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## IN THIS ISSUE

<b>State Agencies</b> .....	1894
<b>Final Rules</b>	
Natural Resources Commission .....	1896
Office of the Secretary of Family and Social Services .....	1900
Indiana State Department of Health .....	1902
Indiana Health Facilities Council .....	1937
Division of Mental Health and Addiction .....	1939
Indiana State Board of Health Facility Administrators .....	1943
Indiana Optometry Board .....	1944
<b>Notice of Recall</b>	
Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board .....	1945
<b>Emergency Rules</b>	
State Lottery Commission .....	1946
Indiana Horse Racing Commission .....	1951
Natural Resources Commission .....	1952
Indiana State Department of Health .....	1954
<b>Notice of Rule Adoption</b>	
Office of the Secretary of Family and Social Services .....	1960
<b>Change in Notice of Public Hearing</b>	
Air Pollution Control Board .....	1961
Water Pollution Control Board .....	1961
Solid Waste Management Board .....	1962
<b>Notice of Intent to Adopt a Rule</b>	
Indiana Board of Registration for Soil Scientists .....	1963
Natural Resources Commission .....	1963
Indiana State Board of Animal Health .....	1963
Division of Family and Children .....	1963
Department of Labor .....	1964
Board of Podiatric Medicine .....	1964
Indiana State Board of Nursing .....	1964
State Board of Registration for Land Surveyors .....	1964
Indiana Real Estate Commission .....	1965
Alcohol and Tobacco Commission .....	1965
<b>Proposed Rules</b>	
Natural Resources Commission .....	1966
Air Pollution Control Board .....	1968
Office of the Secretary of Family and Social Services .....	2099
Community Residential Facilities Council .....	2107
Division of Disability, Aging, and Rehabilitative Services .....	2110
Board of Trustees of the Indiana State Teachers' Retirement Fund .....	2112
Medical Licensing Board of Indiana .....	2116
Indiana State Board of Nursing .....	2121
Indiana Board of Accountancy .....	2126
Indiana Real Estate Commission .....	2127
Alcohol and Tobacco Commission .....	2128
<b>Readopted Rules</b> .....	2131
<b>AROC Notices</b>	
Consumer Protection Division of the Office of the Attorney General .....	2134
Indiana Board of Tax Review .....	2134
Department of Insurance .....	2134
<b>IC 13-14-9 Notices</b>	
Water Pollution Control Board .....	2136
<b>Executive Orders/Proclamations</b> .....	2138
<b>Nonrule Policy Documents</b> .....	2141
<b>Rules Affected by Volumes 25 and 26</b> .....	2210
<b>Index</b> .....	2247



# INDIANA REGISTER

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## 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.

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## 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>
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 10, 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
July 10, 2003	August 1, 2003	February 10, 2004	March 1, 2004
August 11, 2003	September 1, 2003	March 10, 2004	April 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	Soil Scientists, Indiana Board of Registration for	307
Employees' Appeals Commission, State	33	†Solid Waste Management Board	320.1
†Employment and Training Services, Department of	645	Solid Waste Management Board	329
Engineers, State Board of Registration for Professional	864	Speech-Language Pathology and Audiology Board	880
Enterprise Zone Board	58	Standardbred Board of Regulations, Indiana	341
Environmental Adjudication, Office of	315	†Stream Pollution Control Board of the State of Indiana	330
Environmental Health Specialists, Board of	896	Student Assistance Commission, State	585
†Environmental Management Board, Indiana	320	Tax Review, Indiana Board of	52
Ethics Commission, State	40	†Teacher Training and Licensing, Commission on	530
Fair Commission, State	80	Teachers' Retirement Fund, Board of Trustees of the Indiana State	550
Family and Children, Division of	470	Television and Radio Service Examiners, Board of	884
Family and Social Services, Office of the Secretary of	405	†Textbook Adoptions, Commission on	520
Financial Institutions, Department of	750	Toxicology, State Department of	260
Fire Marshal, State	650	†Traffic Safety, Office of	150
Fire Prevention and Building Safety Commission	675	†Transportation, Department of	100
Firefighting Personnel Standards and Education, Board of	655	Transportation, Indiana Department of	105
Forensic Sciences, Commission on	415	Transportation Finance Authority, Indiana	135
Funeral and Cemetery Service, State Board of	832	Underground Storage Tank Financial Assurance Board	328
Gaming Commission, Indiana	68	†Unemployment Insurance Board, Indiana	640
Geologists, Indiana Board of Licensure for Professional	305	Utility Regulatory Commission, Indiana	170
Grain Buyers and Warehouse Licensing Agency, Indiana	824	†Vehicle Inspection, Department of	160
Grain Indemnity Corporation, Indiana	825	Veterans' Affairs Commission	915
Hazardous Waste Facility Site Approval Authority, Indiana	323	Veterinary Medical Examiners, Indiana Board of	888
Health, Indiana State Department of	410	Violent Crime Compensation Division	480
Health Facilities Council, Indiana	412	†Vocational and Technical Education, Indiana Commission on	572
Health Facility Administrators, Indiana State Board of	840	†Wage Adjustment Board	635
†Highways, Department of	120	War Memorials Commission, Indiana	920
†Horse Racing Commission, Indiana	70	†Watch Repairing, Indiana State Board of Examiners in	892
Horse Racing Commission, Indiana	71	Water Pollution Control Board	327
Housing Finance Authority, Indiana	930	†Water Pollution Control Board	330.1
Human Service Programs, Interdepartmental Board for the		Workforce Development, Department of	646
Coordination of	490	Worker's Compensation Board of Indiana	631

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

## State Agencies

TITLE		NUMERICAL LIST		TITLE	
NUMBER				NUMBER	
GENERAL GOVERNMENT				EDUCATION AND LIBRARIES	
10	Office of Attorney General for the State	†510	Commission on General Education	511	Indiana State Board of Education
†11	Consumer Protection Division of the Office of the Attorney General	511	Professional Standards Board	515	Commission on Textbook Adoptions
18	State Election Board	†520	Commission on Teacher Training and Licensing	†530	Indiana Education Savings Authority
20	Indiana Election Commission	540	Board of Trustees of the Indiana State Teachers' Retirement Fund	550	Indiana Education Employment Relations Board
25	State Board of Accounts	560	Indiana Commission on Proprietary Education	570	Indiana Commission on Vocational and Technical Education
†30	Indiana Department of Administration	†572	State School Bus Committee	575	Indiana Medical and Nursing Distribution Loan Fund Board of Trustees
31	State Personnel Board	580	State Student Assistance Commission	585	Indiana Library and Historical Board
33	State Personnel Department	590	Library Certification Board	595	
35	State Employees' Appeals Commission				
40	Board of Trustees of the Public Employees' Retirement Fund				
45	State Ethics Commission				
50	Department of State Revenue	610	Department of Labor		
52	Department of Local Government Finance	615	Board of Safety Review		
55	Indiana Board of Tax Review	620	Occupational Safety Standards Commission		
58	Department of Commerce	†630	Industrial Board of Indiana		
60	Enterprise Zone Board	631	Worker's Compensation Board of Indiana		
62	Oversight Committee on Public Records	†635	Wage Adjustment Board		
65	Office of the Public Access Counselor	†640	Indiana Unemployment Insurance Board		
68	State Lottery Commission	†645	Department of Employment and Training Services		
†70	Indiana Gaming Commission	650	Department of Workforce Development		
71	Indiana Horse Racing Commission	655	State Fire Marshal		
75	Secretary of State	†660	Board of Firefighting Personnel Standards and Education		
80	State Fair Commission	†670	Administrative Building Council of Indiana		
85	Budget Agency	675	Elevator Safety Board		
TRANSPORTATION AND PUBLIC UTILITIES				680	Fire Prevention and Building Safety Commission
†100	Department of Transportation	685	Boiler and Pressure Vessel Rules Board		
105	Indiana Department of Transportation		Regulated Amusement Device Safety Board		
†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				
CORRECTIONS, POLICE, AND MILITARY					
205	Indiana Criminal Justice Institute	710	Securities Division		
207	Coroners Training Board	750	Department of Financial Institutions		
210	Department of Correction	760	Department of Insurance		
220	Parole Board	762	Indiana Political Subdivision Risk Management Commission		
†230	Indiana Clemency Commission	770	Indiana Agricultural Development Corporation		
240	State Police Department				
250	Law Enforcement Training Board				
260	State Department of Toxicology	804	Board of Registration for Architects and Landscape Architects		
270	Adjutant General	808	State Boxing Commission		
280	Public Safety Training Institute	812	Indiana Auctioneer Commission		
290	State Disaster Relief Fund	816	Board of Barber Examiners		
NATURAL RESOURCES, ENVIRONMENT, AND AGRICULTURE				820	State Board of Cosmetology Examiners
305	Indiana Board of Licensure for Professional Geologists	824	Indiana Grain Buyers and Warehouse Licensing Agency		
307	Indiana Board of Registration for Soil Scientists	825	Indiana Grain Indemnity Corporation		
310	Department of Natural Resources	828	State Board of Dentistry		
†311	State Soil and Water Conservation Committee	830	Indiana Dietitians Certification Board		
312	Natural Resources Commission	832	State Board of Funeral and Cemetery Service		
315	Office of Environmental Adjudication	836	Indiana Emergency Medical Services Commission		
†320	Indiana Environmental Management Board	839	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board		
†320.1	Solid Waste Management Board	840	Indiana State Board of Health Facility Administrators		
†323	Indiana Hazardous Waste Facility Site Approval Authority	844	Medical Licensing Board of Indiana		
†325	Air Pollution Control Board of the State of Indiana	845	Board of Podiatric Medicine		
†325.1	Air Pollution Control Board	846	Board of Chiropractic Examiners		
326	Air Pollution Control Board	848	Indiana State Board of Nursing		
327	Water Pollution Control Board	852	Indiana Optometry Board		
328	Underground Storage Tank Financial Assurance Board	856	Indiana Board of Pharmacy		
329	Solid Waste Management Board	857	Indiana Optometric Legend Drug Prescription Advisory Committee		
†330	Stream Pollution Control Board of the State of Indiana	858	Controlled Substances Advisory Committee		
†330.1	Water Pollution Control Board	860	Indiana Plumbing Commission		
†340	Commissioner of Agriculture	862	Private Detectives Licensing Board		
341	Indiana Standardbred Board of Regulations	864	State Board of Registration for Professional Engineers		
345	Indiana State Board of Animal Health	865	State Board of Registration for Land Surveyors		
350	Agricultural Experiment Station	868	State Psychology Board		
355	State Chemist of the State of Indiana	872	Indiana Board of Accountancy		

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

**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #02-73(F)

**DIGEST**

Amends 312 IAC 16 that governs the drilling, production, and reclamation of wells for oil and gas purposes to address several subjects. Modifications would help implement statutory authorities embodied in Public Law 48-2002 (House Enrolled Act 1227 of the 112th Indiana General Assembly). Effective 30 days after filing with the secretary of state.

**312 IAC 16-3-2****312 IAC 16-4-2****312 IAC 16-3.5****312 IAC 16-4-5****312 IAC 16-4-1**

SECTION 1. 312 IAC 16-3-2 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 16-3-2 Permit applications****Authority:** IC 14-37-3**Affected:** IC 4-21.5; IC 14-34; IC 14-37; IC 25-39-1.5

Sec. 2. (a) This section establishes general application requirements for a permit to drill, deepen, operate, or convert a well for oil and gas purposes.

(b) An application for a permit to drill, deepen, operate, or convert a well for oil and gas purposes shall be made on a division form.

(c) A permit application must be signed by:

- (1) the person designated as the owner or operator on the application; or
- (2) an authorized agent.

Upon a request by the division, a person who signs as an agent for an owner or operator must furnish satisfactory evidence of authority.

(d) ~~Except as provided in subsection (e);~~ An applicant shall remit with the application a permit fee of one hundred dollars (\$100) in cash, by check, or by draft, payable to the department of natural resources. ~~for the:~~

- ~~(1) drilling of a new well for oil and gas purposes;~~
- ~~(2) deepening of a well to a new horizon;~~
- ~~(3) opening of a previously plugged well; or~~
- ~~(4) repermitting of a well whose permit was revoked under section 9(a) of this rule.~~

~~(e) There is no fee for:~~

- ~~(1) a permit converting one (1) kind of well to another unless previously plugged; or~~
- ~~(2) a change of location under section 4(b) of this rule.~~

~~(f) (e)~~ This subsection describes the surveying requirements for a permit application as follows:

- (1) Except as otherwise provided in this subsection, an

application must be accompanied by a survey showing the location of the proposed well for oil and gas purposes, giving the:

- (A) quarter, quarter, quarter section, township, range, county, lot number;
- (B) block of the recorded plat if the land is platted;
- (C) three (3) nearest boundary lines of the tract; and
- (D) distance in two (2) directions from a corner of the tract of land upon which the well is to be drilled and from the nearest quarter post or lot corner.

A registered Indiana land surveyor must certify the survey with respect to the information required under this subdivision.

(2) With respect to a Class II well, or a noncommercial gas well, in addition to the requirements set forth in subdivision (1), the survey must include the permit number, location, and state the depth of the following:

- (A) Each well for oil and gas purposes located within one-fourth (¼) mile of the proposed well (including abandoned and nonoperational wells) that intersect the injection or production zone.
- (B) Each water well recorded with the department under IC 25-39-1.5 located within one-fourth (¼) mile of the proposed Class II well location.
- (3) Information of public record and information that should have been known to the applicant must be included under this subsection. This subsection does not apply to an existing injection well unless otherwise ordered by the department.

~~(g)~~ (f) In addition to the general requirements for a permit application provided in this section, an application for a permit for a Class II well must be accompanied by the following:

- (1) A schematic diagram of the well showing the following:
  - (A) The total depth of the plugback of the well.
  - (B) The depth of the injection or disposal interval.
  - (C) The geological name of the injection or disposal zone.
  - (D) The geological name, thickness, and description of the confining zone.
  - (E) The vertical distance separating the uppermost extremity of the injection zone from the base of the lowest underground source of drinking water.
  - (F) The depths of the tops and the bottoms of the casing and the cement to be used in a well.
  - (G) The size of the casing and tubing, and the depth of the packer.
  - (H) The depth to the base of the lowermost underground source of drinking water.
- (2) If the well has been drilled, a copy of the completion report and any available geophysical log of the well.
- (3) Proposed operating data as follows:
  - (A) The geological name, depth, and location of the injection fluid source.
  - (B) A standard laboratory analysis of a representative sample of water to be injected under the proposed Class II permit.
  - (C) The location and description of each underground

source of drinking water through which the well would pass.

(D) A description of the current or proposed casing program, including the following:

- (i) Casing size, weight, and type.
- (ii) Cement volume and type.
- (iii) Packer type.
- (iv) Type of completion for the well and the proposed method for testing casing.

(E) The proposed maximum injection rate and pressure. The owner or operator shall limit injection pressure to either:

- (i) a value that does not exceed a maximum injection pressure at the wellhead calculated to assure that the pressure during injection does not initiate new fractures or propagate existing fractures in the confining zone adjacent to an underground source of drinking water and will not cause the movement or injection of fluids into an underground source of drinking water; or
- (ii) a value for wellhead pressure calculated by using the following formula:

$$P_{max} = (0.8 \text{ psi/ft} - (.433 \text{ psi/ft} (S_g)))d$$

Where:  $P_{max}$  = Maximum injection pressure (psia).

$S_g$  = Specific gravity of the injected fluid.

$d$  = Depth to the top of the injection zone in feet.

~~(h)~~ (g) A bond as set forth in 312 IAC 16-4-2 must accompany a permit application.

~~(h)~~ (h) If a drilling unit, lease, or tract of land is communitized for exploration or development, the original or a certified copy of the communitization agreement or declaration of pooling must accompany the initial permit application made under that agreement or declaration. An application for a subsequent permit must identify the agreement or declaration and the permit number of the initial permit.

~~(i)~~ (i) With respect to an application for a Class II well, or a noncommercial gas well, an applicant must serve a written notification describing the proposed well personally or by certified mail on each of the following persons, if the described property is located within one-fourth (1/4) mile of the proposed well:

- (1) The owner or operator of each well for oil and gas purposes, including a well having temporary abandonment status under 312 IAC 16-5-20 or not yet in production.
- (2) The permittee of an underground mine permitted under IC 14-34.
- (3) The person who files a mine plan under 312 IAC 16-5-4(b) through 312 IAC 16-5-4(g) showing the workable limits for a proposed underground mine.
- (4) Each owner of rights to surface or subsurface property that the well penetrates.

~~(j)~~ (j) The notification required under subsection ~~(j)~~ (i) shall specify that a person who wishes to object to issuance of the permit may, within fifteen (15) days of receipt of the notification, submit written comments or request an informal hearing before the commission under 312 IAC 16-2-3. The notification shall include the address to which written comments or the hearing request must be forwarded and where additional information may be obtained.

~~(k)~~ (k) In addition to the notification required under subsection ~~(j)~~ (i), the division shall cause a notice of a permit application to be placed in a newspaper of general circulation in the county where the proposed well is located. The notice must include the following:

- (1) The name and address of the applicant.
- (2) The location of the proposed well.
- (3) The geological name and depth of the injection zone.
- (4) The maximum injection pressure.
- (5) The maximum rate of barrels each day.

The notice shall specify that a person who wishes to object to issuance of the permit may, within fifteen (15) days of publication of the notification, submit written comments or request an informal hearing before the department. The notification shall include the address to which the written comments or hearing requests must be forwarded, how a person may receive written notice of the proceedings, and where additional information concerning the proposed permit can be obtained.

~~(l)~~ (l) Proof of service of the notification required in subsection ~~(j)~~ (i) must be delivered to the division before a permit for a Class II well can be issued.

~~(m)~~ (m) A person may file a written request for an informal hearing under 312 IAC 16-2-3 within fifteen (15) days after the notification required under subsections ~~(j)~~ (i) through ~~(k)~~ (k) to consider an objection to a permit.

~~(n)~~ (n) No permit shall be issued for a Class II well or a noncommercial gas well:

- (1) until eighteen (18) days after service of any notification required under subsections ~~(j)~~ (i) through ~~(k)~~ (k); or
- (2) if a hearing is requested under subsection ~~(m)~~ (m), until the division director makes a determination with respect to the objection.

Upon issuance of the permit, IC 4-21.5 and 312 IAC 3-1 apply.

~~(o)~~ (o) Upon notification by the division that the requirements of this section are satisfied, an owner or operator may act upon a permit. (*Natural Resources Commission; 312 IAC 16-3-2; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2332; filed Jan 16, 2003, 10:52 a.m.: 26 IR 1896*)

SECTION 2. 312 IAC 16-3.5 IS ADDED TO READ AS FOLLOWS:

**Rule 3.5. Annual Well Fee****312 IAC 16-3.5-1 Annual well fee and reporting requirements**

Authority: IC 14-37-5

Affected: IC 4-21.5; IC 14-37-6-2; IC 14-37-6-4

Sec. 1. (a) Each oil and gas well owner or operator must pay an annual well fee based on the number of wells for oil and gas purposes for which the person has permits as of November 1 of each year. The annual well fee does not apply to a noncommercial gas well.

(b) The division shall, by December 1 of each year, mail a notice to each owner or operator indicating the number of wells that division records show were under a permit on November 1. Each owner or operator must verify the annual fee due under section 2 of this rule and must cause the fee to be actually received by the division no later than February 1 of the following year. Failure of an owner or operator to comply with this subsection is a violation of this article and is cause for revocation of any permit in violation.

(c) A well for oil and gas purposes is included in the number of wells that the division assesses for the annual well fee on November 1 until the earlier of the following:

- (1) The well is plugged and the well site is restored under 312 IAC 16-5-19.
- (2) The well is transferred to a new permittee under 312 IAC 16-3-8.

(d) Each owner or operator of a well for oil and gas purposes must also report to the division by February 1 of each year, on a form prescribed by the division, any change in:

- (1) mailing address; or
- (2) organizational status.

(Natural Resources Commission; 312 IAC 16-3.5-1; filed Jan 16, 2003, 10:52 a.m.: 26 IR 1898)

**312 IAC 16-3.5-2 Amount of assessment**

Authority: IC 14-37-5

Affected: IC 4-21.5; IC 14-37-6-2; IC 14-37-6-4

Sec. 2. The division shall assess the annual well fee as follows:

- (1) For one (1) permit, one hundred fifty dollars (\$150).
- (2) For two (2) through five (5) permits, three hundred dollars (\$300).
- (3) For six (6) through twenty-five (25) permits, seven hundred fifty dollars (\$750).
- (4) For twenty-six (26) through one hundred (100) permits, one thousand five hundred dollars (\$1,500).
- (5) For more than one hundred (100) permits, one thousand five hundred dollars (\$1,500) plus fifteen dollars (\$15) for each permit over one hundred (100).

(Natural Resources Commission; 312 IAC 16-3.5-2; filed Jan 16, 2003, 10:52 a.m.: 26 IR 1898)

SECTION 3. 312 IAC 16-4-1 IS AMENDED TO READ AS FOLLOWS:

**Rule 4. Bonding in Addition to Annual Well Fee****312 IAC 16-4-1 Bond required in addition to the annual well fee**

Authority: IC 14-37-3

Affected: IC 4-21.5; IC 14-37-5; IC 14-37-6-2; IC 14-37-6-4; IC 14-37-13

Sec. 1. (a) **In addition to the annual well fee required by 312 IAC 16-3.5**, no person shall drill, deepen, operate, or convert a well for oil and gas purposes until the person has filed and the department has accepted a bond as provided in section 2 of this rule, ~~if the person who has created or acquired a well for oil and gas purposes is required to file a bond with the department within ten (10) days after creating or acquiring the well.~~

- (1) **is an applicant for a permit under this article who has never been granted a permit for a well for oil and gas purposes under this article;**
- (2) **has demonstrated a pattern of violation under IC 14-37 and this article within the previous two (2) years;**
- (3) **has failed to pay a civil penalty imposed under IC 14-37-13; or**
- (4) **has failed to pay an annual fee required under IC 14-37-5.**

(b) The purpose of a bond is to provide for compliance with IC 14-37 and this article.

(c) A bond shall be renewed until there has been compliance with the conditions imposed by ~~law~~ **IC 14-37** and by the permit **for two (2) consecutive years.**

(d) Requirements and procedures applicable to bonds also apply to the substitute securities described in IC 14-37-6-2 and IC 14-37-6-4.

(e) Any person in whose name the permit is issued shall execute and be named as principal on the bond. The name of the owner or operator on the permit and the principal on the bond shall be the same. (Natural Resources Commission; 312 IAC 16-4-1; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2336; filed Jan 16, 2003, 10:52 a.m.: 26 IR 1898)

SECTION 4. 312 IAC 16-4-2 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 16-4-2 Bond types**

Authority: IC 14-37-3

Affected: IC 14-37



Sec. 2. (a) The bond required in section 1 of this rule shall consist of any one (1) of the following:

- (1) A surety bond in the amount of two thousand **five hundred** dollars (~~(\$2,000)~~ **(\$2,500)**) for each well drilled or produced.
- (2) A cash bond in the amount of two thousand **five hundred** dollars (~~(\$2,000)~~ **(\$2,500)**) for each well drilled or produced.
- (3) A certificate of deposit in the principal amount of two thousand **five hundred** dollars (~~(\$2,000)~~ **(\$2,500)**) for each well drilled or produced, according to terms and specifications provided by the division.
- (~~4~~) A blanket surety bond in the sum of five thousand dollars (~~(\$5,000)~~) for all wells if the blanket surety bond was filed and accepted by the commission before March 11, 1971.
- (~~5~~) (4) A surety bond in any amount for wells drilled, deepened, or converted; however, the maximum number of wells under the bond may not exceed that number determined by dividing the principal sum of the bond by two thousand **five hundred** dollars (~~(\$2,000)~~ **(\$2,500)**).
- (~~6~~) (5) A blanket bond of ~~thirty~~ **forty-five** thousand dollars (~~(\$30,000)~~ **(\$45,000)**) for any number of wells drilled, deepened, or converted.

(b) No surety bond shall be approved unless issued by a company holding an applicable certificate of authority from the department of insurance, state of Indiana. A surety bond shall be executed by the owner or operator as principal and by the surety or for either of them by an attorney-in-fact with certified power of attorney attached.

(c) With respect to a noncommercial gas well drilled on real estate owned by a bona fide resident of Indiana, the deputy director may waive the bond described in subsection (a), provided the person does the following:

- (1) Submits written proof of financial responsibility.
- (2) Enters on a division form an agreement to maintain and abandon the well in accordance with IC 14-37 and this article. The deputy director may require the agreement provided under this subsection to be recorded.

(d) The division shall obtain possession and custody of all collateral deposited by an applicant until released or replaced under this rule. A certificate of deposit must be assigned in writing to the state and the assignment noted upon the books of the bank issuing the certificate. (*Natural Resources Commission; 312 IAC 16-4-2; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2336; filed Jan 16, 2003, 10:52 a.m.: 26 IR 1898*)

SECTION 5. 312 IAC 16-4-5 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 16-4-5 Bond release

Authority: IC 14-37-3

Affected: IC 14-37-5; IC 14-37-6-1; IC 14-37-13

Sec. 5. (a) ~~No bond shall be released until the commission~~

~~determines each permit secured by a bond has been: The division shall release a bond submitted pursuant to this rule after:~~

- (1) ~~each well secured by the bond has been plugged and abandoned and the well site restored under IC 14-37, this article, the terms of the permit, and orders of the department;~~
- (2) ~~each well secured by the bond has been converted under 312 IAC 16-5-19(e) to a fresh water well; or~~
- (3) ~~until a substitute bond is filed by the owner or operator and accepted by the department;~~
- (4) ~~each well secured by the bond is transferred under 312 IAC 16-3-8; or~~
- (5) ~~the owner or operator is not required to post a bond under IC 14-37-6-1(a) due to not having:~~
  - (A) ~~demonstrated a pattern of violation within the previous two (2) years;~~
  - (B) ~~failed to pay a civil penalty imposed under IC 14-37-13; or~~
  - (C) ~~failed to pay an annual fee required under IC 14-37-5.~~

(b) The department may execute a partial release for a bond issued to secure more than one (1) permit where an individual well is abandoned or converted to a fresh water well. A partial release under this subsection shall not relieve a surety from responsibility with respect to a well other than the individual well identified in the partial release. (*Natural Resources Commission; 312 IAC 16-4-5; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2337; filed Jan 16, 2003, 10:52 a.m.: 26 IR 1899*)

LSA Document #02-73(F)

Notice of Intent Published: 25 IR 2278

Proposed Rule Published: September 1, 2002; 25 IR 4156

Hearing Held: September 30, 2002

Approved by Attorney General: December 30, 2002

Approved by Governor: January 14, 2003

Filed with Secretary of State: January 16, 2003, 10:52 a.m.

Incorporated Documents Filed with Secretary of State: None

## TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #02-162(F)

### DIGEST

Amends 312 IAC 5-6-6 that provides restricted watercraft zones on Lake Wawasee to replace 10 miles per hour speed limits with expanded idle speed zones and watercraft prohibition zones on Lake Wawasee and Syracuse Lake for the protection of ecological resources. Effective 30 days after filing with the secretary of state.

### 312 IAC 5-6-6

SECTION 1. 312 IAC 5-6-6 IS AMENDED TO READ AS FOLLOWS:

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## Final Rules

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### 312 IAC 5-6-6 Lake Wawasee and Syracuse Lake; special watercraft zones

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 14; IC 32-19-1-1

Sec. 6. (a) This section establishes restrictions on the operation of watercraft on and between Lake Wawasee and Syracuse Lake in Kosciusko County. The coordinates used in this section are on the Indiana coordinate system of 1983, east zone, in United States Survey feet as defined in IC 32-19-1-1, hereinafter referred to as SPC.

(b) A person must not operate a watercraft in excess of ten (10) miles per hour on Lake Wawasee within an area described as follows: idle speed in any of the following locations:

(1) North and west of Pickwick Road: In an area known as Johnson Bay on Lake Wawasee, and more particularly described as east and north of buoys placed along a boundary in the northeastern portion of the bay. The boundary:

(A) begins at its southernmost point with a buoy placed at SPC 2244173.23 north and SPC 323786.03 east;

(B) continues in a northwesterly direction, including, but not limited to, buoys placed at:

(i) SPC 2244348.87 north and SPC 323439.20 east;

(ii) SPC 2244959.54 north and SPC 323331.64 east; and

(iii) SPC 2245188.84 north and SPC 322952.76 east; and

(C) concludes with the northernmost buoy placed at SPC 2245460.99 north and SPC 322442.69 east.

(2) South of the CSX railroad In an area known as Johnson Bay on Lake Wawasee, and more particularly described as west of buoys forming a boundary in the western portion of the bay. The boundary:

(A) begins at its southernmost point with a buoy placed at SPC 2242916.32 north and SPC 321786.06 east;

(B) continues north, including, but not limited to, buoys placed at:

(i) SPC 2243201.20 north and SPC 321889.40 east; and

(ii) SPC 2243594.17 north and SPC 321842.69 east; and

(C) concludes with the northernmost buoy placed at SPC 2243903.36 north and SPC 321985.50 east.

(3) East of the Turtle Bay housing development: In the area known as Conklin Bay on Lake Wawasee, and more particularly described as the area along and fifty (50) feet lakeward of emergent wetlands, so as to include those wetlands and the fifty (50) foot buffer in the zone, with the boundary to be determined using a suitable Global Positioning System.

(4) In the area of Lake Wawasee, commonly referred to as the channel area and Mud Lake, that lies between the main body of Lake Wawasee and Syracuse Lake.

(5) In the southeastern portion of Syracuse Lake, more particularly described as east and south of buoys forming a boundary that:

(A) begins at its northernmost point with a buoy placed at SPC 2249799.53 north and SPC 311364.04 east;

(B) continues in a southwesterly direction to include buoys placed at:

(i) SPC 2249436.77 north and SPC 310315.97 east; and

(ii) SPC 2249156.14 north and SPC 310047.98 east; and

(C) concludes at its southernmost point with a buoy placed at SPC 2248558.17 north and SPC 309952.51 east.

(6) In an area commonly referred to as the North Bay on Lake Wawasee, more particularly described as north of the boundary between buoys placed at:

(A) SPC 2246336.50 north and SPC 313670.41 east; and

(B) SPC 2246294.91 north and SPC 312868.18 east.

(c) In addition to subsection (b)(6), a person must not operate, anchor, or moor a watercraft in either of the following restricted zones located in the area commonly referred to as the north bay on Lake Wawasee:

(1) Within the rectangular shaped area bounded by buoys designating the:

(A) southwestern corner of the area at SPC 2246372.00 north and SPC 313226.16 east;

(B) northwestern corner at SPC 2246561.00 north and SPC 313224.59 east;

(C) northeastern corner at SPC 2246576.75 north and SPC 313538.09 east; and

(D) southeastern corner at SPC 2246382.25 north and SPC 313549.53 east.

(2) Within the rectangular shaped area bounded by buoys designating the southwestern corner of the:

(A) area at SPC 2246371.25 north and SPC 312958.88 east;

(B) northwestern corner at SPC 2246558.25 north and SPC 312954.19 east;

(C) northeastern corner at SPC 2246558.50 north and SPC 313090.28 east; and

(D) southeastern corner at 2246374.50 north and SPC 313091.94 east.

*(Natural Resources Commission; 312 IAC 5-6-6; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2374, eff Jan 1, 2002; filed Jan 16, 2003, 10:55 a.m.: 26 IR 1900)*

*LSA Document #02-162(F)*

*Notice of Intent Published: 25 IR 3209*

*Proposed Rule Published: September 1, 2002; 25 IR 4164*

*Hearing Held: September 24, 2002*

*Approved by Attorney General: December 30, 2002*

*Approved by Governor: January 14, 2003*

*Filed with Secretary of State: January 16, 2003, 10:55 a.m.*

*Incorporated Documents Filed with Secretary of State: None*

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

LSA Document #01-301(F)

#### DIGEST

Amends 405 IAC 5-19-1 to clarify the definition of medical and surgical supplies. The amendments provide restrictions and

limitations for coverage and provide that reimbursement shall be equal to the lower of the provider's submitted charges or the Medicaid allowable amount for each item. The amendments require that all medical supplies be billed using health care financing administration common procedure coding system in accordance with the instructions set forth in the Indiana health coverage programs manual or update bulletins. Effective 30 days after filing with the secretary of state.

#### 405 IAC 5-19-1

SECTION 1. 405 IAC 5-19-1 IS AMENDED TO READ AS FOLLOWS:

#### 405 IAC 5-19-1 Medical supplies

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3  
Affected: IC 12-13-7-3; IC 12-15-13-6

Sec. 1. (a) ~~Medicaid~~ **Medical and surgical supplies (medical supplies)** are disposable items that are not reusable and must be replaced on a frequent basis. Medical supplies are used primarily and customarily to serve a medical purpose, are generally not useful to a person in the absence of an illness or injury, and are covered only for the treatment of a medical condition. Reimbursement is available for medical supplies subject to the restrictions listed in this section.

(b) Medical supplies include, but are not limited to, the following items:

- (1) Antiseptics and solutions.
- (2) Bandages and dressing supplies.
- (3) Gauze pads.
- (4) Catheters.
- (5) Incontinence supplies.
- (6) Irrigation supplies.
- (7) Diabetic supplies.
- (8) Ostomy supplies.
- (9) Respiratory and tracheotomy supplies.

(c) Covered medical supplies do not include the following items:

- (1) Drug products, either legend or nonlegend.
- (2) Sanitary napkins.
- (3) Cosmetics.
- (4) Dentifrice items.
- (5) Tissue.
- (6) Nonostomy deodorizing products, soap, disposable wipes, shampoo, or other items generally used for personal hygiene.

(d) Providers shall bill in accordance with the instructions set forth in the Indiana health coverage programs manual or update bulletins.

~~(b) Incontinency~~ (e) **Incontinence** supplies, including underpads, incontinent briefs and liners, diapers, and disposable diapers are covered subject to prior authorization and the following limitations:

(1) The supplies in this subsection are covered only in cases of documented necessity, at a rate determined by the ~~contractor~~ **office**.

(2) The supplies in this subsection are covered only for recipients three (3) years of age or older.

~~(e)~~ (f) All medical supplies must be ordered in writing by a physician **or dentist**.

~~(d)~~ (g) Medical and nonmedical supplies used in the usual care and treatment of a recipient in a long term care facility are included in the approved per diem rate for the facility and may not be billed separately by the facility or through a pharmacy or other provider: that are included in facility reimbursement, or that are otherwise included as part of reimbursement for a medical or surgical procedure, are not separately reimbursable to any party. All covered medical supplies, whether for routine or nonroutine use, are included in the per diem for nursing facilities, even if the facility does not include the cost of medical supplies in their facility cost reports.

(h) Reimbursement is not available for medical supplies dispensed in quantities greater than a one (1) month supply for each calendar month, except when packaged by the manufacturer only in larger quantities.

(i) Medical supplies shall be for a specific medical purpose, not incidental or general-purpose usage.

(j) Reimbursement for medical supplies is equal to the lower of the following:

- (1) The provider's submitted charges, not to exceed the provider's usual and customary charges.
- (2) The Medicaid allowable fee schedule amount as determined under this section.

(k) The Medicaid allowable fee schedule amount to be effective on the effective date of this rule is the base statewide fee schedule amount equal to the lower of the Medicaid fee schedule amount in effect during SFY 2001 or the amount determined as follows:

- (1) The average acquisition cost of the item adjusted by a multiplier of one and two-tenths (1.2), if available. If this amount is not available, then subdivision (2).
- (2) The Indiana Medicare fee schedule amount adjusted by a multiplier of no less than eight-tenths (.8), if available. If this amount is not available, then subdivision (3).
- (3) The weighted median of providers' usual and customary charges adjusted by a multiplier of no less than eight-tenths (.8), if available. If this amount is not available, then subdivision (4).
- (4) The Medicaid fee schedule amount in effect during state fiscal year 2001, if available. If this amount is not available, then subdivision (5).
- (5) The average Indiana Medicaid payment amount per item during state fiscal year 2001.

(l) The office may review the statewide fee schedule and adjust it as necessary using the Medicare fee schedule, the providers' usual and customary charges, and the providers' acquisition cost information subject to subsections [sic., subsection] (k)(1) through (k)(5). Any adjustments shall be made effective no earlier than permitted under IC 12-15-13-6.

(m) Providers must bill for medical supplies using health care common procedure coding system in accordance with the instructions set forth in the Indiana health coverage programs manual or update bulletins.

(n) Providers must include their usual and customary charge for each medical supply item when submitting claims for reimbursement. Providers shall not use the Medicaid calculated allowable fee schedule amount for their billed charge unless it is less than or equal to the amount charged by the provider to the general public. (*Office of the Secretary of Family and Social Services; 405 IAC 5-19-1; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3328; filed Sep 27, 1999, 8:55 a.m.: 23 IR 313; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Jan 10, 2003, 11:01 a.m.: 26 IR 1901*)

SECTION 2. Notwithstanding subsection (k), to ensure that supply items are available to providers at or below the fee schedule amount to be effective on the effective date of this rule, the office shall establish the fee schedule amount for the following items based on the Medicare fee schedule and the Indiana Medicaid fee schedule amount in effect during SFY 2001: A4253 (glucose testing strips) \$33.88; A4254 (replacement battery, any) \$6.11; A4256 (normal, low no high calib) \$11.20; A4258 (lancet device) \$15.27; A4259 (lancets) \$11.00; A4265 (paraffin) \$3.37; A4323 (sterile saline irrigation) \$8.68; A4351 (intermittent urinary cath) \$1.52; A4554 (disposable underpads, all) \$0.47; A4556 (electrodes, [e.g., apnea]) \$9.67; A4621 (tracheotomy mask or collar [sic.]) \$1.40; and Y4011 (diapers or incontinence) \$0.19. No multiplier will be applied to the initial fee schedule amount for these items. Twelve (12) months after the effective date of this rule [document], the office shall reestablish the fee schedule amounts for the items listed in this SECTION based on the methodology described in subsection (k), at which time this implementation SECTION shall expire.

LSA Document #01-301(F)

Notice of Intent Published: 24 IR 4014

Proposed Rule Published: August 1, 2002; 25 IR 3811

Hearing Held: September 3, 2002

Approved by Attorney General: December 23, 2002

Approved by Governor: January 2, 2003

Filed with Secretary of State: January 10, 2003, 11:01 a.m.

Incorporated Documents Filed with Secretary of State: None

## TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #02-89(F)

### DIGEST

Adds 410 IAC 16.2-1.1 to update and add definitions. Amends 410 IAC 16.2-5 to update health and sanitation standards, qualifications of applicants for licensure, requirements for operation, maintenance, and management, and other requirements for the operation of residential care facilities. Repeals 410 IAC 16.2-1, 410 IAC 16.2-5-1.7, 410 IAC 16.2-5-3, 410 IAC 16.2-5-5, 410 IAC 16.2-5-7, 410 IAC 16.2-5-8, 410 IAC 16.2-5-9, 410 IAC 16.2-5-10, and 410 IAC 16.2-5-11. Effective March 1, 2003.

410 IAC 16.2-1	410 IAC 16.2-5-5
410 IAC 16.2-1.1	410 IAC 16.2-5-5.1
410 IAC 16.2-5-0.5	410 IAC 16.2-5-6
410 IAC 16.2-5-1.1	410 IAC 16.2-5-7
410 IAC 16.2-5-1.2	410 IAC 16.2-5-7.1
410 IAC 16.2-5-1.3	410 IAC 16.2-5-8
410 IAC 16.2-5-1.4	410 IAC 16.2-5-8.1
410 IAC 16.2-5-1.5	410 IAC 16.2-5-9
410 IAC 16.2-5-1.6	410 IAC 16.2-5-10
410 IAC 16.2-5-1.7	410 IAC 16.2-5-11
410 IAC 16.2-5-2	410 IAC 16.2-5-11.1
410 IAC 16.2-5-3	410 IAC 16.2-5-12
410 IAC 16.2-5-4	

SECTION 1. 410 IAC 16.2-1.1 IS ADDED TO READ AS FOLLOWS:

#### Rule 1.1. Definitions

##### 410 IAC 16.2-1.1-1 Applicability

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28

Sec. 1. The definitions in this rule apply throughout this article, except as noted. (*Indiana State Department of Health; 410 IAC 16.2-1.1-1; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1902, eff Mar 1, 2003*)

##### 410 IAC 16.2-1.1-2 "Abuse" defined

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28

Sec. 2. "Abuse" means any physical or mental injury or sexual assault inflicted on a resident in the facility, other than by accidental means. (*Indiana State Department of Health; 410 IAC 16.2-1.1-2; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1902, eff Mar 1, 2003*)

##### 410 IAC 16.2-1.1-3 "Activities of daily living" defined

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28

**Sec. 3. “Activities of daily living” means mobility, eating, dressing, bathing, toileting, and transferring.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-3; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1902, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-4 “Administration of medications” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 4. “Administration of medications” means preparation and/or distribution of prescribed medications. This does not include reminders, cues, and/or opening of medication containers or assistance with eye drops, when requested by a resident.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-4; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1903, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-5 “Administrator” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28; IC 25-19-1

**Sec. 5. “Administrator” means a person holding a valid license under IC 25-19-1.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-5; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1903, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-6 “Advance directives” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 6. “Advance directives” means a written instrument, such as a living will or durable power of attorney for health care, recognized under state law, relating to the provision of health care when the individual is incapacitated.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-6; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1903, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-7 “Ambulation” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 7. “Ambulation” means walking, once in a standing position.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-7; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1903, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-8 “Assessment” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 8. “Assessment” means the identification of an individual’s present level of strengths, abilities, and needs and the conditions that impede the individual’s development or functioning.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-8; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1903, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-9 “Bathing” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 9. “Bathing” means washing and drying the body (excluding the back and shampooing the hair), including:**

- (1) full-body bath;
- (2) sponge bath;
- (3) preparatory activities; and
- (4) transferring into and out of the tub and shower.

(*Indiana State Department of Health; 410 IAC 16.2-1.1-9; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1903, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-10 “Certification” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 10. “Certification” means that the federal Department of Health and Human Services has determined a facility to be in compliance with applicable statutory or regulatory requirements and standards for the purposes of participation as a provider of care and service for Title XVIII or Title XIX, or both, of the federal Social Security Act.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-10; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1903, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-11 “Children” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 11. “Children” means individuals who:**

- (1) are less than eighteen (18) years of age and not legally emancipated; or
- (2) if older:

- (A) require by the reason of physical or mental handicap, care of the type usually accepted as pediatric; or
- (B) are suffering from a handicap or ailment which, in the judgment of the attending physician, indicates that the child care facility is more appropriate to their needs than an adult care facility.

(*Indiana State Department of Health; 410 IAC 16.2-1.1-11; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1903, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-12 “Comfortable and safe temperature levels” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 12. “Comfortable and safe temperature levels” means that the ambient temperature should be in a relatively narrow range, seventy-one (71) degrees Fahrenheit to eighty-one (81) degrees Fahrenheit, that minimizes residents’ susceptibility to the loss of body heat and risk of hypothermia or susceptibility to respiratory ailments and colds.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-12; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1903, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-13 “Communicable disease” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

Sec. 13. “Communicable disease” means communicable disease as defined in 410 IAC 1-2.3-11. (*Indiana State Department of Health; 410 IAC 16.2-1.1-13; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1904, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-14 “Comprehensive care facility” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

Sec. 14. “Comprehensive care facility” means a health facility that provides nursing care, room, food, laundry, administration of medications, special diets, and treatments and that may provide rehabilitative and restorative therapies under the order of an attending physician. (*Indiana State Department of Health; 410 IAC 16.2-1.1-14; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1904, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-15 “Comprehensive nursing care” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

Sec. 15. “Comprehensive nursing care” includes, but is not limited to, the following:

- (1) Intravenous feedings.
- (2) Enteral feeding.
- (3) Nasopharyngeal and tracheostomy aspiration.
- (4) Insertion and sterile irrigation and replacement of suprapubic catheters.
- (5) Application of dressings to wounds that:
  - (A) require use of sterile techniques, packing, or irrigation; or
  - (B) are infected or otherwise complicated.
- (6) Treatment of Stages 2, 3, and 4 pressure ulcers or other widespread skin disorders.
- (7) Heat treatments that have been specifically ordered by a physician as part of active treatment and require observation by nurses to adequately evaluate the process.
- (8) Initial phases of a regimen involving administration of medical gases.

(*Indiana State Department of Health; 410 IAC 16.2-1.1-15; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1904, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-16 “Construction type” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

Sec. 16. “Construction type” means the type of construction as established by the rules of the fire prevention and building safety commission (675 IAC). (*Indiana State Department of Health; 410 IAC 16.2-1.1-16; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1904, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-17 “Convenience” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

Sec. 17. “Convenience” means any action taken by the facility to control resident behavior or maintain residents with a lesser amount of effort by the facility and not in the resident’s best interest. (*Indiana State Department of Health; 410 IAC 16.2-1.1-17; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1904, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-18 “Department” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

Sec. 18. “Department” means the Indiana state department of health. (*Indiana State Department of Health; 410 IAC 16.2-1.1-18; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1904, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-19 “Developmentally disabled” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

Sec. 19. “Developmentally disabled” means a personal disability that:

(1) is attributable to:

- (A) mental retardation, cerebral palsy, epilepsy, or autism;
- (B) any other condition found to be closely related to mental retardation because this condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services; or
- (C) dyslexia resulting from a disability described in this section;

(2) originates before the person is eighteen (18) years of age; and

(3) has continued or is expected to continue indefinitely and constitutes a substantial handicap to the person’s ability to function normally in society.

(*Indiana State Department of Health; 410 IAC 16.2-1.1-19; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1904, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-20 “Discipline” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

Sec. 20. “Discipline” means any action taken by the facility for the express purpose of punishing or penalizing residents. (*Indiana State Department of Health; 410 IAC 16.2-1.1-20; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1904, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-21 “Division” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 21. “Division” means the part of the Indiana state department of health responsible for survey, licensure, and enforcement of health facilities.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-21; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1904, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-22 “Dressing” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 22. “Dressing” means selecting, obtaining, putting on, fastening, and taking off all items of clothing, including donning or removing braces and artificial limbs.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-22; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1905, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-23 “Eating” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 23. “Eating” means how a resident ingests and drinks, regardless of self-feeding skills.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-23; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1905, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-24 “Emergency” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 24. “Emergency” means a situation or physical condition that presents imminent danger of death or serious physical or mental harm to one (1) or more residents of a facility.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-24; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1905, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-25 “Exercising rights” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 25. “Exercising rights” means that the residents have autonomy and choice, to the maximum extent possible, about how they wish to live their everyday lives and receive care, subject to the facility’s rules, as long as those rules do not violate a regulatory requirement.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-25; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1905, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-26 “Grooming” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 26. “Grooming” means maintaining personal hygiene, including the following:**

- (1) Preparatory activities.
- (2) Combing hair.
- (3) Washing and drying face, hands, and perineum.
- (4) Brushing teeth.
- (5) If applicable, shaving or applying makeup.

(*Indiana State Department of Health; 410 IAC 16.2-1.1-26; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1905, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-27 “Habilitation” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 27. “Habilitation” means programs and activities designed to help a resident develop and maintain a level of independence and self-sufficiency consistent with individual capabilities and performance levels.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-27; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1905, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-28 “Health care facilities for children” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 28. “Health care facilities for children” means those facilities that provide nursing care, habilitative and rehabilitative procedures, room, food, and laundry for children who, because of handicaps, require such care.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-28; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1905, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-29 “Health facility license” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28-2

**Sec. 29. “Health facility license” means any instrument issued pursuant to IC 16-28-2 by the department to any person or persons demonstrating compliance with the laws and rules governing such issuance.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-29; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1905, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-30 “Highest practicable” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 30. “Highest practicable” means the highest level of functioning and well-being possible, limited by the individual’s present functional status, and potential for improvement or reduced rate of functional decline.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-30; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1905, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-31 “Home health aide” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 31. “Home health aide” means an individual whose name is on the home health aide registry with no findings.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-31; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1905, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-32 “Infectious” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 32. “Infectious” means capable of spreading infection.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-32; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1905, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-33 “Intermediate care facility for the mentally retarded (or persons with related conditions)” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 33. “Intermediate care facility for the mentally retarded (or persons with related conditions)” means a health facility that provides active treatment for each developmentally disabled resident. In addition, the facility provides nursing care, room, food, laundry, administration of medications, modified diets, and treatments. A facility is only for developmentally disabled residents, and the facility shall be designed to enhance the development of these individuals, to maximize achievement through an interdisciplinary approach based on development principles and to create the least restrictive environment.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-33; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1906, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-34 “Legal representative” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28; IC 16-36-1-5

**Sec. 34. “Legal representative” means a person who is:**  
(1) a guardian;  
(2) a health care representative;  
(3) an attorney in fact; or  
(4) a person authorized by IC 16-36-1-5 to give health care consent.

(*Indiana State Department of Health; 410 IAC 16.2-1.1-34; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1906, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-35 “Licensed practical nurse” or “LPN” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28; IC 25-23-1-12

**Sec. 35. “Licensed practical nurse” or “LPN” means an individual as defined in IC 25-23-1-12.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-35; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1906, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-36 “Licensee” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28-2

**Sec. 36. “Licensee” means the individual, partnership, corporation, association, company, and legal successor thereof who holds a valid license issued pursuant to IC 16-28-2.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-36; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1906, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-37 “Medical records practitioner” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 37. “Medical records practitioner” means a person who is certified as or is eligible for certification as a registered health information administrator (RHIA) or an [sic., a] registered health information technician (RHIT) by the American Health Information Management Association under its requirements.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-37; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1906, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-38 “Medically stable” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 38. “Medically stable” means that a person’s clinical condition is predictable, does not change rapidly, and medical orders are not likely to involve complex modifications or frequent changes except as appropriate to adjust medication dosage levels.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-38; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1906, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-39 “Medication error” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 39. “Medication error” means a discrepancy between what the physician ordered and what was or was not administered.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-39; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1906, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-40 “Minor regimens” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 40. “Minor regimens” includes, but is not limited to, the following:**

- (1) Assistance with self-maintained exdwelling and indwelling catheter care and intermittent catheterization for a chronic condition.
- (2) Prophylactic and palliative skin care, including application of creams or ointments for treatment of minor skin problems.
- (3) Routine dressing that does not require packing or irrigation, but is for abrasions, skin tears, closed surgical wounds, and chronic skin conditions.
- (4) General maintenance care of ostomy, including routine change of bag with care and maintenance of surrounding tissue.
- (5) Restorative nursing assistance, including passive and/or active assisted range of motion.
- (6) Toileting care including assistance in use of adult briefs and cues for bowel and bladder training.



- (7) Routine blood glucose testing involving a finger-stick method.
- (8) Enema and digital stool removal therapies.
- (9) General maintenance care in connection with braces, splints, and plaster casts.
- (10) Observation of self-maintained prosthetic devices.
- (11) Administration of subcutaneous or intramuscular injections.
- (12) Metered dose inhalers, nebulizer/aerosol treatments self-administered by a resident, and routine administration of medical gases after a therapy regimen has been established.

(Indiana State Department of Health; 410 IAC 16.2-1.1-40; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1906, eff Mar 1, 2003)

**410 IAC 16.2-1.1-41 “Misappropriation of property” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 41. “Misappropriation of property” means the deliberate misplacement, exploitation, or wrongful, temporary, or permanent use of a resident’s belongings or money without the resident’s consent.** (Indiana State Department of Health; 410 IAC 16.2-1.1-41; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1907, eff Mar 1, 2003)

**410 IAC 16.2-1.1-42 “Mobile” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 42. “Mobile” means able to move from place to place by ambulation or with the assistance of a wheelchair or other device.** (Indiana State Department of Health; 410 IAC 16.2-1.1-42; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1907, eff Mar 1, 2003)

**410 IAC 16.2-1.1-43 “Modified diet” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 43. “Modified diet” means an adjustment of the regular diet that alters the calorie value, nutritive content, or consistency of the food.** (Indiana State Department of Health; 410 IAC 16.2-1.1-43; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1907, eff Mar 1, 2003)

**410 IAC 16.2-1.1-44 “Neglect” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 44. “Neglect” means:**

- (1) an act or omission that places a resident in a situation that may endanger the resident’s life or health;
- (2) abandoning or cruelly confining the resident;
- (3) depriving the resident of necessary support, including food, clothing, shelter, and medical care; or

- (4) depriving the resident of education as required by statute.

(Indiana State Department of Health; 410 IAC 16.2-1.1-44; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1907, eff Mar 1, 2003)

**410 IAC 16.2-1.1-45 “Nurse aide” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 45. “Nurse aide” means an individual as defined in 42 CFR 483.75(e)(1).** (Indiana State Department of Health; 410 IAC 16.2-1.1-45; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1907, eff Mar 1, 2003)

**410 IAC 16.2-1.1-46 “Nurse practitioner” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28; IC 25-23-1

**Sec. 46. “Nurse practitioner” means an individual as defined in IC 25-23-1.** (Indiana State Department of Health; 410 IAC 16.2-1.1-46; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1907, eff Mar 1, 2003)

**410 IAC 16.2-1.1-47 “Nursing care” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 47. “Nursing care” means those activities, including:**

- (1) identifying human responses to actual or potential health conditions;
- (2) deriving a nursing diagnosis;
- (3) executing a nursing treatment regimen based on the nursing diagnosis;
- (4) teaching health care practices;
- (5) advocating provision of necessary health care services through collaboration with other health service personnel;
- (6) executing regimens as prescribed by a physician, licensed chiropractor, dentist, optometrist, podiatrist, or nurse practitioner; and
- (7) administering, supervising, delegating, and evaluating nursing activities.

(Indiana State Department of Health; 410 IAC 16.2-1.1-47; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1907, eff Mar 1, 2003)

**410 IAC 16.2-1.1-48 “Nursing staff” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 48. “Nursing staff” means, at a minimum, licensed nurses and nurse aides. Nurse aides must meet the training and competency requirements required by the state.** (Indiana State Department of Health; 410 IAC 16.2-1.1-48; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1907, eff Mar 1, 2003)

**410 IAC 16.2-1.1-49 “Pharmacist” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28; IC 25-26-13

**Sec. 49. “Pharmacist” means an individual as defined in IC 25-26-13.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-49; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1907, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-50 “Physician” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28; IC 25-22.5-1-1.1

**Sec. 50. “Physician” means an individual as defined in IC 25-22.5-1-1.1.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-50; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1908, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-51 “Physician orders” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 51. “Physician orders” means those orders facility staff need to provide essential care to the resident, consistent with the resident’s mental and physical status. At a minimum, these orders include dietary, medications, and routine care to maintain or improve the resident’s functional abilities.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-51; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1908, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-52 “Policy manual” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 52. “Policy manual” means a document that details the administrative and operating plan of the facility.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-52; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1908, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-53 “Psychologist” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28; IC 25-33-1

**Sec. 53. “Psychologist” means a person as defined in IC 25-33-1.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-53; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1908, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-54 “Qualified medication aide” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 54. “Qualified medication aide” means an individual who has satisfactorily completed the state qualified medication aide course and test.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-54; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1908, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-55 “Qualified mental retardation professional” or “QMRP” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28; IC 25-22.5-5; IC 25-23-1-11; IC 25-27; IC 25-35.6-3

**Sec. 55. “Qualified mental retardation professional” or “QMRP” means a person who has specialized training or one (1) year of experience in treating the mentally retarded and is one (1) of the following:**

- (1) A psychologist with a master’s degree from an accredited program.
- (2) A licensed doctor of medicine or osteopathy.
- (3) An educator with a degree in education from an accredited program.
- (4) A social worker with a bachelor’s or master’s degree in social work from an accredited program or a bachelor’s or master’s degree in a field other than social work and at least three (3) years of social work experience under the supervision of a qualified social worker.
- (5) An occupational therapist who:
  - (A) is a graduate of an occupational therapy curriculum accredited jointly by the council on medical education of the American Medical Association and the American Occupational Therapy Association;
  - (B) is eligible for certification by the American Occupational Therapy Association under its requirements in effect on September 29, 1978; or
  - (C) has two (2) years of appropriate experience as an occupational therapist and has achieved a satisfactory grade on the approved proficiency examination, except that such determinations of proficiency shall not apply with respect to persons initially licensed by the state or seeking initial qualifications as an occupational therapist after December 31, 1977.
- (6) A speech pathologist or audiologist licensed pursuant to IC 25-35.6-3.
- (7) A registered nurse licensed pursuant to IC 25-23-1-11.
- (8) A therapeutic recreation specialist who is a graduate of an accredited program.
- (9) A rehabilitative counselor who is certified by the Committee of Rehabilitation Counselor Certification.
- (10) A physical therapist who is licensed pursuant to IC 25-27.

(*Indiana State Department of Health; 410 IAC 16.2-1.1-55; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1908, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-56 “Range of motion” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 56. “Range of motion” means the extent of movement of a joint.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-56; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1908, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-57 “Recreation area” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 57. “Recreation area” means:**

- (1) an area where residents can enjoy fresh air, either inside or outside the facility, for example:

- (A) balcony;
- (B) porch;
- (C) patio;
- (D) courtyard; or
- (E) solarium; and

(2) an inside area used primarily for activities organized by the facility.

(Indiana State Department of Health; 410 IAC 16.2-1.1-57; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1908, eff Mar 1, 2003)

**410 IAC 16.2-1.1-58 “Registered nurse” or “RN” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28; IC 25-23-1-11

**Sec. 58. “Registered nurse” or “RN” means an individual as defined in IC 25-23-1-11.** (Indiana State Department of Health; 410 IAC 16.2-1.1-58; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1909, eff Mar 1, 2003)

**410 IAC 16.2-1.1-59 “Rehabilitation” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 59. “Rehabilitation” means programs and activities implemented as a component of a treatment plan or in support of a plan to restore a resident to his or her optimal level of physical and psychosocial functions.** (Indiana State Department of Health; 410 IAC 16.2-1.1-59; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1909, eff Mar 1, 2003)

**410 IAC 16.2-1.1-60 “Rehabilitative therapy” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 60. “Rehabilitative therapy” means:**

- (1) physical therapy;
- (2) occupational therapy;
- (3) respiratory therapy;
- (4) speech therapy;
- (5) mental health therapy; and
- (6) other medically-recognized therapies.

(Indiana State Department of Health; 410 IAC 16.2-1.1-60; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1909, eff Mar 1, 2003)

**410 IAC 16.2-1.1-61 “Resident” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 61. “Resident” means a person residing and receiving care in a health facility. For purposes of exercising the resident’s rights, such rights may be exercised by the resident or his or her legal representative.** (Indiana State Department of Health; 410 IAC 16.2-1.1-61; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1909, eff Mar 1, 2003)

**410 IAC 16.2-1.1-62 “Residential care facility” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 62. “Residential care facility” means a health care facility that provides residential nursing care.** (Indiana State Department of Health; 410 IAC 16.2-1.1-62; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1909, eff Mar 1, 2003)

**410 IAC 16.2-1.1-63 “Residential nursing care” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 63. “Residential nursing care” may include, but is not limited to, the following:**

- (1) Identifying human responses to actual or potential health conditions.
- (2) Deriving a nursing diagnosis.
- (3) Executing a minor regimen based on a nursing diagnosis or executing minor regimens as prescribed by a physician, physician assistant, chiropractor, dentist, optometrist, podiatrist, or nurse practitioner.
- (4) Administering, supervising, delegating, and evaluating nursing activities as described in this section.

(Indiana State Department of Health; 410 IAC 16.2-1.1-63; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1909, eff Mar 1, 2003)

**410 IAC 16.2-1.1-64 “Respiratory therapy” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28; IC 25-34.5-1-6

**Sec. 64. “Respiratory therapy” means medical specialty primarily concerned with the treatment and care of persons with deficiencies and abnormalities associated with the cardiopulmonary system and includes those activities set forth in IC 25-34.5-1-6.** (Indiana State Department of Health; 410 IAC 16.2-1.1-64; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1909, eff Mar 1, 2003)

**410 IAC 16.2-1.1-65 “Respite care” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 65. “Respite care” means the provision by a facility of room, board, and care up to the level ordinarily provided for permanent residents of the facility to a person for not more than one (1) month for each stay in the facility.** (Indiana State Department of Health; 410 IAC 16.2-1.1-65; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1909, eff Mar 1, 2003)

**410 IAC 16.2-1.1-66 “Restraint” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 66. “Restraint” means a device or method, including chemical means, used to limit the activity or aggressiveness of a resident where such activity or aggressiveness could be harmful to the resident or others.** (Indiana State Department of Health; 410 IAC 16.2-1.1-66; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1909, eff Mar 1, 2003)

**410 IAC 16.2-1.1-67 “Seclusion” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 67. “Seclusion” means any circumscribed area in which a person is maintained alone and under surveillance, with the area so equipped that the person may not leave without assistance.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-67; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1910, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-68 “Self-limiting condition” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 68. “Self-limiting condition” means the condition will normally resolve itself without further intervention or by staff implementing standard disease related clinical interventions.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-68; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1910, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-69 “Service plan” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 69. “Service plan” means a written plan for services to be provided by the facility, developed by the facility, the resident, and others, if appropriate, on behalf of the resident, consistent with the services needed to ensure the health and welfare of the resident.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-69; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1910, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-70 “Significant change” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 70. “Significant change” means a major improvement or decline in the resident’s physical, mental, or psychosocial status.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-70; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1910, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-71 “Sufficient space” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 71. “Sufficient space” means the resident can access the area unless it is functionally off-limits, and the resident’s functioning is not restricted once access to the space is gained.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-71; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1910, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-72 “Supervise” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 72. “Supervise” means to instruct an employee or subordinate in his or her duties and to oversee or direct work, but does not necessarily require immediate presence of the supervisor.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-72; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1910, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-73 “Therapist” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 73. “Therapist” means a person who holds a valid license issued pursuant to Indiana statute or is certified or registered by the appropriate body to practice and who has completed the approved educational curriculum.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-73; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1910, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-74 “Toileting” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 74. “Toileting” means how the resident:**

- (1) uses the toilet room (or bedpan, bedside commode, or urinal);
- (2) transfers on and off the toilet;
- (3) cleanses self after elimination;
- (4) changes sanitary napkins or incontinence pads or external catheters; and
- (5) adjusts clothing prior to and after using the toilet.

(*Indiana State Department of Health; 410 IAC 16.2-1.1-74; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1910, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-75 “Toileting care” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 75. “Toileting care” means provision of care before and after use of the toilet room, commode, bedpan, or urinal. It includes transferring on and off the toilet, or both, cleansing, pad change, and changing of soiled clothing.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-75; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1910, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-76 “Total assistance with eating” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 76. “Total assistance with eating” means the resident must be fed by another person at every meal.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-76; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1910, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-77 “Total assistance with toileting” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 77. “Total assistance with toileting” means that the resident requires continual observation using the toilet room (or bedpan, bedside commode, or urinal) and is unable to cleanse himself or herself after elimination.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-77; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1910, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-78 “Total assistance with transferring” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 78. “Total assistance with transferring” means transfers and position changes of a resident who is unable to bear any weight or who requires two (2) or more persons or one (1) person with a mechanical lifting device to transfer the resident.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-78; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1911, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-79 “Total health status” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 79. “Total health status” includes the following:**

- (1) Functional status.
- (2) Medical care.
- (3) Nursing care.
- (4) Nutritional status.
- (5) Rehabilitation and restorative potential.
- (6) Activities potential.
- (7) Cognitive status.
- (8) Oral health status.
- (9) Psychosocial status.
- (10) Sensory and physical impairments.

(*Indiana State Department of Health; 410 IAC 16.2-1.1-79; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1911, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-80 “Transfer” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 80. “Transfer” means moving between two (2) surfaces, to or from a:**

- (1) bed;
- (2) chair;
- (3) wheelchair; or
- (4) standing position.

**The term does not include transfer to or from the bath or toilet. This section does not apply to transfer and discharge of residents pursuant to 410 IAC 16.2-3.1 and 410 IAC 16.2-5.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-80; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1911, eff Mar 1, 2003*)

**410 IAC 16.2-1.1-81 “Written” defined**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28

**Sec. 81. “Written” means handwritten, typewritten, or contained on electronic media.** (*Indiana State Department of Health; 410 IAC 16.2-1.1-81; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1911, eff Mar 1, 2003*)

SECTION 2. 410 IAC 16.2-5-0.5 IS ADDED TO READ AS FOLLOWS:

**410 IAC 16.2-5-0.5 Scope of residential care facilities**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 16-28-2; IC 16-28-5-1

**Sec. 0.5. (a) A health facility that provides residential nursing care or administers medications prescribed by a physician must be licensed as a residential care facility. A health facility licensed as a comprehensive care facility is not required to also be licensed as a residential care facility in order to provide residential nursing care.**

**(b) A residential care facility may not provide comprehensive nursing care except to the extent allowed under this rule.**

**(c) A facility that provides services, such as room, meals, laundry, activities, housekeeping, and limited assistance in activities of daily living, without providing administration of medication or residential nursing care is not required to be licensed. The provision by a licensed home health agency of medication administration or residential nursing care in a facility which provides room, meals, a laundry, activities, housekeeping, and limited assistance in activities of daily living does not require the facility to be licensed, regardless of whether the facility and the home health agency have common ownership, provided, however, that the resident is given the opportunity to contract with other home health agencies at any time during the resident’s stay at the facility.**

**(d) Notwithstanding subsection (f), a resident is not required to be discharged if receiving hospice services through an appropriately licensed provider of the resident’s choice.**

**(e) Notwithstanding subsection (f)(2), (f)(3), (f)(4), and (f)(5), a residential care facility that retains appropriate professional staff may provide comprehensive nursing care to residents needing care for a self-limiting condition.**

**(f) The resident must be discharged if the resident:**

- (1) is a danger to the resident or others;
- (2) requires twenty-four (24) hour per day comprehensive nursing care or comprehensive nursing oversight;
- (3) requires less than twenty-four (24) hour per day comprehensive nursing care, comprehensive nursing oversight, or rehabilitative therapies and has not entered into a contract with an appropriately licensed provider of the resident’s choice to provide those services;

(4) is not medically stable; or  
(5) meets at least two (2) of the following three (3) criteria unless the resident is medically stable and the health facility can meet the resident's needs:

- (A) Requires total assistance with eating.
- (B) Requires total assistance with toileting.
- (C) Requires total assistance with transferring.

(g) For purposes of IC 16-28-5-1, a breach of:

- (1) subsection (a) or (b) is an offense; and
- (2) subsection (c), (d), (e), or (f) is a deficiency.

(Indiana State Department of Health; 410 IAC 16.2-5-0.5; filed Jan 21, 2003, 8:34 a.m.; 26 IR 1911, eff Mar 1, 2003)

SECTION 3. 410 IAC 16.2-5-1.1 IS AMENDED TO READ AS FOLLOWS:

### 410 IAC 16.2-5-1.1 Licenses

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-18-2-167; IC 16-28-1-10; IC 16-28-2-2; IC 16-28-2-4; IC 16-28-5-7

Sec. 1.1. (a) Any person, in order to lawfully operate a health facility as defined in IC 16-18-2-167, shall first obtain an authorization to occupy the facility or a license from the director. The applicant shall notify the director, in writing, before ~~it~~ **the applicant** begins to operate a facility that is being purchased or leased from another licensee. Failure to notify the director precludes the issuance of a full license.

(b) An application shall be submitted on the prescribed form in accordance with IC 16-28-2-2. The application shall include identification of direct or indirect ownership interest of five percent (5%) or more and of corporate officers or partners.

(c) Any change in direct or indirect corporate ownership of five percent (5%) or more ~~that of the licensee, which~~ occurs during the licensure period, shall be reported to the director, in writing, at the time ~~of~~ the change. ~~occurs~~. The facility must also provide written notice at the time the change occurs in the ~~officers, directors, agents, or managing employees, or the~~ corporation, association, or other company responsible for the management of the facility.

(d) A license for a new facility, an existing facility that proposes a change in the number of beds, or a facility that has changed ownership is obtained as follows:

- (1) Prior to the start of construction, detailed architectural and operational plans shall be submitted through the office of the state building commissioner to the division for consideration and approval. The plans shall state the licensure classification sought. Plans for projects involving less than thirty thousand (30,000) cubic feet require suitable detailed plans and sketches. Plans for projects involving more than thirty thousand (30,000) cubic feet require certification by an architect or an engineer registered in Indiana. A plan of

operation, in sufficient detail to facilitate the review of functional areas, that is, nursing unit, laundry, and kitchen, shall accompany the submitted plan.

(2) Upon receipt of a design release from the state building commissioner and the state fire marshal, an application shall be submitted to the director on the form provided and approved by the ~~division~~, **department**, with the documents required by the application form.

(3) Information and supporting documents that the facility will be operated in reasonable compliance with this article and applicable statutes shall be furnished.

(4) A report by the state fire marshal that the facility is in reasonable compliance with the fire safety rules of the fire prevention and building safety commission (675 IAC) shall be furnished.

(5) If new construction or remodeling is involved, information verified by the appropriate building official that the building is in reasonable compliance with the building rules of the ~~department of fire prevention and building services~~ **safety commission** (675 IAC) shall be furnished.

(6) A plan of operation shall be submitted to the director. The plan shall include, but is not limited to, **the following**:

- (A) Corporate or partnership structure.
- (B) Policies and procedures, including personnel, operations, and resident care.
- (C) A disaster plan. ~~and~~
- (D) A copy of agreements and contracts.

(7) The appropriate licensure fee shall be submitted.

(e) The director may approve occupancy and use of the structure pending a final licensure decision.

(f) The director may issue a provisional license to a new facility or to a facility under new ownership in accordance with IC 16-28-2-4(2).

(g) For the renewal of a license, the director may issue a full license for any period up to one (1) year or a probationary license, or the director may refuse to issue a license as follows:

- (1) The facility shall submit a renewal application to the director at least forty-five (45) days prior to the expiration of the license. The renewal application shall be on a form provided and approved by the division, ~~that which~~ includes identification of direct or indirect ownership interest of five percent (5%) or more and of corporate officers or partners.
- (2) The licensure fee shall be included with the renewal application.
- (3) The director shall verify that the facility is operated in reasonable compliance with IC 16-28-2 and this article.
- (4) The state fire marshal shall verify that the facility is in reasonable compliance with the applicable fire safety statutes and rules (675 IAC).

(h) If the director issues a probationary license, the license may be granted for a period of three (3) months. However, no

more than three (3) probationary licenses may be issued in a twelve (12) month period. Although the license fee for a full twelve (12) month period has been paid, a new fee shall be required prior to the issuance of a probationary license.

(i) If the director denies renewal or reduces, revokes, or issues a probationary license, then a hearing officer will be appointed to hold a hearing. However, a facility may waive its right to a hearing and accept the director recommendation.

(j) For a good cause shown, waiver of **any** nonstatutory provisions of this rule may be granted by the executive board for a specified period in accordance with IC 16-28-1-10.

(k) A licensure survey finding or complaint allegation does not constitute a breach for the purposes of IC 16-28-2 until or unless the commissioner makes a specific determination that a breach has occurred. Moreover, the director shall issue a citation only upon a determination by the commissioner that a breach has occurred. Regardless of whether the commissioner makes a determination that a breach has occurred, a licensure survey finding or complaint allegation may be used as evidence as to whether a violation actually occurred for the purposes of licensure hearings or any other proceedings initiated under IC 16-28-2 or this article.

(l) The classification of rules into the categories that are stated at the end of each section of ~~410 IAC 16.2-3-1~~; this rule and 410 IAC 16.2-6 through 410 IAC 16.2-7 shall be used to determine the corrective actions and penalties, if appropriate, to be imposed by the commissioner upon a determination that a breach has occurred as follows:

(1) An offense presents a substantial probability that death or a life-threatening condition will result. For an offense, the commissioner shall issue an order for immediate correction of the offense. In addition, the commissioner ~~may~~ **shall**:

(A) impose a fine not to exceed ten thousand dollars (\$10,000); or

(B) order the suspension of new admissions to the health facility for a period not to exceed forty-five (45) days; or both. If the offense is immediately corrected, the commissioner may waive up to fifty percent (50%) of any fine imposed and reduce the number of days for suspension of new admissions by one-half (½). The ~~director~~ **commissioner** may ~~revoke~~ **also impose revocation by the director of the facility's license or issue issuance of a probationary license.**

(2) A deficiency presents an immediate or direct, serious adverse effect on the health, safety, security, rights, or welfare of a resident. For a deficiency, the commissioner shall issue an order for immediate correction of the deficiency. In addition, the commissioner may:

~~(A) order the suspension of new admissions to the health facility for a period not to exceed thirty (30) days; or~~

~~(B) (A) impose a fine not to exceed five ten thousand dollars (\$5,000) if the facility holds a probationary license~~

~~or if the breach is a repeat of the same deficiency within a twelve (12) month period; (\$10,000); or~~

~~(B) order the suspension of new admissions to the health facility for a period not to exceed thirty (30) days;~~

~~or both. However, the commissioner shall impose a fine upon the occurrence of the first deficiency, regardless of the licensure status of the facility; if the first deficiency is intentional or is the result of gross negligence. For a repeat of the same deficiency within a fifteen (15) month period, the commissioner shall order immediate correction of the deficiency, and impose a fine not to exceed ten thousand dollars (\$10,000), or suspension of new admissions to the facility for a period not to exceed forty-five (45) days, or both. If the deficiency is immediately corrected, the commissioner may waive up to fifty percent (50%) of any fine imposed and reduce the number of days for suspension of new admissions by one-half (½). The commissioner may also impose revocation by the director of the facility license or issuance of a probationary license.~~

(3) A noncompliance presents an indirect threat on the health, safety, security, rights, or welfare of a resident. For a noncompliance, the commissioner shall require the health facility to submit a plan of correction **approved or directed** under IC 16-28-5-7. If the facility is found to have a pattern of noncompliance, the commissioner may suspend new admissions to the health facility for a period not to exceed ten (10) days **or impose a fine not to exceed one thousand dollars (\$1,000), or both.** Additionally, if the health facility is found to have a repeat of the same noncompliance in any eighteen (18) month period, **the commissioner shall issue an order for immediate correction of the noncompliance.** The commissioner may impose a fine not to exceed ~~one five thousand dollars (\$1,000); (\$5,000) or suspension of new admissions to the health facility for a period not to exceed thirty (30) days, or both.~~

(4) A nonconformance is any other classified rule that does not fall in the three (3) categories established in subdivisions (1) through (3). For a nonconformance, the commissioner ~~may request~~ **shall require** the health facility to ~~submit a~~ **comply with any** plan of correction **approved or directed** in accordance with IC 16-28-5-7. **For a repeat of the same nonconformance within a fifteen (15) month period, the commissioner shall require the health facility to comply with any plan of correction approved or directed in accordance with IC 16-28-5-7. For a repeat pattern of nonconformance, the commissioner may suspend new admissions to the health facility for a period not to exceed fifteen (15) days or impose a fine not to exceed one thousand dollars (\$1,000), or both.**

*(Indiana State Department of Health; 410 IAC 16.2-5-1.1; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1560, eff Apr 1, 1997; errata filed Apr 10, 1997, 12:15 p.m.: 20 IR 2415; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1912, eff Mar 1, 2003)*

SECTION 4. 410 IAC 16.2-5-1.2 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 16.2-5-1.2 Residents' rights**

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 4-21.5; IC 12-10-15-9; IC 16-28-5-1

Sec. 1.2. (a) Residents have the right to have their rights recognized by the licensee. The licensee shall establish written policies regarding residents' rights and responsibilities in accordance with this article and shall be responsible, through the administrator, for their implementation. These policies and any adopted additions or changes thereto shall be made available to the resident, staff, legal representative, and general public. Each resident shall be advised of ~~these residents'~~ rights prior to admission and shall signify, in writing, upon admission and thereafter if the residents' rights are updated or changed. **There shall be documentation that each resident is in receipt of the described residents' rights and responsibilities. A copy of the residents' rights must be available in a publicly accessible area. The copy must be in at least 12-point type and a language the resident understands.**

**(b) Residents have the right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility. Residents have the right to exercise their rights as a resident of the facility and as a citizen or resident of the United States.**

~~(b)~~ (c) Residents have the right to exercise any or all of the enumerated rights without restraint, interference, coercion, discrimination, or threat of reprisal by the facility. These rights shall not be abrogated or changed in any instance, except that, when the resident has been adjudicated incompetent, the rights devolve to the resident's legal representative. When a resident is found by his or her physician to be medically incapable of understanding or exercising his or her rights, the rights may be exercised by the resident's legal representative.

~~(c)~~ (d) Residents have the right to be treated with consideration, respect, and recognition of their dignity and individuality.

~~(d)~~ (e) Residents have the right to be provided, at the time of admission to the facility, **the following:**

**(1) A copy of his or her admission agreement.**

**(2) A written notice of the facility's basic daily or monthly rates.**

**(3) A written statement of all facility services (including those offered on a ~~need an~~ as needed basis).**

**(4) Information on related charges, ~~and~~ admission, readmission, and discharge policies of the facility.**

**(5) The facility's policy on voluntary termination of the admission agreement by the resident, including the disposition of any entrance fees or deposits paid on admission. The admission agreement shall include at least those items provided for in IC 12-10-15-9.**

**(f) Residents have the right to be informed of any facility policy regarding overnight guests. This policy shall be clearly stated in the admission agreement.**

~~(e)~~ (g) Residents have the right to be informed by the facility, in writing, at least thirty (30) days in advance of the effective date, of any changes in the rates or services that these rates cover.

**(h) The facility must furnish on admission the following:**

**(1) A statement that the resident may file a complaint with the director concerning resident abuse, neglect, misappropriation of resident property, and other practices of the facility.**

**(2) The most recently known addresses and telephone numbers of the following:**

**(A) The department.**

**(B) The office of the secretary of family and social services.**

**(C) The ombudsman designated by the division of disability, aging, and rehabilitation services.**

**(D) The area agency on aging.**

**(E) The local mental health center.**

**(F) Adult protective services.**

The addresses and telephone numbers in this subdivision shall be posted in an area accessible to residents and updated as appropriate.

**(i) The facility will distribute to each resident upon admission the state developed written description of law concerning advance directives.**

~~(f)~~ (j) Residents have the right to **the following:**

**(1) Participate in the ~~treatment plan~~ development of his or her service plan and in any updates of that service plan.**

**(2) Choose the attending physician and other providers of services, including arranging for on-site health care services unless contrary to facility policy. Any limitation on the resident's right to choose the attending physician and/or service provider shall be clearly stated in the admission agreement. Other providers of services, within the content of this subsection, may include home health care agencies, hospice care services, or hired individuals.**

**(3) ~~be fully informed of their medical condition by the physician;~~ Have a pet of his or her choice, so long as the pet does not pose a health or safety risk to residents, staff, or visitors, or a risk to property unless prohibited by facility policy. Any limitation on the resident's right to have a pet of his or her choice shall be clearly stated in the admission agreement.**

**(4) Refuse any treatment or service, including medication.**

**(5) Be informed of the medical consequences of ~~such a~~ refusal under subdivision (4) and have such data recorded in his or her clinical record, ~~and if treatment or medication is administered by the facility.~~**



(6) Be afforded confidentiality of treatment. ~~The resident may~~  
 (7) Participate or refuse to participate in experimental research. ~~and~~ There must be written acknowledgment of informed consent prior to participation in research activities.

**(k) The facility must immediately consult the resident's physician and the resident's legal representative when the facility has noticed:**

- (1) a significant decline in the resident's physical, mental, or psychosocial status; or**
- (2) a need to alter treatment significantly, that is, a need to discontinue an existing form of treatment due to adverse consequences or to commence a new form of treatment.**

**(l) If the facility participates in the Medicaid waiver and/or residential care assistance programs, the facility must provide to residents written information about how to apply for Medicaid benefits and room and board assistance.**

**(m) The facility must promptly notify the resident and, if known, the resident's legal representative, when there is a change in roommate assignment.**

**(n) Residents may, throughout the period of their stay, voice grievances to the facility staff or to an outside representative of their choice, recommend changes in policy and procedure, and receive reasonable responses to their requests without fear of reprisal or interference.**

~~(g)~~ **(o) Residents have the right to form and participate in a resident council, and families of residents have the right to form a family council, to discuss alleged grievances, facility operation, resident rights, or other problems, and to participate in the resolution of these matters as follows:**

- (1) Participation is voluntary.**
- (2) During resident or family council meetings, privacy shall be afforded to the extent practicable unless a member of the staff is invited by the resident council to be present.**
- (3) The licensee shall provide space within the facility for meetings and assistance to residents or families who desire to attend meetings.**
- (4) The facility shall develop and implement policies for investigating and responding to complaints when made known and grievances made by:**
  - (A) an individual resident;**
  - (B) a resident council and/or family council;**
  - (C) a family member;**
  - (D) family groups; or**
  - (E) other individuals.**

**(p) Residents have the right to the examination of the results of the most recent annual survey of the facility conducted by the state surveyors and any plan of correction in effect with respect to the facility, and any subsequent surveys.**

~~(h)~~ **(q) Residents have the right to appropriate housing assignments as follows:**

- (1) When both husband and wife are residents in the facility, they have the right to live as a family in a suitable room or quarters if practical, and may occupy a double bed unless contraindicated for medical reasons by the attending physician.**
- (2) Written facility policy and procedures shall address the circumstances in which persons of the opposite sex, other than husband and wife, will be allowed to occupy a bedroom, if such an arrangement is agreeable to the residents or the residents' legal representatives.**

~~(i)~~ **(r) The transfer and discharge rights of residents of a facility are as follows:**

- (1) As used in this section, "interfacility transfer and discharge" means the movement of a resident to a bed outside of the licensed facility.**
- (2) As used in this section, "intrafacility transfer" means the movement of a resident to a bed within the same licensed facility.**
- (3) When a transfer or discharge of a resident is proposed, whether intrafacility or interfacility, provision for continuity of care shall be provided by the facility.**
- (4) Health facilities must permit each resident to remain in the facility and not transfer or discharge the resident from the facility unless:**
  - (A) the transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;**
  - (B) the transfer or discharge is appropriate because the resident's health has improved sufficiently so that the resident no longer needs the services provided by the facility;**
  - (C) the safety of individuals in the facility is endangered;**
  - (D) the health of individuals in the facility would otherwise be endangered;**
  - (E) the resident has failed, after reasonable and appropriate notice, to pay for a stay at the facility; or**
  - (F) the facility ceases to operate.**

**(5) When the facility proposes to transfer or discharge a resident under any of the circumstances specified in subdivision (4)(A), (4)(B), (4)(C), (4)(D), or (4)(E), the resident's clinical records must be documented. The documentation must be made by the following:**

- (A) The resident's physician when transfer or discharge is necessary under subdivision (4)(A) or (4)(B).**
- (B) Any physician when transfer or discharge is necessary under subdivision (4)(D).**

**(6) Before an interfacility transfer or discharge occurs, the facility must, on a form prescribed by the department, do the following:**

- (A) Notify the resident of the transfer or discharge and the reasons for the move, in writing, and in a language and manner that the resident understands. The health facility**

must place a copy of the notice in the resident's clinical record and transmit a copy to the following:

- (i) The resident.
- (ii) A family member of the resident if known.
- (iii) The resident's legal representative if known.
- (iv) The local long term care ombudsman program (for involuntary relocations or discharges only).
- (v) The person or agency responsible for the resident's placement, maintenance, and care in the facility.
- (vi) In situations where the resident is developmentally disabled, the regional office of the division of disability, aging, and rehabilitative services, who may assist with placement decisions.
- (vii) The resident's physician when the transfer or discharge is necessary under subdivision (4)(C), (4)(D), (4)(E), or (4)(F).

(B) Record the reasons in the resident's clinical record.

(C) Include in the notice the items described in subdivision (9).

(7) Except when specified in subdivision (8), the notice of transfer or discharge required under subdivision (6) must be made by the facility at least thirty (30) days before the resident is transferred or discharged.

(8) Notice may be made as soon as practicable before transfer or discharge when:

- (A) the safety of individuals in the facility would be endangered;
- (B) the health of individuals in the facility would be endangered;
- (C) the resident's health improves sufficiently to allow a more immediate transfer or discharge;
- (D) an immediate transfer or discharge is required by the resident's urgent medical needs; or
- (E) a resident has not resided in the facility for thirty (30) days.

(9) For health facilities, the written notice specified in subdivision (7) must include the following:

- (A) The reason for transfer or discharge.
- (B) The effective date of transfer or discharge.
- (C) The location to which the resident is transferred or discharged.
- (D) A statement in not smaller than 12-point bold type that reads, "You have the right to appeal the health facility's decision to transfer you. If you think you should not have to leave this facility, you may file a written request for a hearing with the Indiana state department of health postmarked within ten (10) days after you receive this notice. If you request a hearing, it will be held within twenty-three (23) days after you receive this notice, and you will not be transferred from the facility earlier than thirty-four (34) days after you receive this notice of transfer or discharge unless the facility is authorized to transfer you under subdivision (8). If you wish to appeal this transfer or discharge, a form to appeal the health facility's decision and to request a hearing is attached. If you have any questions, call the Indiana state department of health at the number listed below."

(E) The name of the director and the address, telephone number, and hours of operation of the division.

(F) A hearing request form prescribed by the department.

(G) The name, address, and telephone number of the state and local long term care ombudsman.

(H) For health facility residents with developmental disabilities or who are mentally ill, the mailing address and telephone number of the protection and advocacy services commission.

(10) If the resident appeals the transfer or discharge, the health facility may not transfer or discharge the resident within thirty-four (34) days after the resident receives the initial transfer or discharge notice unless an emergency exists as provided under subdivision (8).

(11) If nonpayment is the basis of a transfer or discharge, the resident shall have the right to pay the balance owed to the facility up to the date of the transfer or discharge and then is entitled to remain in the facility.

(12) The department shall provide a resident who wishes to appeal the transfer or discharge from a facility the opportunity to file a request for a hearing postmarked within ten (10) days following the resident's receipt of the written notice of the transfer or discharge from the facility.

(13) If a health facility resident requests a hearing, the department shall hold an informal hearing at the health facility within twenty-three (23) days from the date the resident receives the notice of transfer or discharge. The department shall attempt to give at least five (5) days' written notice to all parties prior to the informal hearing. The department shall issue a decision within thirty (30) days from the date the resident receives the notice. The health facility must convince the department by a preponderance of the evidence that the transfer or discharge is authorized under subdivision (4). If the department determines that the transfer is appropriate, the resident must not be required to leave the health facility within the thirty-four (34) days after the resident's receipt of the initial transfer or discharge notice unless an emergency exists under subdivision (8). Both the resident and the health facility have the right to administrative or judicial review under IC 4-21.5 of any decision or action by the department arising under this section. All hearings held de novo shall be held in the facility where the resident resides.

(14) An intrafacility transfer can be made only if:

- (A) the transfer is necessary for medical reasons as judged by the attending physician; or
- (B) the transfer is necessary for the welfare of the resident or other persons.

(15) If an intrafacility transfer is required, the resident must be given notice at least two (2) days before relocation, except when:

- (A) the safety of individuals in the facility would be endangered;
- (B) the health of individuals in the facility would be endangered;
- (C) the resident's health improves sufficiently to allow a more immediate transfer; or

(D) an immediate transfer is required by the resident's urgent medical needs.

(16) The written notice of an intrafacility transfer must include the following:

(A) Reasons for transfer.

(B) Effective date of transfer.

(C) Location to which the resident is to be transferred.

(D) Name, address, and telephone number of the local and state long term care ombudsman.

(E) For health facility residents with developmental disabilities or who are mentally ill, the mailing address and telephone number of the protection and advocacy services commission.

(17) The resident has the right to relocate prior to the expiration of the two (2) day notice.

(18) Prior to any interfacility or involuntary intrafacility relocation, the facility shall prepare a relocation plan to prepare the resident for relocation and to provide continuity of care. In nonemergency relocations, the planning process shall include a relocation planning conference to which the resident, his or her legal representative, family members, and physician shall be invited. The planning conference may be waived by the resident.

(19) At the planning conference the resident's medical, psychosocial, and social needs with respect to the relocation shall be considered and a plan devised to meet these needs.

(20) The facility shall provide reasonable assistance to the resident to carry out the relocation plan.

(21) The facility must provide sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility.

(22) If the relocation plan is disputed, a meeting shall be held prior to the relocation with the administrator or his or her designee, the resident, and the resident's legal representative. An interested family member, if known, shall be invited. The purpose of the meeting shall be to discuss possible alternatives to the proposed relocation plan.

(23) A written report of the content of the discussion at the meeting and the results of the meeting shall be reviewed by the administrator or his or her designee, the resident, the resident's legal representative, and an interested family member, if known, each of whom may make written comments on the report.

(24) The written report of the meeting shall be included in the resident's permanent record.

~~(j) (s) Residents have the right to exercise their rights as residents and citizens. Residents may, throughout the period of their stay, voice grievances to the facility staff or to an outside representative of their choice; recommend changes in policy and procedure; and receive reasonable responses to their requests without fear of reprisal or interference. The address and telephone number of:~~

~~(1) the department;~~

~~(2) the office of the secretary of family and social services;~~

~~(3) the ombudsman designated by the division of disability, aging, and rehabilitative services;~~

~~(4) the area agency on aging;~~

~~(5) the local mental health center; and~~

~~(6) the protection and advocacy services commission;~~

shall be displayed in a prominent place in the facility. A telephone accessible to the residents shall be provided for emergency and reasonable personal use. **have reasonable access to the use of the telephone for local or toll free calls for emergency and personal use where calls can be made without being overheard.**

~~(k) (t)~~ Residents have the right to manage their personal affairs and funds. **or When the facility manages these services, a resident** may, by written request, allow the facility to execute all or part of their financial affairs. **Management does not include the safekeeping of personal items.** If the facility agrees to ~~handle~~ **manage** the resident's funds, the ~~resident facility~~ must: **be provided with:**

**(1) provide the resident with** a quarterly accounting of all financial affairs handled by the facility;

**(2) provide the resident, upon the resident's request, with** reasonable access, during normal business hours, to the written records of all financial transactions involving the individual resident's funds; ~~upon request;~~

**(3) provide for a** separation of resident and facility funds; ~~and~~

**(4) return to the resident, no later than fifteen (15) calendar days; upon written request and within no later than fifteen (15) calendar days,** all or any part of the resident's funds given the facility for safekeeping;

**(5) deposit, unless otherwise required by federal law, any resident's personal funds in excess of one hundred dollars (\$100) in an interest-bearing account (or accounts) that is separate from any of the facility's operating accounts and that credits all interest earned on the resident's funds to his or her account. (In pooled accounts, there must be a separate accounting for each resident's share.);**

**(6) maintain resident's personal funds that do not exceed one hundred dollars (\$100) in a noninterest-bearing account, interest-bearing account, or petty cash fund;**

**(7) establish and maintain a system that assures a full, complete, and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the facility on the resident's behalf;**

**(8) provide the resident or the resident's legal representative with reasonable access during normal business hours to the funds in the resident's account;**

**(9) provide the resident or the resident's legal representative upon request with reasonable access during normal business hours to the written records of all financial transactions involving the individual resident's funds;**

**(10) provide to the resident or his or her legal representative a quarterly statement of the individual financial record and provide to the resident or his or her legal**

representative a statement of the individual financial record upon the request of the resident or the resident's legal representative; and

(11) convey, within thirty (30) days of the death of a resident who has personal funds deposited with the facility, the resident's funds and a final accounting of those funds to the individual or probate jurisdiction administering the resident's estate.

~~(h)~~ (u) Residents have the right to be free from any physical and mental abuse (including sexual abuse); neglect; and restraint; or chemical restraints imposed for purposes of discipline or convenience and not required to treat the resident's medical symptoms.

(v) Residents have the right to be free from sexual, physical, mental abuse, corporal punishment, neglect, and involuntary seclusion.

(w) Residents have the right to be free from verbal abuse.

~~(m)~~ (x) Residents have the right to confidentiality of all personal and clinical records. Information from these sources shall not be released without the resident's consent, except ~~upon transfer~~ when the resident is transferred to another health facility, when required by law, or under a third party payment contract. The resident's records shall be made immediately available to the resident for inspection, and the resident may receive a copy within a reasonable time; **five (5) working days**, at the resident's expense.

~~(n)~~ (y) Residents have the right to be treated as individuals with consideration and respect for their privacy. Privacy shall be afforded for at least the following:

- (1) Bathing.
- (2) Personal care.
- (3) Physical examinations and treatments.
- (4) Visitations.

~~(o)~~ (z) Residents have the right not to: be required

(1) refuse to perform services for the facility; unless such work is medically indicated and included in the therapeutic treatment plan as prescribed by the physician; or unless the resident so requests and the attending physician approves; in writing;

(2) perform services for the facility, if he or she chooses, when:

- (A) the facility has documented the need or desire for work in the service plan;
- (B) the service plan specifies the nature of the duties performed and whether the duties are voluntary or paid;
- (C) compensation for paid duties is at or above the prevailing rates; and
- (D) the resident agrees to the work arrangement described in the service plan.

(aa) Residents have the right to privacy in written communications, including the right to:

- (1) send and promptly receive mail that is unopened unless the administrator has been instructed otherwise in writing by the resident; and
- (2) have access to stationery, postage, and writing implements at the resident's own expense.

(bb) Residents have the right and the facility must provide immediate access to any resident by:

- (1) individuals representing state or federal agencies;
- (2) any authorized representative of the state;
- (3) the resident's individual physician;
- (4) the state and area long term care ombudsman;
- (5) the agency responsible for the protection and advocacy system for developmentally disabled individuals;
- (6) the agency responsible for the protection and advocacy system for mentally ill individuals;
- (7) immediate family or other relatives of the resident, subject to the resident's right to deny or withdraw consent at any time;
- (8) the resident's legal representative or spiritual advisor subject to the resident's right to deny or withdraw consent at any time; and
- (9) others who are visiting with the consent of the resident subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time.

~~(p)~~ (cc) Residents have the right to choose with whom they associate. The facility shall provide reasonable visiting hours, which should include at least ~~nine (9)~~ **twelve (12)** hours a day, and the hours shall be ~~posted in a prominent place in the facility~~ and made available to each resident. Policies shall also provide for emergency visitation at other ~~than posted~~ hours. The facility shall not restrict visits from the resident's legal representative sponsor, surrogate advocate, or spiritual advisor, except at the request of the resident. ~~or sponsor. The resident's mail, either incoming or outgoing, shall remain intact and unopened unless the administrator has been instructed otherwise in writing by the resident.~~

(dd) The facility shall provide reasonable access to any resident, consistent with facility policy, by any entity or individual that provides health, social, legal, and other services to any resident, subject to the resident's right to deny or withdraw consent at any time.

(ee) The facility shall allow representatives of the state ombudsman to examine a resident's clinical records with the permission of the resident or the resident's legal representative, and consistent with state law.

~~(q)~~ (ff) Residents have the right to participate in social, religious, community services, and other activities of their choice that do not interfere with the rights of other residents at the facility.

(~~tr~~) (gg) Residents have the right to individual expression through retention of personal clothing and belongings as space permits unless to do so would infringe upon the rights of others or would create a health or safety hazard.

(hh) The facility shall exercise reasonable care for the protection of residents' property from loss and theft. The administrator or his or her designee is responsible for investigating reports of lost or stolen resident property **and that the results of the investigation are reported to the resident.**

(ii) **If the resident's personal laundry is laundered by the facility, the facility shall identify these items in a suitable manner, at the resident's request.**

(jj) **Residents may use facility equipment, such as washing machines, if permitted by facility.**

(~~s~~) (kk) For purposes of IC 16-28-5-1, a breach of: ~~subsection (a); (b); (c); (d); (e); (f); (g); (h); (i); (j); (k); (l); (m); (n); (o); (p); (q); or (r)~~

(1) **subsection (u) or (v) is an offense;**

(2) **subsection (b), (c), (d), (j), (k), (n), (o)(4), (r), (w), (x), (y), (z), (aa), (bb), or (dd) is a deficiency;**

(3) **subsection (a), (e), (f), (g), (h), (i), (l), (o)(1), (o)(2), (o)(3), (p), (q), (s), (t), (cc), (ee), (ff), (gg), (hh), or (ii) is a noncompliance; and**

(4) **subsection (m) or (jj) is a nonconformance.**

*(Indiana State Department of Health; 410 IAC 16.2-5-1.2; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1562, eff Apr 1, 1997; errata filed Apr 10, 1997, 12:15 p.m.: 20 IR 2415; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1914, eff Mar 1, 2003)*

SECTION 5. 410 IAC 16.2-5-1.3 IS AMENDED TO READ AS FOLLOWS:

#### 410 IAC 16.2-5-1.3 Administration and management

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1; IC 25-19-1

Sec. 1.3. (a) The licensee is responsible for compliance with all applicable laws. The licensee has full authority and responsibility for the organization, management, operation, and control of the licensed facility. The delegation of any authority by the licensee does not diminish the responsibilities of the licensee.

(b) The licensee shall ~~employ~~ **provide** the number of staff as required to carry out all the functions of the facility, including the following:

(1) Initial orientation of all employees.

(2) A continuing in-service education and training program for all employees.

(3) Provision of supervision for all employees.

(c) The licensee shall appoint **an administrator licensed**

**pursuant to IC 25-19-1** and delegate to ~~an~~ **that** administrator licensed pursuant to ~~IC 25-19-1~~ the authority to organize and implement the day-to-day operations of the facility. The licensee, if a licensed administrator, may act as the administrator of the facility.

(~~d~~) ~~If a facility offers services in addition to those provided to its long term care residents, the administrator is responsible for assuring that such additional services do not adversely affect the care provided to its residents.~~

(~~e~~) (d) The licensee shall notify the director within three (3) working days of a vacancy in the administrator's position. The licensee shall also notify the director of the name and license number of the replacement administrator.

(~~f~~) (e) An administrator shall be employed to work in each licensed health facility. For purposes of this subsection, an individual can only be employed as an administrator in one (1) health facility or one (1) hospital based long term care unit at a time.

(~~g~~) (f) In the administrator's absence, an individual shall be authorized, in writing, to act on the administrator's behalf.

(~~h~~) (g) The administrator is responsible for the overall management of the facility. ~~but shall not function as a departmental supervisor; for example, director of nursing or food service supervisor; during the same hours.~~ The responsibilities of the administrator shall include, but are not limited to, the following:

(1) ~~Immediately~~ Informing the division ~~by telephone, followed by written notice~~ within twenty-four (24) hours of ~~becoming aware of an unusual occurrences occurrence~~ that directly ~~threaten~~ **threatens** the welfare, safety, or health of the residents; ~~including; a resident.~~ **Notice of unusual occurrence may be made by telephone, followed by a written report, or by a written report only that is faxed or sent by electronic mail to the division within the twenty-four (24) hour time period. Unusual occurrences include,** but ~~are~~ not limited to, ~~any~~ epidemic outbreaks, poisonings, fires, or major accidents. If the division cannot be reached, ~~such as on holidays or weekends;~~ a call shall be made to the emergency telephone number ~~((317) 383-6144)~~ **of published by the division.**

(2) Promptly arranging for ~~or assisting with the provision of~~ medical, dental, podiatry, or nursing care or other health care services as ~~prescribed~~ **requested** by the ~~attending physician; resident or resident's legal representative.~~

(3) Obtaining director approval prior to the admission of an individual under eighteen (18) years of age to an adult facility.

(4) Ensuring ~~that~~ the facility maintains, on the premises, ~~time schedules and~~ an accurate record of actual time worked that indicates the employee's full name and the dates and hours

worked during the past twelve (12) months. ~~This information shall be furnished to the division staff upon request.~~

~~(5) Once furnished a copy by the division, maintaining a copy of this article, and making it available to all personnel; the residents, sponsors, or surrogates. Posting the results of the most recent annual survey of the facility conducted by state surveyors and any plan of correction in effect with respect to the facility, and any subsequent surveys. The results must be available for examination in the facility in a place readily accessible to residents and a notice posted of their availability.~~

~~(6) Once furnished a copy by the division, informing affected staff of any amendments to this article no later than the effective date of the amendments.~~

~~(7) (6) Maintaining reports of surveys conducted by the division in each facility for a period of two (2) years and making the reports available for inspection to any member of the public upon request.~~

~~(i) Each facility, except a facility that cares for children or an intermediate care facility for the mentally retarded, shall encourage all employees serving residents or the public to wear name and title identification.~~

~~(j) Each (h) The facility shall establish and implement a written policy manual to ensure that resident care and facility objectives are attained, to include the range of services offered, resident rights, personnel administration, and facility operations. Such policies shall be made available to residents upon request.~~

~~(k) The licensee shall approve the policy manual, and subsequent revisions, in writing. The policy manual shall be reviewed and dated at least annually.~~

~~(l) The policies shall be maintained in a manual accessible to employees and made available upon request to residents; the division; the legal representative of a resident; and the public. Management/ownership confidential directives are not required to be included in the policy manual; however, the policy manual must include all of the facility's operational policies.~~

~~(m) (i) The policy manual shall contain facility must maintain a written fire and disaster preparedness plan to assure continuity of care of residents in cases of emergency as follows:~~

~~(1) Facilities caring for children shall have a written plan outlining the staff procedures, including isolation and evacuation; in case of an outbreak of childhood diseases.~~

~~(2) (1) Fire exit drills in facilities shall include the transmission of a fire alarm signal and simulation of emergency fire conditions, except that the movement of infirm or bedridden patients nonambulatory residents to safe areas or to the exterior of the building is not required. Drills shall be conducted quarterly on each shift to familiarize all facility personnel with signals and emergency action required under~~

varied conditions. At least twelve (12) drills shall be held every year. When drills are conducted between 9 p.m. and 6 a.m., a coded announcement may be used instead of audible alarms.

~~(3) (2)~~ At least every six (6) months, a facility shall attempt to hold the fire and disaster drill in conjunction with the local fire department. A record of all training and drills shall be documented with the names and signatures of the personnel present.

~~(n) (j)~~ If professional or diagnostic services are to be provided to the facility by an outside resource, either individual or institutional, an arrangement shall be developed between the licensee and the outside resource for the provision of the services. If a written agreement is used, it shall specify the responsibilities of both the facility and the outside resource, the qualifications of the outside resource staff, a description of the type of services to be provided, including action taken and reports of findings, and the duration of the agreement.

~~(o) Each (k) The~~ facility shall conspicuously post the license or a true copy thereof within the facility in a location accessible to public view.

~~(p) Each facility shall submit an annual statistical report to the department.~~

~~(q) The facility shall have a written and signed transfer agreement with one (1) or more hospitals within reasonable proximity of the facility to make feasible the transfer of residents and applicable records as follows:~~

~~(1) A facility that has been unable to establish a transfer agreement with the hospitals in the community or service area; after documented attempts to do so; is considered to have an agreement in effect.~~

~~(2) The written transfer agreement shall be as follows:~~

~~(A) Be in writing and shall be signed by persons authorized to execute the agreement on behalf of the institutions. Each institution shall maintain a copy of the agreement.~~

~~(B) Ensure the change of medical and other information necessary or useful in the care and treatment of residents transferred between the institutions or in determining whether such residents can be adequately cared for.~~

~~(C) Specify the responsibilities assumed by both the discharging and receiving institutions for:~~

~~(i) prompt notification of the impending transfer of the resident;~~

~~(ii) agreement by the receiving institution to admit the resident;~~

~~(iii) arranging appropriate transportation and care of the resident during transfer; and~~

~~(iv) the transfer of personal effects; particularly money and valuables and of information related to such items.~~

~~(D) Specify restrictions with respect to the types of services available and/or the types of residents or health conditions~~

that will not be accepted by the hospital or the facility, including any other criteria relating to the transfer of residents:

- (~~h~~) (l) For purposes of IC 16-28-5-1, a breach of:
    - (1) subsection (a) (~~d~~); or (~~h~~) (g) is a deficiency;
    - (2) subsection (b), (c), (~~d~~), (e), (f), (~~g~~); (~~h~~), (i), or (j) (~~m~~); or (~~q~~) is a noncompliance; and
    - (3) subsection (~~e~~); (~~i~~); (k) (~~h~~); (~~n~~); (~~o~~); or (~~p~~) is a nonconformance.
- (Indiana State Department of Health; 410 IAC 16.2-5-1.3; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1565, eff Apr 1, 1997; errata filed Jan 10, 1997, 4:00 p.m.: 20 IR 1593; errata filed Apr 10, 1997, 12:15 p.m.: 20 IR 2415; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1919, eff Mar 1, 2003)*

SECTION 6. 410 IAC 16.2-5-1.4 IS AMENDED TO READ AS FOLLOWS:

#### 410 IAC 16.2-5-1.4 Personnel

Authority: IC 16-28-1-7; IC 16-28-1-12  
 Affected: IC 16-28-5-1; IC 16-28-13-3

Sec. 1.4. (a) Each facility shall have specific procedures written and implemented for the screening of prospective employees. **Specific Appropriate** inquiries shall be made for prospective employees. The facility shall have a personnel policy that considers references and any convictions in accordance with IC 16-28-13-3.

(b) Each facility shall maintain a staffing pattern for all departments that shall be made available to the division as follows:

- (~~1~~) The minimum staffing ratios required by this article shall be maintained at all times, including relief periods, vacation periods, and holidays.
- (2) Each employee on duty shall be dressed in accordance with facility policy; awake; and mentally and physically capable of giving care as required and responding appropriately in an emergency.
- (~~3~~) Each residential care facility shall have at least one (~~1~~) employee on duty at all times.

**Staff shall be sufficient in number, qualifications, and training in accordance with applicable state laws and rules to meet the twenty-four (24) hour scheduled and unscheduled needs of the residents and services provided. The number, qualifications, and training of staff shall depend on skills required to provide for the specific needs of the residents. A minimum of one (1) awake staff person, with current CPR and first aid certificates, shall be on-site at all times. If fifty (50) or more residents of the facility regularly receive residential nursing services and/or administration of medication, at least one (1) nursing staff person shall be on-site at all times. Residential facilities with over one hundred (100) residents regularly receiving residential nursing services and/or administration of medication shall have at**

**least one (1) additional employee nursing staff person awake and on duty at all times for every additional fifty (50) residents, or major fraction thereof. In a facility having both comprehensive and residential distinct parts, the employee or employees assigned to the residential distinct part may be stationed and may work in the comprehensive distinct part during the second and third shifts. Residential employees assigned to the comprehensive distinct part must be readily available to the residents of the residential distinct part. However, such employees' time does not count toward the staffing requirements of the comprehensive distinct part.**

(~~4~~) Personnel shall be assigned only those duties for which they are trained to perform. Employee duties shall conform with written job descriptions.

**(c) Any unlicensed employee providing more than limited assistance with the activities of daily living must be either a certified nurse aide or a home health aide. Existing facilities that are not licensed on the date of adoption of this rule and that seek licensure within one (1) year of adoption of this rule have two (2) months in which to ensure that all employees in this category are either a certified nurse aide or a home health aide.**

(~~e~~) (~~d~~) Prior to working independently, each employee shall be given an orientation to the facility by the supervisor (or his or her designee) of the department in which the employee will work. **Orientation of nursing staff shall be supervised by the director of nursing or a licensed designee.** Orientation of all employees shall include the following:

- (1) Instructions on the needs of the specialized populations served in the facility (aged, developmentally disabled, mentally ill, **dementia**, or children).
- (2) A review of the facility's policy manual and applicable procedures, including:
  - (A) organization chart;
  - (B) personnel policies;
  - (C) appearance and grooming **policies for employees;** and
  - (D) residents' rights.
- (3) Instruction in first aid, emergency procedures, and fire and disaster preparedness, including evacuation procedures.
- (~~4~~) **A detailed review of the appropriate job description, including a demonstration of equipment and procedures required of the specific position to which the employee will be assigned.**
- (~~5~~) (~~4~~) Review of ethical considerations and confidentiality in resident care and records.
- (~~6~~) (~~5~~) For direct care staff, personal introduction to, and instruction in, the particular needs of each resident to whom the employee will be providing care.
- (~~7~~) (~~6~~) Documentation of the orientation in the employee's personnel record by the person supervising the orientation. **and that the employee has demonstrated sufficient knowledge to properly carry out the job.**

(d) Each nurse aide without one (1) year of experience in a health care setting who is hired after January 1, 1985, to work in a facility shall have successfully completed a nurse aide training program approved by the division or shall enroll in the first available approved training program scheduled to commence within sixty (60) days of the date of the nurse aide's employment. The program may be established by the facility or by an organization or institution. The training program shall consist of at least the following:

(1) Thirty (30) hours of classroom instruction within one hundred eighty (180) days of employment. At least fifteen (15) of these hours shall be given before the nurse aide is assigned direct resident care duties. The instruction shall include orientation to the:

- (A) facility;
- (B) facility policies;
- (C) employee's duties;
- (D) basic nursing skills;
- (E) clinical practice;
- (F) resident safety and rights; and
- (G) social and psychological problems of residents.

The thirty (30) hours may not be counted toward a facility's required staffing.

(2) Seventy-five (75) hours of supervised training. These hours shall consist of normal employment as a nurse aide under the supervision of a licensed nurse. The seventy-five (75) hours shall be counted toward the facility's required staffing.

(e) There shall be an organized ongoing in-service education and training program planned in advance for all personnel in all departments **this at least annually**. Training shall include, but is not limited to, **resident's rights**, prevention and control of infection, fire prevention, safety, and accident prevention, and the needs of specialized populations served, **that is, the aged, developmentally disabled, mentally ill, or children; medication administration, and nursing care, when appropriate**, as follows:

(1) In-service training programs shall contain means to assess learning by participants. These may include testing such as self-graded, before-and-after tests, clinical practice sessions under close supervision, or instructor assessment.

(2) In-service programs shall be designed to enable the staff to meet the needs of residents.

(3) (1) The frequency and content of in-service education and training programs shall be in accordance with the skills and knowledge of the facility personnel. **For nursing personnel, this shall include at least eight (8) hours of in-service per calendar year and four (4) hours of in-service per calendar year for nonnursing personnel.**

(4) Monthly in-service training shall be conducted for the nursing staff. In addition, for personnel administering medications, no less than eight (8) programs on medication administration shall be offered per year.

(5) Annual in-service training shall be conducted for all nursing personnel on supportive therapy measures; that is:

- (A) range of motion;
- (B) transfers;
- (C) positioning;
- (D) supportive use of hearing aids; or
- (E) self-help feeding devices.

(6) Programs shall be offered at least quarterly for all departments.

(7) The administrator may approve attendance at outside workshops and continuing education programs that are related to that individual's responsibilities in the facility. Documented attendance at these workshops and programs meets the requirements for in-service training.

(2) In addition to the above required in-service hours in facilities with distinct dementia units, staff who have contact with such residents shall have a minimum of six (6) hours of dementia-specific training within six (6) months and three (3) hours annually thereafter to meet the needs/preferences of cognitively impaired residents effectively and to gain understanding of the current standards of care for residents with dementia.

(8) (3) In-service records shall be maintained and shall indicate the following:

- (A) Time, date, and location.
- (B) Name of instructor.
- (C) Title of instructor.
- (D) Name of participants.
- (E) Program content of in-service.

The employee will acknowledge attendance by written signature.

(f) A ~~physical examination~~ **health screen** shall be required for each employee of a facility ~~at the time of employment~~. **prior to resident contact**. The ~~examination screen~~ shall include a tuberculin skin test, using the Mantoux method (5 TU, PPD), unless a previously positive reaction can be documented. The result shall be recorded in millimeters of induration with the date given, date read, and by whom administered. The facility must assure the following:

(1) At the time of employment, **or within one (1) month prior to employment**, and at least annually thereafter, employees and nonpaid personnel of facilities shall be screened for tuberculosis. **The first tuberculin skin test must be read prior to the employee starting work.** For health care workers who have not had a documented negative tuberculin skin test result during the preceding twelve (12) months, the baseline tuberculin skin testing should employ the two-step method. If the first step is negative, a second test should be performed one (1) to three (3) weeks after the first step. The frequency of repeat testing will depend on the risk of infection with tuberculosis.

(2) All employees who have a positive reaction to the skin test shall be required to have a chest x-ray and other physical and laboratory examinations in order to complete a diagnosis.

(3) The facility shall maintain a health record of each employee that includes



~~(A) a report of the preemployment physical examination; and~~  
~~(B) reports of all employment-related health examinations;~~  
**screenings.**

(4) An employee with symptoms or signs of active disease, (symptoms suggestive of active tuberculosis, including, but not limited to, cough, fever, night sweats, and weight loss) shall not be permitted to work until tuberculosis is ruled out.

**(g) The facility must prohibit employees with communicable disease or infected skin lesions from direct contact with residents or their food if direct contact will transmit the disease. An employee with signs and symptoms of communicable disease, including, but not limited to, an infected or draining skin lesion, shall be handled according to a facility's policy regarding direct contact with residents, their food, or resident care items until the condition is resolved. Persons with suspected or proven active tuberculosis will not be permitted to work until determined to be noninfectious and documentation is provided for the employee record.**

~~(g) Each~~ **(h) The** facility shall maintain current and accurate personnel records for all employees. The personnel records for all employees shall include the following:

- (1) Name and address of employee.
- (2) Social Security number.
- (3) Date of beginning employment.
- (4) Past employment, experience, and education, if applicable.
- (5) Professional licensure or registration number, if applicable.
- (6) Position in the facility and job description.
- (7) Documentation of orientation to the facility, **including residents' rights**, and to the specific job skills.
- (8) Signed acknowledgment of orientation to ~~resident~~ **residents'** rights.
- (9) Performance evaluations in accordance with facility policy.
- (10) Date and reason for separation.

~~(h) (i)~~ **(i)** The employee personnel record shall be retained for at least three (3) years following termination or separation of the employee from employment.

~~(i) (j)~~ **(j)** For purposes of IC 16-28-5-1, a breach of:

- (1) subsection ~~(a)~~, (b), (c), ~~(d)~~, ~~(e)~~, or ~~(f)~~ **(g) is a deficiency;**
- (2) subsection (a), (d), (e), or (f) is a noncompliance; and**
- ~~(2) (3) subsection (g) or (h) or (i) is a nonconformance.~~

*(Indiana State Department of Health; 410 IAC 16.2-5-1.4; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1567, eff Apr 1, 1997; errata filed Apr 10, 1997, 12:15 p.m.: 20 IR 2415; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1921, eff Mar 1, 2003)*

SECTION 7. 410 IAC 16.2-5-1.5 IS AMENDED TO READ AS FOLLOWS:

#### 410 IAC 16.2-5-1.5 Sanitation and safety standards

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1

Sec. 1.5. (a) ~~Each~~ **The** facility shall be clean, orderly, and in a state of good repair, both inside and out, and shall provide reasonable comfort for all residents.

(b) ~~Each~~ **The** facility shall maintain equipment and supplies in a safe and operational condition and in sufficient quantity to meet the needs of the residents.

(c) ~~Each~~ **The** facility shall not have more residents ~~or beds set up for use~~ than the number for which it is licensed, except in the case of emergency when temporary permission may be granted by the director.

~~(d) Each facility shall store inactive clinical records in a safe and accessible manner. The storage facilities shall provide protection from vermin and unauthorized use.~~

~~(e) Each~~ **(d) The** facility shall comply with fire and safety standards, including the applicable rules of the state fire prevention and building safety commission (675 IAC) where applicable to health facilities.

~~(f) Each~~ **(e) The** facility shall maintain buildings, grounds, and equipment in a clean condition, in good repair, and free of hazards that may adversely affect the health and welfare of the residents or the public as follows:

- (1) Each facility shall establish **and implement** a written program for maintenance to ensure the continued upkeep of the facility.
- (2) The electrical system, including appliances, cords, switches, alternate power sources, fire alarm and detection systems, ~~and emergency communication and signaling systems~~, shall be maintained to guarantee safe functioning and compliance with state electrical codes.
- (3) All plumbing shall function properly and comply with state plumbing codes.
- (4) At least yearly, heating and ventilating systems shall be inspected.

~~(g) Each facility shall routinely clean articles and surfaces as follows:~~

- ~~(1) Cleaning schedules and procedures shall be accessible to and followed by employees and shall indicate the areas of the facility that shall be cleaned daily, weekly, and monthly.~~
- ~~(2) Housekeeping personnel shall utilize accepted practices and procedures to keep the facility free from offensive odors and the accumulation of dust, rubbish, dirt, and hazards, including the following:~~

~~(A) Floors in resident areas shall be maintained in a clean condition.~~

~~(B) Toilet and bathing areas shall be thoroughly cleaned at least daily and sanitized as needed.~~

## Final Rules

(C) All furniture, bedding, and equipment shall be cleaned as often as necessary to maintain a sanitary environment, but at least monthly and before use by another resident.

(D) Deodorizers shall not be used to cover up odors caused by unsanitary conditions.

(E) Janitor's closets, service sinks, and storage areas shall be cleaned and maintained to meet the needs of the facility.

(F) Storage areas, attics, or cellars shall be kept safe and free from accumulation of unserviceable articles.

(G) Cleaning supplies and equipment shall be stored in a safe and secure manner. Residents shall not have access to any cleaning agents, bleaches, or other poisonous or flammable materials.

(H) Mop heads shall be removable and changed as often as necessary to assure that the mop head in use is clean and free of odors.

(I) Polishes used for floors shall provide a nonslip finish.

(3) Employees engaged in housekeeping or laundry functions shall not be simultaneously involved in the preparation of food.

(4) A person qualified by experience and training shall be in charge of the housekeeping department.

(5) If the facility has a contract with an outside resource for housekeeping services, the outside resource shall meet the requirements of this subsection.

(h) Each (f) The facility shall have a pest control program in operation in compliance with 410 IAC 7-15.1. **410 IAC 7-20.**

(i) (g) Each facility shall have a policy concerning pets. Pets may be permitted in a facility but shall not be allowed to create a nuisance or safety hazard.

(j) (h) Any pet housed in a facility shall have periodic veterinary examinations and required immunizations.

(k) Each facility shall handle, store, process, and transport clean linen in a safe and sanitary manner as follows:

(1) Clean linen shall be stored, handled, and transported in a way that prevents contamination. Personnel handling clean or soiled linen shall hold it in such a manner to prevent contamination of the linen or the employee.

(2) Clean linen from a commercial laundry shall be delivered to a designated clean area in a manner that prevents contamination.

(3) Linens shall be maintained in good repair.

(4) The supply of clean linens, washcloths, and towels shall be sufficient to meet the needs of each resident. The use of common towels, washcloths, or toilet articles is prohibited.

(l) Each (i) The facility shall handle, store, process, and transport clean and soiled linen in a safe and sanitary manner that will prevent the spread of infection. as follows:

(1) Soiled linen shall be sorted by methods affording protection from contamination.

(2) Soiled linens shall be stored and transported in a closed container that does not permit contamination of corridors and precludes contamination of clean linen.

(3) When laundry chutes are used to transport soiled linens, the chutes shall be maintained in a clean and sanitary state.

(m) Each facility shall handle, store, process, and transport resident clothing in a clean and orderly manner. If the resident's clothing is laundered by the facility, the facility shall identify the clothing in a suitable manner. The facility is only responsible for marking that clothing that is recorded on the resident's inventory sheet.

(n) Each (j) The facility shall observe safety precautions when oxygen is stored or administered as follows: in the facility.

(1) Oxygen containers shall be suitably anchored to the bed, floor, wall, or carrier to prevent the containers from tipping over.

(2) Oxygen containers when not in use shall be stored in an unheated room vented to the outside or in an outside secured area. Building code standards shall apply.

(3) "Oxygen-No Smoking" signs shall be posted on the outside of the door and the inside of the door of a resident room in which oxygen is being administered.

**Residents on oxygen shall be instructed in safety measures concerning storage and administration of oxygen.**

(o) Each (k) The facility shall keep all kitchens, kitchen areas, common dining areas, equipment, and utensils clean, free from litter and rubbish, and maintained in good repair in accordance with 410 IAC 7-15.1. **410 IAC 7-20.**

(p) Each (l) The facility shall have an effective garbage and waste disposal program in accordance with 410 IAC 7-15.1. **410 IAC 7-20.** Provision shall be made for the safe and sanitary disposal of solid waste, including dressings, needles, syringes, and similar items.

(q) Each (m) The facility's food supplies shall meet the standards of 410 IAC 7-15.1 as follows:

(1) At least a twenty-four (24) hour supply of perishable food and a three (3) day supply of staple food shall be maintained on the premises to meet the planned menu.

(2) The three (3) day supply of staple foods shall include a variety of canned or processed foods from each of the four (4) basic food groups for serving meals to the residents for a minimum of three (3) days in the event of an emergency or disaster.

(3) Invoices for the preceding three (3) months, showing the amount and kind of food purchased, shall be made available to division staff upon request.

**410 IAC 7-20.**

(n) The facility shall develop, adopt, and implement

**written policies and procedures on cleaning, disinfecting, and sterilizing equipment used by more than one (1) person in a common area.**

- (~~tr~~) (o) For purposes of IC 16-28-5-1, a breach of:  
 (1) subsection (a), (b), (d), (e), (f), (i), (j), (k), (l), (m), or (n) is a deficiency;  
 (2) subsection (~~a~~), (~~b~~), (~~c~~), (~~f~~), (g) or (h) (~~j~~), (~~k~~), (~~l~~), (~~m~~), (~~o~~), (~~p~~), or (~~q~~) is a noncompliance; and  
 (3) subsection (~~d~~) or (~~h~~) (c) is a nonconformance.

(Indiana State Department of Health; 410 IAC 16.2-5-1.5; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1569, eff Apr 1, 1997; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1923, eff Mar 1, 2003)

SECTION 8. 410 IAC 16.2-5-1.6 IS AMENDED TO READ AS FOLLOWS:

#### 410 IAC 16.2-5-1.6 Physical plant standards

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-2; IC 16-28-5-1

Sec. 1.6. (~~a~~) This section applies to residential facilities licensed under IC 16-28-2.

(~~b~~) Each (a) The facility shall make provisions for the handicapped as required by state or federal codes.

(~~c~~) Each (b) The facility shall have adequate plumbing, heating, and ventilating systems as governed by applicable rules of the fire prevention and building safety commission (675 IAC). Plumbing, heating, and ventilating systems shall be maintained in normal operating condition and utilized as necessary to provide comfortable temperatures in all areas.

(~~d~~) After July 1, 1987; (c) Each facility shall have an adequate air conditioning system, as governed by applicable rules of the fire prevention and building safety commission (675 IAC). The air conditioning system shall be maintained in normal operating condition and utilized as necessary to provide comfortable temperatures in all resident and public areas.

(~~e~~) Each (d) The facility shall use an approved public water supply if available. Water service shall be adequate, brought into the building and installed in compliance with state and local requirements; and free of cross connections. **be supplied with safe, potable water, under pressure, from a source approved by the Indiana department of environmental management.** If a private water supply is used, the facility shall comply with appropriate laws and rules.

(~~f~~) (e) Sewage shall be discharged into **an approved a public sewerage system in accordance with the laws and rules of the Indiana water pollution control board,** where a system is available. Otherwise, sewage shall be collected, treated, and disposed of in an **independent approved on-site wastewater**

**system that complies with appropriate laws and rules: in accordance with 410 IAC 6-10.**

(~~g~~) Each (f) The facility shall have, for each room used for dining, living, or sleeping purposes, light and ventilation by means of outside windows with an area equal to one-tenth ( $1/10$ ) of the total floor area of such rooms. ~~up to~~

#### (g) The following standards apply to resident rooms:

(1) Each room shall have at least eighty (80) square feet per bed for rooms occupied by more than one (1) person and one hundred (100) square feet for single occupancy.

(2) A facility initially licensed prior to January 1, 1964, must provide not less than sixty (60) square feet per bed in multiple occupancy rooms.

(3) A facility initially licensed after January 1, 1964, must have at least seventy (70) square feet of usable floor area for each bed.

(4) Any facility that provides an increase in bed capacity, with plans approved after December 19, 1977, must provide eighty (80) square feet of usable floor area per bed.

(5) For facilities and additions to facilities for which construction plans are submitted for approval after July 1, 1984, resident rooms shall not contain more than four (4) residents' beds per room.

(h) ~~Each~~ The facility shall have natural lighting augmented by artificial illumination, when necessary, to provide light intensity and to avoid glare and reflective surfaces that produce discomfort and as indicated in the following table:

Minimum Average Area	Foot-Candles
Corridors and interior ramp	15
Stairways and landing	20
Recreation area	40
Dining area	20
Resident care room	20
Nurses' station	40
Nurses' desk for charts and records	60
Medicine cabinet	75
Utility room	15
Janitor's closet	15
Reading and bed lamps	20
Toilet and bathing facilities	20
Food preparation surfaces and utensil washing facilities	70

(i) ~~Each~~ The facility shall house residents only in areas approved by the director for ~~resident~~ housing and given a fire clearance by the state fire marshal. ~~Each~~ The facility ~~must~~ **comply with the following: shall:**

(~~1~~) Five (5) resident beds per room shall be the maximum bedroom capacity.

(2) A facility initially licensed prior to January 1, 1964, must provide not less than sixty (60) square feet per bed in multiple occupancy rooms. A facility initially licensed after January 1, 1964, must have at least seventy (70) square feet of usable floor area for each bed. Any facility that provides an increase in bed capacity, with plans approved after December 19, 1977, must provide eighty (80) square feet of usable floor area per bed.

(3) Any room utilized for single occupancy must be at least eight (8) feet by ten (10) feet in size with a minimum ceiling height of eight (8) feet. A new facility, plans for which were approved after December 19, 1977, must contain a minimum of one hundred (100) square feet of usable floor space per room for single occupancy.

(4) Each bed shall have an access aisle not less than three (3) feet wide leading to it. Bed arrangement in a multi-occupancy room shall provide at least three (3) feet between beds. If an access aisle is used as a means of egress, it shall not be less than four (4) feet wide.

(5) Basement rooms shall not be used to house residents. For new construction, plans for which were approved after December 19, 1977, rooms below grade level may be used for resident occupancy if the floor of such a room is not more than three (3) feet below ground level.

(6) The resident shall have the following:

(A) A bed:

- (i) of proper size and height for the convenience of the resident;
- (ii) with a clean and comfortable mattress; and
- (iii) with bedding appropriate to the weather, climate, and the comfort of the resident.

A resident may choose his or her own furniture in compliance with the facility's policy manual.

(B) The bed linen, consisting of at least two (2) sheets; a pillowcase for each pillow; and a mattress pad; if required, shall be changed as necessary but not less than once a week.

(C) A blanket and/or bedspread shall be provided and shall be changed as necessary, although a bedspread is not required for a bedfast resident.

(D) Additional clean pillows shall be available for the positioning and comfort of residents.

(7) Each individual resident shall be provided with a complete bedside unit; however, the resident may choose not to use this bedside unit. This unit shall include, but is not limited to, the following:

- (A) Bedside cabinet or table with hard surface and washable top.
- (B) Private closet space.
- (C) Cushioned comfortable chair.
- (D) Reading or bed lamp.
- (E) If the resident is bedfast, an adjustable over-the-bed table or other suitable device.

(8) Cubicle curtains or screens are not required in a licensed residential facility or in the residential distinct part of a

facility, but cubicle curtains or screens must be provided if requested by a resident.

(9) Each facility shall provide an adequate method by which each resident may summon a staff person at any time.

(10) Each resident bedroom shall have a door that swings into the room and opens directly into the corridor or common living area.

(11) Each resident room shall be labeled with a raised or indented number (if approved prior to 1974) or letter, or combination of both.

(12) A resident shall not be housed in such a manner as to require passage through the room of another resident. Bedrooms shall not be used as a thoroughfare.

(13) Hallways and corridors shall not be used as sleeping rooms; use for other purposes may not violate fire codes.

(1) Have a floor at or above grade level. A facility whose plans were approved before the effective date of this rule may use rooms below ground level for resident occupancy if the floors are not more than three (3) feet below ground level.

(2) Provide each resident the following items upon request at the time of admission:

(A) A bed:

- (i) of appropriate size and height for the resident;
- (ii) with a clean and comfortable mattress; and
- (iii) with comfortable bedding appropriate to the temperature of the facility.

(B) A bedside cabinet or table with a hard surface and washable top.

(C) A cushioned comfortable chair.

(D) A bedside lamp.

(E) If the resident is bedfast, an adjustable over-the-bed table or other suitable device.

(3) Provide cubicle curtains or screens if requested by a resident in a shared room.

(4) Provide a method by which each resident may summon a staff person at any time.

(5) Equip each resident unit with a door that swings into the room and opens directly into the corridor or common living area.

(6) Not house a resident in such a manner as to require passage through the room of another resident. Bedrooms shall not be used as a thoroughfare.

(7) Individual closet space. For facilities and additions to facilities for which construction plans are submitted for approval after July 1, 1984, each resident room shall have clothing storage that includes a closet at least two (2) feet wide and two (2) feet deep, equipped with an easily opened door and a closet rod at least eighteen (18) inches long of adjustable height to provide access by residents in wheelchairs.

(j) Each facility shall have adequate toilet and bathing facilities as follows: The following standards apply to toilet, lavatory, and tub or showers:

(1) For facilities initially licensed after (effective date), each unit shall have a private toilet, lavatory, and tub or shower.

(2) For facilities for which plans were approved prior to April 1, 1997, the following criteria is [sic., are] applicable:

(+) (A) Bathing facilities for residents not served by bathing facilities in their rooms shall be provided as follows:

Residents	Bathtubs or Showers
3 to 22	1
23 to 37	2
38 to 52	3
53 to 67	4
68 to 82	5
83 to 97	6

Portable bathing units may be substituted for one (+) or more of the permanent fixtures with prior approval of the director.

(B) A central bathing tub shall be available.

(2-) (C) Central bathing and toilet facilities shall be partitioned or curtained for privacy.

(3-) (D) Toilets, bath, and shower compartments shall be separated from rooms by solid walls or partitions that extend from the floor to the ceiling.

(4-) (E) Toilet facilities shall be provided as follows:

Residents of the Same Sex	Toilets	Open-Front Lavatories
3 to 18	1	1
19 to 30	2	2
31 to 42	3	3
43 to 54	4	4
55 to 66	5	5
67 to 78	6	6

(5) Rubber mats or other suitable safety measures shall be used in bathing facilities. Grab bars shall be installed within easy reach of the bather. Additional adaptive equipment for the multi-handicapped shall be provided as needed.

(6) Hot water temperature for all bathing and hand washing facilities shall be controlled by an automatic control valve. Water temperature at point of use must be maintained between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(7) The use of common towels, washcloths, or toilet articles is prohibited. Each facility shall maintain towels and washcloths in a satisfactory condition for each resident. Individual towel bars shall be provided in the resident's room.

(3) For facilities and additions to facilities for which construction plans are submitted for approval after July 1, 1984, at least one (1) toilet and lavatory shall be provided for each eight (8) residents as follows:

(A) Toilet rooms adjacent to resident bedrooms shall serve no more than two (2) resident rooms or more than eight (8) beds.

(B) The toilet room shall contain a toilet, lavatory, liquid soap, and disposable towel dispenser.

(C) Each resident shall have access to a toilet and lavatory without entering a common corridor area.

(D) For facility with common toilet facilities, at least one (1) toilet and one (1) lavatory for each gender on each floor utilized by residents.

(E) All bathing and shower rooms shall have mechanical ventilation.

(k) Each facility shall have a nurses' station in a convenient location in the nursing area. The nurses' station shall be equipped with the following:

- (1) A desk.
- (2) A chair.
- (3) Records storage.
- (4) A bookshelf for references.
- (5) A bulletin board.
- (6) A telephone for staff use.

Hot water temperature for all bathing and hand washing facilities shall be controlled by an automatic control valve. Water temperature at point of use must be maintained between one hundred (100) degrees Fahrenheit and one hundred twenty (120) degrees Fahrenheit.

(l) Each The facility shall have a nourishment pantry or station for supplemental food service separate from the resident's unit.

(m) Ice shall be readily available to residents at all times in the facility.

(n) Each facility that administers medication to residents shall provide a medicine station for convenient and prompt twenty-four (24) hour distribution of medicine to residents as follows:

- (1) The medicine preparation room shall be under the visual control of the nursing staff; be located adjacent to the nurses' station; and contain a well-lighted work counter; refrigerator; and locked storage for biochemicals and drugs.
- (2) The medication preparation room shall have provision of water for hand washing and for medication administration.
- (3) If medicine dispensing carts are used; a specific space shall be provided in the nurses' station; medication room; or an alcove or other space under direct control of the nursing staff. The nurses' station shall have provision for hand washing and water for medication purposes.
- (4) The medicine room shall be clean, orderly, and used for the storage of drugs; nursing supplies; and first aid supplies.

(o) Each facility shall have equipment storage rooms for storage of equipment such as wheelchairs, walkers, or bed rails; so as not to interfere with the operation of any department or be inconvenient for residents or personnel. A hallway shall not be used for the storage of equipment.

(p) Each (n) The facility shall have living areas with suffi-

cient space to accommodate the dining, activity, and lounge needs of the residents and to prevent the interference of one (1) function with another as follows:

(1) In a facility licensed prior to June 1970, the lounge area, which may also be used for dining, shall be a minimum of ten (10) square feet per bed.

(2) In a facility licensed since June 1970, total dining, activity, and lounge area shall be at least twenty (20) square feet per bed.

(3) (1) Dining, lounge, and activity areas shall be:

(A) readily accessible to wheelchair and ambulatory residents; and

(B) sufficient in size to accommodate necessary equipment and to permit unobstructed movement of wheelchairs, residents, and personnel responsible for assisting, instructing, or supervising residents.

(4) (2) Dining tables of the appropriate height shall be provided to assure access to meals and comfort for residents seated in wheelchairs, geriatric chairs, and regular dining chairs. Facilities having continuing deficiencies in the service of resident meals directly attributable to inadequacies in the size of the dining room or dining areas shall submit a special plan of correction detailing how meal service will be changed to meet the residents' needs.

(5) (3) A comfortably furnished resident living and lounge area shall be provided on each resident occupied floor of a multi-story building. This lounge may be furnished and maintained to accommodate activity and dining functions.

(6) The provision of an activity area shall be based on the level of care of the residents housed in the facility. The facility shall provide the following:

(A) Equipment and supplies for independent and group activities and for residents having special needs.

(B) Space to store recreational equipment and supplies for the activities program within or convenient to the area.

(C) Locked storage for potentially dangerous items such as scissors, knives, razor blades, or toxic materials.

(D) In a facility for which plans were approved after December 19, 1977, a restroom large enough to accommodate a wheelchair and equipped with grab bars located near the activity area.

(4) An area for resident activities. In a facility for which plans were approved after December 19, 1977, a restroom large enough to accommodate a wheelchair and equipped with grab bars located near the activity room shall be provided.

(5) For facilities and additions to facilities for which construction plans are submitted for approval after July 1, 1984, the total area for resident dining, activities, and lounge purposes shall not be less than thirty (30) square feet per bed.

(q) (o) Each facility shall have an adequate kitchen that complies with 410 IAC 7-15.1 as follows:

(1) The kitchen shall be properly located for efficient food

service and be large enough to accommodate the equipment and personnel needed to prepare and serve the number of meals required:

(2) Available storage space in a room adjacent to or convenient to the kitchen shall be provided for at least a three (3) day supply of staple food both for normal and emergency needs.

(3) A supervisory work area, not necessarily in the kitchen, but including space for at least one (1) desk, chair, bookshelf, and filing cabinet, shall be provided.

(4) Facilities having continuing food service deficiencies that are directly attributable to inadequacies in the size of the kitchen; food storage area; food preparation or dish washing area or to inadequacies in furnishings; equipment or arrangement will require a special plan of correction. The plan of correction shall be prepared by a person having knowledge in the design of food service operations; such as a registered dietitian; food facilities consultant; or licensed architect or registered engineer.

(5) This rule does not preclude the development of alternate food preparation and service systems. If a facility wishes to implement an alternate system, a written proposal and plan of operation shall be submitted to the director for review and approval.

### 410 IAC 7-20.

(r) Each (p) The facility shall have a janitor's closet conveniently located on each resident occupied floor of the facility. The janitor's closet shall contain a sink or floor receptacle and storage for cleaning supplies. The door to the janitor's closet shall be equipped with a lock and shall be locked when hazardous materials are stored in the closet.

(s) Each (q) The facility shall have laundry services either in-house or with a commercial laundry by contract as follows:

(1) If a facility operates its own laundry, the laundry shall be (A) designed and operated to promote a flow of laundry from the soiled utility area toward the clean utility area to prevent contamination.

(B) adequate in size, well lighted, and ventilated to meet the needs of the facility;

(C) equipped with suitable capacity machines that shall be kept in good repair and maintained in a sanitary condition; and

(D) maintained in a clean and sanitary condition.

(2) If a facility does not maintain a laundry on the premises, a commercial laundry shall be utilized.

(3) Laundry areas shall have, at a minimum, the following:

(A) Separate areas for the storage of clean linen and soiled linen.

(B) Hand washing and toilet facilities maintained at locations convenient for laundry personnel.

(C) Separate linen carts appropriately labeled for soiled or clean linen and constructed of washable materials that shall be laundered or suitably cleaned as needed to maintain sanitation.

(4) (2) Written procedures for handling, storage, transportation, and processing of linens shall be posted in the laundry and shall be implemented.

(t) Each facility that has a beauty or barber shop shall locate it in a separate room in accordance with the facility's policy for hair care. Provisions shall be made for the disinfection of equipment used, such as brushes, combs, or hair rollers. The room shall be equipped with a shampoo sink that is installed and maintained in accordance with applicable plumbing codes.

(u) Each facility that provides living quarters for owners, managers, employees, and their families shall provide them in a manner that will not interfere with the privacy, well-being, comfort, and safety of the residents.

(r) For facilities and additions to facilities for which construction plans are submitted for approval after July 1, 1984, if the facility provides therapy, the facility shall have a therapy area.

(v) (s) For purposes of IC 16-28-5-1, a breach of:

(1) subsection (a), (b), (c), (d), (e), (f), (k), (o), or (q) is a deficiency;

(2) subsection (e), (f), (g), (h), (i), (j), (k), (l), (m), or (n) is a noncompliance; and

(3) subsection (a), (b), (g), (n), (p), (q), or (r) (s), (t), (u), or (v) is a nonconformance.

(Indiana State Department of Health; 410 IAC 16.2-5-1.6; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1571, eff Apr 1, 1997; errata filed Jan 10, 1997, 4:00 p.m.: 20 IR 1593; errata filed Apr 10, 1997, 12:15 p.m.: 20 IR 2415; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1925, eff Mar 1, 2003)

SECTION 9. 410 IAC 16.2-5-2 IS AMENDED TO READ AS FOLLOWS:

#### 410 IAC 16.2-5-2 Evaluation

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1

Sec. 2. (a) An **assessment evaluation** of the individual needs of each resident shall be initiated prior to admission and shall be updated at least semiannually **and upon a known substantial change in the resident's condition, or more often at the resident's or facility's request. A licensed nurse shall evaluate the nursing needs of the resident.**

(b) The preadmission evaluation (interview) shall provide the baseline information for the initial **assessment evaluation**. Subsequent **assessments evaluations** shall compare the resident's current status to his **or her** status on admission and shall be used to assure that the care the resident requires is within the range of personal care and supervision provided by a residential care facility.

(c) The scope and content of the **assessment evaluation** shall be delineated in the facility policy manual, but at a minimum the needs assessment shall include an evaluation of the following:

(1) **Each The** resident's physical and mental **ability to manage his own affairs: status.**

(2) **Each The** resident's independence in the activities of daily living.

(3) **Each The** resident's weight taken on admission and semiannually thereafter.

(4) **Each If applicable, the** resident's **height measured on admission: ability to self-administer medications.**

(d) The **assessment evaluation** shall be documented in writing and kept in the facility. **and used by the facility personnel in meeting the medical and psychosocial needs of the resident.**

(e) Following completion of an evaluation, the facility, using appropriately trained staff members, shall identify and document the services to be provided by the facility, as follows:

(1) The services offered to the individual resident shall be appropriate to the scope, frequency, need, and preference of the resident.

(2) The services offered shall be reviewed and revised as appropriate and discussed by the resident and facility as needs or desires change. Either the facility or the resident may request a service plan review.

(3) The agreed upon service plan shall be signed and dated by the resident, and a copy of the service plan shall be given to the resident upon request.

(4) No identification and documentation of services provided is needed if evaluations subsequent to the initial evaluation indicate no need for a change in services.

(5) If administration of medications and/or the provision of residential nursing services is needed, a licensed nurse shall be involved in identification and documentation of the services to be provided.

(e) (f) For purposes of IC 16-28-5-1, a breach of: any

(1) subsection (a), ~~through~~ (b), or (e) is a deficiency; and

(2) subsection (c) or (d) is a noncompliance.

(Indiana State Department of Health; 410 IAC 16.2-5-2; filed May 2, 1984, 2:50 p.m.: 7 IR 1497; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1575, eff Apr 1, 1997; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1929, eff Mar 1, 2003)

SECTION 10. 410 IAC 16.2-5-4 IS AMENDED TO READ AS FOLLOWS:

#### 410 IAC 16.2-5-4 Health services

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1

Sec. 4. (a) **Personal care and supervision shall be provided based upon individual needs as follows:**

(1) Each resident shall be assisted in or occasionally given personal care, as needed.

(2) Each resident shall show evidence of good personal hygiene and clean clothing: have a primary care physician selected by the resident. If desired, the resident may designate a dentist.

(b) Personnel shall supervise the nutritional status of the residents. Each facility shall choose whether or not it administers medication and/or provides residential nursing care. These policies shall be delineated in the facility policy manual and clearly stated in the admission agreement.

(c) Bedside medications and treatments for self-administration shall be permitted with the approval of the resident's attending physician, unless self-administration of medications is contraindicated by the facility's policy. Personal care, and assistance with activities of daily living, shall be provided based upon individual needs and preferences.

(d) The administration of drugs medications and treatments, including alcoholic beverages, nutrition concentrates, and therapeutic supplements, the provision of residential nursing care shall be as ordered by the attending resident's physician and shall be supervised by a licensed nurse on the premises or on call as follows:

(1) Medication shall be administered by licensed nursing personnel or qualified medication aides. If medication aides handle or administer drugs or perform treatments requiring medications, the facility shall ensure that the person or persons have been properly qualified in medication administration by a state-approved course except as limited in subdivision (6):

(2) The resident shall be observed for effects of medications. Documentation of any undesirable effects shall be contained in the clinical record. The physician shall be notified immediately if undesirable effects occur, and such notification shall be documented in the clinical record.

(3) The individual administering the medication shall document the administration in the individual's medication and treatment records, including records of oxygen administration; that indicate the time, name of medication or treatment, dosage (if applicable), and name or initials of the person administering the drug or treatment. as follows:

(A) Notations shall describe nursing care provided and the reason for and results of all per required need (PRN) treatments and medications administered.

(B) The facility may use a separate medication or treatment sheet to record the information and the medication or treatment sheet may be kept separately from the nurses' notes until completed.

(C) Completed medication or treatment sheets shall be added to each individual resident's record.

(4) Medication shall be administered by the person who has prepared the doses, except under a single unit dose package system.

(5) (4) Preparation of doses for more than one (1) scheduled administration is not permitted.

(6) (5) Injectable medications shall be given only by licensed personnel.

(7) No medication shall be used for any resident other than the resident for whom it was prescribed.

(8) (6) PRN medications may be administered by a qualified medication aides (QMAs) aide (QMA) only upon authorization by a licensed nurse or physician. The QMA must receive appropriate authorization for each administration of a PRN medication. All contacts with a nurse or physician not on the premises for authorization to administer PRNs shall be documented in the nursing notes indicating the time and date of the contact.

(9) (7) Any error in medication administration shall be noted in the resident's record. The physician shall be notified of any error in medication administration when there are any actual or potential detrimental effects to the resident.

(e) If treatment(s) not involving medication are given by facility personnel, the treatment(s) shall be prescribed by the physician and shall be instituted using proper and safe techniques as follows:

(1) Treatments not involving medications may be given by nurse aides who have been instructed in the administration of the treatment by licensed nursing personnel. All PRN treatments, not involving medications, may be given only upon authorization by a licensed nurse.

(2) The resident shall be observed for effects of the treatment. Documentation of any undesirable effect shall be contained in the clinical record and the physician shall be notified. Such notification shall be documented in the clinical record.

(3) The person who has administered the treatment shall document such in accordance with subsection (d)(3):

(f) (e) The facility shall have available on the premises or on call the services of a licensed nurse at all times. The licensed nurse may, at the request of a resident, provide consultation and advice to residents, review clinical records, and assess the health condition of the residents. If medications are administered by the facility, then the facility shall provide at least ten (10) minutes of licensed nursing care per resident receiving medication during each two (2) week period.

(g) The facility shall develop, adopt, and implement a manual of written policies and procedures on cleaning, disinfecting, and sterilization. All procedures shall be carried out in accordance with the manual, which shall be available for the use of the facility personnel. The manual shall include procedures in the care of utensils, instruments, solutions, dressings, articles, and surfaces, including, but not limited to, the following:

(1) Bedside equipment such as commode pails, wash basins, emesis basins, bedpans, and urinals shall be maintained in a clean condition and disinfected as appropriate. Bedside equipment shall be washed and rinsed and then disinfected



daily; if used by the same resident or after each use between residents by one (1) of the following techniques:

(A) Immersion for at least two (2) minutes in clean, hot water at a temperature of at least one hundred seventy degrees Fahrenheit (170°F);

(B) Immersion in a clean solution containing an appropriate disinfecting agent that will provide the equivalent bactericidal effect of a solution containing at least one hundred (100) parts per million of available chlorine as hypochlorite at a temperature between seventy-five degrees Fahrenheit (75°F) and one hundred ten degrees Fahrenheit (110°F) for at least one (1) minute;

(C) Mechanical utensil washing by a machine capable of rendering the bedside equipment clean and disinfecting by means of hot water or chemicals;

(D) Steam operated sterilizer;

(2) Bathing tubs shall be disinfected after each use;

(3) Bedside equipment and eating or drinking utensils shall not be commingled during the disinfection process;

(4) Individualized resident care supply items designed and identified by the manufacturer to be disposable shall not be reused and shall be destroyed;

(f) For purposes of IC 16-28-5-1, a breach of:

(1) subsection (d)(1), (d)(2), or (d)(5) is an offense;

(2) subsection (a), (c), (d)(3), (d)(6), (d)(7), or (e) is a deficiency;

(3) subsection (a); (b); (c); (f); or (g) (d)(4) is a noncompliance; and

(4) subsection (b) is a nonconformance.

*(Indiana State Department of Health; 410 IAC 16.2-5-4; filed May 2, 1984, 2:50 p.m.: 7 IR 1497; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1576, eff Apr 1, 1997; errata filed Apr 10, 1997, 12:15 p.m.: 20 IR 2415; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1929, eff Mar 1, 2003)*

SECTION 11. 410 IAC 16.2-5-5.1 IS ADDED TO READ AS FOLLOWS:

#### 410 IAC 16.2-5-5.1 Food and nutritional services

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1

Sec. 5.1. (a) The facility shall provide, arrange, or make available three (3) well-planned meals a day, seven (7) days a week that provide a balanced distribution of the daily nutritional requirements.

(b) The menu or substitutions, or both, for all meals shall be approved by a registered dietician.

(c) The facility must meet:

(1) daily dietary requirements and requests, with consideration of food allergies;

(2) reasonable religious, ethnic, and personal preferences; and  
(3) the temporary need for meals delivered to the resident's room.

(d) All modified diets shall be prescribed by the attending physician.

(e) All food shall be served at a safe and appropriate temperature.

(f) All food preparation and serving areas (excluding areas in residents' units) are maintained in accordance with state and local sanitation and safe food handling standards, including 410 IAC 7-20.

(g) There shall be an organized food service department directed by a supervisor competent in food service management and knowledgeable in sanitation standards, food handling, food preparation, and meal service.

(1) The supervisor must be one (1) of the following:

(A) A dietitian.

(B) A graduate or student enrolled in and within one (1) year from completing a division approved, minimum ninety (90) hour classroom instruction course that provides classroom instruction in food service supervision who has a minimum of one (1) year of experience in some aspect of institutional food service management.

(C) A graduate of a dietetic technician program approved by the American Dietetic Association.

(D) A graduate of an accredited college or university or within one (1) year of graduating from an accredited college or university with a degree in foods and nutrition or food administration with a minimum of one (1) year of experience in some aspect of food service management.

(E) An individual with training and experience in food service supervision and management.

(2) If the supervisor is not a dietitian, a dietitian shall provide consultant services on the premises at peak periods of operation on a regularly scheduled basis.

(3) Food service staff shall be on duty to ensure proper food preparation, serving, and sanitation.

(h) Diet orders shall be reviewed and revised by the physician as the resident's condition requires.

(i) For purposes of IC 16-28-5-1, a breach of:

(1) subsection (a), (c), (d), (e), (f), or (h) is a deficiency; and

(2) subsection (b) or (g) is a noncompliance.

*(Indiana State Department of Health; 410 IAC 16.2-5-5.1; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1931, eff Mar 1, 2003)*

SECTION 12. 410 IAC 16.2-5-6 IS AMENDED TO READ AS FOLLOWS:

## 410 IAC 16.2-5-6 Pharmaceutical services

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1; IC 25-26-13

Sec. 6. (a) If the Residents retain and self-administer medications, the facility shall make arrangements to ensure that pharmaceutical services are available to provide residents with prescribed who self-medicate may keep and use prescription and nonprescription medications in accordance with applicable laws of Indiana if requested by the their unit as long as they keep them secured from other residents.

(b) The facility shall maintain clear written policies and procedures on medication assistance. The facility shall provide for ongoing training to ensure competence of medication staff.

(c) If the facility controls, handles, and administers medications for a resident, the facility shall do the following for that resident:

(1) Make arrangements to ensure that pharmaceutical services are available to provide residents with prescribed medications in accordance with applicable laws of Indiana.

(2) A consultant pharmacist shall be employed, or under contract, and shall:

(A) be responsible for the duties as specified in ~~856 IAC 1-7-7~~ as follows: **856 IAC 1-7;**

~~(A)~~ (B) review the drug handling and storage practices in the facility;

~~(B)~~ (C) provide consultation on methods and procedures of ordering, storing, administering, and disposing of drugs as well as medication record keeping;

~~(C)~~ (D) report, in writing, to the administrator and director of nursing or his or her designee any irregularities in dispensing or administration of drugs; and

(E) review the drug regimen of each resident receiving these services at least once every sixty (60) days.

(3) Pharmacy consultation shall be provided to licensed personnel:

(4) The consultant pharmacist shall provide written reports to the administrator of the frequency, nature, and duration of the visits to the facility:

(5) (3) The medication review, and recommendations, shall be documented as well as the and notification of the physician, if necessary, shall be documented in accordance with the facility's policy.

(6) A facility shall not purchase or store anywhere on the premises any drug for a resident except those prescribed or ordered for the individual resident by the physician and those drugs authorized for the emergency kit:

(4) Over-the-counter medications, prescription drugs, and biologicals used in the facility must be labeled in accordance with currently accepted professional principles and include the appropriate accessory and cautionary instructions and the expiration date.

(c) If a facility operates its own duly licensed pharmacy, it shall comply with IC 25-26-13:

(d) The facility shall only utilize a pharmacy that:

(1) complies with the facility policy regarding receiving, packaging, and labeling of pharmaceutical products unless contrary to state and federal laws and rules on pharmacy practices;

(2) provides prescribed drugs, including the availability of a twenty-four (24) hour prescription service on a prompt and timely basis; and

(3) refills prescription drugs, when needed, in order to prevent interruption of drug regimens:

(e) All drugs shall be labeled in compliance with state and federal laws governing prescription dispensing. If the facility receives incorrectly labeled medications, the pharmacy shall be notified immediately. Labeling shall be done as follows:

(1) (5) Labeling of prescription drugs shall include the following:

(A) The Resident's full name.

(B) The Physician's name.

(C) The Prescription number.

(D) The Name and strength of the drug.

(E) Directions for use.

(F) Date of issue and

~~(G)~~ An expiration date (when applicable).

~~(H)~~ The (G) Name and address of the pharmacy that filled the prescription.

If a facility is supplied medication is packaged in a unit dose, packaging, reasonable variations which that comply with the acceptable pharmaceutical procedures are permitted.

(2) Nursing supplies, such as hydrogen peroxide, sterile water, rubbing alcohol, nonmedicated skin preparations, and emollients, need not comply with subdivision (1), although such supplies must be in the original manufacturer's container with the manufacturer's label intact:

(3) Therapeutic concentrates, nutritional supplements, and alcoholic beverages shall be labeled in conformance with state and federal food and drug laws. Such items shall be in containers with the original manufacturer's label still intact and legible. Containers of therapeutic concentrates, that is, vitamins or minerals, shall be identified with the resident's name and room number:

(4) No person other than the dispenser of the drug shall alter any prescription label:

(5) The labels on all medications shall be clean and legible. If, in the opinion of the consultant pharmacist or licensed nurse, the labels on the medication are illegible, the medication shall either be relabeled by the issuing pharmacy or destroyed. Containers that are cracked, soiled, or without secure closure shall not be used:

(6) Over-the-counter medications must be identified with the following:

- (A) Resident name.
- (B) Physician name.
- (C) Expiration date.
- (D) Name of drug.
- (E) Strength.

(d) If a facility operates its own duly licensed pharmacy, it shall comply with IC 25-26-13.

(f) (e) Medicine or treatment cabinets or rooms shall be appropriately locked at all times except when authorized personnel are present. These cabinets shall also be used as follows:

- (1) The key for the lock of the room or cabinet shall be carried or be accessible to only those persons authorized to handle and administer drugs.
- (2) Drugs shall be stored in a clean and orderly manner in cabinets, drawers, or carts of sufficient size to prevent crowding.
- (3) All Schedule II drugs individually prescribed administered by the facility shall be kept in individual containers under double lock and stored in a substantially constructed box, cabinet, or mobile drug storage unit.
- (4) Bedside medications for self-administration shall be allowed only upon order of the resident's attending physician.
- (5) Only authorized personnel shall handle or administer drugs or other therapy as specified in section 4(d) of this rule.
- (6) Emergency medication shall be stored in a suitable box or cubicle equipped with a seal.

(g) Discontinued, outdated, or deteriorated medication shall not be maintained or used in the facility. Medications shall be disposed of in compliance with federal, state, and local laws as follows:

- (1) All unused portions of any properly labeled medications, including controlled substances, shall be released to the discharged resident upon written order of the physician.
- (2) Unopened and unexposed medication may be returned to the issuing pharmacy for credit to the appropriate party.
- (3) Unused portions of medications not released with the resident or returned for credit shall be destroyed on the premises within seven (7) days by the consultant pharmacist or licensed nurse with a witness.

(f) Residents may use the pharmacy of their choice for medications administered by the facility, as long as the pharmacy:

- (1) complies with the facility policy receiving, packaging, and labeling of pharmaceutical products unless contrary to state and federal laws;
- (2) provides prescribed service on a prompt and timely basis; and
- (3) refills prescription drugs when needed, in order to prevent interruption of drug regimens.

(g) Medications administered by the facility shall be disposed in compliance with appropriate federal, state, and local laws, and disposition of any released, returned, or destroyed medication shall be written documented in the resident's clinical record and shall include the following information:

- (A) (1) The name of the resident.
- (B) (2) The name and strength of the drug.
- (C) (3) The prescription number.
- (D) (4) The reason for disposal.
- (E) (5) The amount disposed of.
- (F) (6) The method of disposition.
- (G) (7) The date of the disposal.
- (H) (8) The signatures signature of the persons person conducting the disposal of the drug.
- (9) The signature of a witness, if any, to the disposal of the drug.

(h) For purposes of IC 16-28-5-1, a breach of:

- (1) subsection (a); (b)(1); (c)(2), (c)(4), (c)(5), (c)(6), (d), or (f) (e) is a deficiency; and
- (2) subsection (b)(2); (b)(3); (b)(4); (b)(5); (b)(6); (c); (d); (e); (a), (b), (c)(1), (c)(3), (f), or (g) is a noncompliance.

(Indiana State Department of Health; 410 IAC 16.2-5-6; filed May 2, 1984, 2:50 p.m.: 7 IR 1498; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1579, eff Apr 1, 1997; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1932, eff Mar 1, 2003)

SECTION 13. 410 IAC 16.2-5-7.1 IS ADDED TO READ AS FOLLOWS:

#### 410 IAC 16.2-5-7.1 Activities programs

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1

Sec. 7.1. (a) The facility shall provide activities programs appropriate to the abilities and interests of the residents being served.

(b) The facility shall provide and/or coordinate scheduled transportation to community-based activities.

(c) An activities director shall be designated and must be one (1) of the following:

- (1) A recreation therapist.
- (2) An occupational therapist or a certified occupational therapy assistant.
- (3) An individual who has satisfactorily completed or will complete within one (1) year an activities director course approved by the division.

(d) After July 1, 1984, any person who has not completed an activities director course approved by the division shall receive consultation until the person has completed such a course. Consultation shall be provided by:

- (1) a recreation therapist;
- (2) an occupational therapist or occupational therapist assistant; or
- (3) a person who has completed a division approved course and has two (2) years of experience.

(e) For purposes of IC 16-28-5-1, a breach of:

- (1) subsection (a) is a deficiency;
- (2) subsection (c) or (d) is a noncompliance; and
- (3) subsection (b) is a nonconformance.

*(Indiana State Department of Health; 410 IAC 16.2-5-7.1; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1933, eff Mar 1, 2003)*

SECTION 14. 410 IAC 16.2-5-8.1 IS ADDED TO READ AS FOLLOWS:

**410 IAC 16.2-5-8.1 Clinical records**

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1

Sec. 8.1. (a) The facility must maintain clinical records on each resident. These records must be maintained under the supervision of an employee of the facility designated with that responsibility. The records must be as follows:

- (1) Complete.
- (2) Accurately documented.
- (3) Readily accessible.
- (4) Systematically organized.

(b) Clinical records must be retained after discharge:

- (1) for a minimum period of one (1) year in the facility and five (5) years total; or
- (2) for a minor, until twenty-one (21) years of age.

(c) The facility must safeguard clinical record information against loss, destruction, or unauthorized use.

(d) The facility must keep confidential all information contained in the resident's records, regardless of the form or storage method of the records, and release such records only as permitted by law.

(e) The clinical record must contain the following:

- (1) Sufficient information to identify the resident.
- (2) A record of the resident's evaluations.
- (3) Services provided.
- (4) Progress notes.

(f) The facility shall have a policy that ensures the staff has sufficient information to meet the residents' needs.

(g) A transfer form shall include the following:

- (1) Identification data.
- (2) Name of the transferring institution.
- (3) Name of the receiving institution and date of transfer.
- (4) Resident's personal property when transferred to an acute care facility.

(5) Nurses' notes relating to the resident's:

- (A) functional abilities and physical limitations;
- (B) nursing care;
- (C) medications;
- (D) treatment; and
- (E) current diet and condition on transfer.

(6) Diagnosis.

(7) Date of chest x-ray and skin test for tuberculosis.

(h) Current clinical records shall be completed promptly, and those of discharged residents shall be completed within seventy (70) days of the discharge date.

(i) A current emergency information file shall be immediately accessible for each resident, in case of emergency, that contains the following:

- (1) The resident's name, sex, room or apartment number, phone number, age, or date of birth.
- (2) The resident's hospital preference.
- (3) The name and phone number of any legally authorized representative.
- (4) The name and phone number of the resident's physician of record.
- (5) The name and telephone number of the family members or other persons to be contacted in the event of an emergency or death.
- (6) Information on any known allergies.
- (7) A photograph (for identification of the resident).
- (8) Copy of advance directives, if available.

(j) If a death occurs, information concerning the resident's death shall include the following:

- (1) Notification of the physician, family, responsible person, and legal representative.
- (2) The disposition of the body, personal possessions, and medications.
- (3) A complete and accurate notation of the resident's condition and most recent vital signs and symptoms preceding death.

(k) The facility shall store inactive clinical records in accordance with applicable state and federal laws in a safe and accessible manner. The storage facilities shall provide protection from vermin and unauthorized use.

(l) For purposes of IC 16-28-5-1, a breach of:

- (1) subsection (a), (c), (d), (e), (f), (g), (i), or (j) is a noncompliance; and
- (2) subsection (b), (h), or (k) is a nonconformance.

*(Indiana State Department of Health; 410 IAC 16.2-5-8.1; filed Jan 21, 2003, 8:34 a.m.: 26 IR 1934, eff Mar 1, 2003)*

SECTION 15. 410 IAC 16.2-5-11.1 IS ADDED TO READ AS FOLLOWS:

**410 IAC 16.2-5-11.1 Mental health screening for individuals who are recipients of Medicaid or federal Supplemental Security Income**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 12-10-6; IC 16-28-5-1

Sec. 11.1. (a) As used in this section, "mental health service provider" means the community mental health center local to the residential care facility.

(b) If the individual is a recipient of Medicaid or federal Supplemental Security Income (SSI), the individual needs evaluation provided in section 2(a) of this rule shall include, but not be limited to, the following:

- (1) Screening of the individual for major mental illness, such as a diagnosed major mental illness, is limited to the following disorders:
  - (A) Schizophrenia.
  - (B) Schizoaffective disorder.
  - (C) Mood (bipolar and major depressive type) disorder.
  - (D) Paranoid or delusional disorder.
  - (E) Panic or other severe anxiety disorder.
  - (F) Somatoform or paranoid disorder.
  - (G) Personality disorder.
  - (H) Atypical psychosis or other psychotic disorder (not otherwise specified).
- (2) Obtaining a history of treatment received by the individual for a major mental illness within the last two (2) years.
- (3) Obtaining a history of individual behavior within the last two (2) years that would be considered dangerous to facility residents, the staff, or the individual.

(c) If a person is a recipient of Medicaid or federal SSI and has a major mental illness as defined by the individual needs assessment, the person will be referred to the mental health service provider for a consultation on needed treatment services. All residents who participate in Medicaid or SSI admitted after April 1, 1997, shall have a completed individual needs assessment in their clinical record. All persons admitted after April 1, 1997, shall have the assessment completed prior to the admission, and, if a mental health center consultation is needed, the consultation shall be completed prior to the admission and a copy maintained in the clinical record.

(d) When a state hospital refers a person with a major mental illness, the residential care facility shall request that a copy of the psychosocial and treatment recommendations collaboratively developed between the state hospital and the mental health center be forwarded to the residential care facility so that the residential care facility can determine the degree to which it can provide or arrange for the provision of such service.

(e) The residential care facility shall not admit residents with a major mental illness if:

- (1) the mental health service provider determines that the resident's needs cannot be met; and
- (2) the residential care facility does not have a means to access needed services to carry out the comprehensive care plan.

(f) Each resident with a major mental illness must have a comprehensive care plan that is developed within thirty (30) days after admission to the residential care facility.

(g) The residential care facility, in cooperation with the mental health service providers, shall develop the comprehensive care plan for the resident that includes the following:

- (1) Psychosocial rehabilitation services that are to be provided within the community.
- (2) A comprehensive range of activities to meet multiple levels of need, including the following:
  - (A) Recreational and socialization activities.
  - (B) Social skills.
  - (C) Training, occupational, and work programs.
  - (D) Opportunities for progression into less restrictive and more independent living arrangements.

(h) The residential care facility shall provide or arrange for services to carry out the resident's comprehensive care plan.

(i) The residential care facility shall seek appropriate alternate placement in accordance with 410 IAC 16.2-2-3 if the resident's needs or comprehensive care plan, or both, cannot be met by the residential care facility.

(j) The facility must comply with IC 12-10-6 for those residents eligible for residential care assistance.

(k) For purposes of IC 16-28-5-1, a breach of:

- (1) subsection (e) is an offense;
- (2) subsection (b), (c), (g), (h), or (i) is a deficiency; and
- (3) subsection (d), (f), or (j) is a noncompliance.

