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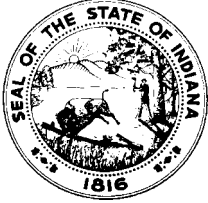
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March 10, 2004

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# 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) 2004 Indiana Administrative Code (CD-ROM version).
- (2) Volume 27 of the Indiana Register (CD-ROM version).

The Indiana Administrative Code and Indiana Register are distributed in CD-ROM format only. Both are also accessible at [www.in.gov/legislative/ic\\_iac/](http://www.in.gov/legislative/ic_iac/).

The 2003 Edition of the Indiana Administrative Code 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

Closing Dates:	Publication Dates:	Closing Dates:	Publication Dates:
March 10, 2004	April 1, 2004	October 12, 2004	November 1, 2004
April 8, 2004	May 1, 2004	November 10, 2004	December 1, 2004
May 10, 2004	June 1, 2004	December 10, 2004	January 1, 2005
June 10, 2004	July 1, 2004	January 10, 2005	February 1, 2005
July 9, 2004	August 1, 2004	February 10, 2005	March 1, 2005
August 10, 2004	September 1, 2004	March 10, 2005	April 1, 2005
September 10, 2004	October 1, 2004	April 11, 2005	May 1, 2005

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

AGENCY		ALPHABETICAL LIST	
AGENCY	TITLE NUMBER	AGENCY	TITLE NUMBER
Accountancy, Indiana Board of	872	Human Service Programs, Interdepartmental Board for the Coordination of	490
Accounts, State Board of	20	†Industrial Board of Indiana	630
Adjutant General	270	Insurance, Department of	760
Administration, Indiana Department of	25	Labor, Department of	610
†Administrative Building Council of Indiana	660	Land Surveyors, State Board of Registration for	865
†Aeronautics Commission of Indiana	110	Law Enforcement Training Board	250
†Aging and Community Services, Department on	450	Library and Historical Board, Indiana	590
Agricultural Development Corporation, Indiana	770	Library Certification Board	595
Agricultural Experiment Station	350	Local Government Finance, Department of	50
†Agriculture, Commissioner of	340	Lottery Commission, State	65
Agriculture, Commissioner of	375	Medical and Nursing Distribution Loan Fund Board of Trustees, Indiana	580
†Air Pollution Control Board	325.1	Medical Licensing Board of Indiana	844
Air Pollution Control Board	326	Mental Health and Addiction, Division of	440
†Air Pollution Control Board of the State of Indiana	325	Meridian Street Preservation Commission	925
Alcohol and Tobacco Commission	905	Motor Vehicles, Bureau of	140
Amusement Device Safety Board, Regulated	685	†Natural Resources, Department of	310
Animal Health, Indiana State Board of	345	Natural Resources Commission	312
Architects and Landscape Architects, Board of Registration for	804	Nursing, Indiana State Board of	848
Athletic Trainers Board, Indiana	898	Occupational Safety Standards Commission	620
Attorney General for the State, Office of	10	Optometric Legend Drug Prescription Advisory Committee, Indiana	857
Auctioneer Commission, Indiana	812	Optometry Board, Indiana	852
Barber Examiners, Board of	816	Parole Board	220
Boiler and Pressure Vessel Rules Board	680	†Personnel Board, State	30
Boxing Commission, State	808	Personnel Department, State	31
Budget Agency	85	Pesticide Review Board, Indiana	357
Chemist of the State of Indiana, State	355	Pharmacy, Indiana Board of	856
Children's Health Insurance Program, Office of the	407	Plumbing Commission, Indiana	860
Chiropractic Examiners, Board of	846	Podiatric Medicine, Board of	845
Civil Rights Commission	910	Police Department, State	240
†Clemency Commission, Indiana	230	Political Subdivision Risk Management Commission, Indiana	762
Commerce, Department of	55	Port Commission, Indiana	130
Community Residential Facilities Council	431	Private Detectives Licensing Board	862
Consumer Protection Division of the Office of the Attorney General	11	Professional Standards Board	515
Controlled Substances Advisory Committee	858	Proprietary Education, Indiana Commission on	570
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Deaf Board, Indiana School for the	514	Real Estate Commission, Indiana	876
Dentistry, State Board of	828	Reciprocity Commission of Indiana	145
Developmental Disabilities Residential Facilities Council	430	Revenue, Department of State	45
Dietitians Certification Board, Indiana	830	Safety Review, Board of	615
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†Education, Commission on General	510	Secretary of State	75
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Education Employment Relations Board, Indiana	560	Seed Commissioner, State	360
Education Savings Authority, Indiana	540	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board	839
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†Elevator Safety Board	670	Solid Waste Management Board	329
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Employees' Appeals Commission, State	33	†Stream Pollution Control Board of the State of Indiana	330
†Employment and Training Services, Department of	645	Student Assistance Commission, State	585
Engineers, State Board of Registration for Professional	864	Tax Review, Indiana Board of	52
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Environmental Health Specialists, Board of	896	Television and Radio Service Examiners, Board of	884
†Environmental Management Board, Indiana	320	†Textbook Adoptions, Commission on	520
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Financial Institutions, Department of	750	Transportation Finance Authority, Indiana	135
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Fire Prevention and Building Safety Commission	675	†Unemployment Insurance Board, Indiana	640
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Grain Buyers and Warehouse Licensing Agency, Indiana	824	Violent Crime Compensation Division	480
Grain Indemnity Corporation, Indiana	825	†Vocational and Technical Education, Indiana Commission on	572
Hazardous Waste Facility Site Approval Authority, Indiana	323	†Wage Adjustment Board	635
Health, Indiana State Department of	410	War Memorials Commission, Indiana	920
Health Facilities Council, Indiana	412	†Watch Repairing, Indiana State Board of Examiners in	892
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†Highways, Department of	120	†Water Pollution Control Board	330.1
†Horse Racing Commission, Indiana	70	Worker's Compensation Board of Indiana	631
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Housing Finance Authority, Indiana	930		

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

# State Agencies

## NUMERICAL LIST

### TITLE NUMBER

#### GENERAL GOVERNMENT

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

#### TRANSPORTATION AND PUBLIC UTILITIES

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

#### CORRECTIONS, POLICE, AND MILITARY

- 203 Victim Services Division
- 205 Indiana Criminal Justice Institute
- 207 Coroners Training Board
- 210 Department of Correction
- 220 Parole Board
- †230 Indiana Clemency Commission
- 240 State Police Department
- 250 Law Enforcement Training Board
- 260 State Department of Toxicology
- 270 Adjutant General
- 280 Public Safety Training Institute
- 290 State Emergency Management Agency

#### NATURAL RESOURCES, ENVIRONMENT, AND AGRICULTURE

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

#### HUMAN SERVICES

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

### TITLE NUMBER

#### EDUCATION AND LIBRARIES

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

#### LABOR AND INDUSTRIAL SAFETY

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

#### BUSINESS, FINANCE, AND INSURANCE

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

#### OCCUPATIONS AND PROFESSIONS

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

#### MISCELLANEOUS

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

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

**TITLE 326 AIR POLLUTION CONTROL BOARD**

LSA Document #01-249(F)

**DIGEST**

Amends 326 IAC 2-6, emission reporting, to clarify existing definitions, add new definitions, change applicability, and add a provision allowing the department to request additional information, including hazardous air pollutant emissions. Effective 30 days after filing with the secretary of state.

**HISTORY**

First Notice of Comment Period: November 1, 1997, Indiana Register (21 IR 801).

First Notice of Comment Period (LSA# 00-44, Readoption of Rules in Title 326 under IC 13-14-9.5): March 1, 2000, Indiana Register (23 IR 1488).

Continuation of First Notice of Comment Period (LSA# 00-44): May 1, 2000, Indiana Register (23 IR 2109).

Second Notice of Comment Period and Notice of First Hearing: February 1, 2001, Indiana Register (24 IR 1462).

Date of First Hearing: April 12, 2001.

Proposed Rule and Third Notice of Comment Period: August 1, 2001, Indiana Register (24 IR 3684).

Notice of Second Hearing: August 1, 2001, Indiana Register (24 IR 3705).

Change in Notice of Public Hearing: September 1, 2001, Indiana Register (24 IR 4012).

Notice of Second Hearing: November 1, 2003, Indiana Register (27 IR 551).

Date of Second Hearing: December 3, 2003.

<b>326 IAC 2-6-1</b>	<b>326 IAC 2-6-4</b>
<b>326 IAC 2-6-2</b>	<b>326 IAC 2-6-5</b>
<b>326 IAC 2-6-3</b>	

SECTION 1. 326 IAC 2-6-1 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 2-6-1 Applicability**

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to all ~~sources located in of~~ the following: ~~counties which have the potential to emit volatile organic compounds (VOC) or oxides of nitrogen (NO<sub>x</sub>) into the ambient air at levels equal to or greater than ten (10) tons per year:~~

(1) ~~Clark:~~ Sources required to have an operating permit under 326 IAC 2-7, Part 70 Permit Program.

(2) ~~Elkhart:~~ Sources located in the following counties that emit volatile organic compounds (VOC) or oxides of nitrogen (NO<sub>x</sub>) into the ambient air at levels equal to or greater than twenty-five (25) tons per year:

(A) Lake.

(B) Porter.

(3) ~~Floyd:~~ Sources that emit lead into the ambient air at levels equal to or greater than five (5) tons per year.

~~(4) Lake:~~

~~(5) Marion:~~

~~(6) Porter:~~

~~(7) St. Joseph:~~

~~(8) Vanderburgh:~~

(b) This rule also applies to All sources ~~not covered by subsection (a) which have the potential to emit carbon monoxide (CO), volatile organic compounds (VOC), oxides of nitrogen (NO<sub>x</sub>), particulate matter (PM<sub>10</sub>), or sulfur dioxide (SO<sub>2</sub>) into the ambient air at levels equal to or greater than one hundred (100) tons per year: permitted by the department are subject to section 5 of this rule, additional information requests.~~

(c) This rule applies to all Sources ~~not covered by subsection (a) or (b) which have the potential to emit lead into the ambient air at levels equal to or greater than five (5) tons per year: must comply with the compliance schedule in section 3 of this rule.~~

(d) ~~If any of the six (6) pollutants listed in subsections (b) and (c) are emitted by a source at levels equal to or greater than the cut-offs set in subsections (a) through (c); then any other emission of a named pollutant by that source must be included in the emission statement even if it is emitted at a level below the applicable cut-offs: (Air Pollution Control Board; 326 IAC 2-6-1; filed Nov 12, 1993, 4:00 p.m.: 17 IR 732; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2210)~~

SECTION 2. 326 IAC 2-6-2 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 2-6-2 Definitions**

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

Affected: IC 13-11-2; IC 13-15; IC 13-17

Sec. 2. For purposes of this rule, the definition given for a term in this rule shall control in any conflict between 326 IAC 1-2 and this rule. In addition to the definitions provided in IC 13-11-2 and 326 IAC 1-2, the following definitions apply throughout this rule **unless expressly stated otherwise:**

(1) "Actual emissions" means the ~~actual rate of emissions in tons per year of a any pollutant from emitted by~~ an emissions unit for the calendar year. ~~or seasonal period:~~

(2) "Annual process rate" means the actual or estimated annual fuel, process, or solid waste operating rate in an emission statement ~~operating a calendar year.~~

(3) "Certifying individual" means the individual responsible for the completion and certification of the emission statement; such as an officer of the company or an employee; and who will take legal responsibility for the accuracy of the emission statement.

(3) "Ash content" means the inert residual portion of a fuel.

(4) **"Capture efficiency"** means the percent of the total emissions captured and routed to the air pollution control equipment.

(4) (5) **"Control efficiency"** means the actual emission control efficiency achieved by the applicable emission control device(s) during the emission statement operating year: percent of the total emissions routed to the air pollution control equipment that are destroyed or captured by the air pollution control equipment. The control efficiency shall reflect includes control equipment downtime operation with diminished effectiveness; and any other malfunctions that occurred while the emission source(s) were unit or units are in operation. If the actual control efficiency during the emission statement operating calendar year is unknown or cannot reasonably be predicted from available data, then the efficiency designed provided by the manufacturer may be used. When the actual control efficiency is unknown, it should be clearly indicated that the designed efficiency, and not the actual efficiency, is being reported. Control efficiency is a measure of how well the device controls emissions; it should not be confused with capture efficiency which reflects how much of the pollutant is routed to the control device.

(5) (6) **"Control equipment identification code"** means the Aerometric Information Retrieval System (AIRS) or AIRS Facility Subsystem (AFS) code which provided by the department that defines the equipment (such as an incinerator or carbon adsorber) used to reduce, by destruction or removal, the amount of air pollutants in an air a gas stream prior to discharge to the ambient air. **Examples of destruction or removal are incineration and carbon adsorption.**

(7) **"Days per week in operation"** means the days per week that the emitting process operates averaged over the inventory period.

(8) **"Design capacity"** means a measure of the size of a point source based on the reported maximum operational capacity of the unit.

(6) (9) **"Downtime"** means the period of time when the air pollution control device equipment is not operational during the corresponding period of and the process it is controlling is in operation.

(7) (10) **"Emission factor"** means an estimate of the rate at which a pollutant is released to the atmosphere as the result of some activity, divided by the rate of that activity, such as production rate or throughput.

(8) **"Emission statement operating year"** means the twelve (12) consecutive month time period starting December 1 and ending November 30 for those sources that fall within section 1(a) of this rule and the twelve (12) consecutive month period starting January 1 and ending December 31 for those sources that fall within section 1(b) and 1(c) of this rule.

(11) **"Emissions group"** means any combination of like emissions units or processes from a single building, adjacent buildings, or areas. Like emissions units or processes will contain emission units with same or similar

emission estimating methods or source classification codes.

(9) (12) **"Estimated emissions method code"** means a one (1) position AIRS or AFS code which provided by the department that identifies the estimation technique used in the calculation of estimated emissions.

(10) (13) **"Fugitive emission"** means releases to the air that are not emitted through stacks, vents, ducts, pipes, or any other confined air stream, including fugitive equipment leaks, evaporative losses from surface impoundments, and releases from building ventilation systems. **emissions"** has the meaning set forth in 326 IAC 2-7-1(18).

(14) **"Heat content"** means the amount of thermal heat energy in a solid, liquid, or gaseous fuel.

(15) **"Hours per day in operation"** means hours per day that the emitting process operated averaged over the days in operation in the calendar year.

(16) **"Maximum nameplate capacity"** means a measure of a unit's size that the manufacturer puts on the unit's nameplate.

(11) (17) **"Oxides of nitrogen"** or "**NO<sub>x</sub>**" means air pollution usage comprised of nitric all oxides of nitrogen, including, but not limited to, nitrogen oxide and nitrogen dioxide, but excluding nitrous oxide, collectively expressed as molecular weight of nitrogen dioxide.

(12) **"Peak ozone season"** means that contiguous three (3) month period of the year from June through August.

(13) **"Percentage"** (18) **"Percent annual throughput"** means the following:

(A) The weighted percent of yearly activity for those sources falling under section 1(a) of this rule for the following periods:

(i) December through February:

(ii) March through May:

(iii) June through August:

(iv) September through November:

The first season (December through February) will encompass two (2) calendar years, such as December 1992 through February 1993:

(B) The weighted percent of yearly activity for those sources falling under section 1(b) and 1(c) of this rule for the following periods: **quarters:**

(i) (A) **Winter** meaning December, January, through March and February of the same year. For example, winter 2004 would be equal to the sum of the monthly percent activity for January 2004, February 2004, and December 2004.

(ii) April (B) **Spring** meaning March through June May of the same calendar year.

(iii) July (C) **Summer** meaning June through September August of the same calendar year.

(iv) October (D) **Fall** meaning September through December November of the same calendar year.

(14) **"Plant"** means the total facilities available for production

or service:

(15) "Point" means a physical emission point or process such as a distinct building or a portion of a building within a plant that results in pollutant emissions. A unique identifier (point identification number) exists for each point within each facility in the AIRS database.

(16) (19) "Potential to emit" means the maximum capacity of a 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 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 if the limitation or the effect it would have on emissions is enforceable. **has the meaning set forth in 326 IAC 2-7-1(29).**

(17) (20) "Process rate" means a quantity per unit time of any raw material or process intermediate consumed, or product generated through the use of any equipment, source operation, or process. For a stationary internal combustion unit or any other fuel burning equipment, this term means the quantity of fuel burned per unit time.

(18) "Segment" means components of an emissions point or process, at the level that emissions are calculated. An example of a segment is a boiler burning #2 oil. A unique identifier (segment identification number) exists for each segment within each point and plant in the AIRS database. Each segment is also identified by a source classification code (SCC).

(19) "SIC code" means the standard industrial classification code. A series of codes devised by the Office of Management and Budget (OMB) to classify establishments according to the type of economic activity in which they are engaged.

(20) "Stack" means a (smoke) stack or, vent within a plant where emissions are introduced into the atmosphere. A unique identifier exists for each stack within each facility in the AIRS database.

(21) "Stationary source" means any building, structure, facility, or installation which emits, or may emit, any air pollutant subject to regulation under IC 13-1-1.

(22) "Typical ozone season day" means a day typical of that period of the year during the peak ozone season.

(21) "Responsible official" has the meaning set forth in 326 IAC 2-7-1(34).

(22) "Sulfur content" means the sulfur content of a fuel, expressed as percent by weight.

(Air Pollution Control Board; 326 IAC 2-6-2; filed Nov 12, 1993, 4:00 p.m.: 17 IR 733; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2210)

SECTION 3. 326 IAC 2-6-3 IS AMENDED TO READ AS FOLLOWS:

## 326 IAC 2-6-3 Compliance schedule

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

Affected: IC 13-15; IC 13-17

Sec. 3. (a) The owner or operator of any facility falling within the applicability guidelines set forth in a source subject to section 1(a) of this rule must annually submit an emission statement covering the previous calendar year to the commissioner. This submittal must be received by the department each year by April 15 for those sources covered by section 1(a) of this rule and by July 1 for those sources covered by section 1(b) and 1(c) of this rule. The submittal should cover the time period as defined in section 2(8) of this rule, according to the following schedule:

(1) Annually, by July 1, for sources subject to section 1(a)(2) of this rule or with the potential to emit annual emissions greater than or equal to any of the following emission thresholds:

(A) Two thousand five hundred (2,500) tons per year of carbon monoxide.

(B) Two thousand five hundred (2,500) tons per year of oxides of nitrogen.

(C) Two thousand five hundred (2,500) tons per year of sulfur dioxide.

(D) Two hundred fifty (250) tons per year of particulate matter less than or equal to ten (10) micrometers (PM<sub>10</sub>).

(E) Two hundred fifty (250) tons per year of volatile organic compounds.

(2) Triennially, by July 1, according to the schedule in subsection (b) for all sources not subject to annual reporting in subdivision [sic.] (1).

(b) The county schedule for reporting under subsection (a)(2) is as follows:

(1) Starting in 2004, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:

(A) Adams County.

(B) Allen County.

(C) Benton County.

(D) Carroll County.

(E) Cass County.

(F) Dekalb County.

(G) Elkhart County.

(H) Fulton County.

(I) Huntington County.

(J) Jasper County.

(K) Kosciusko County.

(L) LaGrange County.

(M) Lake County.

(N) LaPorte County.

(O) Marshall County.

(P) Miami County.

(Q) Newton County.

(R) Noble County.

(S) Porter County.

(T) Pulaski County.

(U) St. Joseph County.



- (V) Starke County.
- (W) Steuben County.
- (X) Wabash County.
- (Y) Wells County.
- (Z) White County.
- (AA) Whitley County.

(2) Starting in 2005, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:

- (A) Blackford County.
- (B) Boone County.
- (C) Clinton County.
- (D) Delaware County.
- (E) Fayette County.
- (F) Fountain County.
- (G) Grant County.
- (H) Hamilton County.
- (I) Hancock County.
- (J) Hendricks County.
- (K) Henry County.
- (L) Howard County.
- (M) Jay County.
- (N) Johnson County.
- (O) Madison County.
- (P) Marion County.
- (Q) Montgomery County.
- (R) Morgan County.
- (S) Parke County.
- (T) Putnam County.
- (U) Randolph County.
- (V) Rush County.
- (W) Shelby County.
- (X) Tippecanoe County.
- (Y) Tipton County.
- (Z) Union County.
- (AA) Warren County.
- (BB) Wayne County.

(3) Starting in 2006, and every three (3) years thereafter, sources located in the following counties must submit an emission statement:

- (A) Bartholomew County.
- (B) Brown County.
- (C) Clark County.
- (D) Clay County.
- (E) Crawford County.
- (F) Daviess County.
- (G) Dearborn County.
- (H) Decatur County.
- (I) Dubois County.
- (J) Floyd County.
- (K) Franklin County.
- (L) Gibson County.
- (M) Greene County.
- (N) Harrison County.
- (O) Jackson County.

- (P) Jefferson County.
- (Q) Jennings County.
- (R) Knox County.
- (S) Lawrence County.
- (T) Martin County.
- (U) Monroe County.
- (V) Ohio County.
- (W) Orange County.
- (X) Owen County.
- (Y) Perry County.
- (Z) Pike County.
- (AA) Posey County.
- (BB) Ripley County.
- (CC) Scott County.
- (DD) Spencer County.
- (EE) Sullivan County.
- (FF) Switzerland County.
- (GG) Vanderburgh County.
- (HH) Vermillion County.
- (II) Vigo County.
- (JJ) Warrick County.
- (KK) Washington County.

(b) (c) The department will make available emission statement reporting forms and guidance will be provided by the department for applicable to sources subject to this rule.

(d) Sources subject to this rule may submit their emission statement as follows:

- (1) Electronically: sources that submit their emission statement electronically must submit to the department a certification that complies with section 4(c)(1) of this rule by the submission deadline.
- (2) By mail: the United States Postal Service postmark is the submittal date.
- (3) By private carrier: records of dates of receipt and delivery by the service must be maintained.
- (4) By hand delivery to the Office of Air Quality, Indianapolis, Indiana.

(Air Pollution Control Board; 326 IAC 2-6-3; filed Nov 12, 1993, 4:00 p.m.: 17 IR 734; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2212)

SECTION 4. 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 13-15; IC 13-17

Sec. 4. (a) A source subject to section 1(a) of this rule shall report estimated actual emissions in the emission statement of the following pollutants:

- (1) Carbon monoxide (CO).
- (2) Volatile organic compounds (VOC).
- (3) Oxides of nitrogen (NO<sub>x</sub>).

- (4) Particulate matter less than or equal to ten (10) micrometers (PM<sub>10</sub>).
- (5) Sulfur dioxide (SO<sub>2</sub>).
- (6) Lead and lead compounds, including any unique chemical substance that contains lead.

(b) Emissions from processes that are insignificant or trivial activities as defined in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40) are not required to be reported in an emission statement.

(c) The emission statement submitted by the source must contain, at a minimum, the following information:

- (1) Certification **by a responsible official** that the information contained in the emission statement is accurate to the best knowledge of the individual certifying the statement: **based on reasonable estimates using data available to the preparers and on a reasonable inquiry into records and persons responsible for the operation of the source, and is true, accurate, and complete.** 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: person signing the certification.**
- (2) Source identification information, to include the following:
  - (A) Full name, physical location, and mailing address of the facility: **source.**
  - (B) Source **universal transverse mercator (UTM) or latitude and longitude.**
  - (C) **StE North American Industry Classification System (NAICS) code.**

(3) Operating data, **for each emission unit or emissions group**, to include the following:

- (A) Percent annual throughput by quarter **as defined in section 2 [of this rule].**
  - (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: **in operation.**
- (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.

(C) Design capacity.

(D) Hours per day during the normal operating schedule: **in operation.**

(E) Hours per year during the normal operating schedule: **in operation.**

(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:

(F) Maximum nameplate capacity.

(4) For reporting purposes, multiple stacks that vent to the atmosphere may be grouped together to reflect any grouping of process units. Stack parameters include the following:

(A) Stack identification.

(B) Stack height and diameter (in feet).

(C) Universal transverse mercator (UTM) or latitude and longitude coordinates.

(D) Exit gas temperature (degrees Fahrenheit).

(E) Exit gas flow rates in cubic feet per minute.

(4) (5) Emissions information for each process, 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 of all pollutants listed in subsection (a) at the segment process 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. **Fugitive emissions may be reported as plantwide or grouped together in a logical manner. If control efficiencies are adjusted because of upsets, downtime, and malfunctions, information must be provided about how the control efficiencies are calculated.**

(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.

(B) Emissions of VOC and PM<sub>10</sub> shall be reported as total VOC and PM<sub>10</sub> emissions, respectively.

(D) (C) Calendar year for the emissions.

(D) Estimated emissions method code provided by the department.

(E) Emission factor, if **part of emissions were calculated using calculation.** Acceptable sources of an emission factor the emission factor must include:

- (i) be one established in the AP-42, "Compilation of Air Pollutant Emission Factors Volume 1, Fourth Edition,

September 1985\*; or AP-42” as defined at 326 IAC 1-2-20.5.

(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.

(iii) Other documentable methodology accepted by the department and the U.S. EPA.

(F) Source classification code (SCC). number:

(G) Annual process rate (annual throughput) to the extent it is part of emissions calculation.

(H) Ash content, if part of emissions calculation.

(I) Sulfur content, if part of emissions calculation.

(J) Heat content, if part of emissions calculation.

(5) (6) Control equipment information, to include the following:

(A) Current primary and secondary AIRS facility subsystem control equipment identification codes:

(A) Capture efficiency.

(B) Current control equipment efficiency percentage unless a controlled emission factor is applied. The actual efficiency should reflect the total control efficiency from all control equipment for each process pollutant. 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.

(C) Control equipment identification code.

(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:

(d) Nothing in this rule requires stack testing.

\*These documents are incorporated by reference and are available for review at the Office of Air Quality, Indiana Department of Environmental Management, 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: (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; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2213)

SECTION 5. 326 IAC 2-6-5 IS ADDED TO READ AS FOLLOWS:

## 326 IAC 2-6-5 Additional information requests

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

Affected: IC 13-15; IC 13-17

Sec. 5. The department may request emissions and emissions-related information about any regulated air pollutant as defined at 326 IAC 2-7-1(31) from any source permitted by the department when needed for air quality planning, air quality modeling, or state implementation plan development. A source that receives an information request pursuant to this section shall provide the information, based on reasonable estimates and using data available to the preparers, in writing to the department within sixty (60) days of receipt of the department’s request. A source may request additional time to submit the information. Types of circumstances when the department may request information include the following:

(1) To identify sources or processes that emit a monitored pollutant.

(2) To address public complaints.

(3) To develop and quality assure emissions inventories, as necessary, for permit modeling, state implementation plan development, rulemaking, or perform air risk analysis.

(4) To survey industry wide sources or geographic specific areas to address potential health risks.

(5) To assess pollutants for a single industry source.

(6) To comply with an information request from a local, state, or federal agency.

(7) To verify or supplement Emergency Planning and Community Right-to-Know Act Section 313 toxic release inventory information.

(Air Pollution Control Board; 326 IAC 2-6-5; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2215)

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## TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #03-68(F)

### DIGEST

Amends 326 IAC 2-2-1, 326 IAC 2-2-6, and 326 IAC 2-2-12 concerning corrections to the prevention of significant deterioration (PSD) requirements. Effective 30 days after filing with the secretary of state.

### HISTORY

IC 13-14-9-7 Notice and Notice of First Hearing: April 1, 2003, Indiana Register (26 IR 2477).

Change in Notice of First Hearing: June 1, 2003, Indiana Register (26 IR 3073).

Date of First Hearing: September 3, 2003.

Proposed Rule and Notice of Second Hearing: October 1, 2003, Indiana Register (27 IR 250).

Date of Second Hearing: December 3, 2003.

### 326 IAC 2-2-1

### 326 IAC 2-2-6

### 326 IAC 2-2-12

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

#### 326 IAC 2-2-1 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~~ **preceding** the particular date and ~~which is~~ representative of normal source operation. The department 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 department 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 described 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 postchange operations.

(c) “Adverse impact on visibility” means visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor’s visual experience of the federal Class I area as defined in section 13 of this rule. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment and how these factors correlate with:

- (1) times of visitor use of the federal Class I area; and
- (2) the frequency and timing of natural conditions that reduce visibility.

(d) “Allowable emissions” means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless a source is subject to enforceable permit limits ~~which that~~ restrict the operating rate or hours of operation, or both) and the most stringent of ~~the~~:

- (1) ~~the~~ applicable standards as set forth in 40 CFR 60\* and 40 CFR 61\*;
- (2) ~~the~~ state implementation plan emissions limitation, including those with a future compliance date; or
- (3) ~~the~~ emissions rate specified as an enforceable permit condition, including those with a future compliance date.

(e) “Baseline area” means the following:

(1) Any intrastate area (and every part thereof) designated as attainment or unclassifiable in accordance with 326 IAC 1-4 in which the major stationary source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than one (1) microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ) (annual average) of the pollutant for which the minor source baseline date is established.

(2) Area redesignations under 326 IAC 1-4 and Section 107(d)(1)(D) or 107(d)(1)(E) of the Clean Air Act (CAA) cannot intersect or be smaller than the area of impact of any major stationary source or major modification that:

- (A) establishes a minor source baseline date; or
- (B) is subject to 40 CFR 52.21\* and this rule and would be constructed in the same state as the state proposing the redesignation.

(3) Any baseline area established originally for the total suspended particulate (TSP) increments shall remain in effect and shall apply for purposes of determining the amount of available  $\text{PM}_{10}$  increments, except that such baseline area shall not remain in effect if U.S. EPA rescinds the corresponding minor source baseline date in accordance with 40 CFR 52.21(b)(14)(iv)\*.

(f) “Baseline concentration” means that ambient concentration level ~~which that~~ exists in the baseline area at the time of the applicable minor source baseline date. The baseline concen-

tration is determined for each pollutant for which a baseline date is established and shall include the following:

- (1) The actual emissions representative of sources in existence on the applicable minor source baseline date except as provided in subdivision (3).
- (2) The allowable emissions of major stationary sources ~~which that~~ commenced construction before the major source baseline date but were not in operation by the applicable minor source baseline date.
- (3) The following will not be included in the baseline concentration and will affect the applicable maximum allowable ~~increase(s):~~ **increase or increases:**
  - (A) Actual emissions from any major stationary source on which the construction commenced after the major source baseline date.
  - (B) Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

(g) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit ~~which that~~ 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. ~~and~~
- (3) Construction of permanent storage structures.

With respect to a change in method of operations, ~~this the~~ term refers to those on-site activities other than preparatory activities ~~which that~~ mark the initiation of the change.

(h) "Best available control technology" or "BACT" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each pollutant subject to regulation under the provisions of the CAA, which would be emitted from any proposed major stationary source or major modification, ~~which that~~ 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 that~~ would exceed the emissions allowed by any applicable standard under 40 CFR Part 60\* and 40 CFR Part 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 not feasible, a design, equipment, work practice, operational standard, or combination thereof may be prescribed instead to satisfy the requirements 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 that~~ achieve equivalent results.

(i) "Building, structure, facility, or installation" means all of the pollutant-emitting activities ~~which that~~ 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), except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "major group", ~~(i.e., for example,~~ 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)\*.

(j) "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.

(k) "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 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.

(l) "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.

(m) "Complete" means, in reference to an application for a permit, 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 department from requesting or accepting any additional information.

(n) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit)

~~which that~~ would result in a change in actual emissions.

(o) “Electric utility steam generating unit” means any steam electric generating unit that is constructed for the purpose of supplying more than one-third (⅓) of its potential electric output capacity and more than twenty-five (25) megawatts electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(p) “Emissions unit” means any part of a stationary source ~~which that~~ emits or would have the potential to emit any pollutant regulated under the provisions of the CAA.

(q) “Federal land manager” means, with respect to any lands in the United States, the secretary of the department with authority over such lands.

(r) “Fugitive emissions” means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(s) “High terrain” means any area having an elevation nine hundred (900) feet or more above the base of the stack of a source.

(t) “Indian governing body” means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(u) “Indian reservation” means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(v) “Innovative control technology” means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.

(w) “Low terrain” means any area other than high terrain.

(x) “Major modification” means any physical change in, or change in the method of operation of, a major stationary source that would result in a significant net emissions increase of any pollutant that is being regulated under the CAA. The following shall 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 pursuant to the Federal Power Act.
- (C) Use of an alternative fuel by reason of an order under Section 125 of the CAA.
- (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: that the source:~~

- (i) ~~the source~~ was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition ~~which that~~ was established after January 6, 1975, pursuant to:

(AA) 40 CFR 52.21\*; ~~or under~~

(BB) this rule; ~~or~~

(CC) 326 IAC 2-3; or

(DD) **minor new source review regulations approved pursuant to 40 CFR 51.160 through 40 CFR 51.166\***; or

- (ii) ~~the source~~ is approved to use under any permit issued under 40 CFR 52.21\* or 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 that~~ was established after January 6, 1975, pursuant to 40 CFR 52.21\* or under this rule or 326 IAC 2-3.

(G) Any change in ownership at a source.

(H) The addition, replacement, or use of a pollution control project as defined in subsection (dd) at an existing electric steam generating unit unless:

- (i) the commissioner and U.S. EPA determine that such addition, replacement, or use renders the unit less environmentally beneficial; or
- (ii) the commissioner determines that 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.

A pollution control project that is exempt under this clause shall be considered a significant source modification under 326 IAC 2-7-10.5(f)(8) or 326 IAC 2-7-10.5(f)(9).

(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 the project is terminated.

(J) The installation or operation of a permanent clean coal technology demonstration project that constitutes

repowering provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

(K) The reactivation of a very clean coal-fired electric utility steam generating unit.

(y) “Major source baseline date” means the following:

(1) In the case of particulate matter and sulfur dioxide, January 6, 1975.

(2) In the case of nitrogen dioxide, February 8, 1988.

~~(y)~~ (z) “Major stationary source” means the following:

(1) Any of the following stationary sources of air pollutants ~~which that~~ are located or proposed to be located in an attainment or unclassifiable area as designated in 326 IAC 1-4 and ~~which that~~ emit or have the potential to emit one hundred (100) tons per year or more of any pollutant subject to regulation under the CAA:

(A) Fossil fuel-fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input.

(B) Coal cleaning plants (with thermal driers).

(C) Kraft pulp mills.

(D) Portland cement plants.

(E) Primary zinc smelters.

(F) Iron and steel mill plants.

(G) Primary aluminum ore reduction plants.

(H) Primary copper smelters.

(I) Municipal incinerators capable of charging more than fifty (50) tons of refuse per day.

(J) Hydrofluoric, sulfuric, and nitric acid plants.

(K) Petroleum refineries.

(L) Lime plants.

(M) Phosphate rock processing plants.

(N) Coke oven batteries.

(O) Sulfur recovery plants.

(P) Carbon black plants (furnace process).

(Q) Primary lead smelters.

(R) Fuel conversion plants.

(S) Sintering plants.

(T) Secondary metal production plants.

(U) Chemical process plants.

(V) Fossil fuel boilers (or combinations thereof) totaling more than two hundred fifty million (250,000,000) British thermal units per hour heat input.

(W) Taconite ore processing plants.

(X) Glass fiber processing plants.

(Y) Charcoal production plants.

(Z) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels.

(2) Any stationary source with the potential to emit two hundred fifty (250) tons per year or more of any air pollutant subject to regulation under the CAA.

(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 smelters.

(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 subdivisions (1) through (4) ~~and this subdivision~~, if the change would by itself qualify as a major stationary source under subdivisions (1) through (4).

(6) Notwithstanding subdivisions (1) through (5), a source or modification of a source shall not be considered a major stationary source if it would qualify under subdivisions (1) through (5) only if fugitive emissions, to the extent quantifiable, are considered in calculating potential to emit of the stationary source or modification and such source does not belong to any of the categories listed in subdivision (1) or any other stationary source category ~~which; that~~, as of August 7, 1980, is being regulated under Section 111 or 112 of the CAA (42 U.S.C. 7411 or 42 U.S.C. 7412).

(7) A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

~~(z)~~ “Major source baseline date” means the following:

~~(1) In the case of particulate matter and sulfur dioxide, January 6, 1975.~~

~~(2) In the case of nitrogen dioxide, February 8, 1988.~~

(aa) “Minor source baseline date” means the earliest date after the trigger date on which a major stationary source or major modification subject to the requirements of this rule or to 40 CFR 52.21\* submits a complete application under the relevant regulations, including the following:

(1) The trigger date is the following:

(A) In the case of particulate matter and sulfur dioxide, August 7, 1977.

(B) In the case of nitrogen dioxide, February 8, 1988.

(2) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(A) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under 326 IAC 1-4 for the pollutant on the date of its complete application under this rule; and

(B) in the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(3) Any minor source baseline date established originally for

the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM<sub>10</sub> increments, except that the commissioner may rescind a minor source baseline date where it can be shown, to the satisfaction of the commissioner, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM<sub>10</sub> emissions.

(bb) "Necessary preconstruction approvals or permits" means those permits or approvals required under federal air quality control laws and regulations and air quality control laws and regulations that are part of the state implementation plan.

(cc) "Net emissions increase", with reference to a significant net emissions increase, means the tons per year amount by which the sum of the following exceeds zero (0):

(1) Any increase in actual emissions from a particular physical change or change in the method of operation at a source.

(2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable as follows:

(A) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between **the date**:

(i) ~~the date~~ five (5) years before construction on the particular change commences; and

(ii) ~~the date~~ that the increase from the particular change occurs.

(B) An increase or decrease in actual emissions is creditable only if the department has not relied on the increase or decrease in issuing a permit for the source under this rule and the permit is in effect when the increase in actual emissions from the particular change occurs.

(C) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides ~~which that~~ occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM<sub>10</sub> emissions shall be used to evaluate the net emissions increase for PM<sub>10</sub>.

(D) An increase in actual emissions is creditable only to the extent that a new level of actual emissions exceeds the old level.

(E) 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 enforceable at and after the time that actual construction on the particular change begins; and

(iii) it has approximately the same qualitative significance for public health and welfare as that attributed to the

increase from the particular change.

(F) 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.

(dd) "Pollution control project" means, for purposes of this rule, any activity or project undertaken at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to the following:

(1) The installation of conventional or innovative pollution control technology, including, but not limited to, **the following**:

(A) Advanced flue gas desulfurization.

(B) Sorbent injection for sulfur dioxide and nitrogen oxides controls. ~~and~~

(C) Electrostatic precipitators.

(2) An activity or project to accommodate switching to a fuel that is less polluting than the fuel in use prior to the activity or project, including, but not limited to, **the following**:

(A) Natural gas or coal reburning. ~~or~~

(B) The cofiring of natural gas and other fuels for the purpose of controlling emissions.

(3) A permanent clean coal technology demonstration project conducted under Title II, Section 101(d) of the Further Continuing Appropriations Act of 1985 42 U.S.C. 5903(d)\*, 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 U.S. EPA.

(4) A permanent clean coal technology demonstration project that constitutes a repowering project.

(ee) "Potential to emit" means the maximum capacity of a source or major modification 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 if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a source.

(ff) "Reactivation of a very clean coal-fired electric utility steam generating unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(1) has not been in operation for the two (2) year period prior to the enactment of the CAA Amendments of 1990, and the



emissions from such unit continue to be carried in the department's emissions inventory at the time of enactment;

(2) was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than eighty-five percent (85%) and a removal efficiency for particulates of no less than ninety-eight percent (98%);

(3) is equipped with low-NO<sub>x</sub> burners prior to the time of commencement of operations following reactivation; and

(4) is otherwise in compliance with the requirements of the CAA.

(gg) "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 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, that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy. ~~U.S. EPA~~ **The department** 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 CAA.

(hh) "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.

(ii) "Secondary emissions" means emissions that 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. The term includes emissions from any off-site support facility that would not be constructed or increase its emissions, except as a result of the construction or operation of the major stationary source or major modification. For the purpose of this rule, secondary emissions must be specific, well-defined, quantifiable, and impact the same general area as the source or modification **which that** causes the secondary emissions. Secondary emissions do not include any emissions that come directly from a mobile source, such as emissions from:

- (1) the tailpipe of a motor vehicle;
- (2) a train; or
- (3) a vessel.

(jj) "Significant" means the following:

(1) In reference to a net emissions increase or the potential of the source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

- (A) Carbon monoxide: one hundred (100) tons per year.
- (B) Nitrogen oxides: forty (40) tons per year.
- (C) Sulfur dioxide: forty (40) tons per year.
- (D) Particulate matter: twenty-five (25) tons per year.
- (E) PM<sub>10</sub>: fifteen (15) tons per year.
- (F) Ozone: forty (40) tons per year of volatile organic compounds.
- (G) Lead: six-tenths (0.6) ton per year.
- (H) Asbestos: seven one-thousandths (0.007) ton per year.
- (I) Beryllium: four ten-thousandths (0.0004) ton per year.
- (J) Mercury: one-tenth (0.1) ton per year.
- (K) Vinyl chloride: one (1) ton per year.
- (L) Fluorides: three (3) tons per year.
- (M) Sulfuric acid mist: seven (7) tons per year.
- (N) Hydrogen sulfide (H<sub>2</sub>S): ten (10) tons per year.
- (O) Total reduced sulfur (including H<sub>2</sub>S): ten (10) tons per year.
- (P) Reduced sulfur compounds (including H<sub>2</sub>S): ten (10) tons per year.
- (Q) Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): thirty-five ten-millionths (0.000035) or  $3.5 \times 10^{-6}$  ton per year.
- (R) Municipal waste combustor metals (measured as particulate matter): fifteen (15) tons per year.
- (S) Municipal waste combustor acid gases (measured as

sulfur dioxide and hydrogen chloride): forty (40) tons per year.

(T) Municipal solid waste landfills emissions (measured as nonmethane organic compounds): fifty (50) tons per year.

(U) Ozone-depleting substances (ODS): one hundred (100) tons per year.

(V) Any pollutant subject to regulation under the CAA, other than the pollutants listed in this subsection or under Section 112(b) of the CAA\*: any emission rate.

(2) Any emissions rate or any net emissions increase associated with a major stationary source or major modification that would be constructed within ten (10) kilometers of a Class I area and has an impact on such area equal to or greater than one (1) microgram per cubic meter (24-hour average).

(kk) "Stationary source" means any building, structure, facility, or installation that emits or may emit any air pollutant subject to regulation under the CAA. A stationary source does not include emissions resulting from an internal combustion engine used for transportation purposes or from a nonroad engine or nonroad vehicle.

(ll) "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project that:

- (1) is operated for a period of five (5) years or less; and
- (2) 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 the project is terminated.

\*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 2-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2391; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3022; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Jun 14, 1989, 5:00 p.m.: 12 IR 2020; filed Nov 25, 1998, 12:13 p.m.: 22 IR 997; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3105; filed Oct 23, 2000, 9:47 a.m.: 24 IR 668; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2412; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1557; filed Mar 9, 2004, 3:45 p.m.: 27 IR 2216*)

SECTION 2. 326 IAC 2-2-6 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 2-2-6 Increment consumption; requirements

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

Affected: IC 13-12

Sec. 6. (a) Any demonstration pursuant to under section 5 of this rule should demonstrate that increased emissions caused by the proposed major stationary source or major modification will

not exceed eighty percent (80%) of the available maximum allowable increases (MAI) over the baseline concentrations for sulfur dioxide, particulate matter, and nitrogen dioxide indicated in subsection (b)(1). Available maximum allowable increases are determined by adjusting the MAI to include impacts from actual emissions:

- (1) actual emissions from any major stationary source or major modification on which construction commenced after the major source baseline date; and
- (2) actual emissions increases and decreases at any source occurring after the minor source baseline date.

On a case-by-case basis, a source may petition the commissioner to use in excess of this eighty percent (80%). The commissioner may authorize such use provided the source adequately demonstrates the need for the same.

(b) Increment consumption shall be in accordance with the following:

- (1) The following allowable increments reflect the PSD increments for a Class II area (as defined in the CAA). Indiana has no Class I or Class III areas; however, should some areas of the state be classified as Class I or III, the PSD increments pursuant to 40 CFR Part 52.21\* must be adhered to. New permits issued after January 1, 1995, shall use PM<sub>10</sub> as the indicator for particulate matter. The allowable increments are as follows:

Maximum Allowable Increments	
Pollutants	Allowable Increments (Micrograms per Cubic Meter, µg/m <sup>3</sup> Limits)
(A) Particulate Matter:	
(PM <sub>10</sub> ):	
Annual arithmetic mean	17
24-hour maximum	30
(B) Sulfur Dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512
(C) Nitrogen Dioxide:	
Annual arithmetic mean	25

(2) For any period other than the annual period, the applicable maximum allowable increase may be exceeded during one (1) such period per year at any one (1) location.

(3) When an applicant proposes to construct a major stationary source or major modification in an area designated as attainment or unclassified and the increments listed in subdivision (1) have been consumed, the increased emissions from the source or modification may be permitted to be offset by reducing emissions in the affected areas by an equal amount of the pollutant for which the area was designated as attainment or unclassified.

(4) The following pollutant concentrations shall be excluded when determining compliance with a maximum allowable increase:

- (A) Concentrations attributable to the increase in emissions

from sources ~~which that~~ have converted from the use of petroleum products ~~or~~ natural gas, or both, by reason of an order in effect under Sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 over the emissions from such sources before the effective date of such an order.

(B) Concentrations attributable to the increase in emissions from sources ~~which that~~ have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan.

(C) Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified sources.

(D) Concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter, or nitrogen oxides from stationary sources that are affected by state implementation plan revisions approved by U.S. EPA are excluded provided the following criteria is met:

(i) Such exclusion shall not exceed two (2) years in duration unless a longer time is approved by the commissioner and the U.S. EPA.

(ii) Such exclusion is not renewable.

(iii) Such exclusion shall allow no emissions increase ~~which that~~ would impact a Class I area or an area where an applicable increment is known to be violated or cause or contribute to a violation of an ambient air quality standard as designated in 326 IAC 1-3.

(iv) An emission limitation shall be in effect at the end of the time period specified in accordance with item (i) ~~which that~~ will ensure that the emissions levels will not exceed those levels occurring from such source before the exclusion was granted.

(5) No exclusion of such a concentration ~~pursuant to under~~ subdivision (4)(A) through (4)(B) shall apply more than five (5) years after the date the exclusion is granted ~~pursuant to under~~ this rule. ~~whichever is later~~. If both such order and plan are applicable, no such exclusion shall apply more than five (5) years after the latter of such effective dates.

\*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 2-2-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2398; filed Jun 14, 1989, 5:00 p.m.: 12 IR 2025; filed Oct 3, 1995, 3:00 p.m.: 19 IR 185; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2422; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1567; filed Mar 9, 2004, 3:45 p.m.: 27 IR 2222)

SECTION 3. 326 IAC 2-2-12 IS AMENDED TO READ AS

FOLLOWS:

### 326 IAC 2-2-12 Permit rescission

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

Affected: IC 13-15-6; IC 13-15-7; IC 13-17

Sec. 12. Any permit issued under this rule shall remain in effect unless and until it is rescinded, modified, revoked, or it expires in accordance with 326 IAC 2-1.1-9.5 or section 8 of this rule. The following apply to rescission:

(1) Any owner or operator of a major stationary source or major modification who holds a permit for the source or modification ~~which that~~ was issued under 40 CFR 52.21\* or this rule prior to ~~January 1, 2002~~, **January 19, 2002**, may request the commissioner to rescind the permit or a particular portion of the permit.

(2) The commissioner shall grant an application for rescission if the application shows that this rule would not apply to the major stationary source or major modification.

(3) If the commissioner rescinds a permit under this section, the public shall be given adequate notice of the rescission. Publication of an announcement of the rescission in the affected region within sixty (60) days of the rescission shall be considered adequate notice.

\*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 2-2-12; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2401; filed Mar 23, 2001, 3:03 p.m.: 24 IR 2425; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1569; filed Mar 9, 2004, 3:45 p.m.: 27 IR 2223)

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## TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #03-69(F)

### DIGEST

Amends 326 IAC 1-3-4 to add the federal eight hour ozone standards to 326 IAC. Effective 30 days after filing with the secretary of state.

## HISTORY

IC Notice 13-14-9-8 and Notice of First Hearing: April 1, 2003, Indiana Register (26 IR 2485).

Date of First Hearing: June 4, 2003.

Proposed Rule and Notice of Second Hearing: July 1, 2003, Indiana Register (26 IR 3376).

## 326 IAC 1-3-4

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

### 326 IAC 1-3-4 Ambient air quality standards

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

Affected: IC 13-15; IC 13-17

Sec. 4. (a) The following ambient air quality standards, corrected to a reference temperature of 25° C: **twenty-five (25) degrees Celsius** and to a reference pressure of seven hundred sixty (760) millimeters of mercury (one thousand thirteen and two-tenths (1,013.2) millibars), as micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). ~~shall apply:~~

#### (b) Ambient air quality standards are as follows:

##### (1) Sulfur oxides as sulfur dioxide ( $\text{SO}_2$ ) requirements are as follows:

(A) For primary standards, the following values shall represent the maximum permissible ambient air quality levels:

(i) Eighty (80)  $\mu\text{g}/\text{m}^3$  ~~(three-hundredth (three-hundredths (0.03) parts per million (ppm))~~ annual arithmetic mean.

(ii) Three hundred sixty-five (365)  $\mu\text{g}/\text{m}^3$  ~~(fourteen-hundredth (fourteen-hundredths (0.14) ppm)~~ maximum twenty-four (24) hour average concentration not to be exceeded more than one (1) day per year.

(B) For secondary standards, the following value shall represent the maximum permissible ambient air quality levels: one thousand three hundred (1,300)  $\mu\text{g}/\text{m}^3$  ~~(five-tenth (five-tenths (0.5) ppm)~~ maximum three (3) hour concentration not to be exceeded more than once per year.

(C) ~~Sulfur dioxide~~  $\text{SO}_2$  values may be converted to ~~parts per million~~ ppm using the conversion factor two thousand six hundred twenty (2,620)  $\mu\text{g}/\text{m}^3 = \text{one (1) ppm}$ .

##### (2) Total suspended ~~Particulate~~ particulates (TSP) requirements are as follows:

(A) For primary standards, the following values shall represent the maximum permissible ambient air quality levels:

(i) Seventy-five (75)  $\mu\text{g}/\text{m}^3$  annual geometric mean.

(ii) Two hundred sixty (260)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration not to be exceeded more than one (1) day per year.

(B) For secondary standards, the following value shall represent maximum permissible ambient air quality levels: one hundred fifty (150)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration not to be exceeded more than one (1) day per year.

##### (3) Carbon monoxide (CO) requirements are as follows:

(A) For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:

(i) Ten (10) milligrams per cubic meter ( $\text{mg}/\text{m}^3$ ) (ten thousand (10,000)  $\mu\text{g}/\text{m}^3$ ) (nine (9) ppm) maximum eight (8) hour average concentration not to be exceeded more than once per year.

(ii) Forty (40) ~~milligrams per cubic meter~~  $\text{mg}/\text{m}^3$  (forty thousand (40,000)  $\mu\text{g}/\text{m}^3$ ) (thirty-five (35) ppm) maximum one (1) hour average concentration not to be exceeded more than once per year.

(B) ~~Carbon monoxide~~ CO values may be converted to ~~parts per million~~ ppm using the conversion factor one thousand one hundred forty-five (1,145)  $\mu\text{g}/\text{m}^3 = \text{one (1) ppm}$ .

##### (4) Ozone ( $\text{O}_3$ ) requirements shall be as follows:

(A) For ~~primary and secondary~~ the one (1) hour ozone standards, the following values shall represent the maximum permissible ambient air quality level: ~~the expected number of days with maximum hourly ozone concentrations above two hundred thirty-five (235)  $\mu\text{g}/\text{m}^3$  (twelve-hundredths (0.12) ppm) shall not exceed one (1) per calendar year.~~ level of the one (1) hour primary and secondary ambient air quality standards for ozone measured by a reference method based on 40 CFR 50, Appendix D\* and designated in accordance with 40 CFR 53\* is twelve-hundredths (0.12) ppm (two hundred thirty-five (235)  $\mu\text{g}/\text{m}^3$ ). The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above twelve-hundredths (0.12) ppm (two hundred thirty-five (235)  $\mu\text{g}/\text{m}^3$ ) is equal to or less than one (1) as determined by 40 CFR 50, Appendix H\*.

(B) For the eight (8) hour ozone standards, the:

(i) level of the eight (8) hour primary and secondary ambient air quality standards for ozone, measured by a reference method based on 40 CFR 50, Appendix D\* and designated in accordance with 40 CFR 53\*, is eight-hundredths (0.08) ppm, daily maximum eight (8) hour average; and

(ii) eight (8) hour primary and secondary ozone ambient air quality standards are met at an ambient air quality monitoring site when the average of the annual fourth highest daily maximum eight (8) hour average ozone concentration is less than or equal to eight-hundredths (0.08) ppm as determined in accordance with 40 CFR 50, Appendix I\*.

~~(B) Ozone~~ (C)  $\text{O}_3$  values may be converted to ~~parts per million~~ ppm using the conversion factor one thousand nine hundred sixty-five (1,965)  $\mu\text{g}/\text{m}^3 = \text{one (1) ppm}$ .

##### (5) Nitrogen dioxide ( $\text{NO}_2$ ) requirements shall be as follows:

(A) For primary and secondary ~~standard; standards,~~ the following value shall represent the maximum permissible ambient air quality level: one hundred (100)  $\mu\text{g}/\text{m}^3$  ~~(five-~~

~~hundredth~~ **(five-hundredths)** (0.05) ppm annual arithmetic mean.

(B) ~~Nitrogen dioxide~~ **NO<sub>2</sub>** values may be converted to ~~parts per million~~ ppm using the conversion factor one thousand eight hundred eighty (1,880)  $\mu\text{g}/\text{m}^3 = \text{one (1) ppm}$ .

(6) Lead (Pb): ~~(A)~~ For primary and secondary ~~standard, standards,~~ the following value shall represent the maximum permissible ambient air quality level: one and ~~five-tenth five-tenths~~ (1.5) micrograms lead per cubic meter of air ( $\mu\text{g}$  of  $\text{Pb}/\text{m}^3$ ), averaged over a calendar quarter and measured as elemental lead.

(7) PM<sub>10</sub>: ~~(A)~~ For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:

(i) ~~(A)~~ Fifty (50)  $\mu\text{g}/\text{m}^3$  annual arithmetic mean. The standards are attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix K\*, is less than or equal to fifty (50)  $\mu\text{g}/\text{m}^3$ .

(ii) ~~(B)~~ One hundred fifty (150)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration. The standards are attained when the expected number of days per calendar year with a twenty-four (24) hour average concentration above one hundred fifty (150)  $\mu\text{g}/\text{m}^3$ , as determined in accordance with 40 CFR 50, Appendix K\*, is equal to or less than one (1).

~~\*This document is~~ **\*These documents are** incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-3-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2378; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3020; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3055; filed Mar 9, 2004, 3:45 p.m.: 27 IR 2224*)

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Incorporated Documents Filed with Secretary of State: None

## TITLE 327 WATER POLLUTION CONTROL BOARD

LSA Document #01-51(F)

### DIGEST

Amends 327 IAC 5-4-3 and adds 327 IAC 15-15. Under the

Clean Water Act, concentrated animal feed operations (CAFOs) are point sources subject to the National Pollutant Discharge Elimination System (NPDES) permit process. This requirement is found in federal regulations at 40 CFR 122.23(a). The term "CAFO" is defined in 40 CFR 122. This language has been adopted in Indiana and is found in the Indiana Administrative Code at 327 IAC 5-4-3 concerning special NPDES programs. Based on a decision from the United States District Court for the Southern District of Indiana, the Indiana Department of Environmental Management (IDEM) is required to select one of three options for implementing NPDES permits for CAFOs in Indiana. IDEM believes that development of a general permit rule is the most time and resource effective means to comply with this court order. Further, amendments to the federal rules have occurred that require IDEM to update its existing rules. IDEM has a separate program to regulate confined feeding operations (CFOs). This program is required under IC 13-18-10. However, the requirements of that program do not, in all instances, meet the requirements for a NPDES permit under federal law. IDEM believes the most effective way to address the issue of federal NPDES requirements of the Clean Water Act is in a separate rulemaking that considers all the alternatives available for compliance with the federal requirements. IDEM has proposed amendment of rule language at 327 IAC 5-4-3 and drafted new rule language for NPDES general permits for CAFOs at 327 IAC 15-15. Effective 30 days after filing with the secretary of state.

### HISTORY

First Notice of Comment Period: March 1, 2001, Indiana Register (24 IR 1976).

Second Notice of Comment Period and Notice of First Hearing: February 1, 2003 (26 IR 1737).

First Hearing: April 9, 2003.

Change in Hearing Notice: May 1, 2003 (26 IR 2645).

First Hearing: May 8, 2003.

Change in Hearing Notice: January 1, 2004.

Second Hearing: January 14, 2004.

Finally Adopted: January 14, 2004.

### 327 IAC 5-4-3

### 327 IAC 5-4-3.1

### 327 IAC 15-15

SECTION 1. 327 IAC 5-4-3 IS AMENDED TO READ AS FOLLOWS:

### 327 IAC 5-4-3 Concentrated animal feeding operations

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-2; IC 13-18-3

Affected: IC 13-11-2; IC 13-13-5-1; IC 13-18-4

Sec. 3. (a) Concentrated animal feeding operations **or CAFOs** are point sources ~~subject to the that require NPDES permit program permits for discharges or potential discharges.~~ **Once an operation is defined as a CAFO under this section, the NPDES requirements for CAFOs apply with**

respect to all animals in confinement at the operation and all manure, litter, and process wastewater generated by those animals or the production of those animals, regardless of the type of animal. Except as provided in subsection (d), all CAFO owners or operators must seek coverage under either an individual NPDES permit or a general NPDES permit under 327 IAC 15-15.

(b) The following definitions apply throughout this rule:

(1) “Agricultural storm water discharge” means a precipitation related discharge from a land application area where the manure, litter, or process wastewater has been applied in accordance with this rule and site-specific nutrient management practices to ensure the agronomic utilization of the nutrients in the manure, litter, or process wastewater.

(2) “Animal confinement area” means the areas of the operation where animals are housed. It includes, but is not limited to, the following areas:

- (A) Open lots.
- (B) Housed lots.
- (C) Feedlots.
- (D) Confinement houses.
- (E) Stall barns.
- (F) Free stall barns.
- (G) Milk rooms.
- (H) Milking center.
- (I) Cowyards.
- (J) Barnyards.
- (K) Medication pens.
- (L) Walkers.
- (M) Animal walkways.
- (N) Stables.

(3) “Animal feeding operation” or “AFO” means a lot or facility, other than an aquatic animal production facility, where the following both these conditions are met:

- (A) animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and
- (B) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion at least fifty percent (50%) of the lot or facility.

(4) “Concentrated animal feeding operation” or “CAFO” means an AFO that is one (1) of the following:

- (A) A large CAFO.
- (B) A medium CAFO.
- (C) Designated as a CAFO by the commissioner under subsection (c).

Two (2) or more animal feeding operations AFOs under common ownership are considered to be a single AFO for the purposes of this article (327 IAC 5); to be a single animal feeding determining the number of animals at an operation, if they the AFOs adjoin each other or if they the AFOs

use a common area or system for the disposal of wastes: land application of manure, litter, or process wastewater.

(5) “CFO approval” means a valid approval issued by the commissioner under 327 IAC 16.

(6) “Land application area” means land under the control of an AFO owner or operator, whether the land is owned, rented, leased, or subject to an access agreement, to which manure, litter, or process wastewater from the production area is or may be applied.

(7) “Large concentrated animal feeding operation” or “large CAFO” means an animal feeding operation which meets the criteria set forth in clause (A) or (B) or which is designated by the commissioner under subsection (c):

(A) AFO that stables or confines as many as or more than the numbers number of animals specified in any of the following categories: are confined:

- (i) one thousand (1,000) slaughter and feeder cattle;
- (ii) (A) Seven hundred (700) mature dairy cattle cows, whether milked or dry. cows;
- (B) One thousand (1,000) veal calves.
- (C) One thousand (1,000) cattle other than mature dairy cows or veal calves. Cattle includes, but is not limited to, heifers, steers, bulls, and cow/calf pairs.
- (iii) (D) Two thousand five hundred (2,500) swine each weighing over 25 kilograms (approximately fifty-five (55) pounds or more.
- (E) Ten thousand (10,000) swine each weighing less than fifty-five (55) pounds.
- (iv) (F) Five hundred (500) horses.
- (v) (G) Ten thousand (10,000) sheep or lambs.
- (vi) (H) Fifty-five thousand (55,000) turkeys.

(vii) one hundred thousand (100,000) laying hens or broilers (if the facility has continuous overflow watering);

(viii) (I) Thirty thousand (30,000) laying hens or broilers, if the facility has AFO uses a liquid manure handling system.

(J) One hundred twenty-five thousand (125,000) chickens, other than laying hens, if the AFO uses other than a liquid manure handling system.

(K) Eighty-two thousand (82,000) laying hens, if the AFO uses other than a liquid manure handling system.

(L) Thirty thousand (30,000) ducks, if the AFO uses other than a liquid manure handling system.

(ix) (M) Five thousand (5,000) ducks, or

(x) one thousand (1,000) animal units; or

(B)(i) Either pollutants are discharged from the facility into waters of the state through a man-made ditch; flushing system; or other similar man-made device; or pollutants are discharged directly from the facility into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation; provided, however, that no animal feeding operation is a concentrated animal feeding operation as defined above if such animal feeding

operation discharges only in the event of a twenty-five (25) year, twenty-four (24) hour storm event; and  
if the AFO uses a liquid manure handling system.

(8) "Manure" means animal feces or urine, or both, and materials such as bedding, compost, raw materials, or other materials commingled with animal feces or urine or both feces and urine.

(9) "Manure storage area" means any area where manure is kept. It includes, but is not limited to, the following areas:

- (A) Lagoons.
- (B) Run-off ponds.
- (C) Storage sheds.
- (D) Stockpiles.
- (E) Under house or pit storage.
- (F) Liquid impoundments.
- (G) Static piles.
- (H) Composting piles.

(10) "Medium concentrated animal feeding operation" or "medium CAFO" means:

(ii) More than (A) An AFO, where the following numbers type and number of animals that are stabled or confined in any of at the operation falls within the following categories ranges:

- (AA) three hundred (300) slaughter or feeder cattle;
- (BB) (i) Two hundred (200) to six hundred ninety-nine (699) mature dairy cattle cows, whether milked or dry. cows);
- (ii) Three hundred (300) to nine hundred ninety-nine (999) veal calves.
- (iii) Three hundred (300) to nine hundred ninety-nine (999) cattle other than mature dairy cows or veal calves. Cattle includes, but is not limited to, heifers, steers, bulls, and cow/calf pairs.
- (CC) (iv) Seven hundred fifty (750) to two thousand four hundred ninety-nine (2,499) swine each weighing over 25 kilograms; fifty-five (55) pounds or more.
- (v) Three thousand (3,000) to nine thousand nine hundred ninety-nine (9,999) swine each weighing less than fifty-five (55) pounds.
- (DD) (vi) One hundred fifty (150) to four hundred ninety-nine (499) horses.
- (EE) (vii) Three thousand (3,000) to nine thousand nine hundred ninety-nine (9,999) sheep or lamb lambs.
- (FF) (viii) Sixteen thousand five hundred (16,500) to fifty-four thousand nine hundred ninety-nine (54,999) turkeys.
- (GG) thirty thousand (30,000) laying hens or broilers (if the facility has continuous overflow watering);
- (HH) (ix) Nine thousand (9,000) to twenty-nine thousand nine hundred ninety-nine (29,999) laying hens or broilers, if the facility has AFO uses a liquid manure handling system.
- (x) Thirty-seven thousand five hundred (37,500) to

one hundred twenty-four thousand nine hundred ninety-nine (124,999) chickens, other than laying hens, if the AFO uses other than a liquid manure handling system.

(xi) Twenty-five thousand (25,000) to eighty-one thousand nine hundred ninety-nine (81,999) laying hens, if the AFO uses other than a liquid manure handling system.

(xii) Ten thousand (10,000) to twenty-nine thousand nine hundred ninety-nine (29,999) ducks, if the AFO uses other than a liquid manure handling system.

(HH) (xiii) One thousand five hundred (1,500) to four thousand nine hundred ninety-nine (4,999) ducks, or if the AFO uses a liquid manure handling system. and (JJ) three hundred (300) animal units.

(3) "Animal unit" means a unit of measurement for any animal feeding operation such that the total animal units is calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0; plus the number of mature dairy cattle multiplied by 1.4; plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4; plus the number of sheep multiplied by 0.1; plus the number of horses multiplied by 2.0.

(4) "Man-made" means constructed by man and used for the purpose of transporting wastes.

(B) One (1) of these conditions are met:

- (i) Pollutants are discharged into waters of the state through a manmade ditch, flushing system, or other similar manmade device. or
- (ii) Pollutants are discharged directly into waters of the state that originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

(11) "No potential to discharge" means, for purposes of section 3.1 of this rule, that there is no potential for any CAFO manure, litter, or process wastewater to be added to waters of the state under any circumstance or climatic condition.

(12) "Process wastewater" means the following:

(A) Water directly or indirectly used in the operation of the AFO for any or all of the following:

- (i) Spillage or overflow from animal or poultry watering systems.
- (ii) Washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities.
- (iii) Direct contact swimming, washing, or spray cooling of animals.
- (iv) Dust control.

(B) Process wastewater includes any water that comes into contact with or is a constituent of any raw materials, products, or byproducts, including manure, litter, feed, milk, eggs, or bedding.

(13) "Production area" means that part of an AFO that includes the following:

- (A) The animal confinement areas.
- (B) The manure storage areas.
- (C) The raw materials storage areas.
- (D) The waste containment areas.
- (E) Egg washing or processing facility.
- (F) Milking parlor.
- (G) Any area used in the storage, handling, treatment, or disposal of mortalities.

(14) "Raw materials storage area" includes, but is not limited to, the following:

- (A) Feed silos.
- (B) Silage bunkers.
- (C) Bedding materials storage sheds.
- (D) Feed bins.
- (E) Feedstuffs storage bunkers and sheds.

(15) "Small concentrated animal feeding operation" or "small CAFO" means an AFO that is designated as a CAFO and is not a medium CAFO or large CAFO.

(16) "Waste containment area" means an area designed to contain manure, litter, or process wastewater and includes, but is not limited to, the following:

- (A) Settling basins.
- (B) Areas within berms and diversions that separate uncontaminated storm water.

(c) Case-by-case designation of ~~concentrated animal feeding operations~~ **an AFO as a CAFO shall occur as follows:**

(1) Notwithstanding any other provision of this section, any ~~animal feeding operation~~ **AFO** may be designated as a ~~concentrated animal feeding operation~~ **CAFO** where it is determined to be a significant contributor of ~~pollution~~ **pollutants** to the waters of the state. In making this designation, the commissioner shall consider the following factors:

- (A) The size of the ~~animal feeding operation~~ **AFO** and the amount of wastes reaching waters of the state.
- (B) The location of the ~~animal feeding operation~~ **AFO** relative to waters of the state.
- (C) The means of conveyance of ~~animal wastes~~ **manure, litter, and process wastewaters** into waters of the state.
- (D) The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of ~~animal wastes~~ **manure, litter, and process wastewaters** ~~wastewater~~ into waters of the state. ~~and~~
- (E) Other factors relevant to the significance of the pollution problem under consideration.

(2) In no case shall a ~~permit application be required from a concentrated animal feeding operation~~ **an AFO be designated as a CAFO** under this subsection until there has been an on-site inspection of the operation and a determination that the operation should be regulated under the permit program.

(3) No ~~animal feeding operation~~ **AFO** with less than the numbers of animals set forth in subsection ~~(b)~~ **(b)(10)** shall be designated as a ~~concentrated animal feeding operation~~ **CAFO** unless:

- (A) pollutants are discharged into waters of the state

through a manmade ditch, flushing system, or other similar manmade device; or

(B) pollutants are discharged directly into waters of the state ~~which that~~ originate outside of the facility and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

(d) An owner or operator of a large CAFO does not need to seek permit coverage under this rule or 327 IAC 15-15 if the owner or operator has received a notification from the commissioner of a determination that the CAFO has no potential to discharge in accordance with 327 IAC 5-4-3.1 [section 3.1 of this rule].

(e) In addition to the requirements of 327 IAC 5-2-3, the owners or operators of new and existing CAFOs applying for an individual NPDES permit shall provide to the department the following:

(1) The following information on forms provided by the department:

- (A) Name, telephone number, and mailing address of the owner and operator.
- (B) Name, location, and address of the operation. Contact person and telephone number.
- (C) Type and number of animals at the operation.
- (D) Type of containment and storage and total capacity for manure, litter, and process wastewater storage (ton/gallons).
- (E) Total number of acres under control of the applicant available for land application.
- (F) Estimated amount of manure, litter, and process wastewater generated per year (tons/gallons).
- (G) Estimated amount of manure, litter, and process wastewater transferred to other persons per year (tons/gallons).
- (H) List of other environmental permits held and permit numbers including, if applicable, the CFO farm ID number provided on state CFO approval under 327 IAC 16.
- (I) A soil survey map of the geographic area in which the CAFO is located showing the location of the production area facility and land application areas.
- (J) SIC code for the operation.
- (K) Name of waterbody receiving drainage from the production area.
- (L) Telephone number and title of person signing the application.

(2) Payment of the application fee of fifty dollars (\$50).

(f) The department shall process the application in accordance with the procedures specified in 327 IAC 5-3. The permit will require the applicant to comply with nutrient management and water quality standards under 327 IAC 15-15 and 327 IAC 16.



(g) The discharge of manure, litter, or process wastewater from a CAFO to waters of the state as a result of land application of manure, litter, or process wastewater by the CAFO to land application areas under the control of the CAFO owner or operator is a discharge subject to NPDES permit requirements under this rule or 327 IAC 15-15, except where it is an agricultural storm water discharge.

(h) Not later than one hundred eighty (180) days before the expiration of the permit, the permittee shall submit an application to renew the permit on forms provided by the department. The permittee need not reapply for a permit if the facility has:

- (1) ceased operation and has demonstrated to the commissioner that there is no remaining potential to discharge; or
- (2) reduced the number of animals such that the facility is no longer defined as a CAFO.

(i) The deadlines to either seek coverage under an individual NPDES permit pursuant to this rule or under a general NPDES permit pursuant to 327 IAC 15-15 are as follows:

- (1) Operations defined as CAFOs prior to April 14, 2003, must seek coverage as of April 14, 2003, and comply with all applicable requirements at the time of coverage.
- (2) The following operations, which were defined as CAFOs as of April 14, 2003, but were not defined as CAFOs prior to that date, must seek coverage no later than February 13, 2006:

- (A) CAFOs with one thousand (1,000) or more heifers.
- (B) CAFOs with ten thousand (10,000) or more swine weighing less than fifty-five (55) pounds.
- (C) CAFOs with one hundred twenty-five thousand (125,000) or more chickens, other than laying hens, if the CAFO uses other than a liquid manure handling system.
- (D) CAFOs with eighty-two thousand (82,000) or more laying hens, if the CAFO uses other than a liquid manure handling system.

(3) Operations defined as CAFOs as of April 14, 2003, that were not defined as CAFOs prior to April 14, 2003, because the operation has not discharged except in the event of a twenty-five (25) year, twenty-four (24) hour rainfall event must:

- (A) maintain a CFO approval under 327 IAC 16 until an individual NPDES permit is obtained or the operation receives general permit coverage under 327 IAC 15-15;
- (B) certify to the commissioner in writing within ninety (90) days of the effective date of this rule that:
  - (i) the AFO was not required to apply for a permit under 327 IAC 5 *[this article]*;
  - (ii) a discharge has not occurred from the AFO; and
  - (iii) the operation was constructed and is at all time

maintained to prevent a discharge during dry weather and wet weather up to and including a twenty-five (25) *[sic., year]*, twenty-four (24) hour rainfall event;

(C) sign the certification in accordance with 327 IAC 15-15-5(c);

(D) seek permit coverage under an individual permit pursuant to this rule or under a general NPDES permit pursuant to 327 IAC 15-15 by April 13, 2006; and

(E) not discharge manure, litter, or process wastewater to the waters of the state. If an AFO has a discharge after submitting a certification to the commissioner, the AFO must:

- (i) notify the department of the discharge within twenty-four (24) hours of the discharge; and
- (ii) seek coverage within thirty (30) days of the discharge under:

- (AA) an individual NPDES permit pursuant to the rule; or
- (BB) a general NPDES permit pursuant to 327 IAC 15-15.

(4) Any operation that has a discharge after submitting the certification under this subsection to the commissioner shall:

- (A) immediately notify the department of the discharge; and
- (B) seek coverage within thirty (30) days of the discharge under:
  - (i) an individual NPDES permit under this rule; or
  - (ii) the NPDES general permit rule under 327 IAC 15-15.

(5) For operations that are newly constructed or that make changes, such that the operation becomes a CAFO as defined under this rule, after April 14, 2003, but are not new sources as defined by 327 IAC 15-15-3(4):

- (A) for newly constructed operations not subject to effluent limitations guidelines in 40 CFR 412, effective April 14, 2003, one hundred eighty (180) days prior to commencement of operations; or
- (B) for other operations, no later than ninety (90) days after becoming a CAFO as defined under this rule.

However, if an operational change that makes the operation a CAFO would not have made the operation CAFO prior to April 14, 2003, the operation has until April 13, 2006, or ninety (90) days from becoming defined as a CAFO, whichever is later, to seek coverage.

(6) New sources, as defined by 327 IAC 15-15-3(4), must seek permit coverage at least one hundred eighty (180) days prior to the time the CAFO is expected to commence operation. A new CAFO may commence operation at the time that the facility obtains an NPDES permit.

(7) Operations designated as a CAFO must seek permit coverage within ninety (90) days of being designated.

(j) A CAFO that obtains an individual NPDES permit under this section, or obtains a general permit under 327 IAC 15-15, is not required to obtain or renew the CFO

approval under 327 IAC 16-7.

(k) Permits for CAFOs shall include conditions based on the requirements in 327 IAC 5-2-8, 5-2-10 [327 IAC 5-2-10], and 5-2-12 [327 IAC 5-2-12]. (*Water Pollution Control Board; 327 IAC 5-4-3; filed Sep 24, 1987, 3:00 p.m.: 11 IR 642; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2225*)

SECTION 2. 327 IAC 5-4-3.1 IS ADDED TO READ AS FOLLOWS:

**327 IAC 5-4-3.1 No potential to discharge determination**

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-18-10; IC 13-30-2-1

Sec. 3.1. (a) The commissioner, upon request, may make a case-specific determination that a large CAFO has no potential to discharge pollutants to waters of the state. When making such a determination, the commissioner shall consider the following:

- (1) The potential for discharges from the production area.
- (2) The potential for discharges from any land application area.
- (3) Any record of prior discharges by the CAFO.

(b) The commissioner shall not determine the CAFO to have no potential to discharge pollutants if the CAFO has had a discharge within the five (5) years prior to the date of the request under this section.

(c) To request a determination of no potential to discharge, the owner or operator shall submit any information that would support such a determination, including all information required under section 3 of this rule and 327 IAC 5-2-3. The commissioner may require additional information to supplement the request and may gather information through an on-site inspection of the CAFO. The information is to be submitted to the commissioner by the date required for submission of an NOI or permit application.

(d) Before making a final decision to grant a no potential to discharge determination, the commissioner shall issue a public notice of receipt of the request. The notice must be accompanied by a fact sheet, which shall include the following:

- (1) A brief description of the type of facility or activity requesting the determination.
- (2) A brief summary of the factual basis, upon which the request was based, for granting the determination.
- (3) A description of the procedures for reaching a final decision on the determination.

(e) The commissioner must notify a CAFO of the final determination within ninety (90) days of receiving the request. If the commissioner denies the no potential for

discharge determination, the owner or operator of the CAFO must seek coverage under an NPDES permit within thirty (30) days of the denial.

(f) Any unpermitted CAFO that discharges pollutants into waters of the state is in violation of the Clean Water Act and IC 13-30-2-1 even if it has received a no potential to discharge determination from the commissioner.

(g) Any CAFO that has received a no potential to discharge determination under this section but that anticipates changes in circumstances that could create the potential for a discharge shall contact the commissioner and apply for and obtain coverage under an NPDES permit prior to the change of circumstances.

(h) The commissioner retains the authority to require NPDES permit coverage for a CAFO that has received a no potential to discharge determination under this section if circumstances at the facility change, new information becomes available, or there is reason to believe that the CAFO has a potential to discharge.

(i) A determination of no potential to discharge only relates to discharges of manure, litter, and process wastewater covered by this rule.

(j) The commissioner shall base the decision to grant a no potential to discharge determination on the administrative record, which includes all information submitted in support of the determination and any other data gathered by the department. (*Water Pollution Control Board; 327 IAC 5-4-3.1; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2230*)

SECTION 3. 327 IAC 15-15 IS ADDED TO READ AS FOLLOWS:

**Rule 15. Concentrated Animal Feeding Operations**

**327 IAC 15-15-1 Purpose and effect**

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-18-10

Sec. 1. (a) The purpose of this rule is to establish an NPDES general permit for CAFOs. In addition to the requirements of this article for all general permits, this rule establishes the requirements for CAFOs in Indiana. The requirements of this article applicable to all general permits, including the standard conditions in 327 IAC 15-4-1, and the requirements of this rule apply to all CAFOs authorized under this general permit rule.

(b) Compliance with all requirements of applicable general permit rules in this article may eliminate the need for an individual NPDES permit issued under 327 IAC 5. A facility can operate under an individual NPDES permit and

one (1) or more applicable general permit rules.

(c) For discharges and potential discharges of manure, litter, process wastewater, and storm water associated with regulated activity, compliance with this article and general permit rule constitutes compliance with Sections 301, 302, 306, 307, 318, 403, and 405(a) and (b) [405(b)] of the Clean Water Act and state law in reference to discharges and potential discharges of manure, litter, process wastewater, and storm water.

(d) Compliance with this rule and all applicable requirements for an NPDES general permit under article 15 [this article] shall meet the nondegradation requirements of 327 IAC 2-1. (Water Pollution Control Board; 327 IAC 15-15-1; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2230)

### 327 IAC 15-15-2 Applicability and permit boundary

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1  
Affected: IC 13-18-10; IC 13-30-3

Sec. 2. (a) This rule applies to all CAFOs or AFOs designated as CAFOs under 327 IAC 5-4-3(c) or 40 CFR 122.23(c), effective April 14, 2003, or AFOs electing to be subject to this rule, located within the boundaries of the state of Indiana. All CAFO owners or operators must seek permit coverage under this rule or through an individual NPDES permit except as provided in subsection (f).

(b) Any owner or operator covered by this rule can request to be excluded from coverage under this general permit rule by applying for and obtaining an individual NPDES permit.

(c) An owner or operator excluded from this general permit rule solely because the owner or operator has a valid existing individual NPDES permit may request coverage under this general permit rule and revocation of the existing individual NPDES permit under 327 IAC 15-2-3, unless the owner or operator is required to maintain an individual permit.

(d) A CAFO that has a general permit under this rule is not required to obtain or renew the CFO approval under 327 IAC 16-7.

(e) If the commissioner requires an operation to have an individual NPDES permit under 327 IAC 5-4-3, the commissioner shall notify the owner or operator in writing that an individual NPDES permit application is required. The notice shall include the following:

- (1) A brief statement of the reasons for this decision.
- (2) An application form.
- (3) A statement setting a date by which the person must file the application.
- (4) A statement that on the effective date of the individual

NPDES permit, the general permit rule, as it applies to the particular owner or operator, shall no longer apply. The commissioner may grant additional time upon request of the applicant for completion of the application.

(f) An owner or operator of a large CAFO does not need to seek permit coverage under this rule or 327 IAC 5-4-3 if the owner or operator has received a notification from the commissioner of a determination that the CAFO has no potential to discharge in accordance with 327 IAC 5-4-3.1. (Water Pollution Control Board; 327 IAC 15-15-2; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2231)

### 327 IAC 15-15-3 Definitions

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1  
Affected: IC 13-11-2; IC 13-18-10

Sec. 3. The definitions contained in IC 13-11-2, 327 IAC 5-1.5, and 327 IAC 5-4-3 apply throughout this rule. In addition to those definitions, the following definitions apply throughout this rule:

- (1) "Agricultural storm water discharge" means a precipitation related discharge from a land application area where the manure, litter, or process wastewater has been applied in accordance with this rule and site-specific nutrient management practices to ensure the agronomic utilization of the nutrients in the manure, litter, or process wastewater.
- (2) "Flood plain" means any area adjoining a river, stream, or lake that has been or may be covered by a one hundred (100) year flood.
- (3) "Individual NPDES permit" means a NPDES permit issued to one (1) facility that contains requirements specific to that facility.
- (4) "New source" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after February 13, 2003.
- (5) "Notice of intent letter" or "NOI" means a written notification indicating a person's intention to comply with the terms of this general permit rule in lieu of applying for an individual NPDES permit.
- (6) "NRCS 590 standard" means the Indiana Natural Resources Conservation Service (NRCS) Nutrient Management Conservation Practice Standard, Code 590, July 2001\*.
- (7) "One hundred (100) year, twenty-four (24) hour rainfall event" means a twenty-four (24) hour precipitation event with a probable recurrence interval of once in one hundred (100) years, as defined by the National Weather Service Technical Paper No. 40, "Rainfall Frequency Atlas of the United States", May 1961\*.
- (8) "Overflow" means the discharge of manure or process wastewater resulting from the filling of wastewater or manure storage structures beyond the point at which no more manure, process wastewater, or storm water can be

contained by the structure.

(9) “Public water supply surface intake structure” means any structure used for the purpose of providing water through a public water supply system.

(10) “Public water supply well” means any well that provides water to the public through a water distribution system that:

- (A) serves at least twenty-five (25) persons per day for:
  - (i) drinking;
  - (ii) domestic use; or
  - (iii) other purposes; or
- (B) has at least fifteen (15) service connections.

(11) “Setback” means a specified distance from surface waters or potential conduits to surface waters where manure, litter, and process wastewater may not be land applied. Examples of conduits or potential conduits include, but are not limited to, the following:

- (A) Open tile line intake structures.
- (B) Sinkholes.
- (C) Agricultural well heads.

(12) “Twenty-five (25) year, twenty-four (24) hour rainfall event” means a twenty-four (24) hour precipitation event with a probable recurrence interval of once in twenty-five (25) years, as defined by the National Weather Service Technical Paper No. 40, “Rainfall Frequency Atlas of the United States”, May 1961\*.

(13) “Vegetated buffer” means a narrow, permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purpose of slowing water run-off, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

\*This document is incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Land Quality, Indiana Government Center-North, Eleventh Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Water Pollution Control Board; 327 IAC 15-15-3; filed Feb 23, 2004, 12:15 p.m.; 27 IR 2231*)

#### **327 IAC 15-15-4 Performance standards and effluent limitations**

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1  
Affected: IC 13-18-10

Sec. 4. (a) All waste management systems must be designed, constructed, and maintained to minimize leaks and seepage and prevent spills. Unless otherwise specified, all requirements under this section must be met by the date of permit coverage.

(b) Manure, litter, or process wastewater to be staged or applied to land in Indiana must be staged or applied in such a manner as:

- (1) not to enter or threaten to enter waters of the state;
- (2) to prevent:
  - (A) run-off;
  - (B) application on saturated ground; and
  - (C) spills; and
- (3) to minimize nutrient leaching beyond the root zone.

(c) Animals in any confinement area must not have direct access to waters of the state.

(d) There shall be no discharge of process wastewater pollutants to waters of the state, except as described in subsection (e). Pumping, dumping, or allowing the leakage or drainage of manure, litter, or process wastewater from a manure transfer vehicle onto unauthorized premises, public thoroughfares, or into waters of the state is also prohibited.

(e) Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process wastewater generated in addition to the run-off from a twenty-five (25) year, twenty-four (24) hour rainfall event for the location of the point source, process wastewater pollutants in the overflow may be discharged into waters, provided that the production area is operated in accordance with the additional requirements of 40 CFR 412.37(a) and (b) [40 CFR 412.37(b)], effective April 14, 2003.

(f) Any discharges by operations permitted under this rule are required to meet water quality standards under 327 IAC 5.

(g) New source and existing dairy, heifer, horse, duck, veal, swine, poultry, cattle other than mature dairy cows, and sheep CAFOs must meet the following requirements and effluent limitations for the CAFO production areas as of the date of permit coverage:

- (1) There must be no discharge of manure, litter, or process wastewater pollutants to waters of the state.
- (2) Install a depth marker in all open surface liquid impoundments that indicates the minimum capacity necessary to contain the run-off and direct precipitation of the twenty-five (25) year, twenty-four (24) hour rainfall event, or two (2) feet of freeboard, whichever is greater.
- (3) Whenever rainfall events cause an overflow of process wastewater from a structure designed, constructed, operated, and maintained to contain all process wastewater including the direct precipitation and run-off from a twenty-five (25) year, twenty-four (24) hour rainfall event for the location of the point source, process wastewater pollutants in the overflow may be discharged into waters, provided that the production area is operated in accordance with the requirements of subdivisions (2)

and (4) through (8) of this subsection.

(4) Conduct weekly visual inspections of all of the following:

- (A) Storm water diversion devices.
- (B) Run-off diversion devices.
- (C) Devices channeling contaminated storm water to the process wastewater and manure storage structure.
- (D) Manure, litter, and process wastewater impoundments, noting the level in open surface liquid impoundments as indicated by the depth marker.

(5) Conduct daily inspection of all water lines that may come in contact with or impact manure, litter, or process wastewater in and around the production area. Such lines include drinking water lines for livestock.

(6) Correct any deficiencies found in inspections as soon as possible.

(7) Do not dispose of mortalities in a liquid manure or process wastewater system. Mortalities must be handled in such a way as to prevent the discharge of pollutants to surface water.

(8) Maintain, within the operating record required under section 17 of this rule, for a period of five (5) years from the date of creation, a complete copy of the following records:

- (A) Records documenting self-inspections.
- (B) Weekly records of the depth of manure and process wastewater in the open surface liquid impoundment, as indicated by the depth marker.
- (C) Records of actions taken to correct deficiencies. Deficiencies not corrected within thirty (30) days of discovery must be accompanied by an explanation of the factors preventing immediate correction.
- (D) Records of mortality management and practices.
- (E) Records documenting the current design of any manure, litter, or process wastewater storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity.
- (F) Records of the date, time, and estimated amount of any overflow.

(h) For the land application areas of new source and existing dairy, veal, swine, poultry, cattle other than mature dairy cows, horse, sheep, duck, and heifer CAFOs, the following records must be maintained in the operating record for a period of five (5) years from the date of permit coverage:

- (1) Expected crop yields.
- (2) The date or dates manure, litter, or process wastewater is applied to each field.
- (3) Precipitation events at the time of application and for twenty-four (24) hours prior to and following application.
- (4) Test methods used to sample and analyze manure, litter, process wastewater, and soil.
- (5) Results from manure, litter, process wastewater, and

soil sampling.

(6) Explanation of the basis for determining manure, litter, and process wastewater application rates.

(7) Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, or process wastewater.

(8) Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied.

(9) The method used to apply the manure, litter, or process wastewater.

(10) Date(s) of manure, litter, and process wastewater application equipment inspection.

(11) USDA soil survey maps of currently available land application sites.

(i) For new source veal, swine, and poultry CAFOs, the following requirements apply to the production areas of the CAFO as of the date of permit coverage:

(1) There must be no discharge of manure, litter, or process wastewater pollutants into waters of the state, subject to the requirements of this subsection.

(2) Waste management and storage facilities must be designed, constructed, operated and maintained to contain all manure, litter, and process wastewater and, if applicable, run-off and the direct precipitation from a one hundred (100) year, twenty-four (24) hour rainfall event.

(3) Production areas must be operated in accordance with the requirements of subsections (g)(4) through (g)(8) of this section [subsection (g)(4) through (g)(8)]. Additionally, sources must install a depth marker in all open surface liquid impoundments that indicates the minimum capacity necessary to contain the run-off and direct precipitation of a one hundred (100) year, twenty-four (24) hour rainfall event, or two (2) feet of freeboard, whichever is greater.

(Water Pollution Control Board; 327 IAC 15-15-4; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2232)

#### 327 IAC 15-15-5 Notice of intent requirements

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-18-10-2.3

Sec. 5. (a) The owner or operator of a CAFO seeking permit coverage under this rule shall submit a notice of intent (NOI), on a form provided by the commissioner, to the Indiana Department of Environmental Management, Office of Land Quality, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, IN 46206-6015, Attention: Permits Section. NOIs must be submitted within the deadlines found at 327 IAC 5-4-3(i).

(b) The owner or operator must:

(1) Include the following information in the NOI:

(A) Name, telephone number, and mailing address of

the owner and operator.

(B) Name, location, and address of the operation. Contact person and telephone number.

(C) Type and number of animals at the operation.

(D) Type of containment and storage and total capacity for manure, litter, and process wastewater storage (tons/gallons).

(E) Total number of acres under control of the applicant available for land application.

(F) Estimated amount of manure, litter, and process wastewater generated per year (tons/gallons).

(G) Estimated amount of manure, litter, and process wastewater transferred to other persons per year (tons/gallons).

(H) List of other environmental permits held and permit numbers, including the CFO farm ID number provided on state CFO approval under 327 IAC 16.

(I) A soil survey map of the operation, as required under section 17(c) of this rule, and land application areas, as required under section 4 of this rule.

(J) SIC code for the operation.

(K) Name of waterbody receiving drainage from the production area.

(L) Telephone number and title of person signing the NOI.

(M) List all discharges to waters of the state during the five (5) years preceding the submittal of the NOI.

(N) For newly constructing CAFOs, a list of names and addresses of all property owners adjacent to the production area property.

(O) For CAFOs applying to use the land application setbacks for injection or single pass incorporation under section 12 of this rule, a demonstration, on forms provided by the department, that the method of application will provide equivalent environmental protection as provided by the setbacks listed in Table 1 of section 12 of this rule.

(P) For CAFOs applying to use the land application setbacks for solid manure or litter surface applied and incorporated within twelve (12) hours under section 12 of this rule, a demonstration, on forms provided by the department, that the method of application will provide equivalent environmental protection as provided by the setbacks listed in Table 1 of section 12 *[of this rule]*.

(Q) Other than Indiana, list all states wherein the owner or operator owns or operates a CAFO. and

(2) Submit the application fee of fifty dollars (\$50).

(c) The NOI must be certified and be signed in accordance with 327 IAC 15-4-3(g).

(d) Following submittal of the NOI to the department, the department shall do the following:

(1) Review the NOI for completeness and applicability under this rule.

(2) Consider any public comments on whether the operation should be required to obtain an individual permit.

(3) Review past compliance and the enforcement history for the site.

(4) Review the NOI and the information provided under this section relative to section 9(a) of this rule.

(5) If the department determines under section 9 of this rule that the facility should obtain an individual NPDES permit, the department shall provide notice to the operation that an individual permit is required.

(e) Compliance with the NOI submission requirements under this rule satisfies the requirements to submit a manure management plan under IC 13-18-10-2.3. The NOI must be complete and on forms provided by the commissioner.

(f) An NPDES general permit under this rule may not be transferred. If ownership of a facility is transferred to a new owner, the new owner must submit an NOI under this section or apply for an individual NPDES permit under 327 IAC 5-4-3. The new owner must submit the NOI at least thirty (30) days prior to beginning operations at the facility.

(g) Any change in the information submitted in the NOI should be reported as soon as practicable to the commissioner. Changes that are reasonably expected to alter the characteristics of the discharge from the operation regulated under a general permit rule must be reported prior to the change. Following such notice, the commissioner may request the person to submit an application for an individual NPDES permit.

(h) When a permittee becomes aware that incomplete or incorrect information was submitted with the NOI or in any report to the commissioner, the permittee must submit the complete or correct information to the commissioner upon discovery of the omission or error. (*Water Pollution Control Board; 327 IAC 15-15-5; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2233*)

#### **327 IAC 15-15-6 Duration and renewal of coverage**

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-18-10

Sec. 6. (a) Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences.

(b) For a CAFO with a valid CFO approval under 327 IAC 16 on the date of submittal of an NOI, coverage under this rule commences on the date that the department receives a complete and timely NOI from the applicant. The commissioner may deny coverage under this rule and require submittal of an application for an individual

NPDES permit based on a review of the NOI information submitted under sections 5 and 9 of this rule.

(c) In accordance with 327 IAC 15-2-9(b), section 9(a) of this rule, and 40 CFR 122.28(b), effective April 14, 2003, any interested person may petition the commissioner to require an owner or operator of an operation subject to this rule to apply for and obtain an individual NPDES permit. If the commissioner does not respond to the petition in writing within ninety (90) days of receipt, the petition is deemed denied.

(d) For a CAFO seeking coverage under this rule prior to construction of the facility or modification of a CFO such that it becomes a CAFO, coverage commences on the date the department receives the construction NOI required under section 7 [of this rule].

(e) To obtain renewal of coverage under this general permit rule, the information required under section 5 of this rule shall be submitted to the department no later than one hundred eighty (180) days before the expiration of coverage under the permit. The permittee must submit an NOI to renew a general permit on forms provided by the department. The permittee need not submit an NOI to remain covered under this rule if:

- (1) the facility has ceased operation or is no longer a CAFO; and
- (2) the permittee has demonstrated to the commissioner that there is no remaining potential to discharge.

