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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.

RETENTION SCHEDULE

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

(1) 2003 Indiana Administrative Code (CD-ROM version).

(2) Volumes 26 and 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/.

The 2001 Edition of the Indiana Administrative Code, the 2002 Supplement, and other volumes of the Indiana Register may be discarded. (Please consider recycling.)

Introduction

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:
December 10, 2003	January 1, 2004	July 9, 2004	August 1, 2004
January 9, 2004	February 1, 2004	August 10, 2004	September 1, 2004
February 10, 2004	March 1, 2004	September 10, 2004	October 1, 2004
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

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

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

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

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

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

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

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

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

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

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

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

State Agencies

ALPHABETICAL LIST

AGENCY	TITLE NUMBER
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Administration, Indiana Department of	25
†Administrative Building Council of Indiana	660
†Aeronautics Commission of Indiana	110
†Aging and Community Services, Department on	450
Agricultural Development Corporation, Indiana	770
Agricultural Experiment Station	350
†Agriculture, Commissioner of	340
Agriculture, Commissioner of	375
†Air Pollution Control Board	325.1
Air Pollution Control Board	326
†Air Pollution Control Board of the State of Indiana	325
Alcohol and Tobacco Commission	905
Amusement Device Safety Board, Regulated	685
Animal Health, Indiana State Board of	345
Architects and Landscape Architects, Board of Registration for	804
Athletic Trainers Board, Indiana	898
Attorney General for the State, Office of	10
Auctioneer Commission, Indiana	812
Barber Examiners, Board of	816
Boiler and Pressure Vessel Rules Board	680
Boxing Commission, State	808
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Chemist of the State of Indiana, State	355
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Chiropractic Examiners, Board of	846
Civil Rights Commission	910
†Clemency Commission, Indiana	230
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Controlled Substances Advisory Committee	858
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Dietitians Certification Board, Indiana	830
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†Agency's rules are repealed, transferred, or otherwise voided.

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†15	State Election Board
18	Indiana Election Commission
20	State Board of Accounts
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†30	State Personnel Board
31	State Personnel Department
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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
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71	Indiana Horse Racing Commission
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323	Indiana Hazardous Waste Facility Site Approval Authority
†325	Air Pollution Control Board of the State of Indiana
†325.1	Air Pollution Control Board
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329	Solid Waste Management Board
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†330.1	Water Pollution Control Board
†340	Commissioner of Agriculture
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345	Indiana State Board of Animal Health
350	Agricultural Experiment Station
355	State Chemist of the State of Indiana
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365	Creamery Examining Board
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375	Commissioner of Agriculture
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414	Hospital Council
415	Commission on Forensic Sciences
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431	Community Residential Facilities Council
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†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
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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
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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
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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
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770	Indiana Agricultural Development Corporation
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816	Board of Barber Examiners
820	State Board of Cosmetology Examiners
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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
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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
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876	Indiana Real Estate Commission
880	Speech-Language Pathology and Audiology Board
884	Board of Television and Radio Service Examiners
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†892	Indiana State Board of Examiners in Watch Repairing
896	Board of Environmental Health Specialists
898	Indiana Athletic Trainers Board
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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 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND

LSA Document #03-131(F)

DIGEST

Adds 35 IAC 11 concerning the pickup of additional member contributions to a member's annuity savings account. Effective 30 days after filing with the secretary of state.

35 IAC 11

SECTION 1. 35 IAC 11 IS ADDED TO READ AS FOLLOWS:

ARTICLE 11. ADDITIONAL CONTRIBUTIONS

Rule 1. Elective Payroll Deductions for Additional Contributions

35 IAC 11-1-1 Payroll deduction for additional contributions

Authority: IC 5-10.3-3-8
Affected: IC 5-10.2-3-2

Sec. 1. (a) The purpose of this rule is to provide a pickup of member contributions by participating employers under Section 414(h)(2) of the Internal Revenue Code of 1986 for additional employee contributions made to the member's annuity savings account under IC 5-10.2-3-2(c) and IC 5-10.2-3-2(d). Employers may elect to participate in the pickup of additional employee contributions by a resolution adopting the provisions of this rule.

(b) A member in active covered employment (with an electing employer) who elects to make contributions to the member's annuity savings account in addition to the contributions required under IC 5-10.2-3-2(b) may do so through a binding, irrevocable payroll deduction authorization.

(c) A member in active covered employment, having executed a binding, irrevocable payroll deduction authorization with respect to any such additional contributions, is not entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the board of trustees of the public employees' retirement fund. Such contributions shall be remitted to the public employees' retirement fund in the same manner as all other contributions and shall be credited to the member's annuity savings account. The salary the employer will use to calculate such contributions will be the same as the salary the employer reports to the board of trustees for purposes of determining a member's mandatory contribution and benefit calculation. Such contributions, although designated as employee contributions, will be paid by the employer in lieu of contributions by the employee. The contributions so assumed shall be treated as tax-deferred employer pickup contributions pursuant to Section 414(h)(2) of the Internal Revenue Code, subject to a favorable letter ruling by the Internal Revenue Service.

(d) A member in active covered employment may elect to pay all or part of any additional contribution through payroll deduction. This election is available for two (2) years, beginning on September 1 following the plan year in which the employee completes five (5) years of creditable service and ending on August 31 of the second calendar year following the opening of the election period. The amounts to be deducted and the duration of the deduction shall be specified on the authorization form prescribed by the board, and the amounts and duration shall be irrevocable and binding once made. Prepayment of amounts covered by the authorization is not permitted. However, nothing in this rule shall prevent a member from paying any amounts not covered by the authorization with after-tax dollars, up to the statutory maximum. The investment of the additional contributions shall be made in the same manner and percentage as the investment of the member's mandatory contributions.

(e) If a member terminates and then returns to covered employment with a different employer, when the member has five (5) or more years of creditable service credited or recredited under Indiana statutes, the member shall be entitled to execute a new binding irrevocable payroll deduction authorization within a two (2) year election period, beginning on September 1 following the plan year in which the employee completes or is recredited with five (5) years of creditable service and ending on August 31 of the second calendar year following the opening of the election period. If a member terminates and then returns to covered employment with the same employer, the member's binding irrevocable payroll deduction authorization, if any, shall be immediately effective upon rehire.

(f) No payroll deduction shall begin unless and until the active member executes the payroll deduction authorization on a form prescribed by the board, which must be received within the election period defined in subsection (d). The board will send the form to the treasurer or other disbursing officer of the employer. After receiving the binding, irrevocable payroll deduction authorization, the treasurer or other disbursing officer of each employer shall add such contributions to the contributions deducted from the member's regular compensation each pay day. The employer shall treat these deductions as picked up contributions.

(g) All such payroll deductions, including the amounts and the duration specified, shall be binding and irrevocable

upon the member's execution of the prescribed form. A member may execute and submit the payroll deduction authorization with the election period defined in subsection (d), effective as of the next possible payroll date within the election period. However, such deductions will cease only upon any of the following events:

(1) The member's death.

(2) The termination of the member's employment.

Distribution of the additional contributions shall be made in the same manner as distributions from the member's annuity savings account. In no event shall the member receive a return of the payroll deductions made under this rule except pursuant to the normal disbursement procedures of IC 5-10.2.

(h) Members with at least five (5) years of creditable service as of June 30, 2003, may elect to make additional contributions to their annuity savings accounts through a payroll deduction pursuant to this provision between September 1, 2003, and August 31, 2005. *(Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 11-1-1; filed Dec 4, 2003, 3:10 p.m.: 27 IR 1164)*

LSA Document #03-131(F)
Notice of Intent Published: 26 IR 3075
Proposed Rule Published: August 1, 2003; 26 IR 3678
Hearing Held: August 27, 2003
Approved by Attorney General: December 1, 2003
Approved by Governor: December 2, 2003
Filed with Secretary of State: December 4, 2003, 3:10 p.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-35(F)

DIGEST

Amends 312 IAC 9-10-3 that governs aquatic vegetation control on waters of the state. Currently, the rule section applies only to chemical controls, but the amendments would implement P.L.19-2002 by extending coverage to controls based on mechanical, physical, and biological methods. Clarifies and supplements the factors considered by the department of natural resources in evaluating a license application to control aquatic plants. Clarifies the need to obtain advance approval from the department of environmental management for waterways used as a surface drinking water source before obtaining a license from the department of natural resources under this section. Requires a report be provided by a license holder to the department of natural resources within seven days after the completion of a control effort. Makes numerous other technical and substantive amendments. Effective January 1, 2004.

312 IAC 9-10-3

SECTION 1. 312 IAC 9-10-3, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-3 Aquatic vegetation control permits
Authority: IC 14-22-2-6; IC 14-22-9-10
Affected: IC 14-22-9-10

Sec. 3. (a) Except as provided under IC 14-22-9-10(a), a person ~~shall~~ **must** obtain a permit under this section before ~~applying a substance to~~ **seeking to control aquatic vegetation through chemical, mechanical, physical, or biological means in** waters of ~~this~~ **the** state. ~~to seek aquatic vegetation control.~~

(b) ~~An application for an aquatic vegetation control~~ **Before obtaining a** permit ~~shall be made~~ **under this section, a person must complete an application** on a departmental form ~~and must include~~ **that includes** the following information:

(1) The common name of the **target** plants **and relative abundance of other dominant plants in each area** to be controlled.

(2) The acreage to be ~~treated.~~ **controlled, with affected areas illustrated on a legible map.**

(3) The maximum depth of the water, **the maximum perpendicular distance from shoreline, and the linear distance along the shoreline** where plants are to be treated.

(4) The name and amount of the chemical to be used **in each treatment, if a chemical control is used.**

(5) The duration and timing of control efforts, if controls will be repeated under a single permit.

(6) The location of any water supply intake that may be adversely affected by the aquatic vegetation control activities.

(7) The species, stocking rate, and release location, if a biological control is used.

(8) The type of equipment and location of disposal area, if a mechanical control is used.

(9) The name and contact information for the person who will conduct the control effort.

(c) An applicant for a permit under this section must demonstrate each of the following to the satisfaction of the department:

(1) The proposed treatment is likely to provide effective relief.

(2) The proposed treatment will not result in any of the following:

(A) A hazard to humans, animals, or other nontarget organisms.

(B) A significant adverse impact to the treated waterway.

(C) A significant adverse impact to endangered or threatened species.

(D) A significant adverse impact to beneficial organisms within the treatment area or in adjacent areas, either directly or through habitat destruction.

(E) An unreasonable restriction on an existing use of the waterway.

(3) The proposed treatment will not occur within one hundred fifty (150) feet perpendicular to the shoreline of a public freshwater lake, along an area classified as a significant wetland under 312 IAC 11-2-24, except where the applicant demonstrates the treatment can be conducted without reducing the ecological value of the area.

(4) The following apply if a chemical is to be used for aquatic vegetation control:

(A) The chemical is labeled and registered for this purpose by the United States Environmental Protection Agency.

(B) Prior written approval is received from the department of environmental management if the waterway to be treated is a public drinking water supply.

(5) Any other information reasonably required by the department to effectively review the application.

~~(c)~~ **(d)** A permit issued under this section is limited to the terms of the application and to conditions imposed on the permit by the department.

~~(d)~~ **(e) Except as otherwise provided in this subsection,** five (5) days before the application of a substance permitted under this section, the permit holder must post clearly visible signs at the treatment area indicating the substance that will be applied and what precautions should be taken. **For a treatment to be performed on a reservoir for drinking water supply that is owned by a municipality, the posting required under this subsection may be provided no later than thirty-six (36) hours before the permitted activity.**

~~(e) A permit issued under this section is void if the waters to be treated are supplied to the public by a private company or governmental agency.~~

(f) A permit holder must submit a report on a departmental form not later than the seven (7) days following the control effort, providing the date, location, acreage, and method used in each area where controls were implemented. *(Natural Resources Commission; 312 IAC 9-10-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Nov 14, 2003, 5:30 p.m.: 27 IR 1165, eff Jan 1, 2004)*

SECTION 2. **SECTION 1 of this document takes effect January 1, 2004.**

LSA Document #03-35(F)
Notice of Intent Published: 26 IR 1963
Proposed Rule Published: July 1, 2003; 26 IR 3374
Hearing Held: July 24, 2003
Approved by Attorney General: October 29, 2003
Approved by Governor: November 12, 2003
Filed with Secretary of State: November 14, 2003, 5:30 p.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-91(F)

DIGEST

Amends 312 IAC 18-5-4 that governs phytosanitary document fees and related fees by increasing those fees from $30 to $50 and adds state phytosanitary certificates to those for which the fees are required but with exemptions. Effective 30 days after filing with the secretary of state.

312 IAC 18-5-4

SECTION 1. 312 IAC 18-5-4, AS READOPTED AT 26 IR 546, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

312 IAC 18-5-4 Phytosanitary document fees and related fees

Authority: IC 14-10-2-4; IC 14-24-3
Affected: IC 14-24

Sec. 4. **(a)** The fee is ~~thirty~~ **fifty** dollars ~~($30)~~ **($50)** for the issuance of any of the following:

(1) A federal phytosanitary certificate.

(2) A federal phytosanitary certificate for reexport.

(3) A federal processed product certificate.

(4) Except as provided in subsection (b), a state phytosanitary certificate.

(b) An exemption from the fee for a state phytosanitary certificate is provided for either of the following activities:

(1) An Indiana resident who is lawfully moving domesticated plants for personal, noncommercial purposes into a state requiring certification.

(2) A person that has been inspected and certified as a nursery under IC 14-24 or provided a voluntary certification under this rule.

(Natural Resources Commission; 312 IAC 18-5-4; filed Nov 22, 1996, 3:00 p.m.: 20 IR 954; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed Nov 14, 2003, 5:15 p.m.: 27 IR 1166)

LSA Document #03-91(F)
Notice of Intent Published: 26 IR 2649
Proposed Rule Published: July 1, 2003; 26 IR 3375
Hearing Held: July 24, 2003
Approved by Attorney General: October 29, 2003
Approved by Governor: November 12, 2003
Filed with Secretary of State: November 14, 2003, 5:15 p.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #03-70(F)

DIGEST

Amends 326 IAC 1-4-1 concerning redesignation of Lake

County to attainment for PM_{10}. Effective 30 days after filing with the secretary of state.

HISTORY

IC 13-14-9-8 Notice and Notice of First Hearing: April 1, 2003, Indiana Register (26 IR 2487).

Date of First Hearing: May 7, 2003.

Proposed Rule and Notice of Public Hearing: June 1, 2003, Indiana Register (26 IR 3092).

Date of Second Hearing: September 3, 2003.

326 IAC 1-4-1

SECTION 1. 326 IAC 1-4-1, AS AMENDED AT 26 IR 1077, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 1-4-1 Designations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. The air pollution control board incorporates by reference:

(1) 40 CFR 81.315*; ~~and~~

(2) 66 FR 53665 (October 23, 2001)*; **and**

(3) 68 FR 1370 (January 10, 2003)*;

concerning attainment status designations.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 1-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2379; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed Dec 30, 1992, 9:00 a.m.: 16 IR 1382; filed Apr 18, 1995, 3:00 p.m.: 18 IR 2220; filed Oct 22, 1997, 8:45 a.m.: 21 IR 932; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3342; filed Apr 29, 1998, 3:15 p.m.: 21 IR 3341; filed May 21, 2002, 10:20 a.m.: 25 IR 3056; filed Nov 15, 2002, 11:17 a.m.: 26 IR 1077; filed Dec 1, 2003, 10:00 a.m.: 27 IR 1167)*

LSA Document #03-70(F)
Proposed Rule Published: June 1, 2003; 26 IR 3092
Hearing Held: September 3, 2003
Approved by Attorney General: November 10, 2003
Approved by Governor: November 25, 2003
Filed with Secretary of State: December 1, 2003, 10:00 a.m.
Incorporated Documents Filed with Secretary of State: 40 CFR 81.315 and 66 FR 53665 (October 23, 2001), previously incorporated by reference in LSA Document #02-88(F), filed November 15, 2002; Federal Register, 68 FR 1370 (January 10, 2003), "Redesignation and Approval and Promulgation of Indiana Implementation Plans".

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #02-317(F)

DIGEST

Adds 410 IAC 7-23 to establish a schedule of civil penalties for violations of the retail and wholesale food establishment rules. Repeals 410 IAC 7-19. Effective 30 days after filing with the secretary of state.

410 IAC 7-19
410 IAC 7-23

SECTION 1. 410 IAC 7-23 IS ADDED TO READ AS FOLLOWS:

Rule 23. Retail and Wholesale Food Establishment: Schedule of Civil Penalties for Violations

410 IAC 7-23-1 Schedule of civil penalties

Authority: IC 16-19-3-4; IC 16-42-5-28
Affected: IC 4-21.5-3-8; IC 16-42-5

Sec. 1. (a) The Indiana state department of health may commence an action under IC 4-21.5-3-8 to levy civil penalties against a person who:

(1) fails to comply with IC 16-42-5, 410 IAC 7-20, or 410 IAC 7-21; or

(2) interferes with or obstructs the Indiana state department of health or its designated agent in the performance of duties pursuant to IC 16-42-5, 410 IAC 7-20, or 410 IAC 7-21.

(b) A civil penalty in an amount in the appropriate range specified in subsection (d), (e), or (f), or any combination thereof, may be sought for each day of each violation.

(c) In determining the seriousness of the violation and the specific amount of the civil penalty to be sought for each violation, the Indiana state department of health will consider, but is not limited to, the following:

(1) The potential for harm or imminent threat to public health.

(2) The extent of deviation from statutory or regulatory requirements.

(3) Degree of willfulness or negligence.

(4) History of noncompliance.

The absence of direct harm will not result in assessment of a lower penalty for a violation.

(d) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a food establishment, as defined in IC 16-42-5, then they shall be assessed in accordance with the following:

INDIANA CODE (IC) SECTION	PENALTY RANGE
IC 16-42-5-6; IC 16-42-5-11; IC 16-42-5-19; IC 16-42-5-21	$0 to $1,000
IC 16-42-5-7; IC 16-42-5-12; IC 16-42-5-13; IC 16-42-5-14; IC 16-42-5-15; IC 16-42-5-17; IC 16-42-5-18; IC 16-42-5-20	$0 to $500
IC 16-42-5-8; IC 16-42-5-9; IC 16-42-5-10; IC 16-42-5-16; IC 16-42-5-22	$0 to $100

(e) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a retail food establishment, as defined in 410 IAC 7-20, then they shall be assessed in accordance with the following:

SECTIONS OF 410 IAC 7-20	PENALTY RANGE
98; 107; 117; 118; 124; 136; 161; 340; 382; 427	$0–$500
94; 97; 114; 119; 120; 121; 122; 123; 125; 126; 127; 128; 129; 130; 132; 135; 137; 138; 140; 141; 158(a); 162; 163; 164; 167; 171; 173; 175; 177; 180; 181; 182(d); 183; 184; 254; 257; 261; 276; 291; 292; 293; 297; 301; 302; 304; 307; 308; 310; 311; 315; 317; 318(1); 335; 337; 402; 407; 408; 409; 410; 411; 412; 413; 414; 415; 416; 417; 418; 420; 428; 429; 430; 431	$0–$250
95; 100; 105; 106; 109; 112; 113; 116; 131; 159; 160; 172; 174; 182(a); 182(b); 182(c); 195; 198; 219; 232; 264(a); 265; 275; 294; 329; 383; 406	$0–$100
96; 99; 108; 110; 111; 115; 133; 134; 139; 142; 143; 144; 146; 147; 148; 149; 150; 151; 152; 153; 154; 155; 156; 157; 158(b); 158(c); 165; 166; 168; 169; 170; 178; 179; 185; 186; 187; 188; 189; 190; 191; 192; 193; 194; 196; 197; 199; 200; 201; 202; 203; 204; 205; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; 216; 217; 218; 220; 221; 222; 223; 224; 225; 226; 227; 228; 229; 230; 233; 234; 235; 236; 237; 238; 239; 240; 241; 242; 243; 244; 245; 247; 248; 249; 250; 251; 252; 253; 255; 256; 258; 259; 260; 262; 263; 264(b); 264(c); 266; 267; 268; 269; 270; 271; 272; 273; 274; 277; 278; 279; 280; 281; 282; 283; 284; 285; 286; 287; 288; 289; 290; 295; 296; 298; 299; 300; 303; 305; 306; 309; 312; 313; 314; 316; 318(2); 319; 320; 321; 322; 323; 324; 325; 326; 327; 328; 330; 332; 333; 336; 338; 339; 341; 342; 343; 344; 345; 346; 347; 348; 349; 350; 351; 352; 353; 354; 355; 356; 357; 358; 359; 360; 361; 362; 363; 364; 365; 366; 367; 368; 369; 370; 371; 372; 373; 374; 375; 376; 377; 378; 379; 380; 381; 384; 385; 386; 387; 388; 389; 390; 391; 392; 393; 394; 395; 396; 397; 398; 399; 400; 401; 403; 404; 405; 419; 421; 422; 423; 425	$0–$50

(f) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a wholesale food establishment, as defined in 410 IAC 7-21, then they shall be assessed in accordance with the following:

SECTIONS OF 410 IAC 7-21	PENALTY RANGE
35; 36(1); 36(2); 36(3); 36(4); 36(5); 39(b)(8); 40; 41; 42(b); 45(c); 45(n); 45(p); 45(q); 45(r); 46; 47(9)(B); 48; 49(d); 49(e); 50(d)	$0–$1,000
36(8); 37; 38; 39(a); 39(b)(1); 39(b)(2); 39(b)(3); 39(b)(4); 39(b)(5); 39(b)(6); 39(b)(7); 42(a); 42(d); 42(e); 44(i); 45(a); 45(b); 45(d); 45(e); 45(f); 45(g); 45(h); 45(i); 45(j); 45(k); 45(l); 45(m); 45(o); 45(s); 47(2); 47(3); 47(4); 47(5); 47(6); 47(7); 47(9)(A); 47(9)(C); 50(c); 50(f); 51(a); 51(c); 51(d)	$0–$500
36(6); 36(7); 42(c); 43(b); 43(c); 43(d); 44(c); 44(e); 44(h); 47(1); 47(8); 49(a); 49(b); 49(c); 50(b); 51(b)	$0–$250
36(9); 43(a); 43(e); 44(a); 44(b); 44(d); 44(f); 44(g); 45(t); 47(10); 47(11); 47(12); 47(13); 47(14); 47(15)	$0–$100

(g) After reinspection and determining the appropriate penalty based on the schedule in subsection (d), (e), or (f), or any combination thereof, the Indiana state department of health, or its authorized representative, may adjust the penalty to reflect a good faith effort to comply as follows:

(1) Each individual penalty will be multiplied by the number of days the particular violation has been documented by the Indiana state department of health, or its authorized representative.

(2) Penalties for violations documented in two (2) consecutive inspections by the Indiana state department of health, or its authorized representative, shall be assessed on the basis that the violations have remained uncorrected over the period of time between the two (2) inspections.

(3) If the person found in violation has requested reinspection and has produced substantive evidence that the violation or violations have been corrected, the penalties shall be assessed for the period between initial discovery of violation and the receipt of request for reinspection.

(4) Penalties for all violations documented in an inspection or series of inspections at an establishment will be totaled and sought under one (1) cause of action.

(h) After filing an action pursuant to IC 4-21.5, and in an attempt to resolve violations of said Indiana Code and this rule without resort to a hearing, the Indiana state department of health may negotiate and enter into agreed orders. An agreed order may suspend all or part of the civil penalty calculated under the requirements and deadlines established in the agreed order. *(Indiana State*

Department of Health; 410 IAC 7-23-1; filed Dec 4, 2003, 3:05 p.m.: 27 IR 1167)

SECTION 2. 410 IAC 7-19 IS REPEALED.

LSA Document #02-317(F)
Notice of Intent Published: 26 IR 815
Proposed Rule Published: July 1, 2003; 26 IR 3383
Hearing Held: July 25, 2003
Approved by Attorney General: December 1, 2003
Approved by Governor: December 2, 2003
Filed with Secretary of State: December 4, 2003, 3:05 p.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #03-11(F)

DIGEST

Adds 515 IAC 9 to provide certain requirements and procedures for the issuance and revocation of various licenses and permits issued by the professional standards board. Effective 30 days after filing with the secretary of state.

515 IAC 9

SECTION 1. 515 IAC 9 IS ADDED TO READ AS FOLLOWS:

ARTICLE 9. ISSUANCE AND REVOCATION OF VARIOUS LICENSES AND PERMITS

Rule 1. General Provisions

515 IAC 9-1-1 Definitions
Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1-3; IC 20-10.1-2-1

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Licensing advisor" means a representative of a teacher training institution within Indiana who acts as a teacher advisor for, and at the request of, the applicant.

(c) "School setting" means the school building where the professional educator practices.

(d) "Approved program" means a teacher education program offered by a college or university that has been approved by the board, NCATE-accredited, or accredited by board.

(e) "Academic school year" means the school calendar year as defined by the local school district school board in IC 20-10.1-2-1.

(f) "Performance-based assessment" means standards based program.

(g) "Teacher training institution" means a college or university offering a program of teacher education approved by board.

(h) "National Council for Accreditation of Teacher Education (NCATE)" means that the institution has met all requirements for NCATE accreditation for their teacher training institution. NCATE is located at 2010 Massachusetts Avenue NW, Suite 500, Washington, D.C. 20036-1023, Web site: www.ncate.org.

(i) "Interstate Compact Agreement" means the reciprocity agreement Indiana belongs to through the National Association of State Directors of Teacher Education (NASDTEC). NASDTEC is located at 39 Nathan Ellis Highway, PMB #134, Mashpee, MA 02649-3267, Web site: www.nasdtec.org.

(j) "Compact state" means a state that has entered into a reciprocity agreement with Indiana through NASDTEC for instruction, school services, or administration licensure.

(k) "Instructional" license means a teaching license.

(l) The initial practitioner license as used in this rule is equivalent to the initial standard license under IC 20-6.1.3 *[sic.]***.**

(m) The proficient practitioner license as used in this rule is equivalent to a renewed standard license under 515 IAC 1-2-3.

(n) The accomplished practitioner license as used in this rule is equivalent to the professional license as set forth by 515 IAC 1-2-3 and 515 IAC 1-3-2.

(o) "Student teaching" means a supervised preservice practice occurring near the end of a candidate's program. *(Professional Standards Board; 515 IAC 9-1-1; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1169)*

515 IAC 9-1-2 Certificates and licenses issued under prior rules; recognition
Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 2. (a) All licenses and certificates issued under the provisions of prior rules governing teacher education and certification shall, at the discretion of the board, retain the validity and coverage provided by such licenses or certificates, and holders of such licenses or certificates shall have

the option of following the gradation steps in force at the date of issue until July 1, 2006. After July 2, 2006, all applicants must meet the requirements as stated in 515 IAC 8 and 515 IAC 9 *[this article]***.**

(b) All life licenses issued under prior rules shall continue to be valid for the life of the holder. All other first grade or professional licenses issued under prior rules shall be considered as accomplished practitioner licenses providing the holder has earned the master's degree or has earned National Board Certification.

(c) All provisional or standard licenses issued under prior rules shall be considered equivalent to the proficient practitioner license to be issued under the provisions of these rules.

(d) All persons who have begun licensing programs under prior rules and regulations will have until July 1, 2006, to complete the program. An individual who submits an application after July 1, 2006, will be subject to 515 IAC 8. *(Professional Standards Board; 515 IAC 9-1-2; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1169)*

515 IAC 9-1-3 Validation dates of licenses
Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 3. (a) The proficient practitioner license is valid for five (5) years from the date the application has been received by the board.

(b) The proficient practitioner license may be renewed for a five (5) year period when renewal requirements have been completed.

(c) The proficient practitioner license may be converted to the accomplished practitioner license when the requirements have been completed.

(d) The accomplished practitioner license is valid for ten (10) years from the date the application has been received by the board.

(e) The accomplished practitioner license may be renewed for a five (5) year period when renewal requirements have been completed. All renewal requirements must be completed in the last five (5) years of the validity period of the accomplished practitioner license.

(f) All licenses that are valid on the first day of the academic school calendar shall be considered valid for the duration of the school calendar, as approved by the school board. *(Professional Standards Board; 515 IAC 9-1-3; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1170)*

515 IAC 9-1-4 Validation dates of permits
Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 4. (a) Emergency permits shall be valid only for the academic school calendar, as defined in 515 IAC 9-2-3 *[sic.]***, for which they are issued.**

(b) Reciprocal permits shall be valid for one (1) year from the date the application has been received by the board. The reciprocal permit may be renewed annually upon completion of six (6) semester hours of course work leading to the proficient practitioner license or other appropriate progress toward the successful completion of an approved program, as recommended by the Indiana licensing advisor. It may be converted to the initial practitioner license when the holder has completed all deficiencies, including all requirements of the assessment program as described in 515 IAC 1-4.

(c) All reciprocal permits that are valid on the first day of the academic school calendar shall be valid for the duration of that school calendar, as approved by the school board. *(Professional Standards Board; 515 IAC 9-1-4; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1170)*

515 IAC 9-1-5 Indiana graduates; application requirements
Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 5. (a) All persons who have earned the qualifying degree and completed an approved program of preparation at an Indiana institution of higher education shall initiate licensing procedures with the licensing advisor of the institution granting the qualifying degree.

(b) The following materials must be provided to the board:
(1) The appropriate completed application form for licensing. The application must contain the signature of the official licensing advisor of the institution granting the qualifying degree, specify the approved programs completed by the applicant, and, if applicable, provide evidence of teaching experience.
(2) Passing scores on any assessments, if applicable. Each applicant shall request that the testing service send the official score report to the board.
(3) The established fee for the issuance of the license.
(4) The license being renewed, if applicable.
(5) Any required evidence of the applicant's criminal history, including fingerprints and the applicant's Social Security number.
(6) Applicants for licensing shall provide all necessary evidence of eligibility. and
(7) Any additional documentation as required by law.
(Professional Standards Board; 515 IAC 9-1-5; filed Dec 4,

2003, 3:00 p.m.: 27 IR 1170)

515 IAC 9-1-6 Out-of-state graduates; teacher applicants
Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 6. A person who has earned the qualifying degree from an institution outside of Indiana and has not completed an approved teacher education program at an Indiana institution of higher education shall submit the following materials to the board:

(1) The appropriate completed application form specifying the content area(s) and school setting(s) of the instructional license desired.

(2) The established fee for the issuance of the license.

(3) A copy of the applicant's currently valid out-of-state teaching license.

(4) An official transcript from each institution of higher education attended.

(5) Any required evidence of the applicant's criminal history, including fingerprints and the applicant's Social Security number.

(6) Passing scores on any assessments, if applicable. Each applicant shall request that the testing service send the official score report to the board. and

(7) If the applicant has teaching, administration, or school services experience, he/she must provide verification of the experience, including the grade level and subject taught, dates of employment, and the accreditation status of the school(s) where the applicant completed his/her teaching experience.

