution control agency, if applicable, no later than sixty (60) days prior to the scheduled performance test date. The petition must contain, contain, at a minimum, the following information:

- (A) Source name and address.
- (B) Address of affected source if different from clause (A).
- (C) List of potentially affected parties.
- (D) Identification of control device or devices and typical operating parameters.
- (E) Applicable particulate matter (PM or PM<sub>10</sub>) and opacity limits.
- (F) Other applicable rule requirements or permit conditions.
- (G) Proposed alternative opacity limit.
- (H) The reason or reasons for requesting the alternative opacity limit.
- (I) Complete test protocol in accordance with 326 IAC 3-6.

(2) The alternative opacity limit shall be based upon a series of three (3) complete mass emission tests (nine (9) sample runs) conducted according to the procedures specified in 326 IAC 3 and three (3) opacity tests conducted simultaneously, according to section 4 of this rule. Where the commissioner determines there is no acceptable test method available, a request for an alternative opacity limit shall be denied.

(3) The performance tests must be witnessed by the commissioner, U.S. EPA, the local air pollution control agency, or their authorized representatives unless other arrangements are made in advance of the start of the testing that will allow the testing to proceed without agency staff present to observe the tests.

(4) The owner or operator must demonstrate that the following conditions were met during the performance test:

- (A) The source or emissions unit was operated according to its permitted conditions and under normal or representative operating conditions.
- (B) The associated air pollution control system was installed and was being operated as specified in any applicable permit condition or conditions.
- (C) The air pollution control equipment was properly maintained and in good operating condition, and was operated according to the manufacturer's recommended operating conditions to minimize emissions and opacity.
- (D) The affected emissions unit and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity limit, except during:
  - (i) periods when the control equipment is not operating properly; or
  - (ii) other exempt periods under section 3 of this rule.
- (E) Each test was conducted under reasonably similar operating conditions.
- (F) Any other conditions as required by the commissioner or the U.S. EPA.

(5) The commissioner may require one (1) or more of the following:

- (A) The installation of a continuous opacity monitoring system that meets the requirements of 326 IAC 3.
- (B) Monitoring sufficient to demonstrate compliance with the alternative opacity limit.
- (C) Regular reporting to verify compliance with the alternative opacity limit.

(6) The alternative opacity limit shall only apply to the emissions unit for which the alternative opacity limit was originally established and shall not be extended to any other unit or units.

(7) For multiple units or processes with a common stack, all units must be in operation during the entire test series unless operational limitations are specified in the operation permit or simultaneous operation does not conform with the source's operating procedures.

(8) The alternative opacity limit shall be determined based on the results of the performance tests.

(9) The particulate matter test results for each sample run must demonstrate compliance with all applicable particulate matter limits or standards. If noncompliance is demonstrated during any sample run, the test series is not valid for an alternative opacity limit determination.

(10) The alternative opacity limit established for a source shall be incorporated by amendment into the source's operating permit and submitted to the U.S. EPA in accordance with section 7 of this rule.

(11) If the alternative opacity limit exceeds an applicable new source performance standard (NSPS) opacity limit, the provisions in 40 CFR 60.11\* must be satisfied in addition to the procedures in this rule. The procedures shall be approved by the U.S. EPA, the commissioner, and the local air pollution control agency as appropriate.

(c) Nothing in this rule shall be construed as allowing an exception or exemption from a requirement in a state or federal new source performance standard without approval by the U.S. EPA.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue,

Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 5-1-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2423; filed May 12, 1993, 11:30 a.m.: 16 IR 2366; filed Oct 9, 1998, 3:56 p.m.: 22 IR 431*)

SECTION 32. 326 IAC 7-2-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 7-2-1 Reporting requirements; methods to determine compliance**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-14-8; IC 13-15; IC 13-17

Sec. 1. (a) As used in this article, "weighing factor" means the daily quantity of coal bunkered or megawatt generation or other appropriate measure of the output of a combustion source.

(b) As used in this article, "rolling weighted average sulfur dioxide emission rate" means the summation of the average sulfur dioxide emission rate times the daily weighing factor divided by the summation of the weighing factors.

(c) Owners or operators of sources or facilities subject to 326 IAC 7-1.1 or 326 IAC 7-4 shall submit to the commissioner the following reports based on fuel sampling and analysis data obtained in accordance with procedures specified under 326 IAC 3-7:

(1) Fuel combustion sources with total coal-fired heat input capacity greater than or equal to one thousand five hundred (1,500) million British thermal units (Btus) per hour shall submit quarterly reports of the thirty (30) day rolling weighted average sulfur dioxide emission rate in pounds per million Btus. Records of the daily average coal sulfur content, coal heat content, weighing factor, and daily average sulfur dioxide emission rate in pounds per million Btus shall be submitted to the department in the quarterly report and maintained by the source owner or operator for a period of at least two (2) years.

(2) Fuel combustion sources with total coal-fired heat input capacity greater than one hundred (100) and less than one thousand five hundred (1,500) million Btus per hour shall submit quarterly reports of the calendar month average coal sulfur content, coal heat content, and sulfur dioxide emission rate in pounds per million Btus and the total monthly coal consumption.

(3) All other fuel combustion sources shall submit reports of calendar month average sulfur content, heat content, fuel consumption, and sulfur dioxide emission rate in pounds per million Btus upon request.

(d) Compliance or noncompliance with the emission limitations contained in 326 IAC 7-1.1 or 326 IAC 7-4 may be determined by a stack test conducted in accordance with 326 IAC 3-6 utilizing procedures outlined in 40 CFR 60, Appendix A, Method 6\*, 6A\*, 6C\*, or 8\*.

(e) Fuel sampling and analysis data shall be collected pursuant to the procedures specified in 326 IAC 3-7-2 or 326 IAC 3-7-3 for coal combustion or 326 IAC 3-7-4 for oil combustion, and these data may be used to determine compliance or noncompliance with the emission limitations contained in 326 IAC 7-1.1 or 326 IAC 7-4. Computation of calculated sulfur dioxide emission rates from fuel sampling and analysis data shall be based on the emission factors contained in U.S. EPA publication AP-42\* "~~Compilation of Air Pollutant Emission Factors~~" (September 1988)\*, unless other emission factors based on site-specific sulfur dioxide measurements are approved by the

commissioner and the U.S. EPA. Fuel sampling and analysis data shall be collected as follows:

(1) For coal-fired fuel combustion sources with heat input capacity greater than or equal to one thousand five hundred (1,500) million Btus per hour, compliance or noncompliance shall be determined using a thirty (30) day rolling weighted average sulfur dioxide emission rate in pounds per million Btus unless a shorter averaging time or alternate averaging methodology is specified for a source under this article.

(2) For all other combustion sources, compliance or noncompliance shall be determined using a calendar month average sulfur dioxide emission rate in pounds per million Btus unless a shorter averaging time or alternate averaging methodology is specified for a source under this article.

(f) A determination of noncompliance pursuant to either the method specified in subsection (d) or (e) shall not be refuted by evidence of compliance pursuant to the other method.

(g) Upon written notification of a facility owner or operator to the department, continuous emission monitoring data collected and reported pursuant to 326 IAC 3-5 may be used as the means for determining compliance with the emission limitations in this article. Upon such notification, the other requirements of this rule shall not apply.

\*These documents are incorporated by reference. Copies of the Code of Federal Regulations (CFR) and AP-42 referenced may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections or are also available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Room 1001, P.O. Box 6015, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 7-2-1; filed Aug 28, 1990, 4:50 p.m.: 14 IR 52; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2078; errata filed Feb 9, 1999, 4:06 p.m.: 22 IR 2006; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Nov 7, 2001, 3:00 p.m.: 25 IR 813*)

SECTION 33. 326 IAC 7-4-10 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 7-4-10 Warrick County sulfur dioxide emission limitations**

**Authority:** IC 13-14-8; IC 13-17-3  
**Affected:** IC 13-15; IC 13-17; IC 13-22

Sec. 10. (a) The following sources and facilities located in Warrick County shall comply with the sulfur dioxide emission limitations in pounds per million Btu, unless otherwise specified, and other requirements:

(1) Southern Indiana Gas and Electric Company (SIGECO)

Facility Description	Emission Limitations
(A) Culley Units 1, 2, and 3	
Prior to December 31, 1989	6.0 each
Beginning December 31, 1989	5.41 each
Beginning August 1, 1991	2.79 each
(Units 1 and 2 only)	

(B) As an alternative to the emission limitations specified in clause (A), beginning August 1, 1991, sulfur dioxide emissions from Culley Units 1 and 2 shall be limited in pounds per million Btu as follows:

<u>Facility Description</u>	<u>Emission Limitations</u>
Unit 1	0.0006
Unit 2	4.40
(C) SIGECO shall notify the department and the U.S. EPA via certified mail at least fourteen (14) days prior to its intention to rely on the set of limits in clause (B) or to switch between sets of limits listed in clauses (A) through (B).	
(D) For the purposes of 326 IAC 7-2-1(c)(1), during thirty (30) day periods in which SIGECO relies on more than one (1) set of limits contained in clauses (A) through (B), a separate thirty (30) day rolling weighted average for each set of limits shall be determined. Each thirty (30) day rolling weighted average shall be based on data from the previous thirty (30) operational days within the last ninety (90) days for that set of limits. If SIGECO does not operate thirty (30) days under any one (1) set of limits within the last ninety (90) days, the rolling weighted average shall be based on all operational days within the last ninety (90) days for that set of limits.	
(2) Aluminum Company of America (ALCOA) Warrick Power Plant	

<u>Facility Description</u>	<u>Emission Limitations</u>
Units 1, 2, 3, and 4	
Prior to December 31, 1989	6.0 each
Beginning December 31, 1989	5.41 each
Beginning August 1, 1991	5.11 each
Unit 4 is jointly owned by ALCOA and SIGECO.	
(3) ALCOA Warrick Power Plant and SIGECO Culley Plant	
(A) As an alternative to the emission limitations specified in subdivisions (1) through (2) and upon fulfilling the requirements of clause (B), sulfur dioxide emissions from the Warrick and Culley Plants shall be limited to one (1) of the sets of limitations in pounds per million Btu specified as follows:	

<u>Source</u>	<u>Facility Description</u>	<u>Emission Limitations</u>
(i) Warrick Plant	Units 1-4	5.4 per stack
SIGECO Culley	Unit 1	2.0
	Unit 2	2.0
	Unit 3	5.4
(ii) Warrick Plant	Units 1-4	5.4 per stack
SIGECO Culley	Unit 1	0.0006
	Unit 2	3.2
	Unit 3	5.4
(iii) Warrick Plant	Units 1-4	5.4 per stack
SIGECO Culley	Unit 1	5.4
	Unit 2	0.0006
	Unit 3	5.4

(B) SIGECO and ALCOA shall jointly provide notification via certified mail to the department and to the U.S. EPA prior to December 1, 1989, of their intention to begin permanent reliance on one (1) of the sets of limitations specified in clause (A). The written notification shall contain written evidence of a notarized agreement between SIGECO and ALCOA concerning the applicable set of limitations. Beginning December 31, 1989, sulfur dioxide emissions from each unit shall be limited to five and four-tenths (5.4) pounds per million Btu. Beginning August 1, 1991, SIGECO shall achieve compliance with the applicable emission limitation for each unit with a final emission limitation of three and two-tenths (3.2) pounds per million Btu or less.

(4) ALCOA-Warrick Smelter Operations shall comply with the sulfur dioxide emission limitations in pounds per hour, unless otherwise specified, and other requirements as follows:

<u>Facility Description</u>	<u>Emission Limitations</u>
(A) Potline 1:	
All stacks associated with scrubber	176.3
Roof monitors associated with Potline 1	19.6
(B) Potline 2:	
All stacks associated with scrubber	195.2
Roof monitors associated with Potline 2	21.7
(C) Potline 3:	
All vents or stacks associated with scrubber	195.2
Roof monitors associated with Potline 3	21.7
(D) Potline 4:	
All vents associated with scrubber	195.2
Roof monitors associated with Potline 4	21.7
(E) Potline 5:	
All stacks associated with scrubber	195.2
Roof monitors associated with Potline 5	21.7
(F) Potline 6:	
All stacks associated with scrubber	195.2
Roof monitors associated with Potline 6	21.7
(G) Potlines 1, 2, 3, 4, 5, and 6	5,608 tons per year total
(H) Anode Bake Ring Furnace	94.1 (412 tons per year)
Any sulfur dioxide emission limitation established in a permit issued in conformance with the prevention of significant deterioration rules under 326 IAC 2-2 and/or 40 CFR 52*, if more stringent, shall supersede the requirements in this subdivision.	

(b) Compliance with the pounds per hour limitations specified in subsection (a)(4) shall be based on a stack test pursuant to 326 IAC 7-2-1(b).

(c) Compliance with the tons per year limitations specified in subsection (a)(4) shall be based on a rolling twelve (12) consecutive month emission total. Monthly sulfur dioxide emissions shall be determined from calendar month material balances using actual average sulfur content and material throughput. Quarterly reports shall be submitted to the department containing the calendar month and rolling twelve (12) month sulfur dioxide emissions from the smelter operations (potline scrubber stacks, roof monitors, and anode bake ring furnace). The report shall include documentation of the data and methodology used to calculate the monthly sulfur dioxide emissions and shall be submitted by the end of the month following the end of the quarter.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections or are also available for review and copying at the Department of Environmental Management, Office of Air Manage-

ment, ~~105 South Meridian Street, Indiana Government Center-North, 100 North Senate Avenue~~, Indianapolis, Indiana ~~46225-46204~~. (Air Pollution Control Board; 326 IAC 7-4-10; filed Aug 28, 1990, 4:50 p.m.: 14 IR 75; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

SECTION 34. 326 IAC 8-1-4 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 8-1-4 Testing procedures**

Authority: IC 13-14-8; IC 13-14-9-7

Affected: IC 13-15; IC 13-17

Sec. 4. (a) The following test methods and procedures shall be used to determine compliance of as-applied coatings with the limitations contained in this article:

(1) Sampling procedures shall follow the guidelines presented in the following:

(A) ASTM D3925, "Standard practice for sampling liquid paints and related pigment coatings"\*.

(B) ASTM E300, "Standard practice for sampling industrial chemicals"\*.

(2) Samples collected for analysis shall be one (1) liter taken into a one (1) liter container at a location and time such that the sample will be representative of the coating as applied. The container must be tightly sealed immediately after the sample is taken. Any solvent or other volatile organic material added after the sample is taken must be measured and accounted for in the calculations in subdivision (4). For multiple package coatings, separate samples of each component shall be obtained.

(3) The following applicable analytical methods shall be used to determine the composition of coatings as applied:

(A) Method 24 of 40 CFR 60, Appendix A\*\*, shall be used to determine the volatile organic compound content in coatings. If it is demonstrated to the satisfaction of the commissioner that plant coating formulation data are equivalent to Method 24 results, formulation data may be used. Any determination approving the use of formulation data shall be submitted to the U.S. EPA as a SIP revision. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern.

(B) Method 24A of 40 CFR 60, Appendix A\*\*, shall be used to determine the volatile organic compound content and density of rotogravure printing inks and related coatings. If it is demonstrated to the satisfaction of the commissioner that plant coating formulation data are equivalent to Method 24A results, formulation data may be used. Any determination approving the use of formulation data shall be submitted to the U.S. EPA as a SIP revision. In the event of any inconsistency between a Method 24A test and a facility's formulation data, the Method 24A test will govern.

(C) The following ASTM methods are the analytical procedures for determining certain factors related to coatings:

(i) ASTM D1475-60, "Standard test method for density of paint, varnish, lacquer, and related products"\*.

(ii) ASTM D2369-87, "Standard test method for volatile content of a coating"\*.

(iii) ASTM D3792-86, "Standard test method for water content of water-reducible paints by direct injection into a gas chromatograph"\*.

(iv) ASTM D4017-81, "Standard test method for water content in paints and paint materials by the Karl Fischer method"\*.

(v) ASTM D4457-85, "Standard test method for determination of dichloromethane and 1, 1, 1, trichloroethane in paints and coatings by direct injection into a gas chromatograph"\*. This method may be used to develop protocols for any compound specifically exempted from the definition of volatile organic compound.

(vi) ASTM D2697-86, "Standard test method for volume nonvolatile matter in clear or pigmented coatings"\*.

(vii) ASTM D3980, "Standard practice for interlaboratory testing of paint and related materials"\*.

(viii) ASTM E180-85, "Practice for determining the precision data of ASTM methods for analysis of and testing of industrial chemicals"\*.

(ix) ASTM D2372-85, "Standard method of separation of vehicle from solvent-reducible paints"\*.

(D) The commissioner may determine that the analytical methods specified in clauses (A) through (C) are not appropriate to determine compliance and may either specify or allow an alternate test method. Such alternate test method shall be submitted to the U.S. EPA as a SIP revision.

(4) Calculations for determining the volatile organic compound content, water content, and the content of any compounds which are specifically exempted from the definition of volatile organic compound of coatings, inks, and fountain solutions as applied shall follow the guidance provided in the following documents:

(A) EPA 340/1-86-016, "A Guide for Surface Coating ~~Calculation~~\*". **Calculation**\*.

(B) EPA 450/3-84-019, "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings", revised June ~~1986~~\*. **1986**\*.

(C) EPA 340/1-88-004, "A Guideline for Graphic Arts Calculations", June ~~1988~~\*. **1988**\*.

(b) The protocol for determining the transfer efficiency of coating applicators at topcoat coating operations at an automobile assembly facility shall follow the procedure in EPA 450/3-88-018, "Protocol for Determining the Daily VOC Emission Rate of Automobile and Light Duty Truck Topcoat Operations", December ~~1988~~\*. **1988**\*.

(c) The following test methods, as appropriate, shall be used by emission sources required to determine capture efficiency:

(1) Test methods in 40 CFR 51, Appendix M\*\*, as follows:

(A) Method 204, Criteria for and Verification of a Permanent or Temporary Total Enclosure\*\*.

(B) Method 204A, Volatile Organic Compounds Content in Liquid Input Stream\*\*.

(C) Method 204B, Volatile Organic Compounds Emissions in Captured Stream\*\*.

(D) Method 204C, Volatile Organic Compounds Emissions in Captured Stream (Dilution Technique)\*\*.

(E) Method 204D, Volatile Organic Compounds Emissions in Uncaptured Stream from Temporary Total Enclosure\*\*.

(F) Method 204E, Volatile Organic Compounds Emissions in Uncaptured Stream from Building Enclosure\*\*.

(G) Method 204F, Volatile Organic Compounds Content in Liquid Input Stream (Distillation Approach)\*\*.

(2) Alternative capture efficiency protocols and test methods may be used that satisfy criteria of either the data quality objective approach or the lower confidence limit approach as listed in 40 CFR 63, Subpart KK, Appendix A\*\*.

(d) Control device efficiency shall be determined by simultaneously

measuring the inlet and outlet gas phase volatile organic material concentrations and gas volumetric flow rates in accordance with the gas phase test methods specified in subsection (f).

(e) The overall efficiency of the emission control system shall be determined as the product of each individual capture system efficiency and each control device efficiency or by the liquid/liquid test protocol for each solvent recovery system. In those cases in which the overall efficiency is being determined for an entire line, the capture efficiency represents the total capture efficiency over the entire line.

(f) Determination of control efficiency shall be made using the following methods: ~~in 40 CFR 60, Appendix A\*\*.~~

(1) **40 CFR 60, Appendix A**, Method 18\*\*, 25\*\*, or 25A\*\*, as appropriate to the conditions at the site, shall be used to determine volatile organic compound concentration. Method selection shall be based on consideration of the diversity of organic species present, their total concentration, and on consideration of the potential presence of interfering gases. Except as indicated in the following, the test shall consist of three (3) separate runs, each lasting a minimum of sixty (60) minutes, unless the commissioner determines that process variables dictate shorter sampling times:

(A) When the method is to be used to determine the efficiency of a fixed-bed carbon adsorption system with a common exhaust stack for all the individual adsorber vessels, the test shall consist of three (3) separate runs, each coinciding with one (1) or more complete sequences through the adsorption cycles of all the individual adsorber vessels.

(B) When the method is to be used to determine the efficiency of a fixed-bed carbon adsorption system with individual exhaust stacks for each adsorber vessel, each adsorber vessel shall be tested individually. The test for each adsorber vessel shall consist of three (3) separate runs. Each run shall coincide with one (1) or more complete adsorption cycles.

(2) **40 CFR 60, Appendix A**, Method 1\*\* or 1A\*\* shall be used for sample and velocity traverses.

(3) **40 CFR 60, Appendix A**, Method 2\*\*, 2A\*\*, 2C\*\*, or 2D\*\* shall be used for velocity and volumetric flow rates.

(4) **40 CFR 60, Appendix A**, Method 3\*\* shall be used for gas analysis.

(5) **40 CFR 60, Appendix A**, Method 4\*\* shall be used for stack gas moisture.

(6) **40 CFR 60, Appendix A**, Methods 2\*\*, 2A\*\*, 2C\*\*, 2D\*\*, 3\*, and 4\*\* shall be performed, as applicable, at least twice during each test run.

(g) The method for determining the emissions of gasoline from a vapor recovery system are delineated in 40 CFR Part 60, Subpart XXX, Section 60.503\*\*. Guidance on conducting the test will be found in the following:

(1) EPA 340/1-80-012, "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing ~~Operations~~\*\*\*. **Operations**\*\*.

(2) EPA 450/2-77-026, "Control of Hydrocarbons from Tank Truck Gasoline Loading ~~Terminals~~\*\*\*. **Terminals**\*\*.

(h) The method for determining volatile organic compound emissions from organic solvent degreasing operations are delineated in EPA 905/2-78-001, "Regulatory Guidance for Control of Volatile Organic Compound Emissions from 15 Categories of Stationary Sources", Section XX.9404, pages 48 and ~~49~~\*\*\*. **49**\*.

(i) The VOC emissions from sources engaged in synthesized pharmaceutical manufacturing (326 IAC 8-5-3), pneumatic rubber tire manufacturing (326 IAC 8-5-4), and graphic arts system (326 IAC 8-5-5) shall be determined using the Method 25 contained in 40 CFR Part 60, Appendix A\*\*.

(j) Compliance with the gap requirement for external floating roof tanks shall be determined using the test procedure specified in the U.S. EPA guideline document EPA 450/2-78-047, "Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof ~~Tanks~~\*\*\*. **Tanks**\*.

(k) The volume percent solids of a coating shall be calculated using either EPA 450/3-84-019\*, "Procedures for Certifying Quantity of VOCs Emitted by Paint, Ink, and Other Coatings", December ~~1984~~\*\*\* **1984**\* and no later amendments or using some other equivalent method. Such equivalent method shall be submitted to U.S. EPA as a SIP revision.

(l) An owner or operator of a source must be able to document that the coating manufacturer used either ASTM D2369-87\* or other equivalent method to determine the volatile content of the coatings supplied and must also be able to document that the coating manufacturer used EPA ~~450/3-84-019~~\*\*\* **450/3-84-019**\* or other equivalent method to calculate the volume percent solids content of the coatings. Such equivalent method shall be submitted to the U.S. EPA as a SIP revision.

(m) The commissioner or U.S. EPA may verify any test results submitted by a source. In the event of any inconsistency between test results, the commissioner's or U.S. EPA's test results will take precedence over results submitted by the source.

\*These documents have been incorporated by reference. ~~and Copies~~ are available at the ~~American Society for Testing and Materials (ASTM); 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959; (610) 832-9585~~ or for review and copying at the Indiana Department of Environmental Management, Office of Air Management.

\*\*These documents have been incorporated by reference. ~~and are~~ available at ~~Copies may be obtained from the Government Printing Office, Washington, D.C. 20402~~ or are available for review and copying from the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

\*\*\*These EPA guidance documents have been incorporated by reference and are available at the Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 (919/541-2777) or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-1-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2529; filed Sep 23, 1988, 11:59 a.m.: 12 IR 257; filed May 19, 1990, 5:00 p.m.: 13 IR 1847; filed May 6, 1991, 4:45 p.m.: 14 IR 1714; filed Jun 15, 2001, 12:10 p.m.: 24 IR 3619*)

SECTION 35. 326 IAC 8-4-6 IS AMENDED TO READ AS FOLLOWS:

#### **326 IAC 8-4-6 Gasoline dispensing facilities**

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12-3-1

Sec. 6. (a) The following definitions apply throughout this section:

- (1) "Average monthly volume" means the amount of motor fuel dispensed per month from a gasoline dispensing facility based upon a monthly average for a two (2) year period from November 1990 through October 1992, or, if not available, the monthly average for the most recent twelve (12) calendar months. Monthly averages shall include only those months when the facility was operating.
- (2) "CARB" means the California Air Resources Board.
- (3) "Certified" means any vapor collection and control system which has been tested and approved by CARB as having a vapor recovery and removal efficiency of at least ninety-five percent (95%) by weight.
- (4) "Constructed" means fabricated, erected, or installed and refers to any facility, emission source, or air pollution control equipment.
- (5) "Dynamic backpressure test" means a test procedure used to determine the pressure drop (flow resistance) through vapor collection and control systems, including nozzles, vapor hoses, swivels, dispenser piping, and underground piping, at prescribed flow rates. Test procedures for this test can be found in EPA 450/3-91-022b, "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities"\*.
- (6) "Employee" means any person who performs work for an employer for compensation.
- (7) "Facility" means any building, structure, installation, operation, or combination located on contiguous properties and under common ownership that provides for the dispensing of motor vehicle fuel.
- (8) "Gasoline dispensing facility" means any facility where gasoline is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of two thousand one hundred seventy-six (2,176) liters (five hundred seventy-five (575) gallons) or more. Diesel fuel and kerosene are not considered to be motor vehicle fuels.
- (9) "Independent small business marketer of gasoline" means a person engaged in the marketing of gasoline who:
  - (A) is not a refiner;
  - (B) does not control, is not controlled by, or is not under common control with a refiner;
  - (C) is not otherwise directly or indirectly affiliated with a refiner or a person who controls, is controlled by, or is under a common control with a refiner (unless the sole affiliation referred to in this subdivision is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person); and
  - (D) receives less than fifty percent (50%) annual income from the marketing of gasoline.
- (10) "Liquid blockage test" means a test procedure used to detect low points in any vapor collection and control system where condensate may accumulate. Test procedures can be found in EPA 450/3-91-022b, "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities"\*.
- (11) "Modification" means any change, removal, or addition, other than a certified replacement of any component contained within the vapor collection system and control system.
- (12) "Motor vehicle" means any self-propelled vehicle powered by an internal combustion engine, including, but not limited to, the following:
  - (A) Automobiles.
  - (B) Trucks.
  - (C) Motorcycles.

(13) "Motor vehicle fuel" means any petroleum distillate having a Reid vapor pressure of more than four (4) pounds per square inch and which is used to power motor vehicles. Diesel fuel and kerosene are not considered to be motor vehicle fuels.

(14) "Owner or operator" means any person who owns, leases, operates, manages, supervises, or controls, directly or indirectly, a gasoline dispensing facility.

(15) "Pressure decay or leak test" means a test procedure used to quantify the vapor tightness of a vapor collection and control system installed at gasoline dispensing facilities. Test procedures can be found in EPA 450/3-91-022b, "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities"\*.

(16) "Vapor collection and control systems" means any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapor displaced during the dispensing of motor vehicle fuel into motor vehicle fuel tanks.

(b) No owner or operator of a gasoline dispensing facility shall allow the transfer of gasoline between any transport and any storage tank unless such tank is equipped with the following:

- (1) A submerged fill pipe.
- (2) Either a pressure relief valve set to release at no less than seven-tenths (0.7) pounds per square inch or an orifice of five-tenths (0.5) inch in diameter.
- (3) A vapor balance system connected between the tank and the transport, operating according to manufacturer's specifications.

(c) If the owner or employees of the owner of a gasoline dispensing facility are not present during loading, it shall be the responsibility of the owner or the operator of the transport to make certain the vapor balance system is connected between the transport and the storage tank and is operating according to manufacturer's specifications.

(d) The provisions of subsection (e) shall apply to any gasoline dispensing facility located in Clark, Floyd, Lake, or Porter County except if the gasoline dispensing facility:

- (1) dispenses an average monthly volume of less than ten thousand (10,000) gallons of gasoline per month; or
- (2) is an independent small business marketer of gasoline who dispenses an average monthly volume of less than fifty thousand (50,000) gallons of gasoline per month.

(e) No owner or operator of a gasoline dispensing facility shall cause or allow the dispensing of motor vehicle fuel at any time unless all motor vehicle fuel dispensing operations are equipped with and utilize a certified vapor collection and control system which is properly installed and operated as follows:

- (1) No vapor collection and control system shall be installed, used, or maintained unless the system has been certified by CARB and meets the testing requirements specified in subsection (k)(6).
- (2) Any vapor collection and control system utilized shall be maintained in accordance to its certified configuration and with the manufacturer's specification and maintenance schedule.
- (3) No elements or components of a vapor collection and control system shall be modified, removed, replaced, or otherwise rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications.
- (4) A vapor collection and control system shall not be operated with defective, malfunctioning, missing, or noncertified components. The following requirements apply to a vapor collection and control system:

(A) All parts of the system which can be visually inspected must be checked daily by the operator of the facility for the following malfunctions:

- (i) Absence or disconnection of any component required to be used to certify the system.
- (ii) A vapor hose which is crimped or flattened such that the vapor passage is blocked or severely restricted.
- (iii) A nozzle boot which is torn in either of the following manners:

(AA) A triangular shaped or similar tear one-half (½) inch or more to a side or a hole one-half (½) inch or more in diameter or length.

(BB) Slit one (1) inch or more in length.

- (iv) A faceplate or flexible cone which is damaged in the following manner:

(AA) For balance nozzles and nozzles for aspirator and educator assist type systems, damage shall be such that the capability to achieve a seal with a fill pipe interface is affected for one-fourth (¼) of the circumference of the faceplate (accumulated).

(BB) For nozzles for vacuum assist type systems that use a flexible cone, having more than one-fourth (¼) of the flexible cone missing.

- (v) A nozzle shutoff mechanism which malfunctions in any manner.

- (vi) A vacuum producing device which is inoperative.

(B) Any defect in the system which is discovered in clause (A) will require the immediate shutdown of the affected pumps until proper repairs are made.

(C) A signed daily log of the daily inspection in clause (A) shall be maintained at the facility.

(D) One (1) operator or employee of the gasoline dispensing facility shall be trained and instructed annually in the proper operation and maintenance of a vapor collection and control system.

(E) Instructions shall be posted in a conspicuous and visible place within the motor vehicle fuel dispensing area for the system in use at that station. The instructions shall clearly describe how to fuel vehicles correctly with the vapor recovery nozzles utilized at that station. The instructions shall also include a warning that repeated attempts to continue dispensing motor vehicle fuel after the system has indicated that the vehicle fuel tank is full, may result in a spillage of fuel.

(f) Facilities subject to the requirements of subsection (e) shall demonstrate compliance according to the following schedule:

(1) Six (6) months after promulgation in the case of gasoline dispensing facilities for which construction commenced after the date of enactment of the Clean Air Act Amendments of 1990 (November 15, 1990).

(2) One (1) year after promulgation in the case of gasoline dispensing facilities which dispense at least one hundred thousand (100,000) gallons of gasoline per month, based on average monthly sales for the two (2) year period prior to November 15, 1992.

(3) Two (2) years after promulgation in the case of all other gasoline dispensing facilities.

(4) Any gasoline dispensing facility described in both subdivisions (1) and (2) shall meet the requirements of subdivision (1).

(5) New facilities constructed after the promulgation of this rule shall comply with the requirements of subsection (e) upon startup of the facility.

(6) Existing facilities previously exempted from, but which become

subject to, the requirements of subsection (e) shall comply with the requirements of subsection (e) within one (1) year from the date the facility became subject.

(g) Any gasoline dispensing facility that becomes subject to the provisions of subsection (e) at any time shall remain subject to the provisions of subsection (e) at all times.

(h) Upon request by the agency, the owner or operator of a gasoline dispensing facility which claims to be exempt from the requirements of this section shall submit records to the agency within thirty (30) calendar days from the date of the request which demonstrates that the gasoline dispensing facility is in fact exempt.

(i) Any gasoline dispensing facility subject to subsection (e) shall retain copies of all records and reports adequate to clearly demonstrate the following:

(1) That a certified vapor collection and control system has been installed and tested to verify its performance according to its specifications.

(2) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements.

(3) The time period and duration of all malfunctions of the vapor collection and control system.

(4) The motor vehicle fuel throughput of the facility for each calendar month of the previous year.

(5) That operators and employees are trained and instructed in the proper operation and maintenance of the vapor collection and control system.

(j) All records and reports required in subsection (i) shall be made available to the agency upon request. All records shall be retained for a period of two (2) years.

(k) Within forty-five (45) days after the installation of a vapor collection and control system, the owner or operator of the gasoline dispensing facility shall submit to the agency a registration form which shall be provided by the department of environmental management, office of air management, which provides, at a minimum, the following:

(1) The name, address, and telephone number of the facility.

(2) The signature of the owner or operator.

(3) The CARB executive order number for the vapor collection and control system to be utilized.

(4) The number of nozzles, excluding diesel and kerosene, used for motor vehicle refueling.

(5) The monthly average volume of motor vehicle fuel dispensed.

(6) The date of completion of installation of the vapor collection and control system. Completion of installation includes the successful passing of a vapor leakage and blockage test. A vapor leakage and blockage test must, at a minimum, include the following:

(A) A pressure decay or leak test.

(B) A dynamic pressure drop test.

(C) A liquid blockage test.

The results of these tests must be submitted with the registration form specified in this subsection.

(l) All vapor collection and control systems shall be retested for vapor leakage and blockage, and successfully pass the test, at least every five (5) years or upon major system replacement or modification. A major system modification is considered to be replacing, repairing, or upgrading seventy-five percent (75%) or more of a vapor collection and control system of a facility.

\*These materials documents have been incorporated by reference. and Copies are available upon payment of a for review and copying charge from at the Indiana Department of Environmental Management, Office of Air Management, Indianapolis, Indiana. (*Air Pollution Control Board*; 326 IAC 8-4-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2540; filed Aug 11, 1989, 1:40 p.m.: 13 IR 8; filed Nov 30, 1990, 4:20 p.m.: 14 IR 605; filed Oct 28, 1993, 5:00 p.m.: 17 IR 332; filed Sep 18, 1995, 3:00 p.m.: 19 IR 203; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3349; errata filed Feb 18, 1997, 4:00 p.m.: 20 IR 1738; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

SECTION 36. 326 IAC 8-4-9 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 8-4-9 Leaks from transports and vapor collection systems; records**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 9. (a) This section is applicable to the following:

- (1) All vapor balance systems and vapor control systems at sources subject to sections 4 through 6 of this rule.
- (2) All gasoline transports subject to section 7 of this rule.

(b) No person shall allow a gasoline transport that is subject to this rule and that has a capacity of two thousand (2,000) gallons or more to be filled or emptied unless the gasoline transport completes the following:

- (1) Annual leak detection testing before the end of the twelfth calendar month following the previous year's test, according to test procedures contained in 40 CFR 63.425(e)\*, as follows:

(A) Conduct the pressure and vacuum tests for the transport's cargo tank using a time period of five (5) minutes. The initial pressure for the pressure test shall be four hundred sixty (460) millimeters H<sub>2</sub>O (eighteen (18) inches H<sub>2</sub>O) gauge. The initial vacuum for the vacuum test shall be one hundred fifty (150) millimeters H<sub>2</sub>O (six (6) inches H<sub>2</sub>O) gauge. The maximum allowable pressure or vacuum change is twenty-five (25) millimeters H<sub>2</sub>O (one (1) inch H<sub>2</sub>O) in five (5) minutes.

(B) Conduct the pressure test of the cargo tank's internal vapor valve as follows:

(i) After completing the test under clause (A), use the procedures in 40 CFR 60, Appendix A, Method 27\* to repressurize the tank to four hundred sixty (460) millimeters H<sub>2</sub>O (eighteen (18) inches H<sub>2</sub>O) gauge. Close the transport's internal vapor valve or valves, thereby isolating the vapor return line and manifold from the tank.

(ii) Relieve the pressure in the vapor return line to atmospheric pressure, then reseal the line. After five (5) minutes, record the gauge pressure in the vapor return line and manifold. The maximum allowable five (5) minute pressure increase is one hundred thirty (130) millimeters H<sub>2</sub>O (five (5) inches H<sub>2</sub>O).

- (2) Repairs by the gasoline transport owner or operator, if the transport does not meet the criteria of subdivision (1), and retesting to prove compliance with the criteria of subdivision (1).

(c) The annual test data remain valid until the end of the twelfth calendar month following the test. The owner of the gasoline transport shall be responsible for compliance with subsection (b) and shall provide the owner of the loading facility with the most recent valid modified 40 CFR 60, Appendix A, Method 27\* test results upon

request. The owner of the loading facility shall take all reasonable steps, including reviewing the test date and tester's signature, to ensure that gasoline transports loading at its facility comply with subsection (b).

(d) The owner or operator of a vapor balance system or vapor control system subject to this rule shall:

- (1) design and operate the applicable system and the gasoline loading equipment in a manner that prevents:

(A) gauge pressure from exceeding four thousand five hundred (4,500) pascals (eighteen (18) inches of H<sub>2</sub>O) and a vacuum from exceeding one thousand five hundred (1,500) pascals (six (6) inches of H<sub>2</sub>O) in the gasoline transport;

(B) except for sources subject to 40 CFR 60.503(b)\* (Standards of Performance for New Stationary Sources) or 40 CFR 63.425(a)\* (National Emission Standards for Hazardous Air Pollutants) requirements, a reading equal to or greater than twenty-one thousand (21,000) parts per million as propane, from all points on the perimeter of a potential leak source when measured by the method referenced in 40 CFR 60, Appendix A, Method 21\*, or an equivalent procedure approved by the commissioner during loading or unloading operations at gasoline dispensing facilities, bulk plants, and bulk terminals; and

(C) avoidable visible liquid leaks during loading or unloading operations at gasoline dispensing facilities, bulk plants, and bulk terminals; and

- (2) within fifteen (15) days, repair and retest a vapor balance, collection, or control system that exceeds the limits in subdivision (1).

(e) The department may, at any time, monitor a gasoline transport, vapor balance, or vapor control system to confirm continuing compliance with subsection (b) or (c).

(f) The owner or operator of a vapor balance or vapor control system subject to this section shall maintain records of all certification testing. The records shall identify the following:

- (1) The vapor balance, vapor collection, or vapor control system.
- (2) The date of the test and, if applicable, retest.
- (3) The results of the test and, if applicable, retest.

The records shall be maintained in a legible, readily available condition for at least two (2) years after the date the testing and, if applicable, retesting were completed.

(g) The owner or operator of a gasoline transport subject to this section shall keep a legible copy of the transport's most recent valid annual modified 40 CFR 60, Appendix A, Method 27\* test either in the cab of the transport or affixed to the transport trailer. The test record shall identify the following:

- (1) The gasoline transport.
- (2) The type and date of the test and, if applicable, date of retest.
- (3) The test methods, test data, and results certified as true, accurate, and in compliance with this rule by the person who performs the test.

This copy shall be made available immediately upon request to the department and to the owner of the loading facility for inspection and review. The department shall be allowed to make copies of the test results.

(h) If the commissioner allows alternative test procedures in subsection (b)(1) or (d)(1)(B), such method shall be submitted to the U.S. EPA as a SIP revision.

- (i) During compliance tests conducted under 326 IAC 3-6 (stack

testing), each vapor balance or control system shall be tested applying the standards described in subsection (d)(1)(B). Testers shall use 40 CFR 60, Appendix A, Method 21\* to determine if there are any leaks from the hatches and the flanges of the gasoline transports. If any leak is detected, the transport cannot be used for the capacity of the compliance test of the bulk gas terminal. The threshold for leaks shall be as follows:

- (1) Five hundred (500) parts per million methane for all bulk gas terminals subject to NESHAP/MACT (40 CFR 63, Subpart R\*).
- (2) Ten thousand (10,000) parts per million methane for all bulk gas terminals subject to New Source Performance Standards (40 CFR 60, Subpart XX\*) and for all other bulk gas terminals.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-4-9; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2542; filed Nov 30, 1990, 4:20 p.m.: 14 IR 606; filed Jul 30, 1996, 2:00 p.m.: 19 IR 3351; filed Oct 5, 1999, 3:46 p.m.: 23 IR 299; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Jan 14, 2002, 2:57 p.m.: 25 IR 1906*)

SECTION 37. 326 IAC 8-7-7 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 8-7-7 Test methods and procedures

Authority: IC 13-14-8; IC 13-17-3  
Affected: IC 13-11; IC 13-17

Sec. 7. The owner or operator of any source subject to this rule shall be subject to the applicable test method requirements of 326 IAC 8-1-4 and in 40 CFR 60, Appendix A\*.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 Copies of pertinent sections or are also available from for review and copying at the Indiana Department of Environmental Management, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-7-7; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1228*)

SECTION 38. 326 IAC 8-9-2 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 8-9-2 Exemptions

Authority: IC 13-14-8; IC 13-17-3-4  
Affected: IC 13-12

Sec. 2. This rule does not apply to the following vessels:

- (1) Vessels at coke oven byproduct plants.
- (2) Pressure vessels designed to operate in excess of twenty-nine and four-tenths (29.4) pounds per square inch absolute and without emissions to the atmosphere.
- (3) Vessels that are permanently attached to mobile vehicles such as trucks, rail cars, barges, or ships.
- (4) Vessels with a design capacity less than or equal to four hundred twenty thousand (420,000) gallons used for petroleum or condensate stored, processed, or treated prior to custody transfer.
- (5) Vessels located at bulk gasoline plants.
- (6) Storage vessels located at gasoline service stations.
- (7) Vessels used to store beverage alcohol.

- (8) Stationary vessels that are subject to any provision of 40 CFR 60, Subpart Kb, New Source Performance Standard for Volatile Organic Liquid Storage\*.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-9-2; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1056*)

SECTION 39. 326 IAC 8-9-3 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 8-9-3 Definitions

Authority: IC 13-14-8; IC 13-17-3-4  
Affected: IC 13-12

Sec. 3. The following definitions apply throughout this rule:

- (1) "Condensate" means hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.
- (2) "Custody transfer" means the transfer of produced petroleum and condensate, or both, after processing or treatment, or both, in the producing operations, from storage vessels or automatic transfer facilities to pipelines or any other forms of transportation.
- (3) "Fill" means the introduction of VOL into a storage vessel but not necessarily to complete capacity.
- (4) "Gasoline service station" means any site where gasoline is dispensed to motor vehicle fuel tanks from stationary storage vessels.
- (5) "Maximum true vapor pressure" means the equilibrium partial pressure exerted by a volatile organic liquid. The maximum true vapor pressure of VOLs stored at or above the ambient temperature shall correspond to the highest calendar month average storage temperature and shall be determined as follows:

(A) Maximum true vapor pressure for VOLs stored at or above the ambient temperature shall be determined using the following procedures:

- (i) For gasolines and naphtha, either of the following:
  - (AA) Figures 17A and 17B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994\*.
  - (BB) Figure 4.3-6, AP-42\*. ~~Compilation of Air Pollutant Emission Factors: Volume I (Stationary Point and Area Sources); Fourth Edition; September 1985\*.~~
- (ii) For crude oils, either of the following:
  - (AA) Figures 18A and 18B, American Petroleum Institute Publication 2517, Third Edition, February 1989, with addendum, May 1994\*.
  - (BB) Figure 4.3-5, AP-42\*. ~~Compilation of Air Pollutant Emission Factors: Volume I (Stationary Point and Area Sources); Fourth Edition; September 1985\*.~~
- (iii) For VOLs, other than those in item (i) or (ii), procedures on page D-146, Vapor Pressures, Critical Temperatures, and Critical Pressures of Organic Compounds, Handbook of Chemistry and Physics, 51st Edition, 1970-1971, Chemical Rubber Company\*.
- (iv) Maximum true vapor pressure for VOLs stored at or above ambient temperatures shall be determined at the following temperatures:

(AA) In Lake and Porter Counties, seventy-three (73) degrees Fahrenheit. (73°F);

(BB) In Clark and Floyd Counties, seventy-seven and seven-tenths (77.7) degrees Fahrenheit. (77.7°F);

(B) Alternatively, the owner or operator or the department and the U.S. EPA may require measurement of vapor pressure. ASTM Method D323-92\* or a method acceptable to the department and U.S. EPA shall be used. If a discrepancy exists between the results obtained from methods in clause (A) and methods used in this clause, the results in this clause shall prevail.

(6) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

(7) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery.

(8) "Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases as determined by the following methods:

(A) For gasoline, only, ASTM ~~D323-82\*~~, **D323-82\*\***.

(B) For gasoline-ethanol blends, ASTM ~~D-5190\*~~, **D-5190\*\***, ASTM ~~D-5191\*~~, **D-5191\*\***, ASTM ~~5482\*~~, **5482\*\***.

(9) "Vessel" means each tank, reservoir, or container used for the storage of VOLs but does not include either of the following:

(A) Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors.

(B) Subsurface caverns or porous rock reservoirs.

(10) "Volatile organic liquid" or "VOL" means any organic liquid that can emit volatile organic compounds (VOCs) into the atmosphere except those VOLs that emit only those compounds that the department has determined do not contribute appreciably to the formation of ozone.

(11) "Waste" means any liquid resulting from industrial, commercial, mining, or agricultural operations, or from community activities that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or recycled.

**\*These documents are incorporated by reference.** Copies of Figures 17A and 17B; American Petroleum Institute Publication 2517, Third Edition, February 1989; with addendum, May 1994; Figure 4-3-6; AP-42; Compilation of Air Pollutant Emission Factors; Volume I (Stationary Point and Area Sources); Fourth Edition; September 1985; Figures 18A and 18B; American Petroleum Institute Publication 2517, Third Edition, February 1989; with addendum, May 1994; Figure 4-3-5; AP-42; Compilation of Air Pollutant Emission Factors; Volume I (Stationary Point and Area Sources); Fourth Edition; September 1995; Procedures on page D-146; Vapor Pressures, Critical Temperatures, and Critical Pressures of Organic Compounds; Handbook of Chemistry and Physics, 51st Edition, 1970-1971, Chemical Rubber Company; ASTM Method D323-92; ASTM D323-82; ASTM D-5190; ASTM D-491; and ASTM 5482 referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

**\*\*These documents are incorporated by reference.** Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC

8-9-3; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1056; errata filed Dec 19, 1995, 3:15 p.m.: 19 IR 1141; errata, 19 IR 1372; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045)

SECTION 40. 326 IAC 8-9-4 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 8-9-4 Standards

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 4. (a) The owner or operator of each vessel with a capacity greater than or equal to thirty-nine thousand (39,000) gallons, that stores VOL with a maximum true vapor pressure greater than or equal to seventy-five hundredths (0.75) pound per square inch absolute (psia) but less than eleven and one-tenth (11.1) psia shall do the following:

(1) On or before May 1, 1996, for each vessel having a permanently affixed roof, install one (1) of the following:

(A) An internal floating roof meeting the standards in subsection (c).

(B) A closed vent system and control device meeting the standards in subsection (d).

(C) An equivalent emissions control system resulting in equivalent emissions reductions to that obtained in clause (A).

(2) For each vessel having an internal floating roof, install one (1) of the following:

(A) At the time of the next scheduled cleaning, but not later than ten (10) years after May 1, 1996, an internal floating roof meeting the standards in subsection (c).

(B) On or before May 1, 1996, a closed vent system and control device meeting the standards in subsection (d).

(C) On or before May 1, 1996, an equivalent emissions control system resulting in equivalent emissions reductions to that obtained in clause (A).

(3) For each vessel having an external floating roof, install one (1) of the following:

(A) At the time of the next scheduled cleaning, but not later than ten (10) years after May 1, 1996, an external floating roof meeting the standards in subsection (e).

(B) On or before May 1, 1996, a closed vent system meeting the standards in subsection (d).

(C) On or before May 1, 1996, an equivalent emissions control system resulting in equivalent emissions reductions to that obtained in clause (A).

(4) For each vessel subject to this subsection, the owner or operator described in the report required in section 6(b) of this rule, install one (1) of the following:

(A) Emission control equipment.

(B) A schedule for vessel cleaning and installation of emission control equipment.

(b) On or before May 1, 1996, the owner or operator of each vessel with a capacity greater than or equal to thirty-nine thousand (39,000) gallons, that stores VOL with a maximum true vapor pressure greater than or equal to eleven and one-tenth (11.1) psia shall equip each vessel with a closed vent system with a control device meeting the standards of subsection (d).

(c) Standards applicable to each internal floating roof are as follows:

(1) The internal floating roof shall float on the liquid surface, but not necessarily in complete contact with it, inside a vessel that has a permanently affixed roof.

(2) The internal floating roof shall be floating on the liquid surface

at all times, except during initial fill and during those intervals when the vessel is completely emptied or subsequently emptied and refilled.

(3) When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

(4) Each internal floating roof shall be equipped with one (1) of the following closure devices between the wall of the vessel and the edge of the internal floating roof:

(A) A foam or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal).

(B) Two (2) seals mounted one (1) above the other so that each forms a continuous closure that completely covers the space between the wall of the vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.

(C) A mechanical shoe seal that consists of a metal sheet held vertically against the wall of the vessel by springs or weighted levers and that is connected by braces to the floating roof. A flexible coated fabric, or envelope, spans the annular space between the metal sheet and the floating roof.

(5) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents shall provide a projection below the liquid surface.

(6) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains shall be equipped with a cover or lid that shall be maintained in a closed position at all times (with no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.

(7) Automatic bleeder vents shall be equipped with a gasket and shall be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

(8) Rim space vents shall be equipped with a gasket and shall be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

(9) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least ninety percent (90%) of the opening.

(10) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

(d) Standards applicable to each closed vent system and control device are as follows:

(1) The closed vent system shall be designed to collect all VOC vapors and gases discharged from the vessel and operated with no detectable emission as indicated by an instrument reading of less than five hundred (500) parts per million (ppm) above background and visual inspections as determined by the methods specified in 40 CFR 60, Subpart VV, 60.485(C)\*.

(2) The control device shall be designed and operated to reduce inlet VOC emissions by ninety-five percent (95%) or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements in 40 CFR 60.18, General Provisions\*.

(e) Standards applicable to each external floating roof are as follows:

(1) Each external floating roof shall be equipped with a closure device between the wall of the vessel and the roof edge. The closure device shall consist of two (2) seals, one (1) above the other. The lower seal shall be referred to as the primary seal; the upper seal shall be referred to as the secondary seal.

(2) Except as provided in section 5(c)(4) of this rule, the primary seal shall completely cover the annular space between the edge of the floating roof and vessel wall and shall be either a liquid-mounted seal or a shoe seal.

(3) The secondary seal shall completely cover the annular space between the external floating roof and the wall of the vessel in a continuous fashion except as allowed in section 5(c)(4) of this rule.

(4) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface.

(5) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be equipped with a gasketed cover, seal, or lid that shall be maintained in a closed position at all times, without visible gap, except when the device is in actual use.

(6) Automatic bleeder vents shall be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

(7) Rim vents shall be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents shall be gasketed.

(8) Each emergency roof drain shall be provided with a slotted membrane fabric cover that covers at least ninety percent (90%) of the area of the opening.

(9) The roof shall be floating on the liquid at all times, for example, off the roof leg supports, except when the vessel is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.

**\*These documents are incorporated by reference.** Copies of 40 CFR 60, Subpart VV, 60.485(C); and 40 CFR 60.18, General Provisions referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-9-4; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1057*)

SECTION 41. 326 IAC 8-9-5 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 8-9-5 Testing and procedures

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 5. (a) The owner or operator of each vessel subject to section 4(a) of this rule shall meet the requirements of subsection (b), (c), or (d).

(b) On and after May 1, 1996, except as provided in section 4(a)(2) of this rule, the owner or operator of each vessel equipped with an internal floating roof shall meet the following requirements:

(1) Visually inspect the internal floating roof, the primary seal, and the secondary seal, if one is in service, prior to filling the vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the vessel.

(2) For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal, if one is in service, through manholes and roof hatches on the fixed roof at least once every

twelve (12) months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the vessel from service within forty-five (45) days. If a failure that is detected during inspections required in this section cannot be repaired in forty-five (45) days and if the vessel cannot be emptied within forty-five (45) days, a thirty (30) day extension may be requested from the department in the inspection report required in section 6(c)(3) of this rule. Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(3) For vessels equipped with both primary and secondary seals:

(A) visually inspect the vessel as specified in subdivision (4), at least every five (5) years; or

(B) visually inspect the vessel as specified in subdivision (2).

(4) Visually inspect the internal floating roof, the primary seal, the secondary seal, if one is in service, gaskets, slotted membranes, and sleeve seals each time the vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than ten percent (10%) open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this subdivision exist before refilling the vessel with VOL. In no event shall the inspections required by this subsection occur at intervals greater than ten (10) years in the case of vessels conducting the annual visual inspection as specified in subdivisions (2) and (3)(B) and at intervals no greater than five (5) years in the case of vessels specified in subdivision (3)(A).

(5) Notify the department in writing at least thirty (30) days prior to the filling or refilling of each vessel for which an inspection is required by subdivisions (1) and (4) to afford the department the opportunity to have an observer present. If the inspection required by subdivision (4) is not planned and the owner or operator could not have known about the inspection thirty (30) days in advance of refilling the vessel, the owner or operator shall notify the department at least seven (7) days prior to the refilling of the vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification, including the written documentation, may be made in writing and sent by express mail so that it is received by the department at least seven (7) days prior to the refilling.

(c) On and after May 1, 1996, except as provided in section 4(a)(3) of this rule, the owner or operator of each vessel equipped with an external floating roof shall meet the following requirements:

(1) Determine the gap areas and maximum gap widths between the primary seal and the wall of the vessel and between the secondary seal and the wall of the vessel according to the following frequency:

(A) Measurements of gaps between the vessel wall and the primary seal (seal gaps) shall be performed during the hydrostatic testing of the vessel or within sixty (60) days of the initial fill with VOL and at least once every five (5) years thereafter.

(B) Measurements of gaps between the vessel wall and the secondary seal shall be performed within sixty (60) days of the initial fill with VOL and at least once per year thereafter.

(C) If any source ceases to store VOL for a period of one (1) year

or more, subsequent introduction of VOL into the vessel shall be considered an initial fill for purposes of this subdivision.

(2) Determine gap widths and areas in the primary and secondary seals individually by the following procedures:

(A) Measure seal gaps, if any, at one (1) or more floating roof levels when the roof is floating off the roof leg supports.

(B) Measure seal gaps around the entire circumference of the vessel in each place where a one-eighth (1/8) inch diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the wall of the vessel and measure the circumferential distance of each such location.

(C) The total surface area of each gap described in clause (B) shall be determined by using probes of various widths to measure accurately the actual distance from the vessel wall to the seal and multiplying each such width by its respective circumferential distance.

(3) Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each by the nominal diameter of the vessel and compare each ratio to the respective standards in subdivision (4).

(4) Make necessary repairs or empty the vessel within forty-five (45) days of identification of seals not meeting the requirements listed in clauses (A) and (B) as follows:

(A) The accumulated area of gaps between the vessel wall and the mechanical shoe or liquid-mounted primary seal shall not exceed ten (10) square inches per foot of vessel diameter, and the width of any portion of any gap shall not exceed one and five-tenths (1.5) inches. There shall be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

(B) The secondary seal shall meet the following requirements:

(i) The secondary seal shall be installed above the primary seal so that it completely covers the space between the roof edge and the vessel wall except as provided in subdivision (2)(C).

(ii) The accumulated area of gaps between the vessel wall and the secondary seal used in combination with a metallic shoe or liquid-mounted primary seal shall not exceed one (1) square inch per foot of vessel diameter, and the width of any portion of any gap shall not exceed five-tenths (0.5) inch. There shall be no gaps between the vessel wall and the secondary seal when used in combination with a vapor-mounted primary seal.

(iii) There shall be no holes, tears, or other openings in the seal or seal fabric.

(C) If a failure that is detected during inspections required in subdivision (1) cannot be repaired within forty-five (45) days and if the vessel cannot be emptied within forty-five (45) days, a thirty (30) day extension may be requested from the department in the inspection report required in section 6(d)(3) of this rule. Such extension request must include a demonstration of unavailability of alternate storage capacity and a specification of a schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(5) Notify the department thirty (30) days in advance of any gap measurements required by subdivision (1) to afford the department the opportunity to have an observer present.

(6) Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed. For all visual inspections, the following requirements apply:

(A) If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal fabric, the owner or operator shall repair the items as necessary so

that none of the conditions specified in this clause exist before filling or refilling the vessel with VOL.

(B) The owner or operator shall notify the department in writing at least thirty (30) days prior to the filling or refilling of each vessel to afford the department the opportunity to inspect the vessel prior to the filling. If the inspection required by this subdivision is not planned and the owner or operator could not have known about the inspection thirty (30) days in advance of refilling the vessel, the owner or operator shall notify the department at least seven (7) days prior to the refilling of the vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the department at least seven (7) days prior to the refilling.

(d) The owner or operator of each vessel that is equipped with a closed vent system and control device described in section 4(a)(1)(B), 4(a)(2)(B), or 4(a)(3)(B) of this rule and meeting the requirements of section 4(d) of this rule, other than a flare, shall meet the following requirements:

(1) On or before January 1, 1996, submit to the department an operating plan containing the following information:

(A) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation shall include a description of the gas stream that enters the control device, including flow and VOC content under varying liquid level conditions (dynamic and static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapor gases, or liquid other than fuels from sources that are not subject to this rule, the efficiency demonstration shall include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of seventy-five hundredths (0.75) second and a minimum temperature of eight hundred sixteen degrees Centigrade (816°C) is used to meet the ninety-five percent (95%) requirement, documentation that those conditions will exist is sufficient to meet the requirements of this subdivision.

(B) A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used to monitor the parameter or parameters.

(2) Operate the closed vent system and control device and monitor the parameters of the closed vent system and control device in accordance with the operating plan submitted to the department in accordance with subdivision (1) unless the plan was modified by the department during the review process. In this case, the modified plan applies.

(e) The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements in section 4(a)(4) or 4(d) of this rule shall meet the requirements specified in the general control device requirements in 40 CFR 60.18(e)\* and 40 CFR 60.18(f)\*.

**\*These documents are incorporated by reference.** Copies of 40 CFR 60.18(e) and 40 CFR 60.18(f) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of

Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-9-5; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1059*)

SECTION 42. 326 IAC 8-9-6 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 8-9-6 Record keeping and reporting requirements

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 6. (a) The owner or operator of each vessel subject to this rule shall keep all records required by this section for three (3) years unless specified otherwise. Records required by subsection (b) shall be maintained for the life of the vessel.

(b) The owner or operator of each vessel to which section 1 of this rule applies shall maintain a record and submit to the department a report containing the following information for each vessel:

- (1) The vessel identification number.
- (2) The vessel dimensions.
- (3) The vessel capacity.
- (4) A description of the emission control equipment for each vessel described in section 4(a) and 4(b) of this rule, or a schedule for installation of emission control equipment on vessels described in section 4(a) or 4(b) of this rule with a certification that the emission control equipment meets the applicable standards.

(c) The owner or operator of each vessel equipped with a permanently affixed roof and internal floating roof shall comply with the following record keeping and reporting requirements:

(1) Keep a record of each inspection performed as required by section 5(b)(1) through 5(b)(4) of this rule. Each record shall identify the following:

- (A) The vessel inspected by identification number.
- (B) The date the vessel was inspected.
- (C) The observed condition of each component of the control equipment, including the following:
  - (i) Seals.
  - (ii) Internal floating roof.
  - (iii) Fittings.

(2) If any of the conditions described in section 5(b)(2) of this rule are detected during the required annual visual inspection, a record shall be maintained and a report shall be furnished to the department within thirty (30) days of the inspection. Each report shall identify the following:

- (A) The vessel by identification number.
- (B) The nature of the defects.
- (C) The date the vessel was emptied or the nature of and date the repair was made.

(3) After each inspection required by section 5(b)(3) of this rule that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in section 5(b)(3)(B) of this rule, a record shall be maintained and a report shall be furnished to the department within thirty (30) days of the inspection. The report shall identify the following:

- (A) The vessel by identification number.
- (B) The reason the vessel did not meet the specifications of section 4(a)(1)(A), 4(a)(2)(A), or 5(b) of this rule and list each repair made.

(d) The owner or operator of each vessel equipped with an external floating roof shall comply with the following record keeping and reporting requirements:

(1) Keep a record of each gap measurement performed as required by section 5(c) of this rule. Each record shall identify the vessel in which the measurement was made and shall contain the following:

- (A) The date of measurement.
- (B) The raw data obtained in the measurement.
- (C) The calculations described in section 5(c)(2) and 5(c)(3) of this rule.

(2) Within sixty (60) days of performing the seal gap measurements required by section 5(c)(1) of this rule, furnish the department with a report that contains the following:

- (A) The date of measurement.
- (B) The raw data obtained in the measurement.
- (C) The calculations described in section 5(c)(2) and 5(c)(3) of this rule.

(3) After each seal gap measurement that detects gaps exceeding the limitations specified in section 5(c) of this rule, submit a report to the department within thirty (30) days of the inspection. The report shall identify the vessel and contain the information specified in subdivision (2) and the date the vessel was emptied or the repairs made and date of repair.

(e) The owner or operator of each vessel equipped with a closed vent system with a control device shall comply with the following record keeping and reporting requirements:

(1) Owner or operators that equip the vessel with a control device other than a flare shall do the following:

- (A) On or before January 1, 1996, submit an operating plan as required by section 4(d) of this rule.
- (B) Maintain records of the following:
  - (i) The operating plan.
  - (ii) Measured values of the parameters monitored according to section 5(d)(2) of this rule.

(2) Owner or operators that equip the vessel with a closed vent system and a flare shall meet the following requirements:

- (A) Keep records of all periods of operation during which the flare pilot flame is absent.
- (B) Furnish the department with a report containing the measurements required by 40 CFR 60.18(f)(1) through 40 CFR 60.18(f)(5)\* as required by 40 CFR 60.8. This report shall be submitted within six (6) months of the initial start-up date.
- (C) Furnish the department with a semiannual report of all periods recorded under 40 CFR 60.115\* in which the pilot flame was absent.

(f) The owner or operator of each vessel equipped with a closed vent system and control device meeting the standards of section 4 of this rule is exempt from the requirements of subsections (g) and (h).

(g) Except as provided in subsections (f) and (j), the owner or operator of each vessel either with a design capacity greater than or equal to thirty-nine thousand (39,000) gallons storing a VOL with a maximum true vapor pressure greater than or equal to five-tenths (0.5) pound per square inch absolute (psia) but less than seventy-five hundredths (0.75) psia shall maintain a record of the maximum true vapor pressure of the VOL stored in each vessel. The record for each vessel shall contain the following information:

- (1) The type of VOL stored.
- (2) The dates of the VOL storage.
- (3) For each day of VOL storage, the average stored temperature for VOLs stored above or below the ambient temperature or average

ambient temperature for VOLs stored at ambient temperature, and the corresponding maximum true vapor pressure.

(h) Except as provided in subsection (f), the owner or operator of each vessel with a design capacity greater than or equal to thirty-nine thousand (39,000) gallons storing a liquid with a maximum true vapor pressure that is normally less than seventy-five hundredths (0.75) psia shall maintain a record and notify the department within thirty (30) days when the maximum true vapor pressure of the liquid exceeds seventy-five hundredths (0.75) psia.

(i) Available data on the storage temperature may be used to determine the maximum true vapor pressure as follows:

(1) The maximum true vapor pressure for VOLs stored at temperatures above or below the ambient temperature shall correspond to the highest calendar-month average storage temperature. The maximum true vapor pressure for VOLs stored at the ambient temperature shall correspond to the local maximum monthly average temperature, as reported by the National Weather Service.

(2) For local crude oil or refined petroleum products, the maximum vapor pressure may be determined as follows:

(A) Available data on the Reid vapor pressure and the maximum expected storage temperature based on the highest expected calendar month average temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517\* unless the department specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the samples.

(B) The maximum true vapor pressure of each type of crude oil with a Reid vapor pressure less than two (2) pounds per square inch or with physical properties that preclude determination by the recommended method shall be determined from available data and recorded if the estimated maximum true vapor pressure is greater than five-tenths (0.5) psia.

(3) For other liquids, the maximum true vapor pressure may be determined by any of the following methods:

- (A) Standard reference texts.
- (B) ASTM Method ~~D2879-92\*~~ **D2879-92\*\***.
- (C) Calculated or measured by a method approved by the department.

(j) The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements:

(1) Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in subsection (i).

(2) For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in section 4(a) of this rule, tests are required as follows:

- (A) An initial physical test of the vapor pressure is required.
- (B) A physical test at least once every six (6) months thereafter is required using one (1) of the following methods:
  - (i) ASTM Method ~~D2879-92\*~~ **D2879-92\*\***.
  - (ii) ASTM Method ~~D323-82\*~~ **D323-82\*\***.
  - (iii) As measured by an appropriate method as approved by the department.

\*These documents are incorporated by reference. Copies of the Code of Federal Regulations (CFR), ASTM Method ~~D2879-92~~, ASTM Method ~~D2879-92~~, ASTM Method ~~D323-82~~, and API Bulletin 2517 referenced may be obtained from the Government Printing Office,

Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

**\*\*These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 8-9-6; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1061; errata filed Dec 19, 1995, 3:15 p.m.: 19 IR 1141; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045*)

SECTION 43. 326 IAC 8-10-7 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 8-10-7 Test procedures**

**Authority:** IC 13-14-8; IC 13-17-3-4

**Affected:** IC 13-12

Sec. 7. (a) Owners or operators of refinishing facilities subject to this rule shall be subject to the applicable test method and requirements of 326 IAC 8-1-4 and 40 CFR 60, Appendix A\*.

(b) Owners or operators may use data provided with coatings or surface preparation products formulation information such as the container label, the product data sheet, and the MSDS sheet in order to comply with sections 4 and 9(a) of this rule. The department and U.S. EPA may require VOC content determination and verification of any coating or surface preparation product using **EPA 40 CFR 60, Appendix A, Method 24\***. In the event of any inconsistency between **40 CFR 60, Appendix A, Method 24** and formulation data, **40 CFR 60, Appendix A, Method 24** shall govern.

(c) An owner or operator of a refinishing facility electing to meet the emission limit requirements of section 4(c) of this rule using a control device or devices shall test the control system according to the following schedule and under the following situations:

- (1) An initial compliance test shall be conducted on or before May 1, 1996, and every two (2) years after the date of the initial compliance test.
- (2) A compliance test shall be conducted whenever the owner or operator operates the control system under conditions different from those which were in place at the time of the previous compliance test.
- (3) A compliance test shall be performed within ninety (90) days of the startup of a new facility or within thirty (30) days of a written request by the department or the U.S. EPA.
- (4) All compliance tests shall be conducted according to a protocol developed by the owner or operator of the facility according to procedures in 326 IAC 3-2.1-2 [326 IAC 3-2.1 was repealed filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079.]. The results of the tests shall be submitted to the department according to procedures in 326 IAC 3-2.1-4 [326 IAC 3-2.1 was repealed filed Jan 30, 1998, 4:00 p.m.: 21 IR 2079.].

**\*These documents are incorporated by reference. Copies of U.S. Environmental Protection Agency (U.S. EPA) Method 24 (40 CFR 60), Appendix A\* may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced material or are available for review and copying at**

the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-10-7; filed Oct 3, 1995, 3:00 p.m.: 19 IR 199; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674*)

SECTION 44. 326 IAC 8-11-2 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 8-11-2 Definitions**

**Authority:** IC 13-14-8; IC 13-17-3-4

**Affected:** IC 13-12

Sec. 2. The following definitions apply throughout this rule:

- (1) "Adhesive" means any chemical substance that is applied for the purpose of bonding two (2) surfaces together other than by mechanical means.
- (2) "Alternative method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but that has been demonstrated to the satisfaction of the commissioner and the U.S. EPA to, in specific cases, produce results adequate for a determination of compliance.
- (3) "As-applied" means the VOC and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.
- (4) "Basecoat" means a coat of colored material, usually opaque, that is applied before graining inks, glazing coats, or other opaque finishing materials and is usually topcoated for protection.
- (5) "Capture device" means a hood, enclosed room, floor sweep, or other means of collecting solvent emissions or other pollutants into a duct. The pollutant can be directed to a pollution control device such as an incinerator or carbon adsorber.
- (6) "Capture efficiency" means the fraction of all organic vapors generated by a process that are directed to and captured by a control device.
- (7) "Cleaning operations" means operations that use an organic solvent to remove coating materials from equipment used in wood furniture manufacturing operations.
- (8) "Commissioner" means the commissioner of the Indiana department of environmental management, or the commissioner's duly authorized representative.
- (9) "Continuous coater" means a finishing system that continuously applies finishing materials onto furniture parts moving along a conveyor system. Finishing materials that are not transferred to the part are recycled to the finishing material reservoir. Several types of application methods can be used with a continuous coater, including spraying, curtain coating, roll coating, dip coating, and flow coating.
- (10) "Control device" means any equipment, including, but not limited to, incinerators, carbon adsorbers, and condensers, that reduces the quantity of a pollutant that is emitted to the air. The device may destroy or secure the pollutant for subsequent recovery.
- (11) "Conventional air spray" means a spray coating method that atomizes the coating by mixing it with compressed air at an air pressure greater than ten (10) pounds per square inch (psi) (gauge) at the point of atomization. Airless and air assisted airless spray technologies are not conventional air spray because the coating is not atomized by mixing it with compressed air.
- (12) "Day" means a period of twenty-four (24) consecutive hours beginning at midnight local time, or beginning at a time consistent with a facility's operating schedule.
- (13) "Department" means the Indiana department of environmental management.

(14) "Enamel" means a coat of colored material, usually opaque, that is applied as a protective topcoat over a basecoat, primer, or a previously applied enamel coat. In some cases, another finishing material may be applied as a topcoat over the enamel.

(15) "Equipment leak" means emissions of volatile organic compounds from pumps, valves, flanges, or other equipment used to transfer or apply finishing materials or organic solvents.

(16) "Equivalent method" means any method of sampling and analyzing for an air pollutant that has been demonstrated to the satisfaction of the commissioner and the U.S. EPA to have a consistent and quantitatively known relationship to the reference method under specific conditions.

(17) "Final touch-up and repair" means the application of finishing materials after completion of the finishing operation to cover minor imperfections.

(18) "Finishing application station" means the part of a finishing operation where the finishing material is applied, such as a spray booth.

(19) "Finishing material" means a coating other than an adhesive. For the wood furniture manufacturing industry, such materials include, but are not limited to, the following:

- (A) Basecoats.
- (B) Stains.
- (C) Washcoats.
- (D) Sealers.
- (E) Topcoats.
- (F) Enamels.

(20) "Finishing operation" means those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.

(21) "Incinerator" means an enclosed combustion device that thermally oxidizes volatile organic compounds to carbon monoxide (CO) and carbon dioxide (CO<sub>2</sub>). The term does not include devices that burn municipal or hazardous waste material.

(22) "Material safety data sheet" or "MSDS" means the documentation required by the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (29 CFR 1910)\* for a solvent, cleaning material, finishing material, or other material that identifies select reportable hazardous ingredients of the material, safety and health considerations, and handling procedures.

(23) "Normally closed container" means a container that is closed unless an operator is actively engaged in activities such as emptying or filling the container.

(24) "Operating parameter value" means a minimum or maximum value established for a control device or process parameter that, if achieved by itself or in combination with one (1) or more other operating parameter values, determines that an owner or operator has complied with an applicable emission limit.

(25) "Organic solvent" means a liquid containing volatile organic compounds that is used for dissolving or dispersing constituents in a coating, adjusting the viscosity of a coating, or cleaning equipment. When used in a coating, the organic solvent evaporates during drying and does not become a part of the dried film.

(26) "Overall control efficiency" means the efficiency of a control system, calculated as the product of the capture and control device efficiencies, expressed as a percentage.

(27) "Recycled on-site" means the reuse of an organic solvent in a process other than cleaning or washoff.

(28) "Reference method" means any method of sampling and analyzing for an air pollutant that is published in 40 CFR 60, Appendix A\*.

(29) "Responsible official" has the meaning given in 326 IAC 2-7-1(33).

(30) "Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. Special purpose finishing materials that are used in some

finishing systems to optimize aesthetics are not sealers.

(31) "Stain" means any color coat having a solids content by weight of no more than eight percent (8.0%) that is applied in single or multiple coats directly to the substrate. Stains include, but are not limited to, the following:

- (A) Nongrain raising stains.
- (B) Equalizer stains.
- (C) Sap stains.
- (D) Body stains.
- (E) No-wipe stains.
- (F) Penetrating stains.
- (G) Toners.

(32) "Storage containers" means vessels or tanks, including mix equipment, used to hold finishing or cleaning materials.

(33) "Strippable booth coating" means a coating that:

- (A) is applied to a booth wall to provide a protective film to receive overspray during finishing operations;
- (B) is subsequently peeled off and disposed; and
- (C) by means of clauses (A) and (B), reduces or eliminates the need to use organic solvents to clean booth walls.

(34) "Substrate" means the surface onto which coatings are applied or into which coatings are impregnated.

(35) "Topcoat" means the last film-building finishing material applied in a finishing system.

(36) "Touch-up and repair" means the application of finishing materials to cover minor imperfections.

(37) "Washcoat" means a transparent special purpose coating having a solids content by weight of twelve percent (12.0%) or less. Washcoats are applied over initial stains to protect and control color and to stiffen wood fibers to aid sanding.

(38) "Washoff operations" means those operations that use an organic solvent to remove coating from a substrate.

(39) "Waterborne coating" means a coating that contains more than five percent (5.0%) water by weight in its volatile fraction.

(40) "Wood furniture manufacturing operations" means the finishing and cleaning operations conducted at a wood furniture source.

(41) "Wood furniture source" means all of the pollutant emitting activities that belong to the same wood furniture industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control. The wood furniture industrial grouping includes the following standard industrial classification (SIC) codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, and 2599.

(42) "Working day" means a day, or any part of a day, in which a facility is engaged in manufacturing.

**\*These documents are incorporated by reference.** Copies of the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (29 CFR 1910); and 40 CFR 60, Appendix A; may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced materials or are also available from for review and copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (Air Pollution Control Board; 326 IAC 8-11-2; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1064)

SECTION 45. 326 IAC 8-11-6 IS AMENDED TO READ AS FOLLOWS:

#### **326 IAC 8-11-6 Compliance procedures and monitoring requirements**

**Authority:** IC 13-14-8; IC 13-17-3-4  
**Affected:** IC 13-12

Sec. 6. (a) The owner or operator of a wood furniture manufacturing operation subject to the emission limits in section 3 of this rule shall demonstrate compliance with the provisions of section 3 of this rule by using any of the following methods:

(1) To support that each sealer, topcoat, and strippable booth coating meets the requirements of section 3(a)(1) through 3(a)(3) or 3(b) of this rule, maintain documentation that uses ~~EPA 40 CFR 60, Appendix A~~, Method 24\* data, or data from an equivalent or alternative method, to determine the VOC and solids content of the as-supplied finishing material. If solvent or other VOC is added to the finishing material before application, the wood furniture manufacturing operation shall maintain documentation showing the VOC content of the finishing material as-applied, in kilograms of VOC per kilogram of solids (kg VOC/kg solids).

(2) To comply through the use of a control system as described in section 3(a)(5) of this rule the following are required:

(A) Determine the overall control efficiency needed to demonstrate compliance using Equation 3:

$$\text{Equation 3: } O = ((V - E)/V)(100)$$

Where: O = overall control efficiency of the capture system and control device as percentage.

V = actual VOC content of the finishing system material or, if multiple finishing materials are used, the daily weighted average VOC content of all finishing materials, as-applied to the substrate in pounds of VOC per pound of solids (lbs VOC/lb solids).

E = equivalent VOC emission limits in lbs VOC/lb solids.

(B) Document that the value of V in Equation 3 is obtained from the VOC and solids content of the as-applied finishing material.

(C) Calculate the overall efficiency of the capture system and control device, using the procedures in section 7 of this rule, and demonstrate that the value of the overall control efficiency thus estimated is equal to or greater than the value of O calculated by Equation 3.

(b) Initial compliance shall be demonstrated as follows:

(1) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3(a)(1) through 3(a)(3) or 3(b) of this rule that are complying through the procedures established in subsection (a)(1) shall submit an initial compliance status report, as required by sections 5 and 9 of this rule, stating that compliant sealers and topcoats and strippable booth coatings are being used by the wood furniture manufacturing operations.

(2) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3(a)(1) through 3(a)(3) or 3(b) of this rule that are complying through the procedures established in subsection (a)(1) and are applying sealers and topcoats using continuous coaters shall demonstrate initial compliance by either of the following:

(A) Submitting an initial compliance status report stating that compliant sealers and topcoats, as determined by the VOC content of the finishing material in the reservoir and the VOC content as calculated from records, are being used.

(B) Submitting an initial compliance status report stating that compliant sealers or topcoats, as determined by the VOC content of the finishing material in the reservoir, are being used and the viscosity of the finishing material in the reservoir is being monitored. The wood furniture manufacturing operation shall also provide data that demonstrates the correlation between the

viscosity of the finishing material and the VOC content of the finishing material in the reservoir.

(3) Owners or operators of a wood furniture manufacturing operation using a control system or capture or control device to comply with the requirements of this rule, as allowed by section 3(a)(5) of this rule and subsection (a)(2) shall demonstrate initial compliance by doing the following:

(A) On or before January 1, 1996, conducting an initial compliance test using the procedures and test methods listed in section 7 of this rule.

(B) On or before January 1, 1996, calculating the overall control efficiency.

(C) On or before January 1, 1996, determining those operating conditions critical to determining compliance and establishing operating parameters that will ensure compliance with the standards as follows:

(i) For compliance with a thermal incinerator, minimum combustion temperature shall be the operating parameter.

(ii) For compliance with a catalytic incinerator equipped with a fixed catalyst bed, the minimum gas temperature both upstream and downstream of the catalyst bed shall be the operating parameter.

(iii) For compliance with a catalytic incinerator equipped with a fluidized catalyst bed, the minimum gas temperature upstream of the catalyst bed and the pressure drop across the catalyst bed shall be the operating parameters.

(iv) For compliance with a carbon adsorber, the operating parameters shall be either the total regeneration mass stream flow for each regeneration cycle and the carbon bed temperature after each regeneration, or the concentration level of organic compounds exiting the adsorber, unless the owner or operator requests and receives approval from the commissioner to establish other operating parameters.

(v) For compliance with a control device not listed in this rule, the owner or operator shall submit to the department a description of the device, test data, verifying the performance of the device, and appropriate operating values that will be monitored to demonstrate continuous compliance with the standard. Compliance using this device is subject to the commissioner's approval.

(D) Owners or operators complying with this subdivision shall calculate the site-specific operating parameter value as the arithmetic average of the maximum or minimum operating parameter values, as appropriate, that demonstrate compliance with the standards, during the initial compliance test required in subsection (c)(3)(A)(iv).

(E) On or before May 1, 1996, submitting a monitoring plan that identifies the operating parameter to be monitored for the capture device and discusses why the parameter is appropriate for demonstrating ongoing compliance.

(4) Owners or operators of a wood furniture manufacturing operation subject to the continuous compliance plan (CCP) in section 5 of this rule shall submit an initial compliance status report, as required by section 9(b) of this rule, stating that the CCP has been developed and procedures have been established for implementing the provisions of the plan.

(c) Continuous compliance shall be demonstrated as follows:

(1) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3 of this rule that are complying through the procedures established in subsection (a)(1) shall demonstrate continuous compliance by using compliant

materials, maintaining records that demonstrate the finishing materials are compliant, and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certification requirements shall be as follows:

(A) State that compliant sealers and topcoats and strippable booth coatings have been used each day in the semiannual reporting period, or should otherwise identify the days of noncompliance and the reasons for noncompliance. A wood furniture manufacturing operation is in violation of the standard whenever a noncompliant material, as determined by records or by a sample of the finishing material, is used. Use of a noncompliant material is a separate violation for each day the noncompliant material is used.

(B) The compliance certification shall be signed by a responsible official.

(2) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3 of this rule that are complying through the procedures established in subsection (a)(1) and are applying sealers and topcoats using continuous coaters shall demonstrate continuous compliance by use of the following procedures:

(A) Using compliant materials, as determined by the VOC content of the finishing material in the reservoir and the VOC content as calculated from records, and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certificate requirements shall be as follows:

(i) State that compliant sealers and topcoats have been used each day in the semiannual reporting period, or should otherwise identify the days of noncompliance and the reasons for noncompliance. A wood furniture manufacturing operation is in violation of the standard whenever a noncompliant material, as determined by records or by a sample of the finishing material, is used. Use of a noncompliant material is a separate violation for each day the noncompliant material is used.

(ii) The compliance certification shall be signed by a responsible official.

(B) Using compliant materials, as determined by the VOC content of the finishing material in the reservoir, maintaining a viscosity of the finishing material in the reservoir that is no less than the viscosity of the initial finishing material by monitoring the viscosity with a viscosity meter or by testing the viscosity of the initial finishing material and retesting the material in the reservoir each time solvent is added, maintaining records of solvent additions, and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certification requirements shall be as follows:

(i) State that compliant sealers and topcoats, as determined by the VOC content of the finishing material in the reservoir, have been used each day in the semiannual reporting period. Additionally, the certification shall state that the viscosity of the finishing material in the reservoir has not been less than the viscosity of the initial finishing material, that is, the material that is initially mixed and placed in the reservoir, for any day in the semiannual reporting period.

(ii) The compliance certification shall be signed by a responsible official.

(iii) A wood furniture manufacturing operation is in violation of the standard when a sample of the as-applied finishing material exceeds the applicable limit established in section 3(a)(1) through 3(a)(3) of this rule, as determined using EPA Method 24\*, or an equivalent or alternative method, or the viscosity of the finishing material in the reservoir is less than the viscosity of the initial finishing material.

(3) Owners or operators of a wood furniture manufacturing operation subject to the provisions of section 3 of this rule that are complying through the use of a control system or a capture or control device shall demonstrate continuous compliance by complying with the control system operation, maintenance, and testing, and control system monitoring, record keeping, and reporting requirements as follows:

(A) For sources choosing to meet the emission limit requirements of section 3(a)(5) of this rule at any facility using a control device or devices, the following requirements apply:

(i) The control system shall be operated and maintained according to the manufacturer's recommendations but may be modified based upon the results of the initial or subsequent compliance test or upon the written request of the department.

(ii) The operating and maintenance procedures shall be followed beginning no later than January 1, 1996. A copy of the procedures shall be submitted to the department no later than May 1, 1996.

(iii) A copy of the operating and maintenance procedures shall be maintained in a convenient location at the source property and as close to the control system as possible for the reference of plant personnel and department inspectors.

(iv) The control system shall be tested according to the following schedule and under the following situations:

(AA) An initial compliance test shall be conducted on or before January 1, 1996, and every two (2) years after the date of the initial test.

(BB) A compliance test shall also be conducted whenever the owner or operator chooses to operate a control system under conditions different from those that were in place at the time of the previous compliance test.

(CC) If the owner or operator chooses to change the method of compliance with section 3 of this rule, a compliance test shall be performed within three (3) months of the change.

(DD) A compliance test shall also be performed within ninety (90) days of the receipt of a written request from the department or the U.S. EPA.

(EE) All compliance tests shall be conducted according to a protocol approved by the department at least thirty (30) days before the test. The protocol shall contain, at a minimum, the following information:

(aa) Test procedures.

(bb) Operating and control system parameters.

(cc) Type of VOC containing process material being used.

(dd) The process and control system parameters that will be monitored during the test.

(B) Control system monitoring, record keeping, and reporting requirements are as follows:

(i) Sources that choose to meet the emission limit requirements of section 3 of this rule with the use of a control device or devices shall install, calibrate, maintain, and operate, according to the manufacturer's specification, the following monitoring equipment unless an alternative monitoring procedure has been approved by the commissioner:

(AA) If a thermal incinerator is used for VOC reduction, a temperature monitoring device capable of continuously recording the temperature of the gas stream in the combustion zone of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees centigrade or plus or minus five-tenths degree Centigrade (0.5°C), whichever is greater.

(BB) If a catalytic incinerator is used for VOC reduction, a

temperature device capable of continuously recording the temperature in the gas stream immediately before and after the catalyst bed of the incinerator shall be used. The temperature monitoring device shall have an accuracy of one percent (1%) of the temperature being measured in degrees centigrade plus or minus five-tenths degree Centigrade (0.5°C), whichever is greater.

(CC) If a carbon adsorber is used to remove and recover VOC from the gas stream, a VOC monitoring device capable of continuously recording the concentration level of VOC at the outlet of the carbon bed shall be used. The monitoring device shall be based on a detection principle such as infrared, photoionization, or thermal conductivity.

(DD) Where a VOC recovery device other than a carbon adsorber is used, the source shall provide to the department information describing the operation of the device and the process parameters that would indicate proper operation and maintenance of the control device. The department may request further information and will specify appropriate monitoring procedures and reporting requirements.

(ii) Sources subject to the requirements of this rule shall maintain the following records:

(AA) A log of the operating time of the facility, the facility's capture system, control device, and monitoring equipment.

(BB) A maintenance log for the capture system, the control device, and the monitoring equipment detailing all routine and nonroutine maintenance performed. The log shall include the dates and duration of any outages of the capture system, the control device, or the monitoring system.

(CC) The following additional records shall be maintained for facilities using thermal incinerators:

(aa) Continuous records of the temperature in the gas stream in the combustion zone of the incinerator.

(bb) Records of all three (3) hour periods of operation for which the average combustion temperature of the gas stream in the combustion zone was more than fifty degrees Fahrenheit (50°F) below the combustion zone temperature that existed during the most recent compliance test that demonstrated that the facility was in compliance.

(DD) The following additional records shall be maintained for facilities using catalytic incinerators:

(aa) Continuous records of the temperature of the gas stream both upstream and downstream of the catalyst bed of the incinerator.

(bb) Records of all three (3) hour periods of operation for which the average temperature measured at the process vent stream immediately before the catalyst bed is more than fifty degrees Fahrenheit (50°F) below the average temperature of the process vent stream that existed during the most recent compliance test that demonstrated that the facility was in compliance.

(cc) Records of all three (3) hour periods of operation for which the average temperature difference across the catalyst bed is less than eighty percent (80%) of the temperature difference measured during the most recent compliance test that demonstrated that the facility was in compliance.

(EE) The following additional records shall be maintained for facilities using carbon adsorbers:

(aa) Continuous records of the VOC concentration level or reading in the exhaust stream of the carbon adsorber.

(bb) Records of all three (3) hour periods of operation during which the average VOC concentration level or reading in the exhaust gas is more than twenty percent (20%) greater than the average exhaust gas concentration level or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of the carbon adsorber that demonstrated that the facility was in compliance.

(FF) Facilities using VOC recovery devices other than carbon adsorbers shall maintain the monitoring records and meet the reporting requirements specified by item (i)(DD).

(GG) Information requirements in subitems (BB), (CC)(bb), (DD)(bb), (DD)(cc), and (EE)(bb) shall be submitted to the department within thirty (30) days of occurrence. The following information shall accompany the submittal:

(aa) The name and location of the facility.

(bb) Identification of the control system where the excess emission occurred and the facility it served.

(cc) The time, date, and duration of the exceedance.

(dd) Corrective action taken.

(4) Owners or operators of a wood furniture manufacturing operation subject to the CCP in section 5 of this rule shall demonstrate continuous compliance by following the provisions of the CCP and submitting a compliance certification with the semiannual report required by section 9(c) of this rule. The compliance certification requirements shall be as follows:

(A) State that the CCP is being followed, or shall otherwise identify the periods of noncompliance with the work practice standards. Each failure to implement an obligation under the plan during any particular day is a separate violation.

(B) The compliance certification shall be signed by a responsible official.

**\*This document is incorporated by reference.** Copies of **EPA Method 24** may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced materials or are also available from for review and copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-11-6; filed Dec 5, 1995, 8:30 a.m.; 19 IR 1068; errata filed Apr 9, 1996, 2:30 p.m.; 19 IR 2045*)

SECTION 46. 326 IAC 8-11-7 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 8-11-7 Test procedures

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 7. (a) Compliance with the emission limits in section 3 of this rule shall be determined by the procedures and methods contained in 326 IAC 8-1-4 and 40 CFR 60, Appendix A\*. The owner or operator of the wood furniture manufacturing operation may request approval from the department and the U.S. EPA to use an equivalent or alternative method.

(b) If it is demonstrated to the satisfaction of the department and the U.S. EPA that a finishing material does not release VOC byproducts during the cure, for example, all VOC is solvent, then batch formulation information shall be accepted. In the event of any inconsistency between an EPA a 40 CFR 60, Appendix A, Method 24\* test and a facility's formulation data, that is, if the EPA 40 CFR 60, Appendix A, Method 24\* value is higher, the EPA Method 24\* shall govern.

(c) Owners or operators complying with the provision of this rule through use of a control system shall demonstrate initial compliance by demonstrating the overall control efficiency determined by using procedures in 326 IAC 8-1-4 and 40 CFR 60, Appendix A\*, is at least equal to the required overall control efficiency determined by using the equation in section 6(a)(2)(A) of this rule.

(d) All tests required in this section shall be conducted according to protocol developed in consultation with the department.

**\*These documents are incorporated by reference.** Copies of 40 CFR 60, Appendix A may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced materials or are also available from for review and copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-11-7; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1072*)

SECTION 47. 326 IAC 8-12-3 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 8-12-3 Definitions

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 3. The following definitions apply throughout this rule:

- (1) "Add-on control system" means an air pollution control device, such as a carbon absorber or incinerator, that reduces pollution in an air stream by destruction or removal prior to discharge to the ambient air.
- (2) "As applied" means the condition of a coating at the time of application to the substrate, including any thinning solvent.
- (3) "As supplied" means the condition of a coating before any thinning, as sold and delivered by the coating manufacturer to the user.
- (4) "Batch" means the product of an individual production run of a coating manufacturer's process. A batch is characterized by uniform composition that may vary slightly from other batches of the same product.
- (5) "Capture efficiency" means the weight per unit time of VOC entering a capture system and delivered to a control device divided by the weight per unit time of VOC generated by a source of VOC, expressed as a percentage.
- (6) "Capture system" means all equipment, including, but not limited to:
  - (A) hoods;
  - (B) ducts;
  - (C) fans;
  - (D) booths;
  - (E) ovens; and
  - (F) dryers;
 that contains, collects, and transports an air pollutant to a control device.
- (7) "Certify" means, in reference to the VOC content of a coating, to attest to the VOC content as determined through analysis by the U.S. Environmental Protection Agency (U.S. EPA) Method 24 in 40 CFR 60, Appendix A\*, or through use of the forms and procedures outlined in the U.S. EPA Publication EPA 450/3-84-019, revised June 1986\*. In the case of conflicting results, the U.S. EPA Method 24\* shall be the reference method.
- (8) "Cleaning materials" means materials with a VOC content

exceeding zero (0), used to remove contaminants, such as paints and coatings, from paint guns, hoses, and containers by flushing and spraying.

- (9) "Commercial vessel" means any vessel not owned and operated by the United States military or the United States Coast Guard.
- (10) "Container of coating" means, for purposes of demonstrating compliance under section 5(3) and 5(4) of this rule, the container from which the coating is applied, such as a bucket or pot.
- (11) "Control device" means equipment, such as an incinerator or carbon adsorber, used to reduce, by destruction or removal, the amount of air pollutant or pollutants in an air stream prior to discharge to the ambient air.
- (12) "Control system" means a combination of one (1) or more capture systems and control devices working in concert to reduce discharge of pollutants to the ambient air.
- (13) "Destruction or removal efficiency" means the amount of VOC destroyed or removed by a control device expressed as a percent of the total amount of VOC entering the device.
- (14) "Epoxy" means any thermoset coating formed by reaction of an epoxy resin, that is, a resin containing a reactive epoxide or oxirane function, such as the condensation product of epichlorohydrin and bisphenol A, with a curing agent, such as a polyamide or polyamine.
- (15) "Exempt compounds" has the meaning of nonphotochemical reactive hydrocarbon as established in 326 IAC 1-2-48.
- (16) "General use coating" means a coating that is applied over the preconstruction primer to provide long term protection for both the substrate and the underlying coating and that is not a specialty coating.
- (17) "Normally closed" means a container or piping system is closed unless an operator is actively engaged in adding or removing material.
- (18) "Operating day" means a twenty-four (24) hour period between midnight (12:00 a.m.) and the following midnight during which a facility is engaged in manufacturing or repair operations. It is not necessary for the facility to operate continuously for the entire twenty-four (24) hour period.
- (19) "Overall emission reduction efficiency" means the weight per unit time of VOC removed or destroyed by a control system divided by the weight per unit time of VOC generated by a source, expressed as a percentage. The overall emission reduction efficiency is the product of the capture efficiency and the control device destruction or removal efficiency.
- (20) "Ship" means any marine or freshwater vessel made of steel and used for military or commercial operations, including self-propelled vessels, those propelled by other craft (barges), and navigational aids (buoys). The term includes, but is not limited to, all of the following:
  - (A) Military and United States Coast Guard vessels.
  - (B) Commercial cargo and passenger (cruise) ships.
  - (C) Ferries.
  - (D) Barges.
  - (E) Tankers.
  - (F) Container ships.
  - (G) Patrol and pilot boats.
  - (H) Dredges.
 As used in this rule, offshore oil and gas drilling platforms are not considered ships.
- (21) "Shipbuilding or ship repair facility" means any facility that builds, repairs, repaints, converts, or alters ships.
- (22) "Specialty coating" means any coating that is manufactured and used for one (1) of the following specialized applications:
  - (A) "Air flask coating" means any special composition coating applied to interior surfaces of high pressure breathing air flasks to

provide corrosion resistance and that is certified safe for use with breathing air supplies.

(B) "Antenna coating" means any coating applied to equipment through which electromagnetic signals must pass for reception or transmission.

(C) "Antifoulant coating" means any coating that is applied to the underwater portion of a vessel to prevent or reduce the attachment of biological organisms and that is registered with the U.S. EPA as a pesticide under the federal Insecticide, Fungicide, and Rodenticide Act.

(D) "Heat resistant coating" means any coating that, during normal use, must withstand a temperature of at least two hundred four (204) degrees Centigrade (~~204°C~~) (four hundred (400) degrees Fahrenheit). (~~400°F~~).

(E) "High-gloss coating" means any coating that achieves at least eighty-five percent (85%) reflectance on a sixty (60) degree meter when tested by ASTM Method ~~D-523~~; **D-523**\*\*.

(F) "High-temperature coating" means any coating that, during normal use, must withstand a temperature of at least four hundred twenty-six (426) degrees Centigrade (~~426°C~~) (eight hundred (800) degrees Fahrenheit). (~~800°F~~).

(G) "Inorganic zinc (high-build) coating" means a coating that contains eight (8) pounds or more elemental zinc incorporated into an inorganic silicate binder that is applied to steel to provide galvanic corrosion resistance. These coatings are typically applied at more than two (2) mil dry film thickness.

(H) "Military exterior coating" means any exterior topcoat applied to military or United States Coast Guard vessels that are subject to specific chemical, biological, and radiological washdown requirements. These are also referred to as chemical agent resistant coatings (CARC).

(I) "Mist coating" means any low viscosity, thin film, epoxy coating applied to an inorganic zinc primer, that penetrates the porous zinc primer and allows the occluded air to escape through the paint film prior to curing, thus acting as a sealer coat and preventing formation of blisters or pinholes in the final coating system.

(J) "Navigational aids coating" means any coating applied to United States Coast Guard buoys or other United States Coast Guard waterway markers when they are recoated aboard ship at their usage site and immediately returned to the water.

(K) "Nonskid coating" means any coating applied to the horizontal surfaces of a marine vessel for the specific purpose of providing slip resistance for personnel, vehicles, or aircraft.

(L) "Nuclear coating" means any protective coating used to seal porous surfaces, such as steel or concrete, that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to long term (service life) cumulative radiation exposure (ASTM ~~D4082-83~~); **D4082-83**\*\*), relatively easy to decontaminate (ASTM ~~D4256-83~~); **D4256-83**\*\*), and resistant to various chemicals to which the coatings are likely to be exposed (ASTM ~~3912-80~~); **3912-80**\*\*). General protective requirements are outlined by the Department of Energy (formerly United States Atomic Energy Commission Regulatory Guide ~~1.54~~); **1.54**\*\*).

(M) "Organic zinc coating" means any coating derived from zinc dust incorporated into an organic binder that contains more than eight (8) pounds of elemental zinc per gallon of coating, as applied, and that is used for the express purpose of corrosion protection.

(N) "Pretreatment wash primer coating" means any coating that contains a minimum of five-tenths percent (0.5%) acid, by weight,

and is applied only to bare metal to etch the surface and enhance adhesion of subsequent coatings.

(O) "Repair and maintenance of thermoplastic coating of commercial vessels" means any vinyl, chlorinated rubber, or bituminous resin coating that is applied over the same type of existing coating to perform the partial recoating of any in-use commercial vessel. The term does not include coal tar epoxy coatings, which are considered general use coatings.

(P) "Rubber camouflage coating" means any specially formulated epoxy coating used as a camouflage topcoat for exterior submarine hulls and sonar domes.

(Q) "Sealant coating for thermal spray aluminum" means any epoxy coating applied to thermal spray aluminum surfaces at a maximum thickness of one (1) dry mil.

(R) "Special marking coating" means any coating that is used for safety or identification applications, such as markings on flight decks and ships' numbers.

(S) "Specialty interior coating" means any coating used on interior surfaces aboard vessels according to a coating specification that requires that the coating have specified fire retardant properties and a toxicity index of less than three-hundredths (0.03), in addition to the otherwise applicable physical and performance requirements.

(T) "Tack coating" means any thin film epoxy coating applied at a maximum thickness of two (2) dry mils to prepare an epoxy coating that has dried beyond the time limit specified by the manufacturer for the application of the next coat.

(U) "Undersea weapons systems coating" means any coating applied to any component of a weapons system intended to be launched or fired from under the sea.

(V) "Waterbased weld-through (shop) preconstruction primer" means either of the following:

(i) A waterbased primer, having a VOC content of zero (0) consisting of water and liquid potassium silicate manufactured by the International Zinc, Coatings and Chemical Corporation and 330LL zinc dust manufactured by Meadowbrook Company.

(ii) An equivalent waterbased primer, having a VOC content of zero (0), that, when subject to testing under facility production conditions at inland river shipyards in Indiana, meets the same unique operational and performance criteria listed in clause (W), and characteristics and specifications of the waterbased primer in item (i).

(W) "Weld-through (shop) preconstruction primer" means a coating that:

(i) provides temporary corrosion protection for steel during inventory;

(ii) is typically applied at less than one (1) mil dry film thickness;

(iii) does not require removal prior to welding;

(iv) is temperature resistant, burn back from a weld is less than five-tenths (0.5) inch; and

(v) does not require removal before application of the film building primers including inorganic zinc high-build coatings.

(23) "Thinner" means a liquid used to reduce the viscosity of a coating that will evaporate before or during the cure of a film.

(24) "Volatile organic compound (VOC)" has the meanings set forth in 326 IAC 1-2-90.

(25) "VOC content" means the weight of VOC, per unit volume of any general use or specialty coating or cleaning material, less water and less exempt compounds.

**\*These documents are incorporated by reference.** Copies of ASTM Method ~~D-523~~; ASTM ~~D4082-83~~; ASTM ~~D4256-83~~; ASTM

3912-80; Department of Energy (formerly United States Atomic Energy Commission Regulatory Guide 1.54\*); U.S. Environmental Protection Agency (U.S. EPA) Method 24 (40 CFR 60, Appendix A); and U.S. EPA Publication EPA 450/3-84-019 (revised June 1986) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced materials or are available from for review and copying at the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

**\*\*These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 8-12-3; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1751)**

SECTION 48. 326 IAC 8-12-5 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 8-12-5 Compliance requirements

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 5. (a) Sources subject to the requirements of this rule and the requirements of 326 IAC 20-26 shall comply with the requirements of 40 CFR 63.784\* and 40 CFR 63.785\*, as incorporated by reference in 326 IAC 20-26, in lieu of this section.

(b) Compliance requirements applicable to surface coating operations at a source subject to this rule are as follows:

(1) Compliance with the VOC emissions limiting requirements of section 4(a) of this rule shall be achieved on as applied basis for each operating day for the following products:

(A) Coatings.

(B) Cleaning materials.

(2) Compliance with the work practice standards of section 4(b) of this rule shall be achieved each operating day.

(3) Compliance with the VOC emissions limiting requirements of section 4(a) of this rule shall be demonstrated using ~~U.S. EPA 40 CFR 60, Appendix A~~, Method 24\*. However, in lieu of testing each container of coating for VOC content, the alternative procedures that follow may be used:

(A) If a coating as supplied by the manufacturer is applied to the substrate, in lieu of testing each container of coating using ~~U.S. EPA 40 CFR 60, Appendix A~~, Method 24\*, a source subject to this rule may use the following alternative compliance procedure:

(i) Use a certificate issued by the manufacturer certifying the VOC content for each batch of coating.

(ii) Notify the coating applicators that they shall not add any thinner to the coatings.

(iii) Specify the procedure to be used to notify the coating applicators in the compliance plan required to be submitted in section 7(b)(1) of this rule.

(B) From May 1 through September 30, thinner may not be added to any general use coating. If a thinner is added to a coating before its application to the substrate, in lieu of testing the coating as applied using ~~U.S. EPA 40 CFR 60, Appendix A~~, Method 24\*, a source subject to this rule may use the following alternative compliance procedure:

(i) Use a certification from the coating manufacturer for each batch of that coating certifying its VOC content as supplied.

(ii) Record the volume of coating used.

(iii) Record the volume of thinner used.

(iv) Record the VOC content of thinner used.

(v) Type of coating.

(4) In the compliance plan required to be submitted to the department by section 7(b)(1) of this rule, the source shall specify the compliance procedure or procedures allowed under subdivision (3) that it intends to use to demonstrate compliance with the VOC emissions limiting requirements of section 4(a) of this rule. If the source desires to use a compliance procedure other than one (1) of the three (3) described in subdivision (3), the source shall include in its compliance plan an application for approval by the department and the U.S. EPA of the proposed compliance procedure, subject to the following conditions:

(A) The application shall include a demonstration that there is a definite and consistent relationship between ~~U.S. EPA 40 CFR 60, Appendix A~~, Method 24\* results and the alternative procedure results.

(B) The source shall ensure that the coatings it uses are supplied by coating manufacturers that use the procedures in "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paints, Ink, and Other Coatings" (revised June 1986), U.S. EPA ~~450/3-84-019~~ **450/3-84-019**\*\* to certify the VOC content of coatings and thinners.

(C) The source may use the alternative procedure during the time the application is being reviewed by the department and the U.S. EPA.

(5) The department may test or have tested any coating for VOC content using ~~U.S. EPA 40 CFR 60, Appendix A~~, Method 24\*. If there is a discrepancy between the results of testing for VOC content, Method 24 test results shall take precedence.

\*These documents are incorporated by reference. ~~and Copies~~ may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of the referenced material or are available from for review and copying at the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

**\*\*These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 8-12-5; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1755; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3615)**

SECTION 49. 326 IAC 8-12-6 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 8-12-6 Test methods and procedures

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 6. (a) Sources subject to the requirements of this rule and the requirements of 326 IAC 20-26 shall comply with the requirements of 40 CFR 63.786\*, as incorporated by reference in 326 IAC 20-26, in lieu of this section.

(b) The methods and procedures set forth in 326 IAC 8-1-4, U.S. EPA Method 24\* of 40 CFR 60, Appendix A, and section 5 of this rule shall be used to ensure compliance with the VOC emissions limiting requirements of section 4(a) of this rule.

**\*These documents are incorporated by reference.** Copies of ~~Method 24 of 40 CFR 60; Appendix A and 40 CFR 63.786~~ may be obtained from the Government Printing Office, Washington, D.C. 20402. ~~Copies of pertinent sections of the referenced materials or~~ are available from the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-12-6; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1756; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3616*)

SECTION 50. 326 IAC 8-12-7 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 8-12-7 Record keeping, notification, and reporting requirements**

**Authority:** IC 13-14-8; IC 13-17-3-4

**Affected:** IC 13-12

Sec. 7. (a) Sources subject to the requirements of this rule and the requirements of 326 IAC 20-26 shall comply with the requirements of 40 CFR 63.787\* and 40 CFR 63.788\*, as incorporated by reference in 326 IAC 20-26, in lieu of this section.

(b) The following records shall be maintained at the facility for a minimum of three (3) years:

- (1) Certification of the annual training program.
- (2) The following records for each working day of the surface coating operation:
  - (A) The following for each coating:
    - (i) Trade name, manufacturer, coating category consistent with the definitions in section 3 of this rule, and applicable VOC content consistent with section 4 of this rule.
    - (ii) VOC content as supplied.
    - (iii) Certification from the coating manufacturer, MSDS, or product data sheet for each coating used.
    - (iv) Volume of coating used.
    - (v) Thinner added, if any, including the following:
      - (AA) Description.
      - (BB) VOC content.
      - (CC) Volume added.
  - (B) The following for each solvent:
    - (i) Description.
    - (ii) Description of use, including the following:
      - (AA) Thinning.
      - (BB) Cleanup.
    - (iii) VOC content.
    - (iv) Volume used for thinning.
    - (v) Volume used for cleanup.
- (3) Copy of the compliance plan required by subsection (b)(1).
- (4) Copy of the quarterly compliance report required by subsection (b)(2).

(c) Notification and reporting requirements are as follows:

- (1) On or before January 1, 1996, each source subject to this rule shall submit to the department for review a compliance plan. The department may require revisions to the compliance plan. A source may revise its compliance plan upon notifying the department in writing that a change to the compliance plan is necessary because there has been a major change in its manufacturing practices. The compliance plan shall include and address the following:
  - (A) Compliance procedure and an application for using alternative demonstration procedure if the owner or operator of the shipbuild-

ing and ship repair facility intends to use an alternative procedure to demonstrate compliance as specified in section 5 of this rule.

(B) Training program as specified in section 4(c) of this rule.

(C) Procedures to comply with record keeping, including data gathering requirements specified in subsection (a)(2).

(D) Procedures to comply with work practice standards of section 4(b) of this rule.

(2) Beginning May 1, 1996, and within sixty (60) days after the end of each quarter, each source subject to this rule shall submit a quarterly compliance report. Reporting frequency may be changed to semiannually after May 1, 1997, if a source complying with the requirements of this rule requests such change in writing and the department determines that semiannual reporting is adequate to assure compliance with this rule. The department shall examine the source's compliance records in considering such request. The quarterly report shall contain the following information:

- (A) Compliance status as of the last day of the quarter for the following:
  - (i) Work practice standards.
  - (ii) Training program.
  - (iii) Emission standards.
  - (iv) Compliance procedures.
  - (v) Provisions of the compliance plan.
- (B) Date, duration, nature, and cause of each instance of noncompliance with the requirements listed in clause (A) and the corrective action taken.
- (C) An explanation for each instance of noncompliance with the requirements listed in clause (A), including whether the noncompliance is exempt due to a state or federal provision. If there is a state or federal provision providing an exemption for the noncompliance, the basis of the exemption must be cited.

**\*These documents are incorporated by reference.** Copies of ~~40 CFR 63.787 and 40 CFR 63.788~~ may be obtained from the Government Printing Office, Washington, D.C. 20402. ~~Copies of pertinent sections of the referenced materials or~~ are available from the Indiana Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 8-12-7; filed Apr 1, 1996, 10:00 a.m.: 19 IR 1756; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3616*)

SECTION 51. 326 IAC 8-13-5 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 8-13-5 Test procedures**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 5. (a) Windbox gas VOC emission tests are required under the following conditions:

- (1) An initial test as required in section 4(d) or 8 of this rule.
- (2) When there is a change in the control measure since the most recent compliance test.
- (3) When required by the department or the U.S. EPA.

(b) Compliance with the emission limits in section 3 of this rule shall be demonstrated according to testing procedures in 326 IAC 3-5 or 326 IAC 3-6-3 and 326 IAC 3-6-5, or Method 25A "Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer", 40 CFR 60, Appendix A\*, as applicable.

(c) Owners or operators of a sintering process in which the windbox gas exhausts into the atmosphere through more than one (1) stack shall

test each stack for compliance with the emission limit in section 3 of this rule unless there is a demonstration that satisfies the commissioner that sampling a lesser number of stacks yields results comparable to those that will be obtained by testing all stacks. Owners or operators of a sintering process who intend to submit such demonstration shall include the demonstration in the protocol required in section 4 of this rule.

(d) If sinter burden oil and grease content control is the selected control measure and the owner or operator chooses to monitor the sinter burden oil and grease content, the operating parameter shall be determined as follows:

- (1) Collect the sinter burden sample at a location such that the sample is representative of the sinter burden before it goes through the sintering process.
- (2) Collect a sinter burden grab sample for analysis at least every fifteen (15) minutes for the duration of the test. The first sample shall be taken at the beginning of the test run. Each sample shall weigh at least one (1) pound.
- (3) Analyze each sample for oil and grease content using procedures in Method 9071A "Oil and Grease Extraction Method for Sludge Samples" of U.S. EPA publication "Test Methods for Evaluating Solid Wastes", SW-846, Volume 1C, Chapter 5, revised September 1994\*; n-hexane shall be used instead of trichlorotrifluoroethane as an extraction reagent.
- (4) Estimate oil and grease content as percent by weight of the sinter burden to three (3) places after the decimal.
- (5) Analyze oil and grease data outliers using Chauvenet's Criterion at Page I-7 in "Guide to Statistical Problem Solving" prepared for U.S. EPA, Research Triangle Park, North Carolina, under contract number 68-02-1505, June 1975\* or an alternative acceptable statistical procedure. Remove outliers that result from any cause other than the normal characteristics of the sinter burden.
- (6) Repeat the procedures in subdivisions (1) through (4) if the number of representative data is less than ten (10).
- (7) Using representative oil and grease content data from subdivisions (4) through (6), determine the oil content average and standard deviation as follows:

Equation 1:

Average oil and grease content, percent (%) by weight =  $\Sigma x/n$

Equation 2:

$$s = \sqrt{((\Sigma x^2 - ((\Sigma x)^2/n))/(n - 1))}$$

Where: n = Number of samples.

s = Standard deviation of oil and grease content percent by weight.

x = Percent oil and grease in each sample.

- (8) Calculate oil and grease content as percent by weight sinter burden as follows:

Equation 3:

Oil and grease content (percent (%) by weight) = average oil content (%) + one (1) standard deviation (%)

- (9) Calculate average sinter burden throughput during the test in tons.
- (10) Calculate oil and grease content as an operating parameter in pounds as follows:

Equation 4:

Operating parameter oil content (pounds) = (oil and grease content (percent (%) by weight from Equation 3)  $\times \frac{1}{100}$ )  $\times$  average sinter burden throughput (tons)  $\times$  2,000 pounds/ton

- (11) If the operating parameter in Equation 4 corresponds to a VOC emission rate in pounds VOC per ton sinter produced that is less than the VOC emission rates in pounds VOC per ton sinter produced in section 3 of this rule, calculate the operating parameter to

represent the appropriate VOC emission rates in pounds VOC per ton sinter produced in section 3 of this rule and explain the basis as provided in section 4(d)(4)(E) of this rule.

(e) An owner or operator may request approval of an alternative oil and grease sampling and analysis procedure by submitting to the department a written request. The request shall include all of the following:

- (1) Sampling procedure that includes all of the following:

- (A) A list of raw materials that will be sampled.
- (B) Sampling equipment to be used.
- (C) Sampling location.
- (D) Number of samples to be collected.
- (E) Sampling frequency.
- (F) Amount of sample to be collected.

- (2) Analytical procedure that includes all of the following:

- (A) Sample preparation procedure.
- (B) Analytical equipment.
- (C) Analysis procedure.
- (D) Reagents to be used.
- (E) Accuracy and precision of measurements.
- (F) Procedure to identify unrepresentative oil and grease content values.
- (G) Expected variation in pounds in the oil and grease content value as determined by subsection (d)(10).

**\*These documents are incorporated by reference.** Copies of the following documents: Guide to Statistical Problem Solving prepared for the U.S. EPA, Research Triangle Park, North Carolina, under Contract Number 68-02-1505, June 1975; Method 25A "Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer", 40 CFR 60, Appendix A; and Method 9071A "Oil and Grease Extraction Method for Sludge Samples" in U.S. EPA publication "Test Methods for Evaluating Solid Wastes", SW-846, Volume 1C, Chapter 5, revised September 1994, may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections of any referenced documents are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 8-13-5; filed Jun 24, 1998, 5:46 p.m.: 21 IR 4199; errata filed Feb 9, 1999, 4:04 p.m.: 22 IR 2006)

SECTION 52. 326 IAC 10-1-2 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 10-1-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 2. The following definitions apply throughout this rule:

- (1) "Actual emissions" means a facility's actual emissions for the baseline year.
- (2) "Affected facility" means any facility described in section 1(a)(2) or 1(a)(3) of this rule.
- (3) "Affected source" means any source described in section 1(a)(1) of this rule.
- (4) "Baseline year" means the most recent year prior to the effective date of this rule for which available data is complete, accurate, and representative of normal operations.
- (5) "Clinker" means a product produced in a portland cement kiln which is then proportioned with additives and ground into a fine powder called portland cement.

(6) "Coal" means all solid fuels classified as anthracite, bituminous, sub-bituminous, or lignite by the American Society of Testing and Materials (ASTM) Designation D 388-95\*.

(7) "Coal fired steam generating unit" means a facility that, for the purpose of fuel switching in this rule, derived ninety percent (90%) or more of its total heat from combustion of coal in the baseline year.

(8) "Distillate oil" means fuel oil that contains five-hundredths (0.05) weight percent or less nitrogen and complies with the specifications for fuel oil number 1 or 2 as defined by ASTM D 396-92\*, Standard Specifications for Fuel Oil.

(9) "Dry bottom boiler" means a boiler that has a furnace bottom temperature below the ash melting point and from which the bottom ash is removed as a solid.

(10) "Facility" is defined at 326 IAC 1-2-27.

(11) "Federally enforceable" is defined at 326 IAC 1-2-28.5.

(12) "Gaseous fuels" means natural gas.

(13) "Industrial, commercial, institutional steam generating unit" means a device that combusts one (1) or more of a combination of coal, oil, and gas and produces steam or hot water primarily to supply power, heat, or hot water to any industrial, commercial, or institutional operation, including boilers used by electric utilities that are not utility boilers.

(14) "Natural gas" means a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane.

(15) "Nitrogen oxides" or "NO<sub>x</sub>" means all oxides of nitrogen including, but not limited to, nitrogen oxide and nitrogen dioxide, but excluding nitrous oxide, collectively expressed as nitrogen dioxide.

(16) "Oil" means crude oil or petroleum, or liquid fuel derived from crude oil or petroleum, including distillate oil and residual oil.

(17) "Oil fired steam generating unit" means a facility that, for the purpose of fuel switching in this rule, derived ninety percent (90%) or more of its total heat from combustion of oil in the baseline year.

(18) "Operating day" means a twenty-four (24) hour period between midnight (12 p.m.) and the following midnight during which any facility combusts fuel or produces intermediate or final products. It is not necessary for the facility to operate continuously for the entire twenty-four (24) hour period.

(19) "Overfeed stoker" means a boiler design that employs a moving grate assembly where the coal is fed into a hopper and then onto a continuous grate that conveys the coal into the furnace. As coal moves through the furnace, it passes over several air zones for staged burning.

(20) "Owner or operator" means any person who owns, leases, controls, operates, or supervises any source subject to this rule.

(21) "Portland cement dry preheat process kiln" means a reaction vessel that receives dried raw material from a preheater and calcines and sinters the dried raw material into a product called cement clinker.

(22) "Portland cement long dry kiln" means a reactive vessel that dries, calcines, and sinters raw materials into a product called portland cement clinker.

(23) "Portland cement plant" means any facility that manufactures portland cement by either the wet or dry process.

(24) "Potential emissions" means a facility's potential emissions as defined in 326 IAC 1-2-55 for the baseline year.

(25) "Residual oil" means crude oil and fuel oil that do not comply with the specifications under the definition of distillate oil and all fuel oil numbers 3, 4, and 6 as defined by ASTM D 396-92\*, Standard Specifications for Fuel Oils.

(26) "Source" is defined at 326 IAC 1-2-73.

(27) "Spreader stoker" means a boiler design where mechanical or pneumatic feeders distribute coal uniformly over the surface of a moving grate.

(28) "Tangentially fired boiler" means a boiler that has coal and air nozzles mounted in each corner of the furnace where the vertical furnace walls meet. Both pulverized coal and air are directed from the furnace corners along a line tangential to a circle lying in a horizontal plane of the furnace.

(29) "Thirty (30) day rolling average" means an emission rate calculated each operating day by averaging all the preceding thirty (30) successive operating days average emission rates.

(30) "Utility steam generating unit" means any facility that is constructed for the purpose of supplying more than one-third (⅓) of its potential electric output capacity and more than twenty-five (25) megawatts of electric output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electric energy for sale is also considered in determining the electric energy output capacity of the affected facility.

(31) "Wall-fired boiler" means a boiler that has pulverized coal burners arranged on the wall of the furnace. The burners have discrete, individual flames that extend perpendicularly into the furnace area.

(32) "Wet bottom" means a boiler that has a furnace bottom temperature above the ash melting point and from which the bottom ash is removed as a liquid.

**\*These documents are incorporated by reference.** Copies of American Society of Testing and Materials Designation D 388-95 and ASTM D 396-92, Standard Specifications for Fuel Oil, may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of the referenced materials are available for review and copying from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (Air Pollution Control Board; 326 IAC 10-1-2; filed May 13, 1996, 5:00 p.m.: 19 IR 2870; errata filed Mar 21, 1997, 9:50 a.m.: 20 IR 2116)

SECTION 53. 326 IAC 10-1-4 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 10-1-4 Emissions limits

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 4. (a) The owner or operator of an affected source shall limit nitrogen oxide (NO<sub>x</sub>) emissions from affected facilities by complying with any of the NO<sub>x</sub> limits specified as follows:

- (1) Subsection (b).
- (2) Subsection (c).
- (3) A combination of limits in subsections (b) and (c).

(b) NO<sub>x</sub> emissions limits applicable to affected facilities are as follows:

- (1) For portland cement kilns, the following:

(A) NO<sub>x</sub> emissions from each portland cement long dry kiln with a clinker production capacity greater than or equal to twenty (20) tons per hour shall not exceed ten and eight-tenths (10.8) pounds per ton of clinker produced on an operating day basis and six (6.0) pounds per ton of clinker produced on a thirty (30) day rolling average basis.

(B) NO<sub>x</sub> emissions from each portland cement dry preheater process kiln with a clinker production capacity greater than or equal to twenty (20) tons per hour shall not exceed five and nine-tenths pounds per ton (5.9 lbs/ton) of clinker produced on an operating day basis and four and four-tenths pounds per ton (4.4 lbs/ton) clinker produced on a thirty (30) day rolling average basis.

(2) For electric utility steam generating boilers, NO<sub>x</sub> emissions from each electric utility steam generating unit that has heat input capacity greater than or equal to two hundred fifty (250) million Btu per hour, and that combusts only coal, oil, or gas shall not exceed the following limits on a thirty (30) day rolling average basis:

Boiler Type	Fuel Type	Emissions Limit
		(lb/million Btu input)
Wall-fired dry bottom	Pulverized coal	0.5
	Distillate oil	0.2
	Residual oil	0.3
	Gas	0.2

(3) For industrial, commercial, institutional boilers, NO<sub>x</sub> emissions from each industrial, commercial, or institutional steam generating unit that has heat input capacity greater than or equal to one hundred (100) million Btu per hour, and that combusts only coal, oil, or gas shall not exceed the following limits:

Boiler Type	Fuel Type	Emissions Limit
		(lb/million Btu input)
Wall-fired dry bottom	Pulverized coal	0.5
Tangentially fired	Pulverized coal	0.4
Spreader stoker	Pulverized coal	0.5
Overfeed stoker	Pulverized coal	0.4
Oil fired	Distillate oil	0.2
	Residual oil	0.3
Gas fired	Gas	0.2

Limits shall be complied with on a three (3) hour basis in accordance with section 5 of this rule; however, if a continuous emissions monitor (CEM) is installed then limits shall be complied with on a thirty (30) day rolling average basis.

(4) Each facility listed in subdivision (2) or (3) that simultaneously combusts a mixture of coal, oil, or gas shall comply with emissions limits determined by the following equation:

Equation 1

$$E = (A \times E1 + B \times E2 + C \times E3) / (A + B + C)$$

Where: E = the NO<sub>x</sub> limit expressed as pounds per million Btu.

A = heat input in million Btu from combustion of coal.

B = heat input in million Btu from combustion of oil.

C = heat input in million Btu from combustion of gas.

E1 = applicable emissions limit in subdivision (2) or (3) in pounds per million Btu for coal.

E2 = applicable emissions limit in subdivision (2) or (3) in pounds per million Btu for oil.

E3 = applicable emission limit in subdivision (2) or (3) in pounds per million Btu for gas.

(5) NO<sub>x</sub> emissions from any facility other than those listed in subdivision (1), (2), or (3) that emits or that has potential to emit NO<sub>x</sub> equal to or greater than forty (40) tons per year shall comply

with an emissions limit that shall be achieved by controlling actual NO<sub>x</sub> emissions by at least forty percent (40%). This requirement does not apply to facilities of the type listed in subdivision (1), (2), or (3), including those that are smaller than the applicable size cutoff. Limits shall be complied with on a three (3) hour basis in accordance with section 5 of this rule; however, if a CEM is installed then limits shall be complied with on a thirty (30) day rolling average basis.

(c) Instead of complying with the emissions limits in subsection (b), the owner or operator of an affected facility may elect to comply with the following alternative emissions limits:

(1) Where an owner or operator of a source existing on the effective date of this rule claims that an emissions limit in subsection (b) is technically or economically infeasible, the owner or operator may petition for an alternative emissions limit according to the procedures in section 3(3)(A) of this rule and 326 IAC 8-1-5. An alternative RACT petition approved by the department shall be submitted to the U.S. EPA for approval.

(2) Instead of complying with the emissions limits for steam generating units in subsection (b)(2) or (b)(3), the owner or operator may comply with an emissions limit based on a fuel switching program. Provisions applicable to fuel switching are as follows:

(A) Fuel may be switched as follows:

(i) A coal fired unit may combust oil, gas, or a combination of oil and gas during the period from May 1 through and including September 30. The unit shall comply with the applicable limit for coal combustion in subsection (b)(2) or (b)(3) on an annual basis and the applicable limit for coal combustion during the period May 1 through and including September 30.

(ii) An oil fired unit may combust oil with a lower NO<sub>x</sub> emitting potential, gas, or a combination of oil and gas during the period from May 1 through and including September 30. The unit shall comply with the applicable limit for oil combustion in subsection (b)(2) or (b)(3) on an annual basis and the applicable limit for oil during the period May 1 through and including September 30.

(B) The owner or operator shall submit to the department a fuel switching plan addressing the following information:

(i) Date the plan will be implemented.

(ii) Identification of each facility to be included in the fuel switching program.

(iii) For each facility in the fuel switching program the following information:

(AA) Type of steam generating unit based on fuels used in the baseline year and the applicable emissions limit in subsection (b)(2) or (b)(3).

(BB) Fuels that will be combusted.

(CC) Emission rate for each fuel, including basis, expressed as pounds per million Btu, and the amount of heat that will be derived from each fuel, expressed as million Btu.

(DD) Period of time during the year in which each fuel shall be used.

(EE) A demonstration that the actual annual fuel Btu weighted average emissions rate shall not exceed the applicable annual emissions limit using the following equation:

Equation 2

$$EL = (E1 \times H1 + E2 \times H2 + \dots) / (H1 + H2 + \dots)$$

Where:

EL = applicable emissions limit, expressed in pounds per million Btu.

E1, E2, ... = emission rate of alternative fuels 1, 2, etc., expressed in pounds per million Btu.

H1, H2,... = amount of heat derived from alternative fuels 1, 2, etc., expressed in million Btu per year.

(FF) Monitoring and record keeping procedures.

(GG) Procedures that shall be used to demonstrate compliance with the emissions limits as follows:

(aa) Annually.

(bb) During the fuel switching period.

(3) Instead of complying with the emissions limits in subsection (b), the owner or operator of an affected source may comply with an emission limit based on an approved emissions averaging plan. Provisions applicable to emissions averaging are as follows:

(A) Emissions may be averaged between facilities located at sources in Indiana provided the following:

(i) The sources are under the control of the same owner and have the same designated representative.

(ii) The facilities in Clark or Floyd County engaging in the averaging plan achieve at least the equivalent NO<sub>x</sub> reductions that would be achieved if each facility complied with the emissions limit in subsection (b).

(B) Emissions may be averaged only between the facilities in any category in subsection (b)(1), (b)(2), (b)(3), or (b)(5).

(C) The owner or operator of an affected source electing to comply with emissions averaging shall submit to the department an emissions averaging plan that uses 40 CFR 76.11\* as a guideline, except that the compliance averaging time shall be as specified in this section.

(d) The commissioner may require verification of the emissions rates used by the owner or operator in subsection (c)(2) and (c)(3) using procedures and test methods in section 5 of this rule.

**\*This document is incorporated by reference.** Copies of ~~40 CFR 76.11~~ may be obtained from the Government Printing Office, Washington, D.C. 20402. ~~Copies of the referenced materials or~~ are available for **review and copying** from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 10-1-4; filed May 13, 1996, 5:00 p.m.: 19 IR 2872*)

SECTION 54. 326 IAC 10-1-5 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 10-1-5 Compliance procedures

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 5. Compliance with the requirements of this rule shall be demonstrated as follows:

(1) The owner or operator shall demonstrate initial compliance either by using a U.S. EPA or department certified continuous emissions monitor (CEM) or by using the test methods and procedures that follow:

(A) 326 IAC 3.

(B) 40 CFR 60\*.

(2) After the date that the initial compliance with the emission limits in section 4 of this rule is demonstrated, an owner or operator who installed CEMs shall demonstrate continuous compliance using either U.S. EPA or department certified CEMs.

(3) After the date that initial compliance with the emissions limits in section 4 of this rule is demonstrated, an owner or operator who does not install continuous emissions monitors shall demonstrate

compliance with the emissions limits in section 4 of this rule using test methods and procedures in 326 IAC 3 and 40 CFR 60\*, if required by the department.

(4) Notwithstanding the provisions in subdivision (1) or (2), the U.S. EPA or the department may require an owner or operator to conduct compliance testing using test methods and procedures in 326 IAC 3 and 40 CFR 60\*.

(5) An owner or operator shall conduct compliance tests within ninety (90) days of the receipt of a written request by the department or the U.S. EPA.

(6) All compliance tests shall be conducted according to a protocol developed following procedures in 326 IAC 3.

(7) Compliance tests shall be reported in a format following procedures in 326 IAC 3.

**\*This document is incorporated by reference.** Copies of ~~40 CFR 60~~ may be obtained from the Government Printing Office, Washington, D.C. 20402. ~~Copies of the referenced material or~~ are available for **review and copying** from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 10-1-5; filed May 13, 1996, 5:00 p.m.: 19 IR 2874*)

SECTION 55. 326 IAC 10-1-6 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 10-1-6 Emissions monitoring

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 6. The owner or operator of a facility subject to this rule shall comply with the following emissions monitoring requirements:

(1) NO<sub>x</sub> continuous emissions monitors (CEMs) shall be installed at the following facilities:

(A) Steam generating units, including utility and industrial, commercial, or institutional steam generating units according to the requirements of 326 IAC 3.

(B) Each portland cement long dry kiln and preheater process kiln with production capacity equal to or greater than twenty (20) tons of clinker per hour.

(C) Each facility of the type listed in section 1(a)(2) of this rule unless the owner or operator demonstrates to the satisfaction of the department that a NO<sub>x</sub> continuous emissions monitor is not technically feasible after considering the following factors:

(i) The physical configuration and mode of operation of the facility.

(ii) The magnitude of and variability in NO<sub>x</sub> emissions.

(iii) The type of control measures employed to achieve compliance with the emissions limits in section 4 of this rule.

An owner or operator subject to this clause shall include in the demonstration an alternate method to demonstrate initial and continuous compliance with the emissions limits.

(2) NO<sub>x</sub> CEMs at facilities listed in subdivision (1) shall be certified according to procedures contained in 326 IAC 3 and 40 CFR 75\* as applicable.

(3) Requirements that follow apply to NO<sub>x</sub> CEMs at facilities listed in subdivision (1):

(A) Operating and maintenance procedures contained in 326 IAC 3 and 40 CFR 75\* as applicable.

(B) Data recording and reporting procedures contained in 326 IAC 3 and 40 CFR 75\* as applicable, except that for the purpose

of the excess emissions reporting requirement in 326 IAC 3, the excess emissions reported shall be those emissions that exceed the applicable emissions limits in section 4 of this rule.

**\*This document is incorporated by reference.** Copies of 40 CFR 75 may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of the referenced materials or are available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 10-1-6; filed May 13, 1996, 5:00 p.m.: 19 IR 2874*)

SECTION 56. 326 IAC 11-3-4 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 11-3-4 Compliance determination

Authority: IC 13-17-3; IC 13-13; IC 13-14-9

Affected: IC 13-13; IC 13-14-8; IC 13-17

Sec. 4. (a) This subsection applies to charging emissions. To determine compliance with section 2(b) of this rule, observations shall be made and the identity recorded from any point or points on the topside of a coke oven battery such that the observer can obtain an unobstructed view of the charging operation. The observer shall keep cumulative time of the total number of seconds charging emissions are visible. Time is started when a visible emission appears and is stopped when the visible emission expires. This procedure shall continue throughout the entire charging period. Visible emissions occurring simultaneously from two (2) or more separate points shall be timed as one (1). The following shall not be timed:

- (1) Visible emissions from burning coal spilled on the top of the oven or oven lids during charging.
- (2) Visible emissions from any equipment other than the charging system or charge ports.
- (3) Visible emissions from standpipes during charging.
- (4) Visible emissions from the charge port lids and the standpipe on the oven most recently charged.
- (5) Visible emissions from coke oven doors which may be wind-blown across the topside of a coke oven battery.
- (6) Visible emissions due to steam from uncombined water.

The time retained is the total time visible emissions are observed during a charge and shall be recorded on a data sheet. If the observations of a consecutive set of five (5) charges are interrupted by an event not in the control of the observer, for example, momentary interference by a passing quench car plume, then the data for the interrupted charge(s) shall be discarded and additional consecutive charges shall be observed. Five (5) charges observed as such shall be treated as consecutive charges. To determine compliance with section 2(b) of this rule, the observer shall discard the data for the charge observed, during each set, which contains the greatest cumulative total number of seconds during which emissions are visible. A set shall consist of the total number of consecutive charges read by the observer during any one (1) observation period, but in no event shall a set exceed twenty (20) consecutive charges.

(b) Topside emissions requirements shall be as follows:

- (1) To determine compliance with topside emission limitations in section 2(c) and 2(d) of this rule, the observer shall walk the length of the topside of a coke oven battery, on a line down the middle of the battery, or as close to as safety permits, to record the identity of standpipes in a single traverse and charge port lids in a single

traverse that have any visible emissions. The following shall not be counted:

- (A) Visible emissions from burning coal spilled on the top of the oven or oven lids.
  - (B) Visible emissions from charge port lids and standpipe lids, from a maximum of three (3) ovens, that are opened during a decarbonization period or charging period.
  - (C) Visible emissions from the standpipe on an oven being charged.
  - (D) Visible emissions resulting from maintenance work.
  - (E) Visible emissions from steam caused by the vaporization of wet luting material.
  - (F) Visible emissions due to steam from uncombined water.
- (2) Visible emissions from charge port lids shall include all emissions from the charge port casting/lid interface.
  - (3) Visible emissions from the offtake piping assembly shall include the following:
    - (A) Any leaks from cracks and/or defects in the piping itself.
    - (B) Any leaks coming from the flanged joints of any pipes, including the final joint with the collector main.
    - (C) Any leaks coming from the standpipe base.
    - (D) Leaks coming from the standpipe lid or along its seal with the standpipe.
    - (E) Any leaks from the offtake piping assembly which are not contained in one (1) of the categories in this subdivision.

(c) This subsection applies to oven door emissions. To determine compliance with section 2(f) of this rule, the observer shall record the starting time of the inspection, then shall move steadily along the push-side or coke-side of a coke oven battery stopping only to record the identity of any doors of ovens not temporarily or permanently taken out of service that have visible emissions, but not including visible emissions due to steam from uncombined water. The inspector shall have any of the following options:

- (1) To wait for any doors which are blocked from the inspector's view to become unobstructed.
- (2) To continue the inspection and return when the view of the doors becomes unobstructed.
- (3) To exclude the obstructed doors from the calculation of the total number of doors observed.

The finishing time of that inspection shall be recorded followed by the inspector repeating the same procedure on the opposite side of the same battery. The inspector shall be positioned either outside of the quench car tracks on the coke-side of the battery or outside of the push-side bench. After a brief scan of a coke oven door, the observer shall proceed in the inspection checking each succeeding door in a like manner.

(d) Testing to determine the amount of particulate matter emitted from any facility subject to a grain loading or process weight limitation of this rule shall be conducted in accordance with the procedures set forth in 40 CFR 60, Appendix A, Methods 1-5\*.

(e) To determine compliance with gas collector main emission limitations in section 2(e) of this rule, the observer shall walk the length of the topside of the gas collector main, to record the number of points in a single traverse from which emissions are visible.

**\*Copies of the Code of Federal Regulations have been \*These documents are incorporated by reference, and are available Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying from the Indiana**

Department of Environmental Management, Office of Air Management. (*Air Pollution Control Board; 326 IAC 11-3-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2550; filed May 12, 1993, 11:30 a.m.: 16 IR 2400; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 57. 326 IAC 11-7-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 11-7-1 Applicability**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. (a) Except as provided in subsection (b), this rule applies to each municipal waste combustor unit with a combustion capacity greater than two hundred fifty (250) tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994, hereafter referred to as "designated facility".

(b) The following are exempt from this rule:

(1) Any municipal waste combustor unit that is capable of combusting more than two hundred fifty (250) tons per day of municipal solid waste and is subject to a federally enforceable permit limiting the maximum amount of municipal solid waste that may be combusted to less than or equal to eleven (11) tons per day, provided the owner or operator does the following:

(A) Notifies the department and U.S. EPA of an exemption claim and includes as a part of the notification a copy of its federally enforceable operating permit.

(B) Maintains daily records of the amount of municipal solid waste combusted.

(2) The following facilities, provided the owner or operator of the facility notifies the department and U.S. EPA of an exemption claim and provides data documenting that the facility qualifies for an exemption:

(A) A qualifying small power production facility as defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C))\* that burns homogeneous waste, such as automotive tires or used oil, but not including refuse-derived fuel, for the production of electric energy.

(B) A qualifying cogeneration facility, as defined in Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B))\* that burns homogeneous waste, such as automotive tires or used oil, but not including refuse-derived fuel, for the production of electric energy and steam or forms of useful energy, such as heat, that are used for industrial, commercial, heating, or cooling purposes.

(C) Any unit combusting a single-item waste stream of tires.

(3) Any unit required to have a permit under Section 3005 of the Solid Waste Disposal Act (42 U.S.C. 6925)\*.

(4) Any material recovery facility, including a primary or secondary smelter, that combusts waste for the primary purpose of recovering metals.

(5) Any cofired combustor with a plant capacity greater than two hundred fifty (250) tons per day of municipal solid waste, provided the owner or operator of the facility does the following:

(A) Notifies the department and U.S. EPA of an exemption claim and includes as a part of the notification a copy of its federally enforceable operating permit.

(B) Keeps records on a calendar quarter basis of the weight of the following:

- (i) Municipal solid waste combusted at the cofired combustor.
- (ii) All other fuels combusted at the cofired combustor.

(6) Pyrolysis/combustion units that are an integrated part of a

plastics/rubber recycling unit, provided the owner or operator of the plastics/rubber recycling unit keeps the following records:

(A) The weight of plastics/rubber or rubber tires processed on a calendar quarter basis.

(B) The weight of chemical plant feedstocks and petroleum refinery feedstocks produced and marketed on a calendar quarter basis.

(C) The name and address of the purchaser of the feedstocks.

(7) Cement kilns firing municipal solid waste.

(8) The combustion of gasoline, diesel fuel, fuel oil, residual oil, refinery gas, petroleum coke, liquified petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feedstocks produced by plastics/rubber recycling units.

(c) Physical or operational changes made to an existing municipal waste unit primarily for the purpose of complying with emission limits under this rule are not considered in determining whether the unit is a modified or reconstructed facility under 40 CFR 60, Subpart Ea\*, or 40 CFR 60 Eb\*, as amended by 60 FR 45116\* and 60 FR 45124 (August 25, 1997)\*.

**\*These documents are incorporated by reference.** Copies of the Federal Power Act, the Solid Waste Disposal Act, the Code of Federal Regulations (CFR), and the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-7-1; filed Jan 18, 1999, 1:20 p.m.: 22 IR 1967; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 58. 326 IAC 13-1.1-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 13-1.1-1 Definitions**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. The following definitions apply throughout this rule:

(1) "2500/idle" means a two (2) speed idle test as described in 40 CFR 51, Appendix B\*.

(2) "Basic inspection/maintenance (I/M)" means an I/M program that meets the requirements for a basic I/M program as defined in 40 CFR 51\*.

(3) "Bureau" means the bureau of motor vehicles.

(4) "Certificate of compliance" means a certificate issued to motor vehicle owners or operators passing the emissions test and tampering inspection or receiving a waiver pursuant to this rule which must be presented to the bureau in order to receive a certificate of registration.

(5) "Certified configuration" means an engine or engine-chassis design which has been certified by the U.S. EPA under 40 CFR 86\*, prior to the production of vehicles with that design.

(6) "Certified inspection and maintenance (I/M) emissions repair technician" means a technician that has satisfactorily completed approved department certified I/M emission repair technician training.

(7) "Certified inspector" means a contracted employee that has satisfactorily completed approved department certified inspector training.

- (8) "Contractor" means any offeror or organization selected as a result of the state procurement process to operate a vehicle emission testing program and any employees of that contractor.
- (9) "Dedicated alternative fuel vehicle" means a vehicle that is not capable of running on gasoline at any time.
- (10) "Department" means the department of environmental management or its contractor.
- (11) "Dual fuel vehicle" means a vehicle capable of operating on either gasoline or one (1) of the fuels stated in section 4(b) of this rule.
- (12) "Enhanced I/M" means an I/M program that meets the requirements for an enhanced I/M program as defined in 40 CFR 51\*.
- (13) "Facility" means a motor vehicle testing location, either mobile or stationary, operated by the contractor and established in accordance with this rule.
- (14) "Fleet" means a group of light duty motor vehicles, medium duty motor vehicles, or a combination thereof owned or operated by an individual, a company, a corporation, or a federal, state, or local government unit.
- (15) "Heavy duty motor vehicle" means a motor vehicle with a gross vehicle weight rating (GVWR) greater than nine thousand (9,000) pounds.
- (16) "Idle test" means a single speed idle test as described in 40 CFR 51, Appendix B\*.
- (17) "I/M" means inspection/maintenance.
- (18) "I/M 240" means a transient emission test as described in 40 CFR 51, Appendix B\*.
- (19) "I/M 93" means a version of I/M 240 that:
- (A) is shorter in duration by utilizing only phase I (ninety-three (93) second drive trace) of the I/M 240 driving cycle;
  - (B) allows a second attempt to pass; and
  - (C) eliminates both the purge and pressure tests.
- (20) "Light duty motor vehicle" means a motor vehicle with a GVWR less than or equal to six thousand (6,000) pounds.
- (21) "Medium duty motor vehicle" means a motor vehicle with a GVWR of six thousand one (6,001) pounds or greater and less than or equal to nine thousand (9,000) pounds.
- (22) "Motor vehicle" means a self-propelled vehicle used on the public roads.
- (23) "Motor vehicle emission inspector" means an individual meeting the requirements of section 15 of this rule.
- (24) "Motor vehicle model year" or "model year" means the date of manufacture of the original motor vehicle within the annual production period of such motor vehicle as designated by the manufacturer.
- (25) "Motorcycle" means a motor vehicle having a seat or saddle for the rider and designed to travel on not more than three (3) wheels in contact with the ground.
- (26) "OBDII" means second generation on-board diagnostics systems.
- (27) "Purge test" means a test that measures the total purge flow occurring in the vehicle's evaporative system during the transient dynamometer emission test as described in High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (dated April 1994)\*\* and 40 CFR 51\*.
- (28) "Pressure test" means a test that pressurizes the evaporative system to check for leakage as described in High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (dated April 1994)\*\* and 40 CFR 51\*.
- (29) "Recall" means a voluntary emissions recall as described in 40 CFR 85.1902(d)\*.
- (30) "Tampering check" means a visual inspection of catalytic

converters, fuel filler caps, positive crankcase ventilation (PCV) systems, and evaporative systems.