(Indiana State Department of Health; 410 IAC 16.2-5-11.1; filed Jan 21, 2003, 8:34 a.m.; 26 IR 1935, eff Mar 1, 2003)

SECTION 16.410 IAC 16.2-5-12 IS ADDED TO READ AS FOLLOWS:

**410 IAC 16.2-5-12 Infection control**

Authority: IC 16-28-1-7; IC 16-28-1-12  
Affected: IC 4-21.5; IC 16-28-5-1

Sec. 12. (a) The facility must establish and maintain an infection control practice designed to provide a safe, sanitary, and comfortable environment and to help prevent the development and transmission of diseases and infection.

(b) The facility must establish an infection control program that includes the following:

- (1) A system that enables the facility to analyze patterns of known infectious symptoms.
- (2) Provides orientation and in-service education on infection prevention and control, including universal precautions.
- (3) Offering health information to residents, including, but not limited to, infection transmission and immunizations.
- (4) Reporting communicable disease to public health authorities.

(c) Each resident shall have a diagnostic chest x-ray completed no more than six (6) months prior to admission.

(d) Prior to admission, each resident shall be required to have a health assessment, including history of significant past or present infectious diseases and a statement that the resident shows no evidence of tuberculosis in an infectious stage as verified upon admission and yearly thereafter.

(e) In addition, a tuberculin skin test shall be completed within three (3) months prior to admission or upon admission and read at forty-eight (48) to seventy-two (72) hours. The result shall be recorded in millimeters of induration with the date given, date read, and by whom administered and read.

(f) For residents who have not had a documented negative tuberculin skin test result during the preceding twelve (12) months, the baseline tuberculin skin testing should employ the two-step method. If the first step is negative, a second test should be performed within one (1) to three (3) weeks after the first test. The frequency of repeat testing will depend on the risk of infection with tuberculosis.

(g) All residents who have a positive reaction to the tuberculin skin test shall be required to have a chest x-ray and other physical and laboratory examinations in order to complete a diagnosis.

(h) All skin testing for tuberculosis shall be done using the Mantoux method (5TU, PPD) administered by persons having documentation of training from a department-approved course of instruction in intradermal tuberculin skin testing, reading, and recording.

(i) Persons with a documented history of a positive tuberculin skin test, adequate treatment for disease, or preventive therapy for infection shall be exempt from further skin testing. In lieu of a tuberculin skin test, these persons should have an annual risk assessment for the development of symptoms suggestive of tuberculosis, including, but not limited to, cough, fever, night sweats, and

weight loss. If symptoms are present, the individual shall be evaluated immediately with a chest x-ray.

(j) When the infection control program determines that a resident needs isolation to prevent the spread of infection, the facility must isolate the resident only to the degree needed to isolate the infecting organism.

(k) The facility must require staff to wash their hands after each direct resident contact for which hand washing is indicated by accepted professional practice.

(l) For purposes of IC 16-28-5-1, a breach of:

- (1) subsection (a) is an offense;
- (2) subsection (j) or (k) is a deficiency; and
- (3) subsection (b), (c), (d), (e), (f), (g), (h), or (i) is a noncompliance.

*(Indiana State Department of Health; 410 IAC 16.2-5-12; filed Jan 21, 2003, 8:34 a.m.; 26 IR 1935, eff Mar 1, 2003)*

SECTION 17. THE FOLLOWING ARE REPEALED: 410 IAC 16.2-1-0.5; 410 IAC 16.2-1-1; 410 IAC 16.2-1-2; 410 IAC 16.2-1-2.1; 410 IAC 16.2-1-2.2; 410 IAC 16.2-1-3; 410 IAC 16.2-1-3.5; 410 IAC 16.2-1-5; 410 IAC 16.2-1-6; 410 IAC 16.2-1-6.5; 410 IAC 16.2-1-7; 410 IAC 16.2-1-8; 410 IAC 16.2-1-9; 410 IAC 16.2-1-10.1; 410 IAC 16.2-1-10.2; 410 IAC 16.2-1-11; 410 IAC 16.2-1-12.5; 410 IAC 16.2-1-14; 410 IAC 16.2-1-14.1; 410 IAC 16.2-1-14.2; 410 IAC 16.2-1-15; 410 IAC 16.2-1-15.1; 410 IAC 16.2-1-15.2; 410 IAC 16.2-1-15.3; 410 IAC 16.2-1-16; 410 IAC 16.2-1-17; 410 IAC 16.2-1-18; 410 IAC 16.2-1-18.1; 410 IAC 16.2-1-18.2; 410 IAC 16.2-1-19; 410 IAC 16.2-1-19.1; 410 IAC 16.2-1-20; 410 IAC 16.2-1-21; 410 IAC 16.2-1-22; 410 IAC 16.2-1-22.1; 410 IAC 16.2-1-22.2; 410 IAC 16.2-1-23; 410 IAC 16.2-1-24; 410 IAC 16.2-1-25; 410 IAC 16.2-1-26; 410 IAC 16.2-1-26.1; 410 IAC 16.2-1-27; 410 IAC 16.2-1-27.1; 410 IAC 16.2-1-28; 410 IAC 16.2-1-29; 410 IAC 16.2-1-29.1; 410 IAC 16.2-1-30; 410 IAC 16.2-1-31; 410 IAC 16.2-1-31.1; 410 IAC 16.2-1-32; 410 IAC 16.2-1-32.1; 410 IAC 16.2-1-32.2; 410 IAC 16.2-1-33; 410 IAC 16.2-1-34; 410 IAC 16.2-1-35; 410 IAC 16.2-1-36; 410 IAC 16.2-1-37; 410 IAC 16.2-1-38; 410 IAC 16.2-1-39; 410 IAC 16.2-1-39.1; 410 IAC 16.2-1-41.1; 410 IAC 16.2-1-42; 410 IAC 16.2-1-44; 410 IAC 16.2-1-45; 410 IAC 16.2-1-46; 410 IAC 16.2-1-47; 410 IAC 16.2-1-48; 410 IAC 16.2-5-1.7; 410 IAC 16.2-5-3; 410 IAC 16.2-5-5; 410 IAC 16.2-5-7; 410 IAC 16.2-5-8; 410 IAC 16.2-5-9; 410 IAC 16.2-5-10; 410 IAC 16.2-5-11.

*LSA Document #02-89(F)*

*Notice of Intent Published: 25 IR 2278*

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*Hearing Held: July 22, 2002*

*Approved by Attorney General: January 2, 2003*

*Approved by Governor: January 17, 2003*

*Filed with Secretary of State: January 21, 2003, 8:34 a.m.*

*Incorporated Documents Filed with Secretary of State: None*

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**TITLE 412 INDIANA HEALTH FACILITIES COUNCIL**

LSA Document #02-41(F)

**DIGEST**

Amends 412 IAC 2 to govern training, testing, practice, and certification of qualified medication aides. Effective 30 days after filing with the secretary of state.

<b>412 IAC 2-1-1</b>	<b>412 IAC 2-1-10</b>
<b>412 IAC 2-1-2.1</b>	<b>412 IAC 2-1-11</b>
<b>412 IAC 2-1-2.2</b>	<b>412 IAC 2-1-12</b>
<b>412 IAC 2-1-6</b>	<b>412 IAC 2-1-13</b>
<b>412 IAC 2-1-8</b>	<b>412 IAC 2-1-14</b>

SECTION 1. 412 IAC 2-1-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**412 IAC 2-1-1 “Qualified medication aide” or “QMA” defined**

Authority: IC 16-28-1-11  
Affected: IC 16-28

Sec. 1. As used in this rule, “qualified medication aide” or “QMA” means an individual who has satisfactorily completed the ~~state qualified~~ **state-approved qualified** medication aide course, ~~passed the state-approved competency evaluation test, and test received state certification.~~ **passed the state-approved competency evaluation test, and test received state certification.** (*Indiana Health Facilities Council; 412 IAC 2-1-1; filed Jan 24, 2003, 8:26 a.m.: 26 IR 1937*)

SECTION 2. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**412 IAC 2-1-2.1 Employment of QMA and registry verification**

Authority: IC 16-28-1-11  
Affected: IC 16-28

Sec. 2.1. (a) A facility must not allow an individual to work as a QMA unless that individual has satisfactorily completed a state-approved QMA training and competency evaluation program and has been certified by the Indiana state department of health.

(b) A facility must not allow an individual to work as a QMA unless the individual has been recertified and completed at least six (6) hours of in-service training per calendar year beginning January 1 of the year after initial training and certification.

(c) Before allowing an individual to serve as QMA, a facility must receive verification from the Indiana Certified Nurse Aide (CNA)/QMA registry that the individual has met certification requirements unless the individual can

prove that he or she has recently successfully completed a QMA training and competency evaluation program approved by the Indiana state department of health and has not yet been included in the registry. Facilities must follow-up to ensure that such an individual actually is placed in the registry. (*Indiana Health Facilities Council; 412 IAC 2-1-2.1; filed Jan 24, 2003, 8:26 a.m.: 26 IR 1937*)

SECTION 3. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**412 IAC 2-1-2.2 Program applicants**

Authority: IC 16-28-1-11  
Affected: IC 16-28

Sec. 2.2. All applicants wishing to enroll in a training program to become a QMA shall meet all of the following preenrollment criteria:

- (1) Proof of a high school diploma or GED.
- (2) Proof of being at least eighteen (18) years of age.
- (3) Proof of completion of an Indiana nurse aide training course, including certification and on the Indiana state CNA registry.
- (4) At least one thousand (1,000) hours of documented work experience as a CNA within in [*sic.*] the last twenty-four (24) months.
- (5) Demonstrated ability to read and write in English and the ability to perform the four (4) basic mathematical functions:
  - (A) addition;
  - (B) subtraction;
  - (C) multiplication; and
  - (D) division;

as determined per training entity enrollment pre-test. (*Indiana Health Facilities Council; 412 IAC 2-1-2.2; filed Jan 24, 2003, 8:26 a.m.: 26 IR 1937*)

SECTION 4. 412 IAC 2-1-6, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**412 IAC 2-1-6 Location for supervised practicum**

Authority: IC 16-28-1-11  
Affected: IC 16-28-1

Sec. 6. (a) The site for the supervised practicum shall be a facility or unit operating under 410 IAC 16.2. The practicum training site shall have written approval from the Indiana state department of health every two (2) years.

(b) If the supervised practicum site is conducted at a location other than the site of the classroom training, a written agreement shall be in place stating the practicum is being conducted under appropriate supervision.

(c) The Indiana state department of health may remove approval to train QMAs from any training entity that:

- (1) fails to meet the requirements of 410 IAC 16.2;
- (2) refuses unannounced visits by the Indiana state department of health;
- (3) refuses to submit an acceptable plan of correction to an Indiana state department of health survey;
- (4) falsifies any documents pertaining to the QMA training;
- (5) has a pattern of excessive failure rates on the competency evaluation test; and
- (6) has validated training improprieties.

(Indiana Health Facilities Council; 412 IAC 2-1-6; filed Jan 24, 2003, 8:26 a.m.: 26 IR 1937)

SECTION 5. 412 IAC 2-1-8, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

#### 412 IAC 2-1-8 QMA competency evaluation

Authority: IC 16-28-1-11

Affected: IC 16-28-1

Sec. 8. (a) A QMA competency evaluation test shall be administered consisting of multiple choice questions requiring a passing score of eighty percent (80%) by the state-approved **training testing** entity. Ongoing revision of test questions may be necessary in an effort to maintain a valid exam that includes new medications and updated materials for various medication classifications. The application for competency exam shall be submitted within thirty (30) days of practicum completion.

(b) The competency evaluation test may be ~~retaken~~ **taken** three (3) times within one (1) year of the completion date of classroom training. Prior to the student applying to take the second or third test, the student shall provide documentation to the testing entity of additional training **that is based on the QMA training program and** conducted by a registered nurse. However, if the student is unsuccessful after three (3) attempts, he or she shall repeat the training program in its entirety. Testing will be administered and scored by an entity ~~under contract with~~ **approved by** the Indiana state department of health.

(c) The student ~~has six (6) months from the completion of the sixty (60) hour classroom portion of the program to must complete the forty (40) hour practicum and successfully pass apply to take the competency evaluation test including the retake in case of initial failure: within six (6) months of the completion date of the sixty (60) hour classroom portion of the program. Applications to take the second or third test must be submitted, along with documentation of additional training, within one (1) year of the completion date of the classroom training.~~

(d) Graduate nursing students that do not pass the state nursing boards may function as a QMA after successfully completing the competency evaluation test with a passing score of eighty percent (80%).

(e) Nursing students who have completed a pharmacology class with a grade of "C" or above would be exempt from the classroom training; however, the student is required to complete the practicum and successfully complete the competency evaluation test.

(f) **The competency evaluation program must be approved by the Indiana state department of health every two (2) years.** (Indiana Health Facilities Council; 412 IAC 2-1-8; filed Jan 24, 2003, 8:26 a.m.: 26 IR 1938)

SECTION 6. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

#### 412 IAC 2-1-10 Mandatory recertification/annual in-service education requirements

Authority: IC 16-28-1-11

Affected: IC 16-28

**Sec. 10. (a) A QMA shall be recertified by the Indiana state department of health every year.**

(b) **To be recertified, a QMA must obtain a minimum of six (6) hours per calendar year of in-service education in the area of medication administration, beginning January 1 of the year after initial QMA training and certification.**

(c) **Annual in-service education shall include, but is not limited to, the following if facility policy allows the QMA to perform such functions in the facility:**

- (1) **Medication administration via G-tube/J-tube.**
- (2) **Hemoccult testing.**
- (3) **Finger stick blood glucose testing (specific to the glucose meter used).**

(d) **It is the QMA's responsibility to track said hours of in-service training and supply proof of completion of in-service training to the Indiana state department of health in conjunction with application for annual recertification.**

(e) **The Indiana state department of health shall maintain a registry of QMAs who have current certification.**

(f) **A QMA who does not meet the six (6) hour per year in-service requirement shall not be recertified. The QMA will be removed from the QMA registry and be required to reenter and satisfactorily complete a training program and pass the state approved competency evaluation test prior to again serving in the capacity of a QMA.** (Indiana Health Facilities Council; 412 IAC 2-1-10; filed Jan 24, 2003, 8:26 a.m.: 26 IR 1938)

SECTION 7. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:



**412 IAC 2-1-11 Disciplinary action**

Authority: IC 16-28-1-11

Affected: IC 16-28

Sec. 11. (a) All incidents in a health facility of alleged abuse, neglect, misappropriation of resident property, or conduct outside the QMA scope of practice shall be reported to the Indiana state department of health. The Indiana state department of health will investigate the incident.

(b) The Indiana state department of health may revoke the certification of a QMA following appropriate investigation.

(c) Acts that may result in the revocation of QMA certification include, but are not limited to, the following:

- (1) Stealing, diverting, or otherwise misusing medications.
- (2) Fraudulently procuring or attempting to procure a certification.
- (3) Neglecting to administer appropriate medications as prescribed.
- (4) Performing duties outside the QMA scope of practice.

(d) A finding on the CNA registry results in automatic revocation of the QMA certification. (*Indiana Health Facilities Council; 412 IAC 2-1-11; filed Jan 24, 2003, 8:26 a.m.: 26 IR 1939*)

SECTION 8. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**412 IAC 2-1-12 Reciprocity**

Authority: IC 16-28-1-11

Affected: IC 16-28

Sec. 12. An individual who is a certified QMA in another state may petition the Indiana state department of health to be exempt from the Indiana QMA training course and supervised practicum. The petition for exemption shall be in writing and shall include proof that the applicant is a QMA in good standing in another state. If a petition for exemption is granted, the individual will be required to take and pass the competency evaluation test with a score of eighty percent (80%) or higher before that individual can be certified as a QMA in Indiana. (*Indiana Health Facilities Council; 412 IAC 2-1-12; filed Jan 24, 2003, 8:26 a.m.: 26 IR 1939*)

SECTION 9. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**412 IAC 2-1-13 QMA practicing prior to rule**

Authority: IC 16-28-1-11

Affected: IC 16-28

Sec. 13. An individual who is certified and employed as a QMA in Indiana prior to the effective date of this rule may continue to work as a QMA, except the individual:

- (1) may perform only those tasks addressed in previous QMA training;
- (2) must complete supplemental training approved by the Indiana state department of health that addresses the QMA scope of practice and allowable tasks within eighteen (18) months from the effective date of this rule; and
- (3) must meet the annual in-service requirements in section 10 of this rule.

(*Indiana Health Facilities Council; 412 IAC 2-1-13; filed Jan 24, 2003, 8:26 a.m.: 26 IR 1939*)

SECTION 10. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**412 IAC 2-1-14 Fees**

Authority: IC 16-28-1-11

Affected: IC 16-28

Sec. 14. (a) An annual fee of ten dollars (\$10), payable to the Indiana state department of health, is required for recertification of a QMA.

(b) The fee required by subsection (a) shall be due thirty (30) days prior to the expiration of the QMA's certification. (*Indiana Health Facilities Council; 412 IAC 2-1-14; filed Jan 24, 2003, 8:26 a.m.: 26 IR 1939*)

LSA Document #02-41(F)

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Hearing Held: September 30, 2002

Approved by Attorney General: January 8, 2003

Approved by Governor: January 23, 2003

Filed with Secretary of State: January 24, 2003, 8:26 a.m.

Incorporated Documents Filed with Secretary of State: None

**TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION**

LSA Document #02-106(F)

**DIGEST**

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. Effective 30 days after filing with the secretary of state.

**440 IAC 9-2-10**

**440 IAC 9-2-11**

**440 IAC 9-2-12**

SECTION 1. 440 IAC 9-2-10 IS ADDED TO READ AS FOLLOWS:

**440 IAC 9-2-10 Case management**

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2; IC 12-24-12-10; IC 12-24-19-4

Sec. 10. (a) Managed care providers and community mental health centers shall provide case management according to the standards set out in this section. Managed care providers and community mental health centers shall ensure that their subcontractors who provide case management services also meet the same standards.

(b) Case management services are goal oriented activities that assist consumers by locating, coordinating, and monitoring necessary care and services that are appropriate and accessible to the individual and family.

(c) Case management services shall be based on the abilities, needs, resources, and desires of each consumer, as documented in the individualized treatment plan as follows:

(1) Individualized treatment plans reflect periodic assessment and level of case management and other mental health services appropriate for the consumer based on current level of functioning and history.

(2) The level of case management depends on the functioning level of the consumer, the consumer's preferences, and response to treatment as documented in the individualized treatment plan and clinical notes.

(d) Case management services are provided by staff members who have demonstrated competency in cultural and ethnic issues and in the specific services they are providing.

(e) Supportive and intensive case management services shall be available in all primary service areas served by a managed care provider or community mental health center. Services are delivered in the least restrictive, most natural environment that is appropriate for the individual's needs as follows:

(1) Delivery of different levels of intensity of case management services to individual consumers shall be evidenced in all geographic areas served by the provider.

(2) Supportive case management coordinates services and facilitates the delivery of services. Supportive case management includes the following services:

(A) Service delivery facilitation includes helping individuals make and keep appointments, accompanying individuals to appointments as needed, arranging mental health, addiction, medical, and rehabilitation services.

(B) Advocacy and referral includes helping individuals access entitlement and other services, for example, Medicaid, housing, food stamps, educational services, recovery groups, and vocational services.

(C) Assistance in the use of financial resources.

(D) Monitoring and coordination of care includes monitoring and coordination of care with other involved systems, such as the court system, medical care, schools, or the local office of the division of family and children.

(3) Intensive case management assists consumers with persistent mental illness, chronic addiction, or seriously emotionally disturbed children and families who have a need for more frequent or more intensive services, or both, including persons who have not been successfully engaged in outpatient services. Programs have appropriate client-staff ratios that meet the individual needs of the consumers. Services are not time limited. Intensive case management includes the assurance that the following services are provided:

(A) Outreach to engage clients.

(B) Provision of crisis intervention and stabilization.

(C) Assisting individuals through ongoing support.

(D) Training and assistance in use of community resources.

(E) Training in activities of daily living and coping skills, such as self-care and daily life management, or problem-solving skills, and direction toward eliminating psychosocial barriers. These skills are developed through structured interventions for the attainment of goals identified in the individualized treatment plan.

(F) Assisting in developing community and family supports.

(G) For seriously emotionally disturbed children, training parents to cope more effectively with their child's behavior.

(H) With the consent of the consumer, training the family to cope more effectively with an adult consumer's illness.

(I) Medication education and monitoring.

(f) Additional case management requirements for specific populations are as follows:

(1) Adults with serious mental illness as follows:

(A) Intensive case management shall be provided for adults with severe and persistent mental illness who have a need for more frequent or intensive services, including persons who have not been engaged successfully in treatment services. Eligible recipients shall include individuals with a diagnosable mental illness that impairs functions in two (2) or more life domains, such as self-care, social functioning, activities of daily living, economic self-sufficiency, self-direction, and concentration.

(B) Eligible subpopulations include heavy users of crisis

and inpatient services, homeless individuals who are mentally ill, mentally ill substance abusers, forensic consumers, and persons with combined mental illness and developmental disabilities.

(2) Seriously emotionally disturbed or chemically dependent children, or both, as follows:

(A) Case management services shall be provided by staff who have demonstrated competency in child development, serious emotional disturbances and behavioral disorders, parenting-behavioral management, and the specific services they are providing.

(B) Case management shall be provided for children and their families with multiple needs, which have not been successfully resolved in traditional outpatient treatment services.

(C) Eligible recipients include children with diagnosable mental illnesses or chemical addictions that impair functions in one (1) or more life domains, such as life skills, school level of functioning, social functioning, and supports (family, school, and community). Eligible subpopulations include heavy users of crisis and inpatient services, children at-risk for out-of-home placement, children with combined mental illness and developmental disabilities, and seriously emotionally disturbed youth transitioning to adulthood.

(3) For adults who are chemically addicted, supportive and intensive case management services shall be available during the treatment episode. Services may include ongoing case management services following active treatment, and the case manager shall be involved in the development of an aftercare/relapse prevention plan.

*(Division of Mental Health and Addiction; 440 IAC 9-2-10; filed Jan 2, 2003, 10:12 a.m.: 26 IR 1940)*

SECTION 2. 440 IAC 9-2-11 IS ADDED TO READ AS FOLLOWS:

#### 440 IAC 9-2-11 Outpatient services

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2; IC 12-23-12-1; IC 12-24-12-10; IC 12-24-19-4; 42 CFR 2

Sec. 11. (a) Managed care providers and community mental health centers shall provide or arrange for the provision of outpatient services according to the standards set out in this section. Managed care providers and community mental health centers shall ensure that their subcontractors who provide outpatient services also meet the same standards.

(b) Outpatient services include assessment and treatment (counseling and intensive outpatient services). These services provide a comprehensive, coordinated, and structured set of therapeutic interactions that may vary in the level of intensity, according to the level of functioning and treatment needs of the consumer.

(c) Each agency shall ensure accessibility of outpatient services. The agency shall have the following, at a minimum:

(1) Established office hours, including evening hours or weekend hours, or both.

(2) Outpatient services available within an hour's travel time throughout the agency's primary service area.

(3) Linkages to the other components of the continuum of care, including the following:

(A) Crisis intervention.

(B) Individualized treatment planning.

(C) Medication evaluation and monitoring.

(D) Case management.

(E) Day treatment.

(F) Acute stabilization.

(G) Residential services.

(H) Family support services.

(I) Services to prevent unnecessary and inappropriate treatment and hospitalization, including utilization review.

(d) Each agency shall develop a process to ensure appropriate access, consonant with each consumer's needs, to intake/screening and comprehensive assessment, leading to the development of the individualized treatment plan with the consumer, and appropriate treatment.

(e) Assessment and treatment services for seriously emotionally disturbed children shall include the family, foster family, or legal guardian in the assessment and treatment process.

(f) Assessment and treatment services for addicted children shall only include the family, foster family, or legal guardian in the assessment and treatment process if the minor consents to the notification and participation in accordance with IC 12-23-12-1 and 42 CFR 2.

(g) The type and intensity of services provided to an adult consumer shall be based upon the clinical judgment of competent staff and the consumer's preference of services and clinician.

(h) The agency shall set standards for clinicians providing outpatient assessment and treatment services that include required levels of training, experience, competencies, and clinical supervision.

(i) Outpatient treatment services shall consist of a combination of individual, group, and family therapeutic interventions that promote the achievement of the individual's treatment plan.

(j) Outpatient treatment services shall refer consumers with health or legal issues to appropriate medical or legal resources and assist to coordinate this care when appropriate.

(k) Outpatient addiction assessment shall include screening for co-occurring mental health problems and gambling disorders. If the assessment indicates that there is a co-occurring disorder, the agency shall provide appropriate treatment or referral for the consumer.

(l) Outpatient assessment for seriously mentally ill adults and seriously emotionally disturbed children shall include screening for co-occurring substance abuse and gambling disorders. If the assessment indicates that there is a co-occurring disorder, the agency shall provide appropriate treatment or referral for the consumer.

(m) Intensive outpatient addiction treatment is a milieu of treatment with a combination of counseling and education activities consisting of sessions at least two (2) hours, three (3) days a week for a minimum of four (4) weeks.

(n) Intensive outpatient addiction treatment shall include a relapse prevention plan appropriate to the needs and preferences of the consumer. This plan may include after-care treatment or case management. (*Division of Mental Health and Addiction; 440 IAC 9-2-11; filed Jan 2, 2003, 10:12 a.m.: 26 IR 1941*)

SECTION 3. 440 IAC 9-2-12 IS ADDED TO READ AS FOLLOWS:

**440 IAC 9-2-12 Medication evaluation and monitoring**

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2; IC 12-24-12-10; IC 12-24-19-4; IC 12-26

Sec. 12. (a) Managed care providers and community mental health centers shall provide or arrange for the provision of medication evaluation and monitoring according to the standards set out in this section. Managed care providers and community mental health centers shall ensure that their subcontractors who provide medication evaluation and monitoring also meet the same standards.

(b) Medication evaluation and monitoring includes the following:

- (1) Assessment of the need for medication.
- (2) Prescription of medications by staff with license to prescribe medications.
- (3) Dispensing or administration of prescribed medications.
- (4) Monitoring of medications by qualified direct care staff.

(c) Goals of services, developed with the consumer, shall be directed toward maximizing consumer's functioning and reducing symptoms and side effects.

(d) Medication evaluation shall be planned and carried out by staff with license to prescribe medications.

(e) Medication evaluation assessments shall include the following:

- (1) A comprehensive mental health or behavioral assessment, or both.
- (2) A physical health screen with referral for physical examination when clinically indicated.
- (3) The review of all drugs used, their effects, side effects, and contraindications, including interactions with over-the-counter drugs and other substances.
- (4) Consideration of consumer preferences as evidenced by documentation.

(f) The agency shall provide education regarding prescribed medication, including the following:

- (1) Education of the consumer and, with the consumer's consent, the consumer's family or legal representative regarding the targeted symptoms, medications prescribed, possible side effects, and interactions with over-the-counter drugs and other substances.
- (2) Education of other agency direct care staff regarding psychotropic medications, possible side effects, and interactions with over-the-counter drugs and other substances.

(g) Each agency shall develop policies and procedures regarding the administration, dispensing, and monitoring of prescribed medications.

(h) Medication monitoring shall include the following:

- (1) Coordination with the primary health care provider based on the needs of the consumer.
- (2) Observation, in the natural environment, of the consumer taking his or her medication if the need for compliance monitoring is indicated by the individual's level of functioning.

(i) Medication monitoring shall be provided by qualified staff, which may include case managers with training and demonstrated competence.

(j) Each agency shall have a plan to assist indigent consumers to access psychotropic medications.

(k) Documentation of assessments, prescriptions, administration, dispensing, and monitoring of medications shall:

- (1) be legible and complete;
- (2) identify target symptoms and measurable goals for medications;
- (3) include notes reflecting progress toward goals; and
- (4) note adverse reactions to medications.

(*Division of Mental Health and Addiction; 440 IAC 9-2-12; filed Jan 2, 2003, 10:12 a.m.: 26 IR 1942*)

LSA Document #02-106(F)  
 Notice of Intent Published: 25 IR 2545  
 Proposed Rule Published: September 1, 2002; 25 IR 4201  
 Hearing Held: October 3, 2002  
 Approved by Attorney General: December 10, 2002  
 Approved by Governor: December 18, 2002  
 Filed with Secretary of State: January 2, 2003, 10:12 a.m.  
 Incorporated Documents Filed with Secretary of State: None

## TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS

LSA Document #02-219(F)

### DIGEST

Amends 840 IAC 1-1-4 concerning qualifications for licensure.  
 Effective 30 days after filing with the secretary of state.

#### 840 IAC 1-1-4

SECTION 1. 840 IAC 1-1-4, AS AMENDED AT 25 IR 2856, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

#### 840 IAC 1-1-4 Qualifications for licensure

Authority: IC 25-19-1-4

Affected: IC 25-19-1-3

Sec. 4. ~~(a) All applicants for licensure as an H.F.A. before July 1, 2002, must have completed, at the time of application, the requirements of IC 25-19-1-3(a)(1) and the following educational attainments and administrator-in-training programs:~~

- ~~(1) Possession of a baccalaureate or higher degree in any subject from an accredited institution of higher learning approved by the board; and completion of a required six (6) month administrator-in-training program.~~
- ~~(2) Possession of an associate degree in long term care, health care administration, or equivalent from an accredited institution of higher learning approved by the board; and completion of a required six (6) month administrator-in-training program.~~
- ~~(3) Completion of a specialized course of study in long term health care administration approved by the board; and completion of a required six (6) month administrator-in-training program.~~

~~(b) (a) All applicants for licensure as an H.F.A. on or after July 1, 2002, must have completed, at the time of application, the requirements of IC 25-19-1-3(a)(1) and any of the following educational attainments and administrator-in-training programs:~~

- ~~(1) Possession of a baccalaureate or higher degree from an accredited institution of higher learning approved by the board, and completion of a required administrator-in-training program.~~
- ~~(2) Possession of an associate degree in health care from an accredited institution of higher learning approved by the~~

board, completion of a specialized course of study in long term health care administration approved by the board, and completion of a required administrator-in-training program.  
 (3) Completion of a specialized course of study in long term health care administration prescribed by the board, and completion of a required six (6) month administrator-in-training program.

~~(c) (b)~~ Applicants for licensure by endorsement as an H.F.A. may request that the board consider previous experience to satisfy the requirements of subsection (a). Educational and A.I.T. requirements may be satisfied by two (2) years of active work experience as a licensed health facility administrator in another state. Evidence must be presented to the board demonstrating competency of practice.

~~(d) (c)~~ Applicants for licensure as an H.F.A. may request that the board consider previous experience to satisfy the A.I.T. requirements of subsection (a). A.I.T. requirements may be satisfied by:

- ~~(1) one (1) year of active work experience as a licensed H.F.A.;~~
- ~~(2) completion of a training program required for licensure as an H.F.A. in another state that is determined by the board to be equivalent to the A.I.T. requirements of this state;~~
- ~~(3) completion of a residency-internship in health care administration completed as part of a degree requirement of~~  
~~(A) subsection (a)(1) and (a)(2) before July 1, 2002, that is determined by the board to be equivalent to the A.I.T. requirements of this state;~~  
~~(B) subsection (b)(1) and (b)(2) on or after July 1, 2002, that is determined by the board to be equivalent to the A.I.T. requirements of this state;~~
- ~~(4) one (1) year of active work experience as a chief executive officer or chief operations officer in a hospital; or~~
- ~~(5) a master's degree in health care administration and six (6) months of active work experience as a licensed H.F.A. in another state.~~

*(Indiana State Board of Health Facility Administrators; Rule 5; filed May 26, 1978, 9:09 a.m.: 1 IR 244; filed May 2, 1985, 10:33 a.m.: 8 IR 1147; filed Sep 29, 1987, 2:08 p.m.: 11 IR 793; filed Dec 22, 1987, 2:36 p.m.: 11 IR 1604; errata filed Mar 25, 1991, 4:40 p.m.: 14 IR 1626; errata filed Jul 8, 1991, 5:00 p.m.: 14 IR 2066; readopted filed May 1, 2002, 10:35 a.m.: 25 IR 2856; filed Jan 24, 2003, 1:55 p.m.: 26 IR 1943)*

LSA Document #02-219(F)  
 Notice of Intent Published: 25 IR 4132  
 Proposed Rule Published: November 1, 2002; 26 IR 540  
 Hearing Held: December 5, 2002  
 Approved by Attorney General: January 8, 2003  
 Approved by Governor: January 21, 2003  
 Filed with Secretary of State: January 24, 2003, 1:55 p.m.  
 Incorporated Documents Filed with Secretary of State: None

**TITLE 852 INDIANA OPTOMETRY BOARD**

LSA Document #02-131(F)

**DIGEST**

Amends 852 IAC 1-1.1-4 concerning application for a license to practice optometry; approval of schools of optometry. Effective 30 days after filing with the secretary of state.

**852 IAC 1-1.1-4**

SECTION 1. 852 IAC 1-1.1-4 IS AMENDED TO READ AS FOLLOWS:

**852 IAC 1-1.1-4 Applicant fees, transcripts, examination scores, and photographs****Authority:** IC 25-24-1-1**Affected:** IC 25-24-1-3

Sec. 4. (a) Each applicant shall submit the following information:

- (1) The examination fee required by 852 IAC 1-10-1.
- (2) Official transcripts, certified by the school, recording courses, grades, certificates, and degrees earned in an accredited optometry school.
- (3) The official score report from the National Board of Examiners in Optometry with passing scores in all parts, including the treatment and management of ocular disease examination.
- (4) One (1) passport-quality photograph taken not earlier than one (1) year prior to the date of application, dated and signed on the back in the applicant's handwriting, "I certify that this is a true photograph of me."

(b) The Indiana optometry board adopts the procedures and standards of the **Accreditation** Council on Optometric Education for approval of schools of optometry and will only accept graduates of optometry schools accredited by the council as applicants for licensure, provided all other requirements are met.

(c) The document entitled "Accreditation Manual: Professional Optometric Degree Programs", **published adopted** by the **Accreditation** Council on Optometric Education (**formerly known as the Council on Optometric Education** of the American Optometric Association ~~Ninth Edition, published in June 1983, or COE~~), **effective July 1, 1994, and updated January 1, 2000**, is hereby incorporated by reference and made applicable to this title. ~~and specifically to this section.~~ A copy of the document may be purchased by contacting the **Accreditation** Council on Optometric Education, American Optometric Association, 243 North Lindbergh Boulevard, St. Louis, Missouri 63141 or the bureau. **The document is also available on the Internet at [www.theaoa.org](http://www.theaoa.org).** (*Indiana Optometry Board; 852 IAC 1-1.1-4; filed Jul 29, 1980, 9:35 a.m.: 3 IR 1507; filed Sep 1, 1981, 9:15 a.m.: 4 IR 2026; filed Feb 4, 1986, 2:22 p.m.: 9 IR 1373; errata, 9 IR 2064; filed Feb 13, 1992, 10:00 a.m.: 15 IR 1220; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2333; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238; filed Jan 16, 2003, 10:46 a.m.: 26 IR 1944*)

*LSA Document #02-131(F)**Notice of Intent Published: 25 IR 2749**Proposed Rule Published: August 1, 2002; 25 IR 3868**Hearing Held: November 13, 2002**Approved by Attorney General: December 31, 2002**Approved by Governor: January 3, 2003**Filed with Secretary of State: January 16, 2003, 10:46 a.m.**Incorporated Documents Filed with Secretary of State: "Accreditation Manual: Professional Optometric Degree Programs", effective July 1, 1994, updated January 1, 2000.*

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**TITLE 839 SOCIAL WORKER, MARRIAGE AND  
FAMILY THERAPIST, AND MENTAL HEALTH  
COUNSELOR BOARD**

LSA Document #02-270

Under IC 4-22-2-40, LSA Document #02-270, printed at 26 IR  
870, is recalled.

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## Emergency Rules

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### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-14(E)

#### DIGEST

Adds 65 IAC 5-15-10 and 65 IAC 5-15-11 concerning the on-line game Max 5. Effective January 13, 2003.

#### **65 IAC 5-15-10 65 IAC 5-15-11**

SECTION 1. 65 IAC 5-15, AS ADDED AT 25 IR 1909, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

#### **65 IAC 5-15-10 Modification of Max 5 prize structure**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 10. Max 5 on-line tickets purchased on or after January 12, 2003, containing the Max 5 winning numbers in one (1) selection event shall entitle the holder to a prize of ten dollars (\$10). The Max 5 prize of five dollars (\$5) plus a free Max 5 on-line ticket is eliminated effective January 12, 2003. (*State Lottery Commission; 65 IAC 5-15-10; emergency rule filed Jan 13, 2003, 1:50 p.m.: 26 IR 1946*)

SECTION 2. 65 IAC 5-15, AS ADDED AT 25 IR 1909, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

#### **65 IAC 5-15-11 Termination of Max 5**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 11. The final purchase date for Max 5 on-line tickets sold by the commission or by retailers under contract with the commission shall be on January 12, 2003, with the final selection event conducted on January 14, 2003. All liability of the commission and its members, officers, directors, and employees for any prize terminates one hundred eighty (180) days after the date of the last Max 5 selection event. (*State Lottery Commission; 65 IAC 5-15-11; emergency rule filed Jan 13, 2003, 1:50 p.m.: 26 IR 1946*)

LSA Document #03-14(E)

Filed with Secretary of State: January 13, 2003, 1:50 p.m.

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### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-15(E)

#### DIGEST

Temporarily adds rules concerning instant game number 626. Effective January 13, 2003.

SECTION 1. The name of this instant game is "Instant Game Number 626, Gold Rush".

SECTION 2. Instant tickets in instant game number 626 shall sell for ten dollars (\$10) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 626 shall contain thirty-seven (37) play symbols and play symbol captions arranged among five (5) separate and independent games each concealed under a spot of latex material.

(b) The game on the upper right side of each instant ticket shall be labeled "BEAT THE DEALER" and shall contain twelve (12) play symbols and play symbol captions arranged in four (4) rows and three (3) columns. The rows shall be labeled "HAND 1", "HAND 2", "HAND 3", and "HAND 4", respectively, and shall each contain play symbols and play symbol captions representing cards. The columns shall be labeled "YOURS", "DEALER'S", and "PRIZE". Play symbols and play symbol captions representing playing cards are valued in descending order with aces as the high cards and face cards valued at ten (10).

(c) The game in the middle right side of each instant ticket shall be labeled "FAST \$10" and shall contain two (2) play symbols and play symbol captions.

(d) The game in the left, middle of each instant ticket shall be labeled "LUCKY 7s" and shall contain ten (10) play symbols and play symbol captions. Nine (9) play symbols and play symbol captions shall appear in a matrix of three (3) rows and three (3) columns. One (1) play symbol and play symbol caption shall appear in a box labeled "PRIZE".

(e) The game in the right, middle of each instant ticket shall be labeled "DOUBLE UP" and shall contain one (1) play symbol and play symbol caption.

(f) The game at the bottom of each instant ticket shall be labeled "MATCH UP" and shall contain twelve (12) play symbols and play symbol captions arranged in four (4) separate games labeled "GAME 1", "GAME 2", "GAME 3", and "GAME 4". A prize legend setting forth prize amounts associated with matching the required play symbols shall also appear.

SECTION 4. (a) The play symbols and play symbol captions representing prize amounts shall consist of the following possible play symbols and play symbol captions:

- (1) \$5.00  
FIVE
- (2) \$10.00  
TEN
- (3) \$20.00  
TWENTY



## Emergency Rules

- (4) \$25.00  
TWO FIVE
- (5) \$50.00  
FIFTY
- (6) \$100  
ONE HUN
- (7) \$250  
TWO FTY
- (8) \$500  
FIVE HUN
- (9) \$1,000  
ONE THOU
- (10) \$2,000  
TWO THOU
- (11) \$5,000  
FIVE THOU
- (12) \$200,000  
TWO HUN THOU

(b) The play symbols and play symbol captions appearing in the “BEAT THE DEALER” game, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

(1)	2 TWO
(2)	3 THR
(3)	4 FOR
(4)	5 FIV
(5)	6 SIX
(6)	7 SVN
(7)	8 EGT
(8)	9 NIN
(9)	10 TEN
(10)	J JCK
(11)	Q QUN
(12)	K KNG
(13)	A ACE

(c) The play symbols and play symbol captions appearing in the “FAST \$10” game, other than those representing

prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) A picture of a gold bar  
GOLD
- (2) A picture of a coin  
COIN
- (3) A picture of a bag of money  
\$BAG
- (4) A picture of a stack of bills  
BILLS
- (5) A picture of a dollar sign  
MONEY

(d) The play symbols and play symbol captions appearing in the “LUCKY 7’s” game, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1  
ONE
- (2) 2  
TWO
- (3) 3  
THREE
- (4) 4  
FOUR
- (5) 5  
FIVE
- (6) 6  
SIX
- (7) 7  
SEVEN
- (8) 8  
EIGHT
- (9) 9  
NINE

(e) The play symbols and play symbol captions appearing in the “DOUBLE UP” game, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) SINGLE  
SINGLE
- (2) DOUBLE  
DOUBLE

(f) The play symbols and play symbol captions appearing in the “MATCH UP” game, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) A picture of a boot  
BOOT
- (2) A picture of a hat  
HAT
- (3) A picture *[sic., of]* a saddle  
SADDLE

## Emergency Rules

- (4) A picture of a spur  
SPUR  
(5) A picture of a horse  
HORSE  
(6) A picture of a star  
STAR  
(7) A picture of a horseshoe  
SHOE

SECTION 5. (a) The holder of a ticket in instant game number 626 shall remove the latex material covering the forty-nine (49) play symbols and play symbol captions.

(b) If, in the "BEAT THE DEALER" game, the play symbol and play symbol caption exposed in the "YOURS" column has a higher value than the play symbol and play symbol caption exposed in the "DEALER'S" column, the holder is entitled to the corresponding prize amount for that row.

(c) If, in the "FAST \$10" game, two (2) matching play symbols and play symbol captions are exposed, the holder is automatically entitled to a prize of ten dollars (\$10).

(d) If, in the "LUCKY 7's" game, if [*sic.*] three (3) play symbols of "7" are exposed in a row, column, or diagonal, the holder is entitled to the prize in the "PRIZE" area.

(e) If, in the "DOUBLE UP" game, the play symbol and play symbol caption "DOUBLE" is exposed, the holder is entitled to double the total winnings on this instant ticket.

(f) If, in the "MATCH UP" game, three (3) matching play symbols and play symbol captions are exposed in "GAME 1", "GAME 2", "GAME 3", or "GAME 4", the holder is entitled to a prize in the amount set forth on the accompanying legend for the associated match.

SECTION 6. The number of winning plays, total prize amounts, and approximate number of winners in instant game number 626 are as follows:

Winning Games and Play Symbols	Total Prize Amount	Approximate Number of Winners
1-\$10.00	\$10	201,600
4-\$5.00	\$20	28,800
1-\$10.00 + DOUBLE	\$20	28,800
2-\$10.00	\$20	28,800
1-\$20.00	\$20	28,800
1-\$25.00	\$25	19,200
1-\$50.00	\$50	14,400
1-\$25.00 + DOUBLE	\$50	14,400
10-\$10.00	\$100	6,000
1-\$50.00 + DOUBLE	\$100	6,000

6-\$10.00 + 2-\$20.00	\$100	6,000
6-\$25.00 + 1-\$50.00	\$200	1,560
1-\$100 + DOUBLE	\$200	1,560
3-\$10.00 + 1-\$20.00 + 6-\$25.00	\$200	1,560
5-\$100	\$500	240
1-\$250 + DOUBLE	\$500	240
1-\$500	\$500	240
2-\$500	\$1,000	84
1-\$1,000 + 1-\$2,000 + 4-\$500	\$5,000	22
1-\$5,000	\$5,000	22
1-\$200,000	\$200,000	4

SECTION 7. (a) There shall be approximately one million four hundred thousand (1,400,000) instant tickets initially available in instant game number 626.

(b) The odds of winning a prize in instant game number 626 are approximately 1 in 3.71.

(c) All reorders of tickets for instant game number 626 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of two hundred twenty thousand (120,000) [*sic.*]; and
- (3) odds;

as contained in the initial order.

SECTION 8. The last day to claim a prize in instant game number 626 is October 31, 2003.

SECTION 9. SECTIONS 1 through 8 of this document expire November 30, 2003.

LSA Document #03-15(E)

Filed with Secretary of State: January 13, 2003, 1:51 p.m.

## TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-16(E)

### DIGEST

Temporarily adds rules concerning instant game number 630. Effective January 13, 2003.

SECTION 1. The name of this instant game is "Instant Game Number 630, NBA Pacers".

SECTION 2. Instant tickets in instant game number 630 shall sell for three dollars (\$3) per ticket.

SECTION 3. (a) Each instant ticket in instant game

number 630 shall contain thirty-seven (37) play symbols and play symbol captions in the game play data area arranged in three (3) separate and independent games all concealed under a large spot of latex material. The game labeled "GAME 1" shall contain three (3) play symbols and play symbol captions in the area labeled "WINNING NUMBERS" representing numbers and twenty (20) play symbols and play symbol captions in the area labeled "YOUR NUMBERS" arranged in pairs representing numbers or "NBA" and prize amounts. The game labeled "GAME 2" shall contain one (1) play symbol and play symbol caption in the box labeled "OPPONENT'S SCORE" representing numbers and twelve (12) play symbols and play symbol captions in the area labeled "PACER'S SCORE" arranged in pairs representing numbers and prize amounts. The game labeled "GAME 3" shall contain one (1) play symbol and play symbol caption.

(b) The play symbols and play symbol captions in instant game number 630 appearing in "GAME 1", other than those representing prizes, shall consist of the following possible play symbols and play symbol captions:

- (1) 00  
ZERO
- (2) 1  
ONE
- (3) 2  
TWO
- (4) 3  
THR
- (5) 4  
FOR
- (6) 5  
FIV
- (7) 6  
SIX
- (8) 7  
SVN
- (9) 8  
EGT
- (10) 9  
NIN
- (11) 10  
TEN
- (12) 11  
ELV
- (13) 12  
TLV
- (14) 13  
TRN
- (15) 14  
FRN
- (16) 15  
FTN
- (17) 16  
SXT

- (18) 20  
TWY
- (19) 21  
TWN
- (20) 22  
TWT
- (21) 23  
TWR
- (22) 24  
TWF
- (23) 25  
TWV
- (24) 30  
TTY
- (25) 31  
THO
- (26) 32  
THT
- (27) 33  
TTH
- (28) 34  
TTF
- (29) 35  
THF
- (30) 40  
FRY
- (31) 41  
FRO
- (32) 42  
FRT
- (33) 43  
FTH
- (34) 44  
FRF
- (35) 45  
FRV
- (36) 50  
FTY
- (37) 51  
FYO
- (38) 52  
FYT
- (39) 53  
FYH
- (40) 54  
FYF
- (41) 55  
FYV
- (42) 77  
STSV
- (43) NBA  
WIN

(c) The play symbols and play symbol captions in instant game number 630 appearing in "GAME 2", other than

## Emergency Rules

those representing prizes, shall consist of the following possible play symbols and play symbol captions:

- (1) 92  
NTYTWO
- (2) 94  
NTYFOR
- (3) 96  
NTYSIX
- (4) 98  
NTYEGT
- (5) 100  
ONEHUN
- (6) 102  
HUNTWO
- (7) 104  
HUNFOR
- (8) 106  
HUNSIX
- (9) 108  
HUNEGT
- (10) 110  
HUNTEN
- (11) 112  
HUNTWL
- (12) 114  
HUNFRN
- (13) 116  
HUNSXN
- (14) 118  
HUNETN
- (15) 120  
HUNTWY

(d) The play symbols and play symbol captions in instant game number 630 appearing in "GAME 3", other than those representing prizes, shall consist of the play symbol "TRY" and play symbol caption "AGAIN".

(e) The play symbols and play symbol captions representing prizes *[sic., in]* instant game number 630 shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00  
ONE
- (2) \$2.00  
TWO
- (3) \$3.00  
THREE
- (4) \$4.00  
FOUR
- (5) \$5.00  
FIVE
- (6) \$6.00  
SIX
- (7) \$8.00  
EIGHT

- (8) \$10.00  
TEN
- (9) \$20.00  
TWENTY
- (10) \$40.00  
FORTY
- (11) \$50.00  
FIFTY
- (12) \$100  
ONE HUN
- (13) \$500  
FIVE HUN
- (14) \$20,000  
TWY THOU

SECTION 4. (a) The holder of a ticket in instant game number 630 shall remove the latex material covering the thirty-seven (37) play symbols and play symbol captions.

(b) If, in "GAME 1", one (1) or more of "YOUR NUMBERS" match any of the "WINNING NUMBERS", the holder is entitled to the prize amount paired with the matched number. If the play symbol "NBA" with the play symbol caption "WIN" is paired with a play symbol in the "YOUR NUMBERS" area, the holder is entitled to the paired prize amount.

(c) If, in "GAME 2", one (1) or more of "PACER'S SCORE" play symbols is higher than the "OPPONENT'S SCORE" play symbol, the holder is entitled to the prize amount paired with the higher "PACER'S SCORE" play symbol.

(d) If, in "GAME 3", a play symbol and play symbol caption representing a prize amount is exposed, the holder is automatically entitled to the prize amount.

(e) The number and identity of prize play symbols, prize values, and number of winners in instant game number 630 are as follows:

Number Winning and Identity of Prize Play Symbols	Total Prize Value	Approximate Number of Winners
3-\$1.00	\$3	63,000
1-\$3.00	\$3	63,000
2-\$2.00	\$4	27,000
1-\$4.00	\$4	22,500
5-\$1.00	\$5	27,000
1-\$5.00	\$5	27,000
3-\$2.00	\$6	18,000
1-\$6.00	\$6	18,000
10-\$1.00	\$10	9,000
5-\$2.00	\$10	9,000
2-\$5.00	\$10	9,000
1-\$10.00	\$10	9,000

10-\$2.00	\$20	13,500
5-\$4.00	\$20	13,500
4-\$5.00	\$20	9,000
2-\$10.00	\$20	9,000
1-\$20.00	\$20	9,000
16-\$2.00 + 1-\$8.00	\$40	1,500
8-\$5.00	\$40	750
2-\$20.00	\$40	750
1-\$40.00	\$40	750
16-\$5.00 + 1-\$20.00	\$100	345
5-\$20.00	\$100	330
2-\$50.00	\$100	330
1-\$100	\$100	330
1-\$500	\$500	120
1-\$20,000	\$20,000	10

SECTION 5. (a) There shall be approximately one million eight hundred thousand (1,800,000) instant tickets initially available in instant game number 630.

(b) The odds of winning a prize in instant game number 630 are approximately 1 in 4.99.

(c) All reorders of tickets for instant game number 630 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. (a) The general counsel shall promulgate rules governing four (4) second chance drawings which will take place on or about February 13, 2003, March 13, 2003, April 10, 2003, and May 8, 2003, respectively. Players may enter the drawings by mailing one (1) nonwinning instant game 630 instant ticket in an envelope no larger than 9½" × 4½" to HL/PACER NBA Second Chance Drawing, PMB 382, 899 South College Mall Road, Bloomington, Indiana 47401. The back of each such instant ticket must contain the player's name, address, and telephone number. Players may also enter on-line at [www.hoosierlottery.com](http://www.hoosierlottery.com) by joining the "Hoosier Lottery VIP Club" and entering the required information from a nonwinning instant game 630 instant ticket in the designated HL/PACER NBA Second Chance Contest area along with the player's name, address, and telephone number. There is no limit on the number of times a player may enter a drawing, but a single instant ticket may be the source of only one (1) entry. Any entries received after the last drawing will be ineligible and destroyed.

(b) The following selections shall be made in each of the four (4) HL/PACER NBA Second Chance Drawings:

- (1) Five (5) entries will be selected as grand prize finalists entitling each to one (1) Indiana Pacers team autographed

basketball provided by MDI. In addition to receiving the basketball, each grand prize finalist will receive two (2) NBA PACER prize package [*sic.*, *packages*] as specified below [*sic.*, *in subdivision (2)*] and be entered into the second chance Grand Prize drawing.

(2) One (1) entry will be selected from among the five (5) grand prize finalist entries for the grand prize entitling the owner of said entry to choose one (1) of the following NBA PACER basketball game vacation packages:

(A) Home Game Getaway: Winner travels to one (1) home Indiana Pacers game during the 2002-03 or 2003-04 seasons. Prize includes one (1) MDI designated, lottery approved first class hotel room with associated parking; dinner for two (2) at a first class restaurant selected by MDI and approved by the lottery (maximum value: \$350); tickets for two (2) seats within five (5) rows of the court with event parking; a \$300 gift certificate for redemption at the arena gift shop; and \$1,000 in cash.

(B) Road Trip Getaway: Winner travels to one (1) NBA city to attend an Indiana Pacers away game during the 2002-03 or 2003-04 seasons. Prize includes round trip airfare for two (2); one (1) room for two (2) nights at a first class hotel designated by MDI and approved by the lottery; transportation to and from the destination airport to the hotel and to and from the hotel to the game; two (2) tickets to the game; and \$500 in cash.

(3) One hundred twenty-five (125) entries will be selected for secondary prizes of NBA PACER prize packages each of which shall include a variety of NBA PACER merchandise.

SECTION 7. The last day to claim a prize in instant game number 630 is November 30, 2003.

SECTION 8. SECTIONS 1 through 7 of this document expire December 31, 2003.

*LSA Document #03-16(E)*

*Filed with Secretary of State: January 13, 2003, 1:52 p.m.*

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## TITLE 71 INDIANA HORSE RACING COMMISSION

LSA Document #03-25(E)

### DIGEST

Amends 71 IAC 13.5-3-3 concerning out-of-state breeder awards. Amends 71 IAC 14.5-1-3 concerning changing the due date of the quarter horse owned program application. Effective January 28, 2003.

**71 IAC 13.5-3-3**

**71 IAC 14.5-1-3**

SECTION 1. 71 IAC 13.5-3-3 IS AMENDED TO READ AS FOLLOWS:

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## Emergency Rules

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### 71 IAC 13.5-3-3 Out-of-state breeder's awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. An out-of-state breeder's award is the award paid to the breeder of a registered Indiana bred which wins a race in another state or Canada. The amount of the award is ten percent (10%) of the winner's share of the purse for any race, except when entered for a claiming price of less than five thousand dollars (\$5,000). ~~This award is applicable only in the event the commission approves less than seventy-five (75) days of live thoroughbred racing during a given year.~~ This award is applicable only when there is no live thoroughbred race meet in progress in Indiana (except for stake races). Awards will be paid by the commission. Out-of-state breeder's awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). (*Indiana Horse Racing Commission; 71 IAC 13.5-3-3; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 28, 2003, 2:20 p.m.: 26 IR 1952*)

SECTION 2. 71 IAC 14.5-1-3, AS AMENDED AT 25 IR 2538, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 71 IAC 14.5-1-3 Indiana owned quarter horse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. Indiana owned quarter horse means a horse owned by a resident of Indiana as of ~~June~~ **March** 1 and whose American Quarter Horse Association registration certificate indicates a purchase date prior to ~~June~~ **March** 1 of the year it is to race as Indiana owned. Proof of purchase date may be required to the satisfaction of the commission. Horse must be registered with the commission prior to being entered into an Indiana owned conditioned race. In order for a horse to participate as "Indiana owned", all owners of said horse must be Indiana residents. When transfer of ownership of an Indiana owned registered quarter horse is made from one (1) Indiana resident (must have owned horse prior to ~~June~~ **March** 1 of transaction year) to another Indiana resident, or if horse is claimed by an Indiana resident at any licensed pari-mutuel race track. Registration with the commission must be within fifteen (15) days of transaction, it is then eligible to be entered into an Indiana owned conditioned race. Horses purchased at public auction or sales must submit registration applications and a copy of the front and back side of the AQHA certificate documenting purchase transfer by the auction or sale company within thirty (30) days of purchase. A leased horse is eligible to be entered in an Indiana owned conditioned race only when both owner and lessee are Indiana residents. The owned program will phase out as follows:

- (1) Two (2) year olds, at the conclusion of the 2003 racing season.
- (2) Three (3) year olds, at the conclusion of the 2004 racing season.
- (3) Four (4) year olds and older at the conclusion of the 2005 racing season.

(*Indiana Horse Racing Commission; 71 IAC 14.5-1-3; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1036;*

*readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:27 a.m.: 25 IR 2538; emergency rule filed Jan 28, 2003, 2:20 p.m.: 26 IR 1952*)

LSA Document #03-25(E)

Filed with Secretary of State: January 28, 2003, 2:20 p.m.

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## TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-26(E)

### DIGEST

Temporarily modifies 312 IAC 5-6-6(b)(3) governing watercraft speed restrictions on Lake Wawasee within an area known as Conklin Bay. Modifications are made to depict the location of the idle speed zone consistent with the Indiana coordinate system. Effective February 15, 2003.

SECTION 1. (a) **This document supersedes 312 IAC 5-6-6(b)(3) that provides a narrative description where a person must not operate a watercraft in excess idle speed on a portion of Lake Wawasee in Kosciusko County commonly known as Conklin Bay. The coordinates used in this SECTION apply the Indiana coordinate system of 1983, east zone, in United States Survey feet as defined in IC 32-19-1-1, here referred to as "SPC". The restricted watercraft zone is generally described as southeasterly, southerly, and southwesterly of buoys placed along a boundary in the central portion of the bay. The boundary:**

**(1) begins at its westerly end with a buoy placed at SPC 2242788.82 north and SPC 307249.00 east;**

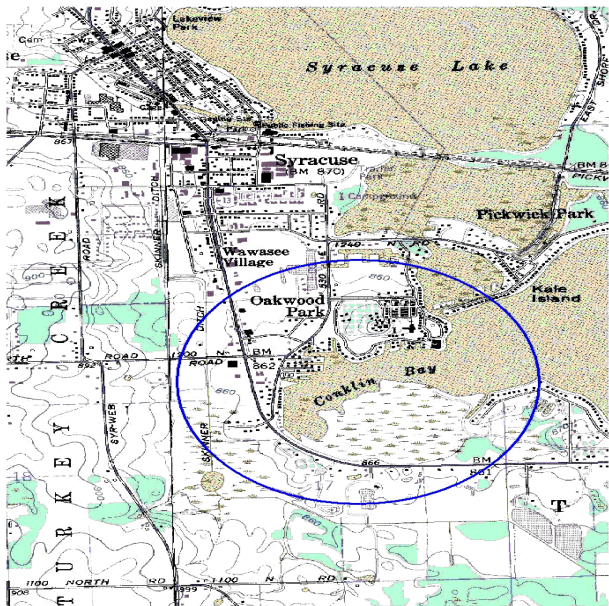
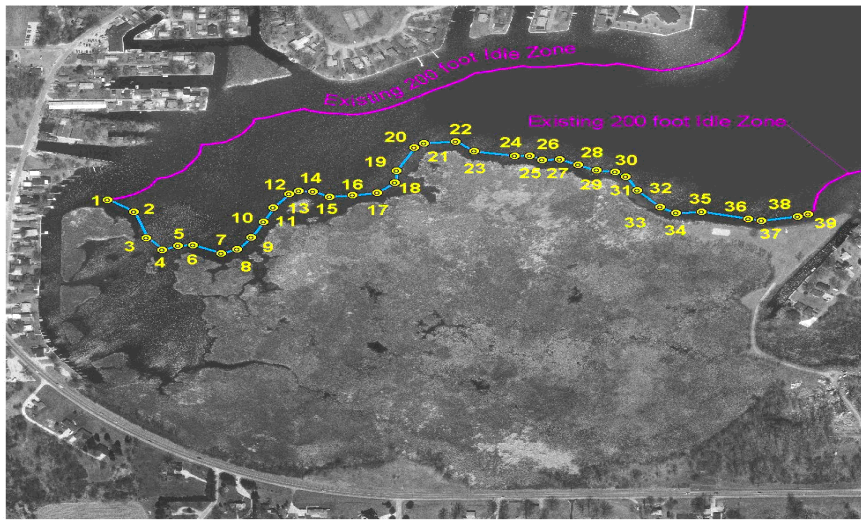
**(2) continues in a southeasterly, easterly, and northeasterly direction, including, but not limited to, buoys placed at:**

- (A) SPC 2242718.09 north and SPC 307352.68 east;**
- (B) SPC 2242565.10 north and SPC 307401.91 east;**
- (C) SPC 2242497.48 north and SPC 307465.11 east;**
- (D) SPC 2242521.75 north and SPC 307526.81 east;**
- (E) SPC 2242525.13 north and SPC 307585.84 east;**
- (F) SPC 2242474.80 north and SPC 307694.90 east;**
- (G) SPC 2242498.23 north and SPC 307759.98 east;**
- (H) SPC 2242567.77 north and SPC 307813.45 east;**
- (I) SPC 2242659.47 north and SPC 307862.22 east;**
- (J) SPC 2242742.59 north and SPC 307901.47 east;**
- (K) SPC 2242822.16 north and SPC 307964.83 east;**
- (L) SPC 2242840.80 north and SPC 308000.91 east;**
- (M) SPC 2242834.77 north and SPC 308059.05 east;**
- (N) SPC 2242805.66 north and SPC 308123.49 east;**
- (O) SPC 2242814.46 north and SPC 308213.15 east;**
- (P) SPC 2242828.98 north and SPC 308312.37 east;**
- (Q) SPC 2242887.79 north and SPC 308379.96 east;**
- (R) SPC 2242958.99 north and SPC 308387.17 east;**
- (S) SPC 2243095.28 north and SPC 308458.38 east;**
- (T) SPC 2243116.97 north and SPC 308495.63 east;**

- (U) SPC 2243128.91 north and SPC 308619.23 east;  
(V) SPC 2243071.61 north and SPC 308693.71 east;  
(W) SPC 2243045.71 north and SPC 308854.70 east;  
(X) SPC 2243044.62 north and SPC 308912.74 east;  
(Y) SPC 2243022.03 north and SPC 308961.85 east;  
(Z) SPC 2243024.71 north and SPC 309030.45 east;  
(AA) SPC 2242991.47 north and SPC 309101.67 east;  
(BB) SPC 2242960.27 north and SPC 309176.01 east;  
(CC) SPC 2242952.81 north and SPC 309248.88 east;  
(DD) SPC 2242922.97 north and SPC 309291.55 east;  
(EE) SPC 2242842.09 north and SPC 309335.57 east;

- (FF) SPC 2242744.94 north and SPC 309426.58 east;  
(GG) SPC 2242709.93 north and SPC 309487.98 east;  
(HH) SPC 2242717.16 north and SPC 309590.62 east;  
(II) SPC 2242677.69 north and SPC 309775.22 east;  
(JJ) SPC 2242666.43 north and SPC 309826.05 east; and  
(KK) SPC 2242691.59 north and SPC 309969.02 east; and  
(3) concludes with the easterly most buoy placed at SPC 2242703.63 north and SPC 310011.72 east.

(b) The Indiana state plane coordinates listed in this SECTION are depicted in the following diagram:



Vicinity Map

Point ID	SPC East	SPC North
1	307249.00	2242788.82
2	307352.68	2242718.09
3	307401.91	2242565.10
4	307465.11	2242497.48
5	307526.81	2242521.75
6	307585.84	2242525.13
7	307694.90	2242474.80
8	307759.98	2242498.23
9	307813.45	2242567.77
10	307862.22	2242659.47
11	307901.47	2242742.59
12	307964.83	2242822.16
13	308000.91	2242840.80
14	308059.05	2242834.77
15	308123.49	2242805.66
16	308213.15	2242814.46
17	308312.37	2242828.98
18	308379.96	2242887.79
19	308387.17	2242958.99
20	308458.38	2243095.28
21	308495.63	2243116.97
22	308619.23	2243128.91
23	308693.71	2243071.61
24	308854.70	2243045.71
25	308912.74	2243044.62
26	308961.85	2243022.03
27	309030.45	2243024.71
28	309101.67	2242991.47
29	309176.01	2242960.27
30	309248.88	2242952.81
31	309291.55	2242922.97
32	309335.57	2242842.09
33	309426.58	2242744.94
34	309487.98	2242709.93
35	309590.62	2242717.16
36	309775.22	2242677.69
37	309826.05	2242666.43
38	309969.02	2242691.59
39	310011.72	2242703.63

North American Datum of 1983  
Indiana State Plane Coordinates  
East Zone  
U.S. Survey Feet

State of Indiana  
Department of Natural Resources

Lake Wawasee  
Conklin Bay Idle Zone

500 0 500 1000 1500 Feet



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## Emergency Rules

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**SECTION 2. SECTION 1 of this document expires January 1, 2004.**

*LSA Document #03-26(E)*

*Filed with Secretary of State: January 28, 2003, 2:08 p.m.*

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### **TITLE 312 NATURAL RESOURCES COMMISSION**

*LSA Document #03-27(E)*

#### **DIGEST**

Temporarily modifies 312 IAC 11-5-1 governing licenses within public freshwater lakes, innovative practices, and public use facilities to allow for an exception to shoreline classifications to comply with federal Americans with Disabilities Act (ADA) where an alternative design is not feasible. Effective February 14, 2003.

**SECTION 1. In addition to the nonconforming uses under 312 IAC 11-5, the director or a delegate may issue a license under IC 14-26-2 and 312 IAC 11 to a government entity where the government entity demonstrates to the department's satisfaction the licensed activities would provide public access to the water, if both of the following apply:**

- (1) The resulting nonconforming use would comply with Title II of the Americans with Disabilities Act (ADA) of 1990 under 42 U.S.C. §§ 12101 et seq. and 28 CFR Part 36 governing the construction of facilities by government entities with public funds.**
- (2) A design that conforms to 312 IAC 11-4 would not provide equivalent accessibility.**

**SECTION 2. SECTION 1 of this document expires December 31, 2003.**

*LSA Document #03-27(E)*

*Filed with Secretary of State: February 4, 2003, 5:00 p.m.*

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### **TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH**

*LSA Document #03-1(E)*

#### **DIGEST**

Temporarily modifies 410 IAC 17-10-1 governing the licensure of home health agencies. Modifications are made to the list of those persons who are not required to be licensed as home health agencies. Authority: IC 4-22-2-37.1 Effective January 10, 2003.

**SECTION 1. (a) No home health agency shall be opened, operated, managed, maintained, or otherwise conduct business without a license issued by the department.**

**(b) A license is required for any home health agency providing care in Indiana where the parent agency is located in a state other than Indiana. The home health agency must be authorized by the secretary of state to conduct business in Indiana and have a branch office located in Indiana.**

**(c) Application for a license to operate a home health agency shall be made on a form provided by the department and shall be accompanied by a nonrefundable fee of one hundred dollars (\$100).**

**(d) Disclosure of ownership and management information must be made to the department at the time of the home health agency's initial request for licensure, for each survey, and at the time of any change in ownership or management. The disclosure must include the following:**

- (1) The name and address of all persons having at least five percent (5%) ownership or controlling interest in the home health agency.**
- (2) The name and address of each person who is an officer, a director, a managing agent, or a managing employee of the home health agency.**
- (3) The name and address of the corporation, association, or other company that is responsible for the management of the home health agency, and the name and address of the chief executive officer and the chairman or equivalent position of the governing body of that corporation, association, or other legal entity responsible for the management of the home health agency.**

**(e) After receiving a completed application, the nonrefundable fee required by subsection (c) of this rule, and disclosure of ownership and management information, the department may issue a letter of approval for operating a home health agency for a period of up to ninety (90) days pending an on-site inspection. In determining whether to issue the letter of approval, the department shall consider the following factors:**

- (1) Whether the department has filed an action against an agency owned or operated by the applicant that resulted in:**
  - (A) the revocation of a license;**
  - (B) the denial or renewal of a license;**
  - (C) the issuance or renewal of a probationary license; or**
  - (D) the payment of a civil penalty.**
- (2) Whether the department has issued an order against an agency owned or operated by the applicant.**
- (3) Whether an agency owned or operated by the applicant has surrendered its license to the department.**
- (4) Whether any injunction has been issued against an agency owned or operated by the applicant; and**



(5) Whether an agency owned or operated by the applicant has operated in substantial violation of this rule or any other law governing home health agencies at any time within two (2) years immediately preceding the date that the applicant applied for a license.

(f) The department may extend this ninety (90) day period for a total of one hundred twenty (120) days in fifteen (15) day increments. Such decision to grant an extension shall take into consideration the health, safety, and welfare of the citizens the home health agency serves and the individual circumstances warranting the need for the extension. The home health agency must provide the service(s) that have been specified on the application prior to the inspection and must have a minimum of three (3) patients for record review. Record review may consist of both open and closed patient files.

(g) In determining whether to issue the initial license to operate a home health agency, the department may consider the factors described under subsection (e) of this rule and the results of the initial survey.

(h) The license shall relate back to and reflect the date of the first day of the ninety (90) day letter issued by the department.

(i) In determining whether to renew a license to operate a home health agency, the department may consider the factors described under subsection (e) of this rule and any actions pending against the home health agency.

(j) In conducting a survey, a surveyor shall receive copies of any and all documents necessary to make a determination of compliance. The surveyor may make copies with permission of the home health agency, or supervise any copying process to ensure that photocopies are true and accurate. At the sole discretion of the department and for good cause shown, the home health agency may be granted up to twenty-four (24) hours to produce documents requested by the surveyor.

(k) A home health agency may apply to provide a service that was not listed in its application or renewal application by notifying the department in writing of the new service, the date the service is intended to be offered and all supporting documentation that shows the home health agency is qualified to provide the additional service. Such documentation includes, but is not limited to, the following:

- (1) Personnel qualifications and licensing.
- (2) Limited criminal history from the Indiana central repository established by IC 5-2-5.
- (3) Procedures for the supervision of personnel.
- (4) Contracts between the home health agency and any person offering the new service.
- (5) Records of physical exams showing that personnel are free of communicable disease. In the event the initial

information submitted is not sufficient for the department to determine the home health agency's compliance regarding the new service, the department will inform the home health agency of the additional documents required. A home health agency may not offer additional services until it has received approval from the department to do so.

(l) The following are not required to be licensed as a home health agency:

- (1) A physician licensed under IC 25-22.5.
- (2) An individual whose permanent residence is in the patient's residence or who is a member of the patient's immediate family.
- (3) Incidental services provided by licensed health facilities to their patients.
- (4) An employee of a person holding a license under IC 16-27-1 who provides home health services only as an employee of the licensed person.
- (5) A local health department established under IC 16-20.
- (6) A health care professional who provides one health service through a contract with a person licensed under IC 16-27-1.
- (7) A durable medical equipment supply company that furnishes equipment but provides no home health services to persons in their homes.
- (8) A drugstore or wholesale medical supply company that furnishes no home health services to persons in their home.
- (9) A volunteer who provides home health aide services without compensation.
- (10) An individual health care professional who provides professional services to a patient in the temporary or permanent residence of the patient.
- (11) An entity does not need a home health license to provide early intervention services (as defined in IC 12-17-15-3) to a child pursuant to a state program funded by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).
- (12) An entity approved by the bureau of developmental disabilities services as a provider of services subject to family and social services administration regulation pursuant to 460 IAC 6 and who serves only individuals with developmental disabilities placed pursuant to IC 12-11-2.1-4.

(m) Except as provided in 410 IAC 17-11-5, each license shall be for a term of one (1) year and shall expire one (1) year from the date of issuance. The licensee shall notify the department in writing thirty (30) days in advance of closing or selling the home health agency.

(n) Each license shall be issued only for the home health agency named in the application and shall not be transferred or assigned. Upon sale, assignment, lease, or other transfer, voluntary or involuntary, including those transfers that qualify as changes of ownership, a new owner or person in interest shall obtain a license from the depart-

## Emergency Rules

ment prior to maintaining, operating, or conducting a home health agency.

(o) The licensee shall submit an annual activity report to the department on a form provided by the department.

(p) Surveys may be, but are not limited to, the following:

(1) Unannounced surveys conducted annually for compliance.

(2) Post survey revisits conducted based on a home health agency's plan of correction and for the purpose of determining compliance.

(3) Patient care complaints.

SECTION 2. SECTION 1 of this document expires April 9, 2003.

LSA Document #03-1(E)

Filed with Secretary of State: January 10, 2003, 10:48 a.m.

### TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #03-2(E)

#### DIGEST

Temporarily modifies 410 IAC 1-2.3-47 and 410 IAC 1-2.3-48. Temporarily adds 410 IAC 1-2.3-113 governing the reporting and control measures of communicable disease to add smallpox and complications related to vaccinations for smallpox. Authority: IC 4-22-2-37.1. Effective February 15, 2003.

SECTION 1. (a) It shall be the duty of each physician licensed under IC 25-22.5, and each administrator of a hospital licensed under IC 16-21, or the administrator's representative, to report all cases, and suspected cases of the diseases listed in subsection (d). Reporting of specimen results by a laboratory to health officials does not nullify the physician's or administrator's obligations to report said case.

(b) The report required by subsection (a) shall be made to the local health officer in whose jurisdiction the patient was examined at the time the diagnosis was made or suspected. If the patient is a resident of a different jurisdiction, the local health jurisdiction receiving the report shall forward the report to the local health jurisdiction where the patient resides. If a person who is required to report is unable to make a report to the local health officer within the time mandated by this rule, a report shall be made directly to the department within the time mandated by this rule.

(c) Any reports of diseases required by subsection (a) shall include the following:

(1) The patient's:

(A) full name;

(B) street address;

(C) city;

(D) zip code;

(E) county of residence;

(F) telephone number;

(G) age or date of birth;

(H) sex; and

(I) race and ethnicity, if available.

(2) Date of onset.

(3) Diagnosis.

(4) Definitive diagnostic test results (for example, culture, IgM, serology, or Western Blot).

(5) Name, address, and telephone number of the attending physician.

(6) Other epidemiologically necessary information requested by the local health officer or the commissioner.

(7) Persons who are tested anonymously at a counseling and testing site cannot be reported using personal identifiers; rather, they are to be reported using a numeric identifier code. Age, race, sex, risk factors, and county of residence shall also be reported.

(8) Name, address, and telephone number of person completing report.

(d) The dangerous communicable diseases and conditions described in this subsection shall be reported within the time specified. Diseases or conditions that are to be reported immediately to the local health officer shall be reported by telephone or other instantaneous means of communication on first knowledge or suspicion of the diagnosis. Diseases that are to be reported within seventy-two (72) hours shall be reported to the local health officer within seventy-two (72) hours of first knowledge or suspicion of the diagnosis by telephone, electronic data transfer, other confidential means of communication, or official report forms furnished by the department. During evening, weekend, and holiday hours, those required to report should report diseases required to be immediately reported to the after-hours duty officer at the local health department. If unable to contact the after-hours duty officer locally, or one has not been designated locally, those required to report shall file their reports with the after-hours duty officer at the department at (317) 233-1325 or (317) 233-8115.

#### DANGEROUS COMMUNICABLE DISEASES AND CONDITIONS

Disease	When to Report (from probable diagnosis)	Disease In- tervention Methods (section in this rule)
Acquired immunodeficiency syndrome	See HIV Infection/Disease	Sec. 76
Animal bites	Within 24 hours	Sec. 52
Anthrax	Immediately	Sec. 53
Babesiosis	Within 72 hours	Sec. 54
Botulism	Immediately	Sec. 55

## Emergency Rules

Brucellosis	Within 72 hours	Sec. 56	Pertussis	Immediately	Sec. 88
Campylobacteriosis	Within 72 hours	Sec. 57	Plague	Immediately	Sec. 89
Chancroid	Within 72 hours	Sec. 58	Poliomyelitis	Immediately	Sec. 90
Chlamydia trachomatis, genital infection	Within 72 hours	Sec. 59	Psittacosis	Within 72 hours	Sec. 91
Cholera	Immediately	Sec. 60	Q Fever	Immediately	Sec. 92
Cryptosporidiosis	Within 72 hours	Sec. 61	Rabies in humans or animals (confirmed and suspect animal with human exposure)	Immediately	Sec. 93
Cyclospora	Within 72 hours	Sec. 62	Rabies, postexposure treatment	Within 72 hours	Secs. 93 and 52
Diphtheria	Immediately	Sec. 63	Rocky Mountain spotted fever	Within 72 hours	Sec. 94
Ehrlichiosis	Within 72 hours	Sec. 64	Rubella (German measles)	Immediately	Sec. 95
Encephalitis, arboviral, Calif, EEE, WEE, SLE, West Nile	Immediately	Sec. 65	Rubella congenital syndrome	Immediately	Sec. 95
Escherichia coli, infection (including E. coli 0157:H7 and other enterohemorrhagic types)	Immediately	Sec. 66	Salmonellosis, other than typhoid fever	Within 72 hours	Sec. 96
Gonorrhea	Within 72 hours	Sec. 67	Shigellosis	Immediately	Sec. 97
Granuloma inguinale	Within 72 hours	Sec. 68	<b>Smallpox (variola infection)</b>	<b>Immediately</b>	<b>Contact the ISDH for specific intervention methods.</b>
Haemophilus influenzae invasive disease	Immediately	Sec. 69	<b>Adverse events or complications due to smallpox vaccination (vaccinia virus infection) or secondary transmission to others after vaccination. This includes erythema multiforme, accidental implantation at sites other than the vaccination site, secondary bacterial infections at vaccination site, vaccinia keratitis, eczema vaccinatum, generalized vaccinia, congenital vaccinia, progressive vaccinia, vaccinia encephalitis, death due to vaccinia complications, and other complications requiring significant medical intervention.</b>	<b>Immediately</b>	<b>Contact the ISDH for specific intervention methods.</b>
Hansen's disease (leprosy)	Within 72 hours	Sec. 70	Staphylococcus aureus, Vancomycin resistance level of MIC $\geq 8 \mu\text{g/mL}$	Immediately	Sec. 98
Hantavirus pulmonary syndrome	Immediately	Sec. 71	Streptococcus pneumoniae, invasive disease, and antimicrobial resistance pattern	Within 72 hours	Sec. 99
Hemolytic uremic syndrome, postdiarrheal	Immediately	Sec. 66	Streptococcus, Group A, invasive disease	Within 72 hours	Sec. 100
Hepatitis, viral, Type A	Immediately	Sec. 72	Streptococcus, Group B, invasive disease	Within 72 hours	Sec. 101
Hepatitis, viral, Type B	Within 72 hours	Sec. 73	Syphilis	Within 72 hours	Sec. 102
Hepatitis, viral, Type B, pregnant woman (acute and chronic), or perinatally exposed infant	Immediately (when discovered at or close to time of birth)	Sec. 73	Tetanus	Within 72 hours	Sec. 103
Hepatitis, viral, Type C (acute)	Within 72 hours	Sec. 74			
Hepatitis, viral, Type Delta	Within 72 hours	Sec. 73			
Hepatitis, viral, unspecified	Within 72 hours	Sec. 75			
Histoplasmosis	Within 72 hours	Sec. 75			
HIV infection/disease	Within 72 hours	Sec. 76			
HIV infection/disease, pregnant woman, or perinatally exposed infant	Immediately (when discovered at or close to time of birth)	Sec. 76			
Legionellosis	Within 72 hours	Sec. 77			
Leptospirosis	Within 72 hours	Sec. 78			
Listeriosis	Within 72 hours	Sec. 79			
Lyme disease	Within 72 hours	Sec. 80			
Lymphogranuloma venereum	Within 72 hours	Sec. 81			
Malaria	Within 72 hours	Sec. 82			
Measles (rubeola)	Immediately	Sec. 83			
Meningitis, aseptic	Within 72 hours	Sec. 84			
Meningococcal disease, invasive	Immediately	Sec. 85			
Mumps	Within 72 hours	Sec. 86			

## Emergency Rules

Toxic shock syndrome (strep-tococcal or staphylococcal)	Within 72 hours	Sec. 104
Trichinosis	Within 72 hours	Sec. 105
Tuberculosis, cases and suspects	Within 72 hours	Sec. 106
Tularemia	Immediately	Sec. 107
Typhoid fever, cases and carriers	Immediately	Sec. 108
Typhus, endemic (flea borne)	Within 72 hours	Sec. 109
Varicella, resulting in hospitalization or death	Within 72 hours	Sec. 110
Yellow fever	Within 72 hours	Sec. 111
Yersiniosis	Within 72 hours	Sec. 112
<b>DANGEROUS BUT NOT COMMUNICABLE DISEASES AND CONDITIONS OF PUBLIC HEALTH SIGNIFICANCE</b>		

Disease and Condition	When to Report (from probable diagnosis)	Disease In- tervention Methods
Pediatric venous blood lead $\geq$ 10 $\mu\text{g}/\text{dl}$ in children less than or equal to 6 years of age	Within 1 week	Sec. 87

(e) Reporting of HIV infection/disease shall include classification as defined in the CDC Morbidity and Mortality Weekly Report, Volume 41, No. RR-17, 1993 Revised Classification System for HIV Infection and Expanded Surveillance Case Definition for AIDS among Adolescents and Adults. Reporting of HIV infection/disease in children less than thirteen (13) years of age shall include classification as defined in the CDC Morbidity and Mortality Weekly Report, Volume 43, No. RR-12, 1994 Revised Classification System for Human Immunodeficiency Virus Infection in Children Less Than 13 Years of Age. Supplemental reports shall be provided by the physician when an individual's classification changes. The CD4+ T-lymphocyte count and percentage, or viral load count, or both, shall be included with both initial and supplemental reports.

(f) The department, under the authority of IC 4-22-2-37.1, may adopt emergency rules to include mandatory reporting of emerging infectious diseases. Reports shall include the information specified in section 47(c) of this rule [subsection (c)].

(g) Outbreaks of any of the following shall be reported immediately upon suspicion:

- (1) Any disease required to be reported under this section.
- (2) Diarrhea of the newborn (in hospitals or other institutions).
- (3) Foodborne or waterborne diseases in addition to those specified by name in this rule.
- (4) Streptococcal illnesses.
- (5) Conjunctivitis.
- (6) Impetigo.
- (7) Nosocomial disease within hospitals and health care facilities.
- (8) Influenza-like illness.
- (9) Unusual occurrence of disease.
- (10) Any disease (that is, anthrax, plague, tularemia, Brucella species, smallpox, or botulinum toxin) or chemical illness that

is considered a bioterrorism threat, importation, or laboratory release.

(h) Failure to report constitutes a Class A infraction as specified by IC 16-41-2-8.

**SECTION 2.** (a) Each director, or the director's representative, of a medical laboratory in which examination of any specimen derived from the human body yields microscopic, bacteriologic, immunologic, serologic, or other evidence of infection by any of the organisms or agents listed in section 48(d) of this rule [subsection (d)] shall report such findings and any other epidemiologically necessary information requested by the department. HIV serologic results of tests performed anonymously in conjunction with the operation of a counseling and testing site registered with the department shall not be identified by name of patient, but by a numeric identifier code; for appropriate method to report such results, see subsection (b).

(b) The report required by subsection (a) shall, at a minimum, include the following:

- (1) Name, date, results of test performed, the laboratory's normal limits for that test, and the laboratory's interpretation of the test results.
- (2) Name of person and date of birth or age from whom specimen was obtained.
- (3) Name, address, and telephone number of attending physician, hospital, clinic, or other specimen submitter.
- (4) Name, address, and telephone number of the laboratory performing the test.

(c) This subsection does not preclude laboratories from testing specimens, which, when submitted to the laboratory, are identified by a numeric identifier code and not by name of patient. If testing of such a specimen, identified by numeric code, produces results that are required to be reported under this rule, the laboratory shall submit a report that includes the following:

- (1) Numeric identifier code, date, and results of tests performed.
- (2) Name and address of attending physician, hospital, clinic, or other.
- (3) Name and address of the laboratory performing the test.

(d) Laboratory findings demonstrating evidence of the following infections, diseases, or conditions shall be reported at least weekly to the department:

- (1) Arboviruses, including, but not limited to, the following:
  - (A) St. Louis.
  - (B) California group.
  - (C) Eastern equine.
  - (D) Western equine.
  - (E) West Nile.
  - (F) Japanese B.
  - (G) Yellow fever.
- (2) Babesia species.
- (3) Bacillus anthracis.
- (4) Bordetella pertussis.

- (5) *Borrelia burgdorferi*.
- (6) *Brucella* species.
- (7) *Calymatobacterium granulomatis*.
- (8) *Campylobacter* species.
- (9) *Chlamydia psittaci*.
- (10) *Chlamydia trachomatis*.
- (11) *Clostridium botulinum*.
- (12) *Clostridium perfringens*.
- (13) *Clostridium tetani*.
- (14) *Corynebacterium diphtheriae*.
- (15) *Coxiella burnetii*.
- (16) *Cryptococcus neoformans*.
- (17) *Cryptosporidium parvum*.
- (18) *Cyclospora cayentanensis*.
- (19) *Ehrlichia chaffeensis*.
- (20) *Ehrlichia phagocytophila*.
- (21) Enteroviruses (coxsackie, echo, polio).
- (22) *Escherichia coli* infection (including *E. coli* 0157:H7 and other enterohemorrhagic types).
- (23) *Francisella tularensis*.
- (24) *Haemophilus ducreyi*.
- (25) Hantavirus.
- (26) Hepatitis viruses:
  - (A) anti-HAV IgM;
  - (B) HbsAg or HbeAg or anti-HBc IgM;
  - (C) RIBA or RNA or Anti-HCV, or any combination
  - (D) Delta.
- (27) *Haemophilus influenzae*, invasive disease.
- (28) *Histoplasmosis capsulatum*.
- (29) HIV and related retroviruses.
- (30) Influenza.
- (31) Kaposi's sarcoma (biopsies).
- (32) *Legionella* species.
- (33) *Leptospira* species.
- (34) *Listeria monocytogenes*.
- (35) Measles virus.
- (36) Mumps virus.
- (37) *Mycobacterium tuberculosis*.
- (38) *Neisseria gonorrhoeae*.
- (39) *Neisseria meningitidis*, invasive.
- (40) Pediatric blood lead tests (capillary and venous) equal to or greater than 10 µg/dl on children less than or equal to six (6) years of age.
- (41) *Plasmodium* species.
- (42) *Pneumocystis carinii*.
- (43) Rabies virus (animal or human).
- (44) *Rickettsia* species.
- (45) Rubella virus.
- (46) *Salmonella* species.
- (47) *Shigella* species and antimicrobial resistance pattern.
- (48) Smallpox (variola) virus.**
- ~~(48)~~ (49) *Staphylococcus aureus*, Vancomycin resistance equal to or greater than 8 µg/mL.
- ~~(49)~~ (50) *Streptococcus pneumoniae*, invasive disease, and antimicrobial resistance pattern.

- ~~(50)~~ (51) *Streptococcus* Group A (*Streptococcus pyogenes*), invasive disease.
- ~~(51)~~ (52) *Streptococcus* Group B, invasive disease.
- ~~(52)~~ (53) *Treponema pallidum*.
- ~~(53)~~ (54) *Trichinella spiralis*.
- ~~(54)~~ (55) *Vibrio* species.
- ~~(55)~~ (56) *Yersinia* species, including *pestis*, *enterocolitica*, and *pseudotuberculosis*.

(e) Laboratories may also report to the local health officer, but any such local report shall be in addition to reporting to the department. A laboratory may report by electronic data transfer, telephone, or other confidential means of communication. In lieu of electronic data transfer or reporting by telephone, a laboratory may submit a legible copy of the laboratory report, provided that the information specified in subsection (b) appears thereon. Whenever a laboratory submits a specimen, portion of a specimen, or culture to the department laboratory resource center for confirmation, phage typing, or other service, these reporting requirements will be deemed to have been fulfilled, provided that the minimum information specified in subsection (b) accompanies the specimen or culture.

(f) Laboratories shall submit all isolates of the following organisms to the department's microbiology laboratory for further evaluation:

- (1) *Haemophilus influenzae*, invasive disease.
- (2) *Neisseria meningitidis*, invasive disease.
- (3) *E. coli* 0157:H7 or sorbitol-negative *E. coli* isolates.
- (4) *Staphylococcus aureus*, Vancomycin resistance equal to or greater than 8 µg/mL.
- (5) *Mycobacterium tuberculosis*.
- (6) *Listeria monocytogenes*.
- (7) *Salmonella* from any site.

(g) Quarterly report the total number of blood lead test (capillary and venous) performed on children six (6) or less year of age.

(h) Reporting by a laboratory, as required by this section, shall not:

- (1) constitute a diagnosis or a case report; and
- (2) be considered to fulfill the obligation of the attending physician or hospital to report.

**SECTION 3. The control measures for smallpox are to begin an investigation immediately by the department in conjunction with the local health officer to determine the possible sources of infection, trace contacts of the known case, and determine the extent of the outbreak.**

**SECTION 4. SECTIONS 1 through 3 of this document expire May 16, 2003.**

*LSA Document #03-2(E)*

*Filed with Secretary of State: January 10, 2003, 10:46 a.m.*

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## Notice of Rule Adoption

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

LSA Document #02-49

Under IC 12-8-3-4.4, LSA Document #02-49, printed at 25 IR 2555, which amends 405 IAC 5-12-2, 405 IAC 5-12-3, and 405 IAC 5-12-7 to limit Medicaid coverage for chiropractic services for all recipients. Repeals 405 IAC 5-12-6. The rule that was adopted on January 14, 2003, is a different version from the proposed rule that was published in the Indiana Register on May 1, 2002.

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

LSA Document #02-140

Under IC 12-8-3-4.4, LSA Document #02-140, printed at 25 IR 3822, which amends 405 IAC 5-14-2, 405 IAC 5-14-4, 405 IAC 5-14-6, 405 IAC 5-14-11, 405 IAC 5-14-15, 405 IAC 5-14-16, 405 IAC 5-14-17, and 405 IAC 5-14-18 to limit covered services and update the Medicaid dental rule to reflect current operating procedures was adopted on February 10, 2003. *NOTE: Under IC 4-22-2-29(a)(2), LSA Document #02-277, printed at 26 IR 864, was consolidated with this document.* The rule that was adopted is a different version from the proposed rule that was published in the Indiana Register on August 1, 2002.

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

LSA Document #02-184

Under IC 12-8-3-4.4, LSA Document #02-184, printed at 26 IR 511, which adds 405 IAC 1-19 and 405 IAC 1-20 concerning provisions affecting notification requirements and change of ownership for all providers in the Medicaid program, and defines how funds will be allocated (paid and recouped) to long term care providers when a change of ownership occurs. The rule that was adopted on January 14, 2003, is a different version from the proposed rule that was published in the Indiana Register on November 1, 2002.

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

LSA Document #02-234

Under IC 12-8-3-4.4, LSA Document #02-234, printed at 26 IR 516, which amends 405 IAC 2-3-17 and 405 IAC 2-3-21 to specify that the Medicaid personal needs allowance is the amount set by Indiana statute, was adopted on February 10, 2003. This rule also adds 405 IAC 7 concerning eligibility requirements and benefits issuance for supplemental assistance for personal needs for Medicaid recipients residing in health care facilities. The rule that was adopted is the same version as the proposed rule that was published in the Indiana Register on November 1, 2002.

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**TITLE 326 AIR POLLUTION CONTROL BOARD**

#02-189(APCB)

The Air Pollution Control Board gives notice that the public hearing for LSA Document #02-189(APCB), printed at 26 IR 1592, has been continued. The changed 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 **March 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 that was opened on February 5, 2003, concerning proposed amendments to 326 IAC 23.*

*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.*

*Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana). Technical information regarding this action may be obtained from David White, Asbestos Section, Office of Air Quality, (317) 232- 8219 or the toll free number. 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 inspection.*

Kathryn A. Watson, Chief  
Air Programs Branch  
Office of Air Quality

**TITLE 327 WATER POLLUTION CONTROL BOARD**

LSA Document #01-95

The Water Pollution Control Board gives notice that the date of the public hearing for LSA Document #01-95, printed at 26 IR 1604, has been rescheduled. 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, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on **April 9, 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 and new rules concerning storm water run-off associated with construction activity and storm water discharges associated with industrial activity.*

*The purpose of this hearing is to receive comments from the public prior to the board's consideration of final adoption of these rules. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposal to final adopt the new rules and 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 can be obtained from Lori Gates, Wet Weather Section, Office of Water Quality, (317) 233-6725 or (800) 451-6027 (in Indiana). Additional information regarding this action can be obtained from Kiran Verma, Rules Section, Office of Water Quality, (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:*

*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 with the Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Twelfth Floor West, Room 1255 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Tim Method  
Deputy Commissioner  
Indiana Department of Environmental Management

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## Change in Notice of Public Hearing

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### TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #01-161

The Solid Waste Management Board gives notice that the public hearing for LSA Document #01-161, printed at 26 IR 1201, has been continued. The changed 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 **March 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 continue the public hearing on proposed amendments to rules for underground storage tanks at 329 IAC 9. This hearing was continued from February 18, 2003.*

*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. 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 Lynn West, Rules, Outreach and Planning Section, Office of Land Quality, 317-232-3593 or (800) 451-6027, press 0, and ask for ext. 2-3593 (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 Land Quality, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor West 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

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### TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #02-235

The Solid Waste Management Board gives notice that the public hearing for LSA Document #02-235, printed at 26 IR 1243, has been continued. The changed 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 **March 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 Mojonier, 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, 100 North Senate Avenue, Eleventh Floor West 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

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**TITLE 307 INDIANA BOARD OF REGISTRATION  
FOR SOIL SCIENTISTS**

LSA Document #03-32

Under IC 4-22-2-23, the Indiana Board of Registration for Soil Scientists intends to adopt a rule concerning the following:

**OVERVIEW:** Adds TITLE 307, Article 1 to establish standards for the Indiana registry of soil scientists. Statutory authority: IC 25-31.5-3-4.

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**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #03-29

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 312 IAC 5-6-6 governing watercraft operations on Lake Wawasee and Syracuse Lake in Kosciusko County to provide greater specificity for an idle speed zone established on an area commonly known as Conklin Bay. The purpose of the idle speed zone is to afford enhanced ecological protection. The amendment would make permanent a zone currently authorized as a temporary or emergency rule through LSA Document #03-26. Effective 30 days after filing with the secretary of state. Questions or comments may be directed to slucas@dnr.state.in.us or by telephone at 317-233-3322. Statutory authority: IC 14-10-2-4; IC 14-15-7-3.

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**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #03-30

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 312 IAC 11-5 governing exceptions to licensing standards for nonconforming uses with respect to construction along and within public freshwater lakes. A new exception would be recognized where needed for construction by a governmental entity in order to comply with the federal Americans with Disabilities Act. Effective 30 days after filing with the secretary of state. Questions or comments may be directed to slucas@dnr.state.in.us or by telephone at 317-233-3322. Statutory authority: IC 14-10-2-4; IC 14-26-2-23.

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**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #03-35

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Would amend 312 IAC 9-10-3 that governs aquatic vegetation control on waters of the state. Currently, the rule section applies only to chemical controls, but the amendments would implement P.L.19-2002 by extending coverage to controls based on mechanical, physical, and biological methods. Would clarify and supplement the factors considered by the department of natural resources in evaluating a license application to control aquatic plants. Would clarify the need to obtain advance approval from the department of environmental management, for any waterway used as a source of drinking water, before obtaining a license from the department of natural resources under this section. Would require a report be provided by a license holder to the department of natural resources within seven days after the completion of a control effort. Would make numerous other technical and substantive amendments. Effective January 1, 2004. Questions concerning the proposed rule amendments may be directed to the following telephone number: (317) 232-4093 or e-mail gwhite@dnr.state.in.us. Statutory authority: IC 14-22-2-6; IC 14-22-9-10.

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**TITLE 345 INDIANA STATE BOARD OF  
ANIMAL HEALTH**

LSA Document #03-45

Under IC 4-22-2-23, the Indiana State Board of Animal Health intends to adopt a rule concerning the following:

**OVERVIEW:** The Indiana State Board of Animal Health is considering adopting rules that will allow the state of Indiana to be approved by the United States Department of Agriculture under 9 CFR 93.300 et al. to receive equine from countries or regions where contagious equine metritis (CEM) exists or where the country or region trades horses freely with a region in which CEM exists. The rules will include requirements for establishing and operating CEM quarantine stations in the state. Comments on the proposed rule may be sent to the Indiana State Board of Animal Health, ATTENTION: Legal Affairs, 805 Beachway Drive, Suite 50, Indianapolis, Indiana 46224 or by electronic mail to ghaynes@boah.state.in.us. Statutory authority: IC 15-2.1-3-19.

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**TITLE 470 DIVISION OF FAMILY AND CHILDREN**

LSA Document #03-33

Under IC 4-22-2-23, the Division of Family and Children intends to adopt a rule concerning the following:

**OVERVIEW:** Adds a new article, 470 IAC 10.2, to create a new set of rules under which the federal Temporary Assis-

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## Notice of Intent to Adopt a Rule

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tance to Needy Families Program operates; sets rules for partial income disregard and full family sanctions; requires recipients to be evaluated for job assistance and placement. Repeals the articles governing the assistance to families with dependent children program under 470 IAC 10.1-1-1 through 470 IAC 10.1-1-12 and the welfare demonstration project under 470 IAC 14-1-1 through 470 IAC 14-4-2. Statutory authority: IC 12-8-12-7; IC 12-13-2-3(2); IC 12-13-5-1; IC 12-13-5-3.

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### TITLE 610 DEPARTMENT OF LABOR

LSA Document #03-36

Under IC 4-22-2-23, the Department of Labor intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 610 IAC 4-2-1, including requirements for reporting and recording occupational injuries and illnesses applicable in the public sector. Repeals 610 IAC 4-2-11 concerning record keeping requirements of public employers. Questions or comments on the adoption may be directed by mail to the Department of Labor, Indiana Government Center-South, 402 West Washington Street, Room W195, Indianapolis, Indiana 46204. Statutory authority: IC 22-8-1.1-48.1.

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### TITLE 610 DEPARTMENT OF LABOR

LSA Document #03-37

Under IC 4-22-2-23, the Department of Labor intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 610 IAC 4-6-11, including requirements for reporting and recording workplace hearing loss injuries and illnesses. Questions or comments on the readoption may be directed by mail to the Indiana Department of Labor, Indiana Government Center-South, 402 West Washington Street, Room W195, Indianapolis, Indiana 46204. Statutory authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1.

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### TITLE 845 BOARD OF PODIATRIC MEDICINE

LSA Document #03-46

Under IC 4-22-2-23, the Board of Podiatric Medicine intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 845 IAC 1-3-1 concerning licensure by endorsement. Amends 845 IAC 1-3-2 concerning licensure by examination. Adds 845 IAC 1-3-3 concerning progressive

graduate podiatric medical training defined. Amends 845 IAC 1-4.1-1 concerning mandatory renewal; time. Amends 845 IAC 1-4.1-2 concerning mandatory renewal; notice. Amends 845 IAC 1-4.1-5 concerning delinquent renewal. Amends 845 IAC 1-4.1-7 concerning inactive status. Amends 845 IAC 1-5-1 concerning continuing education hours required. Amends 845 IAC 1-5-3 concerning approval of continuing education programs. Repeals 845 IAC 1-4.1-4 concerning mandatory renewal; fees. 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.

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### TITLE 845 BOARD OF PODIATRIC MEDICINE

LSA Document #03-47

Under IC 4-22-2-23, the Board of Podiatric Medicine intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 845 IAC 1-6-9 concerning fees. Repeals 845 IAC 1-6-8 concerning fees. 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.

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### TITLE 848 INDIANA STATE BOARD OF NURSING

LSA Document #03-34

Under IC 4-22-2-23, the Indiana State Board of Nursing intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 848 IAC 5-1 concerning prescriptive authority for advanced practice nursing. Public comments are invited and may be directed to the Indiana State Board of Nursing, ATTENTION: Director, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by e-mail to krkelley@hpb.state.in.us. Statutory authority: IC 25-23-1-7.

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### TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

LSA Document #03-41

Under IC 4-22-2-23, the State Board of Registration for Land Surveyors intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 865 IAC 1-13 to revise the continuing education requirements for registered land surveyors. Amends 865 IAC 1-14 to revise the requirements for land surveyor continuing education providers. Repeals 865 IAC 1-13-20 and 865 IAC 1-14-20 to eliminate the provisions that would cause the continuing education rules and continuing education provider rules to expire on August 1, 2004. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, ATTENTION: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700 or e-mail at mdavis@pla.state.in.us. Statutory authority: IC 25-21.5-2-14; IC 25-2.1-8-7.

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### **TITLE 876 INDIANA REAL ESTATE COMMISSION**

LSA Document #03-42

Under IC 4-22-2-23, the Indiana Real Estate Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 876 IAC 1-4-1 to update the statutory reference to the seller's disclosure form. Amends 876 IAC 1-4-2 to revise the seller's residential real estate sales disclosure form. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, ATTENTION: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700 or e-mail at mdavis@pla.state.in.us. Statutory authority: IC 32-21-5-7; IC 25-34.1-2-5; IC 25-34.1-2-5.1.

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### **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 #03-38

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 905 IAC 1-5.2-9.1 concerning the amount of product a wholesaler or primary source of supply may furnish to a retailer or dealer who has not previously purchased such product from such wholesaler or primary source of supply. Adds 905 IAC 1-5.2-9.2, which governs the activities of a retailer, wholesaler, and supplier in the case of a consumer

sampling of wine, liquor, or cordials in accordance with the Indiana Code. Repeals 905 IAC 1-5.2-9. Questions concerning the proposed rule may be directed to Mary L. DePrez, Chairperson, Alcohol and Tobacco Commission, at (317) 232-2444. Statutory authority: IC 7.1-2-3-7.

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### **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 #03-39

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 905 IAC 1-11.1-1 to increase the fees for temporary beer/wine permits. Amends 905 IAC 1-11.1-2 to provide that the Commission may revoke a temporary permit for good cause at any time, including before the event. Questions concerning the proposed rule may be directed to Mary L. DePrez, Chairperson, Alcohol and Tobacco Commission, at (317) 232-2444. Statutory authority: IC 7.1-2-3-7.

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### **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 #03-40

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Club permits. Adds 905 IAC 1-13-6 to require the public posting of operating dates prior to operating under the provisions of IC 7.1-3-20-2.5 (Sunday sales) and IC 7.1-3-20-8.6 (guest nights). Requires notification and approval of the state excise police district office prior to operating. Requires adherence to the dates publicly posted. Provides penalties for failure to post operating dates as well as for operation on dates other than those approved and posted. Questions concerning the proposed rule may be directed to Mary L. DePrez, Chairperson, Alcohol and Tobacco Commission, at (317) 232-2444. Statutory authority: IC 7.1-2-3-7.

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**TITLE 312 NATURAL RESOURCES COMMISSION**

**Proposed Rule**

LSA Document #02-318

**DIGEST**

Amends 312 IAC 9-6 that governs fish and fishing activities. Modifications are made to 312 IAC 9-6-1 to include additional definitions of fish species. 312 IAC 9-6-7 is amended by adding fish species that are illegal to import, possess, or release into public or private waters without a license issued by the department. Included are any live fish, fry, viable eggs, or genetic material of the exotic nuisance species black carp, bighead carp, silver carp, white perch, all species of snakeheads in the family Channidae, and hybrid or genetic modification of these fish. Exemptions are provided for accredited zoological parks, during lawful interstate shipment, and holders of an aquaculture permit under 312 IAC 9-10-17 for medical, educational, or scientific purposes. Effective 30 days after filing with the secretary of state.

**312 IAC 9-6-1**

**312 IAC 9-6-7**

SECTION 1. 312 IAC 9-6-1, AS AMENDED AT 25 IR 3047, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-6-1 Definitions pertaining to fish and fishing activities**

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

**Affected:** IC 14-22-34-12

Sec. 1. In addition to the definitions contained in 312 IAC 9-1, the following definitions apply throughout 312 IAC 9-7, 312 IAC 9-8, and 312 IAC 9-10:

- (1) "Alewife" means the species *Alosa pseudoharengus*.
- (2) "American eel" means the species *Anguilla rostrata*.
- (3) "Aquarium pet trade" means the business of importing, producing, or selling live fish for display in aquariums, tanks, or other continuing exhibits.
- (4) "Atlantic salmon" means the species *Salmo salar*.
- (5) "Bar mesh" means the length of one (1) side of the square mesh measure or as measured between two (2) knots on the same line.
- (6) **"Bighead carp" means the species *Hypophthalmichthys nobilis*.**
- ~~(6)~~ (7) "Black bass" means the species *Micropterus salmoides*, *Micropterus dolomieu*, and *Micropterus punctulatus*.
- (8) **"Black carp" means the species *Mylopharyngodon piceus*.**
- ~~(7)~~ (9) "Black crappie" means the species *Pomoxis nigromaculatus*.
- ~~(8)~~ (10) "Blue catfish" means the species *Ictalurus furcatus*.
- ~~(9)~~ (11) "Bluegill" means the species *Lepomis macrochirus*.
- ~~(10)~~ (12) "Bluntnose minnow" means the species *Pimephales notatus*.

- ~~(11)~~ (13) "Bowfin" means the species *Amia calva*.
- ~~(12)~~ (14) "Brook trout" means the species *Salvelinus fontinalis*.
- ~~(13)~~ (15) "Brown trout" means the species *Salmo trutta*.
- ~~(14)~~ (16) "Buffalo" means the genus *Ictiobus*.
- ~~(15)~~ (17) "Bullhead" means the species *Ictalurus melas*, *Ictalurus nebulosus*, and *Ictalurus natalis*.
- ~~(16)~~ (18) "Burbot" means the species *Lota lota*.
- ~~(17)~~ (19) "Carp" means the species *Cyprinus carpio*.
- ~~(18)~~ (20) "Cast net" means a net not more than ten (10) feet in diameter and having stretch mesh not larger than three-fourths (¾) inch.
- ~~(19)~~ (21) "Cavefish" means a fish of the family Amblyopsidae.
- ~~(20)~~ (22) "Chain pickerel" means the species *Esox niger*.
- ~~(21)~~ (23) "Channel catfish" means the species *Ictalurus punctatus*.
- ~~(22)~~ (24) "Chinook salmon" means the species *Oncorhynchus tshawytscha*.
- ~~(23)~~ (25) "Chub" means the species *Coregonus hoyi* and the species *Coregonus kiyi*.
- ~~(24)~~ (26) "Cisco" means the species *Coregonus artedii*.
- ~~(25)~~ (27) "Closed aquaculture system" means a rearing facility designed to prevent the escape of cultured organisms to the wild.
- ~~(26)~~ (28) "Coho salmon" means the species *Oncorhynchus kisutch*.
- ~~(27)~~ (29) "Crappie" means white crappie and black crappie.
- ~~(28)~~ (30) "Dip net" means a dip net not exceeding three (3) feet square, without sides or walls, and having stretch mesh not larger than one-half (½) inch.
- ~~(29)~~ (31) "Diploid" means a cell or organism that has two (2) complete sets of chromosomes.
- ~~(30)~~ (32) "Exotic catfish" means a walking catfish or other member of the family Clariidae.
- ~~(31)~~ (33) "Exotic fish" means an exotic catfish, **bighead carp, black carp, silver carp, white perch, snakehead, rudd, ruffe, tubenose goby, or round goby, or a hybrid or genetically altered fish of any of these species.**
- ~~(32)~~ (34) "Fathead minnow" means the species *Pimephales promelas*.
- ~~(33)~~ (35) "Flathead catfish" means the species *Pylodictis olivaris*.
- ~~(34)~~ (36) "Freshwater drum" means the species *Aplodinotus grunniens*.
- ~~(35)~~ (37) "Gaff" or "gaff hook" means an implement of metal or another hard or tough material with or without barbs, making a single hook having a shank with or without a handle, which may be hand held to seize, hold, or sustain fish.
- ~~(36)~~ (38) "Gar" means the genus *Lepisosteus*.
- ~~(37)~~ (39) "Genetically altered fish" means a fish which is the product of genetic manipulation, including polyploidy, gynogenesis, gene transfer, and hormonal sex control.

(38) (40) "Gizzard shad" means the species *Dorosoma cepedianum*.  
 (39) (41) "Golden shiner" means the species *Notemigonus crysoleucas*.  
 (40) (42) "Goldfish" means the species *Carassius auratus*.  
 (41) (43) "Grab hook" means a device or implement used as a tong to clutch, close down upon, or grasp fish.  
 (42) (44) "Grass carp" means the genus *Ctenopharyngodon*.  
 (43) (45) "Green sunfish" means the species *Lepomis cyanellus*.  
 (44) (46) "Hybrid striped bass" means the hybrid of striped bass and white bass.  
 (45) (47) "Hybrid sunfish" means a hybrid of the genus *Lepomis*.  
 (46) (48) "Lake herring" means the species *Coregonus artedii*.  
 (47) (49) "Lake sturgeon" means the species *Acipenser fulvescens*.  
 (48) (50) "Lake trout" means the species *Salvelinus namaycush*.  
 (49) (51) "Lake whitefish" means the species *Coregonus clupeaformis*.  
 (50) (52) "Largemouth bass" means the species *Micropterus salmoides*.  
 (51) (53) "Minnow seine" means a seine or net not more than twelve (12) feet long and four (4) feet deep, and having stretch mesh not larger than one-half (½) inch.  
 (52) (54) "Minnow trap" means a fish trapping device not exceeding twenty-four (24) inches long. The opening of the throat shall not exceed one (1) inch in diameter.  
 (53) (55) "Mosquitofish" means the species *Gambusia affinis*.  
 (54) (56) "Muskellunge" means the species *Esox masquinongy*.  
 (55) (57) "Northern pike" means the species *Esox lucius*.  
 (56) (58) "Quagga mussel" means the species *Dreissena bugensis*.  
 (57) (59) "Paddlefish" means the species *Polyodon spathula*.  
 (58) (60) "Rainbow trout" means the species *Oncorhynchus mykiss*.  
 (59) (61) "Redear sunfish" means the species *Lepomis microlophus*.  
 (60) (62) "Rock bass" means the species *Ambloplites rupestris*.  
 (61) (63) "Rough fish" means any species of fish not defined as a sport fish or protected under IC 14-22-34-12.  
 (62) (64) "Round goby" mean the species *Neogobius melanostomus*.  
 (63) (65) "Rudd" means the species *Scardinius erythrophthalmus*.  
 (64) (66) "Ruffe" means the species *Gymnocephalus cernuus*.  
 (65) (67) "Sauger" means the species *Stizostedion canadense*.  
 (66) (68) "Saugeye" means the hybrid of walleye and sauger.  
 (67) (69) "Shad" means the genera *Alosa* and *Dorosoma*.  
 (70) "Silver carp" means the species *Hypophthalmichthys molitrix*.  
 (68) (71) "Single hook" means a fishing hook consisting of one (1) shank and one (1) point.  
 (69) (72) "Smallmouth bass" means the species *Micropterus dolomieu*.

(70) (73) "Smelt" means the genus *Osmerus*.  
 (74) "Snakehead" means all species of the family *Channidae*, including the genera *Channa* and *Parachanna*.  
 (71) (75) "Sockeye salmon" means the species *Oncorhynchus nerka*.  
 (72) (76) "Sport fish" means largemouth bass, smallmouth bass, spotted bass, rock bass, white crappie, black crappie, walleye, sauger, saugeye, striped bass, white bass, hybrid striped bass, yellow bass, muskellunge, tiger muskellunge, northern pike, chain pickerel, and trout or salmon.  
 (73) (77) "Spotted bass" means the species *Micropterus punctulatus*.  
 (74) (78) "Steelhead" means the species *Oncorhynchus mykiss*.  
 (75) (79) "Stretch mesh" means the extended distance or length between the extreme angles of a single mesh of net.  
 (76) (80) "Striped bass" means the species *Morone saxatilis*.  
 (77) (81) "Sucker" means the genera *Carpoides*, *Moxostoma*, *Hypentelium*, *Catostomus*, and *Erimyzon*.  
 (78) (82) "Tiger muskellunge" means the hybrid of muskellunge and northern pike.  
 (79) (83) "Tilapia" means all species of the genus *Tilapia*.  
 (80) (84) "Triploid" means a cell or organism having three (3) haploid sets of chromosomes.  
 (81) (85) "Trout or salmon" means lake trout, coho salmon, chinook salmon, sockeye salmon, brown trout, steelhead (or rainbow trout), brook trout, and Atlantic salmon.  
 (82) (86) "Tubenose goby" means the species *Proterorhinus marmoratus*.  
 (83) (87) "Walleye" means the species *Stizostedion vitreum*.  
 (84) (88) "Warmouth" means the species *Lepomis gulosus*.  
 (85) (89) "White bass" means the species *Morone chrysops*.  
 (86) (90) "White catfish" means the species *Ictalurus catus*.  
 (91) "White perch" means the species *Morone americana*.  
 (87) (92) "White crappie" means the species *Pomoxis annularis*.  
 (88) (93) "Yellow bass" means the species *Morone mississippiensis*.  
 (89) (94) "Yellow perch" means the species *Perca flavescens*.  
 (90) (95) "Zebra mussel" means the species *Dreissena polymorpha*.

(*Natural Resources Commission; 312 IAC 9-6-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed May 16, 2002, 12:25 p.m.: 25 IR 3047*)

SECTION 2. 312 IAC 9-6-7 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-6-7 Exotic fish

Authority: IC 14-22-2-6  
 Affected: IC 14-22-2-3

Sec. 7. (a) Except as otherwise provided under this section, it is unlawful to a person must not import, to possess, propa-

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## Proposed Rules

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gate, buy, sell, barter, trade, transfer, loan, or to release into public or private waters an exotic catfish or rudd, ruffe, tubenose goby, or round goby: any of the following live fish or fry of live fish, or their viable eggs or genetic material:

- (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 or genetically altered fish of any of these species.

(b) A person who takes a fish listed in subsection (a) does not violate this section if the fish listed in subsection (a) is killed immediately upon capture.

(c) This section does not apply to the following:

- (1) 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 if the fish are not unloaded or do not leave the control of a common carrier.
- (3) A person who lawfully possesses an exotic fish under a permit issued under 312 IAC 9-10-17 for medical, educational, or scientific purposes.

(d) A person who possesses an exotic fish under a permit issued under 312 IAC 9-10-6 does not violate this section: **federally listed injurious species must also comply with 18 U.S.C. 42 and 50 CFR 16.** (*Natural Resources Commission; 312 IAC 9-6-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 28, 1998, 5:14 p.m.: 21 IR 3719*)

### Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 25, 2003 at 2:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 2, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments that govern fish and fishing activities. 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 #01-407

### DIGEST

Amends 326 IAC 6-1-10.1 and 326 IAC 6-1-10.2 concerning U.S. Steel particulate matter emission limits. Effective 30 days after filing with the secretary of state.

### HISTORY

First Notice of Comment Period: December 1, 2001, Indiana Register (25 IR 943).

Second Notice of Comment Period and Notice of First Hearing: July 1, 2002, Indiana Register (25 IR 3465).

Change in Notice of First Hearing: August 1, 2002, Indiana Register (25 IR 3805).

Change in Notice of First Hearing: September 1, 2002, Indiana Register (25 IR 4129).

Date of First Hearing: November 6, 2002.

Continuation of First Hearing: December 4, 2002.

Continuation of First Hearing: February 5, 2003.

### 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

Portions of this proposed rule are substantively different from the draft rule published on July 1, 2002, at 25 IR 3465. The Indiana Department of Environmental Management (IDEM) is requesting comment on the following portions of the proposed (preliminarily adopted) rule that are substantively different from the language contained in the draft rule.

The emissions limits for U.S. Steel-Gary Works in 326 IAC 6-1-10.1 of the proposed rule are substantively different from the draft rule.

This notice requests the submission of comments on the section of the rule listed above, including suggestions for specific amendments to those sections. 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. Comments on additional sections of the proposed rule that the commentor believes are substantively different from the draft rule may also be submitted for the consideration of the board. Mailed comments should be addressed to:

#01-407 U.S. Steel PM<sub>10</sub> Rule

Chris Pedersen

c/o Administrative Assistant

Rule Development Section

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 Office of Air Quality, Tenth Floor East, 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 in any form must be postmarked, hand delivered, or faxed by March 24, 2003.

**SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

IDEM requested public comment from July 1, 2002, through July 31, 2002, on IDEM's draft rule language. IDEM received comments from the following parties:

U.S. Steel-Gary Works, (USS)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* U.S. Steel did not receive IDEM's daily background concentration estimates until July 20 and so could not complete air dispersion modeling, evaluate the impacts on plant operations, and finalize the limitations revision request before the end of this comment period. U.S. Steel notes that the daily background concentration estimates provided by IDEM are elevated and range up to twenty percent of the national ambient air quality standards. U.S. Steel would like to understand IDEM's methodology and assumptions in developing estimated background concentrations that result in such significant concentrations prior to U.S. Steel completing further air dispersion modeling. Therefore, U.S. Steel cannot provide complete comments on specific limitations incorporated in the Second Notice. U.S. Steel would like to meet with IDEM staff to discuss further air dispersion modeling, including estimated background concentrations, and establishing PM<sub>10</sub> limitations that are acceptable to both IDEM and U.S. Steel. (USS)

*Response:* IDEM and U. S. Steel discussed the modeling issues and U. S. Steel completed and submitted air dispersion modeling to IDEM. The results of these efforts are reflected in the draft rule presented to the board for preliminary adoption.

*Comment:* In 326 IAC 6-1-10.1(d)(36), the following limits should be modified to reflect the PM<sub>10</sub> emission limitations currently in effect as the result of Agreed Orders with IDEM.

Source	Emission Limit (units)	Emission Limit (lbs/hr)
Coke battery #2 precarbonization system electrostatic precipitators	Not applicable	62.5 (total)
Coke battery #3 precarbonization system electrostatic precipitators	Not applicable	62.5 (total)

*Response:* IDEM concurs based on the results of the modeling effort and has made the suggested change.

*Comment:* In 326 IAC 6-1-10.1(d)(36), the following limits should be modified to reflect a limitation that allows the greater use of byproduct fuels than is represented by the limitation in the Second Notice. The requested limit is a decrease from the limit in the current rule.

Source	Emission Limit (units)	Emission Limit (lbs/hr)
84" Hot Strip Mill (HSM) rehear furnace Nos. 1, 2, 3, and 4	0.012 lb/MMBTU	27.85 (total)

*Response:* The emission limits of 0.017 lbs/MMBTU and 40.80 (total) lbs/hr were used in response to modeling data submitted by U. S. Steel after this comment was received. Though these limits are higher than the current rule, the modeling shows no impact on air quality due to reductions in other units.

*Comment:* In 326 IAC 6-1-10.1(d)(36), the following limits should be modified to reflect limitations that are currently part of a variance from the current Rule granted to U.S. Steel.

Source	Emission Limit (units)	Emission Limit (lbs/hr)
Coke battery number 5 underfiring stack	Not applicable	24.70
Coke battery number 7 underfiring stack	Not applicable	21.30
Coke plant boiler house, boiler number 8 (USS)	0.012 lb/MMBTU	2.89

*Response:* IDEM concurs and has made these changes.

*Comment:* In 326 IAC 6-1-10.1(d)(36), limitations for coke battery number 2/3 quench tower numbers 1, 2/3, and 5/6 were not included in the current rule or variance from the rule because the physical construction of these towers precludes stack testing using standard approved testing methods. Consequently, compliance with numerical limitations cannot be demonstrated so numerical limitations for the quench towers should not be included in the revised rule. (USS)

*Response:* IDEM concurs and has removed these units from the draft rule.

*Comment:* In 326 IAC 6-1-10.1(d)(36), the following unit should be added to reflect a recently issued Part 70 permit modification allowing the construction and operation of the unit.

Source	Emission Limit (units)	Emission Limit (lbs/hr)
Coke plant boiler house lime storage silo baghouse stack (USS)	0.030 gr/dscf	0.28

*Response:* IDEM concurs based on the results of the modeling effort and has added this unit and emission limits.

*Comment:* In 326 IAC 6-1-10.1(d)(36), limitations for the following groupings of units should have the notation "(total)" in the lbs/hr column:

Coke battery #2 precarbonization system electrostatic precipitators  
Coke battery #3 precarbonization system electrostatic precipitators  
Number 3 sinter plant coolers  
Number 3 sinter plant discharge area baghouses  
Number 3 sinter plant windbox stacks  
Number 4 boiler house boilers  
Plate mill batch reheat furnaces nos. 6 and 8  
Plate mill continuous reheat furnaces 1 and 2  
84" HSM reheat furnaces nos. 1, 2, 3, and 4  
Coke plant boiler house, boiler numbers 1 and 2  
Number 1 BOP gas cleaning system  
Number 2 Q-BOP gas cleaning system  
TBBH boiler numbers 1, 2, 3, and 5  
EGL boiler house (USS)

*Response:* IDEM concurs and has made the suggested changes.

*Comment:* The text of 326 IAC 6-1-10.1(f)(5)(C) should be changed as follows to reflect the limit for the sinter plant windbox stacks as the result of the Agreed Orders with IDEM:

(C) The first four (4) impingers shall be used to determine the quantity of condensible particulate emissions. Compliance shall be achieved if the sum of the front half and the back half is less than or equal to the mass emission limit of ~~one hundred sixty-seven and one-tenth (+67.1)~~ **one hundred (100) lbs/hr per stack**, and the front

## Proposed Rules

half catch is less than or equal to the mass concentration limit of ~~sixty-five thousandths (0.065)~~ **twenty-thousandths (0.020)** gr/dscf in subsection (d).

(USS)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* U.S. Steel has been granted a variance from 326 IAC 6-1-10.1(g)(3) by performing stack testing. The variance should be made permanent by eliminating this provision from the rule. (USS)

*Response:* Alternative monitoring requirements on the precarbonization system were conveyed to U. S. Steel in a letter dated May 16, 1997. However, the waiver from installing and operating COMs as required in 326 IAC 6-1-10.1(g)(3) can be withdrawn if a method of monitoring technology or operation changes make the operation of COMs feasible. Therefore, IDEM believes the language in this provision should remain in the rule.

IDEM encourages further discussion on this issue and will consider revisions to the language to reflect the conditions in the waiver under which U. S. Steel is currently operating.

*Comment:* The limits for certain units in 326 IAC 6-1-10.1(h)(20) include restrictions that they combust natural gas only. Because all combustion units are already listed in 326 IAC 6-1-10.1(d)(36) with appropriate limitations, this provision should be deleted. (USS)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* Provisions in 326 IAC 6-1-10.1(k)(8)(A) through (D), (I), and (J) contain compliance deadlines that have passed. U.S. Steel has complied with the requirements, so these provisions are no longer needed and should be deleted. (USS)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* Air dispersion modeling for the current rule was based on the restrictions in 326 IAC 6-1-10.1(k)(8)(E), (F), and (G). The air dispersion modeling used for the new limitations proposed in the Second Notice are not based on the restrictions in these three provisions, therefore, these three provisions should be deleted. (USS)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* The requirement in 326 IAC 6-1-10.1(k)(8)(H) for a 90-day notice before switching fuels from gas to coal at Coke Plant Boiler House Boiler Numbers 4, 5, and 6 is not needed. U.S. Steel has no plans to convert these boilers from gas to coal in the foreseeable future, and such fuel switching would require permit modification approval by IDEM prior to making such a modification. Therefore, the notification requirement in this provision is redundant and unnecessary and should be deleted. (USS)

*Response:* IDEM concurs and has made the suggested change.

### SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On February 5, 2003, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 6-1-10.1 and 326 IAC 6-1-10.2. Comments were made by the following parties:

U.S. Steel-Gary Works (USS)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* U.S. Steel-Gary Works supports adoption of this draft rule.

*Response:* IDEM concurs.

### 326 IAC 6-1-10.1

### 326 IAC 6-1-10.2

SECTION 1. 326 IAC 6-1-10.1, AS AMENDED AT 25 IR 4077, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 6-1-10.1 Lake County PM<sub>10</sub> emission requirements

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

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

Sec. 10.1. (a) This section applies to the sources, facilities, and operations listed in subsection (d).

(b) The following definitions apply throughout this section:

(1) "lbs/hr" means pounds of particulate matter emissions emitted per one (1) sixty (60) minute period.

(2) "lbs/MMBtu" means pounds of particulate matter emissions per million British thermal units heat input of fuels fired in the source, unless otherwise stated.

(3) "lbs/ton" means pounds of particulate matter emissions per ton of product output from the particular facility, unless otherwise stated. Byproducts that may be sold as product shall not be included under the term "product".

(4) "gr/dscf" means grains of particulate matter per dry standard cubic foot of exhaust air.

(c) All emission limits in this section shall be PM<sub>10</sub> limits, unless otherwise stated.

(d) The following sources shall comply with the corresponding PM<sub>10</sub> and total suspended particulates (TSP) emission limitations and other requirements in this section consistent with the provisions as applicable in subsection (k). Each emission limit applies to one (1) stack serving one (1) facility unless otherwise noted. The emission limitations apply:

(1) to one (1) stack serving the multiple units specified when the facility description notes "stack serving"; and

(2) to each stack of multiple stacks serving multiple facilities when the facility description notes "each stack serving".

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
(1) JUPITER ALUMINUM CORPORATION		
Reverberatory furnace number 1	0.060 lbs/ton	0.970
Reverberatory furnace number 2	0.142 lbs/ton	0.430
Reverberatory furnace number 3	0.145 lbs/ton	0.510
Reverberatory furnace number 4	0.145 lbs/ton	0.510
Reverberatory furnace number 5	0.130 lbs/ton	1.137



## Proposed Rules

### (2) SILGAN CONTAINERS MANUFACTURING CORPORATION

Stack serving incinerators (3 units)  
Coil coater

0.007 lbs/MMBtu 0.310  
0.007 lbs/MMBtu 0.290

### (3) CERESTAR USA, INC.

Stack serving boiler numbers 6 and 7

Stack Number	lbs/hr	gr/dscf
10-03-U-P and 10-04-U-P	30.3	

Stack serving boiler numbers 8 and 10

10-05-U-P and 10-06-U-P 22.7

Activated carbon regenerating furnace

15G-01-R-F 0.34 0.01

Bulk carbon/bulk filter aid system

17-03-R-P 0.06 0.01

Corn syrup solids dust collection system number 2

18-03-R-P 0.30 0.01

Special starch (P. G.) manufacturing equipment system number 1

18-06-S-P 0.17 0.01

Special starch (P. G.) manufacturing equipment system number 2

18-07-S-P 0.084 0.01

Special starch (P. G.) manufacturing equipment system number 3C (½ system number 3)

18-08-S-P 0.12 0.01

Special starch (P. G.) manufacturing equipment system number 3D (½ system number 3)

18-09-S-P 0.12 0.01

Gluten ring dryer #1

19-03-G-P 4.76 0.015

Receiver for first stage germ dryer

21A-01-G-P 0.12 0.015

First stage germ dryer exhaust

21A-02-G-P 0.67 0.01

Equipment conveying corn dirt to dirt storage silo

30-16-G-P 0.06 0.01

Waxy feed conveyor system

31-02-G 0.27 0.01

Finished gluten conveying system (Tank 2 or 3)

31-10-G-P or 31-11-G-P 0.19 0.02

Gluten receiver

31-13-G (3/95) 0.23 0.02

Germ storage silo

31-14-G (10/95) 0.097 0.01

Corn receiving and storage-bin vent #5

33-01-G (12/95) 0.171 0.02

Corn receiving and storage-bin vent #6

33-02-G (12/95) 0.171 0.02

Corn cleaner

33-03-G (12/95) 0.21 0.01

Dextrin incoming starch, building 34

34-01-S-P 0.04 0.01

Dextrin starch reactor #1

34-02-S-P 0.180 0.01

Dextrin starch cooler #1

34-03-S-P 0.042 0.01

Dextrin storage hopper, building 34

34-05-S-P 0.11 0.01

Dextrin feed hoppers: 1 and 2 (System 1)

34-06-S and 34-07-S (12/92) 0.030 0.01

Dextrin air lock feeder

Dextrin starch cooler

34B-01-S (10/93) 0.042 0.01

Dextrin storage hopper

34B-03-S (10/93) 0.114 0.01

Dextrin starch reactor #2

34B-04-S (10/93) 0.179 0.01

Dextrin feed hoppers: 3 and 4 (System 2)

34B-05-S and 34B-06-S (10/93) 0.030 0.01

#1 and #2 Dextrin air lock feeder

Dextrin incoming starch batch scale hopper No. 2

34B-13-S (10/93) 0.067 0.01

Feed receiver

35-05-G 0.568 0.01

Dextrin bulk loading equipment

48-09-S-P 0.26 0.01

Receiver for second stage germ dryer

51A-01-G-P 0.19 0.02

Second stage germ dryer exhaust

51A-02-G-P 1.01 0.015

Sulfate bag dumping

52-02-S-P 0.20 0.01

Starch milling system number 1

59-01-S-P 0.43 0.01

Starch milling system number 2

59-02-S-P 0.43 0.01

Starch ring dryer number 2

59-03-S-P 3.50 0.006

Stack serving starch bulk loading equipment (receiver)

76-02-S-P 0.17 0.01

Stack serving starch bulk loading equipment (Railcar loading)

76-03-S-P 0.17 0.01

Stack serving special starch (P.G.) manufacturing equipment system

85-01-S-P 0.24 0.01

## Proposed Rules

Fiber drying equipment	89-01-G (10/95)	4.50	0.01
Wet fiber cyclone receiver	89-02-G (10/95)	0.178	0.01
Rotary feed dryer	89-03-G (10/95)	4.5	0.03
Milled feed hopper	89-04-G (10/95)	0.50	0.01
Feed pelletizing B	91-14-G-P	2.10	0.015
Feed pelletizing C	91-15-G-P	2.10	0.015
Feed pelletizing D	91-16-G-P	0.23	0.01
Starch conveying system number 46	93-01-W-P	0.17	0.01
Starch conveying system 47	93-02-W-P	0.17	0.02
Dextrin conveying system 48	93-03-W-P	0.17	0.01
Dried corn syrup conveying system, frodex	93-04-W-P	0.069	0.01
Corn syrup solids conveyor equipment	93-05-W-P	0.066	0.01
Stack serving starch packing systems number 1 and 2, building 93 (43 and 44)	93-06-W-P and 93-07-W-P	0.23	0.01
Frodex semibulk packing system, building 93	93-08-W-P	0.083	0.01
Each stack serving bag dump numbers 1 and 2	93-09-W-P and 93-10-W-P	0.10	0.01
Starch bulk loading	93-14-W (2/93)	0.273	0.01
Starch vacuum clean-up system	93-15-W (2/93)	0.021	0.01
Starch mixing and bagging system #1	93-16-W (5/95)	0.130	0.01
Starch mixing and bagging system #2	93-17-W (5/95)	0.264	0.01
New corn syrup spray dryer cooler system number 3 (SIP #2)	100-01-R-P	4.96	0.015
#4 corn syrup spray dryer	100-03-R (93)	4.2	0.01
Carbon regeneration furnace #2	104-01-R (2/96)	0.728	0.015
Soda ash tank	104-02-R (2/96)	0.154	0.02
Filter aid hopper	104-03-R (2/96)	0.044	0.02
Sodium bisulfate bag dump	104-05-R (2/96)	0.080	0.02
Each stack serving bulk corn starch storage bin numbers 20 through 36 (five (5) stacks may operate at one time)	120-01-S-P to 120-17-S-P	0.56	0.01
Gluten dryer system	121-01-G (3/95)	3.0	0.03
Waxy feed drum dryer scrubber	124-01-G-P	11.12	0.03
Waxy feed milling equipment	124-22-G-P	0.051	0.01
Germ dryer/cooler	124A-01-G (11/94)	1.852	0.02
Starch ring dryer number 3	125-01-S-P	3.50	0.006
Waxy bulk cornstarch storage bins numbers 95 through 98 (only one (1) may operate at a time)	126-01-S-P to 126-04-S-P	0.16	0.01
BCD dryer, building 127	127-01-B-P	0.57	0.01
#1 and #2 vacuum cleaner system	127-21-B and 127-22-B (5/93)	0.031	0.01
#1 and #2 BCD storage hopper	127-23-B and 127-24-B (5/93)	0.18	0.01
BCD mill feeder hopper	127-25-B (5/93)	0.028	0.01
BCD packing hopper	127-26-B (5/93)	0.005	0.01
Special starch process with starch dryer number 4, building 128	128-01-S-P	3.5	0.01
Four products blending systems, building 93	130-01-S-P to 130-04-S-P	0.42	0.01
Dextrin blender	130-05-S (7/93)	0.248	0.01
Corn receiving and storage-bin vent #1 and #2	140-01-G and 140-02-G (12/95)	0.343	0.02
Corn receiving and storage-bin vent #3 and #4	140-03-G and 140-04-G (12/95)	0.343	0.02
Corn dump pit	140-05-G (12/95)	1.286	0.01

## Proposed Rules

Corn scale system	140-06-G (12/95)	0.154	0.01
Corn elevator conveying	140-07-G (12/95)	0.086	0.01
	Emission Limit (Units)	Emission Limit (lbs/hr)	
(4) AMERICAN STEEL FOUNDRIES-EAST CHICAGO			
Sand kiln and cooler	0.636 lbs/ton	16.29	
Sandheater mixing	0.520 lbs/ton	11.44	
Electric induction furnaces (2 units)	0.104 lbs/ton	1.248	
#2 tumblast with dust collector	0.145 lbs/ton of product	0.678	
#3 tumblast with dust collector	0.145 lbs/ton of product	0.678	
Shakeout dust collector	0.012 lbs/ton of product	0.384	
(5) AMERICAN STEEL FOUNDRY-HAMMOND			
Stack serving coil spring grinder numbers 3-0386 and 3-0389	1.083 lbs/ton	0.045	
Stack serving coil spring grinder number 3-0244	0.021 lbs/ton	0.040	
Tub grinder number 3-0388	0.015 lbs/ton	2.00	
Coil spring grinder number 3-0247	0.019 lbs/ton	0.03	
Coil spring grinder number 3-0249	3.792 lbs/ton	1.82	
Coil spring grinders numbers 3-0385, 3-295, and 3-0233	0.019 lbs/ton	0.05	
Shot blast peener number 3-1804	0.011 lbs/ton	0.06	
Shot blast peener number 3-1811	0.018 lbs/ton	0.06	
Shot blast peener number 3-1821	0.016 lbs/ton	0.06	
Shot blast peener number 3-1823	0.016 lbs/ton	0.06	
Small coil manufacturing (ESP number 3-3024)	0.014 lbs/ton	0.02	
Medium coil manufacturing (ESP number 3-3027)	0.700 lbs/ton	2.10	
Large coil manufacturing (ESP number 3-3028)	0.700 lbs/ton	3.50	
Miscellaneous coil manufacturing (ESP number 3-3026)	0.700 lbs/ton	1.05	
(6) BP PRODUCTS NORTH AMERICA INC.			
Number 1 CRU, F-101 feed preheater	0.004 lbs/MMBtu	0.267	
Stack serving number 1 CRU, F-102, F-201, F-202 heaters	0.004 lbs/MMBtu	0.290	
Stack serving number 1 power station, boiler numbers 1, 2, 3, and 4	0.016 lbs/MMBtu	15.809	
Stack serving number 1 power station, boiler numbers 5, 6, 7, and 8	0.016 lbs/MMBtu	13.244	
Stack serving number 11 pipe still furnaces H-101, H-102, H-103, H-104, coke preheaters	0.004 lbs/MMBtu	0.741	
Number 11 pipe still, H-1X heater	0.031 lbs/MMBtu	6.867	
Number 11 pipe still, H-2 vacuum heater	0.032 lbs/MMBtu	1.440	
Number 11 pipe still, H-200 crude charge	0.032 lbs/MMBtu	7.866	
Number 11 pipe still, H-3 vacuum heater	0.031 lbs/MMBtu	1.704	
Number 11 pipe still, H-300 furnace	0.031 lbs/MMBtu	4.931	
Stack serving number 12 pipe still, H-1A and H-1B preheaters and H-2 vacuum heater	0.025 lbs/MMBtu	16.348	
Each stack serving number 12 pipe still, H-1CN and H-1CS crude preheater	0.004 lbs/MMBtu	0.444	
Number 12 pipe still, H-1CX crude preheater	0.004 lbs/MMBtu	0.924	
Number 2 isomerization, F-7 furnace	0.004 lbs/MMBtu	0.085	
Number 2 isomerization, H-1 feed heater furnace	0.004 lbs/MMBtu	0.704	
Each stack serving number 3 power station, boiler numbers 1, 2, 3, 4, and 6	0.030 lbs/MMBtu	17.49	
Number 3 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.085	
Number 3 ultraformer, H-1 feed heater furnace	0.004 lbs/MMBtu	0.852	
Number 3 ultraformer, H-2 feed heater furnace	0.004 lbs/MMBtu	0.685	
Number 3 ultraformer, waste heat recovery unit	0.004 lbs/MMBtu	1.537	
Stack serving number 37 pipe still, B-1 feed preheater, B-2 wax fractioner	0.018 lbs/MMBtu	1.903	
Stack serving number 4 ultraformer, F-1 ultrafiner furnace F-8A and F-8B reboilers	0.004 lbs/MMBtu	1.459	
Number 4 ultraformer, F-2 preheater furnace	0.004 lbs/MMBtu	1.059	

## Proposed Rules

Number 4 ultraformer, F-3 number 1 reheat furnace	0.004 lbs/MMBtu	0.896
Stack serving number 4 ultraformer, F-4 number 2 reheat furnace, F-5 number 3 reheat furnace, and F-6 number 4 reheat furnace	0.004 lbs/MMBtu	1.060
Number 4 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.159
Aromatics recovery unit, F-200A furnace	0.004 lbs/MMBtu	0.924
Aromatics recovery unit, F-200B furnace	0.004 lbs/MMBtu	0.924
Blending oil desulphurization, F-401 furnace	0.004 lbs/MMBtu	0.130
Cat feed hydrotreating unit	0.004 lbs/MMBtu	0.246
F-1 Berry Lake distillate heater	0.004 lbs/MMBtu	0.048
F-2 Steiglitz Park residual heater	0.008 lbs/MMBtu	0.208
Stack serving heavy oils unit, H-101, H-201, H-202	0.004 lbs/MMBtu	0.030
NMP extraction unit, B-105 furnace	0.023 lbs/MMBtu	1.174
NMP extraction unit, B-106 furnace	0.004 lbs/MMBtu	0.352
Oil hydrotreating unit	0.004 lbs/MMBtu	0.059
Sulfur recovery unit incinerator	0.004 lbs/MMBtu	0.090
Asphalt oxidizer number 1	0.000 lbs/ton	0.000
Asphalt oxidizer number 2	0.000 lbs/ton	0.000
Asphalt oxidizer number 3	0.000 lbs/ton	0.000
Tail gas unit (new)	0.110 lbs/ton	0.103
Wastewater sludge fluid bed incinerator	0.173 lbs/ton based on 79,000 lbs/hr fluidizing air flow	6.84
FCU 500	1.220 lbs/1,000 lbs coke burned	73.20
FCU 600	1.10 lbs/1,000 lbs coke burned	55.00
DDU WB-301	0.004 lbs/MMBtu	0.250
DDU WB-302	0.004 lbs/MMBtu	0.240
Hydrogen unit B-1	0.009 lbs/MMBtu	3.340
(7) ASSOCIATED BOX		
Wood chip fired space heating boiler	0.810 lbs/MMBtu	4.450
(8) BUCKO CONSTRUCTION		
Rotary dryer	0.017 lbs/hr	4.440
(9) SMITH READY MIX		
Central mix	0.0013 lbs/ton	0.350
(10) STATE LINE ENERGY, LLC		
Unit 3	0.100 lbs/MMBtu	213.00
Unit 4	0.100 lbs/MMBtu	356.80
(11) E.I. DUPONT		
Sodium silicate furnace	1.439 lbs/ton	6.0
(12) GENERAL REFRACTORY		
Ball milling storage	0.041 lbs/ton	0.410
Crushing and sizing	0.012 lbs/ton	0.460
Material handling system	0.003 lbs/ton	0.220
Material loading	0.006 lbs/ton	0.150
Material weighing	0.064 lbs/ton	0.350
Mixing and packaging	0.354 lbs/ton	2.480
Sizing, conveying, and storage	0.029 lbs/ton	0.580
(13) GEORGIA PACIFIC		
Boiler number 1	0.129 lbs/MMBtu	9.380
(14) GLOBE INDUSTRIES		
Stack serving asphalt saturators (2 units)	0.060 lbs/ton of product	4.500
(15) HAMMOND GROUP INC. (HGI)		
Stack 17-S-40	0.030 gr/dscf	2.120

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## Proposed Rules

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Stack 20-S-36	0.022 gr/dscf	0.395
Stack 20-S-41	0.022 gr/dscf	0.450
Stack 20-S-37	0.022 gr/dscf	0.200
Stack 20-S-38	0.022 gr/dscf	0.087
Stack 17-S-25	0.030 gr/dscf	2.120
Stack 20-S-42	0.022 gr/dscf	0.200
Stack 20-S-43	0.022 gr/dscf	0.087
Stack 20-S-39	0.022 gr/dscf	0.496
Stack 20-S-44	0.022 gr/dscf	0.496
Stack 13-S-48	0.022 gr/dscf	0.471
Stack 14-S-45	0.022 gr/dscf	0.471
(16) HAMMOND GROUP INC.–HALSTAB DIVISION		
Stack S-1	0.022 gr/dscf	0.220
Stack S-2	0.022 gr/dscf	0.080
Stack S-4	0.022 gr/dscf	1.460
Stack S-5	0.022 gr/dscf	1.030
Stacks S-6, S-7, and S-8, each stack	0.022 gr/dscf	0.570
Stacks S-9, S-10, S-11, S-12, S-13, S-14, S-15, and S-16, each stack	0.022 gr/dscf	0.200
Stack S-17	0.022 gr/dscf	1.990
(17) HAMMOND GROUP INC. (HGI)		
Stack 1-S-54	0.0 gr/dscf	0.000
Stack 4A-S-8	0.022 gr/dscf	0.250
Stack 14-S-16	0.022 gr/dscf	0.250
Stack 1-S-2	0.022 gr/dscf	0.250
Stack 1-S-26	0.022 gr/dscf	0.250
Stack 16-S-56	0.022 gr/dscf	1.000
Stack 1-S-52	0.022 gr/dscf	1.000
Stack 1-S-27	0.022 gr/dscf	0.290
Stack 4-S-35	0.022 gr/dscf	0.570
Stack 6-S-33	0.022 gr/dscf	0.900
Stack 4B-S-34	0.022 gr/dscf	0.400
Stack 6-S-47	0.022 gr/dscf	0.400
V-1	0.022 gr/dscf	1.000
Stack 14-S-15	0.022 gr/dscf	0.320
(18) HARBISON–WALKER REFRACTORIES, HAMMOND WORKS		
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3)	1.36 lbs/ton	4.50
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3) if only one kiln is in operation	1.36 lbs/ton	8.40
Lanley oven (S-7)	0.210 lbs/ton	0.840
Basic dryer (stack 8)	0.916 lbs/ton	3.020
Chrome ore crushing (D-9)	0.024 lbs/ton	0.490
Chrome ore rotary dryer (D-10)	0.032 lbs/ton	0.640
Chrome ore handling (D-11) and storage	0.020 lbs/ton	0.410
Chrome ore screening (D-12) and milling	0.078 lbs/ton	1.240
Chrome ore finished (D-13) material handling and storage	0.044 lbs/ton	0.700
Magnesite unloading and crushing (D-18)	0.017 lbs/ton	0.580
Magnesite material handling and storage (D-2)	0.012 lbs/ton	0.410
Magnesite screening and milling (D-8)	0.051 lbs/ton	1.280
Specialty magnesite handling system (D-16)	0.097 lbs/ton	0.260
Magnesite chrome ore mixer number 3 (D-6)	0.033 lbs/ton	0.230
Magnesite chrome ore mixer number 2 and flat mixer (D-5)	0.033 lbs/ton	0.460
Magnesite chrome ore mixer number 1 (D-4)	0.033 lbs/ton	0.230
Magnesite carbon mixers (D-7)	0.054 lbs/ton	0.460
Magnesite smooth roll crusher system (D-15)	0.067 lbs/ton	0.500
Magnesite auxiliary milling system (D-14)	0.086 lbs/ton	0.170

## Proposed Rules

### (19) INLAND STEEL

Number 4 slab mill scarfer	0.039 lbs/ton	21.97
Number 2A bloomer scarfer	0.107 lbs/ton	10.70
Mold foundry baghouse	0.011 gr/dscf	26.00
Sinter plant discharge end and cooler baghouse	0.01 gr/dscf TSP	11.70 TSP
Sinter plant windbox baghouse	0.007 gr/dscf TSP	17.00 TSP
Lime plant silo baghouses	0.085 lbs/ton	5.530
Lime plant firing and kiln baghouses	0.110 lbs/ton	7.149
Number 4 roll shop erwin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4 roll shop wheelabrator baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 4A roll shop erwin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4A roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 2 roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.270 TSP
Number 6 roll shop roll blaster/baghouse	0.0052 gr/dscf TSP	0.200 TSP
Electric shop blasters/baghouses	0.0052 gr/dscf TSP	1.070 TSP
Number 11 coke battery preheaters (2 units)	0.00	0.00
Number 11 coke battery shed baghouse	0.00	0.00
Number 6 coke battery underfire stack	0.00	0.00
Number 7 coke battery underfire stack	0.00	0.00
Number 8 coke battery underfire stack	0.00	0.00
Number 9 coke battery underfire stack	0.00	0.00
Number 10 coke battery underfire stack	0.00	0.00
Number 11 coke battery underfire stack	0.00	0.00
Number 7B blast furnace canopy baghouse	0.003 gr/dscf	11.22
Number 7 blast furnace stockhouse pellet baghouse	0.0052 gr/dscf	4.00
Number 7 blast furnace casthouse baghouse	0.011 gr/dscf TSP	22.00 TSP
Number 7 blast furnace coke screening baghouse	0.007 gr/dscf TSP	4.200 TSP
Number 7 blast furnace stockhouse coke baghouse	0.01 gr/dscf TSP	2.00 TSP
Number 1 blast furnace stoves (4 units)	0.000	0.000
Number 2 blast furnace stoves (4 units)	0.000	0.000
Number 2 basic oxygen furnace number 10 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace number 20 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace caster fume collection baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace ladle metallurgical station baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace secondary ventilation system scrubber	0.015 gr/dscf TSP	12.00 TSP
Number 2 basic oxygen furnace tundish dump baghouse	0.0052 gr/dscf TSP	2.200 TSP
Number 2 basic oxygen furnace charging aisle reladling and desulfurization baghouse	0.011 gr/dscf TSP	28.30 TSP
Number 2 basic oxygen furnace truck and ladle hopper baghouse	0.0052 gr/dscf TSP	0.800 TSP
Number 2 basic oxygen furnace flux storage and batch baghouse	0.0052 gr/dscf TSP	0.530 TSP
Number 4 basic oxygen furnace reladling and desulfurization baghouse	0.0052 gr/dscf TSP	8.26 TSP
Number 4 basic oxygen furnace scrubber stack (steelmaking)	0.187 lbs/ton TSP	100.00 TSP
Number 4 basic oxygen furnace vacuum degassing baghouse	0.01 gr/dscf TSP	4.280 TSP
Number 4 basic oxygen furnace secondary ventilation system baghouse	0.006 gr/dscf TSP	22.30 TSP
Stack serving blast furnace stove, number 5 (3 units)	0.016 lbs/MMBtu	4.70
Stack serving blast furnace stove, number 6 (4 units)	0.016 lbs/MMBtu	3.64
Stack serving blast furnace stove, number 7 (3 units)	0.0076 lbs/MMBtu	6.32
Stack serving "A" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
Stack serving "B" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
100 inch plate mill reheat furnace	0.078 lbs/MMBtu	13.74
Number 2 bloom mill soaking pit, numbers 1 through 4	0.000	0.000
Number 2 bloom mill soaking pit numbers 5 through 16 collective	0.000	0.000
Number 2 bloom mill soaking pit numbers 19 through 20 collective	0.000	0.000
Number 4 slabber soaking pit numbers 1 through 18 collective	0.0 lbs/MMBtu	0.0
Number 4 slabber soaking pit numbers 19 through 45 collective	0.006 lbs/MMBtu	1.750

## Proposed Rules

Stack serving number 2AC station boiler numbers 207 through 210	0.000	0.000
Stack serving number 2AC station boiler numbers 211 through 213	0.018 lbs/MMBtu	16.20
Stack serving number 3AC station boiler numbers 301 through 304	0.018 lbs/MMBtu	16.20
Number 3AC station boiler number 305	0.018 lbs/MMBtu	5.400
Stack serving number 4AC station boiler number 401 through 404	0.042 lbs/MMBtu	76.578
Number 4AC station boiler number 405	0.028 lbs/MMBtu	18.78
Stack serving number 5 boiler house (3 units)	0.013 lbs/MMBtu	18.05
Electric arc furnace shop direct shell evacuation system baghouse roof monitor	0.0052 gr/dscf	17.14
Electric arc furnace shop ladle metallurgical station baghouse	0.01 gr/dscf	0.820
Coal conveyor transfer baghouse A	0.003 gr/dscf	0.17
Blending system baghouse B	0.003 gr/dscf	0.54
Coal storage bin baghouse C	0.003 gr/dscf	0.23
Coal pulverizer baghouse D	0.0015 gr/dscf	0.93
Coal pulverizer baghouse E	0.0015 gr/dscf	0.93
Number 7 blast furnace coal storage bin baghouse F	0.003 gr/dscf	0.09
Number 7 blast furnace coal storage bin baghouse G	0.003 gr/dscf	0.09
Numbers 5 and 6 blast furnace coal storage bin baghouse H	0.003 gr/dscf	0.09
(20) KEIL CHEMICAL—DIVISION OF FERRO CORPORATION		
Cleaver brooks boiler B-4	0.007 lbs/MMBtu	0.09
Cleaver brooks boiler B-5	0.007 lbs/MMBtu	0.14
VA power B-3 boiler	0.007 lbs/MMBtu	0.04
Chlorinated wax process	0.001 lbs/ton	0.003
Pyro-chek 68PB1	0.052 lbs/ton	0.030
Pyro-chek 77PB2	0.122 lbs/ton	0.040
Sulfurized fat process	0.157 lbs/ton	0.230
(21) THE CHINET COMPANY		
Molded pulp dryer number 1	0.546 lbs/ton	0.210
Molded pulp dryer number 2	0.546 lbs/ton	0.250
Molded pulp dryer number 3	0.546 lbs/ton	0.290
Molded pulp dryer number 4	0.546 lbs/ton	0.290
Molded pulp dryer number 5	0.546 lbs/ton	0.130
Molded pulp dryer number 6	0.546 lbs/ton	0.130
Molded pulp dryer number K34	0.546 lbs/ton	0.130
Molded pulp dryer number 8	0.546 lbs/ton	0.350
Molded pulp dryer number 9	0.546 lbs/ton	0.410
Molded pulp dryer number 10	0.546 lbs/ton	0.350
Babcock and Wilcox boiler	0.007 lbs/MMBtu	0.050
(22) LTV STEEL CORPORATION		
Stack serving number 3 blast furnace stoves	0.027 lbs/MMBtu	11.73
Stack serving number 4 blast furnace stoves	0.027 lbs/MMBtu	12.93
Stack serving hot strip mill slab heat furnace numbers 1, 2, and 3	0.086 lbs/MMBtu	36.56
Utility boiler number 3	0.066 lbs/MMBtu	12.85
Utility boiler number 4	0.066 lbs/MMBtu	12.85
Utility boiler number 5	0.066 lbs/MMBtu	25.69
Utility boiler number 6	0.066 lbs/MMBtu	25.69
Utility boiler number 7	0.066 lbs/MMBtu	25.69
Utility boiler number 8	0.066 lbs/MMBtu	61.59
Basic oxygen furnace main stack	0.018 gr/dscf	69.40
Reladling and desulfurization baghouse	0.008 gr/dscf	10.49
Ladle metallurgical station baghouse	0.004 gr/dscf	3.630
Sinter plant breaker discharge end	0.02 gr/dscf TSP	18.05 TSP
Sinter plant windbox stack 08	0.02 gr/dscf TSP	49.70 TSP
(23) UNILEVER HPC, USA		
Boiler house, building number 8, boiler number 2	0.116 lbs/MMBtu	9.570
Stack serving boiler house, building number 8, boiler numbers 3 and 4	0.116 lbs/MMBtu	18.88

## Proposed Rules

Dowtherm boiler, DEFI process building 6	0.004 lbs/MMBtu	2.700
Milling and pelletizer soap dust collection system (DC-1), building number 15	0.020 gr/dscf	1.03
Powder dye dust collector system (DC-4), building number 15	0.020 gr/dscf	0.130
Schenible wet scrubber and demister collector system, building number 15	0.030 gr/dscf	1.030
Each stack serving detergent bar soap noodle bins numbers 1, 2, and 3 dust collection system (DC-5, DC-6, and DC-7)	0.020 gr/dscf	0.210
Stack serving chip mixers numbers 1, 2, and 3 soap dust collection system, building number 15 (DC-8, DC-9, and DC-10)	0.020 gr/dscf	0.720
Rework soap dust collection system (DC-3), building number 15	0.020 gr/dscf	0.800
Three chill rolls and apron conveyors (DC-2), building number 15	0.020 gr/dscf	1.090
High titer granules and chips manufacturing process, building number 6	0.930 lbs/ton	3.500
Detergent bar soap manufacturing process number 1, stack 7, building number 6	1.140 lbs/ton	4.000
Detergent bar soap manufacturing process number 2, stack 16A, building number 6	1.140 lbs/ton	4.000
Bulk filtrol unloading bleached earth dust collection system, building number 1	0.020 gr/dscf	0.070
Oil refinery/filter aid bag dumping operation, building number 1	0.020 gr/dscf	0.220
3 soap dryers dust collection system, building number 14	0.020 gr/dscf	0.120
6 noodle bins and 1 scrap kettle dust collection system, building number 3	0.020 gr/dscf	0.860
Dust collector system for soap rework grinding process, building number 14	0.020 gr/dscf	0.250
Stack serving hard soap finishing lines numbers 1, 2, 3, 5, 7, and 8 dust collection system (DC), building number 14	0.020 gr/dscf	1.540
Sulfonation process	0.205 lbs/ton	0.390
Soap dryer cleanout system, tank number 1, building number 14	0.030 gr/dscf	0.390
Soap dryer cleanout system, tank number 2, building number 14	0.030 gr/dscf	0.300
Crude glycerine filter aid dust collection system, building number 2	0.020 gr/dscf	0.130
Glycerine carbon handling dust collection system, building number 2	0.020 gr/dscf	0.170
Bulk urea handling system, new detergent bulk soap, building number 15A	0.020 gr/dscf	0.100
American hydrotherm boiler 2, stack 1A, building number 15A	0.150 lbs/MMBtu	1.830
Schenible wet scrubber and demister collection system, stack 2A, building number 15A	0.030 gr/dscf	1.030
Flex Kleen dust collection system DC-1053, stack 3A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1054, stack 4A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1055, stack 5A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1056, stack 6A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1050, stack 7A, building number 15A	0.020 gr/dscf	2.130
Flex Kleen dust collection system DC-1052, stack 8A, building number 15A	0.020 gr/dscf	2.130
Bulk Borax unloading to storage silo, stack 9A, building number 8	0.020 gr/dscf	0.130
Oil refinery/filter aid mixing tank number 44, building number 1, stack 15A	0.060 lbs/ton	0.030
Sample detergent bar soap line operation, building 14, stack 17A	0.002 lbs/ton	0.002
(24) MARBLEHEAD LIME COMPANY		
Flue dust loadout number 1 (MHL 14)	0.003 lbs/ton	0.110
Flue dust loadout number 2 (MHL 15)	0.003 lbs/ton	0.100
Lime grinder (MHL 13)	0.015 lbs/ton	0.440
Lime handling baghouse number 1 (MHL 6)	0.002 lbs/ton	0.260
Lime handling baghouse number 2 (MHL 7)	0.002 lbs/ton	0.180
Lime handling baghouse number 3 (MHL 8)	0.0004 lbs/ton	0.050
Lime handling baghouse number 4 (MHL 9)	0.001 lbs/ton	0.130
Lime loadout baghouse number 1 (MHL 10)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 2 (MHL 11)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 3 (MHL 12)	0.004 lbs/ton	0.410
Lime rotary kiln number 1	0.478 lbs/ton	9.950
Lime rotary kiln number 2	0.478 lbs/ton	9.950
Lime rotary kiln number 3	0.478 lbs/ton	9.950
Lime rotary kiln number 4	0.478 lbs/ton	9.950
Lime rotary kiln number 5	0.478 lbs/ton	9.950



(25) MARPORT SMELTING

North baghouse	0.601 lbs/ton	2.300
South baghouse	1.279 lbs/ton	4.900

(26) METHODIST HOSPITAL

Boiler number 1	0.044 lbs/MMBtu	0.350
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(27) NATIONAL RECOVERY SYSTEMS

Drying system	0.203 lbs/ton	4.060
Material storage handling	0.034 lbs/ton	0.680
Each stack serving lime fines storage silos (two (2) stacks)	0.001 lbs/ton	0.012

(28) NIPSCo-MITCHELL

(A) Boiler numbers 4, 5, 6, and 11:

(i) Operation under either item (ii)(BB) or (ii)(CC) shall only be allowed provided that a nozzle is in the stack serving boiler numbers 4 and 5 such that the stack diameter is restricted to eight and three-tenths (8.3) feet.

(ii) NIPSCo may operate under any one (1) of the following scenarios:

(AA) Boiler numbers 4, 5, 6, and 11 may operate simultaneously under the following conditions:

(aa) One (1) of boiler number 4 or 5 may operate on coal if the other boiler is operated on natural gas or is not operating. Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to one-tenth (0.1) pound per million Btu and one hundred twenty-eight and seventy-five hundredths (128.75) pounds per hour.

(bb) Boiler numbers 6 and 11 may operate simultaneously on coal. Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to one-tenth (0.1) pound per million Btu and two hundred thirty-six (236) pounds per hour.

(BB) Boiler numbers 4, 5, 6, and 11 may operate simultaneously on coal subject to the following conditions:

(aa) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred eighty-five (185) pounds per hour.

(bb) Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred seventy-five (175) pounds per hour.

(CC) One (1) set of either boiler numbers 4 and 5 or 6 and 11 may operate on coal, if the other set is not operating, subject to the following conditions:

(aa) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to one-tenth (0.1) pound per million Btu and two hundred fifty (250) pounds per hour.

(bb) Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to one-tenth (0.1) pound per million Btu and two hundred thirty-six (236) pounds per hour.

(iii) NIPSCo shall maintain a daily log of the following for boiler numbers 4, 5, 6, and 11:

(AA) Fuel type.

(BB) Transition time of changes between or within operating scenarios.

The log shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

(iv) Emission limits shall be maintained during transition periods within or between operating scenarios.

(B) Upon the effective date of this amended rule, biennial stack testing shall be conducted in the stack serving boiler numbers 4 and 5 and in the stack serving boiler numbers 6 and 11, meeting the following conditions:

## Proposed Rules

(i) Stack testing shall begin within sixty (60) days and be completed within ninety (90) days of the initial ~~utilization~~ **use** of the operating scenario specified in clause (A)(ii)(BB). Particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to seventy-four thousandths (0.074) pound per million Btu.

(ii) After the initial stack test specified in item (i), NIPSCO may ~~utilize~~ **use** the operating scenario specified in clause (A)(ii)(BB) if in the previous biennial stack test particulate emissions from boiler numbers 4, 5, 6, and 11 met the emission limitation of seventy-four thousandths (0.074) pound per million Btu.

(iii) If the operating scenario specified in clause (A)(ii)(BB) has not been ~~utilized~~ **used** since the previous biennial stack test specified in this clause, then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth (0.1) pound per million Btu.

(iv) If the operating scenario specified in clause (A)(ii)(BB) has been ~~utilized~~ **used** since the previous biennial stack test specified in this clause, and NIPSCO no longer has the ability to operate the boilers as specified in clause (A)(ii)(BB), then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth (0.1) pound per million Btu.