(Professional Standards Board; 515 IAC 9-1-6; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1171)

515 IAC 9-1-7 Out-of-state teacher applicants; initial practitioner license
Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 7. (a) An out-of-state applicant is eligible for an initial practitioner license if he/she meets the requirements for a license and either:

(1) holds a currently valid license and a baccalaureate degree from an approved teacher education program located in a state that is a member of the Interstate Compact Agreement; or

(2) verifies completion of a baccalaureate teacher education program accredited by the National Council for the Accreditation of Teacher Education (NCATE). The institution must have been accredited by NCATE at the time the person completed the approved program.

(b) A graduate of an NCATE-approved teacher education program is eligible for an Indiana initial practitioner license in the applicant's content area if that content area is also offered in Indiana. The board may require the completion of the NCATE recommendation form by an authorized licensing official of the degree-granting institution for clarification.

(c) A graduate of an approved teacher education program in an Interstate Compact Agreement state must hold a certificate of eligibility or a currently valid teaching license from the compact state that is equivalent to an Indiana initial practitioner license. The board may require the completion of the Interstate Compact Agreement recommendation form by an authorized licensing official of the degree-granting institution for clarification.

(d) An individual qualifying under subsection (b) or (c) will receive licensing in all content areas shown on the valid compact state teaching license if the areas of licensing are comparable to Indiana content areas, providing all minimum requirements have been met.

(e) A graduate of an institution not located within a compact state is eligible for an Indiana initial or proficient practitioner license in the content area(s) and school settings(s) *[sic.]* **listed on the valid out-of-state license if he or she holds a currently valid instructional, administration, or school services license from that state and has met all minimum requirements.** *(Professional Standards Board; 515 IAC 9-1-7; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1171)*

515 IAC 9-1-8 Out-of-state teacher applicants; reciprocal permit
Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 8. (a) An out-of-state applicant is eligible for an Indiana reciprocal permit if he or she holds a license or certificate of eligibility issued by another state and has met all requirements of a teacher education program at an institution approved by the board and a currently valid out-of-state teaching license that is comparable to an Indiana instructional license but do not qualify for an Indiana initial or proficient practitioner license.

(b) A reciprocal permit will be issued to a graduate of an accredited institution located in a state other than Indiana who has met all of the requirements for an initial or proficient practitioner instructional license except for the proficiency exam and some of the course work. A reciprocal permit will be issued only in the content areas of the out-of-state license that are equivalent to Indiana content areas and the school settings of the out-of-state license that are equivalent to Indiana school settings.

(c) An initial practitioner license will be issued when all course work and proficiency examination deficiencies have been corrected, if the applicant has not met the requirements for a proficient practitioner license.

(d) A proficient practitioner teaching license will be issued when all course work and proficiency examination deficiencies have been corrected, if the applicant has met all requirements of performance-based assessment or can verify three (3) years of full-time teaching experience appropriate to the license in an accredited P-12 school under a valid license.

(e) A reciprocal permit is valid for one (1) year and may be renewed up to four (4) times. A reciprocal permit holder may renew the license after the first year by correcting all proficiency exam deficiencies and earning six (6) semester hours of course work or equivalent appropriate progress toward an initial or proficient practitioner license. Any subsequent renewal requires the completion of six (6) semester hours of course work or equivalent appropriate progress toward an initial or proficient practitioner license. *(Professional Standards Board; 515 IAC 9-1-8; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1171)*

515 IAC 9-1-9 Reciprocal permit for applicants completing an Indiana teacher education program

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 9. (a) An applicant is eligible for an Indiana reciprocal permit, if he or she has met all requirements of a teacher education program at a board-accredited institution in Indiana and holds a currently valid out-of-state teaching license that is comparable to the Indiana instructional license, but has not completed Indiana continuing education or proficiency exam requirements.

(b) In order for a reciprocal permit to be issued, the individual must have the recommendation of the Indiana licensing advisor at the institution where the approved program was completed.

(c) An initial practitioner license will be issued when continuing education and/or proficiency examination deficiencies have been completed if the applicant has not met all requirements of performance-based assessment.

(d) A proficient practitioner teaching license will be issued when continuing education and proficiency examination deficiencies have been corrected, if the applicant has met all requirements of performance-based assessment or can verify three (3) years of full-time teaching experience appropriate to the license in an accredited P-12 school under a valid license in another state. *(Professional Standards Board; 515 IAC 9-1-9; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1172)*

515 IAC 9-1-10 Out-of-state teacher applicants; institutions not accredited by a state, regional, or national accrediting agency

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 10. Applicants graduating from institutions not accredited by a state, regional, or national accrediting agency to offer degrees in teacher education shall submit their credentials for evaluation to an Indiana teacher education institution accredited by NCATE to offer a master's degree in education. The board will recognize only those credits accepted by an Indiana NCATE institution for degree purposes or recognized as comparable to course work completed at the Indiana NCATE school. When the applicant has successfully completed a teacher education program, the Indiana NCATE institution may recommend the individual for licensing. *(Professional Standards Board; 515 IAC 9-1-10; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1172)*

515 IAC 9-1-11 Out-of-state graduates; administration and school service applicants

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 11. A person applying for an administrative, supervisory, or school services license who has earned the qualifying degree at an IPSB-approved institution outside of Indiana and has not completed an approved qualifying program at an Indiana institution of higher education shall submit the following materials to the board:

(1) The appropriate completed application form specifying the content area(s) and school setting(s) of the instructional license desired.
(2) A copy of the currently valid out-of-state administration or school service license, if applicable.
(3) The established fee for the issuance of the license.
(4) A verification of all teaching, administration, and school services experience, if applicable.
(5) Any required evidence of the applicant's criminal history, including fingerprints and Social Security number. and
(6) An official transcript from each institution attended.
(7) Verification of successful completion of all testing requirements, as defined in 515 IAC 1-4, if applicable.

(Professional Standards Board; 515 IAC 9-1-11; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1172)

515 IAC 9-1-12 Out-of-state administrative or school services programs graduates; proficient practitioner

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 12. A graduate of a National Council for the Accreditation of Teacher Education (NCATE) institution approved to offer administrative or school services programs is eligible for the comparable Indiana proficient practitioner license if he/she has completed the necessary years of teaching experience at the appropriate level in an accredited school, holds the degree, and holds a currently valid out-of-state license in the area comparable to the Indiana

proficient practitioner license. *(Professional Standards Board; 515 IAC 9-1-12; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1172)*

515 IAC 9-1-13 Out-of-state applicants for district administrative and school services licenses, excluding school counseling; Indiana reciprocal permit

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 13. (a) An out-of-state applicant for a district administrative and school services license, excluding school counseling, is eligible for an Indiana reciprocal permit in the desired area if he or she holds a currently valid out-of-state license or certificate of eligibility in the appropriate content area and holds the degree and has the necessary years of teaching experience at the appropriate level in an accredited school, as specified under 515 IAC 8-1-40 through 515 IAC 8-1-48.

(b) The holder of a reciprocal permit in district administration or school services, excluding school counseling, is eligible for an Indiana initial practitioner license in district administration or school services, excluding school counseling, when all deficiencies on the reciprocal permit are corrected if the applicant has not met all requirements of performance-based assessment.

(c) The holder of a reciprocal permit in district administration or school services, excluding school counseling, is eligible for an Indiana proficient practitioner administration or school services, excluding school counseling, license when all course work and proficiency examination deficiencies have been corrected, if the applicant has met all requirements of 515 IAC 1-4 or can verify three (3) years of full-time administration or school services, excluding school counseling, experience appropriate to the license in an accredited P-12 school under a valid license.

(d) The Indiana reciprocal permit in district administration or school services, excluding school counseling, is valid for one (1) year and may be renewed up to four (4) times. Each renewal requires the completion of six (6) semester hours of course work or equivalent appropriate progress toward the fulfillment of the requirements of a standard license. *(Professional Standards Board; 515 IAC 9-1-13; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1173)*

515 IAC 9-1-14 Out-of-state applicants for building level administrator; Indiana reciprocal permit

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 14. (a) An out-of-state applicant for a building level administrator is eligible for an Indiana reciprocal permit in the equivalent school setting(s) listed on the currently valid out-of-state license or certificate of eligibility in the building level administrator content area and holds the degree and has the necessary years of teaching experience at an accredited school, as specified under 515 IAC 8-1-40 through 515 IAC 8-1-48.

(b) The holder of a reciprocal permit for building level administrator will be required to meet additional developmental standards, as specified under 515 IAC 8-1-3 through 515 IAC 8-1-7, in order to obtain an initial or proficient building level administrator license with all school settings if the out-of-state building level administrator license does not have the equivalent of all school settings.

(c) The holder of a reciprocal permit in building level administrator is eligible for an Indiana initial practitioner license in building level administrator when all deficiencies on the reciprocal permit, including the completion of all developmental standards, are corrected if the applicant has not met all requirements of performance-based assessment.

(d) The holder of a reciprocal permit in building level administrator is eligible for an Indiana proficient practitioner building level administrator when all course work and proficiency examination deficiencies have been corrected, if the applicant has met all requirements of 515 IAC 1-4 or can verify three (3) years of full-time administration experience appropriate to the license in an accredited P-12 school under a valid license.

(e) The Indiana reciprocal permit in building level administrator is valid for one (1) year and may be renewed up to four (4) times. Each renewal requires the completion of six (6) semester hours of course work or equivalent. *(Professional Standards Board; 515 IAC 9-1-14; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1173)*

515 IAC 9-1-15 Out-of-state applicants for school services personnel: school counselor; Indiana reciprocal permit

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 15. (a) An out-of-state applicant for a school services personnel: school counselor is eligible for an Indiana reciprocal permit in the equivalent school setting(s) listed on the currently valid out-of-state license or certificate of eligibility in the school services personnel: school counselor content area and holds the degree, as specified under 515 IAC 8-1-40 through 515 IAC 8-1-48.

(b) The holder of a reciprocal permit for school services personnel: school counselor will be required to meet additional developmental standards, as specified under 515

IAC 8-1-3 through 515 IAC 8-1-7, in order to obtain an initial or proficient school services personnel: school counselor license with all school settings if the out-of-state school services personnel: school counselor license does not have the equivalent of all school settings.

(c) The holder of a reciprocal permit in school services personnel: school counselor is eligible for an Indiana initial practitioner license in school services personnel: school counselor when all deficiencies on the reciprocal permit, including the completion of all developmental standards, are corrected if the applicant has not met all requirements of performance-based assessment.

(d) The holder of a reciprocal permit in school services personnel: school counselor is eligible for an Indiana proficient practitioner school services personnel: school counselor when all course work and proficiency examination deficiencies have been corrected, if the applicant has met all requirements of 515 IAC 1-4 or can verify three (3) years of full-time school services personnel: school counselor appropriate to the license in an accredited P-12 school under a valid license.

(e) The Indiana reciprocal permit in school services personnel: school counselor is valid for one (1) year and may be renewed up to four (4) times. Each renewal requires the completion of six (6) semester hours of course work or equivalent. *(Professional Standards Board; 515 IAC 9-1-15; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1173)*

515 IAC 9-1-16 Creditable experience for licensing

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1-4-7

Sec. 16. (a) The following teaching experiences shall be recognized as acceptable activities in computing experience required for licensing:

(1) Experience in any Indiana school that was certified, accredited, or commissioned by the division of performance-based accreditation of the state board of education during the time such experience was acquired.

(2) Experience in a school outside Indiana but within the United States, Commonwealth of the United States, or Canadian provinces if such school was certified, accredited, commissioned, or equally recognized by the duly authorized agency of the state during the time such experience was acquired.

(3) Experience in a school maintained by the United States government for children of military personnel and other governmental employees either in the United States or in a foreign country.

(4) Teaching experience as a Peace Corps volunteer.

(5) Employment for a period of sixty (60) days or more under a temporary contract under IC 20-6.1-4-7 or equivalent out-of-state experience as defined by the board.

(b) Responsibility for verifying any experience to be credited will rest with the employing school superintendent or authorized official of the federal or state department or agency.

(c) The minimum amount of service to be counted as one (1) year of creditable experience shall be the equivalent of one hundred twenty (120) full days acquired during the regular school calendar. A half-year shall be credited for service equivalent to sixty (60) full days, or more, but less than one hundred twenty (120), acquired during the regular school calendar. Two (2) half-years of credit may be combined for credit not to exceed one (1) year. No more than one (1) year of creditable service shall be granted for services rendered within a twelve (12) month period beginning July 1st and ending June 30th.

(d) Active military experience shall qualify the holder of the proficient practitioner license for extended validation of said license for a period equivalent to the time spent in active duty military service and not exceeding two (2) years providing the military service occurred during the validation period of the initial, proficient, or accomplished practitioner license. Copies of military discharge papers must be submitted to the board to qualify for this extended validation. *(Professional Standards Board; 515 IAC 9-1-16; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1174)*

515 IAC 9-1-17 Field experience requirements; exemptions

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 17. Field experience. (a) Those persons with three (3) years of full-time teaching experience may be exempt from field experience requirements provided such experience has been at the appropriate grade level and in the area of licensing desired, and the candidate has met the total requirement for professional education, including the recommendation of the institution of higher education in Indiana where the program has been/is being completed.

(b) All other candidates shall have their eligibility determined by the staff of the board.

(c) Field experience must be satisfactorily completed at the school setting accredited by the state or at an equally recognized school in an out-of-state setting.

(d) The Indiana proficient practitioner license qualifies the holder to serve as a supervising teacher in all content areas and school settings designated on the license. The final selection of the supervising teacher meeting these qualifications shall be the joint responsibility of the teacher education institution and the superintendent of the cooperating state-commissioned school and with the approval of

the supervising teacher. *(Professional Standards Board; 515 IAC 9-1-17; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1174)*

515 IAC 9-1-18 License revocation, suspension, surrender; authority; grounds; procedures

Authority: IC 20-1-1.4-7
Affected: IC 4-21.5-3; IC 20-1-1.4; IC 20-6.1-4-13

Sec. 18. (a) The board may, on the written recommendation of the superintendent of public instruction, revoke or suspend any license issued by the board under 515 IAC 1-1 or this rule or under prior rules and regulations governing teacher education and licensing.

(b) A license may be revoked or suspended for immorality, misconduct in office, incompetency, or willful neglect of duty. The grounds of these charges may include, but are not limited to, the following:

(1) The person to whom the license was issued obtained the license by material misrepresentation or fraudulent means.
(2) The person to whom the license was issued has had a license revoked or suspended in another state.
(3) The person to whom the license was issued has been convicted of a misdemeanor or a felony which directly relates to the ability to perform the person's teaching duties. Offenses which constitute a violation under this subsection may include crimes of moral turpitude, drug-related offenses, or the issuing of false statements.
(4) The person to whom the license was issued is subject to license suspension under IC 20-6.1-4-13.

(c) The board may suspend a license under the provisions of this section for a period of time not to exceed two (2) years calculated from the date of imposition. At the conclusion of any suspension period imposed by the board, the license shall be reinstated upon written request of the license holder.

(d) The validity period of a license shall not be extended, and any renewal or professionalization requirements shall not be waived at the time of reinstatement of a license suspended under subsection (c), revoked under subsection (e), or surrendered under subsection (f).

(e) The board may revoke a license under this section for an indeterminate period of time; provided, however, that the person suffering the revocation may petition the board for reinstatement at any time subsequent to the passage of two (2) years calculated from the date of revocation.

(f) A license surrendered to the board pursuant to a plea agreement, probation agreement, sentencing agreement, or sentence or to avoid legal action will be treated as a revoked license. The holder of the license may petition the board for reinstatement of the license at any time subsequent to the passage of two (2) years calculated from the date the surrender was accepted by the board, providing the petition for reinstatement is not in violation of any court order or court-approved agreement.

(g) If, prior to seeking an initial teaching license or the renewal of a teaching license, an applicant has committed an act for which a teaching license may be suspended or revoked, the application may be denied on that basis. The applicant may petition for administrative review of that denial as allowed by IC 4-21.5-3 in which case a hearing, known as a fitness hearing, will be held to determine the applicant's fitness to hold a teaching license. If such a petition for review is filed, the final decision regarding the application will be based on the outcome of the fitness hearing.

(h) An individual who petitions the board for reinstatement of a revoked or surrendered license and an individual required to participate in a fitness hearing under subsection (g) before receiving an initial license shall have the burden of proving fitness to hold a license. In making a determination of fitness, the board shall consider the following factors:

(1) The likelihood the conduct or offense adversely affected, or would affect, students or fellow teachers, and the degree of adversity anticipated.
(2) The proximity or remoteness in time of the conduct or offense.
(3) The type of teaching credential held or sought by the individual.
(4) Extenuating or aggravating circumstances surrounding the conduct or offense.
(5) The likelihood of recurrence of the conduct or offense.
(6) The extent to which a decision not to issue the license would have a chilling effect on the individual's constitutional rights or the rights of other teachers.
(7) Evidence of rehabilitation, such as participation in counseling, self-help support groups, community service, gainful employment subsequent to the conduct or offense, and family and community support.

(i) IC 4-21.5-3 shall govern the following proceedings:
(1) A hearing on the suspension of a license under subsection (c).
(2) A hearing on the revocation of a license under subsection (e).
(3) A reinstatement hearing under subsection (e).
(4) A reinstatement hearing under subsection (f).
(5) A fitness hearing under subsection (g).

(j) The sanctions provided for under this section are intended to be remedial rather than punitive.

(k) Any proceeding under subsection (i) may be con-

ducted by the board or, at its discretion, by an administrative law judge. *(Professional Standards Board; 515 IAC 9-1-18; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1175)*

515 IAC 9-1-19 Instructional emergency permits
Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1-3-10

Sec. 19. (a) An instructional emergency permit 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. Until July 1, 2004, this process is guided by the rule for limited license in 515 IAC 1-2-20.

(b) To qualify for an instructional emergency permit, the applicant must submit:
(1) An application for an instructional emergency permit 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.
(7) An official transcript showing successful completion of a baccalaureate degree from an institution approved by the board.
(8) Verification of progress toward meeting the standards in the content area and identification of a program where the applicant can obtain licensure in three (3) years.
(9) Verification from the employing school superintendent certifying an emergency need for the applicant in the content area(s) or the school setting(s) of the request.
(10) Verification from the licensing advisor where the program will be completed that the candidate has enrolled in an approved program in the subject area(s) or school setting(s) of the request and has submitted a written plan for completion of the program. and
(11) An application for an instructional emergency permit submitted after July 1 during the school year requested, but no later than twelve (12) weeks after the teacher begins actual service. The instructional emergency permit must be submitted no later than April 15 of the school year during which it is requested.

(c) The instructional emergency permit may be renewed at the request of the employing school superintendent every year upon completion by the applicant of six (6) semester hours of course work directed toward an initial license in the emergency permit subject area or school setting or verification of appropriate progress by the licensing advisor where the applicant is completing an approved program.

(d) The renewal of an instructional emergency permit requires the recommendation of the Indiana licensing advisor at the institution where the course work toward a planned program was completed, or a letter of recommendation from the equivalent of a licensing advisor at a IPSB-approved institution in another state.

(e) 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- or part-time teacher, administrator, or school services personnel, not including substitute teacher, at any time three (3) years prior to the date of application.

(f) The instructional emergency permit may be renewed up to two (2) additional times in the same content area(s) or school setting(s).

(g) A candidate for an initial license who fails to demonstrate proficiency as required by IC 20-6.1-3-10(a) and is eligible under IC 20-6.1-3-10 and this section for a one (1) year, nonrenewable instructional emergency permit if the following criteria are met:
(1) The candidate holds a baccalaureate degree from a state or IPSB-approved institution.
(2) The candidate has completed an approved teacher education preparation program in the content area requested on the instructional emergency permit.
(3) The candidate has successfully demonstrated proficiency in all three (3) Praxis I tests, Reading, Writing, and Mathematics.
(4) The candidate has taken the Praxis II Specialty Area(s) test in the content area(s), but has not successfully passed it.
(5) Application for the instructional emergency permit is submitted through an employing superintendent who has certified an emergency need for personnel in the subject area(s) or school setting(s) in which the candidate has completed an approved teacher education preparation program.
(6) The application for an instructional emergency permit must be submitted after July 1 of the school year requested, but no later than twelve (12) weeks after the teacher begins actual service. The instructional emergency permit must be submitted no later than April 15 of the school year during which it is requested.

(h) An instructional emergency permit under subsection (g) is:
(1) Not renewable.
(2) Issued only in the content area(s) or school setting(s) in which the candidate has completed an approved teacher education preparation program.

(i) The holder of an instructional emergency permit under subsection (g):
(1) may retake the examination in which proficiency was not demonstrated an unlimited number of times;

(2) is advised to seek remediation in order to demonstrate proficiency on the remaining examination; and
(3) is advised to contact the institution at which the individual completed the teacher education preparation program for counseling concerning remediation.
(Professional Standards Board; 515 IAC 9-1-19; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1176)

515 IAC 9-1-20 Emergency permits for assistant principal
Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 20. (a) An emergency permit for assistant principal 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 assistant principal, the applicant must submit:
(1) An application for an emergency permit for assistant principal 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.
(7) An official transcript showing successful completion of a baccalaureate degree from an institution approved by the board.
(8) Verification of a valid proficient practitioner instructional license, a valid standard, provisional, or professional teaching license with two (2) years of full-time teaching experience or the equivalent valid license in another state with two (2) years of full-time teaching experience.
(9) Verification from the employing school superintendent certifying an emergency need for the position of assistant principal 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 building level administrator and has submitted a written plan for completion of the program. and
(11) An application for an emergency permit for assistant principal must be submitted after July 1 of the school year requested, but no later than twelve (12) weeks after the assistant principal begins actual service. The emergency permit for assistant principal must be submitted no later than April 15 of the school year requested.

(c) The emergency permit for assistant principal may be renewed at the request of the employing school superintendent every year upon completion by the applicant of six (6) semester hours of course work directed toward an administrator license as a building level administrator or verification of appropriate progress as verified by the licensing advisor where the applicant is completing an approved program.

(d) The renewal of an emergency permit for assistant principal 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 assistant principal 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- or part-time teacher, administrator, or school services personnel, not including substitute teacher, at any time three (3) years prior to the date of application.

(g) The holder of the emergency permit for assistant principal 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 assistant principal 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 9-1-20; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1177)*

515 IAC 9-1-21 Emergency permits for building level administrator
Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 21. (a) An emergency permit for building level administrator 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 building level administrator, the applicant must submit:
(1) An application for an emergency permit for building level administrator 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 and completion of twelve (12) semester hours of an approved building level administrator program.
(8) Verification of a valid proficient practitioner instructional license, a valid standard, provisional, or professional teaching license with two (2) years of full-time teaching experience, or the equivalent valid license in another state with two (2) years of full-time teaching experience.
(9) Verification from the employing school superintendent certifying an emergency need for the position of building level administrator 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 building level administrator and has submitted a written plan for completion of the program. and
(11) An application for an emergency permit for building level administrator must be submitted after July 1 of the school year requested, but no later than twelve (12) weeks after the building level administrator begins actual service. The emergency permit for building level administrator must be submitted no later than April 15 of the school year requested.

(c) The emergency permit for building level administrator 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 building level administrator 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 building level administrator 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 building level administrator 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- or part-time teacher, administrator, or school services personnel, not including substitute teacher, at any time three (3) years prior to the date of application.

(g) The holder of the emergency permit for building level administrator 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 building level administrator 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 9-1-21; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1177)*

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:
(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.
(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) 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.
(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 en-

rolled 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- or part-time teacher, administrator, or school services personnel, not including substitute teacher, at any time three (3) years prior to 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)*

515 IAC 9-1-23 Emergency permits for director of curriculum and instruction

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 23. (a) An emergency permit for director of curriculum and instruction 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 curriculum and instruction, the applicant must submit:
(1) An application for an emergency permit for director of curriculum and instruction 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 a valid proficient practitioner instructional license, a valid standard, provisional, or professional teaching license with two (2) years of full-time teaching experience.
(9) Verification from the employing school superintendent certifying an emergency need for the position of director of curriculum and instruction 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 curriculum and instruction 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 curriculum and instruction must be submitted after July 1 of the school year requested, but no later than twelve (12) weeks after the director of curriculum and instruction begins actual service. The emergency permit for director of curriculum and instruction must be submitted no later than April 15 of the school year requested.

(c) The emergency permit for director of curriculum and instruction 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 curriculum and instruction 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 curriculum and instruction 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 curriculum and

instruction 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- or part-time teacher, administrator, or school services personnel, not including substitute teacher, at any time three (3) years prior to the date of application.

(g) The holder of the emergency permit for director of curriculum and instruction 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 curriculum and instruction 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 9-1-23; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1179)*

515 1AC 9-1-24 Emergency permits for director of exceptional needs

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 24. (a) An emergency permit for director of exceptional needs 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 exceptional needs, the applicant must submit:

(1) An application for an emergency permit for director of exceptional needs 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) the following:
(A) A valid exceptional needs proficient practitioner instructional license or a valid communication disorders proficient practitioner instructional license with two (2) years of full-time teaching experience in an exceptional needs program.
(B) A proficient practitioner school services license in school psychology with two (2) years of full-time experience in an exceptional needs program.
(C) A valid special education standard or provisional with two (2) years of full-time teaching experience in an exceptional needs program or professional teaching license in exceptional needs. or
(D) A valid school services personnel license with school psychology or speech, language, and hearing clinician and two (2) years of full-time experience in an exceptional needs program.
(9) Verification from the employing school superintendent certifying an emergency need for the position of director of exceptional needs 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 exceptional needs 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 exceptional needs must be submitted after July 1 of the school year requested, but no later than twelve (12) weeks after the director of exceptional needs begins actual service. The emergency permit for director of exceptional needs must be submitted no later than April 15 of the school year requested.

(c) The emergency permit for director of exceptional needs 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 exceptional needs 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 exceptional needs 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 exceptional needs 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- or part-time teacher, administrator, or school services personnel, not including substitute teacher, at any time three (3) years prior to the date of application.

(g) The holder of the emergency permit for director of exceptional needs 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 exceptional needs 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 9-1-24; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1180)*

515 IAC 9-1-25 Emergency permits for assistant superintendent

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 25. (a) An emergency permit for assistant superintendent 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 assistant superintendent, the applicant must submit:

(1) An application for an emergency permit for assistant superintendent 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 a valid proficient practitioner instructional license, a valid standard, provisional, or professional teaching license with two (2) years of full-time teaching experience.
(9) Verification from the employing school superintendent certifying an emergency need for the position of assistant superintendent 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 assistant superintendent and has a plan for completion of the program as verified by the licensing advisor. and
(11) An application for an emergency permit for assistant superintendent must be submitted after July 1 of the school year requested, but no later than twelve (12) weeks after the assistant superintendent begins actual service. The emergency permit for assistant superintendent must be submitted no later than April 15 of the school year requested.

(c) The emergency permit for assistant superintendent 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 an assistant superintendent 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 assistant superintendent 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 assistant superintendent 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- or part-time teacher, administrator, or school services personnel, not including substitute teacher, at any time three (3) years prior to the date of application.

(g) The holder of the emergency permit for assistant superintendent 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 assistant superintendent and instruction 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 9-1-25; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1181)*

515 IAC 9-1-26 Emergency permits for school counselor

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 26. (a) An emergency permit for school counselor 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 school counselor, the applicant must submit:

(1) An application for an emergency permit for school counselor 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 from the employing school superintendent certifying an emergency need for the position of

school counselor and that the applicant has been assigned a mentor as defined by the school district.
(9) Verification from the licensing advisor where the program will be completed that the candidate has enrolled in an approved program for school counselor and has a plan for completion of the program. and
(10) An application for an emergency permit for school counselor must be submitted after July 1 of the school year requested, but no later than twelve (12) weeks after the school counselor begins actual service. The emergency permit for school counselor must be submitted no later than April 15 of the school year requested.

(c) The emergency permit for school counselor 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 *[sic.]* **school counselor license 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 school counselor 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 school counselor 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- or part-time teacher, administrator, or school services personnel, not including substitute teacher, at any time three (3) years prior to the date of application.

(g) The holder of the emergency permit for school counselor is required to successfully complete all assessments.

(h) Upon completion of the requirements, the holder of the emergency permit for school counselor will be issued an initial practitioner school services license for school counselor. *(Professional Standards Board; 515 IAC 9-1-26; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1181)*

LSA Document #03-11(F)
Notice of Intent Published: 26 IR 1595
Proposed Rule Published: April 1, 2003; 26 IR 2451
Hearing Held: May 27, 2003
Approved by Attorney General: November 20, 2003
Approved by Governor: December 2, 2003
Filed with Secretary of State: December 4, 2003, 3:00 p.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #03-196(F)

DIGEST

Amends 876 IAC 3-6-9 to exempt employees of governmental entities, who are Indiana licensed trainee appraisers, in the course of the governmental entities' activities from the requirements that a certified or licensed appraiser may not be the supervising appraiser for more than two trainees and that the supervising appraiser shall accompany the Indiana licensed trainee appraiser and inspect the subject and comparable properties on the first 50 assignments performed by the trainee and, during the first year the trainee holds an active license, all assignments located more than 50 miles from the supervising appraiser's office. Effective 30 days after filing with the secretary of state.

876 IAC 3-6-9

SECTION 1. 876 IAC 3-6-9, AS AMENDED AT 26 IR 1108, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-6-9 Indiana licensed trainee appraisers; supervision
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 9. (a) This section establishes requirements for the use and supervision of Indiana licensed trainee appraisers.

(b) Indiana licensed trainee appraisers shall be subject to direct supervision (including inspection of all properties except as allowed by subsection (i)) by a supervising appraiser who shall be licensed or certified in Indiana.

(c) The supervisor shall be responsible for the direct supervision of the Indiana licensed trainee appraiser by signing and certifying the report as in compliance with the Uniform Standards of Professional Appraisal Practice.

(d) The Indiana licensed trainee appraiser is permitted to have more than one (1) supervising appraiser in the office of the licensed or certified appraiser holder of record with whom the Indiana licensed appraiser has associated under 876 IAC 3-3-22.

(e) Effective January 1, 2004, a certified or licensed appraiser may not be the supervising appraiser for more than two (2) trainees.

(f) An appraisal log shall be maintained by the Indiana licensed trainee appraiser and supervising appraiser and shall, at a minimum, include the following for each appraisal:
(1) Client name and address.
(2) Address of appraised property.
(3) Description of work performed.

(4) Number of work hours.

(g) The supervising appraiser shall review and sign the appraisal log annually and provide the log to the trainee. It is the responsibility of the trainee to retain the log for submission to the board with any future application for license certification. The trainee shall be entitled to copies of appraisals, including appraisal reports and any work files, ~~which~~ **that** the trainee completes.

(h) Separate appraisal logs shall be maintained by each supervising appraiser.