A CAFO is required to maintain permit coverage until these provisions are met.

(f) If a CAFO is required to submit an application for an individual NPDES permit, the general permit terminates when:

- (1) the owner or operator fails to timely submit the permit application required under 327 IAC 5-4-3; or
- (2) the individual permit is issued or denied by the commissioner.

(g) A construction NOI under section 7 of this rule meets the requirements for an NOI under section 5 of this rule and is in effect for five (5) years, provided the owner or operator meets the construction requirements of section 7 [of this rule]. The owner or operator is required to meet all requirements of this rule during the five (5) year term of the construction NOI.

(h) A CAFO that has obtained coverage under this rule or obtained an individual NPDES permit under 327 IAC 5-4-3 satisfies the requirement to obtain an approval from the department under IC 13-18-10. (*Water Pollution Control Board; 327 IAC 15-15-6; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2234*)

### 327 IAC 15-15-7 Construction notice of intent and requirements

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 4-21.5; IC 13-18-10

Sec. 7. (a) An owner or operator of:

- (1) a proposed CAFO;
- (2) an AFO or CFO that has an increase in the number of animals as a result of construction such that it becomes a CAFO; or
- (3) an existing CAFO modifies the operation to:

- (A) reduce manure storage capacity to less than the reported capacity in the most recent NOI submission; or
- (B) increase animal capacity greater than ten percent (10%) of the reported capacity in the most recent NOI submission;

that seeks coverage under this rule, must submit an NOI that meets the requirements of section 5 of this rule.

(b) The NOI must also contain all the information required under 327 IAC 16-7-2 and the operation must comply with the design and construction requirements of 327 IAC 16-5 and 16-8 [327 IAC 16-8].

(c) A CAFO subject to this section may not begin construction until the department provides written notification that the NOI contains all required information and is complete. An owner or operator must begin construction within two (2) years and complete construction within four (4) years of the written notification from the department that the NOI contains all required information and is complete, or the date any appeals related to construction of the operation brought under IC 4-21.5 have been completed, whichever is later.

(d) To provide the department with the opportunity to inspect the system or structure, the owner or operator shall notify the department prior to commencement of construction on a new waste management system or structure.

(e) After completion of construction of a waste management system or structure, the owner or operator shall submit an affidavit to the commissioner certifying that the system or structure was constructed and will be operated in accordance with this rule.

(f) An owner or operator that meets the requirements of this section satisfies the requirement to obtain a construction approval under 327 IAC 16. (*Water Pollution Control Board; 327 IAC 15-15-7; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2235*)

### 327 IAC 15-15-8 Public notice

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-18-10

Sec. 8. (a) An owner or operator that submits a NOI to

construct on land that is undeveloped or for which a valid existing CFO approval or NPDES permit has not been issued shall make a reasonable effort to provide notice to:

(1) each person who owns land that adjoins the land on which the confined feeding operation is to be located; or  
(2) all occupants of the land, if a person who owns land that adjoins the land on which the confined feeding operation is to be located does not occupy the land; and  
(3) the county commissioners of the county in which the confined feeding operation is to be located;  
not more than ten (10) working days after submitting the NOI. The notice must be sent by mail, be in writing, include the date on which the NOI was submitted to the department, and include a brief description of the subject of the NOI. The applicant shall pay the cost of complying with this section. The applicant shall submit an affidavit to the department that certifies that the applicant has complied with this section.

(b) Upon notification by the department that an individual permit is required, the owner or operator shall comply with subsection (a) in regards to notice of the individual NPDES permit application.

(c) Except as provided in subsection (e), for all:

- (1) first time submissions of NOIs; and
- (2) CAFOs that are modified to increase manure storage capacity by twenty-five percent (25%) or more above the reported manure storage capacity in the most recent NOI submission, including operations subject to subsection (a);

the department shall publish a notice in the newspaper with the largest circulation in the county after receiving an initial NOI. The notice will request comments be submitted to the department on the eligibility of the owner or operator submitting the NOI for a general permit.

(d) The department shall publish, once annually, a notice in the newspaper with the largest circulation in each county that contains CAFOs that have submitted NOIs to renew coverage under section 6 of this rule. The newspaper notice shall state the following: "The following facilities have been operating a Concentrated Animal Feeding Operation (CAFO) under coverage of a water quality National Permit Discharge Elimination System (NPDES) general permit for the preceding five years. The owners or operators have provided notice to the Indiana Department of Environmental Management (IDEM) of their intention to continue to operate under the NPDES general permit for the next five years.

IDEM considers the owners or operators operating under the NPDES CAFO general permit rule to be eligible to continue to operate under the general permit rule.

Please contact IDEM for information on the water quality permit requirements for a listed owner or operator or if you would like to provide information to IDEM relative to the eligibility of an owner or operator under the CAFO NPDES general permit rule. Under 327 IAC 15-15-6, a person may petition IDEM to require an owner or operator to apply for an individual NPDES permit, in accordance with the applicable rule."

(e) A newspaper notice under subsection (d) shall not be provided for a CAFO that provides certification to the department, on forms provided by the department, that persons listed under subsection (a)(1) and (2) [(a)(2)] have been notified of the submission of the NOI and the provisions of the [sic.] section 6(c) of this rule. The certification to the department must contain the list of persons notified and the means of notification. (*Water Pollution Control Board; 327 IAC 15-15-8; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2235*)

#### **327 IAC 15-15-9 General conditions**

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-11-2-40.8; IC 13-18-10

Sec. 9. (a) The commissioner may require any person, with a facility that has an existing discharge or the potential for a discharge, and is subject to the requirements of this article, to apply for and obtain an individual NPDES permit if one (1) of the following occurs:

(1) The applicable requirements contained in this article are not adequate to ensure compliance with:

(A) water quality standards under 327 IAC 2-1 or 327 IAC 2-1.5; or

(B) the provisions that implement water quality standards contained in 327 IAC 5.

(2) The owner, operator, or facility is not in compliance with the terms and conditions of the general permit rule.

(3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants from the point source.

(4) Effluent limitations guidelines that are more stringent than the requirements in the general permit rule are subsequently promulgated for point sources regulated by the general permit rule.

(5) A water quality management plan containing more stringent requirements applicable to such point source is approved.

(6) Circumstances have changed since the activity regulated under this article began so that the discharge is no longer appropriately controlled under the general permit rule, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.

(7) The owner or operator has commenced construction, as defined at IC 13-11-2-40.8, before receiving written confirmation from the department that the construction



plan is consistent with the general permit.

(8) The facility has an increased potential to discharge because of the proximity to waters of the state and conditions exist at the site that may not prevent discharges to waters of the state without the imposition of additional requirements not contained in this rule.

(9) The owner or operator has knowingly or intentionally submitted false information to the department as part of the NOI or the false information is in the required operating records under this rule.

(10) The owner or operator has failed to comply with a specific general permit requirement relating to protection of water quality on at least three (3) separate occasions within the preceding five (5) years and has been notified of the violations at least twice by the department.

(11) The facility has had a reportable spill pursuant to 327 IAC 2-6.1 to the waters of the state within the five (5) years prior to the NOI submittal.

(12) The land application areas of the operation are closer than the setback distances allowed under section 12 of this rule.

(b) Any person with a facility subject to this rule shall submit an annual report to the commissioner by February fifteenth (15<sup>th</sup>) [sic., 15] of each year for the previous calendar year with the following information:

(1) Number and type of animals, whether in open confinement or housed under roof.

(2) Estimated amount of total manure, litter, and process wastewater generated by the CAFO in the previous twelve (12) months.

(3) Estimated amount of total manure, litter, and process wastewater transferred to other persons by the CAFO in the previous twelve (12) months.

(4) Total number of acres available for land application.

(5) Total number of acres used for land application of manure, litter, and process wastewater in the previous twelve (12) months.

(6) Summary of all manure, litter, and process wastewater discharges from the production area that have occurred in the previous twelve (12) months, including the date, time, and approximate volume for each discharge.

(7) A report on the development and implementation of the soil conservation practice plan required under section 11 of this rule.

(8) Information specified under 327 IAC 15-4-2 and 15-4-3 [327 IAC 15-4-3] for any instance of noncompliance. If a spill occurs, the spill must be reported to the department within two (2) hours of discovery, in accordance with 327 IAC 2-6.1-7.

(c) All reports and information required to be submitted under this rule shall be signed and certified in accordance

with 327 IAC 15-4-3(g).

(d) It shall not be a defense in an enforcement action that an owner or operator would have had to halt or reduce the permitted activity in order to maintain compliance with the requirements of this rule.

(e) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(f) The owner or operator shall comply with the requirements of 327 IAC 5-2-14.

(g) The owner or operator shall give notice to the commissioner as soon as possible of any planned physical alterations or additions to the permitted facility when the alterations or additions would cause the facility to become a new source under 40 CFR 122.29(b), effective April 14, 2003.

(h) The owner or operator shall give notice to the commissioner of any planned change in the permitted facility or activity that may result in noncompliance with the requirements of this rule. (*Water Pollution Control Board; 327 IAC 15-15-9; filed Feb 23, 2004, 12:15 p.m.; 27 IR 2236*)

#### 327 IAC 15-15-10 Manure, litter, and process wastewater storage and staging requirements

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-18-10

Sec. 10. (a) All manure, litter, and process wastewater management systems must be properly maintained and operated to meet the conditions set forth under this general permit rule.

(b) Management of manure, litter, and process wastewater must be in compliance with the following:

(1) This rule.

(2) All applicable state and federal laws.

(c) Manure, litter, and process wastewater must be in an approved storage structure until removed for land application.

(d) Adequate storage shall be maintained to avoid land application when soil or weather conditions are unsuitable for land application or when land is occupied with crops and unavailable for land application. Land application when soil or weather conditions are unsuitable for land application is prohibited under this rule.

(e) Liquid manure storage structures that are open and process wastewater storage structures that are open must be maintained with a minimum freeboard of two (2) feet

and must have clearly identified markers to indicate the following:

- (1) Manure and process wastewater levels relative to the approved freeboard elevation.
- (2) Except as provided in (3) [subdivision (3)], the minimum capacity necessary to contain the run-off and direct precipitation of the twenty-five (25) year, twenty-four (24) hour rainfall event.
- (3) For new source swine, poultry, and veal operations, the minimum capacity necessary to contain the direct precipitation and run-off from a one hundred (100) year, twenty-four (24) hour rainfall event.

(f) The owner or operator shall inspect all manure, litter, and process wastewater management systems for compliance with this rule at least one (1) time each week. Completed self-monitoring records must be kept in the operating record described in section 17 of this rule.

(g) All earthen berms for manure, litter, and process wastewater storage structures must:

- (1) be stabilized with vegetation or alternative erosion control measures; and
- (2) be maintained to allow for visual inspection.

(h) Dead animal compost operations must have run-on and run-off control. Dead animal compost may be applied to the land if applied in accordance with the land application requirements in this rule. Disposal of dead animals must be handled in accordance with the rules of the board of animal health at 345 IAC 7-7-3.

(i) Manure, litter, and process wastewater staging and land application activities shall be conducted in compliance with sections 4 and 11 through 14 of this rule and as follows:

- (1) Manure and litter that are staged at the application site for more than seventy-two (72) hours must be covered or otherwise protected and applied to the site within ninety (90) days.
- (2) Staging of solid manure or litter at the application site is prohibited:
  - (A) within three hundred (300) feet of surface waters of the state, drainage inlets, including water and sediment control basins, or water wells unless there is:
    - (i) a barrier; or
    - (ii) a surface gradient that contains or directs any contaminated run-off away from the waters of the state, drainage inlets, including water and sediment control basins, or water wells;
  - (B) on any area with a slope greater than six percent (6%), unless run-on and run-off is controlled; or
  - (C) on any standing water or waterway.

(Water Pollution Control Board; 327 IAC 15-15-10; filed Feb

23, 2004, 12:15 p.m.: 27 IR 2237)

### **327 IAC 15-15-11 Soil conservation practice plan**

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1

Affected: IC 13-18-10

Sec. 11. (a) Except as provided in subsection (b), any person with a facility subject to this rule must develop and implement a soil conservation practice plan for land application areas by December 31, 2006. The following milestones shall be met for the development and implementation of the plan:

- (1) The owner or operator of the CAFO must identify the person who will develop the soil conservation practice plan by December 31, 2004.
- (2) The owner or operator of the CAFO must have completed the soil conservation practice plan by December 31, 2005.
- (3) The owner or operator of the CAFO must have implemented the soil conservation practice plan by December 31, 2006.
- (4) The owner or operator of the CAFO shall report progress toward meeting each milestone in this section in the annual report required under section 9(b) of this rule.

(b) For CAFOs that become subject to this rule after December 31, 2006, the requirement to develop and implement a soil conservation practice plan shall apply as of the date permit coverage commences. If a person is proposing to apply manure, litter, or process wastewater to snow covered or frozen ground, or to highly erodible land, a soil conservation practice plan must be developed and implemented in accordance with section 14 of this rule, before such application. Any land subject to a land use agreement:

- (1) not owned or controlled by the CAFO owner or operator to which manure, litter, or process wastewater is applied; and
- (2) where the land owner does not implement conservation practices, as applicable under this rule;

must be used in accordance with sections 10, 12, 13, and 14 of this rule.

(c) All new sources, as defined in section 3 of this rule, must comply with this section upon the date of permit coverage under this rule.

(d) The soil conservation practice plan must be developed in accordance with NRCS conservation practice standards and must specify, for each field receiving manure, litter, or process wastewater for land application how to:

- (1) reduce soil erosion to a tolerable loss (T); and
- (2) minimize nutrient loss through leaching and run-off.

(e) The soil conservation practice plan must contain the following:

- (1) A soil map clearly showing the specific fields subject

to the conservation practices.

- (2) A description of the soil types present.
- (3) Slope of land application sites.
- (4) Identification of appropriate site-specific conservation practices to reduce soil erosion and control run-off of pollutants.
- (5) Identification of appropriate methods to minimize nutrient leaching.
- (6) If applicable, plan for application of manure, litter, or process wastewater to frozen or snow covered ground, as required under section 14 of this rule.
- (7) If applicable, identification of land application sites for frozen or snow covered ground application.
- (8) If applicable, identification of highly erodible land, as required under 12(i) [section 12(i)] of this rule.

(f) The soil conservation practice plan shall be kept with the operating record required under section 17 of this rule. (Water Pollution Control Board; 327 IAC 15-15-11; filed Feb 23, 2004, 12:15 p.m.; 27 IR 2238)

### 327 IAC 15-15-12 Nutrient management requirements

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1  
Affected: IC 13-18-10

Sec. 12. (a) CAFOs that are not new sources must conduct manure, litter, and process wastewater testing for nitrogen and phosphorus annually. Soil sampling and testing must be conducted at a minimum once every three (3) years. Owners or operators may use the most recent data required under 327 IAC 16-7-11 to meet this requirement after the effective date of this rule.

(b) CAFOs that are new sources must, as of the date of permit coverage, conduct manure, litter, and process wastewater testing for nitrogen and phosphorus prior to the first land application and annually thereafter. All CAFOs, except for new sources, shall conduct soil testing for phosphorus as of the date of permit coverage and once every three (3) years thereafter.

(c) Owners or operators shall use the protocols listed in the NRCS 590 standard for sampling and testing of soil, manure, litter, and process wastewater.

(d) CAFOs that are not new sources must adjust land application rates to conform with the NRCS 590 standard by December 31, 2006.

(e) CAFOs that are new sources must, as of the date of permit coverage, be prepared to conform with land application rates based on the NRCS 590 standard for the first and all subsequent land application activities.

(f) Except as otherwise provided under this section, application of manure, litter, and process wastewater must

be in accordance with the setbacks in Table 1:

Table 1.  
SETBACK DISTANCES FROM DOWNGRAIENT  
SURFACE FEATURES (in feet)

Known Feature	Less than or Equal to 6% Slope; or Residue Cover	Greater than 6% Slope
Public water supply wells and public water supply surface intake structures	500	500
Surface waters of the state	100	200
Sinkholes (measured from the surface opening or the lowest point)	100	200
Wells	100	200
Drainage inlets	100	200
Property lines and public roads	50	50

(1) All setback distances must be measured from the edge of the area of actual placement of manure, litter, or process wastewater on the land.

(2) The property line setback distances specified in Table 1 may be waived in writing by the owner of the adjoining property.

(3) If a properly designed and maintained filter strip of at least thirty-five (35) feet in width is located between the application site and:

- (A) surface waters of the state;
- (B) any known private well;
- (C) the surface opening or lowest point of any sinkhole; or
- (D) any drainage inlet, including water and sediment control basins;

then the setback is the width of the filter strip.

(4) The setback is ten (10) feet if a gradient barrier is located between the application site and:

- (A) surface waters of the state;
- (B) any known well;
- (C) the surface opening or lowest point of any sinkhole; or
- (D) any drainage inlet, including water and sediment control basins.

(g) Manure, litter, or process wastewater must not be applied to the land from manure application equipment operating on a public road.

(h) Manure, litter, and process wastewater shall not be applied to saturated ground.

(i) When planning land application, the owner or operator must take into account the weather forecast and the likelihood of precipitation events for the twenty-four (24) hour period prior to and after the application and site soil conditions to assure that manure, litter, and process

wastewater are not applied prior to a rain event that, when combined with soil conditions, would likely result in run-off.

(j) Manure, litter, and process wastewater must not be applied to highly erodible land unless:

- (1) the land is pastureland;
- (2) the land is planted in a cover crop that reduces or controls erosion; or
- (3) the manure, litter, or process wastewater is applied in accordance with the soil conservation practice plan required under section 11 of this rule.

(k) Land application sites must be inspected to identify any field tile outlets under or immediately bordering the land application site. Visual monitoring of identified field tile outlets must occur during and immediately following land application of the manure, litter, or process wastewater. If there is evidence of manure or process wastewater discharging from the field tile outlet, the land application must cease immediately and the flow stopped or captured. Any flow that is captured shall be either land applied or returned to storage.

(l) If a CAFO is land applying manure, litter, or process wastewater by injection or single pass incorporation, the CAFO must comply with the following setbacks:

- (1) Public water supply wells and public water supply surface intake structures: five hundred (500) feet.
- (2) Surface waters: twenty-five (25) feet.
- (3) Sinkholes: twenty-five (25) feet.
- (4) Wells: fifty (50) feet.
- (5) Drainage inlets: five (5) feet. and
- (6) Property lines and public roads: zero (0) feet.

(m) If a CAFO is land applying solid manure or litter by surface application followed by incorporation within twelve (12) hours, the CAFO must comply with the following setbacks:

- (1) Public water supply wells and public water supply surface intake structures: five hundred (500) feet.
- (2) Surface waters: fifty (50) feet.
- (3) Sinkholes: fifty (50) feet.
- (4) Wells: fifty (50) feet.
- (5) Drainage inlets: fifty (50) feet. and
- (6) Property lines and public roads: ten (10) feet.

*(Water Pollution Control Board; 327 IAC 15-15-12; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2239)*

#### **327 IAC 15-15-13     Spray irrigation**

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1  
Affected: IC 13-18-10

**Sec. 13. (a) Spray irrigation of liquid manure and process wastewater must be conducted to prevent equipment leaks and excessive application. Application is deemed excessive**

**when the application rate exceeds the infiltration rate of the soil where the application is occurring, expressed in inches per hour.**

**(b) Application must be conducted:**

- (1) under the constant supervision of a person; or
- (2) with devices to detect pressure loss due to leaks and devices to shut down the system if leaks are detected.

**(c) Manure and process wastewater must not be applied by spray irrigation to any land that has less than twenty (20) inches of soil above the bedrock.**

**(d) Spray irrigation in a flood plain is prohibited unless the following conditions are met:**

- (1) The setback from surface water is increased to two hundred (200) feet.
- (2) Spraying is only done during months that the current county soil survey book indicates have a low potential for flooding.
- (3) There is no expectation of flooding, based on:
  - (A) available weather forecast information; and
  - (B) rainfall or flood conditions upstream within the drainage basin.

*(Water Pollution Control Board; 327 IAC 15-15-13; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2240)*

#### **327 IAC 15-15-14     Land application on snow covered or frozen ground**

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1  
Affected: IC 13-18-10

**Sec. 14. Surface application of manure, litter, or process wastewater to snow covered or frozen ground is prohibited unless the following conditions are met:**

**(1) A soil conservation practice plan that includes land application to snow covered or frozen ground has been developed and implemented for the land application area. The plan must meet the following criteria:**

- (A) No application to land with a slope greater than two percent (2%), unless there is forty percent (40%) crop residue or vegetated crop cover on the land application site.
- (B) No application in a flood plain.
- (C) Application cannot be closer than two hundred (200) feet from any surface waterbody.
- (D) The application rate can be no more than a total of fifty percent (50%) of the agronomic rate, based on nitrogen, for each time period that the ground is frozen or snow covered.

**(2) The plan must identify the land application sites to be used during snow covered or frozen ground application.**  
*(Water Pollution Control Board; 327 IAC 15-15-14; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2240)*

#### **327 IAC 15-15-15     Marketing requirements**

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1  
Affected: IC 13-18-10

Sec. 15. (a) The owner or operator shall provide an information sheet to any person that receives or purchases more than ten (10) cubic yards or two thousand (2,000) gallons of manure, litter, or process wastewater in a year from the CAFO unless the CAFO owner or operator takes responsibility for applying the manure, litter, and process wastewater. The owner or operator shall record all information required under section 17(a)(4) [of this rule] for each person who receives or purchases manure, litter, or process wastewater under this section and maintain the information in the operating record.

(b) The information sheet must contain, at a minimum, the following information:

- (1) The name and address of the CAFO providing the manure.
- (2) A statement indicating that it is unlawful to allow the manure, litter, and process wastewater to enter any waters of the state.
- (3) Information on the nutrient content of the manure, litter, and process wastewater, based on the most current analysis.
- (4) The manure, litter, and process wastewater application requirements of this rule.

(Water Pollution Control Board; 327 IAC 15-15-15; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2240)

#### 327 IAC 15-15-16 Emergency spill response plan

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1  
Affected: IC 13-18-10

Sec. 16. (a) The permittee shall comply with the following:

- (1) Develop an emergency spill response plan.
- (2) Maintain the emergency spill response plan in the operating record, required under section 17 of this rule.
- (3) Implement the emergency spill response plan at any time a spill occurs.
- (4) Familiarize all employees involved with manure, litter, or process wastewater handling with the emergency spill response plan.
- (5) Maintain the emergency spill response plan at the permitted facility in a place accessible to all employees.

(b) The emergency spill response plan must include the following:

- (1) The names and telephone numbers of persons who are identified by the owner or operator as responsible for implementing the emergency spill response plan.
- (2) Areas where potential spills can occur and the drainage points associated with the potential spills.
- (3) Procedures to be followed in the event of a spill, including the following:
  - (A) Actions to contain or manage any spill of manure,

litter, and process wastewater.

(B) Mitigation of any adverse effects of the spill.

(4) Identification of equipment and cleanup materials to be used in the event of a spill.

(5) Procedures for reporting the spill to:

- (A) the facility owner and operator;
- (B) any applicable local emergency or health authorities; and
- (C) the department in accordance with 327 IAC 2-6.1.

(Water Pollution Control Board; 327 IAC 15-15-16; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2241)

#### 327 IAC 15-15-17 Operating record

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1  
Affected: IC 13-18-10

Sec. 17. (a) The following information must be included and maintained in the operating record and updated:

- (1) All valid permits, modifications, and notifications.
- (2) The current annual report information required under section 9 of this rule.
- (3) The current emergency spill response plan required under section 16 of this rule.
- (4) The operating record must also contain, for five (5) years, all applicable records of any person who receives or purchases more than ten (10) cubic yards or two thousand (2,000) gallons of manure, litter, or process wastewater in a year to include:
  - (A) the name and address of the person receiving or purchasing the manure, litter, or process wastewater;
  - (B) the amount of manure, litter, or process wastewater received or purchased by the person;
  - (C) a copy of the information sheet required under section 15 of this rule; and
  - (D) the date or dates of the transfer.
- (5) Updated calculation of minimum acreage required to meet land application requirements under this rule.
- (6) Maps required under subsection (c).
- (7) Farmstead plan required under subsection (e).
- (8) The soil conservation practice plan required under section 11 of this rule.
- (9) Records required under sections 4 and 10 of this rule.
- (10) The storm water pollution prevention plan required under section 18 of this rule.

(b) Access to a minimum number of acres for land application of manure, litter, or process wastewater must be maintained and documented in the operating record at all times based on the requirements in this rule:

- (1) Any acreage identified as part of the minimum required acreage for the application of manure, litter, or process wastewater that is not owned by the owner or operator of the CAFO must be documented in the operating record by land use agreements signed by the property owners on whose property the manure, litter, or process wastewater will be applied.

(2) Copies of any written waivers related to reduction of the property line setback distances by adjoining property owners must be kept in the operating record.

(3) The amount of minimum acreage required to be accessible for land application may be reduced based on the amount of manure marketed but may not be reduced to less than twenty-five percent (25%) of the minimum required amount based on the amount of manure generated annually.

(c) A United States Department of Agriculture Natural Resources Conservation Service soil survey map of the facility and land application areas that clearly shows the following:

- (1) The location of the waste management systems.
- (2) The boundaries of the property of the facility.
- (3) The boundaries of all land application areas.

(d) A copy of the final design drawings or the as-built plans of the waste management system.

(e) A farmstead plan must show all existing waste management systems and the following known features:

- (1) Residences.
- (2) Surface waters of the state.
- (3) Public and private roads.
- (4) Water well locations.
- (5) Land with the characteristics of karst terrain as identified in 327 IAC 16-2-21.
- (6) Drainage patterns.
- (7) Property boundary line.
- (8) All outfalls of known subsurface drainage structures.
- (9) Drainage inlets, including water and sediment control basins.
- (10) Diversion of uncontaminated surface water.

(f) The farmstead plan must be legible and either:

- (1) drawn to approximate scale; or
- (2) show specific distances between:
  - (A) the waste management systems; and
  - (B) the features in subsection (e) that are within five hundred (500) feet of the existing or proposed waste management system.

(g) The waste management system drawing or plans must show detailed views and necessary cross sections to define all dimensions and construction materials. Complete and entire elevations must be provided for waste management systems relying on gravity flow. *(Water Pollution Control Board; 327 IAC 15-15-17; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2241)*

## 327 IAC 15-15-18 Storm water pollution prevention plan

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1  
Affected: IC 13-18-10

Sec. 18. (a) The owner or operator shall comply with the following:

- (1) Develop a storm water pollution prevention plan.
- (2) Maintain the storm water pollution prevention plan in the operating record as required under section 17 of this rule.
- (3) Amend the storm water pollution prevention plan whenever:
  - (A) there is a change in design, construction, operation or maintenance at the facility that will have or has the potential to have a significant effect on the potential for the discharge of pollutants; or
  - (B) written notice is received from the commissioner stating that the storm water pollution prevention plan has proved to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges.

(b) The storm water pollution prevention plan shall:

- (1) Give a description of clean water diversion used at the facility for the production area, and any area which is directly related to animal production including waste and feed storage.
- (2) Describe and ensure implementation of practices to minimize and control pollutants in storm waste discharges associated with the following areas:
  - (A) Immediate access roads and rail lines used or traveled by carriers of raw materials, waste material, or byproducts used or created by the facility.
  - (B) Refuse sites.
  - (C) Sites used for the storage and maintenance of material handling equipment.
  - (D) Shipping and receiving areas.
- (3) Contain a monitoring plan that demonstrates the effectiveness of storm water pollution prevention practices.

*(Water Pollution Control Board; 327 IAC 15-15-18; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2242)*

## 327 IAC 15-15-19 Closure of manure, litter, or process wastewater storage structures

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1  
Affected: IC 13-18-10

Sec. 19. (a) A owner or operator that plans to close or discontinue the use of a manure, litter, process wastewater storage structure must comply with the following requirements, as applicable:

- (1) A manure, litter, process wastewater storage structure is deemed closed when the environmental threat has been removed.
- (2) The owner or operator that plans to temporarily discontinue use of a manure, litter, process wastewater storage structure must comply with this rule.

(b) Manure, litter, process wastewater storage structures

that are temporarily shut down must be maintained in accordance with this rule. A manure, litter, or process wastewater storage structure that has been temporarily shut down for three (3) years must be cleaned out in accordance with this rule.

(c) The owner or operator that plans to close or discontinue use of a manure, litter, or process wastewater storage structure shall do the following:

- (1) Remove all manure, litter, or process wastewater from the storage structure prior to the expiration of the general permit. Until all manure, litter, or process wastewater is removed, the structure shall be maintained in accordance with this rule.
- (2) If the facility will not be completely closed, the owner or operator shall notify the department that the manure, litter, process wastewater storage structure is not to be completely closed and:
  - (A) provide information on the recalculated storage capacity for the facility; and
  - (B) must also notify the department:
    - (i) before demolishing or converting the use of any manure, litter, process wastewater storage structure; and
    - (ii) specify the intended future use of the manure, litter, process wastewater storage structure if the structure is to be converted to another use.
- (3) Land apply and manage all manure, litter, or process wastewater removed from the structure in accordance with this rule.
- (4) Remove all associated appurtenances, and conveyance structures from uncovered liquid manure, or process wastewater storage structures.
- (5) Submit a statement to the commissioner within thirty (30) days after completing the requirements in this section that certifies compliance with the requirements in this section.

(d) If deemed necessary to protect human health or the environment, the commissioner may require additional closure activities based on:

- (1) surface contamination;
- (2) evidence of leakage, seepage, or spills; or
- (3) other criteria necessary to the protection of human health or the environment.

(e) Adequate storage must be maintained to avoid land application when soil or weather conditions are unsuitable for land application or when land is occupied with crops and unavailable for land application. Land application is prohibited when soil or weather conditions are unsuitable for land application. (*Water Pollution Control Board; 327 IAC 15-15-19; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2242*)

**327 IAC 15-15-20 Removal from the permitting program**

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1  
Affected: IC 13-11-2-40; IC 13-18-10

Sec. 20. (a) This section applies to any permitted CAFO that qualifies for removal from the permitting program due to:

- (1) a reduction in the size of the facility based on the number of animals that is less than listed in the definition of large CAFO under section 3 or this rule [*sic.*], unless the CAFO would still meet the definition of medium CAFO after the reduction in number of animals;
- (2) a decision to cease operation and completely close the entire facility under section 19 of this rule; or
- (3) transfer of ownership of the facility.

(b) A permitted operation cannot exit the permit program due to a reduction in the size of the facility based on the number of animals if the facility was designated as a CAFO, under 327 IAC 5-4-3, due to a discharge to waters of the state. The facility must remain in the program at least through the term of the permit, unless the facility ownership is transferred or completely closed under section 19 of this rule.

(c) A permitted operation may exit the permit program after the term of the permit expires if the department has received a request from the permittee to be removed from the program and the department has confirmed that the facility has and maintains fewer animals than the definition of large CAFO under section 3 of this rule and has not had a discharge within the past five (5) years. The permittee must also demonstrate to the commissioner that there is no remaining potential for a discharge of manure, litter, or process wastewater that was generated while the operation was a CAFO, other than agricultural storm water from land application areas.

(d) If a facility being removed from the NPDES permit program will meet the definition of a confined feeding operation (CFO) under IC 13-11-2-40, the owner or operator must notify the department in writing prior to removal from the NPDES program that the facility still meets the definition of a CFO and is transitioning into the CFO program under 327 IAC 16. If the owner or operator does not notify the agency prior to removal from the NPDES permit program, the owner or operator must submit a new approval application under 327 IAC 16 to again operate a confined feeding operation. Coverage under the CFO program commences when the department receives the written notification and remains in effect for the duration of time the NPDES general permit would have been in effect but in no case longer than five (5) years.

(e) If ownership of the facility is transferred, the new owner must submit an NOI at least thirty (30) days prior to beginning operation at the facility, in accordance with section 5 of this rule.

(f) An owner or operator may exit the permit program due to a complete closure of the facility if the department has been notified that:

- (1) all livestock animals are removed from the site; and
- (2) the owner or operator has demonstrated to the commissioner that there is no remaining potential for a discharge of manure, litter, or process wastewater that was generated while the operation was a CAFO, other than agricultural storm water from land application areas; and
- (3) the owner or operator closes all manure storage structures in accordance with this rule.

(g) The commissioner shall send the permittee a letter of confirmation when the department has verified that the requirements for closure under this rule have been met. (Water Pollution Control Board; 327 IAC 15-15-20; filed Feb 23, 2004, 12:15 p.m.: 27 IR 2243)

LSA Document #01-51(F)

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Hearing Held: January 14, 2004

Approved by Attorney General: February 13, 2004

Approved by Governor: February 19, 2004

Filed with Secretary of State: February 23, 2004, 12:15 p.m.

Incorporated Documents Filed with Secretary of State: 40 CFR 9, 40 CFR 122, 40 CFR 123, and 40 CFR 412, printed at 68 FR 7176, February 12, 2003, effective April 14, 2003; Natural Resources Conservation Service Conservation Practice Standard, Code 590, effective July 2001; National Weather Service Technical Paper No. 40, Rainfall Frequency Atlas of the United States, May 1961.

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

LSA Document #03-66(F)

### DIGEST

Amends 405 IAC 5-3-13 and 405 IAC 5-21-7 to require prior authorization for Medicaid reimbursement of assertive community treatment intensive case management services. Amends 405 IAC 5-21-1 to define terms associated with assertive community treatment. Adds 405 IAC 5-21-8 to provide for assertive community treatment intensive case management services for certain Medicaid recipients with serious mental illness. Effective 30 days after filing with the secretary of state.

**405 IAC 5-3-13**  
**405 IAC 5-21-1**

**405 IAC 5-21-7**  
**405 IAC 5-21-8**

SECTION 1. 405 IAC 5-3-13 IS AMENDED TO READ AS FOLLOWS:

## 405 IAC 5-3-13 Services requiring prior authorization

Authority: IC 12-8-6-3; 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

Sec. 13. (a) Medicaid reimbursement is available for the following services with prior authorization:

- (1) Reduction mammoplasties.
- (2) Rhinoplasty or bridge repair of the nose when related to a significant obstructive breathing problem.
- (3) Intersex surgery.
- (4) Blepharoplasties for a significant obstructive vision problem.
- (5) Sliding mandibular osteotomies for prognathism or micrognathism.
- (6) Reconstructive or plastic surgery.
- (7) Bone marrow or stem cell transplants.
- (8) All organ transplants covered by the Medicaid program.
- (9) Plasmapheresis.
- (10) Strabismus surgery for patients over ten (10) years of age.
- (11) Home health services.
- (12) Maxillofacial surgeries related to diseases and conditions of the jaws and contiguous structures.
- (13) Temporomandibular joint surgery.
- (14) Submucous resection of nasal septum and septoplasty when associated with significant obstruction.
- (15) Hysterectomy.
- (16) Tonsillectomy.
- (17) Tonsillectomy and adenoidectomy.
- (18) Cataract extraction.
- (19) Surgical procedures involving the foot.
- (20) Weight reduction surgery, including gastroplasty and related gastrointestinal surgery.
- (21) Any procedure ordinarily rendered on an outpatient basis, when rendered on an inpatient basis.
- (22) All dental admissions.
- (23) Stress electrocardiograms except for medical conditions.
- (24) Brand medically necessary drugs.
- (25) Other drugs as specified in accordance with 405 IAC 5-24-8.5.
- (26) Psychiatric inpatient admissions, including admissions for substance abuse.
- (27) Rehabilitation inpatient admissions.
- (28) Assertive community treatment intensive case management as provided under 405 IAC 5-21-1.**
- ~~(28)~~ **(29)** As otherwise specified in this article.

If any of the surgeries listed in this section are performed during a hospital stay for another condition, prior authorization is required for the surgical procedure.

(b) Requests for prior authorization for the surgical procedures in this section will be reviewed for medical necessity on a case-by-case basis in accordance with this rule. (Office of the Secretary of Family and Social Services; 405 IAC 5-3-13; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3306; filed Sep 1, 2000, 2:16



*p.m.: 24 IR 14; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Jan 7, 2002, 10:11 a.m.: 25 IR 1613; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2244)*

SECTION 2. 405 IAC 5-21-1 IS AMENDED TO READ AS FOLLOWS:

#### 405 IAC 5-21-1 Definitions

**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; IC 12-29; IC 25-23-1-1

Sec. 1. (a) As used in this rule, "community mental health rehabilitation services" means the following:

- (1) Outpatient mental health services.
- (2) Partial hospitalization services.
- (3) Case management services for persons who are seriously mentally ill or seriously emotionally disturbed.
- (4) **Assertive community treatment (ACT) intensive case management services are services provided by a multidisciplinary team that has the responsibility for the direct provision of community-based psychiatric treatment, assertive outreach, rehabilitation, and support services to an adult Medicaid population with serious mental illness that also have co-occurring problems or multiple hospitalizations. The team must be regularly certified or provisionally certified as defined in 440 IAC 5.2-2.**

(b) As used in this rule, "community mental health services" refers to community mental health rehabilitation services.

(c) As used in this rule, "qualified mental health professional" means any of the following persons:

- (1) A psychiatrist.
- (2) A physician.
- (3) A licensed psychologist or a psychologist endorsed as a health service provider in psychology (HSPP).
- (4) An individual who has had at least two (2) years of clinical experience treating persons with mental illness under the supervision of any of the persons listed in subdivision (1), (2), or (3), such experience occurring after the completion of a master's degree or doctoral degree, or both, in any of the following disciplines:
  - (A) In psychiatric or mental health nursing from an accredited university plus a license as a registered nurse in Indiana.
  - (B) In social work from a university accredited by the Council on Social Work Education.
  - (C) In psychology from an accredited university.
  - (D) In mental health counseling from an accredited university.
  - (E) In pastoral counseling from an accredited university.
  - (F) In rehabilitation counseling from an accredited university.
  - (G) In marital and family therapy from an accredited university.

(5) A licensed independent practice school psychologist under the supervision of any of the persons listed in subdivision (1), (2), or (3).

(6) An individual who has documented education, training, or experience, comparable or equivalent to those listed in this subsection, as approved by the supervising physician or HSPP, under the supervision of any of the persons listed in subdivision (1), (2), or (3).

(7) An advanced practice nurse under IC 25-23-1-1(b)(3) who is credentialed in psychiatric or mental health nursing by the American Nurses Credentialing Center under the supervision of any of the persons listed in subdivision (1), (2), or (3).

(d) As used in this rule, "situational trauma" means an extremely upsetting emotional experience that aggravates or contributes to a mental illness.

(e) As used in this rule, "consumer" means an individual who is receiving assessment or mental health services from an assertive community treatment team and is a recipient of Medicaid.

(f) As used in this rule, "certification" is an ACT team that is regularly certified or provisionally certified by department of mental health and addiction (DMHA) and does not include conditional certification as defined in 440 IAC 5.2-2-10. (*Office of the Secretary of Family and Social Services; 405 IAC 5-21-1; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3336; filed Sep 27, 1999, 8:55 a.m.: 23 IR 316; filed Jun 9, 2000, 9:55 a.m.: 23 IR 2708; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2245*)

SECTION 3. 405 IAC 5-21-7 IS AMENDED TO READ AS FOLLOWS:

#### 405 IAC 5-21-7 Prior authorization

**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

Sec. 7. Community mental health rehabilitation services, as defined in section ~~1(b)~~ **1(a)** of this rule, are not subject to prior authorization, **except subdivision (4), [section 1(a)(4) of this rule] assertive community treatment (ACT) intensive case management services.** (*Office of the Secretary of Family and Social Services; 405 IAC 5-21-7; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3338; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2245*)

SECTION 4. 405 IAC 5-21-8 IS ADDED TO READ AS FOLLOWS:

#### 405 IAC 5-21-8 Assertive community treatment intensive case management

**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

Sec. 8. (a) The services reimbursable as assertive community treatment (ACT) intensive case management services are goal oriented and intended to maintain an individual outside of the hospital. Services may be provided only to Medicaid recipients with serious mental illness who also have co-occurring problems or multiple hospitalizations.

(b) Medicaid recipients receiving assertive community treatment intensive case management services as consumers must meet the following criteria:

- (1) The ACT admission and discharge criteria in accordance with 440 IAC 5.2-2-4.
- (2) Recipient's level of functioning must be low or moderate as per the most recently released DMHA mental illness risk-adjusted groups defined in the risk-level flow chart for mental illness developed by DMHA as contained in provider bulletins and updates.

(c) Provider qualifications for assertive community treatment intensive case management services shall be as follows:

- (1) ACT teams must be certified in accordance with 440 IAC 5.2-2. ACT teams on conditional certification status as defined by 440 IAC 5.2-2-10 do not meet Medicaid requirements for reimbursement.
- (2) Each regularly certified ACT team must be composed of the staff requirements in accordance with 440 IAC 5.2-2-3(a).
- (3) Each regularly certified team shall meet regular operational standards in accordance with 440 IAC 5.2-2-3(b) and as follows:
  - (A) Support and rehabilitation services as defined in 440 IAC 5.2-2-5, including the majority if not all behavioral and mental health direct clinical and rehabilitative services are also provided by this same team.
  - (B) The team shall monitor hospitalization, housing, and employment outcomes for all consumers in accordance with 440 IAC 5.2-2-6.
- (4) Each provisional certified ACT team must comply with staffing and operational requirements in accordance with 440 IAC 5.2-2-8.

(d) Prior authorization is required for assertive community treatment intensive case management services. Requests for prior authorization must contain the information specified in 405 IAC 5-3 and the following:

- (1) Medicaid provider identification number of the certified assertive community treatment team's community mental health center.
- (2) Patient's Hoosier Assurance Plan Instrument-Adult level of functioning factor scores at the patient's most recent assessment and the date of that assessment.
- (3) Clinical summary including:
  - (A) Documentation of any institutionalizations and hospital visits related to the patient's condition in the

last two (2) years and any other documentation supporting the patient's severe limitations with activities of daily living.

(B) A current plan of treatment and progress notes documenting the necessity, effectiveness, and goals of treatment.

(C) Documentation detailing how the patient has met the community mental health center's requirements for participation as defined in 440 IAC 5.2-2-4 in the community mental health center's assertive community treatment program.

(4) Signature of assertive community treatment team's psychiatrist.

*(Office of the Secretary of Family and Social Services; 405 IAC 5-21-8; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2245)*

SECTION 5. Subject to the conditions set out in 405 IAC 5-21-8, Medicaid reimbursement is available for assertive community treatment services provided on or after the effective date of the state plan amendment approved by the Centers for Medicare and Medicaid Services.

*LSA Document #03-66(F)*

*Notice of Intent Published: 26 IR 2393*

*Proposed Rule Published: July 1, 2003; 26 IR 3381*

*Hearing Held: July 24, 2003*

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*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 #03-164(F)

### **DIGEST**

Amends 405 IAC 1-8-2 to clarify that ambulatory surgical center services are covered within the scope of 405 IAC 1-8. Amends 405 IAC 1-8-3 to eliminate outpatient reimbursement for outpatient hospital and ambulatory surgical center services occurring within three calendar days of an inpatient admission for the same or related diagnosis. The amendments also change the basis of rates that were established using data from 1992 to indicate that rates will be based on the fee schedule amounts during state fiscal year 2003 and include conforming changes and other changes to reflect current operant policies. Amends 405 IAC 1-10.5-2 and 405 IAC 1-10.5-3 to define marginal cost factor; clarify the definition of a Medicaid day; modify inpatient reimbursement to pay the lower of provider charges or diagnosis related grouping (DRG) and level of care (LOC) inpatient rates; include the costs of outpatient hospital and ambulatory surgical center services that lead to an inpatient admission when

determining relative weights; indicate that readmissions for the same or related diagnoses within three calendar days after discharge will be treated as the same admission for payment purposes; eliminate DRG payments for Medicaid recipients subsequent to their return from a transferee hospital; and changes the reimbursement methodology for inpatient hospital stays less than one-day to the outpatient methodology. Makes conforming changes and other changes to reflect current operant policies. Effective 30 days after filing with the secretary of state.

**405 IAC 1-8-2**

**405 IAC 1-10.5-2**

**405 IAC 1-8-3**

**405 IAC 1-10.5-3**

SECTION 1. 405 IAC 1-8-2 IS AMENDED TO READ AS FOLLOWS:

**Rule 8. Hospital and Ambulatory Surgical Center Reimbursement for Outpatient Services**

**405 IAC 1-8-2 Policy; scope**

Authority: IC 12-15-21-2; IC 12-15-21-3

Affected: IC 12-15-15-1

Sec. 2. (a) Reimbursement for outpatient hospital services as defined by 42 CFR 440.20(a) **and to ambulatory surgical centers** is available to providers enrolled by the office of Medicaid policy and planning (office) as Medicaid providers who are in good standing. Continued participation in the Medicaid program and payment for outpatient hospital services **and ambulatory surgical centers** are contingent upon maintenance of state licensure and conformance with the office's provider agreement.

(b) The methodology for the reimbursement described in subsection (a) shall be based on set fee schedule allowances for each procedure or occurrence as established by the office of Medicaid policy and planning. (*Office of the Secretary of Family and Social Services; 405 IAC 1-8-2; filed Dec 2, 1993, 2:00 p.m.: 17 IR 735; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Feb 24, 2004, 11:15 a.m.: 27 IR 2247*)

SECTION 2. 405 IAC 1-8-3 IS AMENDED TO READ AS FOLLOWS:

**405 IAC 1-8-3 Reimbursement methodology**

Authority: IC 12-15-21-2; IC 12-15-21-3

Affected: IC 12-15-15-1

Sec. 3. (a) The reimbursement methodology for all covered outpatient **hospital and ambulatory surgical center** services shall be subject to the lower of the submitted charges for the procedure or the established fee schedule allowance for the procedure as provided in this section. ~~All Services will~~ **shall** be billed ~~on the uniform billing form, using both revenue codes and HCPCS codes. The appropriate HCPCS code, if one exists for the billed procedure, will be required in addition to the~~

~~revenue code: in accordance with provider manuals and update bulletins.~~

(b) Surgical procedures shall be classified into a group corresponding to the Medicare ambulatory surgical center (ASC) methodology and shall be paid a rate established for each ASC payment group. Outpatient surgeries ~~which that~~ are not classified into the nine (9) groups designated by Medicare will be classified by the office into one (1) of those nine (9) groups or additional payment groups. Reimbursement will be based on a ~~blended rate equal to fifty percent (50%) of the Medicare ASC rate and fifty percent (50%) of the fiscal year 1992 Indiana Medicaid statewide median allowed amount for that service Hospitals will bill for surgeries using a HCPCS code: in effect during state fiscal year 2003.~~

(c) ~~Emergency Payments for emergent care (as identified by the outpatient hospital that do not include surgery and that are provided in an emergency department, payment treatment room, observation room, or clinic will be based on a the statewide fee schedule per HCPCS code. The fee schedule amount will be equal to the Indiana Medicaid statewide median amount paid per service during fiscal year 1992. Claims for services designated as emergency by a hospital will be subject to audit on a postpayment basis to validate that a bona fide emergency existed: amount in effect during state fiscal year 2003.~~

(d) ~~Nonemergency Payments for nonemergent care determined by the office and as identified by nonemergency diagnosis codes; that is do not include surgery and that are provided in an emergency department, treatment room, shall observation room, or clinic will be paid based upon a nonemergency setting (for example, a clinic) on the statewide fee schedule established by the office. This fee schedule amount will be equal to the Indiana Medicaid statewide median amount paid per service in effect during state fiscal year 1992. Hospitals will bill using HCPCS codes: 2003.~~

(e) Reimbursement for laboratory procedures ~~and is based on the Medicare fee schedule amounts. Reimbursement for the technical component of radiology procedures shall be is based on ninety-five percent (95%) of the Medicare allowance that was in effect prior to federal adoption of the Resource Based Relative Value Scale (RBRVS) for Medicare services. These services will be billed by HCPCS: the statewide fee schedule amount in effect during state fiscal year 2003.~~

(f) Reimbursement allowances for all outpatient hospital procedures not addressed elsewhere in this section, for example, therapies, testing, etc., shall be equal to the Indiana Medicaid statewide ~~median amount paid per service fee schedule amounts in effect during state fiscal year 1992. All other services will be billed using a combination of HCPCS and revenue codes: 2003.~~

**(g) Payments will not be made for outpatient hospital and ambulatory surgical center services occurring within three (3) calendar days preceding an inpatient admission for the same or related diagnosis. The office may exclude certain services or categories of service from this requirement. Such exclusions will be described in provider manuals and update bulletins.**

~~(g)~~ **(h)** The established rates for hospital outpatient **and ambulatory surgical center** reimbursement shall be reviewed annually by the office and adjusted, as necessary, in accordance with this section. (*Office of the Secretary of Family and Social Services; 405 IAC 1-8-3; filed Dec 2, 1993, 2:00 p.m.: 17 IR 736; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Feb 24, 2004, 11:15 a.m.: 27 IR 2247*)

SECTION 3. 405 IAC 1-10.5-2 IS AMENDED TO READ AS FOLLOWS:

## 405 IAC 1-10.5-2 Definitions

**Authority:** IC 12-15-21-2; IC 12-15-21-3

**Affected:** IC 12-15-15-1; IC 12-24-1-3; IC 12-25; IC 16-21

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) "Allowable costs" means Medicare allowable costs as defined by 42 U.S.C. 1395(f).

(c) "All patient DRG grouper" refers to a classification system used to assign inpatient stays to DRGs.

(d) "Base amount" means the rate per Medicaid stay, which is multiplied by the relative weight to determine the DRG rate.

(e) "Base period" means the fiscal years used for calculation of the prospective payment rates including base amounts and relative weights.

(f) "Capital costs" are costs associated with the capital costs of the facility. ~~Capital costs include:~~ **The term includes, but are is** not limited to, the following:

- (1) Depreciation.
- (2) Interest.
- (3) Property taxes.
- (4) Property insurance.

(g) "Children's hospital" means a freestanding general acute care hospital licensed under IC 16-21 that:

- (1) is designated by the Medicare program as a children's hospital; or
- (2) furnishes services to inpatients who are predominantly individuals under ~~the age of~~ **eighteen (18) years of age**, as determined using the same criteria used by the Medicare program to determine whether a hospital's services are furnished to inpatients who are predominantly individuals under ~~the age of~~ **eighteen (18) years of age**.

"Freestanding" does not mean a wing or specialized unit within a general acute care hospital.

(h) "Cost outlier case" means a Medicaid stay that exceeds a predetermined threshold, defined as the greater of twice the DRG rate or a fixed dollar amount established by the office. ~~The initial fixed dollar amount for the threshold is twenty-five thousand dollars (\$25,000).~~ This amount may be changed at the time the relative weights are adjusted.

(i) "Diagnosis-related group" or "DRG" means a classification of an inpatient stay according to the principal diagnosis, procedures performed, and other factors that reflect clinically cohesive groupings of inpatient hospital stays utilizing similar hospital resources. Classification is made through the use of the all patient (AP) DRG grouper.

(j) "Discharge" means the release of a patient from an acute care facility. Patients may be discharged to their home, another health care facility, or due to death. Transfers from one (1) unit in a hospital to another unit in the same hospital shall not be considered a discharge unless one (1) of the units is paid according to the level-of-care approach.

(k) "DRG daily rate" means the per diem payment amount for a stay classified into a DRG calculated by dividing the DRG rate by the average length of stay for all stays classified into the DRG.

(l) "DRG rate" means the product of the relative weight multiplied by the base amount. It is the amount paid to reimburse hospitals for routine and ancillary costs of providing care for an inpatient stay.

~~(m) "Hospital Market Basket Index" means the DRI-Type Hospital Market Basket Index, published quarterly by DRI/McGraw-Hill in "Health Care Costs".~~

~~(n)~~ **(m)** "Inpatient" means a patient who was admitted to a medical facility on the recommendation of a physician and who received room, board, and professional services in the facility.

~~(o)~~ **(n)** "Inpatient hospital facility" means:

- (1) a general acute hospital licensed under IC 16-21;
- (2) a mental health institution licensed under IC 12-25;
- (3) a state mental health institution under IC 12-24-1-3; or
- (4) a rehabilitation inpatient facility.

~~(p)~~ **(o)** "Less than one-day stay" means a medical stay of less than twenty-four (24) hours. ~~that is paid according to a DRG rate.~~

~~(q)~~ **(p)** "Level-of-care case" means a medical stay, as defined by the office, that ~~is not part of the DRG reimbursement system.~~ **Level-of-care cases include includes** psychiatric cases, rehabilitation cases, **long term care hospital admissions**, and certain burn cases.

(q) “Level-of-care rate” means a per diem rate that is paid for treatment of a diagnosis or performing a procedure ~~that is not paid through the DRG payment system.~~ **subject to subsection (p).**

(r) “Long term care hospital” means a freestanding general acute care hospital licensed under IC 16-21 that:

- (1) is designated by the Medicare program as a long term hospital; or
- (2) has an average inpatient length of stay greater than twenty-five (25) days as determined using the same criteria used by the Medicare program to determine whether a hospital’s average length of stay is greater than twenty-five (25) days.

“Freestanding” does not mean a wing or specialized unit within a general acute care hospital.

(s) **“Marginal cost factor” means a percentage applied to the difference between the cost per stay and the outlier threshold for purposes of the cost outlier computation.**

(t) “Medicaid day” means any part of a day, including the date of admission, for which a patient enrolled with the Indiana Medicaid program is admitted as an inpatient and remains overnight. The day of discharge is not considered a Medicaid day. **The term does not include any portion of an outpatient service under 405 IAC 1-8-3 that precedes an admission as an inpatient subject to subsection (m).**

(u) “Medicaid stay” means an episode of care provided in an inpatient setting that includes at least one (1) night in the hospital and is covered by the Indiana Medicaid program.

(v) “Medical education costs” means the direct costs associated with the salaries and benefits of medical interns and residents and paramedical education programs.

(w) “Office” means the office of Medicaid policy and planning of the family and social services administration.

(x) “Outlier payment amount” means the amount reimbursed in addition to the DRG rate for certain inpatient stays that exceed cost thresholds established by the office.

(y) “Per diem” means an all-inclusive rate per day that includes routine and ancillary costs and capital costs.

(z) “Principal diagnosis” means the diagnosis, as described by ICD-9-CM code, for the condition established after study to be chiefly responsible for occasioning the admission of the patient for care.

(aa) “Readmission” means that a patient is admitted into the hospital ~~within fifteen (15) days~~ following a previous hospital admission and discharge for a related condition as defined by the office.

(bb) “Rebasing” means the process of adjusting the base amount using more recent claims data, cost report data, and other information relevant to hospital reimbursement.

(cc) “Relative weight” means a numeric value ~~which that~~ reflects the relative resource consumption for the DRG to which it is assigned. Each relative weight is multiplied by the base amount to determine the DRG rate.

(dd) “Routine and ancillary costs” means costs that are incurred in providing services exclusive of medical education and capital costs.

(ee) “Transfer” means a situation in which a patient is admitted to one (1) hospital and is then released to another hospital during the same episode of care. Movement of a patient from one (1) unit to another unit within the same hospital will not constitute a transfer unless one (1) of the units is paid under the level-of-care reimbursement system.

(ff) “Transferee hospital” means that hospital that accepts a transfer from another hospital.

(gg) “Transferring hospital” means the hospital that initially admits and then discharges the patient to another hospital. (*Office of the Secretary of Family and Social Services; 405 IAC 1-10.5-2; filed Oct 5, 1994, 11:10 a.m.: 18 IR 244; filed Dec 19, 1995, 3:00 p.m.: 19 IR 1082; filed Dec 27, 1996, 12:00 p.m.: 20 IR 1514; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Aug 31, 2001, 9:53 a.m.: 25 IR 55; filed Feb 24, 2004, 11:15 a.m.: 27 IR 2248*)

SECTION 4. 405 IAC 1-10.5-3, AS AMENDED AT 27 IR 863, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

#### 405 IAC 1-10.5-3 Prospective reimbursement methodology

**Authority:** IC 12-15-21-2; IC 12-15-21-3  
**Affected:** IC 12-15-15-1

Sec. 3. (a) The purpose of this section is to establish a prospective, cost-based reimbursement methodology for services provided by inpatient hospital facilities that are covered by the state of Indiana Medicaid program. The methodology for reimbursement described in this section shall be a prospective system wherein a payment rate for each hospital stay will be established according to a DRG reimbursement methodology or a level-of-care reimbursement methodology. Prospective payment shall constitute full reimbursement **unless otherwise indicated herein or as indicated in provider manuals and update bulletins.** There shall be no year-end cost settlement payments.

(b) Rebasing of the DRG and level-of-care methodologies will apply information from the most recent available cost report that has been filed and audited by the office or its contractor.

(c) Payment for inpatient stays reimbursed according to the DRG methodology shall be equal to the **lower of billed charges or the sum of the DRG rate, the capital rate, the medical education rate, and, if applicable, the outlier payment amount.**

(d) Payment for inpatient stays reimbursed as level-of-care cases shall be equal to the **lower of billed charges or the sum of the per diem rate for each Medicaid day, the capital rate, the medical education rate, and, if applicable, the outlier payment amount (burn cases only).**

(e) Inpatient stays reimbursed according to the DRG methodology shall be assigned to a DRG using the all patient DRG grouper.

(f) The DRG rate is equal to the product of the relative weight and the base amount.

(g) ~~Initial relative weights were calculated using Indiana Medicaid claims data for inpatient stays with dates of admission within state fiscal years 1990, 1991, and 1992 and cost report data from facilities' fiscal year 1990 cost reports.~~ Relative weights will be reviewed by the office and adjusted no more often than annually by using the most recent reliable claims data and cost report data to reflect changes in treatment patterns, technology, and other factors that may change the relative use of hospital resources. Interim adjustments to the relative weights will not be made except in response to legislative mandates affecting Medicaid participating hospitals. Each legislative mandate will be evaluated individually to determine whether an adjustment to the relative weights will be made. DRG average length of stay values and outlier thresholds will be revised when relative weights are adjusted. **The office shall include the costs of outpatient hospital and ambulatory surgical center services that lead to an inpatient admission when determining relative weights. Such costs occurring within three (3) calendar days of an inpatient admission will not be eligible for outpatient reimbursement under 405 IAC 1-8-3. For reporting purposes, the day on which the patient is formally admitted as an inpatient is counted as the first inpatient day.**

(h) ~~Initial base amounts were calculated using cost report data from facilities' fiscal year 1990 as settled cost reports. Cost report data were inflated to the midpoint of the state fiscal year 1995 using the DRI/McGraw-Hill Hospital Market Basket Index available at the end of the 1993 calendar year.~~ Base amounts will be reviewed annually by the office and adjusted no more often than every second year by using the most recent reliable claims data and cost report data to reflect changes in treatment patterns, technology, and other factors that may change the cost of efficiently providing hospital services.

(i) The office may establish a separate base amount for children's hospitals to the extent necessary to reflect significant differences in cost. Each children's hospital will be evaluated

individually for eligibility for the separate base amount. Children's hospitals with a case mix adjusted cost per discharge greater than one (1) standard deviation above the mean cost per discharge for DRG services will be eligible to receive the separate base amount established under this subsection. The separate base amount is equal to one hundred ~~and~~ twenty percent (120%) of the statewide base amount for DRG services.

(j) ~~Initial level-of-care payment rates were calculated using Indiana Medicaid claims data for inpatient stays with dates of admission within state fiscal years 1990, 1991, and 1992 and cost report data from facilities' fiscal year 1990 cost reports. Cost report data was inflated to the midpoint of the state fiscal year 1995 using the DRI/McGraw-Hill Hospital Market Basket Index.~~ Level-of-care rates will be reviewed annually by the office and adjusted no more often than every second year by using the most recent reliable claims data and cost report data to reflect changes in treatment patterns, technology, and other factors that may change the cost of efficiently providing hospital services. The office shall not set separate level-of-care rates for different categories of facilities except as specifically noted in this section.

(k) Level-of-care cases are categorized as DRG numbers 424-428, 429 (excluding diagnosis code 317.XX-319.XX), 430-432, 456-459, 462, and 472, as defined and grouped using the all patient DRG grouper, version 14.1. These DRG numbers represent burn, psychiatric, and rehabilitative care.

(l) In addition to the burn level-of-care rate, the office may establish an enhanced burn level-of-care rate for hospitals with specialized burn facilities, equipment, and resources for treating severe burn cases. In order to be eligible for the enhanced burn rate, facilities must offer a burn intensive care unit.

(m) The office may establish separate level-of-care rates for children's hospitals to the extent necessary to reflect significant differences in cost. Each children's hospital will be evaluated individually for eligibility for the separate level-of-care rate. Children's hospitals with a cost per day greater than one (1) standard deviation above the mean cost per day for level-of-care services will be eligible to receive the separate base amount. Determinations will be made for each level-of-care category. The separate base amount is equal to one hundred twenty percent (120%) of the statewide level-of-care rate.

(n) The office may establish separate level-of-care rates, policies, billing instructions, and frequency for long term care hospitals to the extent necessary to reflect differences in treatment patterns for patients in such facilities. Hospitals must meet the definition of long term hospital set forth in this rule to be eligible for the separate level-of-care rate.

(o) Capital payment rates shall be prospectively determined and shall constitute full reimbursement for capital costs. ~~The initial flat, statewide per diem capital rate was calculated using~~

cost report data from facilities' fiscal year 1990 cost reports, inflated to the midpoint of state fiscal year 1995 using the DRI/McGraw-Hill Hospital Market Basket Index and adjusted to reflect a minimum occupancy level for non-nursery beds of eighty percent (80%). Capital per diem rates will be reviewed annually by the office and adjusted no more often than every second year by using the most recent reliable claims data and cost report data to reflect changes in treatment patterns, technology, and other factors that may change the capital costs associated with efficiently providing hospital services. **Capital payment rates shall be adjusted to reflect a minimum occupancy level for nonnursery beds of eighty percent (80%).**

(p) The capital payment amount for Medicaid stays reimbursed under the DRG methodology shall be equal to the product of the per diem capital rate and the average length of stay for all cases within the particular DRG. Medicaid stays reimbursed under the level-of-care methodology will be paid the per diem capital rate for each covered day of care. The office shall not set separate capital per diem rates for different categories of facilities except as specifically noted in this rule.

(q) Medical education rates shall be prospective, hospital-specific per diem amounts. The medical education payment amount for stays reimbursed under the DRG methodology shall be equal to the product of the medical education per diem rate and the average length of stay for the DRG. Payment amounts for medical education for stays reimbursed under the level-of-care methodology shall be equal to the medical education per diem rate for each covered day of care.

(r) Facility-specific, per diem medical education rates shall be based on medical education costs per day multiplied by the number of residents reported by the facility. ~~Initial costs per resident per day were determined according to each facility's fiscal year 1990 cost report.~~ In subsequent years, but no more often than every second year, the office will use the most recent cost report data that has been filed and audited by the office or its contractor to determine a medical education cost per day that more accurately reflects the cost of efficiently providing hospital services. For hospitals with approved graduate medical education programs, the number of residents will be determined according to the most recent available cost report that has been filed and audited by the office or its contractor. Indirect medical education costs shall not be reimbursed.

(s) Medical education payments will only be available to hospitals that continue to operate medical education programs. Hospitals must notify the office within thirty (30) days following discontinuance of their medical education program.

(t) For hospitals with new medical education programs, the corresponding medical education per diem will not be effective prior to notification to the office that the program has been

implemented. The medical education per diem shall be based on the most recent reliable claims data and cost report data.

(u) Cost outlier cases are determined according to a threshold established by the office. For purposes of establishing outlier payment amounts, prospective determination of costs per inpatient stay shall be calculated by multiplying a cost-to-charge ratio by submitted and approved charges. Outlier payment amounts shall be equal to ~~a percentage of the marginal cost factor multiplied by~~ the difference between the prospective cost per stay and the outlier threshold amount. Cost outlier payments are not available for cases reimbursed using the level-of-care methodology except for burn cases that exceed the established threshold.

(v) Readmissions **for a related condition as defined by the office within three (3) calendar days after discharge will be treated as the same admission for payment purposes. Readmissions that occur after three (3) calendar days** will be treated as separate stays for payment purposes but will be subject to medical review. ~~If it is determined that a discharge is premature, payment made as a result of the discharge or readmission may be subject to recoupment.~~

(w) Special payment policies shall apply to **certain** transfer cases. The transferee, or receiving, hospital is paid according to the DRG methodology or level-of-care methodology. The transferring hospital is paid the sum of the following:

- (1) A DRG daily rate for each Medicaid day of the recipient's stay, not to exceed the appropriate full DRG payment, or the level-of-care per diem payment rate for each Medicaid day of care provided.
- (2) The capital per diem rate.
- (3) The medical education per diem rate. Certain DRGs are established to specifically include only transfer cases; for these DRGs, reimbursement shall be equal to the DRG rate.

**(x) Hospitals will not receive separate DRG payments for Medicaid patients subsequent to their return from a transferee hospital. Additional costs incurred as a result of a patient's return from a transferee hospital are eligible for cost outlier reimbursement subject to subsection (u). The office may establish a separate outlier threshold or marginal cost factor for such cases.**

~~(\*)~~ (y) Special payment policies shall apply to less than ~~one-day twenty-four (24) hour~~ stays. ~~that are paid according to a DRG rate.~~ For less than ~~one-day twenty-four (24) hour~~ stays, hospitals will be paid ~~a DRG daily rate, the capital per diem rate for one (1) day of stay, and the medical education per diem rate for one (1) day of stay, if applicable.~~ **under the outpatient reimbursement methodology as described in 405 IAC 1-8-3. (Office of the Secretary of Family and Social Services; 405 IAC 1-10.5-3; filed Oct 5, 1994, 11:10 a.m.: 18 IR 245; filed Nov 16, 1995, 3:00 p.m.: 19 IR 664; filed Dec 19, 1995, 3:00 p.m.:**

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## Final Rules

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19 IR 1083; filed Dec 27, 1996, 12:00 p.m.: 20 IR 1515; errata filed Mar 21, 1997, 9:45 a.m.: 20 IR 2116; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Aug 31, 2001, 9:53 a.m.: 25 IR 57; errata filed Jan 25, 2002, 2:27 p.m.: 25 IR 1906; filed Oct 20, 2003, 10:00 a.m.: 27 IR 863; filed Feb 24, 2004, 11:15 a.m.: 27 IR 2249)

LSA Document #03-164(F)

Notice of Intent Published: 26 IR 3371

Proposed Rule Published: September 1, 2003; 26 IR 3929

Hearing Held: September 23, 2003

Approved by Attorney General: February 17, 2004

Approved by Governor: February 20, 2004

Filed with Secretary of State: February 24, 2004, 11:15 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 #03-206(F)

#### DIGEST

Amends 405 IAC 5-24-7 to revise the copayment structure for drugs reimbursed by Medicaid and specify that all covered drugs dispensed will be subject to a three dollar copayment. Effective 30 days after filing with the secretary of state.

#### 405 IAC 5-24-7

SECTION 1. 405 IAC 5-24-7 IS AMENDED TO READ AS FOLLOWS:

#### 405 IAC 5-24-7 Copayment for legend and nonlegend drugs

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

Affected: IC 12-13-7-3; IC 12-15-6

Sec. 7. (a) Under IC 12-15-6, a copayment is required for legend and nonlegend drugs and insulin in accordance with the following:

- (1) The copayment shall be paid by the recipient and collected by the provider at the time the service is rendered. Medicaid reimbursement to the provider shall be adjusted to reflect the copayment amount for which the recipient is liable.
- (2) In accordance with 42 CFR 447.15, the provider may not deny services to any eligible individual on account of the individual's inability to pay the copayment amount. Under 42 CFR 447.15, this service guarantee does not apply to an individual who is able to pay, nor does an individual's inability to pay eliminate his or her liability for the copayment.

(3) The amount of the copayment will be as follows:

- (A) ~~Fifty cents (\$0.50) for each generic legend drug dispensed;~~

~~(B) Fifty cents (\$0.50) for each nonlegend drug dispensed, whether brand name or generic;~~

~~(C) three dollars (\$3) for each brand name legend covered drug dispensed.~~

~~(D) Fifty cents (\$0.50) for each compounded prescription, whether legend or nonlegend;~~

The pharmacy provider shall collect a copayment for each drug dispensed by the provider and covered by Medicaid.

(b) The following pharmacy services are exempt from the copayment requirement:

- (1) Emergency services provided in a hospital, clinic, office, or other facility equipped to furnish emergency care.
- (2) Services furnished to individuals less than eighteen (18) years of age.
- (3) Services furnished to pregnant women if such services are related to the pregnancy or any other medical condition that may complicate the pregnancy.
- (4) Services furnished to individuals who are inpatients in hospitals, nursing facilities, intermediate care facilities for the mentally retarded, or other medical institutions.
- (5) Family planning services and supplies furnished to individuals of child bearing age.
- (6) Health maintenance organization (HMO) pharmacy services.

(Office of the Secretary of Family and Social Services; 405 IAC 5-24-7; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3346; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Nov 4, 2002, 12:16 p.m.: 26 IR 732; filed Feb 24, 2004, 10:45 a.m.: 27 IR 2252)

LSA Document #03-206(F)

Notice of Intent Published: 26 IR 3675

Proposed Rule Published: October 1, 2003; 27 IR 266

Hearing Held: October 28, 2003

Approved by Attorney General: February 17, 2004

Approved by Governor: February 20, 2004

Filed with Secretary of State: February 24, 2004, 10:45 a.m.

Incorporated Documents Filed with Secretary of State: None

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### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #03-71(F)

#### DIGEST

Amends 675 IAC 14-4.2, the Indiana Residential Code. Amends 675 IAC 17-1.6, the Indiana Electrical Code. Amends 675 IAC 19-3-4 of the Indiana Energy Conservation Code, which applies to detached one and two family dwellings (Class 2 structures) and townhouses. Repeals 675 IAC 14-4.2-89.7, 675 IAC 14-4.2-89.10, and 675 IAC 14-4.2-89.11. Effective 30



days after filing with the secretary of state.

675 IAC 14-4.2-1	675 IAC 14-4.2-73.5
675 IAC 14-4.2-2	675 IAC 14-4.2-77.6
675 IAC 14-4.2-3	675 IAC 14-4.2-77.7
675 IAC 14-4.2-6	675 IAC 14-4.2-81.2
675 IAC 14-4.2-7	675 IAC 14-4.2-81.3
675 IAC 14-4.2-9	675 IAC 14-4.2-81.7
675 IAC 14-4.2-13.5	675 IAC 14-4.2-82
675 IAC 14-4.2-15.5	675 IAC 14-4.2-83
675 IAC 14-4.2-19.5	675 IAC 14-4.2-89.2
675 IAC 14-4.2-20.5	675 IAC 14-4.2-89.6
675 IAC 14-4.2-21	675 IAC 14-4.2-89.7
675 IAC 14-4.2-22	675 IAC 14-4.2-89.8
675 IAC 14-4.2-26.5	675 IAC 14-4.2-89.9
675 IAC 14-4.2-27.5	675 IAC 14-4.2-89.10
675 IAC 14-4.2-29	675 IAC 14-4.2-89.11
675 IAC 14-4.2-31	675 IAC 14-4.2-95
675 IAC 14-4.2-34	675 IAC 14-4.2-96.2
675 IAC 14-4.2-37.5	675 IAC 14-4.2-97.5
675 IAC 14-4.2-45.3	675 IAC 14-4.2-97.9
675 IAC 14-4.2-46.8	675 IAC 14-4.2-107
675 IAC 14-4.2-49.1	675 IAC 14-4.2-112.5
675 IAC 14-4.2-49.3	675 IAC 14-4.2-117
675 IAC 14-4.2-52	675 IAC 14-4.2-171.5
675 IAC 14-4.2-53	675 IAC 14-4.2-174.5
675 IAC 14-4.2-53.7	675 IAC 14-4.2-177.5
675 IAC 14-4.2-61	675 IAC 14-4.2-189
675 IAC 14-4.2-63	675 IAC 14-4.2-189.2
675 IAC 14-4.2-69.5	675 IAC 14-4.2-191.4
675 IAC 14-4.2-69.6	675 IAC 17-1.6-16
675 IAC 14-4.2-71	675 IAC 19-3-4

SECTION 1. 675 IAC 14-4.2-1 IS AMENDED TO READ AS FOLLOWS:

#### Rule 4.2. Indiana Residential Code

##### 675 IAC 14-4.2-1 Adoption by reference; title; availability; purpose

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

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

Sec. 1. (a) That certain document being titled the International Residential Code for One and Two Family Dwellings published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, is hereby adopted by reference as if fully set out in this rule save and except those revisions made in this rule.

(b) This rule shall be known as the Indiana Residential Code, 2001 edition, and shall be published, except incorporated documents, by the fire and building services department for general distribution and use under that title. Wherever the term "this code" is used throughout this rule, it shall mean the

Indiana Residential Code, 2001 edition.

(c) This rule is available ~~from~~ **for reference and review** at the Fire and Building Services Department, Indiana Government Center-South, 402 West Washington Street, Room E221, **W246**, Indianapolis, Indiana 46204.

(d) The purpose of this code is to provide minimum requirements for safety and to safeguard property, ~~and~~ **public safety, and general welfare through affordability**, by regulating and controlling the design, construction, installation, and quality of materials of residential structures as regulated by this code. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-1; filed May 23, 2001, 4:02 p.m.: 24 IR 3032; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2253*)

SECTION 2. 675 IAC 14-4.2-2 IS AMENDED TO READ AS FOLLOWS:

##### 675 IAC 14-4.2-2 Chapter 1; administration

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

Affected: IC 4-21.5; IC 4-22-7-7; IC 22-12-1-16; IC 22-12-1-17; IC 22-12-7; IC 22-13-2-7; IC 22-13-5; IC 22-14; IC 22-15; IC 25-4; IC 25-31; IC 36-7

Sec. 2. Delete Chapter 1 and substitute as follows: (a) SECTION R101 Application is added to read as follows: SECTION R101 APPLICATION

The provisions of this code apply to the construction, prefabrication, alteration, addition, and remodel of detached one (1) or two (2) family dwellings and one (1) family townhouses not more than three (3) stories in height and their accessory structures.

This code does not apply to manufactured homes as defined in SECTION R202, SECTION AE201, and IC 22-12-1-16 except as addressed in APPENDIX E.

This code does not apply to mobile structures as defined in IC 22-12-1-17.

Townhouses are classified as Class 1 structures and detached one (1) and two (2) family dwellings and their accessory structures are classified as Class 2 structures.

Provisions in the appendices are not enforceable unless specifically adopted.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

EXCEPTION: Where ~~the~~ **enforcement** of a code provision would violate ~~the conditions of~~ the listing of the equipment, ~~or~~ **appliance, or certification of engineered products by a registered architect registered under IC 25-4 or a professional engineer registered under IC 25-31**, the conditions of the listing, ~~and~~ **manufacturer's instructions, or professional certification by a registered architect or profes-**

sional engineer shall apply.

(b) SECTION R102 is added to read as follows: SECTION R102 APPEALS AND INTERPRETATIONS

Appeals from orders issued by the Fire Prevention and Building Safety Commission or the state building commissioner are governed by IC 4-21.5 and IC 22-12-7. Appeals from orders by a local unit of government are governed by IC 22-13-2-7 and local ordinance. Upon the written request of an interested person, the office of the state building commissioner may issue a written interpretation of a building law. The written interpretation as issued under IC 22-13-5 binds the interested person and the county or municipality with whom the interested person has the dispute until overruled under IC 4-21.5. **A written interpretation of a building law binds all counties and municipalities if the office of the state building commissioner publishes the written interpretation of the building law in the Indiana Register under IC 4-22-7-7(b).**

(c) SECTION R103 is added to read as follows: SECTION R103 PLANS

Plans shall be submitted for Class 1 structures as required by the General Administrative Rules (675 IAC 12-6) and for Class 2 structures as required by local ordinance.

(d) SECTION R104 is added to read as follows: SECTION R104 EXISTING CONSTRUCTION

For existing construction, see the General Administrative Rules (675 IAC 12-4) and local ordinance.

(e) SECTION R105 is added to read as follows: SECTION R105 ADDITIONS AND ALTERATIONS

Additions and alterations to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all the requirements of this code. Additions or alterations shall not cause an existing structure to become unsafe.

(f) SECTION R106 is added to read as follows: SECTION R106 ALTERNATIVE MATERIALS, METHODS, AND EQUIPMENT

SECTION R106.1 ALTERNATE MATERIALS, METHODS, AND EQUIPMENT

The provisions of this code are not intended to limit the appropriate use of materials, appliances, equipment, or methods of design or construction not specifically prescribed by this code provided the building official determines that the proposed alternate materials, appliances, equipment, or methods of design or construction are at least equivalent of that prescribed in this code in suitability, quality, strength, effectiveness, fire resistance, durability, dimensional stability, safety, and sanitation. For Class 1 structures, alternate materials, methods, equipment, and design shall be as required by the General Administrative Rules (675 IAC 12-6-11). Compliance with specific provisions of the Indiana Building Code (675 IAC 13) or the Indiana

Plumbing Code (675 IAC 16) in lieu of the requirements of this code shall be permitted as an alternate.

SECTION R106.2 EVIDENCE

The building official may require that evidence or proof be submitted to substantiate any claims that may be made regarding the proposed alternate.

SECTION R106.3 TESTS

Determination of equivalence shall be based on design or test methods or other such standards. The building official may accept as supporting data to assist in this determination duly authenticated reports from the Building Officials and Code Administrators International, Inc., Southern Building Code Congress International, Inc., International Conference of Building Officials, the International Code Council, Inc., or their successors, or acceptance documents from the U. S. Department of Housing and Urban Development, **the certification of a registered architect registered under IC 25-4 or a professional engineer registered under IC 25-31**, or the General Administrative Rules (675 IAC 12).

(g) SECTION R107 is added to read as follows: SECTION R107 WORKMANSHIP

General Workmanship. All construction methods shall be accepted practices to ensure livable and safe housing and shall demonstrate acceptable workmanship. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-2; filed May 23, 2001, 4:02 p.m.: 24 IR 3033; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2253*)

SECTION 3. 675 IAC 14-4.2-3 IS AMENDED TO READ AS FOLLOWS:

### 675 IAC 14-4.2-3 Section R202; definitions

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

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

Sec. 3. Change SECTION R202 Definitions as follows: (a) Change in the definition of ACCESSORY STRUCTURE to read as follows: In one and two family dwellings and for the purpose of APPENDIX E, structures not more than three (3) stories high with separate means of egress, and the use of which is incidental to that of the main building and which is located on the same lot.

(b) Change the definition of ALTERATION by deleting "other than repair".

(c) Change APPROVED to read as follows: APPROVED means, as to materials, equipment, and types of construction, acceptance by the building official by one (1) of the following methods:

- (1) investigation or tests conducted by recognized authorities; ~~or~~
- (2) investigation or tests conducted by technical or scientific organizations; or
- (3) accepted principles.

The investigation, tests, or principles shall establish that the

materials, equipment, and types of construction are safe for their intended purpose.

(d) Change the definition of BUILDING, EXISTING to read as follows: BUILDING, EXISTING. Existing building is a building or structure erected prior to the adoption of this code.

(e) Change the definition of BUILDING OFFICIAL to read as follows: BUILDING OFFICIAL, as used in this code, shall be the local official or officials as designated in local ordinance, except it shall be the state building commissioner for Industrialized Building Systems under 675 IAC 15 and IC 22-15 and for plan review for townhouses under 675 IAC 12 and IC 22-15.

(f) Delete the definition of CONSTRUCTION DOCUMENTS and substitute to read as follows: CONSTRUCTION DOCUMENTS. For construction documents see the General Administrative Rules (675 IAC 12) for Class 1 structures and local ordinance for Class 2 structures.

(g) Delete EMERGENCY ESCAPE AND RESCUE OPENING and substitute to read as follows: EMERGENCY ESCAPE OPENING. An operable window, door, or similar device that provides for a means of escape in the event of an emergency.

(h) Delete from the definition of ESSENTIALLY NON-TOXIC TRANSFER FLUIDS the following: “; and FDA-approved boiler water additions for steam boilers”.

(i) Change the definition of EXISTING INSTALLATIONS to read as follows: Any system regulated by this code that was legally installed prior to the effective date of this code.

(j) Add **the definition of FAMILY** after the definition of FACTORY-BUILT CHIMNEY ~~the definition of FAMILY~~ to read as follows: FAMILY means an individual or two (2) or more persons related by blood or marriage and/or a group of not more than ten (10) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

(k) Add, in the definition of FOAM PLASTIC INSULATION, “of” between the words “consisting” and “open”.

**(l) Add the definition of FOUNDATION WALL after FOAM PLASTIC INSULATION to read as follows: FOUNDATION WALL means the supporting element(s) that extend from the top of the footing to the bottom of the sill plate.**

(m) Delete, in the definition of HEATING DEGREE DAY (HDD), “acceptable to the code” and substitute “approved by the building”.

(n) Add the following definitions after INSULATING SHEATHING:  
INTERNATIONAL BUILDING CODE means the Indiana Building Code (675 IAC 13).

ICC ELECTRICAL CODE means the Indiana Electrical Code (675 IAC 17).

INTERNATIONAL FIRE CODE means the Indiana Fire Code (675 IAC 22).

INTERNATIONAL FUEL GAS CODE means the Indiana ~~Mechanical Fuel Gas Code (675 IAC 18):~~ **(675 IAC 25).**

INTERNATIONAL MECHANICAL CODE means the Indiana Mechanical Code (675 IAC 18).

INTERNATIONAL PLUMBING CODE means the Indiana Plumbing Code (675 IAC 16).

(o) Delete the definition of LABELED and substitute to read as follows: LABELED. Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation that maintains periodic inspection or production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

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

(q) Add the definition of NATIONAL ELECTRICAL CODE after MULTIPLE STATION SMOKE ALARM to read as follows: NATIONAL ELECTRICAL CODE means the Indiana Electrical Code (675 IAC 17).

(r) Add the definition of NFPA 70 after NATURAL DRAFT SYSTEM to read as follows: NFPA 70 means the Indiana Electrical Code (675 IAC 17).

(s) Delete the definition of PERMIT.

(t) Delete in the definition of PLUMBING, “, repairs, maintenance”.

(u) Delete in the definition of PLUMBING APPURTENANCE “, maintenance, servicing, economy”.

(v) Delete the definition of POTABLE WATER and substitute to read as follows: POTABLE WATER. Water that at the point of use is acceptable for human consumption under drinking water standards adopted by the Water Pollution Control Board at 327 IAC 8.

(w) Delete the definition of REGISTERED DESIGN PROFESSIONAL.

(x) Add the definition of RECESSED LIGHT after RECEPTOR to read as follows: RECESSED LIGHT means a light fixture that by design penetrates the thermal boundary of the building.

## Final Rules

(x) (y) Delete the definition of ROOF REPAIR.

(y) (z) Add the definition of SLAB-ON-GRADE FLOOR INSULATION after SKYLIGHT AND SLOPED GLAZING to read as follows: SLAB-ON-GRADE FLOOR INSULATION means insulation around the perimeter of the floor slab or its supporting foundation.

(aa) Add the definition of SMOKE ALARM after SLOPE to read as follows: SMOKE ALARM an alarm device that is responsive to smoke.

(bb) Add the definition of TACTILE NOTIFICATION APPLIANCE after SWEEP to read as follows: TACTILE NOTIFICATION APPLIANCE a notification appliance that alerts by sense of touch or vibration.

(z) (cc) Add to the definition of TOWNHOUSE, between “units” and “in”, “separated by property lines”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-3; filed May 23, 2001, 4:02 p.m.; 24 IR 3034; filed Feb 23, 2004, 8:34 a.m.; 27 IR 2254*)

SECTION 4. 675 IAC 14-4.2-6 IS AMENDED TO READ AS FOLLOWS:

### 675 IAC 14-4.2-6 Table R301.2(1); climatic and geographical design criteria

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

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

Sec. 6. Delete TABLE R301.2(1) and corresponding footnotes and substitute to read as follows:

TABLE R301.2(1)

No.	County	Wind Speed <sup>1</sup> (MPH)	Seismic Zone <sup>2</sup>	Ground Snow (PSF)	Foundation <sup>3</sup>	Winter Design Temp	Decay	Termite	Weathering <sup>4</sup>
01	Adams	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe
02	Allen	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe
03	Bartholomew	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
04	Benton	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe
05	Blackford	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
06	Boone	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
07	Brown	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
08	Carroll	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe
09	Cass	90	A	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe
10	Clark	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
11	Clay	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
12	Clinton	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
13	Crawford	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
14	Daviess	90	C <sub>1</sub>	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
15	Dearborn	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
16	Decatur	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe

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17	Dekalb	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
18	Delaware	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
19	Dubois	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
20	Elkhart	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
21	Fayette	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
22	Floyd	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
23	Fountain	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
24	Franklin	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
25	Fulton	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
26	Gibson	90	C <sub>1</sub>	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
27	Grant	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
28	Greene	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
29	Hamilton	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
30	Hancock	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
31	Harrison	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
32	Hendricks	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
33	Henry	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
34	Howard	90	A	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
35	Huntington	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe
36	Jackson	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
37	Jasper	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
38	Jay	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
39	Jefferson	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
40	Jennings	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
41	Johnson	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
42	Knox	90	C <sub>1</sub>	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe

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43	Kosciusko	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
44	LaGrange	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
45	Lake	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
46	LaPorte	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
47	Lawrence	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
48	Madison	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
49	Marion	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
50	Marshall	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
51	Martin	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
52	Miami	90	A	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe
53	Monroe	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
54	Montgomery	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
55	Morgan	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
56	Newton	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
57	Noble	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
58	Ohio	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
59	Orange	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
60	Owen	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
61	Parke	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
62	Perry	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
63	Pike	90	C <sub>1</sub>	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
64	Porter	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
65	Posey	90	C <sub>1</sub>	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
66	Pulaski	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
67	Putnam	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
68	Randolph	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe

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69	Ripley	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
70	Rush	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
71	St. Joseph	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
72	Scott	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
73	Shelby	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
74	Spencer	90	C <sub>1</sub>	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
75	Starke	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
76	Steuben	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe
77	Sullivan	90	C <sub>1</sub>	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
78	Switzerland	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
79	Tippecanoe	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
80	Tipton	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
81	Union	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
82	Vanderburgh	90	C <sub>1</sub>	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
83	Vermillion	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
84	Vigo	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
85	Wabash	90	A	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe
86	Warren	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
87	Warrick	90	C <sub>1</sub>	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
88	Washington	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe
89	Wayne	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe
90	Wells	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe
91	White	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe
92	Whitley	90	A	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe

<sup>1</sup>Wind exposure category shall be determined on a site-specific basis in accordance with SECTION R301.2.1.4.

<sup>2</sup>See SECTION R301.2.2.

<sup>3</sup>Foundation is minimum foundation depth to bottom of footing from the top of the finished grade above the footing in inches.

<sup>4</sup>The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C216, or C652.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-6; filed May 23, 2001, 4:02 p.m.: 24 IR 3035; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2256*)

SECTION 5. 675 IAC 14-4.2-7 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-7 Figures R301.2(1), R301.2(2), R301.2(3), R301.2(4), R301.2(5), R301.2(6), and R301.2(7)**

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

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

Sec. 7. Delete Figures R301.2(1), R301.2(2), R301.2(3), R301.2(4), R301.2(5), R301.2(6), and R301.2(7), and **R301.2(8)**. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-7; filed May 23, 2001, 4:02 p.m.: 24 IR 3037; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2260*)

SECTION 6. 675 IAC 14-4.2-9 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-9 Section R301.2.2; seismic provisions**

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

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

Sec. 9. Change SECTION R301.2.2 to read as follows: The seismic provisions of this code shall apply to buildings constructed in Seismic Design Categories C, and C<sub>1</sub>, D<sub>1</sub>, and D<sub>2</sub> as determined in accordance with this section.

EXCEPTION: Detached one and two family dwellings located in Seismic Design ~~Category~~ **Categories C and C<sub>1</sub>** are exempt from the seismic requirements of this code except such dwellings in Category C<sub>1</sub> shall comply with the provisions of SECTIONS ~~R301.2.2.5 and R606.11.2~~ **R403.1.2, R403.1.4, R404.1.1, R404.1.2, R606.11, R606.11.2, R607.1.2, R1003.3, R1003.4, M2005.5, and FIGURE 606.10(2). R606.10(2)**. Townhouses in ~~Category~~ **Seismic Design Categories C and C<sub>1</sub>** are not exempt from the seismic provisions that apply to ~~Categories C and C<sub>1</sub>~~ of this code.

**EXCEPTION: Townhouses and other buildings are exempt from the requirements of SECTION R301.2.2.7.**

The weight limitations of SECTION ~~R301.2.2.2~~ **R301.2.2.4** shall apply to buildings in all Seismic Design Categories regulated by this code. ~~Buildings in Seismic Design Category C,~~ townhouses, shall be constructed in accordance with the additional requirements of SECTIONS ~~R301.2.2.3 and R301.2.2.4.~~ Buildings in Category ~~C<sub>1</sub>~~ are exempt from the provisions of SECTIONS ~~R301.2.2.3, R301.2.2.4, and R301.2.2.7~~ but shall comply with the provisions of SECTION ~~R301.2.2.5.~~ (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-9; filed May 23, 2001, 4:02 p.m.: 24 IR 3038; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2260*)

SECTION 7. 675 IAC 14-4.2-13.5 IS ADDED TO READ

AS FOLLOWS:

**675 IAC 14-4.2-13.5 Section R301.2.2.3; anchored stone and masonry veneer in seismic design Categories C and C<sub>1</sub>**

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

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

**Sec. 13.5. Make the following changes to SECTION R301.2.2.3: Add “and C<sub>1</sub>” after “Category C” in three (3) places.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-13.5; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2260*)

SECTION 8. 675 IAC 14-4.2-15.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-15.5 Section R301.4; live load**

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

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

**Sec. 15.5. Add a subsection to SECTION R301.4 to read as follows: R301.4.1 Live Load Reduction.**

**1. Tributary floor area.** A structural member which supports a tributary floor area of greater than two hundred (200) square feet on a given story is permitted to be designed using a reduced uniform floor live load for each qualifying story in accordance with the following formula:

$$L = L_0 \left[ 0.25 + \frac{10.6}{\sqrt{A_t}} \right] \geq 0.75 \text{ for } A_t > 200 \text{ ft}^2$$

Where: A<sub>t</sub> is the tributary area of floor surface in square feet supported by the structural member and L<sub>0</sub> is the floor live load from TABLE R301.4.

**2. Multiple stories.** When floor, roof, and attic live loads from multiple story levels are applied to a structural member, the live loads may be factored as follows:

$$L = L_1 + 0.7(L_2 + L_3 + \dots)$$

Where: L<sub>1</sub> is the live load from TABLES R301.4 and R301.5 producing the maximum individual load effect, and L<sub>2</sub>, L<sub>3</sub>, and so forth are live loads from other sources or stories in accordance with TABLES R301.4 and R301.5. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-15.5; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2260*)

SECTION 9. 675 IAC 14-4.2-19.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-19.5 Section R303.4; stairway illumination**

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

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



Sec. 19.5. In the first paragraph, delete everything after the first sentence and substitute to read as follows: Interior stairways shall be provided with an artificial light source capable of illuminating treads and landings to levels not less than one (1) foot-candle (eleven (11) lux) measured in the center of treads and landings. Exterior stairways shall be provided with an artificial light source capable of illuminating the top landing to a level not less than one (1) foot-candle (eleven (11) lux). Exterior stairways providing access to a basement from the outside grade shall be provided with an artificial light source capable of illuminating the bottom landing to a level not less than one (1) foot-candle (eleven (11) lux). (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-19.5; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2260*)

SECTION 10. 675 IAC 14-4.2-20.5 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-20.5 Section R308.4; hazardous locations**

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

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

Sec. 20.5. ~~Delete Exception number 9~~ Make the following change to SECTION R308.4: Change Exception 5 to read as follows:

5. Glazing in SECTION 308.4, item 6, when a protective bar is installed on the accessible sides of the glazing thirty-four (34) inches (eight hundred sixty-four (864) millimeters) to thirty-eight (38) inches (nine hundred sixty-five (965) millimeters) above the floor. The bar shall be capable of withstanding a horizontal load of fifty (50) pounds (twenty-two and sixty-eight hundredths (22.68) kilograms) per linear foot without contacting the glass and be a minimum of one and one-half (1½) inches (thirty-eight (38) millimeters) in height.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-20.5; filed May 23, 2001, 4:02 p.m.: 24 IR 3039; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2261*)

SECTION 11. 675 IAC 14-4.2-21 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-21 Section R309; garages and carports**

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

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

Sec. 21. Change the title and text of SECTION R309 as follows: (a) Change the title of SECTION R309 to read as follows: GARAGES, CARPORTS, OR ACCESSORY STRUCTURES.

(b) Change the text of SECTION R309.2 to read as follows: The garage shall be separated from the residence and its attic area by a smoke separation of not less than one-half (½) inch (thirteen (13) millimeters) gypsum board

applied to the garage side of the framing.

(b) (c) Change the second paragraph of SECTIONS R309.3 and R309.4 to read as follows: The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to an approved drain or toward the main vehicle entry doorway.

(c) (d) Delete the title and text of SECTION R309.5, Flood hazard areas, and substitute to read as follows: R309.5 Detached garages, carports, or accessory structures. R309.5.1 Separation. Detached garages, carports, or accessory structures shall provide not less than six (6) feet of open space between same and the residence, except that such space may be roofed in compliance with Chapters 8 and 9 of this code. Detached garages, carports, or accessory structures separated from the residence by less than six (6) feet of open space shall be considered the same as attached and shall comply with this code. In no case shall garages, carports, or accessory structures be attached to the dwelling when the footings of the structure to be attached are above the frost line and the adjacent footings of the dwelling are at or below the frost line unless approved by the building official.