(31) "VIN" means vehicle identification number.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and referenced materials may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

**\*\*This document is incorporated by reference.** Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 13-1.1-1; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2730; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1463; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

SECTION 59. 326 IAC 13-1.1-8 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 13-1.1-8 Testing procedures and standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 8. (a) Each motor vehicle shall be presented for testing and inspection at a facility with its certificate of registration or proof of ownership that identifies the motor vehicle by make, model year, vehicle identification number, and license number.

(b) The contractor shall only test vehicles if all of the following conditions are met:

- (1) The exhaust system is intact and without leaks.
- (2) The vehicle is in safe condition for testing.
- (3) The motorist has exited from the vehicle.

(c) All tests shall be performed by a certified inspector.

(d) Test procedures for I/M emission testing shall comply with "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications" dated June 1996\*.

(e) Emission standards shall comply with "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications" dated June 1996\*.

(f) Vehicles shall be retested after repair for any portion of the inspection that was failed. To the extent that repairs to correct a previous failure could lead to failure of another portion of the test, that portion shall also be retested. Evaporative system repairs shall trigger an exhaust emission retest. Exhaust emission retests shall not be conducted unless the owner or operator of the vehicle demonstrates that the vehicle has had appropriate repairs for the reason of failure. In the case of tampering failures, the owner or operator must demonstrate that the tampered condition or equipment has been repaired or replaced before a retest is performed.

(g) Vehicles that are subject to an emissions recall but have not had recall repairs shall not be tested until such repairs have been made.

(h) If the U.S. EPA has granted a waiver in accordance with Section

182(f) of the Clean Air Act\* Act\*\* for any county or counties subject to this rule, the department may determine that during the period when the NO<sub>x</sub> waiver is in effect, failure of the NO<sub>x</sub> portion of the I/M test is not grounds for denial of a certificate of compliance for vehicles within that county or counties. Upon making such a determination, the department shall notify the contractor in writing indicating the effective dates of the determination.

**\*These documents are incorporated by reference.** Copies of the High-Tech I/M Test Procedures; Emission Standards; Quality Control Requirements; and Equipment Specification dated June 1996; Clean Air Act and referenced materials may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for review and copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

**\*\*This document is incorporated by reference.** Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 13-1.1-8; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2733; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1466; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

SECTION 60. 326 IAC 13-1.1-10 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 13-1.1-10 Waivers and compliance through diagnostic inspection**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 10. (a) A waiver of the requirement that a motor vehicle obtain a certificate of compliance may be issued only under the following conditions:

- (1) A waiver shall be issued only after a vehicle has failed a retest performed after all emission-related repairs as described in subdivisions (3) through (5) have been completed. Vehicles that are subject to an emissions recall but have not had recall repairs shall not be eligible for a waiver until such repairs have been made.
- (2) Waivers shall not be issued to vehicles for tampering-related repairs. The cost of tampering-related repairs shall not be applicable to the minimum expenditure in subdivision (5). The department may issue exemptions for tampering-related repairs if the motorist can verify that the part in question or one similar to it is no longer available for sale.
- (3) Repairs shall be appropriate to the cause of the test failure, and a visual check shall be made at the time of retest to determine if repairs were actually made. Receipts shall be submitted for review at the test site to further verify that qualifying repairs were performed.
- (4) Repairs shall be performed at a certified I/M emission repair facility. A certified I/M emission repair facility shall meet the following criteria:
  - (A) Employ at least one (1) certified I/M emission repair technician as defined in this rule.
  - (B) For all I/M emission testing, possess the following:
    - (i) Reference material.
    - (ii) Digital multimeter.
    - (iii) Vacuum and fuel pressure testing equipment.
    - (iv) Carbon/fuel injection cleaning equipment.
    - (v) Ignition scope with distributorless ignition (DIS) capability.
    - (vi) 2, 3, 4, or 5 gas analyzer.
    - (vii) Scan tool.
  - (C) For all I/M emission testing beginning January 1, 2000, possess the following:
    - (i) All equipment listed in clause (B).
    - (ii) Digital storage oscilloscope (DSO).
    - (iii) OBDII scan tool.
  - (D) For I/M 240 emission testing, possess the following:
    - (i) All equipment listed in clauses (A) and (B).
    - (ii) Purge-flow tester.

The department may suspend, revoke, or deny renewal of a certification of a certified I/M emission repair facility if the facility fails to adhere to program requirements.

(5) In order to qualify for a waiver, repairs shall be performed by a certified I/M emission repair technician who:

- (A) is certified and maintains current certification as an Automotive Service Excellence (ASE) A6 (Electrical/Electronic Systems) technician and an A8 (Engine Performance) technician;
- (B) on and after January 1, 2000, is certified and maintains current certification as an ASE L1 (Advanced Engine Performance) technician;
- (C) has successfully completed the department approved emission and driveability training program;
- (D) is professionally engaged in emission/driveability repair; and
- (E) is employed at a certified I/M emission repair facility.

The department may suspend, revoke, or deny renewal of a certification of a certified I/M emission repair technician if the technician fails to adhere to program requirements.

(6) Repairs appropriate to the reason for the failure may be performed by nontechnicians (such as owners) to apply toward the waiver limit for model year vehicles 1976 through 1980.

(7) In order to qualify for a minimum expenditure waiver, motorists in Lake or Porter County with 1981 model year or newer vehicles shall expend the following:

- (A) At least four hundred fifty dollars (\$450) in repairs on or after January 1, 1999.
- (B) Motorists in Clark, Floyd, Lake, or Porter County with 1976 through 1980 model year vehicles shall expend at least seventy-five dollars (\$75) in repairs in order to qualify for a minimum expenditure waiver.
- (C) Motorists in Clark or Floyd County shall expend a minimum of two hundred dollars (\$200) for 1981 and newer vehicles in order to qualify for a minimum expenditure waiver.

The costs of owner performed repairs shall not include labor costs. Any available warranty coverage shall be used to obtain needed repairs before expenditures can be counted towards the cost limits. The operator of a vehicle within the statutory age and mileage coverage under Section 207(b) of the Clean Air Act\* shall present a written denial of warranty coverage from the manufacturer or authorized dealer for this provision to be waived for approved tests applicable to the vehicle.

(8) Vehicles subject to an enhanced I/M emission test at the cutpoints established in 40 CFR 51.351\* may be issued a certificate of compliance without meeting the prescribed emission cutpoints, if, after failing a retest, a complete, documented physical and functional diagnosis and inspection performed by the contractor shows no additional emission-related repairs are needed. Any such exemption policy and procedures shall be subject to EPA approval.

(9) After an initial I/M emission test failure, a vehicle may be

retested up to four (4) additional times. A vehicle shall not be retested a fifth time until the type of repairs or modifications necessary has been fully evaluated by department and contractor personnel.

(10) Waivers shall be issued only by the test site manager or other employee specifically designated for this purpose.

(11) A waiver shall be valid for no more than one (1) test cycle.

(b) No vehicle in its lifetime shall receive more than one (1) waiver.

**\*These documents are incorporated by reference.** Copies of the **Code of Federal Regulations (CFR), Clean Air Act, and referenced materials** may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-1.1-10; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2734; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1468; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 61. 326 IAC 13-1.1-13 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 13-1.1-13 Test reports; repair forms

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 13. (a) Each owner of a motor vehicle tested at a facility shall be provided a test report which shall include, but is not limited to, the following information:

- (1) The owner's name.
- (2) The license plate or temporary plate number.
- (3) The type of motor vehicle.
- (4) The motor vehicle identification number (VIN).
- (5) The model year.
- (6) The make of motor vehicle.
- (7) The emission standards applicable to the motor vehicle.
- (8) The emission measurements obtained by the test.
- (9) The final result of the emissions test, evaporative system, and tampering inspection.
- (10) Date and time of inspection.
- (11) The report serial number.
- (12) The facility and lane identification number.
- (13) The odometer reading.
- (14) The identification number of the inspector performing the test.
- (15) The type of tests performed, such as emissions test, visual checks for the presence of emission control components, and evaporative system checks.
- (16) A statement indicating the availability of warranty coverage as required in Section 207 of the Clean Air Act\*.
- (17) The certification that the tests were performed in accordance with the regulations.
- (18) For vehicles that fail the tailpipe emission test, information on the possible causes of the specific pattern of high emission levels found during the test.

(b) Owners or operators of failing vehicles shall be provided with the results of repair effectiveness data for all repair facilities operating in the area. The vehicle owner also shall receive a blank repair form.

(c) A repair form, completed by the vehicle owner or person responsible for repairs prior to retest of the motor vehicle, shall contain the following information:

(1) The exact repairs or adjustments made to the motor vehicle since the initial test.

(2) The itemized cost of repairs or adjustments made.

(3) The name and location of the repair facility where the repairs or adjustments were made.

(4) The printed name and signature of the person making the repairs or adjustments. If the repairs or adjustments are performed by:

(A) a repair shop, the federal tax identification number shall be provided in the repair form; or

(B) an Indiana certified emission technician, the certification number shall be provided in the repair form.

**\*This document is incorporated by reference.** Copies of the **Clean Air Act referenced** may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 13-1.1-13; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1469; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 62. 326 IAC 13-1.1-14 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 13-1.1-14 Facility and testing requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 14. (a) The contractor shall collect data and maintain records of tests and facility operations as required by the department. The contractor shall gather test data to link specific test results to a specific vehicle, I/M program registrant, test site, and inspector, and to determine whether or not the correct testing parameters were observed for the specific vehicle in question. At a minimum, the contractor shall collect the following with respect to each test conducted:

- (1) Test record number.
- (2) Inspection station and inspector numbers.
- (3) Test system number.
- (4) Date of test.
- (5) Emission test start time and time final emission scores are determined.
- (6) Vehicle identification number (VIN).
- (7) License plate number.
- (8) Test certificate number.
- (9) Gross vehicle weight rating (GVWR).
- (10) Vehicle model year, make, and type.
- (11) Number of cylinders or engine displacement.
- (12) Transmission type.
- (13) Odometer reading.
- (14) Category of test performed (such as initial test, first retest, or subsequent retest).
- (15) Fuel type of the vehicle (such as gas, compressed natural gas (CNG), or other fuel).
- (16) Type of vehicle preconditioning performed, if any.
- (17) Emission test sequences used.
- (18) Hydrocarbon emission scores and standards for each applicable test mode.
- (19) Carbon monoxide emission scores and standards for each applicable test mode.
- (20) Carbon dioxide emission scores (CO + CO<sub>2</sub>) and standards for each applicable test mode.

(21) Nitrogen oxides emission scores and standards for each applicable test mode.

(22) Results (pass/fail/not applicable) of the applicable visual inspections for the catalytic converter, gas cap, evaporative system, and positive crankcase ventilation system.

(23) Results of the evaporative system pressure test expressed as a pass or fail (I/M 240 only).

(24) Results of the evaporative system purge test expressed as a pass or fail along with the total purge flow in liters achieved during the test (I/M 240 only).

(b) At a minimum, the contractor shall gather and report the results of the quality control checks required under 40 CFR 51.359\*, identifying each check by station number, system number, date, and start time. The data report shall also contain the concentration values of the calibration gases used to perform the gas characterization portion of the quality control checks.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) and referenced materials may be obtained from the Government Printing Office, Washington, D.C. 20402 and or are available for review and copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-1.1-14; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1470; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 63. 326 IAC 13-1.1-16 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 13-1.1-16 Facility quality assurance program**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 16. (a) No emission tests shall be conducted with any analyzer that is not operating within all specifications developed or approved by the department. The following practices, in addition to those described in High Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications dated June 1996\*, shall be followed:

(1) Preventive maintenance on all inspection equipment shall be performed to ensure accurate and repeatable operation.

(2) Computerized analyzers shall automatically record quality control check information, lockouts, and attempted tampering, which shall be monitored to ensure proper quality control.

(b) The contractor shall maintain the equipment according to demonstrated good engineering practices to assure test accuracy. The calibration and adjustment requirements in "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications" dated June 1996\* shall apply to all steady state test equipment. Calibration schedules and other quality control frequencies may be adjusted by using statistical process control to monitor equipment performance on an ongoing basis. Additional requirements shall be as follows:

(1) For analyzers that use ambient air as the starting point for emission readings, the air shall be drawn from the air outside the inspection bay or lane in which the analyzer is situated.

(2) The analyzer housing shall be constructed to protect the analyzer bench and electrical components from ambient temperature and humidity fluctuations that exceed the range of the analyzer's design specifications.

(3) Analyzers shall automatically purge the analytical system after each test.

(c) Measures shall be instituted to maintain the security of all documents by which compliance with the inspection requirement is established, including, but not limited to, inspection certificates and waiver certificates. This section shall in no way require the use of paper documents (except for certificates of compliance and waivers) but shall apply if they are used by the program for these purposes.

(d) Compliance documents are to be counterfeit resistant through the use of special fonts, water marks, ultraviolet inks, encoded magnetic strips, unique bar coded identifiers, difficult to acquire materials, or other measures, as approved by the department.

(e) All inspection certificates and waiver certificates shall be printed with a unique serial number and an official program seal.

**\*This document is incorporated by reference.** Copies of the High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications dated June 1996, may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for review and copying at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-1.1-16; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2736; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1470; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 64. 326 IAC 14-1-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 14-1-1 Applicability**

**Authority:** IC 13-14; IC 13-17-3

**Affected:** IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of 326 IAC 14 apply~~ **This article applies** to the owner or operator of any stationary source for which a standard is prescribed under this article. (~~326 IAC 14~~).

(b) The board adopts by reference and incorporates 40 CFR 61, Subpart A, General Provisions\* concerning emission standards for hazardous air pollutants, with the exception of: ~~the following sections:~~

(1) **40 CFR 61.04 Address\*;**

(2) **40 CFR 61.11(f) Administrator's Authority on Waiver of Compliance\*;**

(3) **40 CFR 61.12(d) Alternative Means of Emission Limitation\*;**

(4) **40 CFR 61.16 Availability of Information\*;** and

(5) **40 CFR 61.17 State Authority\*;**

and as modified in ~~326 IAC 14-1-2: section 2 of this rule~~. Provisions of waiver of compliance in 40 CFR 61 Section 61.11, Subpart A\*, shall not apply to sources subject to the requirements established in 326 IAC 14-9.

**\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 14-1-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2562; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3011; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 65. 326 IAC 14-1-2 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 14-1-2 Definitions**

Authority: IC 13-14; IC 13-17-3  
Affected: IC 13-14; IC 13-17

Sec. 2. (a) For the purposes of this article, ~~(326 IAC 14-1-2)~~, the definitions, abbreviations, and units listed in 40 CFR 61, Subpart A, Sections 61.02\* and 40 CFR 61.03\*, shall apply with the exception of subsection (b). ~~of this section.~~

(b) For the purposes of this article, ~~(326 IAC 14-1-2)~~, the following substitutions shall be made for terms used in the portions of 40 CFR Part 61\* adopted by reference:

- (1) "Administrator" means the commissioner of the department of environmental management.
- (2) "U.S. Environmental Protection Agency" or "U.S. EPA" means the department of environmental management.

**\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 14-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2562; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3011; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)**

SECTION 66. 326 IAC 14-3-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 14-3-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14; IC 13-17-3  
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of This rule (326 IAC 14-3-1) shall apply~~ applies to the following stationary sources:

- (1) Extraction plants, ceramic plants, foundries, incinerators, and propellant plants ~~which that~~ process beryllium ore, beryllium, beryllium oxide, beryllium alloys, or beryllium-containing waste.
- (2) Machine shops ~~which that~~ process beryllium, beryllium oxides, or any alloy when such alloy contains more than five percent (5%) beryllium by weight.

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart C, Emission Standard for Beryllium\*.

**\*This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying from the Department of Environmental Management, Office of Technical Assistance, 105 S. Meridian Street, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46225-46204. (Air Pollution Control Board; 326 IAC 14-3-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2563; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)**

SECTION 67. 326 IAC 14-4-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 14-4-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14; IC 13-17-3  
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of This rule (326 IAC 14-4-1) shall apply~~ applies to rocket motor test sites.

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart D, Emission Standard for Beryllium Rocket Motor Firing\*.

**\*This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying from the Department of Environmental Management, Office of Technical Assistance, 105 S. Meridian Street, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46225-46204. (Air Pollution Control Board; 326 IAC 14-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2563; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)**

SECTION 68. 326 IAC 14-5-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 14-5-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14; IC 13-17-3  
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of This rule (326 IAC 14-5-1) shall apply~~ applies to those stationary sources ~~which that~~ process mercury ore to recover mercury, use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide, and incinerate or dry wastewater treatment plant sludge.

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart E, Emission Standard for Mercury\*.

**\*This document is incorporated by reference. Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying from the Department of Environmental Management, Office of Technical Assistance, 105 S. Meridian Street, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46225-46204. (Air Pollution Control Board; 326 IAC 14-5-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2563; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)**

SECTION 69. 326 IAC 14-7-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 14-7-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14; IC 13-17-3  
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of This rule (326 IAC 14-7-1) apply~~ applies to each of the following sources that are intended to operate in benzene service:

- (1) Pumps.
- (2) Compressors.

- (3) Pressure relief devices.
- (4) Sampling connections.
- (5) Systems.
- (6) Open-ended valves or lines.
- (7) Valves.
- (8) Flanges and other connectors.
- (9) Product accumulator vessels. ~~and~~
- (10) Control devices or systems required by this rule. ~~(326 IAC 14-7).~~

(b) The board hereby adopts by reference and incorporates herein 40 CFR 61, Subpart J, Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene\*.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying from the Department of Environmental Management, Office of Technical Assistance, 105 S. Meridian Street, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46225. Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-7-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2564; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 70. 326 IAC 14-8-1 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 14-8-1 Applicability

Authority: IC 13-14; IC 13-17-3  
Affected: IC 13-14; IC 13-17

Sec. 1. (a) ~~The provisions of This rule (326 IAC 14-8) apply applies~~ to each of the following sources that are intended to operate in volatile hazardous air pollutant (VHAP) service:

- (1) Pumps.
- (2) Compressors.
- (3) Pressure relief devices.
- (4) Sampling connection systems.
- (5) Open-ended valves or lines.
- (6) Valves.
- (7) Flanges and other connectors.
- (8) Product accumulator vessels. ~~and~~
- (9) Control devices or systems required by this rule. ~~(326 IAC 14-8).~~

(b) The board adopts by reference and incorporates 40 CFR Part 61, Subpart V, Emission Standard for Equipment Leaks (Fugitive Emission Sources)\*, with the exception of revisions to sections 40 CFR 61.241\*, 61.245\*, 61.246\*, and 61.247\* as specified in ~~326 IAC 14-8-2 sections 2 through 326 IAC 14-8-5 of this rule.~~

**\*These documents are incorporated by reference.** Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-8-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2564; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3012; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 71. 326 IAC 14-8-3 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 14-8-3 Test methods and procedures

Authority: IC 13-14; IC 13-17-3  
Affected: IC 13-14; IC 13-17

Sec. 3. (a) For the purposes of this rule, ~~(326 IAC 14-8);~~ the introductory paragraph of 40 CFR ~~61, Subpart V, Section 61.245(b)\*,~~ Test Methods and Procedures, shall read, as follows: "Monitoring, as required in 40 CFR 61, Subpart V, Sections 61.242, 61.243, 61.244 and 326 IAC 14-9-5, shall comply with the following requirements:".

(b) For the purposes of this rule, ~~(326 IAC 14-8);~~ the introductory paragraph of 40 CFR 61, Subpart V, Section 61.245(c)\* shall read, as follows: "When equipment is tested for compliance with no detectable emissions, the test shall comply with the following requirements:".

(c) For the purposes of this rule ~~(326 IAC 14-8);~~ 40 CFR 61, Subpart V, Section 61.245(d)(3)\* shall read, as follows: "Samples used in determining the percent VHAP content shall be representative, as determined by the commissioner, of the process fluid that is contained in or contacts the equipment or the gas being combusted in the flare.".

**\*These documents are incorporated by reference.** Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-8-3; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3012; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 72. 326 IAC 14-8-4 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 14-8-4 Record keeping requirements

Authority: IC 13-14; IC 13-17-3  
Affected: IC 13-14; IC 13-17

Sec. 4. (a) For the purposes of this rule, ~~(326 IAC 14-8);~~ introductory sentences in 40 CFR ~~61, Subpart V, Section 61.246,~~ Recordkeeping Requirements\*, (b), (c), and (e), paragraphs (e)(2)(i), (e)(2)(ii), (e)(4)(i), and (h)(1) shall read as in subsections (b), (c), (d), (e), (f), (g), and (h) of this section, respectively.

(b) "When each leak is detected as specified in 40 CFR ~~61, Subpart V, Sections 61.242-2\*, 61.242-3\*, 61.242-7\*, 61.242-8\*, and 326 IAC 14-9-5,~~ the following requirements apply:".

(c) "When each leak is detected as specified in 40 CFR ~~61, Subpart V, Sections 61.242-2\*, 61.242-3\*, 61.242-7\*, 61.242-8\*, and 326 IAC 14-9-5,~~ the following information shall be recorded in a log and shall be kept for two (2) years in a readily accessible location:".

(d) "The following information pertaining to all equipment to which a standard applies shall be recorded in a log that is kept in a readily accessible location:".

(e) "A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than five hundred (500) ppm above background".

(f) "The designation of this equipment for no detectable emissions shall be signed by the owner or operator".

(g) "The dates of each compliance test required in 40 CFR ~~61, Subpart V, Sections~~ 61.242-2(e)\*, 61.242-3(i)\*, 61.242-4\*, 61.242-7(f)\*, and 326 IAC 14-9-5(g)".

(h) "Design criterion required in 40 CFR ~~61, Subpart V, Section~~ 61.242-2(d)(5)\*, 61.242(e)(2)\*, and 326 IAC 14-9-5(e)(4) and an explanation of the design criterion; and".

**\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 14-8-4; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3012; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)**

SECTION 73. 326 IAC 14-8-5 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 14-8-5 Reporting requirements

Authority: IC 13-14; IC 13-17-3

Affected: IC 13-14; IC 13-17

Sec. 5. (a) For the purposes of this rule, (~~326 IAC 14-8~~); 40 CFR ~~61, Subpart V, Section~~ 61.247(b)(5), Reporting Requirements\*, shall read, as follows: "The results of all performance tests to determine compliance with no detectable emissions and with 40 CFR ~~61, Subpart V, Sections~~ 61.243-1\* and **40 CFR 61.243-2\*** conducted within the semiannual reporting period."

Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or from the Indiana Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225. All citations to the CFR in this article (~~326 IAC 14~~) refer to the version cited in ~~326 IAC 14-1-3~~.

**\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 14-8-5; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3013; errata, 11 IR 3047; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)**

SECTION 74. 326 IAC 14-9-5 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 14-9-5 Equipment leaks

Authority: IC 13-14; IC 13-17-3

Affected: IC 13-14; IC 13-17

Sec. 5. (a) Each owner or operator of equipment in benzene service shall comply with the requirements of 326 IAC 14-8 and 40 CFR 61, Subpart V, except as provided in this section.

(b) The provisions of 40 CFR ~~61, Subpart V, Sections~~ 61.242-3\* and 61.242-9\*, do not apply to this rule. (~~326 IAC 14-9~~).

(c) Each piece of equipment in benzene service to which this rule (~~326 IAC 14-9~~) applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.

(d) Each exhauster shall be monitored quarterly to detect leaks by the methods specified in 326 IAC 14-8-3(a) and in 40 CFR ~~61, Subpart V, Section~~ 61.245(b)\*, except as provided in subsections (e), (f), and (g) of this section and in ~~326 IAC 14-9-6(c)~~; **section 6(c) of this rule.**

(1) If an instrument reading of ten thousand (10,000) ppm or greater is measured, a leak is detected.

(2) When a leak is detected, it shall be repaired as soon as practicable, but no later than fifteen (15) calendar days after it is detected, except as provided in 40 CFR ~~61, Subpart V, Section~~ 61.242-10(a)\* and (~~b~~)\*; **40 CFR 61.242-10(b)\***. A first attempt at repair shall be made no later than five (5) calendar days after each leak is detected.

(e) Each exhauster equipped with a seal system that includes a barrier fluid system and that prevents leakage of process fluids to the atmosphere is exempt from the requirements of subsection (d) provided the following requirements are met:

(1) Each exhauster seal system is:

(A) operated with the barrier fluid at a pressure that is greater than the exhauster stuffing box pressure; or

(B) equipped with a barrier fluid system that is connected by a closed vent system to a control device that complies with the requirements of 40 CFR ~~61, Subpart V, Section~~ 61.242-11\*; or

(C) equipped with a system that purges the barrier fluid into a process stream with zero (0) benzene emissions to the atmosphere.

(2) The barrier fluid is not in benzene service.

(3) Each barrier fluid system shall be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

(4) Each sensor as described in subsection (e)(3) of this section shall be checked daily or shall be equipped with an audible alarm.

(5) The owner or operator shall determine, based on design consideration and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

(6) If the sensor indicates failure of the seal system, the barrier system, or both, based on the criterion determined under ~~subsection (e)(5) of this section~~; **subdivision (5)**, a leak is detected.

(7) When a leak is detected, it shall be repaired as soon as practicable, but not later than fifteen (15) calendar days after it is detected, except as provided in 40 CFR ~~61, Subpart V, Section~~ 61.242-10\*.

(8) A first attempt at repair shall be made no later than five (5) calendar days after each leak is detected.

(f) An exhauster is exempt from the requirements of subsection (d) of this section if it is equipped with a closed vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of 40 CFR ~~61, Subpart V, Section~~ 61.242-11\* except as provided in subsection (g) of this section:

(g) Any exhauster that is designated, as described in 326 IAC 14-8-4(d) (~~e~~), (~~f~~), and (~~g~~) through **326 IAC 14-8-4(g)** and in 40 CFR ~~61, Subpart V, Section~~ 61.246(e)\* for no detectable emissions, as indicated by an instrument reading of less than **five hundred (500)** ppm above background, is exempt from the requirements of subsection (d) of this section if the exhauster:

(1) is demonstrated to be operating with no detectable emissions, as indicated by an instrument reading of less than **five hundred (500)** ppm above background, as measured by the methods specified in

326 IAC 14-8-3(b) and in 40 CFR ~~61, Subpart V, Section 61.245(c)\*~~; and

(2) is tested for compliance with ~~subsection (g)(1) of this section~~ **subdivision (1)** initially upon designation, annually, and at other times requested by the commissioner.

(h) Any exhauster that is in vacuum service is excluded from the requirements of this rule (~~326 IAC 14-9~~) if it is identified as required in 326 IAC 14-8-4(d) and in 40 CFR ~~61, Subpart V, Section 61.246(e)(5)\*~~.

**\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 14-9-5; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3015; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)**

SECTION 75. 326 IAC 14-9-8 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 14-9-8 Test methods and procedures**

Authority: IC 13-14; IC 13-17-3

Affected: IC 13-14; IC 13-17

Sec. 8. (a) Each owner or operator subject to ~~the provisions of this rule~~ shall comply with the requirements in 326 IAC 14-8-3 and in 40 CFR ~~61, Subpart V, Section 61.245\*~~.

(b) To determine whether or not a piece of equipment is in benzene service, the methods in 40 CFR ~~61, Subpart V, Section 61.245(d)\*~~ and in 326 IAC 14-8-3(c) shall be used, except that, for exhausters, the percent benzene shall be one percent (1%) by weight rather than the ten percent (10%) by weight described in 40 CFR ~~61, Subpart V, Section 61.245(d)\*~~.

**\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 14-9-8; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3016; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)**

SECTION 76. 326 IAC 14-9-9 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 14-9-9 Record keeping and reporting requirements**

Authority: IC 13-14; IC 13-17-3

Affected: IC 13-14; IC 13-17

Sec. 9. (a) The following information pertaining to the design of control equipment installed to comply with ~~326 IAC 14-9-3 sections 3 and 326 IAC 14-9-4 4 of this rule~~ shall be recorded and kept in a readily accessible location:

(1) Detailed schematics, design specifications, and piping and instrumentation diagrams.

(2) The dates and descriptions of any changes in the design specifications.

(b) The following information pertaining to sources subject to ~~326 IAC 14-9-3 section 3 of this rule~~ shall be recorded and maintained for two (2) years following each semiannual inspection and each annual maintenance inspection:

(1) The date of the inspection and the name of the inspector.

(2) A brief description of each visible defect in the source or control equipment and the method and date of repair of the defect.

(3) The presence of a leak, as measured using the method described in 326 IAC 14-8-3(b) and in 40 CFR ~~61, Subpart V, Section 61.245(c)\*~~. The record shall include the date of attempted and actual repair and method of repair of the leak.

(4) A brief description of any system abnormalities found during the annual maintenance inspection, the repairs made, the date of attempted repair, and the date of actual repair.

(c) Each owner or operator of a source subject to ~~326 IAC 14-9-5 section 5 of this rule~~ shall comply with 326 IAC 14-8-4 and 40 CFR ~~61, Subpart V, Section 61.246\*~~.

(d) The provisions of this section apply to an owner or operator of any source to which this rule (~~326 IAC 14-9~~) applies.

(1) The owner or operator shall submit a written statement to the commissioner providing information specified in subdivisions (2) ~~(3) and through (4) of this subsection~~.

(2) In the case of an existing source or a new source which has an initial startup date preceding the effective date, the statement shall be submitted within ninety (90) days of the effective date, or on a date specified by the commissioner along with the information required under 40 CFR ~~61, Subpart A, Section 61.10(a)(1) through 61.10(a)(6)\*~~.

(3) In the case of new sources that did not have an initial startup date preceding the effective date, the statement shall be submitted with the application for approval of construction, as described in 40 CFR ~~61, Subpart A, Section 61.07\*~~.

(4) The owner or operator shall include in the statement the following information for each source:

(A) Type of source such as a light-oil sump, pump or final cooler.

(B) For equipment in benzene service, equipment identification number and process unit identification; percent by weight benzene in the fluid at the equipment; and process fluid state in the equipment (gas/vapor or liquid).

(C) Method of compliance with the standard such as use of a wash-oil final cooler, monthly leak detection and repair, or equipped with dual mechanical seals.

(e) A report shall be submitted to the commissioner semiannually starting six (6) months after the initial reports required in subsection (d) ~~of this section~~ and 40 CFR 61, Subpart A\*, ~~Section~~ which includes the following information:

(1) For sources subject to ~~326 IAC 14-9-3, section 3 of this rule~~:

(A) A brief description of any visible defect in the source or ductwork;

(B) the number of leaks detected and repaired; and

(C) a brief description of any system abnormalities found during each annual maintenance inspection that occurred in the reporting period and the repairs made.

(2) For equipment in benzene service subject to ~~326 IAC 14-9-5(a), section 5(a) of this rule~~, information required by 326 IAC 14-8-5(a) and in 40 CFR ~~61, Subpart V, Section 61.247(b)\*~~.

(3) For each exhauster subject to ~~326 IAC 14-9-5~~ **section 5 of this rule** for each quarter during the semiannual reporting period:

(A) the number of exhausters for which leaks were detected as described in ~~326 IAC 14-9-5(d)~~ **section 5(d)** and ~~326 IAC 14-9-5(e)(6); 5(e)(6) of this rule;~~

(B) the number of ~~exhauster exhausters~~ for which leaks were repaired as required in ~~326 IAC 14-9-5(d); 326 IAC 14-9-5(e)(7); section 5(d), 5(e)(7), and 326 IAC 14-9-5(e)(8); 5(e)(8) of this rule; and~~

(C) the results of performance tests to determine compliance with ~~326 IAC 14-9-5(g)~~ **section 5(g) of this rule** conducted within the semiannual reporting period.

(4) A statement signed by the owner or operator stating whether all requirements of ~~326 IAC 14-9~~ **this rule** have been fulfilled during the semiannual reporting period.

(5) Revisions to items reported according to subsection (d) ~~of this section~~ if changes have occurred since the initial report or subsequent revisions to the initial report. Compliance with the requirements of 40 CFR ~~61, Subpart A, Section 61.10(c)\*~~, is not required for revisions documented under ~~this subsection. (e) of this section.~~

(f) In the first report submitted as required in subsection (d), ~~of this section~~, the report shall include a reporting schedule stating the months that semiannual reports shall be submitted. Subsequent reports shall be submitted according to that schedule unless a revised schedule has been submitted in a previous semiannual report.

(g) An owner or operator electing to comply with the provisions of 40 CFR ~~61, Subpart V, Sections 61.243-1\* and 61.243-2\*~~ shall notify the commissioner of the alternative standard selected **ninety (90) days** before implementing either of the provisions.

(h) An application for approval of construction or modification, as required under 40 CFR ~~61, Subpart A, Sections 61.05(a)\* and 61.07\*~~, will not be required for sources subject to ~~326 IAC 14-9-5 section 5 of this rule~~ if:

(1) the new or modified source complies with ~~326 IAC 14-9-5; section 5 of this rule; and~~

(2) in the next semiannual report required by subsection (e), ~~of this section~~, the information described in subsection (d)(4) ~~of this section~~ is included.

**\*These documents are incorporated by reference.** Copies of the ~~July 1, 1986, Code of Federal Regulations (CFR)~~ may be obtained from the Government Printing Office, Washington, D.C. 20402 or **are available for review and copying** from the Indiana Department of Environmental Management, Office of Air Management, ~~105 South Meridian Street, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46225-46204.~~ (*Air Pollution Control Board; 326 IAC 14-9-9; filed Apr 13, 1988, 3:30 p.m.: 11 IR 3016; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 77. 326 IAC 14-10-1 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 14-10-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) To determine which requirements of this section and sections 3 through 4 of this rule apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the

demolition or renovation, the owner or operator shall use an Indiana licensed asbestos inspector to inspect thoroughly the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable asbestos-containing material (ACM). The requirements of sections 3 through 4 of this rule apply to each owner or operator of a demolition or renovation activity, including the removal of regulated asbestos-containing material (RACM). In a facility being demolished, all of the following apply:

(1) All the notification requirements of section 3 of this rule apply and a notification is required even if no asbestos is present.

(2) All the emission control requirements of section 4 of this rule, except as provided in subsection (b) for ordered demolition operations, if the combined amount of regulated asbestos-containing material is any one (1) of the following:

(A) At least three (3) linear feet on or off pipes.

(B) At least three (3) square feet on or off other facility components.

(C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(b) In a facility being demolished under an order of a state or local government agency, because the facility is both structurally unsound and in danger of imminent collapse, all of the following shall apply:

(1) Only the notification requirements in section 3 of this rule and the emission control requirements in section 4(4) through 4(8) and 4(11) through 4(12) of this rule shall apply.

(2) The owner or operator must assume that the debris in the wreckage is contaminated with RACM and dispose of all demolition debris as RACM unless a licensed Indiana inspector has thoroughly inspected the affected facility and certifies that no RACM is present.

(3) All RACM and any asbestos-contaminated debris or assumed RACM shall be properly disposed of at a waste disposal site operated in accordance with the requirements of 40 CFR 61.150\* and 329 IAC 10-8 [*329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733.*].

(c) In a facility being renovated, including any individual, nonscheduled renovation operation, the following shall apply:

(1) All the notification requirements of section 3 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

(A) At least two hundred sixty (260) linear feet on or off pipes.

(B) At least one hundred sixty (160) square feet on or off other facility components.

(C) A total of at least thirty-five (35) cubic feet on or off all facility components.

(2) All the emission control requirements of section 4 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

(A) At least three (3) linear feet on or off pipes.

(B) At least three (3) square feet on or off other facility components.

(C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(d) For emergency renovation projects, the following shall apply:

(1) The owner or operator must estimate the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed as a result of the sudden, unexpected event that necessi-

tated the renovation. All the notification requirements of section 3 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

- (A) At least two hundred sixty (260) linear feet on or off pipes.
- (B) At least one hundred sixty (160) square feet on or off other facility components.
- (C) A total of at least thirty-five (35) cubic feet on or off all facility components.

(2) All the emission control requirements of section 4 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

- (A) At least three (3) linear feet on or off pipes.
- (B) At least three (3) square feet on or off other facility components.
- (C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(e) For any planned renovation operations involving individual, nonscheduled operations, the following shall apply:

(1) The owner or operator must estimate the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed during a calendar year of January 1 through December 31.

(2) All the notification requirements of section 3 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

- (A) At least two hundred sixty (260) linear feet on or off pipes.
- (B) At least one hundred sixty (160) square feet on or off other facility components.
- (C) A total of at least thirty-five (35) cubic feet on or off all facility components.

(3) For any planned renovation operations involving individual, nonscheduled operations, all the emission control requirements of section 4 of this rule apply regardless of the size of the job or whether or not the to date cumulative amount of RACM has exceeded the threshold amount of any one (1) of the following:

- (A) At least three (3) linear feet on or off pipes.
- (B) At least three (3) square feet on or off other facility components.
- (C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(f) For any operations described in subsections (a) through (e), if circumstances prohibit accurate measurement of RACM present prior to removal, and it becomes apparent during removal that the amount of RACM exceeds the applicable quantities, removal is to cease immediately and the following shall apply:

(1) All notification requirements of section 3 of this rule apply if the amount of RACM on or off all facility components is any one (1) of the following:

- (A) At least thirty-five (35) cubic feet.
- (B) At least two hundred sixty (260) linear feet on pipes.
- (C) At least one hundred sixty (160) square feet on other facility components.

(2) All emission control requirements of section 4 of this rule apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is any one (1) of the following:

- (A) At least three (3) linear feet on or off pipes.
- (B) At least three (3) square feet on or off other facility components.

(C) A total of at least seventy-five hundredths (0.75) cubic foot on or off all facility components.

(g) Any person holding a valid Indiana certificate of accreditation, issued under 326 IAC 18-1, on the effective date of this rule shall be considered licensed until the expiration date of their certificate of accreditation.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-10-1; filed Dec 5, 1990, 3:40 p.m.: 14 IR 608; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2011; filed May 12, 1998, 9:15 a.m.: 21 IR 3739*)

SECTION 78. 326 IAC 14-10-2 IS AMENDED TO READ AS FOLLOWS:

#### **326 IAC 14-10-2 Definitions**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-11; IC 13-15; IC 13-17

Sec. 2. Terms used in this rule not defined in this section are defined as set forth in 40 CFR 61, Subpart A\*. The following definitions apply throughout this rule:

(1) "Active waste disposal site" means any disposal site other than an inactive site.

(2) "Adequately wet" means to sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from RACM, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

(3) "Asbestos" means an asbestiform variety of the following:

- (A) Chrysotile (serpentine).
- (B) Crocidolite (riebeckite).
- (C) Amosite (cummingtonite-grunerite).
- (D) Anthophyllite.
- (E) Tremolite.
- (F) Actinolite.

(4) "Asbestos-containing waste materials" means any waste that contains commercial asbestos and is generated by a source subject to the provisions of this article. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term includes RACM waste and materials contaminated with asbestos, including disposable equipment and clothing.

(5) "Asbestos-containing material" or "ACM" means asbestos or any material containing more than one percent (1%) asbestos as determined using methods specified in 40 CFR 763, Subpart E, Appendix E, Section I, Polarized Light Microscopy\*, including Category I and Category II asbestos-containing material and all friable material.

(6) "Asbestos mill" means any facility engaged in converting, or in any intermediate step in converting, asbestos ore into commercial asbestos. Outside storage of asbestos material is not considered a part of the asbestos mill.

(7) "Asbestos removal project" means any and all activities at a facility involving the removal, encapsulation, enclosure, abatement,

renovation, storage, stripping, dislodging, cutting, or drilling that result in the disturbance or repair of any one (1) of the following:

- (A) At least three (3) linear feet of RACM on or off pipes.
- (B) At least three (3) square feet of RACM on or off other facility components.
- (C) A total of at least seventy-five hundredths (0.75) cubic foot of RACM on or off all facility components.

These activities include, but are not limited to, work area preparation, implementation of engineering controls and work practices, and work area decontamination activities required by section 4 of this rule or 29 CFR 1926.1101\*.

(8) "Asbestos tailings" means any solid waste that contains asbestos and is a product of asbestos mining or milling operations.

(9) "Asbestos waste from control devices" means any waste material that contains asbestos and is collected by a pollution control device.

(10) "Category I nonfriable asbestos-containing material (ACM)" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy\*.

(11) "Category II nonfriable asbestos-containing material (ACM)" means any material, excluding Category I nonfriable ACM, containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy\* that, when dry, cannot be crumbled, pulverized, or reduced to powder by either hand pressure or mechanical forces reasonably expected to act on the material.

(12) "Commercial asbestos" means any material containing asbestos that is extracted from ore and has value because of its asbestos content.

(13) "Cutting" means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

(14) "Demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

(15) "Emergency renovation operation" means a renovation or operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard or is necessary to protect equipment from damage. This term includes operations necessitated by nonroutine failures of equipment.

(16) "Facility" means any:

- (A) school building;
- (B) institutional, commercial, public, or industrial building or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units);
- (C) ship; and
- (D) active or inactive waste disposal site.

For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation, or building that was previously subject to this article is included regardless of its current use or function.

(17) "Facility component" means any part of a facility, including equipment.

(18) "Friable asbestos material" means any material containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1,

Polarized Light Microscopy\*, that, when dry, can be crumbled, pulverized, or reduced to powder either by hand pressure or mechanical forces reasonably expected to act on the material. If the asbestos content is less than ten percent (10%) as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

(19) "Fugitive source" means any source of emissions not controlled by an air pollution control device.

(20) "Glove bag" means a sealed compartment with attached inner gloves used for the handling of ACM. Properly installed and used, glove bags provide a small work area enclosure typically used for small scale asbestos stripping operations. Information on glove bag installation, equipment and supplies, and work practices is contained in the Occupational Safety and Health Administration's (OSHA) final rule on occupational exposure to asbestos (Appendix G to 29 CFR 1926.1101\*).

(21) "Grinding" means to reduce to powder or small fragments and includes mechanical chipping or drilling.

(22) "HEPA filter" means a high efficiency particulate air filter capable of trapping and retaining at least ninety-nine and ninety-seven hundredths percent (99.97%) of all monodispersed particles of three-tenths (0.3) micrometers in diameter or larger.

(23) "In poor condition" means the binding of the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material.

(24) "Inactive waste disposal site" means any disposal site or portion of it where additional asbestos-containing waste material has not been deposited within the previous twelve (12) months.

(25) "Installation" means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control), including, but not limited to, a group of residential buildings being demolished as part of an urban renewal project or highway project.

(26) "Leak-tight" means that solids or liquids cannot escape or spill out. It also means dust-tight.

(27) "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner so that emissions of asbestos are increased. Failures of equipment shall not be considered malfunctions if they are caused in any way by poor maintenance, careless operation, or any other preventable upset conditions, equipment breakdown, or process failure.

(28) "Manufacturing" means the combining of commercial asbestos or, in the case of woven friction products, the combining of textiles containing commercial asbestos with any other materials, including commercial asbestos, and the processing of this combination into a product. Chlorine production is considered a part of manufacturing.

(29) "Nonfriable asbestos-containing material" means any material containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy\*, that, when dry, cannot be crumbled, pulverized, or reduced to powder by either hand pressure or mechanical forces reasonably expected to act on the material.

(30) "Nonscheduled renovation operation" means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.

(31) "Ordered demolition" means demolition of a facility under an order of a state or local governmental agency, issued because the facility is both structurally unsound and in danger of imminent collapse.

(32) "Outside air" means the air outside buildings and structures, including, but not limited to, the air under a bridge or in an open air ferry dock.

(33) "Owner or operator of a demolition or renovation activity" means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

(34) "Particulate asbestos material" means finely divided particles of asbestos or material containing asbestos.

(35) "Planned renovation operations" means a renovation operation, or a number of such operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted. Individual, nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time based on operating experience.

(36) "Regulated asbestos-containing material (RACM)" means the following:

(A) Friable asbestos material.

(B) Category I nonfriable ACM that has become friable.

(C) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, abrading, or burning.

(D) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this article.

The term does not include nonfriable asbestos-containing resilient floor covering materials unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned. Resilient floor covering materials, including sheet vinyl flooring, resilient tile, and associated adhesives.

(37) "Remove" means to take out RACM or facility components that contain or are covered with RACM from any facility.

(38) "Renovation" means altering a facility or one (1) or more facility components in any way, including the stripping or removal of RACM from a facility component together with any related handling operation. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

(39) "Resilient floor covering" means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than one percent (1%) asbestos as determined using polarized light microscopy according to the method specified in 40 CFR 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy\*.

(40) "Roadways" means surfaces on which vehicles travel. The term includes, among other surfaces, public and private highways, roads, streets, parking areas, and driveways.

(41) "Sanitary landfill" has the meaning set forth in 329 IAC 10-2-116.

(42) "School" means any combination of grades kindergarten, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12.

(43) "School building" means the following:

(A) Any structure at a school suitable for use as a classroom, laboratory, library, school eating facility, or facility used for the preparation of food.

(B) Any gymnasium or other facility at a school that is specifically designed for athletic or recreational activities for an academic course in physical education.

(C) Any other facility used by a school for the instruction or housing of students or for the administration of educational or research programs.

(D) Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in clauses (A) through (C).

(E) Any portico or covered exterior hallway or walkway that is part of a school.

(F) Any exterior portion of a mechanical system used to heat, ventilate, or air condition (HVAC) the interior space of a school.

(44) "Strip" means to take off RACM from any part of a facility or facility components.

(45) "Structural member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting member, such as ceilings and nonload-supporting walls.

(46) "Visible emissions" means any emissions, which are visually detectable without the aid of instruments, emitted from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed uncombined water vapor.

(47) "Waste generator" means any owner or operator of a source covered by this article whose act or process produces asbestos-containing waste material.

(48) "Waste shipment record" means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

(49) "Work area" means the facility, room, or portion of a facility or room where an asbestos removal project is about to occur, is in progress, or has been completed, extending to the point where access to the area, as indicated by either the plastic or poly which forms and surrounds the containment area, or demarcation by sign(s) or barrier tape, including, but not limited to, the glove bag operation area, is limited to those workers or supervisors, or other persons authorized by the employer and required by work duties to be present in regulated areas, implementing the asbestos removal project.

(50) "Working day" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

\*These documents are incorporated by reference. Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-10-2; filed Dec 5, 1990, 3:40 p.m.; 14 IR 609; filed Mar 28, 1995, 2:00 p.m.; 18 IR 2013; filed May 12, 1998, 9:15 a.m.; 21 IR 3740*)

SECTION 79. 326 IAC 14-10-3 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 14-10-3 Notification requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 3. Each owner or operator of a demolition or renovation activity to whom this section applies shall do the following:

(1) Provide the department with written notice of the intention to demolish or renovate on a form to be provided by the department and update such notice as necessary, including, but not limited to, the following:

(A) When the amount of affected RACM increases or decreases by at least twenty percent (20%).

(B) If there is a change in the following:

- (i) Asbestos removal or demolition start date.
- (ii) Removal or demolition contractor.
- (iii) Waste disposal site.
- (2) Postmark or deliver the notice as follows:
  - (A) At least ten (10) working days before asbestos stripping or removal work or any other activity, such as site preparation, begins that would break up, dislodge, or similarly disturb asbestos material if the operation is a demolition operation described in section 1(a) of this rule and the facility contains at least three (3) square feet, three (3) linear feet, or seventy-five hundredths (0.75) cubic foot of RACM on or off facility components.
  - (B) At least ten (10) working days before demolition begins if the operation is a demolition operation described in section 1(a) of this rule and the facility contains less than three (3) square feet, three (3) linear feet, or seventy-five hundredths (0.75) cubic foot of RACM, on or off facility components, or there is no asbestos in the facility.
  - (C) As early as possible before demolition begins if the operation is an ordered demolition operation described in section 1(b) of this rule.
  - (D) At least ten (10) working days before asbestos stripping or removal work or any other activity, such as site preparation, begins that would break up, dislodge, or similarly disturb asbestos material, begins if the operation is a renovation operation described in section 1(c) of this rule.
  - (E) As early as possible before asbestos stripping or removal work begins, but not later than the following working day, if the operation is an emergency renovation operation described in section 1(d) of this rule.
  - (F) At least ten (10) working days before the end of the calendar year preceding the year for which notice is being given for planned renovation operations involving individual, nonscheduled operations described in section 1(e) of this rule.
  - (G) Delivery of the notice by the U.S. Postal Service, commercial delivery service, or hand delivery is acceptable. A copy of the previous notification being revised shall be attached to the new, revised notification.
  - (H) In the case of a revised notice, a copy of the original notice shall be attached.
- (3) Include the following information in the notice:
  - (A) An indication of whether the notice is the original, a revised, or cancelled copy, if applicable.
  - (B) Name, address, and telephone number of both the facility owner and operator, the asbestos removal contractor owner or operator, and the demolition contractor owner or operator.
  - (C) Type of operation:
    - (i) demolition;
    - (ii) demolition by intentional burning;
    - (iii) ordered demolition;
    - (iv) renovation;
    - (v) emergency renovation; or
    - (vi) planned nonscheduled renovation (annual notice).
  - (D) Description of the facility or affected part of the facility, including the size in square feet, number of floors, age, and present and prior use of the facility.
  - (E) Procedure, including analytical methods, employed to detect the presence and amount of RACM and Category I and Category II nonfriable ACM.
  - (F) Estimate of the approximate amount of RACM to be removed in the facility in terms of linear feet of pipe, square feet on other facility components, total cubic feet on all facility components, or total amount on or off all facility components where the length or

area could not be measured previously. Also estimate the approximate amount of Category I and Category II nonfriable ACM in the affected part of the facility that will not be removed before demolition.

- (G) Location and street address, including building number or name and floor or room number, if appropriate, city, county, and state of the facility being demolished or renovated.
- (H) Scheduled starting and completion dates of asbestos removal project, as defined in section 2(7) of this rule, such as site preparation, that would break up, dislodge, or similarly disturb RACM in a demolition or renovation. Planned renovation operations involving individual, nonscheduled operations shall only include the beginning and ending dates of the report period as described in section 1(e) of this rule.
- (I) For renovation operations, scheduled starting and completion dates of the renovation project.
- (J) For demolition operations, scheduled starting and completion dates of the actual facility demolition.
- (K) Description of planned demolition or renovation work to be performed and methods to be employed, including demolition or renovation techniques to be used and a description of the affected facility components.
- (L) Description of work practices and engineering controls to be used to comply with this rule, including RACM removal and waste handling emission control procedures.
- (M) Description of procedures to be followed in the event that unexpected RACM is found or Category I or Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder.
- (N) Name and location of the waste disposal site where the asbestos-containing waste material will be deposited.
- (O) A signed certification from the owner or operator that at least one (1) person trained as required by 40 CFR ~~61\*~~, **Subpart M, §61.145, 61.145**, paragraph (c)(8)\* will supervise the stripping and removal described by this notification.
- (P) A signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project.
- (Q) For facilities described in section 1(b) of this rule, the name, title, and authority of the state or local governmental representative who has ordered the demolition, the date that the order was issued, and the date on which the demolition was ordered to begin. A copy of the order shall be attached to the notification.
- (R) For demolition and renovation projects described in section 1(a) through 1(e) of this rule, include the name, address, telephone number, and license number issued under 326 IAC 18 of the following:
  - (i) Person who inspected the facility for RACM.
  - (ii) Person who designed the asbestos removal project if RACM is present, if applicable.
  - (iii) Person who will implement the asbestos removal project if RACM is present.
- (S) For emergency renovations described in section 1(d) of this rule, the date and hour that the emergency occurred, a description of the sudden, unexpected event, and an explanation of how the event caused an unsafe condition or would cause equipment damage.
- (T) Name, address, and telephone number of the waste transporter.
- (4) When the stripping or removal of RACM in demolition or renovation operations described in section 1(a) and 1(c) of this rule will begin:

(A) on a date after the date specified in the original or the most recent revised notification, provide written notice of the new stripping or removal start date to the department postmarked at least five (5) working days or delivered at least two (2) working days before the start date of asbestos stripping or removal specified in the notification that is being revised; or

(B) on a date earlier than the date specified in the original or the most recent revised notification, provide written notice of the new stripping or removal start date to the department postmarked or delivered at least ten (10) working days before the start date of asbestos stripping or removal work begins.

(5) When the demolition described in section 1(a) of this rule, including the demolition of facilities with no asbestos, will begin on a date later than the date specified in the original or the most recent revised notification, written notice of the new demolition start date must be provided to the department postmarked at least:

(A) five (5) working days; or

(B) delivered at least two (2) working days;

before the start date of demolition specified in the notification that is being revised.

(6) When the demolition described in section 1(a) of this rule, including the demolition of facilities with no asbestos, will begin on a date earlier than the date specified in the original or the most recent revised notification, written notice of the new demolition start date must be provided to the department postmarked at least ten (10) working days before the start date of demolition.

(7) In no event shall RACM removal work (or any other activity, including site preparation that would break up, dislodge, or similarly disturb asbestos material) or demolition activities begin on a date other than the date contained in the most recent written notification.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-10-3; filed Dec 5, 1990, 3:40 p.m.: 14 IR 610; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2016; errata filed Apr 12, 1995, 3:30 p.m.: 18 IR 2261; filed May 12, 1998, 9:15 a.m.: 21 IR 3743*)

SECTION 80. 326 IAC 14-10-4 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 14-10-4 Procedures for asbestos emission control

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 4-21.5-3-7; IC 13-15; IC 13-17

Sec. 4. Each owner or operator of a demolition or renovation activity to whom this section applies according to section 1 of this rule, shall comply with the following emission control procedures:

(1) Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal. However, RACM need not be removed before demolition if the RACM meets any one (1) of the following requirements:

(A) It is Category I nonfriable ACM that:

(i) is not in poor condition;

(ii) is not friable; and

(iii) will not become friable during demolition.

(B) It is on a facility component that:

(i) is encased in concrete or other similarly hard material; and

(ii) is adequately wet whenever exposed during demolition.

(C) It was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be treated as asbestos-containing waste material and must be adequately wet at all times until properly disposed of at a waste disposal site operated in accordance with the requirements of 40 CFR 61.150\* and 329 IAC 10-8 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.J].

(D) It is Category II nonfriable ACM and the probability is low that the materials will become crumbled, pulverized, or reduced to powder during demolition.

(2) When a facility component that contains, is covered with, or is coated with RACM is being taken out of the facility as a unit or in sections, the following shall occur:

(A) Adequately wet all RACM exposed during cutting or disjoining operations.

(B) Carefully lower each unit or section to the floor and to ground level, not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.

(3) When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation. In renovation operations, wetting is not required if the following occur:

(A) The owner or operator has obtained prior written approval from the department based on a written application that wetting to comply with this subdivision would unavoidably damage equipment or present a safety hazard.

(B) The owner or operator uses one (1) or more of the following emission control methods:

(i) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the asbestos materials. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in 40 CFR 61.152\*.

(ii) A glove bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials.

(iii) Leak-tight wrapping to contain all RACM prior to dismantlement.

(C) In renovation operations where wetting would result in equipment damage or a safety hazard and the methods allowed in clause (B) cannot be used, another method may be used after obtaining written approval from the department based upon a determination that it is equivalent to wetting in controlling emissions or to the methods allowed in clause (B).

(D) A copy of the department's written approval shall be kept at the work site and made available for inspection.

(E) Denial by the department of prior written approval referenced in this subdivision may be appealed under IC 4-21.5-3-7.

(4) After a facility component covered with, coated with, or containing RACM has been taken out of the facility as a unit or in sections under subdivision (2), it shall be stripped or contained in leak-tight wrapping, except as described in subdivision (5). If stripped, perform either of the following:

(A) Adequately wet RACM during stripping.

(B) Use a local exhaust ventilation and collection system designed

and operated to capture the particulate asbestos material produced by the stripping. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in 40 CFR 61.152\*.

(5) For large facility components, such as reactor vessels, large tanks, and steam generators, but not beams, that must be handled in accordance with subdivisions (2) through (4), the RACM is not required to be stripped if the following requirements are met:

(A) The component is removed, transported, stored, disposed of, or reused without disturbing or damaging the RACM.

(B) The component is encased in a leak-tight wrapping.

(C) The leak-tight wrapping is labeled according to 40 CFR 61.149(d)(1)(i)\*, 40 CFR 61.149(d)(1)(ii)\*, and 40 CFR 61.149(d)(1)(iii)\* during all loading and unloading operations and during storage.

(6) For all RACM, including material that has been removed or stripped, the following requirements must be met:

(A) Adequately wet the material and ensure that it remains wet until collected and contained or treated for disposal and is disposed of in accordance with 40 CFR 61.150\* and 329 IAC 10-8 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.] (RACM shall be adequately wet throughout all stages of disposal).

(B) Carefully lower the materials to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material.

(C) Transport the material to the ground via leak-tight chutes or containers if it has been removed or stripped more than fifty (50) feet above ground level and was not removed as units or in sections.

(D) RACM contained in leak-tight wrapping that has been removed in accordance with subdivision (3)(B)(iii), (4), or (7)(B)(ii)(CC) (leak-tight wrapping to contain all RACM prior to dismantlement) need not be wetted.

(7) When the temperature at the point of wetting is below zero (0) degrees Celsius (0°C) (thirty-two (32) degrees Fahrenheit, (32°F)); the owner or operator must proceed with both of the following:

(A) Remove facility components containing, coated with, or covered with RACM as units or in sections to the maximum extent possible.

(B) During periods when wetting operations are suspended due to freezing temperatures, the following requirements must be met:

(i) Record the temperature in the area containing the facility components at the beginning, middle, and end of each workday and keep daily temperature records available for inspection by the department at the demolition or renovation site and retain the temperature records for at least two (2) years.

(ii) Use one (1) or more of the following emission control methods:

(AA) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the asbestos materials. The system must exhibit no visible emissions to the outside air and be designed and operated in accordance with the requirements in 40 CFR 61.152\*.

(BB) A glove bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials.

(CC) Leak-tight wrapping to contain all RACM prior to dismantlement.

(8) For facilities described in section 1(b) of this rule undergoing an ordered demolition, adequately wet the portion of the facility that

contains RACM and suspect RACM during the wrecking cleanup, disposal, and related handling operations.

(9) Upon completion of stripping and removal operations for demolition projects described in section 1(a) of this rule and renovation projects described in section 1(c) through 1(f) of this rule, collect visible contamination of asbestos by employing one (1) or both of the following cleaning procedures:

(A) Vacuum all surfaces in the work area using a vacuum equipped with a HEPA filter and remove all standing water.

(B) Wet wipe or wet mop all surfaces in the work area and remove all standing water.

(10) Upon completion of the cleanup requirements identified in subdivision (9), an Indiana licensed supervisor, prior to the removal of the warning signs or other demarcation of the work area, shall perform a final visual inspection of the work area for visible suspect RACM debris. If visible suspect RACM debris is discovered, then the requirements of subdivision (9) shall be repeated until all visible suspect RACM debris has been removed. Upon completion of the above, the licensed supervisor shall certify in writing that the final visual inspection was completed and the work area is free of all visible suspect asbestos debris. This certification shall also include the date of the final visual inspection, the location of the asbestos removal project, and the licensed supervisor's signature. The certification shall be retained by the contractor for a period of at least three (3) years from the date of the final visual inspection and must be made available upon request from the department. A copy of the certification shall also be sent to the building owner.

(11) For any RACM or suspect RACM, the following requirements must be met:

(A) Any stripped, disturbed, or removed friable asbestos materials that are in a leak-tight wrapping and left at a facility or stored elsewhere prior to disposal must be securely stored in a manner that restricts access by unauthorized persons to the material. The material must be stored in locked containers, rooms, trucks, or trailers. Asbestos warning signs or labels must be prominently displayed on the door of the locked containers, rooms, trucks, or trailers. If such secure areas are not available, other security measures must be employed, including the use of barriers, security guards, or other measures approved by the department. Asbestos warning labels must be posted in all areas where asbestos is stored.

(B) When an ongoing asbestos project is interrupted for any nonemergency situation, all RACM that was disturbed, stripped, or removed must be wetted and placed into leak-tight wrapping and stored in a manner consistent with clause (A). If the RACM that was stripped, disturbed, or removed is not, or cannot be, collected and placed into leak-tight wrapping and stored during the abatement interruption, a licensed Indiana worker or supervisor must remain at the job site to prevent unauthorized persons from entering the work area. Asbestos warning signs or labels must be posted on all entrances and exits to the work area.

(12) If a facility is demolished by intentional burning, all RACM, including Category I and Category II nonfriable ACM, must be removed in accordance with this rule before burning. Asbestos-containing material may not be burned.

(13) No asbestos removal project shall be implemented at a facility regulated by this rule unless at least one (1) Indiana licensed asbestos project supervisor, trained in the provisions of this rule and 40 CFR 61, Subpart M\*, and the means of complying with them, is present on-site in the work area during the asbestos removal project. Every year, the Indiana licensed project supervisor shall receive refresher training from an Indiana approved asbestos project

supervisor course as provided for in 326 IAC 18 and 40 CFR 61, Subpart M\*. The required training shall include, as a minimum, the following:

- (A) Applicability.
- (B) Notifications.
- (C) Material identification.
- (D) Control procedures for removals, including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove bag procedures, and high efficiency particulate air (HEPA) filters.
- (E) Waste disposal work practices.
- (F) Reporting and record keeping.
- (G) Asbestos hazards and worker protection.

Evidence that the required training has been completed shall be posted and made available for inspection by the department at the demolition or renovation site.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 14-10-4; filed Dec 5, 1990, 3:40 p.m.; 14 IR 611; filed Mar 28, 1995, 2:00 p.m.; 18 IR 2018; filed May 12, 1998, 9:15 a.m.; 21 IR 3745*)

SECTION 81. 326 IAC 15-1-2 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 15-1-2 Source-specific provisions**

**Authority:** IC 13-14-8; IC 13-17-3-4

**Affected:** IC 13-17

Sec. 2. (a) The sources listed below shall comply with the following emission and operating provisions:

		Emission Limitation
Source	Facility Description	lbs./hr.
(1) Refined Metals of Indianapolis	M-1 baghouse stack <sup>1</sup>	0.91
	M-2 baghouse stack <sup>1</sup>	0.15
	M-3 baghouse stack <sup>1</sup>	0.15
	M-4 baghouse stack <sup>1</sup>	0.30

<sup>1</sup>Compliance shall be achieved on or before April 30, 1992.

(A) On or before June 1, 1987, Refined Metals of Indianapolis shall install and operate hooding systems for the blast furnace skip hoist and charging area, the blast furnace slag and lead tapping area, the casting area, the refining kettles, and the lead dust furnace charging area.

(B) The hooding systems required for the operations listed in clause (A) shall vent the emissions through a control device to one (1) of the four (4) stacks, M-1 through M-4.

(C) On or before June 1, 1987, Refined Metals of Indianapolis shall also install and operate enclosed screw conveyors to transport lead flue dusts to the lead dust furnace. There shall be no visible emissions from the screw conveyors. Compliance shall be determined by 40 CFR 60, Appendix A, Method 22\*\*.

(D) The buildings housing the blast furnace, dust furnace, and materials storage shall be kept under continuous negative pressure by constant flow rate fans ducted to control devices.

(E) The company shall install and operate a continuous monitoring system to measure and record pressure differential to ensure that the materials storage building and the blast/dust furnace area

are maintained under negative pressure while the plant is in operation. The monitoring system shall be located on the north wall of the materials storage building. It shall consist of a differential pressure sensor/transmitter, a processor, and a recording device. This system shall produce valid data ninety-five percent (95%) of the time when the plant is operating. Data generated by this monitoring system shall be kept available for inspection at the site for a period of two (2) years.

(F) The blast furnace and the dust furnace fugitive emissions shall be drawn from the enclosure by a constant flow rate fan to a control device. The control device shall vent to the atmosphere through the M-4 baghouse stack which shall be at least eighty (80) feet in height from ground level.

(G) Visible emissions from the M-1, M-2, M-3, and M-4 baghouse stacks shall not exceed a six (6) minute average of five percent (5%) opacity for each stack as determined in accordance with 40 CFR 60, Appendix A, Method 9\*\*.

(H) Visible emissions from building openings such as doors and windows shall not exceed a three (3) minute average of three percent (3%) opacity. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9\*\*, except that the opacity standard shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(I) Refined Metals of Indianapolis shall install and operate continuous opacity monitoring systems in the M-1 and the M-4 baghouse stacks or in the ductwork leading to those stacks. COMS data shall be used to determine compliance with the five percent (5%) opacity limit required by clause (G). The COMS shall meet the performance and installation requirements of 40 CFR 60, Appendix B, Performance Specification 1\*\*. The company shall also comply with the following:

(i) A complete written standard operating procedure (SOP) for COMS shall be submitted to the department for approval. The department shall complete the review of the COMS SOP within sixty (60) days of submittal. The COMS SOP shall contain, at minimum, complete step-by-step procedures for the following:

- (AA) Calibration procedures.
- (BB) Operation procedures.
- (CC) Preventive maintenance procedures.
- (DD) Quality control and quality assurance (QA) procedures.
- (EE) Record keeping and reporting procedures.

(ii) The company shall perform quarterly COMS performance audits and notify the department fourteen (14) days in advance of each audit. The company shall submit quarterly COMS QA reports to the department within thirty (30) days following the end of the quarter. Each report shall summarize performance audit results and provide an explanation for periods of time during the quarter when valid data was not collected.

(iii) COMS excess emission reports shall be submitted to the department within thirty (30) days following the end of each calendar quarter. These reports shall contain, at minimum, the following:

- (AA) The operating time of the monitored facilities.
- (BB) The date and time each COMS recorded opacity measurements above the five percent (5%) opacity limit.
- (CC) The date and time each COMS was inoperative or malfunctioning.
- (DD) A description of the nature and cause of any excess emissions.

(J) Refined Metals of Indianapolis shall achieve compliance with clauses (D) through (I) by March 1, 1994. In the event that the

plant is idle on March 1, 1994, compliance with clauses (D) through (I) shall be achieved by the date the plant resumes production. Refined Metals shall notify the department thirty (30) days before production resumes to enable the department to make a compliance determination.

(K) Refined Metals of Indianapolis shall perform a stack test on the M-1, M-2, M-3, and M-4 baghouse stacks and demonstrate compliance with this subdivision by June 30, 1992. All subsequent stack tests shall be conducted utilizing the methodologies of 40 CFR 60, Appendix A, Methods 1, 2, 3, 4, 5, and 12\*\*.

(L) Any violation of the National Ambient Air Quality Standards (NAAQS) shall result in an investigation by Refined Metals to determine the cause of the violation. Such an investigation shall be completed within ninety (90) days after the date the violation is confirmed. Refined Metals shall provide a corrective action plan to the department for approval within ninety (90) days of the confirmation of the violation. The plan shall specify the actions required to continuously meet the NAAQS. Refined Metals shall implement the plan upon approval by the department. The department may require a cessation in production, if needed, to assure continuous attainment of the NAAQS.

(2)	Chrysler Corporation	Cupola stack	0.550
	Foundry, Indianapolis	Cupola fugitive	1.894
(3)	Delco Remy Division of General Motors Corporation, Muncie	Lead oxide mfg. stack (each of 5)	0.068
		Oxide grinder stack (each of 2)	0.123
		*Central tunnel system stack (each of 4)	0.254
		Reverberatory furnace stack	0.225
		O.S.I. drying oven stack (each of 4)	0.0015
		Electric melting pot stack	0.159

\*On or before June 1, 1987, Delco Remy shall install ductwork to vent emissions from the vacuum cleaning lines through the control devices and stacks serving the Central Tunnel System.

(4)	Indiana Oxide Corporation, Brazil	Barton #1 reactor	0.215
		Barton #2 reactor	0.215
		Barton #3 reactor	0.215
		Barton #4 reactor	0.215
		Rake furnace	0.006
		Kiln #2	0.002
		*Franklin reactor	0.603

\*Shall not operate more than 670 hours per quarter.

(5)	U.S.S. Lead Refinery, East Chicago	*Blast furnace stack	0.002
		*Blast furnace fugitive	
		Charging	2.922
		Lead tapping	0.002
		Slag tapping	0.005
		*Refining kettles fugitive	0.0001
		*Casting fugitive	0.393
		*Reverberatory furnace fugitive	0.345

\*Shall not operate more than 334 hours per quarter.

(6)	Hammond Lead Products, Inc., HLP-Lead Plant	Stack 4A-S-8	0.053
		Stack 14-S-16	0.053
		Stack 1-S-2	0.053
		Stack 1-S-26	0.053
		Stack 16-S-56	0.200
		Stack 1-S-52	0.070

Stack 1-S-27	0.020
Stack 4-S-35	0.090
Stack 6-S-33	0.070
Stack 4B-S-34	0.080
Stack 6-S-47	0.021
Stack V-1	0.090
Stack V-11	0.006

(A) The ventilator control system (Stack V-1) shall consist of a fan with a constant flow rate that draws air from the building through a HEPA filter which vents to the atmosphere through a stack. The HEPA filters shall be maintained and operated in order to achieve maximum control efficiency. In addition to the requirements contained in subsection (c), Hammond Lead Products, Inc. shall submit an operation and maintenance plan by July 31, 1990, which incorporates good housekeeping practices for the ventilator control systems. This operation and maintenance plan shall be incorporated into the operating permits for Hammond Lead Products, Inc. and submitted to U.S. EPA as a revision to Indiana's lead state implementation plan by December 31, 1990. The ventilator control systems shall be designed such that process fugitive emissions will not routinely escape the buildings except as vented through the ventilator control systems. The compliance test method specified in section 4(a) of this rule shall be used to determine compliance with the emission limitations for the ventilator control system stacks.

(B) By December 31, 1989, the stack heights for all processes except Stack 16-S-56, Stack 1-S-52, and the ventilator control systems shall be no less than sixty (60) feet above grade; the stack heights for Stack 16-S-56 and Stack 1-S-52 shall be no less than eighty-two (82) feet above grade; and the stack height for Vent 11 shall be no less than thirty-five (35) feet above grade. By July 31, 1990, the stack heights for the other ventilator control systems shall be no less than sixty (60) feet above grade.

(C) Hammond Lead Products, Inc. shall install HEPA filters according to the following schedule:

Stack 4A-S-8	March 31, 1992
Stack 14-S-16	June 30, 1992
Stack 1-S-2	December 31, 1991
Stack 1-S-26	September 30, 1992
*Stack 16-S-56:	
130 bag filter	November 20, 1989
100 bag filter	December 6, 1989
80 bag filter	June 1, 1989
72 bag filter	December 31, 1991
Stack 1-S-52	December 31, 1989
Stack 1-S-27	August 15, 1987
Stack 4-S-35	October 16, 1989
Stack 6-S-33	July 22, 1988
Stack 4B-S-34	October 5, 1989
Stack 6-S-47	May 26, 1988
*Four (4) bag filters are vented through common Stack 16-S-56.	

(D) Hammond Lead Products, Inc. shall provide written notification to the commissioner within three (3) days after the installation of HEPA filters is completed at each of the sites listed in clause (A).

(E) All emissions limitations in this subdivision shall be met by December 31, 1992.

(F) This subdivision shall be submitted to the U.S. EPA as a revision to the Indiana state implementation plan.

(7) Hammond	Stack S-1	0.04
Group-Halstab	Stack S-2	0.03
Division	Stacks S-4, S-5 (each)	0.07
	Stacks S-6, S-7, S-8 (each)	0.05
	Stacks S-9, S-10, S-11 (each)	0.04
	S-12, S-13 (each)	0.04
	S-14, S-15, S-16 (each)	0.04
	Stacks S-17, S-21 (each)	0.07

(A) Hammond Group-Halstab Division shall install and maintain one (1) baghouse with laminated filters followed by one (1) HEPA filter in series with the baghouse on each of stacks S-1, S-2, S-4 through S-17, and S-21.

(B) Hammond Group-Halstab Division shall submit a proposed ambient monitoring and quality assurance plan within thirty (30) days of the effective date of this rule.

(C) Hammond Group-Halstab Division shall commence ambient monitoring within thirty (30) days of the department's approval of the proposed ambient monitoring and quality assurance plan.

(D) Hammond Group-Halstab Division shall conduct a minimum of twenty-four (24) months of monitoring for lead. The monitoring shall be:

- (i) performed using U.S. EPA-approved methods, procedures, and quality assurance programs; and
- (ii) in accordance with the ambient monitoring and quality assurance plan as approved by the department.

(E) The requirement to monitor shall expire twenty-four (24) months from the commencement date of the monitoring provided the monitored values, averaged over a calendar quarter, do not exceed eighty percent (80%) of the National Ambient Air Quality Standards (NAAQS) level for lead in any quarter during twenty-four (24) months.

(F) If the monitored values averaged over a calendar quarter exceed eighty percent (80%) of the NAAQS level for lead during the twenty-four (24) month period, monitoring shall be continued until eight (8) continuous quarters of monitored values do not exceed eighty percent (80%) of the NAAQS level for lead.

(G) If the monitored values, averaged over a calendar quarter, exceed eighty percent (80%) of the NAAQS level for lead for two (2) or more continuous quarters, the department and Hammond Group-Halstab Division shall analyze and assess causes of the emissions and determine whether changes to control requirements or operating practices are appropriate.

(b) In addition to the sources listed in subsection (a), the following sources shall comply with subsection (c) and section 3 of this rule:

- (1) Exide Corporation, Logansport.
- (2) C & D Batteries, Attica.
- (3) Exide Corporation, Frankfort.

(c) Operation and maintenance programs shall be designed to prevent deterioration of control equipment performance. For sources listed in subsection (a)(1) through (a)(7), these programs shall be submitted to the department of environmental management, office of air management, on or before June 1, 1987. For sources listed in subsection (b), these programs shall be submitted to the office of air management on or before February 1, 1988. These programs will be incorporated into the individual source operation permits.

**\*\*Copies of the Code of Federal Regulations (CFR) \*\*These**

**documents are incorporated by reference.** Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015. (*Air Pollution Control Board; 326 IAC 15-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2564; errata filed Jul 6, 1988, 1:00 p.m.: 11 IR 3921; filed Jun 14, 1989, 5:00 p.m.: 12 IR 1850; filed Aug 8, 1991, 10:00 a.m.: 14 IR 2203; filed Dec 17, 1992, 5:00 p.m.: 16 IR 1379; errata filed Mar 10, 1993, 5:00 p.m.: 16 IR 1832; filed Mar 28, 1994, 5:00 p.m.: 17 IR 1878; errata, 17 IR 2080; filed May 31, 1994, 5:00 p.m.: 17 IR 2233; errata filed Jun 10, 1994, 5:00 p.m.: 17 IR 2356; filed Jan 6, 1999, 4:23 p.m.: 22 IR 1427; filed Dec 1, 2000, 2:22 p.m.: 24 IR 954; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 82. 326 IAC 15-1-4 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 15-1-4 Compliance

**Authority:** IC 13-1-4; IC 13-7-7

**Affected:** IC 13-1-1; IC 13-1-1-4; IC 13-7-1-1; IC 13-7-7

Sec. 4. (a) Determination of compliance with the lead emission limitations established pursuant to section 2 of this rule shall be made in accordance with the procedures outlined in 40 CFR 60, Appendix A, Method 12,\* and 326 IAC 3-2 [326 IAC 3-2 was repealed filed Aug 2, 1990, 4:50 p.m.: 14 IR 81.], Source Sampling Procedures.

(b) Those sources having restricted operating hours specified in section 2 of this rule shall be as follows:

- (1) Maintain logs indicating hours of operation each day.
- (2) Submit quarterly summaries of operating logs to the department of environmental management, office of air management, before the end of the month following the completed quarter.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (C.F.R.) 60 referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402, or are available for **review and copying** from the Department of Environmental Management, Office of Technical Assistance, ~~105 South Meridian Street~~, **Indiana Government Center-North, 100 North Senate Avenue**, Indianapolis, Indiana ~~46225~~: **46204**. (*Air Pollution Control Board; 326 IAC 15-1-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2567; filed Jun 14, 1989, 5:00 p.m.: 12 IR 1854; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 83. 326 IAC 16-3-1 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 16-3-1 Applicability; incorporation by reference of federal standards

**Authority:** IC 13-14-8; IC 13-17-3-4

**Affected:** IC 13-17

Sec. 1. (a) The provisions of this rule shall apply to all federal actions, except federal highway and transit actions, and shall establish the criteria and procedures governing the determination of conformity.

(b) The air pollution control board incorporates by reference 40 CFR 51, Subpart W\*, "Determining Conformity of General Federal Actions to State or Federal Implementation Plans" with the exception of **Section 40 CFR 51.851 State Implementation Plan (SIP) revisions\***.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations referenced in this section may be obtained from the Government Printing Office, Washington D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 16-3-1; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3050; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 84. 326 IAC 18-1-2 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 18-1-2 Definitions

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6  
**Affected:** IC 13-11-2-158; IC 13-17

Sec. 2. The following definitions apply throughout this rule:

- (1) "Approved initial training course" means a course approved by the department under 326 IAC 18-2 for purposes of providing initial training to persons to become licensed.
- (2) "Approved refresher training course" means a course approved by the department under 326 IAC 18-2 for purposes of providing refresher training to licensed persons.
- (3) "Asbestos" means the asbestiform varieties of the following:
  - (A) Chrysotile (serpentine).
  - (B) Crocidolite (riebeckite).
  - (C) Amosite (cummingtonite-grunerite).
  - (D) Anthophyllite.
  - (E) Tremolite.
  - (F) Actinolite.
- (4) "Asbestos-containing building material" or "ACBM" means any ACM that is in or on structural members or other parts of a school.
- (5) "Asbestos-containing material" or "ACM" means asbestos or any material containing more than one percent (1%) asbestos as determined by methods specified in 40 CFR 763, Appendix E, Subpart E, Section 1, Polarized Light Microscopy\* including Category I and Category II asbestos-containing material and all friable material.
- (6) "Asbestos-Containing Materials in Schools Rule" means the Asbestos-Containing Materials in Schools Rule under 40 CFR 763, Subpart E\*.
- (7) "Asbestos waste disposal manager" means a person who is present on-site during all ACM handling and disposal activities under 329 IAC 10-8 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.].
- (8) "Asbestos license" means a document issued by the department to a person meeting the licensing requirements of this rule.
- (9) "Asbestos Model Accreditation Plan Rule" means the Asbestos Model Accreditation Plan Rule under 40 CFR 763, Subpart E, Appendix C\*.
- (10) "Asbestos removal contractor" means a person who enters into one (1) or more contracts to implement an asbestos removal project at a facility.
- (11) "Asbestos removal project" means any and all activities at a facility involving the removal, encapsulation, enclosure, abatement, renovation, repair, removal, storage, stripping, dislodging, cutting, or drilling that result in the disturbance or repair of any one (1) of the following:
  - (A) At least three (3) linear feet of RACM on or off pipes.
  - (B) At least three (3) square feet of RACM on or off other facility components.

- (C) A total of at least seventy-five hundredths (0.75) cubic foot of RACM on or off all facility components.

These activities include, but are not limited to, work area preparation, implementation of engineering controls and work practices, and work area decontamination activities required by 326 IAC 14-10-4 or 29 CFR 1926.1101\* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).

(12) "Certificate of accreditation" means a document issued by the department to a person who met the accreditation requirements of this rule prior to the rule being amended to change the term from accreditation to asbestos license.

(13) "Certificate of training" means a document issued by an approved initial or refresher training course provider to a person indicating that the person attended an approved initial or refresher training course and received a passing score on the written examination for such course. A certificate of training issued to a person seeking licensing by the department shall not be valid for purposes of this subdivision if such certificate of training is issued by a training course provider who is such person's partner or employer or a subsidiary entity of such person's employer.

(14) "Facility" means any:

- (A) school building;
- (B) institutional, commercial, public, or industrial building, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units);
- (C) ship; and
- (D) active or inactive waste disposal site.

For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. The term includes any structure, installation, or building that was previously subject to 326 IAC 14, regardless of its current use or function.

(15) "Facility component" means any part of a facility, including equipment.

(16) "Friable" means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material and includes previously nonfriable material after such nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material.

(17) "Inspection" means those activities undertaken to specifically determine the presence or location, or to assess the condition of, friable or nonfriable ACM, or suspected ACM, whether by visual or physical examination, or by collecting samples of such material. In addition, the term includes all reinspections of friable and nonfriable known or assumed ACM which has been previously identified. The term excludes the activities of periodic surveillance, compliance inspections, and visual inspections as referenced in 40 CFR 763.90(i)\*.

(18) "Inspector" means any person who conducts an inspection for ACM in a facility.

(19) "Interim accreditation", when referring to a training course, means that the U.S. EPA has determined that the training course meets the requirements of Section 206(c)(2) of the Toxic Substances Control Act (TSCA) Title II\*.

(20) "Licensed", when referring to a person, means a person holding a current asbestos license issued by the department under this rule.

(21) "Major fiber release episode" means any disturbance of ACM,

resulting in a visible emission, which involves the falling or dislodging of more than three (3) square feet, three (3) linear feet, or seventy-five hundredths (0.75) cubic foot of friable ACM.

(22) "Management plan" means a document prepared under the Asbestos-Containing Materials in Schools Rule under 40 CFR 763, Subpart E\* that addresses the manner in which ACM will be handled in a school building.

(23) "Management planner" means any person who prepares management plans for schools.

(24) "Nonfriable", when referring to material at a facility, means material which, when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material.

(25) "Person" has the meaning as set forth in IC 13-11-2-158(a).

(26) "Photographic identification card" means any of the following:

(A) A valid driver's license or identification (ID) card issued by any state that displays the individual's photograph.

(B) A valid work visa issued by the United States Department of Justice.

(C) A valid United States passport.

(27) "Project designer" means a person who designs any of the following activities with respect to RACM in a facility:

(A) An asbestos project other than a small scale short duration (SSSD) maintenance activity.

(B) A maintenance activity that disturbs RACM other than an SSSD maintenance activity.

(C) An asbestos project for a major fiber release episode.

(28) "Project supervisor" means a person who supervises or performs any of the following activities with respect to RACM in a facility:

(A) An asbestos project other than an SSSD activity.

(B) A maintenance activity that disturbs RACM other than an SSSD activity.

(C) An asbestos project for a major fiber release episode.

(29) "Regulated asbestos-containing material" or "RACM" means the following:

(A) Friable asbestos material.

(B) Category I nonfriable ACM that has become friable.

(C) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, abrading, or burning.

(D) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this article.

The term does not include nonfriable asbestos-containing resilient floor covering materials unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned. Resilient floor covering materials include sheet vinyl flooring, resilient tile, or associated adhesives.

(30) "Response action" means a method, including removal, encapsulation, enclosure, repair, and operation and maintenance, that protects human health and the environment from RACM.

(31) "School" means any combination of grades kindergarten, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12.

(32) "School building" means the following:

(A) Any structure at a school suitable for use as a classroom, laboratory, library, school eating facility, or facility used for the preparation of food.

(B) Any gymnasium or other facility at a school which is specially designed for athletic or recreational activities for an academic course in physical education.

(C) Any other facility used by a school for the instruction or housing of students or for the administration of educational or research programs.

(D) Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in clauses (A) through (C).

(E) Any portico or covered exterior hallway or walkway which is part of a school.

(F) Any exterior portion of a mechanical system used to heat, ventilate, or air condition (HVAC) interior space of a school.

(33) "Small-scale, short duration" or "SSSD" means any activity in which the amount of RACM being disturbed is less than three (3) linear feet on or off pipes or three (3) square feet on or off other facility components, or a total of less than seventy-five hundredths (0.75) cubic foot on or off all facility components.

(34) "Structural member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting member, such as ceilings and nonload-supporting walls.

(35) "Worker" means a person who performs any of the following activities with respect to RACM in a facility:

(A) An asbestos project other than an SSSD activity.

(B) A maintenance activity that disturbs RACM other than an SSSD activity.

(C) An asbestos project for a major fiber release episode.

\*These materials documents have been incorporated by reference. **and are available at Copies may be obtained from** the Government Printing Office, Washington, D.C. 20402 or are available for **review and copying** at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-1-2; filed Sep 23, 1988, 1:45 p.m.: 12 IR 269; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2110; filed Dec 5, 1990, 3:40 p.m.: 14 IR 612; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2740; errata filed Jul 5, 1995, 10:00 a.m.: 18 IR 2795; filed May 12, 1998, 9:15 a.m.: 21 IR 3748; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 85. 326 IAC 18-1-5 IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 18-1-5 Asbestos license; application**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

**Affected:** IC 13-11-2-158; IC 13-17

Sec. 5. (a) Any person seeking an initial asbestos license from the department as an asbestos inspector, a management planner, a project designer, a supervisor, a worker, or an asbestos waste disposal manager, shall complete the following:

(1) Submit a completed application on forms provided by the department.

(2) Provide a copy of all required certificates of training indicating that the person successfully completed the approved initial and any requisite refresher training courses as defined in section 2(2) and 2(3) of this rule and received passing scores on all written examinations for such courses.

(3) Pay the license application fee specified in section 9 of this rule.

(b) Any person seeking an initial asbestos license from the department as an asbestos contractor shall complete the following:

(1) Submit a completed written application on forms provided by the department.

(2) Provide a statement that the person has read and understands this

rule, the Asbestos-Containing Materials in Schools Rule, and 326 IAC 14-10.

(3) Provide a copy of all required certificates of training indicating that the person, or the contractor's designated representative, successfully completed the approved initial and any requisite refresher training courses for asbestos project supervisor or asbestos contractor and received passing scores on all written examinations for such courses.

(4) Provide a complete list of prior contracts for the previous twelve (12) months for asbestos projects, including names, addresses, and telephone numbers of persons for whom projects were performed.

(5) Provide an up-to-date copy of the contractor's written standard operating procedures, which include current compliance procedures, for the following regulatory programs:

(A) 326 IAC 14-2 (Emission Standards for Sources of Asbestos).

(B) 326 IAC 14-10 (Asbestos Demolition and Renovation Operations).

(C) 326 IAC 18-1 (Asbestos Management Personnel; Licensing).

(D) 329 IAC 10-8 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.] (Special Waste).

(E) 29 CFR 1926.1101\* (Occupational Exposure to Asbestos, Final Rule).

(F) 29 CFR 1910.134\* (Occupational Safety and Health Standards, Subpart I, Personal Protective Equipment).

(6) Provide a description of any asbestos projects that the contractor conducted that were prematurely terminated or not completed, including the circumstances surrounding termination.

(7) Provide a list of any contractual penalties that the contractor has paid for noncompliance with contract specifications.

(8) Provide copies of any and all warning letters, Notice and Order of the Commissioner, Agreed Orders, citations, notices of violation, or findings of violation levied against the contractor by any federal, state, or local governmental agency for violations of regulations or other laws pertaining to asbestos activities, including names and locations of the projects, the dates, and a description of how the allegations were resolved.

(9) Provide a description detailing all legal proceedings, lawsuits, warning letters to supervisors from the commissioner, or claims which have been filed or levied against the contractor or any of his past or present employees, while employed by said contractor, for asbestos-related activities.

(10) Provide documentation of the contractor's financial responsibility with a current certificate of insurance with at least five hundred thousand dollars (\$500,000) of asbestos liability insurance. The company offering insurance coverage must be recognized or licensed by the Indiana department of insurance.

(11) Pay the license application fee as specified in section 9 of this rule.

(c) If the department determines the information on the application to be incomplete, the applicant will be requested to submit the missing information. If the information is not submitted within one (1) year of the department's receipt of the application, the application will expire and the fee is not transferable.

(d) In addition to the requirements of subsections (a)(2) and (b)(3), the department may require an applicant or a designated representative of a contractor, in the case of subsection (b)(3), to take an examination administered by the department. The examination shall cover only the discipline for which the applicant is seeking a license. The department shall deny the application if the applicant does not receive a passing score of seventy percent (70%). If the department denies the applica-

tion, the certificate of training is invalid, and the applicant must retake and pass the initial training course for the discipline for which the applicant is seeking a license.

(e) The applicant shall provide two (2) copies of a clear and recent one and one-half (1½) inch by one and one-half (1½) inch identifying color photograph at the time of application to be attached to the face of the asbestos license by the department prior to issuance of the license by the department.

(f) The department shall review the application and shall make a determination as to the eligibility of the person. The department shall issue an asbestos license to any person who fulfills the requirements established by this rule. The department may deny an application for an asbestos license based on any of the criteria listed in section 7 of this rule, as applicable, or for failure to comply with any other provision of this rule.

(g) Applications must be completed in writing and submitted for processing. The department shall not process applications on a walk-in basis or process applications over the telephone. If the application is approved, the license will be sent to the applicant via the U.S. Postal Service to the address as listed on the application.

(h) An asbestos license shall be valid for one (1) year from the date of issuance.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-1-5; filed Sep 23, 1988, 1:45 p.m.: 12 IR 271; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2113; filed May 12, 1998, 9:15 a.m.: 21 IR 3752; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 86. 326 IAC 18-1-7 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 18-1-7 Asbestos license; revocation; denial

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 7. The department may revoke an asbestos license or deny an application for an asbestos license or license renewal if the person or applicant does any of the following:

- (1) Violates any requirement of this rule or any requirement of:
  - (A) the Asbestos-Containing Materials in Schools Rule;
  - (B) 326 IAC 14-10;
  - (C) the Asbestos Model Accreditation Plan Rule (40 CFR 763, Subpart E)\*; or
  - (D) any other federal, state, or local regulation or other laws pertaining to asbestos in buildings or to asbestos projects.
- (2) Falsifies information on an application for an asbestos license.
- (3) Fails to meet any requirement specified in section 4 of this rule.
- (4) Conducts an asbestos project, or related asbestos handling activity, in a manner which is hazardous to the public health.
- (5) Performs work requiring an asbestos license at a job site without being in physical possession of initial and current accreditation certificates or license.

- (6) Permits the duplication or use of one's own asbestos license by another.
- (7) Performs work for which an asbestos license has not been received.
- (8) Has obtained training from a training provider that does not have approval to offer training for the particular discipline for which the license was received.

~~\*These materials have been~~ **\*This document is** incorporated by reference, ~~and are available at~~ **Copies may be obtained from** the Government Printing Office, Washington, D.C. 20402 or are available for **review and** copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-1-7; filed Sep 23, 1988, 1:45 a.m.: 12 IR 272; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2744; filed May 12, 1998, 9:15 a.m.: 21 IR 3754; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 87. 326 IAC 18-1-8 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 18-1-8 License requirements for contractors performing asbestos projects**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6  
**Affected:** IC 13-11-2-158; IC 13-17

Sec. 8. The following requirements shall apply to the implementation of all asbestos projects at a facility:

- (1) Each asbestos contractor is required to have at least one (1) licensed asbestos project supervisor, responsible for direct supervision of workers, in the work area of the asbestos project during removal, encapsulation, enclosure, stripping, repair, and work area decontamination activities. Asbestos workers must have access to the asbestos project supervisor(s) throughout the duration of the asbestos project.
- (2) Each asbestos contractor shall ensure that the current:
  - (A) certificate of accreditation and photographic identification card; or
  - (B) asbestos license;
 belonging to each project supervisor and worker is kept on the job site during all asbestos projects. The certificate of accreditation and photographic identification card or asbestos license shall be kept outside the work area and shall be available for inspection by the department.
- (3) A person employed by the asbestos contractor, or a partner or subsidiary entity thereof, implementing an asbestos project shall not, for the purposes of fulfilling the requirements of 40 CFR 763.90\* of the Asbestos-Containing Material in Schools Rule, collect or analyze air samples for determining the completion of that asbestos project.

**\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 18-1-8; filed Sep 23, 1988, 1:45 p.m.: 12 IR 273; filed Dec 5, 1990, 3:40 p.m.: 14 IR 614; filed May 12, 1998, 9:15 a.m.: 21 IR 3755; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 88. 326 IAC 18-2-2 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 18-2-2 Definitions**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6  
**Affected:** IC 13-11-2-158; IC 13-17

Sec. 2. The following definitions apply throughout this rule:

- (1) "Approved initial training course" means a course approved by the department under this rule, for purposes of providing initial training to persons to become licensed.
- (2) "Approved refresher training course" means a course approved by the department under this rule, for purposes of providing refresher training to licensed persons.
- (3) "Asbestos" means the asbestiform varieties of the following:
  - (A) Chrysotile (serpentine).
  - (B) Crocidolite (riebeckite).
  - (C) Amosite (cummingtonite-grunerite).
  - (D) Anthophyllite.
  - (E) Tremolite.
  - (F) Actinolite.
- (4) "Asbestos-containing material" or "ACM" means asbestos or any material containing more than one percent (1%) asbestos as determined using methods specified in 40 CFR 763, Subpart E, Appendix E, Section I, Polarized Light Microscopy\* including Category I and Category II ACM and all friable material.
- (5) "Asbestos removal project" means any and all activities at a facility involving the removal, encapsulation, enclosure, abatement, renovation, repair, removal, storage, stripping, dislodging, cutting, or drilling that results in the disturbance or repair of the following:
  - (A) At least three (3) linear feet of RACM on or off pipes.
  - (B) At least three (3) square feet of RACM on or off other facility components.
  - (C) A total of at least seventy-five hundredths (0.75) cubic foot of RACM on or off all facility components.

These activities include, but are not limited to, work area preparation, implementation of engineering controls and work practices, and work area decontamination activities required by 326 IAC 14-10-4 or 29 CFR 1926.1101\* (Occupational Safety and Health Administration Occupational Exposure to Asbestos).

- (6) "Day", for purposes of determining duration of approved training courses, means eight (8) hours including breaks and lunch.
- (7) "Facility" means any:
  - (A) school building;
  - (B) institutional, commercial, public, or industrial, building, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units);
  - (C) ship; and
  - (D) active or inactive waste disposal site.

For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation, or building that was previously subject to 326 IAC 14 is included, regardless of its current use or function.

- (8) "Facility component" means any part of a facility, including equipment.
- (9) "Friable", when referring to material at a facility, means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected

to act on the material and includes previously nonfriable material after such nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material.

(10) "Hands-on training", when referring to a topic covered by a training course, means training which gives students actual experience performing tasks associated with the accredited discipline as follows:

- (A) For asbestos contractors, supervisors, workers, and disposal managers, the inclusion of the following:
  - (i) Working with asbestos-substitute material.
  - (ii) Fitting and using respirators.
  - (iii) Use of glove bags.
  - (iv) Donning protective clothing.
  - (v) Constructing a decontamination unit.
  - (vi) Other related abatement work activities.
- (B) For asbestos inspectors, the inclusion of the following:
  - (i) Simulated building walk-through inspection.
  - (ii) Respirator fit testing.

(11) "Licensed", when referring to a person, means a person holding a current asbestos license issued by the department under 326 IAC 18-1 in the following disciplines:

- (A) Inspector.
- (B) Management planner.
- (C) Project designer.
- (D) Asbestos supervisor.
- (E) Asbestos worker.
- (F) Asbestos contractor.
- (G) Waste disposal manager.

(12) "Management plan" means a document prepared under the Asbestos-Containing Materials in Schools Rule that addresses the manner in which ACM will be handled in a school building.

(13) "Nonfriable", when referring to material at a facility, means material which, when dry, may not be crumbled, pulverized, or reduced to powder by either hand pressure or mechanical forces reasonably expected to act on the material.

(14) "Person" has the meaning set forth in IC 13-11-2-158(a).

(15) "Regulated asbestos-containing material" or "RACM" means the following:

- (A) Friable asbestos material.
- (B) Category I nonfriable ACM that has become friable.
- (C) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, abrading, or burning.
- (D) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this article.

The term does not include nonfriable asbestos-containing resilient floor covering materials unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged or the materials are burned. Resilient floor covering materials include sheet vinyl flooring, resilient tile, or associated adhesives.

(16) "School" means any combination of grades kindergarten, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12.

(17) "School building" means any of the following:

- (A) A structure at a school suitable for use as a classroom, laboratory, library, school eating facility, or facility used for the preparation of food.
- (B) A gymnasium or other facility at a school that is specially

designed for athletic or recreational activities for an academic course in physical education.

(C) Another facility used by a school for the instruction or housing of students or for the administration of educational or research programs.

(D) A maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in clauses (A) through (C).

(E) A portico or covered exterior hallway or walkway that is part of a school.

(F) An exterior portion of a mechanical system used to heat, ventilate, or air condition (HVAC) the interior space of a school.

(18) "Training course provider" means a person who provides an approved initial training course or an approved refresher training course for the purpose of licensing persons under 326 IAC 18-1.

(19) "TSCA Title II" refers to 15 U.S.C. 2641 et seq. of the federal Toxic Substances Control Act as amended on October 22, 1986 ~~\*\*\*~~ 1986\*.

**\*These documents are incorporated by reference.** Copies of the Code of Federal Regulations may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

**\*\*Copies of TSCA Title II may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 18-2-2; filed Sep 23, 1988, 1:45 a.m.: 12 IR 273; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2114; filed May 12, 1998, 9:15 a.m.: 21 IR 3756)**

SECTION 89. 326 IAC 18-2-3 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 18-2-3 Initial training course requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6

Affected: IC 13-11-2-158; IC 13-17

Sec. 3. (a) In order to qualify for approval, an asbestos inspector training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:

- (1) An asbestos inspector training course shall be at least three (3) days in duration and shall include lectures, demonstrations, four (4) hours of hands-on training, individual respirator fit testing, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.
- (2) An asbestos inspector training course shall adequately address the following topics:

(A) Background information on asbestos to include the following:

- (i) The identification of asbestos and examples and discussion of the uses and locations of asbestos in buildings.
- (ii) The physical appearance of asbestos.

(B) Potential health effects related to asbestos exposure to include the following:

- (i) The nature of asbestos-related diseases.
- (ii) Routes of exposure.
- (iii) Dose-response relationships and the lack of a safe exposure level.

- (iv) The synergistic effect between cigarette smoking and asbestos exposure.
- (v) The latency period for asbestos-related diseases.
- (vi) A discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.
- (C) Functions, qualifications, and role of inspectors to include the following:
  - (i) Discussion of prior experience and qualifications for inspectors and management planners.
  - (ii) Discussion of the functions of an accredited inspector as compared to those of an accredited management planner.
  - (iii) Discussion of the inspection process, including inventory of ACM and physical assessment.
- (D) Legal liabilities and defenses to include the following:
  - (i) Responsibilities of the inspector and management planner.
  - (ii) A discussion of comprehensive general liability policies, claims-made and occurrence policies, environmental and pollution liability policy clauses.
  - (iii) State liability insurance requirements.
  - (iv) Bonding and the relationship of insurance availability to bond availability.
- (E) Understanding building systems to include the following:
  - (i) The interrelationship between building systems, including an overview of common building physical plan layout.
  - (ii) Heat, ventilation, and air conditioning (HVAC) system types, physical organization, and where asbestos is found on HVAC components.
  - (iii) Building mechanical systems, their types and organization, and where to look for asbestos on such systems.
  - (iv) Inspecting electrical systems, including appropriate safety precautions.
  - (v) Reading blueprints and as-built drawings.
- (F) Public, employee, or building occupant relations to include the following:
  - (i) Notification of employee organizations about the inspection.
  - (ii) Signs to warn building occupants.
  - (iii) Tact in dealing with occupants and the press.
  - (iv) Scheduling of inspections to minimize disruption.
  - (v) Education of building occupants about actions being taken.
- (G) Preinspection planning and review of previous inspection records to include the following:
  - (i) Scheduling the inspection and obtaining access.
  - (ii) Building record review.
  - (iii) Identification of probable homogeneous areas from blueprints or as-built drawings.
  - (iv) Consultation with maintenance or building personnel.
  - (v) Review of previous inspection, sampling, and abatement records of a building.
  - (vi) The role of the inspector in exclusions for previously performed inspections.
- (H) Inspecting for friable and nonfriable ACM and assessing the condition of friable ACM to include the following:
  - (i) Procedures to follow in conducting visual inspections for friable and nonfriable ACM.
  - (ii) Types of building materials that may contain asbestos.
  - (iii) Touching materials to determine friability.
  - (iv) Open return air plenums and their importance in HVAC systems.
  - (v) Assessing damage, significant damage, potential damage, and potential significant damage.
  - (vi) Amount of suspected ACM, both in total quantity and as a percentage of the total area.
  - (vii) Type of damage.
  - (viii) Accessibility.
  - (ix) Material's potential for disturbance.
  - (x) Known or suspected causes of damage or significant damage.
  - (xi) Deterioration as assessment factors.
- (I) Bulk sampling or documentation of asbestos in schools to include the following:
  - (i) Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials (U.S. EPA 560/5-85-030a October 1985)\*".
  - (ii) Techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials.
  - (iii) Sampling of nonfriable materials.
  - (iv) Techniques for bulk sampling.
  - (v) Sampling equipment the inspector should use.
  - (vi) Patching or repair of damage done in sampling.
  - (vii) An inspector's repair kit.
  - (viii) Discussion of polarized light microscopy.
  - (ix) Choosing an accredited laboratory to analyze bulk samples.
  - (x) Quality control and quality assurance procedures.
- (J) Inspector respiratory protection and personal protective equipment to include the following:
  - (i) Classes and characteristics of respirator types.
  - (ii) Limitations of respirators.
  - (iii) Proper selection, inspection, donning, use, maintenance, and storage procedures for respirators.
  - (iv) Methods for field testing of the facepiece-to-mouth seal (positive and negative pressure fitting tests).
  - (v) Qualitative and quantitative fit testing procedures.
  - (vi) Variability between field and laboratory protection factors.
  - (vii) Factors that alter respirator fit, for example, facial hair.
  - (viii) The components of a proper respiratory protection program.
  - (ix) Selection and use of personal protective clothing.
  - (x) Use, storage, and handling of nondisposable clothing.
- (K) Record keeping and writing the inspection report to include the following:
  - (i) Labeling of samples and keying sample identification to sampling location.
  - (ii) Recommendations on sample labeling.
  - (iii) Detailing of ACM inventory.
  - (iv) Photographs of selected sampling areas and examples of ACM condition.
  - (v) Information required for inclusion in the management plan by Section 203(i)(1) TSCA Title II.
- (L) Regulatory review to include the following:
  - (i) National Emission Standards for Hazardous Air Pollutants (NESHAP) found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)\*.
  - (ii) U.S. EPA worker protection rule found at 40 CFR 763, Subpart G\*.
  - (iii) TSCA Title II\*.
  - (iv) Occupational Safety and Health Administration (OSHA) asbestos construction standard found at 29 CFR 1926.1101\* (Occupational Safety and Health Administration Occupational Exposure to Asbestos).
  - (v) OSHA respirator requirements found at 29 CFR 1910.134\*.
  - (vi) The friable ACM in schools rule found at 40 CFR 763, Subpart E\*.
  - (vii) Applicable state and local regulations and differences in federal or state requirements where they apply and the effects,

if any, on public and nonpublic schools or commercial or public buildings.

(viii) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.

(M) Field trip comprised of a walk-through inspection to include the following:

- (i) On-site discussion on information gathering and determination of sampling locations.
- (ii) On-site practice in physical assessment.
- (iii) Classroom discussion of field exercise.

(N) A course review of the key aspects of the training course.

(b) In order to qualify for approval, an asbestos management planner training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:

- (1) Verify that each attendee possesses a current and valid inspector training certificate prior to admission to the management planner training course.
- (2) An asbestos management planner training course shall be at least two (2) days in duration and shall include lectures, demonstrations, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.
- (3) An asbestos management planner training course shall adequately address the following topics:

(A) Course overview to include the following:

- (i) The role of the management planner.
- (ii) Operations and maintenance programs.
- (iii) Setting work priorities.
- (iv) Protection of building occupants.

(B) Evaluation and interpretation of survey results to include the following:

- (i) Review of TSCA Title II\* requirements for inspection and management plans as given in Section 203(i)(1) of TSCA Title II\*.
- (ii) Interpretation of field data and laboratory results.
- (iii) Comparison between field inspector's data sheet with laboratory results and site survey.

(C) Hazard assessment to include the following:

- (i) Amplification of the difference between physical assessment and hazard assessment.
- (ii) The role of the management planner in hazard assessment.
- (iii) Explanation of significant damage, damage, potential damage, and potential significant damage.
- (iv) Use of a description (or decision tree) code for assessment of ACM.
- (v) Assessment of friable ACM.
- (vi) Relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment.

(D) Legal implications to include the following:

- (i) Liability.
- (ii) Insurance issues specific to planners.
- (iii) Liabilities associated with interim control measures and in-house maintenance, repair, and removal.
- (iv) Use of results from previously performed inspections.

(E) Evaluation and selection of control options to include the following:

- (i) Overview of encapsulation, enclosure, interim operations and maintenance, and removal.
- (ii) Advantages and disadvantages of each method.

(iii) Response actions described via a decision tree or other appropriate method.

(iv) Work practices for each asbestos project.

(v) Staging and prioritizing of work in both vacant and occupied buildings.

(vi) The need for containment barriers and decontamination in asbestos projects.

(F) Role of other professionals to include the following:

- (i) Use of industrial hygienists, engineers, and architects in developing technical specifications for asbestos projects.
- (ii) Any requirements that may exist for architect sign-off of plans.
- (iii) Team approach to design of high quality job specifications.

(G) Developing an operations and maintenance plan to include the following:

- (i) Purpose of the plan.
- (ii) Discussion of applicable U.S. EPA guidance documents.
- (iii) What actions should be taken by custodial staff.
- (iv) Proper cleaning procedures.
- (v) Steam cleaning and high efficiency particulate aerosol (HEPA) vacuuming.
- (vi) Reducing disturbance of ACM.
- (vii) Scheduling operations and maintenance for off-hours.
- (viii) Rescheduling or canceling renovation in areas with ACM.
- (ix) Boiler room maintenance.
- (x) Disposal of ACM.
- (xi) In-house procedures for ACM-bridging and penetrating encapsulants.
- (xii) Pipe fittings.
- (xiii) Metal sleeves.
- (xiv) Polyvinyl chloride (PVC), canvas, and wet wraps.
- (xv) Muslin with straps.
- (xvi) Fiber mesh cloth.
- (xvii) Mineral wool and insulating cement.
- (xviii) Discussion of employee protection programs and staff training.
- (xix) Case study in developing an operations and maintenance plan (development, implementation process, and problems that have been experienced).

(H) Regulatory review to include the following:

- (i) OSHA asbestos construction standard found at 29 CFR 1926.1101\* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
- (ii) The NESHAP found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)\*.
- (iii) U.S. EPA worker protection rule found at 40 CFR 763, Subpart G\*.
- (iv) TSCA Title II\*.

(v) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.

(I) Record keeping for the management planner to include the following:

- (i) Use of field inspector's data sheet along with laboratory results.
- (ii) Ongoing record keeping as a means to track asbestos disturbance.
- (iii) Procedures for record keeping.

(J) Assembling and submitting the management plan to include the following:

- (i) Plan requirements in TSCA Title II, Section 203(i)(1).
  - (ii) The management plan as a planning tool.
  - (K) Financing abatement action to include the following:
    - (i) Economic analysis and cost estimates.
    - (ii) Development of cost estimates.
    - (iii) Present costs of abatement versus future operations and maintenance costs.
    - (iv) Grants and loans under the Asbestos School Hazard Abatement Act (20 U.S.C. 4011 et seq.)\*.
  - (L) A course review of the key aspects of the training course.
- (c) In order to qualify for approval, an asbestos project designer training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:
- (1) An asbestos project designer training course shall be at least three (3) days in duration and shall include lectures, demonstrations, a field trip, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.
  - (2) An asbestos project designer training course shall adequately address the following topics:
    - (A) Background information on asbestos to include the following:
      - (i) Identification of asbestos.
      - (ii) Examples and discussion of the uses and locations of asbestos in buildings.
      - (iii) Physical appearance of asbestos.
    - (B) Potential health effects related to asbestos exposure to include the following:
      - (i) Nature of asbestos-related diseases.
      - (ii) Routes of exposure.
      - (iii) Dose-response relationships and the lack of a safe exposure level.
      - (iv) The synergistic effect between cigarette smoking and asbestos exposure.
      - (v) The latency period of asbestos-related diseases.
      - (vi) A discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of other organs.
    - (C) Overview of abatement construction projects to include the following:
      - (i) Abatement as a portion of a renovation project.
      - (ii) OSHA requirements for notification of other contractors on a multiemployer site 29 CFR 1926.1101\* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
    - (D) Safety system design specifications to include the following:
      - (i) Design, construction, and maintenance of containment barriers and decontamination enclosure systems.
      - (ii) Positioning of warning signs.
      - (iii) Electrical and ventilation system lock-out.
      - (iv) Proper working techniques for minimizing fiber release.
      - (v) Entry and exit procedures for the work area.
      - (vi) Use of wet methods.
      - (vii) Use of negative pressure exhaust ventilation equipment.
      - (viii) Use of HEPA vacuums.
      - (ix) Proper cleanup and disposal of asbestos.
      - (x) Work practices as they apply to encapsulation, enclosure, and repair.
      - (xi) Use of glove bags and a demonstration of glove bag use.
      - (xii) Proper techniques for initial cleaning.
    - (E) Field trip comprised of a visit to an abatement site or other suitable building site, including on-site discussions of abatement design, and building walk-through inspection, including discussion of rationale for the concept of functional spaces during the walk-through.
    - (F) Employee personal protective equipment to include the following:
      - (i) Classes and characteristics of respirator types.
      - (ii) Limitations of respirators.
      - (iii) Proper selection, inspection, donning, use, maintenance, and storage procedures.
      - (iv) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
      - (v) Qualitative and quantitative fit testing procedures.
      - (vi) Variability between field and laboratory protection factors.
      - (vii) Factors that alter respirator fit, for example, facial hair.
      - (viii) Components of a proper respiratory protection program.
      - (ix) Selection and use of personal protective clothing.
      - (x) Use, storage, and handling of nondisposable clothing.
    - (G) Additional safety hazards encountered during abatement activities and how to deal with them, including the following:
      - (i) Electrical hazards.
      - (ii) Heat stress.
      - (iii) Air contaminants other than asbestos.
      - (iv) Fire and explosion hazards.
    - (H) Fiber aerodynamics and control to include the following:
      - (i) Aerodynamic characteristics of asbestos fibers.
      - (ii) Importance of proper containment barriers.
      - (iii) Settling time for asbestos fibers.
      - (iv) Wet methods in abatement.
      - (v) Aggressive air monitoring following abatement.
      - (vi) Aggressive air movement and negative pressure exhaust ventilation as a clean-up method.
    - (I) Designing abatement solutions to include the following:
      - (i) Discussions of removal, enclosure, and encapsulation methods.
      - (ii) Asbestos waste disposal.
    - (J) Final clearance process to include the following:
      - (i) Discussion of the need for a written sampling rationale for aggressive final air clearance.
      - (ii) Requirements of a complete visual inspection.
      - (iii) The relationship of the visual inspection to final air clearance.
    - (K) Budgeting and cost estimation to include the following:
      - (i) Development of cost estimates.
      - (ii) Present cost of abatement versus future operations and maintenance costs.
      - (iii) Setting priorities for abatement jobs to reduce costs.
    - (L) Writing abatement specifications to include the following:
      - (i) Preparation of and need for a written project design.
      - (ii) Means and methods specifications versus performance specifications.
      - (iii) Design of abatement in occupied buildings.
      - (iv) Modification of guide specifications to a particular building.
      - (v) Worker and building occupant health and medical considerations.
      - (vi) Replacement of ACM with nonasbestos substitutes.
    - (M) Preparing abatement drawings to include the following:
      - (i) Significance and need for drawings.
      - (ii) Use of as-built drawings.
      - (iii) Use of inspection photographs and on-site reports.
      - (iv) Methods of preparing abatement drawings.
      - (v) Diagramming containment barriers.
      - (vi) Relationship of drawings to design specifications.
      - (vii) Particular problems in abatement drawings.
    - (N) Contract preparation and administration.
    - (O) Legal liabilities and defenses to include the following:

- (i) Insurance considerations.
  - (ii) Bonding.
  - (iii) Hold harmless clauses.
  - (iv) Use of abatement contractor's liability insurance.
  - (v) Claims-made versus occurrence policies.
  - (P) Replacement of asbestos with asbestos-free substitutes.
  - (Q) Role of other consultants to include the following:
    - (i) Development of technical specification sections by industrial hygienists or engineers.
    - (ii) The multidisciplinary team approach to abatement design.
  - (R) Occupied buildings to include the following:
    - (i) Special design procedures required in occupied buildings.
    - (ii) Education of occupants.
    - (iii) Extra monitoring recommendations.
    - (iv) Staging of work to minimize occupant exposure.
    - (v) Scheduling of renovation to minimize exposure.
  - (S) Relevant federal, state, and local regulatory requirements with a discussion of procedures and standards, including, but not limited to, the following:
    - (i) Requirements of TSCA Title II\*.
    - (ii) The NESHAP, found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)\*.
    - (iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found at 29 CFR 1910.134\*.
    - (iv) EPA worker protection rule found at 40 CFR 763, Subpart G\*.
    - (v) OSHA asbestos construction standard found at 29 CFR 1926.1101\* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
    - (vi) OSHA hazard communication standard found at 29 CFR 1926.59\*.
    - (vii) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
  - (T) A course review of the key aspects of the training course.
- (d) In order to qualify for approval, an asbestos project supervisor or contractor training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:
- (1) An asbestos project supervisor or contractor training course shall be at least five (5) days in duration and shall include lectures, demonstrations, at least fourteen (14) hours of hands-on training, individual respirator fit testing, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.
  - (2) An asbestos project supervisor or contractor training course shall adequately address the following topics:
    - (A) Physical characteristics of asbestos and ACM to include the following:
      - (i) Identification of asbestos.
      - (ii) Aerodynamic characteristics.
      - (iii) Typical uses.
      - (iv) Physical appearance.
      - (v) A review of hazard assessment considerations.
      - (vi) A summary of abatement control options.
    - (B) Potential health effects related to asbestos exposure to include the following:
      - (i) Nature of asbestos-related diseases.
      - (ii) Routes of exposure.
      - (iii) Dose-response relationships and the lack of a safe exposure level.
      - (iv) Synergism between cigarette smoking and asbestos exposure.
      - (v) Latency period for diseases.
    - (C) Employee personal protective equipment to include the following:
      - (i) Classes and characteristics of respirator types.
      - (ii) Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.
      - (iii) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
      - (iv) Qualitative and quantitative fit testing procedures.
      - (v) Variability between field and laboratory protection factors.
      - (vi) Factors that alter respirator fit, for example, facial hair.
      - (vii) The components of a proper respiratory protection program.
      - (viii) Selection and use of personal protective clothing.
      - (ix) Use, storage, and handling of nondisposable clothing.
      - (x) Regulations covering personal protective equipment.
    - (D) State-of-the-art work practices to include the following:
      - (i) Proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.
      - (ii) Positioning of warning signs.
      - (iii) Electrical and ventilation system lock-out.
      - (iv) Proper working techniques for minimizing fiber release.
      - (v) Use of wet methods.
      - (vi) Use of negative pressure exhaust ventilation equipment.
      - (vii) Use of HEPA vacuums.
      - (viii) Proper clean-up and disposal procedures.
      - (ix) Work practices for removal, encapsulation, enclosure, and repair of ACM.
      - (x) Emergency procedures for unplanned releases.
      - (xi) Potential exposure situations.
      - (xii) Transport and disposal procedures.
      - (xiii) Recommended and prohibited work practices.
      - (xiv) New abatement-related techniques and methodologies.
    - (E) Personal hygiene to include the following:
      - (i) Entry and exit procedures for the work area.
      - (ii) Use of showers.
      - (iii) Avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
      - (iv) Potential exposures, such as family exposure, shall also be included.
    - (F) Hazards encountered during abatement activities and how to deal with them, including the following:
      - (i) Electrical hazards.
      - (ii) Heat stress.
      - (iii) Air contaminants other than asbestos.
      - (iv) Fire and explosion hazards.
      - (v) Scaffold and ladder hazards.
      - (vi) Slips, trips, and falls.
      - (vii) Confined spaces.
    - (G) Medical monitoring to include the following:
      - (i) OSHA requirements for a pulmonary function test.
      - (ii) Chest x-ray and a medical history for each employee.
    - (H) Air monitoring procedures to determine airborne concentrations of asbestos fibers to include the following:
      - (i) A description of aggressive sampling.
      - (ii) Sampling equipment and methods.
      - (iii) Reasons for air monitoring.
      - (iv) Types of samples.
      - (v) Interpretation of results, specifically from analyses per-

formed by polarized light, phase-contrast, and electron microscopy.

(I) Relevant federal, state, and local regulatory requirements with a discussion of procedures and standards to include the following:

- (i) Requirements of TSCA Title II\*.
- (ii) NESHAP found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)\*.
- (iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found at 29 CFR 1910.134\*.
- (iv) OSHA asbestos construction standard found at 29 CFR 1926.1101\* (Occupational Safety and Health Administration, Occupational Exposure to Asbestos).
- (v) EPA worker protection rule found at 40 CFR 763, Subpart G\*.
- (vi) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.

(J) Respiratory protection programs and medical surveillance programs.

(K) Insurance and liability issues to include the following:

- (i) Contractor issues.
- (ii) Workers' compensation coverage and exclusions.
- (iii) Third-party liabilities and defenses.
- (iv) Insurance coverage and exclusions.

(L) Record keeping for asbestos abatement projects to include the following:

- (i) Records required by federal, state, and local regulations.
- (ii) Records recommended for legal and insurance purposes.

(M) Supervisory techniques for asbestos abatement activities to include supervisory practices which enforce and reinforce the required work practices and discourage unsafe work practices.

(N) Contract specifications to include a discussion of key elements that are included in contract specifications.

(O) A course review of the key aspects of the training course.

(e) In order to qualify for approval, an asbestos worker training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:

(1) An asbestos worker training course shall be at least four (4) days in duration and shall include lectures, demonstrations, at least fourteen (14) hours of hands-on training, individual respirator fit testing, and a course review. Audiovisual materials shall be used to complement lectures where appropriate.

(2) An asbestos worker training course shall adequately address the following topics:

(A) Physical characteristics of asbestos to include the following:

- (i) Identification of asbestos.
- (ii) Aerodynamic characteristics.
- (iii) Typical uses.
- (iv) Physical appearance.
- (v) A summary of abatement control options.

(B) Potential health effects related to asbestos exposure to include the following:

- (i) Nature of asbestos-related diseases.
- (ii) Routes of exposure.
- (iii) Dose-response relationships and the lack of a safe exposure level.
- (iv) Synergism between cigarette smoking and asbestos exposure.
- (v) Latency period for diseases.

(vi) Discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.

(C) Employee personal protective equipment to include the following:

- (i) Classes and characteristics of respirator types.
- (ii) Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.
- (iii) Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
- (iv) Qualitative and quantitative fit testing procedures.
- (v) Variability between field and laboratory protection factors.
- (vi) Factors that alter respirator fit, for example, facial hair.
- (vii) The components of a proper respiratory protection program.
- (viii) Selection and use of personal protective clothing, use, storage, and handling of nondisposable clothing.
- (ix) Regulations covering personal protective equipment.

(D) State-of-the-art work practices to include the following:

- (i) Proper asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.
- (ii) Positioning of warning signs.
- (iii) Electrical and ventilation system lock-out.
- (iv) Proper working techniques for minimizing fiber release.
- (v) Use of wet methods.
- (vi) Use of negative pressure ventilation equipment.
- (vii) Use of HEPA vacuums.
- (viii) Proper clean-up and disposal procedures.
- (ix) Work practices for removal, encapsulation, enclosure, and repair.
- (x) Emergency procedures for sudden releases.
- (xi) Potential exposure situations.
- (xii) Transport and disposal procedures.
- (xiii) Recommended and prohibited work practices.

(E) Personal hygiene to include the following:

- (i) Entry and exit procedures for the work area.
- (ii) Use of showers.
- (iii) Avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
- (iv) Potential exposures, such as family exposure.

(F) Hazards encountered during abatement activities and how to deal with them, including the following:

- (i) Electrical hazards.
- (ii) Heat stress.
- (iii) Air contaminants other than asbestos.
- (iv) Fire and explosion hazards.
- (v) Scaffold and ladder hazards.
- (vi) Slips, trips, and falls.
- (vii) Confined spaces.

(G) Medical monitoring to include the following:

- (i) OSHA and U.S. EPA requirements for a pulmonary function test.
- (ii) Chest x-rays and a medical history for each employee.

(H) Air monitoring to include procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it.

(I) Relevant federal, state, and local regulatory requirements, procedures, and standards with particular attention directed at relevant U.S. EPA, OSHA, and state regulations concerning asbestos abatement workers with a discussion of procedures and standards to include the following:

- (i) Requirements of TSCA Title H\*\*~~II~~ II\*.
- (ii) NESHAP found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)\*.
- (iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found at 29 CFR 1910.134\*.
- (iv) OSHA asbestos construction standard found at 29 CFR 1926.1101\*.
- (v) EPA worker protection rule found at 40 CFR 763, Subpart G\*.
- (vi) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, 329 IAC 10-8-4 [329 IAC 10-8 was repealed filed Jan 9, 1998, 9:00 a.m.: 21 IR 1733. See 329 IAC 10-8.1.], and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.
- (J) Establishment of respiratory protection programs.
- (K) A course review of the key aspects of the training course.

\*These materials documents have been incorporated by reference. and are available at Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 18-2-3; filed Sep 23, 1988, 1:45 p.m.: 12 IR 1250; filed Jul 6, 1989, 1:15 p.m.: 12 IR 2028; errata filed Jul 18, 1989, 5:00 p.m.: 12 IR 2286; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2116; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2745; errata filed Jul 5, 1995, 10:00 a.m.: 18 IR 2795; filed May 12, 1998, 9:15 a.m.: 21 IR 3758)

SECTION 90. 326 IAC 18-2-6 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 18-2-6 Initial and refresher training courses; qualifications for approval**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6  
**Affected:** IC 13-11-2-158; IC 13-17

Sec. 6. Persons wishing to obtain approval of a training course shall do the following:

- (1) Ensure that the training course meets or exceeds the applicable requirements of sections 3 through 5 of this rule.
- (2) Issue numbered certificates to students who attend the training course and successfully pass the examination. The certificate shall indicate the following:
  - (A) Name of accredited person.
  - (B) Discipline of the training course completed.
  - (C) Dates of the training course.
  - (D) Date of the examination.
  - (E) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
  - (F) The name, address, and telephone number of the training provider who issued the certificate.
  - (G) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title H\*\*~~II~~ II\*.
  - (H) A statement that the training course meets requirements as outlined by the state of Indiana under this rule.
- (3) Ensure that only instructors who meet the requirements under section 10.1 of this rule are used to teach the training course.

- (4) Allow the department to attend, evaluate, and monitor any training course without charge to the department. The department is not required to give advanced notice of such an inspection.
- (5) Ensure that each initial and refresher training course offered be specific to a single discipline and not combined with training for any other discipline.
- (6) The providers of refresher training courses shall verify that students possess valid initial and, as necessary, refresher training before granting course admission. Those providers offering the initial management planner training course shall verify that students have met the prerequisite of possessing the appropriate initial inspector course at the time of course admission.
- (7) Ensure that all requirements for training students will be met in the event that:
  - (A) the instructor does not speak a language understood by all students; or
  - (B) the course materials are not in a language understood by all students.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 18-2-6; filed Sep 23, 1988, 1:45 a.m.: 12 IR 280; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2753; filed May 12, 1998, 9:15 a.m.: 21 IR 3766)

SECTION 91. 326 IAC 18-2-7 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 18-2-7 Initial and refresher training courses; application for approval**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6  
**Affected:** IC 13-11-2-158; IC 13-17

Sec. 7. (a) Any training course provider seeking approval of an initial training course by the department shall complete the following:

- (1) Submit a completed application on forms provided by the department.
- (2) Demonstrate whether the course currently has full or contingent approval by the U.S. Environmental Protection Agency or by a state under an accreditation program approved by the U.S. Environmental Protection Agency and submit evidence of such approval.
- (3) Provide the following information:
  - (A) The training course provider's name, address, telephone number, and primary contact person.
  - (B) The name of the training course.
  - (C) The course curriculum.
  - (D) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of sections 3 through 5 of this rule, including the following information:
    - (i) Length of training in days.
    - (ii) Amount and type of hands-on training.
    - (iii) Examinations (length, format, and passing score).
    - (iv) Topics covered in the course.
  - (E) Provide a copy of all course materials (student manuals, instructor notebooks, handouts, etc.).
  - (F) Provide a detailed statement about the development of the examinations and a copy of the examinations used in the course.
  - (G) Provide the names and qualifications of course instructors

(including academic credentials and field experience in asbestos abatement).

(H) Provide a description and an example of numbered certificates issued to students who complete the course and pass the examination with the following:

- (i) Name of accredited person.
- (ii) Discipline of the training course completed.
- (iii) Dates of the training course.
- (iv) Date of the examination.
- (v) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
- (vi) The name, address, and telephone number of the training provider who issued the certificate.
- (vii) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II\*.
- (viii) A statement that the training course meets requirements as outlined by Indiana under this rule.

(I) Provide a list of all states, both U.S. EPA approved and nonapproved states, in which the course has received full or contingent approval.

(J) Provide a detailed statement of how the training course provider ensures that all requirements for training students be met in the event that:

- (i) the instructor does not speak a language understood by all students; or
- (ii) the course materials are not in a language understood by all students.

(4) Pay the asbestos training course provider application fees as specified in section 12 of this rule.

(b) Any training course provider seeking approval of a refresher training course by the department shall complete the following:

- (1) Submit a completed application on forms provided by the department.
- (2) Demonstrate whether the course currently has full or contingent approval by the U.S. Environmental Protection Agency or by a state under an accreditation program approved by the U.S. Environmental Protection Agency and submit evidence of such approval.
- (3) Provide the following information:
  - (A) The training course provider's name, address, telephone number, and primary contact person.
  - (B) The name of the training course.
  - (C) The course curriculum.
  - (D) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of sections 3 through 5 of this rule, including the following information:
    - (i) Length of training in days.
    - (ii) Amount and type of hands-on training.
    - (iii) Examinations (length, format, and passing score).
    - (iv) Topics covered in the course.

(E) Provide a copy of all course materials (student manuals, instructor notebooks, handouts, etc.).

(F) Provide a detailed statement about the development of the examination and a copy of the examination used in the course.

(G) Provide the names and qualifications of course instructors (including academic credentials and field experience in asbestos abatement).

(H) Provide a description and an example of numbered certificates issued to students who complete the course and pass the examination with the following:

- (i) Name of accredited person.
- (ii) Discipline of the training course completed.
- (iii) Dates of the training course.
- (iv) Date of the examination.
- (v) An expiration date not to exceed one (1) year after the date upon which the person successfully completed the course and passed the examination.
- (vi) The name, address, and telephone number of the training provider who issued the certificate.
- (vii) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II\*.
- (viii) A statement that the training course meets requirements as outlined by the state of Indiana under this rule.

(I) Provide a list of all states (both U.S. EPA approved and nonapproved states) in which the course has received full or contingent approval.

(J) Provide a detailed statement of how the training course provider ensures that all requirements for training students be met in the event that:

- (i) the instructor does not speak a language understood by all students; or
- (ii) the course materials are not in a language understood by all students.

(4) Pay the asbestos training course provider application fee as specified in section 12 of this rule.

(c) A training course provider shall notify the department in writing within thirty (30) days whenever there is a significant change in the course curriculum, instructional staff, or primary contact person.

(d) The department shall review the application and shall make a determination as to the eligibility of the training course. The department shall issue a letter of approval to any training course provider, providing an approved initial training course or an approved refresher training course, who fulfills the requirements of this rule. The department may disapprove any training course which fails to meet the requirements of this rule.

(e) A letter of approval shall be valid for one (1) year from the date of issuance.

**\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 18-2-7; filed Sep 23, 1988, 1:45 p.m.: 12 IR 280; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2125; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2754; filed May 12, 1998, 9:15 a.m.: 21 IR 3767)**

SECTION 92. 326 IAC 22-1-1 IS AMENDED TO READ AS FOLLOWS:

#### **326 IAC 22-1-1 Incorporation of federal regulations**

**Authority:** IC 13-14; IC 13-17-3  
**Affected:** IC 13-11

Sec. 1. (a) The air pollution control board incorporates by reference the provisions of 40 CFR 82\* for purposes of implementing the

stratospheric ozone protection program that meets the requirements of Title VI of the Clean Air Act with respect to sources operating pursuant to a Part 70 permit.

(b) The term "permitting authority" shall mean the commissioner of the department of environmental management, and the term "administrator" shall mean the administrator of the United States Environmental Protection Agency.

(c) If the provisions or requirements of 40 CFR 82\* conflict with or are not included in 326 IAC 2-7, the provisions and requirements of 40 CFR 82\* shall apply and take precedence.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for review and copying at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 22-1-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2283*)

SECTION 93. 326 IAC 23-1-31 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 23-1-31 "Hazardous waste" defined**

**Authority:** IC 13-17-14-5

**Affected:** IC 13-11; IC 13-17-14; IC 22-8-1.1

Sec. 31. "Hazardous waste" means any waste as defined in 40 CFR 261.3\* or 329 IAC 3.1.

**\*This document is incorporated by reference.** Copies of Title 40 of the Code of Federal Regulations (CFR) may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections or are also available for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 23-1-31; filed Jan 6, 1999, 4:28 p.m.: 22 IR 1435; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 94. 326 IAC 14-1-4 IS REPEALED.

**Notice of First Meeting/Hearing**

*Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on February 5, 2003 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on amendments to 326 IAC 1-1-3, 326 IAC 1-1-3.5, and Title 326.*

*The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Gayla Killough, Rules Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental*

*Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator*

*Indiana Department of Environmental Management*

*100 North Senate Avenue*

*P.O. Box 6015*

*Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855. TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana and are open for public inspection.*

---

**TITLE 327 WATER POLLUTION CONTROL BOARD**

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House

(317) 232-9855

**ADMINISTRATIVE RULE  
FISCAL IMPACT STATEMENT**

**PROPOSED RULE:** 01-96

**DATE PREPARED:** Dec 9, 2002

**STATE AGENCY:** IDEM

**DATE RECEIVED:** Oct 30, 2002

**FISCAL ANALYST:** Bernadette Bartlett

**PHONE NUMBER:** 317-232-9586

**Digest of Proposed Rule:** This rulemaking is being initiated due to the new federal Phase II program regulations for storm water discharges. The National Pollutant Discharge Elimination System (NPDES) storm water Phase II final rule was published on December 8, 1999. It requires NPDES permit coverage, mostly under general permits, for storm water discharges from regulated municipal separate storm sewer systems (MS4s) primarily located in urbanized areas. Operators of MS4s located within a listed area will be designated into the Phase II program by the state. This rule adds the federal Phase II program requirements.

**Governmental Entities:** Costs to INDOT are estimated at \$22,500. Costs to municipalities and other entities are estimated at \$592,000.

INDOT Costs: INDOT will be subject to regulation as an operator of a municipal separate storm sewer system primarily because of INDOT roadside ditches. INDOT will need to complete a storm water quality management plan. The plan consists of three sections. Each section must be reviewed and certified by a professional engineer, then submitted to IDEM. The engineer will need an estimated 20 weeks to review and certify the three sections of the plan. Costs for the engineer are estimated at \$22,500.

Costs to Municipalities: The rule would require at least 160 municipalities and other entities to produce a storm water quality management plan. Each section of the plan must be reviewed and certified by a professional, then submitted to IDEM. The records associated with the permit would also have to be maintained for two additional years beyond the three year federal record maintenance requirement. Costs per entity are estimated at \$3,700 per five year cycle. Total costs for 160 entities is estimated at \$592,000.

Permit application fees are \$50 per permit. Applying this fee to the number of entities affected, or 160, would generate at least \$8,000.

Revenues would be deposited in the Environmental Management Permit Operation Fund. Permits must be renewed after five years, which would generate at least another \$8,000. INDOT might also be assessed a permit fee which could generate additional revenue.

**Regulated Entities:** Municipalities, other governmental or private entities, and INDOT.

**Information Sources:** Lori Gates, Storm Water Coordinator, IDEM (317) 233-6725; Tom Duncan, INDOT.

---

## **TITLE 329 SOLID WASTE MANAGEMENT BOARD**

### **SECOND NOTICE OF COMMENT PERIOD**

#02-160(SWMB)

#### **DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING ADOPTION OF GROUND WATER QUALITY STANDARDS IN THE HAZARDOUS WASTE MANAGEMENT PERMIT PROGRAM**

##### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to rules for hazardous waste management at 329 IAC 3.1 to amend provisions in the rules for hazardous waste treatment, storage, and disposal facilities to be consistent with new ground water quality standards at 327 IAC 2-11. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

##### **HISTORY**

First Notice of Comment Period: July 1, 2002, Indiana Register (25 IR 3495).

**CITATIONS AFFECTED:** 329 IAC 3.1-9-2.

**AUTHORITY:** IC 13-14-9; IC 13-18-17; IC 13-22-2.

##### **SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

IC 13-18-17-5 required the water pollution control board to adopt rules establishing ground water quality standards to:

- establish minimum compliance levels for ground water quality monitoring at regulated facilities;
- ban the discharge of effluents into potable ground water;
- establish health protection goals for untreated water in water supply wells; and
- establish concentration limits for contaminants in ambient ground water.

The new ground water quality standards at 327 IAC 2-11 were effective on March 5, 2002, and apply to all IDEM programs.

The Office of Land Quality (OLQ) completed a survey of all OLQ rules in August, 2001 and found that the rules limiting concentrations of hazardous constituents in ground water for permitted hazardous waste facilities were not consistent with the new ground water quality standards. This rule would amend 40 CFR 264.93 and 40 CFR 264.94, incorporated by reference at 329 IAC 3.1-9, to be consistent with the new ground water quality standards.

The ground water protection standards in 327 IAC 2-11 include a number of substances that are not listed in the ground water protection

portions of the hazardous waste rules. In this draft rule we are proposing to add those additional substances and make conforming changes as follows:

- We are proposing to add seventeen (17) substances to the ground water monitoring list in 40 CFR 264, Appendix IX. These new substances are the contaminants listed in 327 IAC 2-11-6 that are not already on the ground water monitoring list. The format we used is consistent with the information provided in Appendix IX. This format includes suggested analytical methods for each substance and practical quantitation limits for those methods. The suggested methods are taken from U.S. Environmental Protection Agency (EPA) publication SW-846 where available, or from other EPA sources of methods for drinking water contaminants. The information on suggested analytical methods and practical quantitation limits is advisory in nature and we do not intend it to be regulatory. We selected this option to minimize the number of changes required.
- We are proposing to remove 40 CFR 264.94(a), including Table 1, "Maximum Concentration of Constituents for Ground Water Protection" and replace it with new tables that cover all constituents in the existing Table 1 as well as all contaminants listed in 327 IAC 2-11-6. The new Table 1 includes all constituents listed in the existing 40 CFR 264.94(a)(2), Table 1 as well as all contaminants in 327 IAC 2-11-6 that are also listed as hazardous waste constituents in 40 CFR 261, Appendix VIII. The new Table 2 includes all contaminants listed in 327 IAC 2-11-6 that are not listed in Table 1.
- We are also proposing to replace 40 CFR 264.93(a) with new language that clarifies that these new substances are being added for purposes of ground water protection and are not being added to the list of hazardous constituents in 40 CFR 261, Appendix VIII. These new lists of constituents and contaminants are to be used for ground water monitoring and protection purposes, and do not expand the universe of hazardous waste regulated under 329 IAC 3.1.

Several of the maximum concentrations listed in 327 IAC 2-11-6 were different from those listed in 40 CFR 264.94(a), Table 1. Because this rule cannot be less stringent than either the new ground water protection standard or the federal hazardous waste management program, in each case the lowest concentration was selected.

##### **SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD**

IDEM requested public comment from July 1, 2002, through July 31, 2002, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the first notice of public comment period.

##### **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 draft rule. Mailed comments should be addressed to: #02-160(SWMB)[Hazardous Waste Ground Water Quality Standards]

Marjorie Samuel  
Rules, Planning and Outreach Section  
Office of Land Quality  
Indiana Department of Environmental Management  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the eleventh floor reception desk, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor East, Indianapolis, Indiana. Comments may be submitted by facsimile at (317) 232-3403, 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, Planning and Outreach Section at (317) 233-1655 or (317) 232-7995.

#### COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered or faxed by January 31, 2003.

Additional information regarding this action may be obtained from Steve Mojonniier of the Rules, Planning and Outreach Section, Office of Land Quality, (317) 233-1655 or call (800) 451-6027 (in Indiana), press 0, and ask for extension 3-1655.

#### DRAFT RULE

SECTION 1. 329 IAC 3.1-9-2, AS AMENDED AT 25 IR 3112, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

#### 329 IAC 3.1-9-2 Exceptions and additions; final permit standards

Authority: IC 13-14-8; IC 13-18-17; IC 13-22-2-4

Affected: IC 13-14-10; IC 13-22-2; IC 13-30-3; 40 CFR 264

Sec. 2. Exceptions and additions to federal final permit standards are as follows:

(1) Delete 40 CFR 264.1(a) dealing with scope of the permit program and substitute the following: The purpose of this rule is to establish minimum standards which define the acceptable management of hazardous waste at final state permitted facilities.

(2) In 40 CFR 264.4 dealing with imminent hazard action, delete "7003 of RCRA" and insert "IC 13-30-3 and IC 13-14-10".

(3) Reports to the state required at 40 CFR 264.56(d) shall be communicated immediately to the Office of Land Quality, Department of Environmental Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015, (317) 233-7745, or (888) 233-7745 (toll-free in Indiana). In addition to the requirements of this rule, all requirements for spill reporting under 327 IAC 2-6.1 shall be complied with.

(4) The written spill report required by 40 CFR 264.56(j) must also include information deemed necessary by the commissioner or the commissioner's authorized agent to carry out the purpose and intent of 327 IAC 2-6.1.

(5) In 40 CFR 264.75 dealing with the biennial report, delete "EPA form 8700-13B" and insert "forms provided by the commissioner".

(6) In 40 CFR 264.76 dealing with unmanifested waste reports, delete "The unmanifested waste report must be submitted on EPA form 8700-13B".

(7) In 40 CFR 264.77 regarding additional reports, insert after the first sentence in (c), "Ground water data for laboratory analytical results and field parameters must be submitted as follows:

(A) Two (2) paper copies on the most current form prescribed by the commissioner.

(B) In addition to the paper copies required in (A), an electronic report in a format prescribed by the commissioner.

(d) The commissioner may request other information, as required by Subparts F, K through N, and AA through CC of this part, be submitted in an electronic format as prescribed by the commissioner."

(8) Delete 40 CFR 264.93(a) and substitute the following: "(a) The commissioner will specify in the facility permit the hazardous constituents and other contaminants to which the ground water protection standard of 40 CFR 264.92 applies. Hazardous constituents are constituents identified in 40 CFR 261, appendix

VIII, that have been detected in ground water in the uppermost aquifer underlying a regulated unit and are reasonably expected to be in or derived from waste contained in a regulated unit unless the commissioner has excluded those constituents under 40 CFR 264.93(b). These hazardous constituents are listed in Table 1 in subdivision (10). Other contaminants are those substances that are described in 327 IAC 2-11-6(a) and are not listed in 40 CFR 261, appendix VIII. These other contaminants are listed in Table 2 in subdivision (10)."

(9) In 40 CFR 264.93(b), after "will consider", insert "327 IAC 2-11 and."

(10) Delete 40 CFR 264.94(a) and substitute the following: "(a) The commissioner will specify in the facility permit concentration limits in the ground water for hazardous constituents and other contaminants established under 40 CFR 264.93. The concentration of a hazardous constituent or other contaminant listed in Table 1 or Table 2:

(A) must not exceed the background level of that constituent or contaminant in the ground water at the time that limit is specified in the permit; or

(B) must not exceed the respective maximum concentration given in those tables if the background level of the constituent is below the maximum concentration given in Table 1 or Table 2; or

Table 1. Maximum Concentration of Constituents for Ground Water Protection

CAS RN <sup>2</sup>	Constituent	Maximum concentration <sup>1</sup>
<b>Inorganic Constituents</b>		
7440-36-0	Antimony	0.006
7440-38-2	Arsenic	0.05
7440-39-3	Barium	1.0 <sup>3</sup>
7440-41-7	Beryllium	0.004
7440-43-9	Cadmium	0.005 <sup>3</sup>
7440-47-3	Chromium (Total)	0.05 <sup>3</sup>
7439-92-1	Lead	0.015 <sup>3</sup>
7439-97-6	Mercury (inorganic)	0.002
7782-49-2	Selenium	0.01 <sup>3</sup>
7440-22-4	Silver	0.05
7440-28-0	Thallium	0.002
<b>Organic Constituents</b>		
71-43-2	Benzene	0.005
50-32-8	Benzo(a)pyrene	0.0002
1563-66-2	Carbofuran	0.04
56-23-5	Carbon tetrachloride	0.005
57-74-9	Chlordane	0.002
94-75-7	2,4-D	0.07 <sup>3</sup>
96-12-8	Dibromochloropropane (DBCP) (1,2-Dibromo-3-chloropropane)	0.0002
95-50-1	1,2-Dichlorobenzene	0.6
106-46-7	1,4-Dichlorobenzene	0.075
107-06-2	1,2-Dichloroethane (Ethylene dichloride)	0.005
75-35-4	1,1-Dichloroethylene	0.007

156-60-5	trans-1,2-Dichloroethylene	0.1
75-09-2	Dichloromethane (Methylene chloride)	0.005
78-87-5	1,2-Dichloropropane (Propylene dichloride)	0.005
117-81-7	Di(2-ethylhexyl)phthalate	0.006
88-85-7	Dinoseb (2-(1-methylpropyl)-4,6-dinitrophenol)	0.007
145-73-3	Endothall	0.1
72-20-8	Endrin	0.0002 <sup>3</sup>
106-93-4	Ethylene dibromide (EDB) (1,2-dibromoethane)	0.00005
76-44-8	Heptachlor	0.0004
1024-57-3	Heptachlor epoxide	0.0002
118-74-1	Hexachlorobenzene	0.001
77-47-4	Hexachlorocyclopentadiene	0.05
58-89-9	Lindane (gamma-BHC)	0.0002 <sup>3</sup>
72-43-5	Methoxychlor	0.04 <sup>3</sup>
108-90-7	Monochlorobenzene (Chlorobenzene)	0.1
23135-22-0	Oxamyl (vydate)	0.2
87-86-5	Pentachlorophenol	0.001
1336-36-3	Polychlorinated biphenyls (PCBs)	0.0005
1746-01-6	2,3,7,8-TCDD (Dioxin)	0.00000003
127-18-4	Tetrachloroethylene	0.005
108-88-3	Toluene	1
8001-35-2	Toxaphene	0.003 <sup>3</sup>
93-72-1	2,4,5-TP (Silvex)	0.01 <sup>3</sup>
120-82-1	1,2,4-Trichlorobenzene	0.07
71-55-6	1,1,1-Trichloroethane (Methyl chloroform)	0.2
79-00-5	1,1,2-Trichloroethane	0.005
79-01-6	Trichloroethylene	0.005
75-01-4	Vinyl chloride	0.002

<sup>1</sup>All criteria are in milligrams per liter (mg/l) unless otherwise noted.