(i) The Indiana licensed trainee appraiser shall be subject to direct supervision until the Indiana licensed trainee appraiser is competent in accordance with the Competency Provision of the Uniform Standards of Professional Appraisal Practice, as adopted in section 2 of this rule, to perform appraisals for the specific property type. After the Indiana licensed trainee appraiser demonstrates competency, the supervising appraiser is not required to inspect the properties. However, the supervising appraiser must continue to sign and accept full responsibility for all appraisals performed by the Indiana licensed trainee appraiser.

(j) In addition to the requirements in subsection (i), the supervising appraiser shall accompany the Indiana licensed trainee appraiser and inspect the subject and comparable properties on the following appraisal assignments:

(1) The first fifty (50) assignments performed by the trainee.

(2) During the first year the trainee holds an active license, all assignments located more than fifty (50) miles from the supervising appraiser's office.

(k) Subsections (e) and (j) do not apply when an Indiana licensed trainee appraiser is an employee of a governmental entity acting in the course of the governmental entity's activities. *(Indiana Real Estate Commission; 876 IAC 3-6-9; filed Dec 8, 1993, 4:00 p.m.: 17 IR 782; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1108; filed Dec 1, 2003, 9:45 a.m.: 27 IR 1182)*

LSA Document #03-196(F)
Notice of Intent Published: 26 IR 3677
Proposed Rule Published: October 1, 2003; 27 IR 282
Hearing Held: October 23, 2003
Approved by Attorney General: November 17, 2003
Approved by Governor: November 25, 2003
Filed with Secretary of State: December 1, 2003, 9:45 a.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #02-298(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #02-298(F), printed at 27 IR 116:

(1) In 470 IAC 3-4.7-1(12), on page 1 of the original document (27 IR 117), after "IC 12-7-2-28.4", delete ", a nonresidential building where at least one (1) child receives child care from a provider:

(A) while unattended by a parent, legal guardian, or custodian;

(B) for regular compensation; and

(C) for more than four (4) but less that twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays".

(2) In 470 IAC 3-4.7-1(23), on page 2 of the original document (27 IR 117), after "building", delete "safety" and insert "services".

(3) In 470 IAC 3-4.7-1(45), on page 3 of the original document (27 IR 118), after "in", insert "a".

(4) In 470 IAC 3-4.7-1(78), on page 4 of the original document (27 IR 119), after "of", delete "ISDH rule".

(5) In 470 IAC 3-4.7-1(79), on page 4 of the original document (27 IR 119), after "of", delete "IDEM rule".

(6) In 470 IAC 3-4.7-2(a), on page 4 of the original document (27 IR 119), after "the", delete "department of fire and building services (DFBS)" and insert "DFBS".

(7) In 470 IAC 3-4.7-19(a)(5)(C), on page 12 of the original document (27 IR 124), after "unless", delete "the person is"; after "firearms", insert "," and delete "is prohibited"; after "required", delete "to carry a firearm"; and after "of", delete "their".

(8) In 470 IAC 3-4.7-34 *[sic., 470 IAC 3-4.7-34(1)]*, on page 17 of the original document (27 IR 128), after "CPR", insert "and".

(9) In 470 IAC 3-4.7-49(d), on page 22 of the original document (27 IR 131), after "group", insert "children", and after "(36)", delete "month old children" and insert "months of age".

(10) In 470 IAC 3-4.7-49(e), on page 22 of the original document (27 IR 131), after "the", delete "two (2) year olds" and insert "children two (2) *[sic., years]* of age".

(11) In 470 IAC 3-4.7-49(i), on page 22 of the original document (27 IR 131), after "for", delete "two (2) year olds" and insert "children two (2) years of age".

(12) In 470 IAC 3-4.7-49(j), on page 22 of the original document (27 IR 131-132), after "Kindergarten", delete "aged" and insert "age", and after "school", delete "aged" and insert "age".

(13) In 470 IAC 3-4.7-52, on page 23 of the original document (27 IR 132), after "children", delete "age"; after "weeks", insert "of age"; and after "months", insert "of age".

(14) In 470 IAC 3-4.7-52(3), on page 23 of the original document (27 IR 132), after "under", delete "the age of", and after "months", insert "of age".

(15) In 470 IAC 3-4.7-53(b)(3), on page 23 of the original document (27 IR 132), after "at", insert "a".

(16) In 470 IAC 3-4.7-55(e)(2), on page 24 of the original document (27 IR 133), after "control;", delete "and".

(17) In 470 IAC 3-4.7-55(e)(3)(B), on page 24 of the original document (27 IR 133), after "situation;", insert "and".

(18) In 470 IAC 3-4.7-70(d)(1), on page 30 of the original document (27 IR 137), after "with", delete "fire prevention and building safety commission" and insert "FPBSC".

(19) In 470 IAC 3-4.7-76(c), on page 33 of the original document (27 IR 139), after "record", delete "menus" and insert "menu".

(20) In 470 IAC 3-4.7-121(e), on page 53 of the original document (27 IR 153), after "months", delete "old" and insert "of age".

(21) In 470 IAC 3-4.7-125(6), on page 55 of the original document (27 IR 154), after "(6)", delete "children shall have" and insert "provide".

(22) In 470 IAC 3-4.7-130(a)(3), on page 56 of the original document (27 IR 155), after "months", delete "old" and insert "of age".

(23) In 470 IAC 3-4.7-145(d), on page 63 of the original document (27 IR 160), after "with", delete "two (2) year olds" and insert "children two (2) years of age".

(24) In 470 IAC 3-4.7-145(d)(1), on page 63 of the original document (27 IR 160), after "of", delete "two (2) year olds" and insert "children two (2) years of age".

Filed with Secretary of State: November 7, 2003, 2:45 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.

TITLE 511 INDIANA STATE BOARD OF EDUCATION

LSA Document #03-150

Under IC 4-22-2-40, LSA Document #03-150, printed at 26 IR 3938, is recalled.

TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #03-154

Under IC 4-22-2-40, LSA Document #03-154, printed at 27 IR 274, is recalled.

TITLE 872 INDIANA BOARD OF ACCOUNTANCY

LSA Document #03-126

Under IC 4-22-2-40, LSA Document #03-126, printed at 27 IR 277, is recalled.

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-38

Under IC 4-22-2-40, LSA Document #03-38, printed at 26 IR 2687, is recalled.

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-39

Under IC 4-22-2-40, LSA Document #03-39, printed at 26 IR 2688, is recalled.

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-40

Under IC 4-22-2-40, LSA Document #03-40, printed at 26 IR 2689, is recalled.

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-94

Under IC 4-22-2-40, LSA Document #03-94, printed at 26 IR 3745, is recalled.

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-96

Under IC 4-22-2-40, LSA Document #03-96, printed at 26 IR 3745, is recalled.

Notice of Withdrawal

TITLE 326 AIR POLLUTION CONTROL BOARD

#03-201(APCB)

Under IC 4-22-2-41, #03-201(APCB), printed at 26 IR 3757, is withdrawn.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-307(E)

DIGEST

Temporarily adds rules concerning instant game number 673. Effective November 19, 2003.

SECTION 1. **The name of this instant game is "Instant Game Number 673, Secret Santa".**

SECTION 2. **Instant tickets in instant game number 673 shall sell for one dollar ($1) per ticket.**

SECTION 3. **(a) Each instant ticket in instant game number 673 shall contain six (6) 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 in instant game number 673 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) $1,000
ONE THOU

SECTION 4. **The holder of a ticket in instant game number 673 shall remove the latex material covering the six (6) play symbols and play symbol captions. If three (3) matching play symbols and play symbol captions are exposed, the holder is entitled to a prize of the matched amount. The prize amounts and number of winners in instant game number 673 are as follows:**

Matched Play Symbols	Prize Amount	Approximate Number of Winners
3 – $1.00	$1	364,000
3 – $2.00	$2	104,000
3 – $3.00	$3	62,400
3 – $5.00	$5	52,000
3 – $10.00	$10	31,200
3 – $20.00	$20	10,400
3 – $50.00	$50	2,600
3 – $100	$100	1,001
3 – $500	$500	65
3 – $1,000	$1,000	39

SECTION 5. **(a) There shall be approximately three million (3,000,000) instant tickets initially available in instant game number 673.**

(b) The odds of winning a prize in instant game number 673 are approximately 1 in 4.97.

(c) All reorders of tickets for instant game number 673 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 673 is November 30, 2004.**

SECTION 7. **This document expires December 31, 2004.**

LSA Document #03-307(E)
Filed with Secretary of State: November 19, 2003, 2:00 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-308(E)

DIGEST

Temporarily adds rules concerning instant game number 674. Effective November 20, 2003.

SECTION 1. **The name of this instant game is "Instant Game Number 674, Snow Bank".**

SECTION 2. **Instant tickets in instant game number 674 shall sell for one dollar ($1) per ticket.**

SECTION 3. **(a) Each instant ticket in instant game number 674 shall contain nine (9) 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 in instant game number 674 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) $1,000
ONE THOU
(11) $3,000
THR THOU
(12) A picture of a stack of money
TRIPLE

SECTION 4. **The holder of a ticket in instant game number 674 shall remove the latex material covering the nine (9) play symbols and play symbol captions. If three (3) matching play symbols and play symbol captions are exposed, the holder is entitled to a prize of the matched amount. If two (2) matching play symbols and play symbol captions and the play symbol of a stack of money is exposed, the holder is entitled to a prize of triple the matched prize amount. The prize amounts and number of winners in instant game number 674 are as follows:**

Matched Play Symbols	Prize Amount	Approximate Number of Winners
3 – $1.00	$1	537,000
3 – $2.00	$2	33,600
3 – $3.00	$3	22,400
2 – $1.00 triple	$3	22,400
3 – $5.00	$5	56,000
2 – $2.00 triple	$6	22,400
3 – $10.00	$10	11,200
2 – $5.00 triple	$15	11,200
3 – $20.00	$20	11,200
3 – $50.00	$50	4,228
3 – $100	$100	700
3 – $500	$500	14
3 – $1,000 triple	$3,000	6
3 – $3,000	$3,000	6

SECTION 5. **(a) There shall be approximately three million (3,000,000) instant tickets initially available in instant game number 674.**

(b) The odds of winning a prize in instant game number 674 are approximately 1 in 4.58.

(c) All reorders of tickets for instant game number 674 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 674 is November 30, 2004.**

SECTION 7. **This document expires December 31, 2004.**

LSA Document #03-308(E)
Filed with Secretary of State: November 20, 2003, 2:10 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-309(E)

DIGEST

Temporarily adds rules concerning instant game number 675. Effective November 20, 2003.

SECTION 1. **The name of this instant game is "Instant Game Number 675, Holiday Package".**

SECTION 2. **Instant tickets in instant game number 675 shall sell for two dollars ($2) per ticket.**

SECTION 3. **(a) Each instant ticket in instant game number 675 shall contain twenty-three (23) play symbols and play symbol captions all concealed under a large spot of latex material. Three (3) play symbols and play symbol captions shall appear in the upper right corner of the game play data area in a box labeled "WINNING NUMBERS". Twenty (20) play symbols and play symbol captions shall appear in the larger box labeled "YOUR NUMBERS" 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
THR

(4) 4
FOR
(5) 5
FIV
(6) 6
SIX
(7) 7
SVN
(8) 8
EGT
(9) 9
NIN
(10) 10
TEN
(11) 11
ELV
(12) 12
TLV
(13) 13
TRN
(14) 14
FRN
(15) 15
FTN
(16) 16
SXT
(17) 17
SVT
(18) 18
ETN
(19) 19
NTN
(20) 20
TWY
(21) 21
TTO
(22) 22
TTT
(23) 23
TTR
(24) 24
TWF
(25) 25
TWV
(26) 26
TWS
(27) 27
TSN
(28) 28
TWE
(29) 29
TWN
(30) A picture of a dollar bill
WIN
(31) A picture of a candy cane
DOUBLE

(c) The play symbols representing prize amounts shall consist of the following possible play symbols:
(1) $2.00
TWO
(2) $3.00
THREE
(3) $4.00
FOUR
(4) $5.00
FIVE
(5) $10.00
TEN
(6) $15.00
FIFTEEN
(7) $20.00
TWENTY
(8) $25.00
TWY FIVE
(9) $50.00
FIFTY
(10) $100
ONE HUN
(11) $1,000
ONE THOU
(12) $20,000
TWY THOU

SECTION 4. **The holder of a ticket in instant game number 675 shall remove the latex material covering the twenty-three (23) play symbols and play symbol captions. If one (1) or more of the play symbols and play symbol captions exposed in the "YOUR NUMBERS" box match any of the play symbols and play symbol captions exposed in the "WINNING NUMBERS" box, the holder is entitled to the paired prize amount. If the play symbol of a "dollar bill" is exposed, the holder is automatically entitled to fifty dollars ($50). If the play symbol of a "candy cane" is exposed, the holder is entitled to double the paired prize amount. The prize amounts and number of winners in instant game number 675 are as follows:**

Number of Matches and Matched Prize Amounts	Total Prize Amount	Approximate Number of Winners
1 – $2.00	$2	138,600
1 – $3.00	$3	100,800
1 – $2.00 double	$4	113,400
1 – $4.00	$4	63,000
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	6,300
1 – $5.00 double	$10	6,300
1 – $10.00	$10	12,600
1 – $5.00 + 1 – $5.00 double	$15	12,600
1 – $15.00	$15	12,600

10 – $2.00	**$20**	**12,600**
4 – $5.00	**$20**	**6,300**
1 – $20.00	**$20**	**6,300**
10 – $5.00	**$50**	**315**
5 – $10.00	**$50**	**315**
1 – dollar bill symbol	**$50**	**315**
5 – $10.00 + dollar bill symbol	**$100**	**210**
10 – $10.00	**$100**	**210**
1 – $100	**$100**	**210**
2 – $25.00 + dollar bill symbol + 4 – $100	**$500**	**10**
10 – $100	**$1,000**	**5**
1 – $1,000	**$1,000**	**5**
1 – $20,000	**$20,000**	**4**

SECTION 5. **(a) There shall be approximately two million five hundred (2,500,000)** *[sic.]* **instant tickets initially available in instant game number 675.**

(b) The odds of winning a prize in instant game number 675 are approximately 1 in 4.24.

(c) All reorders of tickets for instant game number 675 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 675 is November 30, 2004.**

SECTION 7. **This document expires December 31, 2004.**

LSA Document #03-309(E)
Filed with Secretary of State: November 20, 2003, 2:10 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-310(E)

DIGEST

Adds 65 IAC 4-335 concerning instant game number 676. Effective November 20, 2003.

65 IAC 4-335

SECTION 1. 65 IAC 4-335 IS ADDED TO READ AS FOLLOWS:

Rule 335. Instant Game 676

65 IAC 4-335-1 Name
Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 1. The name of this instant game is "Instant Game Number 676, Blazin' Bingo Doubler". *(State Lottery Commission; 65 IAC 4-335-1; emergency rule filed Nov 20, 2003, 2:10 p.m.: 27 IR 1190)*

65 IAC 4-335-2 Ticket price
Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 2. Instant tickets for instant game number 676 shall sell for two dollars ($2) per ticket. *(State Lottery Commission; 65 IAC 4-335-2; emergency rule filed Nov 20, 2003, 2:10 p.m.: 27 IR 1190)*

65 IAC 4-335-3 Play symbols
Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 3. (a) Instant tickets for instant game number 676 shall have four (4) separate and independent game play data areas, with the game play data area in the upper right side of each instant ticket referred to as "CALLER'S CARD". The game play data area on each instant ticket shall have four (4) separate games labeled "CARD 1", "CARD 2", "CARD 3", and "CARD 4", respectively. The "CALLER'S CARD" shall have twenty-four (24) play symbols arranged in a matrix of four (4) rows and six (6) columns. "CARD 1", "CARD 2", "CARD 3", and "CARD 4" shall have twenty-five (25) play symbols arranged in a matrix of five (5) rows and five (5) columns. The columns on each card shall be labeled B, I, N, G, and O, respectively.

(b) The play symbols for "CARD 1", "CARD 2", "CARD 3", and "CARD 4" shall consist of the following possible play symbols:

SYMBOL	SYMBOL	SYMBOL	SYMBOL	SYMBOL
1	16	31	46	61
2	17	32	47	62
3	18	33	48	63
4	19	34	49	64
5	20	35	50	65
6	21	36	51	66
7	22	37	52	67
8	23	38	53	68
9	24	39	54	69
10	25	40	55	70
11	26	41	56	71
12	27	42	57	72
13	28	43	58	73
14	29	44	59	74
15	30	45	60	75
		FREE		

(c) The play symbols for "CALLER'S CARD" shall consist of the following possible play symbols:

SYMBOL	SYMBOL	SYMBOL	SYMBOL	SYMBOL
B1	I16	N31	G46	O61
B2	I17	N32	G47	O62
B3	I18	N33	G48	O63
B4	I19	N34	G49	O64
B5	I20	N35	G50	O65
B6	I21	N36	G51	O66
B7	I22	N37	G52	O67
B8	I23	N38	G53	O68
B9	I24	N39	G54	O69
B10	I25	N40	G55	O70
B11	I26	N41	G56	O71
B12	I27	N42	G57	O72
B13	I28	N43	G58	O73
B14	I29	N44	G59	O74
B15	I30	N45	G60	O75

(State Lottery Commission; 65 IAC 4-335-3; emergency rule filed Nov 20, 2003, 2:10 p.m.: 27 IR 1190)

65 IAC 4-335-4 How to play
Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 4. The holder of an instant ticket for instant game 676 must remove the latex material covering the twenty-four (24) play symbols on the upper right side of the game play data area labeled "CALLER'S CARD". *(State Lottery Commission; 65 IAC 4-335-4; emergency rule filed Nov 20, 2003, 2:10 p.m.: 27 IR 1191)*

65 IAC 4-335-5 "Winning play" defined
Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 5. (a) For purposes of this rule, "winning play" means play symbols on "CARD 1", "CARD 2", "CARD 3", or "CARD 4", or a combination thereof, which match "CALLING CARD" play symbols in any of the following manners:

(1) Five (5) play symbols in a vertical, horizontal, or diagonal line.

(2) If the five (5) play symbols in a vertical, horizontal, or diagonal line are marked with "red", the corresponding prize is doubled.

(3) One (1) play symbol in each corner.

(4) Eight (8) play symbols arranged from corner to corner in the form of an "X".

(5) If the eight (8) play symbols arranged from corner to corner in the form of an "X" are marked with "red", the corresponding prize is doubled.

(b) There shall be no more than one (1) winning play in "CARD 1", "CARD 2", "CARD 3", or "CARD 4", respectively, on a single instant ticket in instant game 676. *(State Lottery Commission; 65 IAC 4-335-5; emergency rule filed Nov 20, 2003, 2:10 p.m.: 27 IR 1191)*

65 IAC 4-335-6 "Pack" defined
Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 6. For purposes of instant game number 676, "pack" means a set of instant tickets each bearing a common pack number, fan-folder in strips of one (1) ticket. *(State Lottery Commission; 65 IAC 4-335-6; emergency rule filed Nov 20, 2003, 2:10 p.m.: 27 IR 1191)*

65 IAC 4-335-7 Number of prizes
Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 7. The holder of a valid instant ticket having a winning play as described in section 5 of this rule is entitled to a prize. The prize amounts and number of winners in instant game number 676 are as follows:

Winning Cards and Winning Plays	Prize Amount	Approximate Number of Winners
CARD 1 – 5(a)(1)	$2	306,000
CARD 2 – 5(a)(1)	$3	244,800
CARD 1 – 5(a)(2)	$4	102,000
CARD 1 – 5(a)(1) and CARD 2 – 5(a)(1)	$5	81,600
CARD 2 – 5(a)(2)	$6	102,000
CARD 3 – 5(a)(1)	$10	20,400
CARD 3 – 5(a)(2)	$20	20,400
CARD 4 – 5(a)(1)	$25	19,720
CARD 1 – 5(a)(1), CARD 2 – 5(a)(1), and CARD 4 – 5(a)(1)	$30	8,500
CARD 1 – 5(a)(1), CARD 2 – 5(a)(1), CARD 3 – 5(a)(1) and CARD 4 – 5(a)(1)	$40	5,100
CARD 2 – 5(a)(3)	$50	3,400
CARD 4 – 5(a)(2)	$50	3,400
CARD 1 and CARD 3 – 5(a)(3) and CARD 4 – 5(a)(1)	$200	544
CARD 1 and CARD 2 and CARD 3 – 5(a)(3) and CARD 4 – 5(a)(1)	$250	340
CARD 2 – 5(a)(4)	$250	340

CARD 4 – 5(a)(3)	**$250**	**340**
CARD 1 – 5(a)(5)	**$300**	**170**
CARD 3 – 5(a)(5)	**$2,000**	**34**
CARD 4 – 5(a)(5)	**$10,000**	**10**

(State Lottery Commission; 65 IAC 4-335-7; emergency rule filed Nov 20, 2003, 2:10 p.m.: 27 IR 1191)

65 IAC 4-335-8 Number of tickets; odds; reorders
Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 8. (a) A total of approximately four million (4,000,000) instant tickets will be initially available for instant game number 676.

(b) The odds of winning a prize with an instant ticket in instant game number 676 are approximately 1 in 4.44.

(c) All reorders of tickets for instant game number 676 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. *(State Lottery Commission; 65 IAC 4-335-8; emergency rule filed Nov 20, 2003, 2:10 p.m.: 27 IR 1192)*

65 IAC 4-335-9 Last day to claim prizes
Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 9. Players will have up to sixty (60) days from the end of instant game 676 within which to claim their prizes. The last day to claim a prize in instant game number 676 is sixty (60) days after the end of the game. Game end dates are available on the commission's Web site at www.hoosierlottery.com or may be obtained through the commission's toll-free customer service number or from any instant ticket retailer. *(State Lottery Commission; 65 IAC 4-335-9; emergency rule filed Nov 20, 2003, 2:10 p.m.: 27 IR 1192)*

LSA Document #03-310(E)
Filed with Secretary of State: November 20, 2003, 2:10 p.m.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-306(E)

DIGEST

Temporarily amends 312 IAC 9-3-7 to govern hunting white-tailed deer in a designated county under an extra deer license. Effective November 15, 2003.

SECTION 1. **(a) As anticipated by 312 IAC 9-3-7, this SECTION governs hunting deer under an extra deer license.**

(b) This SECTION is supplemental to 312 IAC 2-2 and governs the activities of an individual who is either:
(1) issued a license to take an extra deer under IC 14-22-12-1(18) or IC 14-22-12-1(19); or
(2) hunting under IC 14-22-11-1 with the use of an extra deer license under IC 14-22-12-1(18) or IC 14-22-12-1(19).

(c) No person may take an antlerless deer under this SECTION unless in possession of an antlerless deer license issued by the department of natural resources, division of fish and wildlife, under this SECTION.

(d) The season for hunting deer under this SECTION is as follows:
(1) From November 15, 2003, through November 30, 2003, with bow and arrows or firearms.
(2) From December 6, 2003, through January 4, 2004, with bow and arrows or crossbows.
(3) From December 6, 2003, through December 21, 2003, with muzzle loading guns.

(e) The seasonal limit for hunting under this SECTION is one (1) antlerless deer for each license issued under this SECTION.

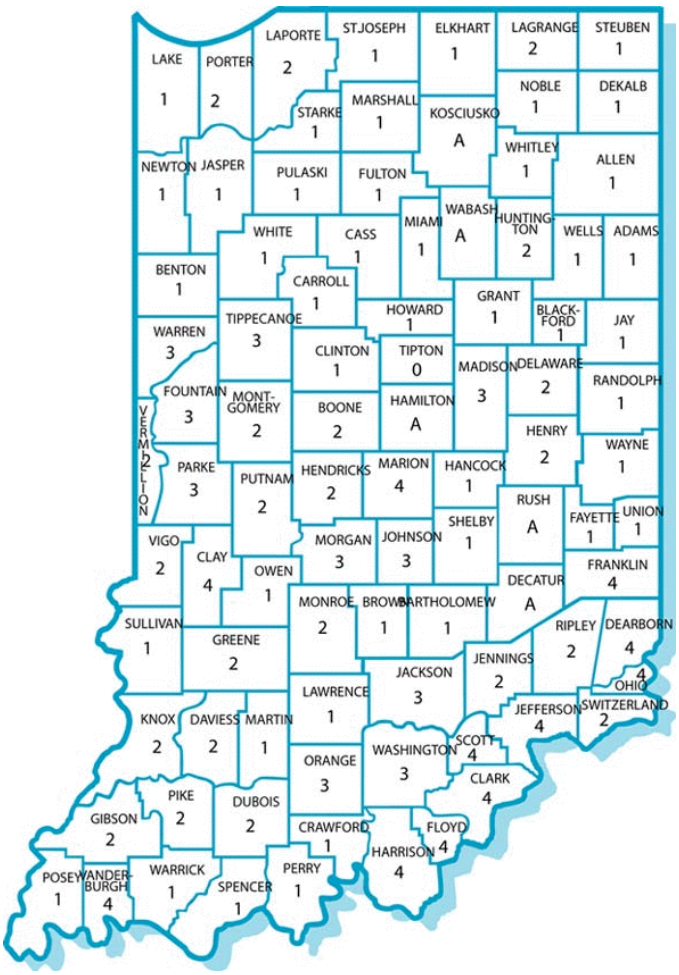
(f) A person who hunts under this SECTION must obtain an extra deer license for each deer. 312 IAC 9-3-2, that governs the use of tags, applies to extra tags.

(g) A person who hunts under this SECTION may use bow and arrows, crossbow, or any firearms that may otherwise be lawfully used to take deer under 312 IAC 9-3.

(h) 312 IAC 9-3-3(d) through 312 IAC 9-3-3(g), and 312 IAC 9-3-4(d) through 312 IAC 9-3-4(g), apply to a license issued under this SECTION.

(i) The seasonal bag limit for taking antlerless deer under this SECTION is four (4) from Indiana.

(j) Except as provided in subsection (k), the county bag limit must not be exceeded from each county as set forth in the following map:



(k) For a county marked on the map in subsection (j) with the letter "A", the county bag limit is one (1) antlerless deer. The deer must be taken from November 27 through November 30, 2003, or December 6, 2003, through January 4, 2004.

(l) The extra deer license authorized by this SECTION does not apply to the department properties listed in this subsection. The license is invalid on these properties:

(1) Atterbury Fish and Wildlife Area.
(2) Blue Grass Fish and Wildlife Area.
(3) Brush Creek Fish and Wildlife Area.
(4) Chinook Fish and Wildlife Area.
(5) Crosley Fish and Wildlife Area.
(6) Francis Slocum State Forest.
(7) Glendale Fish and Wildlife Area.
(8) Green-Sullivan State Forest.
(9) Hardy Lake (including adjacent lands administered by the department of natural resources).
(10) Hillenbrand Fish and Wildlife Area.
(11) Hovey Lake Fish and Wildlife Area.
(12) Huntington Lake (including adjacent lands administered by the department of natural resources).
(13) Jasper Pulaski Fish and Wildlife Area.
(14) Kankakee Fish and Wildlife Area.
(15) Kingsbury Fish and Wildlife Area.
(16) Lasalle Fish and Wildlife Area.
(17) Minnehaha Fish and Wildlife Area.
(18) Mississinewa Lake (including adjacent lands administered by the department of natural resources).
(19) Patoka Lake, except east of State Road 145 (in Orange County and Crawford County) and south of State Road 164 (in Dubois County and Crawford County).
(20) Pigeon River Fish and Wildlife Area.
(21) Salamonie Lake (including adjacent lands administered by the department of natural resources).
(22) Salamonie State Forest.
(23) Splinter Ridge Fish and Wildlife Area.
(24) Sugar Ridge Fish and Wildlife Area.
(25) Tri-County Fish and Wildlife Area.
(26) Wilbur Wright Fish and Wildlife Area.
(27) Willow Slough Fish and Wildlife Area.
(28) Winamac Fish and Wildlife Area.

SECTION 2. **SECTION 1 of this document expires February 1, 2004.**

LSA Document #03-306(E)
Filed with Secretary of State: November 14, 2003, 10:00 a.m.

Notice of Rule Adoption

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #03-164

Under IC 12-8-3-4.4, LSA Document #03-164, printed at 26 IR 3929, was adopted on November 10, 2003, which 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. The amendments include conforming changes and other changes to reflect current operant policies. The rule which was adopted is a different version than the proposed rule which was published in the Indiana Register on September 1, 2003.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #03-184

Under IC 12-8-3-4.4, LSA Document #03-184, printed at 27 IR 258, was adopted on December 8, 2003, which amends 405 IAC 5-20 to add coverage and reimbursement limitations for psychiatric residential treatment facility (PRTF) services for children under twenty-one (21) years of age. Adds 405 IAC 1-21 setting forth the reimbursement criteria for PRTF services. The rule which was adopted is a different version than the proposed rule which was published in the Indiana Register on October 1, 2003.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #03-206

Under IC 12-8-3-4.4, LSA Document #03-206, printed at 27 IR 266, was adopted on December 5, 2003 which amends 405 IAC 5-24-7 to revise copayment structure for drugs reimbursed by Medicaid and specify that all covered drugs dispensed will be subject to a three dollar copayment. The rule which was adopted is the same version as the proposed rule which was published in the Indiana Register on October 1, 2003.

TITLE 326 AIR POLLUTION CONTROL BOARD

#03-285(APCB)

The Air Pollution Control Board gives notice that the date of the public hearing for consideration of preliminary adoption of #03-285(APCB), printed at 27 IR 584, 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 ***March 3, 2004*** *at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on 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 preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Susan Bem, Rules Development Section, Office of Air Quality, (317) 233-5697 or (800) 451-6027, press 0, and ask for extension 3-5697 (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 327 WATER POLLUTION CONTROL BOARD

LSA Document #01-51

The Water Pollution Control Board gives notice that the date of the public hearing for LSA Document #01-51, printed at 26 IR 3690, 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 ***January 14, 2004*** *at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Water Pollution Control Board will hold a public hearing on new rules at 327 IAC 15-15 and amendments to rules at 327 IAC 5-4-3, the CAFO NPDES general permit rules.*

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 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 Lynn West, Rules, Planning and Outreach Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

or call (317) 233-0855, TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Land Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, 11th Floor, Indianapolis, Indiana, and are open for public inspection.