R309.5.2 Requirements. Detached garages, detached carports, or accessory structures shall be constructed to applicable sections of this code unless otherwise noted in TABLE R309. Any habitable rooms(s) located within a detached garage, detached carport, or accessory structure shall meet all applicable sections of this code and shall be provided with an exit door as specified in SECTION R311.1.

(c) (e) Add TABLE R309 at the end of SECTION R309 to read as follows:

TABLE R309  
DETACHED GARAGES, DETACHED CARPORTS, OR  
ACCESSORY STRUCTURES

CONSTRUCTION REQUIREMENTS	Portable 120 Square Feet Maximum	Monolithic <sup>1</sup> Footings 721 Square Feet Maximum	Structures with Conventional Foundation
Footings and Foundations	No Requirements	8" W × 18" D <sup>2</sup> or 12" W × 12" D <sup>2</sup>	Indiana One and Two Family Dwelling Residential Code
Floors	No Requirements	Indiana One and Two Family Dwelling Residential Code	
Exterior Walls	No Requirements		
Girders and Headers	No Requirements		
Roof Systems	No Requirements		

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Electrical Power Limits	One 15 Amp. Circuit		
Water Supply/Sanitation	Not Allowed	1	
Permanent Heat	Not Allowed	1	
Maximum Number of Stories	1	1 <sup>3</sup>	3

### NOTES:

<sup>1</sup>In structures utilizing monolithic floor systems, the water and sanitation systems and permanent heating facilities may be installed when approved flexible connections are provided.

<sup>2</sup>6 × 6 - W2.9 × W2.9 welded wire fabric or equivalent is required when monolithic slab footing system is used.

<sup>3</sup>One (1) story unless otherwise approved by the building official.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-21; filed May 23, 2001, 4:02 p.m.: 24 IR 3040; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2261*)

SECTION 12. 675 IAC 14-4.2-22 IS AMENDED TO READ AS FOLLOWS:

### **675 IAC 14-4.2-22 Section R310; emergency escape and rescue openings**

**Authority:** IC 22-13-2-2; IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 22. (a) Change SECTION R310 as follows: (a) Change the title to read as follows: EMERGENCY ESCAPE OPENINGS.

(b) Change the title and text of SECTION R310.1 to read as follows: R310.1. Emergency escape required. Every sleeping room shall have at least one (1) openable emergency escape window or exterior door opening for emergency escape. Where openings are provided as a means of escape, they shall have a sill height of not more than forty-four (44) inches (one thousand one hundred eighteen (1,118) millimeters) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with SECTION R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the window or door opening from the inside. Escape window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with SECTION R310.2.

(c) Change SECTION R310.1.1 to read as follows: R310.1.1 Minimum opening area. All emergency escape openings shall have a minimum net clear opening of five and seven-tenths (5.7) square feet (five hundred thirty-thousandths (0.530) m<sup>2</sup>).

EXCEPTION: Grade floor openings shall have a minimum net clear opening of five (5) square feet (four hundred sixty-

five thousandths (0.465) m<sup>2</sup>).

(d) Change SECTION R310.1.2 as follows: Minimum opening height. The minimum net clear opening height shall be **twenty-two (22) inches (five hundred fifty-nine (559) millimeters)**.

(e) Change SECTION R310.1.4 to read as follows: R310.1.4 Operational constraints. Emergency escape openings shall be operational from the inside of the room without the use of key(s) or tool(s).

(f) Change the first sentence of SECTION R310.2 to read as follows: R310.2 Window wells. Window wells required for emergency escape shall have horizontal dimensions that allow the door or window of the emergency escape opening to be fully opened.

(g) Delete, in SECTION R310.2.1, "below the adjacent ground level".

(h) Delete, in two (2) places in SECTION R310.4, "and rescue".

(i) Add SECTION R310.5 to read as follows: R310.5 Sleeping room replacement window alterations. When replacing existing sleeping room windows, at least one (1) of the replacement windows **within that sleeping room** shall comply with SECTION R310.5. Replacement windows that do not meet the current emergency escape requirements of SECTION R310, without structural alterations to the dwelling, may be installed as long as they meet the following requirements.

1. Replacement window installation shall not reduce the existing net clear opening by more than six (6) inches horizontally and six (6) inches vertically, except that awning replacement windows shall not reduce the existing net clear opening by more than three (3) inches vertically.

2. In no case shall the replacement window net clear opening height be less than twenty-two (22) inches (five hundred fifty-nine (559) millimeters) and the net clear opening width be less than twenty (20) inches (five hundred eight (508) millimeters).

3. Double hung or sliding replacement windows shall have both sashes removable without the use of a key or tool. Single hung installations are not allowed by this section.

4. Casement and awning replacement windows may obtain the required net clear opening with the use of egress hardware.

5. If the replacement window cannot meet the minimum requirements listed in subdivisions 1, 2, 3, and 4, the existing window shall be replaced with a like window without reducing the existing net clear opening.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-22; filed May 23, 2001, 4:02 p.m.: 24 IR 3040; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2262*)

SECTION 13. 675 IAC 14-4.2-26.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-26.5 Section R314.8; under-stair protection**

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

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

**Sec. 26.5. Change the text of R314.8 to read as follows: Enclosed accessible space under stairs, with a door or access panel, shall have walls, under-stair surface, and any soffits protected on the enclosed side with one-half (½) inch (thirteen (13) millimeter) gypsum board.**

**EXCEPTION: Any under-stair space with one (1) or more open sides.**

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-26.5; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2263)

SECTION 14. 675 IAC 14-4.2-27.5 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-27.5 Section R315.1; handrails**

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

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

**Sec. 27.5. Amend SECTION R315.1 to read as follows: R315.1 Handrails. Handrails having minimum and maximum heights of thirty-four (34) inches and thirty-eight (38) inches (eight hundred sixty-four (864) mm and nine hundred sixty-five (965) mm), respectively, measured vertically from the nosing of the treads, shall be provided on at least one (1) side of stairways. All required handrails shall serve each tread the full length of the interior stairs with three (3) or more risers and exterior stairs with two or more risers from a point directly above the top riser of a flight to a point directly above the lowest riser of the flight. Ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than one and one-half (1½) inches (thirty-eight (38) millimeters) between the wall and handrail.**

**EXCEPTIONS: 1. Handrails shall be permitted to be interrupted by a newel post at a turn or by a landing.**

**2. The use of a volute, turnout, or starting easing shall be allowed over the lowest tread.**

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-27.5; filed May 23, 2001, 4:02 p.m.: 24 IR 3042; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2263)

SECTION 15. 675 IAC 14-4.2-29 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-29 Section R316.1; guards required**

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

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

**Sec. 29. Add in the first sentence of Change SECTION R316.1 as follows: (a) In the first sentence, add “, decks”**

between “balconies” and “or”.

**(b) Add a sentence at the end of the section to read as follows: Guards that are installed on porches, balconies, decks, or raised floor surfaces that are thirty (30) inches (seven hundred sixty-two (762) millimeters) or less above the floor or grade do not have to meet the requirements of Section 316. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-29; filed May 23, 2001, 4:02 p.m.: 24 IR 3042; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2263)**

SECTION 16. 675 IAC 14-4.2-31 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-31 Section R317; smoke alarm**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-11-18

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

**Sec. 31. Change Delete the text of SECTION R317.1 to R317 and substitute to read as follows: (a) Delete “, repairs” in the title:**

**(b) Delete “, repairs” in the first paragraph:**

**(c) Delete “or repairs” in EXCEPTION 1:**

**(d) Change EXCEPTION 2 to read as follows: Repairs are exempt from the requirements of this section:**

**R317.1 Labeling. Each smoke alarm shall be listed.**

**R317.2 Required smoke alarm locations. At least one (1) smoke alarm shall be installed in each of the following locations:**

**(a) In the living area remote from the kitchen and cooking appliances. Smoke alarms located within twenty (20) feet (six and one-tenth (6.1) meters) horizontally of a cooking appliance must incorporate a temporary silencing feature or be photoelectric type.**

**(b) In each room designed for sleeping.**

**(c) On the ceiling of the upper level near the top or above each stairway, other than a basement stairway, in any multistory dwelling. The alarm shall be located so that smoke rising in the stairway cannot be prevented from reaching the alarm by an intervening door or obstruction.**

**(d) On the basement ceiling near the stairway.**

**R317.2.1 Alterations and additions. When interior alterations or additions requiring a permit occur, or when one (1) or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be provided with smoke alarms located as required for new dwellings; the smoke alarms shall be interconnected and hard wired.**

**EXCEPTIONS: 1. Smoke alarms in existing areas shall not be required to meet the requirements of R317.5 where the alterations do not result in the removal of the interior wall or ceiling finishes exposing the structure unless there**

is an attic, crawlspace, or basement available which could provide access for hard wiring and interconnection without the removal of interior finishes.

2. Repairs are exempt from the requirements of the section.

**R317.3 Prohibited smoke alarm locations.** A smoke alarm required under this section shall not be placed:

1. within three (3) feet (nine hundred fourteen (914) millimeters) horizontally from any grille moving conditioned air within the living space; or
2. in any location or environment that is prohibited by the terms of the listing.

**R317.4 Mounting requirements.** Smoke alarms required by SECTION R317.2 shall be mounted in accordance with their listing, instructions, and the requirements of this section.

**R317.4.1 Flat Ceilings.** In rooms with flat, peaked sloping or single slope ceilings with a slope of less than 1.5/12, smoke alarms shall be mounted either:

1. on the ceiling at least four (4) inches (one hundred two (102) millimeters) from each wall; or
2. on a wall with the top of the alarm not less than four (4) inches (one hundred two (102) millimeters) below the ceiling and not farther from the ceiling than twelve (12) inches (three hundred five (305) millimeters) or the distance from the ceiling specified in the smoke alarm manufacturer's listing and instructions, whichever is less.

**R317.4.2 Peaked Sloping Ceilings.** In rooms with peaked sloping ceilings with a slope of 1.5/12 or greater, smoke alarms shall be:

1. mounted on the ceiling or wall within three (3) feet (nine hundred fourteen (914) millimeters), measured horizontally, from the peak of the ceiling;
2. at least four (4) inches (one hundred two (102) millimeters), measured vertically, below the peak of the ceiling; and
3. at least four (4) inches (one hundred two (102) millimeters) from any projecting structural element.

**R317.4.3 Single Slope Ceilings.** In rooms with single slope ceilings with a slope of 1.5/12 or greater, smoke alarms shall be:

1. mounted on the ceiling or wall within three (3) feet (nine hundred fourteen (914) millimeters), measured horizontally, of the high point of the ceiling; and
2. not closer than four (4) inches (one hundred two (102) millimeters) from any adjoining wall surfaces or any projecting structural element.

**R 317.4.4 Visible and tactile notification appliances.** In addition to the smoke alarms required pursuant to this section, listed visible and tactile notification appliances, when installed, shall meet the following:

**R317.4.4.1 Candela Rating-Sleeping Room.** A visible notification appliance, when installed in a room designed for sleeping, shall have a minimum rating of one hundred seventy-seven (177) candela, except that when the visible notification appliance is wall-mounted or suspended more than twenty-four (24) inches (six hundred ten (610) millimeters) below the ceiling, a minimum rating of one hundred ten (110) candela is permitted.

**R317.4.4.2 Candela Rating-Non-Sleeping Room.** A visible notification appliance, when installed in an area other than a room designed for sleeping, shall have a minimum rating of fifteen (15) candela.

**R317.5 Connection to Power Source.** Each smoke alarm shall be powered from:

1. the electrical system of the home as the primary power source and a battery as a secondary power source; or
  2. a battery rated for a ten (10) year life, provided the smoke alarm is listed for use with a ten (10) year battery.
- EXCEPTION:** Visible and tactile notification appliances are required to operate from the primary power source, but are not required to operate from a secondary power source.

**R317.5.1 Circuitry.** Each smoke alarm whose primary power source is the home electrical system shall be mounted on an electrical outlet box and be connected by a permanent wiring method to a general branch circuit. The same branch circuit may serve more than one (1) smoke alarm. The branch circuit for the alarm shall not include any switches between the branch circuit overcurrent protective device and the alarm and shall not be protected by a ground-fault circuit-interrupter.

**R317.5.2 Interconnection.** When more than one (1) smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one (1) alarm will activate all of the alarms in the individual unit. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-31; filed May 23, 2001, 4:02 p.m.; 24 IR 3042; filed Feb 23, 2004, 8:34 a.m.; 27 IR 2263*)

SECTION 17. 675 IAC 14-4.2-34 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-34 Section R323.1; location required**

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

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

Sec. 34. Make the following changes to SECTION R323.1:

(a) In the first sentence delete "Figure R301.2(7)" and substitute "TABLE R301.2(1)".

(a) (b) Change SECTION 323.1; item 2 to read as follows:

All sills or plates that rest on concrete or masonry exterior walls and are less than six (6) inches (**one hundred fifty-two (152) millimeters**) from exposed ground or masonry veneer ledge where the wood sill is less than four (4) inches (**one hundred two (102) millimeters**) above exposed ground.

(c) **Change item 3 to read as follows: Sills and sleepers on a concrete slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier or not required by item 2 above.**

(b) (d) Add an exception to SECTION R323.1, item 7 to read as follows: 7. Wood furring strips or other wood framing members attached directly to the interior of exterior masonry walls or concrete walls below grade except where an approved vapor retarder is applied between the wall and the furring strips or framing members.

EXCEPTION: Exterior walls below grade complying with SECTION R406.  
(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-34; filed May 23, 2001, 4:02 p.m.: 24 IR 3043; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2264*)

SECTION 18. 675 IAC 14-4.2-37.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-37.5 Section R324.1; subterranean termite control**

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

**Sec. 37.5. Delete “favorable to termite damage” and substitute “subject to very heavy termite damage”.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-37.5; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2265*)

SECTION 19. 675 IAC 14-4.2-45.3 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-45.3 Section R403.1.1; minimum size**

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

**Sec. 45.3. In SECTION R403.1.1, delete the fifth sentence**

**and substitute to read as follows: The minimum size of footings supporting piers and columns shall be in accordance with TABLE R403.2.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-45.3; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2265*)

SECTION 20. 675 IAC 14-4.2-46.8 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-46.8 Section R403.1.6; foundation anchorage**

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

**Sec. 46.8. Make the following change to SECTION R403.1.6: Change the fourth sentence of the second paragraph to read as follows: Bolts shall be at least one-half (½) inch (thirteen (13) millimeters) in diameter and shall extend a minimum of seven (7) inches (one hundred seventy-eight (178) millimeters) into the core or cell of masonry units or concrete.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-46.8; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2265*)

SECTION 21. 675 IAC 14-4.2-49.1 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-49.1 Section R403.1.8.1; expansive soils classifications**

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

**Sec. 49.1. Change SECTION R403.1.8.1(4) by deleting “UBC Standard 18-1” and substitute “The Indiana Building Code (675 IAC 13)”.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-49.1; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2265*)

SECTION 22. 675 IAC 14-4.2-49.3 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-49.3 Table R403.2; size of footings supporting piers and columns**

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

**Sec. 49.3. Add TABLE R403.2 to read as follows:**

**TABLE R403.2  
SIZE OF FOOTINGS SUPPORTING PIERS AND COLUMNS**

Spacing of Girder “S” <sup>1</sup>	Type of Loading <sup>2</sup>			Column Size Required <sup>3</sup>		Size of Plain Concrete Footing Required <sup>3</sup>
	A	B	C	Steel	Wood	
10'	5'-6"	---	---	3" Steel Pipe <sup>4</sup>	4" x 4"	2' x 2' x 8"
15'	4'-0"	---	---			
20'	---	---	---			
10'	8'-6"	5'-0"	---			
15'	6'-0"	4'-0"	---			
20'	4'-6"	---	---			

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10'	12'-0"	9'-0"	8'-0"		6" x 6"	4' x 4' x 16" <sup>5</sup>
15'	10'-0"	8'-0"	7'-0"			
20'	8'-0"	7'-0"	6'-0"			
10'	16'-0"	12'-6"	11'-0"		8" x 8"	4'3" x 4'3" x 17" <sup>5</sup>
15'	13'-6"	10'-6"	10'-0"			
20'	12'-0"	9'-6"	8'-0"			
10'	20'-0"	16'-0"	13'-6"			
15'	17'-0"	13'-6"	11'-6"			
20'	15'-0"	12'-0"	10'-0"			

<sup>1</sup>The spacing "S" is the tributary load in the girder. It is found by adding the unsupported spans of the floor joists on each side which are supported by the girder and dividing by two (2).

<sup>2</sup>Figures under type of loading columns are the allowable girder spans.

Type A loading is for a girder supporting one (1) floor and ceiling.

Type B loading is for a girder supporting two (2) floors and one (1) ceiling.

Type C loading is for a girder supporting three (3) floors and one (1) ceiling.

<sup>3</sup>Required size of column is based on girder support from two (2) sides. Size of footing is based on allowable soil pressure of two thousand (2,000) pounds per square foot.

<sup>4</sup>Standard weight.

<sup>5</sup>Footing thickness is based on the use of plain concrete with an ultimate compressive strength of not less than two thousand (2,000) pounds per square inch at twenty-eight (28) days. If approved, the footing thickness may be reduced based on an engineered design utilizing higher strength concrete and/or reinforcement.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-49.3; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2265)

SECTION 23. 675 IAC 14-4.2-52 IS AMENDED TO READ AS FOLLOWS:

### 675 IAC 14-4.2-52 Section R404.1.1; masonry foundation walls

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

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

Sec. 52. Delete SECTION R404.1.1 and substitute to read as follows: Concrete masonry and clay foundation walls shall be constructed as set forth in TABLES R404.1.1(1), R404.1.1(2), R404.1.1(3), and R404.1.1(4); however, TABLE R404.1.1(1) can may only be used in Seismic Category C<sub>1</sub> when the unbalanced fill is four (4) feet or less and TABLES R404.1.1(2), R404.1.1(3), and R404.1.1(4) shall be used when the unbalanced fill exceeds four (4) feet in Category C<sub>1</sub>. These tables shall also comply with the provisions of this section and the applicable provisions of SECTIONS R606, R607, and R608. Rubble stone masonry foundation walls shall be constructed in accordance with SECTIONS R404.1.8 and R606.2.2. Rubble stone masonry walls shall not be used in Seismic Design Category C<sub>1</sub>. Foundations constructed in Seismic Design Category C<sub>1</sub> shall be exempt from the seismic requirements of SECTION R606.

**EXCEPTION: In Seismic Design Category C<sub>1</sub>, foundation walls not supporting masonry veneer may be in accordance with TABLE R404.1.1(1).**

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-52; filed May 23, 2001, 4:02 p.m.: 24 IR 3045; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2266)

SECTION 24. 675 IAC 14-4.2-53 IS AMENDED TO READ

AS FOLLOWS:

### 675 IAC 14-4.2-53 Section R404.1.2; concrete foundation walls

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

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

Sec. 53. Delete SECTION R404.1.2 and substitute to read as follows: Concrete foundation walls shall be constructed as set forth in TABLES R404.1.1(1), R404.1.1(2), R404.1.1(3), and R404.1.1(4) and shall also comply with the provisions of this section and the applicable provisions of SECTION R402.2. In Seismic Design Category C<sub>1</sub>, TABLE R404.1.1(1) can be used only when the height of the unbalanced fill is four (4) feet or less.

**EXCEPTION: In Seismic Design Category C<sub>1</sub>, foundation walls not supporting masonry veneer may be in accordance with TABLE R404.1.1(1).**

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-53; filed May 23, 2001, 4:02 p.m.: 24 IR 3046; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2266)

SECTION 25. 675 IAC 14-4.2-53.7 IS ADDED TO READ AS FOLLOWS:

### 675 IAC 14-4.2-53.7 Section R404.1.5; foundation wall thickness based on walls supported

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

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

Sec. 53.7. Delete the text of section R404.1.5 and substitute to read: The thickness of concrete and masonry walls

shall not be less than the thickness of the wall supported.

**EXCEPTION:** A foundation wall of at least eight (8) inches (two hundred three (203) millimeters) thickness shall be permitted:

1. Under brick veneered frame walls.
2. Under ten (10) inch (two hundred fifty-four (254) millimeter) wide cavity walls where the total height of the walls supported, including gables, is not more than twenty (20) feet (six thousand ninety-six (6,096) millimeters), provided the requirements of SECTIONS R404.1.1 and R404.1.2 are met.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-53.7; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2266*)

SECTION 26. 675 IAC 14-4.2-61 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-61 Section R408.2; openings for under-floor ventilation**

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

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

Sec. 61. Make the following changes to SECTION R408.2:

(a) Change Exception 1 in ~~SECTION R408.2~~ to read as follows: Ventilation openings to the outdoors are not required if ventilation openings to the interior are provided.

(b) Amend Exception 5 as follows: delete “Section N1102.1.7” and substitute “Chapter 11 of this code”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-61; filed May 23, 2001, 4:02 p.m.: 24 IR 3046; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2267*)

SECTION 27. 675 IAC 14-4.2-63 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-63 Section R408.6; flood resistance**

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

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

Sec. 63. Delete the title and text of SECTION R408.6 and substitute to read as follows: **Sump pit:** All nonhabitable underfloor spaces shall be graded so as to direct any water accumulation to a central collection point. A sump pit shall be installed at that point so that, in the event of excess water accumulation, the installation of a sump pump can be readily accomplished. The sump pit shall be a minimum of eighteen (18) inches (four hundred fifty-seven (457) millimeters) in diameter or equivalent and a minimum of twenty-four (24) inches (six hundred ten (610) millimeters) below the bottom of the crawl space grade. Where a porous layer of gravel, crushed stone, or coarse sand is used in the crawl space, openings shall be made in the sump to allow drainage of that layer. **Under-floor drainage.** In other than Group I soils, under-floor spaces shall be drained to prevent water accumulation by one (1) of the following methods:

1. The under-floor space shall be graded at a slope of not less than one (1) inch (twenty-five (25) millimeters) for each ten (10) feet (three thousand forty-eight (3,048) millimeters) to a gravity discharge or a sump pit having a minimum size of eighteen (18) inches (four hundred fifty-seven (457) millimeters) in diameter by twenty-four (24) inches (six hundred ten (610) millimeters) deep installed below the lowest point of the slope so that, in the event of excess water accumulation, a sump pump can be readily installed.

2. The under-floor space shall be graded at a slope of not less than one-half (½) inch (thirteen (13) millimeters) for each ten (10) feet (three thousand forty-eight (3,048) millimeters) to a gravity discharge or a sump pit having a minimum size of eighteen (18) inches (four hundred fifty-seven (457) millimeters) in diameter by twenty-four (24) inches (six hundred ten (610) millimeters) deep installed below the lowest point of the slope and not less than three (3) inches (seventy-six (76) millimeters) of granular material shall be placed between the ground surface and the vapor retarder so that, in the event of excess water accumulation, a sump pump can be readily installed.

3. The under floor-space shall comply with the requirements of SECTION R405.1.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-63; filed May 23, 2001, 4:02 p.m.: 24 IR 3047; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2267*)

SECTION 28. 675 IAC 14-4.2-69.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-69.5 Section R502.8.1; sawn lumber**

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

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

Sec. 69.5. Add an exception to SECTION R502.8.1 to read as follows: **EXCEPTION:** In 2 × 8 and larger solid lumber joists, holes up to fifty percent (50%) of the actual joist depth may be drilled at the center of the joist depth in the second and fifth sixths of the joist span. When the joist spans ninety percent (90%) or less of its maximum allowed span per TABLE R502.3.1(1) or R502.3.1(2), such holes may also be located in the center third of the joist span. Such hole shall be no closer than six (6) inches (one hundred fifty-two (152) millimeters) from any other hole. Except for end notches, no notches may be in the same half of the span as a hole allowed by this exception. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-69.5; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2267*)

SECTION 29. 675 IAC 14-4.2-69.6 IS ADDED TO READ AS FOLLOWS:

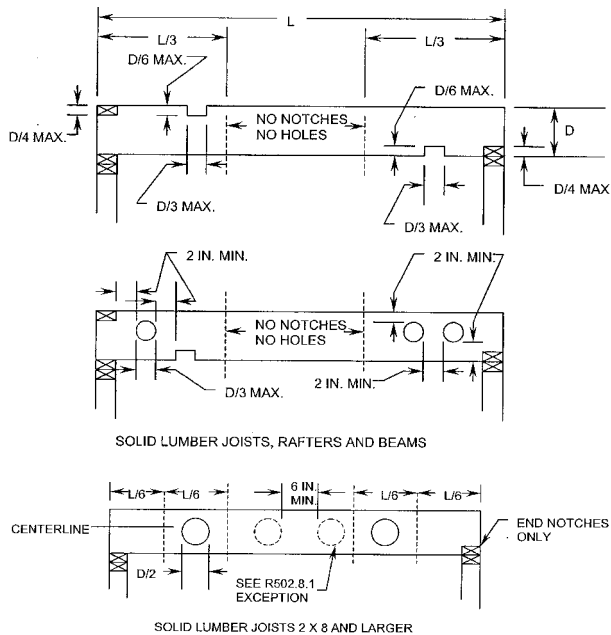
**675 IAC 14-4.2-69.6 Figure R502.8; cutting, notching, and drilling**

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

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

### Sec. 69.6. Delete FIGURE R502.8 and insert FIGURE R502.8:



SECTION 30. 675 IAC 14-4.2-71 IS AMENDED TO READ AS FOLLOWS:

#### 675 IAC 14-4.2-71 Section R502.11.3; alterations to trusses

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

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 25-4; IC 25-31; IC 36-7

Sec. 71. Change the first sentence of SECTION R502.11.3 to read as follows: Truss members and components shall not be cut, notched, spliced, or otherwise altered in any way without the approval acceptance of the building official change by an architect registered under IC 25-4 or a professional engineer registered under IC 25-31. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-71; filed May 23, 2001, 4:02 p.m.: 24 IR 3048; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2268)

SECTION 31. 675 IAC 14-4.2-73.5 IS ADDED TO READ AS FOLLOWS:

#### 675 IAC 14-4.2-73.5 Table R602.3(1); fastener schedule for structural members

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

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

Sec. 73.5. In Description of Building Elements of TABLE R602.3(1), change "Double top plates, minimum forty-eight (48) inch offset of end joints, face nail in lapped area" to read: Double top plates, minimum twenty-four (24) inch (six hundred ten (610) millimeters) offset of end joints, face nail in lapped area. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-73.5; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2268)

SECTION 32. 675 IAC 14-4.2-77.6 IS ADDED TO READ AS FOLLOWS:

#### 675 IAC 14-4.2-77.6 Section R602.7; headers

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

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

Sec. 77.6. Amend SECTION R602.7, Headers by adding a section to read as follows: SECTION R602.7.3, Location. Headers less than two (2) inches (fifty-one (51) millimeters) in width that span more than eight (8) feet (two thousand four hundred thirty-eight (2,438) millimeters) or headers less than four (4) inches (one hundred two (102) millimeters) in width that span more than sixteen (16) feet (four thousand eight hundred seventy-seven (4,877) millimeters) shall be located at the top of the wall immediately below the top plate.

EXCEPTION: When a minimum of three-eighths (3/8) inch (ten (10) millimeter) structural wood sheathing is applied from the bottom of the header to the top of the wall and all joints on structural members are fastened in accordance with TABLE R602.3(1) or TABLE R602.3(2). (Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-77.6; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2268)

SECTION 33. 675 IAC 14-4.2-77.7 IS ADDED TO READ AS FOLLOWS:

#### 675 IAC 14-4.2-77.7 Section R602.8.1; materials

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

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

Sec. 77.7. Change the second sentence of SECTION R602.8.1 to read as follows: Faced batts or blankets of mineral wool or glass fiber or other approved materials installed in such a manner as to be securely retained in place shall be permitted as an acceptable fire block. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-77.7; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2268)

SECTION 34. 675 IAC 14-4.2-81.2 IS ADDED TO READ AS FOLLOWS:

#### 675 IAC 14-4.2-81.2 Section R606.2; thickness of masonry

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

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

Sec. 81.2. Add a second sentence to read as follows: The nominal thickness of foundation walls shall conform to the



requirements of SECTION R404. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-81.2; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2268*)

SECTION 35. 675 IAC 14-4.2-81.3 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-81.3 Section R606.2.1; minimum thickness**  
 Authority: IC 22-13-2-2; IC 22-13-2-13  
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 81.3. Delete the last sentence of SECTION R606.2.1 and substitute to read as follows: The minimum thickness of masonry foundation walls shall comply with SECTION R404. Masonry walls, except masonry foundation walls, shall be laterally supported in either the horizontal or vertical direction at intervals as required by SECTION R606.8. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-81.3; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2269*)

SECTION 36. 675 IAC 14-4.2-81.7 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-81.7 Section R606.10; anchorage**  
 Authority: IC 22-13-2-2; IC 22-13-2-13  
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 81.7. Add an exception to SECTION R606.10 to read as follows: EXCEPTION: Masonry foundation walls in Seismic Design Category C<sub>1</sub> are exempt from the requirements of Figure R606.10(3) and shall comply with the requirements of SECTION R404. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-81.7; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2269*)

SECTION 37. 675 IAC 14-4.2-82 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-82 Section R606.11; seismic requirements**  
 Authority: IC 22-13-2-2; IC 22-13-2-13  
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 82. Make the following changes to SECTION R606.11:

1. Add, at the end of the first sentence, of SECTION R606.11 "C<sub>1</sub>" between "C" and "D<sub>1</sub>".
2. Add an exception to read as follows: EXCEPTION: Masonry foundation walls in Seismic Design Category C and C<sub>1</sub> are exempt from the requirements of Figure R606.10(3) and shall comply with SECTION R404. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-82; filed May 23, 2001, 4:02 p.m.: 24 IR 3050; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2269*)

SECTION 38. 675 IAC 14-4.2-83 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-83 Section R606.11.2; seismic design Category C**

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

Sec. 83. (a) Change the title and text of SECTION R606.11.2 to read as follows: Seismic Design Category C and C<sub>1</sub>. Structures located in Seismic Design Category C and C<sub>1</sub> shall comply with the requirements of this section.

(b) Add an exception to read as follows: EXCEPTION: Masonry foundation walls in Seismic Design Category C and C<sub>1</sub> are exempt from the requirements of Figure R606.10(3) and shall comply with SECTION R404. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-83; filed May 23, 2001, 4:02 p.m.: 24 IR 3050; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2269*)

SECTION 39. 675 IAC 14-4.2-89.2 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-89.2 Table R703.4; weather-resistant siding attachment and minimum thickness**

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

Sec. 89.2. Change TABLE R703.4 as follows:

1. In the column titled "Sheathing paper required", change "NO" to "YES" at all three (3) places for Horizontal Aluminum; change the "No" to "Yes" for Vinyl Siding and change (13) to (m) for Brick Veneer, Concrete Masonry veneer.
2. Change footnote m to read as follows: For masonry veneer, a weather-resistant sheathing paper is not required over water-repellent sheathing materials applied according to manufacturer's instructions and a three-fourths (¾) inch (nineteen (19) millimeter) air space is provided. When the three-fourths (¾) inch (nineteen (19) millimeter) space is filled with mortar, a weather-resistant sheathing paper is required over the sheathing.
3. In the column titled "Sheathing paper required", add a footnote designation "s" at all three (3) places for Horizontal Aluminum and for Vinyl Siding.
4. Add a new footnote "s" to read as follows: For horizontal aluminum and vinyl siding, a weather-resistant sheathing paper is not required over water-repellent sheathing materials applied according to the manufacturer's instruction.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-89.2; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2269*)

SECTION 40. 675 IAC 14-4.2-89.6 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-89.6 Section R703.7.4.3; mortar or grout filled**

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

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

Sec. 89.6. Amend Figure R703.7 by modifying the flashing detail to show the horizontal flashing between the veneer and the top of the top course of the foundation wall and delete the horizontal flashing between the sill plate and the top course of the foundation wall. **SECTION R703.7.4.3** by deleting “1 inch (25.4 mm)” and inserting “three-fourths ( $\frac{3}{4}$ ) inch (nineteen (19) millimeters)”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-89.6; filed May 23, 2001, 4:02 p.m.: 24 IR 3051; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2269*)

**SECTION 41.** 675 IAC 14-4.2-89.8 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-89.8 Section R703.7.6; weepholes**

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

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

Sec. 89.8. Add an exception to the end **Delete the title and text** of SECTION R703.7.6 to read as follows: **EXCEPTION:** Where type S mortar is used throughout the masonry veneer construction, Figure R703.7A may be used. and substitute as follows: **R703.7.6 Drained cavity.** The three-fourths ( $\frac{3}{4}$ ) inch (nineteen (19) millimeters) air cavity shall be drained to the exterior of the structure at intervals of not more than thirty-three (33) inches (eight hundred thirty-eight (838) millimeters) on center. Each drain shall be not less than three-sixteenths ( $\frac{3}{16}$ ) inch (four and eight-tenths (4.8) millimeters) in diameter, located immediately above the flashing. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-89.8; filed May 23, 2001, 4:02 p.m.: 24 IR 3052; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2270*)

**SECTION 42.** 675 IAC 14-4.2-89.9 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-89.9 Sections R703.7.2.1; support by a steel angle; R703.7.2.2; support by roof construction; and R703.7.4.2; air space**

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

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

Sec. 89.9. (a) Delete SECTION R703.7.2.1.

(b) Delete SECTION R703.7.2.2.

(c) Change the text of SECTION R703.7.4.2 to read as follows: The veneer shall be separated from the sheathing by an air space of not less than three-fourths ( $\frac{3}{4}$ ) inch (nineteen (19) millimeters) but not more than four and one-half ( $4\frac{1}{2}$ ) inches (one hundred fourteen (114) millimeters). The weather-resistant sheathing paper as required by SECTION R703.2 is not required over water-repellent sheathing materials installed according to manufacturer's instructions. (*Fire Prevention and Building Safety Commis-*

*sion; 675 IAC 14-4.2-89.9; filed May 23, 2001, 4:02 p.m.: 24 IR 3052; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2270*)

**SECTION 43.** 675 IAC 14-4.2-95 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-95 Section R802.10.4; alterations to trusses**

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

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 25-4; IC 25-31; IC 36-7

Sec. 95. Change the first sentence of SECTION R802.10.4 to read as follows: Truss members shall not be cut, notched, drilled, spliced, or otherwise altered in any way ~~unless~~ **without the acceptance of an architect registered under IC 25-4 or a professional engineer registered under IC 25-31, the manufacturer of the truss members, or approved by the building official.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-95; filed May 23, 2001, 4:02 p.m.: 24 IR 3052; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2270*)

**SECTION 44.** 675 IAC 14-4.2-96.2 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-96.2 TABLE R802.11**

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

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

**Sec. 96.2.** In footnote (d), delete “Figure R301.2(4)” and substitute “TABLE R301.2(1)”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-96.2; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2270*)

**SECTION 45.** 675 IAC 14-4.2-97.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-97.5 Section R806.1; ventilation required**

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

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

**Sec. 97.5.** Add an exception to Section R806.1 to read as follows: **EXCEPTION:** Mechanical ventilation is permitted provided the following conditions are met:

1. The installation complies with manufacturers' instructions.
2. A humidistat is included with the installation.
3. An ammeter or equivalent device is installed in a readily visible location.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-97.5; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2270*)

**SECTION 46.** 675 IAC 14-4.2-97.9 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-97.9 Section R808.1; combustible insulation**

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

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

**Sec. 97.9.** In SECTION R808.1, delete “Section N1101.3” and substitute “Chapter 11 of this code”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-97.9; filed*

Feb 23, 2004, 8:34 a.m.: 27 IR 2270)

SECTION 47. 675 IAC 14-4.2-107 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-107 Chapter 11; energy efficiency**

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

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

Sec. 107. Delete the text of Chapter 11 in its entirety and substitute the following: See the Indiana Energy Conservation Code, 675 IAC 14-4.2-107. **SECTION N1101; GENERAL**

**N1101.1 Scope.** This chapter sets forth energy-efficiency requirements for the design and construction of buildings regulated by this code.

**EXCEPTION:** Provided that they are separated by building envelope assemblies from the remainder of the building, portions of the building that do not enclose conditioned space shall be from the building envelope provisions but shall comply with the provisions for building mechanical and service water systems.

**N1101.2 Compliance.** Compliance with this chapter shall be demonstrated by meeting the requirements of the applicable sections and tables of SECTIONS N1101, N1102, N1104, and N1105 of this chapter. Compliance with SECTION N1103 or N1106 is an alternative to compliance with SECTION N1102. Where applicable, provisions are based on the climate zone where the building is located as set forth in FIGURE 11-1 below.



FIGURE 11-1

**N1101.2.1 Eligible buildings.** Compliance for detached one (1) and two (2) family dwellings and for townhouses shall be demonstrated by meeting the requirements of subsection N1101.2.

**N1101.3 Materials and equipment.** Materials and equipment shall be identified as complying with the provisions of this chapter. Materials and equipment shall be listed and labeled for their intended use and shall be installed in accordance with the manufacturer's installation instructions.

**N1101.3.1 Insulation.** The thermal resistance (R-value) shall be indicated on all insulation and the insulation installed such that the R-value can be verified during inspection, or evidence of compliance of the installed R-value shall be provided at the job site by the insulation installer.

**N1101.3.2 Fenestration.** The U-factor of fenestration shall be determined in accordance with NFRC 100 by an accredited, independent laboratory and labeled and certified by the manufacturer. The solar heat gain coefficient (SHGC) of fenestration shall be determined in accordance with NFRC 200 by an accredited, independent laboratory and labeled and certified by the manufacturer.

**N1101.3.2.1 Default fenestration performance.** When a manufacturer has not determined a fenestration product's U-factor in accordance with NFRC 100, compliance shall be determined by assigning such products a default U-factor from TABLES 11-1 and 11-2. When a manufacturer has not determined a fenestration product's SHGC in accordance with NFRC 200, compliance shall be determined by assigning such products a default SHGC from TABLE 11-3.

TABLE 11-1

U-FACTOR DEFAULT TABLE FOR WINDOWS, GLAZED DOORS, AND SKYLIGHTS

FRAME MATERIAL AND PRODUCT TYPE <sup>a</sup>	SINGLE GLAZED	DOUBLE GLAZED
<b>Metal without thermal break</b>		
Operable (including sliding and swinging glass doors)	1.27	0.87
Fixed	1.13	0.69
Garden window	2.60	1.81
Curtain wall	1.22	0.79
Skylight	1.98	1.31
Site-assembled sloped/overhead glazing	1.36	0.82
<b>Metal with thermal break</b>		
Operable (including sliding and swinging glass doors)	1.08	0.65
Fixed	1.07	0.63
Curtain wall	1.11	0.68
Skylight	1.89	1.11
Site-assembled sloped/overhead glazing	1.25	0.70

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Reinforced vinyl/metal clad wood		
Operable (including sliding and swinging glass doors)	0.90	0.57
Fixed	0.98	0.56
Skylight	1.75	1.05
Wood/vinyl/fiberglass		
Operable (including sliding and swinging glass doors)	0.89	0.55
Fixed	0.98	0.56
Garden window	2.31	1.61
Skylight	1.47	0.84

<sup>a</sup>Glass block assemblies with mortar but without reinforcing or framing shall have a U-factor of 0.60.

**TABLE 11-2**  
**U-FACTOR DEFAULT TABLE FOR NONGLAZED DOORS**

DOOR TYPE	WITH FOAM CORE	WITHOUT FOAM CORE
Steel doors (1.75 inches thick)	0.35	0.60
	WITHOUT STORM DOOR	WITH STORM DOOR
Wood doors (1.75 inches thick)		
Panel with 0.438-inch panels	0.54	0.36
Hollow core flush	0.46	0.32
Panel with 1.125-inch panels	0.39	0.28
Solid core flush	0.40	0.26

For SI: 1 inch = 25.4 mm.

**TABLE 11-3**  
**SHGC DEFAULT TABLE FOR FENESTRATION**

PRODUCT DESCRIPTION	SINGLE GLAZED				DOUBLE GLAZED			
	Clear	Bronze	Green	Gray	Clear + Clear	Bronze + Clear	Green + Clear	Gray + Clear
Metal frames								
Operable	0.75	0.64	0.62	0.61	0.66	0.55	0.53	0.52
Fixed	0.78	0.67	0.65	0.64	0.68	0.57	0.55	0.54
Nonmetal frames								
Operable	0.63	0.54	0.53	0.52	0.55	0.46	0.45	0.44
Fixed	0.75	0.64	0.62	0.61	0.66	0.54	0.53	0.52

**N1101.3.2.2 Air leakage.** The air leakage of prefabricated fenestration shall be determined by the manufacturer. Alternatively, the fenestration shall be installed in accordance with the maximum allowable rates in TABLE 11-4.

**EXCEPTION:** Site-constructed windows and doors sealed in accordance with SECTION N1101.3.2.2.1.

**TABLE 11-4**  
**ALLOWABLE AIR FILTRATION RATES<sup>a</sup>**

WINDOWS (cfm per square foot of window area)	DOORS (cfm per square foot of door area)	
	Sliders	Swinging
0.3 <sup>b, c</sup>	0.3	0.5

For SI: 1 cfm/ft<sup>2</sup> = 0.00508 m<sup>3</sup>/ (s·m<sup>2</sup>).

<sup>a</sup>When tested in accordance with ASTM E283.

<sup>b</sup>See AAMA/WDMA 101/I.S. 2.

<sup>c</sup>See ASTM D4099.

**N1101.3.2.2.1 Caulking and sealants.** Exterior joints, seams, or penetrations in the building envelope that are sources of

air leakage shall be sealed with caulking materials, closed with gasketing systems, taped, or covered with moisture vapor-permeable house-wrap. Sealing materials spanning joints between dissimilar construction materials shall allow for differential expansion and contraction of the construction materials. This includes sealing around tubs and showers, at the attic and crawlspace panels, at recessed lights, and around all plumbing and electrical penetrations. These are openings located in the building envelope between conditioned space and unconditioned space or between the conditioned space and the outside.

### SECTION N1102 COMPLIANCE BY PRESCRIPTIVE SPECIFICATIONS ON INDIVIDUAL COMPONENTS

**N1102.1 Thermal performance criteria.** The minimum required insulation R-value or maximum required U-factor for each element in the building thermal envelope (fenestration, roof/ceiling, opaque wall, floor, slab edge, crawlspace wall, and basement wall) shall be in accordance with criteria in TABLE 11-5.

**TABLE 11-5**  
**INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENTS<sup>a</sup>**  
**78% AFUE or 6.8 HSPF and 10 SEER**

REGION See Figure 11-1	GLAZING U-VALUE	SKYLIGHT U-VALUE <sup>b</sup>	CEILING R-VALUE	WALL R-VALUE <sup>cc</sup>	FLOOR R-VALUE <sup>d</sup>	BASEMENT WALL R-VALUE	SLAB PERIMETER R-VALUE/DEPTH	CRAWLSPACE WALL R-VALUE <sup>f</sup>
North	.35	0.60	30	15 plus 1	25	13 / 7 ft.	10 / 4 ft.	7 / 3.2 ft.
Central	.45	0.60	30	13 plus 1	25	10 / 7 ft.	10 / 4 ft.	10 / 2.7 ft.
South	.45	0.60	30	13 plus 1	19	7 / 7 ft.	7 / 3 ft.	7 / 2.7 ft.
Ohio River	.45	0.60	30	13	19	7 / 4 ft.	3.5 / 2 ft.	80% AFUE 3 / 2.2 ft.

<sup>a</sup>R-values are minimums. U-factors and SHGC are maximums. R-19 insulation shall be permitted to be compressed except as noted. The glazing U-factors are for windows only. The default U-factors for doors are in TABLES 11-1 and 11-2. The maximum door U-values to be allowed with this table are as follows: main exit, 0.54; other exit doors, 0.34; sliding glass doors, French doors, and atrium doors, 0.55.

<sup>b</sup>Skylights are glazed fenestration less than 60 degrees from horizontal.

<sup>c</sup>Cavity insulation plus sheathing (wood frame walls only). Steel frame walls require the installation of an exterior insulated sheathing in accordance with SECTION N1102.1.12.

<sup>d</sup>Or insulation sufficient to fill the cavity, R-19 minimum.

<sup>e</sup>Box or rim joist cavity spaces must be insulated R-22 minimum, entire exterior perimeter.

<sup>f</sup>The insulation shall be installed from the top of the slab to the required depth, horizontally or vertically, or a combination of both, until the required depth is achieved.

**N1102.1.1 Exterior walls.** The minimum required R-value in TABLES 11-5 shall be met by the sum of the R-values of the insulation materials installed in framing cavities and/or sheathing applied and not by framing, drywall, or exterior siding materials. Insulation separated from the conditioned space by a vented space shall not be counted towards the required R-value.

**N1102.1.1.1 Mass walls.** For purposes of this section, the following definitions apply: Mass walls with exterior insulation position are those that have the entire effective mass layer interior to an insulation layer. Mass walls with integral insulation position are those that have either insulation and mass materials well mixed as in wood (logs) or substantially equal amounts of mass material on the interior and exterior of insulation as in concrete masonry units with insulated cores or masonry cavity walls. Mass walls with interior insulation position are those that have the mass material located exterior to the insulating material.

Mass walls shall be permitted to meet the mass wall criteria in TABLE 11-6 based on the insulation position and the climate zone where the building is located. Other mass walls shall meet the frame wall criteria for the building type and the climate zone where the building is located based on the sum of interior and exterior insulation.

Mass walls not meeting either of the above descriptions for exterior or integral positions shall meet the requirements for other mass walls in TABLE 11-6. The R-value for a solid

concrete wall with a thickness of four (4) inches (one hundred two (102) millimeters) or greater is R-1.1. R-values for other assemblies are permitted to be based on hot box tests.

**TABLE 11-6**  
**MASS WALL PRESCRIPTIVE BUILDING ENVELOPE REQUIREMENTS**

Building Location		Mass Wall Assembly R-Value (hr ft <sup>2</sup> °F)/Btu	
Zone	HDD	Exterior or Integral Insu- lation	Other Mass Walls
Northern	6,300	R-13	R-15.2
Central	5,700	R-13	R-15.2
South	5,000	R-8	R-15.2
Ohio River	4,300	R-8	R-15.2

For SI: 1(hr ft<sup>2</sup>°F)/Btu = 0.176 m<sup>2</sup> K/W

**N1102.1.1.2. Steel-frame walls.** When steel framing construction is used, insulated sheathing with an R-5 value shall be installed in addition to the minimum required R-value for frame walls determined in accordance with TABLE 11-5.

**N1102.1.2 Ceilings.** The required "Ceiling R-value" in TABLE 11-5 assumes standard truss or rafter construction and shall apply to all roof/ceiling portions of the building thermal envelope including cathedral ceilings. R-30 shall be permitted to be compressed over the top plate to obtain the required rafter air spaces. R-30 shall be permitted to be used over the top plate where R-38 is required. R-38 shall

be permitted over the top plate where R-49 is required.

**N1102.1.3 Opaque doors.** Opaque doors separating conditioned and unconditioned space shall have a maximum U-factor of thirty-five hundredths (0.35). One (1) opaque door shall be permitted to be exempt from this U-factor requirement.

**N1102.1.4 Floors.** The required R-value in TABLE 11-5 shall apply to all floors, except any individual floor assembly with over twenty-five percent (25%) of its conditioned floor area exposed directly to outside air shall meet the R-value requirement in TABLE 11-5 for ceilings.

**N1102.1.5 Basement walls.** When insulating basement walls, the required R-values shall be applied from the top of the basement wall to the depth required by TABLE 11-5.

**N1102.1.6 Slab-on-grade floors.** For slabs with a top edge eight (8) inches (two hundred three (203) millimeters) or less above or twelve (12) inches (three hundred five (305) millimeters) or less below finished grade, the required R-value in TABLE 11-5 shall be applied to the outside of the foundation or the inside of the foundation wall. The insulation shall extend downward from the top of the slab, or downward to the bottom of the slab and then horizontally in either direction, for the minimum distance listed in TABLE 11-5.

When installed between the exterior wall and the edge of the interior slab, the top edge of the insulation shall be permitted to be cut at a forty-five (45) degree (seventy-nine hundredths (0.79) radians) angle away from the exterior wall. Insulation extending horizontally away from the building shall be protected as set forth by SECTION R403.3.1.

R-2 shall be added to the values in TABLE 11-5 where uninsulated hot water pipes, air distribution ducts, or electric heating cables are installed within or under the slab.

**N1102.1.7 Crawlspace walls.** Where the floor above the crawlspace is uninsulated, and the crawlspace is not vented

to outside air, insulation shall be installed on crawlspace walls as required in TABLE 11-5. The insulation shall be applied inside of the crawlspace wall, downward from the sill plate to the distance required by TABLE 11-5. The exposed earth in all crawlspace foundations shall be covered with a continuous six (6) mil vapor retarder having a maximum permeance rating of one (1.0) perm ( $5.74525 \times 10^{-11} \text{ kg}/(\text{Pa}\cdot\text{s}\cdot\text{m}^2)$ ).

**N1102.1.8 Masonry veneer.** For exterior foundation insulation, that horizontal portion of the foundation that supports a masonry veneer shall not be required to be insulated.

**N1102.1.9 Protection.** Exposed insulating materials applied to the exterior of foundation walls shall be protected from damage or deterioration. The protection shall extend at least six (6) inches (one hundred fifty-two (152) millimeters) below finished grade level.

**N1102.2 Fenestration exemption.** Up to one percent (1%) of the total glazing area shall be exempt from U-factor requirements.

## SECTION N1103 COMPLIANCE BY TOTAL BUILDING ENVELOPE PERFORMANCE

**N1103.1** Compliance with this section is an alternative to compliance with SECTION N1102.

**N1103.2** Compliance by total building envelope performance. The building envelope design of a proposed building shall be permitted to deviate from the  $U_o$ -factors, U-factors, or R-values specified in TABLE 11-7, provided the total thermal transmission heat gain or loss for the proposed building envelope does not exceed the total heat gain or loss resulting from the proposed building's conformance to the values specified in TABLE 11-7. For basement and crawlspace walls that are part of the building envelope, the U-factor of the proposed foundation shall be adjusted by the R-value of the adjacent soil where the corresponding U-factor in TABLE 11-7 is similarly adjusted. Heat gain or loss calculations for slab edge and basement or crawlspace wall foundations shall be determined using approved methods.

TABLE 11-7 <sup>a,b,c</sup>  
EQUIVALENT U-FACTORS

REGION	GLAZING	SKY-LIGHT	CEILING	WALL	MASS WALL	FLOOR	BASEMENT	SLAB PERIMETER	CRAWL-SPACE
North	0.45	0.60	0.035	0.064	0.077	0.037	0.055 80%	0.684 80% + 0.35 glazing	0.076 80%
Central	0.45	0.60	0.035	0.074	0.077	0.042	0.064	0.684	0.100
South	0.45	0.60	0.035	0.074	0.125	0.045	0.078	0.727	0.109
Ohio River	0.45	0.60	0.035	0.077	0.125	0.047	0.093	0.825	0.196

<sup>a</sup>Nonfenestration U-factors shall be obtained from this table, measurement, calculation, or an approved source.

<sup>b</sup>For 78% AFUE furnaces or 6.8 HSPF and 10 SEER except where otherwise noted.

<sup>c</sup>The maximum door U-values to be allowed with this table are as follows: main exit, 0.54; other exit doors, 0.34; sliding glass doors, French doors, and atrium doors, 0.55.

## SECTION N1104 MECHANICAL SYSTEMS

**N1104.1 Heating and air conditioning appliance and equipment performance.** Performance of equipment listed in TABLE 11-8 is covered by preemptive federal law. Appliances and equipment not listed in TABLE 11-8 shall be approved. Data furnished by the equipment supplier, or certified under a nationally recognized certification procedure, shall be used to satisfy these requirements. All such equipment shall be installed in accordance with the manufacturer's instructions.

TABLE 11-8  
MINIMUM EQUIPMENT PERFORMANCE

EQUIPMENT CATEGORY	SUBCATEGORY <sup>c</sup>	REFERENCED STANDARD	MINIMUM PERFORMANCE
Air-cooled heat pumps heating mode < 65,000 Btu/h cooling capacity	Split systems		6.8 HSPF <sup>a, b</sup>
		ARI 210/240	
	Single package		6.6 HSPF <sup>a, b</sup>
Gas-fired or oil-fired furnace < 225,000 Btu/h		DOE 10 CFR Part 430, Subpart B, APPENDIX N	AFUE 78% <sup>b</sup> Et 80% <sup>c</sup>
Gas-fired or oil-fired steam and hot water boilers < 300,000 Btu/h		DOE 10 CFR Part 430, Subpart B, APPENDIX N	AFUE 78% <sup>b, d</sup>
Air-cooled air conditioners and heat pumps cooling mode < 65,000 Btu/h cooling capacity	Split systems		10.0 SEER <sup>b</sup>
		ARI 210/240	
	Single package		9.7 SEER <sup>b</sup>

For SI: 1 Btu/h = 0.2931 W.

<sup>a</sup>For multicapacity equipment, the minimum performance shall apply to each capacity step provided. Multicapacity refers to manufacturer-published ratings for more than one (1) capacity mode allowed by the product's controls.

<sup>b</sup>This is used to be consistent with the National Appliance Energy Conservation Act (NAECA) of 1987 (Public Law 100-12).

<sup>c</sup>These requirements apply to combination units not covered by NAECA (three-phase power or cooling capacity sixty-five thousand (65,000) Btu/h).

<sup>d</sup>Except for gas-fired steam boilers, for which the minimum AFUE shall be seventy-five percent (75%).

<sup>e</sup>Seasonal rating.

**N1104.2 Controls.** At least one (1) thermostat shall be provided for each separate heating, cooling, or combination heating and cooling system. Heat pumps shall have controls that prevent supplementary electric resistance heater operation when the heating load can be met by the heat pump alone. Supplementary heater operation shall be permitted during outdoor coil defrost cycles not exceeding fifteen (15) minutes.

**N1104.3 Duct insulation.** All portions of the air distribution system that serve the permanent heating, ventilating, and air conditioning systems shall be installed in accordance with SECTION M1601 and be insulated to an installed R-4.2 when system components are located within the building but outside of conditioned space and R-8 when located outside of the building. When located within a building envelope assembly, at least R-8 shall be applied between the duct and that portion of the assembly furthest from conditioned space.

**EXCEPTION:** Exhaust air ducts and portions of the air distribution system within appliances or equipment.

**N1104.4 Duct sealing.** All ducts shall be sealed in accordance with SECTION M1601.3.1.

**N1104.5 Piping insulation.** All mechanical system piping that serves the permanent heating, ventilating, and air conditioning systems shall be insulated in accordance with TABLE 11-9.

**EXCEPTION:** Piping installed within appliances and equipment or piping serving fluids between 55°F (13°C) and 120°F (49°C).

TABLE 11-9  
MINIMUM HVAC PIPING  
INSULATION THICKNESSES<sup>a</sup>

	FLUID TEMPERATURE RANGE (°F)	INSULATION THICKNESS (inches) <sup>b</sup>
<b>HEATING SYSTEMS</b>		
Low pressure/temperature	201–250	1.5
Low temperature	120–200	1.0
Steam condensate (for feed water)	Any	1.5

**COOLING SYSTEMS**

Chilled water, refrigerant, or brine	40–55	0.75
	Below 40	1.25

For SI: 1 inch = 25.4 mm, °C = (°F - 32) / 1.8.

<sup>a</sup>The pipe insulation thicknesses specified in this table are based on insulation R-values ranging from R-4 to R-4.6 per inch of thickness. For materials with an R-value greater than R-4.6, the insulation thickness specified in this table may be reduced as follows:

$$\text{New Minimum Thickness} = \frac{4.6 \times \text{Table Thickness}}{\text{Actual R-value}}$$

For materials with an R-value less than R-4, the minimum insulation thickness shall be increased as follows:

$$\text{New Minimum Thickness} = \frac{4.0 \times \text{Table Thickness}}{\text{Actual R-value}}$$

<sup>b</sup>For piping exposed to outdoor air, increase thickness by 0.5 inch.

**SECTION N1105 SERVICE WATER HEATING**

**N1105.1** Water heating appliance and equipment performance. Performance of equipment listed in TABLE 11-10 is covered by preemptive federal law. Appliances and equipment not listed in TABLE 11-10 shall be approved.

**TABLE 11-10**

**REQUIRED PERFORMANCE OF DOMESTIC HOT WATER HEATING EQUIPMENT SUBJECT TO MINIMUM FEDERAL STANDARDS**

CATEGORY	MAXIMUM INPUT RATING	MINIMUM EFFICIENCY
Electric; storage or instantaneous	12 kW	$0.93 - 0.00132 \times V^a$
Gas; storage	75,000 Btu/h	$0.62 - 0.0019 \times V^a$
Gas; instantaneous	200,000 Btu/h	$0.62 - 0.0019 \times V^a$
Oil; storage	105,000 Btu/h	$0.59 - 0.0019 \times V^a$
Oil; instantaneous	210,000 Btu/h	$0.59 - 0.0019 \times V^a$

For SI: 1Btu/h = 0.2931 W, 1 gallon = 3.785 L.

<sup>a</sup>V is the rated storage volume in gallons as specified by the manufacturer.

**N1106 ALTERNATE DESIGN**

**N1106.1** Chapter 4, Residential Building Design by Systems Analysis and Design of Buildings Utilizing Renewable Energy Sources, of the International Energy Conservation Code 2000, except as amended in subsection N1106.2, is an alternative to compliance with SECTIONS N1102 AND N1103.

**N1106.2 (a)** Change subsection 402.1 to read as follows: Compliance with this chapter will require an analysis of the annual energy usage, completed during the building design phase, and hereinafter called the “annual energy analysis”.

(b) Delete the exception from subsection 402.1 without substitution.

(c) Delete “Chapter 5” from subsection 402.1.1 and substitute “TABLE 11-5, TABLE 11-7, or TABLE 11-11” Delete all exceptions in subsection 402.1.1.

(d) Delete TABLES 402.1.1(1) and 402.1.1(2) including their footnotes.

(e) In subsection 402.1.3.1.4, delete “Table 102.5.2(3)” and substitute “TABLE 11-3”.

(f) In subsection 402.1.3.6, delete “Type A-1 Residential building” and substitute “1 or 2 family dwelling” and delete “Type A-2 Residential building” and substitute “townhouse”.

(g) Add the following to the last sentence of subsection 402.1.3.10: “See subsection R303.1 for ventilation requirements for 1 and 2 family dwellings or townhouses.”.

(h) In subsection 402.1.3.11, delete “Table 502.2” and substitute “TABLE 11-5”.

(i) In subsection 402.4.1, delete “as required in Chapter 3” and substitute “as follows:” and the following table:

**TABLE 11-11**

**THERMAL DESIGN PARAMETERS EXTERNAL DESIGN CONDITIONS**

	Northern	Central	South	Ohio River
WINTER Design Dry-Bulb °F	1°	2°	9°	9°
SUMMER Design Wet-Bulb °F	73°	74°	75°	75°
SUMMER Design Dry-Bulb °F	89°	90°	93°	93°
DEGREE DAYS HEATING	6,300	5,700	5,000	4,300

(j) In subsection 402.5, delete “Chapter 4” and substitute “this chapter”.

(k) In subsection 403.1.1.1, delete “Section 502.1.4.1” and substitute “TABLE 11-4”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-107; filed May 23, 2001, 4:02 p.m.: 24 IR 3054; errata filed Jun 12, 2001, 2:18 p.m.: 24 IR 3070; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2271*)



SECTION 48. 675 IAC 14-4.2-112.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-112.5 Section M1411.3.1; auxiliary and secondary drain systems**

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

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

Sec. 112.5. In the first sentence of SECTION R1411.3.1, delete “damage to any building components will occur as a result of overflow from the equipment drain pan or stoppage in the condensate drain piping” and substitute “installed above the finished ceiling”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-112.5; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2277*)

SECTION 49. 675 IAC 14-4.2-117 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-117 Section M2005.5; anchorage of water heaters in seismic design Category C<sub>1</sub>**

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

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

Sec. 117. Add SECTION M2005.5 to the end of SECTION M2005 to read as follows: M2005.5 Anchorage of Water Heaters in Seismic Design Category C<sub>1</sub>. In Seismic Design Category C<sub>1</sub>, all gas water heaters shall be anchored or fastened to resist horizontal displacement due to earthquake motion as provided in SECTION M1307.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-117; filed May 23, 2001, 4:02 p.m.: 24 IR 3055; errata filed Jun 12, 2001, 2:18 p.m.: 24 IR 3070; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2277*)

SECTION 50. 675 IAC 14-4.2-171.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-171.5 Section P2801.5; required pan**

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

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

Sec. 171.5. In SECTION P2801.5, delete “in locations where leakage of the tanks or connections will cause damage” and substitute “above a finished ceiling”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-171.5; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2277*)

SECTION 51. 675 IAC 14-4.2-174.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-174.5 Section P2903.5; water hammer**

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

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

Sec. 174.5. Change SECTION P2903.5 to read as follows: **Water Hammer.** The flow velocity through the water distribution system shall be controlled to reduce the

possibility of water hammer. Water hammer arrestors, when installed, shall be installed in accordance with manufacturer’s installation instructions and shall conform to ASSE/ANSI 1010. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-174.5; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2277*)

SECTION 52. 675 IAC 14-4.2-177.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-177.5 Section P3103.1; roof extension**

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

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

Sec. 177.5. Change SECTION P3103.1 to read as follows: All open pipes which extend through a roof shall be terminated at least twelve (12) inches (three hundred five (305) millimeters) above the highest point where the vent passes through the roof except that where a roof is to be used for any purpose other than weather protection, the vent extension shall terminate no less than seven (7) feet (two thousand one hundred thirty-four (2,134) millimeters) above the roof. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-177.5; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2277*)

SECTION 53. 675 IAC 14-4.2-189 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-189 Section E3509.7; metal gas piping bonding**

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

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

Sec. 189. Delete from Before the period at the end of SECTION E3509.7, “and bonded to the grounding electrode system”: add: “at an accessible point in accordance with SECTION E3509.8”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-189; filed May 23, 2001, 4:02 p.m.: 24 IR 3063; errata filed Jun 12, 2001, 2:18 p.m.: 24 IR 3070; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2277*)

SECTION 54. 675 IAC 14-4.2-189.2 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-189.2 Section E3509.8; bonding other metal piping**

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

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

Sec. 189.2. Change the third sentence of SECTION E3509.8 to read as follows: “A piping system shall be considered as bonded where connected to the equipment grounding conductor for the circuit capable of energizing such piping if connected using a fixed wiring method.”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-189.2; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2277*)

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SECTION 55. 675 IAC 14-4.2-191.4 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-191.4 Section E3801.11; HVAC outlet; Section E3802; ground-fault and arc-fault circuit-interrupter protection**

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

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

Sec. 191.4. (a) In the first sentence of SECTION E3801.11, delete “located in attics and crawl spaces” without substitution.

(b) Add SECTION E3802.7.1 after SECTION E3802.7 to read: Boathouses. All 125-volt, single-phase, ~~15-~~ **15-ampere** or 20-ampere receptacles installed in boathouses shall have ground-fault circuit-interrupter protection for personnel. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-191.4; filed Aug 14, 2002, 4:20 p.m.: 26 IR 13; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2278*)

SECTION 56. 675 IAC 17-1.6-16 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 17-1.6-16 Section 250.104; bonding of piping and exposed structural steel**

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

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

Sec. 16. In (a) Amend the first ~~third~~ sentence of SECTION 250.104(B) delete “including gas piping,” and insert “other than gas piping,” to read: **The equipment grounding conductor for the circuit that may energize the piping shall be permitted to serve as the bonding means if connected using a fixed wiring method.**

(b) At the end of SECTION 250.104(B), add a sentence to read as follows: All aboveground metal gas piping upstream from the equipment shutoff valve shall be electrically continuous. (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-16; filed Aug 14, 2002, 4:20 p.m.: 26 IR 18; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2278*)

SECTION 57. 675 IAC 19-3-4 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 19-3-4 Section 101.3; scope**

Authority: IC 22-13-2-2; IC 22-13-4-1

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 4. Change the ~~last sentence second paragraph~~ in SECTION 101.3 to read as follows: **Buildings Class 1 structures, except townhouses,** shall be designed to comply with the requirements of one (1) of the following: Chapter 4, Chapter 5, or Chapter 6. **675 IAC 19 is not applicable to Class 2 structures and townhouses. Class 2 structures and townhouses**

**shall be designed to comply with 675 IAC 14, the Indiana Residential Code.** (*Fire Prevention and Building Safety Commission; 675 IAC 19-3-4; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1126; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2278*)

SECTION 58. THE FOLLOWING ARE REPEALED: 675 IAC 14-4.2-89.7; 675 IAC 14-4.2-89.10; 675 IAC 14-4.2-89.11.

LSA Document #03-71(F)

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## TITLE 828 STATE BOARD OF DENTISTRY

LSA Document #03-73(F)

### DIGEST

Amends 828 IAC 1-1 concerning the examination for licensure to practice dentistry. Amends 828 IAC 1-2 concerning the examination for licensure to practice dental hygiene. Effective 30 days after filing with the secretary of state.

**828 IAC 1-1-3**

**828 IAC 1-2-3**

**828 IAC 1-1-6**

**828 IAC 1-2-6**

**828 IAC 1-1-7**

**828 IAC 1-2-7**

**828 IAC 1-1-12**

**828 IAC 1-2-12**

SECTION 1. 828 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

**828 IAC 1-1-3 Examinations required for licensure**

Authority: IC 25-14-1-13

Affected: IC 25-14-1-3

Sec. 3. (a) In order to obtain an Indiana license to practice dentistry, each candidate must pass a ~~three (3) part~~ **an** examination ~~which that~~ includes: ~~the following:~~

(1) All sections of the national dental board examination.

(2) A ~~clinical-practical~~ **clinical** examination. ~~which may include a written section.~~

(3) A written examination covering Indiana law relating to the practice of dentistry and dental hygiene.

(b) A passing score must be obtained on all sections of the national board dental examination before any candidate may take the ~~clinical-practical~~ **clinical** or law examinations. (*State Board of Dentistry; PT 1, Rule 3; filed Aug 10, 1973, 11:00*

a.m.: Rules and Regs. 1974, p. 49; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 192; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1726; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2239; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2278)

SECTION 2. 828 IAC 1-1-6 IS AMENDED TO READ AS FOLLOWS:

**828 IAC 1-1-6 National board examination; dental and dental hygiene law examinations**

Authority: IC 25-14-1-13  
Affected: IC 25-14-1-13

Sec. 6. (a) A passing score on a national board dental examination, as approved by the board, must be attained by the candidate before the candidate will be permitted to take the ~~clinical-practical clinical~~ portion of the examination and the written examination covering Indiana law relating to the practice of dentistry and dental hygiene.

(b) Passage of the Indiana dental and dental hygiene law examination with a score of at least seventy-five (75) is mandatory before the candidate may be licensed. Candidates failing the law examination may retake the law examination at a time, date, and place to be set by the board not sooner than thirty (30) days from the time the law examination was last taken. (*State Board of Dentistry; PT 1, Rule 6; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 50; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 192; filed Apr 12, 1984, 8:34 a.m.: 7 IR 1520; filed Nov 7, 1986, 9:00 a.m.: 10 IR 431; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1726; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2240; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2279*)

SECTION 3. 828 IAC 1-1-7 IS AMENDED TO READ AS FOLLOWS:

**828 IAC 1-1-7 Clinical examination; scope; passing score**

Authority: IC 25-14-1-13  
Affected: IC 25-14-1-3

Sec. 7. The ~~clinical-practical clinical~~ examination shall consist of the following sections (or procedures):

- (1) Oral diagnosis and treatment planning, infection control, and periodontics.
- (2) Operative dentistry.
- (3) Prosthetic dentistry.

The procedure for administering this examination will be determined by the board. Each candidate shall be required to have a score of seventy-five (75) or more in each section to pass the ~~clinical-practical clinical~~ examination. (*State Board of Dentistry; PT 1, Rule 7; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 50; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 192; filed Oct 12, 1993, 5:00 p.m.: 17 IR 400; filed Sep 11, 2000, 2:23 p.m.: 24 IR 377; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 26, 2004, 3:45*

*p.m.: 27 IR 2279*)

SECTION 4. 828 IAC 1-1-12 IS AMENDED TO READ AS FOLLOWS:

**828 IAC 1-1-12 Failure; reexamination**

Authority: IC 25-14-1-13  
Affected: IC 25-14-1-3

Sec. 12. (a) If the candidate fails in securing a passing score in only one (1) section of the ~~clinical-practical clinical~~ examination, the candidate will be required to retake that section only, provided that the candidate ~~return~~ **returns** for one (1) of the two (2) next succeeding examinations. If the candidate does not take and pass the failed section on one (1) of the next two (2) available examination dates, a new application must be filed and all sections of the ~~clinical-practical clinical~~ examination must be retaken.

(b) If the candidate fails in two (2) or more parts of the ~~clinical-practical clinical~~ examination, the candidate must take an entire new ~~clinical-practical clinical~~ examination.

(c) If the candidate fails the same section of the ~~clinical-practical clinical~~ examination three (3) times, the entire ~~clinical-practical clinical~~ examination must be retaken. (*State Board of Dentistry; PT 1, Rule 12; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 50; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 193; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1726; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2240; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2279*)

SECTION 5. 828 IAC 1-2-3 IS AMENDED TO READ AS FOLLOWS:

**828 IAC 1-2-3 Examinations required for licensure**

Authority: IC 25-13-1-5  
Affected: IC 25-13-1-4; IC 25-13-1-7

Sec. 3. (a) In order to obtain an Indiana license to practice dental hygiene, each candidate must pass a ~~three (3) part~~ **an** examination ~~which that~~ includes: ~~the following:~~

- (1) All sections of the national dental hygiene board examination.
- (2) A ~~clinical-practical clinical~~ examination. ~~which may include a written portion.~~
- (3) A written examination covering Indiana law relating to the practice of dentistry and dental hygiene.

(b) A passing score must be obtained on all sections of the national board dental hygiene examination before any candidate may take the ~~clinical-practical clinical~~ or law examinations. (*State Board of Dentistry; PT 2, Rule 3; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 52; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1727; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2244; filed*

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Feb 26, 2004, 3:45 p.m.: 27 IR 2279)

SECTION 6. 828 IAC 1-2-6 IS AMENDED TO READ AS FOLLOWS:

### 828 IAC 1-2-6 National board examination; dental and dental hygiene law examination

Authority: IC 25-13-1-5

Affected: IC 25-13-1-4; IC 25-13-1-7

Sec. 6. (a) A passing score on a national board dental hygiene examination, as approved by the board, must be attained by the candidate before the candidate will be permitted to take the ~~clinical-practical clinical~~ portion of the examination and the written examination covering Indiana law relating to the practice of dentistry and dental hygiene.

(b) Passage of the Indiana dental and dental hygiene law examination with a score of at least seventy-five (75) is mandatory before the candidate may be licensed. Candidates failing the law examination may retake the law examination at a time, date, and place to be set by the board not sooner than thirty (30) days from the time the law examination was last taken.

(c) ~~Candidates failing the written clinical practice examination only may retake the written clinical practice examination at a time, date, and place to be set by the board not sooner than thirty (30) days from the time the clinical-practical examination was last taken.~~ (State Board of Dentistry; PT 2, Rule 6; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 52; filed Apr 12, 1984, 8:34 a.m.: 7 IR 1521; filed Nov 7, 1986, 9:00 a.m.: 10 IR 431; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1727; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1014; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2244; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2280)

SECTION 7. 828 IAC 1-2-7 IS AMENDED TO READ AS FOLLOWS:

### 828 IAC 1-2-7 Clinical examination; two sections; required score

Authority: IC 25-13-1-5; IC 25-14-1-13

Affected: IC 25-13-1-7

Sec. 7. (a) The ~~clinical-practical clinical~~ examination shall consist of the following sections:

- (1) Dental prophylaxis, periodontal scaling, and root planing.
- (2) Clinical practice of dental hygiene. ~~and radiology.~~

(b) The procedures comprising the sections under subsection (a) and the administration of this examination will be determined by the board. Each candidate shall be required to have a score of seventy-five (75) or more in each section to pass the ~~clinical-practical clinical~~ examination. (State Board of Dentistry; PT 2, Rule 7; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 52; filed Nov 7, 1980, 12:45 p.m.: 3 IR 2190; filed Apr 25, 1983, 8:52 a.m.: 6 IR 1086; filed Jan 28, 1992,

5:00 p.m.: 15 IR 1014; filed Sep 11, 2000, 2:23 p.m.: 24 IR 377; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2280)

SECTION 8. 828 IAC 1-2-12 IS AMENDED TO READ AS FOLLOWS:

### 828 IAC 1-2-12 Failure; reexamination

Authority: IC 25-13-1-5; IC 25-14-1-13

Affected: IC 25-13-1-4; IC 25-13-1-7; IC 25-14-1-1; IC 25-14-1-3

Sec. 12. ~~(a)~~ If the candidate fails in securing a passing score in ~~only one (1) section of on~~ the clinical-practical clinical examination, the candidate will be required to retake that section ~~only~~; provided that the candidate ~~return~~ returns for one (1) of the two (2) next succeeding examinations. If the candidate does not take and pass the failed section on one (1) of the next two (2) available examination dates, a new application must be filed. ~~and all sections of the clinical-practical examination must be retaken.~~

~~(b) If the candidate fails in two (2) or more parts of the clinical-practical examination, the candidate must take an entire new clinical-practical examination.~~

(c) If the candidate fails the same section of the clinical-practical examination three (3) times, the entire clinical-practical examination must be retaken. (State Board of Dentistry; PT 2, Rule 12; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 53; filed Nov 7, 1980, 12:45 p.m.: 3 IR 2190; filed Apr 25, 1983, 8:52 a.m.: 6 IR 1086; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1727; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2244; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2280)

LSA Document #03-73(F)

Notice of Intent Published: 26 IR 2395

Proposed Rule Published: July 1, 2003; 26 IR 3408

Hearing Held: November 7, 2003

Approved by Attorney General: February 19, 2004

Approved by Governor: February 24, 2004

Filed with Secretary of State: February 26, 2004, 3:45 p.m.

Incorporated Documents Filed with Secretary of State: None

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## TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-38(F)

### DIGEST

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 to govern 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. *NOTE: Under IC 4-22-2-40, LSA Document #03-38, printed at 26 IR 2687, was recalled by the Alcohol and Tobacco Commission, resubmitted for publication, and reprinted at 27 IR 1288. Effective 30 days after filing with the secretary of state.*

**905 IAC 1-5.2-9**  
**905 IAC 1-5.2-9.1**  
**905 IAC 1-5.2-9.2**

SECTION 1. 905 IAC 1-5.2-9.1 IS ADDED TO READ AS FOLLOWS:

**905 IAC 1-5.2-9.1 Samples; wholesale to retail**

Authority: IC 7.1-2-3-7; IC 7.1-2-3-8; IC 7.1-2-3-22  
 Affected: IC 7.1-3-9-11; IC 7.1-3-10-13; IC 7.1-3-14-7; IC 7.1-5

Sec. 9.1. (a) A primary source of supply or wholesaler may furnish, or give a sample of, alcoholic beverages to a retailer or dealer who has not previously purchased the brand from that primary source of supply or wholesaler for a period of one (1) year. For each retail establishment, the primary source of supply or wholesaler may not give more than:

- (1) three (3) gallons of any brand of beer;
- (2) three hundred seventy-five (375) milliliters of any brand of liquor; and
- (3) three (3) liters of any brand of wine.

(b) If a particular product is not available in a size within the quantity limitations of this section, a primary source of supply or wholesaler may furnish to a retailer or dealer another single container size. (*Alcohol and Tobacco Commission; 905 IAC 1-5.2-9.1; filed Mar 4, 2004, 10:00 a.m.: 27 IR 2281*)

SECTION 2. 905 IAC 1-5.2-9.2 IS ADDED TO READ AS FOLLOWS:

**905 IAC 1-5.2-9.2 Samples; consumer product sampling**

Authority: IC 7.1-2-3-7; IC 7.1-2-3-8; IC 7.1-2-3-22  
 Affected: IC 7.1-3-9-11; IC 7.1-3-10-13; IC 7.1-3-14-7; IC 7.1-5

Sec. 9.2. A liquor dealer who is the proprietor of a package liquor store, a liquor retailer, or a wine retailer may offer a product sampling authorized under IC 7.1-3-9-11, IC 7.1-3-10-13, or IC 7.1-3-14-7, in accordance with the following:

- (1) Product that is to be used for a consumer product sampling may be provided by a primary source of supply or wholesaler to an authorized liquor dealer, liquor retailer, or wine retailer, but must be offered to all authorized liquor dealers, liquor retailers, and wine

retailers in a nondiscriminatory manner. Samples provided to the liquor dealer, liquor retailer, or wine retailer must be properly invoiced by the authorized wholesaler, and the invoice shall clearly show the product being used for consumer product sampling. A primary source of supply or wholesaler may only provide products to a liquor dealer who is the proprietor of a liquor store, a liquor retailer, or a wine retailer that are lawful for the liquor dealer, liquor retailer, or wine retailer to ordinarily sell under their scope of permit.

(2) In addition to product that is provided in accordance with subdivision (1), an authorized liquor dealer, liquor retailer, or wine retailer may purchase product to be used for consumer sampling from an authorized wholesaler.

(3) A sampling described in this subsection may only be conducted by licensed employees of the liquor dealer, liquor retailer, wine retailer, wholesaler, primary source of supply, or a company engaged by a primary source of supply or wholesaler whose primary business is to conduct sampling or tasting promotions on the permit premises and during the normal business hours of the liquor dealer, liquor retailer, or wine retailer.

(4) The following limitations apply to the number of samples a customer may sample and the size of samples provided to a customer by a liquor dealer, liquor retailer, or wine retailer:

(A) A liquor retailer or a liquor dealer who is the proprietor of a package liquor store may offer a combined total not to exceed two (2) samples of liquor, liqueurs, premixed cocktails, or cordials per customer in a day. A liqueur, premixed cocktail, or cordial sample may not exceed one-half (0.5) ounce, and a sample of liquor may not exceed four-tenths (0.4) ounce.

(B) A liquor retailer, a liquor dealer, or a wine retailer may offer wine samples not to exceed one (1) ounce.

(C) Any sample provided by a liquor dealer, liquor retailer, or wine retailer to a consumer must be provided in a nondiscriminatory manner.

(5) A liquor dealer, liquor retailer, or wine retailer may not charge a fee to a consumer for a sample.

(6) If a liquor dealer, liquor retailer, or wine retailer modifies their existing floor plan to provide for the sampling, then amended floor plans must be submitted to and approved by the Indiana state excise police.

(7) For a consumer product sampling described in this section, a primary source of supply or wholesaler may not give a liquor retailer, wine retailer, or a liquor dealer who is the proprietor of a package liquor store an aggregate amount of more than nine (9) liters of wine, of which no more than three (3) liters may be the same product, or two and twenty-five hundredths (2.25) liters of liquor, liqueurs, premixed cocktails, or cordials per sampling event.

(*Alcohol and Tobacco Commission; 905 IAC 1-5.2-9.2; filed*

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## Final Rules

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Mar 4, 2004, 10:00 a.m.: 27 IR 2281)

### SECTION 3. 905 IAC 1-5.2-9 IS REPEALED.

LSA Document #03-38(F)

Notice of Intent Published: 26 IR 1965

Proposed Rule Published: May 1, 2003; 26 IR 2687; and  
January 1, 2004; 27 IR 1288

Hearing Held: January 26, 2004

Approved by Attorney General: February 25, 2004

Approved by Governor: February 27, 2004

Filed with Secretary of State: March 4, 2004, 10:00 a.m.

Incorporated Documents Filed with Secretary of State: None

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## TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-39(F)

### DIGEST

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. Effective 30 days after filing with the secretary of state.

#### 905 IAC 1-11.1-1

#### 905 IAC 1-11.1-2

SECTION 1. 905 IAC 1-11.1-1 IS AMENDED TO READ AS FOLLOWS:

#### 905 IAC 1-11.1-1 Temporary beer and wine permits

Authority: IC 7.1-2-3-7; IC 7.1-3-6-1

Affected: IC 7.1-2-3-7; IC 7.1-3-6-1

Sec. 1. The fee for a temporary beer and wine permit is ~~twenty-five~~ **fifty** dollars (~~\$25~~) (**\$50**) per day. No rain checks shall be given on any of the above events. (*Alcohol and Tobacco Commission; 905 IAC 1-11.1-1; filed May 16, 1985, 3:51 p.m.: 8 IR 1308; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1350; filed Mar 4, 2004, 10:00 a.m.: 27 IR 2282*)

SECTION 2. 905 IAC 1-11.1-2 IS AMENDED TO READ AS FOLLOWS:

#### 905 IAC 1-11.1-2 Qualification requirements

Authority: IC 7.1-2-3-7; IC 7.1-3-6-1

Affected: IC 7.1-2-3-7; IC 7.1-3-6-1

Sec. 2. In order to qualify for a temporary permit, the following guidelines must be met:

- (1) There must be a well-defined premises, ~~i.e.~~ **that is**, a building, tent, enclosure, **or** fenced-in or designated area.
- (2) The applicant must submit a floor plan or diagram ~~(8½ x~~

~~11)~~ **(eight and one-half (8½) by eleven (11))** showing either a beer garden/barroom (for adults only) or beer garden/barroom and family area (for families to consume food). All alcoholic beverages must be dispensed from the beer garden/barroom. Minors will be allowed in the family area with a parent or guardian or to consume food, **BUT MAY NOT LOITER.**

(3) There shall be NO carry-out privileges, NO carry-in privileges, and NO spirituous beverages allowed.

(4) Each applicant must designate an individual responsible for the event, and such person must sign the application.

(5) ANY and ALL persons dispensing or selling or accepting payment for alcoholic beverages **MUST POSSESS** a valid alcoholic beverage commission employee's permit.

(6) The event must meet applicable board of health requirements, particularly with regard to restroom facilities.

(7) Legal hours for dispensing alcoholic beverages:

(Prevailing time)

Monday through Saturday 7 a.m. to 3 a.m. the following day

Sunday 12 noon to 12:30 a.m. the following day

(8) The applicant must file this application with the alcoholic beverage commission at least fifteen (15) days prior to the event. Failure to comply is grounds for denial.

(9) The temporary permit must be posted in the most conspicuous place at the location of the event. An excise officer, or commissioner for good cause, has the authority to revoke a temporary permit **at any time before or** during the event.

(*Alcohol and Tobacco Commission; 905 IAC 1-11.1-2; filed May 16, 1985, 3:51 p.m.: 8 IR 1308; readopted filed Oct 4, 2001, 3:15 p.m.: 25 IR 941; filed Mar 4, 2004, 10:00 a.m.: 27 IR 2282*)

LSA Document #03-39(F)

Notice of Intent Published: 26 IR 1965

Proposed Rule Published: May 1, 2003; 26 IR 2688

Hearing Held: January 26, 2004

Approved by Attorney General: February 25, 2004

Approved by Governor: February 27, 2004

Filed with Secretary of State: March 4, 2004, 10:00 a.m.

Incorporated Documents Filed with Secretary of State: None

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## TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-40(F)

### DIGEST

Amends 905 IAC 1-13-3 concerning service to nonmembers in clubs to conform with IC 7.1-3-20-8.6. Adds 905 IAC 1-13-6 to require the public posting of operating dates prior to operat-

ing under the provisions of IC 7.1-3-20-2.5 (Sunday sales) and IC 7.1-3-20-8.6 (guest nights), to require notification and approval of the state excise police district office prior to operating, to require adherence to the dates publicly posted, and to provide penalties for failure to post operating dates as well as for operation on dates other than those approved and posted. Effective 30 days after filing with the secretary of state.

**905 IAC 1-13-3**

**905 IAC 1-13-6**

SECTION 1. 905 IAC 1-13-3 IS AMENDED TO READ AS FOLLOWS:

**905 IAC 1-13-3 Service to nonmembers**

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-20-1

Sec. 3. (a) Club permits shall be granted for consumption of alcoholic beverages on the permit premises only. No holder of a club permit shall sell or give alcoholic beverages to any person not a member of the club and unless said person's name and address is included in the membership lists filed with the commission, as amended and revised by the last report to the commission, except said person be a new member of less than six (6) months' membership.

(b) Club permittees shall have the privilege, under this ~~regulation~~, **section**, of inviting guests on one (1) night only of each ~~quarter month~~ of the year, said night designated as guest night in the records of the club permittee **pursuant to section 6 of this rule.** (*Alcohol and Tobacco Commission; Reg 27, Sec 3; filed Mar 5, 1946, 10:30 a.m.: Rules and Regs. 1947, p. 647; filed Feb 14, 1950, 2:37 p.m.: Rules and Regs. 1950, p. 29; readopted filed Oct 4, 2001, 3:15 p.m.: 25 IR 941; filed Mar 4, 2004, 10:00 a.m.: 27 IR 2283*)

SECTION 2. 905 IAC 1-13-6 IS ADDED TO READ AS FOLLOWS:

**905 IAC 1-13-6 Requirement to publicly post operating dates**

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-20-2.5; IC 7.1-3-20-8.6

Sec. 6. No holder of a club permit may operate under the provisions of IC 7.1-3-20-2.5 (Sunday sales) or IC 7.1-3-20-8.6 (guest nights) without the notification and approval in writing of the local state excise police district office prior to operating. The notification and written approval sent to and received from the state excise police district office must be publicly posted in a conspicuous place on the premises prior to operating under this section. A holder of a club permit who:

- (1) operates under this section on a date other than that approved and posted; or
- (2) fails to post operating dates as required under this

**section;**

**may be fined in an amount not to exceed one thousand dollars (\$1,000) for each day of operation in violation of this section or have the permit at issue suspended or revoked.** (*Alcohol and Tobacco Commission; 905 IAC 1-13-6; filed Mar 4, 2004, 10:00 a.m.: 27 IR 2283*)

*LSA Document #03-40(F)*

*Notice of Intent Published: 26 IR 1965*

*Proposed Rule Published: May 1, 2003; 26 IR 2689*

*Hearing Held: January 26, 2004*

*Approved by Attorney General: February 25, 2004*

*Approved by Governor: February 27, 2004*

*Filed with Secretary of State: March 4, 2004, 10:00 a.m.*

*Incorporated Documents Filed with Secretary of State: None*

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**TITLE 52 INDIANA BOARD OF TAX REVIEW**

LSA Document #03-179(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #03-179(F), printed at 27 IR 1776.

- (1) In 52 IAC 2-3-3(e)(2), on page 5 of the original document (27 IR 1778), after “any”, delete “superceding” and insert “superseding”.
- (2) In 52 IAC 2-3-3(e)(3), on page 5 of the original document (27 IR 1778), after “by an attorney or”, delete “by”.
- (3) In 52 IAC 2-5-1(c)(6), on page 7 of the original document (27 IR 1779), after “appeal petition heard”, delete “pursuant to” and insert “under” in both instances.
- (4) In 52 IAC 2-5-2(f), on page 7 of the original document (27 IR 1779), after “filed”, delete “pursuant to” and insert “under”.
- (5) In 52 IAC 2-5-3(d), on page 8 of the original document (27 IR 1780), after “PTABOA”, delete “pursuant to” and insert “under”.
- (6) In 52 IAC 2-7-1(b)(2), on page 10 of the original document (27 IR 1781), after “another party”, delete “pursuant to” and insert “under”.
- (7) In 52 IAC 2-7-1(c), on page 10 of the original document (27 IR 1781), after “in accordance with”, insert “the”.
- (8) In 52 IAC 2-7-4(a)(3), on page 11 of the original document (27 IR 1782), after “state.”, delete “and”.
- (9) In 52 IAC 2-9-2(a)(1), on page 15 of the original document (27 IR 1785), after “name of”, insert “the”.
- (10) In 52 IAC 2-11-1, on page 17 of the original document (27 IR 1786), after “other”, delete “alternate” and insert “alternative”.
- (11) In 52 IAC 3-1-1(b), on page 18 of the original document (27 IR 1787), after “article”, delete “[sic., is]” and insert “is”.
- (12) In 52 IAC 3-1-2(a), on page 18 of the original document (27 IR 1787), after “transfer out under”, delete “52 IAC 2-5-1(b)(6) [sic.] or 52 IAC 3-1-3 [section 3 of this rule]” and insert “52 IAC 2-5-1(c)(6) or section 3 of this rule”.
- (13) In 52 IAC 3-1-2(a)(2), on page 18 of the original document (27 IR 1787), after “one”, delete “millions [sic.]” and insert “million”.
- (14) In 52 IAC 3-1-2(d), on page 18 of the original document (27 IR 1787), after “petition heard”, delete “pursuant to” and insert “under”.
- (15) In 52 IAC 3-1-3(a), on page 18 of the original document (27 IR 1787), after “be heard”, delete “pursuant to” and insert “under”.
- (16) In 52 IAC 3-1-8(c), on page 20 of the original document (27 IR 1788), after “heard”, delete “pursuant [sic.]”.

*Filed with Secretary of State: March 4, 2004, 9:45 a.m.*

*Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.*

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**TITLE 65 STATE LOTTERY COMMISSION**

LSA Document #04-49(AC)

Under IC 4-22-2-38, corrects the following typographical error in LSA Document #04-49(E), printed at 27 IR 2288:

In SECTION 8, on page 6 of the original document (27 IR 2290), delete “2004” and insert “2005”.

*Filed with Secretary of State: March 8, 2004, 4:30 p.m.*

*Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.*

*NOTE: This change was incorporated into the printed version of LSA Document #04-49(E) and may be found at 27 IR 2288, as corrected.*

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**TITLE 327 WATER POLLUTION CONTROL BOARD**

LSA Document #01-95(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #01-95(F), printed at 27 IR 830:

- (1) In 327 IAC 15-5-4(3), on page 10 of the original document (27 IR 835), delete “of environmental management”.
- (2) In 327 IAC 15-5-4(16), on page 10 of the original document (27 IR 835), delete “which” and insert “that”.
- (3) In 327 IAC 15-5-6(d)(2), on page 15 of the original document (27 IR 838), delete “, (b), and” and insert “through”.
- (4) In 327 IAC 15-5-6.5(a)(7)(G), on page 18 of the original document (27 IR 839), delete “, which” and insert “that”.
- (5) In 327 IAC 15-5-6.5(a)(8)(A), on page 18 of the original document (27 IR 839), delete “, which” and insert “that”.
- (6) In 327 IAC 15-5-6.5(b), on page 18 of the original document (27 IR 839), delete “which” and insert “that”.
- (7) In 327 IAC 15-5-7(b)(18)(B), on page 22 of the original document (27 IR 842), delete “address”.
- (8) In 327 IAC 15-5-7(b)(18)(B)(i), on page 23 of the original document (27 IR 842), before “the maintenance”, insert “address”.
- (9) In 327 IAC 15-6-2(a), on page 28 of the original document (27 IR 845), delete “, (d), (e), (f), (g), (h), (i), and” and insert “through”.
- (10) In 327 IAC 15-6-4(2), on page 34 of the original document (27 IR 848), delete “of environmental management”.
- (11) In 327 IAC 15-6-7(a)(1), on page 40 of the original document (27 IR 851), delete “which” and insert “that”.
- (12) In 327 IAC 15-6-7(b), on page 40 of the original document (27 IR 851), delete “As” and insert “At”.



- (13) In 327 IAC 15-6-7(c)(3)(C), on page 46 of the original document (27 IR 855), delete “item” and insert “clause”.
- (14) In 327 IAC 15-6-7(d)(2), on page 47 of the original document (27 IR 855), delete “shall” and insert “must” and delete “which” and insert “that”.
- (15) In 327 IAC 15-6-7.3(a)(2), on page 51 of the original document (27 IR 857), delete “which” and insert “that”.
- (16) In 327 IAC 15-6-12(b)(4), on page 56 of the original document (27 IR 861), delete “submit” and insert “submitting” and delete “allow” and insert “allowing”.
- (17) In 327 IAC 15-6-12(e)(4)(C), on page 57 of the original document (27 IR 861), delete “which” and insert “that”.

*Filed with Secretary of State: February 4, 2004, 1:45 p.m.*

*Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.*

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**Notice of Withdrawal**

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**TITLE 105 INDIANA DEPARTMENT OF  
TRANSPORTATION**

LSA Document #03-58

Under IC 4-22-2-41, LSA Document #03-58, printed at 26 IR  
3077, is withdrawn.

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**TITLE 470 DIVISION OF FAMILY AND CHILDREN**

LSA Document #03-330

Under IC 4-22-2-41, LSA Document #03-330, printed at 27  
IR 1198, is withdrawn.

**TITLE 65 STATE LOTTERY COMMISSION**

LSA Document #04-48(E)

**DIGEST**

Temporarily adds rules concerning scratch-off game number 688. Effective February 27, 2004.