All emissions testing shall be conducted in accordance with the procedures specified in 326 IAC 3-6. Records of stack test data shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

### (29) PREMIER CANDY COMPANY

Boiler number 1 (North)	0.069 lbs/MMBtu	0.420
Boiler number 2 (South)	0.069 lbs/MMBtu	0.450

### (30) LASALLE STEEL COMPANY

Fume scrubber	0.015 lbs/ton	0.060
Number 11 furnace precipitator	0.548 lbs/ton	0.940
Stack serving shot blast baghouse (2 units)	0.001 lbs/ton	0.020

### (31) REED MINERALS PLANT #14

Fluidized bed dryer	0.015 gr/dscf	3.5
Crushing and screening	0.015 gr/dscf	9.0

### (32) RHODIA, INC.

Package boiler	0.007 lbs/MMBtu	0.755
Preheater	0.007 lbs/MMBtu	0.230
Sulfuric acid production unit number 4	0.150 lbs/ton acid produced	6.958 acid mist

### (33) PRAXAIR

Cylinder paint spray booth, stack 033	42.5 lbs/ton	0.340
Drum+ shotblaster and baghouse, stack 075	0.002 gr/dscf	0.028
Drum paint spray booth, stack 073	42.5 lbs/ton	0.340
Cylinder shotblaster number 2 baghouse, stack 030	0.004 gr/dscf	0.042
Generators, numbers 1 through 6	0.008 lbs/MMBtu	0.279
Cylinder shotblaster number 1 baghouse, stack 031	0.002 gr/dscf	0.020

### (34) UNION TANK CAR COMPANY

Grit blaster	0.01 gr/dscf	9.9
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### (35) U.S. GYPSUM COMPANY

Raw material handling		
Rail car unloading, stack J10	0.010 gr/dscf	0.070
Each stack serving raw material conveying and storage, stacks J11, J12, and J13	0.015 gr/dscf	0.190
Rock handling process		
Drying, grinding, and calcining, stack M1	0.012 gr/dscf	3.210
Stucco elevating and conveying, stack M2	0.015 gr/dscf	2.210
Franklin fiber process, stack M6	0.011 gr/dscf	0.313
Wallboard manufacturing process		
Paper grinding and stucco system, stack B1	0.020 gr/dscf	2.230
Wallboard end sawing, stack B2	0.020 gr/dscf	0.860

## Proposed Rules

Speciality board manufacturing process (kerfing), stack B3	0.020 gr/dscf	0.260
Each stack serving ready mix process, stacks J1, J2, and J3	0.017 lbs/ton	0.100
Dry texture paint process		
Mixing and packing, stack J4	0.020 gr/dscf	0.190
Bag dumping, stack J5	0.010 gr/dscf	0.100
Dry additive conveying, stack J6	0.010 gr/dscf	0.030
Dry joint compound process		
Mixing and packing, stack J7	0.020 gr/dscf	0.340
Additive air conveying, stack J8	0.010 gr/dscf	0.34
Panel saw process	0.020 gr/dscf	0.140
(36) USS-Gary Works		
Each stack serving number 3 sinter plant coolers	0.03 gr/dscf TSP	154.3 TSP
Number 3 sinter plant discharge area baghouse	0.02 gr/dscf	5.12
Number 3 sinter plant screening station baghouse	0.0052 gr/dscf	7.5
S1/S2 baghouse	0.0052 gr/dscf	0.83
Number 3 sinter plant storage bins building baghouse	0.01 gr/dscf	1.300
Each stack serving number 3 sinter plant windbox stacks	0.065 gr/dscf TSP	167.1
Number 2 QBOP flux handling lime baghouse	0.01 gr/dscf	2.600
Coke battery number 2 underfire stack	0.05 gr/dscf	27.54
Coke battery number 3 underfire stack	0.05 gr/dscf	42.140
Coke battery number 5 underfire stack	0.05 gr/dscf	16.80
Coke battery number 7 underfire stack	0.05 gr/dscf	20.40
Each stack serving number 2 precarbon building precipitators (3 units)	0.06 gr/dscf	2.5
Each stack serving number 3 precarbon building precipitators (3 units)	0.06 gr/dscf	2.5
Each stack serving number 1 BOP gas cleaning (2 units)	0.02 gr/dscf	17.2
Each stack serving number 2 QBOP gas cleaning (2 units)	0.02 gr/dscf	18.20
Number 2 QBOP hot metal desulfurization baghouse (8 stacks)	0.0052 gr/dscf	1.44
New 2 QBOP secondary baghouse	0.0052 gr/dscf	25.9
Number 1 basic oxygen furnace iron desulfurization baghouse	0.01 gr/dscf	9.32
Number 2 QBOP ladle metal baghouse number 1	0.01 gr/dscf	6.86
Number 2 QBOP ladle metal baghouse number 2	0.01 gr/dscf	2.44
Number 2 QBOP ladle metallurgy facility number 3 reheat furnace hot fume extraction and material handling baghouse	0.01 gr/dscf	4.33
Number 13 blast furnace sinter screening station number 13 baghouse	0.02 gr/dscf	2.5
Stack serving blast furnace stove number 4	0.029 lbs/MMBtu	11.60
Stack serving blast furnace stove number 6	0.029 lbs/MMBtu	11.6
Stack serving blast furnace stove numbers 7 and 8	0.029 lbs/MMBtu	23.20
Stack serving blast furnace stove number 13	0.015 lbs/MMBtu	21.20
Each stack serving boiler house number 4	0.036 lbs/MMBtu	13.155
Number 2 coke plant boiler house; boiler number 3	0.020 lbs/MMBtu	2.7
Stack serving number 2 coke plant boiler house; boiler numbers 4 and 5	0.033 lbs/MMBtu	10.0
Number 2 coke plant boiler house; boiler number 6	0.020 lbs/MMBtu	3.000
Number 2 coke plant boiler house; boiler number 7	0.011 lbs/MMBtu	1.800
Number 2 coke plant boiler house; boiler number 8	0.011 lbs/MMBtu	2.61
Each stack serving turboblower boiler numbers 1 through 5	0.025 lbs/MMBtu	8.400
Turboblower boiler number 6	0.025 lbs/MMBtu	16.58
Each stack serving 84 inch hot strip mill; reheat furnaces (four (4) units)	0.064 lbs/MMBtu	28.2
84 inch hot strip mill; waste heat boiler number 1	0.064 lbs/MMBtu	10.9
84 inch hot strip mill; waste heat boiler number 2	0.064 lbs/MMBtu	12.8
Each stack serving 160/210 inch plate mill; batch reheat furnace numbers 1 through 4	0.011 lbs/MMBtu	0.33
160/210 inch plate mill; continuous reheat furnace number 1	0.011 lbs/MMBtu	2.75
160/210 inch plate mill; continuous reheat furnace number 2	0.011 lbs/MMBtu	2.75
Stack serving 160/210 inch continuous heat treating furnaces 1, 2, 3, and 4	0.011 lbs/MMBtu	1.1
Coke battery #2 precarbonization system electrostatic precipitators	not applicable	62.5 (total)
Coke battery #3 precarbonization system electrostatic precipitators	not applicable	62.5 (total)

## Proposed Rules

Number 3 sinter plant coolers	0.0300 gr/dscfm	272.57 (total)
Number 3 sinter plant discharge area baghouses	0.0100 gr/dscfm	20.57 (total)
Number 3 sinter plant sinter screening station baghouse	0.0100 gr/dscfm	10.89
Number 3 sinter plant storage bins building baghouse	0.0100 gr/dscfm	0.43
Number 3 sinter plant windbox stacks	0.020 gr/dscfm	200 (total)
Number 4 boiler house boilers when three boilers are operating	0.036 lbs/MMBtu	54.1 (total)
Number 4 boiler house boilers when one or two boilers are operating	0.054 lbs/MMBtu	54.1 (total)
Plate mill batch reheat furnaces nos. 6 and 8	0.009 lbs/MMBtu	0.070 (total)
Plate mill continuous reheat furnaces 1 and 2	0.009 lbs/MMBtu	3.72 (total)
84" hot strip mill reheat furnaces nos. 1, 2, 3, and 4	0.017 lbs/MMBtu	40.80 (total)
84" hot strip mill waste heat boiler no. 1	0.043 lbs/MMBtu	10.00
84" hot strip mill waste heat boiler no. 2	0.043 lbs/MMBtu	10.00
Blast furnace number 13 stoves	0.024 lbs/MMBtu	20.40 (total)
Blast furnace number 4 stoves	0.033 lbs/MMBtu	11.70 (total)
Blast furnace number 6 stoves	0.033 lbs/MMBtu	11.70 (total)
Blast furnace number 8 stoves	0.033 lbs/MMBtu	11.70 (total)
Coke battery number 2 underfiring stack	not applicable	32.30
Coke battery number 3 underfiring stack	not applicable	25.50
Coke battery number 5 underfiring stack	not applicable	24.70
Coke battery number 7 underfiring stack	not applicable	21.30
Coke plant boiler house, boiler numbers 1 and 2	0.003 lbs/MMBtu	0.75 (total)
Coke plant boiler house, boiler number 3	0.012 lbs/MMBtu	1.80
Coke plant boiler house, boiler numbers 4 and 5	0.012 lbs/MMBtu	3.90
Coke plant boiler house, boiler number 6	0.012 lbs/MMBtu	2.00
Coke plant boiler house, boiler number 7	0.012 lbs/MMBtu	1.90
Coke plant boiler house, boiler number 8	0.012 lbs/MMBtu	2.90
Number 1 BOP hot metal desulfurization baghouse	0.007 gr/dscfm	15.0
Number 2 Q-BOP LMF Numbers 1 and 2 material handling baghouse	0.007 gr/dscfm	3.83
Number 2 Q-BOP LMF number 3 hot fume exhaust/material handling baghouse	0.0070 gr/dscfm	2.70
Number 2 Q-BOP hot metal desulfurization baghouse	0.007 gr/dscfm	13.0
Number 1 BOP gas cleaning system	0.011 gr/dscfm	46.0 (total)
Number 2 Q-BOP gas cleaning system	0.0153 gr/dscfm	44.40 (total)
TBBH boiler number 6	0.039 lbs/MMBtu	27.80
TBBH boiler numbers 1, 2, 3, and 5 when four boilers are operating	0.037 lbs/MMBtu	61.0 (total)
TBBH boiler numbers 1, 2, 3, and 5 when three boilers are operating	0.050 lbs/MMBtu	61.0 (total)
TBBH boiler numbers 1, 2, 3, and 5 when one or two boilers are operating	0.074 lbs/MMBtu	61.0 (total)
Number 2 Q-BOP north flux handling system baghouse	0.0070 gr/dscfm	1.80
Number 2 Q-BOP south flux handling system baghouse	0.0070 gr/dscfm	1.80
Number 2 Q-BOP secondary emissions baghouse	0.007 gr/dscfm	27.0
Number 3 sinter plant S1/S2 baghouse	0.0100 gr/dscfm	1.29
TBBH boiler number 4A	0.012 lbs/MMBtu	2.90
Number 13 blast furnace casthouse baghouse	0.0090 gr/dscfm	38.57
Number 1 BOP Casbell/OB lancing baghouse	0.0070 gr/dscfm	5.10
Number 2 Q-BOP LMF number 1 hot fume exhaust baghouse	0.007 gr/dscfm	5.1
Number 2 Q-BOP LMF number 2 hot fume exhaust baghouse	0.007 gr/dscfm	5.1
Coke plant desulfurization facility tail gas incinerator	not applicable	0.13
Slab mill slab grinder baghouse	0.0100 gr/dscfm	2.57
EGL boiler house	0.0033 lbs/MMBtu	0.13 (total)
Coke battery number 5/7 pushing emissions control baghouse	0.017 lb/ton coke produced	1.28
Number 2 Q-BOP RH-degasser slag conditioning baghouse	0.007 gr/dscfm	5.49
Coke plant boiler House lime storage silo baghouse	0.030 gr/dscfm	0.28
Plate mill heat treatment furnace	0.003 gr/dscfm	0.096

(e) The following opacity limits shall be complied with and shall take precedence over those in 326 IAC 5-1-2 ~~with which~~ **when** they conflict:

Source

Opacity

**INLAND STEEL**

Electric arc furnace direct shell evacuation system baghouse	5%, 6 minute average
Electric furnace shop roof monitor	20%, 6 minute average
Electric furnace shop ladle metallurgical station baghouse	5%, 6 minute average
Number 2 basic oxygen furnace, number 10 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace, number 20 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace caster fume collection baghouse	5%, 3 minute average
Number 2 basic oxygen furnace charging isle and reladling desulfurization baghouse	5%, 3 minute average
Number 2 basic oxygen furnace flux storage and batch baghouse	5%, 3 minute average
Number 2 basic oxygen furnace ladle metallurgy station baghouse	5%, 3 minute average
Number 2 basic oxygen furnace roof monitor	20%, 3 minute average
Number 2 basic oxygen furnace secondary ventilation system scrubber	20%, 6 minute average
Number 2 basic oxygen furnace truck and ladle hopper baghouse	5%, 3 minute average
Number 2 basic oxygen furnace tundish dump baghouse	5%, 3 minute average
Number 4 basic oxygen furnace off-gas scrubber	20%, 6 minute average
Number 4 basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Number 4 basic oxygen furnace roof monitor	20%, 3 minute average
Number 4 basic oxygen furnace secondary ventilation system baghouse	5%, 3 minute average
Number 4 basic oxygen furnace vacuum degassing material handling baghouse	5%, 3 minute average
Number 7 blast furnace casthouse	15%, 6 minute average

**LTV STEEL CORPORATION**

Basic oxygen furnace ladle metallurgical station baghouse	5%, 3 minute average
Basic oxygen furnace main stack	20%, 6 minute average
Basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Basic oxygen furnace shop roof monitor	20%, 3 minute average

**USS-Gary Works**

Number 1 basic oxygen furnace iron desulfurization baghouse	5%, 3 minute average
Number 1 basic oxygen furnace roof monitor	20%, 3 minute average
Number 1 basic oxygen process gas cleaning (two (2) units)	20%, 6 minute average
Number 2 QBOP hot metal desulfurization baghouse	5%, 3 minute average
Number 2 QBOP gas cleaning	20%, 6 minute average
Number 2 QBOP roof monitor	20%, 3 minute average
Number 2 QBOP flue handling line baghouse	5%, 3 minute average
New 2 QBOP secondary baghouse	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 1	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 2	5%, 3 minute average

(f) Test methods for this section shall be as follows:

(1) Emissions of PM<sub>10</sub> shall be measured by any of the following methods:

- (A) 40 CFR 51, Appendix M, Method 201\*.
- (B) 40 CFR 51, Appendix M, Method 201A\*.
- (C) The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR 60, Appendix A, Method 1, 1A, 2, 2A, 2C, 2D, 3, or 4\*.

(2) Emissions for TSP matter shall be measured by the following methods:

- (A) 40 CFR 60, Appendix A, Method 5, 5A, 5D, 5E, or 17\*. Method 17 may not be used when the stack gas temperature exceeds two hundred forty-eight (248) degrees

Fahrenheit plus or minus twenty-five (25) degrees Fahrenheit.

(B) The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR 60, Appendix A, Method 1, 1A, 2, 2A, 2C, 2D, 3, or 4\*.

(3) Measurements of opacity shall be conducted in accordance with 40 CFR 60, Appendix A, Method 9\*, except for those sources where a three (3) minute averaging time is required. Sources requiring a three (3) minute averaging time are subject to all parts of Method 9 except the six (6) minute averaging provision. In these cases, the opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

## Proposed Rules

(4) Emissions of sulfuric acid mist shall be measured in accordance with 40 CFR 60, Appendix A, Method 8\*.

(5) Compliance with the mass emission limits for the sinter plant windbox stacks at USS Gary in subsection (d) shall be determined by the simultaneous sampling and analysis of both noncondensibles (front half) and condensibles (back half) particulate matter. The quantity of noncondensibles particulate matter in the gas stream shall be determined in accordance with the procedures specified in 40 CFR 60, Appendix A, Method 5\*. The quantity of condensible particulate matter in the gas stream shall be determined in accordance with 40 CFR 51, Appendix M, Method 202\*, with the following modifications:

(A) A heated Method 5\* out of stack filter shall be used instead of an in-stack filter.

(B) The impinger system shall consist of five (5) impingers. The first three (3) impingers shall contain one hundred (100) milliliters of deionized water, the fourth shall be empty, and the fifth shall contain silica gel.

(C) The first four (4) impingers shall be used to determine the quantity of condensible particulate emissions.

Compliance shall be achieved if the sum of the front half and the back half is less than or equal to the mass emission limit of ~~one hundred sixty-seven and one-tenth (167.1)~~ **one hundred (100.0) lbs/hr per stack**, and the front half catch is less than or equal to the mass concentration limit of ~~sixty-five~~

~~thousandths (0.065)~~ **twenty-thousandths (0.020)** gr/dscf in subsection (d).

(g) The installation and operation of opacity continuous emissions monitors shall be conducted according to procedures specified in 326 IAC 3. Prior to December 10, 1993, the following facilities shall have a continuous emission monitor for opacity installed and operating:

(1) Coke battery underfire stacks at USS.

(2) LTV: basic oxygen furnace precipitator main stack.

(3) ~~USS: US Steel, Gary Works:~~ numbers 2 and 3 precarbon building preheating and drying line exhaust gas precipitators (six (6) units). One (1) opacity continuous emission monitor shall be installed prior to December 10, 1993. The remaining five (5) opacity continuous emission monitors shall be installed prior to December 31, 1994. Based on an evaluation of the technical feasibility of operation of the first monitor on one (1) line, US Steel, **Gary Works** may petition for a one (1) year extension of the requirement to install the remaining five (5) monitors or for a waiver for installation and operation of the six (6) opacity continuous emission monitors. US Steel, **Gary Works** shall include information on the moisture content of the gases and their effect on accurate opacity measurements as part of the petition.

(h) The following combustion sources shall fire natural gas only:

Source	Units	lbs/hr
(1) JUPITER ALUMINUM CORPORATION		
Number 2 annealer	0.003 lbs/MMBtu	0.048
Number 3 annealer	0.003 lbs/MMBtu	0.048
Annealing furnace	0.003 lbs/MMBtu	0.040
Boiler	0.003 lbs/MMBtu	0.010
(2) SILGAN CONTAINERS MANUFACTURING CORPORATION		
Stack serving basecoat ovens (six (6) units)	0.003 lbs/MMBtu	0.210
Boiler number 4	0.003 lbs/MMBtu	0.010
Stack serving boiler numbers 1, 2, and 3	0.003 lbs/MMBtu	0.170
Stack serving Johnson space heater numbers 1 through 4	0.003 lbs/MMBtu	0.060
Stack serving litho ovens (five (5) units)	0.003 lbs/MMBtu	0.150
(3) CERESTAR USA, INCORPORATED		
Boiler number 1	0.003 lbs/MMBtu	0.288
Boiler number 2	0.003 lbs/MMBtu	0.468
South dextrin furnace number 1	0.003 lbs/MMBtu	0.023
North dextrin furnace number 2	0.003 lbs/MMBtu	0.023
(4) AMERICAN STEEL FOUNDRY-HAMMOND		
Boiler number 4-5509	0.003 lbs/MMBtu	0.030
Furnaces	0.003 lbs/MMBtu	0.16
(5) BP PRODUCTS NORTH AMERICA INC.		
F-100 marine docks distillate heater	0.003 lbs/MMBtu	0.020
(6) SMITH READY MIX		
Stack serving two (2) boiler units	0.003 lbs/MMBtu	0.035
(7) STATE LINE ENERGY, LLC		
Stack serving emergency backup boiler numbers 2-1 and 2-2	0.003 lbs/MMBtu	0.900
(8) E.I. DUPONT		
Power house (one (1) unit)	0.003 lbs/MMBtu	0.100

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## Proposed Rules

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(9) GATX-GEN AMER TRANS		
Stress relief furnace	0.003 lbs/MMBtu	0.120
(10) GENERAL REFRACTORY		
Tunnel kiln	0.003 lbs/MMBtu	0.040
(11) HAMMOND GROUP, INC. (HGI)		
Stack 18-S-24	0.003 lbs/MMBtu	0.025
Stack 18-S-49	0.003 lbs/MMBtu	0.025
(12) HAMMOND GROUP, INC.-HALSTAB DIVISION		
Stack S-18	0.003 lbs/MMBtu	0.008
Stack S-19	0.003 lbs/MMBtu	0.008
(13) INLAND STEEL		
12 inch bar mill reheat furnace	0.003 lbs/MMBtu	1.090
Stack serving 21 inch bar mill reheat furnace numbers 1 and 2	0.003 lbs/MMBtu	1.31
Stack serving 76 inch hot strip mill reheat furnace numbers 1, 2, and 3	0.003 lbs/MMBtu	1.310
Stack serving 80 inch hot strip mill furnace numbers 3 and 4	0.003 lbs/MMBtu	3.980
Number 3 cold strip and numbers 5 and 6 annealing furnaces	0.003 lbs/MMBtu	0.987
Number 5 galvanizing line	0.003 lbs/MMBtu	0.44
Number 3 continuous anneal line	0.003 lbs/MMBtu	0.25
Open coil anneal	0.003 lbs/MMBtu	0.25
Plant 1 galvanizing lines	0.003 lbs/MMBtu	0.51
Normalizing line	0.003 lbs/MMBtu	0.13
(14) LTV STEEL CORPORATION		
Hot strip space heater numbers 1 through 28	0.003 lbs/MMBtu	0.250 TSP
Sheet mill number 2 portable annealing furnace numbers 1 through 23	0.003 lbs/MMBtu	1.100 TSP
Sheet mill number 2 space heater numbers 1 through 7	0.003 lbs/MMBtu	0.050 TSP
Sheet mill number 3 open coil annealing furnace numbers 1 through 3	0.003 lbs/MMBtu	0.031 TSP
Number 3 sheet mill annealing furnace numbers 1 through 7	0.003 lbs/MMBtu	0.071 TSP
Number 3 sheet mill annealing furnace numbers 1 through 11	0.003 lbs/MMBtu	0.520 TSP
Sheet mill number 2, annealing and galvanizing furnace numbers 2 through 5	0.003 lbs/MMBtu	1.280 TSP
Sheet mill number 2, CRSM boiler numbers 7 and 8	0.003 lbs/MMBtu	0.290 TSP
Number 2 cold reduced strip mill, number 2 galvanizing line, numbers 1 and 2 flame furnaces	0.003 lbs/MMBtu	0.500
Number 2 sheet mill galvanizers 1 and 2	0.003 lbs/MMBtu	0.265 TSP
(15) UNILEVER HPC, USA		
American hydrotherm boiler number 1	0.003 lbs/MMBtu	0.040
(16) NIPSCO-MITCHELL		
Number 9A gas turbine	0.003 lbs/MMBtu	0.660
(17) PRAXAIR		
Package boilers (two (2) units)	0.003 lbs/MMBtu	0.618
Plants numbers 6, 7, and 8 regenerator heaters	0.003 lbs/MMBtu	0.097
(18) UNION TANK CAR CO.		
Boiler house, north	0.003 lbs/MMBtu	0.110
Boiler house, south	0.003 lbs/MMBtu	0.110
Number 4 boiler	0.003 lbs/MMBtu	0.020
Number 8 boiler	0.003 lbs/MMBtu	0.010
North stress furnace	0.003 lbs/MMBtu	0.160
Stack serving paint oven unit numbers 1 through 5	0.003 lbs/MMBtu	0.060
South stress furnace	0.003 lbs/MMBtu	0.160
(19) U.S. GYPSUM COMPANY		
Each stack serving wallboard drying furnace, stacks B4, B5, and B6	0.003 lbs/MMBtu	0.068
(20) USS-Gary Works		
Electrogalvanizing boiler	0.003 lbs/MMBtu	0.110
Number 2 coke plant boiler house, boiler number 1	0.003 lbs/MMBtu	0.385
Number 2 coke plant boiler house, boiler number 2	0.003 lbs/MMBtu	0.385

## Proposed Rules

Tin mill boiler number 5	0.003 lbs/MMBtu	0.480
Tin mill boiler number 1	0.003 lbs/MMBtu	0.240
Tin mill boiler number 2	0.003 lbs/MMBtu	0.240
Stack serving tin mill boiler numbers 3 and 4	0.003 lbs/MMBtu	0.830
160/210 inch plate mill, ear bottom heat treating furnace	0.003 lbs/MMBtu	0.070
160/210 inch plate mill, ear bottom normalizing furnace	0.003 lbs/MMBtu	0.070
160/210 inch plate mill, keep hot pits	0.003 lbs/MMBtu	0.090

(i) (Reserved)

(j) (Reserved)

(k) This subsection lists site-specific control requirements. For any facility with a compliance date after December 10, 1993, the company shall submit a schedule for meeting the final compliance date containing milestones for purchase and installation of the equipment and for the operational changes required to assure compliance with the applicable standard prior to the final compliance date. The schedule shall be submitted to the department and to U.S. EPA prior to December 10, 1993. A violation of any milestone in the submitted schedule constitutes a violation of this rule. The sources listed shall meet the requirements as follows:

(1) The following **requirements** for Cerestar USA, Incorporated:

(A) Starch dryer number 1 shall be permanently shut down by December 31, 1993.

(B) Starch dryer number 2 stack height shall be increased from eighteen and three-tenths (18.3) meters to thirty (30) meters by December 10, 1993.

(C) Dextrin manufacturing systems 1 through 7 shall be permanently shut down by December 31, 1993.

(D) After December 10, 1993, Cerestar USA, Incorporated shall achieve compliance with the respective limits in subsection (d). The following mass emission limits shall be applicable until December 10, 1993:

Process	Units	Emission Limit
Each stack serving dextrin manufacturing equipment systems numbers 1 through 7	1.000 lbs/ton	0.50 lbs/hr
Starch flash feed dryer number 1 scrubber	0.086 lbs/ton	8.69 TSP

(2) American Steel Foundry-Hammond. The PM<sub>10</sub> mass emission limit in subsection (d) for coil spring grinder numbers 3-0244, 3-0386, 3-0389, 3-0247, 3-0385, 3-0295, and 3-0233 shall be complied with no later than December 31, 1993, and shall be maintained thereafter. The source shall either improve the efficiency of the existing control equipment or replace the existing control equipment with higher efficiency control equipment to comply with emission limits specified in subsection (d).

(3) State Line Energy, LLC. Units 3 and 4 shall comply with:

(A) a thirty percent (30%), six (6) minute average opacity limit until December 31, 1992;

(B) a twenty-five percent (25%), six (6) minute average opacity limit from January 1, 1993, to December 31, 1993; and  
(C) a twenty percent (20%), six (6) minute average opacity limit after December 31, 1993.

(4) Hammond Group, Inc. (HGI)-Halox plant. The stack heights of stacks 17-S-25 and 17-S-40 shall be raised to twenty-one and three-tenths (21.3) meters above grade by December 10, 1993.

(5) The following for Inland Steel:

(A) Number 2 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the opacity standard shall be the thirty percent (30%), six (6) minute average. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9\*, except that the three (3) minute, twenty percent (20%) opacity standard shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(B) Numbers 8 and 11 coke batteries. Operation of the number 8 coke battery and its underfire stack and number 11 coke battery and its associated quench tower, underfire stack, and preheater stacks shall be permanently discontinued before December 31, 1992.

(C) Number 10 coke battery. After the shutdown of the number 8 coke battery, the electrostatic precipitator associated with the number 8 coke battery shall be connected to the number 10 coke battery prior to December 31, 1992.

(D) Numbers 6, 7, 9, and 10 coke batteries. These coke batteries and associated quench towers and underfire stacks shall not operate after December 31, 1994. Prior to December 31, 1994, these coke batteries shall meet the requirement of section 10.2 of this rule with the following exceptions:

(i) There shall be no visible emissions from more than ten percent (10%) of the standpipes on operating ovens on a battery.

(ii) Visible emissions shall not exceed twenty percent (20%) averaged over six (6) consecutive observations during any pushing operation.

(iii) Mass emissions from the coke battery underfire stacks shall not exceed fifty-thousandths (0.050) gr/dscf.

(E) Number 4 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31,



1994, and shall be maintained thereafter. Prior to December 31, 1994, the opacity standard shall be the twenty-five percent (25%), six (6) minute average.

(F) Number 7 blast furnace casthouse. Tapping emissions from the number 7 blast furnace casthouse shall be controlled by a hood vented to a baghouse on and after December 1, 1992. Canopy hoods shall be installed above each of the four (4) furnace tap holes. The hoods shall be ducted to a new three hundred seventy thousand (370,000) actual cubic feet per minute minimum design flow rate baghouse. Each hood shall be located just above the casthouse crane and extend via vertical sheeting to the casthouse roof. The system shall provide a minimum of one hundred eighty-five thousand (185,000) actual cubic feet per minute of air flow (fume capture) to each hood, when the corresponding tap hole is being drilled or plugged.

(G) Number 2 bloom mill soaking pits. The soaking pits shall not operate after December 31, 1992.

(H) Prior to December 31, 1994, Inland Steel shall comply with a thirty percent (30%), six (6) minute average opacity limit for the electric arc furnace roof monitor. On and after December 31, 1994, Inland Steel shall comply with the roof monitor opacity limit specified in subsection (e). Prior to December 31, 1994, Inland Steel shall do the following:

(i) Perform tests according to procedures developed in consultation with the department to establish process and control equipment operating procedures and to establish control system fan motor ampere and damper position or volumetric flow rates through each separately ducted hood and/or duct used to capture emissions during the electric arc furnace charging, tapping, and refining process.

(ii) Install the required monitoring equipment in consultation with the department regarding its accuracy and precision position.

(iii) Record the start time and duration of charging, tapping, and refining of each heat.

(I) After December 31, 1994, the sources shall comply with the respective limits contained in subsection (d). The following mass emission limits will be applicable until December 31, 1994:

	Emission	Emission
	Limit (Units)	Limit (lbs/hr)
Inland Steel Processes		
Number 6 coke battery	0.271 lbs/ton	9.840
underfire stack	coal	
Number 7 coke battery	0.267 lbs/ton	15.580
underfire stack	coal	
Number 9 coke battery	0.406 lbs/ton	19.180
underfire stack	coal	
Number 10 coke battery	0.371 lbs/ton	27.81
underfire stack	coal	
Stack serving 21 inch bar	0.29	12.95
mill reheat furnace numbers	lbs/MMBtu	
1 and 2		

Number 4 slabber soaking	0.0	0.0
pit numbers 1 through 18	lbs/MMBtu	
collective		

Number 4 slabber soaking	0.031	9.190
pit numbers 19 through 45	lbs/MMBtu	
collective		

Number 3AC station boiler	0.023	20.45
numbers 301 through 304	lbs/MMBtu	

Number 3AC station boiler	0.023	6.82
number 305	lbs/MMBtu	

(6) The following **requirements** for LTV Steel Corporation:

(A) Basic oxygen furnace facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 10, 1993, and shall be maintained thereafter. Prior to December 10, 1993, the opacity standard shall be twenty percent (20%), except for one (1) three (3) minute average per hour.

(B) Number 4 blast furnace. Compliance with the opacity limit shall be achieved no later than February 1, 1994, and shall be maintained thereafter. Also, control equipment capable of capturing and collecting emissions generated at the east and west tilting runner spouts and tap holes shall be installed and operational by February 1, 1994.

(7) NIPSCO-Mitchell. Units 5 and 6 shall comply with the following:

(A) Thirty percent (30%), six (6) minute average opacity limit until December 31, 1992.

(B) Twenty-five percent (25%), six (6) minute average opacity limit from January 1, 1993, to December 10, 1993.

(C) Twenty percent (20%), six (6) minute average opacity limit after December 10, 1993.

(8) The following for USS-Gary Works:

(A) Numbers 15 and 16 coke batteries. The coke batteries and all associated operations shall not operate after the effective date of this section.

(B) Number 13 blast furnace casthouse roof monitor. The twenty percent (20%), six (6) minute average opacity standard shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the blast furnace casthouse shall comply with a thirty percent (30%) opacity, six (6) minute rolling average standard.

(C) Number 1 basic oxygen furnace facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1996, and shall be maintained thereafter. Prior to December 31, 1996, the following opacity standards shall apply:

(i) Prior to January 1, 1995, the instantaneous opacity shall not exceed thirty percent (30%) opacity except for an aggregate of six (6) minutes per hour. Twenty-four (24) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered a six (6) minute aggregate.

## Proposed Rules

(ii) For the period of January 1, 1995, through December 31, 1995, the instantaneous opacity shall not exceed twenty-five percent (25%) opacity, except for an aggregate of six (6) minutes per hour.

(iii) For the period of January 1, 1996, through December 30, 1996, the instantaneous opacity shall not exceed twenty-five percent (25%) opacity, except for an aggregate of five (5) minutes per hour. Twenty (20) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered a five (5) minute aggregate.

(D) Number 2 QBOP facility roof monitor. The twenty percent (20%); three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the instantaneous opacity shall not exceed thirty percent (30%) opacity except for an aggregate of eight (8) minutes per hour. Thirty-two (32) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered an eight (8) minute aggregate.

(E) Number 2 coke plant boilers. Only four (4) of the number 2 coke plant boilers may operate using coal or coke oven gas at the same time. If more than four (4) boilers are in operation, all but four (4) shall use natural gas.

(F) Eighty-four (84) inch hot strip mill. Actual heat input derived from coke oven gas and fuel oil shall not exceed a total of four hundred seventy-seven million (477,000,000) British thermal units per hour for waste heat boiler number 1 and furnace numbers 1 and 2 combined and a total of five hundred seven million (507,000,000) British thermal units per hour for waste heat boiler 2 and furnaces 3 and 4 combined. The remainder of the actual heat input shall be obtained by burning natural gas. A total actual heat input shall not exceed four hundred forty million (440,000,000) British thermal units per hour for each furnace; one hundred seventy million (170,000,000) British thermal units per hour for waste heat boiler number 1, and two hundred million (200,000,000) British thermal units per hour for waste heat boiler number 2.

(G) Only two (2) of the three (3) sinter lines shall operate at any one (1) time. For each line, USS-Gary Works shall maintain the following records in regard to the sinter plant operation:

(i) Startup and shutdown time.

(ii) Average hourly production rate.

(iii) The cause of any malfunction and the correction taken.

(H) Number 2 coke plant boiler house boilers numbers 4, 5, and 6. A ninety (90) day written notice shall be given to the department and U.S. EPA in the event of switching fuels from gas to coal. In addition, continuous opacity emission monitors must be installed prior to the fuel switch.

(I) Beach iron dumping and process vessel maintenance activities subject to subsection (p)(3)(F)(i) and (p)(3)(F)(ii)

shall comply with the applicable twenty percent (20%) opacity limitation no later than December 31, 1994. The schedule for compliance submitted by December 10, 1993, shall establish milestones that achieve final compliance as soon as practical, but no later than December 31, 1994.

(J) Number 5 quench tower will comply with the ninety-five percent (95%) baffle requirement under section 10.2(c)(7)(F) of this rule no later than December 10, 1993.

(I) The continuous compliance plan (CCP) for sources listed in subdivisions (1) through (21) shall contain information on the facilities included in subsections (d) and (e). The following sources shall submit a CCP to the department by December 10, 1993:

(1) American Steel Foundries-East Chicago.

(2) American Steel Foundry-Hammond.

(3) BP Products North America Inc.

(4) Bucko Construction.

(5) Cerestar USA, Incorporated.

(6) Globe Industries.

(7) Hammond Group, Inc. (HGI).

(8) Harbison Walker Refractories, Hammond Works.

(9) Inland Steel.

(10) LTV Steel Corporation.

(11) Marblehead Lime Company.

(12) Marport Smelting.

(13) National Recovery Systems.

(14) NIPSCO-Mitchell.

(15) Reed Minerals.

(16) Rhodia, Inc.

(17) State Line Energy, LLC.

(18) Unilever HPC, USA.

(19) U.S. Gypsum Company.

(20) USS-Gary Works.

(21) A CCP shall also be submitted by any source in Lake County for facilities that meet the following conditions:

(A) Boilers with heat input capacity equal to or greater than twenty-five million (25,000,000) British thermal units per hour, singly or in combination, that vent through a single stack. Facilities, including boilers and reheat furnaces, configured to burn only natural gas, blast furnace gas, or coke oven gas, or a combination of these gases, are exempt.

(B) Facilities that perform manufacturing operations in a building or structure such that the total uncontrolled PM<sub>10</sub> emissions from all such operations amount to ten (10) tons per year or more and that could potentially escape into the atmosphere through roof vents and other openings. The uncontrolled PM<sub>10</sub> emissions shall be estimated with AP-42, "Compilation of Air Pollutant Emission Factors, Volume I, (Stationary Point and Area Sources)", Fifth Edition, January 1995\*, Supplements A through G, December 2000\* emission factors or other documentable emission factors acceptable to the commissioner and U.S. EPA.

(C) Each facility, not otherwise required to submit a CCP in accordance with this subsection, with uncontrolled PM<sub>10</sub>

or TSP emissions that may exceed one hundred (100) tons per year based on eight thousand seven hundred sixty (8,760) hours of operation and AP-42 emission factors or other documentable emission factors acceptable to the commissioner and U.S. EPA.

(m) The CCP shall contain, for the facilities specified in subsection (l), documentation of operation and maintenance practices of process operations and any particulate matter control equipment existing or required to be installed, replaced, or improved by subsection (k) that are essential to maintaining compliance with the mass and opacity limits specified in subsections (d) and (e) and 326 IAC 5-1.

(n) The CCP shall include the following:

- (1) A list of the processes and facilities at the source.
- (2) A list of the particulate matter control equipment associated with the processes and facilities listed in subsection (l).
- (3) The process operating parameters critical to continuous compliance with the applicable PM<sub>10</sub> or TSP mass and opacity limits, including applicable specific requirements listed in subsection (p).
- (4) The particulate matter control equipment operating parameters critical to continuous compliance with the applicable PM<sub>10</sub> or TSP mass and opacity including applicable requirements listed in subsection (q).
- (5) The specific monitoring, recording, and record keeping procedures for process and control equipment for each facility in the CCP specified in subdivisions (1) and (2).
- (6) The procedure used to assure that adequate exhaust ventilation is maintained through each duct at facilities where emissions are captured by a collection hood and transported to a control device.

(o) A CCP for a source to which subsection (k) applies shall contain a schedule for complying with the requirements of subsection (k). The schedule shall list specific compliance dates for the following actions:

- (1) Submittal of plans.
- (2) Start of construction.
- (3) Completion of construction.
- (4) Achieving compliance.
- (5) Performing compliance tests.
- (6) Submitting compliance test results.

(p) A source or facility to which subsection (l) applies and which belongs to any source category listed in this subsection shall include the following information or applicable procedures, or commit to the following actions, in its CCP:

- (1) For lime plants, monitor opacity at the kilns and control system vents during normal operation of the kiln with a continuous emission monitor or through self-monitoring of opacity. 40 CFR 60, Appendix A, Method 9\* should be used to determine opacity if the facility is controlled by a positive pressure fabric filter.
- (2) For petroleum refineries, continuously monitor opacity of

exhaust gases and monitor the coke burn-off rate in pounds per hour from fluid catalytic cracking unit catalyst regenerators.

(3) Steel mill CCPs shall include, as a minimum, the following:

(A) Basic oxygen process (BOP, BOF, QBOP), including the following:

(i) Describe the capture and control devices used to control particulate emissions from each phase of the steel production cycle, including, **but not limited to**, the furnace, hot metal transfer, hot metal desulfurization, and kish removal. The description shall include the locations within the facility of these operations in relation to capture hoods, control devices, roof vents, and other building openings.

(ii) Describe any fume suppression system, including, **but not limited to**, the process or emission point being controlled, the location within the facility, the inert gas or steam application rate, and the monitoring method. As used in this item, "fume suppression system" means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.

(iii) Describe the procedure for recording furnace charging and tapping time, amount of throughput, and amount of steel produced.

(iv) Describe the off-gas system leak detection and repair record keeping practices.

(v) Describe the procedures used to minimize dirt and debris accumulation on the facility floor.

(vi) Describe practices that reduce PM<sub>10</sub> and TSP emissions escaping the primary or secondary hood during scrap charging and hot metal charging tapping steel and dumping slag.

(vii) At least monthly, inspect the operational status of the following elements of the capture system **and maintain records of the inspections and any repairs**:

- (AA) Pressure sensors.
- (BB) Dampers.
- (CC) Damper switches.
- (DD) The hood and ductwork for the presence of holes.
- (EE) Ductwork for accumulation of dust.
- (FF) Fans for erosion.

**Maintain records of the inspections and any repairs:**

(B) Electric arc furnace, including the following:

(i) List the furnace operating sequences to be followed in case of multivessel operation. Describe the capture and control devices used to control particulate emissions in each phase of the steel production cycle, including, **but not limited to**, exhaust rate and dampers, blast gates, instrumentation operation, and control. Include a drawing that shows:

- (AA) the location of the furnace within the facility in relation to capture hoods and control devices, roof vents, and other building openings; and
- (BB) the location of other processes within the facility

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## Proposed Rules

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that have potential to generate emissions, including, **but not limited to**, casting and ladle repair.

- (ii) Describe the procedure for recording the following:
- (AA) Time of furnace charging, furnace melting, and furnace refining.
  - (BB) Tapping start and stop times.
  - (CC) Charge weight for each heat.
  - (DD) Tap weight for each heat.

(iii) At least monthly, inspect the operational status of the following elements of the capture system **and maintain records of the inspections and any repairs**:

- (AA) Pressure sensors.
- (BB) Dampers.
- (CC) Damper switches.
- (DD) Hood and ductwork for the presence of holes.
- (EE) Ductwork for accumulation of dust.
- (FF) Fans for erosion.

~~Maintain records of the inspections and any repairs.~~

(iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.

(v) Once per heat, either check and record the control system fan motor ampere and damper position or monitor flow rate through each separately ducted hood and/or duct used to capture emissions from the electric arc furnace operation.

(vi) Take visible emission readings of the direct shell evacuation system and the roof monitor at least once a day. The readings shall be taken during one (1) single steel production cycle and will be concurrent with the observations in subsection (k)(5)(H)(iii). The opacity observations shall be taken according to 40 CFR 60, Appendix A, Method 9\* and consist of at least one (1) six (6) minute observation each during charging and tapping and three (3) six (6) minute observations during melting and refining.

(vii) Report to the department on a quarterly basis control system fan motor amperage values that exceed fifteen percent (15%) of the value or operation at volumetric flow rates lower than those established during the performance test in subsection (k)(5)(H)(i). Operation above these values may be considered as unacceptable operation of the electric arc furnace equipment and the emissions capture and control system by the commissioner. Unless alternative values are established according to the procedures prescribed in subsection (l).

(viii) Keep a record of any process and control equipment upsets, malfunctions, or activities within the electric arc furnace facility that may have resulted in excessive emissions. The records shall consist of the nature of event, time, and duration.

(C) Iron production that includes a blast furnace shall comply with the following:

- (i) Describe procedures, including, **but not limited to**, frequency, for inspection of the following elements of a capture system **and maintain records of the inspections, maintenance, and any repairs made**:

(AA) Pressure sensors.

(BB) Dampers.

(CC) Damper switches.

(DD) Hood and ductwork for the presence of holes.

~~Maintain records of the maintenance and any repairs made.~~

(ii) Describe procedures used to minimize dirt and debris accumulation on the facility floor.

(iii) Describe any fume suppression system, including, **but not limited to**, the process or emission point being controlled, the location, and the inert gas or steam application rate and the monitoring method. Fume suppression system means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.

(iv) Describe the record keeping for the following elements of the iron production cycle:

(AA) Time of hole drilling.

(BB) Time of tapping.

(CC) Time of hole plugging.

(v) Describe the blast furnace inspection, repair, and maintenance schedule for the following elements:

(AA) Tuyres.

(BB) Bleeder valves.

(CC) Large and small bells.

(DD) Uptakes and downcomers (to minimize backdrafting).

(EE) Standby devices.

(vi) Describe the procedures used to inspect and operate the blast furnace gas cleaning equipment, **such as including, but not limited to**, dust catchers and scrubbing equipment to assure operation within design parameters.

(D) Sinter production shall comply with the following:

(i) Describe routine startup and shutdown procedures and other work practices which are followed to reduce emissions and equipment malfunctions.

(ii) Describe procedures for inspection of equipment to identify areas which may affect particulate emissions, including, **but not limited to**, the following:

(AA) Points of wear.

(BB) Distorted grate bars.

(CC) Leaking machine seals.

(DD) Holes in ducts.

(EE) Holes in flapper valves.

(iii) Describe procedures for monitoring mechanical and electrical inspection records.

(iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.

(v) Describe procedures for monitoring burden parameters, including, **but not limited to**, base to acid ratio and hydrocarbon content.

(vi) Describe the routine for plant operation during equipment failure, **such as including, but not limited to**, screening station failure.

(vii) At least monthly, inspect the operational status of the following elements of the capture system **and maintain records of the inspections and any repairs:**

- (AA) Pressure sensors.
- (BB) Dampers.
- (CC) Damper switches.
- (DD) Hood and ductwork for the presence of holes.
- (EE) Ductwork for accumulation of dust.
- (FF) Fans for erosion.

~~Maintain records of the inspections and any repairs:~~

(E) Coke production shall comply with the following:

(i) Describe operating and maintenance practices used to minimize emissions from charging doors, charge port lids, offtakes, standpipes, gooseneck caps and gas collector mains, pushing, underfire stacks, and quenching, including, **but not limited to**, quench water dissolved solids control. The documentation shall include the following operating practices:

- (AA) Use of jumper pipe during charging.
- (BB) Procedure for worker's coordination, training, and communication.
- (CC) Luting material used.
- (DD) Periodic engineering evaluations to determine improvements needed.
- (EE) Aspiration practices during charging, including, **but not limited to**, aspiration rate and adjustment.

(ii) Describe the routinely available inventory of spare parts and equipment, including, **but not limited to**, luting compounds, doors, and mobile scrubber cars.

(F) Waste disposal and recycling practices of iron and steel scrap and other metallic scrap shall comply with the following:

(i) Provide a description of the routine activities involving disposal and reclamation of iron and steel. The visible emissions from such activities shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9\*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(ii) Maintenance of process vessels, for example, pugh ladles, shall be performed in enclosed structures. The visible emissions from such structures shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9\*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(iii) Emissions from all steel scrap burning or cutting and oxygen lancing operations shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9\*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(G) Visible emission evaluation plans shall comply with the following:

(i) Within sixty (60) days of the effective date of this section, each steel mill shall submit a plan to conduct visible emissions evaluations per the approved test method or procedures to determine compliance with the applicable opacity standard. The plan shall specify the frequency of visible emissions evaluations at the operations included in clauses (A) through (F). The plan shall include charging, pushing, lids and offtakes, doors, standpipes, and gas collector mains at coke production operations and lime plants.

(ii) If the plan specifies that the duration of readings is less than one (1) hour per day at each facility, then the plan shall include the basis for less frequent evaluations.

(iii) The department shall disapprove the plan if it does not include all facilities or if the proposed duration and frequency will not provide for a reasonable assessment of compliance.

(iv) Upon approval of a steel mill's plan by the department, the visible emissions evaluations shall commence and the data submitted to the department within one (1) month of the end of the calendar quarter.

(v) The plan may be revised with department approval at any time.

(4) Fuel combustion boilers, as described in subsection (b)(26)(A), shall comply as follows:

(A) The requirements of this subdivision shall not relax the fuel monitoring and reporting requirements of 326 IAC 7-1.1-1 for the sources this section applies to.

(B) Affected sources shall maintain records of the following information:

- (i) Operational status of each facility for each day.
- (ii) The daily measurements for each facility of the type of fuel used, amount of each type of fuel used, and heat content of each type of fuel used.
- (iii) The TSP or PM<sub>10</sub> emission factors for each type of fuel to be used as estimated by the AP-42 or stack test method.
- (iv) The method used to monitor the fuel amount and heat content in addition to the frequency.
- (v) The control efficiency of the particulate control device and the method of determination.
- (vi) Average daily PM<sub>10</sub> emissions (or TSP if applicable) for each facility, expressed in pounds per million British thermal units.

(C) The following guidance ~~may~~ **shall** be used to estimate emissions:

(i) For heat content, AP-42, Volume 1, Appendix A, Table A-3, "Typical Parameters of Various Fuels" Fifth Edition, January 1995\*, Supplements A through G, December 2000\*.

(ii) For emission factors (TSP or PM<sub>10</sub>), EPA 450/4-90-003, "AIRS Facility Subsystem Source Classification Codes and Emission Factors Listing for Criteria Air Pollutants"\*\*\*.

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## Proposed Rules

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- (iii) For control equipment efficiency, manufacturer's warranty or as determined by source.
- (iv) Sources may substitute other site-specific values for the values as indicated if they can be shown to be acceptable to the department.

(q) This subsection concerns particulate matter control equipment operation and maintenance requirements. A CCP shall provide that the following control equipment related information will be maintained at the source's property and will be available for inspection by department personnel:

- (1) Startup, shutdown, and emergency shutdown procedures.
- (2) Sources shall notify the department fifteen (15) days in advance of startup of either new control equipment or control equipment to which major modifications have been made.
- (3) Manufacturer's recommended inspection procedures, preventive and corrective maintenance procedures, and safety devices and procedures, such as sensors, alarm systems, and bypass systems. If manufacturer's recommendations are not available, procedures shall be developed by the source.
- (4) Contents of the operator's training program and the frequency with which the training is held.
- (5) A list of spare parts available at the facility.
- (6) A list of control equipment safety devices, for example, high temperature sensors and alarm systems, exhaust gas stream bypass system, or safety interlock system.
- (7) Monitoring and recording devices and/or instruments to monitor and record control equipment operating parameters specified in subsection (n)(4).

(r) Particulate matter control equipment operation, recording, and inspection procedure requirements shall be as follows:

- (1) A CCP for a facility controlled with a baghouse shall include the recording, inspection, and maintenance procedures to be consistent with the requirements of subsection (m), **such as, including, but not limited to**, the following:

(A) Operating parameters, **such as including, but not limited to**, the following:

- (i) Pressure drop across the baghouse.
- (ii) Gas flow rate at baghouse inlet.
- (iii) Gas temperatures at inlet.

A CCP shall identify the monitors and instrumentation, and their location, accuracy, precision, and calibration frequency. A CCP shall also include a description of any visible emission evaluation program.

(B) Baghouse cleaning system. A complete description of the cleaning system, including, **but not limited to**, such information as intensity, duration, frequency, and method of activation.

(C) Baghouse inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommen-

dations or alternatives documented by the company. The revised schedule must be approved by the department. Inspections shall include the following:

- (i) Daily inspections shall include the following:

- (AA) Pressure drop.
- (BB) Fan amperage.
- (CC) Cleaning cycle.
- (DD) Compressed air on pulse jet baghouses for values outside of the operating ranges.
- (EE) Dust discharge equipment for proper operation.
- (FF) General check for abnormal audible and visual conditions.

- (ii) Weekly inspections of the following:

- (AA) Moving parts on discharge system.
- (BB) Bypass and isolation damper operation.
- (CC) Bag tension.
- (DD) Compressed air lines, oilers, and filters.
- (EE) Manometer lines.
- (FF) Temperature indicating equipment.
- (GG) Bag cleaning sequence.
- (HH) Drive components on fans.

- (iii) Monthly inspections of the following:

- (AA) Bag seating condition.
- (BB) Moving parts on shaker baghouses.
- (CC) Fan corrosion and blade wear.
- (DD) Hoses and clamps.
- (EE) Bags for leaks and holes.
- (FF) Bag housing for corrosion.

- (iv) Quarterly inspections of the following:

- (AA) Bags.
- (BB) Ducts for dust build-up.
- (CC) Damper valves for proper setting.
- (DD) Door gaskets.
- (EE) Baffle plate for wear.

- (v) Annual inspection of the following:

- (AA) Welds and bolts.
- (BB) Hoppers for wear.
- (CC) Cleaning parts for wear.

(2) A CCP for a facility controlled by an electrostatic precipitator (ESP) shall include recording, inspection, and maintenance procedures to be consistent with the requirements of subsection (m), **such as including, but not limited to**, the following:

(A) Operating parameters, **such as including, but not limited to**, the following:

- (i) Gas flow rate.
- (ii) Temperature.
- (iii) Type and rate of gas conditioning agents used for resistivity control or resistivity measurements.
- (iv) Power input at each section of the ESP. A CCP shall identify monitors and instrumentation and specify location, accuracy, precision, and calibration frequency. A CCP shall also include a description of any visible emissions evaluation program.

(B) ESP inspection and maintenance schedule. The inspec-

tion schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule shall be approved by the department. Inspections shall include the following:

- (i) Daily inspection of the following:
  - (AA) Fan amperage.
  - (BB) Temperature.
  - (CC) Gas conditioning agent flow rate or resistivity.
  - (DD) Electrical readings for values outside the operating range.
  - (EE) Hoppers and dust discharge system for proper operation.
  - (FF) Transformer-rectifier enclosures and bus ducts for abnormal arcing.

Corrective actions taken, if any, shall be recorded.

- (ii) Weekly inspection of the following or as per manufacturer's recommendations:

- (AA) Rapper operation.
  - (BB) Control set interiors.

- (iii) Monthly inspection of the following:

- (AA) Fans for noise and vibration.
  - (BB) Hopper heaters.
  - (CC) Hopper level alarm operation.

- (iv) Quarterly inspection of the following:

- (AA) Check rapper and vibrator switch contacts.
  - (BB) Access door dog bolt and hinges.
  - (CC) Interlock covers.
  - (DD) Test connectors.
  - (EE) Exterior for visual signs of deterioration.
  - (FF) Abnormal vibration, noise, and leaks.

- (v) Semiannual inspection of the following, or as per manufacturer's recommendations:

- (AA) T-R liquid and surge arrestor spark gap.
  - (BB) Conduct internal inspection.
  - (CC) Top housing or insulator compartment and all electrical insulating surfaces, and correct any defective alignment.

- (vi) Annual inspection of the following:

- (AA) Tightness of all electrical connections.
  - (BB) Operation of switchgear.
  - (CC) Rapper insulator connections.
  - (DD) Observe and record areas of corrosion.

(3) A CCP for a facility controlled by a scrubber shall include the recording, inspection, and maintenance procedures to be consistent with the objectives of subsection (m), **such as, including, but not limited to**, the following:

- (A) Operating parameters, **such as including, but not limited to**, the following:

- (i) Gas flow rate.
  - (ii) Inlet and outlet temperatures of gas to and from scrubber.

- (iii) Liquid flow rate to scrubber.
  - (iv) Pressure drop across scrubber.
  - (v) pH of liquid to scrubber.
  - (vi) Fan and pump currents.

A CCP shall specify the location, accuracy, precision, and calibration frequency of monitors and instrumentation.

(B) Scrubber inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule shall be approved by the department. Inspections shall include the following:

- (i) Daily inspection of the following:

- (AA) Scrubbing liquid flow rates to scrubber.
  - (BB) Pressure drop across scrubber.
  - (CC) Fan and pump amperages for values outside the operating range.

Corrective actions taken shall be recorded.

- (ii) Monthly inspection of the following:

- (AA) Seals for abrasion.
  - (BB) Corrosion and leaks.
  - (CC) Fans for abrasion, corrosion, and solids build-up.
  - (DD) Pipes for abrasion, corrosion, and plugging.
  - (EE) Throat wear in the venturi scrubber.
  - (FF) Sensors, alarm systems, and bypass devices for proper operation.
  - (GG) Entrainment separator for blockage.
  - (HH) Spray nozzles for plugging or excessive wear.

(s) The department shall review the CCP. The department may at any time request, in writing, any of the following:

(1) A CCP revised to include additional documentation or practices as needed to allow the department to verify that operation and maintenance practices critical to continuous compliance with the applicable mass and opacity limits are being followed.

(2) A compliance test conducted with the compliance test methods specified in this section if the department determines that the procedures specified in the CCP are not being followed or are inadequate to assure continuous compliance. The compliance test may consist of a series of opacity measurements of frequency and duration specified by the department or a stack test. The department may request that information be collected during the test to determine proper operation and maintenance procedures needed to assure continuous compliance with applicable mass and opacity limits.

(t) The source shall respond, in writing, within thirty (30) days of a request per subsection (s). The source shall either provide an expeditious schedule, not to exceed sixty (60) days, for providing the information requested by the department or

petition the department for an alternative to the request. A schedule for completion of an opacity compliance test shall not exceed thirty (30) days from the department's request. A source may petition the department for an alternative schedule based on practical problems in meeting the request.

(u) The source shall update the CCP, as needed, retain a copy of any changes and updates to the CCP on the property, and make the updated CCP available for inspection by the department. The source shall submit the updated CCP, if required, to the department within thirty (30) days of the update.

(v) Failure to submit a CCP, maintain all information required by the CCP on plant property, or submit a required update to a CCP is a violation of this section. Failure to respond to a request by the department under subsection (s) is a violation of this section. The department may notify a source in writing of noncompliance with an action or procedure specified within a CCP and require that the source conduct a compliance test. If the compliance test demonstrates noncompliance with the applicable particulate matter or opacity limit, both the findings of noncompliance of both the CCP and the compliance test shall be considered as violations of the applicable mass or opacity limit. A violation of an applicable particulate matter or opacity limit of this section, based either on a compliance test performed by the source or by observations or tests conducted by the department, is a violation of this section.

\*The following are incorporated by reference: 40 CFR 51, Appendix M, Methods 201, 201A, and 202; 40 CFR 60, Appendix A, Methods 1, 1A, 2, 2A, 2C, 2D, 3, 4, 5, 5A, 5D, 5E, 8, 9, and 17, and AP-42, including supplements A through G. Copies are available from the Government Printing Office, 732 North Capitol Avenue 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, 100 North Senate Avenue, Indianapolis, Indiana 46204.

\*\*EPA 450/4-90-003, "AIRS Facility Subsystem Source Classification Codes and Emission Factors Listing for Criteria Air Pollutants" is incorporated by reference and is available from U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 or the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board*; 326 IAC 6-1-10.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2368; filed Mar 2, 1998, 8:30 a.m.: 21 IR 2354; filed May 13, 1999, 12:00 p.m.: 22 IR 3047; filed Dec 14, 2000, 5:07 p.m.: 24 IR 1308; errata filed May 1, 2001, 3:24 p.m.: 24 IR 2709; filed Nov 8, 2001, 2:02 p.m.: 25 IR 716; filed Jul 26, 2002, 9:48 a.m.: 25 IR 4077)

SECTION 2. 326 IAC 6-1-10.2 IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 6-1-10.2 Lake County PM<sub>10</sub> coke battery emission requirements**

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

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

Sec. 10.2. (a) The provisions of this section shall apply to those sources located in Lake County which include a coke battery.

(b) The following definitions shall apply to this section:

326 IAC 1-2-10 "Charging" definition  
326 IAC 1-2-11 "Charge port" definition  
326 IAC 1-2-16 "Coke oven battery" definition  
326 IAC 1-2-17 "Coke oven topside" definition  
326 IAC 1-2-18 "Coke-side" definition  
326 IAC 1-2-31 "Gas collector main" definition  
326 IAC 1-2-32.1 "Gooseneck cap" definition  
326 IAC 1-2-34.1 "Jumper pipe" definition  
326 IAC 1-2-35 "Larry car" definition  
326 IAC 1-2-49 "Offtake piping" definition  
326 IAC 1-2-50 "Oven door" definition  
326 IAC 1-2-60 "Pushing" definition  
326 IAC 1-2-61 "Push-side" definition  
326 IAC 1-2-62.1 "Quench car" definition  
326 IAC 1-2-63 "Quenching" definition  
326 IAC 1-2-63.1 "Quench reservoir" definition  
326 IAC 1-2-63.2 "Quench tower" definition  
326 IAC 1-2-77 "Standpipe lid" definition  
326 IAC 1-2-87 "Underfire" definition.

(c) With the exceptions noted in this subsection, the coke batteries in Lake County shall comply with the following emission limits by December 10, 1993:

(1) Single-pass cap for oven door emissions. No visible emissions shall be permitted from more than ten percent (10%) of the observed coke oven doors on any coke oven battery. The number of coke-side doors and push-side doors shall be counted in determining compliance with this emission limit. Doors of ovens which are out of service, either temporarily or permanently, shall not be counted. A push door and a chuck door shall be counted as one (1) door. Compliance with this emission limit shall be determined in accordance with the procedure described in 326 IAC 11-3-4(c).  
(2) Charging emissions. No visible emissions shall be permitted from the charging system for more than a cumulative total of one hundred twenty-five (125) seconds during five (5) consecutive charging periods. For the purpose of this subdivision, "charging system" means the equipment required to add coal to a coke battery. This includes a larry car, charge ports, jumper pipe, and offtake pipe. Compliance with this emission limit shall be determined in accordance with the procedure contained in 326 IAC 11-3-4(a).  
(3) Pushing emissions. The following emission limits shall apply during pushing operations:

(A) The opacity of emissions from the coke-side of an oven



to be pushed, before the first movement of the coke from the oven to the coke car begins, shall not exceed twenty percent (20%). The opacity shall be determined on an instantaneous basis at the top of the battery. The observer shall be positioned outside of the quench car rails.

(B) The opacity of emissions during the pushing operation shall not exceed twenty percent (20%). The pushing operation shall be considered to begin with the first movement of coke from the oven into the coke car and to end when the quench car enters the quench tower. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*, except that the readings shall be taken at fifteen (15) second intervals. Six (6) consecutive readings shall be averaged to determine the opacity. The observer shall only use those backgrounds that are above the elevation of the battery surface. If this condition cannot be met for six (6) consecutive readings, then the opacity shall be determined using the lesser number of consecutive readings.

(C) The particulate emissions from the control device stack shall not exceed four-hundredths (0.04) pounds per ton of coke pushed. Compliance with this emission limit shall be determined by 40 CFR 60, Appendix A, Method 5\*.

(4) Charge port lid emissions. No visible emissions shall be permitted from more than three percent (3%) of the total charge port lids on operating ovens of a coke oven battery. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(b).

(5) Offtake piping emissions. No visible emissions shall be permitted from more than five percent (5%) of the total offtake piping on any coke oven battery. At no time shall the visible emissions from any gooseneck cap opening exceed twenty percent (20%). An exclusion from this opacity limit shall be allowed for two (2) minutes after a gooseneck cap is opened. The opacity shall be determined on an instantaneous basis. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(b).

(6) Gas collector main emissions. No visible emissions shall be permitted from the gas collector main. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(e). Caps on the main shall be exempt from this requirement during maintenance.

(7) Quenching emissions at USS. At a minimum, the following procedures and practices shall be followed:

(A) The quench water, as applied to the coke, shall not exceed one thousand five hundred (1,500) milligrams per liter dissolved solids.

~~(B) One (1) fifty (50) milliliter aliquot sample of quench water will be collected during each quenching operation at each quenching location by an automatic sampling system and composited into a refrigerated container. At the end of a twenty-four (24) hour sampling period, a composite sample consisting of a total of eighty-five (85) to two hundred (200) aliquots, depending upon the number of quenches performed, will have been collected at each location. The composite sample will be mixed and a~~

~~representative sample obtained for analyses. The composite quench water sample from each location shall be analyzed using Method 2540C as found in Standard Methods for the Examination of Water and Wastewater, 17th Edition, published by the American Public Health Association\*\*.~~

~~(C) The automatic sampling system will draw fifty (50) milliliter aliquots from the header which feeds process water to the quench tower reservoirs during each quenching operation.~~

~~(D) The source shall submit results of the quench water analysis monthly to the office of air management.~~

~~(E) (B)~~ A source shall submit the following information regarding its quenching operation in its CCP required to be submitted by section 10.1(l) of this rule:

(i) The source of quench water, for example, Lake Michigan water only, or a mixture of Lake Michigan water, spent quench water, and process water, **and miscellaneous sources of nonprocess water.**

(ii) The volume of quench water and the proportion of each source of water.

~~(F) (C)~~ All coke oven towers shall be equipped with baffles. Baffles shall cover ninety-five percent (95%) or more of the cross-sectional area of the exhaust vent or stack for straight quench towers and must be maintained in operable condition. For offset quench towers numbers 2 and 3 at USSteel, the number and arrangement of baffles in the tower shall be maintained as designed. The source shall submit quench tower drawings showing baffle arrangement to the department and the U.S. EPA on or before December 10, 1993. Compliance with the quench tower baffle requirement shall be determined by comparison of the number and arrangement of baffles with the submitted plans.

(8) Underfire emissions requirements shall be as follows:

(A) Particulate emissions from underfire stacks shall be limited by the emission limitations contained in section 10.1(d) of this rule.

(B) Visible emissions from underfire stacks shall comply with the requirements set forth in 326 IAC 5-1-2.

(9) Precarbonization emissions requirements shall be as follows:

(A) Particulate emissions from precarbonization towers shall be limited by the emission limitations contained in section 10.1(d) of this rule.

(B) Visible emissions from precarbonization towers shall comply with the requirements set forth in 326 IAC 5.

(d) The coke batteries at Inland Steel, in lieu of subsection (c)(3), (c)(5), and (c)(8) above, shall comply with the requirements of section 10.1(k)(5)(D) of this rule.

**\*This document is incorporated by reference.** Copies of the Code of Federal Regulations have been incorporated by reference and are available **may be obtained** from the Government Printing Office, 732 North Capitol Street NW, Washing-

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## Proposed Rules

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ton, D.C. ~~20402~~ **20401** or are 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.**

~~\*\*\*These documents have been incorporated by reference and are available from the Indiana Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225. (Air Pollution Control Board; 326 IAC 6-1-10.2; filed May 12, 1993, 11:30 a.m.: 16 IR 2391)~~

### 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 June 4, 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 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 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 Chris Pedersen, Rule Development Section, Office of Air Quality, (317) 233-6868 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 East 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 326 AIR POLLUTION CONTROL BOARD

### Proposed Rule

LSA Document #02-337

### DIGEST

Amends 326 IAC 1-1-3 concerning references to the Code of Federal Regulations (CFR), to update any reference to the CFR in 326 IAC to mean the July 1, 2002, edition. This change will have the effect of updating every rule in Title 326 that incorporates by reference the CFR to ensure consistency with the federal rule, except for rules in which a CFR edition is mentioned by a specific year. Amends 326 IAC 1-1-3.5 concerning references to the Compilation of Air Pollution Emission Factors AP-42 and Supplements. Amends language used to incorporate documents by reference in each citation listed. Repeals 326 IAC 14-1-4. Effective 30 days after filing with the secretary of state.

### HISTORY

IC 13-14-9-8 Notice and Notice of First Hearing: January 1, 2003, Indiana Register (26 IR 1271).

Date of First Hearing: February 5, 2003.

### 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 January 1, 2003 at 26 IR 1271, 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 February 5, 2003, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 1-1-3, 326 IAC 1-1-3.5 and Title 326. No comments were made at the first hearing.

#### 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 14-1-1
326 IAC 8-1-4	326 IAC 14-1-2
326 IAC 8-4-6	326 IAC 14-1-4
326 IAC 8-4-9	326 IAC 14-3-1
326 IAC 8-7-7	326 IAC 14-4-1
326 IAC 8-9-2	326 IAC 14-5-1
326 IAC 8-9-3	326 IAC 14-7-1
326 IAC 8-9-4	326 IAC 14-8-1
326 IAC 8-9-5	326 IAC 14-8-3
326 IAC 8-9-6	326 IAC 14-8-4
326 IAC 8-10-7	326 IAC 14-8-5
326 IAC 8-11-2	326 IAC 14-9-5
326 IAC 8-11-6	326 IAC 14-9-8
326 IAC 8-11-7	326 IAC 14-9-9
326 IAC 8-12-3	326 IAC 14-10-1
326 IAC 8-12-5	326 IAC 14-10-2
326 IAC 8-12-6	326 IAC 14-10-3
326 IAC 8-12-7	326 IAC 14-10-4
326 IAC 8-13-5	326 IAC 15-1-2
326 IAC 10-1-2	326 IAC 15-1-4
326 IAC 10-1-4	326 IAC 16-3-1
326 IAC 10-1-5	326 IAC 18-1-2
326 IAC 10-1-6	326 IAC 18-1-5
326 IAC 11-3-4	326 IAC 18-1-7
326 IAC 11-7-1	326 IAC 18-1-8
326 IAC 13-1.1-1	326 IAC 18-2-2
326 IAC 13-1.1-8	326 IAC 18-2-3
326 IAC 13-1.1-10	326 IAC 18-2-6
326 IAC 13-1.1-13	326 IAC 18-2-7
326 IAC 13-1.1-14	326 IAC 22-1-1
326 IAC 13-1.1-16	326 IAC 23-1-31

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 ADDED 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, **732 North Capitol Street NW**, Washington, D.C. ~~20402 and 20401~~ or are 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

~~46204-2220:~~ **46204.** *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, **732 North Capitol Street NW**, Washington, D.C. ~~20402:~~ Copies of the

pertinent sections of the CFR **20401** or are also available from **for review and copying at the Indiana Department of Environmental Management, Office of Air Management, Quality, Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana ~~46204-2220:~~ **46204.** (*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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 2-2-13; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2426; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565*)

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

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## Proposed Rules

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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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 2-2-16; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2429; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565*)

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 (a) 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.

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## Proposed Rules

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(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, 732 North Capitol Street NW, Washington, D.C. 20401 ~~and 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 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; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565)

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 **as follows**:
    - (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.

## Proposed Rules

(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 documents are~~ **\*This document is incorporated by reference. and Copies are available for review and copying** at the ~~Office of Air Quality, Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 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.~~ **46204.** (*Air Pollution Control Board; 326 IAC 2-6-4; filed Nov 12, 1993, 4:00 p.m.: 17 IR 734; errata, 17 IR 1009; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566*)

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, 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 2-7-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2254; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566*)

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, 732 North Capitol Street NW, Washington, D.C. 20401 ~~and 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 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566)

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, 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 2-7-18; filed May 25, 1994, 11:00 a.m.: 17 IR 2267; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566*)

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 require-

ments 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 application 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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566)*

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 ( $\frac{1}{4}$ ) 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 ( $\frac{1}{4}$ ) 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, 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 2-9-7; filed May 7, 1997, 4:00 p.m.: 20 IR 2307; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566*)

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 (1/4) 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 (1/4) 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, 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 2-9-8; filed May 7, 1997, 4:00 p.m.: 20 IR 2308; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566*)

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 (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%). 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 (1/4) 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 (1/4) 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, 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 2-9-9; filed May 7, 1997, 4:00 p.m.: 20 IR 2309; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566)*

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 (¼) 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 Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

**\*\*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, 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 2-9-10; filed May 7, 1997, 4:00 p.m.: 20 IR 2310; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566*)

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.

## Proposed Rules

(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 <del>kgal</del> kgals
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	697.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 <del>kgal</del> kgals
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	177.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 <del>kgal</del> kgals
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 <del>kgal</del> kgals
Fuel oil #5 and #6 (residual)	15.0 <del>kgal</del> kgals
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:	
<del>kgal</del> kgals = 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 <del>kgal</del> kgals
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	1,115.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 <del>kgal</del> kgals
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	284.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 <del>kgal</del> kgals
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 <del>kgal</del> kgals
Fuel oil #5 and #6 (residual)	24.0 <del>kgal</del> kgals
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:	
<del>kgal</del> kgals = 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, 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 2-9-13; filed May 7, 1997, 4:00 p.m.: 20 IR 2313; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566)**

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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566*)

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> concentra-

tion 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<sub>c</sub> = 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<sub>c</sub>), respectively. Values of F and F<sub>c</sub> are given in 40 CFR 60, Appendix A, Method 19\*, as applicable.

F<sub>w</sub> = A factor representing a ratio of the volume of wet flue gases generated to the calorific value of the fuel combusted. Values of F<sub>w</sub> are given in 40 CFR 60, Appendix A, Method 19\*.

B<sub>wa</sub> = Proportion by volume of water vapor in the ambient air.

B<sub>ws</sub> = Proportion by volume of water vapor in the stack gas.

E = Pollutant emission, lbs/MMBtu.

Percent O<sub>2</sub>,

percent CO<sub>2</sub> = Oxygen or carbon dioxide volume (expressed as 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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566*)

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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 3-5-2; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2066; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566*)

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, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

**\*\* Copies of the Code of Federal Regulations (CFR) referenced \*This document is incorporated by reference.** Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 and 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.

**\*\*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 3-5-3; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2067; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567*)

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:

## Proposed Rules

- (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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 3-5-4; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2068; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567*)

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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 3-5-5; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2069; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567*)

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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 3-6-1; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2072; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567*)

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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 3-6-3; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2073; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567*)

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.

## Proposed Rules

(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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 3-6-5; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2074; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567*)

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, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567)*

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, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567)*

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, 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 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567)*

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, 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 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567)*

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, 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 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1567*)

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, 732 North Capitol Street NW, Washington, D.C. 20401 Copies of pertinent sections or are also 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, Room 1001, Indianapolis, Indiana 46204. (*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; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565*)

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)

<u>Facility Description</u>	<u>Emission Limitations</u>
(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 SIGECO Culley	Units 1-4	5.4 per stack
	Unit 1	2.0
	Unit 2	2.0
	Unit 3	5.4
(ii) Warrick Plant SIGECO Culley	Units 1-4	5.4 per stack
	Unit 1	0.0006
	Unit 2	3.2
	Unit 3	5.4
(iii) Warrick Plant SIGECO Culley	Units 1-4	5.4 per stack
	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

## Proposed Rules

(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~~ 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, 732 North Capitol Street NW, Washington, D.C. 20401 ~~Copies of pertinent sections or~~ are also 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 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568*)

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~~ are 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, **Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

\*\*These documents ~~have been~~ are incorporated by reference. and **are available at 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 from** at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

\*\*\*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; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565)

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 ( $\frac{1}{2}$ ) inch or more to a side or a hole one-half ( $\frac{1}{2}$ ) 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 ( $\frac{1}{4}$ ) 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 ( $\frac{1}{4}$ ) 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 have been documents are 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, Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568*)

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, 732 North Capitol Street NW, Washington, D.C. 20401 Copies of pertinent sections or are also available from 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 8-7-7; filed Dec 22, 1994, 11:45 a.m.: 18 IR 1228; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568*)

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, 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 8-9-2; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1056; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568*)

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

## Proposed Rules

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-191; and ASTM 5482 referenced 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.**

**\*\*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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568*)

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, 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 8-9-4; filed Dec 19, 1995, 3:10 p.m.; 19 IR 1057; errata filed Dec 12, 2002, 3:35 p.m.; 26 IR 1568*)

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 (C) 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, 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 8-9-5; filed Dec 19, 1995, 3:10 p.m.: 19 IR 1059; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568*)

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, 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.**

**\*\*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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568*)

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, 732 North Capitol Street NW, Washington, D.C. 20401 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 Quality, **Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** (*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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568*)

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.

## Proposed Rules

(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, 732 North Capitol Street NW, Washington, D.C. 20401. Copies of pertinent sections of the referenced materials or are also available from 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 8-11-2; filed Dec 5, 1995, 8:30 a.m.; 19 IR 1064; errata filed Dec 12, 2002, 3:35 p.m.; 26 IR 1568*)

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 control 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 when-

ever 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, 732 North Capitol Street NW, Washington, D.C. 20401. Copies of pertinent sections of the referenced materials or are also available from 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 8-11-6; filed Dec 5, 1995,*

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## Proposed Rules

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8:30 a.m.: 19 IR 1068; errata filed Apr 9, 1996, 2:30 p.m.: 19 IR 2045; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568)

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, 732 North Capitol Street NW, Washington, D.C. 20401 ~~Copies of pertinent sections of the referenced materials or are also available from for review and copying at~~ the Indiana Department of Environmental Management, Office of Air ~~Air~~ Quality, **Indiana Government Center-North, Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-11-7; filed Dec 5, 1995, 8:30 a.m.: 19 IR 1072; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569*)

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

## Proposed Rules

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, 732 North Capitol Street NW, Washington, D.C. 20401. Copies of pertinent sections of the referenced materials or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Air Quality, **Indiana Government Center-North, Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204.

**\*\*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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569*)

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, 732 North Capitol Street NW, Washington, D.C. 20401 ~~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 Quality, **Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. 46204.**

\*\*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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569*)

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, 732 North Capitol Street NW, Washington, D.C. 20401 ~~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 Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate

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## Proposed Rules

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Avenue, Indianapolis, Indiana 46204. (*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; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565)

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 shipbuilding 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, **732 North Capitol Street NW**, Washington, D.C. ~~20402~~. Copies of pertinent sections of the referenced materials **20401** or are available ~~from for review and copying at~~ the Indiana Department of Environmental Management, Office of Air Management, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana ~~46204-2220~~. **46204.** (*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, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569)

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 (a) 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 from 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 10-1-2; filed May 13, 1996, 5:00 p.m.: 19 IR 2870; errata filed Mar 21, 1997, 9:50 a.m.: 20 IR 2116; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569)

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, 732 North Capitol Street NW, Washington, D.C. 20401. Copies of the referenced materials or are available from 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 10-1-4; filed May 13, 1996, 5:00 p.m.: 19 IR 2872; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569*)

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, 732 North Capitol Street NW, Washington, D.C. 20401. Copies of the referenced material or are available from 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 10-1-5; filed May 13, 1996, 5:00 p.m.: 19 IR 2874; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569*)

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, 732 North Capitol Street NW, Washington, D.C. 20401. Copies of the referenced materials or are available from 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 10-1-6; filed May 13, 1996, 5:00 p.m.: 19 IR 2874; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569)~~

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 incorporated by reference. and are available 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 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569*)

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, 732 North Capitol Street NW, Washington, D.C. 20402 and 20401 or are 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, 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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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.

**\*\*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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570*)

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\* 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 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570*)

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

## Proposed Rules

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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570)

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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 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; errata filed Dec 12, 2002, 3:35 p.m.; 26 IR 1570*)

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

## Proposed Rules

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, 732 North Capitol Street NW, Washington, D.C. 20401 and 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 13-1.1-14; 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570*)

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 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 13-1.1-16; 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570*)

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) **Except as provided in subsection (b)**, for the purposes of this article, ~~(326 IAC 14)~~, 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)~~, 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) 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, 732 North Capitol Street NW, Washington, D.C. 20401 or from are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, 100 North Senate, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570*)

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) 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, 732 North Capitol Street NW, Washington, D.C. 20401 or from are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, 100 North Senate, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571*)

## Proposed Rules

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) 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, 732 North Capitol Street NW, Washington, D.C. 20401 or ~~from~~ **are available for review and copying at** the Indiana Department of Environmental Management, Office of Air Quality, ~~100 North Senate~~, Indiana Government Center-North, Tenth Floor, **100 North Senate Avenue**, Indianapolis, Indiana 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571*)

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) 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, 732 North Capitol Street NW, Washington, D.C. 20401 or ~~from~~ **are available for review and copying at** the Indiana Department of Environmental Management, Office of Air Quality, ~~100 North Senate~~, Indiana Government Center-North, Tenth Floor, **100 North Senate Avenue**, Indianapolis, 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571*)

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: 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)\*, 61.242-3(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 1-1-3.**

**\*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 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 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, 732 North Capitol Street NW, Washington, D.C. 20401 or **from are available for review and copying at** the Indiana Department of Environmental Management, Office of Air Quality, ~~400~~

~~North Senate~~, Indiana Government Center-North, Tenth Floor, **100 North Senate Avenue**, Indianapolis, Indiana 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571*)

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 necessitated 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, 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 14-10-1; 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571*)

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 I, 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 I, 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, 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 14-10-2; 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571*)

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 ~~61.145~~, ~~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, 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 14-10-3; 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571*)

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.].

(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, 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 14-10-4; 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571*)

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 require-

ments 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

## Proposed Rules

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 Foundry, Indianapolis	Cupola stack	0.550
	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, 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, P.O. Box 6015, Indianapolis, Indiana 46204. (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; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565)**

SECTION 82. 326 IAC 15-1-4 IS AMENDED TO READ AS FOLLOWS:

#### **326 IAC 15-1-4 Compliance**

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

**Affected:** IC 13-17

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, 732 North Capitol Street NW, Washington, D.C. 20401 or ~~from~~ **are available for review and copying at** the Indiana Department of Environmental Management, Office of Air Quality, ~~100 North Senate Avenue~~, Indiana Government Center-North, Tenth Floor, **100 North Senate Avenue**, Indianapolis, Indiana 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571*)

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, 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 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1571*)

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.J.*]

- (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 have been~~ **documents are** incorporated by reference. ~~and are available at~~ **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 18-1-2; 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; errata*

*filed Dec 12, 2002, 3:35 p.m.: 26 IR 1572)*

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 application, 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, 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 18-1-5; 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1572*)

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, 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 18-1-7; 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1572*)

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 Govern-**

**ment 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 condo-

miniums 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, 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 18-2-2; 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1572)

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.J], 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.J*], 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 performed 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) 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 protec-

tion 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.J.*] 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 have been documents~~ are incorporated by reference. ~~and are available at~~ **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 18-2-3; 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1572*)

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\***.

(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.

**\*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 18-2-6; 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.

## Proposed Rules

(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, 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 Govern-**



ment Center-North, Tenth Floor, 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; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1572*)

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, 732 North Capitol Street NW, Washington, D.C. 20402. Copies of pertinent sections 20401 or are also 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 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 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 1-1-3, 326 IAC 1-1-3.5, and numerous sections in 326 IAC.

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 Gayla Killough, Rule Development 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 Government Center-North, 100 North Senate Avenue, Tenth Floor East 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

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

**Proposed Rule**

LSA Document #02-340

**DIGEST**

Amends 405 IAC 1-14.6 to revise the Medicaid nursing facility case mix reimbursement methodology to increase the minimum occupancy parameter for the direct care, indirect care, and administrative rate components; eliminates the provision that disallows annual rebasing of rates; extends the date for application of the historical cost inflation reduction factor; and removes profit add-on from direct care component. Effective 30 days after filing with the secretary of state.

**405 IAC 1-14.6-2**

**405 IAC 1-14.6-9**

**405 IAC 1-14.6-6**

**405 IAC 1-14.6-16**

**405 IAC 1-14.6-7**

**405 IAC 1-14.6-22**

SECTION 1. 405 IAC 1-14.6-2, AS AMENDED AT 26 IR 707, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**405 IAC 1-14.6-2 Definitions**

**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; IC 16-10-1

Sec. 2. (a) As used in this rule, “administrative component” means the portion of the Medicaid rate that shall reimburse providers for allowable administrative services and supplies, including prorated employee benefits based on salaries and wages. Administrative services and supplies include the following:

- (1) Administrator and co-administrators, owners’ compensation (including directors fees) for patient-related services.
- (2) Services and supplies of a home office that are allowable and patient related and are appropriately allocated to the nursing facility.
- (3) Office and clerical staff.
- (4) Legal and accounting fees.

- (5) Advertising.
- (6) Travel.
- (7) Telephone.
- (8) License dues and subscriptions.
- (9) Office supplies.
- (10) Working capital interest.
- (11) State gross receipts taxes.
- (12) Utilization review costs.
- (13) Liability insurance.
- (14) Management and other consultant fees.
- (15) Qualified mental retardation professional (QMRP).

(b) As used in this rule, “allowable per patient day cost” means a ratio between allowable cost and patient days.

(c) As used in this rule, “annual financial report” refers to a presentation of financial data, including appropriate supplemental data, and accompanying notes, derived from accounting records and intended to communicate the provider’s economic resources or obligations at a point in time, or changes therein for a period of time in compliance with the reporting requirements of this rule.

(d) As used in this rule, “allowable cost determination” means a computation performed by the office or its contractor to determine a nursing facility’s per patient day cost based on a review of an annual financial report and supporting information by applying this rule:

(e) (d) As used in this rule, “average allowable cost of the median patient day” applicable to providers with an actual occupancy rate of at least sixty-five percent (65%)” means the allowable per patient day cost (including any applicable inflation adjustment) of the median patient day from all providers when ranked in numerical order based on average allowable cost. The average allowable cost (including any applicable inflation adjustment) shall be computed on a statewide basis using each provider’s actual occupancy from the most recently completed **desk reviewed** annual financial report and shall be maintained by the office with revisions made four (4) times per year effective January 1, April 1, July 1, and October 1.

(f) As used in this rule, “average allowable cost of the median patient day applicable to providers with an actual occupancy rate of less than sixty-five percent (65%)” means the allowable per patient day cost (including any applicable inflation adjustment) of the median patient day from all providers when ranked in numerical order based on average allowable cost. The average allowable cost (including any applicable inflation adjustment) shall be computed on a statewide basis using an occupancy rate equal to the greater of sixty-five percent (65%); or each provider’s actual occupancy rate from the most recently completed annual financial report; and shall be maintained by the office with revisions made four (4) times per year effective

January 1, April 1, July 1, and October 1.

(g) (e) As used in this rule, “average historical cost of property of the median bed” means the allowable patient-related property per bed for facilities that are not acquired through an operating lease arrangement, when ranked in numerical order based on the allowable patient-related historical property cost per bed that shall be updated each calendar quarter. Property shall be considered allowable if it satisfies the conditions of section 14(a) of this rule.

(h) (f) As used in this rule, “calendar quarter” means a three (3) month period beginning January 1, April 1, July 1, or October 1.

(i) (g) As used in this rule, “capital component” means the portion of the Medicaid rate that shall reimburse providers for the use of allowable capital-related items. Such capital-related items include the following:

- (1) The fair rental value allowance.
- (2) Property taxes.
- (3) Property insurance.

(j) (h) As used in this rule, “case mix index” (CMI) means a numerical value score that describes the relative resource use for each resident within the groups under the Resource Utilization Group (RUG-III) classification system prescribed by the office based on an assessment of each resident. The facility CMI shall be based on the resident CMI, calculated on a facility-average, time-weighted basis for the following:

- (1) Medicaid residents.
- (2) All residents.

(k) (i) As used in this rule, “cost center” means a cost category delineated by cost reporting forms prescribed by the office.

(l) (j) As used in this rule, “children’s nursing facility” means a nursing facility that has twenty-five percent (25%) or more of its residents who are under the chronological age of twenty-one (21) years and has received written approval from the office to be designated as a children’s nursing facility.

(m) (k) As used in this rule, “delinquent MDS resident assessment” means an assessment that is greater than one hundred thirteen (113) days old, as measured by the R2b date field on the MDS. This determination is made on the fifteenth (15<sup>th</sup>) day of the second (2<sup>nd</sup>) month following the end of a calendar quarter.

(n) (l) As used in this rule, “desk review” means a review and application of these regulations to a provider submitted annual financial report including accompanying notes and supplemental information.

(o) (m) As used in this rule, “direct care component” means

the portion of the Medicaid rate that shall reimburse providers for allowable direct patient care services and supplies, including prorated employee benefits based on salaries and wages. Direct care services and supplies include all:

- (1) nursing and nursing aide services;
- (2) nurse consulting services;
- (3) pharmacy consultants;
- (4) medical director services;
- (5) nurse aide training;
- (6) medical supplies;
- (7) oxygen; and
- (8) medical records costs.

~~(p)~~ **(n)** As used in this rule, “fair rental value allowance” means a methodology for reimbursing nursing facilities for the use of allowable facilities and equipment, based on establishing a rental valuation on a per bed basis of such facilities and equipment, and a rental rate.

~~(q)~~ **(o)** As used in this rule, “field audit” means a formal official verification and methodical examination and review, including the final written report of the examination of original books of accounts and resident assessment data and its supporting documentation by auditors.

~~(r)~~ **(p)** As used in this rule, “forms prescribed by the office” means cost reporting forms provided by the office or substitute forms that have received prior written approval by the office.

~~(s)~~ **(q)** As used in this rule, “general line personnel” means management personnel above the department head level who perform a policymaking or supervisory function impacting directly on the operation of the facility.

~~(t)~~ **(r)** As used in this rule, “generally accepted accounting principles” or “GAAP” means those accounting principles as established by the American Institute of Certified Public Accountants.

~~(u)~~ **(s)** As used in this rule, “incomplete MDS resident assessment” means an assessment that is not printed by the nursing facility provider upon request by the office or its contractor.

~~(v)~~ **(t)** As used in this rule, “indirect care component” means the portion of the Medicaid rate that shall reimburse providers for allowable indirect patient care services and supplies, including prorated employee benefits based on salaries and wages. Indirect care services and supplies include the following:

- (1) Allowable dietary services and supplies.
- (2) Raw food.
- (3) Patient laundry services and supplies.
- (4) Patient housekeeping services and supplies.
- (5) Plant operations services and supplies.
- (6) Utilities.
- (7) Social services.

- (8) Activities supplies and services.
- (9) Recreational supplies and services.
- (10) Repairs and maintenance.

~~(w)~~ **(u)** As used in this rule, “minimum data set (MDS)” means a core set of screening and assessment elements, including common definitions and coding categories, that form the foundation of the comprehensive assessment for all residents of long term care facilities certified to participate in the Medicaid program. The items in the MDS standardize communication about resident problems, strengths, and conditions within facilities, between facilities, and between facilities and outside agencies. Version 2.0 (1/30/98) is the most current form to the minimum data set (MDS 2.0). The Indiana system will employ the MDS 2.0 or subsequent revisions as approved by the Centers for Medicare & Medicaid Services (CMS), formerly the Health Care Financing Administration.

~~(x)~~ **(v)** As used in this rule, “medical and nonmedical supplies and equipment” include those items generally required to assure adequate medical care and personal hygiene of patients.

**(w) As used in this rule, “minimum occupancy standard” means the minimum occupancy percentage used to establish Medicaid reimbursement rates under this rule. The following minimum occupancy percentages shall apply:**

<b>Medicaid Rate Effective Date</b>	<b>Minimum Occupancy Standard</b>
<b>Effective date of this rule through September 30, 2004</b>	<b>Seventy-five percent (75%)</b>
<b>October 1, 2004, through September 30, 2005</b>	<b>Eighty-five percent (85%)</b>
<b>October 1, 2005, and all time periods thereafter</b>	<b>Ninety percent (90%)</b>

~~(y)~~ As used in this rule, “non-rebasing year” means the year during which a nursing facility’s annual Medicaid rate is not established based on a review of its annual financial report covering its most recently completed historical period. The annual Medicaid rate effective during a non-rebasing year shall be determined by adjusting the Medicaid rate components from the previous year by an inflation adjustment. The following year shall be a non-rebasing year: July 1, 2003, through June 30, 2004.

~~(z)~~ **(x)** As used in this rule, “normalized allowable cost” means total allowable direct patient care costs for each facility divided by that facility’s average case mix index (CMI) for all residents.

~~(aa)~~ **(y)** As used in this rule, “office” means the office of Medicaid policy and planning.

~~(bb)~~ **(z)** As used in this rule, “ordinary patient-related costs” means costs of allowable services and supplies that are necessary in delivery of patient care by similar providers within the state.

## Proposed Rules

~~(ee)~~ **(aa)** As used in this rule, “patient/recipient care” means those Medicaid program services delivered to a Medicaid enrolled recipient by a certified Medicaid provider.

~~(dd)~~ **(bb)** As used in this rule, “reasonable allowable costs” means the price a prudent, cost conscious buyer would pay a willing seller for goods or services in an arm’s-length transaction, not to exceed the limitations set out in this rule.

~~(ee)~~ As used in this rule, “rebasings year” means the year during which a nursing facility’s Medicaid rate is based on a review of its annual financial report covering its most recently completed historical period. The following years shall be rebasing years:

July 1, 2002, through June 30, 2003

July 1, 2004, through June 30, 2005

And every year thereafter.

~~(ff)~~ **(cc)** As used in this rule, “related party/organization” means that the provider is associated or affiliated with, or has the ability to control, or be controlled by, the organization furnishing the service, facilities, or supplies, whether or not such control is actually exercised.

~~(gg)~~ **(dd)** As used in this rule, “RUG-III resident classification system” means the resource utilization group used to classify residents. When a resident classifies into more than one (1) RUG III group, the RUG III group with the greatest CMI will be utilized to calculate the facility-average CMI and facility-average CMI for Medicaid residents.

~~(hh)~~ **(ee)** As used in this rule, “therapy component” means the portion of each facility’s direct costs for therapy services, including any employee benefits prorated based on total salaries and wages, rendered to Medicaid residents that are not reimbursed by other payors, as determined by this rule.

~~(ii)~~ **(ff)** As used in this rule, “unit of service” means all patient care included in the established per diem rate required for the care of an inpatient for one (1) day (twenty-four (24) hours).

~~(jj)~~ **(gg)** As used in this rule, “unsupported MDS resident assessment” means an assessment where one (1) or more data items that are required to classify a resident pursuant to the RUG-III resident classification system are not supported according to the MDS supporting documentation guidelines as set forth in 405 IAC 1-15, and such data items result in the assessment being classified into a different RUG-III category.

~~(kk)~~ **(hh)** As used in this rule, “untimely MDS resident assessment” means a significant change MDS assessment, as defined by CMS’ Resident Assessment Instrument (RAI) Manual, that is not completed within fourteen (14) days of determining that a nursing facility resident’s condition has changed significantly; or a full or quarterly MDS assessment

that is not completed as required by 405 IAC 1-15-6(a) following the conclusion of all physical therapy, speech therapy, and occupational therapy. (*Office of the Secretary of Family and Social Services; 405 IAC 1-14.6-2; filed Aug 12, 1998, 2:27 p.m.: 22 IR 69, eff Oct 1, 1998; filed Mar 2, 1999, 4:42 p.m.: 22 IR 2238; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Mar 18, 2002, 3:30 p.m.: 25 IR 2462; filed Oct 10, 2002, 10:47 a.m.: 26 IR 707*)

SECTION 2. 405 IAC 1-14.6-6, AS AMENDED AT 26 IR 712, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

### 405 IAC 1-14.6-6 Active providers; rate review

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. 6. (a) The normalized average allowable cost of the median patient day for the direct care component, and the average allowable cost of the median patient day for the indirect, administrative, and capital components, ~~which are applicable to the facility based on their actual occupancy rate from the most recently completed historical period;~~ shall ~~only~~ be determined ~~during a rebasing once per year~~ for each provider for the purpose of performing the provider’s annual rate review.

(b) The ~~annual rate review that shall become effective during a rebasing year shall be established by determining the normalized allowable per patient day cost for the direct care component, and the allowable per patient day costs for the therapy, indirect care, administrative, and capital components shall be established once per year~~ for each provider based on the annual financial report.

(c) The ~~annual rate review that shall become effective during a non-rebasing year shall be established by applying an inflation adjustment to the previous year’s indirect care, administrative, capital, and therapy Medicaid rate components. The direct care component of the annual rate review during a non-rebasing year shall be established by applying an inflation adjustment to the previous year’s normalized allowable cost and applying the Medicaid case mix adjustment as prescribed by this rule. The inflation adjustment prescribed by this subsection shall be applied by using the CMS Nursing Home without Capital Market Basket index as published by DRI/WEFA. The inflation adjustment shall apply from the midpoint of the previous year’s annual Medicaid rate period to the midpoint of the current year annual Medicaid rate period prescribed as follows:~~

Rate Effective Date	Midpoint Quarter
January 1, Year 1	July 1, Year 1
April 1, Year 1	October 1, Year 1
July 1, Year 1	January 1, Year 2
October 1, Year 1	April 1, Year 2

~~(d)~~ **(c)** The rate effective date of the annual rate review ~~during rebasing years and non-rebasing years~~ shall be the first day of

the second calendar quarter following the provider's reporting year end.

(c) (d) Subsequent to the annual rate review, ~~established during rebasing years and non-rebasing years~~, the direct care component of the Medicaid rate will be adjusted quarterly to reflect changes in the provider's case mix index for Medicaid residents. If the facility has no Medicaid residents during a quarter, the facility's average case mix index for all residents will be used in lieu of the case mix index for Medicaid residents. This adjustment will be effective on the first day of each of the following three (3) calendar quarters beginning after the effective date of the annual rate review.

(f) (e) The case mix index for Medicaid residents in each facility shall be updated each calendar quarter and shall be used to adjust the direct care component that becomes effective on the second calendar quarter following the updated case mix index for Medicaid residents.

(g) (f) All rate-setting parameters and components used to calculate the annual rate review, except for the case mix index for Medicaid residents in that facility, shall apply to the calculation of any change in Medicaid rate that is authorized under subsection (d). (*Office of the Secretary of Family and Social Services; 405 IAC 1-14.6-6; filed Aug 12, 1998, 2:27 p.m.: 22 IR 73, eff Oct 1, 1998; filed Mar 2, 1999, 4:42 p.m.: 22 IR 2243; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Mar 18, 2002, 3:30 p.m.: 25 IR 2468; filed Oct 10, 2002, 10:47 a.m.: 26 IR 712*)

SECTION 3. 405 IAC 1-14.6-7, AS AMENDED AT 26 IR 712, SECTION 4, IS AMENDED TO READ AS FOLLOWS:

**405 IAC 1-14.6-7 Inflation adjustment; minimum occupancy level; case mix indices**

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

**Affected:** IC 12-13-7-3; IC 12-15-13-6

Sec. 7. (a) For purposes of determining the average allowable cost of the median patient day and a provider's annual rate review, ~~during a rebasing year~~, each provider's cost from the most recent completed year will be adjusted for inflation by the office using the methodology in this subsection. All allowable costs of the provider, except for mortgage interest on facilities and equipment, depreciation on facilities and equipment, rent or lease costs for facilities and equipment, and working capital interest shall be adjusted for inflation using the CMS Nursing Home without Capital Market Basket index as published by DRI/WEFA. The inflation adjustment shall apply from the midpoint of the annual financial report period to the midpoint prescribed as follows:

Effective Date	Midpoint Quarter
January 1, Year 1	July 1, Year 1
April 1, Year 1	October 1, Year 1
July 1, Year 1	January 1, Year 2

October 1, Year 1

April 1, Year 2

(b) Notwithstanding subsection (a), beginning on the effective date of this rule through September 30, ~~2003~~, **2005**, the inflation adjustment determined as prescribed in subsection (a) shall be reduced by an inflation reduction factor equal to three and three-tenths percent (3.3%). The resulting inflation adjustment shall not be less than zero (0). Prior to September 30, ~~2003~~, **2005**, the office may reduce or eliminate the inflation reduction factor to increase aggregate expenditures up to levels appropriated by the Indiana general assembly. Any reduction or elimination of the inflation reduction factor shall be made effective no earlier than permitted under IC 12-15-13-6(a).

(c) In determining prospective allowable costs for a new provider that has undergone a change of provider ownership or control through an arm's-length transaction between unrelated parties, when the first fiscal year end following the change of provider ownership or control is less than six (6) full calendar months, ~~for use in establishing the annual rebasing year rate review~~, the previous provider's most recently completed annual financial report **used to establish a Medicaid rate for the previous provider** shall be utilized to calculate the new provider's first annual ~~rebasing year~~ rate review. The inflation adjustment for the new provider's first annual rebasing year rate review shall be applied from the midpoint of the previous provider's most recently completed annual financial report period to the midpoint prescribed under subsection (a).

(d) Allowable costs per patient day for direct care, indirect care, and administrative costs shall be computed based on an occupancy rate equal to the greater of ~~sixty-five percent (65%)~~ **the minimum occupancy standard as determined by this rule**, or the provider's actual occupancy rate from the most recently completed historical period.

(e) Notwithstanding subsection (d), the office or its contractor shall reestablish a provider's Medicaid rate effective on the first day of the month following the date that the conditions specified in this subsection are met, by applying all provisions of this rule, except for the ~~sixty-five percent (65%)~~ minimum occupancy ~~requirement, standard~~, **if both of the following conditions can be established to the satisfaction of the office:**

- (1) the provider demonstrates that its current resident census has increased to ~~sixty-five percent (65%)~~ **the minimum occupancy standard then in effect**, or greater since the facility's fiscal year end of the **most recently completed and desk reviewed cost report used to establish its Medicaid rate during the most recent rebasing year**; **utilizing total nursing facility licensed beds as of the most recently completed desk reviewed cost report period**, and the provider's census has remained at such level for no less than ninety (90) days; and
- (2) the provider demonstrates that its resident census has

## Proposed Rules

increased by a minimum of fifteen percent (15%) since the facility's fiscal year end of the **most recently completed and desk reviewed** cost report ~~used to establish its Medicaid rate during the most recent rebasing year and has remained at such level for no less than ninety (90) days.~~

(f) Allowable costs per patient day for capital-related costs shall be computed based on an occupancy rate equal to the greater of ninety-five percent (95%) or the provider's actual occupancy rate from the most recently completed historical period.

(g) The case mix indices (CMIs) contained in this subsection shall be used for purposes of determining each resident's CMI used to calculate the facility-average CMI for all residents and the facility-average CMI for Medicaid residents.

RUG-III Group	RUG-III Code	CMI Table
Rehabilitation	RAD	2.02
Rehabilitation	RAC	1.69
Rehabilitation	RAB	1.50
Rehabilitation	RAA	1.24
Extensive Services	SE3	2.69
Extensive Services	SE2	2.23
Extensive Services	SE1	1.85
Special Care	SSC	1.75
Special Care	SSB	1.60
Special Care	SSA	1.51
Clinically Complex	CC2	1.33
Clinically Complex	CC1	1.27
Clinically Complex	CB2	1.14
Clinically Complex	CB1	1.07
Clinically Complex	CA2	0.95
Clinically Complex	CA1	0.87
Impaired Cognition	IB2	0.93
Impaired Cognition	IB1	0.82
Impaired Cognition	IA2	0.68
Impaired Cognition	IA1	0.62
Behavior Problems	BB2	0.89
Behavior Problems	BB1	0.77
Behavior Problems	BA2	0.67
Behavior Problems	BA1	0.54
Reduced Physical Functions	PE2	1.06
Reduced Physical Functions	PE1	0.96
Reduced Physical Functions	PD2	0.97
Reduced Physical Functions	PD1	0.87
Reduced Physical Functions	PC2	0.83
Reduced Physical Functions	PC1	0.76
Reduced Physical Functions	PB2	0.73
Reduced Physical Functions	PB1	0.66
Reduced Physical Functions	PA2	0.56
Reduced Physical Functions	PA1	0.50
Unclassifiable	BC1	0.48
Delinquent	BC2	0.48

(h) The office or its contractor shall provide each nursing

facility with the following:

(1) Two (2) preliminary CMI reports. These preliminary CMI reports serve as confirmation of the MDS assessments transmitted by the nursing facility and provide an opportunity for the nursing facility to correct and transmit any missing or incorrect MDS assessments. The first preliminary report will be provided by the seventh day of the first month following the end of a calendar quarter. The second preliminary report will be provided by the seventh day of the second month following the end of a calendar quarter.

(2) Final CMI reports utilizing MDS assessments received by the fifteenth day of the second month following the end of a calendar quarter. These assessments received by the fifteenth day of the second month following the end of a calendar quarter will be utilized to establish the facility-average CMI and facility-average CMI for Medicaid residents utilized in establishing the nursing facility's Medicaid rate.

(i) The office may increase Medicaid reimbursement to nursing facilities that provide inpatient services to more than eight (8) ventilator-dependent residents. Additional reimbursement shall be made to such facilities at a rate of eight dollars and seventy-nine cents (\$8.79) per Medicaid resident day. Such additional reimbursement shall be effective on the day the nursing facility provides inpatient services to more than eight (8) ventilator-dependent residents and shall remain in effect until the first day of the calendar quarter following the date the nursing facility provides inpatient services to eight (8) or fewer ventilator-dependent residents. (*Office of the Secretary of Family and Social Services; 405 IAC 1-14.6-7; filed Aug 12, 1998, 2:27 p.m.: 22 IR 74, eff Oct 1, 1998; filed Mar 2, 1999, 4:42 p.m.: 22 IR 2243; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Mar 18, 2002, 3:30 p.m.: 25 IR 2468; filed Oct 10, 2002, 10:47 a.m.: 26 IR 712*)

SECTION 4. 405 IAC 1-14.6-9, AS AMENDED AT 26 IR 714, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

### 405 IAC 1-14.6-9 Rate components; rate limitations; profit add-on

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

**Affected:** IC 12-13-7-3; IC 12-15-13-6

Sec. 9. (a) The Medicaid reimbursement system is based on recognition of the provider's allowable costs for the direct care, therapy, indirect care, administrative, and capital components, plus a potential profit add-on payment. The direct care, therapy, indirect care, administrative, and capital rate components are calculated as follows:

(1) The indirect care, administrative, and capital components are equal to the provider's allowable per patient day costs for each component, plus the allowed profit add-on payment as determined by the methodology in subsection (b).

(2) The therapy component is equal to the provider's allowable per patient day direct therapy costs.

(3) The direct care component is equal to the provider's

normalized allowable per patient day direct care costs times the facility-average case mix index for Medicaid residents, plus the allowed profit add-on payment as determined by the methodology in subsection (b).

(b) The profit add-on payment will be calculated as follows:  
(1) For nursing facilities designated by the office as children's nursing facilities, the direct care component profit add-on is equal to fifty-two percent (52%) of the difference (if greater than zero (0)) of:

(A) the normalized average allowable cost of the median patient day for direct care costs ~~applicable to the facility based on its actual occupancy rate from the most recently completed historical period;~~ times the facility average case mix index for Medicaid residents times one hundred five percent (105%); minus

(B) the provider's normalized allowable per patient day costs times the facility average case mix index for Medicaid residents.

(2) Beginning on the effective date of this rule ~~and continuing for eight (8) full calendar quarters thereafter, through June 30, 2006,~~ for nursing facilities that are not designated by the office as children's nursing facilities, the direct care component profit add-on is equal to zero (0). Beginning ~~on the first day of the ninth (9<sup>th</sup>) full calendar quarter after the effective date of this rule;~~ **July 1, 2006,** the direct care component profit add-on is equal to fifty-two percent (52%) of the difference (if greater than zero (0)) of:

(A) the normalized average allowable cost of the median patient day for direct care costs ~~applicable to the facility based on its actual occupancy rate from the most recently completed historical period;~~ times the facility average case mix index for Medicaid residents times one hundred five percent (105%); minus

(B) the provider's normalized allowable per patient day costs times the facility average case mix index for Medicaid residents.

(3) The indirect care component profit add-on is equal to fifty-two percent (52%) of the difference (if greater than zero (0)) of:

(A) the average allowable cost of the median patient day ~~applicable to the facility based on its actual occupancy rate from the most recently completed historical period;~~ times one hundred percent (100%); minus

(B) a provider's allowable per patient day cost.

(4) The administrative component profit add-on is equal to sixty percent (60%) of the difference (if greater than zero (0)) of:

(A) the average allowable cost of the median patient day ~~applicable to the facility based on its actual occupancy rate from the most recently completed historical period;~~ times one hundred percent (100%); minus

(B) a provider's allowable per patient day cost.

(5) The capital component profit add-on is equal to sixty percent (60%) of the difference (if greater than zero (0)) of:

(A) the average allowable cost of the median patient day times eighty percent (80%); minus

(B) a provider's allowable per patient day cost.

(6) The therapy component profit add-on is equal to zero (0).

(c) Notwithstanding subsections (a) and (b), in no instance shall a rate component exceed the overall rate component limit defined as follows:

(1) The normalized average allowable cost of the median patient day for direct care costs ~~applicable to the facility based on its actual occupancy rate from the most recently completed historical period;~~ times the facility-average case mix index for Medicaid residents times one hundred ten percent (110%).

(2) The average allowable cost of the median patient day for indirect care costs ~~applicable to the facility based on its actual occupancy rate from the most recently completed historical period;~~ times one hundred percent (100%).

(3) The average allowable cost of the median patient day for administrative costs ~~applicable to the facility based on its actual occupancy rate from the most recently completed historical period;~~ times one hundred percent (100%).

(4) The average allowable cost of the median patient day for capital-related costs times eighty percent (80%).

(5) For the therapy component, no overall rate component limit shall apply.

(d) In order to determine the normalized allowable direct care costs from each facility's Financial Report for Nursing Facilities, the office or its contractor shall determine each facility's CMI for all residents on a time-weighted basis.

(e) The office shall publish guidelines for use in determining the time-weighted CMI. These guidelines shall be published as a provider bulletin and may be updated by the office as needed. Any such updates shall be made effective no earlier than permitted under IC 12-15-13-6(a). (*Office of the Secretary of Family and Social Services; 405 IAC 1-14.6-9; filed Aug 12, 1998, 2:27 p.m.: 22 IR 75, eff Oct 1, 1998; filed Mar 2, 1999, 4:42 p.m.: 22 IR 2244; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Mar 18, 2002, 3:30 p.m.: 25 IR 2470; filed Oct 10, 2002, 10:47 a.m.: 26 IR 714*)

SECTION 5. 405 IAC 1-14.6-16, AS AMENDED AT 26 IR 716, SECTION 7, IS AMENDED TO READ AS FOLLOWS:

**405 IAC 1-14.6-16      Unallowable costs; cost adjustments; charity and courtesy allowances; discounts; rebates; refunds of expenses**

**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. 16. (a) Charity, courtesy allowances, discounts, refunds, rebates, and other similar items granted by a provider shall not be included in allowable costs. Bad debts incurred by a provider shall not be an allowable cost.

## Proposed Rules

(b) Payments that must be reported on the annual financial report form that are received by a provider, an owner, or other official of a provider in any form from a vendor shall be considered a reduction of the provider's costs for the goods or services from that vendor.

(c) The cost of goods or services sold to nonpatients shall be offset against the total cost of such service to determine the allowable patient-related expenses. If the provider has not determined the cost of such items, the revenue generated from such sales shall be used to offset the total cost of such services.

(d) For nursing facilities that are certified to provide Medicare-covered skilled nursing facility services and are required by the Medicare fiscal intermediary to submit a full Medicare cost report, the office or its contractor shall remove from allowable indirect care and administrative costs the portion of those costs that are allocable to therapy services reimbursed by other payers and nonallowable ancillary services. In determining the amount of indirect care costs and administrative costs that shall be removed from allowable costs, the office or its contractor shall ~~apply cost allocation principles established by the federal Medicare cost report methodology based calculate a ratio of indirect cost to direct cost based on the direct and total therapy and nonallowable ancillary costs reported~~ on each facility's Medicare cost report.

(e) For nursing facilities that are certified to provide Medicare-covered skilled nursing facility services that are not required by the Medicare fiscal intermediary to submit a full Medicare cost report, the office or its contractor shall remove from allowable indirect care and administrative costs the portion of those costs that are allocable to therapy services reimbursed by other payers and nonallowable ancillary services. In determining the amount of indirect care costs and administrative costs that shall be removed from allowable costs, the office or its contractor shall ~~apply cost allocation principles established by the federal Medicare cost report methodology remove the indirect and administrative costs reimbursed by other payers~~ based on a statewide average ratio, **excluding hospital based facilities**, of indirect costs to direct costs for such therapy and ancillary services, as determined from full Medicare cost reports. **The statewide average ratio shall be computed on a statewide basis from the most recently completed desk reviewed annual financial report and shall be maintained by the office with revisions made four (4) times per year effective January 1, April 1, July 1, and October 1.** (*Office of the Secretary of Family and Social Services; 405 IAC 1-14.6-16; filed Aug 12, 1998, 2:27 p.m.: 22 IR 79, eff Oct 1, 1998; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Oct 10, 2002, 10:47 a.m.: 26 IR 716*)

SECTION 6. 405 IAC 1-14.6-22, AS AMENDED AT 26 IR 716, SECTION 8, IS AMENDED TO READ AS FOLLOWS:

### 405 IAC 1-14.6-22 Administrative reconsideration; appeal

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

Affected: IC 4-21.5-3; IC 12-13-7-3; IC 12-15

Sec. 22. (a) The Medicaid rate-setting contractor shall notify each provider of the provider's rate ~~and allowable cost determinations~~ after ~~they have~~ **such rate has** been computed. If the provider disagrees with the rate or allowable cost determinations, the provider must request an administrative reconsideration by the Medicaid rate-setting contractor. Such reconsideration request shall be in writing and shall contain specific issues to be reconsidered and the rationale for the provider's position. The request shall be signed by the provider or the authorized representative of the provider and must be received by the contractor within forty-five (45) days after release of the rate ~~or allowable cost determinations~~ as computed by the Medicaid rate-setting contractor. Upon receipt of the request for reconsideration, the Medicaid rate-setting contractor shall evaluate the data. After review, the Medicaid rate-setting contractor may amend the rate, amend the challenged procedure or allowable cost determination, or affirm the original decision. The Medicaid rate-setting contractor shall thereafter notify the provider of its final decision in writing, within forty-five (45) days of the Medicaid rate-setting contractor's receipt of the request for reconsideration. In the event that a timely response is not made by the rate-setting contractor to the provider's reconsideration request, the request shall be deemed denied and the provider may pursue its administrative remedies as set out in subsection (d).

(b) If the provider disagrees with a rate ~~or allowable cost redetermination~~ resulting from a financial audit adjustment or reportable condition affecting a rate, ~~or allowable cost redetermination~~, the provider must request an administrative reconsideration from the Medicaid financial audit contractor. Such reconsideration request shall be in writing and shall contain specific issues to be considered and the rationale for the provider's position. The request shall be signed by the provider or authorized representative of the provider and must be received by the Medicaid audit contractor within forty-five (45) days after release of the rate ~~or allowable cost redeterminations~~ computed by the Medicaid rate-setting contractor. Upon receipt of the request for reconsideration, the Medicaid audit contractor shall evaluate the data. After review, the Medicaid audit contractor may amend the audit adjustment or reportable condition or affirm the original adjustment. The Medicaid audit contractor shall thereafter notify the provider of its final decision in writing within forty-five (45) days of the Medicaid audit contractor's receipt of the request for reconsideration. In the event that a timely response is not made by the audit contractor to the provider's reconsideration request, the request shall be deemed denied and the provider may pursue its administrative remedies under subsection (d).

(c) If the provider disagrees with a rate redetermination



resulting from a recalculation of its CMI due to an MDS audit affecting the established Medicaid rate, the provider must request an administrative reconsideration from the MDS audit contractor. Such reconsideration request shall be in writing and shall contain specific issues to be considered and the rationale for the provider's position. The request shall be signed by the provider or authorized representative of the provider and must be received by the MDS audit contractor within forty-five (45) days after release of the rate computed by the Medicaid rate-setting contractor. Upon receipt of the request for reconsideration, the MDS audit contractor shall evaluate the data. After review, the MDS audit contractor may amend the audit adjustment or affirm the original adjustment. The MDS audit contractor shall thereafter notify the provider of its final decision in writing within forty-five (45) days of the MDS audit contractor's receipt of the request for reconsideration. In the event that a timely response is not made by the audit contractor to the provider's reconsideration request, the request shall be deemed denied and the provider may pursue its administrative remedies under subsection (d).

(d) After completion of the reconsideration procedure under subsection (a), (b), or (c), the provider may initiate an appeal under IC 4-21.5-3. (*Office of the Secretary of Family and Social Services; 405 IAC 1-14.6-22; filed Aug 12, 1998, 2:27 p.m.: 22 IR 81, eff Oct 1, 1998; filed Mar 2, 1999, 4:42 p.m.: 22 IR 2247; errata filed Jul 28, 1999, 3:10 p.m.: 22 IR 3937; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Oct 10, 2002, 10:47 a.m.: 26 IR 716*)

#### **Notice of Public Hearing**

Under IC 4-22-2-24, notice is hereby given that on March 26, 2003 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Office of the Secretary of Family and Social Services will hold a public hearing on proposed amendments to revise the reimbursement methodology for Medicaid enrolled nursing facilities.

In accordance with public notice requirements of 42 CFR 447.205 and Section 1902(a)(13)(A) of the Social Security Act, the Indiana Family and Social Services Administration, Office of Medicaid Policy and Planning publishes this notice of proposed changes to the reimbursement methodology (case mix) for Medicaid enrolled nursing facilities.

The Office of Medicaid Policy and Planning (OMPP) proposes to modify the case mix reimbursement formula as follows:

- Increase minimum occupancy standard for direct care, indirect care, and administrative rate components from the current 65% to 90%. This increase will be phased in over a period of time and complete by October 1, 2005. This will have the effect of achieving a statewide average occupancy that is closer to the national average.
- Extends sunset of removal of profit add-on from direct care

component to two years beyond the effective date of this rule.

- Extends the date that the historical cost inflation reduction factor applies to two years beyond the effective date of this rule.
- Provides for rebasing payment rates annually, rather than every other year.

*These changes are necessary to ensure that Medicaid reimbursement for costs incurred by facilities that are not economically and efficiently operated are minimized and as a cost containment initiative to assist in covering the increasing costs of the Indiana Medicaid program.*

*It is estimated that the fiscal impact of these changes will be a reduction in expenditures of state and federal dollars of approximately \$74 million in SFY 2004 and \$122.9 million in SFY 2005.*

*Copies of proposed amendments to the rule (405 IAC 1-14.6) are now available (along with copies of this public notice) and may be inspected by contacting the Director of the local County Division of Family and Children office, except in Marion County, where public inspection may be made at 402 West Washington Street, Room W382, Indianapolis, Indiana. Copies of the proposed rates are available on the Internet at [www.msleindy.com](http://www.msleindy.com). Interested parties without Internet access should contact Myers and Stauffer, LLC at (800)877-6927 to obtain copies of proposed rates. Written comments may be directed to IFSSA, Attention: Karen S. Filler, 402 West Washington Street, Room W382, P.O. Box 7083, Indianapolis, Indiana 46207-7083. Correspondence should be identified in the following manner: "COMMENT RE: LSA DOCUMENT #02-340 PROPOSED CHANGES TO NURSING FACILITY CASE MIX REIMBURSEMENT SYSTEM. Written comments received will be made available for public display at the address herein of the Office of Medicaid Policy and Planning.*

*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.*

John Hamilton  
Secretary  
Office of the Secretary of Family and Social Services

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### **TITLE 431 COMMUNITY RESIDENTIAL FACILITIES COUNCIL**

**Proposed Rule**  
LSA Document #02-211

#### **DIGEST**

Adds 431 IAC 7 to establish standards for the approval of entities providing supported living services to eligible individuals with a developmental disability. Effective 30 days after

filing with the secretary of state.

#### **431 IAC 7**

SECTION 1. 431 IAC 7 IS ADDED TO READ AS FOLLOWS:

### **ARTICLE 7. SUPPORTED LIVING SERVICES AND SUPPORTS**

#### **Rule 1. Purpose**

##### **431 IAC 7-1-1 Purpose**

Authority: IC 12-28-5-10; IC 12-28-5-19

Affected: IC 12-28-5

**Sec. 1. The purpose of this article is to establish standards for the approval of providers of supported living services and supports to individuals with a developmental disability.** (*Community Residential Facilities Council; 431 IAC 7-1-1*)

#### **Rule 2. Applicability**

##### **431 IAC 7-2-1 Providers of services**

Authority: IC 12-28-5-19

Affected: IC 12-28-5

**Sec. 1. This article applies to the approval of providers of supported living services or supported living supports.** (*Community Residential Facilities Council; 431 IAC 7-2-1*)

#### **Rule 3. Definitions**

##### **431 IAC 7-3-1 Applicability of definitions**

Authority: IC 12-28-5-19

Affected: IC 12-28-5

**Sec. 1. The definitions in this rule apply throughout this article.** (*Community Residential Facilities Council; 431 IAC 7-3-1*)

##### **431 IAC 7-3-2 Definitions incorporated by references**

Authority: IC 12-28-5-19

Affected: IC 12-28-5

**Sec. 2. The council incorporates by reference into this rule the definitions set forth in 460 IAC 6-3.** (*Community Residential Facilities Council; 431 IAC 7-3-2*)

#### **Rule 4. Types of Supported Living Services and Supports**

##### **431 IAC 7-4-1 Incorporation by reference**

Authority: IC 12-28-5-19

Affected: IC 12-11-1.1; IC 12-28-5

**Sec. 1. The council incorporates by reference into this rule the types of supported living services and supports set forth in 460 IAC 6-4-1.** (*Community Residential Facilities Council; 431 IAC 7-4-1*)

#### **Rule 5. Provider Qualifications**

##### **431 IAC 7-5-1 Applicability**

Authority: IC 12-28-5-19

Affected: IC 12-28-5

**Sec. 1. This rule applies to all supported living services and supports.** (*Community Residential Facilities Council; 431 IAC 7-5-1*)

##### **431 IAC 7-5-2 Incorporation by reference**

Authority: IC 12-28-5-10; IC 12-28-5-19

Affected: IC 12-28-5

**Sec. 2. The council incorporates by reference into this rule the provider qualifications and provisions set forth in 460 IAC 6-5.** (*Community Residential Facilities Council; 431 IAC 7-5-2*)

#### **Rule 6. Application and Approval Process**

##### **431 IAC 7-6-1 Applicability**

Authority: IC 12-28-5-19

Affected: IC 12-28-5

**Sec. 1. This rule applies to all supported living services and supports.** (*Community Residential Facilities Council; 431 IAC 7-6-1*)

##### **431 IAC 7-6-2 Initial application**

Authority: IC 12-28-5-11; IC 12-28-5-12; IC 12-28-5-19

Affected: IC 12-28-5

**Sec. 2. To receive initial approval as a supported living services or supports provider, BDDS shall submit findings to the council regarding the following for each supported living service or support for which the applicant is seeking to be an approved provider:**

- (1) The application on a form prescribed by the BDDS.
- (2) Evidence that the provider meets the qualifications for each supported living service or support that the provider is seeking to be approved to provide as specified in this article.
- (3) Supporting documents specified on the application form to demonstrate the applicant's programmatic, financial, and managerial ability to provide supported living services or supports as set out in this article.
- (4) A written and signed statement that the applicant will comply with the provisions of this article.
- (5) A written and signed statement that the applicant will provide services to an individual as set out in the individual's ISP.

(*Community Residential Facilities Council; 431 IAC 7-6-2*)

##### **431 IAC 7-6-3 Action on application**

Authority: IC 12-28-5-11; IC 12-28-5-12; IC 12-28-5-14; IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5

**Sec. 3. (a) The council, upon review of the recommendation of the BDDS, shall determine whether an applicant meets the requirements under this article.**

(b) Upon review of the findings of the BDDS, the council shall either:

- (1) approve the applicant for a period not to exceed three (3) years; or
- (2) deny approval to an applicant that does not meet the approval requirements of this article.

(c) The council shall notify an applicant, in writing, of the council's determination within sixty (60) days of submission of a completed application.

(d) If an applicant is adversely affected or aggrieved by the council's determination, the applicant may request administrative review of the determination. Such request shall be made in writing and filed with the council within fifteen (15) days after the applicant receives written notice of the council's determination. Administrative review shall be conducted pursuant to IC 4-21.5. (*Community Residential Facilities Council; 431 IAC 7-6-3*)

**431 IAC 7-6-4 Additional approvals; bureau of developmental disabilities services**

Authority: IC 12-28-5-19

Affected: IC 12-11-1.1-1; IC 12-28-5-11

Sec. 4. Before beginning to provide supported living services or supports under this article, a provider shall also be approved by the BDDS pursuant to IC 12-11-1.1-1(e). (*Community Residential Facilities Council; 431 IAC 7-6-4*)

**431 IAC 7-6-5 Renewal of approval**

Authority: IC 12-28-5-11; IC 12-28-5-12; IC 12-28-5-14; IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5

Sec. 5. (a) A provider of supported living services or supports shall file a written request for renewal of the council's approval at least ninety (90) days prior to expiration of the council's previous approval. The written request shall include an assessment of provider performance developed by the council.

(b) Upon receiving a request for renewal of approved status, the council shall determine whether a provider continues to meet the requirements of this article.

(c) The BDDS shall provide to the council:

- (1) a recommendation concerning the renewal of the council's approval; and
- (2) any other information requested by the council.

(d) The council's determination on renewal of approval shall be based on verification that:

- (1) the provider continues to meet the requirements of this article;
- (2) the provider's operations have been surveyed either:
  - (A) within the preceding twelve (12) months; or

(B) as part of the renewal process; and

(3) there are no outstanding issues that endanger the health or safety of an individual receiving services from the provider.

(e) In considering a request for the renewal of approval, the council shall either:

- (1) approve the applicant for a period not to exceed three (3) years;
- (2) issue provisional approval to an applicant that does not qualify for approval under this article but that provides satisfactory evidence that the applicant will qualify within a period prescribed by the council, with the period not to exceed six (6) months; or
- (3) deny approval to an applicant that does not meet the approval requirements of this article.

(f) The council shall notify a provider in writing of the council's determination at least thirty (30) days prior to the expiration of the provider's approval under this section, provided that:

- (1) the provider has complied with subsection (a); and
- (2) the council has received the information required in subsection (c).

(g) If a provider has complied with subsection (a) and if the council does not act upon the provider's request for renewal of approved status before the expiration of the provider's approved status, the provider's approved status shall continue until such time as the council acts upon the provider's request for renewal of approved status.

(h) If a provider is adversely affected or aggrieved by the council's determination, the provider may request administrative review of the determination. The request shall be made in writing and filed with the council within fifteen (15) days after the provider receives written notice of the determination. Administrative review shall be conducted pursuant to IC 4-21.5. (*Community Residential Facilities Council; 431 IAC 7-6-5*)

**431 IAC 7-6-6 Application to provide additional services**

Authority: IC 12-28-5-11; IC 12-28-5-12; IC 12-28-5-19

Affected: IC 12-28-5

Sec. 6. (a) A provider seeking approval to provide an additional supported living service or support shall comply with section 2 of this rule.

(b) A provider seeking approval to provide an additional supported living service or support shall submit to the council an assessment of provider performance developed by the council.

(c) The BDDS shall provide to the council:

- (1) a recommendation concerning the council's approval

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## Proposed Rules

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of the provider to provide additional services; and  
(2) any other information requested by the council.

(d) Approval to provide additional supported living services or supports shall be granted by the council only if:  
(1) the provider meets the requirements under this article;

(2) the provider's operations have been surveyed either:  
(A) within the preceding twelve (12) months; or  
(B) as part of the approval process to provide additional services; and

(3) there are no outstanding issues that endanger the health or safety of an individual.

*(Community Residential Facilities Council; 431 IAC 7-6-6)*

### Rule 7. Revocation of Approval; Administrative Review

#### 431 IAC 7-7-1 Applicability

Authority: IC 12-28-5-19

Affected: IC 12-28-5

**Sec. 1.** This rule applies to all supported living services and supports. *(Community Residential Facilities Council; 431 IAC 7-7-1)*

#### 431 IAC 7-7-2 Revocation of approval

Authority: IC 12-28-5-13; IC 12-28-5-19

Affected: IC 4-21.5-3; IC 12-28-5

**Sec. 2.** The council shall revoke the approval of a provider under this rule that no longer meets the qualifications established under 431 IAC 7-5 after following the procedures prescribed by IC 4-21.5-3. *(Community Residential Facilities Council; 431 IAC 7-7-2)*

#### 431 IAC 7-7-3 Notice of intent to revoke approval

Authority: IC 12-28-5-13; IC 12-28-5-19

Affected: IC 12-28-5

**Sec. 3.** (a) The council shall give written notice of the council's intent to revoke the approval of a provider to:

- (1) the provider;
- (2) the individual or individuals receiving services from the provider;
- (3) the legal representative, if applicable, of any individual receiving services from the provider;
- (4) the case manager of each individual receiving services from the provider; and
- (5) the director of BDDS.

(b) The written notice under subsection (a) shall include the following:

- (1) The requirements of this article which the provider does not meet.
- (2) The effective date, with at least thirty (30) days' notice, of the council's revocation of the provider's

approval.

(3) The need for planning to obtain alternative services for an individual or individuals.

(4) The provider's right to seek administrative review of the council's action.

*(Community Residential Facilities Council; 431 IAC 7-7-3)*

#### 431 IAC 7-7-4 Administrative review

Authority: IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5

**Sec. 4.** (a) To qualify for administrative review of an action or determination of the council under this rule, a provider shall file a written petition for review that does the following:

(1) States facts demonstrating that the provider is:

(A) a provider to whom the action is specifically directed;

(B) aggrieved or adversely affected by the action; or

(C) entitled to review under any law.

(2) Is filed with the council within fifteen (15) days after the provider receives notice of the council's action or determination.

(b) Administrative review shall be conducted in accordance with IC 4-21.5. *(Community Residential Facilities Council; 431 IAC 7-7-4)*

#### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on March 24, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451, Conference Room A, Indianapolis, Indiana the Community Residential Facilities Council will hold a public hearing on proposed new rules concerning the standards for the approval of entities providing supported living services to 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

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## TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

### Proposed Rule

DIGEST

Adds 460 IAC 1-3.3, providing new criteria, reimbursement rates, and procedures for providers in the residential care assistance program in Indiana. Repeals 460 IAC 1-3-1, 460 IAC 1-3-2, 460 IAC 1-3-3, 460 IAC 1-3-4, 460 IAC 1-3-5, 460 IAC 1-3-6, 460 IAC 1-3-7, 460 IAC 1-3-8, 460 IAC 1-3-9, 460 IAC 1-3-10, 460 IAC 1-3-12, 460 IAC 1-3-13, 460 IAC 1-3-14, and 460 IAC 1-3-15. Effective 30 days after filing with the secretary of state.

460 IAC 1-3-1	460 IAC 1-3-9
460 IAC 1-3-2	460 IAC 1-3-10
460 IAC 1-3-3	460 IAC 1-3-12
460 IAC 1-3-4	460 IAC 1-3-13
460 IAC 1-3-5	460 IAC 1-3-14
460 IAC 1-3-6	460 IAC 1-3-15
460 IAC 1-3-7	460 IAC 1-3.3
460 IAC 1-3-8	

SECTION 1. 460 IAC 1-3.3 IS ADDED TO READ AS FOLLOWS:

**Rule 3.3. Residential Care Assistance Program**

**460 IAC 1-3.3-1 Policy; scope**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6  
Affected: IC 12-30; IC 16-28

**Sec. 1. (a)** This rule sets forth the per diem rate for reimbursement of providers providing residential care to recipients receiving residential care assistance from the division.

**(b)** Reimbursement is contingent upon current licensure by the Indiana state department of health for facilities requiring licensure and a current provider agreement with the division.

**(c)** The per diem reimbursements set forth a per diem rate that is based on the costs that must be incurred by efficiently and economically operated facilities in order to provide room, board, laundry, and other services, along with administrative direction to recipients. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.3-1*)

**460 IAC 1-3.3-2 Definitions**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6  
Affected: IC 12-30; IC 16-28

**Sec. 2. (a)** The definitions in this section apply throughout this rule.

**(b)** "County home" means a residential facility owned, staffed, maintained, and operated by a county government that provides residential care to individuals.

**(c)** "Division" means the division of disability, aging, and rehabilitative services.

**(d)** "Provider" means a county home or residential home with a current contract with the division to provide residential care assistance.

**(e)** "Recipient" means an individual who is receiving residential care assistance.

**(f)** "Residential care" means room, board, and laundry, along with minimal administrative direction.

**(g)** "Residential care assistance" means state financial assistance through the division for residential care.

**(h)** "Residential home" means a facility licensed under IC 16-28 or an accredited Christian Science facility listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., that meets certain life safety standards considered necessary by the state fire marshal, that provides residential care to individuals. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.3-2*)

**460 IAC 1-3.3-3 Per diem reimbursement rates**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6  
Affected: IC 12-10-6-4; IC 12-30; IC 16-28

**Sec. 3. (a)** Subject to the availability of funds appropriated for the residential care assistance program, a county home that is not licensed under IC 16-28 shall receive per diem reimbursement of twenty-five dollars and fifteen cents (\$25.15) for each recipient. If a county home charges the general public a rate of less than twenty-five dollars and fifteen cents (\$25.15), the county home shall receive per diem reimbursement from the division equal to the rate the county home charges the general public.

**(b)** Subject to the availability of funds appropriated for the residential care assistance program, a county home that is licensed under IC 16-28 shall receive per diem reimbursement of thirty-three dollars and ninety-two cents (\$33.92) for each recipient receiving residential care assistance from the division. This per diem reimbursement takes into account the rules for residential care for facilities that are licensed under IC 16-28. If a county home that is licensed under IC 16-28 charges the general public a rate of less than thirty-three dollars and ninety-two cents (\$33.92), the county home shall receive per diem reimbursement from the division equal to the rate the county home charges the general public.

**(c)** Subject to the availability of funds appropriated for the residential care assistance program, a residential home shall receive per diem reimbursement of thirty-nine dollars and thirty-five cents (\$39.35) for each recipient receiving

residential care assistance from the division. This per diem reimbursement takes into account the rules for residential care for facilities that are licensed under IC 16-28. If a residential home charges the general public a rate of less than thirty-nine dollars and thirty-five cents (\$39.35), the county home shall receive per diem reimbursement from the division equal to the rate the county home charges the general public.

(d) If a recipient has applied excess income toward residential care assistance pursuant to IC 12-10-6-4(b), the amount paid by the division to the affected provider will be reduced by the amount received by the recipient. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.3-3*)

**460 IAC 1-3.3-4 Annual review of per diem reimbursement rate**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-30; IC 16-28

**Sec. 4. (a) By March 1 of each year, providers receiving reimbursement from the division to provide residential care shall submit on a form approved by the division a summary of the provider's costs.**

(b) Based upon the cost information submitted pursuant to subsection (a), the division shall annually review the per diem reimbursement rates established by this article. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.3-4*)

SECTION 2. THE FOLLOWING ARE REPEALED: 460 IAC 1-3-1; 460 IAC 1-3-2; 460 IAC 1-3-3; 460 IAC 1-3-4; 460 IAC 1-3-5; 460 IAC 1-3-6; 460 IAC 1-3-7; 460 IAC 1-3-8; 460 IAC 1-3-9; 460 IAC 1-3-10; 460 IAC 1-3-12; 460 IAC 1-3-13; 460 IAC 1-3-14; 460 IAC 1-3-15.

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on March 25, 2003 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on a proposed new rule concerning new criteria, reimbursement rates, and procedures for providers in the residential care assistance program. If an accommodation is required to allow an individual with a disability to participate in this meeting, please contact Kevin Wild at (317) 233-2582 at least 48 hours prior to the meeting. 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.*

Howard Stevenson  
General Counsel  
Division of Disability, Aging, and Rehabilitative  
Services

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**TITLE 550 BOARD OF TRUSTEES OF THE  
INDIANA STATE TEACHERS' RETIREMENT  
FUND**

**Proposed Rule**  
LSA Document #02-325

**DIGEST**

Amends 550 IAC 3 to conform to changes made to the Internal Revenue Code by the Economic Growth and Tax Relief Reconciliation Act of 2001. Adds 550 IAC 5 to changes made to the Internal Revenue Code by the Economic Growth and Tax Relief Reconciliation Act of 2001. Adds 550 IAC 6 concerning rollovers, service purchases, and enhanced retirement savings opportunities for fund members (Senate Enrolled Act 59). Effective 30 days after filing with the secretary of state.

<b>550 IAC 3-1-1</b>	<b>550 IAC 3-2-2</b>
<b>550 IAC 3-1-2</b>	<b>550 IAC 5</b>
<b>550 IAC 3-1-3</b>	<b>550 IAC 6</b>
<b>550 IAC 3-2-1</b>	

SECTION 1. 550 IAC 3-1-1 IS AMENDED TO READ AS FOLLOWS:

**550 IAC 3-1-1 Definitions**

Authority: IC 21-6.1-3-6

Affected: IC 5-10.2-2-14; IC 21-6.1

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Board of trustees" means the board of trustees of the Indiana state teachers' retirement fund.

(c) "Code" means the Internal Revenue Code of 1986, 26 U.S.C. 1 et seq., and all amendments related thereto.

(d) "EGTRRA" means the Economic Growth and Tax Relief Reconciliation Act of 2001, P.L. 107-16, and all applicable regulations and amendments related thereto.

(~~⊕~~) (e) "Eligible rollover distribution" means any distribution of all or any taxable portion of the benefit to the credit of a member or a member's spouse, except that an eligible rollover distribution does not include the following:

(1) Any distribution that is one (1) of a series of substantially equal periodic payments, paid not less frequently than annually, made for the life or life expectancy of the member and the member's designated beneficiary.

(2) Any distribution that is one (1) of a series of substantially

equal periodic payments for a specified period of ten (10) years or more.

(3) Any distribution to the extent such distribution is required under Section 401(a)(9) of the Code.

(4) The portion of any distribution that is not includable in gross income, **provided that any portion of any distribution that is not includable in gross income may be an eligible rollover distribution for purposes of a rollover to either:**

(A) a traditional individual retirement account or individual retirement annuity; or

(B) a qualified trust that is part of a plan that is a defined contribution plan that will separately account for the taxable and nontaxable portions of the distribution, in a direct trustee-to-trustee transfer.

(5) Any distribution that is made upon hardship by the member.

(f) "Fund" means the Indiana state teachers' retirement fund.

(g) "IRS" means the Internal Revenue Service.

(h) "UCA" refers to the federal Unemployment Compensation Amendments of 1992, P.L.102-318, and all applicable regulations and amendments related thereto. (*Board of Trustees of the Indiana State Teachers' Retirement Fund; 550 IAC 3-1-1; filed Mar 21, 1995, 2:00 p.m.: 18 IR 2033; readopted and extended filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731*)

SECTION 2. 550 IAC 3-1-2 IS AMENDED TO READ AS FOLLOWS:

#### **550 IAC 3-1-2 Introduction**

Authority: IC 21-6.1-3-6

Affected: IC 5-10.2-2-14; IC 21-6.1

Sec. 2. (a) The UCA was signed into law on July 3, 1992. The UCA expanded the permanent federal-state extended unemployment benefits program and extended the existing emergency unemployment insurance program. The sources of financing for the UCA benefit extensions include provisions affecting distributions from tax-qualified pension plans such as the fund. The provisions in this article apply to distributions made after December 31, 1992, and include the following: **of the UCA were subsequently amended by EGTRRA.**

(1) Changes in the rules applicable to rollovers from tax-qualified plans:

(2) A provision that requires such plans to give participants entitled to a distribution eligible for rollover treatment the option to have that amount paid directly in the form of a direct rollover to a qualified defined contribution plan; an individual retirement account or annuity; or a similar plan specified by the participant.

(3) Changes in the withholding taxes applicable to distributions from such plans:

(b) The fund does not accept rollover contributions from other retirement plans. However, the fund permits rollover contributions to be paid directly to other retirement plans under certain circumstances. Accordingly, the rules governing the fund need to be amended to conform to the direct rollover requirements under the UCA to allow such rollovers at the member's or member's spouse's election:

(c) (b) 550 IAC 3-2 includes the model language set forth in Revenue Procedure 93-12, issued December 30, 1992, to amend the fund to comply with the requirements of Section 401(a)(31) of the Code. 550 IAC 3-2 reflects the model amendment drafted by the IRS as amended by EGTRRA. The board of trustees recognizes that some provisions included in the model amendment language are not applicable to a governmental plan as defined in Section 414(d) of the Code. As a result, those provisions that are not applicable to a governmental plan will not be applied by the board of trustees. (*Board of Trustees of the Indiana State Teachers' Retirement Fund; 550 IAC 3-1-2; filed Mar 21, 1995, 2:00 p.m.: 18 IR 2034; readopted and extended filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731*)

SECTION 3. 550 IAC 3-1-3 IS AMENDED TO READ AS FOLLOWS:

#### **550 IAC 3-1-3 Purpose**

Authority: IC 21-6.1-3-6

Affected: IC 5-10.2-2-14; IC 21-6.1

Sec. 3. (a) The purpose of this rule is to comply with the UCA to the extent required by Section 401(a)(31) of the Code.

(b) A member of the fund may elect, at the time and in the manner prescribed by the board of trustees, to have all or a portion of an eligible rollover distribution paid directly to another eligible retirement plan as specified by the member.

(c) A surviving spouse who is entitled to receive an eligible rollover distribution may elect, at the time and in the manner prescribed by the board of trustees, to have all or a portion of an eligible rollover distribution paid directly to **an individual another eligible retirement account or annuity plan** as specified by the spouse. (*Board of Trustees of the Indiana State Teachers' Retirement Fund; 550 IAC 3-1-3; filed Mar 21, 1995, 2:00 p.m.: 18 IR 2034; readopted and extended filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731*)

SECTION 4. 550 IAC 3-2-1 IS AMENDED TO READ AS FOLLOWS:

#### **550 IAC 3-2-1 Model amendment language**

Authority: IC 21-6.1-3-6

Affected: IC 5-10.2-2-14; IC 21-6.1

Sec. 1. **The amendments to this rule applies required by EGTRRA apply** to distributions made on or after January 1, 1993: **2002.** Notwithstanding any provision of the plan to the

contrary that would otherwise limit a distributee's election under this rule, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover. (*Board of Trustees of the Indiana State Teachers' Retirement Fund; 550 IAC 3-2-1; filed Mar 21, 1995, 2:00 p.m.: 18 IR 2034; readopted and extended filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731*)

SECTION 5. 550 IAC 3-2-2 IS AMENDED TO READ AS FOLLOWS:

### 550 IAC 3-2-2 Definitions

Authority: IC 21-6.1-3-6

Affected: IC 5-10.2-2-14; IC 21-6.1

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) "Direct rollover" means a payment by the plan to the eligible retirement plan specified by the distributee.

(c) "Distributee" includes an employee or former employee, **as well as the employee's or former employee's surviving spouse.** In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code, ~~are distributees~~ **is a distributee** with regard to the interest of the spouse or former spouse.

(d) "Eligible retirement plan" means:

(1) an individual retirement account described in Section 408(a) of the Code;

(2) an individual retirement annuity described in Section 408(b) of the Code;

(3) an annuity plan described in Section 403(a) of the Code; ~~or~~

(4) a qualified trust described in Section 401(a) of the Code; **(5) an eligible deferred compensation plan under Section 457(b) of the Code that is maintained by a state, a political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state (so long as the plan agrees to separately account for amounts rolled into the plan); or**

**(6) an annuity contract under Section 403(b) of the Code;** that accepts the distributee's eligible rollover distribution. ~~However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.~~

(e) "Eligible rollover distribution" means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include the following:

(1) Any distribution that is one (1) of a series of substantially equal periodic payments (not less frequently than annually)

made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee) and the distributee's designated beneficiary, or for a specified period of ten (10) years or more.

(2) Any distribution to the extent such distribution is required under Section 401(a)(9) of the Code.

(3) The portion of any distribution that is not ~~includable~~ **includible** in gross income, ~~(determined without regard to the exclusion provided that any portion of any distribution that is not includible in gross income may be an eligible rollover distribution for net unrealized appreciation with respect purposes of a rollover to employer securities).~~ **either:**

(A) a traditional individual retirement account or individual retirement annuity; or

(B) a qualified trust that is part of a plan that is a defined contribution plan that will separately account for the taxable and nontaxable portions of the distribution, in a direct trustee-to-trustee transfer.

(4) Any distribution that is made upon hardship by the member.

(*Board of Trustees of the Indiana State Teachers' Retirement Fund; 550 IAC 3-2-2; filed Mar 21, 1995, 2:00 p.m.: 18 IR 2034; readopted and extended filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731*)

SECTION 6. 550 IAC 5 IS ADDED TO READ AS FOLLOWS:

## ARTICLE 5. ANNUAL COMPENSATION LIMITS

### Rule 1. General Provisions

#### 550 IAC 5-1-1 Definitions

Authority: IC 5-10.2-2-1; IC 21-6.1-3-6

Affected: IC 5-10.2-2-1.5; IC 21-6.1

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Code" means the Internal Revenue Code of 1986, 26 U.S.C. 1 et seq., and all amendments related thereto.

(c) "EGTRRA" means Economic Growth and Tax Relief Reconciliation Act of 2001, P.L. 107-16, and all applicable regulations and amendments related thereto.

(d) "Fund" means the Indiana state teachers' retirement fund.

(e) "IRS" means the Internal Revenue Service.

(f) "OBRA '93" refers to the federal Omnibus Budget Reconciliation Act of 1993, P.L. 103-66, and all applicable regulations and amendments related thereto. (*Board of Trustees of the Indiana State Teachers' Retirement Fund; 550 IAC 5-1-1*)



### 550 IAC 5-1-2 Introduction

Authority: IC 5-10.2-2-1; IC 21-6.1-3-6  
 Affected: IC 5-10.2-2-1.5; IC 21-6.1

Sec. 2. (a) OBRA '93 was signed into law on August 10, 1993. Among other things, OBRA '93 contained amendments to Section 401(a)(17) of the Code relating to the annual compensation limit for tax-qualified retirement plans. Section 401(a)(17) of the Code provides an annual compensation limit for each employee under a qualified plan. The annual compensation limit was subsequently amended by EGTRRA for plan years beginning after December 31, 2001. A plan may not base contributions or benefits on annual compensation in excess of this annual compensation limit.

(b) Prior to its amendment by OBRA '93, the annual compensation limit under Section 401(a)(17) of the Code was two hundred thousand dollars (\$200,000), adjusted for cost-of-living increases (two hundred thirty-five thousand eight hundred forty dollars (\$235,840) for 1993). Section 401(a)(17) of the Code was amended by OBRA '93 to reduce the annual compensation limit to one hundred fifty thousand dollars (\$150,000), and to modify the manner in which cost-of-living adjustments are made to the annual compensation limit. EGTRRA subsequently amended this annual compensation limit to two hundred thousand dollars (\$200,000) as modified by cost of living adjustments.

(c) OBRA '93, however, provides a grandfather clause for certain eligible participants in governmental plans. This grandfather rule applies to individuals who already were participants in governmental plans before the first plan year beginning after December 31, 1995, or, if earlier, the first plan year for which the plan is amended to comply with OBRA '93. Under the grandfather rule, the annual compensation limit contained in OBRA '93 will not apply to those eligible participants to the extent that the annual compensation limit in OBRA '93 would reduce the amount of compensation taken into account under the plan below the amount that was allowed to be taken into account under the plans as in effect on July 1, 1993. (*Board of Trustees of the Indiana State Teachers' Retirement Fund; 550 IAC 5-1-2*)

### 550 IAC 5-1-3 Purpose

Authority: IC 5-10.2-2-1; IC 21-6.1-3-6  
 Affected: IC 5-10.2-2-1.5; IC 21-6.1

Sec. 3. The purpose of this rule is to comply with OBRA '93 and EGTRRA as those acts amended Section 401(a)(17) of the Code. (*Board of Trustees of the Indiana State Teachers' Retirement Fund; 550 IAC 5-1-3*)

### 550 IAC 5-1-4 Text

Authority: IC 5-10.2-2-1; IC 21-6.1-3-6  
 Affected: IC 5-10.2-2-1.5; IC 21-6.1

Sec. 4. The annual compensation limitations of Section 401(a)(17) of the Code shall be applied as follows:

(1) The annual compensation limit under Section 401(a)(17) of the Code, as amended by OBRA '93 and EGTRRA, shall not apply to any eligible participant, in any future year, to the extent that the application of the annual compensation limit in Section 401(a)(17) of the Code, as amended by OBRA '93 and EGTRRA, would reduce the amount of annual compensation that is allowed to be taken into account under the fund below the amount that was allowed to be taken into account under the fund as in effect on July 1, 1993. As used in this subdivision, "eligible participants" includes all members who participated in the fund prior to July 1, 1996.

(2) The annual compensation limit under Section 401(a)(17) of the Code, as amended by OBRA '93, will be effective with respect to noneligible participants as of July 1, 1996. As used in this subdivision, "noneligible participants" includes all members who did not participate in a fund prior to July 1, 1996. Effective for years beginning after December 31, 2001, the annual compensation limit under Code Section 401(a)(17), as amended by EGTRRA, will be effective with respect to non-eligible participants.

(*Board of Trustees of the Indiana State Teachers' Retirement Fund; 550 IAC 5-1-4*)

SECTION 7. 550 IAC 6 IS ADDED TO READ AS FOLLOWS:

## ARTICLE 6. ROLLOVERS, SERVICE PURCHASES, AND ENHANCED RETIREMENT SAVINGS OPPORTUNITIES

### Rule 1. General Provisions

#### 550 IAC 6-1-1 Definitions

Authority: IC 21-6.1-3-6  
 Affected: IC 5-10.2-3-10; IC 21-6.1

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Board of trustees" means the board of trustees of the Indiana state teachers' retirement fund.

(c) "Code" means the Internal Revenue Code of 1986, 26 U.S.C. 1 et seq., and all amendments related thereto.

(d) "Direct rollover" means a payment from an eligible retirement plan specified by the member to the fund.

(e) "EGTRRA" means the Economic Growth and Tax Relief Reconciliation Act of 2001, P.L. 107-16, and all applicable regulations and amendments related thereto.

(f) "Eligible retirement plan" means:

(1) an individual retirement account described in Section

408(a) of the Code;  
(2) an individual retirement annuity described in Section 408(b) of the Code;  
(3) an annuity plan described in Section 403(a) of the Code;  
(4) a qualified trust described in Section 401(a) of the Code;  
(5) an eligible deferred compensation plan under Section 457(b) of the Code that is maintained by a state, a political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state (so long as the plan agrees to separately account for amounts rolled into the plan); or  
(6) an annuity contract under Section 403(b) of the Code; that accepts the distributee's eligible rollover distribution.

(g) "Eligible rollover distribution" means any distribution of all or any taxable portion of the benefit to the credit of a member or a member's spouse, except that an eligible rollover distribution does not include the following:

- (1) Any distribution that is one (1) of a series of substantially equal periodic payments, paid not less frequently than annually, made for the life or life expectancy of the member and the member's designated beneficiary.
- (2) Any distribution that is one (1) of a series of substantially equal periodic payments for a specified period of ten (10) years or more.
- (3) Any distribution to the extent such distribution is required under Section 401(a)(9) of the Code.
- (4) The portion of any distribution that is not includible in gross income, provided that any portion of any distribution that is not includible in gross income may be an eligible rollover distribution for purposes of a rollover to either:
  - (A) a traditional individual retirement account or individual retirement annuity; or
  - (B) a qualified trust which is part of a plan which is a defined contribution plan that will separately account for the taxable and nontaxable portions of the distribution, in a direct trustee-to-trustee transfer.
- (5) Any distribution that is made upon hardship by the member.

(h) "Fund" means the Indiana state teachers' retirement fund.

(i) "IRS" means the Internal Revenue Service. (*Board of Trustees of the Indiana State Teachers' Retirement Fund; 550 IAC 6-1-1*)

#### **550 IAC 6-1-2 Rollover for purchase of service**

Authority: IC 21-6.1-3-6  
Affected: IC 5-10.2-3-10; IC 21-6.1

**Sec. 2.** The fund may accept any portion of an eligible rollover distribution in payment of all or a portion of a

member's purchase of service credit authorized under the fund's statutes. The fund may accept an eligible rollover distribution paid directly to the system in a direct rollover. (*Board of Trustees of the Indiana State Teachers' Retirement Fund; 550 IAC 6-1-2*)

#### **550 IAC 6-1-3 Trustee-to-trustee transfer**

Authority: IC 21-6.1-3-6  
Affected: IC 5-10.2-3-10; IC 21-6.1

**Sec. 3.** The fund may accept a direct trustee-to-trustee transfer from a deferred compensation plan under Code Section 457(b) or a tax-sheltered annuity under Code Section 403(b) for the purchase of permissive service credit, as defined in Code Section 415(n)(3)(A), or a repayment to which Code Section 415 does not apply by reason of Code Section 415(k)(3). (*Board of Trustees of the Indiana State Teachers' Retirement Fund; 550 IAC 6-1-3*)

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on March 26, 2003 at 3:00 p.m., at the Board of Trustees of the Indiana State Teachers' Retirement Fund, 150 West Market Street, Suite 300, Indianapolis, Indiana the Board of Trustees of the Indiana State Teachers' Retirement Fund will hold a public hearing on proposed amendments regarding compliance with federal pension law changes. Send written comments to Thomas N. Davidson, General Counsel, Indiana State Teachers' Retirement Fund, 150 West Market Street, Suite 300, Indianapolis, Indiana 46204. Copies of these rules are now on file at the Indiana State Teachers' Retirement Fund, 150 West Market Street, Suite 300 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Dr. William E. Christopher  
Executive Director  
Board of Trustees of the Indiana State Teachers'  
Retirement Fund

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### **TITLE 844 MEDICAL LICENSING BOARD OF INDIANA**

**Proposed Rule**  
LSA Document #02-268

#### **DIGEST**

Amends 844 IAC 5-1-1 concerning definitions. Amends 844 IAC 5-1-3 concerning disciplinary action. Adds 844 IAC 5-3 concerning appropriate use of the Internet in medical practice. Adds 844 IAC 5-4 prescribing to persons not seen by the physician. Effective 30 days after filing with the secretary of state.

**844 IAC 5-1-1**  
**844 IAC 5-1-3**

**844 IAC 5-3**  
**844 IAC 5-4**

SECTION 1. 844 IAC 5-1-1 IS AMENDED TO READ AS FOLLOWS:

**844 IAC 5-1-1 Definitions**

Authority: IC 25-22.5-2-7

Affected: IC 16-18-2-199; IC 16-42-19-5; IC 25-1-9; IC 25-10; IC 25-13; IC 25-14; IC 25-20; IC 25-20.5-1-7; IC 25-22.5-6-2.1; IC 25-23; IC 25-23.5; IC 25-23.6; IC 25-24; IC 25-26-13-17; IC 25-27; IC 25-27.5; IC 25-29; IC 25-33; IC 25-34.5; IC 25-35.6; IC 35-48-1-9; IC 35-48-2

Sec. 1. For purposes of the standards of professional conduct and competent practice of medicine, this article and IC 25-1-9, the following definitions apply:

(a) "Professional incompetence" may include, but is not limited to, a pattern or course of repeated conduct by a practitioner demonstrating a failure to exercise such reasonable care and diligence as is ordinarily exercised by practitioners in the same or similar circumstances in the same or similar locality.

(1) "Addict" means a person who is physiologically and/or psychologically dependent upon a drug that is classified as a narcotic, controlled substance, or dangerous drug.

(2) "Classified as a narcotic" means any substance that is designated as a controlled substance under IC 35-48-1 or IC 35-48-2, or so classified in any subsequent amendment or revision of said statutes.

(3) "Controlled substance" has the same meaning set forth in IC 35-48-1-9.

(4) "Dangerous drug" means any substance that is designated as a controlled substance under IC 35-48-1 or IC 35-48-2, or so classified in any subsequent amendment or revision of said statute.

(5) "General health information site" means a noninteractive Internet site that is accessible by anyone with access to the Internet and intended to provide general, user nonspecific information or advice about maintaining health or the treatment of an acute or chronic illness, health condition, or disease state.

(6) "Habitue" means a person who:

- (A) is physiologically and/or psychologically dependent upon any narcotic drug classified as a narcotic, dangerous drug, or controlled substance under Indiana law; or
- (B) consumes, on a regular basis and without any medically justifiable purpose, a narcotic drug classified as a narcotic, dangerous drug, or controlled substance under Indiana law, whether or not such person has developed a physiological or psychological dependence upon such substance.

(7) "Institutional setting" means any health care facility whose primary purpose is to provide a physical environment for patients to obtain health care services, except those places where practitioners, as defined by IC 16-42-19-5, who are duly licensed, engage in private practice and pharmacies licensed under IC 25-26-13-17.

(8) "Internet medical practice site" means a patient-specific Internet site, access to which is limited to licensed physicians, associated medical personnel, and patients.

(9) "Internet site" means an electronic source of health information content, commerce, connectivity, and/or service delivery.

(10) "Legend drug" has the meaning set forth in IC 16-18-2-199.

(11) "Passive tracking mechanism" means a persistent electronic file used to track Internet site navigation, which allows the Internet site to record and retain user-specific navigation information whenever the user accesses the Internet site. Examples include:

- (A) cookies;
- (B) clear.gifs; or
- (C) Web bugs.

(12) "Personal health information" means any information, whether oral or recorded in any form or medium, that:

- (A) is created or received by a physician or other health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and
- (B) relates to the:
  - (i) past, present, or future physical or mental health or condition of an individual;
  - (ii) provision of health care to an individual; or
  - (iii) past, present, or future payment for the provision of health care to an individual.

(13) "Physician-patient e-mail" means computer-based communication between physicians or associated medical personnel and patients within a professional relationship in which the physician has taken on an explicit measure of responsibility for the patient's care.

(14) "Practitioner" means a person who holds an unlimited license to practice medicine or osteopathic medicine in Indiana or a limited license or permit as may be issued by the board.

(15) "Professional incompetence" may include, but is not limited to, a pattern or course of repeated conduct by a practitioner demonstrating a failure to exercise such reasonable care and diligence as is ordinarily exercised by practitioners in the same or similar circumstances in the same or similar locality.

(16) "Specific professional health care provider" means any person who holds a specific license to practice in an area of health care in Indiana, including, but not limited to, the following persons:

- (A) Any chiropractor licensed under IC 25-10.
- (B) Any dental hygienist licensed under IC 25-13.
- (C) Any dentist licensed under IC 25-14.
- (D) Any hearing aid dealer licensed under IC 25-20.
- (E) Any nurse licensed under IC 25-23.
- (F) Any optometrist licensed under IC 25-24.

- (~~7~~) (G) Any pharmacist licensed under IC 25-26.  
(~~8~~) (H) Any physical therapist licensed under IC 25-27.  
(~~9~~) (I) Any podiatrist licensed under IC 25-29.  
(~~10~~) (J) Any psychologist licensed under IC 25-33.  
(~~11~~) (K) Any speech pathologist or audiologist licensed under IC 25-35.6.  
(L) Any respiratory care practitioner certified under IC 25-34.5.  
(M) Any occupational therapist certified under IC 25-23.5.  
(N) Any clinical social worker, marriage and family therapist, or mental health counselor licensed under IC 25-23.6.  
(O) Any physician assistant certified under IC 25-27.5.  
(P) Any hypnotist certified under IC 25-20.5-1-7.

(d) For purposes of clarifying the terminology used in IC 25-22.5-6-2.1(b)(7); and for purposes of the standards of professional conduct and competent practice of medicine, the following definitions apply:

- (1) "Addict" means a person who is physiologically and/or psychologically dependent upon a drug which is classified as a narcotic, controlled substance or dangerous drug.  
(2) "Habitue" means a person who is physiologically and/or psychologically dependent upon any narcotic, drug classified as a narcotic, dangerous drug or controlled substance under Indiana law; or a person who consumes on a regular basis, and without any medically justifiable purpose, a narcotic drug classified as a narcotic, dangerous drug or controlled substance under Indiana law; whether or not such person has developed a physiological or psychological dependence upon such substance.  
(3) "Classified as a narcotic" means any substance which is designated as a controlled substance under IC 35-48-1, or IC 35-48-2, or so classified in any subsequent amendment or revision of said statutes.  
(4) "Dangerous drug" means any substance which is designated as a controlled substance under IC 35-48-1, or IC 35-48-2, or so classified in any subsequent amendment or revision of said statute.

(Medical Licensing Board of Indiana; 844 IAC 5-1-1; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1522; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325)

SECTION 2. 844 IAC 5-1-3 IS AMENDED TO READ AS FOLLOWS:

**844 IAC 5-1-3 Disciplinary action**

Authority: IC 25-22.5-2-7  
Affected: IC 25-1-9

Sec. 3. Failure to comply with ~~section 1 of this rule, and 844 IAC 5-2~~ article may result in disciplinary proceedings against the offending practitioners. Further, all practitioners licensed in Indiana shall be responsible for having knowledge of the standards of conduct and practice established by statute and ~~regulation rule~~ pursuant to IC 25-22.5-2-7. (Medical Licensing

Board of Indiana; 844 IAC 5-1-3; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1526; filed Nov 30, 1990, 4:15 p.m.: 14 IR 750; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325)

SECTION 3. 844 IAC 5-3 IS ADDED TO READ AS FOLLOWS:

**Rule 3. Appropriate Use of the Internet in Medical Practice**

**844 IAC 5-3-1 General provisions**

Authority: IC 25-22.5-2-7  
Affected: IC 25-1-9; IC 25-22.5

Sec. 1. A practitioner shall comply with this article when utilizing the Internet in the delivery of patient care. (Medical Licensing Board of Indiana; 844 IAC 5-3-1)

**844 IAC 5-3-2 Evaluation of the patient**

Authority: IC 25-22.5-2-7  
Affected: IC 25-1-9; IC 25-22.5

Sec. 2. A documented patient evaluation, including history and physical evaluation adequate to establish diagnoses and identify underlying conditions or contraindications to the treatment recommended or provided, must be obtained prior to providing treatment, including issuing prescriptions, electronically or otherwise. (Medical Licensing Board of Indiana; 844 IAC 5-3-2)

**844 IAC 5-3-3 Treatment**

Authority: IC 25-22.5-2-7  
Affected: IC 25-1-9; IC 25-22.5

Sec. 3. Treatment, including issuing a prescription, based solely on an on-line questionnaire or consultation is prohibited. (Medical Licensing Board of Indiana; 844 IAC 5-3-3)

**844 IAC 5-3-4 Electronic communications**

Authority: IC 25-22.5-2-7  
Affected: IC 25-1-9; IC 25-22.5

Sec. 4. (a) Written policies and procedures must be maintained by the physician for the use of patient-physician electronic mail. Such policies and procedures must address the following:

- (1) Privacy.
- (2) Health care personnel (in addition to the physician addressee) who will process messages.
- (3) Hours of operation.
- (4) Types of transactions that will be permitted electronically.
- (5) Required patient information to be included in the communication, such as patient name, identification number, and type of transaction.
- (6) Archival and retrieval of patient medical data.
- (7) Quality oversight mechanisms.
- (8) Protocol to be followed in emergency situations.

(b) Policies and procedures must be periodically evaluated for currency and maintained in an accessible and readily available manner for review.

(c) Sufficient security measures must be in place and documented to assure confidentiality and integrity of patient-identifiable information. Transmissions, including patient e-mail, prescriptions, and laboratory results must be secure within existing technology, that is, password protected, encrypted electronic prescriptions, or other reliable authentication techniques.

(d) Patient-physician e-mail pertinent to the ongoing care of the patient, as well as other patient-related electronic communications, must be maintained as part of, and integrated into, the patient's medical record, whether that record is paper or electronic.

(e) Turnaround time shall be established for patient-physician e-mail and medical practice sites must clearly indicate alternative form or forms of communication for urgent matters.

(f) E-mail systems must be configured to include an automatic reply to acknowledge message delivery and that messages have been read. Patients must be encouraged to confirm that they have received and read messages. (*Medical Licensing Board of Indiana; 844 IAC 5-3-4*)

#### **844 IAC 5-3-5 Informed consent**

Authority: IC 25-22.5-2-7  
Affected: IC 25-1-9; IC 25-22.5

Sec. 5. A written agreement must be employed documenting patient informed consent for the use of patient-physician e-mail. The agreement must be discussed with and signed by the patient and included in the medical record. The agreement must include the following terms:

- (1) Types of transmissions that will be permitted, such as:
  - (A) prescription refills;
  - (B) appointment scheduling; and
  - (C) patient education.
- (2) Fees, if any, that will be assessed for on-line consultations or other electronic communication.
- (3) Under what circumstances alternate forms of communication or office visits must be utilized.
- (4) A statement that physician-patient e-mail is not to be used in emergency situations.
- (5) Instructions on what steps the patient should take in an emergency situation.
- (6) Security measures, such as encrypting data, password protected screen savers and data files, or utilizing other reliable authentication techniques, as well as potential risks to privacy.
- (7) Hold harmless clause for information lost due to technical failures.
- (8) Requirement for express patient consent to forward patient-identifiable information to a third party.

(9) Patient's failure to comply with the agreement may result in physician terminating the e-mail relationship. (*Medical Licensing Board of Indiana; 844 IAC 5-3-5*)

#### **844 IAC 5-3-6 Medical records**

Authority: IC 25-22.5-2-7  
Affected: IC 25-1-9; IC 25-22.5

Sec. 6. (a) The medical record must include written or electronic copies of all patient-related electronic communications, including the following:

- (1) Patient-physician e-mail.
- (2) Prescriptions.
- (3) Laboratory and test results.
- (4) Evaluations and consultations.
- (5) Records of past care.
- (6) Instructions.

Informed consent agreements related to the use of e-mail shall also be filed in the medical record.

(b) Patient medical records must remain current and accessible for review and be maintained in compliance with applicable state and federal requirements. (*Medical Licensing Board of Indiana; 844 IAC 5-3-6*)

#### **844 IAC 5-3-7 Disclosure**

Authority: IC 25-22.5-2-7  
Affected: IC 25-1-9; IC 25-22.5

Sec. 7. (a) An interactive Internet medical practice site is a practice location and requires a defined physician-patient relationship.

(b) Internet medical practice sites must clearly disclose the following:

- (1) The owner of the site.
- (2) The specific services provided.
- (3) The office address and contact information for the medical practice.
- (4) Licensure and qualifications of the physician or physicians and associated health care providers.
- (5) Fees for on-line consultation and services and how payment is to be made.
- (6) Financial interests in any information, products, or services.
- (7) Appropriate uses and limitations of the site, including providing health advice and emergency health situations.
- (8) Uses and response times for e-mails, electronic messages, and other communications transmitted via the site.
- (9) To whom patient health information may be disclosed and for what purpose.
- (10) Rights of patients with respect to patient health information.
- (11) Information collected and any passive tracking mechanisms utilized.

(*Medical Licensing Board of Indiana; 844 IAC 5-3-7*)

**844 IAC 5-3-8 Accountability**

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5

**Sec. 8. Medical practice sites must provide patients a clear mechanism to do the following:**

- (1) Access, supplement, and amend patient-provided personal health information.
- (2) Provide feedback regarding the site and the quality of information and services.
- (3) Register complaints, including information regarding filing a complaint with the consumer protection division of the office of the attorney general.

*(Medical Licensing Board of Indiana; 844 IAC 5-3-8)*

**844 IAC 5-3-9 Advertising or promotion of goods or products**

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5

**Sec. 9. Advertising or promotion of goods or products from which the physician receives direct remuneration, benefits, or incentives is prohibited unless the physician discloses that the physician receives direct remuneration, benefits, or incentives from the sale of the goods or products.** *(Medical Licensing Board of Indiana; 844 IAC 5-3-9)*

**844 IAC 5-3-10 Links**

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5

**Sec. 10. Practitioner Internet sites may provide links to general health information sites to enhance patient education; however, the physician shall not receive direct remuneration, benefits, or incentives from providing such links or from the services or products marketed by such links unless the physician discloses that the physician receives direct remuneration, benefits, or incentives from providing such links or from the services or products marketed by such links.** *(Medical Licensing Board of Indiana; 844 IAC 5-3-10)*

SECTION 4. 844 IAC 5-4 IS ADDED TO READ AS FOLLOWS:

**Rule 4. Prescribing to Persons Not Seen by the Physician**

**844 IAC 5-4-1 General provisions**

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-1-2; IC 25-23-1-19.4

**Sec. 1. (a) Except in institutional settings, on-call situations, cross-coverage situations, and situations involving advanced practice nurses with prescriptive authority practicing in accordance with standard care arrangements, as described in subsections (d) and (e), a physician shall not prescribe, dispense, or otherwise provide, or cause to be provided, any controlled substance to a person who the physician has never personally physically examined and diagnosed.**

(b) Except in institutional settings, on-call situations, cross-coverage situations, and situations involving advanced practice nurses with prescriptive authority practicing in accordance with the requirements of IC 25-23-1-19.4 and this article, as described in subsections (d) and (e), a physician shall not prescribe, dispense, or otherwise provide, or cause to be provided, any legend drug that is not a controlled substance to a person who the physician has never personally physically examined and diagnosed unless the physician is providing care in consultation with another physician who has an ongoing professional relationship with the patient, and who has agreed to supervise the patient's use of the drug or drugs to be provided.