Bruce H. Palin
Deputy Assistant Commissioner
Office of Land Quality

Change in Notice of Public Hearing

TITLE 550 BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND

LSA Document #03-100

The Board of Trustees of the Indiana State Teachers' Retirement Fund gives notice that the date of the public hearing for LSA Document #03-100, printed at 26 IR 3710, 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 ***January 30, 2004*** *at 2:00 p.m., at the Board of Trustees of the Indiana State Teachers' Retirement Fund, 150 West Market Street, Suite 300, Indianapolis, Indiana the Board of Trustees of the Indiana State Teachers' Retirement Fund will hold a public hearing on a proposed new rule regarding the pickup of additional member contributions to a member's annuity savings account. Send written comments to: Thomas N. Davidson, General Counsel, Indiana State Teachers' Retirement Fund, 150 West Market Street, Suite 300, Indianapolis, Indiana 46204. Copies of these rules are now on file at the Indiana State Teachers' Retirement Fund, 150 West Market Street, Suite 300 and the Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Thomas N. Davidson
General Counsel
Board of Trustees of the Indiana State Teachers' Retirement Fund

TITLE 550 BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND

LSA Document #03-155

The Board of Trustees of the Indiana State Teachers' Retirement Fund gives notice that the date of the public hearing for LSA Document #03-155, printed at 26 IR 3944, 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 ***January 30, 2004*** *at 1:00 p.m., at the Board of Trustees of the Indiana State Teachers' Retirement Fund, 150 West Market Street, Suite 300, Indianapolis, Indiana the Board of Trustees of the Indiana State Teachers' Retirement Fund will hold a public hearing on proposed amendments regarding counting vacation time payments as compensation. Send written comments to: Thomas N. Davidson, General Counsel, Indiana State Teachers' Retirement Fund, 150 West Market Street, Suite 300, Indianapolis, Indiana 46204. Copies of these rules are now on file at the Indiana State Teachers' Retirement Fund, 150 West Market Street, Suite 300 and the Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Thomas N. Davidson
General Counsel
Board of Trustees of the Indiana State Teachers' Retirement Fund

TITLE 872 INDIANA BOARD OF ACCOUNTANCY

LSA Document #03-126

The Indiana Board of Accountancy gives notice that the date of the public hearing for LSA Document #03-126, printed at 27 IR 277, 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 ***February 20, 2004*** *at* ***10:30 a.m.****, in the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 4, Indianapolis, Indiana the Indiana Board of Accountancy will hold a public hearing on proposed amendments to implement rule changes to facilitate the computerization of the Uniform CPA examination based on P.L.6-2003 (House Enrolled Act 1183). 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

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-39

The Alcohol and Tobacco Commission gives notice that the date of the public hearing for LSA Document #03-39, printed at 26 IR 2688, 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 ***January 26, 2004****, at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on proposed amendments to the rules governing temporary permits. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Mark C. Webb
Executive Secretary
Alcohol and Tobacco Commission

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-40

The Alcohol and Tobacco Commission gives notice that the date of the public hearing for LSA Document #03-40, printed at 26 IR 2689, 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 ***January 26, 2004****, at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana, the Alcohol and Tobacco Commission will hold a public hearing on proposed rules governing the operation of clubs on Sundays and on "guest nights". Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Mark C. Webb
Executive Secretary
Alcohol and Tobacco Commission

Notice of Intent to Adopt a Rule

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-311

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends the provisions that govern the following administrative rule amendments: ice fishing structure, portable ice fishing shelter, general requirements for deer hunting, hunting deer by firearms, hunting deer by bow and arrows, commercial processing of deer, beavers, foxes, coyotes, skunks, minks, muskrats, long-tailed weasels, opossums, raccoons, taking squirrels to protect property, squirrels, Hungarian partridges, ruffed grouse, wild turkeys, endangered species of birds, collection and possession of reptiles and amphibians native to Indiana, sale and transport for sale of reptiles and amphibians, reptile captive breeding license, special purpose turtle possession permit, endangered species of fish, sport fishing methods for ice fishing, largemouth bass, trout, rehabilitation permit, special purpose educational permit, handicapped hunting permit, special purpose salvage permit, aquaculture permit and wild animal possession permit. Questions concerning the proposed rule amendments may be directed to the following telephone number: (317) 232-4080 or e-mail lpetercheff@dnr.state.in.us. Statutory authority: IC 14-10-2-4; IC 14-22-2-6.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-316

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Adds 312 IAC 5-12.5-1 concerning the boat excise tax. Would 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. Questions or comments may be directed to slucas@dnr.state.in.us or by telephone at 317-233-3322. Statutory authority: IC 6-6-11-24.

TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #03-330

Under IC 4-22-2-23, the Division of Family and Children intends to adopt a rule concerning the following:

OVERVIEW: To revise, update, and clarify miscellaneous provisions of 470 IAC 3-1.1. Statutory authority: IC 12-13-5-3; IC 12-17.2-2-4.

TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #03-320

Under IC 4-22-2-23, the Professional Standards Board intends to adopt a rule concerning the following:

OVERVIEW: Amends 515 IAC 1-4-1 and 515 IAC 1-4-2 relating to testing requirements for certain Indiana teaching licenses issued by the Professional Standards Board. Public comments are invited and may be directed to Marie Theobald, Executive Director, Indiana Professional Standards Board, 101 W. Ohio Street, Indianapolis, IN 46204. Statutory authority: IC 20-1-1.4-7.

TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #03-321

Under IC 4-22-2-23, the Professional Standards Board intends to adopt a rule concerning the following:

OVERVIEW: Amends 515 IAC 8 relating to certain requirements for the initial practitioner license issued by the Professional Standards Board. Public comments are invited and may be directed to Marie Theobald, Executive Director, Indiana Professional Standards Board, 101 W. Ohio Street, Indianapolis, IN 46204. Statutory authority: IC 20-1-1.4-7.

TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #03-322

Under IC 4-22-2-23, the Professional Standards Board intends to adopt a rule concerning the following:

OVERVIEW: 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. Public comments are invited and may be directed to Marie Theobald, Executive Director, Indiana Professional Standards Board, 101 W. Ohio Street, Indianapolis, IN 46204. Statutory authority: IC 20-1-1.4-7.

TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT

LSA Document #03-317

Under IC 4-22-2-23, the Department of Workforce Develop-

ment intends to adopt a rule concerning the following:

OVERVIEW: Adds 646 IAC 3-1-12 concerning the wage reporting requirements pertaining to professional employer organizations. Adds 646 IAC 3-1-13 concerning the respective liabilities of a professional employer organization and its client company for unemployment insurance contributions. Adds 646 IAC 3-4-11 concerning the definition of a professional employer organization with respect to qualifying as an employer. Modifies 646 IAC 3-5-1 concerning corporate officers and directors. Public comments are invited. Statutory authority: IC 22-4-18-1.

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #03-323

Under IC 4-22-2-23, the Fire Prevention and Building Safety Commission intends to adopt a rule concerning the following:

OVERVIEW: To amend the Indiana Residential Code, 675 IAC 14-4.2, to add standards for visitability of Class 2 structures and Class 1 Townhouses so that, if desired, limited accessibility may be provided in these structures. 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. Statutory authority: IC 22-13-2-2; IC 22-13-2-13.

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #03-325

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

OVERVIEW: Amends 844 IAC 4-4.5-12 to revise the passing requirements for the United States Medical Licensing Examination (USMLE). Questions or comments concerning the proposed rules may be directed to: Board Director, Indiana Government Center-South, 402 West Washington Street, Room W066, Indianapolis, Indiana 46204 or by electronic mail to ajones@hpb.state.in.us. Statutory authority: IC 25-22.5-2-7.

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #03-329

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

OVERVIEW: Amends 844 IAC 10-4-1 concerning mandatory registration; renewal of certified occupational therapists and occupational therapy assistants. Effective 30 days after filing with the secretary of state. Public comments are invited and may be directed to Indiana Medical Licensing Board, 402 West Washington Street, Room W066, Indianapolis, Indiana 46204 or by electronic mail to tthompson@hpb.state.in.us. Statutory authority: IC 25-23.5-2-6.

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #03-331

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

OVERVIEW: Amends 844 IAC 10-5-15 concerning a limit on the number of temporary permit applications. Effective 30 days after filing with the secretary of state. Public comments are invited and may be directed to Indiana Medical Licensing Board, 402 West Washington Street, Room W066, Indianapolis, Indiana 46204 or by electronic mail to tthompson@hpb.state.in.us. Statutory authority: IC 25-23.5-2-5; IC 25-23.5-2-6.

TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #03-326

Under IC 4-22-2-23, the Indiana Board of Pharmacy intends to adopt a rule concerning the following:

OVERVIEW: Amends 856 IAC 1-33-1 to revise the definition of counseling and to add the definitions of offer and patient. Amends 856 IAC 1-33-2 to revise the requirements for patient counseling. Amends 856 IAC 1-33-4 to revise the institutional patient exception. Establish the requirements for an offer. Establish the grounds for discipline for patient counseling violations. Questions or comments concerning the proposed rules may be directed to: Indiana Board of Pharmacy, ATTENTION: Board Director, 302 West Washington Street, Room W066, Indianapolis, IN 46204-2700 or via e-mail at jbolin@hpb.state.in.us. Statutory authority: IC 25-26-13-4.

TITLE 862 PRIVATE DETECTIVES LICENSING BOARD

LSA Document #03-313

Under IC 4-22-2-23, the Private Detectives Licensing Board intends to adopt a rule concerning the following:

OVERVIEW: Amends 862 IAC 1-1-3 to modify the experience requirements established under IC 25-30-1-8 for a private detective license to address the areas of employment to meet the experience requirements. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, Attention: Board Director, 302 West Washington Street, Room E034, Indianapolis, IN 46204-2700 or via e-mail at pla11@pla.state.in.us. Statutory authority: IC 25-30-1-5.5.

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-318

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 905 IAC 1-27-2 to provide that the acts that constitute having a permit premises declared a public nuisance need not be confined to a permit premises, but may extend to areas outside the permit premises, if they are owned by a permittee or used by the patrons of permittees, such as parking lots, or other space inside a building that houses a permit premises. Effective 30 days after filing with the secretary of state. Questions concerning the proposed rule may be directed to Mark C. Webb, Executive Secretary, Alcohol and Tobacco Commission, at (317) 232-2472. Statutory authority: IC 7.1-2-3-7.

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-319

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 905 IAC 1-45 to clarify the information required to be provided and maintained in the course of the retail sales of beer kegs. Questions concerning the proposed rule may be directed to Mark C. Webb, Executive Secretary, at 232-2472. Statutory authority: IC 7.1-2-3-7.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #03-203

DIGEST

Amends 312 IAC 11-3-1 and 312 IAC 11-4-3 to allow bulkhead seawalls or previously authorized seawalls to be refaced with glacial stone, under a general license, regardless of the number of times the existing bulkhead or authorized seawall has previously been refaced. Effective 30 days after filing with the secretary of state.

312 IAC 11-3-1
312 IAC 11-4-3

SECTION 1. 312 IAC 11-3-1 IS AMENDED TO READ AS FOLLOWS:

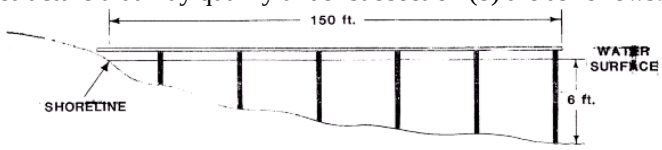
312 IAC 11-3-1 General licenses for qualified temporary structures; dry hydrants; glacial stone refaces

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23
Affected: IC 14-26-2

Sec. 1. (a) The placement and maintenance of a temporary structure, a dry hydrant, or a glacial stone reface is authorized without a written license issued by the department under IC 14-26-2 and this rule if the temporary structure, dry hydrant, or glacial stone reface qualifies under this section.

(b) In order for a temporary structure to qualify, the structure must satisfy each of the following:
(1) Be easily removable.
(2) Not infringe on the access of an adjacent landowner to the public freshwater lake.
(3) Not unduly restrict navigation.
(4) Not be unusually wide or long relative to similar structures within the vicinity on the same public freshwater lake.
(5) Not extend more than one hundred fifty (150) feet from the legally established or average normal waterline or shoreline.
(6) If a pier, not extend over water that is continuously more than six (6) feet deep to a distance of one hundred fifty (150) feet from the legally established or average normal waterline or shoreline.
(7) Not be a marina.
(8) Be placed by or with the acquiescence of a riparian owner.

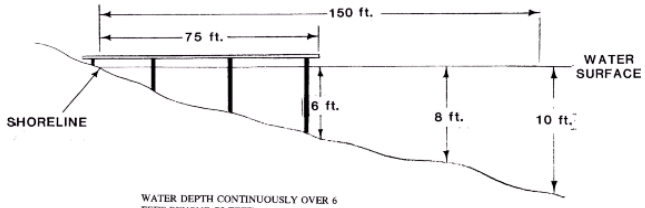
(c) Illustrations of maximum lengths for a pier or similar structure that may qualify under subsection (b) are as follows:



WATER DEPTH 6 FEET OR LESS FROM SHORELINE TO 150 FEET

MAXIMUM PIER LENGTH = 150 FEET

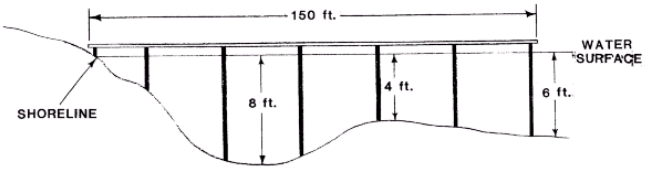
Where the water depth is six (6) feet or less from the shoreline to one hundred fifty (150) feet from the shoreline, the maximum pier length is one hundred fifty (150) feet.



WATER DEPTH CONTINUOUSLY OVER 6 FEET BEYOND 75 FEET

MAXIMUM PIER LENGTH = 75 FEET

Where the maximum water depth is continuously more than six (6) feet beyond seventy-five (75) feet from the shoreline, the maximum pier length is seventy-five (75) feet.



WATER DEPTH NOT CONTINUOUSLY OVER 6 FEET FROM SHORELINE TO 150 FEET

MAXIMUM PIER LENGTH = 150 FEET

Where the maximum water depth is not continuously over six (6) feet from the shoreline, the maximum pier length is one hundred fifty (150) feet.

(d) In order for the placement, maintenance, and operation of a dry hydrant to qualify, the hydrant must satisfy each of the following:
(1) Be sponsored or owned by a volunteer or full-time fire department recognized by the public safety training institute.
(2) Be readily accessible from an all-weather road, public access site, or similar area.
(3) Have a diameter of at least six (6) inches.
(4) Be constructed of PVC pipe or a similar nontoxic material.
(5) Extend no more than one hundred fifty (150) feet from the waterline or shoreline.
(6) Have all portions of the hydrant and its in-lake accessories be at least five (5) feet below the legally established or average normal water level.
(7) Be marked with a danger buoy, which conforms to ~~310 IAC 2.1-4-6(a)(1),~~ **312 IAC 5-4-6(a)(1),** at the lakeward end of the hydrant.
(8) Be equipped with a screen or straining device on the lakeward end.
(9) Glacial stone or riprap only may be placed in or on the lakebed for either of the following:
(A) Bedding the intake pipe.
(B) Straining the intake water.
(10) Be approved by the riparian landowner.

(e) In order for the placement of glacial stone on the lakeward side of a seawall that is located within or along the waterline or shoreline of a public freshwater lake to qualify, the glacial stone reface must satisfy each of the following:

~~(1) The existing seawall must not have been previously refaced.~~

~~(2)~~ **(1)** The seawall reface must be comprised exclusively of glacial stone.

~~(3)~~ **(2)** The reface must not extend more than four (4) feet lakeward of the waterline or shoreline at the base of **either of the following:**

(A) The ~~existing wall~~ **lakeward face of a seawall licensed by the department.**

(B) Any bulkhead seawall.

~~(4)~~ **(3)** A walk or structural tie must not be constructed on the existing seawall in combination with the glacial stone reface.

~~(5)~~ **(4)** An impermeable material must not be placed behind or beneath the glacial stone reface.

~~(6)~~ **(5)** Filter cloth placed behind or beneath the glacial stone reface must be properly anchored to prevent displacement or flotation.

~~(7)~~ **(6)** Erosion from disturbed areas landward of the waterline or shoreline must be controlled to prevent its transport into the lake.

(Natural Resources Commission; 312 IAC 11-3-1; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2223; filed Jan 23, 2001, 10:05 a.m.: 24 IR 1614)

SECTION 2. 312 IAC 11-4-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-4-3 Seawall refacing

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23
Affected: IC 14-26-2

Sec. 3. (a) A written license under IC 14-26-2 and this rule is required to reface on the lakeward side of a seawall that is located within or along the waterline or shoreline of a public freshwater lake.

(b) **Except as provided in 312 IAC 11-3-1(e),** the director or a delegate shall not issue a license to reface a seawall if the wall has been previously refaced.

(c) To qualify for a license if a seawall is to be refaced in a significant wetland or an area of special concern, the seawall reface must be comprised of either or both of the following:

(1) Bioengineered materials.
(2) Glacial stone.

(d) To qualify for a license if a seawall is to be refaced in a developed area, the seawall reface 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.

(e) For a seawall reface comprised of:

(1) glacial stone or riprap, the reface must not extend more than four (4) feet lakeward of the waterline or shoreline at the base of the existing wall;
(2) concrete, the reface must:
(A) not extend more than twelve (12) inches lakeward of the existing seawall; and
(B) be keyed to the lakeward face of the existing seawall;
(3) steel sheet piling, the reface must not extend more than six (6) inches lakeward of the existing seawall; and
(4) bioengineered material, the lakeward extent of the reface must be coordinated with the department before filing the permit application.

(f) Any walk or structural tie constructed on top of the existing seawall must be located landward of the seawall face.

(g) The director or a delegate shall not issue a license for the placement of an impermeable material behind or beneath a seawall reface.

(h) Filter cloth placed behind or beneath the seawall reface must be properly anchored to prevent displacement or flotation.

(i) Erosion from disturbed areas landward of the waterline or shoreline must be controlled to prevent its transport into the lake. *(Natural Resources Commission; 312 IAC 11-4-3; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2225; filed Jan 23, 2001, 10:05 a.m.: 24 IR 1616)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 29, 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 on proposed amendments to allow bulkhead seawalls or previously authorized seawalls to be refaced with glacial stone, under a general license, regardless of the number of times the existing bulkhead or authorized seawall has previously been refaced. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #03-214

DIGEST

Amends 312 IAC 18-3-12, which governs standards for the control of larger pine shoot beetles, by adding Union County to the quarantine area. Effective 30 days after filing with the secretary of state.

312 IAC 18-3-12

SECTION 1. 312 IAC 18-3-12, AS AMENDED AT 26 IR 3313, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

312 IAC 18-3-12 Control of larger pine shoot beetles
Authority: IC 14-10-2-4; IC 14-24-3
Affected: IC 14-24

Sec. 12. (a) The larger pine shoot beetle (Tomicus piniperda) is a pest or pathogen. This section governs standards for the control of the larger pine shoot beetle in Indiana.

(b) Except as provided in subsection (c), the division has determined Indiana is an infested area where the larger pine shoot beetle is present.

(c) Exempted from subsection (b) are the following counties:
(1) Clark.
(2) Clay.
(3) Crawford.
(4) Daviess.
(5) Dearborn.
(6) Decatur.
(7) Dubois.
(8) Floyd.
(9) Gibson.
(10) Greene.
(11) Harrison.
(12) Jackson.
(13) Jefferson.
(14) Jennings.
(15) Knox.
(16) Lawrence.
(17) Martin.
(18) Ohio.
(19) Orange.
(20) Perry.
(21) Pike.
(22) Posey.
(23) Ripley.
(24) Scott.
(25) Spencer.
(26) Sullivan.
(27) Switzerland.
~~(28) Union.~~
~~(29)~~ **(28)** Vanderburgh.
~~(30)~~ **(29)** Vigo.
~~(31)~~ **(30)** Warrick.
~~(32)~~ **(31)** Washington.

(d) The following items are regulated articles:
(1) The larger pine shoot beetle in any life stage.
(2) Entire plants or parts of the genus pine (Pinus spp.). Exempted from this subdivision are plants that conform to each of the following:
(A) Are less than thirty-six (36) inches high.
(B) Are one (1) inch in basal diameter or less.
(3) Logs and lumber of pine with bark attached. Exempted from this subdivision are logs of pine and pine lumber with bark attached if:
(A) the source tree was felled during the period of July through October; and
(B) the logs and lumber are shipped from the quarantined area during the period of July through October.
(4) Any other article, product, or means of conveyance if determined by the division director to present the risk of spread of the larger pine shoot beetle.

(e) The following actions are ordered within the infested area:
(1) The movement by a person of a regulated article to a destination outside the infested area is prohibited, except under the following conditions:
(A) A thorough examination of all nursery stock takes place on a piece by piece basis.
(B) A statistically based examination of Christmas trees is made according to the following schedules:

TABLE 1. PAINTED (COLOR-ENHANCED) PINE CHRISTMAS TREES[1]

No. of Trees in Shipment	No. of Trees to Sample	No. of Trees in Shipment	No. of Trees to Sample
1 – 72	All	700 – 800	120
73 – 100	73	801 – 900	121
101 – 200	96	901 – 1,000	122
201 – 300	106	1,001 – 2,000	126
301 – 400	111	2,001 – 3,000	127
401 – 500	115	3,001 – 5,000	128
501 – 600	117	5,001 – 10,000	129
601 – 700	119	10,001 or more	130

[1]If a pine shoot beetle is detected in any one (1) of the trees being sampled, the entire shipment must be rejected. If no pine shoot beetle is detected in any of the trees sampled, the shipment will be allowed to move with a limited permit. The limited permit must state, “All trees that remain unsold as of December 25 must be destroyed by burning or chipping or must be fumigated prior to January 1.”.

TABLE 2. NATURAL (UNPAINTED) CHRISTMAS TREES[1]

No. of Trees in Shipment	No. of Trees to Sample	No. of Trees in Shipment	No. of Trees to Sample
1 – 57	All	501 – 600	80
58 – 100	58	601 – 700	81
101 – 200	69	701 – 1,000	82
201 – 300	75	1,001 – 3,000	84
301 – 400	77	3,001 – 10,000	85
401 – 500	79	10,001 or more	86

[1]If a pine shoot beetle is detected in any one (1) of the trees being sampled, the entire shipment must be rejected. If no pine shoot beetle is detected in any of the trees sampled, the shipment will be allowed to move with a limited permit. The limited permit must state, "All trees that remain unsold as of December 25 must be destroyed by burning or chipping or must be fumigated prior to January 1.".

(C) Following the examination, a determination is made that no life stages of the larger pine shoot beetle are present. The determination must be accompanied by either of the following:

(i) A certificate of inspection approved by the division.

(ii) A certificate or similar authorization issued by the U.S. Department of Agriculture under a parallel federal quarantine.

(D) The certificate for the absence of the larger pine shoot beetle must be attached to and remain on the regulated articles until the articles reach their destinations. This requirement is, however, satisfied if the certificate is attached to the shipping document and the regulated article is adequately described on the shipping document of the certificate.

(2) A regulated article originating outside the infested area may move through the infested area without a certificate of inspection if the point of origin of the regulated article is indicated on the waybill or shipping documents and transportation conforms with this subdivision. Passage through the infested area must be made without stopping, except for refueling or traffic conditions, and shall be conducted within either of the following conditions:

(A) The ambient temperature is below fifty (50) degrees Fahrenheit.

(B) The regulated article is carried in an enclosed vehicle with an adequate covering to prevent access by the larger pine shoot beetle. Examples of an adequate covering include canvas, plastic, or loosely woven cloth.

(3) A regulated article originating outside the infested area ~~which~~ **that** is moved into the infested area and exposed to potential infestation by the larger pine shoot beetle is considered to have originated from the infested area. Any regulated article under this subdivision is controlled by subdivision (1).

(4) The movement of a regulated article from an infested area through any noninfested area to another infested area is prohibited without a certificate for the absence of the larger pine shoot beetle except where both of the following conditions are met:

(A) Passage through a noninfested area is made without stopping, except for refueling or traffic conditions, if the ambient temperature is below fifty (50) degrees Fahrenheit or if in an enclosed vehicle with an adequate covering to prevent access by the larger pine shoot beetle.

(B) The waybill or shipping documents accompanying any shipment of regulated articles within or through Indiana indicate the county and state of origin of the regulated articles.

(5) Any regulated article imported or moved within Indiana in violation of this section shall be immediately removed from any noninfested area or destroyed. The expense of compliance with this subdivision is the joint and several responsibility of any person possessing or owning the regulated article. Compliance with this subsection shall be performed under the direction of the division director.

(6) In addition to the penalty set forth in subdivision (5), a person who violates this section is subject to any administrative, civil, or criminal sanction set forth in IC 14-24 and this article.

(7) This section does not preclude the division director from issuing any permit under section 3 of this rule.

(Natural Resources Commission; 312 IAC 18-3-12; filed Nov 22, 1996, 3:00 p.m.: 20 IR 950; filed Dec 3, 1997, 3:30 p.m.:21 IR 1273; filed Feb 9, 1999, 4:16 p.m.: 22 IR 1945; filed Apr 4, 2001, 3:02 p.m.: 24 IR 2404; filed May 16, 2002, 12:28 p.m.:25 IR 3049; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 19, 2003, 8:50 a.m.: 26 IR 3313)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 29, 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 amendment concerning the control of larger pine shoot beetles by adding Union County to the quarantine area. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #03-220

DIGEST

Amends 312 IAC 2 governing delegations and informal procedures of the commission and its boards by authorizing the director of the commission's division of hearings to give preliminary adoption to the readoption of rules, where no changes are proposed to existing language, modifying procedures for informal hearings held prior to those governed by IC 4-21.5 to address a hearing by an agency board, and removing an obsolete cross-reference to 310 IAC. Effective 30 days after filing with the secretary of state.

312 IAC 2-2-1
312 IAC 2-2-4
312 IAC 2-3-1

SECTION 1. 312 IAC 2-2-1, AS READOPTED AT 26 IR 546, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

312 IAC 2-2-1 Application of rule

Authority: IC 14-10-2-4
Affected: IC 14; IC 25

Sec. 1. (a) This rule governs delegation of authority by the commission.

(b) A delegation in this rule may be supplemented by a delegation in another article of this title. ~~or in 310 IAC.~~ *(Natural Resources Commission; 312 IAC 2-2-1; filed Jul 26, 1996, 1:00 p.m.: 19 IR 3339; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546)*

SECTION 2. 312 IAC 2-2-4, AS READOPTED AT 26 IR 546, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

312 IAC 2-2-4 Preliminary adoption of rules and readoption of rules

Authority: IC 14-10-2-4
Affected: IC 4-22-2-15; IC 4-22-2.5; IC 14; IC 25

Sec. 4. **(a)** The secretary of the commission may approve a rule for preliminary adoption.

(b) Where no amendment is proposed, the director of the commission's division of hearings may, under IC 4-22-2.5, give preliminary adoption to rules for recodification by readoption. *(Natural Resources Commission; 312 IAC 2-2-4; filed Jul 26, 1996, 1:00 p.m.: 19 IR 3340; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546)*

SECTION 3. 312 IAC 2-3-1, AS READOPTED AT 26 IR 546, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

312 IAC 2-3-1 Applicability of rule; late or incomplete license application; time for giving notice

Authority: IC 14-11-4-9
Affected: IC 4-21.5; IC 14-11-4-8; IC 14-21-1-17

Sec. 1. (a) This rule governs the conduct of a public hearing held on the question of the issuance, conditioning, or denial of an original or renewal license under IC 14-11-4-8.

(b) This rule also governs the conduct of a public hearing held under IC 14-21-1-17. However, sections 3 through 5 of this rule do not apply to a public hearing under this subsection.

(c) A person who conducts a public hearing before any agency action is taken by the director, ~~the historic preservation review~~ **a** board, or a delegate of the director or ~~historic preservation review~~ **a** board may apply this rule even if IC 14-11-4-8 is inapplicable. The hearing officer who applies this subsection shall announce at the beginning of the public hearing that this rule applies. **A board may appoint a person, a panel of persons, or the entirety of the board to serve as the hearing officer.** If this subsection is implemented, section 3 of this rule does not apply.

(d) This rule does not apply to a hearing that is governed by 312 IAC 2-1 or 312 IAC 3-1.

(e) The director or the delegate of the director may deny a license application that is not completed in a reasonable period of time. If an agency action to deny a license application is made because the application is incomplete, the application does not qualify for a public hearing under this rule, but that agency action is subject to administrative review under IC 4-21.5 and 312 IAC 3-1.

(f) The time period for giving notice begins upon mailing if a notice required by this rule or IC 14-11-4 is made by the United States mail. Three (3) days are added to the period required for a notice that is made by the United States mail. *(Natural Resources Commission; 312 IAC 2-3-1; filed Aug 20, 1997, 3:16 p.m.: 21 IR 26; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 29, 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 delegations and informal procedures of the commission, procedures for informal hearings held prior to those governed by IC 4-21.5, and the removal of an obsolete cross-reference to 310 IAC. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and

Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #03-251

DIGEST

Amends 312 IAC 16, which governs the drilling, operation, and proper abandonment of wells drilled for oil and gas purposes, by updating the definitions and standards governing the plugging and abandoning to incorporate best management practices and including specifications for the use of oil field cements and other materials, the certification of plugging adequacy, the use of alternate materials and methods in well plugging, and quality control measures to ensure the adequacy of plugs. Amends 312 IAC 16-5-15 governing mechanical integrity standards to provide that an operator use a minimum of 300 pounds of pressure during the running of a mechanical integrity test and cause these standards to harmonize with those in 312 IAC 16-5-20. Makes numerous technical changes. Effective 30 days after filing with the secretary of state.

312 IAC 16-1-9.5 **312 IAC 16-5-15**
312 IAC 16-1-39.5 **312 IAC 16-5-19**
312 IAC 16-1-44.6

SECTION 1. 312 IAC 16-1-9.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-9.5 "Completed zone" defined
Authority: IC 14-37-3
Affected: IC 14-37

Sec. 9.5. "Completed zone" means a geologic formation in which production, injection, gas storage, gas storage observation, or water supply was established. *(Natural Resources Commission; 312 IAC 16-1-9.5)*

SECTION 2. 312 IAC 16-1-39.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-39.5 "Permanent plugback" defined
Authority: IC 14-37-3
Affected: IC 14-37

Sec. 39.5. "Permanent plugback" means a mechanical or cement plug placed between the completed zones of an active oil or gas related well. *(Natural Resources Commission; 312 IAC 16-1-39.5)*

SECTION 3. 312 IAC 16-1-44.6 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-44.6 "Static well" defined
Authority: IC 14-37-3
Affected: IC 14-37

Sec. 44.6. "Static well", for purposes of 312 IAC 16-5-19, means a well in which the liquid level in the well bore, after two (2) tests on the well performed in the presence of a division representative and conducted at least eighteen (18) hours apart using comparable acoustic measuring devices, has changed no more than the lesser of:
(1) ten percent (10%) of the distance between the bottom of the hole and the top of the fluid column, taken from the first test; or
(2) ninety (90) feet.
(Natural Resources Commission; 312 IAC 16-1-44.6)

SECTION 4. 312 IAC 16-5-15 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-5-15 Mechanical integrity
Authority: IC 14-37-3
Affected: IC 14-37

Sec. 15. (a) A Class II well has mechanical integrity if there is the following:
(1) No significant leak in the casing, tubing, or packer.
(2) No significant fluid movement into an underground source of drinking water through vertical channels adjacent to the injection well bore.