**SECTION 1. The name of this instant game is “Instant Game Number 688, High Card”.**

**SECTION 2. Instant tickets in instant game number 688 shall sell for one dollar (\$1) per ticket.**

**SECTION 3. (a) Each instant ticket in instant game number 688 shall contain twelve (12) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. The play symbols and play symbol captions shall appear in a matrix of four (4) rows and three (3) columns. The rows shall be labeled “GAME 1”, “GAME 2”, “GAME 3”, and “GAME 4”, respectively. The columns shall be labeled “YOUR CARD”, “DEALER’S CARD”, and “PRIZE”, respectively.**

**(b) The play symbols and play symbol captions, other than [sic., 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 DBL

**(c) The play symbols and play symbol captions representing prize amounts in instant game number 688 shall consist of the following possible play symbols and play symbol captions:**

- (1) \$1.00  
ONE
- (2) \$2.00  
TWO
- (3) \$5.00  
FIVE
- (4) \$10.00  
TEN
- (5) \$20.00  
TWENTY
- (6) \$25.00  
TWY FIVE
- (7) \$50.00  
FIFTY
- (8) \$100  
ONE HUN
- (9) \$500  
FIV HUN
- (10) \$2,500  
TWF THOU

**SECTION 4. The holder of a ticket in instant game number 688 shall remove the latex material covering the twelve (12) play symbols and play symbol captions. If “YOUR CARD” is higher than “DEALER’S CARD” in any row, the holder is entitled to the corresponding prize amount for that row. If the play symbol of an “A” is exposed, the holder is entitled to double the corresponding prize amount. Play symbols have the value designated on the face of the playing card except that those with “K”, “Q”, and “J” shall have a value of ten (10) and those with “A” shall have a value of eleven (11). A holder may win up to four (4) times on a ticket. The play symbols, prize amounts, and number of winners in instant game number 688 are as follows:**

Number of Winning Games and Play Symbols of Prize Amounts	Total Prize Amount	Approximate Number of Winners
1 – \$1.00	\$1	639,200
1 – \$1.00 with A	\$2	54,400
1 – \$2.00	\$2	54,400
3 – \$1.00	\$3	27,200
1 – \$5.00	\$5	27,200
1 – \$5.00 with A	\$10	27,200
1 – \$10.00	\$10	13,600
3 – \$5.00	\$15	13,600
2 – \$5.00 + 1 – \$5.00 with A	\$20	6,800
2 – \$10.00	\$20	3,400
1 – \$20.00	\$20	3,400

## Emergency Rules

3 – \$5.00 + 1 – \$10.00	\$25	1,292
1 – \$25.00	\$25	1,292
2 – \$5.00 + 1 – \$10.00 with A	\$30	850
2 – \$5.00 + 2 – \$10.00	\$30	850
1 – \$25.00 with A	\$50	510
1 – \$50.00	\$50	510
1 – \$50.00 with A	\$100	986
1 – \$100	\$100	986
1 – \$500	\$500	85
1 – \$2,500	\$2,500	17

SECTION 5. (a) There shall be approximately four million (4,000,000) instant tickets initially available in instant game number 688.

(b) The odds of winning a prize in instant game number 688 are approximately 1 in 4.65.

(c) All reorders of tickets for instant game number 688 shall have the same:

- (1) prize structure;
  - (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
  - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 688 is February 28, 2005.

SECTION 7. This document expires March 31, 2005.

*LSA Document #04-48(E)*

*Filed with Secretary of State: February 26, 2004, 4:45 p.m.*

### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-49(E)

#### DIGEST

Temporarily adds rules concerning scratch-off game number 693. Effective February 27, 2004.

SECTION 1. The name of this instant game is “Instant Game Number 693, Lucky Numbers”.

SECTION 2. Instant tickets in instant game number 693 shall sell for five dollars (\$5) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 693 shall contain thirty-six (36) play symbols and play symbol captions arranged among six (6) separate and independent games each concealed under a spot of latex

material.

(b) The game on the upper left side of each instant ticket shall be labeled “GAME 1” and shall contain nine (9) play symbols and play symbol captions representing numbers arranged in a matrix of three (3) rows and three (3) columns. One (1) play symbol and play symbol caption representing a prize amount shall appear in the “PRIZE” box.

(c) The game in the upper right side of each instant ticket shall be labeled “GAME 2” and shall contain six (6) play symbols and play symbol captions arranged in a matrix of two (2) rows and three (3) columns.

(d) The game in the left middle of each instant ticket shall be labeled “GAME 3” and shall contain four (4) play symbols and play symbol captions. Three (3) play symbols and play symbol captions representing numbers shall be arranged in a row. One (1) play symbol and play symbol caption representing a prize amount shall appear in the “PRIZE” area.

(e) The game in the right middle of each instant ticket shall be labeled “GAME 4” and shall contain four (4) play symbols and play symbol captions. Three (3) play symbols and play symbol captions representing numbers shall be arranged in a row. One (1) play symbol and play symbol caption representing a prize amount shall appear in the “PRIZE” area.

(f) The game in the lower right of each instant ticket shall be labeled “GAME 5” and shall contain nine (9) play symbols and play symbol captions representing numbers arranged in a matrix of three (3) rows and three (3) columns. One (1) play symbol and play symbol caption representing a prize amount shall appear in the “PRIZE” box.

(g) The game in the lower left of each instant ticket shall be labeled “GAME 6” and shall contain two (2) play symbol and play captions.

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) \$1.00  
ONE
- (2) \$2.00  
TWO
- (3) \$3.00  
THREE
- (4) \$5.00  
FIVE
- (5) \$6.00  
SIX

## Emergency Rules

- (6) \$10.00  
TEN
- (7) \$20.00  
TWENTY
- (8) \$25.00  
TWY FIVE
- (9) \$40.00  
FORTY
- (10) \$50.00  
FIFTY
- (11) \$100  
ONE HUN
- (12) \$500  
FIVE HUN
- (13) \$4,000  
FOR THOU
- (14) \$5,000  
FIVE THOU
- (15) \$10,000  
TEN THOU
- (16) \$100,000  
HUN THOU

(b) The play symbols and play symbol captions 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  
THR
- (4) 4  
FOR
- (5) 5  
FIV
- (6) 6  
SIX
- (7) 7  
SVN
- (8) 8  
EGT
- (9) 9  
NIN
- (10) #  
WIN
- (11) 2  
DOUBLE

SECTION 5. (a) The holder of a ticket in instant game number 693 shall remove the latex material covering the thirty-six (36) play symbols and play symbol captions.

(b) If three (3) play symbols and play symbol captions representing the number one (1) are exposed in any vertical,

horizontal, or diagonal line in the "GAME 1" matrix, the holder is entitled to a prize in the amount set forth in the "PRIZE" box.

(c) If three (3) matching play symbols and play symbol captions are exposed in "GAME 2", the holder is entitled to the matched prize amount. If two (2) matching play symbols and play symbol captions and the play symbol representing the number two (2) are exposed, the holder is entitled to double the matched prize amount.

(d) If two (2) play symbols and play symbol captions representing the number three (3) are exposed in "GAME 3", the holder is entitled to a prize in the amount set forth in the "PRIZE" area. If the play symbol "#" is exposed, the holder is automatically entitled to the prize set forth in the "PRIZE" area.

(e) If two (2) play symbols and play symbol captions representing the number four (4) are exposed in "GAME 4", the holder is entitled to a prize in the amount set forth in the "PRIZE" area. If the play symbol "#" is exposed, the holder is automatically entitled to the prize set forth in the "PRIZE" area.

(f) If three (3) play symbols and play symbol captions representing the number five (5) are exposed in any vertical, horizontal, or diagonal line in the "GAME 5" matrix, the holder is entitled to a prize in the amount set forth in the "PRIZE" box.

(g) If two (2) play symbols and play symbol captions representing the number six (6) are exposed in "GAME 6", the holder is entitled to a prize in the amount set forth in the "PRIZE" area.

SECTION 6. The number of winning plays, prize amounts, and approximate number of winners in instant game number 693 are as follows:

Number of Winning Plays and Prize Amount Play Symbols	Prize Amount	Approximate Number of Winners
1 – \$2.00 + 1 – \$3.00	\$5	180,000
1 – \$5.00	\$5	180,000
2 – \$5.00	\$10	120,000
1 – \$2.00 with doubler + 1 – \$6.00	\$10	90,000
1 – \$10.00	\$10	60,000
3 – \$5.00	\$15	15,000
1 – \$5.00 with doubler + 1 – \$5.00	\$15	15,000
1 – \$20.00	\$20	15,000
1 – \$5.00 with doubler + 1 – \$6.00 + 4 – \$1.00	\$20	30,000

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## Emergency Rules

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4 – \$5.00	\$20	15,000
4 – \$10.00	\$40	7,500
2 – \$20.00	\$40	7,500
1 – \$40.00	\$40	6,250
5 – \$10.00	\$50	1,750
2 – \$25.00	\$50	1,750
4 – \$10.00 + 1 – \$6.00 + 1 – \$2.00 with doubler	\$50	1,750
1 – \$50.00	\$50	1,750
4 – \$25.00	\$100	3,000
4 – \$20.00 + 1 – \$6.00 + 1 – \$7.00 with doubler	\$100	3,000
1 – \$100	\$100	3,250
1 – \$100 with doubler + 3 – \$100	\$500	500
5 – \$100	\$500	200
1 – \$500	\$500	175
2 – \$500	\$1,000	125
1 – \$500 with doubler	\$1,000	125
1 – \$300 with doubler + 4 – \$100	\$1,000	50
1 – \$4,000	\$4,000	25
1 – \$5,000 with doubler	\$10,000	15
1 – \$10,000	\$10,000	14
1 – \$100,000	\$100,000	11

SECTION 7. (a) There shall be approximately three million (3,000,000) instant tickets initially available in instant game number 693.

(b) The odds of winning a prize in instant game number 693 are approximately 1 in 3.95.

(c) All reorders of tickets for instant game number 693 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 693 is February 28, 2005.

SECTION 9. This document expires March 31, 2005.

LSA Document #04-49(E)

Filed with Secretary of State: February 26, 2004, 4:45 p.m.

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## TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-50(E)

### DIGEST

Temporarily adds rules concerning scratch-off game number 711. Effective February 27, 2004.

SECTION 1. The name of this instant game is “Instant Game Number 711, Wild Cherry”.

SECTION 2. Instant tickets for instant game number 711 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Instant tickets for instant game number 711 shall have two (2) separate and independent game play data areas. The game play data areas labeled “GAME 1” and “GAME 2” shall each contain nine (9) play symbols representing numbers and pictures arranged in three (3) rows and three (3) columns. Each game shall contain a “PRIZE BOX” area and “WILD CHERRY PRIZE” area and be labeled with a prize.

(b) The play symbols appearing in each of the games shall consist of the following possible play symbols:

- (1) 1  
ONE
- (2) 2  
TWO
- (3) 3  
THR
- (4) 4  
FOR
- (5) 5  
FIV
- (6) 6  
SIX
- (7) 7  
SVN
- (8) 8  
EGT
- (9) 9  
NIN
- (10) A picture of a cherry  
CHY

(c) The play symbols and play symbol captions representing prize amounts in instant game number 711 shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00  
ONE
- (2) \$2.00  
TWO
- (3) \$3.00

## Emergency Rules

THREE	3 – \$1.00 + 1 – \$3.00	\$6	90,000
(4) \$4.00	1 – \$6.00	\$6	54,000
FOUR	2 – \$2.00 + 2 – \$3.00	\$10	9,000
(5) \$5.00	1 – \$4.00 + 1 – \$6.00	\$10	9,000
FIVE	1 – \$10.00	\$10	9,000
(6) \$6.00	1 – \$2.00 + 1 – \$3.00 + 1 – \$10.00	\$15	18,000
SIX	1 – \$15.00	\$15	9,000
(7) \$10.00	3 – \$5.00 + 1 – \$10.00	\$25	9,000
TEN	1 – \$5.00 + 1 – \$20.00	\$25	9,000
(8) \$15.00	1 – \$10.00 + 1 – \$15.00	\$25	4,500
FIFTEEN	1 – \$25.00	\$25	4,500
(9) \$20.00	1 – \$15.00 + 1 – \$20.00	\$35	3,000
TWENTY	1 – \$35.00	\$35	3,000
(10) \$25.00	1 – 10.00 + \$15.00 + 1 – \$25.00	\$50	1,620
TWY FIVE	1 – \$20.00 + 1 – \$30.00	\$50	1,620
(11) \$30.00	1 – \$50.00	\$50	1,590
THIRTY	4 – \$25.00	\$100	300
(12) \$35.00	1 – \$100	\$100	300
THY FIVE	2 – \$25.00 + 1 – \$50.00 + 1 – \$100	\$200	150
(13) \$50.00	2 – \$100	\$200	150
FIFTY	1 – \$200	\$200	60
(14) \$100	1 – \$100 + 2 – \$200	\$500	10
ONE HUN	3 – \$100 + 1 – \$200	\$500	10
(15) \$200	1 – \$1,000	\$1,000	8
TWO HUN	1 – \$20,000	\$20,000	5
(16) \$1,000			
ONE THOU			
(17) \$20,000			
TWY THOU			

SECTION 4. The holder of a valid instant ticket in instant game number 711 shall remove the latex material covering the twenty-two (22) play symbols and play symbol captions in “GAME 1” and “GAME 2” of the game play data area. If the holder exposes three (3) play symbols and play symbol captions associated with the number seven (7) in a row, column, or diagonally, the holder is entitled to the prize exposed in both the “PRIZE BOX” area. If the holder exposes three (3) play symbols and play symbol captions representing “CHERRIES” in a row, column, or diagonally, the holder is entitled to the prize listed in the “WILD CHERRY PRIZE” area and the “PRIZE BOX” area. Players can win up to four (4) times on an instant ticket in instant game number 711. The number of winning plays, total prize amounts, and approximate number of winners in instant game number 711 are as follows:

Number of Rows with Matching Play Symbols and Row Prize Amounts	Total Prize Amount	Approximate Number of Winners
2 – \$1.00	\$2	216,000
1 – \$2.00	\$2	144,000
2 – \$1.00 + 1 – \$2.00	\$4	144,000
1 – \$4.00	\$4	108,000

SECTION 5. (a) A total of approximately three million six hundred thousand (3,600,000) instant tickets will be initially available for instant game number 711.

(b) The odds of winning a prize with an instant ticket in instant game number 711 are approximately 1 in 4.24.

(c) All reorders of tickets for instant game number 711 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. The last day to claim a prize in instant game number 711 is February 28, 2005.

SECTION 7. This document expires March 31, 2005.

LSA Document #04-50(E)

Filed with Secretary of State: February 26, 2004, 4:45 p.m.

## Emergency Rules

### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-51(E)

#### DIGEST

Temporarily adds rules concerning scratch-off game number 717. Effective February 27, 2004.

SECTION 1. The name of this instant game is “Instant Game Number 717, Hot Slots”.

SECTION 2. Instant tickets in instant game number 717 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 717 shall contain forty (40) play symbols and play symbol captions arranged in a matrix of ten (10) separate and independent games labeled “GAME 1”, “GAME 2”, “GAME 3”, “GAME 4”, “GAME 5”, “GAME 6”, “GAME 7”, “GAME 8”, “GAME 9”, and “GAME 10” all concealed under a large spot of latex material.

(b) The play symbols and play symbol captions, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) A picture of a bar  
BAR
- (2) A picture of a slice of watermelon  
MEL
- (3) A picture of a pot of gold  
GLD
- (4) A picture of a banana  
BNA
- (5) A picture of a bell  
BEL
- (6) A picture of a star  
STAR
- (7) A bunch of cherries  
CHR
- (8) A picture of a diamond  
DMD

(c) The play symbols and play symbol captions representing prize amounts shall consist of the following possible play symbols and play symbol captions:

- (1) \$2.00  
TWO
- (2) \$3.00  
THREE
- (3) \$4.00  
FOUR
- (4) \$5.00  
FIVE
- (5) \$10.00  
TEN

- (6) \$20.00  
TWENTY
- (7) \$50.00  
FIFTY
- (8) \$100  
ONE HUN
- (9) \$500  
FIVE HUN
- (10) \$1,000  
ONE THOU
- (11) \$10,000  
TEN THOU

SECTION 4. The holder of a ticket in instant game number 717 shall remove the latex material covering the forty (40) play symbols and play symbol captions. If three (3) matching play symbols are exposed in “GAME 1”, “GAME 2”, “GAME 3”, “GAME 4”, “GAME 5”, “GAME 6”, “GAME 7”, “GAME 8”, “GAME 9”, or “GAME 10”, the holder is entitled to the corresponding prize. The matched play symbols, prize amounts, and number of winners in instant game number 717 are as follows:

Number of Winning Matches	Prize Amount	Approximate Number of Winners
1 – \$2.00	\$2	264,600
2 – \$2.00	\$4	88,200
1 – \$4.00	\$4	75,600
1 – \$2.00 + 1 – \$3.00	\$5	37,800
1 – \$5.00	\$5	37,800
5 – \$2.00	\$10	25,200
2 – \$5.00	\$10	12,600
1 – \$10.00	\$10	12,600
5 – \$3.00	\$15	12,600
3 – \$5.00	\$15	12,600
10 – \$2.00	\$20	6,300
5 – \$4.00	\$20	6,300
2 – \$5.00 + 1 – \$10.00	\$20	6,300
1 – \$20.00	\$20	6,300
10 – \$5.00	\$50	1,155
1 – \$10.00 + 2 – \$20.00	\$50	1,134
1 – \$50.00	\$50	1,134
10 – \$10.00	\$100	210
5 – \$20.00	\$100	210
2 – \$50.00	\$100	105
1 – \$100	\$100	105
5 – \$100	\$500	12
1 – \$500	\$500	12
2 – \$500	\$1,000	8
1 – \$1,000	\$1,000	8
1 – \$10,000	\$10,000	4



SECTION 5. (a) There shall be approximately two million five hundred thousand (2,500,000) instant tickets initially available in instant game number 717.

(b) The odds of winning a prize in instant game number 717 are approximately 1 in 4.14.

(c) All reorders of tickets for instant game number 717 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. The last day to claim a prize in instant game number 717 is February 28, 2005.

SECTION 7. This document expires March 31, 2005.

*LSA Document #04-51(E)*

*Filed with Secretary of State: February 26, 2004, 4:45 p.m.*

## TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-52(E)

### DIGEST

Temporarily adds rules concerning scratch-off game number 686. Effective February 27, 2004.

SECTION 1. The name of this instant game is "Instant Game Number 686, \$5,000 Spin".

SECTION 2. Instant tickets in instant game number 686 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 686 shall contain twelve (12) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Two (2) play symbols and play symbol captions shall appear in the area labeled "WHEEL NUMBERS". Ten (10) play symbols and play symbol captions shall appear in the area labeled "YOUR NUMBERS" and be arranged in pairs representing numbers, pictures, and prize amounts.

(b) The play symbols and play symbol captions, 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
- (10) A picture of a stack of money  
CASH

(c) The play symbols and play symbol captions representing prize amounts 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) \$5.00  
FIVE
- (5) \$10.00  
TEN
- (6) \$20.00  
TWENTY
- (7) \$50.00  
FIFTY
- (8) \$100  
ONE HUN
- (9) \$500  
FIVE HUN
- (10) \$5,000  
FIVE THOU

SECTION 4. The holder of a ticket in instant game number 686 shall remove the latex material covering the twelve (12) play symbols and play symbol captions. If one (1) or more of "YOUR NUMBERS" match either of the "WHEEL NUMBERS", the holder is entitled to the prize amount paired with the matched number. If the play symbol of a stack of money is exposed, the holder is automatically entitled to all five (5) prize amounts. The matched prize play symbols, prize amounts, and number of winners in instant game number 686 are as follows:

Matched Play Symbols	Prize Amount	Approximate Number of Winners
1 – \$1.00	\$1	544,000
2 – \$1.00	\$2	68,000

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## Emergency Rules

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1 – \$2.00	\$2	68,000
3 – \$1.00	\$3	27,200
1 – \$ 1.00 + 1 – \$2.00	\$3	13,600
5 – \$1.00 with cash	\$5	27,200
1 – \$5.00	\$5	6,800
5 – \$1.00	\$5	6,800
2 – \$5.00	\$10	6,800
5 – \$2.00	\$10	6,800
2 – \$5.00 with cash	\$10	27,200
1 – \$10.00	\$10	6,800
5 – \$3.00 with cash	\$15	13,600
2 – \$5.00 + 1 – \$10.00	\$20	6,800
1 – \$20.00	\$20	6,800
1 – \$10.00 + 2 – \$20.00	\$50	1,360
5 – \$10.00 with cash	\$50	1,734
1 – \$50.00	\$50	1,360
5 – \$100 with cash	\$500	51
1 – \$500	\$500	34
2 – \$500	\$1,000	17
1 – \$5,000	\$5,000	6

SECTION 5. (a) There shall be approximately four million (4,000,000) instant tickets initially available in instant game number 686.

(b) The odds of winning a prize in instant game number 686 are approximately 1 in 4.85.

(c) All reorders of tickets for instant game number 686 shall have the same:

- (1) prize structure;
  - (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
  - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 686 is February 28, 2005.

SECTION 7. This document expires March 31, 2005.

LSA Document #04-52(E)

Filed with Secretary of State: February 26, 2004, 4:45 p.m.

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### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-53(E)

#### DIGEST

Temporarily adds rules concerning pull-tab game number

009. Effective February 26, 2004.

SECTION 1. The name of this pull-tab game is “Pull-Tab Game Number 009, Super 13’s”.

SECTION 2. Pull-tab tickets for pull-tab game number 009 shall sell for fifty cents (\$0.50) per ticket.

SECTION 3. Pull-tab game number 009 is a criss-cross game.

SECTION 4. A pull-tab ticket in pull-tab game number 009 shall contain fifteen (15) play symbols and play symbol captions arranged in a matrix of five (5) rows and three (3) columns. Each row shall be covered by a tab. The play symbols and play symbol captions in pull-tab game number 009 shall consist of the following possible play symbols:

- (1) A picture of the number 13  
SUPER 13
- (2) A picture of gold bars  
BAR
- (3) A picture of a bell  
BELL
- (4) A picture of a horseshoe  
HORSESHOE
- (5) A picture of a bunch of cherries  
CHERRIES
- (6) A picture of a plum  
PLUM
- (7) A picture of an orange  
ORANGE
- (8) A picture of a watermelon  
WATERMELON

SECTION 5. A row, column, or diagonal on a pull-tab ticket in pull-tab game number 009 which contains three (3) identical play symbols of three (3) “13’s” or two (2) identical play symbols of “13’s” with a bar or bell, horseshoe, or cherries is not a criss-cross winning combination unless all of the following are true:

- (1) The play symbols and play symbol captions in the line are consistent with those specified in section 4 of this rule [SECTION 4 of this document].
- (2) The three (3) play symbols and play symbol captions in the line are bisected by a red arrow.
- (3) The prize amount appears on the left side of the line in red ink on a yellow box.

SECTION 6. Subject to section 5 of this rule [SECTION 5 of this document], the holder of a valid pull-tab ticket for pull-tab game number 009 containing a criss-cross winning combination is entitled to a prize the amount and the approximate number of which are as follows:

Matching Play Symbol in Criss-Cross Winning Com- bination	Prize Amount	Approximate Number of Prizes
2 super 13 + 1 cherries	\$0.50	398,097
2 super 13 + 1 horseshoe	\$1.00	49,203
2 super 13 + 1 bell	\$3.00	17,892
2 super 13 + 1 bar	\$13.00	8,946
3 super 13	\$123.00	4,473

SECTION 7. A total of approximately three million (3,000,000) pull-tab tickets will be initially available for pull-tab game number 009. The odds of winning a prize in pull-tab game 009 are approximately 1 in 6.28. If additional pull-tab tickets are made available for this pull-tab game, the approximate number of each prize shall increase proportionally.

SECTION 8. The last day to claim prizes in pull-tab game number 009 shall be sixty (60) days after the end of the game. Game end dates are available on the commission's Web site at [www.hoosierlottery.com](http://www.hoosierlottery.com) or may be obtained through the commission's toll-free customer service number or from any pull-tab ticket retailer.

*LSA Document #04-53(E)*

*Filed with Secretary of State: February 26, 2004, 4:45 p.m.*

## TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-45(E)

### DIGEST

Temporarily modifies 312 IAC 11, which assists in the administration of IC 14-26-2 (sometimes referred to as the "Lakes Preservation Act"), to provide that qualified manmade channels are regulated as a "developed area" and to provide alternative licensure standards for seawall placement and refacing. Effective March 1, 2004.

SECTION 1. A written license under IC 14-26-2 is required for the construction or placement of a seawall within or along the legally established or average normal waterline or shoreline of a public freshwater lake. This document provides alternatives to 312 IAC 11 under which a person may qualify to place a seawall or to reface an existing seawall along a public freshwater lake.

SECTION 2. The definitions in this SECTION apply throughout this document and are in addition to those set forth at IC 14-8, IC 14-26-1, 312 IAC 1, and 312 IAC 11:

(1) In addition to the meaning set forth in 312 IAC 11-2-7, "developed area" includes a manmade channel, unless the

portion of the shoreline or waterline of the channel, where construction is proposed, is adjacent to at least six hundred twenty-five (625) square feet of contiguous emergent or rooted vegetation with floating leaves.

(2) Notwithstanding 312 IAC 11-2-11, "glacial stone" means a rounded stone that satisfies each of the following:

(A) Was produced by glacial activity.

(B) No individual stone weighs more than one hundred twenty (120) pounds.

(C) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve.

(D) No more than ten percent (10%) of the material passes through a six (6) inch sieve.

(3) "Manmade channel" means a waterway created by mechanical means that connects to a public freshwater lake and increases the length of the lake's shoreline or waterline. The term does not include an area within the lake, cleared by chemical or mechanical means, that does not increase the lake's shoreline or waterline.

(4) Notwithstanding 312 IAC 11-2-20, "riprap" means angular, limestone rock that satisfies each of the following conditions:

(A) No individual piece weighs more than one hundred twenty (120) pounds.

(B) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve.

(C) No more than ten percent (10%) of the material passes through a six (6) inch sieve.

(5) "Toe protection" means the glacial stone or angular, limestone rock that is placed along the lakeward face of a bulkhead seawall to minimize lake bed erosion and undercutting at the base of the seawall and satisfies each of the following:

(A) No individual piece weighs more than one hundred twenty (120) pounds.

(B) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve.

(C) No more than ten percent (10%) of the material passes through a six (6) inch sieve.

(D) No individual piece is placed more than one (1) foot lakeward of the lakeward face of a bulkhead seawall.

SECTION 3. (a) This SECTION provides alternative standards to qualify for the placement of a new seawall in a developed area.

(b) The seawall must be comprised of one (1) or some combination of the following:

(1) Bioengineered material.

(2) Glacial stone.

(3) Riprap

(4) Concrete.

(5) Steel sheet piling.

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## Emergency Rules

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(c) If comprised of glacial stone or riprap, the seawall must have a base that does not extend more than four (4) feet lakeward of the waterline or shoreline.

(d) The seawall must have a lakeward face that is located along the public freshwater lake's waterline or shoreline.

(e) If consisting of bioengineered material, placement of the seawall must be coordinated with the department before the license application is filed.

(f) The seawall must not provide for the placement of an impermeable material behind or beneath it.

(g) The seawall must provide for proper anchoring of filter cloth behind or beneath it to prevent displacement or flotation.

(h) The seawall must provide for erosion control from disturbed areas landward of the waterline or shoreline to prevent its transport into the lake.

(i) Toe protection for the seawall must be consistent with this document.

SECTION 4. This SECTION provides alternatives for materials that may be used to reface a seawall in a significant wetland or an area of special concern. Under this SECTION, the seawall reface must be comprised of either or both of the following:

(1) Bioengineered materials.

(2) These materials:

(A) For an existing concrete seawall, either concrete, glacial stone, or a combination of them.

(B) For an existing steel sheet piling seawall, either steel sheet piling, glacial stone, or a combination of them.

(C) For an existing riprap seawall, either riprap, glacial stone, or a combination of them.

(D) For an existing glacial stone seawall, glacial stone.

(E) For an existing bioengineered seawall, bioengineered materials only.

(F) For another seawall type, glacial stone.

LSA Document #04-45(E)

Filed with Secretary of State: February 13, 2004, 11:45 a.m.

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-59(E)

#### DIGEST

Temporarily amends 312 IAC 9 with respect to the taking of raccoons at Clifty Falls State Park. Under IC 4-22-2-37.1, IC

14-22-2-6, IC 14-10-2-5, and IC 14-22-6-13, the director of the department of natural resources adopts the emergency rule set forth in this document. The emergency rule is adopted with awareness the regulation of wild animals in Indiana is the responsibility of the department of natural resources. In addition, the director is responsible for controlling wild animals in a state park if the wild animals pose an unusual hazard to the health or safety of one or more individuals. More particularly, the director finds that the third floor of the Riverview Addition to the Clifty Inn has been repeatedly breached by raccoons. Permanent closure of the breach is impracticable due to the design and construction of the building and would require the use of specialized and expensive equipment on a daily basis. The presence of the raccoons could expose individuals who enter the Riverview Addition to health issues resulting from diseases that are potentially carried by the raccoons. In order to protect individuals from the potential for adverse health or safety consequences, the property manager shall authorize a person or persons to take any raccoon from the Riverview Addition or an area within 100 feet of the Riverview Addition. Effective March 8, 2004.

SECTION 1. (a) Notwithstanding 312 IAC 9-2-11, 312 IAC 8-2, and any other provision governing taking a wild animal within a state park, an individual qualified under this SECTION may take any raccoon from, or within one hundred (100) feet from, the Riverview Addition of the Clifty Inn, Clifty Falls State Park, Jefferson County.

(b) In order to qualify under subsection (a), a person must satisfy both of the following requirements:

(1) Possess written authorization from the property manager of Clifty Falls State Park to act under this document.

(2) Possess a nuisance wild animal control permit issued under 312 IAC 9-10-11.

SECTION 2. SECTION 1 of this document expires January 1, 2005.

LSA Document #04-59(E)

Filed with Secretary of State: March 2, 2004, 11:35 a.m.

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### TITLE 680 BOILER AND PRESSURE VESSEL RULES BOARD

LSA Document #04-37(E)

#### DIGEST

Temporarily amends 680 IAC 2-1-1 to adopt by reference the latest editions of the standards adopted by the Indiana Boiler and Pressure Vessel Rules Board on January 21, 2004, and approved by the Fire Prevention and Building Safety Commis-

sion on February 3, 2004. Effective February 6, 2004.

SECTION 1. (680 IAC 2-1-1) (a) Those certain four (4) documents, being titled:

- (1) the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, ~~1992~~ **2001** edition, **with 2003 addenda**, published by the American Society of Mechanical Engineers ~~345 East 47th Street, Three Park Avenue~~, New York, New York ~~10017-2392~~; **10016-5990**;
- (2) the American Petroleum Institute - American Society of Mechanical Engineers Code for ~~Unfired~~ Pressure Vessels, 1951 edition, published by the American Society of Mechanical Engineers and the American Petroleum Institute, 345 East 47th Street, New York, New York 10017-2392;
- (3) the National Board of Boiler and Pressure Vessel Inspectors Inspection Code, ~~1992~~ **2001** edition, **with 2003 addenda**, published by the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229; and
- (4) the American Petroleum Institute 510 Pressure Vessel Inspection Code, ~~Seventh~~ **Eighth** Edition ~~1992~~, **June 1997, with December 1998, December 2000, December 2001, and August 2003 addenda**, published by the American Petroleum Institute, ~~2101~~ **1220** L Street, NW, Washington, D.C. ~~20037~~ **20005**;

are hereby adopted by reference, as provided for in other sections of this article ~~and as if fully set out in this rule for new construction~~, and as specifically set forth in subsection (b).

(b) As incorporated by reference in ~~Sec. (a)(1)~~, **subsection (a)(1)**, the adoption of the American Society of Mechanical Engineers Code shall be limited to the following sections:

- (1) Section I Power Boilers.
- (2) Section II Material Specifications.
- (3) Section III Nuclear Power Plant Components.
- (4) Section IV Low Pressure Heating Boilers.
- (5) Section V Nondestructive Examination.
- (6) Section VIII ~~Division 1 and Division 2~~ Pressure Vessels.
- (7) Section IX Welding **and Brazing** Qualifications.
- (8) **Section X Fiber-Reinforced Plastic Pressure Vessels.**
- (9) **Section XI Rules for Inservice Inspection of Nuclear Power Plant Components.**
- (10) **Section PVO Pressure Vessels for Human Occupancy.**

(c) No revision, amendment, or interpretation of any of the codes adopted by the rules board as specified in IC 22-12-4 shall apply in any way to regulated boilers or unfired pressure vessels unless and until it shall have been approved and adopted by the rules board under IC 22-13-2-8.

(d) The adoption of documents by reference in subsection (a) shall not allow a delegation of authority in conflict with that for the rules board as set forth at IC 22-12-7, IC 22-13-2, and IC

22-15-6 nor for the office of the state building commissioner as set forth at IC 22-12-7, IC 22-5-2 [*sic.*], and IC 22-15-5.

LSA Document #04-37(E)

*Filed with Secretary of State: February 6, 2004, 1:45 p.m.*

*Incorporated Documents Filed with Secretary of State: American Society of Mechanical Engineers Boiler and Pressure Vessel Code, 2001 edition, with 2003 addenda; National Board of Boiler and Pressure Vessel Inspectors Inspection Code, 2001 edition, with 2003 addenda; American Petroleum Institute 510 Pressure Vessel Inspection Code, Eighth Edition June 1997, with December 1998, December 2000, December 2001, and August 2003 addenda; American Society of Mechanical Engineers Code Section I Power Boilers, Section II Material Specifications, Section III Nuclear Power Plant Components, Section IV Low Pressure Heating Boilers, Section V Nondestructive Examination, Section VIII Pressure Vessels, Section IX Welding and Brazing Qualifications, Section X Fiber-Reinforced Plastic Pressure Vessels, Section XI Rules for Inservice Inspection of Nuclear Power Plant Components, and Section PVO Pressure Vessels for Human Occupancy.*

## TITLE 750 DEPARTMENT OF FINANCIAL INSTITUTIONS

LSA Document #04-46(E)

### DIGEST

Amends 750 IAC 1-1-1 to change the dollar amounts in the uniform consumer credit code. Authority: IC 4-22-2-37.1(a)(6). Effective July 1, 2004.

### 750 IAC 1-1-1

SECTION 1. 750 IAC 1-1-1 IS AMENDED TO READ AS FOLLOWS:

#### 750 IAC 1-1-1 Dollar amounts in consumer credit code

Authority: IC 24-4.5-1-106; IC 24-4.5-6-107

Affected: IC 24-4.5

Sec. 1. The dollar amounts in the Indiana uniform consumer credit code which are required to be changed by IC 24-4.5-1-106, as amended, shall, on July 1, ~~2002~~, **2004**, be as set forth in each of the following Indiana uniform consumer credit code sections:

IC 24-4.5 As Amended	Dollar Amounts	Provision Relating To:
2-201(7)	<del>960/3,200</del> <b>990/3,300</b>	Graduated rate scale (sales)
2-201(8)	<del>36</del> <b>39</b>	Minimum credit service charge

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## Emergency Rules

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2-203.5(5)	<del>16</del> <b>16.50</b>	Delinquency charge (sales)
2-407(4)	<del>960/3,200</del> <b>990/3,300</b>	Security interest (sales or leases)
3-201(7)	<del>36</del> <b>39</b>	Minimum loan finance charge
3-203.5(5)	<del>16</del> <b>16.50</b>	Delinquency charge (loans)
3-508(6)	<del>960/3,200</del> <b>990/3,300</b>	Graduated rate scale (super-vised loans)
3-508(6)	<del>36</del> <b>39</b>	Minimum loan finance charge
3-510(2)	<del>3,200</del> <b>3,300</b>	Land as security (loans)
3-511(2)	<del>960/3,200</del> <b>990/3,300</b>	Maximum loan term
4-301(4)	<del>960</del> <b>990</b>	Property insurance
5-103(7)	<del>3,200</del> <b>3,300</b>	Deficiency judgment

*(Department of Financial Institutions; Uniform Consumer Credit Reg No. 1, Sec I; filed Jul 6, 1978, 9:30 a.m.: 1 IR 393, eff Jul 1, 1978; filed Oct 15, 1980, 2:30 p.m.: 3 IR 2189, eff Jul 1, 1980; filed Apr 20, 1982: 5 IR 1194, eff Jul 1, 1982; filed Apr 11, 1984, 2:45 p.m.: 7 IR 1257, eff Jul 1, 1984; emergency rule filed Apr 25, 1986, 3:40 p.m.: 9 IR 2210, eff Jul 1, 1986; emergency rule filed Sep 5, 1986, 10:05 a.m.: 10 IR 81, eff Sep 5, 1986; filed Jan 6, 1987, 10:10 a.m.: 10 IR 1083; emergency rule filed Mar 28, 1988, 1:37 p.m.: 11 IR 2905, eff Jul 1, 1988; emergency rule filed May 14, 1992, 2:00 p.m.: 15 IR 2267, eff Jul 1, 1992; emergency rule filed Mar 21, 1994, 10:30 a.m.: 17 IR 1917, eff Jul 1, 1994; emergency rule filed Mar 18, 1996, 10:05 a.m.: 19 IR 2092, eff Jul 1, 1996; emergency rule filed Mar 17, 1998, 11:20 a.m.: 21 IR 3026, eff Jul 1, 1998; emergency rule filed Mar 14, 2002, 1:38 p.m.: 25 IR 2540, eff Jul 1, 2002; emergency rule filed Feb 16, 2004, 11:24 a.m.: 27 IR 2297, eff Jul 1, 2004)*

**SECTION 2. Under IC 24-4.5-6-107, the department of financial institutions declares an emergency to exist and issues this document accordingly for the following reasons:**

- (1) The dollar amounts of the uniform consumer credit code shall change as of July 1 of each even-numbered year as provided by IC 24-4.5-1-106(2).**
- (2) The information and date necessary to calculate the changes in the dollar amounts are not obtainable from the Department of Labor in time to promulgate such rule according to the procedures set forth in IC 4-22-2 and have such rule in effect by July 1. The department of financial institutions is exempt from such procedures by IC 4-22-2-37.1.**
- (3) Therefore, the department deems the utilization of this emergency provision provided them by IC 4-22-2-37.1.**

*LSA Document #04-46(E)*

*Filed with Secretary of State: February 16, 2004, 11:24 a.m.*

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**TITLE 326 AIR POLLUTION CONTROL BOARD**

#03-282(APCB)

The Air Pollution Control Board gives notice that the date of the public hearing for consideration of preliminary adoption of #03-282(APCB), printed at 27 IR 1655, has been changed. The changed Notice of Public Hearing appears below:

**Notice of Public Hearing**

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on **May 5, 2004** 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 amendments to 326 IAC 7-4-13.*

*The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Christine Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027, press 0, and ask for extension 3-6868 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register. Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator  
Indiana Department of Environmental Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855, TDD (317) 232-6565. Speech and hearing impaired callers also may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana and are open for public inspection.*

Janet McCabe  
Assistant Commissioner  
Office of Air Quality

**TITLE 329 SOLID WASTE MANAGEMENT BOARD**

LSA Document #01-161

The Solid Waste Management Board (board) gives notice that the date of the public hearing for consideration of preliminary adoption of #01-161(SWMB) will be held at a regular meeting of the board on April 20, 2004, at 1:30 p.m., in the Adams County Court House Annex, Commissioner's Conference Room, 313 West Jefferson Street, Decatur, Indiana. If the date of this hearing is changed, it will be noticed in the Change of Notice of Public Hearing section of the Indiana Register. Additional information regarding this action may be obtained from Lynn West, Rules, Planning, and Outreach Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

**Notice of First Meeting/Hearing**

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on **April 20, 2004**, at 1:30 p.m., in the Adams County Court House Annex, Commissioner's Conference Room, 313 West Jefferson Street, Decatur, Indiana, the Solid Waste Management Board will hold a public hearing on amendments to the underground storage tank rules at 329 IAC 9.*

*The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Lynn West, Rules, Outreach and Planning Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator  
Indiana Department of Environmental Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855, TDD: (317) 233-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Land Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana and are open for public inspection.*

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## Change in Notice of Public Hearing

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Bruce H. Palin  
Deputy Assistant Commissioner  
Office of Land Quality

*Quality, Indiana Department of Environmental Management,  
Indiana Government Center-North, 100 North Senate Avenue,  
Eleventh Floor West, Indianapolis, Indiana and are open for  
public inspection.*

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### TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #01-161

The Solid Waste Management Board (board) gives notice that the date of the public hearing for consideration of final adoption of #01-161(SWMB) will be held at a regular meeting of the board on April 20, 2004, at 1:30 p.m., in the Adams County Court House Annex, Commissioner's Conference Room, 313 West Jefferson Street, Decatur, Indiana. If the date of this hearing is changed, it will be noticed in the Change of Notice of Public Hearing section of the Indiana Register. Additional information regarding this action may be obtained from Lynn West, Rules, Planning, and Outreach Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

#### *Notice of Second Meeting/Hearing*

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on **April 20, 2004**, at 1:30 p.m., in the Adams County Court House Annex, Commissioner's Conference Room, 313 West Jefferson Street, Decatur, Indiana, the Solid Waste Management Board will hold a public hearing on amendments to the underground storage tank rules at 329 IAC 9.*

*The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Lynn West, Rules, Outreach and Planning Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator  
Indiana Department of Environmental Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855, TDD: (317) 233-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Land*

Bruce H. Palin  
Deputy Assistant Commissioner  
Office of Land Quality

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### TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #03-261

The Medical Licensing Board of Indiana gives notice that the date of the public hearing for LSA Document #03-261, printed at 27 IR 1635, has been changed. The changed Notice of Public Hearing appears below:

#### *Notice of Public Hearing*

*Under IC 4-22-2-24, notice is hereby given that on **April 22, 2004 at 9:45 a.m.**, at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 4 and 5, Indianapolis, Indiana the Medical Licensing Board of Indiana will hold a public hearing on proposed amendments to incorporate by reference the April 2002 edition of Commission on Accreditation in Physical Therapy Education, Accreditation Handbook, to revise the requirements for licensure by endorsement for physical therapists and physical therapist's assistants, to revise the requirements for licensure by examination for physical therapists and physical therapist's assistants, to revise the application requirements for licensure as a physical therapist and certification for physical therapist's assistants, to revise the requirements for a temporary permit, to establish requirements for the collection and use of the Social Security number for applicants who apply for a license, certificate, or permit under IC 25-27-1, to change registration to certificate, to modify the requirements for the reinstatement of a suspended license to practice as a physical therapist and a certificate to act as a physical therapist's assistant, and to revise the standards of professional conduct and competent practice of physical therapy and practice as a physical therapist's assistant. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W066 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 170 INDIANA UTILITY REGULATORY COMMISSION**

LSA Document #04-68

Under IC 4-22-2-23, the Indiana Utility Regulatory Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 170 IAC 4-1-23 regarding electric service outage reporting and statistics. Effective 30 days after filing with secretary of state. Questions or comments concerning the proposed amendment may be addressed to the following telephone number: (317) 232-0158. Statutory authority: IC 8-1-1-3.

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**TITLE 203 VICTIM SERVICES DIVISION**

LSA Document #04-63

Under IC 4-22-2-23, the Victim Services Division intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 203 IAC to establish procedures for the investigation, review, determination, and appeal of claims for victim assistance filed with the victim services division of the Indiana criminal justice institute. Statutory authority: IC 5-2-6.1-46.

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**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #04-66

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 312 IAC 6.5 concerning management of the Great Lakes basin. Identifies the department of natural resources, division of water, as the entity to coordinate state functions pertaining to IC 14-25-1-11 and 42 U.S.C. 1962d-20 ("Water Resources Development Act") and water diversions from the Great Lakes drainage basin. Questions or comments may be directed to slucas@dnr.state.in.us or by telephone at 317-233-3322. Statutory authority: IC 14-25-1-11; IC 14-10-2-4.

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**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #04-67

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 312 IAC 2-4-12, which governs fishing tournaments at lakes administered by the department of natural resources, division of state parks and reservoirs, to reauthorize fishing tournaments on Mississinewa Lake. 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 315 OFFICE OF ENVIRONMENTAL ADJUDICATION**

LSA Document #04-70

Under IC 4-22-2-23, the Office of Environmental Adjudication intends to adopt a rule concerning the following:

**OVERVIEW:** Under IC 4-21.5-7-7, the Office of Environmental Adjudication intends to amend the rules of procedure for the Office of Environmental Adjudication, 315 IAC et seq. and to correct errata remaining in the rule. The Office of Environmental Adjudication invites written suggestions, facts, arguments, or views in these matters. Questions or comments may be directed to Catherine Gibbs, Environmental Law Judge, Office of Environmental Adjudication, at 317/232-8527. Comments will be accepted until May 15, 2004. Statutory authority: IC 4-21.5-7-7.

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**TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH**

LSA Document #04-64

Under IC 4-22-2-23, the Indiana State Board of Animal Health intends to adopt a rule concerning the following:

**OVERVIEW:** Adds and amends rules in 345 IAC concerning prevention, detection, and control of diseases in poultry and other birds that are in commerce, including measures to protect against the disease avian influenza, and may include rules governing surveillance, testing, vaccination, treatment, transportation, sale, and slaughter of birds and poultry products and requirements for cleaning and disinfecting premises, cages, equipment, and transports. Makes other changes in laws governing animal disease control in poultry and birds in commerce. 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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## Notice of Intent to Adopt a Rule

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### **TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH**

LSA Document #04-60

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

**OVERVIEW:** The rules will establish minimum sanitary standards for the operation of retail food establishments. Written comments may be submitted to the Indiana State Department of Health, Health Care Regulatory Services Commission, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-42-5-5.

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### **TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH**

LSA Document #04-61

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

**OVERVIEW:** The rule will amend 410 IAC 7-22 to include additional entities that are exempt from the certified food handler requirement. Written comments may be submitted to the Indiana State Department of Health, Health Care Regulatory Services Commission, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-42-5.2-13.

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### **TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH**

LSA Document #04-62

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

**OVERVIEW:** The rule will amend the schedule of civil penalties for retail food production and processing. Written comments may be submitted to the Indiana State Department of Health, Attn: Office of Legal Affairs and Policy, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-19-3-4; IC 16-42-5-28.

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### **TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES**

LSA Document #04-75

Under IC 4-22-2-23, the Division of Disability, Aging, and

Rehabilitative Services intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 460 IAC 1-3.4 concerning funding for applicants or recipients of services provided under the Residential Care Assistance Program out of the available program appropriation. Effective 30 days after filing with the secretary of state. Statutory authority: IC 12-9-2-3; IC 12-10-6.

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### **TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES**

LSA Document #04-76

Under IC 4-22-2-23, the Division of Disability, Aging, and Rehabilitative Services intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 460 IAC 2-2.1 to maintain a board of interpreter standards that was established by a previous rule that has expired and to maintain the powers and duties that enable the board to determine the necessary competency and proficiency standards for sign language interpreters and oral interpreters. Statutory authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5.

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### **TITLE 470 DIVISION OF FAMILY AND CHILDREN**

LSA Document #04-77

Under IC 4-22-2-23, the Division of Family and Children intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 470 IAC 3-1.1, 470 IAC 3-1.2, and 470 IAC 3-1.3 to revise, update, clarify, and add miscellaneous provisions. Statutory authority: IC 12-13-5-3; IC 12-17.2-2-4.

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### **TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

LSA Document #04-55

Under IC 4-22-2-23, the Fire Prevention and Building Safety Commission intends to adopt a rule concerning the following:

**OVERVIEW:** To make numerous substantive and clarifying changes to the 2003 Indiana Building Code, 675 IAC 13-2.4. Public comments are invited and may be directed to the Department of Fire and Building Services, Attention: Technical Services, Indiana Government Center-South, 402 West Wash-

ington Street, Room W246, Indianapolis, Indiana 46204 or by e-mail at [jweesner@sema.state.in.us](mailto:jweesner@sema.state.in.us). Statutory authority: IC 22-13-2-2; IC 22-13-2-13.

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### **TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

LSA Document #04-56

Under IC 4-22-2-23, the Fire Prevention and Building Safety Commission intends to adopt a rule concerning the following:

**OVERVIEW:** To make numerous substantive and clarifying changes to the 2003 Indiana Fire Code, 675 IAC 22-2.3. To repeal 675 IAC 22-2.2-183 (haunted house provision) and add a similar provision in 675 IAC 22-2.3. To repeal other outdated sections of 675 IAC 2.2. Public comments are invited and may be directed to the Department of Fire and Building Services, Attention: Technical Services, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204 or by e-mail at [jweesner@sema.state.in.us](mailto:jweesner@sema.state.in.us). Statutory authority: IC 22-13-2-2; IC 22-13-2-13.

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### **TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

LSA Document #04-57

Under IC 4-22-2-23, the Fire Prevention and Building Safety Commission intends to adopt a rule concerning the following:

**OVERVIEW:** To make numerous substantive and clarifying changes to the 2003 Indiana Mechanical Code, 675 IAC 18-1.4. Public comments are invited and may be directed to the Department of Fire and Building Services, Attention: Technical Services, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204 or by e-mail at [jweesner@sema.state.in.us](mailto:jweesner@sema.state.in.us). Statutory authority: IC 22-13-2-2; IC 22-13-2-13.

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### **TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

LSA Document #04-58

Under IC 4-22-2-23, the Fire Prevention and Building Safety Commission intends to adopt a rule concerning the following:

**OVERVIEW:** To make numerous substantive and clarifying

changes to the 2003 Indiana Fuel Gas Code, 675 IAC 25-1. Public comments are invited and may be directed to the Department of Fire and Building Services, Attention: Technical Services, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204 or by e-mail at [jweesner@sema.state.in.us](mailto:jweesner@sema.state.in.us). Statutory authority: IC 22-13-2-2; IC 22-13-2-13.

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### **TITLE 848 INDIANA STATE BOARD OF NURSING**

LSA Document #04-65

Under IC 4-22-2-23, the Indiana State Board of Nursing intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 848 IAC 1-1-2.1 to revise the definitions applied throughout that article. Amends 848 IAC 1-2 to revise the accreditation requirements and procedures for nursing programs. Adds 848 IAC 1-2-8.5 to establish the requirements and procedures to transfer a nursing program to another controlling organization. Effective 30 days after filing with the secretary of state. Questions or comments concerning the proposed rules may be directed to: Indiana State Board of Nursing, ATTENTION: Kristen Kelley, 402 West Washington Street, Room W066, Indianapolis, IN 46204-2700 or by electronic email at [krkelley@hpb.state.in.us](mailto:krkelley@hpb.state.in.us). Statutory authority: IC 25-23-1-7.

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### **TITLE 848 INDIANA STATE BOARD OF NURSING**

LSA Document #04-72

Under IC 4-22-2-23, the Indiana State Board of Nursing intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 848 IAC 6 concerning the issuance of a license by a compact party state, requirements for obtaining the multistate licensure privilege, updating the multistate licensure privilege, and participation in the impaired nurses program under the Interstate Nurse Licensure Compact. Effective 30 days after filing with the secretary of state. Questions or comments concerning the proposed rules may be directed to: Indiana State Board of Nursing, ATTENTION: Kristen Kelley, 402 West Washington Street, Room W066, Indianapolis, IN 46204-2700 or by electronic email at [krkelley@hpb.state.in.us](mailto:krkelley@hpb.state.in.us). Statutory authority: IC 25-23-1-7; IC 25-23-2.

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## Notice of Intent to Adopt a Rule

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### **TITLE 848 INDIANA STATE BOARD OF NURSING**

LSA Document #04-73

Under IC 4-22-2-23, the Indiana State Board of Nursing intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 848 IAC 7 concerning the requirements for a program for the rehabilitation of impaired registered nurses or impaired licensed practical nurses, requirements for participation in a program for the rehabilitation of impaired registered nurses or licensed practical nurses, and concerning alternative programs under the Interstate Nurse Licensure Compact. Effective 30 days after filing with the secretary of state. Questions or comments concerning the proposed rules may be directed to: Indiana State Board of Nursing, ATTENTION: Kristen Kelley, 402 West Washington Street, Room W066, Indianapolis, IN 46204-2700 or by electronic email at [krkelley@hpb.state.in.us](mailto:krkelley@hpb.state.in.us). Statutory authority: IC 25-23-1-7; IC 25-23.2.

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deadline for applying to take the examination for licensure. Effective 30 days after filing with the secretary of state. Public comments are invited and may be directed to the Indiana Board of Veterinary Medical Examiners, Attention: Director, 402 West Washington Street, Room W066, Indianapolis, Indiana 46204 or by e-mail to [cvaught@hpb.state.in.us](mailto:cvaught@hpb.state.in.us). Statutory authority: IC 15-5-1.1-8.

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### **TITLE 856 INDIANA BOARD OF PHARMACY**

LSA Document #04-69

Under IC 4-22-2-23, the Indiana Board of Pharmacy intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 856 IAC 1-20 concerning violations and penalties, and the establishment of fines for violations of IC 25-26 or a rule adopted under IC 25-26-13-4 or IC 35-48-3-1. Amends 856 IAC 3 concerning wholesale legend drugs, violations and penalties, and the establishment of fines for violations of IC 25-26 or a rule adopted under IC 25-26-13-4, IC 25-26-14-13, or IC 35-48-3-1. Questions or comments concerning the proposed rules may be directed to: Indiana Board of Pharmacy, ATTENTION: Joshua Bolin, 402 West Washington Street, Room W066, Indianapolis, IN 46204-2700 or by electronic email at [jbolin@hpb.state.in.us](mailto:jbolin@hpb.state.in.us). Statutory authority: IC 25-26-13-4; IC 25-26-13-23; IC 25-26-14-13; IC 35-48-3-1.

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### **TITLE 888 INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS**

LSA Document #04-74

Under IC 4-22-2-23, the Indiana Board of Veterinary Medical Examiners intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 888 IAC 1.1-6-1 concerning the

**TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC  
EMPLOYEES' RETIREMENT FUND**

**Proposed Rule**  
LSA Document #04-18

**DIGEST**

Amends 35 IAC 8 concerning rollover requirements to conform to changes made to the Internal Revenue Code by the federal Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA). Adds 35 IAC 10 to conform to changes made to the Internal Revenue Code by the federal Economic Growth and Tax Relief Reconciliation Act of 2001 and provide enhanced retirement savings opportunities concerning rollovers and service purchases for Fund members. Adds 35 IAC 12 concerning annual compensation limits to conform to changes made to the Internal Revenue Code by EGTRRA. Effective 30 days after filing with the secretary of state.

<b>35 IAC 8-1-1</b>	<b>35 IAC 10</b>
<b>35 IAC 8-1-2</b>	<b>35 IAC 12</b>
<b>35 IAC 8-2-1</b>	

SECTION 1. 35 IAC 8-1-1 IS AMENDED TO READ AS FOLLOWS:

**35 IAC 8-1-1 Definitions**

**Authority:** IC 2-3.5-3-4; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5  
**Affected:** IC 2-3.5; IC 5-10-5.5; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Board of trustees" means the board of trustees of the public employees' 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.**

~~(d) An~~ **(e) "Eligible rollover distribution" is 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~~ **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 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.**

~~(e) (f)~~ **(f)** "Fund" or "funds" means the legislators' retirement system, public employees' retirement fund, state excise police and conservation **enforcement** officers' retirement plan, judges' retirement fund, 1977 fund, **the prosecuting attorneys retirement fund**, and funds funded through the pension relief fund.

~~(f) (g)~~ **(g)** "IRS" means the Internal Revenue Service.

~~(g) (h)~~ **(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 Public Employees' Retirement Fund; 35 IAC 8-1-1; filed Mar 23, 1995, 3:00 p.m.: 18 IR 1992; readopted filed Oct 31, 2001, 2:21 p.m.: 25 IR 898*)

SECTION 2. 35 IAC 8-1-2 IS AMENDED TO READ AS FOLLOWS:

**35 IAC 8-1-2 Introduction**

**Authority:** IC 2-3.5-3-4; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5  
**Affected:** IC 2-3.5; IC 5-10-5.5; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8-6-2; IC 36-8-7-3; IC 36-8-7.5-2

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 funds. ~~The provisions in this article apply to distributions made after December 31, 1992, and include the following:~~

~~(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 (direct rollover) to a qualified defined contribution plan; an individual retirement account or annuity; or a similar plan specified by the participant;~~

## Proposed Rules

(3) Changes in the withholding taxes applicable to distributions from such plans:

(b) The funds do not accept rollover contributions from other retirement plans. However, the funds permit rollover contributions to be paid directly to other retirement plans under certain circumstances. Accordingly, the rules governing the funds need to be amended to conform to the direct rollover requirements under of the UCA to allow such rollovers at the member's or member's spouse's election: were subsequently amended by EGTRRA.

(c) (b) 35 IAC 8-2 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. 35 IAC 8-2 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. Any local board may elect to use a different compliance mechanism should they decide, through adoption of appropriate bylaws, pursuant to under IC 36-8-6-2(g)(5), IC 36-8-7-3(c), or IC 36-8-7.5-2(g)(5). (*Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 8-1-2; filed Mar 23, 1995, 3:00 p.m.: 18 IR 1992; readopted filed Oct 31, 2001, 2:21 p.m.: 25 IR 898*)

SECTION 3. 35 IAC 8-2-1 IS AMENDED TO READ AS FOLLOWS:

### 35 IAC 8-2-1 Model amendment language

Authority: IC 2-3.5-3-4; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

Sec. 1. (a) 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.

(b) The following definitions apply throughout this rule:

(1) "Eligible rollover distribution" An eligible rollover distribution is 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:

(A) 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;

(B) any distribution to the extent such distribution is required under Section 401(a)(9) of the Code; and

(C) the portion of any distribution that is not includible in gross income, (determined without regard to the exclusion for net unrealized appreciation with respect 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 employer securities: either:

(i) a traditional individual retirement account or individual retirement annuity; or

(ii) 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; and

(D) any distribution that is made upon hardship by the member.

(2) "Eligible retirement plan" An eligible retirement plan is means:

(A) an individual retirement account described in Section 408(a) of the Code;

(B) an individual retirement annuity described in Section 408(b) of the Code;

(C) an annuity plan described in Section 403(a) of the Code; or

(D) a qualified trust described in Section 401(a) of the Code;

(E) 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

(F) 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.

(3) "Distributee" A 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.

(4) "Direct rollover" A direct rollover is means a payment by the plan to the eligible retirement plan specified by the distributee.

(*Board of Trustees of the Public Employees' Retirement Fund;*

35 IAC 8-2-1; filed Mar 23, 1995, 3:00 p.m.: 18 IR 1993; errata, 18 IR 2412; readopted filed Oct 31, 2001, 2:21 p.m.: 25 IR 898)

SECTION 4. 35 IAC 10 IS ADDED TO READ AS FOLLOWS:

**ARTICLE 10. ROLLOVERS AND TRUSTEE-TO-TRUSTEE TRANSFERS**

**Rule 1. Acceptance of Rollovers and Trustee-to-Trustee Transfers**

**35 IAC 10-1-1 Definitions**

Authority: IC 2-3.5-3-4; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Board of trustees" means the board of trustees of the public employees' 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 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.

(h) "Fund" or "funds" means the legislators' retirement system, public employees' retirement fund, state excise police and conservation enforcement officers' retirement plan, judges' retirement fund, prosecuting attorneys retirement fund, and the 1977 fund.

(i) "IRS" means the Internal Revenue Service. (*Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 10-1-1*)

**35 IAC 10-1-2 Rollover for purchase of service**

Authority: IC 2-3.5-3-4; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

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 Public Employees' Retirement Fund; 35 IAC 10-1-2*)

**35 IAC 10-1-3 Trustee-to-trustee transfer**

Authority: IC 2-3.5-3-4; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

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 Public Employees' Retirement Fund*; 35 IAC 10-1-3)

SECTION 5. 35 IAC 12 IS ADDED TO READ AS FOLLOWS:

## **ARTICLE 12. ANNUAL COMPENSATION LIMIT**

### **Rule 1. Limits**

#### **35 IAC 12-1-1 Definitions**

Authority: IC 2-3.5-3-4; IC 5-10-5.5-3; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.2; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

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" or "funds" means the following:

- (1) Legislators' retirement system.
- (2) Public employees' retirement fund.
- (3) State excise police and conservation enforcement officers' retirement plan.
- (4) Judges' retirement system.
- (5) 1977 police officers' and firefighters' pension and disability fund.
- (6) Prosecuting attorneys retirement fund.
- (7) Local public safety funds funded through the pension relief 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 Public Employees' Retirement Fund*; 35 IAC 12-1-1)

#### **35 IAC 12-1-2 Introduction**

Authority: IC 2-3.5-3-4; IC 5-10-5.5-3; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.2; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

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 effective 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 Public Employees' Retirement Fund*; 35 IAC 12-1-2)

#### **35 IAC 12-1-3 Purpose**

Authority: IC 2-3.5-3-4; IC 5-10-5.5-3; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.2; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

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 Public Employees' Retirement Fund*; 35 IAC 12-1-3)

#### **35 IAC 12-1-4 Text**

Authority: IC 2-3.5-3-4; IC 5-10-5.5-3; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.2; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

Sec. 4. The annual compensation limitations of Code Section 401(a)(17) shall be applied as follows:

(1) The annual compensation limit under Code Section 401(a)(17), 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 Code Section 401(a)(17), 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 Code Section 401(a)(17), 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 the 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 noneligible participants.

*(Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 12-1-4)*

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on April 27, 2004 at 2:00 p.m., at the Board of Trustees of the Public Employees' Retirement Fund, Harrison Building, 143 West Market Street, Suite 500, Indianapolis, Indiana the Board of Trustees of the Public Employees' Retirement Fund will hold a public hearing on proposed amendments concerning compliance with federal annual compensation limits. Send written comments to Leisa I. Julian, General Counsel, Public Employees' Retirement Fund, Harrison Building, Suite 500, 143 West Market Street, Indianapolis, Indiana 46204. Copies of these rules are now on file at the Board of Trustees of the Public Employees' Retirement Fund, Harrison Building, 143 West Market Street, Suite 500 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Craig Hartzer  
Executive Director  
Board of Trustees of the Public Employees' Retirement Fund

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## **TITLE 170 INDIANA UTILITY REGULATORY COMMISSION**

**Proposed Rule**  
LSA Document #03-193

### **DIGEST**

Amends 170 IAC 7-1.1-19 to provide for the use of an

electronic letter of agency in authorizing a change in telephone carriers. Statutory authority: IC 8-1-1-3. Effective 30 days after filing with the secretary of state.

#### **170 IAC 7-1.1-19**

SECTION 1. 170 IAC 7-1.1-19 IS AMENDED TO READ AS FOLLOWS:

#### **170 IAC 7-1.1-19 Unauthorized switching of telecommunications providers; billing for telecommunications or other services added without customer's consent**

Authority: IC 8-1-1-3; IC 8-1-29

Affected: IC 8-1-2-4

Sec. 19. (a) For purposes of this rule, the following definitions apply:

(1) "Electronic letter of agency" or "ELOA" means an electronically signed written statement that:

(A) authorizes a change to the customer's primary interexchange carrier or primary local exchange carrier; and

(B) includes the consumer disclosures required by Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001(c).

(2) "Express authorization" means an express, affirmative act by the customer clearly agreeing to the change in PIC or LEC in the form of:

(A) a written authorization;

(B) a customer-initiated call to the prospective IXC or LEC;

(C) an oral authorization verified and recorded by an independent third party;

(D) a recorded electronic authorization; ~~or~~

(E) some other form of recorded authorization, such as personal identification numbers (PINs) or passwords; ~~or~~

(F) an electronic authorization.

(3) "Letter of agency" or "LOA" means a written statement that the customer signs that authorizes a change to that customer's primary interexchange carrier or primary local exchange carrier.

(4) "Local exchange carrier" or "LEC" means a provider of switched telecommunications service that carries calls originating and terminating within the local calling area.

(5) "Long distance telecommunications service" means service that carries calls to exchanges that are not within the local calling area of the originating number.

(6) "Primary interexchange carrier" or "PIC" means a provider of presubscribed inter-LATA or intra-LATA long distance telecommunications services. **The term includes the following:**

(A) Presubscribed facilities-based carriers of long distance service.

(B) Resellers of long distance service. ~~and~~

(C) Local exchange carriers providing long distance

service.

~~are included in this definition.~~ In those local exchanges where intra-LATA equal access is available, customers may receive presubscribed long distance service from more than one (1) PIC (one (1) for inter-LATA and one (1) for intra-LATA toll) or may select a single PIC that provides both inter-LATA and intra-LATA toll service.

~~(6)~~ (7) "Primary local exchange carrier" or "PLEC" means a carrier to which a customer has presubscribed for local exchange service.

~~(7)~~ (8) "Properly disputed" means the filing of a complaint, either verbally or in writing, with the commission.

~~(8)~~ (9) "Telemarketing" means the use of telecommunications in marketing campaigns to reach prospective purchasers and sell them goods or services.

(b) No prospective PIC shall submit to a LEC a PIC change order generated by telemarketing unless the prospective PIC has first obtained express authorization from the customer. No prospective LEC shall submit a PLEC change order generated by telemarketing unless the prospective LEC has first obtained express authorization from the customer.

(c) The prospective PIC or prospective LEC shall confirm such express authorization through one (1) of the following three (3) procedures:

(1) The prospective PIC or prospective LEC shall obtain the customer's written **or electronic** authorization in a form that meets the requirements of subsections (e) through ~~(m)~~: **(o)**.

(2) The prospective PIC or prospective LEC shall obtain the customer's electronic authorization, placed from the telephone ~~number(s) number or numbers~~ on which the PIC or PLEC is to be changed, to submit a PIC or PLEC change order. The authorization shall include the information described in subsection (i). Prospective PICs or prospective LECs electing to confirm sales electronically shall establish one (1) or more toll-free telephone numbers exclusively for that purpose. A call to the ~~number(s) number or numbers~~ will connect a customer to a voice response unit, or similar mechanism, that records the required information regarding the PIC or PLEC change, including automatically recording the automatic number identification (ANI).

(3) An appropriately qualified and independent third party shall obtain the customer's oral authorization to submit the PIC or PLEC change order. Such authorization shall confirm and include appropriate verification data, for example, the customer's date of birth, mother's maiden name, or Social Security number or part thereof. Such authorization is valid only if the entity that obtained the authorization:

(A) is independent of the prospective PIC or prospective LEC or the telemarketing representative of the prospective PIC or prospective LEC;

(B) complies with this section regarding changes to telecommunications carriers;

(C) has a written policy regarding customer complaints and

abides by that policy;

(D) has a written policy requiring the maintenance and storage of recorded electronic authorizations for a minimum period of one (1) year and abides by that policy;

(E) has a written script that it uses when obtaining verifications, and the script provides clear and unambiguous notice to the customer: ~~of the following~~:

(i) that the customer is authorizing a change in primary interexchange or primary local exchange carrier;

(ii) ~~of~~ the identity of the new primary interexchange or primary local exchange carrier;

(iii) ~~of~~ a toll-free or local number of the LEC that the customer can call to verify whether the change has occurred;

(iv) that, for any one (1) telephone number:

(AA) only one (1) prospective PIC may be designated as the subscriber's inter-LATA primary interexchange carrier;

(BB) only one (1) prospective PIC may be designated as the subscriber's intra-LATA primary interexchange carrier; and

(CC) only one (1) intrastate primary LEC may be designated as the subscriber's primary LEC; **and**

(v) that the PIC change will automatically apply to both inter-LATA and intra-LATA long distance service offerings unless the customer directs otherwise; and

(F) is in a location that is physically separate from that of the prospective PIC or prospective LEC or the telemarketing representative of the prospective PIC or prospective LEC.

(d) A PIC or PLEC change made in violation of any of the requirements of this section is invalid. A prospective PIC or PLEC must provide all information regarding disputed carrier changes and services billings to the commission within thirty (30) days of a commission request for said information.

(e) If the prospective PIC or prospective LEC utilizes **the** authorization procedure in subsection (c)(1), ~~above~~, the prospective PIC or LEC shall obtain any necessary written authorization from a subscriber for a PIC or PLEC change by using a letter of agency **or electronic letter of agency** as specified in subsections (f) through ~~(m)~~: **(o)**. Any letter of agency **or electronic letter of agency** that does not conform with those subsections is invalid.

(f) The letter of agency **or electronic letter of agency** shall be a separate document (**or** an easily separable document) **or located on a separate screen or Web page** containing only the authorizing language described in subsection (i), whose sole purpose is to authorize a prospective PIC or LEC to initiate a primary interexchange carrier or PLEC change. The letter of agency must be signed and dated by the subscriber to the telephone ~~line(s) line or lines~~ requesting the primary interexchange carrier or PLEC change. The subscriber (or

authorized agent in the case of a business customer) whose name appears on bills for local and interexchange service shall be the only party authorized to execute a letter of agency. **The letter of agency must be signed and dated by the subscriber to the telephone line or lines requesting the change.**

(g) The letter of agency shall not be combined with inducements of any kind on the same document, **screen, or Web page.**

(h) Notwithstanding subsections (f) and (g), the letter of agency may be combined with checks that contain only the required letter of agency language prescribed in subsection (i) and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain, in easily readable, bold-face type on the front of the check, a notice that the consumer is authorizing a primary interexchange carrier or PLEC change by signing the check. The letter of agency language ~~also~~ shall **also** be placed near the signature line on the back of the check.

(i) At a minimum, the letter of agency must be printed with a typeface of sufficient size and clarity to be clearly legible and must contain clear and unambiguous language that confirms:

- (1) the subscriber's billing name and address and each telephone number to be covered by the primary interexchange carrier or PLEC change order;
- (2) the subscriber's decision to change the primary interexchange carrier or PLEC from the current interexchange carrier or LEC to the prospective interexchange carrier or prospective LEC;
- (3) that the subscriber designates the prospective interexchange carrier or prospective LEC to act as the subscriber's agent for the primary interexchange carrier or PLEC change;
- (4) that the subscriber understands that, for any one (1) telephone number:
  - (A) only one (1) prospective PIC may be designated as the subscriber's inter-LATA primary interexchange carrier;
  - (B) only one (1) prospective PIC may be designated as the subscriber's intra-LATA primary interexchange carrier; and
  - (C) only one (1) intrastate primary LEC may be designated as the subscriber's intrastate primary LEC;
- (5) that the subscriber understands that any change in primary interexchange carrier or primary LEC may result in a charge to the subscriber; and
- (6) the LEC's toll-free or local number that the customer can call to verify whether the change has occurred.

(j) To the extent a customer selects separate carriers for inter-LATA, intra-LATA, and LEC services, the letter of agency must contain separate statements regarding those choices. Any carrier designated as a primary interexchange carrier for inter-LATA service must be the carrier directly setting the inter-

LATA service rates for the subscriber. Any carrier designated as a primary interexchange carrier for intra-LATA services must be the carrier directly setting the intra-LATA service rates for the subscriber. Any carrier designated as a primary local exchange carrier must be the LEC directly setting the local exchange service rates for the subscriber. One (1) interexchange carrier can be both a subscriber's inter-LATA primary interexchange carrier and a subscriber's intra-LATA primary interexchange carrier.

(k) Letters of agency shall not suggest or require that a subscriber take some action in order to retain the subscriber's current interexchange carrier or LEC.

(l) If any portion of a letter of agency is translated into a language other than English, then all portions of the letter of agency must be translated into that language. Every letter of agency must be translated into the same language as any promotional materials, oral descriptions, or instructions provided with the letter of agency.

(m) The letter of agency shall provide the toll-free telephone number and mailing address of the consumer affairs division of the Indiana utility regulatory commission and shall inform the customer of his or her right to file a complaint with that division.

**(n) Letters of agency submitted with an electronically signed authorization must include the consumer disclosures required by Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001(c).**

~~(n)~~ (o) Upon request of the customer, offers to provide telecommunications interexchange or local exchange services shall be sent to the customer in written form describing the terms and conditions of service.

~~(p)~~ (p) Except for tariff-regulated, customer-initiated, one-time use products, such as collect calling services, optional pay-per-use services (including automatic callback, repeat dialing, and three-way calling), no PIC or LEC or any billing agent acting for said PIC or LEC shall bill a customer for any service unless the PIC, LEC, or billing agent possesses written or electronic documentation that shows:

- (1) the name of the customer requesting the service;
- (2) a description of the service requested by the customer;
- (3) the date on which the customer requested the service;
- (4) the means by which the customer requested the service; and
- (5) the name, address, and telephone number of all sales agents involved.

~~(q)~~ (q) No PIC, LEC, or billing agent for any PIC or LEC shall be entitled to any compensation from a customer for services rendered in violation of this rule.

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## Proposed Rules

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(¶) (r) The customer's local exchange company shall not disconnect the customer's phone service for nonpayment where the customer has properly disputed a carrier change or service billing.

(s) A telecommunications carrier shall submit a preferred carrier change order on behalf of a subscriber within no more than sixty (60) days of obtaining a written or electronically signed letter of agency.

(¶) (t) This rule shall apply only to the extent not preempted by federal law. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.1-19; filed Jan 18, 1999, 1:18 p.m.: 22 IR 1938; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; filed Mar 4, 2002, 2:57 p.m.: 25 IR 2209*)

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on April 22, 2004 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E306 Law Library, Indianapolis, Indiana the Indiana Utility Regulatory Commission will hold a public hearing on a proposed amendment to the slamming rule. Copies of these rules are now on file at the Indiana Government-Center South, 302 West Washington Street, Room E306 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

William D. McCarty  
Commission Chairman  
Indiana Utility Regulatory Commission

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## TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

### Proposed Rule

LSA Document #03-305

### DIGEST

Adds 170 IAC 4-4.2 concerning investor-owned electric utilities providing a net metering program to their residential customers and schools. Effective 30 days after filing with the secretary of state.

### 170 IAC 4-4.2

SECTION 1. 170 IAC 4-4.2 IS ADDED TO READ AS FOLLOWS:

#### Rule 4.2. Net Metering

#### 170 IAC 4-4.2-1 Definitions

Authority: IC 8-1-1-3  
Affected: IC 8-1-2-1

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Commission" means the Indiana utility regulatory commission.

(c) "Customer" means any person, firm, corporation, municipality, or other government agency that has agreed, orally or otherwise, to pay for electric service received from an investor-owned electric utility.

(d) "Eligible net metering customer" means a customer in good standing that owns and operates a solar, wind, or hydro electrical generating facility that:

- (1) has a nameplate capacity less than or equal to ten (10) kilowatts (kW);
- (2) is located on the eligible net metering customer's premises; and
- (3) is used primarily to offset all or part of the eligible net metering customer's own electricity requirements.

(e) "In good standing" means a customer whose account is not more than thirty (30) days in arrears and who does not have any legal orders outstanding pertaining to his or her investor-owned electric utility.

(f) "Interconnection" or "interconnected" means the physical, parallel connection of a net metering facility with a distribution facility of an investor-owned electric utility.

(g) "Investor-owned electric utility" or "utility" means a utility that is financed by the sale of securities and whose business operations are overseen by a board representing their shareholders.

(h) "Name plate capacity" means the full-load continuous rating of a generator under specified conditions as designated by the manufacturer.

(i) "Net metering" means measurement of the difference between the electricity that is supplied by the investor-owned electric utility to an eligible net metering customer and the electricity that is supplied back to the investor-owned electric utility by an eligible net metering customer.

(j) "Net metering facility" means an arrangement of equipment for the production of electricity from the movement of water or wind, or by photoelectric transformation, that is owned and operated by an eligible net metering customer.

(k) "Parallel" means the designed operation of the net metering facility, interconnection equipment, and the investor-owned electric utility's system where the instantaneous flow of electrical energy may automatically occur in either direction across the interconnection point between

the net metering facility and the electrical utility's distribution system.

(l) "System emergency" means a condition on a utility's system reasonably likely to result in any of the following:

- (1) A significant disruption of service to a customer.
- (2) A substantial deviation from a normal service standard.
- (3) An endangerment to life or property.

(Indiana Utility Regulatory Commission; 170 IAC 4-4.2-1)

#### **170 IAC 4-4.2-2 Applicability**

Authority: IC 8-1-1-3

Affected: IC 8-1-2

Sec. 2. These rules shall apply to any investor-owned electric utility, subject to the jurisdiction of the commission, that may now or hereafter be engaged in the production, transmission, sale, or distribution of electric service and all net metering facilities as defined in section 1 of this rule that are interconnected with such utilities. (Indiana Utility Regulatory Commission; 170 IAC 4-4.2-2)

#### **170 IAC 4-4.2-3 Exemption**

Authority: IC 8-1-1-3

Affected: IC 8-1-2

Sec. 3. Net metering facilities shall be exempt from revenue requirement and associated regulation under IC 8-1-2 as administered by the commission, but the commission shall have authority over rates charged by electric utilities to net metering facilities. (Indiana Utility Regulatory Commission; 170 IAC 4-4.2-3)

#### **170 IAC 4-4.2-4 Availability**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-34.5

Sec. 4. An investor-owned electric utility shall offer net metering to residential customers and K-12 schools that install a net metering facility. The utility may offer net metering to other customers at its discretion. The utility may limit the aggregate amount of net metering facility nameplate capacity under the net metering tariff to one-tenth percent (0.1%) of the most recent summer peak load of the utility. (Indiana Utility Regulatory Commission; 170 IAC 4-4.2-4)

#### **170 IAC 4-4.2-5 Interconnection**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 5. (a) A net metering interconnection agreement between the investor-owned electric utility and the eligible net metering customer must be executed before the net metering facility may be interconnected with the investor-owned electric utility's system.

(b) The net metering facility shall comply with the technical interconnection requirements of the investor-owned electric utility. Inverter based systems listed by Underwriters Laboratories (UL) to UL standard 1741, published May 7, 1999, as revised January 17, 2001 (UL 1741), shall be accepted by the investor-owned electric utility as meeting the technical interconnection requirements tested by UL 1741.

(c) The eligible net metering customer shall provide the investor-owned electric utility proof of qualified installation of the net metering facility. Certification by a licensed electrician shall constitute acceptable proof.

(d) An investor-owned electric utility shall not require an eligible net metering customer, whose net metering facility meets the standards of this rule, to do any of the following:

- (1) Install additional controls.
- (2) Perform or pay for additional tests.
- (3) Pay for inspections by the utility or the utility's representative.

(e) The eligible net metering customer shall install, operate, and maintain the net metering facility in accordance with the manufacturer's suggested practices for safe, efficient, and reliable operation in parallel to the investor-owned electric utility's system.

(f) The investor-owned electric utility may isolate any net metering facility at its own discretion if the investor-owned electric utility believes continued interconnection with the net metering facility creates or contributes to a system emergency. System emergencies causing discontinuance of interconnection shall be subject to verification at the commission's discretion.

(g) The investor-owned electric utility may perform reasonable on-site inspections to verify the proper installation and continuing safe operation of the net metering facility and interconnection facilities, at reasonable times and upon reasonable advance notice to the net metering customer. (Indiana Utility Regulatory Commission; 170 IAC 4-4.2-5)

#### **170 IAC 4-4.2-6 Metering**

Authority: IC 8-1-1-3

Affected: IC 8-1-2

Sec. 6. (a) One (1) of the following metering options, if not already present, shall be installed on the eligible net metering customer's premises by the utility to properly record the net kilowatt hours (kWh) of a net metering facility:

- (1) One (1) main watt-hour meter capable of measuring net kWh.
- (2) One (1) main watt-hour meter measuring kWh to the eligible net metering customer and a second watt-hour

meter measuring kWh to the investor-owned electric utility. The reading of the second meter will be subtracted from the reading of the main meter to obtain net kWh for billing.

(b) An investor-owned electric utility shall not charge the eligible net metering customer any costs or fees for the following:

- (1) Additional metering for single-phase configurations installed by the utility.
- (2) Eligible net metering customer's request to participate in net metering program.
- (3) Initial net metering facility inspection.

(*Indiana Utility Regulatory Commission; 170 IAC 4-4.2-6*)

### 170 IAC 4-4.2-7 Billing

Authority: IC 8-1-1-3

Affected: IC 8-1-2-34.5; IC 8-1-2-38

Sec. 7. An investor-owned electric utility shall determine an eligible net metering customer's monthly bill as follows:

- (1) Bill charges, credits, rates, and adjustments shall be in accordance with the utility's tariff and administrative rules that would apply if the eligible net metering customer did not participate in net metering.
- (2) The utility shall measure the difference between the amount of electricity delivered by the utility to the eligible net metering customer and the amount of electricity generated by the eligible net metering customer and delivered to the utility during the billing period, in accordance with normal metering practices. If the kilowatt hours (kWh) delivered by the utility to the eligible net metering customer exceeds the kWh delivered by the eligible net metering customer to the utility during the billing period, the eligible net metering customer shall be billed for the kWh difference at the rate applicable to the eligible net metering customer if it was not an eligible net metering customer. If the kWh generated by the eligible net metering customer and delivered to the utility exceeds the kWh supplied by the utility to the eligible net metering customer during the billing period, the eligible net metering customer shall be credited in the next billing cycle for the kWh difference.
- (3) When the eligible net metering customer elects to no longer participate in the net metering tariff, any unused credit shall revert to the utility.

(*Indiana Utility Regulatory Commission; 170 IAC 4-4.2-7*)

### 170 IAC 4-4.2-8 Liability insurance and indemnity

Authority: IC 8-1-1-3

Affected: IC 8-1-2-33; IC 8-1-2-34

Sec. 8. (a) An eligible net metering customer operating a net metering facility shall maintain homeowners, commercial, or other insurance providing coverage in the amount of at least one hundred thousand dollars (\$100,000) for the

liability of the insured against loss arising out of the use of a net metering facility. Eligible net metering customers shall not be required by the utility to obtain liability insurance with limits higher than that which is stated in this section, nor shall such eligible net metering customers be required by the utility to purchase additional liability insurance, for example, insurance coverage that exceeds one hundred thousand dollars (\$100,000) where the eligible net metering customer's existing insurance policy provides coverage against loss arising out of the use of a net metering facility by virtue of not explicitly excluding coverage for such loss.

(b) The utility and the eligible net metering customer shall indemnify and hold the other party harmless from and against all claims, liability, damages, and expenses, including attorney's fees, based on any injury to any person, including loss of life or damage to any property, including loss of use thereof, arising out of, resulting from, or connected with, or that may be alleged to have arisen out of, resulted from, or connected with an act or omission by such other party, its employees, agents, representatives, successors, or assigns in the construction, ownership, operation, or maintenance of such party's facilities used in net metering. (*Indiana Utility Regulatory Commission; 170 IAC 4-4.2-8*)

### 170 IAC 4-4.2-9 Tariff and reporting requirements

Authority: IC 8-1-1-3

Affected: IC 8-1-2

Sec. 9. (a) Within sixty (60) days of the effective date of this rule, all electric utilities shall submit for approval under the commission's thirty (30) day filing process a net metering tariff. The net metering tariff shall include the technical interconnection requirements of the investor-owned electric utility and shall comply with the requirements of this rule.

(b) Within sixty (60) days of the effective date of this rule, all investor-owned electric utilities shall submit for approval via the commission's thirty (30) day filing process a generic interconnection agreement applicable to net metering facilities. An interconnection agreement shall include the following:

- (1) The name of the eligible net metering customer.
- (2) The location of the proposed net metering facility.
- (3) Type of the proposed net metering facility.
- (4) Size or inverter power rating, or both, of the proposed net metering facility.
- (5) Inverter manufacturer and model number.
- (6) A description of the electrical installation of the inverter and associated electrical equipment.

(c) On or before March 1 of each year, each investor-owned electric utility shall file with the commission a net metering report. The net metering report shall contain the following:

- (1) The total number of eligible net metering customers and facilities.
- (2) The number, size, and type (solar, wind, hydro) of net metering facilities.
- (3) The number of new eligible net metering customers interconnected during the previous calendar year.
- (4) The number of existing eligible net metering customers that ceased participation in the net metering tariff during the previous calendar year.
- (5) If available, data on the amount of electricity generated by net metering facilities.

(Indiana Utility Regulatory Commission; 170 IAC 4-4.2-9)

#### **170 IAC 4-4.2-10 Customer complaints**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-34.5

**Sec. 10. In the event an investor-owned electric utility and an eligible net metering customer are unable to agree on matters relating to net metering, either party may raise a customer complaint to the commission in accordance with 170 IAC 4-1-17.** (Indiana Utility Regulatory Commission; 170 IAC 4-4.2-10)

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on May 20, 2004 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E306, Indianapolis, Indiana the Indiana Utility Regulatory Commission will hold a public hearing on net metering. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E306 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

William D. McCarty  
Commission Chairman  
Indiana Utility Regulatory Commission

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### **TITLE 312 NATURAL RESOURCES COMMISSION**

#### **Proposed Rule**

LSA Document #03-316

#### **DIGEST**

Adds 312 IAC 5-12.5, concerning the operation of watercraft and the boat excise tax, to authorize the operator of a sailboat to display excise tax decals on the mast or boom if they are not clearly visible, as otherwise required to be affixed under IC 6-6-11-24(2), while the boat is underway. Effective 30 days after filing with the secretary of state.

#### **312 IAC 5-12.5**

SECTION 1. 312 IAC 5-12.5 IS ADDED TO READ AS FOLLOWS:

#### **Rule 12.5. Boat Excise Tax**

#### **312 IAC 5-12.5-1 Excise tax decals**

Authority: IC 6-6-11-24

Affected: IC 6-6-11

**Sec. 1. If both excise tax decals that are required by IC 6-6-11-24(2) would not be clearly visible when a sailboat is underway, the taxpayer may display the decals on the mast or boom if the decals are clearly visible in both directions.** (Natural Resources Commission; 312 IAC 5-12.5-1)

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on April 27, 2004 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on a proposed new rule concerning the operation of watercraft and the boat excise tax to authorize the operator of a sailboat to display excise tax decals on the mast or boom if they are not clearly visible, as otherwise required to be affixed under IC 6-6-11-24(2), while the boat is underway. 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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### **TITLE 312 NATURAL RESOURCES COMMISSION**

#### **Proposed Rule**

LSA Document #04-4

#### **DIGEST**

Amends 312 IAC 6-4-3, 312 IAC 8-2-13, and 312 IAC 11-4-1 concerning the construction and maintenance of marinas along or within public waters to clarify that the operators of marinas must maintain functioning watercraft pumpout facilities and to authorize the department's division of law enforcement to exempt marinas that only service watercraft without marine sanitation devices or those with qualified agreements to have pumpout services provided by a nearby marina or similar facility. Effective 30 days after filing with the secretary of state.

#### **312 IAC 6-4-3**

#### **312 IAC 8-2-13**

#### **312 IAC 11-4-1**

## Proposed Rules

SECTION 1. 312 IAC 6-4-3, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 6-4-3 Sewage pumpout facilities for watercraft

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-29-1-8

Affected: IC 14-29-1-8

Sec. 3. (a) ~~No~~ Except as provided in subsection (c), a person ~~shall~~ must not operate a marina unless the person provides a pumpout that is in good working order and readily accessible to patrons of the marina and secures and maintains one (1) of the following:

- (1) A license under 327 IAC 3-2 for the construction and operation of a wastewater treatment facility or sanitary sewer.
- (2) A license under 410 IAC 6-10 for the construction of a commercial on-site wastewater disposal facility.
- (3) An alternative written approval for wastewater disposal from an authorized governmental agency.

(b) The department shall require compliance with subsection (a) as a condition for the issuance of a license under section 2 of this rule.

(c) A person may apply to the division of law enforcement for an exemption from this section. The exemption shall be granted, for a period not to exceed five (5) years, where the person demonstrates either of the following:

- (1) The marina is designed to serve exclusively watercraft that are neither required nor likely to be equipped with a marine sanitation device.
- (2) The operator of the marina has entered a binding agreement with another marina or similar facility along the waterway to provide pumpout services where the other marina or similar facility:
  - (A) maintains a lawful pumpout as described in subsection (a);
  - (B) is in proximity to the marina seeking the exemption so patrons to be served at a pumpout, which would otherwise be required at the exempted marina, would not be significantly inconvenienced; and
  - (C) has sufficient pumpout capacity and accessibility to effectively serve the patrons of both parties to the agreement.

*(Natural Resources Commission; 312 IAC 6-4-3; filed Sep 11, 1997, 8:50 a.m.: 21 IR 369; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 2. 312 IAC 8-2-13 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 8-2-13 Marinas and wastewater holding facilities for watercraft

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 13. (a) As used in this section, "marina" means a structure that:

- (1) services simultaneously at least five (5) watercraft; and
- (2) provides, for a fee, one (1) or more of the following:
  - (A) Watercraft engine fuel.
  - (B) Docks.
  - (C) Watercraft repair.
  - (D) Watercraft sales or rental.

(b) ~~No~~ Except as provided in subsection (d), a person ~~shall~~ must not operate a marina unless the person provides a pumpout that is in good working order and readily accessible to patrons of the marina and secures and maintains one (1) of the following:

- (1) A license under 327 IAC 3-2 for the construction and operation of a wastewater treatment facility or sanitary sewer.
- (2) A license under 410 IAC 6-10 for the construction of a commercial on-site wastewater disposal facility.
- (3) An alternative written approval for wastewater disposal from an authorized governmental agency.

(c) The requirements of subsection (b) shall be made a condition for a license issued by the department to construct a new marina or to modify an existing marina.

(d) A person may apply to the division of law enforcement for an exemption from subsection (b). The exemption shall be granted, for a period not to exceed five (5) years, where the person demonstrates either of the following:

- (1) The marina is designed to serve exclusively watercraft that are neither required nor likely to be equipped with a marine sanitation device.
- (2) The operator of the marina has entered a binding agreement with another marina or similar facility along the waterway to provide pumpout services where the other marina or similar facility:
  - (A) maintains a lawful pumpout as described in subsection (b);
  - (B) is in proximity to the marina seeking the exemption so patrons to be served at a pumpout, which would otherwise be required at the exempted marina, would not be significantly inconvenienced; and
  - (C) has sufficient pumpout capacity and accessibility to effectively serve the patrons of both parties to the agreement.

*(Natural Resources Commission; 312 IAC 8-2-13; filed Oct 28, 1998, 3:32 p.m.: 22 IR 743, eff Jan 1, 1999)*

SECTION 3. 312 IAC 11-4-1 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 11-4-1 Marinas

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-26-2

Sec. 1. (a) A written license under IC 14-26-2 and this rule is required to place a marina within a public freshwater lake.



(b) ~~No Except as provided in subsection (d), a person shall~~ **must not** operate a marina unless the person **provides a pumpout that is in good working order and readily accessible to patrons of the marina and** secures and maintains one (1) of the following:

- (1) A license under 327 IAC 3-2 for the construction and operation of a wastewater treatment facility or a sanitary sewer.
- (2) A license under 410 IAC 6-10 for the construction of a commercial on-site wastewater disposal facility.
- (3) An alternative written approval for wastewater disposal from an authorized governmental agency.

(c) The requirements of subsection (b) shall be made a condition for a license issued by the department to construct a new marina or to modify an existing marina.

**(d) A person may apply to the division of law enforcement for an exemption from subsection (b). The exemption shall be granted, for a period not to exceed five (5) years, where the person demonstrates either of the following:**

- (1) The marina is designed to serve exclusively watercraft that are neither required nor likely to be equipped with a marine sanitation device.**
- (2) The operator of the marina has entered a binding agreement with another marina or similar facility along the lake to provide pumpout services where the other marina or similar facility:**
  - (A) maintains a lawful pumpout as described in subsection (b);**
  - (B) is in proximity to the marina seeking the exemption so patrons to be served at a pumpout, which would otherwise be required at the exempted marina, would not be significantly inconvenienced; and**
  - (C) has sufficient pumpout capacity and accessibility to effectively serve the patrons of both parties to the agreement.**

*(Natural Resources Commission; 312 IAC 11-4-1; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2225)*

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on April 26, 2004 at 12:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments concerning the construction and maintenance of marinas along or within public waters to clarify that the operators of marinas must maintain functioning watercraft pumpout facilities and to authorize the department's division of law enforcement to exempt marinas that only service watercraft without marine sanitation devices or those with qualified agreements to have pumpout services provided by a nearby marina or similar facility. 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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## **TITLE 326 AIR POLLUTION CONTROL BOARD**

**Proposed Rule**  
LSA Document #03-195

### **DIGEST**

Amends 326 IAC 6-1-13 and 326 IAC 7-4-3 to delete references to boilers and associated emission limitations no longer in use. Effective 30 days after filing with the secretary of state.

### **HISTORY**

First Notice of Comment Period: August 1, 2003, Indiana Register (26 IR 3757).

Second Notice of Comment Period and Notice of First Hearing: December 1, 2003, Indiana Register (27 IR 948).

Date of First Hearing: March 3, 2004.

### **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 December 1, 2003, at 27 IR 948, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

### **SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

The Indiana Department of Environmental Management (IDEM) requested public comment from December 1, 2003, through January 4, 2004, on IDEM's draft rule language. No comments were received during the second comment period.

### **SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On March 3, 2004, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 6-1-13 and 326 IAC 7-4-3. Comments were made by the following parties:

Bingham McHale representing Pfizer, Inc. (PI)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* Pfizer, Inc. supports preliminary adoption of the rule changes presented to the board today. In addition, Pfizer requests the deletion from 326 IAC 7-4-3(11) of the gas-fired Animal Health Boiler and its emission limit which was recently decommissioned. This boiler was removed from service and from the site on February 3, 2004.

*Response:* IDEM will verify with the Vigo County local agency the

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status of the decommissioned boiler and corresponding permit and, if appropriate, recommend the deletion of the boiler at final adoption.