(c) A physician shall not advertise or offer, or permit the physician's name or certificate to be used in an advertisement or offer, to provide any legend drug in a manner that would violate subsection (a) or (b).

(d) Subsections (a) and (b) do not apply to or prohibit the following:

- (1) The provision of drugs to a person who is admitted as an inpatient to or is a resident of an institutional facility.
- (2) The provision of controlled substances or legend drugs by a physician to a person who is a patient of a colleague of the physician, if the drugs are provided pursuant to an on-call or cross-coverage arrangement between the physicians.
- (3) The provision of controlled substances or legend drugs by emergency medical squad personnel, nurses, or other appropriately trained and licensed individuals as permitted by IC 25-22.5-1-2.
- (4) The provision of controlled substances or drugs by an advanced practice nurse with prescriptive authority practicing in accordance with a standard care arrangement that meets the requirements of IC 25-23-1-19.4 and this article.

*(Medical Licensing Board of Indiana; 844 IAC 5-4-1)*

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on March 27, 2003 at 9:45 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Medical Licensing Board of Indiana will hold a public hearing on proposed amendments concerning definitions, appropriate use of the Internet in medical practice, and prescribing to persons not seen by the physician. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Lisa R. Hayes  
Executive Director  
Health Professions Bureau

**TITLE 848 INDIANA STATE BOARD  
OF NURSING**

**Proposed Rule**  
LSA Document #02-183

DIGEST

Adds 848 IAC 6 concerning the interstate nurse licensure compact and multistate licensure privileges. Effective July 1, 2003.

**848 IAC 6**

SECTION 1. 848 IAC 6 IS ADDED TO READ AS FOLLOWS:

**ARTICLE 6. INTERSTATE NURSE LICENSURE  
COMPACT AND MULTISTATE LICENSURE PRIVILEGES**

**Rule 1. General Provisions**

**848 IAC 6-1-1 Definitions**

Authority: IC 25-23-1-7; IC 25-23.2-3-5  
Affected: IC 25-23-1; IC 25-23.2-1

Sec. 1. (a) The following definitions apply throughout this article:

- (1) "Board" means the regulatory body responsible for issuing nurse licenses.
- (2) "Compact" means the Interstate Nurse Licensure Compact.
- (3) "Coordinated licensure information system" or "CLIS" means the integrated process for collecting, sorting, and sharing information on nurse license and enforcement activities related to nurse licensure laws, which is administered by the National Council of State Boards of Nursing, Inc. (NCSBN), a nonprofit organization composed of and controlled by state nurse licensing boards.
- (4) "Home state" means the party state that is the nurse's primary state of residence.
- (5) "Party state" means any state that has adopted the Interstate Nurse Licensure Compact.
- (6) "Primary state of residence" means the state of an individual's declared fixed permanent and principal home for legal purposes; domicile.
- (7) "Public" means any individual or entity other than designated staff or representatives of party state boards or the National Council of State Boards of Nursing, Inc.

(b) Other terms used in this article are defined as in the Interstate Nurse Licensure Compact under IC 25-23.2-1. (*Indiana State Board of Nursing; 848 IAC 6-1-1*)

**848 IAC 6-1-2 Issuance of a license by a compact party state**

Authority: IC 25-23-1-7; IC 25-23.2-3-5  
Affected: IC 25-23-1; IC 25-23.2

Sec. 2. (a) For the purpose of the compact, this section applies.

(b) A nurse applying for a license in Indiana as the nurse's home party state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the licensee and the following:

(1) Either of the following requirements of evidence must be provided:

- (A) Current driver's license with the nurse's home address.
- (B) Other state or federally issued identification card that includes the nurse's home address.

(2) At least one (1) of the following documents must be provided:

- (A) Voter registration card displaying a home address.
- (B) A federal income tax return declaring the primary state of residence.
- (C) Such other evidence of residence as deemed acceptable by the board.

(c) A nurse changing primary state of residence, from another party state to Indiana, may continue to practice under the former home state license and multistate licensure privilege during the processing of the nurse's license application in Indiana for a period not to exceed thirty (30) days if the nurse complies with section 4 of this rule.

(d) The former home state license shall no longer be valid upon the issuance of an Indiana license.

(e) If the nurse has been granted a multistate privilege under section 4 of this rule so that the nurse may practice in this state, the board may limit or revoke a nurse's authority.

(f) If the Indiana board denies licensure, the Indiana board shall notify the former home state within ten (10) business days and the former home state may take action in accordance with that state's laws and rules.

(g) A nurse licensed in a party state and who has had an action taken limiting practice and/or requires monitoring may practice in Indiana only with prior written authorization from the home state and the Indiana board. (*Indiana State Board of Nursing; 848 IAC 6-1-2*)

**848 IAC 6-1-3 Coordinated licensure information system; levels of access**

Authority: IC 25-23-1-7; IC 25-23.2-3-5  
Affected: IC 5-14-3; IC 25-23-1; IC 25-23.2

**Sec. 3. (a)** The public shall have access to nurse licensure information as required under IC 5-14-3.

**(b)** The licensee may request, in writing, that the Indiana board, if Indiana is the licensee's home state, review the data relating to the licensee in the coordinated licensure information system. In the event a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The board shall verify and correct inaccurate data to the coordinated licensure information system.

**(c)** The board shall report the following to the coordinated licensure information system:

**(1)** Disciplinary action, agreement, or order requiring participation in alternative programs or which limit practice or require monitoring (except agreements and orders relating to participation in alternative programs required to remain nonpublic by contributing state authority).

**(2)** Dismissal of complaint.

**(3)** Changes in status of disciplinary action or licensure encumbrance.

*(Indiana State Board of Nursing; 848 IAC 6-1-3)*

#### **848 IAC 6-1-4 Multistate licensure privilege form; requirements**

Authority: IC 25-23-1-7; IC 25-23.2-3-5

Affected: IC 25-23-1; IC 25-23.2

**Sec. 4. (a)** A nurse who is licensed in a party state and who obtains employment as a nurse in Indiana shall file a multistate licensure privilege form with the health professions bureau and pay the fee established in 848 IAC 1-1-14.

**(b)** A nurse filing a multistate licensure privilege form shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the nurse and the following:

**(1)** Either of the following requirements of evidence must be provided:

**(A)** Current driver's license with the nurse's home address.

**(B)** Other state or federal issued identification card that includes the nurse's home address.

**(2)** At least one (1) of the following documents must be provided:

**(A)** Voter registration card displaying a home address.

**(B)** A federal income tax return declaring the primary state of residence.

**(C)** Such other evidence of residence as deemed acceptable by the board.

**(c)** Approval from the Indiana state board of nursing must be obtained prior to commencing employment.  
*(Indiana State Board of Nursing; 848 IAC 6-1-4)*

#### **848 IAC 6-1-5 Updating the multistate licensure privilege form**

Authority: IC 25-23-1-7; IC 25-23.2-3-5

Affected: IC 25-23-1; IC 25-23.2

**Sec. 5. (a)** The application form for updating the multistate licensure privilege form will be provided to registered nurses in odd-numbered years and to practical nurses in even-numbered years.

**(b)** Applicants for updating the multistate licensure privilege form shall pay a fee established by 848 IAC 1-1-14.

**(c)** Notification of the need to submit an application for updating the multistate licensure privilege form shall be provided to the last known address of the nurse holding the multistate licensure privilege. Failure to receive the notification to update the multistate licensure privilege form shall not relieve the nurse of the responsibility for updating the multistate licensure privilege form by the expiration date.  
*(Indiana State Board of Nursing; 848 IAC 6-1-5)*

#### **848 IAC 6-1-6 Participation in the impaired nurses program**

Authority: IC 25-23-1-7; IC 25-13.2-3-5

Affected: IC 25-23-1-31; IC 25-23.2

**Sec. 6. (a)** Nurses who have on file with the Indiana board an approved current multistate licensure privilege form are eligible to participate in the board-designated nurse rehabilitation program established under IC 25-23-1-31, only if approval to participate is granted by the Indiana board.

**(b)** The board may require a nurse holding a multistate licensure privilege for practice in Indiana to participate in the board-designated nurse rehabilitation program as a condition of authorization to remain in or return to practice.  
*(Indiana State Board of Nursing; 848 IAC 6-1-6)*

#### **848 IAC 6-1-7 Name and address changes**

Authority: IC 25-23-1-7; IC 25-13.2-3-5

Affected: IC 25-23-1; IC 25-23.2

**Sec. 7. (a)** Name changes shall be submitted to the board in writing accompanied by a copy of a marriage certificate or court order verifying the change of name.

**(b)** Address changes must be reported to the board in writing within thirty (30) days of the change. A nurse must submit proof of identification with the address change.  
*(Indiana State Board of Nursing; 848 IAC 6-1-7)*

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on April 17, 2003 at 9:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Auditorium, Indianapolis, Indiana*



*the Indiana State Board of Nursing will hold a public hearing on proposed rules concerning the interstate nurse licensure compact and multistate licensure privileges. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Lisa R. Hayes  
Executive Director  
Health Professions Bureau

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## **TITLE 848 INDIANA STATE BOARD OF NURSING**

### **Proposed Rule LSA Document #02-239**

#### **DIGEST**

Amends 848 IAC 1-1-14 concerning fees for licensure to practice nursing; fees for renewal of a license to practice nursing; penalty fees for late renewal; fees for temporary permits; fees for verification of licensure to another state or jurisdiction; fees for filing a multistate licensure privilege form; and fees for updating a multistate licensure privilege form. Effective 30 days after filing with the secretary of state.

#### **848 IAC 1-1-14**

SECTION 1. 848 IAC 1-1-14 IS AMENDED TO READ AS FOLLOWS:

#### **848 IAC 1-1-14 Fees**

**Authority:** IC 25-1-8-2; IC 25-23-1-7; IC 25-23.2-3-5  
**Affected:** IC 25-1-8-6; IC 25-23-1-10.5; IC 25-23.2-3-4

Sec. 14. (a) The fee for licensure by examination ~~shall be a~~ **is the** cost equal to the fee charged by the national provider of the exam and an additional administrative fee of fifty dollars (\$50) for the registered nurse examination or fifty dollars (\$50) for the practical nurse examination.

(b) The fee for licensure by endorsement ~~shall be~~ **is** fifty dollars (\$50).

(c) **Verification of licensure to another state or jurisdiction shall be obtained through Nursys, the nurse license verification system of the National Council of State Boards of Nursing, Inc., 35331 Eagle Way, Chicago, Illinois 60678-1353, <http://www.ncsbn.org>. The individual requesting verification of licensure is responsible for paying the fee assessed by Nursys.**

~~(e) (d)~~ **If verification is not available through Nursys, the fee for endorsement out of Indiana shall be verification of licensure to another state or jurisdiction is** ten dollars (\$10).

~~(d) (e)~~ The fee for licensure renewal ~~shall be a total of~~ **is** fifty dollars (\$50) for the biennium or any part thereof. ~~three dollars (\$3) of which will go toward the funding of the impaired nurses program.~~

~~(e) (f)~~ The penalty fee for ~~for~~ late renewals is as established by the health professions bureau.

~~(f) (g)~~ The fee for a temporary permit to practice nursing as an applicant awaiting licensure by endorsement, pursuant to IC 25-23-1-10.5, ~~shall be~~ **is** ten dollars (\$10).

~~(g) (h)~~ The fee for a duplicate wall certificate ~~shall be~~ **is** ten dollars (\$10).

**(i) The filing fee for a multistate licensure privilege form is twenty-five dollars (\$25).**

**(j) The fee for updating the multistate licensure privilege form is twenty-five dollars (\$25) per biennium.**

**(k) The fee for reinstatement of a license invalidated under IC 25-23.2-3-4 is to be determined by IC 25-1-8-6.** *(Indiana State Board of Nursing; 848 IAC 1-1-14; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1028; filed Sep 12, 1985, 3:29 p.m.: 9 IR 289; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3105; readopted filed Jul 30, 2001, 2:07 p.m.: 24 IR 4237)*

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on April 17, 2003 at 9:30 a.m., at the Indiana Government Center-South, 302 West Washington Street, Auditorium, Indianapolis, Indiana the Indiana State Board of Nursing will hold a public hearing on proposed amendments concerning fees for licensure to practice nursing; fees for renewal of a license to practice nursing; penalty fees for late renewal; fees for temporary permits; fees for verification of licensure to another state or jurisdiction; fees for filing a multistate licensure privilege form; and fees for updating a multistate licensure privilege form. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Lisa R. Hayes  
Executive Director  
Health Professions Bureau

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**TITLE 848 INDIANA STATE BOARD  
OF NURSING**

**Proposed Rule**  
LSA Document #02-247

DIGEST

Amends 848 IAC 1-1-2.1 concerning definitions. Amends 848 IAC 1-1-6 and 848 IAC 1-1-7 concerning requirements for licensure to practice nursing by examination or endorsement. Effective July 1, 2003.

**848 IAC 1-1-2.1**

**848 IAC 1-1-6**

**848 IAC 1-1-7**

SECTION 1. 848 IAC 1-1-2.1, AS READOPTED AT 25 IR 939, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**848 IAC 1-1-2.1 Definitions**

**Authority:** IC 25-23-1-7

**Affected:** IC 25-23-1-1

Sec. 2.1. The following definitions apply throughout this article:

- (1) "Approved" or "accredited", terms used interchangeably, means those programs that have met requirements of the board. The term also includes approval granted by voluntary, regional, and other state agencies.
- (2) "Associate degree program" means a program leading to an associate degree in nursing, conducted by an educational unit in nursing, within the structure of a college or university.
- (3) "Audit" means attending a class or course without receiving credit.
- (4) "Baccalaureate degree program" means a program leading to a baccalaureate degree in nursing, conducted by an educational unit in nursing within the structure of a senior college or university.
- (5) "Board" means the Indiana state board of nursing.
- (6) "Clinical laboratory experience" means the learning experiences provided in facilities appropriate to the curriculum objectives.
- (7) "Clinical preceptor" means an individual employed by the cooperating agency who also has the responsibility to supervise a student in the clinical facility.
- (8) "Controlling organization" means the agency which assumes the responsibility for overall administration of the program.
- (9) "Cooperating agency" means an institution which cooperates with the nursing program to provide facilities for the clinical laboratory experiences of students.
- (10) "Curriculum" means the whole body of courses offered in the nursing program.
- (11) "Diploma program" means a program leading to a diploma in nursing, conducted by a school under the control of a hospital.

(12) "Director" means the registered nurse who is delegated responsibility for the implementation and administration of the nursing program regardless of the official title in any specific institution.

(13) "Enroll" means attending a class or course for the purpose of receiving credit.

(14) "Faculty" means individuals employed to administer and to teach in the educational program.

(15) "Failure rate" is calculated on the number of first time candidates who fail to be licensed and is computed annually from April 1 through March 31.

(16) "May" indicates discretionary use.

(17) "Practical nursing program" means a program leading to a diploma or certificate in practical nursing, conducted by an educational institution or hospital.

**(18) "Primary state of residence" means the state of an individual's declared fixed permanent and principal home for legal purposes; domicile.**

~~(18)~~ (19) "Program" means the curriculum and all the supporting activities organized independently, under an educational institution or hospital, to prepare students for nursing licensure and the practice of nursing.

~~(19)~~ (20) "Rate of successful completion" means the annual number of first time candidates who successfully complete the National Council Licensure examination and is computed annually from April 1 through March 31.

~~(20)~~ (21) "Rule" or "requirement" means a mandatory standard which a program shall meet in order to be accredited.

~~(21)~~ (22) "Shall" indicates a mandatory rule, regulation, or requirement.

~~(22)~~ (23) "Should" indicates a recommendation.

~~(23)~~ (24) "Survey visit" means an on-site visit of a nursing program, including clinical facilities by a designated representative of the board for the purpose of evaluating the program of learning.

*(Indiana State Board of Nursing; 848 IAC 1-1-2.1; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4525; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939)*

SECTION 2. 848 IAC 1-1-6, AS READOPTED AT 25 IR 1326, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

**848 IAC 1-1-6 Licensure by examination**

**Authority:** IC 25-23-1-7

**Affected:** IC 25-23-1-11; IC 25-23-1-12

Sec. 6. (a) Any person who makes application to the board for a license shall submit to the board written evidence, verified by oath, that the registered nurse applicant meets IC 25-23-1-11 and the licensed practical nurse applicant meets IC 25-23-1-12.

(b) A copy of a marriage certificate or court order shall be submitted by a candidate who wishes to change her **or** his name after the application is filed.

(c) Candidates shall present the authorization to test and a photo identification for entrance to the testing center.

(d) The required Indiana passing criteria for the licensure examination is set by the National Council of State Boards of Nursing using the computerized adaptive testing methodology.

(e) An applicant may take the examination at any testing center in the United States approved by the National Council for State Boards of Nursing. An authorization to test must be provided by the Indiana board prior to testing.

(f) Graduates of foreign schools of nursing shall meet the following qualifications before being licensed in Indiana:

- (1) Be licensed in the territory or country in which they graduated.
- (2) Meet the qualifications required in Indiana as determined by the board.
- (3) Obtain the official records from the territory or country in which the applicant graduated verifying academic qualifications, or be referred to state accredited nursing programs to establish the necessary credits if the original records are unobtainable.
- (4) Show evidence of having passed the examination prepared by the commission on graduates of foreign nursing schools.
- (5) Pass the appropriate nurse licensing examination in Indiana.

(g) Requirements for unsuccessful candidates are as follows:

- (1) Any candidate who fails the Indiana licensing examination shall not be licensed until she or he has passed the licensing examination.
- (2) A complete application shall be submitted each time an examination is taken.
- (3) The full examination fee shall be charged for each reexamination.
- (4) A candidate who has failed the licensing examination (in any jurisdiction) should undertake a special study program before retaking the examination. This study program may include one (1) or all of the following:
  - (A) Auditing nursing courses at an approved program in nursing.
  - (B) Self-study program, such as review of course work or professional reading.
  - (C) Tutoring.
  - (D) Reenrollment in a state-accredited program of nursing.

(h) Written informed consent from the candidate is necessary before individual licensing examination scores are released to anyone other than the candidate.

(i) Candidates applying for the licensing examination shall be required to meet the board's curricular requirements for the

program in nursing as stated in the rules in effect at the time of their graduation.

**(j) An applicant shall produce evidence of the applicant's primary state of residence. Such evidence shall include a declaration signed by the applicant and the following:**

**(1) Either of the following requirements of evidence must be provided:**

**(A) Current driver's license with the applicant's home address.**

**(B) Other state or federal issued identification card that includes the applicant's home address.**

**(2) At least one (1) of the following documents must be provided:**

**(A) Voter registration card displaying a home address.**

**(B) A federal income tax return declaring the primary state of residence.**

**(C) Such other evidence of residence as deemed acceptable by the board.**

*(Indiana State Board of Nursing; Reg 6; filed Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 162; filed Mar 18, 1980, 4:00 p.m.: 3 IR 961; filed Feb 18, 1982, 2:18 p.m.: 5 IR 735; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1026; filed Sep 12, 1985, 3:27 p.m.: 9 IR 287; readopted filed Nov 21, 2001, 10:23 a.m.: 25 IR 1326)*

SECTION 3. 848 IAC 1-1-7, AS READOPTED AT 25 IR 1327, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

#### **848 IAC 1-1-7 Licensure by endorsement**

**Authority:** IC 25-23-1-7

**Affected:** IC 25-23-1-11; IC 25-23-1-12

Sec. 7. (a) An applicant who was originally licensed by the National Council Licensing Examination (NCLEX®) or an equivalent examination in another jurisdiction will be accepted for registration in Indiana by endorsement from the board that granted the original license if the applicant meets the following qualifications:

- (1) Is of good moral character.
- (2) Has graduated from high school or the equivalent thereof.
- (3) Has graduated from a state approved program in nursing.

(b) Applicants who are graduates of foreign schools of nursing are eligible for Indiana licensure by endorsement providing the following conditions are met:

- (1) Have written and passed the National Council Licensing Examination (NCLEX®) or an equivalent examination in another jurisdiction or country.
- (2) Have achieved Indiana's passing scores in all areas.
- (3) Submit copies of all scholastic records.
- (4) Submit proof of good moral character.
- (5) Submit proof of high school graduation or equivalent thereof.
- (6) Submit proof of having graduated from a program in nursing with concurrent theory and clinical experience in all areas.

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## Proposed Rules

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(c) The completed application accompanied by the fee, photograph, and proof of current licensure in another jurisdiction shall be submitted to the Indiana board of nursing. The fee is nonrefundable.

**(d) An applicant shall produce evidence of the applicant's primary state of residence. Such evidence shall include a declaration signed by the applicant and the following:**

**(1) Either of the following requirements of evidence must be provided:**

**(A) Current driver's license with the applicant's home address.**

**(B) Other state or federal issued identification card that includes the applicant's home address.**

**(2) At least one (1) of the following documents must be provided:**

**(A) Voter registration card displaying a home address.**

**(B) A federal income tax return declaring the primary state of residence.**

**(C) Such other evidence of residence as deemed acceptable by the board.**

*(Indiana State Board of Nursing; Reg 7; filed Mar 1, 1978, 8:51 a.m.; Rules and Regs. 1979, p. 165; filed Mar 18, 1980, 4:00 p.m.; 3 IR 963; filed Mar 29, 1985, 10:43 a.m.; 8 IR 1028; readopted filed Nov 21, 2001, 10:23 a.m.; 25 IR 1327)*

**SECTION 4. SECTIONS 1 through 3 of this document take effect July 1, 2003.**

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on April 17, 2003 at 9:15 a.m., at the Indiana Government Center-South, 302 West Washington Street, Auditorium, Indianapolis, Indiana the Indiana State Board of Nursing will hold a public hearing on proposed amendments concerning definitions and requirements for licensure to practice nursing by examination or endorsement. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Lisa R. Hayes  
Executive Director  
Health Professions Bureau

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## **TITLE 872 INDIANA BOARD OF ACCOUNTANCY**

### **Proposed Rule**

LSA Document #02-301

### **DIGEST**

Amends 872 IAC 1-1-10 to revise the fee schedule. Adds 872 IAC 1-4 to establish the requirements for nonlicensee owners of

a firm under IC 25-2.1-5-4. Effective 30 days after filing with the secretary of state.

### **872 IAC 1-1-10**

#### **872 IAC 1-4**

SECTION 1. 872 IAC 1-1-10, AS AMENDED AT 25 IR 2520, SECTION 4, IS AMENDED TO READ AS FOLLOWS:

### **872 IAC 1-1-10 Application; fees**

**Authority:** IC 25-2.1-2-15; IC 25-1-8-2

**Affected:** IC 4-21.5-3-1; IC 25-2.1

Sec. 10. (a) Applications to take the May examination must be filed by the preceding March 1. Application to take the November examination must be filed by the preceding September 1. If March 1 or September 1 is a Saturday, a Sunday, a legal holiday under state statute, or a day that the Indiana professional licensing agency's offices are closed during regular business hours, the deadline shall be the first day thereafter that is not a Saturday, a Sunday, a legal holiday under state statute, or a day that the Indiana professional licensing agency's offices are closed during regular business hours. The date the application is filed shall be calculated in the manner provided for in IC 4-21.5-3-1(f). Applicants will be notified of their eligibility to sit for the exam.

(b) All fees are nonrefundable and nontransferable. The following is a schedule of fees adopted by the board:

**(1) The fee for the examination for CPA and AP licensure is the payment of the applicant's cost of purchasing the examination, payable to the examination service.**

~~(1) (2) Transfer of grades, forty~~ **seventy-five** dollars ~~(\$40): (\$75).~~

~~(2) (3) CPA certificate by reciprocity, fifty~~ **seventy-five** dollars ~~(\$50): (\$75).~~

~~(3) (4) Triennial certificate of registration for CPAs, PAs, and APs, forty-five~~ **seventy-five** dollars ~~(\$45): (\$75).~~

~~(4) (5) For restoration of an expired triennial certificate of registration for CPAs, PAs, and APs, fifty dollars (\$50), plus all unpaid renewal fees.~~

~~(5) (6) Triennial permit to practice for firms, twenty~~ **thirty** dollars ~~(\$20): (\$30).~~

~~(6) (7) For restoration of an expired triennial permit to practice for firms, fifty dollars (\$50), plus all unpaid renewal fees.~~

**(8) Verification of certificate of registration for CPA, PA, or AP to another state, twenty-five dollars (\$25).**

(c) Notwithstanding subsection ~~(b)(3); (b)(4)~~, a fee for an individual initially registered in the:

(1) second year of a triennial registration period shall be ~~thirty~~ **fifty** dollars ~~(\$30); (\$50); and~~

(2) third year of the triennial registration period shall be ~~fifteen~~ **twenty-five** dollars ~~(\$15): (\$25).~~

(d) Failure of an applicant to pay the initial registration fee will cause the application to be terminated one (1) year after the board's action granting registration.

(e) Should an applicant pay the initial registration fee after the first renewal deadline for all licensees following the applicant's approval for licensure, the applicant must pay the renewal fee in addition to the initial registration fee in order to become licensed. (*Indiana Board of Accountancy; Rule 69-1, 10; filed Jun 30, 1978, 9:54 a.m.: 1 IR 396; filed Feb 15, 1980, 3:05 p.m.: 3 IR 639; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1928; filed May 1, 1984, 12:50 p.m.: 7 IR 1540; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1033; filed Aug 28, 1986, 3:20 p.m.: 10 IR 65; filed Aug 6, 1990, 4:30 p.m.: 13 IR 2135; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2345; errata filed Jul 28, 1994, 4:00 p.m.: 17 IR 2891; filed Jul 6, 1995, 12:00 p.m.: 18 IR 2784; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3110; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1654; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 4, 2002, 9:28 a.m.: 25 IR 2520*)

SECTION 2. 872 IAC 1-4 IS ADDED TO READ AS FOLLOWS:

**Rule 4. Nonlicensee Firm Owners**

**872 IAC 1-4-1 General requirements**

Authority: IC 25-2.1-2-15

Affected: IC 25-2.1-5-4; IC 25-2.1-6-6

**Sec. 1. (a) This section establishes the requirements for nonlicensee owners of CPA or PA firms under IC 25-2.1-5-4. This section does not apply to firms of accounting practitioners under IC 25-2.1-6-6.**

**(b) An active individual participant under IC 25-2.1-5-4(c)(2) is an individual who is actively engaged in the firm or affiliated entities in providing services to the firm's clients as his or her principal occupation.**

**(c) The firm's owners must comply with the AICPA Code of Professional Conduct (applicable to CPA firms only) or the NSA Rules of Professional Conduct (applicable to PA firms only) as adopted by the board in 872 IAC 1-2-1. (*Indiana Board of Accountancy; 872 IAC 1-4-1*)**

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on March 28, 2003 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 10, Indianapolis, Indiana the Indiana Board of Accountancy will hold a public hearing on proposed amendments to revise the fee schedule and to establish the requirements for nonlicensee owners of a firm under IC 25-2.1-5-4. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services*

*Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Gerald H. Quigley

Executive Director

Indiana Professional Licensing Agency

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**TITLE 876 INDIANA REAL ESTATE  
COMMISSION**

**Proposed Rule**

LSA Document #02-244

**DIGEST**

Adds 876 IAC 1-1-30.1 to require that a licensee shall provide to the commission his or her current residential address. Amends 876 IAC 2-16-1 to establish that referral status does not qualify as accrued continuous active experience as a licensed salesperson as required to obtain a broker license under IC 25-34.1-3-4.1(a)(2). Effective 30 days after filing with the secretary of state.

**876 IAC 1-1-30.1**

**876 IAC 2-16-1**

SECTION 1. 876 IAC 1-1-30.1 IS ADDED TO READ AS FOLLOWS:

**876 IAC 1-1-30.1 Residential address of licensees**

Authority: IC 25-34.1-2-5

Affected: IC 25-34.1-3-4.1; IC 25-34.1-3-6

**Sec. 30.1. In addition to complying with IC 25-34.1-3-6, each license shall immediately notify the commission of any change in the licensee's residential address. (*Indiana Real Estate Commission; 876 IAC 1-1-30.1*)**

SECTION 2. 876 IAC 2-16-1 IS AMENDED TO READ AS FOLLOWS:

**876 IAC 2-16-1 Broker license; experience requirement and waiver**

Authority: IC 25-34.1-2-5

Affected: IC 25-34.1-3-4.1; IC 25-34.1-9-19

**Sec. 1. (a) Referral status under IC 25-34.1-9-19(2) does not qualify as accrued continuous active experience as a licensed salesperson as required under IC 25-34.1-3-4.1(a)(2).**

**(b) To qualify for a waiver of the requirement under IC 25-34.1-3-4.1(a)(2), of one (1) year experience immediately preceding the application as a licensed salesperson in the state of Indiana, an applicant for a broker license must have at least two (2) years of experience within the previous five (5) years as**

a salesperson or broker in Indiana or any other state requiring licensure. (*Indiana Real Estate Commission*; 876 IAC 2-16-1; filed Dec 9, 1988, 1:25 p.m.: 12 IR 935, eff Jan 8, 1989; errata filed Dec 21, 1988, 3:45 p.m.: 12 IR 1209; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824)

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on March 27, 2003 at 10:45 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 12, Indianapolis, Indiana the Indiana Real Estate Commission will hold a public hearing on proposed amendments to establish that referral status does not qualify as accrued continuous active experience as a licensed salesperson as required to obtain a broker license under IC 25-34.1-3-4.1(a)(2) and to require that licensees shall provide to the commission their current residential address. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Gerald H. Quigley  
Executive Director  
Indiana Professional Licensing Agency

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## **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.*

### **Proposed Rule** LSA Document #02-338

#### **DIGEST**

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. Effective 30 days after filing with the secretary of state.

### **905 IAC 1-45**

SECTION 1. 905 IAC 1-45 IS ADDED TO READ AS FOLLOWS:

#### **Rule 45. Tracking Beer Kegs**

### **905 IAC 1-45-1 Definitions**

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5  
Affected: IC 7.1-1-3-30; IC 7.1-2-1-1; IC 7.1-2-3-9

**Sec. 1. (a) The following definitions apply throughout this rule:**

- (1) "Commission" means the alcohol and tobacco commission, created pursuant to IC 7.1-2-1-1.
- (2) "Keg" means a brewery sealed individual container of beer:
  - (A) destined for retail sale; and
  - (B) having the liquid capacity of at least seven and three-fourths (7¾) gallons.
- (3) "Permittee" means a person who holds a permit issued by the commission pursuant to IC 7.1-2-3-9.
- (4) "Person" means a person who is not a permittee as defined in IC 7.1-1-3-30.

(*Alcohol and Tobacco Commission*; 905 IAC 1-45-1)

### **905 IAC 1-45-2 Identification markers**

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5  
Affected: IC 7.1-3-6.5

**Sec. 2. The commission shall prescribe the form of the identification marker required by IC 7.1-3-6.5. The marker must:**

- (1) enable the identification and tracking of the seller of the keg;
- (2) be removable or reusable only when the keg is returned to the wholesaler or brewer for refilling;
- (3) contain:
  - (A) the name, address, and commission permit number of the commission retail or dealer permittee who sold the keg;
  - (B) the manufacturer's identification number on the keg itself;
  - (C) the name of the clerk making the sale;
  - (D) the name, address, and date of birth of the purchaser;
  - (E) the type of identification card and identification number used to verify the data required by clause (D); and
  - (F) the dated signature of the purchaser;
- (4) be attached to the keg by a material that once removed by a person cannot be reattached to the keg in a manner that could conceal the prior removal; and
- (5) be in a form approved by and purchased from the commission.

(*Alcohol and Tobacco Commission*; 905 IAC 1-45-2)

### **905 IAC 1-45-3 Receipt for the keg**

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5  
Affected: IC 7.1-3-6.5

**Sec. 3. A permittee shall require that a person who purchases a keg for consumption at a place other than a commission-licensed premises sign a receipt for the keg. The commission shall prescribe a form for the receipt. The receipt must contain the following information:**

- (1) The date of the sale of the keg.
- (2) The size of the keg in gallons.

- (3) The identification number on the keg itself.
- (4) The name, residence address, and date of birth of the purchaser.
- (5) A description of the form of identification presented by the purchaser.

*(Alcohol and Tobacco Commission; 905 IAC 1-45-3)*

**905 IAC 1-45-4 Keeping registration**

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

**Sec. 4.** A permittee shall retain a copy of the keg registration for a period of at least two (2) years from the date of purchase of the keg. *(Alcohol and Tobacco Commission; 905 IAC 1-45-4)*

(1) place an identification marker on the keg; and  
(2) obtain a signed receipt from the purchaser;  
may be fined in an amount of not more than one thousand dollars (\$1,000) for each violation and have their permit suspended, in addition to any other penalty provided by law.

(b) A permittee, other than a wholesaler or brewer, who removes an identification marker in violation of this rule, may be fined in an amount of not more than one thousand dollars (\$1,000) for each violation and have their permit suspended, in addition to any other penalty provided by law. *(Alcohol and Tobacco Commission; 905 IAC 1-45-6)*

*Notice of Public Hearing*

**905 IAC 1-45-5 Removal of identification marker prohibited**

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

**Sec. 5.** A permittee, other than a wholesaler or brewer, shall not remove an identification marker placed on a keg pursuant to this rule. *(Alcohol and Tobacco Commission; 905 IAC 1-45-5)*

**905 IAC 1-45-6 Penalties**

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

**Sec. 6. (a)** A permittee who, at the time of sale of a keg, fails to:

*Under IC 4-22-2-24, notice is hereby given that on March 24, 2003 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on proposed new rules to establish the procedures for tracking of beer kegs for off-premises use. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Mary L. DePrez  
Chairperson  
Alcohol and Tobacco Commission

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# Indiana Register



**Intent to Readopt Rules**

Fire Prevention and Building Safety Commission . . . . . 2132

Board of Registration for Architects and Landscape Architects . . . 2132

**Proposed Readopted Rules**

Natural Resources Commission . . . . . 2133

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## Readopted Rules

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### **TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

Notice of Intent  
LSA Document #03-48

#### **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

**OVERVIEW:** Rules to be readopted without changes are as follows:

675 IAC 13-1-4	NFPA 11
675 IAC 13-1-5	NFPA 12
675 IAC 13-1-9.5	NFPA 17
675 IAC 13-1-9.6	NFPA 17A
675 IAC 13-1-28	NFPA 2001

Questions or comments on the readoption may be directed by mail to the Department of Fire and Building Services, Technical Services and Research, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204 or by electronic mail to [rkouns@sema.state.in.us](mailto:rkouns@sema.state.in.us). Statutory authority: IC 22-13-2.

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### **TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS**

Notice of Intent  
LSA Document #03-43

Readopts rules in anticipation of IC 4-22-2.5, 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:** Rule to be readopted without changes is as follows:

804 IAC 1.1-3-2	Cost of examination
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Questions or comments on the readoption may be directed by mail to the Indiana Professional Licensing Agency, Attn.: Staff Counsel, 302 West Washington Street, Room E012, Indianapolis, Indiana 46204-2700 or by electronic mail to [mdavis@pla.state.in.us](mailto:mdavis@pla.state.in.us). Statutory authority: IC 25-1-8-2; IC 25-4-1-3; IC 25-4-2.

**TITLE 312 NATURAL RESOURCES COMMISSION**

Proposed Rule  
LSA Document #02-331

**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>312 IAC 6</b>	<b>312 IAC 14</b>
<b>312 IAC 7</b>	<b>312 IAC 15</b>
<b>312 IAC 9</b>	<b>312 IAC 24</b>

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING  
ARE READOPTED:

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

***Notice of Public Hearing***

*Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on April 16, 2003 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 4, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing to readopt rules.*

*Requests for any part of this readoption to be separate from this action must be made in writing within thirty (30) days of this publication. Send written comments to:*

*Natural Resources Commission  
Indiana Government Center-South  
402 West Washington Street, Room W272  
Indianapolis, Indiana 46204-2739.*

*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

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**60 Day Requirement (IC 4-22-2-19)****TITLE 11 CONSUMER PROTECTION DIVISION OF  
THE OFFICE OF THE ATTORNEY GENERAL**

LSA Document #02-324

January 13, 2003

Administrative Rules Oversight Committee  
c/o Susan Kennell, Attorney for the Committee  
Legislative Services Agency  
200 W. Washington Street, Suite 301  
Indianapolis, IN 46204-2789

RE: LSA Doc. #02-324

Consumer Protection Division of the Office of the Attorney  
General

Notice of Delay in Adoption of Rule under IC 24-4.7-3-7

Dear Ms. Kennell:

The Consumer Protection Division of the Office of Attorney General has adopted rules implementing IC 24-4.7 concerning the telephone solicitation of consumers. The rulemaking process was initiated within sixty (60) days after the July 1, 2001 effective date of the statute.

Pursuant to IC 4-22-2-19(c) we are notifying Administrative Rules Oversight Committee that the Division has instituted further rulemaking (LSA #02-324) more than sixty (60) days after the effective date of the statute.

LSA 02-324 contains a new rule (proposed 11 IAC 2-5-5) concerning obtaining changed, disconnected or transferred telephone numbers to update the telephone privacy list. The Division did not anticipate the need for such a rule at the time of its initial rulemaking.

If you have any questions, I can be reached at (317) 232-1011.

Sincerely,

Marguerite M. Sweeney  
Chief Counsel  
Telephone Privacy

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**TITLE 52 INDIANA BOARD OF TAX REVIEW**

February 3, 2003

The Honorable Luke Kenley, Chair  
Administrative Rules and Oversight Committee

Re: Notice of Delay in Adoption of Rule under IC 6-1.1-4-4.5.

Dear Chairman Kenley:

**Notice of Delay**

Please be advised, under IC 4-22-2-19, that the Indiana Board of Tax Review did not begin the rulemaking process within sixty days after the effective date of the statute that authorizes the rule. IC 6-1.5-6-1, effective January 1, 2002, requires the Board to adopt rules governing the practice of representatives in proceedings before the Board.

**Reasons for Delay**

Effective January 1, 2002, the former State Board of Tax Commissioners (the State Board) was divided into two agencies, the Indiana Board of Tax Review and the Department of Local Government Finance. At the time the two agencies came into being, rules governing the practice of tax representatives promulgated by the former State Board were already in place. The rules under IC 6-1.5-6-1 provide the Board with authority comparable to authority that existed under the State Board of Tax Commissioners. Similar rule-making authority was also granted to the Department of Local Government Finance. Because DLGF was the agency charged with the certification and regulation of tax representatives and was proceeding to revise their rules, we at the Indiana Board of Tax Review thought it advisable to wait until the DLGF had developed its rules so that our agency would have a clearer point of reference for the development of our own rules, which would rely on the certification process developed by the DLGF.

Furthermore, as we were a new agency operating under a revised property tax appeal process, we wanted to opportunity to better assess the practice requirements of tax representatives before the Board.

Your understanding of these circumstances is greatly appreciated. If you have any further concerns or require additional information, please do not hesitate to contact me, at 317-232-3753. Thank you.

Sincerely,

Annette Biesecker, Chair

CC: The Honorable Jerry Denbo  
George Angelone, Attorney for the Committee

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**TITLE 760 DEPARTMENT OF INSURANCE**

LSA Document #03-5

January 7, 2003

Chairperson, Administrative Oversight Committee  
c/o George Angelone  
Legislative Services Agency

RE: Rule pursuant to IC 27-13-16-5

HMO Plan for handling claims in the event of insolvency

Dear Chairperson:

Pursuant to IC 27-13-16-5 the Commissioner may adopt rules governing a health maintenance organization's plan for covering all outstanding claims during the first sixty days that the health maintenance organization enters receivership.

In accordance with IC 4-22-2-19, this letter is to notify you that the Department did not institute the rulemaking process within 60 days of the effective date of IC 27-13-16-5. The Department is now prepared to propose an administrative rule. The notice of intent will appear in the February 1, 2003, issue of the Indiana Register [26 IR 1595].

If you have any questions or need any additional information I can be reached at 232-0143.

Very truly yours,

Amy E. Strati  
Chief Counsel

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**TITLE 760 DEPARTMENT OF INSURANCE**

LSA Document #03-8

January 7, 003

Chairperson, Administrative Oversight Committee  
c/o George Angelone  
Legislative Services Agency

RE: Rule pursuant to IC 27-1-12-10; IC 27-1-12-10.5

Dear Chairperson:

Pursuant to IC 27-1-12-10 and IC 27-1-12-10.5 the Commissioner shall adopt rules to prescribe standards for reserving minimum reserve amounts and nonforfeiture benefits. The Commissioner intends to promulgate a rule to recognize the 2001 Commissioners Standard Ordinary Mortality Table for use in determining minimum reserve liabilities and nonforfeiture benefits.

In accordance with IC 4-22-2-19, this letter is to notify you that the Department did not institute the rulemaking process within 60 days of the effective date of IC 27-1-12-10 or IC 27-1-12-10.5. Rather than amend an existing rule, the Department has determined that it will promulgate a new rule. We are conducting a review of our existing administrative regulations to determine if any existing rules will be repealed as a result of this proposed rule.

If you have any questions or need any additional information I can be reached at 232-0143.

Very truly yours,

Amy E. Strati  
Chief Counsel

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**TITLE 327 WATER POLLUTION CONTROL BOARD**

**FIRST NOTICE OF COMMENT PERIOD**

#03-44(WPCB)

**DEVELOPMENT OF NEW RULES AND AMENDMENTS TO RULES CONCERNING ANTIDEGRADATION STANDARDS AND IMPLEMENTATION PROCEDURES**

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules and amendments to rules concerning antidegradation standards and implementation procedures. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** 327 IAC 2-1; 327 IAC 2-1.5; 327 IAC 5-2.

**AUTHORITY:** IC 13-18-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-11; IC 13-18-4.

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

**Basic Purpose and Background**

This rulemaking will review and consider additions and modifications to Title 327 concerning antidegradation standards and implementation procedures. Federal rules require states to develop, adopt, and retain a statewide antidegradation policy regarding water quality standards and establish procedures for its implementation. The antidegradation policy and implementation procedures serve as the mechanism states use to assure that water quality improvements obtained through the implementation of permits and best management practices are maintained and protected. The subject matter of this rulemaking has been under consideration since the initiation of rulemaking document #97-1(WPCB) in February 1997. However, that 1997 rulemaking was withdrawn on May 1, 2001, 24 IR 2471, and its subject matters divided into a number of individual new rulemakings, including this rulemaking. These rulemakings are required to satisfy the federal requirement to conduct triennial review of the state's water quality standards. The purpose of this rulemaking is to meet, in part, that requirement found at Section 303(c) of the Clean Water Act (33 U.S.C. 1313(c)), which specifies that a review of state water quality standards must be done at least every three (3) years.

**Applicable Federal Law**

The federal rules require states to have, at a minimum, three tiers of antidegradation. Tier 1 (40 CFR 131.12(a)(1)) protects existing uses by providing the absolute floor of water quality in all waters of the United States. Tier 2 (40 CFR 131.12(a)(2)) applies to waters whose quality exceeds that necessary to protect the section 101(a)(2) goals of the Clean Water Act (criteria, 33 U.S.C. 1251(a)(2)). In this case, water quality may not be lowered to less than the level necessary to fully protect the "fishable/swimmable" uses and other existing uses. Water quality in Tier 2 waters may only be lowered after a determination is made that allowing lowered water quality is necessary and will accommodate important economic or social development in the area in which the waters are located. Any such lowering must still assure water quality adequate to protect existing uses fully. Tier 3 (40 CFR 131.12(a)(3)) applies to Outstanding National Resource Waters (ONRWs) where the ordinary use classifications and supporting criteria may not be sufficient or appropriate. States may allow some limited activities which result in temporary and short-term changes in water quality in the ONRW, but such changes in water quality should not

impact existing uses or alter the essential character or special use that makes the water an ONRW.

**Alternatives To Be Considered Within the Rulemaking**

In addition to the three federally mandated tiers, there are alternatives to be considered in this rulemaking that are specific to Indiana. Indiana currently has two additional types of "high quality" waters: Exceptional Use Waters and Outstanding State Resource Waters. P.L. 140-2000 (also known as SEA 431) provided certain antidegradation requirements to be adopted by the Water Pollution Control Board. P.L. 140-2000 also required the Board to consider redesignating Exceptional Use Waters as OSRWs. The antidegradation provisions of that Public Law are part of the issues related to this rulemaking. It may also be appropriate to include the Exceptional Use Water redesignation consideration as part of this rulemaking, and provide an additional antidegradation "Tier" (i.e., Tier 2.9) in Indiana's antidegradation policy. The U.S. EPA has approved states having an additional "Tier" to incorporate Outstanding State Resource Waters that are not being proposed for an Outstanding National Resource Water classification. This would mean that Indiana would have four (4) antidegradation "Tiers".

Another alternative to be considered for the rulemaking is the existing antidegradation provisions applied to waters within the Great Lakes basin at 327 IAC 2-1.5-4 and 327 IAC 5-2-11.2 through 327 IAC 5-2-11.7, and the extent to which, or even whether, those provisions might be extended to waters of the state outside the basin.

Other issues that may be considered during the rulemaking include establishing thresholds for what constitutes a "*de minimis*" lowering of water quality in Tier II waters, and what constitutes a "significant lowering" of water quality in Tier II waters that would trigger an antidegradation demonstration; and to what extent sediment and biological integrity may be used as water quality standards.

**Rulemaking Workgroup Information**

An external workgroup has been established to discuss issues involved in this rulemaking. The workgroup is made up of IDEM staff and a wide cross-section of stakeholders. The first meeting was held on November 6, 2002 and there have been meetings held approximately once every four (4) weeks since then. The minutes from these meetings and other information regarding this workgroup can be viewed at IDEM's Triennial Review website at <http://www.in.gov/idem/water/planbr/wqs/review/trirev.html>. Some issues that the workgroup has been focusing on include: how many tiers should be established, qualifications to get into a tier, and what happens after being placed in a tier.

If you wish to provide comments to the workgroup on the rulemaking or attend meetings please contact Megan Wallace, Rules Section, Office of Water Quality at (317) 233-8669 or (800) 451-6027 (in Indiana). The public is also encouraged to submit comments and questions to members of the workgroup who represent their particular interests in the rulemaking.

**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:

#03-44(WPCB) Antidegradation Standards and Implementation  
Procedures  
Megan Wallace  
Rules Section  
Office of Water 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 twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number:

(317) 232-8406, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Office of Water Quality Rules Section at (317) 233-8903.

**COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by April 29, 2003.

Additional information regarding this action may be obtained from Megan Wallace, Rules Section, Office of Water Quality, (317) 233-8669 or (800) 451-6027 (in Indiana).

Mary Ellen Gray  
Deputy Assistant Commissioner  
Office of Water Quality

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## Executive Orders

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STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER: 03-1**

**FOR:** DECLARING AN ENERGY EMERGENCY IN THE STATE OF INDIANA DUE TO THE EXTREMELY COLD WEATHER AND FOR THE PURPOSE OF ALLOWING THE PROPANE TRANSPORT INFRASTRUCTURE TO KEEP UP WITH DEMAND.

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS:** Extremely cold weather both in the Midwest and along the northern and southern Atlantic coastal regions has led to unusually high demand for all winter heating fuels. Because of the unusually wide geographic sweep of the present cold spell, demand is high all along the propane transport infrastructure.

**WHEREAS:** Major propane pipelines run from Western Canada and the Gulf of Mexico toward the Midwest and the East Coast. Two major pipelines (the Buckeye and TEPPCO pipelines) run through Northern and Southern Indiana, respectively. These pipelines are capable of supplying a great deal of propane to both the East and the Midwest, but demand in both regions is currently exceeding the ability of pipeline terminal to off-load product into transport trucks. As a result, long lines at terminals have formed and the pipeline companies have placed restrictions on how much propane companies could lift from some individual terminals. This limitation has sent trucks supplying the East Coast further west in search of terminals with both fuel and shorter lines, causing increased wait times for trucks in Indiana already struggling to meet high local demand.

**WHEREAS:** The issuance of emergency declarations and driver hours waivers in other states such as Pennsylvania, Maryland, West Virginia, Kentucky, and Ohio has allowed drivers from these states to drive longer distances. Drivers from these states are arriving at Indiana terminals, causing further congestion and longer lines.

**WHEREAS:** Several terminals in Indiana have experienced shortages of propane that have required them to cease loading trucks. Along the Buckeye pipeline in Northern Indiana, the terminal at Griffith, was recently unable to supply out of propane before receiving product this morning, the terminal at Milford, has no propane and will not receive any new shipment until February 10, 2003 and the Huntington, terminal is currently out of propane and will receive more product January 25, 2003. The terminal at Lima, Ohio is currently not dispensing propane and lower than normal supplies are coming from Toledo, Ohio. The effect of these local outages is that drivers normally served by those terminals must now drive elsewhere to find propane in order to service local customers. This demand has further exacerbated the long lines at terminal that do have propane available.

**WHEREAS:** Waiting lines for trucks along the TEPPCO pipeline (with major terminals at Princeton, and Todhunter, Ohio) have been growing from 4-5 hours per truck early in the week of January 20, 2003 to 6-8 hours on January 24, 2003, with some companies reporting waits as long as 12 hours. Under federal rules, while truck drivers are sitting in their cabs waiting for loading, they are officially "on the clock" with regard to their maximum allowable hours. Thus, drivers that would ordinarily be able to make haul several load in one day are now only able to load one and therefore must drive several days in a row in order to meet intensified demand from the cold weather. With terminal waits so long, drivers are rapidly accumulating hours that take them up to the 70-hour federal limit.

**WHEREAS:** With demand so high, most retailers have only one or two day's worth of supply at their facilities. If transport trucks must stop operating due to the federal 70-hour driver limitations, they will need to tap these supplies, which will be depleted quickly. With the approach of the weekend of January 25 and 26, 2003, there exists the threat of some retail providers being unable to provide heating fuel to customers by the end of Sunday, January 26, 2003. With the extreme cold forecast to last through this weekend, this poses a threat to the health and safety of Indiana residents that heat their homes with propane fuel.

**WHEREAS:** There is ample heating fuel available in the region, but the propane transport infrastructure is currently unable to keep up with the demand generated by the unusual cold over so wide a region of the country. By declaring an emergency and waiving the federal restriction on driver hours, propane transports will be able to continue operating until the predicted warming trend arrives early the week of January 27, 2003.

**WHEREAS:** Title 49 CFR Part 390.23 of the Federal Motor Carrier Safety Regulation provides that a Governor of a State may



declare an emergency thereby exempting motor carriers or drivers operating a commercial vehicle from parts 390 through 399 of the Federal Motor Carrier Safety Regulations.

**NOW, THEREFORE,** I, Frank O'Bannon, by virtue of the authority vested in me as Governor of the State of Indiana as well as Indiana Code 10-4-1-7.1 and 49 CFR Part 390.23 do hereby:

**DECLARE:** A State of Energy Emergency exists in Indiana relating to the delivery of propane; and

**ORDER:** An exemption is provided to 49 CFR 395.3(b) of the Federal Motor Carrier Safety Regulations for the motor carriers while providing propane to customers in Indiana during the emergency. The provisions of 49 CFR 395.3(a) remain in effect. This exemption applies only to those motor carriers providing direct assistance to the emergency relief effort. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo not destined for the emergency relief effort or when the carrier dispatches such driver to another location to begin operations in commerce. Nothing contained in this declaration shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing requirements (49 CFR 382), the Commercial Drivers License requirements (49 CFR 383), the Financial Responsibility requirements (49 CFR 387), applicable Size and Weight requirements, or any other portion of the regulations not specifically identified.

This declaration of a State of Energy Emergency is in effect beginning at 6:00 p.m., Friday, January 24, 2003, and shall remain in effect for the duration of the emergency (as defined in 49 CFR Part 390.5) or until midnight, Tuesday, January 28, 2003, whichever is earlier.

IN TESTIMONY WHEREOF, I, Frank O'Bannon, have hereinto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 24<sup>th</sup> day of January 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER: 03-2**

**FOR:** EXTENDING AN ENERGY EMERGENCY IN THE STATE OF INDIANA DUE TO THE EXTREMELY COLD WEATHER AND FOR THE PURPOSE OF ALLOWING THE PROPANE TRANSPORT INFRASTRUCTURE TO KEEP UP WITH DEMAND.

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS:** On January 24, 2003, conditions existed constituting an energy emergency in relation to the delivery of propane.

**WHEREAS:** Those conditions, detailed in Executive Order 03-01 issued January 24, 2003, included extremely cold weather; unusually high demand for winter heating fuels; long lines and waiting times at propane distribution centers in both Northern and Southern Indiana; high demand for propane at Indiana distribution centers; shortages of propane at some distribution centers; limitation on propane drivers' time to make deliveries because of long waits for distribution at terminals; further limitations on drivers' ability to make deliveries because of the 70-hour federal limit on hours propane drivers may drive in any 8-day period; and a threat that some customers will not receive propane because of these conditions.

**WHEREAS:** These conditions constituted an energy emergency sufficient to justify waiver of the 70-hour limit, and this limit was waived by Executive Order 03-01, which expires at midnight, January 28, 2003, and those conditions continue to persist.

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## Executive Orders

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**WHEREAS:** There is ample heating fuel available in the region, but the propane transport infrastructure is currently unable to keep up with the demand generated by the unusual cold over so wide a region of the country. By declaring an emergency and waiving the federal restriction on driver hours, propane transports will be able to continue operating until the predicted warming trend arrives during the week of January 27, 2003.

**WHEREAS:** Title 49 CFR Part 390.23 of the Federal Motor Carrier Safety Regulation provides that a Governor of a State may declare an emergency thereby exempting motor carriers or drivers operating a commercial vehicle from parts 390 through 399 of the Federal Motor Carrier Safety Regulations.

**NOW, THEREFORE,** I, Frank O'Bannon, by virtue of the authority vested in me as Governor of the State of Indiana as well as Indiana Code 10-4-1-7.1 and 49 CFR Part 390.23 do hereby:

**DECLARE:** A State of Energy Emergency exists in Indiana relating to the delivery of propane; and

**ORDER:** An exemption is provided to 49 CFR 395.3(b) of the Federal Motor Carrier Safety Regulations for the motor carriers while providing propane to customers in Indiana during the emergency. The provisions of 49 CFR 395.3(a) remain in effect. This exemption applies only to those motor carriers providing direct assistance to the emergency relief effort. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo not destined for the emergency relief effort or when the carrier dispatches such driver to another location to begin operations in commerce. Nothing contained in this declaration shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing requirements (49 CFR 382), the Commercial Drivers License requirements (49 CFR 383), the Financial Responsibility requirements (49 CFR 387), applicable Size and Weight requirements, or any other portion of the regulations not specifically identified.

This declaration of a State of Energy Emergency is in effect beginning at 12:01 a.m. Tuesday, January 28, 2003, and shall remain in effect for the duration of the emergency (as defined in 49 CFR Part 390.5) or until midnight, Wednesday, January 29, 2003, whichever is earlier.

IN TESTIMONY WHEREOF, I, Frank O'Bannon, have hereinto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 28<sup>th</sup> day of January 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

ATTEST: Todd Rokita  
Secretary of State

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**Title:** Risk Integrated System of Closure (RISC), User's Guide Chapter 2, RCRA Closure and Corrective Action

**Identification Number:** W-0046

**Date Originally Effective:** February 15, 2001

**Dates Revised:** October 15, 2002

**Other Policies Repealed or Amended:**

**Brief Description of Subject Matter:** User's Guide Chapter 2 provides a description of the Agency's policy on the application of risk assessments to obtain closure of sites in the RCRA closure and corrective action program.

**Citations Affected:** None

This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management (IDEM) decisions or final actions. This nonrule policy document shall be used in conjunction with applicable laws. It does not replace applicable laws, and if it conflicts with these laws, the laws shall control. This nonrule policy document may be put into effect by IDEM thirty days after presentation to the appropriate board and after it is made available to public inspection and comment, pursuant to IC 13-14-1-11.5. If the nonrule policy is presented to more than one board, it will be effective thirty days after presentation to the last. IDEM will submit the policy to the Indiana Register for publication. Revisions to the policy will follow the same procedure of presentation to the board and publication.

**Risk Integrated System of Closure  
Users Guide**

Chapter 2 of RISC User's Guide has been revised, essentially to remove post-closure maintenance and monitoring requirements from industrial closures. Instead, facilities are allowed to obtain environmental restrictive covenants, which restricts future land use to industrial purposes, unless remediation to residential closure levels is conducted.

The document may be viewed on the WEB at: <http://www.in.gov/idem/land/pubsforms/guidance/guidance.html#r>

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**INDIANA DEPARTMENT OF LABOR  
NOTICE OF SIGNIFICANT CHANGES IN  
ENFORCEMENT OF INJURY AND ILLNESS RECORD KEEPING REGULATIONS  
Policy Document No. 03-01**

The federal Occupational Safety and Health Administration (OSHA), effective January 1, 2002, has revised the injury and illness record keeping regulations contained in 29 CFR 1904. Consistent with this revision the Indiana Occupational Safety and Health Administration, effective January 1, 2003, adopted as a final rule 610 IAC 4-6.

Effective immediately, effective dates for the following provisions of 610 IAC 4-6 are delayed:

- (1) 610 IAC 4-6-11's requirement that employers check the hearing loss column on the OSHA 300 Log for cases involving occupational hearing loss; the effective date of this provision will be delayed until January 1, 2004;
- (2) 610 IAC 4-6-13's requirement that employers check the Musculoskeletal Disorder (MSD) column on the OSHA 300 Log if an employee experiences a recordable MSD; the effective date of this provision will be delayed until federal OSHA completes evaluation of this provision;
- (3) 610 IAC 4-6-14(b)(7)(g), which states that musculoskeletal disorders are not considered privacy concern cases; the effective date of this provision will be delayed until federal OSHA completes evaluation of this provision.

Nancy J. Guyott  
Commissioner  
Indiana Department of Labor

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**NATURAL RESOURCES COMMISSION  
Information Bulletin #10 (Repeal)  
March 1, 2003**

**SUBJECT:** Wetlands and Areas of Special Concern within Public Freshwater Lakes

**PURPOSE:** Repeal of *Wetlands and Areas of Special Concern within Public Freshwater Lakes*, Information Bulletin #10 (Second Amendment) published at 22 IR 1805

**EXPLANATION:** The subject matter of the *Wetlands and Areas of Special Concern within Public Freshwater Lakes*, Information Bulletin #10, published at 22 IR 1805, is now largely addressed by rule. In addition, there have been recent technical advances with the use of resources such as global positioning systems that make obsolete the maps associated with the nonrule policy document.

As a result, the nonrule policy document no longer assists in the implementation of standards designed to protect wetlands and areas of special concern under the Lakes Preservation Act (IC 14-26-2). The maps are imprecise and even misleading in light of technical advancements.

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #12  
INCOME TAX  
JANUARY 2003**

(Replaces Bulletin #12 dated November 1993)

**DISCLAIMER:** Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information, which is not consistent with the law, regulations, or court decisions, is not binding on either the Department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

**SUBJECT:** Corporate Income Taxes

**REFERENCES:** IC 6-3-2; IC 6-3-3; IC 6-3-4; IC 6-3.1; IC 6-5.5-1-17; IC 27-1-18-2

**General Statement**

A corporation doing business or an entity subject to the utility receipts tax under IC 6-2.3 in Indiana, other than a corporation defined as a taxpayer under IC 6-5.5-1-17, is subject to the adjusted gross income tax.

**S Corporation**

A corporation is exempt from the corporate adjusted gross income tax if it is a corporation which is exempt from the federal income tax under Section 1363 of the Internal Revenue Code. However, the income of a corporation that is subject to income tax under the Internal Revenue Code, such as excess net passive income, capital gains and built-in capital gains, will be subject to the Indiana corporate adjusted gross income tax.

The corporation must comply with the requirements of IC 6-3-4-13 by withholding the amounts prescribed by the department at the time it pays or credits amounts to a nonresident shareholder as dividends or as a share of the corporation's undistributed taxable income. Failure to withhold and pay the amount required will subject the corporation to a twenty percent (20%) penalty of the tax required under IC 6-3-4-13 and IC 6-8.1-10-2.1(h).

A qualified S corporation is required to file an annual information return on Form IT-20S. The return is due on the fifteenth (15<sup>th</sup>) day of the fourth (4<sup>th</sup>) month following the close of its taxable year.

An S corporation may file a composite adjusted gross income tax return on behalf of some or all of its shareholders who are not residents of Indiana, if it complies with the instructions found in Information Bulletin #72. The nonresident shareholders properly electing to participate in the composite return will be relieved of the obligation to file an individual adjusted gross income tax return.

**Not-For-Profit Organization**

A not-for-profit organization is subject to the adjusted gross income tax, unless the income is specifically exempted from taxation under the provisions of the Adjusted Gross Income Tax Act (Indiana Code 6-3-2-2.8 and 6-3-2-3.1). A not-for-profit organization will be subject to tax on income derived from an unrelated trade or business as defined in Section 513 of the Internal Revenue Code. A political organization and a homeowners organization are not considered not-for-profit organizations and therefore must file as regular corporations on Form IT-20.

**Insurance Company**

A foreign insurance company (one organized under the laws of a state other than Indiana) is required by IC 27-1-18-2 to pay the insurance premium tax to the Indiana Department of Insurance. Paying the premium tax exempts a foreign corporation from the adjusted gross income tax. Domestic insurance companies are exempt from the adjusted gross income tax if it elects to pay the premium tax.

**Financial Institutions**

Financial institutions are subject to a franchise tax under IC 6-5.5. The franchise tax extends to both resident and non-resident financial institutions and to all other corporate entities when eighty percent (80%) of gross income is derived from activities which encompass the business of a financial institution. The business of a financial institution is defined as activities authorized by the Federal Reserve Board; the making, acquiring, selling, or servicing loans or extensions of credit; or operating a credit, debit card or charge card business. Entities subject to this tax must file Form FIT-20. (For more information, see Commissioner's Directive #14.)

**Utility Receipts Tax**

The utility receipts tax is an income tax imposed on the gross receipts from the retail sale of utility services. The tax rate is one

and four-tenths percent (1.4%). Utility services include electrical energy, natural gas, water, steam, sewage, and telecommunication services. (For further information concerning the utility receipts tax, see Commissioner's Directive #18.)

### **Corporate Adjusted Gross Income Tax**

The adjusted gross income tax rate is eight and five-tenths percent (8.5%).

The tax base is computed by using net federal taxable income from the federal Form 1120 and adding back all state income taxes (all taxes based on income), and charitable contributions that were deducted on the federal return.

The nonbusiness income of a corporation is specifically allocated under IC 6-3-2-2(g) through (k). Nonbusiness income is only that income that is not considered business income. Business income is all income which arises from the conduct of trade or business operations of the taxpayer. For further information concerning the classification of business and nonbusiness income, refer to the annual return, its filing instructions, and the Department's regulations.

If a corporation has business income from both within and without Indiana, the corporation, other than a domestic insurance company, must apportion its income by means of the three-factor formula under IC 6-3-2-2.

For Indiana adjusted gross income tax purposes, the term "doing business" generally means the operation of any business enterprise or activity in Indiana including but not limited to the following:

1. Maintenance of an office, warehouse, construction site or other place of business in Indiana.
2. Maintenance of an inventory of merchandise or material for sale, distribution, or manufacture.
3. The sale or distribution of merchandise to customers in Indiana directly from company owned or operated vehicles when the title of merchandise is transferred from the seller or distributor to the customer at the time of sale or distribution.
4. The rendering of a service to customers in Indiana.
5. The ownership, rental, or operation of business or property (real or personal) in Indiana.
6. Acceptance of orders in Indiana with no right of approval or rejection in another state.
7. Interstate transportation.
8. Maintenance of a public utility.

The apportionment factor to be applied to a corporation's business income to determine the amount taxable by Indiana is determined by taking the sum of the property factor, the payroll factor, and two hundred percent (200%) of the sales factor  $\div 4$ . The property factor is determined by dividing the total value of the taxpayer's Indiana property by the total value of the taxpayer's property everywhere. The payroll factor is determined by dividing the total compensation paid by the taxpayer within Indiana by the total compensation paid everywhere by the taxpayer. The sales factor is determined by dividing the taxpayer's total Indiana sales by the taxpayer's total sales everywhere. The numerator of the sales factor includes all sales made in Indiana, sales made from Indiana to the U.S. Government, and sales made from Indiana to a state which does not have jurisdiction to tax the activities of the seller. Destination sales by an Indiana seller which has activities in the state of destination, other than mere solicitation, will not be included in the numerator of the sales factor regardless of whether or not the destination state levies a tax. For more information on the determination of Indiana source income, see IC 6-3-2-2. As used in this paragraph, the term "everywhere" does not include property, payroll, or sales of a foreign corporation in a place that is outside the United States.

### **Filing Requirements**

Annual tax returns are required under the Adjusted Gross Income Tax Act (Form IT-20). The due date for the IT-20 return is the fifteenth (15<sup>th</sup>) day of the fourth (4<sup>th</sup>) month following the close of the taxable year.

The Indiana Department of Revenue accepts Federal extension of time applications (Form 7004) and it is not necessary to contact the Department prior to filing the annual return. A copy of the Federal extension of time must be attached to the return when it is filed. When a corporation does not need a Federal extension of time and one is necessary for filing the state return, a letter requesting such an extension should be submitted to this Department prior to the due date of the annual return.

An extension of time granted under IC 6-8.1-6-1 waives the late payment penalty for the extension period on the balance of tax due provided ninety percent (90%) of the current year's total tax liability is paid on or prior to the original due date. Interest on the balance of tax due must be included with the return when it is filed. Interest is computed from the original due date until the date of payment. In October of each year the department establishes the interest rate for the next calendar year. See Departmental Notice #3 for interest rates.

### **Separate Accounting**

Indiana does not accept returns filed on a separate accounting basis without prior approval. If the apportionment provisions do not fairly reflect the corporation's Indiana income, the corporation must petition the department for permission to use an alternative method.

### **Consolidated Reporting**

The Adjusted Gross Income Tax Act provides for an election to file a consolidated return for a qualified affiliated group under IC 6-3-4-14. To file a consolidated return for adjusted gross income tax purposes, the parent corporation must own eighty percent (80%) of the voting stock of each subsidiary. Each corporation in the affiliated group electing to file consolidated must be either incorporated in Indiana, or be registered with the Secretary of State to do business in Indiana. The affiliated group may not include any corporation which does not have taxable income or loss derived from Indiana sources. If such an election is made for Indiana tax purposes, the Department should be notified by attaching a statement to the return which indicates those affiliated corporations

electing to file a consolidated return. In addition, a worksheet must accompany the annual return supporting the adjusted gross consolidated income of the participating affiliates.

An election to file a consolidated return for Indiana purposes can be made by filing the consolidated return by the due date; if filed past the due date, a copy of the valid federal extension of time to file must be attached to the return. An election to file a consolidated return cannot be made on a retroactive basis. Once an affiliated group elects to file consolidated for Indiana purposes, the group must follow that election for all subsequent years of filing. If the group wishes to revoke the election in a subsequent tax year, the group must obtain written permission from the Department prior to filing the return.

**Combined Reporting**

A taxpayer may petition the Department for permission to file a combined income tax return for a tax year. However, the petition must be filed with the Department on or before thirty (30) days after the end of the tax year for which permission is sought. The petition should be sent to the Tax Policy Division, 100 North Senate, N-248, Indianapolis, IN 46204. A timely filed petition will be granted if combined reporting will more fairly reflect the unitary group's Indiana source income. However, combined reporting is limited to the "water's-edge" of the United States.

A unitary group that has petitioned and received permission from the Department to file a combined return in Indiana may file one return for the unitary group, providing a schedule is attached showing the adjusted gross income tax due by member. In the alternative, the unitary group should file an Indiana return for each member doing business in Indiana.

**Accounting Period**

The accounting period for the adjusted gross income tax must be the same as the accounting period adopted for federal income tax purposes.

**Accounting Methods**

Under the Adjusted Gross Income Tax Act, the department will recognize the method of accounting used for federal income tax purposes.

**Estimated Tax Requirements**

A corporation whose estimated adjusted gross income tax liability exceeds one thousand dollars (\$1,000) for a taxable year, must file quarterly estimated tax payments. The quarterly estimated tax payments are submitted with an appropriate Indiana voucher or by electronic funds transfer, depending on the amount of the payment due. To avoid the underpayment of estimated tax penalties, corporations are required to make quarterly payments equal to twenty percent (20%) of the final tax liability for the current year, or twenty five percent (25%) of the corporation's liability for the previous tax year. The penalty on corporate adjusted gross income tax or utility receipts tax is assessed on the difference between the actual amount paid by the corporation for each quarter and twenty-five percent (25%) of the corporation's final adjusted gross income tax liability for the current year. For estimated payment dates see Information Bulletin #11.

**Tax Credits**

For a complete list of available credits, see Information Bulletin #59.

**Summary**

A corporation operating in Indiana which is not certain of its tax status should promptly apply to the Department for a determination of its status. Complete detailed information as to the corporation's operation should be submitted. All correspondence concerning the matter should be addressed to the Indiana Department of Revenue, Compliance Division, 100 North Senate Avenue, Room N203, Indiana Government Center North, Indianapolis, Indiana 46204-2253.

To avoid the possibility of costly penalties and interest charges for the delinquent filing of returns, a corporation should ask for a determination of its tax status before commencing business in Indiana.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #14  
INCOME TAX  
JANUARY 2003**

(Replaces Information Bulletin #14, dated November, 2000)

**DISCLAIMER:** Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Income Tax Credit for Donations to Colleges

**REFERENCE:** IC 6-3-3-5

**INTRODUCTION:**

The purpose of this Bulletin is to briefly summarize the provision in the Adjusted Gross Income Tax law which provides taxpayers a credit for any contribution made to an accredited institution of higher education that is located in the State of Indiana. The term contribution does not include payments for tuition or fees to attend the institution.

**I. ELIGIBLE INSTITUTIONS**

The Department will recognize credits taken on individual and corporate tax returns for contributions made to an eligible institution or to any corporation or foundation organized and operated solely for the benefit of the institution of higher education.

**II. DEFINITION OF "INSTITUTION OF HIGHER EDUCATION"**

The term "institution of higher education" means any educational institution located within Indiana:

- (1) which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on;
- (2) which regularly offers education at a level above the twelfth grade;
- (3) which regularly awards either associate, bachelors, masters, or doctoral degrees, or any combination thereof; and
- (4) which is duly accredited by the North Central Association of Colleges and Schools, the Indiana State Board of Education, or the American Association of Theological Schools.

**III. TAX CREDIT FOR CONTRIBUTIONS BY INDIVIDUALS**

Individuals are allowed a tax credit against their adjusted gross income tax liability for contributions made to an institution of higher education. The amount of the individual's credit is fifty percent (50%) of the total amount given during the tax year. The credit may not exceed the lesser of: 1) \$100 for a single return or \$200 for a joint return; or 2) the adjusted gross income tax liability on any return less the credit for taxes paid to other states, the twenty first century scholars program, the unified tax credit for the elderly, and the enterprise zone credit.

**IV. TAX CREDIT FOR CONTRIBUTIONS BY CORPORATIONS**

Corporations are allowed a tax credit against their adjusted gross income tax liability for contributions made to an institution of higher education.

The amount of a corporation's credit is equal to fifty percent (50%) of the total amount given during the tax year. However, the credit may not exceed the lesser of: 1) ten percent (10%) of the corporation's adjusted gross income tax liability, or 2) the amount of one thousand dollars (\$1,000).

**V. COMPUTATION SCHEDULE**

Schedule CC-40 must be attached to the taxpayer's income tax return to substantiate the credit. Schedule CC-40 is used to calculate the allowable credit, to list eligible institutions to which contributions have been made, the date of the contribution, and the amount of the contribution. Schedule CC-40 is available upon request from the Department, and on the Department's web site at [www.in.gov/dor/taxforms](http://www.in.gov/dor/taxforms).

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #15  
INCOME TAX  
JANUARY 2003**

(Replaces Information Bulletin #15, dated September 2001)

**DISCLAIMER:** Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Extension of Time to File Indiana Corporation Income Tax Returns and Recognition of the Federal Extension of Time to File Indiana Corporation Income Tax Returns

**REFERENCES:** IC 6-8.1-6-1; IC 6-8.1-10-2.1

**INTRODUCTION:**

The purpose of this Bulletin is to explain the steps necessary to get a valid Indiana extension to file an Indiana corporate income tax return.

**I. EXTENSION OF TIME TO FILE**

The Indiana Department of Revenue accepts the approved federal Form 7004 (Application for Automatic Extension of Time to File Corporation Income Tax Return). It is not necessary to request a separate extension of time to file for Indiana filing purposes if a federal extension has been approved. The Indiana corporation income tax return will be accepted as timely filed if it is filed within thirty (30) days after the expiration date of the federal extension. The federal extension is automatically an extension for six months. A copy of the approved Federal Extension Application must be attached to the return.

If an extension of time to file is not being requested from the Internal Revenue Service, or if an extension is being sought for a period in excess of the thirty (30) days past the expiration date of a federal extension, a special extension of time to file must be requested. The written request for a special extension of time to file must be made prior to the original due date or before the current extension of time expires. This request should contain an explanation as to why the extension is being sought and for what period. The request for a special extension of time to file should be sent to:

Indiana Dept. of Revenue  
Corporation Income Tax Section  
Returns Processing Center  
100 N. Senate Avenue  
Indianapolis, IN 46204-2253

The Corporation Income Tax Section will issue a letter of approval or denial.

A corporation must pay, by the original due date for filing its return, at least 90% of the tax that is reasonably expected to be due. Any amount due should be sent to the Corporation Income Tax Section as a fifth quarter estimated payment on Form IT-6.

**II. PENALTIES**

A ten percent (10%) penalty will be assessed against a taxpayer who files his Indiana corporation income tax returns past the due date of the return and does not attach a valid extension of time to file or has not prepaid at least ninety percent (90%) of the tax reasonably expected to be due by the original due date. The penalty is imposed under IC 6-8.1-10-2.1.

**III. INTEREST**

Any tax that remains unpaid during an extension period accrues interest in accordance with IC 6-8.1-6-1(d). The interest rate changes annually. Please refer to Departmental Notice #3. The interest should be added to the amount shown as due on the tax return.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #16  
INCOME TAX  
JANUARY 2003**

(Replace Information Bulletin #16, dated January 2001)

**DISCLAIMER:** Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Use of Federal Form W-2 for Reporting Indiana State and County Taxes Withheld

**REFERENCE:** IC 6-3-4-8

**INTRODUCTION:**

The purpose of this Bulletin is to provide employers with the necessary information to correctly indicate Indiana adjusted gross income tax withheld, county income tax withheld, and Indiana advance earned income payments on the State copy of Federal Form W-2, Wage and Tax Statement.

**I. EMPLOYER'S STATEMENT TO EMPLOYEES**

Every employer, who has withheld tax from income paid or credited to any taxpayer, is required to provide the taxpayer with a statement of the amount of income paid or credited to him and the amount of tax withheld for him, during the calendar year. For both state and county tax purposes, Federal Form W-2, Wage and Tax Statement, should be used for Indiana withholding purposes.

**II. COMPLETING THE STATE COPY OF FORM W-2 FOR STATE AND COUNTY TAX WITHHOLDING**

All Indiana State income tax withheld by an employer must be designated in the appropriate boxes of the state copy of the W-2 form. For purposes of identifying Indiana State income tax withheld, the abbreviation IN must be shown in box 15.

State income tax information should be reported in boxes 16 and 17. Box 16 should report the amount of wages subject to Indiana income tax. Box 17 should report the amount of Indiana income tax withheld.



All Indiana county income taxes withheld by an employer must be designated in the appropriate boxes of state copy of the W-2 form. To identify county tax withheld for the tax year, enter C and the adopting county code in box 20.

County income tax information should be reported in boxes 18 and 19. Box 18 should report the amount of wages subject to county income tax. Box 19 should report the amount of county income tax withheld.

Advance Earned Income Credit Payments should be reported on the bottom line of box 19. Enter "IN-AEIC" on the bottom line of box 20.

### **III. COUNTY CODE LISTINGS**

1. Adams	32. Hendricks	63. Pike
2. Allen	33. Henry	64. Porter
3. Bartholomew	34. Howard	65. Posey
4. Benton	35. Huntington	66. Pulaski
5. Blackford	36. Jackson	67. Putnam
6. Boone	37. Jasper	68. Randolph
7. Brown	38. Jay	69. Ripley
8. Carroll	39. Jefferson	70. Rush
9. Cass	40. Jennings	71. St. Joseph
10. Clark	41. Johnson	72. Scott
11. Clay	42. Knox	73. Shelby
12. Clinton	43. Kosciusko	74. Spencer
13. Crawford	44. LaGrange	75. Starke
14. Daviess	45. Lake	76. Steuben
15. Dearborn	46. LaPorte	77. Sullivan
16. Decatur	47. Lawrence	78. Switzerland
17. Dekalb	48. Madison	79. Tippecanoe
18. Delaware	49. Marion	80. Tipton
19. Dubois	50. Marshall	81. Union
20. Elkhart	51. Martin	82. Vanderburgh
21. Fayette	52. Miami	83. Vermillion
22. Floyd	53. Monroe	84. Vigo
23. Fountain	54. Montgomery	85. Wabash
24. Franklin	55. Morgan	86. Warren
25. Fulton	56. Newton	87. Warrick
26. Gibson	57. Noble	88. Washington
27. Grant	58. Ohio	89. Wayne
28. Greene	59. Orange	90. Wells
29. Hamilton	60. Owen	91. White
30. Hancock	61. Parke	92. Whitley
31. Harrison	62. Perry	

Refer to Information Bulletin #32, Income Tax, for additional information concerning state and county taxes.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #18  
INCOME TAX  
JANUARY 2003**

(Replaces Information Bulletin #18, dated September 2001)

**DISCLAIMER:** Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, information that is provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Instruction for Obtaining Extensions of Time to File Indiana Individual Income Tax Returns

**REFERENCE:** IC 6-8.1-6-1; IC 6-8.1-10-2.1

**INTRODUCTION:**

This bulletin outlines the procedures for obtaining an extension of time to file the Indiana individual income tax return, Form IT-40 or Form IT-40PNR.

**I. AUTOMATIC EXTENSION OF TIME TO FILE, NOT TO EXCEED SIXTY (60) DAYS**

Form IT-9, Application for Automatic Extension of Time to File Indiana IT-40 or IT-40PNR, is used to obtain an automatic sixty (60) day extension of time to file the Indiana resident or nonresident return. Any taxpayer who wishes to request an extension of time to file, and who expects a payment to be due with their Indiana return, must complete and file the Form IT-9 voucher on or before the original due date of the Indiana individual tax return. If an application for extension is filed, at least ninety percent (90%) of the state and/or county tax due for the entire tax year must be paid with the application.

The payment made with Form IT-9 should be claimed as an estimated tax credit at the time of filing Form IT-40 or Form IT-40PNR. This is only an extension of time for filing your return. *This is not an extension of time to pay any state and/or county tax due.*

Form IT-9 is not required to be filed if there is no tax due on the Indiana individual income tax return.

If you file a federal extension, the Indiana Department of Revenue will accept the extension if a copy is attached to your return at the time of filing. You will have thirty (30) days beyond the federal extension period in which to file your Indiana return.

**II. PENALTY AND INTEREST CHARGES**

Form IT-9 or a federal extension does not extend the due date for the payment of the tax. A penalty may be assessed on any state or county tax paid after the due date of the return. However, a penalty will not be assessed if the balance due on the tax return is:

1. not in excess of ten percent (10%) of the amount of state and county tax due on the tax return, and;
2. paid with the return.

If a penalty is due with your return, it is calculated at ten percent (10%) of the tax that is owed with the return or \$5.00, whichever is greater. Any penalty due with the return should be reported on the Form IT-40 or Form IT-40PNR.

Interest will be charged on any amount due with your late filed return and should be calculated from the original due date of the return until the tax is paid. Interest is charged even though an extension has been granted. The interest rate changes annually. Please refer to Departmental Notice # 3. The interest should be added to the amount shown as due on the tax return.

Copies of returns and schedules are available on the Department's web site at [www.in.gov/dor/taxforms](http://www.in.gov/dor/taxforms).

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #19  
INCOME TAX  
JANUARY 2003**

(replaces bulletin #19 dated July 1992)

**DISCLAIMER:** Informational bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

**SUBJECT:** Government Obligations

**REFERENCES:** IC 6-3-1-3.5

**I. For purposes of the Adjusted Gross Income Tax Act**, obligations issued by the following organizations are considered direct United States Government obligations specifically exempted from state income taxation by federal law. Although not all inclusive, the Indiana Department of Revenue recognizes the following list of United States obligations, and is correct as of the date of issuance of this bulletin. For obligations not listed below refer to 31 U.S.C. 3124(a) for further guidance.

1. Banks for Cooperatives (12 U.S.C. Section 2134)
2. Central Banks for Cooperatives (12 U.S.C. Section 2134)
3. Commodity Credit Corporation (15 U.S.C. Section 714)
4. District of Columbia
5. Export-Import Banks of the United States (12 U.S.C. Section 635(b))
6. Farm Credit Banks (12 U.S.C. Section 2023)
7. Farmers Home Corporation

8. Federal Deposit Insurance Corporation (12 U.S.C. Section 1825)
9. Federal Farm Loan Corporation
10. Federal Financing Banks (12 U.S.C. Section 2290(b))
11. Federal Home Loan Banks (notes and debentures 12 U.S.C. Section 1433)
12. Federal Housing Administration
13. Federal Intermediate Credit Banks (12 U.S.C. Section 2204)
14. Federal Intermediate Credit Corporation (12 U.S.C. Section 2204)
15. Federal Land Banks Association (12 U.S.C. Section 931, Repealed. Pub. L. 92-181, Title V, Section 5.26(a) Dec. 10, 1971, 85 Stat. 624)
16. Federal Land Banks (12 U.S.C. Section 931, Repealed. Pub. L. 92-181, Title V, Section 5.26(a) Dec. 10, 1971, 85 Stat. 624)
17. Federal Savings and Loan Insurance Corporation (12 U.S.C. Section 1725(e))
18. Home Owner's Loan Corporation (12 U.S.C. Section 1463 Repealed. Pub. L. 89-554, Section 8(a), Sept. 6, 1966, 80 Stat. 648)
19. Joint Stock Land Banks (farm loan bonds and mortgages (12 U.S.C. Section 931, Repealed. Pub. L. 92-181, Title V, Section 5.26(a) Dec. 10, 1971, 85 Stat. 624)
20. Maritime Administration (Merchant Marine Bonds)
21. Production Credit Association (12 U.S.C. Section 2077)
22. Student Loan Marketing Association (20 U.S.C. Section 1087-2)
23. Series E, F, G, ~ H Bonds (26 U.S.C. Section 1272(a)(2)(B))
24. Small Business Administration
25. Tennessee Valley Authority (bonds only) (16 U.S.C. Section 831(n)-4 (d))
26. U.S. Government Bonds (31 U.S.C. Section 3124)
27. U.S. Government Certificates (31 U.S.C. Section 3124)
28. U.S. Government Notes (31 U.S.C. Section 3124)
29. U.S. Housing Authority
30. U.S. Treasury Bills (12 U.S.C. Section 221)
31. U.S. Maritime Commission
32. U.S. Possessions - obligations of Puerto Rico (48 U.S.C. Section 745), Virgin Islands (48 U.S.C. Section 1574 (b)(ii)(A)), Guam (48 U.S.C. Section 1423a) etc.
33. U.S. Postal Service (bonds) (39 U.S.C. Section 2005(d)(4))

The proportionate share of dividends or interest received from a Mutual Fund, Money Market Fund, Regulated Investment Trust or other investment fund derived from investments in **direct** U.S. government obligations will be allowed as a deduction in the computation of Indiana adjusted gross income tax. This deduction will be allowed to the extent such income is included in Indiana adjusted gross income. (For purposes of this deduction, earnings from investing in repurchase agreements are not considered to be derived from **direct** obligations of the U.S. government.)

The following sources of obligations are **not** considered United States obligations:

1. Building and Loan Associations
2. District of Columbia Armory Board
3. FSLIC secondary reserve prepayments
4. Farmer's Home Administration
5. Federal or State Savings and Loan Associations
6. Federal Home Loan Mortgage Corporation participation certificates in mortgage pools
7. Federal Home Loan Time Deposits
8. Federal National Mortgage Association (including dividends from FNMA stock)
9. GI Loans
10. Government National Mortgage Association (including participation certificates)
11. Inter-American Development Bank
12. International Bank for Reconstruction and Development (World Bank obligations)
13. Obligations issued under the New Commodities Act (Interstate and development bonds)
14. Panama Canal Bonds
15. Participating loans in the Federal Reserve System for member banks (Federal funds)
16. Philippine Bonds
17. Reconstruction Finance Corporation
18. Student Loans
19. U.S. Postal Service certificates and savings deposits
20. Repurchase Agreements

Also, interest or dividends received in the following instances is **not exempt** for **adjusted gross income** tax purposes:

- a) Debentures issued to mortgage or mortgages foreclosed under the provisions of the National Housing Act.
- b) Interest bearing certificates issued in lieu of tax exempt securities, such income losing its identity when merged with other funds
- c) Promissory notes of a federal instrumentality
- d) Refunds of Federal income tax
- e) Earnings from repurchase agreements

## **II. Obligations of the State of Indiana**

Any direct obligation of a state or a political subdivision of a state is not taxable for purposes of the Adjusted Gross Income Tax Act.

## **III. The Effect of Government Obligations on Indiana Adjusted Gross Income Tax**

All interest reported for federal tax purposes must be reported for Indiana adjusted gross income tax purposes. However, in determining taxable interest income for Indiana adjusted gross income tax purposes, a deduction may be taken for interest received on direct obligations of the Federal government or its agencies, as required under 31 U.S.C. Section 3124. The exemption for Government obligations is not a total exclusion, and may be limited by charging the obligations and interest their fair share of related expenses. However, the deductions generated by the expenses are limited to the amount of income generated by the obligation.

**NOTE:** Although municipal bond interest (including interest on public housing bonds) and bond interest from United States Government obligations are excludable, the gain derived from the sale of tax-exempt municipal bonds and United States Government obligations held as investments is not exempt. The gain to be reported for Indiana tax purposes is the gain reported for Federal income tax purposes. Losses sustained are deductible, subject to capital loss limitations.

You may contact the Compliance Division for a determination of the exempt (or nonexempt) status of any governmental obligation.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #22  
INCOME TAX  
JANUARY 2003**

(Replaces Bulletin #22 dated September 1997)

**DISCLAIMER:** Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on the Department or the taxpayer. Therefore, information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Neighborhood Assistance Tax Credit

**REFERENCE:** IC 6-3.1-9

### **INTRODUCTION**

An income tax credit is available to Indiana taxpayers who contributed to individuals, groups or neighborhood organizations, or who engage in activities to upgrade economically disadvantaged areas. This credit is limited to the lesser of fifty percent (50%) of the amount contributed or invested, state income tax due, or twenty-five thousand dollars (\$25,000) in any taxable year. The credit can be applied against the taxpayer's adjusted gross income tax liability or the financial institutions tax.

### **I. Qualification for Claiming the Neighborhood Assistance Credit**

The credit may be claimed by any taxpayer (including any S Corporation, partnership or individual) who makes a contribution to or an investment in some type of activity which will result in the upgrading of an area designated as economically disadvantaged by the Director of the Indiana Department of Commerce after consultation with the community services agency. Examples of qualifying activities are:

1. Furnishing financial assistance, labor, material, and technical advice to aid the physical or economic improvement of an economically disadvantaged area.
2. Any type of instruction to an individual who resides in an economically disadvantaged area that enables the individual to acquire the necessary vocational skills to become either employable, or to be able to seek a higher grade of employment.
3. Any activity which aids in the reduction of crime in an economically disadvantaged area.
4. Contributions to any neighborhood organization which performs community services in an economically disadvantaged area, provided that such organization qualifies and obtains a ruling as exempt from taxation under provisions of the Internal Revenue Code and from the Indiana Department of Revenue as a religious, charitable, scientific, literary, educational or civic organization.

5. Any type of scholastic instruction or scholarship assistance to an individual residing in an economically disadvantaged area which enables the individual to prepare for better life opportunities.

**NOTE:** None of the above activities can benefit an individual employed by the donor or an individual administering such activities. On-going volunteer activities and out of pocket expenses necessary for day to day operation of the program do not qualify for the credit.

## **II. Credit Limitations and Application**

The credit is limited to the lesser of fifty percent (50%) of the amount contributed or invested, the state income tax due, or twenty-five thousand dollars (\$25,000) and should be claimed for the tax year in which the contribution is made. There is no provision for carry back, carry forward or refund of the credit. For purposes of the limitation, state income tax due is first reduced by any credit for taxes paid to other states, and the college contribution credit, before the application of the neighborhood assistance credit.

The total amount of neighborhood assistance credit allowed to all taxpayers in any state fiscal year is limited to \$2,500,000. Applications for the credit will be considered in the chronological order received until the \$2,500,000 limit is reached.

## **III. Procedure**

Any organization or individual providing neighborhood assistance must first apply to the Director of the Department of Commerce requesting approval of a proposed program. Such application should set forth the program to be conducted, the economically disadvantaged area selected, the estimated amount to be invested and the plans for implementing the program. For further information contact the Director of the Indiana Department of Commerce by writing to:

Indiana Department of Commerce  
Community Development Division  
One North Capitol, Suite 700  
Indianapolis, IN 46204

Donors with approved programs should complete Form NC-10, Neighborhood Assistance Credit Application, and Form NC-20, Notice of Department Decision on Neighborhood Assistance Credit Application, and submit both forms along with the Contributor Application and Certification to the Indiana Department of Commerce at the address listed above. The Department of Commerce will review the application and forward it to the Department of Revenue with a recommendation for approval or rejection of the credit.

The Department of Revenue will return Form NC-20 to the donor indicating the amount of credit approved or the reason the credit was disapproved. The Department of Revenue will accept a properly completed Contributor Application and Certification as proof of cash donations. Contributions of property and or services require additional documentation as shown below.

## **IV. Contributions Other Than Cash**

In order to qualify for the credit, contributions other than cash must be contemplated by the program proposal submitted by an organization for approval. Donors to approved programs should check with the organization administering the program to determine if contributions other than cash are within the scope of the approved program.

Contributions other than cash should be valued and documented according to the following guidelines:

### Property

Donations of property should be valued at the lower of cost or market value. The value for new property will be determined on the basis of fair and reasonable market price as available to consumers on the open market but not in excess of the substantiated cost to the donor. The value of used property will be determined on the basis of book value (using generally accepted accounting principles) as certified by the donor. Book value is the purchase cost less reasonable depreciation using the straight line method, with one-half year of depreciation used in the year purchased and one-half used in the year of contribution. Unless it can be otherwise clearly established, a five-year useful life should be used in calculating depreciation.

“New Property” is property which has not been used by the end user and which is packaged as it would normally be received by the end user upon purchase. Unless it can be otherwise clearly established, “new property” held more than twelve (12) months prior to contribution will be treated as used property.

A copy of the original invoice showing cost and date of purchase must be submitted with each application. In the case of manufactured property, a statement supporting the cost of the manufactured property must accompany any claim.

### Services

Contributions of services should be valued at the donor’s usual charge for such services, but not to exceed the average fee charged for the same type of services in the locality in which the services are rendered.

An itemized listing of the services rendered with the proposed charge for each service should be submitted with each application.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #26  
INCOME TAX  
JANUARY 2003**

(Replace Information Bulletin #26, dated November 2000)

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**SUBJECT:** General Information Concerning Filing Requirements and Specific Tax Benefits Available to the Elderly

**REFERENCES:** IC 6-3-1-3.5; IC 6-3-2-3.7; IC 6-3-2-4; IC 6-3-3-9; IC 6-3.5-1.1-7; IC 6-3.5-6-24; IC 6-3.5-7-9

**INTRODUCTION**

Elderly taxpayers have many Indiana tax advantages available to them. The purpose of this bulletin is to highlight those advantages. The first part of the bulletin discusses the filing requirements that are necessary for the elderly and whether or not they are required to file an annual income tax return.

**I. FILING REQUIREMENTS**

The first step in determining whether an individual needs to file an Indiana return is to determine the residency status for the year. A taxpayer is considered a full-year resident if the taxpayer maintained a legal residence in Indiana for the entire year. A taxpayer does not have to be physically present in Indiana the entire year to be considered a full-year resident. If the taxpayer is a resident and the total value of personal, elderly and blind exemptions exceeds the taxpayer's federal adjusted gross income before deductions, the taxpayer does not have to file an annual income tax return. If the taxpayer is not required to file, but has withholding for Indiana state and local taxes, the taxpayer may file a return to claim a refund for taxes withheld.

**NOTE:** A taxpayer might not be required to file a federal return because the standard deduction amount and the number of exemptions exceed the taxpayer's adjusted gross income. However, this does not automatically mean that the taxpayer is not required to file an Indiana resident return.

If the taxpayer was a part-year resident, and the taxpayer had Indiana source income, the taxpayer must file an IT-40PNR (Part Year Nonresident Return).

**II. EXEMPTIONS**

Indiana allows:

- a one thousand dollar (\$1,000) exemption for each exemption claimed on the federal return;
- one thousand five hundred dollars (\$1,500) for certain dependent children;
- one thousand dollar (\$1,000) personal exemption for the taxpayer and/or spouse if they are age 65 or over;
- one thousand dollar (\$1,000) exemption for the taxpayer and/or spouse if they are blind; and
- five hundred dollars (\$500) additional exemption for each individual age 65 or older if the federal adjusted gross income is less than forty thousand dollars (\$40,000).

**III. TAXABLE VERSUS NONTAXABLE INCOME**

Taxable income includes, but is not limited to, income from the following sources:

Wages	Rental Income
Salaries	Farm Income
Commissions	Business Income
Tips	Pensions (taxable portion)
Interest	Annuities (taxable portion)
Dividends	Partnership/Shareholder Income
Royalty Income	Gain from sale or exchange of property

Nontaxable income would include, but is not limited to, income from the following sources:

Social Security  
Railroad Retirement Benefits  
Life Insurance Proceeds

The federal government taxes a portion of social security and railroad retirement benefits. Indiana allows a tax deduction for any social security or railroad retirement benefits included in federal adjusted gross income. Indiana also allows a deduction for a portion of unemployment compensation benefits received. For more information on taxation of unemployment compensation see Income Tax Information Bulletin #60.

**IV. LIABILITY FOR COUNTY TAX**

If the taxpayer's place of residence or principal place of work activity on January 1 was an Indiana county that had adopted

the county adjusted gross income tax, county option income tax, and/or the county economic development income tax, the taxpayer may owe a county tax. The county tax schedule is included in the tax return booklet with a list of the adopting counties and their respective rates.

## **V. ADJUSTMENTS TO INDIANA INCOME**

If a taxpayer is required to file an Indiana tax return, the taxpayer may be eligible for certain adjustments to Indiana income.

### **Civil Service Annuity Deduction**

A taxpayer who is at least sixty-two (62) years of age by the end of the taxable year may be allowed a deduction from adjusted gross income equal to the first two thousand dollars (\$2,000) received during the taxable year from a Federal civil service annuity included in adjusted gross income. This annuity must be reduced by the total amount of any Social Security Benefits and Railroad Retirement Benefits received during the taxable year.

**EXAMPLE:** A taxpayer who received six thousand dollars (\$6,000) in Federal civil service annuity benefits, and one thousand five hundred dollars (\$1,500) in Social Security benefits, will be allowed a five hundred dollar (\$500) civil service annuity adjustment.

### **Military Retirement Pay Adjustment**

A taxpayer who is at least sixty (60) years old by the end of the taxable year, or the taxpayer's surviving spouse, may qualify for a military retirement pay deduction. This deduction is limited to the first two thousand dollars (\$2,000) of retirement or survivor's benefits received during the taxable year by the individual or the individual's surviving spouse for service in an active or reserve component of the armed forces.

### **Homeowner's Residential Property Tax Deduction**

A taxpayer is eligible for an income tax deduction equal to the lesser of two thousand five hundred dollars (\$2,500) or the amount of property taxes that are paid during the taxable year in Indiana by the individual, on the individual's Indiana principal place of residence.

### **Renter's Income Tax Deduction**

A taxpayer is eligible for an income tax deduction if the taxpayer rents a dwelling for his principal place of residence. The deduction is equal to the lesser of the amount of rent actually paid or two thousand five hundred dollars (\$2,500).

### **Disability Retirement Deduction**

An individual who retired on disability, and was permanently and totally disabled, is entitled to a deduction from adjusted gross income. For further information, refer to Information Bulletin #70.

## **VI. CREDITS AVAILABLE TO THE ELDERLY**

### **Unified Tax Credit for the Elderly**

An individual is eligible for the Unified Tax Credit for the Elderly if the individual meets all of the following requirements:

1. Taxpayer and/or spouse must be at least sixty five (65) by the end of the taxable year.
2. The taxpayer and spouse must file a joint return if they lived together at any time during the taxable year.
3. The federal adjusted gross income must be less than ten thousand dollars (\$10,000).
4. The qualifying taxpayer and/or spouse must have been a resident of Indiana at least six months during the taxable year.

A claim for this credit must be made by June 30 following the close of the taxable year. After June 30, no credit or refund will be allowed.

This credit can be claimed on the IT-40 or the IT-40PNR. If the income is under the limits that require the filing of an income tax return, but the taxpayer and/or spouse meets the qualifications to claim the credit, the credit can be claimed by filing a Form SC-40. The credit cannot be claimed on the behalf of a decedent unless the claim is filed by the surviving spouse on a joint return. If an individual is imprisoned for more than one hundred eighty (180) days during the taxable year, the individual is not eligible for the credit.

The amount of credit that may be claimed depends on the income and filing status of the taxpayer. Use the table below to calculate the amount of the credit.

If the taxpayer is filing a single return and is age 65 or older, or if the taxpayer is filing a joint return and only the taxpayer or spouse is over 65, use the following table.

If your income is:	Allowable credit
Less than \$1,000	\$100
Between \$1,000 and \$2,999	\$ 50
Between \$3,000 and \$9,999	\$ 40

If the taxpayer and spouse are filing a joint return and both are 65 or older, use the following table.

If your income is:	Allowable credit
Less than \$1,000	\$140
Between \$1,000 and \$2,999	\$ 90
Between \$3,000 and \$9,999	\$ 80

**VII. CREDIT AGAINST COUNTY TAXES**

If a taxpayer qualifies for the Federal Elderly Credit on Schedule R and is subject to county tax (CAGIT, COIT, or CEDIT), the taxpayer will be allowed a credit against the county tax.

The credit is the lesser of:

1. The product of:

A) the amount of federal credit for the elderly; multiplied by

B) a fraction, the numerator of which is the county tax rate, and the denominator of fifteen hundredths (0.15); or

2. The amount of county tax imposed on the county taxpayer.

If you need additional information concerning credits for the elderly, contact the Department of Revenue. The Department's web site is [www.state.in.us/dor/pubs/bullets/bullet.html](http://www.state.in.us/dor/pubs/bullets/bullet.html).

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #27  
INCOME TAX  
JANUARY 2003**

(Replaces Information Bulletin #27, dated June 2001)

**DISCLAIMER:** Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Indiana Adjusted Gross Income Tax Applicable to Military Personnel

**REFERENCE:** IC 6-3-1-3.5; IC 6-3-2-4

**INTRODUCTION:**

Indiana adjusted gross income tax applies to members of both the active and active reserve components of the United States Army, Air Force, Marines, Navy, Coast Guard, Air National Guard, National Guard, and Navy Merchant Marines. Resident servicemen are taxable on all income, regardless of source. Nonresident servicemen are taxable on all nonmilitary income received from Indiana sources.

**I. RESIDENCY**

Military personnel who enter the armed forces as Indiana residents remain legal residents of Indiana regardless of duty station until official action is taken to change their legal residence. This can be accomplished by filing a State of Legal Residence Certificate, Form DD 2058, with the military personnel office.

**II. FILING REQUIREMENTS**

Resident military personnel are required to file an Indiana income tax return if their gross income exceeds their exemptions. Income from all sources, both military and nonmilitary, should be reported on the Indiana resident return Form IT-40.

Nonresident military personnel are required to file an Indiana income tax return if they receive any income from an Indiana source. Military earnings for active duty are not considered to be from an Indiana source; however, other compensation for part-time employment would be attributable to Indiana. Nonresident servicemen should file an Indiana part-year or nonresident return, Form IT-40PNR.

Military personnel may be subject to tax by both their state of legal residence and the state in which they are stationed if they have nonmilitary earnings. Persons with income subject to tax by two states are allowed a credit in one state for tax paid to the other state. Information Bulletin #28 provides additional information for taxpayers with income subject to tax by two states.

**III. DEDUCTIONS AVAILABLE TO INDIANA RESIDENTS FOR MILITARY SERVICE**

Military personnel on active duty or in the active reserves may deduct up to \$2,000 of their military pay. If they earned less than \$2,000 military pay, they may deduct only the amount of military pay they earned. If the taxpayer and spouse are both in the military, they each may claim the deduction.

Military retirement pay received by an Indiana resident is taxable in the same manner that it is for federal tax purposes. An individual, or an individual's surviving spouse, is allowed an adjustment of up to \$2,000 for retirement pay or survivor's benefits received as a result of the individual's active or reserve service in the armed forces, provided that the individual, or the individual's surviving spouse, is at least 60 years of age. The individual need not have been an Indiana resident during active military service to qualify for this adjustment.



Military withholding statements or retirement survivor's benefits statements must be attached to the tax return when these deductions are claimed.

#### **IV. COUNTY INCOME TAXES**

Some Indiana counties have adopted one (or a combination) of the three local option income taxes. They include the (1) County Adjusted Gross Income Tax (CAGIT), (2) County Option Income Tax (COIT), and (3) County Economic Development Income Tax (CEDIT). The tax is imposed on residents of adopting counties, and residents of non-adopting counties that work in an adopting county. A list of the adopting counties and their rates are contained in the Individual income tax booklets IT-40, and IT-40PNR.

Resident military personnel are subject to a local option income tax if, on January 1 of the tax year, their county of residence is a county which has adopted a local option income tax. However, a resident military person who maintains a household outside the state of Indiana is not subject to a county tax.

The income of a nonresident military person's spouse may be subject to county tax if, on January 1 of the tax year, the spouse's legal residence or principal place of work activity was in an Indiana adopting county.

#### **V. ESTIMATED TAX**

A military person who expects to owe four hundred dollars (\$400) or more in state and/or county income tax may be required to make estimated installment payments. Generally, the military will withhold Indiana state income tax from military earnings of resident military personnel in an amount sufficient to avoid estimated tax payments on military earnings. However, county tax is not withheld. Other types of income not subject to withholding of tax could result in an amount due of \$400 or more of state and/or county tax due for the year.

A taxpayer may be subject to a penalty for underpayment of estimated tax if they do not make the required estimated payments. To establish an estimated account, the first payment must be made. A coupon booklet will be issued for the remaining installment periods.

For further information concerning estimated tax, see Income Tax Information Bulletin #3.

#### **VI. DUE DATES AND EXTENSION OF TIME FOR FILING**

Indiana individual income tax returns are due on or before April 15 of the year following the tax year. Military personnel on active duty outside of the U.S. and Puerto Rico will be allowed an automatic sixty (60) day extension. A statement must be attached to the return verifying that the taxpayer was outside the U.S. or Puerto Rico on April 15.

Military personnel serving in a combat zone have an automatic extension of 180 days after they leave the combat zone. If they are hospitalized outside the United States as a result of such service, the 180 day extension period begins upon release. The spouse of such serviceman must use the same method of filing for both federal and Indiana income tax returns. If filing under this extension, write "Combat Zone" across the top of the form and mail to: Indiana Department of Revenue, P.O. Box 2305, Indianapolis, IN 46206-2305.

Questions concerning Indiana taxation of military personnel should be addressed to the Individual Income Tax Section of the Compliance Division, Indiana Government Center North Room N203, Indianapolis, IN 46204.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #32  
INCOME TAX  
JANUARY 2003**

(Replaces Information Bulletin #32, dated August, 2000 )

**DISCLAIMER:** Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to this subject matter.

**SUBJECT:** General Information on County Income Taxes

**REFERENCE:** IC 6-3.5-1.1; IC6-3.5-6; IC 6-3.5-7

#### **INTRODUCTION**

The 1973 Indiana General Assembly enacted legislation which provides each county the option of adopting a County Adjusted Gross Income Tax (CAGIT). The 1984 Indiana General Assembly enacted legislation which provides each county the option of adopting an alternative county income tax, the County Option Income Tax (COIT). The 1987 Indiana General Assembly enacted

legislation which provides each county with the option of adopting a third income tax, that can stand alone or may be supplementary to the first two. This third tax is known as the County Economic Development Income Tax (CEDIT). CAGIT was enacted to provide the adopting counties with additional funds, to be used in part for property tax relief. COIT was enacted to provide counties with additional funds, part of which will be used to: (1) replace the amount, if any, of the property tax revenue lost due to allowing an increased homestead credit within the county, and (2) to make distributions of distributive shares to the civil taxing units of a county. CEDIT was enacted to allow counties to raise funds for local economic development projects.

### **I. County of Residence and County of Work**

The taxpayer's county of residence is determined as of January 1 each year. For purposes of county tax, an individual's county of residence is determined by the county where the taxpayer maintains his home.

The taxpayer's county of principal work activity is also determined as of January 1 each year. An individual's county of principal work activity is that county where the taxpayer receives the greatest percentage of his gross income from salaries, wages, commissions, fees or other income of this type. If an individual is self-employed, the county of principal work activity is that county where the individual's principal place of business is located. If an individual has two or more sources of income from two or more counties, the principal source will be evidenced by the percent of income received from each county and the percent of time spent in each county.

### **II. Change in County Residence or County of Work Within the Taxable Year**

The county of residence and county of principal work activity determined as of January 1 each year are fixed as of that date for county tax purposes for the entire tax year. Any change in an individual's county of residence or county of principal work activity during the year will not affect the amount of county tax for which he is liable. Form WH-4 establishes, for withholding purposes, the taxpayer's county of residence or county of principal work activity. If an individual moves or changes his place of employment during the year, a new WH-4 must be completed. Completion of a new WH-4 will serve only to establish the county of residence and county of principal work activity for the ensuing year.

### **III. Income Subject to County Income Tax**

If an individual is a resident of a county which adopts the county tax, his entire adjusted gross income will be subject to the county tax at the tax rate imposed by that county. The adjusted gross income for county tax purposes will be the Indiana adjusted gross income, plus any adjustment taken for the non-Indiana locality earnings deduction.

If an individual resides in a non-adopting county, but his principal place of business or employment is in an adopting county, only the adjusted gross income derived from his principal place of business or employment is subject to the county tax at the nonresident rate.

The only deductions allowed from principal work activity income are those which directly apply to the production of income from one's principal work activity. They would not include Indiana deductions which are not related to the production of income.

The following deductions are considered directly related to the production of principal work activity income:

- reimbursed employee business expenses to the extent that they are deductible in computing Indiana adjusted gross income and which are attributable to the income from a county taxpayer's principal work activity; and
- payments to self-employed retirement plans and an IRA attributable to income from a county taxpayer's principal work activity, to the extent such payments are deductible in computing Indiana adjusted gross income, are deductible to arrive at the county adjusted gross income subject to tax.

If an individual resides outside the State of Indiana, but the taxpayer's principal place of work activity is in an Indiana adopting county, only the adjusted gross income derived from the Indiana adopting county is subject to county tax. Reciprocal agreements between the State of Indiana and other states do not affect the taxpayer's liability under the county tax.

### **IV. Tax Rates**

Counties that have adopted CAGIT have the option of adopting one of three different rates for county residents who are subject to CAGIT: one-half of one percent (.005), three-fourths of one percent (.075), or one percent (.01). Also, the adopting county must assess all residents of nonadopting counties who derive their principal source of income either from employment or business in the adopting county at the rate of one-fourth of one percent (.0025). The nonresident rate applies only when the taxpayer's home county has not adopted the County Option Income Tax or the County Economic Development Income Tax. There are several counties permitted by statute to adopt an additional tax exceeding one percent (.01) for special projects.

Counties that have adopted COIT must initially impose the rate at two-tenths of one percent (.002) on resident county taxpayers, and at one-fourth of the county resident rate or five hundredths of one percent (.0005) for taxpayers subject to the nonresident county rate. If adopted, the COIT takes effect on July 1 of the tax year in which it is adopted. If the COIT rate is imposed on the taxpayers of a county, then the COIT rate increases for residents by one-tenth of one percent (.001) (to a maximum of .006) each succeeding July 1, unless frozen or rescinded by the county income tax council. The council can then pass an ordinance to increase the resident rate to a maximum of one percent (.01) in increments of one-tenth of one percent per year. The COIT rate in effect for taxpayers who are subject to the nonresident rate of the county is at all times one-fourth of the rate imposed upon resident county taxpayers.

The County Economic Development Income Tax (CEDIT) may be imposed at several different rates. Those rates are: one-tenth of one percent (.001), two-tenths of one percent (.002), twenty-five hundredths of one percent (.0025), three tenths of one percent (.003), thirty-five hundredths of one percent (.0035), four-tenths of one percent (.004), forty-five hundredths of one percent (.0045), or one-half of one percent (.005).

Counties may adopt an additional CEDIT rate of twenty-five hundredths of one percent (.0025) to offset the increased property tax on homesteads resulting from the deduction of the assessed value of inventory in the county. If the county does not elect to permit the deduction for the assessed value of inventory in the county, the county is prohibited from imposing the additional CEDIT rate.

If a county has adopted CAGIT, the combined rate of CAGIT and CEDIT may not exceed one and one-fourth percent (.0125) unless specific legislation is passed to allow a county to exceed the maximum rate. If a county has adopted COIT, the combined rate of COIT and CEDIT may not exceed one percent (.01).

There is no separate CEDIT rate for resident or nonresident taxpayers. The taxpayer pays the full rate of tax even if he is a nonresident.

#### **V. County Tax Withheld**

The State copy of the Federal Wage and Tax Statement, Form W-2, usually indicates the amount, if any, of CAGIT, COIT, and/or CEDIT withheld. A separate line on the individual income tax return is provided to take credit for local taxes withheld.

#### **VI. Credit for the Elderly or Totally Disabled**

A credit against the county tax is available for persons who qualify for the Federal Credit for the Elderly and the Permanently and Totally Disabled. The credit is the lesser of: the product of: his or her credit for the elderly for that same taxable year; multiplied by a fraction, the numerator of which is the CAGIT, COIT and CEDIT rate imposed against the county taxpayer, and the denominator of which is fifteen hundredths (.0015); or the amount of CAGIT, COIT and CEDIT tax imposed on the county taxpayer.

#### **VII. Credit for Taxes Paid to Localities Outside of Indiana**

A credit against county tax is available to taxpayers who are also subject to a local income tax in another state. The credit is the lesser of: (1) the amount of local income tax actually paid to the locality in the other state; (2) the amount of income taxed by the locality outside of Indiana multiplied by the Indiana county tax rate to which the taxpayer is subject; or (3) the actual amount of county income tax due.

A copy of the tax return filed with the out-of-state locality must be attached to the Indiana return in order to substantiate the credit claimed. When no return is required by an out-of-state locality, a copy of the W-2 form showing the local tax withheld must be attached to the return.

Nonresidents of Indiana may not claim this credit against their Indiana county tax liability. On a joint return, the husband and/or wife should compute the credit separately. Applying the above limitations, any excess credit of one spouse cannot be used to reduce the county tax liability of the other spouse.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #42  
INCOME TAX  
JANUARY 2003**

(Replaces Information Bulletin #42, dated November 2000)

**DISCLAIMER:** Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Indiana Income Tax Forms and Schedules

**REFERENCES:** IC 6-2.3; IC 6-3; IC 6-3.1; IC 6-3.5; IC 6-5.5; IC 6-8.1

#### **INTRODUCTION**

The Indiana Department of Revenue has the sole authority to prescribe and furnish forms and schedules used in the administration and collection of state income taxes. These forms are available to the taxpayer free of charge upon request. The forms can also be obtained by retrieving them from the Department's web site ([www.in.gov/dor/taxforms/statetoc.html](http://www.in.gov/dor/taxforms/statetoc.html)).

Software developers who wish to produce forms that are acceptable to the Department should consult Departmental Notice #4 for more detailed information.

#### **I. FORMS AND SCHEDULES FOR USE BY INDIVIDUALS ONLY**

Form IT-9	Application for automatic extension of time to file Indiana IT-40 or IT-40PNR
Form IT-40	Indiana full-year resident individual income tax return
Form IT-40EZ	Indiana full-year resident EZ (short form) return
Form IT-40ES	Declaration of estimated tax
Form IT-40P	Indiana individual income tax return for filing an original return for a year prior to 1997
Form IT -40PNR	Part-year or nonresident Indiana individual income tax return
Schedule IT-40PNRA	Indiana apportionment schedule for nonresident individuals
Schedule IT-40NOL	Individual income tax net operating loss computation
Schedule IT-40QEC	Enterprise zone employee deduction
Form IT-2440	Indiana disability retirement deduction
Schedule CT-40	County income tax schedule for Indiana residents
Form IT-40X	Amended Indiana individual income tax return
Schedule IT-2210	Underpayment of estimated tax by individuals
Schedule IT-2210A	Annualized schedule for underpayment of estimated tax by individuals
Form SC-40	Unified tax credit for the elderly
Schedule IN-H	Indiana household employee taxes
Schedule IN-EIC	Computation of Indiana's earned income tax credit

#### **II. FORMS AND SCHEDULES FOR CORPORATIONS ONLY**

AD-19	Affidavit for reinstatement of corporation
Form E-6	Request for Indiana corporate estimated quarterly income tax returns
Schedule E-7	Three factor apportionment schedule for entities involved with interstate transportation
IT-20 Schedule 8-D	Consolidated income tax schedule for Indiana affiliated group
Form IT-20	Corporation income tax return for adjusted gross income tax
IT-6	Indiana corporate adjusted gross income tax quarterly return
Form FIT-20	Annual return for an entity conducting the business of a financial institution
Form FIT-QP	Financial institution tax quarterly return
Form IT-20S	S Corporation return
Form URT	Income tax return for the utility receipts tax
Form URT-Q	Utility receipts tax quarterly return
Form IT-20X	Amended Indiana corporation income tax return
Schedule IT-2220	Underpayment of estimated adjusted gross income tax by corporations
Schedule IT-20NOL	Corporate income tax net operating loss computation
IT-20 Schedule	
Unitary 1	Combined profit and loss statement of Indiana unitary group
IT-20 Schedule	
Unitary 2	Converting net income to combined business income of Indiana unitary group

#### **III. PARTNERSHIPS, TRUST AND ESTATE RETURNS**

Form IT-65	Partnership return
Form IT-41	Fiduciary return

#### **IV. NOT-FOR-PROFIT ORGANIZATION RETURNS**

Form IT-20NP	Not-for-profit organization unrelated business income tax return
Form NFP-20A	Application to file as a not-for-profit organization
Form NFP-20	Not-for-profit organization's annual report

#### **V. MISCELLANEOUS FORMS FOR USE BY MOST TAXPAYERS**

Form POA-1	Power of attorney
Form CC-40	Indiana college credit
Schedule IT-20REC	Indiana credit for increased research activity
Form IDA-10/20	Individual development account tax credit application
Form NC10/20	Neighborhood assistance credit application
Schedule TSE	Claim for credit by employers of eligible teachers during summer recess
Schedule EZ 1, 2, 3	Enterprise zone employment expense tax credit
Schedule LIC	Enterprise zone loan interest tax credit

## VI. WITHHOLDING TAX FORMS

Form WH-1	Employers' withholding tax return
Form WH-3	Annual reconciliation of employers withholding tax returns (Form WH-1) with amounts shown on withholding forms (Form W-2)
Form WH-4	Employee's withholding exemption and county residence certificate
Form WH-5	Indiana Earned Income Credit Advance Payment Certificate
Form WH-4852	Indiana substitute for (W-2) or Form 1099-R
Form WH-47	Certificate of residence for out of state employees

Kenneth L. Miller  
Commissioner

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### DEPARTMENT OF STATE REVENUE INFORMATION BULLETIN #43 INCOME TAX JANUARY 2003

(Replaces Bulletin #43 dated April 1995)

**DISCLAIMER:** Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on the Department or the taxpayer. Therefore, information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Insulation Deduction

**REFERENCE:** IC 6-3-2-5

#### INTRODUCTION

A taxpayer is entitled to an Indiana income tax deduction on the materials and labor used to install insulation in a taxpayer's principal place of residence in Indiana. This bulletin discusses the requirements to qualify for this deduction.

#### I. Insulation Defined

Insulation is any material commonly used in the building industry for the sole purpose of controlling the passage of heat energy into or out of a building. This deduction includes the following forms of insulation: material made from fiberglass, rock wool, cellulose, Styrofoam, urea-based foam urethane, vermiculite, perlite, polystyrene, reflective insulation, extruded polystyrene foam, blown-in insulation, rolled insulation, sheet Styrofoam insulation, and wrap insulation. Other materials which qualify for this deduction include weather stripping, storm windows, storm doors, thermal pane windows, and caulking. The following materials do not qualify for the insulation deduction: automatic setback thermostats, flue opening modifications, mechanical furnace ignition systems, solar energy equipment (such as collectors, rock beds, and heat exchangers), wind energy equipment (such as windmills), geothermal energy equipment, furnace replacement burners, meters, wood burning stoves, sky lights, heat pumps, and temporary plastic window coverings.

Also note that materials which are primarily structural or decorative do not qualify for this deduction, even though these materials may have been designed, in part, to achieve an insulating effect. Such materials include carpeting, drapes, fluorescent replacement lighting systems, swimming pools used to store energy, or residential siding.

#### II. Requirements Regarding Installation Of Insulation

Insulation must be installed through one of the following applications to qualify for this deduction:

- 1. Ceiling insulation.** Ceiling insulation is insulation installed within the enclosed walls of a principal residence or insulation installed between unheated attic space and the top level of a principal residence.
- 2. Wall insulation.** Wall insulation is insulation installed in the surface of an exterior wall or in the cavity of an exterior wall.
- 3. Floor insulation.** Floor insulation is insulation installed between the first level heating space of a residence and the unheated space beneath it. This space includes a crawl space or a basement.
- 4. Roof insulation.** Roof insulation is insulation installed on the surface of the roof facing the residential interior.
- 5. Hot bare pipe insulation.** Hot bare pipe insulation is insulation installed around the exterior of pipes.
- 6. Exterior insulation for a hot water heater.** Exterior insulation for a hot water heater is insulation placed around the exterior of a hot water heater tank.

#### III. Other Requirements

Insulation or insulation-related materials must also meet the following requirements to qualify for this deduction:

1. The materials must be installed in the taxpayer's principal place of residence in Indiana. If the taxpayer's principal residence is a rental property, the deduction is available only if the costs incurred for insulation are not reimbursed by the landlord.

2. The portion of the residence being insulated must have been built at least three years prior to the taxable year for which the deduction is taken. For example, if a taxpayer claims an insulation deduction in 2002, the portion of the residence where the insulation was installed must have been built before 1999.
3. The materials must be new and not used as a replacement for other material. Materials replacing broken or worn-out materials do not qualify for this deduction.
4. The deduction must be taken for the tax year during which the materials were installed. For example, if the insulation was installed during 2002, the deduction must be taken for the 2002 tax year.
5. The taxpayer must submit invoices with the Indiana tax return which document the cost of labor and materials used in installing the insulation. These invoices must also provide the names and addresses of the persons who performed the labor in installing the insulation. No labor charge is allowed for items installed by the taxpayer at his or her principal place of residence.

**Dollar Limitations**

The insulation deduction is limited to the cost of the insulation (including installation costs) or one thousand dollars (\$1,000), whichever is less. Excess costs may not be carried forward to subsequent tax years.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #51  
SALES TAX  
JANUARY 2003**

(Replaces Bulletin #51 dated October 1983 and Bulletins #51E, 51G and 51W all dated April 1983)

**DISCLAIMER:** Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information, which is not consistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

**SUBJECT:** Public Utilities

**REFERENCES:** IC 6-2.5-4-5; IC 6-2.5-4-6

**INTRODUCTION**

A person engaged as a public utility is a retail merchant making a retail transaction when the person furnishes or sells electrical energy, natural or artificial gas, water, steam or steam heating. The term public utility refers to any organization of any kind or nature furnishing or selling those services listed above, and having the right to eminent domain or subject to governmental regulation in any phase of its operation in furnishing those services.

The act of registering to be regulated by governmental units is not the activity which creates a public utility. It is, rather, the performance of that act which should be regulated by a governmental unit that creates a public utility of its responsibility to collect and remit taxes.

**I. Public Utilities Furnishing Electrical Energy and/or Steam Heat**

All purchases of tangible personal property by electric utilities are subject to sales tax unless the property purchased constitutes "production plant" or "power production" expenses as classified pursuant to the "Uniform System of Accounts" which was adopted and prescribed for the utility by the Indiana Utility Regulatory Commission.

**II. Public Utilities Furnishing Natural or Artificial Gas**

All purchases of tangible personal property by natural or artificial gas utilities are subject to sales tax unless the property purchased constitutes "production plant", "storage plant", "production expenses" and "underground storage expenses" as classified pursuant to the "Uniform System of Accounts" which was adopted and prescribed for the utility by the Indiana Utility Regulatory Commission.

**III. Public Utilities Furnishing Water**

All purchases of tangible personal property by water utilities are subject to sales tax unless the property purchased constitutes "source of supply plant and expenses", "pumping plant and expenses" and "water treatment plant and expenses" as classified pursuant to the "Uniform System of Accounts" which was adopted and prescribed for the utility by the Indiana Utility Regulatory Commission.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #52  
INCOME TAX  
JANUARY 2003**

(Replaces Information Bulletin #52, dated September 2001)

**DISCLAIMER:** Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Withholding Information for Part-Time Employees and Other Miscellaneous Withholding Requirements

**REFERENCE:** IC 6-3-4-15.7

**I. WITHHOLDING OF TAX FROM PART-TIME, TEMPORARY, OR SEASONAL EMPLOYEES**

Withholding agents are required to withhold both State Income Tax and County Tax at the applicable rate stated on the rate schedules, from the income of all employees, including part-time, temporary or seasonal employees. The fact that the employee will not earn in excess of their one thousand dollar (\$1,000) exemption has no bearing on the withholding by the withholding agent. The Internal Revenue Service, which allows an employee to waive withholding for federal tax purposes when the income is not expected to exceed the federal filing requirements and income allowances, has no bearing on the withholding of taxes from the income of employees for Indiana tax purposes.

**II. WITHHOLDING OF TAX FROM SUPPLEMENTAL UNEMPLOYMENT COMPENSATION BENEFIT INCOME**

Supplemental Unemployment Compensation Benefits paid to an individual are treated as if they were income, to the extent such benefits are includable in the gross income of such individuals, and therefore are subject to withholding by the withholding agent for Indiana tax purposes.

**III. WITHHOLDING OF TAX FROM DISTRIBUTION OF ANNUITY, PENSION, AND RETIREMENT PAYMENTS**

The payor of periodic or nonperiodic distribution under an annuity, pension, retirement, or other deferred compensation plan (as described in Section 3405 of the Internal Revenue Code) that is paid to a resident of Indiana shall, upon receipt from the payee of a written request for state and/or county tax withholding, withhold the requested amount from each payment. The request must be dated and signed by the payee and specify the whole dollar amount to be withheld from each payment. The request must also specify the payee's name, current address, social security number, and the contract, policy, or account number to which the request applies. The request shall remain in effect until the payor receives in writing from the payee a change in or revocation of the request. The payor is not required to withhold state income tax from a payment if the amount to be withheld is less than ten dollars (\$10) or if the amount to be withheld would reduce the affected payment to less than ten dollars (\$10).

**IV. WITHHOLDING OF TAX FROM AGRICULTURAL EMPLOYEES**

Most compensation earned through agricultural labor is subject to income tax withholding if the compensation is subject to FICA withholding. However, the compensation for services performed in connection with forestry, lumbering, or landscaping is statutorily excluded from wages, and therefore no withholding is required.

**V. WITHHOLDING OF TAX FROM CASUAL EMPLOYEES**

Withholding agents are not required to withhold Indiana state income taxes from payments made to ordained ministers, casual laborers, such as periodic yard workers, and in some cases household employees. Although these types of income do not require withholding, the Internal Revenue Code provides for voluntary withholding. If the payee makes a request for voluntary withholding of Federal Income Tax, the payor is required to withhold. Once this voluntary agreement is entered into, the payor must withhold the Indiana state and county income taxes.

**VI. WITHHOLDING OF TAX FROM HOUSEHOLD EMPLOYEES**

A person is defined as a household employee if the person does household work and you control what will be done and how it will be done. If you pay wages to a household worker who is your employee, you may have needed to withhold state and county income taxes. The withholding can be reported on the IT-40 Individual Income Tax Return.

**VII. INFORMATION RETURN FILING REQUIREMENTS**

Information returns that indicate the withholding of Indiana Adjusted Gross or County Income Taxes must be submitted with Indiana Form WH-3. Forms W-2, W-2G, 1099-R, and WH-18 satisfy this requirement.

Information returns that do not report withholding of Adjusted Gross or County Income Taxes should not be submitted to the Department. Forms 1099-B, 1099-DIV, 1099-INT, 1099-MISC, and 1099-S are in this category. These returns must be maintained by the taxpayer for the statutory time period, and made available to the Department upon request.

Questions relating to information contained in this Bulletin should be directed to:

Indiana Department of Revenue  
Compliance Division  
Indiana Government Center North  
Indianapolis, IN 46204-2253

Kenneth L. Miller  
Commissioner

**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #59  
INCOME TAX  
JANUARY 2003**

(Replaces Information Bulletin # 59 dated September 1997)

**DISCLAIMER:** Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on the Department or the taxpayer. Therefore, information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Application of Tax Credits Available to Taxpayers

**REFERENCES:** IC 6-3-3; IC 6-3.1

**INTRODUCTION:**

There are numerous Indiana tax credits available for individual, fiduciary, partnership and corporate taxpayers. The credits should be claimed when the annual income tax return is filed. In the case of partnerships, S Corporations and limited liability companies, some credits are allocated to the partners, shareholders, or members of the entity.

**I. REFUND OF CREDITS CLAIMED**

Credits are divided into three categories: 1) nonrefundable; 2) non-refundable with carryover allowances; and 3) refundable. Nonrefundable credits are those credits which may be used to reduce a current year tax liability, but are limited to the total amount of tax due. Nonrefundable credits with carryover allowances are those credits which are used to reduce a tax liability, and allow any amount in excess of the liability to be used against a subsequent year's liability. Refundable credits are those credits that provide for the amount in excess of the claimant's tax liability to be refunded to the taxpayer.

**II. CREDITS AVAILABLE TO TAXPAYERS**

The following table lists the credits available to taxpayers. The credits should be applied against the tax due in the order listed with all nonrefundable credits used first, nonrefundable credits with carryover allowances used second, and refundable credits used last. The type of tax to which the credit may be applied is listed, and if the credit can be applied against more than one tax type, then the additional tax types are listed in the order to be applied. Claims for credits administered by agencies other than the Department should be supported by a separate calculation and certification from the appropriate agency of the amounts eligible for credit.

**SEE BOTTOM OF CHART FOR EXPLANATION OF TERMS**

<b>CREDIT</b>	<b>TAX</b>	<b>CREDIT LIMITATIONS</b>
<b>Non Refundable Credits</b>		
Taxes paid to other states IC 6-3-3-3 *	AGIT	Amount of state income tax liability
Local taxes paid outside of Indiana IC 6-3.5-1.1-6 & IC 6-3.5-6-23	CAGIT *COIT	
Charitable contributions to higher education institutions IC 6-3-3-5	AGIT	50% of contribution up to \$100 for single, \$200 for joint return, or 10% of corporation adjusted gross income tax liability up to \$1,000 per entity
County credit for elderly or permanently disable IC 6-3.5-1.1-7, IC 6-3.5-6-24 IC 6-3.5-7-9*	CAGIT COIT CEDIT	Based on Federal Schedule R
Twenty-first century scholars program support fund IC 6-3-3-5.1	AGIT	Same limits as college contributions credit
Teacher summer employment credit IC 6-3.1-2 Board of Education	AGIT FIT	Lesser of \$2,500 or 50% of wages paid, maximum amount of credit for all taxpayers is \$500,000 per fiscal year.



Prison investment credit IC 6-3.1-6# Dep't of Correction	AGIT	50% of qualified investment plus 25% of wages paid.
Neighborhood assistance credit IC 6-3.1-9 # Dep't of Commerce	AGIT FIT	Lesser of 50% of investment or or \$25,000. Maximum for all taxpayers, \$2,500,000 per year.
Individual development account IC 6-3.1-18 #	AGIT FIT	50% of contributed amount if contribution is less than \$50,000. Total statewide impact is \$200,000 per year.
Use tax credit IC 6-2.5-3-5	SALES	Limited up to 6% credit for qualified property purchased out of state
<b>Nonrefundable credits with carry forward</b>		
Community revitalization enhancement district IC 6-3.1-19 # Dep't of Commerce	AGIT FIT INSUR CAGIT COIT CEDIT	25% of the qualified investment
Enterprise zone employer Expense credit IC 6-3-3-10 # Ten-year carry forward Three year carry back	AGIT FIT INSUR	Lesser of 10% of increased expenditures, or \$1,500 per employee
Research expense credit IC 6-3.1-4 # Fifteen year carry forward	AGIT	10% of the Indiana qualified research expense without apportionment.
Enterprise zone loan interest credit IC 6-3.1-7 # Ten-year carry forward	AGIT FIT INSUR	5% of interest received from a qualified loan.
Enterprise zone investment cost credit IC 6-3.1-10 # Dep't of Commerce Indefinite carry forward	AGIT	Maximum 30% of investment depending on number of employees, type of business and amount of investment.
Industrial recovery tax credit IC 6-3.1-11 # Enterprise Zone Board Indefinite carry forward	AGIT INSUR FIT	Maximum of 25% of the cost of investment depending on the age of the facility.
Military base recovery credit IC 6-3.1-11.5 # Enterprise Zone Board Indefinite carry forward	AGIT INSUR FIT	Same parameters as the industrial recovery tax credit.

## Nonrule Policy Documents

Capital Investment Tax Credit IC 6-3.1-13.5 # Department of Commerce 3 year carry forward	AGIT INSUR FIT	Credit is equal to 14% of the qualified investment. To qualify for the credit, the employee's average wages must exceed the county average wage.												
Maternity home tax credit IC 6-3.1-14 St. Board of Health Indefinite carry forward	AGIT	Lesser of \$200 per pregnant woman, or \$3,000 per home. Maximum total credit allowable of \$500,000 per state fiscal year.												
Historic rehabilitation tax credit IC 6-3.1-16 # Natural Resources Dep't Fifteen year carry forward	AGIT	20% of qualified expenditures. Maximum total credits allowable of \$450,000 per state fiscal year												
Riverboat building credit IC 6-3.1-17 Dep't of Commerce Indefinite carry forward	AGIT INSUR FIT SALES	15% of the qualified investment Maximum total credits allowable of \$1,000,000 per state fiscal year												
Community Revitalization Enhancement District Tax Credit IC 6-3.1-19 Department of Commerce Indefinite carry forward	AGIT CAGIT COIT CEDIT INSUR FIT	Credit is equal to 25% of the qualified investment made by the taxpayer during the taxable year.												
Residential Historic Rehabilitation Credit IC 6-3.1-22 Natural Resources Dep't Fifteen year carry forward	AGIT	Credit is equal to 20% of qualified expenditure that the preservation or rehabilitation of historic property. The total amount of all credits allowed may not exceed \$250,000 per fiscal year.												
Rerefined Lubrication Oil Facility Credit IC 6-3.1-22.2# Department of Commerce Two year carry forward	AGIT INSUR FIT SALES	The credit is the percentage of credit listed below multiplied by the amount of property taxes paid. <table><tr><td><u>Year</u></td><td><u>Percentage</u></td></tr><tr><td>2001</td><td>100%</td></tr><tr><td>2002</td><td>80%</td></tr><tr><td>2003</td><td>60%</td></tr><tr><td>2004</td><td>40%</td></tr><tr><td>2005</td><td>20%</td></tr></table>	<u>Year</u>	<u>Percentage</u>	2001	100%	2002	80%	2003	60%	2004	40%	2005	20%
<u>Year</u>	<u>Percentage</u>													
2001	100%													
2002	80%													
2003	60%													
2004	40%													
2005	20%													
Voluntary Remediation Tax Credit IC 6-3.1-23# Dep't of Environmental Management Indiana Development Finance Authority Five year carry forward	AGIT INSUR FIT SALES	The credit is the lesser of \$100,000 or 10% of the qualified investment. The total amount of credits allowed in a fiscal year may not exceed \$1,000,000.												

Indiana Comprehensive Health Insurance Assn. IC 27-8-10-2.1(n)(1) Unlimited carry forward Department of Insurance	INSUR AGIT	An insurance company may claim a credit against its tax liabilities for the assessment(s) paid to the association during the calendar year.
Guaranty Association Credit IC 27-6-8-15 & IC 27-8-8-16 Unlimited carry forward Department of Insurance	INSUR AGIT	The tax credit may not exceed 20% of the assessment paid to the association in the preceding calendar year.
<b>Refundable Credits</b> Taxes withheld from wages IC 6-3-3-1 *	AGIT	Total withholding from wages
Unified credit for the elderly IC 6-3-3-9 *	AGIT	Minimum of \$40, maximum of \$140 depending on income and Marital status.
Credit for estimated tax paid IC 6-3-4-4	AGIT FIT	Taxpayer eligible for credit for estimated taxes paid.
Economic development for Growing economy tax credit IC 6-3.1-13 # Dep't of Commerce	AGIT INSUR FIT	Amount of withholding tax remitted by employer for qualified new employees, and retention of current employees. The maximum aggregate amount of job retention credits is limited to \$5,000,000 per year in FY 2004 and FY 2005.
Income Tax Credit for Property Taxes Paid on Homesteads in Lake County IC 6-3.1-20*	AGIT	Credit for property tax as paid if the individual's earned income is less than \$18,600 per year. The credit is limited to the lesser of \$300 or the amount of property taxes paid.
Earned income tax credit IC 6-3.1-21 *	AGIT	6% of the federal earned income tax credit amount.
* = Applies to individuals only # = Applies to pass through entities AGIT = Adjusted gross income tax CAGIT – County adjusted gross income tax COIT – County option income tax CEDIT – County economic development income tax INSUR = Insurance premium tax FIT = Financial institutions tax SALES = Sales tax		
Agencies administering the various tax credits in cooperation with the Department of Revenue can be contacted at the following addresses.		
Teacher Summer Employment Credit		Indiana Dep't of Education Room 229 State House Indianapolis, IN 46204
Prison Investment Credit		Indiana Dep't of Correction Office of the Commissioner Indiana Gov't Center South Room E334 Indianapolis, IN 46204

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## Nonrule Policy Documents

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Neighborhood Assistance Credit	Indiana Dep't of Commerce Community Development Div. One North Capitol, Suite 700 Indianapolis, IN 46204
Enterprise Zone Investment Cost Credit	Indiana Dep't of Commerce One North Capitol, Suite 700 Indianapolis, IN 46204
Maternity Home Tax Credit	Indiana State Dep't of Health 2 N. Meridian St. 3 <sup>rd</sup> Floor Indianapolis, IN 46204
Historic Rehabilitation Tax Credit Residential Historic Rehabilitation Tax Credit	Dep't of Natural Resources Historic Preservation and Archaeology Division Indiana Gov't Center South Room W-274 Indianapolis, IN 46204
Riverboat Building Tax Credit	Indiana Dep't of Commerce One North Capitol, Suite 700 Indianapolis, IN 46204
Economic Development for a Growing Economy Tax Credit Community Revitalization Enhancement District Tax Credit Rerefined Lubrication Oil Facility Tax Credit	Indiana Dep't of Commerce One North Capitol, Suite 700 Indianapolis, IN 46204
Voluntary Remediation Tax Credit	Indiana Dep't of Environmental Management Indiana Gov't Center North Room N1101 Indianapolis, IN 46204 and Indiana Development Finance Authority One North Capitol, Suite 320 Indianapolis, IN 46204

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #64  
INCOME TAX  
JANUARY 2003**

(Replaces Bulletin #64 dated January 1995)

**DISCLAIMER:** Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on the Department or the taxpayer. Therefore, information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Interest Rates on Assessments of Delinquent Taxes and Refunds for Overpayment of Taxes for Listed Taxes under IC 6-8.1-1-1

**REFERENCE:** IC 6-8.1-10-1

**I. Assessments**

If a taxpayer fails to file a return, fails to pay the full amount of tax, or files a late return with tax due, the taxpayer is subject to interest (and possibly penalty) on any outstanding balance of tax due after the due date of the return under IC 6-8.1-10-1. The interest on nonpayment of tax accrues at the rate established by the Commissioner from the due date until the date on which full payment of the tax is received.

**II. Refunds**

A taxpayer that pays more than is legally due may file a claim for refund for which interest is calculated as accrued on the overpayment based on the established annual rate. The interest will be applied to any refund after all required refund offsets are made for taxes currently due. Interest will not be added to a refund made within ninety (90) days after the date due, the date on which the tax was paid, or the date on which a refund claim is filed, whichever is later. Interest accrues on refunds until the date the refund is paid, but the accrual of interest or the suspension of accrual cannot precede the payment by more than thirty (30) days.

**III. Adjusted Interest Rate Established by the Commissioner**

The Commissioner of the Department of Revenue establishes the rate of interest to be paid or charged on or before November 1 of each year. The interest rate is effective for the following calendar year. For a tax overpayment, the rate of interest will be the average investment yield on state money during the state's previous fiscal year, excluding pension fund investments, as published in the Auditor of State's Comprehensive Annual Financial Report, rounded to the nearest whole percentage point. For a tax underpayment, the rate of interest will be the rate established for an overpayment plus two percent (2%).

For more information concerning current and past interest rates, please see Departmental Notice #3, available on the Department's web site at [www.in.gov/dor/publications/](http://www.in.gov/dor/publications/).

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #66  
INCOME TAX  
JANUARY 2003**

(Replaces Information Bulletin #66, dated November 2000)

**DISCLAIMER:** Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Enterprise Zones

**REFERENCES:** IC 6-2.1-3-32; IC 6-3-2-7; IC 6-3-3-10; IC 6-3.1-7; IC 6-3.1-10

**INTRODUCTION**

An enterprise zone is an area within a city where there is a significant amount of unemployment, and several business facilities that are not being used to their maximum. An enterprise zone created is in effect for ten years with the potential for two five year renewals. There are currently twenty-nine areas that have been designated as enterprise zones. There are five state tax incentives and one local property tax incentive to encourage businesses to locate in a zone.

The state income tax incentives that are available include: the employee tax deduction; the employment expense credit; the loan interest credit; and the investment cost credit.

**I. EMPLOYEE INCOME TAX DEDUCTION (IC 6-3-2-8)**

There is an income tax deduction for qualified employees of an enterprise zone business. The qualified employee is an individual who is employed by a taxpayer where the employee's principal place of residence is in the enterprise zone where the employee is employed. The employee must perform services for the employer, ninety percent (90%) of which are directly related to the conduct of the taxpayer's business that is located in the enterprise zone. The employee must perform fifty percent (50%) of the employee's service for the taxpayer during the taxable year in the enterprise zone. Qualified employees include employees of a financial institution, insurance company, and an international banking facility. Also included are employees of a non profit entity, the state, a political subdivision, or the United States Government.

The qualified employee is entitled to a deduction from his adjusted gross income equal to the lesser of;

1. one-half (1/2) of his adjusted gross income for the taxable year that he earns as a qualified employee; or
2. seven thousand five hundred dollars (\$7,500).

**II. EMPLOYMENT EXPENSE CREDIT (IC 6-3-3-10)**

There is an income tax credit for employers that hire qualified employees. A qualified employee is one who lives in the enterprise zone, works fifty percent (50%) of his time in the enterprise zone, and performs services for the taxpayer, ninety percent (90%) of which are directly related to the conduct of the taxpayer's trade or business that is located in the enterprise zone.

The credit is the lesser of ten percent (10%) multiplied by the qualified increased employment expenditures of the taxpayer for the taxable year; or one thousand five hundred dollars (\$1,500) multiplied by the number of qualified employees employed by the taxpayer during the taxable year.

The tax credit can be carried forward for ten years or carried back for three years. Pass through entities' partners or shareholders are eligible for the credit in the same proportion as the distributive income to which the shareholder or partner is entitled.

**III. LOAN INTEREST CREDIT (IC 6-3.1-7)**

Any entity that makes a loan to an entity that uses the loan proceeds for:

- (1) a purpose that is directly related to a business located in an enterprise zone;
- (2) an improvement that increases the assessed value of real property located in an enterprise zone;
- (3) rehabilitation, repair, or improvement of a residence.

A taxpayer is entitled to a credit against the adjusted gross income tax, the financial institution tax, or the insurance premium tax for a taxable year if he receives interest on a qualified loan in that taxable year. The amount of the credit to which the taxpayer is entitled is five percent (5%) multiplied by the amount of interest received by the taxpayer during the taxable year from the qualified loans. The credit can be carried forward for ten (10) years.

**IV. ENTERPRISE ZONE INVESTMENT COST CREDIT (IC 6-3.1-10)**

A taxpayer may purchase a qualified investment which means the purchase of an ownership interest in a business located in an enterprise zone if the purchase is approved by the department of commerce.

The amount of the credit to which a taxpayer is entitled is the percentage determined by the department of commerce multiplied by the price of the qualified investment made by the taxpayer in the taxable year.

If the department of commerce finds that a purchase is a qualified investment, the department shall certify the percentage credit based upon the following:

- (1) A percentage credit of ten percent (10%) may be allowed based upon the need of the business for equity financing, as demonstrated by the inability of the business to obtain debt financing.
- (2) A percentage credit of two percent (2%) may be allowed for business operations in the retail, professional, or warehouse/distribution codes of the NAICS Manual.
- (3) A percentage credit of five percent (5%) may be allowed for business operations in the manufacturing codes of the NAICS Manual.
- (4) A percentage credit of five percent (5%) may be allowed for high technology business operations.
- (5) A percentage credit may be allowed for jobs created during the twelve (12) month period following the purchase of an ownership interest in the zone business, as determined under the following table:

JOBS CREATED	PERCENTAGE
Less than 11 jobs	1%
11 to 25 jobs	2%
26 to 40 jobs	3%
41 to 75 jobs	4%
More than 75 jobs	5%

- (6) A percentage credit of five percent (5%) may be allowed if fifty percent (50%) or more of the jobs created in the twelve (12) month period following the purchase of an ownership interest in the zone business will be reserved for zone residents.
- (7) A percentage credit may be allowed for investments made in real or depreciable personal property, as determined under the following table:

AMOUNT OF INVESTMENT	PERCENTAGE
Less than \$25,001	1%
\$25,001 to \$50,000	2%
\$50,001 to \$100,000	3%
\$100,001 to \$200,000	4%
More than \$200,000	5%

The total percentage credit may not exceed thirty percent (30%). The credit can be carried forward from one taxable year to the next; however there is no carry back or refund of any unused credit.

Enterprise zone income tax questions: Other questions:

Indiana Department of Revenue  
Tax Policy Division  
100 N. Senate, Room N248  
Indianapolis, IN 46204  
(317) 232-7282

Indiana Department of Commerce  
Enterprise Zone Program  
One North Capitol, Suite 700  
Indianapolis, IN 46204  
(317) 232-8911

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #67  
SALES TAX  
JANUARY 2003**

(Replaces Bulletin #67 dated July 1995)

**DISCLAIMER:** Informational bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

**SUBJECT:** Professional Racing Team Engines and Chassis

**REFERENCES:** IC 6-2.5-5-37

**INTRODUCTION:**

Transactions involving the purchase, lease or operation of engines or chassis by professional racing teams in Indiana are exempt from Indiana sales and use tax. This includes replacement and rebuilding parts or components for the engines and chassis, but excludes tires and accessories.

**DEFINITIONS:**

For purposes of IC 6-2.5-5-37:

**Professional Racing Teams** are those racing operations qualified to file under the Internal Revenue Code as a for-profit business. To qualify as a trade or business under IRS regulations a taxpayer must be involved in the activity with continuity and regularity, and the taxpayer's primary purpose for engaging in the activity must be for income or profit. A sporadic activity, a hobby, or an amusement diversion does not qualify.

**Engines** are engines of vehicles intended for use in competition by the professional racing teams which purchase, lease, or operate the engines.

**Chassis** are chassis of vehicles intended for use in competition by the professional racing teams which purchase, lease, or operate the chassis. For purposes of this exemption, chassis does not include tires or accessories.

**Tires** are tires of vehicles intended for use in competition by the professional racing teams which purchase, lease, or operate the tires. Tires include tubes and exclude wheels.

**Accessories** includes instrumentation, telemetry, consumables and paint.

Chassis, engines, and their components combined are a complete racing vehicle minus the tires and accessories. Therefore, a racing vehicle purchased by a professional racing team is exempt from Indiana sales and use except for the tires and accessories. Tires and accessories purchased by professional racing teams for any purpose are subject to Indiana sales and use tax.

**Operation of Exemption**

All professional racing teams wishing to purchase items exempt pursuant to this exemption must register as a retail merchant with the Department. The professional racing team must present the merchant with a valid exemption certificate (ST-105) in order to relieve the merchant from its responsibility to collect sales tax on the transaction.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #70  
INCOME TAX  
JANUARY 2003**

(Replaces Information Bulletin #70, dated November 2000)

**DISCLAIMER:** Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulation, or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Disability Income Deduction

**REFERENCE:** IC 6-3-2-9

**INTRODUCTION**

There is a deduction from adjusted gross income for persons retired on disability who are permanently and totally disabled.

**I. QUALIFICATIONS**

To qualify for the deduction, an individual must meet all of the following qualifications:

- (1) must be retired on disability before the end of the taxable year; and
- (2) must be permanently and totally disabled at the time of retirement.

**II. PERMANENTLY AND TOTALLY DISABLED**

An individual is permanently and totally disabled if the individual is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continued period of not less than twelve (12) months.

**III. PROOF OF DISABILITY**

For the purposes of IC 6-3-2-9(c), a person may furnish proof of permanent and total disability by including any of the following documents with the person's adjusted gross income tax return. Failure to provide proof of disability will result in disallowing the deduction. The following documents are acceptable to the Department to determine that a person is permanently and totally disabled:

- (1) A properly executed Schedule IT-2440;
- (2) A copy of a properly executed Physician's Statement (contained in Schedule R of the Internal Revenue Service Form 1040);
- (3) A copy of any properly executed document, utilized by any agency of the United States or the State of Indiana, which requires at least the same information as the Physician's Statement of Permanent and Total Disability contained in the IT-2440; or
- (4) A properly executed document or documents showing that the person received federal supplemental security income (SSI) during the tax year.

**IV. COMPUTATION OF DISABILITY DEDUCTION**

**STEP 1:** Determine the amount received by the individual during the taxable year through an accident and health plan for personal injury or sickness to the extent that:

- (A) these amounts are attributable to contributions by the individual's employer that were not includable in the individual's gross income or are paid by the employer; and
- (B) these amounts constitute wages or payments in lieu of wages for a period during which the employee is absent from work because of permanent and total disability.

**STEP 2:** Determine for each week of the taxable year the amount by which each payment referred to in STEP 1 exceeds one hundred dollars (\$100), then add these amounts.

**STEP 3:** Determine the amount by which the individual's federal adjusted gross income for the taxable year, as defined by Section 62 of the Internal Revenue Code, exceeds fifteen thousand dollars (\$15,000).

**STEP 4:** Subtract the amount determined in STEP 1 from the total amount determined in STEP 2 and STEP 3.

The remainder is the individual's allowable disability income deduction. This amount should be inserted in the section for Indiana modifications to adjusted gross income on Form IT-40.

Any questions concerning the disability income deduction may be directed to the Individual Income Tax Section of the Compliance Division.

Kenneth L. Miller  
Commissioner



**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #78  
INCOME TAX  
JANUARY 2003**

(Replaces Bulletin #78 dated September 1987)

**DISCLAIMER:** Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information, which is not consistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

**SUBJECT:** Foreign Source Dividend Deduction

**REFERENCE:** IC 6-3-2-12

A deduction is provided for foreign source dividends in the computation of Indiana Adjusted Gross Income.

**DEFINITIONS:**

“Foreign source dividend” is a dividend from a foreign corporation, which also includes any amount that a taxpayer is required to include in its gross income under Section 951 of the Internal Revenue Code (Sub-part F – Controlled Foreign Corporations) but does not include any amount that is treated as a dividend under Section 78 of the Internal Revenue Code (gross-up).

“Foreign Corporation” is defined under IRC Section 7701(a)(5) as any corporation formed outside the United States.

**Computation of deduction:**

The amount of deduction is determined by the percentage of voting stock owned, by the taxpayer, in the foreign corporation computed as follows:

1. The deduction is 100% of the foreign source dividends included in **adjusted** gross income if the taxpayer owns at least 80% of the total combined voting power of all classes of stock of the foreign corporation from which the dividend is derived.
2. The deduction is 85% of the foreign source dividends included in **adjusted** gross income if the taxpayer owns at least 50% but less than 80% of the total combined voting power of all classes of stock of the foreign corporation from which the dividend is derived.
3. The deduction is 50% of the foreign source dividends included in **adjusted** gross income if the taxpayer owns less than 50% of the total combined voting power of all classes of stock of the foreign corporation from which the dividend is derived.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #87  
INCOME TAX  
JANUARY 2003**

(Replaces Information Bulletin #87 dated August 1997)

**DISCLAIMER:** Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide the information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, rules or court decisions is not binding on either the department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

**SUBJECT:** Historic Building Rehabilitation Tax Credit

**REFERENCE:** IC 6-3.1-16

**INTRODUCTION**

There is an income tax credit available for the rehabilitation of historic property. The credit can be applied against the adjusted gross income tax.

**Qualified Taxpayers**

The entities that can qualify for the credit include an individual, a corporation, an S corporation, a partnership, a limited liability company, a limited liability partnership, a nonprofit organization, or a joint venture. If a pass through entity is entitled to a credit but does not have state tax liability against which the credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a credit equal to the tax credit determined for the pass through entity for the taxable year multiplied by the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

**Qualified Expenditures**

Qualified expenditures mean expenditures for preservation or rehabilitation that are chargeable to a capital account. The term does not include costs that are incurred to do any of the following:

1. Acquire a property or an interest in a property.
2. Pay taxes due on a property.
3. Enlarge an existing structure.
4. Pay realtor's fees associated with a structure or property.
5. Pay paving and landscaping costs.
6. Pay sales and marketing costs.

**Qualification for the Tax Credit**

A taxpayer qualifies for the credit if all the following conditions are met.

1. The historic property is located in Indiana, at least fifty (50) years old, and owned by the taxpayer.
2. The division of historic preservation and archaeology of the Department of Natural Resources certifies that the historic property is listed in the register of Indiana historic sites and historic structures.
3. The division certifies that the taxpayer submitted a proposed preservation or renovation plan to the division that complies with the standards of the division.
4. The division certifies that the preservation or rehabilitation work substantially complies with the proposed plan mentioned above.
5. The preservation or rehabilitation work is completed in not more than two (2) years, or within five (5) years if the preservation or rehabilitation plan indicated that the preservation or rehabilitation is initially planned for completion in phases.
6. The historic property is actively used in a trade or business, held for the production of income, or held for the rental or other use in the ordinary course of the taxpayer's trade or business.

**Limitation of the Tax Credit**

The qualified expenditures for the preservation or rehabilitation of the property must exceed ten thousand dollars (\$10,000). The tax credit is equal to twenty percent (20%) of the qualified expenditure that the taxpayer makes for the preservation or rehabilitation of the property. The total amount of all credits for all taxpayers for a fiscal year is limited to four hundred fifty thousand dollars (\$450,000).

**Procedure to Claim the Credit**

The taxpayer shall claim the credit on the taxpayer's annual state income tax return. The taxpayer shall submit to the Department the certification approved by the Division of Historic Preservation and Archaeology within the Department of Natural Resources.

If the taxpayer's credit exceeds the liability for the taxable year for which the credit is first claimed, the excess may be carried over to succeeding taxable years, and used as a credit in those taxable years. The credit may be carried forward and applied to succeeding taxable years for fifteen (15) taxable years. A taxpayer is not entitled to a carry back or refund of any unused credit.

**Recapture of Credit Claimed**

The historic building rehabilitation tax credit shall be recaptured from the taxpayer if:

1. the property is transferred less than five (5) years after completion of the certified preservation or rehabilitation work; or
2. less than five (5) years after the completion of the certified preservation or rehabilitation, additional modifications to the property are undertaken that do not meet the standards of the division.

If the recapture of a credit is required, an amount equal to the credit recaptured shall be added to the tax liability of the taxpayer for the taxable year during which the credit is recaptured.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #87A  
INCOME TAX  
JANUARY 2003**

(Replaces Bulletin #87A dated September 2001)

**DISCLAIMER:** Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on the Department or the taxpayer. Therefore, information provided in

this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

**SUBJECT:** Residential Historic Rehabilitation Credit

**REFERENCE:** IC 6-3.1-22

**INTRODUCTION:**

There is an adjusted gross income tax credit available for the rehabilitation of historic residential property.

**I. QUALIFIED TAXPAYERS**

A qualified taxpayer is an individual filing a single return, or a husband and wife filing a joint return. If the husband and wife file a separate return, they may take the credit in equal shares, or one spouse may take the whole credit.

**II. QUALIFIED EXPENDITURES**

Qualified expenditures means expenditures for preservation or rehabilitation of a structure that enables the structure to be principally used and occupied by the taxpayer as the taxpayer's residence. The term does not include costs that are incurred to do the following:

- Acquire a property or an interest in a property.
- Pay taxes due on a property.
- Enlarge an existing structure.
- Pay realtor's fees associated with a structure or property.
- Pay paving and landscaping costs.
- Pay sales and marketing costs.

**III. QUALIFICATION FOR THE TAX CREDIT**

A taxpayer qualifies for the credit if all the following conditions are met.

1. The historic property is located in Indiana, is at least fifty years old, and is owned by the taxpayer.
2. The division of historic preservation and archeology of the department of natural resources (division) certifies that the historic property is listed in the register of Indiana historic sites and historic structures.
3. The division certifies that the taxpayer submitted a proposed preservation or rehabilitation plan to the division that complies with the standards of the division.
4. The division certifies that the preservation or rehabilitation work that is subject to the credit substantially complies with the proposed plan.
5. The preservation or rehabilitation work is completed in not more than two years, or five years if the preservation or rehabilitation plan indicates that the preservation or rehabilitation is initially planned for completion in phases.
6. The historic property is principally used and occupied by the taxpayer as the taxpayer's residence.

**IV. LIMITATION OF THE TAX CREDIT**

The qualified expenditures for preservation or rehabilitation of the historic property must exceed ten thousand dollars (\$10,000). The tax credit is equal to twenty percent (20%) of the qualified expenditures that the taxpayer makes for the preservation or rehabilitation of the historic property. The total amount of all credits for all taxpayers may not exceed two hundred fifty thousand dollars (\$250,000) in a state fiscal year.

**V. PROCEDURE TO CLAIM THE CREDIT**

The taxpayer shall claim the credit on the taxpayer's annual state income tax return. The taxpayer shall submit to the Department the certifications approved by the division.

If the credit exceeds the taxpayer's state income tax liability for the taxable year for which the credit is first claimed, the excess may be carried over to succeeding taxable years and used as a credit during those taxable years. The credit may be carried forward and applied to succeeding taxable years for fifteen taxable years following the unused credit year. A taxpayer is not entitled to a refund or carry back of any unused credit.

**VI. RECAPTURE OF CREDIT CLAIMED**

The Residential Historic Building Tax Credit shall be recaptured from the taxpayer if the property is transferred less than five years after completion of the certified preservation or rehabilitation work. The credit will also be recaptured if, less than five years after the completion of the certified preservation or rehabilitation, additional modifications to the property are undertaken that do not meet the standards of the division.

If the recapture of a credit is required, an amount equal to the credit recaptured shall be added to the tax liability of the taxpayer for the taxable year during which the credit is recaptured.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #88  
INCOME TAX  
JANUARY 2003**

(Replaces Bulletin #88 dated October 1997)

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**SUBJECT:** Taxation of Nonresident Professional Athletes

**REFERENCES:** IC 6-3-2-2; IC 6-3-2-2.7; IC 6-3-4-1

**INTRODUCTION**

Nonresident professional athletes playing or on contract with a team will apportion their income to Indiana based on duty days performed in Indiana compared to total duty days in a taxable year.

**I. Applicable Teams and Team Players**

The provision for apportioning income of nonresident athletes' income applies to members of a professional baseball, basketball, football, hockey, or soccer team that played games or had services rendered by a team member in Indiana.

The provision applies to employees who are active players, players on a disabled list, and other individuals required to travel with and perform services on behalf of the team on a regular basis. This includes coaches, managers, and trainers.

**II. Income That is Subject to Apportionment**

Income is defined to mean the total compensation received during the taxable year for services rendered from the beginning of the official preseason training through the last game in which the team competes and income received from participation in instructional leagues, an all-star or pro bowl game with a promotional caravan.

The term includes salaries, wages, bonuses, and any other type of compensation paid to a team member for services rendered in that year. The term does not include strike benefits, severance pay, termination pay, contract or option year buyout payments, expansion or relocation benefits, or any other payments not related to services rendered to the team.

Bonuses do not include a signing bonus paid to a person. To qualify as a signing bonus, all the following conditions must be met:

- 1) The payment of the signing bonus is not conditional upon the signer playing any games for the team, performing any subsequent services for the team or making the team.
- 2) The signing bonus is payable separately from the salary and any other compensation.
- 3) The signing bonus is not refundable.

**III. Definition of Duty Days**

"Total duty days" means all days during the taxable year that a team member renders a service for the team, beginning with the team's official preseason training period through the last game in which the team competes or is scheduled to compete. The term includes duty days on which a team member renders a service for the team on a date that does not fall within this period. Duty days include all of the following:

- a) game days, practice days, days spent at team meetings, days spent with a promotional caravan and at preseason training camps, and days served with the team through all postseason games in which the team competes or is scheduled to compete;
- b) days spent conducting training and rehabilitation activities, but only if the service is conducted at the facilities of the team;
- c) travel days that do not involve either a game, practice, team meeting, promotional caravan, or other similar team event;
- d) days spent participating in instructional leagues and all-star or pro bowl games; and
- e) days for which a team member is on the disabled list.

"Indiana duty days" means the number of total duty days spent by a team member within Indiana rendering a service for the team in any manner during the taxable year, except:

- a) travel days spent in Indiana that do not involve either a game, practice, team meeting, promotional caravan, or other similar team event; and
- b) those days spent in Indiana for which a team member is on the disabled list.

**IV. Partial Year Team Member**

Total duty days for an individual joining a team during the season begins on the day the individual joins the team, and, for an individual who leaves a team, ends on the day the individual leaves the team. When an individual changes teams during a taxable year, a separate duty day calculation must be made for the period the individual was with each team. Total duty days do not include days for which a team member is not compensated and is not rendering a service for the team in any manner, including days when the team member has been suspended without pay and prohibited from performing any services for the team.

## V. Calculation of Indiana Income

For purposes of calculating Indiana income, it is the individual's total income during the taxable year multiplied by the following fraction:

- 1) The numerator of the fraction is the individual's Indiana duty days for the taxable year.
- 2) The denominator of the fraction is the individual's total duty days for the taxable year.

**EXAMPLE: A nonresident team member plays one game in Indiana with a practice day before the game, (two (2) Indiana duty days). The total duty days during the year totaled one hundred and fifty (150). The fraction will be two divided by one hundred and fifty or 1.33%. This percentage is then multiplied by the total income to arrive at Indiana income.**

This calculation is presumed to represent an equitable apportionment of the team member's compensation. If the Department or the team member demonstrate this calculation is not an equitable apportionment of the team member's income, then either may use a different formula that provides an equitable apportionment. The team member's alternative method must be thoroughly explained on the individual's tax return and approved by the Department.

## VI. Simplified Reporting for Teams not Located in Indiana

The Department may establish simplified reporting for members of a team, if the team is not based in Indiana. The Department will establish a withholding system that requires the team to withhold adjusted gross income tax for each team member and to remit the withheld taxes to Indiana on an annual basis. The Department may require each team to submit information for each team member regarding total income, Indiana income subject to tax under this section, and the amount of tax withheld. Remittance of the withholding tax and submission of the required information satisfies the team member's tax liability and return filing responsibilities. A team that is required to withhold and remit shall provide all participating team members with a Form W-2 evidencing the amount of tax withheld and remitted to Indiana.

Even though a team is required to withhold and remit, a team member may file an individual income tax return to claim a refund if the amount remitted exceeds the amount otherwise owed using the above described methodology. However, if a team member files an individual income tax return to claim a refund, the team member is required to notify the team member's state of residence of the filing by attaching a copy of the Indiana return to the taxpayer's residence return.

A team member reporting under the simplified method may not use any deduction, exemption, or exclusion to reduce the Indiana adjusted gross income.

**NOTE:** For a team member to participate in the simplified reporting, a team member's compensation from the team must be the only source of income attributable to Indiana.

If a team member leaves the team during the taxable year, the team remains responsible for remitting the appropriate tax.

## VII. Reciprocity Agreements

Reciprocity agreements that are in place with other states will be honored with nonresident team members if they play for a nonresident team or live in a reciprocity state and play for an Indiana team.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE  
INFORMATION BULLETIN #91  
INCOME TAX  
JANUARY 2003**

(Replaces Information Bulletin #91 dated September 2001)

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**SUBJECT:** Rerefined Lubrication Oil Facility Tax Credit

**REFERENCE:** IC 6-3.1-22.2

### INTRODUCTION:

This Bulletin is intended to summarize the tax credit available for property tax paid for an oil rerefining facility.

### I. REREFINED LUBRICATION OIL

Rerefined lubrication oil is base oil manufactured from at least ninety-five percent (95%) used oil, and uses not more than two percent (2%) previously unused oil in a refining process that effectively removes physical and chemical impurities and spent and unspent additives to the extent that the base oil is capable of meeting industry standards for engine oil.

**II. ELIGIBLE ENTITIES AND TAXES FOR WHICH THE CREDIT MAY BE APPLIED AGAINST**

A taxpayer is an individual or entity that has state tax liability, including pass through entities.

The tax credit can be applied against the following taxes:

- State Gross Retail and Use Tax
- Adjusted Gross Income Tax
- Financial Institutions Tax
- Insurance Premiums Tax

**III. QUALIFICATION FOR THE CREDIT**

A person is entitled to a credit against their state tax liability in a taxable year for a percentage of the ad valorem property taxes paid in the taxable year for: real property on which a facility that processes rerefined lubrication oil is located; and personal property used in the processing of rerefined lubrication oil, including personal property used in the transportation of rerefined lubrication oil to and from the processing facility.

**IV. CALCULATION OF THE CREDIT**

The amount of the credit to which a taxpayer is entitled equals the product of:

The amount of ad valorem property taxes paid by the taxpayer in a taxable year; multiplied by the percentage that corresponds to the tax year listed below.

YEAR	PERCENTAGE OF CREDIT
2001	100%
2002	80%
2003	60%
2004	40%
2005	20%

A taxpayer is entitled to a carry-forward of any unused credit for a period not to exceed two years. However, no unused credit may be carried forward to a tax year beginning after December 31, 2007.

The Department of Commerce shall determine if the taxpayer is entitled to the credit.