(b) One (1) of the following methods must be used to evaluate mechanical integrity under subsection (a)(1):
(1) After an initial pressure test, monthly monitoring of annulus pressure (at a positive value) by the owner or operator to be reported to the division no less frequently than quarterly.
(2) Pressure testing with liquid.

(c) Where pressure testing is performed under subsection (b)(2), the casing-tubing annulus above the packer must be filled with fluid and tested, with no more than a three percent (3%) pressure differential over a thirty (30) minute period, not less than once every five (5) years under the supervision of a ~~commission~~ **division** representative at a pressure of **no less than** three hundred (300) pounds per square inch.

(d) One (1) of the following methods must be used to evaluate mechanical integrity under subsection (a)(2):
(1) The results of a temperature or noise log.
(2) Records demonstrating the presence of cement adequate to prevent the migration of fluids in the well bore.

(3) A radioactive tracer survey.

(e) The division director may authorize a test to demonstrate mechanical integrity other than those listed in subsections (b) and (d). The division director may authorize an alternative test only where the test reliably demonstrates the mechanical integrity of a well.

(f) In conducting and evaluating a test authorized by this section, the owner or operator and the director shall apply methods and standards generally accepted in the petroleum industry. When reporting the results of a mechanical integrity test to the director, an owner or operator shall include a description of any test and method used. When evaluating a mechanical integrity test, the division director shall review monitoring and other test data submitted since the previous evaluation. *(Natural Resources Commission; 312 IAC 16-5-15; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2342)*

SECTION 5. 312 IAC 16-5-19 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-5-19 Plugging and abandoning wells
Authority: IC 14-37-3-6
Affected: IC 14-37-8

Sec. 19. (a) Wells **for oil and gas purposes** shall be plugged in accordance with IC 14-37-8.

(b) With respect to a well for oil and gas purposes, an owner or operator ~~shall~~ **must** place ~~cement~~ **bottom** plugs using ~~the pump and plug or displacement method from the bottom to the surface or must do~~ **one (1) of** the following **procedures:**

(1) ~~Place~~ A cement plug from **total depth to three (3) feet below ground elevation.**

~~(A)~~ **(2) A cement plug from the shallower of total depth of** fifty (50) feet below ~~an oil or natural gas formation;~~

~~(B) an injection zone; or~~

~~(C) the bottom of a hole~~ to **no less than** one hundred (100) feet above ~~the top of the formation.~~

~~(2) Place a cement plug from fifty (50) feet below to one hundred (100) feet above a commercially mineable coal resource. Where a hole terminates less than fifty (50) feet below a commercially mineable coal resource, the cement plug shall commence at the bottom of the hole. A commission representative may require use of a mechanical plug, packer, or other suitable material where appropriate to securing~~ **each completed zone unless the** placement of the ~~cement~~ plug **would require the removal of a permanent plugback and one (1) of the following:**

~~(3) Place an appropriate mechanical plug or packer at the top of a producing formation or injection zone and set a fifty (50) foot cement plug above the mechanical plug or packer.~~

~~(4) Where insufficient casing was set or where surface casing was not cemented to the surface, the production string of casing shall be removed from fifty (50) feet below the deepest underground source of drinking water. The owner or operator shall place a cement plug from the remaining production string of casing to three (3) feet below the surface.~~

~~(5) A dry hole that does not enter a commercially mineable coal resource may be filled with mud-laden fluid, well cuttings, pea gravel, or crushed rock from the bottom of the hole to fifty (50) feet below the deepest underground source of drinking water. The owner or operator shall place a cement plug from fifty (50) feet below the deepest underground source of drinking water to three (3) feet below the surface.~~

~~(c) Within six (6) months of abandoning a well, an owner or operator shall do the following:~~

~~(1) Clear the area of refuse and equipment.~~

~~(2) Dispose of waste fluids.~~

~~(3) Drain and fill excavations.~~

~~(4) Remove substructures.~~

~~(5) Restore the surface as nearly as practicable to its condition prior to drilling.~~

~~(d) The owner of surface rights may with consent of the owner or operator apply to the division to retain equipment, fixtures, or pits placed with respect to a well drilled for oil and gas purposes. The application shall be made on a departmental form releasing the owner or operator and its agents from responsibility for restoration of the well site, except as provided in the application.~~

~~(e) An owner or operator may apply to the commission to convert a well for oil and gas purposes otherwise to be abandoned to a fresh water well. The application shall be made on a division form and shall include the following information:~~

~~(1) The depth to which an owner or operator proposes to plug a well.~~

~~(2) Written consent by persons who hold a recorded interest at or above the elevation of the plug.~~

~~(3) A statement by the owner or owners of surface rights to release the owner or operator from an obligation to abandon the well, except as provided in the application.~~

~~The division shall authorize the conversion to a fresh water well upon a finding that the application has been properly completed and that the conversion will not violate IC 14-37 or this article.~~

~~(f) The use of bridges in plugging wells is prohibited. The owner or operator shall drill out and replug the hole if unfilled below the bridge.~~

~~(g) If unauthorized material is placed in a hole, the division may require the material to be removed before plugging operations are commenced.~~

~~(h) A permanent plugback, other than a plugback in a cased hole, shall be witnessed by a commission representative.~~

~~(i) If a hole is obstructed by equipment associated with drilling or operating a well, and if the removal of that equipment~~

~~is impracticable, the division director may authorize a special method to abandon the well. The owner or operator shall obtain approval of the special method from a commission representative before implementation.~~

(A) A mechanical plug set inside cemented casing within two hundred (200) feet above the uppermost completed zone with a ten (10) gallon cement plug placed on top of the mechanical plug.

(B) A cement plug from the top of to no less than one hundred fifty (150) feet above the uppermost completed zone.

(3) A mechanical plug between each completed zone unless the placement of the plug would require the removal of a permanent plugback and one (1) of the following:

(A) A mechanical plug set inside cemented casing within two hundred (200) feet above the uppermost completed zone with a ten (10) gallon cement plug placed on top of the mechanical plug.

(B) A cement plug from the top of to no less than one hundred fifty (150) feet above the uppermost completed zone.

(4) A dry hole that does not enter a commercially mineable coal resource may be filled with mud-laden fluid, well cuttings, pea gravel, or crushed rock from the bottom of the hole to fifty (50) feet below the deepest underground source of drinking water. The owner or operator shall place a cement plug from fifty (50) feet below the deepest underground source of drinking water to three (3) feet below the surface.

(c) An owner or operator must place any top plug as a cement plug from fifty (50) feet below:

(1) the deeper of the lowest commercially mineable coal seam or underground source of drinking water to three (3) feet below ground elevation; or

(2) to no less than one hundred (100) feet above each commercially mineable coal seam, and a cement plug from fifty (50) feet below the deepest underground source of drinking water to three (3) feet below ground elevation.

(d) Uncemented casing from fifty (50) feet below the deeper of the lowest commercially mineable coal seam or underground source of drinking water to three (3) feet below ground elevation must be:

(1) removed;

(2) ripped; or

(3) cemented in place using a method approved by the division.

(e) Uncemented intervals must be filled with pea gravel, crushed rock, drilling mud, gel, or fresh water.

(f) An owner or operator must obtain prior approval from the division for the use of cement. Cement must meet American Petroleum Institute (API) specification 10(A) or American Society for Testing and Materials (ASTM) Specification C150 Standards for Portland cement. If a pozzalan cement mixture is used, the pozzalanic content by volume must not exceed fifty percent (50%).

(g) An owner or operator must obtain prior approval from the division for the use of a mechanical plug. The mechanical plug must meet API specification 11D1.

(h) An owner or operator must place any cement plug using one (1) of the following methods:

(1) Dump bailing on top of a mechanical plug.

(2) Pump and plug or displacement through tubing, coiled tubing, or drill pipe.

(3) For any well with two (2) or fewer completed zones and circulated casing, surface pumping or bullhead plugging from the uppermost completed zone to three (3) feet below ground elevation.

(i) To ensure the proper plugging of wells, the division may require one (1) or more of the following:

(1) Use of mechanical plugs in nonstatic wells (as defined in 312 IAC 16-1-44.6).

(2) Tagging of cement plugs in nonstatic wells (as defined in 312 IAC 16-1-44.6).

(3) Submission of cement and service company tickets.

(4) Removal of any unauthorized material placed in a hole before plugging.

(5) Sampling and testing of cement plugs.

(j) The division director may authorize the use of alternative plugging materials and methods to achieve any of the following:

(1) To protect human health or safety.

(2) To protect the environment.

(3) To prevent unreasonably detrimental effects upon fish, wildlife, or botanical resources.

(4) To avoid unreasonable efforts to remove obstructions below the deepest underground source of drinking water.

An owner or operator must obtain prior approval from the division director before using an alternative material or method.

(k) Except as provided in subsection (l) or (m), an owner or operator must not plug a well unless a division representative is present to witness the plugging. If a well is plugged without a division representative present to witness the plugging, the owner or operator may be required by the division director to drill out and plug the well in the presence of a division representative.

(l) If an owner or operator and a division representative have scheduled the plugging of a well, but a division representative is not present at the scheduled time or place, the owner or operator may plug the well in the absence of a division repre-

sentative only after making a reasonable attempt to have another division representative present to witness the plugging. If a division representative did not witness the plugging, the owner or operator may seek approval for the plugging from the division director under a Special Plugging Affidavit. To qualify for approval of a Special Plugging Affidavit, the owner or operator must do the following:

(1) Provide a confirmation number to establish that the plugging was scheduled with the division.
(2) Demonstrate that a reasonable attempt was made to have another division representative present to witness the plugging.
(3) Submit a cement ticket that identifies the well and shows the amount of cement delivered.
(4) Submit the completed Special Plugging Affidavit.

(m) If a well was plugged by a former owner or operator before the effective date of this section and a division representative was not present to witness the plugging, the owner or operator shall request the approval of a Special Plugging Affidavit from the division director. To qualify for a Special Plugging Affidavit under this subsection, the owner or operator must submit the following:

(1) A cement ticket that identifies the well and shows the amount of cement delivered.
(2) The completed Special Plugging Affidavit.

(n) The owner or operator must submit a report of each permanent plugback on a form approved by the division.

(o) A plugging and abandonment report must be signed by the following persons:

(1) The owner or operator or an authorized agent for the owner or operator.
(2) The person who supplied or prepared the cement.
(3) The division representative who witnessed the plugging.
(4) The division employee who reviewed the information contained in the report.

(p) Within six (6) months after plugging a well, the owner or operator must perform the following acts:

(1) Cut off and remove all casing from three (3) feet below ground elevation to the surface.
(2) Remove substructures.
(3) Clear the well site of refuse and equipment.
(4) Remove and properly dispose of waste fluids from the well site.
(5) Fill all excavations at the well site.
(6) Restore the well site as nearly as practicable to its condition before drilling.
(7) If necessary, initiate a cleanup at the well site under sections 24 through 29 of this rule.

(q) In addition to the requirements of subsection (p), the owner or operator must, within six (6) months after the plugging of the last well on the lease, perform the following acts:

(1) Remove and properly dispose of waste fluids.
(2) Remove the tank battery from the lease.
(3) Clear the lease of refuse and equipment.
(4) Fill all excavations.
(5) Restore the tank battery and excavation site as nearly as practicable to its condition before operation.
(6) If necessary, initiate a cleanup of the tank battery and excavation site under sections 24 through 29 of this rule.

(r) The owner of surface rights may, with the consent of the owner or operator, accept responsibility for either or both of the following, by so indicating on the division's well completion form:

(1) Equipment, fixtures, or excavations placed with respect to a well drilled for oil and gas purposes.
(2) A well plugged up to a zone containing fresh water.

If the owner of surface rights accepts responsibility under this subsection, the owner or operator and its agents are released from responsibility for those items for which the owner of surface rights accepts responsibility. *(Natural Resources Commission; 312 IAC 16-5-19; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2344)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 29, 2004 at 11:30 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 on proposed amendments governing the drilling, operation, and proper abandonment of wells drilled for oil and gas purposes and the mechanical integrity standards an operator uses during the running of a mechanical integrity test. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

Proposed Rule
LSA Document #03-263

DIGEST

Amends 405 IAC 2-3 to specify that expenses that are subject to payment by a third party may not be used to establish spend-

down eligibility and to provide that, if a recipient does not meet his or her spend-down for four consecutive months, medical assistance shall be discontinued. Effective 30 days after filing with the secretary of state.

405 IAC 2-3-10

SECTION 1. 405 IAC 2-3-10 IS AMENDED TO READ AS FOLLOWS:

405 IAC 2-3-10 Spend-down eligibility
Authority: IC 12-13-5-3; IC 12-13-7-3; IC 12-15-1-10
Affected: IC 12-15-4; IC 12-15-5

Sec. 10. (a) As used in this section, "countable income" and "incurred medical expenses" ~~are those found~~ **have the meanings set forth** in 42 CFR 435.732, ~~and~~ section 3 of this rule, **and subsection (d).**

(b) Any otherwise eligible applicant or recipient whose countable monthly income exceeds the applicable income limit specified in section 18 of this rule is eligible for medical assistance for that part of any month after his or her incurred medical expenses equal his or her excess income.

(c) In order to be determined eligible for medical assistance under this section, the applicant or recipient must provide to the county department, for each month in which he or she requests medical assistance, documentary verification of his or her incurred medical expenses for which he or she remains currently liable. The county department will promptly determine the date on which the applicant became eligible for medical assistance and issue the appropriate eligibility documents for the remainder of that month.

(d) In making the determination in subsections (b) and (c), the county department shall count as the allowable incurred expense only that portion of an expense that is not subject to payment by a third party, including, but not limited to, Medicare or other health insurance. Any portion of an expense that is subject to payment by a third party shall not be allowed in the spend-down eligibility determination except as provided in subsection (e).

(e) An expense that is subject to payment by a third party shall be allowed in the spend-down eligibility determination under the following circumstances:

(1) If, after diligent effort by the county department and cooperation from the recipient, the county department is unable to determine the portion of an expense subject to payment by a third party, the amount of the incurred expense used to determine eligibility shall include the amount that the provider is expected to receive from the third party. The allowed amount of an incurred expense for which the provider of service accepts Medicare assignment shall not exceed the Medicare approved amount.

(2) Expenses subject to payment by a state or local program shall be allowed.

~~(d)~~ **(f)** If the applicant's anticipated medical expenses do not exceed his or her excess income, his or her application will be denied. Such an applicant may reapply at any time.

(g) If a recipient does not submit medical expenses to the county department to meet his or her spend-down for four (4) consecutive months, medical assistance shall be discontinued. *(Office of the Secretary of Family and Social Services; 405 IAC 2-3-10; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1021, eff Apr 1, 1984; filed Feb 16, 1993, 5:00 p.m.: 16 IR 1785; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3382; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822) NOTE: Transferred from the Division of Family and Children (470 IAC 9.1-3-12) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-10) by P.L.9-1991, SECTION 131, effective January 1, 1992.*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 27, 2004 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 1, Indianapolis, Indiana the Office of the Secretary of Family and Social Services will hold a public hearing on proposed amendments concerning Medicaid spend-down eligibility Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Cheryl Sullivan
Secretary
Office of the Secretary of Family and Social Services

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Proposed Rule
LSA Document #03-150

DIGEST

Amends 511 IAC 6-7-6.1 to require students who enter high school after June 30, 2004, to complete Algebra I or Integrated Mathematics I. *NOTE: Under IC 4-22-2-40, LSA Document #03-150, printed at 26 IR 3938, was recalled by the Indiana State Board of Education. This document was revised and resubmitted for publication.* Effective 30 days after filing with the secretary of state.

511 IAC 6-7-6.1

SECTION 1. 511 IAC 6-7-6.1 IS AMENDED TO READ AS FOLLOWS:

511 IAC 6-7-6.1 Required and elective credits
Authority: IC 20-1-1-6
Affected: IC 20-10.1-4-7; IC 20-10.1-5.7-3

Sec. 6.1. (a) Beginning with students who enter high school in the 2000-2001 school year, a minimum of forty (40) credits is necessary for high school graduation. Twenty-four (24) of the credits shall be earned in the areas of study specified in subsection (b), and sixteen (16) of the credits shall be earned from courses in these and other areas of study listed in subsection (b) and 511 IAC 6.1-5.1.

(b) The twenty-four (24) required credits consist of the following:

(1) Language arts	8 credits
(2) Social studies	4 credits
(3) Mathematics	4 credits
(4) Science	4 credits
(5) Additional credits in the areas above or in technology competency	2 credits
(6) Health and education	1 credit
(7) Basic physical education	1 credit

(c) Courses that may be counted toward the required credits prescribed in subsection (b) are subject to the following provisions:

(1) A minimum of six (6) credits of the language arts requirement shall be from the English language arts area of study and is to provide a balance of writing, reading, listening, speaking, grammar, literature, and media studies. Two (2) credits may be from business technology, family and consumer sciences, technology education, or vocational-technical courses having predominately language arts content. For students who successfully complete a Level III foreign language course, two (2) credits of the language arts requirement may be waived.

(2) The social studies requirement shall include two (2) credits in United States history, one (1) credit in United States government, and one (1) credit in another social studies course or in global economics or consumer economics.

(3) **For students who enter high school after June 30, 2004, mathematics credits must include two (2) credits in Algebra I or Integrated Mathematics I unless a student has completed Algebra I or Integrated Mathematics I prior to entering high school.** A minimum of two (2) credits of the mathematics requirement shall be from the mathematics area of study. Two (2) credits may be from business technology, family and consumer sciences, technology education, or vocational-technical courses having predominately mathematics content.

(4) Subject to subdivisions (5) through (7), the health and education credit shall be from a course in the health and physical education area of study that has comprehensive health education content.

(5) The health education credit may be waived for a student if the student's program includes three (3) credits from the family and consumer sciences courses:

(A) Child development and parenting.
(B) Human development and family wellness.
(C) Interpersonal relationships.
(D) Nutrition and wellness.
(E) Orientation to life and careers or adult roles and responsibilities.

(6) One (1) credit substitution of either a science, family and consumer sciences, or health and physical education credit may be used to fulfill the health education requirement for students qualifying under the religious objection provision of IC 20-10.1-4-7 (hygiene instruction).

(7) The four (4) credits of science shall include content from more than one (1) of the major science discipline categories, which are life science, physical science, and earth and space science. Two (2) credits may be from business technology, family and consumer sciences, technology education, or vocational-technical courses having predominately science content.

(8) The technology competency requirement may be fulfilled by completing courses from the following:

(A) Computer applications.
(B) Computer applications, advanced.
(C) Computer keyboarding/document formatting.
(D) Computer programming.
(E) Business technology lab I.
(F) Business technology lab II.
(G) Computerized accounting services.
(H) Computer operations and/or programming.
(I) Introduction to computer applications.
(J) Computer graphics.
(K) Communications processes.
(L) Technology systems.
(M) Two (2) credits in business technology, family and consumer sciences, technology education, or vocational-technical courses having predominately technology content taught through a project-based approach.

(9) The technology competency requirement may be met by completing a student project that addresses individual, workplace, or community needs and demonstrates the ability to:

(A) evaluate, select, and apply appropriate technology tools and resources;
(B) use telecommunications tools and resources to meet needs for collaboration, research, publication, communications, and productivity;
(C) use technology tools for managing and exchanging information;
(D) use technology tools for information analysis, problem-solving, and decision making; and
(E) design, develop, publish, and disseminate information, models, or other creative products that include printed information and graphics, charts, tables, or other visual elements.

A student who meets the technology competency requirement by demonstrating these performances shall be given two (2) credits in computer applications.

(Indiana State Board of Education; 511 IAC 6-7-6.1; filed Mar 27, 2000, 9:07 a.m.: 23 IR 1999)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 5, 2004 at 9:00 a.m., at the Department of Education, 151 West Ohio Street, James Whitcomb Riley Conference Room, Indianapolis, Indiana the Indiana State Board of Education will hold a public hearing on a proposed amendment to require students who enter high school after June 30, 2004, to complete Algebra I or Integrated Mathematics I. Copies of these rules are now on file at 229 State House and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Suellen Reed
Superintendent of Public Instruction
Indiana State Board of Education

TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION

Proposed Rule
LSA Document #03-188

DIGEST

Amends 836 IAC 1, 836 IAC 2, 836 IAC 3, and 836 IAC 4 to make substantive and technical revisions, to make clarifications, and to make corrections to the requirements and provisions applicable to emergency medical service personnel, transport and nontransport providers, supervising hospitals, air ambulances (both rotorcraft and fixed-wing) and other emergency medical service vehicles (both transport and nontransport). Adds 836 IAC 1-1-4, 836 IAC 1-1-5, 836 IAC 1-1-6, 836 IAC 1-1-7, 836 IAC 1-1-8, 836 IAC 1-2-5, 836 IAC 1-12, and 836 IAC 2-2-4 to generalize sections that apply to all provider organizations and change rules to correspond with legislative changes. Repeals 836 IAC 2-7.1, 836 IAC 2-11-1, 836 IAC 4-6-1, and 836 IAC 4-8-1. Effective 30 days after filing with the secretary of state.

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SECTION 1. 836 IAC 1-1-1, AS AMENDED AT 26 IR 2333, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

Rule 1. Definitions and General Requirements

836 IAC 1-1-1 Definitions
Authority: IC 16-31-2-7
Affected: IC 10-14-3-12; IC 16-18; IC 16-21-2; IC 16-31-2-9; IC 16-31-3; IC 25-22.5-1-1.1; IC 25-23-1-1.1; IC 35-41-1-26.5

Sec. 1. The following definitions apply throughout this ~~article~~ **title** unless the context clearly denotes otherwise:

(1) **"14 CFR 135 and 14 CFR 119" means air carriers with reference to F.A.R. 135 and 119, and holding a current F.A.A. air carrier certificate, with approved air ambulance operations-helicopter or air ambulance operation-airplane operations specifications.**

(2) "Advanced life support", for purposes of IC 16-31, means the following:

(A) Care given:
(i) at the scene of an:
(AA) accident;
(BB) act of terrorism (as defined in IC 35-41-1-26.5), if the governor has declared a disaster emergency under IC 10-14-3-12 in response to the act of terrorism; or
(CC) illness;
(ii) during transport; or
(iii) at a hospital;
by a paramedic, emergency medical technician-intermediate, and that is more advanced than the care usually provided by an emergency medical technician or an emergency medical technician-basic advanced.
(B) The term may include any of the following:
(i) Defibrillation.
(ii) Endotracheal intubation.
(iii) Parenteral injection of appropriate medications.
(iv) Electrocardiogram interpretation.
(v) Emergency management of trauma and illness.

(3) "Advanced life support fixed-wing ambulance service provider organization" means a service provider that utilizes fixed-wing aircraft to provide airport to airport transports where the patients involved require a stretcher or cot and are being transported to or from a definite care medical setting.

(4) "Advanced life support nontransport vehicle" means a motor vehicle other than an ambulance, owned or leased by a certified emergency medical service provider organization, that provides advanced life support but does not supply patient transport from the scene of the emergency. The term does not include an employer-owned or employer-operated vehicle used for first aid purposes within or upon the employer's premises.

(5) "Advanced life support rotorcraft ambulance service provider organization" means a service provider that utilizes rotorcraft aircraft to respond directly to the scene of a medical emergency either as an initial first responder or as a secondary responder and are utilized to airlift critically ill or injured patients directly to or between definitive care facilities or to a point of transfer with another more appropriate form of transportation.

(6) "Agency" means the state emergency management agency emergency medical services division.

(7) "Air-medical director" means a physician with an unlimited license to practice medicine in Indiana and who has an active role in the delivery of emergency care. The licensed physician shall be ultimately responsible for patient care during each transport. The air-medical director is responsible for directly overseeing and assuring that appropriate aircraft, air-medical personnel, and equipment are provided for each patient transported by the air ambulances within the air-medical services as well as the performance of air-medical personnel.

(8) "Air-medical personnel" means a person who is certified by the commission as a paramedic or is a registered nurse or physician.

(9) "Ambulance" means any conveyance on land, sea, or air that is used, or is intended to be used, for the purpose of responding to emergency life-threatening situations and providing transportation of an emergency patient.

~~(2)~~ **(10)** "Ambulance service provider **organization"** means any person certified by the commission who engages in or seeks to furnish, operate, conduct, maintain, advertise, or otherwise engage in services for the transportation and care of emergency patients as a part of a regular course of doing business, either paid or voluntary.

~~(3)~~ **(11)** "Auto-injector" means a spring-loaded needle and syringe that:
(A) contains a single dose of medication; and
(B) automatically releases and injects the medication.

~~(4)~~ **(12)** "Basic life support" means the following:
(A) Assessment of emergency patients.
(B) Administration of oxygen.
(C) Use of mechanical breathing devices.
(D) Application of antishock trousers.
(E) Performance of cardiopulmonary resuscitation.
(F) Application of dressings and bandage materials.
(G) Application of splinting and immobilization devices.
(H) Use of lifting and moving devices to ensure safe transport.
(I) Use of an automatic or a semiautomatic defibrillator if the defibrillator is used in accordance with training procedures established by the commission.
(J) Administration by an emergency medical technician **or emergency medical technician-basic advanced** of epinephrine through an auto-injector.
(K) **For an emergency medical technician-basic advanced, the following:**
(i) Electrocardiogram interpretation.
(ii) Manual external defibrillation.
(iii) Intravenous fluid therapy.
(L) Other procedures authorized by the commission, including procedures contained in the revised national emergency medical technician-basic training curriculum guide.
(M) Except as provided by:
(i) clause (J) and the training and certifications standards established under IC 16-31-2-9(4);
(ii) clause (K)(iii); and
(iii) the training standards established under IC 16-31-2-9(5);
the term does not include invasive medical care techniques ~~except for clause (J) and the training and certification standards established under IC 16-31-2-9(4) and the training and certification standards established under IC 16-31-2-9(5).~~ **or advanced life support.**

(13) "Basic life support nontransport provider organization" means an organization, certified by the commission, that provides first response patient care at an emergency that includes defibrillation but does not supply patient transport from the scene of the emergency.

~~(5)~~ **(14)** "Certificate" or "certification" means authorization in written form issued by the commission to a person to furnish, operate, conduct, maintain, advertise, or otherwise engage in providing emergency medical services as a part of a regular course of doing business, either paid or voluntary.

~~(6)~~ **(15)** "Commission" means the Indiana emergency medical services commission.

~~(7)~~ **(16)** "Director" means the director of the state emergency management agency.

~~(8)~~ **(17)** "Emergency ambulance services" means the transportation of emergency patients by ambulance and the administration of ~~emergency care procedures~~ **basic life support** to emergency patients before or during such transportation.

(18) "Emergency management of trauma and illness" means the following:

(A) For a paramedic, those procedures for which the paramedic has been specifically trained and:

(i) that are a part of the curriculum prescribed by the commission; and

(ii) are a part of the continuing education program and approved by the supervising hospital and the paramedic provider organization's medical director.

(B) For an emergency medical technician-intermediate, those procedures for which the emergency medical technician-intermediate has been specifically trained:

(i) in the Indiana basic emergency medical technician and Indiana emergency medical technician-intermediate curriculums; and

(ii) that have been approved by the administrative and medical staff of the supervising hospital, the emergency medical technician-intermediate provider organization medical director, and the commission as being within the scope and responsibility of the emergency medical technician-intermediate.

~~(9) "Emergency medical service nontransport provider" means an organization, certified by the commission, that provides first response patient care at an emergency that includes defibrillation, but does not supply patient transport from the scene of the emergency.~~

~~(10)~~ **(19)** "Emergency medical services" means the provision of emergency ambulance services or other services, **including extrication and rescue services,** utilized in serving an individual's need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

~~(11)~~ **(20)** "Emergency medical services driver" means an individual who has a certificate of completion of a commission-approved driver training course.

~~(12)~~ **(21)** "Emergency medical services provider **organization"** means any person certified by the commission who engages in or seeks to furnish, operate, conduct, maintain, advertise, or otherwise engage in services for the care of emergency patients as part of a regular course of doing business, either paid or voluntary.

~~(13)~~ **(22)** "Emergency medical services vehicle" means **the following:**

(A) An ambulance.

(B) An emergency medical service nontransport vehicle.

~~(C) a rescue squad; or~~

~~(D) an advanced life support nontransport vehicle.~~

(23) "Emergency medical technician" means an individual who is certified under this article to provide basic life support at the scene of an accident or an illness or during transport.

~~(14)~~ **(24)** "Emergency medical technician**-basic advanced"** means an individual who is certified ~~by the commission~~ **under IC 16-31** to provide basic life support at the scene of an accident **or** an illness or during transport **and has been certified to perform manual or automated defibrillation, rhythm interpretation, and intravenous line placement**.

(25) "Emergency medical technician-basic advanced provider organization" means an ambulance service provider or other provider organization certified by the commission to provide basic life support services administered by emergency medical technicians-basic advanced and has been certified to perform manual or automated defibrillation, rhythm interpretation, and intravenous line placement in conjunction with a supervising hospital.

(26) "Emergency medical technician-intermediate" means an individual who can perform at least one (1) but not all of the procedures of a paramedic and who:

(A) has completed a prescribed course in advanced life support;

(B) has been certified by the commission;

(C) is associated with a single supervising hospital; and

(D) is affiliated with a provider organization.

(27) "Emergency medical technician-intermediate provider organization" means an ambulance service provider organization or other provider organization certified by the commission to provide advanced life support services administered by emergency medical technician-intermediates in conjunction with a supervising hospital.

~~(15)~~ **(28)** "Emergency patient" means an individual who is acutely ill, injured, or otherwise incapacitated or helpless and who requires emergency care. The term includes an individual who requires transportation on a litter or cot or is transported in a vehicle certified as an ambulance under IC 16-31-3.

~~(16)~~ **(29)** "F.A.A." means the Federal Aviation Administration.

~~(17)~~ **(30)** "F.A.R." means the federal aviation regulations, including, but not limited to, 14 CFR.

(31) "First responder" means an individual who is:

(A) certified under IC 16-31 and who meets the commission's standards for first responder certification; and

(B) the first individual to respond to an incident requiring emergency medical services.

(32) "Fixed-wing ambulance" means a propeller or jet airplane.

(33) "Flight physiology" means the physiological stress of flight encountered during air medical operations to include, but not be limited to:

(A) temperature;
(B) pressure;
(C) stresses of barometric pressure changes;
(D) hypoxia;
(E) thermal and humidity changes;
(F) gravitational forces;
(G) noise;
(H) vibration;
(I) fatigue; and
(J) volume and mass of gases.

(34) "Medical director" means a physician with an unlimited license to practice medicine in Indiana and who has an active role in the delivery of emergency care.

~~(18)~~ **(35)** "Nontransporting emergency medical services vehicle" **or "emergency medical service nontransport vehicle"** means a motor vehicle, other than an ambulance, used for emergency medical services. The term does not include an employer-owned or employer-operated vehicle used for first aid purposes within or upon the employer's premises.