### 326 IAC 6-1-13

### 326 IAC 7-4-3

SECTION 1. 326 IAC 6-1-13 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 6-1-13 Vigo County

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

Affected: IC 13-12; IC 13-14-4-3; IC 13-16-1

Sec. 13. In addition to the emission limitations contained in section 2 of this rule, the following limitations apply to sources in Vigo County:

VIGO COUNTY						
Source	East Km	North Km	Process	tons/yr+	Emission Limits lbs/million BTU	other units
Alcan	466.23	4376.07	No. 2 Melter	49.3		3 lb/ton
	466.23	4376.06	No. 3 Melter	49.3		3 lb/ton
	466.23	4376.05	No. 4 Melter	49.3		3 lb/ton
	466.23	4376.04	No. 5 Melter	144.5		3 lb/ton
	466.23	4376.03	No. 6 Melter	144.5		3 lb/ton
	466.23	4376.09	No. 7 Melter	184.0		3 lb/ton
	466.23	4376.09	No. 7 Melter	184.0		3 lb/ton
Terre Haute Grain	465.89	4365.42	Unloading	45.9		Good housekeeping as defined by <del>326 IAC 6-1-13</del> <b>this rule</b> and the board or its designated agent.
	465.87	4365.40	Loading	22.9		
	465.85	4365.39	Bin Unloading	76.1		
	465.89	4365.37	Drying	10.1		
Gartland Foundry	464.54	4365.81	Cupola	112.5		.15 gr/dscf
Colombian Home Products	455.36	4370.89	No. 1 & 2 Boilers (1 stack)	69.0	.35	
Graham Grain	464.21	4365.73	Drying	1.7		Good housekeeping as defined by <del>326 IAC 6-1-13</del> <b>this rule</b> and the board or its designated agent.
Indiana Gas & Chemical	464.21	4365.81	Handling	16.0		
	465.88	4366.27	4 Boilers	61.6	.15	
	465.92	4366.30	Coal Unloading	38.6		Comply with 326 IAC 11-3
	465.91	4366.24	Quenching	86.9		Comply with 326 IAC 11-3
	465.91	4366.32	No. 1 Charging & Coking	77.2		Comply with 326 IAC 11-3
	465.91	4366.32	No. 4 Pushing	2.2		.04 lb/ton of coke
	465.89	4366.35	No. 1 Underfire Stack	7.0		.03 gr/dscf
	465.91	4366.29	No. 2 Charging & Coking	77.2		Comply with 326 IAC 11-3
	465.91	4366.29	No. 2 Pushing	2.2		.04 lb/ton of coke
	465.91	4366.27	No. 2 Underfire Stack	7.0		.03 gr/dscf
	465.03	4369.14	No. 2 & 3 Boilers (1 stack)	207.5	.35	Boilers 2 & 3 will not be used simultaneously with Boiler 5.
	465.03	4369.14	No. 5 Boiler (1 stack)	232.4	.35	
J.I. Case	465.04	4369.13	No. 4 Boiler	57.5	.15	
	466.32	4375.13	No. 1 & 2 Boilers (1 stack)	308.3	.68	

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Martin Marietta	459.30	4360.60	Gravel Pit	86.7		Comply with 326 IAC 6-4 and good housekeeping as defined in <del>326 IAC 6-1</del> <b>this rule</b> and by the board or its designated agent.
Pfizer	<del>464.06</del>	<del>4356.54</del>	<del>No. 6 &amp; 7 Boilers</del>	<del>92.0</del>	<del>.15</del>	
	<del>464.06</del>	<del>4356.57</del>	<del>No. 5 Boiler</del>	<del>57.2</del>	<del>.15</del>	
	<del>464.65</del>	<del>4356.39</del>	<del>D Boiler</del>	<del>7.9</del>	<del>.15</del>	
PSI	463.58	4375.20	Units 1-6	4102.3	0.1338	
Rose Hulman	472.19	4370.38	No. 1 Boiler	49.3	.6	
Sisters of Providence	460.48	4373.41	No. 2 & 3 Boilers	89.9		20.52 lb/hr
	460.50	4373.42	No. 5, 7 & 8 Boilers	106.2		24.24 lb/hr
Terre Haute Concrete	465.44	4368.96	Batch Plant No. 1	52.5		Comply with 326 IAC 6-4 and good housekeeping procedures as defined by the board or its designated agent.
	465.44	4368.98	Batch Plant No. 2	48.3		
Terre Haute Malleable	4660.50	4371.32	Exhaust Fans	3.8		.15 gr/dscf
United States	461.15	4363.13	No. 1 Boiler	41.1	.15	
Penitentiary	461.15	4363.12	No. 2 Boiler	41.1	.15	
	461.15	4363.11	No. 3 Boiler	41.1	.15	
	462.43	4363.63	Camp Boiler	20.5	.15	
Ulrich Chemical	466.13	4365.39	Soda Ash Handling	4.5		.03 gr/dscf
Wabash Fibre Box	466.57	4370.89	Boiler	16.4	.15	
	466.54	4371.01	Reserve Boiler	55.2	.6	
Wabash Valley As-phalt	468.38	4374.20	North Plant	194.7		Comply with 326 IAC 6-4
	459.30	4360.60	South Plant	315.6		Comply with 326 IAC 6-4
International Paper	463.42	4365.58	No. 1 & 4 Boilers	483.8	.35	
	463.71	4366.00	No. 5 Boiler	61.2	.15	
	463.65	4665.57	Reclaim Furnace	311.0		71 lb/hr

+Compliance shall be acceptable if within 5% of the established emission limit.

(Air Pollution Control Board; 326 IAC 6-1-13; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2480; filed Nov 8, 2001, 2:02 p.m.: 25 IR 754)

SECTION 2. 326 IAC 7-4-3 IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 7-4-3 Vigo County sulfur dioxide emission limitations

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

Affected: IC 13-12; IC 13-14-4-3; IC 13-16-1

Sec. 3. The following sources and facilities located in Vigo County shall comply with the sulfur dioxide emission limitations in pounds per million Btu, unless otherwise specified, and other requirements:

<u>Source</u>	<u>Facility Description</u>	<u>Emission Limitations</u>
(1) Alcan Rolled Products Co.	Sol Oil Boiler	0.51
	Foil Mill Boiler	0.51
	Oil Farm Boiler	0.51
	#2 Melter	1.60
	#3 Melter	1.60
	#4 Melter	1.60
	#5 Melter	1.60
	#6 Melter	1.60
	#7 Melter	1.60
	#53 Annealing Furnaces	1.60

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(2) Bemis	Boiler	0.51
(3) CBS	#1 WH CB200-200	0.51
	#2 WH CB200-200	0.51
	#1 HC CB293-100	0.51
	#2 HC CB M & W 4000	0.51
	#3 HC CB M & W 4000	0.51
	#1 BP Springfield	0.51
(4) CF Industries	Process Murray Boiler 1	0.52
	Process Murray Boilers 2 and 3	0.52
(5) Digital Audio Disc	#1 Kewanee Boiler	0.36
	#2 Kewanee Boiler	0.36
(6) Doxsee Foods Corp.	Boiler	2.62
(7) General Housewares	Boiler 1A Ladd	6.00
	Boiler 2A Combustion Eng.	6.00
	#5 Enamel Furnace Radiant Tube	0.51
	#6 Enamel Furnace Muffle	0.51
(8) Hercules, Inc.	Murray Iron Works Boiler A	0.51
	Murray Iron Works Boiler B	0.51
	Clayton Boiler (Standby)	0.51
	Nebraska Boiler	0.51
(9) Indiana State University	#2 Voight Boiler	5.64
	#3 Voight Boiler	5.64
	#5 B & W Boiler	5.64
	#4 Murray Boiler	0.37
(10) J.I. Case	No. 1 Riley Boiler	4.74
	No. 2 Riley Boiler	4.74
(11) Pfizer	Boiler 8	3.01
	<del>Boiler 5</del>	<del>2.12</del>
	<del>Boiler 6</del>	<del>2.12</del>
	<del>Boiler 7</del>	<del>2.12</del>
	Animal Health Boiler	1.55
Boiler load on Boiler 5, Boiler 6, or Boiler 7 is restricted to 55.84 million Btu per hour if Boiler 8 is also in operation. Pfizer shall maintain records which contain the actual boiler heat input, based on the average fuel heat content and on the quantity of fuel burned hourly, for any hour in which Boiler 5, Boiler 6, or Boiler 7 is in simultaneous operation with Boiler 8. The records shall be made available to the department or the Vigo County Air Pollution Control Department upon request.		
(12) Pillsbury (Terre Haute)	Boiler B	0.36
	Boiler C	2.62
	Boiler D	0.36
(13) Pitman-Moore	#9, #10, and #15 Boilers	4.58
	#16 Boiler	0.36
	East Plant Boiler	0.36
(14) Public Service Indiana Wabash River	Boilers 1, 2, 3, 4, 5, and 6	4.04
(15) Rose-Hulman	#1 Voight Boiler	2.26
	#2 Cleaver Brooks Boiler	0.51
	#4 Cleaver Brooks Boiler	0.51
(16) St. Mary's Sisters of Providence	#2 Voight Boiler	3.84
	#3 B & N Boiler	3.84
	#5 B & N Boiler	3.84
	#7 Voight Boiler	3.84

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	#8 Voight Boiler	3.84
(17) Snacktime Company	#1 Boiler	0.52
	#12 Boiler	0.52
	#2, #3, #4, and #6	0.52
	Fryer Oil Heaters	
(18) Terre Haute Coke and Carbon	2 CB Boilers	1.79
	2 Standby Boilers	4.55
	No. 1 CB Underfire Stack	0.63
	No. 2 CB Underfire Stack	0.63
(19) Terre Haute Regional Hospital	#1 Boiler	0.45
	(New) #2 Boiler	0.45
(20) Union Hospital Energy Co.	2 Keeler Boilers	0.36
	3 Cleaver Brooks Boilers	0.36
(21) U.S. Penitentiary	#1, #2, and #3 Boilers	0.51
	2 Honor Farm Boilers	0.51
(22) Wabash Fibre Box	Cleaver Brooks Boiler	2.36
(23) Wabash Products Co.	Boiler	natural gas only
(24) Western Tar	Tar Division, Boiler A	0.36
	Tar Division, Boiler B	0.36
	Wood Division, Boiler A	0.36
	Wood Division, Boiler B	0.36
	Tar Division, Process Still	0.36
(25) Weston Paper	B-1 and B-4 Boilers	4.09
	B-5 Warehouse Boiler	2.62

*(Air Pollution Control Board; 326 IAC 7-4-3; filed Aug 28, 1990, 4:50 p.m.: 14 IR 70; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)*

### 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 2, 2004 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 6-1-13 and 326 IAC 7-4-3 to delete references to boilers and associated emission limitations no longer in use for Pfizer, Inc.

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 Suzanne Whitmer, Rule Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator  
Indiana Department of Environmental Management

100 North Senate Avenue  
P.O. Box 6015

Indianapolis, Indiana 46206-6015

or call (317) 233-0855, (TDD): (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor 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 #03-285

#### DIGEST

Adds 326 IAC 20-63 concerning surface coating of large

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appliances; 326 IAC 20-64 concerning surface coating of metal coil; 326 IAC 20-65 concerning paper and other web coating; 326 IAC 20-66 concerning flexible polyurethane foam fabrication operations; 326 IAC 20-67 concerning municipal solid waste landfills; 326 IAC 20-68 concerning friction materials manufacturing facilities; and 326 IAC 20-69 concerning polyvinyl chloride and copolymers production. Effective 30 days after filing with the secretary of state.

### HISTORY

Second Notice of Comment Period and Notice of First Hearing: November 1, 2003, Indiana Register (27 IR 579).

Change in Notice of First Hearing: January 1, 2004, Indiana Register (27 IR 1195).

Date of First Hearing: March 3, 2004.

### 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 November 1, 2003, at 27 IR 579, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

### SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from November 1, 2003, through December 1, 2003, on IDEM's draft rule language.

No comments were received during the comment period.

### SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On March 3, 2004, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of new rules 326 IAC 20-63, 326 IAC 20-64, 326 IAC 20-65, 326 IAC 20-66, 326 IAC 20-67, 326 IAC 20-68, and 326 IAC 20-69.

No comments were made at the first hearing.

<b>326 IAC 20-63</b>	<b>326 IAC 20-67</b>
<b>326 IAC 20-64</b>	<b>326 IAC 20-68</b>
<b>326 IAC 20-65</b>	<b>326 IAC 20-69</b>
<b>326 IAC 20-66</b>	

SECTION 1. 326 IAC 20-63 IS ADDED TO READ AS FOLLOWS:

#### Rule 63. Surface Coating of Large Appliances

##### 326 IAC 20-63-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.4081 (67 FR 48262, July 23, 2002)\*.

(b) The air pollution control board incorporates by

reference 40 CFR 63, Subpart NNNN (67 FR 48262, July 23, 2002)\*, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Large Appliances.

\*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 20-63-1)

SECTION 2. 326 IAC 20-64 IS ADDED TO READ AS FOLLOWS:

#### Rule 64. Surface Coating of Metal Coil

##### 326 IAC 20-64-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.5090 (67 FR 39811, June 10, 2002)\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart SSSS (67 FR 39811, June 10, 2002, and 68 FR 12592, March 17, 2003)\*, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Coil.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board*; 326 IAC 20-64-1)

SECTION 3. 326 IAC 20-65 IS ADDED TO READ AS FOLLOWS:

#### Rule 65. Paper and Other Web Coating

##### 326 IAC 20-65-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.3290 (67 FR 72341, December 4, 2002)\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart JJJJ (67 FR 72341, December 4, 2002)\*, National Emission Standards for Hazardous Air Pollutants for Paper and Other Web Coating.

\*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 20-65-1*)

SECTION 4. 326 IAC 20-66 IS ADDED TO READ AS FOLLOWS:

**Rule 66. Flexible Polyurethane Foam Fabrication Operations**

**326 IAC 20-66-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.8782 (68 FR 18069, April 14, 2003)\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart MMMMM (68 FR 18069, April 14, 2003)\*, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Fabrication Operations.

\*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 20-66-1*)

SECTION 5. 326 IAC 20-67 IS ADDED TO READ AS FOLLOWS:

**Rule 67. Municipal Solid Waste Landfills**

**326 IAC 20-67-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.1935 (68 FR 2238, January 16, 2003)\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart AAAA (68 FR 2238, January 16, 2003)\*, National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills.

\*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 20-67-1*)

SECTION 6. 326 IAC 20-68 IS ADDED TO READ AS FOLLOWS:

**Rule 68. Friction Material Manufacturing Facilities**

**326 IAC 20-68-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.9485 (67 FR 64506, October 18, 2002)\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart QQQQQ (67 FR 64506, October 18, 2002)\*, National Emission Standards for Hazardous Air Pollutants for Friction Material Manufacturing Facilities.

\*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 20-68-1*)

SECTION 7. 326 IAC 20-69 IS ADDED TO READ AS FOLLOWS:

**Rule 69. Polyvinyl Chloride and Copolymers Production**

**326 IAC 20-69-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.211 (67 FR 45891, July 10, 2002)\*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart J (67 FR 45891, July 10, 2002)\*, National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.

\*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

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## Proposed Rules

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of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board*; 326 IAC 20-69-1)

### 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 May 5, 2004 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 new rules 326 IAC 20-63, 326 IAC 20-64, 326 IAC 20-65, 326 IAC 20-66, 326 IAC 20-67, 326 IAC 20-68, and 326 IAC 20-69.

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 new rules. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Gayl 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 326 AIR POLLUTION CONTROL BOARD

#### Proposed Rule

LSA Document #03-332

#### DIGEST

Readopts 326 IAC 2-10-1. Adds 326 IAC 2-10-2.1, 326 IAC

2-10-3.1, 326 IAC 2-10-4.1, 326 IAC 2-10-5.1, and 326 IAC 2-10-6.1 to allow small sources to operate under a permit by rule. Effective 30 days after filing with the secretary of state.

### HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7, Second Notice of Comment Period, and Notice of First Public Hearing: January 1, 2004 (27 IR 1309).

Date of First Hearing: March 3, 2004.

### 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, 2004 (27 IR 1309), the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

### SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from January 1, 2004, through January 30, 2004, on IDEM's draft rule language. No comments were received during the second comment period.

### SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On March 3, 2004, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of readoption of 326 IAC 2-10-1 and the addition of new rules to 326 IAC 2-10-2.1, 326 IAC 2-10-3.1, 326 IAC 2-10-4.1, 326 IAC 2-10-5.1, and 326 IAC 2-10-6.1. No comments were made at the first hearing.

**326 IAC 2-10-1**

**326 IAC 2-10-2.1**

**326 IAC 2-10-3.1**

**326 IAC 2-10-4.1**

**326 IAC 2-10-5.1**

**326 IAC 2-10-6.1**

SECTION 1. 326 IAC 2-10-1 IS READOPTED TO READ AS FOLLOWS:

### 326 IAC 2-10-1 Limiting potential to emit

**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. 1. (a) A source that would otherwise be required to have a permit under 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8, or an operating agreement as described in 326 IAC 2-9 may limit its potential to emit by complying with the conditions of this rule. A source complying with this rule is not subject to 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8, or 326 IAC 2-9 unless otherwise required by federal law.

(b) A source complying with this rule may at any time apply for a state operating permit under 326 IAC 2-6.1, Part 70 permit under 326 IAC 2-7, a FESOP under 326 IAC 2-8, or an operating agreement under 326 IAC 2-9, as applicable. (*Air Pollution Control Board*; 326 IAC 2-10-1; filed Sep 5, 1996, 11:00 a.m.: 20 IR 10; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1063)



SECTION 2. 326 IAC 2-10-2.1 IS ADDED TO READ AS FOLLOWS:

**326 IAC 2-10-2.1 Definitions**

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. 2.1.** The definitions in IC 13-11-2, 326 IAC 1-2, and 326 IAC 2-7 apply throughout this rule. (*Air Pollution Control Board; 326 IAC 2-10-2.1*)

SECTION 3. 326 IAC 2-10-3.1 IS ADDED TO READ AS FOLLOWS:

**326 IAC 2-10-3.1 Conditions**

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. 3.1.** The conditions of this rule that limit potential to emit are as follows:

(1) The source limits actual emissions for every twelve (12) month period to less than twenty percent (20%) of any threshold for a major source of the following:

(A) Regulated air pollutants.

(B) Hazardous air pollutants, as defined in Section 112 of the Clean Air Act.

(2) The source does not rely on air pollution control equipment to comply with subdivision (1).

(*Air Pollution Control Board; 326 IAC 2-10-3.1*)

SECTION 4. 326 IAC 2-10-4.1 IS ADDED TO READ AS FOLLOWS:

**326 IAC 2-10-4.1 Demonstration of compliance**

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. 4.1.** Not later than thirty (30) days after receipt of a written request by the department or U.S. EPA, the owner or operator shall demonstrate that the source is in compliance with the conditions provided in section 3.1 of this rule. The demonstration of compliance shall be based on actual emissions for the previous twelve (12) months and may include, but is not limited to, fuel or material usage or production records. No other demonstration of compliance shall be required. (*Air Pollution Control Board; 326 IAC 2-10-4.1*)

SECTION 5. 326 IAC 2-10-5.1 IS ADDED TO READ AS FOLLOWS:

**326 IAC 2-10-5.1 Compliance with other provisions**

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. 5.1.** (a) This rule does not affect a source's requirement to comply with provisions of any other applicable federal, state, or local requirement, except as specifically

provided in section 1 of this rule.

(b) A source subject to this rule shall be subject to applicable requirements for a major source, including 326 IAC 2-7, if:

(1) at any time the source is not in compliance with the conditions provided in section 3.1 of this rule; or

(2) the source does not timely or adequately demonstrate compliance with the conditions in section 3.1 of this rule as required under section 4.1 of this rule.

(*Air Pollution Control Board; 326 IAC 2-10-5.1*)

SECTION 6. 326 IAC 2-10-6.1 IS ADDED TO READ AS FOLLOWS:

**326 IAC 2-10-6.1 Enforcement**

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; IC 13-30

**Sec. 6.1.** Any violation of this rule may result in administrative or judicial enforcement proceedings under IC 13-30-3 and penalties under IC 13-30-4, IC 13-30-5, or IC 13-30-6.

(*Air Pollution Control Board; 326 IAC 2-10-6.1*)

**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 May 5, 2004 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 the proposed readoption of 326 IAC 2-10-1 and new rules 326 IAC 2-10-2.1, 326 IAC 2-10-3.1, 326 IAC 2-10-4.1, 326 IAC 2-10-5.1, and 326 IAC 2-10-6.1.*

*The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed readoption and new rules. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Suzanne Whitmer, Rule Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator*

*Indiana Department of Environmental Management*

*100 North Senate Avenue*

*P.O. Box 6015*

*Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855, (TDD): (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of*

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## Proposed Rules

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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 326 AIR POLLUTION CONTROL BOARD

**Proposed Rule**  
LSA Document #03-333

#### DIGEST

Amends 326 IAC 2-11-2 and readopts 326 IAC 2-11-1, 326 IAC 2-11-3, and 326 IAC 2-11-4 to allow gasoline dispensing operations, grain elevators, and sources that process mill or grain to operate under a permit by rule. *NOTE: IC 4-22-2.5-5 authorizes the governor, by executive order, to postpone the expiration of rules for one year. Executive Order #03-53, issued December 30, 2003, and printed at 27 IR 1663, postpones the expiration of the rules in this document until January 1, 2005. Effective 30 days after filing with the secretary of state.*

#### HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7, Second Notice of Comment Period and Notice of First Hearing: January 1, 2004, Indiana Register (27 IR 1311).

Date of First Hearing: March 3, 2004.

#### 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, 2004 (27 IR 1311), the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

#### SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from January 1, 2004, through January 30, 2004, on IDEM's draft rule language. No comments were received during the second comment period.

#### SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On March 3, 2004, the air pollution control board (board) conducted the first public hearing/board meeting concerning the readoption of 326 IAC 2-11-1, 326 IAC 2-11-3, and 326 IAC 2-11-4 and the development of amendments to 326 IAC 2-11-2. No comments were made at

the first hearing.

**326 IAC 2-11-1**  
**326 IAC 2-11-2**

**326 IAC 2-11-3**  
**326 IAC 2-11-4**

SECTION 1. 326 IAC 2-11-1 IS READOPTED TO READ AS FOLLOWS:

#### 326 IAC 2-11-1 General provisions

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

**Affected:** IC 13-11-2; IC 13-15; IC 13-17; IC 13-30-3

Sec. 1. (a) This section contains general provisions applicable to all other sections in this rule.

(b) Definitions provided in IC 13-11-2, 326 IAC 1-2, and 326 IAC 2-7 shall apply to this rule.

(c) A source may limit its allowable emissions or potential to emit by complying with the conditions of the applicable section of this rule. A source complying with this rule is not subject to 326 IAC 2-6.1 unless otherwise required by law. A source complying with this rule is not subject to 326 IAC 2-5.1 or 326 IAC 2-7 provided the rule limits the source's allowable emissions or potential to emit below the applicability thresholds for 326 IAC 2-5.1 or 326 IAC 2-7.

(d) A source complying with this rule may at any time apply for a permit under 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8, or an operating agreement under 326 IAC 2-9, as applicable.

(e) Before a source subject to this rule modifies its facility or operations in such a way that it will no longer comply with this rule, it shall obtain the appropriate approval from the commissioner under 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-7, or 326 IAC 2-8.

(f) Not later than thirty (30) days after receipt of a written request by the department or the U.S. EPA, the owner or operator of a source subject to this rule shall demonstrate that the source is in compliance with limits in the applicable section of this rule by providing throughput records for the previous twelve (12) months.

(g) A source electing to comply with this rule shall comply with the following:

- (1) The source shall operate and properly maintain air pollution control devices at the source.
- (2) The source shall follow generally accepted industry work practices to minimize emissions of regulated air pollutants.
- (3) The source shall not discharge air pollutants so as to create a public nuisance.

(h) This section does not affect a requirement to comply with the provisions of any other applicable federal, state, or local

requirement, except as specifically provided in this title.

(i) A source subject to this rule may be subject to applicable requirements for a major source, including 326 IAC 2-7, if:

- (1) at any time the source is not in compliance with the conditions provided in an applicable section of this rule; or
- (2) the source does not timely or adequately demonstrate compliance with the conditions in an applicable section of this rule.

(j) Any violation of this rule may result in administrative or judicial enforcement proceedings and penalties under IC 13-30-3. (*Air Pollution Control Board; 326 IAC 2-11-1; filed May 7, 1997, 4:00 p.m.: 20 IR 2316; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1063; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108*)

SECTION 2. 326 IAC 2-11-2 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 2-11-2 Gasoline dispensing operations**

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

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

Sec. 2. (a) This section applies to retail or commercial gasoline dispensing operations that: ~~meet each of the following conditions:~~

- (1) meet the conditions specified in subsection (b); **and**
- (2) demonstrate compliance as specified in subsection (c).

(b) To limit potential to emit as provided in section 1(c) of this rule, the following conditions are applicable to sources depending on their location:

- (1) For sources located in Clark or Floyd County, the source:
  - (A) fills its storage tanks by vapor-balanced fill;
  - (B) has a Stage II vapor recovery system; and
  - (C) dispenses less than five million three hundred seventy-six thousand (5,376,000) gallons of gasoline during an average month based on the last twelve (12) months.

- (2) For sources located in Lake or Porter County, the source:
  - (A) fills its storage tanks by vapor-balanced fill;
  - (B) has a Stage II vapor recovery system; and
  - (C) dispenses less than one million three hundred forty-four thousand (1,344,000) gallons of gasoline during an average month based on the last twelve (12) months.

- (3) For all other sources, the source **uses**:
  - (A) ~~uses~~ the splash method for filling storage tanks and dispenses less than six hundred eighty-eight thousand (688,000) gallons of gasoline; ~~during an average month based on the last twelve (12) months;~~
  - (B) ~~uses~~ the submerged fill method for filling storage tanks and dispenses less than eight hundred thirty-three thousand (833,000) gallons of gasoline; ~~during an average month based on the last twelve (12) months;~~
  - (C) ~~uses~~ the vapor-balanced fill method for filling storage tanks and dispenses less than one million two hundred eighty-two thousand (1,282,000) gallons of gasoline;

~~during an average month based on the last twelve (12) months;~~ or

(D) ~~uses~~ the fill vapor-balanced fill method for filling storage tanks, has a Stage II vapor recovery system, and dispenses less than five million three hundred seventy-six thousand (5,376,000) gallons of gasoline; ~~during an average month based on the last twelve (12) months.~~

(c) Sources electing to comply with this rule must be able to demonstrate compliance no later than thirty (30) days after receipt of a written request by the department or the U.S. EPA as follows:

(1) The owner or operator of a gasoline dispensing source shall demonstrate compliance with subsection (b)(3)(A), (b)(3)(B), or (b)(3)(C), as applicable.

(2) The owner or operator of a gasoline dispensing source subject to subsection (b)(3)(D) shall demonstrate compliance with subsection (b)(3)(D) and ~~326 IAC 8-4-6 subsections (a) through (d), (f), and (j) through (m)~~ **326 IAC 8-4-6(a) through 326 IAC 8-4-6(d), 326 IAC 8-4-6(f), and 326 IAC 8-4-6(j) through 326 IAC 8-4-6(m).**

(3) The owner or operator of a gasoline dispensing source subject to subsection (b)(1) or (b)(2) shall demonstrate compliance with subsection (b)(1) or (b)(2), as applicable, and 326 IAC 8-4-6.

(*Air Pollution Control Board; 326 IAC 2-11-2; filed May 7, 1997, 4:00 p.m.: 20 IR 2316*)

SECTION 3. 326 IAC 2-11-3 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-11-3 Grain elevators**

**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) This section applies to a grain elevator that receives and ships grain as follows:

- (1) Grain receiving by truck or rail and grain shipping by truck or rail.
- (2) Grain receiving by truck or rail and grain shipping by barge.
- (3) Grain receiving by truck or rail and grain shipping by ship.

(b) To limit allowable emissions or potential to emit as provided in section 1(c) of this rule, annual total throughput limits shall be equal to or less than the following:

- (1) For truck or rail grain receiving and truck or rail grain shipping, eleven million two hundred thousand (11,200,000) bushels.
- (2) For truck or rail grain receiving and barge grain shipping, eight million (8,000,000) bushels.
- (3) For truck or rail grain receiving and ship grain shipping, five million six hundred eighty thousand (5,680,000) bushels.

(*Air Pollution Control Board; 326 IAC 2-11-3; filed Apr 2,*

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1997, 5:05 p.m.: 20 IR 2107)

SECTION 4. 326 IAC 2-11-4 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-11-4 Grain processing or milling**

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

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

Sec. 4. (a) This section applies to sources that process or mill grain, including the following:

- (1) Flour mills.
- (2) Dry corn mills.
- (3) Animal feed mills.

(b) To limit allowable emissions or potential to emit as provided in section 1(c) of this rule, the annual total throughput limits shall be equal to or less than the following:

- (1) For flour mills, one hundred fifty-four thousand five hundred twenty-six (154,526) bushels.
- (2) For dry corn mills, one million sixty-three thousand two hundred fifty (1,063,250) bushels.
- (3) For animal feed mills, eleven million two hundred thousand (11,200,000) bushels.

(Air Pollution Control Board; 326 IAC 2-11-4; filed Apr 2, 1997, 5:05 p.m.: 20 IR 2108)

**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 May 5, 2004 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 the proposed readoption of 326 IAC 2-11-1, 326 IAC 2-11-3, and 326 IAC 2-11-4 and amendments to 326 IAC 2-11-2.*

*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 readoptions and 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, Rule Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator*

*Indiana Department of Environmental Management*

*100 North Senate Avenue*

*P.O. Box 6015*

*Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855, (TDD): (317) 232-6565. Speech and*

*hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor 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 345 INDIANA STATE BOARD OF ANIMAL HEALTH

### Proposed Rule

LSA Document #04-15

### DIGEST

Amends 345 IAC 7-3.5-16 concerning nonambulatory animals at livestock markets. Amends 345 IAC 9-2.1-1 to update matters incorporated by reference including rules related to the control of bovine spongiform encephalopathy (BSE). Adds 345 IAC 9-10.5-2 detailing required procedures for handling carcasses and parts of animals tested for BSE. Makes other changes in the law of meat and poultry inspection and animal disease control. Effective 30 days after filing with the secretary of state.

**345 IAC 7-3.5-16**

**345 IAC 9-2.1-1**

**345 IAC 9-10.5-2**

SECTION 1. 345 IAC 7-3.5-16 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 7-3.5-16 Care and handling; nonambulatory livestock**

**Authority:** IC 15-2.1-3-19

**Affected:** IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15

Sec. 16. (a) All persons licensed to operate a market facility in Indiana shall maintain the following minimum standards of care:

- (1) Livestock housed at a market facility for more than twenty-four (24) hours from the time of receipt at the facility must have access to feed and water.
- (2) Any person using implements to drive animals, such as electric prods, canes, whips, paddles, or canvas straps, must use such implements only to the extent reasonably necessary to handle or move livestock.

(b) Market facilities in Indiana may not accept delivery of

nonambulatory livestock. Market facilities in Indiana may unload nonambulatory livestock for the purpose of euthanizing the livestock at the market facility. Market facilities must have written policies, procedures, and equipment in place to handle animals that become nonambulatory after delivery to the market facility. Livestock that becomes nonambulatory after arriving at a market facility must be disposed of within twenty-four (24) hours of discovering or receiving notice of the animal's condition.

~~(c) The board recommends that livestock that becomes nonambulatory on the farm or en route to a market facility be treated or disposed of by the owner in the following manner:~~

- ~~(1) Delivery directly to a recognized slaughtering establishment by the owner or the owner's agent.~~
  - ~~(2) Slaughter on the farm in compliance with the Meat and Poultry Inspection, Humane Slaughter Act.~~
  - ~~(3) Euthanasia.~~
- (Indiana State Board of Animal Health; 345 IAC 7-3.5-16; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1292; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

SECTION 2. 345 IAC 9-2.1-1 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 9-2.1-1 Incorporation by reference**

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 4-21.5-3; IC 15-2.1-2; IC 15-2.1-19; IC 15-2.1-24

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, ~~2002~~; **2004 and as amended in 69 FR 1862 through 69 FR 1891, January 12, 2004:**

- (1) 9 CFR 301, except the definitions in IC 15-2.1 and 345 IAC 9-1-3 shall control over conflicting definitions in 9 CFR.
- (2) 9 CFR 303 through 9 CFR 311, except the following are not incorporated:
  - (A) 9 CFR 303.1(c), 9 CFR 303.1(g), and 9 CFR 303.2.
  - (B) 9 CFR 306.1.
  - (C) 9 CFR 307.4, 9 CFR 307.5, and 9 CFR 307.6.
  - (D) 9 CFR 308.
- (3) 9 CFR 313 through 9 CFR 320, except 9 CFR 317.4 and 9 CFR 317.5.
- (4) 9 CFR 325.
- (5) 9 CFR 416.
- (6) 9 CFR 417.
- (7) 9 CFR 500, except the following:
  - (A) References to the Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H shall mean IC 15-2.1-19 and IC 4-21.5-3.
  - (B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in ~~IC 15-2.1-24~~; **IC 15-2.1-2.**

(b) When interpreting this article, including all matters incorpo-

rated by reference, the following shall apply:

- (1) A reference to any subpart of 9 CFR 302 refers to the corresponding section of 345 IAC 9-2.
- (2) A reference to:
  - (A) 9 CFR 307.4 shall refer to 345 IAC 9-7-4;
  - (B) 9 CFR 307.5 shall refer to 345 IAC 9-7-6; and
  - (C) 9 CFR 307.6 shall refer to 345 IAC 9-7-6.
- (3) A reference to any subpart of 9 CFR 312 refers to the corresponding section of 345 IAC 9-12.
- (4) A reference to:
  - (A) 9 CFR 316.16 shall refer to 345 IAC 9-16-16;
  - (B) 9 CFR 317.4 shall refer to 345 IAC 9-17-4;
  - (C) 9 CFR 317.5 shall refer to 345 IAC 9-17-5; and
  - (D) 9 CFR 317.16 shall refer to 345 IAC 9-17-16.
- (5) A reference to:
  - (A) 9 CFR 321.1 shall refer to 345 IAC 9-20; and
  - (B) 9 CFR 321.2 shall refer to 345 IAC 9-20.
- (6) A reference to any subpart of 9 CFR 329 shall refer to the corresponding section in 345 IAC 9-22.

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control. *(Indiana State Board of Animal Health; 345 IAC 9-2.1-1; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; filed Sep 10, 1999, 9:14 a.m.: 23 IR 14; filed Oct 30, 2000, 2:06 p.m.: 24 IR 678; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1540)*

SECTION 3. 345 IAC 9-10.5-2 IS ADDED TO READ AS FOLLOWS:

**345 IAC 9-10.5-2 Animals tested for bovine spongiform encephalopathy**

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

**Sec. 2. The following apply to the carcass and parts of carcasses of an animal that is tested for bovine spongiform encephalopathy (BSE):**

- (1) In an official establishment, carcass and parts thereof shall be retained until such time as the BSE test results are received and a board representative releases the carcass and parts. If the animal tests negative for BSE, the carcass and parts thereof may be passed if the carcass and parts otherwise qualify to be passed. If the animal tests positive for BSE, the carcasses and parts shall be condemned as adulterated and held for disposition in a manner approved by the state veterinarian.**
- (2) In a custom exempt establishment, carcass and parts thereof shall be retained until such time as the BSE test results are received and a board representative releases the carcass and parts. If the animal tests negative for BSE, the carcass and parts may be released. If the animal tests positive for BSE, the carcasses and parts shall be condemned as adulterated and held for disposition in a manner approved by the state veterinarian.**

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## Proposed Rules

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(Indiana State Board of Animal Health; 345 IAC 9-10.5-2)

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on April 22, 2004 at 9:40 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed amendments to 345 IAC 7-3.5-16 concerning nonambulatory animals at livestock markets; 345 IAC 9-2.1-1 to update matters incorporated by reference including rules related to the control of bovine spongiform encephalopathy (BSE); the addition of 345 IAC 9-10.5-2 detailing required procedures for handling carcasses and parts of animals tested for BSE; and other changes in the law of meat and poultry inspection and animal disease control. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Bret D. Marsh, D.V.M.  
Indiana State Veterinarian  
Indiana State Board of Animal Health

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### TITLE 515 PROFESSIONAL STANDARDS BOARD

#### Proposed Rule

LSA Document #03-321

#### DIGEST

Amends 515 IAC 8-1-23 and 515 IAC 8-1-42 relating to certain requirements for the initial practitioner license issued by the professional standards board. Effective 30 days after filing with the secretary of state.

#### 515 IAC 8-1-23

#### 515 IAC 8-1-42

SECTION 1. 515 IAC 8-1-23, AS ADDED AT 27 IR 172, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

#### 515 IAC 8-1-23 World language

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 23. (a) The applicant for the initial practitioner license in **foreign world** language must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the standards for teachers of **foreign world** language adopted by the board as set forth in 515 IAC 11. The content area "**Foreign**" "**World** Language; [specific

language]" will appear on the license.

(b) The holder of a license with **foreign world** language is only eligible to teach in the specific language in the school setting listed on the license as set forth in section 2(b) of this rule. (Professional Standards Board; 515 IAC 8-1-23; filed Aug 11, 2003, 3:15 p.m.: 27 IR 172)

SECTION 2. 515 IAC 8-1-42, AS ADDED AT 27 IR 176, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

#### 515 IAC 8-1-42 District level administrator; director of career and technical education; administrative license

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 42. (a) The applicant for the initial practitioner license as a director of career and technical education must meet the following requirements:

(1) One (1) of the following:

(A) A proficient practitioner instructional license with career and technical education as defined in 515 IAC 1-1-10 through 515 IAC 1-1-15.

(B) A standard license with two (2) years of full-time teaching experience in an accredited school in the grade level and a vocational education content area listed on the license.

(C) A provisional license with two (2) years of full-time teaching experience in an accredited school in the grade level and vocational education content area listed on the license.

(D) A workplace specialist proficient practitioner instructional license as defined in 515 IAC 10 with a master's degree or higher.

(E) An Occupational Specialist II or III with a master's degree or higher and two (2) years of full-time teaching experience in an accredited vocational school in the grade level and vocational education content area listed on the license.

(F) A proficient practitioner license as a superintendent or building level administrator.

(G) A proficient practitioner license as a school counselor and any instructional proficient practitioner license.

(H) A standard or provisional superintendent's license with two (2) years of full-time experience as a superintendent or assistant superintendent in an accredited P-12 school district.

(I) A standard or provisional secondary administration and supervision license with two (2) years of full-time experience as a principal or assistant principal in an accredited junior high school, middle school, or high school.

(J) A standard or provisional school counseling license with two (2) years of full-time experience as a school

**counselor and any standard or provisional teaching license with two (2) years of full-time teaching experience as a teacher in an accredited K-12 school.**

**(K) A valid proficient practitioner business education or technology education instructional license.**

**(L) A standard or provisional business education or industrial technology license with two (2) years of full-time experience as a business education or industrial technology teacher in an accredited junior high school, middle school, or high school.**

(2) Successfully meet the standards for the district level administrator adopted by the board as set forth in 515 IAC 11.

(3) Successfully meet all developmental standards adopted by the board as set forth in 515 IAC 11.

(4) Obtain a master's degree or, if already degreed, completed additional course work in an educational administration program from an institution of higher education that is approved by the board to offer such a degree.

(5) Successfully complete the school leaders licensure assessment requirements as set forth in 515 IAC 1-4-1(h) and 515 IAC 1-4-1(i).

(6) Be recommended by the licensing advisor of the accredited institution where the applicant's approved qualifying program was completed.

(b) The holder of the district level administrator; director of career and technical education license is only eligible to serve as an administrator or supervisor in a career and technical education school. The district level administrator; director of career and technical education licensure applies to all who have the role or responsibility for direct supervision or primary evaluation of other licensed personnel, regardless of title, for example, assistant to, assistant, or deputy.

(c) The holder of a district level administrator; director of career and technical education license may obtain the accomplished practitioner license when he or she has:

(1) completed seven (7) years of experience as a director of career or technical education in any accredited school district subsequent to the issuance of the initial practitioner license;

(2) completed a doctorate in educational administration at an institution approved by the board to offer the appropriate course work; and

(3) been recommended for the accomplished practitioner license by the licensing advisor at the institution where the approved program was completed.

*(Professional Standards Board; 515 IAC 8-1-42; filed Aug 11, 2003, 3:15 p.m.: 27 IR 176)*

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on April 22, 2004 at 10:00 a.m., at the Professional Standards Board, 101 West Ohio Street, Third Floor, Indianapolis, Indiana the Professional Standards Board will hold a public hearing on a*

*proposed amendment to 515 IAC 8 concerning the initial practitioner license issued by the Professional Standards Board. Copies of these rules are now on file at the Professional Standards Board, 101 West Ohio Street, Suite 300 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Marie Theobald  
Executive Director  
Professional Standards Board

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## **TITLE 515 PROFESSIONAL STANDARDS BOARD**

### **Proposed Rule** LSA Document #03-322

#### **DIGEST**

Amends 515 IAC 9-1-22 relating to certain requirements and procedures for the issuance of permits pertaining to the director of career and technical education issued by the professional standards board. Effective 30 days after filing with the secretary of state.

### **515 IAC 9-1-22**

SECTION 1. 515 IAC 9-1-22, AS ADDED AT 27 IR 1178, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **515 IAC 9-1-22 Emergency permits for director of career and technical education**

**Authority:** IC 20-1-1.4-7

**Affected:** IC 20-1-1.4; IC 20-6.1

Sec. 22. (a) An emergency permit for director of career and technical education issued after July 1, 2004, is valid only for the school year during which it is granted and expires July 31 of the school year for which it is issued.

(b) To qualify for an emergency permit for director of career and technical education, the applicant must submit **the following**:

(1) An application for an emergency permit for director of career and technical education submitted by an employing school superintendent.

(2) The established fee for the issuance of the license.

(3) The license being renewed, if applicable.

(4) Any required evidence of the applicant's criminal history, including fingerprints and Social Security number.

(5) All necessary evidence of eligibility.

(6) Any additional documentation as required by law.

(7) An official transcript showing successful completion of a baccalaureate degree from an institution approved by the board.

(8) Verification of one (1) of the following:

(A) A valid proficient practitioner career and technical education license instructional license with two (2) years of full-time teaching experience in a career and technical education classroom.

(B) A valid proficient practitioner workplace specialist license **and a bachelor's degree or higher.**

(C) A valid standard, provisional, or professional teaching license in career and technical education and two (2) years of full-time teaching experience in a career and technical education classroom.

~~(D) An occupational specialist license with two (2) years of full-time teaching experience; or~~

~~(E) (D)~~ A license equivalent to the proficient practitioner career and technical education license in another state with two (2) years of full-time teaching experience in a career and technical education classroom.

**(E) An occupational specialist II or III with a bachelor's degree or higher and two (2) years of full-time teaching experience in an accredited vocational school in the grade level and vocational education content area listed on the license.**

**(F) A proficient practitioner license as a superintendent or building level administrator.**

**(G) A proficient practitioner license as a school counselor and any instructional proficient practitioner license.**

**(H) A standard or provisional superintendent's license with two (2) years of full-time experience as a superintendent or assistant superintendent in an accredited P-12 school district.**

**(I) A standard or provisional secondary administration and supervision license with two (2) years of full-time experience as a principal or assistant principal in an accredited junior high school, middle school, or high school.**

**(J) A valid proficient practitioner business education or technology education instructional license.**

**(K) A standard or provisional school counseling license with two (2) years of full-time experience as a school counselor and any standard or provisional teaching license with two (2) years of full-time teaching experience as a teacher in an accredited K-12 school.**

**(L) A standard or provisional business education or industrial technology license with two (2) years of full-time experience as a business education or industrial technology teacher in an accredited junior high school, middle school, or high school.**

(9) Verification from the employing school superintendent certifying an emergency need for the position of career and technical education director and that the applicant has been assigned a mentor as defined by the school district.

(10) Verification from the licensing advisor where the program will be completed that the candidate has enrolled in an approved program for director of career and technical

education and has a plan for completion of the program as verified by the licensing advisor. ~~and;~~

(11) An application for an emergency permit for director of career and technical education must be submitted after July 1 of the school year requested, but no later than twelve (12) weeks after the director of career and technical education begins actual service. The emergency permit for director of career and technical education must be submitted no later than April 15 of the school year requested.

(c) The emergency permit for director of career and technical education may be renewed at the request of the employing school superintendent every year upon completion of six (6) semester hours of course work directed toward an administrator license as a director of career and technical education or verification of appropriate progress by the licensing advisor where the applicant is completing an approved program.

(d) The renewal of an emergency permit for director of career and technical education requires the recommendation of the Indiana licensing advisor at the institution where the course work toward a planned program was completed.

(e) The emergency permit for director of career and technical education may be renewed up to two (2) times.

(f) An applicant may earn a one-time nonrenewable emergency permit for continuing education if they can verify that they have not been employed as a ~~full-~~ **full-time** or part-time teacher, administrator, or school services personnel, not including substitute teacher, at any time three (3) years ~~prior to~~ **before** the date of application.

(g) The holder of the emergency permit for director of career and technical education is required to successfully complete all assessments unless they have already been successfully completed.

(h) Upon completion of the requirements, the holder of the emergency permit for director of career and technical education will be issued an initial practitioner administrator license unless the holder has been issued a proficient practitioner administration license in another position. (*Professional Standards Board; 515 IAC 9-1-22; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1178*)

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on April 22, 2004 at 10:30 a.m., at the Professional Standards Board, 101 West Ohio Street, Third Floor, Indianapolis, Indiana the Professional Standards Board will hold a public hearing on a proposed amendment to 515 IAC 9-1-22 relating to certain requirements and procedures for the issuance of permits pertaining to the director of career and technical education issued by the Professional Standards Board. Copies of these rules are now on file at the Professional Standards Board, 101*



*West Ohio Street, Suite 300 and Legislative Services Agency,  
One North Capitol, Suite 325, Indianapolis, Indiana and are  
open for public inspection.*

Marie Theobald  
Executive Director  
Professional Standards Board

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## **TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

### **Proposed Rule LSA Document #04-8**

#### **DIGEST**

Amends 675 IAC 14-4.2, the Indiana Residential Code.  
Effective 30 days after filing with the secretary of state.

#### **675 IAC 14-4.2-30 675 IAC 14-4.2-89.2**

SECTION 1. 675 IAC 14-4.2-30 IS AMENDED TO READ  
AS FOLLOWS:

#### **675 IAC 14-4.2-30      Section R316.2; guard opening limi- tations**

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

Sec. 30. Add in the first sentence of **Change** SECTION R316.2 “, decks” between to read as follows: **Guard opening limitations. Required guards on open sides of stairways, raised floor areas, balconies, decks, and “and” porches shall have intermediate rails or ornamental closures that do not allow passage of a sphere four (4) inches (one hundred two (102) millimeters) or more in diameter.**

**EXCEPTIONS: 1. The triangular openings formed by the riser, tread, and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that will not allow the passage of a sphere six (6) inches (one hundred fifty-two (152) millimeters) or more in diameter.**

**2. Openings for required guards on the sides of stairways shall not allow the passage of a sphere four and three-eighths (4 $\frac{3}{8}$ ) inches (one hundred eleven (111) millimeters) or more in diameter.**

*(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-30; filed May 23, 2001, 4:02 p.m.: 24 IR 3042)*

SECTION 2. 675 IAC 14-4.2-89.2, AS ADDED AT 27 IR 2269, SECTION 39, IS AMENDED TO READ AS FOLLOWS:

#### **675 IAC 14-4.2-89.2      Table R703.4; weather-resistant siding attachment and mini- mum thickness**

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

Sec. 89.2. Change TABLE R703.4 as follows:

1. In the column titled “Sheathing paper required”, change “**NO**” “**Yes**” to “**YES**” “**No**” at all three (3) places for Horizontal Aluminum; change the “**No**” “**Yes**” to “**Yes**” “**No**” for Vinyl Siding and change (13) to (m) for Brick Veneer, Concrete Masonry veneer.

2. Change footnote m to read as follows: For masonry veneer, a weather-resistant sheathing paper is not required over water-repellent sheathing materials applied according to manufacturer’s instructions and a three-fourths ( $\frac{3}{4}$ ) inch (nineteen (19) millimeter) air space is provided. When the three-fourths ( $\frac{3}{4}$ ) inch (nineteen (19) millimeter) space is filled with mortar, a weather-resistant sheathing paper is required over the sheathing.

3. In the column titled “Sheathing paper required”, add a footnote designation “s” at all three (3) places for Horizontal Aluminum and for Vinyl Siding.

4. Add a new footnote “s” to read as follows: For horizontal aluminum and vinyl siding, a weather-resistant sheathing paper is not required over water-repellent sheathing materials applied according to the manufacturer’s instruction.

*(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-89.2; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2269)*

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on June 16, 2004 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 8, Indianapolis, Indiana; AND on August 3, 2004, at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana the Fire Prevention and Building Safety Commission will hold a public hearing on proposed amendments to provisions of the 2001 Indiana Residential Code, 675 IAC 14-4.2, to make substantive and clarifying changes. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W246 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Patrick Ralston  
Secretary  
Fire Prevention and Building Safety Commission

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## **TITLE 828 STATE BOARD OF DENTISTRY**

### **Proposed Rule LSA Document #03-162**

#### **DIGEST**

Adds 828 IAC 1-5-6 concerning ethics, professional responsi-

bility, and jurisprudence continuing education requirements for dentists and dental hygienists. Effective 30 days after filing with the secretary of state.

**828 IAC 1-5-6**

SECTION 1. 828 IAC 1-5-6 IS ADDED TO READ AS FOLLOWS:

**828 IAC 1-5-6 Continuing education course requirement**

Authority: IC 25-13-1-5; IC 25-13-2-10; IC 25-14-1-13; IC 25-14-3-12

Affected: IC 25-13-2-11; IC 25-13-2-12; IC 25-14-3-13; IC 25-14-3-14

**Sec. 6. (a) Effective for the license period ending March 1, 2006, for dentists and dental hygienists, and every license period thereafter, continuing education credit must include two (2) hours in any of the following subjects:**

- (1) Ethics.
- (2) Professional responsibility.
- (3) Statutes governing the licensure and practice of dentists and dental hygienists, IC 25-13 and IC 25-14.
- (4) Administrative rules governing the licensure and practice of dentists and dental hygienists, 828 IAC 0.5, this article, 828 IAC 2, 828 IAC 3, and 828 IAC 4.

**(b) Ethics and professional responsibility means the aspirational standards by which a profession decides to regulate its behavior in order to distinguish what is legitimate or acceptable in pursuit of their aims from what is not.**

**(c) The two (2) hours required under subsection (a) are not considered courses that relate specifically to the area of practice management.** (*State Board of Dentistry; 828 IAC 1-5-6*)

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on May 7, 2004 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 1 and 2, Indianapolis, Indiana the State Board of Dentistry will hold a public hearing on a proposed new rule concerning ethics, professional responsibility, and jurisprudence continuing education requirements for dentists and dental hygienists. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W066 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 844 MEDICAL LICENSING BOARD OF INDIANA**

**Proposed Rule**  
LSA Document #03-325

**DIGEST**

Amends 844 IAC 4-4.5-12 to revise the passing requirements for the United States Medical Licensing Examination (USMLE). Effective 30 days after filing with the secretary of state.

**844 IAC 4-4.5-12**

SECTION 1. 844 IAC 4-4.5-12 IS AMENDED TO READ AS FOLLOWS:

**844 IAC 4-4.5-12 Passing requirements for United States Medical Licensing Examination Step III**

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-3-2

Sec. 12. The following are the examination passing requirements for licensure:

- (1) A score of seventy-five (75) is the minimum passing score for Step III of the United States Medical Licensing Examination (USMLE).
- (2) An applicant may have a maximum of five (5) attempts to pass each step of the USMLE. Therefore, upon the fifth seating of each step of the exam, the applicant must obtain a passing score.
- (3) All steps of the USMLE must be taken and successfully passed within a seven (7) year time period. This seven (7) year period begins when the applicant first ~~takes~~ **passes** a step, either Step I or Step II. In counting the number of attempts regarding USMLE steps, previous attempts on the National Board Medical Examination and the examination of the Federation of State Medical Boards of the United States are included.

(*Medical Licensing Board of Indiana; 844 IAC 4-4.5-12; filed Sep 3, 2002, 3:38 p.m.: 26 IR 31*)

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on April 22, 2004 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 4 and 5, Indianapolis, Indiana the Medical Licensing Board of Indiana will hold a public hearing on a proposed amendment to revise the passing requirements for the United States Medical Licensing Examination (USMLE). Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W066 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Lisa Hayes  
Executive Director  
Health Professions Bureau

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**TITLE 872 INDIANA BOARD OF ACCOUNTANCY**

**Proposed Rule**  
LSA Document #04-5

**DIGEST**

Amends 872 IAC 1-3-16 to revise the prorated continuing professional education requirement for the three year licensure period (reporting period) in progress at the time a certificate is issued or reactivated (either from having previously lapsed or from inactive status) during a reporting period in progress and to establish a prorated minimum continuing professional education requirement for individuals each year of the reporting period in progress when a certificate is issued or reactivated during a reporting period in progress. Effective 30 days after filing with the secretary of state.

**872 IAC 1-3-16**

SECTION 1. 872 IAC 1-3-16 IS AMENDED TO READ AS FOLLOWS:

**872 IAC 1-3-16 Prorated continuing education requirements for holders of certificates granted during a reporting period**

**Authority:** IC 25-2.1-2-15  
**Affected:** IC 25-2.1-4-5

Sec. 16. The following table establishes the number of CPE hours that a licensee must obtain for the **three (3) year** reporting period in progress at the time of the issuance or reactivation of a certificate under section 8, 14, or 14.5 of this rule, **and it also establishes the minimum hours required in the calendar year of the issuance or reactivation:**

	Required Hours for <b>Three (3) Year Re- porting Period</b>	<b>Required Min- imum Hours for the Year of Issuance or Reactivation</b>
Date of Issuance of Certificate		
January 1 – March 31 first year of the reporting period	120	<b>20</b>
April 1 – June 30 first year of the reporting period	110	<b>15</b>
July 1 – September 30 first year of the reporting period	100	<b>10</b>
October 1 – December 31 first year of the reporting period	90	<b>0</b>

January 1 – March 31 second year of the reporting period	80	<b>20</b>
April 1 – June 30 second year of the reporting period	70	<b>15</b>
July 1 – September 30 second year of the reporting period	60	<b>10</b>
October 1 – December 31 sec- ond year of the reporting pe- riod	50	<b>0</b>
January 1 – March 31 third year of the reporting period	40	<b>N/A</b>
April 1 – June 30 third year of the reporting period	30	<b>N/A</b>
July 1- September 30 third year of the reporting period	<b>0 20</b>	<b>N/A</b>
October 1 – December 31 third year of the reporting period	0	<b>0</b>

**For purposes of this section, “N/A” means that there is no specifically stated requirement for the year of issuance or reactivation because the licensee would have to obtain the prorated CPE hours for the three (3) year reporting period.** (Indiana Board of Accountancy; 872 IAC 1-3-16; filed May 17, 1988, 3:15 p.m.: 11 IR 3570, eff Jul 1, 1988; errata, 11 IR 3922; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2351; filed Feb 24, 1997, 4:00 p.m.: 20 IR 1737; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3938; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824)

**Notice of Public Hearing**

Under IC 4-22-2-24, notice is hereby given that on May 21, 2004 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Training Center Room 4, Indianapolis, Indiana the Indiana Board of Accountancy will hold a public hearing on proposed amendments to revise the prorated continuing professional education requirement for the three year licensure period (reporting period) in progress at the time a certificate is issued or reactivated (either from having previously lapsed or from inactive status) during a reporting period in progress and to establish a prorated minimum continuing professional education requirement for individuals each year of the reporting period in progress when a certificate is issued or reactivated during a reporting period in progress. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E034 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley  
Executive Director  
Professional Licensing Agency

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# Indiana Register

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## Readopted Rules

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### TITLE 315 OFFICE OF ENVIRONMENTAL ADJUDICATION

Notice of Intent  
LSA Document #04-71

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:** Rule to be readopted without changes is as follows:

#### 315 IAC 1 ADJUDICATORY PROCEEDINGS BEFORE ENVIRONMENTAL LAW JUDGES

Questions or comments on the readoption may be directed by mail to Catherine Gibbs, Environmental Law Judge, Office of Environmental Adjudication, 150 West Market Street, Suite 618, Indianapolis, Indiana or call 317/232-8527. Statutory authority: IC 4-21.5-7-7.

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### TITLE 511 INDIANA STATE BOARD OF EDUCATION

Notice of Intent  
LSA Document #04-47

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:

511 IAC 1-9	Alternative Education Grant Program
511 IAC 6-7-1	Definitions
511 IAC 6-7-6	Required and elective credits
511 IAC 6.1-2-2.5	Safe schools and emergency preparedness planning
511 IAC 6.1-5-4	High school curriculum
511 IAC 8	VOCATIONAL EDUCATION

Questions or comments on the readoption may be directed by mail to Mr. Jeffery P. Zaring, State Board Administrator, Indiana Department of Education, Room 229 State House, Indianapolis, Indiana 46204 or by electronic mail to jzaring@doe.state.in.us. Statutory authority: IC 20-10.1-4.6-9; IC 20-1-1-6; IC 20-1-1.2-18.

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### TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY

Notice of Intent  
LSA Document #04-54

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:

540 IAC 1-1-11 "Eligible educational institution" defined  
540 IAC 1-1-17 "Scholarship" defined

Questions or comments on the readoption may be directed by mail to the Indiana Education Savings Authority, ATTENTION: Susan Loftus, Executive Director, One North Capitol, Suite 444 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana or by electronic mail to sloftus@tos.state.in.us. Statutory authority: IC 21-9-4-7.

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**TITLE 312 NATURAL RESOURCES COMMISSION**

Proposed Rule  
LSA Document #03-315

**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.

**312 IAC 8**  
**312 IAC 16**  
**312 IAC 17**

**312 IAC 19**  
**312 IAC 26**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

312 IAC 8	PUBLIC USE OF NATURAL AND RECREATIONAL AREAS
312 IAC 16	OIL AND GAS
312 IAC 17	OTHER PETROLEUM REGULATION
312 IAC 19	RESEARCH, COLLECTION, QUOTAS, AND SALES OF PLANTS
312 IAC 26	GRANT PROGRAMS

**Notice of Public Hearing**

*Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on May 10, 2004 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing to readopt rules.*

*Requests for any part of this readoption to be separate from this action must be made in writing within 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 Natural Resources Commission, Division of Hearings, 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 J. Kiley  
Chairman  
Natural Resources Commission

**TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

Proposed Rule  
LSA Document #04-19

**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>675 IAC 22-2.2-3</b>	<b>675 IAC 22-2.2-15</b>
<b>675 IAC 22-2.2-4</b>	<b>675 IAC 22-2.2-16</b>
<b>675 IAC 22-2.2-5</b>	<b>675 IAC 22-2.2-17</b>
<b>675 IAC 22-2.2-6</b>	<b>675 IAC 22-2.2-18</b>
<b>675 IAC 22-2.2-7</b>	<b>675 IAC 22-2.2-21</b>
<b>675 IAC 22-2.2-8</b>	<b>675 IAC 22-2.2-22</b>
<b>675 IAC 22-2.2-9</b>	<b>675 IAC 22-2.2-23</b>
<b>675 IAC 22-2.2-10</b>	<b>675 IAC 22-2.2-24</b>
<b>675 IAC 22-2.2-11</b>	<b>675 IAC 22-2.2-25</b>
<b>675 IAC 22-2.2-12</b>	<b>675 IAC 22-2.2-183</b>
<b>675 IAC 22-2.2-13</b>	

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

675 IAC 22-2.2-3	NFPA 10; standard for portable fire extinguishers
675 IAC 22-2.2-4	NFPA 15; standard for water spray fixed systems for fire protection
675 IAC 22-2.2-5	NFPA 25; standard for the inspection, testing, and maintenance of water-based fire protection systems
675 IAC 22-2.2-6	NFPA 33; standard for spray application using flammable and combustible materials
675 IAC 22-2.2-7	NFPA 34; dipping and coating processes using flammable or combustible liquids
675 IAC 22-2.2-8	NFPA 50; standard for bulk oxygen systems at consumer sites
675 IAC 22-2.2-9	NFPA 50B; standard for liquefied hydrogen systems at consumer sites
675 IAC 22-2.2-10	NFPA 51; oxygen-fuel gas system for welding, cutting, and allied processes
675 IAC 22-2.2-11	NFPA 51A; standard for acetylene cylinder charging plants
675 IAC 22-2.2-12	NFPA 51B; standard for fire prevention in use of cutting and welding processes
675 IAC 22-2.2-13	NFPA 52; standard for compressed Natural gas (CNG) vehicular fuel systems

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## Readopted Rules

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- 675 IAC 22-2.2-15 NFPA 59; standard for storage and handling of liquefied petroleum gases at utility gas plants
- 675 IAC 22-2.2-16 NFPA 59A; standard for production, storage, and handling of liquefied Natural gas (LNG)
- 675 IAC 22-2.2-17 NFPA 72; National fire alarm code
- 675 IAC 22-2.2-18 NFPA 86; standard for ovens and furnaces
- 675 IAC 22-2.2-21 NFPA 385; standard for tank vehicles for flammable and combustible liquids
- 675 IAC 22-2.2-22 NFPA 386; standard for portable shipping tanks for flammable and combustible liquids
- 675 IAC 22-2.2-23 NFPA 407; standard for aircraft fuel servicing
- 675 IAC 22-2.2-24 NFPA 704; standard system for the identification of the fire hazards of materials for emergency response
- 675 IAC 22-2.2-25 NFPA 1123; code for public display of fireworks
- 675 IAC 22-2.2-183 Section 2506; haunted houses and similar temporary installations

### Notice of Public Hearing

*Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on June 16, 2004, at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 8, Indianapolis, Indiana; AND on August 3, 2004, at 10:00 a.m. at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana, the Fire Prevention and Building Safety 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 30 days of this publication. Send written comments to:*

*John Weesner  
Department of Fire and Building Services  
Indiana Government Center-South  
402 West Washington Street, Room W246  
Indianapolis, Indiana 46204.*

*Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W246 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Patrick Ralston  
Secretary  
Fire Prevention and Building Safety Commission

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## TITLE 830 INDIANA DIETITIANS CERTIFICATION BOARD

Proposed Rule  
LSA Document #04-6

### 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. *NOTE: IC 4-22-2.5-5 authorizes the governor, by executive order, to postpone the expiration of rules for one year. Executive Order #03-53, printed at 27 IR 1663, issued December 30, 2003, postpones the expiration of the rules listed in this document until January 1, 2005. Effective 30 days after filing with the secretary of state.*

### 830 IAC 1-1

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

#### 830 IAC 1-1 Definitions

### Notice of Public Hearing

*Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on April 27, 2004 at 9:00 a.m., at the Health Professions Bureau, Indiana Government Center-South, 402 West Washington Street, Conference Center Room W064, Indianapolis, Indiana the Indiana Dietitians Certification Board 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 30 days of this publication. Send written comments to:*

*Kristen Kelley  
Health Professions Bureau  
402 West Washington Street, Room W066  
Indianapolis, IN 46204  
or via e-mail to [krkelley@hpb.state.in.us](mailto:krkelley@hpb.state.in.us).*

*Copies of these rules are now on file at the Health Professions Bureau, Indiana Government Center-South, 402 West Washington Street, Room W066 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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**60 Day Requirement (IC 4-22-2-19)**

**TITLE 50 DEPARTMENT OF LOCAL  
GOVERNMENT FINANCE**

LSA Document #03-156

To: The Honorable Jerry Denbo, Chair  
Administrative Rules Oversight Committee

From: Heather A. Scheel  
General Counsel

Date: February 11, 2004

Re: Notice of Delay in Adoption of Rules incorporating  
minor changes and corrections in the Personal Property  
Rule 50 IAC 4.2 / LSA Document #03-156

**Notice of Delay**

In accordance with IC 4-22-2-25, the Department of Local Government Finance has determined that it may not be able to adopt, and obtain the Governor's approval of, the proposed rule incorporating minor changes and corrections to the Department's personal property, (LSA Document #03-156) within one (1) year of the date of notice of intent to adopt the rule as published under IC 4-22-2-23.

**Reasons for Delay**

The proposed rule will incorporate various changes as a result of the 2003 general session and minor clerical inconsistencies that exist between the current administrative rule and the Indiana Code. The rule will also correct certain typographical errors. Many of these corrections have been brought to the attention of assessing staff and officials as a result of hands-on use of the rule.

The Department of Local Government Finance published the notice of intent for LSA Document 03-156 in the Indiana Register on July 1, 2003. Since the effective date of HB 1858 and HEA 1714, the Department has had to monitor a statewide reassessment, assess certain industrial property, oversee the reassessment of Lake County and respond to numerous legislative request *[sic.]*. The Department did not have the resources to complete this rule and manage the rest of its responsibilities. The Department expects to publish the proposed rule in the near future when the staff is able to devote ample *[sic.]* time to the project.

**Expected Adoption Date**

The Department of Local Government Finance anticipates that it will be able to adopt the rule and obtain the Governor's approval before 2005. Because the stated "expected date" will control the validity of the rule, it expects to adopt and obtain the Governor's approval of the rules amending 50 IAC 4.2 (LSA Doc. #03-156) before December 1, 2004.

Your understanding of these circumstances is greatly appreciated. If you need additional information please do not hesitate to contact me at 232-5895. Thank you.

Copy to: Senator Luke Kenley  
Sarah Burkman, Attorney for the Committee  
Chuck Mayfield, Fiscal Analyst for Committee

**TITLE 50 DEPARTMENT OF LOCAL  
GOVERNMENT FINANCE**

LSA Document #03-157

To: The Honorable Jerry Denbo, Chair  
Administrative Rules Oversight Committee

From: Heather A. Scheel  
General Counsel

Date: February 11, 2004

Re: Notice of Delay in Adoption of Rule defining procedures that will allow local assessing officials to establish a substantial relationship between property and use for exempt purposes; that establishes guidelines for the Department to use when reviewing approved exemption applications and reporting to the Indiana Legislative Services Agency and provides a means for county's *[sic.]* to provide the Department with a list of certain exempt properties lessee information /LSA Document #03-157.

**Notice of Delay**

This is to notify you that pursuant to IC 4-22-2-25, the Department of Local Government Finance has determined that it may not be able to adopt, and obtain the Governor's approval of, the proposed rule governing standards for determining exemptions and whether tangible property used by an exempt organization in a trade or business is substantially related to the exercise or performance of the organization's exempt purpose. The rule will also govern the process by which the Department will review approved exemption applications and report findings to LSA, as well as provide the counties with a way to capture certain lessee information on specified exempt properties. IC 6-1.1-36.5; 6-1.1-11-3.8; 6-1.1-11-8 (LSA Document #03-157) within one (1) year of the date of notice of intent to adopt the rule as published under IC 4-22-2-23.

**Reasons for Delay**

This rule requires that provisions be established to govern the standard of determining whether tangible property is exempt from taxation and the procedures governing the capturing and reporting of certain data. While the Department of Local Government Finance considers it prudent to attempt to adopt a rule the department wanted to better understand the needs of the

assessing community subsequent to new the *[sic.]* codified provisions being enacted as well as new court decisions being decided. The Department has researched some of the consequences and is now better equipped to address the outstanding questions and concerns.

**Expected Adoption Date**

The Department of Local Government Finance expects to forward a proposed rule to LSA Document #03-157 in the near future. It is anticipated that we will be able to adopt the rule and obtain the Governor's approval before the end of 2004. Because the stated "expected date" will control the validity of the rule, we present this notice and state that we now expect to adopt and obtain the Governor's approval of the rules governing assessment *[sic., of]* tangible property as used for exempt purposes (LSA Doc. #03-157) before December 1, 2004.

Your understanding of these circumstances is greatly appreciated. If you need additional information please do not hesitate to contact me at 232-5895. Thank you.

Copy to: Senator Luke Kenley  
Sarah Burkman, Attorney for the Committee  
Chuck Mayfield, Fiscal Analyst for Committee

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

LSA Document #03-207

To: Honorable Jerry Denbo, Chairperson  
C/o Ms. Susan Burkman  
The Administrative Rules Oversight Committee

From: Maureen Bartolo, Staff Attorney

Re: LSA #03-207

Date: March 5, 2004

Cc: Chuck Mayfield, Legislative Services Agency  
Rachel McGeever, General Counsel, FSSA  
Melanie Bella, Assistant Secretary, OMPP

On behalf of the Family and Social Services Administration, Office of Medicaid Policy and Planning, I am submitting this memo to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the agency has determined that the promulgation of the captioned rule may not be completed within one year after publication of the notice of intent to adopt a rule.

The agency published its notice of intent to adopt a rule for the captioned document on August 1, 2003 (26 IR 3675). The proposed rule was published on October 1, 2003 and the public hearing was held on October 29, 2003. The agency has been

considering public comments and meeting with provider groups, delaying final rule drafting.

Any rule adopted by the agency must be approved by the Family and Social Services Committee (see IC 12-8-3), a committee that meets only once per month. The committee currently has a number of vacancies and it is possible a monthly meeting could occur without a quorum and therefore without any action being taken on an adopted rule. This would mean delayed approval until the next monthly meeting of the committee and presence of a quorum. Following approval by the FSSA committee, the rule must be submitted to the Attorney General's office. Pursuant to IC 4-22-2-32, the Attorney General has forty-five days to complete his review of a rule. Whether a quorum is present at a monthly meeting of the FSSA Committee and the Attorney General's time frame for rule review are outside of the agency's control. For these reasons, it is unlikely that the rule will be approved by the governor within one year of the date of publication of the notice of intent. The agency expects that the rule can be approved by the governor by February 28, 2005.

This notice setting forth the expected date of approval of LSA #03-207 as February 28, 2005, is being submitted in a timely manner. April 6, 2004 is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.

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**TITLE 326 AIR POLLUTION CONTROL BOARD**

**SECOND NOTICE OF COMMENT PERIOD  
#03-283(APCB)**

**DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING ASBESTOS LICENSING FOR SOLID WASTE FACILITY OPERATORS (WASTE DISPOSAL MANAGERS)**

**PURPOSE OF NOTICE**

IDEM is intending to consolidate all training course provider curriculum and landfill management operator licensing requirements in 329 IAC 12. Therefore, the Office of Air Quality has developed draft rule language for amendments to 326 IAC 18-1 and 326 IAC 18-2 concerning the deletion of training and licensing requirements that apply to solid waste facility operators. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

**HISTORY**

First Notice of Comment Period: November 1, 2003, Indiana Register (27 IR 574).

Second Notice of Comment Period: April 1, 2004.

**CITATIONS AFFECTED:** 326 IAC 18-1-1; 326 IAC 18-1-2; 326 IAC 18-1-3; 326 IAC 18-1-4; 326 IAC 18-1-5; 326 IAC 18-1-6; 326 IAC 18-1-9; 326 IAC 18-2-2; 326 IAC 18-2-3.

**AUTHORITY:** IC 13-14-8; IC 13-17-3-12.

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

**Basic Purpose and Background**

Solid waste facility operators must attend an Indiana-approved asbestos training course and apply for a license for the handling of asbestos containing waste as required by IC 13-17-6-1 and Office of Air Quality rules at 326 IAC 18-1 and 326 IAC 18-2. In addition, the Office of Land Quality requires training and certification for the overall operation of a solid waste facility under the Solid Waste Management Board rules at 329 IAC 12. The Office of Air Quality and the Office of Land Quality are coordinating two (2) concurrent rulemaking actions to streamline requirements by deleting all training and licensing requirements for waste disposal managers from the air rules at 326 IAC 18-1 and 326 IAC 18-2 and adding training and certification requirements to the solid waste rules at 329 IAC 12. The extensive training required to receive an asbestos handling license covers skills and knowledge not used or needed by a solid waste facility operator. The landfill operator certification training would be designed to meet the specific needs of a solid waste facility operator handling asbestos waste.

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

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. Federal law requires a state licensing program for the handling of asbestos waste, but does not require a license for waste disposal managers.

**Potential Fiscal Impact**

Waste disposal managers may take training for licenses under either of two (2) training disciplines, worker or supervisor. Waste disposal managers may have the following cost savings per person:

Initial training course for worker      \$570 + license \$50 = \$620

Initial training course for supervisor      \$765 + license \$50 = \$815  
Annual refresher training course      \$165 + license \$50 = \$215

The deletion of requirements for a waste disposal manager license under these rules may provide a cost savings of two hundred fifteen dollars (\$215) to eight hundred fifteen dollars (\$815), if the applicant does not become licensed in any other discipline. The Office of Land Quality does not charge a fee for certification of waste disposal managers.

Training course providers may lose potential students who, in the past, have taken classes strictly to be licensed as a waste disposal manager. It is difficult to estimate the fiscal impact to training course providers to change their curriculum from waste disposal manager licenses to certification requirements under the Office of Land Quality.

IDEM currently licenses seventy (70) waste disposal managers who pay fifty dollars (\$50) per license per year. IDEM will see an annual reduction in program operating funds of three thousand five hundred dollars (\$3,500) with the deletion of these required fees.

**Public Participation and Workgroup Information**

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Suzanne Whitmer, Rules Section, Office of Air Quality at (317) 232-8229 or (800) 451-6027 (in Indiana).

**SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD**

IDEM requested public comment from November 1, 2003, through December 4, 2003, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following party by the comment period deadline:

Waste Management of Indiana, L.L.C. (WM)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* Waste Management supports the recommendation to delete all training and licensing requirements for waste disposal managers from 326 IAC 18-1 and 326 IAC 18-2. The current rules require extensive training that is not applicable to a solid waste facility operator and covers skills and knowledge not used by a solid waste facility operator. We would encourage the landfill operator certification training to be designed to meet the specific needs of a solid waste facility operator. (WM)

*Response:* The department agrees with the commentor that the current training for asbestos licensing is more extensive than required for a solid waste facility operator. The Office of Land Quality will more specifically tailor the certification requirements for the solid waste facility operator in amendments to 329 IAC 12.

**REQUEST FOR PUBLIC COMMENTS**

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

#03-283(APCB) Asbestos Landfill Operator Licensing  
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 Tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number:

(317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

#### COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by May 1, 2004.

Additional information regarding this action may be obtained from Suzanne Whitmer, Rule Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 extension 2-8229 (in Indiana).

#### DRAFT RULE

SECTION 1. 326 IAC 18-1-1 IS AMENDED TO READ AS FOLLOWS:

##### 326 IAC 18-1-1 Applicability

**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. 1. (a) This rule shall apply to persons who do any of the following:

- (1) Inspect for asbestos-containing materials at a facility.
- (2) Develop asbestos management plans for school buildings.
- (3) Design asbestos projects for implementation at a facility.
- (4) Supervise the implementation of asbestos projects at a facility.
- (5) Implement asbestos projects at a facility.
- ~~(6) Manage disposal, at a waste disposal facility, of ACM removed from a facility as specified at 329 IAC 10-8-4.~~

(b) A person may apply to the department for a license to perform activities under any of the following disciplines:

- (1) Inspector.
- (2) Management planner.
- (3) Project designer.
- (4) Asbestos project supervisor.
- (5) Asbestos worker.
- (6) Asbestos contractor.
- ~~(7) Waste disposal manager.~~

*(Air Pollution Control Board; 326 IAC 18-1-1; filed Sep 23, 1988, 1:45 a.m.; 12 IR 269; filed May 12, 1998, 9:15 a.m.; 21 IR 3747; readopted filed Jan 10, 2001, 3:20 p.m.; 24 IR 1477)*

SECTION 2. 326 IAC 18-1-2, PROPOSED TO BE AMENDED AT 26 IR 2084, SECTION 84, 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 10-8-4.~~

~~(8) (7) "Asbestos license" means a document issued by the department to a person meeting the licensing requirements of this rule.~~

~~(9) (8) "Asbestos Model Accreditation Plan Rule" means the Asbestos Model Accreditation Plan Rule under 40 CFR 763, Subpart E, Appendix C\*.~~

~~(10) (9) "Asbestos removal contractor" means a person who enters into one (1) or more contracts to implement an asbestos removal project at a facility.~~

~~(11) (10) "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) (11) "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) (12) "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) (13) "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 installa-

tion 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)~~ (14) "Facility component" means any part of a facility, including equipment.

~~(16)~~ (15) "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)~~ (16) "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 that~~ 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)~~ (17) "Inspector" means any person who conducts an inspection for ACM in a facility.

~~(19)~~ (18) "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)~~ (19) "Licensed", when referring to a person, means a person holding a current asbestos license issued by the department under this rule.

~~(21)~~ (20) "Major fiber release episode" means any disturbance of ACM, resulting in a visible emission, ~~which that~~ 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)~~ (21) "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)~~ (22) "Management planner" means any person who prepares management plans for schools.

~~(24)~~ (23) "Nonfriable", when referring to material at a facility, means material ~~which, that~~, 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)~~ (24) "Person" has the meaning ~~as~~ set forth in IC 13-11-2-158(a).

~~(26)~~ (25) "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)~~ (26) "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)~~ (27) "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)~~ (28) "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:
  - (i) sanding;
  - (ii) grinding;
  - (iii) cutting;
  - (iv) abrading; or
  - (v) 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)~~ (29) "Response action" means a method, including:

- (A) removal;
- (B) encapsulation;
- (C) enclosure;
- (D) repair; and
- (E) operation and maintenance;

that protects human health and the environment from RACM.

~~(31)~~ (30) "School" means any combination of grades kindergarten, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12.

~~(32)~~ (31) "School building" means the following:

- (A) Any structure at a school suitable for use as a:
  - (i) classroom;
  - (ii) laboratory;
  - (iii) library;
  - (iv) school eating facility; or
  - (v) facility used for the preparation of food.
- (B) Any gymnasium or other facility at a school ~~which that~~ 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 that~~ 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)~~ (32) "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)~~ (33) "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)~~ (34) "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 documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-1-2; 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 3. 326 IAC 18-1-3 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 18-1-3 General provisions

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) No person shall conduct the following activities without licensing by the department:

- (1) Inspect for ACM at a facility.
- (2) Develop an asbestos management plan for a school building.
- (3) Design an asbestos project to be implemented at a facility.
- (4) Supervise the implementation of an asbestos project at a facility.
- (5) Implement an asbestos project at a facility.
- ~~(6) Manage disposal at a waste disposal facility, of ACM, as specified at 329 IAC 10-8-4.~~

(b) Those persons holding a valid Indiana certificate of accreditation on the effective date of this rule shall be considered licensed under this rule until the expiration date of their certificate of accreditation.

(c) A licensed person shall carry: ~~either of the following:~~

- (1) a certificate of accreditation and a photographic identification card; ~~or~~
- (2) an asbestos license;

at all times while performing activities specified in subsection (a)(1) through ~~(a)(6)~~ (a)(5) unless otherwise specified in section ~~8(a)(2)~~ 8(2) of this rule.

(d) An asbestos contractor shall implement asbestos projects by employing a licensed:

- (1) asbestos worker; ~~an~~
- (2) inspector; ~~a~~
- (3) project supervisor; ~~a~~
- (4) project designer; ~~or a~~
- (5) management planner;

who fulfills the requirements of section 4(d) or 6(a) of this rule by successfully completing an approved training course provided by

another Indiana approved training provider. (*Air Pollution Control Board; 326 IAC 18-1-3; filed Sep 23, 1988, 1:45 p.m.: 12 IR 270; filed Dec 5, 1990, 3:40 p.m.: 14 IR 614; filed May 12, 1998, 9:15 a.m.: 21 IR 3751; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 4. 326 IAC 18-1-4 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 18-1-4 Asbestos license; qualifications

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. 4. (a) In order to qualify for an initial asbestos license as an asbestos inspector, a person shall meet the following:

- (1) Possess a high school degree or equivalent. Two (2) years of experience in one (1) or a combination of the following fields is equivalent to a high school degree:
  - (A) Asbestos inspection.
  - (B) Building construction.
  - (C) Building maintenance.
  - (D) General building inspection.
- (2) Have attended an approved initial training course for asbestos inspection and received a passing score on the written examination for such course.

(b) In order to qualify for an initial asbestos license as an asbestos management planner, a person shall meet the following:

- (1) Possess an associate's, bachelor's, or graduate degree in architecture, industrial hygiene, engineering, building system design, or a related field of study. One (1) year of experience in one (1) or more of the following fields and possession of a high school degree or equivalent, as provided in subsection (a)(1), may substitute for the required associate's, bachelor's, or graduate degree:
  - (A) Planning, supervision, or cost estimation of building construction.
  - (B) Planning, supervision, or cost estimation of asbestos projects.
  - (C) Asbestos inspection.
  - (D) General building inspection.
- (2) Have attended an approved initial training course for asbestos inspection and an approved training course for asbestos management planning and received passing scores on the written examinations for such courses.

(c) In order to qualify for an initial asbestos license as an asbestos project designer, a person shall meet the following:

- (1) Possess an associate's, bachelor's, or graduate degree in architecture, industrial hygiene, engineering, building system design, or a related field of study. One (1) year of experience in one (1) or more of the following fields and possession of a high school degree or equivalent, as provided in subsection (a)(1), may substitute for the required associate's, bachelor's, or graduate degree:
  - (A) Planning, supervision, or cost estimation of building construction.
  - (B) Planning, supervision, or cost estimation of asbestos projects.
  - (C) Asbestos inspection.
  - (D) General building inspection.
- (2) Have attended an approved initial training course for asbestos project design and received a passing score on the written examination for such course.

(d) In order to qualify for an initial asbestos license as an asbestos project supervisor, a person shall meet the following:

- (1) Have a minimum of six (6) months of experience as an asbestos

project supervisor or as an asbestos worker.

(2) Have attended an approved initial training course for asbestos project supervision and received a passing score on the written examination for such course.

(e) In order to qualify for an initial asbestos license as an asbestos worker, a person shall have attended an approved initial training course for asbestos workers or an approved initial training course for asbestos project supervisors and received a passing score on the written examination for such course.

~~(f) In order to qualify for an initial asbestos license as an asbestos waste disposal manager, a person shall have attended an approved initial training course for asbestos workers or an approved initial training course for asbestos project supervisors and received a passing score on the written examination for such course.~~

~~(g)~~ (f) In order to qualify for an initial asbestos license as an asbestos contractor, a person shall meet the following:

(1) Possess proof of financial responsibility with a current certificate of insurance documenting that the contractor carries asbestos liability insurance in the amount of at least five hundred thousand dollars (\$500,000) for the implementation of asbestos projects. The company offering insurance coverage must be recognized or licensed by the Indiana department of insurance to provide asbestos coverage. The contractor shall notify the department in writing within five (5) working days of any change in the status of the contractor's financial responsibility.

(2) Have attended an approved initial training course for an asbestos project supervisor or an asbestos removal contractor and received a passing score on the written examination for such course. A contractor may designate an employee to fulfill the training requirements in this subdivision and in section 6(a)(2) of this rule. The contractor shall notify the department in writing if the contractor transfers the designated status to another employee within five (5) working days of the transfer. Such written notification shall include the name of the newly designated employee and evidence of that person's successful completion of training requirements in this subdivision and in section 6(a)(2) of this rule.

(3) Demonstrate that the contractor is competent in the field of asbestos project implementation.

(4) The department shall be listed as a certificate holder on the insurance certificate.

~~(h)~~ (g) Any individual who has had an eighteen (18) month time lapse between any two (2) training courses of the same discipline shall be required to attend an initial training course for the discipline in which he or she is seeking licensing. (*Air Pollution Control Board; 326 IAC 18-1-4; filed Sep 23, 1988, 1:45 p.m.: 12 IR 270; filed Jul 6, 1989, 1:15 p.m.: 12 IR 2026; filed Jul 19, 1990, 4:50 p.m.: 13 IR 2112; filed Jul 5, 1995, 10:00 a.m.: 18 IR 2743; filed May 12, 1998, 9:15 a.m.: 21 IR 3751; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 5. 326 IAC 18-1-5, PROPOSED TO BE AMENDED AT 26 IR 2086, SECTION 85, 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, **or** 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)~~ **2(1)** and ~~2(3)~~ **2(2)** 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 18-1-4~~ **This rule** (Asbestos Management Personnel; Licensing).

~~(D) 329 IAC 10-8~~ **329 IAC 10-8.1 (Special Waste Management and Disposal at Municipal Solid Waste Landfills, Nonmunicipal Solid Waste Landfills, and Restricted Waste Landfills).**

(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:

(A) warning letters;

(B) Notice and Order of the Commissioner;

(C) Agreed Orders;

(D) citations;

(E) notices of violation; or

(F) 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:

(A) legal proceedings;

(B) lawsuits;

(C) warning letters to supervisors from the commissioner; or

(D) claims;

which that 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.~~ **United States** 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 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 6. 326 IAC 18-1-6 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 18-1-6 Renewal of asbestos license

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. (a) Any person seeking to renew an asbestos license as an asbestos inspector, management planner, project designer, project supervisor, worker, ~~or contractor or asbestos waste disposal manager~~ shall meet the following requirements:

(1) Have possessed a valid asbestos license within the previous six (6) months.

(2) Have attended, within the previous twelve (12) months, an approved refresher training course for disciplines under which the person was previously accredited. In the case of a person seeking to renew an asbestos license as a management planner, the person will be required to have attended both the inspector refresher and the management planner refresher training courses.

(3) Submit a completed application on forms provided by the department and include a copy of the certificates of training indicating that the person successfully completed the refresher training course and written examination.

(4) Pay the license application fee as specified in section 9 of this rule.

(b) Any person seeking to renew an asbestos license as an asbestos removal contractor by the department shall include in the application updated information as required in section 5(b)(5) through 5(b)(10) of this rule if any information has changed during the previous twelve (12) months. The contractor shall routinely examine and update his standard operating procedures manual to reflect the compliance assurance methodologies that meet current federal, state, and local regulations or other laws pertaining to asbestos.

(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) 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 by the department to the face of the asbestos license prior to issuance of the license by the department.

(e) In addition to the requirements in subsection (a)(2) through (a)(3), the department may require an applicant or a designated representative of a contractor to take an examination administered by the department. The examination shall cover only the discipline for which the applicant is seeking the renewal 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 refresher training course for the discipline for which the applicant is seeking a license renewal.

(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. However, the department may deny an application for renewal of 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 United States Postal Service to the address as listed on the application.

(h) Any individual who has had an eighteen (18) month time lapse between any two (2) training courses of the same discipline shall be required to attend an initial training course for the discipline in which they are seeking to be licensed. (*Air Pollution Control Board; 326 IAC 18-1-6; filed Sep 23, 1988, 1:45 p.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; filed May 26, 2000, 8:47 a.m.: 23 IR 2425; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 7. 326 IAC 18-1-9 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 18-1-9 License fee; application fee**

**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. 9. (a) Upon application for accreditation, an asbestos license, a person shall pay a fee as follows:

- (1) Asbestos inspector: one hundred dollars (\$100).
- (2) Asbestos management planner: one hundred dollars (\$100).
- (3) Asbestos project designer: one hundred dollars (\$100).
- (4) Asbestos contractor: one hundred fifty dollars (\$150).
- (5) Asbestos project supervisor: one hundred dollars (\$100).
- (6) Asbestos worker: fifty dollars (\$50).
- ~~(7) Asbestos waste disposal manager: fifty dollars (\$50).~~

(b) Fees paid by mail shall be paid by check or money order and shall be made payable to the Asbestos Trust Fund.

(c) The application fee is not:

- (1) transferable from one (1) type of asbestos license to another;
- (2) transferable from one (1) person to another;
- (3) transferable to any other type of license issued by the department; or
- (4) refundable;

unless requested by the applicant and approved by the department within three (3) days of submittal to the department or prior to processing by the department, whichever is earlier.

(d) 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 or refundable. (*Air Pollution Control Board; 326 IAC 18-1-9; filed Sep 23, 1988, 1:45 a.m.: 12 IR 273; filed May 12, 1998, 9:15 a.m.: 21 IR 3755; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477*)

SECTION 8. 326 IAC 18-2-2, PROPOSED TO BE AMENDED AT 26 IR 2088, SECTION 88, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 18-2-2 Definitions**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-6  
**Affected:** IC 13-11-2-158; IC 13-17

Sec. 2. The following definitions apply throughout this rule:

- (1) "Approved initial training course" means a course approved by the department under this rule for purposes of providing initial training to persons to become licensed.
- (2) "Approved refresher training course" means a course approved by the department under this rule for purposes of providing refresher training to licensed persons.
- (3) "Asbestos" means the asbestiform varieties of the following:

- (A) Chrysotile (serpentine).
- (B) Crocidolite (riebeckite).
- (C) Amosite (cummingtonite-grunerite).
- (D) Anthophyllite.
- (E) Tremolite.
- (F) Actinolite.

- (4) "Asbestos-containing material" or "ACM" means asbestos or any material containing more than one percent (1%) asbestos as determined using methods specified in 40 CFR 763, Subpart E, Appendix E, Section I, Polarized Light Microscopy\* including Category I and Category II ACM and all friable material.
- (5) "Asbestos removal project" means any and all activities at a facility involving the removal, encapsulation, enclosure, abatement, renovation, repair, removal, storage, stripping, dislodging, cutting, or drilling that results in the disturbance or repair of the following:

- (A) At least three (3) linear feet of RACM on or off pipes.
- (B) At least three (3) square feet of RACM on or off other facility components.
- (C) A total of at least seventy-five hundredths (0.75) cubic foot of RACM on or off all facility components.

These activities include, but are not limited to, work area preparation, implementation of engineering controls and work practices, and work area decontamination activities required by 326 IAC 14-10-4 or 29 CFR 1926.1101\* (Occupational Safety and Health Administration Occupational Exposure to Asbestos).

- (6) "Day", for purposes of determining duration of approved training courses, means eight (8) hours including breaks and lunch.
- (7) "Facility" means any:

- (A) school building;
- (B) institutional, commercial, public, or industrial, building, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units);
- (C) ship; and
- (D) active or inactive waste disposal site.

For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation, or building that was previously subject to 326 IAC 14 is included, regardless of its current use or function.

- (8) "Facility component" means any part of a facility, including equipment.
- (9) "Friable", when referring to material at a facility, means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure or mechanical forces reasonably expected to act on the material and includes previously nonfriable material after such nonfriable material becomes damaged to the extent that, when dry, it may be crumbled, pulverized, or reduced to powder by

hand pressure or mechanical forces reasonably expected to act on the material.

(10) "Hands-on training", when referring to a topic covered by a training course, means training **which that** gives students actual experience performing tasks associated with the accredited discipline as follows:

(A) For asbestos contractors, supervisors, **and** 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, that**, 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:

- (i) sanding;
- (ii) grinding;
- (iii) cutting;
- (iv) abrading; or
- (v) 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:
  - (i) classroom;

(ii) laboratory;

(iii) library;

(iv) school eating facility; or

(v) 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\*.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 18-2-2; 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 9. 326 IAC 18-2-3, PROPOSED TO BE AMENDED AT 26 IR 2090, SECTION 89, 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 **the following**:

- (A) Lectures.
- (B) Demonstrations.
- (C) Four (4) hours of hands-on training.
- (D) Individual respirator fit testing. **and**
- (E) 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 **discussion of 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, **and** 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 10-8.1**, and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.

(M) Field trip comprised of a walk-through inspection to include the following:

- (i) On-site discussion on information gathering and determination of sampling locations.
- (ii) On-site practice in physical assessment.
- (iii) Classroom discussion of field exercise.

(N) A course review of the key aspects of the training course.

(b) In order to qualify for approval, an asbestos management planner training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:

- (1) Verify that each attendee possesses a current and valid inspector training certificate prior to admission to the management planner training course.
- (2) An asbestos management planner training course shall be at least two (2) days in duration and shall include **the following**:

- (A) Lectures.
- (B) Demonstrations. ~~and~~
- (C) 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 10-8.1**, and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.

(I) Record keeping for the management planner to include the following:

- (i) Use of field inspector's data sheet along with laboratory

results.

(ii) Ongoing record keeping as a means to track asbestos disturbance.

(iii) Procedures for record keeping.

(J) Assembling and submitting the management plan to include the following:

(i) Plan requirements in TSCA Title II, Section 203(i)(1)\*.

(ii) The management plan as a planning tool.

(K) Financing abatement action to include the following:

(i) Economic analysis and cost estimates.

(ii) Development of cost estimates.

(iii) Present costs of abatement versus future operations and maintenance costs.

(iv) Grants and loans under the Asbestos School Hazard Abatement Act (20 U.S.C. 4011 et seq.)\*.

(L) A course review of the key aspects of the training course.

(c) In order to qualify for approval, an asbestos project designer training course shall include a written examination as outlined in section 5 of this rule and meet the following requirements:

(1) An asbestos project designer training course shall be at least three (3) days in duration and shall include **the following**:

(A) Lectures.

(B) Demonstrations.

(C) A field trip. ~~and~~

(D) 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) A 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 cleanup 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 consider-

ations.