<sup>2</sup>CAS RN means Chemical Abstract Service Registry Number.

<sup>3</sup>Because 40 CFR 264.94 and 327 IAC 2-11-6 show different maximum concentrations for this substance, the lower value was selected.

Table 2. Maximum Concentration of Additional Contaminants Listed in 327 IAC 2-11-6 for Ground Water Protection

CAS RN <sup>2</sup>	Contaminant	Maximum concentration <sup>1</sup>
Inorganic Contaminants		
1332-21-4	Asbestos	7 MFL <sup>3</sup>
10098-97-2 10028-17-8	Combined beta/photon emitters	4 mrem/yr <sup>4</sup>
57-12-5	Cyanide (free)	0.2
16984-48-8	Fluoride	4

12587-46-1	Gross alpha particle activity (including Radium 226 but excluding radon and uranium)	15 pCi/L <sup>5</sup>
14797-55-8	Nitrate (as N)	10
14797-65-0	Nitrite (as N)	1
13982-63-3 15262-20-1	Radium 226 and 228 (combined)	5 pCi/L <sup>5</sup>
Organic Contaminants		
15972-60-8	Alachlor	0.002
1912-24-9	Atrazine	0.003
75-99-0	Dalapon	0.2
103-23-1	Di(2-ethylhexyl)adipate	0.4
156-59-2	cis-1,2-Dichloroethylene	0.07
85-00-7	Diquat	0.02
100-41-4	Ethylbenzene	0.7
1071-83-6	Glyphosate	0.7
1918-02-1	Picloram	0.5
122-34-9	Simazine	0.004
100-42-5	Styrene	0.1
1330-20-7	Xylenes (total)	10

<sup>1</sup>All criteria are in milligrams per liter (mg/l) unless otherwise noted.

<sup>2</sup>CAS RN means Chemical Abstract Service registry number.

<sup>3</sup>MFL means million fibers per liter greater than 10 micrometers in length.

<sup>4</sup>mrem/yr means millirems per year.

<sup>5</sup>pCi/L means picocuries per liter.

(C) must not exceed an alternate limit established by the commissioner under 40 CFR 264.94(b).".

(11) In 40 CFR 264.94(b), after "will consider", insert "327 IAC 2-11 and.".

(12) In 40 CFR 264.98(g)(5)(ii)(A), after "Table 1", insert "or Table 2 in 329 IAC 3.1-9-2(11).".

(13) In 40 CFR 264.99(a)(1), after "hazardous constituents", insert "or other contaminants.".

(9) (14) Delete 40 CFR 264, Subpart H dealing with financial requirements and substitute 329 IAC 3.1-15.

(10) (15) Exceptions and additions to the standards for tank systems in 40 CFR 264, Subpart J are under section 3 of this rule.

(11) (16) In 40 CFR 264.221(e)(2)(i)(C), delete "permits under RCRA Section 3005(c)" and insert "with final state permits".

(12) (17) Delete 40 CFR 264.301(l).

(13) (18) Delete 40 CFR 264, Appendix VI.

(14) (19) In 40 CFR 264.316(b), delete "(49 CFR Parts 178 and 179)" and substitute "(49 CFR Part 178)".

(15) (20) In 40 CFR 264.316(f), delete "fiber drums" and substitute "nonmetal containers".

(21) In addition to the substances listed in the ground water monitoring list in 40 CFR 264, Appendix IX, add the following:

Common name	CAS RN <sup>1</sup>	Chemical Abstracts Service index name	Suggested methods <sup>2</sup>	PQL (μg/L) <sup>3</sup>
Alachlor	15972-60-8	2-chloro-N-(2,6-diethylphenyl)-N-(methoxy-methyl)-acetamide	8081B	0.8

Asbestos	1332-21-4	Asbestos	100.1 <sup>4</sup> 100.2 <sup>5</sup>	0.01 <sup>6</sup> 0.2 <sup>6</sup>
Atrazine	1912-24-9	6-chloro-N-ethyl-N'-(1-methylethyl)-1,3,5-triazine-2,4-diamine; 2-chloro-4-(propylamino)-6-ethylamino-s-triazine	8141B	0.3
Combined beta/photon emitters <sup>7</sup>	10098-97-2	Strontium-90 (total)	905.0	2 <sup>8</sup>
	10028-17-8	Tritium (total)	906.0	1000 <sup>8</sup>
Dalapon	75-99-0	2,2-Dichloropropionic acid	8151A	20
Di(2-ethylhexyl) adipate	103-23-1	Di(2-ethylhexyl)adipate; Bis(2-ethylhexyl) adipate	525.2 <sup>9</sup>	10
cis-1,2-Dichloroethylene	156-59-2	cis-1,2-Dichloroethene	8260B	1
Diquat (diquat dibromide)	85-00-7	6,7-dihydro dipyrido (1,2-a:2',1'-c) pyrazine-dium dibromide; 1,1'-Ethylene-2,2'-bipyridinium dibromide	549.1 <sup>10</sup>	8
Fluoride	16984-48-8	Fluoride, total (as F); Fluoride, free	9056A	0.10 <sup>11</sup>
Glyphosate	1071-83-6	N-(Phosphonomethyl) glycine	547 <sup>12</sup>	100
Gross alpha particle activity (including Radium 226 but excluding radon and uranium)	12587-46-1	Alpha, gross particle activity	9310	1 <sup>8</sup>
Nitrate (as N)	14797-55-8	Nitrogen, nitrate total (as N)	9056A	0.010 <sup>11</sup>
Nitrite (as N)	14797-65-0	Nitrogen, nitrite total (as N)	9056A	0.010 <sup>11</sup>
Picloram	1918-02-1	4-Amino-3,5,6-trichloropyridine-2-carboxylic acid; 4-amino-3,5,6-trichloro-2-picolinic acid	8151A	10

Radium 226	13982-63-3	Radium 226	9315	1
Radium 228	15262-20-1	Radium 228	9320	1
Simazine	122-34-9	6-Chloro-N,N'-diethyl-1,3,5-triazine-2,4-diyl-diamine; 2-chloro-4,6-bis(ethylamino)-s-triazine	8141B	5

<sup>1</sup>CAS RN means Chemical Abstracts Service registry number.

<sup>2</sup>Suggested methods refer to analytical procedure numbers used in U.S. Environmental Protection Agency Publication SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), and IIIA (April 1998), unless otherwise noted. SW-846 is available from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328.

<sup>3</sup>PQL means practical quantitation limit. PQLs are the lowest concentrations of analytes in ground waters that can be reliably determined within specified limits of precision and accuracy by the indicated methods under routine laboratory operating conditions. The PQLs listed are generally stated to one (1) significant figure. Caution: The PQL values in many cases are based only on a general estimate for the method and not on a determination for individual compounds. PQLs are not a part of the regulation. PQLs are reported in micrograms per liter (µg/L) unless otherwise noted.

<sup>4</sup>Method 100.1 is found in "Analytical method for the Determination of Asbestos Fibers in Water", EPA/600/4-83-043, September 1983, Order Number PB-260471.

<sup>5</sup>Method 100.2 is found in "Determination of Asbestos Structures Over 10 µM in Length in Drinking Water", EPA/600/R-94/134, June 1994, Order Number PB-201902. Both documents are available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

<sup>6</sup>This PQL is reported in million fibers per liter (mf/L).

<sup>7</sup>See 40 CFR 141.16.

<sup>8</sup>This PQL is reported in picocuries per liter (pCi/L).

<sup>9</sup>Method 525.2 is found in "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III", Publication EPA/600/R-95/131, August 1995, Order Number PB-261616, available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

<sup>10</sup>Method 549.1 is found in "Methods for the Determination of Organic Compounds in Drinking Water, Supplement II", Publication EPA/600/R-92/129, August 1992, Order Number PB-207703, available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

<sup>11</sup>This PQL is reported in milligrams per liter (mg/L).

<sup>12</sup>Method 547 is found in "Methods for the Determination of Organic Compounds in Drinking Water, Supplement I", Publication EPA/600/4-90/020, July 1990, Order Number PB-146027, available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

(Solid Waste Management Board; 329 IAC 3.1-9-2; filed Jan 24, 1992, 2:00 p.m.: 15 IR 935; errata filed Nov 8, 1995, 4:00 p.m.: 19 IR 353; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3356; filed Aug 7, 1996, 5:00 p.m.: 19 IR 3365; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1112; filed Mar 19, 1998, 10:05 a.m.: 21 IR 2741; errata filed Apr 8, 1998, 2:50 p.m.: 21 IR 2989; errata filed Aug 10, 2000, 1:26 p.m.: 23 IR 3091; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1617; errata filed Mar 19, 2001, 10:31 a.m.: 24 IR 2470; filed Apr 5, 2001, 1:29 p.m.: 24 IR 2433; filed Jun 3, 2002, 10:40 a.m.: 25 IR 3112)

**Notice of First Meeting/Hearing**

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on April 15, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Solid Waste Management Board will hold a public hearing on amendments to the hazardous waste management rules at 329 IAC 3.1-9-2.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).

Additional information regarding this action may be obtained from Steve Mojonier, Rules, Planning and Outreach Section, Office of Land Quality, (317) 233-1655 or dial (800) 451-6027 in Indiana, press 0, and ask for extension 3-1655.

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator

Indiana Department of Environmental Management

100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

or call (317) 234-1208 (V) or (317) 233-6565 (TT). Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file and open for public inspection at the Indiana Department of Environmental Management Central File Room, Indiana Government Center-North, 100 North Senate Avenue, Room 1201 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana.

Mary Beth Touhy  
Assistant Commissioner  
Office of Land Quality

---

**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 02-21**

**FOR:** AMENDMENT TO SETTLEMENTS BETWEEN THE STATE OF INDIANA AND THE UNITY TEAM AND THE STATE OF INDIANA AND AFSCME COUNCIL 62

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, constructive and cooperative relationships among state employees and management are in the public interest; and

**WHEREAS**, the current union Settlements are authorized by Executive Order 01-13; and

**WHEREAS**, the negotiators for the State and the exclusive negotiating organizations have submitted for the approval of the Governor amendments to the current Settlements.

**NOW, THEREFORE**, I Frank O'Bannon, by virtue of the authority vested in me as the Governor of the State of Indiana, do hereby order that:

- 1) The amendments to the Settlements signed by the Director of State Personnel on November 18 and 19, 2002, are hereby approved and incorporated by reference herein.
- 2) The amended Settlements do not supersede any existing or future statute, promulgated rule, or executive order, except to the extent they modify Executive Order 01-13. The amended Settlements shall be administered and construed, by those state officers and employees subject to the executive authority of the Governor, as superseding any conflicting policies and work practices.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana at the Capitol in Indianapolis on this 3d day of December 2002.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy  
Secretary of State

---

---

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
COMMISSIONER'S BULLETIN**

*List of hazardous waste sites scored  
using the Indiana Scoring Model (ISM)*

*Jan-03*

<http://www.in.gov/idem/land/statecleanup/club.html>

<u>County/City</u> <u>Site Name</u> <u>(Type of Facility)</u> <u>Address</u>	<i>score based on potential impact</i>	<u>Score</u>	<u>Score Date</u>	<u>Contaminant</u>	<u>Environment</u>	<u>Status</u>
		<u>Rescore</u>	<u>Rescore Date</u>	<u>Type</u>	<u>Affected</u>	
1. Adams/Berne National Oil Company (Bulk Plant) SR 218 & CR 150W		20.97 -/-	May-92	Fuel	Soil Surface water	Investigation in progress
2. Delaware/Albany Muncie Race Track (Dump) SR 67 & 700N		27.70 -/-	Feb-91	Metals Solvents PCBs	Soil Groundwater	Waste isolated Landfill capped Ongoing groundwater monitoring
3. Delaware/Muncie Stout Storage Battery (Industrial) 2505 West 8th		26.22 11.21	Dec-90 May-99	Lead	Soil	Cleanup Complete Delisting evaluation proposed 2003
4. Elkhart/Elkhart Lusher Avenue (Landfill) CR 18 & 21st Street		31.00 -/-	Feb-91	Solvents	Groundwater	Residential water filters installed
5. Elkhart/Elkhart Sycamore Street Site (Dry Cleaner) 100 Sycamore		13.13 -/-	May-91	Solvents	Groundwater	Alternate water supplied Delisting evaluation proposed 2003
6. Elkhart/Middlebury Universal Adhesives/Timminco (Industrial) SR 13 South		25.00 -/-	Dec-90	Solvents	Soil Groundwater	Cleanup completed Delisting evaluation proposed 2003
7. Fayette/Connersville Connersville Landfill (Landfill) SR 121 & Eastern Avenue		44.60 -/-	Feb-91	Solvents Metals	Soil Surface water Groundwater	Immediate removal action planned
8. Franklin/Laurel Laurel Dump Site #1 (Dump) Various Sites		20.89 -/-	Mar-92	Solvents Metals	Soil Surface water Groundwater	Surface/subsurface waste removed Pending additional USEPA investigation
9. Gibson/Princeton Indiana Refining (Industrial) US 41 and 350 S		30.03 -/-	Dec-90	Fuel	Soil	Surface waste removed Delisting evaluation proposed 2003
10. Grant/Marion Grant County Landfill		15.48	Apr-91	Metals	Soil	Ongoing investigation

## Nonrule Policy Documents

(Landfill) 750 E & SR 18	-/-			Groundwater	
11. Hancock/Fortville Meridian Road Landfill (Landfill) CR 1000 N and Meridian	40.16 -/-	Dec-90	Solvents Metals	Soil Groundwater	Investigation complete Cleanup in progress
12. Hendricks/Clayton Clayton Wells (Commercial) Kentucky Street	27.00 -/-	Dec-90	Solvents	Groundwater	Filters supplied Periodic monitoring
13. Huntington/Huntington Huntington Terminals (Pipeline) Meridian & Erie Stone	28.90 -/-	Dec-90	Fuel	Groundwater	Alternate water supplied
14. Jackson/Reddington Texas Eastern (Petroleum pipeline) Southwest of Reddington	26.26 -/-	Dec-90	Fuel	Soil Groundwater	Cleanup in progress under Agreed Order
15. Jackson/Medora United Plastics (Manufacturing) SR235 & 2nd Street	39.00 -/-	Jan-91	Solvents Metals	Soil Groundwater	Waste removal in progress
16. Kosciusko/Warsaw Warsaw Chemical (Chem-Manufacturing) Argonne & Durban Street	47.45 -/-	Jan-91	Solvents	Soil Groundwater	Cleanup in progress under Agreed Order
17. Lake/Hammond Calumet Containers (Industrial) 3631 Stateline Road	16.07 -/-	Dec-90	Solvents	Soil	Ongoing removal by USEPA Delisting evaluation proposed 2003
18. Lake/East Chicago Energy Cooperative Incorporated (Industrial) 3500 Indianapolis Blvd	19.87 -/-	Dec-90	Fuel Lead	Soil Surface water Groundwater	Cleanup in progress under Agreed Order Consent Decree negotiations underway
19. Lake/Hammond BP (Refinery) Lake Avenue & 129th Street	18.59 -/-	Mar-91	Fuel Acid/bases Lead	Soil Groundwater	Cleanup under RCRA Corrective Action
20. Lake/Cedar Lake Schreiber Oil Company (Petroleum Storage) 10601 W 133rd Street	13.48 -/-	Dec-90	Fuel	Soil	Surface waste removed
21. Lake/Hammond William Powers (Dump) 119th & Stateline	18.88 -/-	Mar-91	Cyanide Sulfide	Soil Surface water	Delisting evaluation proposed 2003
22. Lawrence/Oolitic Oolitic Dump	48.87	Jan-91	Fuel	Soil	Cleanup in progress under Leaking

## Nonrule Policy Documents

	(Dump) Hoosier & 4th Street	-/-			Groundwater	Underground Storage Tank Program
23.	Madison/Anderson Prime Battery (Manufacturing) 230 Jackson	29.52 -/-	Dec-91	Lead	Soil Groundwater	USEPA Removal action ongoing Investigation ongoing
24.	Marion/Indianapolis American Lead (Industrial) 2102 Hillside Avenue	21.78 -/-	Jun-99	Lead	Soil	Agreed Order signed Investigation Complete Cleanup proposed
25.	Marion/Indianapolis Avanti Corporation (Industrial) South Harris Street	40.05 23.09	May-93 Oct-98	Lead	Soil Groundwater Surface Water	USEPA removal completed Long-term operation and maintenance ongoing
26.	Marion/Indianapolis Marathon Rock Island (Industrial) 500 W 86th Street	15.22 -/-	Jan-91	Gasoline Metals	Soil Surface water Groundwater	Voluntary waste cleanup in progress Ongoing investigation Ongoing negotiations for Agreed Order
27.	Marion/Speedway Marathon Terminal (Industrial) 1304 Olin Avenue	21.04 -/-	Apr-91	Fuel	Soil Surface water Groundwater	Cleanup in progress Multiple recovery wells Soil vapor extraction system in place Ongoing investigation
28.	Marshall/Bourbon Bourbon & Quad Streets Contamination (Commercial) 211 W Center Street	25.86 -/-	May-92	Solvents Fuel	Soil Groundwater	Cleanup in progress under Leaking Underground Storage Tank Program
29.	Montgomery/Crawfordsville Crawfordsville Scrap & Salvage (Dump/Scrap) 419 N Green Street	29.67 -/-	Oct-93	PCBs Lead	Soil Sediments	Entered Voluntary Remediation Program
30.	Montgomery/Crawfordsville P.R. Mallory (Electrical) SR 32 East	22.23 -/-	Sep-91	PCBs	Soil Sediments	Some surface waste removed by USEPA Pending further investigation
31.	Montgomery/Crawfordsville Shelly Ditch (Industrial) 1204 Darlington Avenue	24.04 -/-	Aug-99	PCBs	Soil Sediments	Waste study in progress under Superfund Ongoing removal action USEPA lead
32.	Morgan/Monrovia Davenport Dump (Dump) 6965 Beech Grove Road	28.20 23.20	Dec-90 Jul-00	Solvents	Surface water	USEPA removal action completed Delisting evaluation proposed 2003
33.	Porter/Wheeler Wheeler Landfill (Landfill) SR 130 & Jones Road	31.19 -/-	Jan-92	Solvents Caustics	Groundwater	Long-term monitoring under RCRA Corrective Action

## Nonrule Policy Documents

34. Randolph/Union City A.O. Smith (Westinghouse) (Industrial) Frank Miller Road	44.67 -/-	Feb-92	PCBs	Soil Groundwater	Cleanup in progress under Superfund Surface waste removed by USEPA
35. Randolph/Union City Little Mississinewa River (River) Frank Miller Road at Little Mississinewa	31.37 -/-	Jul-99	PCBs	Soil Sediments	Cleanup in progress under Superfund
36. Randolph/Union City UTA (Industrial) 1425 W Oak	33.70 -/-	Sep-99	PCBs	Soil Groundwater	Cleanup in progress under TSCA
37. St. Joseph/Granger Amoco/Granger (Industrial) Adams Road	54.76 26.02	Dec-90 Jan-96	Fuel Solvents	Soil Groundwater	Cleanup in progress Agreed Order signed
38. St. Joseph/South Bend Allied Signal Corporation (Industrial) 717 N Bendix Drive	41.75 -/-	May-92	Solvents Fuel	Soil Groundwater	Entered Voluntary Remediation Program
39. St. Joseph/South Bend ARCO (Industrial) 20630 West Ireland	46.74 -/-	Jul-99	Fuel	Soil Groundwater	Remedial investigation in progress
40. St. Joseph/South Bend Avanti (Industrial) 765 S Lafayette Road	27.60 28.28	Mar-90 Mar-92	Solvents	Soil Groundwater	Drum removal complete Remedial investigation in progress
41. St. Joseph/South Bend Chippewa Avenue Well Field (Industrial) 600 W Chippewa	50.38 -/-	Aug-99	Solvents	Groundwater	Remedial investigation in progress Cleanup in progress
42. St. Joseph/South Bend Hollywood Park (Residential) 23768 US 20	12.8	Aug-02	Solvents	Groundwater	Investigation in progress Ongoing negotiations for Agreed Order
43. St. Joseph/South Bend Toro-Wheelhorse (Industrial) 515 W Ireland Road	29.89 -/-	Mar-93	Solvents Metals	Soil Groundwater	Entered Voluntary Remediation Program
44. Shelby/Shelbyville Knauf Fiberglass (Industrial) 240 Elizabeth	43.86 17.85	Mar-91 Mar-94	Solvents	Groundwater Surface water	Cleanup Complete No further action Delisting proposed 2003
45. Shelby/Shelbyville IGC/PSI (Industrial) Noble Street	19.06 -/-	Mar-91	Fuel by-products Cyanide	Soil Groundwater	Ongoing investigation

## Nonrule Policy Documents

46. Shelby/Shelbyville TRW Incorporated (Industrial) 630 Noble/513 Hendricks	42.83 9.17	Dec-90 Mar-94	Solvents	Soil Groundwater	Risk assessment in progress Cleanup in progress
47. Spencer/Troy Freeman Kline Site/Troy Refinery (Refinery) SR 70 East	31.17 -/-	Jun-97	Petroleum	Soil Surface water	Immediate removal completed Investigation in progress
48. Sullivan/Dugger Dugger Electric (Commercial) First and Main Streets	25.82 -/-	Feb-91	Petroleum PCBs	Groundwater	Monitoring
49. Tippecanoe/Lafayette ALCOA (Industrial) 3131 E Main	19.44 -/-	Dec-90	PCBs	Soil Sediments	Ongoing investigation
50. Tippecanoe/Otterbein David John Property (Drum Recycling) Vandalia Street	43.8	Aug-01	Solvents	Soil Groundwater	Ongoing Investigation
51. Tippecanoe/Lafayette Indiana Gas (Industrial) 600 N 4th Street	44.35 39.65	Dec-91 Jul-99	Fuel by-products Cyanide	Soil Groundwater	Cleanup complete Long term monitoring
52. Tippecanoe/Lafayette TRW/Ross Gear (Industrial) 800 Heath Street	58.54 42.60	Dec-90 Jan-96	Solvents	Soil Groundwater	Cleanup complete under Agreed Order
53. Vigo/Terre Haute J.I. Case (Industrial) 4901 N 13th Street	31.77 -/-	Dec-90	Solvents	Groundwater	Agreed Order signed Pilot groundwater cleanup project in place
54. Wayne/Richmond Dana/Springwood Park (Industrial) Williamsburg Pike	43.17 -/-	Jan-91	Solvents	Groundwater	Cleanup in progress under Voluntary Remediation and Solid Waste programs
55. Wells/Petroleum Merrill Meyers Property (Farm Equipment) SR 1 & CR 900	25.26 -/-	Feb-92	PCBs	Soil	Pending USEPA Removal Action
56. White/Monon Monon Well Field (Commercial) Main Street	28.40 -/-	Dec-90	Solvents	Soil Groundwater	Consent Order signed Wellfield relocated Delisting evaluation proposed 2003

4 sites were deleted from the Commissioner's Bulletin in 2002

1 site was added to the Commissioner's Bulletin in 2002

**DEPARTMENT OF NATURAL RESOURCES**  
**Proposed Conservancy District Nonrule Policy Document**  
Information Bulletin #36

**Subject:** Procedural Guidelines for the Interpretations of the Conservancy District Article (IC 14-33). The process outlined here supersedes Information Bulletin #6, Interpretations of Conservancy District Chapter (IC 13-3-3): Contiguous Areas and Annexation (17 IR 1836-1838) and Information Bulletin #12, Procedural Guidelines for the Establishment, Development, and Dissolution of Conservancy Districts (19 IR 2801-2808).

**1. History**

The development of conservancy districts is an increasingly active option for addressing a variety of land use issues at the local level. Freeholders within contiguous geographic areas may use a conservancy district to achieve a dependable drinking water supply, to provide for sewage collection and treatment, to improve flood control, to reduce soil erosion, or to achieve any of numerous other water-resource community goals, either singly or in combination. IC 14-33-1-1.

The determination whether to approve the establishment of a conservancy district and the primary responsibility for the oversight of an existing conservancy district rest with a circuit court where the district is located. IC 14-33-2-26. Management of the district itself is under the control of a board of directors, selected initially by the county commissioners and subsequently by the freeholders of the district. IC 14-33-5-11.

Important roles are also served by the natural resources commission at six crucial stages in the formation, management, and dissolution of conservancy districts. At two of the stages, hearings for public input are required. At the other four, hearings may be requested. These stages also provide the primary forums for the receipt and evaluation of scientific and technical data upon which the court adjudicates and the board manages. In the receipt and evaluation of technical data, the commission brings together reports and analyses of the department of natural resources, acting primarily through the division of water, and other state and local agencies. Most common among these are the department of environmental management, state department of health, and utility regulatory commission.

In 1996, a comprehensive commission policy was established for procedural functions relating to the formation and development of conservancy districts. [Information Bulletin #12, 19 IR 2801, superseded]. Four developments were identified by the commission in support of the policy:

First, the absence of a policy led to public uncertainty and discomfort, particularly among persons who oppose the formation of a conservancy district or who oppose the development of a project within an existing conservancy district. Concerns had been expressed that the conservancy district process should be re-evaluated to assure all citizens within the boundaries of a proposed or existing district would have meaningful access to the hearing processes.

Second, the complexity of the economic and environmental issues supported the need for a consistent policy. Not the least of these issues were the regulatory functions of the state agencies and their coordination with local governmental entities bearing upon the functions of conservancy districts.

Third, the natural resources commission and the department of natural resources had experienced a statutory evolution regarding hearing processes that had not yet been accommodated for conservancy district hearings. Most noteworthy was the development of the administrative orders and procedures act (IC 4-21.5) and the “sunset review” process for these agencies that resulted in 1990 and 1991 legislation.

The fourth development was the recodification of natural resources laws set forth in P.L. 1-1995. The recodification resolved a statutory ambiguity relative to adding territory to conservancy districts. Compare IC 13-3-3-6(a) as recodified at IC 14-33-4-2(b). In part to address the ambiguity, the commission implemented Information Bulletin #6, published at 17 IR 1836 (April 1, 1994). With the recodification, Information Bulletin #6 was reconsidered and amended.

In response to these developments, Information Bulletin #12 provided guidelines for implementation of conservancy districts processes, where those processes were within the jurisdiction of the natural resources commission. A flexible guidance was designed to help the commission fully and fairly review pertinent issues. Responsibilities were identified and delegated to the commission’s division of hearings, and to the department of natural resources, so as to foster better coordination among these and other pertinent agencies.

The primary purposes of Information Bulletin 33 are as follows: (1) refinement of the purposes previously addressed in Information Bulletin #12; (2) integration of the “contiguity” analysis contained in Information Bulletin #6; (3) clarification of agency treatment of initiatives to add a purpose to an existing district; (4) inclusion of standards for determining whether a district qualifies for the purpose of flood prevention and control; and, (5) consideration of conservancy district elections.

The six crucial stages in which the commission serves are considered separately. These stages are as follows:

- (1) consideration of technical issues prior to formation of a district;
- (2) development of a district plan;
- (3) development of a unit of work;
- (4) addition of territory to an existing district;

- (5) addition of a purpose to an existing district; and,
- (6) dissolution of a district.

## **2. Consideration of Technical Issues Prior to Formation of a District**

### **A. Petition Referral**

As provided in IC 14-33-2-17(b), after a court determines a petition to create a district is in proper form and bears the needed signatures, the petition is referred to the natural resources commission for a technical review. The issues for review are set forth in subsection (c) and include whether:

- (1) the proposed district appears to be necessary;
- (2) the proposed district holds promise of economic and engineering feasibility;
- (3) the proposed district seems to offer benefits in excess of costs and damages (or, for water supply, sewage disposal, or water storage, whether the public health will be served);
- (4) the proposed district proposes to cover and serve a proper area; and,
- (5) the proposed district could be established in a manner compatible with similar governmental entities.

At least one public hearing is mandatory. An interested person has “the right to be heard. At the request of an interested person, the commission shall hold hearings at the county seat of a county containing land in the proposed district.” IC 14-33-2-19(a). Notice of the hearing must be published in a “newspaper of general circulation in each county containing land in the proposed district.” IC 14-33-2-19(b). The commission is also required to incorporate technical assistance from any state and local agency that might have jurisdiction over the subject-matter of the proposed district.

The information received at public hearing and from the agencies is incorporated in a factfinding report to the commission from its hearing officer. The factfinding report of the commission on the proposed district is prima facie evidence of the facts in all subsequent proceedings. IC 14-33-2-23. After receipt of the report from the commission, the court sets another hearing at which an opportunity for additional evidence is provided. IC 14-33-2-25.

Of the six stages under consideration, the initial stage has traditionally been the one most likely to evoke controversy. The petitioner is always represented by an attorney. Where there is a formal remonstrance to a proposed district, the remonstrants are likely to have legal representation. Attorneys participating in the process at this stage, most notably those representing remonstrants, have sometimes urged the full application of the administrative orders and procedures act. Key elements of that act are that all testimony must be given under oath, there is an opportunity for the cross-examination of witnesses, and there is a prohibition on substantive ex parte communications between a party and the administrative law judge (or, if applied to conservancy districts, the hearing officer).

The administrative orders and procedures act does not appear to have direct application to the commission’s role prior to formation of a district. Most notably, the act applies generally to agency “orders”. The commission issues not an order but a factfinding report that the circuit court then utilizes as prima facie evidence. The court itself issues the order whether or not to create a conservancy district and does so only following a judicial hearing held after receipt of the commission’s factfinding report. In addition, the application of the relatively formal processes of the administrative orders and procedures act appear unwieldy in relation to the informal public hearings before the commission’s hearing officer; often these public hearings are attended by hundreds of participating citizens. Application of the administrative orders and procedures act may have a chilling effect upon public comment and inquiry at this preliminary stage. Finally, before the hearing date the hearing officer typically is only vaguely informed, if informed at all, of the identity of any remonstrants. The concept of party status is not generally well-defined at this stage, casting uncertainty on application of the prohibition against substantive ex parte communications.

On the other hand, fairness requires the full participation by remonstrants and by citizens seeking additional information, as well as by the petitioners, in this stage of the process. The development of a complete factfinding report is also supported by full participation by all citizens, particularly the freeholders to a proposed district. The process should be conducted in a manner which both is and has the appearance of being impartial. To these ends, the following guidelines are established:

- (1) Referrals by a court for the technical review anticipated by IC 14-33-2-17(b) are directed to the following address:

Division of Hearings  
Natural Resources Commission  
Indiana Government Center South  
402 West Washington Street, Room W272  
Indianapolis, IN 46204-2739

- (2) As soon as practicable after the receipt of the referral, the director of the division of hearings appoints a hearing officer. The hearing officer conducts actions appropriate to the preparation and submission to the commission of a recommended factfinding report. Included among these actions are the following:

- (A) The hearing officer promptly provides a copy of the referral to the division of water of the department of natural resources, the department of environmental management, the state department of health, the utility regulatory commission, and any other agency determined by the hearing officer to have jurisdiction over the subject-matter of the referral.

Accompanied by the referral is an invitation for comment as well as the address and telephone number of a contact person within the division of water. The address for the contact person is as follows:

Division of Water–Project Development  
Department of Natural Resources  
Indiana Government Center South  
402 West Washington Street, Room W264  
Indianapolis, IN 46204-2641

(B) The hearing officer confers with the court or the clerk of the court to determine, if in addition to the petitioners, a remonstrant or other party has entered an appearance as a party to the civil proceeding.

(C) The hearing officer forwards a copy of this nonrule policy document to each of the parties. Also included are the name, address, and telephone number of the contact person within the division of water who will coordinate technical reviews.

(D) If parties other than the petitioners have entered an appearance, the hearing officer promptly sets an informal conference of the parties. An invitation to participate is also made to division of water. During the informal conference, the hearing officer will attempt to develop a consensus for the conduct of the public hearing. If a consensus cannot be developed, the hearing officer determines the conduct of the hearing in accordance with the following principles:

1. A hearing is held in the county seat of a county containing land in the proposed district.
2. The process is conducted in the most informal manner practicable that also supports fairness and meaningful public participation.
3. If issues in dispute are identified during the informal conference which require expert testimony, or for which the hearing officer otherwise determines testimony should be under oath, a second hearing may be conducted. An opportunity for cross-examination shall be provided, the hearing recorded by a court stenographer or reporter approved by the commission, and the trial rules of discovery applied. The hearing officer provides written notice to the parties of any second hearing and also announces the time, date, and location of the second hearing during the initial public hearing. Unless otherwise agreed by the parties, the hearing officer makes every reasonable effort to conduct the second hearing so that a delay is not required in the submission of a recommended factfinding report to the commission.

(E) The hearing officer drafts and tenders to the commission a recommended factfinding report. A copy of the report is forwarded to each party, to the division of water, to any agency that commented upon the proposed conservancy district, and to any other person requesting a copy. The hearing officer encloses with the report a notice of the time, date, and location when the commission is scheduled to act upon the recommended factfinding report.

(F) Following action by the commission, the hearing officer causes a copy of the factfinding report of the commission to be filed with the court and served upon the division of water, the parties, and any other person requesting a copy.

#### **B. ‘Contiguousness’ of District Boundaries**

As part of the factfinding report, the commission is required to determine and communicate to the court whether a proposed district would “cover and serve a proper area.” IC 14-33-2-17(c)(5). Also, as provided in IC 14-33-2-22, the factfinding report must include “findings on the territorial limits of the proposed district.”

Factors for determining appropriate district boundaries are set forth in IC 14-33-3-1. Among these factors is a requirement that “each part of the district is contiguous to another part.” The statutory requirement of contiguousness forms an important element to the geographic requirements of the conservancy district chapter.

If lengthy but narrow boundaries are created to incorporate outlying areas into a district, problems could be posed to adjacent areas, particularly if residents of these areas are not allowed to enter the district. The establishment of a district with exclusive boundaries may hinder attempts by the residents to form a new district. These problems may be acute where a purpose of the district is to provide water supply or sewage disposal.

To establish a consistent and viable framework for determining what is “contiguous” within IC 14-33-3-1, the commission will apply the following:

As used in IC 14-33-3-1, “contiguous” will ordinarily be applied to require that each part of the district adjoin every other part. The requirement is not met where a district boundary is excessively long and narrow. What is excessively long and narrow will be evaluated on an individual basis and will more likely be a major concern for districts that would provide sewage disposal or water supply than for districts which would provide other services. Where the district would provide flood prevention and control, contiguousness will be applied to encourage a coordinated effort within a particular watershed.

An easement or other written license granted by the fee title holder to the district or proposed district may establish contiguousness. Where the district is to provide sewage treatment or water supply, freeholders must typically be provided an opportunity to connect to an adjacent line or to enter the district. As used in this paragraph, an “adjacent line” is one that is either (1) used to carry sewage and located within 300 feet of the freeholder’s building; or (2) used to carry water supply and

located on an easement or license that adjoins the freeholder's property. A petitioner must provide the division of water a copy of an easement or other written license that is used to establish contiguousness.

### **C. Review Standards for Purpose of Flood Prevention and Control**

One purpose for which a conservancy district can be established is flood prevention and control. IC 14-33-1-1(a)(1). In order to receive a favorable determination by the commission under IC 14-33-2-17 for the purpose of flood prevention and control, the petitioners must show the district would accomplish at least one of the following functions:

- (1) The removal of obstructions and accumulated debris from a waterway channel.
- (2) The cleaning or straightening of a channel.
- (3) The development of a new and enlarged channel.
- (4) The construction or repair of dikes, levees, or other flood protective works.
- (5) The construction of waterway bank protection.
- (6) The establishment of a floodway.

All works for the purpose of flood prevention and control must be coordinated in design, construction, and operation according to sound and accepted engineering practice so as to effect the best flood control obtainable that complies with IC 14-28-1-29.

### **3. Development of a District Plan**

Following the creation of a conservancy district by the circuit court, the district is required to establish a "district plan." As provided in IC 14-33-6-2, a "district plan consists of an engineering report that sets forth the general, comprehensive plan for the accomplishment of each purpose for which the district was established." The district plan includes physical and technical descriptions, maps, preliminary drawings, cost estimates based upon preliminary engineering surveys and studies, copies of agreements with other governmental entities, and works of improvement.

The board of directors is required to submit a district plan to the commission for its approval within 120 days after the appointment of the board members, unless a time extension is obtained from the commission. IC 14-13-6-3. "The commission may reject a plan or any part of a plan." IC 14-13-6-4(d). "After receiving the approval of the commission, the board shall file the district plan with the court." IC 14-13-6-5(a). Following the filing by the board of directors, the court sets the district plan for a hearing. IC 14-13-6-5(b).

The conservancy district statutory article does not address review of the "approval" process at the state agency level, but administrative reviews are addressed generally in IC 4-21.5 ("administrative orders and procedures act" or "AOPA"). Licenses are governed by AOPA, and included within the definition of "license" is any "approval" required by law. IC 4-21.5-1-8. The term "license" is also defined in the statutory chapter governing the relationship of the natural resources commission and the department of natural resources to include an "approval" that may be issued by the department under Indiana law. IC 14-11-3-1(a).

Significant to the inclusion of "approval" within the definition of license contained in IC 14-11-3-1(a) is that "[n]otwithstanding any other law, the director shall issue all licenses." IC 14-11-3-1(b). A designee may act for the director in license issuance, but the designee must be a "full-time employee of the department" of natural resources. IC 14-11-3-1(c). The commission then acts as the "ultimate authority" for license determinations by the director or his designee. IC 14-10-2-3. "Ultimate authority" is defined in AOPA to mean the entity "in whom the final authority for an agency is vested by law." IC 4-21.5-1-15.

With this background, the following guidelines are established:

- (1) The board of directors of a district submits any proposal for or pertaining to a district plan to the department's division of water.
- (2) The division of water assists the board in identifying licenses likely to be required to implement the district plan. The division of water also coordinates with the department of environmental management and the state department of health concerning any comments pertaining to the development of a district plan.
- (3) The division of water reviews and evaluates comments and alternative proposals to the district plan that may be submitted by other interested persons. The division of water shall consider only technical, engineering, and scientific issues necessary to the development of the district plan. The division may use facilitation or mediation to help resolve any conflict.
- (4) The director of the division of water approves or disapproves the district plan. Notice of the agency action and the opportunity to seek administrative review under AOPA is provided to the board of directors and to any other person requesting a copy of the notice. The director of the division of water also acts upon any request to extend the time to file a district plan, and the same notification process applies. The division director shall encourage the board to file completed applications for any necessary license as soon as practicable after approval of a district plan.
- (5) The commission's division of hearings conducts any administrative review sought under part (4). The commission is the ultimate authority for the department of natural resources under AOPA. Following the completion of administrative review, the division of hearings notifies the parties of the completion and that review of the commission order is subject to further action by the circuit court pursuant to IC 14-13-6-5(b).

### **4. Development of a Unit of Work**

To implement a district plan, the board of directors of a conservancy district "shall order the preparation of the detailed

construction drawings, specifications, and refined cost estimates.... The implementation may involve all or part of the works of improvement if the part constitutes a unit that:

- (1) can be constructed and operated as a feasible unit alone; and
- (2) can be operated economically in conjunction with other proposed works set forth in the district plan.” IC 14-33-6-8(a). “When the drawings, specifications, and cost estimates have been prepared to the satisfaction of the board [of directors], the board shall by resolution tentatively adopt and submit the drawings, specifications, and cost estimates to the commission for approval.” IC 14-33-6-8(b). “Upon the receipt of the written approval,” the board provides a “hearing on the drawings, specifications, and cost estimates at which any interested person must be heard.” IC 14-33-6-9.

The process of the development of a unit of work is similar to that for the preparation of a district plan. An important distinction is no judicial hearing follows the commission approval. Within the context of the review process, the legislature may have envisioned the hearing by the board, following commission approval of the unit of work, serves as an informational rather than judicial or quasi-judicial process.

With this background, the following guidelines are established:

- (1) The board of directors of a district submits to the division of water of the department of natural resources any proposals for or pertaining to a unit work.
- (2) The division of water assists the board in identifying licenses likely to be required to implement the district plan. The division of water also coordinates with the department of environmental management and the state department of health concerning any comments pertaining to the development of a unit of work.
- (3) The division of water reviews and gives due consideration to comments and alternative proposals to the unit of work which may be submitted by other interested persons. In performing this function, the division is limited to consideration of the design and construction of structures needed to implement the district plan. The division may use facilitation or mediation to help resolve any conflict.
- (4) The director of the division of water approves or disapproves the unit of work. Notice of the agency action and the opportunity to seek administrative review pursuant to the administrative orders and procedures act is provided to the board of directors and to any other person requesting a copy of the notice. The director of the division of water also acts upon any request to extend the time by which to file a unit of work, and the same notification process applies. The division director shall encourage the board of a conservancy district to file completed applications for any necessary license as soon as practicable after approval of a unit of work.
- (5) The commission’s division of hearings conducts any administrative review sought under part (4). The commission is the ultimate authority for the department of natural resources. Following the completion of administrative review under AOPA, the division of hearings notifies the parties of the final agency action by the commission and outlines the process for obtaining judicial review. Also included in the notice is reference to the informal hearing before the board of directors pursuant to IC 14-33-6-9.

## **5. Addition of Territory to an Existing District**

Territory may be added to an existing district according to either of two procedures. These procedures follow distinct paths and are here viewed separately:

### **A. Additions Initiated with the Circuit Court**

Pursuant to IC 14-33-4-2(b)(1), territory may be added according to the same procedure as is provided for the establishment of a district. A petition to add territory under this subdivision will be supported by the following guidance.

After a court determines a petition to add territory to a district is in proper form and bears the needed signatures, the petition is referred to the natural resources commission for a technical review. The issues for review include whether:

1. the proposed addition appears to be necessary;
2. the proposed addition holds promise of economic and engineering feasibility;
3. the proposed addition seems to offer benefits in excess of costs and damages (or, for water supply, sewage disposal, or water storage, whether the public health will be served);
4. the proposed addition proposes to cover and serve a proper area; and,
5. the proposed addition could be implemented in a manner compatible with similar governmental entities, most notably the existing conservancy district.

At least one public hearing is mandatory. The hearing officer will be selected and conduct the hearing essentially as provided to consider the establishment of a new district. An interested person has the right to be heard. The hearing will be held at the county seat of a county containing land in the proposed district. Notice of the hearing will be published in a newspaper of general circulation in each county containing land in the district and the proposed addition. The commission hearing officer will incorporate technical assistance from a state agency having jurisdiction over the subject-matter of the district and the proposed addition.

Where territory is sought to be added to an existing district, the impact upon the district is often inconsequential. An addition may be relatively minor and involve only a small area with little or no measurable affect to the freeholders within the existing district.

The hearing officer will consider and, following the completion of the public hearing or hearings, report to the director of the division of water as to the likely consequence to the district of the proposed addition. The director of the division of water is delegated authority to determine when the proposed addition of territory is de minimis and when its review by the commission is unlikely to be productive. When the division director makes such a determination, the hearing officer's report is forwarded directly to the court as the commission's factfinding report. This report is to be submitted within 30 days of receipt by the division of water of a completed petition to add territory to a district.

#### **B. Additions Initiated with the Board of Directors**

As provided in IC 14-33-4-2(b)(2), an addition of territory to an existing district may also be initiated by a board resolution. The resolution follows a petition by the majority of freeholders or the municipality in the area proposed to be added. The resolution and petition are filed with the court, and the court sets the matter for hearing. Notice of the hearing is sent to the natural resources commission and to the freeholders in the district and in the area proposed to be served by the additional territory. The notice to the commission should be forwarded to the division of hearings.

Upon receipt of the notice, the division of hearings will notify the division of water of the department of natural resources and other state agencies which appear to have jurisdiction over the subject of the addition. A conservancy district board wishing to apply IC 14-33-4-2(b)(2) is urged to communicate its wish to the division of hearings as soon as practicable so that expeditious technical discussions may be pursued with the appropriate state agencies. The recommendation is that this communication occur at least 60 days prior to the setting of a hearing under IC 14-33-4-2(d). Adequate review is essential to a favorable comment by the commission to the court. The division director of the division of water is delegated authority by the commission to report favorably, to make recommendations to modify or condition the addition of territory, or to object to the addition of territory. See particularly IC 14-33-4-2(e).

#### **6. Addition of a Purpose to an Existing District**

A purpose may be added to an existing district in either of two ways. The same procedure may be used as is provided for the establishment of a district. IC 14-33-1-4(1). If this subdivision is applied, reference should be made to the process for the addition of territory pursuant to part 5A of this nonrule policy document.

In the alternative, IC 14-33-1-4(2) provides that the conservancy district board may add a purpose based upon a petition signed by at least 10% of the freeholders of the district. If the resolution is passed, the resolution and petition are filed with the county court and the court sets the matter for hearing. The court forwards to the commission the notice of hearing along with a copy of the resolution "at least 30 days before the date of hearing." IC 14-33-1-5.

Upon receipt of the notice, the division of hearings will notify the department's division of water and other state agencies that appear to have jurisdiction over the subject of the addition. A conservancy district board wishing to apply IC 14-33-1-4(2) is urged to communicate its wish to the division of hearings as soon as practicable so that expeditious technical discussions may be pursued with the appropriate state agencies. The recommendation is this communication occur at least 60 days before setting a hearing under IC 14-33-1-5(b). Adequate review is essential to a favorable comment by the commission to the court. The division director of the division of water is delegated authority by the commission to report favorably, to make recommendations to modify or condition the addition of territory, or to object to the addition of territory. See particularly IC 14-33-1-5(e).

#### **7. Dissolution of a District**

A conservancy district may be dissolved either because the district is "no longer of benefit" (IC 14-33-15) or because "construction of works of improvement has not begun within six (6) years after the district plan." (IC 14-33-16). Where works of improvement are not begun, there is no statutory participation by the natural resources commission; no procedural issue is presented. A district dissolved due to loss of benefit applies "the same procedure used to establish a district. The petition must set forth the change of circumstances that causes the district to lose the district's benefit." IC 14-33-15-1.

Because the process is essentially the same for the dissolution as for the establishment of a conservancy district, the same analysis applies to the development of an appropriate process. With this background, the following guidelines are established:

- (1) Referrals by a court for the technical review anticipated by IC 14-33-15-1 are directed to the division of hearings.
- (2) As soon as practicable after the receipt of the referral, the director of the division of hearings appoints a hearing officer. The hearing officer conducts actions appropriate to the preparation and submission to the commission of a recommended factfinding report. Included among these actions are the following:
  - (A) The hearing officer promptly provides a copy of the referral to the division of water of the department of natural resources, the department of environmental management, the state department of health, the utility regulatory commission, and any other agency determined by the hearing officer to have jurisdiction over the subject-matter of the referral. Accompanied by the referral is an invitation for comment as well as the address and telephone number of a contact person within the division of water.
  - (B) The hearing officer confers with the court or the clerk of the court to determine, if in addition to the petitioners, a remonstrant or other party has entered an appearance as a party to the civil proceeding.
  - (C) The hearing officer forwards a copy of this nonrule policy document to each of the parties. Also included are the name, address, and telephone number of the contact person within the division of water.

(D) If parties other than the petitioners have entered an appearance, the hearing officer promptly sets an informal conference of the parties. An invitation to participate is also made to division of water.

During the informal conference, the hearing officer will attempt to develop a consensus for the conduct of the public hearing. If a consensus cannot be developed, the hearing officer determines the conduct of the hearing in accordance with the following principles:

- (1) A hearing is held the county seat of a county containing land in the district.
- (2) The process is conducted in the most informal manner practicable which also support fairness and meaningful public participation.
- (3) If issues in dispute are identified requiring expert testimony, or for which the hearing officer otherwise determines testimony should be under oath, a second hearing may be conducted. An opportunity for cross-examination shall be provided, the hearing recorded by a court stenographer or reporter approved by the commission, and the trial rules of discovery applied. The hearing officer announces the time, date, and location of the second hearing during the initial public hearing. Unless otherwise agreed by the parties, the hearing officer makes every reasonable effort to conduct the second hearing so that a delay is not required in the submission of a recommended factfinding report to the commission.
- (4) The hearing officer determines whether either of the following matters are in issue: (a) whether the board has failed, within two years of establishment of the conservancy district, to produce satisfactory evidence of progress in the preparation of the district plan; or, (b) whether federal or state money, or both, contemplated in the petition for the establishment of the district, appears to be unavailable. See IC 14-33-15-2.

(E) The hearing officer drafts and tenders to the commission a recommended factfinding report. A copy of the report is forwarded to each party, to the division of water, to any agency that commented upon the conservancy district, and to any other person requesting a copy. The hearing officer encloses with the report a notice of the time, date, and location when the commission is scheduled to act upon the recommended factfinding report.

(F) Following action by the commission, the hearing officer causes a copy of the factfinding report of the commission to be served upon the division of water, the parties, and any other person requesting a copy.

#### **8. Election of Board of Directors and Notice to Commission**

Neither the natural resources commission nor the department of natural resources have jurisdiction over board elections. The board of commissioners of the county appoints the board of directors for the new district within twenty (20) days after a court order establishing a district. IC 14-33-5-1. A person adversely affected by an action committed or omitted by the board may petition the court having jurisdiction over the district to enjoin or mandate the board. IC. 14-33-5-24.

The board chair is required by IC 14-33-5-17 to promptly notify the commission when board members are elected or appointed. The department's division of water maintains a database of conservancy districts and board members. By this Information Bulletin, the commission identifies the following address for the notice required by IC 14-33-5-17:

Division of Water–Project Development  
Department of Natural Resources  
Indiana Government Center South  
402 West Washington Street, Room W264  
Indianapolis, IN 46204-2641

Service at this address will also help assure the division of water's database is current. For more information see [http://www.IN.gov/dnr/water/pdf/con\\_dist\\_dir\\_2001.pdf](http://www.IN.gov/dnr/water/pdf/con_dist_dir_2001.pdf).

#### **9. Application and Modification**

This information bulletin is intended to be liberally construed in order to support efficient administration by the natural resources commission, acting in cooperation with other agencies, of its conservancy district responsibilities. Modifications to the document may be needed based upon experience or legislative changes. Suggestions for modification of the document are welcomed from the public and should be forwarded to the division of hearings at the address set forth previously. Send any suggestions to the address for the division of hearings shown above or by email to [slucas@dnr.state.in.us](mailto:slucas@dnr.state.in.us).

---

---

**NATURAL RESOURCES COMMISSION  
DIVISION OF HEARINGS**

**Information Bulletin #1(First Amendment)**

**SUBJECT:** Establishment of Division of Hearings; Indexing of Final Adjudicative Agency Decisions; Transcript Fees. To be noted, the information outlined here supersedes Information Bulletin #1, Establishment of Division of Hearings, Indexing of Final Adjudicative Agency Decisions, Transcript Fees (13 IR 1938).

**ESTABLISHMENT OF THE DIVISION OF HEARINGS**

The Department of Natural Resources is among those state agencies that are governed by IC 4-21.5 (sometimes called the “administrative orders and procedures act” or the “administrative adjudication act”) and IC 4-22 (rule adoption). The Indiana general assembly has provided that effective July 1, 1990, all hearings required by IC 4-21.5 and IC 4-22 for the Department will be conducted on behalf of the Natural Resources Commission. See IC 14-10-2-3 and IC 14-34-2-2.

To assist in the separation of the hearings functions from other legal functions of the Department of Natural Resources, the Natural Resources Commission has, by resolution, established under IC 14-10-2-2 a “division of hearings.” The Commission approved the resolution on January 25, 1990. As required by statute, the resolution was considered and approved by the Governor on April 27, 1990 and became effective July 1, 1990.

The resolution provides in part: “The division of hearings is established, under the natural resources commission, to be coordinated by the chief administrative law judge: (1) to conduct hearings and proceedings relative to the administrative adjudication act, the rule adoption act, the conservancy district act, and as otherwise specified by the commission; and (2) to provide assistance to the commission and the other boards of the department in seeking to conform with the legal requirements for the conduct of their meetings.”

The current offices of the Division of Hearings are located at Indiana Government Center South, 402 West Washington Street, Room W272, Indianapolis, Indiana. The telephone number is (317) 232-4699.

**INDEXING OF FINAL ADJUDICATIVE AGENCY DECISIONS**

The administrative adjudication act provides in IC 4-21.5-3-32 that an agency shall index and make available all written final orders for public inspection and copying. In addition to providing better communications to the regulated public, this provision acknowledges that an agency may utilize an indexed order as precedent. The sanction applicable to an agency that does not index its orders is that the agency generally may not use nonindexed orders as precedent.

The Division of Hearings maintains a database on the Internet, called “CADDNAR.” Accessible through CADDNAR are decisions rendered by the Commission following the completion of a contested proceeding. Included are those following hearing or summary judgment (or involuntary dismissal, where a noteworthy point of law is considered). In addition, upon the request of the parties, settlement agreements are included which have notable precedential value. CADDNAR includes all such decisions since 1978, when the agency began regularly assigning adjudicatory cases to Administrative Law Judges. An attempt is made to track the history of individual decisions taken on judicial review to a circuit or superior court or on appeal. CADDNAR is a searchable database available on-line at the Natural Resources Commission Homepage at [http://www.ai.org/cgi-bin/nrc/decision\\_list.pl](http://www.ai.org/cgi-bin/nrc/decision_list.pl).

During its meeting of November 22, 1988, the Natural Resources Commission, by resolution, adopted CADDNAR as the agency index under IC 4-21.5-3-32 for final orders of the Department of Natural Resources. The Commission also specified that material included in CADDNAR may be used as precedent for actions controlled by the administrative adjudication act.

*Use of CADDNAR was first acknowledged by the Indiana Court of Appeals in Peabody Coal v. Indiana DNR, (1994 Ind. App.), 692 N.E.2d 925. Subsequent reported decisions have also acknowledged CADDNAR.*

**TRANSCRIPT FEES**

Under the administrative adjudication act, the party that initiates judicial review of a final agency order is generally responsible for the costs of transcript preparation. As provided in IC 4-21.5-5-13(d), the agency “shall charge” the person seeking judicial review “with the reasonable cost of preparing any necessary copies and transcripts for transmittal to the court.” The statutory subsection also clarifies that preparation costs include more than copying expenses.

The Natural Resources Commission has adopted 312 IAC 3 to assist in its implementation of the administrative adjudication act. 312 IAC 3-1-14 governs court reporters and transcripts. Subsection (c) provides, in part, that the “party who requests a transcript... shall pay the cost of the transcript: (1) as billed by the court reporting service; or (2) if the transcript is prepared by an employee of the commission, as determined from time to time by the commission on a per page basis after consideration of all expenses incurred in the preparation of the transcript.”

The Natural Resources Commission at its March 24, 1998, meeting has determined the per page basis for a transcript prepared by an employee of the commission according to the 1988 resolution. “The Natural Resources Commission resets the fee for transcript preparation at \$3.80 per page.”

---

---

**NATURAL RESOURCES COMMISSION**

Information Bulletin #16 (First Amendment)

Civil Penalty Schedule for Violations of Oil and Gas Production Laws

**1. INTRODUCTION**

The department of natural resources (the “DNR”) is the state agency responsible for the regulation of oil and gas exploration, development, and site reclamation. The statutory authority is set forth at IC 14-37, with rules to help administer the authority codified

at 312 IAC 16). One element of enforcement to help assure compliance with these laws is the authority to assess civil penalties through the DNR's division of oil and gas.

The Natural Resources Commission caused the original civil penalty schedule to be published in the Indiana Register as Information Bulletin #16 on September 1, 1997. The First Amendment to Information Bulletin #16 is made effective January 1, 2003.

## **2. PURPOSE**

The purpose of this nonrule policy document is to present a process for the assessment of civil penalties which is consistent and equitable. This penalty policy is designed to deter owners or operators from violating the law. The civil penalties are structured to provide incentives to take precautions against falling into noncompliance before it occurs. One exception is for significant violations, including but not limited to intentional waste fluid dumping or exceeding maximum allowable injection pressure which has the potential for damaging an Underground Source of Drinking Water (USDW). For these and similar significant violations, the division may assess a maximum penalty of up to ten thousand dollars (\$10,000) per day for every day that the violation exists (IC 14-37-13-3).

## **3. PENALTY DETERMINATION**

The civil penalty policy described in this nonrule policy document is intended to account for various factors in the assessment of an appropriate civil penalty for noncompliance with the statutes or rules. The director of the DNR's division of oil and gas shall determine the base civil penalty to be assessed by considering the following criteria:

A. *History of Violations*: The division director shall consider the operator's history of previous violations during the preceding twelve months. Each violation shall be counted without regard to whether it led to a civil penalty assessment.

B. *Seriousness*: The division director shall consider the seriousness of a violation, including any actual or potential damage to the environment or hazard to the health and safety of the public;

C. *Negligence*: The division director shall consider the degree of fault in the occurrence of, or failure to correct, a violation.

## **4. PENALTY MATRIX**

Based on these criteria for a penalty determination, the matrix shall be used by the division to assess base civil penalties. The matrix was designed to remove excessive subjectivity from the penalty assessment phase. The matrix contains the following information:

A. *Violation Type*: Includes an alphabetical list of all (coded) violations observed by the division of oil and gas.

B. *Division Response*: This category includes the information on the initial action to be taken by the individual who noted the noncompliance, through the final action by the division for referral to the attorney general's office.

C. *Base Penalty Amount*: Includes the amount of the penalty to be assessed based upon the number of occurrences and the type of violation.

In the case of continuing violations, the DNR has the authority to immediately assess a penalty, regardless of the noncompliance. In these cases, the penalty can be calculated based on the number of days the violation or noncompliance occurred. The base civil penalty derived from the penalty matrix could then be multiplied by the number of days of violation. A copy of the penalty matrix is attached to, and made a part of, this policy.

Where warranted by the facts of a particular case, the division may omit the penalty stage and escalate directly to permit revocation. Examples include when an owner or operator is bankrupt, deceased, or is not serviceable. The penalty phase may also be bypassed where an operator has three or more outstanding violations and has not contacted the division or made any attempt to correct the noncompliances.

The following factors may be considered in mitigating the penalty, once a violation has been abated:

A. Actions after the violation.

B. Ability to pay.

C. Cost to DNR of the enforcement action.

D. Economic benefit.

E. Other unique factors found appropriate by the division.

These factors are discussed in more detail:

### **1. Actions after the violation**

Good faith can be manifested by the violator promptly reporting, and correcting, its noncompliance. Assuming such self-reporting is not required by law, this behavior can result in mitigation of the penalty. Prompt correction of environmental problems also can constitute good faith. Lack of good faith, on the other hand, can result in the denial of penalty mitigation. Subject to this guidance, the division director may make adjustments up or down, on a case by case basis. The following percentage reductions of the base civil penalty will be considered for operators demonstrating good faith efforts in achieving compliance:

- If the violation is abated immediately or within 25% of the time set for abatement, including extensions of time for abatement, a reduction of 90% of the base penalty will be considered.
- If the violation is abated within 26% to 50% of the time set for abatement, a reduction of 80% of the base penalty will be considered.
- If the violation is abated within 51% to 75% of the time set for abatement, a reduction of 50% of the base penalty will be considered.

---

## Nonrule Policy Documents

---

- If the violation is abated within 76% to 100% of the time set for abatement, a reduction of 25% of the base penalty will be considered.
- If a violation was self-reported or if an error was made in specific reporting requirements, the director may reduce the penalty by up to 90%.

### 2. Ability to pay

The burden to demonstrate inability to pay rests on the respondent, as it does with any mitigating circumstances. Thus, a respondent's inability to pay usually will be considered at the settlement stage, and then only if the issue is raised by the respondent. If the respondent fails to provide sufficient information, such as state and federal income tax returns for at least three years, the division will disregard this factor in adjusting the penalty.

When it is determined that a violator cannot afford the penalty prescribed by this policy, or the payment of all or a portion of the penalty will preclude the violator from achieving compliance or from carrying out remedial measures which DNR believes to be more important than the deterrence effect of the penalty, the following options may be considered:

- a delayed payment schedule. Such a schedule may even be contingent upon an increase in sales or some other indicator of improved business.
- an installment payment plan with interest.
- straight penalty reductions as a last recourse.

The amount of any downward adjustment of the penalty is dependent on the individual financial facts of the case.

### 3. Cost to DNR of Enforcement Action

Pursuant to IC 14-37-13-7, if an order is issued under this article (or as a result of any administrative proceeding under this article), the court or the division director may assess against any party to the proceeding the costs and expenses, including attorney's fees, reasonably incurred by that person with respect to the proceeding, including any judicial review of a final agency action. The division director shall determine the amount of these costs and expenses.

### 4. Economic Benefit

An economic benefit component should be considered when a violation results in significant economic benefit to the violator. Whenever possible, the economic benefit of noncompliance must be examined; however, for many regulatory requirements, the economic benefit of noncompliance will be difficult to quantify. Enforcement personnel should consider the following types of economic benefit from noncompliance in determining the economic benefit component:

- Benefit from delayed costs
- Benefit from avoided costs
- Other benefits (e.g., profits for period of startup prior to obtaining a permit)

### 5. Other unique factors

This policy allows an adjustment for unanticipated factors which may arise on a case by case basis. Enforcement personnel have the discretion to make adjustments to the civil penalty for such reasons.

Possible circumstances that may necessitate a downward adjustment in the base civil penalty include:

- It is highly unlikely that the DNR will be able to recover the full civil penalty in litigation
- Defects in evidence, loss of witness, revision of rules, or other complication
- Factors which may make negotiation desirable or reasonable.

## 5. MINIMUM PENALTY

The minimum penalty, regardless of calculations, will not be less than fifty dollars (\$50).

## 6. WAIVER OF CIVIL PENALTIES

The division director upon his own initiative or upon written request, may waive the civil penalty in whole or in part if he or she determines that the penalty would be demonstrably unjust. The basis for every waiver shall be fully explained and documented in the records of the case.

## 7. ADMINISTRATIVE REVIEW OF CIVIL PENALTY ASSESSMENT

The owner or operator assessed a civil penalty may contest the proposed penalty by requesting administrative review within thirty days of receipt of the Notice of Penalty Assessment. A petition for review in writing must be sent which states facts demonstrating that:

- A. The petitioner is a person to whom the order is specifically directed;
- B. The petitioner is aggrieved or adversely affected by the order; or
- C. The petitioner is entitled to review under any law.

The request for administrative review shall be delivered to:

Natural Resources Commission  
Division of Hearings  
Indiana Government Center South  
402 W. Washington St., Room W272  
Indianapolis, IN 46204

Typically, the first stage of a proceeding after filing a request for administrative review is to set the proceeding for a prehearing conference. If the respondent believes that it is not liable or that the circumstances of its case justify mitigation of the proposed penalty, these issues can be discussed before or during the prehearing conference. In many cases, the fact of a violation will be less of an issue than the amount of the penalty assessed. The burden always is on the violator to justify any mitigation of the assessed penalty.

## 8. FINAL ASSESSMENT AND PAYMENT

If an operator fails to request a hearing as provided in IC 4-21.5-3-7, the proposed assessment becomes a final order of the director; the penalty assessed becomes immediately due and payable upon expiration of the time allowed to request a hearing. The division director retains the discretion, however, to enter into a settlement agreement with an operator which fails to request review of a civil penalty.

Penalty Matrix  
Division of Oil and Gas  
Division Response

Violation	1 <sup>st</sup> Action	2 <sup>nd</sup> Action	3 <sup>rd</sup> Action	4 <sup>th</sup> Action	5 <sup>th</sup> Action	Number of Occurrences (Previous Year)		
						Occurrences 1-3	Occurrences 4-6	Occurrences >6
ANN1	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General		\$2,000	\$4,000	\$8,000
AWF1	NOV w/ Penalty	Sec. 8 Complaint	Attorney General			1/3 Assess. Amt	2/3 Assess. Amt	Assess. Amt.
BC1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$500	\$1,000	\$2,000
DP1*	NOV w/ Penalty	Sec. 8 Complaint	Attorney General			\$500	\$1,000	\$2,500
DP1**	NOV w/ Penalty	Sec. 8 Complaint	Attorney General			\$250	\$500	\$1,000
DP1***	NOV w/ Penalty	Sec. 8 Complaint	Attorney General			\$500	\$1,000	\$2,500
FH1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$50	\$100	\$200
FH2	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	100	\$200	\$400
FH3	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$50	\$100	\$200
FH4	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$50	\$100	\$200
FH5	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$50	\$100	\$200
FH6	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$50	\$100	\$200
FH7	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$50	\$100	\$200
FH8	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$50	\$100	\$200
FRL1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$50	\$100	\$200
IC1	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General		\$250	\$500	\$1,000
IC2	NOV w/ Penalty	Penalty	Sec. 8 Complaint	Attorney General		\$250	\$500	\$1,000
IC3	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General		\$250	\$500	\$1,000
IC4	NOV w/ Penalty	Penalty	Sec. 8 Complaint	Attorney General		\$250	\$500	\$1,000
ID1	WONC	Penalty	Sec. 8 Complaint	Attorney General		\$50	\$100	\$200
IP1	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General		\$1,000	\$2,000	\$4,000
IP2	NOV w/ Penalty	Penalty	Sec. 8 Complaint	Attorney General		\$1,000	\$2,000	\$4,000
IP3	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General		\$1,000	\$2,000	\$4,000
IP4	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General		\$1,000	\$2,000	\$4,000
IP5	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General		\$1,000	\$2,000	\$4,000
MIF1	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General		\$2,500	\$5,000	\$10,000
MIF2	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General		\$2,500	\$5,000	\$10,000
MIT1	NOV w/ Penalty	Sec. 8 Complaint	Attorney General			\$2,500	\$5,000	\$10,000
OPM1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$50	\$100	\$200
PP1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$100	\$200	\$400
QMR1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$50	\$100	\$200
RP1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$100	\$200	\$400
SPC1	NOV w/ Penalty	Sec. 8 Complaint	Attorney General			\$2,500	\$5,000	\$10,000
SPR1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$100	\$200	\$500
SR1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$100	\$200	\$400
TB1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$100	\$200	\$400
UNI1	NOV W/Penalty	Sec. 8 Complaint	Attorney General			\$2,500	\$5,000	\$10,000
UNI2	NOV W/Penalty	Sec. 8 Complaint	Attorney General			\$2,500	\$5,000	\$10,000
UNI2(SR)	NOV W/Penalty	Sec. 8 Complaint	Attorney General			\$100	\$250	\$500
UNI3	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General		\$2,500	\$5,000	\$10,000
UNI4	NOV w/ Penalty	Sec. 8 Complaint	Attorney General			\$2,500	\$5,000	\$10,000
WFD1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$1,000	\$2,000	\$4,000
WFD2	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$2,000	\$4,000	\$8,000
WFD3	NOV w/ Penalty	Sec. 8 Complaint	Attorney General			\$2,500	\$5,000	\$10,000
WFD4	WONC	NOV w/o Penalty				\$1,000	\$2,000	\$4,000
WFD5	WONC	NOV w/o Penalty				\$1,000	\$2,000	\$4,000
WFD6	WONC	NOV w/o Penalty				\$1,000	\$2,000	\$4,000
WIP1	NOV w/ Penalty	Sec. 8 Complaint	Attorney General			\$1,000	\$2,000	\$4,000
WNP1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$250	\$500	\$1,000
WNP2	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$250	\$500	\$1,000
WNP3	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$250	\$500	\$1,000

## Nonrule Policy Documents

WNP4	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$250	\$500	\$1,000
WNP5	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$250	\$500	\$1,000
WNP6	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$250	\$500	\$1,000
WOP1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$500	\$1,000	\$2,000
WR1	WONC	NOV w/o Penalty	Penalty	Sec. 8 Complaint	Attorney General	\$50	\$100	\$200

**Legend:**

ANN	Improper Annulus
AWF	Annual Well Fee
BC	Bond Cancellation
DP	Drilling Permit
FH	Fire Hazards
FRL	File Review Letter
IC	Improper Casing
ID	Lease and Well Identification
IP	Improper Pit
MIF	Mechanical Integrity Failure
MIT	Mechanical Integrity Test
OPM	Operation and Maintenance
PP	Pit Permit (Authorization)
QMR	Quarterly Monitoring Report
RP	Rotary Pit
SPC	Spill Containment/ Cleanup
SPR	Spill Reporting
SR	Site Restoration
TB	Transfer and Bond
UNI	Unauthorized Injection
WFD	Waste Fluid Disposal
WIP	Well Improperly Plugged
WOP	Well Operation
WNP	Well Not Plugged
WONC	Warning of Non-Compliance
WR	Well Record
NOV	Notice of Violation
NOV W/O	Notice of Violation (Without Penalty)

Number of Occurrences means the number during the previous 12-month period except for AWF.

Number of Occurrences for AWF means the number for the operator.

DPI\* Response for drilling without a permit.

DPI\*\* Response for changing status of well without permit; Class II to oil well.

DPI\*\*\* Response for changing status of well without permit; oil well to Class II.

## NATURAL RESOURCES COMMISSION

Information Bulletin #35

January 1, 2003

### Type I and Type II Marine Sanitation Devices on Navigable Waters of Indiana

This information bulletin identifies Indiana rivers, streams, and lakes where a person can lawfully operate a Type I Marine Sanitation Device ("Type I MSD") or a Type II Marine Sanitation Device ("Type II MSD") on a motorboat. The bulletin was prepared by the Department of Natural Resources, Division of Law Enforcement, in consultation with the U. S. Coast Guard.

The use of marine sanitation devices is governed by federal statutes and regulations—particularly those promulgated by the U.S. Coast Guard and the U.S. Environmental Protection Agency. A "marine sanitation device" refers to any equipment for installation on board a boat that is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage. A Type I MSD means one that, under federal testing, produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids. A Type II MSD means one that, under the federal testing, produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.

A "Type III marine sanitation device" ("Type III MSD") means one that is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage. A Type III MSD is sometimes referred to as a holding tank and does not provide for the treatment of sewage. Waste from a Type III MSD must be disposed through a licensed pumpout facility. This information bulletin is not primarily directed to the use of Type III MSDs.

Both a device and a waterway must qualify if sewage is to be lawfully discharged through a Type I MSD or a Type II MSD. For the device to qualify, it must be approved by the U.S. Coast Guard and must be properly maintained and operated. For a waterway to qualify, it must be (1) legally navigable; and, (2) suitable, in fact, for direct interstate boating transportation. A Type

I MSD or Type II MSD cannot be used upstream from where a natural or man-made obstruction in the waterway reasonably prevents a boat from advancing. The waterways in Indiana where a Type I MSD or a Type II MSD may lawfully be used are those that can, in fact, be traveled by a boat large enough to be equipped with a Marine Sanitation Device. Use of a Type I MSD or Type II MSD on waters other than those listed in this information bulletin is unlawful.

Improper use of a Type I MSD or a Type II MSD is a violation of federal law, enforced primarily through the U.S. Coast Guard. In addition, the Natural Resources Commission has incorporated this portion of the regulations into state rules, so improper use of a Type I MSD or a Type II MSD is also a violation of state law, enforced primarily through the Division of Law Enforcement. See particularly 312 IAC 5-5-2(c): "A person who maintains or operates a watercraft, upon Lake Michigan or another waterway described in 40 CFR 140.3, that is equipped with a Type I marine sanitation device or a Type II marine sanitation device, must comply with 33 CFR 159 and 40 CFR 140."

The Natural Resources Commission previously identified its "Roster of Indiana Waters Declared Navigable or Nonnavigable" in Information Bulletin #3 (First Revision) published at 20 Indiana Register 2920-2939 (July 1, 1997) with a listing by county also available at <http://www.in.gov/nrc/policy/IV.html>. The waterways where a Type I MSD or a Type II MSD may be lawfully used in Indiana are as follows:

#### Clark County

- (1) **Fourteen Mile Creek:** *0.6 river miles upstream from its junction with the Ohio River*
- (2) **Ohio River**
- (3) **Silver Creek:** *0.78 river miles from its junction with the Ohio River (S.R. 62 Bridge)*

#### Crawford County

- Big Blue River:** *3.0 river miles upstream from its junction with the Ohio River*
- (2) **Little Blue River:** *3.6 river miles upstream from its junction with the Ohio River*
- Ohio River**

#### Dearborn County

- Great Miami River:** *Throughout the county*
- Hogan Creek (including North Fork and South Fork):** *Hogan Creek (Main Stem) from its junction with the Ohio River for the entire length (0.4 river miles); North Fork of Hogan Creek from its junction with Hogan Creek for 4.9 river miles; and, South Fork of Hogan Creek from its junction with Hogan Creek for 5.0 river miles*
- Laughery Creek:** *6.0 river miles upstream from its junction with the Ohio River*
- (4) **Ohio River**
- (5) **Tanners Creek:** *10.6 river miles upstream from its junction with the Ohio River*
- (6) **Whitewater River:** *Throughout the county*
- (7) **Wilson Creek:** *1.9 river miles upstream from its junction with the Ohio River*

#### Harrison County

- (1) **Big Blue River:** *3.0 river miles upstream from its junction with the Ohio River.*
- (2) **Buck Creek:** *0.3 river miles upstream from its junction with the Ohio River*
- (3) **Indian Creek:** *0.9 river miles upstream from its junction with the Ohio River.*
- (4) **Mosquito Creek:** *0.25 river miles upstream from its junction with the Ohio River*
- (5) **Ohio River**

#### Floyd County

- (1) **Ohio River**
- (2) **Silver Creek:** *0.78 river miles from its junction with the Ohio River (S.R. 62 Bridge)*

#### Jefferson County

- Indian-Kentuck Creek:** *2.2 river miles upstream from its junction with the Ohio River*
- (2) **Ohio River**

#### Lake County

- (1) **Indiana Harbor and Ship Canal:** *from the entrance on Lake Michigan to the Outer Harbor Basin. On the Outer Harbor Basin, for 1.4 river miles to the Turning Basin at the Forks of the Calumet River Branch and Lake George Branch. On the Calumet River Branch southward for 0.4 river miles (Columbus Drive Street Bridge). On the Lake George Branch for 0.6 river miles to where it dead-ends.*
- (2) **Lake Michigan**

#### LaPorte County

- (1) **Lake Michigan**
- (2) **Trail Creek:** *upstream for 1.0 river miles from its junction with Lake Michigan*

---

---

## Nonrule Policy Documents

---

---

### Ohio County

**Arnold Creek:** 0.25 river miles upstream from its junction with the Ohio River

**Laughery Creek:** 6.0 river miles upstream from its junction with the Ohio River.

**Ohio River**

### Perry County

**Anderson River:** 0.11 river miles upstream from its junction with the Ohio River

**Big Oil Creek:** 0.05 river miles from its junction with the Ohio River (S.R. 66 Bridge)

**Deer Creek:** 0.03 river miles from its junction with the Ohio River (S.R. 66 Bridge)

**(4) Ohio River**

### Porter County

**(1) Burns Ditch:** See **Portage Burns Waterway**

**(2) Portage Burns Waterway:** For its entirety

(1.3 river miles) as a connection between the Little Calumet River and Lake Michigan

**(3) Lake Michigan**

**(4) Little Calumet River:** On the West Fork of the Little Calumet River for 1.5 river miles (South Shore Marina). On the East Fork of the Little Calumet River for 1.5 river miles (where it forms a "Y")

### Posey County

**Big Creek:** 5.4 river miles upstream from its junction with the Ohio River

**McFadden Creek:** 0.3 river miles upstream from its junction with the Ohio River

**New Harmony Cut-Off:** 0.72 river miles upstream from its downstream junction with the Wabash River

**(4) Ohio River**

**(5) Wabash River:** 42.5 river miles upstream from its junction with the Ohio River

### Spencer County

**(1) Anderson River:** 0.11 river miles upstream from its junction with the Ohio River

**(2) Ohio River**

**(3) Sandy Creek:** 2.6 river miles upstream from its junction with the Ohio River

### Switzerland County

**(1) Bryant Creek:** 2.6 river miles upstream from its junction with the Ohio River

**(2) Goose Creek:** 0.5 river miles upstream from its junction with the Ohio River

**(3) Grants Creek:** 2.5 river miles upstream from its junction with the Ohio River

**(4) Indian Creek:** 4.1 river miles upstream from its junction with the Ohio River

**(5) Ohio River**

**(6) Plum Creek:** 1.25 river miles upstream from its junction with the Ohio River for 2.9 river miles

**(7) Turtle Creek:** 1.3 river miles from its junction with the Ohio River

### Vanderburgh County

**Bayou Creek:** 0.06 river miles upstream from its junction with the Ohio River

**(2) Ohio River**

**(3) Pigeon Creek:** 0.03 river miles upstream from its junction with the Ohio River (the 1891 Ohio Street Bridge)

### Warrick County

**Little Pigeon Creek:** 1.5 river miles upstream from its junction with the Ohio River (Yankeetown Bridge on C.R. 250W)

**(2) Ohio River**

---

---

## DEPARTMENT OF STATE REVENUE

02960198.LOF

### LETTER OF FINDINGS NUMBER: 96-0198

#### Income Tax

#### For Tax Periods 1990-1993

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

## ISSUE

### **I. Income Tax – Long Term Contract Adjustment**

**Authority:** Allied-Signal, Inc. v. Director, Division of Taxation, 504 U.S. 768 (1992); IC 6-3-2-2; 45 IAC 3.1-1-23; 45 IAC 3.1-1-29; 45 IAC 3.1-1-51; 45 IAC 3.1-1-52

Taxpayer protests the disallowance of adjustments to long-term contracts.

### **STATEMENT OF FACTS**

Taxpayer manufactures industrial and aerospace products. Taxpayer absorbed a formerly wholly owned subsidiary in 1988. The subsidiary had long-term contracts and used the completed contract method of accounting to report income for Federal and state income tax purposes. As the result of an audit, the Indiana Department of State Revenue (“Department”) disallowed taxpayer’s deferred income adjustments for 1990, 1991 and 1992. Taxpayer protests the disallowance. Further facts will be provided as necessary.

### **I. Income Tax – Long Term Contract Adjustment**

### **DISCUSSION**

Taxpayer claimed deferred income adjustments for three of five years of the audit period based on earned income (loss) from previous years. The Department disallowed the deductions for 1990 and 1992, and the increase to income for 1991. The Department based its decision on two regulations, 45 IAC 3.1-1-23(1) and 45 IAC 3.1-1-29. 45 IAC 3.1-1-23(1) states:

When a taxpayer moves to Indiana and becomes a resident and/or domiciliary of Indiana during the taxable year, Indiana will not tax income from sources outside Indiana which the taxpayer received prior to becoming an Indiana domiciliary. Indiana will, however, assess adjusted gross income tax on all taxable income after the taxpayer becomes an Indiana resident.

45 IAC 3.1-1-29 states:

“Business Income” is defined in the Act as income from transactions and activity in the regular course of the taxpayer’s trade or business, including income from tangible and intangible property if the acquisition, management, or disposition of the property are integral parts of the taxpayer’s regular trade or business.

Nonbusiness income means all income other than business income.

The classification of income by the labels occasionally used, such as manufacturing income, compensation for services, sales income, interest, dividends, rents, royalties, gains, operating income, non-operating income, etc., is of no aid in determining whether income is business or nonbusiness income. Income of any type or class and from any source is business income if it arises from transactions and activity occurring in the regular course of a trade or business. Accordingly, the critical element in determining whether income is “business income” or “non-business income” is the identification of transactions and activity which are the elements of a particular trade or business.

The adjustments taken by taxpayer represent income or loss earned, but unreported for tax purposes, by a subsidiary prior to December 31, 1988. At that time the subsidiary and taxpayer merged. The subsidiary had no nexus with Indiana prior to its merger with taxpayer, however taxpayer (and its former subsidiary as a result of merger) had nexus with Indiana during the audit period. Taxpayer reported income on its 1990 and 1992 returns and a loss in 1991 using the completed contract method of accounting.

Taxpayer refers to Allied-Signal, Inc. v. Director, Division of Taxation, 504 U.S. 768, 778 (1992), which states in part:

Although our modern due process jurisprudence rejects a rigid, formalistic definition of minimum connection, we have not abandoned the requirement that, in the case of a tax on an activity, there must be a connection to the activity itself, rather than a connection only to the actor the State seeks to tax, see Quill Corp. v. North Dakota, ante, at 306-308.

Taxpayer manufactured parts outside of Indiana and shipped them to its buyer outside of Indiana. Taxpayer protests that there is no connection between Indiana and the activity being taxed, and therefore the activity may not be taxed.

The Department refers to IC 6-3-2-2(b), which states in relevant part:

Except as provided in subsection (1), if business income of a corporation or a nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, then the business income derived from sources within this state shall be determined by multiplying the business income derived from sources both within and without the state of Indiana by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three (3).

45 IAC 3.1-1-51 states in relevant part:

The denominator of the sales factor includes all gross receipts from the taxpayer’s sales, except as noted in Regulation 6-3-2-2(1)(10) [45 IAC 3.1-1-62].

45 IAC 3.1-1-52 states in relevant part:

The numerator of the sales factor generally includes gross receipts from sales attributable to this state, and includes all interest income, service charges, carrying charges, or time-price differential charges incidental to such sales regardless of where the accounting records are maintained or the location of the contract or other evidence of indebtedness

Therefore, IC 6-3-2-2(b) provides that Indiana will only tax income attributable to Indiana, via the standard apportionment formula. Indiana related income is listed in the numerator of the sales factor, while all income is listed in the denominator of the sales factor.

Taxpayer is correct in its assertion that Allied-Signal prohibits Indiana from taxing income earned from activities conducted wholly outside its borders. Standard apportionment procedures, as described in IC 6-3-2-2(b), provide that Indiana will not tax income earned from activities conducted wholly outside its borders. Taxpayer's adjustments distorted the standard apportionment formula, and the Department properly disallowed the adjustments.

#### **FINDING**

Taxpayer's protest is denied.

---

### **DEPARTMENT OF STATE REVENUE**

02990248.LOF

#### **LETTER OF FINDINGS NUMBER: 99-0248**

#### **GROSS INCOME TAX**

#### **FOR TAX PERIODS: 1995-March, 1997**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUES**

##### **1. Gross Income Tax: Gross Receipts**

**Authority:** IC 6-2.1-2-2, IC 6-2.1-4-2, 45 IAC 45-1-1-17, Indiana Department of State Revenue v. Northern Indiana Steel Supply Company, 388 N.E. 2<sup>nd</sup> 596 (Ind. App.) 1979

The taxpayer protests the assessment of gross income tax on income constructively received.

##### **2. Tax Administration: Penalty**

**Authority:** IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

#### **STATEMENT OF FACTS**

The taxpayer owned and operated an Indiana television station. After a routine audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional income tax. The taxpayer protested the assessment and a hearing was held on the taxpayer's alleged constructive receipt of income.

##### **1. Gross Income Tax: Gross Receipts**

#### **DISCUSSION**

The taxpayer owned and operated an Indiana television station. When the taxpayer agreed to sell an advertisement or commercial, it sent an invoice to the advertising agency involved. That invoice showed the gross cost of the advertisement, the advertising agency commission of fifteen per cent (15%) and the net billing for the commercial. The advertising agent paid the taxpayer by check. The advertisers pay the advertising agency's percentage of the bill directly to the advertising agency. The taxpayer never received a check or other monetary compensation for the advertising agency commission. Due to its accrual accounting method, the taxpayer recorded the total price of the advertisement in its books, with separate entries for the advertising agency commission and the actual cost for the airing of the commercial. The taxpayer reported the entire amount of the income as income on its federal income tax return and deducted the amount of the commissions under "other income." The department imposed gross income tax on the advertising agency commissions. The taxpayer protested this assessment.

IC 6-2.1-2-2 imposes a gross income tax on the gross income or gross receipts of taxpayers domiciled in Indiana. The term "gross receipts" is clarified in the applicable 1988 Regulations at 45 IAC 1-1-17 as follows:

Gross Income Defined. "Gross income" and "gross receipts" mean the entire amount of gross income received by a taxpayer. This includes all income actually or constructively received, i.e., monies credited to the taxpayer by his creditors, or paid to his creditors on his behalf by a third party.

Amounts received or credited include not only cash and checks but notes or other property of any value or kind, services of any value or kind and receipts in any form received by or credited to the taxpayer in lieu of cash.

The taxpayer is required to report his entire gross income in order to determine its taxability. From this amount he may take deductions as allowed under the Act.

The taxpayer contends that it never actually or constructively received the money or any other services, receipts in kind or any other type of credit for the advertising agency's fifteen per cent (15%) of the total billing. Therefore, the advertising agency fee did not qualify as gross receipts subject to gross income tax.

In accordance with its accrual accounting method, the taxpayer actually recorded the total amount as a receipt. Clearly, this income was credited to the taxpayer and the taxpayer received the benefits of income in its books and balance sheets. The taxpayer

also held both the advertiser and the agency jointly and severally liable for any outstanding bill. The taxpayer's statement that it would forbear from attempting to collect the commission does not negate the fact that based upon the invoice, it has the right to collect the commission.

The taxpayer cites the case Indiana Department of State Revenue v. Northern Indiana Steel Supply Company, 388 N.E. 2<sup>nd</sup> 596 (Ind. App.) 1979 in support of its contention that the contested receipts did not constitute income subject to the gross income tax. In the case, the Northern Indiana Steel Supply Company sold two cranes, magnets, and a mobile office with furniture to another company. The cranes and magnets were subject to liabilities. The negotiated purchase price was \$405,319.80. The purchaser satisfied the total purchase price by assuming the liabilities in the amount of \$383,163.50 and paid the seller cash in the amount of \$22,156.30. The Indiana Department of Revenue attempted to assess gross income tax on the value of the assumption of the liabilities. In holding that only the cash received was subject to the gross income tax, the Court stated at page 599 as follows:

The taxing statute empowers the Department to tax payment of a taxpayer's debts by a third party *for his direct benefit*. In this case, the purchaser paid the liens for its own direct benefit. The fact that Northern was thereupon freed as surety on the obligations constituted at most an incidental or indirect benefit under the taxing statute.

This case is distinguishable from the taxpayer's situation. The taxpayer receives a direct benefit in that the booking of the commission income directly increases the income and value of the corporation.

The advertising agency fees recorded in the taxpayer's books were constructively received gross income since a third party satisfied the taxpayer's obligation to the advertising agency. As such, the recorded amounts were gross income as contemplated by the law and regulation. The law provided for certain deductions from gross income for tax purposes such as a deduction for bad debts pursuant to IC 6-2.1-4-2. However, the law provides no deduction for commissions.

The department properly imposed gross income tax on the commissions.

#### **FINDING**

The taxpayer's protest is denied.

### **2. Tax Administration: Penalty**

#### **DISCUSSION**

The taxpayer also protests the imposition of the ten per cent negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

"Negligence", on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence.

The taxpayer disregarded its clear obligation to report its total receipts for the gross income tax. This constituted negligence.

#### **FINDING**

The taxpayer's protest to the imposition of the penalty is denied.

---

---

### **DEPARTMENT OF STATE REVENUE**

01990538.LOF

### **LETTER OF FINDINGS NUMBER: 99-0538**

#### **Individual Income Tax**

#### **Calendar Years 1996 and 1997**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUE(S)**

### **I. Individual Income – Best Information Available**

**Authority:** 45 IAC 2.2-6-8; IC 6-8.1-5-1

Taxpayer protests the tax.

#### **STATEMENT OF FACTS**

The Taxpayer operates a tavern and is a sole proprietor. At audit and after numerous requests, taxpayer failed to provide documentation. Auditor attributed the sales based on cost of goods sold. The profit from the business was carried to the individual returns. Taxpayer had no source documents or cash register tapes for the business.

Taxpayer submitted a protest that was received by the Indiana Department of Revenue on October 8, 1999 that requested a hearing. In addition to the numerous requests made by the auditor, the hearing officer returned the file to the auditor because the

taxpayer's representative stated that he had additional information. The file was returned without resolution because no records were made available. The taxpayer or his representative never adhered to numerous requests and three scheduling hearings. In a letter dated July 29 2002, the hearing officer scheduled a final hearing for September 3, 2002. No one appeared.

**I. Individual Income – Best Information Available**

**DISCUSSION**

Taxpayer's representative simply maintains that the assessment is too high and has provided no documentation to rebut the assessment.

In reviewing the audit report and the file, it is noted that the assessments, to which the taxpayer disagrees, stem from taxpayer's failure to retain cash register receipts and books from its business. The income was carried forward to the Individual Income Tax Return

IC 6-8.1-5-4 (a) states:

Every person subject to a listed tax must keep books and records so that the department can determine the amount, if any, of the person's liability for that tax by reviewing those books and records. The records referred to in this subsection include all source documents necessary to determine the tax, including invoices register tapes, receipts, and cancelled checks.

Taxpayer provided nothing to aid in the resolution of the audit.

**FINDING**

Taxpayer's protest is denied.

---

---

**DEPARTMENT OF STATE REVENUE**

04990539.LOF

**LETTER OF FINDINGS NUMBER: 99-0539**

**Sales Tax**

**Calendar Years 1996, 1997, and 1998**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)**

**I. Selling at Retail – Best Information Available**

**Authority:** 45 IAC 2.2-6-8; IC 6-8.1-5-1

Taxpayer protests the tax.

**STATEMENT OF FACTS**

The Taxpayer operates a tavern and is a sole proprietor. At audit and after numerous requests, taxpayer failed to provide documentation. Auditor attributed the sales based on cost of goods sold. Originally a multiplier of 4 was used in this type of business, but the taxpayer's oral testimony and price list was adequately persuasive to the auditor to reduce the multiplier to 3. Taxpayer had no source documents or cash register tapes.

Taxpayer submitted a protest that was received by the Indiana Department of Revenue on October 8, 1999 that requested a hearing. In addition to the numerous requests made by the auditor, the hearing officer returned the file to the auditor because the taxpayer's representative stated that he had additional information. The file was returned without resolution because no records were made available. The taxpayer or his representative never adhered to numerous requests and three scheduling hearings. In a letter dated July 29 2002, the hearing officer scheduled a final hearing for September 3, 2002. No one appeared.

**I. Selling at Retail – Best Information Available**

**DISCUSSION**

Taxpayer's representative simply maintains that the assessment is too high and has provided no documentation to rebut the assessment.

In reviewing the audit report and the file, it is noted that the assessments, to which the taxpayer disagrees, stem from taxpayer's failure to retain cash register receipts and books.

IC 6-8.1-5-4 (a) states:

Every person subject to a listed tax must keep books and records so that the department can determine the amount, if any, of the person's liability for that tax by reviewing those books and records. The records referred to in this subsection include all source documents necessary to determine the tax, including invoices, register tapes, receipts, and cancelled checks.

Taxpayer provided nothing to aid in the resolution of the audit.

**FINDING**

Taxpayer's protest is denied.

---

---

## DEPARTMENT OF STATE REVENUE

04990578.LOF

## LETTER OF FINDINGS NUMBER: 99-0578

## Sales and Use Taxes

## Calendar Years 1996, 1997, and 1998

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

## ISSUE(S)

**I. Selling at Retail – Best Information Available**

**Authority:** 45 IAC 2.2-6-8; IC 6-8.1-5-1

Taxpayer protests the tax on sales to landfills.

**II. Use Tax – Mulch spreader and trailer**

**Authority:** 45 IAC 2.2-4-26

Taxpayer protests the use tax on two mulch spreaders and trailers.

## STATEMENT OF FACTS

The Taxpayer is a landscape contractor providing lawn seeding and trees. Its primary customers include privately owned landfills and major department stores. No tax was paid on materials sold through lump sum improvements to realty. The taxpayer did not obtain valid exemption certificates from its customers and the customers that responded to the AD-70 "Special Sales/Use Tax Exemption" certificate claimed no exemption.

A projection of materials used on landfill and department store jobs was calculated for 1996 and 1997 because the taxpayer had no sales records available for those years. The total 1998 errors were divided by the total sales for 1998 to develop a percentage of error. This percentage was multiplied by the total 1996 and 1997 sales to arrive at the material portion subject to use tax.

Taxpayer submitted a protest that was received by the Indiana Department of Revenue on November 5, 1999 that states that its sales fall under the environmental control exemption and that it assists landfills in their compliance with these regulations by incorporating grass and other vegetation into the soil along with fertilizer and straw in order to provide the mandate control of surface water runoff from the facility. Taxpayer's customers however failed to submit exemption certificates, and the ones that did respond, stated they were not exempt.

On July 9, 2002 the hearing officer scheduled a meeting for July 24, 2002 to which the taxpayer responded in a telephone call on July 23, 2002. Taxpayer stated that he would send exemption certificates. The three forwarded Exemption Certificates however are invalid because they covered periods other than those of the audit. Taxpayer was informed that the letter of Findings would be written based upon the information he submitted via FAX and the information contained in the audit file unless he preferred a hearing.

**I. Selling at Retail – Best Information Available**

## DISCUSSION

Taxpayer simply protests tax on sales that he claims fall under the environmental exemption.

In reviewing the audit report and the file, it is noted that the assessments, to which the taxpayer disagrees, stem from lump sum contracts to several organizations, some of which have refused to sign the Special Exemption certificates. One specifically states it is not exempt.

Taxpayer, in billing the lump sum contracts, did not pay tax on the material upon purchase nor did it charge sales tax on the material portion when completing these contracts of seeding and mulching.

Taxpayer provided nothing to aid in the resolution of the audit.

## FINDING

Taxpayer's protest is denied.

**II. Use Tax – Mulch spreader and trailer**

## DISCUSSION

Taxpayer states that the mulch spreader and trailers are actually straw blowers that are built onto their own self-contained trailers and are only suitable for extremely large projects such as landfills. Taxpayer further states that both of these items are used "predominantly for the prevention, control, reduction, or elimination of water pollution which are required to cover the bare soil after the seed and fertilizer is incorporated into the surface and are exempt. Taxpayer cites case in *Indiana Department of Environmental Management v. Amax, Inc.*, 529 N.E.2d 1209 (Ind. App. 1 Dist. 1988).

The case referenced by the taxpayer refers to water runoff from mined lands that carry pollutants and other minerals to the streams and waters of the State.

There is no indication whatsoever, that these are mined lands. The taxpayer is not in the business of mining. To the contrary,

the exemptions the taxpayer tries to claim are for contracts for large department stores and other customers that refuse to state that they are exempt from state taxation.

The taxpayer uses the mulch spreaders and trailers in its landscaping business and has not provided proof that they are used in an exempt manner.

#### **FINDING**

Taxpayer's protest is denied.

---

---

### **DEPARTMENT OF STATE REVENUE**

0120000044. LOF

#### **LETTER OF FINDINGS NUMBER: 00-0044**

##### **Individual Income Tax Calendar Years 1996 and 1997**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUE(S)**

##### **I. Indiana Adjusted Gross Income – Best Information Available**

**Authority:** 45 IAC 6-8.1-5-1 (a); 45 IAC 3.1-1-66; 45 IAC 3.1-1-5; IC 6-3.5-1.1-16

Taxpayer protests the entire audit.

#### **STATEMENT OF FACTS**

Taxpayer is a shareholder in an S Corporation that was audited. Because the S Corporation had additional income assessed through a "Best Information Available" audit, those adjustments flowed through to the shareholders as required by 45 IAC 3.1-1-66. The audit assessed state and county income taxes on the estimated distribution of income pursuant to 45 IAC 3.1-1-5 and IC 6-3.5-1.1-16. The taxpayer, an Indiana full-year resident for the years at audit, filed IT-40 returns.

The audit of the corporation was based upon best information available as allowed under IC 6-8.1-5-1 (a) because the taxpayer did not reply to the auditor's request. *The Almanac of Business & Industrial Financial Ratios* (1994) by Leo Troy was used to determine the total revenue for the corporation that flowed through to its shareholders. No records were made available to the auditor.

Taxpayer submitted a protest that was received by the Indiana Department of Revenue on January 18, 2000 that states that (1) he was never contacted by an auditor; (2) the corporation never operated or offered flight instruction or banner towing services; (3) the corporation was formed with the intent to purchase one single engine aircraft and to lease said aircraft; and (4) the "fleet" to which the auditor refers to was owned and operated by another company and not the corporation. Taxpayer further states that these incorrect assumptions of the company's services and asset load directly affect the auditor's equations and figures. In addition, none of the officers or shareholders in the company received any income from the business venture because the company operated at a loss.

Based upon the letter of protest, the hearing officer forwarded the file to the auditor for resolution. On May 9, 2001 the auditor asked the taxpayer to supply information that would allow a negation or reduction in the audit assessment. The auditor returned the file to the Legal Division on July 3, 2001 without resolution because the taxpayer failed to respond. On July 6, 2001, the hearing officer asked the taxpayer to provide records. Taxpayer states the auditor never contacted him. On July 8, 2002, the hearing officer sent an E-mail to the taxpayer to see where in the protest process we were. No further information has been provided.

On October 7, 2002 a hearing was scheduled for Thursday, October 24, 2002. No one called or appeared for the hearing.

##### **I. Indiana Adjusted Gross Income – Best Information Available**

#### **DISCUSSION**

Taxpayer is a shareholder in an S Corporation that was audited. Additional income determined in an investigation for the corporation flowed through to the shareholders as required by 45 IAC 3.1-1-66.

In numerous attempts, the Department's auditor and legal representative have asked the taxpayer for information to allow a reduction in the assessment. No detail has been provided. Taxpayer was scheduled for a hearing on October 24, 2002 to which he also did not reply.

In reviewing the audit report and the file, it is noted that the assessment stems from best information available and the taxpayer had numerous opportunities to provide additional information, either to the auditor or to the hearing officer. Taxpayer provided nothing to aid in the resolution of the audit.

#### **FINDING**

Taxpayer's protest is denied.

---

---

## DEPARTMENT OF STATE REVENUE

1820000253.LOF

## LETTER OF FINDINGS NUMBER: 00-0253

## Financial Institutions Tax

## For the Tax Years 1993 through 1996

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

## ISSUES

**I. Applicability of the Financial Institutions Tax**

**Authority:** IC 6-5.5 et seq.; IC 6-8.1-5-1(b); 45 IAC 17-2-1(a); 45 IAC 17-2-3; 45 IAC 17-3-5; 45 IAC 17-3-5(a); 45 IAC 17-3-5(c); 45 IAC 17-3-5(d)

Taxpayer argues that the audit erred in determining that taxpayer was subject to the state's Financial Institutions Tax (FIT). Taxpayer maintains that its only business contact with the state was through the leasing of business equipment.

**II. Statute of Limitations – Financial Institutions Tax**

**Authority:** IC 6-5.5-6-1; IC 6-8.1-1-1; IC 6-8.1-5-2(a); IC 6-8.1-5-2(e); 45 IAC 15-5-7(f); 45 IAC 17-3-5(a); Germantown Trust Co. v. Commissioner of Internal Revenue, 309 U.S. 304 (1940)

Taxpayer argues that the FIT assessment, for the tax years 1993 through 1995, is untimely. According to taxpayer, its otherwise timely filing of the Indiana Corporation Income Tax Return (IT-20), started the three-year limitations period during which the state was obligated to propose any additional taxes.

**III. Abatement of the Ten Percent Negligence Penalty**

**Authority:** IC 6-8.1-10-2.1; IC 6-8.1-10-2.1(d); 45 IAC 15-11-2(b); 45 IAC 15-11-2(c)

Taxpayer maintains that assessment of the ten percent negligence penalty was unwarranted because, at all relevant times, taxpayer exercised good business judgment in determining its Indiana tax liability.

## STATEMENT OF FACTS

Taxpayer is an out-of-state institution which, as stated by taxpayer, "was engaged in the business of a bank holding company... subject to regulation by the Federal Reserve Board." During the years at issue, taxpayer owned two out-of-state banking corporations along with an out-of-state subsidiary engaged in the activity of leasing business equipment. For the years at issue, the subsidiary leasing company filed Indiana Corporate Income Tax Returns (IT-20) on a "separate company basis."

The Department of Revenue conducted an audit of taxpayer's records and determined that taxpayer, together with its related business entities, was liable under the state's Financial Institutions Tax scheme because taxpayer's various subsidiaries conducted the business of a financial institution within the state. The audit determined taxpayer's FIT liability on the ground that taxpayer, along with its affiliates, should originally have filed a combined FIT return. Taxpayer disagreed with the audit's conclusions, submitted a protest, and an administrative hearing was conducted. This Letter of Findings follows as a result of the protest and subsequent hearing.

## DISCUSSION

**I. Applicability of the Financial Institutions Tax**

Taxpayer maintains that the audit erred when it concluded that it should have been reporting its income on a combined FIT return. The fact that taxpayer is conducting business within the state is uncontested. Taxpayer does challenge the audit's conclusion that it should have been submitting a "combined return" for its "unitary group."

Indiana imposes a franchise tax, known as the Financial Institution Tax (FIT), on corporations transacting the business of a financial institution inside the state. IC 6-5.5 et seq. The tax is imposed on resident financial institutions, nonresident financial institutions, and on non-bank entities that transact the business of a financial institution. 45 IAC 17-2-1(a). The term "Financial Institution" is defined at 45 IAC 17-2-3 which states as follows:

The "business of a financial institution" means the activities of a holding company, a regulated financial corporation, or a subsidiary of either that each is authorized to perform under federal or state law, including the activities authorized by regulation or order of the Federal Reserve Board for such a subsidiary under Section (4)(C)(8) of the Bank Holding Act of 1956 (12 U.S.C. 1843(C)(8)).

One of taxpayer's own subsidiary's leased tangible personal property – apparently the office equipment referred to in its protest – to customers within the state. Another one of taxpayer's own subsidiaries had business within the state during 1996; that business consisted of processing unsecured consumer loans. Taxpayer, itself, is a bank holding company as defined under the Bank Holding Company Act of 1956, 12 U.S.C.S. § 1843(c)(8). The audit concluded that taxpayer "[had] no types of corporations exempt from the financial institutions tax...."

45 IAC 17-3-5 requires that members of a "Unitary Group" file a single, combined return for the purposes of determining the group's FIT liability. That regulation states, in relevant part, as follows:

A “unitary business” means business activities or operations that are of mutual benefit, dependent upon, or contributory to one another, individually, or as a group, in transacting the business of a financial institution. Unity of ownership exists when a corporation is a member of a group of two (2) or more entities and more than fifty percent (50%) of the voting stock of each member of the group is directly or indirectly owned by: (1) a common owner or common owners, either corporate or noncorporate.... 45 IAC 17-3-5(c).

The regulation further requires that “A unitary group for purposes of the FIT is composed of those taxpayer members that are engaged in a unitary business transacted wholly or partially within Indiana.” *Id.* Once it has been determined that a unitary group is conducting the business of a financial institution, “A designated taxpayer who is a member of a unitary group shall file a combined return covering all the operations of the unitary business and including all taxpayer members of the unitary group.” 45 IAC 17-3-5(a). “Therefore, if one (1) one member of a unitary group is conducting the business of a financial institution in Indiana, then all members of the unitary group engaged in a unitary business must file a combined return, even if some of the members are not transacting business in Indiana.” 45 IAC 17-3-5(d).

Taxpayer has failed to provide information sufficient to overcome the presumption of correctness afforded the audit’s conclusions under IC 6-8.1-5-1(b). Taxpayer falls within the definition of a “bank holding group.” Together with its various subsidiaries, taxpayer constitutes a “unitary group,” is conducting the “business of a financial institution,” and is conducting that business “wholly or partially within Indiana.” Accordingly, the audit did not err in concluding that taxpayer came within the purview of the state’s Financial Institutions Tax.

### **FINDING**

Taxpayer’s protest is respectfully denied.

## **II. Statute of Limitations – Financial Institutions Tax**

Taxpayer argues that the assessment of taxes for the years 1993 through 1995 was untimely because the statute of limitations period had expired. The audit disagreed on the ground that taxpayer’s filing of the Indiana Corporation Income Tax Returns (IT-20) was erroneous and that the limitations period did not begin at the time the IT-20 returns were originally submitted.

The limitations period is defined under IC 6-8.1-5-2(a) which states that, “Except as otherwise provided in this section, the department may not issue a proposed assessment under section 1 of this chapter more than three (3) years after the latest of the date the return is filed....” IC 6-8.1-5-2(e) defines certain circumstances under which three-year limitations is tolled. “If a person files a fraudulent, unsigned, or substantially blank return, or if a person does not file a return, there is no time limit within which the department must issue its proposed assessment.”

There is no contention that taxpayer’s IT-20 returns were “fraudulent,” that the IT-20 returns were “unsigned,” or that the forms were “substantially blank.” Therefore – according to taxpayer – because it filed “a return” for each of the years at issue, the three-year limitations has elapsed for three of the tax years for which it was assessed additional taxes.

Taxpayer cites to Germantown Trust Co. v. Commissioner of Internal Revenue, 309 U.S. 304 (1940) in support of its contention, that the filing of the IT-20 returns started the three-year limitations period. In Germantown Trust, the Court held that the two-year limitations period under Rev. Act. 1932, § 275(a), precluded the Internal Revenue Service from making a deficiency assessment against the petitioner. On behalf of its trust patrons, the petitioner had originally filed a “fiduciary return” but failed to file a corporate return reporting the petitioner’s own income. Four years later, the IRS prepared a substitute corporate return and gave notice of the petitioner’s tax deficiency. The IRS argued that the filing of the fiduciary return was the equivalent to “no return of the tax” under Rev. Act. 1932, § 275(c) which provided an extended four-year limitations period. The Court rejected the government’s contention and agreed with the petitioner because petitioner’s fiduciary return “contained all of the data from which a tax could be computed and assessed [even though] it did not purport to state any amount due as tax.” *Id.* at 307.

Despite the superficial similarities, the circumstances in Germantown Trust and the taxpayer’s protest are significantly different. Taxpayer filed IT-20 returns, a decision which the Department determined was entirely erroneous; in Germantown Trust, the petitioner submitted a fiduciary return which, as the Court stated, the petitioner was “bound to file.” *Id.* at 308. In Germantown Trust, the trust return “contained all the data from a tax could be computed and assessed.” *Id.* In contrast, taxpayer may not contend that the IT-20 forms, filed on behalf of a single entity, was sufficient to determine the FIT liability for the entire unitary group. Finally, the Court in Germantown Trust was interpreting the specific provisions contained within Rev. Act. 1932, § 275(a), (c). Taxpayer’s own protest is resolved by application of IC 6-8.1-5-2 and the regulations which interpret the statutory requirements.

Those regulations include 45 IAC 15-5-7(f) which states that, “The running of the statute of limitations for purposes of assessing unpaid taxes will not start if the taxpayer fails to file a return which is required by any listed tax provision.” The term “listed tax” is defined at IC 6-8.1-1-1 which specifically includes “financial institutions tax” as one of the state’s “listed taxes.” Under that portion of the Indiana Code outlining a taxpayer’s responsibilities under the Financial Institutions Tax, IC 6-5.5-6-1 states that “[a]nnual returns with respect to the tax imposed by this article *shall* be made by every taxpayer: (1) having for the taxable year adjusted gross income or apportioned income subject to taxation under this article....” (*Emphasis added*). The filing requirement is repeated at 45 IAC 17-3-5(a) which states, “A designated taxpayer who is a member of a unitary group *shall* file a combined return covering all the operations of the unitary business and including all taxpayer member of the unitary group.” (*Emphasis added*).

Therefore, because taxpayer did not file the required FIT returns and because the FIT is one of the state's "listed taxes," the three-year limitations period does not preclude the current assessment for unpaid taxes. Even assuming the taxpayer's good efforts in submitting the IT-20 forms for the years in question, the limitations period did not begin to run at the time those forms were first submitted.

#### **FINDING**

Taxpayer's protest is respectfully denied.

### **III. Abatement of the Ten Percent Negligence Penalty**

Taxpayer protests the assessment of the ten percent negligence penalty against the amount of tax deficiency determined at the time of the original audit.

IC 6-8.1-10-2.1 requires that a ten percent penalty be imposed if the tax deficiency results from the taxpayer's negligence. Departmental regulation 45 IAC 15-11-2(b) defines negligence as "the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer." Negligence is to "be determined on a case-by-case basis according to the facts and circumstances of each taxpayer." Id.

IC 6-8.1-10-2.1(d) allows the Department to waive the penalty upon a showing that the failure to pay the deficiency was based on "reasonable cause and not due to willful neglect." Departmental regulation 45 IAC 15-11-2(c) requires that in order to establish "reasonable cause," the taxpayer must demonstrate that it "exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed...."

Taxpayer is a substantial and sophisticated business entity fully capable of determining – with a reasonable degree of accuracy – its Indiana tax liabilities. It has failed to demonstrate that it exercised the degree of "ordinary business care" necessary for the Department to abate the penalty.

#### **FINDING**

Taxpayer's protest is respectfully denied.

---

---

## **DEPARTMENT OF STATE REVENUE**

0220000419.LOF

### **LETTER OF FINDINGS NUMBER: 00-0419**

#### **Gross Income Tax**

#### **For Tax Periods: 1996-1997**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUE**

### **Gross Income Tax – Gross Receipts**

**Authority:** IC 6-2.1-2-2, IC 6-2.1-4-2, 45 IAC 45-1-1-17

The taxpayer protests the assessment of gross income tax on receipts which the taxpayer claims constitute exempt agency receipts.

#### **STATEMENT OF FACTS**

The taxpayer is an association of retailers. After a routine audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional income tax. The taxpayer protested the assessment and a hearing was held. Further facts will be provided as necessary.

### **Gross Income Tax – Gross Receipts**

#### **DISCUSSION**

The taxpayer publishes two magazines. When the taxpayer agrees to sell an advertisement in a particular magazine, it sends a confirmation to the advertising agency involved. That confirmation shows the gross cost of the advertisement, the advertising agency commission of fifteen per cent (15%) and the net billing for the advertisement. Later the taxpayer sends an invoice to the advertising agency with the same information. Either the advertising agent or the advertiser pays the taxpayer by check. The advertisers pay the advertising agency's percentage of the bill directly to the advertising agency. The taxpayer never receives a check or other compensation for the advertising agency commission. Due to its accrual accounting method, the taxpayer records the total price of the advertisement in its books, with separate entries for the advertising agency commission and the actual cost for the publication of the advertisement.

The department imposed gross income tax on the advertising agency commissions. The taxpayer protested this assessment.

IC 6-2.1-2-2 imposes a gross income tax on the gross income or gross receipts of taxpayers domiciled in Indiana. The term "gross receipts" is clarified in the applicable 1988 Regulations at 45 IAC 1-1-17 as follows:

Gross Income Defined. "Gross income" and "gross receipts" mean the entire amount of gross income received by a taxpayer. This includes all income actually or constructively received, i.e., monies credited to the taxpayer by his creditors, or paid to his creditors on his behalf by a third party.

Amounts received or credited include not only cash and checks but notes or other property of any value or kind, services of any value or kind and receipts in any form received by or credited to the taxpayer in lieu of cash.

The taxpayer is required to report his entire gross income in order to determine its taxability. From this amount he may take deductions as allowed under the Act.

The taxpayer contends that it never actually or constructively receives the money or any other services, receipts in kind or any other type of credit for the advertising agency's fifteen per cent (15%) of the total billing. Therefore, the advertising agency fee does not qualify as gross receipts subject to gross income tax.

In accordance with its accrual accounting method, the taxpayer actually records the total amount as a receipt. Additionally, the recorded amounts are constructively received gross income since a third party satisfies the taxpayer's obligation to the ad agency. As such, the recorded amounts are gross income as contemplated by the law and regulation. The law provides for certain deductions from gross income for tax purposes such as a deduction for bad debts pursuant to IC 6-2.1-4-2. However, the law provides no deduction for commissions.

The department properly imposed gross income tax on the commissions.

#### **FINDING**

The taxpayer's protest is denied.

---

### **DEPARTMENT OF STATE REVENUE**

0320010004.LOF

#### **LETTER OF FINDINGS NUMBER: 01-0004**

##### **Withholding Tax**

##### **For Tax Periods: 1993-1996**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUES**

##### **1. Withholding Tax – Calculation**

**Authority:** IC 6-3-4-8 (a), IC 6-8.1-5-1 (b), IC 6-2.1-6.2

The taxpayer protests the assessment of withholding tax.

##### **2. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-4, 45 IAC 15-11-4

The taxpayer protests the assessment of the One Hundred Percent (100%) penalty.

#### **STATEMENT OF FACTS**

The taxpayer is a full service bridal shop. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional withholding tax, interest, and penalty. The taxpayer protested and a hearing was held on the taxpayer's contention that the department incorrectly calculated the withholding tax and incorrectly imposed the one hundred percent (100 %) penalty.

##### **1. Withholding Tax – Calculation**

#### **DISCUSSION**

Indiana requires employers to withhold adjusted gross income taxes from employees' wages and remit the taxes withheld to the state pursuant to IC 6-3-4-8 (a) in pertinent part as follows:

... every employer making payments of wages subject to tax... shall, at the time of payment of such wages, deduct and retain therefrom the amount prescribed in withholding instructions issued by the department... Such employer making payments of any wages:

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and withheld under this section...and

(2) shall make return of and payment to the department monthly of the amount of tax which under IC 6-3 and IC 6-3.5 he is required to withhold.

Pursuant to IC 6-8.1-5-1 (b), all tax assessments are presumed to be accurate and the taxpayer bears the burden of proving that any assessment is incorrect.

The department totaled the wages and officers' compensation reported on year's respective Corporate Income Tax Return (Form 1120) and this amount was multiplied by the state's withholding rate of 3.4% to arrive at the proposed tax liability.

The taxpayer contends that the department should not have withheld on the first one thousand dollars (\$1000) paid to each of the employees pursuant to IC 6-2.1-6.2 as follows:

(b) Except as provided in subsection (c), each calendar year each individual, firm, organization, or governmental agency of any kind who make payments to a nonresident contractor for performance of any contract, except contracts of sale, shall withhold from such payments the amount of gross income tax owed upon the receipt of those payments under this article...

(c) A withholding agent who withholds gross income tax pursuant to subsection (b) may not withhold any gross income tax for the first one thousand dollars (\$1,000) paid to a nonresident contractor during a calendar year.

The cited statute clearly refers to withholding on the gross income tax of nonresident contractors. The taxpayer errs in its interpretation that it did not need to withhold and remit tax on the first one thousand dollars (\$1000) of its employees' adjusted gross income pursuant to the cited statute. The employees were not nonresident contractors and the assessment concerns the adjusted gross income rather than gross income tax.

The taxpayer failed to sustain its burden of proving that the department incorrectly calculated the withholding tax due to the state.

#### **FINDING**

The taxpayer's protest is denied.

### **2. Tax Administration – Penalty**

#### **DISCUSSION**

The taxpayer also protests the imposition of the one hundred percent (100%) penalty pursuant to the following provisions of IC 6-8.1-10-4:

(a) If a person fails to file a return or to make a full tax payment with that return with the fraudulent intent of evading the tax, the person is subject to a penalty.

(b) The amount of the penalty imposed for a fraudulent failure described in subsection (a) is one hundred percent (100%) multiplied by:

(1) the full amount of the tax, if the person failed to file a return

The application of this penalty is further described and clarified at 45 IAC 15-11-4 as follows:

The penalty for failure to file a return or to make full payment with that return with the fraudulent intent of evading the tax is one hundred percent (100%) of the tax owing. Fraudulent intent encompasses the making of a misrepresentation of a material fact which is known to be false, or believed not to be true, in order to evade taxes. Negligence, whether slight or great, is not equivalent to the intent required. An act is fraudulent if it is an actual, intentional wrongdoing, and the intent required is the specific purpose of evading tax believed to be owing.

The taxpayer argues that it had business problems such as publicity surrounding an irate patron's complaint with the Indiana Attorney General's office that should reduce the penalty to the negligence penalty. Business problems, however, are not a relevant factor in determining whether or not a taxpayer fraudulently failed to pay tax.

In this case the taxpayer seriously misrepresented the amount of withholding tax due to the state. Often the taxpayer filed returns stating that there was no liability at all when employees had in actuality received wages. Even when the taxpayer actually filed tax due returns, it did not remit the funds to the state. The taxpayer indicated that it knew it should remit taxes. The penalty was properly applied.

#### **FINDING**

The taxpayer's protest is denied.

---

---

### **DEPARTMENT OF STATE REVENUE**

0420010039.LOF

### **LETTER OF FINDINGS NUMBER: 01-0039**

#### **Sales and Use Tax**

#### **For Tax Periods: 1993-1999**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUES**

### **1. Sales and Use Tax – Services**

**Authority:** IC 6-2.5-2-1, IC 6-2.5-4-1, IC 6-8.1-5-1 (b), IC 6-8.1-5-4, IC 6-2.5-1-2, IC 6-2.5-1-1

The taxpayer protests the assessment of sales tax on certain services.

**STATEMENT OF FACTS**

The taxpayer is a full service bridal shop. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional sales and use tax, interest, and penalty. The taxpayer protested and a hearing was held on the taxpayer's contention that the department incorrectly assessed sales tax on services.

**1. Sales and Use Tax – Services****DISCUSSION**

IC 6-2.5-2-1 imposes the sales tax on retail transactions made in Indiana. A retail transaction is defined at IC 6-2.5-4-1 as the acquiring and subsequently reselling of tangible personal property. Except for certain enumerated services, sales of services are generally not retail transactions and are not subject to sales tax.

Pursuant to IC 6-8.1-5-1 (b), all tax assessments are presumed to be accurate and the taxpayer bears the burden of proving that any assessment is incorrect. Taxpayers have a statutory duty to keep records as set out at IC 6-8.1-5-4 as follows:

Every person subject to a listed tax must keep books and records so that the department can determine the amount, if any, of the person's liability for that tax by reviewing those books and records. The records in this subsection include all source documents necessary to determine the tax, including invoices, register tapes, receipts, and canceled checks.

The taxpayer provided alterations on the wedding gowns and other items of clothing that it sold. The department assessed sales tax on these services as part of a taxable unitary transaction pursuant to IC 6-2.5-1-2. A unitary transaction is defined at IC 6-2.5-1-1 as a transaction including the transfer of tangible personal property and the provision of services for a single charge pursuant to a single agreement or order. The taxpayer contended that the alterations were actually services for which buyers contracted separately and therefore were not subject to the sales tax.

The taxpayer was given over sixty (60) days to submit documentation substantiating its contention. The taxpayer failed to provide any such documentation.

The taxpayer also argued that a portion of its receipts were for alteration services performed for clothing manufacturers and other retail establishments. The taxpayer also failed to provide any documentation supporting this claim.

The taxpayer failed to sustain its burden of proving that the department incorrectly assessed sales tax on services.

**FINDING**

The taxpayer's protest is denied.

---

---

**DEPARTMENT OF STATE REVENUE**

0420010040.LOF

**LETTER OF FINDINGS NUMBER: 01-0040****Use Tax – Employee Purchases****Gross Retail and Use Tax – Duplicate Assessments****Use Tax – Inventory Items****Tax Administration – Penalty****For Tax Years 1997-1999**

**NOTICE:** Under Ind. Code § 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUES****I. Use Tax – Employee Purchases**

**Authority:** IC § 6-2.5-2-1; IC § 6-2.5-3-1; 45 IAC 2.2-2-1; IC § 6-2.5-3-2; 45 IAC 2.2-2-2; IC § 6-2.5-3-4; 45 IAC 2.2-3-4; IC § 6-2.5-4-1; 45 IAC 2.2-3-14; IC § 6-2.5-6-7; 45 IAC 2.2-3-18; IC § 6-2.5-9-3; 45 IAC 2.2-3-19; IC § 6-8.1-5-1

Taxpayer protests the proposed assessment of Indiana's use tax on employee purchases, arguing that the employees are liable for the tax.

**II. Gross Retail and Use Tax – Duplicate Assessments**

Taxpayer protests the proposed assessments of Indiana's gross retail and use taxes, arguing that some of the assessments are duplicates.

**III. Use Tax – Items Held in Inventory**

**Authority:** IC § 6-2.5-3-1; IC § 6-2.5-3-2

Taxpayer protests the proposed assessment of Indiana's use tax on manufactured items held in inventory before being sold or used.

**IV. Tax Administration – Penalty**

**Authority:** IC § 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests the proposed assessment of the negligence penalty.

**STATEMENT OF FACTS**

Taxpayer is a pipeline contractor engaged in the installation, trenchless rehabilitation, lining, replacement and upgrading of gas mains and/or deteriorating pipelines carrying water, wastewater, or natural gas. Taxpayer performs some time/material contracts where the state's gross retail tax is properly collected and remitted to the Department. The majority of taxpayer's work is for labor only. According to the audit, "[t]he taxpayer consistently indicates on purchase invoices when materials, tools, equipment, or supplies are purchased for resale or used/consumed in the performance of [taxpayer's] construction contracts "by stating **resale** on the actual purchase invoice, use tax accrual on sales reports, and/or placing the item in a taxable general ledger account or in inventory." However, there were a number of items purchased without sales tax being paid; therefore, the audit assessed use tax on those items, and assessed a 10% negligence penalty. Taxpayer paid the assessments, but only after subtracting figures taxpayer alleged represented duplicate assessments. The protest was forwarded to the Legal Division for resolution by way of a protest hearing. Taxpayer's representative sent documents in advance of the telephone conference hearing. Further facts will be added as necessary.

**I. Use Tax – Employee Purchases**

**DISCUSSION**

Taxpayer protests the proposed assessments of Indiana's use tax based on the best information available to the Department at the time of the audit. Because of taxpayer's and his representative's inability to timely provide the proper documents to the auditor, a hearing was set before one of the Legal Division's Hearing Officers. Taxpayer's representative provided sufficient documentation, and explanations of how differing accounts worked in taxpayer's accounting methods, that the Department can now determine taxpayer's proper tax liability. Taxpayer has also withdrawn part of the use tax protest, acknowledging that additional use tax is owed.

Under IC § 6-8.1-5-1(b), a "notice of proposed assessment is *prima facie* evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made." IC § 6-2.5-2-1 imposes the tax retail merchants are required to collect and remit:

- (a) An excise tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana.
- (b) The person who acquires property in a retail transaction is liable for the tax on the transaction and, except as otherwise provided in this chapter, shall pay the tax to the retail merchant as a separate added amount to the consideration in the transaction. **The retail merchant shall collect the tax as agent for the state.**

(Emphasis added). *See also*, 45 IAC 2.2-2-1 and 45 IAC 2.2-2-2.

IC § 6-2.5-3-1 defines "use," for purposes of Indiana's use tax statute and regulations, as the "exercise of any right or power of ownership over tangible personal property. IC § 6-2.5-3-2 imposes the use tax:

- (a) An excise tax, known as the use tax, is imposed on the storage, use or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction.

*See also*, 45 IAC 2.2-3-4.

Storage, use, and consumption of tangible personal property in Indiana is exempt from the use tax if "(1) the property was acquired in a retail transaction in Indiana and the state gross retail tax has been paid on the acquisition of that property." IC § 6-2.5-3-4; 45 IAC 2.2-3-14. Taxpayers who use, store, or consume tangible personal property acquired in a retail transaction are "personally liable for the use tax." *See also*, 45 IAC 2.2-3-18 and 45 IAC 2.2-3-19.

One of the areas where the Audit Division assessed use tax owed to the Department concerns an account taxpayer has set up to handle employee purchases of items taxpayer obtains from its vendors and offers as a benefit to its employees. If taxpayer is acting as a retail merchant in these kinds of transactions, then taxpayer should have collected and remitted retail tax.

Taxpayer argued at the hearing that if any retail tax was owed, the employees purchasing these items owed the tax. Taxpayer is correct. However, taxpayer should have collected and remitted the tax pursuant to IC § 6-2.5-2-1(b). Since taxpayer did not collect and remit the gross retail tax, and since taxpayer cannot prove the items at issue were purchased for resale, taxpayer is liable for use tax under IC § 6-2.5-3-1, IC § 6-2.5-3-2, IC § 6-2.5-6-7 and IC § 6-2.5-9-3.

Two areas where the Audit Division assessed Indiana's use tax involve a mistake on taxpayer's part where taxpayer mistakenly placed helmets taxpayer uses into a nontaxable inventory account rather than into the proper, use taxable account. Taxpayer has withdrawn that part of its protest over the following use tax assessments:

1997:	\$313.69
1998:	\$647.82
1999:	\$1,133.62

**FINDING**

Taxpayer's protest concerning the proposed assessment of use tax on employee purchases is denied.

**II. Gross Retail and Use Tax – Duplicate Assessments**

The second issue concerns one of taxpayer's capital accounts. Taxpayer presented sufficient evidence to show that the

projection method the auditor relied on was unnecessary in that all invoices for the tax years at issue were examined. Moreover, neither taxpayer, nor an authorized representative signed the Agreement to the Projection Method. Such a signature would have bound taxpayer to the projection method. Several items were taxed twice, once as a purchase, once as a capital asset. These doubly taxed items should have only been taxed once. They include two items purchased at auction. Page 33 of the Audit Summary shows the items taxed as capital assets. Both items also show up on page 15 as purchases. *See*, yellow highlighted areas in taxpayer's materials faxed in advance of the hearing, tabs labeled A and B.

#### **FINDING**

Taxpayer's protest concerning duplicate assessments is sustained.

### **III. Use Tax – Items Held in Inventory**

The third issue concerns another one of taxpayer's capital accounts. Taxpayer makes tangible personal property in its fabrication shop, such as special equipment, trucks, engines, etc. For example, at any given time, taxpayer may make three pieces of equipment at a time, producing one or two for resale, its own use, or just to exist until a decision is made concerning what to do with it. If taxpayer decides to capitalize it, taxpayer pays use tax; if taxpayer decides to sell it, taxpayer collects and remits gross retail tax. However, use tax is also owed for the time items are stored before taxpayer decides what to do with them. *See*, IC § 6-2.5-3(1)(a) and (b); IC § 6-2.5-3-2 (a).

#### **FINDING**

Taxpayer's protest concerning the proposed assessments of use tax on items held in inventory is denied.

### **IV. Tax Administration – Penalty**

#### **DISCUSSION**

Taxpayer protests the imposition of the 10% negligence penalty. Taxpayer argues that it had reasonable cause for failing to pay the appropriate amount of tax due, based solely on taxpayer's review of its records compared to the figures in the Audit Summary.

Indiana Code Section 6-8.1-10-2.1(d) states that if a taxpayer subject to the negligence penalty imposed under this section can show that the failure to file a return, pay the full amount of tax shown on the person's return, timely remit taxes held in trust, or pay the deficiency determined by the department was due to reasonable cause and not due to willful neglect, the department shall waive the penalty. Indiana Administrative Code, Title 45, Rule 15, section 11-2 defines negligence as the failure to use reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence results from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by Indiana's tax statutes and administrative regulations.

In order for the Department to waive the negligence penalty, taxpayer must prove that its failure to pay the full amount of tax due was due to reasonable cause. Taxpayer may establish reasonable cause by "demonstrat[ing] that it exercised ordinary business care and prudence in carrying or failing to carry out a duty giving rise to the penalty imposed...." In determining whether reasonable cause existed, the Department may consider the nature of the tax involved, previous judicial precedents, previous department instructions, and previous audits.

Taxpayer has not set forth a basis whereby the Department could conclude taxpayer exercised the degree of care statutorily imposed upon an ordinarily reasonable taxpayer. Some of the questions raised by taxpayer involved technical issues of interpretation and applicability, such as the capital accounts and double taxation of items. However, taxpayer was negligent in not properly assessing and remitting all use tax owed to the Department.

#### **FINDING**

Taxpayer's protest concerning the proposed assessment of the 10% negligence penalty is denied.

---

---

## **DEPARTMENT OF STATE REVENUE**

0420010065.LOF

### **LETTER OF FINDINGS NUMBER: 01-0065**

#### **Responsible Officer**

#### **Sales Tax and Withholding Tax**

#### **For Tax Periods: 1993-1999**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning specific issues.

#### **ISSUES**

#### **Sales and Withholding Tax – Responsible Officer Liability**

**Authority:** IC 6-2.5-9-3, IC 6-3-4-8 (f), IC 6-8.1-5-1 (b), Indiana Department of Revenue v. Safayan 654 N.E. 2nd 270 (Ind.1995) at page 273

The taxpayer protests the assessment of responsible officer liability for unpaid corporate sales and withholding taxes.

**STATEMENT OF FACTS**

The taxpayer was a shareholder and secretary-treasurer of a corporation that did not remit the proper amount of sales and withholding taxes to Indiana for the period December, 1993 through November 30, 1999. The taxpayer was personally assessed for the taxes. The taxpayer protested these assessments and a hearing was held. More facts will be provided as necessary.

**Sales and Withholding Tax – Responsible Officer Liability****DISCUSSION**

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

An individual who:

- (1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and
- (2) has a duty to remit state gross retail or use taxes to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

The proposed withholding taxes were assessed against the taxpayer pursuant to IC 6-3-4-8(f), which provides that “In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest.”

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the Taxpayer who has the burden of proving that assessment is incorrect. IC 6-8.1-5-1 (b).

The seminal case concerning the personal liability of officers for corporate withholding and sales taxes is Indiana Department of Revenue v. Safayan 654 N.E. 2nd 270 (Ind.1995). In that case, four investors started a restaurant. One couple, the Safayans, provided most of the capital for the restaurant. The other couple provided the knowledge and experience in the restaurant business. The Safayans delegated the day to day operations of the restaurant to the second couple. After withholding and sales taxes were not properly remitted to the state of Indiana, the Indiana Department of Revenue assessed those taxes, penalty and interest against Mrs. Safayan in her capacity as president of the corporation. The Court found at page 273 that “The statutory duty to remit trust taxes falls on any officer or employee who has the authority to see that they are paid.”

From the date of incorporation until January 28, 1994, the taxpayer was the secretary-treasurer of the corporation. As such, the taxpayer had control of all of the corporation’s financial records and final authority concerning the payment of any liability. Therefore, he had the statutory duty to see that all trust taxes were paid. All sales and withholding taxes due to the state while the taxpayer was actively the secretary-treasurer have been paid.

The taxpayer contends and has provided sufficient documentation that on January 28, 1994, the president of the corporation forcibly evicted the taxpayer from the corporate offices. At that time the president took over all responsibility for the operations of the corporation including all responsibility for the corporate finances. The taxpayer was no longer able to take any part in the corporate affairs. Since the taxpayer was unable to exercise any authority over the corporate operations, he sustained his burden in proving that he did not have the statutory duty to remit trust taxes due to the state after January 28, 1994.

**FINDING**

The taxpayer’s protest is sustained.

---

---

**DEPARTMENT OF STATE REVENUE**

0420020014.LOF

**LETTER OF FINDINGS NUMBER: 02-0014****Indiana Sales and Use Tax  
For the Tax Years 1996 through 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department’s official position concerning a specific issue.

**ISSUES****I. Equipment Use in “Field Filtering” Waste Oil – Sales and Use Tax Production Exemption**

**Authority:** IC 6-2.5-1-1 et seq.; IC 6-2.5-5-3(b); General Motors v. Dept. of State Revenue, 578 N.E.2d 399 (Ind. Tax Ct. 1991); Indiana Dept. of State Revenue v. Cave Stone, Inc., 457 N.E.2d 520 (Ind. 1983); 45 IAC 2.2-5-8(f)(3)

Taxpayer argues that the equipment used in “field filtering” oil – both at the time the oil is retrieved from the original supplier and at the time the treated oil is delivered to the ultimate consumer – is entitled to the sales and use tax production exemption.

**II. Sales and Use Tax Claim for Taxes by Taxpayer’s Predecessor Company**

**Authority:** IC 6-8.1-9-1(a); 45 IAC 15-9-2(d); Tax Policy Directive 4, 1992; Commissioner’s Directive 13, 1989

Taxpayer maintains that it is entitled to present a refund claim for sales and use taxes paid both by itself and by its predecessor company.

### III. Abatement of the Ten Percent Negligence Claim

**Authority:** IC 6-8.1-10-2.1; IC 6-8.1-10-2.1(d); 45 IAC 15-11-2(b); 45 IAC 15-11-2(c)

Taxpayer asserts that it is entitled to abatement of the ten percent negligence penalty assessed at the time of the audit.

#### STATEMENT OF FACTS

Taxpayer is in the business of buying, processing, and reselling waste petroleum products. Taxpayer acquires the waste oil from various sources, picks up the oil, brings the oil to its on-site facility, and then resells the treated oil to companies which are equipped to burn the treated oil for heating purposes. The sources for the oil include; oil change businesses, equipment repair facilities, and service stations. These sources pay a fee in order to have taxpayer pick up their waste oil. Taxpayer's customers – specially equipped to burn the treated oil – include; asphalt companies, steel mills, paper mills, and electric utilities.

Taxpayer is also engaged in cleaning up, treating, and appropriately disposing of contaminated water and contaminated solids.

In those instances in which the waste oil can eventually be processed and resold, the processing takes place at three different stages. At the point where the waste oil is first picked up, the waste oil is filtered as it is being pumped into taxpayer's transport truck. The partially treated oil is then brought to the taxpayer's facility where it is chemically or heat treated. Taxpayer then transports this treated product to one of its customers where, at the point of delivery, the product is once again filtered.

The audit determined that the activities, occurring immediately before the oil was brought to the on-site facility, were "preproduction" activities. The audit determined that the activities which occurred after the treated oil left the taxpayer's on-site facility were "post-production" activities. Accordingly, the audit concluded that the filtering equipment involved in these "preproduction" and "post-production" activities did not warrant exemption from the sales and use tax. The taxpayer disagreed with that conclusion and filed a protest with the Department of Revenue (Department). An administrative hearing was held, and this Letter of Findings followed.

#### DISCUSSION

##### I. Equipment Use in "Field Filtering" Waste Oil – Sales and Use Tax Production Exemption

Essentially, the audit and the taxpayer disagreed as to the scope of taxpayer's production process. The audit determined that taxpayer's production process began and ended at the taxpayer's on-site facility. Taxpayer maintains that its production activities began with the initial filtering performed at the point where the waste oil is obtained from its suppliers; taxpayer further maintains that its production activities did not conclude until the treated oil was delivered – and filtered – at the site of one of its customers. Accepting for the moment taxpayer's assertions, the field filtering equipment used at the point where the waste oil is picked up and the equipment used at the point where the processed oil is finally delivered to one of its customers, was entitled to the manufacturing exemption.

In Indiana, a sales tax is imposed on retail transactions and a complementary use tax is imposed on tangible personal property that is stored, used, or consumed in the state. IC 6-2.5-1-1 et seq. In this instance, taxpayer invokes one of the exemptions found at IC 6-2.5-5-3(b). The exemption statute reads as follows:

Transactions involving manufacturing machinery, tools, and equipment are exempt from the state gross retail tax if the person acquiring that property acquires it for *direct* use in the *direct* production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property. (*Emphasis added*).

As used in the exemption statute, the courts have defined the term "processing" to mean, "[A]n operation which places the product in a different, form, composition or character." Indiana Dept. of State Revenue v. Cave Stone, Inc., 457 N.E.2d 520, 524 (Ind. 1983). The statutory exemption is applicable to those particular items of processing equipment which constitute "an essential and integral part of an integrated production process." General Motors v. Dept. of State Revenue, 578 N.E.2d 399, 401 (Ind. Tax Ct. 1991). The particular manufacturer's "production process" is not boundless having a particular point at which the process begins and a particular point at which the process terminates. The tax court has held that, "An integrated production process terminates upon the production of the most marketable finished product, e.g., the product actually marketed." Id. at 404.

The audit agreed with the taxpayer – and it is not disputed here – that taxpayer is engaged in the "processing" of waste petroleum materials into a product which can be used as heating fuel by its customers.

At the time that taxpayer collects the waste oil from one of its suppliers, the waste oil is filtered using an 800-micron filter. This initial filtering process removes large solids and particulate matter from the used motor oil. This partially treated motor oil is then brought to the taxpayer's on-site facility where it is treated with heat and/or chemicals for a controlled period of time. Water, which has been separated out of the oil, is then drained away. The partially treated oil is then filtered through a 400-micron filter which eliminates intermediate solids and particulate matter. At this point, the oil is ready for loading into taxpayer's trucks for delivery to the individual customer's location. After being transported to the customer's location and upon final delivery, the oil is then filtered through a 200-micron filter which again reduces the amount of residual solids and particulate matter. At each of the three stages of processing, the oil's viscosity, water volume, and sediment volume is altered to a measurable and quantifiable degree. All of the processed oil sold by taxpayer undergoes the identical three stages of processing.

The Indiana courts have recognized that exemption statutes, such as IC 6-2.5-5-3(b), are "strictly construed because an exemption releases property from the obligation of bearing its fair share of the cost of government." General Motors, 578 N.E.2d

at 404. Nonetheless, the exemption should not be construed so narrowly as to defeat the legislative intent expressed within that statute. *Id.*

The audit erred in concluding that the “field filtering” was not an integral part of the taxpayer’s integrated production process on the ground that these activities were pre-processing or post-processing activities. Without undergoing the initial 800-micron filtering stage, the oil would not be ready for introduction into and processing at the taxpayer’s on-site facility. Not until the final “field filtering” through the 200-micron filter occurs, is taxpayer’s actual end product produced. Absent that final filtering process, the taxpayer has not produced its actual end product. If the taxpayer would attempt to sell semi-treated oil to one of its customers, which had not undergone the final stage of filtering, the oil would not be suitable because it could not be burned. Any attempt to burn the partially treated oil would clog the customer’s fuel burning equipment. However, it should be noted that this determination does not permit a conclusion that filtering activities – standing alone – constitute an exempt activity IC 6-2.5-5-3(b).

In addition, any determination as to the taxability of the field filtering equipment, is entirely unrelated to the taxability of the transport trucks on which this equipment is installed. There is no indication that the transport trucks are directly used in the processing of the waste oil; there is no indication that taxpayer’s recycling operation constitutes “one continuous integrated production process;” there is no indication that the waste oil constitutes a “work-in-process;” and there is no indication that the transport trucks are in any way exempt from the gross retail and use tax. *See General Motors*, 578 N.E.2d at 404; 45 IAC 2.2-5-8(f)(3).

Accordingly, the Department finds that the taxpayer’s field-filtering equipment is entitled to the processing exemption under IC 6-2.5-5-3(b) because the field-filtering equipment is an integral part of the taxpayer’s continuous integrated production process during which the form, composition, and character of the waste oil is changed.

#### FINDING

Taxpayer’s protest is sustained.

### II. Sales and Use Tax Claim for Taxes by Taxpayer’s Predecessor Company

At the time of the original audit, taxpayer submitted a request for refund of 1996-1999 sales and use taxes paid in error. The audit, and the subsequent investigation, evaluated the claim for refund, and declined to consider the request for refund for failure to meet the proper filing requirements. The audit concluded that the claim for refund lacked documentation necessary to support the dollar amounts claimed.

In its protest, taxpayer now argues that it is entitled to make the claim for refund on behalf of its predecessor company. However, taxpayer oversimplifies the issues surrounding the unresolved refund claim. The audit declined to consider the refund claim for those purchases made during 1996 and 1997 on the ground that the taxpayer could not assert a claim for refund on behalf of another entity. The claim for refund for purchases, made during 1998 and 1999, was denied on entirely separate grounds.

As to taxpayer’s first argument, the relevant statute is found at IC 6-8.1-9-1(a) which states as follows: “If a person has paid more tax than the person determines is legally due for a particular taxable period, the person may file a claim for refund with the department.” The issue, relevant only to the 1996 and 1997 refund claim, was whether taxpayer, as the predecessor company, was the same “person” as the predecessor company.

Information contained within the audit investigation indicates that taxpayer was incorporated in August of 1997 and became an Indiana “Registered Retail Merchant” in that same month. The investigation concluded that, in reference to taxpayer’s 1996 and 1997 refund claim, the 1996 and 1997 taxes were paid on purchases “made by another taxpayer entity.”