(36) "Paramedic" means an individual who:

(A) is:
(i) affiliated with a certified paramedic provider organization;
(ii) employed by a sponsoring hospital approved by the commission; or
(iii) employed by a supervising hospital with a contract for inservice education with a sponsoring hospital approved by the commission;
(B) has completed a prescribed course in advanced life support; and
(C) has been certified by the commission.

(37) "Paramedic provider organization" means an ambulance service provider organization or other provider organization certified by the commission to provide advanced life support services administered by paramedics or physicians with an unlimited license to practice medicine in Indiana in conjunction with supervising hospitals.

~~(19)~~ **(38)** "Person" means any:

(A) natural person or persons;
(B) partnership;
(C) corporation;
(D) association;
(E) joint stock association; or
(F) governmental entity other than an agency or instrumentality of the United States. **"Agency or instrumentality of the United States" does not include a person operating under a contract with the government of the United States.**

(39) "Physician" means an individual who currently holds a valid unlimited license to practice medicine in Indiana under IC 25-22.5-1-1.1.

(40) "Program director" means a person employed by a certified training institution to coordinate the emergency medical services training programs.

(41) "Provider organization" means an ambulance service or other emergency care organization certified by the commission to provide emergency medical services.

(42) "Provider organization operating area" means the geographic area in which an emergency medical technician-basic advanced, affiliated with a specific emergency medical technician-basic advanced provider organization, is able to maintain two-way voice communication with the provider organization's supervising hospitals.

(43) "Registered nurse" means a person licensed under IC 25-23-1-1.1.

~~(20)~~ **(44)** "Rescue squad organization" means an organization that holds a voluntary certification to provide extrication, rescue, or emergency medical services.

(45) "Supervising hospital" means a hospital licensed under IC 16-21-2 or under the licensing laws of another state that has been certified by the commission to supervise paramedics, emergency medical technicians-intermediate, emergency medical technician-basic advanced, and provider organizations in providing emergency medical care.

(46) "Training institution" means an institution certified by the commission to administer emergency medical services training programs.

(Indiana Emergency Medical Services Commission; Emergency Medical Services Preliminary; filed Jun 5, 1975, 11:57 a.m.: Rules and Regs. 1976, p. 84; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2191; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1035; filed Aug 18, 1986, 1:00 p.m.: 10 IR 23; filed May 15, 1998, 10:25 a.m.: 21 IR 3865; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2718; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2333)

SECTION 2. 836 IAC 1-1-2, AS ADDED AT 26 IR 2335, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-1-2 Enforcement

Authority: IC 16-31-2-7; IC 16-31-3-14; IC 16-31-3-14.5; IC 16-31-3-16; IC 16-31-3-17
Affected: IC 16-31

Sec. 2. ~~(a) After notice and hearing, the commission may suspend, revoke, or refuse to issue or reissue any certificate issued under IC 16-31-3 and this title for any of the following reasons:~~

~~(1) Demonstrated incompetence or inability to provide adequate services as defined in any Indiana commission approved training curricula for which a person has completed to acquire certification.~~

~~(2) Deceptive or fraudulent procurement of certification or recertification credentials and/or documentation.~~

~~(3) Willful or negligent practice beyond the scope of practice as defined by any Indiana commission- approved training curricula and this title.~~

~~(4) Delegating a skill to a person not qualified.~~
~~(5) Abuse or abandonment of a patient.~~
~~(6) Rendering of services under the influence of alcohol or drugs.~~
~~(7) Operation of an emergency medical services vehicle in a reckless or grossly negligent manner or while under the influence of alcohol or drugs.~~
~~(8) Unauthorized disclosure of medical records or other confidential patient information.~~
~~(9) Willful preparation or filing of false medical reports, or the inducement of others to do so.~~
~~(10) Unauthorized destruction of medical records.~~
~~(11) Refusal to respond to a call or to render emergency medical care when operating in an official capacity because of a patient's race, sex, creed, national origin, sexual preference, age, disability, or medical condition.~~
~~(12) Failure to comply with any part of IC 16-31-3 or this title.~~
~~(13) Conviction of a crime listed under IC 16-31-3-14.5 or IC 16-31-3-15. As used in this section, "conviction" means:~~
~~(A) a finding of guilt by a judge or jury;~~
~~(B) a guilty plea;~~
~~(C) a plea of nolo contendere or non-vult; or~~
~~(D) accepting entry into a pretrial intervention program.~~
~~(14) Willful or wanton misuse or theft of any drug, medication, or medical equipment.~~
~~(15) Willful obstruction of any official of the commission or other agency empowered to enforce the provisions of this title or Indiana law.~~
~~(16) Revocation or suspension of certification or license as a first responder, emergency medical technician, advanced emergency medical technician, advanced emergency medical technician-intermediate, paramedic, instructor, or other medical professional by any other state or federal jurisdiction.~~
~~(17) Any conduct that poses a threat to public health, safety, or welfare.~~

~~(b) After notice and hearing, the director may penalize an ambulance service provider or a person certified under this title up to five hundred dollars ($500) per occurrence for a violation of a patient care standard, protocol, operating procedure, or rule established by the commission.~~

~~(c) The commission or the director may, on finding that the public health or safety is in imminent danger, may temporarily suspend a certificate without hearing for not more than ninety (90) days on a notice to the certificate holder pursuant to IC 16-31-3-14(d) and IC 4-21.5-4.~~ **Enforcement actions will be taken in accordance with IC 16-31.** *(Indiana Emergency Medical Services Commission; 836 IAC 1-1-2; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2335)*

SECTION 3. 836 IAC 1-1-3, AS ADDED AT 26 IR 2336, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-1-3 Request for waiver
Authority: IC 16-31-2-7
Affected: IC 16-31-2-11; IC 16-31-3-5

Sec. 3. (a) ~~A provider or person certified or contemplating certification under this title may submit to the commission a written request that certain provisions of this title be waived. Such a request shall show that a proposed waiver, if approved, would~~ **The commission shall waive any rule for a person who provides emergency ambulance service, an emergency medical technician, an emergency medical technician-basic advanced, an emergency medical technician-intermediate, a paramedic, or an ambulance when operating from a location in an adjoining state by contract with an Indiana unit of government to provide emergency ambulance or medical services to patients who are picked up or treated in Indiana. To receive such a waiver, an applicant shall submit the following:**

(1) An application that shall include the following information:
(A) Organizational structure, including name, address, and phone number for the owner, chief executive officer, chief operations officer, training officer, and medical director.
(B) A description of the service area.
(C) Hours of operation.
(D) Proof of insurance coverage in amounts as specified in 836 IAC 1-3-6.
(E) Other information as required by the commission.
(2) A copy of the contract with the Indiana unit of government. This contract shall describe the emergency medical services that are to be provided.
(3) A list of the rule or rules for which the applicant is requesting a waiver.

(b) The commission may waive any rule, including a rule establishing a fee, for a person who submits facts demonstrating that:
(1) compliance with the rule will impose an undue hardship on the person; and
(2) either:
(A) noncompliance with the rule; or
(B) compliance with an alternative requirement approved by the commission;
will not jeopardize the quality of patient care.
However, the commission may not waive a rule that sets forth educational requirements for a person regulated under this article.

~~(b)~~ **(c) A waiver granted under subsection (b)(2)(B) is conditioned upon compliance with the alternative requirement approved under subsection (b).** The commission may approve a request based on one (1) or more of the following:
(1) Circumstances where public health and safety is a factor.
(2) Extenuating or mitigating circumstances that warrant consideration to assure the delivery of emergency medical services.

(3) Substitution of equipment authorized by this article.
(4) Testing of new procedures, techniques, and equipment in a pilot study authorized by the commission and supervised by the commission's designee.
(5) Special staffing or equipment requirements for a land ambulance providing interhospital emergency transportation of critical care patients.

~~(c) Out-of-state provider waiver requirements are as follows:~~
~~(1) Pursuant to IC 16-31-3-5, the commission shall waive any rule for:~~
~~(A) a person who provides emergency ambulance service;~~
~~(B) an emergency medical technician; or~~
~~(C) an ambulance;~~
~~when operating from a location in an adjoining state by contract with an Indiana unit of government to provide emergency ambulance or medical services to patient who are picked up or treated in Indiana.~~
~~(2) To receive such a waiver, an applicant shall submit the following:~~
~~(A) An application that shall include the following information:~~
~~(i) Organizational structure, including name, address, and phone number for the owner, chief executive officer, chief operations officer, training officer, and medical director.~~
~~(ii) A description of the service area.~~
~~(iii) Hours of operation.~~
~~(iv) Proof of insurance coverage in amounts as specified in 836 IAC 1-3-6 shall be submitted with the application.~~
~~(v) Other information as required by the commission.~~
~~(B) A copy of the contract with the Indiana unit of government. This contract shall describe the emergency medical services that are to be provided.~~
~~(C) A list of the rule or rules for which the applicant is requesting a waiver.~~

(d) ~~The commission may establish time limits and conditions on an approved~~ **A** waiver ~~An approved waiver will be effective for no more than~~ **granted under this section expires on the earlier of the following:**
(1) The date established by the commission when the waiver is granted.
(2) Two (2) years after the date ~~of~~ **the** commission ~~approval.~~ **grants the waiver.**

(e) ~~A person or provider with an approved waiver may request that~~ The commission **may** renew ~~this~~ **a** waiver ~~Such a request is subject to the requirements of this section. If the commission approves the request for renewal, the renewed waiver will expire two (2) years after the date of commission approval.~~ **if the person makes the same demonstration required for the original waiver.** *(Indiana Emergency Medical Services Commission; 836 IAC 1-1-3; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2336)*

SECTION 4. 836 IAC 1-1-4 IS ADDED TO READ AS FOLLOWS:

836 IAC 1-1-4 Exemptions
Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-31-3-3

Sec. 4. (a) Under IC 16-31-3-3, a certificate is not required for a person who provides emergency ambulance service, advanced life support, an emergency medical technician, an ambulance, or a nontransporting emergency medical services vehicle when doing any of the following:
(1) Providing assistance to persons certified to provide emergency ambulance service or to emergency medical technicians.
(2) Operating from a location or headquarters outside Indiana to provide emergency ambulance services to patients who are picked up outside Indiana for transportation to locations within Indiana. This includes the return of that patient to the patient's original state of origin if the return trip occurs within twenty-four (24) hours of the transport to Indiana.
(3) Providing emergency medical services during a major catastrophe or disaster with which persons or ambulance services are insufficient or unable to cope.

(b) An agency or instrumentality of the United States and any paramedic, emergency medical technician, emergency medical technician-basic advanced, or ambulances of the agency or instrumentality are not required to be certified or to conform to the standards prescribed under IC 16-31-3. An agency or instrumentality of the United States does not include a person operating under a contract with the government of the United States. *(Indiana Emergency Medical Services Commission; 836 IAC 1-1-4)*

SECTION 5. 836 IAC 1-1-5 IS ADDED TO READ AS FOLLOWS:

836 IAC 1-1-5 Reports and records
Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-31-3

Sec. 5. (a) All emergency medical service provider organizations shall comply with this section.

(b) All emergency medical service provider organizations shall participate in the emergency medical service system review by collecting and reporting data elements. The elements shall be submitted to the agency by the fifteenth of the following month by electronic format or submitted on disk in the format and manner specified by the commission. The data elements prescribed by the commission are as follows:
(1) Provider organization number.
(2) Date of incident.
(3) Time call received.

(4) Incident number.
(5) Service type.
(6) Time of dispatch.
(7) Location type.
(8) Patient name.
(9) Response number.
(10) Patient car record number.
(11) Patient zip code.
(12) Gender.
(13) Race.
(14) Time unit responding.
(15) Time of arrival at scene.
(16) Time unit left scene.
(17) Time available for service.
(18) Lights and siren to scene.
(19) Lights and siren used from scene.
(20) Level of care provided.
(21) Provider impression.
(22) Mode of injury.
(23) Incident/patient disposition.
(24) Vehicle type.
(25) Destination/transferred to.
(26) Destination determination.
(27) Time of arrival at destination.
(28) Incident location.
(29) Date of birth.
(30) Medical history.
(31) Signs and symptoms.
(32) Injury description.
(33) Safety equipment.
(34) Suspected drug/alcohol use.
(35) Pulse rate.
(36) Respiratory rate.
(37) Respiratory effort.
(38) Systolic blood pressure.
(39) Skin perfusion.
(40) Glascow eye opening.
(41) Glascow verbal component.
(42) Glascow motor component.
(43) Airway treatment.
(44) Stabilization treatment.
(45) Miscellaneous treatment.
(46) Medication name.
(47) Research code.
(48) Crew member one number.
(49) Crew member two number.

Basic life support nontransport provider organizations are required to submit data elements only for runs on which a defibrillator is used. If the defibrillator is not used on any runs during a month, then the basic life support nontransport provider organization shall report "no runs" on its monthly report for that month.

(c) Each emergency medical services provider organization shall retain all records required by this chapter for a minimum of three (3) years, except for the following records that shall be retained for a minimum of seven (7) years:
(1) Audit and review records.
(2) Run reports.
(3) Training records.

(d) An emergency medical service provider organization that has any certified vehicles involved in any traffic accident investigated by a law enforcement agency must report that accident to the agency within ten (10) working days on a form provided by the agency.

(e) Each provider organization, except basic life support nontransport provider organization, shall maintain accurate records concerning the assessment, treatment, or transportation of each emergency patient, including a run report form in an electronic or written format as prescribed by the commission as follows:
(1) A run report form shall include, at a minimum, the following:
(A) Name.
(B) Identification number.
(C) Age.
(D) Sex.
(E) Date of birth.
(F) Race.
(G) Address, including zip code.
(H) Location of incident.
(I) Chief complaint.
(J) History, including the following:
(i) Current medical condition and medications.
(ii) Past pertinent medical conditions and allergies.
(K) Physical examination section.
(L) Treatment given section.
(M) Vital signs, including the following:
(i) Blood pressure.
(ii) Pulse.
(iii) Respirations.
(iv) Level of consciousness.
(v) Skin temperature and color.
(vi) Pupillary reactions.
(vii) Ability to move.
(viii) Presence or absence of breath sounds.
(ix) The time of observation and a notation of the quality for each vital sign should also be included.
(N) Responsible guardian.
(O) Hospital destination.
(P) Radio contact via UHF or VHF.
(Q) Name of patient attendants, including emergency medical service certification numbers and signatures.
(R) Vehicle certification number.
(S) Safety equipment used by patient.
(T) Date of service.
(U) Service delivery times, including the following:

(i) Time of receipt of call.
(ii) Time dispatched.
(iii) Time arrived scene.
(iv) Time of departure from scene.
(v) Time arrived hospital.
(vi) Time departed hospital.
(vii) Time vehicle available for next response.
(viii) Time vehicle returned to station.

(2) The run report form shall be designed in a manner to provide space for narrative notation of additional medical information.

(3) A copy of the completed run report form shall be provided to the receiving facility when the patient is delivered unless it is not feasible; however, the form shall be provided to the receiving facility no later than twenty-four (24) hours after the patient is delivered.

(4) When a patient has signed a statement for refusal of treatment or transportation services, or both, that signed statement shall be maintained as part of the run documentation.

(f) Each basic life support nontransport provider organization shall maintain, in a manner prescribed by the commission, accurate records, including a run report form, concerning the assessment and treatment of each emergency patient as follows:

(1) A run report form shall be required by all basic life support nontransport provider organizations, including, at a minimum, the following:

(A) Name.
(B) Identification number.
(C) Age.
(E) Sex.
(F) Race.
(G) Physician of the patient.
(H) Date of birth.
(I) Address, including zip code.
(J) Location of incident.
(K) Chief complaint.
(L) History, including the following:
(i) Current medical condition and medications.
(ii) Past pertinent medical conditions and allergies.
(M) Physical examination section.
(N) Treatment given section.
(O) Vital signs, including the following:
(i) Pulse.
(ii) Blood pressure.
(iii) Respirations.
(iv) Level of consciousness.
(v) Skin temperature and color.
(vi) Pupillary reactions.
(vii) Ability to move.
(viii) Presence or absence of breath sounds.
(ix) The time of observation and a notation of the quality for each vital sign should also be included.
(P) Responsible guardian.
(Q) Name of patient attendants, including emergency medical services certification numbers and signatures.
(R) Vehicle emergency medical services certification number.
(S) Responding service delivery times, including the following:
(i) Time of receipt of call.
(ii) Time dispatched.
(iii) Time arrived scene.
(iv) Time of patient released to transporting emergency medical services.
(v) Time vehicle available for next response.
(T) Date of service.
(U) Safety equipment used by patient.

(2) The report form shall provide space for narrative description of the situation and the care rendered by the nontransport unit.

(3) A signed statement for refusal of treatment or transportation services, or both, shall be maintained as part of the run documentation.

(Indiana Emergency Medical Services Commission; 836 IAC 1-1-5)

SECTION 6. 836 IAC 1-1-6 IS ADDED TO READ AS FOLLOWS:

836 IAC 1-1-6 Audit and review
Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-31-3

Sec. 6. Each emergency medical service provider organization shall conduct audit and review at least quarterly to assess, monitor, and evaluate the quality of patient care as follows:

(1) The audit shall evaluate patient care and personnel performance against established standards of care.

(2) The results of the audit shall be reviewed with the emergency medical service personnel.

(3) Documentation for the audit and review shall include the following:

(A) The criteria used to select audited runs.
(B) Problem identification and resolution.
(C) Date of review.
(D) Attendance at the review.
(E) A summary of the discussion at the review.

(4) The audit and review shall be conducted under the direction of one (1) of the following:

(A) The emergency medical services provider organization medical director.
(B) An emergency department committee that is supervised by a medical director. An emergency medical service provider organization representative shall serve as a member on the committee.
(C) A committee established by the emergency medical service provider organization.

(5) A method of identifying needs to staff development programs, basic training, inservice, and orientation.

(Indiana Emergency Medical Services Commission; 836 IAC 1-1-6)

SECTION 7. 836 IAC 1-1-7 IS ADDED TO READ AS FOLLOWS:

836 IAC 1-1-7 Training
Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-31-3

Sec. 7. (a) Each emergency medical service provider organization shall designate one (1) person as the organization's training officer to assume responsibility for inservice training. This person shall be certified as one (1) of the following:

(1) First responder (only for the basic life support nontransport provider organization).
(2) An emergency medical technician.
(3) An emergency medical technician-basic advanced.
(4) An emergency medical technician-intermediate.
(5) A paramedic.
(6) A registered nurse.
(7) A certified physician assistant.
(8) A licensed physician who is actively involved in the delivery of emergency medical services with that organization.

(b) The training officer shall be responsible for the following:

(1) Providing and maintaining records of inservice training offered by the provider organization.
(2) Maintaining the following inservice training session information:
(A) Summary of the program content.
(B) The name of the instructor.
(C) The names of those attending.
(D) The date, time, and location of the inservice training sessions.
(3) Signing individual training records or reports to verify actual time in attendance at training sessions.

(Indiana Emergency Medical Services Commission; 836 IAC 1-1-7)

SECTION 8. 836 IAC 1-1-8 IS ADDED TO READ AS FOLLOWS:

836 IAC 1-1-8 Operating procedures
Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-31-3

Sec. 8. (a) All emergency medical service provider organizations shall comply with this section.

(b) Emergency medical service provider organization's premises shall be maintained, suitable to the conduct of the provider organizations service, with provision for adequate storage of emergency medical service vehicles and equipment.

(c) Each emergency medical service provider organization shall provide a periodic maintenance program to assure that all emergency medical service vehicles, including equipment, are maintained in good working condition at all times and that equipment, medication, and supplies have not exceeded the manufacturer's specified expiration date.

(d) All emergency medical service provider organization's premises, records, garaging facilities, and emergency medical service vehicles shall be made available for inspection by the agency at any time during operating hours.

(e) Each emergency medical service provider organization shall provide and maintain inservice training under section 7 of this rule.

(f) An emergency medical service provider organizations shall not act in a reckless or negligent manner so as to endanger the health or safety of emergency patients or members of the general public while in the course of business as an emergency medical service provider organizations.

(g) Each emergency medical service provider organizations shall notify the agency within thirty (30) days of the present and past specific location of any emergency medical service vehicles if the location of the emergency medical service vehicles is changed from that specified in the provider organization's application for emergency medical service provider organizations certification or certification renewal.

(h) An emergency medical service provider organization shall not engage in the provision of advanced life support unless the emergency medical service provider organization is certified under 836 IAC 2 and the vehicle meets the requirements of 836 IAC 2.

(i) Each emergency medical services provider organization shall conduct audit and review under section 6 of this rule.

(j) An emergency medical service provider organization may operate a nontransport emergency medical services vehicle in accordance with 836 IAC 1-11-4.

(k) The following reporting requirements are applicable to all emergency medical service provider organizations:

(1) For an individual certified by the commission and employed (either paid or volunteer) by an emergency medical service provider organization, the provider organization shall notify the agency within thirty (30) days of any of the following:

(A) An action taken by the provider organization or the provider organization's medical director to:

(i) restrict, suspend, or revoke the individual's authorization to perform emergency medical services for the provider organization; or

(ii) suspend or terminate the individual's employment or affiliation with the provider organization.

(B) The individual is no longer employed with the provider organization either voluntarily or involuntarily.

(C) The individual is no longer affiliated with the provider organization either voluntarily or involuntarily.

(2) The notification required under this subsection shall include the following:

(A) Name of individual.

(B) Certification number.

(C) Date action was taken.

(D) Description of the action taken, including the length of the action if the action was temporary and any conditions and terms associated with the action.

(E) Reason action was taken.

(Indiana Emergency Medical Services Commission; 836 IAC 1-1-8)

SECTION 9. 836 IAC 1-2-1, AS AMENDED AT 26 IR 2337, SECTION 4, IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-2-1 General certification provisions

Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-31-3; IC 16-41-10

Sec. 1. (a) A person shall not **furnish, operate, maintain, advertise, or otherwise** engage in ~~the business or service of~~ providing emergency ambulance services ~~upon any public way of the state~~ unless ~~they hold a valid certificate issued~~ **the person is certified** by the commission ~~for engaging in such a business or service~~ as an ambulance service provider **organization.**

~~(b) A certificate is not required for a person who provides emergency ambulance service, an emergency medical technician, or an ambulance when:~~

~~(1) rendering assistance to persons certified to provide emergency ambulance service or to emergency medical technicians;~~

~~(2) operating from a location or headquarters outside Indiana to provide emergency ambulance services to patients who are picked up outside Indiana for transportation to locations within Indiana;~~

~~(3) providing emergency medical services during a major catastrophe or disaster with which persons or ambulance services are insufficient or unable to cope;~~

~~(4) an agency or instrumentality of the United States and any emergency medical technicians or ambulances of such agency or instrumentality are not required to be certified or to conform to the standards prescribed under 836 IAC 1-1-1(19); or~~

~~(5) transportation of a patient from another state into Indiana and returned and returned to original state of origin within twenty-four (24) hours.~~

~~(c)~~ **(b)** Each ambulance, while transporting a patient, shall be staffed by not less than two (2) persons, one (1) of whom shall be a certified emergency medical technician and who shall be in the patient compartment. ~~unless an exemption is approved by the commission through 836 IAC 1-1-3.~~

~~(d) An ambulance service provider seeking certification for other than a land or air ambulance may petition the commission for any exemptions from one (1) or more of the requirements set forth in this article and 836 IAC 2.~~

~~(e) Each~~ **(c) An** emergency patient shall **only** be transported in a certified ambulance.

~~(f)~~ **(d)** Each ambulance service provider **organization** shall ~~do the following:~~ **notify the agency in writing as follows:**

(1) ~~Notify the director in writing~~ Within thirty (30) days of any changes in and items in the application required in section 2(a) of this rule.

(2) ~~Notify the director in writing~~ Immediately of change in medical director, including medical director approval form and protocols.

~~(g)~~ **(e)** Each ambulance service provider **organization** shall ~~secure~~ **have** a medical director. ~~who shall be a physician with an unlimited license to practice medicine in Indiana and who has an active role in the delivery of emergency care.~~ The duties and responsibilities of the medical director are as follows:

(1) Provide liaison between the local medical community and the emergency medical service provider **organization.**

(2) Assure compliance with defibrillation training standards and curriculum established by the commission.

(3) Monitor and evaluate the day-to-day medical operations of the ambulance service provider organization.

(4) Assist in the continuing education programs of the ambulance service provider organization.

(5) Provide technical assistance concerning the delivery of automated defibrillation and other medical issues.

(6) Provide individual consultation to the emergency medical personnel affiliated with the ambulance service provider organization.

(7) Participate in the audit and review of cases treated by the emergency medical personnel of the ambulance service provider organization.

(8) Assure compliance with approved medical standards established by the commission performed by ambulance service provider organization.

(9) Establish protocols for automatic defibrillation, airway management, patient-assisted medications, and emergency medical technician-administered medications as approved by the commission.

(10) Provide liaison between the emergency medical service provider organization, the emergency medical service personnel, and the hospital in regards to communicable disease testing under IC 16-41-10.

(Indiana Emergency Medical Services Commission; Emergency Medical Services Rule I, A; filed Jun 5, 1975, 11:57 a.m.: Rules and Regs. 1976, p. 84; filed Dec 15, 1977: Rules and Regs. 1978, p. 244; filed Dec 15, 1977: Rules and Regs. 1978, p. 245; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2192; errata, 4 IR 531; filed Oct 13, 1981, 10:05 a.m.: 4 IR 2419; filed Dec 2, 1983, 2:43 p.m.: 7 IR 352; errata, 7 IR 1254; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1036; filed Aug 18, 1986, 1:00 p.m.: 10 IR 24; filed May 15, 1998, 10:25 a.m.: 21 IR 3866; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2719; filed Apr 4, 2002, 9:15 a.m.: 25 IR 2506; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2337)

SECTION 10. 836 IAC 1-2-2, AS AMENDED AT 26 IR 2338, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-2-2 Application for certification; renewal

Authority: IC 16-31-2-7
Affected: IC 16-31-3-8

Sec. 2. (a) Application for ambulance service provider **organization** certification shall be made on forms as ~~prescribed~~ **provided** by the ~~commission,~~ **agency,** and the applicant shall comply with the following requirements:

(1) Applicants shall complete the required forms and submit the forms to the ~~director~~ **agency** not less than sixty (60) days prior to the requested effective date of the certificate.

(2) Each ambulance ~~with~~ **and** its equipment ~~as required in this article,~~ shall be made available for inspection by the ~~director or the director's authorized representative.~~ **agency.**

(3) The premises on which ambulances are parked or garaged and on which ambulance supplies are stored shall be open during business hours to the ~~director, or the director's authorized representative,~~ **agency** for inspection.

(4) A complete listing of affiliated personnel to be utilized as **emergency medical technicians-basic advanced,** emergency medical technicians, first responders, and drivers shall be submitted to the ~~director.~~ **agency.** The ~~director~~ **agency** shall be notified in writing within thirty (30) days of any change in personnel.

(5) Each application shall include the following information:

(A) A description of the service area.

(B) Hours of operation.

(C) Number and location of ambulances.

(D) Organizational structure, including name, address, and phone number for the owner, chief executive officer, chief operations officer, training officer, and medical director.

(E) Current Federal Communications Commission license or letter of authorization.

(F) Location of ambulance service ~~provider's~~ **provider organization's** records.

(G) Proof of insurance coverage ~~in amounts~~ **for ambulances and nontransport vehicles** as ~~specified in section 3(g) of this rule shall be submitted with the application and shall be renewed thirty (30) days prior to the expiration of the current insurance.~~ **required by 836 IAC 1-3-6.**

(H) Staffing pattern of personnel.

(I) Base of operations.

(J) List of all affiliated personnel, including certification numbers.

(K) Copy of medical director establish protocols and standing orders.

~~(H)~~ **(M)** Other information as required by the commission.

(b) Upon approval, a certificate shall be issued by the ~~director.~~ **commission.**

(c) The certificate shall be:

(1) valid for a period of two (2) years; and

(2) prominently displayed at the place of business.

~~(c)~~ **(d)** Application for ambulance service provider **organization** certification renewal shall be made not less than sixty (60) days prior to the expiration date of the current certificate to assure continuity of certification. Application for renewal shall be made on forms as ~~prescribed~~ **provided** by the ~~commission.~~ **agency.** *(Indiana Emergency Medical Services Commission; Emergency Medical Services Rule I,B; filed Jun 5, 1975, 11:57 a.m.: Rules and Regs. 1976, p. 86; filed May 10, 1977, 10:52 a.m.: Rules and Regs. 1978, p. 218; filed Dec 15, 1977: Rules and Regs. 1978, p. 245; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2193; filed Oct 13, 1981, 10:05 a.m.: 4 IR 2420; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1037; filed Aug 18, 1986, 1:00 p.m.: 10 IR 25; filed May 15, 1998, 10:25 a.m.: 21 IR 3867; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2720; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2338)*

SECTION 11. 836 IAC 1-2-3, AS AMENDED AT 26 IR 2339, SECTION 6, IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-2-3 Ambulance service provider organization operating procedures

Authority: IC 16-31-2-7
Affected: IC 16-18; IC 16-31-3-2; IC 34-6-2-49

Sec. 3. (a) Each ambulance service provider **organization** shall maintain accurate records ~~concerning the transportation of each emergency patient within Indiana, including an ambulance run report form in an electronic or written format as prescribed by the commission as follows:~~

~~(1) An ambulance run report form shall be required by all ambulance providers including, at a minimum, the following information about the patient:~~

~~(A) Name.~~

~~(B) Identification number.~~

~~(C) Age.~~

~~(D) Sex.~~

~~(E) Date of birth.~~

~~(F) Race.~~
~~(G) Address, including zip code.~~
~~(H) Location of incident.~~
~~(I) Chief complaint.~~
~~(J) History, including the following:~~
~~(i) Current medical condition and medications.~~
~~(ii) Past pertinent medical conditions and allergies.~~
~~(K) Physical examination section.~~
~~(L) Treatment given section.~~
~~(M) Vital signs, including the following:~~
~~(i) Blood pressure.~~
~~(ii) Pulse.~~
~~(iii) Respirations.~~
~~(iv) Level of consciousness.~~
~~(v) Skin temperature and color.~~
~~(vi) Pupillary reactions.~~
~~(vii) Ability to move.~~
~~(viii) Presence or absence of breath sounds.~~
~~(ix) The time of observation and a notation of the quality for each vital sign should also be included.~~
~~(N) Responsible guardian.~~
~~(O) Hospital destination.~~
~~(P) Radio contact via UHF or VHF.~~
~~(Q) Name of patient attendants, including emergency medical service certification numbers.~~
~~(R) Vehicle certification number.~~
~~(S) Safety equipment used by patient.~~
~~(T) Date of service.~~
~~(U) Service delivery times, including the following:~~
~~(i) Time of receipt of call.~~
~~(ii) Time dispatched.~~
~~(iii) Time arrived scene.~~
~~(iv) Time of departure from scene.~~
~~(v) Time arrived hospital.~~
~~(vi) Time departed hospital.~~
~~(vii) Time vehicle available for next response.~~
~~(viii) Time vehicle returned to station.~~
~~(2) The report form shall be designed in a manner to provide space for narrative notation of additional medical information. A copy of the form shall be provided to the receiving facility for the purpose of patient information and record.~~
~~(3) When a patient has signed a statement for refusal of treatment or transportation services, or both, that signed statement shall be maintained as part of the run documentation.~~

under 836 IAC 1-1-5.