(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 10-8.1**, 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 **the following**:

- (A) Lectures.
- (B) Demonstrations.
- (C) At least fourteen (14) hours of hands-on training.
- (D) Individual respirator fit testing. ~~and~~
- (E) 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 cleanup 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 10-8.1**, 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~~ **that** 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 **the following**:
  - (A) Lectures.
  - (B) demonstrations.
  - (C) At least fourteen (14) hours of hands-on training.
  - (D) Individual respirator fit testing. ~~and~~

**(E) 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 cleanup 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 II\*.
- (ii) NESHAP found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos)\*.
- (iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection found at 29 CFR 1910.134\*.
- (iv) OSHA asbestos construction standard found at 29 CFR 1926.1101\*.
- (v) EPA worker protection rule found at 40 CFR 763, Subpart G\*.
- (vi) 326 IAC 14-2, 326 IAC 14-10, this article, 329 IAC 10-4-2, ~~329 IAC 10-8-4~~ **329 IAC 10-8.1**, and any local or municipal regulations, ordinances, or other local laws pertaining to asbestos.

(J) Establishment of respiratory protection programs.

(K) A course review of the key aspects of the training course.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board*; 326 IAC 18-2-3; 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)

#### **Notice of First Meeting/Hearing**

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-8, notice is hereby given that on June 2, 2004, 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 amendments to 326 IAC 18-1 and 326 IAC 18-2.*

*The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all*

*comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator*

*Indiana Department of Environmental Management*

*100 North Senate Avenue*

*P.O. Box 6015*

*Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855, TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana and are open for public inspection.*

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## **TITLE 329 SOLID WASTE MANAGEMENT BOARD**

### **SECOND NOTICE OF COMMENT PERIOD**

#03-286(SWMB)

### **DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING ASBESTOS CERTIFICATION FOR SOLID WASTE FACILITY OPERATORS**

#### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 329 IAC 12-8 and 329 IAC 12-9 concerning asbestos disposal certification for solid waste facility operators. By this notice, IDEM is soliciting public comment on the draft rule language that would place asbestos disposal certification for solid waste facility operators under the rules promulgated by the Solid Waste Management Board. Asbestos disposal certification for solid waste facility operators is currently under the authority of the rules of the Air Pollution Control Board (APCB). IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

#### **HISTORY**

First Notice of Comment Period: November 1, 2003, Indiana Register (27 IR 584).

**CITATIONS AFFECTED:** 329 IAC 12-7; 329 IAC 12-8; 329 IAC 12-9.

**AUTHORITY:** IC 13-15-10-4; IC 13-19-3-1.

#### **SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

##### **Basic Purpose and Background**

Solid waste operators in Indiana are currently certified under two IDEM programs. Operators are certified under the solid waste rules administered by IDEM's Office of Land Quality. However, operators are certified for asbestos disposal under the asbestos certification rules promulgated by the APCB and administered by IDEM's Office of Air Quality. IDEM seeks to streamline and simplify this certification



process for solid waste facility operators by adding this certification to the solid waste facility operator certification process. A concurrent rulemaking of the APCB (LSA #03-283) proposes to delete asbestos disposal certification for solid waste facility operators from the APCB's rules. By these actions, solid waste facility operators would be certified under one (1) training and testing procedure rather than two (2). The asbestos removal certification training would be updated to meet the specific needs of the solid waste facility operators.

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

The following elements of the draft rule impose either a restriction or a requirement on persons to whom the draft rule applies that is "not imposed under federal law" (NIFL elements).

**NIFL Element A**

**Examination requirements for Category II and Category III certification. 329 IAC 12-8-4 and 329 IAC 12-8-5; addition of questions regarding disposal of regulated asbestos-containing material (ACM) to the current examination.**

**Element A-1: Environmental hazard dictating the imposition of the NIFL element**

The proper disposal of asbestos-containing material is crucial to ensure that harmful particles from this material do not become airborne or contaminate soil or ground water. Exposure to asbestos or ACM can be harmful to human health. Solid waste facility operators must be tested on the hazards of this material and the proper methods for disposal.

**Element A-2: Inadequacies of federal law to provide protection**

There is no federal law or regulation that will provide the necessary protection to human health and the environment, as there is no federal requirement for this type of training.

**Element A-3: Fiscal impact and expected benefit of element**

(a) The fiscal impact is a result of adding additional pertinent questions to the existing examination. The additional cost of revising the examination is offset by eliminating the cost of the separate asbestos disposal certification examination and registration fee.

(b) The expected benefit from this element is to ensure that solid waste facility operators have the skills and knowledge necessary to properly dispose of ACM. The certification process for solid waste facility operators is simplified. There are currently twenty-eight (28) individuals in Indiana who have a solid waste facility operators certification and an asbestos disposal license. These individuals will no longer have to take a separate test and pay an additional state license fee to be certified as a solid waste facility operator with asbestos disposal credentials. They will receive that testing and certification as part of their ongoing training as a solid waste facility operator. In addition, all solid waste facility operators will now have the additional testing on proper asbestos disposal.

**Element A-4: Description of materials relied on in development of NIFL element**

The IDEM Office of Land Quality will utilize the data set questions developed by the Office of Air Quality when testing for skills and knowledge appropriate for the position of a solid waste facility operator. These questions have already been developed based on the curriculum used by the training providers. The curriculum is available at all authorized training sites. However, for security purposes, the specific exam questions are confidential. They are only available to appropriate IDEM staff and examination participants.

The following is a list of the different types of materials used in developing the element and the availability and location of the data:

**Health criteria:** This criteria includes federal government studies on the health impact of exposure to asbestos and ACM. This information is available from federal government publications, the World Wide

Web and various health departments.

**Analytical methods:** No materials were utilized.

**Treatment technology:** No materials were utilized.

**Economic impact data:** The data was acquired by contacting the five (5) certified providers of solid waste facility operator training and testing in the state of Indiana. Several of these providers also provide the training and testing for asbestos certification in the state of Indiana. This data is available at the Office of Land Quality in the Rules, Planning and Outreach section.

**Environmental assessment data:** No materials were utilized.

**Analysis of methods to effectively implement the proposed rule:** The information was obtained by examining other programs in the Office of Land Quality and the Office of Air Quality at the Indiana Department of Environmental Management. This data is available at the Office of Land Quality in the Rules, Planning and Outreach section.

**Other background data:** No materials were utilized.

**NIFL Element B**

**Training requirements for solid waste facility operators, Category II and Category III recertification training. 329 IAC 12-9-2; addition of training on asbestos disposal.**

**Element B-1: Environmental hazard dictating the imposition of the NIFL element**

The proper disposal of asbestos-containing material is crucial to ensure that harmful particles from this material do not become airborne or contaminate soil or ground water. Exposure to asbestos or ACM can be harmful to human health and the environment. Solid waste facility operators must be trained in the hazards of this material and the proper methods for disposal.

**Element B-2: Inadequacies of federal law to provide protection**

There are no federal laws or regulation that will provide the necessary protection to human health and the environment, as there is no federal requirement for this type of training.

**Element B-3: Fiscal impact and expected benefit of element**

(a) The expected fiscal impact of this element is minimal. Adding the additional component to the training program will add some cost to the operator certification training but this will be offset by eliminating the separate asbestos removal certification training requirements as is being done in the APCB rulemaking (LSA #03-283).

(b) The expected benefit from this element is to ensure that solid waste facility operators have the skills and knowledge necessary to properly dispose of ACM thereby eliminating potential harm to human health and the environment. There are currently twenty-eight (28) individuals in Indiana who have a solid waste facility operators certification and an asbestos disposal license. These individuals will no longer have to take separate training to be certified as a solid waste facility operator with asbestos disposal credentials. They will receive that training as part of their ongoing training as a solid waste facility operator. In addition, all solid waste facility operators will now have the additional training for proper asbestos disposal.

**Element B-4: Description of materials relied on in development of NIFL element**

The IDEM Office of Land Quality's independent contractors will utilize germane training components from the asbestos workers and project supervisors training curriculum to provide the knowledge and skills needed to properly dispose of ACM.

The following is a list of the different types of materials used in developing the element and the availability and location of the data:

**Health criteria:** No materials were utilized.

**Analytical methods:** No materials were utilized.

**Treatment technology:** No materials were utilized.

**Economic impact data:** The data was acquired by contacting the five (5) certified providers of solid waste facility operator training and testing in the state of Indiana. Several of these providers also provide the training and testing for asbestos certification in the state of Indiana. This data is available at the Office of Land Quality in the Rules, Planning and Outreach Section.

**Environmental assessment data:** No materials were utilized.

**Analysis of methods to effectively implement the proposed rule:** The information was obtained by examining other programs in the Office of Land Quality and the Office of Air Quality at the Indiana Department of Environmental Management. This data is available at the Office of Land Quality in the Rules, Planning and Outreach section.

**Other background data:** No materials were utilized.

**Potential Fiscal Impact**

The expected potential fiscal impact of this rulemaking is less than five hundred thousand (\$500,000) dollars.

**Public Participation and Workgroup Information**

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule amendment is necessary, please contact Lou McFadden, Rules, Planning and Outreach Section, Office of Land Quality at (317) 232-8922 or (800) 451-6027 (in Indiana).

**SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD**

IDEM requested public comment from November 1, 2003, through December 4, 2003, on alternative ways to achieve the purpose of the rule amendments and suggestions for the development of draft rule language. IDEM received no comments in response to the first notice of public comment period.

**REQUEST FOR PUBLIC COMMENTS**

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

#03-286(SWMB) Asbestos Certification

Marjorie Samuel

Rules, Planning and Outreach Section

Office of Land Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the eleventh floor reception desk, Office of Land Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 232-3403, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules, Planning and Outreach Section at (317) 232-7995.

**COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by May 1, 2004.

Additional information regarding this action may be obtained from Lou McFadden, Rules, Planning and Outreach Section, Office of Land Quality, (317) 232-8922 or (800) 451-6027 (in Indiana).

**DRAFT RULE**

SECTION 1. 329 IAC 12-8-4, PROPOSED TO BE AMENDED AT 26 IR 1672, SECTION 38, IS AMENDED TO READ AS FOLLOWS:

**329 IAC 12-8-4 Examination requirements for Category II certification**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

**Affected:** IC 13-15-10; IC 36-9-30

Sec. 4. (a) In order to qualify for accreditation as an accredited examination provider for Category II certification for operators of municipal and nonmunicipal solid waste disposal facilities, the written examination must meet the requirements of this section.

(b) The commissioner may approve an examination under the Category IV certification for a specific type of site. For operators of municipal and nonmunicipal solid waste disposal facilities, the examination for operator certification under Category IV must address any Category II topics in subsection (c) that are applicable to the type of site for which the examination has been developed.

(c) A Category II certification shall adequately address the following topics:

- (1) Purpose of training course.
- (2) An overview of municipal and nonmunicipal solid waste disposal facilities in integrated municipal solid waste management to address the following:
  - (A) Generation of municipal solid wastes.
  - (B) Physical and chemical composition of solid wastes.
  - (C) Municipal solid waste management.
- (3) Basics of site selection.
- (4) Complying with design requirements to the following:
  - (A) Specifications.
  - (B) Types of plans.
  - (C) Plan reading.
  - (D) Municipal and nonmunicipal solid waste facility landfill methods.
- (5) Waste acceptance and screening to include the following:
  - (A) Wastes prohibited by state and federal law and regulations.
  - (B) Commonly prohibited wastes.
  - (C) Wastes requiring special handling.
  - (D) Wastes prohibited by the facility permit.
  - (E) Screening methods for prohibited wastes.
  - (F) Record keeping and notification requirements.
  - (G) Public information and education.
- (6) Waste decomposition to include the following:
  - (A) Fate of wastes.
  - (B) Effects of decomposition.
  - (C) Subsidence and differential settlement.
  - (D) Landfill gas generation and migration.
  - (E) Leachate generation, migration, and control.
- (7) Control processes for landfill gas and leachate to include the following:
  - (A) Landfill gas and leachate characteristics.
  - (B) Managing landfill gas.
  - (C) Protection of facilities built on landfills.
  - (D) Landfill gas recovery and use.
  - (E) Managing leachate.
- (8) Operational techniques shall adequately address the following:
  - (A) Design and operational plans.
  - (B) Operational practices.
  - (C) Cover systems.
  - (D) Operation of a lined facility.
  - (E) Operational problems.
  - (F) Site operation to minimize environmental and health problems.

(9) Closure and long term care shall adequately address the following:

- (A) Site closure.
- (B) Closure considerations.
- (C) Closure plan.
- (D) Long term care and environmental monitoring.
- (E) Landfill site end uses.
- (F) Final cover design.
- (G) Vegetation.
- (H) Financing closure and postclosure care.

**(10) Disposal of regulated asbestos-containing material (RACM) to include the following:**

- (A) Special handling requirements.**
- (B) Disposal requirements.**
- (C) Record keeping and notification requirements.**

*(Solid Waste Management Board; 329 IAC 12-8-4; filed Feb 3, 1997, 9:15 a.m.; 20 IR 1485; readopted filed Jan 10, 2001, 3:25 p.m.; 24 IR 1535)*

SECTION 2. 329 IAC 12-8-5 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 12-8-5 Examination requirements for Category III certification**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

**Affected:** IC 13-15-10; IC 36-9-30

Sec. 5. (a) In order to qualify for accreditation as an accredited examination provider for Category III certification for operators of restricted waste sites and construction/demolition sites, the written examination must meet the requirements of this section.

(b) The commissioner may approve an examination under the Category IV certification for a specific type of site. For operators of restricted waste sites and construction/demolition sites, the examination for operator certification under Category IV must address any Category III topics in subsection (c) that are applicable to the type of site for which the examination has been developed.

(c) A Category III certification shall adequately address the following topics:

- (1) Purpose of training course.
- (2) The role of restricted waste and construction/demolition sites in waste management to address the following:
  - (A) Types of restricted wastes.
  - (B) Generation of restricted wastes.
  - (C) Physical and chemical composition of restricted wastes.
  - (D) Overview of restricted waste management.
- (3) Basics of site selection.
- (4) Complying with design requirements to the following:
  - (A) Specifications.
  - (B) Types of plans.
  - (C) Plan reading.
  - (D) Landfill methods.
- (5) Waste acceptance and screening to include the following:
  - (A) Wastes prohibited by state and federal law and regulations.
  - (B) Commonly prohibited wastes.
  - (C) Wastes requiring special handling.
  - (D) Screening methods for prohibited wastes.
  - (E) Record keeping and notification requirements.
  - (F) Public information and education.
- (6) Waste decomposition to include the following:

(A) Subsidence and differential settlement.

(B) Leachate generation, migration, and control.

(7) Operational techniques shall adequately address the following:

- (A) Design and operational plans.
- (B) Operational practices.
- (C) Cover systems.
- (D) Operation of a lined facility.
- (E) Operational problems.

(F) Site operation to minimize environmental and health problems.

(8) Closure and long term care shall adequately address the following:

- (A) Site closure.
- (B) Closure considerations.
- (C) Closure plan.
- (D) Long term care and environmental monitoring.
- (E) Landfill site end uses.
- (F) Final cover design.
- (G) Vegetation.
- (H) Financing closure and post-closure care.

**(9) Disposal of regulated asbestos-containing material (RACM) to include the following:**

- (A) Special handling requirements.**
- (B) Disposal requirements.**
- (C) Record keeping and notification requirements.**

*(Solid Waste Management Board; 329 IAC 12-8-5; filed Feb 3, 1997, 9:15 a.m.; 20 IR 1485; readopted filed Jan 10, 2001, 3:25 p.m.; 24 IR 1535)*

SECTION 3. 329 IAC 12-9-2 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 12-9-2 Accredited training course requirements for recertification**

**Authority:** IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

**Affected:** IC 13-15-10; IC 36-9-30

Sec. 2. (a) Training courses shall be classified as follows:

- (1) Category I recertification training course for operators of solid waste incinerators and waste to energy facilities.
- (2) Category II recertification training course for operators of municipal and nonmunicipal solid waste land disposal facilities.
- (3) Category III recertification training course for operators of restricted waste sites and construction/demolition sites.
- (4) Category IV recertification training course for a specific facility.

(b) The accredited training course must include, at a minimum, applicable topics relating to the appropriate category of solid waste facility operation as follows:

- (1) An update on applicable Indiana legislation and regulations.
- (2) Discussion of applicable department policy.
- (3) Information on new or improved technologies.
- (4) Information on changes to processes.
- (5) Information on changes in management practices.
- (6) Information on asbestos disposal.**

(c) The accredited training course must be at least four (4) hours in length. *(Solid Waste Management Board; 329 IAC 12-9-2; filed Feb 3, 1997, 9:15 a.m.; 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.; 24 IR 1535)*

***Notice of First Meeting/Hearing***

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on June 15, 2004, at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Solid Waste Management Board will hold a public hearing on amendments to 329 IAC 12-7 and 329 IAC 12-8.*

*The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rule amendments by the board. All interested parties 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 Lou McFadden, Rules, Planning and Outreach Section, Office of Land Quality, (317) 232-8922 or (800) 451-6027 (in Indiana).*

*Copies of these rules are now on file at the Office of Land Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor, Indianapolis, Indiana and are open for public inspection.*

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 04-2**

**FOR: CREATION OF THE STATE CHILD PROTECTION TASK FORCE**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, every Hoosier child should be given the chance to grow up safe and healthy, and

**WHEREAS**, it is our solemn responsibility to keep our children safe;

**WHEREAS**, more than 60,000 reports of potential child abuse or neglect are received by the Family and Social Services Administration's Division of Family and Children annually; and

**WHEREAS**, about 23,000 children each year are determined to be seriously endangered; and

**WHEREAS**, Indiana employs a dedicated corps of family case managers; and

**WHEREAS**, Indiana's child protection workforce would benefit from consultation with highly trained individuals with specific expertise for advice and counsel on the most difficult circumstances of seriously endangered children; and

**WHEREAS**, it is desirable to have representatives from other sectors of our society on a state child protection task force.

**NOW, THEREFORE, I, Joseph E. Kernan**, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The State Child Protection Task Force is established.
2. The Task Force shall be composed of no more than 12 persons knowledgeable in the care and custody of children and in juvenile law.
3. The Task Force shall be called upon to investigate and consult on the circumstances of individual seriously endangered children to assist Family and Social Services Administration staff with recommendations on an appropriate placement, while preserving the confidentiality requirements of state and federal law.
4. The task force shall consist of the following members appointed by and serving at the pleasure of the governor:
  - (a.) One (1) pediatrician;
  - (b.) One (1) family court judge recommended by the chief justice of the Indiana Supreme Court;
  - (c.) One (1) juvenile court judge;
  - (d.) One (1) attorney licensed to practice law in Indiana who is a member of the Indiana State Bar Association's Committee on Civil Rights for children;
  - (e.) One (1) representative of a law enforcement agency;
  - (f.) One (1) guardian ad litem or court appointed special advocate;
  - (g.) One (1) prosecuting attorney or a deputy prosecuting attorney;
  - (h.) One (1) private agency children's services caseworker;
  - (i.) One (1) public agency children's services caseworker;
  - (j.) One (1) psychologist who works with abused and neglected children;
  - (k.) One (1) medical social worker; and
  - (l.) The director of the Indiana Family and Social Services Administration Division of the Family and Children or the director's designee.
5. The chairman and vice-chairman shall be appointed by and serve at the pleasure of the governor.
6. The Indiana Family and Social Services Administration, Division of Family and Children shall staff the task force and provide administrative support.
7. Members of the task force are not entitled to a minimum salary per diem or reimbursement of expenses for service on the task force.
8. A majority of the members appointed to the task force shall constitute a quorum. The affirmative votes of a majority of the

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## Executive Orders

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members appointed to the commission are required for the task force to make recommendations on any measure.

The task force may delegate to any one or more of its members or agents such powers and duties as it may deem proper.

**IN TESTIMONY WHEREOF**, I **Joseph E. Kernan**, have herewith set my hand and caused to be affixed the Great Seal of the State of Indiana on this 11th day of February, 2004.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER: 04-3**

**FOR: PARDON**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, MICHAEL JOHNSON was convicted in Marion County Superior Court, Criminal Division #3 on December 10, 1982, for the offense of Robbery. He received a sentence of 5 years, with 2 years suspended to probation; and

**WHEREAS**, the petitioner has been employed for 20 years, considered to be a hard working loyal employee. He is presently a member of the New Day Pentecostal Church, Inc., where he is a deacon; and

**WHEREAS**, the petitioner has numerous letters of support from family, friends and co-workers; and

**WHEREAS**, the petitioner requests a pardon stating, "I have changed my life completely. It has been 20 years since I committed this crime. I was young. I haven't been in anymore trouble since then. I have been employed at MicroMetl for 20 years also. I would like to be able to foster children"; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, **Joseph E. Kernan**, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to MICHAEL JOHNSON, SR.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 17th day of February, 2004.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER:** 04-4

**FOR:** ESTABLISHMENT OF THE INDIANA MILITARY BASE TASK FORCE

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

**WHEREAS**, Indiana has a long history of providing bases for all branches of America's armed services; and

**WHEREAS**, Indiana's active, reserve, and national guard bases currently include Crane Division, Naval Surface Warfare Center; Camp Atterbury Maneuver Training Center, Terre Haute Air National Guard Wing, Fort Wayne Air National Guard Wing, Grissom Air Reserve Base, and Defense Finance and Accounting Service Indianapolis; and

**WHEREAS**, Indiana wishes to take every possible action to maximize the military value, usage and efficiency at these bases; and

**WHEREAS**, various state government entities and agencies can take key roles in assisting with efficiency and viability of these bases through work on infrastructure, workforce, finance, research, and other related issues; and

**WHEREAS**, forthcoming action by the Base Realignment and Closing Commission brings focus to these efforts.

**NOW, THEREFORE**, I, **Joseph E. Kernan**, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order as follows:

1. The Indiana Military Base Task Force is hereby established under the leadership of the Lieutenant Governor.
2. The Task Force shall take all feasible actions to ensure a coordinated effort by agencies of Indiana state government, as well as relevant local governments, to ensure the viability of Indiana's military bases.
3. Issues to be addressed by the Task Force shall include infrastructure improvements, workforce development, coordination of research with relevant universities and private sector companies, development of dedicated special funding and services, and any other efforts that can ensure that Indiana's military bases remain busy and efficient.
4. The following shall be members of the Task Force:
  - a) the Lieutenant Governor;
  - b) the Commissioner of the Department of Transportation;
  - c) the Executive Director of the Department of Commerce;
  - d) the Adjutant General;
  - e) the Commissioner of the Department of Workforce Development;
  - f) the Commissioner of the Department of Environmental Management;
  - g) the Commissioner of the Department of Natural Resources;
  - h) the Executive Director of the Counterterrorism and Security Council;
  - i) the Executive Director of the 21st Century Research & Technology Fund.
5. The Task Force shall work closely with the Southern Indiana Business Alliance, relevant local officials, community leaders, and members of the General Assembly.
6. All state agencies and employees shall assist in the Task Force's efforts as necessary.

**IN TESTIMONY WHEREOF**, I, **Joseph E. Kernan**, have herewith set my hand and caused to be affixed the Great Seal of the State of Indiana on this 20<sup>th</sup> day of February, 2004.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

### INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**Title:** Monitored Natural Attenuation for Petroleum Contaminated Sites

**Identification Number:** W0054-WASTE

**Date Originally Adopted:** March 18, 2004

**Dates Revised:** None

**Other Policies Repealed or Amended:** None

**Brief Description of Subject Matter:** IDEM criteria by which sites requesting Monitored Natural Attenuation (MNA) as a remedial option will be evaluated.

**Citations Affected:** Indiana Code (IC) 13-23 – Underground Storage Tanks; IC 13-24-1 – Petroleum Releases, IC 13-25-5; 329 Indiana Administrative Code (IAC) 9 – Underground

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 30 days after presentation to the appropriate board. Pursuant to IC 13-14-11.5, this policy will be available for public inspection for at least 45 days prior to presentation to the appropriate board. If the nonrule policy is presented to more than one board, it will be effective 30 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.

#### Purpose

The primary purpose for this non-rule policy document (NPD) is to do the following:

- Identify criteria for evaluating and selecting Monitored Natural Attenuation (MNA) as a remedial option for petroleum contaminated sites.
- Identify monitoring and reporting requirements, when MNA is approved for corrective action.

#### Definitions

Chemicals of Concern - “Chemicals of Concern” (COCs) for petroleum are potentially harmful chemicals within a mixture that are present in sufficient quantity to serve as indicator compounds for that particular mixture.

Corrective Action Plan - A “Corrective Action Plan” is a plan that is designed to minimize, contain, eliminate, remediate, mitigate, or clean up a release. For purposes of this NPD, the term “Corrective Action Plan” (CAP) will be used interchangeably with the term “Remediation Work Plan”.

Monitored Natural Attenuation - “Monitored Natural Attenuation” refers to the reliance on natural attenuation processes (within the context of a carefully controlled and monitored clean-up approach) to achieve site-specific remedial objectives within a time frame that is reasonable compared to other methods. The “natural attenuation processes” that are at work in such a remediation approach include a variety of physical, chemical, or biological processes that, under favorable conditions, act without human intervention to reduce the mass, toxicity, mobility, volume, or concentration of contaminants in soil and ground water. These in situ processes include, biodegradation, dispersion, dilution, sorption, volatilization, and chemical or biological stabilization, transformation, or destruction of contaminants.

#### Applicability

This NPD applies to remediation of soil and ground water using MNA for refined petroleum releases as defined by IC 13-11-2-160. It is written with the intention of being consistent with all relevant laws and policies including, but not limited to, the Risk Integrated System of Closure (RISC). Information collected during implementation of a MNA CAP may also be used for closures using RISC or any other appropriate program guidance.

Once the soil and ground water investigation is completed, the responsible party may choose to use a RISC closure demonstration or a remediation method, including MNA, as the corrective action plan. When choosing a RISC closure demonstration, the CAP requirements will be satisfied by meeting the requirements of Section 6.3.3 of the RISC Technical Resource Guidance Document.

This NPD is **not** intended to exclude the use of any closure options available using RISC or other guidance such as a plume stability demonstration. Information collected before or during the MNA monitoring may be used to evaluate a site for closure at any time. The sampling frequency, chemicals of concern, data quality objectives, etc. may vary depending on the program area and contaminant(s).

The use of MNA for hazardous substances as defined by IC 13-11-2-98 or other chemicals of concern is not included in the scope



of this NPD. Any decisions regarding the remediation of these substances will be determined on a site-specific basis.

### **Introduction and Background**

As Monitored Natural Attenuation (MNA) has become an accepted remedial technology, the IDEM determined that many CAPs proposing MNA were incomplete or inappropriate. For that reason, the IDEM determined that a NPD is needed for the following reasons:

- Improve the quality of corrective action proposals by providing guidance to the responsible parties and consultants regarding evaluation criteria and proposal format.
- Preserve IDEM and responsible party resources by reducing or eliminating proposals that are incomplete and/or inappropriate.
- Improve consistency within IDEM regarding the approval of MNA corrective action approvals.

Monitored natural attenuation is appropriate as a remedial approach only when it can be demonstrated capable of achieving a site's remedial objectives within a time frame that is reasonable compared to engineered systems and/or source removal. The IDEM expects that monitored natural attenuation typically will be used in conjunction with active remediation measures, e.g. source control or removal, or as a follow-up to active remediation measures that have already been implemented. The amount of site characterization necessary for MNA may be greater than the characterization required for engineered systems since these systems often provide greater hydraulic control of ground water plumes.

### **Implementation**

When considering MNA as a remedial option, developers of CAPs should use a stepped approach. The steps are as follows:

Step 1 - Initial Screening – This step lists the basic conditions which should be met in order to consider MNA as a remedial option.

Step 2 – Generic Approval - This step lists all of the COC concentration limits needed for generic approval. Since the COC limits are relatively low concentration of COCs in the soil and ground water, sites meeting these limits will be approved for MNA under normal conditions.

Step 3 – Site Specific Approval – This step provides more detailed monitoring and demonstration requirements due to relatively high concentrations of COCs in the soil and ground water. If Step 3 is used when developing a CAP, Step 2 is not required.

### **Site Conditions Suitable for MNA Application**

#### Step 1 – Initial Screening

The following conditions in Step 1 should be met for MNA approval:

- The lateral and vertical extent of soil and groundwater contamination are delineated to “off-site” or “residential” guidelines including the installation of ground water monitoring wells.
- Free product is not present or has been removed to the extent practicable.
- Contamination is **not** from hydrocarbon oils that do not lend themselves to natural attenuation, such as crude oil, or lubricating and fuel oils, such as virgin motor oil, used/waste oil, hydraulic oil, and fuel oils #4, 5 and 6 (bunker oil).
- A well field or water supply well is not impacted or imminently threatened.
- No other public or environmental receptor exposures exist or are imminently threatened.

If all of the Step 1 conditions are met, proceed to Step 2. If all of the Step 1 conditions are not met, MNA is not acceptable.

#### Step 2 – Generic Approval

If all of the following Step 2 conditions are met, then the CAP is generally acceptable. If all of the Step 2 conditions are not met, proceed to Step 3.

- Benzene detected in groundwater is less than 300 parts per billion (ppb) on-site (On-site may mean the area for which there is site control.) and 15 ppb off-site.
- The contamination source(s) is removed and/or the maximum total petroleum hydrocarbons (TPH) in the soil vadose zone is less than 1,500 parts per million (ppm) on-site and 300 ppm off-site. (No specific MNA screening values exist for specific COCs in the soil such as benzene, toluene, ethyl benzene, xylene, MTBE, or any of the target semivolatile organic compounds at this time.)
- MTBE in groundwater is less than 45 parts per billion (ppb) on or off-site.

#### Step 3 - Site-Specific Approval

If Step 1 conditions are met, but not Step 2, then a justification may be required for approval. When evaluating sites for MNA using Step 3, IDEM will need the following additional information:

- Primary Evidence – Historical ground water and/or soil chemistry data that demonstrate a clear and meaningful trend of decreasing contaminant mass and/or concentration. In the case of sites that meet the limits of Step 2, this is not generally needed for CAP approval. In some instances, sites may have limited primary evidence. In these instances, secondary evidence is more critical.
- Secondary Evidence – Hydrogeologic and geochemical data that can be used to demonstrate indirectly the type(s) of natural

attenuation processes and the rate at which such processes will reduce contaminant concentrations. Biochemical indicators are listed in the next section of this document.

- Other Factors – Other factors that may be considered when evaluating a site for MNA as a remedial option include the nature and volume of the spilled material, property control, pathways or conduits for exposure, and proximity to receptors.

The justification should include, but is not limited to, a computer generated site model to predict the fate and transport of the contaminants, remediation objectives and timeframe for achieving the remediation objectives. Under most circumstances, closure objectives should be reached within three (3) times the time it would take using an engineered system while not exceeding 15 years.

IDEM reserves the right to make site specific decisions regarding additional information requests or MNA CAP approval based on the nature of the contaminants, age of the release and site conditions.

#### **Additional Information Required for CAP Approval**

The following discussion items should be included in the CAP along with other information that may be required by the individual remediation program:

- For all sites, the site's hydrogeologic conditions should be included.
- For all sites, a discussion of remedial options other than MNA should be included, in case MNA proves to be unacceptable or ineffective.
- For sites using Step 3, an indication that conditions exist on the site to support the biological activity necessary for biodegradation processes should be evaluated. An initial round of ground water sampling is required for MNA indicator parameters in addition to those parameters required in the Underground Storage Tank (UST) Branch Guidance Manual, Voluntary Remediation Program (VRP) Resource Guide, or other appropriate and applicable guidance. MNA indicator parameters that can be measured in the field include: dissolved oxygen, dissolved ferrous iron, hydrogen sulfide, and Oxidation-Reduction Potential (ORP). The following MNA indicator parameters should be based on laboratory analysis: nitrate, nitrite, and sulfate. (See Tables 1 and 2 titled "Analytical Parameters for Monitored Natural Attenuation Sites" and "Data Collection and Analytical Methods.") The reasons for monitoring these indicators are based on the availability of trend data for the COCs, in the ground water as well as site specific conditions. Ground water samples should be collected from within the contaminant plume and from background locations for comparison purposes. The results of the analyses of the above parameters should be included in the "sampling" discussion of the site characterization or CAP.

#### **Additional Information Required for CAP Approval for Sites Making Claims to the Excess Liability Trust Fund**

- A cost comparison of the MNA approach to alternative methods should be included. The cost estimate for the MNA approach should be based on usual and customary industry standards and assumptions given the nature of the contamination and site specific geological conditions. The following is a list of items to be included in the cost estimate for the MNA method:
  1. Long term MNA costs should include: Quarterly Corrective Action Progress Reporting (CAPR) including laboratory analysis (per the UST Branch Guidance Manual, VRP Resource Guide, or other appropriate and applicable guidance) and MNA indicator monitoring costs (See "Additional Information Required for CAP Approval"). MNA monitoring costs may require the installation of additional wells for background samples.
  2. Soil laboratory analysis/monitoring costs (The interval of monitoring to be determined by IDEM staff, but assume annually for cost comparison purposes).
  3. Provide a discussion concerning the total estimated cost and estimated remediation time.
- The cost estimate for the alternative methods should also be based on usual and customary engineering/industry standards and assumptions given the nature of the contamination. Include the site-specific geological conditions. The following is a list of items to be included in the cost estimate for the alternative methods:
  1. Initial set-up costs including: remedial system design, system purchases (or short term lease), system building/housing, utility hook-up costs, system installation (piping, trenching, well installation, etc.), discharge permitting (air and water), and estimated miscellaneous installation costs.
  2. Long-term engineering system estimated costs including: annual operation and maintenance (O&M) costs, annual utility costs, laboratory monitoring costs, other miscellaneous costs.
  3. Groundwater laboratory analysis/monitoring costs (per the UST Branch Guidance Manual, VRP Resource Guide, or other appropriate and applicable guidance), field testing parameters (anticipated air monitoring, discharge water testing to Publicly Owned Treatment Works (POTW) / National Pollutant Discharge Elimination System (NPDES), etc.).
  4. Final soil laboratory analysis/monitoring costs.
  5. A brief discussion concerning the total estimated cost and estimated remediation time.

### Additional Information Required Upon CAP Approval

If the site is approved to use MNA for corrective action, IDEM may require one or both of the following.

- Ground water monitoring of MNA indicator parameters in addition to those parameters required in the RISC, UST Branch Guidance Manual, VRP Resource Guide, or other appropriate and applicable guidance may be required depending on the site conditions. MNA indicator parameters that can be measured in the field include the following: dissolved oxygen, dissolved ferrous iron, hydrogen sulfide, and ORP. The following MNA indicator parameters should be based on laboratory analysis: nitrate, nitrite, and sulfate. (See Tables 1 and 2 titled “Analytical Parameters for Monitored Natural Attenuation Sites” and “Data Collection and Analytical Methods.”) Please note that these samples should be collected from within and outside the contaminant plume for comparison purposes. Any changes in the procedures for sample acquisition, sample preservation, shipping, time and storage, chain of custody, decontamination of equipment between samples, or signed certificate of laboratory must be noted when submitting this information quarterly. Decisions regarding the frequency of monitoring MNA parameters beyond the initial baseline analysis will be determined based on site-specific conditions. Typically, a quarterly sampling frequency may be appropriate.
- Periodic sampling of soils may be required if the contamination levels on the site warrant this action. The time intervals at which these samples will be collected should be recommended by the responsible party. Typically, an annual sampling frequency may be appropriate. However, site specific conditions may dictate the frequency.

### Summary

This is a non-rule policy document, not a law or regulation. Special circumstances and/or site conditions may allow for modified action. Information collected during the monitoring period, may be used for closure determination under the relevant program guidance.

**Table 1 Analytical Parameters for Monitored Natural Attenuation Sites**

Parameter	Purpose
Dissolved Oxygen (DO)	Identify reducing zones, estimate assimilative capacity. Dissolved oxygen is an electron acceptor; assimilative capacity should be based on change in DO, compared to upgradient concentration.
Nitrate ( $\text{NO}_3^-$ )	Identify reducing zones, estimate assimilative capacity. Nitrate is an electron acceptor; assimilative capacity should be based on change in $\text{NO}_3^-$ , compared to upgradient concentration.
Sulfate ( $\text{SO}_4^{2-}$ )	Identify reducing zones, estimate assimilative capacity. Sulfate is an electron acceptor; assimilative capacity should be based on change in $\text{SO}_4^{2-}$ , compared to upgradient concentration.
Soluble Ferrous Iron ( $\text{Fe}^{2+}$ )	Identify reducing zones, estimate assimilative capacity. Ferrous iron is a byproduct of the biodegradation reaction. Assimilative capacity is based on the measured $\text{Fe}^{2+}$ concentration.
Oxidation-Reduction Potential (ORP)	Identify reducing and oxidizing zones. Validate DO measurements.
Benzene, Toluene, Ethyl benzene, Xylene, (BTEX) and Methyl tertiary Butyl Ether (MTBE)	Primary indicator that provides evidence of plume status and decreasing trend.

**Table 2 Data Collection and Analytical Methods**

Parameter	Method Description	Reference	Method Number
Oxidation-Reduction Potential (ORP)	ORP/Eh Meter	See Manufacturer Guidance	
Dissolved Oxygen (DO)	Membrane Electrode (Field)	MCAWW <sup>1</sup>	360.1
Hydrogen Sulfide ( $\text{H}_2\text{S}$ )	Color Chart (Field) Colorimetric (Lab)	Hach® SMEWW <sup>2</sup>	HS-C Test 4500-S2-D
Sulfate ( $\text{SO}_4^{2-}$ )	Anion Chromatography (Lab)	SW-846	9056A, 9035, 9036, 9038

## Nonrule Policy Documents

Soluble Ferrous Iron (Fe <sup>2+</sup> )	Colorimetric (Field) Colorimetric (Field)	SMEWW Hach®	3500-FeD 25140-25
Nitrate (NO <sub>3</sub> <sup>-</sup> )	Anion Chromatography (Lab)	SW-846 <sup>3</sup>	9056A

Notes: Field tests can also be performed by simple colorimetric methods supplied by CHEMetrics, Inc. For various field tests, CHEMetrics, Inc. and Hach® provide detailed instructions on how to perform the analysis.

### References

1. Indiana Department of Environmental Management. February 15, 2001. *Risk Integrated System of Closure – Technical Resource Guidance Document, Final*.
2. OLQ Geological Services Technical Memorandum. 1998. *Monitored Natural Attenuation*.
3. U.S. Environmental Protection Agency. 1999. *Use of Monitored Natural Attenuation at Superfund, RCRA Corrective Action, and Underground Storage Tank Sites*, EPA Directive 9200.4-17P, Office of Solid Waste and Emergency Response. Washington, D.C.

### Footnotes

1. U.S. Environmental Protection Agency. Revised 1993. *Methods for Chemical Analysis of Water and Wastes*, Environmental Monitoring and Support Laboratory, EPA-600/4-79-020. Cincinnati, Ohio.
2. Standard Methods for the Examination of Water and Wastewater, 1992. American Public Health Assoc., American Water Works Assoc., Water Environment Assoc., 18th Edition
3. Test Methods for Evaluating Solid Waste – Physical/Chemical Methods, EPA SW-846, 3<sup>rd</sup> Edition, 1986, Update 1, July 1992, Updates II and IIA, 1994, Update III, 1996, and proposed Updates IVa, and proposed IVb, 1998.

## DEPARTMENT OF STATE REVENUE AUDIT-GRAM NUMBER IR-004

February 12, 2004

[This Audit-Gram replaces the prior issue dated January 1, 1999 published at 22 IR 1294]

**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

#### Durable Medical Equipment.

**Authority:** IC 6-2.5-5-18; IC 16-42-19-5; IC 6-2.5-1-18; 45 IAC 2.2-5-27; Information Bulletin # 48, 7/10/84; Sales Tax Clarification Letter, 1/04.

#### IC 6-2.5-5-18. Sales... of medical equipment, supplies and devices.

(a) Sales of... medical equipment, supplies, and devices are exempt from the state gross retail tax, if the sales are prescribed by a person licensed to issue the prescription. [1980]

#### 45 IAC 2.2-5-27. Medical exemptions; definitions.

(a) The term "person licensed to issue a prescription" shall include only those persons licensed or registered to fit and/or dispense such devices. [1982]

"Person licensed to issue a prescription" means only those persons licensed or registered to fit and/or dispense such devices. [Temporary Regulations 2004]

#### IC 6-2.5-1-18. "Durable medical equipment" defined [effective January 1, 2004].

"Durable medical equipment" means equipment...that:

- (1) can withstand repeated use;
- (2) is primarily and customarily used to serve a medical purpose;
- (3) generally is not useful to a person in the absence of illness or injury; and
- (4) is not worn in or on the body.

[2003]

### I. POLICY PRIOR TO JANUARY 1, 2004

Prior to January 1, 2004, hot tubs and tanning beds prescribed by a licensed practitioner may be purchased exempt from sales tax. The following definitions provide guidance in determining if the item has been prescribed by a licensed practitioner and, therefore, qualifies for exemption from sales tax:

#### A. "PRESCRIPTION" DEFINED

**IC 16-42-19-7 “Prescription” defined.**

“[P]rescription” means...

- (1) a written order to or for an ultimate user for a drug or device containing the name and address of the patient, the name and strength or size of the drug or device, the amount to be dispensed, adequate directions for the proper use... name of the practitioner, issued and signed by a practitioner; or
- (2) an order... reduced to writing by the pharmacist.

[1993]

The above terms “Drug” and “Device” are further defined in IC 25-26-13-2.

**B. “PRACTITIONER” DEFINED**
**IC 16-42-19-5. “Practitioner” defined.**

“[P]ractitioner” means...

- (1) A licensed physician... (IC 25-22.5).
- (2) A veterinarian... (IC 15-5-1.1)
- (3) A dentist... (IC 25-14).
- (4) A podiatrist... (IC 25-29).
- (5) An optometrist... (IC 25-26-15).
- (6) An advanced practice nurse...(IC 25-23-1-19.5).

[1993]

The term “practitioner” licensed to issue a prescription also includes a Doctor of Osteopathy (D.O.). [See IC 25-22.5-1-1.1(a)(1)(B)].

**II. POLICY EFFECTIVE JANUARY 1, 2004**

Under Indiana Code 6-2.5-1-18, effective January 1, 2004, recreational hot tubs and tanning beds are not considered to be primarily used to serve a medical purpose. They are subject to the collection of sales tax whether or not prescribed by a licensed practitioner.

Durable medical equipment is defined under Indiana Code 6-2.5-1-18 to be an item that “...(2) is primarily and customarily used to serve a medical purpose; (3) generally is not useful to a person in the absence of illness or injury....” Since both the hot tub and tanning bed are widely used by persons who have not incurred injury or illness, they do not qualify for exemption.

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DEPARTMENT OF STATE REVENUE  
AUDIT-GRAM NUMBER IR-012

February 12, 2004

[This Audit-Gram replaces the prior issue dated September, 1999 published at 22 IR 4009]

**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**
**Food for Immediate Consumption – Bakery Products**

**Authority:** IC 6-2.5-5-20; 45 IAC 2.2-5-39(b) (3); 45 IAC 2.2-5-43; 45 IAC 2.2-5-44

**45 IAC 2.2-5-39. Food for human consumption... examples.**

- (a) The gross retail tax act specifies the items which constitute tax exempt food for human consumption.

**“NONTAXABLE ITEMS”**

Bakery Products

[1982]

- (b) The following items are exempt from sales and use tax if sold without eating utensils provided by the seller:

...

- (3) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas.

[2004]

**45 IAC 2.2-5-43. Food for immediate consumption.**

- (a) Sales of food which ordinarily is sold for immediate consumption at or near the premises of the seller are taxable..[1982]

**45 IAC 2.2-5-44. Combination business; sales of groceries and meals.**

Where a person operates a combination-type business at one location such as an eating place combined with a donut or pastry shop, sales by such retailer of nontaxable grocery items... are nontaxable when sold for home consumption... For example, bulk sales of donuts... are nontaxable when sold for home consumption. However, individual orders (e.g. ... a single serving bakery item)... [is]... taxable regardless of whether sold for consumption on the premises or sold on a “take-out” basis for off-premises consumption.

[1987]

**I. GENERAL STATEMENT**

Prior to January 1, 2004, the sales of bakery products are exempt from sales tax unless sold as a single serving. A single serving is subject to the collection of sales tax.

Effective January 1, 2004, the sales of bakery items are not taxable unless they are sold through a vending machine, sold with eating utensils provided by the seller or sold in a heated state. [FN 1]

**II. PRIOR TO JANUARY 1, 2004**

Sales of "food for human consumption" as defined in 45 IAC 2.2-5-39 are not subject to the collection of sales tax. Since food for human consumption includes bakery products, they are exempt from the collection of sales tax.

The term "food for human consumption" does not include food which is sold for immediate consumption as defined in 45 IAC 2.2-5-43. The sale of a single serving of a nontaxable bakery product, i.e., one donut, is subject to the collection of sales tax. The department presumes the donut is purchased for "immediate consumption."

The bulk sale of a nontaxable bakery product, i.e., more than one donut, is not subject to the collection of sales tax. The department presumes the donuts are purchased for home consumption.

**SUMMARY:**

- A. A sales transaction which includes more than one donut is exempt.
- B. A sales transaction which includes not more than one donut is taxable.

**II. EFFECTIVE JANUARY 1, 2004**

The sales of bakery items are exempt from the collection of sales tax unless they are:

- A. sold through a vending machine;
- B. sold with eating utensils [FN 2] provided by the seller; or,
- C. sold in a heated state.

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[FN 1] Sales Tax Clarification letter, January 2004

[FN 2] Eating utensils include plates, knives, forks, spoons, glasses, cups, napkins, or straws (IC 6-2.5-5-20[c] [7]).

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**DEPARTMENT OF STATE REVENUE**

STATE OF INDIANA )	
)	SS: BEFORE THE STATE OF INDIANA
COUNTY OF MARION )	DEPARTMENT OF STATE REVENUE
)	
IN THE MATTER OF: )	
)	
ATLAS FOUNDATION )	Docket Number: 29-2003-0335
)	
PETITIONER )	

**FINAL ORDER**

The Commissioner of the Indiana Department of State Revenue, having considered (a) the applicable statutes and regulations, (b) the record of the proceedings, (c) the Administrative Law Judge's Findings of Facts, Conclusions of Law and Proposed Order, and (d) the Petitioner's Objections to the Findings of Fact, Conclusions of Law and Proposed Order, now enters the following Final Order:

**IT IS NOW HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:**

1. The Proposed Order issued on December 4, 2003, with respect to the above captioned Petitioner by Administrative Law Judge Bruce R. Kolb is hereby affirmed.
2. The Findings of Fact, Conclusions of Law, and Proposed Order issued on December 4, 2003, with respect to the above captioned Petitioner by Administrative Law Judge Bruce R. Kolb is hereby adopted as the Indiana Department of State Revenue's Final Order on this matter.
3. Appeals to this Order may be made pursuant to IC 4-21.5-3 et seq. and/or IC 4-21.5-5 et seq.

SO ORDERED THIS 5<sup>TH</sup> DAY OF JANUARY, 2004

Kenneth L. Miller, Commissioner  
Indiana Department of State Revenue

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**DEPARTMENT OF STATE REVENUE**

**IN REGARDS TO THE MATTER OF:**  
**AMERICAN LEGION POST #340**  
**DOCKET NO. 29-2003-0401**

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND PROPOSED ORDER**

An administrative hearing was held on Tuesday, October 28, 2003 in the office of the Indiana Department of State Revenue, 100 N. Senate Avenue, Room N248, Indianapolis, Indiana 46204 before Bruce R. Kolb, Administrative Law Judge acting on behalf of and under the authority of the Commissioner of the Indiana Department of State Revenue.

Petitioner, American Legion Post #340, was represented by William Owens, Commander. Steve Carpenter appeared on behalf of the Indiana Department of State Revenue.

A hearing was conducted pursuant to IC 4-32-8-5, evidence was submitted, and testimony given. The Department maintains a record of the proceedings. Being duly advised and having considered the entire record, the Administrative Law Judge makes the following Findings of Fact, Conclusions of Law and Proposed Order.

**REASON FOR HEARING**

On September 2, 2003, the Petitioner was assessed civil penalties in the amount of three thousand dollars (\$3,000) and its license was suspended for a period of three (3) years. The Petitioner protested in a timely manner.

**SUMMARY OF FACTS**

- 1) The Indiana Department of Revenue Criminal Investigation Division conducted an investigation of the Petitioner on April 28, 2003.
- 2) On September 2, 2003, the Petitioner was assessed civil penalties in the amount of three thousand dollars (\$3,000) and its license was suspended for a period of three (3) years.

**FINDINGS OF FACTS**

- 1) The Indiana Department of Revenue Criminal Investigation Division initiated an investigation of the Petitioner on April 28, 2003. (Record at 9).
- 2) According to the Department's letter dated September 2, 2003, the Petitioner did not maintain accurate records of its pull tab sales for the periods ending April 2000, 2001, and 2002.
- 3) The Department used records, subpoenaed from the distributors Petitioner used, showing what games were purchased during the periods in question. (State's Exhibit C).
- 4) A spread sheet of income generated from those games was developed. (State's Exhibit C).
- 5) Due to the failure to maintain accurate records the Petitioner underestimated its charity gaming license fees. (State's Exhibit C).
- 6) On June 11, 2003, the Criminal Investigation Division (CID) of the Indiana Department of Revenue along with the Indiana State Excise Police found four (4) cherry master video poker machines in Petitioner's Post. (State's Exhibit B).
- 7) The illegal gambling devices were photographed by the Indiana State Excise Police on June 11, 2003. (State's Exhibit B).
- 8) The Petitioner was charged with 1 count of being a public nuisance.
- 9) Petitioner was cited by the Indiana State Excise Police for possession of a gaming device under IC 35-45-5-3, and promoting professional gambling pursuant to IC 35-45-5-4. (State's Exhibit B).
- 10) The Department then notified Petitioner by letter that its Indiana Charity Gaming License was suspended for a period of three (3) years and was assessed one thousand dollars (\$1,000).
- 11) Petitioner stated that the previous Commander of their Post had stolen money from the Post and had destroyed the records in question. (Record at 20).
- 12) The current Post Commander stated that they had filed police reports and spoke to the local prosecutor. (Record at 31 & 32).
- 13) The Petitioner contends that they have lots of items in their charity gaming stock but have no idea what they have. (Record at 23).
- 14) The Petitioner was asked, "So is it fair to say you have no records prior to June 2002, because there was another commander?" Petitioner's representative responded, "Right". (Record at 30).
- 15) Again Petitioner's representative was asked, "Did you ever contact any of the distributors to get information to reconstruct those records?" The response was, "No, we didn't -- well we had an accountant, and the accountant was taking care of our business." The Department's representative then stated, "But my question was did you contact—did you or anybody on your behalf contact the distributor to get information to reconstruct the records..." The Petitioner replied, "No, we didn't." (Record at 30).
- 16) When asked whether the Petitioner had gaming machines in their lodge the Petitioner's representative responded, "Yes, we have them." (Record at 31).

**STATEMENT OF LAW**

- 1) Pursuant to 45 IAC 18-8-4, the burden of proving that the department's findings are incorrect rests with the individual or organization against which the department's findings are made. The department's investigation establishes a prima facie presumption of the validity of the department's findings.
- 2) The Department's administrative hearings are conducted pursuant to IC § 4-21.5 et seq. (See, House Enrolled Act No. 1556).
- 3) "[B]ecause Pendelton's interest in his insurance license was a property interest, and not a liberty interest. Rather, a preponderance of the evidence would have been sufficient." Pendelton v. McCarty, 747 N.E. 2d 56, 65 (Ind. App. 2001).
- 4) "It is reasonable...to adopt a preponderance of the evidence standard where it can be demonstrated that a protected property interest exists." Burke v. City of Anderson, 612 N.E.2d 559, 565 (Ind.App. 1993).
- 5) IC 4-32-11-3 The license fee that is charged to a qualified organization that renews the license must be based on the total gross revenue of the qualified organization from allowable events and related activities in the preceding year or, if the qualified organization held a license under IC 4-32-9-6 through IC 4-32-9-10, the fee must be based on the total gross revenue of the qualified organization from the preceding event and related activities
- 6) IC 35-45-5-4 provides, "Except as provided in subsection (b), a person who:
  - (1) knowingly or intentionally owns, manufactures, possesses, buys, sells, rents, leases, repairs, or transports a gambling device, or offers or solicits an interest in a gambling device;
  - (2) before a race, game, contest, or event on which gambling may be conducted, knowingly or intentionally transmits or receives gambling information by any means, or knowingly or intentionally installs or maintains equipment for the transmission or receipt of gambling information; or
  - (3) having control over the use of a place, knowingly or intentionally permits another person to use the place for professional gambling; commits promoting professional gambling, a Class D felony.(b) Subsection (a)(1) does not apply to a boat manufacturer who:
  - (1) transports or possesses a gambling device solely for the purpose of installing that device in a boat that is to be sold and transported to a buyer; and
  - (2) does not display the gambling device to the general public or make the device available for use in Indiana.(c) When a public utility is notified by a law enforcement agency acting within its jurisdiction that any service, facility, or equipment furnished by it is being used or will be used to violate this section, it shall discontinue or refuse to furnish that service, facility, or equipment, and no damages, penalty, or forfeiture, civil or criminal, may be found against a public utility for an act done in compliance with such a notice. This subsection does not prejudice the right of a person affected by it to secure an appropriate determination, as otherwise provided by law, that the service, facility, or equipment should not be discontinued or refused, or should be restored."
- 7) IC 35-45-5-3 provides that, "A person who knowingly or intentionally:
  - (1) engages in pool-selling;
  - (2) engages in bookmaking;
  - (3) maintains, in a place accessible to the public, slot machines, one-ball machines or variants thereof, pinball machines that award anything other than an immediate and unrecorded right of replay, roulette wheels, dice tables, or money or merchandise pushcards, punchboards, jars, or spindles;
  - (4) conducts lotteries, gift enterprises, or policy or numbers games, or sells chances therein;
  - (5) conducts any banking or percentage games played with cards, dice, or counters, or accepts any fixed share of the stakes therein; or
  - (6) accepts, or offers to accept, for profit, money or other property risked in gambling; commits professional gambling, a Class D felony."
- 8) IC 4-32-9-17 states, "A qualified organization shall maintain accurate records of all financial aspects of an allowable event under this article..."
- 9) IC 4-32-9-17 further states, "...A qualified organization shall make accurate reports of all financial aspects of an allowable event to the department within the time established by the department..."
- 10) Under IC 4-32-12-1, The department may suspend or revoke the license of or levy a civil penalty against a qualified organization or an individual under this article for any of the following:
  - (1) Violation of a provision of this article or of a rule of the department.
  - (2) Failure to accurately account for:
    - (A) bingo cards;
    - (B) bingo boards;
    - (C) bingo sheets;
    - (D) bingo pads;
    - (E) pull tabs;



- (F) punchboards; or
- (G) tip boards.

- (3) Failure to accurately account for sales proceeds from an event or activity licensed or permitted under this article.
- (4) Commission of a fraud, deceit, or misrepresentation.
- (5) Conduct prejudicial to public confidence in the department.

(b) If a violation is of a continuing nature, the department may impose a civil penalty upon a licensee or an individual for each day the violation continues.

11) IC 4-32-12-2 states, "The department may impose upon a qualified organization or an individual the following civil penalties: (1) Not more than one thousand dollars (\$1,000) for the first violation. (2) Not more than two thousand five hundred dollars (\$2,500) for the second violation. (3) Not more than five thousand dollars (\$5,000) for each additional violation."

12) IC 4-32-12-3 states, In addition to the penalties described in section 2 of this chapter, the department may do all or any of the following:

- (1) Suspend or revoke the license.
- (2) Lengthen a period of suspension of the license.
- (3) Prohibit an operator or an individual who has been found to be in violation of this article from associating with charity gaming conducted by a qualified organization.
- (4) Impose an additional civil penalty of not more than one hundred dollars (\$100) for each day the civil penalty goes unpaid.

#### CONCLUSIONS OF LAW

- 1) It is the charitable organization itself that is granted the license to conduct charity gaming.
- 2) The members that run the charitable organization are responsible for maintaining the organization's charitable status.
- 3) The members of the charitable organization are responsible for making sure that all charity gaming laws are followed.
- 4) Any violation of the Indiana charity gaming laws subjects the charitable organization to fines and penalties.
- 5) Even after the members of an organization who are purported to have violated charity gaming laws are gone or removed from office, the charitable organization is ultimately responsible for the violations, and therefore will be subject to any fines and penalties imposed by the Department.
- 6) Pursuant to 45 IAC 18-8-4, the burden of proving that the department's findings are incorrect rests with the individual or organization against which the department's findings are made. The department's investigation establishes a prima facie presumption of the validity of the department's findings.
- 7) Petitioner's representative admitted under oath that the Petitioner did not possess any financial records for the periods in question, and that they had illegal gambling machines on the premises.
- 8) The reconstructed records show that the Petitioner underestimated the amount of gross proceeds it received, and as a result Petitioner owes additional license fees for the years at issue.

#### PROPOSED ORDER

Following due consideration of the entire record, the Administrative Law Judge orders the following:

Petitioner's appeal is denied.

- 1) Administrative review of this proposed decision may be obtained by filing, with the Commissioner of the Indiana Department of State Revenue, a written document identifying the basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).
- 2) Judicial review of a final order may be sought under IC 4-21.5-5.

**THIS PROPOSED ORDER SHALL BECOME THE FINAL ORDER OF THE INDIANA DEPARTMENT OF STATE REVENUE UNLESS OBJECTIONS ARE FILED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE ORDER IS SERVED ON THE PETITIONER.**

Dated: \_\_\_\_\_

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Bruce R. Kolb / Administrative Law Judge

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#### DEPARTMENT OF STATE REVENUE

#### **IN REGARDS TO THE MATTER OF:**

**JEFFERY L. WIDMAN**

**DOCKET NO. 29-2003-0489**

#### PROPOSED ORDER

The Criminal Investigation Division of the Indiana Department of Revenue conducted an investigation of the Fraternal Order of Eagles No. 3164 on August 3, 2001. As a result of the investigation, on March 5, 2002, the Petitioner was prohibited from having any involvement with charity gaming in Indiana for a period of five (5) years.

**FINDINGS OF FACTS**

- 1) Petitioner protested the Department's proposed actions on August 9, 2002.
- 2) The Department acknowledged the Petitioner's appeal in a letter.
- 3) The Department sent Petitioner a letter dated May 21, 2003 regarding the legislative changes that directly affected the procedures governing the administrative hearing.
- 4) Pursuant to IC 4-21.5-3-1 notice was given to Petitioner's counsel on September 23, 2003 regarding a possible dismissal of the appeal.
- 5) Petitioner failed to respond to the Department's correspondence.

**STATEMENT OF LAW**

- 1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to:
  - (1) file a responsive pleading required by statute or rule;
  - (2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or
  - (3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action;the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.
  - (b) Within seven (7) days after service of a proposed default or dismissal order, the party against whom it was issued may file a written motion requesting that the proposed default order not be imposed and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the administrative law judge may adjourn the proceedings or conduct them without the participation of the party against whom a proposed default order was issued, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.
  - (c) If the party has failed to file a written motion under subsection (b), the administrative law judge shall issue the default or dismissal order. If the party has filed a written motion under subsection (b), the administrative law judge may either enter the order or refuse to enter the order.
  - (d) After issuing a default order, the administrative law judge shall conduct any further proceedings necessary to complete the proceeding without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party. The administrative law judge may conduct proceedings in accordance with section 23 of this chapter to resolve any issue of fact.

**CONCLUSIONS OF LAW**

- 1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to: (1) file a responsive pleading required by statute or rule; (2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or (3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action; the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.
- 2) The Petitioner's failure to respond to the Department's numerous letters is grounds for a proposed dismissal order pursuant to IC 4-21.5-3-24.

**PROPOSED ORDER**

The Administrative Law Judge orders the following:  
Petitioner's appeal is dismissed.

- 1) Administrative review of this proposed decision may be obtained by filing, with the Commissioner of the Indiana Department of State Revenue, a written document identifying the basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).
- 2) Judicial review of a final order may be sought under IC 4-21.5-5.

**THIS PROPOSED ORDER SHALL BECOME THE FINAL ORDER OF THE INDIANA DEPARTMENT OF STATE REVENUE UNLESS OBJECTIONS ARE FILED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE ORDER IS SERVED ON THE PETITIONER.**

Dated: January 2, 2004

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Bruce R. Kolb / Administrative Law Judge

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**DEPARTMENT OF STATE REVENUE**

**IN REGARDS TO THE MATTER OF:**

**TAMMY MORGAN**

**DOCKET NO. 29-2003-0490**

**PROPOSED ORDER**

The Criminal Investigation Division of the Indiana Department of Revenue conducted an investigation of the Fraternal Order

of Eagles No. 3164 on August 3, 2001. As a result of the investigation, on March 5, 2002, the Petitioner was prohibited from having any involvement with charity gaming in Indiana for a period of three (3) years.

#### **FINDINGS OF FACTS**

- 1) Petitioner protested the Department's proposed actions on August 9, 2002.
- 2) The Department acknowledged the Petitioner's appeal in a letter.
- 3) The Department sent Petitioner a letter dated May 21, 2003 regarding the legislative changes that directly affected the procedures governing the administrative hearing.
- 4) Pursuant to IC 4-21.5-3-1 notice was given to Petitioner's counsel on September 23, 2003 regarding a possible dismissal of the appeal.
- 5) Petitioner failed to respond to the Department's correspondence.

#### **STATEMENT OF LAW**

- 1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to:

- (1) file a responsive pleading required by statute or rule;
- (2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or
- (3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action;

the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.

(b) Within seven (7) days after service of a proposed default or dismissal order, the party against whom it was issued may file a written motion requesting that the proposed default order not be imposed and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the administrative law judge may adjourn the proceedings or conduct them without the participation of the party against whom a proposed default order was issued, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(c) If the party has failed to file a written motion under subsection (b), the administrative law judge shall issue the default or dismissal order. If the party has filed a written motion under subsection (b), the administrative law judge may either enter the order or refuse to enter the order.

(d) After issuing a default order, the administrative law judge shall conduct any further proceedings necessary to complete the proceeding without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party. The administrative law judge may conduct proceedings in accordance with section 23 of this chapter to resolve any issue of fact.

#### **CONCLUSIONS OF LAW**

1) IC 4-21.5-3-24 states, "(a) At any stage of a proceeding, if a party fails to: (1) file a responsive pleading required by statute or rule; (2) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or (3) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action; the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.

2) The Petitioner's failure to respond to the Department's numerous letters is grounds for a proposed dismissal order pursuant to IC 4-21.5-3-24.

#### **PROPOSED ORDER**

The Administrative Law Judge orders the following:

Petitioner's appeal is dismissed.

1) Administrative review of this proposed decision may be obtained by filing, with the Commissioner of the Indiana Department of State Revenue, a written document identifying the basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).

2) Judicial review of a final order may be sought under IC 4-21.5-5.

**THIS PROPOSED ORDER SHALL BECOME THE FINAL ORDER OF THE INDIANA DEPARTMENT OF STATE REVENUE UNLESS OBJECTIONS ARE FILED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE ORDER IS SERVED ON THE PETITIONER.**

Dated: January 2, 2004

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Bruce R. Kolb / Administrative Law Judge

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**DEPARTMENT OF STATE REVENUE**

0220000354.LOF

**LETTER OF FINDINGS NUMBER: 00-0354**  
**Corporate Income Tax**

**For the Tax Year Ending January 3, 1993**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUES****I. Gross Income Tax-Imposition of Tax**

**Authority:** IC 6-8.1-5-1 (b), IC 6-2.1-2-2, 45 IAC 1-1-120.

The taxpayer protests the imposition of tax on income from sales to Indiana customers.

**II. Tax Administration-Penalty**

**Authority:** IC 6-8.1-10-2.1, 45 IAC 15-11-2.

The taxpayer protests the imposition of penalty.

**STATEMENT OF FACTS**

The taxpayer is a manufacturer of pharmaceutical products. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional gross income tax, interest, and penalty for the tax year ending January 3, 1993. The taxpayer protested the assessment and penalty. A hearing was held and this Letter of Findings results.

**I. Gross Income Tax-Imposition of Tax**

The taxpayer employed sales representatives throughout the United States. The sales representatives detailed the taxpayer's products to physicians. This entailed discussion in depth of the indications, possible side effects, and results of clinical studies of the taxpayer's products. Almost all the customers who actually purchased the taxpayer's products in Indiana were wholesalers, chains, and clinics. The sales representatives did not perform services for customers; maintain inventory of goods for sale; distribute merchandise for sale; or accept, reject, or approve orders.

The taxpayer operated an administrative sales office in Indiana for part of the year 1992. This office consisted of a District Manager and an Office Coordinator. The office occupied 450 square feet of space. The District Manager was in charge of regional sales representatives in Indiana and the surrounding states. None of the sales representatives used the taxpayer's administrative office as their personal office.

The department assessed gross income tax on the taxpayer's income from sales of pharmaceuticals in Indiana during the tax year ending January 3, 1993. The taxpayer protests this assessment contending that it did not have adequate nexus in Indiana to subject its Indiana sales to Indiana gross income tax. All tax assessments are presumed to be accurate and the taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b).

The department imposed gross income tax on the taxpayer pursuant to IC 6-2.1-2-2 as follows:

An income tax, known as the gross income tax, is imposed upon the receipt of:

- (2) the taxable gross income derived from activities or businesses or any other sources within Indiana by a taxpayer who is not a resident or a domiciliary of Indiana.

Indiana gross income tax is imposed on a nonresident's income from the sale of products shipped into Indiana when it meets the test set out at 45 IAC 1-1-120 as follows:

Taxable Inshipments: (a) Sales made by a nonresident, when the seller has established a business situs within the state, and the sales originated from, were channeled through or were otherwise connected with the Indiana situs,...

The taxpayer agrees that it had a business situs in Indiana during the tax year ending January 3, 1993. The taxpayer argues, however, that the activities of the administrative office were not adequately connected to its sales within Indiana to subject the receipts from those sales to the Indiana gross income tax. Although the Indiana office did not process orders or maintain inventories for delivery, it did serve an important role in working with the sales representatives to help them expand territory market share and develop positive business relationships with customers. These vital services to the sales representatives helped the sales representatives increase sales of taxpayer's products in the state. This connection between the Indiana business situs and the Indiana sales subjects the income derived from these sales to the Indiana gross income tax.

**FINDING**

The taxpayer's protest is denied.

**II. Tax Administration-Penalty****DISCUSSION**

The taxpayer protests the imposition of the ten percent (10%) 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 reach 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 presented sufficient evidence to sustain its burden of proof that it was not negligent in its failure to pay the proper amount of tax in this instance.

### **FINDING**

The taxpayer's protest is sustained.

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## **DEPARTMENT OF STATE REVENUE**

0420030096.LOF

### **LETTER OF FINDINGS NUMBER: 03-0096**

#### **Sales Tax**

#### **Responsible Officer**

#### **For the Tax Period June, 1995 – September, 1997**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

### **ISSUES**

#### **1. Sales Tax-Responsible Officer Liability**

**Authority:** IC 6-2.5-9-3, IC 6-8.1-5-1(b), Indiana Department of Revenue v. Safayan, 654 N.E.2<sup>nd</sup> 270 (Ind. 1995).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate sales taxes.

### **STATEMENT OF FACTS**

The taxpayer was affiliated with a corporation that did not properly remit collected sales taxes to the state during the tax period June, 1995 through September, 1997. The Indiana Department of Revenue, hereinafter referred to as the "department," assessed the additional sales taxes, interest and penalty against the taxpayer as a responsible officer. The taxpayer protested the assessment of tax and penalty. A hearing was held and this Letter of Findings results.

#### **1. Sales Tax-Responsible Officer Liability**

### **DISCUSSION**

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

An individual who:

(1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and

(2) has a duty to remit state gross retail or use taxes to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

Pursuant to Indiana Department of Revenue v. Safayan, 654 N.E. 2<sup>nd</sup> 270 (Ind. 1995) at page 273: "The statutory duty to remit trust taxes falls on any officer or employee who has the authority to see that they are paid." The factors considered to determine whether a person has such authority are the following:

1. The person's position within the power structure of the corporation;
2. The authority of the officer as established by the Articles of Incorporation, By-laws or employment contract; and
3. Whether the person actually exercised control over the finances of the business including control of the bank account, signing checks and tax returns or determining when and in what order to pay creditors.

In 1991 the taxpayer was a retail employee of the corporation when the owners during the tax period purchased the business. At that time, the taxpayer changed her status to a commission only outside sales person. In 1993 the taxpayer was made a regular salaried employee in consideration for giving up the outside sales commissions. At that time, she was given ten shares of stock and the title of Vice President. No powers or authority accompanied her new title. The taxpayer resigned from the corporation in January 1998. During her association with the corporation, the taxpayer had no decision making authority, no ability to enter into contracts, no fiscal responsibilities, no authority to issue checks except for preauthorized checks for COD deliveries, no access to corporate books or records, and no knowledge of the tax delinquency.

The taxpayer provided significant documentation evidencing that she did not have the position within the corporate power structure, authority as an officer and employee, or control over finances that would give her the duty to remit the trust taxes to the

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## Nonrule Policy Documents

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state of Indiana. The taxpayer sustained her burden of proving that the department incorrectly assessed the corporation's sales tax liability against her personally.

### FINDING

The taxpayer's protest is sustained.

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#### DEPARTMENT OF STATE REVENUE

0420030179P.LOF

#### LETTER OF FINDINGS NUMBER: 03-0179P

##### Sales & Use Tax

##### For the Calendar Year of 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

#### I. Tax Administration – Penalty

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the negligence penalty.

#### II. Tax Administration - Interest

**Authority:** IC 6-8.1-10-1

The taxpayer protests the interest assessment.

### STATEMENT OF FACTS

The negligence penalty and interest were assessed on the underpayment of use tax resulting from a Department audit conducted for the calendar year 1999.

The taxpayer is a company located in Indiana.

#### I. Tax Administration – Penalty

### DISCUSSION

The taxpayer requests the penalty be waived as business conditions have turned downwards.

The Department points out the error in the audit is material.

45 IAC 15-11-2(b) 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."

The Department finds the taxpayer was inattentive of tax duties. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

### FINDING

The taxpayer's penalty protest is denied.

#### II. Tax Administration – Interest

Interest may not be waived according to statute IC 6-8.1-10-1.

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#### DEPARTMENT OF STATE REVENUE

02-20030255.LOF

#### LETTER OF FINDINGS NUMBER: 03-0255

##### Gross Income Tax

##### For the Years 1988, 1989, 1993, 1994, & 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

### I. Gross Income Tax-Agency

**Authority:** Ind. Code § 6-2.1-2-2(a)(2); 45 IAC 1-1-54(2); *U-Haul Co. of Indiana, Inc. v. Indiana Department of State Revenue* 784 N.E.2d 1078 (Ind. Tax 2003); *Oklahoma Tax Comm'n v. Jefferson Lines*, 514 U.S. 175, 184-200 (1995); *Complete Auto Transit, Inc. v. Brady*, 430 U.S. 274, 279 (1977).

Taxpayer protests the Department's assessment of additional tax with respect to amount received by a principal for rental income from Indiana, on the basis that it was actually collected for clerical and administrative expenses.

## STATEMENT OF FACTS

Taxpayer is primarily a service company based in Arizona, providing various clerical and administrative services. Taxpayer has a contractual relationship with three sets of businesses (collectively, "System"). Taxpayer provides clearing house, accounting, computer, management analysis, and other services to the System in accordance with three groups of businesses. One set ("Set 1 businesses") consists of businesses that provide moving equipment to System. Set 1 receives a percentage of rental amounts collected by dealers.

Another set of businesses ("Set 2 businesses") consists of businesses that merchandise and supervise the maintenance and repair of rental equipment. Each business in Set 2 is assigned a region in which the Set 2 businesses are responsible for establishing and servicing dealer arrangements. Set 2 businesses receive a percentage of gross rental income collected within their regions.

A third set of businesses ("Set 3 businesses") consists of businesses that display and rent moving equipment to the public. Under contracts with taxpayer, Set 3 makes weekly deposits of all rental income collected from the public to a bank account held by taxpayer. Set 3 businesses receive a percentage of gross rental amounts received from the public for leasing activities.

Department conducted an audit of taxpayer and each set of businesses. After review, it was determined by audit that the income from Indiana rentals was subject to gross income tax to the taxpayer, based on the fact that taxpayer is the principal and the sets of businesses are agents with respect to the collection of rental income in Indiana. Taxpayer protests the imposition of gross income tax with respect to the rental receipts attributed to it, maintaining that taxpayer's receipts were for clerical and administrative services performed outside Indiana.

### I. Gross Income Tax-Agency

## DISCUSSION

For income derived by certain taxpayers prior to January 1, 2003, Indiana imposes a tax known as the gross income tax. Ind. Code § 6-2.1-2-2. For a taxpayer who is not an Indiana resident or domiciliary, the tax is imposed on the receipt of taxable gross income derived from activities or businesses or any other sources within Indiana. Ind. Code § 6-2.1-2-2(a)(2).

Taxpayer's income under its contractual relationship with its sets of businesses derives from the rental activity conducted by its agents' rental of property. *U-Haul Co. of Indiana, Inc. v. Indiana Department of State Revenue* 784 N.E.2d 1078, 1084 (Ind. Tax 2003). To the extent that the taxpayer's receipts are the result of Indiana rental of moving equipment, the rentals constitute an activity or business conducted within Indiana. *Id.*

Taxpayer argues that the income was derived from essentially clerical and administrative services, in effect for the benefit of its sets of businesses, and therefore only taxable in the state in which the services were actually rendered, in contrast to the agent in *U-Haul* who argued successfully that its payments were not for their direct benefit. *Id.* at 1079. Taxpayer's arguments regarding the receipts being for clerical and administrative-type expenses under contractual arrangements ignores one minor thing: while taxpayer did engage in such activities, the Tax Court explicitly found that the taxpayer maintained a significant degree of control over the sets of businesses with respect to income derived from renting moving equipment, enough to create an agency relationship with the sets of businesses with taxpayer as principal. *Id.* at 1083-1084. The rental of moving equipment in Indiana by taxpayer and its agents constitutes an activity or business conducted within Indiana.

Further, taxpayer has consistently maintained for several years of Departmental audits, protests and litigation involving the sets of businesses that the Set 2 businesses have been agents for taxpayer for the collection of the rental income derived from activities in Indiana. Taxpayer's activities in this case are the activities conducted by the taxpayer in *U-Haul*. In *U-Haul*, a service company, rental companies and rental dealers had the same relationship as the relationship between taxpayer and the sets of businesses in this case. The Tax Court found an agency relationship between the service company as principal and rental companies as agents which exempted the rental companies in that case from gross income tax on the rental income to the extent it was not retained by the agents. *Id.* at 1084. Thus, as the same relationship existed between taxpayer and its sets of businesses as existed between the service company and rental companies and rental dealers in *U-Haul*, an agency relationship existed between taxpayer and the sets of businesses.

In addition, taxpayer cites to *U-Haul* for the proposition that the principal is not subject to gross income tax when another taxable person is acting as an agent for gross income tax. While an agency relationship does alter *who* the taxpayer is, and may result in an exempt principal based on that principal not being an otherwise taxable entity, it does not change the *character* of the transaction from which the relevant income derived. Here, the gross income was derived from rental of property within Indiana, and

is gross income within the meaning of the statute.

Taxpayer also argues, in the alternative, that less than the full amount of gross income should be taxed to taxpayer. While a portion of the gross income may have been payable to the various sets of businesses acting as agents, taxpayer has derived the beneficial interest in the full amount of gross income. Its payments to its sets of businesses reflect the discharge of contractual obligations under the agency. 45 IAC 1-1-54(2). Taxpayer had the right to the full amount of the gross income at the moment it was deposited into its bank account, and if taxpayer refused to permit conveyance the income to the sets of businesses, the sets of businesses would sue taxpayer for their contractual portions. Thus, taxpayer had a beneficial interest in the full portion of the gross income at the time of receipt, and only later relinquished its share.

Taxpayer also raises a constitutional challenge based on a lack of ties to Indiana. This point will not be belabored. Taxpayer has entered into Indiana via its agents, which is plainly sufficient to create nexus for taxation in Indiana. Taxpayer incurs no additional tax if all states impose a similar tax, while the tax relates fairly to the amount of services that Department provides taxpayers and its agents. Taxpayer's liability for gross income tax is the same for its income derived from Indiana as if taxpayer was located in Indiana. Finally, taxpayer's taxes fairly reflect taxpayer's benefit received from roads, police and fire protection, as well as the myriad of other services that the government of Indiana provides. *Oklahoma Tax Comm'n v. Jefferson Lines*, 514 U.S. 175, 184-200 (1995); *Complete Auto Transit, Inc. v. Brady*, 430 U.S. 274, 279 (1977).

#### **FINDING**

Taxpayer's protest is denied.

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### **DEPARTMENT OF STATE REVENUE**

0320030302P.LOF

#### **LETTER OF FINDINGS NUMBER: 03-0302P**

##### **Withholding Tax**

##### **For the Calendar Year 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**

##### **I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the late penalty.

##### **II. Tax Administration – Interest**

**Authority:** IC 6-8.1-10-1

The taxpayer protests the interest assessment.

#### **STATEMENT OF FACTS**

The late penalty and interest were assessed on the late filing of a non-resident shareholder withholding for the calendar year 2002.

The taxpayer is a company located in Indianapolis.

##### **I. Tax Administration – Penalty**

#### **DISCUSSION**

The taxpayer requests the penalty be waived as the taxpayer has a good tax compliance history, and, the error was the result of the unintentional clerical mistake.

With regard to the tax compliance history, the taxpayer has had several tax calculation mistakes and late filings. The Department does not find the taxpayer has an exemplary tax compliance history.

45 IAC 15-11-2(b) 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."

The Department finds the taxpayer was ignorant of listed tax laws. Ignorance is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

#### **FINDING**



The taxpayer's penalty protest is denied.

**II. Tax Administration – Interest**

Interest may not be waived according to statute IC 6-8.1-10-1.

**FINDING**

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

04-20030437P.LOF

**LETTER OF FINDINGS NUMBER: 03-0437P**

**Tax Administration—Penalty**

**For the Years 1997, 1998, 1999 & 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—Penalty**

**Authority:** 45 IAC 15-11-2

Taxpayer protests the 10% negligence penalty.

**STATEMENT OF FACTS**

The penalty was proposed in the first instance because the auditor determined taxpayer had not self-assessed and remitted sales and use tax even though taxpayer was aware of its duty to do so. Taxpayer argues that it had no intent to defraud or deprive the Department of the revenue owed.

**I. Tax Administration—Penalty**

**DISCUSSION**

Penalty assessments depend on a number of factors outlined in the regulation cited *supra*, and can be waived based on a showing of sufficient cause:

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.

The Department finds the taxpayer did not act with reasonable care. Taxpayer freely admits mistakes were made, but that its intent was not to defraud the Department. Fraudulent intent is not one of the requirements for the negligence penalty to apply. The Department denies taxpayer's request to abate the 10% penalty assessment.

**FINDING**

Taxpayer's request to abate the 10% negligence penalty is denied.

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**DEPARTMENT OF STATE REVENUE**

04-20030462P.LOF

**LETTER OF FINDINGS NUMBER: 03-0462P**

**Tax Administration—Penalty**

**For the Years 2000, 2001 & 2002**

**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—Penalty**

**Authority:** 45 IAC 15-11-2

Taxpayer protests the 10% negligence penalty.

#### **STATEMENT OF FACTS**

The penalty was proposed in the first instance because the auditor determined taxpayer had not self-assessed and remitted use tax even though taxpayer was aware of its duty to do so. Taxpayer argued that it had been a good corporate taxpayer over the years and the clerical errors resulted in a very small percentage of purchases included in the audit.

#### **I. Tax Administration—Penalty**

#### **DISCUSSION**

Penalty assessments depend on a number of factors outlined in the statute and regulation cited *supra*, and can be waived based on a showing of sufficient cause:

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.

The Department finds the taxpayer did not act with reasonable care because clerical omissions and/or mistakes constitute negligence. The Department denies taxpayer's request to abate the 10% penalty assessment.

#### **FINDING**

Taxpayer's request to abate the 10% negligence penalty is denied.

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### **DEPARTMENT OF STATE REVENUE**

0420030274P.LOF

#### **LETTER OF FINDINGS NUMBER: 04-0274P**

#### **Use Tax**

#### **For Tax Years 1999-2000**

**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**

#### **I. Tax Administration—Negligence Penalty**

**Authority:** IC 6-2.5-1-8; IC 6-2.5-4-1; IC 6-2.5-6-10; IC 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests imposition of a ten percent (10%) negligence penalty.

#### **STATEMENT OF FACTS**

As the result of an audit, the Indiana Department of Revenue ("Department") issued proposed assessments of use taxes for 1999 and 2000. Taxpayer paid amounts equal to the assessments, but protested the imposition of a ten percent negligence penalty. Further facts will be provided as necessary.

#### **I. Tax Administration—Negligence Penalty**

#### **DISCUSSION**

Taxpayer's business consists of data processing, data storage, and administration of data systems and billing systems for telephone companies. Taxpayer protests the imposition of a ten percent negligence penalty on assessments for tax years 1999 and 2000. The Department imposed the negligence penalty due to underpayment of use tax for the years in question, as provided in IC 6-8.1-10-2.1. As the result of an audit, the Department determined that taxpayer was taking a one percent (1%) collection fee from use tax payments it made to Indiana. Also, the Department determined that a one percent collection fee is allowed for sales tax but not use tax, and taxpayer was therefore not entitled to the collection fee on its use tax payments.

Taxpayer paid an amount equal to the underlying assessments, but did not pay an amount equal to the penalties. Taxpayer states in its protest that it paid sales tax and use tax consistently and timely during the audit period and was unaware that any sales tax or use tax had been omitted. Taxpayer also points out that the amount in question is a small fraction of its overall tax payments, most of which were properly paid.

The relevant statute is IC 6-2.5-6-10(a), which states:

(a) In order to compensate retail merchants for collecting and timely remitting the state gross retail tax and the state use tax, every retail merchant, except a retail merchant referred to in subsection (c), is entitled to deduct and retain from the amount

of those taxes otherwise required to be remitted under IC 6-2.5-7-5 or under this chapter, if timely remitted, a retail merchant's collection allowance.

IC 6-2.5-1-8 states:

"Retail merchant" means a person who is described as a retail merchant in IC 6-2.5-4 or who is required to hold a retail merchant's certificate under IC 6-2.5-8.

IC 6-2.5-4-1(b) explains:

A person is engaged in selling at retail when, in the ordinary course of his regularly conducted trade or business, he:

- (1) acquires tangible personal property for the purpose of resale; and
- (2) transfers that property to another person for consideration.

Since taxpayer's business is data processing, data storage, and administration of data systems and billing systems for telephone companies it is not acquiring tangible personal property for the purpose of resale and so is not a retail merchant making a retail transaction under IC 6-2.5-4-1(b). Therefore, taxpayer is not a retail merchant under IC 6-2.5-1-8, and is not permitted to use the retail merchant's collection allowance described in IC 6-2.5-6-10(a).

The Department refers to 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 reach 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.

Also, 45 IAC 15-11-2(c) provides in pertinent part:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 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.

Since taxpayer was not permitted the collection allowance under IC 6-2.5-6-10, the amount of use tax it remitted to the State was incorrect. Therefore, taxpayer did not exercise such reasonable care, caution or diligence as would be expected of an ordinary reasonable taxpayer. Under 45 IAC 15-11-2(b), this is negligence.

#### **FINDING**

Taxpayer's protest is denied.

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### **DEPARTMENT OF STATE REVENUE**

0420030466P.LOF

#### **LETTER OF FINDINGS NUMBER: 04-0466P**

##### **Sales and Use Tax**

##### **For Tax 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**

##### **I. Tax Administration—Negligence Penalty**

**Authority:** IC 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests imposition of a ten percent (10%) negligence penalty.

#### **STATEMENT OF FACTS**

Taxpayer operates a chain of auto parts stores. As the result of an audit for the tax years 1999 through 2001, the Indiana Department of Revenue ("Department") issued proposed assessments for unpaid use taxes. The assessments included a ten percent (10%) negligence penalty for each assessment. Taxpayer protests the imposition of penalties. Further facts will be provided as necessary.

##### **I. Tax Administration—Negligence Penalty**

#### **DISCUSSION**

Taxpayer protests the imposition of a ten percent negligence penalty on assessments for tax years 1999, 2000 and 2001. The

Department imposed the negligence penalty due to underpayment of use tax for the three years in question, as provided in IC 6-8.1-10-2.1.

Taxpayer paid the amounts of the underlying assessments, but did not pay the full assessment equal to the penalty amounts. Taxpayer states that it has paid thousands of dollars of taxes to the State of Indiana in the past, and that its failure to pay the full amount of taxes due was not intentional and will not happen in the future.

The Department refers to 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 reach 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.

Also, 45 IAC 15-11-2(c) provides in pertinent part:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 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.

The assessments imposed as the result of the Department's audit were due to taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. This qualifies as negligence under 45 IAC 15-11-2(b). Taxpayer has not affirmatively established that failure to pay the full amount of tax due for 1999, 2000 and 2001 was due to reasonable cause and not due to negligence, as required by 45 IAC 15-11-2(c).

#### **FINDING**

Taxpayer's protest is denied.