Under IC 6-8.1-9-1(a), if taxpayer is the same “person” as the predecessor company which originally paid the 1996 and 1997 taxes, it is clearly entitled to present the claim for refund. If, on the other hand, taxpayer simply acquired the physical assets or the trade name of the predecessor company, it is not the same “person” and is not entitled to assert the claim. From the available information, the only thing which is certain, is that taxpayer sprang into corporate existence on August 4, 1997, and that taxpayer and the predecessor share similar names.

However, the issue is not resolved simply on a determination of corporate identity. The Department requires that any entity making a claim for refund, supply information adequate to assess the validity of the claim. 45 IAC 15-9-2(d) requires as follows:

When filing a claim for refund with the Department the taxpayer’s claim shall set forth: (1) the amount of refund claimed; (2) *a sufficiently detailed explanation of the basis of the claim such that the department may determine its correctness*; (3) the tax period for which the overpayment is claimed; and (4) the year and date the overpayment was made. (*Emphasis added*). *See also* Tax Policy Directive 4, 1992; Commissioner’s Directive 13, 1989.

The Department’s initial response to the taxpayer’s claim for refund was that there was “insufficient detail... to accurately review and evaluate the taxpayer’s basis upon which the refund amounts per vendor were claimed.” Requests to the taxpayer for further information resulted in “the auditor being furnished with an incomplete listing of the invoices upon which the claim was based.” According to the audit report, the taxpayer was able to supply information substantiating 49 percent of the amount claimed for 1996, 11 percent of the amount claimed for 1997, 29 percent of the amount claimed for 1998, and 0 percent of the amount claimed for 1999. In addition, the audit reported difficulties in reconciling the amounts contained within the information supplied by the taxpayer with the amount presented on the claim for refund form.

During the administrative protest hearing, taxpayer resubmitted the refund claim for 1996 through 1999 taxes along with an explanation for the basis of the claim. At that time, taxpayer requested that the refund claim be considered as part of its protest “because the issues involved in the refund claim [were] identical to those in the protest.” To a limited extent, taxpayer is correct; the *basis* for the refund claim apparently raises issues similar to those addressed within part I of this Letter of Findings. However, there is simply no basis for the Department, at this time, to ignore the conclusions reached by the audit investigation and to unilaterally “grant” taxpayer’s request for refund. Under IC 6-8.1-9-1(a), taxpayer is required to demonstrate that it is the same “person” as the predecessor corporation which paid the 1996 and 1997 taxes. Under 45 IAC 15-9-2(d), taxpayer is required to submit “a sufficiently detailed explanation of the basis of the claim such that the department may determine its correctness.”

#### **FINDING**

Taxpayer protest is respectfully denied.

### **III. Abatement of the Ten Percent Negligence Claim**

Taxpayer asks that the Department exercise its discretion to abate the ten percent negligence penalty imposed at the time of the original audit.

IC 6-8.1-10-2.1 requires that a ten percent penalty be imposed if the tax deficiency results from the taxpayer’s negligence. Departmental regulation 45 IAC 15-11-2(b) defines negligence as “the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer.” Negligence is to “be determined on a case-by-case basis according to the facts and circumstances of each taxpayer.” *Id.*

IC 6-8.1-10-2.1(d) allows the Department to waive the penalty upon a showing that the failure to pay the deficiency was based on “reasonable cause and not due to willful neglect.” Departmental regulation 45 IAC 15-11-2(c) requires that in order to establish “reasonable cause,” the taxpayer must demonstrate that it “exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed....”

Besides the filtering equipment addressed in Part I of this Letter of Findings, the audit determined that taxpayer – *inter alia* – failed to pay sales and use tax for non-exempt leases, machinery, tools, equipment, fuel, chemicals, containers, and clothing. Taxpayer’s bare assertion that it “demonstrated reasonable cause for the Department to waive the negligence penalty” is insufficient to establish that it exercised the “ordinary business care and prudence” required of an “ordinary reasonable taxpayer.”

#### **FINDING**

Taxpayer’s protest is respectfully denied.

---

---

## **DEPARTMENT OF STATE REVENUE**

0220020026.LOF

### **LETTER OF FINDINGS NUMBER: 02-0026**

#### **Indiana Corporate Income Tax**

#### **For the Tax Years 1997, 1998, and 1999**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department’s official position concerning a specific issue.

#### **ISSUES**

### **I. Disallowance of Claimed Business Expenses – Adjusted Gross Income Tax**

**Authority:** IC 6-3-2-2; IC 6-3-2-2(l); IC 6-3-2-2(m); Gregory v. Helvering 293 U.S. 465 (1935); Lee v. Commissioner of Internal Revenue, 155 F.2d 584 (2d Cir. 1998); Horn v. Commissioner of Internal Revenue, 968 F.2d 1229 (D.C. Cir. 1992); Commissioner v. Transp. Trading and Terminal Corp., 176 F.2d 570 (2<sup>nd</sup> Cir. 1949); Bethlehem Steel Corp. v. Ind. Dept. of State Revenue, 597 N.E.2d 1327 (Ind. Tax Ct. 1992); 45 IAC 3.1-1-55

Taxpayer argues that the audit, in calculating its adjusted gross income for 1998 and 1999, erroneously disallowed – as business expenses – royalty payments paid to a related entity for the right to use certain intellectual property.

### **II. Abatement of the Ten Percent Negligence Penalty**

**Authority:** IC 6-8.1-10-2.1; IC 6-8.1-10-2.1(d); 45 IAC 15-11-2(b); 45 IAC 15-11-2(c)

Taxpayer urges the Department to exercise its discretion and abate the ten percent negligence penalty assessed at the time of the original audit. Taxpayer argues that any tax deficiencies were not attributable to its negligence.

#### **STATEMENT OF FACTS**

Taxpayer is an out-of-state entity in the business of providing computer services. Taxpayer provides those services to customers inside the state, outside the state, and at locations throughout the world. Taxpayer’s services include: client/server design and development; conversion/migration services; and applications maintenance outsourcing.

The Department conducted an audit of taxpayer's financial records spanning the 1997, 1998, and 1999 tax years. As a result of that audit examination, a number of adjustments were made which served to increase taxpayer's tax liabilities. Taxpayer disagreed with certain of those adjustments and submitted a protest to the Department of Revenue (Department). Pursuant to that protest, an administrative hearing was conducted during which taxpayer was provided an opportunity to substantiate the basis for its protest. As a result of that hearing, this Letter of Findings was prepared.

## DISCUSSION

### I. Disallowance of Claimed Business Expenses – Adjusted Gross Income Tax

In 1998, taxpayer formed a Delaware holding company. The Delaware entity was created in order to hold certain items of taxpayer's intellectual property. The intellectual property consisted of a registered service mark and certain specialized methodologies collectively identified under a particular trade name. Before the intellectual property was transferred to the Delaware holding company, taxpayer hired an outside consultant to evaluate the intellectual property. The consultant assessed the relative value of the intellectual property and determined a method by which the affiliated companies would pay for the right to make continued use of the intellectual property. The consultant concluded that the affiliated companies should pay a royalty fee of four percent of their net income in order to employ the registered service mark. In addition, the consultant determined that the affiliated companies should pay for the continued use of the "specialized methodologies" based upon the amount of the customer's computer code processed using those methodologies. Taxpayer agreed with the consultant's conclusions and apparently adopted the suggested payment scheme.

Thereafter, taxpayer transferred ownership of the intellectual property to the Delaware holding company in exchange for a 100 percent ownership in that holding company. Taxpayer proceeded to make royalty payments to the Delaware holding company and – in calculating its own adjusted gross income derived from providing services within the state – claimed those payments as deductible business expenses. After receiving the royalty payments, the Delaware holding company retained a portion of the payments to cover its own operating costs. Thereafter, the Delaware holding company contributed the remaining funds to a wholly owned subsidiary which acted as an "investment vehicle" for the company. This wholly owned subsidiary used the royalty payments to maintain a portfolio of investments including commercial paper and municipal bonds. According to taxpayer, this arrangement "served to segregate the company's intellectual property from the investment capital and other intangible assets."

The audit disallowed the royalty payments as business expenses. It did so on the ground that the Delaware holding company was "not a viable business enterprise" and that the royalty payments constituted an "arbitrary shift of income." In support of its decision, the audit found that the Delaware holding company had no business activity, had no employees, had no assets, performed no function, assumed no risk, did nothing to earn the income, and that the "valuable" service mark was discarded less than two years after the holding company was first formed.

Taxpayer does not contest the factual basis for the audit's conclusions; it does contest the conclusions. Taxpayer does so on two grounds. Taxpayer maintains that the audit, under IC 6-3-2-2, did not have a legal or factual basis for forcing a combination of taxpayer and the Delaware holding company. In addition, taxpayer argues that the transfer of the intellectual property – and the consequent royalty payments – served a legitimate business purpose thereby transforming the royalty payments into deductible business expenses.

Taxpayer argues that the audit did not have the statutory authority to disallow the royalty payments because the Delaware holding company's royalty income was not Indiana source income. To that end, taxpayer cites to IC 6-3-2-2(m) which reads as follows:

In the case of two (2) or more organizations, trades, or businesses owned or controlled directly or indirectly by the same interests, the department shall distribute, apportion, or allocate the income derived from sources *within the state of Indiana* between and among those organizations, trades, or businesses in order to fairly reflect and report the income derived from sources *within the state of Indiana* by various taxpayers. (*Emphasis added*).

In order for Indiana to tax the income derived from an intangible, the intangible – such as taxpayer's intellectual property – must have acquired a "business situs" within the state. 45 IAC 3.1-1-55 reads in part as follows:

The situs of intangible personal property is the commercial domicile of the taxpayer... unless the property has acquired a "business situs" elsewhere. "Business situs" is the place at which intangible personal property is employed as capital; or the place where the property is located if possession and control of the property is localized in connection with a trade or business so that substantial use or value attaches to the property.

It is apparent that the Delaware holding company's intellectual property acquired a "business situs" within Indiana. The Delaware holding company licensed the taxpayer to use and exploit the intellectual property; the taxpayer obtained Indiana source income by providing its services within the state; the value obtained from possessing and exploiting the intellectual property was inextricably linked with the provision of taxpayer's services within the state. The value the Delaware holding company obtained from the intellectual property was – in relevant part – its ability to license taxpayer to use and exploit the property within Indiana. The value of the intellectual property to the Delaware holding company consisted solely of the ability to "place" that intellectual property within the state and to derive the consequent economic benefits attributable entirely to the taxpayer's Indiana business

activities. As the regulation itself states, “‘Business situs’ is the place at which [the] intangible personal property is employed as capital...” 45 IAC 3.1-1-55. The place at which “value attaches to the [intellectual] property” is within the state of Indiana. *Id.*

So far as relevant, IC 6-3-2-2(l), reads as follows:

If the allocation and apportionment provisions of this article do not fairly reflect the taxpayer’s income derived from sources within the state of Indiana, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer’s business activity, if reasonable:

- (1) separate accounting;
- (2) the exclusion of any one (1) or more of the factors;
- (3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer’s income derived from sources within the state of Indiana; or
- (4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer’s income.

The audit disallowed the royalty payments because it determined that the payments were not “business expenses” but arbitrary shifts of income lacking any economic substance. It is not disputed that the Delaware holding company has done nothing substantive to “earn” these royalty payments. It has performed no activities which protect or enhance the value of the intellectual property. Indeed, because the Delaware holding company apparently has no employees or physical location, it does not seem capable of performing any such activity. The record does not reveal how much of the \$25,000,000 in royalty payments the Delaware holding company retained to pay its own expenses. The record does not reveal how the amount of royalty payments was transferred to the wholly owned “investment vehicle.” However, the record *does* reveal that the Delaware holding company “has no assets.” Therefore, because taxpayer acquired 100 percent ownership of the Delaware holding company, it would appear that taxpayer retained the right to control the ultimate disposition of those substantial assets. Plainly speaking, it would appear that the royalty payments were simply the transfer of assets from one corporate pocket into another. Simply labeling the transfer as “royalty payments” and “business expenses,” does not – in fact or law – make them so.

The audit was clearly justified in determining that permitting the taxpayer to classify the royalty payments as business expenses artificially distorted taxpayer’s Indiana income. The plain language of IC 6-3-2-2(l) states that “[i]f the allocation and apportionment provisions of this article do not fairly represent that taxpayer’s income derived from sources within the state of Indiana... the department may require, in respect to *all or any part of the taxpayer’s business activity*... the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer’s income.” (*Emphasis added*).

In addition, the audit is justified in disallowing the royalty and interest deductions on the ground that the expenses were incurred as a result of a “sham transaction.”

The “sham transaction” doctrine is well established both in state and federal tax jurisprudence dating back to Gregory v. Helvering 293 U.S. 465 (1935). In that case, the Court held that in order to qualify for a favorable tax treatment, a corporate reorganization must be motivated by the furtherance of a legitimate corporate business purpose. *Id.* at 469. A corporate business activity undertaken merely for the purpose of avoiding taxes was without substance and “[t]o hold otherwise would be to exalt artifice above reality and to deprive the statutory provision in question of all serious purpose.” *Id.* at 470. The courts have subsequently held that “in construing words of a tax statute which describe [any] commercial transactions [the court is] to understand them to refer to transactions entered upon for commercial or industrial purposes and not to include transactions entered upon for no other motive but to escape taxation.” Commissioner v. Transp. Trading and Terminal Corp., 176 F.2d 570, 572 (2<sup>nd</sup> Cir. 1949), *cert denied*, 338 U.S. 955 (1950). “[t]ransactions that are invalidated by the [sham transaction] doctrine are those motivated by nothing other than the taxpayer’s desire to secure the attached tax benefit” but are devoid of any economic substance. Horn v. Commissioner of Internal Revenue, 968 F.2d 1229, 1236-37 (D.C. Cir. 1992). In determining whether a business transaction was an economic sham, two factors can be considered; “(1) did the transaction have a reasonable prospect, ex ante, for economic gain (profit), and (2) was the transaction undertaken for a business purpose other than the tax benefits?” *Id.* at 1337.

Taxpayer maintains that the transfer of its intellectual property to the Delaware holding company was made for a legitimate business purpose. Taxpayer argues that the royalty payments were made in furtherance of that business purpose, that the payments were made at arms length, and that the value of the intellectual property – and the consequent payments to the Delaware holding company – was determined by an independent third-party.

There is no evidence that taxpayer’s business operations changed after the intellectual property was transferred to the Delaware holding company. There is no evidence that the Delaware holding company performed any of the work necessary to preserve or enhance the value of the intellectual property. There is no evidence that the Delaware holding company incurred any independent expenses to manage, preserve, or enhance the value of the intellectual property. There is no evidence that the Delaware holding company ever exercised any independent authority over “its” intellectual property or that it ever had the actual authority to do so. There is no evidence that the Delaware holding company exercised any independent business judgment in an effort to more fully exploit the value of the intellectual property. There is no evidence that the transactions entered into between taxpayer and the Delaware holding company in any way added to the value of the intellectual property.

The question of whether or not a transaction is a sham, for purposes of the doctrine, is primarily a factual one. Lee v.

Commissioner of Internal Revenue, 155 F.2d 584, 586 (2d Cir. 1998). The taxpayer has the burden of demonstrating that the subject transaction was entered into for a legitimate business purpose. IC 6-8.1-5-1(b).

The taxpayer has failed to meet its burden of demonstrating that the transfer of the intellectual property to the Delaware holding company or that the royalty payments subsequently made were supported by any business purpose other than tax avoidance. Taxpayer's tender of royalty payments was entirely illusory; any value the Delaware holding company received from the royalty payments accrued exclusively to the benefit of taxpayer because the Delaware holding company was entirely owned by taxpayer.

Taxpayer is, of course, entitled to structure its business affairs in any manner it deems appropriate and to vigorously pursue any tax advantage attendant upon the management of those affairs. However, in determining the nature of a business transaction and the resultant tax consequences, the Department is required to look at "the substance rather than the form of the transaction." Bethlehem Steel Corp. v. Ind. Dept. of State Revenue, 597 N.E.2d 1327, 1331 (Ind. Tax Ct. 1992).

#### **FINDING**

Taxpayer's protest is respectfully denied.

#### **II. Abatement of the Ten Percent Negligence Penalty**

Taxpayer maintains that its tax deficiencies were not due to negligence and that it exercised reasonable care in respect to the duties placed upon it by the Indiana code and Department regulations.

IC 6-8.1-10-2.1 requires that a ten percent penalty be imposed if the tax deficiency results from the taxpayer's negligence. Departmental regulation 45 IAC 15-11-2(b) defines negligence as "the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer." Negligence is to "be determined on a case-by-case basis according to the facts and circumstances of each taxpayer." Id.

IC 6-8.1-10-2.1(d) allows the Department to waive the penalty upon a showing that the failure to pay the deficiency was based on "reasonable cause and not due to willful neglect." Departmental regulation 45 IAC 15-11-2(c) requires that in order to establish "reasonable cause," the taxpayer must demonstrate that it "exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed..."

The audit assessed the negligence penalty on the ground that taxpayer had substantially underreported its tax liability for 1997, 1998, and 1999. Nearly all of the additional assessments for 1997 and 1998 arose from taxpayer's failure to report Indiana income for gross income tax purposes. The audit found that, for gross income tax purposes, the income "[was] clearly reportable."

Even setting aside the validity of the adjusted gross income tax argument raised in part I of this Letter of Findings, taxpayer has failed to demonstrate that the underreporting of its gross income tax liability – almost 70 percent for 1997 – was a justifiable exercise in "ordinary business care and prudence." 45 IAC 15-11-2(c). To the contrary, taxpayer's underreporting clearly seems to be a "failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer." 45 IAC 15-11-2(b).

#### **FINDING**

Taxpayer's protest is respectfully denied.

---

---

### **DEPARTMENT OF STATE REVENUE**

0420020028.LOF

#### **LETTER OF FINDINGS NUMBER: 02-0028**

**For the Period: 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUES**

##### **I. Sales/Use Tax – Conversion Vehicle**

**Authority:** IC 6-2.5-3-1; IC 6-2.5-3-2; 45 IAC 2.2-3-5; Tax Policy Directive #8; IC 6-8.1-10-1(e); IC 6-8.1-5-1(b); IC 6-8.1-10-2.1

The taxpayer protests the assessment of tax on a conversion vehicle.

#### **STATEMENT OF FACTS**

The taxpayer is in the vehicle (e.g., vans) conversion business. In 2000 the taxpayer purchased a vehicle [hereinafter referred to as "C"] exempt from tax. The taxpayer capitalized the "C" as a capital asset. Taxpayer argues that it sold the "C" in the early months of 2001, and that it was held as inventory.

##### **I. Sales/Use Tax – Conversion Vehicle**

#### **DISCUSSION**

As background information about its business, the taxpayer states it does not normally purchase vehicles:

Most of the chassis we convert are not purchased, but assigned from the manufacturer's pool to the [sales] dealer who purchases the vehicle.

The taxpayer explains that the “C” was not available from a manufacturer’s pool and therefore the taxpayer “had to purchase the chassis to convert it.”

The taxpayer also notes that the vehicle at issue in the protest was, at the time, a new product for the taxpayer:

We are in the vehicle conversion business and have been in the research & development stage of converting [C’s]. This specific car was our first demo vehicle. It did go through a conversion process and was sold in February 2001.

The taxpayer protests that although the “C” was capitalized, the “C” was actually purchased for resale, and thus should not be subject to tax:

Obviously, there was an internal communication error that caused this vehicle to be capitalized. But, we do not feel that the misclassification of this vehicle should make it taxable.

At the hearing, the taxpayer stated that part of the mistake in capitalizing the “C” was that they normally do not buy the vehicle chassis and that this was first such “C” that the taxpayer converted.

The auditor argues that use tax is in fact due on the “C,” not only because of the capitalization by the taxpayer, but also because the taxpayer’s employees put the vehicle to personal use. Indiana Code 6-2.5-3-1 defines “use” as:

(a) “Use” means the exercise of any right or power of ownership over tangible personal property.

And in pertinent part IC 6-2.5-3-2 states:

(a) An excise tax, known as the use tax, is imposed on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction.

(b) The use tax is also imposed on the storage, use, or consumption of a vehicle, aircraft, or a watercraft, if the vehicle, aircraft, or watercraft:

(1) is acquired in a transaction that is an isolated or occasional sale; and

(2) is required to be titled, licensed, or registered by this state for use in Indiana. ...

Also, Indiana Administrative Code deals with “use tax” and motor vehicles (*See* 45 IAC 2.2-3-5). The personal use of the “C” by various employees also runs afoul of Tax Policy Directive #8, which states that vehicles provided to anyone other than a full-time salesperson (examples provided by the Tax Policy Directive include part-time salespersons, mechanics, and managers) are subject to use tax.

In conclusion, the taxpayer capitalized the “C”, thus taking it out of inventory. And, *arguendo*, even if the taxpayer had not capitalized the vehicle, allowing the personal use of the vehicle by anyone other than a full-time salesperson subjects the vehicle to use tax.

The taxpayer also mentions in a parenthetical that it is also protesting the penalty and interest. Interest cannot be waived by statute (IC 6-8.1-10-1(e)), and the taxpayer, who bears the burden of “proving the proposed assessment is wrong” under IC 6-8.1-5-1(b) has not developed any arguments on the penalty assessed per IC 6-8.1-10-2.1.

#### **FINDING**

The taxpayer’s protest is denied.

---

---

### **DEPARTMENT OF STATE REVENUE**

0220020082.LOF

#### **LETTER OF FINDINGS NUMBER: 02-0082**

##### **Gross Income Tax For the 1998 Tax Year**

**NOTICE:** Under IC 5-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department’s official position concerning a specific issue.

#### **ISSUES**

##### **I. Non-Profit Water & Sewer Utility Cooperative – Gross Income Tax**

**Authority:** IC 6-2.1-1-2(a); IC 6-2.1-1-16(17); IC 6-2.1-3-19; IC 6-2.1-3-19(b); IC 6-2.1-3-20; IC 6-2.1-3-21; IC 6-2.1-3-22; IC 6-2.1-3-33; IC 6-8.1-3-3; Department of Revenue Information Bulletin 73 (1988, 2001)

Taxpayer argues that, because it is a not-for-profit utility cooperative, it was not responsible for paying the state’s gross income tax. Further, taxpayer maintains that it was not required to file for a not-for profit exemption certificate with the state in order to qualify for that exemption.

##### **II. Prospective Treatment of Taxpayer’s Gross Income Tax Liability**

**Authority:** IC 6-8.1-3-3; IC 6-8.1-3-3(b); City Securities Corp. v. Dept. of State Revenue, 704 N.E.2d 1122 (Ind. Tax Ct. 1998); West Publishing Co. v. Indiana Dept. of Revenue, 524 N.E.2d 1329 (Ind. Tax Ct. 1988); Black’s Law Dictionary (7<sup>th</sup> ed. 1999)

Taxpayer is requesting that any determination as to its gross income tax liability be applied on a prospective basis. Taxpayer maintains that it is entitled to this treatment because its past failure to pay gross income tax was based on excusable neglect and that the Department is estopped from, at this late date, assessing gross income tax liability.

### III. Abatement of the Ten Percent Negligence Penalty

**Authority:** IC 6-2.1-3-19(b); IC 6-8.1-10-2.1; IC 6-8.1-10-2.1(d); 45 IAC 15-11-2(b); 45 IAC 15-11-2(c)

Taxpayer asks that the Department exercise its discretion to abate the ten percent negligence penalty; taxpayer maintains that failure to pay the tax was due to “excusable neglect” and was not due to the taxpayer’s negligence.

#### STATEMENT OF FACTS

Taxpayer was formed in 1991 as a water and sewer utility cooperative. Currently, taxpayer serves about 800 customers and has two part-time employees. From the date of its formation until 1993, the taxpayer filed Indiana Corporation Income Tax returns. The taxpayer continued to file a federal not-for-profit return until 1998. However, taxpayer never filed for or received a “not-for-profit” designation from the Department.

Because the taxpayer sold a portion of its business in 1998, taxpayer filed a federal 1120 return for that year. Taxpayer filed the 1120 return because – having sold a portion of its business – taxpayer received a sufficient amount of unrelated business income to disqualify it from filing a 1998 federal not-for-profit return.

The Department of Revenue conducted an audit of taxpayer’s 1998 business records. This audit resulted in the assessment of gross income taxes. In the belief that it was entitled to an exemption from those taxes, taxpayer submitted a protest. An administrative hearing was held, and this Letter of Findings was prepared.

#### I. Non-Profit Water & Sewer Utility Cooperative – Gross Income Tax

In 1993, IC 6-2.1-3-33 was amended to read, in part as follows: “Gross income received by... (5) A not-for-profit corporation formed for the purpose of providing a combination of; (A) Water; and (B) Sewer and sewage service; to the public; is exempt from gross income tax.” In the apparent belief that it qualified as a “not-for-profit corporation,” taxpayer stopped filing Indiana income tax returns.

The audit disagreed with taxpayer’s conclusion and – despite the plain language of IC 6-2.1-3-33 – assessed taxpayer for gross income taxes on the ground that taxpayer had failed to receive from the Department a formal designation as a “not-for-profit corporation.”

The taxpayer argues that the Department is exceeding its authority in requiring that it file for and receive such a designation. Taxpayer bases its argument on an interpretative application of the language of IC 6-2.1-3-19, IC 6-2.1-3-20, IC 6-2.1-3-21, and IC 6-2.1-3-22, which each grant a similar exemption to various other qualifying organizations such as fraternities, churches, social organizations, and hospitals. Taxpayer points out that, in each of those four statutory exemption statutes, there is found explicit language requiring that the putative exempt organization to file for and receive a not-for-profit exemption. *See* IC 6-2.1-3-19(b).

In the taxpayer’s view, because there is no such explicit requirement found within IC 6-2.1-3-33, it was simply – on the basis of its own say-so – entitled to designate itself as a qualifying not-for-profit organization. In the Department’s view, the taxpayer is required to be “registered as a not-for-profit corporation with the Indiana Department of Revenue.” Department of Revenue Information Bulletin 73, September 2001.

The legislature has vested the Department with broad authority to implement and interpret the state’s tax laws. IC 6-8.1-3-3 requires that the Department adopt regulations “governing; (1) the administration, collection, and enforcement of the listed taxes; (2) the interpretation of the statutes governing the listed taxes; (3) the procedures relating to the listed taxes....”

Clearly, IC 6-2.1-3-33 grants not-for-profit water and sewer companies an exemption from the gross income tax. However, just as plainly, the tax is imposed on “all the ‘gross receipts’ a taxpayer receives... from trades, business or commerce” (IC 6-2.1-1-2(a)) and that a “cooperative association,” such as the taxpayer, qualifies as a “taxpayer.” IC 6-2.1-1-16(17). It follows then, that there are water and sewer cooperatives which are subject to the gross income tax and that there are also water and sewer cooperatives that are not-for-profit ventures qualifying for the exemption provided under IC 6-2.1-3-33. The Department, in attempting to distinguish between the two, has adopted certain procedures which require that the entity “submit an application to file as a not-for-profit organization, Form IT-35A.” Department of Revenue Information Bulletin 73, September 2001. *See also* Information Bulletin 73, 1988.

There is no indication that the Department exceeded its authority in requiring that the taxpayer apply for and actually receive a designation as a not-for-profit organization. Given that certain water and sewer cooperatives would not qualify for the designation; that certain water and sewer cooperatives would apply for and be denied the designation; and that a limited number of water and sewer cooperatives would qualify to receive the exemption, taxpayer’s argument – that it was entitled to self-designate itself as a qualifying organization – fails.

However, even if the taxpayer had filed for and received a designation as a not-for-profit Indiana corporation, that designation would not have precluded the Department from assessing the 1998 income taxes. In order to qualify as a not-for-profit corporation, the state requires that “[t]he corporation... qualify for exemption under Section 501 of the Internal Revenue Code....” Department of Revenue Information Bulletin 73, September 2001. *See also* Information Bulletin 73, 1988. From the available information, it is apparent that taxpayer – having sold a portion of its business and realized substantial income as a result of that sale – no longer

qualified as a not-for-profit organization under the Internal Revenue Code. Because taxpayer no longer qualified as a federal not-for-profit organization, it would not have qualified under the state's own rules.

In addition, even if the taxpayer would have qualified for the exemption provided under IC 6-2.1-3-33, there is no indication that it filed the requisite "Annual Gross Income Tax Exemption Report" (IT-35AR) necessary for a qualifying taxpayer to retain its exempt status. There is no indication that taxpayer, having realized "unrelated business income" from the sale of a portion of its business, reported that income on a "Not-For-Profit Organization Income Tax Return." (IT-20NP).

**FINDING**

Taxpayer's protest is respectfully denied.

**II. Prospective Treatment of Taxpayer's Gross Income Tax Liability**

Alternatively, taxpayer argues that it is entitled to prospective treatment of the Department's determination that it is subject to the gross income tax.

Under IC 6-8.1-3-3, the Department of Revenue is without authority to reinterpret a taxpayer's tax liability without promulgating and publishing a regulation giving taxpayer notice of that reinterpretation. IC 6-8.1-3-3(b) states that "[n]o change in the department's interpretation of a listed tax may take effect before the date the change is (1) adopted in a rule under this section or (2) published in the Indiana Register...."

In *City Securities Corp. v. Dept. of State Revenue*, 704 N.E.2d 1122 (Ind. Tax Ct. 1998), the tax court found that – despite the adoption of intervening regulations to the contrary – the Department could not impose additional gross income tax on the gain realized from the sale of tax-exempt bonds because the Department had allowed the plaintiff taxpayer to continue claiming an exemption subsequent to the adoption of the regulations disallowing the exemption. *Id.* at 1129. Having permitted the plaintiff taxpayer to treat the income as exempt for approximately 42 years, the Department was estopped from reaching back to the time the intervening regulations were adopted and assess an additional gross income tax liability against the plaintiff taxpayer. *Id.* at 1128-29.

However, unlike the plaintiff taxpayer in *City Securities*, taxpayer has failed to provide a critical element necessary to establish the estoppel defense. In order to establish that defense, taxpayer must demonstrate that "the person to be estopped has induced another person to act in a certain way, with the result that the other person has been injured in some way." *Black's Law Dictionary* 571 (7<sup>th</sup> ed. 1999). The taxpayer has failed to establish that the Department – by word, deed, or writing – in any way induced the taxpayer into believing that the taxpayer could unilaterally grant itself not-for-profit status or that the taxpayer was not required to apply for and receive a not-for-profit designation as a qualified water and sewer cooperative. "The state will not be estopped in the absence of clear evidence that its agents *made* representations upon which the party asserting estoppel relied." *West Publishing Co. v. Indiana Dept. of Revenue*, 524 N.E.2d 1329, 1333 (Ind. Tax Ct. 1988) (*Emphasis added*).

The taxpayer's current quandary appears to be entirely of its own making, and was arrived at without any assistance from the Department.

**FINDING**

Taxpayer's protest is respectfully denied.

**III. Abatement of the Ten Percent Negligence Penalty**

Taxpayer argues that its failure to pay the gross income tax deficiency was not due to its own neglect and that it is justified in requesting that the Department exercise its discretion to abate the 10 percent negligence penalty. Further, taxpayer maintains that the negligence penalty should be abated under the "excusable neglect" defense found under IC 6-2.1-3-19(b).

IC 6-8.1-10-2.1 requires that a ten percent penalty be imposed if the tax deficiency results from the taxpayer's negligence. Departmental regulation 45 IAC 15-11-2(b) defines negligence as "the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer." Negligence is to "be determined on a case-by-case basis according to the facts and circumstances of each taxpayer." *Id.*

IC 6-8.1-10-2.1(d) allows the Department to waive the penalty upon a showing that the failure to pay the deficiency was based on "reasonable cause and not due to willful neglect." Departmental regulation 45 IAC 15-11-2(c) requires that in order to establish "reasonable cause," the taxpayer must demonstrate that it "exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed..."

Taxpayer has failed to demonstrate that its initial decisions – concerning its not-for-profit status and the resultant gross income tax consequences – were arrived at through the exercise of "ordinary business care and prudence." In addition, the taxpayer is not entitled to invoke the "excusable neglect" defense under IC 6-2.1-3-19(b). That particular defense is available to those not-for-profit taxpayers who fail to submit the mandatory annual report by May 15 and who, as a result, have their tax exempt status cancelled. When the otherwise qualifying taxpayer has failed to file the annual report due to "excusable neglect," the Department is required to reinstate the exemption. The "excusable neglect" defense has no relevance to the 10 percent negligence penalty imposed under IC 6-8.1-10-2.1.

**FINDING**

Taxpayer's protest is respectfully denied.

**DEPARTMENT OF STATE REVENUE**

0220020345P.LOF

**LETTER OF FINDINGS NUMBER: 02-0345P  
Adjusted Gross and Supplemental Net Income Tax  
For Calendar Year 1998**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)****I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**II. Tax Administration – Interest**

**Authority:** IC 6-8.1-10.1

Taxpayer protests the interest assessed.

**STATEMENT OF FACTS**

Taxpayer protests the penalty and interest assessment for the late payment of its income tax. The due date of the return was April 15, 1999. Taxpayer filed its return late on October 14, 1999 with payment of approximately seventy percent (70%) of its tax liability. Taxpayer made no payment at the time of filing its extension request.

Taxpayer filed a penalty and interest protest letter dated June 20, 2002 and a FAX on July 18, 2002 requesting a hearing. On September 18, 2002, taxpayer stated that an amended return had been filed for the year at issue that results in a refund. A copy was faxed to the hearing officer prior to hearing.

At issue is the original return filed on October 14, 1999 that carries a late payment penalty.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer protests the penalty assessed and states that it inadvertently under projected estimated tax payments and it regrets the oversight that has occurred. Taxpayer states that it had expanded warehousing operations, overpaid taxes in prior years, had problems with its systems, and is not a problem taxpayer.

Taxpayer did not make full payment by the original due date of the return. Approximately seventy percent of the tax due was paid on October 14, 1999 or after the due date of the return. An extension to file is not an extension for payment.

Taxpayer has not provided reasonable cause to allow the Department to waive the penalty.

**FINDING**

Taxpayer's protest is denied.

**II. Tax Administration – Interest****DISCUSSION**

Taxpayer protests the interest assessed from April 15, 1999 to the current date. Taxpayer states that it paid its taxes in full by October 15, 1999 and calculated interest from the period of April 15, 1999 to October 15, 1999 for a total of \$ 5,623.80 which it remitted with its protest letter.

Under current law, the Department has three years from the due date of the return or three years after the filing of the return to make additional assessments. Payments are applied to Penalty, Interest, and Tax, in that order and interest continues to accrue until final payment is made. The Department has no statutory authority to waive interest.

**FINDING**

Taxpayer's protest is denied.

---

---

**DEPARTMENT OF STATE REVENUE**

0420020353P.LOF

**LETTER OF FINDINGS NUMBER: 02-0353P  
Use Tax  
For Calendar Years 1991 through 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)****I. Tax Administration – Penalty****Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer, an Indiana corporation, was assessed a ten percent (10%) penalty for negligent failure to report use tax due to the State of Indiana. Taxpayer failed to register for sales and use tax; therefore a ten- (10) year audit was conducted. Taxpayer filed a BT-1 in March 2002 to become registered.

Taxpayer's representative, at hearing requests that the department waive the non-filing penalties because the taxpayer was ninety-one percent (91%) compliant in paying its sales and use taxes. Further, the parent corporation is on the East Coast and this was a first time audit.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer was assessed a penalty because it was not registered, failed to remit its use tax, and failed to file returns.

Taxpayer states it was ninety-one percent compliant and was audited for the first time. It has registered with the Indiana Department of Revenue and is filing returns currently.

Taxpayer was negligent in failing to register with the Indiana Department of Revenue and has not provided reasonable cause to allow a waiver of the penalty assessed.

**FINDING**

Taxpayer's protest is denied.

---

---

**DEPARTMENT OF STATE REVENUE**

0420020413P.LOF

**LETTER OF FINDINGS NUMBER: 02-0413P****Use Tax****For Calendar Years 1999 and 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)****I. Tax Administration – Penalty****Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer was audited for calendar years 1999 and 2000. Upon audit it was discovered that the taxpayer failed to remit use tax and had no use tax accrual system in place.

Taxpayer requests abatement of the penalty because a shareholder purchased multiple capital assets on his personal credit card. His monthly credit card bills submitted for reimbursement did not illustrate sales tax paid, but only the total amount paid. Taxpayer states it was unable to obtain the original sales invoices in order to demonstrate that sales tax was paid at the time of sale.

**I. Tax Administration – Penalty****DISCUSSION**

The audit indicates the taxpayer failed to remit use tax on clearly taxable items such as the rental of a video game machine, magazine subscriptions, and capital assets. Taxpayer had no use tax accrual system in place.

Taxpayer protests the penalty assessed and merely states that it was unable to prove that sales tax was paid.

45 IAC 15-11-2(b) states, "Negligence, on behalf of the taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

Taxpayer failed to have a use tax accrual system in place and has not provided reasonable cause to allow a penalty waiver.

**FINDING**

Taxpayer's protest is denied.

**DEPARTMENT OF STATE REVENUE**

0220020446P.LOF

**LETTER OF FINDINGS NUMBER: 02-0446P****Adjusted Gross Income Tax****Calendar Years ended 12/31/97, 12/31/98, and 12/31/99**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)****I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

The Department issued Liability Number 1999-01828234 for an underpayment penalty to which the taxpayer merely states that it has paid all penalties and interest pertaining to an audit that covers the year at issue.

Audits, however, do not cover the timing or amounts of estimated tax paid but the application of tax law. The company had missed adding back required taxes that resulted in penalties for additional tax due.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer merely states that all penalties and interest had been assessed and paid and since it paid estimates, it feels the assessment unfair and unjust.

Taxpayer failed to pay one hundred percent (100%) of the prior year's tax in estimated tax payments for 1999 that resulted in an underpayment penalty.

45 IAC 15-11-2(b) states, "Negligence, on behalf of the taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The taxpayer has not provided reasonable cause or viable arguments to allow a penalty waiver.

**FINDING**

Taxpayer's protest is denied.

---

---

**DEPARTMENT OF STATE REVENUE**

0420020448P.LOF

**LETTER OF FINDINGS NUMBER: 02-0448P****Sales and Use Tax****For Calendar Years 1998, 1999, and 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)****I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer was audited for calendar years 1998, 1999, and 2000. Upon audit it was discovered that the taxpayer failed to remit sales tax on a portion of its sales and had no evidence of exemption. In addition, taxpayer failed to self-assess use tax on a portion of its furniture, storage building, truck cleaning equipment, building maintenance materials, maintenance tools, petroleum products, lawn products, and other miscellaneous items.

Taxpayer requests abatement of the penalty due to reasonable cause.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer protests the penalty assessed and states that it experienced tremendous growth during the audit period, that its

underpayment represented an error of 7.9% of its total tax liability, that it had a self-assessment procedure in place, the liability was minimal, and that it had always filed its returns on a timely basis with no intent to defraud the state.

45 IAC 15-11-2(b) states, "Negligence, on behalf of the taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

Taxpayer failed to remit use tax on clearly taxable items. Taxpayer also had exempt sales to customers for whom no valid exemption certificate was obtained. Fuel sales were both over and under stated resulting in an assessment. These were sales of diesel fuel through metered pumps. As a result, the taxpayer collected the sales tax on the underreported sales, which was not remitted to the Department as required under 45 IAC 2.2-7-3.

Although the total error is under ten percent (10%), the taxpayer was negligent in its duties to remit sales and use taxes.

#### **FINDING**

Taxpayer's protest is denied.

---

---

### **DEPARTMENT OF STATE REVENUE**

0320020464P.LOF

#### **LETTER OF FINDINGS NUMBER: 02-0464P**

##### **Withholding Tax**

##### **January through December 2001**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUE(S)**

##### **I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

##### **II. Tax Administration – Interest**

**Authority:** IC 6-8.1-10-1; 45 IAC 15-11-1

Taxpayer protests the interest assessed.

#### **STATEMENT OF FACTS**

Taxpayer was assessed late filing penalties. Taxpayer's CPA protested the penalties and states that a former employee of the company, with controller authority and responsibility, did not make the withholding payments but falsely created accounting records. The company owners were therefore misled and unaware that a liability for payment existed. It instituted the aid of a CPA, who requested that the Department waive the penalties and interest assessed against the taxpayer.

Taxpayer states its non-payment of withholding taxes arose from a controller that did not fulfill the responsibilities of the job. The taxpayer states it was unaware that the WH-1 returns had not been filed and tax had not been paid. Upon discovery, they immediately took steps to determine which periods needed returns and payments.

##### **I. Tax Administration – Penalty**

#### **DISCUSSION**

Taxpayer states that it filed the missing returns immediately upon its knowledge that they were not remitted. Taxpayer further states it has cleared up the problem. Taxpayer states that it was unaware that its controller did not file the returns.

Taxpayer's failure to remit the tax was not the result of reasonable cause. Taxpayer should have been aware of the actions of its employee.

#### **FINDING**

Taxpayer's protest is denied.

##### **II. Tax Administration – Interest**

#### **DISCUSSION**

Taxpayer requests that the department waive the interest assessed.

The Indiana statute does not allow a waiver of interest.

#### **FINDING**

Taxpayer's protest is denied.

**DEPARTMENT OF STATE REVENUE**

0220020466P.LOF

**LETTER OF FINDINGS NUMBER: 02-0466P  
Gross and Adjusted Gross Income Tax  
For Calendar Year Ended December 31, 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)****I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer protests the proposed penalty assessment for the late payment of its income tax. The due date of the return was April 15, 2001. Taxpayer filed its return late on October 11, 2001 with payment of Forty-three percent (43%) of its tax liability. The Department issued its late payment assessment on July 30, 2002.

Taxpayer filed a penalty protest letter dated September 18, 2002 and states that it paid the same penalty amount with the tax return. The underpayment penalty was applied as the taxpayer failed to pay the required amount of estimated taxes. The taxpayer was also issued a late payment penalty because it did not pay at least ninety percent (90%) of the tax due by the due date of the return.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer protests the penalty assessed and states that it paid the underpayment penalty and requests the department waive the remaining penalty and update its records accordingly.

Taxpayer did not make payment by the original due date of the return as required under IC 6-8.1-10-2.1 (a)(2). The penalty is ten percent (10%) of the amount of the tax not paid, if the person fails to pay the full amount of tax shown on the person's return on or before the due date for the return or payment.

Taxpayer made payment after the due date of the return and has not provided reasonable cause to allow the Department to waive the penalty.

**FINDING**

Taxpayer's protest is denied.

---

---

**DEPARTMENT OF STATE REVENUE**

0220020467P.LOF

**LETTER OF FINDINGS NUMBER: 02-0467P  
S-Corporation Income Tax  
For Calendar Year 1999**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)****I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer failed to timely file its Indiana income tax returns for tax years ending December 31, 1998, 1999, 2000 and 2001. At issue in this protest are the penalty billings issued for 1999 and 2001.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer states that it attached a federal extension for the 2001 return. As a result, the penalty has been cancelled. The second is for the 1999 year. Taxpayer's protest is confusing as he merely states that the Department "didn't enforce this rule during 1999 and you shouldn't be allowed to do such in 2002 if you didn't do it in 2000".

---

---

## Nonrule Policy Documents

---

---

Based upon the above information, taxpayer requests that the penalty be waived.

Taxpayer failed to timely file its IT20-S returns for calendar years 1998, 1999, and 2000.

IC 6-8.1-10-2.1(g) states:

A person who fails to file a return for a listed tax that shows no tax liability for a taxable year, other than an information return (as defined in section 6 of this chapter), on or before the due date of the return shall pay a penalty of ten dollars (\$10) for each day that the return is past due, up to a maximum of two hundred fifty dollars (\$250).

Taxpayer failed to file its returns timely. Two of those returns have already been billed with one being cancelled because a federal extension was attached to the return when filed. The Department has three years from the due date or date of filing to assess additional tax, penalties and interest. The department finds that a negligence penalty is proper.

### FINDING

Taxpayer's protest is denied.

---

---

## DEPARTMENT OF STATE REVENUE

0220020468P.LOF

### LETTER OF FINDINGS NUMBER: 02-0468P

#### Gross and Adjusted Gross Income Tax

#### For Calendar Year Ended December 31, 2000

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

### ISSUE(S)

#### I. Tax Administration – Penalty

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

### STATEMENT OF FACTS

Taxpayer protests the proposed penalty assessment for the late payment of its income tax. The due date of the return was April 15, 2001. Taxpayer filed its return late on September 14, 2001 with payment of thirty-one percent (31%) of its tax liability. The Department issued its late payment assessment on August 26, 2002.

Taxpayer filed a penalty protest letter dated September 16, 2002 and states that its accounting firm prepared the IT-20 and self assessed an underpayment penalty on the return in addition to interest, which it paid. The underpayment penalty was applied as the taxpayer failed to pay the required amount of estimated taxes. The taxpayer was also issued a late payment penalty because it did not pay at least ninety percent (90%) of the tax due by the due date of the return.

#### I. Tax Administration – Penalty

### DISCUSSION

Taxpayer protests the penalty assessed and states that it paid the underpayment penalty plus interest and requests the department waive the remaining penalty and update its records accordingly.

Taxpayer did not make payment by the original due date of the return as required under IC 6-8.1-10-2.1 (a)(2). The penalty is ten percent (10%) of the amount of the tax not paid, if the person fails to pay the full amount of tax shown on the person's return on or before the due date for the return or payment.

Taxpayer made payment after the due date of the return and has not provided reasonable cause to allow the Department to waive the penalty.

### FINDING

Taxpayer's protest is denied.

---

---

## DEPARTMENT OF STATE REVENUE

0420020469P.LOF

### LETTER OF FINDINGS NUMBER: 02-0469P

#### Use Tax

#### For Calendar Year 1998

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana

Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)**

**I. Tax Administration – Penalty**

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer was audited for calendar year 1998. Upon audit it was discovered that the taxpayer failed to remit use tax on approximately eighty percent (80%) of its non-taxed taxable purchases.

Taxpayer requests abatement of the penalty because it did not purposely avoid paying tax on the invoices shown in the audit.

**I. Tax Administration – Penalty**

**DISCUSSION**

Taxpayer protests the penalty assessed and states that it is a growing company that has had considerable changes to its Indiana operations over the past few years. In addition, these changes as well as the tax law changes have made it difficult to determine with complete accuracy the taxability of each transaction.

45 IAC 15-11-2(b) states, "Negligence, on behalf of the taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

Taxpayer failed to remit use tax due on clearly taxable items, was previously audited, has not installed a use tax system, made estimated use tax payments, and has not provided reasonable cause to allow the department to waive the penalty.

**FINDING**

Taxpayer's protest is denied.

---

---

**DEPARTMENT OF STATE REVENUE**

0220020470P.LOF

**LETTER OF FINDINGS NUMBER: 02-0470P**

**Adjusted Gross Income Tax  
For Calendar Year 1997**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)**

**I. Tax Administration – Penalty**

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

At audit it was determined that the taxpayer failed to calculate and pay adjusted gross income tax. Taxpayer filed a consolidated return that included three entities doing business in Indiana or that were registered to do business in Indiana. Taxpayer merged into an acquiring corporation on December 4, 1998. Upon audit, it was determined that two of the included entities had no Indiana situs or income received from sources within the state of Indiana. Neither of these corporations may be included in an Indiana return for adjusted gross income. The auditor made those adjustments.

Non-Business Income was determined to be business income for the remaining location. The auditor made an adjustment and the audit excluded the two entities from the apportionment factor.

Taxpayer filed a penalty protest letter dated September 6, 2002 stating that it did not intentionally under report its income.

**I. Tax Administration – Penalty**

**DISCUSSION**

Taxpayer protests the penalty assessed and states it did not intentionally under report its income, that it merely erred in its application of the Indiana law associated with the treatment of installment sales, which was a unique situation. Taxpayer requests a penalty waiver primarily "to assess a penalty upon the corporation would result in an assessment to the taxpayer's acquiring

---

---

## Nonrule Policy Documents

---

---

company for a return it did not participate in preparing” and it acquired all the stock in August 1998, a year subsequent to the year under audit. Taxpayer’s acquiring company further states it had no knowledge of taxpayer’s filing error and merely facilitated the audit. Taxpayer requests a penalty waiver for the unintentional errors in the application of the Indiana tax law by a corporation that was acquired.

45 IAC 15-11-2(b) states, “Negligence, on behalf of the taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer’s carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.”

Taxpayer failed to correctly report its adjusted gross income that amounted to eighty-four percent (84%) of its tax and has not provided reasonable cause. Taxpayer did not make itself aware of the Indiana tax laws when doing business in this state and has not provided reasonable cause to allow the department to waive the penalty.

### FINDING

Taxpayer’s protest is denied.

---

---

### DEPARTMENT OF STATE REVENUE

0220020480P.LOF

#### LETTER OF FINDINGS NUMBER: 02-0480P

#### Gross and Adjusted Gross Income Tax For Calendar Year Ended December 31, 2000

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

### ISSUE(S)

#### I. Tax Administration – Penalty

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

### STATEMENT OF FACTS

Taxpayer protests the proposed penalty assessment for the underpayment of estimated tax. The taxpayer states it was acquired in January 1999 and was one of several acquisitions. Tax matters are handled in New York and the tax department had an extremely heavy tax compliance calendar and estimated payments were calculated using the best data available.

The Department issued its underpayment penalty liability on July 29, 2002.

#### I. Tax Administration – Penalty

### DISCUSSION

Taxpayer protests the penalty assessed and states that it did not intentionally underpay taxes that were due.

To avoid the penalty, the quarterly estimate must equal at least twenty percent (20%) of the total income tax liability for the current taxable year or twenty-five percent (25%) of the final income tax liability for the prior taxable year.

The prior year’s tax was \$53,437. The taxpayer remitted \$10,350 in estimated taxes with the balance in the amount of \$30,658 being paid after the original due date of the return. Taxpayer has not provided reasonable cause to allow a penalty waiver.

### FINDING

Taxpayer’s protest is denied.

---

---

### DEPARTMENT OF STATE REVENUE

0420020481P.LOF

#### LETTER OF FINDINGS NUMBER: 02-0481P

#### Sales and Use Taxes Months Ending January 2001 through September 2001

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana

Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)**

**I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer was assessed late filing penalties for several months in the year 2001. In a letter dated October 30, 2001, taxpayer requests the department waive the penalties assessed against it.

Taxpayer states it had filed annually with its last remittance mailed on January 31, 2001 for a payment of \$91,640.40 for the calendar year 2000. Recently the Department requested that the taxpayer file monthly. Because the Accounting Department had gone through some reorganization it requests a penalty waiver.

**I. Tax Administration – Penalty**

**DISCUSSION**

Taxpayer states the failure to file monthly was not intentional and requests a penalty waiver.

The Department finds the penalty appropriate. Taxpayer's failure to remit the tax was not the result of reasonable cause. Taxpayer was aware of the monthly remittance requirements and has not provided reasonable cause to allow a penalty waiver.

**FINDING**

Taxpayer's protest is denied.

---

**DEPARTMENT OF STATE REVENUE**

0220020483P.LOF

**LETTER OF FINDINGS NUMBER: 02-0483P**  
**Adjusted Gross and Supplemental Net Income Tax**  
**For Fiscal Year Ended September 30, 2001**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)**

**I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer protests the penalty assessed for the late payment of its income tax. The due date of the return was January 15, 2002. Taxpayer filed its return late on July 12, 2002 with payment of approximately thirty-seven percent (37%) of its tax liability.

Taxpayer filed a penalty protest letter dated September 9, 2002.

**I. Tax Administration – Penalty**

**DISCUSSION**

Taxpayer protests the penalty assessed and states that its Indiana gross income tax increased by \$10,697 from the prior year due to an increase in sales. Taxpayer further states that its office (out of state) processes estimated tax payments for approximately 400 returns, and at the time extension requests were made, it did not have all necessary accounting data available for the current year. It uses the prior year's information as its estimate because of the volume of returns being processed. The Indiana sales nearly doubled from the prior year, which is the direct cause for the additional tax due at the time the returns were filed.

Taxpayer did not make full payment by the original due date of the return. Approximately thirty-seven percent of the tax due was paid on July 12, 2002 or after the due date of the return. An extension to file is not an extension for payment.

Taxpayer has not provided reasonable cause to allow the Department to waive the penalty.

**FINDING**

Taxpayer's protest is denied.

---

---

---

**Nonrule Policy Documents**

---

---

**DEPARTMENT OF STATE REVENUE**

0420020485P.LOF

**LETTER OF FINDINGS NUMBER: 02-0485P****Sales Tax  
For July 2002**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)****I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer paid its July 2002 sales taxes late and was assessed a late payment penalty.

Taxpayer, in a letter dated September 20, 2002 requests that the department waive the late payment penalty due to an oversight which was not intentional and it has always made its payment on time.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer was assessed a ten percent (10%) penalty because it paid its tax after the due date of the return for July 2002.

Taxpayer, in a letter dated September 20, 2002 protests the penalty assessed and states it did not make the late payment intentionally but was due to an oversight. It requests a penalty waiver due to its past history of paying its taxes promptly and accurately.

Taxpayer has not provided reasonable cause to allow a penalty waiver. An oversight is not reasonable cause.

**FINDING**

Taxpayer's protest is denied.

---

---

**DEPARTMENT OF STATE REVENUE**

0320020486P.LOF

**LETTER OF FINDINGS NUMBER: 02-0486P****Withholding Tax  
For July 2002**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)****I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer paid its July 2002 withholding taxes late and was assessed a late payment penalty.

Taxpayer, in a letter dated September 20, 2002 requests that the department waive the late payment penalty due to an oversight which was not intentional and it has always made its payment on time.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer was assessed a ten percent (10%) penalty because it paid its tax after the due date of the return for July 2002.

Taxpayer, in a letter dated September 20, 2002 protests the penalty assessed and states it did not make the late payment intentionally but was due to an oversight. It requests a penalty waiver due to its past history of paying its taxes promptly and accurately.

Taxpayer has not provided reasonable cause to allow a penalty waiver. An oversight is not reasonable cause.

**FINDING**

Taxpayer's protest is denied.

---

---

**DEPARTMENT OF STATE REVENUE**

0420020487P.LOF

**LETTER OF FINDINGS NUMBER: 02-0487P****Sales Tax  
For July 2002**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)****I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer paid its July 2002 sales tax late and was assessed a late payment penalty.

Taxpayer, in a letter dated September 9, 2002 requests that the department waive the late payment penalty due to an oversight which was not intentional and it has always made its payment on time.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer was assessed a ten percent (10%) penalty because it paid its tax after the due date of the return for July 2002.

Taxpayer, in a letter dated September 9, 2002 protested the penalty assessed and stated it did not make the late payment intentionally but was due to an oversight.

Taxpayer has not provided reasonable cause to allow a waiver of the penalty assessed.

**FINDING**

Taxpayer's protest is denied.

---

---

**DEPARTMENT OF STATE REVENUE**

0220020490P.LOF

**LETTER OF FINDINGS NUMBER: 02-0490P****Gross Income Tax  
For Calendar Year 1999**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)****I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer protests the proposed penalty assessment for the late payment of its income tax. The due date of the return was April 15, 2000. Taxpayer filed its return late on September 15, 2000 with payment of fifty-six percent (56%) of its tax liability. The Department issued its late payment assessment.

Taxpayer filed a penalty protest letter dated August 20, 2002. Taxpayer requests penalty abatement because it was unaware of the final tax impact until September 2000 at which time it found that the Indiana Gross Receipts doubled. Taxpayer states that the information available to them did not indicate this increase.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer protests the penalty assessed and states that it was not aware of the increase of its gross income until after the due date. It was not apparent that significant tax liabilities would be due for Indiana until it filed its return.

Taxpayer did not make payment by the original due date of the return as required under IC 6-8.1-10-2.1 (a)(2). The penalty is ten percent (10%) of the amount of the tax not paid, if the person fails to pay the full amount of tax shown on the person's return on or before the due date for the return or payment.

---

---

## Nonrule Policy Documents

---

---

Taxpayer made payment after the original due date of the return and has not provided reasonable cause to allow the Department to waive the penalty.

### FINDING

Taxpayer's protest is denied.

---

#### DEPARTMENT OF STATE REVENUE

0120020491.LOF

#### LETTER OF FINDINGS NUMBER: 02-0491

##### Individual Income Tax

##### For the Year ended December 31, 1999

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

### ISSUE(S)

#### I. Tax Administration – Interest

**Authority:** IC 6-8.1-10.1

Taxpayer protests the interest assessed.

### STATEMENT OF FACTS

Taxpayer filed its return with a refund due in the amount of \$564.46 that was refunded on April 26, 2000 as shown on its return. On July 30, 2002, the Indiana Department of Revenue issued its Proposed Assessment after it compared the Federal Return to the Indiana Return that resulted in additional tax due. Taxpayer had inadvertently used the Federal Taxable Income amount instead of the Federal Adjusted Gross Income reported on the Federal Return.

Taxpayer filed an interest protest dated September 4, 2002 stating that if the State could not charge interest on a refund it gave the taxpayer.

#### I. Tax Administration – Interest

### DISCUSSION

Taxpayer protests the interest assessed and states it did not intend to file an erroneous return which was due to human error.

Taxpayer, however, filed IT-40 in error requesting a refund that the Department honored. During its review, the Department found that the Taxpayer had erred in the preparation of its return. The Department refunded the taxpayer the amount of tax shown overpaid. Due to a crosscheck with the Federal Return, it was determined that the taxpayer underreported its income. The Department has no statutory authority to waive interest.

### FINDING

Taxpayer's protest is denied.

---

#### DEPARTMENT OF STATE REVENUE

0420020493P.LOF

#### LETTER OF FINDINGS NUMBER: 02-0493P

##### Use Tax

##### For Calendar Years 1999, 2000, and 2001

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

### ISSUE(S)

#### I. Tax Administration – Penalty

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

### STATEMENT OF FACTS

Taxpayer was audited for calendar years 1999, 2000, and 2001. Upon audit it was discovered that the taxpayer failed to remit use tax on approximately twenty nine percent (29%) of its non-taxed taxable purchases.

Taxpayer requests abatement of the penalty and states the auditor was going to recommend a penalty waiver because it was trying to do its job correctly.

**I. Tax Administration – Penalty**

**DISCUSSION**

Taxpayer protests the penalty assessed and states that it has tried to comply with the Indiana use tax laws. In addition, taxpayer alleges the auditor was going to recommend a penalty waiver.

45 IAC 15-11-2(b) states, “Negligence, on behalf of the taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer’s carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.”

Taxpayer failed to remit use tax due on twenty-nine percent (29%) of its clearly taxable items such as business cards, office supplies, golf shirts, cleaning supplies, janitorial and maintenance supplies, parts for automobiles, and other miscellaneous items. Furthermore, there is nothing in the file record to substantiate the taxpayer’s allegation that the auditor would recommend a penalty waiver. Taxpayer has not provided reasonable cause to allow the department to waive the penalty.

**FINDING**

Taxpayer’s protest is denied.

---

**DEPARTMENT OF STATE REVENUE**

0420020494P.LOF

**LETTER OF FINDINGS NUMBER: 02-0494P**

**Sales Tax**

**For August 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

**ISSUE(S)**

**I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**II. Tax Administration – Interest**

**Authority:** IC 6-8.1-10-1

Taxpayer protests the interest assessed

**STATEMENT OF FACTS**

Taxpayer was assessed a penalty for failing to file its ST-103 for August 2001 and to make payment. A Best Information billing was issued on June 4, 2002 that the taxpayer paid on July 30, 2002 with check number 5065. A field audit investigation determined that the taxpayer owed \$665.25 in sales taxes for August 2001. The \$396.10 Best Information payment was applied to the investigated amount.

Taxpayer, in a letter dated September 23, 2002 requests that the department waive the penalty and interest because it had paid the tax timely.

**I. Tax Administration – Penalty**

**DISCUSSION**

Taxpayer was assessed a ten percent (10%) penalty because it failed to file its return and pay the tax collected.

Taxpayer states its CPA handled its tax for August 2001 that was mailed on September 20, 2001.

Department records indicate neither tax return filed nor payment received. Taxpayer states that the check had not cleared its account and it was unaware that the tax had not been paid until the auditor notified her.

Taxpayer submitted a payment of \$396.10 on July 30, 2002 for a BIA billing and taxpayer believed this took care of the problem. On September 9, 2002 another billing for \$790.68 was received with a portion being penalty and interest. Taxpayer states it is unjust to be assessed penalty and interest when the Department lost its check, report, and tax number.

The Department has credited the taxpayer with the \$396.10 BIA payment (Liability Number 2001-01714352) and has applied it to Liability Number 2001-02004869 which has a current balance of \$388.99 at October 21, 2002 with a per diem of \$0.08.

Taxpayer has not provided reasonable cause to allow the penalty to be waived.

**FINDING**

Taxpayer's protest is denied.

**II. Tax Administration – Interest****DISCUSSION**

Taxpayer protests the interest assessed.

**FINDING**

The Department has no authority to waive interest.

---

---

**DEPARTMENT OF STATE REVENUE**

0220020505P.LOF

**LETTER OF FINDINGS NUMBER: 02-0505P****Adjusted Gross Income Tax****For Calendar Years 1997, 1998, and 1999**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)****I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer is a nonfiler that elected to file S Corporation returns. It does refinishing services under hotel contracts, apartment contracts, and individual homeowners. The department issued a penalty billings for failure to file IT-20 S returns.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer's letter states that the company was audited and no liability was found to be due.

Based upon the above information, taxpayer requests that the penalty be waived.

Taxpayer failed to file its IT20-S returns for calendar years 1997, 1998, and 1999.

IC 6-8.1-10-2.1(g) states:

A person who fails to file a return for a listed tax that shows no tax liability for a taxable year, other than an information return (as defined in section 6 of this chapter), on or before the due date of the return shall pay a penalty of ten dollars (\$10) for each day that the return is past due, up to a maximum of two hundred fifty dollars (\$250).

Taxpayer failed to file its returns. The department finds that a penalty is proper.

**FINDING**

Taxpayer's protest is denied.

---

---

**DEPARTMENT OF STATE REVENUE**

0220020520P.LOF

**LETTER OF FINDINGS NUMBER: 02-0520P****Gross Income Tax****For Calendar Year Ended December 31, 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)****I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer protests the proposed penalty assessment for the late payment of its income tax. The due date of the return was April 15, 2001. Taxpayer filed its return late with payment of fifty-one percent (51%) of its tax liability. The Department issued its late payment assessment on July 8, 2002.

Taxpayer filed a penalty protest letter dated July 31, 2002 that states that it had a change in ownership in 1999 and the year 2000 was the first full-year tax return that it prepared. At the time the 2000 Indiana returns were due, the 1999 returns were not yet finalized. Taxpayer avers that it believed it would have a substantial net operating loss in 2000 and fully expected the \$29,000 to cover its liability.

The taxpayer was also issued an underpayment penalty on July 29, 2002 but failed to respond to the assessment timely.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer protests the penalty assessed and states that it had not finalized the 2000 return because the 1999 return had not been finalized. It requests a penalty waiver.

Taxpayer did not make payment by the original due date of the return as required under IC 6-8.1-10-2.1 (a)(2). The penalty is ten percent (10%) of the amount of the tax not paid, if the person fails to pay the full amount of tax shown on the person's return on or before the due date for the return or payment.

Taxpayer made payment after the due date of the return and has not provided reasonable cause to allow the Department to waive the penalty.

Taxpayer, on October 28, 2002 requests a penalty waiver because it had not received a response to its previous notice dated July 31, 20002. The Notice Number 02004864081 dated July 29, 2002, however, is the underpayment of estimated income taxes in the amount of \$2,989.98. Taxpayer did not protest the penalty timely and has provided no reasons why it failed to pay estimated taxes.

**FINDING**

Taxpayer's protest is denied.

---

---

**DEPARTMENT OF STATE REVENUE**

02960635.SLOF

**SUPPLEMENTAL LETTER OF FINDINGS NUMBER: 96-0635 SLOF****Corporate Income Tax****For Tax Periods: 1992-1994**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE****Adjusted Gross Income Tax – Business Income**

**Authority:** IC 6-3-1-20, 45 IAC 3.1-1-1-30, The May Department Store Company v. Indiana Department of State Revenue, 749 N.E.2d 651 (Ind. Tax 2001)

The taxpayer protests the classification of certain income as business income.

**STATEMENT OF FACTS**

The taxpayer is primarily engaged in developing, manufacturing, and marketing consumer, professional, health, and other imaging products and services. After an audit, the Indiana Department of Revenue (department) assessed additional corporate income tax. The taxpayer protested the assessment. A hearing was held and a Letter of Findings was issued on May 30, 2002. The taxpayer requested and was granted a rehearing on the issue of the classification of income from the sale of a division as business rather than non business income.

**Adjusted Gross Income Tax – Business Income****DISCUSSION**

The taxpayer protests the classification of the income from the 1994 sale of the division that supplied diagnostic products for use in clinical chemistry analysis and immunodiagnostits. The taxpayer reported this income as non-business income that is not subject to Indiana adjusted gross income tax. The department reclassified this income as business income. As business income, the department apportioned part of it to Indiana and subjected that portion to adjusted gross income tax.

All tax assessments are presumed to be accurate and the taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b).

In The May Department Store Company v. Indiana Department of State Revenue, 749 N.E. 2d 651 (Ind. Tax 2001), the Indiana Tax Court determined that IC 6-3-1-20 provides for both a transactional test and a functional test in determining whether income is business or non-business in nature. Id. at 662-3.

The Court looks to 45 IAC 3.1-1-20 and 30 for guidance in determining whether income is business or non-business income under the transactional test. These regulations state "... the critical element in determining whether income is 'business income' or 'non-business income' is the identification of the transactions and activity which are the elements of a particular trade or business." Id. at 664. 45 IAC 3.1-1-30 lists several factors in making this determination. These include the nature of the taxpayer's trade or business; substantiality of the income derived from activities and relationship of income derived from activities to overall activities; frequency, number or continuity of the activities and transactions; length of time income producing property was owned; and taxpayer's purpose in acquiring and holding the property producing income. In May, the Court found that the transactional test was not met when a retailer sold a retailing division to a competitor because the taxpayer was not in the business of selling entire divisions. Id. at 664.

The nature of this taxpayer's business included the development, production and sale of imaging products and services. Almost all of the taxpayer's income derived from transactions associated with these activities. The division that the taxpayer sold was accounted for and run as a separate business unit for the ten-year period prior to its sale. The sale of the medical imaging division was an unusual and out of the ordinary transaction for the taxpayer. The sale of this division did not meet the transactional test for classification as business income.

The functional test focuses on the property being disposed of by the taxpayer. Id. at 664. Specifically the functional test requires examining the relationship of the property at issue with the business operations of the taxpayer. Id. at 664. In order to satisfy the functional test the property generating income must have been acquired, managed and disposed of by the taxpayer in a process integral to the taxpayer's regular or business operations. Id. at 664. The Court in May defined "integral" as part or constituent component necessary or essential to complete the whole. Id. at 664-5. The Court held that the May's sale of one of its retailing division was not "necessary or essential" to May's regular trade or business because the sale was executed pursuant to a court order that benefited a competitor and not May. In essence, the Court determined that because May was forced to sell the division in order to reduce its competitive advantage, the sale could not be integral to May's business operations. Therefore, the proceeds from the sale were not business income under the functional test.

In the original Letter of Findings, the department found that the taxpayer's proceeds from the sale of the health imaging business were business income because the payment of the long term debts allowed the taxpayer to focus more funds to the development and management of its consumer photography business. The taxpayer argued at the rehearing that the proceeds from the sale were not business income because the taxpayer did not use the proceeds in the working capital of its primary function.

In 1988, the taxpayer financed the acquisition of its health imaging business with long-term debt contracts. Management subsequently decided to terminate its involvement in the health imaging business and divested its interests in 1994 and 1995. The taxpayer contended that it put the proceeds from the sale into an irrevocable trust to satisfy the long-term debt originally incurred as part of the acquisition of the health imaging business, the proceeds from the sale did not qualify as business income to the taxpayer.

The taxpayer presented a copy of the Irrevocable Trust Agreement dated December 19, 1994. The taxpayer was not able, however, to produce any evidence that the monies received from the sale were actually the same monies deposited into the trust. In fact, the taxpayer explained that no "paper trail" existed to substantiate that the proceeds of the sale went directly into the trust. The monies deposited into the trust could have been monies raised from another source. The proceeds from the sale made more funds available for the taxpayer's working capital.

The taxpayer had the same long term debt before and after the sale. The taxpayer needed working capital after the sale and had more funds available for working capital because of the sale. These funds were used to support the taxpayer's business function. The repayment of these debts was essential to the continuation and completion of the whole of the taxpayer's business selling imaging products and services.

The taxpayer did not sustain its burden of proving that the tax assessment was incorrect.

#### **FINDING**

The taxpayer's protest is denied.

# Cumulative Table of Nonrule Policy Documents

Digest	Published	Digest	Published
<b>ACCOUNTS, STATE BOARD OF</b>		Use of Tables F-3a, F-3b, and F-3c, Typical Structure Lives within the 2002 Real Property Assessment Guidelines Book 2 (1/31/02)	
Notice of publications used to interpret, supplement, or implement agency statutes or rules (6/30/02)	25 IR 4231	<b>NATURAL RESOURCES, DEPARTMENT OF</b>	
<b>EMERGENCY MEDICAL SERVICES COMMISSION, INDIANA</b>		36: Proposed conservancy district nonrule policy document	26 IR 1369
EMS-01-2000: BLS transport of patients with ALS devices	25 IR 3591	<b>NATURAL RESOURCES COMMISSION</b>	
EMS-01-2002: Authority for advanced EMT personnel to perform finger sticks	25 IR 3591	<b>Information Bulletins:</b>	
EMS-2-2002: Authority for EMS personnel certified in advanced life support to function as tactical medical support for non-EMS certified law enforcement agencies	25 IR 3592	1: Establishment of Division of Hearings; indexing of final adjudicative agency decisions; transcript fees (First amendment)	26 IR 1375
<b>ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF</b>		14: Standards for the development of a commission floodway pursuant to IC 14-28-1-28 (3/1/02)	25 IR 2099
OPPTA-0001-NPD: IDEM's confidentiality policy for its compliance and technical assistance program (5/21/02)	25 IR 3919	16: Civil penalty schedule for violations of oil and gas production laws (First amendment)	26 IR 1376
<b>Air Pollution Control Board:</b>		19: State park annual passes (first amendment) (1/22/02)	25 IR 2324
Air-007-NPD: Guidelines for submittal and review of annual compliance certifications under the federally enforceable state operating permit (FESOP) and Part 70 permit programs (9/6/02)	25 IR 4231	32: Great Lakes Coastal Restoration Grants Program	25 IR 2100
Air-028-NPD: Interim guidance for the reinforced plastics composites fabricating industry (4/5/02)	25 IR 2319	33: User fees in support of programs of the Department of Natural Resources(3/2/02)	25 IR 4249
Air-029-NPD: Fugitive dust from coal mines (4/5/02)	25 IR 2320	34: Resolution of the Indiana Natural Resources Commission endorsing the biodiversity recovery plan for northwest Indiana	26 IR 577
Air-030-NPD: Lead-based paint license transition	25 IR 3593	35: Type I and Type II marine sanitation devices on navigable waters of Indiana (1/1/03)	26 IR 1380
<b>Commissioner's Bulletins:</b>		<b>REVENUE, DEPARTMENT OF STATE</b>	
List of hazardous waste sites scored using the Indiana Scoring Model (ISM) (1/03)	26 IR 1364	<b>Audit-Grams:</b>	
Scoring of hazardous substances response sites using the Indiana Scoring Model (ISM) (12/7/01)	25 IR 1370	15: Public transportation - qualifying for the exemption (3/12/02)	25 IR 2634
<b>Solid Waste Management Board:</b>		22: Business entity classification (6/12/02)	25 IR 3921
Waste-0006-NPD: Waste status of CAA treated wood (4/02)	25 IR 2928	<b>Commissioner's Directives:</b>	
Waste-0050-NPD: Equivalent secondary containment devices for hazardous waste tanks containing baghouse dust (6/21/02)	25 IR 2928	18: Utility receipts tax (12/02)	26 IR 904
Waste-0052: Contained-in policy guidance for RCRA (10/17/02)	26 IR 576	<b>Departmental Notices:</b>	
<b>Water Pollution Control Board:</b>		2: Prepayment of sales tax on gasoline (7/1/02)	25 IR 3594
Water-003-NRD: Combined sewer overflow (CSO) long term control plan use attainability analysis guidance (12/14/01)	25 IR 1370	<b>In Regards to the Matter of (Docket No.):</b>	
<b>INSURANCE, DEPARTMENT OF</b>		01-0070: Improved Benevolent Protective Order of Elks, Lodge #772, et al.	25 IR 1377
<b>Bulletins:</b>		01-0152: Loyal Order of Moose, Lodge #2517	25 IR 1748
107: Voluntary expedited filing procedure for terrorism exclusions (2/10/02)	25 IR 1747	01-0209: Indiana Black Expo Economic Development Corporation	25 IR 1379
108: Reinstatement of insurance producer license (2/11/02)	25 IR 2099	01-0241: Consortium foundation	25 IR 2636
109: Group accident and sickness loss history information (3/13/02)	25 IR 2625	01-0279: Mr. Leo Klein	25 IR 2324
110: Women's health and cancer rights act (5/6/02)	25 IR 2929	01-0320: S.A.F.E. Youth Program	25 IR 3923
111: Use of consumer credit history in personal lines insurance rates (7/1/02)	25 IR 3921	01-0329: Loyal Order of Moose Lodge No. 1352	25 IR 4250
112: Withdrawal of Bulletin 109, reinstatement of Bulletin 69 (8/21/01)	26 IR 185	01-0360: Mr. Mike Abbott	25 IR 2638
113: Producer due diligence when selling group health plans (11/4/02)	26 IR 904	01-0361: Loyal Order of Moose Lodge No. 629	25 IR 2930
<b>LABOR, DEPARTMENT OF</b>		02-0149: Dianne Flory	25 IR 4252
Indiana Safety and Health Achievement Recognition Program Guidelines (8/9/02)	25 IR 4246	02-0197: Brenda L. King	25 IR 3927
Notice of changes in enforcement of steel erection regulations	25 IR 1376	02-0198: Nicole L. Call	25 IR 3929
<b>LOCAL GOVERNMENT FINANCE, DEPARTMENT OF</b>		02-0316: V.F.W. Post No. 1421	26 IR 908
Amended pages to 50 IAC 2.3 (1/31/02)	25 IR 2072	<b>Information Bulletins:</b>	
Amended pages to 50 IAC 2.3 (2/25/02)	25 IR 2626	1FB: Sales tax - County food and beverage tax (12/02)	26 IR 910
Clarification of 50 IAC 4.3-5-6; elective inventory valuation method (1/31/02)	25 IR 2096	2: Sales tax - Warranties and maintenance contracts (5/02)	25 IR 3595
Exemptions (1/2/02)	25 IR 2321	4: Sales tax - Sales to and by Indiana state and local governments and the United States government and its agencies (5/02)	25 IR 3931
Revisions to 2002 personal property assessments required by HEA 1001 (ss) (7/29/02)	25 IR 4247	7: Sales tax - Application of sales tax to meals and banquets (5/02)	25 IR 3933
		8: Sales tax - Application of sales tax to the sale, lease, and use of computers and computer related equipment (5/02)	25 IR 3934
		10: Sales tax - Application of sales tax to not-for-profit organizations (6/02)	25 IR 3936
		11: Sales tax - Application of sales tax to restaurant owners including fast food operations and caterers (12/02)	26 IR 912
		12: Sales tax - Public transportation (12/02)	26 IR 913
		12A: Sales tax - Public transportation (school bus) - Exemption (5/02)	25 IR 3937

# Cumulative Table of Nonrule Policy Documents

Digest	Published	Digest	Published
13: Sales tax - Application of Indiana retail sales tax to newspaper publishers (6/02)	25 IR 3938	<b>Food and Beverage Tax:</b>	
14: Sales tax - Taxability of purchases by advertising agencies (12/02)	26 IR 914	00-192 FBT (1996-98): Imposition	25 IR 4261
15: Sales tax - Application of Indiana sales tax to sales of gasoline, and special fuels sold through stationary metered pumps (12/02)	26 IR 915	<b>Gaming Card Excise Tax:</b>	
17: Sales tax - Application of Indiana sales tax to cable and telecommunications television companies (5/02)	25 IR 3939	00-0401 (1997-99): Imposition; calculation of gaming card excise tax	25 IR 2351
20: Sales tax - Casual sales: auctions; garage sales; rummage sales; and similar sales (12/02)	26 IR 917	02-0245 (1998-2000): Qualified and nonqualified; tax administration - penalty	25 IR 4279
21: Sales tax - Lawn care applications (5/02)	25 IR 3939	<b>Income Tax (Gross, Adjusted Gross, and Supplemental Net):</b>	
24: Sales tax - Application of sales tax to merchandise sold through television and radio stations or magazines and newspapers (12/02)	26 IR 918	93-0962: (Corporate) (1989-91): Income derived from computer related service work; non-business income; tax addback; foreign source dividends; tax administration - ten percent negligence penalty	25 IR 3596
25: Sales tax - Floriculturists, horticulturists and arboriculturists (12/02)	26 IR 918	95-0401 (Corporate) (1989-91): Taxpayer's income from licensing intellectual property; apportionment of taxpayer's income derived from licensing intellectual property; ten percent negligence penalty	25 IR 2932
26: Sales tax - Dry cleaning and laundry establishments rental and nonrental services (12/02)	26 IR 919	96-0198 (1990-93): Long term contract adjustment	26 IR 1382
27: Sales tax - Barbers and beauticians (12/02)	26 IR 920	96-0635 (Corporate) (1992-94): Business income; Michigan single business tax add back; foreign source dividend deduction	25 IR 3940
29: Sales tax - Sales of food (12/02)	26 IR 920	96-0635 (Supplemental) (Corporate): 1992-94): Business income	26 IR 1421
32: Sales tax - Public school corporation purchases and sales (12/02)	26 IR 923	97-0521 SLOF (Supplemental) (1993-95): Reallocation of taxpayer's sales to Indiana - throw-back sales	26 IR 979
33: Sales tax - Exemption from the retail sales tax on unitary transaction of eight cents (\$.08) or less (12/02)	26 IR 925	98-0221 (Corporation) (1989-94): Property tax addback to determine taxpayer's adjusted gross income: property taxes paid by taxpayer lessor; calculation of property tax addback: Inclusion of lessee rendered taxes; gross income tax reporting: taxpayer's Indiana nexus; gross income assessed at high rate: sales of previously leased equipment	25 IR 4254
36: Sales tax - Water conditioning companies (12/02)	26 IR 925	98-0331 (1995-96): Adequate documentation	26 IR 578
38: Income tax - Renter's deduction (1/103)	26 IR 926	98-0516 (Individual) (1991-96): Unreported income	25 IR 2640
38: Sales tax - Application of sales tax to direct payment permit holders (12/02)	26 IR 927	98-0523 (Corporate) (1993-94): Business income	26 IR 580
39: Sales tax - Insurance companies (12/02)	26 IR 927	98-0658 (Corporate) (1993-10/1/95): Gross receipts; tax administration - penalty	26 IR 581
41: Sales tax - Sales tax application to furnishing of accommodations (12/02)	26 IR 928	98-0675 (Supplemental) (1993-94): Telecommunications services	26 IR 610
45: Sales tax - Vending machines and other food holding units (12/02)	26 IR 929	98-0716 (Corporate) (1995-97): Applicability of gross income tax to commissions attributable to the sale of mutual funds by out-of-state independent agents; apportionment of taxpayer's commission income for purposes of calculating adjusted gross income and supplemental net income tax; request for abatement of the ten percent negligence penalty	25 IR 2326
50: Sales tax - Sale of gold, silver or other metal alloys (12/02)	26 IR 930	98-0717 (1990-96): Classification of taxpayer's partnership income as allocable; abatement of the ten percent penalty	26 IR 196
56: Sales tax - Time limitation for the issuance of assessments (12/02)	26 IR 931	98-0721 (1994-96): Combined filing; tax administration - negligence penalty	25 IR 1386
58: Sales tax - Price discounts (12/02)	26 IR 931	98-0733 (Supplemental) (1993-95): Intangibles	25 IR 2374
59: Sales tax - Advertising signs and billboards (12/02)	26 IR 932	98-0740 (1994-96): Imposition of gross income tax	25 IR 2329
60: Sales tax - Construction contractors (12/01)	25 IR 1750	98-0757 (1995-97): Business income; capital loss; tax administration - negligence penalty	25 IR 3610
60: Sales tax - Construction contractors (12/02)	26 IR 933	98-0759 (1995): Sale of intangibles; business income	25 IR 3612
61: Sales tax - Food stamps (12/02)	26 IR 935	98-0766 (Corporate) (1995-96): Combined filing; sale/leaseback of sales of tangible personal property	25 IR 2330
<b>Letters of Findings:</b>		99-0019 (Individual) (1989-97): Change of basis - income from S-corporation	25 IR 2128
<b>Controlled Substance Excise Tax:</b>		99-0105 (1995-96): Resource recovery system	25 IR 3614
98-0694 (1992): Imposition		99-0136 (1995-96): Partnership income	25 IR 4257
01-0296 CSET (1999): Imposition		99-0152 (1995-97): Business versus nonbusiness income; tax administration - penalty	26 IR 944
02-0257 (2001): Imposition		99-0167 (fiscal years 6/30/95, 6/30/96, 6/30/97, and 2/15/98): Tax administration - penalty	25 IR 1760
02-0081 CSET (2001): Imposition		99-0217 (1993-95): Business/nonbusiness income	26 IR 200
02-0089 CSET (2001): Imposition		99-0247 (1994-97): Business income v. nonbusiness income; income of corporate partners: unitary operations; tax administration - abatement of penalty	25 IR 2133
<b>Financial Institutions Tax:</b>			
00-0253 (1993-96): Applicability of the financial institutions tax; statute of limitations; abatement of the ten percent negligence penalty			
01-0121 (1994-96): Date upon which taxpayer entered into a unitary relationship with its out-of-state banking group; calculation of taxpayer's foreign source income - exclusion of related expenses in determining taxpayer's adjusted gross income; enterprise zone loan credit interest credit - credit on interest taxpayer derived from loans to churches and not-for-profit organizations; abatement of the ten percent negligence penalty			
01-0194 (1995-97): Combining taxpayer's bank group and financial group into a single unitary return; calculation of taxpayer's foreign source income - exclusion of related expenses; calculation of taxpayer's receipts factor; neighborhood assistance credit carryforward; disallowance of enterprise zone loan interest credit; abatement of the ten percent negligence penalty			

# Cumulative Table of Nonrule Policy Documents

Digest	Published	Digest	Published
99-0248 (1995-3/97): Gross receipts; tax administration - penalty	26 IR 1384	00-0476 (1997-98): Unrelated business income; tax administration - penalty	25 IR 2354
99-0390 (1994-96): Foreign sales corporations dividend deduction; business/nonbusiness income; tax administration - negligence penalty	25 IR 3942	00-0477 (Corporate) (1997-98): Services; tax administration - abatement of penalty	25 IR 2953
99-0394 (1994-96): Foreign sales corporations dividend deduction; business/nonbusiness income; tax administration - negligence penalty	25 IR 3942	01-0002 (Individual) (1990-99): Best information available	25 IR 2956
99-0395 (1994-96): Foreign sales corporations dividend deduction; business/nonbusiness income; tax administration - negligence penalty	25 IR 3942	01-0019P (fiscal years ending 2/28/97, 2/28/98, 2/28/99): Tax administration - penalty	25 IR 2648
99-0396 (1994-96): Foreign sales corporations dividend deduction; business/nonbusiness income; tax administration - negligence penalty	25 IR 3942	01-0026 (Corporate) (1998): Combined filing - substantive requirements; procedural requirements for unitary filing; tax administration - penalty	26 IR 589
99-0397 (1994-96): Foreign sales corporations dividend deduction; business/nonbusiness income; tax administration - negligence penalty	25 IR 3942	01-0027 (1997-99): Disallowed business expense deductions; notice of resolution; abatement of the ten percent negligence penalty	26 IR 225
99-0398 (1994-96): Foreign sales corporations dividend deduction; business/nonbusiness income; tax administration - negligence penalty	25 IR 3942	01-0063 (1996-98): Disallowance of royalty and interest expenses; abatement of the ten percent negligence penalty	26 IR 214
99-0399 (Corporate) (1988-97): Imposition of corporate income tax on out-of-state provider of services to Indiana customers	25 IR 2341	01-0076 (Corporate) (fiscal years ending 3/31/98-2000): Disallowance of "special corporation" status; auditor's reliance on auditing technique in the absence of relevant financial records; tax administration - penalty	26 IR 591
99-0402 (1993-95): Tax administration - penalty	25 IR 2939	01-0086 (Individual) (1997-98): Understatement of gross business receipts	25 IR 2142
99-0405 (1994-96): Foreign sales corporations dividend deduction; business/nonbusiness income; tax administration - negligence penalty	25 IR 3942	01-0092 (Corporate) (fiscal year ending 3/31/97): Special corporation eligibility	25 IR 3617
99-0422P (1994-97): Tax administration - penalty	25 IR 1762	01-0092P (Individual) (2000): Tax administration - penalty	25 IR 2956
99-0438 (Corporate) (1993-96): Business income; foreign dividend deduction; calculation; adjustments; net operating carryforward; penalty	26 IR 204	01-0093 (1998): Construction management company acting in an agency capacity; apportionment of taxpayer's income between labor and materials	25 IR 4265
99-0446 (1993-94): Tax administration - penalty	25 IR 2940	01-0094 (Corporate) (1995-98): Royalty fee deduction; statute of limitations; tax administration - abatement of penalty	25 IR 2957
99-0518 (Individual) (1995-96): IRA rollover distributions	25 IR 2137	01-0115 (1997-2000): Indiana source income	25 IR 2144
99-0530 (1991-98): Tax administration - books and records	25 IR 1762	01-0129 (1997-99): Payroll factor; tax administration - abatement of penalty	25 IR 3618
99-0538 (Individual) (1996-97): Best information available	26 IR 1385	01-0141 (1996-98): Receipts for graphic design work; interest income as intercompany receipts; out-of-state subsidiaries' Indiana destination sales; abatement of the ten percent negligence penalty	26 IR 952
99-0549P (fiscal year ending 3/31/98): Tax administration - penalty	25 IR 3616	01-0157 (1997-99): Discharge in bankruptcy	25 IR 1399
99-0552 (1995): Unitary (combined) filing status; consolidated returns	25 IR 2943	01-0163 (Corporate) (1993-99): Unrelated business income; tax administration - statute of limitations	26 IR 217
99-0590 (Individual) (1997): Modification of federal adjusted gross income	26 IR 207	01-0171 (1996-98): Taxpayer's out-of-state subsidiaries; Georgia throw-back sales; taxpayer's Delaware trademark holding company; abatement of the ten percent negligence penalty	26 IR 955
99-0597 (Corporate) (1993-96): Business income; foreign dividend deduction	26 IR 208	01-0172 (1996-98): Taxpayer's out-of-state subsidiaries; Georgia throw-back sales; taxpayer's Delaware trademark holding company; abatement of the ten percent negligence penalty	26 IR 955
00-0008 (1995-97): Tooling sales; high rate tax; tax administration - penalty	25 IR 1391	01-0188 (Corporate) (1991-98): Taxpayer holding company acting in an agency capacity; sale of real property - deduction for encumbrance secured by the real property; abatement of the ten percent negligence penalty	26 IR 220
00-0044 (Individual) (1996-97): Best information available	26 IR 1388	01-0190 (Corporate) (1991-98): Taxpayer holding company acting in an agency capacity; sale of real property - deduction for encumbrance secured by the real property; abatement of the ten percent negligence penalty	26 IR 220
00-0274 (1998): Residence	26 IR 209	01-0212 (Individual) (1999): Tax administration - penalty, interest	25 IR 2650
00-0389 (1996-98): Throwback sales	25 IR 2952	01-0230 (Corporate) (1995-98): Royalty fee deduction; unitary (combined) filing status; statute of limitations; tax administration - abatement of penalty	25 IR 3620
00-0408 (Supplemental) (1995-97): Imposition of gross income tax on revenues derived from taxpayer's procurement and transfer of steel products - prospective treatment	25 IR 2974	01-0231P (Individual) (2000): Tax administration - penalty	25 IR 1768
00-0409 (Supplemental) (1995-97): Imposition of gross income tax on revenues derived from taxpayer's procurement and transfer of steel products - prospective treatment	25 IR 2974	01-0250P (Individual) (1997-98): Tax administration - penalty	25 IR 2651
00-0418 (1995-97): Taxpayer railroad company acting in an agency capacity - inclusion of receipts for the maintenance of joint/shared facilities and the repair of foreign railcars; commerce clause - receipts subject to the state's gross income tax; abatement of the ten percent penalty	25 IR 4261	01-0254 (1995-99): Unrelated business income; tax administration - penalty	26 IR 224
00-0419 (1996-97): Gross receipts	26 IR 1391		
00-0445 (1994-98): Exclusion of taxpayer's subsidiary from taxpayer's consolidated adjusted gross income tax return; resource recovery system credit	26 IR 949		
00-0434 (1996-99): Applicability of the throwback rule; tax administration - penalty	25 IR 2646		

# Cumulative Table of Nonrule Policy Documents

Digest	Published	Digest	Published
01-0256 AGI (1999-2000): Imposition	25 IR 2355	02-0199 AGI (2000): Human services tax deduction; tax administration - negligence penalty	26 IR 602
01-0257 AGI (1999-2000): Imposition	25 IR 2652	02-0200P (12/31/00): Tax administration - penalty, interest	25 IR 3971
01-0266 (Individual) (1997-99): Imposition of individual state income tax based upon best information available	25 IR 3623	02-0205 (Individual) (1997-99): Statute of limitations on issuance of proposed assessment; assessment of additional individual income tax on taxpayers' receipt of "S corporation" distributions	26 IR 229
01-0275 (1997): Tax administration - penalty	26 IR 964	02-0206P (2000): Tax administration - penalty	25 IR 3972
01-0286P (fiscal years ended 6/30/98-99): Tax administration - penalty	25 IR 2149	02-0209P (Individual) (2000): Tax administration - penalty	25 IR 3973
01-0290P (Individual) (2000): Tax administration - late payment penalty	25 IR 2358	02-0211P (Individual) (1999): Tax administration - penalty	25 IR 4278
01-0294 AGI (2000): Claim of right doctrine; doctrine of equitable recoupment	25 IR 4268	02-0244P (1999): Tax administration - penalty	25 IR 4279
01-0299P (12/31/97): Tax administration - penalty	25 IR 2360	02-0254P (fiscal year ended 2/28/01): Tax administration - penalty	25 IR 3978
01-0306P (1997-98): Tax administration - penalty	25 IR 2151	02-0255P (1999): Tax administration - penalty	25 IR 4281
01-0314P (Individual) (2000): Tax administration - penalty	25 IR 2362	02-0262 (1998-2000): Unrelated business income tax; tax administration - penalty	26 IR 231
01-0334P (Individual) (1999): Tax administration - penalty	25 IR 2366	02-0268P (fiscal year ended 6/30/00): Tax administration - penalty	25 IR 4281
01-0335P (1997-99): Tax administration - penalty	25 IR 2367	02-0292P (1996-97): Tax administration - penalty	26 IR 238
01-0366P (fiscal years ended 3/31/96, 3/31/96, 3/31/97, and 3/31/98): Tax administration - penalty	25 IR 2367	02-0297P (fiscal year ended 3/31/01): Tax administration - penalty	25 IR 4284
01-0362 (Individual) (2000): Tax administration - interest	25 IR 2368	02-0300 (Individual) (2000): Imposition of state's individual income tax by reference to taxpayer's federal adjusted gross income; definition of "income" for purposes of imposing the state's individual income tax	26 IR 604
02-0003P (fiscal year ending 6/30/00): Tax administration - penalty	25 IR 2654	02-0301 (Individual) (1998-2000): Taxpayer's administrative remedies; applicability of state's individual income tax	26 IR 607
02-0004P (1997-99): Tax administration - penalty	25 IR 2370	02-0315P (Individual) (2000): Tax administration - penalty	25 IR 4285
02-0006P (1995-99): Tax administration - penalty	25 IR 2371	02-0324P (1996-97): Tax administration - penalty, interest	26 IR 240
02-0015 (fiscal years ending 6/30/94-6/30/98): Tax administration - penalty	25 IR 2967	02-0326P (1996-97): Tax administration - penalty	26 IR 242
02-0019 (1997): Unitary (combined) filing status; throwback sales	26 IR 598	02-0327P (1996-97): Tax administration - penalty	26 IR 242
02-0026 (Corporate) (1997-99): Disallowance of claimed business expenses; abatement of the ten percent negligence penalty	26 IR 1400	02-0333P (2000): Tax administration - penalty	26 IR 968
02-0050P (1997-99): Tax administration - penalty	25 IR 2659	02-0342P (1996-97): Tax administration - penalty	26 IR 244
02-0062 (Corporate) (fiscal years ending 5/31/96-99): Classification of contractor's receipts as taxable at the lower rate or higher rate of tax; tax administration - penalty	25 IR 4272	02-0345P (1998): Tax administration - penalty, interest	26 IR 1407
02-0065P (Individual) (2000): Tax administration - penalty	25 IR 2660	02-0352 (1997): Tax administration - penalty	26 IR 969
02-0066P (1997-99): Tax administration - penalty	25 IR 2661	02-0386P (2000): Tax administration - penalty	26 IR 970
02-0070 (Individual) (2000): Imposition of the state's individual income tax by reference to taxpayer's federal adjusted gross income; definition of "taxpayer" for the purpose of assessing the state's individual income tax; definition of "income" as applied to individual's Indiana residents for the purpose of imposing the state's individual income tax	25 IR 3626	02-0401P (1997-2000): Tax administration - penalty	26 IR 970
02-0073P (9/1/99-12/31/99): Tax administration - penalty	25 IR 2662	02-0410P (fiscal years ended 7/29/00 and 7/28/01): Tax administration - penalty	26 IR 971
02-0075P (2000): Tax administration - penalty	25 IR 2662	02-0412P (1/1/99-7/16/99): Tax administration - penalty	26 IR 972
02-0082 (1998): Nonprofit water & sewer utility cooperative; prospective treatment of taxpayer's gross income tax liability; abatement of the ten percent negligence penalty	26 IR 1404	02-0414P (fiscal year ended 3/31/01): Tax administration - penalty	26 IR 972
02-0094 (1996-99): Unrelated business income tax; tax administration - penalty	25 IR 3962	02-0418P (fiscal years ended 9/30/95 and 9/30/96): Tax administration - penalty	26 IR 974
02-0114 AGI (2000): Imposition	25 IR 4273	02-0446P (1997-99): Tax administration - penalty	26 IR 1409
02-0122 (1997): Unitary (combined) filing status; throwback sales	26 IR 598	02-0467P (1999): Tax administration - penalty	26 IR 1411
02-0127P (fiscal year ended 3/31/98): Tax administration - penalty	25 IR 2970	02-0468P (2000): Tax administration - penalty	26 IR 1412
02-0131P (1997-99): Tax administration - penalty	25 IR 3963	02-0470P (1997): Tax administration - penalty	26 IR 1413
02-0145P (12/31/00): Tax administration - penalty, interest	25 IR 3965	02-0480P (2000): Tax administration - penalty	26 IR 1414
02-0148P (Corporate) (fiscal years ending 7/31/97-99): Tax administration - penalty	25 IR 3966	02-0483P (fiscal year ended 9/30/01): Tax administration - penalty	26 IR 1415
02-0167 (Corporate) (fiscal years ending 6/30/96-98): Expenses related to foreign source dividends; tax administration - penalty	25 IR 4277	02-0490P (1999): Tax administration - penalty	26 IR 1417
02-0170P (1999): Tax administration - late file penalty	25 IR 3629	02-0491 (Individual) (1999): Tax administration - interest	26 IR 1418
02-0171P (Corporate) (1999): Tax administration - penalty	25 IR 3968	02-0505P (1997-99): Tax administration - penalty	26 IR 1420
02-0192P (1997 and partial years ending 6/5/98, 7/31/98, and 12/16/98): Tax administration - penalty	25 IR 3969	02-0520P (2000): Tax administration - penalty	26 IR 1420
02-0196P (9/30/99): Tax administration - penalty, interest	25 IR 3970		

## International fuel tax agreement:

97-0008 (1993-95): Imposition of tax - audited total miles - audit methodology tax procedure - protests - burden of proof; audited IFTA jurisdiction miles - audit methodology IFTA/tax administration - alleged audit bias; credits against tax - disallowed excess tax-paid fuel credit; credits against tax (4th quarter 1994 and 1st quarter 1995 only) - disallowed excess tax-paid fuel credit - reallocation from Florida to correct jurisdictions; credits against tax (all test quarters) - disallowed excess tax-paid fuel credit - census population adjustments - after-discovered on-road fuel purchase receipts and incorrect auditor data entries; tax administration - penalty 26 IR 185

# Cumulative Table of Nonrule Policy Documents

Digest	Published	Digest	Published
99-0119 (Supplemental) (1995-97): Applicability of IFTA regulations to taxpayer's single-axle trucks; sufficiency of documentation upon which taxpayer was assessed additional fuel tax liability; abatement of ten percent negligence penalty	25 IR 2972	01-0058 (1990-99): Public transportation exemption; tax administration - statute of limitations, method of calculation, and penalty	25 IR 3953
00-0171 (1996-98): IFTA - record keeping; IRP - record keeping	25 IR 2947	01-0059 (1990-99): Public transportation exemption; tax administration - statute of limitations, method of calculation, and penalty	25 IR 3953
02-0046 (1998-2000): Sufficiency of documentation	26 IR 226	01-0060 (1997-98): Public transportation exemption; tax administration - statute of limitations, method of calculation, and penalty	25 IR 3953
02-0263 (1993-95): Credits against tax - disallowed excess tax-paid fuel credit - type of records required - tax administration (motor carrier fuel tax) - differences between IFTA and motor carrier fuel tax law - type of records required for tax-paid fuel credit; motor fuel carrier fuel tax - credits against tax - constitutionality (federal) - interstate commerce clause, equal protection clause; constitutionality (state) - equal privileges and immunities clause; tax administration - negligence penalty	26 IR 233	01-0061 (1997-99): Public transportation exemption; tax administration - statute of limitations, method of calculation, and penalty	25 IR 3953
<b>Motor Carrier Fuel Tax:</b>		01-0207 (1993-99): Tax administration - return of assessed tax and interest	25 IR 2960
02-0037 (1998-2000): Sufficiency of documentation; penalty - imposition	25 IR 4270	01-0238 (1999-2000): Tangible personal property; tax administration - penalty	26 IR 962
<b>Motor Vehicle Rental Excise Tax:</b>		01-0261 (1998-99): Adequate documentation	26 IR 964
02-0419P (5/00-4/02): Tax administration - penalty, interest	26 IR 975	01-0297 (1999-2000): Applicability of state's gross retail (sales) tax to the sale of taxpayer's coupon books; imposition of use tax on taxpayer's free coupon books; prospective treatment of taxpayer's cumulative gross retail tax liability	25 IR 3957
<b>Retail Tax:</b>		01-0298 (1999-2000): Applicability of state's gross retail (sales) tax to the sale of taxpayer's coupon books; imposition of use tax on taxpayer's free coupon books; prospective treatment of taxpayer's cumulative gross retail tax liability	25 IR 3957
97-0382 ST (1994-96): Application of public transportation exemption	25 IR 2120	01-0352 (1998-2000): Public transportation exemption; tax administration - abatement of penalty	26 IR 596
98-0402 (1992-95): Tax administration - penalty	25 IR 1756	02-0123 (1998-2000): Taxpayer's architectural renderings	25 IR 4274
98-0428 (1993-95): Purchase of reprographic equipment; leasing of photocopying equipment; procedural; negligence penalty	25 IR 2124	<b>Sales and Use Tax:</b>	
98-0603 (1996-97): Responsible officer liability	25 IR 3609	97-0379 ST (1994-96): Delivery charges	25 IR 2937
98-0688 (1995-96): Responsible officer liability	25 IR 2641	97-0394 ST (1993-95): Public transportation exemption	25 IR 1754
98-0710 (1988-97): Lease of tangible personal property	25 IR 2126	97-0583 (1991-96): Utilities; In-store equipment; labels and packaging materials; other equipment	25 IR 2121
99-0219 (1995-97): Adequate documentation	26 IR 583	97-0583 SLOF (1991-96): Processing exemption; work-in-process - handling and storage equipment; refrigeration equipment; labels and packaging materials; 1991 refund claims	26 IR 980
99-0581 (1996-98): Purchases subject to use tax; abatement of the ten percent negligence penalty	25 IR 3945	98-0316 (1994): Contract for sale of services and tangible personal property; tax administration - penalty	25 IR 1755
99-0635 (1992-96): Temporary storage exemption: items purchased for use outside of Indiana	25 IR 3947	98-0355 (1991-96): Utilities; In-store equipment; labels and packaging materials; other equipment	25 IR 2121
00-0349 (1994-96): Exemption certificates; nonexempt items	25 IR 2643	98-0426 (1995-96): Unreported sales	25 IR 2938
00-0350 (1994-96): Exemption certificates; nonexempt items	25 IR 2643	98-0493 ST (1994-96): Dust lights; computer software; labels and label printing machine; tax administration - negligence penalty	26 IR 935
00-0351 (1994-96): Exemption certificates; nonexempt items	25 IR 2643	98-0506 (1994): Unreported taxable sales; school food service; vending machine labels; consumable goods; capital purchases; tax administration - penalty	26 IR 937
00-0352 (1994-96): Exemption certificates; nonexempt items	25 IR 2643	98-0507 (1994-96): Unreported taxable sales; school food service; vending machine labels; consumable goods; capital purchases; tax administration - penalty	26 IR 940
00-0140 (1996-98): Utility exclusion; manufacturing exemption; credit for use tax paid to foreign jurisdictions; abatement of penalty	25 IR 2345	98-0558 ST (1995-97): Manufacturing exemption	26 IR 943
00-0371 (1996): Responsible officer liability	25 IR 2350	98-0592 (1992-95): Double taxation; manufacturing machinery and equipment; vendor stocking; equipment to move work in process; safety equipment; services; product labels; packaging; testing equipment; capital purchases	25 IR 3602
01-0022 (1997-99): Hauling charges - taxability of delivery charges; tax administration - penalty	26 IR 210	98-0594 (1995-97): Rental of tangible personal property; advertising; property used in provision of a service; rental of real estate; sales tax on gasoline; miscellaneous transactions; credit for sales taxes on collected; tax administration - penalty	25 IR 1383
01-0023 (1995-98): Applicability of the gross income tax low rate; calculation of taxpayer's use tax liability; abatement of ten percent negligence penalty	25 IR 2140	98-0749 (1994-96): Exemption certificates	26 IR 583
01-0024 (1995-98): Applicability of the gross income tax low rate; calculation of taxpayer's use tax liability; abatement of ten percent negligence penalty	25 IR 2140	99-0011 (1995-97): Pattern shop patterns; tax administration - penalty	25 IR 1757
01-0028 (1997-99): Assessment of use tax on taxpayer's scrap bay crane trolleys, air handling equipment, control room "pulpits", control and monitoring equipment, and roof lift spare parts	25 IR 3950	99-0020 (1989-97): Taxable purchases	25 IR 2129
01-0145 (1998-99): Imposition of sales tax on the sale of school photographs; prospective treatment of sales tax liability	25 IR 1397		
01-0056 (1990-99): Public transportation exemption; tax administration - statute of limitations, method of calculation, and penalty	25 IR 3953		

# Cumulative Table of Nonrule Policy Documents

Digest	Published	Digest	Published
99-0034 (1994-97, 4/30/98): Selling at retail - delivery charges	25 IR 2938	00-0327 (12/95-4/96): Responsible officer liability; best information available assessments; tax administration - interest and penalty	25 IR 2950
99-0035 (1995-97): Retail sales of cars	25 IR 4257	00-0410 (1997-98): Public transportation exemption; tax administration - penalty	25 IR 3948
99-0046 (Supplemental) (1995-97): Applicability of the state's gross retail tax on the transfer of catalogs from taxpayer to parent corporation; abatement of the ten percent negligence penalty	25 IR 1769	00-0453 (1995-99): Tax administration - penalty	25 IR 2353
99-0047 (1994-95 and fiscal year ending 3/31/96): Tax administration - penalty	26 IR 199	00-0467 (2000-02): Rental of tangible personal property	26 IR 587
99-0053P (fiscal part year ending 3/31/96): Tax administration - penalty	26 IR 199	01-0001 (1990-99): Selling at retail - best information available	25 IR 2955
99-0117 (1995-97): Tangible personal property; returnable containers; tax administration - negligence penalty	25 IR 1389	01-0018P (1997-99): Tax administration - penalty	25 IR 2648
99-0221 ST (1994-97): Public transportation exemption	25 IR 1760	01-0020P (1997-99): Tax administration - penalty	25 IR 2649
99-0228 (1995-97): Utility purchases; foundations; forklifts; refuse chip conveyor system; pallet washer; lot control system; factory link equipment; negligence penalty	25 IR 2333	01-0025 (1997-99): Applicability of the state's gross retail tax to taxpayer's rental of customized mailings lists; prospective treatment of gross retail tax liability; abatement of the ten percent negligence penalty	25 IR 1394
99-0296 (1995-97): Out of state sales tax collected in error; rented office space; lump sum contracts	26 IR 947	01-0025 (Supplemental) (1997-99): Applicability of the state's gross retail tax to taxpayer's rental of customized mailings lists; prospective treatment of gross retail tax liability; abatement of the ten percent negligence penalty	25 IR 2664
99-0366 (1995-96): Rental of tangible personal property; office supplies	26 IR 201	01-0135 (1997-99): Services with tangible personal property	25 IR 1765
99-0531 (1996-98): Tax administration - books and records	25 IR 1763	01-0039 (1993-99): Services	26 IR 1393
99-0200 (1995-97): Aircraft; tax administration - negligence penalty and interest	25 IR 2129	01-0040 (1997-99): Employee purchases; duplicate assessments; items held in inventory; tax administration - penalty	26 IR 1394
99-0239 (1995-97): Tax administration - penalty	25 IR 2132	01-0065 (1993-99): Responsible officer liability	26 IR 1396
99-0298 (1995-97): Trailers and fuel; weiming knife grinder and grinding wheels; bander machine and strapper machine; purchases on which North Carolina sales tax was paid; rental of gas storage tank; parts and equipment to sharpen customers' band saw blades; item listed twice in the audit; calculation of error percentage; tax administration - penalty	25 IR 2337	01-0199 (1998-99): Tax administration - penalty	25 IR 2146
99-0329 (1995-97): Cost of goods sold; tax administration - penalty	25 IR 2135	01-0200P (2001): Tax administration - penalty	25 IR 2146
99-0381 (1995-97): JD955 tractor and mower attachment	26 IR 203	01-0215 (1995-97): Delivery charges; miscellaneous receipts	26 IR 961
99-0413 (1995-97): Selling at retail - unreported taxable sales	25 IR 2940	01-0227 (1995): Responsible officer liability	25 IR 1399
99-0497 (1995-98): Pallet labels; forklifts; tax administration - penalty/interest	25 IR 2941	01-0228P (1996-98): Tax administration - penalty	25 IR 1767
99-0532 ST (1996-98): Public transportation exemption	25 IR 2343	01-0229P (1997-99): Tax administration - penalty	25 IR 1767
99-0539 (1996-98): Selling at retail - best information available	26 IR 1386	01-0246P (1998-99): Tax administration - penalty	25 IR 2147
99-0578 (1996-98): Selling at retail - best information available; mulch spreader and trailer	26 IR 1387	01-0248 (7/12/98): Case backhoe	25 IR 2651
99-0624 (1996-98): Selling at retail - unreported sales; tax administration - penalty	26 IR 208	01-0249P (1998-2000): Tax administration - penalty	25 IR 2148
99-0650 (1995-97): Repairing/recutting process	25 IR 2641	01-0255P (1997-99): Tax administration - penalty	25 IR 1768
00-0029 ST (1995-97): Consumed in production exemption; tax administration - penalty	25 IR 3616	01-0270P (1998-99, 4/30/00): Tax administration - penalty	25 IR 2961
00-0129 (1982-89): Responsible officer liability	25 IR 2947	01-0271P (1998-99): Tax administration - penalty	25 IR 2653
00-0175 (1995-98, partial year 8/30/99): Sales tax not remitted	25 IR 4259	01-0276 (1998-2000): Assessment of use tax on bid documents acquired on behalf of taxpayer's customers; abatement of the ten percent negligence penalty	25 IR 3956
00-0184 (1997-98): Rental and purchase of tangible personal property	25 IR 4260	01-0281 (5/01): Tax administration - penalty - insufficient funds	25 IR 2148
00-0190 (1997-98): Studio rental	25 IR 2349	01-0285P (1999-2000): Tax administration - penalty	25 IR 2356
00-0208 (1996-98): Assessment of use tax on the purchase of annual reports, proxy statements, and videotapes	25 IR 1393	01-0287P (3-4/01): Tax administration - penalty	25 IR 2357
00-0236 (Supplemental) (1996-98): Characterization of restaurant equipment under rehearing standard of review	25 IR 1400	01-0300P (1995-2000): Tax administration - penalty	25 IR 2149
00-0237 (Supplemental) (1996-98): Characterization of restaurant equipment under rehearing standard of review	25 IR 1400	01-0301P (1998-99): Tax administration - penalty	25 IR 2150
00-0254 (1997-98): Printer ribbons; labels; chemical solvents; incinerator replacement parts; negligence penalty	25 IR 1764	01-0307P (1998-2000): Tax administration - penalty	25 IR 2360
00-0255 (1997-98): Shipping and handling charges; computer pricing tape; collection allowance	25 IR 2138	01-0308P (10/99-4/00): Tax administration - penalty	25 IR 2654
		01-0309P (1997-99): Tax administration - penalty	25 IR 2361
		01-0316P (1998-2000): Tax administration - penalty	25 IR 2151
		01-0318P (2000): Tax administration - penalty, interest	25 IR 2362
		01-0321 (1998-2000): Rental accommodations; tax administration - penalty	25 IR 2363
		01-0327 ST (1998-2000): Water filtration and distribution systems	25 IR 2961
		01-0330P (1998-2000): Tax administration - penalty	25 IR 2364
		01-0332P (1996-98): Tax administration - penalty	25 IR 2365
		01-0342 (12/95-4/96): Responsible officer liability; best information available assessments; tax administration - interest and penalty	25 IR 2962
		01-0343 (12/95-4/96): Responsible officer liability; best information available assessments; tax administration - interest and penalty	25 IR 2965
		01-0359P (1997-99): Tax administration - penalty	25 IR 2368

# Cumulative Table of Nonrule Policy Documents

Digest	Published	Digest	Published
02-0002P (1995-97): Tax administration - penalty	25 IR 2369	<b>Tax Administration</b>	
02-0005P (1995-98): Tax administration - penalty	25 IR 2370	98-0387 (1994-96): Payment application	26 IR 579
02-0014 (1996-2000): Equipment use in "field filtering" waste oil		<b>Underground Storage Tank Fee:</b>	
- sales and use tax production exemption; sales and use tax		01-0325 (1995-96): Imposition; penalty	25 IR 3624
claim for taxes by taxpayer's predecessor company; abatement		<b>Withholding Tax:</b>	
of the ten percent negligence claim	26 IR 1397	96-0565 ITC (Supplemental) (1995-96): Liability of em-	
02-0016P (1997-2000): Tax administration - penalty	25 IR 2372	ployer; tax administration - penalty, interest	25 IR 2372
02-0027 (1998-99): Best information available	26 IR 212	96-0637 (1995-96): Number of employees; estimated sales	25 IR 3600
02-0028 (2000): Conversion vehicle	26 IR 1403	96-0638 (1995-96): Number of employees; estimated sales	25 IR 3600
02-0031P (8/01): Tax administration - penalty	25 IR 2655	96-0639 (1995-96): Number of employees; estimated sales	25 IR 3600
02-0040P (1998-2000): Tax administration - penalty	25 IR 2656	97-0139 (1996-97): Withholding, retail sales, food and	
02-0041P (1998-2000): Tax administration - penalty	25 IR 2656	beverage tax assessments made against taxpayers as	
02-0043P (1998-2000): Tax administration - penalty	25 IR 2657	responsible officers	25 IR 2118
02-0044 (1998): Agricultural equipment exemption	25 IR 2658	97-0149 (1996): Withholding, retail sales, food and beverage	
02-0049P (1998-2000): Tax administration - penalty	25 IR 2658	tax assessments made against taxpayer as responsible	
02-0049P (Supplemental) (1998-2000): Tax administration -		officer	25 IR 1752
penalty	25 IR 2975	98-0327 (1995-96): Adequate documentation	26 IR 578
02-0051P (1998-99): Tax administration - penalty	25 IR 2660	98-0557 (1995-97): Gross income tax - withholding on	
02-0071 (1995-97): Responsible officer liability	25 IR 4273	nonresident contractor	26 IR 942
02-0076P (10/98): Tax administration - penalty	25 IR 3961	98-0774 (1995-96): Number of employees; estimated sales	25 IR 3600
02-0078P (1998-99): Tax administration - penalty	25 IR 2663	98-0775 (1995-96): Number of employees; estimated sales	25 IR 3600
02-0104P (1998-2000): Tax administration - penalty	25 IR 2968	98-0776 (1995-96): Number of employees; estimated sales	25 IR 3600
02-0105 (1998-99): Best information available	26 IR 228	99-0592P (11/98): Tax administration - penalty	25 IR 2344
02-0111P (1995-97, 8/30/98): Tax administration - penalty	25 IR 2969	00-01761995): Liability of employer	25 IR 4259
02-0112P (1998-2000): Tax administration - penalty	25 IR 2970	01-0004 (1993-96): Calculation; tax administration	26 IR 1392
02-0138P (8/1/98-5/31/01): Tax administration - penalty,		01-0114 (1999-2000): Responsible officer - bingo penalty and	
interest	25 IR 3964	withholding tax	25 IR 2143
02-0140 (1996): Responsible officer liability	25 IR 4276	01-0173 (1992-2000): Property tax expenses; entertainment	
02-0146P (8-9/01): Tax administration - penalty	25 IR 3966	income; additional payroll expense; property taxes paid on	
02-0167P (1998-2000): Tax administration - penalty,		personal residence	26 IR 218
interest	25 IR 3967	01-0174 (1992-2000): Property tax expenses; entertainment	
02-0186 (1998-2000): Documentation	26 IR 965	income; additional payroll expense; property taxes paid on	
02-0191P (1998-2000): Tax administration - penalty	25 IR 3969	personal residence	26 IR 218
02-0207P (12/01-1/02): Tax administration - penalty	25 IR 3972	01-0198 (1998-99): Tax administration - penalty	25 IR 2145
02-0208P (7-9/01): Tax administration - penalty	25 IR 3973	01-0272P (2/29/00): Tax administration - penalty	25 IR 2356
02-0210P (1998-2000): Tax administration - penalty	25 IR 3974	01-0289P (12/31/00, 1/31/01, 2/28/01, 4/30/01, and 5/31/01):	
02-0212P (1998-2000): Tax administration - penalty	25 IR 3975	Tax administration - penalty	25 IR 2358
02-0230P (1999-2000): Tax administration - penalty	25 IR 3976	01-0331P (1/31/01, 2/28/01, 4/30/01, 5/31/01, 7/31/01, and	
02-0232P (1998-2000): Tax administration - penalty	25 IR 3977	8/31/01): Tax administration - penalty, interest	25 IR 2365
02-0243 (1997-2000): Tax administration - penalty	26 IR 966	02-0007 (1/00-9/01): Tax administration - penalty	25 IR 2967
02-0256P (6/99-3/02): Tax administration - penalty	26 IR 966	02-0079P (1998): Tax administration - penalty	25 IR 2664
02-0269P (1999-2000): Tax administration - penalty	25 IR 4282	02-0130P (1998-2000): Tax administration - penalty,	
02-0270P (1997-2000): Tax administration - penalty	25 IR 4283	interest	25 IR 2971
02-0281P (1998-2000): Tax administration - penalty	25 IR 4283	02-0135P (month ending 8/31/01): Tax administration -	
02-0290P (1999-2000): Tax administration - penalty	26 IR 237	penalty	25 IR 3964
02-0298P (1999-2000): Tax administration - penalty	26 IR 239	02-0136P (month ending 8/31/01): Tax administration -	
02-0322 (1999-2000): Tax administration - interest	26 IR 240	penalty	25 IR 3964
02-0330P (1999-2000): Tax administration - penalty	26 IR 243	02-0214P (month ending 12/31/01): Tax administration -	
02-0353P (1991-2000): Tax administration - penalty	26 IR 1407	penalty	25 IR 3975
02-0413P (1999-2000): Tax administration - penalty	26 IR 1408	02-0231P (1/01-3/02): Tax administration - penalty, interest	25 IR 3977
02-0420P (5/00-4/02): Tax administration - penalty, interest	26 IR 975	02-0252 (1999): Tax administration - penalty	26 IR 230
02-0424P (1998-2000): Tax administration - penalty	26 IR 976	02-0253P (2000): Tax administration - penalty	25 IR 4280
02-0425P (1998-2000): Tax administration - penalty	26 IR 977	02-0285 (7/31/95, 8/31/95, and 9/30/95): Tax administration	
02-0427 (1997-98): Model/display manufactured homes	26 IR 977	- responsible officer	25 IR 4284
02-0448P (1998-2000): Tax administration - penalty	26 IR 1409	02-0289P (1999-2000): Tax administration - penalty	26 IR 237
02-0466P (2000): Tax administration - penalty	26 IR 1411	02-0291P (1999-2000): Tax administration - penalty,	
02-0469P (1998): Tax administration - penalty	26 IR 1412	interest	26 IR 238
02-0481P (months ending 1/01-9/01): Tax administration -		02-0325P (4/02): 02-0289P (1999-2000): Tax administration	
penalty	26 IR 1414	- penalty	26 IR 241
02-0485P (7/02): Tax administration - penalty	26 IR 1416	02-0332P (1999): Tax administration - penalty	26 IR 967
02-0487P (7/02): Tax administration - penalty	26 IR 1417	02-0351P (7/00-11/00): Tax administration - penalty	26 IR 968
02-0493P (1999-2001): Tax administration - penalty	26 IR 1418	02-0415P (2001): Tax administration - penalty	26 IR 973
02-0494P (8/00): Tax administration - penalty, interest	26 IR 1419	02-0416P (12/31/01): Tax administration - penalty	26 IR 973
<b>Single State Registration System:</b>		02-0464P (2001): Tax administration - penalty, interest	26 IR 1410
02-0047 (1999-2000): Inclusion of trip lessors	26 IR 227	02-0486P (7/02): Tax administration - penalty	26 IR 1416

# Cumulative Table of Nonrule Policy Documents

Digest

Published Digest

Published

## Revenue Rulings:

00-04 IT (12/19/01): Adjusted gross income tax, supplemental net income tax and gross income tax - Income tax consequences of proposed reorganization	25 IR 1772
01-11 IT (11/8/01): Gross income tax - Satellite television programming services	25 IR 1402
01-12 IT (11/13/01): Gross income tax - Consolidated gross income tax return	25 IR 1773
01-13 IT (12/5/01): Gross income tax - Inventory in state	25 IR 1774
02-01 IT (1/17/02): Corporate income tax - Eligibility of an S corporation subsidiary to qualify as an Indiana special corporation	25 IR 2152
02-01 ST (1/23/02): State retail sales/use tax - Application of state retail sales/use tax on service contracts	25 IR 2976
02-01 TPT (7/23/02): Tobacco products tax - Imposition and credits	25 IR 4285
02-02 IT (4/10/02): Gross income tax, adjusted gross income tax, and supplemental net income tax	25 IR 2977
02-02 ST (1/25/02): Sales/use tax - Electric power generating station and wholesale sales of electricity	25 IR 2375
02-03 IT (5/14/02): Gross income tax - Applicability of gross income tax to taxpayer	25 IR 3630
02-03 ST (3/5/02): Sales and use taxes - Collection of Indiana sales and use taxes by a designated third party	25 IR 2377
02-04 ST (3/12/02): Sales/use tax - Application of state sales tax to certain proposed transactions of an Indiana not-for-profit corporation	25 IR 2667
02-05 ST (3/14/02): Sales/use tax - Consequences of proposed transaction concerning an aircraft	25 IR 2980
02-07 ST (4/11/02): Sales/use tax - Product sold and stored in Indiana and later shipped to another state	25 IR 2981
02-08 ST (5/8/02): Sales/use tax - Merchant power plant and wholesale sales of electricity	25 IR 3631
02-09 ST (6/13/02): Sales/use tax and gross income tax - Restructuring	25 IR 4287

## For Cumulative Tables of Nonrule Policy Documents printed in the Indiana Register in previous years, consult the following table:

1982	See 5 IR 2586	(December 1982)
1983	See 7 IR 252	(December 1983)
1984	See 8 IR 1220	(June 1985)
1985	See 9 IR 932	(January 1986)
1986	See 10 IR 173	(October 1986)
1987	See 11 IR 2786	(April 1988)
1988	See 12 IR 1023	(January 1989)
1989	See 13 IR 791	(January 1990)
1990	See 14 IR 956	(January 1991)
1991	See 15 IR 651	(January 1992)
1992	See 16 IR 1311	(January 1993)
1993	See 17 IR 897	(January 1994)
1994	See 18 IR 1166	(January 1995)
1995	See 19 IR 954	(January 1996)
1996	See 20 IR 1040	(January 1997)
1997	See 21 IR 1628	(January 1998)
1998	See 22 IR 1324	(January 1999)
1999	See 23 IR 1013	(January 2000)
2000	See 24 IR 1241	(January 2001)
2001	See 25 IR 1406	(January 2002)
2002	See 26 IR 1423	(January 2003)

# Cumulative Tables of Executive Orders and Attorney General's Opinions

## EXECUTIVE ORDERS

<u>Number/Digest</u>	<u>Published</u>
01-14 Pardon: Vernon Allan Beaty	25 IR 1741
01-15 Establishing the Indiana Counterterrorism Council	25 IR 1741
01-16 The Hoosiers Helping Hoosiers Food Drive	25 IR 1742
01-17 Establishing the Office of Public Finance	25 IR 1743
01-18 Postponement of the date of expiration of rules until one year after date specified in IC 4-22-2.5	25 IR 1745
02-01 Creation of the Commission on Juvenile Law	25 IR 3908
02-02 Transition and closure of Muscatatuck State Developmental Center and related community based services for people with disabilities	25 IR 3909
02-03 Pardon: Aaron Abbott	25 IR 3911
02-04 Pardon: David Mullett	25 IR 3911
02-05 Pardon: John Wayne Agee	25 IR 3912
02-06 Pardon: John Eric Henry	25 IR 3912
02-07 Pardon: Raymond D. Thompson	25 IR 3913
02-08 Pardon: Robert Neumann	25 IR 3914
02-09 Pardon: Bill Miller	25 IR 3914
02-10 Pardon: Thomas Joseph Kelley	25 IR 3915
02-11 Pardon: Timmy Huber	25 IR 3915
02-12 Pardon: Peggy Higgins	25 IR 3916
02-13 Pardon: Gerald Price	25 IR 3917
02-14 Declaring a disaster emergency in the state of Indiana due to flooding and high winds	25 IR 3917
02-15 Creation of the Commission on Home and Community-Based Services	25 IR 4227
02-16 Establishing and clarifying duties of state agencies, for all matters relating to emergency management	25 IR 4228
02-17 The creation of Indiana Homeland Defense Service Ribbon	26 IR 573
02-18 The creation of Indiana Overseas Service Ribbon	26 IR 573
02-19 Declaring a disaster emergency in the state of Indiana due to severe storms and tornadic activity	26 IR 574
02-20 The Hoosiers Helping Hoosiers Food Drive	26 IR 890
02-21 Amendment to settlements between the state of Indiana and the Unity Team and the state of Indiana and AFSCME Council 62	26 IR 1363

## PROCLAMATIONS

Promulgation of the Acts of the First Special Session of the One Hundred-Twelfth General Assembly of the State of Indiana	26 IR 575
---	-----------

## ATTORNEY GENERAL'S OPINIONS

<u>Number/Digest</u>	<u>Published</u>
02-1 Authority of State Ethics Commission to enforce Executive Orders	26 IR 891
02-2 Funding for charter schools	26 IR 893
02-3 Jurisdiction of the committee over computer software/hardware training programs	26 IR 896
02-4 Validity of County Ordinance Conferring Merit Status on Deputy Prosecutors	26 IR 899
02-5 Payment by public employers of group health insurance premiums	26 IR 902

**For Cumulative Tables of Executive Orders and Attorney General's Opinions printed in the Indiana Register in previous years, consult the following table:**

1978	See 2 IR 181	(February 1979)
1979	See 3 IR 336	(March 1980)
1980	See 3 IR 2266	(December 1980)
1981	See 5 IR 179	(January 1982)
1982	See 5 IR 2588	(December 1982)
1983	See 7 IR 256	(December 1983)
1984	See 8 IR 249	(December 1984)
1985	See 9 IR 933	(January 1986)
1986	See 10 IR 175	(October 1986)
1987	See 11 IR 2790	(April 1988)
1988	See 12 IR 1025	(January 1989)
1989	See 13 IR 792	(January 1990)
1990	See 14 IR 957	(January 1991)
1991	See 15 IR 652	(January 1992)
1992	See 16 IR 1312	(January 1993)
1993	See 17 IR 898	(January 1994)
1994	See 18 IR 1167	(January 1995)
1995	See 19 IR 955	(January 1996)
1996	See 20 IR 1043	(January 1997)
1997	See 21 IR 1633	(January 1998)
1998	See 22 IR 1332	(January 1999)
1999	See 23 IR 1022	(January 2000)
2000	See 24 IR 1249	(January 2001)
2001	See 25 IR 1413	(January 2002)
2002	See 26 IR 1431	(January 2003)

## Rules Affected by Volumes 25 and 26

### TITLE 10 OFFICE OF ATTORNEY GENERAL FOR THE STATE

10 IAC 2	RA 01-311	25 IR 183	<b>25 IR 897</b>
10 IAC 4	N 01-264	25 IR 128	<b>25 IR 2208</b>

### TITLE 11 CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL

11 IAC	N 01-265	25 IR 130	*CPH (25 IR 403) <b>25 IR 1854</b>
11 IAC 1-1-3.5	N 02-238	26 IR 420	*AROC (26 IR 883)
11 IAC 2-2-5	N 02-18	25 IR 2281	*AROC (25 IR 3884) <b>25 IR 3702</b>
11 IAC 2-5-1	A 02-18	25 IR 2281	*AROC (25 IR 3884) <b>25 IR 3702</b>
11 IAC 2-5-2	A 02-18	25 IR 2281	*AROC (25 IR 3884) <b>25 IR 3702</b>
11 IAC 2-5-3	A 02-18	25 IR 2281	*AROC (25 IR 3884) <b>25 IR 3702</b>
11 IAC 2-5-4	N 02-18	25 IR 2281	*AROC (25 IR 3884) <b>25 IR 3702</b> *ERR (26 IR 35)
11 IAC 2-6-1	A 02-110	25 IR 3213	<b>26 IR 6</b>
11 IAC 2-6-5	A 02-110	25 IR 3213	<b>26 IR 6</b>
11 IAC 2-6-6	N 02-110	25 IR 3213	<b>26 IR 6</b>
11 IAC 2-9	N 02-19	25 IR 2282	<b>25 IR 3703</b>

### TITLE 20 STATE BOARD OF ACCOUNTS

20 IAC 1	RA 01-192	25 IR 183	<b>25 IR 897</b>
20 IAC 2	RA 01-192	25 IR 183	<b>25 IR 897</b>

### TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION

25 IAC 1.1	RA 01-125	24 IR 3788	<b>25 IR 1265</b>
25 IAC 1.5	RA 01-125	24 IR 3788	<b>25 IR 1265</b>
25 IAC 2	RA 01-125	24 IR 3788	<b>25 IR 1265</b>
25 IAC 2-19	R 02-150	26 IR 86	
25 IAC 2-20	R 02-150	26 IR 86	
25 IAC 4	RA 01-125	24 IR 3788	<b>25 IR 1265</b>
25 IAC 5	N 02-150	26 IR 67	

### TITLE 31 STATE PERSONNEL DEPARTMENT

31 IAC 1-9-3	A 02-10	25 IR 3214	
31 IAC 1-9-4	A 02-10	25 IR 3215	
31 IAC 1-9-4.5	A 02-10	25 IR 3215	
31 IAC 1-12.1	R 02-10	25 IR 3219	
31 IAC 2-11-3	A 02-10	25 IR 3216	
31 IAC 2-11-4	A 02-10	25 IR 3217	
31 IAC 2-11-4.5	A 02-10	25 IR 3217	
31 IAC 2-17.1	R 02-10	25 IR 3219	
31 IAC 4	R 02-10	25 IR 3219	
31 IAC 5	N 02-10	25 IR 3218	

### TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND

35 IAC 1.2-1-1	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-1-2	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-1-3	RA 01-217	24 IR 4201	<b>25 IR 1265</b>
35 IAC 1.2-2	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-3	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-3-10	RA 01-217	24 IR 4202	<b>25 IR 1265</b>
35 IAC 1.2-3-11	RA 01-216	25 IR 897	<b>25 IR 897</b>
35 IAC 1.2-3-12	RA 01-216	25 IR 897	<b>25 IR 897</b>
35 IAC 1.2-4-1	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-4-2	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-4-3	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-4-4	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-4-5	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-1	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-2	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-4	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-5	RA 01-217	24 IR 4202	<b>25 IR 1265</b>

35 IAC 1.2-5-6	RA 01-217	24 IR 4202	<b>25 IR 1265</b>
35 IAC 1.2-5-7	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-8	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-9	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-10	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-11	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-12	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-13	RA 01-217	24 IR 4202	<b>25 IR 1266</b>
35 IAC 1.2-5-14	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-15	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-16	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-17	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-5-18	RA 01-217	24 IR 4203	<b>25 IR 1266</b>
35 IAC 1.2-5-19	RA 01-217	24 IR 4203	<b>25 IR 1266</b>
35 IAC 1.2-5-20	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-6	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 1.2-6-3	RA 01-217	24 IR 4203	<b>25 IR 1267</b>
35 IAC 1.2-6-7	N 01-196	24 IR 4017	<b>25 IR 1488</b>
35 IAC 1.2-7	RA 01-216	24 IR 4201	<b>25 IR 897</b>
35 IAC 2	RA 01-218	24 IR 4204	<b>25 IR 898</b>
35 IAC 4	RA 01-218	24 IR 4204	<b>25 IR 898</b>
35 IAC 6	RA 01-218	24 IR 4204	<b>25 IR 898</b>
35 IAC 8	RA 01-218	24 IR 4204	<b>25 IR 898</b>
35 IAC 8-1-1	A 02-163	25 IR 4134	
35 IAC 8-1-2	A 02-163	25 IR 4134	
35 IAC 8-2-1	A 02-163	25 IR 4135	
35 IAC 9-1-1	A 02-163	25 IR 4136	
35 IAC 9-1-2	A 02-163	25 IR 4136	
35 IAC 9-1-3	A 02-163	25 IR 4136	
35 IAC 9-1-4	A 02-163	25 IR 4136	
35 IAC 10	N 02-163	25 IR 4137	

### TITLE 45 DEPARTMENT OF STATE REVENUE

45 IAC 3.1-1-99.1	N 02-305	26 IR 817	
45 IAC 18-1-2	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-3	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-4	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-5	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-6	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-7	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-8	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-9	N 02-40	25 IR 3220	*CPH (25 IR 4129)
45 IAC 18-1-10	N 02-40	25 IR 3220	*CPH (25 IR 4129)
45 IAC 18-1-11	N 02-40	25 IR 3220	*CPH (25 IR 4129)
45 IAC 18-1-12	N 02-40	25 IR 3220	*CPH (25 IR 4129)
45 IAC 18-1-13	N 02-40	25 IR 3220	*CPH (25 IR 4129)
45 IAC 18-1-14	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-15	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-16	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-17	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-18	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-19	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-20	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-21	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-22	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-23	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-24	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-25	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-26	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-27	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-28	N 02-40	25 IR 3223	*CPH (25 IR 4129)
45 IAC 18-1-29	N 02-40	25 IR 3223	*CPH (25 IR 4129)
45 IAC 18-1-30	N 02-40	25 IR 3223	*CPH (25 IR 4129)
45 IAC 18-1-31	N 02-40	25 IR 3223	*CPH (25 IR 4129)
45 IAC 18-1-32	N 02-40	25 IR 3223	*CPH (25 IR 4129)
45 IAC 18-1-33	N 02-40	25 IR 3224	*CPH (25 IR 4129)
45 IAC 18-1-34	N 02-40	25 IR 3224	*CPH (25 IR 4129)
45 IAC 18-1-35	N 02-40	25 IR 3224	*CPH (25 IR 4129)
45 IAC 18-1-36	N 02-40	25 IR 3224	*CPH (25 IR 4129)

# Rules Affected by Volumes 25 and 26

45 IAC 18-1-37	N	02-40	25 IR 3224	*CPH (25 IR 4129)	50 IAC 4.2-12	R	00-284	24 IR 4054	*AROC (24 IR 4240)
45 IAC 18-1-38	N	02-40	25 IR 3224	*CPH (25 IR 4129)					<b>25 IR 1528</b>
45 IAC 18-1-39	N	02-40	25 IR 3224	*CPH (25 IR 4129)	50 IAC 4.2-14	R	00-284	24 IR 4054	*AROC (24 IR 4240)
45 IAC 18-1-40	N	02-40	25 IR 3225	*CPH (25 IR 4129)					<b>25 IR 1528</b>
45 IAC 18-1-41	N	02-40	25 IR 3225	*CPH (25 IR 4129)	50 IAC 4.2-15	R	00-284	24 IR 4054	*AROC (24 IR 4240)
45 IAC 18-1-42	N	02-40	25 IR 3225	*CPH (25 IR 4129)					<b>25 IR 1528</b>
45 IAC 18-1-43	N	02-40	25 IR 3225	*CPH (25 IR 4129)	50 IAC 4.2-16	R	00-284	24 IR 4054	*AROC (24 IR 4240)
45 IAC 18-2-1	A	02-40	25 IR 3225	*CPH (25 IR 4129)					<b>25 IR 1528</b>
45 IAC 18-2-2	A	02-40	25 IR 3226	*CPH (25 IR 4129)	50 IAC 4.3	N	00-284	24 IR 4018	*AROC (24 IR 4240)
45 IAC 18-2-3	A	02-40	25 IR 3227	*CPH (25 IR 4129)					<b>25 IR 1489</b>
45 IAC 18-2-4	A	02-40	25 IR 3228	*CPH (25 IR 4129)	50 IAC 5.1	R	01-347	25 IR 435	<b>25 IR 1875</b>
45 IAC 18-3-1	A	02-40	25 IR 3228	*CPH (25 IR 4129)	50 IAC 5.2	N	01-347	25 IR 417	<b>25 IR 1859</b>
45 IAC 18-3-2	A	02-40	25 IR 3229	*CPH (25 IR 4129)	50 IAC 12-16-30				*ERR (26 IR 793)
45 IAC 18-3-3	R	02-40	25 IR 3238	*CPH (25 IR 4129)	50 IAC 14	N	00-283	25 IR 1930	<b>25 IR 4048</b>
45 IAC 18-3-4	N	02-40	25 IR 3231	*CPH (25 IR 4129)					*ERR (26 IR 382)
45 IAC 18-3-5	N	02-40	25 IR 3232	*CPH (25 IR 4129)	50 IAC 15-1-2.5	N	01-266	25 IR 410	*AROC (25 IR 2591)
45 IAC 18-3-6	N	02-40	25 IR 3232	*CPH (25 IR 4129)	50 IAC 15-1-2.6	N	01-266	25 IR 410	*AROC (25 IR 2591)
45 IAC 18-3-7	N	02-40	25 IR 3232	*CPH (25 IR 4129)	50 IAC 15-1-3	R	01-266	25 IR 416	*AROC (25 IR 2591)
45 IAC 18-3-8	N	02-40	25 IR 3233	*CPH (25 IR 4129)	50 IAC 15-1-5	R	01-266	25 IR 416	*AROC (25 IR 2591)
45 IAC 18-4-1	A	02-40	25 IR 3233	*CPH (25 IR 4129)	50 IAC 15-1-6	N	01-266	25 IR 410	*AROC (25 IR 2591)
45 IAC 18-4-2	A	02-40	25 IR 3234	*CPH (25 IR 4129)	50 IAC 15-3-1	A	01-266	25 IR 410	*AROC (25 IR 2591)
45 IAC 18-5-2	A	02-40	25 IR 3235	*CPH (25 IR 4129)	50 IAC 15-3-2	A	01-266	25 IR 410	*AROC (25 IR 2591)
45 IAC 18-6-1	R	02-40	25 IR 3238	*CPH (25 IR 4129)	50 IAC 15-3-3	A	01-266	25 IR 411	*AROC (25 IR 2591)
45 IAC 18-6-2	R	02-40	25 IR 3238	*CPH (25 IR 4129)	50 IAC 15-3-4	A	01-266	25 IR 411	*AROC (25 IR 2591)
45 IAC 18-6-3	A	02-40	25 IR 3235	*CPH (25 IR 4129)	50 IAC 15-3-5	A	01-266	25 IR 411	*AROC (25 IR 2591)
45 IAC 18-7	N	02-40	25 IR 3236	*CPH (25 IR 4129)	50 IAC 15-3-6	N	01-266	25 IR 411	*AROC (25 IR 2591)
45 IAC 18-8	N	02-40	25 IR 3236	*CPH (25 IR 4129)	50 IAC 15-4-1	A	01-266	25 IR 412	*AROC (25 IR 2591)
TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE					50 IAC 15-5-1	A	01-266	25 IR 413	*AROC (25 IR 2591)
50 IAC 2.3-1-1	A	01-305	25 IR 835	<b>26 IR 6</b>	50 IAC 15-5-2	A	01-266	25 IR 414	*AROC (25 IR 2591)
	A	01-402	26 IR 86	*AROC (26 IR 183)	50 IAC 15-5-4	A	01-266	25 IR 414	*AROC (25 IR 2591)
				*AROC (26 IR 184)	50 IAC 15-5-5	A	01-266	25 IR 414	*AROC (25 IR 2591)
	A	02-240	26 IR 88		50 IAC 15-5-6	A	01-266	25 IR 415	*AROC (25 IR 2591)
50 IAC 2.3-1-2	A	01-366	25 IR 1200	*ARR (25 IR 3760)	50 IAC 15-5-7	A	01-266	25 IR 415	*AROC (25 IR 2591)
				*AWR (26 IR 39)	50 IAC 15-5-8	A	01-266	25 IR 415	*AROC (25 IR 2591)
	A	01-402	26 IR 87	*AROC (26 IR 183)	50 IAC 17-5-1	A	00-188	24 IR 705	*AROC (24 IR 2590)
				*AROC (26 IR 184)	50 IAC 17-6-2	A	00-188	24 IR 705	*AROC (24 IR 2590)
50 IAC 3.1-1	R	01-367	25 IR 2550	<b>26 IR 328</b>	50 IAC 17-7-1	A	00-188	24 IR 705	*AROC (24 IR 2590)
50 IAC 3.1-2-1	R	01-367	25 IR 2550	<b>26 IR 328</b>	50 IAC 17-10.5	N	00-188	24 IR 706	*AROC (24 IR 2590)
50 IAC 3.1-2-5	R	01-367	25 IR 2550	<b>26 IR 328</b>	50 IAC 18	N	02-81	26 IR 1117	*AROC (26 IR 1263)
50 IAC 3.1-2-6	R	01-367	25 IR 2550	<b>26 IR 328</b>	TITLE 52 INDIANA BOARD OF TAX REVIEW				
50 IAC 3.1-2-7	R	01-367	25 IR 2550	<b>26 IR 328</b>	52 IAC 1	N	02-206	26 IR 89	
50 IAC 3.1-2-8	R	01-367	25 IR 2550	<b>26 IR 328</b>	TITLE 55 DEPARTMENT OF COMMERCE				
50 IAC 3.1-2-9	R	01-367	25 IR 2550	<b>26 IR 328</b>	55 IAC 1	RA	01-239	25 IR 518	<b>25 IR 1267</b>
50 IAC 3.2	N	01-367	25 IR 2548	<b>26 IR 326</b>	55 IAC 2	RA	01-239	25 IR 518	<b>25 IR 1267</b>
				*ERR (26 IR 382)	55 IAC 3.1	RA	01-239	25 IR 518	<b>25 IR 1267</b>
50 IAC 4.2-1	R	00-284	24 IR 4054	*AROC (24 IR 4240)	55 IAC 4	RA	01-239	25 IR 518	<b>25 IR 1267</b>
				<b>25 IR 1528</b>	55 IAC 5	RA	01-239	25 IR 518	<b>25 IR 1267</b>
50 IAC 4.2-2	R	00-284	24 IR 4054	*AROC (24 IR 4240)	55 IAC 6	RA	01-239	25 IR 518	<b>25 IR 1267</b>
				<b>25 IR 1528</b>	55 IAC 8	RA	01-239	25 IR 518	<b>25 IR 1267</b>
50 IAC 4.2-3-1	R	00-284	24 IR 4054	*AROC (24 IR 4240)	TITLE 58 ENTERPRISE ZONE BOARD				
				<b>25 IR 1528</b>	58 IAC 1	RA	01-267	25 IR 518	<b>25 IR 1267</b>
50 IAC 4.2-3-2	R	00-284	24 IR 4054	*AROC (24 IR 4240)	58 IAC 2	RA	01-267	25 IR 518	<b>25 IR 1267</b>
				<b>25 IR 1528</b>	TITLE 60 OVERSIGHT COMMITTEE ON PUBLIC RECORDS				
50 IAC 4.2-3-3	R	00-284	24 IR 4054	*AROC (24 IR 4240)	60 IAC 1.1	RA	01-318	25 IR 519	<b>25 IR 1268</b>
				<b>25 IR 1528</b>	60 IAC 2	RA	01-318	25 IR 519	<b>25 IR 1268</b>
50 IAC 4.2-4	R	00-284	24 IR 4054	*AROC (24 IR 4240)	60 IAC 2-1-1	A	02-261	26 IR 1118	
				<b>25 IR 1528</b>	60 IAC 2-1-2	R	02-261	26 IR 1121	
50 IAC 4.2-5	R	00-284	24 IR 4054	*AROC (24 IR 4240)	60 IAC 2-1-3	R	02-261	26 IR 1121	
				<b>25 IR 1528</b>	60 IAC 2-2-1	A	02-261	26 IR 1118	
50 IAC 4.2-6	R	00-284	24 IR 4054	*AROC (24 IR 4240)	60 IAC 2-2-2	A	02-261	26 IR 1118	
				<b>25 IR 1528</b>	60 IAC 2-2-3	A	02-261	26 IR 1119	
50 IAC 4.2-8	R	00-284	24 IR 4054	*AROC (24 IR 4240)	60 IAC 2-2-3.1	N	02-261	26 IR 1120	
				<b>25 IR 1528</b>	60 IAC 2-2-4	A	02-261	26 IR 1120	
50 IAC 4.2-9	R	00-284	24 IR 4054	*AROC (24 IR 4240)	60 IAC 2-2-5	A	02-261	26 IR 1120	
				<b>25 IR 1528</b>	60 IAC 2-2-5.1	N	02-261	26 IR 1121	
50 IAC 4.2-10	R	00-284	24 IR 4054	*AROC (24 IR 4240)	60 IAC 2-2-6	R	02-261	26 IR 1121	
				<b>25 IR 1528</b>	60 IAC 2-2-7	R	02-261	26 IR 1121	
50 IAC 4.2-11	R	00-284	24 IR 4054	*AROC (24 IR 4240)					
				<b>25 IR 1528</b>					