~~(b) All ambulance service providers shall participate in the emergency medical service system review by:~~
~~(1) collecting all data elements prescribed by the commission; and~~
~~(2) reporting that information according to procedures and schedules prescribed by the commission.~~

~~(c)~~ **(b)** An ambulance service provider **organization** shall not operate a land ambulance on any public way in Indiana unless the ambulance is in full compliance with the ambulance certification requirements established and set forth in this article, except an ambulance service provider **organization** may operate, for a period not to exceed sixty (60) consecutive days, a noncertified ambulance if the noncertified ambulance is used to replace a certified ambulance that has been taken out of service providing the following:

(1) The replacement ambulance shall meet all certification requirements.

(2) The ambulance service provider **organization** shall notify the ~~commission~~ **agency** in writing within seventy-two (72) hours of the time the replacement ambulance is placed in service. The written notice shall identify the following:

(A) The replacement date.

(B) The certification number of the replaced ambulance.

(C) The vehicle identification number of the replacement ambulance.

(D) The make and type of the replacement ambulance.

Upon receipt of the notification, a temporary certificate shall be issued effective the date the certified ambulance was replaced. Temporary certification shall not exceed sixty (60) days **from the date that the replacement ambulance is placed in service** and, upon return to service **of the certified ambulance,** the use of the replacement vehicle shall cease. ~~and the temporary certificate shall be returned to the commission.~~

~~(d)~~ **(c)** The ambulance service ~~provider's~~ **provider organization's** premises shall be maintained, suitable to the conduct of the ambulance service, with provision for adequate storage of ambulances and equipment.

~~(e)~~ **(d)** Each ambulance service provider **organization** shall provide ~~for~~ a periodic maintenance program to assure that all ambulances, including equipment, are maintained in good working condition at all times **and that equipment, medication, and supplies have not exceeded the manufacturer's specified expiration date.**

~~(f)~~ **(e)** All ambulance service provider **organization** premises, records, garaging facilities, and ambulances shall be made available for inspection by the ~~commission, director, or a duly authorized representative~~ **agency** at any time during operating hours.

~~(g)~~ **(f)** Each ambulance service provider **organization** shall provide and maintain a communication system that meets or exceeds the requirements set forth in 836 IAC 1-4.

~~(h)~~ **(g)** Each ambulance service provider **organization** shall ~~designate one (1) person as the organization's training officer to assume responsibility for in-service training. This person shall be certified as an emergency medical technician, an advanced emergency medical technician, a paramedic, a registered nurse, a certified physician assistant, or a licensed~~

~~physician who is actively involved in the delivery of emergency medical services with that organization. The training officer shall be responsible for the following:~~

~~(1) Providing and maintaining records of in-service training offered by the provider organization.~~

~~(2) Maintaining the following in-service training session information:~~

~~(A) Summary of the program content.~~

~~(B) The name of the instructor.~~

~~(C) The names of those attending.~~

~~(D) The date, time, and location of the in-service training sessions.~~

~~(3) Signing individual emergency medical technician training records or reports to verify actual time in attendance at training sessions.~~ **provide and maintain inservice training under 836 IAC 1-1-7.**

~~(i)~~ **(h)** An ambulance service provider **organization** shall not act in a reckless or negligent manner so as to endanger the health or safety of emergency patients or members of the general public while in the course of business as an ambulance service provider **organization.**

~~(j)~~ **(i)** Each ambulance service provider **organization** shall notify the ~~director~~ **agency** within thirty (30) days of the present and past specific location of any ambulance if the location of the ambulance is changed from that specified in the ~~provider's~~ **provider organization's** application for ambulance service provider **organization** certification or certification renewal.

~~(k)~~ **(j)** Each ambulance service provider **organization** shall, within seven (7) ~~consecutive~~ **calendar** days of the date a certified ambulance is permanently withdrawn from service, return to the ~~director~~ **agency** the certificate and window sticker issued ~~by the commission~~ for the ambulance.

~~(l)~~ **(k)** No ~~certified~~ ambulance service provider **organization** may operate any noncertified vehicle that displays to the public any word, phrase, or marking that implies in any manner that the vehicle is an ambulance. ~~as defined in IC 16-18 unless the vehicle is used solely in another state for patient care.~~

~~(m)~~ **(l)** Each ambulance service provider **organization** shall ensure that rigid sanitation procedures are in effect at all times. The following sanitation standards apply to all ambulances **and nontransport vehicles:**

(1) The interior and the equipment within the vehicle shall be clean and maintained in good working order at all times.

(2) Freshly laundered linen or disposable linens shall be used on litters and pillows, and linen shall be changed after each patient is transported.

(3) Clean linen storage shall be provided.

(4) Closed compartments shall be provided within the vehicle for medical supplies.

(5) Closed containers shall be provided for soiled supplies.

(6) Blankets shall be kept clean and stored in closed compartments.

(7) Implements inserted into the patient's nose or mouth shall be single-service, wrapped, and properly stored and handled. Multi-use items shall be kept clean and sterile when indicated and properly stored.

(8) When a vehicle has been utilized to transport a patient known to have a communicable disease or suffered exposure to hazardous material or biohazard material, the vehicle and equipment shall be cleansed and all contact surfaces washed in accordance with current decontamination and disinfecting standards. All hazardous and biohazard materials shall be disposed of in accordance with current hazardous and biohazard disposition standards.

~~(n)~~ **(m)** An ambulance service provider **organization** shall not engage in the provision of advanced life support ~~as defined in IC 16-18~~ unless

~~(1)~~ the ambulance service provider **organization** is certified ~~pursuant to~~ **under** 836 IAC 2 and the vehicle meets the requirements of 836 IAC 2. ~~or~~

~~(2) an exemption has been granted or authorized for the ambulance service provider and vehicle(s) pursuant to this article or 836 IAC 2.~~

~~(o)~~ **(n)** Each emergency medical services provider ~~under the responsibility of its chief executive officer and medical director,~~ **organization** shall conduct audit and review ~~at least quarterly to assess, monitor, and evaluate the quality of patient care as follows:~~

~~(1) The audit shall evaluate patient care and personnel performance against established standards of care.~~

~~(2) The results of the audit shall be reviewed with the emergency medical service personnel.~~

~~(3) Documentation for the audit and review shall include the following:~~

~~(A) The criteria used to select audited runs.~~

~~(B) Problem identification and resolution.~~

~~(C) Date of review.~~

~~(D) Attendance at the review.~~

~~(E) A summary of the discussion at the review.~~

~~(4) The audit and review shall be conducted under the direction of one (1) of the following:~~

~~(A) The emergency medical services provider medical director.~~

~~(B) An emergency department committee that is supervised by a medical director. An emergency medical services provider representative shall serve as a member on the committee.~~

~~(C) A committee established by the emergency medical services provider.~~ **under 836 IAC 1-1-6.**

~~(p)~~ **(o)** An ambulance service provider **organization** may operate a nontransport emergency medical services vehicle in accordance with 836 IAC 1-11-4.

~~(q) All records shall be retained for a minimum of three (3) years, except for the following records that shall be retained for a minimum of seven (7) years:~~

~~(1) Audit and review records.~~

~~(2) Run reports.~~

~~(3) Training records.~~

~~(r)~~ **(p)** An ambulance service provider **organization** with approval from the provider organization's medical director may transport a patient with the following:

(1) PCA pump with any medication or fluid infusing through a peripheral IV.

(2) Medication infusing through a peripheral IV or continuous subcutaneous catheter via a closed, locked system.

(3) A central catheter that is clamped off.

(4) A patient with a feeding tube that is clamped off.

(5) A patient with a Holter monitor.

(6) A patient with a peripheral IV infusing vitamins.

(7) IV fluids infusing through a peripheral IV via gravity or an infusing system that allows the technician to change the rate of infusion are limited to D5W, Lactated Ringers, sodium chloride (nine-tenths percent (0.9%) or less), potassium chloride (twenty (20) milliequivalent per liter or less for emergency medical technicians, forty (40) milliequivalent per liter or less for ~~advanced~~ emergency medical technicians-**basic advanced). At no time will piggy-back or secondary intravenous line or blood products be transported.**

~~(s) An ambulance service provider who has any certified vehicles involved in any traffic accident investigated by a law enforcement agency must report that accident to the commission within ten (10) working days on a form prescribed by the commission. At no time will piggy-back or secondary intravenous line or blood products be transported.~~ *(Indiana Emergency Medical Services Commission; Emergency Medical Services Rule I, C; filed Jun 5, 1975, 11:57 a.m.: Rules and Regs. 1976, p. 86; filed May 10, 1977, 10:52 a.m.: Rules and Regs. 1978, p. 218; filed Dec 15, 1977: Rules and Regs. 1978, p. 245; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2194; errata, 4 IR 531; filed Dec 2, 1983, 2:43 p.m.: 7 IR 353; errata, 7 IR 1254; errata, 7 IR 1551; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1038; filed Aug 18, 1986, 1:00 p.m.: 10 IR 26; filed Oct 11, 1988, 11:05 a.m.: 12 IR 354; filed May 15, 1998, 10:25 a.m.: 21 IR 3868; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2721; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2339)*

SECTION 12. 836 IAC 1-2-5 IS ADDED TO READ AS FOLLOWS:

836 IAC 1-2-5 Interfacility transfers and response

Authority: IC 16-31-2-7
Affected: IC 16-18-2-7; IC 16-28-2-161; IC 16-31

Sec. 5. (a) A basic life support ambulance service provider organization may transport an emergency patient who would normally require transport by an advanced life support ambulance service provider organization if the following conditions are met:

(1) The emergency patient is being transported from one (1) health care facility to another health care facility. Health care facility has the meaning set forth in IC 16-28-2-161.

(2) The transferring physician has issued written approval of the interfacility transfer by the basic life support ambulance service provider organization.

(3) The ambulance is equipped with the medical supplies and equipment determined by the transferring physician to be necessary to maintain the patient's medical condition and to manage patient complications that may be reasonably anticipated to occur en route to the patient's destination.

(4) The patient compartment of the ambulance is staffed by at least one (1) employee of the transferring health care facility who the transferring physician has determined has the training and skills necessary to maintain the patient's medical condition and to manage patient complications that may be reasonably anticipated to occur en route to the patient's destination.

(b) A basic life support ambulance service provider organization may transport an emergency patient who would normally require transport by an advanced life support ambulance service provider organization if the following conditions are met:

(1) The emergency patient is being transported from the scene of a medical emergency to a health care facility.

(2) An advanced life support provider organizations also responded to the scene, and advanced life support treatment has been initiated by a paramedic or emergency medical technician-intermediate and a paramedic or emergency medical technician-intermediate is present in the patient compartment of the transporting ambulance.

(3) The medical director of the basic life support ambulance service provider organization has established a protocol.

(c) The vehicle staffing required in subsection (a) is in addition to the staffing required as determined by the level of certification by the commission for the ambulance service provider organization that transports the patients. *(Indiana Emergency Medical Services Commission; 836 IAC 1-2-5)*

SECTION 13. 836 IAC 1-3-1 IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-3-1 General certification provisions

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 1. (a) ~~Ambulances ordered or leased shall meet minimum specifications or they shall not be~~ **This rule is applicable to all**

emergency medical service vehicles eligible for certification. ~~except as defined under 836 IAC 1-2-1(g).~~

(b) ~~Procedures for suspension, revocation, or termination of a certificate included under 836 IAC 1-2-1(d) through 836 IAC 1-2-1(f) apply to certification for ambulances.~~ **All emergency medical service vehicles shall be in full compliance and meet minimum specifications and certification requirements set forth in this rule to be certified.** *(Indiana Emergency Medical Services Commission; Emergency Medical Services Rule II, A; filed Jun 5, 1975, 11:57 a.m.: Rules and Regs. 1976, p. 87; filed Dec 15, 1977: Rules and Regs. 1978, p. 245; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2196; errata, 4 IR 531; filed Oct 13, 1981, 10:05 a.m.: 4 IR 2421; filed Dec 2, 1983, 2:43 p.m.: 7 IR 354; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1041; filed May 15, 1998, 10:25 a.m.: 21 IR 3872; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2724)*

SECTION 14. 836 IAC 1-3-2 IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-3-2 Application for certification
Authority: IC 16-31-2-7
Affected: IC 16-31-3-2; IC 16-31-3-8

Sec. 2. (a) Application for ~~ambulance~~ **emergency medical service vehicle** certification shall be made by the ~~ambulance~~ **emergency medical** service provider **organization** on such forms as ~~prescribed~~ **provided** by the ~~commission~~ **agency** and shall comply with the following requirements:

(1) Applicants shall complete the required forms and submit the forms to the ~~director. A certificate for the ambulance shall be issued by the director.~~ **agency with the following information:**

(A) Name and address of the emergency medical service provider organization.

(B) Vehicle information, including make, model, year, and vehicle identification number.

(C) Color scheme of emergency medical service vehicle.

(2) Each ~~ambulance~~ **emergency medical service vehicle** for which certification is requested shall be made available for inspection by the ~~director, or his duly authorized representative,~~ **agency** with its equipment as required by this article or 836 IAC 2 prior to approval for certification.

(b) ~~Upon approval,~~ **If the emergency medical service vehicle is found to comply with all applicable requirements in this article,** a certificate shall be issued ~~by the director~~ to the ~~ambulance~~ **emergency medical** service provider **organization** for ~~all ambulances.~~ **the vehicle.** The certificate shall be valid for two (2) years unless earlier revoked or suspended. ~~by the commission.~~ The certificate shall be prominently displayed within the ~~ambulance~~ patient compartment **of the ambulance or driver compartment of the emergency medical service nontransport vehicle.**

~~(c) Vehicle certifications are invalid upon expiration, suspension, revocation, or relinquishment of provider certification.~~ *(Indiana Emergency Medical Services Commission; Emergency Medical Services Rule II, B; filed Jun 5, 1975, 11:57 a.m.: Rules and Regs. 1976, p. 88; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2196; filed Dec 2, 1983, 2:43 p.m.: 7 IR 354; errata, 7 IR 1254; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1042; filed May 15, 1998, 10:25 a.m.: 21 IR 3872; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2725)*

SECTION 15. 836 IAC 1-3-3 IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-3-3 Land ambulance specifications
Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 3. (a) All land ambulances shall meet or exceed the following minimum performance characteristics:

(1) Vehicle brakes shall be of the heavy duty power assist type.

(2) The vehicle engine shall be a six (6) or eight (8) cylinder internal combustion, liquid cooled engine ~~which~~ **that** meets ambulance chassis manufacturer's standard horsepower/displacement requirements.

(3) The fully loaded vehicle shall be capable of a sustained speed of at least sixty-five (65) miles per hour over dry, level, or hard-surfaced roads.

(4) The vehicle transmission shall have a minimum of three (3) forward gears and one (1) reverse gear. Automatic transmission is required.

(5) The steering system shall be the manufacturer's recommended design and be power assisted.

(6) Shock absorbers shall be of the heavy-duty, double action type.

(7) Tires shall meet the manufacturer's standards for the gross vehicle weight of the vehicle. **Retread tires shall not be used on ambulances.** No tire shall:

(A) display exposed tire cord; or

(B) have tread depth less than two thirty-seconds ($^{2}/_{32}$) on back tires and four thirty-seconds ($^{4}/_{32}$) on front tires spaced equally around the tire, with no visible defects.

~~Retread tires shall not be used on ambulances.~~

(b) All land ambulances shall meet or exceed the following minimum physical characteristics:

(1) The overall width of the vehicle shall be a minimum of seventy-five (75) inches and shall not exceed ninety-six (96) inches, excluding mirrors, lights, and trim.

(2) The overall vehicle exterior height shall be a maximum of one hundred ten (110) inches, measured at curb height from the ground to a point that is level with the top of the vehicle, including emergency warning devices, but excluding two-way radio antenna.

(3) The vehicle shall have a wheelbase of one hundred twenty-three (123) inches, minimum. See subsection (e)(1) for minimum inside length of patient compartment.

(c) All land ambulances shall meet or exceed the following minimum specifications for electrical systems:

(1) Wiring shall be made up into harnesses, properly sized, and coded. These shall be reasonably accessible for checking and maintenance. In any area where wiring would be exposed to the elements, it shall be protected by a weatherproof harness or loom. This loom shall be installed so as to eliminate the possible entrance of water that could cause damage through freeze-bursting. Wiring, in loom or otherwise, shall not be accepted if in the area of wheel wash abrasion. Wiring shall be protected by a rubber grommet or plastic bezel at any point where it may pass through, or over, the edge of any metal panel unless the hole or edge of the metal is hemmed or flanged. Wiring connectors and terminals shall be the manufacturer's recommended standard. Horizontal wiring shall be supported by insulated clips located and spaced to minimize sag. Complete wiring diagrams for standard and for optional equipment shall be supplied for each vehicle. Ambulance body and accessory electrical equipment shall be served by circuits separate and distinct from vehicle chassis circuits.

(2) The electrical generating system shall consist of a one hundred five (105) ampere alternator minimum.

(3) Two (2) batteries shall be provided, each with:

(A) a seventy (70) amp hour rating;

(B) a switching system **(for ambulances manufactured prior to 2002);** and

(C) capability to completely disconnect both batteries **(for ambulances manufactured prior to 2002).**

(4) Lighting shall be designed and located so that no glare is reflected from surrounding areas to the driver's eyes or line of vision, from instrument panel, switch panel, or other areas that may require illumination while the vehicle is in motion.

(5) Illumination shall be adequate throughout the compartment and provide an intensity of light at the level of the patient for adequate observation of vital signs, such as skin color and pupillary reflex, and for care in transit, and such illumination be automatically activated when opening the patient compartment doors in addition to being controlled by a switch panel in the patient compartment located at the head of the patient. Reduced light level may be provided by rheostat control of the compartment lighting or by a second system of low intensity lights.

(6) The ignition system shall be suppressed to prevent interference with radio transmission and receiving.

(7) The vehicle shall have floodlights that illuminate a half-circle as wide as the vehicle to a point six (6) feet behind the vehicle on its center line. The floodlight shall be body-mounted and activated when rear doors are opened.

(8) All circuits shall be protected by automatic circuit breakers of proper capacity.

(9) Each ambulance for which certification is requested shall have an audible back-up warning device that is activated when the ambulance is shifted into reverse.

(d) All land ambulances shall meet the following requirements for external identification:

(1) Warning lights of red or red and white, at the discretion of the owner, and shall conform with Indiana state law. Rear facing amber lights may be used. All lights on the vehicle shall be in working condition.

(2) The word "AMBULANCE" shall be displayed on the exterior of the vehicle, on front, back, or at least one (1) side of the vehicle in letters not less than three (3) inches in height and a color contrasting material.

(3) Each fully certified ambulance shall display the four (4) numbers of the commission-assigned ambulance certification number. The four (4) numbers, in sequence, shall be placed on each side of the ambulance on the right and left front fenders and on the ~~left~~ rear portion of the vehicle. Each number shall be in block letters not less than three (3) inches in height. This number shall be displayed in color contrasting, reflective material. The numbers shall be placed on the vehicle within seven (7) days of the receipt of the ambulance certificate. The numbers shall be removed or permanently covered by the ambulance service provider **organization** when the ambulance is permanently removed from service by the ambulance service provider **organization.**

(4) A commission certified vehicle sticker shall be displayed on all certified vehicles.

(e) All land ambulance bodies shall meet or exceed the following minimum specifications:

(1) The length of the patient compartment shall be a minimum of one hundred eleven (111) inches and provide a minimum of twenty-five (25) inches clear space at the head of the litter, and a minimum of ten (10) inches shall be provided from the end of the litter's mattress to the rear loading doors.

(2) An aisle free of obstruction the full length of the stretcher shall be provided.

(3) The inside height of the patient compartment shall be a minimum of sixty (60) inches measured floor to ceiling in the center of the patient compartment.

(4) One (1) seat shall be provided within the patient compartment for the technician, the dimensions of which shall be at the discretion of the owner.

(5) If a bulkhead or partition is provided between the driver and patient compartments, a means of voice or signal communication between the driver compartment and the patient compartment shall be provided.

(f) All land ambulances shall meet or exceed the following minimum standards of construction:

(1) The body structure shall be of prime commercial quality metal or other material with strength at least equivalent to all-steel. Wood shall not be used for structural framing. The exterior of the body shall be finished smooth with symmetrically rounded corners and edges, except for rub rails, and embody provisions for door and windows specified in this subsection. The ambulance body as a unit shall be of sufficient strength to support the entire weight of the fully loaded

vehicle on its top or side if overturned, without crushing, separation of joints, or permanently deforming roof bow or reinforcements, body posts, doors, strainers, stringers, floor, inner linings, outer panels, rub rails, and other reinforcements.

(2) The vehicle shall have a loading door or doors on the right side and at the rear of the vehicle. Rear patient compartment doors shall incorporate a tension, spring, or plunger type holding device to prevent the door from closing unintentionally from wind or vibration.

(3) The floor should be at the lowest level permitted by clearances. It shall be flat and unencumbered in the access and work area. The floor may be metal properly reinforced to eliminate oil canning and insulated against outside heat and cold. The floor may also be marine plywood provided the plywood is sufficient in thickness to rigidly take the loads imposed upon it. A combination of plywood over metal shall be acceptable provided the surfaces between are coated with waterproof adhesive. There shall be no voids or pockets in the floor to side wall areas where water or moisture can become trapped to cause rusting or unsanitary conditions.

(4) The floor covering shall be seamless, one (1) piece, skid-resistant, and extend the full length and width of the compartment. Linoleum vinyl or urethane quartz poured not less than one-sixteenth ($^1/_{16}$) of an inch in thickness permanently applied is required. Covering joints at the side walls, where side panels and covering meet, shall be sealed.

(g) All windows shall be intact. The vehicle shall have windshield wipers that are in working condition.

(h) Dual, firmly secured, vibrationless, rear-view mirrors, one (1) mounted on the left side of the vehicle and one (1) mounted on the right side, shall be included.

(i) ~~Refer to ambulance body in subsection (e)(1) through (e)(3) for compartment capacity.~~ In addition **to any other requirements specified in this section,** the patient compartment shall meet the following minimum requirements:

(1) Crash-stable fasteners shall be provided to secure litters to the floor or side walls. Where a single patient may be centered in the area on the wheeled litter, additional attachments shall be provided.

(2) If the litter is floor supported on its own support wheels, a means shall be provided to secure it in position under all conditions. These restraints shall permit quick attachment and detachment for quick transfer of patient.

(3) Appropriate passenger restraints shall be installed in all seating facilities for drivers, passengers, and attendant.

(j) All land ambulances shall meet or exceed the following minimum communication standards:

(1) Two-way radio communication equipment shall conform to the requirements set forth in this article.

(2) Type and number of sirens shall be at the discretion of the ambulance service provider **organization** and shall conform to Indiana law.

(k) All ambulances shall meet or exceed the following minimum requirements for environmental equipment:

(1) Separate heating units shall be provided for the driver and patient compartments. The driver compartment shall provide for window defrosting.

(2) An adequate air-conditioning system shall be provided for cooling both driver and patient compartment.

(3) An adequate heating system shall be provided for heating both driver and patient compartment. The patient compartment shall be heavily insulated to minimize conduction of heat, cold, or external noise entering the vehicle interior.

(Indiana Emergency Medical Services Commission; Emergency Medical Services Rule II,C; filed Jun 5, 1975, 11:57 a.m.: Rules and Regs. 1976, p. 88; filed May 10, 1977, 10:52 a.m.: Rules and Regs. 1978, p. 218; filed May 10, 1977, 10:52 a.m.: Rules and Regs. 1978, p. 219; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2197; errata, 4 IR 531; filed Oct 13, 1981, 10:05 a.m.: 4 IR 2421; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1042; filed Aug 18, 1986, 1:00 p.m.: 10 IR 29; filed May 15, 1998, 10:25 a.m.: 21 IR 3872; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2725)

SECTION 16. 836 IAC 1-3-5, AS AMENDED AT 26 IR 2342, SECTION 7, IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-3-5 Emergency care equipment

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 5. Each and every **land** ambulance will have the following minimum emergency care equipment, and this equipment shall be assembled and readily accessible:

(1) Respiratory and resuscitation equipment as follows:

(A) Portable suction apparatus, capable of a minimum vacuum of three hundred (300) millimeters mercury, equipped with wide-bore tubing and both rigid and soft pharyngeal suction tips.

(B) On-board suction, capable of a minimum vacuum of three hundred (300) millimeters mercury, equipped with wide-bore tubing and both rigid and soft pharyngeal suction tips.

(C) Bag-mask ventilation units, hand operated, one (1) unit in each of the following sizes, each equipped with clear face masks and oxygen reservoirs with oxygen tubing:

(i) Adult.
(ii) Child.
(iii) Infant.
(iv) Neonatal (mask only).

(D) Oropharyngeal airways, two (2) each of adult, child, and infant.

(E) One (1) pocket mask with one-way valve.

(F) Portable oxygen equipment of at least three hundred (300) liters capacity (D size cylinder) with yoke, medical regulator, pressure gauge, and nondependent flowmeter.

(G) On-board oxygen equipment of at least three thousand (3,000) liters capacity (M size cylinder) with yoke, medical regulator, pressure gauge, and nondependent flowmeter.
(H) Oxygen delivery devices shall include the following:
(i) High concentration devices, two (2) each, adult, child, and infant.
(ii) Low concentration devices, two (2) each, adult.
(I) Nasopharyngeal airways, two (2) each of the following with water soluble lubricant:
(i) Small (20-24 french).
(ii) Medium (26-30 french).
(iii) Large (31 french or greater).
(J) Bulb syringe individually packaged in addition to obstetrics kit.
(K) Nonvisualized airway minimum of two (2) with water soluble lubricant.
(L) Semiautomatic or automated external defibrillator and a minimum of two (2) sets of pads.
(2) Wound care supplies as follows:
(A) Multiple trauma dressings, two (2) approximately ten (10) inches by thirty-six (36) inches.
(B) Fifty (50) sterile gauze pads, three (3) inches by three (3) inches or larger.
(C) Bandages, four (4) soft roller self-adhering type, two (2) inches by four (4) yards minimum.
(D) Airtight dressings, four (4), for open chest wounds.
(E) Adhesive tape, two (2) rolls.
(F) Burn sheets, two (2), sterile.
(G) Triangular bandages, four (4).
(H) Bandage shears, one (1) pair.
(3) Patient stabilization equipment as follows:
(A) Traction splint, lower extremity, limb-supports, padded ankle hitch, and traction strap, or equivalent, one (1) assembly in adult size.
(B) Upper and lower extremity splinting devices, two (2) each.
(C) One (1) splint device intended for the unit-immobilization of head-neck and torso. These items shall include the splint itself and all required accessories to provide secure immobilization.
(D) One (1) long back board with accessories to provide secure spinal immobilization.
(E) Rigid extrication collar, two (2) each capable of the following sizes:
(i) Pediatric.
(ii) Small.
(iii) Medium.
(iv) Large.
(F) One (1) ambulance litter with side rails, head-end elevating capacity, mattress pad, and a minimum of three (3) adjustable restraints to secure the chest, hip, and knee areas.
(4) Medications if approved by medical director, and solely for use by individuals with a certification as an emergency medical technician or higher, are as follows:
(A) Baby aspirin, eighty-one (81) milligrams each.
(B) Activated charcoal.
(C) Instant glucose.
(D) Epinephrine **auto-injector or** auto-injectors.
(5) Personal protection/universal precautions equipment, minimum of two (2) each, including the following:
(A) Gowns.
(B) Face masks and shields.
(C) Gloves.
(D) Biohazard bags.
(E) Antimicrobial hand cleaner.
(6) Miscellaneous items as follows:
(A) Obstetrical kit, sterile, one (1).
(B) Clean linens consisting of the following:
(i) Pillow.
(ii) Pillow case.
(iii) Sheets and blankets.
(C) Blood pressure manometer, one (1) each in the following cuff sizes:
(i) Large adult.
(ii) Adult.
(iii) Pediatric.
(D) Stethoscopes, one (1) each in the following sizes:
(i) Adult.
(ii) Pediatric.
(E) Sharps collector, one (1) being a minimum of seven (7) inches in height.
(F) A current copy of the basic life support protocols.

(Indiana Emergency Medical Services Commission; Emergency Medical Services Rule II, E; filed Jun 5, 1975, 11:57 a.m.: Rules and Regs. 1976, p. 93; filed May 10, 1977, 10:52 a.m.: Rules and Regs. 1978, p. 219; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2200; filed Dec 2, 1983, 2:43 p.m.: 7 IR 355; errata, 7 IR 1254; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1045; filed Aug 18, 1986, 1:00 p.m.: 10 IR 31; filed May 15, 1998, 10:25 a.m.: 21 IR 3875; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2727; filed Apr 4, 2002, 9:15 a.m.: 25 IR 2507; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2342)

SECTION 17. 836 IAC 1-3-6, AS ADDED AT 26 IR 2343, SECTION 8, IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-3-6 Insurance
Authority: IC 16-31-2-7
Affected: IC 16-31-3; IC 16-31-3-17; IC 34-13-3

Sec. 6. (a) This section ~~does not apply to ambulances~~ **is applicable to the following emergency medical service vehicles:**
(1) Ambulance.
(2) Emergency medical technician-basic advanced nontransport vehicles.
(3) Advanced life support nontransport vehicles.

(b) All emergency medical service vehicles to which this section is applicable must be:

(1) insured in accordance with the requirements contained in this section; or

(2) owned by a governmental entity covered under IC 34-13-3.

~~(b) The commission may not issue~~ **(c) If insurance is required for an emergency medical services vehicle under subsection (b),** a certification for ~~an ambulance~~ **a vehicle will not be issued** until the applicant has ~~filed with the commission~~ **submitted** a certificate of insurance ~~indicating~~ **demonstrating** that the applicant has liability insurance:

(1) in effect with an insurer that is authorized to write insurance in Indiana; and

(2) that provides general liability coverage to a limit of at least:

(A) one million dollars ($1,000,000) for the injury or death of any number of persons in any one (1) occurrence; and

(B) five hundred thousand dollars ($500,000) for property damage in any one (1) occurrence.

~~(c)~~ **(d)** An insurance policy required under this section may include a deductible clause if the clause provides that any settlement made by the insurance company with an injured person or a personal representative must be paid as though the deductible clause did not apply.