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# Cumulative Table of Nonrule Policy Documents

Digest	Published	Digest	Published
<b>ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF</b>			
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40: Methods of measuring the amount of water withdrawn by a significant water withdrawal facility	27 IR 1426	02-0308 (Corporate) (1998-99): Applicability of the throw-back rule; abatement of the ten percent negligence penalty (Rescission) (12/3/03)	27 IR 1455
41: Public trust doctrine on navigable waters and public freshwater lakes (3/1/04)	27 IR 2109	02-0407 (Corporate) (1998-2000): Imposition of tax; tax administration - penalty	27 IR 2142
42: AOPA Committee (3/1/04)	27 IR 2116	02-0408 (1996-2000): Unrelated business income; tax administration - penalty	27 IR 2143
43: CZM Federal Consistency (3/1/04)	27 IR 2117	02-0498 (1998-2000): Throwback sales; tax administration - reliance and retroactivity; numerator of property factor	27 IR 2146
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22: Delivery and installation charges subject to Indiana sales and use tax (1/04)	27 IR 1667	03-0255 (1988-1989, 1993-95): Agency	27 IR 2378
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29-2003-1335	27 IR 2370	03-0282P (1998-2000): Tax administration - negligence penalty	27 IR 1691
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29-2002-0179: Ogden Dunes Volunteer Fire Department Inc.	27 IR 2130	03-0378 (Individual) (1999): Gambling losses	27 IR 1693
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29-2002-0182: Ms. Christine F. Schapker	27 IR 1670	<b>Negligence Penalty:</b>	
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02-0608 (1999-2000): Imposition of sales tax on leases; imposition of use tax; services; reimbursement of expenses	27 IR 1456	1995	See 19 IR 954 (January 1996)
03-0072 (1999-2001): Tax administration - ten percent negligence penalty	27 IR 1687	1996	See 20 IR 1040 (January 1997)
03-0075 (1999-2001): Application to tangible personal property purchased in Indiana for use outside the state; ability to impose sales tax on items where other states have imposed their own gross retail taxes; tax administration - ten percent negligence penalty	27 IR 2152	1997	See 21 IR 1628 (January 1998)
03-0087P (2001 and 1-6/02): Tax administration - penalty, interest	27 IR 1688	1998	See 22 IR 1324 (January 1999)
03-0096 (6/95-9/97): Responsible officer liability	27 IR 2377	1999	See 23 IR 1013 (January 2000)
03-0179P (1999): Tax administration - penalty, interest	27 IR 2378	2000	See 24 IR 1241 (January 2001)
03-0274P (1999-2000): Tax administration - negligence penalty	27 IR 2382	2001	See 25 IR 1406 (January 2002)
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03-0321 (2000): Like kind exchange; tax administration - ten percent negligence penalty	27 IR 1461	2003	See 27 IR 1466 (January 2004)
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1992	See 16 IR 1311	(January 1993)

## Cumulative Tables of Executive Orders and Attorney General's Opinions

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03-48 Pardon: Richard E. Rhymer	27 IR 1659
03-49 Pardon: Timothy McCarthy	27 IR 1660
03-50 Pardon: Cheryl Ann Wuensch	27 IR 1661
03-51 Pardon: Joseph Henry Hummer	27 IR 1662
03-52 Pardon: Thomas Elmer Ashley	27 IR 1662
03-53 Postponement of the date of expiration of rules until one year after date specified in IC 4-22-2.5	27 IR 1663
04-1 Approval and implementation of the settlement between the state of Indiana and Indiana Professional Law Enforcement, Local 1041, I.U.P.A./AFL-CIO	27 IR 2108
04-2 Creation of the State Child Protection Task Force	27 IR 2361
04-3 Pardon: Michael Johnson	27 IR 2362
04-4 Establishment of the Indiana Military Base Task Force	27 IR 2363

**For Cumulative Tables of Executive Orders and Attorney General's Opinions printed in the Indiana Register in previous years, consult the following table:**

1978	See 2 IR 181	(February 1979)
1979	See 3 IR 336	(March 1980)
1980	See 3 IR 2266	(December 1980)
1981	See 5 IR 179	(January 1982)
1982	See 5 IR 2588	(December 1982)
1983	See 7 IR 256	(December 1983)
1984	See 8 IR 249	(December 1984)
1985	See 9 IR 933	(January 1986)
1986	See 10 IR 175	(October 1986)
1987	See 11 IR 2790	(April 1988)
1988	See 12 IR 1025	(January 1989)
1989	See 13 IR 792	(January 1990)
1990	See 14 IR 957	(January 1991)
1991	See 15 IR 652	(January 1992)
1992	See 16 IR 1312	(January 1993)
1993	See 17 IR 898	(January 1994)
1994	See 18 IR 1167	(January 1995)
1995	See 19 IR 955	(January 1996)
1996	See 20 IR 1043	(January 1997)
1997	See 21 IR 1633	(January 1998)
1998	See 22 IR 1332	(January 1999)
1999	See 23 IR 1022	(January 2000)
2000	See 24 IR 1249	(January 2001)
2001	See 25 IR 1413	(January 2002)
2002	See 26 IR 1431	(January 2003)
2003	See 27 IR 1474	(January 2004)

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TITLE 10 OFFICE OF ATTORNEY GENERAL FOR THE STATE					65 IAC 5-5-4	A	03-314	*ER (27 IR 1588)	
10 IAC 1.5	RA	03-102	26 IR 3425	27 IR 946	65 IAC 5-5-5	A	03-314	*ER (27 IR 1588)	
10 IAC 1.5-6	N	03-101	26 IR 3374	27 IR 450	65 IAC 5-5-6	A	03-314	*ER (27 IR 1589)	
10 IAC 3-1-1	A	03-167	26 IR 3909	27 IR 824	65 IAC 5-6-1	A	03-314	*ER (27 IR 1589)	
10 IAC 3-1-2	A	03-167	26 IR 3911	27 IR 825	65 IAC 5-6-1.5	N	03-314	*ER (27 IR 1589)	
					65 IAC 5-6-2	A	03-314	*ER (27 IR 1590)	
TITLE 11 CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL					65 IAC 5-6-3	A	03-314	*ER (27 IR 1591)	
11 IAC 2-5-5	N	02-324	26 IR 1598	*AROC (26 IR 2134)	65 IAC 5-6-4	A	03-314	*ER (27 IR 1591)	
11 IAC 3	N	03-165	26 IR 3911	27 IR 826	65 IAC 5-6-5	A	03-314	*ER (27 IR 1591)	
					65 IAC 5-6-6	A	03-314	*ER (27 IR 1593)	
					65 IAC 5-9-1	A	03-314	*ER (27 IR 1593)	
TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND								*ERR (27 IR 1575)	
					65 IAC 5-9-1.5	N	03-314	*ER (27 IR 1594)	
35 IAC 8-1-1	A	04-18	27 IR 2305		65 IAC 5-9-2	A	03-314	*ER (27 IR 1594)	
35 IAC 8-1-2	A	04-18	27 IR 2305		65 IAC 5-9-3	A	03-314	*ER (27 IR 1594)	
35 IAC 8-2-1	A	04-18	27 IR 2306		65 IAC 5-9-4	A	03-314	*ER (27 IR 1594)	
35 IAC 10	N	04-18	27 IR 2307		65 IAC 5-9-9	A	03-314	*ER (27 IR 1595)	
35 IAC 11	N	03-131	26 IR 3678	27 IR 1164	65 IAC 5-9-12	A	03-314	*ER (27 IR 1595)	
35 IAC 12	N	04-18	27 IR 2308						
					TITLE 68 INDIANA GAMING COMMISSION				
TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE					68 IAC 4-1-1	RA	03-132	26 IR 3750	*CPH (27 IR 208)
50 IAC 18	N	02-81	26 IR 1117	*AROC (26 IR 1263)					27 IR 1295
	N	03-235	27 IR 909	*AROC (27 IR 2079)	68 IAC 4-1-2	RA	03-132	26 IR 3751	*CPH (27 IR 208)
50 IAC 19	N	02-342	26 IR 2397	*ARR (26 IR 3885)					27 IR 1296
				*AROC (27 IR 287)	68 IAC 4-1-3	RA	03-132	26 IR 3751	*CPH (27 IR 208)
				27 IR 450					27 IR 1296
50 IAC 20	N	03-6	27 IR 908	*CPH (27 IR 1613)	68 IAC 4-1-4	RA	03-132	26 IR 3751	*CPH (27 IR 208)
									27 IR 1296
TITLE 52 INDIANA BOARD OF TAX REVIEW					68 IAC 4-1-5	RA	03-132	26 IR 3752	*CPH (27 IR 208)
52 IAC 2	N	03-179	26 IR 3915	27 IR 1776					27 IR 1297
				*ERR (27 IR 2284)	68 IAC 4-1-6	RA	03-132	26 IR 3752	*CPH (27 IR 208)
52 IAC 3	N	03-179	26 IR 3926	27 IR 1787					27 IR 1297
				*ERR (27 IR 2284)	68 IAC 4-1-7	RA	03-132	26 IR 3752	*CPH (27 IR 208)
52 IAC 4	N	03-259	27 IR 555						27 IR 1297
					68 IAC 4-1-8	RA	03-132	26 IR 3753	*CPH (27 IR 208)
TITLE 65 STATE LOTTERY COMMISSION									27 IR 1298
65 IAC 4-1-6	A	04-34		*ER (27 IR 1909)	68 IAC 4-1-9	RA	03-132	26 IR 3753	*CPH (27 IR 208)
65 IAC 4-1-6.5	A	04-34		*ER (27 IR 1909)					27 IR 1299
65 IAC 4-1-7	A	04-34		*ER (27 IR 1909)	68 IAC 4-1-10	RA	03-132	26 IR 3754	*CPH (27 IR 208)
65 IAC 4-1-12.2	N	04-34		*ER (27 IR 1909)					27 IR 1299
65 IAC 4-1-12.3	N	04-34		*ER (27 IR 1909)	68 IAC 6-3	N	03-204	27 IR 212	
65 IAC 4-1-12.4	N	04-34		*ER (27 IR 1909)					
65 IAC 4-2-3	A	03-334		*ER (27 IR 1596)	TITLE 71 INDIANA HORSE RACING COMMISSION				
65 IAC 4-2-5	A	03-334		*ER (27 IR 1596)	71 IAC 1.5-1-19	A	04-21		*ER (27 IR 1911)
65 IAC 4-3-1	A	03-334		*ER (27 IR 1597)	71 IAC 3-2-9	A	04-21		*ER (27 IR 1911)
65 IAC 4-3-2	A	03-334		*ER (27 IR 1597)	71 IAC 3-9-4	A	04-21		*ER (27 IR 1912)
65 IAC 4-329	N	03-237		*ER (27 IR 192)	71 IAC 4-3-15	A	04-21		*ER (27 IR 1912)
65 IAC 4-330	N	03-246		*ER (27 IR 199)	71 IAC 5-1-2	A	04-21		*ER (27 IR 1912)
65 IAC 4-331	N	03-247		*ER (27 IR 200)	71 IAC 5-1-3	A	04-21		*ER (27 IR 1913)
65 IAC 4-333	N	03-292		*ER (27 IR 891)	71 IAC 5.5-1-2	A	04-21		*ER (27 IR 1913)
65 IAC 4-335	N	03-310		*ER (27 IR 1190)	71 IAC 5.5-1-3	A	04-21		*ER (27 IR 1913)
65 IAC 4-336	N	03-338		*ER (27 IR 1602)	71 IAC 5.5-3-3	A	04-21		*ER (27 IR 1914)
65 IAC 4-337	N	04-28		*ER (27 IR 1900)	71 IAC 5.5-4-2	A	04-21		*ER (27 IR 1915)
65 IAC 4-338	N	04-26		*ER (27 IR 1896)	71 IAC 6-1-3	A	04-21		*ER (27 IR 1915)
65 IAC 4-339	N	04-30		*ER (27 IR 1903)	71 IAC 6-3-1	A	04-21		*ER (27 IR 1917)
65 IAC 4-340	N	04-31		*ER (27 IR 1905)	71 IAC 7-1-11	A	04-21		*ER (27 IR 1917)
65 IAC 4-341	N	04-32		*ER (27 IR 1907)	71 IAC 7-1-15	A	04-21		*ER (27 IR 1917)
65 IAC 5-1-2.2	N	04-34		*ER (27 IR 1909)	71 IAC 7-1-22	R	04-21		*ER (27 IR 1922)
65 IAC 5-1-2.4	N	04-34		*ER (27 IR 1910)	71 IAC 7-1-28	A	04-21		*ER (27 IR 1918)
65 IAC 5-1-2.6	N	04-34		*ER (27 IR 1910)	71 IAC 7-2-8	A	04-21		*ER (27 IR 1918)
65 IAC 5-1-6	A	04-34		*ER (27 IR 1910)	71 IAC 7-3-6	A	03-244		*ER (27 IR 205)
65 IAC 5-1-7	A	04-34		*ER (27 IR 1910)	71 IAC 7-3-11	A	04-21		*ER (27 IR 1918)
65 IAC 5-1-8	A	04-34		*ER (27 IR 1910)	71 IAC 7-3-13	A	04-21		*ER (27 IR 1919)
65 IAC 5-1-11.2	N	04-34		*ER (27 IR 1910)	71 IAC 7.5-1-2	A	04-21		*ER (27 IR 1919)
65 IAC 5-1-12	A	04-34		*ER (27 IR 1910)	71 IAC 7.5-1-4	A	03-244		*ER (27 IR 205)
65 IAC 5-5-1	A	03-314		*ER (27 IR 1587)	71 IAC 7.5-1-15	N	04-21		*ER (27 IR 1919)
65 IAC 5-5-1.5	N	03-314		*ER (27 IR 1587)	71 IAC 7.5-6-1	A	04-21		*ER (27 IR 1919)
65 IAC 5-5-2	A	03-314		*ER (27 IR 1587)	71 IAC 7.5-6-3	A	03-244		*ER (27 IR 206)
65 IAC 5-5-3	A	03-314		*ER (27 IR 1587)	71 IAC 7.5-7-5	A	04-21		*ER (27 IR 1920)



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71 IAC 8-6-2	A	04-21	*ER (27 IR 1920)	105 IAC 9-2-57	N	02-231	††27 IR 20
71 IAC 8-11-3	A	04-21	*ER (27 IR 1920)	105 IAC 9-2-58	N	02-231	††27 IR 21
71 IAC 8.5-5-2	A	04-21	*ER (27 IR 1921)	105 IAC 9-2-59	N	02-231	††27 IR 21
71 IAC 8.5-11-3	A	04-21	*ER (27 IR 1921)	105 IAC 9-2-60	N	02-231	††27 IR 21
71 IAC 12-2-15	A	03-293	*ER (27 IR 896)	105 IAC 9-2-61	N	02-231	††27 IR 22
71 IAC 13.5-3-1	A	04-21	*ER (27 IR 1921)	105 IAC 9-2-62	N	02-231	††27 IR 22
71 IAC 13.5-3-2	A	04-21	*ER (27 IR 1922)	105 IAC 9-2-63	N	02-231	††27 IR 22
71 IAC 13.5-3-3	A	04-21	*ER (27 IR 1922)	105 IAC 9-2-64	N	02-231	††27 IR 22
71 IAC 13.5-3-4	A	04-21	*ER (27 IR 1922)	105 IAC 9-2-65	N	02-231	††27 IR 22
TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION				105 IAC 9-2-66	N	02-231	††27 IR 22
105 IAC 9-1-1	A	03-17	26 IR 2400 27 IR 451	105 IAC 9-2-67	N	02-231	††27 IR 23
105 IAC 9-1-2	A	03-17	26 IR 2400 27 IR 452	105 IAC 9-2-68	N	02-231	††27 IR 23
105 IAC 9-2-1	A	02-231	26 IR 421 27 IR 7	105 IAC 9-2-69	N	02-231	††27 IR 23
105 IAC 9-2-2	R	02-231	††27 IR 52	105 IAC 9-2-70	N	02-231	††27 IR 23
105 IAC 9-2-3	N	02-231	††27 IR 7	105 IAC 9-2-71	N	02-231	††27 IR 23
105 IAC 9-2-4	N	02-231	††27 IR 7	105 IAC 9-2-72	N	02-231	††27 IR 23
105 IAC 9-2-5	N	02-231	††27 IR 7	105 IAC 9-2-73	N	02-231	††27 IR 24
105 IAC 9-2-6	N	02-231	††27 IR 7	105 IAC 9-2-74	N	02-231	††27 IR 24
105 IAC 9-2-7	N	02-231	††27 IR 8	105 IAC 9-2-75	N	02-231	††27 IR 24
105 IAC 9-2-8	N	02-231	††27 IR 8	105 IAC 9-2-76	N	02-231	††27 IR 24
105 IAC 9-2-9	N	02-231	††27 IR 8	105 IAC 9-2-77	N	02-231	††27 IR 24
105 IAC 9-2-10	N	02-231	††27 IR 8	105 IAC 9-2-78	N	02-231	††27 IR 25
105 IAC 9-2-11	N	02-231	††27 IR 9	105 IAC 9-2-79	N	02-231	††27 IR 25
105 IAC 9-2-12	N	02-231	††27 IR 9	105 IAC 9-2-80	N	02-231	††27 IR 25
105 IAC 9-2-13	N	02-231	††27 IR 9	105 IAC 9-2-81	N	02-231	††27 IR 25
105 IAC 9-2-14	N	02-231	††27 IR 9	105 IAC 9-2-82	N	02-231	††27 IR 25
105 IAC 9-2-15	N	02-231	††27 IR 10	105 IAC 9-2-83	N	02-231	††27 IR 26
105 IAC 9-2-16	N	02-231	††27 IR 10	105 IAC 9-2-84	N	02-231	††27 IR 26
105 IAC 9-2-17	N	02-231	††27 IR 10	105 IAC 9-2-85	N	02-231	††27 IR 26
105 IAC 9-2-18	N	02-231	††27 IR 10	105 IAC 9-2-86	N	02-231	††27 IR 26
105 IAC 9-2-19	N	02-231	††27 IR 10	105 IAC 9-2-87	N	02-231	††27 IR 27
105 IAC 9-2-20	N	02-231	††27 IR 11	105 IAC 9-2-88	N	02-231	††27 IR 27
105 IAC 9-2-21	N	02-231	††27 IR 11	105 IAC 9-2-89	N	02-231	††27 IR 28
105 IAC 9-2-22	N	02-231	††27 IR 11	105 IAC 9-2-90	N	02-231	††27 IR 29
105 IAC 9-2-23	N	02-231	††27 IR 11	105 IAC 9-2-91	N	02-231	††27 IR 30
105 IAC 9-2-24	N	02-231	††27 IR 12	105 IAC 9-2-92	N	02-231	††27 IR 30
105 IAC 9-2-25	N	02-231	††27 IR 12	105 IAC 9-2-93	N	02-231	††27 IR 30
105 IAC 9-2-26	N	02-231	††27 IR 12	105 IAC 9-2-94	N	02-231	††27 IR 31
105 IAC 9-2-27	N	02-231	††27 IR 12	105 IAC 9-2-95	N	02-231	††27 IR 31
105 IAC 9-2-28	N	02-231	††27 IR 12	105 IAC 9-2-96	N	02-231	††27 IR 31
105 IAC 9-2-29	N	02-231	††27 IR 13	105 IAC 9-2-97	N	02-231	††27 IR 31
105 IAC 9-2-30	N	02-231	††27 IR 13	105 IAC 9-2-98	N	02-231	††27 IR 32
105 IAC 9-2-31	N	02-231	††27 IR 13	105 IAC 9-2-99	N	02-231	††27 IR 32
105 IAC 9-2-32	N	02-231	††27 IR 14	105 IAC 9-2-100	N	02-231	††27 IR 32
105 IAC 9-2-33	N	02-231	††27 IR 14	105 IAC 9-2-101	N	02-231	††27 IR 32
105 IAC 9-2-34	N	02-231	††27 IR 14	105 IAC 9-2-102	N	02-231	††27 IR 33
105 IAC 9-2-35	N	02-231	††27 IR 15	105 IAC 9-2-103	N	02-231	††27 IR 33
105 IAC 9-2-36	N	02-231	††27 IR 15	105 IAC 9-2-104	N	02-231	††27 IR 33
105 IAC 9-2-37	N	02-231	††27 IR 15	105 IAC 9-2-105	N	02-231	††27 IR 34
105 IAC 9-2-38	N	02-231	††27 IR 16	105 IAC 9-2-106	N	02-231	††27 IR 34
105 IAC 9-2-39	N	02-231	††27 IR 16	105 IAC 9-2-107	N	02-231	††27 IR 34
105 IAC 9-2-40	N	02-231	††27 IR 16	105 IAC 9-2-108	N	02-231	††27 IR 34
105 IAC 9-2-41	N	02-231	††27 IR 16	105 IAC 9-2-109	N	02-231	††27 IR 34
105 IAC 9-2-42	N	02-231	††27 IR 16	105 IAC 9-2-110	N	02-231	††27 IR 34
105 IAC 9-2-43	N	02-231	††27 IR 17	105 IAC 9-2-111	N	02-231	††27 IR 35
105 IAC 9-2-44	N	02-231	††27 IR 17	105 IAC 9-2-112	N	02-231	††27 IR 35
105 IAC 9-2-45	N	02-231	††27 IR 18	105 IAC 9-2-113	N	02-231	††27 IR 35
105 IAC 9-2-46	N	02-231	††27 IR 18	105 IAC 9-2-114	N	02-231	††27 IR 36
105 IAC 9-2-47	N	02-231	††27 IR 18	105 IAC 9-2-115	N	02-231	††27 IR 36
105 IAC 9-2-48	N	02-231	††27 IR 18	105 IAC 9-2-116	N	02-231	††27 IR 36
105 IAC 9-2-49	N	02-231	††27 IR 19	105 IAC 9-2-117	N	02-231	††27 IR 36
105 IAC 9-2-50	N	02-231	††27 IR 19	105 IAC 9-2-118	N	02-231	††27 IR 36
105 IAC 9-2-51	N	02-231	††27 IR 19	105 IAC 9-2-119	N	02-231	††27 IR 36
105 IAC 9-2-52	N	02-231	††27 IR 19	105 IAC 9-2-120	N	02-231	††27 IR 36
105 IAC 9-2-53	N	02-231	††27 IR 19	105 IAC 9-2-121	N	02-231	††27 IR 37
105 IAC 9-2-54	N	02-231	††27 IR 19	105 IAC 9-2-122	N	02-231	††27 IR 37
105 IAC 9-2-55	N	02-231	††27 IR 20	105 IAC 9-2-123	N	02-231	††27 IR 37
105 IAC 9-2-56	N	02-231	††27 IR 20	105 IAC 9-2-124	N	02-231	††27 IR 37
				105 IAC 9-2-125	N	02-231	††27 IR 37

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105 IAC 9-2-126	N	02-231	††27 IR 37	105 IAC 12-1-18	A	03-58	26 IR 3077	*AWR (27 IR 2286)
105 IAC 9-2-127	N	02-231	††27 IR 37	105 IAC 12-1-22	A	03-58	26 IR 3077	*AWR (27 IR 2286)
105 IAC 9-2-128	N	02-231	††27 IR 38	105 IAC 12-1-23	A	03-58	26 IR 3078	*AWR (27 IR 2286)
105 IAC 9-2-129	N	02-231	††27 IR 38	105 IAC 12-2-4	A	03-58	26 IR 3078	*AWR (27 IR 2286)
105 IAC 9-2-130	N	02-231	††27 IR 38	105 IAC 12-2-6	A	03-58	26 IR 3078	*AWR (27 IR 2286)
105 IAC 9-2-131	N	02-231	††27 IR 39	105 IAC 12-2-7	A	03-58	26 IR 3078	*AWR (27 IR 2286)
105 IAC 9-2-132	N	02-231	††27 IR 39	105 IAC 12-2-10	A	03-58	26 IR 3078	*AWR (27 IR 2286)
105 IAC 9-2-133	N	02-231	††27 IR 39	105 IAC 12-2-11	A	03-58	26 IR 3078	*AWR (27 IR 2286)
105 IAC 9-2-134	N	02-231	††27 IR 39	105 IAC 12-2-13	A	03-58	26 IR 3079	*AWR (27 IR 2286)
105 IAC 9-2-135	N	02-231	††27 IR 39	105 IAC 12-2-14	A	03-58	26 IR 3079	*AWR (27 IR 2286)
105 IAC 9-2-136	N	02-231	††27 IR 40	105 IAC 12-2-16	A	03-58	26 IR 3079	*AWR (27 IR 2286)
105 IAC 9-2-137	N	02-231	††27 IR 40	105 IAC 12-2-17	A	03-58	26 IR 3080	*AWR (27 IR 2286)
105 IAC 9-2-138	N	02-231	††27 IR 40	105 IAC 12-2-18	N	03-58	26 IR 3080	*AWR (27 IR 2286)
105 IAC 9-2-139	N	02-231	††27 IR 40	105 IAC 12-2-19	N	03-58	26 IR 3080	*AWR (27 IR 2286)
105 IAC 9-2-140	N	02-231	††27 IR 41	105 IAC 12-2-20	N	03-58	26 IR 3080	*AWR (27 IR 2286)
105 IAC 9-2-141	N	02-231	††27 IR 41	105 IAC 12-2-21	N	03-58	26 IR 3081	*AWR (27 IR 2286)
105 IAC 9-2-142	N	02-231	††27 IR 41	105 IAC 12-3-1	A	03-58	26 IR 3082	*AWR (27 IR 2286)
105 IAC 9-2-143	N	02-231	††27 IR 42	105 IAC 12-3-2	A	03-58	26 IR 3082	*AWR (27 IR 2286)
105 IAC 9-2-144	N	02-231	††27 IR 42	105 IAC 12-3-4	A	03-58	26 IR 3082	*AWR (27 IR 2286)
105 IAC 9-2-145	N	02-231	††27 IR 42	105 IAC 12-3-5	A	03-58	26 IR 3083	*AWR (27 IR 2286)
105 IAC 9-2-146	N	02-231	††27 IR 42	105 IAC 12-4-3	A	03-58	26 IR 3084	*AWR (27 IR 2286)
105 IAC 9-2-147	N	02-231	††27 IR 42	105 IAC 12-4-4	A	03-58	26 IR 3084	*AWR (27 IR 2286)
105 IAC 9-2-148	N	02-231	††27 IR 42	105 IAC 12-4-5	A	03-58	26 IR 3084	*AWR (27 IR 2286)
105 IAC 9-2-149	N	02-231	††27 IR 43	TITLE 170 INDIANA UTILITY REGULATORY COMMISSION				
105 IAC 9-2-150	N	02-231	††27 IR 43	170 IAC 4-4.2	N	03-305	27 IR 2312	
105 IAC 9-2-151	N	02-231	††27 IR 43	170 IAC 7-1.1-19	A	03-193	27 IR 2309	
105 IAC 9-2-152	N	02-231	††27 IR 43	170 IAC 7-1.2-10	A	03-194	27 IR 558	
105 IAC 9-2-153	N	02-231	††27 IR 43	TITLE 240 STATE POLICE DEPARTMENT				
105 IAC 9-2-154	N	02-231	††27 IR 44	240 IAC 1-4-3	RA	03-98	26 IR 3425	
105 IAC 9-2-155	N	02-231	††27 IR 44	240 IAC 1-4-24.1	RA	03-98	26 IR 3425	27 IR 286
105 IAC 9-2-156	N	02-231	††27 IR 44	TITLE 250 LAW ENFORCEMENT TRAINING BOARD				
105 IAC 9-2-157	N	02-231	††27 IR 45	250 IAC 2	N	02-339	26 IR 3679	27 IR 1552
105 IAC 9-2-158	N	02-231	††27 IR 45	TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS				
105 IAC 9-2-159	N	02-231	††27 IR 45	305 IAC 1-2-6	A	02-328	26 IR 1598	*DAG (27 IR 947)
105 IAC 9-2-160	N	02-231	††27 IR 45		A	03-212	27 IR 216	
105 IAC 9-2-161	N	02-231	††27 IR 46	305 IAC 1-3-4	A	02-328	26 IR 1599	*DAG (27 IR 947)
105 IAC 9-2-162	N	02-231	††27 IR 46		A	03-212	27 IR 216	
105 IAC 9-2-163	N	02-231	††27 IR 46	305 IAC 1-4-1	A	02-328	26 IR 1599	*DAG (27 IR 947)
105 IAC 9-2-164	N	02-231	††27 IR 47		A	03-212	27 IR 217	
105 IAC 9-2-165	N	02-231	††27 IR 47	305 IAC 1-4-2	A	02-328	26 IR 1599	*DAG (27 IR 947)
105 IAC 9-2-166	N	02-231	††27 IR 47		A	03-212	27 IR 217	
105 IAC 9-2-167	N	02-231	††27 IR 47	305 IAC 1-5	N	02-328	26 IR 1600	*DAG (27 IR 947)
105 IAC 9-2-168	N	02-231	††27 IR 47		N	03-212	27 IR 217	
105 IAC 9-2-169	N	02-231	††27 IR 47	TITLE 307 INDIANA BOARD OF REGISTRATION FOR SOIL SCIENTISTS				
105 IAC 9-2-170	N	02-231	††27 IR 48	307 IAC	N	03-32	26 IR 2652	*GRAT (27 IR 291)
105 IAC 9-2-171	N	02-231	††27 IR 48					27 IR 53
105 IAC 9-2-172	N	02-231	††27 IR 48					*ERR (27 IR 538)
105 IAC 9-2-173	N	02-231	††27 IR 49	TITLE 312 NATURAL RESOURCES COMMISSION				
105 IAC 9-2-174	N	02-231	††27 IR 49	312 IAC 1-1-19.5	N	03-296	27 IR 1617	
105 IAC 9-2-175	N	02-231	††27 IR 49	312 IAC 1-1-27.5	N	03-296	27 IR 1617	
105 IAC 9-2-176	N	02-231	††27 IR 49	312 IAC 1-1-29.3	N	03-296	27 IR 1617	
105 IAC 9-2-177	N	02-231	††27 IR 50	312 IAC 2-2-1	A	03-220	27 IR 1205	
105 IAC 9-2-178	N	02-231	††27 IR 50	312 IAC 2-2-4	A	03-220	27 IR 1205	
105 IAC 9-2-179	N	02-231	††27 IR 50	312 IAC 2-3-1	A	03-220	27 IR 1205	
105 IAC 9-2-180	N	02-231	††27 IR 50	312 IAC 5-6-5	A	03-92	27 IR 220	
105 IAC 9-2-181	N	02-231	††27 IR 50	312 IAC 5-6-6	A	03-29	26 IR 2660	27 IR 59
105 IAC 9-2-182	N	02-231	††27 IR 51	312 IAC 5-12.5	N	03-316	27 IR 2315	
105 IAC 9-2-183	N	02-231	††27 IR 51	312 IAC 6	RA	02-331	26 IR 2133	27 IR 286
105 IAC 9-2-184	N	02-231	††27 IR 51	312 IAC 6-4-3	A	04-4	27 IR 2316	
105 IAC 9-2-185	N	02-231	††27 IR 51	312 IAC 7	RA	02-331	26 IR 2133	27 IR 286
105 IAC 9-2-186	N	02-231	††27 IR 51	312 IAC 8	RA	03-315	27 IR 2339	
105 IAC 9-2-187	N	02-231	††27 IR 51	312 IAC 8-1-2	A	03-50	26 IR 3085	27 IR 455
105 IAC 9-2-188	N	02-231	††27 IR 52					
105 IAC 9-2-189	N	02-231	††27 IR 52					
105 IAC 9-2-190	N	02-231	††27 IR 52					
105 IAC 12-1-2	A	03-58	26 IR 3077 *AWR (27 IR 2286)					
105 IAC 12-1-5	A	03-58	26 IR 3077 *AWR (27 IR 2286)					
105 IAC 12-1-14.5	N	03-58	26 IR 3077 *AWR (27 IR 2286)					
105 IAC 12-1-14.6	N	03-58	26 IR 3077 *AWR (27 IR 2286)					

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312 IAC 8-1-4	A	03-50	26 IR 3085	<b>27 IR 455</b>	312 IAC 18-3-17	N	03-213	27 IR 560	
312 IAC 8-2-3	A	03-50	26 IR 3086	<b>27 IR 456</b>	312 IAC 18-5-2	A	03-213	27 IR 561	
312 IAC 8-2-6	A	03-50	26 IR 3088	<b>27 IR 457</b>	312 IAC 18-5-4	A	03-91	26 IR 3375	<b>27 IR 1166</b>
312 IAC 8-2-9	A	03-50	26 IR 3088	<b>27 IR 458</b>	312 IAC 19	RA	03-315	27 IR 2339	
312 IAC 8-2-11	A	03-50	26 IR 3088	<b>27 IR 458</b>	312 IAC 19-1-3	A	03-296	27 IR 1617	
312 IAC 8-2-13	A	04-4	27 IR 2316		312 IAC 20-2-1.7	N	03-12	26 IR 3084	<b>27 IR 454</b>
312 IAC 9	RA	02-331	26 IR 2133	<b>27 IR 286</b>	312 IAC 20-2-4.3	N	03-12	26 IR 3084	<b>27 IR 454</b>
312 IAC 9-1-9.5	N	03-311	27 IR 1946		312 IAC 20-2-4.7	N	03-12	26 IR 3085	<b>27 IR 454</b>
312 IAC 9-1-11.5	N	03-311	27 IR 1946		312 IAC 20-3-3	N	03-12	26 IR 3085	<b>27 IR 454</b>
312 IAC 9-2-11	A	03-50	26 IR 3089	<b>27 IR 459</b>	312 IAC 20-5	N	02-329	26 IR 2658	<b>27 IR 452</b>
312 IAC 9-3-2	A	03-311	27 IR 1946		312 IAC 24	RA	02-331	26 IR 2133	<b>27 IR 286</b>
312 IAC 9-3-3	A	03-311	27 IR 1947		312 IAC 25-1-8	A	03-93	27 IR 221	
312 IAC 9-3-4	A	03-311	27 IR 1948		312 IAC 25-1-75.5	N	03-93	27 IR 222	
312 IAC 9-3-10	A	03-311	27 IR 1949		312 IAC 25-1-155.5	N	03-93	27 IR 222	
312 IAC 9-3-11	A	03-311	27 IR 1949		312 IAC 25-4-17	A	03-93	27 IR 222	
312 IAC 9-3-12	A	03-311	27 IR 1949		312 IAC 25-4-44		00-285		*ERR (27 IR 1890)
312 IAC 9-3-13	A	03-311	27 IR 1950		312 IAC 25-4-45	A	03-93	27 IR 223	
312 IAC 9-3-14	A	03-311	27 IR 1950				00-285		*ERR (27 IR 1890)
312 IAC 9-3-15	A	03-311	27 IR 1950		312 IAC 25-4-49	A	03-93	27 IR 224	
312 IAC 9-3-17	A	03-311	27 IR 1950		312 IAC 25-4-87	A	03-93	27 IR 225	
312 IAC 9-4-7	R	03-311	27 IR 1966		312 IAC 25-4-102	A	03-93	27 IR 226	
312 IAC 9-4-10	A	03-311	27 IR 1951		312 IAC 25-4-105.5	N	03-93	27 IR 227	
312 IAC 9-4-11	A	03-311	27 IR 1951		312 IAC 25-4-113	A	03-93	27 IR 228	
312 IAC 9-4-14	A	03-311	27 IR 1952		312 IAC 25-4-114	A	03-93	27 IR 228	
312 IAC 9-5-4	A	03-311	27 IR 1953		312 IAC 25-4-115	A	03-93	27 IR 229	
312 IAC 9-5-6	A	03-311	27 IR 1953		312 IAC 25-4-118	A	03-93	27 IR 230	
312 IAC 9-5-7	A	03-311	27 IR 1953		312 IAC 25-5-7	A	03-93	27 IR 231	
312 IAC 9-5-9	A	03-311	27 IR 1955		312 IAC 25-5-16	A	03-93	27 IR 232	
312 IAC 9-5-11	N	03-311	27 IR 1956		312 IAC 25-6-17	A	03-93	27 IR 233	
312 IAC 9-6-9	A	03-311	27 IR 1957		312 IAC 25-6-20	A	03-93	27 IR 235	
312 IAC 9-7-2	A	03-311	27 IR 1957		312 IAC 25-6-23	A	03-93	27 IR 237	
312 IAC 9-7-6	A	03-311	27 IR 1959		312 IAC 25-6-25	A	03-93	27 IR 238	
312 IAC 9-7-13	A	03-311	27 IR 1960		312 IAC 25-6-31	A	03-169	27 IR 248	
312 IAC 9-10-3	A	03-35	26 IR 3374	<b>27 IR 1165</b>	312 IAC 25-6-66	A	03-93	27 IR 238	
312 IAC 9-10-4	A	03-149	27 IR 246	<b>27 IR 1789</b>	312 IAC 25-6-81	A	03-93	27 IR 239	
312 IAC 9-10-9	A	03-311	27 IR 1960		312 IAC 25-6-84	A	03-93	27 IR 241	
312 IAC 9-10-9.5	N	03-311	27 IR 1961		312 IAC 25-6-130	A	03-93	27 IR 243	
312 IAC 9-10-10	A	03-311	27 IR 1962		312 IAC 25-7-1	A	03-93	27 IR 244	
312 IAC 9-10-13.5	N	03-311	27 IR 1963		312 IAC 25-7-20	A	03-93	27 IR 246	
312 IAC 9-10-17	A	03-311	27 IR 1964		312 IAC 25-9-5	A	03-169	27 IR 249	
312 IAC 9-11-1	A	03-311	27 IR 1964		312 IAC 25-9-8	A	03-169	27 IR 249	
312 IAC 9-11-2	A	03-311	27 IR 1965		312 IAC 26	RA	03-315	27 IR 2339	
312 IAC 9-11-14	A	03-311	27 IR 1965		TITLE 326 AIR POLLUTION CONTROL BOARD				
312 IAC 10-2-33.5	N	03-296	27 IR 1617		326 IAC 1-1-3	A	02-337	26 IR 1997	
312 IAC 10-5-0.3	N	03-215	27 IR 1940		326 IAC 1-1-3.5	A	02-337	26 IR 1997	
312 IAC 10-5-0.6	N	03-215	27 IR 1940		326 IAC 1-2-65	A	02-337	26 IR 1997	
312 IAC 10-5-3	A	03-215	27 IR 1941		326 IAC 1-2-90	A	02-337	26 IR 1998	
312 IAC 10-5-4	A	03-215	27 IR 1941		326 IAC 1-3-4	A	03-69	26 IR 3376	<b>27 IR 2224</b>
312 IAC 10-5-5	A	03-215	27 IR 1942		326 IAC 1-4-1	A	03-70	26 IR 3092	<b>27 IR 1167</b>
312 IAC 10-5-6	A	03-215	27 IR 1943		326 IAC 2-1.1-7	A	03-67	27 IR 1981	
312 IAC 10-5-7	A	03-215	27 IR 1944		326 IAC 2-2-1	A	03-68	27 IR 250	<b>27 IR 2216</b>
312 IAC 10-5-8	A	03-215	27 IR 1945			A	03-67	27 IR 1983	
312 IAC 11-3-1	A	03-203	27 IR 1201		326 IAC 2-2-2	A	03-67	27 IR 1993	
312 IAC 11-4-1	A	04-4	27 IR 2316		326 IAC 2-2-3	A	03-67	27 IR 1995	
312 IAC 11-4-3	A	03-203	27 IR 1202		326 IAC 2-2-4	A	03-67	27 IR 1995	
312 IAC 11-5-1	A	03-30	26 IR 2661	<b>27 IR 61</b>	326 IAC 2-2-5	A	03-67	27 IR 1996	
312 IAC 11-5-2	A	03-296	27 IR 1617		326 IAC 2-2-6	A	03-68	27 IR 256	<b>27 IR 2222</b>
312 IAC 14	RA	02-331	26 IR 2133	<b>27 IR 286</b>		A	03-67	27 IR 1997	
312 IAC 15	RA	02-331	26 IR 2133	<b>27 IR 286</b>	326 IAC 2-2-7	A	03-67	27 IR 1998	
312 IAC 16	RA	03-315	27 IR 2339		326 IAC 2-2-8	A	03-67	27 IR 1998	
312 IAC 16-1-9.5	N	03-251	27 IR 1206		326 IAC 2-2-10	A	03-67	27 IR 1999	
312 IAC 16-1-39.5	N	03-251	27 IR 1206		326 IAC 2-2-12	A	03-68	27 IR 257	<b>27 IR 2223</b>
312 IAC 16-1-44.6	N	03-251	27 IR 1206		326 IAC 2-2-13	A	02-337	26 IR 1998	
312 IAC 16-5-15	A	03-251	27 IR 1206		326 IAC 2-2-16	A	02-337	26 IR 1999	
312 IAC 16-5-19	A	03-251	27 IR 1207		326 IAC 2-2-2	N	03-67	27 IR 2000	
312 IAC 17	RA	03-315	27 IR 2339		326 IAC 2-2-3	N	03-67	27 IR 2004	
312 IAC 18-3-12	A	03-214	27 IR 1203		326 IAC 2-2-4	N	03-67	27 IR 2005	
312 IAC 18-3-15	N	03-213	27 IR 559		326 IAC 2-2-5	R	03-67	27 IR 2048	
312 IAC 18-3-16	N	03-213	27 IR 560						

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326 IAC 2-2.6	N	03-67	27 IR 2013	326 IAC 8-1-4	A	02-337	26 IR 2030	
326 IAC 2-3-1	A	02-337	26 IR 2000	326 IAC 8-4-6	A	02-337	26 IR 2032	
	A	03-67	27 IR 2014	326 IAC 8-4-9	A	02-337	26 IR 2035	
326 IAC 2-3-2	A	03-67	27 IR 2023	326 IAC 8-7-7	A	02-337	26 IR 2036	
326 IAC 2-3-3	A	03-67	27 IR 2025	326 IAC 8-9-2	A	02-337	26 IR 2037	
326 IAC 2-3.2	N	03-67	27 IR 2027	326 IAC 8-9-3	A	02-337	26 IR 2037	
326 IAC 2-3.3	N	03-67	27 IR 2032	326 IAC 8-9-4	A	02-337	26 IR 2038	
326 IAC 2-3.4	N	03-67	27 IR 2033	326 IAC 8-9-5	A	02-337	26 IR 2040	
326 IAC 2-5.1-4	A	03-67	27 IR 2041	326 IAC 8-9-6	A	02-337	26 IR 2042	
326 IAC 2-6-1	A	01-249	24 IR 3700	326 IAC 8-10-7	A	02-337	26 IR 2044	
			*CPH (24 IR 4012)	326 IAC 8-11-2	A	02-337	26 IR 2044	
			*CPH (27 IR 551)	326 IAC 8-11-6	A	02-337	26 IR 2046	
			<b>27 IR 2210</b>	326 IAC 8-11-7	A	02-337	26 IR 2050	
326 IAC 2-6-2	A	01-249	24 IR 3700	326 IAC 8-12-3	A	02-337	26 IR 2050	
			*CPH (27 IR 551)	326 IAC 8-12-5	A	02-337	26 IR 2052	
			<b>27 IR 2210</b>	326 IAC 8-12-6	A	02-337	26 IR 2053	
326 IAC 2-6-3	A	01-249	24 IR 3702	326 IAC 8-12-7	A	02-337	26 IR 2054	
			*CPH (24 IR 4012)	326 IAC 8-13-5	A	02-337	26 IR 2055	
			*CPH (27 IR 551)	326 IAC 10-1-2	A	02-337	26 IR 2056	
			<b>27 IR 2212</b>	326 IAC 10-1-4	A	02-337	26 IR 2057	
326 IAC 2-6-4	A	01-249	24 IR 3703	326 IAC 10-1-5	A	02-337	26 IR 2059	
			*CPH (24 IR 4012)	326 IAC 10-1-6	A	02-337	26 IR 2059	
			*CPH (27 IR 551)	326 IAC 11-7-1	A	02-337	26 IR 2061	
			<b>27 IR 2213</b>	326 IAC 13-1.1-1	A	02-337	26 IR 2062	
326 IAC 2-6-5	A	02-337	26 IR 2005	326 IAC 13-1.1-8	A	02-337	26 IR 2063	
	N	01-249	24 IR 3705	326 IAC 13-1.1-10	A	02-337	26 IR 2063	
			*CPH (24 IR 4012)	326 IAC 13-1.1-13	A	02-337	26 IR 2064	
			*CPH (27 IR 551)	326 IAC 13-1.1-14	A	02-337	26 IR 2065	
			<b>27 IR 2215</b>	326 IAC 13-1.1-16	A	02-337	26 IR 2066	
326 IAC 2-7-3	A	02-337	26 IR 2006	326 IAC 14-1-1	A	02-337	26 IR 2066	
326 IAC 2-7-8	A	02-337	26 IR 2006	326 IAC 14-1-2	A	02-337	26 IR 2067	
326 IAC 2-7-10.5	A	03-67	27 IR 2041	326 IAC 14-1-4	R	02-337	26 IR 2099	
326 IAC 2-7-11	A	03-67	27 IR 2045	326 IAC 14-3-1	A	02-337	26 IR 2067	
326 IAC 2-7-12	A	03-67	27 IR 2046	326 IAC 14-4-1	A	02-337	26 IR 2067	
326 IAC 2-7-18	A	02-337	26 IR 2007	326 IAC 14-5-1	A	02-337	26 IR 2068	
326 IAC 2-8-3	A	02-337	26 IR 2008	326 IAC 14-7-1	A	02-337	26 IR 2068	
326 IAC 2-9-7	A	02-337	26 IR 2009	326 IAC 14-8-1	A	02-337	26 IR 2068	
326 IAC 2-9-8	A	02-337	26 IR 2010	326 IAC 14-8-3	A	02-337	26 IR 2069	
326 IAC 2-9-9	A	02-337	26 IR 2012	326 IAC 14-8-4	A	02-337	26 IR 2069	
326 IAC 2-9-10	A	02-337	26 IR 2013	326 IAC 14-8-5	A	02-337	26 IR 2069	
326 IAC 2-9-13	A	02-337	26 IR 2014	326 IAC 14-9-5	A	02-337	26 IR 2070	
326 IAC 2-10-1	RA	03-332	27 IR 2324	326 IAC 14-9-7	A	02-337	26 IR 2071	
326 IAC 2-10-2.1	N	03-332	27 IR 2325	326 IAC 14-9-9	A	02-337	26 IR 2071	
326 IAC 2-10-3.1	N	03-332	27 IR 2325	326 IAC 14-10-1	A	02-337	26 IR 2072	
326 IAC 2-10-4.1	N	03-332	27 IR 2325	326 IAC 14-10-2	A	02-337	26 IR 2074	
326 IAC 2-10-5.1	N	03-332	27 IR 2325	326 IAC 14-10-3	A	02-337	26 IR 2076	
326 IAC 2-10-6.1	N	03-332	27 IR 2325	326 IAC 14-10-4	A	02-337	26 IR 2078	
326 IAC 2-11-1	RA	03-333	27 IR 2326	326 IAC 15-1-2	A	02-337	26 IR 2080	
326 IAC 2-11-2	A	03-333	27 IR 2327	326 IAC 15-1-4	A	02-337	26 IR 2083	
326 IAC 2-11-3	RA	03-333	27 IR 2327	326 IAC 16-3-1	A	02-337	26 IR 2084	
326 IAC 2-11-4	RA	03-333	27 IR 2328	326 IAC 18-1-2	A	02-337	26 IR 2084	
326 IAC 3-4-1	A	02-337	26 IR 2016	326 IAC 18-1-5	A	02-337	26 IR 2086	
326 IAC 3-4-3	A	02-337	26 IR 2016	326 IAC 18-1-7	A	02-337	26 IR 2087	
326 IAC 3-5-2	A	02-337	26 IR 2017	326 IAC 18-1-8	A	02-337	26 IR 2088	
326 IAC 3-5-3	A	02-337	26 IR 2019	326 IAC 18-2-2	A	02-337	26 IR 2088	
326 IAC 3-5-4	A	02-337	26 IR 2019	326 IAC 18-2-3	A	02-337	26 IR 2090	
326 IAC 3-5-5	A	02-337	26 IR 2020	326 IAC 18-2-6	A	02-337	26 IR 2096	
326 IAC 3-6-1	A	02-337	26 IR 2022	326 IAC 18-2-7	A	02-337	26 IR 2097	
326 IAC 3-6-3	A	02-337	26 IR 2022	326 IAC 20-49	N	02-336	26 IR 3090	
326 IAC 3-6-5	A	02-337	26 IR 2023	326 IAC 20-50	N	02-336	26 IR 3090	
326 IAC 3-7-2	A	02-337	26 IR 2024	326 IAC 20-51	N	02-336	26 IR 3090	
326 IAC 3-7-4	A	02-337	26 IR 2025	326 IAC 20-52	N	02-336	26 IR 3091	
326 IAC 5-1-2	A	01-407	26 IR 2026	326 IAC 20-53	N	02-336	26 IR 3091	
326 IAC 5-1-4	A	02-337	26 IR 2026	326 IAC 20-54	N	02-336	26 IR 3091	
326 IAC 5-1-5	A	02-337	26 IR 2027	326 IAC 20-55	N	02-336	26 IR 3091	
326 IAC 6-1-10.1	A	01-407	26 IR 1970	326 IAC 20-57	N	03-284	27 IR 1618	*CPH (27 IR 1937)
			*CPH (26 IR 2391)	326 IAC 20-58	N	03-284	27 IR 1619	*CPH (27 IR 1937)
			<b>27 IR 61</b>	326 IAC 20-59	N	03-284	27 IR 1619	*CPH (27 IR 1937)
			*CPH (26 IR 2391)	326 IAC 20-60	N	03-284	27 IR 1619	*CPH (27 IR 1937)
			<b>27 IR 85</b>					
326 IAC 6-1-10.2	A	01-407	26 IR 1994					
326 IAC 6-1-13	A	03-195	27 IR 2318					
326 IAC 7-2-1	A	02-337	26 IR 2028					
326 IAC 7-4-3	A	03-195	27 IR 2319					
326 IAC 7-4-10	A	02-337	26 IR 2029					

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326 IAC 20-61	N	03-284	27 IR 1619	*CPH (27 IR 1937)	326 IAC 23-3-1	A	02-189	26 IR 2422	27 IR 475
326 IAC 20-62	N	03-284	27 IR 1619	*CPH (27 IR 1937)	326 IAC 23-3-2	A	02-189	26 IR 2422	27 IR 475
326 IAC 20-63	N	03-285	27 IR 2322		326 IAC 23-3-3	A	02-189	26 IR 2423	27 IR 476
326 IAC 20-64	N	03-285	27 IR 2322		326 IAC 23-3-5	A	02-189	26 IR 2426	27 IR 479
326 IAC 20-65	N	03-285	27 IR 2322		326 IAC 23-3-7	A	02-189	26 IR 2426	27 IR 479
326 IAC 20-66	N	03-285	27 IR 2323		326 IAC 23-3-11	A	02-189	26 IR 2428	27 IR 480
326 IAC 20-67	N	03-285	27 IR 2323		326 IAC 23-3-12	A	02-189	26 IR 2428	27 IR 481
326 IAC 20-68	N	03-285	27 IR 2323		326 IAC 23-3-13	A	02-189	26 IR 2428	27 IR 481
326 IAC 20-69	N	03-285	27 IR 2323		326 IAC 23-4-1	A	02-189	26 IR 2429	27 IR 481
326 IAC 20-70	N	03-284	27 IR 1620	*CPH (27 IR 1937)	326 IAC 23-4-2	A	02-189	26 IR 2429	27 IR 482
326 IAC 22-1-1	A	02-337	26 IR 2098		326 IAC 23-4-3	A	02-189	26 IR 2429	27 IR 482
326 IAC 23-1-4	A	02-189	26 IR 2407	27 IR 459	326 IAC 23-4-4	A	02-189	26 IR 2430	27 IR 483
326 IAC 23-1-5	A	02-189	26 IR 2408	27 IR 460	326 IAC 23-4-5	A	02-189	26 IR 2431	27 IR 484
326 IAC 23-1-5.5	N	02-189	26 IR 2408	27 IR 460	326 IAC 23-4-6	A	02-189	26 IR 2432	27 IR 485
326 IAC 23-1-6.5	N	02-189	26 IR 2408	27 IR 460	326 IAC 23-4-7	A	02-189	26 IR 2434	27 IR 486
326 IAC 23-1-7.5	N	02-189	26 IR 2408	27 IR 460	326 IAC 23-4-9	A	02-189	26 IR 2434	27 IR 487
326 IAC 23-1-7.6	N	02-189	26 IR 2408	27 IR 460	326 IAC 23-4-11	A	02-189	26 IR 2435	27 IR 488
326 IAC 23-1-9	A	02-189	26 IR 2408	27 IR 460	326 IAC 23-4-12	A	02-189	26 IR 2435	27 IR 488
326 IAC 23-1-10	A	02-189	26 IR 2409	27 IR 461	326 IAC 23-4-13	A	02-189	26 IR 2435	27 IR 488
326 IAC 23-1-11	A	02-189	26 IR 2409	27 IR 461	326 IAC 23-5	N	02-189	26 IR 2436	27 IR 489
326 IAC 23-1-11.5	N	02-189	26 IR 2409	27 IR 461	TITLE 327 WATER POLLUTION CONTROL BOARD				
326 IAC 23-1-12.5	N	02-189	26 IR 2409	27 IR 461	327 IAC 5-1-1.5	A	02-327	26 IR 3097	*CPH (26 IR 3366)
326 IAC 23-1-17	A	02-189	26 IR 2409	27 IR 462					27 IR 1563
326 IAC 23-1-21	A	02-189	26 IR 2410	27 IR 462	327 IAC 5-4-3	A	01-51	26 IR 3698	*CPH (27 IR 1195)
326 IAC 23-1-21.5	N	02-189	26 IR 2410	27 IR 462					27 IR 2225
326 IAC 23-1-22	A	02-189	26 IR 2437	27 IR 462	327 IAC 5-4-3.1	N	01-51		††27 IR 2230
326 IAC 23-1-23	R	02-189	26 IR 2437	27 IR 490	327 IAC 5-4-6				*ERR (27 IR 191)
326 IAC 23-1-26.5	N	02-189	26 IR 2410		327 IAC 15-2-3	A	01-95	26 IR 1615	*CPH (26 IR 1961)
326 IAC 23-1-27	A	02-189	26 IR 2410	27 IR 462					*CPH (26 IR 2392)
326 IAC 23-1-27.5	N	02-189	26 IR 2410	27 IR 463					*CPH (26 IR 2645)
326 IAC 23-1-31	A	02-337	26 IR 2099						27 IR 830
326 IAC 23-1-32.1	N	02-189	26 IR 2410	27 IR 463	327 IAC 15-2-6	A	01-95	26 IR 1615	*CPH (26 IR 1961)
326 IAC 23-1-32.2	N	02-189	26 IR 2411	27 IR 463					*CPH (26 IR 2392)
326 IAC 23-1-34	A	02-189	26 IR 2411	27 IR 463					*CPH (26 IR 2645)
326 IAC 23-1-34.5	N	02-189	26 IR 2411	27 IR 463					27 IR 830
326 IAC 23-1-34.8	N	02-189	26 IR 2411	27 IR 463	327 IAC 15-2-8	A	01-95	26 IR 1615	*CPH (26 IR 1961)
326 IAC 23-1-37	R	02-189	26 IR 2437	27 IR 490					*CPH (26 IR 2392)
326 IAC 23-1-40	R	02-189	26 IR 2437	27 IR 490					*CPH (26 IR 2645)
326 IAC 23-1-42	R	02-189	26 IR 2437	27 IR 490					27 IR 831
326 IAC 23-1-43	R	02-189	26 IR 2437	27 IR 490	327 IAC 15-2-9	A	01-95	26 IR 1615	*CPH (26 IR 1961)
326 IAC 23-1-44	R	02-189	26 IR 2437	27 IR 490					*CPH (26 IR 2392)
326 IAC 23-1-45	R	02-189	26 IR 2437	27 IR 490					*CPH (26 IR 2645)
326 IAC 23-1-46	R	02-189	26 IR 2437	27 IR 490					27 IR 831
326 IAC 23-1-47	R	02-189	26 IR 2437	27 IR 490	327 IAC 15-3-1	A	01-95	26 IR 1616	*CPH (26 IR 1961)
326 IAC 23-1-48.5	N	02-189	26 IR 2411	27 IR 463					*CPH (26 IR 2392)
326 IAC 23-1-52	A	02-189	26 IR 2411	27 IR 463					*CPH (26 IR 2645)
326 IAC 23-1-52.5	N	02-189	26 IR 2411	27 IR 464					27 IR 832
326 IAC 23-1-54.5	N	02-189	26 IR 2412	27 IR 464	327 IAC 15-3-2	A	01-95	26 IR 1616	*CPH (26 IR 1961)
326 IAC 23-1-55.5	N	02-189	26 IR 2412	27 IR 464					*CPH (26 IR 2392)
326 IAC 23-1-58.5	N	02-189	26 IR 2412	27 IR 464					*CPH (26 IR 2645)
326 IAC 23-1-58.7	N	02-189	26 IR 2412	27 IR 464					27 IR 832
326 IAC 23-1-60.1	N	02-189	26 IR 2412	27 IR 464					*CPH (26 IR 3366)
326 IAC 23-1-60.5	N	02-189	26 IR 2412	27 IR 465					27 IR 1563
326 IAC 23-1-60.6	N	02-189	26 IR 2413	27 IR 465	327 IAC 15-3-3	A	01-95	26 IR 1617	*CPH (26 IR 1961)
326 IAC 23-1-61.5	N	02-189	26 IR 2413	27 IR 465					*CPH (26 IR 2392)
326 IAC 23-1-62.5	N	02-189	26 IR 2413	27 IR 465					*CPH (26 IR 2645)
326 IAC 23-1-62.6	N	02-189	26 IR 2413	27 IR 465					27 IR 832
326 IAC 23-1-63	A	02-189	26 IR 2413	27 IR 466	327 IAC 15-5-1	A	01-95	26 IR 1617	*CPH (26 IR 1961)
326 IAC 23-1-64	A	02-189	26 IR 2414	27 IR 466					*CPH (26 IR 2392)
326 IAC 23-1-69.5	N	02-189	26 IR 2414	27 IR 466					*CPH (26 IR 2645)
326 IAC 23-1-69.6	N	02-189	26 IR 2414	27 IR 466					27 IR 833
326 IAC 23-1-69.7	N	02-189	26 IR 2414	27 IR 466	327 IAC 15-5-2	A	01-95	26 IR 1617	*CPH (26 IR 1961)
326 IAC 23-1-71	N	02-189	26 IR 2414	27 IR 467					*CPH (26 IR 2392)
326 IAC 23-2-1	A	02-189	26 IR 2414	27 IR 467					*CPH (26 IR 2645)
326 IAC 23-2-3	A	02-189	26 IR 2415	27 IR 467					27 IR 833
326 IAC 23-2-4	A	02-189	26 IR 2416	27 IR 469	327 IAC 15-5-3	A	01-95	26 IR 1618	*CPH (26 IR 1961)
326 IAC 23-2-5	A	02-189	26 IR 2418	27 IR 471					*CPH (26 IR 2392)
326 IAC 23-2-6	A	02-189	26 IR 2419	27 IR 471					*CPH (26 IR 2645)
326 IAC 23-2-6.5	N	02-189	26 IR 2419	27 IR 472					27 IR 833
326 IAC 23-2-7	A	02-189	26 IR 2420	27 IR 473					*CPH (26 IR 1961)
326 IAC 23-2-8	A	02-189	26 IR 2421	27 IR 474					*CPH (26 IR 2392)
326 IAC 23-2-9	A	02-189	26 IR 2422	27 IR 474					*CPH (26 IR 2645)
									27 IR 834

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327 IAC 15-5-4	A	01-95	26 IR 1619	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 834</b> *ERR (27 IR 2284)	327 IAC 15-6-7.3	N	01-95	26 IR 1641	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 857</b> *ERR (27 IR 2285)
327 IAC 15-5-5	A	01-95	26 IR 1620	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 836</b> *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	327 IAC 15-6-7.5	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 858</b> *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)
327 IAC 15-5-6	A	01-95	26 IR 1621	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 837</b> *ERR (27 IR 2284)	327 IAC 15-6-8.5	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 859</b> †† <b>27 IR 859</b>
327 IAC 15-5-6.5	N	01-95	26 IR 1622	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 838</b> *ERR (27 IR 2284)	327 IAC 15-6-9	A	01-95		
				*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 838</b> *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	327 IAC 15-6-10	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 859</b> *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)
327 IAC 15-5-7	A	01-95	26 IR 1625	*ERR (27 IR 2284) *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 840</b> *ERR (27 IR 2284)	327 IAC 15-6-11	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 860</b> *CPH (26 IR 1961) *CPH (26 IR 2392)
327 IAC 15-5-7.5	N	01-95	26 IR 1627	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 843</b> *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	327 IAC 15-6-12	N	01-95	26 IR 1644	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 860</b> *ERR (27 IR 2285) *ERR (27 IR 191)
327 IAC 15-5-8	A	01-95	26 IR 1628	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 843</b> *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	327 IAC 15-13				
					327 IAC 15-14	N	02-327	26 IR 3098	*CPH (26 IR 3366) <b>27 IR 1563</b>
327 IAC 15-5-10	A	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 844</b> *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	327 IAC 15-15	N	01-51	26 IR 3701	*CPH (27 IR 1195) <b>27 IR 2230</b>
327 IAC 15-5-11	R	01-95	26 IR 1646	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 863</b> *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	TITLE 329 SOLID WASTE MANAGEMENT BOARD				
					329 IAC 3.1-1-7	A	02-235	26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672) <b>27 IR 1874</b> *CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672)
327 IAC 15-5-12	N	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 844</b> *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 3.1-4-1	A	02-235	26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672) <b>27 IR 1874</b> *CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672)
327 IAC 15-6-1	A	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 845</b> *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 3.1-7-2	A	02-235	26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672) <b>27 IR 1875</b> *CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672)
327 IAC 15-6-2	A	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 845</b> *ERR (27 IR 2284) *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 3.1-9-2	A	02-235	26 IR 1241	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672) <b>27 IR 1875</b> *CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672)
327 IAC 15-6-4	A	01-95	26 IR 1632	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 848</b> *ERR (27 IR 2284)					
				*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 851</b> *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 3.1-10-2	A	02-160 02-235	27 IR 912 26 IR 1242	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672) <b>27 IR 1876</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)
327 IAC 15-6-5	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 851</b> *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)					
327 IAC 15-6-6	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 851</b> *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)	329 IAC 9-1-1	A	01-161	26 IR 1209	
327 IAC 15-6-7	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 851</b> *ERR (27 IR 2284)					

## Rules Affected by Volumes 26 and 27

[illegible]

# Rules Affected by Volumes 26 and 27

329 IAC 9-1-47	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 9-3.1-4	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)
329 IAC 9-1-47.1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 9-4-3	A	01-161	26 IR 1220	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)
329 IAC 9-2-1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 9-4-4	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)
329 IAC 9-2-2	A	01-161	26 IR 1214	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 9-5-1	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)
329 IAC 9-2.1-1	A	01-161	26 IR 1215	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 9-5-2	A	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)
329 IAC 9-3-1	A	01-161	26 IR 1216	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 9-5-3.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)
329 IAC 9-3-2	N	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 9-5-3.2	N	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)
329 IAC 9-3.1-1	A	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 9-5-4.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)
329 IAC 9-3.1-2	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 9-5-4.2	N	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)
329 IAC 9-3.1-3	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 9-5-5.1	A	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)



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329 IAC 9-5-6	A	01-161	26 IR 1226	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 9-7-4	A	01-161	26 IR 1237	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)
329 IAC 9-5-7	A	01-161	26 IR 1227	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 9-7-6	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)
329 IAC 9-6-1	A	01-161	26 IR 1229	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 10-1-2.5 329 IAC 10-1-4	N A	00-185 00-185	26 IR 432	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) <b>†27 IR 1791</b> *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-6-2	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 10-1-4.5	N	00-185	26 IR 433	<b>27 IR 1791</b> *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-6-2.5	N	01-161	26 IR 1230	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 10-2-6	R	00-185	26 IR 511	<b>27 IR 1792</b> *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-6-3	A	01-161	26 IR 1234	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 10-2-11	A	00-185	26 IR 433	<b>27 IR 1873</b> *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-6-4	A	01-161	26 IR 1234	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 10-2-29	R	00-185	26 IR 511	<b>27 IR 1792</b> *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-6-5	A	01-161	26 IR 1235	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 10-2-29.5 329 IAC 10-2-32	N A	01-288 01-288	26 IR 1653	<b>27 IR 1873</b> *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 9-7-1	A	01-161	26 IR 1235	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 10-2-33	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 9-7-2	A	01-161	26 IR 1236	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300)	329 IAC 10-2-41	A	00-185	26 IR 433	<b>27 IR 1873</b> *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
					329 IAC 10-2-41.1	A	00-185	26 IR 434	<b>27 IR 1792</b> *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>

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329 IAC 10-2-53	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-2-76	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>
329 IAC 10-2-60	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-2-96	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>
329 IAC 10-2-63.5	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>	329 IAC 10-2-97.1	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>
329 IAC 10-2-64	A	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>	329 IAC 10-2-99	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>
329 IAC 10-2-66.1	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>	329 IAC 10-2-100	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>
329 IAC 10-2-66.2	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>	329 IAC 10-2-105.3	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>
329 IAC 10-2-66.3	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>	329 IAC 10-2-106	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3366) *CPH (26 IR 3073) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>
329 IAC 10-2-69	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>	329 IAC 10-2-109	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>
329 IAC 10-2-72.1	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-2-111.5	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>
329 IAC 10-2-74	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>	329 IAC 10-2-112	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>
329 IAC 10-2-75	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>	329 IAC 10-2-115	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-75.1	N	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>	329 IAC 10-2-116	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
					329 IAC 10-2-117	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)

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329 IAC 10-3-2	A	00-185	26 IR 439	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1798</b>	329 IAC 10-11-6	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1804</b>
329 IAC 10-3-3	A	00-185	26 IR 439	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1798</b>	329 IAC 10-12-1	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1804</b>
329 IAC 10-5-1	A	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-13-1	A	00-185	26 IR 445	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1806</b>
329 IAC 10-6-4	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1799</b>	329 IAC 10-13-5	A	00-185	26 IR 445	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1806</b>
329 IAC 10-7.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-13-6	A	00-185	26 IR 446	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1806</b>
329 IAC 10-7.2	N	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-14-1	A	00-185	26 IR 446	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1807</b>
329 IAC 10-8.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-14-2	A	01-288	26 IR 1661	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-8.2	N	01-288	26 IR 1657	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-15-1	A	00-185	26 IR 447	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1808</b>
329 IAC 10-9-2	A	01-288	26 IR 1659	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-15-2	A	00-185	26 IR 448	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1809</b>
329 IAC 10-9-4	A	01-288	26 IR 1659	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	329 IAC 10-15-5	A	00-185	26 IR 449	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1810</b>
329 IAC 10-10-1	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1799</b>	329 IAC 10-15-8	A	00-185	26 IR 450	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1810</b>
329 IAC 10-10-2	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1801</b>	329 IAC 10-15-12	N	00-185	26 IR 451	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1812</b>
329 IAC 10-11-2.1	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1801</b>					
329 IAC 10-11-2.5	A	00-185	26 IR 441	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1802</b>					
329 IAC 10-11-5.1	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1803</b>					

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329 IAC 10-16-1	A	00-185	26 IR 452	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1813</b>	329 IAC 10-20-13	A	00-185	26 IR 463	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1824</b>
329 IAC 10-16-8	A	00-185	26 IR 453	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1814</b>	329 IAC 10-20-14.1	A	01-288	26 IR 1662	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1824</b>
329 IAC 10-17-2	A	00-185	26 IR 453	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1814</b>	329 IAC 10-20-20	A	00-185	26 IR 463	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1824</b>
329 IAC 10-17-7	A	00-185	26 IR 454	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1815</b>	329 IAC 10-20-24	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1825</b>
329 IAC 10-17-9	A	00-185	26 IR 456	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1817</b>	329 IAC 10-20-26	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1825</b>
329 IAC 10-17-12	A	00-185	26 IR 457	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1818</b>	329 IAC 10-20-28	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1825</b>
329 IAC 10-17-18	A	00-185	26 IR 458	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1819</b>	329 IAC 10-20-29	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1826</b>
329 IAC 10-19-1	A	00-185	26 IR 458	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1819</b>	329 IAC 10-21-1	A	00-185	26 IR 465	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1826</b>
329 IAC 10-20-3	A	00-185	26 IR 459	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1821</b>	329 IAC 10-21-2	A	00-185	26 IR 468	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1830</b>
329 IAC 10-20-8	A	00-185	26 IR 460	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1821</b>	329 IAC 10-21-4	A	00-185	26 IR 474	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1835</b>
329 IAC 10-20-11	A	00-185	26 IR 461	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1822</b>	329 IAC 10-21-6	A	00-185	26 IR 477	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1838</b>
329 IAC 10-20-12	A	00-185	26 IR 462	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1823</b>	329 IAC 10-21-7	A	00-185	26 IR 479	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1840</b>
					329 IAC 10-21-8	A	00-185	26 IR 480	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1841</b>

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329 IAC 10-21-9	A	00-185	26 IR 481	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1842</b>	329 IAC 10-23-2	A	00-185	26 IR 496	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1859</b>
329 IAC 10-21-10	A	00-185	26 IR 482	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1843</b>	329 IAC 10-23-3	A	00-185	26 IR 497	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1859</b>
329 IAC 10-21-13	A	00-185	26 IR 484	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1845</b>	329 IAC 10-23-4	A	00-185	26 IR 498	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1860</b>
329 IAC 10-21-15	A	00-185	26 IR 488	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1849</b>	329 IAC 10-24-4	A	00-185	26 IR 499	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1861</b>
329 IAC 10-21-16	A	00-185	26 IR 488	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1850</b>	329 IAC 10-28-21	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-21-17	N	00-185		†† <b>27 IR 1855</b>	329 IAC 10-28-24	A	01-288	26 IR 1664	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-22-2	A	00-185	26 IR 493	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1855</b>	329 IAC 10-29-1	A	00-185	26 IR 499	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1862</b>
329 IAC 10-22-3	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1856</b>	329 IAC 10-30-4	A	00-185	26 IR 500	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1862</b>
329 IAC 10-22-5	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1856</b>	329 IAC 10-36-19	A	01-288	26 IR 1665	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-22-6	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1856</b>	329 IAC 10-37-4	A	00-185	26 IR 501	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1863</b>
329 IAC 10-22-7	A	00-185	26 IR 495	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1857</b>	329 IAC 10-39-1	A	00-185	26 IR 501	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1864</b>
329 IAC 10-22-8	A	00-185	26 IR 496	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1858</b>	329 IAC 10-39-2	A	00-185	26 IR 502	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1864</b>
					329 IAC 10-39-3	A	00-185	26 IR 508	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1870</b>

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329 IAC 10-39-7	A	00-185	26 IR 509	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1871</b>	329 IAC 11-21-6	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-39-9	A	00-185	26 IR 509	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1871</b>	329 IAC 11-21-7	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-39-10	A	00-185	26 IR 510	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1871</b>	329 IAC 11-21-8	A	01-288	26 IR 1672	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
					329 IAC 12-8-4	A	01-288	26 IR 1672	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
					329 IAC 13-3-1	A	01-288	26 IR 1673	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
					TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH				
329 IAC 11-2-19.5	N	01-288	26 IR 1665	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-22	A	03-9	26 IR 3108	<b>27 IR 490</b>
329 IAC 11-2-39	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-30	A	02-323	26 IR 3102	<b>27 IR 87</b>
329 IAC 11-2-44	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-31	N	02-323	26 IR 3104	<b>27 IR 89</b>
329 IAC 11-3-2	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-3-32	N	02-323	26 IR 3104	<b>27 IR 90</b>
329 IAC 11-6-1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-5-1	A	03-9	26 IR 3108	<b>27 IR 491</b>
329 IAC 11-7	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-6-2	A	02-323	26 IR 3105	<b>27 IR 90</b>
329 IAC 11-8-2	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 1-6-3	A	02-323	26 IR 3105	<b>27 IR 90</b>
329 IAC 11-8-2.5	N	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 2-7-2.4	N	02-323	26 IR 3106	<b>27 IR 92</b>
329 IAC 11-8-3	A	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 2-7-2.5	N	02-323	26 IR 3107	<b>27 IR 92</b>
329 IAC 11-9-6	N	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 2-7-3	A	02-323	26 IR 3107	<b>27 IR 92</b>
329 IAC 11-13-4	A	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 7-3.5-16	A	04-15	27 IR 2328	
329 IAC 11-13-6	A	01-288	26 IR 1668	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 9-2.1-1	A	04-15	27 IR 2329	
329 IAC 11-15-1	A	01-288	26 IR 1668	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	345 IAC 9-10.5-2	N	04-15	27 IR 2329	
329 IAC 11-19-2	A	01-288	26 IR 1669	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	TITLE 357 INDIANA PESTICIDE REVIEW BOARD				
329 IAC 11-19-3	A	01-288	26 IR 1670	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	357 IAC 1-11	N	02-332	26 IR 3109	*CPH (26 IR 3673) *AROC (27 IR 1652) <b>27 IR 1877</b>
329 IAC 11-20-1	A	01-288	26 IR 1670	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES				
329 IAC 11-21-4	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	405 IAC 1-8-2	A	03-164	26 IR 3929	*NRA (27 IR 1194) <b>27 IR 2247</b>
329 IAC 11-21-5	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)	405 IAC 1-8-3	A	03-164	26 IR 3929	*NRA (27 IR 1194) <b>27 IR 2247</b>
					405 IAC 1-10.5-2	A	03-164	26 IR 3930	*NRA (27 IR 1194) <b>27 IR 2248</b>
					405 IAC 1-10.5-3	A	03-236	27 IR 914	*NRA (27 IR 1935)
						A	03-18	26 IR 3378	*NRA (27 IR 207) <b>27 IR 863</b>
						A	03-164	26 IR 3932	*NRA (27 IR 1194) <b>27 IR 2249</b>
					405 IAC 1-17-1	A	03-236	27 IR 916	*NRA (27 IR 1935)
					405 IAC 1-17-2	A	03-61	26 IR 3111	*NRA (26 IR 3670) <b>27 IR 93</b>
					405 IAC 1-17-3	A	03-61	26 IR 3111	*NRA (26 IR 3670) <b>27 IR 94</b>
					405 IAC 1-17-4	A	03-61	26 IR 3112	*NRA (26 IR 3670) <b>27 IR 94</b>
					405 IAC 1-17-5	A	03-61	26 IR 3113	*NRA (26 IR 3670) <b>27 IR 95</b>
					405 IAC 1-17-6	A	03-61	26 IR 3114	*NRA (26 IR 3670) <b>27 IR 96</b>
					405 IAC 1-17-7	A	03-61	26 IR 3114	*NRA (26 IR 3670) <b>27 IR 96</b>
					405 IAC 1-17-9	A	03-61	26 IR 3115	*NRA (26 IR 3670) <b>27 IR 97</b>
					405 IAC 1-21	N	03-184	27 IR 258	*NRA (26 IR 3670) <b>27 IR 98</b>
					405 IAC 2-3-1.1	A	03-205	27 IR 262	*NRA (27 IR 1194) *ARR (27 IR 1891) *NRA (27 IR 1612)
					405 IAC 2-3-10	A	03-263	27 IR 1210	
					405 IAC 2-8-1	A	03-134	26 IR 3706	*AROC (27 IR 2080)
					405 IAC 2-8-1.1	A	03-134	26 IR 3707	*AROC (27 IR 2080)

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405 IAC 2-10-3	A	03-134	26 IR 3707	*AROC (27 IR 2080)	410 IAC 7-19	R	02-317	26 IR 3385	*ARR (27 IR 878)
405 IAC 2-10-7	A	03-134	26 IR 3707	*AROC (27 IR 2080)					<b>27 IR 1169</b>
405 IAC 2-10-7.1	N	03-134	26 IR 3707	*AROC (27 IR 2080)	410 IAC 7-23	N	02-317	26 IR 3383	*ARR (27 IR 878)
405 IAC 2-10-8	A	03-134	26 IR 3708	*AROC (27 IR 2080)					<b>27 IR 1167</b>
405 IAC 2-10-9	A	03-134	26 IR 3708	*AROC (27 IR 2080)	410 IAC 15-1.5-8	A	03-216	27 IR 1620	
405 IAC 2-10-10	R	03-134	26 IR 3709	*AROC (27 IR 2080)	410 IAC 15-1.7-1	A	03-216	27 IR 1622	
405 IAC 2-10-11	N	03-134	26 IR 3709	*AROC (27 IR 2080)	410 IAC 15-2.5-7	A	03-216	27 IR 1623	
405 IAC 5-3-13	A	03-66	26 IR 3381	*NRA (26 IR 3902)	410 IAC 15-2.7-1	A	03-216	27 IR 1625	
				*ARR (27 IR 539)	410 IAC 16.2-1.1-11.5	N	03-275	27 IR 2051	
				*NRA (27 IR 550)	410 IAC 16.2-3.1-3	A	03-275	27 IR 2051	
				*ARR (27 IR 1576)	410 IAC 16.2-3.1-4	A	03-275	27 IR 2053	
				*NRA (27 IR 1612)	410 IAC 16.2-3.1-13	A	03-275	27 IR 2054	
				<b>27 IR 2244</b>	410 IAC 16.2-3.1-14	A	03-275	27 IR 2056	
405 IAC 5-19-3	A	03-207	27 IR 267	*AROC (27 IR 2342)	410 IAC 16.2-3.1-19	A	03-90	27 IR 922	*CPH (27 IR 1613)
405 IAC 5-20-1	A	03-184	27 IR 259	*NRA (27 IR 1194)	410 IAC 16.2-3.1-26	A	03-275	27 IR 2059	
405 IAC 5-20-2	A	03-184	27 IR 260	*NRA (27 IR 1194)	410 IAC 16.2-3.1-29	A	03-275	27 IR 2060	
405 IAC 5-20-3.1	N	03-184	27 IR 260	*NRA (27 IR 1194)	410 IAC 16.2-5-1.2	A	03-275	27 IR 2060	
405 IAC 5-20-4	A	03-184	27 IR 261	*NRA (27 IR 1194)	410 IAC 16.2-5-1.3	A	03-275	27 IR 2066	
405 IAC 5-20-7	A	03-184	27 IR 261	*NRA (27 IR 1194)	410 IAC 16.2-5-1.4	A	03-275	27 IR 2067	
405 IAC 5-21-1	A	03-66	26 IR 3381	*NRA (26 IR 3902)	410 IAC 16.2-5-2	A	03-275	27 IR 2069	
				*ARR (27 IR 539)	410 IAC 16.2-5-4	A	03-275	27 IR 2069	
				*NRA (27 IR 550)	410 IAC 16.2-8-1	A	03-90	27 IR 924	*CPH (27 IR 1613)
				*ARR (27 IR 1576)					
				*NRA (27 IR 1612)					
				<b>27 IR 2245</b>					
405 IAC 5-21-7	A	03-66	26 IR 3382	*NRA (26 IR 3902)	TITLE 414 HOSPITAL COUNCIL				
				*ARR (27 IR 539)	414 IAC	N	03-277	27 IR 1625	
				*NRA (27 IR 550)					
				*ARR (27 IR 1576)	TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION				
				*NRA (27 IR 1612)	440 IAC 5.2	N	03-57	26 IR 3386	*NRA (26 IR 3902)
				<b>27 IR 2245</b>					<b>27 IR 492</b>
405 IAC 5-21-8	N	03-66	26 IR 3382	*NRA (26 IR 3902)	TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES				
				*ARR (27 IR 539)	460 IAC 3.5-1-1	A	03-180	27 IR 269	
				*NRA (27 IR 550)	460 IAC 3.5-2-1	A	03-180	27 IR 269	
				*ARR (27 IR 1576)	460 IAC 5-1-13	A	02-151	26 IR 524	
				*NRA (27 IR 1612)	460 IAC 6-2-2	A	03-123	26 IR 3935	
				<b>27 IR 2245</b>	460 IAC 6-2-3	A	03-123	26 IR 3935	
405 IAC 5-24-7	A	03-206	27 IR 266	*NRA (27 IR 1194)	460 IAC 6-3-2.1	N	02-326	26 IR 2664	<b>27 IR 101</b>
				<b>27 IR 2252</b>	460 IAC 6-3-5.1	N	02-326	26 IR 2665	<b>27 IR 101</b>
405 IAC 6-2-3	A	03-260	27 IR 919	*NRA (27 IR 1935)	460 IAC 6-3-5.2	N	02-326	26 IR 2665	<b>27 IR 101</b>
405 IAC 6-2-5	A	03-260	27 IR 919	*NRA (27 IR 1935)	460 IAC 6-3-6.1	N	02-326	26 IR 2665	<b>27 IR 101</b>
405 IAC 6-2-21	R	03-260	27 IR 921	*NRA (27 IR 1935)	460 IAC 6-3-10.1	N	02-326	26 IR 2665	<b>27 IR 101</b>
405 IAC 6-2-22	R	03-260	27 IR 921	*NRA (27 IR 1935)	460 IAC 6-3-15.1	N	02-326	26 IR 2665	<b>27 IR 101</b>
405 IAC 6-3-3	A	03-260	27 IR 919	*NRA (27 IR 1935)	460 IAC 6-3-15.2	N	03-123	26 IR 3935	
405 IAC 6-4-2	A	03-260	27 IR 919	*NRA (27 IR 1935)	460 IAC 6-3-15.3	N	02-326	26 IR 2665	<b>27 IR 101</b>
405 IAC 6-4-3	A	03-260	27 IR 920	*NRA (27 IR 1935)	460 IAC 6-3-18	A	02-326	26 IR 2666	<b>27 IR 102</b>
405 IAC 6-5-1	A	03-260	27 IR 920	*NRA (27 IR 1935)	460 IAC 6-3-25	A	02-326	26 IR 2666	<b>27 IR 102</b>
405 IAC 6-5-2	A	03-260	27 IR 920	*NRA (27 IR 1935)	460 IAC 6-3-29.5	N	02-326	26 IR 2666	<b>27 IR 102</b>
405 IAC 6-5-3	A	03-260	27 IR 921	*NRA (27 IR 1935)	460 IAC 6-3-31	A	02-326	26 IR 2666	<b>27 IR 102</b>
405 IAC 6-5-4	A	03-260	27 IR 921	*NRA (27 IR 1935)	460 IAC 6-3-32	A	02-326	26 IR 2666	<b>27 IR 102</b>
405 IAC 6-5-6	A	03-260	27 IR 921	*NRA (27 IR 1935)	460 IAC 6-3-38.5	N	02-326	26 IR 2666	<b>27 IR 103</b>
405 IAC 6-6-3	R	03-260	27 IR 921	*NRA (27 IR 1935)	460 IAC 6-3-38.6	N	02-326	26 IR 2667	<b>27 IR 103</b>
405 IAC 6-6-4	R	03-260	27 IR 921	*NRA (27 IR 1935)	460 IAC 6-3-41.1	N	02-326	26 IR 2667	<b>27 IR 103</b>
					460 IAC 6-3-52.1	N	02-326	26 IR 2667	<b>27 IR 103</b>
					460 IAC 6-3-56	A	02-326	26 IR 2667	<b>27 IR 103</b>
					460 IAC 6-4-1	A	02-326	26 IR 2667	<b>27 IR 103</b>
					460 IAC 6-5-4	A	02-326	26 IR 2668	<b>27 IR 104</b>
					460 IAC 6-5-7	A	02-326	26 IR 2669	<b>27 IR 105</b>
					460 IAC 6-5-21	A	02-326	26 IR 2669	<b>27 IR 105</b>
					460 IAC 6-5-32	N	02-326	26 IR 2669	<b>27 IR 105</b>
					460 IAC 6-5-33	N	02-326	26 IR 2670	<b>27 IR 106</b>
					460 IAC 6-5-34	N	02-326	26 IR 2670	<b>27 IR 106</b>
					460 IAC 6-5-35	N	02-326	26 IR 2670	<b>27 IR 106</b>
					460 IAC 6-5-36	N	02-326	26 IR 2670	<b>27 IR 106</b>
					460 IAC 6-6-2	A	02-326	26 IR 2670	<b>27 IR 106</b>
					460 IAC 6-6-3	A	02-326	26 IR 2670	<b>27 IR 107</b>
					460 IAC 6-7-2	A	02-326	26 IR 2671	<b>27 IR 107</b>
					460 IAC 6-7-3	A	02-326	26 IR 2671	<b>27 IR 108</b>
					460 IAC 6-9-5	A	02-326	26 IR 2672	<b>27 IR 108</b>
					460 IAC 6-9-7	N	02-326	26 IR 2673	<b>27 IR 109</b>
					460 IAC 6-10-5	A	02-326	26 IR 2673	<b>27 IR 110</b>
					460 IAC 6-10-8	A	02-326	26 IR 2674	<b>27 IR 110</b>
TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH									
410 IAC 1-2.3-47	A	03-4	26 IR 3131	<b>27 IR 865</b>					
410 IAC 1-2.3-48	A	03-4	26 IR 3134	<b>27 IR 869</b>					
410 IAC 1-2.3-97.5	N	03-4	26 IR 3135	<b>27 IR 870</b>					
410 IAC 1-7	N	03-161	27 IR 2048						
410 IAC 3-3-7.1	A	03-19	26 IR 3385	*ARR (27 IR 539)					
				<b>27 IR 1568</b>					
410 IAC 6-6-1				*ERR (27 IR 1890)					
410 IAC 6-6-8				*ERR (27 IR 1890)					
410 IAC 6-6-13				*ERR (27 IR 1890)					
410 IAC 6-6-14.1				*ERR (27 IR 1890)					
410 IAC 6-7.2-17	A	02-295	26 IR 2662	<b>27 IR 98</b>					
410 IAC 6-7.2-29	A	02-295	26 IR 2662	<b>27 IR 99</b>					
410 IAC 6-7.2-30	A	02-295	26 IR 2663	<b>27 IR 99</b>					
410 IAC 6-8.1	R	02-321	26 IR 3131	*CPH (26 IR 3368)					
410 IAC 6-8.2	N	02-321	26 IR 3116	*CPH (26 IR 3368)					
410 IAC 6-9-3				*ERR (26 IR 3884)					
410 IAC 6-10	R	02-321	26 IR 3131	*CPH (26 IR 3368)					



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460 IAC 6-10-13	A	02-326	26 IR 2674	<b>27 IR 110</b>	515 IAC 1-7	N	02-314	26 IR 1254	*ARR (26 IR 3346)
460 IAC 6-13-2	A	02-326	26 IR 2675	<b>27 IR 111</b>					<b>27 IR 501</b>
460 IAC 6-14-4	A	02-326	26 IR 2675	<b>27 IR 111</b>	515 IAC 4	N	03-135	27 IR 925	
460 IAC 6-14-6	N	03-123	26 IR 3935		515 IAC 8	N	03-10	26 IR 2437	<b>27 IR 166</b>
460 IAC 6-14-7	N	03-123	26 IR 3935						*ERR (27 IR 538)
460 IAC 6-15-2	A	03-123	26 IR 3935		515 IAC 8-1-23	A	03-321	27 IR 2330	
460 IAC 6-17-3	A	02-326	26 IR 2675	<b>27 IR 111</b>	515 IAC 8-1-42	A	03-321	27 IR 2330	
460 IAC 6-17-4	A	02-326	26 IR 2676	<b>27 IR 112</b>	515 IAC 9	N	03-11	26 IR 2451	*CPH (26 IR 2648)
460 IAC 6-19-6	A	02-326	26 IR 2676	<b>27 IR 113</b>					<b>27 IR 1169</b>
	A	03-123	26 IR 3936		515 IAC 9-1-22	A	03-322	27 IR 2331	
460 IAC 6-24-1	A	02-236	26 IR 2677	<b>27 IR 113</b>	515 IAC 12	N	03-65	26 IR 3943	
460 IAC 6-24-2	A	02-326	26 IR 2677	<b>27 IR 114</b>	TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY				
460 IAC 6-25-10	A	02-326	26 IR 2677	<b>27 IR 114</b>	540 IAC 1-1-1	RA	03-112	26 IR 3754	<b>27 IR 570</b>
460 IAC 6-29-4	A	02-326	26 IR 2678	<b>27 IR 114</b>	540 IAC 1-1-2	RA	03-112	26 IR 3754	<b>27 IR 570</b>
460 IAC 6-29-9	N	02-326	26 IR 2678	<b>27 IR 115</b>	540 IAC 1-1-5	RA	03-112	26 IR 3754	<b>27 IR 570</b>
460 IAC 6-31-1	A	03-123	26 IR 3936		540 IAC 1-1-8	RA	03-112	26 IR 3754	<b>27 IR 570</b>
460 IAC 6-35	N	02-326	26 IR 2678	<b>27 IR 115</b>	540 IAC 1-1-10	RA	03-112	26 IR 3754	<b>27 IR 570</b>
460 IAC 6-36	N	03-123	26 IR 3937		540 IAC 1-1-15	RA	03-112	26 IR 3754	<b>27 IR 570</b>
460 IAC 8	N	03-99	26 IR 3392		540 IAC 1-1-18	RA	03-112	26 IR 3754	<b>27 IR 570</b>
TITLE 470 DIVISION OF FAMILY AND CHILDREN					540 IAC 1-2	RA	03-112	26 IR 3754	<b>27 IR 570</b>
470 IAC 3-4.1	R	02-298	26 IR 1719	*NRA (26 IR 3365)	540 IAC 1-3-1	RA	03-112	26 IR 3754	<b>27 IR 570</b>
				*AROC (26 IR 3756)	540 IAC 1-4-1	RA	03-112	26 IR 3754	<b>27 IR 570</b>
				*AROC (27 IR 288)	540 IAC 1-4-2	RA	03-112	26 IR 3754	<b>27 IR 570</b>
				<b>27 IR 162</b>	540 IAC 1-8-8	RA	03-112	26 IR 3754	<b>27 IR 570</b>
470 IAC 3-4.2	R	02-298	26 IR 1719	*NRA (26 IR 3365)	540 IAC 1-10-2	RA	03-112	26 IR 3754	<b>27 IR 570</b>
				*AROC (26 IR 3756)	540 IAC 1-11	RA	03-112	26 IR 3754	<b>27 IR 570</b>
				*AROC (27 IR 288)	540 IAC 1-12-1	RA	03-112	26 IR 3754	<b>27 IR 570</b>
				<b>27 IR 162</b>	540 IAC 1-12-3	RA	03-112	26 IR 3754	<b>27 IR 570</b>
470 IAC 3-4.7	N	02-298	26 IR 1675	*NRA (26 IR 3365)	540 IAC 1-12-4	RA	03-112	26 IR 3754	<b>27 IR 570</b>
				*AROC (26 IR 3756)	TITLE 550 BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND				
				*AROC (27 IR 288)	550 IAC 2-2-7	A	03-155	26 IR 3944	*CPH (27 IR 551)
				<b>27 IR 116</b>					*CPH (27 IR 1196)
				*ERR (27 IR 1184)	550 IAC 7	N	03-100	26 IR 3710	*CPH (27 IR 1196)
470 IAC 3-4.8	N	03-232	27 IR 1626		TITLE 610 DEPARTMENT OF LABOR				
470 IAC 3-18	N	03-233	27 IR 1627		610 IAC 4-2-1	A	03-36	26 IR 2463	<b>27 IR 1879</b>
470 IAC 6-2-1	A	03-136	26 IR 3709	*NRA (27 IR 207)	610 IAC 4-2-11	R	03-36	26 IR 2464	<b>27 IR 1879</b>
				<b>27 IR 870</b>	610 IAC 4-6-11	A	03-37	26 IR 2464	<b>27 IR 1879</b>
470 IAC 6-2-13	A	03-136	26 IR 3709	*NRA (27 IR 207)	610 IAC 4-6-13	R	03-253	27 IR 565	
				<b>27 IR 871</b>	610 IAC 4-6-23	A	03-252	27 IR 564	
470 IAC 6-4.1-4	A	03-136	26 IR 3710	*NRA (27 IR 207)	TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION				
				<b>27 IR 871</b>	655 IAC 1-1-5.1	A	03-186	27 IR 932	*AROC (27 IR 1652)
470 IAC 10.1-3-4	R	03-33	26 IR 2682	*NRA (26 IR 3670)	655 IAC 1-2.1-2	A	03-186	27 IR 934	*AROC (27 IR 1652)
				<b>27 IR 500</b>	655 IAC 1-2.1-3	A	03-186	27 IR 934	*AROC (27 IR 1652)
470 IAC 10.1-3-4.1	R	03-33	26 IR 2682	*NRA (26 IR 3670)	655 IAC 1-2.1-6.1	A	03-186	27 IR 935	*AROC (27 IR 1652)
				<b>27 IR 500</b>	655 IAC 1-2.1-6.2	A	03-186	27 IR 935	*AROC (27 IR 1652)
470 IAC 10.1-3-5	R	03-33	26 IR 2682	*NRA (26 IR 3670)	655 IAC 1-2.1-6.3	A	03-186	27 IR 935	*AROC (27 IR 1652)
				<b>27 IR 500</b>	655 IAC 1-2.1-6.4	A	03-186	27 IR 936	*AROC (27 IR 1652)
470 IAC 10.2	N	03-33	26 IR 2680	*NRA (26 IR 3670)	655 IAC 1-2.1-12	A	03-186	27 IR 936	*AROC (27 IR 1652)
				<b>27 IR 498</b>	655 IAC 1-2.1-14	A	03-186	27 IR 936	*AROC (27 IR 1652)
TITLE 511 INDIANA STATE BOARD OF EDUCATION					655 IAC 1-2.1-15	A	03-186	27 IR 936	*AROC (27 IR 1652)
511 IAC 6-7-6.1	A	03-150	26 IR 3938	*ARR (27 IR 1185)	655 IAC 1-2.1-19	A	03-186	27 IR 937	*AROC (27 IR 1652)
	A	03-150	27 IR 1211		655 IAC 1-2.1-19.1	A	03-186	27 IR 937	*AROC (27 IR 1652)
511 IAC 6.1-1-2	A	03-219	27 IR 561		655 IAC 1-2.1-20	A	03-186	27 IR 937	*AROC (27 IR 1652)
511 IAC 6.1-5.1-9	A	03-151	26 IR 3939		655 IAC 1-2.1-23	A	03-186	27 IR 938	*AROC (27 IR 1652)
511 IAC 6.1-5.1-10.1	A	03-151	26 IR 3940		655 IAC 1-2.1-23.1	A	03-186	27 IR 938	*AROC (27 IR 1652)
511 IAC 6.2-2.5	N	03-219	27 IR 563		655 IAC 1-2.1-24	A	03-186	27 IR 938	*AROC (27 IR 1652)
511 IAC 6.2-6-4	A	02-264	26 IR 1719	<b>27 IR 162</b>	655 IAC 1-2.1-24.1	A	03-186	27 IR 938	*AROC (27 IR 1652)
511 IAC 6.2-6-6.1	N	02-264	26 IR 1720	<b>27 IR 163</b>	655 IAC 1-2.1-24.2	A	03-186	27 IR 938	*AROC (27 IR 1652)
511 IAC 6.2-6-8	A	02-264	26 IR 1720	<b>27 IR 163</b>	655 IAC 1-2.1-24.3	N	03-186	27 IR 939	*AROC (27 IR 1652)
511 IAC 6.2-6-12	A	02-264	26 IR 1720	<b>27 IR 163</b>	655 IAC 1-2.1-88	A	03-186	27 IR 939	*AROC (27 IR 1652)
511 IAC 6.2-7	N	02-264	26 IR 1720	<b>27 IR 163</b>	655 IAC 1-3-1	A	03-186	27 IR 939	*AROC (27 IR 1652)
511 IAC 6.2-7-8	A	03-219	27 IR 564		655 IAC 1-3-2	A	03-186	27 IR 939	*AROC (27 IR 1652)
TITLE 514 INDIANA SCHOOL FOR THE DEAF BOARD					655 IAC 1-3-4	A	03-186	27 IR 940	*AROC (27 IR 1652)
514 IAC	N	03-298	27 IR 1634		655 IAC 1-3-5	A	03-186	27 IR 940	*AROC (27 IR 1652)
TITLE 515 PROFESSIONAL STANDARDS BOARD					655 IAC 1-3-7	A	03-186	27 IR 940	*AROC (27 IR 1652)
515 IAC 1-3	R	02-314	26 IR 1257	*ARR (26 IR 3346)	655 IAC 1-3-8	R	03-186	27 IR 941	*AROC (27 IR 1652)
				<b>27 IR 505</b>					

## Rules Affected by Volumes 26 and 27

655 IAC 1-4-1	A	03-186	27 IR 940	*AROC (27 IR 1652)
655 IAC 1-4-2	A	03-186	27 IR 940	*AROC (27 IR 1652)

### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

675 IAC 12-4-11	A	03-278	27 IR 941	
675 IAC 13-1-4	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>
675 IAC 13-1-5	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>
675 IAC 13-1-9.5	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>
675 IAC 13-1-9.6	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>
675 IAC 13-1-28	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>
675 IAC 14-4.2-1	A	03-71	26 IR 3712	<b>27 IR 2253</b>
675 IAC 14-4.2-2	A	03-71	26 IR 3712	<b>27 IR 2253</b>
675 IAC 14-4.2-3	A	03-71	26 IR 3714	<b>27 IR 2254</b>
675 IAC 14-4.2-6	A	03-71	26 IR 3715	<b>27 IR 2256</b>
675 IAC 14-4.2-7	A	03-71	26 IR 3719	<b>27 IR 2260</b>
675 IAC 14-4.2-9	A	03-71	26 IR 3719	<b>27 IR 2260</b>
675 IAC 14-4.2-13.5	N	03-71	26 IR 3719	<b>27 IR 2260</b>
675 IAC 14-4.2-15.5	N	03-71	26 IR 3719	<b>27 IR 2260</b>
675 IAC 14-4.2-19.5	N	03-71	26 IR 3720	<b>27 IR 2260</b>
675 IAC 14-4.2-20.5	A	03-71	26 IR 3720	<b>27 IR 2261</b>
675 IAC 14-4.2-21	A	03-71	26 IR 3720	<b>27 IR 2261</b>
675 IAC 14-4.2-22	A	03-71	26 IR 3721	<b>27 IR 2262</b>
675 IAC 14-4.2-26.5	N	03-71	26 IR 3722	<b>27 IR 2263</b>
675 IAC 14-4.2-27.5	A	03-71	26 IR 3722	<b>27 IR 2263</b>
675 IAC 14-4.2-29	A	03-71	26 IR 3722	<b>27 IR 2263</b>
675 IAC 14-4.2-30	A	04-8	27 IR 2333	
675 IAC 14-4.2-31	A	03-71	26 IR 3722	<b>27 IR 2263</b>
675 IAC 14-4.2-34	A	03-71	26 IR 3723	<b>27 IR 2264</b>
675 IAC 14-4.2-37.5	N	03-71	26 IR 3724	<b>27 IR 2265</b>
675 IAC 14-4.2-45.3	N	03-71	26 IR 3724	<b>27 IR 2265</b>
675 IAC 14-4.2-46.8	N	03-71	26 IR 3724	<b>27 IR 2265</b>
675 IAC 14-4.2-49.1	N	03-71	26 IR 3724	<b>27 IR 2265</b>
675 IAC 14-4.2-49.3	N	03-71	26 IR 3724	<b>27 IR 2265</b>
675 IAC 14-4.2-52	A	03-71	26 IR 3725	<b>27 IR 2266</b>
675 IAC 14-4.2-53	A	03-71	26 IR 3725	<b>27 IR 2266</b>
675 IAC 14-4.2-53.7	N	03-71	26 IR 3725	<b>27 IR 2266</b>
675 IAC 14-4.2-61	A	03-71	26 IR 3726	<b>27 IR 2267</b>
675 IAC 14-4.2-63	A	03-71	26 IR 3726	<b>27 IR 2267</b>
675 IAC 14-4.2-69.5	N	03-71	26 IR 3726	<b>27 IR 2267</b>
675 IAC 14-4.2-69.6	N	03-71		<b>††27 IR 2267</b>
675 IAC 14-4.2-71	A	03-71	26 IR 3726	<b>27 IR 2268</b>
675 IAC 14-4.2-73.5	N	03-71	26 IR 3727	<b>27 IR 2268</b>
675 IAC 14-4.2-77.6	N	03-71	26 IR 3727	<b>27 IR 2268</b>
675 IAC 14-4.2-77.7	N	03-71	26 IR 3727	<b>27 IR 2268</b>
675 IAC 14-4.2-81.2	N	03-71	26 IR 3727	<b>27 IR 2268</b>
675 IAC 14-4.2-81.3	N	03-71	26 IR 3727	<b>27 IR 2269</b>
675 IAC 14-4.2-81.7	N	03-71	26 IR 3727	<b>27 IR 2269</b>
675 IAC 14-4.2-82	A	03-71	26 IR 3727	<b>27 IR 2269</b>
675 IAC 14-4.2-83	A	03-71	26 IR 3728	<b>27 IR 2269</b>
675 IAC 14-4.2-89.2	N	03-71	26 IR 3728	<b>27 IR 2269</b>
	A	04-8	27 IR 2333	
675 IAC 14-4.2-89.6	A	03-71	26 IR 3728	<b>27 IR 2269</b>
675 IAC 14-4.2-89.7	R	03-71	26 IR 3737	<b>27 IR 2278</b>
675 IAC 14-4.2-89.8	A	03-71	26 IR 3728	<b>27 IR 2270</b>
675 IAC 14-4.2-89.9	A	03-71	26 IR 3728	<b>27 IR 2270</b>
675 IAC 14-4.2-89.10	R	03-71	26 IR 3737	<b>27 IR 2278</b>
675 IAC 14-4.2-89.11	R	03-71	26 IR 3737	<b>27 IR 2278</b>
675 IAC 14-4.2-95	A	03-71	26 IR 3729	<b>27 IR 2270</b>
675 IAC 14-4.2-96.2	N	03-71	26 IR 3729	<b>27 IR 2270</b>
675 IAC 14-4.2-97.5	N	03-71	26 IR 3729	<b>27 IR 2270</b>
675 IAC 14-4.2-97.9	N	03-71	26 IR 3729	<b>27 IR 2270</b>
675 IAC 14-4.2-107	A	03-71	26 IR 3729	<b>27 IR 2271</b>
675 IAC 14-4.2-112.5	N	03-71	26 IR 3735	<b>27 IR 2277</b>
675 IAC 14-4.2-117	A	03-71	26 IR 3736	<b>27 IR 2277</b>
675 IAC 14-4.2-171.5	N	03-71	26 IR 3736	<b>27 IR 2277</b>
675 IAC 14-4.2-174.5	N	03-71	26 IR 3736	<b>27 IR 2277</b>