# Rules Affected by Volumes 25 and 26

## TITLE 65 STATE LOTTERY COMMISSION

65 IAC 1	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 2	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 3	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 3-3-3	A 02-252		*ER (26 IR 40)
65 IAC 3-3-10	A 02-252		*ER (26 IR 40)
65 IAC 3-4-4	A 02-252		*ER (26 IR 41)
65 IAC 3-4-5	A 02-252		*ER (26 IR 42)
65 IAC 4-1	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-2	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-2-4	A 02-253		*ER (26 IR 42)
65 IAC 4-2-8	A 02-253		*ER (26 IR 43)
65 IAC 4-3	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-205	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-248	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-248-10	N 01-379		*ER (25 IR 816)
65 IAC 4-248-11	N 01-379		*ER (25 IR 816)
65 IAC 4-279	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-287	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-287-9	N 01-380		*ER (25 IR 816)
65 IAC 4-287-10	N 01-380		*ER (25 IR 816)
65 IAC 4-332	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-354	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-441	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-442	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-443	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-444	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-446	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 4-447	N 01-325		*ER (25 IR 109)
65 IAC 4-448	N 02-65		*ER (25 IR 2269)
65 IAC 4-450	N 02-102		*ER (25 IR 2531)
65 IAC 4-451	N 02-228		*ER (25 IR 4125)
65 IAC 5-1	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 5-2	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 5-2-4	A 02-253		*ER (26 IR 43)
65 IAC 5-2-8	A 02-253		*ER (26 IR 43)
65 IAC 5-3	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 5-5	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 5-6	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 5-7	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 5-9	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 5-10	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 5-12	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 5-12-2	A 02-254		*ER (26 IR 44)
65 IAC 5-12-3	A 02-254		*ER (26 IR 45)
65 IAC 5-12-4	A 02-254		*ER (26 IR 45)
65 IAC 5-12-5	A 02-254		*ER (26 IR 46)
65 IAC 5-12-6	A 02-254		*ER (26 IR 46)
65 IAC 5-12-7	A 02-254		*ER (26 IR 47)
65 IAC 5-12-9	A 02-254		*ER (26 IR 47)
65 IAC 5-12-10	A 02-254		*ER (26 IR 47)
65 IAC 5-12-11	A 02-254		*ER (26 IR 48)
65 IAC 5-12-12	A 02-254		*ER (26 IR 49)
65 IAC 5-12-12.5	A 02-254		*ER (26 IR 49)
65 IAC 5-12-14	A 02-254		*ER (26 IR 51)
65 IAC 5-15	N 02-26		*ER (25 IR 1909)
65 IAC 6-1	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 6-1-1.1	N 02-255		*ER (26 IR 51)
65 IAC 6-1-1.2	N 02-255		*ER (26 IR 51)
65 IAC 6-1-2.1	N 02-255		*ER (26 IR 51)
65 IAC 6-1-2.2	N 02-255		*ER (26 IR 51)
65 IAC 6-1-4.1	N 02-255		*ER (26 IR 51)
65 IAC 6-1-10	N 02-255		*ER (26 IR 52)
65 IAC 6-2	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 6-2-3	A 02-255		*ER (26 IR 52)
65 IAC 6-2-4	A 02-255		*ER (26 IR 52)
65 IAC 6-2-5	A 02-255		*ER (26 IR 52)
65 IAC 6-2-8	A 02-255		*ER (26 IR 53)
65 IAC 6-2-9	A 02-255		*ER (26 IR 53)

65 IAC 6-3	RA 01-286	25 IR 184	<b>25 IR 1268</b>
65 IAC 6-3-2	A 02-255		*ER (26 IR 53)
65 IAC 6-3-3	R 02-255		*ER (26 IR 54)
65 IAC 6-4-6	R 02-255		*ER (26 IR 54)
65 IAC 6-4-7	R 02-255		*ER (26 IR 54)
65 IAC 6-4-8	R 02-255		*ER (26 IR 54)
65 IAC 6-4-9	R 02-255		*ER (26 IR 54)
65 IAC 6-4-10	R 02-255		*ER (26 IR 54)
65 IAC 6-4-11	R 02-255		*ER (26 IR 54)
65 IAC 6-4-12	R 02-255		*ER (26 IR 54)

## TITLE 68 INDIANA GAMING COMMISSION

68 IAC 1	RA 01-24	24 IR 2202	<b>25 IR 898</b>
68 IAC 2	RA 01-24	24 IR 2202	<b>25 IR 898</b>
68 IAC 2-2-1	A 01-23	24 IR 2728	<b>25 IR 1060</b>
68 IAC 2-2-9.5	N 01-23	24 IR 2729	<b>25 IR 1061</b>
68 IAC 2-3-5	A 01-23	24 IR 2729	<b>25 IR 1061</b>
68 IAC 2-6-6	A 01-23	24 IR 2732	<b>25 IR 1064</b>
68 IAC 3	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			<b>26 IR 1261</b>
68 IAC 3-3-6	A 01-23	24 IR 2732	<b>25 IR 1065</b>
68 IAC 4	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
68 IAC 5	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			<b>26 IR 1261</b>
68 IAC 6	RA 01-24	24 IR 2202	<b>25 IR 898</b>
68 IAC 7	RA 01-24	24 IR 2202	<b>25 IR 898</b>
68 IAC 8	RA 01-24	24 IR 2202	<b>25 IR 898</b>
68 IAC 9	RA 01-24	24 IR 2202	<b>25 IR 898</b>
68 IAC 10	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			<b>26 IR 1261</b>
68 IAC 10-2-1	A 01-23	24 IR 2733	<b>25 IR 1065</b>
68 IAC 11	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			<b>26 IR 1261</b>
68 IAC 11-2-7	A 01-23	24 IR 2734	<b>25 IR 1066</b>
68 IAC 11-5-1	A 01-23	24 IR 2734	<b>25 IR 1066</b>
68 IAC 12	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			<b>26 IR 1261</b>
68 IAC 13	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			<b>26 IR 1261</b>
68 IAC 14	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			<b>26 IR 1261</b>
68 IAC 14-2-2	A 01-23	24 IR 2734	<b>25 IR 1066</b>
68 IAC 14-3-8	N 01-23	24 IR 2735	<b>25 IR 1067</b>
68 IAC 14-10-2	A 01-23	24 IR 2735	<b>25 IR 1067</b>
68 IAC 14-11-2	A 01-23	24 IR 2736	<b>25 IR 1068</b>
68 IAC 14-12-2	A 01-23	24 IR 2736	<b>25 IR 1068</b>
68 IAC 15	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			<b>26 IR 1261</b>
68 IAC 15-2-3	A 01-23	24 IR 2736	<b>25 IR 1069</b>
68 IAC 15-2-6	A 01-23	24 IR 2737	<b>25 IR 1069</b>
68 IAC 15-4-2	A 01-23	24 IR 2738	<b>25 IR 1070</b>
68 IAC 15-4-3	A 01-23	24 IR 2739	<b>25 IR 1071</b>
68 IAC 15-7-3	A 01-23	24 IR 2739	<b>25 IR 1071</b>
68 IAC 15-8-1	A 01-23	24 IR 2740	<b>25 IR 1072</b>
68 IAC 15-8-2	A 01-23	24 IR 2740	<b>25 IR 1072</b>
68 IAC 15-14	N 01-23	24 IR 2740	<b>25 IR 1073</b>
68 IAC 16	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			<b>26 IR 1261</b>
68 IAC 17	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			<b>26 IR 1261</b>
68 IAC 18	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			<b>26 IR 1261</b>
68 IAC 19	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			<b>26 IR 1261</b>

## TITLE 71 INDIANA HORSE RACING COMMISSION

71 IAC 1	RA 01-38	24 IR 3788	<b>25 IR 899</b>
71 IAC 1-1-41.5	N 02-282		*ER (26 IR 394)
71 IAC 1.5	RA 01-38	24 IR 3788	<b>25 IR 899</b>
71 IAC 1.5-1-37.5	N 02-282		*ER (26 IR 394)
			*ERR (26 IR 793)

# Rules Affected by Volumes 25 and 26

71 IAC 2	RA 01-38	24 IR 3788	<b>25 IR 899</b>	TITLE 80 STATE FAIR COMMISSION			
71 IAC 3	RA 01-38	24 IR 3788	<b>25 IR 899</b>	80 IAC 1	RA 01-126	24 IR 3789	<b>25 IR 528</b>
71 IAC 3-2-9	A 02-96		*ER (25 IR 2534)	80 IAC 2	RA 01-126	24 IR 3789	<b>25 IR 528</b>
71 IAC 3-10-1	A 02-96		*ER (25 IR 2534)	80 IAC 3	RA 01-126	24 IR 3789	<b>25 IR 528</b>
71 IAC 3.5	RA 01-38	24 IR 3788	<b>25 IR 899</b>	80 IAC 4	RA 01-126	24 IR 3789	<b>25 IR 528</b>
71 IAC 4	RA 01-38	24 IR 3788	<b>25 IR 899</b>	80 IAC 4-3-3	A 02-200	26 IR 420	
71 IAC 4.5	RA 01-38	24 IR 3788	<b>25 IR 899</b>	80 IAC 4-3-5	A 02-200	26 IR 420	
71 IAC 4.5-2-7	N 01-322		*ER (25 IR 118)	80 IAC 5	RA 01-126	24 IR 3789	<b>25 IR 528</b>
71 IAC 4.5-3-9	A 01-322		*ER (25 IR 118)	80 IAC 6	RA 01-126	24 IR 3789	<b>25 IR 528</b>
71 IAC 5	RA 01-38	24 IR 3788	<b>25 IR 899</b>	TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION			
71 IAC 5-3-3	A 02-96		*ER (25 IR 2535)	105 IAC 1	RA 01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 5.5	RA 01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 2	RA 01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 5.5-1-12	A 01-322		*ER (25 IR 118)	105 IAC 3	RA 01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 5.5-1-13	A 01-322		*ER (25 IR 118)	105 IAC 4	RA 01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 5.5-2-1	A 01-322		*ER (25 IR 119)	105 IAC 5	RA 01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 5.5-3-6	A 01-322		*ER (26 IR 55)	105 IAC 5-10-1	A 01-390	25 IR 1673	<b>25 IR 4051</b>
71 IAC 5.5-5-3	A 02-250			105 IAC 5-10-2	A 01-390	25 IR 1674	<b>25 IR 4052</b>
71 IAC 6	RA 01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 6-1	RA 01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 6-1-2	A 02-96		*ER (25 IR 2536)	105 IAC 6-2	RA 01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 6.5	RA 01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 7	RA 01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 6.5-1-4	A 02-250		*ER (26 IR 55)	105 IAC 9	RA 01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 7	RA 01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 9-2-1	A 02-231	26 IR 421	
71 IAC 7-1-26	A 02-96		*ER (25 IR 2536)	105 IAC 9-4-4	A 01-374	25 IR 836	<b>25 IR 2438</b>
71 IAC 7-1-28	A 02-96		*ER (25 IR 2536)	105 IAC 9-4-5	A 01-374	25 IR 836	<b>25 IR 2438</b>
71 IAC 7-3-9	A 02-96		*ER (25 IR 2536)	105 IAC 9-4-6	A 01-374	25 IR 837	<b>25 IR 2439</b>
71 IAC 7-3-13	A 02-96		*ER (25 IR 2537)	105 IAC 9-4-7	A 01-374	25 IR 837	<b>25 IR 2439</b>
71 IAC 7-3-16	A 02-96		*ER (25 IR 2537)	105 IAC 9-4-8	A 01-374	25 IR 837	<b>25 IR 2439</b>
71 IAC 7-3-25	A 02-96		*ER (25 IR 2537)	105 IAC 9-4-9	A 01-374	25 IR 838	<b>25 IR 2440</b>
71 IAC 7.5	RA 01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 9-4-10	A 01-374	25 IR 838	<b>25 IR 2440</b>
71 IAC 7.5-3-4	A 01-322		*ER (25 IR 119)	105 IAC 9-4-11	A 01-374	25 IR 839	<b>25 IR 2441</b>
71 IAC 7.5-4-2	A 01-322		*ER (25 IR 120)	105 IAC 9-4-12	A 01-374	25 IR 840	<b>25 IR 2442</b>
71 IAC 7.5-10	N 02-250		*ER (26 IR 56)	105 IAC 9-4-13	A 01-374	25 IR 840	<b>25 IR 2442</b>
71 IAC 8	RA 01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 10	RA 01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 8-5-7	A 02-96		*ER (25 IR 2538)	105 IAC 11	RA 01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 8-11-3	A 02-96		*ER (25 IR 2538)	105 IAC 12	RA 01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 8.5	RA 01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 12-1-6	A 00-248	24 IR 3664	<b>25 IR 366</b>
71 IAC 8.5-3-1	A 01-322		*ER (25 IR 121)	105 IAC 12-1-9	A 00-248	24 IR 3664	<b>25 IR 366</b>
71 IAC 8.5-3-2	A 01-322		*ER (25 IR 121)	105 IAC 12-1-10	A 00-248	24 IR 3664	<b>25 IR 366</b>
71 IAC 8.5-4-5	A 01-322		*ER (25 IR 121)	105 IAC 12-1-12	A 00-248	24 IR 3664	<b>25 IR 366</b>
71 IAC 8.5-4-8	N 02-250		*ER (26 IR 57)	105 IAC 12-1-13	A 00-248	24 IR 3664	<b>25 IR 366</b>
71 IAC 8.5-5-2	N 02-250		*ER (26 IR 57)	105 IAC 12-1-14	A 00-248	24 IR 3664	<b>25 IR 366</b>
71 IAC 8.5-10-5	A 01-322		*ER (25 IR 122)	105 IAC 12-1-16	A 00-248	24 IR 3665	<b>25 IR 367</b>
71 IAC 8.5-10-6	A 02-250		*ER (26 IR 58)	105 IAC 12-1-20	A 00-248	24 IR 3665	<b>25 IR 367</b>
71 IAC 9	RA 01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 12-1-20.1	N 00-248	24 IR 3665	<b>25 IR 367</b>
71 IAC 10	RA 01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 12-1-21	A 00-248	24 IR 3665	<b>25 IR 367</b>
71 IAC 11	RA 01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 12-1-23	A 00-248	24 IR 3665	<b>25 IR 367</b>
71 IAC 12	RA 01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 12-1-24	A 00-248	24 IR 3665	<b>25 IR 367</b>
71 IAC 12-2-15	A 01-410		*ER (25 IR 1189)	105 IAC 12-1-25	A 00-248	24 IR 3665	<b>25 IR 367</b>
	A 02-251		*ER (26 IR 58)	105 IAC 12-1-26	A 00-248	24 IR 3665	<b>25 IR 367</b>
	A 02-282		*ER (26 IR 394)	105 IAC 12-2-4	A 00-248	24 IR 3666	<b>25 IR 368</b>
71 IAC 12-2-17	R 01-410		*ER (25 IR 1190)	105 IAC 12-2-6	A 00-248	24 IR 3666	<b>25 IR 368</b>
71 IAC 12-2-18	A 01-410		*ER (25 IR 1190)	105 IAC 12-2-7	A 00-248	24 IR 3666	<b>25 IR 368</b>
71 IAC 12-2-19	A 01-410		*ER (25 IR 1190)	105 IAC 12-2-9	A 00-248	24 IR 3666	<b>25 IR 368</b>
	A 02-251		*ER (26 IR 59)	105 IAC 12-2-14	A 00-248	24 IR 3666	<b>25 IR 368</b>
			*ERR (26 IR 382)	105 IAC 12-2-16	A 00-248	24 IR 3666	<b>25 IR 369</b>
71 IAC 12-2-20	N 01-410		*ER (25 IR 1190)	105 IAC 12-3-1	A 00-248	24 IR 3667	<b>25 IR 369</b>
	A 02-282		*ER (26 IR 395)	105 IAC 12-3-2	A 00-248	24 IR 3667	<b>25 IR 369</b>
71 IAC 13.5	RA 01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 12-3-3	R 00-248	24 IR 3670	<b>25 IR 372</b>
71 IAC 13.5-1-1	A 01-322		*ER (25 IR 122)	105 IAC 12-3-4	A 00-248	24 IR 3667	<b>25 IR 370</b>
71 IAC 13.5-2-1	A 01-322		*ER (25 IR 122)	105 IAC 12-3-5	A 00-248	24 IR 3668	<b>25 IR 370</b>
71 IAC 14.5	RA 01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 12-3-7	A 00-248	24 IR 3668	<b>25 IR 370</b>
71 IAC 14.5-1-1	N 01-322		*ER (25 IR 123)	105 IAC 12-3-8	A 00-248	24 IR 3669	<b>25 IR 371</b>
	A 01-411		*ER (25 IR 1190)	105 IAC 12-4-1	A 00-248	24 IR 3669	<b>25 IR 371</b>
71 IAC 14.5-1-2	A 01-411		*ER (25 IR 1191)	105 IAC 12-4-3	A 00-248	24 IR 3669	<b>25 IR 371</b>
71 IAC 14.5-1-3	A 02-97		*ER (25 IR 2538)	105 IAC 12-4-4	A 00-248	24 IR 3669	<b>25 IR 371</b>
71 IAC 14.5-2-1	N 01-322		*ER (25 IR 123)	105 IAC 12-4-6	A 00-248	24 IR 3670	<b>25 IR 372</b>
	A 01-411		*ER (25 IR 1191)				
71 IAC 14.5-2-2	A 02-97		*ER (25 IR 2539)				
71 IAC 14.5-3-2	A 02-97		*ER (25 IR 2539)				
71 IAC 14.5-3-3	A 02-97		*ER (25 IR 2539)				

## Rules Affected by Volumes 25 and 26

### TITLE 130 INDIANA PORT COMMISSION

130 IAC 1	RA	01-319	25 IR 185	<b>25 IR 900</b>
	R	01-395	25 IR 1683	*ARR (25 IR 2523)
				*CPH (25 IR 2542)
				*AROC (25 IR 3884)
				<b>25 IR 3712</b>
130 IAC 2	N	01-395	25 IR 1674	*ARR (25 IR 2523)
				*CPH (25 IR 2542)
				*AROC (25 IR 3884)
				<b>25 IR 3703</b>
130 IAC 3	N	01-395	25 IR 1676	*ARR (25 IR 2523)
				*CPH (25 IR 2542)
				*AROC (25 IR 3884)
				<b>25 IR 3705</b>
130 IAC 4	N	01-395	25 IR 1679	*ARR (25 IR 2523)
				*CPH (25 IR 2542)
				*AROC (25 IR 3884)
				<b>25 IR 3708</b>

### TITLE 135 INDIANA TRANSPORTATION FINANCE AUTHORITY

135 IAC 2	RA	02-175	25 IR 4219	<b>26 IR 882</b>
135 IAC 2-1-1	A	02-171	25 IR 4138	
135 IAC 2-2-1	A	02-171	25 IR 4140	
135 IAC 2-2-3	A	02-171	25 IR 4140	
135 IAC 2-2-5	A	02-171	25 IR 4140	
135 IAC 2-2-10	A	02-171	25 IR 4141	
135 IAC 2-2-12	A	02-171	25 IR 4141	
135 IAC 2-3-1	A	02-171	25 IR 4141	
135 IAC 2-3-2	A	02-171	25 IR 4141	
135 IAC 2-4-1	A	02-171	25 IR 4141	
135 IAC 2-4-4	A	02-171	25 IR 4142	
135 IAC 2-5-1	A	02-171	25 IR 4142	
135 IAC 2-5-2	A	02-171	25 IR 4142	
135 IAC 2-6-1	A	02-171	25 IR 4148	
135 IAC 2-7-1	A	02-171	25 IR 4148	
135 IAC 2-7-3	A	02-171	25 IR 4148	
135 IAC 2-7-7	A	02-171	25 IR 4148	
135 IAC 2-7-11	A	02-171	25 IR 4149	
135 IAC 2-7-15	A	02-171	25 IR 4149	
135 IAC 2-7-18	A	02-171	25 IR 4149	
135 IAC 2-7-19	R	02-171	25 IR 4151	
135 IAC 2-7-20	A	02-171	25 IR 4149	
135 IAC 2-7-23	A	02-171	25 IR 4149	
135 IAC 2-8-1	A	02-171	25 IR 4149	
135 IAC 2-8-3	A	02-171	25 IR 4150	
135 IAC 2-8-5	A	02-171	25 IR 4150	
135 IAC 2-8-7	A	02-171	25 IR 4150	
135 IAC 2-8-11	A	02-171	25 IR 4150	
135 IAC 2-10-1	A	02-171	25 IR 4151	
135 IAC 2-10-2	A	02-171	25 IR 4151	
135 IAC 3	RA	02-175	25 IR 4219	<b>26 IR 882</b>

### TITLE 140 BUREAU OF MOTOR VEHICLES

140 IAC 1-1-7	RA	01-75	24 IR 2862	<b>25 IR 900</b>
140 IAC 1-1-11	RA	01-75	24 IR 2863	<b>25 IR 901</b>
140 IAC 1-2-2	RA	01-75	24 IR 2864	<b>25 IR 902</b>
140 IAC 1-2-3	RA	01-75	24 IR 2864	<b>25 IR 902</b>
140 IAC 1-4-5-4	RA	01-75	24 IR 2865	<b>25 IR 902</b>
140 IAC 1-4-5-6	RA	01-75	24 IR 2865	<b>25 IR 903</b>
140 IAC 1-4-5-10	RA	01-75	24 IR 2866	<b>25 IR 903</b>
140 IAC 1-5-3	RA	01-75	24 IR 2871	<b>25 IR 909</b>
140 IAC 1-8-1	RA	01-75	24 IR 2872	<b>25 IR 910</b>
140 IAC 2-4-3	RA	01-77	24 IR 2873	<b>25 IR 910</b>
140 IAC 2-4-4	RA	01-77	24 IR 2873	<b>25 IR 910</b>
140 IAC 2-4-9	RA	01-77	24 IR 2874	<b>25 IR 911</b>
140 IAC 3-3-6	RA	01-79	24 IR 2875	<b>25 IR 911</b>
140 IAC 3.5-2-4	RA	01-81	24 IR 2877	<b>25 IR 912</b>
140 IAC 3.5-2-9	RA	01-81	24 IR 2878	<b>25 IR 913</b>
140 IAC 3.5-2-11	RA	01-81	24 IR 2879	<b>25 IR 914</b>

140 IAC 3.5-2-13	RA	01-81	24 IR 2879	<b>25 IR 914</b>
140 IAC 3.5-2-15	RA	01-81	24 IR 2879	<b>25 IR 914</b>
140 IAC 4-1-4	RA	01-83	24 IR 2881	<b>25 IR 915</b>
140 IAC 4-1-5	RA	01-83	24 IR 2881	<b>25 IR 915</b>
140 IAC 4-1-11	RA	01-83	24 IR 2881	<b>25 IR 916</b>
140 IAC 4-1-13	RA	01-83	24 IR 2882	<b>25 IR 916</b>
140 IAC 4-3-1	RA	01-83	24 IR 2883	<b>25 IR 917</b>
140 IAC 5-1-2	RA	01-85	24 IR 2884	<b>25 IR 918</b>
140 IAC 5-1-3	RA	01-85	24 IR 2884	<b>25 IR 918</b>
140 IAC 5-1-4	RA	01-85	24 IR 2885	<b>25 IR 919</b>
140 IAC 6-1-7	RA	01-87	24 IR 2886	<b>25 IR 920</b>
140 IAC 7-2-5	RA	01-89	24 IR 2888	<b>25 IR 920</b>
140 IAC 7-2-6	RA	01-89	24 IR 2888	<b>25 IR 920</b>
140 IAC 7-3-5	RA	01-89	24 IR 2888	<b>25 IR 921</b>
140 IAC 7-3-9	RA	01-89	24 IR 2889	<b>25 IR 921</b>
140 IAC 7-3-10	RA	01-89	24 IR 2889	<b>25 IR 921</b>
140 IAC 7-3-11	RA	01-89	24 IR 2889	<b>25 IR 922</b>
140 IAC 7-3-13	RA	01-89	24 IR 2890	<b>25 IR 922</b>
140 IAC 7-3-17	RA	01-89	24 IR 2890	<b>25 IR 922</b>
140 IAC 8-1-1	RA	01-155	24 IR 3221	<b>25 IR 202</b>
140 IAC 8-1-2	RA	01-155	24 IR 3221	<b>25 IR 202</b>
140 IAC 8-1-3	RA	01-118	24 IR 3209	<b>25 IR 923</b>
140 IAC 8-2-1	RA	01-118	24 IR 3210	<b>25 IR 924</b>
140 IAC 8-2-2	RA	01-118	24 IR 3210	<b>25 IR 924</b>
140 IAC 8-2-3	RA	01-118	24 IR 3211	<b>25 IR 925</b>
140 IAC 8-2-4	RA	01-118	24 IR 3211	<b>25 IR 925</b>
140 IAC 8-3-1.1	RA	01-118	24 IR 3215	<b>25 IR 929</b>
140 IAC 8-3-2	RA	01-118	24 IR 3220	<b>25 IR 929</b>
140 IAC 8-3-3	RA	01-118	24 IR 3215	<b>25 IR 935</b>
140 IAC 8-3-4	RA	01-118	24 IR 3216	<b>25 IR 930</b>
140 IAC 8-3-5	RA	01-118	24 IR 3216	<b>25 IR 930</b>
140 IAC 8-3-6	RA	01-155	24 IR 3221	<b>25 IR 202</b>
140 IAC 8-3-7	RA	01-155	24 IR 3221	<b>25 IR 202</b>
140 IAC 8-3-8	RA	01-118	24 IR 3216	<b>25 IR 930</b>
140 IAC 8-3-9	RA	01-155	24 IR 3221	<b>25 IR 202</b>
140 IAC 8-3-10	RA	01-155	24 IR 3221	<b>25 IR 202</b>
140 IAC 8-3-11	RA	01-155	24 IR 3221	<b>25 IR 202</b>
140 IAC 8-3-12	RA	01-118	24 IR 3216	<b>25 IR 931</b>
140 IAC 8-3-13	RA	01-118	24 IR 3217	<b>25 IR 931</b>
140 IAC 8-3-14	RA	01-118	24 IR 3217	<b>25 IR 931</b>
140 IAC 8-3-15	RA	01-118	24 IR 3217	<b>25 IR 931</b>
140 IAC 8-3-16	RA	01-118	24 IR 3217	<b>25 IR 932</b>
140 IAC 8-3-17	RA	01-118	24 IR 3218	<b>25 IR 932</b>
140 IAC 8-3-18	RA	01-118	24 IR 3218	<b>25 IR 932</b>
140 IAC 8-3-19	RA	01-118	24 IR 3218	<b>25 IR 933</b>
140 IAC 8-3-20	RA	01-118	24 IR 3219	<b>25 IR 933</b>
140 IAC 8-3-21	RA	01-118	24 IR 3219	<b>25 IR 933</b>
140 IAC 8-3-22	RA	01-118	24 IR 3219	<b>25 IR 933</b>
140 IAC 8-3-23	RA	01-118	24 IR 3219	<b>25 IR 934</b>
140 IAC 8-3-24	RA	01-118	24 IR 3219	<b>25 IR 934</b>
140 IAC 8-3-25	RA	01-118	24 IR 3220	<b>25 IR 934</b>
140 IAC 8-3-26	RA	01-118	24 IR 3220	<b>25 IR 934</b>
140 IAC 8-3-27	RA	01-118	24 IR 3220	<b>25 IR 935</b>

### TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

170 IAC 1-1.1-1	A	01-9	24 IR 1690	*ARR (24 IR 3653)
			24 IR 4055	*CPH (25 IR 403)
				<b>25 IR 1875</b>
170 IAC 4-1-26	A	02-44	25 IR 2751	<b>26 IR 328</b>
170 IAC 4-4.1-9				*ERR (25 IR 2521)
170 IAC 7-1.1-1	R	00-213	24 IR 716	*AWR (25 IR 107)
	R	01-341	25 IR 1945	<b>25 IR 4065</b>
170 IAC 7-1.1-2	R	00-213	24 IR 716	*AWR (25 IR 107)
	R	01-341	25 IR 1945	<b>25 IR 4065</b>
170 IAC 7-1.1-3	R	00-34	23 IR 2035	*ARR (24 IR 1671)
				*AWR (25 IR 107)
				<b>25 IR 4065</b>
170 IAC 7-1.1-4	R	01-341	25 IR 1945	*ARR (24 IR 1671)
	R	00-34	23 IR 2035	*AWR (25 IR 107)
				<b>25 IR 4065</b>
	R	01-341	25 IR 1945	<b>25 IR 4065</b>

# Rules Affected by Volumes 25 and 26

170 IAC 7-1.1-5	R	00-34	23 IR 2035	*ARR (24 IR 1671) *AWR (25 IR 107)	210 IAC 1-6-7	A	01-358	25 IR 1204	*ARR (25 IR 4114) *SPE
	R	01-341	25 IR 1945	<b>25 IR 4065</b>		A	02-259	26 IR 821	
170 IAC 7-1.1-6	R	00-34	23 IR 2035	*ARR (24 IR 1671) *AWR (25 IR 107)	210 IAC 1-10	N	01-358	25 IR 1204	*ARR (25 IR 4114) *SPE
	R	01-341	25 IR 1945	<b>25 IR 4065</b>		N	02-259	26 IR 821	
170 IAC 7-1.1-7	R	00-34	23 IR 2035	*ARR (24 IR 1671) *AWR (25 IR 107)	210 IAC 2	RA	01-292	25 IR 186	<b>25 IR 1269</b>
	R	01-341	25 IR 1945	<b>25 IR 4065</b>	210 IAC 3	RA	01-292	25 IR 186	<b>25 IR 1269</b>
170 IAC 7-1.1-8	R	00-34	23 IR 2035	*ARR (24 IR 1671) *AWR (25 IR 107)	210 IAC 5	RA	01-292	25 IR 186	<b>25 IR 1269</b>
	R	01-341	25 IR 1945	<b>25 IR 4065</b>	210 IAC 5-1-1	A	01-358	25 IR 1206	*ARR (25 IR 4114) *SPE
170 IAC 7-1.1-9	R	00-34	23 IR 2035	*ARR (24 IR 1671) *AWR (25 IR 107)		A	02-259	26 IR 823	
	R	01-341	25 IR 1945	<b>25 IR 4065</b>	210 IAC 5-1-2	A	01-358	25 IR 1207	*ARR (25 IR 4114) *SPE
170 IAC 7-1.1-10	R	00-34	23 IR 2035	*ARR (24 IR 1671) *AWR (25 IR 107)	210 IAC 5-1-3	A	01-358	25 IR 1207	*ARR (25 IR 4114) *SPE
	R	01-341	25 IR 1945	<b>25 IR 4065</b>		A	02-259	26 IR 824	
170 IAC 7-1.1-11	R	00-34	23 IR 2035	*ARR (24 IR 1671) *AWR (25 IR 107)	210 IAC 5-1-4	A	01-358	25 IR 1210	*ARR (25 IR 4114) *SPE
	R	01-341	25 IR 1945	<b>25 IR 4065</b>		A	02-259	26 IR 827	
170 IAC 7-1.1-12	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 6-1-1	A	02-173	25 IR 4152	<b>26 IR 1064</b>
	R	01-342	25 IR 1954	<b>25 IR 4074</b>	210 IAC 6-2-1	RA	02-174	25 IR 4219	<b>26 IR 882</b>
170 IAC 7-1.1-13	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 6-2-2	RA	02-174	25 IR 4219	<b>26 IR 882</b>
	R	01-342	25 IR 1954	<b>25 IR 4074</b>	210 IAC 6-2-3	A	02-173	25 IR 4152	<b>26 IR 1064</b>
170 IAC 7-1.1-14	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 6-2-4	A	02-173	25 IR 4152	<b>26 IR 1064</b>
	R	01-342	25 IR 1954	<b>25 IR 4074</b>	210 IAC 6-2-5	A	02-173	25 IR 4152	<b>26 IR 1064</b>
170 IAC 7-1.1-15	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 6-2-6	RA	02-174	25 IR 4219	<b>26 IR 882</b>
	R	01-342	25 IR 1954	<b>25 IR 4074</b>	210 IAC 6-2-7	RA	02-174	25 IR 4219	<b>26 IR 882</b>
170 IAC 7-1.1-16	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 6-2-8	RA	02-174	25 IR 4219	<b>26 IR 882</b>
	R	01-342	25 IR 1954	<b>25 IR 4074</b>	210 IAC 6-2-9	RA	02-174	25 IR 4219	<b>26 IR 882</b>
170 IAC 7-1.1-17	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 6-2-10	RA	02-174	25 IR 4219	<b>26 IR 882</b>
	R	01-342	25 IR 1954	<b>25 IR 4074</b>	210 IAC 6-2-11	RA	02-174	25 IR 4219	<b>26 IR 882</b>
170 IAC 7-1.1-18	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 6-2-12	RA	02-174	25 IR 4219	<b>26 IR 882</b>
	R	01-342	25 IR 1954	<b>25 IR 4074</b>	210 IAC 6-2-13	A	02-173	25 IR 4152	<b>26 IR 1064</b>
170 IAC 7-1.1-19	A	01-236	25 IR 135	<b>25 IR 2209</b>	210 IAC 6-3-1	A	02-173	25 IR 4152	<b>26 IR 1064</b>
170 IAC 7-1.2	N	00-34	23 IR 2025	*ARR (24 IR 1671) *AWR (25 IR 107)	210 IAC 6-3-2	A	02-173	25 IR 4153	<b>26 IR 1065</b>
	N	01-341	25 IR 1933	<b>25 IR 4053</b>	210 IAC 6-3-3	A	02-173	25 IR 4153	<b>26 IR 1065</b>
				*ERR (26 IR 382)	210 IAC 6-3-4	A	02-173	25 IR 4154	<b>26 IR 1066</b>
170 IAC 7-1.3	N	00-213	24 IR 707	*AWR (25 IR 107)	210 IAC 6-3-5	A	02-173	25 IR 4155	<b>26 IR 1067</b>
	N	01-342	25 IR 1946	<b>25 IR 4066</b>	210 IAC 6-3-6	RA	02-174	25 IR 4219	<b>26 IR 882</b>
				*ERR (26 IR 382)	210 IAC 6-3-7	RA	02-174	25 IR 4219	<b>26 IR 882</b>
					210 IAC 6-3-8	RA	02-174	25 IR 4219	<b>26 IR 882</b>
					210 IAC 6-3-9	A	02-173	25 IR 4155	<b>26 IR 1067</b>
					210 IAC 6-3-10	A	02-173	25 IR 4155	<b>26 IR 1068</b>
					210 IAC 6-3-11	A	02-173	25 IR 4155	<b>26 IR 1068</b>
					210 IAC 6-3-12	RA	02-174	25 IR 4219	<b>26 IR 882</b>
TITLE 205 INDIANA CRIMINAL JUSTICE INSTITUTE					TITLE 220 PAROLE BOARD				
205 IAC 1	RA	01-219	25 IR 185	*CPH (25 IR 831) <b>25 IR 3462</b>	220 IAC 1.1	RA	01-291	25 IR 186	<b>25 IR 935</b>
205 IAC 2	RA	01-219	25 IR 185	*CPH (25 IR 831) <b>25 IR 3462</b>					
TITLE 210 DEPARTMENT OF CORRECTION					TITLE 240 STATE POLICE DEPARTMENT				
210 IAC 1	RA	01-292	25 IR 186	<b>25 IR 1269</b>	240 IAC 1-4-1	RA	01-185	24 IR 4204	<b>25 IR 935</b>
210 IAC 1-6-1	A	01-358	25 IR 1200	*ARR (25 IR 4114) *SPE	240 IAC 1-4-2	RA	01-185	24 IR 4204	<b>25 IR 935</b>
	A	02-259	26 IR 817		240 IAC 1-4-4	RA	01-185	24 IR 4204	<b>25 IR 936</b>
210 IAC 1-6-2	A	01-358	25 IR 1201	*ARR (25 IR 4114) *SPE	240 IAC 1-4-5	RA	01-185	24 IR 4204	<b>25 IR 936</b>
	A	02-259	26 IR 818		240 IAC 1-4-18	RA	01-185	24 IR 4204	<b>25 IR 936</b>
210 IAC 1-6-3	R	01-358	25 IR 1212	*ARR (25 IR 4114) *SPE	240 IAC 1-4-22	RA	01-185	24 IR 4204	<b>25 IR 936</b>
	A	02-259	26 IR 829		240 IAC 1-5-1	RA	01-185	24 IR 4204	<b>25 IR 936</b>
210 IAC 1-6-4	A	01-358	25 IR 1201	*ARR (25 IR 4114) *SPE	240 IAC 1-5-2	RA	01-185	24 IR 4204	<b>25 IR 936</b>
	A	02-259	26 IR 818		240 IAC 1-5-3	RA	01-185	24 IR 4204	<b>25 IR 936</b>
210 IAC 1-6-5	A	01-358	25 IR 1202	*ARR (25 IR 4114) *SPE	240 IAC 1-5-4	RA	01-185	24 IR 4204	<b>25 IR 936</b>
	A	02-259	26 IR 819		240 IAC 1-5-5	RA	01-185	24 IR 4204	<b>25 IR 936</b>
210 IAC 1-6-6	A	01-358	25 IR 1203	*ARR (25 IR 4114) *SPE	240 IAC 1-5-6	RA	01-185	24 IR 4204	<b>25 IR 936</b>
	A	02-259	26 IR 820		240 IAC 1-5-7.1	RA	01-185	24 IR 4204	<b>25 IR 936</b>
					240 IAC 1-5-8	RA	01-185	24 IR 4204	<b>25 IR 936</b>
					240 IAC 1-5-23	RA	01-185	24 IR 4204	<b>25 IR 936</b>
					240 IAC 3	RA	01-185	24 IR 4204	<b>25 IR 936</b>
					240 IAC 5	RA	01-185	24 IR 4204	<b>25 IR 936</b>
					240 IAC 6	RA	01-185	24 IR 4204	<b>25 IR 936</b>
					240 IAC 7	RA	01-185	24 IR 4204	<b>25 IR 936</b>
					240 IAC 7-1-6	RA	02-139	25 IR 3882	<b>26 IR 546</b>

## Rules Affected by Volumes 25 and 26

### TITLE 250 LAW ENFORCEMENT TRAINING BOARD

250 IAC 1-1.1	RA	02-149	25 IR 3882
250 IAC 1-2	RA	02-149	25 IR 3882
250 IAC 1-3-1	RA	02-149	25 IR 3882
250 IAC 1-3-3	RA	02-149	25 IR 3882
250 IAC 1-3-6	RA	02-149	25 IR 3882
250 IAC 1-3-7	RA	02-149	25 IR 3882
250 IAC 1-3-8	RA	02-149	25 IR 3882
250 IAC 1-3-9	RA	02-149	25 IR 3882
250 IAC 1-3-10	RA	02-149	25 IR 3882
250 IAC 1-3-11	RA	02-149	25 IR 3882
250 IAC 1-3-12	RA	02-149	25 IR 3882
250 IAC 1-3-13	RA	02-149	25 IR 3882
250 IAC 1-5	RA	02-149	25 IR 3882
250 IAC 1-5.1	RA	02-149	25 IR 3882
250 IAC 1-5.2	RA	02-149	25 IR 3882
250 IAC 1-5.3	RA	02-149	25 IR 3882
250 IAC 1-5.4	RA	02-149	25 IR 3882
250 IAC 1-5.5	RA	02-149	25 IR 3882
250 IAC 1-6-1	RA	02-149	25 IR 3882
250 IAC 1-6-2	RA	02-149	25 IR 3882
250 IAC 1-6-3	RA	02-149	25 IR 3882
250 IAC 1-6-4	RA	02-149	25 IR 3882
250 IAC 1-6-5	RA	02-149	25 IR 3882
250 IAC 1-6-6	RA	02-149	25 IR 3882
250 IAC 1-7	RA	02-149	25 IR 3882

### TITLE 260 STATE DEPARTMENT OF TOXICOLOGY

260 IAC 1.1-2-3	RA	02-77	25 IR 2853	<b>25 IR 4221</b>
260 IAC 1.1-3-1	RA	02-77	25 IR 2853	<b>25 IR 4221</b>

### TITLE 270 ADJUTANT GENERAL

270 IAC 1	RA	01-320	25 IR 186	<b>25 IR 1269</b>
-----------	----	--------	-----------	-------------------

### TITLE 312 NATURAL RESOURCES COMMISSION

312 IAC 2	RA	02-72	25 IR 3461	<b>26 IR 546</b>
312 IAC 2-3-3	A	01-124	24 IR 4057	<b>25 IR 1542</b>
312 IAC 2-4-1	A	02-236	26 IR 1126	
312 IAC 2-4-2	A	02-236	26 IR 1126	
312 IAC 2-4-3	A	01-359	25 IR 1214	<b>25 IR 3046</b>
312 IAC 2-4-4	A	02-236	26 IR 1127	
312 IAC 2-4-6	A	02-236	26 IR 1127	
312 IAC 2-4-7	A	02-236	26 IR 1127	
312 IAC 2-4-8	R	02-236	26 IR 1131	
312 IAC 2-4-9	A	02-236	26 IR 1128	
312 IAC 2-4-9.5	N	01-295	25 IR 842	<b>25 IR 3045</b>
	A	02-236	26 IR 1128	
312 IAC 2-4-10	R	02-236	26 IR 1131	
312 IAC 2-4-12	A	02-236	26 IR 1128	
312 IAC 2-4-13	N	02-236	26 IR 1129	
312 IAC 3	RA	02-72	25 IR 3461	<b>26 IR 546</b>
312 IAC 3-1-1	A	02-2	25 IR 2552	<b>26 IR 7</b>
312 IAC 3-1-2	A	01-124	24 IR 4057	<b>25 IR 1543</b>
	A	02-2	25 IR 2553	<b>26 IR 8</b>
312 IAC 3-1-3	A	01-124	24 IR 4058	<b>25 IR 1543</b>
	A	02-2	25 IR 2553	<b>26 IR 8</b>
312 IAC 3-1-8	A	02-2	25 IR 2553	<b>26 IR 8</b>
312 IAC 3-1-12	A	02-294	26 IR 1131	
312 IAC 3-1-14	A	01-124	24 IR 4058	<b>25 IR 1543</b>
	A	02-2	25 IR 2554	<b>26 IR 9</b>
312 IAC 3-1-18	A	01-124	24 IR 4058	<b>25 IR 1544</b>
	A	02-2	25 IR 2554	<b>26 IR 9</b>
312 IAC 5-3-1	A	02-236	26 IR 1130	
312 IAC 5-3-2	A	02-236	26 IR 1130	
312 IAC 5-3-3	A	02-236	26 IR 1130	
312 IAC 5-6-6	A	01-293	25 IR 3239	
	A	02-162	25 IR 4165	
312 IAC 5-9-2	A	01-283	25 IR 1213	<b>25 IR 3044</b>
312 IAC 5-9-4	N	01-282	25 IR 1212	<b>25 IR 3044</b>

312 IAC 8-1-4	A	01-124	24 IR 4059	<b>25 IR 1544</b>
	A	01-412	25 IR 1954	<b>25 IR 3713</b>
312 IAC 8-2-2	A	01-34	24 IR 4055	
312 IAC 8-2-3	A	01-412	25 IR 1955	<b>25 IR 3714</b>
312 IAC 8-2-6	A	01-34	24 IR 4056	<b>25 IR 1074</b>
	A	01-412	25 IR 1956	<b>25 IR 3715</b>
312 IAC 8-2-8	A	01-412	25 IR 1957	<b>25 IR 3715</b>
312 IAC 8-2-11	A	01-412	25 IR 1957	<b>25 IR 3716</b>
312 IAC 8-5-3	A	01-34	24 IR 4056	<b>25 IR 1074</b>
312 IAC 9-2-7	R	01-359	25 IR 1217	<b>25 IR 3049</b>
312 IAC 9-2-13	A	02-68	25 IR 2751	<b>26 IR 1068</b>
312 IAC 9-3-2	A	01-102	24 IR 3671	<b>25 IR 1528</b>
312 IAC 9-3-3	A	01-102	24 IR 3672	<b>25 IR 1530</b>
312 IAC 9-3-4	A	01-102	24 IR 3673	<b>25 IR 1530</b>
312 IAC 9-3-5	A	01-102	24 IR 3673	<b>25 IR 1531</b>
312 IAC 9-3-7	A	01-102	24 IR 3674	<b>25 IR 1532</b>
312 IAC 9-3-8	A	01-102	24 IR 3675	<b>25 IR 1532</b>
312 IAC 9-3-19	A	01-359	25 IR 1214	<b>25 IR 3046</b>
312 IAC 9-4-11	A	01-102	24 IR 3675	<b>25 IR 1533</b>
312 IAC 9-4-14	A	01-102	24 IR 3677	<b>25 IR 1535</b>
	A	01-359	25 IR 1214	<b>25 IR 3046</b>
312 IAC 9-5-4	A	01-359	25 IR 1215	<b>25 IR 3047</b>
312 IAC 9-5-7	A	01-102	24 IR 3677	<b>25 IR 1535</b>
312 IAC 9-6-1	A	01-359	25 IR 1215	<b>25 IR 3047</b>
312 IAC 9-6-3	A	01-102	24 IR 3679	<b>25 IR 1537</b>
312 IAC 9-6-6	A	01-102	24 IR 3679	<b>25 IR 1537</b>
312 IAC 9-6-9	A	01-359	25 IR 1216	<b>25 IR 3048</b>
312 IAC 9-7-2	A	01-102	24 IR 3680	<b>25 IR 1537</b>
				*ERR (25 IR 2254)
312 IAC 9-7-3	A	01-102	24 IR 3681	<b>25 IR 1539</b>
312 IAC 9-7-6	A	01-102	24 IR 3681	<b>25 IR 1539</b>
312 IAC 9-7-12	A	01-102	24 IR 3682	<b>25 IR 1540</b>
312 IAC 9-7-13	A	01-102	24 IR 3682	<b>25 IR 1540</b>
312 IAC 9-7-17	A	01-102	24 IR 3682	<b>25 IR 1540</b>
312 IAC 9-7-18	A	01-102	24 IR 3683	<b>25 IR 1541</b>
312 IAC 9-9-4	A	01-359	25 IR 1217	<b>25 IR 3049</b>
312 IAC 9-10-6	A	02-68	25 IR 2752	<b>26 IR 1069</b>
312 IAC 9-10-11	A	01-444	25 IR 2551	<b>26 IR 692</b>
312 IAC 9-10-17	A	01-102	24 IR 3683	<b>25 IR 1541</b>
312 IAC 10-3-1				*ERR (25 IR 1644)
312 IAC 10-5-4	A	01-124	24 IR 4060	<b>25 IR 1545</b>
				*ERR (25 IR 2521)
312 IAC 10-5-8	A	01-124	24 IR 4061	<b>25 IR 1546</b>
				*ERR (25 IR 1906)
312 IAC 11-2-17	A	01-124	24 IR 4062	<b>25 IR 1547</b>
312 IAC 11-4-4	A	01-124	24 IR 4062	<b>25 IR 1547</b>
312 IAC 13-4-1	A	01-106	24 IR 3102	<b>25 IR 708</b>
312 IAC 13-6-2	A	01-106	24 IR 3102	<b>25 IR 709</b>
312 IAC 16-3-2	A	02-73	25 IR 4156	
312 IAC 16-3.5	N	02-73	25 IR 4158	
312 IAC 16-4-1	A	02-73	25 IR 4158	
312 IAC 16-4-2	A	02-73	25 IR 4159	
312 IAC 16-4-5	A	02-73	25 IR 4159	
312 IAC 18	RA	02-72	25 IR 3461	<b>26 IR 546</b>
312 IAC 18-3-8	A	02-202	26 IR 1123	
312 IAC 18-3-12	A	01-360	25 IR 1217	<b>25 IR 3049</b>
	A	02-201	26 IR 1121	
312 IAC 22.5	N	01-361	25 IR 2283	<b>25 IR 4074</b>
				*ERR (26 IR 383)
312 IAC 23-3-5	N	01-91	24 IR 3670	<b>25 IR 708</b>
312 IAC 25				*ERR (25 IR 106)
				*ERR (25 IR 1182)
312 IAC 25-1-45.5	N	02-104	25 IR 4160	
312 IAC 25-1-60.5	N	02-104	25 IR 4160	
312 IAC 25-4-43	A	02-104	25 IR 4160	
312 IAC 25-4-47	A	02-104	25 IR 4161	
312 IAC 25-4-85	A	02-104	25 IR 4162	
312 IAC 25-4-93	A	02-104	25 IR 4163	
312 IAC 25-6-12.5	N	02-104	25 IR 4164	

# Rules Affected by Volumes 25 and 26

312 IAC 25-6-76.5	N	02-104	25 IR 4164		326 IAC 2-7-1	A	00-267	24 IR 3129	*CPH (25 IR 124)
312 IAC 26-1-13	A	01-124	24 IR 4062	<b>25 IR 1547</b>					<b>25 IR 1573</b>
312 IAC 26-2-3	A	01-124	24 IR 4062	<b>25 IR 1548</b>	326 IAC 2-7-2	A	00-267	24 IR 3139	*CPH (25 IR 124)
				*ERR (25 IR 2521)					<b>25 IR 1584</b>
312 IAC 26-3-4	A	01-124	24 IR 4063	<b>25 IR 1548</b>	326 IAC 2-7-4	A	00-267	24 IR 3140	*CPH (25 IR 124)
312 IAC 26-4-5	A	01-124	24 IR 4063	<b>25 IR 1549</b>					<b>25 IR 1585</b>
					326 IAC 2-7-5	A	00-267	24 IR 3143	*CPH (25 IR 124)
TITLE 326 AIR POLLUTION CONTROL BOARD									<b>25 IR 1588</b>
326 IAC 1-1-3	A	01-215	24 IR 4065	<b>25 IR 3054</b>	326 IAC 2-7-10.5	A	01-215	24 IR 4075	<b>25 IR 3065</b>
326 IAC 1-1-3.5	N	01-215	24 IR 4065	<b>25 IR 3055</b>	326 IAC 2-7-11	A	00-267	24 IR 3146	*CPH (25 IR 124)
326 IAC 1-2-20.5	N	01-215	24 IR 4065	<b>25 IR 3055</b>					<b>25 IR 1591</b>
326 IAC 1-2-48	A	01-215	24 IR 4065	<b>25 IR 3055</b>	326 IAC 2-7-12	A	00-267	24 IR 3147	*CPH (25 IR 124)
326 IAC 1-2-82.5	N	00-267	24 IR 3107	*CPH (25 IR 124)					<b>25 IR 1591</b>
326 IAC 1-3-4	A	01-215	24 IR 4066	<b>25 IR 3055</b>	326 IAC 2-7-16	A	00-267	24 IR 3149	*CPH (25 IR 124)
326 IAC 1-4-1	A	01-215	24 IR 4067	<b>25 IR 3056</b>					<b>25 IR 1593</b>
	A	02-88	25 IR 3240	<b>26 IR 1077</b>	326 IAC 2-7-19	A	01-215	24 IR 4079	<b>25 IR 3069</b>
326 IAC 1-6-1	RA	00-44	24 IR 2752	*CPH (25 IR 2542)	326 IAC 2-7-20	A	00-267	24 IR 3150	*CPH (25 IR 124)
				*CPH (25 IR 3208)					<b>25 IR 1594</b>
326 IAC 1-6-2	RA	00-44	24 IR 2752	*CPH (25 IR 2542)	326 IAC 2-7-24	A	00-267	24 IR 3150	*CPH (25 IR 124)
				*CPH (25 IR 3208)					<b>25 IR 1595</b>
326 IAC 1-6-3	RA	00-44	24 IR 2753	*CPH (25 IR 2542)	326 IAC 2-7-25	R	00-267	24 IR 3160	*CPH (25 IR 124)
				*CPH (25 IR 3208)					<b>25 IR 1604</b>
326 IAC 1-6-4	RA	00-44	24 IR 2753	*CPH (25 IR 2542)	326 IAC 2-8-10	A	01-215	24 IR 4081	<b>25 IR 3071</b>
				*CPH (25 IR 3208)	326 IAC 2-8-11.1	A	01-215	24 IR 4083	<b>25 IR 3072</b>
326 IAC 1-6-5	RA	00-44	24 IR 2753	*CPH (25 IR 2542)	326 IAC 2-9-4	A	01-215	24 IR 4085	<b>25 IR 3075</b>
				*CPH (25 IR 3208)	326 IAC 3-5-1	A	00-267	24 IR 3152	*CPH (25 IR 124)
326 IAC 1-6-6	RA	00-44	24 IR 2754	*CPH (25 IR 2542)					<b>25 IR 1596</b>
				*CPH (25 IR 3208)					*ERR (25 IR 1644)
326 IAC 2-1.1-3	A	00-267	24 IR 3107	*CPH (25 IR 124)	326 IAC 4-1-4.1	A	02-88	25 IR 3240	<b>26 IR 1077</b>
				<b>25 IR 1550</b>	326 IAC 4-2-1	A	00-267	24 IR 3153	*CPH (25 IR 124)
326 IAC 2-1.1-7	A	01-215	24 IR 4067	<b>25 IR 3057</b>					<b>25 IR 1597</b>
326 IAC 2-1.1-9.5	N	00-267	24 IR 3115	*CPH (25 IR 124)		A	00-44	24 IR 2754	*CPH (25 IR 2542)
				<b>25 IR 1557</b>					*CPH (25 IR 3208)
326 IAC 2-2-1	A	00-267	24 IR 3115	*CPH (25 IR 124)					<b>26 IR 1071</b>
				<b>25 IR 1557</b>	326 IAC 4-2-2	A	00-44	24 IR 2754	*CPH (25 IR 2542)
326 IAC 2-2-2	A	00-267	24 IR 3121	*CPH (25 IR 124)					*CPH (25 IR 3208)
				<b>25 IR 1564</b>					<b>26 IR 1071</b>
326 IAC 2-2-3	A	00-267	24 IR 3122	*CPH (25 IR 124)	326 IAC 5-1-1	A	00-267	24 IR 3153	*CPH (25 IR 124)
				<b>25 IR 1564</b>					<b>25 IR 1597</b>
326 IAC 2-2-4	A	00-267	24 IR 3122	*CPH (25 IR 124)	326 IAC 6-1-1	A	99-218	24 IR 395	*ARR (24 IR 3071)
				<b>25 IR 1565</b>					<b>25 IR 710</b>
326 IAC 2-2-5	A	00-267	24 IR 3123	*CPH (25 IR 124)		A	00-267	24 IR 3154	*CPH (25 IR 124)
				<b>25 IR 1566</b>					<b>25 IR 1598</b>
326 IAC 2-2-6	A	00-267	24 IR 3124	*CPH (25 IR 124)					*ERR (25 IR 1644)
				<b>25 IR 1567</b>					*ERR (26 IR 383)
326 IAC 2-2-7	A	00-267	24 IR 3125	*CPH (25 IR 124)	326 IAC 6-1-1.5	N	99-218	24 IR 395	*ARR (24 IR 3071)
				<b>25 IR 1568</b>					<b>25 IR 710</b>
326 IAC 2-2-9	A	00-267	24 IR 3125	*CPH (25 IR 124)	326 IAC 6-1-2	A	99-218	24 IR 395	*ARR (24 IR 3071)
				<b>25 IR 1568</b>					<b>25 IR 710</b>
326 IAC 2-2-12	A	00-267	24 IR 3126	*CPH (25 IR 124)	326 IAC 6-1-3	A	99-218	24 IR 397	*ARR (24 IR 3071)
				<b>25 IR 1569</b>					<b>25 IR 713</b>
326 IAC 2-2-14	A	00-267	24 IR 3126	*CPH (25 IR 124)	326 IAC 6-1-4	A	99-218	24 IR 398	*ARR (24 IR 3071)
				<b>25 IR 1569</b>					<b>25 IR 713</b>
326 IAC 2-2.5	N	00-267		†† <b>25 IR 1571</b>	326 IAC 6-1-5	A	99-218	24 IR 398	*ARR (24 IR 3071)
326 IAC 2-3-1	A	00-137		†† <b>25 IR 6</b>	326 IAC 6-1-6	A	99-218	24 IR 399	*ARR (24 IR 3071)
				*ERR (25 IR 1183)					<b>25 IR 714</b>
326 IAC 2-3-2	A	00-137		†† <b>25 IR 11</b>	326 IAC 6-1-8.1	A	99-218	24 IR 399	*ARR (24 IR 3071)
326 IAC 2-3-3	A	00-137		†† <b>25 IR 12</b>					<b>25 IR 714</b>
326 IAC 2-4.1-1	A	01-215	24 IR 4068	<b>25 IR 3058</b>	326 IAC 6-1-9	A	99-218	24 IR 400	*ARR (24 IR 3071)
326 IAC 2-5.1-3	A	01-215	24 IR 4069	<b>25 IR 3059</b>					<b>25 IR 715</b>
326 IAC 2-6-1	A	01-249	24 IR 3700	*CPH (24 IR 4012)	326 IAC 6-1-10.1	A	99-218	24 IR 401	*ARR (24 IR 3071)
326 IAC 2-6-2	A	01-249	24 IR 3700	*CPH (24 IR 4012)					<b>25 IR 716</b>
326 IAC 2-6-3	A	01-249	24 IR 3702	*CPH (24 IR 4012)		A	99-73	25 IR 1959	<b>25 IR 4077</b>
326 IAC 2-6-4	A	01-249	24 IR 3703	*CPH (24 IR 4012)	326 IAC 6-1-11.1	A	99-218	24 IR 425	*ARR (24 IR 3071)
326 IAC 2-6-5	N	01-249	24 IR 3705	*CPH (24 IR 4012)					<b>25 IR 741</b>
326 IAC 2-6.1-2	A	00-267	24 IR 3128	*CPH (25 IR 124)	326 IAC 6-1-11.2	A	99-218	24 IR 430	*ARR (24 IR 3071)
				<b>25 IR 1572</b>					<b>25 IR 746</b>
326 IAC 2-6.1-3	A	01-215	24 IR 4072	<b>25 IR 3062</b>	326 IAC 6-1-12	A	99-218	24 IR 432	*ARR (24 IR 3071)
326 IAC 2-6.1-5	A	00-267	24 IR 3128	*CPH (25 IR 124)					<b>25 IR 748</b>
				<b>25 IR 1572</b>	326 IAC 6-1-13	A	99-218	24 IR 437	*ARR (24 IR 3071)
326 IAC 2-6.1-6	A	01-215	24 IR 4072	<b>25 IR 3062</b>					<b>25 IR 754</b>

## Rules Affected by Volumes 25 and 26

326 IAC 6-1-14	A	99-218	24 IR 439	*ARR (24 IR 3071) <b>25 IR 756</b>	326 IAC 8-8.1-3	A	01-215	24 IR 4088	<b>25 IR 3078</b>
	A	02-122	26 IR 98	*CPH (26 IR 811)	326 IAC 8-9-1	RA	00-44	24 IR 2760	*CPH (25 IR 2542)
326 IAC 6-1-15	A	99-218	24 IR 440	*ARR (24 IR 3071) <b>25 IR 758</b>	326 IAC 8-9-2	RA	00-44	24 IR 2760	*CPH (25 IR 3208)
326 IAC 6-1-16	A	99-218	24 IR 442	*ARR (24 IR 3071) <b>25 IR 759</b>	326 IAC 8-9-3	RA	00-44	24 IR 2760	*CPH (25 IR 2542)
326 IAC 6-1-17	A	99-218	24 IR 443	*ARR (24 IR 3071) <b>25 IR 761</b>	326 IAC 8-9-4	RA	00-44	24 IR 2761	*CPH (25 IR 3208)
326 IAC 6-1-18	A	99-218	24 IR 444	*ARR (24 IR 3071) <b>25 IR 762</b>	326 IAC 8-9-5	RA	00-44	24 IR 2763	*CPH (25 IR 2542)
326 IAC 6-2-1	A	00-267	24 IR 3154	*CPH (25 IR 124) <b>25 IR 1598</b>	326 IAC 8-9-6	RA	00-44	24 IR 2765	*CPH (25 IR 3208)
326 IAC 6-3-1	A	99-265	24 IR 2748	*CPH (24 IR 4012) *CPH (25 IR 1195) *CPH (25 IR 1668) <b>25 IR 3051</b>	326 IAC 8-11-1	RA	00-44	24 IR 2767	*CPH (25 IR 2542)
326 IAC 6-3-1.5	N	99-265		† <b>25 IR 3052</b>	326 IAC 8-11-2	RA	00-44	24 IR 2767	*CPH (25 IR 3208)
326 IAC 6-3-2	A	99-265	24 IR 2749	*CPH (24 IR 4012) *CPH (25 IR 1195) *CPH (25 IR 1668) <b>25 IR 3052</b>	326 IAC 8-11-3	RA	00-44	24 IR 2769	*CPH (25 IR 2542)
				<b>25 IR 1605</b>	326 IAC 8-11-4	RA	00-44	24 IR 2770	*CPH (25 IR 3208)
326 IAC 6-4-1	RA	01-184	24 IR 2800	<b>25 IR 1605</b>	326 IAC 8-11-5	RA	00-44	24 IR 2771	*CPH (25 IR 2542)
326 IAC 6-4-2	RA	01-184	24 IR 2800	<b>25 IR 1605</b>	326 IAC 8-11-6	RA	00-44	24 IR 2771	*CPH (25 IR 3208)
326 IAC 6-4-3	RA	01-184	24 IR 2800	<b>25 IR 1605</b>	326 IAC 8-11-7	RA	00-44	24 IR 2775	*CPH (25 IR 2542)
326 IAC 6-4-4	RA	01-184	24 IR 2801	<b>25 IR 1606</b>	326 IAC 8-11-8	RA	00-44	24 IR 2775	*CPH (25 IR 3208)
326 IAC 6-4-5	RA	01-184	24 IR 2801	<b>25 IR 1606</b>	326 IAC 8-11-9	RA	00-44	24 IR 2776	*CPH (25 IR 2542)
326 IAC 6-4-6	RA	01-184	24 IR 2801	<b>25 IR 1606</b>	326 IAC 8-11-10	RA	00-44	24 IR 2777	*CPH (25 IR 3208)
326 IAC 6-4-7	RA	01-184	24 IR 2801	<b>25 IR 1606</b>	326 IAC 9-1-1	A	00-44	24 IR 2777	*CPH (25 IR 2542)
326 IAC 6-5-1	A	00-267	24 IR 3154	*CPH (25 IR 124) <b>25 IR 1599</b>	326 IAC 9-1-2	A	00-267	24 IR 3157	*CPH (25 IR 3208)
326 IAC 6-6-1	A	00-267	24 IR 3155	*CPH (25 IR 124) <b>25 IR 1600</b>					<b>26 IR 1072</b>
326 IAC 7-1.1-1	A	00-267	24 IR 3156	*CPH (25 IR 124) <b>25 IR 1600</b>					*CPH (25 IR 124)
326 IAC 7-1.1-2	A	00-267	24 IR 3156	*CPH (25 IR 124) <b>25 IR 1600</b>					<b>25 IR 1601</b>
326 IAC 7-2-1				*ERR (25 IR 813)					*ERR (25 IR 1644)
326 IAC 7-3-1	A	00-267	24 IR 3156	*CPH (25 IR 124) <b>25 IR 1600</b>		A	00-44	24 IR 2777	*CPH (25 IR 2542)
326 IAC 8-1-1	A	00-267	24 IR 3156	*CPH (25 IR 124) <b>25 IR 1601</b>					*CPH (25 IR 3208)
326 IAC 8-1-2	A	01-251	25 IR 2754	<b>26 IR 1073</b>	326 IAC 10-0.5	N	98-235	24 IR 81	<b>26 IR 1072</b>
326 IAC 8-2-9	A	02-88	25 IR 3241	<b>26 IR 1078</b>	326 IAC 10-1-1	A	98-235	24 IR 83	*AWR (25 IR 107)
326 IAC 8-4-7		98-40		*ERR (25 IR 1183)		A	00-267	24 IR 3157	*CPH (25 IR 124)
326 IAC 8-4-9				*ERR (25 IR 1906)					<b>25 IR 1602</b>
326 IAC 8-7-1	RA	00-44	24 IR 2754	*CPH (25 IR 2542)	326 IAC 10-1-2	R	98-235	24 IR 91	*AWR (25 IR 107)
				*CPH (25 IR 3208)	326 IAC 10-2	N	98-235	24 IR 84	*AWR (25 IR 107)
326 IAC 8-7-2	RA	00-44	24 IR 2755	*CPH (25 IR 2542)	326 IAC 10-3	N	00-137	24 IR 2143	*CPH (24 IR 2722)
				*CPH (25 IR 3208)					<b>25 IR 14</b>
326 IAC 8-7-3	RA	00-44	24 IR 2755	*CPH (25 IR 2542)					*ERR (25 IR 1183)
				*CPH (25 IR 3208)	326 IAC 10-3-1	A	02-54	26 IR 1134	
326 IAC 8-7-4	RA	00-44	24 IR 2756	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 10-4	N	00-137	24 IR 2146	*CPH (24 IR 2722)
				*CPH (25 IR 3208)					<b>25 IR 18</b>
326 IAC 8-7-5	RA	00-44	24 IR 2758	*CPH (25 IR 2542)					*ERR (25 IR 1183)
				*CPH (25 IR 3208)	326 IAC 10-4-1	A	02-54	26 IR 1134	
326 IAC 8-7-6	RA	00-44	24 IR 2758	*CPH (25 IR 2542)	326 IAC 10-4-2	A	02-54	26 IR 1136	
				*CPH (25 IR 3208)	326 IAC 10-4-9	A	02-54	26 IR 1142	
326 IAC 8-7-7	RA	00-44	24 IR 2758	*CPH (25 IR 2542)	326 IAC 10-4-10	A	02-54	26 IR 1148	
				*CPH (25 IR 3208)	326 IAC 10-4-13	A	02-54	26 IR 1152	
326 IAC 8-7-8	RA	00-44	24 IR 2758	*CPH (25 IR 2542)	326 IAC 10-4-14	A	02-54	26 IR 1155	
				*CPH (25 IR 3208)	326 IAC 10-4-15	A	02-54	26 IR 1156	
326 IAC 8-7-9	RA	00-44	24 IR 2758	*CPH (25 IR 2542)	326 IAC 11-1-1	A	00-267	24 IR 3158	*CPH (25 IR 124)
				*CPH (25 IR 3208)					<b>25 IR 1602</b>
326 IAC 8-7-10	RA	00-44	24 IR 2759	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 11-2-1	A	00-267	24 IR 3158	*CPH (25 IR 124)
				<b>25 IR 3077</b>					<b>25 IR 1603</b>
326 IAC 8-8-2	A	01-215	24 IR 4087	<b>25 IR 3077</b>	326 IAC 11-3-1	A	00-267	24 IR 3158	*CPH (25 IR 124)
326 IAC 8-8-3	A	01-215	24 IR 4087	<b>25 IR 3077</b>	326 IAC 11-4-1	A	00-267	24 IR 3159	<b>25 IR 1603</b>
326 IAC 8-8.1-2	A	01-215	24 IR 4087	<b>25 IR 3077</b>					<b>25 IR 1603</b>

# Rules Affected by Volumes 25 and 26

326 IAC 11-4-5	A	00-43	25 IR 2285	<b>26 IR 10</b>	326 IAC 20-3-1	A	01-215	24 IR 4100	<b>25 IR 3090</b>
326 IAC 11-5	R	99-177	25 IR 1984	<b>26 IR 10</b>	326 IAC 20-4-1	A	01-215	24 IR 4100	<b>25 IR 3090</b>
326 IAC 11-5-1	A	00-267	24 IR 3159	*CPH (25 IR 124)	326 IAC 20-5-1	A	01-215	24 IR 4100	<b>25 IR 3091</b>
				<b>25 IR 1603</b>	326 IAC 20-6-1	A	01-215	24 IR 4100	<b>25 IR 3091</b>
326 IAC 11-6-1	A	01-215	24 IR 4088	<b>25 IR 3078</b>	326 IAC 20-7-1	A	01-215	24 IR 4101	<b>25 IR 3091</b>
326 IAC 11-6-2	A	01-215	24 IR 4089	<b>25 IR 3079</b>	326 IAC 20-8-1	A	01-215	24 IR 4101	<b>25 IR 3092</b>
326 IAC 11-6-4	A	01-215	24 IR 4089	<b>25 IR 3079</b>	326 IAC 20-9-1	A	01-215	24 IR 4102	<b>25 IR 3092</b>
326 IAC 11-6-5	A	01-215	24 IR 4089	<b>25 IR 3079</b>	326 IAC 20-10-1	A	01-215	24 IR 4102	<b>25 IR 3093</b>
326 IAC 11-6-6	A	01-215	24 IR 4089	<b>25 IR 3079</b>	326 IAC 20-11-1	A	01-215	24 IR 4102	<b>25 IR 3093</b>
326 IAC 11-6-7	A	01-215	24 IR 4090	<b>25 IR 3080</b>	326 IAC 20-12-1	A	01-215	24 IR 4103	<b>25 IR 3093</b>
326 IAC 11-6-8	A	01-215	24 IR 4090	<b>25 IR 3080</b>	326 IAC 20-13-1	A	01-215	24 IR 4103	<b>25 IR 3093</b>
326 IAC 11-7-2	A	01-215	24 IR 4090	<b>25 IR 3080</b>	326 IAC 20-13-2	A	01-215	24 IR 4103	<b>25 IR 3094</b>
326 IAC 11-7-4	A	01-215	24 IR 4090	<b>25 IR 3081</b>	326 IAC 20-13-4	A	01-215	24 IR 4104	<b>25 IR 3094</b>
326 IAC 11-7-5	A	01-215	24 IR 4091	<b>25 IR 3081</b>	326 IAC 20-13-5	A	01-215	24 IR 4104	<b>25 IR 3095</b>
326 IAC 11-7-6	A	01-215	24 IR 4091	<b>25 IR 3081</b>	326 IAC 20-13-6	A	01-215	24 IR 4104	<b>25 IR 3095</b>
326 IAC 11-7-7	A	01-215	24 IR 4091	<b>25 IR 3081</b>	326 IAC 20-13-7	A	01-215	24 IR 4105	<b>25 IR 3096</b>
326 IAC 11-7-8	A	01-215	24 IR 4092	<b>25 IR 3082</b>	326 IAC 20-13-8	A	01-215	24 IR 4106	<b>25 IR 3097</b>
326 IAC 11-7-9	A	01-215	24 IR 4092	<b>25 IR 3082</b>	326 IAC 20-14-1	A	01-215	24 IR 4107	<b>25 IR 3098</b>
326 IAC 11-8	N	01-375	25 IR 1986	<b>25 IR 4100</b>	326 IAC 20-15-1	A	01-215	24 IR 4108	<b>25 IR 3098</b>
326 IAC 12-1-1	A	00-267	24 IR 3159	*CPH (25 IR 124)	326 IAC 20-16-1	A	01-215	24 IR 4108	<b>25 IR 3099</b>
				<b>25 IR 1603</b>	326 IAC 20-17-1	A	01-215	24 IR 4108	<b>25 IR 3099</b>
326 IAC 12-1-2	A	01-215	24 IR 4092	<b>25 IR 3083</b>	326 IAC 20-18-1	A	01-215	24 IR 4109	<b>25 IR 3099</b>
326 IAC 12-1-3	A	01-215	24 IR 4093	<b>25 IR 3083</b>	326 IAC 20-19-1	A	01-215	24 IR 4109	<b>25 IR 3099</b>
326 IAC 13-1.1-17.1	A	01-215	24 IR 4093	<b>25 IR 3083</b>	326 IAC 20-20-1	A	01-215	24 IR 4109	<b>25 IR 3100</b>
326 IAC 13-3-1	A	02-88	25 IR 3242	<b>26 IR 1079</b>	326 IAC 20-21-1	A	01-215	24 IR 4109	<b>25 IR 3100</b>
326 IAC 14-1-3	A	00-267	24 IR 3159	*CPH (25 IR 124)	326 IAC 20-22-1	A	01-215	24 IR 4110	<b>25 IR 3101</b>
				<b>25 IR 1604</b>	326 IAC 20-23-1	A	01-215	24 IR 4110	<b>25 IR 3101</b>
326 IAC 14-2-1	A	01-215	24 IR 4093	<b>25 IR 3084</b>	326 IAC 20-24-1	A	01-215	24 IR 4110	<b>25 IR 3101</b>
326 IAC 15-1-1	A	00-267	24 IR 3159	*CPH (25 IR 124)	326 IAC 20-25-1	A	02-55	26 IR 92	*CPH (26 IR 811)
				<b>25 IR 1604</b>	326 IAC 20-25-3	A	02-55	26 IR 92	*CPH (26 IR 811)
				<b>25 IR 3084</b>	326 IAC 20-25-4	A	02-55	26 IR 94	*CPH (26 IR 811)
326 IAC 17.1-1-2	A	01-215	24 IR 4094	*CPH (25 IR 2542)	326 IAC 20-25-5	A	02-55	26 IR 94	*CPH (26 IR 811)
326 IAC 18-2-1	RA	00-44	24 IR 2778	*CPH (25 IR 3208)	326 IAC 20-25-7	A	02-55	26 IR 94	*CPH (26 IR 811)
				*CPH (25 IR 2542)	326 IAC 20-26-1	A	01-215	24 IR 4111	<b>25 IR 3101</b>
326 IAC 18-2-2	RA	00-44	24 IR 2778	*CPH (25 IR 3208)	326 IAC 20-28				*ERR (25 IR 813)
				*CPH (25 IR 2542)	326 IAC 20-30-1	A	01-215	24 IR 4111	<b>25 IR 3102</b>
326 IAC 18-2-3	RA	00-44	24 IR 2779	*CPH (25 IR 3208)	326 IAC 20-31-1	A	01-215	24 IR 4111	<b>25 IR 3102</b>
				*CPH (25 IR 2542)	326 IAC 20-32-1	A	01-215	24 IR 4112	<b>25 IR 3102</b>
326 IAC 18-2-4	RA	00-44	24 IR 2786	*CPH (25 IR 3208)	326 IAC 20-33-1	A	01-215	24 IR 4112	<b>25 IR 3103</b>
				*CPH (25 IR 2542)	326 IAC 20-34-1	A	01-215	24 IR 4112	<b>25 IR 3103</b>
326 IAC 18-2-5	RA	00-44	24 IR 2786	*CPH (25 IR 3208)	326 IAC 20-35-1	A	01-215	24 IR 4112	<b>25 IR 3103</b>
				*CPH (25 IR 2542)	326 IAC 20-36-1	A	01-215	24 IR 4113	<b>25 IR 3103</b>
326 IAC 18-2-6	RA	00-44	24 IR 2787	*CPH (25 IR 3208)	326 IAC 20-37-1	A	01-215	24 IR 4113	<b>25 IR 3104</b>
				*CPH (25 IR 2542)	326 IAC 20-38-1	A	01-215	24 IR 4113	<b>25 IR 3104</b>
326 IAC 18-2-7	RA	00-44	24 IR 2787	*CPH (25 IR 3208)	326 IAC 20-39-1	A	01-215	24 IR 4114	<b>25 IR 3105</b>
				*CPH (25 IR 2542)	326 IAC 20-40-1	A	01-215	24 IR 4114	<b>25 IR 3105</b>
326 IAC 18-2-8	RA	00-44	24 IR 2789	*CPH (25 IR 3208)	326 IAC 20-41-1	A	01-215	24 IR 4114	<b>25 IR 3105</b>
				*CPH (25 IR 2542)	326 IAC 20-42-1	A	01-215	24 IR 4114	<b>25 IR 3106</b>
326 IAC 18-2-9	RA	00-44	24 IR 2789	*CPH (25 IR 3208)	326 IAC 20-43-1	A	01-215	24 IR 4115	<b>25 IR 3106</b>
				*CPH (25 IR 2542)	326 IAC 20-44-1	A	01-215	24 IR 4115	<b>25 IR 3106</b>
326 IAC 18-2-10.1	RA	00-44	24 IR 2789	*CPH (25 IR 3208)	326 IAC 20-45-1	A	01-215	24 IR 4115	<b>25 IR 3107</b>
				*CPH (25 IR 2542)	326 IAC 20-46-1	A	01-215	24 IR 4115	<b>25 IR 3107</b>
326 IAC 18-2-11	RA	00-44	24 IR 2790	*CPH (25 IR 3208)	326 IAC 20-47-1	A	01-215	24 IR 4116	<b>25 IR 3107</b>
				*CPH (25 IR 2542)	326 IAC 20-48	N	02-55	26 IR 95	*CPH (26 IR 811)
326 IAC 18-2-12	RA	00-44	24 IR 2790	*CPH (25 IR 3208)	326 IAC 21-1-1	A	01-215	24 IR 4116	<b>25 IR 3107</b>
				*CPH (25 IR 2542)	326 IAC 23-2-4	A	01-215	24 IR 4116	<b>25 IR 3108</b>
326 IAC 18-2-13	RA	00-44	24 IR 2790	*CPH (25 IR 3208)	326 IAC 23-2-7	A	01-215	24 IR 4118	<b>25 IR 3109</b>
				*CPH (25 IR 2542)					
326 IAC 18-2-14	RA	00-44	24 IR 2791	*CPH (25 IR 3208)					
				*CPH (25 IR 2542)					
326 IAC 19-1	R	00-44	24 IR 2791	*CPH (25 IR 3208)	TITLE 327 WATER POLLUTION CONTROL BOARD				
				<b>26 IR 1073</b>	327 IAC 2-1-7	R	99-263	23 IR 871	*CPH (24 IR 3658)
				<b>25 IR 3085</b>					<b>25 IR 1882</b>
326 IAC 19-2-1	A	01-215	24 IR 4094	<b>25 IR 3085</b>	327 IAC 2-1.5-9	R	99-263	23 IR 871	*CPH (24 IR 3658)
326 IAC 19-3-2	A	01-215	24 IR 4095	<b>25 IR 3088</b>					<b>25 IR 1882</b>
326 IAC 19-3-3	A	01-215	24 IR 4097	<b>25 IR 3088</b>	327 IAC 2-11	N	99-263	23 IR 865	*CPH (24 IR 3658)
326 IAC 19-3-5	A	01-215	24 IR 4098	<b>25 IR 3088</b>					<b>25 IR 1876</b>
326 IAC 20-1-1	A	01-215	24 IR 4099	<b>25 IR 3089</b>					*ERR (25 IR 1906)
326 IAC 20-1-3	A	01-215	24 IR 4099	<b>25 IR 3089</b>	327 IAC 5-2-9	A	00-136	26 IR 427	
326 IAC 20-2-1	A	01-215	24 IR 4099	<b>25 IR 3090</b>	327 IAC 5-2.1	N	00-136	26 IR 427	
					327 IAC 5-4-6	A	01-96	26 IR 845	*CPH (26 IR 1113)

## Rules Affected by Volumes 25 and 26

327 IAC 6.1-1-1	A	01-238	26 IR 1165	327 IAC 6.1-8-6	A	01-238	26 IR 1200	
327 IAC 6.1-1-3	A	01-238	26 IR 1166	327 IAC 6.1-8-7	A	01-238	26 IR 1200	
327 IAC 6.1-1-4	A	01-238	26 IR 1166	327 IAC 6.1-8-8	A	01-238	26 IR 1201	
327 IAC 6.1-1-5	A	01-238	26 IR 1167	327 IAC 7-1	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-1-7	A	01-238	26 IR 1167	327 IAC 7-2-1	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-3	A	01-238	26 IR 1167	327 IAC 7-2-2	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-6	A	01-238	26 IR 1167	327 IAC 7-2-3	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-7	A	01-238	26 IR 1167	327 IAC 7-2-4	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-7.5	N	01-238	26 IR 1167	327 IAC 7-2-5	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-8	A	01-238	26 IR 1168	327 IAC 7-2-7	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-10	R	01-238	26 IR 1201	327 IAC 7-3	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-12	R	01-238	26 IR 1201	327 IAC 7-4-1	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-13	A	01-238	26 IR 1168	327 IAC 7-4-2	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-14	A	01-238	26 IR 1168	327 IAC 7-4-3	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-20.5	N	01-238	26 IR 1168	327 IAC 7-4-4	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-28	A	01-238	26 IR 1169	327 IAC 7-4-5	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-30	A	01-238	26 IR 1169	327 IAC 7-4-6	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-31.5	N	01-238	26 IR 1169	327 IAC 7-4-7	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-35	A	01-238	26 IR 1169	327 IAC 7-4-8	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-42	A	01-238	26 IR 1169	327 IAC 7-4-10	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-43	A	01-238	26 IR 1170	327 IAC 7-4-11	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-54	A	01-238	26 IR 1170	327 IAC 7-5	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-55	A	01-238	26 IR 1170	327 IAC 7-6	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-55.5	N	01-238	26 IR 1170	327 IAC 7-7	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-2-61	R	01-238	26 IR 1201	327 IAC 7-8	R	01-429	25 IR 1241	<b>25 IR 3739</b>
327 IAC 6.1-3-1	A	01-238	26 IR 1170	327 IAC 7.1	N	01-429	25 IR 1221	<b>25 IR 3717</b>
327 IAC 6.1-3-2	A	01-238	26 IR 1171					<b>*ERR (25 IR 4113)</b>
327 IAC 6.1-3-3	A	01-238	26 IR 1172	327 IAC 8-2-1	A	00-266	24 IR 3706	<b>25 IR 1075</b>
327 IAC 6.1-3-4	A	01-238	26 IR 1172		A	01-348	26 IR 101	<b>*CPH (26 IR 812)</b>
327 IAC 6.1-3-7	A	01-238	26 IR 1172	327 IAC 8-2-2	A	00-266	24 IR 3710	<b>25 IR 1079</b>
327 IAC 6.1-3-8	N	01-238	26 IR 1173	327 IAC 8-2-4	A	00-266	24 IR 3710	<b>25 IR 1079</b>
327 IAC 6.1-4-1	A	01-238	26 IR 1173	327 IAC 8-2-4.1	A	00-266	24 IR 3711	<b>25 IR 1080</b>
327 IAC 6.1-4-3	A	01-238	26 IR 1173	327 IAC 8-2-5	A	01-348	26 IR 105	<b>*CPH (26 IR 812)</b>
327 IAC 6.1-4-4	A	01-238	26 IR 1174	327 IAC 8-2-5.1	A	00-266	24 IR 3716	<b>25 IR 1084</b>
327 IAC 6.1-4-5	A	01-238	26 IR 1175	327 IAC 8-2-5.3	A	00-266	24 IR 3718	<b>25 IR 1086</b>
327 IAC 6.1-4-5.5	N	01-238	26 IR 1175		A	01-348	26 IR 107	<b>*CPH (26 IR 812)</b>
327 IAC 6.1-4-6	A	01-238	26 IR 1176	327 IAC 8-2-5.5	A	00-266	24 IR 3720	<b>25 IR 1089</b>
327 IAC 6.1-4-7	A	01-238	26 IR 1177	327 IAC 8-2-6	R	01-348	26 IR 152	<b>*CPH (26 IR 812)</b>
327 IAC 6.1-4-8	A	01-238	26 IR 1178	327 IAC 8-2-7	A	00-266	24 IR 3723	<b>25 IR 1092</b>
327 IAC 6.1-4-9	A	01-238	26 IR 1179	327 IAC 8-2-8.4	A	00-266	24 IR 3724	<b>25 IR 1092</b>
327 IAC 6.1-4-10	A	01-238	26 IR 1181					<b>*ERR (25 IR 2254)</b>
327 IAC 6.1-4-11	A	01-238	26 IR 1182	327 IAC 8-2-8.5	A	01-348	26 IR 109	<b>*CPH (26 IR 812)</b>
327 IAC 6.1-4-13	A	01-238	26 IR 1182	327 IAC 8-2-10.2	A	00-266	24 IR 3726	<b>25 IR 1094</b>
327 IAC 6.1-4-16	A	01-238	26 IR 1184					<b>*ERR (25 IR 2254)</b>
327 IAC 6.1-4-17	A	01-238	26 IR 1186	327 IAC 8-2-13	A	00-266	24 IR 3727	<b>25 IR 1096</b>
327 IAC 6.1-4-18	A	01-238	26 IR 1187					<b>*ERR (25 IR 2254)</b>
327 IAC 6.1-4-19	A	01-238	26 IR 1187	327 IAC 8-2-14	A	01-348	26 IR 110	<b>*CPH (26 IR 812)</b>
327 IAC 6.1-5-1	A	01-238	26 IR 1187	327 IAC 8-2-15	A	00-266	24 IR 3728	<b>25 IR 1096</b>
327 IAC 6.1-5-2	A	01-238	26 IR 1187	327 IAC 8-2-16	R	00-266	24 IR 3755	<b>25 IR 1123</b>
327 IAC 6.1-5-3	A	01-238	26 IR 1188					<b>25 IR 1123</b>
327 IAC 6.1-5-4	A	01-238	26 IR 1188	327 IAC 8-2-17	R	00-266	24 IR 3755	<b>*ERR (25 IR 2254)</b>
327 IAC 6.1-6-1	A	01-238	26 IR 1189					<b>25 IR 1123</b>
327 IAC 6.1-6-2	A	01-238	26 IR 1189	327 IAC 8-2-18	R	00-266	24 IR 3755	<b>*ERR (25 IR 2254)</b>
327 IAC 6.1-6-3	A	01-238	26 IR 1190	327 IAC 8-2-20	A	00-266	24 IR 3729	<b>25 IR 1123</b>
327 IAC 6.1-7-1	A	01-238	26 IR 1191	327 IAC 8-2-29	R	01-348	26 IR 152	<b>25 IR 1097</b>
327 IAC 6.1-7-2	A	01-238	26 IR 1191	327 IAC 8-2-30	A	01-348	26 IR 110	<b>*CPH (26 IR 812)</b>
327 IAC 6.1-7-3	A	01-238	26 IR 1192	327 IAC 8-2-31	A	01-348	26 IR 111	<b>*CPH (26 IR 812)</b>
327 IAC 6.1-7-4	A	01-238	26 IR 1193	327 IAC 8-2-37	A	00-111	24 IR 1062	<b>25 IR 764</b>
327 IAC 6.1-7-5	A	01-238	26 IR 1193					<b>*ERR (25 IR 813)</b>
327 IAC 6.1-7-6	A	01-238	26 IR 1194					<b>*ERR (25 IR 2254)</b>
327 IAC 6.1-7-9	A	01-238	26 IR 1195	327 IAC 8-2-38	A	00-111	24 IR 1068	<b>25 IR 770</b>
327 IAC 6.1-7-10	A	01-238	26 IR 1195					<b>*ERR (25 IR 813)</b>
327 IAC 6.1-7-11	A	01-238	26 IR 1196	327 IAC 8-2-39	A	00-111	24 IR 1071	<b>*ERR (25 IR 2254)</b>
327 IAC 6.1-7.5	N	01-238	26 IR 1197	327 IAC 8-2-40	A	00-111	24 IR 1072	<b>25 IR 772</b>
327 IAC 6.1-8-1	A	01-238	26 IR 1198					<b>25 IR 774</b>
327 IAC 6.1-8-2	A	01-238	26 IR 1199	327 IAC 8-2-41	A	00-111	24 IR 1074	<b>*ERR (25 IR 2254)</b>
327 IAC 6.1-8-3	A	01-238	26 IR 1199	327 IAC 8-2-43	A	00-111	24 IR 1076	<b>25 IR 776</b>
327 IAC 6.1-8-4	A	01-238	26 IR 1199	327 IAC 8-2-44	A	00-111	24 IR 1077	<b>25 IR 778</b>
327 IAC 6.1-8-5	A	01-238	26 IR 1200					<b>25 IR 779</b>
								<b>*ERR (25 IR 813)</b>
								<b>*ERR (25 IR 2254)</b>

# Rules Affected by Volumes 25 and 26

327 IAC 8-2-46	A	00-111	24 IR 1082	<b>25 IR 783</b>	TITLE 329 SOLID WASTE MANAGEMENT BOARD			
				*ERR (25 IR 813)	329 IAC 3.1-1-7			*ERR (25 IR 813)
				*ERR (25 IR 2254)		A	01-289	25 IR 843
327 IAC 8-2-48	N	01-348	26 IR 111	*CPH (26 IR 812)		A	02-235	26 IR 1240
327 IAC 8-2.1-3	A	00-266	24 IR 3729	<b>25 IR 1098</b>	329 IAC 3.1-4-1	A	02-235	26 IR 1240
	A	01-348	26 IR 112	*CPH (26 IR 812)	329 IAC 3.1-4-9.1	R	01-289	25 IR 847
327 IAC 8-2.1-4	A	01-348	26 IR 114	*CPH (26 IR 812)	329 IAC 3.1-4-17.1	R	01-289	25 IR 847
327 IAC 8-2.1-6	A	00-266	24 IR 3732	<b>25 IR 1100</b>	329 IAC 3.1-6-6	N	00-255	24 IR 2516
	A	01-348	26 IR 115	*CPH (26 IR 812)	329 IAC 3.1-7-2	A	01-289	25 IR 844
327 IAC 8-2.1-7	N	00-266	24 IR 3741	<b>25 IR 1109</b>		A	02-235	26 IR 1240
327 IAC 8-2.1-8	N	00-266	24 IR 3741	<b>25 IR 1110</b>	329 IAC 3.1-9-2	A	01-289	25 IR 845
	A	01-348	26 IR 121	*CPH (26 IR 812)		A	02-235	26 IR 1241
327 IAC 8-2.1-9	N	00-266	24 IR 3742	<b>25 IR 1110</b>	329 IAC 3.1-10-2	A	01-289	25 IR 846
327 IAC 8-2.1-10	N	00-266	24 IR 3743	<b>25 IR 1111</b>		A	02-235	26 IR 1242
327 IAC 8-2.1-11	N	00-266	24 IR 3744	<b>25 IR 1112</b>	329 IAC 7-2-6	A	00-173	24 IR 2803
327 IAC 8-2.1-12	N	00-266	24 IR 3745	<b>25 IR 1113</b>	329 IAC 7-11-1	A	00-173	24 IR 2803
327 IAC 8-2.1-13	N	00-266	24 IR 3745	<b>25 IR 1113</b>	329 IAC 7-11-2	A	00-173	24 IR 2804
				*ERR (25 IR 2254)	329 IAC 7-11-3	A	00-173	24 IR 2804
327 IAC 8-2.1-14	N	00-266	24 IR 3746	<b>25 IR 1114</b>	329 IAC 9-1-1	A	01-161	26 IR 1209
327 IAC 8-2.1-15	N	00-266	24 IR 3746	<b>25 IR 1114</b>	329 IAC 9-1-4	A	01-161	26 IR 1209
327 IAC 8-2.1-16	N	00-266	24 IR 3746	<b>25 IR 1114</b>	329 IAC 9-1-10.1	R	01-161	26 IR 1239
				*ERR (25 IR 2254)	329 IAC 9-1-10.2	R	01-161	26 IR 1239
	A	01-348	26 IR 122	*CPH (26 IR 812)	329 IAC 9-1-10.4	N	01-161	26 IR 1209
327 IAC 8-2.1-17	N	00-266	24 IR 3750	<b>25 IR 1118</b>	329 IAC 9-1-10.6	N	01-161	26 IR 1209
				*ERR (25 IR 2254)	329 IAC 9-1-10.8	N	01-161	26 IR 1210
	A	01-348	26 IR 126	*CPH (26 IR 812)	329 IAC 9-1-14	A	01-161	26 IR 1210
327 IAC 8-2.5	N	01-348	26 IR 133	*CPH (26 IR 812)	329 IAC 9-1-14.1	R	01-161	26 IR 1239
327 IAC 8-2.6	N	01-348	26 IR 146	*CPH (26 IR 812)	329 IAC 9-1-14.3	N	01-161	26 IR 1210
327 IAC 15-13	N	01-96	26 IR 847	*CPH (26 IR 1113)	329 IAC 9-1-14.5	N	01-161	26 IR 1210
327 IAC 16	N	00-235	24 IR 512	*CPH (24 IR 1686)	329 IAC 9-1-14.7	N	01-161	26 IR 1210
				*ARR (24 IR 3071)	329 IAC 9-1-25	A	01-161	26 IR 1210
				*CPH (24 IR 3098)	329 IAC 9-1-27	A	01-161	26 IR 1210
				*ARR (25 IR 385)	329 IAC 9-1-29.1	R	01-161	26 IR 1239
				<b>25 IR 1883</b>	329 IAC 9-1-36	A	01-161	26 IR 1210
					329 IAC 9-1-39.5	N	01-161	26 IR 1211
					329 IAC 9-1-41	R	01-161	26 IR 1239
					329 IAC 9-1-41.1	R	01-161	26 IR 1239
					329 IAC 9-1-41.5	N	01-161	26 IR 1211
					329 IAC 9-1-42.1	R	01-161	26 IR 1239
					329 IAC 9-1-47	A	01-161	26 IR 1211
					329 IAC 9-1-47.1	A	01-161	26 IR 1211
					329 IAC 9-2-1	A	01-161	26 IR 1211
					329 IAC 9-2-2	A	01-161	26 IR 1214
					329 IAC 9-2.1-1	A	01-161	26 IR 1215
					329 IAC 9-3-1	A	01-161	26 IR 1216
					329 IAC 9-3-2	N	01-161	26 IR 1218
					329 IAC 9-3.1-1	A	01-161	26 IR 1218
					329 IAC 9-3.1-2	A	01-161	26 IR 1219
					329 IAC 9-3.1-3	A	01-161	26 IR 1219
					329 IAC 9-3.1-4	A	01-161	26 IR 1219
					329 IAC 9-4-3	A	01-161	26 IR 1220
					329 IAC 9-4-4	A	01-161	26 IR 1221
					329 IAC 9-5-1	A	01-161	26 IR 1221
					329 IAC 9-5-2	A	01-161	26 IR 1223
					329 IAC 9-5-3.1	R	01-161	26 IR 1239
				*ERR (25 IR 2254)	329 IAC 9-5-3.2	N	01-161	26 IR 1223
				<b>25 IR 792</b>	329 IAC 9-5-4.1	R	01-161	26 IR 1239
				<b>25 IR 792</b>	329 IAC 9-5-4.2	N	01-161	26 IR 1224
				*ERR (25 IR 2255)	329 IAC 9-5-5.1	A	01-161	26 IR 1224
				<b>25 IR 798</b>	329 IAC 9-5-6	A	01-161	26 IR 1226
				<b>25 IR 799</b>	329 IAC 9-5-7	A	01-161	26 IR 1227
				<b>25 IR 801</b>	329 IAC 9-6-1	A	01-161	26 IR 1229
				<b>25 IR 801</b>	329 IAC 9-6-2	R	01-161	26 IR 1239
				<b>25 IR 802</b>	329 IAC 9-6-2.5	N	01-161	26 IR 1230
				<b>25 IR 802</b>	329 IAC 9-6-3	A	01-161	26 IR 1234
				<b>25 IR 802</b>	329 IAC 9-6-4	A	01-161	26 IR 1234
				<b>25 IR 803</b>	329 IAC 9-6-5	A	01-161	26 IR 1235
				<b>25 IR 803</b>	329 IAC 9-7-1	A	01-161	26 IR 1235
				<b>25 IR 803</b>	329 IAC 9-7-2	A	01-161	26 IR 1236
TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD								
328 IAC 1-1-1	A	00-135	24 IR 2501	<b>25 IR 787</b>				
328 IAC 1-1-2	A	00-135	24 IR 2501	<b>25 IR 787</b>				
328 IAC 1-1-3	A	00-135	24 IR 2501	<b>25 IR 787</b>				
328 IAC 1-1-3.1	N	00-135	24 IR 2501	<b>25 IR 788</b>				
328 IAC 1-1-4	A	00-135	24 IR 2502	<b>25 IR 787</b>				
328 IAC 1-1-5	R	00-135	24 IR 2514	<b>25 IR 803</b>				
328 IAC 1-1-5.1	N	00-135	24 IR 2502	<b>25 IR 788</b>				
328 IAC 1-1-6	A	00-135	24 IR 2502	<b>25 IR 788</b>				
328 IAC 1-1-7	A	00-135	24 IR 2502	<b>25 IR 788</b>				
328 IAC 1-1-8	A	00-135	24 IR 2502	<b>25 IR 788</b>				
328 IAC 1-1-8.5	N	00-135	24 IR 2502	<b>25 IR 788</b>				
328 IAC 1-1-9	A	00-135	24 IR 2502	<b>25 IR 789</b>				
328 IAC 1-1-10	A	00-135	24 IR 2503	<b>25 IR 789</b>				
328 IAC 1-1-11	R	00-135	24 IR 2514	<b>25 IR 803</b>				
328 IAC 1-2-1	A	00-135	24 IR 2503	<b>25 IR 789</b>				
328 IAC 1-2-2	A	00-135	24 IR 2503	<b>25 IR 789</b>				
328 IAC 1-2-3	A	00-135	24 IR 2503	<b>25 IR 789</b>				
328 IAC 1-3-1	A	00-135	24 IR 2503	<b>25 IR 790</b>				
328 IAC 1-3-2	A	00-135	24 IR 2504	<b>25 IR 790</b>				
328 IAC 1-3-3	A	00-135	24 IR 2504	<b>25 IR 790</b>				
				*ERR (25 IR 2254)				
328 IAC 1-3-4	A	00-135	24 IR 2505	<b>25 IR 792</b>				
328 IAC 1-3-5	A	00-135	24 IR 2505	<b>25 IR 792</b>				
				*ERR (25 IR 2255)				
				<b>25 IR 798</b>				
328 IAC 1-4-1	A	00-135	24 IR 2511	<b>25 IR 799</b>				
328 IAC 1-5-1	A	00-135	24 IR 2512	<b>25 IR 801</b>				
328 IAC 1-5-2	A	00-135	24 IR 2513	<b>25 IR 801</b>				
328 IAC 1-5-3	N	00-135	24 IR 2513	<b>25 IR 802</b>				
328 IAC 1-6-1	A	00-135	24 IR 2513	<b>25 IR 802</b>				
328 IAC 1-6-2	A	00-135	24 IR 2513	<b>25 IR 802</b>				
328 IAC 1-7-1	A	00-135	24 IR 2514	<b>25 IR 802</b>				
328 IAC 1-7-2	A	00-135	24 IR 2514	<b>25 IR 803</b>				
328 IAC 1-7-3	A	00-135	24 IR 2514	<b>25 IR 803</b>				
328 IAC 2	R	00-135	24 IR 2514	<b>25 IR 803</b>				

## Rules Affected by Volumes 25 and 26

329 IAC 9-7-4	A	01-161	26 IR 1237
329 IAC 9-7-6	R	01-161	26 IR 1239
329 IAC 10-1-4	A	00-185	26 IR 432
329 IAC 10-1-4.5	N	00-185	26 IR 433
329 IAC 10-2-6	R	00-185	26 IR 511
329 IAC 10-2-11	A	00-185	26 IR 433
329 IAC 10-2-29	R	00-185	26 IR 511
329 IAC 10-2-33	R	00-185	26 IR 511
329 IAC 10-2-41	A	00-185	26 IR 433
329 IAC 10-2-41.1	A	00-185	26 IR 434
329 IAC 10-2-53	R	00-185	26 IR 511
329 IAC 10-2-60	R	00-185	26 IR 511
329 IAC 10-2-63.5	N	00-185	26 IR 433
329 IAC 10-2-64	A	00-185	26 IR 434
329 IAC 10-2-66.1	N	00-185	26 IR 434
329 IAC 10-2-66.2	N	00-185	26 IR 434
329 IAC 10-2-66.3	N	00-185	26 IR 434
329 IAC 10-2-69	A	00-185	26 IR 435
329 IAC 10-2-74	A	00-185	26 IR 435
329 IAC 10-2-75	A	00-185	26 IR 435
329 IAC 10-2-75.1	N	00-185	26 IR 435
329 IAC 10-2-76	R	00-185	26 IR 511
329 IAC 10-2-96	A	00-185	26 IR 435
329 IAC 10-2-97.1	A	00-185	26 IR 435
329 IAC 10-2-99	A	00-185	26 IR 436
329 IAC 10-2-100	A	00-185	26 IR 436
329 IAC 10-2-105.3	N	00-185	26 IR 436
329 IAC 10-2-106	A	00-185	26 IR 436
329 IAC 10-2-109	A	00-185	26 IR 436
329 IAC 10-2-111.5	N	00-185	26 IR 436
329 IAC 10-2-112	A	00-185	26 IR 436
329 IAC 10-2-121.1	A	00-185	26 IR 437
329 IAC 10-2-127	R	00-185	26 IR 511
329 IAC 10-2-128	R	00-185	26 IR 511
329 IAC 10-2-132.2	N	00-185	26 IR 437
329 IAC 10-2-132.3	N	00-185	26 IR 437
329 IAC 10-2-142.5	N	00-185	26 IR 437
329 IAC 10-2-147.2	N	00-185	26 IR 437
329 IAC 10-2-149	R	00-185	26 IR 511
329 IAC 10-2-158	A	00-185	26 IR 437
329 IAC 10-2-165.5	N	00-185	26 IR 438
329 IAC 10-2-172.5	N	00-185	26 IR 438
329 IAC 10-2-177	R	00-185	26 IR 511
329 IAC 10-2-181.2	N	00-185	26 IR 438
329 IAC 10-2-181.5	N	00-185	26 IR 438
329 IAC 10-2-181.6	N	00-185	26 IR 438
329 IAC 10-2-187.5	N	00-185	26 IR 438
329 IAC 10-2-203	R	00-185	26 IR 511
329 IAC 10-2-205	R	00-185	26 IR 511
329 IAC 10-3-1	A	00-185	26 IR 438
329 IAC 10-3-2	A	00-185	26 IR 439
329 IAC 10-3-3	A	00-185	26 IR 439
329 IAC 10-6-4	A	00-185	26 IR 440
329 IAC 10-10-1	A	00-185	26 IR 440
329 IAC 10-10-2	A	00-185	26 IR 440
329 IAC 10-11-2.1	A	00-185	26 IR 440
329 IAC 10-11-2.5	A	00-185	26 IR 441
329 IAC 10-11-5.1	A	00-185	26 IR 443
329 IAC 10-11-6	A	00-185	26 IR 443
329 IAC 10-12-1	A	00-185	26 IR 443
329 IAC 10-13-1	A	00-185	26 IR 445
329 IAC 10-13-5	A	00-185	26 IR 445
329 IAC 10-13-6	A	00-185	26 IR 446
329 IAC 10-14-1	A	00-185	26 IR 446
329 IAC 10-15-1	A	00-185	26 IR 447
329 IAC 10-15-2	A	00-185	26 IR 448
329 IAC 10-15-5	A	00-185	26 IR 449
329 IAC 10-15-8	A	00-185	26 IR 450
329 IAC 10-15-12	N	00-185	26 IR 451

329 IAC 10-16-1	A	00-185	26 IR 452
329 IAC 10-16-8	A	00-185	26 IR 453
329 IAC 10-17-2	A	00-185	26 IR 453
329 IAC 10-17-7	A	00-185	26 IR 454
329 IAC 10-17-9	A	00-185	26 IR 456
329 IAC 10-17-12	A	00-185	26 IR 457
329 IAC 10-17-18	A	00-185	26 IR 458
329 IAC 10-19-1	A	00-185	26 IR 458
329 IAC 10-20-3	A	00-185	26 IR 459
329 IAC 10-20-8	A	00-185	26 IR 460
329 IAC 10-20-11	A	00-185	26 IR 461
329 IAC 10-20-12	A	00-185	26 IR 462
329 IAC 10-20-13	A	00-185	26 IR 463
329 IAC 10-20-20	A	00-185	26 IR 463
329 IAC 10-20-24	A	00-185	26 IR 464
329 IAC 10-20-26	A	00-185	26 IR 464
329 IAC 10-20-28	A	00-185	26 IR 464
329 IAC 10-21-1	A	00-185	26 IR 465
329 IAC 10-21-2	A	00-185	26 IR 468
329 IAC 10-21-4	A	00-185	26 IR 474
329 IAC 10-21-6	A	00-185	26 IR 477
329 IAC 10-21-7	A	00-185	26 IR 479
329 IAC 10-21-8	A	00-185	26 IR 480
329 IAC 10-21-9	A	00-185	26 IR 481
329 IAC 10-21-10	A	00-185	26 IR 482
329 IAC 10-21-13	A	00-185	26 IR 484
329 IAC 10-21-15	A	00-185	26 IR 488
329 IAC 10-21-16	A	00-185	26 IR 488
329 IAC 10-22-2	A	00-185	26 IR 493
329 IAC 10-22-3	A	00-185	26 IR 494
329 IAC 10-22-5	A	00-185	26 IR 494
329 IAC 10-22-6	A	00-185	26 IR 494
329 IAC 10-22-7	A	00-185	26 IR 495
329 IAC 10-22-8	A	00-185	26 IR 496
329 IAC 10-23-2	A	00-185	26 IR 496
329 IAC 10-23-3	A	00-185	26 IR 497
329 IAC 10-23-4	A	00-185	26 IR 498
329 IAC 10-24-4	A	00-185	26 IR 499
329 IAC 10-29-1	A	00-185	26 IR 499
329 IAC 10-30-4	A	00-185	26 IR 500
329 IAC 10-37-4	A	00-185	26 IR 501
329 IAC 10-39-1	A	00-185	26 IR 501
329 IAC 10-39-2	A	00-185	26 IR 502
329 IAC 10-39-3	A	00-185	26 IR 508
329 IAC 10-39-7	A	00-185	26 IR 509
329 IAC 10-39-9	A	00-185	26 IR 509
329 IAC 10-39-10	A	00-185	26 IR 510
329 IAC 11-1-1			
329 IAC 11-1-2			
329 IAC 11-1-4			
329 IAC 11-2-1			
329 IAC 11-2-5			
329 IAC 11-2-7			
329 IAC 11-2-9			
329 IAC 11-2-26			
329 IAC 11-2-39			
329 IAC 11-3-1			
329 IAC 11-4-4			
329 IAC 11-9-1	A	01-207	24 IR 3162
329 IAC 11-9-2	A	01-207	24 IR 3163
329 IAC 11-9-3	A	01-207	24 IR 3164
329 IAC 11-9-4	A	01-207	24 IR 3165
329 IAC 11-9-5	A	01-207	24 IR 3165
329 IAC 11-10-1			
329 IAC 11-11-1	A	01-207	24 IR 3166
329 IAC 11-11-2	A	01-207	24 IR 3166
329 IAC 11-11-3	A	01-207	24 IR 3166

\*ERR (25 IR 2741)  
 \*ERR (25 IR 2741)  
 \*ERR (25 IR 2741)  
 \*ERR (25 IR 2741)  
 \*ERR (25 IR 2741)  
 \*ERR (25 IR 2741)  
 \*ERR (25 IR 2741)  
 \*ERR (25 IR 2741)  
 \*ERR (25 IR 2741)  
 \*ERR (25 IR 2741)  
 25 IR 1126  
 25 IR 1126  
 \*ERR (25 IR 1906)  
 \*ERR (25 IR 2255)  
 25 IR 1128  
 25 IR 1128  
 25 IR 1129  
 \*ERR (25 IR 2741)  
 25 IR 1129  
 25 IR 1130  
 25 IR 1130

# Rules Affected by Volumes 25 and 26

329 IAC 11-11-4	A	01-207	24 IR 3167	<b>25 IR 1130</b>	345 IAC 7-3.5-14	A	01-333	25 IR 1990	<b>25 IR 3741</b>
329 IAC 11-11-5	A	01-207	24 IR 3167	<b>25 IR 1130</b>	345 IAC 7-5-1	A	02-126	25 IR 4182	
329 IAC 11-11-6	A	01-207	24 IR 3167	<b>25 IR 1131</b>	345 IAC 7-5-2.1	N	02-126	25 IR 4183	
329 IAC 11-14-1	A	01-207	24 IR 3167	<b>25 IR 1131</b>	345 IAC 7-5-2.5	A	02-126	25 IR 4183	
329 IAC 11-15-1				*ERR (25 IR 2741)	345 IAC 7-5-3	R	02-126	25 IR 4187	
329 IAC 11-15-3				*ERR (25 IR 2741)	345 IAC 7-5-4	R	02-126	25 IR 4187	
329 IAC 11-15-5				*ERR (25 IR 2741)	345 IAC 7-5-5	R	02-126	25 IR 4187	
329 IAC 11-17-1				*ERR (25 IR 2741)	345 IAC 7-5-6	A	02-126	25 IR 4184	
329 IAC 11-21-1				*ERR (25 IR 2741)	345 IAC 7-5-7	A	02-126	25 IR 4184	
329 IAC 11-21-2				*ERR (25 IR 2741)	345 IAC 7-5-8	R	02-126	25 IR 4187	
					345 IAC 7-5-9	A	02-126	25 IR 4184	
					345 IAC 7-5-11	A	02-126	25 IR 4185	
					345 IAC 7-5-15.1	A	02-126	25 IR 4185	
					345 IAC 7-5-16	R	02-126	25 IR 4187	
					345 IAC 7-5-16.1	R	02-126	25 IR 4187	
					345 IAC 7-5-21	R	02-126	25 IR 4187	
					345 IAC 7-5-22	A	02-126	25 IR 4186	
					345 IAC 7-5-24	A	02-126	25 IR 4186	
					345 IAC 7-5-25.7	R	02-126	25 IR 4187	
					345 IAC 7-5-26	R	02-126	25 IR 4187	
					345 IAC 7-5-27	R	02-126	25 IR 4187	
					345 IAC 7-5-28	A	02-126	25 IR 4186	
					345 IAC 7-7-1.5	N	01-377	25 IR 1991	*ARR (25 IR 3770)
								25 IR 4166	<b>26 IR 693</b>
					345 IAC 7-7-2	A	01-377	25 IR 1991	*ARR (25 IR 3770)
								25 IR 4166	<b>26 IR 694</b>
					345 IAC 7-7-3	A	01-377	25 IR 1992	*ARR (25 IR 3770)
								25 IR 4167	<b>26 IR 694</b>
					345 IAC 7-7-3.5	N	01-377	25 IR 1993	*ARR (25 IR 3770)
								25 IR 4168	<b>26 IR 695</b>
					345 IAC 7-7-4	A	01-377	25 IR 1993	*ARR (25 IR 3770)
								25 IR 4168	<b>26 IR 695</b>
					345 IAC 7-7-5	A	01-377	25 IR 1993	*ARR (25 IR 3770)
								25 IR 4168	<b>26 IR 696</b>
					345 IAC 7-7-6	R	01-377	25 IR 1994	*ARR (25 IR 3770)
								25 IR 4169	<b>26 IR 696</b>
					345 IAC 7-7-7	A	01-377	25 IR 1994	*ARR (25 IR 3770)
								25 IR 4169	<b>26 IR 696</b>
					345 IAC 7-7-8	R	01-377	25 IR 1994	*ARR (25 IR 3770)
								25 IR 4169	<b>26 IR 696</b>
					345 IAC 7-7-9	R	01-377	25 IR 1994	*ARR (25 IR 3770)
								25 IR 4169	<b>26 IR 696</b>
					345 IAC 7-7-10	A	01-377	25 IR 1994	*ARR (25 IR 3770)
								25 IR 4169	<b>26 IR 696</b>
					345 IAC 8-2-1.1	A	01-392	25 IR 2758	<b>26 IR 329</b>
					345 IAC 8-2-1.5	N	01-392	25 IR 2760	<b>26 IR 331</b>
					345 IAC 8-2-1.7	N	01-392	25 IR 2760	<b>26 IR 331</b>
					345 IAC 8-2-1.9	N	01-392	25 IR 2761	<b>26 IR 332</b>
					345 IAC 8-2-2	A	01-392	25 IR 2762	<b>26 IR 333</b>
					345 IAC 8-2-3	A	01-392	25 IR 2764	<b>26 IR 335</b>
					345 IAC 8-2-3.5	N	01-392	25 IR 2766	<b>26 IR 337</b>
					345 IAC 8-2-4	A	01-392	25 IR 2767	<b>26 IR 338</b>
					345 IAC 8-3-1	A	01-392	25 IR 2769	<b>26 IR 340</b>
					345 IAC 8-3-2	A	01-392	25 IR 2770	<b>26 IR 341</b>
					345 IAC 8-3-3	N	01-392	25 IR 2770	
					345 IAC 8-3-4	N	01-392	25 IR 2771	
					345 IAC 8-3-9	N	01-392		†† <b>26 IR 341</b>
									*ERR (26 IR 793)
					345 IAC 8-3-10	N	01-392		†† <b>26 IR 342</b>
									*ERR (26 IR 793)
					345 IAC 8-4-1	A	01-392	25 IR 2771	<b>26 IR 342</b>
					345 IAC 9-2.1-1	A	02-127	25 IR 4187	
					345 IAC 10-2.1-1	A	02-127	25 IR 4188	
TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH									
345 IAC 1-3-1.5	A	01-413	25 IR 1996						
345 IAC 1-3-3	A	02-107	25 IR 4170						
345 IAC 1-3-4	A	02-107	25 IR 4171						
345 IAC 1-3-8	R	02-107	25 IR 4182						
345 IAC 1-3-11	A	02-107	25 IR 4171						
345 IAC 1-3-12	A	02-107	25 IR 4172						
345 IAC 1-3-13	A	02-107	25 IR 4172						
345 IAC 1-3-14	A	02-107	25 IR 4173						
345 IAC 1-3-15	A	02-107	25 IR 4173						
345 IAC 1-3-16	R	02-107	25 IR 4182						
345 IAC 1-3-16.5	N	02-107	25 IR 4174						
345 IAC 1-3-30	A	01-413	25 IR 1997	<b>26 IR 345</b>					
			25 IR 2774						
345 IAC 1-4-1	R	01-391	25 IR 1995	<b>25 IR 3742</b>					
345 IAC 1-4-2	N	01-391	25 IR 1995	<b>25 IR 3742</b>					
345 IAC 1-4-3	N	01-391	25 IR 1995	<b>25 IR 3742</b>					
345 IAC 1-5-1	A	01-1	24 IR 2805	<b>25 IR 374</b>					
345 IAC 1-5-2	A	01-1	24 IR 2806	<b>25 IR 375</b>					
345 IAC 1-5-3	A	01-1	24 IR 2806	<b>25 IR 375</b>					
345 IAC 1-6-1	R	01-37	24 IR 4121	<b>25 IR 1608</b>					
345 IAC 1-6-1.5	N	01-37	24 IR 4120	<b>25 IR 1607</b>					
345 IAC 1-6-2	A	01-37	24 IR 4120	<b>25 IR 1607</b>					
345 IAC 1-6-3	A	01-37	24 IR 4120	<b>25 IR 1607</b>					
345 IAC 2-6-8	A	01-333	25 IR 1989	<b>25 IR 3740</b>					
345 IAC 2-7-1	A	01-413	25 IR 1998	<b>26 IR 346</b>					
			25 IR 2775						
345 IAC 2-7-3	A	01-413	25 IR 1999	<b>26 IR 347</b>					
			25 IR 2776						
345 IAC 2-7-4	A	01-413	25 IR 2000	<b>26 IR 348</b>					
			25 IR 2777						
345 IAC 2-7-5	A	01-413	25 IR 2001	<b>26 IR 349</b>					
			25 IR 2778						
345 IAC 3-5.1-1.2	A	02-107	25 IR 4175						
345 IAC 3-5.1-1.5	A	02-107	25 IR 4176						
345 IAC 3-5.1-2	A	02-107	25 IR 4176						
345 IAC 3-5.1-3	A	02-107	25 IR 4176						
345 IAC 3-5.1-3.5	N	02-107	25 IR 4177						
345 IAC 3-5.1-4	A	02-107	25 IR 4177						
345 IAC 3-5.1-6	A	02-107	25 IR 4177						
345 IAC 3-5.1-7	A	02-107	25 IR 4178						
345 IAC 3-5.1-8.5	A	02-107	25 IR 4179						
345 IAC 3-5.1-8.7	A	02-107	25 IR 4180						
345 IAC 3-5.1-8.8	R	02-107	25 IR 4182						
345 IAC 3-5.1-8.9	R	02-107	25 IR 4182						
345 IAC 3-5.1-9	R	02-107	25 IR 4182						
345 IAC 3-5.1-10	A	02-107	25 IR 4181						
345 IAC 3-5.1-12	R	02-107	25 IR 4182						
345 IAC 3-5.1-14	R	02-107	25 IR 4182						
345 IAC 3-5.1-15	R	02-107	25 IR 4182						
345 IAC 5-1-3	R	01-333	25 IR 1990	<b>25 IR 3742</b>					
345 IAC 5-1-4	R	01-333	25 IR 1990	<b>25 IR 3742</b>					
345 IAC 7-3.5-1	R	01-166	24 IR 4125						
345 IAC 7-3.5-2	A	01-166	24 IR 4122	<b>25 IR 1609</b>					
345 IAC 7-3.5-3	A	01-166	24 IR 4123	<b>25 IR 1610</b>					
345 IAC 7-3.5-5	A	01-166	24 IR 4123	<b>25 IR 1610</b>					
345 IAC 7-3.5-5.5	N	01-166	24 IR 4124	<b>25 IR 1611</b>					
345 IAC 7-3.5-6	A	01-166	24 IR 4124	<b>25 IR 1611</b>					
345 IAC 7-3.5-8	A	01-166	24 IR 4125	<b>25 IR 1612</b>					
345 IAC 7-3.5-8.5	N	01-166	24 IR 4125	<b>25 IR 1612</b>					
345 IAC 7-3.5-13	A	01-333	25 IR 1989	<b>25 IR 3740</b>					
TITLE 355 STATE CHEMIST OF THE STATE OF INDIANA									
355 IAC 4-0.5	RA	01-48	24 IR 3221	<b>25 IR 1269</b>					
355 IAC 4-1	RA	01-48	24 IR 3221	<b>25 IR 1269</b>					
355 IAC 4-2	RA	01-48	24 IR 3221	<b>25 IR 1269</b>					
355 IAC 4-2-1	A	01-71	24 IR 2807	<b>25 IR 376</b>					
355 IAC 4-2-2	A	01-71	24 IR 2807	<b>25 IR 376</b>					
355 IAC 4-2-3	A	01-71	24 IR 2807	<b>25 IR 376</b>					
355 IAC 4-2-4	R	01-71	24 IR 2809	<b>25 IR 378</b>					

# Rules Affected by Volumes 25 and 26

355 IAC 4-2-5	A	01-71	24 IR 2808	<b>25 IR 377</b>	365 IAC 2-1-19			*ERR (25 IR 384)
355 IAC 4-2-6	A	01-71	24 IR 2808	<b>25 IR 377</b>	365 IAC 2-1-22			*ERR (25 IR 384)
355 IAC 4-2-7	N	01-71	24 IR 2808	<b>25 IR 377</b>	365 IAC 2-2-1			*ERR (25 IR 384)
355 IAC 4-2-8	N	01-71	24 IR 2808	<b>25 IR 377</b>				
355 IAC 4-3	RA	01-48	24 IR 3221	<b>25 IR 1269</b>	TITLE 370 STATE EGG BOARD			
355 IAC 4-4	RA	01-48	24 IR 3221	<b>25 IR 1269</b>	370 IAC 1-1	RA	01-317	25 IR 187 <b>25 IR 937</b>
355 IAC 4-5	RA	01-48	24 IR 3221	<b>25 IR 1269</b>	370 IAC 1-1-1	A	01-419	26 IR 153
355 IAC 4-6	RA	01-48	24 IR 3221	<b>25 IR 1269</b>	370 IAC 1-1-2	A	01-419	26 IR 153
355 IAC 5	RA	01-48	24 IR 3221	<b>25 IR 1269</b>	370 IAC 1-1-3	A	01-419	26 IR 153
355 IAC 5-1-1	A	01-294	25 IR 435	<b>25 IR 2212</b>	370 IAC 1-1-4	A	01-419	26 IR 153
355 IAC 5-1-1.5	N	01-294	25 IR 435	<b>25 IR 2212</b>	370 IAC 1-1-5	A	01-419	26 IR 153
355 IAC 5-1-2	R	01-294	25 IR 442	<b>25 IR 2220</b>	370 IAC 1-2	RA	01-317	25 IR 187 <b>25 IR 937</b>
355 IAC 5-1-3	A	01-294	25 IR 435	<b>25 IR 2212</b>	370 IAC 1-2-1	A	01-419	26 IR 154
355 IAC 5-1-4	A	01-294	25 IR 436	<b>25 IR 2213</b>	370 IAC 1-2-2	A	01-419	26 IR 154
355 IAC 5-1-5	A	01-294	25 IR 436	<b>25 IR 2213</b>	370 IAC 1-2-3	N	01-419	26 IR 154
355 IAC 5-1-6	A	01-294	25 IR 436	<b>25 IR 2213</b>	370 IAC 1-3	RA	01-317	25 IR 187 <b>25 IR 937</b>
355 IAC 5-1-7.5	N	01-294	25 IR 436	<b>25 IR 2213</b>	370 IAC 1-3-1	A	01-419	26 IR 154
355 IAC 5-1-10	R	01-294	25 IR 442	<b>25 IR 2220</b>	370 IAC 1-3-2	A	01-419	26 IR 154
355 IAC 5-1-11	A	01-294	25 IR 436	<b>25 IR 2213</b>	370 IAC 1-3-3	A	01-419	26 IR 154
355 IAC 5-1-13	A	01-294	25 IR 436	<b>25 IR 2213</b>	370 IAC 1-3-4	A	01-419	26 IR 155
355 IAC 5-1-14	A	01-294	25 IR 437	<b>25 IR 2214</b>	370 IAC 1-4	RA	01-317	25 IR 187 <b>25 IR 937</b>
355 IAC 5-1-15	A	01-294	25 IR 437	<b>25 IR 2214</b>	370 IAC 1-4-1	A	01-419	26 IR 155
355 IAC 5-2-2	A	01-294	25 IR 437	<b>25 IR 2214</b>	370 IAC 1-4-2	A	01-419	26 IR 155
355 IAC 5-2-3	A	01-294	25 IR 437	<b>25 IR 2214</b>	370 IAC 1-4-3	A	01-419	26 IR 156
355 IAC 5-2-4	A	01-294	25 IR 437	<b>25 IR 2214</b>	370 IAC 1-5	RA	01-317	25 IR 187 <b>25 IR 937</b>
355 IAC 5-2-5	A	01-294	25 IR 437	<b>25 IR 2215</b>	370 IAC 1-5-1	A	01-419	26 IR 156
355 IAC 5-2-6	A	01-294	25 IR 438	<b>25 IR 2215</b>	370 IAC 1-6	RA	01-317	25 IR 187 <b>25 IR 937</b>
355 IAC 5-2-7	A	01-294	25 IR 438	<b>25 IR 2215</b>	370 IAC 1-6-1	A	01-419	26 IR 156
355 IAC 5-2-8	A	01-294	25 IR 438	<b>25 IR 2215</b>	370 IAC 1-8	RA	01-317	25 IR 187 <b>25 IR 937</b>
355 IAC 5-2-9	A	01-294	25 IR 438	<b>25 IR 2215</b>	370 IAC 1-8-1	A	01-419	26 IR 156
355 IAC 5-2-10	A	01-294	25 IR 438	<b>25 IR 2216</b>	370 IAC 1-9	RA	01-317	25 IR 187 <b>25 IR 937</b>
355 IAC 5-2-11	A	01-294	25 IR 438	<b>25 IR 2216</b>	370 IAC 1-9-1	A	01-419	26 IR 156
355 IAC 5-2-12	A	01-294	25 IR 439	<b>25 IR 2216</b>	370 IAC 1-10	RA	01-317	25 IR 187 <b>25 IR 937</b>
355 IAC 5-2-13	R	01-294	25 IR 442	<b>25 IR 2220</b>	370 IAC 1-10-1	A	01-419	26 IR 156
355 IAC 5-3-1	A	01-294	25 IR 439	<b>25 IR 2216</b>	370 IAC 1-10-2	A	01-419	26 IR 157
355 IAC 5-3-2	R	01-294	25 IR 442	<b>25 IR 2220</b>				
355 IAC 5-4-1	A	01-294	25 IR 440	<b>25 IR 2217</b>	TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES			
355 IAC 5-4-2	A	01-294	25 IR 440	<b>25 IR 2217</b>	405 IAC 1-8-3	A	00-249	24 IR 1381 *NRA (24 IR 3097)
355 IAC 5-4-3	A	01-294	25 IR 440	<b>25 IR 2218</b>	405 IAC 1-9	R	00-249	24 IR 1386 *NRA (24 IR 3097)
355 IAC 5-4-4	A	01-294	25 IR 441	<b>25 IR 2218</b>				<b>25 IR 59</b>
355 IAC 5-4-5	R	01-294	25 IR 442	<b>25 IR 2220</b>	405 IAC 1-10	R	00-249	24 IR 1386 *NRA (24 IR 3097)
355 IAC 5-4-6	R	01-294	25 IR 442	<b>25 IR 2220</b>				<b>25 IR 59</b>
355 IAC 5-4-7	A	01-294	25 IR 441	<b>25 IR 2218</b>	405 IAC 1-10.5-1	A	00-249	24 IR 1382 *NRA (24 IR 3097)
355 IAC 5-4-8	A	01-294	25 IR 442	<b>25 IR 2219</b>				<b>25 IR 55</b>
355 IAC 5-4-9	R	01-294	25 IR 442	<b>25 IR 2220</b>	405 IAC 1-10.5-2	A	00-249	24 IR 1382 *NRA (24 IR 3097)
355 IAC 5-5-1	A	01-294	25 IR 442	<b>25 IR 2219</b>				<b>25 IR 55</b>
355 IAC 5-5-2	R	01-294	25 IR 442	<b>25 IR 2220</b>	405 IAC 1-10.5-3	A	00-249	24 IR 1384 *NRA (24 IR 3097)
355 IAC 5-6	R	01-294	25 IR 442	<b>25 IR 2220</b>				<b>25 IR 57</b>
355 IAC 5-7	R	01-294	25 IR 442	<b>25 IR 2220</b>	405 IAC 1-10.5-4	A	00-249	24 IR 1386 *ERR (25 IR 1906)
355 IAC 5-8-1	A	01-294	25 IR 442	<b>25 IR 2219</b>				*NRA (24 IR 3097)
355 IAC 5-8-2	R	01-294	25 IR 442	<b>25 IR 2220</b>	405 IAC 1-11	R	00-249	24 IR 1386 *NRA (24 IR 3097)
355 IAC 6	N	01-335	25 IR 443	*ARR (25 IR 1907) <b>25 IR 2444</b> *ERR (25 IR 2521)				<b>25 IR 59</b>
TITLE 357 INDIANA PESTICIDE REVIEW BOARD					405 IAC 1-12-1	A	02-16	25 IR 2791 *NRA (25 IR 4128)
357 IAC 1-1	RA	01-49	24 IR 3222	<b>25 IR 936</b>				<b>26 IR 718</b>
357 IAC 1-3	RA	01-49	24 IR 3222	<b>25 IR 936</b>	405 IAC 1-12-2	A	01-420	25 IR 1690 *NRA (25 IR 2541)
357 IAC 1-4	RA	01-49	24 IR 3222	<b>25 IR 936</b>				<b>25 IR 3121</b>
357 IAC 1-5	RA	01-49	24 IR 3222	<b>25 IR 936</b>				<b>26 IR 718</b>
357 IAC 1-6	RA	01-49	24 IR 3222	<b>25 IR 936</b>	405 IAC 1-12-4	A	02-16	25 IR 2793 *NRA (25 IR 4128)
357 IAC 1-7	RA	01-49	24 IR 3222	<b>25 IR 936</b>				<b>26 IR 720</b>
357 IAC 1-10	N	02-292	26 IR 1243		405 IAC 1-12-5	A	01-420	25 IR 1691 *NRA (25 IR 2541)
TITLE 360 STATE SEED COMMISSIONER								<b>25 IR 3123</b>
360 IAC 1	RA	01-233	25 IR 519	<b>25 IR 1269</b>				*NRA (25 IR 4128)
TITLE 365 CREAMERY EXAMINING BOARD					405 IAC 1-12-6	A	02-16	25 IR 2795 *NRA (25 IR 4128)
365 IAC 2-1-4				*ERR (25 IR 384)				<b>26 IR 721</b>
365 IAC 2-1-6				*ERR (25 IR 384)	405 IAC 1-12-7	A	02-16	25 IR 2796 *NRA (25 IR 4128)
365 IAC 2-1-13				*ERR (25 IR 384)				<b>26 IR 722</b>
365 IAC 2-1-14				*ERR (25 IR 384)				<b>26 IR 723</b>

# Rules Affected by Volumes 25 and 26

405 IAC 1-12-8	A	02-16	25 IR 2796	*NRA (25 IR 4128) <b>26 IR 723</b>	405 IAC 1-14.6-7	A	00-277	24 IR 3175 24 IR 4132	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) <b>25 IR 2468</b>
405 IAC 1-12-9	A	01-420	25 IR 1693	*NRA (25 IR 2541) <b>25 IR 3124</b>					
	A	02-16	25 IR 2797	*NRA (25 IR 4128) <b>26 IR 724</b>					
405 IAC 1-12-12	A	02-16	25 IR 2797	*NRA (25 IR 4128) <b>26 IR 724</b>		A	02-13	25 IR 2785	*NRA (26 IR 61) <b>26 IR 712</b>
405 IAC 1-12-13	A	02-16	25 IR 2798	*NRA (25 IR 4128) <b>26 IR 725</b>	405 IAC 1-14.6-9	A	00-277	24 IR 3176 24 IR 4133	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) <b>25 IR 2470</b>
405 IAC 1-12-14	A	02-16	25 IR 2799	*NRA (25 IR 4128) <b>26 IR 726</b>					
405 IAC 1-12-15	A	02-16	25 IR 2799	*NRA (25 IR 4128) <b>26 IR 726</b>					
405 IAC 1-12-16	A	02-16	25 IR 2800	*NRA (25 IR 4128) <b>26 IR 727</b>		A	02-13	25 IR 2786	*NRA (26 IR 61) <b>26 IR 714</b>
405 IAC 1-12-17	A	02-16	25 IR 2801	*NRA (25 IR 4128) <b>26 IR 728</b>	405 IAC 1-14.6-12	A	02-13	25 IR 2787	*NRA (26 IR 61) <b>26 IR 715</b>
405 IAC 1-12-19	A	02-16	25 IR 2802	*NRA (25 IR 4128) <b>26 IR 729</b>	405 IAC 1-14.6-16	A	02-13	25 IR 2788	*NRA (26 IR 61) <b>26 IR 716</b>
405 IAC 1-12-22	A	01-420	25 IR 1693	*NRA (25 IR 2541) <b>25 IR 3125</b>	405 IAC 1-14.6-20	A	00-277	24 IR 3177 24 IR 4134	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) <b>25 IR 2470</b>
405 IAC 1-12-24	A	01-172	24 IR 3179	*NRA (25 IR 401) <b>25 IR 381</b>					
	A	02-16	25 IR 2802	*NRA (25 IR 4128) <b>26 IR 730</b>					
405 IAC 1-12-26	A	02-16	25 IR 2803	*NRA (25 IR 4128) <b>26 IR 730</b>	405 IAC 1-14.6-22	A	02-13	25 IR 2788	*NRA (26 IR 61) <b>26 IR 716</b>
405 IAC 1-14.5-13	A	02-144	25 IR 3826	*NRA (26 IR 415) <b>26 IR 1080</b>	405 IAC 1-15-1	A	00-277	24 IR 4134	*AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) <b>25 IR 2471</b>
405 IAC 1-14.5-14	A	02-144	25 IR 3827	*NRA (26 IR 415) <b>26 IR 1081</b>					
405 IAC 1-14.5-15	A	02-144	25 IR 3827	*NRA (26 IR 415) <b>26 IR 1081</b>	405 IAC 1-15-5	A	00-277	24 IR 3178 24 IR 4135	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) <b>25 IR 2471</b>
405 IAC 1-14.6-2	A	00-277	24 IR 3169 24 IR 4126	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) <b>25 IR 2462</b>					
	A	02-13	25 IR 2779	*NRA (26 IR 61) <b>26 IR 707</b>	405 IAC 1-15-6	A	00-277	24 IR 3178 24 IR 4135	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) <b>25 IR 2471</b>
405 IAC 1-14.6-3	A	00-277	24 IR 3172 24 IR 4128	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) <b>25 IR 2465</b>					
				*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) <b>25 IR 2465</b>	405 IAC 1-16-2	A	02-214	26 IR 158	
					405 IAC 1-16-4	A	02-214	26 IR 159	
405 IAC 1-14.6-4	A	00-277	24 IR 3172 24 IR 4129	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) <b>25 IR 2465</b>	405 IAC 1-18	N	01-304	25 IR 138	*NRA (25 IR 1666) <b>25 IR 2476</b>
					405 IAC 1-18-2	A	02-121	25 IR 3243	*NRA (26 IR 61) <b>26 IR 1079</b>
					405 IAC 1-18-3	R	02-121	25 IR 3243	*NRA (26 IR 61) <b>26 IR 1080</b>
	A	02-13	25 IR 2782	*NRA (26 IR 61) <b>26 IR 709</b>	405 IAC 1-19	N	02-184	26 IR 511	
405 IAC 1-14.6-5	A	00-277	24 IR 3174 24 IR 4131	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) <b>25 IR 2467</b>	405 IAC 1-20	N	02-184	26 IR 512	
					405 IAC 2-3-1	R	01-206	24 IR 4139	*NRA (25 IR 1666) <b>25 IR 2475</b>
					405 IAC 2-3-1.1	A	01-206	24 IR 4137	*NRA (25 IR 1666) <b>25 IR 2472</b>
					405 IAC 2-3-1.2	N	01-175	24 IR 4136	*NRA (25 IR 1666) *ARR (25 IR 2256) *NRA (25 IR 2541) <b>25 IR 2726</b>
405 IAC 1-14.6-6	A	00-277	24 IR 3175 24 IR 4131	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) <b>25 IR 2468</b>	405 IAC 2-3-3	A	01-393	25 IR 1683	*ERR (26 IR 35) *NRA (25 IR 2541) *AROC (25 IR 3463) <b>25 IR 3114</b>
	A	02-13	25 IR 2784	*NRA (26 IR 61) <b>26 IR 712</b>	405 IAC 2-3-17	A	02-234	26 IR 516	*ERR (25 IR 3769)