Kenneth L. Miller  
Commissioner

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**DEPARTMENT OF STATE REVENUE**

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**LETTER OF FINDINGS NUMBERS: 95-0383 and 95-0110  
Corporate Gross Income Tax – Revenue Agent’s Reports  
For Tax Years 1988-1993**

**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.

**ISSUE****I. Corporate Gross Income Tax – Revenue Agent’s Reports**

**Authority:** IC § 6-3-4-6(b); 45 IAC 3.1-1-94

**STATEMENT OF FACTS**

Taxpayer and its wholly owned transportation subsidiary are Indiana corporations filing consolidated returns for gross income tax and adjusted gross income tax purposes. Taxpayer is in the business of producing, packaging, and selling table agricultural products. The subsidiary transports by truck all of taxpayer’s products and materials. Taxpayer owns and operates agricultural facilities in and out of Indiana. Taxpayer’s customers include grocery stores, wholesalers, and processors.

The original audit period covered tax years 1988-1993. At the time, the Internal Revenue Service also was in the process of auditing taxpayer. The federal audit was a lengthy one, which included protests and, ultimately, an agreed upon settlement. Taxpayer’s representative requested that the results of the state audit (completed in 1995) be held in abeyance until the federal audit process, including protests and settlement negotiations, concluded. The Department agreed, the IRS audit eventually settled, and the Department issued proposed assessments of Indiana’s corporate gross income tax. Taxpayer protested the Department’s assessments, arguing that the final numbers on the Revenue Agent’s Reports (RAR’s) more accurately determined taxpayer’s State tax liability.

**I. Corporate Gross Income Tax – Revenue Agent Reports****DISCUSSION**

Taxpayer protests the Department's proposed assessments of Indiana's corporate gross income tax, arguing that since the conclusion of the Internal Revenue Service's audit, which resulted in a negotiated settlement. Taxpayer has, albeit sporadically, kept the Department informed of the progress of the IRS audit; the Federal RAR's have been completed, and taxpayer brought materials to the hearing and sent in additional materials at the Department's request. As of May 2002, taxpayer had not filed its RAR adjustments with the Department pursuant to IC § 6-3-4-6(b) and 45 IAC 3.1-1-94.

Taxpayer has provided sufficient documentation to show that the Department's audit finding should be revisited in light of the federal findings.

**FINDING**

Taxpayer's protest is sustained, subject to audit review.

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**DEPARTMENT OF STATE REVENUE**

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**LETTER OF FINDINGS NUMBER: 97-0621 ST****Sales and Use Tax****For Tax Periods: 1994-1996**

**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 specific issues.

**ISSUE****Sales and Use Tax – Installation Charges**

**Authority:** IC 6-2.5-2-1, IC 6-2.5-4-1, IC 6-2.5-4-1(e), IC 6-2.5-1-2, IC 26-1-2-401(2), IC 6-2.5-1-1, *Cowden & Sons Trucking, Inc. v. Indiana Department of State Revenue*, 575 N.E.2d 718 at 722 (Ind. Tax 1991)

The taxpayer protests the imposition of sales tax on installation charges.

**STATEMENT OF FACTS**

The taxpayer is an Indiana corporation that designs, sells, installs, and maintains satellite systems. They also provide programming. The taxpayer's primary customers are industrial accounts that include apartment complexes and hospitals. After an audit, the Indiana Department of Revenue, hereinafter, referred to as the "department," assessed additional sales and use tax for the tax period 1994-1996. The taxpayer protested a portion of the assessment and a hearing was held on the imposition of the sales tax on installation charges.

**Sales and Use Tax – Installation Charges****DISCUSSION**

Retail transactions made in Indiana are subject to sales tax. IC 6-2.5-2-1. A retail transaction is defined generally as the acquiring and subsequently selling of tangible personal property. IC 6-2.5-4-1. Except for certain enumerated services, sales of services are generally not retail transactions and are not subject to sales tax. There are two instances when an otherwise nontaxable sale of a service is subject to sales tax. The first is when the services are performed with respect to tangible personal property being transferred in a retail transaction and the services take place prior to the transfer of the tangible personal property. IC 6-2.5-4-1(e). The second is when the services are part of a retail unitary transaction. IC 6-2.5-1-2. A unitary transaction is defined as a transaction that includes the transfer of tangible personal property and the provision of services for a single charge pursuant to a single agreement or order. IC 6-2.5-1-1.

Pursuant to the commercial law of Indiana, absent an explicit agreement to the contrary, transfer is presumed to take place upon physical delivery of the property. IC 26-1-2-401(2). The installation in this case takes place after the tangible personal property, the satellite system, has been delivered to the location designated by the purchaser. In the absence of an explicit agreement between the taxpayer and its customers to the contrary, the transfer takes place prior to installation. Since the installation services are performed after the transfer of the satellite systems, the installation charges are not subject to imposition of the sales tax.

The department assessed the sales tax on the taxpayer's installation charges on the theory that the transactions were unitary transactions pursuant to IC 6-2.5-1-1. If the transactions were actually unitary transactions, the entire charge would be subject to tax. However, in *Cowden & Sons Trucking, Inc. v. Indiana Department of State Revenue*, 575 N.E.2d 718 at 722 (Ind. Tax 1991), the court stated that "the legislature intends to tax services rendered in retail unitary transactions only if the transfer of property and the rendition of services is inextricable and indivisible." In *Cowden*, the court looked at the taxpayer's records, the overall nature of the taxpayer's business, and the nature of the unitary transactions themselves to determine whether the unitary transactions were inextricable and indivisible. *Id* at 723.

In this case, the taxpayer provided copies of invoices indicating that the service charges were consistently stated separately. Therefore, they are extricable and divisible from the charges for the sale of the tangible personal property. Pursuant to the finding in *Cowden*, the installation charges are not subject to the imposition of sales tax.

**FINDING**

The taxpayer's protest is sustained.

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**DEPARTMENT OF STATE REVENUE**

02980208.LOF

**LETTER OF FINDINGS NUMBER: 98-0208**

**Adjusted Gross Income Tax  
For Tax Years 1992 through 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.

**ISSUES**

**I. Adjusted Gross Income Tax – Throwback Sales**

**Authority:** Wisconsin Department of Revenue v. William Wrigley, Jr., Co., 505 U.S. 214 (1992); IC 6-3-1-25; IC 6-3-2-2

Taxpayer protests the imposition of income tax on sales to foreign countries.

**II. Adjusted Gross Income Tax – Foreign Source Dividend Expense**

**Authority:** IC 6-3-2-12

Taxpayer protests a fifteen percent (15%) reduction of the foreign dividend deduction expenses attributed to the earning of dividends.

**III. Adjusted Gross Income Tax – Foreign Source Dividend Deduction**

**Authority:** IC 6-3-2-12

Taxpayer protests the add-back of foreign source dividends.

**IV. Tax Administration – Negligence Penalty**

**Authority:** 45 IAC 15-11-2

Taxpayer protests the imposition of a ten percent (10%) negligence penalty.

**STATEMENT OF FACTS**

Taxpayer manufactures and sells pharmaceuticals, medical equipment, and agricultural and industrial chemicals. Taxpayer has operations in the United States and several foreign countries. As the result of an audit conducted for the tax years 1992 to 1994, the Department issued proposed income tax assessments to taxpayer. Taxpayer protests these proposed assessments on several grounds. Further facts will be provided as necessary.

**I. Adjusted Gross Income Tax – Throwback Sales**

**DISCUSSION**

Taxpayer protests the inclusion of throwback sales to foreign countries in income tax assessments. The Department assessed these sales on the grounds that taxpayer was not taxed in those countries, and the income was therefore properly taxable in Indiana. Taxpayer protests that it was taxable, if not actually taxed, in those countries. The Department added the foreign sales back in order to adjust the sales factor of the apportionment formula, as provided in 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).

IC 6-3-1-25 states:

The term "state" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

Taxpayer asserts that it is taxable in the foreign countries of the purchasers with regard to the bulk of the throwback sales. IC 6-3-2-2(n) states:

For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another state if:

(1) in that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or



(2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact the state does or does not.

The United States Supreme Court's decision in Wisconsin Department of Revenue v. William Wrigley, Jr., Co., 505 U.S. 214 (1992), provides guidance for this case. In Wrigley, the Court ruled that the Wrigley chewing gum company was subject to taxation in Wisconsin even though the taxable activity was only 0.00007% (several hundred dollars in absolute terms) of Wrigley's total activity in the state. Wrigley, at 235. The Court also explained:

Accordingly, whether in-state activity other than "solicitation of orders" is sufficiently *de minimis* to avoid loss of the tax immunity conferred by § 381 depends upon whether that activity establishes a nontrivial additional connection with the taxing State.

Wrigley, at 232

Also of relevance is the Court's explanation that Wrigley's activities would not be considered in isolation, but rather were taken together to determine whether or not the activities were *de minimis*. Wrigley, at 235.

Taxpayer has provided documentation establishing that it was involved in non-solicitation activities and/or maintained inventory for the three audit years in: Australia, Belgium, Canada, Denmark, France, Germany, Japan, Mexico, Puerto Rico, Singapore, Taiwan, and the United Kingdom. Taxpayer has provided documentation establishing that it was involved in non-solicitation activities and/or maintained inventory for the audit years 1993 and 1994 in Brazil, Columbia, and Ireland. Taxpayer has provided documentation establishing that it was involved in non-solicitation activities and/or maintained inventory for the audit years 1992 and 1994 in Italy. Taxpayer has provided documentation establishing that it was involved in non-solicitation activities and/or maintained inventory for the audit years 1992 and 1993 in Austria. Taxpayer has provided documentation establishing that it was involved in non-solicitation activities and/or maintained inventory for the audit year 1992 in Spain, Sweden, and Switzerland. Taxpayer has provided documentation establishing that it was involved in non-solicitation activities and/or maintained inventory for the audit year 1993 in Venezuela. Taxpayer has provided documentation establishing that it was involved in non-solicitation activities and/or maintained inventory for the audit year 1994 in Guatemala.

This documentation establishes that taxpayer had nontrivial contacts with those countries in those years, under the test provided in Wrigley. Therefore, taxpayer was doing business in those countries for those years, and so those countries had jurisdiction to tax taxpayer for those years, as provided in IC 6-3-2-2(n). Under IC 6-3-2-2(e)(2)(B), the throwback sales are not assigned to Indiana.

#### **FINDING**

Taxpayer's protest is sustained to the extent that it was taxable in a given country for a given year. Taxpayer's protest is denied to the extent that it was not taxable in a given country for a given year.

### **II. Adjusted Gross Income Tax – Foreign Source Dividend Expense**

#### **DISCUSSION**

In calculating its Indiana tax liabilities, taxpayer, pursuant to IC 6-3-2-12, deducted foreign source dividend income from its Indiana adjusted gross income. The Department, however, disagreed with taxpayer's calculations. Re-calculation by the Department resulted in an increase in taxpayer's Indiana adjusted gross income and tax. Proposed assessments of Indiana adjusted gross income tax followed. The Department added back foreign source dividends.

Taxpayer, in response, directs the Department's attention to the language of IC 6-3-2-12(b), which states:

A corporation that includes any foreign source dividend in its adjusted gross income for a taxable year is entitled to a deduction from that adjusted gross income. The amount of the deduction equals the product of:

the amount of the foreign source dividend included in the corporation's adjusted gross income for the taxable year; multiplied by the percentage prescribed in subsection (c), (d), or (e), as the case may be.

The aforementioned subsections (c), (d), and (e) allow corporate taxpayers to receive a one hundred percent (100%) deduction for foreign source dividends received from corporations in which a taxpayer has an eighty percent (80%) or larger ownership interest; an eighty-five percent (85%) deduction for dividends received from corporations in which a taxpayer has a fifty to seventy-nine percent (50%-79%) percent ownership interest; and a fifty percent (50%) deduction for dividends received from corporations in which a taxpayer has less than a fifty percent (50%) ownership interest. IC 6-3-2-12(c)-(e).

This statutory language is cogent and clear. IC § 6-3-2-12 authorizes pro rata deductions (based on the percentage ownership of the payor by the payee) of certain foreign source dividend income. In this instance, taxpayer has followed the statutory prescriptions in calculating its foreign source dividend deductions.

#### **FINDING**

Taxpayer's protest is sustained.

### **III. Adjusted Gross Income Tax – Foreign Source Dividend Deduction**

#### **DISCUSSION**

In calculating its Indiana tax liabilities, taxpayer, pursuant to IC 6-3-2-12, deducted foreign source dividend income from its Indiana adjusted gross income. The Department, however, disagreed with taxpayer's calculations. Re-calculation by the Department

resulted in an increase in taxpayer's Indiana adjusted gross income and tax. Proposed assessments of Indiana adjusted gross income tax followed. The Department added back foreign source dividends where it did not believe that the companies involved were sufficiently related.

Taxpayer, in response, directs the Department's attention to the language of IC 6-3-2-12(b), which states:

A corporation that includes any foreign source dividend in its adjusted gross income for a taxable year is entitled to a deduction from that adjusted gross income. The amount of the deduction equals the product of:

the amount of the foreign source dividend included in the corporation's adjusted gross income for the taxable year; multiplied by the percentage prescribed in subsection (c), (d), or (e), as the case may be.

The aforementioned subsections (c), (d), and (e) allow corporate taxpayers to receive a one hundred percent (100%) deduction for foreign source dividends received from corporations in which a taxpayer has an eighty percent (80%) or larger ownership interest; an eighty-five percent (85%) deduction for dividends received from corporations in which a taxpayer has a fifty to seventy-nine percent (50%-79%) percent ownership interest; and a fifty percent (50%) deduction for dividends received from corporations in which a taxpayer has less than a fifty percent (50%) ownership interest. IC 6-3-2-12(c)-(e).

The Department added these deductions back to taxpayer's income because the companies did not satisfy the requirements of IC 6-3-2-12(b). Taxpayer has not provided sufficient documentation to rebut the Department's position.

#### **FINDING**

Taxpayer's protest is denied.

#### **IV. Tax Administration – Negligence Penalty**

#### **DISCUSSION**

Taxpayer protests the imposition of a ten percent (10%) negligence penalty. Taxpayer requests that all penalties be waived as it has acted in good faith at all times, and any remaining assessments are not the result of any willful disregard of Indiana's tax laws, or negligence on the part of taxpayer. Negligence is defined by 45 IAC 15-11-2(b), which states:

"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. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

45 IAC 15-11-2(c) states in part:

The department shall waive the negligence penalty imposed under [IC 6-8.1-10-2.1] if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. 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 under this section.

Taxpayer was able to provide sufficient documentation to be sustained for the majority of the throwback sales in Issue I and was sustained on Issue II. While taxpayer was denied on Issue III, this was a new issue for the audit period. Therefore, taxpayer has demonstrated that it was not negligent in filing its returns.

#### **FINDING**

Taxpayer's protest is sustained.

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### **DEPARTMENT OF STATE REVENUE**

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#### **LETTER OF FINDINGS NUMBER: 98-0764**

#### **Sales and Use Tax**

#### **For Tax Periods: 1994-1996**

**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. Tax Administration – Hearing Procedure**

**Authority:** IC 6-8.1-5-1, *Ball v. Indiana Department of Revenue*, 563 N.E. 2d (Ind. 1990)

The taxpayer protests the length of time between the Indiana Department of Revenue's receipt of the protest and the date of the hearing.

## 2. Sales and Use Tax – Crushing Equipment

**Authority:** IC 6-2.5-3-2(a), IC 6-8.1-5-1(b), IC 6-2.5-5-3, 45 IAC 2.2-4-2

The taxpayer protests the assessment of tax on crushing equipment, its attachments, and its repair parts.

## 3. Sales and Use Tax – Transportation of Materials

**Authority:** IC 6-2.5-5-3

The taxpayer protests the assessment of tax on parts used to repair trucks, gasoline, and tires.

## 4. Sales and Use Tax – Equipment Rentals

**Authority:** IC 6-2.5-4-10, IC 6-2.5-2-1

The taxpayer protests the assessment of tax on certain equipment rentals.

## 5. Sales and Use Tax – Sales to Indiana and its Instrumentalities

**Authority:** IC 6-2.5-5-16, IC 6-8.1-5-1(c)

The taxpayer protests the assessment of tax on sales to an instrumentality of Indiana.

## 6. Sales and Use Tax – Credit for Sales Tax Paid to Illinois

**Authority:** IC 6-8.1-5-1(c)

The taxpayer requests a credit for sales tax paid to Illinois.

## 7. Tax Administration – Negligence Penalty

**Authority:** IC 6-8.1-10-2.1, 45 IAC 15-11-2(b)

The taxpayer protests the assessment of the negligence penalty.

### STATEMENT OF FACTS

The taxpayer is an Indiana corporation that operates in demolition, excavating, and related activities. The taxpayer's operations include the following:

- 1) Demolishes buildings and excavates the site.
- 2) Operates a dump site where fees are charged for dumping distress materials.
- 3) Hauls distressed materials to the dump site and charges fees.
- 4) Provides dumpster collection service used in the collection of disposable materials to construction contractors and others where fees are charged.
- 5) Processes distress concrete into usable stone for resale at retail and wholesale.
- 6) Sells scrap steel, sand, clay, and dirt at resale and wholesale.
- 7) Rents equipment.

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 a portion of the assessment and a hearing was held. Further facts will be provided as necessary.

## 1. Tax Administration – Hearing Procedure

### DISCUSSION

The taxpayer protests the length of time between the taxpayer's original protest letter and the actual hearing. The department received the taxpayer's protest to the assessment of tax on November 20, 1998. The protest went through the normal departmental procedures prior to its assignment to this hearing officer on February 5, 2001. On February 28, 2001, the hearing officer scheduled the matter for hearing on April 24, 2001. The taxpayer requested a continuance. The rehearing was rescheduled twice at the taxpayer's request. The hearing was finally held on June 25, 2002.

The taxpayer contends that this lapse of time violated the taxpayer's right to due process and a speedy trial. The taxpayer has failed to cite or explain how criminal proceedings are applicable to a civil hearing.

IC 6-8.1-5-1(c)(1) requires that the department set a hearing on any protest "at the Department's earliest convenient time..." The hearing officer originally set the hearing sixteen days after receipt of the file and then granted two taxpayer requests for continuance before holding the hearing. These actions satisfy the statutory requirement that the department hold the hearing at the department's earliest convenient time.

The taxpayer cites *Ball v. Indiana Department of Revenue*, 563 N.E. 2d (Ind. 1990) in support of its contention that it was prejudiced by the lapse of time prior to the hearing. In that case, the Court discusses due process in relation to the original notification of proposed assessment to the taxpayer. The taxpayer makes no protest concerning its receipt of a notification that it owed tax to the state. The *Ball* case did touch on whether or not the collection of taxes should be barred by the doctrine of laches. The Court determined that if the department did not act in an unusually dilatory manner, the doctrine of laches does not bar collection of a tax. There is no indication in this case that the department acted in an unusually dilatory manner. Therefore, the doctrine of laches does not bar the state's further prosecution of the matter.

### FINDING

The taxpayer's protest is denied.

**2. Sales and Use Tax – Crushing Equipment**

Pursuant to IC 6-2.5-3-2(a), Indiana imposes an excise tax on tangible personal property stored, used, or consumed in Indiana. 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).

The taxpayer's second protest concerns the assessment of use tax on crushing equipment, attachments to the crushing equipment, and repair parts for the crushing equipment. The taxpayer contends that its raw material is the concrete slabs. Since the crusher then acts directly upon the concrete slabs to break them into smaller pieces, the taxpayer considers it integral and essential in the production of the taxpayer's final product, the crushed stone. Therefore the taxpayer contends that the crusher and its repair parts qualify for the directly used in direct production exemption pursuant to IC 6-2.5-5-3.

The taxpayer errs in this conclusion. Rather than performing the first step in the process of producing crushed stone, the crushing equipment is actually tangible personal property used in the taxpayer's service of demolishing buildings, collecting the waste, and hauling the waste away. The law provides no exemption for this use of tangible personal property used in providing a service. The Regulations specifically state at 45 IAC 2.2-4-2 that service providers are liable for the sales tax or the complementary use tax on tangible personal property used in the provision of the service. There is no indication that the taxpayer paid sales tax at the time of the purchase of the tangible personal property that the taxpayer uses to provide the service. Therefore, the taxpayer properly owes use tax.

**FINDING**

The taxpayer's protest is denied.

**3. Sales and Use Tax – Transportation of Materials****DISCUSSION**

The taxpayer protests the department's assessment of use tax on repair parts, gasoline, and tires for the trucks that move the slabs of concrete to the facility where the concrete is processed into crushed stone. The taxpayer contends that the trucks move the product from the first step of the production process, the demolition of buildings, to the next step in the production process, the crushing of concrete into crushed stone at the taxpayer's facility, just like a conveyor belt moves work in process in a factory. Therefore, the taxpayer argues that the truck repair parts, gasoline, and tires would qualify for exemption just like the conveyor belt at the factory qualifies for the direct use in direct production pursuant to IC 6-2.5-5-3.

The department, as discussed in issue two, finds that the demolition and preparation for shipping at the demolition sites is not the first step in the production of crushed stone but rather an ancillary activity to the provision of a service. Therefore the comparison of the trucks and their repair parts, tires and gasoline to the exempt conveyor belt moving work in process is inappropriate. The law does not provide any exemption for the protested items.

**FINDING**

The taxpayer's protest is denied.

**4. Sales and Use Tax – Equipment Rentals****DISCUSSION**

The taxpayer protests the assessment of tax on certain equipment rentals used in the demolition of a brewery. The front of the brewery is located in Indiana. The silos that were demolished were located in Illinois. The taxpayer contends that since the operations were all Illinois in character, the Indiana sales tax is not due. The taxpayer supports this contention with its statement that it paid Illinois taxes and bargained with Illinois labor unions.

IC 6-2.5-4-10 defines persons who lease tangible personal property as retail merchants making retail transactions. All retail transactions in Indiana are subject to the sales tax pursuant to IC 6-2.5-2-1. In the taxpayer's case, an Indiana corporation rented tangible personal property that was delivered in Indiana. The retail transaction took place in Indiana. The department properly assessed the sales tax.

**FINDING**

The taxpayer's protest is denied.

**5. Sales and Use Tax – Sales to Indiana and its Instrumentalities****DISCUSSION**

The taxpayer sold stone to a corporation that worked with waste disposal. The taxpayer contends that the sales of stone to this corporation qualified for the exemption provided at IC 6-2.5-5-16 as follows:

Transactions involving tangible personal property,... are exempt from the state gross retail tax, if the person acquiring the property, commodities, or service:

- (1) is the state of Indiana, an agency or instrumentality of the state, a political subdivision of the state, or an agency or instrumentality of a political subdivision of the state, including a county solid waste management district or a joint solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal); and

- (2) predominantly uses the property, commodities, or service to perform its governmental functions.

Pursuant to IC 6-8.1-5-1(c), the department's tax assessment is prima facie evidence that the tax is owed and the taxpayer has

the burden of proving that any assessment is incorrect. As proof that the stone sales qualify for this exemption, the taxpayer offers the corporation's name which includes the name of an Indiana city and the term "waste systems." The corporation's name does not prove that it is a governmental entity, agency, or subdivision. The name also does not prove that the corporation qualified as a solid waste management district pursuant to the applicable statutes. Exempt status relies on whether or not the corporation is actually a part of the government and whether or not the corporation is actually performing government functions. Many corporations include city names without actually being a part of the named city. The department's records indicate that the subject corporation was actually an independent for profit corporation. The taxpayer did not sustain its burden of proof.

The taxpayer also protests that sales to another company qualify for exemption pursuant to this statute. The taxpayer, however, does not offer any evidence in support of this contention. Therefore, the taxpayer does not sustain its burden of proof that the subject sales are not subject to the sales tax.

#### **FINDING**

The taxpayer's protest is denied.

### **6. Sales and Use Tax – Credit for Sales Tax Paid to Illinois**

#### **DISCUSSION**

The taxpayer protests the assessment of use tax on items that it rented from an Illinois concern. The taxpayer alleges that it paid Illinois sales tax on those items and should receive an Indiana credit for the sales tax paid to Illinois. The taxpayer was unable to provide any documentary evidence substantiating its claim that it paid Illinois sales tax on the rentals. Without any documentary evidence, pursuant to IC 6-8.1-5-1(c) the taxpayer does not sustain its burden of proving that the assessed tax is not actually due and owing to Indiana.

#### **FINDING**

The taxpayer's protest is denied.

### **7. Tax Administration – Negligence Penalty**

#### **DISCUSSION**

The taxpayer's final point of protest concerns 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 failed to follow the law, regulations, and generally available departmental instructions by failing to register as a retail merchant, to pay sales tax on the clearly taxable rental of an office trailer, and to retain adequate records for the auditor's examination. The department properly imposed the negligence penalty.

#### **FINDING**

The taxpayer's protest is denied.

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## **DEPARTMENT OF STATE REVENUE**

0120000174. LOF

### **LETTER OF FINDINGS NUMBER: 00-0174**

#### **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 – Distributive Share of Income from S Corporation**

**Authority:** 45 IAC 3.1-1-7

Taxpayer protests the limiting of its business losses.

#### **STATEMENT OF FACTS**

Taxpayer is a 100% shareholder in an S Corporation. Per 45 IAC 3.1-1-7, "Indiana residents with income from partnerships and Subchapter S corporations are subject to Adjusted Gross Income Tax on their distributive share of partnership or corporate income." The S-Corporation incurred losses for the years 1996 and 1997. Taxpayer deducted the entire losses on its 1040 Individual Income Tax Returns.

An administrative hearing was conducted on May 15, 2001 in which the taxpayer's representatives state that the wrong basis was utilized limiting taxpayer's losses from its business; i.e. contributed loans were not included in the basis. At hearing, taxpayer was advised to produce loan documentation in order to reduce the assessment. On June 18, 2001, September 17, 2001, and February 8, 2002, the Department asked the Taxpayer's representative to provide the necessary information. The February letter also advised the taxpayer that the Letter of Findings would be written if no response was forthcoming. No further information has been provided.

**I. Indiana Adjusted Gross Income – Distributive Share of Income from S Corporation****DISCUSSION**

Taxpayer is a shareholder in an S Corporation that had losses. The audit limited taxpayer's losses to its basis in the S Corporation's stock in accordance with Internal Revenue Code Section 1366 (d).

Taxpayer's representative states it would provide loan documentation in order to reduce the audit.

In at least three attempts after hearing, the Department's legal representative asked the taxpayer for information to allow a reduction in the assessment. Taxpayer provided nothing to aid in the resolution of the audit.

**FINDING**

Taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0420010264.LOF

**LETTER OF FINDINGS NUMBER: 01-0264****Sales and Use Tax****For Tax Years 1998 through 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****I. Sales/Use Tax – Imposition**

**Authority:** IC 6-2.5-2-1; IC 6-2.5-3-2(a); IC 6-2.5-4-1; IC 6-8.1-5-1(b)

Taxpayer protests the assessment of sales and use tax.

**II. Tax Administration – Abatement of Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests imposition of a ten percent (10%) negligence penalty.

**STATEMENT OF FACTS**

Taxpayer is the sole proprietor of a used vehicle business. Taxpayer acquires most of the vehicles that he sells from auto auctions in Indiana and Florida per his customers' specifications. Taxpayer was audited for tax years ending 1998 and 1999. Pursuant to the audit, a review of the "Summary by Short Dealer ID Number" for the year ending 1998 (a document acquired from the Indiana Bureau of Motor Vehicles) revealed that taxpayer failed to report and remit the gross retail tax on the sale of a vehicle. The audit further revealed that taxpayer also failed to pay sales tax on the purchase of a variety of miscellaneous items including, a travel trailer used as taxpayer's office, stone for the parking lot, and a market report and a market guide subscription. Based upon taxpayer's errors, the Department assessed additional sales and use tax liability. In addition, the Department imposed a 10% negligence penalty.

**I. Sales/Use Tax – Imposition****DISCUSSION**

Taxpayer first argues that the auditor erred in determining that he failed to report and remit sales tax on the sale of a vehicle. At hearing, taxpayer was unable to provide evidence that sales tax was collected at the time of the sale.

Pursuant to IC 6-2.5-2-1, a sales tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana. IC 6-2.5-4-1 provides that a retail transaction involves the transfer of tangible personal property.

Here, the auditor determined that taxpayer made a taxable sale in Indiana but failed to remit the full amount of sales tax due to the Department of Revenue. "The 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 6-8.1-5-1(b). Taxpayer has submitted no evidence indicating that the sales tax assessment was wrong. Therefore, taxpayer is liable for the full amount of the sales tax assessed as a result of the audit report.

Taxpayer also protests the Department's assessment of use tax on the travel trailer used as taxpayer's office, the stone for the parking lot, and the subscriptions for the market report and the used car market guide. "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.” IC 6-2.5-3-2(a).

The above-mentioned items are all tangible personal property for use in taxpayer’s used vehicle business. No sales tax was collected and remitted for these items at the time of purchase. Therefore, under IC 6-2.5-3-2(a), taxpayer should have self-assessed and remitted use tax on these items.

#### **FINDING**

Taxpayer’s protest is denied.

#### **II. Tax Administration – Abatement of Penalty**

#### **DISCUSSION**

Taxpayer protests the imposition of a ten percent (10%) negligence penalty. IC 6-8.1-10-2.1(d) states that if a person subject to the negligence penalty imposed under said section can show that the failure to file a return, pay the full amount of tax shown on the person’s return, timely remit tax 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. 45 IAC 15-11-2 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 the Indiana Code or Department regulations.

In order to waive the negligence penalty, taxpayer must prove that its failure to pay the full amount of tax due was due to reasonable cause. 45 IAC 15-11-2. Taxpayer may establish reasonable cause by “demonstrat[ing] that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed....” 45 IAC 15-11-2(c). 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. *Id.*

Taxpayer has failed to set forth a basis for establishing that he exercised the degree of care statutorily imposed upon an ordinarily reasonable taxpayer. Given the totality of the circumstances, waiver of the penalty is inappropriate in this instance.

#### **FINDING**

Taxpayer’s protest is denied.

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### **DEPARTMENT OF STATE REVENUE**

0120010265.LOF

#### **LETTER OF FINDINGS NUMBER: 01-0265**

#### **Adjusted Gross Income for Individuals For Tax Years 1997 through 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**

##### **I. Adjusted Gross Income For Individuals – Unreported Income**

**Authority:** IC 6-8.1-5-1(a); IC 6-8.1-5-4(a)

Taxpayer protests the Department’s assessment of additional individual income tax liability.

##### **II. Tax Administration – Abatement of Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests imposition of a ten percent (10%) negligence penalty.

#### **STATEMENT OF FACTS**

Taxpayer is the sole proprietor of a used vehicle business and a used vehicle dealer. Taxpayer acquires most of the vehicles that he sells from auto auctions in Indiana and Florida per customers’ specifications. Taxpayer maintained no formal records of sales, cost of goods sold, or business expenses. Nevertheless, for the tax years in question, taxpayer reported his net profit from his business on *Schedule C-EZ of Form 1040 - Net Profit from Business* for federal income tax purposes. One of the requirements for filing a *Schedule C-EZ* form is business expenses must be \$2,500.00 or less.

Pursuant to an audit, taxpayer’s *Schedule C-EZs* were examined for calendar years ending 1998 and 1999. Taxpayer was unable to provide his federal income tax return and other supporting tax documents for calendar year ending 1997. The audit revealed errors in taxpayer’s reported federal taxable income. For calendar years ending 1998 and 1999, taxpayer reported \$4,400.00 and \$4,300.00 respectively in gross receipts. From the documents available, it was determined that taxpayer underestimated his adjusted gross income by at least twenty-five percent (25%), in that taxpayer’s cost of goods sold was determined to be \$141,865.00 for calendar

year ending 1998, and \$183,045.00 for calendar year ending 1999. For calendar year ending 1997, adjustments were made using the best information available. Due to the errors, the Department assessed additional individual income tax liability against taxpayer, and concluded that taxpayer should have filed a *Schedule C* (Form 1040) tax return.

### **I. Adjusted Gross Income For Individuals – Unreported Income**

#### **DISCUSSION**

Taxpayer protests the method used by the Department to determine taxpayer's true business income for tax years 1997, 1998 and 1999. Taxpayer failed to maintain complete records as required by IC 6-8.1-5-4(a), which 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."

Due to the lack of complete records, the auditor had to estimate the assessment by reconstructing taxpayer's vehicle sales, cost of goods sold, and business expenses. The Department made the proposed assessment pursuant to IC 6-8.1-5-1(a), which states in part: "If the department believes that a person has not reported the proper amount of tax due, the department shall make a proposed assessment of the unpaid tax on the basis of the best information available to the department." IC 6-8.1-5-1(a) also states: "The notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid, and the burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made."

The Department determined that taxpayer arbitrarily selected a total expense amount that was less than \$2,500.00 and filed the *Schedule C-EZ* (Form 1040). From the documentation provided, the Department determined that taxpayer's cost of goods sold was well over \$100,000.00 for each of the tax years in question. Taxpayer has protested the results of the audit, but has provided no evidence to support that protest. As such, the Department did not err in assessing taxpayer additional individual income tax liability on the underreported amounts, and determining that taxpayer should have filed a federal *Schedule C* (Form 1040).

#### **FINDING**

Taxpayer's protest is denied.

### **II. Tax Administration – Abatement of Penalty**

#### **DISCUSSION**

Taxpayer protests the imposition of a ten percent (10%) negligence penalty. IC 6-8.1-10-2.1(d) states that if a person subject to the negligence penalty imposed under said section can show that the failure to file a return, pay the full amount of tax shown on the person's return, timely remit tax 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. 45 IAC 15-11-2 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 the Indiana Code or Department regulations.

In order to waive the negligence penalty, taxpayer must prove that its failure to pay the full amount of tax due was due to reasonable cause. 45 IAC 15-11-2. Taxpayer may establish reasonable cause by "demonstrat[ing] that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed..." 45 IAC 15-11-2(c). 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. *Id.*

Taxpayer has failed to set forth a basis for establishing that he exercised the degree of care statutorily imposed upon an ordinarily reasonable taxpayer. Given the totality of the circumstances, waiver of the penalty is inappropriate in this instance.

#### **FINDING**

Taxpayer's protest is denied.

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## **DEPARTMENT OF STATE REVENUE**

0420010341.LOF

### **LETTER OF FINDINGS NUMBER: 01-0341**

#### **State Gross Retail Tax For Years 1998 and 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. State Gross Retail Tax – Adequate Documentation**

**Authority:** 45 IAC 15-5-4; IC § 6-8.1-5-1; IC § 6-8.1-5-4

Taxpayer protests the proposed assessments of Indiana's State Gross Retail tax.



**STATEMENT OF FACTS**

Taxpayer is a sole proprietorship. Taxpayer sells and engraves trophies, plaques, and various award items. An audit found that in some instances the taxpayer sold these items without collecting the required sales tax and without an exemption certificate from the purchaser. Additionally, taxpayer provided tangible property and services, using various materials for these transactions, but did not provide the auditor with sufficient information to calculate the relative percentage for each type of transaction.

**I. State Gross Retail Tax – Adequate Documentation****DISCUSSION**

At the hearing, taxpayer's representative stated that further effort by the taxpayer had secured additional exemption certificates for the Department's review.

This issue revolves around the burden of proof in an audit situation, which IC § 6-8.1-5-4 defines as:

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.

Subject to the guidelines above, the Department will grant credit for the applicable transactions for which a valid exemption certificate has been provided. Also, as required by the above guidelines, no credit will be granted for transactions for which no certificate has been provided. Taxpayer provided no proof or means of determining a percentage of transactions subject to use tax; consequently the use tax assessment will not be adjusted. Pursuant to the above statute and the requirements of IC § 6-8.1-5-1 and 45 IAC 15-5-4, taxpayer has established a basis for reversal of part of the sales tax assessment, but no basis for an adjustment of the use tax assessment.

**FINDING**

Taxpayer's protest is sustained in part as to the sales tax assessment and denied as to the use tax assessment.

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**DEPARTMENT OF STATE REVENUE**

0220020275.LOF

**LETTER OF FINDINGS NUMBER: 02-0275****Indiana Corporate Income Tax  
For the Tax Years 1995 through 1999**

**NOTICE:** Under 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. Sales of Steel Manufacturing Equipment – Gross Income Tax**

**Authority:** U.S. Const. art. I, § 8; IC 6-2.1-2-2; IC 6-2.1-3-3; Indiana Dept. of Revenue v. Brown Boveri Corp., 439 N.E.2d 561 (Ind. 1982); Mueller Brass Co. v. Gross Income Tax Division, Indiana Dept. of Revenue, 265 N.E.2d 704 (Ind. 1971); Indiana Dept. of Revenue v. Surface Combustion Corp., 111 N.E.2d 50 (Ind. 1953); Gross Income Tax Division, State of Indiana v. Fort Pitt Bridge Works, 86 N.E.2d 685 (Ind. 1949); 45 IAC 1-1-120; 45 IAC 1-1-120(1)(c); 45 IAC 1-1-121(b); 45 IAC 1-1-121(d); 45 IAC 1.1-3-3(a); 45 IAC 1.1-3-3(c)(6); 45 IAC 1.1-3-3(d)

Taxpayer maintains that income derived from the construction, installation, and sale of equipment to Indiana steel manufacturers is not subject to the state's Gross Income Tax because the transactions came within the definition of "interstate commerce."

**II. Abatement of the Ten Percent Negligence and Underpayment Penalties**

**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 asks the Department exercise its discretion to abate both the "underpayment" and ten percent negligence penalties on the ground that the taxpayer exercised reasonable care in attempting to comply with the state's corporate income tax laws.

**STATEMENT OF FACTS**

Taxpayer is an out-of-state company which designs, assembles, and then sells manufacturing equipment. Some of this equipment is designed for and then sold to Indiana steel companies. Taxpayer does not manufacture the various component parts of this equipment. Instead, it subcontracts with in-state, out-of-state, and foreign vendors to acquire the necessary components. According to taxpayer, it closely supervises the construction of the component parts at the vendors' locations and then accepts delivery of those parts at those same locations. After taxpayer accepts delivery, it arranges for shipment to the customer's manufacturing site by way of common carrier. Once the component parts have arrived at the customer's Indiana location, taxpayer arranges for subcontractors to assemble the component parts. However, taxpayer closely supervises the subcontractors' work because taxpayer is ultimately responsible to the customer for "installation and commissioning of the equipment."

The Department of Revenue (Department) conducted an audit of taxpayer's financial records covering the years 1995 through 1999. The audit concluded that taxpayer should have been paying income tax on the money it received from the Indiana customers with whom it had done business. Taxpayer disagreed with that conclusion arguing that – as an out-of-state entity – the transactions were exempt from Gross Income Tax under the Interstate Commerce Clause. Taxpayer submitted a protest, an administrative hearing was conducted, and this Letter of Findings followed.

### **DISCUSSION**

#### **I. Sales of Steel Manufacturing Equipment – Gross Income Tax**

Indiana Gross Income Tax (IC 6-2.1-0.6 to 6-2.1-8-7) “is imposed upon the receipt of: (1) the entire taxable gross income of a taxpayer who is a resident or a domiciliary of Indiana; and (2) the taxable gross income derived from activities or businesses or any other sources within Indiana by a taxpayer who is not a resident of Indiana.” IC 6-2.1-2-2 To assure that only income properly subject to a state tax is assessed Gross Income Tax, IC 6-2.1-3-3 provides that “[g]ross income derived from business conducted in commerce between the state of Indiana and either another state or a foreign county is exempt from gross income tax to the extent the state of Indiana is prohibited from taxing that gross income by the United States Constitution.” IC 6-2.1-3-3 was passed in recognition of the fact that the Commerce Clause requires that Indiana not unduly burden commerce between the states. Therefore, Indiana may not impose a tax that discriminates against interstate commerce in favor of intrastate commerce. “While a state may impose a tax burden that is reasonable in light of the incidence of commercial contact by the taxpayer with [the state], a tax system which may produce a multiple taxation burden is proscribed.” Mueller Brass Co. v. Gross Income Tax Division, Indiana Dept. of Revenue, 265 N.E.2d 704, 717 (Ind. 1971).

Taxpayer argues that the Indiana sales in question fell within the protection afforded by the Interstate Commerce Clause which reserves to the federal government the power to “regulate Commerce... among the several states...” U.S. Const. art. I, § 8. More specifically, taxpayer – for the first of the four years here at issue – cites to 45 IAC 1-1-120(1)(c) which exempts from the Gross Income Tax certain sales made by non-residents to Indiana customers in which the out-of-state sellers perform installation services intrinsically related to the original sale. In regard to “Nontaxable in-shipments,” the regulation states that, “As a general rule, income derived from sales made by nonresident sellers to Indiana buyers is not subject to gross income tax unless the seller was engaged in business activity within the state and such activity was connected with or facilitated the sales.” 45 IAC 1-1-120. Specifically, the regulation exempts those sales “made by a nonresident where the product sold is, because of its size or weight, shipped in parts; and the seller, because of his special skill or expertise, assembles or installs the product at the buyer’s place of business with no additional services rendered.” 45 IAC 1-1-120(1)(c). Taxpayer maintains that Indiana may not tax the money it received during 1995 through 1998 because that Indiana source income is protected by the Interstate Commerce Clause and falls within the definition of 45 IAC 1-1-120.

The Department promulgated new regulations governing the Gross Income Tax. Those new regulations became effective January 1, 1999, and govern taxpayer’s 1999 Indiana income. Taxpayer maintains that the state may not tax its 1999 Indiana income because that money falls within the definition of “Gross income derived from business conducted in interstate commerce...” 45 IAC 1.1-3-3(a). Taxpayer cites to 45 IAC 1.1-3-3(c)(6) in support of its position. That portion of the regulation requires, in part, as follows:

Gross income derived from the sale of tangible personal property in interstate commerce is not subject to the gross income tax if the sale is not completed in Indiana. The following examples are situations where a sale is not completed in Indiana prior to or after shipment in interstate commerce... (6) A sale, not otherwise taxable, to an Indiana buyer by a nonresident where the seller, because of its special skill or expertise, assembles or installs the product at the buyer’s place of business without any additional services being rendered. In other words, the services performed are part of the sale and the sale is exempt because it is in interstate commerce.

Taxpayer cites to Indiana Dept. of Revenue v. Surface Combustion Corp., 111 N.E.2d 50 (Ind. 1953) for support of its contention that the sale of the steel-making equipment to its Indiana customers took place within interstate commerce and the proceeds are exempt from the Gross Income Tax. In Surface Combustion, appellee taxpayer was an Ohio based furnace manufacturer. It sold furnaces to an Indiana customer, was assessed Gross Income Tax on the income derived from the sales, and brought an action seeking a refund of those taxes. The court determined that appellee taxpayer had constructed the furnaces at its Ohio facility. Thereafter, appellee taxpayer transported the smaller furnaces to the Indiana customer’s site. The larger furnaces were assembled at the Ohio facility, disassembled, and shipped to the Indiana site; alternatively, the larger furnaces were only partially assembled at the Ohio facility before being “knocked down,” transported and reassembled at the Indiana customer’s site. In all cases, the court found that the “parties contemplated and intended that the furnace... should be shipped and transported from appellee’s plant at Toledo, Ohio to the customer’s plant in Indiana...” Id. 53.

In Surface Combustion, it was the Indiana customer’s responsibility to provide a foundation, plumbing, and electric wiring in preparation for the installation of the furnaces. Id. It was appellee taxpayer’s own responsibility to provide the “specially trained factory engineers, supervisors, and workmen to assemble... install, align, and adjust all of [the furnaces] at the customer’s plant in order to assure a proper functioning furnace which was necessary to consummate and complete the sale.” Id.

The court rejected the Department's contention that it was entitled to levy the Gross Income Tax against appellee taxpayer's income derived from the sale of the furnaces. The court found that, "the tax sought to be recovered was levied upon the gross receipts of appellee from interstate commerce transactions within and without the State of Indiana." *Id.* at 69. The court concluded that imposition of the tax "directly burdens, and interferes with, the free flow of such commerce between the State of Ohio and the State of Indiana and is invalid as being in conflict with Article I, of § 8 of the Constitution of the United States." *Id.*

The court found that the "thing" which the Indiana customer purchased from appellee in Ohio, was a "heat treating furnace complete in one functional unit." *Id.* at 62. In support of that conclusion, the court noted that, "There is no evidence that the furnaces were made, built, fabricated, created or brought into existence in Indiana." *Id.* The Indiana installation work performed by appellee taxpayer consisted "only in the reassembling and installing the furnaces which had been purchased in the State of Ohio and taken apart for the convenience of shipment." *Id.* Appellee taxpayer's in-state activity was "intrinsically related to and inherently a part of the sale; and because of their complexity their installation and testing was essential to the making of the sale." *Id.* The sales of the furnaces were "clearly sales of personal chattels in interstate commerce and the installation and reassembling where required, were inherently a part of, and a necessary incident to, the sale." *Id.*

Taxpayer also cites to *Indiana Dept. of Revenue v. Brown Boveri Corp.*, 439 N.E.2d 561 (Ind. 1982) in support of the proposition that sales of its steel-making equipment is not subject to the Gross Income Tax. In *Brown Boveri*, plaintiff taxpayer was an out-of-state company which had entered into a contract with an Indiana manufacturer for the sale of an induction melting system. The parties' sales agreement was for the "turn-key" delivery of a system that would produce molten iron. "The system was pre-fabricated at [plaintiff taxpayer's] plant, broken down for shipment and reassembled at the [Indiana customer's] plant." *Id.* at 563. Plaintiff taxpayer conducted certain activities at the Indiana site because it "was necessary for [plaintiff taxpayer] to engage in various activities to guarantee proper planning and coordination of the project." *Id.* Plaintiff taxpayer's in-state activities "included reassembly of the equipment, removing obsolete equipment, pouring foundations, trenching, and reinforcement of existing structures." *Id.*

The court disagreed with the Department's argument that plaintiff taxpayer's performance of activities within Indiana removed the transaction from the protection afforded interstate commerce. *Id.* at 564. The court found that the transaction between plaintiff taxpayer and the Indiana customer was "indeed interstate commerce such that taxation of gross income resulting therefrom [was] prohibited." *Id.* The transaction was for the "sale of a functioning system for a lump sum," in which "all of the component parts were pre-fabricated outside Indiana, disassembled for shipment, and then reassembled on the job site." *Id.* Plaintiff taxpayer's local activities did not take the sale of the melting system outside interstate commerce protection because "the local activities of [plaintiff taxpayer] were intrinsically related to and inherently part of the sale in interstate commerce." *Id.*

In both *Brown Boveri* and *Surface Combustion*, the out-of-state taxpayer constructed equipment and then shipped that equipment – either piece-meal or as a complete unit – to the Indiana customer. The court found, in both instances, that the sale of the equipment was interstate in character while taxpayers' in-state activities – installing and testing the equipment – were inherently related to the original out-of-state sale.

Taxpayer entered into numerous subsidiary transactions most of which are entirely irrelevant to the taxpayer's protest. Pursuant to those subsidiary transactions, taxpayer hired subcontractors to construct individual component parts. In some cases, taxpayer was closely involved in the actual fabrication of these components. Taxpayer – in some instances, together with the Indiana customer – closely monitored the components' construction in order to assure that components conformed to design standards and in order to assure that the components were completed in a timely fashion. At some point, taxpayer took possession of the components and shipped them to the Indiana destination by means of common carrier. Because of their size, some of the components were partially disassembled before shipment.

None of these numerous subsidiary transactions are relevant to taxpayer's protest because taxpayer is not engaged in the business of selling unassembled components to the Indiana customers. It is the sales of the finished steel-making machines to the Indiana customers which underlie the taxpayer's protest.

Taxpayer's sale of its steel-making machines is not identical to the transactions described in *Brown Boveri* and *Surface Combustion*. In *Surface Combustion*, the court stated that there was "no evidence that the furnaces were made, built, fabricated, created, or brought into existence in Indiana." *Surface Combustion*, 111 N.E.2d at 62. While the numerous individual components may have existed outside of Indiana, there is every indication that the steel-making machines themselves were "made, built, created, [and] brought into existence in Indiana." *Brown Boveri*, 439 N.E.2d at 563. In *Brown Boveri*, the court found that, "The system was pre-fabricated at [taxpayer's] plant, broken down for shipment and reassembled at the [Indiana] plant." *Id.* The taxpayer's own steel-making machines were not pre-fabricated outside the state, broken down for shipment, and reassembled at the Indiana customers' steel plant. Instead, the steel-making machines were not brought into existence until taxpayer transported the components to the site and then assembled those components into the steel-making device which taxpayer sold to the Indiana customers. Taxpayer's sales of steel-making machines were not interstate transactions with the taxpayer's performance of Indiana installation activities merely incidental to the sale of the steel-making machines. Instead, taxpayer's initial construction and sale of the steel-making machines occurred in Indiana and the proceeds are properly subject to the state's Gross Income Tax.

Taxpayer's sales of the steel-making equipment is analogous to the activities of appellee manufacturer in Gross Income Tax Division, State of Indiana v. Fort Pitt Bridge Works, 86 N.E.2d 685 (Ind. 1949). In that case, the manufacturer – a Pennsylvania based corporation – arranged for the construction, fabrication, and assembly of certain buildings within the state. The manufacturer “furnished and fabricated the steel and shipped it from its plants in Ohio or Pennsylvania” to the customer’s location within Indiana. Id. at 687. Thereafter, a subcontractor received the material and performed all the work necessary for the “construction of the buildings for which the steel was furnished.” Id. The manufacturer treated the receipts as not subject to Indiana’s Gross Income Tax because, according to the manufacturer, “it had nothing to do with the activity and business conducted in Indiana by [the subcontractor] and that it [was] not liable for tax upon the price paid for the steel and fabrication... because the fabrication occurred outside the state and furnishing the steel was an interstate transaction.” Id. at 688. The court disagreed with the manufacturer’s contention on the ground that, “A corporation which contracts in the state of its residence to do work in a foreign state subjects itself to the jurisdiction of such foreign state, notwithstanding it employs independent contractors to do the actual work and does no part of the actual work itself.” Id. at 689. The manufacturer’s income was subject to Indiana’s Gross Income Tax because “it was derived from an activity for which it was responsible. It came from its business in Indiana, carried on through the medium of a subcontractor acting independently as to the manner and method, but acting for [the manufacturer] in the accomplishment of the result which it contracted to bring about.” Id.

The court rejected the manufacturer’s argument that the transaction was interstate in nature because the court did not believe the contract “was a contract of sale with construction work in Indiana as a mere incident.” Id. at 691. Even though the component parts were initially manufactured at an out-of-state location, “the transaction as a whole was local in nature and subject to local tax and regulation.” Id. The court stated that it had “no hesitation in saying that the State of Indiana [had] the right to apply its gross income tax to business actually transacted within its borders, notwithstanding that interstate commerce, as an incident, may have intervened in at some point in the transaction....” Id. at 692.

The taxpayer’s own acquisition of components from its hundreds of suppliers was merely incidental to the assembly and sale of the steel-making machines to its Indiana customers. The proceeds from sales of the steel-making machines are subject to the state’s Gross Income Tax because the sales transactions were local and nature and not inherently part of interstate commerce. There is no indication Indiana’s imposition of Gross Income Tax discriminates against interstate commerce or imposes a multiple taxation burden on taxpayer.

The taxpayer’s 1995 through 1998 transactions fall within the purview of the state’s Gross Income Tax scheme as set out in 45 IAC 1-1-121(b) which states that:

Gross receipts from the performance of construction projects in Indiana are subject to gross income tax. This is true even when the contractor is a nonresident and even when he subcontracts all Indiana work to local businesses and has no other contact with the state except to ship goods manufactured elsewhere into the state for installation by local workmen.

Taxpayer’s Indiana activities are not merely “incidental services taking place within the State, which may be tax-exempt as a transaction in interstate commerce.” 45 IAC 1-1-121(d). Taxpayer is not merely setting the equipment “on bases or connecting to pipes, supports, etc., provided by the customer.” Id. Rather, taxpayer clearly “performs additional services, such as installation, testing, construction, etc.” entitling the Department to treat the transaction as a “construction project” the proceeds of which are properly subject to the state’s Gross Income Tax. Id. See also 45 IAC 1.1-3-3(d).

#### **FINDING**

Taxpayer’s protest is respectfully denied.

#### **II. Abatement of the Ten Percent Negligence and Underpayment Penalties**

At the conclusion of the audit review, taxpayer was assessed a ten percent negligence penalty. According to taxpayer, the Department assessed an “underpayment penalty” for the 1999 tax year pursuant to IC 6-8.1-10-2.1.

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 filed no Indiana tax returns for 1995, 1996, 1997, 1998, and 1999 on the ground that had no tax liability for those years. While the sales of the steel-making equipment arguably implicated transactions involved in interstate commerce, taxpayer received substantial income from the provision of related services within the state. Its determination that it had zero tax liability during the five years falls outside a reasonable definition of “ordinary business care and prudence” and does not warrant abatement of the associated penalties.

#### **FINDING**

Taxpayer’s protest is respectfully denied.

## DEPARTMENT OF STATE REVENUE

0220020283.LOF

## LETTER OF FINDINGS NUMBER: 02-0283

**Adjusted Gross, Supplemental Net, and Unrelated Business Income Tax  
For the Years Ending 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 this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUES****I. Adjusted Gross and Supplemental Net Income Tax – Unrelated Business Income**

**Authority:** IC 35-45-5-3; IC 6-2.5-5-25; IC 6-2.1-3-23; IC 6-3-2-3.1(a); IC 6-3-1-17(a); IC 6-8.1-5-1; 45 IAC 3.1-1-68.

The taxpayer protests the imposition of adjusted gross and supplemental net income tax on proceeds from illegal gambling machines.

**II. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1; 45 IAC 15-11-1 & 2

The taxpayer protests the Department's imposition of the ten percent (10%) negligence penalty.

**STATEMENT OF FACTS**

As a result of an Indiana Excise Police incident report dated December 21, 1994, the Department conducted an income tax audit based upon the Taxpayer's possession of illegal gambling machines discovered at its location. The Taxpayer's representative admitted that some time after the original investigation by the Indiana Excise Police the taxpayer removed the illegal machines from the premises. He also states that the taxpayer began using the illegal machines again in December of 1998.

**I. Adjusted Gross and SNIT – Unrelated Business Income****DISCUSSION**

On Tuesday, December 20, 1994 the Indiana State Excise Police conducted an investigation of the taxpayer's premises. The Officers observed three (3) electronic gambling machines in a side room off the barroom area. The taxpayer's administrator admitted that monetary payoffs were being made on the machines at the rate of 10¢ each. The taxpayer's administrator, having been advised of his Miranda rights, stated that he supplied the bartender each day with a start up fund of at least \$1,000 for the machines, and that payoffs are made out of this fund on a daily basis. A weekly ledger sheet was maintained showing monetary amounts paid day by day during the week. A bank bag with \$1,050 was in a drawer behind the bar and the ledger sheet was found on the back bar.

Under Indiana Code section 35-45-5-3 the machines operated in taxpayer's establishment constitute illegal gambling. Proceeds from illegal gambling are considered unrelated business income and subject to Indiana gross or adjusted gross and supplemental net income tax.

In its protest letter, the taxpayer provided affidavits of its past Governors stating that to the best of their knowledge no illegal gambling machines were located on the premises from May 1, 1995 through April 30, 1998. In December of 1998, the taxpayer's representative states that they once again had illegal gambling machines in their Lodge. Taxpayer argues that the amount of money attributable to the machines was significantly less according to their records. The taxpayer's representative provided the Department with records, which allegedly show the net revenue from the illegal machines. These figures were obtained from the distributor who actually owned the machines (the lodge failed to keep any records). The taxpayer also maintains that the pay out on the machines was eighty percent (80%). The net proceeds were then split between the owner of the machines and the Lodge.

IC 35-45-5-3 provides in pertinent part:

A person who knowingly or intentionally: ... (3) maintains, in a place accessible to the public slot machines, one-ball machines or variants thereof... commits professional gambling, a Class D felony.

The Department and the Internal Revenue Service have held that that illegal gambling is always unrelated to a nonexempt organization's exempt purpose. Exemption from tax for exempt organizations is tied to the gross income tax provisions with respect to exempt organizations. IC 6-2.5-5-25. As provided under IC 6-2.1-3-23, exempt organizations are not entitled to exemption from gross income received by a taxpayer that is derived from an unrelated trade or business, as defined in Section 513 of the Internal Revenue Code. Thus, the Department's determination was guided by I.R.C. § 513, which provides, in part, the following:

...The term "unrelated trade or business" means, in the case of any organization subject to the tax imposed by section 511, any trade or business the conduct of which is not substantially related (aside from the need of such organization for income or funds or the use it makes of the profits derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501.

Pursuant to IC 6-3-2-3.1(a) and IC 6-3-1-17(a), the Indiana General Assembly has expressly adopted the Code's tax treatment, with respect to Code section 501(c) organizations, for purposes of the Indiana adjusted gross and supplemental income tax analysis. Moreover, the Department's rule 45 IAC 3.1-1-68 defines an unrelated trade or business under the same guidelines as IRC section

513, and the rule also subjects any unrelated business income to the Indiana taxes. Additionally, the rule cites taxpayers to Code sections 511 through 515 for guidance in determining whether income is subject to the taxes.

Pursuant to IC 6-8.1-5-1 if the department reasonably believes that a person has not reported the proper amount of tax due, the department shall make a proposed assessment of the amount of the unpaid tax on the basis of the best information available to the department. The 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.

As to whether the Department's audit figures or the taxpayers are correct, comes down to an issue of credibility. The Department used figures based upon the amount of revenue seized by the Indiana State Excise Police in its investigation of taxpayer's Lodge. The taxpayer provides affidavits signed by several past Governors of taxpayer's organization. The affidavits are self serving and weak evidence at best. As for the figures supplied by the taxpayer, the numbers were received from an individual who owned the illegal machines and shared in their illegal profit. The Department will not place any reliance on self-serving information gained from someone engaged in illegal activities.

#### **FINDING**

The taxpayer's protest is denied.

### **II. Tax Administration – Liability for 10% Negligence Penalty**

#### **DISCUSSION**

The taxpayer protests the Department's imposition of the ten percent (10%) penalty assessment. Indiana Code section 6-8.1-10-2.1 requires a ten percent (10%) penalty to be imposed if the tax deficiency is due to the negligence of the taxpayer. Department regulation 45 IAC 15-11-2 provides guidance in determining if the taxpayer was negligent. 45 IAC 15-11-1(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 also to be determined on a case-by-case basis according to the facts and circumstances of each taxpayer.

Subsection (d) of IC 6-8.1-10-2.1 allows the penalty to be waived upon a showing that the failure to pay the deficiency was due to reasonable cause. Departmental regulation 45 IAC 15-11-2(c) requires that in order to establish reasonable cause, the taxpayer must show that it "exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed...."

In this instance, the taxpayer has not shown reasonable cause. The taxpayer has not provided to the Department's satisfaction, sufficient justification for why the negligence penalty should be waived.

#### **FINDING**

The taxpayer's protest is denied.

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## **DEPARTMENT OF STATE REVENUE**

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### **LETTER OF FINDINGS NUMBER: 02-0390 & 02-0392**

#### **Sales Tax**

#### **For Years 1997, 1998, 1999, and 2000**

**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. Tax Administration – Waiver of Penalty**

**Authority:** 45 IAC 15-11-4; 45 IAC 15-5-7(3); IC § 6-8.1-10-4

Taxpayer seeks waiver of the penalties because the tax liabilities were not due to fraudulent intent.

#### **STATEMENT OF FACTS**

Taxpayer formed a partnership for a sign business in 1997. Taxpayer then reorganized into a LLC in April of 1998. Taxpayer conducted business and invoiced customers for retail sales tax throughout the years at issue but did not register as a retail merchant or start remitting the collected sales tax to the state until 1999 and 2000. An audit determined the amount at issue and a 100% fraud penalty was assessed. Taxpayer protests only the fraud penalty, arguing that an accountant reviewed and filed returns for them for the years in question.

### **I. Tax Administration – Waiver of Penalty**

#### **DISCUSSION**

Finding the liabilities were due to taxpayer's failure to pay taxes with "the fraudulent intent of evading the tax" IC § 6-8.1-10-4, the Department imposed a one hundred percent penalty. "Fraudulent intent" is defined in 45 IAC 15-11-4, pertinently, as;

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.

Five elements are required by 45 IAC 15-5-7(3) to establish the taxpayer's actions as fraudulent, these items are:

Misrepresentation of a material fact: A person must truthfully and correctly report all information required by the Indiana Code and the department's regulations. Any failure to correctly report such information is a misrepresentation of a material fact. Failure to file a return may be a misrepresentation.

Taxpayer made no filings and did not register as a retail merchant for either entity during the first two years of the period at issue.

(B) **Scienter:** This is a legal term meaning guilty knowledge or previous knowledge of a state of facts, such as evasion of tax, which it was a person's duty to guard against. A person must have actual knowledge of the responsibility of reporting the information under contention. However, the reckless making of statements without regard to their truth or falsity may serve as an imputation of scienter for purpose of proving fraud.

The income generated was generated by retail sales, receipts from which showed a charge for sales tax. Taxpayer presents no evidence of any payment of the required sales tax, and taxpayer's knowledge of this requirement is evident from taxpayer's collection of it throughout the audit period, but not remitting any of the amounts collected until the 1999 transactions.

(C) **Deception:** Deception operates on the mind of the victim of the fraud. If a person's actions or failure to act causes the department to believe a given set of facts which are not true, the person has deceived the department.

Taxpayer's failure to register either entity or file monthly sales tax returns caused the department to believe no retail sales were occurring until taxpayer began reporting and remitting in 1999 and 2000.

(D) **Reliance:** Reliance also concerns the state of mind of the victim and is generally considered along with deception. If the person's actions, failure to act, or misrepresentations cause the department to rely on these acts to the detriment or injury of the department, the reliance requirement of fraud will be met.

As was noted under deception, the taxpayer's actions prevented the department's receipt of the tax already collected but never reported or remitted for 1997 and 1998.

(E) **Injury:** The fraud instituted upon the department must cause an injury. This can be satisfied simply by the fact that the misrepresentation(s) caused the department not to have collected the money which properly belongs to the state of Indiana.

No tax was collected on the retail sales, thus the money which properly belongs to the state of Indiana was not paid, although taxpayer did collect money for this from customers for 1997 and 1998 without remitting the money to the state.

Taxpayer operated a substantial business operation, incorporating and expanding the operation over the period at issue. All aspects of the business operation that are available indicate that taxpayer was a capable business operator who deliberately maintained an operation with minimal and even misleading documentation of income and business arrangements. Taxpayer provides no evidence that his business's retail sales were ever voluntarily reported, the tax was only assessed after the retail sales were discovered as part of an audit. Aside from arguing that an accountant was responsible, taxpayer offers no explanation for the failure to register as a retail merchant or to report and pay the sales tax even though it was collected from customers. Taxpayer's actions were intentional and actual wrongdoing was conducted over the first two years covered by the audit, and the logical result of these actions was for the specific purpose of evading taxes. Consequently, the fraud penalty is appropriate for 1997 and 1998, but not 1999 and 2000 when taxpayer was reporting and remitting sales tax on transactions.

#### **FINDINGS**

Taxpayer's protest is denied as to the penalty for 1997 and 1998, sustained as to 1999 and 2000.

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### **DEPARTMENT OF STATE REVENUE**

0420020423.LOF

#### **LETTER OF FINDINGS NUMBER: 02-0423**

##### **Sales and Use Taxes**

##### **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. Selling at Retail – Best Information Available**

**Authority:** 45 IAC 2.2-6-8; IC 6-8.1-5-1

Taxpayer protests the entire audit.

**STATEMENT OF FACTS**

The Taxpayer is engaged in the business of installing and servicing residential and commercial heating and cooling systems. The audit was based upon best information available as allowed under IC 6-8.1-5-1 (a) because the taxpayer did not supply all of the documents requested for the audit and the documents that were provided were incomplete. During the audit period, the taxpayer performed both taxable and exempt jobs. Taxpayer did not reply to the hearing officer's request for additional information, therefore a hearing was scheduled which the taxpayer did not attend or reply to.

A projection was used to determine the total revenue for the taxpayer as minimal records were made available to the auditor.

Taxpayer submitted several protest letters stating that the proposed assessments are without reasonable foundation and were assessed using a flawed theory.

**I. Selling at Retail – Best Information Available****DISCUSSION**

In reviewing the audit report and the file, it is noted that the assessment stems from best information available for sales taxes 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.

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**DEPARTMENT OF STATE REVENUE**

0120020445.LOF

**LETTER OF FINDINGS NUMBER: 02-0445****Individual Income Tax****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. Individual Income Tax – Best Information Available**

**Authority:** 45 IAC 15-5-1

Taxpayer protests the entire audit.

**STATEMENT OF FACTS**

The Taxpayer is engaged in the business of installing and servicing residential and commercial heating and cooling systems. The audit was based upon best information available as allowed under IC 6-8.1-5-1 (a) because the taxpayer did not supply all of the documents requested for the audit and the documents that were provided were incomplete. During the audit period, the taxpayer performed both taxable and exempt jobs. Taxpayer did not reply to the hearing officer's request for additional information, therefore a hearing was scheduled which the taxpayer did not attend or reply to.

A projection was used in the Sales Tax Audit to determine the total revenue for the taxpayer as minimal records were made available to the auditor. During the audit, it was discovered that the taxpayer had not been reporting all of the income from the operation of its business. The results from the sales and use tax audit lead the Department to believe that the net profit from the operation of taxpayer's business was more than the wages reported by the taxpayer on his Federal Income Tax returns and that the taxpayer's Federal adjusted gross income was understated.

Taxpayer submitted several protest letters stating that the proposed assessments are without reasonable foundation and were assessed using a flawed theory.

**I. Individual Income Tax – Best Information Available****DISCUSSION**

In reviewing the audit report and the file, it is noted that the assessment stems from best information available from the sales tax audit. The auditor had determined that the net profit from the operation of taxpayer's business was more than the wages reported by the taxpayer on his Federal Income Tax returns 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.

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## DEPARTMENT OF STATE REVENUE

28200020451.LOF

**LETTER OF FINDINGS NUMBER: 02-0451 CSET**  
**Controlled Substance Excise Tax**  
**For Tax Period: 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****1. Controlled Substance Excise Tax – Imposition**

**Authority:** IC 6-7-3-5; IC 6-8.1-5-1 (b), Hurst v. Department of Revenue, 720 N.E.2d 370 (Ind. Tax. 1999), Hall v. Department of Revenue, 720 N.E.2d 1287 (Ind. Tax. 1999)

The taxpayer protests the imposition of the Controlled Substance Excise Tax.

**STATEMENT OF FACTS**

On August 1, 2001, police discovered marijuana in a car belonging to the taxpayer. On April 12, 2002, the appropriate County Prosecuting Attorney sent the Indiana Department of Revenue, hereinafter referred to as the "department," a request for the assessment of controlled substance excise tax relating to the defendant's possession of marijuana. The department issued a Record of Jeopardy Finding, Jeopardy Assessment, Notice and Demand on August 14, 2002 in a base tax amount of \$71,864.10. The taxpayer filed a protest to the assessment. A hearing on the protest to the imposition of the controlled substance excise tax was held on October 29, 2002.

**1. Controlled Substance Excise Tax – Imposition****DISCUSSION**

IC 6-7-3-5 imposes the Controlled Substance Excise Tax on the possession of marijuana in the State of Indiana. Departmental assessments are presumed to be correct and the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1 (b).

Possession of marijuana subject to the imposition of the tax can be either actual or constructive. Hurst v. Department of Revenue, 720 N.E.2d 370 (Ind. Tax. 1999), Hall v. Department of Revenue, 720 N.E.2d 1287 (Ind. Tax. 1999). Although both direct and circumstantial evidence may prove constructive possession, proof of presence in the vicinity of drugs, presence on property where drugs are located, or mere association with the possessor is not sufficient. Hurst at 374-375. To prove constructive possession, there must be a showing that the taxpayer had not only the requisite intent but also the capability to maintain dominion and control over the substance. Hurst at 374.

In the Hall case, the Indiana Department of Revenue assessed Controlled Substance Excise Tax on a husband and wife. The couple owned and lived together in a residence. The marijuana was grown in a basement room with a locked door. Only the husband had a key to the room. Although the wife co-owned the house, lived in the house, did laundry in the room adjacent to the room which housed the marijuana, and the smell of marijuana permeated the house, the Court found that the wife did not have the capability to maintain dominion and control over the marijuana. Therefore she did not constructively possess the marijuana and the Controlled Substance Excise Tax was improperly imposed against the wife.

In this case, the taxpayer's husband was an active retailer of marijuana. He stated and the police report confirms that he stored the marijuana in a locked safe in the basement. In the afternoon of August 1, 2001, while the taxpayer was at work, the taxpayer's husband was informed by telephone that the police were investigating and arresting the parties associated with the marijuana trade. After receipt of this call, the taxpayer's husband took the marijuana from the locked safe in the basement and put it in the back of the car he normally drove. Then he parked the car, with the marijuana in it, on another person's property before the taxpayer returned home from work. The taxpayer did not have knowledge of the marijuana or access to the car from the time the marijuana was placed in the car until the time the police arrested the taxpayer's husband. When the police arrived at 11:00 p.m. that evening, they questioned both the husband and the wife. The husband showed the police the locked safe where he kept the marijuana in the basement and took the police to the marijuana in the trunk of the car. The police also found \$11,861.00 cash under the couple's mattress. The police arrested the husband.

At the hearing, several witnesses testified that they had been in the taxpayer's home on many occasions including times that they just dropped by without an invitation and never smelled the odor of marijuana. The taxpayer and her husband both stated that the taxpayer did not know how to open the safe, the husband had always stored large amounts of cash in the house because he did not trust banks, and the taxpayer almost never drove the car in which the marijuana was found.

In both the Hall case and this case, the husband kept the marijuana locked in an enclosure to which the wife had no access. Although the odor of marijuana was evident in the Hall's house, the Court still found that the wife did not exercise dominion and control over the marijuana. In the taxpayer's situation, there is even less evidence that the taxpayer knew of the marijuana or was capable of exercising dominion and control over the marijuana. The only indication that the taxpayer possessed the marijuana was

that it was stored in the couple's house, it was found in the couple's car, and she was married to the person who actually intended and was capable of maintaining dominion and control over the marijuana. As stated in the Hurst case, those factors alone are not adequate to determine that a person constructively possessed marijuana.

The taxpayer has sustained her burden of proving that she did not actually or constructively possess the subject marijuana.

**FINDING**

The taxpayer's protest is sustained.

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**DEPARTMENT OF STATE REVENUE**

0220020535P.LOF

**LETTER OF FINDINGS NUMBER: 02-0535P**

**Gross and Adjusted 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 was assessed a penalty for the underpayment of estimated income taxes. Taxpayer protests the proposed penalty assessment for the underpayment of estimated tax and states that it operated at a loss for the first two quarters of 1999. Taxpayer cites Indiana Code 6-3-4-4.1(c), and Regulation 45 IAC 3.1-1-92 that a payment of adjusted gross income tax is not required.

**I. Tax Administration – Penalty**

**DISCUSSION**

Taxpayer protests the penalties assessed for the underpayment of estimated income taxes and merely states that it operated at a loss for the first two quarters of 1999 and no payment was required for those quarters. Taxpayer paid one hundred percent of its tax by the due date of the return.

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. Taxpayer failed to make the quarterly estimated payments and has not provided reasonable cause to allow a penalty waiver. Procedures should have been in effect to assure that taxes were timely paid.

**FINDING**

Taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0220020536P.LOF

**LETTER OF FINDINGS NUMBER: 02-0536P**

**Corporate 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 failed to remit its entire tax liability by the due date of the return for fiscal year 2001. The department issued a penalty billing.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer, in a letter dated December 18, 2002 states that it had recently moved its tax department to Florida. As a result there was a lack of sufficient staffing and its estimated payments and estimated tax due were improperly calculated. In addition, it has consolidated the tax function for many subsidiaries. Taxpayer requests that it not be penalized because it conducted its tax affairs in a reasonable manner and made a good faith effort to accurately file its Indiana tax return and pay its taxes.

IC 6-8.1-6-1 (c) states:

“If the Internal Revenue Service allows a person an extension on his federal income tax return, the corresponding due dates for the person’s Indiana income tax return are automatically extended for the same period as the federal extension, plus thirty (30) days. However, the person must pay at least ninety percent (90%) of the Indiana income tax that is reasonably expected to be due on the original due date by that due date, or he may be subject to the penalties imposed for failure to pay the tax.”

Taxpayer did not pay ninety percent of the tax due by the due date. Taxpayer paid \$66,031 on May 1, 2002 that generated a penalty.

The taxpayer has not provided reasonable cause to allow a penalty waiver.

**FINDING**

Taxpayer’s protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0420020539P.LOF

**LETTER OF FINDINGS NUMBER: 02-0539P****Sales Taxes****For Periods Ended May 31, 2002 and June 30, 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.

**II. Tax Administration – Interest**

**Authority:** IC 6-8.1-10.1

Taxpayer protests the interest assessed.

**STATEMENT OF FACTS**

Taxpayer was assessed a late filing penalty for May 31, 2002 and June 30, 2002. Taxpayer protests the penalty and interest assessed because the company went through a turbulent period. It closed its office to relocate to another city and the turnover in the accounting department reached one hundred percent. In the past two months, it has had three controllers, so previously well-defined routines were disrupted.

Taxpayer filed its May 2002 return on June 21, 2002 and its June 2002 return on August 22, 2002.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer protests the penalty assessed and states that it has an unblemished record in filing tax returns and paying tax. Taxpayer further states that it went through a turbulent period, culminating in the closure of its locations and moving to new corporate offices in Indianapolis.

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 has a responsibility to remit tax collected and should have had procedures in place to assure that the returns are timely filed and the tax timely paid. Taxpayer filed the May and June taxes late and 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, however, the Department has no authority to waive interest.

**FINDING**

Taxpayer's protest is denied.

**CONCLUSION**

Taxpayer's protest is denied for issues I and II.

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**DEPARTMENT OF STATE REVENUE**

0220020540P.LOF

**LETTER OF FINDINGS NUMBER: 02-0540P****Gross and Adjusted Gross Income Tax  
Fiscal Years Ended 06/27/99 and 07/02/2000**

**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 and found to have placed its service income into low rate gross income that amounted to seventy-five percent (75%) of its gross income tax liability. Taxpayer requests an abatement of the penalty.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer states that it incorrectly applied the incorrect tax rate for the years at issue and has, in prior years as well as subsequent years used the correct tax rate. Taxpayer requests that the penalties be abated.

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 tax its gross income at the high rate of tax. Taxpayer failed to assure that the tax returns were correctly filed and apparently failed to verify the tax rates, which is clearly negligent. The taxpayer has not provided reasonable cause to allow a penalty waiver.

**FINDING**

Taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0220020546P.LOF

**LETTER OF FINDINGS NUMBER: 02-0546P****Gross and Adjusted Gross 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 proposed penalty assessment for the late payment of its income tax. The due date of the return was January 31, 2002. Taxpayer filed its return late with payment of seventy-eight percent (78%) of its tax liability. The Department issued its late payment assessment on August 14, 2002.

Taxpayer filed a penalty protest letter dated September 16, 2002 and states that the estimated Indiana apportionment percentage was lower than the actual percentage determined during the preparation of the final Indiana Corporation Income Tax Return.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer protests the penalty assessed and states that it has historically computed and paid Indiana income tax on a timely and accurate basis. Taxpayer further states it made an error in computing its apportionment percentage.

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 approximately seventy-eight percent (78%) of its tax 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.

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**DEPARTMENT OF STATE REVENUE**

0420020548P.LOF

**LETTER OF FINDINGS NUMBER: 02-0548P****Sales Tax****For Calendar Years 1998, 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 filed ST-103's for calendar years 1998 through 2000 for sales tax collected and not remitted. Taxpayer was assessed a ten percent (10%) negligence penalty and interest.

Taxpayer, in a letter dated August 23, 2002 requests that the department waive the penalty because it voluntarily took the responsibility of the filing and payment of back taxes.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer was assessed a ten percent (10%) penalty and updated interest for its voluntarily filed sales tax returns and reports most of the states abated all or a portion of the penalty. In addition to the penalty, some states abated one hundred percent or a portion of the interest due. Taxpayer further states that there was confusion on whether the lessor or the lessee is responsible for remitting the taxes on the rentals of tangible personal properties in Indiana.

Taxpayer failed to file and remit timely the sales tax it had collected. Taxpayer was also negligent in making itself aware of the tax laws in the State of Indiana when it has rental property in the State. Taxpayer has not provided reasonable cause to allow a waiver of the penalty assessed and the Department has no authority to waive interest.

**FINDING**

Taxpayer's protest is denied.

**DEPARTMENT OF STATE REVENUE**

0120020549P.LOF

**LETTER OF FINDINGS NUMBER: 02-0549P****Individual Income Tax  
Calendar Year 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, in a letter dated November 5, 2002, requests an abatement of the penalty. Taxpayer states he is a bona fide resident of Canada, has a driver's license issued by Canada, has a dispatch office based in Indiana, his office is based in his residence in Canada, and his principal activity of transport driver takes him throughout Canada and the United States. Taxpayer further states that he files Indiana returns as non-residents and requests the same automatic extension of two months to file and pay tax as permitted by the IRS.

Taxpayer filed its return late with a tax balance due of \$1,170. The Department adjusted the return for an error in the Proration Section that changed the total exemptions from \$1,820 to \$1,730 resulting in additional tax in the amount of \$ 3.03.

The taxpayer did not file an extension to file the return late.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer states that it filed its Indiana return as non-residents and requests the same automatic extension of two months to file and pay tax as permitted by the IRS.

Taxpayer remitted no tax by the original due date of the return. According to IC 6-3-4-3, returns shall be filed with the department on or before the 15<sup>th</sup> day of the fourth month following the close of the taxable year. IC 6-8.1-10.2.1 allows a ten percent (10%) penalty to be assessed if the full amount of tax shown on the person's return is not remitted by the due date of the return.

Taxpayer did not petition the department for a filing extension as required by IC 6-8.1-6-1(a) and has not provided reasonable cause to allow the Department to waive the penalty.

**FINDING**

Taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0220020550P.LOF

**LETTER OF FINDINGS NUMBER: 02-0550P****Income Tax  
For Calendar Year 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 filed its S-Corporation income tax return thirteen days late for the tax year ending December 31, 2000. The department issued a penalty billing.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer states that the business was discontinued and there are no assets. Taxpayer requests that the penalty be waived.

Taxpayer failed to timely file its IT20-S return for calendar year 2000. Departmental records indicate the taxpayer has not filed for dissolution.

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 filed its return thirteen days late. The department finds that a negligence penalty is proper.

**FINDING**

Taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0220020551P.LOF

**LETTER OF FINDINGS NUMBER: 02-0551P**

**Gross Income Tax**

**For Calendar Year 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 protests the penalty and interest assessment for the late payment of its income tax. Taxpayer states that an independent accounting firm prepared its corporate income tax for the year in question and it entrusted its accounting firm to fully and accurately complete its corporate income taxes. Upon receiving notice from the Department that there was a discrepancy, it submitted an Amended Corporation Income Tax Return along with a check in the amount of \$6,679.09 for the balance due.

Taxpayer filed a penalty and interest protest letter dated September 3, 2002.

**I. Tax Administration – Penalty**

**DISCUSSION**

Taxpayer protests the penalty assessed and states that it filed an amended return with the tax balance due. Taxpayer states it relies on its accounting firm to prepare its tax returns correctly.

Taxpayer did not make payment by the original due date of the return. The tax was paid late on August 8, 2002 and incurs a late payment penalty.

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 and provided no additional reasons.

The Department has no statutory authority to waive interest.

**FINDING**

Taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0220020553P.LOF

**LETTER OF FINDINGS NUMBER: 02-0553P**

**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

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## Nonrule Policy Documents

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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 proposed penalty assessment for the late payment and the underpayment of its income tax. Taxpayer filed its return late with payment of seventy-five percent (75%) of its tax liability. The Department issued its late payment assessment and underpayment assessments. Taxpayer paid the estimated underpayment penalty.

Taxpayer filed a penalty protest letter dated October 31, 2002 with a partial payment of \$6,684 referring to a letter dated August 27, 2002 that it sent earlier. The letter states that its accounting firm prepares its tax returns and made the error in the preparation of the return.

#### **I. Tax Administration – Penalty**

### DISCUSSION

Taxpayer protests the penalty assessed and states that its accounting firm made the error.

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 approximately seventy-eight percent (75%) of its tax payment after the due date of the return and has not provided reasonable cause to allow the Department to waive the penalty. The taxpayer has the same responsibility as its accounting firm.

### FINDING

Taxpayer's protest is denied.

#### **II. Tax Administration – Interest**

### DISCUSSION

The taxpayer protests the interest assessed.

The Department has no authority to waive interest.

### FINDING

Taxpayer's protest is denied.

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## DEPARTMENT OF STATE REVENUE

0220020556P.LOF

### LETTER OF FINDINGS NUMBER: 02-0556P

#### **Gross and Adjusted Gross Income 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 filed its calendar years 1999 and 2000 returns late and was assessed a late penalty. Taxpayer filed a Federal Extension of time. The Department allows an additional thirty days. The Taxpayer paid \$4,657 and \$3,994 for calendar years 1999 and 2000 respectively on October 13, 2000 and August 8, 2002.

Taxpayer filed a penalty protest dated November 13, 2002. Taxpayer states it applied for an extension and made estimated payments. When the taxpayer calculated its tax liability, it resulted in a balance due. Taxpayer states it included the penalty for underpayment with its tax payment. The taxpayer received notices charging a late payment penalty and interest because payment in full was not received by April 15<sup>th</sup>. Taxpayer has paid the interest due and requests the waiver of the late payment penalty for calendar years 1999 and 2000.



**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer protests the penalty assessed for the late payment of tax and has not provided reasonable cause for failure to make payment timely.

IC 6-8.1-6-1 (c) states:

“If the Internal Revenue Service allows a person an extension on his federal income tax return, the corresponding due dates for the person’s Indiana income tax return are automatically extended for the same period as the federal extension, plus thirty (30) days. However, the person must pay at least ninety percent (90%) of the Indiana income tax that is reasonably expected to be due on the original due date by that due date, or he may be subject to the penalties imposed for failure to pay the tax.”

Taxpayer failed to remit its tax timely and has not provided reasonable cause to allow the department to waive the penalty.

**FINDING**

Taxpayer’s protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0420020557P.LOF

**LETTER OF FINDINGS NUMBER: 02-0557P****Sales and Use Tax****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 is a recreational center and leases the building, land, and equipment from its partnership. At audit, it was determined that the taxpayer failed to self assess and remit use tax on clearly taxable items such as office and building supplies, a safe, a computer, and other miscellaneous items and had no use tax accrual system in place. Taxpayer failed to collect and remit sales tax on the vending machine items.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer protests the penalty assessed and states that it was not aware that parts and repair of its mechanical equipment were subject to sales or use tax.

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 did not have a use tax accrual system in place, did not collect and remit sales tax on vending machine items, and has not provided reasonable cause to allow the department to waive the penalty.

**FINDING**

Taxpayer’s protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0420020558P.LOF

**LETTER OF FINDINGS NUMBER: 02-0558P****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, a partnership that owns land, building and equipment of a recreation center, was audited for calendar years 1999, 2000, and 2001. The holdings are leased to a related company. Taxpayer is not required to register for sales tax. Taxpayer purchased items upon which no sales tax was collected nor paid.

Taxpayer requests abatement of the penalty because it was not aware that parts and repairs to its mechanical equipment were subject to sales or use tax.

**I. Tax Administration – Penalty**

**DISCUSSION**

Taxpayer purchased equipment exempt. Taxpayer protests the penalty assessed because it was not aware that parts and repairs of its mechanical equipment were subject to tax.

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."

Ignorance of Indiana tax laws is not reasonable cause. Taxpayer has not provided reasonable cause to allow the department to waive the penalty.

**FINDING**

Taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0420020560P.LOF

**LETTER OF FINDINGS NUMBER: 02-0560P**

**Sales Tax and 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**

Upon audit, it was discovered that the taxpayer failed to remit all of its collected Sales Tax and failed to charge and remit tax on a portion of its taxable sales.

Taxpayer, in a letter dated November 14, 2002 requests that the department waive the penalty because the controller made accounting errors related to the recording and payment of sales tax collected. Compounding the problem was the controller's failure to report the problem to taxpayer's management. The lack of communication to management continued from the time of the tax underpayments until after the termination of the controller's employment. Taxpayer states that it reasonably relied on the controller regarding tax issues. Taxpayer requests waiver of the penalty.

**I. Tax Administration – Penalty**

**DISCUSSION**

Taxpayer was assessed a ten percent (10%) penalty because it failed to correctly report its taxable sales.

Taxpayer protested penalties assessed and states it relied on its controller to correctly remit tax collected. Taxpayer further states it has instituted procedures to assure that sales tax is remitted timely.

Taxpayer has not provided reasonable cause to allow a waiver of the penalty assessed. An employee's failure to remit the tax is not reasonable cause.

**FINDING**

Taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0320020562P.LOF

**LETTER OF FINDINGS NUMBER: 02-0562P**

**Withholding Tax  
For August 31, 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 filed its WH-1 payment late and was assessed a late payment penalty. In a letter dated October 23, 2002, taxpayer protests the penalty assessed. Taxpayer states that its trainee inadvertently neglected to complete the transmission portion of the process. Taxpayer requests a penalty waiver because its intent is to fully remit all withholdings on an accurate and timely basis.

**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 August 31, 2002. Taxpayer, in a letter dated October 23, 2002 protested the penalty assessed and stated that it relied on a trainee to remit the tax due. Actions of the taxpayer's employee are also the actions of the taxpayer. Taxpayer has not provided reasonable cause to allow a waiver of the penalty assessed.

**FINDING**

Taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0320020563P.LOF

**LETTER OF FINDINGS NUMBER: 02-0563P**

**Withholding Tax  
For August 31, 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 filed its WH-1 payment late and was assessed a late payment penalty. In a letter dated October 23, 2002, taxpayer protests the penalty assessed. Taxpayer states that its trainee inadvertently neglected to complete the transmission portion of the process. Taxpayer requests a penalty waiver because its intent is to fully remit all withholdings on an accurate and timely basis.

**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 August 31, 2002.

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## Nonrule Policy Documents

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Taxpayer, in a letter dated October 23, 2002 protested the penalty assessed and stated that it relied on a trainee to remit the tax due. Actions of the taxpayer's employee are also the actions of the taxpayer. Taxpayer has not provided reasonable cause to allow a waiver of the penalty assessed.

### FINDING

Taxpayer's protest is denied.

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#### DEPARTMENT OF STATE REVENUE

0320020564P.LOF

#### LETTER OF FINDINGS NUMBER: 02-0564P

##### Withholding Tax For August 31, 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 filed its WH-1 payment late and was assessed a late payment penalty. In a letter dated October 23, 2002, taxpayer protests the penalty assessed. Taxpayer states that its trainee inadvertently neglected to complete the transmission portion of the process. Taxpayer requests a penalty waiver because its intent is to fully remit all withholdings on an accurate and timely basis.

##### 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 August 31, 2002. Taxpayer, in a letter dated October 23, 2002 protested the penalty assessed and stated that it relied on a trainee to remit the tax due. Actions of the taxpayer's employee are also the actions of the taxpayer. Taxpayer has not provided reasonable cause to allow a waiver of the penalty assessed.

### FINDING

Taxpayer's protest is denied.

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#### DEPARTMENT OF STATE REVENUE

0220020565P.LOF

#### LETTER OF FINDINGS NUMBER: 02-0565P

##### Gross and Adjusted Gross Income Tax For Fiscal Year Ended June 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.

##### II. Tax Administration – Interest

**Authority:** IC 6-8.1-10.1

Taxpayer protests the interest assessed.

#### STATEMENT OF FACTS

Taxpayer filed its return with payment on March 26, 2002 and was assessed a late penalty. The original due date of the return was October 15, 2001. Taxpayer filed for a Federal Extension of time until March 15, 2002. The Department allows an additional thirty days. The Taxpayer's tax liability was \$6,920 that it remitted after the due date.

Taxpayer filed a penalty and interest protest dated November 19, 2002. Taxpayer states it filed its return on March 26, 2002.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer protests the penalty assessed and states that it filed its return late based upon the advice of its outside tax professionals. Taxpayer filed its return on March 26, 2002 that is within the extension period.

Taxpayer was assessed a penalty for the late payment of its taxes, not for the late filing thereof.

IC 6-8.1-6-1 (c) states:

“If the Internal Revenue Service allows a person an extension on his federal income tax return, the corresponding due dates for the person’s Indiana income tax return are automatically extended for the same period as the federal extension, plus thirty (30) days. However, the person must pay at least ninety percent (90%) of the Indiana income tax that is reasonably expected to be due on the original due date by that due date, or he may be subject to the penalties imposed for failure to pay the tax.” Taxpayer failed to remit its tax timely and 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.

The Department has no statutory authority to waive interest.

**FINDING**

Taxpayer’s protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0320020577P.LOF through 0320020596P.LOF

**LETTER OF FINDINGS NUMBER: 02-0577P through 02-0596P****Withholding Tax****Calendar Year 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 6-8.1-10-6; 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer filed its WH-3 late and was assessed ten dollars (\$10) for each late filed W-2.

Taxpayer protests the penalties assessed and states that it had not received its returns that were due on February 28, 2002. Taxpayer states that hand prepared sheets were mailed after its telephone call prior to the end of February. The returns and payments were submitted on March 15, 2002.

**I. Tax Administration – Penalty****DISCUSSION**

Taxpayer requests the department waive the penalties for its failure to file information returns timely because it had not received the WH-3 reconciliations. Taxpayer states that it immediately filed the returns upon receipt of duplicate copies. Taxpayer further states that it has been timely with its tax filings and payments since the companies began operations.

The Annual Withholding Tax Reconciliation Returns show that the W-2 forms were submitted to the Department on March 15, 2002, which was clearly late. A review of taxpayer’s overall history indicates that the taxpayers had other late filed returns for which penalties were assessed. For the year 2001, departmental records indicate that the WH-3’s were mailed in November 2001 and indicate no post office returns.

IC 6-8.1-10-6 (b) states:

“If a person fails to file an information return required by the department, a penalty of ten dollars (\$10) for each failure to file a timely return, not to exceed twenty-five thousand dollars (\$25,000) in any one (1) calendar year, is imposed.”

Penalty applies to the late filing of information returns, as the taxpayer has not provided reasonable cause for its failure to file.

**FINDING**

Taxpayer’s protest is denied.

**DEPARTMENT OF STATE REVENUE**

02980759.SLOF

**SUPPLEMENTAL LETTER OF FINDINGS NUMBER: 98-0759 SLOF****Corporate Income Tax****For Tax Periods: 1995**

**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. Adjusted Gross Income Tax – Business Income**

**Authority:** IC 6-3-1-20, 45 IAC 3.1-1-1-30, 45 IAC 3.1-1-1-29, 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.

**2. Adjusted Gross Income Tax – Property Ratio**

**Authority:** IC 6-3-2-2, IC 6-8.1-5-1(b)

The taxpayer protests the use of the property ratio in determining the tax due.

**STATEMENT OF FACTS**

The taxpayer is an Ohio corporation whose principal business activity is the producing and wholesaling of shoes and the retailing of apparel, shoes and eyewear. The taxpayer sold its retail apparel and eyewear through its own stores in Indiana and other states. The shoes were sold through its own stores and through stores belonging to other business entities in Indiana and other states. In 1995, the taxpayer sold its shoe division to a Missouri corporation and its retail apparel division to a Connecticut corporation.

The Indiana Department of Revenue (department) audited the taxpayer for the years 1988 through 1996. The taxpayer protested several adjustments. A hearing was held on the protests and a Letter of Findings issued. The taxpayer requested and was granted a rehearing on the issues of the classification of certain receipts as business income and the use of the property ratio in determining the tax due.

**1. Adjusted Gross Income Tax – Business Income**

The department classified the receipts from the sale of the taxpayer's shoe and retail clothing divisions as business income. Pursuant to this classification, the receipts were apportioned and included in the Indiana sales factor. The taxpayer contends that the receipts should have been classified as derived from non-business income and not included in the taxpayer's Indiana income.

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 looked to 45 IAC 3.1-1-29 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 manufacture of shoes and the sale of shoes, apparel and eyeglasses. Almost all of the taxpayer's income derived from transactions associated with these activities. The taxpayer had owned the shoe production and sale businesses for a significant period of time. The sale of the shoe and retail clothing divisions was an unusual transaction for the taxpayer since it was not in the business of selling entire divisions. The sale of these divisions does not meet the transactional test for 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 taxpayer's regular trade 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. Therefore, the proceeds from the sale were not business income under the functional test.

In determining that the income from the sale of the shoe and retail apparel divisions constituted business income, the original Letter of Findings held as follows:

In the taxpayer's situation, a foreign eye care business purchased the taxpayer to acquire the eyeglasses and eye care division. The purchasing corporation disposed of the shoe division so it could further its regular business operations in the area of eye care. Therefore, the sale of the shoe division was necessary to complete the purchaser's regular trade of providing eye care and eyeglasses. The proceeds of this sale constituted business income under the functional test.

The taxpayer argued that this conclusion was in error because it referred only to the completion of the purchaser's eye care business rather than the taxpayer's eye care business. Further, the taxpayer argues that since it eventually went out of business, the sale of the two divisions could not have been an integral part of the taxpayer's regular trade or business operations.

The purchase of the taxpayer by the foreign eye care business changed the taxpayer's business. After this time, the focus of the taxpayer's business was the eye care division rather than the shoe and retail apparel divisions. The taxpayer corporation was managed in a fashion to promote that eye care business. Management decisions were made to make the taxpayer's eye care business as complementary to the purchaser's eye care business as possible. The shoe and retail apparel divisions would not further that function of the taxpayer's eye care business and its merger with the foreign corporation. Therefore, the sale of the two divisions actually was necessary and integral to the taxpayer's overall business purpose of preparing the taxpayer's business for full merger with the purchaser's business. After the merger, it was unnecessary to have two corporate structures to manage the combined eye care businesses. Therefore, the taxpayer corporation was dissolved. That later dissolution did not, however, indicate that the earlier sale of the divisions was not integral to the taxpayer's business at the time of the sale prior to the dissolution of the corporation.

The income from the sale of the shoe and retail apparel divisions constituted business income.

#### **FINDING**

The taxpayer's protest is denied.

#### **2. Adjusted Gross Income Tax – Property Ratio**

Pursuant to IC 6-3-2-2, taxpayer corporations must pay adjusted gross income tax on the proportion of the corporation's business income that was derived from Indiana. The income from the sale of the retail apparel and shoe divisions had been determined to be business income. Therefore, a determination had to be made as to what percentage of the income would be properly apportioned to Indiana. In the audit, the department calculated a ratio comparing the property in Indiana to property located elsewhere. The department then multiplied the entire amount of the business income by this property ratio to determine the income properly subject to Indiana taxation.

The taxpayer contends that the department erred in using this calculus. Rather, the taxpayer contends, the department should have calculated a ratio comparing the Indiana sales to sales in other states and used this sales ratio to determine the proper amount of tax due. The taxpayer supports this contention by stating that the sales ratio more accurately measures the proportion of the income from Indiana because it is based on pricing, number of items sold, and advertising.

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). The department used the property ratio because those were the figures used in the taxpayer's workpapers and the taxpayer had used the property ratio to determine its Indiana gross income tax liability. The taxpayer was unable to sustain its burden of proving that it was incorrect for the department to use the property ratio in determining the adjusted gross income tax due to Indiana on the income from the sale of the shoe and retail apparel divisions.

#### **FINDING**

The taxpayer's protest is denied.

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## 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 2-5-5	N 02-324	26 IR 1598	*AROC (26 IR 2134)
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)



# Rules Affected by Volumes 25 and 26

45 IAC 18-1-36	N	02-40	25 IR 3224	*CPH (25 IR 4129)	50 IAC 4.2-11	R	00-284	24 IR 4054	*AROC (24 IR 4240)
45 IAC 18-1-37	N	02-40	25 IR 3224	*CPH (25 IR 4129)					<b>25 IR 1528</b>
45 IAC 18-1-38	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 18-1-39	N	02-40	25 IR 3224	*CPH (25 IR 4129)					<b>25 IR 1528</b>
45 IAC 18-1-40	N	02-40	25 IR 3225	*CPH (25 IR 4129)	50 IAC 4.2-14	R	00-284	24 IR 4054	*AROC (24 IR 4240)
45 IAC 18-1-41	N	02-40	25 IR 3225	*CPH (25 IR 4129)					<b>25 IR 1528</b>
45 IAC 18-1-42	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 18-1-43	N	02-40	25 IR 3225	*CPH (25 IR 4129)					<b>25 IR 1528</b>
45 IAC 18-2-1	A	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 18-2-2	A	02-40	25 IR 3226	*CPH (25 IR 4129)					<b>25 IR 1528</b>
45 IAC 18-2-3	A	02-40	25 IR 3227	*CPH (25 IR 4129)	50 IAC 4.3	N	00-284	24 IR 4018	*AROC (24 IR 4240)
45 IAC 18-2-4	A	02-40	25 IR 3228	*CPH (25 IR 4129)					<b>25 IR 1489</b>
45 IAC 18-3-1	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 18-3-2	A	02-40	25 IR 3229	*CPH (25 IR 4129)	50 IAC 5.2	N	01-347	25 IR 417	<b>25 IR 1859</b>
45 IAC 18-3-3	R	02-40	25 IR 3238	*CPH (25 IR 4129)	50 IAC 12-16-30				*ERR (26 IR 793)
45 IAC 18-3-4	N	02-40	25 IR 3231	*CPH (25 IR 4129)	50 IAC 14	N	00-283	25 IR 1930	<b>25 IR 4048</b>
45 IAC 18-3-5	N	02-40	25 IR 3232	*CPH (25 IR 4129)					*ERR (26 IR 382)
45 IAC 18-3-6	N	02-40	25 IR 3232	*CPH (25 IR 4129)	50 IAC 15-1-1.5	N	01-266		<b>26 IR 1516</b>
45 IAC 18-3-7	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 18-3-8	N	02-40	25 IR 3233	*CPH (25 IR 4129)					<b>26 IR 1516</b>
45 IAC 18-4-1	A	02-40	25 IR 3233	*CPH (25 IR 4129)	50 IAC 15-1-2.6	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)					<b>26 IR 1516</b>
45 IAC 18-5-2	A	02-40	25 IR 3235	*CPH (25 IR 4129)	50 IAC 15-1-3	R	01-266	25 IR 416	*AROC (25 IR 2591)
45 IAC 18-6-1	R	02-40	25 IR 3238	*CPH (25 IR 4129)					<b>26 IR 1522</b>
45 IAC 18-6-2	R	02-40	25 IR 3238	*CPH (25 IR 4129)	50 IAC 15-1-5	R	01-266	25 IR 416	*AROC (25 IR 2591)
45 IAC 18-6-3	A	02-40	25 IR 3235	*CPH (25 IR 4129)					<b>26 IR 1522</b>
45 IAC 18-7	N	02-40	25 IR 3236	*CPH (25 IR 4129)	50 IAC 15-1-6	N	01-266	25 IR 410	*AROC (25 IR 2591)
45 IAC 18-8	N	02-40	25 IR 3236	*CPH (25 IR 4129)	50 IAC 15-3-1	A	01-266	25 IR 410	*AROC (25 IR 2591)
TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE					50 IAC 15-3-2	A	01-266	25 IR 410	*AROC (25 IR 2591)
50 IAC 2.3-1-1	A	01-305	25 IR 835	<b>26 IR 6</b>	50 IAC 15-3-3	A	01-266	25 IR 411	*AROC (25 IR 2591)
	A	01-402	26 IR 86	*AROC (26 IR 183)					<b>26 IR 1516</b>
				*AROC (26 IR 184)	50 IAC 15-3-4	A	01-266	25 IR 411	*AROC (25 IR 2591)
	A	02-240	26 IR 88						<b>26 IR 1517</b>
50 IAC 2.3-1-2	A	01-366	25 IR 1200	*ARR (25 IR 3760)	50 IAC 15-3-5	A	01-266	25 IR 411	*AROC (25 IR 2591)
				*AWR (26 IR 39)					<b>26 IR 1517</b>
	A	01-402	26 IR 87	*AROC (26 IR 183)	50 IAC 15-3-6	N	01-266	25 IR 411	*AROC (25 IR 2591)
				*AROC (26 IR 184)					<b>26 IR 1518</b>
50 IAC 3.1-1	R	01-367	25 IR 2550	<b>26 IR 328</b>	50 IAC 15-4-1	A	01-266	25 IR 412	*AROC (25 IR 2591)
50 IAC 3.1-2-1	R	01-367	25 IR 2550	<b>26 IR 328</b>					<b>26 IR 1518</b>
50 IAC 3.1-2-5	R	01-367	25 IR 2550	<b>26 IR 328</b>	50 IAC 15-5-1	A	01-266	25 IR 413	*AROC (25 IR 2591)
50 IAC 3.1-2-6	R	01-367	25 IR 2550	<b>26 IR 328</b>					<b>26 IR 1519</b>
50 IAC 3.1-2-7	R	01-367	25 IR 2550	<b>26 IR 328</b>	50 IAC 15-5-2	A	01-266	25 IR 414	*AROC (25 IR 2591)
50 IAC 3.1-2-8	R	01-367	25 IR 2550	<b>26 IR 328</b>					<b>26 IR 1520</b>
50 IAC 3.1-2-9	R	01-367	25 IR 2550	<b>26 IR 328</b>	50 IAC 15-5-4	A	01-266	25 IR 414	*AROC (25 IR 2591)
50 IAC 3.2	N	01-367	25 IR 2548	<b>26 IR 326</b>					<b>26 IR 1520</b>
				*ERR (26 IR 382)	50 IAC 15-5-5	A	01-266	25 IR 414	*AROC (25 IR 2591)
50 IAC 4.2-1	R	00-284	24 IR 4054	*AROC (24 IR 4240)					<b>26 IR 1520</b>
				<b>25 IR 1528</b>	50 IAC 15-5-6	A	01-266	25 IR 415	*AROC (25 IR 2591)
50 IAC 4.2-2	R	00-284	24 IR 4054	*AROC (24 IR 4240)					<b>26 IR 1521</b>
				<b>25 IR 1528</b>	50 IAC 15-5-7	A	01-266	25 IR 415	*AROC (25 IR 2591)
50 IAC 4.2-3-1	R	00-284	24 IR 4054	*AROC (24 IR 4240)					<b>26 IR 1521</b>
				<b>25 IR 1528</b>	50 IAC 15-5-8	A	01-266	25 IR 415	*AROC (25 IR 2591)
50 IAC 4.2-3-2	R	00-284	24 IR 4054	*AROC (24 IR 4240)					<b>26 IR 1521</b>
				<b>25 IR 1528</b>	50 IAC 17-5-1	A	00-188	24 IR 705	*AROC (24 IR 2590)
50 IAC 4.2-3-3	R	00-284	24 IR 4054	*AROC (24 IR 4240)	50 IAC 17-6-2	A	00-188	24 IR 705	*AROC (24 IR 2590)
				<b>25 IR 1528</b>	50 IAC 17-7-1	A	00-188	24 IR 705	*AROC (24 IR 2590)
50 IAC 4.2-4	R	00-284	24 IR 4054	*AROC (24 IR 4240)	50 IAC 17-10.5	N	00-188	24 IR 706	*AROC (24 IR 2590)
				<b>25 IR 1528</b>	50 IAC 18	N	02-81	26 IR 1117	*AROC (26 IR 1263)
50 IAC 4.2-5	R	00-284	24 IR 4054	*AROC (24 IR 4240)	TITLE 52 INDIANA BOARD OF TAX REVIEW				
				<b>25 IR 1528</b>	52 IAC 1	N	02-206	26 IR 89	
50 IAC 4.2-6	R	00-284	24 IR 4054	*AROC (24 IR 4240)	TITLE 55 DEPARTMENT OF COMMERCE				
				<b>25 IR 1528</b>	55 IAC 1	RA	01-239	25 IR 518	<b>25 IR 1267</b>
50 IAC 4.2-8	R	00-284	24 IR 4054	*AROC (24 IR 4240)	55 IAC 2	RA	01-239	25 IR 518	<b>25 IR 1267</b>
				<b>25 IR 1528</b>	55 IAC 3.1	RA	01-239	25 IR 518	<b>25 IR 1267</b>
50 IAC 4.2-9	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 4.2-10	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>

# Rules Affected by Volumes 25 and 26

## TITLE 58 ENTERPRISE ZONE BOARD

58 IAC 1	RA 01-267	25 IR 518	<b>25 IR 1267</b>
58 IAC 2	RA 01-267	25 IR 518	<b>25 IR 1267</b>

## TITLE 60 OVERSIGHT COMMITTEE ON PUBLIC RECORDS

60 IAC 1.1	RA 01-318	25 IR 519	<b>25 IR 1268</b>
60 IAC 2	RA 01-318	25 IR 519	<b>25 IR 1268</b>
60 IAC 2-1-1	A 02-261	26 IR 1118	
60 IAC 2-1-2	R 02-261	26 IR 1121	
60 IAC 2-1-3	R 02-261	26 IR 1121	
60 IAC 2-2-1	A 02-261	26 IR 1118	
60 IAC 2-2-2	A 02-261	26 IR 1118	
60 IAC 2-2-3	A 02-261	26 IR 1119	
60 IAC 2-2-3.1	N 02-261	26 IR 1120	
60 IAC 2-2-4	A 02-261	26 IR 1120	
60 IAC 2-2-5	A 02-261	26 IR 1120	
60 IAC 2-2-5.1	N 02-261	26 IR 1121	
60 IAC 2-2-6	R 02-261	26 IR 1121	
60 IAC 2-2-7	R 02-261	26 IR 1121	

## 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 4-452	N 02-353		*ER (26 IR 1585)
65 IAC 4-453	N 02-350		*ER (26 IR 1580)
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 5-15-10	N 03-14		*ER (26 IR 1946)
65 IAC 5-15-11	N 03-14		*ER (26 IR 1946)
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>

# Rules Affected by Volumes 25 and 26

68 IAC 14-12-2	A	01-23	24 IR 2736	<b>25 IR 1068</b>	71 IAC 9	RA	01-38	24 IR 3788	<b>25 IR 899</b>
68 IAC 15	RA	01-418	25 IR 2589	*CPH (25 IR 3208)	71 IAC 10	RA	01-38	24 IR 3788	<b>25 IR 899</b>
				<b>26 IR 1261</b>	71 IAC 11	RA	01-38	24 IR 3788	<b>25 IR 899</b>
68 IAC 15-2-3	A	01-23	24 IR 2736	<b>25 IR 1069</b>	71 IAC 12	RA	01-38	24 IR 3788	<b>25 IR 899</b>
68 IAC 15-2-6	A	01-23	24 IR 2737	<b>25 IR 1069</b>	71 IAC 12-2-15	A	01-410		*ER (25 IR 1189)
68 IAC 15-4-2	A	01-23	24 IR 2738	<b>25 IR 1070</b>		A	02-251		*ER (26 IR 58)
68 IAC 15-4-3	A	01-23	24 IR 2739	<b>25 IR 1071</b>		A	02-282		*ER (26 IR 394)
68 IAC 15-7-3	A	01-23	24 IR 2739	<b>25 IR 1071</b>	71 IAC 12-2-17	R	01-410		*ER (25 IR 1190)
68 IAC 15-8-1	A	01-23	24 IR 2740	<b>25 IR 1072</b>	71 IAC 12-2-18	A	01-410		*ER (25 IR 1190)
68 IAC 15-8-2	A	01-23	24 IR 2740	<b>25 IR 1072</b>	71 IAC 12-2-19	A	01-410		*ER (25 IR 1190)
68 IAC 15-14	N	01-23	24 IR 2740	<b>25 IR 1073</b>		A	02-251		*ER (26 IR 59)
68 IAC 16	RA	01-418	25 IR 2589	*CPH (25 IR 3208)					*ERR (26 IR 382)
				<b>26 IR 1261</b>	71 IAC 12-2-20	N	01-410		*ER (25 IR 1190)
68 IAC 17	RA	01-418	25 IR 2589	*CPH (25 IR 3208)		A	02-282		*ER (26 IR 395)
				<b>26 IR 1261</b>	71 IAC 13.5	RA	01-38	24 IR 3788	<b>25 IR 899</b>
68 IAC 18	RA	01-418	25 IR 2589	*CPH (25 IR 3208)	71 IAC 13.5-1-1	A	01-322		*ER (25 IR 122)
				<b>26 IR 1261</b>	71 IAC 13.5-2-1	A	01-322		*ER (25 IR 122)
68 IAC 19	RA	01-418	25 IR 2589	*CPH (25 IR 3208)	71 IAC 13.5-3-3	A	03-25		*ER (26 IR 1952)
				<b>26 IR 1261</b>	71 IAC 14.5	RA	01-38	24 IR 3788	<b>25 IR 899</b>
					71 IAC 14.5-1-1	N	01-322		*ER (25 IR 123)
						A	01-411		*ER (25 IR 1190)
					71 IAC 14.5-1-2	A	01-411		*ER (25 IR 1191)
					71 IAC 14.5-1-3	A	02-97		*ER (25 IR 2538)
						A	03-25		*ER (26 IR 1952)
					71 IAC 14.5-2-1	N	01-322		*ER (25 IR 123)
						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)
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)					
71 IAC 2	RA	01-38	24 IR 3788	<b>25 IR 899</b>					
71 IAC 3	RA	01-38	24 IR 3788	<b>25 IR 899</b>					
71 IAC 3-2-9	A	02-96		*ER (25 IR 2534)					
71 IAC 3-10-1	A	02-96		*ER (25 IR 2534)					
71 IAC 3.5	RA	01-38	24 IR 3788	<b>25 IR 899</b>	TITLE 80 STATE FAIR COMMISSION				
71 IAC 4	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 4.5	RA	01-38	24 IR 3788	<b>25 IR 899</b>	80 IAC 2	RA	01-126	24 IR 3789	<b>25 IR 528</b>
71 IAC 4.5-2-7	N	01-322		*ER (25 IR 118)	80 IAC 3	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 4	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>	80 IAC 4-3-3	A	02-200	26 IR 420	
71 IAC 5-3-3	A	02-96		*ER (25 IR 2535)	80 IAC 4-3-5	A	02-200	26 IR 420	
71 IAC 5.5	RA	01-38	24 IR 3788	<b>25 IR 899</b>	80 IAC 5	RA	01-126	24 IR 3789	<b>25 IR 528</b>
71 IAC 5.5-1-12	A	01-322		*ER (25 IR 118)	80 IAC 6	RA	01-126	24 IR 3789	<b>25 IR 528</b>
71 IAC 5.5-1-13	A	01-322		*ER (25 IR 118)					
71 IAC 5.5-2-1	A	01-322		*ER (25 IR 118)	TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION				
71 IAC 5.5-3-6	A	01-322		*ER (25 IR 119)	105 IAC 1	RA	01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 5.5-5-3	A	02-250		*ER (26 IR 55)	105 IAC 2	RA	01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 6	RA	01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 3	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 4	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 5	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 5-10-1	A	01-390	25 IR 1673	<b>25 IR 4051</b>
71 IAC 7	RA	01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 5-10-2	A	01-390	25 IR 1674	<b>25 IR 4052</b>
71 IAC 7-1-26	A	02-96		*ER (25 IR 2536)	105 IAC 6-1	RA	01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 7-1-28	A	02-96		*ER (25 IR 2536)	105 IAC 6-2	RA	01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 7-3-9	A	02-96		*ER (25 IR 2536)	105 IAC 7	RA	01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 7-3-13	A	02-96		*ER (25 IR 2537)	105 IAC 9	RA	01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 7-3-16	A	02-96		*ER (25 IR 2537)	105 IAC 9-2-1	A	02-231	26 IR 421	
71 IAC 7-3-25	A	02-96		*ER (25 IR 2537)	105 IAC 9-4-4	A	01-374	25 IR 836	<b>25 IR 2438</b>
71 IAC 7.5	RA	01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 9-4-5	A	01-374	25 IR 836	<b>25 IR 2438</b>
71 IAC 7.5-3-4	A	01-322		*ER (25 IR 119)	105 IAC 9-4-6	A	01-374	25 IR 837	<b>25 IR 2439</b>
71 IAC 7.5-4-2	A	01-322		*ER (25 IR 120)	105 IAC 9-4-7	A	01-374	25 IR 837	<b>25 IR 2439</b>
71 IAC 7.5-10	N	02-250		*ER (26 IR 56)	105 IAC 9-4-8	A	01-374	25 IR 837	<b>25 IR 2439</b>
71 IAC 8	RA	01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 9-4-9	A	01-374	25 IR 838	<b>25 IR 2440</b>
71 IAC 8-5-7	A	02-96		*ER (25 IR 2538)	105 IAC 9-4-10	A	01-374	25 IR 838	<b>25 IR 2440</b>
71 IAC 8-11-3	A	02-96		*ER (25 IR 2538)	105 IAC 9-4-11	A	01-374	25 IR 839	<b>25 IR 2441</b>
71 IAC 8.5	RA	01-38	24 IR 3788	<b>25 IR 899</b>	105 IAC 9-4-12	A	01-374	25 IR 840	<b>25 IR 2442</b>
71 IAC 8.5-3-1	A	01-322		*ER (25 IR 121)	105 IAC 9-4-13	A	01-374	25 IR 840	<b>25 IR 2442</b>
71 IAC 8.5-3-2	A	01-322		*ER (25 IR 121)	105 IAC 10	RA	01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 8.5-4-5	A	01-322		*ER (25 IR 121)	105 IAC 11	RA	01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 8.5-4-8	N	02-250		*ER (26 IR 57)	105 IAC 12	RA	01-234	25 IR 184	<b>25 IR 899</b>
71 IAC 8.5-5-2	N	02-250		*ER (26 IR 57)	105 IAC 12-1-6	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 12-1-9	A	00-248	24 IR 3664	<b>25 IR 366</b>
71 IAC 8.5-10-6	A	02-250		*ER (26 IR 58)	105 IAC 12-1-10	A	00-248	24 IR 3664	<b>25 IR 366</b>

## Rules Affected by Volumes 25 and 26

105 IAC 12-1-12	A	00-248	24 IR 3664	<b>25 IR 366</b>	135 IAC 2-7-19	R	02-171	25 IR 4151	
105 IAC 12-1-13	A	00-248	24 IR 3664	<b>25 IR 366</b>	135 IAC 2-7-20	A	02-171	25 IR 4149	
105 IAC 12-1-14	A	00-248	24 IR 3664	<b>25 IR 366</b>	135 IAC 2-7-23	A	02-171	25 IR 4149	
105 IAC 12-1-16	A	00-248	24 IR 3665	<b>25 IR 367</b>	135 IAC 2-8-1	A	02-171	25 IR 4149	
105 IAC 12-1-20	A	00-248	24 IR 3665	<b>25 IR 367</b>	135 IAC 2-8-3	A	02-171	25 IR 4150	
105 IAC 12-1-20.1	N	00-248	24 IR 3665	<b>25 IR 367</b>	135 IAC 2-8-5	A	02-171	25 IR 4150	
105 IAC 12-1-21	A	00-248	24 IR 3665	<b>25 IR 367</b>	135 IAC 2-8-7	A	02-171	25 IR 4150	
105 IAC 12-1-23	A	00-248	24 IR 3665	<b>25 IR 367</b>	135 IAC 2-8-11	A	02-171	25 IR 4150	
105 IAC 12-1-24	A	00-248	24 IR 3665	<b>25 IR 367</b>	135 IAC 2-10-1	A	02-171	25 IR 4151	
105 IAC 12-1-25	A	00-248	24 IR 3665	<b>25 IR 367</b>	135 IAC 2-10-2	A	02-171	25 IR 4151	
105 IAC 12-1-26	A	00-248	24 IR 3665	<b>25 IR 367</b>	135 IAC 3	RA	02-175	25 IR 4219	<b>26 IR 882</b>
105 IAC 12-2-4	A	00-248	24 IR 3666	<b>25 IR 368</b>	TITLE 140 BUREAU OF MOTOR VEHICLES				
105 IAC 12-2-6	A	00-248	24 IR 3666	<b>25 IR 368</b>	140 IAC 1-1-7	RA	01-75	24 IR 2862	<b>25 IR 900</b>
105 IAC 12-2-7	A	00-248	24 IR 3666	<b>25 IR 368</b>	140 IAC 1-1-11	RA	01-75	24 IR 2863	<b>25 IR 901</b>
105 IAC 12-2-9	A	00-248	24 IR 3666	<b>25 IR 368</b>	140 IAC 1-2-2	RA	01-75	24 IR 2864	<b>25 IR 902</b>
105 IAC 12-2-14	A	00-248	24 IR 3666	<b>25 IR 368</b>	140 IAC 1-2-3	RA	01-75	24 IR 2864	<b>25 IR 902</b>
105 IAC 12-2-16	A	00-248	24 IR 3666	<b>25 IR 369</b>	140 IAC 1-4.5-4	RA	01-75	24 IR 2865	<b>25 IR 902</b>
105 IAC 12-3-1	A	00-248	24 IR 3667	<b>25 IR 369</b>	140 IAC 1-4.5-6	RA	01-75	24 IR 2865	<b>25 IR 903</b>
105 IAC 12-3-2	A	00-248	24 IR 3667	<b>25 IR 369</b>	140 IAC 1-4.5-10	RA	01-75	24 IR 2866	<b>25 IR 903</b>
105 IAC 12-3-3	R	00-248	24 IR 3670	<b>25 IR 372</b>	140 IAC 1-5-3	RA	01-75	24 IR 2871	<b>25 IR 909</b>
105 IAC 12-3-4	A	00-248	24 IR 3667	<b>25 IR 370</b>	140 IAC 1-8-1	RA	01-75	24 IR 2872	<b>25 IR 910</b>
105 IAC 12-3-5	A	00-248	24 IR 3668	<b>25 IR 370</b>	140 IAC 2-4-3	RA	01-77	24 IR 2873	<b>25 IR 910</b>
105 IAC 12-3-7	A	00-248	24 IR 3668	<b>25 IR 370</b>	140 IAC 2-4-4	RA	01-77	24 IR 2873	<b>25 IR 910</b>
105 IAC 12-3-8	A	00-248	24 IR 3669	<b>25 IR 371</b>	140 IAC 2-4-9	RA	01-77	24 IR 2874	<b>25 IR 911</b>
105 IAC 12-4-1	A	00-248	24 IR 3669	<b>25 IR 371</b>	140 IAC 3-3-6	RA	01-79	24 IR 2875	<b>25 IR 911</b>
105 IAC 12-4-3	A	00-248	24 IR 3669	<b>25 IR 371</b>	140 IAC 3.5-2-4	RA	01-81	24 IR 2877	<b>25 IR 912</b>
105 IAC 12-4-4	A	00-248	24 IR 3669	<b>25 IR 371</b>	140 IAC 3.5-2-9	RA	01-81	24 IR 2878	<b>25 IR 913</b>
105 IAC 12-4-6	A	00-248	24 IR 3670	<b>25 IR 372</b>	140 IAC 3.5-2-11	RA	01-81	24 IR 2879	<b>25 IR 914</b>
TITLE 130 INDIANA PORT COMMISSION					140 IAC 3.5-2-13	RA	01-81	24 IR 2879	<b>25 IR 914</b>
130 IAC 1	RA	01-319	25 IR 185	<b>25 IR 900</b>	140 IAC 3.5-2-15	RA	01-81	24 IR 2879	<b>25 IR 914</b>
	R	01-395	25 IR 1683	*ARR (25 IR 2523)	140 IAC 4-1-4	RA	01-83	24 IR 2881	<b>25 IR 915</b>
				*CPH (25 IR 2542)	140 IAC 4-1-5	RA	01-83	24 IR 2881	<b>25 IR 915</b>
				*AROC (25 IR 3884)	140 IAC 4-1-11	RA	01-83	24 IR 2881	<b>25 IR 916</b>
				<b>25 IR 3712</b>	140 IAC 4-1-13	RA	01-83	24 IR 2882	<b>25 IR 916</b>
130 IAC 2	N	01-395	25 IR 1674	*ARR (25 IR 2523)	140 IAC 4-3-1	RA	01-83	24 IR 2883	<b>25 IR 917</b>
				*CPH (25 IR 2542)	140 IAC 5-1-2	RA	01-85	24 IR 2884	<b>25 IR 918</b>
				*AROC (25 IR 3884)	140 IAC 5-1-3	RA	01-85	24 IR 2884	<b>25 IR 918</b>
				<b>25 IR 3703</b>	140 IAC 5-1-4	RA	01-85	24 IR 2885	<b>25 IR 919</b>
130 IAC 3	N	01-395	25 IR 1676	*ARR (25 IR 2523)	140 IAC 6-1-7	RA	01-87	24 IR 2886	<b>25 IR 920</b>
				*CPH (25 IR 2542)	140 IAC 7-2-5	RA	01-89	24 IR 2888	<b>25 IR 920</b>
				*AROC (25 IR 3884)	140 IAC 7-2-6	RA	01-89	24 IR 2888	<b>25 IR 920</b>
				<b>25 IR 3705</b>	140 IAC 7-3-5	RA	01-89	24 IR 2888	<b>25 IR 921</b>
130 IAC 4	N	01-395	25 IR 1679	*ARR (25 IR 2523)	140 IAC 7-3-9	RA	01-89	24 IR 2889	<b>25 IR 921</b>
				*CPH (25 IR 2542)	140 IAC 7-3-10	RA	01-89	24 IR 2889	<b>25 IR 921</b>
				*AROC (25 IR 3884)	140 IAC 7-3-11	RA	01-89	24 IR 2889	<b>25 IR 922</b>
				<b>25 IR 3708</b>	140 IAC 7-3-13	RA	01-89	24 IR 2890	<b>25 IR 922</b>
TITLE 135 INDIANA TRANSPORTATION FINANCE AUTHORITY					140 IAC 7-3-17	RA	01-89	24 IR 2890	<b>25 IR 922</b>
135 IAC 2	RA	02-175	25 IR 4219	<b>26 IR 882</b>	140 IAC 8-1-1	RA	01-155	24 IR 3221	<b>25 IR 202</b>
135 IAC 2-1-1	A	02-171	25 IR 4138		140 IAC 8-1-2	RA	01-155	24 IR 3221	<b>25 IR 202</b>
135 IAC 2-2-1	A	02-171	25 IR 4140		140 IAC 8-1-3	RA	01-118	24 IR 3209	<b>25 IR 923</b>
135 IAC 2-2-3	A	02-171	25 IR 4140		140 IAC 8-2-1	RA	01-118	24 IR 3210	<b>25 IR 924</b>
135 IAC 2-2-5	A	02-171	25 IR 4140		140 IAC 8-2-2	RA	01-118	24 IR 3210	<b>25 IR 924</b>
135 IAC 2-2-10	A	02-171	25 IR 4141		140 IAC 8-2-3	RA	01-118	24 IR 3211	<b>25 IR 925</b>
135 IAC 2-2-12	A	02-171	25 IR 4141		140 IAC 8-2-4	RA	01-118	24 IR 3211	<b>25 IR 925</b>
135 IAC 2-3-1	A	02-171	25 IR 4141		140 IAC 8-3-1.1	RA	01-118	24 IR 3215	<b>25 IR 929</b>
135 IAC 2-3-2	A	02-171	25 IR 4141		140 IAC 8-3-2	RA	01-118	24 IR 3220	<b>25 IR 929</b>
135 IAC 2-4-1	A	02-171	25 IR 4141		140 IAC 8-3-3	RA	01-118	24 IR 3215	<b>25 IR 935</b>
135 IAC 2-4-4	A	02-171	25 IR 4142		140 IAC 8-3-4	RA	01-118	24 IR 3216	<b>25 IR 930</b>
135 IAC 2-5-1	A	02-171	25 IR 4142		140 IAC 8-3-5	RA	01-118	24 IR 3216	<b>25 IR 930</b>
135 IAC 2-5-2	A	02-171	25 IR 4142		140 IAC 8-3-6	RA	01-155	24 IR 3221	<b>25 IR 202</b>
135 IAC 2-6-1	A	02-171	25 IR 4148		140 IAC 8-3-7	RA	01-155	24 IR 3221	<b>25 IR 202</b>
135 IAC 2-7-1	A	02-171	25 IR 4148		140 IAC 8-3-8	RA	01-118	24 IR 3216	<b>25 IR 930</b>
135 IAC 2-7-3	A	02-171	25 IR 4148		140 IAC 8-3-9	RA	01-155	24 IR 3221	<b>25 IR 202</b>
135 IAC 2-7-7	A	02-171	25 IR 4148		140 IAC 8-3-10	RA	01-155	24 IR 3221	<b>25 IR 202</b>
135 IAC 2-7-11	A	02-171	25 IR 4149		140 IAC 8-3-11	RA	01-155	24 IR 3221	<b>25 IR 202</b>
135 IAC 2-7-15	A	02-171	25 IR 4149		140 IAC 8-3-12	RA	01-118	24 IR 3216	<b>25 IR 931</b>
135 IAC 2-7-18	A	02-171	25 IR 4149		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>

# Rules Affected by Volumes 25 and 26

140 IAC 8-3-15	RA	01-118	24 IR 3217	<b>25 IR 931</b>	170 IAC 7-1.3	N	00-213	24 IR 707	*AWR (25 IR 107)
140 IAC 8-3-16	RA	01-118	24 IR 3217	<b>25 IR 932</b>		N	01-342	25 IR 1946	<b>25 IR 4066</b>
140 IAC 8-3-17	RA	01-118	24 IR 3218	<b>25 IR 932</b>					*ERR (26 IR 382)
140 IAC 8-3-18	RA	01-118	24 IR 3218	<b>25 IR 932</b>	170 IAC 7-1.3-2				*ERR (26 IR 1565)
140 IAC 8-3-19	RA	01-118	24 IR 3218	<b>25 IR 933</b>	TITLE 205 INDIANA CRIMINAL JUSTICE INSTITUTE				
140 IAC 8-3-20	RA	01-118	24 IR 3219	<b>25 IR 933</b>	205 IAC 1	RA	01-219	25 IR 185	*CPH (25 IR 831)
140 IAC 8-3-21	RA	01-118	24 IR 3219	<b>25 IR 933</b>					<b>25 IR 3462</b>
140 IAC 8-3-22	RA	01-118	24 IR 3219	<b>25 IR 933</b>	205 IAC 2	RA	01-219	25 IR 185	*CPH (25 IR 831)
140 IAC 8-3-23	RA	01-118	24 IR 3219	<b>25 IR 934</b>					<b>25 IR 3462</b>
140 IAC 8-3-24	RA	01-118	24 IR 3219	<b>25 IR 934</b>	TITLE 210 DEPARTMENT OF CORRECTION				
140 IAC 8-3-25	RA	01-118	24 IR 3220	<b>25 IR 934</b>	210 IAC 1	RA	01-292	25 IR 186	<b>25 IR 1269</b>
140 IAC 8-3-26	RA	01-118	24 IR 3220	<b>25 IR 934</b>	210 IAC 1-6-1	A	01-358	25 IR 1200	*ARR (25 IR 4114)
140 IAC 8-3-27	RA	01-118	24 IR 3220	<b>25 IR 935</b>					*SPE
TITLE 170 INDIANA UTILITY REGULATORY COMMISSION					210 IAC 1-6-2	A	01-358	25 IR 1201	*ARR (25 IR 4114)
170 IAC 1-1.1-1	A	01-9	24 IR 1690	*ARR (24 IR 3653)		A	02-259	26 IR 817	*SPE
			24 IR 4055	*CPH (25 IR 403)		A	01-358	25 IR 1201	*ARR (25 IR 4114)
				<b>25 IR 1875</b>					*SPE
170 IAC 4-1-26	A	02-44	25 IR 2751	<b>26 IR 328</b>	210 IAC 1-6-3	A	02-259	26 IR 818	*ARR (25 IR 4114)
170 IAC 4-4.1-9				*ERR (25 IR 2521)		R	01-358	25 IR 1212	*SPE
170 IAC 7-1.1-1	R	00-213	24 IR 716	*AWR (25 IR 107)		R	02-259	26 IR 829	*ARR (25 IR 4114)
	R	01-341	25 IR 1945	<b>25 IR 4065</b>	210 IAC 1-6-4	A	01-358	25 IR 1201	*SPE
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>	210 IAC 1-6-5	A	02-259	26 IR 818	*ARR (25 IR 4114)
170 IAC 7-1.1-3	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	01-358	25 IR 1202	*SPE
				*AWR (25 IR 107)					
	R	01-341	25 IR 1945	<b>25 IR 4065</b>	210 IAC 1-6-6	A	02-259	26 IR 819	*ARR (25 IR 4114)
170 IAC 7-1.1-4	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	01-358	25 IR 1203	*SPE
				*AWR (25 IR 107)					
	R	01-341	25 IR 1945	<b>25 IR 4065</b>	210 IAC 1-6-7	A	02-259	26 IR 820	*ARR (25 IR 4114)
170 IAC 7-1.1-5	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	01-358	25 IR 1204	*SPE
				*AWR (25 IR 107)					
170 IAC 7-1.1-6	R	01-341	25 IR 1945	<b>25 IR 4065</b>	210 IAC 1-10	A	02-259	26 IR 821	*ARR (25 IR 4114)
	R	00-34	23 IR 2035	*ARR (24 IR 1671)		N	01-358	25 IR 1204	*SPE
				*AWR (25 IR 107)					
	R	01-341	25 IR 1945	<b>25 IR 4065</b>	210 IAC 2	N	02-259	26 IR 821	
170 IAC 7-1.1-7	R	00-34	23 IR 2035	*ARR (24 IR 1671)	210 IAC 3	RA	01-292	25 IR 186	<b>25 IR 1269</b>
				*AWR (25 IR 107)	210 IAC 5	RA	01-292	25 IR 186	<b>25 IR 1269</b>
170 IAC 7-1.1-8	R	01-341	25 IR 1945	<b>25 IR 4065</b>	210 IAC 5-1-1	RA	01-292	25 IR 186	<b>25 IR 1269</b>
	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	01-358	25 IR 1206	*ARR (25 IR 4114)
				*AWR (25 IR 107)					*SPE
	R	01-341	25 IR 1945	<b>25 IR 4065</b>	210 IAC 5-1-2	A	02-259	26 IR 823	*ARR (25 IR 4114)
170 IAC 7-1.1-9	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	01-358	25 IR 1207	*SPE
				*AWR (25 IR 107)					
	R	01-341	25 IR 1945	<b>25 IR 4065</b>	210 IAC 5-1-3	A	02-259	26 IR 824	*ARR (25 IR 4114)
170 IAC 7-1.1-10	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	01-358	25 IR 1207	*SPE
				*AWR (25 IR 107)					
	R	01-341	25 IR 1945	<b>25 IR 4065</b>	210 IAC 5-1-4	A	02-259	26 IR 824	*ARR (25 IR 4114)
170 IAC 7-1.1-11	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	01-358	25 IR 1210	*SPE
				*AWR (25 IR 107)					
	R	01-341	25 IR 1945	<b>25 IR 4065</b>	210 IAC 6-1-1	A	02-259	26 IR 827	
170 IAC 7-1.1-12	R	00-213	24 IR 716	*AWR (25 IR 107)		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)	210 IAC 6-3-2	A	02-173	25 IR 4153	<b>26 IR 1065</b>
				*AWR (25 IR 107)	210 IAC 6-3-3	A	02-173	25 IR 4153	<b>26 IR 1065</b>
	N	01-341	25 IR 1933	<b>25 IR 4053</b>					
				*ERR (26 IR 382)					

## Rules Affected by Volumes 25 and 26

210 IAC 6-3-4	A	02-173	25 IR 4154	<b>26 IR 1066</b>
210 IAC 6-3-5	A	02-173	25 IR 4155	<b>26 IR 1067</b>
210 IAC 6-3-6	RA	02-174	25 IR 4219	<b>26 IR 882</b>
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 220 PAROLE BOARD

220 IAC 1.1	RA	01-291	25 IR 186	<b>25 IR 935</b>
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### TITLE 240 STATE POLICE DEPARTMENT

240 IAC 1-4-1	RA	01-185	24 IR 4204	<b>25 IR 935</b>
240 IAC 1-4-2	RA	01-185	24 IR 4204	<b>25 IR 935</b>
240 IAC 1-4-4	RA	01-185	24 IR 4204	<b>25 IR 936</b>
240 IAC 1-4-5	RA	01-185	24 IR 4204	<b>25 IR 936</b>
240 IAC 1-4-18	RA	01-185	24 IR 4204	<b>25 IR 936</b>
240 IAC 1-4-22	RA	01-185	24 IR 4204	<b>25 IR 936</b>
240 IAC 1-5-1	RA	01-185	24 IR 4204	<b>25 IR 936</b>
240 IAC 1-5-2	RA	01-185	24 IR 4204	<b>25 IR 936</b>
240 IAC 1-5-3	RA	01-185	24 IR 4204	<b>25 IR 936</b>
240 IAC 1-5-4	RA	01-185	24 IR 4204	<b>25 IR 936</b>
240 IAC 1-5-5	RA	01-185	24 IR 4204	<b>25 IR 936</b>
240 IAC 1-5-6	RA	01-185	24 IR 4204	<b>25 IR 936</b>
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>

### 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>
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### TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

305 IAC 1-2-6	A	02-328	26 IR 1598	
305 IAC 1-3-4	A	02-328	26 IR 1599	
305 IAC 1-4-1	A	02-328	26 IR 1599	
305 IAC 1-4-2	A	02-328	26 IR 1599	
305 IAC 1-5	N	02-328	26 IR 1600	

### 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	<b>*AWR</b>
	A	02-162	25 IR 4165	<b>26 IR 1900</b>
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 6	RA	02-331	26 IR 2133	
312 IAC 7	RA	02-331	26 IR 2133	
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	RA	02-331	26 IR 2133	
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>

# Rules Affected by Volumes 25 and 26

312 IAC 9-6-1	A	01-359	25 IR 1215	<b>25 IR 3047</b>	326 IAC 1-2-82.5	N	00-267	24 IR 3107	*CPH (25 IR 124)
	A	02-318	26 IR 1966		326 IAC 1-2-90	A	02-337	26 IR 1998	
312 IAC 9-6-3	A	01-102	24 IR 3679	<b>25 IR 1537</b>	326 IAC 1-3-4	A	01-215	24 IR 4066	<b>25 IR 3055</b>
312 IAC 9-6-6	A	01-102	24 IR 3679	<b>25 IR 1537</b>	326 IAC 1-4-1	A	01-215	24 IR 4067	<b>25 IR 3056</b>
312 IAC 9-6-7	A	02-318	26 IR 1967			A	02-88	25 IR 3240	<b>26 IR 1077</b>
312 IAC 9-6-9	A	01-359	25 IR 1216	<b>25 IR 3048</b>	326 IAC 1-5-2				*ERR (26 IR 1565)
312 IAC 9-7-2	A	01-102	24 IR 3680	<b>25 IR 1537</b>	326 IAC 1-6-1	RA	00-44	24 IR 2752	*CPH (25 IR 2542)
				*ERR (25 IR 2254)					*CPH (25 IR 3208)
312 IAC 9-7-3	A	01-102	24 IR 3681	<b>25 IR 1539</b>	326 IAC 1-6-2	RA	00-44	24 IR 2752	*CPH (25 IR 2542)
312 IAC 9-7-6	A	01-102	24 IR 3681	<b>25 IR 1539</b>					*CPH (25 IR 3208)
312 IAC 9-7-12	A	01-102	24 IR 3682	<b>25 IR 1540</b>	326 IAC 1-6-3	RA	00-44	24 IR 2753	*CPH (25 IR 2542)
312 IAC 9-7-13	A	01-102	24 IR 3682	<b>25 IR 1540</b>					*CPH (25 IR 3208)
312 IAC 9-7-17	A	01-102	24 IR 3682	<b>25 IR 1540</b>	326 IAC 1-6-4	RA	00-44	24 IR 2753	*CPH (25 IR 2542)
312 IAC 9-7-18	A	01-102	24 IR 3683	<b>25 IR 1541</b>					*CPH (25 IR 3208)
312 IAC 9-9-4	A	01-359	25 IR 1217	<b>25 IR 3049</b>	326 IAC 1-6-5	RA	00-44	24 IR 2753	*CPH (25 IR 2542)
312 IAC 9-10-4	A	02-232	26 IR 1602		326 IAC 1-6-6	RA	00-44	24 IR 2754	*CPH (25 IR 3208)
312 IAC 9-10-6	A	02-68	25 IR 2752	<b>26 IR 1069</b>					*CPH (25 IR 2542)
312 IAC 9-10-11	A	01-444	25 IR 2551	<b>26 IR 692</b>	326 IAC 2-1.1-3	A	00-267	24 IR 3107	*CPH (25 IR 3208)
312 IAC 9-10-17	A	01-102	24 IR 3683	<b>25 IR 1541</b>					*CPH (25 IR 124)
312 IAC 9-11-14	A	02-322	26 IR 1603		326 IAC 2-1.1-7	A	01-215	24 IR 4067	<b>25 IR 1550</b>
312 IAC 10-3-1				*ERR (25 IR 1644)	326 IAC 2-1.1-9.5	N	00-267	24 IR 3115	<b>25 IR 3057</b>
312 IAC 10-5-4	A	01-124	24 IR 4060	<b>25 IR 1545</b>					*CPH (25 IR 124)
				*ERR (25 IR 2521)					<b>25 IR 1557</b>
312 IAC 10-5-8	A	01-124	24 IR 4061	<b>25 IR 1546</b>	326 IAC 2-2-1	A	00-267	24 IR 3115	*CPH (25 IR 124)
				*ERR (25 IR 1906)					<b>25 IR 1557</b>
312 IAC 11-2-17	A	01-124	24 IR 4062	<b>25 IR 1547</b>	326 IAC 2-2-2	A	00-267	24 IR 3121	*CPH (25 IR 124)
312 IAC 11-4-4	A	01-124	24 IR 4062	<b>25 IR 1547</b>					<b>25 IR 1564</b>
312 IAC 12-3-2				*ERR (26 IR 1565)	326 IAC 2-2-3	A	00-267	24 IR 3122	*CPH (25 IR 124)
312 IAC 13-4-1	A	01-106	24 IR 3102	<b>25 IR 708</b>					<b>25 IR 1564</b>
312 IAC 13-6-2	A	01-106	24 IR 3102	<b>25 IR 709</b>	326 IAC 2-2-4	A	00-267	24 IR 3122	*CPH (25 IR 124)
312 IAC 14	RA	02-331	26 IR 2133						<b>25 IR 1565</b>
312 IAC 15	RA	02-331	26 IR 2133		326 IAC 2-2-5	A	00-267	24 IR 3123	*CPH (25 IR 124)
312 IAC 16-3-2	A	02-73	25 IR 4156	<b>26 IR 1896</b>					<b>25 IR 1566</b>
312 IAC 16-3-5	N	02-73	25 IR 4158	<b>26 IR 1898</b>	326 IAC 2-2-6	A	00-267	24 IR 3124	*CPH (25 IR 124)
312 IAC 16-4-1	A	02-73	25 IR 4158	<b>26 IR 1898</b>					<b>25 IR 1567</b>
312 IAC 16-4-2	A	02-73	25 IR 4159	<b>26 IR 1898</b>	326 IAC 2-2-7	A	00-267	24 IR 3125	*CPH (25 IR 124)
312 IAC 16-4-5	A	02-73	25 IR 4159	<b>26 IR 1899</b>					<b>25 IR 1568</b>
312 IAC 18	RA	02-72	25 IR 3461	<b>26 IR 546</b>	326 IAC 2-2-9	A	00-267	24 IR 3125	*CPH (25 IR 124)
312 IAC 18-3-8	A	02-202	26 IR 1123						<b>25 IR 1568</b>
312 IAC 18-3-12	A	01-360	25 IR 1217	<b>25 IR 3049</b>	326 IAC 2-2-12	A	00-267	24 IR 3126	*CPH (25 IR 124)
	A	02-201	26 IR 1121						<b>25 IR 1569</b>
312 IAC 22.5	N	01-361	25 IR 2283	<b>25 IR 4074</b>	326 IAC 2-2-13				*ERR (26 IR 1565)
				*ERR (26 IR 383)					
312 IAC 23-3-5	N	01-91	24 IR 3670	<b>25 IR 708</b>	326 IAC 2-2-14	A	02-337	26 IR 1998	*CPH (25 IR 124)
312 IAC 24	RA	02-331	26 IR 2133			A	00-267	24 IR 3126	<b>25 IR 1569</b>
312 IAC 25				*ERR (25 IR 106)	326 IAC 2-2-16				*ERR (26 IR 1565)
				*ERR (25 IR 1182)					
312 IAC 25-1-45.5	N	02-104	25 IR 4160	*AROC (26 IR 1736)	326 IAC 2-2.5	N	00-267		†† <b>25 IR 1571</b>
312 IAC 25-1-60.5	N	02-104	25 IR 4160	*AROC (26 IR 1736)	326 IAC 2-3-1	A	00-137		†† <b>25 IR 6</b>
312 IAC 25-4-43	A	02-104	25 IR 4160	*AROC (26 IR 1736)					*ERR (25 IR 1183)
312 IAC 25-4-47	A	02-104	25 IR 4161	*AROC (26 IR 1736)					*ERR (26 IR 1565)
312 IAC 25-4-85	A	02-104	25 IR 4162	*AROC (26 IR 1736)		A	02-337	26 IR 2000	
312 IAC 25-4-93	A	02-104	25 IR 4163	*AROC (26 IR 1736)	326 IAC 2-3-2	A	00-137		†† <b>25 IR 11</b>
312 IAC 25-6-12.5	N	02-104	25 IR 4164	*AROC (26 IR 1736)	326 IAC 2-3-3	A	00-137		†† <b>25 IR 12</b>
312 IAC 25-6-76.5	N	02-104	25 IR 4164	*AROC (26 IR 1736)	326 IAC 2-4.1-1	A	01-215	24 IR 4068	<b>25 IR 3058</b>
312 IAC 26-1-13	A	01-124	24 IR 4062	<b>25 IR 1547</b>	326 IAC 2-5.1-3	A	01-215	24 IR 4069	<b>25 IR 3059</b>
312 IAC 26-2-3	A	01-124	24 IR 4062	<b>25 IR 1548</b>	326 IAC 2-6-1	A	01-249	24 IR 3700	*CPH (24 IR 4012)
				*ERR (25 IR 2521)	326 IAC 2-6-2	A	01-249	24 IR 3700	*CPH (24 IR 4012)
312 IAC 26-3-4	A	01-124	24 IR 4063	<b>25 IR 1548</b>	326 IAC 2-6-3	A	01-249	24 IR 3702	*CPH (24 IR 4012)
312 IAC 26-4-5	A	01-124	24 IR 4063	<b>25 IR 1549</b>	326 IAC 2-6-4	A	01-249	24 IR 3703	*CPH (24 IR 4012)
									*ERR (26 IR 1566)
TITLE 326 AIR POLLUTION CONTROL BOARD						A	02-337	26 IR 2005	
326 IAC 1-1-3	A	01-215	24 IR 4065	<b>25 IR 3054</b>	326 IAC 2-6-5	N	01-249	24 IR 3705	*CPH (24 IR 4012)
	A	02-337	26 IR 1997		326 IAC 2-6.1-2	A	00-267	24 IR 3128	*CPH (25 IR 124)
326 IAC 1-1-3.5	N	01-215	24 IR 4065	<b>25 IR 3055</b>					<b>25 IR 1572</b>
	A	02-337	26 IR 1997		326 IAC 2-6.1-3	A	01-215	24 IR 4072	<b>25 IR 3062</b>
326 IAC 1-2-20.5	N	01-215	24 IR 4065	<b>25 IR 3055</b>	326 IAC 2-6.1-5	A	00-267	24 IR 3128	*CPH (25 IR 124)
326 IAC 1-2-48	A	01-215	24 IR 4065	<b>25 IR 3055</b>					<b>25 IR 1572</b>
326 IAC 1-2-65	A	02-337	26 IR 1997		326 IAC 2-6.1-6	A	01-215	24 IR 4072	<b>25 IR 3062</b>

## Rules Affected by Volumes 25 and 26

326 IAC 2-7-1	A	00-267	24 IR 3129	*CPH (25 IR 124) <b>25 IR 1573</b>	326 IAC 4-1-8			*ERR (26 IR 1567)
326 IAC 2-7-2	A	00-267	24 IR 3139	*CPH (25 IR 124) <b>25 IR 1584</b>	326 IAC 4-2-1	A	00-267	24 IR 3153 *CPH (25 IR 124) <b>25 IR 1597</b>
326 IAC 2-7-3				*ERR (26 IR 1566)		A	00-44	24 IR 2754 *CPH (25 IR 2542) *CPH (25 IR 3208) <b>26 IR 1071</b>
326 IAC 2-7-4	A	02-337	26 IR 2006		326 IAC 4-2-2	A	00-44	24 IR 2754 *CPH (25 IR 2542) *CPH (25 IR 3208) <b>26 IR 1071</b>
326 IAC 2-7-5	A	00-267	24 IR 3143	*CPH (25 IR 124) <b>25 IR 1585</b>				
326 IAC 2-7-8				*CPH (25 IR 124) <b>25 IR 1588</b>	326 IAC 5-1-1	A	00-267	24 IR 3153 *CPH (25 IR 124) <b>25 IR 1597</b>
				*ERR (26 IR 1566)				*ERR (26 IR 1567)
	A	02-337	26 IR 2006		326 IAC 5-1-2			
326 IAC 2-7-10.5	A	01-215	24 IR 4075	<b>25 IR 3065</b>		A	01-407	26 IR 2026 *ERR (26 IR 1567)
326 IAC 2-7-11	A	00-267	24 IR 3146	*CPH (25 IR 124) <b>25 IR 1591</b>	326 IAC 5-1-4			
				*CPH (25 IR 124) <b>25 IR 1591</b>		A	02-337	26 IR 2026 *ERR (26 IR 1567)
326 IAC 2-7-12	A	00-267	24 IR 3147	*CPH (25 IR 124) <b>25 IR 1591</b>	326 IAC 5-1-5			
				*CPH (25 IR 124) <b>25 IR 1593</b>	326 IAC 6-1-1	A	02-337	26 IR 2027
326 IAC 2-7-16	A	00-267	24 IR 3149	*ERR (26 IR 1566)		A	99-218	24 IR 395 *ARR (24 IR 3071) <b>25 IR 710</b>
326 IAC 2-7-18						A	00-267	24 IR 3154 *CPH (25 IR 124) <b>25 IR 1598</b>
	A	02-337	26 IR 2007					*ERR (25 IR 1644) *ERR (26 IR 383)
326 IAC 2-7-19	A	01-215	24 IR 4079	<b>25 IR 3069</b>				*ARR (24 IR 3071) <b>25 IR 710</b>
326 IAC 2-7-20	A	00-267	24 IR 3150	*CPH (25 IR 124) <b>25 IR 1594</b>	326 IAC 6-1-1.5	N	99-218	24 IR 395 *ARR (24 IR 3071) <b>25 IR 710</b>
				*CPH (25 IR 124) <b>25 IR 1595</b>	326 IAC 6-1-2	A	99-218	24 IR 395 *ARR (24 IR 3071) <b>25 IR 710</b>
326 IAC 2-7-24	A	00-267	24 IR 3150	*CPH (25 IR 124) <b>25 IR 1604</b>	326 IAC 6-1-3	A	99-218	24 IR 397 *ARR (24 IR 3071) <b>25 IR 713</b>
326 IAC 2-7-25	R	00-267	24 IR 3160	*ERR (26 IR 1566)				*ARR (24 IR 3071) <b>25 IR 713</b>
326 IAC 2-8-3					326 IAC 6-1-4	A	99-218	24 IR 398 *ARR (24 IR 3071) <b>25 IR 713</b>
	A	02-337	26 IR 2008					*ARR (24 IR 3071) <b>25 IR 713</b>
326 IAC 2-8-10	A	01-215	24 IR 4081	<b>25 IR 3071</b>	326 IAC 6-1-5	A	99-218	24 IR 398 *ARR (24 IR 3071) <b>25 IR 713</b>
326 IAC 2-8-11.1	A	01-215	24 IR 4083	<b>25 IR 3072</b>				*ARR (24 IR 3071) <b>25 IR 714</b>
326 IAC 2-9-4	A	01-215	24 IR 4085	<b>25 IR 3075</b>	326 IAC 6-1-6	A	99-218	24 IR 399 *ARR (24 IR 3071) <b>25 IR 714</b>
326 IAC 2-9-7				*ERR (26 IR 1566)				*ARR (24 IR 3071) <b>25 IR 714</b>
	A	02-337	26 IR 2009		326 IAC 6-1-8.1	A	99-218	24 IR 399 *ARR (24 IR 3071) <b>25 IR 714</b>
326 IAC 2-9-8				*ERR (26 IR 1566)				*ARR (24 IR 3071) <b>25 IR 715</b>
	A	02-337	26 IR 2010		326 IAC 6-1-9	A	99-218	24 IR 400 *ARR (24 IR 3071) <b>25 IR 716</b>
326 IAC 2-9-9				*ERR (26 IR 1566)				*ARR (24 IR 3071) <b>25 IR 716</b>
	A	02-337	26 IR 2012		326 IAC 6-1-10.1	A	99-218	24 IR 401 *ARR (24 IR 3071) <b>25 IR 716</b>
326 IAC 2-9-10				*ERR (26 IR 1566)				<b>25 IR 4077</b>
	A	02-337	26 IR 2013			A	99-73	25 IR 1959
326 IAC 2-9-13				*ERR (26 IR 1566)		A	01-407	26 IR 1970
	A	02-337	26 IR 2014		326 IAC 6-1-10.2	A	01-407	26 IR 1994
326 IAC 3-4-1				*ERR (26 IR 1566)	326 IAC 6-1-11.1	A	99-218	24 IR 425 *ARR (24 IR 3071) <b>25 IR 741</b>
	A	02-337	26 IR 2016					*ARR (24 IR 3071) <b>25 IR 746</b>
326 IAC 3-4-3				*ERR (26 IR 1566)	326 IAC 6-1-11.2	A	99-218	24 IR 430 *ARR (24 IR 3071) <b>25 IR 748</b>
	A	02-337	26 IR 2016					*ARR (24 IR 3071) <b>25 IR 754</b>
326 IAC 3-5-1	A	00-267	24 IR 3152	*CPH (25 IR 124) <b>25 IR 1596</b>	326 IAC 6-1-12	A	99-218	24 IR 432 *ARR (24 IR 3071) <b>25 IR 756</b>
				*ERR (25 IR 1644) *ERR (26 IR 1566)				*CPH (26 IR 811) *ARR (24 IR 3071) <b>25 IR 758</b>
326 IAC 3-5-2					326 IAC 6-1-13	A	99-218	24 IR 437 *ARR (24 IR 3071) <b>25 IR 759</b>
	A	02-337	26 IR 2017					*ARR (24 IR 3071) <b>25 IR 761</b>
326 IAC 3-5-3				*ERR (26 IR 1567)	326 IAC 6-1-14	A	99-218	24 IR 439 *ARR (24 IR 3071) <b>25 IR 762</b>
	A	02-337	26 IR 2019					*CPH (25 IR 124) <b>25 IR 1598</b>
326 IAC 3-5-4				*ERR (26 IR 1567)				*ERR (26 IR 1567) *CPH (24 IR 4012) *CPH (25 IR 1195) *CPH (25 IR 1668) <b>25 IR 3051</b>
	A	02-337	26 IR 2019		326 IAC 6-1-15	A	02-122	26 IR 98
326 IAC 3-5-5				*ERR (26 IR 1567)		A	99-218	24 IR 440
	A	02-337	26 IR 2020		326 IAC 6-1-16	A	99-218	24 IR 442
326 IAC 3-6-1				*ERR (26 IR 1567)				
	A	02-337	26 IR 2022		326 IAC 6-1-17	A	99-218	24 IR 443
326 IAC 3-6-3				*ERR (26 IR 1567)				
	A	02-337	26 IR 2022		326 IAC 6-1-18	A	99-218	24 IR 444
326 IAC 3-6-5				*ERR (26 IR 1567)				
	A	02-337	26 IR 2023		326 IAC 6-2-1	A	00-267	24 IR 3154
326 IAC 3-7-2				*ERR (26 IR 1567)				
	A	02-337	26 IR 2024		326 IAC 6-2-3			
326 IAC 3-7-4				*ERR (26 IR 1567)	326 IAC 6-3-1	A	99-265	24 IR 2748
	A	02-337	26 IR 2025					
326 IAC 4-1-4.1	A	02-88	25 IR 3240	<b>26 IR 1077</b>				



# Rules Affected by Volumes 25 and 26

326 IAC 6-3-1.5	N	99-265		†† <b>25 IR 3052</b>	326 IAC 8-9-1	RA	00-44	24 IR 2760	*CPH (25 IR 2542)
326 IAC 6-3-2	A	99-265	24 IR 2749	*CPH (24 IR 4012)					*CPH (25 IR 3208)
				*CPH (25 IR 1195)	326 IAC 8-9-2	RA	00-44	24 IR 2760	*CPH (25 IR 2542)
				*CPH (25 IR 1668)					*CPH (25 IR 3208)
				<b>25 IR 3052</b>					*ERR (26 IR 1568)
326 IAC 6-4-1	RA	01-184	24 IR 2800	<b>25 IR 1605</b>		A	02-337	26 IR 2037	
326 IAC 6-4-2	RA	01-184	24 IR 2800	<b>25 IR 1605</b>	326 IAC 8-9-3	RA	00-44	24 IR 2760	*CPH (25 IR 2542)
326 IAC 6-4-3	RA	01-184	24 IR 2800	<b>25 IR 1605</b>					*CPH (25 IR 3208)
326 IAC 6-4-4	RA	01-184	24 IR 2801	<b>25 IR 1606</b>					*ERR (26 IR 1568)
326 IAC 6-4-5	RA	01-184	24 IR 2801	<b>25 IR 1606</b>		A	02-337	26 IR 2037	
				*ERR (26 IR 1567)	326 IAC 8-9-4	RA	00-44	24 IR 2761	*CPH (25 IR 2542)
326 IAC 6-4-6	RA	01-184	24 IR 2801	<b>25 IR 1606</b>					*CPH (25 IR 3208)
326 IAC 6-4-7	RA	01-184	24 IR 2801	<b>25 IR 1606</b>					*ERR (26 IR 1568)
326 IAC 6-5-1	A	00-267	24 IR 3154	*CPH (25 IR 124)		A	02-337	26 IR 2038	
				<b>25 IR 1599</b>	326 IAC 8-9-5	RA	00-44	24 IR 2763	*CPH (25 IR 2542)
326 IAC 6-5-7				*ERR (26 IR 1568)					*CPH (25 IR 3208)
326 IAC 6-6-1	A	00-267	24 IR 3155	*CPH (25 IR 124)					*ERR (26 IR 1568)
				<b>25 IR 1600</b>		A	02-337	26 IR 2040	
326 IAC 6-6-2				*ERR (26 IR 1568)	326 IAC 8-9-6	RA	00-44	24 IR 2765	*CPH (25 IR 2542)
326 IAC 6-6-4				*ERR (26 IR 1568)					*CPH (25 IR 3208)
326 IAC 7-1.1-1	A	00-267	24 IR 3156	*CPH (25 IR 124)		A	02-337	26 IR 2042	*ERR (26 IR 1568)
				<b>25 IR 1600</b>	326 IAC 8-10-5				*ERR (26 IR 1568)
326 IAC 7-1.1-2	A	00-267	24 IR 3156	*CPH (25 IR 124)	326 IAC 8-10-6				*ERR (26 IR 1568)
				<b>25 IR 1600</b>	326 IAC 8-10-7				
326 IAC 7-2-1				*ERR (25 IR 813)		A	02-337	26 IR 2044	
				*ERR (26 IR 1565)	326 IAC 8-11-1	RA	00-44	24 IR 2767	*CPH (25 IR 2542)
326 IAC 7-3-1	A	02-337	26 IR 2028						*CPH (25 IR 3208)
	A	00-267	24 IR 3156	*CPH (25 IR 124)	326 IAC 8-11-2	RA	00-44	24 IR 2767	*CPH (25 IR 2542)
				<b>25 IR 1600</b>					*CPH (25 IR 3208)
326 IAC 7-4-10				*ERR (26 IR 1568)					*ERR (26 IR 1568)
	A	02-337	26 IR 2029			A	02-337	26 IR 2044	
326 IAC 7-4-14				*ERR (26 IR 1568)	326 IAC 8-11-3	RA	00-44	24 IR 2769	*CPH (25 IR 2542)
326 IAC 8-1-1	A	00-267	24 IR 3156	*CPH (25 IR 124)					*CPH (25 IR 3208)
				<b>25 IR 1601</b>					*ERR (26 IR 1568)
326 IAC 8-1-2	A	01-251	25 IR 2754	<b>26 IR 1073</b>	326 IAC 8-11-4	RA	00-44	24 IR 2770	*CPH (25 IR 2542)
326 IAC 8-1-4				*ERR (26 IR 1565)					*CPH (25 IR 3208)
	A	02-337	26 IR 2030		326 IAC 8-11-5	RA	00-44	24 IR 2771	*CPH (25 IR 2542)
326 IAC 8-2-9	A	02-88	25 IR 3241	<b>26 IR 1078</b>					*CPH (25 IR 3208)
326 IAC 8-4-6	A	02-337	26 IR 2032		326 IAC 8-11-6	RA	00-44	24 IR 2771	*CPH (25 IR 2542)
326 IAC 8-4-7		98-40		*ERR (25 IR 1183)					*CPH (25 IR 3208)
326 IAC 8-4-9				*ERR (25 IR 1906)					*ERR (26 IR 1568)
				*ERR (26 IR 1568)		A	02-337	26 IR 2046	
326 IAC 8-7-1	A	02-337	26 IR 2035		326 IAC 8-11-7	RA	00-44	24 IR 2775	*CPH (25 IR 2542)
	RA	00-44	24 IR 2754	*CPH (25 IR 2542)					*CPH (25 IR 3208)
326 IAC 8-7-2	RA	00-44	24 IR 2755	*CPH (25 IR 3208)					*ERR (26 IR 1569)
				*CPH (25 IR 2542)		A	02-337	26 IR 2050	
326 IAC 8-7-3	RA	00-44	24 IR 2755	*CPH (25 IR 3208)	326 IAC 8-11-8	RA	00-44	24 IR 2775	*CPH (25 IR 2542)
				*CPH (25 IR 2542)					*CPH (25 IR 3208)
326 IAC 8-7-4	RA	00-44	24 IR 2756	*CPH (25 IR 2542)	326 IAC 8-11-9	RA	00-44	24 IR 2776	*CPH (25 IR 2542)
				*CPH (25 IR 3208)					*CPH (25 IR 3208)
326 IAC 8-7-5	RA	00-44	24 IR 2758	*CPH (25 IR 2542)	326 IAC 8-11-10	RA	00-44	24 IR 2777	*CPH (25 IR 2542)
				*CPH (25 IR 3208)					*CPH (25 IR 3208)
326 IAC 8-7-6	RA	00-44	24 IR 2758	*CPH (25 IR 2542)	326 IAC 8-12-3				*ERR (26 IR 1569)
				*CPH (25 IR 3208)		A	02-337	26 IR 2050	
326 IAC 8-7-7	RA	00-44	24 IR 2758	*CPH (25 IR 2542)	326 IAC 8-12-5				*ERR (26 IR 1569)
				*CPH (25 IR 3208)		A	02-337	26 IR 2052	
				*ERR (26 IR 1568)	326 IAC 8-12-6				*ERR (26 IR 1565)
	A	02-337	26 IR 2036			A	02-337	26 IR 2053	
326 IAC 8-7-8	RA	00-44	24 IR 2758	*CPH (25 IR 2542)	326 IAC 8-12-7	A	02-337	26 IR 2054	
				*CPH (25 IR 3208)	326 IAC 8-13-5				*ERR (26 IR 1569)
326 IAC 8-7-9	RA	00-44	24 IR 2758	*CPH (25 IR 2542)		A	02-337	26 IR 2055	
				*CPH (25 IR 3208)	326 IAC 9-1-1	A	00-44	24 IR 2777	*CPH (25 IR 2542)
326 IAC 8-7-10	RA	00-44	24 IR 2759	*CPH (25 IR 2542)					*CPH (25 IR 3208)
				*CPH (25 IR 3208)					<b>26 IR 1072</b>
				*ERR (26 IR 1568)	326 IAC 9-1-2	A	00-267	24 IR 3157	*CPH (25 IR 124)
326 IAC 8-8-2	A	01-215	24 IR 4087	<b>25 IR 3077</b>					<b>25 IR 1601</b>
326 IAC 8-8-3	A	01-215	24 IR 4087	<b>25 IR 3077</b>					*ERR (25 IR 1644)
326 IAC 8-8.1-1				*ERR (26 IR 1568)		A	00-44	24 IR 2777	*CPH (25 IR 2542)
326 IAC 8-8.1-2	A	01-215	24 IR 4087	<b>25 IR 3077</b>					*CPH (25 IR 3208)
326 IAC 8-8.1-3	A	01-215	24 IR 4088	<b>25 IR 3078</b>					<b>26 IR 1072</b>