675 IAC 14-4.2-177.5	N	03-71	26 IR 3736	<b>27 IR 2277</b>
675 IAC 14-4.2-189	A	03-71	26 IR 3736	<b>27 IR 2277</b>
675 IAC 14-4.2-189.2	N	03-71	26 IR 3736	<b>27 IR 2277</b>
675 IAC 14-4.2-191.4	A	03-71	26 IR 3736	<b>27 IR 2278</b>
675 IAC 14-4.2-192	R	03-71	26 IR 3737	
675 IAC 17-1.6-12	A	03-71	26 IR 3737	<b>27 IR 2278</b>
675 IAC 17-1.6-16	A	03-71	26 IR 3737	<b>27 IR 2278</b>
675 IAC 19-3-4	A	03-71	26 IR 3737	<b>27 IR 2278</b>
675 IAC 22-2.2-3	RA	04-19	27 IR 2339	
675 IAC 22-2.2-4	RA	04-19	27 IR 2339	
675 IAC 22-2.2-5	RA	04-19	27 IR 2339	
675 IAC 22-2.2-6	RA	04-19	27 IR 2339	
675 IAC 22-2.2-7	RA	04-19	27 IR 2339	
675 IAC 22-2.2-8	RA	04-19	27 IR 2339	
675 IAC 22-2.2-9	RA	04-19	27 IR 2339	
675 IAC 22-2.2-10	RA	04-19	27 IR 2339	
675 IAC 22-2.2-11	RA	04-19	27 IR 2339	
675 IAC 22-2.2-12	RA	04-19	27 IR 2339	
675 IAC 22-2.2-13	RA	04-19	27 IR 2339	
675 IAC 22-2.2-15	RA	04-19	27 IR 2340	
675 IAC 22-2.2-16	RA	04-19	27 IR 2340	
675 IAC 22-2.2-17	RA	04-19	27 IR 2340	
675 IAC 22-2.2-18	RA	04-19	27 IR 2340	
675 IAC 22-2.2-21	RA	04-19	27 IR 2340	
675 IAC 22-2.2-22	RA	04-19	27 IR 2340	
675 IAC 22-2.2-23	RA	04-19	27 IR 2340	
675 IAC 22-2.2-24	RA	04-19	27 IR 2340	
675 IAC 22-2.2-25	RA	04-19	27 IR 2340	
675 IAC 22-2.2-183	RA	04-19	27 IR 2340	

### TITLE 750 DEPARTMENT OF FINANCIAL INSTITUTIONS

750 IAC 1-1-1	A	04-46		*ER (27 IR 2297)
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### TITLE 760 DEPARTMENT OF INSURANCE

760 IAC 1-21-2	A	02-299	26 IR 1724	*AROC (26 IR 3427)
760 IAC 1-21-5	A	02-299	26 IR 1724	*AROC (26 IR 3427)
760 IAC 1-21-8	A	02-299	26 IR 1724	*AROC (26 IR 3427)
760 IAC 1-50-2	A	03-160	27 IR 271	<b>27 IR 1568</b>
760 IAC 1-50-3	A	03-160	27 IR 271	<b>27 IR 1569</b>
760 IAC 1-50-4	A	03-160	27 IR 272	<b>27 IR 1569</b>
760 IAC 1-50-5	A	03-160	27 IR 272	<b>27 IR 1569</b>
760 IAC 1-50-7	A	03-160	27 IR 273	<b>27 IR 1570</b>
760 IAC 1-50-13	A	03-160	27 IR 273	<b>27 IR 1570</b>
760 IAC 1-50-13.5	A	03-160	27 IR 273	<b>27 IR 1571</b>
760 IAC 1-57-1	A	03-7	26 IR 3398	<b>27 IR 505</b>
760 IAC 1-57-2	A	03-7	26 IR 3398	<b>27 IR 505</b>
760 IAC 1-57-3	A	03-7	26 IR 3398	<b>27 IR 505</b>
760 IAC 1-57-4	A	03-7	26 IR 3399	<b>27 IR 506</b>
760 IAC 1-57-5	A	03-7	26 IR 3399	<b>27 IR 506</b>
760 IAC 1-57-6	A	03-7	26 IR 3400	<b>27 IR 507</b>
760 IAC 1-57-7	R	03-7	26 IR 3408	<b>27 IR 515</b>
760 IAC 1-57-8	A	03-7	26 IR 3401	<b>27 IR 508</b>
				*ERR (27 IR 1575)
760 IAC 1-57-9	A	03-7	26 IR 3405	<b>27 IR 512</b>
760 IAC 1-57-10	A	03-7	26 IR 3407	<b>27 IR 514</b>
				*ERR (27 IR 1575)
760 IAC 1-60-3	A	03-258	27 IR 2070	
760 IAC 1-60-5	A	03-258	27 IR 2072	
760 IAC 1-69	N	03-8	26 IR 3945	<b>27 IR 872</b>

### TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

804 IAC 1.1-1-1	A	03-20	26 IR 3136	<b>27 IR 180</b>
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### TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS

820 IAC 4-1-11	A	03-21	26 IR 3137	*AROC (26 IR 3426) <b>27 IR 515</b>
820 IAC 6-1-3	A	03-21	26 IR 3137	*AROC (26 IR 3426) <b>27 IR 516</b>
820 IAC 6-3	N	03-21	26 IR 3137	*AROC (26 IR 3426) <b>27 IR 516</b>

# Rules Affected by Volumes 26 and 27

## TITLE 828 STATE BOARD OF DENTISTRY

828 IAC 1-1-3	A	03-73	26 IR 3408	*CPH (26 IR 3904) <b>27 IR 2278</b>
828 IAC 1-1-6	A	03-73	26 IR 3409	*CPH (26 IR 3904) <b>27 IR 2279</b>
828 IAC 1-1-7	A	03-73	26 IR 3409	*CPH (26 IR 3904) <b>27 IR 2279</b>
828 IAC 1-1-12	A	03-73	26 IR 3409	*CPH (26 IR 3904) <b>27 IR 2279</b>
828 IAC 1-2-3	A	03-73	26 IR 3409	*CPH (26 IR 3904) <b>27 IR 2279</b>
828 IAC 1-2-6	A	03-73	26 IR 3410	*CPH (26 IR 3904) <b>27 IR 2280</b>
828 IAC 1-2-7	A	03-73	26 IR 3410	*CPH (26 IR 3904) <b>27 IR 2280</b>
828 IAC 1-2-12	A	03-73	26 IR 3410	*CPH (26 IR 3904) <b>27 IR 2280</b>
828 IAC 1-5-6	N	03-162	27 IR 2334	

## TITLE 830 INDIANA DIETITIANS CERTIFICATION BOARD

830 IAC 1-1	RA	04-6	27 IR 2340	
830 IAC 1-2-1	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-2-2	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-2-3	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-2-4	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-2-5	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-3	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-4	RA	03-55	26 IR 3755	<b>27 IR 946</b>
830 IAC 1-5	RA	03-55	26 IR 3755	<b>27 IR 946</b>

## TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION

836 IAC 1-1-1	A	03-188	27 IR 1212
836 IAC 1-1-2	A	03-188	27 IR 1215
836 IAC 1-1-3	A	03-188	27 IR 1216
836 IAC 1-1-4	N	03-188	27 IR 1217
836 IAC 1-1-5	N	03-188	27 IR 1217
836 IAC 1-1-6	N	03-188	27 IR 1219
836 IAC 1-1-7	N	03-188	27 IR 1220
836 IAC 1-1-8	N	03-188	27 IR 1220
836 IAC 1-2-1	A	03-188	27 IR 1221
836 IAC 1-2-2	A	03-188	27 IR 1222
836 IAC 1-2-3	A	03-188	27 IR 1222
836 IAC 1-2-5	N	03-188	27 IR 1225
836 IAC 1-3-1	A	03-188	27 IR 1225
836 IAC 1-3-2	A	03-188	27 IR 1226
836 IAC 1-3-3	A	03-188	27 IR 1226
836 IAC 1-3-5	A	03-188	27 IR 1228
836 IAC 1-3-6	A	03-188	27 IR 1229
836 IAC 1-4-1	A	03-188	27 IR 1230
836 IAC 1-4-2	A	03-188	27 IR 1230
836 IAC 1-11-1	A	03-188	27 IR 1231
836 IAC 1-11-2	A	03-188	27 IR 1231
836 IAC 1-11-3	A	03-188	27 IR 1232
836 IAC 1-11-4	A	03-188	27 IR 1234
836 IAC 1-12	N	03-188	27 IR 1235
836 IAC 2-1-1	A	03-188	27 IR 1239
836 IAC 2-2-1	A	03-188	27 IR 1240
836 IAC 2-2-2	A	03-188	27 IR 1243
836 IAC 2-2-3	A	03-188	27 IR 1244
836 IAC 2-2-4	N	03-188	27 IR 1245
836 IAC 2-4.1-1	A	03-188	27 IR 1245
836 IAC 2-4.1-2	A	03-188	27 IR 1246
836 IAC 2-7.1	R	03-188	27 IR 1283
836 IAC 2-7.2-1	A	03-188	27 IR 1247
836 IAC 2-7.2-2	A	03-188	27 IR 1250
836 IAC 2-7.2-3	A	03-188	27 IR 1250
836 IAC 2-7.2-4	N	03-188	27 IR 1252
836 IAC 2-11-1	R	03-188	27 IR 1283
836 IAC 2-14-1	A	03-188	27 IR 1252
836 IAC 2-14-2	A	03-188	27 IR 1253
836 IAC 2-14-3	A	03-188	27 IR 1253

836 IAC 2-14-5	A	03-188	27 IR 1255
836 IAC 3-1-1	A	03-188	27 IR 1256
836 IAC 3-2-1	A	03-188	27 IR 1256
836 IAC 3-2-2	A	03-188	27 IR 1258
836 IAC 3-2-3	A	03-188	27 IR 1258
836 IAC 3-2-4	A	03-188	27 IR 1259
836 IAC 3-2-5	A	03-188	27 IR 1260
836 IAC 3-2-6	A	03-188	27 IR 1261
836 IAC 3-2-7	A	03-188	27 IR 1261
836 IAC 3-3-1	A	03-188	27 IR 1262
836 IAC 3-3-2	A	03-188	27 IR 1263
836 IAC 3-3-3	A	03-188	27 IR 1264
836 IAC 3-3-4	A	03-188	27 IR 1264
836 IAC 3-3-5	A	03-188	27 IR 1266
836 IAC 3-3-6	A	03-188	27 IR 1266
836 IAC 3-3-7	A	03-188	27 IR 1267
836 IAC 3-5-1	A	03-188	27 IR 1267
836 IAC 4-1-1	A	03-188	27 IR 1267
836 IAC 4-2-1	A	03-188	27 IR 1270
836 IAC 4-2-2	A	03-188	27 IR 1270
836 IAC 4-2-3	A	03-188	27 IR 1271
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326 IAC 20-66	27 IR 2323	"Environmental intervention blood lead level" or "EIBLL" defined 326 IAC 23-1-26.5	26 IR 2410 <b>27 IR 462</b>	"Weighted arithmetic mean" defined 326 IAC 23-1-69.5	26 IR 2414 <b>27 IR 466</b>
Friction Material Manufacturing Facilities		"Facility" defined 326 IAC 23-1-27	26 IR 2410 <b>27 IR 462</b>	"Window trough or window well" defined 326 IAC 23-1-69.6	26 IR 2414 <b>27 IR 466</b>
326 IAC 20-68	27 IR 2323	"Friction surface" defined 326 IAC 23-1-27.5	26 IR 2410 <b>27 IR 463</b>	"Wipe sample" defined 326 IAC 23-1-69.7	26 IR 2414 <b>27 IR 466</b>
Leather Finishing Operations		"Hazardous waste" defined 326 IAC 23-1-31	26 IR 2099	"Worker" defined 326 IAC 23-1-71	26 IR 2414 <b>27 IR 467</b>
326 IAC 20-53	26 IR 3091	"Impact surface" defined 326 IAC 23-1-32.1	26 IR 2410 <b>27 IR 463</b>	Licensing	
Manufacturing of Nutritional Yeast		"Inspector" defined 326 IAC 23-1-32.2	26 IR 2411 <b>27 IR 463</b>	Applicability	
326 IAC 20-51	26 IR 3090	"Interim controls" defined 326 IAC 23-1-34	26 IR 2411 <b>27 IR 463</b>	326 IAC 23-2-1	26 IR 2414 <b>27 IR 467</b>
Municipal Solid Waste Landfills					
326 IAC 20-67	27 IR 2323				
Paper and Other Web Coating					
326 IAC 20-65	27 IR 2322				
Petroleum Refineries; Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recov- ery Units					
326 IAC 20-50	26 IR 3090				
Pharmaceutical Production					
326 IAC 20-57	27 IR 1618				
Polyether Polyols Production					
326 IAC 20-59	27 IR 1619				
Polyvinyl Chloride and Copolymers Production					
326 IAC 20-69	27 IR 2323				
Refractory Products Manufacturing					
326 IAC 20-62	27 IR 1619				
Rubber Tire Manufacturing					
326 IAC 20-55	26 IR 3091				
Secondary Aluminum					
326 IAC 20-70	27 IR 1620				
Semiconductor Manufacturing					
326 IAC 20-61	27 IR 1619				
Solvent Extraction for Vegetable Oil Production					
326 IAC 20-60	27 IR 1619				
Surface Coating of Large Appliances					
326 IAC 20-63	27 IR 2322				
Surface Coating of Metal Coil					
326 IAC 20-64	27 IR 2322				
Wet-Formed Fiberglass Mat Production					
326 IAC 20-52	26 IR 3091				

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Compliance requirements for lead-based paint activities contractors 326 IAC 23-2-6	26 IR 2419 <b>27 IR 471</b>	Lead abatement procedures; interior 326 IAC 23-4-7	26 IR 2434 <b>27 IR 486</b>	Facility and testing requirements 326 IAC 13-1.1-14	26 IR 2065
Duplicate lead-based paint program licenses 326 IAC 23-2-9	26 IR 2422 <b>27 IR 474</b>	Lead-based paint abatement disposal procedures 326 IAC 23-4-11	26 IR 2435 <b>27 IR 488</b>	Facility quality assurance program 326 IAC 13-1.1-16	26 IR 2066
Fees 326 IAC 23-2-8	26 IR 2421 <b>27 IR 474</b>	Lead hazard screen 326 IAC 23-4-3	26 IR 2429 <b>27 IR 482</b>	Testing procedures and standards 326 IAC 13-1.1-8	26 IR 2063
Lead-based paint license reciprocity 326 IAC 23-2-6.5	26 IR 2419 <b>27 IR 472</b>	Post-abatement clearance procedures 326 IAC 23-4-9	26 IR 2434 <b>27 IR 487</b>	Test reports; repair forms 326 IAC 13-1.1-13	26 IR 2064
Lead-based paint license revocation; denial 326 IAC 23-2-7	26 IR 2420 <b>27 IR 473</b>	Record keeping 326 IAC 23-4-13	26 IR 2435 <b>27 IR 488</b>	Waivers and compliance through diagnostic inspection 326 IAC 13-1.1-10	26 IR 2063
License; application 326 IAC 23-2-4	26 IR 2416 <b>27 IR 469</b>	Risk assessment 326 IAC 23-4-4	26 IR 2430 <b>27 IR 483</b>	<b>NITROGEN OXIDE RULES</b> Nitrogen Oxides Control in Clark and Floyd Counties	
Licensing; qualifications 326 IAC 23-2-3	26 IR 2415 <b>27 IR 467</b>	Work Practice Standards for Nonabatement Activities 326 IAC 23-5	26 IR 2436 <b>27 IR 489</b>	Compliance procedures 326 IAC 10-1-5	26 IR 2059
Renewal of lead-based paint license 326 IAC 23-2-5	26 IR 2418 <b>27 IR 470</b>	<b>LEAD RULES</b> Lead Emissions Limitations		Definitions 326 IAC 10-1-2	26 IR 2056
Training Courses and Instructors		Compliance 326 IAC 15-1-4	26 IR 2083	Emissions limits 326 IAC 10-1-4	26 IR 2057
Applicability 326 IAC 23-3-1	26 IR 2422 <b>27 IR 475</b>	Source-specific provisions 326 IAC 15-1-2	26 IR 2080	Emissions monitoring 326 IAC 10-1-6	26 IR 2059
Application 326 IAC 23-3-12	26 IR 2428 <b>27 IR 481</b>	<b>MONITORING REQUIREMENTS</b> Continuous Monitoring of Emissions		<b>OPACITY REGULATIONS</b> Opacity Limitations	
Course notification and record submittal requirements 326 IAC 23-3-11	26 IR 2428 <b>27 IR 480</b>	Minimum performance and operating specifications 326 IAC 3-5-2	26 IR 2017	Compliance determination 326 IAC 5-1-4	26 IR 2026
Examination requirements 326 IAC 23-3-5	26 IR 2426 <b>27 IR 479</b>	Monitor system certification 326 IAC 3-5-3	26 IR 2019	Opacity limitations 326 IAC 5-1-2	26 IR 2025
Expiration of course approval; reapproval 326 IAC 23-3-7	26 IR 2426 <b>27 IR 479</b>	Quality assurance requirements 326 IAC 3-5-5	26 IR 2020	Violations 326 IAC 5-1-5	26 IR 2026
Initial and refresher training course and rules awareness course application for approval 326 IAC 23-3-2	26 IR 2422 <b>27 IR 475</b>	Standard operating procedures 326 IAC 3-5-4	26 IR 2019	<b>PARTICULATE RULES</b> County Specific Particulate Matter Limitations	
Initial training course requirements 326 IAC 23-3-3	26 IR 2423 <b>27 IR 476</b>	Fuel Sampling and Analysis Procedures		Applicability 326 IAC 6-1-1	25 IR 710
Representation of training course approval 326 IAC 23-3-13	26 IR 2428 <b>27 IR 481</b>	Coal sampling and analysis methods 326 IAC 3-7-2	26 IR 2024	Lake County PM <sub>10</sub> coke battery emission requirements 326 IAC 6-1-10.2	26 IR 1994 <b>27 IR 85</b>
Work Practices for Abatement Activities		Fuel oil sampling; analysis methods 326 IAC 3-7-4	26 IR 2025	Lake County PM <sub>10</sub> emission requirements 326 IAC 6-1-10.1	26 IR 1970 <b>27 IR 61</b>
Abatement procedures for all projects 326 IAC 23-4-5	26 IR 2431 <b>27 IR 484</b>	General Provisions		Vigo County 326 IAC 6-1-13	27 IR 2318
Analysis of samples 326 IAC 23-4-12	26 IR 2435 <b>27 IR 488</b>	Conversion factors 326 IAC 3-4-3	26 IR 2016	<b>PERMIT REVIEW RULES</b> Actuals Plantwide Applicability Limitations in Attainment Areas	
Applicability 326 IAC 23-4-1	26 IR 2429 <b>27 IR 481</b>	Definitions 326 IAC 3-4-1	26 IR 2016	326 IAC 2-2.4	27 IR 2005
Inspections 326 IAC 23-4-2	26 IR 2429 <b>27 IR 482</b>	Source Sampling Procedures		Actuals Plantwide Applicability Limitations in Nonattainment Areas	
Lead abatement notification procedures 326 IAC 23-4-6	26 IR 2432 <b>27 IR 485</b>	Applicability; test procedures 326 IAC 3-6-1	26 IR 2022	326 IAC 2-3.4	27 IR 2033
		Emission testing 326 IAC 3-6-3	26 IR 2022	Clean Unit Designations in Attainment Areas 326 IAC 2-2.2	27 IR 2000
		Specific testing procedures; particulate matter; sulfur dioxide; nitrogen oxides; volatile organic compounds 326 IAC 3-6-5	26 IR 2023	Clean Unit Designations in Nonattainment Areas 326 IAC 2-3.2	27 IR 2027
		<b>MOTOR VEHICLE EMISSION AND FUEL STANDARDS</b> Motor Vehicle Inspection and Maintenance Requirements		Construction of New Sources Transition procedures 326 IAC 2-5.1-4	27 IR 2041
		Definitions 326 IAC 13-1.1-1	26 IR 2062	Emission Offset Applicable requirements 326 IAC 2-3-3	27 IR 2025
				Applicability 326 IAC 2-3-2	27 IR 2023
				Definitions 326 IAC 2-3-1	26 IR 2000 27 IR 2014



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Emission Reporting		Pollution Control Project Exclusion Procedural		VOLATILE ORGANIC COMPOUND RULES	
Applicability		Requirements in Nonattainment Areas		Automobile Refinishing	
326 IAC 2-6-1	24 IR 3700	326 IAC 2-3.3	27 IR 2032	Test procedures	
	<b>27 IR 2210</b>	Prevention of Significant Deterioration (PSD)		326 IAC 8-10-7	26 IR 2044
Compliance schedule		Requirements		General Provisions	
326 IAC 2-6-3	24 IR 3702	Additional analysis; requirements		Testing procedures	
	<b>27 IR 2212</b>	326 IAC 2-2-7	27 IR 1998	326 IAC 8-1-4	26 IR 2030
Definitions		Air quality analysis; requirements		Petroleum Sources	
326 IAC 2-6-2	24 IR 3700	326 IAC 2-2-4	27 IR 1995	Gasoline dispensing facilities	
	<b>27 IR 2210</b>	Air quality impact; requirements		326 IAC 8-4-6	26 IR 2032
Requirements		326 IAC 2-2-5	27 IR 1996	Leaks from transports and vapor collection	
326 IAC 2-6-4	24 IR 3703	Ambient air ceilings		systems; records	
	<b>27 IR 2213</b>	326 IAC 2-2-16	26 IR 1999	326 IAC 8-4-9	26 IR 2035
	26 IR 2005	Applicability		Shipbuilding or Ship Repair Operations in	
Violations		326 IAC 2-2-2	27 IR 1993	Clark, Floyd, Lake, and Porter Counties	
326 IAC 2-6-5	24 IR 3705	Area designation and redesignation		Compliance requirements	
	<b>27 IR 2215</b>	326 IAC 2-2-13	26 IR 1998	326 IAC 8-12-5	26 IR 2052
Federal NSR Requirements for Sources Subject		Control technology review; requirements		Definitions	
to P.L.231-2003, SECTION 6, Endangered		326 IAC 2-2-3	27 IR 1995	326 IAC 8-12-3	26 IR 2050
Industries		Definitions		Record keeping, notification, and reporting	
326 IAC 2-2-6	27 IR 2013	326 IAC 2-2-1	27 IR 250	requirements	
Federally Enforceable State Operating Permit			<b>27 IR 2216</b>	326 IAC 8-12-7	26 IR 2054
Program			27 IR 1983	Test methods and procedures	
Permit application		Increment consumption; requirements		326 IAC 8-12-6	26 IR 2053
326 IAC 2-8-3	26 IR 2008	326 IAC 2-2-6	27 IR 256	Sinter Plants	
General Provisions			<b>27 IR 2222</b>	Test procedures	
Fees			27 IR 1997	326 IAC 8-13-5	26 IR 2054
326 IAC 2-1.1-7	27 IR 1981	Permit rescission		Specific VOC Reduction Requirements for	
Part 70 Permit Program		326 IAC 2-2-12	27 IR 257	Lake, Porter, Clark, and Floyd Counties	
Administrative permit amendments			<b>27 IR 2223</b>	Applicability	
326 IAC 2-7-11	27 IR 2045	Source information		326 IAC 8-7-2	24 IR 2755
Part 70 permits; source modifications		326 IAC 2-2-10	27 IR 1999	Certification, record keeping, and reporting	
326 IAC 2-7-10.5	27 IR 2041	Source obligation		requirements for coating facilities	
Permit issuance, renewal, and revisions		326 IAC 2-2-8	27 IR 1998	326 IAC 8-7-6	24 IR 2758
326 IAC 2-7-8	26 IR 2006	Source Specific Operating Agreement Program		Compliance methods	
Permit modification		Coal mines and coal preparation plants		326 IAC 8-7-4	24 IR 2756
326 IAC 2-7-12	27 IR 2046	326 IAC 2-9-10	26 IR 2013	Compliance plan	
Permit review by the U.S. EPA		Crushed stone processing plants		326 IAC 8-7-5	24 IR 2758
326 IAC 2-7-18	26 IR 2007	326 IAC 2-9-8	26 IR 2010	Control system monitoring, record keeping,	
Requirement for a permit		External combustion sources		and reporting	
326 IAC 2-7-3	26 IR 2006	326 IAC 2-9-13	26 IR 2014	326 IAC 8-7-10	24 IR 2759
Permit by Rule		Ready-mix concrete batch plants		Control system operation, maintenance, and	
LSA Document #04-9(E)	<b>27 IR 1608</b>	326 IAC 2-9-9	26 IR 2011	testing	
Compliance with other provisions		Sand and gravel plants		326 IAC 8-7-9	24 IR 2758
326 IAC 2-10-5.1	27 IR 2325	326 IAC 2-9-7	26 IR 2009	Definitions	
Conditions		STATE ENVIRONMENTAL POLICY		326 IAC 8-7-1	24 IR 2754
326 IAC 2-10-3.1	27 IR 2325	General Conformity		Emission limits	
Definitions		Applicability; incorporation by reference of		326 IAC 8-7-3	24 IR 2755
326 IAC 2-10-2.1	27 IR 2325	federal standards		General record keeping and reports	
Demonstration of compliance		326 IAC 16-3-1	26 IR 2084	326 IAC 8-7-8	24 IR 2758
326 IAC 2-10-4.1	27 IR 2325	STRATOSPHERIC OZONE PROTECTION		Test methods and procedures	
Enforcement		General Provisions		326 IAC 8-7-7	24 IR 2758
326 IAC 2-10-6.1	27 IR 2325	Incorporation of federal regulations			26 IR 2036
Limiting potential to emit		326 IAC 22-1-1	26 IR 2098	Volatile Organic Liquid Storage Vessels	
326 IAC 2-10-1	27 IR 2324	SULFUR DIOXIDE RULES		Applicability	
Permit by Rule for Specific Source Categories		Compliance		326 IAC 8-9-1	
Gasoline dispensing operations		Reporting requirements; methods to deter-		Definitions	
326 IAC 2-11-2	27 IR 2327	mine compliance		326 IAC 8-9-3	
General provisions		326 IAC 7-2-1	26 IR 2028		
326 IAC 2-11-1	27 IR 2326	Emission Limitations and Requirements by		Exemptions	
Grain elevators		County		326 IAC 8-9-2	
326 IAC 2-11-3	27 IR 2327	Vigo County sulfur dioxide emission limita-			
Grain processing or milling		tions		326 IAC 8-9-6	
326 IAC 2-11-4	27 IR 2328	326 IAC 7-4-3	27 IR 2319	Record keeping and reporting requirements	
Pollution Control Project Exclusion Procedural		Warrick County sulfur dioxide emission			
Requirements in Attainment Areas		limitations		326 IAC 8-9-6	
326 IAC 2-2.3	27 IR 2004	326 IAC 7-4-10	26 IR 2029		

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Standards		Trade practices; permissible activity between primary sources of supply, wholesalers, and retailers		Postmortem Inspection	
326 IAC 8-9-4	24 IR 2761	Samples; consumer product sampling		Animals tested for bovine spongiform encephalopathy	
Testing and procedures		905 IAC 1-5.2-9.2	26 IR 2687	345 IAC 9-10.5-2	27 IR 2329
326 IAC 8-9-5	24 IR 2763		27 IR 1289		
	26 IR 2040		<b>27 IR 2281</b>		
Wood Furniture Coatings		Samples; wholesale to retail		<b>ARCHITECTS AND LANDSCAPE ARCHITECTS, BOARD OF REGISTRATION FOR REGISTRATION; CODE OF CONDUCT FOR ARCHITECTS</b>	
Applicability		905 IAC 1-5.2-9.1	26 IR 2687	General Provisions	
326 IAC 8-11-1	24 IR 2767		27 IR 1288	Definitions and abbreviations	
Compliance procedures and monitoring requirements			<b>27 IR 2281</b>	804 IAC 1.1-1-1	26 IR 3136
326 IAC 8-11-6	24 IR 2771				<b>27 IR 180</b>
	26 IR 2046	<b>ANIMAL HEALTH, INDIANA STATE BOARD OF</b>			
Continuous compliance plan		<b>CATTLE, GOATS, AND OTHER TUBERCULOSIS OF BRUCELLOSIS CARRYING ANIMALS</b>		<b>ATTORNEY GENERAL FOR THE STATE, OFFICE OF TORT CLAIMS</b>	
326 IAC 8-11-5	24 IR 2771	Chronic Wasting Disease		Tort Claims	
Definitions		Herd registration		Claim forms available	
326 IAC 8-11-2	24 IR 2767	345 IAC 2-7-3	25 IR 1999	10 IAC 3-1-2	26 IR 3911
	26 IR 2044		25 IR 2776		<b>27 IR 825</b>
Emission limits			<b>26 IR 347</b>	Tort claims against the state; form	
326 IAC 8-11-3	24 IR 2769		26 IR 3107	10 IAC 3-1-1	26 IR 3909
Provisions for sources electing to use emissions averaging			<b>27 IR 92</b>		<b>27 IR 824</b>
326 IAC 8-11-10	24 IR 2777	Interstate movement		<b>UNCLAIMED PROPERTY</b>	
Record keeping requirements		345 IAC 2-7-2.4	26 IR 3106	Filing dates for reports required to be filed	
326 IAC 8-11-8	24 IR 2775		<b>27 IR 92</b>	10 IAC 1.5-6	26 IR 3374
Reporting requirements		Intrastate movement			<b>27 IR 450</b>
326 IAC 8-11-9	24 IR 2776	345 IAC 2-7-2.5	26 IR 3107		
Test procedures			<b>27 IR 92</b>		
326 IAC 8-11-7	24 IR 2775	<b>DOMESTIC ANIMAL DISEASE CONTROL; GENERAL PROVISIONS</b>			
	26 IR 2050	Importation of Domestic Animals			
Work practice standards		Chronic wasting disease			
326 IAC 8-11-4	24 IR 2770	345 IAC 1-3-30	26 IR 3102		
			<b>27 IR 87</b>		
<b>ALCOHOL AND TOBACCO COMMISSION</b>		Chronic wasting disease; carcasses			
<b>GENERAL PROVISIONS</b>		345 IAC 1-3-31	26 IR 3104		
Auto Race Tracks			<b>27 IR 89</b>		
905 IAC 1-35.1	26 IR 3745	Duties of applicants and shippers; violations; penalties			
	27 IR 1290	345 IAC 1-3-32	26 IR 3104		
Clubs			<b>27 IR 90</b>		
Requirement to publicly post operating dates		Rabies vaccination required for dogs, cats, and ferrets			
905 IAC 1-13-6	26 IR 2689	345 IAC 1-3-22	26 IR 3108		
	<b>27 IR 2283</b>		<b>27 IR 490</b>		
Service to nonmembers		Rabies Immunization			
905 IAC 1-13-3	26 IR 2689	Rabies vaccination			
	<b>27 IR 2283</b>	345 IAC 1-5-1	26 IR 3108		
Minors			<b>27 IR 491</b>		
Loitering		Reportable Diseases			
905 IAC 1-15.2-3	26 IR 3745	Individual and veterinarian responsibility			
Municipal Riverfront Development Projects		345 IAC 1-6-2	26 IR 3105		
905 IAC 1-47	27 IR 1292		<b>27 IR 90</b>		
Procedure after Local Board Investigation and Recommendation		Laboratory responsibility			
Review of local alcoholic beverage board's approval or denial of an application for an alcoholic beverage permit		345 IAC 1-6-3	26 IR 3105		
905 IAC 1-36-2	26 IR 3747		<b>27 IR 90</b>		
Temporary Beer/Wine Permit Fees		<b>LIVESTOCK DEALERS, MARKETING, EXHIBITIONS, AND SLAUGHTER LIVESTOCK</b>			
Qualification requirements		Licensing and Bonding of Livestock Dealers and Markets			
905 IAC 1-11.1-2	26 IR 2688	Care and handling; nonambulatory livestock			
	<b>27 IR 2282</b>	345 IAC 7-3.5-16	27 IR 2328		
Temporary beer and wine permits		<b>MEAT AND MEAT PRODUCTS INSPECTION</b>			
905 IAC 1-11.1-1	26 IR 2688	Incorporation by Reference			
	<b>27 IR 2282</b>	Incorporation by reference			
Tobacco Retail Sales Certificates		LSA Document #04-29(E)	<b>27 IR 1930</b>		
905 IAC 1-46	27 IR 1291	345 IAC 9-2.1-1	27 IR 2329		
Tracking Beer Kegs					
905 IAC 1-45	26 IR 2128				
	<b>27 IR 189</b>				

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PROVISION OF LISTING TELEPHONE NUMBERS NOT TO BE SOLICITED	Examinations required for licensure	"Children's foster care services" defined
Removal of Telephone Numbers from the Telephone Privacy List	828 IAC 1-1-3 26 IR 3408	460 IAC 6-3-10.1 26 IR 2665
Obtaining changed, transferred, and disconnected telephone numbers	<b>27 IR 2278</b>	<b>27 IR 101</b>
11 IAC 2-5-5 26 IR 1598	Failure; reexamination	"Community transition supports" defined
	828 IAC 1-1-12 26 IR 3409	460 IAC 6-3-15.1 26 IR 2665
	<b>27 IR 2279</b>	<b>27 IR 101</b>
	National board examination; dental and dental hygiene law examinations	"Conflict of interest" defined
	828 IAC 1-1-6 26 IR 3409	460 IAC 6-3-15.2 26 IR 3935
	<b>27 IR 2279</b>	"Cost comparison budget" or "CCB" defined
<b>CONTROLLED SUBSTANCES ADVISORY COMMITTEE</b>		460 IAC 6-3-15.3 26 IR 2665
<b>CONTROLLED SUBSTANCE MONITORING</b>	<b>DISABILITY, AGING, AND REHABILITATIVE SERVICES, DIVISION OF</b>	<b>27 IR 101</b>
Electronic Prescription Monitoring Program	ASSISTED LIVING MEDICAID WAIVER SERVICES	"Direct care staff" defined
Applicability	460 IAC 8 26 IR 3392	460 IAC 6-3-18 26 IR 2666
858 IAC 2-1-2 27 IR 1286	RATES FOR ADULT DAY SERVICES PROVIDED BY COMMUNITY MENTAL RETARDATION AND OTHER DEVELOPMENTAL DISABILITIES CENTERS	<b>27 IR 102</b>
Application for payment of pharmacy costs	Definitions, Purpose, and Applicability	"Facility-based sheltered employment services" defined
858 IAC 2-1-4 27 IR 1286	Definitions	460 IAC 6-3-25 26 IR 2666
Definitions	460 IAC 3.5-1-1 27 IR 269	<b>27 IR 102</b>
858 IAC 2-1-1 27 IR 1285	Unit of Service Reimbursement Rates	"Independence assistance services" defined
Prescription monitoring program	Unit of service reimbursement rates	460 IAC 6-3-29.5 26 IR 2666
858 IAC 2-1-3 27 IR 1286	460 IAC 3.5-2-1 27 IR 269	<b>27 IR 102</b>
	<b>SUPPORTED LIVING SERVICES AND SUPPORTS</b>	"Individual community living budget" or "ICLB" defined
<b>COSMETOLOGY EXAMINERS, STATE BOARD OF</b>	Applicability	460 IAC 6-3-31 26 IR 2666
<b>CONTINUING EDUCATION</b>	Rules applicable to all providers	<b>27 IR 102</b>
Approved Cosmetology Educators	460 IAC 6-2-2 26 IR 3935	"Individualized support plan" or "ISP" defined
Certificate of course completion	Rules applicable to specific providers	460 IAC 6-3-32 26 IR 2666
820 IAC 6-1-3 26 IR 3137	460 IAC 6-2-3 26 IR 3935	<b>27 IR 102</b>
<b>27 IR 516</b>	Application and Approval Process	"Person centered planning" defined
Distance Learning Continuing Education	Action on application	460 IAC 6-3-38.5 26 IR 2666
820 IAC 6-3 26 IR 3137	460 IAC 6-6-3 26 IR 2670	<b>27 IR 102</b>
<b>27 IR 516</b>	<b>27 IR 107</b>	"Person centered planning facilitation services" defined
<b>COSMETOLOGY SCHOOLS</b>	Initial application	460 IAC 6-3-38.6 26 IR 2667
General Requirements	460 IAC 6-6-2 26 IR 2670	<b>27 IR 103</b>
Graduation defined	<b>27 IR 106</b>	"PRN" defined
820 IAC 4-1-11 26 IR 3137	Applied Behavior Analysis Services	460 IAC 6-3-41.1 26 IR 2667
<b>27 IR 515</b>	460 IAC 6-35 26 IR 2678	<b>27 IR 103</b>
	<b>27 IR 115</b>	"Service planner" defined
<b>DEAF BOARD, INDIANA SCHOOL FOR THE</b>	Case Management	460 IAC 6-3-52.1 26 IR 2667
514 IAC 27 IR 1634	Monitoring of services	<b>27 IR 103</b>
	460 IAC 6-19-6 26 IR 2676	"Therapy services" defined
<b>DENTISTRY, STATE BOARD OF</b>	<b>27 IR 113</b>	460 IAC 6-3-56 26 IR 2667
<b>LICENSURE OF DENTISTS AND DENTAL HYGIENISTS</b>	26 IR 3936	<b>27 IR 103</b>
Continuing Education for Renewal of License	Code of Ethics	General Administrative Requirements for Providers
Continuing education course requirement	460 IAC 6-36 26 IR 3937	Documentation of criminal histories
828 IAC 1-5-6 27 IR 2334	Definitions	460 IAC 6-10-5 26 IR 2673
Dental Hygienists; Licensure by Examination	"Adult foster care services" defined	<b>27 IR 110</b>
Clinical examination; two sections; required score	460 IAC 6-3-2.1 26 IR 2664	Emergency behavioral support
828 IAC 1-2-7 26 IR 3410	<b>27 IR 101</b>	460 IAC 6-10-13 26 IR 2674
<b>27 IR 2280</b>	"Applied behavior analysis services" defined	<b>27 IR 110</b>
Examinations required for licensure	460 IAC 6-3-5.1 26 IR 2665	Resolution of disputes
828 IAC 1-2-3 26 IR 3409	<b>27 IR 101</b>	460 IAC 6-10-8 26 IR 2674
<b>27 IR 2279</b>	"Applied behavior analysis support plan" defined	<b>27 IR 110</b>
Failure; reexamination	460 IAC 6-3-5.2 26 IR 2665	Health Care Coordination Services
828 IAC 1-2-12 26 IR 3410	<b>27 IR 101</b>	Investigation of death
<b>27 IR 2280</b>	"BDDS behavior management committee" defined	460 IAC 6-25-10 26 IR 2677
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828 IAC 1-2-6 26 IR 3410	<b>27 IR 101</b>	Maintenance of Records of Services Provided
<b>27 IR 2280</b>		Individual's personal file; provider's office
Dentists; Licensure by Examination		460 IAC 6-17-4 26 IR 2676
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828 IAC 1-1-7 26 IR 3409		Individual's personal file; site of service delivery
<b>27 IR 2279</b>		460 IAC 6-17-3 26 IR 2675
		<b>27 IR 111</b>

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460 IAC 6-7-3	26 IR 2671	460 IAC 6-31-1	26 IR 3936		
	<b>27 IR 108</b>	Training Services			
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460 IAC 6-7-2	26 IR 2671	460 IAC 6-24-1	26 IR 2677	Graduation Rate Determination	26 IR 1719
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460 IAC 6-15-2	26 IR 3935		<b>27 IR 114</b>	<b>ADVANCED LIFE SUPPORT</b>	
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460 IAC 6-29-9	26 IR 2678	460 IAC 6-13-2	26 IR 2675	836 IAC 2-14-5	
	<b>27 IR 115</b>		<b>27 IR 111</b>	Advanced life support nontransport vehicle specifications	
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460 IAC 6-29-4	26 IR 2678	Types of supported living services and supports	26 IR 2667	Application for certification	
	<b>27 IR 114</b>		<b>27 IR 103</b>	836 IAC 2-14-2	
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460 IAC 6-14-7		<b>EDUCATION, INDIANA STATE BOARD OF ADMINISTRATION; INFORMATION COLLECTION PROCESSING; SCHOOL FINANCE; GENERAL PROVISIONS</b>			
Policies and procedures for conflicts of interest		Determining and Reporting Attendance and Membership for State Support		Definitions	
460 IAC 6-14-6	26 IR 3935	Definitions		836 IAC 2-1-1	
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460 IAC 6-14-4	26 IR 2675	CURRICULUM; REQUIREMENTS FOR COMMISSIONED SCHOOLS		Emergency Medical Technician-Intermediate Organizations	
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460 IAC 6-9-7	26 IR 2673	Business technology education; technology education		General requirements for emergency medical technician-intermediate provider organizations	
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460 IAC 6-5-32	26 IR 2669	School Accreditation System		836 IAC 2-2-2	
	<b>27 IR 105</b>	Definitions		Application for provisional certification	
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460 IAC 6-5-4	26 IR 2668	SCHOOL PERFORMANCE AND IMPROVEMENT; ACCOUNTABILITY		General requirements	
	<b>27 IR 104</b>	Adequate Year Progress		836 IAC 2-2-1	
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460 IAC 6-5-33	26 IR 2670	Other indicators	<b>27 IR 163</b>	836 IAC 2-2-3	
	<b>27 IR 106</b>	511 IAC 6.2-7-8	27 IR 564	Supervising Hospitals	
Community education and therapeutic activity services provider qualifications		Assessing School Improvement and Performance		Certification as a supervising hospital; renewal	
460 IAC 6-5-7	26 IR 2669	Additional requirements for category placement		836 IAC 2-4.1-2	
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460 IAC 6-5-34	26 IR 2670	511 IAC 6.2-6-12	26 IR 1720	AIR AMBULANCES	
	<b>27 IR 106</b>	Disaggregated data and category placement	<b>27 IR 163</b>	Advanced life support rotorcraft ambulance service provider	
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460 IAC 6-5-35	26 IR 2670		<b>27 IR 163</b>	836 IAC 3-2-1	
	<b>27 IR 106</b>			Certification application	
Person centered planning facilitation services provider qualifications				836 IAC 3-2-2	
460 IAC 6-5-36	26 IR 2670			Communications systems requirements	
	<b>27 IR 106</b>			836 IAC 3-2-7	
Therapy services provider qualifications					

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Equipment list		Emergency Medical Technician-basic Advanced Provider Organizations; General Requirements		Registered nurses; qualification to enter training	
836 IAC 3-2-6	27 IR 1261	836 IAC 1-12	27 IR 1235	836 IAC 4-7.1-2	27 IR 1278
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836 IAC 3-2-3	27 IR 1258	Application for certification; renewal		836 IAC 4-7.1-1	27 IR 1278
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836 IAC 3-2-4	27 IR 1259	Basic life support nontransport provider organization emergency care equipment		Application for certification	
Staffing		836 IAC 1-11-4	27 IR 1234	836 IAC 4-7-3	27 IR 1277
836 IAC 3-2-5	27 IR 1260	Emergency medical services nontransport provider organization operating procedures		Certification provisions; general	
Definitions		836 IAC 1-11-3	27 IR 1232	836 IAC 4-7-2	27 IR 1276
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836 IAC 3-1-1	27 IR 1256	836 IAC 1-11-1	27 IR 1231	836 IAC 4-7-3.5	27 IR 1277
Fixed-wing air ambulance service provider organization		Standards and Certification Requirements for Ambulances		Emergency medical technician-basic advanced certification based upon reciprocity	
Air ambulances; general requirements		Application for certification		836 IAC 4-7-4	27 IR 1278
836 IAC 3-3-1	27 IR 1262	836 IAC 1-3-2	27 IR 1226	Student qualification to enter training	
Certification; application		Emergency care equipment		836 IAC 4-7-1	27 IR 1276
836 IAC 3-3-2	27 IR 1263	836 IAC 1-3-5	27 IR 1228	Emergency Paramedics; Certification	
Communications systems requirements		General certification provisions		Application for certification; renewal	
836 IAC 3-3-7	27 IR 1267	836 IAC 1-3-1	27 IR 1225	836 IAC 4-9-4	27 IR 1282
Equipment list		Insurance		Continuing education requirements	
836 IAC 3-3-6	27 IR 1266	836 IAC 1-3-6	27 IR 1229	836 IAC 4-9-5	27 IR 1282
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836 IAC 3-3-3	27 IR 1264	836 IAC 1-3-3	27 IR 1226	836 IAC 4-9-3	27 IR 1282
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836 IAC 3-3-4	27 IR 1264	Certification of Emergency Medical Technicians		836 IAC 4-9-6	27 IR 1283
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836 IAC 3-3-5	27 IR 1266	836 IAC 4-4-2	27 IR 1274	836 IAC 4-9-2	27 IR 1281
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<b>EMERGENCY MEDICAL SERVICES</b>		836 IAC 4-4-1	27 IR 1273	Certification based upon reciprocity	
Certification of Ambulance Service Providers		Definitions		836 IAC 4-3-3	27 IR 1273
Application		Generally		Certification standards	
836 IAC 1-2-2	27 IR 1222	836 IAC 4-1-1	27 IR 1267	836 IAC 4-3-2	27 IR 1272
General certification provisions		Emergency Medical Services Primary Instructor Certification		<b>ENGINEERS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ADMINISTRATION; GENERAL REQUIREMENTS</b>	
836 IAC 1-2-1	27 IR 1221	Certification and recertification; general		Limited Liability Company Practice	
Interfacility transfers and response		836 IAC 4-5-2	27 IR 1275	864 IAC 1.1-14	26 IR 3739
836 IAC 1-2-5	27 IR 1225	Emergency Medical Services Training Institution		<b>27 IR 875</b>	
Operating procedures		Educational staff qualifications and responsibilities		Qualifications for Examination	
836 IAC 1-2-3	27 IR 1222	836 IAC 4-2-3	27 IR 1271	Engineers; education and work experience	
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836 IAC 1-4-2	27 IR 1230	Institutional responsibilities		<b>EXECUTIVE ORDERS</b>	
Provider dispatch requirements		836 IAC 4-2-2	27 IR 1270	(See Cumulative Table of Executive Orders and Attorney General's Opinions at 27 IR 2387)	
836 IAC 1-4-1	27 IR 1230	Institution reporting requirements		<b>FAMILY AND CHILDREN, DIVISION OF CHILD WELFARE SERVICES</b>	
Definitions and General Requirements		836 IAC 4-2-4	27 IR 1272	Child care centers; licensing	
Audit and review		Emergency Medical Technician-Intermediate; Certification		470 IAC 3-4.7	26 IR 1675
836 IAC 1-1-6	27 IR 1219	Application for certification; renewal		<b>27 IR 116</b>	
Definitions		836 IAC 4-7.1-4	27 IR 1280	Child care development fund voucher program; provider eligibility	
836 IAC 1-1-1	27 IR 1212	Continuing education requirements		470 IAC 3-18	27 IR 1627
Enforcement		836 IAC 4-7.1-5	27 IR 1280	Emergency or temporary closure of child care centers and child care homes	
836 IAC 1-1-2	27 IR 1215	Emergency medical technician-intermediate certification based upon reciprocity		470 IAC 3-4.8	27 IR 1626
Exemptions		836 IAC 4-7.1-6	27 IR 1281		
836 IAC 1-1-4	27 IR 1217	General certification			
Operating procedures		836 IAC 4-7.1-3	27 IR 1279		
836 IAC 1-1-8	27 IR 1220				
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836 IAC 1-1-5	27 IR 1217				
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836 IAC 1-1-3	27 IR 1216				
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<b>FOOD STAMP PROGRAM</b>					
Benefit calculation			Criteria limiting rate adjustment granted by office		Release; subordination
Change reporting			405 IAC 1-17-9	26 IR 3115	LSA Document #03-265(E) <b>27 IR 544</b>
470 IAC 6-4.1-4	26 IR 3710			<b>27 IR 98</b>	405 IAC 2-10-9 26 IR 3708
	<b>27 IR 871</b>		Definitions		<b>MEDICAID SERVICES</b>
Household reporting and budgeting			405 IAC 1-17-2	26 IR 3111	Community Mental Health Rehabilitation Services
Certification periods				<b>27 IR 94</b>	Assertive community treatment intensive case management
470 IAC 6-2-13	26 IR 3709		Financial report to office; annual schedule; prescribed form; extensions		405 IAC 5-21-8 26 IR 3382
	<b>27 IR 870</b>		405 IAC 1-17-4	26 IR 3113	<b>27 IR 2245</b>
Household reporting requirements				<b>27 IR 95</b>	Definitions
470 IAC 6-2-1	26 IR 3709		New provider; initial financial report to office; criteria for establishing initial rates; supplemental report		405 IAC 5-21-1 26 IR 3381
	<b>27 IR 870</b>		405 IAC 1-17-5	26 IR 3113	<b>27 IR 2245</b>
<b>TEMPORARY ASSISTANCE TO NEEDY FAMILIES</b>				<b>27 IR 96</b>	Prior authorization
470 IAC 10.2	26 IR 2680				405 IAC 5-21-7 26 IR 3382
	<b>27 IR 498</b>				<b>27 IR 2245</b>
<b>FAMILY AND SOCIAL SERVICES, OFFICE OF THE SECRETARY OF</b>			Policy; scope		<b>Mental Health Services</b>
<b>INDIANA PRESCRIPTION DRUG PROGRAM</b>			405 IAC 1-17-1	26 IR 3111	Individually developed plan of care
Application and Enrollment; General Requirements				<b>27 IR 93</b>	405 IAC 5-20-4 27 IR 260
Date of availability			Request for rate review; budget component; occupancy level assumptions; effect of inflation assumptions		Psychiatric residential treatments facilities
405 IAC 6-3-3	27 IR 919		405 IAC 1-17-7	26 IR 3114	405 IAC 5-20-3.1 27 IR 260
				<b>27 IR 97</b>	Reimbursement limitations
Benefits					405 IAC 5-20-1 27 IR 259
Benefit defined by family income level			Reimbursement for Inpatient Hospital Services		Reserving beds in psychiatric hospitals and psychiatric residential treatment facilities
405 IAC 6-5-2	27 IR 920		Definitions		405 IAC 5-20-2 27 IR 260
Benefit duration			405 IAC 1-10.5-2	26 IR 3930	Unnecessary services
405 IAC 6-5-4	27 IR 921			<b>27 IR 2248</b>	405 IAC 5-20-7 27 IR 261
Benefit period				27 IR 914	<b>Pharmacy Services</b>
405 IAC 6-5-3	27 IR 921		Prospective reimbursement methodology		Copayment for legend and nonlegend drugs
Benefits; program appropriations			405 IAC 1-10.5-3	26 IR 3378	405 IAC 5-24-7 27 IR 266
405 IAC 6-5-6	27 IR 921			<b>27 IR 863</b>	<b>27 IR 2252</b>
Prescription drug coverage				26 IR 3932	Prior Authorization
405 IAC 6-5-1	27 IR 920			<b>27 IR 2249</b>	Services requiring prior authorization
Definitions			<b>MEDICAID RECIPIENTS; ELIGIBILITY</b>		405 IAC 5-3-13 26 IR 3381
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405 IAC 6-2-3	27 IR 919		Claims against estate; exemption		
"Complete application" defined			LSA Document #03-265(E) <b>27 IR 544</b>		<b>FINANCIAL INSTITUTIONS, DEPARTMENT OF</b>
405 IAC 6-2-5	27 IR 919		405 IAC 2-8-1.1	26 IR 3707	<b>OF</b>
Eligibility Requirements			Claims against estate for benefits paid		<b>UNIFORM CONSUMER CREDIT CODE</b>
Income			LSA Document #03-265(E) <b>27 IR 544</b>		Dollar Amounts
405 IAC 6-4-2	27 IR 919		405 IAC 2-8-1	26 IR 3706	Dollar amounts in consumer credit code
Ineligibility					750 IAC 1-1-1 <b>27 IR 2297</b>
405 IAC 6-4-3	27 IR 920		Eligibility Requirements Based on Need; Aged, Blind, and Disabled Program		
<b>MEDICAID PROVIDERS AND SERVICES</b>			Spend-down eligibility		<b>FIRE PREVENTION AND BUILDING SAFETY COMMISSION</b>
Hospital and Ambulatory Surgical Center Reimbursement for Outpatient Services			405 IAC 2-3-10	27 IR 1210	<b>ADMINISTRATION</b>
Policy; scope			Transfer of property; penalty		Development and Application of Rules
405 IAC 1-8-2	26 IR 3929		LSA Document #03-266(E) <b>27 IR 546</b>		Occupancy of existing buildings
	<b>27 IR 2247</b>		LSA Document #03-340(E) <b>27 IR 1608</b>		675 IAC 12-4-11 27 IR 941
Reimbursement methodology			405 IAC 2-3-1.1	27 IR 262	<b>ELECTRICAL CODES</b>
405 IAC 1-8-3	26 IR 3929		Lien Attachment and Enforcement		Indiana Electrical Code, 2002 Edition
	<b>27 IR 2247</b>		Criteria for instituting a TEFRA lien		Section 210.12; arc-fault circuit-interrupter protection
Payments for Psychiatric Residential Treatment Facility Services			LSA Document #03-265(E) <b>27 IR 544</b>		675 IAC 17-1.6-12 26 IR 3736
405 IAC 1-21	27 IR 258		405 IAC 2-10-3	26 IR 3707	Section 250.104; bonding of piping and exposed structural steel
Rate-setting Criteria for State-owned Intermediate Care Facilities for the Mentally Retarded			Effect of filing; duration		675 IAC 17-1.6-16 26 IR 3737
Accounting records; retention schedule; audit trail; cash basis; segregation of accounts by nature of business and by location			LSA Document #03-265(E) <b>27 IR 544</b>		<b>27 IR 2278</b>
405 IAC 1-17-3	26 IR 3112		405 IAC 2-10-7	26 IR 3707	<b>ENERGY CONSERVATION CODES</b>
	<b>27 IR 94</b>		Enforcement; foreclosure		Indiana Energy Conservation Code, 1992 Edition
Active providers; rate review; annual request; additional requests; requests due to change in law			LSA Document #03-265(E) <b>27 IR 544</b>		Section 101.3; scope
405 IAC 1-17-6	26 IR 3114		405 IAC 2-10-8	26 IR 3708	675 IAC 19-3-4 26 IR 3737
	<b>27 IR 96</b>		Exemption		<b>27 IR 2278</b>
			405 IAC 2-10-11	26 IR 3709	
			Notice to office to file an action to foreclose the lien		
			405 IAC 2-10-7.1	26 IR 3707	

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ONE AND TWO FAMILY DWELLING CODE

Indiana Residential Code

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675 IAC 14-4.2-1 26 IR 3712  
**27 IR 2253**

Chapter 1; administration

675 IAC 14-4.2-2 26 IR 3712  
**27 IR 2253**

Chapter 11; energy efficiency

675 IAC 14-4.2-107 26 IR 3729  
**27 IR 2271**

Figures R301.2(1), R301.2(2), R301.2(3),  
R301.2(4), R301.2(5), R301.2(6), and  
R301.2(7)

675 IAC 14-4.2-7 26 IR 3719  
**27 IR 2260**

Figure R502.8; cutting, notching, and drilling

675 IAC 14-4.2-69.6 **27 IR 2267**

Section E3509.7; metal gas piping bonding

675 IAC 14-4.2-189 26 IR 3736  
**27 IR 2277**

Section E3509.8; bonding other metal piping

675 IAC 14-4.2-189.2 26 IR 3736  
**27 IR 2277**

Section E3801.11; HVAC outlet; Section  
E3802; ground-fault and arc-fault circuit-  
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675 IAC 14-4.2-191.4 26 IR 3736  
**27 IR 2278**

Section M1411.3.1; auxiliary and secondary  
drain systems

675 IAC 14-4.2-112.5 26 IR 3735  
**27 IR 2277**

Section M2005.5; anchorage of water heaters  
in seismic design Category C<sub>1</sub>

675 IAC 14-4.2-117 26 IR 3735  
**27 IR 2277**

Section P2801.5; required pan

675 IAC 14-4.2-171.5 26 IR 3736  
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Section P2903.5; water hammer

675 IAC 14-4.2-174.5 26 IR 3736  
**27 IR 2277**

Section P3103.1; roof extension

675 IAC 14-4.2-177.5 26 IR 3736  
**27 IR 2277**

Section R202; definitions

675 IAC 14-4.2-3 26 IR 3713  
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Section R301.2.2; seismic provisions

675 IAC 14-4.2-9 26 IR 3719  
**27 IR 2260**

Section R301.2.2.3; anchored stone and masonry  
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675 IAC 14-4.2-13.5 26 IR 3719  
**27 IR 2260**

Section R301.4; live load

675 IAC 14-4.2-15.5 26 IR 3719  
**27 IR 2260**

Section R303.4; stairway illumination

675 IAC 14-4.2-19.5 26 IR 3720  
**27 IR 2260**

Section R308.4; hazardous locations

675 IAC 14-4.2-20.5 26 IR 3720  
**27 IR 2261**

Section R309; garages and carports

675 IAC 14-4.2-21 26 IR 3720  
**27 IR 2261**

Section R310; emergency escape and rescue  
openings

675 IAC 14-4.2-22 26 IR 3721  
**27 IR 2262**

Section R314.8; under-stair protection

675 IAC 14-4.2-26.5 26 IR 3722  
**27 IR 2263**

Section R315.1; handrails

675 IAC 14-4.2-27.5 26 IR 3722  
**27 IR 2263**

Section R316.1; guards required

675 IAC 14-4.2-29 26 IR 3722  
**27 IR 2263**

Section R316.2; guard opening limitations

675 IAC 14-4.2-30 27 IR 2333

Section R317; smoke alarm

675 IAC 14-4.2-31 26 IR 3722  
**27 IR 2263**

Section R323.1; location required

675 IAC 14-4.2-34 26 IR 3723  
**27 IR 2264**

Section R324.1; subterranean termite control

675 IAC 14-4.2-37.5 26 IR 3724  
**27 IR 2265**

Section R403.1.1; minimum size

675 IAC 14-4.2-45.3 26 IR 3724  
**27 IR 2265**

Section R403.1.6; foundation anchorage

675 IAC 14-4.2-46.8 26 IR 3724  
**27 IR 2265**

Section R403.1.8.1; expansive soils classifica-  
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675 IAC 14-4.2-49.1 26 IR 3724  
**27 IR 2265**

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675 IAC 14-4.2-52 26 IR 3725  
**27 IR 2266**

Section R404.1.2; concrete foundation walls

675 IAC 14-4.2-53 26 IR 3725  
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Section R404.1.5; foundation wall thickness  
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675 IAC 14-4.2-53.7 26 IR 3725  
**27 IR 2266**

Section R408.2; openings for under-floor  
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675 IAC 14-4.2-61 26 IR 3726  
**27 IR 2267**

Section R408.6; flood resistance

675 IAC 14-4.2-63 26 IR 3726  
**27 IR 2267**

Section R502.8.1; sawn lumber

675 IAC 14-4.2-69.5 26 IR 3726  
**27 IR 2267**

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675 IAC 14-4.2-71 26 IR 3726  
**27 IR 2268**

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675 IAC 14-4.2-73.5 26 IR 3727  
**27 IR 2268**

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**27 IR 2268**

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**27 IR 2268**

Section R606.2; thickness of masonry

675 IAC 14-4.2-81.2 26 IR 3727  
**27 IR 2268**

Section R606.2.1; minimum thickness

675 IAC 14-4.2-81.3 26 IR 3727  
**27 IR 2269**

Section R606.10; anchorage

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**27 IR 2269**

Section R606.11; seismic requirements

675 IAC 14-4.2-82 26 IR 3727  
**27 IR 2269**

Section R606.11.2; seismic design Category C

675 IAC 14-4.2-83 26 IR 3728  
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675 IAC 14-4.2-89.6 26 IR 3728  
**27 IR 2269**

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675 IAC 14-4.2-89.8 26 IR 3728  
**27 IR 2270**

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675 IAC 14-4.2-97.5 26 IR 3729  
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Sections R703.7.2.1; support by a steel angle;  
R703.2.2; support by roof construction;  
and R703.7.4.2; air space

675 IAC 14-4.2-89.9 26 IR 3728  
**27 IR 2270**

Table R301.2(1); climatic and geographical  
design criteria

675 IAC 14-4.2-6 26 IR 3715  
**27 IR 2256**

Table R403.2; size of footings supporting  
piers and columns

675 IAC 14-4.2-49.3 26 IR 3724  
**27 IR 2265**

Table R703.4; weather-resistant siding at-  
tachment and minimum thickness

675 IAC 14-4.2-89.2 26 IR 3728  
**27 IR 2269**

27 IR 2333

Table 802.11

675 IAC 14-4.2-96.2 26 IR 3729  
**27 IR 2270**

**FIREFIGHTING PERSONNEL STANDARDS  
AND EDUCATION, BOARD OF  
PERSONNEL STANDARDS AND EDUCATION**

General Administrative Rule

Certifications under this rule; requirements  
655 IAC 1-1-5.1 27 IR 931

Mandatory Training Program

Administrative adjudication  
655 IAC 1-3-2 27 IR 939

Certification by the board  
655 IAC 1-3-7 27 IR 940

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Fire chief responsibility		Fraudulent and deceptive practices prohibited		Smallpox; specific control measures	
655 IAC 1-3-4	27 IR 940	68 IAC 4-1-5	26 IR 3752	410 IAC 1-2.3-97.5	26 IR 3135
Mandatory training program			<b>27 IR 1297</b>		<b>27 IR 870</b>
655 IAC 1-3-5	27 IR 940	Notice of public offering		HIV Counseling and Testing of Pregnant Women	
Title, purpose, availability		68 IAC 4-1-4	26 IR 3751	410 IAC 1-7	27 IR 2048
655 IAC 1-3-1	27 IR 939		<b>27 IR 1296</b>	FOOD AND DRUGS	
Mandatory Training Requirements		Public offerings		Retail and Wholesale Food Establishment; Schedule of Civil Penalties for Violations	
General requirements for firefighter mandatory training		68 IAC 4-1-3	26 IR 3751	410 IAC 7-23	26 IR 3383
655 IAC 1-4-2	27 IR 940		<b>27 IR 1296</b>		<b>27 IR 1167</b>
Title, purpose, availability		Reporting requirements		HEALTH FACILITIES; LICENSING AND OPERATIONAL STANDARDS	
655 IAC 1-4-1	27 IR 940	68 IAC 4-1-7	26 IR 3752	Comprehensive Care Facilities	
Training for Voluntary Certification Program (1996)			<b>27 IR 1297</b>	Administrative and management	
Basic Firefighter requirements		Required charter provisions		410 IAC 16.2-3.1-13	27 IR 2054
655 IAC 1-2.1-3	27 IR 934	68 IAC 4-1-8	26 IR 3753	Environment and physical standards	
Driver/Operator-Aerial			<b>27 IR 1298</b>	410 IAC 16.2-3.1-19	27 IR 922
655 IAC 1-2.1-6.1	27 IR 935	Submission of proxy and information statements		Notice of rights and services	
Driver/Operator-Aircraft Crash and Rescue		68 IAC 4-1-6	26 IR 3752	410 IAC 16.2-3.1-4	27 IR 2053
655 IAC 1-2.1-6.3	27 IR 935		<b>27 IR 1297</b>	Personnel	
Driver/Operator-Mobile Water Supply		Waiver, alteration, or restriction of requirements		410 IAC 16.2-3.1-14	27 IR 2056
655 IAC 1-2.1-6.4	27 IR 936	68 IAC 4-1-10	26 IR 3754	Preadmission evaluation	
Driver/Operator-Wildland Fire Apparatus			<b>27 IR 1299</b>	410 IAC 16.2-3.1-29	27 IR 2060
655 IAC 1-2.1-6.2	27 IR 935	EXCLUSION AND EVICTION OF PERSONS		Resident behavior and facility practices	
Firefighter certification; general		Voluntary Exclusion Program		410 IAC 16.2-3.1-26	27 IR 2059
655 IAC 1-2.1-2	27 IR 934	68 IAC 6-3	27 IR 212	Residents' rights	
Firefighter-Wildland Fire Suppression I				410 IAC 16.2-3.1-3	27 IR 2051
655 IAC 1-2.1-23	27 IR 938	<b>GEOLOGISTS, INDIANA BOARD OF LICENSURE FOR PROFESSIONAL PROFESSIONAL GEOLOGISTS</b>		Definitions	
Firefighter-Wildland Fire Suppression II		Code of Ethics		"Cognitive" defined	
655 IAC 1-2.1-23.1	27 IR 938	305 IAC 1-5	26 IR 1600	410 IAC 16.2-1.1-11.5	27 IR 2051
Fire Inspector I			27 IR 217	Incorporation by Reference	
655 IAC 1-2.1-12	27 IR 936	Definitions		Incorporation by reference	
Fire Inspector III		"Professional geological work" defined		410 IAC 16.2-8-1	27 IR 924
655 IAC 1-2.1-14	27 IR 936	305 IAC 1-2-6	26 IR 1598	Resident Care Facilities	
Fire Investigator I			27 IR 216	Administration and management	
655 IAC 1-2.1-15	27 IR 936	Issuance, Renewal, and Denial of Geologist Licensure		410 IAC 16.2-5-1.3	27 IR 2066
Hazardous Materials First Responder-Awareness		Issuance of a renewal certificate		Evaluation	
655 IAC 1-2.1-24	27 IR 938	305 IAC 1-3-4	26 IR 1599	410 IAC 16.2-5-2	27 IR 2069
Hazardous Materials First Responder-Operations			27 IR 216	Health services	
655 IAC 1-2.1-24.1	27 IR 938	Special Provisions		410 IAC 16.2-5-4	27 IR 2069
Hazardous Materials-Incident Command		Publication of roster; responsibility of a licensed professional geologist to maintain a current address with the Indiana geological survey		Personnel	
655 IAC 1-2.1-24.3	27 IR 939	305 IAC 1-4-2	26 IR 1599	410 IAC 16.2-5-1.4	27 IR 2067
Hazardous Materials-Technician			27 IR 217	Residents' rights	
655 IAC 1-2.1-24.2	27 IR 938	Seal and responsibilities of licensed professional geologist for documents		410 IAC 16.2-5-1.2	27 IR 2060
Instructor I		305 IAC 1-4-1	26 IR 1599	<b>HOSPITAL LICENSURE RULES</b>	
655 IAC 1-2.1-19	27 IR 937		27 IR 216	Incorporation by Reference	
Instructor II/III				Incorporation by reference	
655 IAC 1-2.1-20	27 IR 937			410 IAC 15-1.7-1	27 IR 1622
Instructor-Swift Water Rescue				410 IAC 15-2.7-1	27 IR 1624
655 IAC 1-2.1-19.1	27 IR 937			Required Ambulatory Outpatient Surgical Center Services	
Land-Based Firefighter-Marine Vessel Fires				Physical plant, equipment maintenance, and environmental services	
655 IAC 1-2.1-88	27 IR 939			410 IAC 15-2.5-7	27 IR 1623
		<b>HEALTH, INDIANA STATE DEPARTMENT OF COMMUNICABLE DISEASE CONTROL</b>		Required Hospital Services	
<b>GAMING COMMISSION, INDIANA CORPORATIONS</b>		Disease Reporting and Control		Physical plant, maintenance, and environmental services	
Publicly Traded Corporations		Laboratories; reporting requirements		410 IAC 15-1.5-8	27 IR 1620
Applicability		410 IAC 1-2.3-48	26 IR 3134	<b>MATERNAL AND CHILD HEALTH</b>	
68 IAC 4-1-2	26 IR 3751		<b>27 IR 869</b>	Examination of Infants for Disorders	
	<b>27 IR 1296</b>	Reporting requirements for physicians and hospital administrators		Newborn screening fund; fees; disposition; reporting requirements	
Consequences of violation of rule		410 IAC 1-2.3-47	26 IR 3131	410 IAC 3-3-7.1	26 IR 3385
68 IAC 4-1-9	26 IR 3753		<b>27 IR 865</b>		<b>27 IR 1568</b>
	<b>27 IR 1299</b>				
Definitions					
68 IAC 4-1-1	26 IR 3750				
	<b>27 IR 1295</b>				



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<b>SANITARY ENGINEERING</b>					
On-Site Sewage Systems					
410 IAC 6-8.2	26 IR 3116				
<b>Youth Camps</b>					
Buildings and sleeping shelters					
410 IAC 6-7.2-29	26 IR 2662				
	<b>27 IR 99</b>				
<b>General health</b>					
410 IAC 6-7.2-17	26 IR 2662				
	<b>27 IR 98</b>				
<b>Water recreation</b>					
410 IAC 6-7.2-30	26 IR 2663				
	<b>27 IR 99</b>				
<b>HEALTH FACILITY ADMINISTRATORS, INDIANA STATE BOARD OF GENERAL PROVISIONS</b>					
Continuing Education for Renewal of License					
Continuing education; credit requirements					
840 IAC 1-2-1	27 IR 566				
	<b>27 IR 1881</b>				
<b>Definitions; Licensure; Examinations</b>					
Examination					
840 IAC 1-1-6	27 IR 566				
	<b>27 IR 1880</b>				
<b>HORSE RACING COMMISSION, INDIANA ASSOCIATIONS</b>					
Facilities and Equipment					
Pylons					
71 IAC 4-3-15	<b>27 IR 1912</b>				
<b>FLAT RACING; DEFINITIONS</b>					
Definitions					
"Breeder" defined					
71 IAC 1.5-1-19	<b>27 IR 1911</b>				
<b>FLAT RACING; HUMAN AND EQUINE HEALTH</b>					
Ban on Possession of Drugs					
Prohibited practices					
71 IAC 8.5-5-2	<b>27 IR 1921</b>				
Prohibition of Alcohol					
Penalties					
71 IAC 8.5-11-3	<b>27 IR 1921</b>				
<b>FLAT RACING; LICENSEES</b>					
General Provisions					
Fingerprinting and licensing reciprocity					
71 IAC 5.5-1-2	<b>27 IR 1913</b>				
Multi-state licensing information					
71 IAC 5.5-1-3	<b>27 IR 1913</b>				
<b>Jockeys</b>					
Apprentice jockeys					
71 IAC 5.5-4-2	<b>27 IR 1915</b>				
<b>Trainers</b>					
Other responsibilities					
71 IAC 5.5-3-3	<b>27 IR 1914</b>				
<b>FLAT RACING; RULES OF THE RACE</b>					
Entries and Nominations					
Coupled entries					
71 IAC 7.5-1-4	<b>27 IR 205</b>				
No change permitted					
71 IAC 7.5-1-15	<b>27 IR 1919</b>				
Procedures					
71 IAC 7.5-1-2	<b>27 IR 1919</b>				
<b>Running of the Race</b>					
Equipment					
71 IAC 7.5-6-1	<b>27 IR 1919</b>				
		Jockey requirements			
		71 IAC 7.5-6-3	<b>27 IR 206</b>		
		Violations			
		Designated races			
		71 IAC 7.5-7-5	<b>27 IR 1920</b>		
		<b>HUMAN AND EQUINE HEALTH</b>			
		Ban on Possession of Drugs			
		Prohibited practices			
		71 IAC 8-6-2	<b>27 IR 1920</b>		
		Prohibition of Alcohol			
		Penalties			
		71 IAC 8-11-3	<b>27 IR 1920</b>		
		<b>LICENSEES</b>			
		General Provisions			
		Fingerprinting and licensing reciprocity			
		71 IAC 5-1-2	<b>27 IR 1912</b>		
		Multi-state licensing information			
		71 IAC 5-1-3	<b>27 IR 1913</b>		
		<b>OFFICIALS</b>			
		Judges			
		Judge's list			
		71 IAC 3-2-9	<b>27 IR 1911</b>		
		Official Timer			
		Error in reported time			
		71 IAC 3-9-4	<b>27 IR 1912</b>		
		<b>RULES OF THE RACE</b>			
		Driving Rules and Violations			
		Attire			
		71 IAC 7-3-6	<b>27 IR 205</b>		
		Improper conduct in race			
		71 IAC 7-3-11	<b>27 IR 1918</b>		
		Whip restriction			
		71 IAC 7-3-13	<b>27 IR 1919</b>		
		Entries and Scratches			
		Horses ineligible to be entered			
		71 IAC 7-1-15	<b>27 IR 1917</b>		
		Proof of identity			
		71 IAC 7-1-11	<b>27 IR 1917</b>		
		Qualifying races			
		71 IAC 7-1-28	<b>27 IR 1918</b>		
		Starter and the Start of the Race			
		Riding in gate, equipment, two tiers			
		71 IAC 7-2-8	<b>27 IR 1918</b>		
		<b>SATELLITE FACILITY AND SIMULCASTING</b>			
		Operations			
		Allocation of riverboat gambling admissions			
		tax revenue			
		71 IAC 12-2-15	<b>27 IR 896</b>		
		<b>THOROUGHBRED DEVELOPMENT PROGRAM</b>			
		Awards			
		Breeder awards			
		71 IAC 13.5-3-2	<b>27 IR 1922</b>		
		Out-of-state breeder's awards			
		71 IAC 13.5-3-3	<b>27 IR 1922</b>		
		Owner awards			
		71 IAC 13.5-3-1	<b>27 IR 1921</b>		
		Stallion owner awards			
		71 IAC 13.5-3-4	<b>27 IR 1922</b>		
		<b>TYPES OF RACES</b>			
		Claiming Races			
		Claiming procedure			
		71 IAC 6-1-3	<b>27 IR 1915</b>		
		Overnight Events			
		General provisions			
		71 IAC 6-3-1	<b>27 IR 1917</b>		
				<b>HOSPITAL COUNCIL</b>	
				414 IAC	27 IR 1625
				<b>INSURANCE, DEPARTMENT OF GENERAL PROVISIONS</b>	
				Actuarial Opinion and Memorandum	
				Additional considerations for analysis	
				760 IAC 1-57-10	26 IR 3407
					<b>27 IR 514</b>
				Authority	
				760 IAC 1-57-1	26 IR 3398
					<b>27 IR 505</b>
				Definitions	
				760 IAC 1-57-4	26 IR 3399
					<b>27 IR 505</b>
				Description of actuarial memorandum including an asset adequacy analysis	
				760 IAC 1-57-9	26 IR 3405
					<b>27 IR 512</b>
				General requirements	
				760 IAC 1-57-5	26 IR 3399
					<b>27 IR 506</b>
				Purpose	
				760 IAC 1-57-2	26 IR 3398
					<b>27 IR 505</b>
				Required opinions	
				760 IAC 1-57-6	26 IR 3400
					<b>27 IR 507</b>
				Scope	
				760 IAC 1-57-3	26 IR 3398
					<b>27 IR 505</b>
				Statement of actuarial opinion based on an asset adequacy analysis	
				760 IAC 1-57-8	26 IR 3401
					<b>27 IR 508</b>
				Continuing Education	
				Application requirements	
				760 IAC 1-50-4	27 IR 272
					<b>27 IR 1569</b>
				Continuing education credit hour defined	
				760 IAC 1-50-3	27 IR 271
					<b>27 IR 1569</b>
				Definitions	
				760 IAC 1-50-2	27 IR 271
					<b>27 IR 1568</b>
				Record keeping requirements	
				760 IAC 1-50-7	27 IR 273
					<b>27 IR 1570</b>
				Requirements for self-study continuing education courses	
				760 IAC 1-50-5	27 IR 272
					<b>27 IR 1569</b>
				Retirement exemption	
				760 IAC 1-50-13	27 IR 273
					<b>27 IR 1570</b>
				Retirement exemption form	
				760 IAC 1-50-13.5	27 IR 273
					<b>27 IR 1571</b>
				Medical Malpractice Insurance	
				Definitions	
				760 IAC 1-21-2	26 IR 1724
				Financial responsibility of hospital	
				760 IAC 1-21-5	26 IR 1724
				Payment into patient's compensation fund; annual surcharge	
				760 IAC 1-21-8	26 IR 1724

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Physician Specialty Classes		Original and retracement survey		Ticket price	
List of physician specialty classes		monumentation		65 IAC 5-5-3	<b>27 IR 1587</b>
760 IAC 1-60-3	27 IR 2070	865 IAC 1-12-18	26 IR 3956	Daily4	
Part-time and retired physicians			<b>27 IR 1888</b>	Definitions	
760 IAC 1-60-5	27 IR 2072	Original survey preliminary research		65 IAC 5-6-2	<b>27 IR 1590</b>
Recognition of the 2001 CSO Mortality Table		865 IAC 1-12-14	26 IR 3956	Determination of winners	
for Use in Determining Minimum Reserve			<b>27 IR 1888</b>	65 IAC 5-6-5	<b>27 IR 1591</b>
Liabilities and Nonforfeiture Benefits		Preliminary research and investigation on		Independent on-line games	
760 IAC 1-69	26 IR 3945	retracement surveys		65 IAC 5-6-1.5	<b>27 IR 1589</b>
	<b>27 IR 871</b>	865 IAC 1-12-9	26 IR 3954	Name	
			<b>27 IR 1885</b>	65 IAC 5-6-1	<b>27 IR 1589</b>
<b>LABOR, DEPARTMENT OF</b>		Property surveys affected		Odds of winning	
<b>SAFETY EDUCATION AND TRAIN-</b>		865 IAC 1-12-5	26 IR 3952	65 IAC 5-6-6	<b>27 IR 1593</b>
<b>ING-OCCUPATIONAL SAFETY</b>			<b>27 IR 1884</b>	Procedure for playing	
Recording and Reporting Occupational Injuries		Publication of retracement survey results		65 IAC 5-6-4	<b>27 IR 1591</b>
and Illnesses		865 IAC 1-12-12	26 IR 3954	Ticket price	
Recording criteria for cases involving occu-			<b>27 IR 1886</b>	65 IAC 5-6-3	<b>27 IR 1590</b>
pational hearing loss		Retracement survey plats		Definitions	
610 IAC 4-6-11	26 IR 2464	865 IAC 1-12-13	26 IR 3955	"Draw entry coupon" defined	
	<b>27 IR 1879</b>		<b>27 IR 1887</b>	65 IAC 5-1-2.2	<b>27 IR 1909</b>
Reporting fatalities and multiple hospitaliza-		Surveyor conclusions in retracement survey		"Draw game" defined	
tion incidents		865 IAC 1-12-11	26 IR 3954	65 IAC 5-1-2.4	<b>27 IR 1910</b>
610 IAC 4-6-23	27 IR 564		<b>27 IR 1886</b>	"Draw ticket" defined	
Public Sector-Public Employee Safety Program		Surveyor responsibility		65 IAC 5-1-2.6	<b>27 IR 1910</b>
IOSHA applicable to public sector employers;		865 IAC 1-12-3	26 IR 3952	"On-line entry coupon" defined	
volunteer fire companies			<b>27 IR 1883</b>	65 IAC 5-1-6	<b>27 IR 1910</b>
610 IAC 4-2-1	26 IR 2464	Registrant's Seal		"On-line game" defined	
	<b>27 IR 1879</b>	Use of seal and signature; acceptance of full		65 IAC 5-1-7	<b>27 IR 1910</b>
		responsibility		"On-line ticket" defined	
<b>LAND SURVEYORS, STATE BOARD OF</b>		865 IAC 1-7-3	26 IR 3950	65 IAC 5-1-8	<b>27 IR 1910</b>
<b>REGISTRATION FOR</b>			<b>27 IR 1882</b>	"Valid draw ticket" defined	
<b>GENERAL PROVISIONS</b>		<b>LAW ENFORCEMENT TRAINING BOARD</b>		65 IAC 5-1-11.2	<b>27 IR 1910</b>
Continuing Education		<b>GENERAL PROVISIONS</b>		"Valid on-line ticket" defined	
Courses from approved and unapproved		250 IAC 2	26 IR 3679	65 IAC 5-1-12	<b>27 IR 1910</b>
providers			<b>27 IR 1552</b>	Lucky 5	
865 IAC 1-13-5	27 IR 943			Definitions	
Elective topics		<b>LOCAL GOVERNMENT FINANCE, DEPART-</b>		65 IAC 5-9-2	<b>27 IR 1594</b>
865 IAC 1-13-7	26 IR 3739	<b>MENT OF</b>		Determination of winning numbers	
	<b>27 IR 875</b>	INDUSTRIAL FACILITY; REAL PROPERTY		65 IAC 5-9-9	<b>27 IR 1595</b>
Length of instruction hour; length of course		ASSESSMENT		Independent on-line games	
865 IAC 1-13-4	26 IR 3739	50 IAC 18	26 IR 1117	65 IAC 5-9-1.5	<b>27 IR 1594</b>
	<b>27 IR 875</b>		27 IR 909	Name	
Continuing Education Providers		LAKE COUNTY INDUSTRIAL FACILITY;		65 IAC 5-9-1	<b>27 IR 1575</b>
Certifications of completion		REAL PROPERTY ASSESSMENT		Odds of winning	
865 IAC 1-14-13	26 IR 3740	50 IAC 19	26 IR 2397	65 IAC 5-9-12	<b>27 IR 1595</b>
	<b>27 IR 876</b>		<b>27 IR 450</b>	Procedure for playing	
Courses not completed		REMUNERATION FOR INITIAL TRAINING		65 IAC 5-9-4	<b>27 IR 1594</b>
865 IAC 1-14-14	26 IR 3740	AND CONTINUING EDUCATION SESSIONS		Ticket price	
	<b>27 IR 876</b>	50 IAC 20	27 IR 908	65 IAC 5-9-3	<b>27 IR 1594</b>
Reporting attendance to the board		<b>LOTTERY COMMISSION, STATE</b>		<b>PULL-TAB GAMES</b>	
865 IAC 1-14-15	26 IR 3740	<b>DRAW GAMES</b>		Specific Pull-Tab Games	
	<b>27 IR 876</b>	Daily3		Pull-tab game 004	
Land Surveying; Competent Practice		Definitions		LSA Document #04-10(E)	<b>27 IR 1892</b>
Definitions; abbreviations		65 IAC 5-5-2	<b>27 IR 1587</b>	Pull-tab game 005	
865 IAC 1-12-2	26 IR 3951	Determination of winners		LSA Document #04-11(E)	<b>27 IR 1892</b>
	<b>27 IR 1882</b>	65 IAC 5-5-5	<b>27 IR 1588</b>	Pull-tab game 008	
Field investigation for retracement surveys		Independent on-line games		LSA Document #04-12(E)	<b>27 IR 1893</b>
865 IAC 1-12-10	26 IR 3954	65 IAC 5-5-1.5	<b>27 IR 1587</b>	Pull-tab game 009	
	<b>27 IR 1885</b>	Name		LSA Document #04-53	<b>27 IR 2294</b>
Field notes		65 IAC 5-5-1	<b>27 IR 1587</b>	Pull-tab game 010	
865 IAC 1-12-6	26 IR 3953	Odds of winning		LSA Document #03-287(E)	<b>27 IR 884</b>
	<b>27 IR 1884</b>	65 IAC 5-5-6	<b>27 IR 1589</b>	<b>SCRATCH-OFF GAMES</b>	
Measurements for retracement surveys and		Procedure for playing		Definitions	
original surveys		65 IAC 5-5-4	<b>27 IR 1588</b>	"Instant game" defined	
865 IAC 1-12-7	26 IR 3953			65 IAC 4-1-6	<b>27 IR 1909</b>
	<b>27 IR 1884</b>			"Instant prize" defined	
				65 IAC 4-1-6.5	<b>27 IR 1909</b>

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“Instant ticket” defined 65 IAC 4-1-7	<b>27 IR 1909</b>	Instant Game 703 LSA Document #04-27(E)	<b>27 IR 1899</b>	STANDARDS OF PROFESSIONAL CONDUCT AND COMPETENT PRACTICE OF MEDICINE
“Scratch-off game” defined 65 IAC 4-1-12.2	<b>27 IR 1909</b>	Instant Game 707 65 IAC 4-333	<b>27 IR 891</b>	Appropriate Use of the Internet in Medical Practice
“Scratch-off prize” defined 65 IAC 4-1-12.3	<b>27 IR 1909</b>	Instant Game 708 LSA Document #03-291(E)	<b>27 IR 889</b>	844 IAC 5-3
“Scratch-off ticket” defined 65 IAC 4-1-12.4	<b>27 IR 1909</b>	Instant Game 710 65 IAC 4-337	<b>27 IR 1900</b>	26 IR 2118 <b>27 IR 522</b>
General Provisions		Instant Game 711 LSA Document #04-50(E)	<b>27 IR 2290</b>	General Provisions
Termination of an instant game 65 IAC 4-2-3	<b>27 IR 1596</b>	Instant Game 712 LSA Document #03-339(E)	<b>27 IR 1605</b>	Definitions
Validation of tickets 65 IAC 4-2-5	<b>27 IR 1596</b>	Instant Game 716 65 IAC 4-339	<b>27 IR 1903</b>	844 IAC 5-1-1
Instant Game 658 LSA Document #03-238(E)	<b>27 IR 193</b>	Instant Game 717 LSA Document #04-51(E)	<b>27 IR 2292</b>	26 IR 2116 <b>27 IR 521</b>
Instant Game 659 LSA Document #03-239(E)	<b>27 IR 194</b>	Instant Game 718 65 IAC 4-340	<b>27 IR 1905</b>	Disciplinary action
Instant Game 661 LSA Document #03-240(E)	<b>27 IR 196</b>	Instant Game 719 65 IAC 4-341	<b>27 IR 1907</b>	844 IAC 5-1-3
Instant Game 663 LSA Document #03-248(E)	<b>27 IR 203</b>	Payment of Prizes Claiming prizes from the commission		26 IR 2118 <b>27 IR 522</b>
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Instant Game 670 LSA Document #03-290(E)	<b>27 IR 888</b>	Licensure to Practice		440 IAC 5.2
Instant Game 671 LSA Document #03-295(E)	<b>27 IR 894</b>	Passing requirements for United States Medical Licensing Examination Step III		26 IR 3386 <b>27 IR 492</b>
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				Surface mining; hydrologic balance; surface and ground water monitoring
				312 IAC 25-6-23
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    - 312 IAC 25-4-115 27 IR 229
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    - 312 IAC 25-4-118 27 IR 230
  - Review, public participation, and approval or disapproval of permit applications; permit terms and conditions; public availability
    - 312 IAC 25-4-113 27 IR 228
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    - 312 IAC 25-4-114 27 IR 228
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    - 312 IAC 25-4-105.5 27 IR 227
  - Special categories of mining; prime farmland
    - 312 IAC 25-4-102 27 IR 226
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  - Surface mining permit applications; reclamation and operations plan; reclamation plan; general requirements
    - 312 IAC 25-4-45 27 IR 223
  - Surface mining permit applications; reclamation and operations plan; reclamation plan for siltation structures, impoundments, dams, and embankments, and refuse piles
    - 312 IAC 25-4-49 27 IR 224
  - Underground mining permit applications; reclamation plan for siltation structures, impoundments, dams, embankments, and refuse piles
    - 312 IAC 25-4-87 27 IR 225
- Training, Examination, and Certification of Blasters
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    - 312 IAC 25-9-8 27 IR 249
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  - Definitions
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    - "State plane coordinate" or "SPC" defined
      - 312 IAC 1-1-27.5 27 IR 1617
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      - 312 IAC 1-1-29.3 27 IR 1617
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  - Control of Pests or Pathogens
    - Control of kudzu (*Pueraria lobata*)
      - 312 IAC 18-3-16 27 IR 560
  - Control of larger pine shoot beetles
    - LSA Document #03-217(E) **27 IR 206**
    - 312 IAC 18-3-12 27 IR 1203
  - Release of a beneficial organism or a pest or pathogen
    - 312 IAC 18-3-15 27 IR 559
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    - 312 IAC 18-3-17 27 IR 560
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      - 312 IAC 18-5-2 27 IR 561
    - Phytosanitary document fees and related fees
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      - 27 IR 1166**
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  - Raccoons
    - LSA Document #04-59(E) **27 IR 2296**
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    - Endangered and threatened species; birds
      - 312 IAC 9-4-14 27 IR 1952
    - Geese
      - LSA Document #04-20(E) **27 IR 1922**
    - Ruffed grouse
      - 312 IAC 9-4-10 27 IR 1951
    - Wild turkeys
      - 312 IAC 9-4-11 27 IR 1951
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    - "Ice fishing shelter" defined
      - 312 IAC 9-1-9.5 27 IR 1946
    - "Portable ice fishing shelter" defined
      - 312 IAC 9-1-11.5 27 IR 1946
  - Mammals
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    - Commercial processing of deer
      - 312 IAC 9-3-10 27 IR 1949
    - Foxes, coyotes, and skunks
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    - General requirements for deer; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year
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    - Hunting deer in a designated county by authority of an extra deer license
      - LSA Document #03-306 **27 IR 1192**
    - Minks, muskrats, and long-tailed weasels
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    - Opossums and raccoons
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    - Taking beavers, minks, muskrats, long-tailed weasels, red foxes, gray foxes, opossums, skunks, raccoons, or squirrels to protect property
      - 312 IAC 9-3-15 27 IR 1950
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    - Collection and possession of reptiles and amphibians native to Indiana
      - 312 IAC 9-5-6 27 IR 1953
  - Endangered and threatened species; reptiles and amphibians
    - 312 IAC 9-5-4 27 IR 1953
  - Reptile captive breeding license
    - 312 IAC 9-5-9 27 IR 1955
  - Sale and transport for sale of reptiles and amphibians native to Indiana
    - 312 IAC 9-5-7 27 IR 1953
  - Special purpose turtle possession permit
    - 312 IAC 9-5-11 27 IR 1956
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      - 312 IAC 9-11-2 27 IR 1965
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      - 312 IAC 9-11-14 27 IR 1965
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    - "Reconstruction" defined
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    - Aerial electric, telephone, or cable television lines; general license
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105 IAC 9-2-163	<b>27 IR 46</b>	105 IAC 9-2-38	<b>27 IR 16</b>	105 IAC 9-2-23	<b>27 IR 11</b>
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105 IAC 9-2-141	<b>27 IR 41</b>	105 IAC 9-2-26	<b>27 IR 12</b>	105 IAC 9-2-171	<b>27 IR 48</b>
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105 IAC 9-2-4	<b>27 IR 7</b>	105 IAC 9-2-137	<b>27 IR 40</b>	105 IAC 9-2-159	<b>27 IR 45</b>
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105 IAC 9-2-35	<b>27 IR 15</b>	105 IAC 9-2-116	<b>27 IR 36</b>	105 IAC 9-2-12	<b>27 IR 9</b>
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105 IAC 9-2-126	<b>27 IR 37</b>	105 IAC 9-2-10	<b>27 IR 8</b>	105 IAC 9-2-154	<b>27 IR 44</b>
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105 IAC 9-2-134	<b>27 IR 39</b>	105 IAC 9-2-132	<b>27 IR 39</b>	105 IAC 9-2-130	<b>27 IR 38</b>
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105 IAC 9-2-63	<b>27 IR 22</b>	105 IAC 9-2-29	<b>27 IR 13</b>	105 IAC 9-2-107	<b>27 IR 34</b>
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105 IAC 9-2-106	<b>27 IR 34</b>	105 IAC 9-2-19	<b>27 IR 10</b>	105 IAC 9-2-144	<b>27 IR 42</b>
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105 IAC 9-2-151	<b>27 IR 43</b>	105 IAC 9-2-11	<b>27 IR 9</b>	105 IAC 9-2-150	<b>27 IR 43</b>
Qualifications of adult guards		Speed limit sign (R2-Y2)		Uniform provisions; section 10A.03	
105 IAC 9-2-143	<b>27 IR 42</b>	105 IAC 9-2-13	<b>27 IR 9</b>	105 IAC 9-2-183	<b>27 IR 51</b>
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105 IAC 9-2-14	<b>27 IR 9</b>	105 IAC 9-2-6	<b>27 IR 7</b>	105 IAC 9-2-71	<b>27 IR 23</b>
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105 IAC 9-2-64	<b>27 IR 22</b>	105 IAC 9-2-70	<b>27 IR 23</b>	105 IAC 9-2-149	<b>27 IR 43</b>
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105 IAC 9-2-56	<b>27 IR 20</b>	105 IAC 9-2-78	<b>27 IR 25</b>	105 IAC 9-2-182	<b>27 IR 51</b>
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105 IAC 9-2-124	<b>27 IR 37</b>	105 IAC 9-2-156	<b>27 IR 44</b>	105 IAC 9-2-90	<b>27 IR 29</b>
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