# Rules Affected by Volumes 25 and 26

405 IAC 2-3-21	A	02-234	26 IR 517		405 IAC 5-14-10	R	02-277	26 IR 866	
405 IAC 2-3-23	N	02-45	25 IR 2555	*NRA (25 IR 3804)	405 IAC 5-14-11	A	02-277	26 IR 865	
				<b>26 IR 731</b>	405 IAC 5-14-15	A	02-277	26 IR 865	
405 IAC 2-8-1	A	02-87	25 IR 2804	*NRA (26 IR 61)	405 IAC 5-14-16	A	02-277	26 IR 866	
				<b>26 IR 731</b>	405 IAC 5-14-17	A	02-277	26 IR 866	
405 IAC 2-8-1.1	N	02-87	25 IR 2805	*NRA (26 IR 61)	405 IAC 5-14-18	A	02-277	26 IR 866	
				<b>26 IR 732</b>	405 IAC 5-19-1	A	01-301	25 IR 3811	*NRA (26 IR 809)
405 IAC 2-9	N	01-393	25 IR 1684	*NRA (25 IR 2541)	405 IAC 5-19-3	A	02-207	26 IR 514	
				*AROC (25 IR 3463)	405 IAC 5-19-7	A	01-58	24 IR 2521	*ARR (24 IR 3992)
				<b>25 IR 3115</b>					*NRA (24 IR 4011)
				*ERR (25 IR 3769)					*NRA (25 IR 401)
				*ERR (26 IR 35)					<b>25 IR 379</b>
405 IAC 2-10	N	02-145	25 IR 3829	*NRA (26 IR 415)	405 IAC 5-19-10	A	01-58	24 IR 2521	*ARR (24 IR 3992)
405 IAC 4-1	RA	02-275	26 IR 544	<b>26 IR 1261</b>					*NRA (24 IR 4011)
405 IAC 4-1-1				*ERR (26 IR 383)					*NRA (25 IR 401)
405 IAC 5-2-17	A	01-58	24 IR 2518	*ARR (24 IR 3992)					<b>25 IR 379</b>
				*NRA (24 IR 4011)	405 IAC 5-20-8	A	01-59	24 IR 2524	*NRA (24 IR 3657)
				*NRA (25 IR 401)					<b>25 IR 61</b>
				<b>25 IR 378</b>					*ERR (25 IR 1184)
405 IAC 5-3-4	A	01-58	24 IR 2519	*ARR (24 IR 3992)	405 IAC 5-23-4	A	01-58	24 IR 2521	*ARR (24 IR 3992)
				*NRA (24 IR 4011)	405 IAC 5-23-5	A	01-58	24 IR 2522	*ARR (24 IR 3992)
				*NRA (25 IR 401)	405 IAC 5-24-4	A	01-22	24 IR 2180	*NRA (24 IR 4011)
				<b>25 IR 378</b>					<b>25 IR 60</b>
405 IAC 5-3-10	A	01-22	24 IR 2180	*NRA (24 IR 4011)					*NRA (25 IR 830)
				*NRA (25 IR 830)		A	01-303	25 IR 847	*NRA (25 IR 2276)
				<b>25 IR 1613</b>					*ARR (25 IR 2523)
405 IAC 5-3-11	A	01-58	24 IR 2519	*ARR (24 IR 3992)		A	01-372	25 IR 1242	*NRA (25 IR 2276)
				*NRA (24 IR 4011)					*ARR (25 IR 2523)
				*NRA (25 IR 401)					*NRA (25 IR 2541)
				<b>25 IR 378</b>					<b>25 IR 2727</b>
405 IAC 5-3-12	A	01-59	24 IR 2524	*NRA (24 IR 3657)					*ERR (26 IR 35)
				<b>25 IR 60</b>	405 IAC 5-24-6	A	01-22	24 IR 2181	*NRA (24 IR 4011)
405 IAC 5-3-13	A	01-22	24 IR 2180	*NRA (24 IR 4011)					<b>25 IR 60</b>
				*NRA (25 IR 830)		A	01-372	25 IR 1242	*NRA (25 IR 830)
				<b>25 IR 1613</b>					*NRA (25 IR 2276)
405 IAC 5-7-1	A	01-58	24 IR 2519	*ARR (24 IR 3992)					*ARR (25 IR 2523)
				*NRA (24 IR 4011)					*NRA (25 IR 2541)
				*NRA (25 IR 401)	405 IAC 5-24-7	A	02-141	25 IR 3825	<b>25 IR 2727</b>
				<b>25 IR 378</b>					*NRA (26 IR 62)
405 IAC 5-8-3	A	01-58	24 IR 2519	*ARR (24 IR 3992)	405 IAC 5-24-8.5	N	01-22	24 IR 2181	<b>26 IR 732</b>
				*NRA (24 IR 4011)					*NRA (24 IR 4011)
				*NRA (25 IR 401)					*NRA (25 IR 830)
				<b>25 IR 379</b>	405 IAC 5-24-8.6	N	01-22		<b>25 IR 1613</b>
405 IAC 5-12-1	A	02-49	25 IR 2555	*AROC (26 IR 884)					†† <b>25 IR 1614</b>
405 IAC 5-12-2	R	02-49	25 IR 2556	*AROC (26 IR 884)	405 IAC 5-24-11	N	01-22		*ERR (25 IR 2255)
405 IAC 5-12-3	A	02-49	25 IR 2556	*AROC (26 IR 884)	405 IAC 5-24-12	N	01-22		†† <b>25 IR 1614</b>
405 IAC 5-12-4	R	02-49	25 IR 2556	*AROC (26 IR 884)	405 IAC 5-24-13	N	02-207	26 IR 515	†† <b>25 IR 1614</b>
405 IAC 5-12-5	R	02-49	25 IR 2556	*AROC (26 IR 884)	405 IAC 5-29-1	A	01-58	24 IR 2522	*ARR (24 IR 3992)
405 IAC 5-12-6	R	02-49	25 IR 2556	*AROC (26 IR 884)					*NRA (24 IR 4011)
405 IAC 5-12-7	R	02-49	25 IR 2556	*AROC (26 IR 884)					*NRA (25 IR 401)
405 IAC 5-14-1	A	02-50	25 IR 2556	*NRA (26 IR 61)					<b>25 IR 380</b>
				*ARR (26 IR 384)	405 IAC 5-31-4	A	02-207	26 IR 515	
				*NRA (26 IR 415)	405 IAC 5-31-8	A	01-214	24 IR 3756	*NRA (25 IR 401)
405 IAC 5-14-2	A	02-140	25 IR 3823	*NRA (26 IR 61)					*ARR (25 IR 814)
				*ARR (26 IR 384)					*NRA (25 IR 1666)
				*NRA (26 IR 809)					<b>25 IR 2475</b>
	A	02-277	26 IR 864		405 IAC 5-34-1	A	02-214	26 IR 159	
405 IAC 5-14-2.5	N	02-140	25 IR 3823	*NRA (26 IR 61)	405 IAC 5-34-2	A	02-214	26 IR 159	
				*ARR (26 IR 384)	405 IAC 5-34-3	A	02-214	26 IR 160	
				*NRA (26 IR 809)	405 IAC 5-34-4	A	02-214	26 IR 160	
405 IAC 5-14-3	A	02-140	25 IR 3824	*NRA (26 IR 61)	405 IAC 5-34-4.1	N	02-214	26 IR 162	
				*ARR (26 IR 384)	405 IAC 5-34-4.2	N	02-214	26 IR 162	
				*NRA (26 IR 809)	405 IAC 5-34-5	A	02-214	26 IR 162	
	A	02-277	26 IR 865		405 IAC 5-34-6	A	02-214	26 IR 162	
405 IAC 5-14-4	A	02-140	25 IR 3824	*NRA (26 IR 61)	405 IAC 5-34-7	A	02-214	26 IR 163	
				*ARR (26 IR 384)	405 IAC 5-34-12	A	01-302	25 IR 138	*NRA (25 IR 1666)
				*NRA (26 IR 809)					<b>25 IR 2476</b>
405 IAC 5-14-6	A	02-140	25 IR 3824	*NRA (26 IR 61)	405 IAC 5-37-3	A	01-58	24 IR 2523	*ARR (24 IR 3992)
				*ARR (26 IR 384)					*NRA (24 IR 4011)
				*NRA (26 IR 809)					*NRA (25 IR 401)
	A	02-277	26 IR 865						<b>25 IR 380</b>

# Rules Affected by Volumes 25 and 26

405 IAC 6-2-3	A	01-373	25 IR 3813	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 697</b>	405 IAC 6-6-2	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 701</b>
405 IAC 6-2-5	A	01-373	25 IR 3813	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 697</b>	405 IAC 6-6-3	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 701</b>
405 IAC 6-2-5.3	N	01-373	25 IR 3813	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 697</b>	405 IAC 6-6-4	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 702</b>
405 IAC 6-2-5.5	N	01-373	25 IR 3813	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 697</b>	405 IAC 6-8	N	01-373	25 IR 3818	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 702</b>
405 IAC 6-2-9	A	01-373	25 IR 3813	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 698</b>	405 IAC 6-9	N	01-373	25 IR 3818	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 702</b>
405 IAC 6-2-12	A	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 698</b>	405 IAC 7	N	02-234	26 IR 518	
405 IAC 6-2-12.5	N	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 698</b>	TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM				
405 IAC 6-2-14	A	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 698</b>	407 IAC 2-2-5	A	02-85	25 IR 2805	<b>25 IR 4103</b>
405 IAC 6-2-16.5	N	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 698</b>	407 IAC 2-3-1	A	02-85	25 IR 2806	<b>25 IR 4103</b>
405 IAC 6-2-18	A	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 698</b>	407 IAC 2-3-2	A	02-85	25 IR 2806	*ERR (26 IR 383) <b>25 IR 4103</b>
405 IAC 6-2-20	A	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 698</b>	TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH				
405 IAC 6-2-20.5	N	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 699</b>	410 IAC 1-2.3				*ERR (25 IR 106)
405 IAC 6-2-21	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 699</b>	410 IAC 5-10.1	RA	01-240	25 IR 187	<b>25 IR 1270</b>
405 IAC 6-2-22.5	N	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 699</b>	410 IAC 6-2	R	02-142	25 IR 4197	*CPH (26 IR 812)
405 IAC 6-3-2	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 699</b>	410 IAC 6-2.1	N	02-142	25 IR 4188	*CPH (26 IR 812)
405 IAC 6-3-3	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 699</b>	410 IAC 6-7	R	01-243	25 IR 2015	<b>25 IR 3757</b>
405 IAC 6-4-2	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 699</b>	410 IAC 6-7.1	N	01-243	25 IR 2002	*AROC (25 IR 3884) <b>25 IR 3743</b>
405 IAC 6-5-1	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 700</b>	410 IAC 6-7.2	N	01-243	25 IR 2007	*ERR (25 IR 3769) *AROC (25 IR 3884) *ERR (26 IR 36) <b>25 IR 3749</b>
405 IAC 6-5-2	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 700</b>	410 IAC 7-21	N	01-7	24 IR 2809	*ERR (25 IR 3769) *AROC (25 IR 3884) *ERR (26 IR 36) <b>25 IR 1615</b>
405 IAC 6-5-3	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 700</b>	410 IAC 7-22	N	02-266	26 IR 1245	*ERR (25 IR 1644) *AROC (25 IR 1734)
405 IAC 6-5-4	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 701</b>	410 IAC 15-1.5-4	A	02-43	26 IR 164	
405 IAC 6-5-5	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 701</b>	410 IAC 15-1.5-5	A	02-43	26 IR 166	
405 IAC 6-5-6	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) <b>26 IR 701</b>	410 IAC 15-1.5-8	A	01-169	25 IR 154	<b>25 IR 1135</b>
					410 IAC 15-1.7-1	A	01-169	25 IR 156	<b>25 IR 1137</b>
					410 IAC 15-2.5-7	A	01-168	25 IR 152	<b>25 IR 1133</b>
					410 IAC 15-2.7-1	A	01-168	25 IR 153	<b>25 IR 1134</b>
					410 IAC 16.2-1-0.5	R	02-89	25 IR 3276	
					410 IAC 16.2-1-1	R	02-89	25 IR 3276	
					410 IAC 16.2-1-2	R	02-89	25 IR 3276	
					410 IAC 16.2-1-2.1	R	02-89	25 IR 3276	
					410 IAC 16.2-1-2.2	R	02-89	25 IR 3276	
					410 IAC 16.2-1-3	R	02-89	25 IR 3276	
					410 IAC 16.2-1-3.5	R	02-89	25 IR 3276	
					410 IAC 16.2-1-5	R	02-89	25 IR 3276	
					410 IAC 16.2-1-6	R	02-89	25 IR 3276	
					410 IAC 16.2-1-6.5	R	02-89	25 IR 3276	
					410 IAC 16.2-1-7	R	02-89	25 IR 3276	
					410 IAC 16.2-1-8	R	02-89	25 IR 3276	
					410 IAC 16.2-1-9	R	02-89	25 IR 3276	
					410 IAC 16.2-1-10.1	R	02-89	25 IR 3277	
					410 IAC 16.2-1-10.2	R	02-89	25 IR 3277	
					410 IAC 16.2-1-11	R	02-89	25 IR 3277	
					410 IAC 16.2-1-12.5	R	02-89	25 IR 3277	
					410 IAC 16.2-1-14	R	02-89	25 IR 3277	
					410 IAC 16.2-1-14.1	R	02-89	25 IR 3277	
					410 IAC 16.2-1-14.2	R	02-89	25 IR 3277	

## Rules Affected by Volumes 25 and 26

410 IAC 16.2-1-15	R	02-89	25 IR 3277	410 IAC 16.2-5-11	R	02-89	25 IR 3277	
410 IAC 16.2-1-15.1	R	02-89	25 IR 3277	410 IAC 16.2-5-11.1	N	02-89	25 IR 3275	
410 IAC 16.2-1-15.2	R	02-89	25 IR 3277	410 IAC 16.2-5-12	N	02-89	25 IR 3276	
410 IAC 16.2-1-15.3	R	02-89	25 IR 3277	410 IAC 17-1.1	R	01-159	25 IR 151	<b>25 IR 2490</b>
410 IAC 16.2-1-16	R	02-89	25 IR 3277	410 IAC 17-2	R	01-159	25 IR 151	<b>25 IR 2490</b>
410 IAC 16.2-1-17	R	02-89	25 IR 3277	410 IAC 17-3	R	01-159	25 IR 151	<b>25 IR 2490</b>
410 IAC 16.2-1-18	R	02-89	25 IR 3277	410 IAC 17-4	R	01-159	25 IR 151	<b>25 IR 2490</b>
410 IAC 16.2-1-18.1	R	02-89	25 IR 3277	410 IAC 17-5	R	01-159	25 IR 151	<b>25 IR 2490</b>
410 IAC 16.2-1-18.2	R	02-89	25 IR 3277	410 IAC 17-6	R	01-159	25 IR 151	<b>25 IR 2490</b>
410 IAC 16.2-1-19	R	02-89	25 IR 3277	410 IAC 17-7	R	01-159	25 IR 151	<b>25 IR 2490</b>
410 IAC 16.2-1-19.1	R	02-89	25 IR 3277	410 IAC 17-8	R	01-159	25 IR 151	<b>25 IR 2490</b>
410 IAC 16.2-1-20	R	02-89	25 IR 3277	410 IAC 17-9	N	01-159	25 IR 140	<b>25 IR 2477</b>
410 IAC 16.2-1-21	R	02-89	25 IR 3277					<b>*ERR (25 IR 2522)</b>
410 IAC 16.2-1-22	R	02-89	25 IR 3277	410 IAC 17-10	N	01-159	25 IR 143	<b>25 IR 2481</b>
410 IAC 16.2-1-22.1	R	02-89	25 IR 3277	410 IAC 17-11	N	01-159	25 IR 144	<b>25 IR 2482</b>
410 IAC 16.2-1-22.2	R	02-89	25 IR 3277	410 IAC 17-12	N	01-159	25 IR 145	<b>25 IR 2483</b>
410 IAC 16.2-1-23	R	02-89	25 IR 3277	410 IAC 17-13	N	01-159	25 IR 148	<b>25 IR 2486</b>
410 IAC 16.2-1-24	R	02-89	25 IR 3277	410 IAC 17-14	N	01-159	25 IR 149	<b>25 IR 2487</b>
410 IAC 16.2-1-25	R	02-89	25 IR 3277					<b>*ERR (25 IR 2522)</b>
410 IAC 16.2-1-26	R	02-89	25 IR 3277	410 IAC 17-15	N	01-159	25 IR 151	<b>25 IR 2489</b>
410 IAC 16.2-1-26.1	R	02-89	25 IR 3277	410 IAC 17-16	N	01-159	25 IR 151	<b>25 IR 2489</b>
410 IAC 16.2-1-27	R	02-89	25 IR 3277	410 IAC 21-3	N	01-280	25 IR 2016	<b>25 IR 3757</b>
410 IAC 16.2-1-27.1	R	02-89	25 IR 3277	410 IAC 23-1	R	01-339	25 IR 2020	<b>25 IR 3761</b>
410 IAC 16.2-1-28	R	02-89	25 IR 3277	410 IAC 23-2	N	01-339	25 IR 2018	<b>25 IR 3759</b>
410 IAC 16.2-1-29	R	02-89	25 IR 3277					
410 IAC 16.2-1-29.1	R	02-89	25 IR 3277	TITLE 412 INDIANA HEALTH FACILITIES COUNCIL				
410 IAC 16.2-1-30	R	02-89	25 IR 3277	412 IAC 2	N	01-281	25 IR 1244	<b>25 IR 2728</b>
410 IAC 16.2-1-31	R	02-89	25 IR 3277					<b>*ERR (26 IR 36)</b>
410 IAC 16.2-1-31.1	R	02-89	25 IR 3277	412 IAC 2-1-1	A	02-41	25 IR 4198	
410 IAC 16.2-1-32	R	02-89	25 IR 3277	412 IAC 2-1-2.1	N	02-41	25 IR 4198	
410 IAC 16.2-1-32.1	R	02-89	25 IR 3277	412 IAC 2-1-2.2	N	02-41	25 IR 4198	
410 IAC 16.2-1-32.2	R	02-89	25 IR 3277	412 IAC 2-1-6	A	02-41	25 IR 4199	
410 IAC 16.2-1-33	R	02-89	25 IR 3277	412 IAC 2-1-8	A	02-41	25 IR 4199	
410 IAC 16.2-1-34	R	02-89	25 IR 3277	412 IAC 2-1-10	N	02-41	25 IR 4199	
410 IAC 16.2-1-35	R	02-89	25 IR 3277	412 IAC 2-1-11	N	02-41	25 IR 4200	
410 IAC 16.2-1-36	R	02-89	25 IR 3277	412 IAC 2-1-12	N	02-41	25 IR 4200	
410 IAC 16.2-1-37	R	02-89	25 IR 3277	412 IAC 2-1-13	N	02-41	25 IR 4200	
410 IAC 16.2-1-38	R	02-89	25 IR 3277	412 IAC 2-1-14	N	02-41	25 IR 4200	
410 IAC 16.2-1-39	R	02-89	25 IR 3277					
410 IAC 16.2-1-39.1	R	02-89	25 IR 3277	TITLE 431 COMMUNITY RESIDENTIAL FACILITIES COUNCIL				
410 IAC 16.2-1-41.1	R	02-89	25 IR 3277	431 IAC 1.1	RA	00-298	24 IR 1948	<b>25 IR 528</b>
410 IAC 16.2-1-42	R	02-89	25 IR 3277	431 IAC 1.1-1-2	A	01-422	25 IR 1694	<b>25 IR 3126</b>
410 IAC 16.2-1-44	R	02-89	25 IR 3277					<b>*ERR (26 IR 36)</b>
410 IAC 16.2-1-45	R	02-89	25 IR 3277	431 IAC 2.1	RA	00-298	24 IR 1948	<b>25 IR 528</b>
410 IAC 16.2-1-46	R	02-89	25 IR 3277		R	01-299	25 IR 866	<b>*NRA (25 IR 2745)</b>
410 IAC 16.2-1-47	R	02-89	25 IR 3277					<b>25 IR 3145</b>
410 IAC 16.2-1-48	R	02-89	25 IR 3277	431 IAC 3.1	RA	00-298	24 IR 1948	<b>25 IR 528</b>
410 IAC 16.2-1.1	N	02-89	25 IR 3244	431 IAC 4	RA	00-298	24 IR 1948	<b>25 IR 528</b>
410 IAC 16.2-3.1-21			<b>*ERR (25 IR 2522)</b>	431 IAC 5	RA	00-298	24 IR 1948	<b>25 IR 528</b>
410 IAC 16.2-5-0.5	N	02-89	25 IR 3252		R	01-299	25 IR 866	<b>*NRA (25 IR 2745)</b>
410 IAC 16.2-5-1.1	A	02-89	25 IR 3252					<b>25 IR 3145</b>
410 IAC 16.2-5-1.2	A	02-89	25 IR 3254	431 IAC 6	RA	00-298	24 IR 1948	<b>25 IR 528</b>
410 IAC 16.2-5-1.3	A	02-89	25 IR 3259		R	01-299	25 IR 866	<b>*NRA (25 IR 2745)</b>
410 IAC 16.2-5-1.4	A	02-89	25 IR 3261					<b>25 IR 3145</b>
410 IAC 16.2-5-1.5	A	02-89	25 IR 3263					
410 IAC 16.2-5-1.6	A	02-89	25 IR 3265	TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION				
410 IAC 16.2-5-1.7	R	02-89	25 IR 3277	440 IAC 1-1.5	R	02-42	25 IR 3289	<b>*NRA (26 IR 62)</b>
410 IAC 16.2-5-2	A	02-89	25 IR 3269					<b>26 IR 745</b>
410 IAC 16.2-5-3	R	02-89	25 IR 3277	440 IAC 1.5	N	02-42	25 IR 3277	<b>*NRA (26 IR 62)</b>
410 IAC 16.2-5-4	A	02-89	25 IR 3270					<b>26 IR 733</b>
410 IAC 16.2-5-5	R	02-89	25 IR 3277	440 IAC 4-3-1	A	02-218	26 IR 519	
410 IAC 16.2-5-5.1	N	02-89	25 IR 3271	440 IAC 4.1-2-1	A	02-218	26 IR 519	
410 IAC 16.2-5-6	A	02-89	25 IR 3272	440 IAC 4.1-2-4	A	02-218	26 IR 520	
410 IAC 16.2-5-7	R	02-89	25 IR 3277	440 IAC 4.1-2-5	A	02-218	26 IR 521	
410 IAC 16.2-5-7.1	N	02-89	25 IR 3274	440 IAC 4.1-2-9	A	02-218	26 IR 521	
410 IAC 16.2-5-8	R	02-89	25 IR 3277	440 IAC 4.1-3	N	02-218	26 IR 522	
410 IAC 16.2-5-8.1	N	02-89	25 IR 3274	440 IAC 4.4-1-1	A	01-263	25 IR 157	<b>25 IR 2220</b>
410 IAC 16.2-5-9	R	02-89	25 IR 3277	440 IAC 4.4-2-1	A	01-263	25 IR 158	<b>25 IR 2221</b>
410 IAC 16.2-5-10	R	02-89	25 IR 3277	440 IAC 4.4-2-2	A	01-263	25 IR 158	<b>25 IR 2221</b>

# Rules Affected by Volumes 25 and 26

440 IAC 4.4-2-3	A	01-263	25 IR 159	<b>25 IR 2222</b>	460 IAC 1-1-5	RA	00-299	24 IR 1949	<b>25 IR 1272</b>
440 IAC 4.4-2-3.5	N	01-263	25 IR 159	<b>25 IR 2222</b>	460 IAC 1-1-6	RA	00-299	24 IR 1949	<b>25 IR 1273</b>
440 IAC 4.4-2-4	A	01-263	25 IR 160	<b>25 IR 2223</b>	460 IAC 1-1-7	RA	00-299	24 IR 1949	<b>25 IR 1273</b>
440 IAC 4.4-2-4.5	N	01-263	25 IR 160	<b>25 IR 2223</b>	460 IAC 1-1-8	RA	00-299	24 IR 1949	<b>25 IR 1274</b>
440 IAC 4.4-2-5	A	01-263	25 IR 161	<b>25 IR 2224</b>	460 IAC 1-1-9	RA	00-299	24 IR 1949	<b>25 IR 1274</b>
440 IAC 4.4-2-6	A	01-263	25 IR 162	<b>25 IR 2225</b>	460 IAC 1-1-10	RA	00-299	24 IR 1949	<b>25 IR 1274</b>
440 IAC 4.4-2-7	A	01-263	25 IR 162	<b>25 IR 2225</b>	460 IAC 1-1-11	RA	00-299	24 IR 1949	<b>25 IR 1275</b>
440 IAC 4.4-2-8	A	01-263	25 IR 162	<b>25 IR 2225</b>	460 IAC 1-1-12	RA	00-299	24 IR 1949	<b>25 IR 1276</b>
440 IAC 4.4-2-9	A	01-263	25 IR 163	<b>25 IR 2226</b>	460 IAC 1-1-13	RA	00-299	24 IR 1949	<b>25 IR 1276</b>
440 IAC 4.4-2-11	N	01-263	25 IR 163	<b>25 IR 2226</b>	460 IAC 1-1-14	RA	00-299	24 IR 1949	<b>25 IR 1276</b>
440 IAC 5-1-1	A	02-105	25 IR 3289	*NRA (26 IR 62) <b>26 IR 745</b>	460 IAC 1-1-15	RA	00-299	24 IR 1949	<b>25 IR 1277</b>
440 IAC 5-1-2	A	02-105	25 IR 3290	*NRA (26 IR 62) <b>26 IR 746</b>	460 IAC 1-1-16	RA	00-299	24 IR 1949	<b>25 IR 1277</b>
440 IAC 5-1-3.5	N	02-105	25 IR 3290	*NRA (26 IR 62) <b>26 IR 747</b>	460 IAC 1-2-1	RA	00-300	24 IR 1956	<b>25 IR 1278</b>
440 IAC 6-1-1	A	01-356	25 IR 867	*NRA (25 IR 2745) <b>25 IR 3145</b>	460 IAC 1-2-2	RA	00-300	24 IR 1956	<b>25 IR 1278</b>
440 IAC 6-2-1	A	01-356	25 IR 867	*NRA (25 IR 2745) <b>25 IR 3146</b>	460 IAC 1-2-3	RA	00-300	24 IR 1956	<b>25 IR 1278</b>
440 IAC 6-2-2	A	01-356	25 IR 868	*NRA (25 IR 2745) <b>25 IR 3146</b>	460 IAC 1-2-4	RA	00-300	24 IR 1956	<b>25 IR 1279</b>
440 IAC 6-2-3	A	01-356	25 IR 868	*NRA (25 IR 2745) <b>25 IR 3147</b>	460 IAC 1-2-5	RA	00-300	24 IR 1956	<b>25 IR 1279</b>
440 IAC 6-2-4	A	01-356	25 IR 869	*NRA (25 IR 2745) <b>25 IR 3147</b>	460 IAC 1-2-6	RA	00-300	24 IR 1956	<b>25 IR 1280</b>
440 IAC 6-2-5	A	01-356	25 IR 869	*NRA (25 IR 2745) <b>25 IR 3148</b>	460 IAC 1-2-7	RA	00-300	24 IR 1956	<b>25 IR 1280</b>
440 IAC 6-2-6	A	01-356	25 IR 869	*NRA (25 IR 2745) <b>25 IR 3148</b>	460 IAC 1-2-8	RA	00-300	24 IR 1956	<b>25 IR 1281</b>
440 IAC 6-2-7	A	01-356	25 IR 870	*NRA (25 IR 2745) <b>25 IR 3148</b>	460 IAC 1-2-9	RA	00-300	24 IR 1956	<b>25 IR 1281</b>
440 IAC 6-2-8	A	01-356	25 IR 870	*NRA (25 IR 2745) <b>25 IR 3149</b>	460 IAC 1-2-10	RA	00-300	24 IR 1956	<b>25 IR 1281</b>
440 IAC 6-2-9	A	01-356	25 IR 870	*NRA (25 IR 2745) <b>25 IR 3149</b>	460 IAC 1-2-11	RA	00-300	24 IR 1956	<b>25 IR 1281</b>
440 IAC 7	R	01-299	25 IR 866	*NRA (25 IR 2745) <b>25 IR 3145</b>	460 IAC 1-2-12	RA	00-300	24 IR 1956	<b>25 IR 1282</b>
440 IAC 7-2-16	R	01-357	25 IR 2024	*NRA (25 IR 3207) <b>25 IR 3765</b>	460 IAC 1-3-3	RA	02-262	26 IR 544	<b>26 IR 1261</b>
440 IAC 7-2-17	R	01-357	25 IR 2024	*NRA (25 IR 3207) <b>25 IR 3765</b>	460 IAC 1-3-6	RA	02-262	26 IR 544	<b>26 IR 1261</b>
440 IAC 7-2-18	R	01-357	25 IR 2024	*NRA (25 IR 3207) <b>25 IR 3765</b>	460 IAC 1-3-7	RA	02-262	26 IR 544	<b>26 IR 1261</b>
440 IAC 7.5	N	01-299	25 IR 849	*NRA (25 IR 2745) <b>25 IR 3127</b>	460 IAC 1-3-12	RA	02-262	26 IR 544	<b>26 IR 1261</b>
440 IAC 9-2-4	N	01-53	24 IR 3757	*NRA (25 IR 401) <b>25 IR 1138</b>	460 IAC 1-3.6	N	00-286	24 IR 3759	<b>25 IR 1140</b>
440 IAC 9-2-5	N	01-53	24 IR 3757	*NRA (25 IR 401) <b>25 IR 1138</b>	460 IAC 1-4	RA	00-301	24 IR 1961	<b>25 IR 528</b>
440 IAC 9-2-6	N	01-53	24 IR 3758	*NRA (25 IR 401) <b>25 IR 1138</b>	460 IAC 1-5	RA	00-301	24 IR 1961	<b>25 IR 528</b>
440 IAC 9-2-7	N	01-357	25 IR 2020	*NRA (25 IR 3207) <b>25 IR 3762</b>	460 IAC 1-6	RA	00-301	24 IR 1961	<b>25 IR 528</b>
440 IAC 9-2-8	N	01-357	25 IR 2022	*NRA (25 IR 3207) <b>25 IR 3763</b>	460 IAC 1-8	N	01-337	25 IR 2557	<b>26 IR 350</b>
440 IAC 9-2-9	N	01-357	25 IR 2023	*NRA (25 IR 3207) <b>25 IR 3764</b>	460 IAC 2-1	R	00-215	24 IR 2545	*NRA (24 IR 4011) <b>25 IR 82</b>
440 IAC 9-2-10	N	02-106	25 IR 4201	*NRA (26 IR 1112)	460 IAC 2-3-1	A	02-9	25 IR 2286	<b>26 IR 747</b>
440 IAC 9-2-11	N	02-106	25 IR 4202	*NRA (26 IR 1112)	460 IAC 2-3-2	A	02-9	25 IR 2286	<b>26 IR 747</b>
440 IAC 9-2-12	N	02-106	25 IR 4203	*NRA (26 IR 1112)	460 IAC 2-3-3	A	02-9	25 IR 2287	<b>26 IR 748</b>
440 IAC 9-2-13	N	02-265	26 IR 867		460 IAC 2-4	N	00-215	24 IR 2526	*NRA (24 IR 4011) <b>25 IR 62</b>
TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES									*ERR (25 IR 1645) *NRA (25 IR 1925) <b>25 IR 3765</b> *NRA (25 IR 1666) <b>25 IR 2226</b>
460 IAC 1-1-1	RA	00-299	24 IR 1949	<b>25 IR 1270</b>	460 IAC 2-5	N	01-334	25 IR 871	<b>26 IR 749</b>
460 IAC 1-1-2	RA	00-299	24 IR 1949	<b>25 IR 1270</b>	460 IAC 3.5-2-1	A	01-204	25 IR 163	*AROC (26 IR 883) *ARR (26 IR 1110)
460 IAC 1-1-3	RA	00-299	24 IR 1949	<b>25 IR 1271</b>	460 IAC 5-1-13	A	02-151	26 IR 524	
460 IAC 1-1-4	RA	00-299	24 IR 1949	<b>25 IR 1271</b>	460 IAC 6	N	02-46	25 IR 3832	
					460 IAC 7	N	02-210	26 IR 525 26 IR 1247	
					TITLE 470 DIVISION OF FAMILY AND CHILDREN				
					470 IAC 2-5-1	RA	01-60	24 IR 2571	*NRA (25 IR 401) <b>25 IR 1281</b>
					470 IAC 2-5-2	RA	01-60	24 IR 2572	*NRA (25 IR 401) <b>25 IR 1284</b>
					470 IAC 2-5-3	RA	01-60	24 IR 2572	*NRA (25 IR 401) <b>25 IR 1284</b>
					470 IAC 2-5-4	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>
					470 IAC 2-5-5	RA	01-60	24 IR 2572	*NRA (25 IR 401) <b>25 IR 1284</b>
					470 IAC 2-5-6	RA	01-60	24 IR 2573	*NRA (25 IR 401) <b>25 IR 1285</b>
					470 IAC 2-5-7	RA	01-60	24 IR 2573	*NRA (25 IR 401) <b>25 IR 1285</b>
					470 IAC 2-5-8	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>
					470 IAC 2-5-9	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>

## Rules Affected by Volumes 25 and 26

470 IAC 2-5-10	RA	01-60	24 IR 2574	*NRA (25 IR 401) <b>25 IR 1286</b>	TITLE 511 INDIANA STATE BOARD OF EDUCATION			
470 IAC 2-5-11	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>	511 IAC 1-1	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 2-5-12	RA	01-60	24 IR 2574	*NRA (25 IR 401) <b>25 IR 1286</b>	511 IAC 1-2	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 2-5-13	RA	01-60	24 IR 2574	*NRA (25 IR 401) <b>25 IR 1286</b>	511 IAC 1-2.5	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 2-5-14	RA	01-60	24 IR 2575	*NRA (25 IR 401) <b>25 IR 1287</b>	511 IAC 1-3	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 2-5-15	RA	01-60	24 IR 2575	*NRA (25 IR 401) <b>25 IR 1287</b>	511 IAC 1-6-1	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 2-5-16	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>	511 IAC 1-6-5	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 2-5-17	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>	511 IAC 1-7	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 2-5-18	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>	511 IAC 1-8	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 2-5-19	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>	511 IAC 2-5	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 2-5-20	RA	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>	511 IAC 3	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 2-5-21	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>	511 IAC 4-2	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 2-5-22	RA	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>	511 IAC 4-4-1	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 3-4.1	R	01-205	24 IR 4181	*AWR (25 IR 2524)	511 IAC 4-4-2	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 3-4.2	R	01-205	24 IR 4181	*AWR (25 IR 2524)	511 IAC 4-4-5	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 3-4.7	N	01-205	24 IR 4140	*AWR (25 IR 2524)	511 IAC 4-4-6	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 3-10-1	RA	01-61	24 IR 2577	*NRA (24 IR 3097) <b>25 IR 202</b>	511 IAC 4-4-7	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 3-10-2	RA	01-61	24 IR 2577	*NRA (24 IR 3097) <b>25 IR 202</b>	511 IAC 5-1-2	A	02-67	25 IR 2807 <b>26 IR 786</b>
470 IAC 3-10-3	RA	01-61	24 IR 2577	*NRA (24 IR 3097) <b>25 IR 202</b>	511 IAC 5-1-3.5	A	02-67	25 IR 2807 <b>26 IR 787</b>
470 IAC 3-10-5	RA	01-61	24 IR 2577	*NRA (24 IR 3097) <b>25 IR 202</b>	511 IAC 5-1-5	A	02-67	25 IR 2807 <b>26 IR 787</b>
470 IAC 3-10-6	RA	01-61	24 IR 2577	*NRA (24 IR 3097) <b>25 IR 202</b>	511 IAC 5-1-6	A	02-67	25 IR 2807 <b>26 IR 787</b>
470 IAC 3-10-7	RA	01-61	24 IR 2577	*NRA (24 IR 3097) <b>25 IR 202</b>	511 IAC 5-2	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 3-10-8	RA	01-61	24 IR 2577	*NRA (24 IR 3097) <b>25 IR 202</b>	511 IAC 5-2-1	A	01-203	24 IR 3768 <b>25 IR 1147</b>
470 IAC 3.1-12-2	A	02-74	26 IR 167	*NRA (26 IR 1112) *AROC (26 IR 1264)	511 IAC 5-2-3	A	01-203	24 IR 3769 <b>25 IR 1148</b>
470 IAC 3.1-12-7	N	02-74	26 IR 168	*NRA (26 IR 1112) *AROC (26 IR 1264)	511 IAC 5-2-4	A	02-170	25 IR 4204
470 IAC 8.1-2-12	A	02-152	26 IR 530			A	01-162	24 IR 3764 <b>25 IR 1147</b>
470 IAC 10.1-1-2	A	01-173	24 IR 3760		511 IAC 6-2	RA	01-164	24 IR 3790 <b>25 IR 937</b>
470 IAC 10.2	N	01-174	24 IR 3762		511 IAC 6-2-1	R	01-212	24 IR 3777 <b>25 IR 939</b>
470 IAC 11.1-1-5	A	02-203	26 IR 169	*NRA (26 IR 1112)	511 IAC 6-6	RA	01-164	24 IR 3790 <b>25 IR 937</b>
TITLE 480 VIOLENT CRIME COMPENSATION DIVISION					511 IAC 6-7-6.5	A	02-177	25 IR 4205
480 IAC 1-1-1	A	01-194	25 IR 164	*CPH (25 IR 831)	511 IAC 6-7-9	RA	01-164	24 IR 3790 <b>25 IR 937</b>
480 IAC 1-1-2	A	01-194	25 IR 164	*CPH (25 IR 831)	511 IAC 6-8-4	RA	01-164	24 IR 3790 <b>25 IR 937</b>
480 IAC 1-1-3	A	01-194	25 IR 165	*CPH (25 IR 831)	511 IAC 6-10	RA	01-164	24 IR 3790 <b>25 IR 937</b>
480 IAC 1-1-4.1	A	01-194	25 IR 165	*CPH (25 IR 831)	511 IAC 6.1-0.5	N	01-212	24 IR 3769 <b>25 IR 2231</b>
480 IAC 1-1-5	A	01-194	25 IR 165	*CPH (25 IR 831)	511 IAC 6.1-1-1	RA	01-164	24 IR 3790 <b>25 IR 938</b>
480 IAC 1-1-6	A	01-194	25 IR 166	*CPH (25 IR 831)		A	01-212	24 IR 3770 <b>25 IR 2231</b>
480 IAC 1-1-7	A	01-194	25 IR 167	*CPH (25 IR 831)	511 IAC 6.1-1-2	A	01-212	24 IR 3770 <b>25 IR 2231</b>
480 IAC 1-1-8	A	01-194	25 IR 167	*CPH (25 IR 831)	511 IAC 6.1-1-3	RA	01-164	24 IR 3790 <b>25 IR 938</b>
480 IAC 1-1-9	A	01-194	25 IR 167	*CPH (25 IR 831)		A	01-212	24 IR 3771 <b>25 IR 2233</b>
480 IAC 1-1-10	A	01-194	25 IR 169	*CPH (25 IR 831)	511 IAC 6.1-1-4	RA	01-164	24 IR 3790 <b>25 IR 938</b>
480 IAC 1-2-1	A	01-194	25 IR 169	*CPH (25 IR 831)		A	01-212	24 IR 3772 <b>25 IR 2233</b>
480 IAC 1-2-2	A	01-194	25 IR 169	*CPH (25 IR 831)	511 IAC 6.1-1-5	RA	01-164	24 IR 3790 <b>25 IR 938</b>
480 IAC 1-2-3	A	01-194	25 IR 170	*CPH (25 IR 831)		A	01-212	24 IR 3772 <b>25 IR 2233</b>
					511 IAC 6.1-1-6	RA	01-164	24 IR 3790 <b>25 IR 938</b>
					511 IAC 6.1-1-7	A	01-212	24 IR 3773 <b>25 IR 2234</b>
					511 IAC 6.1-1-8	A	01-212	24 IR 3773 <b>25 IR 2235</b>
					511 IAC 6.1-1-9	RA	01-164	24 IR 3790 <b>25 IR 938</b>
					511 IAC 6.1-1-10	A	01-212	24 IR 3774 <b>25 IR 2235</b>
					511 IAC 6.1-1-11	RA	01-164	24 IR 3790 <b>25 IR 938</b>
					511 IAC 6.1-1-11.5	A	01-212	24 IR 3774 <b>25 IR 2235</b>
						A	01-212	24 IR 3774 <b>25 IR 2236</b>
								*ERR (26 IR 36)
					511 IAC 6.1-1-12	RA	01-164	24 IR 3790 <b>25 IR 938</b>
					511 IAC 6.1-1-13	R	01-212	24 IR 3777 <b>25 IR 2239</b>
					511 IAC 6.1-1-13.5	RA	01-164	24 IR 3790 <b>25 IR 938</b>
					511 IAC 6.1-1-14	A	01-212	24 IR 3775 <b>25 IR 2236</b>
					511 IAC 6.1-1-15	A	01-212	24 IR 3775 <b>25 IR 2236</b>
					511 IAC 6.1-2-1	RA	01-164	24 IR 3790 <b>25 IR 938</b>
					511 IAC 6.1-2-3	A	01-212	24 IR 3775 <b>25 IR 2237</b>
					511 IAC 6.1-2-4	RA	01-164	24 IR 3790 <b>25 IR 938</b>

# Rules Affected by Volumes 25 and 26

511 IAC 6.1-2-5	RA 01-164	24 IR 3790	<b>25 IR 938</b>	515 IAC 1-3	R 02-314	26 IR 1257	
511 IAC 6.1-2-6	RA 01-164	24 IR 3790	<b>25 IR 938</b>	515 IAC 1-4-1	A 02-75	25 IR 4207	
	A 01-212	24 IR 3776	<b>25 IR 2237</b>	515 IAC 1-4-2	A 02-75	25 IR 4208	
511 IAC 6.1-3	RA 01-164	24 IR 3790	<b>25 IR 938</b>	515 IAC 1-6	N 01-171	25 IR 2288	<b>25 IR 3174</b>
511 IAC 6.1-3-1	A 01-212	24 IR 3776	<b>25 IR 2237</b>				*ERR (26 IR 36)
511 IAC 6.1-4	RA 01-164	24 IR 3790	<b>25 IR 938</b>	515 IAC 1-7	N 02-314	26 IR 1254	
511 IAC 6.1-4-1	A 01-212	24 IR 3777	<b>25 IR 2238</b>	515 IAC 2	RA 01-97	24 IR 2892	<b>25 IR 529</b>
511 IAC 6.1-5-0.5	RA 01-164	24 IR 3790	<b>25 IR 938</b>	515 IAC 3	N 02-7	25 IR 2290	<b>25 IR 3176</b>
511 IAC 6.1-5-1	RA 01-164	24 IR 3790	<b>25 IR 938</b>				*ERR (26 IR 37)
511 IAC 6.1-5-2.5	RA 01-164	24 IR 3790	<b>25 IR 938</b>	515 IAC 4	N 02-8	25 IR 2292	*ARR (25 IR 3183)
511 IAC 6.1-5-5	RA 01-164	24 IR 3790	<b>25 IR 938</b>				*ARR (25 IR 3770)
511 IAC 6.1-5-6	RA 01-164	24 IR 3790	<b>25 IR 938</b>	515 IAC 5	N 02-80	25 IR 2808	
511 IAC 6.1-5-7	RA 01-164	24 IR 3790	<b>25 IR 938</b>				
	A 01-212	24 IR 3777	<b>25 IR 2238</b>	TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY			
511 IAC 6.1-5-8	RA 01-164	24 IR 3790	<b>25 IR 938</b>	540 IAC 1-1-3	A 01-428	25 IR 2024	*ARR (25 IR 3183)
511 IAC 6.1-5-9	N 01-212	24 IR 3777	<b>25 IR 2238</b>				<b>25 IR 4104</b>
511 IAC 6.1-5-10	N 01-212	24 IR 3777	<b>25 IR 2238</b>	540 IAC 1-1-4	A 01-428	25 IR 2024	*ARR (25 IR 3183)
511 IAC 6.1-5.1-1	A 01-33	24 IR 2182	*CPH (24 IR 2724) <b>25 IR 1141</b>				<b>25 IR 4104</b>
				540 IAC 1-1-6	A 01-428	25 IR 2025	*ARR (25 IR 3183)
511 IAC 6.1-5.1-5	A 02-177	25 IR 4206					<b>25 IR 4104</b>
	A 02-178	25 IR 4207		540 IAC 1-1-7	A 01-428	25 IR 2025	*ARR (25 IR 3183)
511 IAC 6.1-5.1-8	A 02-274	26 IR 1252					<b>25 IR 4104</b>
511 IAC 6.1-5.1-9	A 01-33	24 IR 2182	*CPH (24 IR 2724) <b>25 IR 1141</b>	540 IAC 1-1-7.5	N 01-428	25 IR 2025	*ARR (25 IR 3183)
							<b>25 IR 4105</b>
511 IAC 6.1-5.1-10.1	A 01-33	24 IR 2183	*CPH (24 IR 2724) <b>25 IR 1143</b>	540 IAC 1-1-9	A 01-428	25 IR 2025	*ARR (25 IR 3183)
							<b>25 IR 4105</b>
511 IAC 6.1-5.1-11	RA 01-164	24 IR 3790	<b>25 IR 938</b>	540 IAC 1-1-10.5	N 01-428	25 IR 2025	*ARR (25 IR 3183)
511 IAC 6.1-6	RA 01-164	24 IR 3790	<b>25 IR 938</b>				<b>25 IR 4105</b>
511 IAC 6.1-7	R 01-212	24 IR 3777	<b>25 IR 2239</b>	540 IAC 1-1-11.5	A 01-428	25 IR 2025	*ARR (25 IR 3183)
511 IAC 6.1-7-2	RA 01-164	24 IR 3790	<b>25 IR 938</b>				<b>25 IR 4105</b>
511 IAC 6.1-8	RA 01-164	24 IR 3790	<b>25 IR 938</b>	540 IAC 1-1-11.6	N 01-428	25 IR 2025	*ARR (25 IR 3183)
511 IAC 6.1-9	RA 01-164	24 IR 3790	<b>25 IR 938</b>				<b>25 IR 4105</b>
511 IAC 6.1-10	RA 01-164	24 IR 3790		540 IAC 1-1-12	A 01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 6.2-4	N 00-163	24 IR 1915	<b>25 IR 82</b>				<b>25 IR 4105</b>
511 IAC 6.2-6	N 01-163	24 IR 3765	<b>25 IR 2227</b>	540 IAC 1-1-13	A 01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-17-10	A 01-433	25 IR 1696	<b>25 IR 3149</b>				<b>25 IR 4105</b>
511 IAC 7-18-3	A 01-433	25 IR 1696	<b>25 IR 3150</b>	540 IAC 1-1-14	A 01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-19-1	A 01-433	25 IR 1697	<b>25 IR 3150</b>				<b>25 IR 4106</b>
511 IAC 7-19-2	A 01-433	25 IR 1698	<b>25 IR 3152</b>	540 IAC 1-1-16	A 01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-22-1	A 01-433	25 IR 1699	<b>25 IR 3153</b>				<b>25 IR 4106</b>
511 IAC 7-23-2	A 01-433	25 IR 1700	<b>25 IR 3154</b>	540 IAC 1-1-16.5	N 01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-25-3	A 01-433	25 IR 1701	<b>25 IR 3155</b>				<b>25 IR 4106</b>
511 IAC 7-25-4	A 01-433	25 IR 1702	<b>25 IR 3156</b>	540 IAC 1-3-2	R 01-428	25 IR 2029	*ARR (25 IR 3183)
511 IAC 7-25-5	A 01-433	25 IR 1704	<b>25 IR 3158</b>				<b>25 IR 4109</b>
511 IAC 7-25-6	A 01-433	25 IR 1705	<b>25 IR 3158</b>	540 IAC 1-5-1	A 01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-25-7	A 01-433	25 IR 1706	<b>25 IR 3159</b>				<b>25 IR 4106</b>
511 IAC 7-27-4	A 01-433	25 IR 1706	<b>25 IR 3160</b>	540 IAC 1-5-2	R 01-428	25 IR 2029	*ARR (25 IR 3183)
511 IAC 7-27-5	A 01-433	25 IR 1707	<b>25 IR 3161</b>				<b>25 IR 4109</b>
511 IAC 7-27-7	A 01-433	25 IR 1707	<b>25 IR 3161</b>	540 IAC 1-6-1	A 01-428	25 IR 2027	*ARR (25 IR 3183)
511 IAC 7-27-9	A 01-433	25 IR 1708	<b>25 IR 3162</b>				<b>25 IR 4106</b>
511 IAC 7-27-12	A 01-433	25 IR 1709	<b>25 IR 3163</b>	540 IAC 1-6-2	R 01-428	25 IR 2029	*ARR (25 IR 3183)
511 IAC 7-28-3	A 01-433	25 IR 1711	<b>25 IR 3164</b>				<b>25 IR 4109</b>
511 IAC 7-29-5	A 01-433	25 IR 1712	<b>25 IR 3165</b>	540 IAC 1-7-1	A 01-428	25 IR 2027	*ARR (25 IR 3183)
511 IAC 7-29-6	A 01-433	25 IR 1712	<b>25 IR 3166</b>				<b>25 IR 4106</b>
511 IAC 7-29-8	A 01-433	25 IR 1713	<b>25 IR 3167</b>	540 IAC 1-7-2	A 01-428	25 IR 2027	*ARR (25 IR 3183)
511 IAC 7-30-1	A 01-433	25 IR 1714	<b>25 IR 3168</b>				<b>25 IR 4107</b>
511 IAC 7-30-3	A 01-433	25 IR 1715	<b>25 IR 3169</b>		A 02-287	26 IR 1257	
511 IAC 7-30-4	A 01-433	25 IR 1717	<b>25 IR 3171</b>	540 IAC 1-7-3	R 01-428	25 IR 2029	*ARR (25 IR 3183)
511 IAC 7-30-6	A 01-433	25 IR 1719	<b>25 IR 3173</b>				<b>25 IR 4109</b>
511 IAC 9	RA 01-164	24 IR 3790	<b>25 IR 938</b>	540 IAC 1-8-1	A 01-428	25 IR 2027	*ARR (25 IR 3183)
511 IAC 10-6	RA 01-164	24 IR 3790	<b>25 IR 938</b>				<b>25 IR 4107</b>
511 IAC 11	RA 01-164	24 IR 3790	<b>25 IR 938</b>	540 IAC 1-8-2	A 01-428	25 IR 2027	*ARR (25 IR 3183)
511 IAC 12	RA 01-164	24 IR 3790	<b>25 IR 938</b>				<b>25 IR 4107</b>
511 IAC 12-2-7	A 01-6	24 IR 1917	<b>25 IR 84</b>	540 IAC 1-8-3.5	N 01-428	25 IR 2027	*ARR (25 IR 3183)
							<b>25 IR 4107</b>
TITLE 515 PROFESSIONAL STANDARDS BOARD				540 IAC 1-8-4	A 01-428	25 IR 2027	*ARR (25 IR 3183)
515 IAC 1	RA 01-97	24 IR 2892	<b>25 IR 529</b>				<b>25 IR 4107</b>
515 IAC 1-2-19	A 00-254	24 IR 1103	*CPH (25 IR 124) <b>25 IR 1148</b>	540 IAC 1-8-5	R 01-428	25 IR 2029	*ARR (25 IR 3183)
							<b>25 IR 4109</b>

## Rules Affected by Volumes 25 and 26

540 IAC 1-8-6	R	01-428	25 IR 2029	*ARR (25 IR 3183) <b>25 IR 4109</b>	575 IAC 1-5.5-10	RA	01-165	24 IR 3791	<b>25 IR 938</b>
540 IAC 1-8-7	R	01-428	25 IR 2029	*ARR (25 IR 3183) <b>25 IR 4109</b>	575 IAC 1-5.5-11	RA	01-165	24 IR 3791	<b>25 IR 938</b>
540 IAC 1-9-1	A	01-428	25 IR 2028	*ARR (25 IR 3183) <b>25 IR 4107</b>	575 IAC 1-7	RA	01-165	24 IR 3791	<b>25 IR 938</b>
540 IAC 1-9-2	R	01-428	25 IR 2029	*ARR (25 IR 3183) <b>25 IR 4109</b>	575 IAC 1-8	N	01-140	24 IR 3180	<b>25 IR 1149</b>
540 IAC 1-9-2.5	N	01-428	25 IR 2028	*ARR (25 IR 3183) <b>25 IR 4108</b>	TITLE 585 STATE STUDENT ASSISTANCE COMMISSION				
540 IAC 1-9-2.6	N	01-428	25 IR 2028	*ARR (25 IR 3183) <b>25 IR 4108</b>	585 IAC 1-9-1	RA	01-147	24 IR 3792	<b>25 IR 1289</b>
540 IAC 1-9-2.7	R	02-287	26 IR 1258		585 IAC 1-9-2	RA	01-147	24 IR 3794	<b>25 IR 1291</b>
	N	01-428	25 IR 2028	*ARR (25 IR 3183) <b>25 IR 4108</b>	585 IAC 1-9-3	RA	01-147	24 IR 3792	<b>25 IR 1291</b>
540 IAC 1-9-3	A	01-428	25 IR 2028	*ARR (25 IR 3183) <b>25 IR 4108</b>	585 IAC 1-9-4	RA	01-147	24 IR 3794	<b>25 IR 1292</b>
540 IAC 1-10-1	A	01-428	25 IR 2029	*ARR (25 IR 3183) <b>25 IR 4108</b>	585 IAC 1-9-5	RA	01-147	24 IR 3795	<b>25 IR 1293</b>
540 IAC 1-10-1.5	R	01-428	25 IR 2029	*ARR (25 IR 3183) <b>25 IR 4109</b>	585 IAC 1-9-6	RA	01-147	24 IR 3796	<b>25 IR 1293</b>
540 IAC 1-10-1.6	R	01-428	25 IR 2029	*ARR (25 IR 3183) <b>25 IR 4109</b>	585 IAC 1-9-7	RA	01-147	24 IR 3797	<b>25 IR 1294</b>
540 IAC 1-10-3	R	01-428	25 IR 2029	*ARR (25 IR 3183) <b>25 IR 4109</b>	585 IAC 1-9-8	RA	01-147	24 IR 3797	<b>25 IR 1295</b>
540 IAC 1-10-4	N	01-428	25 IR 2029	*ARR (25 IR 3183) <b>25 IR 4109</b>	585 IAC 1-9-9	RA	01-147	24 IR 3798	<b>25 IR 1295</b>
540 IAC 1-12-2	A	01-428	25 IR 2029	*ARR (25 IR 3183) <b>25 IR 4109</b>	585 IAC 1-9-10	RA	01-147	24 IR 3798	<b>25 IR 1295</b>
TITLE 550 BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND					585 IAC 1-9-11	RA	01-147	24 IR 3798	<b>25 IR 1296</b>
550 IAC 2-1	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 1-9-13	RA	01-147	24 IR 3791	<b>25 IR 529</b>
550 IAC 2-2	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 1-9-14	RA	01-147	24 IR 3799	<b>25 IR 1296</b>
550 IAC 2-3	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 1-9-16	RA	01-147	24 IR 3801	<b>25 IR 1298</b>
550 IAC 2-4	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 5-1-1	RA	01-147	24 IR 3801	<b>25 IR 1298</b>
550 IAC 2-5	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 5-2-2	RA	01-147	24 IR 3801	
550 IAC 2-6	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 5-2-4	RA	01-147	24 IR 3802	
550 IAC 2-7	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 5-3-1	RA	01-147	24 IR 3791	<b>25 IR 529</b>
550 IAC 2-8	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 5-3-2	RA	01-147	24 IR 3791	<b>25 IR 529</b>
550 IAC 2-9	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 5-3-3	RA	01-147	24 IR 3791	<b>25 IR 529</b>
550 IAC 3	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 5-3-4	RA	01-147	24 IR 3791	<b>25 IR 529</b>
TITLE 560 INDIANA EDUCATION EMPLOYMENT RELATIONS BOARD					585 IAC 5-3-5	RA	01-147	24 IR 3791	<b>25 IR 529</b>
560 IAC 2	RA	01-119	24 IR 3222	<b>25 IR 529</b>	585 IAC 5-3-6	RA	01-147	24 IR 3802	<b>25 IR 1299</b>
TITLE 570 INDIANA COMMISSION ON PROPRIETARY EDUCATION					585 IAC 5-3-7	RA	01-147	24 IR 3791	<b>25 IR 529</b>
570 IAC 1	RA	01-285	25 IR 519	<b>25 IR 1731</b>	585 IAC 5-4-1	RA	01-147	24 IR 3802	<b>25 IR 1299</b>
570 IAC 1-14	N	02-233	26 IR 867		585 IAC 5-4-2	RA	01-147	24 IR 3791	<b>25 IR 529</b>
TITLE 575 STATE SCHOOL BUS COMMITTEE					585 IAC 5-5-1	RA	01-147	24 IR 3791	<b>25 IR 529</b>
575 IAC 1-1-1	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 5-5-2	RA	01-147	24 IR 3791	<b>25 IR 529</b>
575 IAC 1-1-2	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 5-5-3	RA	01-147	24 IR 3791	<b>25 IR 529</b>
575 IAC 1-1-4	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 5-5-4	RA	01-147	24 IR 3791	<b>25 IR 529</b>
575 IAC 1-1-4.5	N	01-213	24 IR 3777	<b>25 IR 1150</b>	585 IAC 5-5-5	RA	01-147	24 IR 3791	<b>25 IR 529</b>
575 IAC 1-1-5	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 5-5-7	RA	01-147	24 IR 3792	<b>25 IR 529</b>
	A	01-213	24 IR 3778	<b>25 IR 1150</b>	585 IAC 8-1-1	RA	01-147	24 IR 3792	<b>25 IR 529</b>
575 IAC 1-2	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-1-2	RA	01-147	24 IR 3802	<b>25 IR 1299</b>
575 IAC 1-2.5	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-1-3	RA	01-147	24 IR 3792	<b>25 IR 529</b>
575 IAC 1-3	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-1-4	RA	01-147	24 IR 3802	<b>25 IR 1299</b>
575 IAC 1-4	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-1-5	R	01-147	24 IR 3792	<b>25 IR 1303</b>
575 IAC 1-5	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-1-6	RA	01-147	24 IR 3802	<b>25 IR 1299</b>
575 IAC 1-5.5-1	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-1-7	RA	01-147	24 IR 3792	<b>25 IR 529</b>
575 IAC 1-5.5-2	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-1-8	RA	01-147	24 IR 3792	<b>25 IR 529</b>
575 IAC 1-5.5-5	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-1-9	RA	01-147	24 IR 3802	<b>25 IR 1299</b>
575 IAC 1-5.5-6	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-1-10	RA	01-147	24 IR 3792	<b>25 IR 529</b>
575 IAC 1-5.5-7	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-1-10.1	RA	01-147	24 IR 3803	
575 IAC 1-5.5-8	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-1-11	RA	01-147	24 IR 3803	<b>25 IR 1300</b>
575 IAC 1-5.5-9	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-1-12	RA	01-147	24 IR 3803	<b>25 IR 1300</b>
TITLE 590 INDIANA LIBRARY AND HISTORICAL BOARD					585 IAC 8-1-13	RA	01-147	24 IR 3803	<b>25 IR 1300</b>
					585 IAC 8-2-1	RA	01-147	24 IR 3804	<b>25 IR 1301</b>
					585 IAC 8-2-2	RA	01-147	24 IR 3804	<b>25 IR 1301</b>
					585 IAC 8-2-3	RA	01-147	24 IR 3804	<b>25 IR 1301</b>
					585 IAC 8-2-4	RA	01-147	24 IR 3804	<b>25 IR 1301</b>
					585 IAC 8-2-5	RA	01-147	24 IR 3804	<b>25 IR 1301</b>
					585 IAC 8-2-6	RA	01-147	24 IR 3792	<b>25 IR 529</b>
					585 IAC 8-2-7	RA	01-147	24 IR 3805	<b>25 IR 1302</b>
					585 IAC 8-2-8	RA	01-147	24 IR 3805	<b>25 IR 1302</b>
					TITLE 590 INDIANA LIBRARY AND HISTORICAL BOARD				
					590 IAC 1-1-0.5	RA	01-208	24 IR 4205	<b>25 IR 1303</b>
					590 IAC 1-1-0.6	RA	01-208	24 IR 4205	<b>25 IR 1303</b>
					590 IAC 1-1-1	RA	01-208	24 IR 4205	<b>25 IR 1303</b>
					590 IAC 1-1-2.5	RA	01-208	24 IR 4205	<b>25 IR 1303</b>
					590 IAC 1-2	R	01-208	24 IR 4206	<b>25 IR 1303</b>
					590 IAC 1-2.5-1	RA	01-208	24 IR 4205	<b>25 IR 1303</b>
					590 IAC 1-2.5-2	RA	01-208	24 IR 4205	<b>25 IR 1303</b>

## Rules Affected by Volumes 25 and 26

590 IAC 1-2.5-3	RA	01-208	24 IR 4206	<b>25 IR 1304</b>	TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS				
590 IAC 1-3	RA	01-208	24 IR 4205	<b>25 IR 1303</b>	AND EDUCATION				
590 IAC 4	N	01-108	24 IR 2826	<b>25 IR 1151</b>	655 IAC 1-1	RA	00-302	24 IR 2579	*CPH (24 IR 3098)
TITLE 595 LIBRARY CERTIFICATION BOARD									<b>25 IR 203</b>
595 IAC 1	R	01-108	24 IR 2831	<b>25 IR 1156</b>	655 IAC 1-1-1.1	A	01-121	24 IR 3181	*ERR (26 IR 383)
TITLE 610 DEPARTMENT OF LABOR									*AROC (24 IR 3825)
610 IAC 4	RA	01-313	25 IR 188	<b>25 IR 1305</b>	655 IAC 1-1-4	A	01-121	24 IR 3182	<b>25 IR 1156</b>
610 IAC 4-4	R	01-340	25 IR 891	*ARR (25 IR 3770)	655 IAC 1-1-5.1	A	01-121	24 IR 3182	*ERR (25 IR 1645)
				<b>26 IR 370</b>	655 IAC 1-1-7	A	01-121	24 IR 3184	*AROC (24 IR 3825)
				*AROC (26 IR 547)	655 IAC 1-1-13	A	01-121	24 IR 3184	<b>25 IR 1157</b>
610 IAC 4-5-11				*ERR (25 IR 106)	655 IAC 1-2.1	RA	02-128	25 IR 3883	*AROC (24 IR 3825)
610 IAC 4-6	N	01-340	25 IR 874	*ARR (25 IR 3770)					<b>25 IR 1159</b>
				<b>26 IR 353</b>	655 IAC 1-2.1-2	A	01-121	24 IR 3185	*AROC (24 IR 3825)
				*AROC (26 IR 547)	655 IAC 1-2.1-6	A	01-121	24 IR 3185	<b>25 IR 1160</b>
TITLE 615 BOARD OF SAFETY REVIEW					655 IAC 1-2.1-6.1	N	01-121	24 IR 3185	*AROC (24 IR 3825)
615 IAC 1-2	RA	01-314	25 IR 188	<b>25 IR 1305</b>	655 IAC 1-2.1-6.2	N	01-121	24 IR 3186	<b>25 IR 1161</b>
615 IAC 1-2-7				*ERR (25 IR 106)	655 IAC 1-2.1-6.3	N	01-121	24 IR 3186	*AROC (24 IR 3825)
615 IAC 1-2-8				*ERR (25 IR 106)	655 IAC 1-2.1-6.4	N	01-121	24 IR 3186	<b>25 IR 1161</b>
615 IAC 1-2-11				*ERR (25 IR 106)	655 IAC 1-2.1-7	A	01-121	24 IR 3186	*AROC (24 IR 3825)
TITLE 620 OCCUPATIONAL SAFETY STANDARDS COMMISSION					655 IAC 1-2.1-16	A	01-121	24 IR 3187	<b>25 IR 1162</b>
620 IAC 1-3	RA	01-315	25 IR 189	<b>25 IR 1305</b>	655 IAC 1-2.1-17	A	01-121	24 IR 3187	*AROC (24 IR 3825)
TITLE 631 WORKER'S COMPENSATION BOARD OF INDIANA					655 IAC 1-2.1-18	A	01-121	24 IR 3187	<b>25 IR 1162</b>
631 IAC 1-1-1	RA	01-182	24 IR 3807	*AWR (25 IR 1186)	655 IAC 1-2.1-19.1	N	01-121	24 IR 3187	*AROC (24 IR 3825)
631 IAC 1-1-1.1	N	01-424	25 IR 2030		655 IAC 1-2.1-22	A	01-121	24 IR 3187	<b>25 IR 1162</b>
631 IAC 1-1-2	RA	01-178	24 IR 3806	<b>25 IR 1305</b>	655 IAC 1-2.1-75	A	01-121	24 IR 3188	*ERR (25 IR 1645)
631 IAC 1-1-3	RA	01-178	24 IR 3806	<b>25 IR 1305</b>	655 IAC 1-2.1-75.1	N	01-121	24 IR 3188	*AROC (24 IR 3825)
631 IAC 1-1-4	RA	01-178	24 IR 3806	<b>25 IR 1305</b>	655 IAC 1-2.1-75.2	N	01-121	24 IR 3188	<b>25 IR 1163</b>
631 IAC 1-1-5	RA	01-178	24 IR 3806	<b>25 IR 1305</b>	655 IAC 1-2.1-75.3	N	01-121	24 IR 3188	*AROC (24 IR 3825)
631 IAC 1-1-6	RA	01-178	24 IR 3806	<b>25 IR 1305</b>	655 IAC 1-2.1-75.4	N	01-121	24 IR 3188	<b>25 IR 1164</b>
631 IAC 1-1-7	RA	01-178	24 IR 3806	<b>25 IR 1306</b>	655 IAC 1-2.1-75.5	N	01-121	24 IR 3189	*AROC (24 IR 3825)
631 IAC 1-1-8	RA	01-178	24 IR 3806	<b>25 IR 1306</b>	655 IAC 1-2.1-76	R	01-121	24 IR 3190	<b>25 IR 1164</b>
631 IAC 1-1-9	RA	01-178	24 IR 3806	<b>25 IR 1306</b>	655 IAC 1-2.1-76.1	N	01-121	24 IR 3189	*AROC (24 IR 3825)
631 IAC 1-1-10	RA	01-178	24 IR 3806	<b>25 IR 1306</b>	655 IAC 1-2.1-76.2	N	01-121	24 IR 3189	<b>25 IR 1164</b>
631 IAC 1-1-11	RA	01-178	24 IR 3806	<b>25 IR 1306</b>	655 IAC 1-2.1-76.3	N	01-121	24 IR 3189	*AROC (24 IR 3825)
631 IAC 1-1-12	RA	01-178	24 IR 3806	<b>25 IR 1306</b>	655 IAC 1-2.1-77	R	01-121	24 IR 3190	<b>25 IR 1165</b>
631 IAC 1-1-13	RA	01-178	24 IR 3806	<b>25 IR 1306</b>	655 IAC 1-2.1-78	R	01-121	24 IR 3190	*AROC (24 IR 3825)
631 IAC 1-1-14	RA	01-178	24 IR 3806	<b>25 IR 1306</b>	655 IAC 1-2.1-79	R	01-121	24 IR 3190	<b>25 IR 1166</b>
631 IAC 1-1-15	RA	01-178	24 IR 3806	<b>25 IR 1306</b>					*AROC (24 IR 3825)
631 IAC 1-1-16	RA	01-178	24 IR 3806	<b>25 IR 1306</b>					<b>25 IR 1166</b>
631 IAC 1-1-17	RA	01-178	24 IR 3806	<b>25 IR 1306</b>					
631 IAC 1-1-18	RA	01-178	24 IR 3806	<b>25 IR 1306</b>					
631 IAC 1-1-19	RA	01-178	24 IR 3807	<b>25 IR 1306</b>					
631 IAC 1-1-20	RA	01-178	24 IR 3807	<b>25 IR 1306</b>					
631 IAC 1-1-21	RA	01-178	24 IR 3807	<b>25 IR 1306</b>					
631 IAC 1-1-22	RA	01-178	24 IR 3807	<b>25 IR 1306</b>					
631 IAC 1-1-23	RA	01-178	24 IR 3807	<b>25 IR 1306</b>					
631 IAC 1-1-24	RA	01-182	24 IR 3807	*AWR (25 IR 1186)					
631 IAC 1-1-24.1	N	01-424	25 IR 2030						
631 IAC 1-1-25	RA	01-178	24 IR 3807	<b>25 IR 1306</b>					
631 IAC 1-1-26	RA	01-178	24 IR 3807	<b>25 IR 1306</b>					
631 IAC 1-1-27	RA	01-178	24 IR 3807	<b>25 IR 1306</b>					
631 IAC 1-1-28	RA	01-178	24 IR 3807	<b>25 IR 1306</b>					
631 IAC 1-1-29	RA	01-178	24 IR 3807	<b>25 IR 1306</b>					
631 IAC 1-1-30	RA	01-178	24 IR 3807	<b>25 IR 1306</b>					
631 IAC 1-1-31	RA	01-178	24 IR 3807	<b>25 IR 1306</b>					
TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT									
646 IAC 1	RA	01-11	24 IR 2579	<b>25 IR 203</b>					
646 IAC 2	RA	01-11	24 IR 2579	<b>25 IR 203</b>					
646 IAC 3	RA	01-11	24 IR 2579	<b>25 IR 203</b>					
646 IAC 4	RA	01-11	24 IR 2579	<b>25 IR 203</b>					

## Rules Affected by Volumes 25 and 26

655 IAC 1-2.1-80	R	01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>	675 IAC 14-4.2-187.2	N	01-376	25 IR 1248	<b>26 IR 12</b>
655 IAC 1-2.1-81	R	01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>	675 IAC 14-4.2-187.3	N	01-376	25 IR 1248	<b>26 IR 12</b>
655 IAC 1-2.1-82	R	01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>	675 IAC 14-4.2-187.4	N	01-376	25 IR 1248	<b>26 IR 12</b>
655 IAC 1-2.1-83	R	01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>	675 IAC 14-4.2-190.1	N	01-376	25 IR 1249	<b>26 IR 12</b>
655 IAC 1-2.1-84	R	01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>	675 IAC 14-4.2-190.2	N	01-376	25 IR 1249	<b>26 IR 12</b>
655 IAC 1-2.1-85	R	01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>	675 IAC 14-4.2-190.3	N	01-376	25 IR 1249	<b>26 IR 12</b>
655 IAC 1-2.1-86	R	01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>	675 IAC 14-4.2-190.4	N	01-376	25 IR 1249	<b>26 IR 12</b>
655 IAC 1-2.1-87	R	01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>	675 IAC 14-4.2-190.5	N	01-376	25 IR 1249	<b>26 IR 13</b>
655 IAC 1-2.1-93	N	01-121	24 IR 3189	*AROC (24 IR 3825) <b>25 IR 1165</b>	675 IAC 14-4.2-191.1	N	01-376	25 IR 1249	<b>26 IR 13</b>
655 IAC 1-2.1-94	N	01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1165</b>	675 IAC 14-4.2-191.2	N	01-376	25 IR 1249	<b>26 IR 13</b>
655 IAC 1-2.1-95	N	01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1165</b>	675 IAC 14-4.2-191.3	N	01-376	25 IR 1249	<b>26 IR 13</b>
655 IAC 1-3	RA	00-302	24 IR 2579	*CPH (24 IR 3098) <b>25 IR 203</b>	675 IAC 14-4.2-191.4	N	01-376		††26 IR 13
655 IAC 1-4	RA	00-302	24 IR 2579	*CPH (24 IR 3098) <b>25 IR 203</b>	675 IAC 14-4.2-191.5	N	01-376		††26 IR 13
TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION					675 IAC 14-4.2-192.1	N	01-376	25 IR 1250	<b>26 IR 13</b>
675 IAC 12	RA	00-303	24 IR 1962	<b>25 IR 530</b>	675 IAC 14-4.2-192.2	N	01-376	25 IR 1251	<b>26 IR 13</b>
675 IAC 12-3-2	A	01-250	25 IR 461	*ARR (25 IR 2523) <b>25 IR 2731</b>	675 IAC 14-4.2-192.3	N	01-376	25 IR 1250	<b>26 IR 14</b>
675 IAC 12-3-3	A	01-250	25 IR 462	*ARR (25 IR 2523) <b>25 IR 2732</b>	675 IAC 14-4.2-192.4	N	01-376	25 IR 1250	<b>26 IR 14</b>
675 IAC 12-3-4	A	01-250	25 IR 462	*ARR (25 IR 2523) <b>25 IR 2732</b>	675 IAC 14-4.2-192.5	N	01-376	25 IR 1250	<b>26 IR 14</b>
675 IAC 12-3-5	A	01-250	25 IR 462	*ARR (25 IR 2523) <b>25 IR 2733</b>	675 IAC 14-4.2-192.6	N	01-376	25 IR 1250	<b>26 IR 14</b>
675 IAC 12-3-6	A	01-250	25 IR 462	*ARR (25 IR 2523) <b>25 IR 2733</b>	675 IAC 14-4.2-193.1	N	01-376	25 IR 1251	<b>26 IR 14</b>
675 IAC 12-3-7	A	01-250	25 IR 463	*ARR (25 IR 2523) <b>25 IR 2733</b>	675 IAC 14-4.2-193.2	N	01-376	25 IR 1251	<b>26 IR 14</b>
675 IAC 12-3-8	A	01-250	25 IR 463	*ARR (25 IR 2523) <b>25 IR 2733</b>	675 IAC 14-4.2-193.3	N	01-376	25 IR 1251	<b>26 IR 14</b>
675 IAC 12-3-10	A	01-250	25 IR 463	*ARR (25 IR 2523) <b>25 IR 2734</b>	675 IAC 14-4.2-193.4	N	01-376	25 IR 1251	<b>26 IR 14</b>
675 IAC 12-3-12	A	01-250	25 IR 463	*ARR (25 IR 2523) <b>25 IR 2734</b>	675 IAC 14-4.2-193.5	N	01-376	25 IR 1251	<b>26 IR 14</b>
675 IAC 12-3-13	N	02-90	25 IR 2573		675 IAC 14-4.2-194.1	N	01-376	25 IR 1251	<b>26 IR 15</b>
675 IAC 12-3-14	N	02-90	25 IR 2574		675 IAC 14-4.2-194.2	N	01-376	25 IR 1251	<b>26 IR 15</b>
675 IAC 13-1-8	A	00-261	24 IR 1925	<b>25 IR 1166</b> <b>26 IR 1095</b>	675 IAC 14-4.2-194.3	N	01-376	25 IR 1251	<b>26 IR 15</b>
675 IAC 13-1-9	A	00-261	24 IR 1929	<b>25 IR 1170</b>	675 IAC 14-4.2-194.4	N	01-376	25 IR 1252	<b>26 IR 15</b>
675 IAC 13-1-10	A	00-261	24 IR 1932	<b>25 IR 1172</b>	675 IAC 14-4.2-194.5	N	01-376	25 IR 1252	<b>26 IR 15</b>
675 IAC 13-1-21	RA	00-303	24 IR 1962	<b>25 IR 530</b>	675 IAC 14-4.2-194.6	N	01-376	25 IR 1252	<b>26 IR 15</b>
675 IAC 13-1-22	RA	00-303	24 IR 1962	<b>25 IR 530</b>	675 IAC 14-4.2-194.7	N	01-376	25 IR 1252	<b>26 IR 15</b>
675 IAC 13-1-23	R	00-290	24 IR 1936	*AWR (25 IR 107) <b>25 IR 1174</b>	675 IAC 15-1	RA	00-303	24 IR 1962	<b>25 IR 530</b>
675 IAC 13-1-25	A	00-261	24 IR 1934	<b>25 IR 1174</b>	675 IAC 15-1-22	A	01-250	25 IR 464	*ARR (25 IR 2523) <b>25 IR 2734</b>
675 IAC 13-1-27	RA	00-303	24 IR 1962	<b>25 IR 530</b>	675 IAC 15-2	RA	01-209	24 IR 3808	<b>25 IR 1306</b>
675 IAC 13-2.3	R	02-115	25 IR 3366		675 IAC 17-1.5	R	01-376	25 IR 1255	<b>26 IR 19</b>
675 IAC 13-2.3-102	A	00-261	24 IR 1935	<b>25 IR 1175</b>	675 IAC 17-1.6	N	01-376	25 IR 1252	<b>26 IR 15</b>
675 IAC 13-2.3-103	A	00-261	24 IR 1935	<b>25 IR 1175</b>	675 IAC 18-1.3	R	02-116	25 IR 3381	
675 IAC 13-2.4	N	02-115	25 IR 3291		675 IAC 18-1.4	N	02-116	25 IR 3366	
675 IAC 14-4.2-181.1	N	01-376		††26 IR 11	675 IAC 19-3	RA	00-303	24 IR 1962	<b>25 IR 530</b>
675 IAC 14-4.2-182.1	N	01-376	25 IR 1248	<b>26 IR 11</b>	675 IAC 20	RA	00-303	24 IR 1962	<b>25 IR 530</b>
675 IAC 14-4.2-185.1	N	01-376	25 IR 1248	<b>26 IR 11</b>	675 IAC 20-2-17	A	02-52	25 IR 2566	<b>26 IR 1100</b>
675 IAC 14-4.2-187	A	01-376	25 IR 1248	<b>26 IR 11</b>	675 IAC 20-2-20	A	02-52	25 IR 2566	<b>26 IR 1101</b>
675 IAC 14-4.2-187.1	N	01-376	25 IR 1248	<b>26 IR 12</b>	675 IAC 20-2-24	A	02-52	25 IR 2567	<b>26 IR 1102</b>
					675 IAC 20-2-26	A	02-52	25 IR 2567	<b>26 IR 1102</b>
					675 IAC 20-3-5	A	02-52	25 IR 2568	<b>26 IR 1102</b>
					675 IAC 20-3-6	A	02-52	25 IR 2568	<b>26 IR 1103</b>
					675 IAC 20-3-7	A	02-52	25 IR 2569	<b>26 IR 1103</b>
					675 IAC 21	RA	00-303	24 IR 1962	<b>25 IR 530</b>
					675 IAC 21-1-1	A	01-430	25 IR 2031	*ARR (26 IR 38) <b>26 IR 1083</b>
					675 IAC 21-1-1.5	N	01-430	25 IR 2031	*ARR (26 IR 38) <b>26 IR 1084</b>
					675 IAC 21-1-2	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>
					675 IAC 21-1-2.1	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>
					675 IAC 21-1-3	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>
					675 IAC 21-1-3.1	A	01-430	25 IR 2032	*ARR (26 IR 38) <b>26 IR 1085</b>
					675 IAC 21-1-4	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>
					675 IAC 21-1-6	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>
					675 IAC 21-1-7	A	01-430	25 IR 2033	*ARR (26 IR 38) <b>26 IR 1085</b>
					675 IAC 21-1-8	R	01-430		††26 IR 1095
					675 IAC 21-1-9	A	01-430	25 IR 2033	*ARR (26 IR 38) <b>26 IR 1086</b>

# Rules Affected by Volumes 25 and 26

675 IAC 21-1-10	N	01-430	25 IR 2034	*ARR (26 IR 38) <b>26 IR 1086</b>	TITLE 760 DEPARTMENT OF INSURANCE				
675 IAC 21-2	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>	760 IAC 1-1	RA	01-130	24 IR 3224	<b>25 IR 530</b>
675 IAC 21-3-1	A	01-430	25 IR 2034	*ARR (26 IR 38) <b>26 IR 1087</b>	760 IAC 1-3	RA	01-130	24 IR 3224	<b>25 IR 530</b>
675 IAC 21-3-2	A	01-430	25 IR 2034	*ARR (26 IR 38) <b>26 IR 1087</b>	760 IAC 1-5	RA	01-130	24 IR 3224	<b>25 IR 530</b>
675 IAC 21-4-1	A	01-430	25 IR 2037	*ARR (26 IR 38) <b>26 IR 1090</b>		R	01-181	25 IR 472	*AWR (25 IR 815)
675 IAC 21-4-2	A	01-430	25 IR 2037	*ARR (26 IR 38) <b>26 IR 1090</b>		R	01-399	25 IR 2582	*AROC (26 IR 183)
675 IAC 21-5-1	A	01-430	25 IR 2039	*ARR (26 IR 38) <b>26 IR 1092</b>	760 IAC 1-5.1	N	01-181	25 IR 465	*ARR (26 IR 38)
675 IAC 21-5-3	N	01-430	25 IR 2039	*ARR (26 IR 38) <b>26 IR 1092</b>		N	01-399	25 IR 2575	*AWR (25 IR 815)
675 IAC 21-6	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>	760 IAC 1-6.2	RA	01-130	24 IR 3224	*AROC (26 IR 183)
675 IAC 21-7	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>	760 IAC 1-7	RA	01-130	24 IR 3224	<b>26 IR 19</b>
675 IAC 21-8	N	01-430	25 IR 2040	*ARR (26 IR 38) <b>26 IR 1093</b>	760 IAC 1-8	RA	01-130	24 IR 3224	<b>25 IR 530</b>
675 IAC 22-2.2	R	02-117	25 IR 3442		760 IAC 1-9	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-14	A	02-53	25 IR 2569		760 IAC 1-10	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-19	R	00-261	24 IR 1935	<b>25 IR 1176</b>	760 IAC 1-11	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-20	R	00-261	24 IR 1935	<b>25 IR 1176</b>	760 IAC 1-12	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-104	A	01-19	24 IR 2546	<b>25 IR 1177</b>	760 IAC 1-13	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-134.5	N	01-19	24 IR 2546	<b>25 IR 1177</b>	760 IAC 1-14	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-145	A	01-19	24 IR 2546	<b>25 IR 1177</b>		R	01-181	25 IR 472	*AWR (25 IR 815)
675 IAC 22-2.2-221.5	N	01-19	24 IR 2547	<b>25 IR 1177</b>		R	01-399	25 IR 2582	*AROC (26 IR 183)
675 IAC 22-2.2-245.2	N	01-19	24 IR 2547	<b>25 IR 1177</b>	760 IAC 1-15.1	RA	01-130	24 IR 3224	<b>26 IR 26</b>
675 IAC 22-2.2-245.5	N	01-19	24 IR 2547	<b>25 IR 1177</b>	760 IAC 1-16.1	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-338	A	01-19	24 IR 2547	<b>25 IR 1177</b>	760 IAC 1-18	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-365	A	01-19	24 IR 2547	<b>25 IR 1178</b>	760 IAC 1-19	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-365.2	N	01-19	24 IR 2548	<b>25 IR 1178</b>	760 IAC 1-20	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-369.5	N	01-19	24 IR 2548	<b>25 IR 1178</b>	760 IAC 1-21	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-373	A	01-19	24 IR 2548	<b>25 IR 1178</b>	760 IAC 1-22	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-412.5	N	01-19	24 IR 2548	<b>25 IR 1179</b>	760 IAC 1-23	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-443.5	N	01-19	24 IR 2548	<b>25 IR 1179</b>	760 IAC 1-24	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-499	A	01-19	24 IR 2548	<b>25 IR 1179</b>	760 IAC 1-27	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-535	A	00-261	24 IR 1935	<b>25 IR 1176</b>	760 IAC 1-31	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-536	A	00-261	24 IR 1935	<b>25 IR 1176</b>	760 IAC 1-32	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.3	N	02-117	25 IR 3382		760 IAC 1-33	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 23	RA	00-303	24 IR 1962	<b>25 IR 530</b>	760 IAC 1-34	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 23-1-63	A	01-250	25 IR 464	*ARR (25 IR 2523) <b>25 IR 2735</b>	760 IAC 1-35	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 24	RA	00-303	24 IR 1962	<b>25 IR 530</b>	760 IAC 1-36	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 25	N	02-118	25 IR 3444		760 IAC 1-37	RA	01-130	24 IR 3224	<b>25 IR 531</b>
TITLE 710 SECURITIES DIVISION					760 IAC 1-38.1	RA	01-130	24 IR 3224	<b>25 IR 531</b>
710 IAC 1-8	RA	01-107	24 IR 3223	<b>25 IR 203</b>	760 IAC 1-39	RA	01-130	24 IR 3224	<b>25 IR 531</b>
710 IAC 1-9	RA	01-107	24 IR 3223	<b>25 IR 203</b>	760 IAC 1-40	RA	01-130	24 IR 3224	<b>25 IR 531</b>
710 IAC 1-10	RA	01-107	24 IR 3223	<b>25 IR 203</b>	760 IAC 1-41	RA	01-130	24 IR 3224	<b>25 IR 531</b>
710 IAC 1-11	RA	01-107	24 IR 3223	<b>25 IR 204</b>	760 IAC 1-46	RA	01-130	24 IR 3224	<b>25 IR 531</b>
710 IAC 1-12	RA	01-107	24 IR 3223	<b>25 IR 204</b>	760 IAC 1-48	RA	01-130	24 IR 3224	<b>25 IR 531</b>
710 IAC 1-13	RA	01-107	24 IR 3223	<b>25 IR 204</b>	760 IAC 1-49	RA	01-130	24 IR 3224	<b>25 IR 531</b>
710 IAC 1-14	RA	01-107	24 IR 3223	<b>25 IR 204</b>	760 IAC 1-50-2	A	02-23	25 IR 2582	
710 IAC 1-15	RA	01-107	24 IR 3223	<b>25 IR 204</b>	760 IAC 1-50-3	A	02-23	25 IR 2582	
710 IAC 1-16	RA	01-107	24 IR 3223	<b>25 IR 204</b>	760 IAC 1-50-4	A	02-23	25 IR 2583	
710 IAC 1-17	RA	01-107	24 IR 3223	<b>25 IR 204</b>	760 IAC 1-50-5	A	02-23	25 IR 2583	
710 IAC 1-18	RA	01-107	24 IR 3223	<b>25 IR 204</b>	760 IAC 1-50-7	A	02-23	25 IR 2584	
710 IAC 1-19	RA	01-107	24 IR 3223	<b>25 IR 204</b>	760 IAC 1-50-13	A	02-23	25 IR 2584	
710 IAC 1-20	RA	01-107	24 IR 3223	<b>25 IR 204</b>	760 IAC 1-50-13.5	A	02-23	25 IR 2585	
710 IAC 1-21	RA	01-107	24 IR 3223	<b>25 IR 204</b>	760 IAC 1-51	RA	01-130	24 IR 3224	<b>25 IR 531</b>
710 IAC 2	RA	02-4	25 IR 2314	<b>25 IR 3462</b>	760 IAC 1-52	RA	01-130	24 IR 3224	<b>25 IR 531</b>
710 IAC 3	RA	02-4	25 IR 2314	<b>25 IR 3462</b>	760 IAC 1-53	RA	01-130	24 IR 3224	<b>25 IR 531</b>
TITLE 750 DEPARTMENT OF FINANCIAL INSTITUTIONS					760 IAC 1-54	RA	01-130	24 IR 3224	<b>25 IR 531</b>
750 IAC 1-1-1	A	02-94		*ER (25 IR 2540)	760 IAC 1-55	RA	01-130	24 IR 3224	<b>25 IR 531</b>
750 IAC 3	RA	01-343		<b>25 IR 939</b>	760 IAC 1-56	RA	01-130	24 IR 3224	<b>25 IR 531</b>
750 IAC 6	RA	01-343		<b>25 IR 939</b>	760 IAC 1-59-1	A	02-124	26 IR 170	
750 IAC 7	RA	01-343		<b>25 IR 939</b>	760 IAC 1-59-2	A	02-124	26 IR 170	
					760 IAC 1-59-3	A	02-124	26 IR 171	
					760 IAC 1-59-4	A	02-124	26 IR 171	
					760 IAC 1-59-5	A	02-124	26 IR 171	
					760 IAC 1-59-6	A	02-124	26 IR 172	
					760 IAC 1-59-7	A	02-124	26 IR 172	
					760 IAC 1-59-8	A	02-124	26 IR 173	

## Rules Affected by Volumes 25 and 26

760 IAC 1-59-9	A	02-124	26 IR 174		808 IAC 2-5-1	A	00-256	24 IR 3200	<b>25 IR 383</b>
760 IAC 1-59-10	A	02-124	26 IR 174		808 IAC 2-6-1	A	02-120	25 IR 4210	<b>26 IR 1104</b>
760 IAC 1-59-11	A	02-124	26 IR 174		808 IAC 2-33-2	N	00-256	24 IR 3200	<b>25 IR 383</b>
760 IAC 1-59-12	A	02-124	26 IR 175		808 IAC 4	R	01-104	24 IR 3201	<b>25 IR 383</b>
760 IAC 1-59-13	R	02-124	26 IR 177		TITLE 812 INDIANA AUCTIONEER COMMISSION				
760 IAC 1-59-14	A	02-124	26 IR 175		812 IAC 2	RA	02-84	25 IR 2853	<b>25 IR 4221</b>
760 IAC 1-67	N	01-94	24 IR 2832	<b>25 IR 85</b>	812 IAC 3	RA	02-84	25 IR 2853	<b>25 IR 4221</b>
760 IAC 1-68	N	02-137	26 IR 531	*AROC (26 IR 883)	TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS				
760 IAC 2-1	RA	01-130	24 IR 3224	<b>25 IR 531</b>	820 IAC 4-4-5	A	01-345	25 IR 1720	<b>25 IR 3178</b>
760 IAC 2-2	RA	01-130	24 IR 3224	<b>25 IR 531</b>					*ERR (26 IR 1109)
760 IAC 2-3	RA	01-130	24 IR 3224	<b>25 IR 531</b>	820 IAC 4-4-14	A	01-345	25 IR 1721	<b>25 IR 3179</b>
760 IAC 2-4	RA	01-130	24 IR 3224	<b>25 IR 531</b>					*ERR (26 IR 1109)
760 IAC 2-5	RA	01-130	24 IR 3224	<b>25 IR 531</b>	820 IAC 6	RA	02-92	25 IR 2854	<b>25 IR 4221</b>
760 IAC 2-6	RA	01-130	24 IR 3224	<b>25 IR 531</b>	820 IAC 6-2-1	A	01-345	25 IR 1722	<b>25 IR 3180</b>
760 IAC 2-7	RA	01-130	24 IR 3224	<b>25 IR 531</b>					*ERR (26 IR 1109)
760 IAC 2-8	RA	01-130	24 IR 3224	<b>25 IR 531</b>	TITLE 825 INDIANA GRAIN INDEMNITY CORPORATION				
760 IAC 2-9	RA	01-130	24 IR 3224	<b>25 IR 531</b>	825 IAC 1	RA	02-176	25 IR 4220	<b>26 IR 1262</b>
760 IAC 2-10	RA	01-130	24 IR 3224	<b>25 IR 531</b>	825 IAC 1-1-5	R	02-179	25 IR 4211	
760 IAC 2-10-1	A	01-93	24 IR 2832	<b>25 IR 382</b>	825 IAC 1-5-1	R	02-179	25 IR 4211	
760 IAC 2-11	RA	01-130	24 IR 3224	<b>25 IR 531</b>	825 IAC 1-5-2	R	02-179	25 IR 4211	
760 IAC 2-12	RA	01-130	24 IR 3224	<b>25 IR 531</b>	TITLE 828 STATE BOARD OF DENTISTRY				
760 IAC 2-13	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 0.5-2-1	R	01-197	24 IR 4185	<b>25 IR 1181</b>
760 IAC 2-14	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 0.5-2-2	R	01-197	24 IR 4185	<b>25 IR 1181</b>
760 IAC 2-15	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 0.5-2-3	N	01-197	24 IR 4185	<b>25 IR 1180</b>
760 IAC 2-16	RA	01-130	24 IR 3224	<b>25 IR 531</b>		A	02-114	25 IR 3452	<b>26 IR 376</b>
760 IAC 2-17	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 0.5-2-4	N	01-197	24 IR 4185	<b>25 IR 1181</b>
760 IAC 2-18	RA	01-130	24 IR 3224	<b>25 IR 531</b>		A	02-114	25 IR 3453	<b>26 IR 376</b>
760 IAC 2-19	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 0.5-2-5	N	01-307	25 IR 1723	<b>25 IR 2736</b>
760 IAC 2-20	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 0.5-2-6	N	02-112	25 IR 3447	<b>26 IR 371</b>
760 IAC 3-1	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-1-2	A	01-241	25 IR 171	*CPH (25 IR 831)
760 IAC 3-2	RA	01-130	24 IR 3224	<b>25 IR 531</b>					<b>25 IR 2239</b>
760 IAC 3-3	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-1-3	A	01-241	25 IR 171	*CPH (25 IR 831)
760 IAC 3-4	RA	01-130	24 IR 3224	<b>25 IR 531</b>					<b>25 IR 2239</b>
760 IAC 3-5	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-1-4	R	01-241	25 IR 177	*CPH (25 IR 831)
760 IAC 3-6	RA	01-130	24 IR 3224	<b>25 IR 531</b>					<b>25 IR 2246</b>
760 IAC 3-7	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-1-6	A	01-241	25 IR 171	*CPH (25 IR 831)
760 IAC 3-8	RA	01-130	24 IR 3224	<b>25 IR 531</b>					<b>25 IR 2240</b>
760 IAC 3-9	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-1-8	A	01-241	25 IR 172	*CPH (25 IR 831)
760 IAC 3-10	RA	01-130	24 IR 3224	<b>25 IR 531</b>					<b>25 IR 2240</b>
760 IAC 3-11	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-1-9	A	01-241	25 IR 172	*CPH (25 IR 831)
760 IAC 3-12	RA	01-130	24 IR 3224	<b>25 IR 531</b>					<b>25 IR 2240</b>
760 IAC 3-13	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-1-10	A	01-241	25 IR 172	*CPH (25 IR 831)
760 IAC 3-14	RA	01-130	24 IR 3224	<b>25 IR 531</b>					<b>25 IR 2240</b>
760 IAC 3-15	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-1-11	R	01-241	25 IR 177	*CPH (25 IR 831)
760 IAC 3-16	RA	01-130	24 IR 3224	<b>25 IR 531</b>					<b>25 IR 2246</b>
760 IAC 3-17	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-1-12	A	01-241	25 IR 172	*CPH (25 IR 831)
760 IAC 3-18	RA	01-130	24 IR 3224	<b>25 IR 531</b>					<b>25 IR 2240</b>
760 IAC 3-19	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-1-18	A	01-241	25 IR 172	*CPH (25 IR 831)
760 IAC 3-20	RA	01-130	24 IR 3224	<b>25 IR 531</b>					<b>25 IR 2241</b>
TITLE 762 INDIANA POLITICAL SUBDIVISION RISK MANAGEMENT COMMISSION					828 IAC 1-1-21	A	01-241	25 IR 174	*CPH (25 IR 831)
762 IAC 2	N	02-24	25 IR 2301	*ARR (25 IR 4114)					<b>25 IR 2242</b>
				<b>26 IR 27</b>	828 IAC 1-1-23	A	01-241	25 IR 174	*CPH (25 IR 831)
TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS									<b>25 IR 2242</b>
804 IAC 1.1-1-1	A	01-57	24 IR 4182	*CPH (25 IR 404)	828 IAC 1-2-1	A	01-241	25 IR 174	*CPH (25 IR 831)
				<b>25 IR 1903</b>					<b>25 IR 2243</b>
804 IAC 1.1-2-2	A	01-57	24 IR 4183	*CPH (25 IR 404)	828 IAC 1-2-2	A	01-241	25 IR 175	*CPH (25 IR 831)
				<b>25 IR 1904</b>					<b>25 IR 2243</b>
804 IAC 1.1-2-4.1	R	01-103	24 IR 4184	*CPH (25 IR 404)	828 IAC 1-2-3	A	01-241	25 IR 175	*CPH (25 IR 831)
				<b>25 IR 1905</b>					<b>25 IR 2244</b>
804 IAC 1.1-3-1	A	02-20	25 IR 3446	<b>26 IR 370</b>	828 IAC 1-2-4	R	01-241	25 IR 177	*CPH (25 IR 831)
				*ERR (26 IR 793)					<b>25 IR 2246</b>
TITLE 808 STATE BOXING COMMISSION					828 IAC 1-2-6	A	01-241	25 IR 175	*CPH (25 IR 831)
808 IAC 1-4-8	A	00-256	24 IR 3200	<b>25 IR 382</b>					<b>25 IR 2244</b>
808 IAC 2-1-9	A	00-256	24 IR 3200	<b>25 IR 382</b>	828 IAC 1-2-8	A	01-241	25 IR 176	*CPH (25 IR 831)
									<b>25 IR 2244</b>

## Rules Affected by Volumes 25 and 26

828 IAC 1-2-9	A	01-241	25 IR 176	*CPH (25 IR 831) <b>25 IR 2244</b>	836 IAC 2-14-5	A	02-91	25 IR 2833	*CPH (25 IR 3807)
828 IAC 1-2-10	A	01-241	25 IR 176	*CPH (25 IR 831) <b>25 IR 2244</b>	836 IAC 3	RA	01-40	24 IR 2580	
828 IAC 1-2-11	R	01-241	25 IR 177	*CPH (25 IR 831) <b>25 IR 2246</b>	836 IAC 3-1-1	A	01-296	25 IR 472	<b>25 IR 2490</b>
828 IAC 1-2-12	A	01-241	25 IR 176	*CPH (25 IR 831) <b>25 IR 2244</b>	836 IAC 3-2-1	A	01-296	25 IR 473	<b>25 IR 2491</b>
828 IAC 1-2-14	A	01-241	25 IR 176	*CPH (25 IR 831) <b>25 IR 2245</b>	836 IAC 3-2-2	A	01-296	25 IR 475	<b>25 IR 2492</b>
828 IAC 1-3-1	A	01-241	25 IR 176	*CPH (25 IR 831) <b>25 IR 2245</b>	836 IAC 3-2-3	A	01-296	25 IR 475	<b>25 IR 2493</b>
	R	02-113	25 IR 3452	<b>26 IR 375</b>	836 IAC 3-2-4	A	01-296	25 IR 476	<b>25 IR 2494</b>
828 IAC 1-3-1.1	N	02-113	25 IR 3450	<b>26 IR 373</b>	836 IAC 3-2-5	A	02-91	25 IR 2834	*CPH (25 IR 3807)
				*ERR (26 IR 383)	836 IAC 3-2-6	A	01-296	25 IR 478	<b>25 IR 2496</b>
828 IAC 1-3-1.5	N	02-113	25 IR 3451	<b>26 IR 374</b>	836 IAC 3-2-7	A	01-296	25 IR 479	*CPH (25 IR 3807)
828 IAC 1-3-2	A	02-113	25 IR 3452	<b>26 IR 375</b>	836 IAC 3-2-8	A	01-296	25 IR 480	<b>25 IR 2497</b>
828 IAC 1-3-3	A	02-113	25 IR 3452	<b>26 IR 375</b>		N	01-296	25 IR 480	<b>25 IR 2498</b>
828 IAC 1-3-4	A	01-241	25 IR 177	*CPH (25 IR 831) <b>25 IR 2246</b>	836 IAC 3-3-1	R	02-91	25 IR 480	*CPH (25 IR 3807)
828 IAC 1-3-5	A	01-241	25 IR 177	*CPH (25 IR 831) <b>25 IR 2246</b>	836 IAC 3-3-2	A	01-296	25 IR 482	<b>25 IR 2498</b>
828 IAC 1-5-1	A	02-112	25 IR 3448	<b>26 IR 371</b>	836 IAC 3-3-3	A	01-296	25 IR 482	<b>25 IR 2499</b>
828 IAC 1-5-1.5	N	02-112	25 IR 3448	<b>26 IR 371</b>	836 IAC 3-3-4	A	01-296	25 IR 482	<b>25 IR 2500</b>
828 IAC 1-5-2	A	02-112	25 IR 3448	<b>26 IR 372</b>		A	01-296	25 IR 483	<b>25 IR 2501</b>
828 IAC 1-5-2.5	N	02-112	25 IR 3449	<b>26 IR 372</b>	836 IAC 3-3-5	A	02-91	25 IR 2836	*CPH (25 IR 3807)
828 IAC 1-5-4	RA	01-193	24 IR 4207	<b>25 IR 1306</b>		A	01-296	25 IR 485	<b>25 IR 2503</b>
828 IAC 1-5-5	RA	01-193	24 IR 4207	<b>25 IR 1307</b>	836 IAC 3-3-6	A	02-91	25 IR 2837	*CPH (25 IR 3807)
828 IAC 1-6-1	A	02-112	25 IR 3449	<b>26 IR 373</b>	836 IAC 3-3-7	A	01-296	25 IR 485	<b>25 IR 2503</b>
828 IAC 1-7-1	A	02-114	25 IR 3453	<b>26 IR 376</b>	836 IAC 3-3-8	A	01-296	25 IR 486	<b>25 IR 2504</b>
828 IAC 1-7-2	N	02-114	25 IR 3453	<b>26 IR 377</b>		N	01-296	25 IR 487	<b>25 IR 2505</b>
828 IAC 4	N	01-307	25 IR 1723	<b>25 IR 2736</b>	836 IAC 3-4-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
TITLE 832 STATE BOARD OF FUNERAL AND CEMETERY SERVICE					836 IAC 3-5-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
832 IAC 2-1-2	A	02-147	26 IR 870		836 IAC 3-6-1	A	01-296	25 IR 487	<b>25 IR 2505</b>
832 IAC 3-2-2	RA	01-56	24 IR 3225	<b>25 IR 532</b>	836 IAC 4	RA	01-40	24 IR 2580	<b>25 IR 2505</b>
TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION					836 IAC 4-1-1	A	02-91	25 IR 2838	*CPH (25 IR 3807)
836 IAC 1	RA	01-40	24 IR 2580		836 IAC 4-2-1	A	02-91	25 IR 2840	*CPH (25 IR 3807)
836 IAC 1-1-1	A	02-91	25 IR 2810	*CPH (25 IR 3807)	836 IAC 4-2-2	A	02-91	25 IR 2841	*CPH (25 IR 3807)
836 IAC 1-1-2	N	02-91	25 IR 2812	*CPH (25 IR 3807)	836 IAC 4-2-5	R	02-91	25 IR 2848	*CPH (25 IR 3807)
836 IAC 1-1-3	N	02-91	25 IR 2812	*CPH (25 IR 3807)	836 IAC 4-3-2	A	02-91	25 IR 2841	*CPH (25 IR 3807)
836 IAC 1-2-1	A	01-297	25 IR 488	<b>25 IR 2506</b>	836 IAC 4-4-1	A	02-91	25 IR 2842	*CPH (25 IR 3807)
	A	02-91	25 IR 2813	*CPH (25 IR 3807)	836 IAC 4-5-2	A	02-91	25 IR 2843	*CPH (25 IR 3807)
836 IAC 1-2-2	A	02-91	25 IR 2814	*CPH (25 IR 3807)	836 IAC 4-6-1	N	02-91	25 IR 2843	*CPH (25 IR 3807)
836 IAC 1-2-3	A	02-91	25 IR 2815	*CPH (25 IR 3807)	836 IAC 4-7-2	A	02-91	25 IR 2844	*CPH (25 IR 3807)
836 IAC 1-2-4	R	02-91	25 IR 2848	*CPH (25 IR 3807)	836 IAC 4-7-3.5	N	01-297	25 IR 499	<b>25 IR 2517</b>
836 IAC 1-3-5	A	01-297	25 IR 489	<b>25 IR 2507</b>	836 IAC 4-7-1	N	02-91	25 IR 2844	*CPH (25 IR 3807)
	A	02-91	25 IR 2818	*CPH (25 IR 3807)	836 IAC 4-9-2.5	N	01-297	25 IR 499	<b>25 IR 2517</b>
836 IAC 1-3-6	N	02-91	25 IR 2819	*CPH (25 IR 3807)	836 IAC 4-9-3	A	02-91	25 IR 2847	*CPH (25 IR 3807)
836 IAC 1-8-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)	836 IAC 4-10	N	01-297	25 IR 499	<b>25 IR 2517</b>
836 IAC 1-11-1	A	01-297	25 IR 490	<b>25 IR 2508</b>	836 IAC 4-10-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
	A	02-91	25 IR 2819	*CPH (25 IR 3807)	TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD				
836 IAC 1-11-2	A	01-297	25 IR 491	<b>25 IR 2509</b>	839 IAC 1-1-1	RA	01-156	24 IR 4207	<b>25 IR 939</b>
	A	02-91	25 IR 2820	*CPH (25 IR 3807)	839 IAC 1-1-3.2	N	01-160	24 IR 4186	<b>25 IR 1633</b>
836 IAC 1-11-3	A	01-297	25 IR 492	<b>25 IR 2510</b>	839 IAC 1-1-3.3	N	01-160	24 IR 4186	<b>25 IR 1633</b>
836 IAC 1-11-4	A	02-91	25 IR 2821	*CPH (25 IR 3807)	839 IAC 1-1-3.5	RA	01-158	25 IR 189	<b>25 IR 1308</b>
836 IAC 1-11-5	R	02-91	25 IR 2848	*CPH (25 IR 3807)	839 IAC 1-1-3.6	RA	01-156	24 IR 4207	<b>25 IR 939</b>
836 IAC 2	RA	01-40	24 IR 2580		839 IAC 1-1-3.7	RA	01-156	24 IR 4207	<b>25 IR 939</b>
836 IAC 2-1-1	A	02-91	25 IR 2821	*CPH (25 IR 3807)	839 IAC 1-1-3.8	RA	01-156	24 IR 4207	<b>25 IR 939</b>
836 IAC 2-2-1	A	01-297	25 IR 494	<b>25 IR 2512</b>	839 IAC 1-1-4	RA	01-158	25 IR 189	<b>25 IR 1308</b>
	A	02-91	25 IR 2824	*CPH (25 IR 3807)	839 IAC 1-2-1	RA	01-158	25 IR 190	<b>25 IR 1308</b>
836 IAC 2-4-1-2	A	01-297	25 IR 496	<b>25 IR 2514</b>	839 IAC 1-2-2	RA	01-158	25 IR 190	<b>25 IR 1308</b>
836 IAC 2-7-1-1	A	01-297	25 IR 497	<b>25 IR 2515</b>	839 IAC 1-2-2.1	N	01-160	24 IR 4186	<b>25 IR 1633</b>
	A	02-91	25 IR 2826	*CPH (25 IR 3807)		A	02-271	26 IR 874	
836 IAC 2-7-2	N	02-91	25 IR 2828	*CPH (25 IR 3807)	839 IAC 1-2-3	RA	01-156	24 IR 4207	<b>25 IR 939</b>
836 IAC 2-12-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)	839 IAC 1-2-4	R	01-160	24 IR 4186	<b>25 IR 1634</b>
836 IAC 2-13-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)	839 IAC 1-2-5	RA	01-157	24 IR 4208	<b>25 IR 1307</b>
						A	02-271	26 IR 875	
					839 IAC 1-3-1	RA	01-158	25 IR 190	<b>25 IR 1309</b>
					839 IAC 1-3-2	RA	01-158	25 IR 191	
						A	02-270	26 IR 871	
					839 IAC 1-3-2.5	RA	01-158	25 IR 191	<b>25 IR 1309</b>
					839 IAC 1-3-3.5	RA	01-158	25 IR 192	<b>25 IR 1309</b>
					839 IAC 1-3-4	RA	01-158	25 IR 192	<b>25 IR 1310</b>

## Rules Affected by Volumes 25 and 26

839 IAC 1-3-4.5	RA	01-158	25 IR 193	<b>25 IR 1310</b>	844 IAC 4-4.1-3.1	R	01-228	24 IR 4192	*CPH (25 IR 405)
839 IAC 1-3-5	N	01-160	24 IR 4186	<b>25 IR 1634</b>					*SPE
839 IAC 1-4-4	RA	01-156	24 IR 4207	<b>25 IR 939</b>		R	02-12	25 IR 2308	*CPH (25 IR 2746)
839 IAC 1-4-5	RA	01-158	25 IR 193						<b>26 IR 34</b>
	A	02-270	26 IR 871		844 IAC 4-4.1-4.1	R	01-228	24 IR 4192	*CPH (25 IR 405)
839 IAC 1-4-6	RA	01-158	25 IR 193	<b>25 IR 1310</b>					*SPE
839 IAC 1-4-7	RA	01-156	24 IR 4207	<b>25 IR 939</b>		R	02-12	25 IR 2308	*CPH (25 IR 2746)
839 IAC 1-5-1	RA	01-158	25 IR 193	<b>25 IR 1311</b>					<b>26 IR 34</b>
	A	02-270	26 IR 872		844 IAC 4-4.1-5	R	01-228	24 IR 4192	*CPH (25 IR 405)
839 IAC 1-5-1.5	N	02-270	26 IR 874						*SPE
839 IAC 1-5-2	RA	01-158	25 IR 195	<b>25 IR 1313</b>		R	02-12	25 IR 2308	*CPH (25 IR 2746)
839 IAC 1-5-3	RA	01-158	25 IR 196	<b>25 IR 1313</b>					<b>26 IR 34</b>
839 IAC 1-5-4	RA	01-156	24 IR 4207	<b>25 IR 939</b>	844 IAC 4-4.1-6	R	01-228	24 IR 4192	*CPH (25 IR 405)
839 IAC 1-5-5	RA	01-156	24 IR 4207	<b>25 IR 939</b>					*SPE
839 IAC 1-5-6	R	01-160	24 IR 4186	<b>25 IR 1634</b>		R	02-12	25 IR 2308	*CPH (25 IR 2746)
839 IAC 1-6-1	RA	01-158	25 IR 196	<b>25 IR 1313</b>					<b>26 IR 34</b>
839 IAC 1-6-2	RA	01-158	25 IR 197	<b>25 IR 1314</b>	844 IAC 4-4.1-7	R	01-228	24 IR 4192	*CPH (25 IR 405)
839 IAC 1-6-3	RA	01-158	25 IR 198	<b>25 IR 1316</b>					*SPE
839 IAC 1-6-4	RA	01-156	24 IR 4207	<b>25 IR 939</b>		R	02-12	25 IR 2308	*CPH (25 IR 2746)
839 IAC 1-6-5	RA	01-158	25 IR 199	<b>25 IR 1316</b>					<b>26 IR 34</b>
839 IAC 1-6-6	R	01-160	24 IR 4186	<b>25 IR 1634</b>	844 IAC 4-4.1-8	R	01-228	24 IR 4192	*CPH (25 IR 405)
									*SPE
TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS						R	02-12	25 IR 2308	*CPH (25 IR 2746)
									<b>26 IR 34</b>
840 IAC 1-1-1	R	01-242	25 IR 526	<b>25 IR 2861</b>	844 IAC 4-4.1-9	R	01-228	24 IR 4192	*CPH (25 IR 405)
840 IAC 1-1-2	RA	01-242	25 IR 520	<b>25 IR 2855</b>					*SPE
840 IAC 1-1-3	RA	01-242	25 IR 520	<b>25 IR 2855</b>		R	02-12	25 IR 2308	*CPH (25 IR 2746)
840 IAC 1-1-4	RA	01-242	25 IR 521	<b>25 IR 2856</b>					<b>26 IR 34</b>
	A	02-219	26 IR 540		844 IAC 4-4.1-10	R	01-228	24 IR 4192	*CPH (25 IR 405)
840 IAC 1-1-5	RA	01-242	25 IR 521	<b>25 IR 2856</b>					*SPE
840 IAC 1-1-6	RA	01-242	25 IR 522	<b>25 IR 2857</b>		R	02-12	25 IR 2308	*CPH (25 IR 2746)
840 IAC 1-1-11	RA	01-242	25 IR 522	<b>25 IR 2857</b>					<b>26 IR 34</b>
840 IAC 1-1-12	RA	01-242	25 IR 522	<b>25 IR 2857</b>	844 IAC 4-4.1-11	R	01-228	24 IR 4192	*CPH (25 IR 405)
840 IAC 1-1-13	RA	01-242	25 IR 522	<b>25 IR 2857</b>					*SPE
840 IAC 1-1-14	RA	01-242	25 IR 523	<b>25 IR 2858</b>		R	02-12	25 IR 2308	*CPH (25 IR 2746)
840 IAC 1-1-15	RA	01-242	25 IR 523	<b>25 IR 2858</b>					<b>26 IR 34</b>
840 IAC 1-1-16	RA	01-242	25 IR 523	<b>25 IR 2858</b>	844 IAC 4-4.5	N	01-228	24 IR 4187	*CPH (25 IR 405)
840 IAC 1-1-17	RA	01-242	25 IR 524	<b>25 IR 2859</b>					*SPE
840 IAC 1-1-18	RA	01-242	25 IR 524	<b>25 IR 2859</b>		N	02-12	25 IR 2302	*CPH (25 IR 2746)
840 IAC 1-2-1	RA	01-242	25 IR 524	<b>25 IR 2859</b>					<b>26 IR 28</b>
840 IAC 1-2-2	RA	01-242	25 IR 525	<b>25 IR 2860</b>	844 IAC 4-5-1	R	01-228	24 IR 4192	*CPH (25 IR 405)
840 IAC 1-2-4	RA	01-242	25 IR 525	<b>25 IR 2860</b>					*SPE
840 IAC 1-2-5	RA	01-242	25 IR 525	<b>25 IR 2861</b>		R	02-12	25 IR 2308	*CPH (25 IR 2746)
840 IAC 1-2-6	RA	01-242	25 IR 526	<b>25 IR 2861</b>					<b>26 IR 34</b>
840 IAC 1-2-7	RA	01-242	25 IR 526	<b>25 IR 2861</b>	844 IAC 4-6-1	RA	01-312	25 IR 527	<b>25 IR 1732</b>
840 IAC 1-3-1	R	01-244	25 IR 500	<b>25 IR 1634</b>	844 IAC 4-6-2	R	01-228	24 IR 4192	*CPH (25 IR 405)
840 IAC 1-3-2	N	01-244	25 IR 500	<b>25 IR 1634</b>					*SPE
						R	02-12	25 IR 2308	*CPH (25 IR 2746)
TITLE 844 MEDICAL LICENSING BOARD OF INDIANA									<b>26 IR 34</b>
844 IAC 2.2-2-1	A	02-180	26 IR 177		844 IAC 4-6-2.1	N	01-228	24 IR 4192	*CPH (25 IR 405)
844 IAC 2.2-2-2	A	02-180	26 IR 178						*SPE
844 IAC 2.2-2-5	A	02-180	26 IR 179			N	02-12	25 IR 2308	*CPH (25 IR 2746)
844 IAC 2.2-2-8	A	02-180	26 IR 179						<b>26 IR 34</b>
844 IAC 4-1-1	R	01-228	24 IR 4192	*CPH (25 IR 405)	844 IAC 4-6-3	RA	01-312	25 IR 527	<b>25 IR 1732</b>
				*SPE	844 IAC 4-6-4	RA	01-312	25 IR 527	<b>25 IR 1732</b>
	R	02-12	25 IR 2308	*CPH (25 IR 2746)	844 IAC 4-6-5	R	01-228	24 IR 4192	*CPH (25 IR 405)
				<b>26 IR 34</b>					*SPE
844 IAC 4-2-1	R	01-183	24 IR 3778	*CPH (25 IR 405)		R	02-12	25 IR 2308	*CPH (25 IR 2746)
				<b>25 IR 2246</b>					<b>26 IR 34</b>
844 IAC 4-2-2	N	01-183	24 IR 3778	*CPH (25 IR 405)	844 IAC 4-6-6	RA	01-312	25 IR 527	<b>25 IR 1732</b>
				<b>25 IR 2246</b>	844 IAC 4-6-7	RA	01-312	25 IR 527	<b>25 IR 1732</b>
844 IAC 4-3	RA	01-220	25 IR 526	<b>25 IR 1731</b>	844 IAC 4-6-8	R	01-228	24 IR 4192	*CPH (25 IR 405)
844 IAC 4-4.1-1	R	01-228	24 IR 4192	*CPH (25 IR 405)					*SPE
				*SPE		R	02-12	25 IR 2308	*CPH (25 IR 2746)
	R	02-12	25 IR 2308	*CPH (25 IR 2746)					<b>26 IR 34</b>
				<b>26 IR 34</b>	844 IAC 4-6-9	RA	01-312	25 IR 527	<b>25 IR 1732</b>
844 IAC 4-4.1-2	R	01-228	24 IR 4192	*CPH (25 IR 405)	844 IAC 4-6-10	RA	01-312	25 IR 527	<b>25 IR 1732</b>
				*SPE	844 IAC 4-7-1	RA	01-220	25 IR 526	<b>25 IR 1731</b>
	R	02-12	25 IR 2308	*CPH (25 IR 2746)	844 IAC 4-7-2	RA	01-220	25 IR 526	<b>25 IR 1731</b>
				<b>26 IR 34</b>					

# Rules Affected by Volumes 25 and 26

844 IAC 4-7-3	RA 01-220	25 IR 526	<b>25 IR 1731</b>	844 IAC 11-5-3	RA 01-131	24 IR 3228	<b>25 IR 1323</b>
844 IAC 4-7-4	RA 01-220	25 IR 526	<b>25 IR 1731</b>	844 IAC 11-5-4	RA 01-131	24 IR 3229	<b>25 IR 1323</b>
844 IAC 4-7-5	R 01-228	24 IR 4192	*CPH (25 IR 405)	844 IAC 11-5-5	RA 01-131	24 IR 3229	<b>25 IR 1324</b>
			*SPE	844 IAC 12-2-1	R 01-247	25 IR 502	<b>25 IR 2248</b>
	R 02-12	25 IR 2308	*CPH (25 IR 2746)	844 IAC 12-2-2	N 01-247	25 IR 502	<b>25 IR 2248</b>
			<b>26 IR 34</b>	844 IAC 13	N 01-47	24 IR 2554	<b>25 IR 803</b>
844 IAC 5	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	TITLE 845 BOARD OF PODIATRIC MEDICINE			
844 IAC 6-1	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	845 IAC 1-5-2	R 01-363	25 IR 3456	*I (26 IR 1104)
844 IAC 6-1-4	A 01-431	25 IR 3454	<b>26 IR 377</b>	845 IAC 1-5-2.1	N 01-363	25 IR 3455	*I (26 IR 1104)
844 IAC 6-2-1	R 01-245	25 IR 501	<b>25 IR 2247</b>	845 IAC 1-6-8	R 01-229	24 IR 4193	*ARR (25 IR 1185)
844 IAC 6-2-2	N 01-245	25 IR 501	<b>25 IR 2247</b>	845 IAC 1-6-9	N 01-229	24 IR 4193	*ARR (25 IR 1185)
844 IAC 6-3	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	TITLE 846 BOARD OF CHIROPRACTIC EXAMINERS			
844 IAC 6-3-5	A 01-432	25 IR 3455	<b>26 IR 378</b>	846 IAC 1-4-7	RA 01-221	24 IR 4209	<b>25 IR 1325</b>
844 IAC 6-4	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	TITLE 848 INDIANA STATE BOARD OF NURSING			
844 IAC 6-4-1	A 02-181	26 IR 541		848 IAC 1-1-2.1	RA 01-127	24 IR 3231	<b>25 IR 939</b>
844 IAC 6-5	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	848 IAC 1-1-5	RA 01-127	24 IR 3231	<b>25 IR 1326</b>
844 IAC 6-6	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	848 IAC 1-1-6	RA 01-127	24 IR 3231	<b>25 IR 1326</b>
844 IAC 6-7	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	848 IAC 1-1-7	RA 01-127	24 IR 3232	<b>25 IR 1327</b>
844 IAC 7	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	848 IAC 1-1-8	RA 01-127	24 IR 3231	<b>25 IR 939</b>
844 IAC 9-1-1	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 1-1-10	RA 01-127	24 IR 3233	<b>25 IR 1328</b>
844 IAC 9-2-1	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 1-1-11	RA 01-127	24 IR 3231	<b>25 IR 939</b>
844 IAC 9-2-2	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 1-1-13	RA 01-127	24 IR 3233	<b>25 IR 1328</b>
844 IAC 9-2-3	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 1-1-14	RA 01-105	24 IR 2893	
844 IAC 9-2-4	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 1-1-15	RA 01-127	24 IR 3231	<b>25 IR 939</b>
844 IAC 9-2-5	RA 01-120	24 IR 3809	<b>25 IR 1318</b>	848 IAC 1-2	RA 01-127	24 IR 3231	<b>25 IR 939</b>
844 IAC 9-2-6	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 2-1	RA 01-127	24 IR 3231	<b>25 IR 939</b>
844 IAC 9-3-1	RA 01-120	24 IR 3809	<b>25 IR 1318</b>	848 IAC 2-2	RA 01-127	24 IR 3231	<b>25 IR 939</b>
844 IAC 9-3-2	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 2-3	RA 01-127	24 IR 3231	<b>25 IR 939</b>
844 IAC 9-3-3	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 3-1	RA 01-127	24 IR 3231	<b>25 IR 939</b>
844 IAC 9-4-1	RA 01-120	24 IR 3810	<b>25 IR 1318</b>	848 IAC 3-2-1	RA 01-127	24 IR 3231	<b>25 IR 939</b>
844 IAC 9-4-2	RA 01-120	24 IR 3810	<b>25 IR 1319</b>	848 IAC 3-2-2	RA 01-127	24 IR 3233	<b>25 IR 1328</b>
844 IAC 9-4-3	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 3-2-3	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 9-4-4	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 3-2-4	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 9-4-5	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 3-2-5	RA 01-127	24 IR 3233	<b>25 IR 1329</b>
844 IAC 9-5-1	RA 01-120	24 IR 3810	<b>25 IR 1319</b>	848 IAC 3-2-6	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 9-5-2	R 01-120	24 IR 3811	<b>25 IR 1320</b>	848 IAC 3-2-7	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 9-6-1	RA 01-120	24 IR 3811	<b>25 IR 1319</b>	848 IAC 3-2-8	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 9-6-2	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 3-3	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 9-6-3	RA 01-120	24 IR 3811	<b>25 IR 1319</b>	848 IAC 3-4-1	R 01-127	24 IR 3234	<b>25 IR 1329</b>
844 IAC 9-6-4	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 4-1-1	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 10-1	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	848 IAC 4-1-2	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 10-2-1	R 01-246	25 IR 501	<b>25 IR 2247</b>	848 IAC 4-1-3	RA 01-127	24 IR 3234	<b>25 IR 1329</b>
844 IAC 10-2-2	N 01-246	25 IR 501	<b>25 IR 2247</b>	848 IAC 4-1-4	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 10-3	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	848 IAC 4-1-5	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 10-4	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	848 IAC 4-1-6	RA 01-127	24 IR 3234	<b>25 IR 1329</b>
844 IAC 10-5	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	848 IAC 4-2	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 11-1-1	RA 01-41	24 IR 2892	<b>25 IR 532</b>	848 IAC 4-3	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 11-1-2	RA 01-131	24 IR 3226	<b>25 IR 1320</b>	848 IAC 4-4-1	R 01-127	24 IR 3234	<b>25 IR 1329</b>
844 IAC 11-1-3	RA 01-41	24 IR 2892	<b>25 IR 532</b>	848 IAC 5-1	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 11-1-4	RA 01-41	24 IR 2892	<b>25 IR 532</b>	848 IAC 5-2-1	RA 01-127	24 IR 3234	<b>25 IR 1329</b>
844 IAC 11-1-5	RA 01-41	24 IR 2892	<b>25 IR 532</b>	TITLE 852 INDIANA OPTOMETRY BOARD			
844 IAC 11-1-6	RA 01-41	24 IR 2892	<b>25 IR 532</b>	852 IAC 1-1.1-4	A 02-131	25 IR 3869	
844 IAC 11-2-1	R 01-248	25 IR 179	<b>25 IR 1636</b>	852 IAC 1-10-1	RA 01-253	25 IR 200	<b>25 IR 1732</b>
844 IAC 11-2-1.1	N 01-248	25 IR 179	<b>25 IR 1635</b>	852 IAC 1-10-2	RA 01-253	25 IR 200	<b>25 IR 1732</b>
844 IAC 11-3-2	RA 01-131	24 IR 3226	<b>25 IR 1321</b>	852 IAC 1-13-1	A 02-132	25 IR 3869	
844 IAC 11-3-3	RA 01-131	24 IR 3226	<b>25 IR 1321</b>	852 IAC 1-13-2	A 02-132	25 IR 3870	
844 IAC 11-3-3.1	N 01-235	25 IR 178	<b>25 IR 1635</b>	852 IAC 1-17	N 02-133	25 IR 3870	
844 IAC 11-3-4	RA 01-131	24 IR 3227	<b>25 IR 1321</b>	TITLE 856 INDIANA BOARD OF PHARMACY			
844 IAC 11-3-4.1	N 01-235	25 IR 178	<b>25 IR 1635</b>	856 IAC 1-1	RA 01-150	24 IR 4210	<b>25 IR 1330</b>
844 IAC 11-4-1	RA 01-41	24 IR 2892	<b>25 IR 532</b>				*ERR (25 IR 1645)
844 IAC 11-4-2	RA 01-41	24 IR 2892	<b>25 IR 532</b>	856 IAC 1-2-1	RA 01-150	24 IR 4211	<b>25 IR 1331</b>
844 IAC 11-4-3	RA 01-41	24 IR 2892	<b>25 IR 532</b>	856 IAC 1-2-2	RA 01-150	24 IR 4211	<b>25 IR 1331</b>
844 IAC 11-4-4	RA 01-41	24 IR 2892	<b>25 IR 532</b>	856 IAC 1-2-3	RA 01-150	24 IR 4211	<b>25 IR 1331</b>
844 IAC 11-4-5	RA 01-131	24 IR 3227	<b>25 IR 1322</b>	856 IAC 1-2-4	RA 01-150	24 IR 4210	<b>25 IR 1330</b>
844 IAC 11-4-6	RA 01-131	24 IR 3228	<b>25 IR 1322</b>				
844 IAC 11-4-7	RA 01-41	24 IR 2892	<b>25 IR 532</b>				
844 IAC 11-4-8	RA 01-131	24 IR 3228	<b>25 IR 1323</b>				
844 IAC 11-4-9	RA 01-41	24 IR 2892	<b>25 IR 532</b>				
844 IAC 11-5-1	RA 01-131	24 IR 3228	<b>25 IR 1323</b>				

# Rules Affected by Volumes 25 and 26

856 IAC 1-3.1-1	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 1-30-10	RA	01-150	24 IR 4210	<b>25 IR 1330</b>
856 IAC 1-3.1-2	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 1-30-11	RA	01-150	24 IR 4210	<b>25 IR 1330</b>
856 IAC 1-3.1-3	RA	01-150	24 IR 4211	<b>25 IR 1331</b>	856 IAC 1-30-12	RA	01-150	24 IR 4210	<b>25 IR 1330</b>
856 IAC 1-3.1-4	RA	01-150	24 IR 4211	<b>25 IR 1331</b>	856 IAC 1-30-13	RA	01-150	24 IR 4217	<b>25 IR 1337</b>
856 IAC 1-3.1-5	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 1-30-14	RA	01-150	24 IR 4217	<b>25 IR 1338</b>
856 IAC 1-3.1-6	RA	01-150	24 IR 4211	<b>25 IR 1331</b>	856 IAC 1-30-15	RA	01-150	24 IR 4218	<b>25 IR 1338</b>
856 IAC 1-3.1-7	RA	01-150	24 IR 4212	<b>25 IR 1332</b>	856 IAC 1-30-16	RA	01-150	24 IR 4210	<b>25 IR 1330</b>
856 IAC 1-3.1-9	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 1-30-17	RA	01-150	24 IR 4210	<b>25 IR 1330</b>
856 IAC 1-3.1-10	R	01-150	24 IR 4220	<b>25 IR 1340</b>	856 IAC 1-30-18	RA	01-150	24 IR 4218	<b>25 IR 1338</b>
856 IAC 1-3.1-11	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 1-31	RA	01-150	24 IR 4210	<b>25 IR 1330</b>
856 IAC 1-3.1-12	RA	01-150	24 IR 4212	<b>25 IR 1332</b>	856 IAC 1-32-1	RA	01-150	24 IR 4218	<b>25 IR 1339</b>
856 IAC 1-3.1-13	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 1-32-2	RA	01-150	24 IR 4219	<b>25 IR 1339</b>
856 IAC 1-4-1	RA	01-150	24 IR 4213	<b>25 IR 1333</b>	856 IAC 1-32-3	RA	01-150	24 IR 4219	<b>25 IR 1339</b>
856 IAC 1-4-2	RA	01-150	24 IR 4213	<b>25 IR 1333</b>	856 IAC 1-32-4	RA	01-150	24 IR 4219	<b>25 IR 1339</b>
856 IAC 1-4-4	RA	01-150	24 IR 4213	<b>25 IR 1333</b>	856 IAC 1-33	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
856 IAC 1-5-1	R	01-150	24 IR 4220	<b>25 IR 1340</b>	856 IAC 1-34-1	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
856 IAC 1-7-1	RA	00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 1-34-2	RA	01-150	24 IR 4219	<b>25 IR 1340</b>
			24 IR 2581	<b>25 IR 532</b>	856 IAC 1-34-3	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 1-34-4	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
856 IAC 1-7-2	RA	00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 1-34-5	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
			24 IR 2581	<b>25 IR 532</b>	856 IAC 1-35	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 1-35-1	A	02-172	25 IR 4211	
856 IAC 1-7-3	RA	00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 1-35-4	A	02-172	25 IR 4212	
			24 IR 2581	<b>25 IR 532</b>	856 IAC 1-35-6	R	02-172	25 IR 4212	
	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 1-36-1	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
856 IAC 1-7-4	RA	00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 1-36-2	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
			24 IR 2581	<b>25 IR 532</b>	856 IAC 1-36-3	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 1-36-4	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
856 IAC 1-7-5	RA	00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 1-36-5	RA	01-150	24 IR 4220	<b>25 IR 1340</b>
			24 IR 2581		856 IAC 1-36-6	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
856 IAC 1-7-6	RA	00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 1-36-7	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
			24 IR 2581		856 IAC 1-36-8	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
856 IAC 1-7-7	RA	00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 1-36-9	RA	01-150	24 IR 4211	<b>25 IR 1330</b>
			24 IR 2581		856 IAC 2-1	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-12	R	01-150	24 IR 4220	<b>25 IR 1340</b>	856 IAC 2-2	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-13-3	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-1	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-13-4	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-2	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-15-1	RA	01-150	24 IR 4213	<b>25 IR 1333</b>	856 IAC 2-3-3	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-20-1	RA	01-150	24 IR 4213	<b>25 IR 1333</b>	856 IAC 2-3-4	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-21-1	RA	01-150	24 IR 4214	<b>25 IR 1334</b>	856 IAC 2-3-5	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-23-1	RA	01-150	24 IR 4215	<b>25 IR 1335</b>	856 IAC 2-3-6	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-26-1	RA	01-150	24 IR 4215	<b>25 IR 1335</b>	856 IAC 2-3-7	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-27-1	RA	01-148	24 IR 3812	*AWR (25 IR 1186)	856 IAC 2-3-8	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
	A	01-434	25 IR 2042	<b>25 IR 2739</b>	856 IAC 2-3-9	RA	01-149	24 IR 3813	<b>25 IR 940</b>
856 IAC 1-28	RA	00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 2-3-10	R	01-151	24 IR 4223	<b>25 IR 1344</b>
			24 IR 2581		856 IAC 2-3-11	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
	R	01-298	25 IR 509	*AROC (25 IR 1734)	856 IAC 2-3-12	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
				<b>25 IR 1643</b>	856 IAC 2-3-13	RA	01-151	24 IR 4222	<b>25 IR 1342</b>
856 IAC 1-28.1	RA	00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 2-3-14	R	01-151	24 IR 4223	<b>25 IR 1344</b>
			24 IR 2581		856 IAC 2-3-15	R	01-151	24 IR 4223	<b>25 IR 1344</b>
	N	01-298	25 IR 502	*AROC (25 IR 1734)	856 IAC 2-3-16	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
				<b>25 IR 1636</b>	856 IAC 2-3-17	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-29-1	RA	01-150	24 IR 4216	<b>25 IR 1337</b>	856 IAC 2-3-18	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-29-2	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-19	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-29-3	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-20	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-29-4	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-21	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-29-5	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-22	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-29-6	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-23	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-29-7	R	01-150	24 IR 4220	<b>25 IR 1340</b>	856 IAC 2-3-24	RA	01-151	24 IR 4222	<b>25 IR 1343</b>
856 IAC 1-29-9	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-25	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-30-1	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-26	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-30-2	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-27	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-30-3	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-28	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-30-4	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-29	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-30-5	RA	01-150	24 IR 4217	<b>25 IR 1337</b>	856 IAC 2-3-30	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-30-6	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-31	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-30-7	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-32	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-30-8	RA	01-150	24 IR 4210	<b>25 IR 1330</b>	856 IAC 2-3-33	RA	01-151	24 IR 4221	<b>25 IR 1341</b>
856 IAC 1-30-9	RA	01-150	24 IR 4217	<b>25 IR 1337</b>	856 IAC 2-3-34	RA	01-151	24 IR 4221	<b>25 IR 1341</b>

## Rules Affected by Volumes 25 and 26

856 IAC 2-3-35	RA	01-151	24 IR 4221	<b>25 IR 1341</b>	872 IAC 1-1-8.3	A	01-310	25 IR 892	*ARR (25 IR 2256) <b>25 IR 2519</b>
856 IAC 2-4	RA	01-151	24 IR 4221	<b>25 IR 1341</b>	872 IAC 1-1-8.4	A	01-310	25 IR 892	*ARR (25 IR 2256) <b>25 IR 2519</b>
856 IAC 2-5	RA	01-151	24 IR 4221	<b>25 IR 1341</b>	872 IAC 1-1-10	A	01-310	25 IR 893	*ARR (25 IR 2256) <b>25 IR 2520</b>
856 IAC 2-6-1	RA	01-151	24 IR 4221	<b>25 IR 1341</b>	TITLE 876 INDIANA REAL ESTATE COMMISSION				
856 IAC 2-6-2	RA	01-151	24 IR 4223	<b>25 IR 1343</b>	876 IAC 1-1-3	A	00-260	24 IR 2848	<b>25 IR 101</b>
856 IAC 2-6-3	RA	01-151	24 IR 4221	<b>25 IR 1341</b>	876 IAC 1-1-23	A	00-260	24 IR 2849	<b>25 IR 102</b>
856 IAC 2-6-4	RA	01-151	24 IR 4221	<b>25 IR 1341</b>		A	01-427	25 IR 3874	<b>26 IR 789</b>
856 IAC 2-6-5	RA	01-151	24 IR 4221	<b>25 IR 1341</b>	876 IAC 1-1-24	A	00-260	24 IR 2849	<b>25 IR 102</b>
856 IAC 2-6-6	RA	01-151	24 IR 4221	<b>25 IR 1341</b>	876 IAC 1-1-26	A	00-260	24 IR 2849	<b>25 IR 102</b>
856 IAC 2-6-7	RA	01-151	24 IR 4221	<b>25 IR 1341</b>	876 IAC 1-4-2	A	01-427	25 IR 3874	<b>26 IR 789</b>
856 IAC 2-6-8	RA	01-151	24 IR 4221	<b>25 IR 1341</b>	876 IAC 2-17-3	A	00-260	24 IR 2849	<b>25 IR 102</b>
856 IAC 2-6-9	RA	01-151	24 IR 4221	<b>25 IR 1341</b>	876 IAC 3-2-4	A	02-148	25 IR 4213	<b>26 IR 1106</b>
856 IAC 2-6-10	RA	01-151	24 IR 4221	<b>25 IR 1341</b>	876 IAC 3-2-5	A	02-148	25 IR 4213	<b>26 IR 1107</b>
856 IAC 2-6-11	R	01-151	24 IR 4223	<b>25 IR 1344</b>	876 IAC 3-2-7	A	02-148	25 IR 4213	<b>26 IR 1107</b>
856 IAC 2-6-12	RA	01-151	24 IR 4223	<b>25 IR 1343</b>	876 IAC 3-3-6				*ERR (26 IR 1109) <b>25 IR 4111</b>
856 IAC 2-6-13	RA	01-151	24 IR 4221	<b>25 IR 1341</b>	876 IAC 3-3-21	A	01-346	25 IR 2310	*ERR (26 IR 1109) <b>26 IR 1107</b>
856 IAC 2-6-14	RA	01-151	24 IR 4221	<b>25 IR 1341</b>					<b>25 IR 3181</b>
856 IAC 2-6-15	RA	01-151	24 IR 4221	<b>25 IR 1341</b>					<b>25 IR 3181</b>
856 IAC 2-6-16	RA	01-151	24 IR 4221	<b>25 IR 1341</b>					<b>26 IR 1108</b>
856 IAC 2-6-17	RA	01-151	24 IR 4221	<b>25 IR 1341</b>					<b>25 IR 103</b>
856 IAC 2-6-18	RA	01-151	24 IR 4221	<b>25 IR 1341</b>					<b>26 IR 791</b>
856 IAC 2-7	N	01-306	25 IR 3871						<b>25 IR 103</b>
856 IAC 3-2-2	RA	01-153	24 IR 3813	<b>25 IR 941</b>					<b>26 IR 788</b>
TITLE 857 INDIANA OPTOMETRIC LEGEND DRUG PRESCRIPTION ADVISORY COMMITTEE					876 IAC 3-3-22	A	02-148	25 IR 4214	<b>25 IR 104</b>
857 IAC 1-4-1	RA	02-78	25 IR 3883	<b>26 IR 546</b>	876 IAC 3-6-2	A	01-403	25 IR 1726	<b>25 IR 104</b>
857 IAC 2-3-16	A	02-123	25 IR 3873	<b>26 IR 1104</b>	876 IAC 3-6-3	A	01-403	25 IR 1727	<b>25 IR 104</b>
TITLE 858 CONTROLLED SUBSTANCES ADVISORY COMMITTEE					876 IAC 3-6-9	A	02-148	25 IR 4214	<b>25 IR 104</b>
858 IAC 2	RA	01-63	24 IR 4224	<b>25 IR 1344</b>	876 IAC 4-1-3	A	00-260	24 IR 2850	<b>25 IR 104</b>
TITLE 860 INDIANA PLUMBING COMMISSION						A	01-427	25 IR 3876	<b>25 IR 104</b>
860 IAC 1-1-2.1	A	01-425	25 IR 2309	*ARR (25 IR 2523) <b>25 IR 4109</b>	876 IAC 4-2-1	A	00-260	24 IR 2850	<b>25 IR 104</b>
			25 IR 2585	*ERR (26 IR 1109) <b>25 IR 4110</b>	876 IAC 4-2-2	A	01-369	26 IR 180	<b>26 IR 788</b>
860 IAC 1-1-8	A	01-425	25 IR 2586		876 IAC 4-2-3	A	01-369	26 IR 180	<b>26 IR 788</b>
TITLE 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS					876 IAC 4-2-4	A	00-260	24 IR 2851	<b>25 IR 104</b>
864 IAC 1.1-2-2	A	01-405	25 IR 2848	<b>26 IR 379</b>	876 IAC 4-2-5	A	00-260	24 IR 2851	<b>25 IR 104</b>
864 IAC 1.1-2-4	A	01-405	25 IR 2849	<b>26 IR 380</b>	876 IAC 4-2-9	A	00-260	24 IR 2851	<b>25 IR 104</b>
864 IAC 1.1-12-1	A	01-405	25 IR 2850	<b>26 IR 380</b>		A	01-369	26 IR 180	<b>26 IR 788</b>
TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS					TITLE 880 SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD				
865 IAC 1-4-8	A	02-56	25 IR 3456	<b>26 IR 1105</b>	880 IAC 1-1-1	RA	00-326	24 IR 2210	*CPH (24 IR 3658) <b>25 IR 1345</b>
865 IAC 1-11-1	A	01-426	25 IR 2043	*CPH (25 IR 2543) <b>25 IR 4110</b>	880 IAC 1-1-2	RA	00-326	24 IR 2210	*CPH (24 IR 3658) <b>25 IR 1345</b>
865 IAC 1-12-28	A	02-56	25 IR 3456	<b>26 IR 1105</b>	880 IAC 1-1-3.1	RA	00-326	24 IR 2210	*CPH (24 IR 3658) <b>25 IR 1345</b>
865 IAC 1-13-5	A	01-426	25 IR 2044	*CPH (25 IR 2543) <b>25 IR 4111</b>	880 IAC 1-1-5	RA	01-222	24 IR 4224	*CPH (24 IR 3658) <b>25 IR 1345</b>
TITLE 868 STATE PSYCHOLOGY BOARD					880 IAC 1-1-6	RA	00-326	24 IR 2210	*CPH (24 IR 3658) <b>25 IR 1345</b>
868 IAC 1.1-3-1	RA	01-154	24 IR 3814	*CPH (25 IR 124) <b>25 IR 1344</b>	880 IAC 1-1-7	RA	00-326	24 IR 2210	*CPH (24 IR 3658) <b>25 IR 1345</b>
868 IAC 1.1-5-4	RA	01-154	24 IR 3814	*CPH (25 IR 124) <b>25 IR 1344</b>	880 IAC 1-2	RA	00-326	24 IR 2210	*CPH (24 IR 3658) <b>25 IR 1345</b>
868 IAC 1.1-5-7	RA	01-154	24 IR 3814	*CPH (25 IR 124) <b>25 IR 1344</b>		R	02-269	26 IR 879	
868 IAC 1.1-12-1	R	01-210	24 IR 4194	<b>25 IR 1181</b>	880 IAC 1-2.1	N	02-269	26 IR 876	
868 IAC 1.1-12-1.5	N	01-210	24 IR 4193	<b>25 IR 1181</b>	880 IAC 1-3.1	RA	00-326	24 IR 2210	*CPH (24 IR 3658) <b>25 IR 1345</b>
868 IAC 1.1-15-11	A	01-179	24 IR 3779	<b>25 IR 812</b>	TITLE 888 INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS				
TITLE 872 INDIANA BOARD OF ACCOUNTANCY					888 IAC 1.1-3-2	RA	01-223	24 IR 4225	<b>25 IR 1346</b>
872 IAC 1-1-8	A	01-310	25 IR 891	*ARR (25 IR 2256) <b>25 IR 2518</b>	888 IAC 1.1-3-3	RA	01-321	25 IR 201	<b>25 IR 1733</b>
872 IAC 1-1-8.1	R	01-310	25 IR 893	*ARR (25 IR 2256) <b>25 IR 2520</b>	888 IAC 1.1-6-1	A	02-134	25 IR 3877	
					888 IAC 1.1-6-3	A	02-135	25 IR 3878	
					888 IAC 1.1-11	N	02-136	25 IR 3879	
					TITLE 896 BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS				
					896 IAC 1-3-2	RA	01-224	24 IR 4226	<b>25 IR 1346</b>
					TITLE 898 INDIANA ATHLETIC TRAINERS BOARD				
					898 IAC 1-1-1.5	N	01-46	24 IR 2562	*CPH (24 IR 2724) <b>25 IR 104</b>
					898 IAC 1-1-2.5	RA	01-44	24 IR 2588	*CPH (24 IR 2724) <b>25 IR 204</b>

## Rules Affected by Volumes 25 and 26

898 IAC 1-1-3.5	RA	01-44	24 IR 2589	*CPH (24 IR 2724) <b>25 IR 204</b>	905 IAC 1-29-8	RA	01-230	24 IR 3816	<b>25 IR 1347</b>
898 IAC 1-2-6	N	01-198	24 IR 4194	<b>25 IR 1643</b>	905 IAC 1-29.5	N	01-13	25 IR 509	
898 IAC 1-2-7	N	01-198	24 IR 4194	<b>25 IR 1643</b>	905 IAC 1-30	RA	01-225	24 IR 3815	<b>25 IR 941</b>
898 IAC 1-3-1	A	01-199	24 IR 4195	<b>25 IR 1347</b>	905 IAC 1-31	RA	01-225	24 IR 3815	<b>25 IR 941</b>
898 IAC 1-5-5	R	01-46	24 IR 2562	*CPH (24 IR 2724) <b>25 IR 105</b>	905 IAC 1-32.1	RA	01-225	24 IR 3815	<b>25 IR 941</b>
TITLE 905 ALCOHOL AND TOBACCO COMMISSION					905 IAC 1-33.1	RA	01-225	24 IR 3815	<b>25 IR 941</b>
905 IAC 1-1	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-34-1	RA	01-225	24 IR 3815	<b>25 IR 941</b>
905 IAC 1-5.1	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-34-2	RA	01-225	24 IR 3815	<b>25 IR 941</b>
905 IAC 1-5.2-1	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-35	RA	01-225	24 IR 3815	<b>25 IR 941</b>
905 IAC 1-5.2-2	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-36	RA	01-225	24 IR 3815	<b>25 IR 941</b>
905 IAC 1-5.2-3	RA	01-230	24 IR 3816	<b>25 IR 1347</b>	905 IAC 1-37	RA	01-225	24 IR 3816	<b>25 IR 941</b>
905 IAC 1-5.2-4	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-38	RA	01-225	24 IR 3816	<b>25 IR 941</b>
905 IAC 1-5.2-5	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-39	RA	02-272	26 IR 545	
905 IAC 1-5.2-6	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-40	RA	02-272	26 IR 545	
905 IAC 1-5.2-7	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-41	RA	02-272	26 IR 545	
905 IAC 1-5.2-8	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-45	N	01-255	25 IR 511	
905 IAC 1-5.2-9	RA	01-230	24 IR 3816	<b>25 IR 1348</b>	905 IAC 1-46	N	01-256	25 IR 511	
905 IAC 1-5.2-10	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-48	N	01-258	25 IR 512	
905 IAC 1-5.2-11	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-49	N	01-259	25 IR 513	
905 IAC 1-5.2-12	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-50	N	01-260	25 IR 513	
905 IAC 1-5.2-13	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-51	N	01-261	25 IR 514	
905 IAC 1-5.2-14	RA	01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-52	N	01-262	25 IR 514	<b>25 IR 4112</b>
905 IAC 1-5.2-15	RA	01-225	24 IR 3815	<b>25 IR 941</b>	TITLE 910 CIVIL RIGHTS COMMISSION				
905 IAC 1-5.2-16	RA	01-225	24 IR 3815	<b>25 IR 941</b>	910 IAC 1	RA	01-138	24 IR 3821	<b>25 IR 942</b>
905 IAC 1-5.2-17	RA	01-225	24 IR 3815	<b>25 IR 941</b>	910 IAC 2	RA	01-138	24 IR 3821	<b>25 IR 942</b>
905 IAC 1-7.1	RA	01-225	24 IR 3815	<b>25 IR 941</b>	TITLE 920 INDIANA WAR MEMORIALS COMMISSION				
905 IAC 1-8-1	RA	01-230	24 IR 3817	<b>25 IR 1349</b>	920 IAC 1	RA	01-316	25 IR 201	<b>25 IR 1352</b>
905 IAC 1-8-2	RA	01-230	24 IR 3818	<b>25 IR 1349</b>	TITLE 925 MERIDIAN STREET PRESERVATION COMMISSION				
905 IAC 1-8-3	RA	01-230	24 IR 3818	<b>25 IR 1349</b>	925 IAC 1	R	01-70	24 IR 3784	*ARR (25 IR 1185)
905 IAC 1-8-4	RA	01-230	24 IR 3818	<b>25 IR 1350</b>				25 IR 1261	
905 IAC 1-8-5	RA	01-230	24 IR 3818	<b>25 IR 1350</b>	925 IAC 2	N	01-70	24 IR 3779	*ARR (25 IR 1185)
905 IAC 1-8-6	RA	01-230	24 IR 3819	<b>25 IR 1350</b>				25 IR 1256	<b>25 IR 2248</b>
905 IAC 1-8-7	RA	01-230		*ERR (25 IR 1906)	NONCODE RULES				
905 IAC 1-9-5	RA	01-225	24 IR 3815	<b>25 IR 941</b>	Animal Heath, Indiana State Board of				
905 IAC 1-10	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	02-34		*ETR (25 IR 1919)
905 IAC 1-11.1-1	RA	01-230	24 IR 3819	<b>25 IR 1350</b>		N	02-125		*ETR (25 IR 2743)
905 IAC 1-11.1-2	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	02-216		*ETR (25 IR 4126)
905 IAC 1-12.1-2	RA	01-225	24 IR 3815	<b>25 IR 941</b>	Budget Agency				
905 IAC 1-12.1-3	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	02-192		*ETR (25 IR 3772)
905 IAC 1-13	RA	01-225	24 IR 3815	<b>25 IR 941</b>	Education Savings Authority, Indiana				
905 IAC 1-14	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	02-256		*ETR (26 IR 59)
905 IAC 1-15.2	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	02-307		*ETR (26 IR 808)
905 IAC 1-15.3	RA	01-225	24 IR 3815	<b>25 IR 941</b>	Family and Social Services, Office of the Secretary of				
905 IAC 1-16.1-1	RA	01-230	24 IR 3819	<b>25 IR 1350</b>		N	01-351		*ETR (25 IR 389)
905 IAC 1-16.1-3	RA	01-230	24 IR 3816	<b>25 IR 1347</b>		N	01-352		*ETR (25 IR 398)
905 IAC 1-17-2	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	01-353		*ETR (25 IR 399)
905 IAC 1-17-3	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	01-354		*ETR (25 IR 399)
905 IAC 1-17-4	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	01-355		*ETR (25 IR 400)
905 IAC 1-18	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	01-378		*ETR (25 IR 828)
905 IAC 1-20	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	01-396		*ETR (25 IR 829)
905 IAC 1-21	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	01-440		*ETR (25 IR 1653)
905 IAC 1-23-1	RA	01-230	24 IR 3819	<b>25 IR 1351</b>		N	01-441		*ETR (25 IR 1654)
905 IAC 1-25	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	01-442		*ETR (25 IR 1654)
905 IAC 1-26	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	01-443		*ETR (25 IR 1663)
905 IAC 1-27-1	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	02-1		*ETR (25 IR 1664)
905 IAC 1-27-2	RA	01-230	24 IR 3819	<b>25 IR 1351</b>		N	02-195		*ETR (25 IR 3780)
905 IAC 1-27-3	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	02-196		*ETR (25 IR 3787)
905 IAC 1-27-4	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	02-197		*ETR (25 IR 3792)
905 IAC 1-27-5	RA	01-225	24 IR 3815	<b>25 IR 941</b>		N	02-198		*ETR (25 IR 3793)
905 IAC 1-29-1	RA	01-230	24 IR 3820	<b>25 IR 1351</b>		N	02-199		*ETR (25 IR 3803)
905 IAC 1-29-2	RA	01-230	24 IR 3820	<b>25 IR 1351</b>		N	02-278		*ETR (26 IR 396)
905 IAC 1-29-3	RA	01-230	24 IR 3820	<b>25 IR 1351</b>		N	02-279		*ETR (26 IR 396)
905 IAC 1-29-4	RA	01-230	24 IR 3816	<b>25 IR 1347</b>		N	02-280		*ETR (26 IR 406)
905 IAC 1-29-5	RA	01-230	24 IR 3820	<b>25 IR 1352</b>		N	02-281		*ETR (26 IR 407)
905 IAC 1-29-6	RA	01-230	24 IR 3820	<b>25 IR 1352</b>					
905 IAC 1-29-7	RA	01-230	24 IR 3820	<b>25 IR 1352</b>					

# Rules Affected by Volumes 25 and 26

Health, Indiana State Department of		N 02-226	*ETR (25 IR 4121)
N 01-409	*ETR (25 IR 1192)	N 02-227	*ETR (25 IR 4123)
N 02-28	*ETR (25 IR 1920)	N 02-257	*ETR (26 IR 54)
N 02-29	*ETR (25 IR 1922)	N 02-283	*ETR (26 IR 385)
Horse Racing Commission, Indiana		N 02-284	*ETR (26 IR 385)
R 02-296	*ETR (26 IR 395)	N 02-285	*ETR (26 IR 386)
Local Government Finance, Department of		N 02-286	*ETR (26 IR 387)
N 02-229	*ETR (25 IR 4115)	N 02-288	*ETR (26 IR 388)
N 02-230	*ETR (25 IR 4117)	N 02-289	*ETR (26 IR 389)
Lottery Commission, State		N 02-290	*ETR (26 IR 390)
N 01-324	*ETR (25 IR 108)		*ERR (26 IR 793)
N 01-326	*ETR (25 IR 109)	N 02-291	*ETR (26 IR 392)
N 01-327	*ETR (25 IR 112)	N 02-308	*ETR (26 IR 800)
N 01-328	*ETR (25 IR 113)	N 02-309	*ETR (26 IR 801)
N 01-329	*ETR (25 IR 115)	N 02-310	*ETR (26 IR 803)
N 01-330	*ETR (25 IR 116)	N 02-311	*ETR (26 IR 804)
N 01-381	*ETR (25 IR 816)	N 02-312	*ETR (26 IR 805)
N 01-382	*ETR (25 IR 818)	N 02-313	*ETR (26 IR 807)
N 01-383	*ETR (25 IR 819)		
N 01-384	*ETR (25 IR 821)	Natural Resources Commission	
N 01-385	*ETR (25 IR 822)	N 01-323	*ETR (25 IR 123)
N 01-386	*ETR (25 IR 823)	N 01-349	*ETR (25 IR 386)
N 01-387	*ETR (25 IR 824)	N 01-350	*ETR (25 IR 386)
N 01-388	*ETR (25 IR 825)	N 01-415	*ETR (25 IR 1191)
N 01-389	*ETR (25 IR 827)	N 02-35	*ETR (25 IR 1919)
N 01-416	*ETR (25 IR 1187)	N 02-93	*ETR (25 IR 2539)
N 01-417	*ETR (25 IR 1187)	N 02-95	*ETR (25 IR 2540)
N 01-435	*ETR (25 IR 1647)	N 02-129	*ETR (25 IR 2743)
N 01-436	*ETR (25 IR 1648)	N 02-130	*ETR (25 IR 2743)
N 01-437	*ETR (25 IR 1650)	N 02-158	*ETR (25 IR 3206)
N 01-438	*ETR (25 IR 1651)	N 02-159	*ETR (25 IR 3206)
N 01-439	*ETR (25 IR 1652)	N 02-190	*ETR (25 IR 3773)
N 02-25	*ETR (25 IR 1909)	N 02-191	*ETR (25 IR 3774)
N 02-30	*ETR (25 IR 1912)	N 02-194	*ETR (25 IR 3775)
N 02-31	*ETR (25 IR 1913)	N 02-205	*ETR (25 IR 3778)
N 02-32	*ETR (25 IR 1915)	N 02-217	*ETR (25 IR 4126)
N 02-33	*ETR (25 IR 1917)	N 02-293	*ETR (26 IR 395)
N 02-36	*ETR (25 IR 2258)	N 02-330	*ETR (26 IR 1111)
N 02-37	*ETR (25 IR 2259)	Revenue, Department of State	
N 02-38	*ETR (25 IR 2261)	N 02-316	*ETR (26 IR 794)
N 02-59	*ETR (25 IR 2262)	Water Pollution Control Board	
N 02-60	*ETR (25 IR 2263)	N 02-193	*ETR (25 IR 3778)
N 02-61	*ETR (25 IR 2265)		
N 02-62	*ETR (25 IR 2265)		
N 02-63	*ETR (25 IR 2266)		
N 02-64	*ETR (25 IR 2268)		
N 02-66	*ETR (25 IR 2269)		
N 02-70	*ETR (25 IR 2274)		
N 02-71	*ETR (25 IR 2275)		
N 02-98	*ETR (25 IR 2525)		
N 02-99	*ETR (25 IR 2526)		
N 02-100	*ETR (25 IR 2527)		
N 02-101	*ETR (25 IR 2530)		
N 02-153	*ETR (25 IR 3185)		
N 02-154	*ETR (25 IR 3187)		
N 02-155	*ETR (25 IR 3189)		
N 02-156	*ETR (25 IR 3190)		
N 02-157	*ETR (25 IR 3192)		
N 02-164	*ETR (25 IR 3194)		
N 02-165	*ETR (25 IR 3197)		
N 02-166	*ETR (25 IR 3198)		
N 02-167	*ETR (25 IR 3200)		
N 02-168	*ETR (25 IR 3201)		
N 02-169	*ETR (25 IR 3202)		
N 02-220	*ETR (25 IR 4117)		
N 02-221	*ETR (25 IR 4118)		
N 02-223	*ETR (25 IR 4119)		
N 02-224	*ETR (25 IR 4119)		
N 02-225	*ETR (25 IR 4120)		

## \*Key:

A:	Amended Text
AGA:	Attorney General's Action
AROC:	Administrative Rules Oversight Committee Notice
ARR:	Agency Recalls Rule
AWR:	Agency Withdrew Rule
CPH:	Change in Public Hearing
DAG:	Disapproved by Attorney General
DG:	Disapproved by Governor
ER:	Emergency Rule
ERR:	Errata
ETR:	Emergency Temporary Rule
ETS:	Emergency Temporary Standard
GRAT:	Governor Requires Additional Time
I:	Document Ineffective
N:	New Text
NRA:	Notice of Rule Adoption
OAC:	Objection to Errata
ON:	Other Notices of Administrative Action
R:	Repealed Text
RA:	Readopted Rule
SAC:	Solicitation of Advance Comment
SPE:	Statutory Period for Promulgation Expired
SPE-SE:	Statutory Period for Promulgation Expired; Signed After Expiration
††:	Renumbered or Added in Final Rule

## Index

\*The index is cumulative for all proposed and final rulemaking actions published after September 1, 2001. Final rules published before that date have been incorporated into the 2001 edition of the Indiana Administrative Code and the 2002 Supplement. Indiana Register citations in roman type are to the volume and page on which the proposed version of the rule appears. Entries in **bold** type indicate the page on which a final rule filed with the Secretary of State appears.