## Rules Affected by Volumes 25 and 26

326 IAC 10-0.5	N	98-235	24 IR 81	*AWR (25 IR 107)	326 IAC 13-1.1-8			*ERR (26 IR 1570)
326 IAC 10-1-1	A	98-235	24 IR 83	*AWR (25 IR 107)		A	02-337	26 IR 2063
	A	00-267	24 IR 3157	*CPH (25 IR 124)	326 IAC 13-1.1-10			*ERR (26 IR 1570)
				<b>25 IR 1602</b>		A	02-337	26 IR 2063
326 IAC 10-1-2	R	98-235	24 IR 91	*AWR (25 IR 107)	326 IAC 13-1.1-13			*ERR (26 IR 1570)
				*ERR (26 IR 1569)		A	02-337	26 IR 2064
	A	02-337	26 IR 2056		326 IAC 13-1.1-14			*ERR (26 IR 1570)
326 IAC 10-1-4				*ERR (26 IR 1569)		A	02-337	26 IR 2065
	A	02-337	26 IR 2057		326 IAC 13-1.1-16			*ERR (26 IR 1570)
326 IAC 10-1-5				*ERR (26 IR 1569)		A	02-337	26 IR 2066
	A	02-337	26 IR 2059		326 IAC 13-1.1-17.1	A	01-215	24 IR 4093
326 IAC 10-1-6				*ERR (26 IR 1569)	326 IAC 13-2.1-3			<b>25 IR 3083</b>
	A	02-337	26 IR 2059		326 IAC 13-3-1	A	02-88	25 IR 3242
326 IAC 10-2	N	98-235	24 IR 84	*AWR (25 IR 107)	326 IAC 13-3-2			*ERR (26 IR 1570)
326 IAC 10-3	N	00-137	24 IR 2143	*CPH (24 IR 2722)	326 IAC 13-3-5			*ERR (26 IR 1570)
				<b>25 IR 14</b>	326 IAC 13-3-6			*ERR (26 IR 1570)
				*ERR (25 IR 1183)	326 IAC 14-1-1	A	02-337	26 IR 2066
326 IAC 10-3-1	A	02-54	26 IR 1134		326 IAC 14-1-2	A	02-337	26 IR 2067
326 IAC 10-3-3				*ERR (26 IR 1569)	326 IAC 14-1-3	A	00-267	24 IR 3159
326 IAC 10-4	N	00-137	24 IR 2146	*CPH (24 IR 2722)				*CPH (25 IR 124)
				<b>25 IR 18</b>				<b>25 IR 1604</b>
				*ERR (25 IR 1183)	326 IAC 14-1-4	R	02-337	26 IR 2099
326 IAC 10-4-1	A	02-54	26 IR 1134		326 IAC 14-2-1	A	01-215	24 IR 4093
326 IAC 10-4-2	A	02-54	26 IR 1136		326 IAC 14-3-1			<b>25 IR 3084</b>
								*ERR (26 IR 1570)
326 IAC 10-4-3				*ERR (26 IR 1569)	326 IAC 14-4-1	A	02-337	26 IR 2067
326 IAC 10-4-4				*ERR (26 IR 1569)				*ERR (26 IR 1571)
326 IAC 10-4-8				*ERR (26 IR 1569)	326 IAC 14-5-1	A	02-337	26 IR 2067
326 IAC 10-4-9	A	02-54	26 IR 1142					*ERR (26 IR 1571)
326 IAC 10-4-10	A	02-54	26 IR 1148		326 IAC 14-6-1			*ERR (26 IR 1571)
326 IAC 10-4-12				*ERR (26 IR 1569)	326 IAC 14-7-1			*ERR (26 IR 1571)
326 IAC 10-4-13	A	02-54	26 IR 1152			A	02-337	26 IR 2068
326 IAC 10-4-14	A	02-54	26 IR 1155		326 IAC 14-8-1	A	02-337	26 IR 2068
326 IAC 10-4-15	A	02-54	26 IR 1156		326 IAC 14-8-3	A	02-337	26 IR 2069
326 IAC 11-1-1	A	00-267	24 IR 3158	*CPH (25 IR 124)	326 IAC 14-8-4	A	02-337	26 IR 2069
				<b>25 IR 1602</b>	326 IAC 14-8-5	A	02-337	26 IR 2069
326 IAC 11-2-1	A	00-267	24 IR 3158	*CPH (25 IR 124)	326 IAC 14-9-5	A	02-337	26 IR 2070
				<b>25 IR 1603</b>	326 IAC 14-9-7			*ERR (26 IR 1571)
326 IAC 11-3-1	A	00-267	24 IR 3158	*CPH (25 IR 124)	326 IAC 14-9-8	A	02-337	26 IR 2071
				<b>25 IR 1603</b>	326 IAC 14-9-9			*ERR (26 IR 1571)
326 IAC 11-3-4				*ERR (26 IR 1569)		A	02-337	26 IR 2071
	A	01-407	26 IR 2060		326 IAC 14-10-1			*ERR (26 IR 1571)
326 IAC 11-4-1	A	00-267	24 IR 3159	*CPH (25 IR 124)		A	02-337	26 IR 2072
				<b>25 IR 1603</b>	326 IAC 14-10-2			*ERR (26 IR 1571)
326 IAC 11-4-5	A	00-43	25 IR 2285	<b>26 IR 10</b>		A	02-337	26 IR 2074
326 IAC 11-5	R	99-177	25 IR 1984	<b>26 IR 10</b>	326 IAC 14-10-3			*ERR (26 IR 1571)
326 IAC 11-5-1	A	00-267	24 IR 3159	*CPH (25 IR 124)		A	02-337	26 IR 2076
				<b>25 IR 1603</b>	326 IAC 14-10-4			*ERR (26 IR 1571)
326 IAC 11-6-1	A	01-215	24 IR 4088	<b>25 IR 3078</b>		A	02-337	26 IR 2078
326 IAC 11-6-2	A	01-215	24 IR 4089	<b>25 IR 3079</b>	326 IAC 15-1-1	A	00-267	24 IR 3159
326 IAC 11-6-4	A	01-215	24 IR 4089	<b>25 IR 3079</b>				*CPH (25 IR 124)
326 IAC 11-6-5	A	01-215	24 IR 4089	<b>25 IR 3079</b>	326 IAC 15-1-2			<b>25 IR 1604</b>
326 IAC 11-6-6	A	01-215	24 IR 4089	<b>25 IR 3079</b>		A	02-337	26 IR 2080
326 IAC 11-6-7	A	01-215	24 IR 4090	<b>25 IR 3080</b>	326 IAC 15-1-4			*ERR (26 IR 1571)
326 IAC 11-6-8	A	01-215	24 IR 4090	<b>25 IR 3080</b>		A	02-337	26 IR 2083
326 IAC 11-7-1	A	02-337	26 IR 2061		326 IAC 16-2-3			*ERR (26 IR 1571)
326 IAC 11-7-2	A	01-215	24 IR 4090	<b>25 IR 3080</b>	326 IAC 16-3-1			*ERR (26 IR 1571)
326 IAC 11-7-4	A	01-215	24 IR 4090	<b>25 IR 3081</b>		A	02-337	26 IR 2084
326 IAC 11-7-5	A	01-215	24 IR 4091	<b>25 IR 3081</b>	326 IAC 17.1-1-2	A	01-215	24 IR 4094
326 IAC 11-7-6	A	01-215	24 IR 4091	<b>25 IR 3081</b>	326 IAC 18-1-2			*ERR (26 IR 1572)
326 IAC 11-7-7	A	01-215	24 IR 4091	<b>25 IR 3081</b>		A	02-337	26 IR 2084
326 IAC 11-7-8	A	01-215	24 IR 4092	<b>25 IR 3082</b>	326 IAC 18-1-5			*ERR (26 IR 1572)
326 IAC 11-7-9	A	01-215	24 IR 4092	<b>25 IR 3082</b>	326 IAC 18-1-7			*ERR (26 IR 1572)
326 IAC 11-8	N	01-375	25 IR 1986	<b>25 IR 4100</b>		A	02-337	26 IR 2087
326 IAC 12-1-1	A	00-267	24 IR 3159	*CPH (25 IR 124)	326 IAC 18-1-8	A	02-337	26 IR 2088
				<b>25 IR 1603</b>	326 IAC 18-2-1	RA	00-44	24 IR 2778
326 IAC 12-1-2	A	01-215	24 IR 4092	<b>25 IR 3083</b>				*CPH (25 IR 2542)
326 IAC 12-1-3	A	01-215	24 IR 4093	<b>25 IR 3083</b>	326 IAC 18-2-2	RA	00-44	24 IR 2778
326 IAC 13-1.1-1				*ERR (26 IR 1570)				*CPH (25 IR 2542)
	A	02-337	26 IR 2062			A	02-337	26 IR 2088

# Rules Affected by Volumes 25 and 26

326 IAC 18-2-3	RA	00-44	24 IR 2779	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1572)	326 IAC 20-25-5 326 IAC 20-25-7 326 IAC 20-26-1 326 IAC 20-28	A	02-55 02-55 01-215	26 IR 94 26 IR 95 24 IR 4111	*CPH (26 IR 811) *CPH (26 IR 811) <b>25 IR 3101</b> *ERR (25 IR 813)
	A	02-337	26 IR 2090		326 IAC 20-30-1	A	01-215	24 IR 4111	<b>25 IR 3102</b>
326 IAC 18-2-4	RA	00-44	24 IR 2786	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 20-31-1	A	01-215	24 IR 4111	<b>25 IR 3102</b>
326 IAC 18-2-5	RA	00-44	24 IR 2786	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 20-32-1	A	01-215	24 IR 4112	<b>25 IR 3102</b>
326 IAC 18-2-6	RA	00-44	24 IR 2787	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 20-33-1	A	01-215	24 IR 4112	<b>25 IR 3103</b>
	A	02-337	26 IR 2096		326 IAC 20-34-1	A	01-215	24 IR 4112	<b>25 IR 3103</b>
326 IAC 18-2-7	RA	00-44	24 IR 2787	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 20-35-1	A	01-215	24 IR 4112	<b>25 IR 3103</b>
	A	02-337	26 IR 2097		326 IAC 20-36-1	A	01-215	24 IR 4113	<b>25 IR 3103</b>
326 IAC 18-2-8	RA	00-44	24 IR 2789	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 20-37-1	A	01-215	24 IR 4113	<b>25 IR 3104</b>
	A	02-337	26 IR 2097		326 IAC 20-38-1	A	01-215	24 IR 4113	<b>25 IR 3104</b>
326 IAC 18-2-9	RA	00-44	24 IR 2789	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 20-39-1	A	01-215	24 IR 4114	<b>25 IR 3105</b>
	A	02-337	26 IR 2097		326 IAC 20-40-1	A	01-215	24 IR 4114	<b>25 IR 3105</b>
326 IAC 18-2-10.1	RA	00-44	24 IR 2789	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 20-41-1	A	01-215	24 IR 4114	<b>25 IR 3105</b>
	A	02-337	26 IR 2097		326 IAC 20-42-1	A	01-215	24 IR 4114	<b>25 IR 3106</b>
326 IAC 18-2-11	RA	00-44	24 IR 2790	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 20-43-1	A	01-215	24 IR 4115	<b>25 IR 3106</b>
	A	02-337	26 IR 2097		326 IAC 20-44-1	A	01-215	24 IR 4115	<b>25 IR 3106</b>
326 IAC 18-2-12	RA	00-44	24 IR 2790	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 20-45-1	A	01-215	24 IR 4115	<b>25 IR 3107</b>
	A	02-337	26 IR 2097		326 IAC 20-46-1	A	01-215	24 IR 4115	<b>25 IR 3107</b>
326 IAC 18-2-13	RA	00-44	24 IR 2790	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 20-47-1	A	01-215	24 IR 4116	<b>25 IR 3107</b>
	A	02-337	26 IR 2097		326 IAC 20-48	N	02-55	26 IR 95	*CPH (26 IR 811)
326 IAC 18-2-14	RA	00-44	24 IR 2791	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 21-1-1	A	01-215	24 IR 4116	<b>25 IR 3107</b>
	A	02-337	26 IR 2098		326 IAC 22-1-1	A	02-337	26 IR 2098	*ERR (26 IR 1572)
326 IAC 19-1	R	00-44	24 IR 2791	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 23-1-31	A	02-337	26 IR 2099	
	A	02-337	26 IR 2099		326 IAC 23-2-4	A	01-215	24 IR 4116	<b>25 IR 3108</b>
	A	02-337	26 IR 2099		326 IAC 23-2-7	A	01-215	24 IR 4118	<b>25 IR 3109</b>
	A	02-337	26 IR 2098						
326 IAC 19-2-1	A	01-215	24 IR 4094	<b>26 IR 1073</b>	TITLE 327 WATER POLLUTION CONTROL BOARD				
326 IAC 19-3-2	A	01-215	24 IR 4095	<b>25 IR 3085</b>	327 IAC 2-1-7	R	99-263	23 IR 871	*CPH (24 IR 3658)
326 IAC 19-3-3	A	01-215	24 IR 4097	<b>25 IR 3085</b>					<b>25 IR 1882</b>
326 IAC 19-3-5	A	01-215	24 IR 4098	<b>25 IR 3088</b>	327 IAC 2-1.5-9	R	99-263	23 IR 871	*CPH (24 IR 3658)
326 IAC 20-1-1	A	01-215	24 IR 4099	<b>25 IR 3088</b>					<b>25 IR 1882</b>
326 IAC 20-1-3	A	01-215	24 IR 4099	<b>25 IR 3089</b>	327 IAC 2-11	N	99-263	23 IR 865	*CPH (24 IR 3658)
326 IAC 20-2-1	A	01-215	24 IR 4099	<b>25 IR 3089</b>					<b>25 IR 1876</b>
326 IAC 20-3-1	A	01-215	24 IR 4100	<b>25 IR 3090</b>					*ERR (25 IR 1906)
326 IAC 20-4-1	A	01-215	24 IR 4100	<b>25 IR 3090</b>	327 IAC 5-2-9	A	00-136	26 IR 427	
326 IAC 20-5-1	A	01-215	24 IR 4100	<b>25 IR 3091</b>	327 IAC 5-2.1	N	00-136	26 IR 427	
326 IAC 20-6-1	A	01-215	24 IR 4100	<b>25 IR 3091</b>	327 IAC 5-4-6	A	01-96	26 IR 845	*CPH (26 IR 1113)
326 IAC 20-7-1	A	01-215	24 IR 4101	<b>25 IR 3091</b>	327 IAC 6.1-1-1	A	01-238	26 IR 1165	
326 IAC 20-8-1	A	01-215	24 IR 4101	<b>25 IR 3092</b>	327 IAC 6.1-1-3	A	01-238	26 IR 1166	
326 IAC 20-9-1	A	01-215	24 IR 4102	<b>25 IR 3092</b>	327 IAC 6.1-1-4	A	01-238	26 IR 1166	
326 IAC 20-10-1	A	01-215	24 IR 4102	<b>25 IR 3093</b>	327 IAC 6.1-1-5	A	01-238	26 IR 1167	
326 IAC 20-11-1	A	01-215	24 IR 4102	<b>25 IR 3093</b>	327 IAC 6.1-1-7	A	01-238	26 IR 1167	
326 IAC 20-12-1	A	01-215	24 IR 4103	<b>25 IR 3093</b>	327 IAC 6.1-2-3	A	01-238	26 IR 1167	
326 IAC 20-13-1	A	01-215	24 IR 4103	<b>25 IR 3093</b>	327 IAC 6.1-2-6	A	01-238	26 IR 1167	
326 IAC 20-13-2	A	01-215	24 IR 4103	<b>25 IR 3094</b>	327 IAC 6.1-2-7	A	01-238	26 IR 1167	
326 IAC 20-13-4	A	01-215	24 IR 4104	<b>25 IR 3094</b>	327 IAC 6.1-2-7.5	N	01-238	26 IR 1167	
326 IAC 20-13-5	A	01-215	24 IR 4104	<b>25 IR 3095</b>	327 IAC 6.1-2-8	A	01-238	26 IR 1168	
326 IAC 20-13-6	A	01-215	24 IR 4104	<b>25 IR 3095</b>	327 IAC 6.1-2-10	R	01-238	26 IR 1201	
326 IAC 20-13-7	A	01-215	24 IR 4105	<b>25 IR 3096</b>	327 IAC 6.1-2-12	R	01-238	26 IR 1201	
326 IAC 20-13-8	A	01-215	24 IR 4106	<b>25 IR 3097</b>	327 IAC 6.1-2-13	A	01-238	26 IR 1168	
326 IAC 20-14-1	A	01-215	24 IR 4107	<b>25 IR 3098</b>	327 IAC 6.1-2-14	A	01-238	26 IR 1168	
326 IAC 20-15-1	A	01-215	24 IR 4108	<b>25 IR 3098</b>	327 IAC 6.1-2-20.5	N	01-238	26 IR 1168	
326 IAC 20-16-1	A	01-215	24 IR 4108	<b>25 IR 3099</b>	327 IAC 6.1-2-28	A	01-238	26 IR 1169	
326 IAC 20-17-1	A	01-215	24 IR 4108	<b>25 IR 3099</b>	327 IAC 6.1-2-30	A	01-238	26 IR 1169	
326 IAC 20-18-1	A	01-215	24 IR 4109	<b>25 IR 3099</b>	327 IAC 6.1-2-31.5	N	01-238	26 IR 1169	
326 IAC 20-19-1	A	01-215	24 IR 4109	<b>25 IR 3099</b>	327 IAC 6.1-2-35	A	01-238	26 IR 1169	
326 IAC 20-20-1	A	01-215	24 IR 4109	<b>25 IR 3100</b>	327 IAC 6.1-2-42	A	01-238	26 IR 1169	
326 IAC 20-21-1	A	01-215	24 IR 4109	<b>25 IR 3100</b>	327 IAC 6.1-2-43	A	01-238	26 IR 1170	
326 IAC 20-22-1	A	01-215	24 IR 4110	<b>25 IR 3101</b>	327 IAC 6.1-2-54	A	01-238	26 IR 1170	
326 IAC 20-23-1	A	01-215	24 IR 4110	<b>25 IR 3101</b>	327 IAC 6.1-2-55	A	01-238	26 IR 1170	
326 IAC 20-24-1	A	01-215	24 IR 4110	<b>25 IR 3101</b>	327 IAC 6.1-2-55.5	N	01-238	26 IR 1170	
326 IAC 20-25-1	A	02-55	26 IR 92	*CPH (26 IR 811)	327 IAC 6.1-2-61	R	01-238	26 IR 1201	
326 IAC 20-25-3	A	02-55	26 IR 92	*CPH (26 IR 811)	327 IAC 6.1-3-1	A	01-238	26 IR 1170	
326 IAC 20-25-4	A	02-55	26 IR 94	*CPH (26 IR 811)	327 IAC 6.1-3-2	A	01-238	26 IR 1171	
					327 IAC 6.1-3-3	A	01-238	26 IR 1172	

## Rules Affected by Volumes 25 and 26

327 IAC 6.1-3-4	A	01-238	26 IR 1172		327 IAC 8-2-2	A	00-266	24 IR 3710	<b>25 IR 1079</b>
327 IAC 6.1-3-7	A	01-238	26 IR 1172		327 IAC 8-2-4	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 8-2-4.1	A	00-266	24 IR 3711	<b>25 IR 1080</b>
327 IAC 6.1-4-1	A	01-238	26 IR 1173		327 IAC 8-2-5	A	01-348	26 IR 105	*CPH (26 IR 812)
327 IAC 6.1-4-3	A	01-238	26 IR 1173		327 IAC 8-2-5.1	A	00-266	24 IR 3716	<b>25 IR 1084</b>
327 IAC 6.1-4-4	A	01-238	26 IR 1174		327 IAC 8-2-5.3	A	00-266	24 IR 3718	<b>25 IR 1086</b>
327 IAC 6.1-4-5	A	01-238	26 IR 1175			A	01-348	26 IR 107	*CPH (26 IR 812)
327 IAC 6.1-4-5.5	N	01-238	26 IR 1175		327 IAC 8-2-5.5	A	00-266	24 IR 3720	<b>25 IR 1089</b>
327 IAC 6.1-4-6	A	01-238	26 IR 1176		327 IAC 8-2-6	R	01-348	26 IR 152	*CPH (26 IR 812)
327 IAC 6.1-4-7	A	01-238	26 IR 1177		327 IAC 8-2-7	A	00-266	24 IR 3723	<b>25 IR 1092</b>
327 IAC 6.1-4-8	A	01-238	26 IR 1178		327 IAC 8-2-8.4	A	00-266	24 IR 3724	<b>25 IR 1092</b>
327 IAC 6.1-4-9	A	01-238	26 IR 1179						*ERR (25 IR 2254)
327 IAC 6.1-4-10	A	01-238	26 IR 1181		327 IAC 8-2-8.5	A	01-348	26 IR 109	*CPH (26 IR 812)
327 IAC 6.1-4-11	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 6.1-4-13	A	01-238	26 IR 1182						*ERR (25 IR 2254)
327 IAC 6.1-4-16	A	01-238	26 IR 1184		327 IAC 8-2-13	A	00-266	24 IR 3727	<b>25 IR 1096</b>
327 IAC 6.1-4-17	A	01-238	26 IR 1186						*ERR (25 IR 2254)
327 IAC 6.1-4-18	A	01-238	26 IR 1187			A	01-348	26 IR 110	*CPH (26 IR 812)
327 IAC 6.1-4-19	A	01-238	26 IR 1187		327 IAC 8-2-14	A	00-266	24 IR 3728	<b>25 IR 1096</b>
327 IAC 6.1-5-1	A	01-238	26 IR 1187		327 IAC 8-2-15	R	00-266	24 IR 3755	<b>25 IR 1123</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						*ERR (25 IR 2254)
327 IAC 6.1-5-4	A	01-238	26 IR 1188		327 IAC 8-2-17	R	00-266	24 IR 3755	<b>25 IR 1123</b>
327 IAC 6.1-6-1	A	01-238	26 IR 1189						*ERR (25 IR 2254)
327 IAC 6.1-6-2	A	01-238	26 IR 1189		327 IAC 8-2-18	R	00-266	24 IR 3755	<b>25 IR 1123</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 1097</b>
327 IAC 6.1-7-1	A	01-238	26 IR 1191		327 IAC 8-2-29	R	01-348	26 IR 152	*CPH (26 IR 812)
327 IAC 6.1-7-2	A	01-238	26 IR 1191		327 IAC 8-2-30	A	01-348	26 IR 110	*CPH (26 IR 812)
327 IAC 6.1-7-3	A	01-238	26 IR 1192		327 IAC 8-2-31	A	01-348	26 IR 111	*CPH (26 IR 812)
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						*ERR (25 IR 813)
327 IAC 6.1-7-6	A	01-238	26 IR 1194						*ERR (25 IR 2254)
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						*ERR (25 IR 813)
327 IAC 6.1-7-11	A	01-238	26 IR 1196						*ERR (25 IR 2254)
327 IAC 6.1-7.5	N	01-238	26 IR 1197		327 IAC 8-2-39	A	00-111	24 IR 1071	<b>25 IR 772</b>
327 IAC 6.1-8-1	A	01-238	26 IR 1198		327 IAC 8-2-40	A	00-111	24 IR 1072	<b>25 IR 774</b>
327 IAC 6.1-8-2	A	01-238	26 IR 1199						*ERR (25 IR 2254)
327 IAC 6.1-8-3	A	01-238	26 IR 1199		327 IAC 8-2-41	A	00-111	24 IR 1074	<b>25 IR 776</b>
327 IAC 6.1-8-4	A	01-238	26 IR 1199		327 IAC 8-2-43	A	00-111	24 IR 1076	<b>25 IR 778</b>
327 IAC 6.1-8-5	A	01-238	26 IR 1200		327 IAC 8-2-44	A	00-111	24 IR 1077	<b>25 IR 779</b>
327 IAC 6.1-8-6	A	01-238	26 IR 1200						*ERR (25 IR 813)
327 IAC 6.1-8-7	A	01-238	26 IR 1200						*ERR (25 IR 2254)
327 IAC 6.1-8-8	A	01-238	26 IR 1201		327 IAC 8-2-46	A	00-111	24 IR 1082	<b>25 IR 783</b>
327 IAC 7-1	R	01-429	25 IR 1241	<b>25 IR 3739</b>					*ERR (25 IR 813)
327 IAC 7-2-1	R	01-429	25 IR 1241	<b>25 IR 3739</b>					*ERR (25 IR 2254)
327 IAC 7-2-2	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2-48	N	01-348	26 IR 111	*CPH (26 IR 812)
327 IAC 7-2-3	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2.1-3	A	00-266	24 IR 3729	<b>25 IR 1098</b>
327 IAC 7-2-4	R	01-429	25 IR 1241	<b>25 IR 3739</b>		A	01-348	26 IR 112	*CPH (26 IR 812)
327 IAC 7-2-5	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2.1-4	A	01-348	26 IR 114	*CPH (26 IR 812)
327 IAC 7-2-7	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2.1-6	A	00-266	24 IR 3732	<b>25 IR 1100</b>
327 IAC 7-3	R	01-429	25 IR 1241	<b>25 IR 3739</b>		A	01-348	26 IR 115	*CPH (26 IR 812)
327 IAC 7-4-1	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2.1-7	N	00-266	24 IR 3741	<b>25 IR 1109</b>
327 IAC 7-4-2	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2.1-8	N	00-266	24 IR 3741	<b>25 IR 1110</b>
327 IAC 7-4-3	R	01-429	25 IR 1241	<b>25 IR 3739</b>		A	01-348	26 IR 121	*CPH (26 IR 812)
327 IAC 7-4-4	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2.1-9	N	00-266	24 IR 3742	<b>25 IR 1110</b>
327 IAC 7-4-5	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2.1-10	N	00-266	24 IR 3743	<b>25 IR 1111</b>
327 IAC 7-4-6	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2.1-11	N	00-266	24 IR 3744	<b>25 IR 1112</b>
327 IAC 7-4-7	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2.1-12	N	00-266	24 IR 3745	<b>25 IR 1113</b>
327 IAC 7-4-8	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2.1-13	N	00-266	24 IR 3745	<b>25 IR 1113</b>
327 IAC 7-4-10	R	01-429	25 IR 1241	<b>25 IR 3739</b>					*ERR (25 IR 2254)
327 IAC 7-4-11	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2.1-14	N	00-266	24 IR 3746	<b>25 IR 1114</b>
327 IAC 7-5	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2.1-15	N	00-266	24 IR 3746	<b>25 IR 1114</b>
327 IAC 7-6	R	01-429	25 IR 1241	<b>25 IR 3739</b>	327 IAC 8-2.1-16	N	00-266	24 IR 3746	<b>25 IR 1114</b>
327 IAC 7-7	R	01-429	25 IR 1241	<b>25 IR 3739</b>					*ERR (25 IR 2254)
327 IAC 7-8	R	01-429	25 IR 1241	<b>25 IR 3739</b>		A	01-348	26 IR 122	*CPH (26 IR 812)
327 IAC 7.1	N	01-429	25 IR 1221	<b>25 IR 3717</b>	327 IAC 8-2.1-17	N	00-266	24 IR 3750	<b>25 IR 1118</b>
				*ERR (25 IR 4113)					*ERR (25 IR 2254)
327 IAC 8-2-1	A	00-266	24 IR 3706	<b>25 IR 1075</b>		A	01-348	26 IR 126	*CPH (26 IR 812)
	A	01-348	26 IR 101	*CPH (26 IR 812)					

# Rules Affected by Volumes 25 and 26

327 IAC 8-2.5	N	01-348	26 IR 133	*CPH (26 IR 812)	328 IAC 1-5-1	A	00-135	24 IR 2512	<b>25 IR 801</b>
327 IAC 8-2.6	N	01-348	26 IR 146	*CPH (26 IR 812)	328 IAC 1-5-2	A	00-135	24 IR 2513	<b>25 IR 801</b>
327 IAC 15-2-3	A	01-95	26 IR 1615	*CPH (26 IR 1961)	328 IAC 1-5-3	N	00-135	24 IR 2513	<b>25 IR 802</b>
327 IAC 15-2-6	A	01-95	26 IR 1615	*CPH (26 IR 1961)	328 IAC 1-6-1	A	00-135	24 IR 2513	<b>25 IR 802</b>
327 IAC 15-2-8	A	01-95	26 IR 1615	*CPH (26 IR 1961)	328 IAC 1-6-2	A	00-135	24 IR 2513	<b>25 IR 802</b>
327 IAC 15-2-9	A	01-95	26 IR 1615	*CPH (26 IR 1961)	328 IAC 1-7-1	A	00-135	24 IR 2514	<b>25 IR 802</b>
327 IAC 15-3-1	A	01-95	26 IR 1616	*CPH (26 IR 1961)	328 IAC 1-7-2	A	00-135	24 IR 2514	<b>25 IR 803</b>
327 IAC 15-3-2	A	01-95	26 IR 1616	*CPH (26 IR 1961)	328 IAC 1-7-3	A	00-135	24 IR 2514	<b>25 IR 803</b>
327 IAC 15-3-3	A	01-95	26 IR 1617	*CPH (26 IR 1961)	328 IAC 2	R	00-135	24 IR 2514	<b>25 IR 803</b>
327 IAC 15-5-1	A	01-95	26 IR 1617	*CPH (26 IR 1961)	TITLE 329 SOLID WASTE MANAGEMENT BOARD				
327 IAC 15-5-2	A	01-95	26 IR 1617	*CPH (26 IR 1961)	329 IAC 3.1-1-7				*ERR (25 IR 813)
327 IAC 15-5-3	A	01-95	26 IR 1618	*CPH (26 IR 1961)		A	01-289	25 IR 843	<b>25 IR 3111</b>
327 IAC 15-5-4	A	01-95	26 IR 1619	*CPH (26 IR 1961)		A	02-235	26 IR 1240	*CPH (26 IR 1962)
327 IAC 15-5-5	A	01-95	26 IR 1620	*CPH (26 IR 1961)	329 IAC 3.1-4-1	A	02-235	26 IR 1240	*CPH (26 IR 1962)
327 IAC 15-5-6	A	01-95	26 IR 1621	*CPH (26 IR 1961)	329 IAC 3.1-4-9.1	R	01-289	25 IR 847	<b>25 IR 3114</b>
327 IAC 15-5-6.5	N	01-95	26 IR 1622	*CPH (26 IR 1961)	329 IAC 3.1-4-17.1	R	01-289	25 IR 847	<b>25 IR 3114</b>
327 IAC 15-5-7	A	01-95	26 IR 1625	*CPH (26 IR 1961)	329 IAC 3.1-6-6	N	00-255	24 IR 2516	<b>25 IR 372</b>
327 IAC 15-5-7.5	N	01-95	26 IR 1627	*CPH (26 IR 1961)	329 IAC 3.1-7-2	A	01-289	25 IR 844	<b>25 IR 3112</b>
327 IAC 15-5-8	A	01-95	26 IR 1628	*CPH (26 IR 1961)		A	02-235	26 IR 1240	*CPH (26 IR 1962)
327 IAC 15-5-10	A	01-95	26 IR 1629	*CPH (26 IR 1961)	329 IAC 3.1-9-2	A	01-289	25 IR 845	<b>25 IR 3112</b>
327 IAC 15-5-11	R	01-95	26 IR 1646	*CPH (26 IR 1961)		A	02-235	26 IR 1241	*CPH (26 IR 1962)
327 IAC 15-5-12	N	01-95	26 IR 1629	*CPH (26 IR 1961)	329 IAC 3.1-10-2	A	01-289	25 IR 846	<b>25 IR 3113</b>
327 IAC 15-6-1	A	01-95	26 IR 1629	*CPH (26 IR 1961)		A	02-235	26 IR 1242	*CPH (26 IR 1962)
327 IAC 15-6-2	A	01-95	26 IR 1629	*CPH (26 IR 1961)	329 IAC 7-2-6	A	00-173	24 IR 2803	<b>25 IR 1124</b>
327 IAC 15-6-4	A	01-95	26 IR 1632	*CPH (26 IR 1961)	329 IAC 7-11-1	A	00-173	24 IR 2803	<b>25 IR 1124</b>
327 IAC 15-6-5	A	01-95	26 IR 1635	*CPH (26 IR 1961)	329 IAC 7-11-2	A	00-173	24 IR 2804	<b>25 IR 1125</b>
327 IAC 15-6-6	A	01-95	26 IR 1635	*CPH (26 IR 1961)	329 IAC 7-11-3	A	00-173	24 IR 2804	<b>25 IR 1125</b>
327 IAC 15-6-7	A	01-95	26 IR 1635	*CPH (26 IR 1961)	329 IAC 9-1-1	A	01-161	26 IR 1209	*CPH (26 IR 1962)
327 IAC 15-6-7.3	N	01-95	26 IR 1641	*CPH (26 IR 1961)	329 IAC 9-1-4	A	01-161	26 IR 1209	*CPH (26 IR 1962)
327 IAC 15-6-7.5	N	01-95	26 IR 1643	*CPH (26 IR 1961)	329 IAC 9-1-10.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)
327 IAC 15-6-8.5	N	01-95	26 IR 1643	*CPH (26 IR 1961)	329 IAC 9-1-10.2	R	01-161	26 IR 1239	*CPH (26 IR 1962)
327 IAC 15-6-10	N	01-95	26 IR 1643	*CPH (26 IR 1961)	329 IAC 9-1-10.4	N	01-161	26 IR 1209	*CPH (26 IR 1962)
327 IAC 15-6-11	N	01-95	26 IR 1643	*CPH (26 IR 1961)	329 IAC 9-1-10.6	N	01-161	26 IR 1209	*CPH (26 IR 1962)
327 IAC 15-6-12	N	01-95	26 IR 1644	*CPH (26 IR 1961)	329 IAC 9-1-10.8	N	01-161	26 IR 1210	*CPH (26 IR 1962)
327 IAC 15-13	N	01-96	26 IR 847	*CPH (26 IR 1113)	329 IAC 9-1-14	A	01-161	26 IR 1210	*CPH (26 IR 1962)
327 IAC 16	N	00-235	24 IR 512	*CPH (24 IR 1686)	329 IAC 9-1-14.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)
				*ARR (24 IR 3071)	329 IAC 9-1-14.3	N	01-161	26 IR 1210	*CPH (26 IR 1962)
				*CPH (24 IR 3098)	329 IAC 9-1-14.5	N	01-161	26 IR 1210	*CPH (26 IR 1962)
				*ARR (25 IR 385)	329 IAC 9-1-14.7	N	01-161	26 IR 1210	*CPH (26 IR 1962)
				<b>25 IR 1883</b>	329 IAC 9-1-25	A	01-161	26 IR 1210	*CPH (26 IR 1962)
TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD					329 IAC 9-1-27	A	01-161	26 IR 1210	*CPH (26 IR 1962)
328 IAC 1-1-1	A	00-135	24 IR 2501	<b>25 IR 787</b>	329 IAC 9-1-29.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)
328 IAC 1-1-2	A	00-135	24 IR 2501	<b>25 IR 787</b>	329 IAC 9-1-36	A	01-161	26 IR 1210	*CPH (26 IR 1962)
328 IAC 1-1-3	A	00-135	24 IR 2501	<b>25 IR 787</b>	329 IAC 9-1-39.5	N	01-161	26 IR 1211	*CPH (26 IR 1962)
328 IAC 1-1-3.1	N	00-135	24 IR 2501	<b>25 IR 788</b>	329 IAC 9-1-41	R	01-161	26 IR 1239	*CPH (26 IR 1962)
328 IAC 1-1-4	A	00-135	24 IR 2502	<b>25 IR 787</b>	329 IAC 9-1-41.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)
328 IAC 1-1-5	R	00-135	24 IR 2514	<b>25 IR 803</b>	329 IAC 9-1-41.5	N	01-161	26 IR 1211	*CPH (26 IR 1962)
328 IAC 1-1-5.1	N	00-135	24 IR 2502	<b>25 IR 788</b>	329 IAC 9-1-42.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)
328 IAC 1-1-6	A	00-135	24 IR 2502	<b>25 IR 788</b>	329 IAC 9-1-47	A	01-161	26 IR 1211	*CPH (26 IR 1962)
328 IAC 1-1-7	A	00-135	24 IR 2502	<b>25 IR 788</b>	329 IAC 9-1-47.1	A	01-161	26 IR 1211	*CPH (26 IR 1962)
328 IAC 1-1-8	A	00-135	24 IR 2502	<b>25 IR 788</b>	329 IAC 9-2-1	A	01-161	26 IR 1211	*CPH (26 IR 1962)
328 IAC 1-1-8.5	N	00-135	24 IR 2502	<b>25 IR 788</b>	329 IAC 9-2-2	A	01-161	26 IR 1214	*CPH (26 IR 1962)
328 IAC 1-1-9	A	00-135	24 IR 2502	<b>25 IR 789</b>	329 IAC 9-2-1-1	A	01-161	26 IR 1215	*CPH (26 IR 1962)
328 IAC 1-1-10	A	00-135	24 IR 2503	<b>25 IR 789</b>	329 IAC 9-3-1	A	01-161	26 IR 1216	*CPH (26 IR 1962)
328 IAC 1-1-11	R	00-135	24 IR 2514	<b>25 IR 803</b>	329 IAC 9-3-2	N	01-161	26 IR 1218	*CPH (26 IR 1962)
328 IAC 1-2-1	A	00-135	24 IR 2503	<b>25 IR 789</b>	329 IAC 9-3-1-1	A	01-161	26 IR 1218	*CPH (26 IR 1962)
328 IAC 1-2-2	A	00-135	24 IR 2503	<b>25 IR 789</b>	329 IAC 9-3-1-2	A	01-161	26 IR 1219	*CPH (26 IR 1962)
328 IAC 1-2-3	A	00-135	24 IR 2503	<b>25 IR 789</b>	329 IAC 9-3-1-3	A	01-161	26 IR 1219	*CPH (26 IR 1962)
328 IAC 1-3-1	A	00-135	24 IR 2503	<b>25 IR 790</b>	329 IAC 9-3-1-4	A	01-161	26 IR 1219	*CPH (26 IR 1962)
328 IAC 1-3-2	A	00-135	24 IR 2504	<b>25 IR 790</b>	329 IAC 9-4-3	A	01-161	26 IR 1220	*CPH (26 IR 1962)
328 IAC 1-3-3	A	00-135	24 IR 2504	<b>25 IR 790</b>	329 IAC 9-4-4	A	01-161	26 IR 1221	*CPH (26 IR 1962)
				*ERR (25 IR 2254)	329 IAC 9-5-1	A	01-161	26 IR 1221	*CPH (26 IR 1962)
328 IAC 1-3-4	A	00-135	24 IR 2505	<b>25 IR 792</b>	329 IAC 9-5-2	A	01-161	26 IR 1223	*CPH (26 IR 1962)
328 IAC 1-3-5	A	00-135	24 IR 2505	<b>25 IR 792</b>	329 IAC 9-5-3.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)
				*ERR (25 IR 2255)	329 IAC 9-5-3.2	N	01-161	26 IR 1223	*CPH (26 IR 1962)
328 IAC 1-3-6	A	00-135	24 IR 2511	<b>25 IR 798</b>	329 IAC 9-5-4.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)
328 IAC 1-4-1	A	00-135	24 IR 2511	<b>25 IR 799</b>	329 IAC 9-5-4.2	N	01-161	26 IR 1224	*CPH (26 IR 1962)
					329 IAC 9-5-5.1	A	01-161	26 IR 1224	*CPH (26 IR 1962)

## Rules Affected by Volumes 25 and 26

329 IAC 9-5-6	A	01-161	26 IR 1226	*CPH (26 IR 1962)	329 IAC 10-2-199.1	R	01-288	26 IR 1674
329 IAC 9-5-7	A	01-161	26 IR 1227	*CPH (26 IR 1962)	329 IAC 10-2-201.1	R	01-288	26 IR 1674
329 IAC 9-6-1	A	01-161	26 IR 1229	*CPH (26 IR 1962)	329 IAC 10-2-203	R	00-185	26 IR 511
329 IAC 9-6-2	R	01-161	26 IR 1239	*CPH (26 IR 1962)	329 IAC 10-2-205	R	00-185	26 IR 511
329 IAC 9-6-2.5	N	01-161	26 IR 1230	*CPH (26 IR 1962)	329 IAC 10-3-1	A	00-185	26 IR 438
329 IAC 9-6-3	A	01-161	26 IR 1234	*CPH (26 IR 1962)	329 IAC 10-3-2	A	00-185	26 IR 439
329 IAC 9-6-4	A	01-161	26 IR 1234	*CPH (26 IR 1962)	329 IAC 10-3-3	A	00-185	26 IR 439
329 IAC 9-6-5	A	01-161	26 IR 1235	*CPH (26 IR 1962)	329 IAC 10-5-1	A	01-288	26 IR 1656
329 IAC 9-7-1	A	01-161	26 IR 1235	*CPH (26 IR 1962)	329 IAC 10-6-4	A	00-185	26 IR 440
329 IAC 9-7-2	A	01-161	26 IR 1236	*CPH (26 IR 1962)	329 IAC 10-7.1	R	01-288	26 IR 1674
329 IAC 9-7-4	A	01-161	26 IR 1237	*CPH (26 IR 1962)	329 IAC 10-7.2	N	01-288	26 IR 1656
329 IAC 9-7-6	R	01-161	26 IR 1239	*CPH (26 IR 1962)	329 IAC 10-8.1	R	01-288	26 IR 1674
329 IAC 10-1-4	A	00-185	26 IR 432		329 IAC 10-8.2	N	01-288	26 IR 1657
329 IAC 10-1-4.5	N	00-185	26 IR 433		329 IAC 10-9-2	A	01-288	26 IR 1659
329 IAC 10-2-6	R	00-185	26 IR 511		329 IAC 10-9-4	A	01-288	26 IR 1659
329 IAC 10-2-11	A	00-185	26 IR 433		329 IAC 10-10-1	A	00-185	26 IR 440
329 IAC 10-2-29	R	00-185	26 IR 511		329 IAC 10-10-2	A	00-185	26 IR 440
329 IAC 10-2-29.5	N	01-288	26 IR 1653		329 IAC 10-11-2.1	A	00-185	26 IR 440
329 IAC 10-2-32	A	01-288	26 IR 1653		329 IAC 10-11-2.5	A	00-185	26 IR 441
329 IAC 10-2-33	R	00-185	26 IR 511		329 IAC 10-11-5.1	A	00-185	26 IR 443
329 IAC 10-2-41	A	00-185	26 IR 433		329 IAC 10-11-6	A	00-185	26 IR 443
329 IAC 10-2-41.1	A	00-185	26 IR 434		329 IAC 10-12-1	A	00-185	26 IR 443
329 IAC 10-2-53	R	00-185	26 IR 511		329 IAC 10-13-1	A	00-185	26 IR 445
329 IAC 10-2-60	R	00-185	26 IR 511		329 IAC 10-13-5	A	00-185	26 IR 445
329 IAC 10-2-63.5	N	00-185	26 IR 434		329 IAC 10-13-6	A	00-185	26 IR 446
329 IAC 10-2-64	A	00-185	26 IR 434		329 IAC 10-14-1	A	00-185	26 IR 446
329 IAC 10-2-66.1	N	00-185	26 IR 434		329 IAC 10-14-2	A	01-288	26 IR 1661
329 IAC 10-2-66.2	N	00-185	26 IR 434		329 IAC 10-15-1	A	00-185	26 IR 447
329 IAC 10-2-66.3	N	00-185	26 IR 434		329 IAC 10-15-2	A	00-185	26 IR 448
329 IAC 10-2-69	A	00-185	26 IR 435		329 IAC 10-15-5	A	00-185	26 IR 449
329 IAC 10-2-72.1	A	01-288	26 IR 1654		329 IAC 10-15-8	A	00-185	26 IR 450
329 IAC 10-2-74	A	00-185	26 IR 435		329 IAC 10-15-12	N	00-185	26 IR 451
329 IAC 10-2-75	A	00-185	26 IR 435		329 IAC 10-16-1	A	00-185	26 IR 452
329 IAC 10-2-75.1	N	00-185	26 IR 435		329 IAC 10-16-8	A	00-185	26 IR 453
329 IAC 10-2-76	R	00-185	26 IR 511		329 IAC 10-17-2	A	00-185	26 IR 453
329 IAC 10-2-96	A	00-185	26 IR 435		329 IAC 10-17-7	A	00-185	26 IR 454
329 IAC 10-2-97.1	A	00-185	26 IR 435		329 IAC 10-17-9	A	00-185	26 IR 456
329 IAC 10-2-99	A	00-185	26 IR 436		329 IAC 10-17-12	A	00-185	26 IR 457
329 IAC 10-2-100	A	00-185	26 IR 436		329 IAC 10-17-18	A	00-185	26 IR 458
329 IAC 10-2-105.3	N	00-185	26 IR 436		329 IAC 10-19-1	A	00-185	26 IR 458
329 IAC 10-2-106	A	00-185	26 IR 436		329 IAC 10-20-3	A	00-185	26 IR 459
329 IAC 10-2-109	A	00-185	26 IR 436		329 IAC 10-20-8	A	00-185	26 IR 460
329 IAC 10-2-111.5	N	00-185	26 IR 436		329 IAC 10-20-11	A	00-185	26 IR 461
329 IAC 10-2-112	A	00-185	26 IR 436		329 IAC 10-20-12	A	00-185	26 IR 462
329 IAC 10-2-115	A	01-288	26 IR 1654		329 IAC 10-20-13	A	00-185	26 IR 463
329 IAC 10-2-116	A	01-288	26 IR 1654		329 IAC 10-20-14.1	A	01-288	26 IR 1662
329 IAC 10-2-117	A	01-288	26 IR 1654		329 IAC 10-20-20	A	00-185	26 IR 463
329 IAC 10-2-121.1	A	00-185	26 IR 437		329 IAC 10-20-24	A	00-185	26 IR 464
329 IAC 10-2-127	R	00-185	26 IR 511		329 IAC 10-20-26	A	00-185	26 IR 464
329 IAC 10-2-128	R	00-185	26 IR 511		329 IAC 10-20-28	A	00-185	26 IR 464
329 IAC 10-2-130	A	01-288	26 IR 1655		329 IAC 10-20-29	R	01-288	26 IR 1674
329 IAC 10-2-132.2	N	00-185	26 IR 437		329 IAC 10-21-1	A	00-185	26 IR 465
329 IAC 10-2-132.3	N	00-185	26 IR 437		329 IAC 10-21-2	A	00-185	26 IR 468
329 IAC 10-2-135.1	R	01-288	26 IR 1674		329 IAC 10-21-4	A	00-185	26 IR 474
329 IAC 10-2-135.5	N	01-288	26 IR 1655		329 IAC 10-21-6	A	00-185	26 IR 477
329 IAC 10-2-142.5	N	00-185	26 IR 437		329 IAC 10-21-7	A	00-185	26 IR 479
329 IAC 10-2-147.2	N	00-185	26 IR 437		329 IAC 10-21-8	A	00-185	26 IR 480
329 IAC 10-2-149	R	00-185	26 IR 511		329 IAC 10-21-9	A	00-185	26 IR 481
329 IAC 10-2-158	A	00-185	26 IR 437		329 IAC 10-21-10	A	00-185	26 IR 482
329 IAC 10-2-165.5	N	00-185	26 IR 438		329 IAC 10-21-13	A	00-185	26 IR 484
329 IAC 10-2-172.5	N	00-185	26 IR 438		329 IAC 10-21-15	A	00-185	26 IR 488
329 IAC 10-2-174	A	01-288	26 IR 1655		329 IAC 10-21-16	A	00-185	26 IR 488
329 IAC 10-2-177	R	00-185	26 IR 511		329 IAC 10-22-2	A	00-185	26 IR 493
329 IAC 10-2-179	R	01-288	26 IR 1674		329 IAC 10-22-3	A	00-185	26 IR 494
329 IAC 10-2-181.2	N	00-185	26 IR 438		329 IAC 10-22-5	A	00-185	26 IR 494
329 IAC 10-2-181.5	N	00-185	26 IR 438		329 IAC 10-22-6	A	00-185	26 IR 494
329 IAC 10-2-181.6	N	00-185	26 IR 438		329 IAC 10-22-7	A	00-185	26 IR 495
329 IAC 10-2-187.5	N	00-185	26 IR 438		329 IAC 10-22-8	A	00-185	26 IR 496
329 IAC 10-2-197.1	A	01-288	26 IR 1656		329 IAC 10-23-2	A	00-185	26 IR 496

## Rules Affected by Volumes 25 and 26

*Indiana Register, Volume 26, Number 6, March 1, 2003*  
2225

## Rules Affected by Volumes 25 and 26

345 IAC 7-5-7	A	02-126	25 IR 4184	<b>26 IR 1537</b>	355 IAC 4-4	RA	01-48	24 IR 3221	<b>25 IR 1269</b>
345 IAC 7-5-8	R	02-126	25 IR 4187	<b>26 IR 1540</b>	355 IAC 4-5	RA	01-48	24 IR 3221	<b>25 IR 1269</b>
345 IAC 7-5-9	A	02-126	25 IR 4184	<b>26 IR 1538</b>	355 IAC 4-6	RA	01-48	24 IR 3221	<b>25 IR 1269</b>
345 IAC 7-5-11	A	02-126	25 IR 4185	<b>26 IR 1538</b>	355 IAC 5	RA	01-48	24 IR 3221	<b>25 IR 1269</b>
345 IAC 7-5-15.1	A	02-126	25 IR 4185	<b>26 IR 1539</b>	355 IAC 5-1-1	A	01-294	25 IR 435	<b>25 IR 2212</b>
345 IAC 7-5-16	R	02-126	25 IR 4187	<b>26 IR 1540</b>	355 IAC 5-1-1.5	N	01-294	25 IR 435	<b>25 IR 2212</b>
345 IAC 7-5-16.1	R	02-126	25 IR 4187	<b>26 IR 1540</b>	355 IAC 5-1-2	R	01-294	25 IR 442	<b>25 IR 2220</b>
345 IAC 7-5-21	R	02-126	25 IR 4187	<b>26 IR 1540</b>	355 IAC 5-1-3	A	01-294	25 IR 435	<b>25 IR 2212</b>
345 IAC 7-5-22	A	02-126	25 IR 4186	<b>26 IR 1539</b>	355 IAC 5-1-4	A	01-294	25 IR 436	<b>25 IR 2213</b>
345 IAC 7-5-24	A	02-126	25 IR 4186	<b>26 IR 1539</b>	355 IAC 5-1-5	A	01-294	25 IR 436	<b>25 IR 2213</b>
345 IAC 7-5-25.7	R	02-126	25 IR 4187	<b>26 IR 1540</b>	355 IAC 5-1-6	A	01-294	25 IR 436	<b>25 IR 2213</b>
345 IAC 7-5-26	R	02-126	25 IR 4187	<b>26 IR 1540</b>	355 IAC 5-1-7.5	N	01-294	25 IR 436	<b>25 IR 2213</b>
345 IAC 7-5-27	R	02-126	25 IR 4187	<b>26 IR 1540</b>	355 IAC 5-1-10	R	01-294	25 IR 442	<b>25 IR 2220</b>
345 IAC 7-5-28	A	02-126	25 IR 4186	<b>26 IR 1540</b>	355 IAC 5-1-11	A	01-294	25 IR 436	<b>25 IR 2213</b>
345 IAC 7-7-1.5	N	01-377	25 IR 1991	*ARR (25 IR 3770)	355 IAC 5-1-13	A	01-294	25 IR 436	<b>25 IR 2213</b>
			25 IR 4166	<b>26 IR 693</b>	355 IAC 5-1-14	A	01-294	25 IR 437	<b>25 IR 2214</b>
345 IAC 7-7-2	A	01-377	25 IR 1991	*ARR (25 IR 3770)	355 IAC 5-1-15	A	01-294	25 IR 437	<b>25 IR 2214</b>
			25 IR 4166	<b>26 IR 694</b>	355 IAC 5-2-2	A	01-294	25 IR 437	<b>25 IR 2214</b>
345 IAC 7-7-3	A	01-377	25 IR 1992	*ARR (25 IR 3770)	355 IAC 5-2-3	A	01-294	25 IR 437	<b>25 IR 2214</b>
			25 IR 4167	<b>26 IR 694</b>	355 IAC 5-2-4	A	01-294	25 IR 437	<b>25 IR 2214</b>
345 IAC 7-7-3.5	N	01-377	25 IR 1993	*ARR (25 IR 3770)	355 IAC 5-2-5	A	01-294	25 IR 437	<b>25 IR 2215</b>
			25 IR 4168	<b>26 IR 695</b>	355 IAC 5-2-6	A	01-294	25 IR 438	<b>25 IR 2215</b>
345 IAC 7-7-4	A	01-377	25 IR 1993	*ARR (25 IR 3770)	355 IAC 5-2-7	A	01-294	25 IR 438	<b>25 IR 2215</b>
			25 IR 4168	<b>26 IR 695</b>	355 IAC 5-2-8	A	01-294	25 IR 438	<b>25 IR 2215</b>
345 IAC 7-7-5	A	01-377	25 IR 1993	*ARR (25 IR 3770)	355 IAC 5-2-9	A	01-294	25 IR 438	<b>25 IR 2215</b>
			25 IR 4168	<b>26 IR 696</b>	355 IAC 5-2-10	A	01-294	25 IR 438	<b>25 IR 2216</b>
345 IAC 7-7-6	R	01-377	25 IR 1994	*ARR (25 IR 3770)	355 IAC 5-2-11	A	01-294	25 IR 438	<b>25 IR 2216</b>
			25 IR 4169	<b>26 IR 696</b>	355 IAC 5-2-12	A	01-294	25 IR 439	<b>25 IR 2216</b>
345 IAC 7-7-7	A	01-377	25 IR 1994	*ARR (25 IR 3770)	355 IAC 5-2-13	R	01-294	25 IR 442	<b>25 IR 2220</b>
			25 IR 4169	<b>26 IR 696</b>	355 IAC 5-3-1	A	01-294	25 IR 439	<b>25 IR 2216</b>
345 IAC 7-7-8	R	01-377	25 IR 1994	*ARR (25 IR 3770)	355 IAC 5-3-2	R	01-294	25 IR 442	<b>25 IR 2220</b>
			25 IR 4169	<b>26 IR 696</b>	355 IAC 5-4-1	A	01-294	25 IR 440	<b>25 IR 2217</b>
345 IAC 7-7-9	R	01-377	25 IR 1994	*ARR (25 IR 3770)	355 IAC 5-4-2	A	01-294	25 IR 440	<b>25 IR 2217</b>
			25 IR 4169	<b>26 IR 696</b>	355 IAC 5-4-3	A	01-294	25 IR 440	<b>25 IR 2218</b>
345 IAC 7-7-10	A	01-377	25 IR 1994	*ARR (25 IR 3770)	355 IAC 5-4-4	A	01-294	25 IR 441	<b>25 IR 2218</b>
			25 IR 4169	<b>26 IR 696</b>	355 IAC 5-4-5	R	01-294	25 IR 442	<b>25 IR 2220</b>
345 IAC 8-2-1.1	A	01-392	25 IR 2758	<b>26 IR 329</b>	355 IAC 5-4-6	R	01-294	25 IR 442	<b>25 IR 2220</b>
345 IAC 8-2-1.5	N	01-392	25 IR 2760	<b>26 IR 331</b>	355 IAC 5-4-7	A	01-294	25 IR 441	<b>25 IR 2218</b>
345 IAC 8-2-1.7	N	01-392	25 IR 2760	<b>26 IR 331</b>	355 IAC 5-4-8	A	01-294	25 IR 442	<b>25 IR 2219</b>
345 IAC 8-2-1.9	N	01-392	25 IR 2761	<b>26 IR 332</b>	355 IAC 5-4-9	R	01-294	25 IR 442	<b>25 IR 2220</b>
345 IAC 8-2-2	A	01-392	25 IR 2762	<b>26 IR 333</b>	355 IAC 5-5-1	A	01-294	25 IR 442	<b>25 IR 2219</b>
345 IAC 8-2-3	A	01-392	25 IR 2764	<b>26 IR 335</b>	355 IAC 5-5-2	R	01-294	25 IR 442	<b>25 IR 2220</b>
345 IAC 8-2-3.5	N	01-392	25 IR 2766	<b>26 IR 337</b>	355 IAC 5-6	R	01-294	25 IR 442	<b>25 IR 2220</b>
345 IAC 8-2-4	A	01-392	25 IR 2767	<b>26 IR 338</b>	355 IAC 5-7	R	01-294	25 IR 442	<b>25 IR 2220</b>
345 IAC 8-3-1	A	01-392	25 IR 2769	<b>26 IR 340</b>	355 IAC 5-8-1	A	01-294	25 IR 442	<b>25 IR 2219</b>
345 IAC 8-3-2	A	01-392	25 IR 2770	<b>26 IR 341</b>	355 IAC 5-8-2	R	01-294	25 IR 442	<b>25 IR 2220</b>
345 IAC 8-3-3	N	01-392	25 IR 2770		355 IAC 6	N	01-335	25 IR 443	*ARR (25 IR 1907)
345 IAC 8-3-4	N	01-392	25 IR 2771						<b>25 IR 2444</b>
345 IAC 8-3-9	N	01-392		†† <b>26 IR 341</b>					*ERR (25 IR 2521)
				*ERR (26 IR 793)					
345 IAC 8-3-10	N	01-392		†† <b>26 IR 342</b>	TITLE 357 INDIANA PESTICIDE REVIEW BOARD				
				*ERR (26 IR 793)	357 IAC 1-1	RA	01-49	24 IR 3222	<b>25 IR 936</b>
345 IAC 8-4-1	A	01-392	25 IR 2771	<b>26 IR 342</b>	357 IAC 1-3	RA	01-49	24 IR 3222	<b>25 IR 936</b>
345 IAC 9-2.1-1	A	02-127	25 IR 4187	<b>26 IR 1540</b>	357 IAC 1-4	RA	01-49	24 IR 3222	<b>25 IR 936</b>
345 IAC 10-2.1-1	A	02-127	25 IR 4188	<b>26 IR 1541</b>	357 IAC 1-5	RA	01-49	24 IR 3222	<b>25 IR 936</b>
					357 IAC 1-6	RA	01-49	24 IR 3222	<b>25 IR 936</b>
TITLE 355 STATE CHEMIST OF THE STATE OF INDIANA					357 IAC 1-7	RA	01-49	24 IR 3222	<b>25 IR 936</b>
355 IAC 4-0.5	RA	01-48	24 IR 3221	<b>25 IR 1269</b>	357 IAC 1-10	N	02-292	26 IR 1243	
355 IAC 4-1	RA	01-48	24 IR 3221	<b>25 IR 1269</b>	TITLE 360 STATE SEED COMMISSIONER				
355 IAC 4-2	RA	01-48	24 IR 3221	<b>25 IR 1269</b>	360 IAC 1	RA	01-233	25 IR 519	<b>25 IR 1269</b>
355 IAC 4-2-1	A	01-71	24 IR 2807	<b>25 IR 376</b>	TITLE 365 CREAMERY EXAMINING BOARD				
355 IAC 4-2-2	A	01-71	24 IR 2807	<b>25 IR 376</b>	365 IAC 2-1-4				*ERR (25 IR 384)
355 IAC 4-2-3	A	01-71	24 IR 2807	<b>25 IR 376</b>	365 IAC 2-1-6				*ERR (25 IR 384)
355 IAC 4-2-4	R	01-71	24 IR 2809	<b>25 IR 378</b>	365 IAC 2-1-13				*ERR (25 IR 384)
355 IAC 4-2-5	A	01-71	24 IR 2808	<b>25 IR 377</b>	365 IAC 2-1-14				*ERR (25 IR 384)
355 IAC 4-2-6	A	01-71	24 IR 2808	<b>25 IR 377</b>	365 IAC 2-1-19				*ERR (25 IR 384)
355 IAC 4-2-7	N	01-71	24 IR 2808	<b>25 IR 377</b>	365 IAC 2-1-22				*ERR (25 IR 384)
355 IAC 4-2-8	N	01-71	24 IR 2808	<b>25 IR 377</b>	365 IAC 2-2-1				*ERR (25 IR 384)
355 IAC 4-3	RA	01-48	24 IR 3221	<b>25 IR 1269</b>					



# Rules Affected by Volumes 25 and 26

## TITLE 370 STATE EGG BOARD

370 IAC 1-1	RA	01-317	25 IR 187	<b>25 IR 937</b>	405 IAC 1-12-12	A	02-16	25 IR 2797	*NRA (25 IR 4128) <b>26 IR 724</b>
370 IAC 1-1-1	A	01-419	26 IR 153	<b>26 IR 1542</b>	405 IAC 1-12-13	A	02-16	25 IR 2798	*NRA (25 IR 4128) <b>26 IR 725</b>
370 IAC 1-1-2	A	01-419	26 IR 153	<b>26 IR 1542</b>	405 IAC 1-12-14	A	02-16	25 IR 2799	*NRA (25 IR 4128) <b>26 IR 726</b>
370 IAC 1-1-3	A	01-419	26 IR 153	<b>26 IR 1542</b>	405 IAC 1-12-15	A	02-16	25 IR 2799	*NRA (25 IR 4128) <b>26 IR 726</b>
370 IAC 1-1-4	A	01-419	26 IR 153	<b>26 IR 1542</b>	405 IAC 1-12-16	A	02-16	25 IR 2800	*NRA (25 IR 4128) <b>26 IR 727</b>
370 IAC 1-1-5	A	01-419	26 IR 153	<b>26 IR 1542</b>	405 IAC 1-12-17	A	02-16	25 IR 2801	*NRA (25 IR 4128) <b>26 IR 728</b>
370 IAC 1-2	RA	01-317	25 IR 187	<b>25 IR 937</b>	405 IAC 1-12-19	A	02-16	25 IR 2802	*NRA (25 IR 4128) <b>26 IR 729</b>
370 IAC 1-2-1	A	01-419	26 IR 154	<b>26 IR 1543</b>	405 IAC 1-12-22	A	01-420	25 IR 1693	*NRA (25 IR 2541) <b>25 IR 3125</b>
370 IAC 1-2-2	A	01-419	26 IR 154	<b>26 IR 1543</b>	405 IAC 1-12-24	A	01-172	24 IR 3179	*NRA (25 IR 401) <b>25 IR 381</b>
370 IAC 1-2-3	N	01-419	26 IR 154	<b>26 IR 1543</b>		A	02-16	25 IR 2802	*NRA (25 IR 4128) <b>26 IR 730</b>
370 IAC 1-3	RA	01-317	25 IR 187	<b>25 IR 937</b>	405 IAC 1-12-26	A	02-16	25 IR 2803	*NRA (25 IR 4128) <b>26 IR 730</b>
370 IAC 1-3-1	A	01-419	26 IR 154	<b>26 IR 1543</b>	405 IAC 1-14.5-13	A	02-144	25 IR 3826	*NRA (26 IR 415) <b>26 IR 1080</b>
370 IAC 1-3-2	A	01-419	26 IR 154	<b>26 IR 1543</b>	405 IAC 1-14.5-14	A	02-144	25 IR 3827	*NRA (26 IR 415) <b>26 IR 1081</b>
370 IAC 1-3-3	A	01-419	26 IR 154	<b>26 IR 1543</b>	405 IAC 1-14.5-15	A	02-144	25 IR 3827	*NRA (26 IR 415) <b>26 IR 1081</b>
370 IAC 1-3-4	A	01-419	26 IR 155	<b>26 IR 1544</b>	405 IAC 1-14.6-2	A	00-277	24 IR 3169	*ARR (24 IR 3992)
370 IAC 1-4	RA	01-317	25 IR 187	<b>25 IR 937</b>				24 IR 4126	*AROC (25 IR 533)
370 IAC 1-4-1	A	01-419	26 IR 155	<b>26 IR 1544</b>					*NRA (25 IR 401)
370 IAC 1-4-2	A	01-419	26 IR 155	<b>26 IR 1545</b>					*ARR (25 IR 814)
370 IAC 1-4-3	A	01-419	26 IR 156	<b>26 IR 1545</b>					*NRA (25 IR 1666)
370 IAC 1-5	RA	01-317	25 IR 187	<b>25 IR 937</b>					<b>25 IR 2462</b>
370 IAC 1-5-1	A	01-419	26 IR 156	<b>26 IR 1545</b>					<b>26 IR 707</b>
370 IAC 1-6	RA	01-317	25 IR 187	<b>25 IR 937</b>					
370 IAC 1-6-1	A	01-419	26 IR 156	<b>26 IR 1545</b>					
370 IAC 1-8	RA	01-317	25 IR 187	<b>25 IR 937</b>					
370 IAC 1-8-1	A	01-419	26 IR 156	<b>26 IR 1545</b>					
370 IAC 1-9	RA	01-317	25 IR 187	<b>25 IR 937</b>					
370 IAC 1-9-1	A	01-419	26 IR 156	<b>26 IR 1545</b>					
370 IAC 1-10	RA	01-317	25 IR 187	<b>25 IR 937</b>					
370 IAC 1-10-1	A	01-419	26 IR 156	<b>26 IR 1546</b>					
370 IAC 1-10-2	A	01-419	26 IR 157	<b>26 IR 1546</b>					

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

405 IAC 1-8-3	A	00-249	24 IR 1381	*NRA (24 IR 3097)					
405 IAC 1-9	R	00-249	24 IR 1386	*NRA (24 IR 3097) <b>25 IR 59</b>		A	02-13	25 IR 2779	*NRA (26 IR 61) <b>26 IR 707</b>
405 IAC 1-10	R	00-249	24 IR 1386	*NRA (24 IR 3097) <b>25 IR 59</b>		A	02-340	26 IR 2099	
405 IAC 1-10.5-1	A	00-249	24 IR 1382	*NRA (24 IR 3097) <b>25 IR 55</b>	405 IAC 1-14.6-3	A	00-277	24 IR 3172 24 IR 4128	*ARR (24 IR 3992) *AROC (25 IR 533)
405 IAC 1-10.5-2	A	00-249	24 IR 1382	*NRA (24 IR 3097) <b>25 IR 55</b>					*NRA (25 IR 401) *ARR (25 IR 814)
405 IAC 1-10.5-3	A	00-249	24 IR 1384	*NRA (24 IR 3097) <b>25 IR 57</b>					*NRA (25 IR 1666) <b>25 IR 2465</b>
405 IAC 1-10.5-4	A	00-249	24 IR 1386	*ERR (25 IR 1906) *NRA (24 IR 3097) <b>25 IR 59</b>	405 IAC 1-14.6-4	A	00-277	24 IR 3172 24 IR 4129	*ARR (24 IR 3992) *AROC (25 IR 533)
405 IAC 1-11	R	00-249	24 IR 1386	*NRA (24 IR 3097) <b>25 IR 59</b>					*NRA (25 IR 401) *ARR (25 IR 814)
405 IAC 1-12-1	A	02-16	25 IR 2791	*NRA (25 IR 4128) <b>26 IR 718</b>					*NRA (25 IR 1666) <b>25 IR 2465</b>
405 IAC 1-12-2	A	01-420	25 IR 1690	*NRA (25 IR 2541) <b>25 IR 3121</b>		A	02-13	25 IR 2782	*NRA (26 IR 61) <b>26 IR 709</b>
	A	02-16	25 IR 2791	*NRA (25 IR 4128) <b>26 IR 718</b>	405 IAC 1-14.6-5	A	00-277	24 IR 3174 24 IR 4131	*ARR (24 IR 3992) *AROC (25 IR 533)
405 IAC 1-12-4	A	02-16	25 IR 2793	*NRA (25 IR 4128) <b>26 IR 720</b>					*NRA (25 IR 401) *ARR (25 IR 814)
405 IAC 1-12-5	A	01-420	25 IR 1691	*NRA (25 IR 2541) <b>25 IR 3123</b>					*NRA (25 IR 1666) <b>25 IR 2467</b>
	A	02-16	25 IR 2794	*NRA (25 IR 4128) <b>26 IR 721</b>	405 IAC 1-14.6-6	A	00-277	24 IR 3175 24 IR 4131	*ARR (24 IR 3992) *AROC (25 IR 533)
405 IAC 1-12-6	A	02-16	25 IR 2795	*NRA (25 IR 4128) <b>26 IR 722</b>					*NRA (25 IR 401) *ARR (25 IR 814)
405 IAC 1-12-7	A	02-16	25 IR 2796	*NRA (25 IR 4128) <b>26 IR 723</b>					*NRA (25 IR 1666) <b>25 IR 2468</b>
405 IAC 1-12-8	A	02-16	25 IR 2796	*NRA (25 IR 4128) <b>26 IR 723</b>					*NRA (26 IR 61) <b>26 IR 712</b>
405 IAC 1-12-9	A	01-420	25 IR 1693	*NRA (25 IR 2541) <b>25 IR 3124</b>		A	02-13	25 IR 2784	
	A	02-16	25 IR 2797	*NRA (25 IR 4128) <b>26 IR 724</b>		A	02-340	26 IR 2102	

## Rules Affected by Volumes 25 and 26

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 2-3-17 405 IAC 2-3-21 405 IAC 2-3-23	A 02-234 A 02-234 N 02-45	26 IR 516 26 IR 517 25 IR 2555	*NRA (26 IR 1960) *NRA (26 IR 1960) *NRA (25 IR 3804) <b>26 IR 731</b>
	A	02-13	25 IR 2785	*NRA (26 IR 61) <b>26 IR 712</b>	405 IAC 2-8-1 405 IAC 2-8-1.1	A 02-87 N 02-87	25 IR 2804 25 IR 2805	*NRA (26 IR 61) <b>26 IR 731</b> *NRA (26 IR 61) <b>26 IR 732</b>
	A	02-340	26 IR 2103		405 IAC 2-9	N 01-393	25 IR 1684	*NRA (25 IR 2541) *AROC (25 IR 3463) <b>25 IR 3115</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>				*ERR (25 IR 3769) *ERR (26 IR 35) *NRA (26 IR 415) <b>26 IR 1547</b>
	A	02-13	25 IR 2786	*NRA (26 IR 61) <b>26 IR 714</b>	405 IAC 2-10 405 IAC 4-1 405 IAC 4-1-1 405 IAC 5-2-17	N 02-145 RA 02-275 A 01-58	25 IR 3829 26 IR 544 24 IR 2518	*NRA (26 IR 415) <b>26 IR 1261</b> *ERR (26 IR 383) *ARR (24 IR 3992) *NRA (24 IR 4011) *NRA (25 IR 401) <b>25 IR 378</b>
405 IAC 1-14.6-12	A	02-340	26 IR 2104		405 IAC 5-3-4	A 01-58	24 IR 2519	*ARR (24 IR 3992) *NRA (24 IR 4011) *NRA (25 IR 401) <b>25 IR 378</b>
	A	02-13	25 IR 2787	*NRA (26 IR 61) <b>26 IR 715</b>				
405 IAC 1-14.6-16	A	02-13	25 IR 2788	*NRA (26 IR 61) <b>26 IR 716</b>				
	A	02-340	26 IR 2105					
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 5-3-10 405 IAC 5-3-11	A 01-22 A 01-58	24 IR 2180 24 IR 2519	*NRA (24 IR 4011) *NRA (25 IR 830) <b>25 IR 1613</b> *ARR (24 IR 3992) *NRA (24 IR 4011) *NRA (25 IR 401) <b>25 IR 378</b>
405 IAC 1-14.6-22	A	02-13	25 IR 2788	*NRA (26 IR 61) <b>26 IR 716</b>				
	A	02-340	26 IR 2106		405 IAC 5-3-12	A 01-59	24 IR 2524	*NRA (24 IR 3657) <b>25 IR 60</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 5-3-13	A 01-22	24 IR 2180	*NRA (24 IR 4011) *NRA (25 IR 830) <b>25 IR 1613</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 5-7-1	A 01-58	24 IR 2519	*ARR (24 IR 3992) *NRA (24 IR 4011) *NRA (25 IR 401) <b>25 IR 378</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 5-8-3	A 01-58	24 IR 2519	*ARR (24 IR 3992) *NRA (24 IR 4011) *NRA (25 IR 401) <b>25 IR 379</b>
405 IAC 1-16-2	A	02-214	26 IR 158		405 IAC 5-12-1	A 02-49	25 IR 2555	*AROC (26 IR 884) *NRA (26 IR 1960)
405 IAC 1-16-4	A	02-214	26 IR 159		405 IAC 5-12-2	R 02-49	25 IR 2556	*AROC (26 IR 884) *NRA (26 IR 1960)
405 IAC 1-18	N	01-304	25 IR 138	*NRA (25 IR 1666) <b>25 IR 2476</b>	405 IAC 5-12-3	A 02-49	25 IR 2556	*AROC (26 IR 884) *NRA (26 IR 1960)
405 IAC 1-18-2	A	02-121	25 IR 3243	*NRA (26 IR 61) <b>26 IR 1079</b>	405 IAC 5-12-4	R 02-49	25 IR 2556	*AROC (26 IR 884) *NRA (26 IR 1960)
405 IAC 1-18-3	R	02-121	25 IR 3243	*NRA (26 IR 61) <b>26 IR 1080</b>	405 IAC 5-12-5	R 02-49	25 IR 2556	*AROC (26 IR 884) *NRA (26 IR 1960)
405 IAC 1-19	N	02-184	26 IR 511	*NRA (26 IR 1960)	405 IAC 5-12-6	R 02-49	25 IR 2556	*AROC (26 IR 884) *NRA (26 IR 1960)
405 IAC 1-20	N	02-184	26 IR 512	*NRA (26 IR 1960)	405 IAC 5-12-7	R 02-49	25 IR 2556	*AROC (26 IR 884) *NRA (26 IR 1960)
405 IAC 2-3-1	R	01-206	24 IR 4139	*NRA (25 IR 1666) <b>25 IR 2475</b>	405 IAC 5-14-1	A 02-50	25 IR 2556	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 415) <b>26 IR 1546</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 5-14-2	A 02-140	25 IR 3823	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 809) *ARR (26 IR 1573) *NRA (26 IR 1960)
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> *ERR (25 IR 3769)		A 02-277	26 IR 864	

**Rules Affected by Volumes 25 and 26**

*Indiana Register, Volume 26, Number 6, March 1, 2003*  
2229

## Rules Affected by Volumes 25 and 26

TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM					410 IAC 16.2-1-24	R	02-89	25 IR 3277	<b>26 IR 1936</b>
407 IAC 2-2-5	A	02-85	25 IR 2805	<b>25 IR 4103</b>	410 IAC 16.2-1-25	R	02-89	25 IR 3277	<b>26 IR 1936</b>
407 IAC 2-3-1	A	02-85	25 IR 2806	<b>25 IR 4103</b>	410 IAC 16.2-1-26	R	02-89	25 IR 3277	<b>26 IR 1936</b>
				*ERR (26 IR 383)	410 IAC 16.2-1-26.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
407 IAC 2-3-2	A	02-85	25 IR 2806	<b>25 IR 4103</b>	410 IAC 16.2-1-27	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-27.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
					410 IAC 16.2-1-28	R	02-89	25 IR 3277	<b>26 IR 1936</b>
TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH					410 IAC 16.2-1-29	R	02-89	25 IR 3277	<b>26 IR 1936</b>
410 IAC 1-2-3				*ERR (25 IR 106)	410 IAC 16.2-1-29.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
410 IAC 5-10.1	RA	01-240	25 IR 187	<b>25 IR 1270</b>	410 IAC 16.2-1-30	R	02-89	25 IR 3277	<b>26 IR 1936</b>
410 IAC 6-2	R	02-142	25 IR 4197	*CPH (26 IR 812)	410 IAC 16.2-1-31	R	02-89	25 IR 3277	<b>26 IR 1936</b>
410 IAC 6-2.1	N	02-142	25 IR 4188	*CPH (26 IR 812)	410 IAC 16.2-1-31.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
410 IAC 6-7	R	01-243	25 IR 2015	<b>25 IR 3757</b>	410 IAC 16.2-1-32	R	02-89	25 IR 3277	<b>26 IR 1936</b>
				*AROC (25 IR 3884)	410 IAC 16.2-1-32.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
410 IAC 6-7.1	N	01-243	25 IR 2002	<b>25 IR 3743</b>	410 IAC 16.2-1-32.2	R	02-89	25 IR 3277	<b>26 IR 1936</b>
				*ERR (25 IR 3769)	410 IAC 16.2-1-33	R	02-89	25 IR 3277	<b>26 IR 1936</b>
				*AROC (25 IR 3884)	410 IAC 16.2-1-34	R	02-89	25 IR 3277	<b>26 IR 1936</b>
				*ERR (26 IR 36)	410 IAC 16.2-1-35	R	02-89	25 IR 3277	<b>26 IR 1936</b>
410 IAC 6-7.2	N	01-243	25 IR 2007	<b>25 IR 3749</b>	410 IAC 16.2-1-36	R	02-89	25 IR 3277	<b>26 IR 1936</b>
				*ERR (25 IR 3769)	410 IAC 16.2-1-37	R	02-89	25 IR 3277	<b>26 IR 1936</b>
				*AROC (25 IR 3884)	410 IAC 16.2-1-38	R	02-89	25 IR 3277	<b>26 IR 1936</b>
				*ERR (26 IR 36)	410 IAC 16.2-1-39	R	02-89	25 IR 3277	<b>26 IR 1936</b>
410 IAC 7-21	N	01-7	24 IR 2809	<b>25 IR 1615</b>	410 IAC 16.2-1-39.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
				*ERR (25 IR 1644)	410 IAC 16.2-1-41.1	R	02-89	25 IR 3277	<b>26 IR 1936</b>
				*AROC (25 IR 1734)	410 IAC 16.2-1-42	R	02-89	25 IR 3277	<b>26 IR 1936</b>
410 IAC 7-22	N	02-266	26 IR 1245		410 IAC 16.2-1-44	R	02-89	25 IR 3277	<b>26 IR 1936</b>
410 IAC 15-1.5-4	A	02-43	26 IR 164	<b>26 IR 1550</b>	410 IAC 16.2-1-45	R	02-89	25 IR 3277	<b>26 IR 1936</b>
410 IAC 15-1.5-5	A	02-43	26 IR 166	<b>26 IR 1551</b>	410 IAC 16.2-1-46	R	02-89	25 IR 3277	<b>26 IR 1936</b>

# Rules Affected by Volumes 25 and 26

410 IAC 16.2-1-47	R	02-89	25 IR 3277	<b>26 IR 1936</b>	431 IAC 3.1	RA	00-298	24 IR 1948	<b>25 IR 528</b>
410 IAC 16.2-1-48	R	02-89	25 IR 3277	<b>26 IR 1936</b>	431 IAC 4	RA	00-298	24 IR 1948	<b>25 IR 528</b>
410 IAC 16.2-1.1	N	02-89	25 IR 3244	<b>26 IR 1902</b>	431 IAC 5	RA	00-298	24 IR 1948	<b>25 IR 528</b>
410 IAC 16.2-3.1-21				*ERR (25 IR 2522)		R	01-299	25 IR 866	*NRA (25 IR 2745)
410 IAC 16.2-5-0.5	N	02-89	25 IR 3252	<b>26 IR 1911</b>					<b>25 IR 3145</b>
410 IAC 16.2-5-1.1	A	02-89	25 IR 3252	<b>26 IR 1912</b>	431 IAC 6	RA	00-298	24 IR 1948	<b>25 IR 528</b>
410 IAC 16.2-5-1.2	A	02-89	25 IR 3254	<b>26 IR 1914</b>		R	01-299	25 IR 866	*NRA (25 IR 2745)
410 IAC 16.2-5-1.3	A	02-89	25 IR 3259	<b>26 IR 1919</b>					<b>25 IR 3145</b>
410 IAC 16.2-5-1.4	A	02-89	25 IR 3261	<b>26 IR 1921</b>	431 IAC 7	N	02-211	26 IR 2108	
410 IAC 16.2-5-1.5	A	02-89	25 IR 3263	<b>26 IR 1923</b>					
410 IAC 16.2-5-1.6	A	02-89	25 IR 3265	<b>26 IR 1925</b>	TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION				
410 IAC 16.2-5-1.7	R	02-89	25 IR 3277	<b>26 IR 1936</b>	440 IAC 1-1.5	R	02-42	25 IR 3289	*NRA (26 IR 62)
410 IAC 16.2-5-2	A	02-89	25 IR 3269	<b>26 IR 1929</b>					<b>26 IR 745</b>
410 IAC 16.2-5-3	R	02-89	25 IR 3277	<b>26 IR 1936</b>	440 IAC 1.5	N	02-42	25 IR 3277	*NRA (26 IR 62)
410 IAC 16.2-5-4	A	02-89	25 IR 3270	<b>26 IR 1929</b>					<b>26 IR 733</b>
410 IAC 16.2-5-5	R	02-89	25 IR 3277	<b>26 IR 1936</b>	440 IAC 4-3-1	A	02-218	26 IR 519	
410 IAC 16.2-5-5.1	N	02-89	25 IR 3271	<b>26 IR 1931</b>	440 IAC 4.1-2-1	A	02-218	26 IR 519	
410 IAC 16.2-5-6	A	02-89	25 IR 3272	<b>26 IR 1932</b>	440 IAC 4.1-2-4	A	02-218	26 IR 520	
410 IAC 16.2-5-7	R	02-89	25 IR 3277	<b>26 IR 1936</b>	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	<b>26 IR 1933</b>	440 IAC 4.1-2-9	A	02-218	26 IR 521	
410 IAC 16.2-5-8	R	02-89	25 IR 3277	<b>26 IR 1936</b>	440 IAC 4.1-3	N	02-218	26 IR 522	
410 IAC 16.2-5-8.1	N	02-89	25 IR 3274	<b>26 IR 1934</b>	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	<b>26 IR 1936</b>	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	<b>26 IR 1936</b>	440 IAC 4.4-2-2	A	01-263	25 IR 158	<b>25 IR 2221</b>
410 IAC 16.2-5-11	R	02-89	25 IR 3277	<b>26 IR 1936</b>	440 IAC 4.4-2-3	A	01-263	25 IR 159	<b>25 IR 2222</b>
410 IAC 16.2-5-11.1	N	02-89	25 IR 3275	<b>26 IR 1935</b>	440 IAC 4.4-2-3.5	N	01-263	25 IR 159	<b>25 IR 2222</b>
410 IAC 16.2-5-12	N	02-89	25 IR 3276	<b>26 IR 1935</b>	440 IAC 4.4-2-4	A	01-263	25 IR 160	<b>25 IR 2223</b>
410 IAC 17-1.1	R	01-159	25 IR 151	<b>25 IR 2490</b>	440 IAC 4.4-2-4.5	N	01-263	25 IR 160	<b>25 IR 2223</b>
410 IAC 17-2	R	01-159	25 IR 151	<b>25 IR 2490</b>	440 IAC 4.4-2-5	A	01-263	25 IR 161	<b>25 IR 2224</b>
410 IAC 17-3	R	01-159	25 IR 151	<b>25 IR 2490</b>	440 IAC 4.4-2-6	A	01-263	25 IR 162	<b>25 IR 2225</b>
410 IAC 17-4	R	01-159	25 IR 151	<b>25 IR 2490</b>	440 IAC 4.4-2-7	A	01-263	25 IR 162	<b>25 IR 2225</b>
410 IAC 17-5	R	01-159	25 IR 151	<b>25 IR 2490</b>	440 IAC 4.4-2-8	A	01-263	25 IR 162	<b>25 IR 2225</b>
410 IAC 17-6	R	01-159	25 IR 151	<b>25 IR 2490</b>	440 IAC 4.4-2-9	A	01-263	25 IR 163	<b>25 IR 2226</b>
410 IAC 17-7	R	01-159	25 IR 151	<b>25 IR 2490</b>	440 IAC 4.4-2-11	N	01-263	25 IR 163	<b>25 IR 2226</b>
410 IAC 17-8	R	01-159	25 IR 151	<b>25 IR 2490</b>	440 IAC 5-1-1	A	02-105	25 IR 3289	*NRA (26 IR 62)
410 IAC 17-9	N	01-159	25 IR 140	<b>25 IR 2477</b>					<b>26 IR 745</b>
				*ERR (25 IR 2522)	440 IAC 5-1-2	A	02-105	25 IR 3290	*NRA (26 IR 62)
410 IAC 17-10	N	01-159	25 IR 143	<b>25 IR 2481</b>					<b>26 IR 746</b>
410 IAC 17-11	N	01-159	25 IR 144	<b>25 IR 2482</b>	440 IAC 5-1-3.5	N	02-105	25 IR 3290	*NRA (26 IR 62)
410 IAC 17-12	N	01-159	25 IR 145	<b>25 IR 2483</b>					<b>26 IR 747</b>
410 IAC 17-13	N	01-159	25 IR 148	<b>25 IR 2486</b>	440 IAC 6-1-1	A	01-356	25 IR 867	*NRA (25 IR 2745)
410 IAC 17-14	N	01-159	25 IR 149	<b>25 IR 2487</b>					<b>25 IR 3145</b>
				*ERR (25 IR 2522)	440 IAC 6-2-1	A	01-356	25 IR 867	*NRA (25 IR 2745)
410 IAC 17-15	N	01-159	25 IR 151	<b>25 IR 2489</b>					<b>25 IR 3146</b>
410 IAC 17-16	N	01-159	25 IR 151	<b>25 IR 2489</b>	440 IAC 6-2-2	A	01-356	25 IR 868	*NRA (25 IR 2745)
410 IAC 21-3	N	01-280	25 IR 2016	<b>25 IR 3757</b>					<b>25 IR 3146</b>
410 IAC 23-1	R	01-339	25 IR 2020	<b>25 IR 3761</b>					*ERR (26 IR 1572)
410 IAC 23-2	N	01-339	25 IR 2018	<b>25 IR 3759</b>	440 IAC 6-2-3	A	01-356	25 IR 868	*NRA (25 IR 2745)
									<b>25 IR 3147</b>
TITLE 412 INDIANA HEALTH FACILITIES COUNCIL					440 IAC 6-2-4	A	01-356	25 IR 869	*NRA (25 IR 2745)
412 IAC 2	N	01-281	25 IR 1244	<b>25 IR 2728</b>					<b>25 IR 3147</b>
				*ERR (26 IR 36)	440 IAC 6-2-5	A	01-356	25 IR 869	*NRA (25 IR 2745)
				*ERR (26 IR 1572)					<b>25 IR 3148</b>
412 IAC 2-1-1	A	02-41	25 IR 4198	<b>26 IR 1937</b>	440 IAC 6-2-6	A	01-356	25 IR 869	*NRA (25 IR 2745)
412 IAC 2-1-2.1	N	02-41	25 IR 4198	<b>26 IR 1937</b>					<b>25 IR 3148</b>
412 IAC 2-1-2.2	N	02-41	25 IR 4198	<b>26 IR 1937</b>	440 IAC 6-2-7	A	01-356	25 IR 870	*NRA (25 IR 2745)
412 IAC 2-1-6	A	02-41	25 IR 4199	<b>26 IR 1937</b>					<b>25 IR 3148</b>
412 IAC 2-1-8	A	02-41	25 IR 4199	<b>26 IR 1938</b>	440 IAC 6-2-8	A	01-356	25 IR 870	*NRA (25 IR 2745)
412 IAC 2-1-10	N	02-41	25 IR 4199	<b>26 IR 1938</b>					<b>25 IR 3149</b>
412 IAC 2-1-11	N	02-41	25 IR 4200	<b>26 IR 1939</b>	440 IAC 6-2-9	A	01-356	25 IR 870	*NRA (25 IR 2745)
412 IAC 2-1-12	N	02-41	25 IR 4200	<b>26 IR 1939</b>					<b>25 IR 3149</b>
412 IAC 2-1-13	N	02-41	25 IR 4200	<b>26 IR 1939</b>	440 IAC 7	R	01-299	25 IR 866	*NRA (25 IR 2745)
412 IAC 2-1-14	N	02-41	25 IR 4200	<b>26 IR 1939</b>					<b>25 IR 3145</b>
TITLE 431 COMMUNITY RESIDENTIAL FACILITIES COUNCIL					440 IAC 7-2-16	R	01-357	25 IR 2024	*NRA (25 IR 3207)
431 IAC 1.1	RA	00-298	24 IR 1948	<b>25 IR 528</b>					<b>25 IR 3765</b>
431 IAC 1.1-1-2	A	01-422	25 IR 1694	<b>25 IR 3126</b>	440 IAC 7-2-17	R	01-357	25 IR 2024	*NRA (25 IR 3207)
				*ERR (26 IR 36)					<b>25 IR 3765</b>
431 IAC 2.1	RA	00-298	24 IR 1948	<b>25 IR 528</b>	440 IAC 7-2-18	R	01-357	25 IR 2024	*NRA (25 IR 3207)
	R	01-299	25 IR 866	*NRA (25 IR 2745)					<b>25 IR 3765</b>
				<b>25 IR 3145</b>					

## Rules Affected by Volumes 25 and 26

440 IAC 7.5	N	01-299	25 IR 849	*NRA (25 IR 2745) <b>25 IR 3127</b>	460 IAC 1-3-15	R	02-319	26 IR 2112	
440 IAC 9-2-4	N	01-53	24 IR 3757	*NRA (25 IR 401) <b>25 IR 1138</b>	460 IAC 1-3.3	N	02-319	26 IR 2111	
440 IAC 9-2-5	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 9-2-6	N	01-53	24 IR 3758	*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 9-2-7	N	01-357	25 IR 2020	*NRA (25 IR 3207) <b>25 IR 3762</b>	460 IAC 1-5	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 1-6	RA	00-301	24 IR 1961	<b>25 IR 528</b>
440 IAC 9-2-9	N	01-357	25 IR 2023	*NRA (25 IR 3207) <b>25 IR 3764</b>	460 IAC 1-8	N	01-337	25 IR 2557	<b>26 IR 350</b>
440 IAC 9-2-10	N	02-106	25 IR 4201	*NRA (26 IR 1112) <b>26 IR 1940</b>	460 IAC 2-1	R	00-215	24 IR 2545	*NRA (24 IR 4011) <b>25 IR 82</b>
440 IAC 9-2-11	N	02-106	25 IR 4202	*NRA (26 IR 1112) <b>26 IR 1941</b>	460 IAC 2-3-1	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) <b>26 IR 1942</b>	460 IAC 2-3-2	A	02-9	25 IR 2286	<b>26 IR 747</b>
440 IAC 9-2-13	N	02-265	26 IR 867		460 IAC 2-3-3	A	02-9	25 IR 2287	<b>26 IR 748</b>
TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES					460 IAC 2-4	N	00-215	24 IR 2526	*NRA (24 IR 4011) <b>25 IR 62</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	*ERR (25 IR 1645) *NRA (25 IR 1925) <b>25 IR 3765</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	*NRA (25 IR 1666) <b>25 IR 2226</b>
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	<b>26 IR 749</b>
460 IAC 1-1-5	RA	00-299	24 IR 1949	<b>25 IR 1272</b>	460 IAC 7	N	02-210	26 IR 525 26 IR 1247	*AROC (26 IR 883) *ARR (26 IR 1110)
460 IAC 1-1-6	RA	00-299	24 IR 1949	<b>25 IR 1273</b>	TITLE 470 DIVISION OF FAMILY AND CHILDREN				
460 IAC 1-1-7	RA	00-299	24 IR 1949	<b>25 IR 1273</b>	470 IAC 2-5-1	RA	01-60	24 IR 2571	*NRA (25 IR 401) <b>25 IR 1281</b>
460 IAC 1-1-8	RA	00-299	24 IR 1949	<b>25 IR 1274</b>	470 IAC 2-5-2	RA	01-60	24 IR 2572	*NRA (25 IR 401) <b>25 IR 1284</b>
460 IAC 1-1-9	RA	00-299	24 IR 1949	<b>25 IR 1274</b>	470 IAC 2-5-3	RA	01-60	24 IR 2572	*NRA (25 IR 401) <b>25 IR 1284</b>
460 IAC 1-1-10	RA	00-299	24 IR 1949	<b>25 IR 1274</b>	470 IAC 2-5-4	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>
460 IAC 1-1-11	RA	00-299	24 IR 1949	<b>25 IR 1275</b>	470 IAC 2-5-5	RA	01-60	24 IR 2572	*NRA (25 IR 401) <b>25 IR 1284</b>
460 IAC 1-1-12	RA	00-299	24 IR 1949	<b>25 IR 1276</b>	470 IAC 2-5-6	RA	01-60	24 IR 2573	*NRA (25 IR 401) <b>25 IR 1285</b>
460 IAC 1-1-13	RA	00-299	24 IR 1949	<b>25 IR 1276</b>	470 IAC 2-5-7	RA	01-60	24 IR 2573	*NRA (25 IR 401) <b>25 IR 1285</b>
460 IAC 1-1-14	RA	00-299	24 IR 1949	<b>25 IR 1276</b>	470 IAC 2-5-8	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>
460 IAC 1-1-15	RA	00-299	24 IR 1949	<b>25 IR 1277</b>	470 IAC 2-5-9	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>
460 IAC 1-1-16	RA	00-299	24 IR 1949	<b>25 IR 1277</b>	470 IAC 2-5-10	RA	01-60	24 IR 2574	*NRA (25 IR 401) <b>25 IR 1286</b>
460 IAC 1-2-1	RA	00-300	24 IR 1956	<b>25 IR 1278</b>	470 IAC 2-5-11	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>
460 IAC 1-2-2	RA	00-300	24 IR 1956	<b>25 IR 1278</b>	470 IAC 2-5-12	RA	01-60	24 IR 2574	*NRA (25 IR 401) <b>25 IR 1286</b>
460 IAC 1-2-3	RA	00-300	24 IR 1956	<b>25 IR 1278</b>	470 IAC 2-5-13	RA	01-60	24 IR 2574	*NRA (25 IR 401) <b>25 IR 1286</b>
460 IAC 1-2-4	RA	00-300	24 IR 1956	<b>25 IR 1279</b>	470 IAC 2-5-14	RA	01-60	24 IR 2575	*NRA (25 IR 401) <b>25 IR 1287</b>
460 IAC 1-2-5	RA	00-300	24 IR 1956	<b>25 IR 1279</b>	470 IAC 2-5-15	RA	01-60	24 IR 2575	*NRA (25 IR 401) <b>25 IR 1287</b>
460 IAC 1-2-6	RA	00-300	24 IR 1956	<b>25 IR 1280</b>	470 IAC 2-5-16	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>
460 IAC 1-2-7	RA	00-300	24 IR 1956	<b>25 IR 1280</b>	470 IAC 2-5-17	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>
460 IAC 1-2-8	RA	00-300	24 IR 1956	<b>25 IR 1280</b>	470 IAC 2-5-18	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>
460 IAC 1-2-9	RA	00-300	24 IR 1956	<b>25 IR 1281</b>	470 IAC 2-5-19	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>
460 IAC 1-2-10	RA	00-300	24 IR 1956	<b>25 IR 1281</b>	470 IAC 2-5-20	RA	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>
460 IAC 1-2-11	RA	00-300	24 IR 1956	<b>25 IR 1281</b>	470 IAC 2-5-21	R	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>
460 IAC 1-2-12	RA	00-300	24 IR 1956	<b>25 IR 1282</b>	470 IAC 2-5-22	RA	01-60	24 IR 2576	*NRA (25 IR 401) <b>25 IR 1288</b>
460 IAC 1-3-1	R	02-319	26 IR 2112						
460 IAC 1-3-2	R	02-319	26 IR 2112						
460 IAC 1-3-3	RA	02-262	26 IR 544	<b>26 IR 1261</b>					
460 IAC 1-3-4	R	02-319	26 IR 2112						
460 IAC 1-3-5	R	02-319	26 IR 2112						
460 IAC 1-3-6	RA	02-262	26 IR 544	<b>26 IR 1261</b>					
460 IAC 1-3-7	R	02-319	26 IR 2112						
460 IAC 1-3-8	RA	02-262	26 IR 544	<b>26 IR 1261</b>					
460 IAC 1-3-9	R	02-319	26 IR 2112						
460 IAC 1-3-10	R	02-319	26 IR 2112						
460 IAC 1-3-12	RA	02-262	26 IR 544	<b>26 IR 1261</b>					
460 IAC 1-3-13	R	02-319	26 IR 2112						
460 IAC 1-3-14	R	02-319	26 IR 2112						

# Rules Affected by Volumes 25 and 26

470 IAC 3-4.1	R	01-205	24 IR 4181	*AWR (25 IR 2524)	511 IAC 5-2-4	A	01-162	24 IR 3764	25 IR 1147
	R	02-298	26 IR 1719			A	02-170	25 IR 4205	
470 IAC 3-4.2	R	01-205	24 IR 4181	*AWR (25 IR 2524)	511 IAC 6-2	RA	01-164	24 IR 3790	25 IR 937
	R	02-298	26 IR 1719		511 IAC 6-2-1	R	01-212	24 IR 3777	25 IR 2239
470 IAC 3-4.7	N	01-205	24 IR 4140	*AWR (25 IR 2524)	511 IAC 6-6	RA	01-164	24 IR 3790	25 IR 937
	N	02-298	26 IR 1675		511 IAC 6-7-6.5	A	02-177	25 IR 4205	
470 IAC 3-10-1	RA	01-61	24 IR 2577	*NRA (24 IR 3097)	511 IAC 6-7-9	RA	01-164	24 IR 3790	25 IR 937
				25 IR 202	511 IAC 6-8-4	RA	01-164	24 IR 3790	25 IR 937
470 IAC 3-10-2	RA	01-61	24 IR 2577	*NRA (24 IR 3097)	511 IAC 6-10	RA	01-164	24 IR 3790	25 IR 937
				25 IR 202	511 IAC 6.1-0.5	N	01-212	24 IR 3769	25 IR 2231
470 IAC 3-10-3	RA	01-61	24 IR 2577	*NRA (24 IR 3097)	511 IAC 6.1-1-1	RA	01-164	24 IR 3790	25 IR 938
				25 IR 202		A	01-212	24 IR 3770	25 IR 2231
470 IAC 3-10-5	RA	01-61	24 IR 2577	*NRA (24 IR 3097)	511 IAC 6.1-1-2	A	01-212	24 IR 3770	25 IR 2231
				25 IR 202	511 IAC 6.1-1-3	RA	01-164	24 IR 3790	25 IR 938
470 IAC 3-10-6	RA	01-61	24 IR 2577	*NRA (24 IR 3097)		A	01-212	24 IR 3771	25 IR 2233
				25 IR 202	511 IAC 6.1-1-4	RA	01-164	24 IR 3790	25 IR 938
470 IAC 3-10-7	RA	01-61	24 IR 2577	*NRA (24 IR 3097)		A	01-212	24 IR 3772	25 IR 2233
				25 IR 202	511 IAC 6.1-1-5	RA	01-164	24 IR 3790	25 IR 938
470 IAC 3-10-8	RA	01-61	24 IR 2577	*NRA (24 IR 3097)		A	01-212	24 IR 3772	25 IR 2233
				25 IR 202	511 IAC 6.1-1-6	RA	01-164	24 IR 3790	25 IR 938
470 IAC 3.1-12-2	A	02-74	26 IR 167	*NRA (26 IR 1112)		A	01-212	24 IR 3773	25 IR 2234
				*AROC (26 IR 1264)	511 IAC 6.1-1-7	A	01-212	24 IR 3773	25 IR 2235
470 IAC 3.1-12-7	N	02-74	26 IR 168	*NRA (26 IR 1112)	511 IAC 6.1-1-8	RA	01-164	24 IR 3790	25 IR 938
				*AROC (26 IR 1264)		A	01-212	24 IR 3773	25 IR 2235
470 IAC 8.1-2-12	A	02-152	26 IR 530		511 IAC 6.1-1-9	RA	01-164	24 IR 3790	25 IR 938
470 IAC 10.1-1-2	A	01-173	24 IR 3760			A	01-212	24 IR 3774	25 IR 2235
470 IAC 10.2	N	01-174	24 IR 3762		511 IAC 6.1-1-10	RA	01-164	24 IR 3790	25 IR 938
470 IAC 11.1-1-5	A	02-203	26 IR 169	*NRA (26 IR 1112)	511 IAC 6.1-1-11	RA	01-164	24 IR 3790	25 IR 938
						A	01-212	24 IR 3774	25 IR 2235
TITLE 480 VIOLENT CRIME COMPENSATION DIVISION					511 IAC 6.1-1-11.5	A	01-212	24 IR 3774	25 IR 2236
480 IAC 1-1-1	A	01-194	25 IR 164	*CPH (25 IR 831)					*ERR (26 IR 36)
480 IAC 1-1-2	A	01-194	25 IR 164	*CPH (25 IR 831)	511 IAC 6.1-1-12	RA	01-164	24 IR 3790	25 IR 938
480 IAC 1-1-3	A	01-194	25 IR 165	*CPH (25 IR 831)		R	01-212	24 IR 3777	25 IR 2239
480 IAC 1-1-4.1	A	01-194	25 IR 165	*CPH (25 IR 831)	511 IAC 6.1-1-13	RA	01-164	24 IR 3790	25 IR 938
480 IAC 1-1-5	A	01-194	25 IR 165	*CPH (25 IR 831)		A	01-212	24 IR 3775	25 IR 2236
480 IAC 1-1-6	A	01-194	25 IR 166	*CPH (25 IR 831)	511 IAC 6.1-1-13.5	A	01-212	24 IR 3775	25 IR 2236
480 IAC 1-1-7	A	01-194	25 IR 167	*CPH (25 IR 831)	511 IAC 6.1-1-14	RA	01-164	24 IR 3790	25 IR 938
480 IAC 1-1-8	A	01-194	25 IR 167	*CPH (25 IR 831)		A	01-212	24 IR 3775	
480 IAC 1-1-9	A	01-194	25 IR 167	*CPH (25 IR 831)	511 IAC 6.1-1-15	RA	01-164	24 IR 3790	25 IR 938
480 IAC 1-1-10	A	01-194	25 IR 169	*CPH (25 IR 831)		A	01-212	24 IR 3775	25 IR 2237
480 IAC 1-2-1	A	01-194	25 IR 169	*CPH (25 IR 831)	511 IAC 6.1-2-1	RA	01-164	24 IR 3790	25 IR 938
480 IAC 1-2-2	A	01-194	25 IR 169	*CPH (25 IR 831)		A	01-212	24 IR 3775	25 IR 2237
480 IAC 1-2-3	A	01-194	25 IR 170	*CPH (25 IR 831)	511 IAC 6.1-2-3	RA	01-164	24 IR 3790	25 IR 938
TITLE 511 INDIANA STATE BOARD OF EDUCATION					511 IAC 6.1-2-4	RA	01-164	24 IR 3790	25 IR 938
511 IAC 1-1	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-2-5	RA	01-164	24 IR 3790	25 IR 938
511 IAC 1-2	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-2-6	RA	01-164	24 IR 3790	25 IR 938
511 IAC 1-2.5	RA	01-164	24 IR 3790	25 IR 937		A	01-212	24 IR 3776	25 IR 2237
511 IAC 1-3	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-3	RA	01-164	24 IR 3790	25 IR 938
511 IAC 1-6-1	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-3-1	A	01-212	24 IR 3776	25 IR 2237
511 IAC 1-6-5	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-4	RA	01-164	24 IR 3790	25 IR 938
511 IAC 1-7	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-4-1	A	01-212	24 IR 3777	25 IR 2238
511 IAC 1-8	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-0.5	RA	01-164	24 IR 3790	25 IR 938
511 IAC 2-5	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-1	RA	01-164	24 IR 3790	25 IR 938
511 IAC 3	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-2.5	RA	01-164	24 IR 3790	25 IR 938
511 IAC 4-2	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-5	RA	01-164	24 IR 3790	25 IR 938
511 IAC 4-4-1	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-6	RA	01-164	24 IR 3790	25 IR 938
511 IAC 4-4-2	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-7	RA	01-164	24 IR 3790	25 IR 938
511 IAC 4-4-5	RA	01-164	24 IR 3790	25 IR 937		A	01-212	24 IR 3777	25 IR 2238
511 IAC 4-4-6	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-8	RA	01-164	24 IR 3790	25 IR 938
511 IAC 4-4-7	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-9	N	01-212	24 IR 3777	25 IR 2238
511 IAC 5-1-2	A	02-67	25 IR 2807	26 IR 786	511 IAC 6.1-5-10	N	01-212	24 IR 3777	25 IR 2238
511 IAC 5-1-3.5	A	02-67	25 IR 2807	26 IR 787	511 IAC 6.1-5-1-1	A	01-33	24 IR 2182	*CPH (24 IR 2724)
511 IAC 5-1-5	A	02-67	25 IR 2807	26 IR 787					25 IR 1141
511 IAC 5-1-6	A	02-67	25 IR 2807	26 IR 787	511 IAC 6.1-5-1-5	A	02-177	25 IR 4206	
511 IAC 5-2	RA	01-164	24 IR 3790	25 IR 937		A	02-178	25 IR 4207	
511 IAC 5-2-1	A	01-203	24 IR 3768	25 IR 1147	511 IAC 6.1-5-1-8	A	02-274	26 IR 1252	*CPH (24 IR 2724)
511 IAC 5-2-3	A	01-203	24 IR 3769	25 IR 1148	511 IAC 6.1-5-1-9	A	01-33	24 IR 2182	25 IR 1141
	A	02-170	25 IR 4204		511 IAC 6.1-5-1-10.1	A	01-33	24 IR 2183	*CPH (24 IR 2724)
									25 IR 1143

## Rules Affected by Volumes 25 and 26

511 IAC 6.1-5.1-11	RA	01-164	24 IR 3790	<b>25 IR 938</b>	540 IAC 1-1-7.5	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 1-1-9	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 1-1-10.5	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 1-1-11.5	A	01-428	25 IR 2025	*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 1-1-11.6	N	01-428	25 IR 2025	*ARR (25 IR 3183)
511 IAC 6.2-6-4	A	02-264	26 IR 1719						<b>25 IR 4105</b>
511 IAC 6.2-6-6.1	N	02-264	26 IR 1720		540 IAC 1-1-12	A	01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 6.2-6-8	A	02-264	26 IR 1720						<b>25 IR 4105</b>
511 IAC 6.2-6-12	A	02-264	26 IR 1720		540 IAC 1-1-13	A	01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 6.2-7	N	02-264	26 IR 1720						<b>25 IR 4105</b>
511 IAC 7-17-10	A	01-433	25 IR 1696	<b>25 IR 3149</b>	540 IAC 1-1-14	A	01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-18-3	A	01-433	25 IR 1696	<b>25 IR 3150</b>					<b>25 IR 4106</b>
511 IAC 7-19-1	A	01-433	25 IR 1697	<b>25 IR 3150</b>	540 IAC 1-1-16	A	01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-19-2	A	01-433	25 IR 1698	<b>25 IR 3152</b>					<b>25 IR 4106</b>
511 IAC 7-22-1	A	01-433	25 IR 1699	<b>25 IR 3153</b>	540 IAC 1-1-16.5	N	01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-23-2	A	01-433	25 IR 1700	<b>25 IR 3154</b>					<b>25 IR 4106</b>
511 IAC 7-25-3	A	01-433	25 IR 1701	<b>25 IR 3155</b>	540 IAC 1-3-2	R	01-428	25 IR 2029	*ARR (25 IR 3183)
511 IAC 7-25-4	A	01-433	25 IR 1702	<b>25 IR 3156</b>					<b>25 IR 4109</b>
511 IAC 7-25-5	A	01-433	25 IR 1704	<b>25 IR 3158</b>	540 IAC 1-5-1	A	01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-25-6	A	01-433	25 IR 1705	<b>25 IR 3158</b>					<b>25 IR 4106</b>
511 IAC 7-25-7	A	01-433	25 IR 1706	<b>25 IR 3159</b>	540 IAC 1-5-2	R	01-428	25 IR 2029	*ARR (25 IR 3183)
511 IAC 7-27-4	A	01-433	25 IR 1706	<b>25 IR 3160</b>					<b>25 IR 4109</b>
511 IAC 7-27-5	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 7-27-7	A	01-433	25 IR 1707	<b>25 IR 3161</b>					<b>25 IR 4106</b>
511 IAC 7-27-9	A	01-433	25 IR 1708	<b>25 IR 3162</b>	540 IAC 1-6-2	R	01-428	25 IR 2029	*ARR (25 IR 3183)
511 IAC 7-27-12	A	01-433	25 IR 1709	<b>25 IR 3163</b>					<b>25 IR 4109</b>
511 IAC 7-28-3	A	01-433	25 IR 1711	<b>25 IR 3164</b>	540 IAC 1-7-1	A	01-428	25 IR 2027	*ARR (25 IR 3183)
511 IAC 7-29-5	A	01-433	25 IR 1712	<b>25 IR 3165</b>					<b>25 IR 4106</b>
511 IAC 7-29-6	A	01-433	25 IR 1712	<b>25 IR 3166</b>	540 IAC 1-7-2	A	01-428	25 IR 2027	*ARR (25 IR 3183)
511 IAC 7-29-8	A	01-433	25 IR 1713	<b>25 IR 3167</b>					<b>25 IR 4107</b>
511 IAC 7-30-1	A	01-433	25 IR 1714	<b>25 IR 3168</b>					*CPH (26 IR 1593)
511 IAC 7-30-3	A	01-433	25 IR 1715	<b>25 IR 3169</b>	540 IAC 1-7-3	R	01-428	25 IR 2029	*ARR (25 IR 3183)
511 IAC 7-30-4	A	01-433	25 IR 1717	<b>25 IR 3171</b>					<b>25 IR 4109</b>
511 IAC 7-30-6	A	01-433	25 IR 1719	<b>25 IR 3173</b>	540 IAC 1-8-1	A	01-428	25 IR 2027	*ARR (25 IR 3183)
511 IAC 9	RA	01-164	24 IR 3790	<b>25 IR 938</b>					<b>25 IR 4107</b>
511 IAC 10-6	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 11	RA	01-164	24 IR 3790	<b>25 IR 938</b>					<b>25 IR 4107</b>
511 IAC 12	RA	01-164	24 IR 3790	<b>25 IR 938</b>					*CPH (26 IR 1593)
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)	540 IAC 1-8-5	R	01-428	25 IR 2029	*ARR (25 IR 3183)
				<b>25 IR 1148</b>					<b>25 IR 4109</b>
515 IAC 1-3	R	02-314	26 IR 1257		540 IAC 1-8-6	R	01-428	25 IR 2029	*ARR (25 IR 3183)
515 IAC 1-4-1	A	02-75	25 IR 4207						<b>25 IR 4109</b>
515 IAC 1-4-2	A	02-75	25 IR 4208		540 IAC 1-8-7	R	01-428	25 IR 2029	*ARR (25 IR 3183)
515 IAC 1-6	N	01-171	25 IR 2288	<b>25 IR 3174</b>					<b>25 IR 4109</b>
				*ERR (26 IR 36)	540 IAC 1-9-1	A	01-428	25 IR 2028	*ARR (25 IR 3183)
515 IAC 1-7	N	02-314	26 IR 1254						<b>25 IR 4107</b>
515 IAC 2	RA	01-97	24 IR 2892	<b>25 IR 529</b>	540 IAC 1-9-2	R	01-428	25 IR 2029	*ARR (25 IR 3183)
515 IAC 3	N	02-7	25 IR 2290	<b>25 IR 3176</b>					<b>25 IR 4109</b>
				*ERR (26 IR 37)	540 IAC 1-9-2.5	N	01-428	25 IR 2028	*ARR (25 IR 3183)
515 IAC 4	N	02-8	25 IR 2292	*ARR (25 IR 3183)					<b>25 IR 4108</b>
				*ARR (25 IR 3770)	540 IAC 1-9-2.6	N	01-428	25 IR 2028	*ARR (25 IR 3183)
515 IAC 5	N	02-80	25 IR 2808						<b>25 IR 4108</b>
									*CPH (26 IR 1593)
TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY					540 IAC 1-9-2.7	N	01-428	25 IR 2028	*ARR (25 IR 3183)
540 IAC 1-1-3	A	01-428	25 IR 2024	*ARR (25 IR 3183)					<b>25 IR 4108</b>
				<b>25 IR 4104</b>	540 IAC 1-9-3	A	01-428	25 IR 2028	*ARR (25 IR 3183)
540 IAC 1-1-4	A	01-428	25 IR 2024	*ARR (25 IR 3183)					<b>25 IR 4108</b>
				<b>25 IR 4104</b>	540 IAC 1-10-1	A	01-428	25 IR 2029	*ARR (25 IR 3183)
540 IAC 1-1-6	A	01-428	25 IR 2025	*ARR (25 IR 3183)					<b>25 IR 4108</b>
				<b>25 IR 4104</b>					*CPH (26 IR 1593)
540 IAC 1-1-7	A	01-428	25 IR 2025	*ARR (25 IR 3183)	540 IAC 1-10-1.5	R	01-428	25 IR 2029	*ARR (25 IR 3183)
				<b>25 IR 4104</b>					<b>25 IR 4109</b>



# Rules Affected by Volumes 25 and 26

540 IAC 1-10-1.6	R	01-428	25 IR 2029	*ARR (25 IR 3183) <b>25 IR 4109</b>	585 IAC 1-9-8	RA	01-147	24 IR 3797	<b>25 IR 1295</b>
					585 IAC 1-9-9	RA	01-147	24 IR 3798	<b>25 IR 1295</b>
540 IAC 1-10-3	R	01-428	25 IR 2029	*ARR (25 IR 3183) <b>25 IR 4109</b>	585 IAC 1-9-10	RA	01-147	24 IR 3798	<b>25 IR 1295</b>
					585 IAC 1-9-11	RA	01-147	24 IR 3798	<b>25 IR 1296</b>
540 IAC 1-10-4	N	01-428	25 IR 2029	*ARR (25 IR 3183) <b>25 IR 4109</b>	585 IAC 1-9-13	RA	01-147	24 IR 3791	<b>25 IR 529</b>
					585 IAC 1-9-14	RA	01-147	24 IR 3799	<b>25 IR 1296</b>
540 IAC 1-12-2	A	01-428	25 IR 2029	*ARR (25 IR 3183) <b>25 IR 4109</b>	585 IAC 1-9-16	RA	01-147	24 IR 3801	
					585 IAC 5-1-1	RA	01-147	24 IR 3801	<b>25 IR 1298</b>
					585 IAC 5-2-2	RA	01-147	24 IR 3801	<b>25 IR 1298</b>
TITLE 550 BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND					585 IAC 5-2-4	RA	01-147	24 IR 3802	
550 IAC 2-1	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 2-2	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 2-3	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 2-4	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>
550 IAC 2-5	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 5-3-5	RA	01-147	24 IR 3791	<b>25 IR 529</b>
550 IAC 2-6	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 5-3-6	RA	01-147	24 IR 3802	<b>25 IR 1299</b>
550 IAC 2-7	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 5-3-7	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 5-4-1	RA	01-147	24 IR 3802	<b>25 IR 1299</b>
550 IAC 2-9	RA	01-287	25 IR 188	<b>25 IR 1731</b>	585 IAC 5-4-2	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 5-5-1	RA	01-147	24 IR 3791	<b>25 IR 529</b>
550 IAC 3-1-1	A	02-325	26 IR 2112		585 IAC 5-5-2	RA	01-147	24 IR 3791	<b>25 IR 529</b>
550 IAC 3-1-2	A	02-325	26 IR 2113		585 IAC 5-5-3	RA	01-147	24 IR 3791	<b>25 IR 529</b>
550 IAC 3-1-3	A	02-325	26 IR 2113		585 IAC 5-5-4	RA	01-147	24 IR 3791	<b>25 IR 529</b>
550 IAC 3-2-1	A	02-325	26 IR 2113		585 IAC 5-5-5	RA	01-147	24 IR 3791	<b>25 IR 529</b>
550 IAC 3-2-2	A	02-325	26 IR 2114		585 IAC 5-5-7	RA	01-147	24 IR 3792	<b>25 IR 529</b>
550 IAC 5	N	02-325	26 IR 2114		585 IAC 8-1-1	RA	01-147	24 IR 3792	<b>25 IR 529</b>
550 IAC 6	N	02-325	26 IR 2115		585 IAC 8-1-2	RA	01-147	24 IR 3802	<b>25 IR 1299</b>
					585 IAC 8-1-3	RA	01-147	24 IR 3792	<b>25 IR 529</b>
					585 IAC 8-1-4	RA	01-147	24 IR 3802	<b>25 IR 1299</b>
TITLE 560 INDIANA EDUCATION EMPLOYMENT RELATIONS BOARD					585 IAC 8-1-5	R	01-147	24 IR 3792	<b>25 IR 1303</b>
560 IAC 2	RA	01-119	24 IR 3222	<b>25 IR 529</b>	585 IAC 8-1-6	RA	01-147	24 IR 3802	<b>25 IR 1299</b>
					585 IAC 8-1-7	RA	01-147	24 IR 3792	<b>25 IR 529</b>
TITLE 570 INDIANA COMMISSION ON PROPRIETARY EDUCATION					585 IAC 8-1-8	RA	01-147	24 IR 3792	<b>25 IR 529</b>
570 IAC 1	RA	01-285	25 IR 519	<b>25 IR 1731</b>	585 IAC 8-1-9	RA	01-147	24 IR 3802	<b>25 IR 1299</b>
570 IAC 1-14	N	02-233	26 IR 867		585 IAC 8-1-10	RA	01-147	24 IR 3792	<b>25 IR 529</b>
					585 IAC 8-1-10.1	RA	01-147	24 IR 3803	
TITLE 575 STATE SCHOOL BUS COMMITTEE					585 IAC 8-1-11	RA	01-147	24 IR 3803	<b>25 IR 1300</b>
575 IAC 1-1-1	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>
575 IAC 1-1-2	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-1-13	RA	01-147	24 IR 3803	<b>25 IR 1300</b>
575 IAC 1-1-4	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-2-1	RA	01-147	24 IR 3804	<b>25 IR 1301</b>
575 IAC 1-1-4.5	N	01-213	24 IR 3777	<b>25 IR 1150</b>	585 IAC 8-2-2	RA	01-147	24 IR 3804	<b>25 IR 1301</b>
575 IAC 1-1-4.6	N	02-315	26 IR 1723		585 IAC 8-2-3	RA	01-147	24 IR 3804	<b>25 IR 1301</b>
575 IAC 1-1-5	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-2-4	RA	01-147	24 IR 3804	<b>25 IR 1301</b>
	A	01-213	24 IR 3778	<b>25 IR 1150</b>	585 IAC 8-2-5	RA	01-147	24 IR 3804	<b>25 IR 1301</b>
575 IAC 1-2	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-2-6	RA	01-147	24 IR 3792	<b>25 IR 529</b>
575 IAC 1-2.5	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-2-7	RA	01-147	24 IR 3805	<b>25 IR 1302</b>
575 IAC 1-3	RA	01-165	24 IR 3791	<b>25 IR 938</b>	585 IAC 8-2-8	RA	01-147	24 IR 3805	<b>25 IR 1302</b>
575 IAC 1-4	RA	01-165	24 IR 3791	<b>25 IR 938</b>	TITLE 590 INDIANA LIBRARY AND HISTORICAL BOARD				
575 IAC 1-5	RA	01-165	24 IR 3791	<b>25 IR 938</b>	590 IAC 1-1-0.5	RA	01-208	24 IR 4205	<b>25 IR 1303</b>
575 IAC 1-5.5-1	RA	01-165	24 IR 3791	<b>25 IR 938</b>	590 IAC 1-1-0.6	RA	01-208	24 IR 4205	<b>25 IR 1303</b>
575 IAC 1-5.5-2	RA	01-165	24 IR 3791	<b>25 IR 938</b>	590 IAC 1-1-1	RA	01-208	24 IR 4205	<b>25 IR 1303</b>
575 IAC 1-5.5-5	RA	01-165	24 IR 3791	<b>25 IR 938</b>	590 IAC 1-1-2.5	RA	01-208	24 IR 4205	<b>25 IR 1303</b>
575 IAC 1-5.5-6	RA	01-165	24 IR 3791	<b>25 IR 938</b>	590 IAC 1-2	R	01-208	24 IR 4206	<b>25 IR 1303</b>
575 IAC 1-5.5-7	RA	01-165	24 IR 3791	<b>25 IR 938</b>	590 IAC 1-2.5-1	RA	01-208	24 IR 4205	<b>25 IR 1303</b>
575 IAC 1-5.5-8	RA	01-165	24 IR 3791	<b>25 IR 938</b>	590 IAC 1-2.5-2	RA	01-208	24 IR 4205	<b>25 IR 1303</b>
575 IAC 1-5.5-9	RA	01-165	24 IR 3791	<b>25 IR 938</b>	590 IAC 1-2.5-3	RA	01-208	24 IR 4206	<b>25 IR 1304</b>
575 IAC 1-5.5-10	RA	01-165	24 IR 3791	<b>25 IR 938</b>	590 IAC 1-3	RA	01-208	24 IR 4205	<b>25 IR 1303</b>
575 IAC 1-5.5-11	RA	01-165	24 IR 3791	<b>25 IR 938</b>	590 IAC 4	N	01-108	24 IR 2826	<b>25 IR 1151</b>
575 IAC 1-7	RA	01-165	24 IR 3791	<b>25 IR 938</b>	TITLE 595 LIBRARY CERTIFICATION BOARD				
575 IAC 1-8	N	01-140	24 IR 3180	<b>25 IR 1149</b>	595 IAC 1	R	01-108	24 IR 2831	<b>25 IR 1156</b>
TITLE 585 STATE STUDENT ASSISTANCE COMMISSION					TITLE 610 DEPARTMENT OF LABOR				
585 IAC 1-9-1	RA	01-147	24 IR 3792	<b>25 IR 1289</b>	610 IAC 4	RA	01-313	25 IR 188	<b>25 IR 1305</b>
585 IAC 1-9-2	RA	01-147	24 IR 3794	<b>25 IR 1291</b>	610 IAC 4-4	R	01-340	25 IR 891	*ARR (25 IR 3770) <b>26 IR 370</b>
585 IAC 1-9-3	RA	01-147	24 IR 3792	<b>25 IR 1291</b>					*AROC (26 IR 547)
585 IAC 1-9-4	RA	01-147	24 IR 3794	<b>25 IR 1292</b>	610 IAC 4-5-11				*ERR (25 IR 106)
585 IAC 1-9-5	RA	01-147	24 IR 3795	<b>25 IR 1293</b>	610 IAC 4-6	N	01-340	25 IR 874	*ARR (25 IR 3770) <b>26 IR 353</b>
585 IAC 1-9-6	RA	01-147	24 IR 3796	<b>25 IR 1293</b>					*AROC (26 IR 547)
585 IAC 1-9-7	RA	01-147	24 IR 3797	<b>25 IR 1294</b>					

## Rules Affected by Volumes 25 and 26

### TITLE 615 BOARD OF SAFETY REVIEW

615 IAC 1-2	RA 01-314	25 IR 188	<b>25 IR 1305</b>
615 IAC 1-2-7			*ERR (25 IR 106)
615 IAC 1-2-8			*ERR (25 IR 106)
615 IAC 1-2-11			*ERR (25 IR 106)

### TITLE 620 OCCUPATIONAL SAFETY STANDARDS COMMISSION

620 IAC 1-3	RA 01-315	25 IR 189	<b>25 IR 1305</b>
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### TITLE 631 WORKER'S COMPENSATION BOARD OF INDIANA

631 IAC 1-1-1	RA 01-182	24 IR 3807	*AWR (25 IR 1186)
631 IAC 1-1-1.1	N 01-424	25 IR 2030	
631 IAC 1-1-2	RA 01-178	24 IR 3806	<b>25 IR 1305</b>
631 IAC 1-1-3	RA 01-178	24 IR 3806	<b>25 IR 1305</b>
631 IAC 1-1-4	RA 01-178	24 IR 3806	<b>25 IR 1305</b>
631 IAC 1-1-5	RA 01-178	24 IR 3806	<b>25 IR 1305</b>
631 IAC 1-1-6	RA 01-178	24 IR 3806	<b>25 IR 1305</b>
631 IAC 1-1-7	RA 01-178	24 IR 3806	<b>25 IR 1306</b>
631 IAC 1-1-8	RA 01-178	24 IR 3806	<b>25 IR 1306</b>
631 IAC 1-1-9	RA 01-178	24 IR 3806	<b>25 IR 1306</b>
631 IAC 1-1-10	RA 01-178	24 IR 3806	<b>25 IR 1306</b>
631 IAC 1-1-11	RA 01-178	24 IR 3806	<b>25 IR 1306</b>
631 IAC 1-1-12	RA 01-178	24 IR 3806	<b>25 IR 1306</b>
631 IAC 1-1-13	RA 01-178	24 IR 3806	<b>25 IR 1306</b>
631 IAC 1-1-14	RA 01-178	24 IR 3806	<b>25 IR 1306</b>
631 IAC 1-1-15	RA 01-178	24 IR 3806	<b>25 IR 1306</b>
631 IAC 1-1-16	RA 01-178	24 IR 3806	<b>25 IR 1306</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>

### TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION

655 IAC 1-1	RA 00-302	24 IR 2579	*CPH (24 IR 3098) <b>25 IR 203</b>
			*ERR (26 IR 383)
655 IAC 1-1-1.1	A 01-121	24 IR 3181	*AROC (24 IR 3825) <b>25 IR 1156</b>
			*ERR (25 IR 1645)
655 IAC 1-1-4	A 01-121	24 IR 3182	*AROC (24 IR 3825) <b>25 IR 1157</b>
655 IAC 1-1-5.1	A 01-121	24 IR 3182	*AROC (24 IR 3825) <b>25 IR 1157</b>
655 IAC 1-1-7	A 01-121	24 IR 3184	*AROC (24 IR 3825) <b>25 IR 1159</b>
655 IAC 1-1-13	A 01-121	24 IR 3184	*AROC (24 IR 3825) <b>25 IR 1160</b>
655 IAC 1-2-1	RA 02-128	25 IR 3883	*CPH (26 IR 416) <b>26 IR 1262</b>
655 IAC 1-2-1-2	A 01-121	24 IR 3185	*AROC (24 IR 3825) <b>25 IR 1160</b>

655 IAC 1-2-1-6	A 01-121	24 IR 3185	*AROC (24 IR 3825) <b>25 IR 1161</b>
655 IAC 1-2-1-6.1	N 01-121	24 IR 3185	*AROC (24 IR 3825) <b>25 IR 1161</b>
655 IAC 1-2-1-6.2	N 01-121	24 IR 3186	*AROC (24 IR 3825) <b>25 IR 1161</b>
655 IAC 1-2-1-6.3	N 01-121	24 IR 3186	*AROC (24 IR 3825) <b>25 IR 1161</b>
655 IAC 1-2-1-6.4	N 01-121	24 IR 3186	*AROC (24 IR 3825) <b>25 IR 1162</b>
655 IAC 1-2-1-7	A 01-121	24 IR 3186	*AROC (24 IR 3825) <b>25 IR 1162</b>
655 IAC 1-2-1-16	A 01-121	24 IR 3187	*AROC (24 IR 3825) <b>25 IR 1162</b>
655 IAC 1-2-1-17	A 01-121	24 IR 3187	*AROC (24 IR 3825) <b>25 IR 1162</b>
655 IAC 1-2-1-18	A 01-121	24 IR 3187	*AROC (24 IR 3825) <b>25 IR 1162</b>
655 IAC 1-2-1-19.1	N 01-121	24 IR 3187	*AROC (24 IR 3825) <b>25 IR 1162</b>
655 IAC 1-2-1-22	A 01-121	24 IR 3187	*AROC (24 IR 3825) <b>25 IR 1163</b>
			*ERR (25 IR 1645)
655 IAC 1-2-1-75	A 01-121	24 IR 3188	*AROC (24 IR 3825) <b>25 IR 1163</b>
655 IAC 1-2-1-75.1	N 01-121	24 IR 3188	*AROC (24 IR 3825) <b>25 IR 1163</b>
655 IAC 1-2-1-75.2	N 01-121	24 IR 3188	*AROC (24 IR 3825) <b>25 IR 1164</b>
655 IAC 1-2-1-75.3	N 01-121	24 IR 3188	*AROC (24 IR 3825) <b>25 IR 1164</b>
655 IAC 1-2-1-75.4	N 01-121	24 IR 3188	*AROC (24 IR 3825) <b>25 IR 1164</b>
655 IAC 1-2-1-75.5	N 01-121	24 IR 3189	*AROC (24 IR 3825) <b>25 IR 1164</b>
655 IAC 1-2-1-76	R 01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>
655 IAC 1-2-1-76.1	N 01-121	24 IR 3189	*AROC (24 IR 3825) <b>25 IR 1164</b>
655 IAC 1-2-1-76.2	N 01-121	24 IR 3189	*AROC (24 IR 3825) <b>25 IR 1165</b>
655 IAC 1-2-1-76.3	N 01-121	24 IR 3189	*AROC (24 IR 3825) <b>25 IR 1165</b>
655 IAC 1-2-1-77	R 01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>
655 IAC 1-2-1-78	R 01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>
655 IAC 1-2-1-79	R 01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>
655 IAC 1-2-1-80	R 01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>
655 IAC 1-2-1-81	R 01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>
655 IAC 1-2-1-82	R 01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>
655 IAC 1-2-1-83	R 01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>
655 IAC 1-2-1-84	R 01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>
655 IAC 1-2-1-85	R 01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>
655 IAC 1-2-1-86	R 01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>
655 IAC 1-2-1-87	R 01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1166</b>
655 IAC 1-2-1-93	N 01-121	24 IR 3189	*AROC (24 IR 3825) <b>25 IR 1165</b>
655 IAC 1-2-1-94	N 01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1165</b>

# Rules Affected by Volumes 25 and 26

655 IAC 1-2.1-95	N	01-121	24 IR 3190	*AROC (24 IR 3825) <b>25 IR 1165</b>	675 IAC 14-4.2-193.1	N	01-376	25 IR 1251	<b>26 IR 14</b>
675 IAC 12	RA	00-302	24 IR 2579	*CPH (24 IR 3098) <b>25 IR 203</b>	675 IAC 14-4.2-193.2	N	01-376	25 IR 1251	<b>26 IR 14</b>
675 IAC 1-3	RA	00-302	24 IR 2579	*CPH (24 IR 3098) <b>25 IR 203</b>	675 IAC 14-4.2-193.3	N	01-376	25 IR 1251	<b>26 IR 14</b>
675 IAC 1-4	RA	00-302	24 IR 2579	*CPH (24 IR 3098) <b>25 IR 203</b>	675 IAC 14-4.2-193.4	N	01-376	25 IR 1251	<b>26 IR 14</b>
TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION					675 IAC 14-4.2-193.5	N	01-376	25 IR 1251	<b>26 IR 14</b>
675 IAC 12	RA	00-303	24 IR 1962	<b>25 IR 530</b>	675 IAC 14-4.2-194.1	N	01-376	25 IR 1251	<b>26 IR 15</b>
675 IAC 12-3-2	A	01-250	25 IR 461	*ARR (25 IR 2523) <b>25 IR 2731</b>	675 IAC 14-4.2-194.2	N	01-376	25 IR 1251	<b>26 IR 15</b>
675 IAC 12-3-3	A	01-250	25 IR 462	*ARR (25 IR 2523) <b>25 IR 2732</b>	675 IAC 14-4.2-194.3	N	01-376	25 IR 1251	<b>26 IR 15</b>
675 IAC 12-3-4	A	01-250	25 IR 462	*ARR (25 IR 2523) <b>25 IR 2732</b>	675 IAC 14-4.2-194.4	N	01-376	25 IR 1252	<b>26 IR 15</b>
675 IAC 12-3-5	A	01-250	25 IR 462	*ARR (25 IR 2523) <b>25 IR 2733</b>	675 IAC 14-4.2-194.5	N	01-376	25 IR 1252	<b>26 IR 15</b>
675 IAC 12-3-6	A	01-250	25 IR 462	*ARR (25 IR 2523) <b>25 IR 2733</b>	675 IAC 14-4.2-194.6	N	01-376	25 IR 1252	<b>26 IR 15</b>
675 IAC 12-3-7	A	01-250	25 IR 463	*ARR (25 IR 2523) <b>25 IR 2733</b>	675 IAC 14-4.2-194.7	N	01-376	25 IR 1252	<b>26 IR 15</b>
675 IAC 12-3-8	A	01-250	25 IR 463	*ARR (25 IR 2523) <b>25 IR 2733</b>	675 IAC 15-1	RA	00-303	24 IR 1962	<b>25 IR 530</b>
675 IAC 12-3-10	A	01-250	25 IR 463	*ARR (25 IR 2523) <b>25 IR 2734</b>	675 IAC 15-1-22	A	01-250	25 IR 464	*ARR (25 IR 2523) <b>25 IR 2734</b>
675 IAC 12-3-12	A	01-250	25 IR 463	*ARR (25 IR 2523) <b>25 IR 2734</b>	675 IAC 15-2	RA	01-209	24 IR 3808	<b>25 IR 1306</b>
675 IAC 12-3-13	N	02-90	25 IR 2573	<b>26 IR 1556</b>	675 IAC 17-1.5	R	01-376	25 IR 1255	<b>26 IR 19</b>
675 IAC 12-3-14	N	02-90	25 IR 2574	<b>26 IR 1557</b>	675 IAC 17-1.6	N	01-376	25 IR 1252	<b>26 IR 15</b>
675 IAC 12-3-15	N	02-90		†† <b>26 IR 1558</b>	675 IAC 18-1.3	R	02-116	25 IR 3381	
675 IAC 13-1-8	A	00-261	24 IR 1925	<b>25 IR 1166</b>	675 IAC 18-1.4	N	02-116	25 IR 3366	
	A	02-51	25 IR 2561	<b>26 IR 1095</b>	675 IAC 19-3	RA	00-303	24 IR 1962	<b>25 IR 530</b>
675 IAC 13-1-9	A	00-261	24 IR 1929	<b>25 IR 1170</b>	675 IAC 20	RA	00-303	24 IR 1962	<b>25 IR 530</b>
675 IAC 13-1-10	A	00-261	24 IR 1932	<b>25 IR 1172</b>	675 IAC 20-2-17	A	02-52	25 IR 2566	<b>26 IR 1100</b>
	A	02-51	25 IR 2564	<b>26 IR 1098</b>	675 IAC 20-2-20	A	02-52	25 IR 2566	<b>26 IR 1101</b>
675 IAC 13-1-21	RA	00-303	24 IR 1962	<b>25 IR 530</b>	675 IAC 20-2-24	A	02-52	25 IR 2567	<b>26 IR 1102</b>
675 IAC 13-1-22	RA	00-303	24 IR 1962	<b>25 IR 530</b>	675 IAC 20-2-26	A	02-52	25 IR 2567	<b>26 IR 1102</b>
675 IAC 13-1-23	R	00-290	24 IR 1936	*AWR (25 IR 107) <b>25 IR 1174</b>	675 IAC 20-3-5	A	02-52	25 IR 2568	<b>26 IR 1102</b>
675 IAC 13-1-25	A	00-261	24 IR 1934	<b>25 IR 530</b>	675 IAC 20-3-6	A	02-52	25 IR 2568	<b>26 IR 1103</b>
675 IAC 13-1-27	RA	00-303	24 IR 1962		675 IAC 20-3-7	A	02-52	25 IR 2569	<b>26 IR 1103</b>
675 IAC 13-2.3	R	02-115	25 IR 3366	<b>25 IR 1175</b>	675 IAC 21	RA	00-303	24 IR 1962	<b>25 IR 530</b>
675 IAC 13-2.3-102	A	00-261	24 IR 1935	<b>25 IR 1175</b>	675 IAC 21-1-1	A	01-430	25 IR 2031	*ARR (26 IR 38) <b>26 IR 1083</b>
675 IAC 13-2.3-103	A	00-261	24 IR 1935		675 IAC 21-1-1.5	N	01-430	25 IR 2031	*ARR (26 IR 38) <b>26 IR 1084</b>
675 IAC 13-2.4	N	02-115	25 IR 3291		675 IAC 21-1-2	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>
675 IAC 14-4.2-181.1	N	01-376		†† <b>26 IR 11</b>	675 IAC 21-1-2.1	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>
675 IAC 14-4.2-182.1	N	01-376	25 IR 1248	<b>26 IR 11</b>	675 IAC 21-1-3	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>
675 IAC 14-4.2-185.1	N	01-376	25 IR 1248	<b>26 IR 11</b>	675 IAC 21-1-3.1	A	01-430	25 IR 2032	*ARR (26 IR 38) <b>26 IR 1085</b>
675 IAC 14-4.2-187	A	01-376	25 IR 1248	<b>26 IR 11</b>	675 IAC 21-1-4	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>
675 IAC 14-4.2-187.1	N	01-376	25 IR 1248	<b>26 IR 12</b>	675 IAC 21-1-6	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>
675 IAC 14-4.2-187.2	N	01-376	25 IR 1248	<b>26 IR 12</b>	675 IAC 21-1-7	A	01-430	25 IR 2033	*ARR (26 IR 38) <b>26 IR 1085</b>
675 IAC 14-4.2-187.3	N	01-376	25 IR 1248	<b>26 IR 12</b>	675 IAC 21-1-8	R	01-430		†† <b>26 IR 1095</b>
675 IAC 14-4.2-187.4	N	01-376	25 IR 1248	<b>26 IR 12</b>	675 IAC 21-1-9	A	01-430	25 IR 2033	*ARR (26 IR 38) <b>26 IR 1086</b>
675 IAC 14-4.2-190.1	N	01-376	25 IR 1249	<b>26 IR 12</b>	675 IAC 21-1-10	N	01-430	25 IR 2034	*ARR (26 IR 38) <b>26 IR 1086</b>
675 IAC 14-4.2-190.2	N	01-376	25 IR 1249	<b>26 IR 12</b>	675 IAC 21-2	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>
675 IAC 14-4.2-190.3	N	01-376	25 IR 1249	<b>26 IR 12</b>	675 IAC 21-3-1	A	01-430	25 IR 2034	*ARR (26 IR 38) <b>26 IR 1087</b>
675 IAC 14-4.2-190.4	N	01-376	25 IR 1249	<b>26 IR 12</b>	675 IAC 21-3-2	A	01-430	25 IR 2034	*ARR (26 IR 38) <b>26 IR 1087</b>
675 IAC 14-4.2-190.5	N	01-376	25 IR 1249	<b>26 IR 13</b>	675 IAC 21-4-1	A	01-430	25 IR 2037	*ARR (26 IR 38) <b>26 IR 1090</b>
675 IAC 14-4.2-191.1	N	01-376	25 IR 1249	<b>26 IR 13</b>	675 IAC 21-4-2	A	01-430	25 IR 2037	*ARR (26 IR 38) <b>26 IR 1090</b>
675 IAC 14-4.2-191.2	N	01-376	25 IR 1249	<b>26 IR 13</b>	675 IAC 21-5-1	A	01-430	25 IR 2039	*ARR (26 IR 38) <b>26 IR 1092</b>
675 IAC 14-4.2-191.3	N	01-376	25 IR 1249	<b>26 IR 13</b>	675 IAC 21-5-3	N	01-430	25 IR 2039	*ARR (26 IR 38) <b>26 IR 1092</b>
675 IAC 14-4.2-191.4	N	01-376		†† <b>26 IR 13</b>	675 IAC 21-6	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>
675 IAC 14-4.2-191.5	N	01-376		†† <b>26 IR 13</b>					
675 IAC 14-4.2-192.1	N	01-376	25 IR 1250	<b>26 IR 13</b>					
675 IAC 14-4.2-192.2	N	01-376	25 IR 1251	<b>26 IR 13</b>					
675 IAC 14-4.2-192.3	N	01-376	25 IR 1250	<b>26 IR 14</b>					
675 IAC 14-4.2-192.4	N	01-376	25 IR 1250	<b>26 IR 14</b>					
675 IAC 14-4.2-192.5	N	01-376	25 IR 1250	<b>26 IR 14</b>					
675 IAC 14-4.2-192.6	N	01-376	25 IR 1250	<b>26 IR 14</b>					

## Rules Affected by Volumes 25 and 26

675 IAC 21-7	R	01-430	25 IR 2042	*ARR (26 IR 38) <b>26 IR 1095</b>	760 IAC 1-11	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 21-8	N	01-430	25 IR 2040	*ARR (26 IR 38) <b>26 IR 1093</b>	760 IAC 1-12	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2	R	02-117	25 IR 3442		760 IAC 1-13	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-14	A	02-53	25 IR 2569	<b>26 IR 1553</b>	760 IAC 1-14	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>		R	01-181	25 IR 472	*AWR (25 IR 815)
675 IAC 22-2.2-20	R	00-261	24 IR 1935	<b>25 IR 1176</b>		R	01-399	25 IR 2582	*AROC (26 IR 183)
675 IAC 22-2.2-104	A	01-19	24 IR 2546	<b>25 IR 1176</b>					*ARR (26 IR 38)
675 IAC 22-2.2-134.5	N	01-19	24 IR 2546	<b>25 IR 1177</b>	760 IAC 1-15.1	RA	01-130	24 IR 3224	<b>26 IR 26</b>
675 IAC 22-2.2-145	A	01-19	24 IR 2546	<b>25 IR 1177</b>	760 IAC 1-16.1	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-221.5	N	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 22-2.2-245.2	N	01-19	24 IR 2547	<b>25 IR 1177</b>	760 IAC 1-19	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.2-245.5	N	01-19	24 IR 2547	<b>25 IR 1177</b>	760 IAC 1-20	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 1-21	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 1-21-2	A	02-299	26 IR 1724	
675 IAC 22-2.2-365.2	N	01-19	24 IR 2548	<b>25 IR 1178</b>	760 IAC 1-21-5	A	02-299	26 IR 1724	
675 IAC 22-2.2-369.5	N	01-19	24 IR 2548	<b>25 IR 1178</b>	760 IAC 1-21-8	A	02-299	26 IR 1724	
675 IAC 22-2.2-373	A	01-19	24 IR 2548	<b>25 IR 1178</b>	760 IAC 1-23	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 1-24	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 1-27	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 1-31	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 1-32	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 1-33	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 22-2.3	N	02-117	25 IR 3382		760 IAC 1-34	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 1-35	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 1-36	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 1-37	RA	01-130	24 IR 3224	<b>25 IR 531</b>
675 IAC 25	N	02-118	25 IR 3444		760 IAC 1-38.1	RA	01-130	24 IR 3224	<b>25 IR 531</b>
TITLE 710 SECURITIES DIVISION					760 IAC 1-39	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 1-40	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 1-41	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 1-44	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	
TITLE 760 DEPARTMENT OF INSURANCE					760 IAC 1-59-3	A	02-124	26 IR 171	
760 IAC 1-1	RA	01-130	24 IR 3224	<b>25 IR 530</b>	760 IAC 1-59-4	A	02-124	26 IR 171	
760 IAC 1-3	RA	01-130	24 IR 3224	<b>25 IR 530</b>	760 IAC 1-59-5	A	02-124	26 IR 171	
760 IAC 1-5	RA	01-130	24 IR 3224	<b>25 IR 530</b>	760 IAC 1-59-6	A	02-124	26 IR 172	
	R	01-181	25 IR 472	*AWR (25 IR 815)	760 IAC 1-59-7	A	02-124	26 IR 172	
	R	01-399	25 IR 2582	*AROC (26 IR 183) <b>26 IR 26</b>	760 IAC 1-59-8	A	02-124	26 IR 173	
760 IAC 1-5.1	N	01-181	25 IR 465	*AWR (25 IR 815)	760 IAC 1-59-9	A	02-124	26 IR 174	
	N	01-399	25 IR 2575	*AROC (26 IR 183) <b>26 IR 19</b>	760 IAC 1-59-10	A	02-124	26 IR 174	
760 IAC 1-6.2	RA	01-130	24 IR 3224	<b>25 IR 530</b>	760 IAC 1-59-11	A	02-124	26 IR 174	
760 IAC 1-7	RA	01-130	24 IR 3224	<b>25 IR 530</b>	760 IAC 1-59-12	A	02-124	26 IR 175	
760 IAC 1-8	RA	01-130	24 IR 3224	<b>25 IR 530</b>	760 IAC 1-59-13	R	02-124	26 IR 177	
760 IAC 1-9	RA	01-130	24 IR 3224	<b>25 IR 531</b>	760 IAC 1-59-14	A	02-124	26 IR 175	
760 IAC 1-10	RA	01-130	24 IR 3224	<b>25 IR 531</b>	760 IAC 1-67	N	01-94	24 IR 2832	<b>25 IR 85</b>
					760 IAC 1-68	N	02-137	26 IR 531	*AROC (26 IR 883)
					760 IAC 2-1	RA	01-130	24 IR 3224	<b>25 IR 531</b>
					760 IAC 2-2	RA	01-130	24 IR 3224	<b>25 IR 531</b>
					760 IAC 2-3	RA	01-130	24 IR 3224	<b>25 IR 531</b>
					760 IAC 2-4	RA	01-130	24 IR 3224	<b>25 IR 531</b>
					760 IAC 2-5	RA	01-130	24 IR 3224	<b>25 IR 531</b>
					760 IAC 2-6	RA	01-130	24 IR 3224	<b>25 IR 531</b>
					760 IAC 2-7	RA	01-130	24 IR 3224	<b>25 IR 531</b>
					760 IAC 2-8	RA	01-130	24 IR 3224	<b>25 IR 531</b>
					760 IAC 2-9	RA	01-130	24 IR 3224	<b>25 IR 531</b>

# Rules Affected by Volumes 25 and 26

760 IAC 2-10	RA	01-130	24 IR 3224	<b>25 IR 531</b>	TITLE 825 INDIANA GRAIN INDEMNITY CORPORATION			
760 IAC 2-10-1	A	01-93	24 IR 2832	<b>25 IR 382</b>	825 IAC 1	RA	02-176	25 IR 4220 <b>26 IR 1262</b>
760 IAC 2-11	RA	01-130	24 IR 3224	<b>25 IR 531</b>	825 IAC 1-1-5	R	02-179	25 IR 4211
760 IAC 2-12	RA	01-130	24 IR 3224	<b>25 IR 531</b>	825 IAC 1-5-1	R	02-179	25 IR 4211
760 IAC 2-13	RA	01-130	24 IR 3224	<b>25 IR 531</b>	825 IAC 1-5-2	R	02-179	25 IR 4211
760 IAC 2-14	RA	01-130	24 IR 3224	<b>25 IR 531</b>	TITLE 828 STATE BOARD OF DENTISTRY			
760 IAC 2-15	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 2-16	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 2-17	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 2-18	RA	01-130	24 IR 3224	<b>25 IR 531</b>		A	02-114	25 IR 3452 <b>26 IR 376</b>
760 IAC 2-19	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 2-20	RA	01-130	24 IR 3224	<b>25 IR 531</b>		A	02-114	25 IR 3453 <b>26 IR 376</b>
760 IAC 3-1	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 3-2	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 3-3	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) <b>25 IR 2239</b>
760 IAC 3-4	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) <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) <b>25 IR 2246</b>
760 IAC 3-6	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) <b>25 IR 2240</b>
760 IAC 3-7	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) <b>25 IR 2240</b>
760 IAC 3-8	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) <b>25 IR 2240</b>
760 IAC 3-9	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) <b>25 IR 2240</b>
760 IAC 3-10	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) <b>25 IR 2246</b>
760 IAC 3-11	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) <b>25 IR 2240</b>
760 IAC 3-12	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) <b>25 IR 2241</b>
760 IAC 3-13	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-1-21	A	01-241	25 IR 174 *CPH (25 IR 831) <b>25 IR 2242</b>
760 IAC 3-14	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-1-23	A	01-241	25 IR 174 *CPH (25 IR 831) <b>25 IR 2242</b>
760 IAC 3-15	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-2-1	A	01-241	25 IR 174 *CPH (25 IR 831) <b>25 IR 2243</b>
760 IAC 3-16	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-2-2	A	01-241	25 IR 175 *CPH (25 IR 831) <b>25 IR 2243</b>
760 IAC 3-17	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-2-3	A	01-241	25 IR 175 *CPH (25 IR 831) <b>25 IR 2244</b>
760 IAC 3-18	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-2-4	R	01-241	25 IR 177 *CPH (25 IR 831) <b>25 IR 2246</b>
760 IAC 3-19	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-2-6	A	01-241	25 IR 175 *CPH (25 IR 831) <b>25 IR 2244</b>
760 IAC 3-20	RA	01-130	24 IR 3224	<b>25 IR 531</b>	828 IAC 1-2-8	A	01-241	25 IR 176 *CPH (25 IR 831) <b>25 IR 2244</b>
TITLE 762 INDIANA POLITICAL SUBDIVISION RISK MANAGEMENT COMMISSION					828 IAC 1-2-9	A	01-241	25 IR 176 *CPH (25 IR 831) <b>25 IR 2244</b>
762 IAC 2	N	02-24	25 IR 2301	*ARR (25 IR 4114) <b>26 IR 27</b>	828 IAC 1-2-10	A	01-241	25 IR 176 *CPH (25 IR 831) <b>25 IR 2244</b>
TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS					828 IAC 1-2-11	R	01-241	25 IR 177 *CPH (25 IR 831) <b>25 IR 2246</b>
804 IAC 1.1-1-1	A	01-57	24 IR 4182	*CPH (25 IR 404) <b>25 IR 1903</b>	828 IAC 1-3-1	A	01-241	25 IR 176 *CPH (25 IR 831) <b>25 IR 2245</b>
804 IAC 1.1-2-2	A	01-57	24 IR 4183	*CPH (25 IR 404) <b>25 IR 1904</b>	828 IAC 1-3-1.1	N	02-113	25 IR 3452 <b>26 IR 375</b>
804 IAC 1.1-2-4.1	R	01-103	24 IR 4184	*CPH (25 IR 404) <b>25 IR 1905</b>		A	02-113	25 IR 3452 <b>26 IR 375</b>
804 IAC 1.1-3-1	A	02-20	25 IR 3446	<b>26 IR 370</b> *ERR (26 IR 793)	828 IAC 1-3-3	A	02-113	25 IR 3452 <b>26 IR 375</b>
TITLE 808 STATE BOXING COMMISSION					828 IAC 1-3-4	A	01-241	25 IR 177 *CPH (25 IR 831) <b>25 IR 2246</b>
808 IAC 1-4-8	A	00-256	24 IR 3200	<b>25 IR 382</b>	TITLE 812 INDIANA AUCTIONEER COMMISSION			
808 IAC 2-1-9	A	00-256	24 IR 3200	<b>25 IR 382</b>	812 IAC 2	RA	02-84	25 IR 2853 <b>25 IR 4221</b>
808 IAC 2-5-1	A	00-256	24 IR 3200	<b>25 IR 383</b>	812 IAC 3	RA	02-84	25 IR 2853 <b>25 IR 4221</b>
808 IAC 2-6-1	A	02-120	25 IR 4210	<b>26 IR 1104</b>	TITLE 816 BOARD OF BARBER EXAMINERS			
808 IAC 2-33-2	N	00-256	24 IR 3200	<b>25 IR 383</b>	816 IAC 1-3-1	A	02-320	26 IR 1725
808 IAC 4	R	01-104	24 IR 3201	<b>25 IR 383</b>	TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS			
					820 IAC 4-4-5	A	01-345	25 IR 1720 <b>25 IR 3178</b>
								*ERR (26 IR 1109)
					820 IAC 4-4-14	A	01-345	25 IR 1721 <b>25 IR 3179</b>
								*ERR (26 IR 1109)
					820 IAC 6	RA	02-92	25 IR 2854 <b>25 IR 4221</b>
					820 IAC 6-2-1	A	01-345	25 IR 1722 <b>25 IR 3180</b>
								*ERR (26 IR 1109)

## Rules Affected by Volumes 25 and 26

828 IAC 1-3-5	A	01-241	25 IR 177	*CPH (25 IR 831) <b>25 IR 2246</b>
828 IAC 1-5-1	A	02-112	25 IR 3448	<b>26 IR 371</b>
828 IAC 1-5-1.5	N	02-112	25 IR 3448	<b>26 IR 371</b>
828 IAC 1-5-2	A	02-112	25 IR 3448	<b>26 IR 372</b>
828 IAC 1-5-2.5	N	02-112	25 IR 3449	<b>26 IR 372</b>
828 IAC 1-5-4	RA	01-193	24 IR 4207	<b>25 IR 1306</b>
828 IAC 1-5-5	RA	01-193	24 IR 4207	<b>25 IR 1307</b>
828 IAC 1-6-1	A	02-112	25 IR 3449	<b>26 IR 373</b>
828 IAC 1-7-1	A	02-114	25 IR 3453	<b>26 IR 376</b>
828 IAC 1-7-2	N	02-114	25 IR 3453	<b>26 IR 377</b>
828 IAC 4	N	01-307	25 IR 1723	<b>25 IR 2736</b>

### TITLE 832 STATE BOARD OF FUNERAL AND CEMETERY SERVICE

832 IAC 2-1-2	A	02-147	26 IR 870	
832 IAC 3-2-2	RA	01-56	24 IR 3225	<b>25 IR 532</b>

### TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES

COMMISSION				
836 IAC 1	RA	01-40	24 IR 2580	
836 IAC 1-1-1	A	02-91	25 IR 2810	*CPH (25 IR 3807)
836 IAC 1-1-2	N	02-91	25 IR 2812	*CPH (25 IR 3807)
836 IAC 1-1-3	N	02-91	25 IR 2812	*CPH (25 IR 3807)
836 IAC 1-2-1	A	01-297	25 IR 488	<b>25 IR 2506</b>
	A	02-91	25 IR 2813	*CPH (25 IR 3807)
836 IAC 1-2-2	A	02-91	25 IR 2814	*CPH (25 IR 3807)
836 IAC 1-2-3	A	02-91	25 IR 2815	*CPH (25 IR 3807)
836 IAC 1-2-4	R	02-91	25 IR 2848	*CPH (25 IR 3807)
836 IAC 1-3-5	A	01-297	25 IR 489	<b>25 IR 2507</b>
	A	02-91	25 IR 2818	*CPH (25 IR 3807)
836 IAC 1-3-6	N	02-91	25 IR 2819	*CPH (25 IR 3807)
836 IAC 1-8-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
836 IAC 1-11-1	A	01-297	25 IR 490	<b>25 IR 2508</b>
	A	02-91	25 IR 2819	*CPH (25 IR 3807)
836 IAC 1-11-2	A	01-297	25 IR 491	<b>25 IR 2509</b>
	A	02-91	25 IR 2820	*CPH (25 IR 3807)
836 IAC 1-11-3	A	01-297	25 IR 492	<b>25 IR 2510</b>
836 IAC 1-11-4	A	02-91	25 IR 2821	*CPH (25 IR 3807)
836 IAC 1-11-5	R	02-91	25 IR 2848	*CPH (25 IR 3807)
836 IAC 2	RA	01-40	24 IR 2580	
836 IAC 2-1-1	A	02-91	25 IR 2821	*CPH (25 IR 3807)
836 IAC 2-2-1	A	01-297	25 IR 494	<b>25 IR 2512</b>
	A	02-91	25 IR 2824	*CPH (25 IR 3807)
836 IAC 2-4.1-2	A	01-297	25 IR 496	<b>25 IR 2514</b>
836 IAC 2-7.1-1	A	01-297	25 IR 497	<b>25 IR 2515</b>
	A	02-91	25 IR 2826	*CPH (25 IR 3807)
	N	02-91	25 IR 2828	*CPH (25 IR 3807)
836 IAC 2-12-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
836 IAC 2-13-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
836 IAC 2-14-5	A	02-91	25 IR 2833	*CPH (25 IR 3807)
836 IAC 3	RA	01-40	24 IR 2580	
836 IAC 3-1-1	A	01-296	25 IR 472	<b>25 IR 2490</b>
836 IAC 3-2-1	A	01-296	25 IR 473	<b>25 IR 2491</b>
836 IAC 3-2-2	A	01-296	25 IR 475	<b>25 IR 2492</b>
836 IAC 3-2-3	A	01-296	25 IR 475	<b>25 IR 2493</b>
836 IAC 3-2-4	A	01-296	25 IR 476	<b>25 IR 2494</b>
	A	02-91	25 IR 2834	*CPH (25 IR 3807)
836 IAC 3-2-5	A	01-296	25 IR 478	<b>25 IR 2496</b>
	A	02-91	25 IR 2835	*CPH (25 IR 3807)
836 IAC 3-2-6	A	01-296	25 IR 479	<b>25 IR 2497</b>
836 IAC 3-2-7	A	01-296	25 IR 480	<b>25 IR 2498</b>
836 IAC 3-2-8	N	01-296	25 IR 480	<b>25 IR 2498</b>
	R	02-91	25 IR 2848	*CPH (25 IR 3807)
836 IAC 3-3-1	A	01-296	25 IR 480	<b>25 IR 2498</b>
836 IAC 3-3-2	A	01-296	25 IR 482	<b>25 IR 2499</b>
836 IAC 3-3-3	A	01-296	25 IR 482	<b>25 IR 2500</b>
836 IAC 3-3-4	A	01-296	25 IR 483	<b>25 IR 2501</b>
	A	02-91	25 IR 2836	*CPH (25 IR 3807)
836 IAC 3-3-5	A	01-296	25 IR 485	<b>25 IR 2503</b>
	A	02-91	25 IR 2837	*CPH (25 IR 3807)

836 IAC 3-3-6	A	01-296	25 IR 485	<b>25 IR 2503</b>
836 IAC 3-3-7	A	01-296	25 IR 486	<b>25 IR 2504</b>
836 IAC 3-3-8	N	01-296	25 IR 487	<b>25 IR 2505</b>
	R	02-91	25 IR 2848	*CPH (25 IR 3807)
836 IAC 3-4-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
836 IAC 3-5-1	A	01-296	25 IR 487	<b>25 IR 2505</b>
836 IAC 3-6-1	R	01-296	25 IR 487	<b>25 IR 2505</b>
836 IAC 4	RA	01-40	24 IR 2580	
836 IAC 4-1-1	A	02-91	25 IR 2838	*CPH (25 IR 3807)
836 IAC 4-2-1	A	02-91	25 IR 2840	*CPH (25 IR 3807)
836 IAC 4-2-2	A	02-91	25 IR 2841	*CPH (25 IR 3807)
836 IAC 4-2-5	R	02-91	25 IR 2848	*CPH (25 IR 3807)
836 IAC 4-3-2	A	02-91	25 IR 2841	*CPH (25 IR 3807)
836 IAC 4-4-1	A	02-91	25 IR 2842	*CPH (25 IR 3807)
836 IAC 4-5-2	A	02-91	25 IR 2843	*CPH (25 IR 3807)
836 IAC 4-6-1	N	02-91	25 IR 2843	*CPH (25 IR 3807)
836 IAC 4-7-2	A	02-91	25 IR 2844	*CPH (25 IR 3807)
836 IAC 4-7-3.5	N	01-297	25 IR 499	<b>25 IR 2517</b>
836 IAC 4-7-1	N	02-91	25 IR 2844	*CPH (25 IR 3807)
836 IAC 4-9-2.5	N	01-297	25 IR 499	<b>25 IR 2517</b>
836 IAC 4-9-3	A	02-91	25 IR 2847	*CPH (25 IR 3807)
836 IAC 4-10	N	01-297	25 IR 499	<b>25 IR 2517</b>
836 IAC 4-10-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)

### TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD

839 IAC 1-1-1	RA	01-156	24 IR 4207	<b>25 IR 939</b>
839 IAC 1-1-3.2	N	01-160	24 IR 4186	<b>25 IR 1633</b>
839 IAC 1-1-3.3	N	01-160	24 IR 4186	<b>25 IR 1633</b>
839 IAC 1-1-3.5	RA	01-158	25 IR 189	<b>25 IR 1308</b>
839 IAC 1-1-3.6	RA	01-156	24 IR 4207	<b>25 IR 939</b>
839 IAC 1-1-3.7	RA	01-156	24 IR 4207	<b>25 IR 939</b>
839 IAC 1-1-3.8	RA	01-156	24 IR 4207	<b>25 IR 939</b>
839 IAC 1-1-4	RA	01-158	25 IR 189	<b>25 IR 1308</b>
839 IAC 1-2-1	RA	01-158	25 IR 190	<b>25 IR 1308</b>
839 IAC 1-2-2	RA	01-158	25 IR 190	<b>25 IR 1308</b>
839 IAC 1-2-2.1	N	01-160	24 IR 4186	<b>25 IR 1633</b>
	A	02-271	26 IR 874	
839 IAC 1-2-3	RA	01-156	24 IR 4207	<b>25 IR 939</b>
839 IAC 1-2-4	R	01-160	24 IR 4186	<b>25 IR 1634</b>
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	*ARR (26 IR 1945)
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>
839 IAC 1-3-4.5	RA	01-158	25 IR 193	<b>25 IR 1310</b>
839 IAC 1-3-5	N	01-160	24 IR 4186	<b>25 IR 1634</b>
839 IAC 1-4-4	RA	01-156	24 IR 4207	<b>25 IR 939</b>
839 IAC 1-4-5	RA	01-158	25 IR 193	
	A	02-270	26 IR 871	*ARR (26 IR 1945)
839 IAC 1-4-6	RA	01-158	25 IR 193	<b>25 IR 1310</b>
839 IAC 1-4-7	RA	01-156	24 IR 4207	<b>25 IR 939</b>
839 IAC 1-5-1	RA	01-158	25 IR 193	<b>25 IR 1311</b>
	A	02-270	26 IR 872	*ARR (26 IR 1945)
839 IAC 1-5-1.5	N	02-270	26 IR 874	*ARR (26 IR 1945)
839 IAC 1-5-2	RA	01-158	25 IR 195	<b>25 IR 1313</b>
839 IAC 1-5-3	RA	01-158	25 IR 196	<b>25 IR 1313</b>
839 IAC 1-5-4	RA	01-156	24 IR 4207	<b>25 IR 939</b>
839 IAC 1-5-5	RA	01-156	24 IR 4207	<b>25 IR 939</b>
839 IAC 1-5-6	R	01-160	24 IR 4186	<b>25 IR 1634</b>
839 IAC 1-6-1	RA	01-158	25 IR 196	<b>25 IR 1313</b>
839 IAC 1-6-2	RA	01-158	25 IR 197	<b>25 IR 1314</b>
839 IAC 1-6-3	RA	01-158	25 IR 198	<b>25 IR 1316</b>
839 IAC 1-6-4	RA	01-156	24 IR 4207	<b>25 IR 939</b>
839 IAC 1-6-5	RA	01-158	25 IR 199	<b>25 IR 1316</b>
839 IAC 1-6-6	R	01-160	24 IR 4186	<b>25 IR 1634</b>

# Rules Affected by Volumes 25 and 26

## TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS

840 IAC 1-1-1	R	01-242	25 IR 526	<b>25 IR 2861</b>
840 IAC 1-1-2	RA	01-242	25 IR 520	<b>25 IR 2855</b>
840 IAC 1-1-3	RA	01-242	25 IR 520	<b>25 IR 2855</b>
840 IAC 1-1-4	RA	01-242	25 IR 521	<b>25 IR 2856</b>
	A	02-219	26 IR 540	<b>26 IR 1943</b>
840 IAC 1-1-5	RA	01-242	25 IR 521	<b>25 IR 2856</b>
840 IAC 1-1-6	RA	01-242	25 IR 522	<b>25 IR 2857</b>
840 IAC 1-1-11	RA	01-242	25 IR 522	<b>25 IR 2857</b>
840 IAC 1-1-12	RA	01-242	25 IR 522	<b>25 IR 2857</b>
840 IAC 1-1-13	RA	01-242	25 IR 522	<b>25 IR 2857</b>
840 IAC 1-1-14	RA	01-242	25 IR 523	<b>25 IR 2858</b>
840 IAC 1-1-15	RA	01-242	25 IR 523	<b>25 IR 2858</b>
840 IAC 1-1-16	RA	01-242	25 IR 523	<b>25 IR 2858</b>
840 IAC 1-1-17	RA	01-242	25 IR 524	<b>25 IR 2859</b>
840 IAC 1-1-18	RA	01-242	25 IR 524	<b>25 IR 2859</b>
840 IAC 1-2-1	RA	01-242	25 IR 524	<b>25 IR 2859</b>
840 IAC 1-2-2	RA	01-242	25 IR 525	<b>25 IR 2860</b>
840 IAC 1-2-4	RA	01-242	25 IR 525	<b>25 IR 2860</b>
840 IAC 1-2-5	RA	01-242	25 IR 525	<b>25 IR 2861</b>
840 IAC 1-2-6	RA	01-242	25 IR 526	<b>25 IR 2861</b>
840 IAC 1-2-7	RA	01-242	25 IR 526	<b>25 IR 2861</b>
840 IAC 1-3-1	R	01-244	25 IR 500	<b>25 IR 1634</b>
840 IAC 1-3-2	N	01-244	25 IR 500	<b>25 IR 1634</b>

## TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

844 IAC 2.2-2-1	A	02-180	26 IR 177	<b>26 IR 1558</b>
844 IAC 2.2-2-2	A	02-180	26 IR 178	<b>26 IR 1559</b>
844 IAC 2.2-2-5	A	02-180	26 IR 179	<b>26 IR 1560</b>
844 IAC 2.2-2-8	A	02-180	26 IR 179	<b>26 IR 1560</b>
844 IAC 4-1-1	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-2-1	R	01-183	24 IR 3778	*CPH (25 IR 405) <b>25 IR 2246</b>
844 IAC 4-2-2	N	01-183	24 IR 3778	*CPH (25 IR 405) <b>25 IR 2246</b>
844 IAC 4-3	RA	01-220	25 IR 526	<b>25 IR 1731</b>
844 IAC 4-4.1-1	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-4.1-2	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-4.1-3.1	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-4.1-4.1	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-4.1-5	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-4.1-6	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-4.1-7	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-4.1-8	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>

844 IAC 4-4.1-9	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-4.1-10	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-4.1-11	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-4.5	N	01-228	24 IR 4187	*CPH (25 IR 405) *SPE
	N	02-12	25 IR 2302	*CPH (25 IR 2746) <b>26 IR 28</b>
844 IAC 4-5-1	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-6-1	RA	01-312	25 IR 527	<b>25 IR 1732</b>
844 IAC 4-6-2	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-6-2.1	N	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	N	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-6-3	RA	01-312	25 IR 527	<b>25 IR 1732</b>
844 IAC 4-6-4	RA	01-312	25 IR 527	<b>25 IR 1732</b>
844 IAC 4-6-5	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-6-6	RA	01-312	25 IR 527	<b>25 IR 1732</b>
844 IAC 4-6-7	RA	01-312	25 IR 527	<b>25 IR 1732</b>
844 IAC 4-6-8	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 4-6-9	RA	01-312	25 IR 527	<b>25 IR 1732</b>
844 IAC 4-6-10	RA	01-312	25 IR 527	<b>25 IR 1732</b>
844 IAC 4-7-1	RA	01-220	25 IR 526	<b>25 IR 1731</b>
844 IAC 4-7-2	RA	01-220	25 IR 526	<b>25 IR 1731</b>
844 IAC 4-7-3	RA	01-220	25 IR 526	<b>25 IR 1731</b>
844 IAC 4-7-4	RA	01-220	25 IR 526	<b>25 IR 1731</b>
844 IAC 4-7-5	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) <b>26 IR 34</b>
844 IAC 5	RA	01-170	24 IR 4209	<b>25 IR 1325</b>
844 IAC 5-1-1	A	02-268	26 IR 2117	
844 IAC 5-1-3	A	02-268	26 IR 2118	
844 IAC 5-3	N	02-268	26 IR 2118	
844 IAC 5-4	N	02-268	26 IR 2120	
844 IAC 6-1	RA	01-170	24 IR 4209	<b>25 IR 1325</b>
844 IAC 6-1-4	A	01-431	25 IR 3454	<b>26 IR 377</b>
844 IAC 6-2-1	R	01-245	25 IR 501	<b>25 IR 2247</b>
844 IAC 6-2-2	N	01-245	25 IR 501	<b>25 IR 2247</b>
844 IAC 6-3	RA	01-170	24 IR 4209	<b>25 IR 1325</b>
844 IAC 6-3-5	A	01-432	25 IR 3455	<b>26 IR 378</b>
844 IAC 6-4	RA	01-170	24 IR 4209	<b>25 IR 1325</b>
844 IAC 6-4-1	A	02-181	26 IR 541	
844 IAC 6-5	RA	01-170	24 IR 4209	<b>25 IR 1325</b>
844 IAC 6-6	RA	01-170	24 IR 4209	<b>25 IR 1325</b>
844 IAC 6-7	RA	01-170	24 IR 4209	<b>25 IR 1325</b>
844 IAC 7	RA	01-170	24 IR 4209	<b>25 IR 1325</b>
844 IAC 9-1-1	RA	01-120	24 IR 3809	<b>25 IR 1317</b>
844 IAC 9-2-1	RA	01-120	24 IR 3809	<b>25 IR 1317</b>
844 IAC 9-2-2	RA	01-120	24 IR 3809	<b>25 IR 1317</b>

## Rules Affected by Volumes 25 and 26

844 IAC 9-2-3	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 1-1-8	RA 01-127	24 IR 3231	<b>25 IR 939</b>
844 IAC 9-2-4	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 9-2-5	RA 01-120	24 IR 3809	<b>25 IR 1318</b>	848 IAC 1-1-11	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 1-1-13	RA 01-127	24 IR 3233	<b>25 IR 1328</b>
844 IAC 9-3-1	RA 01-120	24 IR 3809	<b>25 IR 1318</b>	848 IAC 1-1-14	A 02-183	26 IR 2123	
844 IAC 9-3-2	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 9-3-3	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 1-2	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 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 2-2	RA 01-127	24 IR 3231	<b>25 IR 939</b>
844 IAC 9-4-3	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 9-4-4	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 9-4-5	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 3-2-1	RA 01-127	24 IR 3231	<b>25 IR 939</b>
844 IAC 9-5-1	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 9-5-2	R 01-120	24 IR 3811	<b>25 IR 1320</b>	848 IAC 3-2-3	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 3-2-4	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 3-2-5	RA 01-127	24 IR 3233	<b>25 IR 1329</b>
844 IAC 9-6-3	RA 01-120	24 IR 3811	<b>25 IR 1319</b>	848 IAC 3-2-6	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 9-6-4	RA 01-120	24 IR 3809	<b>25 IR 1317</b>	848 IAC 3-2-7	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 3-2-8	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 3-3	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 10-2-2	N 01-246	25 IR 501	<b>25 IR 2247</b>	848 IAC 3-4-1	R 01-127	24 IR 3234	<b>25 IR 1329</b>
844 IAC 10-3	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	848 IAC 4-1-1	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 4-1-2	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 10-5	RA 01-170	24 IR 4209	<b>25 IR 1325</b>	848 IAC 4-1-3	RA 01-127	24 IR 3234	<b>25 IR 1329</b>
844 IAC 11-1-1	RA 01-41	24 IR 2892	<b>25 IR 532</b>	848 IAC 4-1-4	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 4-1-5	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 11-1-3	RA 01-41	24 IR 2892	<b>25 IR 532</b>	848 IAC 4-1-6	RA 01-127	24 IR 3234	<b>25 IR 1329</b>
844 IAC 11-1-4	RA 01-41	24 IR 2892	<b>25 IR 532</b>	848 IAC 4-2	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 11-1-5	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 11-1-6	RA 01-41	24 IR 2892	<b>25 IR 532</b>	848 IAC 4-4-1	R 01-127	24 IR 3234	<b>25 IR 1329</b>
844 IAC 11-2-1	R 01-248	25 IR 179	<b>25 IR 1636</b>	848 IAC 5-1	RA 01-127	24 IR 3231	<b>25 IR 940</b>
844 IAC 11-2-1.1	N 01-248	25 IR 179	<b>25 IR 1635</b>	848 IAC 5-2-1	RA 01-127	24 IR 3234	<b>25 IR 1329</b>
844 IAC 11-3-2	RA 01-131	24 IR 3226	<b>25 IR 1321</b>	848 IAC 6	N 02-183	26 IR 2121	
844 IAC 11-3-3	RA 01-131	24 IR 3226	<b>25 IR 1321</b>	TITLE 852 INDIANA OPTOMETRY BOARD			
844 IAC 11-3-3.1	N 01-235	25 IR 178	<b>25 IR 1635</b>	852 IAC 1-1.1-4	A 02-131	25 IR 3869	<b>26 IR 1944</b>
844 IAC 11-3-4	RA 01-131	24 IR 3227	<b>25 IR 1321</b>	852 IAC 1-10-1	RA 01-253	25 IR 200	<b>25 IR 1732</b>
844 IAC 11-3-4.1	N 01-235	25 IR 178	<b>25 IR 1635</b>	852 IAC 1-10-2	RA 01-253	25 IR 200	<b>25 IR 1732</b>
844 IAC 11-4-1	RA 01-41	24 IR 2892	<b>25 IR 532</b>	852 IAC 1-13-1	A 02-132	25 IR 3869	
844 IAC 11-4-2	RA 01-41	24 IR 2892	<b>25 IR 532</b>	852 IAC 1-13-2	A 02-132	25 IR 3870	
844 IAC 11-4-3	RA 01-41	24 IR 2892	<b>25 IR 532</b>	852 IAC 1-17	N 02-133	25 IR 3870	<b>26 IR 1561</b>
844 IAC 11-4-4	RA 01-41	24 IR 2892	<b>25 IR 532</b>	TITLE 856 INDIANA BOARD OF PHARMACY			
844 IAC 11-4-5	RA 01-131	24 IR 3227	<b>25 IR 1322</b>	856 IAC 1-1	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>	856 IAC 1-2-1	RA 01-150	24 IR 4211	<b>25 IR 1331</b>
844 IAC 11-4-7	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 11-4-8	RA 01-131	24 IR 3228	<b>25 IR 1323</b>	856 IAC 1-2-3	RA 01-150	24 IR 4211	<b>25 IR 1331</b>
844 IAC 11-4-9	RA 01-41	24 IR 2892	<b>25 IR 532</b>	856 IAC 1-2-4	RA 01-150	24 IR 4210	<b>25 IR 1330</b>
844 IAC 11-5-1	RA 01-131	24 IR 3228	<b>25 IR 1323</b>	856 IAC 1-3.1-1	RA 01-150	24 IR 4210	<b>25 IR 1330</b>
844 IAC 11-5-3	RA 01-131	24 IR 3228	<b>25 IR 1323</b>	856 IAC 1-3.1-2	RA 01-150	24 IR 4210	<b>25 IR 1330</b>
844 IAC 11-5-4	RA 01-131	24 IR 3229	<b>25 IR 1323</b>	856 IAC 1-3.1-3	RA 01-150	24 IR 4211	<b>25 IR 1331</b>
844 IAC 11-5-5	RA 01-131	24 IR 3229	<b>25 IR 1324</b>	856 IAC 1-3.1-4	RA 01-150	24 IR 4211	<b>25 IR 1331</b>
844 IAC 12-2-1	R 01-247	25 IR 502	<b>25 IR 2248</b>	856 IAC 1-3.1-5	RA 01-150	24 IR 4210	<b>25 IR 1330</b>
844 IAC 12-2-2	N 01-247	25 IR 502	<b>25 IR 2248</b>	856 IAC 1-3.1-6	RA 01-150	24 IR 4211	<b>25 IR 1331</b>
844 IAC 13	N 01-47	24 IR 2554	<b>25 IR 803</b>	856 IAC 1-3.1-7	RA 01-150	24 IR 4212	<b>25 IR 1332</b>
TITLE 845 BOARD OF PODIATRIC MEDICINE				856 IAC 1-3.1-9	RA 01-150	24 IR 4210	<b>25 IR 1330</b>
845 IAC 1-5-2	R 01-363	25 IR 3456	*I (26 IR 1104)	856 IAC 1-3.1-10	R 01-150	24 IR 4220	<b>25 IR 1340</b>
845 IAC 1-5-2.1	N 01-363	25 IR 3455	*I (26 IR 1104)	856 IAC 1-3.1-11	RA 01-150	24 IR 4210	<b>25 IR 1330</b>
845 IAC 1-6-8	R 01-229	24 IR 4193	*ARR (25 IR 1185)	856 IAC 1-3.1-12	RA 01-150	24 IR 4212	<b>25 IR 1332</b>
845 IAC 1-6-9	N 01-229	24 IR 4193	*ARR (25 IR 1185)	856 IAC 1-3.1-13	RA 01-150	24 IR 4210	<b>25 IR 1330</b>
TITLE 846 BOARD OF CHIROPRACTIC EXAMINERS				856 IAC 1-4-1	RA 01-150	24 IR 4213	<b>25 IR 1333</b>
846 IAC 1-4-7	RA 01-221	24 IR 4209	<b>25 IR 1325</b>	856 IAC 1-4-2	RA 01-150	24 IR 4213	<b>25 IR 1333</b>
TITLE 848 INDIANA STATE BOARD OF NURSING				856 IAC 1-4-4	RA 01-150	24 IR 4213	<b>25 IR 1333</b>
848 IAC 1-1-2.1	RA 01-127	24 IR 3231	<b>25 IR 939</b>	856 IAC 1-5-1	R 01-150	24 IR 4220	<b>25 IR 1340</b>
	A 02-247	26 IR 2124		856 IAC 1-7-1	RA 00-323	24 IR 1965	*ARR (24 IR 3992)
848 IAC 1-1-5	RA 01-127	24 IR 3231	<b>25 IR 1326</b>			24 IR 2581	<b>25 IR 532</b>
848 IAC 1-1-6	RA 01-127	24 IR 3231	<b>25 IR 1326</b>		RA 01-150	24 IR 4210	<b>25 IR 1330</b>
	A 02-247	26 IR 2124		856 IAC 1-7-2	RA 00-323	24 IR 1965	*ARR (24 IR 3992)
848 IAC 1-1-7	RA 01-127	24 IR 3232	<b>25 IR 1327</b>			24 IR 2581	<b>25 IR 532</b>
	A 02-247	26 IR 2125			RA 01-150	24 IR 4210	<b>25 IR 1330</b>



# Rules Affected by Volumes 25 and 26

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	26 IR 1562
		24 IR 2581	25 IR 532	856 IAC 1-35-6	R 02-172	25 IR 4212	26 IR 1562
	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 1-36-1	RA 01-150	24 IR 4211	25 IR 1330
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	25 IR 1330
		24 IR 2581	25 IR 532	856 IAC 1-36-3	RA 01-150	24 IR 4211	25 IR 1330
	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 1-36-4	RA 01-150	24 IR 4211	25 IR 1330
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	25 IR 1340
		24 IR 2581		856 IAC 1-36-6	RA 01-150	24 IR 4211	25 IR 1330
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	25 IR 1330
		24 IR 2581		856 IAC 1-36-8	RA 01-150	24 IR 4211	25 IR 1330
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	25 IR 1330
		24 IR 2581		856 IAC 2-1	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-12	R 01-150	24 IR 4220	25 IR 1340	856 IAC 2-2	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-13-3	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-1	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-13-4	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-2	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-15-1	RA 01-150	24 IR 4213	25 IR 1333	856 IAC 2-3-3	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-20-1	RA 01-150	24 IR 4213	25 IR 1333	856 IAC 2-3-4	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-21-1	RA 01-150	24 IR 4214	25 IR 1334	856 IAC 2-3-5	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-23-1	RA 01-150	24 IR 4215	25 IR 1335	856 IAC 2-3-6	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-26-1	RA 01-150	24 IR 4215	25 IR 1335	856 IAC 2-3-7	RA 01-151	24 IR 4221	25 IR 1341
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	25 IR 1341
	A 01-434	25 IR 2042	25 IR 2739	856 IAC 2-3-9	RA 01-149	24 IR 3813	25 IR 940
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	25 IR 1344
		24 IR 2581		856 IAC 2-3-11	RA 01-151	24 IR 4221	25 IR 1341
	R 01-298	25 IR 509	*AROC (25 IR 1734)	856 IAC 2-3-12	RA 01-151	24 IR 4221	25 IR 1341
			25 IR 1643	856 IAC 2-3-13	RA 01-151	24 IR 4222	25 IR 1342
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	25 IR 1344
		24 IR 2581		856 IAC 2-3-15	R 01-151	24 IR 4223	25 IR 1344
	N 01-298	25 IR 502	*AROC (25 IR 1734)	856 IAC 2-3-16	RA 01-151	24 IR 4221	25 IR 1341
			25 IR 1636	856 IAC 2-3-17	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-1	RA 01-150	24 IR 4216	25 IR 1337	856 IAC 2-3-18	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-2	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-19	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-3	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-20	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-4	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-21	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-5	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-22	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-6	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-23	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-7	R 01-150	24 IR 4220	25 IR 1340	856 IAC 2-3-24	RA 01-151	24 IR 4222	25 IR 1343
856 IAC 1-29-9	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-25	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-1	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-26	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-2	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-27	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-3	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-28	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-4	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-29	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-5	RA 01-150	24 IR 4217	25 IR 1337	856 IAC 2-3-30	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-6	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-31	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-7	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-32	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-8	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-33	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-9	RA 01-150	24 IR 4217	25 IR 1337	856 IAC 2-3-34	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-10	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-35	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-11	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-4	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-12	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-5	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-13	RA 01-150	24 IR 4217	25 IR 1337	856 IAC 2-6-1	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-14	RA 01-150	24 IR 4217	25 IR 1338	856 IAC 2-6-2	RA 01-151	24 IR 4223	25 IR 1343
856 IAC 1-30-15	RA 01-150	24 IR 4218	25 IR 1338	856 IAC 2-6-3	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-16	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-6-4	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-17	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-6-5	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-18	RA 01-150	24 IR 4218	25 IR 1338	856 IAC 2-6-6	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-31	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-6-7	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-32-1	RA 01-150	24 IR 4218	25 IR 1339	856 IAC 2-6-8	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-32-2	RA 01-150	24 IR 4219	25 IR 1339	856 IAC 2-6-9	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-32-3	RA 01-150	24 IR 4219	25 IR 1339	856 IAC 2-6-10	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-32-4	RA 01-150	24 IR 4219	25 IR 1339	856 IAC 2-6-11	R 01-151	24 IR 4223	25 IR 1344
856 IAC 1-33	RA 01-150	24 IR 4211	25 IR 1330	856 IAC 2-6-12	RA 01-151	24 IR 4223	25 IR 1343
856 IAC 1-34-1	RA 01-150	24 IR 4211	25 IR 1330	856 IAC 2-6-13	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-34-2	RA 01-150	24 IR 4219	25 IR 1340	856 IAC 2-6-14	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-34-3	RA 01-150	24 IR 4211	25 IR 1330	856 IAC 2-6-15	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-34-4	RA 01-150	24 IR 4211	25 IR 1330	856 IAC 2-6-16	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-34-5	RA 01-150	24 IR 4211	25 IR 1330	856 IAC 2-6-17	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-35	RA 01-150	24 IR 4211	25 IR 1330	856 IAC 2-6-18	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-35-1	A 02-172	25 IR 4211	26 IR 1561	856 IAC 2-7	N 01-306	25 IR 3871	*SPE
					N 02-258	26 IR 1725	
				856 IAC 3-2-2	RA 01-153	24 IR 3813	25 IR 941

## Rules Affected by Volumes 25 and 26

### TITLE 857 INDIANA OPTOMETRIC LEGEND DRUG PRESCRIPTION ADVISORY COMMITTEE

857 IAC 1-4-1	RA	02-78	25 IR 3883	<b>26 IR 546</b>
857 IAC 2-3-16	A	02-123	25 IR 3873	<b>26 IR 1104</b>

### TITLE 858 CONTROLLED SUBSTANCES ADVISORY COMMITTEE

858 IAC 2	RA	01-63	24 IR 4224	<b>25 IR 1344</b>
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### TITLE 860 INDIANA PLUMBING COMMISSION

860 IAC 1-1-2.1	A	01-425	25 IR 2309	*ARR (25 IR 2523)
			25 IR 2585	<b>25 IR 4109</b>
				*ERR (26 IR 1109)
860 IAC 1-1-8	A	01-425	25 IR 2586	<b>25 IR 4110</b>

### TITLE 862 PRIVATE DETECTIVES LICENSING BOARD

862 IAC 1-1-6	A	02-302	26 IR 1728	
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### TITLE 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

864 IAC 1.1-2-2	A	01-405	25 IR 2848	<b>26 IR 379</b>
864 IAC 1.1-2-4	A	01-405	25 IR 2849	<b>26 IR 380</b>
864 IAC 1.1-12-1	A	01-405	25 IR 2850	<b>26 IR 380</b>

### TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

865 IAC 1-4-8	A	02-56	25 IR 3456	<b>26 IR 1105</b>
865 IAC 1-11-1	A	01-426	25 IR 2043	*CPH (25 IR 2543)
				<b>25 IR 4110</b>
865 IAC 1-12-28	A	02-56	25 IR 3456	<b>26 IR 1105</b>
865 IAC 1-13-5	A	01-426	25 IR 2044	*CPH (25 IR 2543)
				<b>25 IR 4111</b>

### TITLE 868 STATE PSYCHOLOGY BOARD

868 IAC 1.1-3-1	RA	01-154	24 IR 3814	*CPH (25 IR 124)
				<b>25 IR 1344</b>
868 IAC 1.1-5-4	RA	01-154	24 IR 3814	*CPH (25 IR 124)
				<b>25 IR 1344</b>
868 IAC 1.1-5-7	RA	01-154	24 IR 3814	*CPH (25 IR 124)
				<b>25 IR 1344</b>
868 IAC 1.1-12-1	R	01-210	24 IR 4194	<b>25 IR 1181</b>
868 IAC 1.1-12-1.5	N	01-210	24 IR 4193	<b>25 IR 1181</b>
868 IAC 1.1-15-11	A	01-179	24 IR 3779	<b>25 IR 812</b>

### TITLE 872 INDIANA BOARD OF ACCOUNTANCY

872 IAC 1-1-8	A	01-310	25 IR 891	*ARR (25 IR 2256)
				<b>25 IR 2518</b>
872 IAC 1-1-8.1	R	01-310	25 IR 893	*ARR (25 IR 2256)
				<b>25 IR 2520</b>
872 IAC 1-1-8.3	A	01-310	25 IR 892	*ARR (25 IR 2256)
				<b>25 IR 2519</b>
872 IAC 1-1-8.4	A	01-310	25 IR 892	*ARR (25 IR 2256)
				<b>25 IR 2519</b>
872 IAC 1-1-10	A	01-310	25 IR 893	*ARR (25 IR 2256)
				<b>25 IR 2520</b>
	A	02-301	26 IR 2126	
872 IAC 1-4	N	02-301	26 IR 2127	

### TITLE 876 INDIANA REAL ESTATE COMMISSION

876 IAC 1-1-3	A	00-260	24 IR 2848	<b>25 IR 101</b>
876 IAC 1-1-23	A	00-260	24 IR 2849	<b>25 IR 102</b>
	A	01-427	25 IR 3874	<b>26 IR 789</b>
876 IAC 1-1-24	A	00-260	24 IR 2849	<b>25 IR 102</b>
876 IAC 1-1-26	A	00-260	24 IR 2849	<b>25 IR 102</b>
876 IAC 1-1-30.1	N	02-244	26 IR 2127	
876 IAC 1-4-2	A	01-427	25 IR 3874	<b>26 IR 789</b>
876 IAC 2-16-1	A	02-244	26 IR 2127	
876 IAC 2-17-3	A	00-260	24 IR 2849	<b>25 IR 102</b>
876 IAC 3-2-4	A	02-148	25 IR 4213	<b>26 IR 1106</b>
876 IAC 3-2-5	A	02-148	25 IR 4213	<b>26 IR 1107</b>
876 IAC 3-2-7	A	02-148	25 IR 4213	<b>26 IR 1107</b>

876 IAC 3-3-6				*ERR (26 IR 1109)
876 IAC 3-3-21	A	01-346	25 IR 2310	<b>25 IR 4111</b>
				*ERR (26 IR 1109)
876 IAC 3-3-22	A	02-148	25 IR 4214	<b>26 IR 1107</b>
876 IAC 3-6-2	A	01-403	25 IR 1726	<b>25 IR 3181</b>
	A	02-246	26 IR 1728	
876 IAC 3-6-3	A	01-403	25 IR 1727	<b>25 IR 3181</b>
	A	02-246	26 IR 1729	
876 IAC 3-6-9	A	02-148	25 IR 4214	<b>26 IR 1108</b>
876 IAC 4-1-3	A	00-260	24 IR 2850	<b>25 IR 103</b>
	A	01-427	25 IR 3876	<b>26 IR 791</b>
876 IAC 4-2-1	A	00-260	24 IR 2850	<b>25 IR 103</b>
876 IAC 4-2-2	A	01-369	26 IR 180	<b>26 IR 788</b>
876 IAC 4-2-3	A	01-369	26 IR 180	<b>26 IR 788</b>
876 IAC 4-2-3.5	N	02-300	26 IR 1730	
876 IAC 4-2-4	A	00-260	24 IR 2851	<b>25 IR 104</b>
876 IAC 4-2-5	A	00-260	24 IR 2851	<b>25 IR 104</b>
876 IAC 4-2-9	A	00-260	24 IR 2851	<b>25 IR 104</b>
	A	01-369	26 IR 180	<b>26 IR 788</b>

### TITLE 880 SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

880 IAC 1-1-1	RA	00-326	24 IR 2210	*CPH (24 IR 3658)
				<b>25 IR 1345</b>
880 IAC 1-1-2	RA	00-326	24 IR 2210	*CPH (24 IR 3658)
				<b>25 IR 1345</b>
880 IAC 1-1-3.1	RA	00-326	24 IR 2210	*CPH (24 IR 3658)
				<b>25 IR 1345</b>
880 IAC 1-1-5	RA	01-222	24 IR 4224	*CPH (24 IR 3658)
				<b>25 IR 1345</b>
880 IAC 1-1-6	RA	00-326	24 IR 2210	*CPH (24 IR 3658)
				<b>25 IR 1345</b>
880 IAC 1-1-7	RA	00-326	24 IR 2210	*CPH (24 IR 3658)
				<b>25 IR 1345</b>
880 IAC 1-2	RA	00-326	24 IR 2210	*CPH (24 IR 3658)
				<b>25 IR 1345</b>
	R	02-269	26 IR 879	
880 IAC 1-2.1	N	02-269	26 IR 876	
880 IAC 1-3.1	RA	00-326	24 IR 2210	*CPH (24 IR 3658)
				<b>25 IR 1345</b>

### TITLE 888 INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

888 IAC 1.1-3-2	RA	01-223	24 IR 4225	<b>25 IR 1346</b>
888 IAC 1.1-3-3	RA	01-321	25 IR 201	<b>25 IR 1733</b>
888 IAC 1.1-6-1	A	02-134	25 IR 3877	<b>26 IR 1563</b>
888 IAC 1.1-6-3	A	02-135	25 IR 3878	
888 IAC 1.1-11	N	02-136	25 IR 3879	<b>26 IR 1563</b>

### TITLE 896 BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

896 IAC 1-3-2	RA	01-224	24 IR 4226	<b>25 IR 1346</b>
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### 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>
898 IAC 1-1-3.5	RA	01-44	24 IR 2589	*CPH (24 IR 2724)
				<b>25 IR 204</b>
898 IAC 1-2-6	N	01-198	24 IR 4194	<b>25 IR 1643</b>
898 IAC 1-2-7	N	01-198	24 IR 4194	<b>25 IR 1643</b>
898 IAC 1-3-1	A	01-199	24 IR 4195	<b>25 IR 1347</b>
898 IAC 1-5-5	R	01-46	24 IR 2562	*CPH (24 IR 2724)
				<b>25 IR 105</b>

### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

905 IAC 1-1	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 1-5.2-1	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 1-5.2-3	RA	01-230	24 IR 3816	<b>25 IR 1347</b>
905 IAC 1-5.2-4	RA	01-225	24 IR 3815	<b>25 IR 941</b>

# Rules Affected by Volumes 25 and 26

905 IAC 1-5.2-5	RA 01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-45	N 01-255	25 IR 511	*SPE
905 IAC 1-5.2-6	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 02-338	26 IR 2128	
905 IAC 1-5.2-7	RA 01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-46	N 01-256	25 IR 511	*SPE
905 IAC 1-5.2-8	RA 01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-48	N 01-258	25 IR 512	*SPE
905 IAC 1-5.2-9	RA 01-230	24 IR 3816	<b>25 IR 1348</b>	905 IAC 1-49	N 01-259	25 IR 513	*SPE
905 IAC 1-5.2-10	RA 01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-50	N 01-260	25 IR 513	*SPE
905 IAC 1-5.2-11	RA 01-225	24 IR 3815	<b>25 IR 941</b>	905 IAC 1-51	N 01-261	25 IR 514	*SPE
905 IAC 1-5.2-12	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 1-5.2-13	RA 01-225	24 IR 3815	<b>25 IR 941</b>	TITLE 910 CIVIL RIGHTS COMMISSION			
905 IAC 1-5.2-14	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 1-5.2-15	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 1-5.2-16	RA 01-225	24 IR 3815	<b>25 IR 941</b>	TITLE 920 INDIANA WAR MEMORIALS COMMISSION			
905 IAC 1-5.2-17	RA 01-225	24 IR 3815	<b>25 IR 941</b>	920 IAC 1	RA 01-316	25 IR 201	<b>25 IR 1352</b>
905 IAC 1-7.1	RA 01-225	24 IR 3815	<b>25 IR 941</b>	TITLE 925 MERIDIAN STREET PRESERVATION COMMISSION			
905 IAC 1-8-1	RA 01-230	24 IR 3817	<b>25 IR 1349</b>	925 IAC 1	R 01-70	24 IR 3784	*ARR (25 IR 1185)
905 IAC 1-8-2	RA 01-230	24 IR 3818	<b>25 IR 1349</b>			25 IR 1261	
905 IAC 1-8-3	RA 01-230	24 IR 3818	<b>25 IR 1349</b>	925 IAC 2	N 01-70	24 IR 3779	*ARR (25 IR 1185)
905 IAC 1-8-4	RA 01-230	24 IR 3818	<b>25 IR 1350</b>			25 IR 1256	<b>25 IR 2248</b>
905 IAC 1-8-5	RA 01-230	24 IR 3818	<b>25 IR 1350</b>	<b>NONCODE RULES</b>			
905 IAC 1-8-6	RA 01-230	24 IR 3819	<b>25 IR 1350</b>	Animal Heath, Indiana State Board of			
905 IAC 1-8-7	RA 01-230	*ERR (25 IR 1906)			N 02-34		*ETR (25 IR 1919)
905 IAC 1-9-5	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 02-125		*ETR (25 IR 2743)
905 IAC 1-10	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 02-216		*ETR (25 IR 4126)
905 IAC 1-11.1-1	RA 01-230	24 IR 3819	<b>25 IR 1350</b>	Budget Agency	N 02-192		*ETR (25 IR 3772)
905 IAC 1-11.1-2	RA 01-225	24 IR 3815	<b>25 IR 941</b>	Education Savings Authority, Indiana			
905 IAC 1-12.1-2	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 02-256		*ETR (26 IR 59)
905 IAC 1-12.1-3	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 02-307		*ETR (26 IR 808)
905 IAC 1-13	RA 01-225	24 IR 3815	<b>25 IR 941</b>	Family and Social Services, Office of the Secretary of			
905 IAC 1-14	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 01-351		*ETR (25 IR 389)
905 IAC 1-15.2	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 01-352		*ETR (25 IR 398)
905 IAC 1-15.3	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 01-353		*ETR (25 IR 399)
905 IAC 1-16.1-1	RA 01-230	24 IR 3819	<b>25 IR 1350</b>		N 01-354		*ETR (25 IR 399)
905 IAC 1-16.1-3	RA 01-230	24 IR 3816	<b>25 IR 1347</b>		N 01-355		*ETR (25 IR 400)
905 IAC 1-17-2	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 01-378		*ETR (25 IR 828)
905 IAC 1-17-3	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 01-396		*ETR (25 IR 829)
905 IAC 1-17-4	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 01-440		*ETR (25 IR 1653)
905 IAC 1-18	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 01-441		*ETR (25 IR 1654)
905 IAC 1-20	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 01-442		*ETR (25 IR 1654)
905 IAC 1-21	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 01-443		*ETR (25 IR 1663)
905 IAC 1-23-1	RA 01-230	24 IR 3819	<b>25 IR 1351</b>		N 02-1		*ETR (25 IR 1664)
905 IAC 1-25	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 02-195		*ETR (25 IR 3780)
905 IAC 1-26	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 02-196		*ETR (25 IR 3787)
905 IAC 1-27-1	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 02-197		*ETR (25 IR 3792)
905 IAC 1-27-2	RA 01-230	24 IR 3819	<b>25 IR 1351</b>		N 02-198		*ETR (25 IR 3793)
905 IAC 1-27-3	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 02-199		*ETR (25 IR 3803)
905 IAC 1-27-4	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 02-278		*ETR (26 IR 396)
905 IAC 1-27-5	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 02-279		*ETR (26 IR 396)
905 IAC 1-29-1	RA 01-230	24 IR 3820	<b>25 IR 1351</b>		N 02-280		*ETR (26 IR 406)
905 IAC 1-29-2	RA 01-230	24 IR 3820	<b>25 IR 1351</b>		N 02-281		*ETR (26 IR 407)
905 IAC 1-29-3	RA 01-230	24 IR 3820	<b>25 IR 1351</b>	Health, Indiana State Department of			
905 IAC 1-29-4	RA 01-230	24 IR 3820	<b>25 IR 1352</b>		N 01-409		*ETR (25 IR 1192)
905 IAC 1-29-5	RA 01-230	24 IR 3816	<b>25 IR 1347</b>		N 02-28		*ETR (25 IR 1920)
905 IAC 1-29-6	RA 01-230	24 IR 3820	<b>25 IR 1352</b>		N 02-29		*ETR (25 IR 1922)
905 IAC 1-29-7	RA 01-230	24 IR 3820	<b>25 IR 1352</b>		N 03-1		*ETR (26 IR 1954)
905 IAC 1-29-8	RA 01-230	24 IR 3816	<b>25 IR 1347</b>		N 03-2		*ETR (26 IR 1956)
905 IAC 1-29.5	N 01-13	25 IR 509	*SPE	Horse Racing Commission, Indiana			
905 IAC 1-30	RA 01-225	24 IR 3815	<b>25 IR 941</b>		R 02-296		*ETR (26 IR 395)
905 IAC 1-31	RA 01-225	24 IR 3815	<b>25 IR 941</b>	Local Government Finance, Department of			
905 IAC 1-32.1	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 02-229		*ETR (25 IR 4115)
905 IAC 1-33.1	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 02-230		*ETR (25 IR 4117)
905 IAC 1-34-1	RA 01-225	24 IR 3815	<b>25 IR 941</b>	Lottery Commission, State			
905 IAC 1-34-2	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 01-324		*ETR (25 IR 108)
905 IAC 1-35	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 01-326		*ETR (25 IR 109)
905 IAC 1-36	RA 01-225	24 IR 3815	<b>25 IR 941</b>		N 01-327		*ETR (25 IR 112)
905 IAC 1-37	RA 01-225	24 IR 3816	<b>25 IR 941</b>				
905 IAC 1-38	RA 01-225	24 IR 3816	<b>25 IR 941</b>				
905 IAC 1-39	RA 02-272	26 IR 545	<b>26 IR 1735</b>				
905 IAC 1-40	RA 02-272	26 IR 545	<b>26 IR 1735</b>				
905 IAC 1-41	RA 02-272	26 IR 545	<b>26 IR 1735</b>				

## Rules Affected by Volumes 25 and 26

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 02-346	*ETR (26 IR 1574)
N 01-384	*ETR (25 IR 821)	N 02-347	*ETR (26 IR 1575)
N 01-385	*ETR (25 IR 822)	N 02-348	*ETR (26 IR 1577)
N 01-386	*ETR (25 IR 823)	N 02-349	*ETR (26 IR 1578)
N 01-387	*ETR (25 IR 824)	N 02-351	*ETR (26 IR 1582)
N 01-388	*ETR (25 IR 825)	N 02-352	*ETR (26 IR 1583)
N 01-389	*ETR (25 IR 827)	N 02-354	*ETR (26 IR 1587)
N 01-416	*ETR (25 IR 1187)	N 02-355	*ETR (26 IR 1587)
N 01-417	*ETR (25 IR 1187)	N 02-356	*ETR (26 IR 1588)
N 01-435	*ETR (25 IR 1647)	N 02-357	*ETR (26 IR 1589)
N 01-436	*ETR (25 IR 1648)	N 02-358	*ETR (26 IR 1590)
N 01-437	*ETR (25 IR 1650)	N 03-15	*ETR (26 IR 1946)
N 01-438	*ETR (25 IR 1651)	N 03-16	*ETR (26 IR 1948)
N 01-439	*ETR (25 IR 1652)	Natural Resources Commission	
N 02-25	*ETR (25 IR 1909)	N 01-323	*ETR (25 IR 123)
N 02-30	*ETR (25 IR 1912)	N 01-349	*ETR (25 IR 386)
N 02-31	*ETR (25 IR 1913)	N 01-350	*ETR (25 IR 386)
N 02-32	*ETR (25 IR 1915)	N 01-415	*ETR (25 IR 1191)
N 02-33	*ETR (25 IR 1917)	N 02-35	*ETR (25 IR 1919)
N 02-36	*ETR (25 IR 2258)	N 02-93	*ETR (25 IR 2539)
N 02-37	*ETR (25 IR 2259)	N 02-95	*ETR (25 IR 2540)
N 02-38	*ETR (25 IR 2261)	N 02-129	*ETR (25 IR 2743)
N 02-59	*ETR (25 IR 2262)	N 02-130	*ETR (25 IR 2743)
N 02-60	*ETR (25 IR 2263)	N 02-158	*ETR (25 IR 3206)
N 02-61	*ETR (25 IR 2265)	N 02-159	*ETR (25 IR 3206)
N 02-62	*ETR (25 IR 2265)	N 02-190	*ETR (25 IR 3773)
N 02-63	*ETR (25 IR 2266)	N 02-191	*ETR (25 IR 3774)
N 02-64	*ETR (25 IR 2268)	N 02-194	*ETR (25 IR 3775)
N 02-66	*ETR (25 IR 2269)	N 02-205	*ETR (25 IR 3778)
N 02-70	*ETR (25 IR 2274)	N 02-217	*ETR (25 IR 4126)
N 02-71	*ETR (25 IR 2275)	N 02-293	*ETR (26 IR 395)
N 02-98	*ETR (25 IR 2525)	N 02-330	*ETR (26 IR 1111)
N 02-99	*ETR (25 IR 2526)	N 03-26	*ETR (26 IR 1952)
N 02-100	*ETR (25 IR 2527)	N 03-27	*ETR (26 IR 1954)
N 02-101	*ETR (25 IR 2530)	Revenue, Department of State	
N 02-153	*ETR (25 IR 3185)	N 02-316	*ETR (26 IR 794)
N 02-154	*ETR (25 IR 3187)	Water Pollution Control Board	
N 02-155	*ETR (25 IR 3189)	N 02-193	*ETR (25 IR 3778)
N 02-156	*ETR (25 IR 3190)		
N 02-157	*ETR (25 IR 3192)	*Key:	
N 02-164	*ETR (25 IR 3194)	A:	Amended Text
N 02-165	*ETR (25 IR 3197)	AGA:	Attorney General's Action
N 02-166	*ETR (25 IR 3198)	AROC:	Administrative Rules Oversight Committee Notice
N 02-167	*ETR (25 IR 3200)	ARR:	Agency Recalls Rule
N 02-168	*ETR (25 IR 3201)	AWR:	Agency Withdrew Rule
N 02-169	*ETR (25 IR 3202)	CPH:	Change in Public Hearing
N 02-220	*ETR (25 IR 4117)	DAG:	Disapproved by Attorney General
N 02-221	*ETR (25 IR 4118)	DG:	Disapproved by Governor
N 02-223	*ETR (25 IR 4119)	ER:	Emergency Rule
N 02-224	*ETR (25 IR 4119)	ERR:	Errata
N 02-225	*ETR (25 IR 4120)	ETR:	Emergency Temporary Rule
N 02-226	*ETR (25 IR 4121)	ETS:	Emergency Temporary Standard
N 02-227	*ETR (25 IR 4123)	GRAT:	Governor Requires Additional Time
N 02-257	*ETR (26 IR 54)	I:	Document Ineffective
N 02-283	*ETR (26 IR 385)	N:	New Text
N 02-284	*ETR (26 IR 385)	NRA:	Notice of Rule Adoption
N 02-285	*ETR (26 IR 386)	OAC:	Objection to Errata
N 02-286	*ETR (26 IR 387)	ON:	Other Notices of Administrative Action
N 02-288	*ETR (26 IR 388)	R:	Repealed Text
N 02-289	*ETR (26 IR 389)	RA:	Readopted Rule
N 02-290	*ETR (26 IR 390)	SAC:	Solicitation of Advance Comment
	*ERR (26 IR 793)	SPE:	Statutory Period for Promulgation Expired
N 02-291	*ETR (26 IR 392)	SPE-SE:	Statutory Period for Promulgation Expired; Signed After Expiration
N 02-308	*ETR (26 IR 800)	††:	Renumbered or Added in Final Rule

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

\*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.

<b>ACCOUNTANCY, INDIANA BOARD OF</b>		Subcontractors		Refresher training course	
<b>General provisions</b>		25 IAC 5-6	26 IR 80	326 IAC 18-2-4	24 IR 2786
Certification, licensure, and registration		Scope of activities		Representation of training course approval	
Advanced degree as experience		25 IAC 5-1	26 IR 67	326 IAC 18-2-9	24 IR 2789
872 IAC 1-1-8.4	25 IR 892	<b>ADVANCE LIFE SUPPORT; ADVANCE</b>			
	<b>25 IR 2519</b>	<b>EMERGENCY MEDICAL TECHNICIAN</b>			
Application; fees		(See <b>EMERGENCY MEDICAL SERVICES</b>		<b>Burning regulations</b>	
872 IAC 1-1-10	25 IR 893	<b>COMMISSION, INDIANA)</b>		Incinerators	
	<b>25 IR 2520</b>			Applicability	
	26 IR 2126			326 IAC 4-2-1	24 IR 3153
Experience requirements; credit for types of		<b>AIR AMBULANCES</b>			<b>25 IR 1597</b>
experience		(See <b>EMERGENCY MEDICAL SERVICES</b>			24 IR 2754
872 IAC 1-1-8	25 IR 891	<b>COMMISSION, INDIANA)</b>		Incinerators	<b>26 IR 1071</b>
	<b>25 IR 2518</b>			326 IAC 4-2-2	24 IR 2754
Experience verification		<b>AIR POLLUTION CONTROL BOARD</b>			<b>26 IR 1071</b>
872 IAC 1-1-8.3	25 IR 893	<b>Acid deposition control</b>		Open burning	
	<b>25 IR 2519</b>	General provisions		Open burning approval; criteria and conditions	
Nonlicensee firm owners		Incorporation by reference		326 IAC 4-1-4.1	25 IR 3240
872 IAC 1-4-1	26 IR 2127	326 IAC 21-1-1	24 IR 4116		<b>26 IR 1077</b>
			<b>25 IR 3107</b>	<b>Carbon monoxide emission rules</b>	
<b>ACUPUNCTURISTS</b>		<b>Asbestos management</b>		Applicability or rule	
<b>Definitions</b>		Asbestos management personnel; licensing		326 IAC 9-1-1	24 IR 2777
844 IAC 13-1	24 IR 2554	Asbestos license			<b>26 IR 1072</b>
	<b>25 IR 803</b>	Application		Carbon monoxide emission limits	
<b>License renewal</b>		326 IAC 18-1-5	26 IR 2086	326 IAC 9-1-2	24 IR 3157
844 IAC 13-4	24 IR 2557	Revocation; denial			<b>25 IR 1601</b>
	<b>25 IR 807</b>	326 IAC 18-1-7	26 IR 2087		24 IR 2777
<b>Licensure</b>		Definitions			<b>26 IR 1072</b>
844 IAC 13-2	24 IR 2555	326 IAC 18-1-2	26 IR 2084	<b>Emission limitations for specific type of opera-</b>	
	<b>25 IR 805</b>	License requirements for contractors performing		<b>tions</b>	
<b>Practice location</b>		asbestos projects		Coke oven batteries	
844 IAC 13-7	24 IR 2562	326 IAC 18-1-8	26 IR 2088	Applicability	
	<b>25 IR 8011</b>	Training courses; requirements for approval		326 IAC 11-3-1	24 IR 3158
<b>Revocation or suspension of license</b>		Applicability			<b>25 IR 1603</b>
844 IAC 13-6	24 IR 2560	326 IAC 18-2-1	24 IR 2778	Compliance determination	
	<b>25 IR 8010</b>	Application fees		326 IAC 11-3-4	26 IR 2060
<b>Standards of professional conduct</b>		326 IAC 18-2-12	24 IR 2790	Commercial and industrial solid waste incinera-	
844 IAC 13-5	24 IR 2558	Approval revocation		tion units	
	<b>25 IR 808</b>	326 IAC 18-2-11	24 IR 2790	326 IAC 11-8	25 IR 1986
<b>Supervision</b>		Course notification and record submittal			<b>25 IR 4100</b>
844 IAC 13-3	24 IR 2556	326 IAC 18-2-14	24 IR 2791	Existing foundries	
	<b>25 IR 806</b>	Definitions		Applicability	
		326 IAC 18-2-2	24 IR 2778	326 IAC 11-1-1	24 IR 3158
			26 IR 2088		<b>25 IR 1602</b>
<b>ADJUSTED GROSS INCOME TAX</b>		Initial and refresher training courses		Fiberglass insulation manufacturing	
(See <b>REVENUE, DEPARTMENT OF STATE</b> )		Application for approval		Applicability	
		326 IAC 18-2-7	24 IR 2787	326 IAC 11-4-1	24 IR 3159
<b>ADMINISTRATION, INDIANA DEPART-</b>			26 IR 2097		<b>25 IR 1603</b>
<b>MENT OF</b>		Examination requirements		Shelby County	
<b>Minority and women's business enterprises</b>		326 IAC 18-2-5	24 IR 2786	326 IAC 11-4-5	25 IR 2285
Certification denials and challenges		Qualifications for approval			<b>26 IR 10</b>
25 IAC 5-4	26 IR 76	326 IAC 18-2-6	24 IR 2787	Fluoride emission limitations for existing primary	
Certification standards			26 IR 2096	aluminum plants	
25 IAC 5-3	26 IR 68			Applicability	
Commission members		Initial training course		326 IAC 11-5-1	24 IR 3159
25 IAC 5-8	26 IR 86	326 IAC 18-2-3	24 IR 2779		<b>25 IR 1603</b>
Compliance			26 IR 2089	Hospital /medical/infectious waste incinerators	
25 IAC 5-7	26 IR 82	Provider instructor qualifications		Applicability	
Definitions		326 IAC 18-2-10.1	24 IR 2789	326 IAC 11-6-1	24 IR 4088
25 IAC 5-2	26 IR 67	Reapproval; application requirements			<b>25 IR 3078</b>
MBE/WBE participation in procurement and		326 IAC 18-2-8	24 IR 2789	Compliance, performance testing, and monitor-	
contracting		Record keeping requirements		ing	
Prime contractors		326 IAC 18-2-13	24 IR 2790	326 IAC 11-6-7	24 IR 4090
25 IAC 5-5	26 IR 79				<b>25 IR 3080</b>

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Definitions		Test methods and procedures		Malfunction emission reduction program	
326 IAC 11-6-2	24 IR 4089	326 IAC 14-9-8	26 IR 2071	326 IAC 1-6-6	24 IR 2754
	<b>25 IR 3079</b>	Beryllium; emission standards		Preventive maintenance plans	
Emission limits		Applicability; incorporation by reference of		326 IAC 1-6-3	24 IR 2753
326 IAC 11-6-4	24 IR 4089	federal standards		Records; notice of malfunction	
	<b>25 IR 3079</b>	326 IAC 14-3-1	26 IR 2067	326 IAC 1-6-2	24 IR 2752
Operator training and qualification requirements		Beryllium rocket motor firing; emission standards		Nonattainment/attainment/unclassifiable area	
326 IAC 11-6-5	24 IR 4089	Applicability; incorporation by reference of		designations for sulfur dioxide; total suspended	
	<b>25 IR 3079</b>	federal standards		particulates, carbon monoxide; ozone; and	
Reporting and record keeping requirements		326 IAC 14-4-1	26 IR 2067	nitrogen dioxides	
326 IAC 11-6-8	24 IR 4090	Equipment leaks (fugitive emission sources);		Designations	
	<b>25 IR 3080</b>	emission standards		326 IAC 1-4-1	24 IR 4066
Waste management plans		Applicability			<b>25 IR 3056</b>
326 IAC 11-6-6	24 IR 4089	326 IAC 14-8-1	26 IR 2068		25 IR 3240
	<b>25 IR 3079</b>	Record keeping requirements			<b>26 IR 1077</b>
Municipal waste combustors		326 IAC 14-8-4	26 IR 2069	Provisions applicable throughout Title 326	
Applicability		Reporting requirements		References	
326 IAC 11-7-1	26 IR 2061	326 IAC 14-8-5	26 IR 2069	Code of Federal Regulations	
Compliance and performance testing		Test methods and procedures		326 IAC 1-1-3	24 IR 4065
326 IAC 11-7-7	24 IR 4091	326 IAC 14-8-3	26 IR 2068		<b>25 IR 3054</b>
	<b>25 IR 3081</b>	Equipment leaks (fugitive emission sources) of			26 IR 1997
Compliance schedule		benzene; emission standards		Compilation of air pollution emission factors	
326 IAC 11-7-9	24 IR 4092	Applicability; incorporation by reference of		AP-42 and supplement	
	<b>25 IR 3082</b>	federal standards		326 IAC 1-1-3.5	24 IR 4065
Definitions		326 IAC 14-7-1	26 IR 2068		<b>25 IR 3055</b>
326 IAC 11-7-2	24 IR 4090	General provisions			26 IR 1997
	<b>25 IR 3080</b>	Applicability		<b>Hazardous air pollutants</b>	
Operating practices		326 IAC 14-1-1	26 IR 2066	Accidental release	
326 IAC 11-7-4	24 IR 4090	Definitions		Applicability; incorporation by reference	
	<b>25 IR 3081</b>	326 IAC 14-1-2	26 IR 2067	326 IAC 20-2-1	24 IR 4099
Operator training and certification requirements		More stringent limitations apply			<b>25 IR 3090</b>
326 IAC 11-7-5	24 IR 4091	326 IAC 14-1-3	24 IR 3159	Aerospace manufacturing and rework facilities	
	<b>25 IR 3081</b>		<b>25 IR 1604</b>	Applicability; incorporation by reference of	
Reporting and record keeping requirements		Mercury; emission standards		federal standards	
326 IAC 11-7-8	24 IR 4092	Applicability; incorporation by reference of		326 IAC 20-15-1	24 IR 4108
	<b>25 IR 3082</b>	federal standards			<b>25 IR 3098</b>
Standards for municipal waste combustor fugi-		326 IAC 14-5-1	26 IR 2068	Boat manufacturing; emission standards for	
tive ash emissions		<b>General provisions</b>		hazardous air pollutants	
326 IAC 11-7-6	24 IR 4091	Ambient air quality standards		Applicability; incorporation by reference of	
	<b>25 IR 3081</b>	Standards		federal standards	
Sulfuric acid plants		326 IAC 1-3-4	24 IR 4066	326 IAC 20-48	26 IR 95
Applicability			<b>25 IR 3055</b>	Bulk gasoline distribution facilities	
326 IAC 11-2-1	24 IR 3158	Definitions		Applicability; incorporation by reference of	
	<b>25 IR 1603</b>	Compilation of air pollution emission factors		federal standards	
<b>Emission standards for hazardous air pollutants</b>		AP-42		326 IAC 20-10-1	24 IR 4102
Asbestos; demolition and renovation operations;		326 IAC 1-2-20.5	24 IR 4065		<b>25 IR 3093</b>
emission standards			<b>25 IR 3055</b>	Closed vent systems, control devices, recovery	
Asbestos emission control; procedures		Nonphotochemically reactive hydrocarbons or		devices, and routing to a fuel gas systems or a	
326 IAC 14-10-4	26 IR 2078	negligibly photochemically reactive com-		process	
Applicability		pounds		Applicability; incorporation by reference of	
326 IAC 14-10-1	26 IR 2072	326 IAC 1-2-48	24 IR 4065	federal standards	
Definitions			<b>25 IR 3055</b>	326 IAC 20-39-1	24 IR 4113
326 IAC 14-10-2	26 IR 2074	Reconstruction			<b>25 IR 3104</b>
Notification requirements		326 IAC 1-2-65	26 IR 1997	Coke oven batteries	
326 IAC 14-10-3	26 IR 2076	Title I conditions		Applicability; incorporation by reference of	
Asbestos listed in section 1 of this rule		326 IAC 1-2-82.5	24 IR 3107	federal standards	
Applicability; incorporation by reference of		Volatile organic compound or VOC		326 IAC 20-3-1	24 IR 4100
federal standards		326 IAC 1-2-90	26 IR 1998		<b>25 IR 3090</b>
326 IAC 14-2-1	24 IR 4093	Malfunctions		Containers	
	<b>25 IR 3084</b>	Applicability		Applicability; incorporation by reference of	
Benzene from furnace coke ovens; emission		326 IAC 1-6-1	24 IR 2752	federal standards	
standards		Conditions under which malfunction not con-		326 IAC 20-36-1	24 IR 4113
Equipment leaks		sidered violation			<b>25 IR 3103</b>
326 IAC 14-9-5	26 IR 2070	326 IAC 1-6-4	24 IR 2753	Emissions from reinforced plastics composites	
Record keeping and reporting requirements		Excessive malfunctions; department actions		fabricating emission units	
326 IAC 14-9-9	26 IR 2071	326 IAC 1-6-5	24 IR 2753	Applicability	
				326 IAC 20-25-1	26 IR 92

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Emission standards		Individual drain systems		Primary aluminum reduction plants	
326 IAC 20-25-3	26 IR 92	Applicability; incorporation by reference of		Applicability; incorporation by reference of	
Reporting requirements		federal standards		federal standards	
326 IAC 20-25-7	26 IR 95	326 IAC 20-38-1	24 IR 4113	326 IAC 20-24-1	24 IR 4110
Testing requirements			<b>25 IR 3104</b>		<b>25 IR 3101</b>
326 IAC 20-25-5	26 IR 94	Industrial process cooling towers		Printing and publishing operations	
Work practice standards		Applicability; incorporation by reference of		Applicability; incorporation by reference of	
326 IAC 20-25-4	26 IR 94	federal standards		federal standards	
Epoxy resins and non-nylon polyamides		326 IAC 20-4-1	24 IR 4100	326 IAC 20-18-1	24 IR 4109
Applicability; incorporation by reference of			<b>25 IR 3090</b>		<b>25 IR 3099</b>
federal standards		Magnetic tape manufacturing operations		Process subject to the negotiated regulation for	
326 IAC 20-20-1	24 IR 4109	Applicability; incorporation by reference of		equipment leaks	
<b>25 IR 3100</b>		federal standards		Applicability; incorporation by reference of	
Equipment leaks—control level 1		326 IAC 20-9-1	24 IR 4102	federal standards	
Applicability; incorporation by reference of			<b>25 IR 3092</b>	326 IAC 20-12-1	24 IR 4103
federal standards		Marine tank vessel loading operations			<b>25 IR 3093</b>
326 IAC 20-40-1	24 IR 4114	Applicability; incorporation by reference of		Publicly owned treatment works	
<b>25 IR 3105</b>		federal standards		Applicability; incorporation by reference of	
Equipment leaks—control level 2		326 IAC 20-17-1	24 IR 4108	federal standards	
Applicability; incorporation by reference of			<b>25 IR 3099</b>	326 IAC 20-32-1	24 IR 4112
federal standards		Mineral wool production			<b>25 IR 3102</b>
326 IAC 20-41-1	24 IR 4114	Applicability; incorporation by reference of		Pulp and paper production; noncombustion	
<b>25 IR 3105</b>		federal standards		Applicability; incorporation by reference of	
Ethylene oxide commercial sterilization and fumigation facilities		326 IAC 20-46-1	24 IR 4115	federal standards	
Applicability; incorporation by reference of			<b>25 IR 3107</b>	326 IAC 20-33-1	24 IR 4112
federal standards		Natural gas transmission and storage			<b>25 IR 3102</b>
326 IAC 20-5-1	24 IR 4100	Applicability; incorporation by reference of		Secondary lead smelters	
<b>25 IR 3091</b>		federal standards		Applicability; incorporation by reference of	
Flexible polyurethane foam production		326 IAC 20-31-1	24 IR 4111	federal standards	
Applicability; incorporation by reference of			<b>25 IR 3102</b>	326 IAC 20-13-1	24 IR 4103
federal standards		Off-site waste and recovery operations			<b>25 IR 3093</b>
326 IAC 20-22-1	24 IR 4110	Applicability; incorporation by reference of		Bag leak detection system requirements	
<b>25 IR 3101</b>		federal standards		326 IAC 20-13-8	24 IR 4106
General provisions		326 IAC 20-23-1	24 IR 4110		<b>25 IR 3097</b>
Definitions			<b>25 IR 3101</b>	Compliance requirements	
326 IAC 20-1-3	24 IR 4099	Oil and natural gas production		326 IAC 20-13-7	24 IR 4105
<b>25 IR 3089</b>		Applicability; incorporation by reference of			<b>25 IR 3095</b>
Incorporation by reference		federal standards		Compliance testing	
326 IAC 20-1-1	24 IR 4099	326 IAC 20-30-1	24 IR 4111	326 IAC 20-13-6	24 IR 4104
<b>25 IR 3089</b>			<b>25 IR 3102</b>		<b>25 IR 3095</b>
Generic maximum achievable control technology standards		Oil-water separators and organic-water separators		Emission limitations	
Applicability; incorporation by reference of		Applicability; incorporation by reference of		Other secondary lead smelters	
federal standards		federal standards		326 IAC 20-13-4	24 IR 4104
326 IAC 20-44-1	24 IR 4115	326 IAC 20-42-1	24 IR 4114		<b>25 IR 3094</b>
<b>25 IR 3106</b>			<b>25 IR 3106</b>	Quemetco, Incorporated	
Group I polymers and resins		Perchloroethylene dry cleaning facilities		326 IAC 20-13-2	24 IR 4103
Applicability; incorporation by reference of		Applicability; incorporation by reference of			<b>25 IR 3094</b>
federal standards		federal standards		Operational and work practice standards	
326 IAC 20-19-1	24 IR 4108	326 IAC 20-7-1	24 IR 4101	326 IAC 20-13-5	24 IR 4104
<b>25 IR 3099</b>			<b>25 IR 3091</b>		<b>25 IR 3095</b>
Group IV polymers and resins		Pesticide active ingredient		Shipbuilding and ship repair surface coating operations	
Applicability; incorporation by reference of		Applicability; incorporation by reference of		Applicability; incorporation by reference of	
federal standards		federal standards		federal standards	
326 IAC 20-21-1	24 IR 4109	326 IAC 20-45-1	24 IR 4115	326 IAC 20-26-1	24 IR 4111
<b>25 IR 3100</b>			<b>25 IR 3107</b>		<b>25 IR 3101</b>
Halogenated solvent cleaning		Petroleum refineries		Storage vessels (tanks)—control level 2	
Applicability; incorporation by reference of		Applicability; incorporation by reference of		Applicability; incorporation by reference of	
federal standards		federal standards		federal standards	
326 IAC 20-6-1	24 IR 4100	326 IAC 20-16-1	24 IR 4108	326 IAC 20-43-1	24 IR 4115
<b>25 IR 3091</b>			<b>25 IR 3099</b>		<b>25 IR 3106</b>
Hard and decorative chromium electroplating and chromium anodizing tanks		Phosphoric acid manufacturing and phosphate		Surface impoundments	
Applicability; incorporation by reference of		Applicability; incorporation by reference of		Applicability; incorporation by reference of	
federal standards		federal standards		federal standards	
326 IAC 20-8-1	24 IR 4101	326 IAC 20-34-1	24 IR 4112	326 IAC 20-37-1	24 IR 4113
<b>25 IR 3092</b>			<b>25 IR 3103</b>		<b>25 IR 3104</b>

## CITATIONS TO FINAL RULES ARE IN **BOLD** TYPE

Synthetic organic chemical manufacturing industries		Monitoring requirements for applicable pollutants; applicability		Applicability	
Applicability; incorporation by reference of federal standards		326 IAC 3-5-1	24 IR 3152	326 IAC 10-4-1	26 IR 1134
326 IAC 20-11-1	24 IR 4102		<b>25 IR 1596</b>	Compliance supplement pool	
	<b>25 IR 3093</b>	Quality assurance requirements		326 IAC 10-4-15	26 IR 1156
Tanks—level 1		326 IAC 3-5-5	26 IR 2020	Definitions	
Applicability; incorporation by reference of federal standards		Standard operating procedures		326 IAC 10-4-2	26 IR 1136
326 IAC 20-35-1	24 IR 4112	326 IAC 3-5-4	26 IR 2019	Individual opt-ins	
	<b>25 IR 3103</b>	Fuel sampling and analysis procedures		326 IAC 10-4-13	26 IR 1152
Wood furniture manufacturing operations		Coal sampling and analysis methods		NO <sub>x</sub> allowance allocations	
Compliance testing		326 IAC 3-7-2	26 IR 2024	326 IAC 10-4-9	26 IR 1142
326 IAC 20-14-1	24 IR 4107	Fuel oil sampling; analysis methods		NO <sub>x</sub> allowance banking	
	<b>25 IR 3098</b>	326 IAC 3-7-4	26 IR 2025	326 IAC 10-4-14	26 IR 1155
Wool fiberglass manufacturing		General provisions		NO <sub>x</sub> allowance tracking system	
Applicability; incorporation by reference of federal standards		Conversion factors		326 IAC 10-4-10	26 IR 1148
326 IAC 20-47-1	24 IR 4116	326 IAC 3-4-3	26 IR 2016	Nitrogen oxides control in Clark and Floyd Counties	
	<b>25 IR 3107</b>	Definitions		Applicability	
<b>Lead-based paint</b>		326 IAC 3-4-1	26 IR 2016	326 IAC 10-1-1	24 IR 3157
Definitions		Source sampling procedure			<b>25 IR 1602</b>
Hazardous waste		Applicability; test procedures		Compliance procedures	
326 IAC 23-1-31	26 IR 2099	326 IAC 3-6-1	26 IR 2022	326 IAC 10-1-5	26 IR 2059
Licensing		Emission testing		Definitions	
Application		326 IAC 3-6-3	26 IR 2022	326 IAC 10-1-2	26 IR 2056
326 IAC 23-2-4	24 IR 4116	Specific testing procedures; particulate matter; sulfur dioxide; nitrogen oxides; volatile organic compounds		Emissions limits	
	<b>25 IR 3108</b>	326 IAC 3-6-5	26 IR 2023	326 IAC 10-1-4	26 IR 2057
License revocation; denial		<b>Motor vehicle emission and fuel standards</b>		Emissions monitoring	
326 IAC 23-2-7	24 IR 4118	Control of gasoline Reid vapor pressure		326 IAC 10-1-6	26 IR 2059
	<b>25 IR 3109</b>	Applicability		Nitrogen oxides reduction program for specific source categories	
<b>Lead rules</b>		326 IAC 13-3-1	25 IR 3242	326 IAC 10-3	24 IR 2143
Lead emissions limitations			<b>26 IR 1079</b>		<b>25 IR 14</b>
Applicability		Motor vehicle inspection and maintenance requirements		Applicability	
326 IAC 15-1-1	24 IR 3159	Definitions		326 IAC 10-3-1	26 IR 1134
	<b>25 IR 1604</b>	326 IAC 13-1.1-1	26 IR 2062	<b>Opacity regulations</b>	
Compliance		Facility and testing requirements		Limitations	
326 IAC 15-1-4	26 IR 2083	326 IAC 13-1.1-14	26 IR 2065	Applicability	
Source-specific provisions		Facility quality assurance program		326 IAC 5-1-1	24 IR 3153
326 IAC 15-1-2	26 IR 2080	326 IAC 13-1.1-16	26 IR 2066		<b>25 IR 1597</b>
<b>Mobile source rules</b>		On-board diagnostic check		Compliance determination	
Clean fuel fleet vehicles		326 IAC 13-1.1-17.1	24 IR 4093	326 IAC 5-1-4	26 IR 2026
Definitions			<b>25 IR 3083</b>	Opacity limitations	
326 IAC 19-3-2	24 IR 4095	Test reports; repair forms		326 IAC 5-1-2	26 IR 2025
	<b>25 IR 3085</b>	326 IAC 13-1.1-13	26 IR 2064	Violations	
General purchase requirements		Testing procedures and standards		326 IAC 5-1-5	26 IR 2026
326 IAC 19-3-3	24 IR 4097	326 IAC 13-1.1-8	26 IR 2063	<b>Part 70 permit program</b>	
	<b>25 IR 3088</b>	Waivers and compliance through diagnostic inspection		Administrative permit amendments	
Registration and record keeping requirements		326 IAC 13-1.1-10	26 IR 2063	326 IAC 2-7-11	24 IR 3146
326 IAC 19-3-5	24 IR 4098	<b>New source performance standards</b>			<b>25 IR 1591</b>
	<b>25 IR 3088</b>	General provisions		Applicability	
Transportation conformity to federal and state implementation plans		Applicability		326 IAC 2-7-2	24 IR 3139
Applicability; incorporation by reference of federal standards		326 IAC 12-1-1	24 IR 3159		<b>25 IR 1584</b>
326 IAC 19-2-1	24 IR 4094		<b>25 IR 1603</b>	Definitions	
	<b>25 IR 3085</b>	Availability of regulations		326 IAC 2-7-1	24 IR 3129
<b>Monitoring requirements</b>		326 IAC 12-1-3	24 IR 4093		<b>25 IR 1573</b>
Continuous monitoring of emissions			<b>25 IR 3083</b>	Emergency provision	
Minimum performance and operating specification		Definitions		326 IAC 2-7-16	24 IR 3149
326 IAC 3-5-2	26 IR 2017	326 IAC 12-1-2	24 IR 4092		<b>25 IR 1593</b>
Monitor system certification			<b>25 IR 3083</b>	Operational flexibility	
326 IAC 3-5-3	26 IR 2019	<b>Nitrogen oxide rules</b>		326 IAC 2-7-20	24 IR 3150
		Nitrogen oxides budget trading program			<b>25 IR 1594</b>
		326 IAC 10-4	24 IR 2146	Permit application	
			<b>25 IR 18</b>	326 IAC 2-7-4	24 IR 3140
					<b>25 IR 1585</b>
				Permit content	
				326 IAC 2-7-5	24 IR 3143
					<b>25 IR 1588</b>



CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Permit modification 326 IAC 2-7-12	24 IR 3147 <b>25 IR 1591</b>	Lake County PM <sub>10</sub> coke battery emission re- quirements 326 IAC 6-1-10.2	26 IR 1994	Definitions 326 IAC 2-3-1	<b>25 IR 6</b> 26 IR 2000
Units subject to multiple requirements; establish- ment of streamlined requirements 326 IAC 2-7-24	24 IR 3150 <b>25 IR 1595</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> 26 IR 1970	Emission reporting Applicability 326 IAC 2-6-1	24 IR 3699
<b>Particulate rules</b>				Compliance schedule 326 IAC 2-6-3	24 IR 3702
Fugitive dust emissions				Definitions 326 IAC 2-6-2	24 IR 3700
Applicability 326 IAC 6-4-1	24 IR 2800 <b>25 IR 1605</b>	Marion County 326 IAC 6-1-12	24 IR 432 <b>25 IR 748</b>	Requirements 326 IAC 2-6-4	24 IR 3703 26 IR 2005
Compliance date 326 IAC 6-4-7	24 IR 2800 <b>25 IR 1606</b>	Nonattainment area particulate limitations; compliance determination 326 IAC 6-1-3	24 IR 397 <b>25 IR 713</b>	Violations 326 IAC 2-6-5	24 IR 3705
Emission limitations 326 IAC 6-4-2	24 IR 2800 <b>25 IR 1605</b>	Particulate emission limitations; fuel combus- tion 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>	Federally enforceable state operating permit program Administrative permit amendments 326 IAC 2-8-10	24 IR 4081 <b>25 IR 3071</b>
Exceptions 326 IAC 6-4-6	24 IR 2800 <b>25 IR 1606</b>	Process operations Applicability 326 IAC 6-3-1	24 IR 2748 <b>25 IR 3051</b>	Permit application 326 IAC 2-8-3	26 IR 2008
Measurement processes 326 IAC 6-4-5	24 IR 2800 <b>25 IR 1606</b>	Definitions 326 IAC 6-3-1.5	<b>25 IR 3052</b>	Permit revisions 326 IAC 2-8-11.1	24 IR 4082 <b>25 IR 3072</b>
Motor vehicle fugitive dust sources 326 IAC 6-4-4	24 IR 2800 <b>25 IR 1606</b>	Particulate emission limitations 326 IAC 6-3-2	24 IR 2749 <b>25 IR 3052</b>	General provisions Exemptions 326 IAC 2-1.1-3	24 IR 3107 <b>25 IR 1549</b>
Multiple sources of fugitive dust 326 IAC 6-4-3	24 IR 2800 <b>25 IR 1605</b>	State implementation plan revisions 326 IAC 6-1-6	24 IR 399 <b>25 IR 714</b>	Fees 326 IAC 2-1.1-7	24 IR 4067 <b>25 IR 3057</b>
Fugitive particulate matter emission limitations		St. Joseph County 326 IAC 6-1-18	24 IR 444 <b>25 IR 762</b>	Term of permit 326 IAC 2-1.1-9.5	24 IR 3115 <b>25 IR 1557</b>
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>	Major sources of hazardous air pollutants New source toxics control 326 IAC 2-4.1-1	24 IR 4068 <b>25 IR 3058</b>
Nonattainment area limitations		Vigo County 326 IAC 6-1-13	24 IR 437 <b>25 IR 754</b>	Minor source operating permit program Applicability 326 IAC 2-6.1-2	24 IR 3128 <b>25 IR 1572</b>
Applicability 326 IAC 6-1-1	24 IR 3154 <b>25 IR 1598</b> 25 IR 710	Wayne County 326 IAC 6-1-14	24 IR 439 <b>25 IR 756</b> 26 IR 98	Compliance schedule 326 IAC 2-6.1-3	24 IR 4072 <b>25 IR 3062</b>
Clark County 326 IAC 6-1-17	24 IR 443 <b>25 IR 761</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>	Operating permit content 326 IAC 2-6.1-5	24 IR 3128 <b>25 IR 1572</b>
Compliance schedules 326 IAC 6-1-4	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>	Permit revisions 326 IAC 2-6.1-6	24 IR 4072 <b>25 IR 3062</b>
Control strategies 326 IAC 6-1-5	24 IR 398 <b>25 IR 713</b>	<b>Permit review rules</b>		Part 70 permit program Fees 326 IAC 2-7-19	24 IR 4079 <b>25 IR 3069</b>
Dearborn County 326 IAC 6-1-8.1	24 IR 399 <b>25 IR 714</b>	Construction of new sources Permits 326 IAC 2-5.1-3	24 IR 4069 <b>25 IR 3059</b>	Permit issuance, renewal, and revisions 326 IAC 2-7-8	26 IR 2006
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>	Permit requirement 326 IAC 2-7-3	26 IR 2006
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>	Permit review by the U.S. EPA 326 IAC 2-7-18	26 IR 2007
Lake County fugitive particulate matter control requirements 326 IAC 6-1-11.1	24 IR 425 <b>25 IR 741</b>			Source modifications 326 IAC 2-7-10.5	24 IR 4075 <b>25 IR 3065</b>
Lake County particulate matter contingency measures 326 IAC 6-1-11.2	24 IR 430 <b>25 IR 746</b>			Pollution control projects 326 IAC 2-2.5	<b>25 IR 1571</b>

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Prevention of significant deterioration		<b>Sulfur dioxide rules</b>		Sinter plants	
Additional analysis; requirements		Ambient monitoring		Test procedures	
326 IAC 2-2-7	24 IR 3125	Applicability		326 IAC 8-13-5	26 IR 2054
	<b>25 IR 1568</b>	326 IAC 7-3-1	24 IR 3156	Specific VOC reduction requirements for Lake, Porter, Clark, and Floyd Counties	
Air quality analysis; requirements			<b>25 IR 1600</b>	Applicability	
326 IAC 2-2-4	24 IR 3122	Compliance		326 IAC 8-7-2	24 IR 2755
	<b>25 IR 1565</b>	Methods to determine compliance; reporting requirements		Certification, record keeping, and reporting requirements for coating facilities	
Air quality impact; requirements		326 IAC 7-2-1	26 IR 2028	326 IAC 8-7-6	24 IR 2758
326 IAC 2-2-5	24 IR 3123	Emission limitations		Compliance methods	
	<b>25 IR 1566</b>	Applicability		326 IAC 8-7-4	24 IR 2756
Ambient air ceilings		326 IAC 7-1.1-1	24 IR 3156	Compliance plan	
326 IAC 2-2-16	26 IR 1999		<b>25 IR 1600</b>	326 IAC 8-7-5	24 IR 2758
Applicability		Sulfur dioxide emission limitations		Control system monitoring, record keeping, and reporting	
326 IAC 2-2-2	24 IR 3121	326 IAC 7-1.1-2	24 IR 3156	326 IAC 8-7-10	24 IR 2759
	<b>25 IR 1564</b>		<b>25 IR 1600</b>	Control system operation, maintenance, and testing	
Area designation and redesignation		Emission limitations and requirements by county		326 IAC 8-7-9	24 IR 2758
326 IAC 2-2-13	26 IR 1998	Warrick County		Definitions	
Control technology review; requirements		326 IAC 7-4-10	26 IR 2029	326 IAC 8-7-1	24 IR 2754
326 IAC 2-2-3	24 IR 3122			Emission limits	
	<b>25 IR 1564</b>	<b>Volatile organic compounds</b>		326 IAC 8-7-3	24 IR 2755
Definitions		Automobile refinishing		General record keeping and reports	
326 IAC 2-2-1	24 IR 3115	Test procedures		326 IAC 8-7-8	24 IR 2758
	<b>25 IR 1557</b>	326 IAC 8-10-7	26 IR 2044	Test methods and procedures	
Increment consumption; requirements		General provisions		326 IAC 8-7-7	24 IR 2758
326 IAC 2-2-6	24 IR 3124	Applicability			26 IR 2036
	<b>25 IR 1567</b>	326 IAC 8-1-1	24 IR 3156	Surface coating emission limitations	
Innovative control technology			<b>25 IR 1601</b>	Miscellaneous metal coating operation	
326 IAC 2-2-9	24 IR 3125	Compliance methods		326 IAC 8-2-9	25 IR 3241
	<b>25 IR 1568</b>	326 IAC 8-1-2	25 IR 2754		<b>26 IR 1078</b>
Permit rescission			<b>26 IR 1073</b>	Volatile organic liquid storage vessels	
326 IAC 2-2-12	24 IR 3126	Testing procedures		Applicability	
	<b>25 IR 1569</b>	326 IAC 8-1-4	26 IR 2030	326 IAC 8-9-1	24 IR 2760
Sources impacting federal Class I areas; additional requirements		Municipal solid waste landfills located in Clark, Floyd, Lake, and Porter Counties		Definitions	
326 IAC 2-2-14	24 IR 3126	Definitions		326 IAC 8-9-3	24 IR 2760
	<b>25 IR 1569</b>	326 IAC 8-8-2	24 IR 4087		26 IR 2037
Source specific operating agreement program			<b>25 IR 3077</b>	Exemptions	
Coal mines and coal preparation plants		Incorporation by reference		326 IAC 8-9-2	24 IR 2760
326 IAC 2-9-10	26 IR 2013	326 IAC 8-8-3	24 IR 4087		26 IR 2036
Crushed stone processing plants			<b>25 IR 3077</b>	Record keeping and reporting requirements	
326 IAC 2-9-8	26 IR 2010	Municipal solid waste landfills not located in Clark, Floyd, Lake, and Porter Counties		326 IAC 8-9-6	24 IR 2765
External combustion sources		Definitions			26 IR 2042
326 IAC 2-9-13	26 IR 2014	326 IAC 8-8.1-2	24 IR 4087	Standards	
Ready-mix concrete batch plants			<b>25 IR 3077</b>	326 IAC 8-9-4	24 IR 2761
326 IAC 2-9-9	26 IR 2011	Incorporation by reference			26 IR 2038
Sand and gravel plants		326 IAC 8-8.1-3	24 IR 4088	Testing and procedures	
326 IAC 2-9-7	26 IR 2009		<b>25 IR 3078</b>	326 IAC 8-9-5	24 IR 2763
Woodworking operations		Petroleum sources			26 IR 2040
326 IAC 2-9-4	24 IR 4085	Gasoline dispensing facilities		Wood furniture coatings	
	<b>25 IR 3075</b>	326 IAC 8-4-6	26 IR 2032	Applicability	
<b>Public records; confidential information; confidentiality agreements</b>		Leaks from transports and vapor collection systems; records		326 IAC 8-11-1	24 IR 2767
Purpose and applicability		326 IAC 8-4-9	26 IR 2035	Compliance procedures and monitoring	
Applicability		Shipbuilding or ship repair operations in Clark, Floyd, Lake, and Porter Counties		326 IAC 8-11-6	24 IR 2771
326 IAC 17.1-1-2	24 IR 4094	Compliance requirements			26 IR 2046
	<b>25 IR 3084</b>	326 IAC 8-12-5	26 IR 2052	Continuous compliance plan	
<b>State environmental policy</b>		Definitions		326 IAC 8-11-5	24 IR 2771
General conformity		326 IAC 8-12-3	26 IR 2050	Definitions	
Applicability; incorporation by reference of federal standards		Record keeping, notification, and reporting requirements		326 IAC 8-11-2	24 IR 2767
326 IAC 16-3-1	26 IR 2084	326 IAC 8-12-7	26 IR 2054		26 IR 2044
<b>Stratospheric ozone protection</b>		Test methods and procedures		Emission limits	
General provisions		326 IAC 8-12-6	26 IR 2053	326 IAC 8-11-3	24 IR 2769
Incorporation of federal regulation				Provisions for sources electing to use emissions averaging	
326 IAC 22-1-1	26 IR 2098			326 IAC 8-11-10	24 IR 2777

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Record keeping requirements 326 IAC 8-11-8	24 IR 2775	Change of employment; surrender of permit; notification 905 IAC 1-8-6	24 IR 3819 <b>25 IR 1350</b>	<b>Dairy products</b> Drug residues and other adulterations Drug residues 345 IAC 8-4-1	25 IR 2771 <b>26 IR 342</b>
Reporting requirements 326 IAC 8-11-9	24 IR 2776	Inspection 905 IAC 1-8-3	24 IR 3818 <b>25 IR 1349</b>	Production, handling, processing, packaging, and distribution of milk and milk products Bulk milk collection; pick-up tankers 345 IAC 8-2-4	25 IR 2767 <b>26 IR 338</b>
Test procedures 326 IAC 8-11-7	24 IR 2775 26 IR 2050	Permit required; qualifications; application for permit; fee; violations 905 IAC 1-8-1	24 IR 3817 <b>25 IR 1349</b>	Definitions 345 IAC 8-2-1.1	25 IR 2758 <b>26 IR 329</b>
Work practice standards 326 IAC 8-11-4	24 IR 2770	Permittee's duty 905 IAC 1-8-4	24 IR 3818 <b>25 IR 1350</b>	"General requirement; permits" defined 345 IAC 8-2-1.9	25 IR 2761 <b>26 IR 332</b>
<b>ALCOHOL AND TOBACCO COMMISSION</b>		Salesman's permit; form and contents 905 IAC 1-8-2	24 IR 3818 <b>25 IR 1349</b>	Manufactured grade dairy farms; construction; operation; sanitation 345 IAC 8-2-3	25 IR 2764 <b>26 IR 335</b>
<b>Beer kegs; tracking</b> 905 IAC 1-45	26 IR 2128	<b>Selling alcoholic beverages below cost</b> 905 IAC 1-45	25 IR 511	Manufactured grade milk products plants; construction; operation; sanitation 345 IAC 8-2-2	25 IR 2762 <b>26 IR 333</b>
<b>Brands, labels, and trademarks</b> Registration 905 IAC 1-23-1	24 IR 3819 <b>25 IR 1351</b>	<b>Temporary beer/wine permit fees</b> Temporary permits 905 IAC 1-11.1	24 IR 3819 <b>25 IR 1350</b>	"Milk products" defined 345 IAC 8-2-1.5	25 IR 2760 <b>26 IR 331</b>
<b>Dancing</b> Dancing permitted 905 IAC 1-16.1-1	24 IR 3819 <b>25 IR 1350</b>	<b>Trade practices; permissible activity between primary sources of supply, wholesalers, and retailers</b> Content restrictions 905 IAC 1-5.2-3	24 IR 3816 <b>25 IR 1347</b>	Milk transportation 345 IAC 8-2-3.5	25 IR 2766 <b>26 IR 337</b>
<b>Floor plans</b> Beer and wine dealer permits for grocery stores 905 IAC 1-49	25 IR 513	Samples 905 IAC 1-5.2-9	24 IR 3816 <b>25 IR 1348</b>	"Pasteurization"; "ultra pasteurization"; "asep- tic processing" defined 345 IAC 8-2-1.7	25 IR 2760 <b>26 IR 331</b>
Pharmacy permits 905 IAC 1-29.5	25 IR 509	<b>AMBULANCES; AMBULANCE SERVICE PROVIDERS</b> (See <b>EMERGENCY MEDICAL SERVICES COMMISSION, INDIANA</b> )		Standards for milk and milk products and Grade A standards Grade A milk plant standards 345 IAC 8-3-9	25 IR 2770 <b>26 IR 341</b>
<b>Letter of extension; issuance</b> 905 IAC 1-46	25 IR 511	<b>ANIMAL HEALTH, INDIANA STATE BOARD OF</b> <b>Cattle, goats, and other tuberculosis of brucellosis carrying animals</b> Cattle Brucellosis control and eradication Sale of cattle; testing required; exceptions; owner responsibilities 345 IAC 2-6-8	25 IR 1989 <b>25 IR 3740</b>	Grade A milk production and storage 345 IAC 8-3-2	25 IR 2770 <b>26 IR 341</b>
<b>Obtaining proof of age required; exceptions</b> 905 IAC 1-48	25 IR 512	Chronic wasting disease Certified herd status 345 IAC 2-7-4	25 IR 2000 25 IR 2777 <b>26 IR 348</b>	Incorporation by reference; standards 345 IAC 8-3-1	25 IR 2769 <b>26 IR 340</b>
<b>Package alcoholic beverages by retail permittee; selling</b> Floor plan of sale area Approved by commission 905 IAC 1-29-4	24 IR 3820 <b>25 IR 1352</b>	CWD positive, CWD suspect, and CWD ex- posed animals 345 IAC 2-7-5	25 IR 2001 25 IR 2778 <b>26 IR 349</b>	Labeling 345 IAC 8-3-10	25 IR 2771 <b>26 IR 342</b>
Change of plan 905 IAC 1-29-7	24 IR 3820 <b>25 IR 1352</b>	Definitions 345 IAC 2-7-1	25 IR 1998 25 IR 2775 <b>26 IR 346</b>	<b>Domestic animal disease control</b> LSA Document #02-34(E) LSA Document #02-216(E)	<b>25 IR 1919</b> <b>25 IR 4126</b>
Restrictions on floor space used for sale 905 IAC 1-29-3	24 IR 3820 <b>25 IR 1351</b>	Herd registration 345 IAC 2-7-3	25 IR 1999 25 IR 2776 <b>26 IR 347</b>	Importation of domestic animals Breeding swine; tests for Brucellosis and Pseudorabies 345 IAC 1-3-13	25 IR 4172 <b>26 IR 1525</b>
Sales restrictions 905 IAC 1-29-1	24 IR 3820 <b>25 IR 1351</b>			Certificate of veterinary inspection and permit required for importation 345 IAC 1-3-4	25 IR 4171 <b>26 IR 1524</b>
Sold in bar, storage, or dispensing area only 905 IAC 1-29-2	24 IR 3820 <b>25 IR 1351</b>			Chronic wasting disease 345 IAC 1-3-30	25 IR 1997 25 IR 2774 <b>26 IR 345</b>
Violation 905 IAC 1-29-6	24 IR 3820 <b>25 IR 1352</b>			Definitions 345 IAC 1-3-1.5	25 IR 1996
<b>Permittee qualifications and public nuisance</b> Public nuisance 905 IAC 1-27-2	24 IR 3819 <b>25 IR 1351</b>				
<b>Posting signs authorized by IC 7.1-3-1-20</b> 905 IAC 1-52	25 IR 514 <b>25 IR 4112</b>				
<b>Property delinquencies; issuance of citations</b> 905 IAC 1-51	25 IR 514				
<b>Sales tax delinquencies; issuance of citations</b> 905 IAC 1-50	25 IR 513				
<b>Salesman's permit</b> Applications for permits; contents; restriction 905 IAC 1-8-5	24 IR 3818 <b>25 IR 1350</b>				

## CITATIONS TO FINAL RULES ARE IN **BOLD** TYPE

Feeder pigs		Unloading trucks		Individual and market facility dealer license and exceptions	
345 IAC 1-3-14	25 IR 4173	345 IAC 7-7-4	25 IR 1993	345 IAC 7-3.5-3	24 IR 4123
	<b>26 IR 1526</b>		25 IR 4168		<b>25 IR 1610</b>
Identification required; exceptions		Vehicle requirements		Sale of animals at a market facility	
345 IAC 1-3-3	25 IR 4170	345 IAC 7-7-7	25 IR 1994	345 IAC 7-3.5-13	25 IR 1989
	<b>26 IR 1523</b>		25 IR 4169		<b>25 IR 3740</b>
Interstate movement of swine within a production system			<b>26 IR 696</b>	<b>Meat and meat products inspection</b>	
345 IAC 1-3-16.5	25 IR 4174	Exhibition of domestic animals and poultry		Incorporation by reference	
	<b>26 IR 1527</b>	Cervidae exhibition		345 IAC 9-2.1-1	25 IR 4187
Slaughter swine; consignment		345 IAC 7-5-28	25 IR 4186		<b>26 IR 1540</b>
345 IAC 1-3-15	25 IR 4173		<b>26 IR 1540</b>	<b>Poultry and poultry products inspection</b>	
	<b>26 IR 1527</b>	Definitions		Incorporation by reference	
Swine identification, certificate of veterinary inspection, and permit		345 IAC 7-5-1	25 IR 4182	345 IAC 10-2.1-1	25 IR 4188
345 IAC 1-3-11	25 IR 4171		<b>26 IR 1535</b>		<b>26 IR 1541</b>
	<b>26 IR 1524</b>	Determination of eligibility of animal		<b>Rabies immunization</b>	
Swine herd infected with Pseudorabies; transportation into Indiana prohibited		345 IAC 7-5-7	25 IR 4184	Animal rabies control program	
345 IAC 1-3-12	25 IR 4172		<b>26 IR 1537</b>	345 IAC 1-5-3	24 IR 2806
	<b>26 IR 1525</b>	Exhibition limitations			<b>25 IR 375</b>
Reportable diseases		345 IAC 7-5-2.1	25 IR 4183	Required rabies vaccination of dogs, cats, and ferrets	
Definitions and general provisions			<b>26 IR 1536</b>	345 IAC 1-5-2	24 IR 2806
345 IAC 1-6-1.5	24 IR 4119	Health certificate required			<b>25 IR 375</b>
	<b>25 IR 1607</b>	345 IAC 7-5-2.5	25 IR 4183	Vaccination	
Individual and veterinarian responsibility			<b>26 IR 1536</b>	345 IAC 1-5-1	24 IR 2805
345 IAC 1-6-2	24 IR 4120	Identification and description			<b>25 IR 374</b>
	<b>25 IR 1607</b>	345 IAC 7-5-9	25 IR 4184	<b>Swine</b>	
	<b>25 IR 1607</b>		<b>26 IR 1538</b>	Swine Pseudorabies testing, control, and eradication; Pseudorabies-qualified herds	
Laboratory responsibility		Isolation of domestic animals from Pseudorabies premises		Additions to qualified or qualified negative gene-altered vaccinated herd; monitoring	
345 IAC 1-6-3	24 IR 4120	345 IAC 7-5-11	25 IR 4185	345 IAC 3-5.1-4	25 IR 4177
	<b>25 IR 1607</b>		<b>26 IR 1538</b>		<b>26 IR 1530</b>
<b>General provisions</b>		Poultry exhibition rules		Definitions	
Anthrax; temporary quarantine of domestic animals		345 IAC 7-5-24	25 IR 4186	345 IAC 3-5.1-1.2	25 IR 4175
Anthrax control measures			<b>26 IR 1539</b>		<b>26 IR 1528</b>
345 IAC 1-4-3	25 IR 1995	Pseudorabies tests for swine		High risk herds	
	<b>25 IR 3742</b>	345 IAC 7-5-15.1	25 IR 4185	345 IAC 3-5.1-6	25 IR 4177
Definitions			<b>26 IR 1538</b>		<b>26 IR 1531</b>
345 IAC 1-4-2	25 IR 1995	Suspect animals prohibited		Interstate movement of swine	
	<b>25 IR 3742</b>	345 IAC 7-5-6	25 IR 4184	345 IAC 3-5.1-3.5	25 IR 4177
<b>Livestock dealers</b>			<b>26 IR 1537</b>		<b>26 IR 1530</b>
Disposal of dead animals		Vaccinations and tests for dogs and cats		Intrastate movement of swine	
Composting		345 IAC 7-5-22	25 IR 4186	345 IAC 3-5.1-3	25 IR 4176
345 IAC 7-7-3.5	25 IR 1993		<b>26 IR 1539</b>		<b>26 IR 1529</b>
	25 IR 4168	Licensing and bonding of livestock dealers and markets		Pseudorabies program standards; adoption by reference	
	<b>26 IR 695</b>	Agents		345 IAC 3-5.1-1.5	25 IR 4176
Definitions		345 IAC 7-3.5-6	24 IR 4124		<b>26 IR 1529</b>
345 IAC 7-7-1.5	25 IR 1991		<b>25 IR 1611</b>	Pseudorabies vaccine; sale and use; reports	
	25 IR 4166	Animals not intended for slaughter; inspection and identification		345 IAC 3-5.1-10	25 IR 4181
	<b>26 IR 693</b>	345 IAC 7-3.5-14	25 IR 1990		<b>26 IR 1534</b>
Disposal methods			<b>25 IR 3741</b>	Quarantined herd cleanup	
345 IAC 7-7-3	25 IR 1992	Annual report; license termination		345 IAC 3-5.1-8.7	25 IR 4180
	25 IR 4167	345 IAC 7-3.5-5.5	24 IR 4124		<b>26 IR 1533</b>
	<b>26 IR 694</b>		<b>25 IR 1611</b>	Release of quarantine; testing	
Exemptions or license required		Bond requirements		345 IAC 3-5.1-7	25 IR 4178
345 IAC 7-7-2	25 IR 1991	345 IAC 7-3.5-8	24 IR 4125		<b>26 IR 1531</b>
	25 IR 4166		<b>25 IR 1612</b>	Report by veterinarian; determination of status; special permits	
	<b>26 IR 693</b>	Claims		345 IAC 3-5.1-2	25 IR 4176
Inspections of carnivore feeding licensees		345 IAC 7-3.5-8.5	24 IR 4125		<b>26 IR 1529</b>
345 IAC 7-7-9	25 IR 1994		<b>25 IR 1612</b>	Swine herd monitoring	
License; denial, suspension, or revocation		Classification; fees		345 IAC 3-5.1-8.5	25 IR 4179
345 IAC 7-7-10	25 IR 1994	345 IAC 7-3.5-5	24 IR 4123		<b>26 IR 1533</b>
	25 IR 4169		<b>25 IR 1610</b>		
	<b>26 IR 696</b>	Definitions			
Transportation for carnivore feeding		345 IAC 7-3.5-2	24 IR 4122		
345 IAC 7-7-5	25 IR 1993		<b>25 IR 1609</b>		
	25 IR 4168				
	<b>26 IR 696</b>				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

**ARCHITECTS AND LANDSCAPE ARCHITECTS, BOARD OF REGISTRATION FOR**  
**Code of conduct**

Certificate of registration; application, examination reciprocity  
Landscape architects; experience requirements  
804 IAC 1.1-2-2 24 IR 4183  
**25 IR 1904**

**Fees**

Fees charged by board  
804 IAC 1.1-3-1 25 IR 3446  
**26 IR 370**

**General provisions**

Definitions and abbreviations  
804 IAC 1.1-1-1 24 IR 4182  
**25 IR 1903**

**ATHLETIC AGENTS**

**Administrative proceedings**

10 IAC 4-5 25 IR 128  
**25 IR 2208**

**Agency contract notice provision**

10 IAC 4-6 25 IR 129  
**25 IR 2209**

**Authority and applicability**

10 IAC 4-1 25 IR 128  
**25 IR 2208**

**Definitions**

10 IAC 4-2 25 IR 128  
**25 IR 2208**

**Enforcement**

10 IAC 4-4 25 IR 128  
**25 IR 2208**

**Fees**

10 IAC 4-3 25 IR 128  
**25 IR 2208**

**ATHLETIC TRAINERS BOARD, INDIANA**

**Athletic trainers; certification**

Definitions  
Affiliated setting  
898 IAC 1-1-1.5 24 IR 2562  
**25 IR 104**

Athletic training room  
898 IAC 1-1-2.5 24 IR 2588  
**25 IR 204**

Comprehensive athletic health care services  
898 IAC 1-1-3.5 24 IR 2589  
**25 IR 204**

**Fees**

898 IAC 1-3-1 24 IR 4195  
**25 IR 1347**

**Licensure**

Exemption from examination  
898 IAC 1-2-7 24 IR 4194  
**25 IR 1643**

Temporary permits  
898 IAC 1-2-6 24 IR 4194  
**25 IR 1643**

**ATTORNEY GENERAL FOR THE STATE**

**Athlete agents**

Administrative proceedings  
10 IAC 4-5 25 IR 128  
**25 IR 2208**

**Agency contract notice provision**

10 IAC 4-6 25 IR 129  
**25 IR 2209**

**Authority and applicability**

10 IAC 4-1 25 IR 128  
**25 IR 2208**

**Definitions**

10 IAC 4-2 25 IR 128  
**25 IR 2208**

**Enforcement**

10 IAC 4-4 25 IR 128  
**25 IR 2208**

**Fees**

10 IAC 4-3 25 IR 128  
**25 IR 2208**

**ATTORNEY GENERAL'S OPINIONS**

(See Cumulative Table of Executive Orders and Attorney General's Opinions at 26 IR 1431)

**BARBER EXAMINERS, BOARD OF**

**Barber schools and shops**

Fees and examinations  
816 IAC 1-3-1 26 IR 1725

**BLIND AND VISUALLY IMPAIRED SERVICE; INDIANA RANDOLPH-SHEPPARD BUSINESS ENTERPRISE PROGRAM**

(See also, **DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICE, Division of rehabilitation services**)

**Division of rehabilitation services**  
460 IAC 2-4 24 IR 2526  
**25 IR 62**

**BOXING COMMISSION, STATE**

**Boxing and other ring exhibitions**

Contestants  
Waiting period between matches  
808 IAC 2-1-9 24 IR 3200  
**25 IR 382**

**Insurance**

Insurance coverage for licensed contestants  
808 IAC 2-33-2 24 IR 3200  
**25 IR 383**

**License fees**

Two year license validation  
808 IAC 2-6-1 25 IR 4210  
**26 IR 1104**

**Officials**

Officials; appointment; licensing and assignment  
808 IAC 2-5-1 24 IR 3200  
**25 IR 383**

**General provisions**

Tickets  
Report of ticket sales; admission tax  
808 IAC 1-4-8 24 IR 3200  
**25 IR 382**

**BUDGET AGENCY**

**State revolving fund**

LSA Document #02-192(E) **25 IR 3772**

**BUILDING AND CONSTRUCTION**

(See **FIRE PREVENTION AND BUILDING SAFETY COMMISSION**)

**BUILDING CODE**

(See **FIRE PREVENTION AND BUILDING SAFETY COMMISSION**)

**CEMETERIES AND BURIAL GROUNDS**

(See **NATURAL RESOURCES COMMISSION**)

**CHARITY GAMING**

(See **REVENUE, DEPARTMENT OF STATE**)

**CHEMIST OF THE STATE OF INDIANA, STATE**

**Animal foods**

General provisions  
355 IAC 6-1 25 IR 443  
**25 IR 2444**

**Pet food**

355 IAC 6-2 25 IR 453  
**25 IR 2455**

**Pesticide use and application**

Site awareness and direct supervision of noncertified applicators

Applicability of supervision requirements  
355 IAC 4-2-5 24 IR 2808  
**25 IR 376**

Certified and noncertified applicators' responsibilities  
355 IAC 4-2-6 24 IR 2808  
**25 IR 377**

**Definitions**

355 IAC 4-2-1 24 IR 2807  
**25 IR 376**

Limit on number of noncertified individuals to be supervised  
355 IAC 4-2-7 24 IR 2808  
**25 IR 377**

**On-site supervision of use**

355 IAC 4-2-3 24 IR 2807  
**25 IR 376**

**Pesticide use by noncertified persons**

355 IAC 4-2-2 24 IR 2807  
**25 IR 376**

**Technician registration requirements**

355 IAC 4-2-8 24 IR 2808  
**25 IR 377**

**Storage and secondary containment of pesticides**

**Definitions**

Approved  
355 IAC 5-1-1 25 IR 435  
**25 IR 2212**

**Appurtenance**

355 IAC 5-1-1.5 25 IR 435  
**25 IR 2212**

**Discharge**

355 IAC 5-1-3 25 IR 435  
**25 IR 2212**

**Dry pesticide**

355 IAC 5-1-4 25 IR 436  
**25 IR 2213**

**Elephant ring**

355 IAC 5-1-5 25 IR 436  
**25 IR 2213**

**Liquid pesticide**

355 IAC 5-1-6 25 IR 436  
**25 IR 2213**

**Mobile container**

355 IAC 5-1-7.5 25 IR 436  
**25 IR 2213**

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Secondary containment 355 IAC 5-1-11	25 IR 436 <b>25 IR 2213</b>	Prohibition against underground storage registry 355 IAC 5-2-2	25 IR 437 <b>25 IR 2214</b>	Fee for obtaining telephone privacy list 11 IAC 2-6-1	25 IR 3213 <b>26 IR 6</b>
Storage container 355 IAC 5-1-13	25 IR 436 <b>25 IR 2213</b>	Security 355 IAC 5-2-7	25 IR 438 <b>25 IR 2215</b>	Information contained in published telephone privacy list 11 IAC 2-6-5	25 IR 3213 <b>26 IR 6</b>
Storage facility 355 IAC 5-1-14	25 IR 437 <b>25 IR 2214</b>	Shutoff valves 355 IAC 5-2-9	25 IR 438 <b>25 IR 2215</b>	Unauthorized duplication or dissemination of telephone privacy list prohibited 11 IAC 2-6-6	25 IR 3213 <b>26 IR 6</b>
Storage facility registry 355 IAC 5-1-15	25 IR 437 <b>25 IR 2214</b>	Vents 355 IAC 5-2-6	25 IR 438 <b>25 IR 2215</b>	Applicability 11 IAC 2-1	25 IR 132 <b>25 IR 1856</b>
Operational area containment of liquid pesticide at storage facilities		<b>CHILD CARE CENTERS</b> (See <b>FAMILY AND CHILDREN, DIVISION</b> <b>OF-Child welfare services</b> )		Change of telephone area code or prefix, or both 11 IAC 2-9	25 IR 2282 <b>25 IR 3643</b>
Operational area containment 355 IAC 5-3-1	25 IR 439 <b>25 IR 2216</b>	<b>CHILDREN'S HEALTH INSURANCE PRO-</b> <b>GRAM, OFFICE OF THE</b> <b>Applicants and members; eligibility and enroll-</b> <b>ment; appeal procedures</b>		Consumer registration 11 IAC 2-2	25 IR 132 <b>25 IR 1856</b>
Secondary containment of liquid pesticide Alternative to secondary containment for stor- age containers of 3,000 gallons or less 355 IAC 5-4-7	25 IR 441 <b>25 IR 2218</b>	Eligibility requirements Eligibility 407 IAC 2-2-5	25 IR 2805 <b>25 IR 4103</b>	Information provided to consumers added to the telephone privacy list 11 IAC 2-2-5	25 IR 2281 <b>25 IR 3642</b>
Base liners 355 IAC 5-4-3	25 IR 440 <b>25 IR 2218</b>	Premiums Nonpayment of premium 407 IAC 2-3-2	25 IR 2806 <b>25 IR 4103</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>
Drainage from secondary containment 355 IAC 5-4-4	25 IR 441 <b>25 IR 2218</b>	Premium payment; responsibility 407 IAC 2-3-1	25 IR 2806 <b>25 IR 4103</b>	Inclusion of national database into the telephone privacy list 11 IAC 2-7	25 IR 134 <b>25 IR 1858</b>
General requirements 355 IAC 5-4-1	25 IR 440 <b>25 IR 2217</b>	<b>CHIROPRACTIC EXAMINERS, BOARD OF</b> <b>General provisions</b> Examinations; licensure; renewal of licenses; fees; addresses of licensees Fees 846 IAC 1-4-7	24 IR 4209 <b>25 IR 1325</b>	Registration with telephone privacy list by persons not consumers, but holding or controlling residen- tial telephone numbers used by consumers 11 IAC 2-3	25 IR 133 <b>25 IR 1857</b>
Maintenance 355 IAC 5-4-8	25 IR 442 <b>25 IR 2219</b>	<b>COAL MINING</b> (See <b>NATURAL RESOURCES COMMIS-</b> <b>SION-Coal mining and reclamation opera-</b> <b>tions</b> )		Removal of telephone numbers from the telephone privacy list 11 IAC 2-5	25 IR 133 <b>25 IR 1857</b>
Walls 355 IAC 5-4-2	25 IR 440 <b>25 IR 2217</b>	<b>COLLEGE WORK-STUDY PROGRAMS</b> (See <b>STATE STUDENT ASSISTANCE COM-</b> <b>MISSION</b> )		Obtaining changed, transferred, and discon- nected telephone numbers 11 IAC 2-5-5	26 IR 1598 <b>25 IR 3642</b>
Storage facility registry Facility registry 355 IAC 5-8-1	25 IR 442 <b>25 IR 2219</b>	<b>COMMUNITY RESIDENTIAL FACILITIES</b> <b>COUNCIL</b> <b>Definitions</b> 431 IAC 1.1-1-2	25 IR 1694 <b>25 IR 3126</b>	Annual purging of the telephone privacy list 11 IAC 2-5-4	25 IR 2281 <b>25 IR 3642</b>
Storage of dry bulk pesticide Storage requirements 355 IAC 5-5-1	25 IR 442 <b>25 IR 2219</b>	<b>SUPPORTED LIVING SERVICES AND SUPPORTS</b> 431 IAC 7	26 IR 2107	Division's authority to purge nonresidential telephone numbers 11 IAC 2-5-1	25 IR 2281 <b>25 IR 3642</b>
Storage of liquid pesticide Abandoned containers 355 IAC 5-2-3	25 IR 437 <b>25 IR 2214</b>	<b>CONFINED FEEDING PROGRAM</b> (See <b>WATER POLLUTION CONTROL</b> <b>BOARD</b> )		Division's authority to purge telephone num- bers no longer assigned to consumer 11 IAC 2-5-2	25 IR 2281 <b>25 IR 3642</b>
Anchoring storage containers 355 IAC 5-2-5	25 IR 437 <b>25 IR 2215</b>	<b>CONSUMER PROTECTION DIVISION OF</b> <b>THE OFFICE OF THE ATTORNEY GEN-</b> <b>ERAL</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>	Purge registered telephone number upon con- sumer's revocation notice 11 IAC 2-5-3	25 IR 2281 <b>25 IR 3642</b>
Appurtenances 355 IAC 5-2-10	25 IR 438 <b>25 IR 2216</b>			Use of the telephone privacy list 11 IAC 2-8	25 IR 134 <b>25 IR 1858</b>
Filling 355 IAC 5-2-8	25 IR 438 <b>25 IR 2215</b>			<b>Telephone solicitations</b> Charitable solicitor's disclosure 11 IAC 1-4	25 IR 132 <b>25 IR 1856</b>
Liquid level gauging device 355 IAC 5-2-11	25 IR 438 <b>25 IR 2216</b>				
Maintenance 355 IAC 5-2-12	25 IR 439 <b>25 IR 2216</b>				
Prohibited materials 355 IAC 5-2-4	25 IR 437 <b>25 IR 2214</b>				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Definitions		Physical plant		Interpreter standards in an educational setting	
11 IAC 1-1	25 IR 130	210 IAC 6-3-2	25 IR 4153	460 IAC 2-5	25 IR 871
	<b>25 IR 1854</b>		<b>26 IR 1065</b>		<b>25 IR 3765</b>
Existing debt or contract		Applicability		<b>DENTISTRY, STATE BOARD OF</b>	
11 IAC 1-1-3.5	26 IR 420	210 IAC 6-1-1	25 IR 4152	<b>General provisions</b>	
Enforcement of violations of IC 24-4.7			<b>26 IR 1064</b>	Fees	
11 IAC 1-3	25 IR 131	Definitions		Continuing education; sponsor approval fees	
	<b>25 IR 1855</b>	Department		828 IAC 0.5-2-6	25 IR 3447
Telephone solicitors' maintenance of records		210 IAC 6-2-3	25 IR 4152		<b>26 IR 371</b>
related to telephone sales solicitations			<b>26 IR 1064</b>	Dental fees	
11 IAC 1-2	25 IR 131	Dispositional program		828 IAC 0.5-2-3	24 IR 4185
	<b>25 IR 1855</b>	210 IAC 6-2-4	25 IR 4152		<b>25 IR 1180</b>
			<b>26 IR 1064</b>		25 IR 3452
<b>CONTROLLED SUBSTANCES</b>		Existing facility			<b>26 IR 376</b>
(See <b>PHARMACY, INDIANA BOARD OF</b> )		210 IAC 6-2-5	25 IR 4152	Dental hygiene fees	
			<b>26 IR 1064</b>	828 IAC 0.5-2-4	24 IR 4185
<b>CORRECTION, DEPARTMENT OF</b>		Standard			<b>25 IR 1181</b>
<b>General provisions</b>		210 IAC 6-2-13	25 IR 4152		25 IR 3453
Collection, maintenance, and release of offender			<b>26 IR 1064</b>		<b>26 IR 376</b>
and juvenile records		<b>Release authority for juveniles</b>		Mobile dental facilities and portable dental	
Access to information		Release procedure		operations; registration	
210 IAC 1-6-6	25 IR 1203	Community supervision or discharge; consider-		828 IAC 0.5-2-5	25 IR 1723
	<b>26 IR 820</b>	ation, reviews, denials, conditions statement			<b>25 IR 2736</b>
Challenge of information by offender; investi-		210 IAC 5-1-3	25 IR 1207	<b>Certification of dentists and dental hygienists</b>	
gation; change of record			<b>26 IR 824</b>	Continuing education for renewal of license	
210 IAC 1-6-5	25 IR 1202	Community supervision revocation		Civil penalties	
	<b>26 IR 819</b>	210 IAC 5-1-4	25 IR 1210	Dental hygienist	
Classification of information			<b>26 IR 827</b>	828 IAC 1-5-4	24 IR 4207
210 IAC 1-6-2	25 IR 1201	Definitions; administrative procedures			<b>25 IR 1306</b>
	<b>26 IR 818</b>	210 IAC 5-1-1	25 IR 1206	Dentist	
Definitions			<b>26 IR 823</b>	828 IAC 1-5-5	24 IR 4207
210 IAC 1-6-1	25 IR 1200	Release recommendation by the facility; com-			<b>25 IR 1307</b>
	<b>26 IR 817</b>	mittee criterial for granting release		Individual or organization sponsor approval;	
Inspection rights of offenders and juveniles		210 IAC 5-1-2	25 IR 1207	expiration	
210 IAC 1-6-4	25 IR 1201		<b>26 IR 824</b>	828 IAC 1-5-2.5	25 IR 3449
	<b>26 IR 818</b>	<b>COSMETOLOGY EXAMINERS, BOARD OF</b>			<b>26 IR 372</b>
Research purposes; request for access to infor-		<b>Continuing education</b>		Organizations or individuals for approval;	
mation		Course requirements		application for approval	
210 IAC 1-6-7	25 IR 1204	820 IAC 6-2-1	25 IR 1722	828 IAC 1-5-2	25 IR 3448
	<b>26 IR 821</b>		<b>25 IR 3180</b>		<b>26 IR 372</b>
Offender tort claim process		<b>Cosmetology schools</b>		Study clubs	
210 IAC 1-10	25 IR 1204	Curriculum		Application for approval	
	<b>26 IR 821</b>	Manicurists		828 IAC 1-5-1	25 IR 3448
<b>Juvenile detention facilities</b>		820 IAC 4-4-5	25 IR 1720		<b>26 IR 371</b>
Administration and management			<b>25 IR 3178</b>	Expiration	
Compliance		Student progress book		828 IAC 1-5-1.5	25 IR 3448
210 IAC 6-3-11	25 IR 4155	820 IAC 4-4-14	25 IR 1721		<b>26 IR 371</b>
	<b>26 IR 1068</b>		<b>25 IR 3179</b>	Dental hygienists; license renewal	
Compliance with mandatory and physical plant		<b>DAIRY PRODUCTS</b>		Renewal requirements; basic life support	
standards		(See <b>ANIMAL HEALTH, INDIANA STATE</b>		828 IAC 1-6-1	25 IR 3449
210 IAC 6-3-10	25 IR 4155	<b>BOARD OF</b> )			<b>26 IR 373</b>
	<b>26 IR 1068</b>	<b>DEAF AND HARD OF HEARING</b>		Dental hygienists; licensure by examination	
Construction of juvenile detention facilities		<b>Interpreter standards</b>		Application forms; time for filing required	
210 IAC 6-3-9	25 IR 4155	Certification requirements		documents	
	<b>26 IR 1067</b>	460 IAC 2-3-3	25 IR 2287	828 IAC 1-2-2	25 IR 175
Facility services			<b>26 IR 748</b>		<b>25 IR 2243</b>
210 IAC 6-3-4	25 IR 4154	Definitions and acronyms		Conduct during examinations	
	<b>26 IR 1066</b>	460 IAC 2-3-2	25 IR 2286	828 IAC 1-2-9	25 IR 176
General provisions			<b>26 IR 747</b>		<b>25 IR 2244</b>
210 IAC 6-3-1	25 IR 4152	Purpose; exclusion		Dismissal of candidate for use of unfair assis-	
	<b>26 IR 1064</b>	460 IAC 2-3-1	25 IR 2286	tance	
Institutional operations			<b>26 IR 747</b>	828 IAC 1-2-10	25 IR 176
210 IAC 6-3-3	25 IR 4153				<b>25 IR 2244</b>
	<b>26 IR 1065</b>			Examinations required for licensure	
Juvenile services				828 IAC 1-2-3	25 IR 175
210 IAC 6-3-5	25 IR 4155		<b>26 IR 747</b>		<b>25 IR 2243</b>
	<b>26 IR 1067</b>				

## CITATIONS TO FINAL RULES ARE IN **BOLD** TYPE

Failure; reexamination 828 IAC 1-2-12 <b>25 IR 2244</b>	Illegal, unlawful, incompetent, or fraudulent conduct; reporting procedures 828 IAC 1-1-23 <b>25 IR 2242</b>	Interstate carriers 50 IAC 4.3-10 <b>24 IR 4043</b> <b>25 IR 1516</b>
National board examination; dental and dental hygiene law examination 828 IAC 1-2-6 <b>25 IR 2244</b>	National board examination; dental and dental hygiene law examinations 828 IAC 1-1-6 <b>25 IR 2240</b>	Obsolescence 50 IAC 4.3-9 <b>24 IR 4042</b> <b>25 IR 1515</b>
Qualifications of applicants; approved dental hygiene schools 828 IAC 1-2-1 <b>25 IR 2243</b>	Remedial education 828 IAC 1-1-21 <b>25 IR 2242</b>	Other 50 IAC 4.3-7 <b>24 IR 4038</b> <b>25 IR 1511</b>
Remedial education 828 IAC 1-2-14 <b>25 IR 2245</b>	Supplies for examinations; duty to provide 828 IAC 1-1-8 <b>25 IR 2240</b>	Prescribed methods of valuation; specific types of property 50 IAC 4.3-14 <b>24 IR 4054</b> <b>25 IR 1527</b>
Supplies for examinations; duty to provide 828 IAC 1-2-8 <b>25 IR 2244</b>	Inactive dental license Inactive status Dental hygienists 828 IAC 1-7-2 <b>25 IR 3453</b> <b>26 IR 377</b>	Principal business activity codes 50 IAC 4.3-13 <b>24 IR 4047</b> <b>25 IR 1521</b>
Dentists and dental hygienists; licensure by en- dorsement Credentials; examination and interview 828 IAC 1-3-1 <b>25 IR 2245</b>	Dentists 828 IAC 1-7-1 <b>25 IR 3453</b> <b>26 IR 376</b>	Review and appeal procedures 50 IAC 4.3-3 <b>24 IR 4025</b> <b>25 IR 1497</b>
Definitions Practice of dentistry 828 IAC 1-3-2 <b>25 IR 3452</b> <b>26 IR 375</b>	<b>Mobile dental facilities and portable dental operations</b> Applicability; exceptions 828 IAC 4-1 <b>25 IR 1723</b> <b>25 IR 2736</b>	Severability 50 IAC 4.3-15 <b>24 IR 4054</b> <b>25 IR 1528</b>
Satisfactory practice of dental hygiene 828 IAC 1-3-3 <b>25 IR 3452</b> <b>26 IR 375</b>	Definitions 828 IAC 4-2 <b>25 IR 1723</b> <b>25 IR 2736</b>	Valuation of depreciable tangible personal prop- erty 50 IAC 4.3-4 <b>24 IR 4027</b> <b>25 IR 1499</b>
Dental licensure by endorsement; credentials 828 IAC 1-3-1.1 <b>25 IR 3450</b> <b>26 IR 373</b>	Registration 828 IAC 4-3 <b>25 IR 1723</b> <b>25 IR 2737</b>	Valuation of inventory 50 IAC 4.3-5 <b>24 IR 4033</b> <b>25 IR 1505</b>
Dental hygiene licensure by endorsement; failure to renew expired license 828 IAC 1-3-5 <b>25 IR 177</b> <b>25 IR 2246</b>	<b>DEPARTMENT OF LOCAL GOVERNMENT</b> <b>FINANCE</b> <b>Assessment of mobile homes</b> Definitions 50 IAC 3.2-2 <b>25 IR 2548</b> <b>26 IR 326</b>	Valuation of leased personal property 50 IAC 4.3-8 <b>24 IR 4039</b> <b>25 IR 1513</b>
Dental licensure by endorsement; failure to renew expired license 828 IAC 1-3-4 <b>25 IR 177</b> <b>25 IR 2246</b>	Method 50 IAC 3.2-3 <b>25 IR 2549</b> <b>26 IR 327</b>	Valuation of other tangible personal property 50 IAC 4.3-6 <b>24 IR 4037</b> <b>25 IR 1510</b>
Licensure to practice dental hygiene by en- dorsement; credentials 828 IAC 1-3-1.5 <b>25 IR 3451</b> <b>26 IR 374</b>	Purpose 50 IAC 3.2-1 <b>25 IR 2548</b> <b>26 IR 326</b>	<b>Assessor-appraisers, professional appraisers, and tax representatives</b> Certification Level One continuing education 50 IAC 15-3-2 <b>25 IR 410</b> <b>26 IR 1516</b>
Dentists; licensure by examination Advertising; content 828 IAC 1-1-18 <b>25 IR 172</b> <b>25 IR 2241</b>	Valuation guide 50 IAC 3.2-4 <b>25 IR 2549</b> <b>26 IR 327</b>	Level One requirements 50 IAC 15-3-1 <b>25 IR 410</b> <b>26 IR 1516</b>
Application forms; time for filing required documents 828 IAC 1-1-2 <b>25 IR 171</b> <b>25 IR 2239</b>	<b>Assessment of tangible personal property</b> LSA Document #02-229(E) <b>25 IR 4115</b>	Level Two continuing education 50 IAC 15-3-4 <b>25 IR 411</b> <b>26 IR 1517</b>
Conduct during written examinations 828 IAC 1-1-9 <b>25 IR 172</b> <b>25 IR 2240</b>	Administrative; procedure; applicability 50 IAC 4.3-1 <b>24 IR 4018</b> <b>25 IR 1489</b>	Level Two requirements 50 IAC 15-3-3 <b>25 IR 411</b> <b>26 IR 1517</b>
Dismissal of candidate for use of unfair assis- tance 828 IAC 1-1-10 <b>25 IR 172</b> <b>25 IR 2240</b>	Deductions and exemptions for tangible personal property other than inventory 50 IAC 4.3-11 <b>24 IR 4044</b> <b>25 IR 1517</b>	Miscellaneous provisions 50 IAC 15-3-5 <b>25 IR 411</b> <b>26 IR 1517</b>
Examinations required for licensure 828 IAC 1-1-3 <b>25 IR 171</b> <b>25 IR 2239</b>	Deductions; exemptions; credits for inventory 50 IAC 4.3-12 <b>24 IR 4044</b> <b>25 IR 1518</b>	Revocation of certification criteria and proce- dures 50 IAC 15-3-6 <b>25 IR 411</b> <b>26 IR 1518</b>
Failure; reexamination 828 IAC 1-1-12 <b>25 IR 172</b> <b>25 IR 2240</b>	Filing requirements 50 IAC 4.3-2 <b>24 IR 4021</b> <b>25 IR 1491</b>	Definitions Commissioner 50 IAC 15-1-2.5 <b>25 IR 410</b> "Clarification of the authority of Indiana Board of tax review" defined 50 IAC 15-1-1.5 <b>26 IR 1516</b> Commissioner 50 IAC 15-1-2.5 <b>26 IR 1516</b>



CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Department		Property definitions		Agency cooperation	
50 IAC 15-1-2.6	25 IR 410	50 IAC 18-1	26 IR 1117	460 IAC 1-2-3	25 IR 1957
	<b>26 IR 1516</b>	<b>Property assessment</b>			<b>25 IR 1278</b>
State board		2001 real property assessment manual		Appeal rights of the allegedly endangered adult	
50 IAC 15-1-6	25 IR 410	Applicability, provisions, and procedures		460 IAC 1-2-12	25 IR 1961
Professional appraisers		50 IAC 2.3-1-1	25 IR 835		<b>25 IR 1282</b>
Certification requirements			<b>26 IR 6</b>	Complaints regarding residents of health facilities	
50 IAC 15-4-1	25 IR 412	Incorporation by reference		460 IAC 1-2-7	25 IR 1959
	<b>26 IR 1518</b>	50 IAC 2.3-1-2	25 IR 1200		<b>25 IR 1280</b>
Tax representatives			26 IR 87	Coordinator's qualifications	
Communication with client or prospective client		<b>Public utility assessment</b>		460 IAC 1-2-6	25 IR 1959
50 IAC 15-5-5	25 IR 414	Assessment, appeal, and review			<b>25 IR 1280</b>
	<b>26 IR 1520</b>	50 IAC 5.2-4	25 IR 424	Definitions	
Contingent fees			<b>25 IR 1866</b>	460 IAC 1-2-2	25 IR 1957
50 IAC 15-5-7	25 IR 415	Companies subject to assessment; introduction			<b>25 IR 1278</b>
	<b>26 IR 1521</b>	50 IAC 5.2-2	25 IR 421	Division's duties	
Course work			<b>25 IR 1863</b>	460 IAC 1-2-4	25 IR 1957
50 IAC 15-5-4	25 IR 414	Definitions			<b>25 IR 1279</b>
	<b>26 IR 1520</b>	50 IAC 5.2-1	25 IR 417	Indiana state department of health; duties	
Definitions			<b>25 IR 1859</b>	460 IAC 1-2-8	25 IR 1959
50 IAC 15-5-1	25 IR 413	Exemptions, deductions, and credits			<b>25 IR 1280</b>
	<b>26 IR 1519</b>	50 IAC 5.2-12	25 IR 433	Maintenance of records	
Practice requirements			<b>25 IR 18784</b>	460 IAC 1-2-9	25 IR 1960
50 IAC 15-5-2	25 IR 414	Obsolescence			<b>25 IR 1281</b>
	<b>26 IR 1519</b>	50 IAC 5.2-11	25 IR 432	Purpose	
Prohibitions; obligations			<b>25 IR 1872</b>	460 IAC 1-2-1	25 IR 1956
50 IAC 15-5-6	25 IR 415	Reporting requirements			<b>25 IR 1278</b>
	<b>26 IR 1521</b>	50 IAC 5.2-3	25 IR 422	Reporting battery, neglect, or exploitation	
Revocation of certification criteria and procedure			<b>25 IR 1863</b>	460 IAC 1-2-10	25 IR 1960
50 IAC 15-5-8	25 IR 415	Severability			<b>25 IR 1281</b>
	<b>26 IR 1521</b>	50 IAC 5.2-13	25 IR 434	Rights of the alleged endangered adult	
<b>Equalization</b>			<b>25 IR 1875</b>	460 IAC 1-2-11	25 IR 1960
Action		Use of other factors			<b>25 IR 1281</b>
50 IAC 14-9	25 IR 1932	50 IAC 5.2-5	25 IR 426	Nursing home prescreening	
	<b>25 IR 4050</b>		<b>25 IR 1866</b>	Application	
County and state equalization		Valuation		460 IAC 1-1-5	25 IR 1951
50 IAC 14-10	25 IR 1932	Depreciable personal property			<b>25 IR 1272</b>
	<b>25 IR 4050</b>	50 IAC 5.2-6	25 IR 427	Agency cooperation	
Data			<b>25 IR 1867</b>	460 IAC 1-1-6	25 IR 1952
50 IAC 14-3	25 IR 1930	Inventories			<b>25 IR 1273</b>
	<b>25 IR 4048</b>	50 IAC 5.2-8	25 IR 429	Appeals	
Mandatory analysis			<b>25 IR 1870</b>	460 IAC 1-1-16	25 IR 1956
50 IAC 14-5	25 IR 1931	Leased property			<b>25 IR 1277</b>
	<b>25 IR 4049</b>	50 IAC 5.2-10	25 IR 430	Applicant's physician or physician member of	
Mandatory application of factor			<b>25 IR 1871</b>	PAS team; duties	
50 IAC 14-6	25 IR 1931	Other tangible personal property		460 IAC 1-1-9	25 IR 1953
	<b>25 IR 4049</b>	LSA Document #02-230(E)	<b>25 IR 4117</b>		<b>25 IR 1274</b>
Method		50 IAC 5.2-9	25 IR 429	Definitions	
50 IAC 14-2	25 IR 1930		<b>25 IR 1870</b>	460 IAC 1-1-2	25 IR 1949
	<b>25 IR 4048</b>	Nondepreciable property			<b>25 IR 1270</b>
Purpose and applicability		50 IAC 5.2-7	25 IR 429	Designee; duties	
50 IAC 14-1	25 IR 1930		<b>25 IR 1869</b>	460 IAC 1-1-11	25 IR 1954
	<b>25 IR 4048</b>	<b>DISABILITY, AGING, AND REHABILITATIVE SERVICES, DIVISION OF</b>			<b>25 IR 1275</b>
Reassessment		<b>Adult day services provided by community mental retardation and other developmental disabilities centers; rates</b>		Exemptions	
50 IAC 14-7	25 IR 1932	Unit of service reimbursement rates		460 IAC 1-1-3	25 IR 1950
	<b>25 IR 4040</b>	460 IAC 3.5-2-1	25 IR 163		<b>25 IR 1271</b>
Time			<b>25 IR 2226</b>	Health facility; duties	
50 IAC 14-4	25 IR 1930			460 IAC 1-1-8	25 IR 1952
	<b>25 IR 4048</b>				<b>25 IR 1274</b>
Transfer of data		<b>Aging</b>		Individual compliance with PAS program	
50 IAC 14-8	25 IR 1932	Adult protective services		460 IAC 1-1-13	25 IR 1955
	<b>25 IR 4040</b>	Adult protective service unit's duties			<b>25 IR 1276</b>
<b>Industrial facility; real property assessment</b>		460 IAC 1-2-5	25 IR 1958	Office of Medicaid policy and planning; duties	
General provisions			<b>25 IR 1279</b>	460 IAC 1-1-12	25 IR 1954
50 IAC 18-2	26 IR 1117				<b>25 IR 1276</b>

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

PAS process		<b>Supported living services and supports</b>		Professional qualifications	
460 IAC 1-1-4	25 IR 1950	Applicability		460 IAC 6-14	25 IR 3853
	<b>25 IR 1271</b>	460 IAC 6-2	25 IR 3832		<b>26 IR 771</b>
PAS team; duties			<b>26 IR 749</b>	Provider qualifications	
460 IAC 1-1-10	25 IR 1953	Application and approval process		460 IAC 6-5	25 IR 3838
	<b>25 IR 1274</b>	460 IAC 6-6	25 IR 3843		<b>26 IR 756</b>
Penalties			<b>26 IR 761</b>	Protection of an individual	
460 IAC 1-1-14	25 IR 1955	Behavioral support services		460 IAC 6-9	25 IR 3847
	<b>25 IR 1276</b>	460 IAC 6-18	25 IR 3857		<b>26 IR 765</b>
Prescreening agency; duties			<b>26 IR 775</b>	Purpose	
460 IAC 1-1-7	25 IR 1952	Case management		460 IAC 6-1	25 IR 3832
	<b>25 IR 1273</b>	460 IAC 6-19	25 IR 3858		<b>26 IR 749</b>
Purpose			<b>26 IR 776</b>	Residential living allowance and management services	
460 IAC 1-1-1	25 IR 1949	Community-based sheltered employment services		460 IAC 6-30	25 IR 3867
	<b>25 IR 1270</b>	460 IAC 6-20	25 IR 3860		<b>26 IR 785</b>
Waiver of sanctions			<b>26 IR 778</b>	Respite care services	
460 IAC 1-1-15	25 IR 1955	Definitions		460 IAC 6-31	25 IR 3867
	<b>25 IR 1277</b>	460 IAC 6-3	25 IR 3832		<b>26 IR 785</b>
Personal services attendant for individuals in need of self-directed in-home care			<b>26 IR 749</b>	Rights of individuals	
460 IAC 1-8	25 IR 2557	Environmental modification supports		460 IAC 6-8	25 IR 3846
	<b>26 IR 350</b>	460 IAC 6-21	25 IR 3860		<b>26 IR 764</b>
Residential care assistance program			<b>26 IR 778</b>	Specialized medical equipment and supplies supports	
460 IAC 1-3-6	24 IR 3759	Facility-based sheltered employment services		460 IAC 6-32	25 IR 3867
	<b>25 IR 1140</b>	460 IAC 6-22	25 IR 3860		<b>26 IR 785</b>
<b>Deaf and hard of hearing; interpreter standards</b>			<b>26 IR 779</b>	Speech-language therapy services	
Certification requirements		Family and caregiver training services		460 IAC 6-33	25 IR 3868
460 IAC 2-3-3	25 IR 2287	460 IAC 6-23	25 IR 3861		<b>26 IR 786</b>
Definitions and acronyms			<b>26 IR 779</b>	Training services	
460 IAC 2-3-2	25 IR 2286	Financial status of providers		460 IAC 6-24	25 IR 3861
Purpose; exclusion		460 IAC 6-11	25 IR 3852		<b>26 IR 779</b>
460 IAC 2-3-1	25 IR 2286		<b>26 IR 770</b>	Transportation of an individual	
<b>Deaf and hard of hearing; interpreter standards in an educational setting</b>		General administrative requirements for providers		460 IAC 6-13	25 IR 3853
460 IAC 2-5	25 IR 871	460 IAC 6-10	25 IR 3850		<b>26 IR 771</b>
	<b>25 IR 3705</b>		<b>26 IR 768</b>	Transportation services	
<b>Division of rehabilitation services</b>		Health care coordination services		460 IAC 6-34	25 IR 3868
Blind and visually impaired service; Indiana Randolph-Sheppard business enterprise program		460 IAC 6-25	25 IR 3862		<b>26 IR 786</b>
460 IAC 2-4	24 IR 2526		<b>26 IR 780</b>	Types of living services and supports	
	<b>25 IR 62</b>	Insurance		460 IAC 6-4	25 IR 3838
		460 IAC 6-12	25 IR 3853		<b>26 IR 755</b>
			<b>26 IR 771</b>		
		Maintenance of records of services provided			
		460 IAC 6-17	25 IR 3855		
			<b>26 IR 773</b>		
<b>Individualized support plan</b>		Monitoring, sanctions, and administrative review		<b>EDUCATION, INDIANA STATE BOARD OF Achievement tests</b>	
Applicability		460 IAC 6-7	25 IR 3864	General educational development	
460 IAC 7-2	26 IR 525		<b>26 IR 762</b>	Honors diploma	
	26 IR 1248	Nutritional counseling services		511 IAC 5-1-3.5	25 IR 2807
Definitions		460 IAC 6-26	25 IR 3865		<b>26 IR 787</b>
460 IAC 7-3	26 IR 526		<b>26 IR 783</b>	Minimum standards	
	26 IR 1248	Occupational therapy services		511 IAC 5-1-2	25 IR 2807
Development of an ISP		460 IAC 6-27	25 IR 3865		<b>26 IR 786</b>
460 IAC 7-4	26 IR 527		<b>26 IR 783</b>	Report of test results	
	26 IR 1249	Personal emergency response system supports		511 IAC 5-1-5	25 IR 2807
Purpose		460 IAC 6-28	25 IR 3865		<b>26 IR 787</b>
460 IAC 7-1	26 IR 525		<b>26 IR 783</b>	Retesting	
	26 IR 1248	Personnel policies and manuals		511 IAC 5-1-6	25 IR 2807
Sections of an ISP		460 IAC 6-16	25 IR 3854		<b>26 IR 787</b>
460 IAC 7-5	26 IR 528		<b>26 IR 772</b>	ISTEP program	
	26 IR 1250	Personnel records		Accommodations	
		460 IAC 6-15	25 IR 3854	511 IAC 5-2-4	24 IR 3764
<b>Public assistance</b>			<b>26 IR 772</b>		<b>25 IR 1146</b>
Room and board assistance program		Physical environment			25 IR 4205
Income eligibility		460 IAC 6-29	25 IR 3865	Applicability	
460 IAC 5-1-13	26 IR 524		<b>26 IR 783</b>	511 IAC 5-2-3	24 IR 3769
<b>Residential care assistance program</b>		Psychological therapy services			<b>25 IR 1148</b>
460 IAC 1-3.3	26 IR 2111	460 IAC 6-30	25 IR 3867		25 IR 4204

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Definitions		Mathematics courses		Determination of special education services	
511 IAC 5-2-1	24 IR 3768	511 IAC 6.1-5.1-5	25 IR 4206	Case conference committee meetings	
	<b>25 IR 1147</b>		25 IR 4207	511 IAC 7-27-4	25 IR 1706
<b>Commissioned schools; curriculum</b>		Multidisciplinary courses			<b>25 IR 3160</b>
Graduation requirements		511 IAC 6.1-5.1-1	24 IR 2181	Community-supported services; residential services	
Academic honors diploma; additional course requirements			<b>25 IR 1141</b>	511 IAC 7-27-12	25 IR 1709
511 IAC 6-7-6.5	25 IR 4205	Vocational-technical courses			<b>25 IR 3163</b>
<b>Performance-based accreditation</b>		511 IAC 6.1-5.1-10.1	24 IR 2183	Individualized education program; implementation	
Accreditation system			<b>25 IR 1143</b>	511 IAC 7-27-7	25 IR 1707
Action by the state board		Curriculum offerings			<b>25 IR 3161</b>
511 IAC 6.1-1-13	24 IR 3775	Homework policy required	24 IR 3777	Least restrictive environment and delivery of special education and related services	
	<b>25 IR 2236</b>	511 IAC 6.1-5-9	<b>25 IR 2238</b>	511 IAC 7-27-9	25 IR 1708
Composition		Retaining student for athletic purposes prohibited			<b>25 IR 3162</b>
511 IAC 6.1-1-8	24 IR 3773	511 IAC 6.1-5-10	24 IR 3777	Report of case conference committee meeting; notice and parental consent	
	<b>25 IR 2235</b>		<b>25 IR 2238</b>	511 IAC 7-27-5	25 IR 1707
Definitions		Special education			<b>25 IR 3160</b>
511 IAC 6.1-1-2	24 IR 3770	511 IAC 6.1-5-7	24 IR 3777	Discipline procedures	
	<b>25 IR 2231</b>		<b>25 IR 2238</b>	Functional behavioral assessment and behavioral intervention plan procedures	
Determination by state board		Health and safety requirements		511 IAC 7-29-5	25 IR 1712
511 IAC 6.1-1-11	24 IR 3774	General requirements			<b>25 IR 3165</b>
	<b>25 IR 2235</b>	511 IAC 6.1-2-1	24 IR 3775	Manifestation determination	
Duties			<b>25 IR 2237</b>	511 IAC 7-29-6	25 IR 1712
511 IAC 6.1-1-9	24 IR 3774	Student services			<b>25 IR 3166</b>
	<b>25 IR 2235</b>	511 IAC 6.1-2-6	24 IR 3775	Protections for children not yet eligible for special education and related services	
Levels			<b>25 IR 2237</b>	511 IAC 7-29-8	25 IR 1713
511 IAC 6.1-1-3	24 IR 3771	Minimum time requirements			<b>25 IR 3167</b>
	<b>25 IR 2233</b>	Student instructional day		Due process	
Nonpublic school; action		511 IAC 6.1-3-1	24 IR 3776	Attorneys' fees	
511 IAC 6.1-1-13.5	24 IR 3775		<b>25 IR 2237</b>	511 IAC 7-30-6	25 IR 1719
	<b>25 IR 2236</b>	Staff-student ratio requirements			<b>25 IR 3173</b>
On-site review panel		Pupil/teacher ratio	24 IR 3777	Hearing appeals	
Appointment		511 IAC 6.1-4-1	<b>25 IR 2238</b>	511 IAC 7-30-4	25 IR 1717
511 IAC 6.1-1-7	24 IR 3773				<b>25 IR 3171</b>
	<b>25 IR 2235</b>	<b>School performance and improvement; accountability</b>		Hearings	
Procedures		Adequate year progress	26 IR 1720	511 IAC 7-30-3	25 IR 1715
511 IAC 6.1-1-5	24 IR 3772	Assessing school improvement and performance	24 IR 3765		<b>25 IR 3169</b>
	<b>25 IR 2233</b>	511 IAC 6.2-6	<b>25 IR 2227</b>	Mediation	
Recommendation to the general assembly		Additional requirements for category placement		511 IAC 7-30-1	25 IR 1714
511 IAC 6.1-1-14	24 IR 3775	511 IAC 6.2-6-6.1	26 IR 1720		<b>25 IR 3168</b>
Requirements		Appeal of category placement		General provisions	
511 IAC 6.1-1-4	24 IR 3772	511 IAC 6.2-6-12	26 IR 1720	Other public agencies' special education programs; state-level interagency agreements	
	<b>25 IR 2233</b>	Disaggregated data and category placement		511 IAC 7-18-3	25 IR 1696
Review of fully accredited school		511 IAC 6.2-6-8	26 IR 1720		<b>25 IR 3150</b>
511 IAC 6.1-1-11.5	24 IR 3774	School improvement and performance categories; placement of school and school corporation in categories; measures used; nonmobile cohort group of students		Identification and evaluation	
	<b>25 IR 2236</b>	511 IAC 6.2-6-4	26 IR 1719	Additional evaluations	
Right of appeal; assistance; school improvement plan				511 IAC 7-25-7	25 IR 1706
511 IAC 6.1-1-15	24 IR 3775	Professional development program			<b>25 IR 3159</b>
	<b>25 IR 2237</b>	511 IAC 6.2-4	24 IR 1915	Educational evaluations; in general	
School accreditation			<b>25 IR 82</b>	511 IAC 7-25-3	25 IR 1701
511 IAC 6.1-1-1	24 IR 3770	<b>Special education</b>			<b>25 IR 3155</b>
	<b>25 IR 2231</b>	Confidentiality of information		Independent educational evaluation	
Status; school and school corporation		Amending educational records		511 IAC 7-25-5	25 IR 1704
511 IAC 6.1-1-6	24 IR 3773	511 IAC 7-23-2	25 IR 1700		<b>25 IR 3158</b>
	<b>25 IR 2234</b>		<b>25 IR 3154</b>	Initial educational evaluation	
Applicability		Definitions		511 IAC 7-25-4	25 IR 1702
511 IAC 6.1-0.5	24 IR 3769	Case conference committee			<b>25 IR 3156</b>
	<b>25 IR 2231</b>	511 IAC 7-17-10	25 IR 1696	Reevaluation	
Approved high school courses			<b>25 IR 3149</b>	511 IAC 7-25-6	25 IR 1705
Business technology education; family and consumer sciences; technology education					<b>25 IR 3158</b>
511 IAC 6.1-5.1-9	24 IR 2182				
	<b>25 IR 1141</b>				
Fine arts courses					
511 IAC 6.1-5.1-8	26 IR 1252				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Private schools or facilities		Contribution procedure		<b>EGG BOARD, STATE</b>	
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 1-8-3.5	25 IR 2027	<b>General provisions</b>	
511 IAC 7-19-2	25 IR 1698		<b>25 IR 4107</b>	Advertising	
	<b>25 IR 3152</b>	Contributions		Advertisements	
Special education for students in private schools or facilities		540 IAC 1-8-1	25 IR 2027	370 IAC 1-5-1	26 IR 156
511 IAC 7-19-1	25 IR 1697		<b>25 IR 4107</b>		<b>26 IR 1545</b>
	<b>25 IR 3150</b>	Maximum account contribution		Display and labeling; restricted eggs	
Procedural safeguards		540 IAC 1-8-4	25 IR 2027	Consumer packages	
Notice			<b>25 IR 4107</b>	Date requirements	
511 IAC 7-22-1	25 IR 1699	Definitions		370 IAC 1-3-2	26 IR 154
	<b>25 IR 3153</b>	Account			<b>26 IR 1543</b>
Related services; transitions; transfer of rights		540 IAC 1-1-3	25 IR 2024	Packer identification	
Transition to adult life			<b>25 IR 4104</b>	370 IAC 1-3-3	26 IR 154
511 IAC 7-28-3	25 IR 1711	Account owner			<b>26 IR 1543</b>
	<b>25 IR 3164</b>	540 IAC 1-1-4	25 IR 2024	Restricted eggs; definition; labeling	
<b>Summer school programs</b>			<b>25 IR 4104</b>	370 IAC 1-3-4	26 IR 155
Regular summer school programs		Administrative fee			<b>26 IR 1544</b>
Minimum enrollment for reimbursement		540 IAC 1-1-6	25 IR 2025	Wholesale packaging and labeling	
511 IAC 12-2-7	24 IR 1917		<b>25 IR 4104</b>	370 IAC 1-3-1	26 IR 154
	<b>25 IR 84</b>	Administrator fee			<b>26 IR 1543</b>
		540 IAC 1-1-7	25 IR 2025	Fresh eggs	
<b>EDUCATION SAVINGS AUTHORITY, INDIANA</b>			<b>25 IR 4104</b>	370 IAC 1-8-1	26 IR 155
<b>Family college savings trust program procedures and operations</b>		Adoption agreement			<b>26 IR 1545</b>
LSA Document #02-256(E)	<b>26 IR 59</b>	540 IAC 1-1-7.5	25 IR 2025	Grade and size identification	
LSA Document #02-307(E)	<b>26 IR 808</b>		<b>25 IR 4104</b>	370 IAC 1-6-1	26 IR 156
Account administration		Beneficiary			<b>26 IR 1545</b>
Administration		540 IAC 1-1-9	25 IR 2025	Inspection and noncompliance	
540 IAC 1-7-1	25 IR 2027		<b>25 IR 4105</b>	Inspection	
	<b>25 IR 4106</b>	Contributor		370 IAC 1-4-1	26 IR 155
Administrator fee charge		540 IAC 1-1-10.5	25 IR 2025		<b>26 IR 1544</b>
540 IAC 1-7-2	25 IR 2027		<b>25 IR 4105</b>	Removal of below standard eggs	
	<b>25 IR 4107</b>	Internal Revenue Code		370 IAC 1-4-2	26 IR 155
	26 IR 1257	540 IAC 1-1-11.5	25 IR 2025		<b>26 IR 1545</b>
Cancellation of refunds			<b>25 IR 4105</b>	Violations; inspectors' duties	
Cancellation		Member of the family		370 IAC 1-4-3	26 IR 155
540 IAC 1-9-1	25 IR 2028	540 IAC 1-1-11.6	25 IR 2025		<b>26 IR 1545</b>
	<b>25 IR 4107</b>		<b>25 IR 4105</b>	Sanitation requirements	
Cancellation notice and procedure		Nonqualified		Retailers and wholesalers	
540 IAC 1-9-2.7	25 IR 2028	540 IAC 1-1-12	25 IR 2026	370 IAC 1-10-2	26 IR 157
	<b>25 IR 4108</b>		<b>25 IR 4105</b>		<b>26 IR 1546</b>
Interruption of attendance		Penalty		Shell egg packers	
540 IAC 1-9-2.6	25 IR 2028	540 IAC 1-1-13	25 IR 2026	370 IAC 1-10-1	26 IR 156
	<b>25 IR 4108</b>		<b>25 IR 4105</b>		<b>26 IR 1546</b>
Premature cancellation		Program		Statement of order and definitions	
540 IAC 1-9-2.5	25 IR 2028	540 IAC 1-1-14	25 IR 2026	Candling; Haugh unit value	
	<b>25 IR 4108</b>		<b>25 IR 4106</b>	370 IAC 1-1-4	26 IR 153
Refund		Qualified higher education expenses			<b>26 IR 1542</b>
540 IAC 1-9-3	25 IR 2028	540 IAC 1-1-16	25 IR 2026	Haugh measurements	
	<b>25 IR 4108</b>		<b>25 IR 4106</b>	370 IAC 1-1-5	26 IR 153
Change of beneficiary		Rollover			<b>26 IR 1542</b>
Beneficiary change		540 IAC 1-1-16.5	25 IR 2026	Interstate or foreign commerce; applicability	
540 IAC 1-5-1	25 IR 2026		<b>25 IR 4106</b>	370 IAC 1-1-2	26 IR 153
	<b>25 IR 4106</b>	Miscellaneous			<b>26 IR 1542</b>
Contributions and contribution schedules		Investment direction		State standards; applicability	
Contribution amount		540 IAC 1-12-2	25 IR 2029	370 IAC 1-1-1	26 IR 153
540 IAC 1-8-2	25 IR 2027		<b>25 IR 4109</b>		<b>26 IR 1542</b>
	<b>25 IR 4107</b>	Payment of benefits		Uniform grade standards; adoption of federal standards	
	26 IR 1258	Benefit payment		370 IAC 1-1-3	26 IR 153
		540 IAC 1-10-1	25 IR 2029		<b>26 IR 1542</b>
			<b>26 IR 1258</b>	Temperature requirements	
		Rollover distributions		Dealer facilities	
		540 IAC 1-10-4	25 IR 2029	370 IAC 1-2-1	26 IR 154
			<b>25 IR 4109</b>		<b>26 IR 1543</b>
		Transfer of ownership		Retail stores	
		Transfer		370 IAC 1-2-2	26 IR 154
		540 IAC 1-6-1	25 IR 2027		<b>26 IR 1543</b>
			<b>25 IR 4106</b>		

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Transportation 370 IAC 1-2-3 <b>26 IR 1543</b>	Operating procedures; flight and medical 836 IAC 3-2-4 <b>25 IR 476</b> <b>25 IR 2494</b> 25 IR 2834	Nontransport providers Application for certification; renewal 836 IAC 1-11-2 25 IR 491 <b>25 IR 2508</b> 25 IR 2820
Wholesaler records Record keeping by wholesalers 370 IAC 1-9-1 <b>26 IR 156</b> <b>26 IR 1545</b>	Penalties 836 IAC 3-2-8 <b>25 IR 480</b> <b>25 IR 2498</b>	Emergency care equipment 836 IAC 1-11-4 25 IR 2821
<b>ELECTRIC UTILITIES</b> (See <b>UTILITY REGULATORY COMMISSION, INDIANA</b> )	Staffing 836 IAC 3-2-5 25 IR 478 <b>25 IR 2496</b> 25 IR 2835	General certification provisions 836 IAC 1-11-1 25 IR 490 <b>25 IR 2508</b> 25 IR 2819
<b>ELECTRICAL CODE</b> (See <b>FIRE PREVENTION AND BUILDING SAFETY COMMISSION</b> )	Definitions 836 IAC 3-1-1 25 IR 472 <b>25 IR 2490</b>	Operating procedures 836 IAC 1-11-3 25 IR 492 <b>25 IR 2510</b>
<b>EMERGENCY MEDICAL SERVICES COMMISSION, INDIANA</b> <b>Advanced emergency medical technical intermediate training</b> Intermediate training 836 IAC 4-6-1 25 IR 2843	Fixed-wing air ambulance service provider Certification; application 836 IAC 3-3-2 25 IR 482 <b>25 IR 2499</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>
<b>Advanced life support</b> 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	Communication systems 836 IAC 3-3-7 25 IR 486 <b>25 IR 2504</b>	<b>Training and certification</b> Advanced emergency medical technician Certification Continuing education requirements 836 IAC 4-7-3.5 25 IR 499 <b>25 IR 2517</b>
Definitions 836 IAC 2-1-1 25 IR 2821	General requirements 836 IAC 3-3-1 25 IR 480 <b>25 IR 2498</b>	Advanced emergency medical technician intermediate Certification 836 IAC 4-7.1 25 IR 2844
Paramedic organizations General requirements 836 IAC 2-2-1 25 IR 494 <b>25 IR 2512</b> 25 IR 2824	Minimum specifications 836 IAC 3-3-3 25 IR 482 <b>25 IR 2500</b>	Certification Certification provisions; general 836 IAC 4-7-2 25 IR 2844
Nontransport vehicles; standards and certification Emergency care equipment 836 IAC 2-14-5 25 IR 2833	Operating procedures; flight and medical 836 IAC 3-3-4 25 IR 483 <b>25 IR 2501</b> 25 IR 2836	Certification of emergency medical technicians General certification provisions 836 IAC 4-4-1 25 IR 2842
Provider organization General requirements 836 IAC 2-7.1-1 25 IR 497 <b>25 IR 2515</b> 25 IR 2826	Penalties 836 IAC 3-3-8 25 IR 487 <b>25 IR 2505</b>	Definitions Generally 836 IAC 4-1-1 25 IR 2838
Supervising hospitals Certification 836 IAC 2-4.1-2 25 IR 496 <b>25 IR 2514</b>	Staffing 836 IAC 3-3-5 25 IR 485 <b>25 IR 2503</b> 25 IR 2837	Emergency medical services primary instructor certification Certification and recertification; general 836 IAC 4-5-2 25 IR 2843
<b>Air ambulances</b> Advanced life support rotorcraft ambulance service provider Certification; application 836 IAC 3-2-2 25 IR 475 <b>25 IR 2492</b>	<b>Emergency medical services</b> Ambulance service providers; certification Application 836 IAC 1-2-2 25 IR 2814	Emergency medical services training institution General requirements; staff 836 IAC 4-2-1 25 IR 2840
Communication systems 836 IAC 3-2-7 25 IR 480 <b>25 IR 2498</b>	General certification provisions 836 IAC 1-2-1 25 IR 488 <b>25 IR 2506</b> 25 IR 2813	Institutional responsibilities 836 IAC 4-2-2 25 IR 2841
Equipment list 836 IAC 3-2-6 25 IR 479 <b>25 IR 2496</b>	Operating procedures 836 IAC 1-2-3 25 IR 2815	Emergency paramedic; certification General certification 836 IAC 4-9-3 25 IR 2847
General requirements 836 IAC 3-2-1 25 IR 473 <b>25 IR 2491</b>	Ambulances; standards and certification requirements Emergency care equipment 836 IAC 1-3-5 25 IR 489 <b>25 IR 2506</b> 25 IR 2818	Inactive status for Indiana certified paramedic 836 IAC 4-9-2.5 25 IR 499 <b>25 IR 2517</b>
Minimum specifications 836 IAC 3-2-3 25 IR 475 <b>25 IR 2493</b>	Insurance 836 IAC 1-3-6 25 IR 2819	First responders Certification standards 836 IAC 4-3-2 25 IR 2841
	Definitions Enforcement 836 IAC 1-1-2 25 IR 2812	Penalties 836 IAC 4-10 25 IR 499 <b>25 IR 2517</b>
	Generally 836 IAC 1-1-1 25 IR 2810	<b>ENGINEERS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL</b> <b>Administration; general requirements</b> Fees Fees charged by the board 864 IAC 1.1-12-1 25 IR 2850 <b>26 IR 380</b>
	Request for waiver 836 IAC 1-1-3 25 IR 2812	

## CITATIONS TO FINAL RULES ARE IN **BOLD** TYPE

General requirements		Distribution of support to nonpublic assistance participants who receive child support services		Benefit period	
Engineering intern; education and work experience				405 IAC 6-5-3	25 IR 3816
864 IAC 1.1-2-4	25 IR 2849	470 IAC 2-5-14	24 IR 2575		<b>26 IR 700</b>
	<b>26 IR 380</b>		<b>25 IR 1287</b>	Benefit period ineligibility	
Engineers; education and work experience		Eligibility and fees for parent locator and child support services; collection processing service		405 IAC 6-5-5	25 IR 3817
864 IAC 1.1-2-2	25 IR 2848				<b>26 IR 701</b>
	<b>26 IR 379</b>	470 IAC 2-5-2	24 IR 2572	Benefits; program appropriations	
			<b>25 IR 1284</b>	405 IAC 6-5-6	25 IR 3817
<b>ENVIRONMENTAL HEALTH SPECIALISTS, BOARD OF</b>		Funding and withholding of funds to the clerk of the circuit court			<b>26 IR 701</b>
<b>General provisions</b>				Prescription drug coverage	
Fees		470 IAC 2-5-6	24 IR 2573	405 IAC 6-5-1	25 IR 3815
896 IAC 1-3-2	24 IR 4226		<b>25 IR 1285</b>		<b>26 IR 700</b>
	<b>25 IR 1346</b>	Recoupment of an overpayment of child support collections		Definitions	
		470 IAC 2-5-15	24 IR 2575	Benefit period	
<b>EXECUTIVE ORDERS</b>			<b>25 IR 1287</b>	405 IAC 6-2-3	25 IR 3813
(See Cumulative Table of Executive Orders and Attorney General's Opinions at 26 IR 1431)		Recovery of costs in nonpublic assistance child support cases			<b>26 IR 697</b>
		470 IAC 2-5-3	24 IR 2572	Complete application	
<b>FAIR COMMISSION, STATE</b>			<b>25 IR 1284</b>	405 IAC 6-2-5	25 IR 3813
<b>General operations</b>		Safeguarding information			<b>26 IR 697</b>
Motorized carts		470 IAC 2-5-5	24 IR 2572	Complete claim	
Annual state fair; procedures			<b>25 IR 1284</b>	405 IAC 6-2-5.3	25 IR 3813
80 IAC 4-3-5	26 IR 420	State income tax refund intercept			<b>26 IR 697</b>
Definitions		470 IAC 2-5-22	24 IR 2576	Domicile	
80 IAC 4-3-3	26 IR 420		<b>25 IR 1288</b>	405 IAC 6-2-5.5	25 IR 3813
		Withdrawal from nonpublic assistance child support services, notice, and payment of charges; cessation of collections			<b>26 IR 697</b>
<b>FAMILY AND CHILDREN, DIVISION OF</b>		470 IAC 2-5-20	24 IR 2576	Family	
<b>Assistance to families with dependent children</b>			<b>25 IR 1288</b>	405 IAC 6-2-9	25 IR 3813
Applicant and recipient responsibilities					<b>26 IR 698</b>
470 IAC 10.1-1-2	24 IR 3760	<b>Public assistance manual</b>		Health insurance with a prescription drug benefit	
<b>Child welfare services</b>		County home programs		405 IAC 6-2-12	25 IR 3814
Child care centers; licensing		Income eligibility			<b>26 IR 698</b>
470 IAC 3-4-7	24 IR 4140	470 IAC 8.1-2-12	26 IR 530	Income	
	26 IR 1675	<b>Short term empowerment process</b>		405 IAC 6-2-12.5	25 IR 3814
Foster care and adoption assistance program		Appeals			<b>26 IR 698</b>
470 IAC 3-10-2	25 IR 202	470 IAC 10.2-4	24 IR 3764	Net income	
<b>First steps early intervention systems</b>		Definitions; purpose; applicability		405 IAC 6-2-14	25 IR 3814
Financial administration		470 IAC 10.2-1	24 IR 3762		<b>26 IR 698</b>
Cost participation plan		Local office STEP plan		Point of service	
470 IAC 3.1-12-7	26 IR 168	470 IAC 10.2-3	24 IR 3764	405 IAC 6-2-16.5	25 IR 3814
Funding sources		Statewide eligibility requirements and benefit delivery			<b>26 IR 698</b>
470 IAC 3.1-12-2	26 IR 167	470 IAC 10.2-2	24 IR 3763	Prescription printout	
<b>Hospital care for the indigent</b>				405 IAC 6-2-18	25 IR 3814
Eligibility standards		<b>FAMILY AND SOCIAL SERVICES, OFFICE OF THE SECRETARY OF</b>			<b>26 IR 698</b>
Income determination		<b>Indiana prescription drug program</b>		Proof of income	
470 IAC 11.1-1-5	26 IR 169	LSA Document #02-195(E)	<b>25 IR 3780</b>	405 IAC 6-2-20	25 IR 3814
<b>Public assistance</b>		LSA Document #02-281(E)	<b>26 IR 407</b>		<b>26 IR 698</b>
Child support		Application and enrollment		Provider	
Cancellation of cooperative agreement with the prosecuting attorney; notice; withholding of reimbursement; failure to take legal action		Date of application		405 IAC 6-2-20.5	25 IR 3814
470 IAC 2-5-7	24 IR 2573	405 IAC 6-3-2	25 IR 3815		<b>26 IR 698</b>
	<b>25 IR 1285</b>		<b>26 IR 699</b>	Refund certificate	
Conversion of support payment received directly by the recipient; condition for continuing eligibility for assistance		Date of availability		405 IAC 6-2-21	25 IR 3815
470 IAC 2-5-12	24 IR 2574	405 IAC 6-3-3	25 IR 3815		<b>26 IR 699</b>
	<b>25 IR 1286</b>		<b>26 IR 699</b>	Reside	
Date of collection; individual		Benefits		405 IAC 6-2-22.5	25 IR 3815
470 IAC 2-5-10	24 IR 2574	Benefit defined by family income level			<b>26 IR 699</b>
	<b>25 IR 1286</b>	405 IAC 6-5-2	25 IR 3816	Eligibility requirements	
Definitions			<b>26 IR 700</b>	Income	
470 IAC 2-5-1	24 IR 2571	Benefit duration		405 IAC 6-4-2	25 IR 3815
	<b>25 IR 1283</b>	405 IAC 6-5-4	25 IR 3816		<b>26 IR 699</b>
Distribution of child support collections			<b>26 IR 701</b>	Program procedures	
470 IAC 2-5-13	24 IR 2574			Letter of eligibility	
	<b>25 IR 1286</b>			405 IAC 6-6-2	25 IR 3817
					<b>26 IR 701</b>
				Refund certificate redemption	
				405 IAC 6-6-4	25 IR 3817
					<b>26 IR 702</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Refund certificates		Allowable costs; capital return factor		Policy; scope	
405 IAC 6-6-3	25 IR 3817	405 IAC 1-12-12	25 IR 2797	405 IAC 1-12-1	25 IR 2790
	<b>26 IR 701</b>		<b>26 IR 724</b>		<b>26 IR 718</b>
Provider claims, payments, overpayments, and sanctions		Allowable costs; capital return factor; computation of return on equity component		Request for rate review; effect of inflation; occupancy level assumptions	
405 IAC 6-9	25 IR 3818	405 IAC 1-12-14	25 IR 2799	405 IAC 1-12-7	25 IR 2796
	<b>26 IR 702</b>		<b>26 IR 726</b>		<b>26 IR 723</b>
Provider appeal, records, drug price, and dispensing fee		Allowable costs; capital return factor; computation of use fee component; interest; allocation of loan to facilities and parties		Nursing facilities; electronic transmission of minimum data set	
405 IAC 6-8	25 IR 3818	405 IAC 1-12-13	25 IR 2798	MDS assessment requirements	
	<b>26 IR 702</b>		<b>26 IR 725</b>	405 IAC 1-15-6	24 IR 3178
<b>Medicaid providers and services</b>		Allowable costs; capital return factor; use fee; depreciable life; property basis			24 IR 4135
LSA Document #01-351(E)	<b>25 IR 389</b>	405 IAC 1-12-15	25 IR 2799		<b>25 IR 2471</b>
Change of ownership for a long term care facility			<b>26 IR 726</b>	MDS audit requirements	
405 IAC 1-20	26 IR 512	Allowable costs; wages; costs of employment; record keeping; owner of related party compensation		405 IAC 1-15-5	24 IR 3178
HIV nursing facilities		405 IAC 1-12-19	25 IR 2802		24 IR 4135
Allowable cost; capital return factor			<b>26 IR 729</b>		<b>25 IR 2471</b>
Computation of return on equity component		Assessment methodology		Scope	
405 IAC 1-14.5-14	25 IR 3827	LSA Document #01-355(E)	<b>25 IR 400</b>	405 IAC 1-15-1	24 IR 4134
	<b>26 IR 1081</b>	405 IAC 1-12-24	24 IR 3179		<b>25 IR 2471</b>
Computation of use fee component; interest; allocation			<b>25 IR 381</b>	Nursing facilities; rate-setting criteria	
405 IAC 1-14.5-13	25 IR 3826		25 IR 2802	LSA Document #01-442(E)	<b>25 IR 1654</b>
	<b>26 IR 1080</b>		<b>26 IR 730</b>	LSA Document #02-198(E)	<b>25 IR 3793</b>
Use fee; depreciable life; property basis				LSA Document #02-279(E)	<b>26 IR 396</b>
405 IAC 1-14.5-15	25 IR 3827	Capital return factor; basis; historical cost; mandatory record keeping; valuation		Accounting records; retention schedule; audit trail; accrual basis; segregation of accounts by nature of business and by location	
	<b>26 IR 1081</b>	405 IAC 1-12-16	25 IR 2800	405 IAC 1-14.6-3	24 IR 3171
Hospice services; reimbursement			<b>26 IR 727</b>		24 IR 4128
Additional amount for nursing facility residents		Capital return factor; basis; sale or capital lease among family members			<b>25 IR 2464</b>
405 IAC 1-16-4	26 IR 159	405 IAC 1-12-17	25 IR 2801	Active providers; rate review	
Levels of care			<b>26 IR 728</b>	405 IAC 1-14.6-6	24 IR 3175
405 IAC 1-16-2	26 IR 158	Community residential facilities for the developmentally disabled; allowable costs; compensation; per diem rate			24 IR 4131
Inpatient hospital services; reimbursement		405 IAC 1-12-22	25 IR 1693		<b>25 IR 2468</b>
Definitions			<b>25 IR 3125</b>	Administrative reconsideration; appeal	
405 IAC 1-10.5-2	24 IR 1382	Criteria limiting rate adjustment granted by office		405 IAC 1-14.6-22	25 IR 2788
	<b>25 IR 55</b>	405 IAC 1-12-9	25 IR 1693		<b>26 IR 716</b>
New providers and out-of-state providers; reimbursement			<b>25 IR 3124</b>		26 IR 2106
405 IAC 1-10.5-4	24 IR 1386	Definitions	25 IR 2797	Allowable costs; fair rental value allowance	
	<b>25 IR 59</b>	405 IAC 1-12-2	<b>26 IR 724</b>	405 IAC 1-14.6-12	25 IR 2787
Policy; scope					<b>26 IR 715</b>
405 IAC 1-10.5-1	24 IR 1382	Financial report to office; annual schedule; prescribed form; extensions; penalty for untimely filing		Definitions	
	<b>25 IR 55</b>	405 IAC 1-12-4	25 IR 2793	405 IAC 1-14.6-2	24 IR 3169
Prospective reimbursement methodology			<b>26 IR 720</b>		24 IR 4126
405 IAC 1-10.5-3	24 IR 1384	Limitations or qualifications to Medicaid reimbursement; advertising; vehicle basis			<b>25 IR 2462</b>
	<b>25 IR 57</b>	405 IAC 1-12-8	25 IR 2796		25 IR 2779
Medicare cross-over claims; reimbursement			<b>26 IR 718</b>		<b>26 IR 707</b>
LSA Document #01-352	<b>25 IR 398</b>	New provider; initial financial report to office; criteria establishing initial interim rates; supplemental report; base rate setting			26 IR 2099
LSA Document #01-441(E)	<b>25 IR 1654</b>	405 IAC 1-12-5	25 IR 1691	Financial report to office; annual schedule; prescribed form; extensions; penalty for untimely filing	
LSA Document #02-278(E)	<b>26 IR 396</b>		<b>25 IR 3123</b>	405 IAC 1-14.6-4	24 IR 3172
405 IAC 1-18	25 IR 138		25 IR 2794		24 IR 4129
	<b>25 IR 2476</b>		<b>26 IR 721</b>		<b>25 IR 2465</b>
Reimbursement of cross-over claims					25 IR 2782
LSA Document #02-197(E)	<b>25 IR 3792</b>				<b>26 IR 709</b>
405 IAC 1-18-2	25 IR 3243			Inflation adjustment; minimum occupancy level; case mix indices	
	<b>26 IR 1079</b>			405 IAC 1-14.6-7	24 IR 3175
Nonstate-owned intermediate care facilities for the mentally retarded and community residential facilities for the developmentally disabled; rate-setting criteria					24 IR 4132
Allowable costs; capital return factor					<b>25 IR 2468</b>
Active providers; rate review; annual request					25 IR 2785
405 IAC 1-12-6	25 IR 2795				<b>26 IR 712</b>
	<b>26 IR 722</b>				26 IR 2103
Administrative reconsideration; appeal					
405 IAC 1-12-26	25 IR 2803				
	<b>26 IR 730</b>				

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

New provider; initial financial report to office; criteria for establishing initial interim rates				Prior authorization criteria	405 IAC 5-19-7	24 IR 2521
405 IAC 1-14.6-5	24 IR 3174					<b>25 IR 379</b>
	24 IR 4131			Mental health services		
	<b>25 IR 2467</b>			Outpatient mental health services	405 IAC 5-20-8	24 IR 2524
Nursing facilities reimbursement for therapy services		Chiropractic services				<b>25 IR 61</b>
405 IAC 1-14.6-20	24 IR 3177	Chiropractic x-ray services		Nursing facility services		
	24 IR 4134	405 IAC 5-12-3	25 IR 2556	LSA Document #01-354(E)		<b>25 IR 399</b>
	<b>25 IR 2470</b>	Reimbursement		Nursing facility beds; reservation		
Rate components; rate limitations; profit add-on		405 IAC 5-12-1	25 IR 2555	LSA Document #01-443(E)		<b>25 IR 1663</b>
405 IAC 1-14.6-9	24 IR 3176	Consultations and second opinion		405 IAC 5-31-8		24 IR 3756
	24 IR 4133	Restrictions				<b>25 IR 2475</b>
	<b>25 IR 2470</b>	405 IAC 5-8-3	24 IR 2519	Per diem services	405 IAC 5-31-4	26 IR 515
	25 IR 2786		<b>25 IR 379</b>	Pharmacy services		
	<b>26 IR 714</b>	Definitions		Dispensing fee		
	26 IR 2104	Medically reasonable and necessary service		LSA Document #01-378(E)		<b>25 IR 828</b>
Unallowable costs; cost adjustments; charity and courtesy allowances; discounts; rebates; refunds of expenses		405 IAC 5-2-17	24 IR 2518	LSA Document #01-396(E)		<b>25 IR 829</b>
405 IAC 1-14.6-16	25 IR 2788	Dental services		405 IAC 5-24-6		24 IR 2181
	<b>26 IR 716</b>	Analgesia	405 IAC 5-14-11			<b>25 IR 60</b>
	26 IR 2105	405 IAC 5-14-11	26 IR 865			25 IR 1242
Ownership and control disclosures		Copayment for dental services				<b>25 IR 2727</b>
405 IAC 1-19	26 IR 511	405 IAC 5-14-2.5	25 IR 3823	Legend and nonlegend solutions for nursing facility residents		
Outpatient services; hospital reimbursement		Covered services		405 IAC 5-24-13		26 IR 515
Reimbursement methodology		405 IAC 5-14-2	25 IR 3823	Legend drugs		
405 IAC 1-8-3	24 IR 1381		26 IR 864	Copayment for legend and nonlegend drugs		
<b>Medicaid recipients; eligibility</b>		Diagnostic services		LSA Document #02-199(E)		<b>25 IR 3803</b>
LSA Document #02-196(E)	<b>25 IR 3787</b>	405 IAC 5-14-3	25 IR 3824	LSA Document #02-280(E)		<b>26 IR 406</b>
Claims against estate of Medicaid recipients			26 IR 865	405 IAC 5-24-7		25 IR 3825
Claims against estate		General anesthesia and intravenous sedation	405 IAC 5-14-15			<b>26 IR 732</b>
Benefits paid		Hospital admissions for covered dental services or procedures		Reimbursement		
405 IAC 2-8-1	25 IR 2804	405 IAC 5-14-18	26 IR 866	LSA Document #01-378(E)		<b>25 IR 828</b>
	<b>26 IR 731</b>	Oral surgery		LSA Document #01-396(E)		<b>25 IR 829</b>
Exemption		405 IAC 5-14-17	26 IR 866	405 IAC 5-24-4		24 IR 2180
405 IAC 2-8-1.1	25 IR 2805	Periodontics; surgical				<b>25 IR 60</b>
	<b>26 IR 732</b>	405 IAC 5-14-16	26 IR 866			25 IR 847
Eligibility requirements based on need; aged, blind, and disabled program		Policy				25 IR 1242
Income eligibility of institutionalized applicant or recipient with community spouse; posteligibility		405 IAC 5-14-1	25 IR 2556			<b>25 IR 2727</b>
405 IAC 2-3-17	26 IR 516		<b>26 IR 1546</b>	Limitations on quantities dispensed and frequency of refills		
Income of applicant or recipient (calculation)		Prophylaxis		405 IAC 5-24-11		<b>25 IR 1614</b>
405 IAC 2-3-3	25 IR 1683	405 IAC 5-14-6	25 IR 3824	Prior authorization; other drugs		
	<b>25 IR 3114</b>		26 IR 865	405 IAC 5-24-8.5		24 IR 2181
Posteligibility income calculation		Tropical fluoride				<b>25 IR 1613</b>
405 IAC 2-3-21	26 IR 517	405 IAC 5-14-4	25 IR 3824	Prior authorization limitations and other; antianxiety, antidepressant, antipsychotic agents		
Savings bonds		Hospice services		405 IAC 5-24-8.6		<b>25 IR 1614</b>
405 IAC 2-3-23	25 IR 2555	LSA Document #01-353(E)	<b>25 IR 399</b>	Risk-based managed care		
	<b>26 IR 731</b>	LSA Document #01-440(E)	<b>25 IR 1653</b>	405 IAC 5-24-12		<b>25 IR 1614</b>
Transfer involving annuities		Reservation of beds for hospice recipients in nursing facilities		Prior authorization		
405 IAC 2-3-1.2	24 IR 4136	405 IAC 5-34-12	25 IR 138	Audit		
	<b>25 IR 2726</b>		<b>25 IR 2476</b>	405 IAC 5-3-4		24 IR 2519
Transfer of property		Medical supplies and equipment				<b>25 IR 378</b>
405 IAC 2-3-1.1	24 IR 4137	Braces and orthopedic shoes		Criteria		
	<b>25 IR 2472</b>	405 IAC 5-19-10	24 IR 2521	405 IAC 5-3-11		24 IR 2519
Lien attachment and enforcement			<b>25 IR 379</b>			<b>25 IR 378</b>
405 IAC 2-10	25 IR 3829	Durable medical equipment; reimbursement parameters		Exceptions		
	<b>26 IR 1547</b>	405 IAC 5-19-3	26 IR 514	405 IAC 5-3-12		24 IR 2524
Medicaid for employees with disabilities		Medical supplies				<b>25 IR 60</b>
405 IAC 2-9	25 IR 1684	405 IAC 5-19-1	25 IR 3811	Providers who may submit prior authorization requests		
	<b>25 IR 3115</b>		<b>26 IR 1901</b>	LSA Document # 02-1(E)		<b>25 IR 1664</b>
				405 IAC 5-3-10		24 IR 2180
						<b>25 IR 1613</b>



CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Services requiring prior authorization		Construction inspection fees		Title; availability of rule	
LSA Document # 02-1(E)	<b>25 IR 1664</b>	675 IAC 12-3-6	25 IR 462	675 IAC 21-1-9	25 IR 2033
405 IAC 5-3-13	24 IR 2180		<b>25 IR 2733</b>	Elevator safety code	<b>26 IR 1086</b>
	<b>25 IR 1613</b>	Explosive magazine permit fee		Adoption by reference	
Services not covered by Medicaid		675 IAC 12-3-5	25 IR 462	675 IAC 21-3-1	25 IR 2034
405 IAC 5-29-1	24 IR 2522		<b>25 IR 2733</b>		<b>26 IR 1087</b>
	<b>25 IR 380</b>	Fireworks and retail stand permit fees		Amendments to adopted code	
Smoking cessation treatment policy		675 IAC 12-3-10	25 IR 463	675 IAC 21-3-2	25 IR 2034
Counseling			<b>25 IR 2734</b>		<b>26 IR 1087</b>
405 IAC 5-37-3	24 IR 2523	Fireworks display permit fees		Manlifts	
	<b>25 IR 380</b>	675 IAC 12-3-3	25 IR 462	Adoption by reference	
Vision care services			<b>25 IR 2732</b>	675 IAC 21-5-1	25 IR 2039
Contact lenses		Lifting device inspection, permitting, and li-			<b>26 IR 1092</b>
405 IAC 5-23-5	24 IR 2522	censing fees		Amendments to adopted standard	
Frames and lenses; limitations		675 IAC 12-3-14	25 IR 2574	675 IAC 21-5-3	25 IR 2039
405 IAC 5-23-4	24 IR 2521		<b>26 IR 1557</b>		<b>26 IR 1092</b>
<b>Products and services of persons with disabilities;</b>		Regulated lifting device professional licensing		Personnel hoists	
<b>purchase</b>		fees		Adoption by reference	
Hospice services		675 IAC 12-3-15	<b>26 IR 1558</b>	675 IAC 21-4-1	25 IR 2037
Audit		Returned check fee			<b>26 IR 1090</b>
405 IAC 5-34-4.2	26 IR 162	675 IAC 12-3-12	25 IR 463	Amendments to adopted standard	
Election of hospice services			<b>25 IR 2734</b>	675 IAC 21-4-2	25 IR 2037
405 IAC 5-34-6	26 IR 162	Site built construction			<b>26 IR 1090</b>
Hospice authorization and benefit periods		675 IAC 12-3-2	25 IR 461	Platform and stairway chair lifts	
405 IAC 5-34-4	26 IR 160		<b>25 IR 2731</b>	675 IAC 21-8	25 IR 2040
Hospice authorization determinations; appeals		Statewide fire and building safety education			<b>26 IR 1093</b>
405 IAC 5-34-4.1	26 IR 162	fund		<b>Fire and building safety standards</b>	
Out-of -state providers		675 IAC 12-3-7	25 IR 463	NFPA 13; installation of sprinkler systems	
405 IAC 5-34-3	26 IR 160		<b>25 IR 2733</b>	675 IAC 13-1-8	24 IR 1925
Physician certification		Variance application fees			<b>25 IR 1166</b>
405 IAC 5-34-5	26 IR 162	675 IAC 12-3-4	25 IR 462		25 IR 2561
Plan of care			<b>25 IR 2732</b>		<b>26 IR 1095</b>
405 IAC 5-34-7	26 IR 163	<b>Building code</b>		NFPA 13R	
Policy		Indiana building code, 1998 edition		675 IAC 13-1-25	24 IR 1934
405 IAC 5-34-1	26 IR 159	Section 906.1; smoke and heat venting, when			<b>25 IR 1174</b>
Provider enrollment		required		NFPA 14	
405 IAC 5-34-2	26 IR 159	675 IAC 13-2.3-102	24 IR 1935	675 IAC 13-1-9	24 IR 1929
<b>State supplemental assistance for personal needs</b>			<b>25 IR 1175</b>		<b>25 IR 1170</b>
Benefit issuance		Section 906.6.1; curtain boards, general		NFPA 20	
405 IAC 7-2	26 IR 518	675 IAC 13-2.3-103	24 IR 1935	675 IAC 13-1-10	24 IR 1932
Eligibility requirements			<b>25 IR 1175</b>		<b>25 IR 1172</b>
405 IAC 7-1	26 IR 518	Indiana building code, 2003 edition			25 IR 2564
		675 IAC 13-2.4	25 IR 3291		<b>26 IR 1098</b>
<b>FINANCIAL INSTITUTIONS, DEPARTMENT</b>		<b>Electrical code</b>		<b>Fire code</b>	
<b>OF</b>		Indiana electrical code, 2002 edition		Indiana fire code, 1998 edition	
<b>Uniform consumer credit code</b>		675 IAC 17-1.6	25 IR 1252	Appendix II-F; protected aboveground tanks for	
Dollar amounts			<b>26 IR 15</b>	motor vehicle fuel-dispensing stations outside	
750 IAC 1-1-1	<b>25 IR 2540</b>	<b>Elevators, escalators, manlifts, and hoists; safety</b>		building	
		<b>code</b>		675 IAC 22-2.2-499	24 IR 2548
<b>FIRE AND BUILDING SAFETY STANDARDS</b>		Administration			<b>25 IR 1179</b>
(See <b>FIRE PREVENTION AND BUILDING</b>		Accident reports and investigations		NFPA 58; standard for the storage and handling	
<b>SAFETY COMMISSION</b> )		675 IAC 21-1-7	25 IR 2033	of liquefied petroleum gases	
			<b>26 IR 1085</b>	675 IAC 22-2.2-14	25 IR 2569
<b>FIRE PREVENTION AND BUILDING SAFETY</b>		Definitions			<b>26 IR 1552</b>
<b>COMMISSION</b>		675 IAC 21-1-10	25 IR 2034	Section 1006.2.8; operations and maintenance	
<b>Administration</b>			<b>26 IR 1086</b>	675 IAC 22-2.2-104	24 IR 2546
Fee schedules		Installation of permit; registration, application;			<b>25 IR 1176</b>
Amusement entertainment permit and inspec-		fees		Section 1109.8.1; general	
tion fees		675 IAC 21-1-1	25 IR 2031	675 IAC 22-2.2-134.5	24 IR 2546
675 IAC 12-3-8	25 IR 463		<b>26 IR 1083</b>		<b>25 IR 1177</b>
	<b>25 IR 2733</b>	Operating permit; display; location		Section 1302.2; reporting emergencies	
Boiler and pressure vessel inspection, permit-		675 IAC 21-1-3.1	25 IR 2032	675 IAC 22-2.2-145	24 IR 2546
ting, and licensing fees			<b>26 IR 1085</b>		<b>25 IR 1177</b>
675 IAC 12-3-13	25 IR 2573	Signatories; affirmation			
	<b>26 IR 1556</b>	675 IAC 21-1-1.5	25 IR 2031		
			<b>26 IR 1084</b>		

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Section 4503; dipping operations 675 IAC 22-2.2-221.5 <b>24 IR 2547</b> <b>25 IR 1177</b>	Section E3501.6.2, service disconnect location 675 IAC 14-4.2-187.1 <b>25 IR 1248</b> <b>26 IR 12</b>	Section E3808.8, types of equipment grounding conductors 675 IAC 14-4.2-193.1 <b>25 IR 1251</b> <b>26 IR 14</b>
Section 5202.4.8; special-type dispensers 675 IAC 22-2.2-245.5 <b>24 IR 2547</b> <b>25 IR 1177</b>	Section E3503.1, service conductor and ground- ing electrode conductor sizing 675 IAC 14-4.2-187.2 <b>25 IR 1248</b> <b>26 IR 12</b>	Section E3901.3, indicating 675 IAC 14-4.2-193.2 <b>25 IR 1251</b> <b>26 IR 14</b>
Section 5204.4.4.2; main exit 675 IAC 22-2.2-245.2 <b>24 IR 2547</b> <b>25 IR 1177</b>	Section E3504.2.1, above roofs 675 IAC 14-4.2-187.3 <b>25 IR 1248</b> <b>26 IR 12</b>	Section E3902.12, outdoor installation 675 IAC 14-4.2-193.3 <b>25 IR 1251</b> <b>26 IR 14</b>
Section 7901.3.2; plans 675 IAC 22-2.2-338 <b>24 IR 2547</b> <b>25 IR 1177</b>	Section E3505.5, protection of service cables against damage 675 IAC 14-4.2-187.4 <b>25 IR 1248</b> <b>26 IR 12</b>	Section E3903.11, fixtures in clothes closets 675 IAC 14-4.2-193.4 <b>25 IR 1251</b> <b>26 IR 14</b>
Section 7902.2.8.1; drainage control and diking; general 675 IAC 22-2.2-365 <b>24 IR 2547</b> <b>25 IR 1178</b>	Section E3602.10, branch circuits serving heating loads 675 IAC 14-4.2-190.1 <b>25 IR 1249</b> <b>26 IR 12</b>	Table E4103.5, overhead conductor clearances 675 IAC 14-4.2-193.5 <b>25 IR 1251</b> <b>26 IR 14</b>
Section 7902.2.8.3.8; equipment, controls, and piping in diked areas 675 IAC 22-2.2-365.2 <b>24 IR 2547</b> <b>25 IR 1178</b>	Section E3602.12, branch circuits serving room air conditioners 675 IAC 14-4.2-190.2 <b>25 IR 1249</b> <b>26 IR 12</b>	Section E4104.1, bonded parts 675 IAC 14-4.2-194.1 <b>25 IR 1251</b> <b>26 IR 15</b>
Section 7902.6.5.3; overfill prevention systems 675 IAC 22-2.2-369.5 <b>24 IR 2548</b> <b>25 IR 1178</b>	Section E3602.12.1, where no other loads are supplied 675 IAC 14-4.2-190.3 <b>25 IR 1249</b> <b>26 IR 12</b>	Section E4106.8.2, other enclosures 675 IAC 14-4.2-194.2 <b>25 IR 1251</b> <b>26 IR 15</b>
Section 7902.6.15; corrosion protection 675 IAC 22-2.2-373 <b>24 IR 2548</b> <b>25 IR 1178</b>	Section E3602.12.2, where lighting units or other appliances are also supplied 675 IAC 14-4.2-190.4 <b>25 IR 1249</b> <b>26 IR 12</b>	Section E4106.9.2, wiring methods 675 IAC 14-4.2-194.3 <b>25 IR 1251</b> <b>26 IR 15</b>
Section 8001.11.3; protection from vehicles 675 IAC 22-2.2-412.5 <b>24 IR 2548</b> <b>25 IR 1179</b>	Section E3703.3 protection from damage 675 IAC 14-4.2-190.5 <b>25 IR 1249</b> <b>26 IR 13</b>	Section E4106.10, electrically operated pool covers 675 IAC 14-4.2-194.4 <b>25 IR 1251</b> <b>26 IR 15</b>
Section 8102.6.2.2; number of doors required 675 IAC 22-2.2-443.5 <b>24 IR 2548</b> <b>25 IR 1179</b>	Section E3801.4.5, receptacle outlet location 675 IAC 14-4.2-191.1 <b>25 IR 1249</b> <b>26 IR 13</b>	Section E4106.12.2, permanently wired radiant heaters 675 IAC 14-4.2-194.5 <b>25 IR 1252</b> <b>26 IR 15</b>
Uniform Fire Code Standard 81-1; high-piled general storage of combustibles in buildings 675 IAC 22-2.2-535 <b>24 IR 1935</b> <b>25 IR 1176</b>	Section E3801.6, bathroom 675 IAC 14-4.2-191.2 <b>25 IR 1249</b> <b>26 IR 13</b>	Section E4201.2, definitions 675 IAC 14-4.2-194.6 <b>25 IR 1252</b> <b>26 IR 15</b>
Uniform Fire Code Standard 81-2; high-piled storage of combustibles on racks in buildings 675 IAC 22-2.2-536 <b>24 IR 1935</b> <b>25 IR 1176</b>	Section E3801.9, basements and garages 675 IAC 14-4.2-191.3 <b>25 IR 1249</b> <b>26 IR 13</b>	Section E4201.3, spread of fire or products of combustion 675 IAC 14-4.2-194.7 <b>25 IR 1252</b> <b>26 IR 15</b>
Indiana fire code, 2003 edition 675 IAC 22-2.3 <b>25 IR 3381</b>	Section E3802, ground-fault and arc-fault circuit-interrupter protection 675 IAC 14-4.2-192.1 <b>25 IR 1250</b> <b>26 IR 13</b>	<b>Recreational facilities</b> Annual inspection fees 675 IAC 23-1-63 <b>25 IR 464</b> <b>25 IR 2735</b>
<b>Industrialized building systems</b> Special administrative rules for industrialized building systems and mobile structures Fees 675 IAC 15-1-22 <b>25 IR 464</b> <b>25 IR 2734</b>	Section E3802.8, exempt receptacles 675 IAC 14-4.2-192.2 <b>25 IR 1250</b> <b>26 IR 13</b>	<b>Swimming pool code</b> Public spas Circulation systems 675 IAC 20-3-7 <b>25 IR 2568</b> <b>26 IR 1103</b>
<b>Mechanical code</b> Indiana mechanical code, 2003 edition 675 IAC 18-1.4 <b>25 IR 3366</b>	Section E3803.3, additional locations 675 IAC 14-4.2-192.3 <b>25 IR 1250</b> <b>26 IR 14</b>	Inlets and outlets 675 IAC 20-3-6 <b>25 IR 2568</b> <b>26 IR 1103</b>
<b>One and two family dwelling code</b> Indiana residential code Section E3301.2; scope 675 IAC 14-4.2-181.1 <b>26 IR 11</b>	Section E3805.1, box, conduit body, or fitting; where required 675 IAC 14-4.2-192.4 <b>25 IR 1250</b> <b>26 IR 14</b>	Mechanical, electrical, and water supply 675 IAC 20-3-5 <b>25 IR 2568</b> <b>26 IR 1102</b>
Section E3302.2, penetrations of fire-resistance- rated assemblies 675 IAC 14-4.2-182.1 <b>25 IR 1247</b> <b>26 IR 11</b>	Section E3805.3.1, nonmetallic-sheathed cable and nonmetallic boxes 675 IAC 14-4.2-192.5 <b>25 IR 1250</b> <b>26 IR 14</b>	Public swimming pools Circulation systems 675 IAC 20-2-17 <b>25 IR 2566</b> <b>26 IR 1100</b>
Section E3306.5, Individual conductor insula- tion 675 IAC 14-4.2-185.1 <b>25 IR 1248</b> <b>26 IR 11</b>	Section E3805.3.2, securing to box 675 IAC 14-4.2-192.6 <b>25 IR 1250</b> <b>26 IR 14</b>	Disinfectant equipment and chemical feeders 675 IAC 20-2-24 <b>25 IR 2567</b> <b>26 IR 1102</b>
Section E3401, general 675 IAC 14-4.2-187 <b>25 IR 1248</b> <b>26 IR 11</b>	Section E3806.5, in wall or ceiling 675 IAC 14-4.2-192.7 <b>25 IR 1250</b>	Inlets and outlets 675 IAC 20-2-20 <b>25 IR 2566</b> <b>26 IR 1101</b>
	Section E3806.8.2.1, nails 675 IAC 14-4.2-192.8 <b>25 IR 1250</b>	Safety requirements 675 IAC 20-2-26 <b>25 IR 2567</b> <b>26 IR 1102</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

**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**

Live gaming device table requirements

68 IAC 14-2-2 24 IR 2734  
**25 IR 1066**

**Internal control procedures**

Chips and tokens

68 IAC 11-5-1 24 IR 2734  
**25 IR 1066**

Drop bucket process and hard count

68 IAC 11-2-7 24 IR 2734  
**25 IR 1066**

**Licenses and approval of associated equipment**

Electronic gaming device rules

Electronic gaming device inventory requirements; conversion notification  
68 IAC 2-6-6 24 IR 2732  
**25 IR 1064**

Occupational licenses

Licensing procedures

68 IAC 2-3-5 24 IR 2729  
**25 IR 1061**

Supplier's license

Records

68 IAC 2-2-9.5 24 IR 2729  
**25 IR 1061**

Supplier's license required

68 IAC 2-2-1 24 IR 2728  
**25 IR 1060**

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

### Minority and women's business enterprises

- Compliance
  - Reporting contracts with minority and women's business enterprises
    - 68 IAC 3-3-6 24 IR 2732
    - 25 IR 1065

### GEOLOGISTS, INDIANA BOARD OF LICENSURE FOR PROFESSIONAL

#### Professional geologists

- Code of ethics
  - 305 IAC 1-5 26 IR 1600
- Definitions
  - Professional geological work
    - 305 IAC 1-2-6 26 IR 1598
- Issuance, renewal, denial of geologist license
  - Issuance of renewal certificate
    - 305 IAC 1-3-4 26 IR 1599
- Special provisions
  - Publication of roster; responsibility of licensed professional geologist to maintain a current address with the Indiana geological survey
    - 305 IAC 1-4-2 26 IR 1599
  - Seal and responsibilities of licensed professional geologist for documents
    - 305 IAC 1-4-1 26 IR 1599

### HAZARDOUS AIR POLLUTANTS

(See AIR POLLUTION CONTROL BOARD)

### HEALTH, INDIANA STATE DEPARTMENT OF

#### Communicable disease control

- Disease reporting and control
  - LSA Document #03-2(E) 26 IR 1956

#### Early intervention services

- LSA Document #02-28(E) 25 IR 1920

#### Food and drugs

- Certification of food handlers
  - 410 IAC 7-22 26 IR 1245
- Wholesale food establishment sanitation requirements
  - 410 IAC 7-21 24 IR 2809
  - 25 IR 1615

#### Grants

- Health care professional recruitment and retention program
  - 410 IAC 23-2 25 IR 2018
  - 25 IR 3759

#### Health facilities; licensing and operational standards

- Definitions
  - 410 IAC 16.2-1.1 25 IR 3244
  - 26 IR 1902
- Residential care facilities
  - Activities programs
    - 410 IAC 16.2-5-7.1 25 IR 3274
    - 26 IR 1933
  - Administration and management
    - 410 IAC 16.2-5-1.3 25 IR 3259
    - 26 IR 1919
  - Clinical records
    - 410 IAC 16.2-5-8.1 25 IR 3274
    - 26 IR 1934

#### Evaluation

- 410 IAC 16.2-5-2 25 IR 3269
- 26 IR 1929

#### Food and nutritional services

- 410 IAC 16.2-5-5.1 25 IR 3271
- 26 IR 1931

#### Health services

- 410 IAC 16.2-5-4 25 IR 3270
- 26 IR 1929

#### Infection control

- 410 IAC 16.2-5-12 25 IR 3276
- 26 IR 1935

#### Licenses

- 410 IAC 16.2-5-1.1 25 IR 3252
- 26 IR 1912

#### Mental health screening for individuals who are recipients of Medicaid or federal supplemental security income

- 410 IAC 16.2-5-11.1 25 IR 3275
- 26 IR 1934

#### Personnel

- 410 IAC 16.2-5-1.4 25 IR 3261
- 26 IR 1921

#### Pharmaceutical services

- 410 IAC 16.2-5-6 25 IR 3272
- 26 IR 1931

#### Physical plant standards

- 410 IAC 16.2-5-1.6 25 IR 3265
- 26 IR 1925

#### Residents' rights

- 410 IAC 16.2-5-1.2 25 IR 3254
- 26 IR 1914

#### Sanitation and safety standards

- 410 IAC 16.2-5-1.5 25 IR 3263
- 26 IR 1923

#### Scope

- 410 IAC 16.2-5-0.5 25 IR 3252
- 26 IR 1911

#### Home health agencies

- Definitions
  - 410 IAC 17-9 25 IR 140
  - 25 IR 2477

- Home health administration and management
  - 410 IAC 17-12 25 IR 145
  - 25 IR 2483

#### Home health care services

- Scope of services
  - 410 IAC 17-14 25 IR 149
  - 25 IR 2487

#### Home health clinical records

- 410 IAC 17-15 25 IR 151
- 25 IR 2489

#### Home health licensure

- LSA Document #03-1(E) 26 IR 1954
- 25 IR 143
- 410 IAC 17-10 25 IR 2481

#### Home health patient care

- Patient care
  - 410 IAC 17-13 25 IR 148
  - 25 IR 2486

#### Incorporation by reference

- 410 IAC 17-16 25 IR 151
- 25 IR 2489

#### State administrative actions

- 410 IAC 17-11 25 IR 144
- 25 IR 2482

#### Hospital licensure

- Ambulatory outpatient surgical center services
  - Physical plant, equipment maintenance, and environmental services
    - 410 IAC 15-2.5-7 25 IR 152
    - 25 IR 1133

#### Hospital services

- Medical record services
  - 410 IAC 15-1.5-4 26 IR 164
  - 26 IR 1550

#### Medical staff

- 410 IAC 15-1.5-5 26 IR 166
- 26 IR 1551

#### Physical plant, maintenance, and environmental services

- 410 IAC 15-1.5-8 25 IR 154
- 25 IR 1135

#### Incorporation by reference

- 410 IAC 15-1.7-1 25 IR 156
- 25 IR 1137
- 410 IAC 15-2.7-1 25 IR 153
- 25 IR 1134

#### Indiana health care professional recruitment and retention program

- LSA Document #01-409(E) 25 IR 1192
- LSA Document #02-29(E) 25 IR 1922

#### Reporting

- Birth problems registry
  - 410 IAC 21-3 25 IR 2016
  - 25 IR 3757

#### Sanitary engineering

- Campgrounds
  - 410 IAC 6-7.1 25 IR 2002
  - 25 IR 3743

#### Public and semi-public pools

- 410 IAC 6-2.1 25 IR 4188

#### Youth camps

- 410 IAC 6-7.2 25 IR 2007
- 25 IR 3749

### HEALTH FACILITIES COUNCIL, INDIANA

#### Qualified medication aides

- General provisions
  - 412 IAC 2-1 25 IR 1244
  - 25 IR 2728

#### Disciplinary action

- 412 IAC 2-1-11 25 IR 4200
- 26 IR 1938

#### Employment of QMA and registry verification

- 412 IAC 2-1-2.1 25 IR 4198
- 26 IR 1937

#### Fees

- 412 IAC 2-1-14 25 IR 4200
- 26 IR 1939

#### Location for supervised practicum

- 412 IAC 2-1-6 25 IR 4199
- 26 IR 1937

#### Mandatory recertification/annual in-service

- education requirements
  - 412 IAC 2-1-10 25 IR 4199
  - 26 IR 1938

#### Program applicants

- 412 IAC 2-1-2.2 25 IR 4198
- 26 IR 1937

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

QMA competency evaluation 412 IAC 2-1-8	25 IR 4199 <b>26 IR 1938</b>	Qualifications and duties Administrator-in-training 840 IAC 1-1-16	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>
QMA practicing prior to rule 412 IAC 2-1-13	25 IR 4200 <b>26 IR 1939</b>	Preceptors 840 IAC 1-1-17	25 IR 524 <b>25 IR 2859</b>	<b>Home health patient care</b> Patient care 410 IAC 17-13	25 IR 148 <b>25 IR 2486</b>
"Qualified medication aide" or "QMA" defined 412 IAC 2-1-1	25 IR 4198 <b>26 IR 1937</b>	Qualifications for licensure 840 IAC 1-1-4	25 IR 521 <b>25 IR 2856</b>	<b>Incorporation by reference</b> 410 IAC 17-16	25 IR 151 <b>25 IR 2489</b>
Reciprocity 412 IAC 2-1-12	25 IR 4200 <b>26 IR 1939</b>	Temporary permits 840 IAC 1-1-18	25 IR 524 <b>25 IR 2859</b>	<b>State administrative actions</b> 410 IAC 17-11	25 IR 144 <b>25 IR 2482</b>
<b>HEALTH FACILITY ADMINISTRATORS, INDIANA STATE BOARD OF</b>		<b>Schedule of fees</b>		<b>HORSE RACING COMMISSION, INDIANA</b>	
<b>Continuing education for renewal of license</b>		<b>Fees</b>		<b>Definitions</b>	
Administrator-in-training program; preceptor experience credit 840 IAC 1-2-7	25 IR 526 <b>25 IR 2855</b>	840 IAC 1-3-2		Extended race meet 71 IAC 1-1-41.5	
Approval of sponsor; responsibility 840 IAC 1-2-4	25 IR 525 <b>25 IR 2860</b>	<b>HEARING AID DEALERS</b>		<b>Flat racing</b>	
Credit requirements 840 IAC 1-2-1	25 IR 524 <b>25 IR 2859</b>	<b>Application</b>		Associations	
Exemptions 840 IAC 1-2-5	25 IR 525 <b>25 IR 2861</b>	Registration 844 IAC 9-3-1		Facilities and equipment	
Persons exempt from fee 840 IAC 1-2-6	25 IR 526 <b>25 IR 2861</b>	<b>Certification renewal</b>		Lighting 71 IAC 4.5-3-9	
Verification of attendance 840 IAC 1-2-2	25 IR 525 <b>25 IR 2860</b>	Certificate renewal 844 IAC 9-4-1		Financial requirements	
<b>General provisions</b>		<b>Examinations</b>		Records of employees 71 IAC 4.5-2-7	
<b>Definitions</b>		844 IAC 9-5-1		Claiming races	
840 IAC 1-1-2		<b>Definitions</b>		Prohibitions 71 IAC 6.5-1-4	
840 IAC 1-1-11		Sponsor 844 IAC 9-2-5		Definitions	
840 IAC 1-1-12		<b>Fees</b>		Extended race meet 71 IAC 1-1.5-37.5	
Educational institutions and courses; approval by board 840 IAC 1-1-13		844 IAC 9-1-1		Human and equine health	
Examination 840 IAC 1-1-6		<b>Supervision</b>		Human substance abuse testing	
License required; use of title and H.F.A. initials 840 IAC 1-1-3		Standards of conduct 844 IAC 9-6-3		Penalties 71 IAC 8.5-10-6	
Licensure		Student hearing aid dealers 844 IAC 9-6-1		Positive sample results 71 IAC 8.5-10-5	
Application 840 IAC 1-1-5		<b>HOME HEALTH AGENCIES</b>		Possession of drugs; ban	
Preceptor program for administrator-in-training 840 IAC 1-1-15		<b>Definitions</b>		Prohibited practices 71 IAC 8.5-5-2	
Provisional licenses 840 IAC 1-1-14		410 IAC 17-9		Practicing veterinarians	
		<b>Home health administration and management</b>		Notice in writing 71 IAC 8.5-4-8	
		410 IAC 17-12		Records of treatment 71 IAC 8.5-4-5	
		<b>Home health care services</b>		Split sample	
		Scope of services 410 IAC 17-14		Collection procedures 71 IAC 8.5-3-1	
		<b>Home health clinical records</b>		Storage and shipment of split samples 71 IAC 8.5-3-2	
		410 IAC 17-15		Licensees	
				General provisions	
				License denial 71 IAC 5.5-1-13	
				License refusal 71 IAC 5.5-1-12	
				Jockey agents	
				Responsibilities 71 IAC 5.5-5-3	
				Owners	
				Licensing requirements for owners 71 IAC 5.5-2-1	
				Trainers	
				Substitute trainers 71 IAC 5.5-3-6	

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

<b>Rules of the race</b>		<b>Satellite facility and simulcasting</b>		<b>HMO grievance procedures</b>	
Quarter horse time trials		Operations		Authority	
Time trials		Breakage and outs; allocation		760 IAC 1-59-1	26 IR 170
71 IAC 7.5-10-1	<b>26 IR 56</b>	71 IAC 12-2-19	<b>25 IR 1190</b>	Definitions	
<b>Weights</b>			<b>26 IR 59</b>	760 IAC 1-59-3	26 IR 171
Scale of weights		Interstate simulcasting revenue to purses; allocation		Grievance	
71 IAC 7.5-3-4	<b>25 IR 119</b>	71 IAC 12-2-18	<b>25 IR 1190</b>	Appeal of resolution	
<b>Workouts</b>		Riverboat gambling admissions tax revenue; allocation		760 IAC 1-59-12	26 IR 175
Identification		71 IAC 12-2-15	<b>25 IR 1189</b>	Filing	
71 IAC 7.5-4-2	<b>25 IR 120</b>		<b>26 IR 58</b>	760 IAC 1-59-9	26 IR 173
<b>Human and equine health</b>			<b>26 IR 394</b>	Procedures; establishment; filing with and review by commission	
Practicing veterinarians		Simulcast revenue between associations; allocation		760 IAC 1-59-6	26 IR 172
Prohibition of presence in paddock and barn area		71 IAC 12-2-20	<b>25 IR 1190</b>	Register	
71 IAC 8-5-7	<b>25 IR 2538</b>		<b>26 IR 395</b>	760 IAC 1-59-5	26 IR 171
Prohibition of alcohol		<b>Thoroughbred development program</b>		Report form	
Penalties		Indiana bred		760 IAC 1-59-14	26 IR 175
71 IAC 8-11-3	<b>25 IR 2538</b>	71 IAC 13.5-1-1	<b>25 IR 122</b>	Resolution notice	
<b>Licensees</b>		Registration		760 IAC 1-59-11	26 IR 174
Other responsibilities		Awards		Standards for timely review and resolution	
71 IAC 5-3-3	<b>25 IR 2535</b>	Out-of-state breeder's awards		760 IAC 1-59-5	26 IR 171
<b>Officials</b>		71 IAC 13.5-3-3	<b>26 IR 1952</b>	Notice to enrollees	
Judges		Mare registration		760 IAC 1-59-7	26 IR 172
Judge's list		71 IAC 13.5-2-1	<b>25 IR 122</b>	Purpose	
71 IAC 3-2-9	<b>25 IR 2534</b>	<b>Types of races</b>		760 IAC 1-59-2	26 IR 170
Patrol judge		Claiming races		Reports	
General authority		Prohibitions on claims		760 IAC 1-59-4	26 IR 171
71 IAC 3-10-1	<b>25 IR 2534</b>	71 IAC 6-1-2	<b>25 IR 2536</b>	Toll free telephone number	
<b>Quarter horse development program</b>				760 IAC 1-59-8	26 IR 173
Awards		<b>HOSPICE SERVICES</b>		<b>Long term care insurance coverage</b>	
Breeder awards		(See <b>FAMILY AND SOCIAL SERVICES, OFFICE OF THE SECRETARY OF-Products and services of persons with disabilities; purchase</b> )		Licensing	
71 IAC 14.5-3-2	<b>25 IR 2539</b>	(See <b>FAMILY AND SOCIAL SERVICES, OFFICE OF THE SECRETARY OF-Reimbursement for hospice services</b> )		760 IAC 2-10-1	24 IR 2832
Stallion owner awards		<b>HOSPITAL CARE FOR THE INDIGENT</b>		<b>25 IR 382</b>	
71 IAC 14.5-3-3	<b>25 IR 2539</b>	(See <b>FAMILY AND CHILDREN, DIVISION OF</b> )		<b>Medical malpractice insurance</b>	
Indiana bred quarter horse development program		<b>INDIANA SCORING MODEL</b>		Definitions	
Indiana bred quarter horse		(See <b>LAND QUALITY, OFFICE OF</b> )		760 IAC 1-21-2	26 IR 1724
71 IAC 14.5-1-1	<b>25 IR 123</b>			Financial responsibility of hospital	
<b>25 IR 1190</b>				760 IAC 1-21-5	26 IR 1724
Indiana foaled quarter horse		<b>INSURANCE, DEPARTMENT OF</b>		Payment into patient's compensation fund; annual surcharge	
71 IAC 14.5-1-2	<b>25 IR 1191</b>	<b>Continuing education</b>		760 IAC 1-21-8	26 IR 1724
Indiana owned quarter horse		Application requirements		<b>Multiple employer welfare arrangements</b>	
71 IAC 14.5-1-3	<b>25 IR 2538</b>	760 IAC 1-50-4	26 IR 2583	760 IAC 1-68	26 IR 531
<b>26 IR 1952</b>		Continuing education credit hour defined		<b>Privacy of consumer information</b>	
Registration		760 IAC 1-50-3	25 IR 2582	760 IAC 1-67	24 IR 2832
Foal registration		Definitions		<b>25 IR 85</b>	
71 IAC 14.5-2-2	<b>25 IR 2539</b>	760 IAC 1-50-2	25 IR 2582	<b>JUVENILE DETENTION FACILITIES</b>	
Mare registration		Record keeping requirements		(See <b>CORRECTION, DEPARTMENT OF</b> )	
71 IAC 14.5-2-1	<b>25 IR 123</b>	760 IAC 1-50-7	25 IR 2584	<b>JUVENILE RECORDS</b>	
<b>Rules of the race</b>		Requirements for self-study continuing education courses		(See <b>CORRECTION, DEPARTMENT OF</b> )	
Driving rules and violations		760 IAC 1-50-5	25 IR 2583	<b>LABOR, DEPARTMENT OF</b>	
Breaking		Retirement exemption		<b>Safety education and training-occupational safety</b>	
71 IAC 7-3-16	<b>25 IR 2537</b>	760 IAC 1-50-13	25 IR 2584	Occupational injuries and illnesses; recording and reporting	
Disorderly conduct		Retirement exemption form		610 IAC 4-6	25 IR 874
71 IAC 7-3-25	<b>25 IR 2537</b>	760 IAC 1-50-13.5	25 IR 2585	<b>26 IR 353</b>	
List or replace driver		<b>Credit life, accident, and health insurance</b>		<b>LAND QUALITY, OFFICE OF</b>	
71 IAC 7-3-9	<b>25 IR 2536</b>	760 IAC 1-5.1	25 IR 465	<b>Hazardous waste management permit program and related hazardous waste management</b>	
Whip restriction			25 IR 2575	Definitions	
71 IAC 7-3-13	<b>25 IR 2537</b>		<b>26 IR 19</b>	Applicability	
Entries and scratches				329 IAC 3.1-4-1	26 IR 1240
Notice in writing					
71 IAC 7-1-26	<b>25 IR 2536</b>				
Qualifying races					
71 IAC 7-1-28	<b>25 IR 2536</b>				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

General provisions		Transferability of permits		Floodway	
Hazardous waste treatment, storage, and disposal facilities		329 IAC 11-11-5	24 IR 3167	329 IAC 10-2-75	26 IR 435
Final permit standards for owners and operators			<b>25 IR 1130</b>	Floodway fringe	
Exceptions and additions		Quarterly tonnage report		329 IAC 10-2-75.1	26 IR 435
329 IAC 3.1-9-2	25 IR 845	Quarterly reports		Infectious waste	
	<b>25 IR 3112</b>	329 IAC 11-14-1	24 IR 3167	329 IAC 10-2-96	26 IR 435
	26 IR 1241		<b>25 IR 1131</b>	Insignificant facility modification	
Interim status standards for owners and operators		<b>Indiana Scoring Model</b>		329 IAC 10-2-97.1	26 IR 435
Exceptions and additions		Assessment of hazardous substance response sites		Karst terrain	
329 IAC 3.1-10-2	25 IR 846	Scoring		329 IAC 10-2-99	26 IR 436
	<b>25 IR 3113</b>	329 IAC 7-2-6	24 IR 2803	Land application unit	
	26 IR 1242		<b>25 IR 1124</b>	329 IAC 10-2-100	26 IR 436
Incorporation by reference		Deletion procedures; agency and petition deletions		Licensed professional geologist	
329 IAC 3.1-1-7	25 IR 813	Agency deletion		329 IAC 10-2-105.3	26 IR 436
	<b>25 IR 3111</b>	329 IAC 7-11-1	24 IR 2803	Liquid waste	
	26 IR 1240		<b>25 IR 1124</b>	329 IAC 10-2-106	26 IR 436
Generators of hazardous waste		Petition deletion		Major modification of solid waste land disposal facilities	
Exceptions and additions; generator standards		329 IAC 7-11-2	24 IR 2804	329 IAC 10-2-109	26 IR 436
329 IAC 3.1-7-2	25 IR 844	Site relisted		Measurable storm event	
	<b>25 IR 3111</b>	329 IAC 7-11-3	24 IR 2804	329 IAC 10-2-111.5	26 IR 436
	26 IR 1240		<b>25 IR 1125</b>	Minor modification of solid waste land disposal facilities	
Identification and listing of hazardous waste		<b>Solid waste land disposal facilities</b>		329 IAC 10-2-112	26 IR 436
Waste excluded from regulation; Heritage Environmental Services, LLC and Nucor Steel Corporation, Crawfordsville, Indiana		Actions for permit and renewal permit application		Municipal solid waste or MSW	
329 IAC 3.1-6-6	24 IR 2516	Public process for new solid waste landfill disposal facility permits major permit modifications; and minor permit modifications		329 IAC 10-2-115	26 IR 1654
	<b>25 IR 372</b>	329 IAC 10-12-1	26 IR 443	Municipal solid waste landfill or MSWLF	
Solid waste processing facilities		Application procedure for all solid waste land disposal facilities		329 IAC 10-2-116	26 IR 1654
Application procedure		Minor modification applications		Municipal solid waste landfill or MSWLF unit	
Demonstration and determination of need		329 IAC 10-11-6	26 IR 443	329 IAC 10-2-117	26 IR 1654
329 IAC 11-9-5	24 IR 3165	Permit application for new land disposal facility and lateral expansions		Nonmunicipal solid waste landfill unit or Non-MSWLF unit	
	<b>25 IR 1129</b>	329 IAC 10-11-2.5	26 IR 441	329 IAC 10-2-121.1	26 IR 437
New permit application and major modification application		Permit application requirements; general		Operator	
329 IAC 11-9-2	24 IR 3163	329 IAC 10-11-2.1	26 IR 440	329 IAC 10-2-130	26 IR 1655
	<b>25 IR 1126</b>	Renewal permit application		Peak discharge	
Permit requirement		329 IAC 10-11-5.1	26 IR 443	329 IAC 10-2-132.2	26 IR 437
329 IAC 11-9-1	24 IR 3162			Permanent stabilization	
	<b>25 IR 1126</b>	Definitions		329 IAC 10-2-132.3	26 IR 437
Renewal permit application and minor modification application		Aquiclude		Petroleum contaminated soil	
329 IAC 11-9-4	24 IR 3165	329 IAC 10-2-11	26 IR 433	329 IAC 10-2-135.5	26 IR 1655
	<b>25 IR 1128</b>	CESQG hazardous waste		Preliminary exceedance	
Signatories to permit application and reports		329 IAC 10-2-29.5	26 IR 1653	329 IAC 10-2-142.5	26 IR 437
329 IAC 11-9-3	24 IR 3164	Commercial solid waste		Qualified professional	
	<b>25 IR 1128</b>	329 IAC 10-2-32	26 IR 1653	329 IAC 10-2-147.2	26 IR 437
Permit issuance and miscellaneous provisions		Contaminant		Responsible corporate officer	
Duration of permits		329 IAC 10-2-41	26 IR 433	329 IAC 10-2-158	26 IR 437
329 IAC 11-11-3	24 IR 3166	Conterminous		Sedimentation	
	<b>25 IR 1130</b>	329 IAC 10-2-41.1	26 IR 434	329 IAC 10-2-165.5	26 IR 437
Effect of permit issuance		Electronic submission		Soil and Water Conservation District	
329 IAC 11-11-4	24 IR 3167	329 IAC 10-2-63.5	26 IR 434	329 IAC 10-2-172.5	26 IR 438
	<b>25 IR 1130</b>	Endangered species		Solid waste	
Issuance procedures		329 IAC 10-2-64	26 IR 434	329 IAC 10-2-174	26 IR 1655
Original permits		Erosion		Storm water discharge	
329 IAC 11-11-1	24 IR 3166	329 IAC 10-2-66.1	26 IR 434	329 IAC 10-2-181.2	26 IR 438
	<b>25 IR 1129</b>	Erosion and sediment control measure		Storm water pollution prevent plan or SWP3	
Renewal permits		329 IAC 10-2-66.2	26 IR 434	329 IAC 10-2-181.5	26 IR 438
329 IAC 11-11-2	24 IR 3166	Erosion and sediment control system		Storm water quality measure	
	<b>25 IR 1130</b>	329 IAC 10-2-66.3	26 IR 434	329 IAC 10-2-181.6	26 IR 438
Permit revocation and modification		Facility		Temporary stabilization	
329 IAC 11-11-6	24 IR 3167	329 IAC 10-2-69	26 IR 434	329 IAC 10-2-187.5	26 IR 438
	<b>25 IR 1131</b>	Final closure		U.S. Environmental Protection Agency Publication SW-846 or SW-846	
		329 IAC 10-2-72.1	26 IR 1654	329 IAC 10-2-197.1	26 IR 1656
		Flood plain			
		329 IAC 10-2-74	26 IR 435		

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Definitions for nonmunicipal solid waste landfills, construction/demolition sites, and restricted waste sites Types I, II, III, and IV			
Exclusions			
General			
329 IAC 10-3-1	26 IR 438		
Hazardous waste			
329 IAC 10-3-2	26 IR 439		
Insignificant facility modifications			
329 IAC 10-3-3	26 IR 439		
General provisions			
Electronic submission of information			
329 IAC 10-1-4.5	26 IR 433		
Records and standards for submitted information			
329 IAC 10-1-4	26 IR 432		
Generator responsibilities for waste identification			
329 IAC 10-7.2	26 IR 1656		
Industrial on-site activities needing permits			
Applicability			
329 IAC 10-5-1	26 IR 1656		
Management requirements for certain solid wastes			
329 IAC 10-8.2	26 IR 1657		
Municipal solid waste landfill liner system; design; construction, and CQA/CQC requirements			
CQA/CQC preconstruction meeting			
329 IAC 10-17-18	26 IR 457		
Drainage layer component of the liner; construction and quality assurance/quality control requirements			
329 IAC 10-17-9	26 IR 456		
Geomembrane component of the liner; construction and quality assurance/quality control requirements			
329 IAC 10-17-7	26 IR 454		
Liner designs and criteria for selection of design; overview			
329 IAC 10-17-2	26 IR 453		
Protective cover component of the liner; construction and quality assurance/quality control requirements			
329 IAC 10-17-12	26 IR 457		
Municipal solid waste landfills			
Closure requirements			
Closure plan			
329 IAC 10-22-2	26 IR 493		
Completion of closure and final cover			
329 IAC 10-22-5	26 IR 494		
Final cover requirements for existing MSWLF units constructed without a composite bottom liner			
329 IAC 10-22-7	26 IR 495		
Final cover requirements for new MSWLF units or existing MSWLF units that have a composite bottom liner and a leachate collection system			
329 IAC 10-22-6	26 IR 494		
Final closure certification			
329 IAC 10-22-8	26 IR 496		
Partial closure certification			
329 IAC 10-22-3	26 IR 494		
Ground water monitoring programs and corrective action program requirements			
Assessment ground water monitoring program			
329 IAC 10-21-10	26 IR 482		
Constituents for detection monitoring			
329 IAC 10-21-15	26 IR 488		
Constituents for assessment monitoring			
329 IAC 10-21-16	26 IR 488		
Corrective action program			
329 IAC 10-21-13	26 IR 484		
Demonstration that a statistically significant increase or contamination is not attributable to a municipal solid waste land disposal facility unit			
329 IAC 10-21-9	26 IR 481		
Detection ground water monitoring program			
329 IAC 10-21-7	26 IR 479		
General ground water monitoring requirements			
329 IAC 10-21-1	26 IR 465		
Ground water monitoring well and piezometer construction and design			
329 IAC 10-21-4	26 IR 474		
Sampling and analysis plan and program			
329 IAC 10-21-2	26 IR 468		
Statistical evaluation requirements and procedures			
329 IAC 10-21-6	26 IR 477		
Verification of a statistically significant increase in constituent concentration			
329 IAC 10-21-8	26 IR 480		
Location restrictions			
Karst terrain siting restrictions			
329 IAC 10-16-8	26 IR 453		
Operational requirements			
Alternative daily cover			
329 IAC 10-20-14.1	26 IR 1662		
Cover; general provisions			
329 IAC 10-20-13	26 IR 463		
Diversion of surface water and run-on and run-off control systems			
329 IAC 10-20-11	26 IR 461		
Erosion and sedimentation control measures; general requirements			
329 IAC 10-20-3	26 IR 459		
Leachate collection, removal, and disposal			
329 IAC 10-20-20	26 IR 463		
Records and reports			
329 IAC 10-20-8	26 IR 460		
Self-inspections			
329 IAC 10-20-28	26 IR 464		
Signs			
329 IAC 10-20-3	26 IR 459		
Surface water requirements			
329 IAC 10-20-26	26 IR 464		
Survey requirements			
329 IAC 10-20-24	26 IR 464		
Post-closure requirements			
Certification			
329 IAC 10-23-4	26 IR 498		
Duties			
329 IAC 10-23-2	26 IR 496		
Plan			
329 IAC 10-23-3	26 IR 497		
Preoperational requirements and operational approval			
329 IAC 10-19-1	26 IR 458		
Permit issuance and miscellaneous provisions			
Issuance procedures; original permits			
329 IAC 10-13-1	26 IR 445		
Permit revocation and modification			
329 IAC 10-13-6	26 IR 446		
Transferability of permits			
329 IAC 10-13-5	26 IR 445		
Plans and documentation to be submitted with permit application			
Calculations and analyses pertaining to landfill design			
329 IAC 10-15-8	26 IR 450		
Description of proposed ground water monitoring well system			
329 IAC 10-15-5	26 IR 449		
General requirements			
329 IAC 10-15-1	26 IR 447		
Plot plan requirements			
329 IAC 10-15-2	26 IR 448		
Storm water pollution prevention plan			
329 IAC 10-15-12	26 IR 451		
Post-closure requirements			
Duties			
329 IAC 10-23-2	26 IR 496		
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		
Restricted waste site Type III and construction/demolition sites; closure requirements			
Closure plan			
329 IAC 10-37-4	26 IR 501		
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		
Closure requirements			
Plan			
329 IAC 10-30-4	26 IR 500		
Ground water monitoring and corrective action			
Monitoring devices			
329 IAC 10-29-1	26 IR 499		
Operational requirements			
Definitions			
329 IAC 10-28-24	26 IR 1664		
Solid waste land disposal facilities			
Financial responsibility			
Applicability			
329 IAC 10-39-1	26 IR 501		
Closure; financial responsibility			
329 IAC 10-39-2	26 IR 502		
Definitions			
329 IAC 10-36-19	26 IR 1665		
Financial assurance for corrective action for municipal solid waste landfills			
329 IAC 10-39-10	26 IR 510		
Incapacity of permittee, guarantors, or financial institutions			
329 IAC 10-39-7	26 IR 509		
Post-closure; financial responsibility			
329 IAC 10-39-3	26 IR 508		
Release of funds			
329 IAC 10-39-9	26 IR 509		
Quarterly reports and weighing scales			
Quarterly reports			
329 IAC 10-14-1	26 IR 446		



CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Weighing scales		Monitoring of incoming municipal waste		Initial response, site investigation, and corrective action	
329 IAC 10-14-2	26 IR 1661	329 IAC 11-21-4	26 IR 1671	Applicability for release response and corrective action	
Solid waste land disposal facility classification		Record keeping		329 IAC 9-5-1	26 IR 1221
Municipal solid waste landfill criteria		329 IAC 11-21-5	26 IR 1671	Corrective action plan	
329 IAC 10-9-2	26 IR 1659	Reporting		329 IAC 9-5-7	26 IR 1227
Restricted waste sites waste criteria		329 IAC 11-21-6	26 IR 1671	Free product removal	
329 IAC 10-9-4	26 IR 1659	Training		329 IAC 9-5-4.2	26 IR 1224
Transition requirements of municipal solid waste landfill siting, design, and closure		329 IAC 11-21-7	26 IR 1671	Further site investigations for soil and ground water cleanup	
Applicability		<b>Underground storage tanks</b>		329 IAC 9-5-6	26 IR 1226
329 IAC 10-10-1	26 IR 440	Applicability; definitions		Initial abatement measures and site check	
Pending applications		Applicability		329 IAC 9-5-3.2	26 IR 1223
329 IAC 10-10-2	26 IR 440	329 IAC 9-1-1	26 IR 1209	Initial response	
<b>Solid waste management activity registration</b>		Definitions		329 IAC 9-5-2	26 IR 1223
Solid waste facility operator testing requirements		Agency		Initial site characterization	
Examination requirements for Category II certification		329 IAC 9-1-4	26 IR 1209	329 IAC 9-5-5.1	26 IR 1224
329 IAC 12-8-4	26 IR 1672	Change-in-service		Performance standards	
<b>Solid waste processing facilities</b>		329 IAC 9-1-10.4	26 IR 1209	New UST systems	
Application procedure for all solid waste processing facilities		Chemical of concern		329 IAC 9-2-1	26 IR 1211
Insignificant facility modifications		329 IAC 9-1-10.6	26 IR 1209	Notification requirements	
329 IAC 11-9-6	26 IR 1667	Closure		329 IAC 9-2-2	26 IR 1214
Definitions		329 IAC 9-1-10.8	26 IR 1210	Release detection	
Insignificant facility modification		Consumptive use		General requirements for all UST systems	
329 IAC 11-2-19.5	26 IR 1665	329 IAC 9-1-14	26 IR 1210	329 IAC 9-7-1	26 IR 1235
Solid waste		Contaminant		Methods of release detection for tanks	
329 IAC 11-2-39	26 IR 1666	329 IAC 9-1-14.3	26 IR 1210	329 IAC 9-7-4	26 IR 1237
Exclusions		Corrective action		Requirements for petroleum UST systems	
Hazardous waste		329 IAC 9-1-14.5	26 IR 1210	329 IAC 9-7-2	26 IR 1236
329 IAC 11-3-2	26 IR 1666	Corrective action plan		Releases	
Infectious waste incinerators; additional operational requirements		329 IAC 9-1-14.7	26 IR 1210	Release investigations and confirmation steps	
Operational requirements		Hazardous substance UST system		329 IAC 9-4-3	26 IR 1220
329 IAC 11-20-1	26 IR 1670	329 IAC 9-1-25	26 IR 1210	Reporting and cleanup of spills and overfills	
Miscellaneous requirements concerning solid waste management		Hydraulic lift tank		329 IAC 9-4-4	26 IR 1221
Definitions		329 IAC 9-1-27	26 IR 1210	Reporting and record keeping	
329 IAC 11-15-1	26 IR 1668	Petroleum UST system		Electronic reporting and submittal	
Solid waste incinerators; additional operational requirements		329 IAC 9-1-36	26 IR 1210	329 IAC 9-3-2	26 IR 1218
Permit by rule		Removal closure		General	
329 IAC 11-19-2	26 IR 1669	329 IAC 9-1-39.5	26 IR 1211	329 IAC 9-3-1	26 IR 1216
Solid waste incinerators 10 tons per day or greater; infectious waste incinerators seven tons per day or greater; operational requirements		SARA		Upgrading of existing UST systems	
329 IAC 11-19-3	26 IR 1669	329 IAC 9-1-41.5	26 IR 1211	Upgrading	
Solid waste processing facilities; operational requirements		underground release		329 IAC 9-2.1-1	26 IR 1215
Records and reports		329 IAC 9-1-47	26 IR 1211	<b>Used oil management</b>	
329 IAC 11-13-6	26 IR 1668	Underground storage tank		Applicability	
Sanitation		329 IAC 9-1-47.1	26 IR 1211	329 IAC 13-3-1	26 IR 1673
329 IAC 11-13-4	26 IR 1667	Closure		<b>LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR</b>	
Solid waste processing facility classifications and waste criteria		Applicability		<b>General provisions</b>	
Incinerators waste criteria		329 IAC 9-6-1	26 IR 1229	Continuing education	
329 IAC 11-8-3	26 IR 1667	Applicability to previously closed UST systems		Courses from approved and unapproved providers	
Processing facilities waste criteria		329 IAC 9-6-3	26 IR 1234	865 IAC 1-13-5	25 IR 2044
329 IAC 11-8-2	26 IR 1666	Closure procedure			<b>25 IR 4111</b>
Transfer station waste criteria		329 IAC 9-6-2.5	26 IR 1230	Examinations	
329 IAC 11-8-2.5	26 IR 1666	Closure records		Certification as land surveyor-in-training; attempt	
Transfer stations		329 IAC 9-6-4	26 IR 1234	865 IAC 1-4-8	25 IR 3456
General operating requirements		Temporary closure			<b>26 IR 1105</b>
329 IAC 11-21-8	26 IR 1672	329 IAC 9-6-5	26 IR 1235	Fees	
		General operating requirements		Fees charged by the board	
		Compatibility		865 IAC 1-11-1	25 IR 2043
		329 IAC 9-3.1-3	26 IR 1219		<b>25 IR 4110</b>
		Operation and maintenance of corrosion protection		Land surveying; competent practice	
		329 IAC 9-3.1-2	26 IR 1219	865 IAC 1-12-28	25 IR 3456
		Repairs and maintenance allowed			<b>26 IR 1105</b>
		329 IAC 9-3.1-4	26 IR 1219		
		Spill and overflow control			
		329 IAC 9-3.1-1	26 IR 1218		

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

### LIBRARY AND HISTORICAL BOARD, INDIANA

#### General provisions

Indiana cooperative library service authority;  
minimum standards

Definitions  
590 IAC 1-2.5-2 24 IR 4205  
**25 IR 1303**

Minimum standards  
590 IAC 1-2.5-3 24 IR 4205  
**25 IR 1304**

Standards of eligibility to receive state funds  
Determination  
590 IAC 1-1-1 24 IR 4205  
**25 IR 1303**

#### Librarian certification

Certification application; fees  
590 IAC 4-3 24 IR 2829  
**25 IR 1153**

Certification requirements  
590 IAC 4-4 24 IR 2830  
**25 IR 1154**

Definitions  
590 IAC 4-2 24 IR 2827  
**25 IR 1151**

General provisions  
590 IAC 4-1 24 IR 2826  
**25 IR 1151**

### LOTTERY COMMISSION, STATE

#### Instant games

3 For The Money  
Instant game 568  
LSA Document #01-438(E) **25 IR 1651**

7-11-21  
Instant game 552  
LSA Document #01-329(E) **25 IR 115**  
Instant game 620  
LSA Document #02-346(E) **26 IR 1574**

24K  
Instant game 629  
LSA Document #02-358(E) **26 IR 1590**

\$250 Christmas Club  
Instant game 553  
LSA Document #01-330(E) **25 IR 116**  
Instant game 614  
LSA Document #02-308(E) **26 IR 800**

\$50,000 Grand  
Instant game 570  
LSA Document #02-36(E) **25 IR 2258**

\$50,000 Hand  
Instant game 622  
LSA Document #02-347(E) **26 IR 1575**

\$50,000 Poker Showdown  
Instant game 598  
LSA Document #02-100(E) **25 IR 2527**

Ace in the Hole  
Instant game 612  
LSA Document #02-290(E) **26 IR 390**

Black Jack  
Instant game 621  
LSA Document #02-313(E) **26 IR 807**

Blueline Bingo  
Instant game 548  
65 IAC 4-447 **25 IR 109**

Bonus Bucks  
Instant game 590  
LSA Document #02-164(E) **25 IR 3194**

Cash Nirvana  
Instant game 575  
LSA Document #02-70(E) **25 IR 2274**

Cash Roulette  
Instant game 600  
LSA Document #02-101(E) **25 IR 2530**

Casino 7's  
Instant game 584  
LSA Document #02-153(E) **25 IR 3185**

Casino Nights  
Instant game 606  
LSA Document #02-169(E) **25 IR 3202**

Coffee Change  
Instant game 565  
LSA Document #01-437(E) **25 IR 1650**

Cool Cash Doubler  
Instant game 566  
LSA Document #01-416(E) **25 IR 1187**

Count de Money  
Instant game 549  
LSA Document #01-326(E) **25 IR 109**

Crazy 7s  
Instant game 578  
LSA Document #02-60(E) **25 IR 2263**

Crossword  
Instant game 646  
65 IAC 4-451 **25 IR 4125**

Deal Me In  
Instant game 623  
LSA Document #02-348(E) **26 IR 1577**

Deuces are Wild  
Instant game 611  
LSA Document #02-289(E) **26 IR 389**

Dog Gone Lucky  
Instant game 576  
LSA Document #02-71(E) **25 IR 2275**

Double Diamonds  
Instant game 619  
LSA Document #02-288(E) **26 IR 392**

ELVIS®  
Instant game 563  
LSA Document #01-436(E) **25 IR 1648**

Extreme Green  
Instant game 586  
LSA Document #02-66(E) **25 IR 2269**

Fabulous 4s  
Instant game 628  
LSA Document #02-357(E) **26 IR 1589**

Fantasy 4s  
Instant game 594  
LSA Document #02-99(E) **25 IR 2526**

Fire N' Ice  
Instant game 597  
LSA Document #02-33(E) **25 IR 1917**

Flash Cash  
Instant game 577  
LSA Document #02-59(E) **25 IR 2262**

Freezing Your Bucks Off  
Instant game 559  
LSA Document #01-386(E) **25 IR 823**

General provisions  
Game regulations  
65 IAC 4-2-8 **26 IR 43**

Use of winner information and photographs  
65 IAC 4-2-4 **26 IR 42**

Gold Rush  
Instant game 626  
LSA Document #03-15(E) **26 IR 1946**

Hands Down  
Instant game 605  
LSA Document #02-168(E) **25 IR 3201**

Harley-Davidson®  
Instant game 592  
LSA Document #02-157(E) **25 IR 3192**

Here's The Deal  
Instant game 557  
LSA Document #01-384(E) **25 IR 821**

High Card  
Instant game 609  
LSA Document #02-227(E) **25 IR 4123**

High Roller  
Instant game 593  
LSA Document #02-98(E) **25 IR 2525**

High Stakes  
Instant game 550  
LSA Document #01-327(E) **25 IR 112**

Instant game 624  
LSA Document #02-349(E) **26 IR 1578**

Holiday Package  
Instant game 556  
LSA Document #01-383(E) **25 IR 819**

Instant game 618  
LSA Document #02-312(E) **26 IR 805**

Hoosier Bingo  
Instant game 647  
65 IAC 4-452 **26 IR 1585**

Hoosier Millionaire  
Instant game 287  
Last claim date  
65 IAC 4-287-10 **25 IR 816**

Reorders  
65 IAC 4-287-9 **25 IR 816**  
Instant game 787  
65 IAC 4-450 **25 IR 2531**

Hot Streak  
Instant game 650  
LSA Document #02-257(E) **26 IR 54**

Instant Slots  
Instant game 579  
LSA Document #02-61(E) **25 IR 2265**

In the Money  
Instant game 599  
LSA Document #02-165(E) **25 IR 3197**

Joker's Wild  
Instant game 572  
LSA Document #02-30(E) **25 IR 1912**

Leprechaun Loot  
Instant game 571  
LSA Document #02-37(E) **25 IR 2259**

Luck of the Irish  
Instant game 627  
LSA Document #02-351(E) **26 IR 1582**

Lucky 7's  
Instant game 604  
LSA Document #02-167(E) **25 IR 3200**

Lucky Bucky  
Instant game 551  
LSA Document #01-328(E) **25 IR 113**

Magic Numbers  
Instant game 555  
LSA Document #01-382(E) **25 IR 818**

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Monte Carlo		Triple Blackjack		<b>Pull-tab games</b>	
Instant game 596		Instant game 561		AmeriCash	
LSA Document #02-32(E)	<b>25 IR 1915</b>	LSA Document #01-388(E)	<b>25 IR 825</b>	Pull-tab game 048	
Mistl Dough Doubler		Triple Card Cash		LSA Document #02-285(E)	<b>26 IR 386</b>
Instant game 617		Instant game 588		Casino Action	
LSA Document #02-311(E)	<b>26 IR 804</b>	LSA Document #02-154(E)	<b>25 IR 3187</b>	Pull-tab game 042	
Monthly Bonus		Twenty-One		LSA Document #02-221(E)	<b>25 IR 4118</b>
Instant game 547		Instant game 603		Cherry Bar Fortune	
LSA Document #01-324(E)	<b>25 IR 108</b>	LSA Document #02-166(E)	<b>25 IR 3198</b>	Pull-tab game 052	
Mother's Day Bouquet		Valentine's Day Doubler		LSA Document #02-356(E)	<b>26 IR 1588</b>
Instant game 580		Instant game 567		Definitions	
LSA Document #02-62(E)	<b>25 IR 2265</b>	LSA Document #02-25(E)	<b>25 IR 1090</b>	Agent verification code	
NBA Pacers		Vegas Action		65 IAC 6-1-1.1	<b>26 IR 51</b>
Instant game 630		Instant game 625		Bar code	
LSA Document #03-16(E)	<b>26 IR 1948</b>	65 IAC 4-453	<b>26 IR 1580</b>	65 IAC 6-1-1.2	<b>26 IR 51</b>
One-Eyed Jack		Wild 8's		Game identification number	
Instant game 608		Instant game 562		65 IAC 6-1-2.1	<b>26 IR 51</b>
LSA Document #02-226(E)	<b>25 IR 4121</b>	LSA Document #01-389(E)	<b>25 IR 825</b>	Game/pack number	
Pharaoh's Gold		Winner Wonderland		65 IAC 6-1-2.2	<b>26 IR 51</b>
Instant game 560		Instant game 616		Pack number	
LSA Document #01-387(E)	<b>25 IR 824</b>	LSA Document #02-310(E)	<b>26 IR 803</b>	65 IAC 6-1-4.1	<b>26 IR 51</b>
Instant game 607		Winning Numbers		Validation number	
LSA Document #02-225(E)	<b>25 IR 4120</b>	Instant game 610		65 IAC 6-1-10	<b>26 IR 52</b>
Play For The Money		LSA Document #02-288(E)	<b>26 IR 388</b>	Diamond 7's	
Instant game 582		Winning Pairs		Pull-tab game 047	
LSA Document #02-64(E)	<b>25 IR 2268</b>	Instant game 595		LSA Document #02-284(E)	<b>26 IR 385</b>
Poker Party		LSA Document #01-435(E)	<b>25 IR 1647</b>	General provisions	
Instant game 581		Winter Spectacular		Game rules	
LSA Document #02-63(E)	<b>25 IR 2266</b>	Instant game 615		65 IAC 6-2-8	<b>26 IR 53</b>
Polar Express		LSA Document #02-309(E)	<b>26 IR 801</b>	Termination of a pull-tab game	
Instant game 554		<b>On-line games</b>		65 IAC 6-2-3	<b>26 IR 52</b>
LSA Document #01-381(E)	<b>25 IR 816</b>	General provisions		Ticket price	
Quick 9's		Game regulations		65 IAC 6-2-9	<b>26 IR 53</b>
Instant game 589		65 IAC 5-2-8	<b>26 IR 43</b>	Use of names and photographs of winners	
LSA Document #02-155(E)	<b>25 IR 3189</b>	Use of winner information and photographs		65 IAC 6-2-4	<b>26 IR 52</b>
Race Day Bingo		65 IAC 5-2-4	<b>26 IR 43</b>	Validation of tickets	
Instant game 583		Hoosier Lottery Powerball		65 IAC 6-2-5	<b>26 IR 52</b>
65 IAC 4-448	<b>25 IR 2269</b>	Allocation of prize pool		Hot 13s	
Reindeer Games		65 IAC 5-12-9	<b>26 IR 47</b>	Pull-tab game 051	
Instant game 558		Amount of prize pools		LSA Document #02-355(E)	<b>26 IR 1587</b>
LSA Document #01-385(E)	<b>25 IR 822</b>	65 IAC 5-12-6	<b>26 IR 46</b>	Hot Hand	
Shake, Rattle & Roll		Definitions		Pull-tab game 044	
Instant game 564		65 IAC 5-12-2	<b>26 IR 44</b>	LSA Document #02-224(E)	<b>25 IR 4119</b>
LSA Document #01-417(E)	<b>25 IR 1187</b>	Ineligible players		Lucky Lemons	
Sizzlin' 7's		65 IAC 5-12-14	<b>26 IR 51</b>	Pull-tab game 041	
Instant game 569		65 IAC 5-12-12	<b>26 IR 49</b>	LSA Document #02-220(E)	<b>25 IR 4117</b>
LSA Document #01-439(E)	<b>25 IR 1652</b>	Payment of prizes		Money Bags	
Sizzling Red 7s		65 IAC 5-12-11	<b>26 IR 48</b>	Pull-tab game 046	
Instant game 643		Payment options		LSA Document #02-283(E)	<b>26 IR 385</b>
LSA Document #02-352(E)	<b>26 IR 1583</b>	65 IAC 5-12-5	<b>26 IR 45</b>	Payment of prizes	
SPARKLING GOLD		Power Play promotion		Claiming prizes	
Instant game 573		65 IAC 5-12-12.5	<b>26 IR 49</b>	65 IAC 6-3-2	<b>26 IR 53</b>
LSA Document #02-31(E)	<b>25 IR 1913</b>	Prize amounts		Roulette	
Stars & Stripes		65 IAC 5-12-10	<b>26 IR 47</b>	Pull-tab game 049	
Instant game 591		Procedure for playing		LSA Document #02-286(E)	<b>26 IR 387</b>
LSA Document #02-156(E)	<b>25 IR 3190</b>	65 IAC 5-12-4	<b>26 IR 45</b>	Sports Mania	
Super Bonus Bingo		Reserve accounts		Pull-tab game 043	
Instant game 249		65 IAC 5-12-7	<b>26 IR 47</b>	LSA Document #02-223(E)	<b>25 IR 4119</b>
Last claim date		Ticket price		Stardust	
65 IAC 4-248-11	<b>25 IR 816</b>	65 IAC 5-12-3	<b>26 IR 45</b>	Pull-tab game 050	
Reorders		Max 5		LSA Document #02-354(E)	<b>26 IR 1587</b>
65 IAC 4-248-10	<b>25 IR 816</b>	65 IAC 5-15	<b>25 IR 1909</b>	<b>Retailers</b>	
Terrific 2's		Modification of Max 5 prize structure		Retailer contracts	
Instant game 574		65 IAC 5-15-10	<b>26 IR 1946</b>	Award of contracts	
LSA Document #02-38(E)	<b>25 IR 2261</b>	Termination of Max 5		65 IAC 3-3-3	<b>26 IR 40</b>
		65 IAC 5-15-11	<b>26 IR 1946</b>		

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Retailer contracts for pull-tab games 65 IAC 3-3-10	<b>26 IR 40</b>	License to practice 844 IAC 4-4.5	25 IR 2302 <b>26 IR 28</b>	Reporting continuing education 844 IAC 11-5-4	24 IR 3229 <b>25 IR 1323</b>
Retailer operations Compensation 65 IAC 3-4-5	<b>26 IR 42</b>	Renewal of physicians' licenses Mandatory renewal; notice 844 IAC 4-6-2.1	25 IR 2308 <b>26 IR 34</b>	Definitions School or program 844 IAC 11-1-2	24 IR 3226 <b>25 IR 1320</b>
Procedure for awarding prizes 65 IAC 3-4-4	<b>26 IR 41</b>	<b>Occupational therapists and occupational therapy assistants</b> Fees 844 IAC 10-2-2	25 IR 501 <b>25 IR 2247</b>	Fees 844 IAC 11-2-1.1	25 IR 179 <b>25 IR 1635</b>
<b>MECHANICAL CODE</b> (See <b>FIRE PREVENTION AND BUILDING SAFETY COMMISSION</b> )		<b>Physical therapists and physical therapists' assistants</b> Admission to practice Temporary permits 844 IAC 6-3-5	25 IR 3455 <b>26 IR 378</b>	Standards of competent practice under the direct supervision of a physician Incompetent practice 844 IAC 11-4-5	24 IR 3227 <b>25 IR 1322</b>
<b>MEDICAID SERVICES</b> (See <b>FAMILY AND SOCIAL SERVICES, OFFICE THE SECRETARY OF</b> )		Fees 844 IAC 6-2-2	25 IR 501 <b>25 IR 2247</b>	Liability to patients 844 IAC 11-4-8	24 IR 3228 <b>25 IR 1323</b>
<b>MEDICAL LICENSING BOARD OF INDIANA</b> <b>Acupuncturists</b> Definitions 844 IAC 13-1	24 IR 2554 <b>25 IR 803</b>	General provisions Accreditation of educational programs 844 IAC 6-1-4	25 IR 3454 <b>26 IR 377</b>	Peer reviews 844 IAC 11-4-6	24 IR 3228 <b>25 IR 1322</b>
License renewal 844 IAC 13-4	24 IR 2557 <b>25 IR 807</b>	Registration Mandatory registration; renewal 844 IAC 6-4-1	26 IR 541	<b>Standards of professional conduct and competent practice of medicine</b> General provisions Definitions 844 IAC 5-1-1	26 IR 2116
Licensure 844 IAC 13-2	24 IR 2555 <b>25 IR 805</b>	<b>Physician assistants</b> General provisions Applications 844 IAC 2.2-2-1	26 IR 177	Disciplinary action 844 IAC 5-1-3	26 IR 2118
Practice location 844 IAC 13-7	24 IR 2562 <b>25 IR 811</b>	Certification of physician assistants; fees 844 IAC 2.2-2-8	26 IR 179	Internet use in medical practice 844 IAC 5-3	26 IR 2118
Revocation or suspension of license 844 IAC 13-6	24 IR 2560 <b>25 IR 810</b>	Privileges and duties 844 IAC 2.2-2-5	26 IR 179	Prescribing to persons not seen by the physician 844 IAC 5-4	26 IR 2120
Standards of professional conduct 844 IAC 13-5	24 IR 2558 <b>25 IR 808</b>	Supervising physician; registration of 844 IAC 2.2-2-2	26 IR 178	<b>MENTAL HEALTH AND ADDICTION, DIVISION OF</b> <b>Addiction services provider certification</b> Certification Appeals 440 IAC 4.4-2-11	25 IR 163 <b>25 IR 2226</b>
Supervision 844 IAC 13-3	24 IR 2556 <b>25 IR 806</b>	<b>Respiratory care practitioners</b> Admission to practice Licensure by credentials 844 IAC 11-3-3.1	25 IR 178 <b>25 IR 1635</b>	Certification by the division 440 IAC 4.4-2-1	25 IR 158 <b>25 IR 2221</b>
<b>Hearing aid dealers</b> Application Registration 844 IAC 9-3-1	24 IR 3809	Licensure by endorsement 844 IAC 11-3-3	24 IR 3226 <b>25 IR 1321</b>	Conditional status for regular and outpatient certification 440 IAC 4.4-2-8	25 IR 162 <b>25 IR 2225</b>
Certification renewal Certificate renewal 844 IAC 9-4-1	24 IR 3810	Licensure by examination 844 IAC 11-3-2	24 IR 3226 <b>25 IR 1321</b>	Maintenance of certification 440 IAC 4.4-2-5	25 IR 161 <b>25 IR 2224</b>
Student hearing aid dealer certificate renewal 844 IAC 9-4-2	24 IR 3810	Temporary permits by endorsement 844 IAC 11-3-4	24 IR 3227 <b>25 IR 1321</b>	Notification of changes 440 IAC 4.4-2-6	25 IR 162 <b>25 IR 2225</b>
Definitions Sponsor 844 IAC 9-2-5	24 IR 3809	Temporary permits by examination 844 IAC 11-3-4.1	25 IR 178 <b>25 IR 1635</b>	Outpatient certification 440 IAC 4.4-2-4	25 IR 159 <b>25 IR 2222</b>
Examinations 844 IAC 9-5-1	24 IR 3810	Certification renewal Address; change of name 844 IAC 11-5-1	24 IR 3228 <b>25 IR 1323</b>	Regular certification 440 IAC 4.4-2-3	25 IR 159 <b>25 IR 2222</b>
Fees 844 IAC 9-1-1	24 IR 3809	Approval of continuing education programs 844 IAC 11-5-5	24 IR 3229 <b>25 IR 1324</b>	Renewal of certification 440 IAC 4.4-2-7	25 IR 162 <b>25 IR 2225</b>
Supervision Standards of conduct 844 IAC 9-6-3	24 IR 3811	Continuing education hours required 844 IAC 11-5-3	24 IR 3228 <b>25 IR 1323</b>	Requirements 440 IAC 4.4-2-2	25 IR 158 <b>25 IR 2221</b>
Student hearing aid dealers 844 IAC 9-6-1	24 IR 3811				
<b>Hypnotist committee</b> 844 IAC 12-2-2	25 IR 502 <b>25 IR 2248</b>				
<b>Medical doctors</b> Fees Board fees 844 IAC 4-2-2	24 IR 3778 <b>25 IR 2246</b>				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Temporary certification 440 IAC 4.4-2-3.5	25 IR 159 <b>25 IR 2222</b>	<b>Community mental health centers</b> Certification Certification by the division 440 IAC 4.1-2-1	26 IR 519	Renewal of certification 440 IAC 6-2-7	25 IR 870 <b>25 IR 3148</b>
Termination 440 IAC 4.4-2-9	25 IR 163 <b>25 IR 2226</b>	Maintenance of certification 440 IAC 4.1-2-5	26 IR 521	Scope 440 IAC 6-2-1	25 IR 867 <b>25 IR 3146</b>
Uniform criteria for programs certified as out-patient under 440 IAC 4.4-2-4 440 IAC 4.4-2-4.5	25 IR 160 <b>25 IR 2223</b>	Regular certification by 440 IAC 4.1-2-4	26 IR 520	Termination of certification 440 IAC 6-2-8	25 IR 870 <b>25 IR 3149</b>
Definitions 440 IAC 4.4-1-1	25 IR 157 <b>25 IR 2220</b>	Termination of certification 440 IAC 4.1-2-9	26 IR 521	Definitions General definitions 440 IAC 6-1-1	25 IR 867 <b>25 IR 3145</b>
<b>Community care</b> Transferred or discharged individuals Applicability 440 IAC 5-1-1	25 IR 3289 <b>26 IR 745</b>	Exclusive geographic primary service areas Appeal rights 440 IAC 4.1-3-8	26 IR 524	<b>Residential living facilities for individuals with psychiatric disorders or additions</b> Alternative family for adults program for individuals with psychiatric disorders or additions 440 IAC 7.5-7	25 IR 863 <b>25 IR 3142</b>
Definitions 440 IAC 5-1-2	25 IR 3290 <b>26 IR 746</b>	Community mental health center; exclusive geographic primary service areas 440 IAC 4.1-3-1	26 IR 522	Definition 440 IAC 7.5-1	25 IR 849 <b>25 IR 3127</b>
Gatekeeper's role during the time the individual is in the state-operated facility 440 IAC 5-1-3.5	25 IR 3290 <b>26 IR 747</b>	County complaints regarding a community mental health center 440 IAC 4.1-3-3	26 IR 522	Fire and life safety standards for congregate living facilities for persons with a psychiatric disorder or an addiction 440 IAC 7.5-10	<b>25 IR 3145</b>
<b>Community mental health centers</b> Services Mandatory services 440 IAC 4-3-1	26 IR 519	County request that it be assigned to a new community mental health center 440 IAC 4.1-3-7	26 IR 524	Fire and life safety standards for facilities located in apartment buildings for persons with a psychiatric disorder or an addiction 440 IAC 7.5-8	25 IR 865 <b>25 IR 3144</b>
<b>Community mental health centers and managed care providers; minimum standards of service</b> Continuum of care; standards of practice Acute stabilization 440 IAC 9-2-4	24 IR 3757 <b>25 IR 1138</b>	Changes of the exclusive geographic primary service areas 440 IAC 4.1-3-4	26 IR 523	Fire and life safety standards for one and two family dwellings for persons with a psychiatric disorder or an addiction 440 IAC 7.5-9	<b>25 IR 3144</b>
Case management 440 IAC 9-2-10	25 IR 4201 <b>26 IR 1940</b>	Designation of a new community mental health center 440 IAC 4.1-3-6	26 IR 523	Managed care providers and community mental health centers 440 IAC 7.5-3	25 IR 858 <b>25 IR 3137</b>
Day treatment for adults 440 IAC 9-2-5	24 IR 3757 <b>25 IR 1138</b>	Obligations of each community mental health center regarding the exclusive geographic primary service area 440 IAC 4.1-3-2	26 IR 522	Residential living facilities 440 IAC 7.5-2	25 IR 851 <b>25 IR 3129</b>
Family support 440 IAC 9-2-13	26 IR 867	Redesignation of the exclusive geographic primary service areas 440 IAC 4.1-3-5	26 IR 523	Semi-independent living program for individuals with psychiatric disorders or additions 440 IAC 7.5-6	25 IR 862 <b>25 IR 3141</b>
Medication evaluation and monitoring 440 IAC 9-2-12	25 IR 4203 <b>26 IR 1942</b>	<b>Private mental health institutions; licensure</b> Definitions 440 IAC 1.5-1	25 IR 3277 <b>26 IR 733</b>	Sub-acute and supervised group living facilities 440 IAC 7.5-4	25 IR 860 <b>25 IR 3139</b>
Outpatient services 440 IAC 9-2-11	25 IR 4202 <b>26 IR 1941</b>	General provisions 440 IAC 1.5-2	25 IR 3278 <b>26 IR 734</b>	Transitional residential facilities for individuals with a psychiatric disorder or an addiction 440 IAC 7.5-5	25 IR 862 <b>25 IR 3140</b>
Residential services for adults Addictions 440 IAC 9-2-8	25 IR 2022 <b>25 IR 3763</b>	Organizational standards and requirement 440 IAC 1.5-3	25 IR 3281 <b>26 IR 737</b>	<b>MERIDIAN STREET PRESERVATION COMMISSION</b> <b>General provisions</b> Certificate of appropriateness 925 IAC 2-4	25 IR 1258 <b>25 IR 2250</b>
Psychiatric disorders 440 IAC 9-2-7	25 IR 2020 <b>25 IR 3762</b>	<b>Residential care providers; certification</b> Certification Application for certification 440 IAC 6-2-4	25 IR 869 <b>25 IR 3147</b>	Definitions 925 IAC 2-1	25 IR 1256 <b>25 IR 2248</b>
Seriously emotionally disturbed or addicted children 440 IAC 9-2-9	25 IR 2023 <b>25 IR 3764</b>	Certification by the division 440 IAC 6-2-2	25 IR 868 <b>25 IR 3146</b>	Dismissal; withdrawal; redocketing of cases 925 IAC 2-5	25 IR 1259 <b>25 IR 2251</b>
Unnecessary and inappropriate treatment and hospitalization and the deprivation of a person's liberty; services to prevent 440 IAC 9-2-6	24 IR 3758 <b>25 IR 1139</b>	Maintenance of certification 440 IAC 6-2-5	25 IR 869 <b>25 IR 3148</b>		
		Notification of changes 440 IAC 6-2-6	25 IR 869 <b>25 IR 3148</b>		
		Notification of termination 440 IAC 6-2-9	25 IR 870 <b>25 IR 3149</b>		
		Organizational standards and requirements 440 IAC 6-2-3	25 IR 868 <b>25 IR 3147</b>		

## CITATIONS TO FINAL RULES ARE IN **BOLD** TYPE

General conduct of business 925 IAC 2-6	25 IR 1260 <b>25 IR 2252</b>	Office operations; classrooms; advertising 140 IAC 4-1-5	24 IR 2881 <b>25 IR 915</b>	Procurement of equipment, materials, goods, and services or the lease of equipment; proce- dural requirements 140 IAC 8-2-4	24 IR 3211 <b>25 IR 925</b>
Public hearings; meetings 925 IAC 2-2	25 IR 1256 <b>25 IR 2248</b>	Vehicle standards 140 IAC 4-1-11	24 IR 2881 <b>25 IR 916</b>	Purpose 140 IAC 8-2-1	24 IR 3210 <b>25 IR 924</b>
Zoning 925 IAC 2-3	25 IR 1258 <b>25 IR 2250</b>	Vision screening Vision test chart 140 IAC 4-3-1	24 IR 2883 <b>25 IR 917</b>	Service charges Additional service charge for permits and li- censes 140 IAC 8-3-18	24 IR 3218 <b>25 IR 932</b>
<b>MICROFILMING STANDARDS</b> (See <b>PUBLIC RECORDS, OVERSIGHT COM- MISSION ON-Coal mining and reclamation operations</b> )		<b>Driver's license division</b> Commercial driver's licensing Certified skills test 140 IAC 7-3-13	24 IR 2890 <b>25 IR 922</b>	Civic event license plate fee and service charge 140 IAC 8-3-17	24 IR 3218 <b>25 IR 932</b>
<b>MINING</b> (See <b>NATURAL RESOURCES COMMIS- SION-Coal mining and reclamation opera- tions</b> )		Core knowledge examination 140 IAC 7-3-9	24 IR 2889 <b>25 IR 921</b>	Commercial driver's license service charge 140 IAC 8-3-19	24 IR 3218 <b>25 IR 933</b>
<b>MINORITY AND WOMEN'S BUSINESS EN- TERPRISES</b> (See <b>ADMINISTRATION, INDIANA DEPART- MENT OF</b> )		Endorsements knowledge test 140 IAC 7-3-10	24 IR 2889 <b>25 IR 921</b>	Delinquent license renewal service charge 140 IAC 8-3-27	24 IR 3220 <b>25 IR 935</b>
<b>MOTOR VEHICLES, BUREAU OF</b> <b>Abandoned vehicles division</b> Administration of abandoned vehicles law Report; determination of market value 140 IAC 5-1-4	24 IR 2885 <b>25 IR 919</b>	Learner's permit 140 IAC 7-3-5	24 IR 2888 <b>25 IR 921</b>	Delinquent registration service charge 140 IAC 8-3-26	24 IR 3220 <b>25 IR 934</b>
Storage and towing charges 140 IAC 5-1-2	24 IR 2884 <b>25 IR 918</b>	Renewal 140 IAC 7-3-17	24 IR 2890 <b>25 IR 922</b>	Delinquent title service charge 140 IAC 8-3-13	24 IR 3217 <b>25 IR 931</b>
Terms of sale 140 IAC 5-1-3	24 IR 2884 <b>25 IR 918</b>	Skills test 140 IAC 7-3-11	24 IR 2889 <b>25 IR 922</b>	Duplicate or corrected registration service charges 140 IAC 8-3-5	24 IR 3216 <b>25 IR 930</b>
<b>Dealer plates and licensing</b> Application Dealer license requirements 140 IAC 3.5-2-4	24 IR 2877 <b>25 IR 912</b>	Motorcycle operator licensing Skills test 140 IAC 7-2-6	24 IR 2888 <b>25 IR 920</b>	Duplicate or replacement license plate service charge increase 140 IAC 8-3-21	24 IR 3219 <b>25 IR 933</b>
Interim plates; restrictions on use 140 IAC 3.5-2-15	24 IR 2879 <b>25 IR 914</b>	Written test 140 IAC 7-2-5	24 IR 2888 <b>25 IR 920</b>	Duplicate title service charge increase 140 IAC 8-3-22	24 IR 3219 <b>25 IR 933</b>
Number of vehicles sold by dealer or transfer dealer 140 IAC 3.5-2-13	24 IR 2879 <b>25 IR 914</b>	<b>Excise tax and registration division</b> Special group recognition license plates; issuance Loss of status; renewal process 140 IAC 2-4-9	24 IR 2874 <b>25 IR 911</b>	Forms service charge 140 IAC 8-3-3	24 IR 3215 <b>25 IR 930</b>
Transfer dealer license requirements 140 IAC 3.5-2-9	24 IR 2878 <b>25 IR 913</b>	Submission of list of applicants; extension; expenses 140 IAC 2-4-3	25 IR 2873 <b>25 IR 910</b>	Hull identification number service charge 140 IAC 8-3-25	24 IR 3220 <b>25 IR 934</b>
Wholesale dealer, auctioneer, and broker li- censes 140 IAC 3.5-2-11	24 IR 2879 <b>25 IR 914</b>	Surety bond; posting 140 IAC 2-4-4	24 IR 2873 <b>25 IR 910</b>	Identification card service charge 140 IAC 8-3-20	24 IR 3219 <b>25 IR 933</b>
<b>Driver examiner division</b> Commercial driver training schools and instructors Instructor's license; qualifications 140 IAC 4-1-13	24 IR 2882 <b>25 IR 916</b>	<b>License branches</b> Personnel policies Policies 140 IAC 8-1-3	24 IR 3209 <b>25 IR 923</b>	Late application for watercraft certificate of title service charge 140 IAC 8-3-24	24 IR 3219 <b>25 IR 934</b>
Location of school 140 IAC 4-1-4	24 IR 2881 <b>25 IR 915</b>	Procurement Policy 140 IAC 8-2-2	24 IR 3210 <b>25 IR 924</b>	Miscellaneous special license plate service 140 IAC 8-3-16	24 IR 3217 <b>25 IR 932</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>	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>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Title service charge 140 IAC 8-3-12 <b>25 IR 931</b>	24 IR 3216	Administrative law judge; automatic change 312 IAC 3-1-8 <b>26 IR 8</b>	25 IR 2553	Control of black stem rust 312 IAC 18-3-8 26 IR 1123
Transfer of vehicle registration service charge 140 IAC 8-3-15 <b>25 IR 931</b>	24 IR 3217	Court reporter; transcripts 312 IAC 3-1-14 <b>25 IR 1543</b>	24 IR 4058	Control of larger pine shoot beetles LSA Document #02-205(E) 312 IAC 18-3-12 <b>25 IR 3778</b> 25 IR 1217 <b>25 IR 3049</b> 26 IR 1121
Vehicle registration service charge 140 IAC 8-3-8 <b>25 IR 930</b>	24 IR 3216	Initiation of proceeding for administrative review 312 IAC 3-1-3 <b>25 IR 1543</b> 25 IR 2553 <b>26 IR 8</b>	25 IR 2554	<b>Fish and wildlife</b> LSA Document #01-350(E) <b>25 IR 386</b> LSA Document #02-35(E) <b>25 IR 1919</b> LSA Document #02-93(E) <b>25 IR 2539</b> LSA Document #02-194(E) <b>25 IR 3775</b> LSA Document #02-293(E) <b>26 IR 395</b>
Watercraft certificate of title service charge 140 IAC 8-3-23 <b>25 IR 934</b>	24 IR 3219	Petitions for judicial review 312 IAC 3-1-18 <b>25 IR 1544</b> 25 IR 2554 <b>26 IR 9</b>	24 IR 4058	<b>Birds</b> Endangered and threatened species 312 IAC 9-4-14 24 IR 3677 <b>25 IR 1535</b> 25 IR 1214 <b>25 IR 3046</b>
<b>Safety responsibility division</b> Administrative hearing procedure Final orders 140 IAC 1-1-11 <b>25 IR 901</b>	24 IR 2863	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	25 IR 2553	Wild turkeys 312 IAC 9-4-11 24 IR 3675 <b>25 IR 1533</b>
Record of hearing 140 IAC 1-1-7 <b>25 IR 900</b>	24 IR 2862	Ultimate authority 312 IAC 3-1-2 <b>25 IR 1543</b> 25 IR 2553 <b>26 IR 8</b>	25 IR 2553	<b>Invertebrates</b> Endangered and threatened species of invertebrates 312 IAC 9-9-4 25 IR 1217 <b>25 IR 3049</b>
Ignition interlock devices; standards and specifications Minimum standards 140 IAC 1-8-1 <b>25 IR 910</b>	24 IR 2872	<b>Cemeteries and burial grounds</b> Definitions 312 IAC 22.5-1 <b>25 IR 4074</b>	26 IR 1131	Mammals Deer Endangered and threatened species of mammals 312 IAC 9-3-19 25 IR 1214 <b>25 IR 3046</b>
Point system for Indiana traffic convictions Hearings; reinstatement of suspended license 140 IAC 1-4.5-6 <b>25 IR 903</b>	24 IR 2865	Disturbance of ground within 100 feet of a cemetery 312 IAC 22.5-2 <b>25 IR 4075</b>	25 IR 2553	General requirements; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year 312 IAC 9-3-2 24 IR 3671 <b>25 IR 1528</b>
Point accumulation 140 IAC 1-4.5-4 <b>25 IR 902</b>	24 IR 2865	<b>Coal mining and reclamation operations</b> Definitions Drinking water well 312 IAC 25-1-45.5 25 IR 4160	25 IR 2553	Hunting deer Bow and arrows 312 IAC 9-3-4 24 IR 3673 <b>25 IR 1530</b>
Point value table 140 IAC 1-4.5-10 <b>25 IR 903</b>	24 IR 2866	Ground water management zone 312 IAC 25-1-60.5 25 IR 4160	25 IR 2553	Bow and arrows by authority of an extra deer license 312 IAC 9-3-5 24 IR 3673 <b>25 IR 1531</b>
Pre-motor vehicle registration financial responsibility requirement; procedures for implementation Financial responsibility; intentional falsification of required information; hearing procedures 140 IAC 1-5-3 <b>25 IR 909</b>	24 IR 2871	Performance standards Hydrologic balance; application of ground water quality standards 312 IAC 25-6-12.5 25 IR 4163	25 IR 4164	Designated county by authority of an extra deer license LSA Document #01-415(E) <b>25 IR 1191</b> LSA Document #02-191(E) <b>25 IR 3774</b> 312 IAC 9-3-7 24 IR 3674 <b>25 IR 1532</b>
Proof of financial responsibility; methods of proof Minimum term of insurance 140 IAC 1-2-2 <b>25 IR 902</b>	24 IR 2864	Underground mining; hydrologic balance; application of ground water quality standards 312 IAC 25-6-76.5 25 IR 4164	25 IR 4164	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 <b>25 IR 1532</b>
Minimum term of reinstatement insurance 140 IAC 1-2-3 <b>25 IR 902</b>	24 IR 2864	Permitting procedures Surface mining permit applications; reclamation and operations plan; Maps 312 IAC 25-4-43 25 IR 4160	25 IR 4160	Firearms 312 IAC 9-3-3 24 IR 3672 <b>25 IR 1530</b>
<b>Special sales division</b> Salvage motor vehicle registration Record keeping requirements 140 IAC 3-3-6 <b>25 IR 911</b>	24 IR 2875	Protection of hydrologic balance 312 IAC 25-4-47 25 IR 4161	25 IR 4161	Reptiles and amphibians Endangered and threatened species of reptiles and amphibians 312 IAC 9-5-4 25 IR 1215 <b>25 IR 3047</b>
<b>Title division</b> Application, change, transfer of title; procedures Duplicate titles 140 IAC 6-1-7 <b>25 IR 920</b>	24 IR 2886	Underground mining permit applications; reclamation plan Map 312 IAC 25-4-93 25 IR 4163	25 IR 4163	
<b>NATURAL RESOURCES COMMISSION</b> <b>Adjudicatory proceedings</b> Procedural rules Administration 312 IAC 3-1-1 <b>26 IR 7</b>	25 IR 2552	Protection of hydrologic balance 312 IAC 25-4-85 25 IR 4162	25 IR 4162	
	<b>26 IR 7</b>	<b>Entomology and plant pathology</b> Control of pests or pathogens LSA Document #01-323(E) <b>25 IR 123</b>	<b>25 IR 123</b>	

## CITATIONS TO FINAL RULES ARE IN **BOLD** TYPE

Sale and transport for sale; native to Indiana 312 IAC 9-5-7 <b>25 IR 1535</b>	Wild animal possession permits Maintaining a wild animal possessed under this rule 312 IAC 9-11-14 26 IR 1603	Bond types 312 IAC 16-4-2 25 IR 4159 <b>26 IR 1898</b>
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 <b>26 IR 1068</b>	<b>Flood plain management</b> General licenses and specific exemptions from floodway licensing Qualified outfall projects; exemption from licensing requirements 312 IAC 10-5-8 24 IR 4061 <b>25 IR 1546</b>	Permits Permit applications 312 IAC 16-3-2 25 IR 4156 <b>26 IR 1896</b>
Special licenses; permits and standards LSA Document #02-190(E) <b>25 IR 3773</b> Aquaculture permit 312 IAC 9-10-17 24 IR 3683 <b>25 IR 1541</b>	Qualified utility line crossings; exemption from licensing requirements 312 IAC 10-5-4 24 IR 4060 <b>25 IR 1545</b>	<b>Procedures and delegations</b> Organized activities and tournaments on designated public waters Advance date approval 312 IAC 2-4-7 26 IR 1127
Game breeder licenses 312 IAC 9-10-4 26 IR 1602	<b>Grant programs</b> Community park or recreation area grants Grant application for a community park or recreation area 312 IAC 26-3-4 24 IR 4063 <b>25 IR 1548</b>	Applicability 312 IAC 2-4-1 26 IR 1126
Nuisance wild animal control permit 312 IAC 9-10-11 25 IR 2551 <b>26 IR 692</b>	Definitions SCORP 312 IAC 26-1-13 24 IR 4062 <b>25 IR 1547</b>	Definitions 312 IAC 2-4-2 26 IR 1126
Scientific purposes licenses 312 IAC 9-10-6 25 IR 2752 <b>26 IR 1069</b>	Historic preservation Professional standards for historic preservation projects involving acquisitions 312 IAC 26-4-5 24 IR 4063 <b>25 IR 1549</b>	License application 312 IAC 2-4-6 26 IR 1127
Sport fishing LSA Document #02-217(E) <b>25 IR 4126</b> Black bass 312 IAC 9-7-6 24 IR 3681 <b>25 IR 1539</b>	Program administration Project assurances 312 IAC 26-2-3 24 IR 4062 <b>25 IR 1548</b>	License holder; general duties 312 IAC 2-4-9 26 IR 1128
Catfish 312 IAC 9-7-3 24 IR 3681 <b>25 IR 1539</b>	<b>Historic preservation review board</b> Application and administration 312 IAC 20-1 24 IR 1718	Limitations on fishing tournaments at lakes administered by the division of state parks and reservoirs 312 IAC 2-4-12 26 IR 1128
Charter fishing boat operator's license 312 IAC 9-7-17 24 IR 3682 <b>25 IR 1540</b>	Definitions 312 IAC 20-2 24 IR 1719	Limitations on organized boating activities at Lake Wawasee and Syracuse Lake, Kosciusko County 312 IAC 2-4-13 26 IR 1129
Sport fishing methods, except on the Ohio River 312 IAC 9-7-2 24 IR 3680 <b>25 IR 1537</b>	Review board membership and meetings 312 IAC 20-3 24 IR 1719	Notice of and response to petition 312 IAC 2-4-4 26 IR 1127
Trout and salmon 312 IAC 9-7-13 24 IR 3682 <b>25 IR 1540</b>	<b>Lake construction activities</b> Definitions Public freshwater lake 312 IAC 11-2-17 24 IR 4062 <b>25 IR 1547</b>	Petition to regulate the conduct of fishing tournaments or other organized activities on designated public waters 312 IAC 2-4-3 25 IR 1214 <b>25 IR 3046</b>
Walleye; sauger; saugeye 312 IAC 9-7-12 24 IR 3682 <b>25 IR 1540</b>	Innovative practices and nonconforming uses LSA Document #03-27(E) <b>26 IR 1954</b>	Reporting 312 IAC 2-4-9.5 25 IR 842 <b>25 IR 3045</b>
Yellow perch 312 IAC 9-7-18 24 IR 3683 <b>25 IR 1541</b>	Licensing of particular types of structures Underwater beaches 312 IAC 11-4-4 24 IR 4062 <b>25 IR 1547</b>	Public hearings prior to the issuance of an agency order (subject to 312 IAC 3-1) Notice of consideration of application for certain designated licenses; service by license applicant 312 IAC 2-3-3 24 IR 4057 <b>25 IR 1542</b>
Sport fishing, commercial fishing; definitions, restrictions, and standards Areas closed to fishing 312 IAC 9-6-6 24 IR 3679 <b>25 IR 1537</b>	<b>Natural and recreational areas</b> Fishing tournaments LSA Document #01-349(E) <b>25 IR 386</b>	<b>Public use of natural and recreational areas</b> Administration and definitions Definitions 312 IAC 8-1-4 24 IR 4059 <b>25 IR 1544</b>
Definitions pertaining to fish and fishing activities LSA Document #02-330(E) 312 IAC 9-6-1 25 IR 1215 <b>25 IR 3047</b> 26 IR 1966	<b>Oil and gas</b> Annual well fee 312 IAC 16-3-5 25 IR 4158 <b>26 IR 1897</b>	25 IR 1954 <b>25 IR 3713</b>
Endangered and threatened species of fish 312 IAC 9-6-9 25 IR 1216 <b>25 IR 3048</b>	Bonding Bonding in addition to annual well fee 312 IAC 16-4-1 25 IR 4158 <b>26 IR 1898</b>	Enforcement, penalties, and other administrative actions Ejection from DNR property 312 IAC 8-5-3 24 IR 4056 <b>25 IR 1074</b>
Exotic fish LSA Document #02-330(E) 312 IAC 9-6-7 26 IR 1967	Bond release 312 IAC 16-4-5 25 IR 4159 <b>26 IR 1899</b>	Use of DNR properties; general restrictions Animals brought by people to DNR properties 312 IAC 8-2-6 24 IR 4056 <b>25 IR 1074</b>
Fish sorting restrictions and the prohibition of waste 312 IAC 9-6-3 24 IR 3679 <b>25 IR 1537</b>		25 IR 1956 <b>25 IR 3715</b>



CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Campsites and camping 312 IAC 8-2-11	25 IR 1957 <b>25 IR 3716</b>	Formal organized program of study and clinical experience or the equivalent as determined by the board 848 IAC 4-1-6	24 IR 3234 <b>25 IR 1329</b>	<b>OPTOMETRIC LEGEND DRUG PRESCRIPTION ADVISORY COMMITTEE, INDIANA</b> <b>Formulary of legend drugs</b> Formulary Listed by category 857 IAC 2-3-16	25 IR 3873 <b>26 IR 1104</b>
Hunting, trapping, and firearms 312 IAC 8-2-3	25 IR 1955 <b>25 IR 3714</b>	<b>Interstate nurse licensing compact and multistate licensure privileges</b> General provisions 848 IAC 6-1	26 IR 2121	<b>OPTOMETRY BOARD, INDIANA</b> <b>General provisions</b> Fees Application 852 IAC 1-10-1	25 IR 200 <b>25 IR 1732</b>
Trash, refuse, and sanitation 312 IAC 8-2-2	24 IR 4055	<b>Nurse-midwives</b> General provisions Biennial renewal of limited license 848 IAC 3-2-5	24 IR 3233 <b>25 IR 1329</b>	Limited licenses 852 IAC 1-17	25 IR 3870 <b>26 IR 1561</b>
Vehicles, trails, watercraft, and aircraft 312 IAC 8-2-8	25 IR 1957 <b>25 IR 3715</b>	Fees for limited license 848 IAC 3-2-2	24 IR 3233 <b>25 IR 1328</b>	Revocation or suspension of license License revocation; duties of licensees 852 IAC 1-13-1	25 IR 3869
<b>State historic rehabilitation tax credit</b> Certification by division of historic preservation and archeology Modification of tax credits 312 IAC 23-3-5	24 IR 3670 <b>25 IR 708</b>	<b>Prescriptive authority for advanced practical nursing</b> Limitations or rules 848 IAC 5-2-1	24 IR 3234 <b>25 IR 1329</b>	License suspension; duties of licensees 852 IAC 1-13-2	25 IR 3870
<b>Water well drillers</b> Minimum well construction standards Bucket wells 312 IAC 13-6-2	24 IR 3102	<b>Registered and practical nurses</b> Definitions; administration Appeals 848 IAC 1-1-5	24 IR 3231 <b>25 IR 1326</b>	Qualifications of applicants Applicant fees, transcripts, examination scores, and photographs 852 IAC 1-1.1-4	25 IR 3869 <b>26 IR 1944</b>
Well equipment and installation specifications Casing 312 IAC 13-4-1	24 IR 3102	Definitions 848 IAC 1-1-2.1	26 IR 2124	<b>PERSONNEL DEPARTMENT, STATE</b> <b>Conversion of accrued leave into deferred com- pensation</b> Applicability 31 IAC 5-2	25 IR 3218
<b>Watercraft operations on public waters in Indi- ana</b> Boat races, water ski events, and major organized boating activities Applicability 312 IAC 5-3-1	26 IR 1130	Duplicate license 848 IAC 1-1-10	24 IR 3233 <b>25 IR 1328</b>	Conversion and vesting 31 IAC 5-3	25 IR 3218
Public notice before the issuance of a license for a boat race, water ski event, or major organized boating activity 312 IAC 5-3-3	26 IR 1130	Employment conditions; enforcement powers and duties; records and reports 848 IAC 1-1-13	24 IR 3233 <b>25 IR 1328</b>	Definitions 31 IAC 5-1	25 IR 3218
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 5-3-2	26 IR 1130	Fees 848 IAC 1-1-14	26 IR 2123	Election of prior benefit formula 31 IAC 5-5	25 IR 3219
Specified public freshwater lakes; restrictions Lake Wawasee and Syracuse Lake; special watercraft zones LSA Document #03-26(E)	<b>26 IR 1952</b>	Licensure by endorsement 848 IAC 1-1-7	24 IR 3232 <b>25 IR 1327</b>	Leave valuation and conversion 31 IAC 5-4	25 IR 3218
312 IAC 5-6-6	25 IR 3239 25 IR 4165 <b>26 IR 1899</b>	Licensure by examination 848 IAC 1-1-6	24 IR 3231 <b>25 IR 1326</b>	Limitations 31 IAC 5-6	25 IR 3219
Specified waters owned by public utilities; restric- tions LSA Document #02-95(E)	<b>25 IR 2540</b>	<b>NURSING HOME REGULATION</b> (See <b>HEALTH, INDIANA STATE DEPART- MENT OF— Health facilities; licensing and operational standards</b> )	26 IR 2124	<b>Merit employees</b> Hours and leaves Personal leave 31 IAC 2-11-4.5	25 IR 3217
Geist Reservoir LSA Document #02-129(E)	<b>25 IR 2743</b>	<b>OCCUPATIONAL THERAPY</b> (See <b>MEDICAL LICENSING BOARD OF INDI- ANA</b> )		Sick leave 31 IAC 2-11-4	25 IR 3217
312 IAC 5-9-2	25 IR 1212 <b>25 IR 3044</b>	<b>OFFENDER AND JUVENILE RECORDS</b> (See <b>CORRECTION, DEPARTMENT OF</b> )		Vacation leave 31 IAC 2-11-3	25 IR 3216
Prairie Creek Reservoir in Delaware County LSA Document #02-130(E)	<b>25 IR 2743</b>	<b>ONE AND TWO FAMILY DWELLING CODE</b> (See <b>FIRE PREVENTION AND BUILDING SAFETY COMMISSION</b> )		<b>Non-merit employees</b> Hours and leaves Sick leave; definition; accrual 31 IAC 1-9-4	25 IR 3215
Watercraft operation restrictions on Prairie Creek Reservoir in Delaware County 312 IAC 5-9-4	25 IR 1212 <b>25 IR 3044</b>	<b>OPINIONS OF THE ATTORNEY GENERAL</b> (See Cumulative Table of Executive Orders and Attorney General's Opinions at 26 IR 1431)		Personal leave 31 IAC 1-9-4.5	25 IR 3215
<b>NURSING, INDIANA STATE BOARD OF</b> <b>Advanced practice nursing and prescriptive authority for advanced practice nursing</b> Definitions Advanced practice nurse 848 IAC 4-1-3	24 IR 3234 <b>25 IR 1329</b>			Vacation leave 31 IAC 1-9-3	25 IR 3213
				<b>PESTICIDE REVIEW BOARD, INDIANA</b> <b>Pesticides near community public water supply system wells</b> 357 IAC 1-10	26 IR 1243

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

### PESTICIDE USE AND APPLICATION

(See also **CHEMIST OF THE STATE OF INDIANA, STATE**)

#### Pesticide use and application

- Site awareness and direct supervision of noncertified applicators
  - Applicability of supervision requirements
    - 355 IAC 4-2-5 24 IR 2808
  - Certified and noncertified applicators' responsibilities
    - 355 IAC 4-2-6 24 IR 2808
  - Definitions
    - 355 IAC 4-2-1 24 IR 2807
  - Limit on number of noncertified individuals to be supervised
    - 355 IAC 4-2-7 24 IR 2808
  - On-site supervision of use
    - 355 IAC 4-2-3 24 IR 2807
  - Pesticide use by noncertified persons
    - 355 IAC 4-2-2 24 IR 2807
  - Technician registration requirements
    - 355 IAC 4-2-8 24 IR 2808

### PHARMACY, INDIANA BOARD OF

#### Controlled substances

- Issuance, filling, and filing prescriptions
  - Persons entitle to issue prescriptions
    - 856 IAC 2-6-2 24 IR 4223
    - 25 IR 1343**
  - Schedules III and IV controlled substances
    - 856 IAC 2-6-12 24 IR 4223
    - 25 IR 1343**
- Limited permits
  - 856 IAC 2-7 25 IR 3871
  - 26 IR 1725
- Registration information—special instructions
  - Application forms; reregistration forms
    - 856 IAC 2-3-13 24 IR 4222
    - 25 IR 1342**
  - Evidentiary hearing
    - 856 IAC 2-3-24 24 IR 4222
    - 25 IR 1343**
  - Registration information; special instructions
    - 856 IAC 2-3-9 24 IR 3813
    - 25 IR 940**

#### Pharmacies and pharmacists

- Continuing professional education
  - General requirements; definitions
    - 856 IAC 1-26-1 24 IR 4215
    - 25 IR 1335**
- Definitions
  - Display of certificate
    - 856 IAC 1-2-1 24 IR 4211
    - 25 IR 1331**
  - Illegal display of certificate; prohibition
    - 856 IAC 1-2-2 24 IR 4211
    - 25 IR 1331**
  - Notification of address change
    - 856 IAC 1-2-3 24 IR 4211
    - 25 IR 1331**
  - Dispensing of dangerous drugs
    - 856 IAC 1-23-1 24 IR 4215
    - 25 IR 1335**

#### Electronic data processing of prescriptions

- Approval of systems
  - 856 IAC 1-29-1 24 IR 4216
  - 25 IR 1337**
- Examination and experience requirements
  - 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
    - 856 IAC 1-3.1-6 24 IR 4211
    - 25 IR 1331**
  - Out-of-state practical experience; reciprocity
    - 856 IAC 1-3.1-12 24 IR 4212
    - 25 IR 1332**
  - Passing scores
    - 856 IAC 1-3.1-3 24 IR 4211
    - 25 IR 1331**
  - Pharmacist intern/extern; program requirements
    - 856 IAC 1-3.1-7 24 IR 4212
    - 25 IR 1332**
  - Reexamination
    - 856 IAC 1-3.1-4 24 IR 4211
    - 25 IR 1331**
- Fee structure
  - Fees
    - 856 IAC 1-27-1 25 IR 2042
    - 25 IR 2739**
- Institutional pharmacies
  - 856 IAC 1-28.1 25 IR 502
  - 25 IR 1636**
- Pharmacy technicians
  - Qualifications
    - 856 IAC 1-35-4 25 IR 4211
    - 26 IR 1562**
  - Purpose and scope
    - 856 IAC 1-35-1 25 IR 4211
    - 26 IR 1561**
- Pharmacists' notification of termination
  - Pharmacist leaving employ of pharmacy; notice to board; application to qualify permit
    - LSA Document #01-442(E) **25 IR 1654**
    - 856 IAC 1-15-1 24 IR 4213
    - 25 IR 1333**
- Reciprocity
  - Application forms
    - 856 IAC 1-4-2 24 IR 4213
    - 25 IR 1333**
  - License transfer
    - 856 IAC 1-4-1 24 IR 4213
    - 25 IR 1333**
  - Qualifications of applicants for license transfer
    - 856 IAC 1-4-4 24 IR 4213
    - 25 IR 1333**
- Resale of returned substances
  - Resale
    - 856 IAC 1-21-1 24 IR 4214
    - 25 IR 1334**
- Security features for prescriptions
  - Requirements
    - 856 IAC 1-34-2 24 IR 4219
    - 25 IR 1340**
- Sterile pharmaceuticals; preparation and dispensing
  - Disposal of infectious waste
    - 856 IAC 1-30-15 24 IR 4218
    - 25 IR 1338**

#### Labeling

- 856 IAC 1-30-13 24 IR 4217
- 25 IR 1337**
- Personnel
  - 856 IAC 1-30-9 24 IR 4217
  - 25 IR 1337**
- Qualifying pharmacist defined
  - 856 IAC 1-30-5 24 IR 4217
  - 25 IR 1337**
- Quality assurance
  - 856 IAC 1-30-18 24 IR 4218
  - 25 IR 1338**
- Records and reports
  - 856 IAC 1-30-14 24 IR 4217
  - 25 IR 1338**
- Temporary variances
  - Renewal
    - 856 IAC 1-36-5 24 IR 4220
    - 25 IR 1340**
- Transfer of prescriptions between pharmacies
  - Applicability of rule
    - 856 IAC 1-32-1 24 IR 4218
    - 25 IR 1339**
  - Noncontrolled and controlled substance prescription transfers
    - 856 IAC 1-32-2 24 IR 4219
    - 25 IR 1339**
  - Patient's right to transfer prescriptions
    - 856 IAC 1-32-3 24 IR 4219
    - 25 IR 1339**
  - Pharmacists' responsibilities
    - 856 IAC 1-32-4 24 IR 4219
    - 25 IR 1339**
- Violations and penalties
  - Prohibitions
    - 856 IAC 1-20-1 24 IR 4213
    - 25 IR 1333**
- Wholesale legend drugs**
  - Licensing and operational requirements
    - Fees
      - 856 IAC 3-2-2 24 IR 3813
      - 25 IR 941**

### PHYSICAL THERAPISTS AND PHYSICAL THERAPISTS' ASSISTANTS

(See **MEDICAL LICENSING BOARD OF INDIANA**)

### PHYSICIAN ASSISTANTS

#### Physician assistants

- General provisions
  - Applications
    - 844 IAC 2.2-2-1 26 IR 177
    - 26 IR 1558**
  - Certification of physician assistants; fees
    - 844 IAC 2.2-2-8 26 IR 179
    - 26 IR 1560**
  - Privileges and duties
    - 844 IAC 2.2-2-5 26 IR 179
    - 26 IR 1560**
  - Supervising physician; registration of
    - 844 IAC 2.2-2-2 26 IR 178
    - 26 IR 1559**

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

**PLUMBING COMMISSION, INDIANA**

**General provisions**

Licenses; applications for renewal

Fee schedule  
860 IAC 1-1-2.1 25 IR 2309  
25 IR 4109

25 IR 2585

Temporary plumbing contractor license  
860 IAC 1-1-8 25 IR 2586  
25 IR 4110

**PODIATRIC MEDICINE, BOARD OF**

**Podiatrists**

Continuing education

Reporting continuing education credit; audit  
845 IAC 1-5-2.1 25 IR 3455  
26 IR 1104

**POLITICAL SUBDIVISION RISK MANAGEMENT COMMISSION; INDIANA**

**Member in political subdivision risk management fund and catastrophic liability fund**

Responsibilities  
762 IAC 2 25 IR 2301  
26 IR 27

**POLLUTION**

(See **AIR POLLUTION CONTROL BOARD**)

(See also **WATER POLLUTION CONTROL BOARD**)

**PORT COMMISSION, INDIANA**

**Applicability and definitions**

130 IAC 2-1 25 IR 1674  
25 IR 3703

**Port use**

General provisions  
130 IAC 4-2 25 IR 1682  
25 IR 3711

Prohibited acts  
130 IAC 4-1 25 IR 1679  
25 IR 3709

**Traffic control**

Rail and pedestrian traffic  
130 IAC 3-2 25 IR 1679  
25 IR 3708

Vehicular traffic  
130 IAC 3-1 25 IR 1676  
25 IR 3705

Waterborne traffic  
130 IAC 3-3 25 IR 1679  
25 IR 3708

**POULTRY AND POULTRY PRODUCTS INSPECTION**

(See **ANIMAL HEALTH, INDIANA STATE BOARD OF**)

**PRIVATE DETECTIVES LICENSING BOARD**

**General provisions**

Advertising  
862 IAC 1-1-6 26 IR 1728

**PRIVATE MENTAL HEALTH INSTITUTIONS**

(See **MENTAL HEALTH AND ADDICTION, DIVISION OF**)

**PROFESSIONAL STANDARDS BOARD**

**Performance-based process for accreditation of teacher preparation programs**

Preparation of testing educators  
515 IAC 3-1 25 IR 2290  
25 IR 3176

**Professional educator license teachers**

General provisions; definitions  
515 IAC 4-1 25 IR 2292

Accomplished practitioner  
515 IAC 4-4 25 IR 2299

Initial practitioner  
515 IAC 4-2 25 IR 2294

Proficient practitioner  
515 IAC 4-3 25 IR 2295

Substitute permits  
515 IAC 4-5 25 IR 2300

**Substitute teacher's permit**

Substitute permits  
515 IAC 5 25 IR 2808

**Teacher training and licensing: requirements for education begun after academic year 1977-78**

Renewal of licenses  
515 IAC 1-7 26 IR 1254

Teacher education and certification—general provisions

Fees; licensing fund  
515 IAC 1-2-19 24 IR 1103  
25 IR 1148

Teacher proficiency examination

Minimum acceptable scores  
515 IAC 1-4-2 25 IR 4208

Test requirements and exemptions  
515 IAC 1-4-1 25 IR 4207

Transition to teaching program  
515 IAC 1-6 25 IR 2288  
25 IR 3174

**PROPERTY ASSESSMENT**

**2001 real property assessment manual**

Applicability, provisions, and procedures  
50 IAC 2.3-1-1 25 IR 835  
26 IR 6

Incorporation by reference  
50 IAC 2.3-1-2 25 IR 1200

**PROPRIETARY EDUCATION, INDIANA COMMISSION ON**

**General provisions**

Career college student assurance fund  
570 IAC 1-14 26 IR 867

**PSYCHOLOGY BOARD, STATE**

**General provisions**

Application  
Licensure; examination process  
868 IAC 1.1-3-1 24 IR 3814  
25 IR 1344

Continuing education  
License period; number of hours required  
868 IAC 1.1-15-11 24 IR 3779  
25 IR 812

Fee schedule

Fees  
868 IAC 1.1-12-1.5 24 IR 4193  
25 IR 1181

**Restricted psychology tests and instruments**

868 IAC 2 24 IR 1437

**PUBLIC ASSISTANCE PROGRAMS**

(See also **DISABILITY, AGING, AND REHABILITATIVE SERVICES, DIVISION OF**)

(See also **FAMILY AND CHILDREN, DIVISION OF**)

(See also **FAMILY AND SOCIAL SERVICES, OFFICE OF THE SECRETARY OF**)

**PUBLIC EMPLOYEES' RETIREMENT FUND, BOARD OF TRUSTEES OF THE**

**Annual compensation limits; implementation of annual compensation limitations pursuant to Section 401(a)(17) of the IRS**

Definitions

35 IAC 9-1-1 25 IR 4135

Introduction

35 IAC 9-1-2 25 IR 4136

Purpose

35 IAC 9-1-3 25 IR 4136

Text

35 IAC 9-1-4 25 IR 4136

**Model plan amendments**

Adoption of IRS model amendment to comply with the unemployment compensation amendments of 1992

Definitions

35 IAC 8-1-1 25 IR 4134

Introduction

35 IAC 8-1-2 25 IR 4134

Model amendment language

Model language

35 IAC 8-2-1 25 IR 4135

**Public employees retirement fund**

Creditable service

Military service

35 IAC 1.2-3-10 24 IR 4202

25 IR 1265

General provisions

35 IAC 1.2-1-3 24 IR 4201

25 IR 1265

Miscellaneous

Enlargement of PERF coverage

35 IAC 1.2-6-3 24 IR 4203

25 IR 1267

Legislators' defined contribution plan loans

35 IAC 1.2-6-7 24 IR 4017

25 IR 1488

Retirement and disability benefits

Basic salary defined

35 IAC 1.2-5-5 24 IR 4202

25 IR 1265

Beneficiary designation

35 IAC 1.2-5-13 24 IR 4202

25 IR 1266

Minors and other incompetent persons

35 IAC 1.2-5-18 24 IR 4203

25 IR 1266

Proration of retirement costs

35 IAC 1.2-5-19 24 IR 4203

25 IR 1266

Reemployment

35 IAC 1.2-5-6 24 IR 4202

25 IR 1265

**Rollovers and trustee-to-trustee transfers**

Acceptance of rollovers and trustee-to-trustee transfers

35 IAC 10-1 25 IR 4137

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

### PUBLIC RECORDS, OVERSIGHT COMMITTEE ON

#### Microfilming standards for source documents with a retention period of more than 15 years

General provisions	
Purpose	
60 IAC 2-2-1	26 IR 1118
Microfilming standards	
Application	
60 IAC 2-2-1	26 IR 1118
Definition	
60 IAC 2-2-2	26 IR 1118
Destruction; notice and certification	
60 IAC 2-2-5.1	26 IR 1121
Documentation	
60 IAC 2-2-3	26 IR 1119
Legibility	
60 IAC 2-2-4	26 IR 1120
Permanency	
60 IAC 2-2-5	26 IR 1120
Preparation of documents for microfilming	
60 IAC 2-2-3.1	26 IR 1120

### PUBLIC WELFARE, STATE DEPARTMENT OF

(See **FAMILY AND CHILDREN, DIVISION OF**)  
(See also **FAMILY AND SOCIAL SERVICES, OFFICE OF THE SECRETARY OF—Medicaid services**)

### RABIES IMMUNIZATION

(See **ANIMAL HEALTH, INDIANA STATE BOARD OF**)

### RAILROADS

(See **TRANSPORTATION, INDIANA DEPARTMENT OF**)

### REAL ESTATE COMMISSION, INDIANA

#### Appraiser licensure and certification

General provisions	
Expiration of licenses	
876 IAC 3-2-4	25 IR 4213
	<b>26 IR 1106</b>
Fee schedule	
876 IAC 3-2-7	25 IR 4213
	<b>26 IR 1107</b>
Indiana licensed trainee appraiser; examination; licensure procedures	
876 IAC 3-3-22	25 IR 4214
	<b>26 IR 1107</b>
Reinstatement of expired license	
876 IAC 3-2-5	25 IR 4213
	<b>26 IR 1107</b>
Licensure and certification	
Permit for temporary practice	
876 IAC 3-3-21	25 IR 2310
	<b>25 IR 4111</b>
Standards of practice	
Deletions from the Uniform Standards of Professional Appraisal Practice	
876 IAC 3-6-3	25 IR 1727
	<b>25 IR 3181</b>
	26 IR 1729

Indiana licensed trainee appraisers; supervision  
876 IAC 3-6-9

25 IR 4214

**26 IR 1108**

Uniform Standards of Professional Appraisal Practice

876 IAC 3-6-2

25 IR 1726

**25 IR 3181**

26 IR 1728

#### Continuing education

Course requirements

Continuing education requirements

876 IAC 4-2-1

24 IR 2850

**25 IR 103**

Course qualifications

876 IAC 4-2-5

24 IR 2851

**25 IR 104**

Curricula for brokers under IC 25-34.1-9-11(a)(1)

876 IAC 4-2-2

26 IR 180

**26 IR 788**

Curricula for salespersons under IC 25-34.1-9-11(a)(1)

876 IAC 4-2-3

26 IR 180

**26 IR 788**

Curricula for salespersons under IC 25-34.1-9-11(a)(1); outline

876 IAC 4-2-3.5

26 IR 1730

Curricula under IC 25-34.1-9-11(2)

876 IAC 4-2-4

24 IR 2851

**25 IR 104**

License activation

876 IAC 4-2-9

24 IR 2851

**25 IR 104**

26 IR 180

**26 IR 788**

Sponsors; approval

Significant changes

876 IAC 4-1-3

24 IR 2850

**25 IR 103**

25 IR 3876

**26 IR 791**

#### General provisions

Definitions; licensing; miscellaneous provisions

Advertising requirements; name of principal

broker; prohibitions

876 IAC 1-1-26

24 IR 2849

**25 IR 102**

Closing statements

876 IAC 1-1-24

24 IR 2849

**25 IR 102**

Definitions

876 IAC 1-1-3

24 IR 2848

**25 IR 101**

Residential address of licensees

876 IAC 1-1-30.1

26 IR 2127

Residential sales disclosure

Form

876 IAC 1-4-2

25 IR 3874

**26 IR 789**

Written orders

876 IAC 1-1-23

24 IR 2849

**25 IR 102**

25 IR 3874

**26 IR 789**

### Real estate courses and licensing requirements for brokers and salespersons

Broker license; experience requirement and waiver

876 IAC 2-16-1

26 IR 2127

Examinations

Passing score

876 IAC 2-17-3

24 IR 2849

**25 IR 102**

### RESIDENTIAL CARE ASSISTANCE PROGRAM

(See **DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES**)

### RESIDENTIAL CODE

(See **FIRE PREVENTION AND BUILDING SAFETY COMMISSION**)—One and two family dwelling code)

### RESTAURANTS

(See **HEALTH, INDIANA DEPARTMENT OF**)—Retail food establishment sanitation)

### REVENUE, DEPARTMENT OF STATE

#### Adjusted gross income tax

State adjusted gross income tax

Advance earned income credit payments

45 IAC 3.1-1-99.1

26 IR 817

#### Charity gaming

Administrative procedures

45 IAC 18-8

25 IR 3236

Application procedure for licensure

Application by manufacturer or distributor

45 IAC 18-2-2

25 IR 3226

Application by qualified organization

45 IAC 18-2-1

25 IR 3225

Charity gaming licenses

45 IAC 18-2-4

25 IR 3228

License fees

45 IAC 18-2-3

25 IR 3227

Charity gaming

Allowable events

45 IAC 18-3-1

25 IR 3228

Calendar raffle; sale of tickets, calendars, and drawings for prizes

45 IAC 18-3-4

25 IR 3231

Conducting an allowable event

45 IAC 18-3-2

25 IR 3229

Replacement of tickets in the drawing container

45 IAC 18-3-5

25 IR 3232

Refunds

45 IAC 18-3-6

25 IR 3232

Specific uses of proceeds

45 IAC 18-3-8

25 IR 3233

Use of proceeds

45 IAC 18-3-7

25 IR 3232

Definitions

Affiliate

45 IAC 18-1-9

25 IR 3220

Bingo card or bingo paper

45 IAC 18-1-10

25 IR 3220

Bingo equipment

45 IAC 18-1-11

25 IR 3220

Bingo supplies

45 IAC 18-1-12

25 IR 3220

Calendar

45 IAC 18-1-13

25 IR 3220

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Calendar raffle		Taxation		Fees	
45 IAC 18-1-14	25 IR 3221	Gaming card excise tax		839 IAC 1-2-5	24 IR 4208
Charity game night		45 IAC 18-5-2	25 IR 3234		<b>25 IR 1307</b>
45 IAC 18-1-15	25 IR 3221	Violations			26 IR 875
Computer or other technologic aid		45 IAC 18-7	25 IR 3235	License renewal	
45 IAC 18-1-16	25 IR 3221	<b>Utility receipts tax</b>		839 IAC 1-2-2	25 IR 190
Concealed face bingo card		LSA Document #02-316(E)	<b>26 IR 794</b>		<b>25 IR 1308</b>
45 IAC 18-1-17	25 IR 3221			Licensure retirement	
Conduct prejudicial to the public confidence in the department		<b>SCHOLARSHIP AND GRANT PROGRAMS</b>		839 IAC 1-2-2.1	24 IR 4186
45 IAC 18-1-18	25 IR 3221	(See <b>STATE STUDENT ASSISTANCE COMMISSION</b> )			<b>25 IR 1633</b>
Deal					26 IR 874
45 IAC 18-1-19	25 IR 3221	<b>SCHOOL BUS COMMITTEE, STATE</b>		Marriage and family therapists	
Dispensing device		<b>Minimum specifications for school buses</b>		Licensure applicants; supervision for marriage and family therapist	
45 IAC 18-1-20	25 IR 3221	General provisions		839 IAC 1-4-5	25 IR 193
Door prize		Applicability of minimum specifications			26 IR 871
45 IAC 18-1-21	25 IR 3222	575 IAC 1-1-5	24 IR 3777	Temporary permits	
Existence			<b>25 IR 1150</b>	839 IAC 1-4-6	25 IR 193
45 IAC 18-1-22	25 IR 3222	Display of United States flag			<b>25 IR 1310</b>
Flare		575 IAC 1-1-4.6	26 IR 1723	Mental health counselors	
45 IAC 18-1-24	25 IR 3222	Labeling requirements		Educational requirements	
In existence for at least twenty-five (25) years		575 IAC 1-1-4.5	24 IR 3777	839 IAC 1-5-1	25 IR 193
45 IAC 18-1-25	25 IR 3222		<b>25 IR 1150</b>		<b>25 IR 1311</b>
In good standing with the department		School bus driver physical performance standards and measurements			26 IR 872
45 IAC 18-1-26	25 IR 3222			Examination requirements	
Location		575 IAC 1-8	24 IR 3180	839 IAC 1-5-2	25 IR 195
45 IAC 18-1-27	25 IR 3222		<b>25 IR 1149</b>		<b>25 IR 1313</b>
Member		<b>SCHOOL BUS DRIVERS</b>		Experience requirements for mental health counselors	
45 IAC 18-1-28	25 IR 3223	<b>Physical performance standards and measurements</b>		839 IAC 1-5-1.5	26 IR 874
Nationally recognized charitable organization				Temporary permits	
45 IAC 18-1-29	25 IR 3223	575 IAC 1-8	24 IR 3180	839 IAC 1-5-3	25 IR 196
Operator					<b>25 IR 1313</b>
45 IAC 18-1-30	25 IR 3223	<b>SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD</b>		Social workers; clinical social workers	
Pull-tab		<b>General provisions</b>		Competent practice of social work and clinical social work	
45 IAC 18-1-31	25 IR 3223	Continuing education		839 IAC 1-3-4	25 IR 192
Punchboard		Approval		Educational institution requirements for social worker's licensure	
45 IAC 18-1-32	25 IR 3223	839 IAC 1-6-2	25 IR 197	839 IAC 1-3-1	25 IR 190
Premises			<b>25 IR 1314</b>		<b>25 IR 1309</b>
45 IAC 18-1-33	25 IR 3224	Generally		Enrollment	
Raffle		839 IAC 1-6-1	25 IR 196	839 IAC 1-3-4.5	25 IR 193
45 IAC 18-1-34	25 IR 3224		<b>25 IR 1313</b>		<b>25 IR 1310</b>
Revoke		Requirements		Examination requirements	
45 IAC 18-1-35	25 IR 3224	839 IAC 1-6-3	25 IR 198	839 IAC 1-3-5	24 IR 4186
Seal card			<b>25 IR 1316</b>		<b>25 IR 1634</b>
45 IAC 18-1-36	25 IR 3224	Waiver		Exemption from examination for social workers and clinical social workers	
Serves a majority of counties in Indiana		839 IAC 1-6-5	25 IR 199	839 IAC 1-3-3.5	25 IR 192
45 IAC 18-1-37	25 IR 3224		<b>25 IR 1316</b>		<b>25 IR 1309</b>
Suspend		Definitions		Licensure by examination for social workers and clinical social workers	
45 IAC 18-1-38	25 IR 3224	Graduate		839 IAC 1-3-2	25 IR 191
Tip board		839 IAC 1-1-3.2	24 IR 4186		26 IR 871
45 IAC 18-1-39	25 IR 3224		<b>25 IR 1633</b>	Temporary permits for social workers and clinical social workers	
Tip board ticket		Graduate accumulating experience		839 IAC 1-3-2.5	25 IR 191
45 IAC 18-1-40	25 IR 3224	839 IAC 1-1-3.3	24 IR 4186		<b>25 IR 1309</b>
Value			<b>25 IR 1633</b>		
45 IAC 18-1-41	25 IR 3225	LCSW			
Wager		839 IAC 1-1-3.5	25 IR 189		
45 IAC 18-1-42	25 IR 3225		<b>25 IR 1308</b>		
Worker		Practitioner			
45 IAC 18-1-43	25 IR 3225	839 IAC 1-1-4	25 IR 189		
Penalties			<b>25 IR 1308</b>	<b>SOLID WASTE MANAGEMENT BOARD</b>	
License revocation		Licensure and fees		(See <b>LAND QUALITY, OFFICE OF</b> )	
45 IAC 18-6-3	25 IR 3235	Application by examination			
Record keeping		839 IAC 1-2-1	25 IR 190	<b>SOLID WASTE PROCESSING FACILITIES</b>	
Records of manufacturer or distributor			<b>25 IR 1308</b>	(See <b>LAND QUALITY, OFFICE OF</b> )	
45 IAC 18-4-2	25 IR 3234				
Records of qualified organization					
45 IAC 18-4-1	25 IR 3233				

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

### SPECIAL EDUCATION

(See **EDUCATION, INDIANA STATE BOARD OF**)

### SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

**Definitions; licensure; ethics; continuing education**

Fees

880 IAC 1-1-5 24 IR 4224  
25 IR 1345

**Speech-language pathologist aide**

880 IAC 1-2.1 26 IR 876

### STATE FAIR COMMISSION

(See **FAIR COMMISSION, STATE**)

### STATE HISTORIC REHABILITATION TAX CREDIT

**Certification by division of historic preservation and archeology**

Modification of tax credits  
312 IAC 23-3-5 24 IR 3670

### STUDENT ASSISTANCE COMMISSION, STATE

**College work-study program**

Definitions

585 IAC 5-1-1 24 IR 3801  
25 IR 1298

Institutional application and allotment

Allotment of funds  
585 IAC 5-4-1 24 IR 3802  
25 IR 1299

Student eligibility and selection

In-school work-study  
585 IAC 5-2-4 24 IR 3802  
Summer work-study  
585 IAC 5-2-2 24 IR 3801  
25 IR 1298

Student placement restrictions; compensation

Maximum hours reimbursed  
585 IAC 5-3-6 24 IR 3802  
25 IR 1298

**Scholarship and grant programs; administration**

Grant and scholarship programs

Allowable tuition and regularly assessed fees; schedule  
585 IAC 1-9-7 24 IR 3797  
25 IR 1294

Appeal; applicant's right

585 IAC 1-9-10 24 IR 3798  
25 IR 1295

Approved institutions; responsibilities

585 IAC 1-9-14 24 IR 3799  
25 IR 1296

Awards

Adjusted or withdrawn  
585 IAC 1-9-11 24 IR 3798  
25 IR 1296

Minimum and maximum

585 IAC 1-9-8 24 IR 3797  
25 IR 1295

Potential awards; computation and adjustment

585 IAC 1-9-9 24 IR 3798  
25 IR 1295

### Definitions

585 IAC 1-9-1 24 IR 3792  
25 IR 1289

Dependent and independent students status

585 IAC 1-9-5 24 IR 3795  
25 IR 1293

Eligibility standards

585 IAC 1-9-4 24 IR 3794  
25 IR 1292

Hoosier scholar guidelines

585 IAC 1-9-3 25 IR 1291  
585 IAC 1-9-16 24 IR 3801

Parental contribution and expected family contribution; determination

585 IAC 1-9-6 24 IR 3796  
25 IR 1293

Program administration

585 IAC 1-9-2 24 IR 3794  
25 IR 1291

### Twenty-first century scholars program

Definitions

Accredited nonpublic school  
585 IAC 8-1-2 24 IR 3802  
25 IR 1299

Eligibility verification

585 IAC 8-1-4 24 IR 3802  
25 IR 1299

Eligible institution

585 IAC 8-1-6 24 IR 3802  
25 IR 1299

Program appellant

585 IAC 8-1-9 24 IR 3802  
25 IR 1299

Public school

585 IAC 8-1-10.1 24 IR 3803

Scholar

585 IAC 8-1-11 24 IR 3803  
25 IR 1299

Twenty-first century scholarship

585 IAC 8-1-12 24 IR 3803  
25 IR 1300

Twenty-first century scholarship applicant

585 IAC 8-1-13 24 IR 3803  
25 IR 1300

Program administration

Approved institutions; responsibilities  
585 IAC 8-2-8 24 IR 3805  
25 IR 1302

College admission requirements

585 IAC 8-2-2 24 IR 3804  
25 IR 1301

Duration of award

585 IAC 8-2-4 24 IR 3804  
25 IR 1301

High school graduation requirements

585 IAC 8-2-1 24 IR 3804  
25 IR 1301

Program administration

585 IAC 8-2-7 24 IR 3805  
25 IR 1302

Scholarship deferral

585 IAC 8-2-3 24 IR 3804  
25 IR 1301

Scholarship renewal

585 IAC 8-2-5 24 IR 3804  
25 IR 1301

### SUMMER SCHOOL PROGRAMS

**Regular summer school programs**

Minimum enrollment for reimbursement  
511 IAC 12-2-7 24 IR 1917  
25 IR 84

### SUPPORTED LIVING SERVICES AND SUPPORTS

(See **COMMUNITY RESIDENTIAL FACILITIES COUNCIL**)

(See also **DISABILITY, AGING, AND REHABILITATIVE SERVICES, DIVISION OF**)

### SWIMMING POOL CODE

(See **FIRE PREVENTION AND BUILDING SAFETY COMMISSION**)

### SWIMMING POOL REQUIREMENTS

(See **HEALTH, INDIANA STATE DEPARTMENT OF**—Sanitary engineering—Public and semi-public pools)

### TAX COMMISSIONERS, STATE BOARD OF

(See **DEPARTMENT OF LOCAL GOVERNMENT FINANCE**)

### TAX REVIEW, INDIANA BOARD OF

**Tax representatives**

Definitions  
52 IAC 1-1 26 IR 89  
Tax representatives  
52 IAC 1-2 26 IR 90

### TEACHER'S RETIREMENT FUND, BOARD OF TRUSTEES OF THE INDIANA STATE

**Annual compensation limits**

General provisions  
550 IAC 5-1 26 IR 2114

**Model plan amendment**

Adoption of IRS model amendment to comply with the unemployment compensation amendments of 1992

Definitions  
550 IAC 3-1-1 26 IR 2112

Introduction  
550 IAC 3-1-2 26 IR 2113

Purpose  
550 IAC 3-1-3 26 IR 2113

Model amendment language

Definitions  
550 IAC 3-2-2 26 IR 2114

Model amendment language  
550 IAC 3-2-1 26 IR 2113

### Rollovers, service purchases, and enhanced retirement savings opportunities

General provisions  
550 IAC 6-1 26 IR 2115

### TELEPHONE SOLICITATIONS

**Telephone numbers not to be solicited; list**

Access to the telephone privacy list  
11 IAC 2-6 25 IR 134  
25 IR 1857

Applicability  
11 IAC 2-1 25 IR 132  
25 IR 1856

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Consumer registration		Contract modification		Open-end contracts	
11 IAC 2-2	25 IR 132	105 IAC 12-1-9	24 IR 3664	105 IAC 12-3-7	24 IR 3668
	<b>25 IR 1856</b>		<b>25 IR 366</b>		<b>25 IR 370</b>
Consumers and persons submitting more than 10 residential telephone numbers for registration with the telephone privacy list		Contractor		Purchases less than \$2,500	
11 IAC 2-4	25 IR 133	105 IAC 12-1-10	24 IR 3664	105 IAC 12-3-1	24 IR 3667
	<b>25 IR 1857</b>		<b>25 IR 366</b>		<b>25 IR 369</b>
Inclusion of national database into the telephone privacy list		Designee		Purchases less than \$75,000	
11 IAC 2-7	25 IR 134	105 IAC 12-1-12	24 IR 3664	105 IAC 12-3-2	24 IR 3667
	<b>25 IR 1858</b>		<b>25 IR 366</b>		<b>25 IR 369</b>
Registration with telephone privacy list by persons not consumers, but holding or controlling residential telephone numbers used by consumers		Established catalog price		Special procurements	
11 IAC 2-3	25 IR 133	105 IAC 12-1-13	24 IR 3664	105 IAC 12-3-8	24 IR 3669
	<b>25 IR 1857</b>		<b>25 IR 366</b>		<b>25 IR 371</b>
Removal of telephone numbers from the telephone privacy list		Invitation for bid		<b>Railroads</b>	
11 IAC 2-5	25 IR 133	105 IAC 12-1-14	24 IR 3664	Railroad crossings; opening and closing	
	<b>25 IR 1857</b>		<b>25 IR 366</b>	Abolishing a crossing	
Use of the telephone privacy list		Person		105 IAC 5-10-2	25 IR 1673
11 IAC 2-8	25 IR 134	105 IAC 12-1-16	24 IR 3665		<b>25 IR 4052</b>
	<b>25 IR 1858</b>		<b>25 IR 367</b>	Opening a crossing	
<b>Telephone solicitations</b>		Purchase description		105 IAC 5-10-1	25 IR 1673
Charitable solicitor's disclosure		105 IAC 12-1-20	24 IR 3665		<b>25 IR 4051</b>
11 IAC 1-4	25 IR 132		<b>25 IR 367</b>	<b>Traffic control devices for highways</b>	
	<b>25 IR 1856</b>	Purchasing agent		Business signs on information panels within highway rights-of-way	
Definitions		105 IAC 12-1-20.1	24 IR 3665	Costs; rental fee	
11 IAC 1-1	25 IR 130		<b>25 IR 367</b>	105 IAC 9-4-5	25 IR 836
	<b>25 IR 1854</b>	Request for proposals or RFP			<b>25 IR 2438</b>
Enforcement of violations of IC 24-4.7		105 IAC 12-1-21	24 IR 3665	Definitions	
11 IAC 1-3	25 IR 131		<b>25 IR 367</b>	105 IAC 9-4-4	25 IR 836
	<b>25 IR 1855</b>	Responsive bidder			<b>25 IR 2438</b>
Telephone solicitors' maintenance of records related to telephone sales solicitations		105 IAC 12-1-23	24 IR 3665	Design; special requirements	
11 IAC 1-2	25 IR 131		<b>25 IR 367</b>	105 IAC 9-4-11	25 IR 839
	<b>25 IR 1855</b>	Services			<b>25 IR 2441</b>
<b>TELEPHONE UTILITIES</b>		105 IAC 12-1-24	24 IR 3665	Installation of panels; violations	
(See <b>UTILITY REGULATORY COMMISSION, INDIANA</b> )			<b>25 IR 367</b>	105 IAC 9-4-6	25 IR 837
<b>TOLL ROADS</b>		Specifications			<b>25 IR 2439</b>
(See <b>TRANSPORTATION FINANCE AUTHORITY, INDIANA</b> )		105 IAC 12-1-25	24 IR 3665	Location of signs; special requirements	
<b>TRANSPORTATION, INDIANA DEPARTMENT OF</b>			<b>25 IR 367</b>	105 IAC 9-4-10	25 IR 838
<b>Procurement of supplies and services</b>		Supplies			<b>25 IR 2440</b>
Contract terms		105 IAC 12-1-26	24 IR 3665	Location of specific services signs; general	
Additions			<b>25 IR 367</b>	105 IAC 9-4-7	25 IR 837
105 IAC 12-4-4	24 IR 3669	General provisions			<b>25 IR 2439</b>
	<b>25 IR 371</b>	Awards; cancellation; rejection		Qualification for logo panels	
Equipment rental or lease with option to purchase		105 IAC 12-2-16	24 IR 3666	105 IAC 9-4-13	25 IR 840
105 IAC 12-4-3	24 IR 3669		<b>25 IR 368</b>		<b>25 IR 2442</b>
	<b>25 IR 371</b>	Bid guarantees		Size and design; composition; general specifications	
Option to renew		105 IAC 12-2-6	24 IR 3666	105 IAC 9-4-9	25 IR 838
105 IAC 12-4-6	24 IR 3669		<b>25 IR 368</b>		<b>25 IR 2440</b>
	<b>25 IR 372</b>	Minority participation		Special requirements for size	
Price adjustments		105 IAC 12-2-4	24 IR 3665	105 IAC 9-4-12	25 IR 840
105 IAC 12-4-1	24 IR 3669		<b>25 IR 368</b>		<b>25 IR 2442</b>
	<b>25 IR 371</b>	Performance bonds		Specific information permitted	
Definitions		105 IAC 12-2-7	24 IR 3666	105 IAC 9-4-8	25 IR 837
Change order			<b>25 IR 368</b>		<b>25 IR 2439</b>
105 IAC 12-1-6	24 IR 3664	Public notice		Uniform traffic control devices	
	<b>25 IR 366</b>	105 IAC 12-2-9	24 IR 3666	Manual on uniform traffic control devices adopted	
			<b>25 IR 368</b>	105 IAC 9-2-1	26 IR 421
		Withdrawal of bids or proposals		<b>TRANSPORTATION FINANCE AUTHORITY, INDIANA</b>	
		105 IAC 12-2-14	24 IR 3666	<b>General provisions</b>	
			<b>25 IR 368</b>	Definitions	
		Source selection and contract formation		135 IAC 2-1-1	25 IR 4138
		Competitive sealed bids		Dimension and weight limitations; special hauling permits	
		105 IAC 12-3-4	24 IR 3667	Allowable dimensions without toll attendant authorization	
			<b>25 IR 370</b>	135 IAC 2-4-1	25 IR 4141
		Competitive sealed proposal or request for proposal			
		105 IAC 12-3-5	24 IR 3668		
			<b>25 IR 370</b>		

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

Special hauling permits 135 IAC 2-4-4	25 IR 4142	<b>UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD</b>	Eligibility requirements 328 IAC 1-3-3	24 IR 2504 <b>25 IR 790</b>
Michigan train operations		<b>Excess liability fund; payment of corrective action and third party liability claims</b>	Fund access 328 IAC 1-3-1	24 IR 2503 <b>25 IR 790</b>
Emergency equipment; tires 135 IAC 2-8-7	25 IR 4150	Corrective action claims	Fund coverage 328 IAC 1-3-2	24 IR 2504 <b>25 IR 790</b>
Lights and reflectors 135 IAC 2-8-11	25 IR 4150	Deemed approved; reimbursement of costs 328 IAC 1-5-3	Limitation of liability 328 IAC 1-3-6	24 IR 2511 <b>25 IR 798</b>
Permit required 135 IAC 2-8-1	25 IR 4149	Fund payment procedures for corrective action 328 IAC 1-5-2	Reimbursable expenditures 328 IAC 1-3-5	24 IR 2506 <b>25 IR 792</b>
Permits 135 IAC 2-8-5	25 IR 4150	Payment of corrective action; application 328 IAC 1-5-1	Prioritization of claims General procedure 328 IAC 1-4-1	24 IR 2511 <b>25 IR 799</b>
Weight limits 135 IAC 2-8-3	25 IR 4150	Definitions and references	Scope of fund management Applicability 328 IAC 1-2-1	24 IR 2503 <b>25 IR 789</b>
Penalties; severability; savings		Administrator 328 IAC 1-1-2	Fund management 328 IAC 1-2-2	24 IR 2503 <b>25 IR 789</b>
Penalties 135 IAC 2-10-1	25 IR 4151	Application of definitions 328 IAC 1-1-1	Obligation of monies 328 IAC 1-2-3	24 IR 2503 <b>25 IR 789</b>
Severability 135 IAC 2-10-2	25 IR 4151	Corrective action 328 IAC 1-1-3	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>
Protection of property		Corrective action plan 328 IAC 1-1-3.1	Fund payment procedures for third party liability 328 IAC 1-6-2	24 IR 2513 <b>25 IR 802</b>
Damage to property 135 IAC 2-6-1	25 IR 4148	Deductible amount 328 IAC 1-1-4		
Toll road		Emergency measures 328 IAC 1-1-5.1		
Limitation of use		Fund 328 IAC 1-1-6		
Hitchhiking and loitering prohibited 135 IAC 2-3-2	25 IR 4141	Occurrence 328 IAC 1-1-7		
Pedestrians and certain vehicles prohibited 135 IAC 2-3-1	25 IR 4141	Reasonable costs 328 IAC 1-1-8		
Operation of vehicles		Site characterization 328 IAC 1-1-8.5		
Entering traffic lanes 135 IAC 2-2-3	25 IR 4140	Substantial compliance 328 IAC 1-1-9		
Speed regulations 135 IAC 2-2-1	25 IR 4140	Third party liability 328 IAC 1-1-10		
Stops at toll collection facilities 135 IAC 2-2-12	25 IR 4141	Financial assurance		
Traffic control signals 135 IAC 2-2-10	25 IR 4141	Financial assurance certificate 328 IAC 1-7-1		
U-turns prohibited 135 IAC 2-2-5	25 IR 4140	Revocation of certificate by department 328 IAC 1-7-3		
Trailer combination operations		Termination of financial assurance by department 328 IAC 1-7-2		
Assembly areas 135 IAC 2-7-15	25 IR 4149	Fund coverage and eligibility Amount of coverage 328 IAC 1-3-4		
Driver requirements 135 IAC 2-7-20	25 IR 4149			
Emergency equipment; tires 135 IAC 2-7-7	25 IR 4148			
Insurance coverage 135 IAC 2-7-23	25 IR 4149			
Lights and reflectors 135 IAC 2-7-11	25 IR 4148			
Passing 135 IAC 2-7-18	25 IR 4149			
Permit required 135 IAC 2-7-1	25 IR 4148			
Weight limits 135 IAC 2-7-3	25 IR 4148			
Vehicle classification and related toll rules				
Classification of vehicles 135 IAC 2-5-1	25 IR 4142			
Payment of toll 135 IAC 2-5-2	25 IR 4142			
<b>TWENTY-FIRST CENTURY SCHOLARS PROGRAM</b> (See <b>STATE STUDENT ASSISTANCE COMMISSION</b> )			<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>
			<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>
			<b>Telephone utilities</b> Telecommunications providers; unauthorized switching 170 IAC 7-1.1-19	25 IR 135 <b>25 IR 2209</b>
			Telephone customer service rights and responsibilities 170 IAC 7-1.3	25 IR 1946 <b>25 IR 4066</b>
			Telephone service quality standards; standards of service 170 IAC 7-1.2	25 IR 1933 <b>25 IR 4053</b>



CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

**VETERINARY MEDICAL EXAMINERS,  
INDIANA BOARD OF  
Professional competence**

Application for licensure as a veterinarian	
Application content; examination applicant;	
application deadline	
888 IAC 1.1-6-1	25 IR 3877
	<b>26 IR 1562</b>
Examination scores; remedial education	
888 IAC 1.1-6-3	25 IR 3878
Fees	
Licensed veterinarians	
888 IAC 1.1-3-2	24 IR 4225
	<b>25 IR 1346</b>
Inactive status of licenses	
Inactive status for veterinarians	
888 IAC 1.1-11	25 IR 3879
	<b>26 IR 1563</b>

**VIOLENT CRIME COMPENSATION DIVI-  
SION**

**Administrative procedure**

Investigation; review; determination; appeal	
Appeals; board review	
480 IAC 1-1-10	25 IR 169
Attorneys; representation	
480 IAC 1-1-7	25 IR 167
Authority; purpose	
480 IAC 1-1-2	25 IR 164
Awards	
480 IAC 1-1-9	25 IR 167
Definitions	
480 IAC 1-1-1	25 IR 164
Eligibility; determination	
480 IAC 1-1-4.1	25 IR 165
Filing claims	
480 IAC 1-1-3	25 IR 165
Hearings	
480 IAC 1-1-6	25 IR 166
Investigation of claims; notice of determinations	
480 IAC 1-1-5	25 IR 165
Subpoenas, subpoenas duces tecum, depositions	
480 IAC 1-1-8	25 IR 167
Sex crime victim compensation fund; application procedures	
Application for reimbursement; information	
480 IAC 1-2-2	25 IR 169
Covered services	
480 IAC 1-2-3	25 IR 170
Eligibility and cooperation	
480 IAC 1-2-1	25 IR 169

**VOLATILE ORGANIC COMPOUNDS LIMITS  
(See AIR POLLUTION CONTROL BOARD)**

**WATER POLLUTION CONTROL BOARD  
Biosolid, industrial waste product, and pollutant-  
bearing water; land application**

Definitions	
Agricultural land	
327 IAC 6.1-2-3	26 IR 1167
Beneficial use	
327 IAC 6.1-2-6	26 IR 1167
Biosolid	
327 IAC 6.1-2-7	26 IR 1167
Biosolid containing and industrial waste product	
327 IAC 6.1-2-7.5	26 IR 1167

Cation exchange capacity	
327 IAC 6.1-2-8	26 IR 1168
Dewatered	
327 IAC 6.1-2-13	26 IR 1168
Discharge	
327 IAC 6.1-2-14	26 IR 1168
Fixed volume	
327 IAC 6.1-2-20.5	26 IR 1168
Industrial process wastewater	
327 IAC 6.1-2-28	26 IR 1169
Industrial waste produce	
327 IAC 6.1-2-30	26 IR 1169
Lagoon	
327 IAC 6.1-2-31.5	26 IR 1169
Land with a low potential for public exposure	
327 IAC 6.1-2-35	26 IR 1169
Person who applies	
327 IAC 6.1-2-42	26 IR 1169
Person who prepares	
327 IAC 6.1-2-43	26 IR 1170
Stockpiling	
327 IAC 6.1-2-54	26 IR 1170
Storage	
327 IAC 6.1-2-55	26 IR 1170
Surface waters	
327 IAC 6.1-2-55.5	26 IR 1170
General provisions	
Applicability	
327 IAC 6.1-1-3	26 IR 1166
Enforcement	
327 IAC 6.1-1-4	26 IR 1166
Penalties	
327 IAC 6.1-1-5	26 IR 1167
Purpose	
327 IAC 6.1-1-1	26 IR 1165
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
Land application of paper waste	
327 IAC 6.1-4-11	26 IR 1182
Loading rate limits	
327 IAC 6.1-4-10	26 IR 1181
Management practices	
327 IAC 6.1-4-7	26 IR 1177
Monitoring and analysis	
327 IAC 6.1-4-16	26 IR 1184

Nonsite-specific permits	
327 IAC 6.1-4-5	26 IR 1175
Pathogen requirements	
327 IAC 6.1-4-13	26 IR 1182
Pollutant limits	
327 IAC 6.1-4-9	26 IR 1179
Records and record keeping	
327 IAC 6.1-4-17	26 IR 1186
Reports and reporting	
327 IAC 6.1-4-18	26 IR 1187
Research and demonstration projects for biosolid or industrial waste product	
327 IAC 6.1-4-19	26 IR 1187
Site restrictions	
327 IAC 6.1-4-6	26 IR 1176
Site-specific permits	
327 IAC 6.1-4-4	26 IR 1174
Storage, stockpiling, and staging of biosolid or industrial waste product	
327 IAC 6.1-4-8	26 IR 1178
Land application of pollutant-bearing water	
Application on land with a high potential for public exposure	
327 IAC 6.1-7-2	26 IR 1191
Domestic wastewater application on land with a low potential for public exposure	
327 IAC 6.1-7-3	26 IR 1192
Industrial process wastewater and storm water application on land with a low potential for public exposure	
327 IAC 6.1-7-4	26 IR 1193
Land application	
327 IAC 6.1-7-1	26 IR 1191
Loading rates	
327 IAC 6.1-7-10	26 IR 1195
Management practices	
327 IAC 6.1-7-6	26 IR 1194
Records and record keeping	
327 IAC 6.1-7-11	26 IR 1196
Site restrictions	
327 IAC 6.1-7-5	26 IR 1193
Storage of pollutant-bearing water for application	
327 IAC 6.1-7-9	26 IR 1195
Marketing and distribution permits	
Eligibility criteria	
Biosolid	
327 IAC 6.1-5-1	26 IR 1187
Industrial waste product	
327 IAC 6.1-5-2	26 IR 1187
General	
327 IAC 6.1-5-4	26 IR 1188
Permit application	
327 IAC 6.1-5-3	26 IR 1188
Notifications	
Agricultural lime substitute	
Application	
327 IAC 6.1-6-3	26 IR 1190
Notifications	
327 IAC 6.1-6-2	26 IR 1189
Eligibility criteria	
327 IAC 6.1-6-1	26 IR 1189
Small quantity generators—pollutant-bearing water	
327 IAC 6.1-7.5	26 IR 1197
Storage structures	
Application procedures for permitting lagoons	
327 IAC 6.1-8-2	26 IR 1199

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Closure of storage structures 327 IAC 6.1-8-8	26 IR 1201	<b>Industrial wastewater pretreatment programs</b>	General requirements for individual building lots within a permitted projected 327 IAC 15-5-7.5	26 IR 1627
Construction for lagoons 327 IAC 6.1-8-6	26 IR 1200	Basic NPDES requirements Toxic pollutants; notification requirements 327 IAC 5-2-9	General requirements for storm water quality control 327 IAC 15-5-7	26 IR 1625
General requirements 327 IAC 6.1-8-1	26 IR 1198	Combined sewer overflow public notification 327 IAC 5-2.1	Inspection and enforcement 327 IAC 15-5-10	26 IR 1629
Operational requirements for storage structures 327 IAC 6.1-8-7	26 IR 1200	Special NPDES programs Storm water discharges 327 IAC 5-4-6	Notice of internet letter requirements 327 IAC 15-5-5	26 IR 1620
Performance standards and construction standards for storage structures Dewatered biosolid and industrial product 327 IAC 6.1-8-5	26 IR 1200	<b>NPDES general permit rule program</b> Basic NPDES general permit rule requirement Exclusions 327 IAC 15-2-6	Project termination 327 IAC 15-5-8	26 IR 1628
Liquid biosolid or industrial product, and pollutant-bearing water 327 IAC 6.1-8-4	26 IR 1199	NPDES general permit rule applicability requirements 327 IAC 15-2-3	Purpose 327 IAC 15-5-1	26 IR 1617
Site restrictions for storage structures 327 IAC 6.1-8-3	26 IR 1199	Special requirements for NPDES general permit rule 327 IAC 15-2-9	Requirements for construction plans 327 IAC 15-5-6.5	26 IR 1622
<b>Confined feeding operations</b>		Transferability of notification requirements 327 IAC 15-2-8	Submittal of an NOI letter and construction plans 327 IAC 15-5-6	26 IR 1621
Alternate design or compliance approach; innovative technology 327 IAC 16-5	24 IR 519 <b>25 IR 1890</b>	NOI letter requirement Content requirements of a NOI letter 327 IAC 15-3-2	Municipal separate storm sewer system conveyances 327 IAC 15-13	26 IR 847
Confined feeding operations and other animal feeding operations Application and approval process 327 IAC 16-7	24 IR 520 <b>25 IR 1891</b>	Deadline for submittal of a NOI letter; additional requirements 327 IAC 15-3-3	<b>Public water supply</b> Consumer confidence reports Additional health information 327 IAC 8-2.1-4	26 IR 114
Performance standards 327 IAC 16-3	24 IR 518 <b>25 IR 1888</b>	Purpose 327 IAC 15-3-1	Contents of the public notice 327 IAC 8-2.1-11	24 IR 3744 <b>25 IR 1112</b>
Definitions 327 IAC 16-2	24 IR 513 <b>25 IR 1883</b>	Storm water discharges exposed to industrial activity Additional NOI letter requirements 327 IAC 15-6-5	Drinking water violations Other situations requiring public notice 327 IAC 8-2.1-16	24 IR 3746 <b>25 IR 1114</b>
Existing confined feeding operations and other animal feeding operations 327 IAC 16-6	24 IR 519 <b>25 IR 1890</b>	Annual reports 327 IAC 15-6-7.5	Standard health effects 327 IAC 8-2.1-17	24 IR 3750 <b>25 IR 1118</b>
Exiting the confined feeding program 327 IAC 16-12	24 IR 531 <b>25 IR 1902</b>	Applicability of the general permit rule 327 IAC 15-6-2	Other required information 327 IAC 8-2.1-6	26 IR 126 26 IR 115
General approval conditions 327 IAC 16-4	24 IR 518 <b>25 IR 1889</b>	Conditional no exposure exclusion 327 IAC 15-6-12	Notice by the commissioner on behalf of the public water system 327 IAC 8-2.1-15	24 IR 3746 <b>25 IR 1114</b>
General provisions 327 IAC 16-1	24 IR 512 <b>25 IR 1883</b>	Deadline for submittal of an NOI letter; additional information 327 IAC 15-6-6	Notice to new billing units or new customers 327 IAC 8-2.1-12	24 IR 3745 <b>25 IR 1113</b>
Manure		Definitions 327 IAC 15-6-4	Other required information 327 IAC 8-2.1-6	24 IR 3732 <b>25 IR 1100</b>
Closure of manure storage structures 327 IAC 16-11	24 IR 530 <b>25 IR 1901</b>	Duration of coverage and renewal 327 IAC 15-6-10	Public notification of drinking water violation 327 IAC 8-2.1-7	24 IR 3741 <b>25 IR 1109</b>
Land application 327 IAC 16-10	24 IR 528 <b>25 IR 1899</b>	General requirements for a storm water pollution prevention plan (SWP3) 327 IAC 15-6-7	Reports; content 327 IAC 8-2.1-3	24 IR 3729 <b>25 IR 1098</b>
Manure handling and storage		Monitoring requirements 327 IAC 15-6-7.3	Special notices Exceedance of the SMCL for fluoride 327 IAC 8-2.1-13	24 IR 3745 <b>25 IR 1113</b>
Operational requirements 327 IAC 16-9	24 IR 527 <b>25 IR 1898</b>	Permit compliance schedule 327 IAC 15-6-8.5	Nitrate exceedances above MCL by noncommunity water systems; granted permission by the commissioner under 327 IAC 8-2-4(b) 327 IAC 8-2.1-14	24 IR 3746 <b>25 IR 1114</b>
Site, design, and construction requirements 327 IAC 16-8	24 IR 524 <b>25 IR 1894</b>	Purpose 327 IAC 15-6-1		
<b>Ground water quality standards</b>		Termination of coverage; permit not transferable 327 IAC 15-6-11		
327 IAC 2-11	23 IR 865 <b>25 IR 1876</b>	Storm water run-off associated with Construction activity Applicability of general permit rule 327 IAC 15-5-2		
		Definitions 327 IAC 15-5-4		
		Duration of coverage 327 IAC 15-5-12		
		General permit rule boundary 327 IAC 15-5-3		

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Tier 1 public notice; form, manner, and frequency of notice 327 IAC 8-2.1-8 <b>25 IR 1110</b> 26 IR 121	Lead service line replacement 327 IAC 8-2-43 <b>25 IR 778</b>	Land application 327 IAC 7.1-8 <b>25 IR 1235</b> <b>25 IR 3672</b>
Tier 2 public notice; form, manner, and frequency of notice 327 IAC 8-2.1-9 <b>25 IR 1110</b>	Microbiological contaminants Analytical methods 327 IAC 8-2-8.4 <b>25 IR 1092</b>	Licensed vehicle operation 327 IAC 7.1-6 <b>25 IR 1233</b> <b>25 IR 3670</b>
Tier 3 public notice; form, manner, and frequency of notice 327 IAC 8-2.1-10 <b>25 IR 1111</b>	Maximum contaminant levels for all public water systems 327 IAC 8-2-7 <b>25 IR 1092</b>	Permits, licenses, and approvals 327 IAC 7.1-3 <b>25 IR 1225</b> <b>25 IR 3662</b>
Cross connections; control; operation Applicability; modification of monitoring 327 IAC 8-2-2 <b>25 IR 1079</b>	Maximum contaminant level goals 327 IAC 8-2-31 26 IR 111	Vehicle licenses 327 IAC 7.1-5 <b>25 IR 1231</b> <b>25 IR 3668</b>
Definitions 327 IAC 8-2-1 <b>25 IR 1075</b> 26 IR 101	Monitoring frequency for radioactivity; community water systems 327 IAC 8-2-10.2 <b>25 IR 1094</b>	Wastewater disposal 327 IAC 7.1-7 <b>25 IR 1234</b> <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 <b>25 IR 1089</b>	Organic chemical testing Collection of samples 327 IAC 8-2-5.1 <b>25 IR 1084</b>	Wastewater management permits 327 IAC 7.1-4 <b>25 IR 1226</b> <b>25 IR 3663</b>
Community water systems Collection of samples for total trihalomethanes 327 IAC 8-2-5.3 <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 <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 <b>24 IR 3102</b> <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 <b>24 IR 3102</b> <b>25 IR 708</b>
Inorganic chemical testing Collection of samples 327 IAC 8-2-4.1 <b>25 IR 1080</b>	Record maintenance 327 IAC 8-2-20 <b>25 IR 1097</b>	<b>WATERCRAFT</b> (See <b>NATURAL RESOURCES COMMISSION</b> )
Inorganic chemicals; maximum contaminant levels 327 IAC 8-2-4 <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 <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 <b>24 IR 2809</b> <b>25 IR 1615</b>
Reporting requirements 327 IAC 8-2-46 <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 <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 <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 631 IAC 1-1-1.1 25 IR 2030 Schedule of attorney fee 631 IAC 1-1-24 24 IR 3807 631 IAC 1-1-24.1 25 IR 2030
	Enhance filtration and disinfection 327 IAC 8-2.6 26 IR 146	
	<b>State revolving fund</b> LSA Document #02-193(E) <b>25 IR 3778</b>	
	<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>	

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