+

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Operating practices		Provisions applicable throughout Title 326		Equipment leaks—control level 2	
326 IAC 11-7-4	24 IR 4090	References		Applicability; incorporation by reference of	
	<b>25 IR 3081</b>	Code of Federal Regulations		federal standards	
Operator training and certification requirements		326 IAC 1-1-3	24 IR 4065	326 IAC 20-41-1	24 IR 4114
326 IAC 11-7-5	24 IR 4091		<b>25 IR 3054</b>		<b>25 IR 3105</b>
	<b>25 IR 3081</b>	Compilation of air pollution emission factors		Ethylene oxide commercial sterilization an fumi-	
Reporting and record keeping requirements		AP-42 and supplement		gation facilities	
326 IAC 11-7-8	24 IR 4092	326 IAC 1-1-3.5	24 IR 4065	Applicability; incorporation by reference of	
	<b>25 IR 3082</b>		<b>25 IR 3055</b>	federal standards	
Standards for municipal waste combustor fugi-		<b>Hazardous air pollutants</b>		326 IAC 20-5-1	24 IR 4100
tive ash emissions		Accidental release			<b>25 IR 3091</b>
326 IAC 11-7-6	24 IR 4091	Applicability; incorporation by reference		Flexible polyurethane foam production	
	<b>25 IR 3081</b>	326 IAC 20-2-1	24 IR 4099	Applicability; incorporation by reference of	
			<b>25 IR 3090</b>	federal standards	
Sulfuric acid plants		Aerospace manufacturing and rework facilities		326 IAC 20-22-1	24 IR 4110
Applicability		Applicability; incorporation by reference of			<b>25 IR 3101</b>
326 IAC 11-2-1	24 IR 3158	federal standards		General provisions	
	<b>25 IR 1603</b>	326 IAC 20-15-1	24 IR 4108	Definitions	
<b>Emission standards for hazardous air pollutants</b>			<b>25 IR 3098</b>	326 IAC 20-1-3	24 IR 4099
Asbestos listed in section 1 of this rule		Boat manufacturing; emission standards for			<b>25 IR 3089</b>
Applicability; incorporation by reference of		hazardous air pollutants		Incorporation by reference	
federal standards		Applicability; incorporation by reference of		326 IAC 20-1-1	24 IR 4099
326 IAC 14-2-1	24 IR 4093	federal standards			<b>25 IR 3089</b>
	<b>25 IR 3084</b>	326 IAC 20-48	26 IR 95	Generic maximum achievable control technology	
General provisions		Bulk gasoline distribution facilities		standards	
More stringent limitations apply		Applicability; incorporation by reference of		Applicability; incorporation by reference of	
326 IAC 14-1-3	24 IR 3159	federal standards		federal standards	
	<b>25 IR 1604</b>	326 IAC 20-10-1	24 IR 4102	326 IAC 20-44-1	24 IR 4115
<b>General provisions</b>			<b>25 IR 3093</b>		<b>25 IR 3106</b>
Ambient air quality standards		Closed vent systems, control devices, recovery		Group I polymers and resins	
Standards		devices, and routing to a fuel gas systems or a		Applicability; incorporation by reference of	
326 IAC 1-3-4	24 IR 4066	process		federal standards	
	<b>25 IR 3055</b>	Applicability; incorporation by reference of		326 IAC 20-19-1	24 IR 4108
Definitions		federal standards			<b>25 IR 3099</b>
Compilation of air pollution emission factors		326 IAC 20-39-1	24 IR 4113	Group IV polymers and resins	
AP-42			<b>25 IR 3104</b>	Applicability; incorporation by reference of	
326 IAC 1-2-20.5	24 IR 4065	Coke oven batteries		federal standards	
	<b>25 IR 3055</b>	Applicability; incorporation by reference of		326 IAC 20-21-1	24 IR 4109
Nonphotochemically reactive hydrocarbons or		federal standards			<b>25 IR 3100</b>
negligibly photochemically reactive com-		326 IAC 20-3-1	24 IR 4100	Halogenated solvent cleaning	
pounds			<b>25 IR 3090</b>	Applicability; incorporation by reference of	
326 IAC 1-2-48	24 IR 4065	Containers		federal standards	
	<b>25 IR 3055</b>	Applicability; incorporation by reference of		326 IAC 20-6-1	24 IR 4100
Title I conditions		federal standards			<b>25 IR 3091</b>
326 IAC 1-2-82.5	24 IR 3107	326 IAC 20-36-1	24 IR 4113	Hard and decorative chromium electroplating and	
			<b>25 IR 3103</b>	chromium anodizing tanks	
Malfunctions		Emissions from reinforced plastics composites		Applicability; incorporation by reference of	
Applicability		fabricating emission units		federal standards	
326 IAC 1-6-1	24 IR 2752	Applicability		326 IAC 20-8-1	24 IR 4101
Conditions under which malfunction not con-		326 IAC 20-25-1	26 IR 92		<b>25 IR 3092</b>
sidered violation		Emission standards		Individual drain systems	
326 IAC 1-6-4	24 IR 2753	326 IAC 20-25-3	26 IR 92	Applicability; incorporation by reference of	
Excessive malfunctions; department actions		Reporting requirements		federal standards	
326 IAC 1-6-5	24 IR 2753	326 IAC 20-25-7	26 IR 95	326 IAC 20-38-1	24 IR 4113
Malfunction emission reduction program		Testing requirements			<b>25 IR 3104</b>
326 IAC 1-6-6	24 IR 2754	326 IAC 20-25-5	26 IR 94	Industrial process cooling towers	
Preventive maintenance plans		Work practice standards		Applicability; incorporation by reference of	
326 IAC 1-6-3	24 IR 2753	326 IAC 20-25-4	26 IR 94	federal standards	
Records; notice of malfunction		Epoxy resins and non-nylon polyamides		326 IAC 20-4-1	24 IR 4100
326 IAC 1-6-2	24 IR 2752	Applicability; incorporation by reference of			<b>25 IR 3090</b>
Nonattainment/attainment/unclassifiable area		federal standards		Magnetic tape manufacturing operations	
designations for sulfur dioxide; total suspended		326 IAC 20-20-1	24 IR 4109	Applicability; incorporation by reference of	
particulates, carbon monoxide; ozone; and			<b>25 IR 3100</b>	federal standards	
nitrogen dioxides		Equipment leaks—control level 1		326 IAC 20-9-1	24 IR 4102
Designations		Applicability; incorporation by reference of			<b>25 IR 3092</b>
326 IAC 1-4-1	24 IR 4066	federal standards			
	<b>25 IR 3056</b>	326 IAC 20-40-1	24 IR 4114		
	25 IR 3240		<b>25 IR 3105</b>		
	<b>26 IR 1077</b>				

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

Marine tank vessel loading operations		Publicly owned treatment works		Wool fiberglass manufacturing	
Applicability; incorporation by reference of federal standards		Applicability; incorporation by reference of federal standards		Applicability; incorporation by reference of federal standards	
326 IAC 20-17-1	24 IR 4108	326 IAC 20-32-1	24 IR 4112	326 IAC 20-47-1	24 IR 4116
	<b>25 IR 3099</b>		<b>25 IR 3102</b>		<b>25 IR 3107</b>
Mineral wool production		Pulp and paper production; noncombustion		<b>Lead-based paint</b>	
Applicability; incorporation by reference of federal standards		Applicability; incorporation by reference of federal standards		Licensing	
326 IAC 20-46-1	24 IR 4115	326 IAC 20-33-1	24 IR 4112	Application	
	<b>25 IR 3107</b>		<b>25 IR 3102</b>	326 IAC 23-2-4	24 IR 4116
Natural gas transmission and storage		Secondary lead smelters			<b>25 IR 3108</b>
Applicability; incorporation by reference of federal standards		Applicability; incorporation by reference of federal standards		License revocation; denial	
326 IAC 20-31-1	24 IR 4111	326 IAC 20-13-1	24 IR 4103	326 IAC 23-2-7	24 IR 4118
	<b>25 IR 3102</b>		<b>25 IR 3093</b>		<b>25 IR 3109</b>
Off-site waste and recovery operations		Bag leak detection system requirements		<b>Lead rules</b>	
Applicability; incorporation by reference of federal standards		326 IAC 20-13-8	24 IR 4106	Lead emissions limitations	
326 IAC 20-23-1	24 IR 4110		<b>25 IR 3097</b>	Applicability	
	<b>25 IR 3101</b>	Compliance requirements		326 IAC 15-1-1	24 IR 3159
Oil and natural gas production		326 IAC 20-13-7	24 IR 4105		<b>25 IR 1604</b>
Applicability; incorporation by reference of federal standards			<b>25 IR 3095</b>	<b>Mobile source rules</b>	
326 IAC 20-30-1	24 IR 4111	Compliance testing		Clean fuel fleet vehicles	
	<b>25 IR 3102</b>	326 IAC 20-13-6	24 IR 4104	Definitions	
Oil-water separators and organic-water separators			<b>25 IR 3095</b>	326 IAC 19-3-2	24 IR 4095
Applicability; incorporation by reference of federal standards		Emission limitations			<b>25 IR 3085</b>
326 IAC 20-42-1	24 IR 4114	Other secondary lead smelters		General purchase requirements	
	<b>25 IR 3106</b>	326 IAC 20-13-4	24 IR 4104	326 IAC 19-3-3	24 IR 4097
Perchloroethylene dry cleaning facilities			<b>25 IR 3094</b>		<b>25 IR 3088</b>
Applicability; incorporation by reference of federal standards		Quemetco, Incorporated		Registration and record keeping requirements	
326 IAC 20-7-1	24 IR 4101	326 IAC 20-13-2	24 IR 4103	326 IAC 19-3-5	24 IR 4098
	<b>25 IR 3091</b>		<b>25 IR 3094</b>		<b>25 IR 3088</b>
Pesticide active ingredient		Operational and work practice standards		Transportation conformity to federal and state implementation plans	
Applicability; incorporation by reference of federal standards		326 IAC 20-13-5	24 IR 4104	Applicability; incorporation by reference of federal standards	
326 IAC 20-45-1	24 IR 4115		<b>25 IR 3095</b>	326 IAC 19-2-1	24 IR 4094
	<b>25 IR 3107</b>	Shipbuilding and ship repair surface coating operations			<b>25 IR 3085</b>
Petroleum refineries		Applicability; incorporation by reference of federal standards		<b>Monitoring requirements</b>	
Applicability; incorporation by reference of federal standards		326 IAC 20-26-1	24 IR 4111	Continuous monitoring of emissions	
326 IAC 20-16-1	24 IR 4108		<b>25 IR 3101</b>	Monitoring requirements for applicable pollutants; applicability	
	<b>25 IR 3099</b>	Storage vessels (tanks)—control level 2		326 IAC 3-5-1	24 IR 3152
Phosphoric acid manufacturing and phosphate		Applicability; incorporation by reference of federal standards			<b>25 IR 1596</b>
Applicability; incorporation by reference of federal standards		326 IAC 20-43-1	24 IR 4115	<b>Motor vehicle emission and fuel standards</b>	
326 IAC 20-34-1	24 IR 4112		<b>25 IR 3106</b>	Control of gasoline Reid vapor pressure	
	<b>25 IR 3103</b>	Surface impoundments		Applicability	
Primary aluminum reduction plants		Applicability; incorporation by reference of federal standards		326 IAC 13-3-1	25 IR 3242
Applicability; incorporation by reference of federal standards		326 IAC 20-37-1	24 IR 4113		<b>26 IR 1079</b>
326 IAC 20-24-1	24 IR 4110		<b>25 IR 3104</b>	Motor vehicle inspection and maintenance requirements	
	<b>25 IR 3101</b>	Synthetic organic chemical manufacturing industries		On-board diagnostic check	
Printing and publishing operations		Applicability; incorporation by reference of federal standards		326 IAC 13-1.1-17.1	24 IR 4093
Applicability; incorporation by reference of federal standards		326 IAC 20-11-1	24 IR 4102		<b>25 IR 3083</b>
326 IAC 20-18-1	24 IR 4109		<b>25 IR 3093</b>	<b>New source performance standards</b>	
	<b>25 IR 3099</b>	Tanks—level 1		General provisions	
Process subject to the negotiated regulation for equipment leaks		Applicability; incorporation by reference of federal standards		Applicability	
Applicability; incorporation by reference of federal standards		326 IAC 20-35-1	24 IR 4112	326 IAC 12-1-1	24 IR 3159
326 IAC 20-12-1	24 IR 4103		<b>25 IR 3103</b>		<b>25 IR 1603</b>
	<b>25 IR 3093</b>	Wood furniture manufacturing operations		Availability of regulations	
		Compliance testing		326 IAC 12-1-3	24 IR 4093
		326 IAC 20-14-1	24 IR 4107		<b>25 IR 3083</b>
			<b>25 IR 3098</b>	Definitions	
				326 IAC 12-1-2	24 IR 4092
					<b>25 IR 3083</b>
				<b>Nitrogen oxide rules</b>	
				Nitrogen oxides budget trading program	
				326 IAC 10-4	24 IR 2146
					<b>25 IR 18</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Applicability 326 IAC 10-4-1	26 IR 1134	Emission limitations 326 IAC 6-4-2	24 IR 2800 <b>25 IR 1605</b>	Process operations Applicability 326 IAC 6-3-1	24 IR 2748 <b>25 IR 3051</b>
Compliance supplement pool 326 IAC 10-4-15	26 IR 1156	Exceptions 326 IAC 6-4-6	24 IR 2800 <b>25 IR 1606</b>	Definitions 326 IAC 6-3-1.5	<b>25 IR 3052</b>
Definitions 326 IAC 10-4-2	26 IR 1136	Measurement processes 326 IAC 6-4-5	24 IR 2800 <b>25 IR 1606</b>	Particulate emission limitations 326 IAC 6-3-2	24 IR 2749 <b>25 IR 3052</b>
Individual opt-ins 326 IAC 10-4-13	26 IR 1152	Motor vehicle fugitive dust sources 326 IAC 6-4-4	24 IR 2800 <b>25 IR 1606</b>	State implementation plan revisions 326 IAC 6-1-6	24 IR 399 <b>25 IR 714</b>
NO <sub>x</sub> allowance allocations 326 IAC 10-4-9	26 IR 1142	Multiple sources of fugitive dust 326 IAC 6-4-3	24 IR 2800 <b>25 IR 1605</b>	St. Joseph County 326 IAC 6-1-18	24 IR 444 <b>25 IR 762</b>
NO <sub>x</sub> allowance banking 326 IAC 10-4-14	26 IR 1155	Fugitive particulate matter emission limitations Applicability 326 IAC 6-5-1	24 IR 3154 <b>25 IR 1599</b>	Vanderburgh County 326 IAC 6-1-16	24 IR 442 <b>25 IR 759</b>
NO <sub>x</sub> allowance tracking system 326 IAC 10-4-10	26 IR 1148	Nonattainment area limitations Applicability 326 IAC 6-1-1	24 IR 3154 <b>25 IR 1598</b> 25 IR 710	Vigo County 326 IAC 6-1-13	24 IR 437 <b>25 IR 754</b>
Nitrogen oxides control in Clark and Floyd Counties Applicability 326 IAC 10-1-1	24 IR 3157 <b>25 IR 1602</b>	Clark County 326 IAC 6-1-17	24 IR 443 <b>25 IR 761</b>	Wayne County 326 IAC 6-1-14	24 IR 439 <b>25 IR 756</b> 26 IR 98
Nitrogen oxides reduction program for specific source categories 326 IAC 10-3	24 IR 2143 <b>25 IR 14</b>	Compliance schedules 326 IAC 6-1-4	24 IR 398 <b>25 IR 713</b>	Source specific and facility emission limitations for TSP in Porter County Applicability 326 IAC 6-6-1	24 IR 3155 <b>25 IR 1600</b>
Applicability 326 IAC 10-3-1	26 IR 1134	Control strategies 326 IAC 6-1-5	24 IR 398 <b>25 IR 713</b>	Sources of indirect heating; particulate emission limitations Applicability 326 IAC 6-2-1	24 IR 3154 <b>25 IR 1598</b>
<b>Opacity regulations</b> Limitations Applicability 326 IAC 5-1-1	24 IR 3153 <b>25 IR 1597</b>	Dearborn County 326 IAC 6-1-8.1	24 IR 399 <b>25 IR 714</b>	<b>Permit review rules</b> Construction of new sources Permits 326 IAC 2-5.1-3	24 IR 4069 <b>25 IR 3059</b>
<b>Part 70 permit program</b> Administrative permit amendments 326 IAC 2-7-11	24 IR 3146 <b>25 IR 1591</b>	Dubois County 326 IAC 6-1-9	24 IR 400 <b>25 IR 715</b>	Emission offset Applicability 326 IAC 2-3-2	<b>25 IR 11</b>
Applicability 326 IAC 2-7-2	24 IR 3139 <b>25 IR 1584</b>	Howard County 326 IAC 6-1-15	24 IR 440 <b>25 IR 758</b>	Applicable requirements 326 IAC 2-3-3	<b>25 IR 12</b>
Definitions 326 IAC 2-7-1	24 IR 3129 <b>25 IR 1573</b>	Lake County 326 IAC 6-1-11.1	24 IR 425 <b>25 IR 741</b>	Definitions 326 IAC 2-3-1	<b>25 IR 6</b>
Emergency provision 326 IAC 2-7-16	24 IR 3149 <b>25 IR 1593</b>	Lake County particulate matter contingency measures 326 IAC 6-1-11.2	24 IR 430 <b>25 IR 746</b>	Emission reporting Applicability 326 IAC 2-6-1	24 IR 3699
Operational flexibility 326 IAC 2-7-20	24 IR 3150 <b>25 IR 1594</b>	Lake County PM <sub>10</sub> emission requirements 326 IAC 6-1-10.1	24 IR 401 <b>25 IR 716</b> 25 IR 1959 <b>25 IR 4077</b>	Compliance schedule 326 IAC 2-6-3	24 IR 3702
Permit application 326 IAC 2-7-4	24 IR 3140 <b>25 IR 1585</b>	Marion County 326 IAC 6-1-12	24 IR 432 <b>25 IR 748</b>	Definitions 326 IAC 2-6-2	24 IR 3700
Permit content 326 IAC 2-7-5	24 IR 3143 <b>25 IR 1588</b>	Nonattainment area particulate limitations; compliance determination 326 IAC 6-1-3	24 IR 397 <b>25 IR 713</b>	Requirements 326 IAC 2-6-4	24 IR 3703
Permit modification 326 IAC 2-7-12	24 IR 3147 <b>25 IR 1591</b>	Particulate emission limitations; fuel combustion steam generators, asphalt concrete plant, grain elevators, foundries, mineral aggregate operations; modification by commissioner 326 IAC 6-1-2	24 IR 395 <b>25 IR 710</b>	Violations 326 IAC 2-6-5	24 IR 3705
Units subject to multiple requirements; establishment of streamlined requirements 326 IAC 2-7-24	24 IR 3150 <b>25 IR 1595</b>			Federally enforceable state operating permit program Administrative permit amendments 326 IAC 2-8-10	24 IR 4081 <b>25 IR 3071</b>
<b>Particulate rules</b> Fugitive dust emissions Applicability 326 IAC 6-4-1	24 IR 2800 <b>25 IR 1605</b>			Permit revisions 326 IAC 2-8-11.1	24 IR 4082 <b>25 IR 3072</b>
Compliance date 326 IAC 6-4-7	24 IR 2800 <b>25 IR 1606</b>				

## CITATIONS TO FINAL RULES ARE IN **BOLD** TYPE

General provisions		Source specific operating agreement program		General record keeping and reports	
Exemptions		Woodworking operations		326 IAC 8-7-8	24 IR 2758
326 IAC 2-1.1-3	24 IR 3107	326 IAC 2-9-4	24 IR 4085	Test methods and procedures	24 IR 2758
	<b>25 IR 1549</b>		<b>25 IR 3075</b>	326 IAC 8-7-7	24 IR 2758
Fees		<b>Public records; confidential information; confidentiality agreements</b>		Surface coating emission limitations	
326 IAC 2-1.1-7	24 IR 4067	Purpose and applicability		Miscellaneous metal coating operation	
	<b>25 IR 3057</b>	Applicability		326 IAC 8-2-9	25 IR 3241
Term of permit		326 IAC 17.1-1-2	24 IR 4094		<b>26 IR 1078</b>
326 IAC 2-1.1-9.5	24 IR 3115		<b>25 IR 3084</b>	Volatile organic liquid storage vessels	
	<b>25 IR 1557</b>			Applicability	
Major sources of hazardous air pollutants		<b>Sulfur dioxide rules</b>		326 IAC 8-9-1	24 IR 2760
New source toxics control		Ambient monitoring		Definitions	
326 IAC 2-4.1-1	24 IR 4068	Applicability		326 IAC 8-9-3	24 IR 2760
	<b>25 IR 3058</b>	326 IAC 7-3-1	24 IR 3156	Exemptions	
Minor source operating permit program			<b>25 IR 1600</b>	326 IAC 8-9-2	24 IR 2760
Applicability		Emission limitations		Record keeping and reporting requirements	
326 IAC 2-6.1-2	24 IR 3128	Applicability		326 IAC 8-9-6	24 IR 2765
	<b>25 IR 1572</b>	326 IAC 7-1.1-1	24 IR 3156	Standards	
Compliance schedule			<b>25 IR 1600</b>	326 IAC 8-9-4	24 IR 2761
326 IAC 2-6.1-3	24 IR 4072	Sulfur dioxide emission limitations		Testing and procedures	
	<b>25 IR 3062</b>	326 IAC 7-1.1-2	24 IR 3156	326 IAC 8-9-5	24 IR 2763
Operating permit content			<b>25 IR 1600</b>	Wood furniture coatings	
326 IAC 2-6.1-5	24 IR 3128	<b>Volatile organic compounds</b>		Applicability	
	<b>25 IR 1572</b>	General provisions		326 IAC 8-11-1	24 IR 2767
Permit revisions		Applicability		Compliance procedures and monitoring	
326 IAC 2-6.1-6	24 IR 4072	326 IAC 8-1-1	24 IR 3156	326 IAC 8-11-6	24 IR 2771
	<b>25 IR 3062</b>		<b>25 IR 1601</b>	Continuous compliance plan	
Part 70 permit program		Compliance methods		326 IAC 8-11-5	24 IR 2771
Fees		326 IAC 8-1-2	25 IR 2754	Definitions	
326 IAC 2-7-19	24 IR 4079		<b>26 IR 1073</b>	326 IAC 8-11-2	24 IR 2767
	<b>25 IR 3069</b>	Municipal solid waste landfills located in Clark, Floyd, Lake, and Porter Counties		Emission limits	
Source modifications		Definitions		326 IAC 8-11-3	24 IR 2769
326 IAC 2-7-10.5	24 IR 4075	326 IAC 8-8-2	24 IR 4087	Provisions for sources electing to use emissions averaging	
	<b>25 IR 3065</b>		<b>25 IR 3077</b>	326 IAC 8-11-10	24 IR 2777
Pollution control projects		Incorporation by reference		Record keeping requirements	
326 IAC 2-2.5	<b>25 IR 1571</b>	326 IAC 8-8-3	24 IR 4087	326 IAC 8-11-8	24 IR 2775
Prevention of significant deterioration			<b>25 IR 3077</b>	Reporting requirements	
Additional analysis; requirements		Municipal solid waste landfills not located in Clark, Floyd, Lake, and Porter Counties		326 IAC 8-11-9	24 IR 2776
326 IAC 2-2-7	24 IR 3125	Definitions		Test procedures	
	<b>25 IR 1568</b>	326 IAC 8-8.1-2	24 IR 4087	326 IAC 8-11-7	24 IR 2775
Air quality analysis; requirements			<b>25 IR 3077</b>	Work practice standards	
326 IAC 2-2-4	24 IR 3122	Incorporation by reference		326 IAC 8-11-4	24 IR 2770
	<b>25 IR 1565</b>	326 IAC 8-8.1-3	24 IR 4088		
Air quality impact; requirements			<b>25 IR 3078</b>	<b>ALCOHOL AND TOBACCO COMMISSION</b>	
326 IAC 2-2-5	24 IR 3123	Specific VOC reduction requirements for Lake, Porter, Clark, and Floyd Counties		<b>Brands, labels, and trademarks</b>	
	<b>25 IR 1566</b>	Applicability		Registration	
Applicability		326 IAC 8-7-2	24 IR 2755	905 IAC 1-23-1	24 IR 3819
326 IAC 2-2-2	24 IR 3121	Certification, record keeping, and reporting requirements for coating facilities			<b>25 IR 1351</b>
	<b>25 IR 1564</b>	326 IAC 8-7-6	24 IR 2758	<b>Dancing</b>	
Control technology review; requirements		Compliance methods		Dancing permitted	
326 IAC 2-2-3	24 IR 3122	326 IAC 8-7-4	24 IR 2756	905 IAC 1-16.1-1	24 IR 3819
	<b>25 IR 1564</b>	Compliance plan			<b>25 IR 1350</b>
Definitions		326 IAC 8-7-5	24 IR 2758	<b>Floor plans</b>	
326 IAC 2-2-1	24 IR 3115	Control system monitoring, record keeping, and reporting		Beer and wine dealer permits for grocery stores	
	<b>25 IR 1557</b>	326 IAC 8-7-10	24 IR 2759	905 IAC 1-49	25 IR 513
Increment consumption; requirements		Control system operation, maintenance, and testing		Pharmacy permits	
326 IAC 2-2-6	24 IR 3124	326 IAC 8-7-9	24 IR 2758	905 IAC 1-29.5	25 IR 509
	<b>25 IR 1567</b>	Definitions		<b>Letter of extension; issuance</b>	
Innovative control technology		326 IAC 8-7-1	24 IR 2754	905 IAC 1-46	25 IR 511
326 IAC 2-2-9	24 IR 3125	Emission limits		<b>Obtaining proof of age required; exceptions</b>	
	<b>25 IR 1568</b>	326 IAC 8-7-3	24 IR 2755	905 IAC 1-48	25 IR 512
Permit rescission				<b>Package alcoholic beverages by retail permittee; selling</b>	
326 IAC 2-2-12	24 IR 3126			Floor plan of sale area	
	<b>25 IR 1569</b>			Approved by commission	
Sources impacting federal Class I areas; additional requirements				905 IAC 1-29-4	24 IR 3820
326 IAC 2-2-14	24 IR 3126				<b>25 IR 1352</b>
	<b>25 IR 1569</b>				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Change of plan		<b>ANIMAL HEALTH, INDIANA STATE BOARD</b>	Grade A milk production and storage	
905 IAC 1-29-7	24 IR 3820	<b>OF</b>	345 IAC 8-3-2	25 IR 2770
	<b>25 IR 1352</b>	<b>Cattle, goats, and other tuberculosis of</b>		<b>26 IR 341</b>
Restrictions on floor space used for sale		<b>brucellosis carrying animals</b>	Incorporation by reference; standards	
905 IAC 1-29-3	24 IR 3820	Cattle Brucellosis control and eradication	345 IAC 8-3-1	25 IR 2769
	<b>25 IR 1351</b>	Sale of cattle; testing required; exceptions;		<b>26 IR 340</b>
Sales restrictions		owner responsibilities	Labeling	
905 IAC 1-29-1	24 IR 3820	345 IAC 2-6-8	345 IAC 8-3-10	25 IR 2771
	<b>25 IR 1351</b>			<b>26 IR 342</b>
Sold in bar, storage, or dispensing area only		Chronic wasting disease	<b>Domestic animal disease control</b>	
905 IAC 1-29-2	24 IR 3820	Certified herd status	LSA Document #02-34(E)	<b>25 IR 1919</b>
	<b>25 IR 1351</b>	345 IAC 2-7-4	LSA Document #02-216(E)	<b>25 IR 4126</b>
Violation			Importation of domestic animals	
905 IAC 1-29-6	24 IR 3820		Breeding swine; tests for Brucellosis and	
	<b>25 IR 1352</b>		Pseudorabies	
<b>Permittee qualifications and public nuisance</b>		CWD positive, CWD suspect, and CWD ex-	345 IAC 1-3-13	25 IR 4172
Public nuisance		posed animals	Certificate of veterinary inspection and permit	
905 IAC 1-27-2	24 IR 3819	345 IAC 2-7-5	required for importation	
	<b>25 IR 1351</b>		345 IAC 1-3-4	25 IR 4171
<b>Posting signs authorized by IC 7.1-3-1-20</b>		Definitions	Chronic wasting disease	
905 IAC 1-52	25 IR 514	345 IAC 2-7-1	345 IAC 1-3-30	25 IR 1997
	<b>25 IR 4112</b>			25 IR 2774
<b>Property delinquencies; issuance of citations</b>				<b>26 IR 345</b>
905 IAC 1-51	25 IR 514	Herd registration	Definitions	
<b>Sales tax delinquencies; issuance of citations</b>		345 IAC 2-7-3	345 IAC 1-3-1.5	25 IR 1996
905 IAC 1-50	25 IR 513		Feeder pigs	
<b>Salesman's permit</b>			345 IAC 1-3-14	25 IR 4173
Applications for permits; contents; restriction		<b>Dairy products</b>	Identification required; exceptions	
905 IAC 1-8-5	24 IR 3818	Drug residues and other adulterations	345 IAC 1-3-3	25 IR 4170
	<b>25 IR 1350</b>	Drug residues	Interstate movement of swine within a produc-	
Change of employment; surrender of permit;		345 IAC 8-4-1	tion system	
notification			345 IAC 1-3-16.5	25 IR 4174
905 IAC 1-8-6	24 IR 3819	Production, handling, processing, packaging, and	Slaughter swine; consignment	
	<b>25 IR 1350</b>	distribution of milk and milk products	345 IAC 1-3-15	25 IR 4173
Inspection		Bulk milk collection; pick-up tankers	Swine identification, certificate of veterinary	
905 IAC 1-8-3	24 IR 3818	345 IAC 8-2-4	inspection, and permit	
	<b>25 IR 1349</b>		345 IAC 1-3-11	25 IR 4171
Permit required; qualifications; application for		Definitions	Swine herd infected with Pseudorabies; trans-	
permit; fee; violations		345 IAC 8-2-1.1	portation into Indiana prohibited	
905 IAC 1-8-1	24 IR 3817	"General requirement; permits" defined	345 IAC 1-3-12	25 IR 4172
	<b>25 IR 1349</b>	345 IAC 8-2-1.9	Reportable diseases	
Permittee's duty			Definitions and general provisions	
905 IAC 1-8-4	24 IR 3818	Manufactured grade dairy farms; construction;	345 IAC 1-6-1.5	24 IR 4119
	<b>25 IR 1350</b>	operation; sanitation		<b>25 IR 1607</b>
Salesman's permit; form and contents		345 IAC 8-2-3	Individual and veterinarian responsibility	
905 IAC 1-8-2	24 IR 3818		345 IAC 1-6-2	24 IR 4120
	<b>25 IR 1349</b>			<b>25 IR 1607</b>
<b>Selling alcoholic beverages below cost</b>		Manufactured grade milk products plants;	Laboratory responsibility	
905 IAC 1-45	25 IR 511	construction; operation; sanitation	345 IAC 1-6-3	24 IR 4120
<b>Temporary beer/wine permit fees</b>		345 IAC 8-2-2		<b>25 IR 1607</b>
Temporary permits			<b>General provisions</b>	
905 IAC 1-11.1	24 IR 3819	"Milk products" defined	Anthrax; temporary quarantine of domestic ani-	
	<b>25 IR 1350</b>	345 IAC 8-2-1.5	mals	
<b>Trade practices; permissible activity between</b>			Anthrax control measures	
<b>primary sources of supply, wholesalers, and</b>		Milk transportation	345 IAC 1-4-3	25 IR 1995
<b>retailers</b>		345 IAC 8-2-3.5		<b>25 IR 3742</b>
Content restrictions			Definitions	
905 IAC 1-5.2-3	24 IR 3816	"Pasteurization"; "ultra pasteurization"; "asep-	345 IAC 1-4-2	25 IR 1995
	<b>25 IR 1347</b>	tic processing" defined		<b>25 IR 3742</b>
Samples		345 IAC 8-2-1.7	<b>Livestock dealers</b>	
905 IAC 1-5.2-9	24 IR 3816		Disposal of dead animals	
	<b>25 IR 1348</b>	Standards for milk and milk products and Grade	Composting	
<b>AMBULANCES; AMBULANCE SERVICE</b>		A standards	345 IAC 7-7-3.5	25 IR 1993
<b>PROVIDERS</b>		Grade A milk plant standards		25 IR 4168
(See <b>EMERGENCY MEDICAL SERVICES</b>		345 IAC 8-3-9		<b>26 IR 695</b>
<b>COMMISSION, INDIANA)</b>				

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

Definitions		Bond requirements		<b>ARCHITECTS AND LANDSCAPE ARCHITECTS, BOARD OF REGISTRATION FOR</b>
345 IAC 7-7-1.5	25 IR 1991	345 IAC 7-3.5-8	24 IR 4125	<b>Code of conduct</b>
	25 IR 4166		<b>25 IR 1612</b>	Certificate of registration; application, examination reciprocity
	<b>26 IR 693</b>	Claims		Landscape architects; experience requirements
Disposal methods		345 IAC 7-3.5-8.5	24 IR 4125	804 IAC 1.1-2-2
345 IAC 7-7-3	25 IR 1992		<b>25 IR 1612</b>	<b>25 IR 1904</b>
	25 IR 4167	Classification; fees		
	<b>26 IR 694</b>	345 IAC 7-3.5-5	24 IR 4123	
Exemptions or license required			<b>25 IR 1610</b>	Fees
345 IAC 7-7-2	25 IR 1991	Definitions		Fees charged by board
	25 IR 4166	345 IAC 7-3.5-2	24 IR 4122	804 IAC 1.1-3-1
	<b>26 IR 693</b>		<b>25 IR 1609</b>	25 IR 3446
Inspections of carnivore feeding licensees		Individual and market facility dealer license and exceptions		<b>26 IR 370</b>
345 IAC 7-7-9	25 IR 1994	345 IAC 7-3.5-3	24 IR 4123	General provisions
License; denial, suspension, or revocation			<b>25 IR 1610</b>	Definitions and abbreviations
345 IAC 7-7-10	25 IR 1994	Sale of animals at a market facility		804 IAC 1.1-1-1
	25 IR 4169	345 IAC 7-3.5-13	25 IR 1989	24 IR 4182
	<b>26 IR 696</b>		<b>25 IR 3740</b>	<b>25 IR 1903</b>
Transportation for carnivore feeding		<b>Meat and meat products inspection</b>		
345 IAC 7-7-5	25 IR 1993	Incorporation by reference		<b>ATHLETIC AGENTS</b>
	25 IR 4168	345 IAC 9-2.1-1	25 IR 4187	<b>Administrative proceedings</b>
	<b>26 IR 696</b>			10 IAC 4-5
Unloading trucks		<b>Poultry and poultry products inspection</b>		25 IR 128
345 IAC 7-7-4	25 IR 1993	Incorporation by reference		<b>25 IR 2208</b>
	25 IR 4168	345 IAC 10-2.1-1	25 IR 4188	<b>Agency contract notice provision</b>
	<b>26 IR 695</b>			10 IAC 4-6
Vehicle requirements		<b>Rabies immunization</b>		25 IR 129
345 IAC 7-7-7	25 IR 1994	Animal rabies control program		<b>Authority and applicability</b>
	25 IR 4169	345 IAC 1-5-3	24 IR 2806	10 IAC 4-1
	<b>26 IR 696</b>		<b>25 IR 375</b>	25 IR 128
Exhibition of domestic animals and poultry		Required rabies vaccination of dogs, cats, and ferrets		<b>25 IR 2208</b>
Cervidae exhibition		345 IAC 1-5-2	24 IR 2806	
345 IAC 7-5-28	25 IR 4186		<b>25 IR 375</b>	<b>Enforcement</b>
Definitions		Vaccination		10 IAC 4-4
345 IAC 7-5-1	25 IR 4182	345 IAC 1-5-1	24 IR 2805	25 IR 128
Determination of eligibility of animal			<b>25 IR 374</b>	<b>25 IR 2208</b>
345 IAC 7-5-7	25 IR 4184	<b>Swine</b>		
Exhibition limitations		Swine Pseudorabies testing, control, and eradication; Pseudorabies—qualified herds		<b>Fees</b>
345 IAC 7-5-2.1	25 IR 4183	Additions to qualified or qualified negative gene-altered vaccinated herd; monitoring		10 IAC 4-3
Health certificate required		345 IAC 3-5.1-4	25 IR 4177	25 IR 128
345 IAC 7-5-2.5	25 IR 4183			<b>25 IR 2208</b>
Identification and description		Definitions		
345 IAC 7-5-9	25 IR 4184	345 IAC 3-5.1-1.2	25 IR 4175	<b>ATHLETIC TRAINERS BOARD, INDIANA</b>
Isolation of domestic animals from Pseudorabies premises		High risk herds		<b>Athletic trainers; certification</b>
345 IAC 7-5-11	25 IR 4185	345 IAC 3-5.1-6	25 IR 4177	Definitions
Poultry exhibition rules		Interstate movement of swine		Affiliated setting
345 IAC 7-5-24	25 IR 4186	345 IAC 3-5.1-3.5	25 IR 4177	898 IAC 1-1-1.5
Pseudorabies tests for swine		Intrastate movement of swine		24 IR 2562
345 IAC 7-5-15.1	25 IR 4185	345 IAC 3-5.1-3	25 IR 4176	<b>25 IR 104</b>
Suspect animals prohibited		Pseudorabies program standards; adoption by reference		Athletic training room
345 IAC 7-5-6	25 IR 4184	345 IAC 3-5.1-1.5	25 IR 4176	898 IAC 1-1-2.5
Vaccinations and tests for dogs and cats		Pseudorabies vaccine; sale and use; reports		24 IR 2588
345 IAC 7-5-22	25 IR 4186	345 IAC 3-5.1-10	25 IR 4181	<b>25 IR 204</b>
Licensing and bonding of livestock dealers and markets		Quarantined herd cleanup		Comprehensive athletic health care services
Agents		345 IAC 3-5.1-8.7	25 IR 4180	898 IAC 1-1-3.5
345 IAC 7-3.5-6	24 IR 4124	Release of quarantine; testing		24 IR 2589
	<b>25 IR 1611</b>	345 IAC 3-5.1-7	25 IR 4178	<b>25 IR 204</b>
Animals not intended for slaughter; inspection and identification		Report by veterinarian; determination of status; special permits		Fees
345 IAC 7-3.5-14	25 IR 1990	345 IAC 3-5.1-2	25 IR 4176	898 IAC 1-3-1
	<b>25 IR 3741</b>	Swine herd monitoring		24 IR 4195
Annual report; license termination		345 IAC 3-5.1-8.5	25 IR 4179	<b>25 IR 1347</b>
345 IAC 7-3.5-5.5	24 IR 4124			Licensure
	<b>25 IR 1611</b>			Exemption from examination
				898 IAC 1-2-7
				24 IR 4194
				<b>25 IR 1643</b>
				Temporary permits
				898 IAC 1-2-6
				24 IR 4194
				<b>25 IR 1643</b>
				<b>ATTORNEY GENERAL FOR THE STATE</b>
				<b>Athlete agents</b>
				Administrative proceedings
				10 IAC 4-5
				25 IR 128
				<b>25 IR 2208</b>
				Agency contract notice provision
				10 IAC 4-6
				25 IR 129
				<b>25 IR 2209</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Authority and applicability 10 IAC 4-1	25 IR 128 <b>25 IR 2208</b>	<b>CHARITY GAMING</b> (See <b>REVENUE, DEPARTMENT OF STATE</b> )	Storage facility 355 IAC 5-1-14	25 IR 437 <b>25 IR 2214</b>
Definitions 10 IAC 4-2	25 IR 128 <b>25 IR 2208</b>	<b>CHEMIST OF THE STATE OF INDIANA, STATE</b>	Storage facility registry 355 IAC 5-1-15	25 IR 437 <b>25 IR 2214</b>
Enforcement 10 IAC 4-4	25 IR 128 <b>25 IR 2208</b>	<b>Animal foods</b> General provisions 355 IAC 6-1	Operational area containment of liquid pesticide at storage facilities Operational area containment 355 IAC 5-3-1	25 IR 443 <b>25 IR 2444</b>  25 IR 439 <b>25 IR 2216</b>
Fees 10 IAC 4-3	25 IR 128 <b>25 IR 2208</b>	Pet food 355 IAC 6-2	Secondary containment of liquid pesticide Alternative to secondary containment for storage containers of 3,000 gallons or less 355 IAC 5-4-7	25 IR 453 <b>25 IR 2455</b>  25 IR 441 <b>25 IR 2218</b>
<b>ATTORNEY GENERAL'S OPINIONS</b> (See Cumulative Table of Executive Orders and Attorney General's Opinions at 26 IR 1431)		<b>Pesticide use and application</b> Site awareness and direct supervision of noncertified applicators Applicability of supervision requirements 355 IAC 4-2-5	Base liners 355 IAC 5-4-3	24 IR 2807 <b>25 IR 376</b>  25 IR 440 <b>25 IR 2218</b>
<b>BLIND AND VISUALLY IMPAIRED SERVICE; INDIANA RANDOLPH-SHEPPARD BUSINESS ENTERPRISE PROGRAM</b> (See also, <b>DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICE, Division of rehabilitation services</b> ) <b>Division of rehabilitation services</b> 460 IAC 2-4	24 IR 2526 <b>25 IR 62</b>	Certified and noncertified applicators' responsibilities 355 IAC 4-2-6	Drainage from secondary containment 355 IAC 5-4-4	24 IR 2808 <b>25 IR 377</b>  25 IR 441 <b>25 IR 2218</b>
<b>BOXING COMMISSION, STATE</b> Boxing and other ring exhibitions Contestants Waiting period between matches 808 IAC 2-1-9	24 IR 3200 <b>25 IR 382</b>	Definitions 355 IAC 4-2-1	General requirements 355 IAC 5-4-1	24 IR 2807 <b>25 IR 376</b>  25 IR 440 <b>25 IR 2217</b>
Insurance Insurance coverage for licensed contestants 808 IAC 2-33-2	24 IR 3200 <b>25 IR 383</b>	Limit on number of noncertified individuals to be supervised 355 IAC 4-2-7	Maintenance 355 IAC 5-4-8	24 IR 2808 <b>25 IR 377</b>  25 IR 442 <b>25 IR 2219</b>
License fees Two year license validation 808 IAC 2-6-1	25 IR 4210 <b>26 IR 1104</b>	On-site supervision of use 355 IAC 4-2-3	Walls 355 IAC 5-4-2	24 IR 2807 <b>25 IR 376</b>  25 IR 440 <b>25 IR 2217</b>
Officials Officials; appointment; licensing and assignment 808 IAC 2-5-1	24 IR 3200 <b>25 IR 383</b>	Pesticide use by noncertified persons 355 IAC 4-2-2	Storage facility registry Facility registry 355 IAC 5-8-1	24 IR 2807 <b>25 IR 376</b>  25 IR 442 <b>25 IR 2219</b>
General provisions Tickets Report of ticket sales; admission tax 808 IAC 1-4-8	24 IR 3200 <b>25 IR 382</b>	Technician registration requirements 355 IAC 4-2-8	Storage of dry bulk pesticide Storage requirements 355 IAC 5-5-1	24 IR 2808 <b>25 IR 377</b>  25 IR 442 <b>25 IR 2219</b>
<b>BUDGET AGENCY</b> <b>State revolving fund</b> LSA Document #02-192(E)	<b>25 IR 3772</b>	<b>Storage and secondary containment of pesticides</b> Definitions Approved 355 IAC 5-1-1	Storage of liquid pesticide Abandoned containers 355 IAC 5-2-3	24 IR 2807 <b>25 IR 376</b>  25 IR 435 <b>25 IR 2212</b>  25 IR 437 <b>25 IR 2214</b>
<b>BUILDING AND CONSTRUCTION</b> (See <b>FIRE PREVENTION AND BUILDING SAFETY COMMISSION</b> )		Appurtenance 355 IAC 5-1-1.5	Anchoring storage containers 355 IAC 5-2-5	25 IR 435 <b>25 IR 2212</b>  25 IR 437 <b>25 IR 2215</b>
<b>BUILDING CODE</b> (See <b>FIRE PREVENTION AND BUILDING SAFETY COMMISSION</b> )		Discharge 355 IAC 5-1-3	Appurtenances 355 IAC 5-2-10	25 IR 435 <b>25 IR 2212</b>  25 IR 438 <b>25 IR 2216</b>
<b>CEMETERIES AND BURIAL GROUNDS</b> (See <b>NATURAL RESOURCES COMMISSION</b> )		Dry pesticide 355 IAC 5-1-4	Filling 355 IAC 5-2-8	25 IR 436 <b>25 IR 2213</b>  25 IR 438 <b>25 IR 2215</b>
		Elephant ring 355 IAC 5-1-5	Liquid level gauging device 355 IAC 5-2-11	25 IR 436 <b>25 IR 2213</b>  25 IR 438 <b>25 IR 2216</b>
		Liquid pesticide 355 IAC 5-1-6	Maintenance 355 IAC 5-2-12	25 IR 436 <b>25 IR 2213</b>  25 IR 439 <b>25 IR 2216</b>
		Mobile container 355 IAC 5-1-7.5	Prohibited materials 355 IAC 5-2-4	25 IR 436 <b>25 IR 2213</b>  25 IR 437 <b>25 IR 2214</b>
		Secondary containment 355 IAC 5-1-11	Prohibition against underground storage registry 355 IAC 5-2-2	25 IR 436 <b>25 IR 2213</b>  25 IR 437 <b>25 IR 2214</b>
		Storage container 355 IAC 5-1-13		25 IR 436 <b>25 IR 2213</b>

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

Security		Information contained in published telephone		Enforcement of violations of IC 24-4.7	
355 IAC 5-2-7	25 IR 438	privacy list		11 IAC 1-3	25 IR 131
	<b>25 IR 2215</b>	11 IAC 2-6-5	25 IR 3213		<b>25 IR 1855</b>
Shutoff valves		Unauthorized duplication or dissemination of		Telephone solicitors' maintenance of records	
355 IAC 5-2-9	25 IR 438	telephone privacy list prohibited		related to telephone sales solicitations	
	<b>25 IR 2215</b>	11 IAC 2-6-6	25 IR 3213	11 IAC 1-2	25 IR 131
Vents			<b>26 IR 6</b>		<b>25 IR 1855</b>
355 IAC 5-2-6	25 IR 438	Applicability		<b>CONTROLLED SUBSTANCES</b>	
	<b>25 IR 2215</b>	11 IAC 2-1	25 IR 132	(See <b>PHARMACY, INDIANA BOARD OF</b> )	
<b>CHILD CARE CENTERS</b>			<b>25 IR 1856</b>	<b>CORRECTION, DEPARTMENT OF</b>	
(See <b>FAMILY AND CHILDREN, DIVISION</b>		Change of telephone area code or prefix, or both		<b>General provisions</b>	
<b>OF-Child welfare services</b> )		11 IAC 2-9	25 IR 2282	Collection, maintenance, and release of offender	
			<b>25 IR 3643</b>	and juvenile records	
<b>CHILDREN'S HEALTH INSURANCE PRO-</b>		Consumer registration		Access to information	
<b>GRAM, OFFICE OF THE</b>		11 IAC 2-2	25 IR 132	210 IAC 1-6-6	25 IR 1203
<b>Applicants and members; eligibility and enroll-</b>			<b>25 IR 1856</b>		<b>26 IR 820</b>
<b>ment; appeal procedures</b>		Information provided to consumers added to the		Challenge of information by offender; investi-	
Eligibility requirements		telephone privacy list		gation; change of record	
Eligibility		11 IAC 2-2-5	25 IR 2281	210 IAC 1-6-5	25 IR 1202
407 IAC 2-2-5	25 IR 2805		<b>25 IR 3642</b>		<b>26 IR 819</b>
	<b>25 IR 4103</b>	Consumers and persons submitting more than 10		Classification of information	
Premiums		residential telephone numbers for registration		210 IAC 1-6-2	25 IR 1201
Nonpayment of premium		with the telephone privacy list			<b>26 IR 818</b>
407 IAC 2-3-2	25 IR 2806	11 IAC 2-4	25 IR 133	Definitions	
	<b>25 IR 4103</b>		<b>25 IR 1857</b>	210 IAC 1-6-1	25 IR 1200
Premium payment; responsibility		Inclusion of national database into the telephone			<b>26 IR 817</b>
407 IAC 2-3-1	25 IR 2806	privacy list		Inspection rights of offenders and juveniles	
	<b>25 IR 4103</b>	11 IAC 2-7	25 IR 134	210 IAC 1-6-4	25 IR 1201
<b>CHIROPRACTIC EXAMINERS, BOARD OF</b>			<b>25 IR 1858</b>		<b>26 IR 818</b>
<b>General provisions</b>		Registration with telephone privacy list by persons		Research purposes; request for access to infor-	
Examinations; licensure; renewal of licenses; fees;		not consumers, but holding or controlling residen-		mation	
addresses of licensees		tial telephone numbers used by consumers		210 IAC 1-6-7	25 IR 1204
Fees		11 IAC 2-3	25 IR 133		<b>26 IR 821</b>
846 IAC 1-4-7	24 IR 4209		<b>25 IR 1857</b>	Offender tort claim process	
	<b>25 IR 1325</b>	Removal of telephone numbers from the telephone		210 IAC 1-10	25 IR 1204
<b>COAL MINING</b>		privacy list			<b>26 IR 821</b>
(See <b>NATURAL RESOURCES COMMIS-</b>		11 IAC 2-5	25 IR 133	<b>Juvenile detention facilities</b>	
<b>SION-Coal mining and reclamation opera-</b>			<b>25 IR 1857</b>	Administration and management	
<b>tions</b> )		Annual purging of the telephone privacy list		Compliance	
		11 IAC 2-5-4	25 IR 2281	210 IAC 6-3-11	25 IR 4155
<b>COLLEGE WORK-STUDY PROGRAMS</b>			<b>25 IR 3642</b>		<b>26 IR 1068</b>
(See <b>STATE STUDENT ASSISTANCE COM-</b>		Division's authority to purge nonresidential		Compliance with mandatory and physical plant	
<b>MISSION</b> )		telephone numbers		standards	
		11 IAC 2-5-1	25 IR 2281	210 IAC 6-3-10	25 IR 4155
<b>COMMUNITY RESIDENTIAL FACILITIES</b>			<b>25 IR 3642</b>		<b>26 IR 1068</b>
<b>COUNCIL</b>		Division's authority to purge telephone num-		Construction of juvenile detention facilities	
<b>Definitions</b>		bers no longer assigned to consumer		210 IAC 6-3-9	25 IR 4155
431 IAC 1.1-1-2	25 IR 1694	11 IAC 2-5-2	25 IR 2281		<b>26 IR 1067</b>
	<b>25 IR 3126</b>		<b>25 IR 3642</b>	Facility services	
<b>CONFINED FEEDING PROGRAM</b>		Purge registered telephone number upon con-		210 IAC 6-3-4	25 IR 4154
(See <b>WATER POLLUTION CONTROL</b>		sumer's revocation notice			<b>26 IR 1066</b>
<b>BOARD</b> )		11 IAC 2-5-3	25 IR 2281	General provisions	
			<b>25 IR 3642</b>	210 IAC 6-3-1	25 IR 4152
<b>CONSUMER PROTECTION DIVISION OF</b>		Use of the telephone privacy list			<b>26 IR 1064</b>
<b>THE OFFICE OF THE ATTORNEY GEN-</b>		11 IAC 2-8	25 IR 134	Institutional operations	
<b>ERAL</b>			<b>25 IR 1858</b>	210 IAC 6-3-3	25 IR 4153
<b>Telephone numbers not to be solicited; list</b>		<b>Telephone solicitations</b>			<b>26 IR 1065</b>
Access to the telephone privacy list		Charitable solicitor's disclosure		Juvenile services	
11 IAC 2-6	25 IR 134	11 IAC 1-4	25 IR 132	210 IAC 6-3-5	25 IR 4155
	<b>25 IR 1857</b>		<b>25 IR 1856</b>		<b>26 IR 1067</b>
Fee for obtaining telephone privacy list		Definitions		Physical plant	
11 IAC 2-6-1	25 IR 3213	11 IAC 1-1	25 IR 130	210 IAC 6-3-2	25 IR 4153
	<b>26 IR 6</b>		<b>25 IR 1854</b>		<b>26 IR 1065</b>
		Existing debt or contract		Applicability	
		11 IAC 1-1-3.5	26 IR 420	210 IAC 6-1-1	25 IR 4152
					<b>26 IR 1064</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Definitions		Dental fees		Remedial education	
Department		828 IAC 0.5-2-3	24 IR 4185	828 IAC 1-2-14	25 IR 176
210 IAC 6-2-3	25 IR 4152		<b>25 IR 1180</b>		<b>25 IR 2245</b>
	<b>26 IR 1064</b>		25 IR 3452	Supplies for examinations; duty to provide	25 IR 176
Dispositional program			<b>26 IR 376</b>	828 IAC 1-2-8	<b>25 IR 2244</b>
210 IAC 6-2-4	25 IR 4152	Dental hygiene fees	24 IR 4185	Dentists and dental hygienists; licensure by endorsement	
	<b>26 IR 1064</b>	828 IAC 0.5-2-4	<b>25 IR 1181</b>	Credentials; examination and interview	25 IR 176
Existing facility	25 IR 4152		<b>26 IR 376</b>	828 IAC 1-3-1	<b>25 IR 2245</b>
210 IAC 6-2-5	<b>26 IR 1064</b>	Mobile dental facilities and portable dental operations; registration	25 IR 1723	Definitions	
Standard	25 IR 4152	828 IAC 0.5-2-5	<b>25 IR 2736</b>	Practice of dentistry	25 IR 3452
210 IAC 6-2-13	<b>26 IR 1064</b>			828 IAC 1-3-2	<b>26 IR 375</b>
<b>Release authority for juveniles</b>		<b>Certification of dentists and dental hygienists</b>		Satisfactory practice of dental hygiene	25 IR 3452
Release procedure		Continuing education for renewal of license		828 IAC 1-3-3	<b>26 IR 375</b>
Community supervision or discharge; consideration, reviews, denials, conditions statement	25 IR 1207	Civil penalties		Dental licensure by endorsement; credentials	25 IR 3450
210 IAC 5-1-3	<b>26 IR 824</b>	Dental hygienist	24 IR 4207	828 IAC 1-3-1.1	<b>26 IR 373</b>
Community supervision revocation	25 IR 1210	828 IAC 1-5-4	<b>25 IR 1306</b>	Dental hygiene licensure by endorsement; failure to renew expired license	25 IR 177
210 IAC 5-1-4	<b>26 IR 827</b>	Dentist	24 IR 4207	828 IAC 1-3-5	<b>25 IR 2246</b>
Definitions; administrative procedures	25 IR 1206	828 IAC 1-5-5	<b>25 IR 1307</b>	Dental licensure by endorsement; failure to renew expired license	25 IR 177
210 IAC 5-1-1	<b>26 IR 823</b>	Individual or organization sponsor approval; expiration	25 IR 3449	828 IAC 1-3-4	<b>25 IR 2246</b>
Release recommendation by the facility; committee criterion for granting release	25 IR 1207	828 IAC 1-5-2.5	<b>26 IR 372</b>	Licensure to practice dental hygiene by endorsement; credentials	25 IR 3451
210 IAC 5-1-2	<b>26 IR 824</b>	Organizations or individuals for approval; application for approval	25 IR 3448	828 IAC 1-3-1.5	<b>26 IR 374</b>
		828 IAC 1-5-2	<b>26 IR 372</b>	Dentists; licensure by examination	
<b>COSMETOLOGY EXAMINERS, BOARD OF</b>		Study clubs		Advertising; content	25 IR 172
<b>Continuing education</b>		Application for approval	25 IR 3448	828 IAC 1-1-18	<b>25 IR 2241</b>
Course requirements	25 IR 1722	828 IAC 1-5-1	<b>26 IR 371</b>	Application forms; time for filing required documents	25 IR 171
820 IAC 6-2-1	<b>25 IR 3180</b>	Expiration	25 IR 3448	828 IAC 1-1-2	<b>25 IR 2239</b>
		828 IAC 1-5-1.5	<b>26 IR 371</b>	Conduct during written examinations	25 IR 172
<b>Cosmetology schools</b>				828 IAC 1-1-9	<b>25 IR 2240</b>
Curriculum		Dental hygienists; license renewal		Dismissal of candidate for use of unfair assistance	25 IR 172
Manicurists	25 IR 1720	Renewal requirements; basic life support	25 IR 3449	828 IAC 1-1-10	<b>25 IR 2240</b>
820 IAC 4-4-5	<b>25 IR 3178</b>	828 IAC 1-6-1	<b>26 IR 373</b>	Examinations required for licensure	25 IR 171
Student progress book	25 IR 1721	Dental hygienists; licensure by examination		828 IAC 1-1-3	<b>25 IR 2239</b>
820 IAC 4-4-14	<b>25 IR 3179</b>	Application forms; time for filing required documents	25 IR 175	Failure; reexamination	25 IR 172
		828 IAC 1-2-2	<b>25 IR 2243</b>	828 IAC 1-1-12	<b>25 IR 2240</b>
<b>DAIRY PRODUCTS</b>		Conduct during examinations	25 IR 176	Illegal, unlawful, incompetent, or fraudulent conduct; reporting procedures	25 IR 174
(See <b>ANIMAL HEALTH, INDIANA STATE BOARD OF</b> )		828 IAC 1-2-9	<b>25 IR 2244</b>	828 IAC 1-1-23	<b>25 IR 2242</b>
		Dismissal of candidate for use of unfair assistance	25 IR 176	National board examination; dental and dental hygiene law examinations	25 IR 171
<b>DEAF AND HARD OF HEARING</b>		828 IAC 1-2-10	<b>25 IR 2244</b>	828 IAC 1-1-6	<b>25 IR 2240</b>
<b>Interpreter standards</b>		Examinations required for licensure	25 IR 175	Remedial education	25 IR 174
Certification requirements	25 IR 2287	828 IAC 1-2-3	<b>25 IR 2243</b>	828 IAC 1-1-21	<b>25 IR 2242</b>
460 IAC 2-3-3	<b>26 IR 748</b>	Failure; reexamination	25 IR 176	Supplies for examinations; duty to provide	25 IR 171
Definitions and acronyms	25 IR 2286	828 IAC 1-2-12	<b>25 IR 2244</b>	828 IAC 1-1-8	<b>25 IR 2240</b>
460 IAC 2-3-2	<b>26 IR 747</b>	National board examination; dental and dental hygiene law examination	25 IR 175		
Purpose; exclusion	25 IR 2286	828 IAC 1-2-6	<b>25 IR 2244</b>		
460 IAC 2-3-1	<b>26 IR 747</b>	Qualifications of applicants; approved dental hygiene schools	25 IR 174		
<b>Interpreter standards in an educational setting</b>	25 IR 871	828 IAC 1-2-1	<b>25 IR 2243</b>		
460 IAC 2-5	<b>25 IR 3765</b>				
<b>DENTISTRY, STATE BOARD OF</b>					
<b>General provisions</b>					
Fees					
Continuing education; sponsor approval fees	25 IR 3447				
828 IAC 0.5-2-6	<b>26 IR 371</b>				

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Inactive dental license		Review and appeal procedures		Data	
Inactive status		50 IAC 4.3-3	24 IR 4025	50 IAC 14-3	25 IR 1930
Dental hygienists			<b>25 IR 1497</b>		<b>25 IR 4048</b>
828 IAC 1-7-2	25 IR 3453	Severability		Mandatory analysis	
	<b>26 IR 377</b>	50 IAC 4.3-15	24 IR 4054	50 IAC 14-5	25 IR 1931
Dentists			<b>25 IR 1528</b>		<b>25 IR 4049</b>
828 IAC 1-7-1	25 IR 3453	Valuation of depreciable tangible personal prop-		Mandatory application of factor	
	<b>26 IR 376</b>	erty		50 IAC 14-6	25 IR 1931
<b>Mobile dental facilities and portable dental</b>		50 IAC 4.3-4	24 IR 4027		<b>25 IR 4049</b>
<b>operations</b>			<b>25 IR 1499</b>	Method	
Applicability; exceptions		Valuation of inventory		50 IAC 14-2	25 IR 1930
828 IAC 4-1	25 IR 1723	50 IAC 4.3-5	24 IR 4033		<b>25 IR 4048</b>
	<b>25 IR 2736</b>		<b>25 IR 1505</b>	Purpose and applicability	
Definitions		Valuation of leased personal property		50 IAC 14-1	25 IR 1930
828 IAC 4-2	25 IR 1723	50 IAC 4.3-8	24 IR 4039		<b>25 IR 4048</b>
	<b>25 IR 2736</b>		<b>25 IR 1513</b>	Reassessment	
Registration		Valuation of other tangible personal property		50 IAC 14-7	25 IR 1932
828 IAC 4-3	25 IR 1723	50 IAC 4.3-6	24 IR 4037		<b>25 IR 4040</b>
	<b>25 IR 2737</b>		<b>25 IR 1510</b>	Time	
		<b>Assessor-appraisers, professional appraisers, and</b>		50 IAC 14-4	25 IR 1930
<b>DEPARTMENT OF LOCAL GOVERNMENT</b>		<b>tax representatives</b>			<b>25 IR 4048</b>
<b>FINANCE</b>		Certification		Transfer of data	
<b>Assessment of mobile homes</b>		Level One continuing education		50 IAC 14-8	25 IR 1932
Definitions		50 IAC 15-3-2	25 IR 410		<b>25 IR 4040</b>
50 IAC 3.2-2	25 IR 2548	Level One requirements		<b>Industrial facility; real property assessment</b>	
	<b>26 IR 326</b>	50 IAC 15-3-1	25 IR 410	General provisions	
Method		Level Two continuing education		50 IAC 18-2	26 IR 1117
50 IAC 3.2-3	25 IR 2549	50 IAC 15-3-4	25 IR 411	Property definitions	
	<b>26 IR 327</b>	Level Two requirements		50 IAC 18-1	26 IR 1117
Purpose		50 IAC 15-3-3	25 IR 411	<b>Property assessment</b>	
50 IAC 3.2-1	25 IR 2548	Miscellaneous provisions		2001 real property assessment manual	
	<b>26 IR 326</b>	50 IAC 15-3-5	25 IR 411	Applicability, provisions, and procedures	
Valuation guide		Revocation of certification criteria and proce-		50 IAC 2.3-1-1	26 IR 6
50 IAC 3.2-4	25 IR 2549	dures			26 IR 6
	<b>26 IR 327</b>	50 IAC 15-3-6	25 IR 411	Incorporation by reference	
<b>Assessment of tangible personal property</b>		Definitions		50 IAC 2.3-1-2	25 IR 1200
LSA Document #02-229(E)	<b>25 IR 4115</b>	Commissioner			26 IR 87
Administrative; procedure; applicability		50 IAC 15-1-2.5	25 IR 410	<b>Public utility assessment</b>	
50 IAC 4.3-1	24 IR 4018	Department		Assessment, appeal, and review	
	<b>25 IR 1489</b>	50 IAC 15-1-2.6	25 IR 410	50 IAC 5.2-4	25 IR 424
Deductions and exemptions for tangible personal		State board			<b>25 IR 1866</b>
property other than inventory		50 IAC 15-1-6	25 IR 410	Companies subject to assessment; introduction	
50 IAC 4.3-11	24 IR 4044	Professional appraisers		50 IAC 5.2-2	25 IR 421
	<b>25 IR 1517</b>	Certification requirements			<b>25 IR 1863</b>
Deductions; exemptions; credits for inventory		50 IAC 15-4-1	25 IR 412	Definitions	
50 IAC 4.3-12	24 IR 4044	Tax representatives		50 IAC 5.2-1	25 IR 417
	<b>25 IR 1518</b>	Communication with client or prospective client			<b>25 IR 1859</b>
Filing requirements		50 IAC 15-5-5	25 IR 414	Exemptions, deductions, and credits	
50 IAC 4.3-2	24 IR 4021	Contingent fees		50 IAC 5.2-12	25 IR 433
	<b>25 IR 1491</b>	50 IAC 15-5-7	25 IR 415		<b>25 IR 18784</b>
Interstate carriers		Course work		Obsolescence	
50 IAC 4.3-10	24 IR 4043	50 IAC 15-5-4	25 IR 414	50 IAC 5.2-11	25 IR 432
	<b>25 IR 1516</b>	Definitions			<b>25 IR 1872</b>
Obsolescence		50 IAC 15-5-1	25 IR 413	Reporting requirements	
50 IAC 4.3-9	24 IR 4042	Practice requirements		50 IAC 5.2-3	25 IR 422
	<b>25 IR 1515</b>	50 IAC 15-5-2	25 IR 414		<b>25 IR 1863</b>
Other		Prohibitions; obligations		Severability	
50 IAC 4.3-7	24 IR 4038	50 IAC 15-5-6	25 IR 415	50 IAC 5.2-13	25 IR 434
	<b>25 IR 1511</b>	Revocation of certification criteria and proce-			<b>25 IR 1875</b>
Prescribed methods of valuation; specific types of		dures		Use of other factors	
property		50 IAC 15-5-8	25 IR 415	50 IAC 5.2-5	25 IR 426
50 IAC 4.3-14	24 IR 4054	<b>Equalization</b>			<b>25 IR 1866</b>
	<b>25 IR 1527</b>	Action		Valuation	
Principal business activity codes		50 IAC 14-9	25 IR 1932	Depreciable personal property	
50 IAC 4.3-13	24 IR 4047		<b>25 IR 4050</b>	50 IAC 5.2-6	25 IR 427
	<b>25 IR 1521</b>	County and state equalization			<b>25 IR 1867</b>
		50 IAC 14-10	25 IR 1932		
			<b>25 IR 4050</b>		

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Inventories		Appeals		<b>Individualized support plan</b>	
50 IAC 5.2-8	25 IR 429	460 IAC 1-1-16	25 IR 1956	Applicability	
	<b>25 IR 1870</b>		<b>25 IR 1277</b>	460 IAC 7-2	26 IR 525
Leased property		Applicant's physician or physician member of			26 IR 1248
50 IAC 5.2-10	25 IR 430	PAS team; duties		Definitions	
	<b>25 IR 1871</b>	460 IAC 1-1-9	25 IR 1953	460 IAC 7-3	26 IR 526
Other tangible personal property			<b>25 IR 1274</b>		26 IR 1248
LSA Document #02-230(E)	<b>25 IR 4117</b>	Definitions		Development of an ISP	
50 IAC 5.2-9	25 IR 429	460 IAC 1-1-2	25 IR 1949	460 IAC 7-4	26 IR 527
	<b>25 IR 1870</b>		<b>25 IR 1270</b>		26 IR 1249
Nondepreciable property		Designee; duties		Purpose	
50 IAC 5.2-7	25 IR 429	460 IAC 1-1-11	25 IR 1954	460 IAC 7-1	26 IR 525
	<b>25 IR 1869</b>		<b>25 IR 1275</b>		26 IR 1248
<b>DISABILITY, AGING, AND REHABILITATIVE SERVICES, DIVISION OF</b>		Exemptions		Sections of an ISP	
<b>Adult day services provided by community mental retardation and other developmental disabilities centers; rates</b>		460 IAC 1-1-3	25 IR 1950	460 IAC 7-5	26 IR 528
Unit of service reimbursement rates			<b>25 IR 1271</b>		26 IR 1250
460 IAC 3.5-2-1	25 IR 163	Health facility; duties		<b>Public assistance</b>	
	<b>25 IR 2226</b>	460 IAC 1-1-8	25 IR 1952	Room and board assistance program	
<b>Aging</b>			<b>25 IR 1274</b>	Income eligibility	
Adult protective services		Individual compliance with PAS program		460 IAC 5-1-13	26 IR 524
Adult protective service unit's duties		460 IAC 1-1-13	25 IR 1955	<b>Supported living services and supports</b>	
460 IAC 1-2-5	25 IR 1958		<b>25 IR 1276</b>	Applicability	
	<b>25 IR 1279</b>	Office of Medicaid policy and planning; duties		460 IAC 6-2	25 IR 3832
Agency cooperation		460 IAC 1-1-12	25 IR 1954		<b>26 IR 749</b>
460 IAC 1-2-3	25 IR 1957		<b>25 IR 1276</b>	Application and approval process	
	<b>25 IR 1278</b>	PAS process		460 IAC 6-6	25 IR 3843
Appeal rights of the allegedly endangered adult		460 IAC 1-1-4	25 IR 1950		<b>26 IR 761</b>
460 IAC 1-2-12	25 IR 1961		<b>25 IR 1271</b>	Behavioral support services	
	<b>25 IR 1282</b>	PAS team; duties		460 IAC 6-18	25 IR 3857
Complaints regarding residents of health facilities		460 IAC 1-1-10	25 IR 1953		<b>26 IR 775</b>
460 IAC 1-2-7	25 IR 1959		<b>25 IR 1274</b>	Case management	
	<b>25 IR 1280</b>	Penalties		460 IAC 6-19	25 IR 3858
Coordinator's qualifications		460 IAC 1-1-14	25 IR 1955		<b>26 IR 776</b>
460 IAC 1-2-6	25 IR 1959		<b>25 IR 1276</b>	Community-based sheltered employment services	
	<b>25 IR 1280</b>	Prescreening agency; duties		460 IAC 6-20	25 IR 3860
Definitions		460 IAC 1-1-7	25 IR 1952		<b>26 IR 778</b>
460 IAC 1-2-2	25 IR 1957		<b>25 IR 1273</b>	Definitions	
	<b>25 IR 1278</b>	Purpose		460 IAC 6-3	25 IR 3832
Division's duties		460 IAC 1-1-1	25 IR 1949		<b>26 IR 749</b>
460 IAC 1-2-4	25 IR 1957		<b>25 IR 1270</b>	Environmental modification supports	
	<b>25 IR 1279</b>	Waiver of sanctions		460 IAC 6-21	25 IR 3860
Indiana state department of health; duties		460 IAC 1-1-15	25 IR 1955		<b>26 IR 778</b>
460 IAC 1-2-8	25 IR 1959		<b>25 IR 1277</b>	Facility-based sheltered employment services	
	<b>25 IR 1280</b>	Personal services attendant for individuals in need		460 IAC 6-22	25 IR 3860
Maintenance of records		of self-directed in-home care			<b>26 IR 779</b>
460 IAC 1-2-9	25 IR 1960	460 IAC 1-8	25 IR 2557	Family and caregiver training services	
	<b>25 IR 1281</b>		<b>26 IR 350</b>	460 IAC 6-23	25 IR 3861
Purpose		Residential care assistance program			<b>26 IR 779</b>
460 IAC 1-2-1	25 IR 1956	460 IAC 1-3-6	24 IR 3759	Financial status of providers	
	<b>25 IR 1278</b>		<b>25 IR 1140</b>	460 IAC 6-11	25 IR 3852
Reporting battery, neglect, or exploitation		<b>Deaf and hard of hearing; interpreter standards</b>			<b>26 IR 770</b>
460 IAC 1-2-10	25 IR 1960	Certification requirements		General administrative requirements for providers	
	<b>25 IR 1281</b>	460 IAC 2-3-3	25 IR 2287	460 IAC 6-10	25 IR 3850
Rights of the alleged endangered adult		Definitions and acronyms			<b>26 IR 768</b>
460 IAC 1-2-11	25 IR 1960	460 IAC 2-3-2	25 IR 2286	Health care coordination services	
	<b>25 IR 1281</b>	Purpose; exclusion		460 IAC 6-25	25 IR 3862
Nursing home prescreening		460 IAC 2-3-1	25 IR 2286		<b>26 IR 780</b>
Application		<b>Deaf and hard of hearing; interpreter standards in an educational setting</b>		Insurance	
460 IAC 1-1-5	25 IR 1951	460 IAC 2-5	25 IR 871	460 IAC 6-12	25 IR 3853
	<b>25 IR 1272</b>		<b>25 IR 3705</b>		<b>26 IR 771</b>
Agency cooperation		<b>Division of rehabilitation services</b>		Maintenance of records of services provided	
460 IAC 1-1-6	25 IR 1952	Blind and visually impaired service; Indiana Randolph-Sheppard business enterprise program		460 IAC 6-17	25 IR 3855
	<b>25 IR 1273</b>	460 IAC 2-4	24 IR 2526		<b>26 IR 773</b>
			<b>25 IR 62</b>	Monitoring, sanctions, and administrative review	
				460 IAC 6-7	25 IR 3864
					<b>26 IR 762</b>

## CITATIONS TO FINAL RULES ARE IN **BOLD** TYPE

Nutritional counseling services 460 IAC 6-26	25 IR 3865 <b>26 IR 783</b>	Minimum standards 511 IAC 5-1-2	25 IR 2807 <b>26 IR 786</b>	School accreditation 511 IAC 6.1-1-1	24 IR 3770 <b>25 IR 2231</b>
Occupational therapy services 460 IAC 6-27	25 IR 3865 <b>26 IR 783</b>	Report of test results 511 IAC 5-1-5	25 IR 2807 <b>26 IR 787</b>	Status; school and school corporation 511 IAC 6.1-1-6	24 IR 3773 <b>25 IR 2234</b>
Personal emergency response system supports 460 IAC 6-28	25 IR 3865 <b>26 IR 783</b>	Retesting 511 IAC 5-1-6	25 IR 2807 <b>26 IR 787</b>	Applicability 511 IAC 6.1-0-5	24 IR 3769 <b>25 IR 2231</b>
Personnel policies and manuals 460 IAC 6-16	25 IR 3854 <b>26 IR 772</b>	ISTEP program Accommodations 511 IAC 5-2-4	24 IR 3764 <b>25 IR 1146</b> 25 IR 4205	Approved high school courses Business technology education; family and consumer sciences; technology education 511 IAC 6.1-5.1-9	24 IR 2182 <b>25 IR 1141</b>
Personnel records 460 IAC 6-15	25 IR 3854 <b>26 IR 772</b>	Applicability 511 IAC 5-2-3	24 IR 3769 <b>25 IR 1148</b> 25 IR 4204	Fine arts courses 511 IAC 6.1-5.1-8	26 IR 1252
Physical environment 460 IAC 6-29	25 IR 3865 <b>26 IR 783</b>	Definitions 511 IAC 5-2-1	24 IR 3768 <b>25 IR 1147</b>	Mathematics courses 511 IAC 6.1-5.1-5	25 IR 4206 25 IR 4207
Psychological therapy services 460 IAC 6-30	25 IR 3867	<b>Commissioned schools; curriculum</b> Graduation requirements Academic honors diploma; additional course requirements 511 IAC 6-7-6.5	25 IR 4205	Multidisciplinary courses 511 IAC 6.1-5.1-1	24 IR 2181 <b>25 IR 1141</b>
Professional qualifications 460 IAC 6-14	25 IR 3853 <b>26 IR 771</b>	<b>Performance-based accreditation</b> Accreditation system Action by the state board 511 IAC 6.1-1-13	24 IR 3775 <b>25 IR 2236</b>	Vocational-technical courses 511 IAC 6.1-5.1-10.1	24 IR 2183 <b>25 IR 1143</b>
Provider qualifications 460 IAC 6-5	25 IR 3838 <b>26 IR 756</b>	Composition 511 IAC 6.1-1-8	24 IR 3773 <b>25 IR 2235</b>	Curriculum offerings Homework policy required 511 IAC 6.1-5-9	24 IR 3777 <b>25 IR 2238</b>
Protection of an individual 460 IAC 6-9	25 IR 3847 <b>26 IR 765</b>	Definitions 511 IAC 6.1-1-2	24 IR 3770 <b>25 IR 2231</b>	Retaining student for athletic purposes prohibited 511 IAC 6.1-5-10	24 IR 3777 <b>25 IR 2238</b>
Purpose 460 IAC 6-1	25 IR 3832 <b>26 IR 749</b>	Determination by state board 511 IAC 6.1-1-11	24 IR 3774 <b>25 IR 2235</b>	Special education 511 IAC 6.1-5-7	24 IR 3777 <b>25 IR 2238</b>
Residential living allowance and management services 460 IAC 6-30	25 IR 3867 <b>26 IR 785</b>	Duties 511 IAC 6.1-1-9	24 IR 3774 <b>25 IR 2235</b>	Health and safety requirements General requirements 511 IAC 6.1-2-1	24 IR 3775 <b>25 IR 2237</b>
Respite care services 460 IAC 6-31	25 IR 3867 <b>26 IR 785</b>	Levels 511 IAC 6.1-1-3	24 IR 3771 <b>25 IR 2233</b>	Student services 511 IAC 6.1-2-6	24 IR 3775 <b>25 IR 2237</b>
Rights of individuals 460 IAC 6-8	25 IR 3846 <b>26 IR 764</b>	Nonpublic school; action 511 IAC 6.1-1-13.5	24 IR 3775 <b>25 IR 2236</b>	Minimum time requirements Student instructional day 511 IAC 6.1-3-1	24 IR 3776 <b>25 IR 2237</b>
Specialized medical equipment and supplies supports 460 IAC 6-32	25 IR 3867 <b>26 IR 785</b>	On-site review panel Appointment 511 IAC 6.1-1-7	24 IR 3773 <b>25 IR 2235</b>	Staff-student ratio requirements Pupil/teacher ratio 511 IAC 6.1-4-1	24 IR 3777 <b>25 IR 2238</b>
Speech-language therapy services 460 IAC 6-33	25 IR 3868 <b>26 IR 786</b>	Procedures 511 IAC 6.1-1-5	24 IR 3772 <b>25 IR 2233</b>	<b>School performance and improvement; accountability</b> Assessing school improvement and performance 511 IAC 6.2-6	24 IR 3765 <b>25 IR 2227</b>
Training services 460 IAC 6-24	25 IR 3861 <b>26 IR 779</b>	Recommendation to the general assembly 511 IAC 6.1-1-14	24 IR 3775	Professional development program 511 IAC 6.2-4	24 IR 1915 <b>25 IR 82</b>
Transportation of an individual 460 IAC 6-13	25 IR 3853 <b>26 IR 771</b>	Requirements 511 IAC 6.1-1-4	24 IR 3772 <b>25 IR 2233</b>	<b>Special education</b> Confidentiality of information Amending educational records 511 IAC 7-23-2	25 IR 1700 <b>25 IR 3154</b>
Transportation services 460 IAC 6-34	25 IR 3868 <b>26 IR 786</b>	Review of fully accredited school 511 IAC 6.1-1-11.5	24 IR 3774 <b>25 IR 2236</b>	Definitions Case conference committee 511 IAC 7-17-10	25 IR 1696 <b>25 IR 3149</b>
Types of living services and supports 460 IAC 6-4	25 IR 3838 <b>26 IR 755</b>	Right of appeal; assistance; school improvement plan 511 IAC 6.1-1-15	24 IR 3775 <b>25 IR 2237</b>		
<b>EDUCATION, INDIANA STATE BOARD OF Achievement tests</b> General educational development Honors diploma 511 IAC 5-1-3.5	25 IR 2807 <b>26 IR 787</b>				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Determination of special education services		Private schools or facilities		Contributions	
Case conference committee meetings		Reimbursement for parent's unilateral enrollment of student in private schools or facilities when the public agency's provisions of a free appropriate public education is in dispute		540 IAC 1-8-1	25 IR 2027
511 IAC 7-27-4	25 IR 1706	511 IAC 7-19-2	25 IR 1698	Maximum account contribution	25 IR 2027
Community-supported services; residential services		Special education for students in private schools or facilities		540 IAC 1-8-4	25 IR 2027
511 IAC 7-27-12	25 IR 1709	511 IAC 7-19-1	25 IR 1697	Definitions	
	<b>25 IR 3163</b>		<b>25 IR 3152</b>	Account	25 IR 2024
Individualized education program; implementation		Procedural safeguards		540 IAC 1-1-3	<b>25 IR 4104</b>
511 IAC 7-27-7	25 IR 1707	Notice		Account owner	25 IR 2024
	<b>25 IR 3161</b>	511 IAC 7-22-1	25 IR 1699	540 IAC 1-1-4	<b>25 IR 4104</b>
Least restrictive environment and delivery of special education and related services			<b>25 IR 3153</b>	Administrative fee	25 IR 2025
511 IAC 7-27-9	25 IR 1708	Related services; transitions; transfer of rights		540 IAC 1-1-6	<b>25 IR 4104</b>
	<b>25 IR 3162</b>	Transition to adult life		Administrator fee	25 IR 2025
Report of case conference committee meeting; notice and parental consent		511 IAC 7-28-3	25 IR 1711	540 IAC 1-1-7	<b>25 IR 4104</b>
511 IAC 7-27-5	25 IR 1707		<b>25 IR 3164</b>	Adoption agreement	25 IR 2025
	<b>25 IR 3160</b>	<b>Summer school programs</b>		540 IAC 1-1-7.5	<b>25 IR 4104</b>
Discipline procedures		Regular summer school programs		Beneficiary	25 IR 2025
Functional behavioral assessment and behavioral intervention plan procedures		Minimum enrollment for reimbursement		540 IAC 1-1-9	<b>25 IR 4105</b>
511 IAC 7-29-5	25 IR 1712	511 IAC 12-2-7	24 IR 1917		
	<b>25 IR 3165</b>		<b>25 IR 84</b>	Contributor	25 IR 2025
Manifestation determination		<b>EDUCATION SAVINGS AUTHORITY, INDIANA</b>		540 IAC 1-1-10.5	<b>25 IR 4105</b>
511 IAC 7-29-6	25 IR 1712	<b>Family college savings trust program procedures and operations</b>		Internal Revenue Code	25 IR 2025
	<b>25 IR 3166</b>	LSA Document #02-256(E)	<b>26 IR 59</b>	540 IAC 1-1-11.5	<b>25 IR 4105</b>
Protections for children not yet eligible for special education and related services		LSA Document #02-307(E)	<b>26 IR 808</b>	Member of the family	25 IR 2025
511 IAC 7-29-8	25 IR 1713	Account administration		540 IAC 1-1-11.6	25 IR 2025
	<b>25 IR 3167</b>	Administration			<b>25 IR 4105</b>
Due process		540 IAC 1-7-1	25 IR 2027	Nonqualified	25 IR 2026
Attorneys' fees			<b>25 IR 4106</b>	540 IAC 1-1-12	<b>25 IR 4105</b>
511 IAC 7-30-6	25 IR 1719	Administrator fee charge		540 IAC 1-1-13	25 IR 2026
	<b>25 IR 3173</b>	540 IAC 1-7-2	25 IR 2027		<b>25 IR 4105</b>
Hearing appeals			<b>25 IR 4107</b>	Penalty	25 IR 2026
511 IAC 7-30-4	25 IR 1717		26 IR 1257	540 IAC 1-1-13	<b>25 IR 4105</b>
	<b>25 IR 3171</b>	Cancellation of refunds		Program	25 IR 2026
Hearings		Cancellation		540 IAC 1-1-14	<b>25 IR 4106</b>
511 IAC 7-30-3	25 IR 1715	540 IAC 1-9-1	25 IR 2028	Qualified higher education expenses	25 IR 2026
	<b>25 IR 3169</b>		<b>25 IR 4107</b>	540 IAC 1-1-16	<b>25 IR 4106</b>
Mediation		Cancellation notice and procedure			
511 IAC 7-30-1	25 IR 1714	540 IAC 1-9-2.7	25 IR 2028	Rollover	25 IR 2026
	<b>25 IR 3168</b>		<b>25 IR 4108</b>	540 IAC 1-1-16.5	<b>25 IR 4106</b>
General provisions		Interruption of attendance		Miscellaneous	
Other public agencies' special education programs; state-level interagency agreements		540 IAC 1-9-2.6	25 IR 2028	Investment direction	25 IR 2029
511 IAC 7-18-3	25 IR 1696	Premature cancellation	<b>25 IR 4108</b>	540 IAC 1-12-2	<b>25 IR 4109</b>
	<b>25 IR 3150</b>	540 IAC 1-9-2.5	25 IR 2028		
Identification and evaluation			<b>25 IR 4108</b>	Payment of benefits	25 IR 2029
Additional evaluations		Refund		Benefit payment	<b>25 IR 4108</b>
511 IAC 7-25-7	25 IR 1706	540 IAC 1-9-3	25 IR 2028	540 IAC 1-10-1	26 IR 1258
	<b>25 IR 3159</b>		<b>25 IR 4108</b>	Rollover distributions	25 IR 2029
Educational evaluations; in general		Change of beneficiary		540 IAC 1-10-4	<b>25 IR 4109</b>
511 IAC 7-25-3	25 IR 1701	Beneficiary change		Transfer of ownership	25 IR 2027
	<b>25 IR 3155</b>	540 IAC 1-5-1	25 IR 2026	Transfer	<b>25 IR 4106</b>
Independent educational evaluation			<b>25 IR 4106</b>	540 IAC 1-6-1	
511 IAC 7-25-5	25 IR 1704	Contributions and contribution schedules			
	<b>25 IR 3158</b>	Contribution amount			
Initial educational evaluation		540 IAC 1-8-2	25 IR 2027		
511 IAC 7-25-4	25 IR 1702		<b>25 IR 4107</b>		
	<b>25 IR 3156</b>	Contribution procedure	26 IR 1258		
Reevaluation		540 IAC 1-8-3.5	25 IR 2027		
511 IAC 7-25-6	25 IR 1705		<b>25 IR 4107</b>		
	<b>25 IR 3158</b>				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

**EGG BOARD, STATE**

**General provisions**

Advertising	
Advertisements	
370 IAC 1-5-1	26 IR 156
Display and labeling; restricted eggs	
Consumer packages	
Date requirements	
370 IAC 1-3-2	26 IR 154
Packer identification	
370 IAC 1-3-3	26 IR 154
Restricted eggs; definition; labeling	
370 IAC 1-3-4	26 IR 155
Wholesale packaging and labeling	
370 IAC 1-3-1	26 IR 154
Fresh eggs	
370 IAC 1-4-1	26 IR 155
Grade and size identification	
370 IAC 1-6-1	26 IR 156
Inspection and noncompliance	
Inspection	
370 IAC 1-4-1	26 IR 155
Removal of below standard eggs	
370 IAC 1-4-2	26 IR 155
Violations; inspectors' duties	
370 IAC 1-4-3	26 IR 155
Sanitation requirements	
Retailers and wholesalers	
370 IAC 1-10-2	26 IR 157
Shell egg packers	
370 IAC 1-10-1	26 IR 156
Statement of order and definitions	
Candling; Haugh unit value	
370 IAC 1-1-4	26 IR 153
Haugh measurements	
370 IAC 1-1-5	26 IR 153
Interstate or foreign commerce; applicability	
370 IAC 1-1-2	26 IR 153
State standards; applicability	
370 IAC 1-1-1	26 IR 153
Uniform grade standards; adoption of federal standards	
370 IAC 1-1-3	26 IR 153
Temperature requirements	
Dealer facilities	
370 IAC 1-2-1	26 IR 154
Retail stores	
370 IAC 1-2-2	26 IR 154
Transportation	
370 IAC 1-2-3	26 IR 154
Wholesaler records	
Record keeping by wholesalers	
370 IAC 1-9-1	26 IR 156

**ELECTRIC UTILITIES**

(See **UTILITY REGULATORY COMMISSION, INDIANA**)

**ELECTRICAL CODE**

(See **FIRE PREVENTION AND BUILDING SAFETY COMMISSION**)

**EMERGENCY MEDICAL SERVICES COMMISSION, INDIANA**

**Advanced emergency medical technical intermediate training**

Intermediate training	
836 IAC 4-6.1	25 IR 2843

**Advanced life support**

Advanced emergency medical technician intermediate organizations	
Application for certification; renewal	
836 IAC 2-7.2-2	25 IR 2831
General requirements	
836 IAC 2-7.2-1	25 IR 2828
Operating procedures	
836 IAC 2-7.2-3	25 IR 2831
Definitions	
836 IAC 2-1-1	25 IR 2821
Paramedic organizations	
General requirements	
836 IAC 2-2-1	25 IR 494
	<b>25 IR 2512</b>
	25 IR 2824
Nontransport vehicles; standards and certification	
Emergency care equipment	
836 IAC 2-14-5	25 IR 2833
Provider organization	
General requirements	
836 IAC 2-7.1-1	25 IR 497
	<b>25 IR 2515</b>
	25 IR 2826
Supervising hospitals	
Certification	
836 IAC 2-4.1-2	25 IR 496
	<b>25 IR 2514</b>

**Air ambulances**

Advanced life support rotorcraft ambulance service provider	
Certification; application	
836 IAC 3-2-2	25 IR 475
	<b>25 IR 2492</b>
Communication systems	
836 IAC 3-2-7	25 IR 480
	<b>25 IR 2498</b>
Equipment list	
836 IAC 3-2-6	25 IR 479
	<b>25 IR 2496</b>
General requirements	
836 IAC 3-2-1	25 IR 473
	<b>25 IR 2491</b>
Minimum specifications	
836 IAC 3-2-3	25 IR 475
	<b>25 IR 2493</b>
Operating procedures; flight and medical	
836 IAC 3-2-4	25 IR 476
	<b>25 IR 2494</b>
	25 IR 2834
Penalties	
836 IAC 3-2-8	25 IR 480
	<b>25 IR 2498</b>
Staffing	
836 IAC 3-2-5	25 IR 478
	<b>25 IR 2496</b>
	25 IR 2835
Definitions	
836 IAC 3-1-1	25 IR 472
	<b>25 IR 2490</b>
Fixed-wing air ambulance service provider	
Certification; application	
836 IAC 3-3-2	25 IR 482
	<b>25 IR 2499</b>
Communication systems	
836 IAC 3-3-7	25 IR 486
	<b>25 IR 2504</b>

**Equipment list**

836 IAC 3-3-6	25 IR 485
	<b>25 IR 2503</b>
General requirements	
836 IAC 3-3-1	25 IR 480
	<b>25 IR 2498</b>
Minimum specifications	
836 IAC 3-3-3	25 IR 482
	<b>25 IR 2500</b>
Operating procedures; flight and medical	
836 IAC 3-3-4	25 IR 483
	<b>25 IR 2501</b>
	25 IR 2836
Penalties	
836 IAC 3-3-8	25 IR 487
	<b>25 IR 2505</b>
Staffing	
836 IAC 3-3-5	25 IR 485
	<b>25 IR 2503</b>
	25 IR 2837

**Emergency medical services**

Ambulance service providers; certification	
Application	
836 IAC 1-2-2	25 IR 2814
General certification provisions	
836 IAC 1-2-1	25 IR 488
	<b>25 IR 2506</b>
	25 IR 2813
Operating procedures	
836 IAC 1-2-3	25 IR 2815
Ambulances; standards and certification requirements	
Emergency care equipment	
836 IAC 1-3-5	25 IR 489
	<b>25 IR 2506</b>
	25 IR 2818
Insurance	
836 IAC 1-3-6	25 IR 2819
Definitions	
Enforcement	
836 IAC 1-1-2	25 IR 2812
Generally	
836 IAC 1-1-1	25 IR 2810
Request for waiver	
836 IAC 1-1-3	25 IR 2812
Nontransport providers	
Application for certification; renewal	
836 IAC 1-11-2	25 IR 491
	<b>25 IR 2508</b>
	25 IR 2820
Emergency care equipment	
836 IAC 1-11-4	25 IR 2821
General certification provisions	
836 IAC 1-11-1	25 IR 490
	<b>25 IR 2508</b>
	25 IR 2819
Operating procedures	
836 IAC 1-11-3	25 IR 492
	<b>25 IR 2510</b>
<b>Registry of out-of-state advanced life support fixed-wing ambulance service provider</b>	
Certificate of registry	
836 IAC 3-5-1	25 IR 487
	<b>25 IR 2505</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

<b>Training and certification</b>		<b>FAIR COMMISSION, STATE</b>		Recovery of costs in nonpublic assistance child support cases	
Advanced emergency medical technician		<b>General operations</b>		470 IAC 2-5-3	24 IR 2572
Certification		Motorized carts			<b>25 IR 1284</b>
Continuing education requirements		Annual state fair; procedures	26 IR 420	Safeguarding information	
836 IAC 4-7-3.5	25 IR 499	80 IAC 4-3-5		470 IAC 2-5-5	24 IR 2572
	<b>25 IR 2517</b>	Definitions			<b>25 IR 1284</b>
Advanced emergency medical technician intermediate		80 IAC 4-3-3	26 IR 420	State income tax refund intercept	
Certification				470 IAC 2-5-22	24 IR 2576
836 IAC 4-7.1	25 IR 2844	<b>FAMILY AND CHILDREN, DIVISION OF</b>			<b>25 IR 1288</b>
Certification		<b>Assistance to families with dependent children</b>		Withdrawal from nonpublic assistance child support services, notice, and payment of charges; cessation of collections	
Certification provisions; general		Applicant and recipient responsibilities		470 IAC 2-5-20	24 IR 2576
836 IAC 4-7-2	25 IR 2844	470 IAC 10.1-1-2	24 IR 3760		<b>25 IR 1288</b>
Certification of emergency medical technicians		<b>Child welfare services</b>		<b>Public assistance manual</b>	
General certification provisions		Child care centers; licensing		County home programs	
836 IAC 4-4-1	25 IR 2842	470 IAC 3-4.7	24 IR 4140	Income eligibility	
Definitions		Foster care and adoption assistance program		470 IAC 8.1-2-12	26 IR 530
Generally		470 IAC 3-10-2	25 IR 202	<b>Short term empowerment process</b>	
836 IAC 4-1-1	25 IR 2838	<b>First steps early intervention systems</b>		Appeals	
Emergency medical services primary instructor certification		Financial administration		470 IAC 10.2-4	24 IR 3764
Certification and recertification; general		Cost participation plan		Definitions; purpose; applicability	
836 IAC 4-5-2	25 IR 2843	470 IAC 3.1-12-7	26 IR 168	470 IAC 10.2-1	24 IR 3762
Emergency medical services training institution		Funding sources		Local office STEP plan	
General requirements; staff		470 IAC 3.1-12-2	26 IR 167	470 IAC 10.2-3	24 IR 3764
836 IAC 4-2-1	25 IR 2840	<b>Hospital care for the indigent</b>		Statewide eligibility requirements and benefit delivery	
Institutional responsibilities		Eligibility standards		470 IAC 10.2-2	24 IR 3763
836 IAC 4-2-2	25 IR 2841	Income determination		<b>FAMILY AND SOCIAL SERVICES, OFFICE OF THE SECRETARY OF</b>	
Emergency paramedic; certification		470 IAC 11.1-1-5	26 IR 169	<b>Indiana prescription drug program</b>	
General certification		<b>Public assistance</b>		LSA Document #02-195(E)	<b>25 IR 3780</b>
836 IAC 4-9-3	25 IR 2847	Child support		LSA Document #02-281(E)	<b>26 IR 407</b>
Inactive status for Indiana certified paramedic		Cancellation of cooperative agreement with the prosecuting attorney; notice; withholding of reimbursement; failure to take legal action		Application and enrollment	
836 IAC 4-9-2.5	25 IR 499	470 IAC 2-5-7	24 IR 2573	Date of application	
	<b>25 IR 2517</b>		<b>25 IR 1285</b>	405 IAC 6-3-2	25 IR 3815
First responders		Conversion of support payment received directly by the recipient; condition for continuing eligibility for assistance			<b>26 IR 699</b>
Certification standards		470 IAC 2-5-12	24 IR 2574	Date of availability	
836 IAC 4-3-2	25 IR 2841		<b>25 IR 1286</b>	405 IAC 6-3-3	25 IR 3815
Penalties		Date of collection; individual			<b>26 IR 699</b>
836 IAC 4-10	25 IR 499	470 IAC 2-5-10	24 IR 2574	Benefits	
	<b>25 IR 2517</b>		<b>25 IR 1286</b>	Benefit defined by family income level	
<b>ENGINEERS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL</b>		Definitions		405 IAC 6-5-2	25 IR 3816
<b>Administration; general requirements</b>		470 IAC 2-5-1	24 IR 2571		<b>26 IR 700</b>
Fees			<b>25 IR 1283</b>	Benefit duration	
Fees charged by the board		Distribution of child support collections		405 IAC 6-5-4	25 IR 3816
864 IAC 1.1-12-1	25 IR 2850	470 IAC 2-5-13	24 IR 2574		<b>26 IR 701</b>
	<b>26 IR 380</b>		<b>25 IR 1286</b>	Benefit period	
General requirements		Distribution of support to nonpublic assistance participants who receive child support services		405 IAC 6-5-3	25 IR 3816
Engineering intern; education and work experience		470 IAC 2-5-14	24 IR 2575		<b>26 IR 700</b>
864 IAC 1.1-2-4	25 IR 2849		<b>25 IR 1287</b>	Benefit period ineligibility	
	<b>26 IR 380</b>	Eligibility and fees for parent locator and child support services; collection processing service		405 IAC 6-5-5	25 IR 3817
Engineers; education and work experience		470 IAC 2-5-2	24 IR 2572		<b>26 IR 701</b>
864 IAC 1.1-2-2	25 IR 2848		<b>25 IR 1284</b>	Benefits; program appropriations	
	<b>26 IR 379</b>	Funding and withholding of funds to the clerk of the circuit court		405 IAC 6-5-6	25 IR 3817
<b>ENVIRONMENTAL HEALTH SPECIALISTS, BOARD OF</b>		470 IAC 2-5-6	24 IR 2573		<b>26 IR 701</b>
<b>General provisions</b>			<b>25 IR 1285</b>	Prescription drug coverage	
Fees		Recoupment of an overpayment of child support collections		405 IAC 6-5-1	25 IR 3815
896 IAC 1-3-2	24 IR 4226	470 IAC 2-5-15	24 IR 2575		<b>26 IR 700</b>
	<b>25 IR 1346</b>		<b>25 IR 1287</b>	Definitions	
<b>EXECUTIVE ORDERS</b>				Benefit period	
(See Cumulative Table of Executive Orders and Attorney General's Opinions at 26 IR 1431)				405 IAC 6-2-3	25 IR 3813
					<b>26 IR 697</b>
				Complete application	
				405 IAC 6-2-5	25 IR 3813
					<b>26 IR 697</b>

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Complete claim		Computation of use fee component; interest; allocation		Assessment methodology	
405 IAC 6-2-5.3	25 IR 3813	405 IAC 1-14.5-13	25 IR 3826	LSA Document #01-355(E)	<b>25 IR 400</b>
	<b>26 IR 697</b>		<b>26 IR 1080</b>	405 IAC 1-12-24	24 IR 3179
Domicile		Use fee; depreciable life; property basis			<b>25 IR 381</b>
405 IAC 6-2-5.5	25 IR 3813	405 IAC 1-14.5-15	25 IR 3827		25 IR 2802
	<b>26 IR 697</b>		<b>26 IR 1081</b>		<b>26 IR 730</b>
Family		Hospice services; reimbursement		Capital return factor; basis; historical cost; mandatory record keeping; valuation	
405 IAC 6-2-9	25 IR 3813	Additional amount for nursing facility residents		405 IAC 1-12-16	25 IR 2800
	<b>26 IR 698</b>	405 IAC 1-16-4	26 IR 159		<b>26 IR 727</b>
Health insurance with a prescription drug benefit		Levels of care		Capital return factor; basis; sale or capital lease among family members	
405 IAC 6-2-12	25 IR 3814	405 IAC 1-16-2	26 IR 158	405 IAC 1-12-17	25 IR 2801
	<b>26 IR 698</b>	Inpatient hospital services; reimbursement			<b>26 IR 728</b>
Income		Definitions		Community residential facilities for the developmentally disabled; allowable costs; compensation; per diem rate	
405 IAC 6-2-12.5	25 IR 3814	405 IAC 1-10.5-2	24 IR 1382	405 IAC 1-12-22	25 IR 1693
	<b>26 IR 698</b>		<b>25 IR 55</b>		<b>25 IR 3125</b>
Net income		New providers and out-of-state providers; reimbursement		Criteria limiting rate adjustment granted by office	
405 IAC 6-2-14	25 IR 3814	405 IAC 1-10.5-4	24 IR 1386	405 IAC 1-12-9	25 IR 1693
	<b>26 IR 698</b>		<b>25 IR 59</b>		<b>25 IR 3124</b>
Point of service		Policy; scope			25 IR 2797
405 IAC 6-2-16.5	25 IR 3814	405 IAC 1-10.5-1	24 IR 1382		<b>26 IR 724</b>
	<b>26 IR 698</b>		<b>25 IR 55</b>	Definitions	
Prescription printout		Prospective reimbursement methodology		405 IAC 1-12-2	25 IR 1690
405 IAC 6-2-18	25 IR 3814	405 IAC 1-10.5-3	24 IR 1384		<b>25 IR 3121</b>
	<b>26 IR 698</b>		<b>25 IR 57</b>		25 IR 2791
Proof of income		Medicare cross-over claims; reimbursement			<b>26 IR 718</b>
405 IAC 6-2-20	25 IR 3814	LSA Document #01-352	<b>25 IR 398</b>	Financial report to office; annual schedule; prescribed form; extensions; penalty for untimely filing	
	<b>26 IR 698</b>	LSA Document #01-441(E)	<b>25 IR 1654</b>	405 IAC 1-12-4	25 IR 2793
Provider		LSA Document #02-278(E)	<b>26 IR 396</b>		<b>26 IR 720</b>
405 IAC 6-2-20.5	25 IR 3814	405 IAC 1-18	25 IR 138	Limitations or qualifications to Medicaid reimbursement; advertising; vehicle basis	
	<b>26 IR 698</b>		<b>25 IR 2476</b>	405 IAC 1-12-8	25 IR 2796
Refund certificate		Reimbursement of cross-over claims			<b>26 IR 723</b>
405 IAC 6-2-21	25 IR 3815	LSA Document #02-197(E)	<b>25 IR 3792</b>	New provider; initial financial report to office; criteria establishing initial interim rates; supplemental report; base rate setting	
	<b>26 IR 699</b>	405 IAC 1-18-2	25 IR 3243	405 IAC 1-12-5	25 IR 1691
Reside			<b>26 IR 1079</b>		<b>25 IR 3123</b>
405 IAC 6-2-22.5	25 IR 3815	Nonstate-owned intermediate care facilities for the mentally retarded and community residential facilities for the developmentally disabled; rate-setting criteria			25 IR 2794
	<b>26 IR 699</b>	Allowable costs; capital return factor			<b>26 IR 721</b>
Eligibility requirements		Active providers; rate review; annual request		Policy; scope	
Income		405 IAC 1-12-6	25 IR 2795	405 IAC 1-12-1	25 IR 2790
405 IAC 6-4-2	25 IR 3815		<b>26 IR 722</b>		<b>26 IR 718</b>
	<b>26 IR 699</b>	Administrative reconsideration; appeal		Request for rate review; effect of inflation; occupancy level assumptions	
Program procedures		405 IAC 1-12-26	25 IR 2803	405 IAC 1-12-7	25 IR 2796
Letter of eligibility			<b>26 IR 730</b>		<b>26 IR 723</b>
405 IAC 6-6-2	25 IR 3817	Allowable costs; capital return factor		Nursing facilities; electronic transmission of minimum data set	
	<b>26 IR 701</b>	405 IAC 1-12-12	25 IR 2797	MDS assessment requirements	
Refund certificate redemption			<b>26 IR 724</b>	405 IAC 1-15-6	24 IR 3178
405 IAC 6-6-4	25 IR 3817	Allowable costs; capital return factor; computation of return on equity component			24 IR 4135
	<b>26 IR 702</b>	405 IAC 1-12-14	25 IR 2799		<b>25 IR 2471</b>
Refund certificates			<b>26 IR 726</b>	MDS audit requirements	
405 IAC 6-6-3	25 IR 3817	Allowable costs; capital return factor; computation of use fee component; interest; allocation of loan to facilities and parties		405 IAC 1-15-5	24 IR 3178
	<b>26 IR 701</b>	405 IAC 1-12-13	25 IR 2798		24 IR 4135
Provider claims, payments, overpayments, and sanctions			<b>26 IR 725</b>		<b>25 IR 2471</b>
405 IAC 6-9	25 IR 3818	Allowable costs; capital return factor; use fee; depreciable life; property basis		Scope	
	<b>26 IR 702</b>	405 IAC 1-12-15	25 IR 2799	405 IAC 1-15-1	24 IR 4134
Provider appeal, records, drug price, and dispensing fee			<b>26 IR 726</b>		<b>25 IR 2471</b>
405 IAC 6-8	25 IR 3818	Allowable costs; wages; costs of employment; record keeping; owner of related party compensation			
	<b>26 IR 702</b>	405 IAC 1-12-19	25 IR 2802		
<b>Medicaid providers and services</b>			<b>26 IR 729</b>		
LSA Document #01-351(E)	<b>25 IR 389</b>				
Change of ownership for a long term care facility					
405 IAC 1-20	26 IR 512				
HIV nursing facilities					
Allowable cost; capital return factor					
Computation of return on equity component					
405 IAC 1-14.5-14	25 IR 3827				
	<b>26 IR 1081</b>				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Nursing facilities; rate-setting criteria			Outpatient services; hospital reimbursement			General anesthesia and intravenous sedation		
LSA Document #01-442(E)	<b>25 IR 1654</b>		Reimbursement methodology			405 IAC 5-14-15		26 IR 865
LSA Document #02-198(E)	<b>25 IR 3793</b>		405 IAC 1-8-3		24 IR 1381	Hospital admissions for covered dental services or procedures		
LSA Document #02-279(E)	<b>26 IR 396</b>		<b>Medicaid recipients; eligibility</b>			405 IAC 5-14-18		26 IR 866
Accounting records; retention schedule; audit trail; accrual basis; segregation of accounts by nature of business and by location			LSA Document #02-196(E)	<b>25 IR 3787</b>		Oral surgery		
405 IAC 1-14.6-3	24 IR 3171		Claims against estate of Medicaid recipients			405 IAC 5-14-17		26 IR 866
	24 IR 4128		Claims against estate			Periodontics; surgical		
	<b>25 IR 2464</b>		Benefits paid		25 IR 2804	405 IAC 5-14-16		26 IR 866
			405 IAC 2-8-1		<b>26 IR 731</b>	Policy		
Active providers; rate review			Exemption			405 IAC 5-14-1		25 IR 2556
405 IAC 1-14.6-6	24 IR 3175		405 IAC 2-8-1.1		25 IR 2805	Prophylaxis		
	24 IR 4131			<b>26 IR 732</b>		405 IAC 5-14-6		25 IR 3824
	<b>25 IR 2468</b>		Eligibility requirements based on need; aged, blind, and disabled program					26 IR 865
	25 IR 2784		Income eligibility of institutionalized applicant or recipient with community spouse; posteligibility			Tropical fluoride		
	<b>26 IR 712</b>		405 IAC 2-3-17		26 IR 516	405 IAC 5-14-4		25 IR 3824
Administrative reconsideration; appeal			Income of applicant or recipient (calculation)			Hospice services		
405 IAC 1-14.6-22	25 IR 2788		405 IAC 2-3-3		25 IR 1683	LSA Document #01-353(E)	<b>25 IR 399</b>	
	<b>26 IR 716</b>			<b>25 IR 3114</b>		LSA Document #01-440(E)	<b>25 IR 1653</b>	
Allowable costs; fair rental value allowance			Posteligibility income calculation			Reservation of beds for hospice recipients in nursing facilities		
405 IAC 1-14.6-12	25 IR 2787		405 IAC 2-3-21		26 IR 517	405 IAC 5-34-12		25 IR 138
	<b>26 IR 715</b>		405 IAC 2-3-23		25 IR 2555		<b>25 IR 2476</b>	
Definitions				<b>26 IR 731</b>		Medical supplies and equipment		
405 IAC 1-14.6-2	24 IR 3169		Transfer involving annuities			Braces and orthopedic shoes		
	24 IR 4126		405 IAC 2-3-1.2		24 IR 4136	405 IAC 5-19-10		24 IR 2521
	<b>25 IR 2462</b>			<b>25 IR 2726</b>			<b>25 IR 379</b>	
	25 IR 2779		Transfer of property			Durable medical equipment; reimbursement parameters		
	<b>26 IR 707</b>		405 IAC 2-3-1.1		24 IR 4137	405 IAC 5-19-3		26 IR 514
Financial report to office; annual schedule; prescribed form; extensions; penalty for untimely filing				<b>25 IR 2472</b>		Medical supplies		
405 IAC 1-14.6-4	24 IR 3172		Lien attachment and enforcement			405 IAC 5-19-1		25 IR 3811
	24 IR 4129		405 IAC 2-10		25 IR 3829	Prior authorization criteria		
	<b>25 IR 2465</b>		Medicaid for employees with disabilities			405 IAC 5-19-7		24 IR 2521
	25 IR 2782		405 IAC 2-9		25 IR 1684		<b>25 IR 379</b>	
	<b>26 IR 709</b>			<b>25 IR 3115</b>		Mental health services		
Inflation adjustment; minimum occupancy level; case mix indices			<b>Medicaid services</b>			Outpatient mental health services		
405 IAC 1-14.6-7	24 IR 3175		Administrative review and appeals of prior authorization determinations			405 IAC 5-20-8		24 IR 2524
	24 IR 4132		Appeals of prior authorization determinations				<b>25 IR 61</b>	
	<b>25 IR 2468</b>		405 IAC 5-7-1		24 IR 2519	Nursing facility services		
	25 IR 2785			<b>25 IR 378</b>		LSA Document #01-354(E)	<b>25 IR 399</b>	
	<b>26 IR 712</b>		Chiropractic services			Nursing facility beds; reservation		
New provider; initial financial report to office; criteria for establishing initial interim rates			Chiropractic x-ray services			LSA Document #01-443(E)	<b>25 IR 1663</b>	
405 IAC 1-14.6-5	24 IR 3174		405 IAC 5-12-3		25 IR 2556	405 IAC 5-31-8		24 IR 3756
	24 IR 4131		Reimbursement				<b>25 IR 2475</b>	
	<b>25 IR 2467</b>		405 IAC 5-12-1		25 IR 2555	Per diem services		
Nursing facilities reimbursement for therapy services			Consultations and second opinion			405 IAC 5-31-4		26 IR 515
405 IAC 1-14.6-20	24 IR 3177		Restrictions			Pharmacy services		
	24 IR 4134		405 IAC 5-8-3		24 IR 2519	Dispensing fee		
	<b>25 IR 2470</b>			<b>25 IR 379</b>		LSA Document #01-378(E)	<b>25 IR 828</b>	
	<b>26 IR 714</b>		Definitions			LSA Document #01-396(E)	<b>25 IR 829</b>	
Rate components; rate limitations; profit add-on			Medically reasonable and necessary service			405 IAC 5-24-6		24 IR 2181
405 IAC 1-14.6-9	24 IR 3176		405 IAC 5-2-17		24 IR 2518		<b>25 IR 60</b>	
	24 IR 4133			<b>25 IR 378</b>			25 IR 1242	
	<b>25 IR 2470</b>		Dental services				<b>25 IR 2727</b>	
	25 IR 2786		Analgesia			Legend and nonlegend solutions for nursing facility residents		
	<b>26 IR 714</b>		405 IAC 5-14-11		26 IR 865	405 IAC 5-24-13		26 IR 515
Unallowable costs; cost adjustments; charity and courtesy allowances; discounts; rebates; refunds of expenses			Copayment for dental services			Legend drugs		
405 IAC 1-14.6-16	25 IR 2788		405 IAC 5-14-2.5		25 IR 3823	Copayment for legend and nonlegend drugs		
	<b>26 IR 716</b>		Covered services			LSA Document #02-199(E)	<b>25 IR 3803</b>	
Ownership and control disclosures			405 IAC 5-14-2		25 IR 3823	LSA Document #02-280(E)	<b>26 IR 406</b>	
405 IAC 1-19	26 IR 511				26 IR 864	405 IAC 5-24-7		25 IR 3825
			Diagnostic services				<b>26 IR 732</b>	
			405 IAC 5-14-3		25 IR 3824			
					26 IR 865			

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Reimbursement		Plan of care		Section 906.6.1; curtain boards, general	
LSA Document #01-378(E)	<b>25 IR 828</b>	405 IAC 5-34-7	26 IR 163	675 IAC 13-2.3-103	24 IR 1935
LSA Document #01-396(E)	<b>25 IR 829</b>	Policy			<b>25 IR 1175</b>
405 IAC 5-24-4	24 IR 2180	405 IAC 5-34-1	26 IR 159	Indiana building code, 2003 edition	
	<b>25 IR 60</b>	Provider enrollment		675 IAC 13-2.4	25 IR 3291
	25 IR 847	405 IAC 5-34-2	26 IR 159	<b>Electrical code</b>	
	25 IR 1242	<b>State supplemental assistance for personal needs</b>		Indiana electrical code, 2002 edition	
	<b>25 IR 2727</b>	Benefit issuance		675 IAC 17-1.6	25 IR 1252
Limitations on quantities dispensed and frequency of refills		405 IAC 7-2	26 IR 518		<b>26 IR 15</b>
405 IAC 5-24-11	<b>25 IR 1614</b>	Eligibility requirements		<b>Elevators, escalators, manlifts, and hoists; safety code</b>	
Prior authorization; other drugs		405 IAC 7-1	26 IR 518	Administration	
405 IAC 5-24-8.5	24 IR 2181			Accident reports and investigations	
	<b>25 IR 1613</b>	<b>FINANCIAL INSTITUTIONS, DEPARTMENT OF</b>		675 IAC 21-1-7	25 IR 2033
Prior authorization limitations and other; antianxiety, antidepressant, antipsychotic agents		<b>Uniform consumer credit code</b>			<b>26 IR 1085</b>
405 IAC 5-24-8.6	<b>25 IR 1614</b>	Dollar amounts		Definitions	
Risk-based managed care		750 IAC 1-1-1	<b>25 IR 2540</b>	675 IAC 21-1-10	25 IR 2034
405 IAC 5-24-12	<b>25 IR 1614</b>				<b>26 IR 1086</b>
Prior authorization		<b>FIRE AND BUILDING SAFETY STANDARDS</b>		Installation of permit; registration, application; fees	
Audit		(See <b>FIRE PREVENTION AND BUILDING SAFETY COMMISSION</b> )		675 IAC 21-1-1	25 IR 2031
405 IAC 5-3-4	24 IR 2519	<b>FIRE PREVENTION AND BUILDING SAFETY COMMISSION</b>			<b>26 IR 1083</b>
	<b>25 IR 378</b>	<b>Administration</b>		Operating permit; display; location	
Criteria		Fee schedules		675 IAC 21-1-3.1	25 IR 2032
405 IAC 5-3-11	24 IR 2519	Amusement entertainment permit and inspection fees			<b>26 IR 1085</b>
	<b>25 IR 378</b>	675 IAC 12-3-8	25 IR 463	Signatories; affirmation	
Exceptions			<b>25 IR 2733</b>	675 IAC 21-1-1.5	25 IR 2031
405 IAC 5-3-12	24 IR 2524				<b>26 IR 1084</b>
	<b>25 IR 60</b>	Boiler and pressure vessel inspection, permitting, and licensing fees		Title; availability of rule	
Providers who may submit prior authorization requests		675 IAC 12-3-13	25 IR 2573	675 IAC 21-1-9	25 IR 2033
LSA Document # 02-1(E)	<b>25 IR 1664</b>	Construction inspection fees			<b>26 IR 1086</b>
405 IAC 5-3-10	24 IR 2180	675 IAC 12-3-6	25 IR 462	Elevator safety code	
	<b>25 IR 1613</b>		<b>25 IR 2733</b>	Adoption by reference	
Services requiring prior authorization		Explosive magazine permit fee		675 IAC 21-3-1	25 IR 2034
LSA Document # 02-1(E)	<b>25 IR 1664</b>	675 IAC 12-3-5	25 IR 462		<b>26 IR 1087</b>
405 IAC 5-3-13	24 IR 2180		<b>25 IR 2733</b>	Amendments to adopted code	
	<b>25 IR 1613</b>	Fireworks and retail stand permit fees		675 IAC 21-3-2	25 IR 2034
Services not covered by Medicaid		675 IAC 12-3-10	25 IR 463		<b>26 IR 1087</b>
405 IAC 5-29-1	24 IR 2522		<b>25 IR 2734</b>	Manlifts	
	<b>25 IR 380</b>	Fireworks display permit fees		Adoption by reference	
Smoking cessation treatment policy		675 IAC 12-3-3	25 IR 462	675 IAC 21-5-1	25 IR 2039
Counseling			<b>25 IR 2732</b>		<b>26 IR 1092</b>
405 IAC 5-37-3	24 IR 2523	Lifting device inspection, permitting, and licensing fees		Amendments to adopted standard	
	<b>25 IR 380</b>	675 IAC 12-3-14	25 IR 2574	675 IAC 21-5-3	25 IR 2039
Vision care services		Returned check fee			<b>26 IR 1092</b>
Contact lenses		675 IAC 12-3-12	25 IR 463	Personnel hoists	
405 IAC 5-23-5	24 IR 2522		<b>25 IR 2734</b>	Adoption by reference	
Frames and lenses; limitations		Site built construction		675 IAC 21-4-1	25 IR 2037
405 IAC 5-23-4	24 IR 2521	675 IAC 12-3-2	25 IR 461		<b>26 IR 1090</b>
<b>Products and services of persons with disabilities; purchase</b>			<b>25 IR 2731</b>	Amendments to adopted standard	
Hospice services		Statewide fire and building safety education fund		675 IAC 21-4-2	25 IR 2037
Audit		675 IAC 12-3-7	25 IR 463		<b>26 IR 1090</b>
405 IAC 5-34-4.2	26 IR 162		<b>25 IR 2733</b>	Platform and stairway chair lifts	
Election of hospice services		Variance application fees		675 IAC 21-8	25 IR 2040
405 IAC 5-34-6	26 IR 162	675 IAC 12-3-4	25 IR 462		<b>26 IR 1093</b>
Hospice authorization and benefit periods			<b>25 IR 2732</b>	<b>Fire and building safety standards</b>	
405 IAC 5-34-4	26 IR 160	<b>Building code</b>		NFPA 13; installation of sprinkler systems	
Hospice authorization determinations; appeals		Indiana building code, 1998 edition		675 IAC 13-1-8	24 IR 1925
405 IAC 5-34-4.1	26 IR 162	Section 906.1; smoke and heat venting, when required			<b>25 IR 1166</b>
Out-of-state providers		675 IAC 13-2.3-102	24 IR 1935	NFPA 13R	25 IR 2561
405 IAC 5-34-3	26 IR 160		<b>25 IR 1175</b>	675 IAC 13-1-25	<b>26 IR 1095</b>
Physician certification					
405 IAC 5-34-5	26 IR 162			NFPA 14	
				675 IAC 13-1-9	24 IR 1929
					<b>25 IR 1170</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

NFPA 20		<b>Industrialized building systems</b>		Section E3802, ground-fault and arc-fault circuit-interrupter protection	
675 IAC 13-1-10	24 IR 1932	Special administrative rules for industrialized building systems and mobile structures		675 IAC 14-4.2-192.1	25 IR 1250
	<b>25 IR 1172</b>	Fees			<b>26 IR 13</b>
	25 IR 2564	675 IAC 15-1-22	25 IR 464	Section E3802.8, exempt receptacles	
	<b>26 IR 1098</b>		<b>25 IR 2734</b>	675 IAC 14-4.2-192.2	25 IR 1250
<b>Fire code</b>		<b>Mechanical code</b>			<b>26 IR 13</b>
Indiana fire code, 1998 edition		Indiana mechanical code, 2003 edition		Section E3803.3, additional locations	
Appendix II-F; protected aboveground tanks for motor vehicle fuel-dispensing stations outside building		675 IAC 18-1.4	25 IR 3366	675 IAC 14-4.2-192.3	25 IR 1250
675 IAC 22-2.2-499	24 IR 2548	<b>One and two family dwelling code</b>			<b>26 IR 14</b>
	<b>25 IR 1179</b>	Indiana residential code		Section E3805.1, box, conduit body, or fitting; where required	
NFPA 58; standard for the storage and handling of liquefied petroleum gases		Section E3301.2; scope		675 IAC 14-4.2-192.4	25 IR 1250
675 IAC 22-2.2-14	25 IR 2569	675 IAC 14-4.2-181.1	<b>26 IR 11</b>		<b>26 IR 14</b>
Section 1006.2.8; operations and maintenance		Section E3302.2, penetrations of fire-resistance-rated assemblies		Section E3805.3.1, nonmetallic-sheathed cable and nonmetallic boxes	
675 IAC 22-2.2-104	24 IR 2546	675 IAC 14-4.2-182.1	25 IR 1247	675 IAC 14-4.2-192.5	25 IR 1250
	<b>25 IR 1176</b>		<b>26 IR 11</b>		<b>26 IR 14</b>
Section 1109.8.1; general		Section E3306.5, Individual conductor insulation		Section E3805.3.2, securing to box	
675 IAC 22-2.2-134.5	24 IR 2546	675 IAC 14-4.2-185.1	25 IR 1248	675 IAC 14-4.2-192.6	25 IR 1250
	<b>25 IR 1177</b>		<b>26 IR 11</b>		<b>26 IR 14</b>
Section 1302.2; reporting emergencies		Section E3401, general		Section E3806.5, in wall or ceiling	
675 IAC 22-2.2-145	24 IR 2546	675 IAC 14-4.2-187	25 IR 1248	675 IAC 14-4.2-192.7	25 IR 1250
	<b>25 IR 1177</b>		<b>26 IR 11</b>	Section E3806.8.2.1, nails	
Section 4503; dipping operations		Section E3501.6.2, service disconnect location		675 IAC 14-4.2-192.8	25 IR 1250
675 IAC 22-2.2-221.5	24 IR 2547	675 IAC 14-4.2-187.1	25 IR 1248	Section E3808.8, types of equipment grounding conductors	
	<b>25 IR 1177</b>		<b>26 IR 12</b>	675 IAC 14-4.2-193.1	25 IR 1251
Section 5202.4.8; special-type dispensers		Section E3503.1, service conductor and grounding electrode conductor sizing			<b>26 IR 14</b>
675 IAC 22-2.2-245.5	24 IR 2547	675 IAC 14-4.2-187.2	25 IR 1248	Section E3901.3, indicating	
	<b>25 IR 1177</b>		<b>26 IR 12</b>	675 IAC 14-4.2-193.2	25 IR 1251
Section 5204.4.4.2; main exit		Section E3504.2.1, above roofs			<b>26 IR 14</b>
675 IAC 22-2.2-245.2	24 IR 2547	675 IAC 14-4.2-187.3	25 IR 1248	Section E3902.12, outdoor installation	
	<b>25 IR 1177</b>		<b>26 IR 12</b>	675 IAC 14-4.2-193.3	25 IR 1251
Section 7901.3.2; plans		Section E3505.5, protection of service cables against damage			<b>26 IR 14</b>
675 IAC 22-2.2-338	24 IR 2547	675 IAC 14-4.2-187.4	25 IR 1248	Section E3903.11, fixtures in clothes closets	
	<b>25 IR 1177</b>		<b>26 IR 12</b>	675 IAC 14-4.2-193.4	25 IR 1251
Section 7902.2.8.1; drainage control and diking; general		Section E3602.10, branch circuits serving heating loads			<b>26 IR 14</b>
675 IAC 22-2.2-365	24 IR 2547	675 IAC 14-4.2-190.1	25 IR 1249	Table E4103.5, overhead conductor clearances	
	<b>25 IR 1178</b>		<b>26 IR 12</b>	675 IAC 14-4.2-193.5	25 IR 1251
Section 7902.2.8.3.8; equipment, controls, and piping in diked areas		Section E3602.12, branch circuits serving room air conditioners			<b>26 IR 14</b>
675 IAC 22-2.2-365.2	24 IR 2547	675 IAC 14-4.2-190.2	25 IR 1249	Section E4104.1, bonded parts	
	<b>25 IR 1178</b>		<b>26 IR 12</b>	675 IAC 14-4.2-194.1	25 IR 1251
Section 7902.6.5.3; overfill prevention systems		Section E3602.12.1, where no other loads are supplied			<b>26 IR 15</b>
675 IAC 22-2.2-369.5	24 IR 2548	675 IAC 14-4.2-190.3	25 IR 1249	Section E4106.8.2, other enclosures	
	<b>25 IR 1178</b>		<b>26 IR 12</b>	675 IAC 14-4.2-194.2	25 IR 1251
Section 7902.6.15; corrosion protection		Section E3602.12.2, where lighting units or other appliances are also supplied			<b>26 IR 15</b>
675 IAC 22-2.2-373	24 IR 2548	675 IAC 14-4.2-190.4	25 IR 1249	Section E4106.9.2, wiring methods	
	<b>25 IR 1178</b>		<b>26 IR 12</b>	675 IAC 14-4.2-194.3	25 IR 1251
Section 8001.11.3; protection from vehicles		Section E3703.3 protection from damage			<b>26 IR 15</b>
675 IAC 22-2.2-412.5	24 IR 2548	675 IAC 14-4.2-190.5	25 IR 1249	Section E4106.10, electrically operated pool covers	
	<b>25 IR 1179</b>		<b>26 IR 13</b>	675 IAC 14-4.2-194.4	25 IR 1251
Section 8102.6.2.2; number of doors required		Section E3801.4.5, receptacle outlet location			<b>26 IR 15</b>
675 IAC 22-2.2-443.5	24 IR 2548	675 IAC 14-4.2-191.1	25 IR 1249	Section E4201.2, definitions	
	<b>25 IR 1179</b>		<b>26 IR 13</b>	675 IAC 14-4.2-194.6	25 IR 1252
Uniform Fire Code Standard 81-1; high-piled general storage of combustibles in buildings		Section E3801.6, bathroom			<b>26 IR 15</b>
675 IAC 22-2.2-535	24 IR 1935	675 IAC 14-4.2-191.2	25 IR 1249	Section E4201.3, spread of fire or products of combustion	
	<b>25 IR 1176</b>		<b>26 IR 13</b>	675 IAC 14-4.2-194.7	25 IR 1252
Uniform Fire Code Standard 81-2; high-piled storage of combustibles on racks in buildings		Section E3801.9, basements and garages			<b>26 IR 15</b>
675 IAC 22-2.2-536	24 IR 1935	675 IAC 14-4.2-191.3	25 IR 1249		
	<b>25 IR 1176</b>		<b>26 IR 13</b>		
Indiana fire code, 2003 edition					
675 IAC 22-2.3	25 IR 3381				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

**Recreational facilities**

Annual inspection fees  
675 IAC 23-1-63 25 IR 464  
**25 IR 2735**

**Swimming pool code**

Public spas  
Circulation systems  
675 IAC 20-3-7 25 IR 2568  
**26 IR 1103**

Inlets and outlets  
675 IAC 20-3-6 25 IR 2568  
**26 IR 1103**

Mechanical, electrical, and water supply  
675 IAC 20-3-5 25 IR 2568  
**26 IR 1102**

Public swimming pools  
Circulation systems  
675 IAC 20-2-17 25 IR 2566  
**26 IR 1100**

Disinfectant equipment and chemical feeders  
675 IAC 20-2-24 25 IR 2567  
**26 IR 1102**

Inlets and outlets  
675 IAC 20-2-20 25 IR 2566  
**26 IR 1101**

Safety requirements  
675 IAC 20-2-26 25 IR 2567  
**26 IR 1102**

**FIRE CODE**

(See **FIRE PREVENTION AND BUILDING SAFETY COMMISSION**)

**FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION; BOARD OF Personnel standards and education**

General  
Certifications  
655 IAC 1-1-5.1 24 IR 3182  
**25 IR 1157**

Definitions  
655 IAC 1-1-1.1 24 IR 3181  
**25 IR 1156**

Qualification of evaluators and proctors  
655 IAC 1-1-13 24 IR 3184  
**25 IR 1159**

Revocation of certification  
655 IAC 1-1-7 24 IR 3184  
**25 IR 1159**

Voluntary certification program  
655 IAC 1-1-4 24 IR 3182  
**25 IR 1157**

Training for voluntary certification program (1996)  
Airport firefighter—aircraft crash and rescue  
655 IAC 1-2.1-7 24 IR 3186  
**25 IR 1162**

Demonstration requirements  
655 IAC 1-2.1-76.3 24 IR 3189  
**25 IR 1165**

Description requirements  
655 IAC 1-2.1-76.2 24 IR 3189  
**25 IR 1164**

Driver/operator—aerial  
655 IAC 1-2.1-6.1 24 IR 3185  
**25 IR 1161**

Driver/operator—aircraft crash and rescue  
655 IAC 1-2.1-6.3 24 IR 3186  
**25 IR 1161**

Driver/operator—mobile water supply  
655 IAC 1-2.1-6.4 24 IR 3186  
**25 IR 1162**

Driver/operator—pumper  
655 IAC 1-2.1-6 24 IR 3185  
**25 IR 1161**

Driver/operator—wildland fire apparatus  
655 IAC 1-2.1-6.2 24 IR 3186  
**25 IR 1161**

Firefighter certification; general  
655 IAC 1-2.1-2 24 IR 3185  
**25 IR 1160**

Instructor—swift water rescue  
655 IAC 1-2.1-19.1 24 IR 3187  
**25 IR 1163**

Juvenile firesetter intervention specialist I  
655 IAC 1-2.1-94 24 IR 3190  
**25 IR 1165**

Juvenile firesetter intervention specialist II  
655 IAC 1-2.1-95 24 IR 3190  
**25 IR 1165**

Public fire and life safety educator I  
655 IAC 1-2.1-16 24 IR 3186  
**25 IR 1162**

Public fire and life safety educator II  
655 IAC 1-2.1-17 24 IR 3187  
**25 IR 1162**

Public fire and life safety educator III  
655 IAC 1-2.1-18 24 IR 3187  
**25 IR 1162**

Public information officer  
655 IAC 1-2.1-93 24 IR 3189  
**25 IR 1165**

Rescue technician—confined space rescue  
655 IAC 1-2.1-75.3 24 IR 3188  
**25 IR 1164**

Rescue technician—rope rescue  
655 IAC 1-2.1-75 24 IR 3187  
**25 IR 1163**

Rescue technician—structural collapse rescue  
655 IAC 1-2.1-75.4 24 IR 3188  
**25 IR 1164**

Rescue technician—surface water rescue  
655 IAC 1-2.1-75.1 24 IR 3188  
**25 IR 1163**

Rescue technician—trench rescue  
655 IAC 1-2.1-75.5 24 IR 3189  
**25 IR 1164**

Rescue technician—vehicle and machinery rescue  
655 IAC 1-2.1-75.2 24 IR 3188  
**25 IR 1164**

Safety officer  
655 IAC 1-2.1-22 24 IR 3187  
**25 IR 1163**

Swift water rescue technician  
655 IAC 1-2.1-76.1 24 IR 3189  
**25 IR 1164**

**FIRST STEPS EARLY INTERVENTION SYSTEM**  
(See **DIVISION OF FAMILY AND CHILDREN**)

**FISH AND WILDLIFE**

(See **NATURAL RESOURCES COMMISSION**)

**FUNERAL AND CEMETERY SERVICE, STATE BOARD OF**

**Education, examination and licensure**

Internships and examinations  
Recognized funeral service intern examination  
832 IAC 3-2-2 24 IR 3225  
**25 IR 532**

**General provisions**

Definitions, fees, and reports  
Fees  
832 IAC 2-1-2 26 IR 870

**GAMING COMMISSION, INDIANA**

**Accounting records and procedures**

Audit procedures  
Electronic gaming devices  
68 IAC 15-7-3 24 IR 2739  
**25 IR 1071**

Currency transaction reports and multiple transaction logs  
Currency transaction report  
68 IAC 15-2-6 24 IR 2737  
**25 IR 1069**

Multiple transaction control log  
68 IAC 15-2-3 24 IR 2736  
**25 IR 1069**

Financial statement audits  
68 IAC 15-14 24 IR 2740  
**25 IR 1073**

Internal audit procedures  
Applicability; general provisions  
68 IAC 15-8-1 24 IR 2740  
**25 IR 1072**

Observation of live gaming tables  
68 IAC 15-8-2 24 IR 2740  
**25 IR 1072**

Token and chip inventories  
Purchase and receipt of chips and tokens  
68 IAC 15-4-2 24 IR 2738  
**25 IR 1070**

Storage of chips or tokens  
68 IAC 15-4-3 24 IR 2739  
**25 IR 1071**

**Conduct of gaming**

Blackjack  
General provisions  
68 IAC 10-2-1 24 IR 2733  
**25 IR 1065**

**Gaming equipment**

Cards and dice  
Card and dice removal and cancellation logs  
68 IAC 14-3-8 24 IR 2735  
**25 IR 1067**

Caribbean Draw Poker  
Table requirements  
68 IAC 14-12-2 24 IR 2736  
**25 IR 1068**

Caribbean Stud Poker table  
Caribbean stud poker table requirements  
68 IAC 14-10-2 24 IR 2735  
**25 IR 1067**

Let It Ride  
Table requirements  
68 IAC 14-11-2 24 IR 2736  
**25 IR 1068**

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Live gaming device table requirements		Food and nutritional services		Incorporation by reference	
68 IAC 14-2-2	24 IR 2734	410 IAC 16.2-5-5.1	25 IR 3271	410 IAC 15-1.7-1	25 IR 156
	<b>25 IR 1066</b>	Health services			<b>25 IR 1137</b>
<b>Internal control procedures</b>		410 IAC 16.2-5-4	25 IR 3270	410 IAC 15-2.7-1	25 IR 153
Chips and tokens		Infection control			<b>25 IR 1134</b>
68 IAC 11-5-1	24 IR 2734	410 IAC 16.2-5-12	25 IR 3276	<b>Indiana health care professional recruitment and retention program</b>	
	<b>25 IR 1066</b>	Licenses		LSA Document #01-409(E)	<b>25 IR 1192</b>
Drop bucket process and hard count		410 IAC 16.2-5-1.1	25 IR 3252	LSA Document #02-29(E)	<b>25 IR 1922</b>
68 IAC 11-2-7	24 IR 2734	Mental health screening for individuals who are recipients of Medicaid or federal supplemental security income		<b>Reporting</b>	
	<b>25 IR 1066</b>	410 IAC 16.2-5-11.1	25 IR 3275	Birth problems registry	
<b>Licenses and approval of associated equipment</b>		Personnel		410 IAC 21-3	25 IR 2016
Electronic gaming device rules		410 IAC 16.2-5-1.4	25 IR 3261		<b>25 IR 3757</b>
Electronic gaming device inventory requirements; conversion notification		Pharmaceutical services		<b>Sanitary engineering</b>	
68 IAC 2-6-6	24 IR 2732	410 IAC 16.2-5-6	25 IR 3272	Campgrounds	
	<b>25 IR 1064</b>	Physical plant standards		410 IAC 6-7.1	25 IR 2002
Occupational licenses		410 IAC 16.2-5-1.6	25 IR 3265		<b>25 IR 3743</b>
Licensing procedures		Residents' rights		Public and semi-public pools	
68 IAC 2-3-5	24 IR 2729	410 IAC 16.2-5-1.2	25 IR 3254	410 IAC 6-2.1	25 IR 4188
	<b>25 IR 1061</b>	Sanitation and safety standards		Youth camps	
Supplier's license		410 IAC 16.2-5-1.5	25 IR 3263	410 IAC 6-7.2	25 IR 2007
Records		Scope			<b>25 IR 3749</b>
68 IAC 2-2-9.5	24 IR 2729	410 IAC 16.2-5-0.5	25 IR 3252	<b>HEALTH FACILITIES COUNCIL, INDIANA</b>	
	<b>25 IR 1061</b>	<b>Home health agencies</b>		<b>Qualified medication aides</b>	
Supplier's license required		Definitions		General provisions	
68 IAC 2-2-1	24 IR 2728	410 IAC 17-9	25 IR 140	412 IAC 2-1	25 IR 1244
	<b>25 IR 1060</b>		<b>25 IR 2477</b>		<b>25 IR 2728</b>
<b>Minority and women's business enterprises</b>		Home health administration and management		Disciplinary action	
Compliance		410 IAC 17-12	25 IR 145	412 IAC 2-1-11	25 IR 4200
Reporting contracts with minority and women's business enterprises			<b>25 IR 2483</b>	Employment of QMA and registry verification	
68 IAC 3-3-6	24 IR 2732	Home health care services		412 IAC 2-1-2.1	25 IR 4198
	<b>25 IR 1065</b>	Scope of services		Fees	
		410 IAC 17-14	25 IR 149	412 IAC 2-1-14	25 IR 4200
			<b>25 IR 2487</b>	Location for supervised practicum	
<b>HAZARDOUS AIR POLLUTANTS</b>		Home health clinical records		412 IAC 2-1-6	25 IR 4199
(See <b>AIR POLLUTION CONTROL BOARD</b> )		410 IAC 17-15	25 IR 151	Mandatory recertification/annual in-service education requirements	
			<b>25 IR 2489</b>	412 IAC 2-1-10	25 IR 4199
<b>HEALTH, INDIANA STATE DEPARTMENT OF</b>		Home health licensure		Program applicants	
<b>Early intervention services</b>		410 IAC 17-10	25 IR 143	412 IAC 2-1-2.2	25 IR 4198
LSA Document #02-28(E)	<b>25 IR 1920</b>		<b>25 IR 2481</b>	QMA competency evaluation	
<b>Food and drugs</b>		Home health patient care		412 IAC 2-1-8	25 IR 4199
Certification of food handlers		Patient care		QMA practicing prior to rule	
410 IAC 7-22	26 IR 1245	410 IAC 17-13	25 IR 148	412 IAC 2-1-13	25 IR 4200
Wholesale food establishment sanitation requirements			<b>25 IR 2486</b>	"Qualified medication aide" or "QMA" defined	
410 IAC 7-21	24 IR 2809	Incorporation by reference		412 IAC 2-1-1	25 IR 4198
	<b>25 IR 1615</b>	410 IAC 17-16	25 IR 151	Reciprocity	
			<b>25 IR 2489</b>	412 IAC 2-1-12	25 IR 4200
<b>Grants</b>		State administrative actions			
Health care professional recruitment and retention program		410 IAC 17-11	25 IR 144		
410 IAC 23-2	25 IR 2018		<b>25 IR 2482</b>	<b>HEALTH FACILITY ADMINISTRATORS, INDIANA STATE BOARD OF</b>	
	<b>25 IR 3759</b>	<b>Hospital licensure</b>		<b>Continuing education for renewal of license</b>	
<b>Health facilities; licensing and operational standards</b>		Ambulatory outpatient surgical center services		Administrator-in-training program; preceptor experience credit	
Definitions		Physical plant, equipment maintenance, and environmental services		840 IAC 1-2-7	25 IR 526
410 IAC 16.2-1.1	25 IR 3244	410 IAC 15-2.5-7	25 IR 152		<b>25 IR 2855</b>
Residential care facilities			<b>25 IR 1133</b>	Approval of sponsor; responsibility	
Activities programs		Hospital services		840 IAC 1-2-4	25 IR 525
410 IAC 16.2-5-7.1	25 IR 3274	Medical record services			<b>25 IR 2860</b>
Administration and management		410 IAC 15-1.5-4	26 IR 164	Credit requirements	
410 IAC 16.2-5-1.3	25 IR 3259	Medical staff		840 IAC 1-2-1	25 IR 524
Clinical records		410 IAC 15-1.5-5	26 IR 166		<b>25 IR 2859</b>
410 IAC 16.2-5-8.1	25 IR 3274	Physical plant, maintenance, and environmental services		Exemptions	
Evaluation		410 IAC 15-1.5-8	25 IR 154	840 IAC 1-2-5	25 IR 525
410 IAC 16.2-5-2	25 IR 3269		<b>25 IR 1135</b>		<b>25 IR 2861</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Persons exempt from fee 840 IAC 1-2-6	25 IR 526 <b>25 IR 2861</b>	<b>Examinations</b> 844 IAC 9-5-1	24 IR 3810 <b>25 IR 1319</b>	Positive sample results 71 IAC 8.5-10-5	<b>25 IR 122</b>
Verification of attendance 840 IAC 1-2-2	25 IR 525 <b>25 IR 2860</b>	<b>Definitions</b> Sponsor 844 IAC 9-2-5	24 IR 3809 <b>25 IR 1318</b>	Possession of drugs; ban Prohibited practices 71 IAC 8.5-5-2	<b>26 IR 57</b>
<b>General provisions</b>		<b>Fees</b> 844 IAC 9-1-1	24 IR 3809 <b>25 IR 1317</b>	Practicing veterinarians Notice in writing 71 IAC 8.5-4-8	<b>26 IR 57</b>
Definitions 840 IAC 1-1-2	25 IR 520 <b>25 IR 2855</b>	<b>Supervision</b> Standards of conduct 844 IAC 9-6-3	24 IR 3811 <b>25 IR 1319</b>	Records of treatment 71 IAC 8.5-4-5	<b>25 IR 121</b>
Display of license 840 IAC 1-1-11	25 IR 522 <b>25 IR 2857</b>	Student hearing aid dealers 844 IAC 9-6-1	24 IR 3811 <b>25 IR 1319</b>	Split sample Collection procedures 71 IAC 8.5-3-1	<b>25 IR 121</b>
Duplicate license 840 IAC 1-1-12	25 IR 522 <b>25 IR 2857</b>			Storage and shipment of split samples 71 IAC 8.5-3-2	<b>25 IR 121</b>
Educational institutions and courses; approval by board 840 IAC 1-1-13	25 IR 522 <b>25 IR 2857</b>	<b>HOME HEALTH AGENCIES</b>		<b>Licenses</b> General provisions License denial 71 IAC 5.5-1-13	<b>25 IR 118</b>
Examination 840 IAC 1-1-6	25 IR 522 <b>25 IR 2857</b>	<b>Definitions</b> 410 IAC 17-9	25 IR 140 <b>25 IR 2477</b>	License refusal 71 IAC 5.5-1-12	<b>25 IR 118</b>
License required; use of title and H.F.A. initials 840 IAC 1-1-3	25 IR 520 <b>25 IR 2855</b>	<b>Home health administration and management</b> 410 IAC 17-12	25 IR 145 <b>25 IR 2483</b>	Jockey agents Responsibilities 71 IAC 5.5-5-3	<b>26 IR 55</b>
Licensure Application 840 IAC 1-1-5	25 IR 521 <b>25 IR 2856</b>	<b>Home health care services</b> Scope of services 410 IAC 17-14	25 IR 149 <b>25 IR 2487</b>	Owners Licensing requirements for owners 71 IAC 5.5-2-1	<b>25 IR 118</b>
Preceptor program for administrator-in-training 840 IAC 1-1-15	25 IR 523 <b>25 IR 2858</b>	<b>Home health clinical records</b> 410 IAC 17-15	25 IR 151 <b>25 IR 2489</b>	Trainers Substitute trainers 71 IAC 5.5-3-6	<b>25 IR 119</b>
Provisional licenses 840 IAC 1-1-14	25 IR 523 <b>25 IR 2858</b>	<b>Home health licensure</b> 410 IAC 17-10	25 IR 143 <b>25 IR 2481</b>	Rules of the race Quarter horse time trials Time trials 71 IAC 7.5-10-1	<b>26 IR 56</b>
Qualifications and duties Administrator-in-training 840 IAC 1-1-16	25 IR 523 <b>25 IR 2858</b>	<b>Home health patient care</b> Patient care 410 IAC 17-13	25 IR 148 <b>25 IR 2486</b>	Weights Scale of weights 71 IAC 7.5-3-4	<b>25 IR 119</b>
Preceptors 840 IAC 1-1-17	25 IR 524 <b>25 IR 2859</b>	<b>Incorporation by reference</b> 410 IAC 17-16	25 IR 151 <b>25 IR 2489</b>	Workouts Identification 71 IAC 7.5-4-2	<b>25 IR 120</b>
Qualifications for licensure 840 IAC 1-1-4	25 IR 521 <b>25 IR 2856</b> 26 IR 540	<b>State administrative actions</b> 410 IAC 17-11	25 IR 144 <b>25 IR 2482</b>	<b>Human and equine health</b> Practicing veterinarians Prohibition of presence in paddock and barn area 71 IAC 8-5-7	<b>25 IR 2538</b>
Temporary permits 840 IAC 1-1-18	25 IR 524 <b>25 IR 2859</b>	<b>HORSE RACING COMMISSION, INDIANA</b>		Prohibition of alcohol Penalties 71 IAC 8-11-3	<b>25 IR 2538</b>
<b>Schedule of fees</b>		<b>Definitions</b> Extended race meet 71 IAC 1-1-41.5	<b>26 IR 394</b>	<b>Licenses</b> Other responsibilities 71 IAC 5-3-3	<b>25 IR 2535</b>
Fees 840 IAC 1-3-2	25 IR 500 <b>25 IR 1634</b>	<b>Flat racing</b> Associations Facilities and equipment Lighting 71 IAC 4.5-3-9	<b>25 IR 118</b>	<b>Officials</b> Judges Judge's list 71 IAC 3-2-9	<b>25 IR 2534</b>
<b>HEARING AID DEALERS</b>		Financial requirements Records of employees 71 IAC 4.5-2-7	<b>25 IR 118</b>	Patrol judge General authority 71 IAC 3-10-1	<b>25 IR 2534</b>
<b>Application</b> Registration 844 IAC 9-3-1	24 IR 3809 <b>25 IR 1318</b>	Claiming races Prohibitions 71 IAC 6.5-1-4	<b>26 IR 55</b>	<b>Quarter horse development program</b> Awards Breeder awards 71 IAC 14.5-3-2	<b>25 IR 2539</b>
<b>Certification renewal</b> Certificate renewal 844 IAC 9-4-1	24 IR 3810 <b>25 IR 1318</b>	Definitions Extended race meet 71 IAC 1-1.5-37.5	<b>26 IR 394</b>	Stallion owner awards 71 IAC 14.5-3-3	<b>25 IR 2539</b>
Student hearing aid dealer certificate renewal 844 IAC 9-4-2	24 IR 3810 <b>25 IR 1319</b>	Human and equine health Human substance abuse testing Penalties 71 IAC 8.5-10-6	<b>26 IR 58</b>	Indiana bred quarter horse development program Indiana bred quarter horse 71 IAC 14.5-1-1	<b>25 IR 123</b> <b>25 IR 1190</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Indiana foaled quarter horse 71 IAC 14.5-1-2	<b>25 IR 1191</b>	<b>INSURANCE, DEPARTMENT OF</b> <b>Continuing education</b> Application requirements 760 IAC 1-50-4		<b>LABOR, DEPARTMENT OF</b> <b>Safety education and training—occupational safety</b> Occupational injuries and illnesses; recording and reporting 610 IAC 4-6	<b>25 IR 874</b> <b>26 IR 353</b>
Indiana owned quarter horse 71 IAC 14.5-1-3	<b>25 IR 2538</b>	Continuing education credit hour defined 760 IAC 1-50-3	<b>25 IR 2582</b>		
Registration Foal registration 71 IAC 14.5-2-2	<b>25 IR 2539</b>	Definitions 760 IAC 1-50-2	<b>25 IR 2582</b>		
Mare registration 71 IAC 14.5-2-1	<b>25 IR 123</b>	Record keeping requirements 760 IAC 1-50-7	<b>25 IR 2584</b>	<b>LAND QUALITY, OFFICE OF</b> <b>Hazardous waste management permit program and related hazardous waste management</b> Definitions Applicability 329 IAC 3.1-4-1	<b>26 IR 1240</b>
<b>Rules of the race</b> Driving rules and violations Breaking 71 IAC 7-3-16	<b>25 IR 2537</b>	Requirements for self-study continuing education courses 760 IAC 1-50-5	<b>25 IR 2583</b>	General provisions Hazardous waste treatment, storage, and disposal facilities Final permit standards for owners and operators Exceptions and additions 329 IAC 3.1-9-2	<b>25 IR 845</b> <b>25 IR 3112</b> <b>26 IR 1241</b>
Disorderly conduct 71 IAC 7-3-25	<b>25 IR 2537</b>	Retirement exemption 760 IAC 1-50-13	<b>25 IR 2584</b>		
List or replace driver 71 IAC 7-3-9	<b>25 IR 2536</b>	Retirement exemption form 760 IAC 1-50-13.5	<b>25 IR 2585</b>		
Whip restriction 71 IAC 7-3-13	<b>25 IR 2537</b>	<b>Credit life, accident, and health insurance</b> 760 IAC 1-5.1	<b>25 IR 465</b> <b>25 IR 2575</b> <b>26 IR 19</b>		
Entries and scratches Notice in writing 71 IAC 7-1-26	<b>25 IR 2536</b>	<b>HMO grievance procedures</b> Authority 760 IAC 1-59-1	<b>26 IR 170</b>	Interim status standards for owners and operators Exceptions and additions 329 IAC 3.1-10-2	<b>25 IR 846</b> <b>25 IR 3113</b> <b>26 IR 1242</b>
Qualifying races 71 IAC 7-1-28	<b>25 IR 2536</b>	Definitions 760 IAC 1-59-3	<b>26 IR 171</b>		
<b>Satellite facility and simulcasting</b> Operations Breakage and outs; allocation 71 IAC 12-2-19	<b>25 IR 1190</b> <b>26 IR 59</b>	Grievance Appeal of resolution 760 IAC 1-59-12	<b>26 IR 175</b>	Incorporation by reference 329 IAC 3.1-1-7	<b>25 IR 813</b> <b>25 IR 3111</b> <b>26 IR 1240</b>
Interstate simulcasting revenue to purses; allocation 71 IAC 12-2-18	<b>25 IR 1190</b>	Filing 760 IAC 1-59-9	<b>26 IR 173</b>		
Riverboat gambling admissions tax revenue; allocation 71 IAC 12-2-15	<b>25 IR 1189</b> <b>26 IR 58</b> <b>26 IR 394</b>	Procedures; establishment; filing with and review by commission 760 IAC 1-59-6	<b>26 IR 172</b>	Generators of hazardous waste Exceptions and additions; generator standards 329 IAC 3.1-7-2	<b>25 IR 844</b> <b>25 IR 3111</b> <b>26 IR 1240</b>
Simulcast revenue between associations; allocation 71 IAC 12-2-20	<b>25 IR 1190</b> <b>26 IR 395</b>	Register 760 IAC 1-59-5	<b>26 IR 171</b>	Identification and listing of hazardous waste Waste excluded from regulation; Heritage Environmental Services, LLC and Nucor Steel Corporation, Crawfordsville, Indiana 329 IAC 3.1-6-6	<b>24 IR 2516</b> <b>25 IR 372</b>
<b>Thoroughbred development program</b> Indiana bred 71 IAC 13.5-1-1	<b>25 IR 122</b>	Report form 760 IAC 1-59-14	<b>26 IR 175</b>	Solid waste processing facilities Application procedure Demonstration and determination of need 329 IAC 11-9-5	<b>24 IR 3165</b> <b>25 IR 1129</b>
Registration Mare registration 71 IAC 13.5-2-1	<b>25 IR 122</b>	Resolution notice 760 IAC 1-59-11	<b>26 IR 174</b>	New permit application and major modification application 329 IAC 11-9-2	<b>24 IR 3163</b> <b>25 IR 1126</b>
<b>Types of races</b> Claiming races Prohibitions on claims 71 IAC 6-1-2	<b>25 IR 2536</b>	Standards for timely review and resolution 760 IAC 1-59-5	<b>26 IR 171</b>	Permit requirement 329 IAC 11-9-1	<b>24 IR 3162</b> <b>25 IR 1126</b>
<b>HOSPICE SERVICES</b> (See <b>FAMILY AND SOCIAL SERVICE, OFFICE OF THE SECRETARY OF—Products and services of persons with disabilities; purchase</b> ) (See <b>FAMILY AND SOCIAL SERVICE, OFFICE OF THE SECRETARY OF—Reimbursement for hospice services</b> )		Notice to enrollees 760 IAC 1-59-7	<b>26 IR 172</b>	Renewal permit application and minor modification application 329 IAC 11-9-4	<b>24 IR 3165</b> <b>25 IR 1128</b>
<b>HOSPITAL CARE FOR THE INDIGENT</b> (See <b>FAMILY AND CHILDREN, DIVISION OF</b> )		Purpose 760 IAC 1-59-2	<b>26 IR 170</b>	Signatories to permit application and reports 329 IAC 11-9-3	<b>24 IR 3164</b> <b>25 IR 1128</b>
<b>INDIANA SCORING MODEL</b> (See <b>LAND QUALITY, OFFICE OF</b> )		Reports 760 IAC 1-59-4	<b>26 IR 171</b>	Permit issuance and miscellaneous provisions Duration of permits 329 IAC 11-11-3	<b>24 IR 3166</b> <b>25 IR 1130</b>
		Toll free telephone number 760 IAC 1-59-8	<b>26 IR 173</b>		
		<b>Long term care insurance coverage</b> Licensing 760 IAC 2-10-1	<b>24 IR 2832</b> <b>25 IR 382</b>		
		<b>Multiple employer welfare arrangements</b> 760 IAC 1-68	<b>26 IR 531</b>		
		<b>Privacy of consumer information</b> 760 IAC 1-67	<b>24 IR 2832</b> <b>25 IR 85</b>		
		<b>JUVENILE DETENTION FACILITIES</b> (See <b>CORRECTION, DEPARTMENT OF</b> )			
		<b>JUVENILE RECORDS</b> (See <b>CORRECTION, DEPARTMENT OF</b> )			

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Effect of permit issuance		Erosion and sediment control system		General provisions	
329 IAC 11-11-4	24 IR 3167	329 IAC 10-2-66.3	26 IR 434	Electronic submission of information	
	<b>25 IR 1130</b>	Facility		329 IAC 10-1-4.5	26 IR 433
Issuance procedures		329 IAC 10-2-69	26 IR 434	Records and standards for submitted information	
Original permits		Flood plain		329 IAC 10-1-4	26 IR 432
329 IAC 11-11-1	24 IR 3166	329 IAC 10-2-74	26 IR 435	Municipal solid waste landfill liner system; design; construction, and CQA/CQC requirements	
	<b>25 IR 1129</b>	Floodway		CQA/CQC preconstruction meeting	
Renewal permits		329 IAC 10-2-75	26 IR 435	329 IAC 10-17-18	26 IR 457
329 IAC 11-11-2	24 IR 3166	Floodway fringe		Drainage layer component of the liner; construction and quality assurance/quality control requirements	
	<b>25 IR 1130</b>	329 IAC 10-2-75.1	26 IR 435	329 IAC 10-17-9	26 IR 456
Permit revocation and modification		Infectious waste		Geomembrane component of the liner; construction and quality assurance/quality control requirements	
329 IAC 11-11-6	24 IR 3167	329 IAC 10-2-96	26 IR 435	329 IAC 10-17-7	26 IR 454
	<b>25 IR 1131</b>	Insignificant facility modification		Liner designs and criteria for selection of design; overview	
Transferability of permits		329 IAC 10-2-97.1	26 IR 435	329 IAC 10-17-2	26 IR 453
329 IAC 11-11-5	24 IR 3167	Karst terrain		Protective cover component of the liner; construction and quality assurance/quality control requirements	
	<b>25 IR 1130</b>	329 IAC 10-2-99	26 IR 436	329 IAC 10-17-12	26 IR 457
Quarterly tonnage report		Land application unit		Municipal solid waste landfills	
Quarterly reports		329 IAC 10-2-100	26 IR 436	Closure requirements	
329 IAC 11-14-1	24 IR 3167	Licensed professional geologist		Closure plan	
	<b>25 IR 1131</b>	329 IAC 10-2-105.3	26 IR 436	329 IAC 10-22-2	26 IR 493
<b>Indiana Scoring Model</b>		Liquid waste		Completion of closure and final cover	
Assessment of hazardous substance response sites		329 IAC 10-2-106	26 IR 436	329 IAC 10-22-5	26 IR 494
Scoring		Major modification of solid waste land disposal facilities		Final cover requirements for existing MSWLF units constructed without a composite bottom liner	
329 IAC 7-2-6	24 IR 2803	329 IAC 10-2-109	26 IR 436	329 IAC 10-22-7	26 IR 495
	<b>25 IR 1124</b>	Measurable storm event		Final cover requirements for new MSWLF units or existing MSWLF units that have a composite bottom liner and a leachate collection system	
Deletion procedures; agency and petition deletions		329 IAC 10-2-111.5	26 IR 436	329 IAC 10-22-6	26 IR 494
Agency deletion		Minor modification of solid waste land disposal facilities		Final closure certification	
329 IAC 7-11-1	24 IR 2803	329 IAC 10-2-112	26 IR 436	329 IAC 10-22-8	26 IR 496
	<b>25 IR 1124</b>	Nonmunicipal solid waste landfill unit or Non-MSWLF unit		Partial closure certification	
Petition deletion		329 IAC 10-2-121.1	26 IR 437	329 IAC 10-22-3	26 IR 494
329 IAC 7-11-2	24 IR 2804	Peak discharge		Ground water monitoring programs and corrective action program requirements	
	<b>25 IR 1125</b>	329 IAC 10-2-132.2	26 IR 437	Assessment ground water monitoring program	
Site relisted		Permanent stabilization		329 IAC 10-21-10	26 IR 482
329 IAC 7-11-3	24 IR 2804	329 IAC 10-2-132.3	26 IR 437	Constituents for detection monitoring	
	<b>25 IR 1125</b>	Preliminary exceedance		329 IAC 10-21-15	26 IR 488
<b>Solid waste land disposal facilities</b>		329 IAC 10-2-142.5	26 IR 437	Constituents for assessment monitoring	
Actions for permit and renewal permit application		Qualified professional		329 IAC 10-21-16	26 IR 488
Public process for new solid waste landfill disposal facility permits major permit modifications; and minor permit modifications		329 IAC 10-2-147.2	26 IR 437	Corrective action program	
329 IAC 10-12-1	26 IR 443	Responsible corporate officer		329 IAC 10-21-13	26 IR 484
Application procedure for all solid waste land disposal facilities		329 IAC 10-2-158	26 IR 437	Demonstration that a statistically significant increase or contamination is not attributable to a municipal solid waste land disposal facility unit	
Minor modification applications		Sedimentation		329 IAC 10-21-9	26 IR 481
329 IAC 10-11-6	26 IR 443	329 IAC 10-2-165.5	26 IR 437	Detection ground water monitoring program	
Permit application for new land disposal facility and lateral expansions		Soil and Water Conservation District		329 IAC 10-21-7	26 IR 479
329 IAC 10-11-2.5	26 IR 441	329 IAC 10-2-172.5	26 IR 438	General ground water monitoring requirements	
Permit application requirements; general		Storm water discharge		329 IAC 10-21-1	26 IR 465
329 IAC 10-11-2.1	26 IR 440	329 IAC 10-2-181.2	26 IR 438	Ground water monitoring well and piezometer construction and design	
Renewal permit application		Storm water pollution prevent plan or SWP3		329 IAC 10-21-4	26 IR 474
329 IAC 10-11-5.1	26 IR 443	329 IAC 10-2-181.5	26 IR 438		
Definitions		Storm water quality measure			
Aquiclude		329 IAC 10-2-181.6	26 IR 438		
329 IAC 10-2-11	26 IR 433	Temporary stabilization			
Contaminant		329 IAC 10-2-187.5	26 IR 438		
329 IAC 10-2-41	26 IR 433	Definitions for nonmunicipal solid waste landfills, construction/demolition sites, and restricted waste sites Types I, II, III, and IV			
Conterminous		Exclusions			
329 IAC 10-2-41.1	26 IR 434	General			
Electronic submission		329 IAC 10-3-1	26 IR 438		
329 IAC 10-2-63.5	26 IR 434	Hazardous waste			
Endangered species		329 IAC 10-3-2	26 IR 439		
329 IAC 10-2-64	26 IR 434	Insignificant facility modifications			
Erosion		329 IAC 10-3-3	26 IR 439		
329 IAC 10-2-66.1	26 IR 434				
Erosion and sediment control measure					
329 IAC 10-2-66.2	26 IR 434				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Sampling and analysis plan and program 329 IAC 10-21-2	26 IR 468	Previously permitted solid waste land disposal facilities and sanitary landfills closed prior to April 14, 1996; responsibilities Remedial action 329 IAC 10-6-4	26 IR 440	Hazardous substance UST system 329 IAC 9-1-25	26 IR 1210
Statistical evaluation requirements and procedures 329 IAC 10-21-6	26 IR 477	Restricted waste site Type III and construction/demolition sites; closure requirements Closure plan 329 IAC 10-37-4	26 IR 501	Hydraulic lift tank 329 IAC 9-1-27	26 IR 1210
Verification of a statistically significant increase in constituent concentration 329 IAC 10-21-8	26 IR 480	Restricted waste sites Types I and II and nonmunicipal solid waste landfills Additional application requirements to 329 IAC 10-11 Hydrogeologic study 329 IAC 10-24-4	26 IR 499	Petroleum UST system 329 IAC 9-1-36	26 IR 1210
Location restrictions Karst terrain siting restrictions 329 IAC 10-16-8	26 IR 453	Closure requirements Plan 329 IAC 10-30-4	26 IR 500	Removal closure 329 IAC 9-1-39.5	26 IR 1211
Operational requirements Cover; general provisions 329 IAC 10-20-13	26 IR 463	Ground water monitoring and corrective action Monitoring devices 329 IAC 10-29-1	26 IR 499	SARA 329 IAC 9-1-41.5	26 IR 1211
Diversion of surface water and run-on and run-off control systems 329 IAC 10-20-11	26 IR 461	Solid waste land disposal facilities Financial responsibility Applicability 329 IAC 10-39-1	26 IR 501	underground release 329 IAC 9-1-47	26 IR 1211
Erosion and sedimentation control measures; general requirements 329 IAC 10-20-3	26 IR 459	Closure; financial responsibility 329 IAC 10-39-2	26 IR 502	Underground storage tank 329 IAC 9-1-47.1	26 IR 1211
Leachate collection, removal, and disposal 329 IAC 10-20-20	26 IR 463	Financial assurance for corrective action for municipal solid waste landfills 329 IAC 10-39-10	26 IR 510	Closure Applicability 329 IAC 9-6-1	26 IR 1229
Records and reports 329 IAC 10-20-8	26 IR 460	Incapacity of permittee, guarantors, or financial institutions 329 IAC 10-39-7	26 IR 509	Applicability to previously closed UST systems 329 IAC 9-6-3	26 IR 1234
Self-inspections 329 IAC 10-20-28	26 IR 464	Post-closure; financial responsibility 329 IAC 10-39-3	26 IR 508	Closure procedure 329 IAC 9-6-2.5	26 IR 1230
Signs 329 IAC 10-20-3	26 IR 459	Release of funds 329 IAC 10-39-9	26 IR 509	Closure records 329 IAC 9-6-4	26 IR 1234
Surface water requirements 329 IAC 10-20-26	26 IR 464	Quarterly reports and weighing scales Quarterly reports 329 IAC 10-14-1	26 IR 446	Temporary closure 329 IAC 9-6-5	26 IR 1235
Survey requirements 329 IAC 10-20-24	26 IR 464	Transition requirements of municipal solid waste landfill siting, design, and closure Applicability 329 IAC 10-10-1	26 IR 440	General operating requirements Compatibility 329 IAC 9-3.1-3	26 IR 1219
Post-closure requirements Certification 329 IAC 10-23-4	26 IR 498	Pending applications 329 IAC 10-10-2	26 IR 440	Operation and maintenance of corrosion protection 329 IAC 9-3.1-2	26 IR 1219
Duties 329 IAC 10-23-2	26 IR 496	<b>Underground storage tanks</b> Applicability; definitions Applicability 329 IAC 9-1-1	26 IR 1209	Repairs and maintenance allowed 329 IAC 9-3.1-4	26 IR 1219
Plan 329 IAC 10-23-3	26 IR 497	Definitions Agency 329 IAC 9-1-4	26 IR 1209	Spill and overflow control 329 IAC 9-3.1-1	26 IR 1218
Preoperational requirements and operational approval 329 IAC 10-19-1	26 IR 458	Change-in-service 329 IAC 9-1-10.4	26 IR 1209	Initial response, site investigation, and corrective action Applicability for release response and corrective action 329 IAC 9-5-1	26 IR 1221
Permit issuance and miscellaneous provisions Issuance procedures; original permits 329 IAC 10-13-1	26 IR 445	Chemical of concern 329 IAC 9-1-10.6	26 IR 1209	Corrective action plan 329 IAC 9-5-7	26 IR 1227
Permit revocation and modification 329 IAC 10-13-6	26 IR 446	Closure 329 IAC 9-1-10.8	26 IR 1210	Free product removal 329 IAC 9-5-4.2	26 IR 1224
Transferability of permits 329 IAC 10-13-5	26 IR 445	Consumptive use 329 IAC 9-1-14	26 IR 1210	Further site investigations for soil and ground water cleanup 329 IAC 9-5-6	26 IR 1226
Plans and documentation to be submitted with permit application Calculations and analyses pertaining to landfill design 329 IAC 10-15-8	26 IR 450	Contaminant 329 IAC 9-1-14.3	26 IR 1210	Initial abatement measures and site check 329 IAC 9-5-3.2	26 IR 1223
Description of proposed ground water monitoring well system 329 IAC 10-15-5	26 IR 449	Corrective action 329 IAC 9-1-14.5	26 IR 1210	Initial response 329 IAC 9-5-2	26 IR 1223
General requirements 329 IAC 10-15-1	26 IR 447	Corrective action plan 329 IAC 9-1-14.7	26 IR 1210	Initial site characterization 329 IAC 9-5-5.1	26 IR 1224
Plot plan requirements 329 IAC 10-15-2	26 IR 448			Performance standards New UST systems 329 IAC 9-2-1	26 IR 1211
Storm water pollution prevention plan 329 IAC 10-15-12	26 IR 451			Notification requirements 329 IAC 9-2-2	26 IR 1214
Post-closure requirements Duties 329 IAC 10-23-2	26 IR 496			Release detection General requirements for all UST systems 329 IAC 9-7-1	26 IR 1235
				Methods of release detection for tanks 329 IAC 9-7-4	26 IR 1237
				Requirements for petroleum UST systems 329 IAC 9-7-2	26 IR 1236

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Releases		<b>LOTTERY COMMISSION, STATE</b>		ELVIS®	
Release investigations and confirmation steps		<b>Instant games</b>		Instant game 563	
329 IAC 9-4-3	26 IR 1220	3 For The Money		LSA Document #01-436(E)	<b>25 IR 1648</b>
Reporting and cleanup of spills and overfills		Instant game 568		Extreme Green	
329 IAC 9-4-4	26 IR 1221	LSA Document #01-438(E)	<b>25 IR 1651</b>	Instant game 586	
Reporting and record keeping		7-11-21		LSA Document #02-66(E)	<b>25 IR 2269</b>
Electronic reporting and submittal		Instant game 552		Fantasy 4s	
329 IAC 9-3-2	26 IR 1218	LSA Document #01-329(E)	<b>25 IR 115</b>	Instant game 594	
General		\$250 Christmas Club		LSA Document #02-99(E)	<b>25 IR 2526</b>
329 IAC 9-3-1	26 IR 1216	Instant game 553		Fire N' Ice	
Upgrading of existing UST systems		LSA Document #01-330(E)	<b>25 IR 116</b>	Instant game 597	
Upgrading		Instant game 614		LSA Document #02-33(E)	<b>25 IR 1917</b>
329 IAC 9-2.1-1	26 IR 1215	LSA Document #02-308(E)	<b>26 IR 800</b>	Flash Cash	
		\$50,000 Grand		Instant game 577	
		Instant game 570		LSA Document #02-59(E)	<b>25 IR 2262</b>
		LSA Document #02-36(E)	<b>25 IR 2258</b>	Freezing Your Bucks Off	
		\$50,000 Poker Showdown		Instant game 559	
		Instant game 598		LSA Document #01-386(E)	<b>25 IR 823</b>
		LSA Document #02-100(E)	<b>25 IR 2527</b>	General provisions	
		Ace in the Hole		Game regulations	
		Instant game 612		65 IAC 4-2-8	<b>26 IR 43</b>
		LSA Document #02-290(E)	<b>26 IR 390</b>	Use of winner information and photographs	
		Black Jack		65 IAC 4-2-4	<b>26 IR 42</b>
		Instant game 621		Hands Down	
		LSA Document #02-313(E)	<b>26 IR 807</b>	Instant game 605	
		Blueline Bingo		LSA Document #02-168(E)	<b>25 IR 3201</b>
		Instant game 548		Harley-Davidson®	
		65 IAC 4-447	<b>25 IR 109</b>	Instant game 592	
		Bonus Bucks		LSA Document #02-157(E)	<b>25 IR 3192</b>
		Instant game 590		Here's The Deal	
		LSA Document #02-164(E)	<b>25 IR 3194</b>	Instant game 557	
		Cash Nirvana		LSA Document #01-384(E)	<b>25 IR 821</b>
		Instant game 575		High Card	
		LSA Document #02-70(E)	<b>25 IR 2274</b>	Instant game 609	
		Cash Roulette		LSA Document #02-227(E)	<b>25 IR 4123</b>
		Instant game 600		High Roller	
		LSA Document #02-101(E)	<b>25 IR 2530</b>	Instant game 593	
		Casino 7's		LSA Document #02-98(E)	<b>25 IR 2525</b>
		Instant game 584		High Stakes	
		LSA Document #02-153(E)	<b>25 IR 3185</b>	Instant game 550	
		Casino Nights		LSA Document #01-327(E)	<b>25 IR 112</b>
		Instant game 606		Holiday Package	
		LSA Document #02-169(E)	<b>25 IR 3202</b>	Instant game 556	
		Coffee Change		LSA Document #01-383(E)	<b>25 IR 819</b>
		Instant game 565		Instant game 618	
		LSA Document #01-437(E)	<b>25 IR 1650</b>	LSA Document #02-312(E)	<b>26 IR 805</b>
		Cool Cash Doubler		Hoosier Millionaire	
		Instant game 566		Instant game 287	
		LSA Document #01-416(E)	<b>25 IR 1187</b>	Last claim date	
		Count de Money		65 IAC 4-287-10	<b>25 IR 816</b>
		Instant game 549		Reorders	
		LSA Document #01-326(E)	<b>25 IR 109</b>	65 IAC 4-287-9	<b>25 IR 816</b>
		Crazy 7s		Instant game 787	
		Instant game 578		65 IAC 4-450	<b>25 IR 2531</b>
		LSA Document #02-60(E)	<b>25 IR 2263</b>	Hot Streak	
		Crossword		Instant game 650	
		Instant game 646		LSA Document #02-257(E)	<b>26 IR 54</b>
		65 IAC 4-451	<b>25 IR 4125</b>	Instant Slots	
		Deuces are Wild		Instant game 579	
		Instant game 611		LSA Document #02-61(E)	<b>25 IR 2265</b>
		LSA Document #02-289(E)	<b>26 IR 389</b>	In the Money	
		Dog Gone Lucky		Instant game 599	
		Instant game 576		LSA Document #02-165(E)	<b>25 IR 3197</b>
		LSA Document #02-71(E)	<b>25 IR 2275</b>	Joker's Wild	
		Double Diamonds		Instant game 572	
		Instant game 619		LSA Document #02-30(E)	<b>25 IR 1912</b>
		LSA Document #02-288(E)	<b>26 IR 392</b>		

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Leprechaun Loot		Reorders		<b>Pull-tab games</b>	
Instant game 571		65 IAC 4-248-10	<b>25 IR 816</b>	AmeriCash	
LSA Document #02-37(E)	<b>25 IR 2259</b>	Terrific 2's		Pull-tab game 048	
Lucky 7's		Instant game 574		LSA Document #02-285(E)	<b>26 IR 386</b>
Instant game 604		LSA Document #02-38(E)	<b>25 IR 2261</b>	Casino Action	
LSA Document #02-167(E)	<b>25 IR 3200</b>	Triple Blackjack		Pull-tab game 042	
Lucky Bucky		Instant game 561		LSA Document #02-221(E)	<b>25 IR 4118</b>
Instant game 551		LSA Document #01-388(E)	<b>25 IR 825</b>	Definitions	
LSA Document #01-328(E)	<b>25 IR 113</b>	Triple Card Cash		Agent verification code	
Magic Numbers		Instant game 588		65 IAC 6-1-1.1	<b>26 IR 51</b>
Instant game 555		LSA Document #02-154(E)	<b>25 IR 3187</b>	Bar code	
LSA Document #01-382(E)	<b>25 IR 818</b>	Twenty-One		65 IAC 6-1-1.2	<b>26 IR 51</b>
Monte Carlo		Instant game 603		Game identification number	
Instant game 596		LSA Document #02-166(E)	<b>25 IR 3198</b>	65 IAC 6-1-2.1	<b>26 IR 51</b>
LSA Document #02-32(E)	<b>25 IR 1915</b>	Valentine's Day Doubler		Game/pack number	
Mistle Dough Doubler		Instant game 567		65 IAC 6-1-2.2	<b>26 IR 51</b>
Instant game 617		LSA Document #02-25(E)	<b>25 IR 1090</b>	Pack number	
LSA Document #02-311(E)	<b>26 IR 804</b>	Wild 8's		65 IAC 6-1-4.1	<b>26 IR 51</b>
Monthly Bonus		Instant game 562		Validation number	
Instant game 547		LSA Document #01-389(E)	<b>25 IR 825</b>	65 IAC 6-1-10	<b>26 IR 52</b>
LSA Document #01-324(E)	<b>25 IR 108</b>	Winner Wonderland		Diamond 7's	
Mother's Day Bouquet		Instant game 616		Pull-tab game 047	
Instant game 580		LSA Document #02-310(E)	<b>26 IR 803</b>	LSA Document #02-284(E)	<b>26 IR 385</b>
LSA Document #02-62(E)	<b>25 IR 2265</b>	Winning Numbers		General provisions	
One-Eyed Jack		Instant game 610		Game rules	
Instant game 608		LSA Document #02-288(E)	<b>26 IR 388</b>	65 IAC 6-2-8	<b>26 IR 53</b>
LSA Document #02-226(E)	<b>25 IR 4121</b>	Winning Pairs		Termination of a pull-tab game	
Pharaoh's Gold		Instant game 595		65 IAC 6-2-3	<b>26 IR 52</b>
Instant game 560		LSA Document #01-435(E)	<b>25 IR 1647</b>	Ticket price	
LSA Document #01-387(E)	<b>25 IR 824</b>	Winter Spectacular		65 IAC 6-2-9	<b>26 IR 53</b>
Instant game 607		Instant game 615		Use of names and photographs of winners	
LSA Document #02-225(E)	<b>25 IR 4120</b>	LSA Document #02-309(E)	<b>26 IR 801</b>	65 IAC 6-2-4	<b>26 IR 52</b>
Play For The Money		<b>On-line games</b>		Validation of tickets	
Instant game 582		General provisions		65 IAC 6-2-5	<b>26 IR 52</b>
LSA Document #02-64(E)	<b>25 IR 2268</b>	Game regulations		Hot Hand	
Poker Party		65 IAC 5-2-8	<b>26 IR 43</b>	Pull-tab game 044	
Instant game 581		Use of winner information and photographs		LSA Document #02-224(E)	<b>25 IR 4119</b>
LSA Document #02-63(E)	<b>25 IR 2266</b>	65 IAC 5-2-4	<b>26 IR 43</b>	Lucky Lemons	
Polar Express		Hoosier Lottery Powerball		Pull-tab game 041	
Instant game 554		Allocation of prize pool		LSA Document #02-220(E)	<b>25 IR 4117</b>
LSA Document #01-381(E)	<b>25 IR 816</b>	65 IAC 5-12-9	<b>26 IR 47</b>	Money Bags	
Quick 9's		Amount of prize pools		Pull-tab game 046	
Instant game 589		65 IAC 5-12-6	<b>26 IR 46</b>	LSA Document #02-283(E)	<b>26 IR 385</b>
LSA Document #02-155(E)	<b>25 IR 3189</b>	Definitions		Payment of prizes	
Race Day Bingo		65 IAC 5-12-2	<b>26 IR 44</b>	Claiming prizes	
Instant game 583		Ineligible players		65 IAC 6-3-2	<b>26 IR 53</b>
65 IAC 4-448	<b>25 IR 2269</b>	65 IAC 5-12-14	<b>26 IR 51</b>	Roulette	
Reindeer Games		Odds of winning		Pull-tab game 049	
Instant game 558		65 IAC 5-12-12	<b>26 IR 49</b>	LSA Document #02-286(E)	<b>26 IR 387</b>
LSA Document #01-385(E)	<b>25 IR 822</b>	Payment of prizes		Sports Mania	
Shake, Rattle & Roll		65 IAC 5-12-11	<b>26 IR 48</b>	Pull-tab game 043	
Instant game 564		Payment options		LSA Document #02-223(E)	<b>25 IR 4119</b>
LSA Document #01-417(E)	<b>25 IR 1187</b>	65 IAC 5-12-5	<b>26 IR 45</b>	<b>Retailers</b>	
Sizzlin' 7's		Power Play promotion		Retailer contracts	
Instant game 569		65 IAC 5-12-12.5	<b>26 IR 49</b>	Award of contracts	
LSA Document #01-439(E)	<b>25 IR 1652</b>	Prize amounts		65 IAC 3-3-3	<b>26 IR 40</b>
SPARKLING GOLD		65 IAC 5-12-10	<b>26 IR 47</b>	Retailer contracts for pull-tab games	
Instant game 573		Procedure for playing		65 IAC 3-3-10	<b>26 IR 40</b>
LSA Document #02-31(E)	<b>25 IR 1913</b>	65 IAC 5-12-4	<b>26 IR 45</b>	Retailer operations	
Stars & Stripes		Reserve accounts		Compensation	
Instant game 591		65 IAC 5-12-7	<b>26 IR 47</b>	65 IAC 3-4-5	<b>26 IR 42</b>
LSA Document #02-156(E)	<b>25 IR 3190</b>	Ticket price		Procedure for awarding prizes	
Super Bonus Bingo		65 IAC 5-12-3	<b>26 IR 45</b>	65 IAC 3-4-4	<b>26 IR 41</b>
Instant game 249		Max 5		<b>MECHANICAL CODE</b>	
Last claim date		65 IAC 5-15	<b>25 IR 1909</b>	(See <b>FIRE PREVENTION AND BUILDING SAFETY COMMISSION</b> )	
65 IAC 4-248-11	<b>25 IR 816</b>				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

<b>MEDICAID SERVICES</b> (See <b>FAMILY AND SOCIAL SERVICES, OFFICE THE SECRETARY OF</b> )		<b>Physical therapists and physical therapists' assistants</b>		Liability to patients	
		Admission to practice		844 IAC 11-4-8	24 IR 3228
		Temporary permits		Peer reviews	25 IR 1323
		844 IAC 6-3-5	25 IR 3455	844 IAC 11-4-6	24 IR 3228
<b>MEDICAL LICENSING BOARD OF INDIANA</b>					25 IR 1322
<b>Acupuncturists</b>		<b>Fees</b>		<b>MENTAL HEALTH AND ADDICTION, DIVISION OF</b>	
Definitions		844 IAC 6-2-2	25 IR 501	<b>Addiction services provider certification</b>	
844 IAC 13-1	24 IR 2554			<b>Certification</b>	
	<b>25 IR 803</b>			<b>Appeals</b>	
License renewal		<b>General provisions</b>		440 IAC 4.4-2-11	25 IR 163
844 IAC 13-4	24 IR 2557	Accreditation of educational programs			
	<b>25 IR 807</b>	844 IAC 6-1-4		440 IAC 4.4-2-1	25 IR 2226
Licensure		<b>Registration</b>		<b>Certification by the division</b>	
844 IAC 13-2	24 IR 2555	Mandatory registration; renewal		440 IAC 4.4-2-1	25 IR 158
	<b>25 IR 805</b>	844 IAC 6-4-1			<b>25 IR 2221</b>
Practice location		<b>Physician assistants</b>		<b>Conditional status for regular and outpatient certification</b>	
844 IAC 13-7	24 IR 2562	General provisions		440 IAC 4.4-2-8	25 IR 162
	<b>25 IR 811</b>	Applications			<b>25 IR 2225</b>
Revocation or suspension of license		844 IAC 2.2-2-1		<b>Maintenance of certification</b>	
844 IAC 13-6	24 IR 2560	Certification of physician assistants; fees		440 IAC 4.4-2-5	25 IR 161
	<b>25 IR 810</b>	844 IAC 2.2-2-8			<b>25 IR 2224</b>
Standards of professional conduct		Privileges and duties		<b>Notification of changes</b>	
844 IAC 13-5	24 IR 2558	844 IAC 2.2-2-5		440 IAC 4.4-2-6	25 IR 162
	<b>25 IR 808</b>	Supervising physician; registration of			<b>25 IR 2225</b>
Supervision		844 IAC 2.2-2-2		<b>Outpatient certification</b>	
844 IAC 13-3	24 IR 2556	<b>Respiratory care practitioners</b>		440 IAC 4.4-2-4	25 IR 159
	<b>25 IR 806</b>	Admission to practice			<b>25 IR 2222</b>
<b>Hearing aid dealers</b>		Licensure by credentials		<b>Regular certification</b>	
Application		844 IAC 11-3-3.1		440 IAC 4.4-2-3	25 IR 159
Registration					<b>25 IR 2222</b>
844 IAC 9-3-1	24 IR 3809	<b>Licensure by endorsement</b>		<b>Renewal of certification</b>	
Certification renewal		844 IAC 11-3-3		440 IAC 4.4-2-7	25 IR 162
Certificate renewal					<b>25 IR 2225</b>
844 IAC 9-4-1	24 IR 3810	<b>Licensure by examination</b>		<b>Requirements</b>	
Student hearing aid dealer certificate renewal		844 IAC 11-3-2		440 IAC 4.4-2-2	25 IR 158
844 IAC 9-4-2	24 IR 3810				<b>25 IR 2221</b>
Definitions		<b>Temporary permits by endorsement</b>		<b>Temporary certification</b>	
Sponsor		844 IAC 11-3-4		440 IAC 4.4-2-3.5	25 IR 159
844 IAC 9-2-5	24 IR 3809				<b>25 IR 2222</b>
Examinations		<b>Temporary permits by examination</b>		<b>Termination</b>	
844 IAC 9-5-1	24 IR 3810	844 IAC 11-3-4.1		440 IAC 4.4-2-9	25 IR 163
Fees					<b>25 IR 2226</b>
844 IAC 9-1-1	24 IR 3809	<b>Certification renewal</b>		<b>Uniform criteria for programs certified as outpatient under 440 IAC 4.4-2-4</b>	
Supervision		Address; change of name		440 IAC 4.4-2-4.5	25 IR 160
Standards of conduct		844 IAC 11-5-1			<b>25 IR 2223</b>
844 IAC 9-6-3	24 IR 3811	<b>Approval of continuing education programs</b>		<b>Definitions</b>	
Student hearing aid dealers		844 IAC 11-5-5		440 IAC 4.4-1-1	25 IR 157
844 IAC 9-6-1	24 IR 3811				<b>25 IR 2220</b>
<b>Hypnotist committee</b>		<b>Continuing education hours required</b>		<b>Community care</b>	
844 IAC 12-2-2	25 IR 502	844 IAC 11-5-3		Transferred or discharged individuals	
	<b>25 IR 2248</b>			<b>Applicability</b>	
<b>Medical doctors</b>		<b>Reporting continuing education</b>		440 IAC 5-1-1	25 IR 3289
Fees		844 IAC 11-5-4			<b>26 IR 745</b>
Board fees		<b>Definitions</b>		<b>Definitions</b>	
844 IAC 4-2-2	24 IR 3778	School or program		440 IAC 5-1-2	25 IR 3290
	<b>25 IR 2246</b>	844 IAC 11-1-2			<b>26 IR 746</b>
License to practice		<b>Fees</b>		<b>Gatekeeper's role during the time the individual is in the state-operated facility</b>	
844 IAC 4-4.5	25 IR 2302	844 IAC 11-2-1.1		440 IAC 5-1-3.5	25 IR 3290
	<b>26 IR 28</b>				<b>26 IR 747</b>
Renewal of physicians' licenses		<b>Standards of competent practice under the direct supervision of a physician</b>		<b>Community mental health centers</b>	
Mandatory renewal; notice		Incompetent practice		<b>Services</b>	
844 IAC 4-6-2.1	25 IR 2308	844 IAC 11-4-5		Mandatory services	
	<b>26 IR 34</b>			440 IAC 4-3-1	26 IR 519
<b>Occupational therapists and occupational therapy assistants</b>					
Fees					
844 IAC 10-2-2	25 IR 501				
	<b>25 IR 2247</b>				

[illegible]

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

### Dealer plates and licensing

Application	
Dealer license requirements	24 IR 2877
140 IAC 3.5-2-4	<b>25 IR 912</b>
Interim plates; restrictions on use	24 IR 2879
140 IAC 3.5-2-15	<b>25 IR 914</b>
Number of vehicles sold by dealer or transfer dealer	24 IR 2879
140 IAC 3.5-2-13	<b>25 IR 914</b>
Transfer dealer license requirements	24 IR 2878
140 IAC 3.5-2-9	<b>25 IR 913</b>
Wholesale dealer, auctioneer, and broker licenses	24 IR 2879
140 IAC 3.5-2-11	<b>25 IR 914</b>

### Driver examiner division

Commercial driver training schools and instructors	
Instructor's license; qualifications	24 IR 2882
140 IAC 4-1-13	<b>25 IR 916</b>
Location of school	24 IR 2881
140 IAC 4-1-4	<b>25 IR 915</b>
Office operations; classrooms; advertising	24 IR 2881
140 IAC 4-1-5	<b>25 IR 915</b>
Vehicle standards	24 IR 2881
140 IAC 4-1-11	<b>25 IR 916</b>
Vision screening	
Vision test chart	24 IR 2883
140 IAC 4-3-1	<b>25 IR 917</b>

### Driver's license division

Commercial driver's licensing	
Certified skills test	24 IR 2890
140 IAC 7-3-13	<b>25 IR 922</b>
Core knowledge examination	24 IR 2889
140 IAC 7-3-9	<b>25 IR 921</b>
Endorsements knowledge test	24 IR 2889
140 IAC 7-3-10	<b>25 IR 921</b>
Learner's permit	24 IR 2888
140 IAC 7-3-5	<b>25 IR 921</b>
Renewal	24 IR 2890
140 IAC 7-3-17	<b>25 IR 922</b>
Skills test	24 IR 2889
140 IAC 7-3-11	<b>25 IR 922</b>
Motorcycle operator licensing	
Skills test	24 IR 2888
140 IAC 7-2-6	<b>25 IR 920</b>
Written test	24 IR 2888
140 IAC 7-2-5	<b>25 IR 920</b>

### Excise tax and registration division

Special group recognition license plates; issuance	
Loss of status; renewal process	24 IR 2874
140 IAC 2-4-9	<b>25 IR 911</b>

Submission of list of applicants; extension; expenses

140 IAC 2-4-3	25 IR 2873
	<b>25 IR 910</b>

Surety bond; posting

140 IAC 2-4-4	24 IR 2873
	<b>25 IR 910</b>

### License branches

Personnel policies	
Policies	24 IR 3209
140 IAC 8-1-3	<b>25 IR 923</b>

### Procurement

Policy	24 IR 3210
140 IAC 8-2-2	<b>25 IR 924</b>

Procedural requirements for the procurements of equipment, materials, goods, and services; applicability

140 IAC 8-2-3	24 IR 3211
	<b>25 IR 925</b>

Procurement of equipment, materials, goods, and services or the lease of equipment; procedural requirements

140 IAC 8-2-4	24 IR 3211
	<b>25 IR 925</b>

### Purpose

140 IAC 8-2-1	24 IR 3210
	<b>25 IR 924</b>

### Service charges

Additional service charge for permits and licenses	24 IR 3218
140 IAC 8-3-18	<b>25 IR 932</b>

Civic event license plate fee and service charge

140 IAC 8-3-17	24 IR 3218
	<b>25 IR 932</b>

Commercial driver's license service charge

140 IAC 8-3-19	24 IR 3218
	<b>25 IR 933</b>

Delinquent license renewal service charge

140 IAC 8-3-27	24 IR 3220
	<b>25 IR 935</b>

Delinquent registration service charge

140 IAC 8-3-26	24 IR 3220
	<b>25 IR 934</b>

Delinquent title service charge

140 IAC 8-3-13	24 IR 3217
	<b>25 IR 931</b>

Duplicate or corrected registration service charges

140 IAC 8-3-5	24 IR 3216
	<b>25 IR 930</b>

Duplicate or replacement license plate service charge increase

140 IAC 8-3-21	24 IR 3219
	<b>25 IR 933</b>

Duplicate title service charge increase

140 IAC 8-3-22	24 IR 3219
	<b>25 IR 933</b>

Forms service charge

140 IAC 8-3-3	24 IR 3215
	<b>25 IR 930</b>

Hull identification number service charge

140 IAC 8-3-25	24 IR 3220
	<b>25 IR 934</b>

Identification card service charge

140 IAC 8-3-20	24 IR 3219
	<b>25 IR 933</b>

Late application for watercraft certificate of title service charge

140 IAC 8-3-24	24 IR 3219
	<b>25 IR 934</b>

Miscellaneous special license plate service

140 IAC 8-3-16	24 IR 3217
	<b>25 IR 932</b>

Pull service charge

140 IAC 8-3-1.1	24 IR 3215
	<b>25 IR 929</b>

Special motor vehicle identification number service charge

140 IAC 8-3-14	24 IR 3217
	<b>25 IR 931</b>

Speed title service charge

140 IAC 8-3-4	24 IR 3216
	<b>25 IR 930</b>

Title service charge

140 IAC 8-3-12	24 IR 3216
	<b>25 IR 931</b>

Transfer of vehicle registration service charge

140 IAC 8-3-15	24 IR 3217
	<b>25 IR 931</b>

Vehicle registration service charge

140 IAC 8-3-8	24 IR 3216
	<b>25 IR 930</b>

Watercraft certificate of title service charge

140 IAC 8-3-23	24 IR 3219
	<b>25 IR 934</b>

### Safety responsibility division

Administrative hearing procedure	
Final orders	24 IR 2863
140 IAC 1-1-11	<b>25 IR 901</b>

Record of hearing

140 IAC 1-1-7	24 IR 2862
	<b>25 IR 900</b>

Ignition interlock devices; standards and specifications

Minimum standards	24 IR 2872
140 IAC 1-8-1	<b>25 IR 910</b>

Point system for Indiana traffic convictions

Hearings; reinstatement of suspended license	24 IR 2865
140 IAC 1-4.5-6	<b>25 IR 903</b>

Point accumulation

140 IAC 1-4.5-4	24 IR 2865
	<b>25 IR 902</b>

Point value table

140 IAC 1-4.5-10	24 IR 2866
	<b>25 IR 903</b>

Pre-motor vehicle registration financial responsibility requirement; procedures for implementation

Financial responsibility; intentional falsification of required information; hearing procedures	24 IR 2871
140 IAC 1-5-3	<b>25 IR 909</b>

Proof of financial responsibility; methods of proof

Minimum term of insurance	24 IR 2864
140 IAC 1-2-2	<b>25 IR 902</b>

Minimum term of reinstatement insurance

140 IAC 1-2-3	24 IR 2864
	<b>25 IR 902</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

**Special sales division**

Salvage motor vehicle registration  
Record keeping requirements  
140 IAC 3-3-6 24 IR 2875  
**25 IR 911**

**Title division**

Application, change, transfer of title; procedures  
Duplicate titles  
140 IAC 6-1-7 24 IR 2886  
**25 IR 920**

**NATURAL RESOURCES COMMISSION**

**Adjudicatory proceedings**

Procedural rules  
Administration  
312 IAC 3-1-1 25 IR 2552  
**26 IR 7**  
  
Administrative law judge; automatic change  
312 IAC 3-1-8 25 IR 2553  
**26 IR 8**  
  
Court reporter; transcripts  
312 IAC 3-1-14 24 IR 4058  
**25 IR 1543**  
25 IR 2554  
**26 IR 9**  
  
Initiation of proceeding for administrative review  
312 IAC 3-1-3 24 IR 4058  
**25 IR 1543**  
25 IR 2553  
**26 IR 8**  
  
Petitions for judicial review  
312 IAC 3-1-18 24 IR 4058  
**25 IR 1544**  
25 IR 2554  
**26 IR 9**  
  
Relief under IC 4-21.5-3-28 through IC 4-21.5-3-31, including disposition of objections to nonfinal orders of administrative law judge; commission objections committee  
312 IAC 3-1-12 26 IR 1131  
  
Ultimate authority  
312 IAC 3-1-2 24 IR 4057  
**25 IR 1543**  
25 IR 2553  
**26 IR 8**

**Cemeteries and burial grounds**

Definitions  
312 IAC 22.5-1 25 IR 2283  
**25 IR 4074**  
  
Disturbance of ground within 100 feet of a cemetery  
312 IAC 22.5-2 25 IR 2283  
**25 IR 4075**

**Coal mining and reclamation operations**

Definitions  
Drinking water well  
312 IAC 25-1-45.5 25 IR 4160  
Ground water management zone  
312 IAC 25-1-60.5 25 IR 4160  
Performance standards  
Hydrologic balance; application of ground water quality standards  
312 IAC 25-6-12.5 25 IR 4163  
Underground mining; hydrologic balance; application of ground water quality standards  
312 IAC 25-6-76.5 25 IR 4164

Permitting procedures

Surface mining permit applications; reclamation and operations plan;  
Maps  
312 IAC 25-4-43 25 IR 4160  
Protection of hydrologic balance  
312 IAC 25-4-47 25 IR 4161  
Underground mining permit applications; reclamation plan  
Map  
312 IAC 25-4-93 25 IR 4163  
Protection of hydrologic balance  
312 IAC 25-4-85 25 IR 4162

**Entomology and plant pathology**

Control of pests or pathogens  
LSA Document #01-323(E) **25 IR 123**  
Control of black stem rust  
312 IAC 18-3-8 26 IR 1123  
Control of larger pine shoot beetles  
LSA Document #02-205(E) **25 IR 3778**  
312 IAC 18-3-12 25 IR 1217  
**25 IR 3049**  
26 IR 1121

**Fish and wildlife**

LSA Document #01-350(E) **25 IR 386**  
LSA Document #02-35(E) **25 IR 1919**  
LSA Document #02-93(E) **25 IR 2539**  
LSA Document #02-194(E) **25 IR 3775**  
LSA Document #02-293(E) **26 IR 395**  
  
Birds  
Endangered and threatened species  
312 IAC 9-4-14 24 IR 3677  
**25 IR 1535**  
25 IR 1214  
**25 IR 3046**  
  
Wild turkeys  
312 IAC 9-4-11 24 IR 3675  
**25 IR 1533**

Invertebrates

Endangered and threatened species of invertebrates  
312 IAC 9-9-4 25 IR 1217  
**25 IR 3049**

Mammals

Deer  
Endangered and threatened species of mammals  
312 IAC 9-3-19 25 IR 1214  
**25 IR 3046**

General requirements; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year  
312 IAC 9-3-2 24 IR 3671  
**25 IR 1528**

Hunting deer

Bow and arrows  
312 IAC 9-3-4 24 IR 3673  
**25 IR 1530**  
  
Bow and arrows by authority of an extra deer license  
312 IAC 9-3-5 24 IR 3673  
**25 IR 1531**

Designated county by authority of an extra deer license  
LSA Document #01-415(E) **25 IR 1191**  
LSA Document #02-191(E) **25 IR 3774**  
312 IAC 9-3-7 24 IR 3674  
**25 IR 1532**

Designated military reserves, Big Oaks National Wildlife Reserve, and Muscatatuck National Wildlife Refuge; regular and extra deer hunting licensing  
312 IAC 9-3-8 24 IR 3675  
**25 IR 1532**

Firearms

312 IAC 9-3-3 24 IR 3672  
**25 IR 1530**

Reptiles and amphibians

Endangered and threatened species of reptiles and amphibians  
312 IAC 9-5-4 25 IR 1215  
**25 IR 3047**

Sale and transport for sale; native to Indiana  
312 IAC 9-5-7 24 IR 3677  
**25 IR 1535**

Restrictions and standards applicable to wild animals

Administration of chemical to nondomestic animals, to animals held on a game breeder license, to animals held on a wild animal possession permit, or to animals held under a rehabilitation permit  
312 IAC 9-2-13 25 IR 2751  
**26 IR 1068**

Special licenses; permits and standards

LSA Document #02-190(E) **25 IR 3773**  
Aquaculture permit  
312 IAC 9-10-17 24 IR 3683  
**25 IR 1541**

Nuisance wild animal control permit  
312 IAC 9-10-11 25 IR 2551  
**26 IR 692**

Scientific purposes licenses  
312 IAC 9-10-6 25 IR 2752  
**26 IR 1069**

Sport fishing

LSA Document #02-217(E) **25 IR 4126**  
Black bass  
312 IAC 9-7-6 24 IR 3681  
**25 IR 1539**

Catfish

312 IAC 9-7-3 24 IR 3681  
**25 IR 1539**

Charter fishing boat operator's license

312 IAC 9-7-17 24 IR 3682  
**25 IR 1540**

Sport fishing methods, except on the Ohio River  
312 IAC 9-7-2 24 IR 3680  
**25 IR 1537**

Trout and salmon

312 IAC 9-7-13 24 IR 3682  
**25 IR 1540**

Walleye; sauger; saugeye

312 IAC 9-7-12 24 IR 3682  
**25 IR 1540**

Yellow perch

312 IAC 9-7-18 24 IR 3683  
**25 IR 1541**

Sport fishing, commercial fishing; definitions, restrictions, and standards

Areas closed to fishing  
312 IAC 9-6-6 24 IR 3679  
**25 IR 1537**

## Index

Definitions pertaining to fish and fishing activities		Bond release		Hunting, trapping, and firearms	
312 IAC 9-6-1	25 IR 1215	312 IAC 16-4-5	25 IR 4159	312 IAC 8-2-3	25 IR 1955
	<b>25 IR 3047</b>	Bond types			<b>25 IR 3714</b>
LSA Document #02-330(E)	<b>26 IR 1111</b>	312 IAC 16-4-2	25 IR 4159	Trash, refuse, and sanitation	
Endangered and threatened species of fish		Permits		312 IAC 8-2-2	24 IR 4055
312 IAC 9-6-9	25 IR 1216	Permit applications		Vehicles, trails, watercraft, and aircraft	
	<b>25 IR 3048</b>	312 IAC 16-3-2	25 IR 4156	312 IAC 8-2-8	25 IR 1957
Exotic fish		<b>Procedures and delegations</b>			<b>25 IR 3715</b>
LSA Document #02-330(E)	<b>26 IR 1111</b>	Organized activities and tournaments on designated public waters		<b>State historic rehabilitation tax credit</b>	
Fish sorting restrictions and the prohibition of waste		Advance date approval		Certification by division of historic preservation and archeology	
312 IAC 9-6-3	24 IR 3679	312 IAC 2-4-7	26 IR 1127	Modification of tax credits	
	<b>25 IR 1537</b>	Applicability		312 IAC 23-3-5	24 IR 3670
<b>Flood plain management</b>		312 IAC 2-4-1	26 IR 1126		<b>25 IR 708</b>
General licenses and specific exemptions from floodway licensing		Definitions		<b>Water well drillers</b>	
Qualified outfall projects; exemption from licensing requirements		312 IAC 2-4-2	26 IR 1126	Minimum well construction standards	
312 IAC 10-5-8	24 IR 4061	License application		Bucket wells	
	<b>25 IR 1546</b>	312 IAC 2-4-6	26 IR 1127	312 IAC 13-6-2	24 IR 3102
Qualified utility line crossings; exemption from licensing requirements		License holder; general duties		Well equipment and installation specifications	
312 IAC 10-5-4	24 IR 4060	312 IAC 2-4-9	26 IR 1128	Casing	
	<b>25 IR 1545</b>	Limitations on fishing tournaments at lakes administered by the division of state parks and reservoirs		312 IAC 13-4-1	24 IR 3102
<b>Grant programs</b>		312 IAC 2-4-12	26 IR 1128	<b>Watercraft operations on public waters in Indiana</b>	
Community park or recreation area grants		Limitations on organized boating activities at Lake Wawasee and Syracuse Lake, Kosciusko County		Boat races, water ski events, and major organized boating activities	
Grant application for a community park or recreation area		312 IAC 2-4-13	26 IR 1129	Applicability	
312 IAC 26-3-4	24 IR 4063	Notice of and response to petition		312 IAC 5-3-1	26 IR 1130
	<b>25 IR 1548</b>	312 IAC 2-4-4	26 IR 1127	Public notice before the issuance of a license for a boat race, water ski event, or major organized boating activity	
Definitions		Petition to regulate the conduct of fishing tournaments or other organized activities on designated public waters		312 IAC 5-3-3	26 IR 1130
SCORP		312 IAC 2-4-3	25 IR 1214	Site inspection by a conservation officer before issuance of a license for a boat race, water ski event, or major organized boating activity	
312 IAC 26-1-13	24 IR 4062		<b>25 IR 3046</b>	312 IAC 5-3-2	26 IR 1130
	<b>25 IR 1547</b>	Reporting		Specified public freshwater lakes; restrictions	
Historic preservation		312 IAC 2-4-9.5	25 IR 842	Lake Wawasee and Syracuse Lake; special watercraft zones	
Professional standards for historic preservation projects involving acquisitions			<b>25 IR 3045</b>	312 IAC 5-6-6	25 IR 3239
312 IAC 26-4-5	24 IR 4063		26 IR 1128		25 IR 4165
	<b>25 IR 1549</b>	Public hearings prior to the issuance of an agency order (subject to 312 IAC 3-1)		Specified waters owned by public utilities; restrictions	
Program administration		Notice of consideration of application for certain designated licenses; service by license applicant		LSA Document #02-95(E)	<b>25 IR 2540</b>
Project assurances		312 IAC 2-3-3	24 IR 4057	Geist Reservoir	
312 IAC 26-2-3	24 IR 4062		<b>25 IR 1542</b>	LSA Document #02-129(E)	<b>25 IR 2743</b>
	<b>25 IR 1548</b>	<b>Public use of natural and recreational areas</b>		312 IAC 5-9-2	25 IR 1212
<b>Historic preservation review board</b>		Administration and definitions			<b>25 IR 3044</b>
Application and administration		Definitions		Prairie Creek Reservoir in Delaware County	
312 IAC 20-1	24 IR 1718	312 IAC 8-1-4	24 IR 4059	LSA Document #02-130(E)	<b>25 IR 2743</b>
Definitions			<b>25 IR 1544</b>	Watercraft operation restrictions on Prairie Creek Reservoir in Delaware County	
312 IAC 20-2	24 IR 1719		25 IR 1954	312 IAC 5-9-4	25 IR 1212
Review board membership and meetings			<b>25 IR 3713</b>		<b>25 IR 3044</b>
312 IAC 20-3	24 IR 1719	Enforcement, penalties, and other administrative actions		<b>NURSING, INDIANA STATE BOARD OF</b>	
<b>Lake construction activities</b>		Ejection from DNR property		<b>Advanced practice nursing and prescriptive authority for advanced practice nursing</b>	
Definitions		312 IAC 8-5-3	24 IR 4056	Definitions	
Public freshwater lake			<b>25 IR 1074</b>	Advanced practice nurse	
312 IAC 11-2-17	24 IR 4062	Use of DNR properties; general restrictions		848 IAC 4-1-3	24 IR 3234
	<b>25 IR 1547</b>	Animals brought by people to DNR properties			<b>25 IR 1329</b>
Licensing of particular types of structures		312 IAC 8-2-6	24 IR 4056	Formal organized program of study and clinical experience or the equivalent as determined by the board	
Underwater beaches			25 IR 1956		
312 IAC 11-4-4	24 IR 4062		<b>25 IR 3715</b>	848 IAC 4-1-6	24 IR 3234
	<b>25 IR 1547</b>	Campsites and camping			<b>25 IR 1329</b>
<b>Natural and recreational areas</b>		312 IAC 8-2-11	25 IR 1957		
Fishing tournaments			<b>25 IR 3716</b>		
LSA Document #01-349(E)	<b>25 IR 386</b>				
<b>Oil and gas</b>					
Annual well fee					
312 IAC 16-3.5	25 IR 4158				
Bonding					
Bonding in addition to annual well fee					
312 IAC 16-4-1	25 IR 4158				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

<b>Nurse-midwives</b>			Limited licenses			On-site supervision of use		
General provisions			852 IAC 1-17	25 IR 3870		355 IAC 4-2-3	24 IR 2807	
Biennial renewal of limited license			Revocation or suspension of license			Pesticide use by noncertified persons		
848 IAC 3-2-5	24 IR 3233		License revocation; duties of licensees			355 IAC 4-2-2	24 IR 2807	
	<b>25 IR 1329</b>		852 IAC 1-13-1	25 IR 3869		Technician registration requirements		
Fees for limited license			License suspension; duties of licensees			355 IAC 4-2-8	24 IR 2808	
848 IAC 3-2-2	24 IR 3233		852 IAC 1-13-2	25 IR 3870				
	<b>25 IR 1328</b>		Qualifications of applicants					
<b>Prescriptive authority for advanced practical nursing</b>			Applicant fees, transcripts, examination scores, and photographs					
Limitations or rules			852 IAC 1-1.1-4	25 IR 3869				
848 IAC 5-2-1	24 IR 3234							
	<b>25 IR 1329</b>							
<b>Registered and practical nurses</b>			<b>PERSONNEL DEPARTMENT, STATE</b>			<b>PHARMACY, INDIANA BOARD OF</b>		
Definitions; administration			<b>Conversion of accrued leave into deferred compensation</b>			<b>Controlled substances</b>		
Appeals			Applicability			Issuance, filling, and filing prescriptions		
848 IAC 1-1-5	24 IR 3231		31 IAC 5-2	25 IR 3218		Persons entitle to issue prescriptions		
	<b>25 IR 1326</b>		Conversion and vesting			856 IAC 2-6-2	24 IR 4223	
Duplicate license			31 IAC 5-3	25 IR 3218			<b>25 IR 1343</b>	
848 IAC 1-1-10	24 IR 3233		Definitions			Schedules III and IV controlled substances		
	<b>25 IR 1328</b>		31 IAC 5-1	25 IR 3218		856 IAC 2-6-12	24 IR 4223	
Employment conditions; enforcement powers and duties; records and reports			Election of prior benefit formula				<b>25 IR 1343</b>	
848 IAC 1-1-13	24 IR 3233		31 IAC 5-5	25 IR 3219		Limited permits		
	<b>25 IR 1328</b>		Leave valuation and conversion			856 IAC 2-7	25 IR 3871	
Licensure by endorsement			31 IAC 5-4	25 IR 3218		Registration information—special instructions		
848 IAC 1-1-7	24 IR 3232		Limitations			Application forms; reregistration forms		
	<b>25 IR 1327</b>		31 IAC 5-6	25 IR 3219		856 IAC 2-3-13	24 IR 4222	
Licensure by examination			<b>Merit employees</b>				<b>25 IR 1342</b>	
848 IAC 1-1-6	24 IR 3231		Hours and leaves			Evidentiary hearing		
	<b>25 IR 1326</b>		Personal leave			856 IAC 2-3-24	24 IR 4222	
			31 IAC 2-11-4.5	25 IR 3217			<b>25 IR 1343</b>	
			Sick leave			Registration information; special instructions		
			31 IAC 2-11-4	25 IR 3217		856 IAC 2-3-9	24 IR 3813	
			Vacation leave				<b>25 IR 940</b>	
			31 IAC 2-11-3	25 IR 3216				
<b>NURSING HOME REGULATION</b>			<b>Non-merit employees</b>			<b>Pharmacies and pharmacists</b>		
(See <b>HEALTH, INDIANA STATE DEPARTMENT OF— Health facilities; licensing and operational standards</b> )			Hours and leaves			Continuing professional education		
			Sick leave; definition; accrual			General requirements; definitions		
<b>OCCUPATIONAL THERAPY</b>			31 IAC 1-9-4	25 IR 3215		856 IAC 1-26-1	24 IR 4215	
(See <b>MEDICAL LICENSING BOARD OF INDIANA</b> )			Personal leave				<b>25 IR 1335</b>	
			31 IAC 1-9-4.5	25 IR 3215		Definitions		
<b>OFFENDER AND JUVENILE RECORDS</b>			Vacation leave			Display of certificate		
(See <b>CORRECTION, DEPARTMENT OF</b> )			31 IAC 1-9-3	25 IR 3213		856 IAC 1-2-1	24 IR 4211	
							<b>25 IR 1331</b>	
<b>ONE AND TWO FAMILY DWELLING CODE</b>			<b>PESTICIDE REVIEW BOARD, INDIANA</b>			Illegal display of certificate; prohibition		
(See <b>FIRE PREVENTION AND BUILDING SAFETY COMMISSION</b> )			<b>Pesticides near community public water supply system wells</b>			856 IAC 1-2-2	24 IR 4211	
			357 IAC 1-10	26 IR 1243			<b>25 IR 1331</b>	
<b>OPINIONS OF THE ATTORNEY GENERAL</b>			<b>PESTICIDE USE AND APPLICATION</b>			Notification of address change		
(See Cumulative Table of Executive Orders and Attorney General's Opinions at 26 IR 1431)			(See also <b>CHEMIST OF THE STATE OF INDIANA, STATE</b> )			856 IAC 1-2-3	24 IR 4211	
<b>OPTOMETRIC LEGEND DRUG PRESCRIPTION ADVISORY COMMITTEE, INDIANA</b>			<b>Pesticide use and application</b>				<b>25 IR 1331</b>	
<b>Formulary of legend drugs</b>			Site awareness and direct supervision of noncertified applicators			Dispensing of dangerous drugs		
Formulary			Applicability of supervision requirements			856 IAC 1-23-1	24 IR 4215	
Listed by category			355 IAC 4-2-5	24 IR 2808			<b>25 IR 1335</b>	
857 IAC 2-3-16	25 IR 3873		Certified and noncertified applicators' responsibilities			Electronic data processing of prescriptions		
	<b>26 IR 1104</b>		355 IAC 4-2-6	24 IR 2808		Approval of systems		
<b>OPTOMETRY BOARD, INDIANA</b>			Definitions			856 IAC 1-29-1	24 IR 4216	
<b>General provisions</b>			355 IAC 4-2-1	24 IR 2807			<b>25 IR 1337</b>	
Fees			Limit on number of noncertified individuals to be supervised			Examination and experience requirements		
Application			355 IAC 4-2-7	24 IR 2808		Board approval required for practical experience programs for pharmacist inter/extern registration; pharmacy permit required, exceptions; prior approval of nonpharmacy experience site; minimum-maximum hours of practical experience		
852 IAC 1-10-1	25 IR 200					856 IAC 1-3.1-6	24 IR 4211	
	<b>25 IR 1732</b>						<b>25 IR 1331</b>	
						Out-of-state practical experience; reciprocity		
						856 IAC 1-3.1-12	24 IR 4212	
							<b>25 IR 1332</b>	
						Passing scores		
						856 IAC 1-3.1-3	24 IR 4211	
							<b>25 IR 1331</b>	

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

Pharmacist intern/extern; program requirements 856 IAC 1-3.1-7	24 IR 4212 <b>25 IR 1332</b>	Transfer of prescriptions between pharmacies Applicability of rule 856 IAC 1-32-1	24 IR 4218 <b>25 IR 1339</b>	<b>POLLUTION</b> (See <b>AIR POLLUTION CONTROL BOARD</b> ) (See also <b>WATER POLLUTION CONTROL BOARD</b> )
Reexamination 856 IAC 1-3.1-4	24 IR 4211 <b>25 IR 1331</b>	Noncontrolled and controlled substance prescription transfers 856 IAC 1-32-2	24 IR 4219 <b>25 IR 1339</b>	<b>PORT COMMISSION, INDIANA</b> <b>Applicability and definitions</b> 130 IAC 2-1
Fee structure Fees 856 IAC 1-27-1	25 IR 2042 <b>25 IR 2739</b>	Patient's right to transfer prescriptions 856 IAC 1-32-3	24 IR 4219 <b>25 IR 1339</b>	<b>Port use</b> General provisions 130 IAC 4-2
Institutional pharmacies 856 IAC 1-28.1	25 IR 502 <b>25 IR 1636</b>	Pharmacists' responsibilities 856 IAC 1-32-4	24 IR 4219 <b>25 IR 1339</b>	Prohibited acts 130 IAC 4-1
Pharmacy technicians Qualifications 856 IAC 1-35-4	25 IR 4211	Violations and penalties Prohibitions 856 IAC 1-20-1	24 IR 4213 <b>25 IR 1333</b>	<b>Traffic control</b> Rail and pedestrian traffic 130 IAC 3-2
Purpose and scope 856 IAC 1-35-1	25 IR 4211	<b>Wholesale legend drugs</b> Licensing and operational requirements Fees 856 IAC 3-2-2	24 IR 3813 <b>25 IR 941</b>	Vehicular traffic 130 IAC 3-1
Pharmacists' notification of termination Pharmacist leaving employ of pharmacy; notice to board; application to qualify permit LSA Document #01-442(E) 856 IAC 1-15-1	24 IR 4213 <b>25 IR 1333</b>	<b>PHYSICAL THERAPISTS AND PHYSICAL THERAPISTS' ASSISTANTS</b> (See <b>MEDICAL LICENSING BOARD OF INDIANA</b> )		Waterborne traffic 130 IAC 3-3
Reciprocity Application forms 856 IAC 1-4-2	24 IR 4213 <b>25 IR 1333</b>	<b>PHYSICIAN ASSISTANTS</b> <b>Physician assistants</b> General provisions Applications 844 IAC 2.2-2-1	26 IR 177	<b>POULTRY AND POULTRY PRODUCTS INSPECTION</b> (See <b>ANIMAL HEALTH, INDIANA STATE BOARD OF</b> )
License transfer 856 IAC 1-4-1	24 IR 4213 <b>25 IR 1333</b>	Certification of physician assistants; fees 844 IAC 2.2-2-8	26 IR 179	<b>PRIVATE MENTAL HEALTH INSTITUTIONS</b> (See <b>MENTAL HEALTH AND ADDICTION, DIVISION OF</b> )
Qualifications of applicants for license transfer 856 IAC 1-4-4	24 IR 4213 <b>25 IR 1333</b>	Privileges and duties 844 IAC 2.2-2-5	26 IR 179	<b>PROFESSIONAL STANDARDS BOARD</b> <b>Performance-based process for accreditation of teacher preparation programs</b> Preparation of testing educators 515 IAC 3-1
Resale of returned substances Resale 856 IAC 1-21-1	24 IR 4214 <b>25 IR 1334</b>	Supervising physician; registration of 844 IAC 2.2-2-2	26 IR 178	<b>Professional educator license teachers</b> General provisions; definitions 515 IAC 4-1
Security features for prescriptions Requirements 856 IAC 1-34-2	24 IR 4219 <b>25 IR 1340</b>	<b>PLUMBING COMMISSION, INDIANA</b> <b>General provisions</b> Licenses; applications for renewal Fee schedule 860 IAC 1-1-2.1	25 IR 2309 <b>25 IR 4109</b> 25 IR 2585	Accomplished practitioner 515 IAC 4-4
Sterile pharmaceuticals; preparation and dispensing Disposal of infectious waste 856 IAC 1-30-15	24 IR 4218 <b>25 IR 1338</b>	Temporary plumbing contractor license 860 IAC 1-1-8	25 IR 2586 <b>25 IR 4110</b>	Initial practitioner 515 IAC 4-2
Labeling 856 IAC 1-30-13	24 IR 4217 <b>25 IR 1337</b>	<b>PODIATRIC MEDICINE, BOARD OF</b> <b>Podiatrists</b> Continuing education Reporting continuing education credit; audit 845 IAC 1-5-2.1	25 IR 3455 <b>26 IR 1104</b>	Proficient practitioner 515 IAC 4-3
Personnel 856 IAC 1-30-9	24 IR 4217 <b>25 IR 1337</b>	<b>POLITICAL SUBDIVISION RISK MANAGEMENT COMMISSION; INDIANA</b> <b>Member in political subdivision risk management fund and catastrophic liability fund</b> Responsibilities 762 IAC 2	25 IR 2301 <b>26 IR 27</b>	Substitute permits 515 IAC 4-5
Qualifying pharmacist defined 856 IAC 1-30-5	24 IR 4217 <b>25 IR 1337</b>			<b>Substitute teacher's permit</b> Substitute permits 515 IAC 5
Quality assurance 856 IAC 1-30-18	24 IR 4218 <b>25 IR 1338</b>			<b>Teacher training and licensing; requirements for education begun after academic year 1977-78</b> Renewal of licenses 515 IAC 1-7
Records and reports 856 IAC 1-30-14	24 IR 4217 <b>25 IR 1338</b>			Teacher education and certification-general provisions Fees; licensing fund 515 IAC 1-2-19
Temporary variances Renewal 856 IAC 1-36-5	24 IR 4220 <b>25 IR 1340</b>			24 IR 1103 <b>25 IR 1148</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Teacher proficiency examination		Introduction		<b>PUBLIC WELFARE, STATE DEPARTMENT OF</b>
Minimum acceptable scores		35 IAC 8-1-2	25 IR 4134	(See <b>FAMILY AND CHILDREN, DIVISION OF</b> )
515 IAC 1-4-2	25 IR 4208	Model amendment language		(See also <b>FAMILY AND SOCIAL SERVICES, OFFICE OF THE SECRETARY OF—Medicaid services</b> )
Test requirements and exemptions		Model language		
515 IAC 1-4-1	25 IR 4207	35 IAC 8-2-1	25 IR 4135	
Transition to teaching program		<b>Public employees retirement fund</b>		
515 IAC 1-6	25 IR 2288	Creditable service		<b>RABIES IMMUNIZATION</b>
	<b>25 IR 3174</b>	Military service		(See <b>ANIMAL HEALTH, INDIANA STATE BOARD OF</b> )
		35 IAC 1.2-3-10	24 IR 4202	
			<b>25 IR 1265</b>	
<b>PROPERTY ASSESSMENT</b>		General provisions		
<b>2001 real property assessment manual</b>		35 IAC 1.2-1-3	24 IR 4201	<b>RAILROADS</b>
Applicability, provisions, and procedures			<b>25 IR 1265</b>	(See <b>TRANSPORTATION, INDIANA DEPARTMENT OF</b> )
50 IAC 2.3-1-1	25 IR 835	Miscellaneous		
	<b>26 IR 60</b>	Enlargement of PERF coverage		
Incorporation by reference		35 IAC 1.2-6-3	24 IR 4203	<b>REAL ESTATE COMMISSION, INDIANA</b>
50 IAC 2.3-1-2	25 IR 1200		<b>25 IR 1267</b>	<b>Appraiser licensure and certification</b>
		Legislators' defined contribution plan loans		General provisions
<b>PROPRIETARY EDUCATION, INDIANA COMMISSION ON</b>		35 IAC 1.2-6-7	24 IR 4017	Expiration of licenses
<b>General provisions</b>			<b>25 IR 1488</b>	876 IAC 3-2-4
Career college student assurance fund		Retirement and disability benefits		25 IR 4213
570 IAC 1-14	26 IR 867	Basic salary defined		<b>26 IR 1106</b>
		35 IAC 1.2-5-5	24 IR 4202	Fee schedule
			<b>25 IR 1265</b>	876 IAC 3-2-7
				25 IR 4213
				<b>26 IR 1107</b>
<b>PSYCHOLOGY BOARD, STATE</b>		Beneficiary designation		Indiana licensed trainee appraiser; examination;
<b>General provisions</b>		35 IAC 1.2-5-13	24 IR 4202	licensure procedures
Application			<b>25 IR 1266</b>	876 IAC 3-3-22
Licensure; examination process		Minors and other incompetent persons		25 IR 4214
868 IAC 1.1-3-1	24 IR 3814	35 IAC 1.2-5-18	24 IR 4203	<b>26 IR 1107</b>
	<b>25 IR 1344</b>		<b>25 IR 1266</b>	Reinstatement of expired license
Continuing education		Proration of retirement costs		876 IAC 3-2-5
License period; number of hours required		35 IAC 1.2-5-19	24 IR 4203	25 IR 4213
868 IAC 1.1-15-11	24 IR 3779		<b>25 IR 1266</b>	<b>26 IR 1107</b>
	<b>25 IR 812</b>	Reemployment		Licensure and certification
Fee schedule		35 IAC 1.2-5-6	24 IR 4202	Permit for temporary practice
Fees			<b>25 IR 1265</b>	876 IAC 3-3-21
868 IAC 1.1-12-1.5	24 IR 4193	<b>Rollovers and trustee-to-trustee transfers</b>		25 IR 2310
	<b>25 IR 1181</b>	Acceptance of rollovers and trustee-to-trustee transfers		<b>25 IR 4111</b>
<b>Restricted psychology tests and instruments</b>		35 IAC 10-1	25 IR 4137	Standards of practice
868 IAC 2	24 IR 1437			Deletions from the Uniform Standards of Professional Appraisal Practice
				876 IAC 3-6-3
<b>PUBLIC ASSISTANCE PROGRAMS</b>				25 IR 1727
(See also <b>DISABILITY, AGING, AND REHABILITATIVE SERVICES, DIVISION OF</b> )				<b>25 IR 3181</b>
(See also <b>FAMILY AND CHILDREN, DIVISION OF</b> )				Indiana licensed trainee appraisers; supervision
(See also <b>FAMILY AND SOCIAL SERVICES, OFFICE OF THE SECRETARY OF</b> )				876 IAC 3-6-9
				25 IR 4214
				<b>26 IR 1108</b>
				Uniform Standards of Professional Appraisal Practice
				876 IAC 3-6-2
				25 IR 1726
				<b>25 IR 3181</b>
<b>PUBLIC EMPLOYEES' RETIREMENT FUND, BOARD OF TRUSTEES OF THE</b>				<b>Continuing education</b>
<b>Annual compensation limits; implementation of annual compensation limitations pursuant to Section 401(a)(17) of the IRS</b>				Course requirements
Definitions				Continuing education requirements
35 IAC 9-1-1	25 IR 4135			876 IAC 4-2-1
Introduction				24 IR 2850
35 IAC 9-1-2	25 IR 4136			<b>25 IR 103</b>
Purpose				Course qualifications
35 IAC 9-1-3	25 IR 4136			876 IAC 4-2-5
Text				24 IR 2851
35 IAC 9-1-4	25 IR 4136			<b>25 IR 104</b>
<b>Model plan amendments</b>				Curricula for brokers under IC 25-34.1-9-11(a)(1)
Adoption of IRS model amendment to comply with the unemployment compensation amendments of 1992				876 IAC 4-2-2
Definitions				26 IR 180
35 IAC 8-1-1	25 IR 4134			<b>26 IR 788</b>
				Curricula for salespersons under IC 25-34.1-9-11(a)(1)
				876 IAC 4-2-3
				26 IR 180
				<b>26 IR 788</b>
				Curricula under IC 25-34.1-9-11(2)
				876 IAC 4-2-4
				24 IR 2851
				<b>25 IR 104</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

License activation		Charity gaming		Raffle	
876 IAC 4-2-9	24 IR 2851	Allowable events		45 IAC 18-1-34	25 IR 3224
	<b>25 IR 104</b>	45 IAC 18-3-1	25 IR 3228	Revoke	
	26 IR 180	Calendar raffle; sale of tickets, calendars, and		45 IAC 18-1-35	25 IR 3224
	<b>26 IR 788</b>	drawings for prizes		Seal card	
Sponsors; approval		45 IAC 18-3-4	25 IR 3231	45 IAC 18-1-36	25 IR 3224
Significant changes		Conducting an allowable event		Serves a majority of counties in Indiana	
876 IAC 4-1-3	24 IR 2850	45 IAC 18-3-2	25 IR 3229	45 IAC 18-1-37	25 IR 3224
	<b>25 IR 103</b>	Replacement of tickets in the drawing container		Suspend	
	25 IR 3876	45 IAC 18-3-5	25 IR 3232	45 IAC 18-1-38	25 IR 3224
	<b>26 IR 791</b>	Refunds		Tip board	
<b>General provisions</b>		45 IAC 18-3-6	25 IR 3232	45 IAC 18-1-39	25 IR 3224
Definitions; licensing; miscellaneous provisions		Specific uses of proceeds		Tip board ticket	
Advertising requirements; name of principal		45 IAC 18-3-8	25 IR 3233	45 IAC 18-1-40	25 IR 3224
broker; prohibitions		Use of proceeds		Value	
876 IAC 1-1-26	24 IR 2849	45 IAC 18-3-7	25 IR 3232	45 IAC 18-1-41	25 IR 3225
	<b>25 IR 102</b>	Definitions		Wager	
Closing statements		Affiliate		45 IAC 18-1-42	25 IR 3225
876 IAC 1-1-24	24 IR 2849	45 IAC 18-1-9	25 IR 3220	Worker	
	<b>25 IR 102</b>	Bingo card or bingo paper		45 IAC 18-1-43	25 IR 3225
Definitions		45 IAC 18-1-10	25 IR 3220	Penalties	
876 IAC 1-1-3	24 IR 2848	Bingo equipment		License revocation	
	<b>25 IR 101</b>	45 IAC 18-1-11	25 IR 3220	45 IAC 18-6-3	25 IR 3235
Residential sales disclosure		Bingo supplies		Record keeping	
Form		45 IAC 18-1-12	25 IR 3220	Records of manufacturer or distributor	
876 IAC 1-4-2	25 IR 3874	Calendar		45 IAC 18-4-2	25 IR 3234
	<b>26 IR 789</b>	45 IAC 18-1-13	25 IR 3220	Records of qualified organization	
Written orders		Calendar raffle		45 IAC 18-4-1	25 IR 3233
876 IAC 1-1-23	24 IR 2849	45 IAC 18-1-14	25 IR 3221	Taxation	
	<b>25 IR 102</b>	Charity game night		Gaming card excise tax	
	25 IR 3874	45 IAC 18-1-15	25 IR 3221	45 IAC 18-5-2	25 IR 3234
	<b>26 IR 789</b>	Computer or other technologic aid		Violations	
<b>Real estate courses and licensing requirements</b>		45 IAC 18-1-16	25 IR 3221	45 IAC 18-7	25 IR 3235
<b>for brokers and salespersons</b>		Concealed face bingo card		<b>Utility receipts tax</b>	
Examinations		45 IAC 18-1-17	25 IR 3221	LSA Document #02-316(E)	<b>26 IR 794</b>
Passing score		Conduct prejudicial to the public confidence in			
876 IAC 2-17-3	24 IR 2849	the department		<b>SCHOLARSHIP AND GRANT PROGRAMS</b>	
	<b>25 IR 102</b>	45 IAC 18-1-18	25 IR 3221	(See <b>STATE STUDENT ASSISTANCE COM-</b>	
		Deal		<b>MISSION</b> )	
<b>RESIDENTIAL CODE</b>		45 IAC 18-1-19	25 IR 3221		
(See <b>FIRE PREVENTION AND BUILDING</b>		Dispensing device		<b>SCHOOL BUS COMMITTEE, STATE</b>	
<b>SAFETY COMMISSION</b> )—One and two		45 IAC 18-1-20	25 IR 3221	<b>Minimum specifications for school buses</b>	
<b>family dwelling code</b> )		Door prize		General provisions	
		45 IAC 18-1-21	25 IR 3222	Applicability of minimum specifications	
<b>RESTAURANTS</b>		Existence		575 IAC 1-1-5	24 IR 3777
(See <b>HEALTH, INDIANA DEPARTMENT</b>		45 IAC 18-1-22	25 IR 3222		<b>25 IR 1150</b>
<b>OF</b> )—Retail food establishment sanitation)		Flare		Labeling requirements	
		45 IAC 18-1-24	25 IR 3222	575 IAC 1-1-4.5	24 IR 3777
		In existence for at least twenty-five (25) years			<b>25 IR 1150</b>
<b>REVENUE, DEPARTMENT OF STATE</b>		45 IAC 18-1-25	25 IR 3222	School bus driver physical performance standards	
<b>Adjusted gross income tax</b>		In good standing with the department		and measurements	
State adjusted gross income tax		45 IAC 18-1-26	25 IR 3222	575 IAC 1-8	24 IR 3180
Advance earned income credit payments		Location			<b>25 IR 1149</b>
45 IAC 3.1-1-99.1	26 IR 817	45 IAC 18-1-27	25 IR 3222		
<b>Charity gaming</b>		Member		<b>SCHOOL BUS DRIVERS</b>	
Administrative procedures		45 IAC 18-1-28	25 IR 3223	<b>Physical performance standards and measure-</b>	
45 IAC 18-8	25 IR 3236	Nationally recognized charitable organization		<b>ments</b>	
Application procedure for licensure		45 IAC 18-1-29	25 IR 3223	575 IAC 1-8	24 IR 3180
Application by manufacturer or distributor		Operator			
45 IAC 18-2-2	25 IR 3226	45 IAC 18-1-30	25 IR 3223	<b>SOCIAL WORKER, MARRIAGE AND FAM-</b>	
Application by qualified organization		Pull-tab		<b>ILY THERAPIST, AND MENTAL HEALTH</b>	
45 IAC 18-2-1	25 IR 3225	45 IAC 18-1-31	25 IR 3223	<b>COUNSELOR BOARD</b>	
Charity gaming licenses		Punchboard		<b>General provisions</b>	
45 IAC 18-2-4	25 IR 3228	45 IAC 18-1-32	25 IR 3223	Continuing education	
License fees		Premises		Approval	
45 IAC 18-2-3	25 IR 3227	45 IAC 18-1-33	25 IR 3224	839 IAC 1-6-2	25 IR 197
					<b>25 IR 1314</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Generally		Educational institution requirements for social		Summer work-study	
839 IAC 1-6-1	25 IR 196	worker's licensure		585 IAC 5-2-2	24 IR 3801
	<b>25 IR 1313</b>	839 IAC 1-3-1	25 IR 190		<b>25 IR 1298</b>
Requirements			<b>25 IR 1309</b>	Student placement restrictions; compensation	
839 IAC 1-6-3	25 IR 198	Enrollment		Maximum hours reimbursed	
	<b>25 IR 1316</b>	839 IAC 1-3-4.5	25 IR 193	585 IAC 5-3-6	24 IR 3802
Waiver			<b>25 IR 1310</b>		<b>25 IR 1298</b>
839 IAC 1-6-5	25 IR 199	Examination requirements		<b>Scholarship and grant programs; administration</b>	
	<b>25 IR 1316</b>	839 IAC 1-3-5	24 IR 4186	Grant and scholarship programs	
Definitions			<b>25 IR 1634</b>	Allowable tuition and regularly assessed fees;	
Graduate		Exemption from examination for social workers		schedule	
839 IAC 1-1-3.2	24 IR 4186	and clinical social workers		585 IAC 1-9-7	24 IR 3797
	<b>25 IR 1633</b>	839 IAC 1-3-3.5	25 IR 192		<b>25 IR 1294</b>
Graduate accumulating experience			<b>25 IR 1309</b>	Appeal; applicant's right	
839 IAC 1-1-3.3	24 IR 4186	Licensure by examination for social workers		585 IAC 1-9-10	24 IR 3798
	<b>25 IR 1633</b>	and clinical social workers			<b>25 IR 1295</b>
LCSW		839 IAC 1-3-2	25 IR 191	Approved institutions; responsibilities	
839 IAC 1-1-3.5	25 IR 189		26 IR 871	585 IAC 1-9-14	24 IR 3799
	<b>25 IR 1308</b>	Temporary permits for social workers and			<b>25 IR 1296</b>
Practitioner		clinical social workers		Awards	
839 IAC 1-1-4	25 IR 189	839 IAC 1-3-2.5	25 IR 191	Adjusted or withdrawn	
	<b>25 IR 1308</b>		<b>25 IR 1309</b>	585 IAC 1-9-11	24 IR 3798
Licensure and fees					<b>25 IR 1296</b>
Application by examination		<b>SOLID WASTE MANAGEMENT BOARD</b>		Minimum and maximum	
839 IAC 1-2-1	25 IR 190	(See <b>LAND QUALITY, OFFICE OF</b> )		585 IAC 1-9-8	24 IR 3797
	<b>25 IR 1308</b>				<b>25 IR 1295</b>
Fees		<b>SOLID WASTE PROCESSING FACILITIES</b>		Potential awards; computation and adjustment	
839 IAC 1-2-5	24 IR 4208	(See <b>LAND QUALITY, OFFICE OF</b> )		585 IAC 1-9-9	24 IR 3798
	<b>25 IR 1307</b>				<b>25 IR 1295</b>
	26 IR 875	<b>SPECIAL EDUCATION</b>		Definitions	
License renewal		(See <b>EDUCATION, INDIANA STATE BOARD</b>		585 IAC 1-9-1	24 IR 3792
839 IAC 1-2-2	25 IR 190	<b>OF</b> )			<b>25 IR 1289</b>
	<b>25 IR 1308</b>	<b>SPEECH-LANGUAGE PATHOLOGY AND</b>		Dependent and independent students status	
Licensure retirement		<b>AUDIOLOGY BOARD</b>		585 IAC 1-9-5	24 IR 3795
839 IAC 1-2-2.1	24 IR 4186	<b>Definitions; licensure; ethics; continuing educa-</b>			<b>25 IR 1293</b>
	<b>25 IR 1633</b>	<b>tion</b>		Eligibility standards	
	26 IR 874	Fees		585 IAC 1-9-4	24 IR 3794
Marriage and family therapists		880 IAC 1-1-5	24 IR 4224		<b>25 IR 1292</b>
Licensure applicants; supervision for marriage			<b>25 IR 1345</b>	Hoosier scholar guidelines	
and family therapist		<b>Speech-language pathologist aide</b>		585 IAC 1-9-3	<b>25 IR 1291</b>
839 IAC 1-4-5	25 IR 193	880 IAC 1-2.1	26 IR 876	585 IAC 1-9-16	24 IR 3801
	26 IR 871			Parental contribution and expected family	
Temporary permits		<b>STATE FAIR COMMISSION</b>		contribution; determination	
839 IAC 1-4-6	25 IR 193	(See <b>FAIR COMMISSION, STATE</b> )		585 IAC 1-9-6	24 IR 3796
	<b>25 IR 1310</b>				<b>25 IR 1293</b>
Mental health counselors		<b>STATE HISTORIC REHABILITATION TAX</b>		Program administration	
Educational requirements		<b>CREDIT</b>		585 IAC 1-9-2	24 IR 3794
839 IAC 1-5-1	25 IR 193	<b>Certification by division of historic preservation</b>			<b>25 IR 1291</b>
	<b>25 IR 1311</b>	<b>and archeology</b>		<b>Twenty-first century scholars program</b>	
	26 IR 872	Modification of tax credits		Definitions	
Examination requirements		312 IAC 23-3-5	24 IR 3670	Accredited nonpublic school	
839 IAC 1-5-2	25 IR 195			585 IAC 8-1-2	24 IR 3802
	<b>25 IR 1313</b>	<b>STUDENT ASSISTANCE COMMISSION,</b>			<b>25 IR 1299</b>
Experience requirements for mental health		<b>STATE</b>		Eligibility verification	
counselors		<b>College work-study program</b>		585 IAC 8-1-4	24 IR 3802
839 IAC 1-5-1.5	26 IR 874	Definitions			<b>25 IR 1299</b>
		585 IAC 5-1-1	24 IR 3801	Eligible institution	
Temporary permits			<b>25 IR 1298</b>	585 IAC 8-1-6	24 IR 3802
839 IAC 1-5-3	25 IR 196	Institutional application and allotment			<b>25 IR 1299</b>
	<b>25 IR 1313</b>	Allotment of funds		Program appellant	
Social workers; clinical social workers		585 IAC 5-4-1	24 IR 3802	585 IAC 8-1-9	24 IR 3802
Competent practice of social work and clinical			<b>25 IR 1299</b>		<b>25 IR 1299</b>
social work		Student eligibility and selection		Public school	
839 IAC 1-3-4	25 IR 192	In-school work-study		585 IAC 8-1-10.1	24 IR 3803
		585 IAC 5-2-4	24 IR 3802		

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Scholar 585 IAC 8-1-11	24 IR 3803 <b>25 IR 1299</b>	Applicability 11 IAC 2-1	25 IR 132 <b>25 IR 1856</b>	Price adjustments 105 IAC 12-4-1	24 IR 3669 <b>25 IR 371</b>
Twenty-first century scholarship 585 IAC 8-1-12	24 IR 3803 <b>25 IR 1300</b>	Consumer registration 11 IAC 2-2	25 IR 132 <b>25 IR 1856</b>	Definitions Change order 105 IAC 12-1-6	24 IR 3664 <b>25 IR 366</b>
Twenty-first century scholarship applicant 585 IAC 8-1-13	24 IR 3803 <b>25 IR 1300</b>	Consumers and persons submitting more than 10 residential telephone numbers for registration with the telephone privacy list 11 IAC 2-4	25 IR 133 <b>25 IR 1857</b>	Contract modification 105 IAC 12-1-9	24 IR 3664 <b>25 IR 366</b>
Program administration Approved institutions; responsibilities 585 IAC 8-2-8	24 IR 3805 <b>25 IR 1302</b>	Inclusion of national database into the telephone privacy list 11 IAC 2-7	25 IR 134 <b>25 IR 1858</b>	Contractor 105 IAC 12-1-10	24 IR 3664 <b>25 IR 366</b>
College admission requirements 585 IAC 8-2-2	24 IR 3804 <b>25 IR 1301</b>	Registration with telephone privacy list by persons not consumers, but holding or controlling residential telephone numbers used by consumers 11 IAC 2-3	25 IR 133 <b>25 IR 1857</b>	Designee 105 IAC 12-1-12	24 IR 3664 <b>25 IR 366</b>
Duration of award 585 IAC 8-2-4	24 IR 3804 <b>25 IR 1301</b>	Removal of telephone numbers from the telephone privacy list 11 IAC 2-5	25 IR 133 <b>25 IR 1857</b>	Established catalog price 105 IAC 12-1-13	24 IR 3664 <b>25 IR 366</b>
High school graduation requirements 585 IAC 8-2-1	24 IR 3804 <b>25 IR 1301</b>	Use of the telephone privacy list 11 IAC 2-8	25 IR 134 <b>25 IR 1858</b>	Invitation for bid 105 IAC 12-1-14	24 IR 3664 <b>25 IR 366</b>
Program administration 585 IAC 8-2-7	24 IR 3805 <b>25 IR 1302</b>	<b>Telephone solicitations</b> Charitable solicitor's disclosure 11 IAC 1-4	25 IR 132 <b>25 IR 1856</b>	Person 105 IAC 12-1-16	24 IR 3665 <b>25 IR 367</b>
Scholarship deferral 585 IAC 8-2-3	24 IR 3804 <b>25 IR 1301</b>	Definitions 11 IAC 1-1	25 IR 130 <b>25 IR 1854</b>	Purchase description 105 IAC 12-1-20	24 IR 3665 <b>25 IR 367</b>
Scholarship renewal 585 IAC 8-2-5	24 IR 3804 <b>25 IR 1301</b>	Enforcement of violations of IC 24-4.7 11 IAC 1-3	25 IR 131 <b>25 IR 1855</b>	Purchasing agent 105 IAC 12-1-20.1	24 IR 3665 <b>25 IR 367</b>
<b>SUMMER SCHOOL PROGRAMS</b> <b>Regular summer school programs</b> Minimum enrollment for reimbursement 511 IAC 12-2-7	24 IR 1917 <b>25 IR 84</b>	Telephone solicitors' maintenance of records related to telephone sales solicitations 11 IAC 1-2	25 IR 131 <b>25 IR 1855</b>	Request for proposals or RFP 105 IAC 12-1-21	24 IR 3665 <b>25 IR 367</b>
<b>SUPPORTED LIVING SERVICES AND SUPPORTS</b> (See <b>DISABILITY, AGING, AND REHABILITATIVE SERVICES, DIVISION OF</b> )		<b>TELEPHONE UTILITIES</b> (See <b>UTILITY REGULATORY COMMISSION, INDIANA</b> )		Responsive bidder 105 IAC 12-1-23	24 IR 3665 <b>25 IR 367</b>
<b>SWIMMING POOL CODE</b> (See <b>FIRE PREVENTION AND BUILDING SAFETY COMMISSION</b> )		<b>TOLL ROADS</b> (See <b>TRANSPORTATION FINANCE AUTHORITY, INDIANA</b> )		Services 105 IAC 12-1-24	24 IR 3665 <b>25 IR 367</b>
<b>SWIMMING POOL REQUIREMENTS</b> (See <b>HEALTH, INDIANA STATE DEPARTMENT OF—Sanitary engineering—Public and semi-public pools</b> )		<b>TRANSPORTATION, INDIANA DEPARTMENT OF</b> <b>Procurement of supplies and services</b> Contract terms Additions 105 IAC 12-4-4	24 IR 3669 <b>25 IR 371</b>	Specifications 105 IAC 12-1-25	24 IR 3665 <b>25 IR 367</b>
<b>TAX COMMISSIONERS, STATE BOARD OF</b> (See <b>DEPARTMENT OF LOCAL GOVERNMENT FINANCE</b> )		Equipment rental or lease with option to purchase 105 IAC 12-4-3	24 IR 3669 <b>25 IR 371</b>	Supplies 105 IAC 12-1-26	24 IR 3665 <b>25 IR 367</b>
<b>TAX REVIEW, INDIANA BOARD OF</b> <b>Tax representatives</b> Definitions 52 IAC 1-1	26 IR 89	Option to renew 105 IAC 12-4-6	24 IR 3669 <b>25 IR 372</b>	General provisions Awards; cancellation; rejection 105 IAC 12-2-16	24 IR 3666 <b>25 IR 368</b>
Tax representatives 52 IAC 1-2	26 IR 90			Bid guarantees 105 IAC 12-2-6	24 IR 3666 <b>25 IR 368</b>
<b>TELEPHONE SOLICITATIONS</b> <b>Telephone numbers not to be solicited; list</b> Access to the telephone privacy list 11 IAC 2-6	25 IR 134 <b>25 IR 1857</b>			Minority participation 105 IAC 12-2-4	24 IR 3665 <b>25 IR 368</b>
				Performance bonds 105 IAC 12-2-7	24 IR 3666 <b>25 IR 368</b>
				Public notice 105 IAC 12-2-9	24 IR 3666 <b>25 IR 368</b>
				Withdrawal of bids or proposals 105 IAC 12-2-14	24 IR 3666 <b>25 IR 368</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Source selection and contract formation		<b>TRANSPORTATION FINANCE AUTHORITY,</b>	Vehicle classification and related toll rules
Competitive sealed bids		<b>INDIANA</b>	Classification of vehicles
105 IAC 12-3-4	24 IR 3667	<b>General provisions</b>	135 IAC 2-5-1 25 IR 4142
	<b>25 IR 370</b>	Definitions	Payment of toll
Competitive sealed proposal or request for proposal		135 IAC 2-1-1 25 IR 4138	135 IAC 2-5-2 25 IR 4142
105 IAC 12-3-5	24 IR 3668	Dimension and weight limitations; special hauling permits	
	<b>25 IR 370</b>	Allowable dimensions without toll attendant authorization	
Open-end contracts		135 IAC 2-4-1 25 IR 4141	
105 IAC 12-3-7	24 IR 3668	Special hauling permits	<b>TWENTY-FIRST CENTURY SCHOLARS PROGRAM</b>
	<b>25 IR 370</b>	135 IAC 2-4-4 25 IR 4142	(See <b>STATE STUDENT ASSISTANCE COMMISSION</b> )
Purchases less than \$2,500		Michigan train operations	<b>UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD</b>
105 IAC 12-3-1	24 IR 3667	Emergency equipment; tires	<b>Excess liability fund; payment of corrective action and third party liability claims</b>
	<b>25 IR 369</b>	135 IAC 2-8-7 25 IR 4150	Corrective action claims
Purchases less than \$75,000		Lights and reflectors	Deemed approved; reimbursement of costs
105 IAC 12-3-2	24 IR 3667	135 IAC 2-8-11 25 IR 4150	328 IAC 1-5-3 24 IR 2513
	<b>25 IR 369</b>	Permit required	<b>25 IR 802</b>
Special procurements		135 IAC 2-8-1 25 IR 4149	Fund payment procedures for corrective action
105 IAC 12-3-8	24 IR 3669	Permits	328 IAC 1-5-2 24 IR 2513
	<b>25 IR 371</b>	135 IAC 2-8-5 25 IR 4150	<b>25 IR 801</b>
<b>Railroads</b>		Weight limits	Payment of corrective action; application
Railroad crossings; opening and closing		135 IAC 2-8-3 25 IR 4150	328 IAC 1-5-1 24 IR 2512
Abolishing a crossing		Penalties; severability; savings	<b>25 IR 801</b>
105 IAC 5-10-2	25 IR 1673	Penalties	
	<b>25 IR 4052</b>	135 IAC 2-10-1 25 IR 4151	Definitions and references
Opening a crossing		Severability	Administrator
105 IAC 5-10-1	25 IR 1673	135 IAC 2-10-2 25 IR 4151	328 IAC 1-1-2 24 IR 2501
	<b>25 IR 4051</b>	Protection of property	<b>25 IR 787</b>
<b>Traffic control devices for highways</b>		Damage to property	Application of definitions
Business signs on information panels within highway rights-of-way		135 IAC 2-6-1 25 IR 4148	328 IAC 1-1-1 24 IR 2501
Costs; rental fee		Toll road	<b>25 IR 787</b>
105 IAC 9-4-5	25 IR 836	Limitation of use	Corrective action
	<b>25 IR 2438</b>	Hitchhiking and loitering prohibited	328 IAC 1-1-3 24 IR 2501
Definitions		135 IAC 2-3-2 25 IR 4141	<b>25 IR 787</b>
105 IAC 9-4-4	25 IR 836	Pedestrians and certain vehicles prohibited	Corrective action plan
	<b>25 IR 2438</b>	135 IAC 2-3-1 25 IR 4141	328 IAC 1-1-3.1 24 IR 2501
Design; special requirements		Operation of vehicles	<b>25 IR 787</b>
105 IAC 9-4-11	25 IR 839	Entering traffic lanes	Deductible amount
	<b>25 IR 2441</b>	135 IAC 2-2-3 25 IR 4140	328 IAC 1-1-4 24 IR 2502
Installation of panels; violations		Speed regulations	<b>25 IR 788</b>
105 IAC 9-4-6	25 IR 837	135 IAC 2-2-1 25 IR 4140	Emergency measures
	<b>25 IR 2439</b>	Stops at toll collection facilities	328 IAC 1-1-5.1 24 IR 2502
Location of signs; special requirements		135 IAC 2-2-12 25 IR 4141	<b>25 IR 788</b>
105 IAC 9-4-10	25 IR 838	Traffic control signals	Fund
	<b>25 IR 2440</b>	135 IAC 2-2-10 25 IR 4141	328 IAC 1-1-6 24 IR 2502
Location of specific services signs; general		U-turns prohibited	<b>25 IR 788</b>
105 IAC 9-4-7	25 IR 837	135 IAC 2-2-5 25 IR 4140	Occurrence
	<b>25 IR 2439</b>	Trailer combination operations	328 IAC 1-1-7 24 IR 2502
Qualification for logo panels		Assembly areas	<b>25 IR 788</b>
105 IAC 9-4-13	25 IR 840	135 IAC 2-7-15 25 IR 4149	Reasonable costs
	<b>25 IR 2442</b>	Driver requirements	328 IAC 1-1-8 24 IR 2502
Size and design; composition; general specifications		135 IAC 2-7-20 25 IR 4149	<b>25 IR 788</b>
105 IAC 9-4-9	25 IR 838	Emergency equipment; tires	Site characterization
	<b>25 IR 2440</b>	135 IAC 2-7-7 25 IR 4148	328 IAC 1-1-8.5 24 IR 2502
Special requirements for size		Insurance coverage	<b>25 IR 788</b>
105 IAC 9-4-12	25 IR 840	135 IAC 2-7-23 25 IR 4149	Substantial compliance
	<b>25 IR 2442</b>	Lights and reflectors	328 IAC 1-1-9 24 IR 2502
Specific information permitted		135 IAC 2-7-11 25 IR 4148	<b>25 IR 789</b>
105 IAC 9-4-8	25 IR 837	Passing	Third party liability
	<b>25 IR 2439</b>	135 IAC 2-7-18 25 IR 4149	328 IAC 1-1-10 24 IR 2503
Uniform traffic control devices		Permit required	<b>25 IR 789</b>
Manual on uniform traffic control devices adopted		135 IAC 2-7-1 25 IR 4148	Financial assurance
105 IAC 9-2-1	26 IR 421	Weight limits	Financial assurance certificate
		135 IAC 2-7-3 25 IR 4148	328 IAC 1-7-1 24 IR 2514
			<b>25 IR 802</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Revocation of certificate by department 328 IAC 1-7-3	24 IR 2514 <b>25 IR 803</b>	Telephone customer service rights and responsibilities 170 IAC 7-1.3	25 IR 1946 <b>25 IR 4066</b>	Beneficial use 327 IAC 6.1-2-6	26 IR 1167
Termination of financial assurance by department 328 IAC 1-7-2	24 IR 2514 <b>25 IR 803</b>	Telephone service quality standards; standards of service 170 IAC 7-1.2	25 IR 1933 <b>25 IR 4053</b>	Biosolid 327 IAC 6.1-2-7	26 IR 1167
Fund coverage and eligibility Amount of coverage 328 IAC 1-3-4	24 IR 2506 <b>25 IR 792</b>	<b>VETERINARY MEDICAL EXAMINERS, INDIANA BOARD OF</b> <b>Professional competence</b> Application for licensure as a veterinarian Application content; examination applicant; application deadline 888 IAC 1.1-6-1	25 IR 3877	Biosolid containing and industrial waste product 327 IAC 6.1-2-7.5	26 IR 1167
Eligibility requirements 328 IAC 1-3-3	24 IR 2504 <b>25 IR 790</b>	Examination scores; remedial education 888 IAC 1.1-6-3	25 IR 3878	Cation exchange capacity 327 IAC 6.1-2-8	26 IR 1168
Fund access 328 IAC 1-3-1	24 IR 2503 <b>25 IR 790</b>	Fees Licensed veterinarians 888 IAC 1.1-3-2	24 IR 4225 <b>25 IR 1346</b>	Dewatered 327 IAC 6.1-2-13	26 IR 1168
Fund coverage 328 IAC 1-3-2	24 IR 2504 <b>25 IR 790</b>	Inactive status of licenses Inactive status for veterinarians 888 IAC 1.1-11	25 IR 3879	Discharge 327 IAC 6.1-2-14	26 IR 1168
Limitation of liability 328 IAC 1-3-6	24 IR 2511 <b>25 IR 798</b>	<b>VIOLENT CRIME COMPENSATION DIVISION</b> <b>Administrative procedure</b> Investigation; review; determination; appeal Appeals; board review 480 IAC 1-1-10	25 IR 169	Fixed volume 327 IAC 6.1-2-20.5	26 IR 1168
Reimbursable expenditures 328 IAC 1-3-5	24 IR 2506 <b>25 IR 792</b>	Attorneys; representation 480 IAC 1-1-7	25 IR 167	Industrial process wastewater 327 IAC 6.1-2-28	26 IR 1169
Prioritization of claims General procedure 328 IAC 1-4-1	24 IR 2511 <b>25 IR 799</b>	Authority; purpose 480 IAC 1-1-2	25 IR 164	Industrial waste produce 327 IAC 6.1-2-30	26 IR 1169
Scope of fund management Applicability 328 IAC 1-2-1	24 IR 2503 <b>25 IR 789</b>	Awards 480 IAC 1-1-9	25 IR 167	Lagoon 327 IAC 6.1-2-31.5	26 IR 1169
Fund management 328 IAC 1-2-2	24 IR 2503 <b>25 IR 789</b>	Definitions 480 IAC 1-1-1	25 IR 164	Land with a low potential for public exposure 327 IAC 6.1-2-35	26 IR 1169
Obligation of monies 328 IAC 1-2-3	24 IR 2503 <b>25 IR 789</b>	Eligibility; determination 480 IAC 1-1-4.1	25 IR 165	Person who applies 327 IAC 6.1-2-42	26 IR 1169
Third party liability claims Applications for payment of third party liability claims 328 IAC 1-6-1	24 IR 2513 <b>25 IR 802</b>	Filing claims 480 IAC 1-1-3	25 IR 165	Person who prepares 327 IAC 6.1-2-43	26 IR 1170
Fund payment procedures for third party liability 328 IAC 1-6-2	24 IR 2513 <b>25 IR 802</b>	Hearings 480 IAC 1-1-6	25 IR 166	Stockpiling 327 IAC 6.1-2-54	26 IR 1170
<b>UTILITY REGULATORY COMMISSION, INDIANA</b> <b>Electric utilities</b> Standards of service Line construction; variances 170 IAC 4-1-26	25 IR 2751 <b>26 IR 328</b>	Investigation of claims; notice of determinations 480 IAC 1-1-5	25 IR 165	Storage 327 IAC 6.1-2-55	26 IR 1170
<b>General provisions</b> Practice and procedure before the commission Application and scope 170 IAC 1-1.1-1	24 IR 1690 24 IR 4055 <b>25 IR 1875</b>	Subpoenas, subpoenas duces tecum, depositions 480 IAC 1-1-8	25 IR 167	Surface waters 327 IAC 6.1-2-55.5	26 IR 1170
<b>Telephone utilities</b> Telecommunications providers; unauthorized switching 170 IAC 7-1.1-19	25 IR 135 <b>25 IR 2209</b>	Sex crime victim compensation fund; application procedures Application for reimbursement; information 480 IAC 1-2-2	25 IR 169	General provisions Applicability 327 IAC 6.1-1-3	26 IR 1166
		Covered services 480 IAC 1-2-3	25 IR 170	Enforcement 327 IAC 6.1-1-4	26 IR 1166
		Eligibility and cooperation 480 IAC 1-2-1	25 IR 169	Penalties 327 IAC 6.1-1-5	26 IR 1167
		<b>VOLATILE ORGANIC COMPOUNDS LIMITS</b> (See <b>AIR POLLUTION CONTROL BOARD</b> )		Purpose 327 IAC 6.1-1-1	26 IR 1165
		<b>WATER POLLUTION CONTROL BOARD</b> <b>Biosolid, industrial waste product, and pollutant-bearing water; land application</b> Definitions Agricultural land 327 IAC 6.1-2-3	26 IR 1167	Relationship to other rules 327 IAC 6.1-1-7	26 IR 1167
				Land application; general requirements Discharges from land application operations 327 IAC 6.1-3-3	26 IR 1172
				Permit application 327 IAC 6.1-3-1	26 IR 1170
				Permit duration and transition requirements 327 IAC 6.1-3-4	26 IR 1172
				Responsibility of person who prepares 327 IAC 6.1-3-7	26 IR 1172
				Responsibility of person who prepares by receiving and blending 327 IAC 6.1-3-8	26 IR 1173
				Terms of land application permits 327 IAC 6.1-3-2	26 IR 1171
				Land application of biosolid and industrial waste product Applicability 327 IAC 6.1-4-1	26 IR 1173
				General requirements 327 IAC 6.1-4-3	26 IR 1173
				Hybrid permits 327 IAC 6.1-4-5.5	26 IR 1175

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Land application of paper waste		Notifications		Site, design, and construction requirements	
327 IAC 6.1-4-11	26 IR 1182	327 IAC 6.1-6-2	26 IR 1189	327 IAC 16-8	24 IR 524
Loading rate limits		Eligibility criteria			<b>25 IR 1894</b>
327 IAC 6.1-4-10	26 IR 1181	327 IAC 6.1-6-1	26 IR 1189	<b>Ground water quality standards</b>	
Management practices		Small quantity generators—pollutant-bearing water		327 IAC 2-11	23 IR 865
327 IAC 6.1-4-7	26 IR 1177	327 IAC 6.1-7-5	26 IR 1197		<b>25 IR 1876</b>
Monitoring and analysis		Storage structures		<b>Industrial wastewater pretreatment programs</b>	
327 IAC 6.1-4-16	26 IR 1184	Application procedures for permitting lagoons		Basic NPDES requirements	
Nonsite-specific permits		327 IAC 6.1-8-2	26 IR 1199	Toxic pollutants; notification requirements	
327 IAC 6.1-4-5	26 IR 1175	Closure of storage structures		327 IAC 5-2-9	26 IR 427
Pathogen requirements		327 IAC 6.1-8-8	26 IR 1201	Combined sewer overflow public notification	
327 IAC 6.1-4-13	26 IR 1182	Construction for lagoons		327 IAC 5-2.1	26 IR 427
Pollutant limits		327 IAC 6.1-8-6	26 IR 1200	Special NPDES programs	
327 IAC 6.1-4-9	26 IR 1179	General requirements		Storm water discharges	
Records and record keeping		327 IAC 6.1-8-1	26 IR 1198	327 IAC 5-4-6	26 IR 845
327 IAC 6.1-4-17	26 IR 1186	Operational requirements for storage structures		<b>NPDES general permit rule program</b>	
Reports and reporting		327 IAC 6.1-8-7	26 IR 1200	Storm water run-off associated with municipal	
327 IAC 6.1-4-18	26 IR 1187	Performance standards and construction standards for storage structures		separate storm sewer system conveyances	
Research and demonstration projects for biosolid or industrial waste product		Dewatered biosolid and industrial product		327 IAC 15-13	26 IR 847
327 IAC 6.1-4-19	26 IR 1187	327 IAC 6.1-8-5	26 IR 1200	<b>Public water supply</b>	
Site restrictions		Liquid biosolid or industrial product, and pollutant-bearing water		Consumer confidence reports	
327 IAC 6.1-4-6	26 IR 1176	327 IAC 6.1-8-4	26 IR 1199	Additional health information	
Site-specific permits		Site restrictions for storage structures		327 IAC 8-2.1-4	26 IR 114
327 IAC 6.1-4-4	26 IR 1174	327 IAC 6.1-8-3	26 IR 1199	Contents of the public notice	
Storage, stockpiling, and staging of biosolid or industrial waste product		<b>Confined feeding operations</b>		327 IAC 8-2.1-11	24 IR 3744
327 IAC 6.1-4-8	26 IR 1178	Alternate design or compliance approach; innovative technology			<b>25 IR 1112</b>
Land application of pollutant-bearing water		327 IAC 16-5	24 IR 519	Drinking water violations	
Application on land with a high potential for public exposure			<b>25 IR 1890</b>	Other situations requiring public notice	
327 IAC 6.1-7-2	26 IR 1191	Confined feeding operations and other animal feeding operations		327 IAC 8-2.1-16	24 IR 3746
Domestic wastewater application on land with a low potential for public exposure		Application and approval process			<b>25 IR 1114</b>
327 IAC 6.1-7-3	26 IR 1192	327 IAC 16-7	24 IR 520		26 IR 122
Industrial process wastewater and storm water application on land with a low potential for public exposure		Performance standards		Standard health effects	
327 IAC 6.1-7-4	26 IR 1193	327 IAC 16-3	24 IR 518	327 IAC 8-2.1-17	24 IR 3750
Land application		Definitions			<b>25 IR 1118</b>
327 IAC 6.1-7-1	26 IR 1191	327 IAC 16-2	24 IR 513		26 IR 126
Loading rates			<b>25 IR 1883</b>	Other required information	
327 IAC 6.1-7-10	26 IR 1195	Existing confined feeding operations and other animal feeding operations		327 IAC 8-2.1-6	26 IR 115
Management practices		327 IAC 16-6	24 IR 519	Notice by the commissioner on behalf of the public water system	
327 IAC 6.1-7-6	26 IR 1194		<b>25 IR 1890</b>	327 IAC 8-2.1-15	24 IR 3746
Records and record keeping		Exiting the confined feeding program			<b>25 IR 1114</b>
327 IAC 6.1-7-11	26 IR 1196	327 IAC 16-12	24 IR 531	Notice to new billing units or new customers	
Site restrictions			<b>25 IR 1902</b>	327 IAC 8-2.1-12	24 IR 3745
327 IAC 6.1-7-5	26 IR 1193	General approval conditions			<b>25 IR 1113</b>
Storage of pollutant-bearing water for application		327 IAC 16-4	24 IR 518	Other required information	
327 IAC 6.1-7-9	26 IR 1195		<b>25 IR 1889</b>	327 IAC 8-2.1-6	24 IR 3732
Marketing and distribution permits		General provisions			<b>25 IR 1100</b>
Eligibility criteria		327 IAC 16-1	24 IR 512	Public notification of drinking water violation	
Biosolid			<b>25 IR 1883</b>	327 IAC 8-2.1-7	24 IR 3741
327 IAC 6.1-5-1	26 IR 1187	Manure			<b>25 IR 1109</b>
Industrial waste product		Closure of manure storage structures		Reports; content	
327 IAC 6.1-5-2	26 IR 1187	327 IAC 16-11	24 IR 530	327 IAC 8-2.1-3	24 IR 3729
General			<b>25 IR 1901</b>		<b>25 IR 1098</b>
327 IAC 6.1-5-4	26 IR 1188	Land application			26 IR 112
Permit application		327 IAC 16-10	24 IR 528	Special notices	
327 IAC 6.1-5-3	26 IR 1188		<b>25 IR 1899</b>	Exceedance of the SMCL for fluoride	
Notifications		Manure handling and storage		327 IAC 8-2.1-13	24 IR 3745
Agricultural lime substitute		Operational requirements			<b>25 IR 1113</b>
Application		327 IAC 16-9	24 IR 527	Nitrate exceedances above MCL by noncommunity water systems; granted permission by the commissioner under	
327 IAC 6.1-6-3	26 IR 1190		<b>25 IR 1898</b>	327 IAC 8-2-4(b)	
				327 IAC 8-2.1-14	24 IR 3746
					<b>25 IR 1114</b>

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

Tier 1 public notice; form, manner, and frequency of notice 327 IAC 8-2.1-8	24 IR 3741 <b>25 IR 1110</b> 26 IR 121	Lead service line replacement 327 IAC 8-2-43	24 IR 1060 <b>25 IR 778</b>	Land application 327 IAC 7.1-8	25 IR 1235 <b>25 IR 3672</b>
Tier 2 public notice; form, manner, and frequency of notice 327 IAC 8-2.1-9	24 IR 3742 <b>25 IR 1110</b>	Microbiological contaminants Analytical methods 327 IAC 8-2-8.4	24 IR 3724 <b>25 IR 1092</b>	Licensed vehicle operation 327 IAC 7.1-6	25 IR 1233 <b>25 IR 3670</b>
Tier 3 public notice; form, manner, and frequency of notice 327 IAC 8-2.1-10	24 IR 3743 <b>25 IR 1111</b>	Maximum contaminant levels for all public water systems 327 IAC 8-2-7	24 IR 3723 <b>25 IR 1092</b>	Permits, licenses, and approvals 327 IAC 7.1-3	25 IR 1225 <b>25 IR 3662</b>
Cross connections; control; operation Applicability; modification of monitoring 327 IAC 8-2-2	24 IR 3710 <b>25 IR 1079</b>	Maximum contaminant level goals 327 IAC 8-2-31	24 IR 3726 <b>25 IR 1094</b>	Vehicle licenses 327 IAC 7.1-5	25 IR 1231 <b>25 IR 3668</b>
Definitions 327 IAC 8-2-1	24 IR 3706 <b>25 IR 1075</b> 26 IR 101	Monitoring frequency for radioactivity; community water systems 327 IAC 8-2-10.2	24 IR 3726 <b>25 IR 1094</b>	Wastewater disposal 327 IAC 7.1-7	25 IR 1234 <b>25 IR 3672</b>
Drinking water standards Community and nontransient noncommunity water systems Collection of samples for volatile organic compound testing other than total trihalomethanes 327 IAC 8-2-5.5	24 IR 3720 <b>25 IR 1089</b>	Organic chemical testing Collection of samples 327 IAC 8-2-5.1	24 IR 3716 <b>25 IR 1084</b>	Wastewater management permits 327 IAC 7.1-4	25 IR 1226 <b>25 IR 3663</b>
Community water systems Collection of samples for total trihalomethanes 327 IAC 8-2-5.3	24 IR 3718 <b>25 IR 1086</b> 26 IR 107	Organic chemicals other an volatile compounds; maximum contaminant levels 327 IAC 8-2-5	26 IR 105	<b>WATER QUALITY STANDARDS</b> (See <b>WATER POLLUTION CONTROL BOARD</b> )	
Corrosion control treatment 327 IAC 8-2-41	24 IR 1074 <b>25 IR 776</b>	Organic compounds Maximum contaminant level goals 327 IAC 8-2-30	26 IR 110	<b>WATER WELL DRILLERS</b> <b>Minimum well construction standards</b> Bucket wells 312 IAC 13-6-2	24 IR 3102 <b>25 IR 709</b>
Filtration and disinfection 327 IAC 8-2-8.5	26 IR 109	Public water systems; monitoring 327 IAC 8-2-48	26 IR 111	<b>Well equipment and installation specifications</b> Casing 312 IAC 13-4-1	24 IR 3102 <b>25 IR 708</b>
Inorganic chemical testing Collection of samples 327 IAC 8-2-4.1	24 IR 3711 <b>25 IR 1080</b>	Record maintenance 327 IAC 8-2-20	24 IR 3729 <b>25 IR 1097</b>	<b>WATERCRAFT</b> (See <b>NATURAL RESOURCES COMMISSION</b> )	
Inorganic chemicals; maximum contaminant levels 327 IAC 8-2-4	24 IR 3710 <b>25 IR 1079</b>	Reporting requirements; test results and failure to comply 327 IAC 8-2-13	26 IR 110	<b>WELFARE</b> (See <b>FAMILY AND CHILDREN, DIVISION OF</b> )	
Lead and copper Public education and supplemental monitoring 327 IAC 8-2-44	24 IR 1077 <b>25 IR 779</b>	Small, medium, and large size water systems; applicability of corrosion control 327 IAC 8-2-40	24 IR 1072 <b>25 IR 774</b>	<b>WHOLESALE FOOD ESTABLISHMENT SANITATION REQUIREMENTS</b> 410 IAC 7-21	24 IR 2809 <b>25 IR 1615</b>
Reporting requirements 327 IAC 8-2-46	24 IR 1082 <b>25 IR 783</b>	Systems that provide filtration; reporting and record keeping 327 IAC 8-2-14	24 IR 3728 <b>25 IR 1096</b>	<b>WHOLESALE LEGEND DRUGS</b> (See <b>PHARMACY, INDIANA BOARD OF</b> )	
Lead and copper in source water; monitoring requirements 327 IAC 8-2-39	24 IR 1071 <b>25 IR 772</b>	Test results and failure to comply; reporting requirements 327 IAC 8-2-13	24 IR 3727 <b>25 IR 1096</b>	<b>WILDLIFE</b> (See <b>NATURAL RESOURCES COMMISSION-Fish and wildlife</b> )	
Lead and copper in tap water; monitoring requirements 327 IAC 8-2-37	24 IR 1062 <b>25 IR 764</b>	Water quality parameters; monitoring requirements 327 IAC 8-2-38	24 IR 1068 <b>25 IR 770</b>	<b>WOMEN'S AND MINORITY BUSINESS ENTERPRISES</b> (See <b>ADMINISTRATION, INDIANA DEPARTMENT OF-Minority and women's business enterprises</b> )	
		Disinfectants and disinfection 327 IAC 8-2.5	26 IR 133	<b>WORKER'S COMPENSATION BOARD OF INDIANA</b> <b>Worker's compensation</b> Procedures before the board; compensation payments; reports; second injury fund Location and hours of board office 631 IAC 1-1-1	24 IR 3807 25 IR 2030
		Enhance filtration and disinfection 327 IAC 8-2.6	26 IR 146	Schedule of attorney fee 631 IAC 1-1-24	24 IR 3807 25 IR 2030
		<b>State revolving fund</b> LSA Document #02-193(E)	<b>25 IR 3778</b>	631 IAC 1-1-24.1	25 IR 2030
		<b>Wastewater management</b> Definitions 327 IAC 7.1-2	25 IR 1222 <b>25 IR 3658</b>		
		General provisions 327 IAC 7.1-1	25 IR 1221 <b>25 IR 3717</b>		

---

# Indiana Register

The **Indiana Register** is an official source of the text of proposed and final rules and notices of rulemaking activity. For keeping up to date on rules and participating in the rulemaking process, the **Indiana Register** is a necessary tool. If you would like further information, call the Legislative Services Agency at (317) 232-9557.

## ORDER FORM

G Change of address.

G Enclosed is my check for \$60 as payment in advance for the **CD-ROM version of the Indiana Register** (October 2002 through September 2003, **Volume 26**).

G Enclosed is my check for \$246 (\$228 plus \$18 postage) as payment in advance for the 2001 edition of the **Indiana Administrative Code**.

G The paper edition of the **2002 Supplement to the Indiana Administrative Code** is no longer available.

G Enclosed is my check for \$26.26 (\$25 plus \$1.26 postage) as payment in advance for the **CD-ROM version of the 2002 Indiana Administrative Code** (not compatible with Macintosh computers).

**Please make checks payable to:  
Legislative Services Agency**



\_\_\_\_\_  
*name or firm*

\_\_\_\_\_  
*address*

\_\_\_\_\_  
*city*

\_\_\_\_\_  
*state*

\_\_\_\_\_  
*zip code*

( \_\_\_\_\_ )  
*telephone*

**Mail to:**

**LEGISLATIVE SERVICES AGENCY  
ATTN: LIC  
200 West Washington Street, Suite 302  
Indianapolis, IN 46204-2789**

**Indiana Register** subscriptions \$60  
**Indiana Administrative Code** orders are being accepted.

The **Indiana Administrative Code** and the **Indiana Register** are available on the Internet at:  
<http://www.in.gov/legislative/>

# Indiana Register

Postmaster: Send address changes to:  
Indiana Register  
Legislative Services Agency  
200 West Washington Street, Suite 302  
Indianapolis, IN 46204-2789

PERIODICALS  
Postage Paid at  
Indianapolis, Indiana