~~(d)~~ **(e)** An insurance policy required under this section must provide, by the policy's original terms or an endorsement, that the insurer ~~may not~~ **cannot** cancel the policy without ~~(1)~~ thirty (30) days' written notice ~~and (2)~~ **to both the agency and the insured. This written notice must include** a complete report of the reasons for the cancellation to the ~~office.~~ **agency. This condition must be contained on the certificate of insurance submitted under subsection (c).**

~~(e)~~ **(f)** An insurance policy required under this section must provide, by the policy's original terms or an endorsement, that the insurer shall report to the department within twenty-four (24) hours after the insurers pay a claim or reserves any amount to pay an anticipated claim that reduces the liability coverage below the amounts established in this section.

~~(f)~~ **(g)** If an insurance policy required under this section:

(1) is canceled during the policy's term;

(2) lapses for any reason; or

(3) has the policy's coverage fall below the required amount;

the ~~owner of the ambulance~~ **person to whom the certification for the emergency medical services vehicle was issued** shall **immediately notify the agency and must also immediately** replace the policy with another policy that complies with this section **so that the vehicle is never operated without the insurance required under this section.**

~~(g)~~ **(h)** If the ~~owner of the ambulance fails to file a certificate of~~ insurance ~~for new or replacement insurance,~~ **policy for an emergency medical services vehicle that is required to be insured under this section is canceled, lapses for any reason, or has the policy coverage fall below the required amount** the: ~~owner of the ambulance:~~

(1) ~~must cease all operations under the certification~~ **use of the emergency medical services vehicle must** immediately **cease;** and

(2) ~~may not conduct further operations until the owner of the ambulance receives the~~ **use of the vehicle shall not resume until** approval ~~of the commission~~ to resume ~~operations after the owner of the ambulance complies with the requirements of this section.~~ **its use has been obtained in writing from the agency.**

(Indiana Emergency Medical Services Commission; 836 IAC 1-3-6; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2343)

SECTION 18. 836 IAC 1-4-1 IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-4-1 Provider dispatch requirements

Authority: IC 16-31-2-7
Affected: IC 16-31-3-2

Sec. 1. All emergency medical service provider **organizations** dispatch centers shall be equipped with base stations capable of two-way communications with associated mobile radios on an appropriate frequency-modulated (FM) wavelength. This channel shall be used exclusively for dispatch and tactical communications and shall be apart from any involved in the Indiana Hospital Emergency Radio Network. The base station shall demonstrate and maintain a voice communications linkage during transmission with the radios used in the emergency medical service ~~provider's~~ **provider organization's** emergency medical services vehicle within the area the emergency medical service provider **organization** serves or proposes to serve. The maximum power of the transmitter shall be no more than the minimum required for technical operation, commensurate with the size of the area to be served and local conditions that affect radio transmission and reception. *(Indiana Emergency Medical Services Commission; Emergency Medical Services Rule III, A; filed Jun 5, 1975, 11:57 a.m.: Rules and Regs. 1976, p. 94; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2201; filed Oct 13, 1981, 10:05 a.m.: 4 IR 2424; filed Dec 2, 1983, 2:43 p.m.: 7 IR 356; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1046; filed May 15, 1998, 10:25 a.m.: 21 IR 3877)*

SECTION 19. 836 IAC 1-4-2 IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-4-2 Emergency medical services vehicle radio equipment

Authority: IC 16-31-2-7
Affected: IC 16-31-3-2

Sec. 2. (a) All radios used in emergency medical services vehicles for the purpose of dispatch or tactical communications shall demonstrate and maintain the ability to provide a voice

communications linkage, during transmission, with the emergency medical service ~~providers~~ **provider organization's** associated base **station or** stations within the area the emergency medical service provider **organization** normally serves or proposes to serve.

(b) Radio equipment used in emergency medical services vehicles shall be appropriately licensed through the Federal Communications Commission. The maximum power of the transmitter shall be no more than the minimum required for technical operation, commensurate with the size of the area to be served and local conditions which affect radio transmission and reception.

(c) All emergency medical services vehicles shall be equipped with two-way radios that shall be licensed for operation on a minimum of two (2) channels or talk-groups as follows:

(1) One (1) channel or talk-group shall be used primarily for dispatch and tactical communications.

(2) One (1) channel or talk-group shall be 155.340 MHz and have the proper tone equipment to operate on the Indiana hospital emergency radio network (IHERN).

(Indiana Emergency Medical Services Commission; Emergency Medical Services Rule III, B; filed Jun 5, 1975, 11:57 a.m.: Rules and Regs. 1976, p. 94; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2201; filed Dec 2, 1983, 2:43 p.m.: 7 IR 356; errata, 7 IR 1254; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1046; filed May 15, 1998, 10:25 a.m.: 21 IR 3877)

SECTION 20. 836 IAC 1-11-1, AS AMENDED AT 26 IR 2343, SECTION 9, IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-11-1 General certification provisions

Authority: IC 16-31-2-7
Affected: IC 4-33; IC 10-11-8-2; IC 16-21; IC 16-31; IC 22-12-1-12

Sec. 1. ~~An organization eligible to be a certified emergency medical services~~ **(a) The following organizations are required to obtain certification as a basic life support** nontransport provider ~~shall be an established~~ **organization prior to providing first response** emergency ~~services organization and shall be one (1) of the following:~~ **patient care that includes defibrillation:**

(1) Fire department as defined in IC 22-12-1-12.

~~(2) Law enforcement agency as defined in IC 5-2-5-1.~~

~~(3) Hospital as licensed under IC 16-21.~~

~~(4)~~ **(2)** Any provider organization certified under IC 16-31.

~~(5) Indiana gaming organizations as defined in IC 4-33.~~

~~(6) Other organizations approved by the commission.~~

(b) The following organizations not included under subsection (a) are not required to obtain certification as a basic life support nontransport provider organization prior to providing first response emergency patient care that includes defibrillation; however, the organizations may apply to obtain certification in accordance with the provisions of this rule:

(1) A law enforcement agency as defined in IC 10-11-8-2.

(2) A riverboat on which lawful gambling is authorized under IC 4-33.

(3) A hospital licensed under IC 16-21.

(4) Other organizations approved by the commission.

(Indiana Emergency Medical Services Commission; 836 IAC 1-11-1; filed May 15, 1998, 10:25 a.m.: 21 IR 3887; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2728; filed Apr 4, 2002, 9:15 a.m.: 25 IR 2508; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2343)

SECTION 21. 836 IAC 1-11-2, AS AMENDED AT 26 IR 2344, SECTION 10, IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-11-2 Application for certification; renewal

Authority: IC 16-31-2-7
Affected: IC 16-31-3-2; IC 16-31-3-8

Sec. 2. (a) Application for ~~emergency medical services~~ **basic life support** nontransport provider **organization** certification shall be made on forms as ~~prescribed~~ **provided** by the ~~commission,~~ **agency,** and the applicant shall comply with the following requirements:

(1) Applicants shall complete the required forms and submit the forms to the ~~director~~ **agency** not less than sixty (60) days prior to the requested effective date of the certificate.

(2) Each ~~emergency medical services~~ vehicle with ~~its~~ **emergency medical services** equipment ~~as~~ required by **section 4 of** this ~~article~~ **rule** shall be made available for inspection by the ~~director or the director's duly authorized representative.~~ **agency.**

(3) The premises on which ~~emergency medical services vehicle supplies~~ **emergency medical service nontransport vehicles** are stored shall be open during operating hours to the ~~director or the director's duly authorized representative~~ **agency** for inspection.

(4) A complete listing of affiliated personnel to be utilized as emergency medical technicians, first responders, and emergency medical services vehicle drivers shall be submitted to the ~~director.~~ **agency.** The ~~director~~ **agency** shall be notified in writing within thirty (30) days of any change in personnel.

(5) Each application shall include the following information:

(A) A description of the service area.

(B) Hours of operation.

(C) Number and location of emergency medical services vehicles.

(D) Organizational structure, including names, addresses, and telephone numbers of the owner, chief executive officer, chief operations officer, training officer, and medical director.

(E) Current Federal Communications Commission license or letter of authorization.

(F) Location of emergency medical services nontransport ~~provider's~~ **provider organization's** records.

(G) Proof of insurance coverage ~~in adequate amounts as specified in~~ **for vehicles if required by** 836 IAC 1-3-6. ~~shall be submitted with the application and shall be renewed thirty (30) days prior to the expiration of the current insurance.~~

(H) Medical director approval form provided by the agency.

(I) Personnel roster form provided by the agency.

(J) A copy of the agreement with an ambulance service provider organization as required by subsection (d).

~~(H)~~ **(K)** Other information as required by the commission.

(b) Upon approval, a certificate shall be issued by the ~~director.~~ **commission.** The certificate shall be valid for a period of two (2) years unless earlier revoked or suspended by the commission and shall be prominently displayed at the place of business.

(c) Application for emergency medical services nontransport provider **organization** certification renewal shall be made not less than sixty (60) days prior to the expiration date of the current certificate to assure continuity of certification. Application for renewal shall be made on forms as ~~prescribed~~ **provided** by the ~~commission~~ **agency** and shall indicate compliance with the requirements set forth for original certification.

(d) ~~Emergency medical services~~ **Basic life support** nontransport ~~providers~~ **provider organizations** shall ~~submit a copy of~~ **have and maintain in place** an agreement between the ~~nontransporting~~ **nontransport provider** organization and an ambulance service provider **organization** certified ~~pursuant to~~ **under** IC 16-31. The agreement shall ensure that the nontransporting **provider** organization can be assured that patients treated shall be transported in a timely and safe manner. The agreement shall not preclude another ambulance service provider **organization,** if available, from transporting the patients.

(e) Each basic life support nontransport provider organization shall notify the agency within thirty (30) days of any change in the operation as outlined in the application. *(Indiana Emergency Medical Services Commission; 836 IAC 1-11-2; filed May 15, 1998, 10:25 a.m.: 21 IR 3887; filed Apr 4, 2002, 9:15 a.m.: 25 IR 2509; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2344)*

SECTION 22. 836 IAC 1-11-3 IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-11-3 Emergency medical services nontransport provider organization operating procedures

Authority: IC 16-31-2-7
Affected: IC 16-31-3-2; IC 34-6-2-49; IC 16-41-10

Sec. 3. (a) The ~~emergency medical services~~ **basic life support** nontransport ~~provider's~~ **provider organization's** premises shall ~~be maintained, suitable to the conduct of the emergency medical services vehicle service, with provision~~ **provide** for adequate storage and maintenance of equipment **and vehicles.**

(b) Each ~~emergency medical services~~ **basic life support** nontransport provider **organization** shall provide for a periodic maintenance program to assure that all equipment ~~is~~ **and vehicles are** maintained in good working condition ~~and~~ **at all times,** that rigid sanitation procedures are in effect, ~~at all times~~ **and that equipment, medication, and supplies have not exceeded the manufacturer's specified expiration date.**

(c) All ~~emergency medical services~~ **basic life support** nontransport provider **organization** premises, records, and equipment shall be made available for inspection by the ~~commission, director, or a duly authorized representative~~ **agency** at any time during operating hours.

~~(d) The insurance requirement of IC 16-31-3-2(a) is satisfied if the emergency medical services nontransport provider:~~

~~(1) has in force and effect public liability insurance in the sum of not less than three hundred thousand dollars ($300,000) combined single limit, issued by an insurance company licensed to do business in Indiana; or~~

~~(2) is a government entity within the meaning of IC 34-6-2-49.~~

~~Coverage shall be for each emergency medical services vehicle owned or operated by or for the emergency medical services nontransport provider.~~

~~(e)~~ **(d)** Each ~~emergency medical services~~ **basic life support** nontransport provider **organization** shall provide and maintain a communication system that meets or exceeds the requirements set forth in 836 IAC 1-4. The ~~emergency medical services~~ **basic life support** nontransporting vehicles are not required to be equipped with the Indiana Hospital Emergency Radio Network frequency (155.340 MHZ) as specified in 836 IAC 1-4-2(c)(2).

~~(f)~~ **(e)** Each ~~emergency medical services~~ **basic life support** nontransport provider **organization** shall ~~designate one (1) person as the organization's training officer to assume responsibility for in-service training. This person shall be certified as a first responder, an emergency medical technician, an advanced emergency medical technician, a paramedic, a registered nurse, a certified physician assistant, or a licensed physician who is actively involved in the delivery of emergency medical services with that organization. The training officer shall be responsible for the following:~~

~~(1)~~ provide and maintain ~~records of~~ inservice training ~~offered by the provider organization.~~

~~(2) Maintain the following in-service training session information:~~

~~(A) Summary of the program content.~~

~~(B) Names of instructors.~~
~~(C) Names of those attending.~~
~~(D) Date, time, and location of in-service training sessions.~~
~~(3) Sign individual emergency medical technician training records or reports to verify actual time in attendance at training sessions.~~ **under 836 IAC 1-1-7.**

~~(g) An emergency medical services~~ **(f) A basic life support** nontransport provider **organization** shall not act in a reckless or negligent manner so as to endanger the health or safety of emergency patients or members of the general public while in the course of business as ~~an emergency medical services~~ **a basic life support** nontransport provider **organization.**

~~(h)~~ **(g)** Each ~~emergency medical services~~ **basic life support** nontransport provider **organization** shall notify the ~~director~~ **agency** within thirty (30) days of the present and past specific location of any emergency medical services vehicle if the location of the emergency medical services vehicle is changed from that specified in the ~~provider's~~ **provider organization's** application for ~~emergency medical services~~ **basic life support** nontransport provider **organization** certification or certification renewal.

~~(i)~~ **(h)** Each ~~emergency medical services~~ **basic life support** nontransport provider **organization** shall ensure that rigid sanitation procedures are in effect at all times. The following sanitation standards apply to all emergency medical services **nontransport** vehicles:
(1) The equipment within the vehicle shall be clean and maintained in good working order at all times.
(2) Closed compartments shall be provided within the vehicle for medical supplies.
(3) Closed containers shall be provided for soiled supplies.
(4) Implements inserted into the patient's nose or mouth shall be single-service, wrapped, and properly stored and handled. Multi-use items are to be kept clean and sterile when indicated and properly stored.
(5) The equipment utilized to treat a patient known to have a communicable disease or suffered exposure to hazardous material or biohazard material shall be cleansed in accordance with current decontamination and disinfecting standards. All hazardous and biohazard materials shall be disposed of in accordance with current hazardous and biohazard disposition standards.

~~(j) An emergency medical services~~ **(i) A basic life support** nontransport provider **organization** shall not engage in the provision of advanced life support. ~~as defined in IC 16-18-2-7.~~

~~(k)~~ **(j)** Each ~~emergency medical services~~ **basic life support** nontransport provider ~~under the responsibility of its chief executive officer and medical director,~~ **organization** shall conduct quarterly audit and review ~~to assess, monitor, and evaluate the quality of patient care as follows:~~
~~(1) The audit and review shall provide the following:~~
~~(A) An environment that encourages personnel to deliver care consistent with established standards of care.~~
~~(B) A systematic means of measuring and evaluating the quality of patient care.~~
~~(C) A tool to provide personnel with feedback and methods of action for improving practices and services.~~
~~(D) A method of identifying needs to staff development programs, basic training, in-service, and orientation.~~
~~(E) A method for describing patient care outcomes.~~
~~(2) The audit and review shall be conducted under the direction of one (1) of the following:~~
~~(A) The emergency medical services nontransport provider's medical director.~~
~~(B) An emergency room committee that is supervised by a medical director. Emergency medical services personnel shall serve as members on the committee.~~
~~(C) The emergency medical services nontransport provider that establishes a committee of individuals within the services.~~ **under 836 IAC 1-1-6.**

~~(l)~~ **(k)** Each ~~emergency medical services~~ **basic life support** nontransport provider **organization** shall secure a medical director. ~~who shall be a physician with an unlimited license to practice medicine in Indiana.~~ The duties and responsibilities of the medical director are as follows:
(1) Provide liaison between the local medical community and the emergency medical services provider **organization.**
(2) Assure compliance with defibrillation training standards and curriculum established by the commission.
(3) Monitor and evaluate the day-to-day medical operations of the emergency medical ~~services~~ **service provider** organization.
(4) Assist in the continuing education programs of the emergency medical ~~services~~ **service provider** organization.
(5) Provide technical assistance concerning the delivery of automated defibrillation and other medical issues.
(6) Provide individual consultation to the emergency medical personnel affiliated with the emergency medical services **provider** organization.
(7) Participate in the audit and review of cases treated by the emergency medical defibrillation personnel of the emergency medical ~~services~~ **service provider** organization.
(8) Assure compliance with approved medical standards established by the commission performed by the **provider** organization.
(9) Establish protocols for automatic defibrillation, airway management, and medication administration as approved by the commission.
(10) Provide liaison between the emergency medical service provider organization, the emergency medical service personnel, and the hospital in regards to communicable disease testing under IC 16-41-10.

~~(m)~~ **(l)** All ~~records~~ **basic life support nontransport pro-**

vider organizations shall ~~be retained for a minimum of three (3) years, except for the following~~ **maintain accurate** records ~~which shall be retained for a minimum of seven (7) years:~~

~~(1) Audit and review records.~~

~~(2) Run reports.~~

~~(3) Training records.~~ **under 836 IAC 1-1-5.**

~~(m)~~ **(m)** Each ~~emergency medical services~~ **basic life support** nontransport provider **organization** shall employ at least one (1) certified ~~person~~ **individual** trained in the use of the automated defibrillator. Only trained ~~certified emergency medical services~~ personnel shall use an automated defibrillator.

~~(o) Each emergency medical services nontransport provider shall maintain, in a manner prescribed by the commission, accurate records, including a run report form, concerning the assessment and treatment of each emergency patient treated. The run report form shall include the following information about the patient:~~

~~(1) Name.~~

~~(2) Identification number.~~

~~(3) Age.~~

~~(4) Sex.~~

~~(5) Race.~~

~~(6) Physician of the patient.~~

~~(7) Date of birth.~~

~~(8) Address, including zip code.~~

~~(9) Location of incident.~~

~~(10) Chief complaint.~~

~~(11) History, including the following:~~

~~(A) Current medical condition and medications.~~

~~(B) Past pertinent medical conditions and allergies.~~

~~(12) Physical examination section.~~

~~(13) Treatment given section.~~

~~(14) Vital signs, including the following:~~

~~(A) Pulse.~~

~~(B) Respirations.~~

~~(C) Level of consciousness.~~

~~(D) Skin temperature and color.~~

~~(E) Pupillary reactions.~~

~~(F) Ability to move.~~

~~(G) Presence or absence of breath sounds.~~

~~(H) The time of observation and a notation of the quality for each vital sign should also be included.~~

~~(15) Responsible guardian.~~

~~(16) Name of patient attendants, including emergency medical services certification numbers.~~

~~(17) Vehicle emergency medical services certification number.~~

~~(18) Responding service delivery times, including the following:~~

~~(A) Time of receipt of call.~~

~~(B) Time dispatched.~~

~~(C) Time arrived scene.~~

~~(D) Time of patient released to transporting emergency medical services.~~

~~(E) Time vehicle available for next response.~~

~~(19) Date of service.~~

~~(20) The report form shall provide space for narrative description of the situation and the care rendered by the nontransport unit.~~

~~(p) A signed statement for refusal of treatment or transportation services, or both, shall be maintained as part of the run documentation.~~

~~(q) All emergency medical services nontransport providers shall participate in the emergency medical services system review by:~~

~~(1) collecting all data elements prescribed by the commission; and~~

~~(2) reporting that information according to procedures and schedules prescribed by the commission.~~

~~(r)~~ **(n)** Each ~~emergency medical services~~ **basic life support** nontransport provider **organization** shall comply with ~~the general certification provision of this article.~~ **rule 1 of this chapter.** *(Indiana Emergency Medical Services Commission; 836 IAC 1-11-3; filed May 15, 1998, 10:25 a.m.: 21 IR 3888; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2729; filed Apr 4, 2002, 9:15 a.m.: 25 IR 2510)*

SECTION 23. 836 IAC 1-11-4, AS AMENDED AT 26 IR 2345, SECTION 11, IS AMENDED TO READ AS FOLLOWS:

836 IAC 1-11-4 Basic life support nontransport provider organization emergency care equipment

Authority: IC 16-31-2-7
Affected: IC 16-31-3-2

Sec. 4. Every ~~emergency medical services~~ **basic life support** nontransport provider **organization** shall have one (1) set of the following assembled and readily accessible emergency care equipment for every vehicle utilized as an emergency medical service nontransport vehicle:

(1) Respiratory and resuscitation equipment as follows:

(A) Portable suction apparatus, capable of a minimum vacuum of three hundred (300) millimeters mercury, equipped with wide-bore tubing and both rigid and soft pharyngeal suction tips.

(B) Bag-mask ventilation units, hand operated, one (1) unit in each of the following sizes, each equipped with clear face masks and oxygen reservoirs with oxygen tubing:

(i) Adult.

(ii) Child.

(iii) Infant.

(iv) Neonatal (mask only).

(C) Portable oxygen equipment of at least three hundred (300) liters capacity (D size cylinder) with yoke, medical regulator, pressure gauge, and nondependent flowmeter. Oxygen delivery devices shall include high concentration devices, one (1) each of the following:

(i) Adult.
(ii) Child.
(iii) Infant.
(D) Oropharyngeal airways, two (2) each of adult, child, and infant.
(E) One (1) pocket mask with one-way valve.
(F) Nasopharyngeal airways, two (2) each of the following:
(i) Small (20-24 french).
(ii) Medium (26-30 french).
(iii) Large (31 french or greater).
(G) Semiautomatic or automated external defibrillator and a minimum of two (2) sets of pads.
(2) Wound care supplies as follows:
(A) Ten (10) sterile gauze pads, three (3) inches by three (3) inches or larger.
(B) Bandages, two (2) soft roller self-adhering type, two (2) inches by four (4) yards minimum.
(C) Adhesive tape, two (2) rolls.
(D) Bandage shears, one (1) pair.
(3) Miscellaneous items as follows:
(A) Water soluble lubricant for airway insertion.
(B) Stethoscope, one (1).
(C) Blood pressure manometer, one (1) adult size.
(D) Diagnostic penlight or portable flashlight, one (1).
(E) Disposable gloves, two (2) pairs.
(F) A current copy of the basic life support protocols.
(4) Medications, if approved by medical director, and solely for use by individuals with a certification as an emergency medical technician or higher, are as follows:
(A) Baby aspirin, eighty-one (81) milligrams each.
(B) Activated charcoal.
(C) Instant glucose.
(D) Epinephrine **auto-injector or** auto-injectors.

(Indiana Emergency Medical Services Commission; 836 IAC 1-11-4; filed May 15, 1998, 10:25 a.m.: 21 IR 3890; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2731; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2345)

SECTION 24. 836 IAC 1-12 IS ADDED TO READ AS FOLLOWS:

Rule 12. Emergency Medical Technician-Basic Advanced Provider Organizations; Requirements; Standards

836 IAC 1-12-1 Emergency medical technician-basic advanced provider organizations; general requirements

Authority: IC 16-31-2-7
Affected: IC 16-31-3; IC 16-41-10

Sec. 1. (a) A person shall not furnish, operate, maintain, advertise, or otherwise engage in providing emergency medical services as an emergency medical technician-basic advanced provider organization unless the person is certified by the commission as an emergency medical technician-basic advanced provider organization.

(b) An emergency medical technician-basic advanced provider organization certification provides authority to perform skills set forth and approved by the commission for which certification is granted. The medical director may limit the skills according to local protocols.

(c) If an emergency medical technician-basic advanced provider organization also provides transportation of emergency patients, the emergency medical technician-basic advanced provider organization shall be certified as an ambulance service provider organization under 836 IAC 1-2.

(d) An emergency medical technician-basic advanced provider organization shall have an agreement, or interdepartmental memo if hospital based, with one (1) or more supervising hospitals for the following services:
(1) Continuing education.
(2) Audit and review.
(3) Medical control and direction.
(4) Provision to allow the emergency medical technician-basic advanced affiliated with the supervised emergency medical technician-basic advanced provider organization to function within the appropriate hospital department in order to obtain continuing practice in their clinical skills.
The agreement or interdepartmental memo shall include a detailed description of how such services shall be provided to the emergency medical technician-basic advanced provider organization. In those cases where more than one (1) hospital enters into an agreement, or seeks to enter into an agreement, with an emergency medical technician-basic advanced provider organization as a supervising hospital, an interhospital agreement shall be provided to the agency that shall clearly defines the specific duties and responsibilities of each hospital to ensure medical and administrative accountability of system operation.

(e) All ambulances used by the emergency medical technician-basic advanced provider organization shall be certified under 836 IAC 1-3.

(f) Upon approval, a certificate shall be issued by the commission to the emergency medical technician-basic advanced provider organization for each vehicle. The certificate shall be valid for two (2) years. The vehicle certificate shall be prominently displayed within the vehicle.

(g) All nontransport vehicles used for the provision of emergency medical technician-basic advanced services shall meet all of the following requirements:
(1) Each nontransport vehicle shall carry the following assembled and readily accessible minimum rescue equipment:
(A) Equipment for safeguarding personnel, including one (1) fire extinguisher with an Underwriters Laboratory rating of not less than a five (5) pound rating for 2A:4-B; C, that shall have a current inspection date and

be mounted so that it is readily accessible.

(B) Equipment for release from entrapment or confinement, including the following:

(i) One (1) hammer, four (4) pound, fifteen (15) inch handle (hammer weight and length are minimums).

(ii) One (1) wrecking bar, twenty-four (24) inch combination tool minimum.

(iii) One (1) self-contained portable light source.

(2) Each nontransport vehicle shall wrap, properly store, and handle all the single-service implements inserted into the patient's nose or mouth. Multi-use items are to be kept clean and sterile when indicated and properly stored. The vehicle shall carry the following assembled and readily accessible minimum equipment:

(A) Respiratory and resuscitation equipment as follows:

(i) Portable suction apparatus, capable of a minimum vacuum of three hundred (300) millimeters mercury, equipped with wide-bore tubing and both rigid and soft pharyngeal suction tips.

(ii) Bag-mask ventilation units, hand operated, one (1) unit in each of the following sizes, each equipped with clear face masks and oxygen reservoirs with oxygen tubing:

(AA) Adult.

(BB) Child.

(CC) Infant.

(DD) Neonatal (mask only).

(iii) Oropharyngeal airways, two (2) each of adult, child, and infant.

(iv) One (1) pocket mask with one-way valve.

(v) Portable oxygen equipment of at least three hundred (300) liters capacity (D size cylinder) with yoke, medical regulator, pressure gauge, and nondependent flowmeter.

(vi) Oxygen delivery devices shall include the following:

(AA) High concentration devices, two (2) each, adult, child, and infant.

(BB) Low concentration devices, two (2) each, adult.

(vii) Nasopharyngeal airways, two (2) each of the following with water soluble lubricant:

(AA) Small (20-24 french).

(BB) Medium (26-30 french).

(CC) Large (31 french or greater).

(viii) Bulb syringe individually packaged in addition to obstetrics kit.

(ix) Nonvisualized airway minimum of two (2) with water soluble lubricant.

(x) Portable defibrillator with self-contained cardiac monitor and ECG strip writer and equipped with defibrillation pads or paddles appropriate for adult defibrillation.

(B) Wound care supplies as follows:

(i) Airtight dressings, four (4), for open chest wounds.

(ii) Assorted bandaging supplies for the care of soft tissue injuries.

(C) Patient stabilization equipment as follows:

(i) Upper and lower extremity splinting devices, two (2) each.

(ii) Rigid extrication collar, two (2) each capable of the following sizes:

(AA) Pediatric.

(BB) Small.

(CC) Medium.

(DD) Large.

(D) Personal protection/universal precautions equipment, minimum of one (1) each, including the following:

(i) Gowns.

(ii) Face masks and shields.

(iii) Gloves.

(iv) Biohazard bags.

(v) Antimicrobial hand cleaner.

(E) Miscellaneous items as follows:

(i) Obstetrical kit, sterile, one (1).

(ii) Blood pressure manometer, one (1) each in the following cuff sizes:

(AA) Large adult.

(BB) Adult.

(CC) Pediatric.

(iii) Stethoscopes, one (1) each in the following sizes:

(AA) Adult.

(BB) Pediatric.

(iv) Sharps collector, one (1) being a minimum of seven (7) inches in height.

(v) Intravenous fluids and administration supplies approved by the medical director.

(vi) Medication as approved by the medical director limited to the following:

(AA) Baby aspirin, eighty-one (81) milligrams each.

(BB) Activated charcoal.

(CC) Instant glucose.

(DD) Epinephrine auto-injector or auto-injectors.

(3) A current copy of protocols shall be maintained on board the nontransport vehicle at all times.

(4) A copy of the medication list, including quantities and concentrations approved by the medical director.

(h) An emergency medical technician-basic advanced provider organization shall have a medical director. The duties and responsibilities of the medical director are as follows:

(1) Provide liaison between the local medical community and the emergency medical service provider organization.

(2) Assuring that appropriate intravenous solution, supplies, and equipment are available to the emergency medical technician-basic advanced provider organization.

(3) Monitor and evaluate the day-to-day medical operations of the provider organization.

(4) Assist the supervising hospital in the coordination of inservice training programs.

(5) Assure continued competence of emergency medical technician-basic advanced affiliated with, or employed by, the emergency medical technician-basic advanced provider organization.
(6) Participate in the quarterly audit and review of cases treated by emergency medical technician-basic advanced of the provider organization.
(7) Establish protocols for emergency medical technician-basic advanced.
(8) Establish and publish a list of intravenous fluids and administration supplies, including minimum quantities to be carried on the vehicle.
(9) Provide liaison between the emergency medical service provider organization, the emergency medical service personnel, and the hospital in regards to communicable disease testing under IC 16-41-10.

(i) Each emergency medical technician-basic advanced provider organization shall notify the agency in writing within thirty (30) days of any changes in the operation as outlined in the application for which certification was granted.

(j) When services administered by an emergency medical technician-basic advanced at the scene of an accident or illness are continued en route to an emergency facility, as a minimum, the patient compartment of the ambulance shall be staffed by not less than one (1) person certified as an emergency medical technician-basic advanced, emergency medical technician-intermediate, or paramedic.

(k) Provide for a periodic maintenance program to assure that all emergency medical service vehicles, including equipment, are maintained in good working condition at all times and that equipment, medication, and supplies have not exceeded the manufacturer's specified expiration date.

(l) Each emergency medical technician-basic advanced provider organization shall show proof of insurance coverage as required by 836 IAC 1-3-6.

(m) The emergency medical technician-basic advanced provider organization shall maintain a communications system established in 836 IAC 1-4.

(n) Each nontransport vehicle used for the purpose of providing emergency medical technician-basic advanced services when dispatched on an emergency run shall be staffed, as a minimum, by a certified emergency medical technician-basic advanced.

(o) All organizations providing emergency medical technician-basic advanced shall meet all requirements set forth in 836 IAC 1-1-8. *(Indiana Emergency Medical Services Commission; 836 IAC 1-12-1)*

836 IAC 1-12-2 Application for provisional certification
Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-31-3-8; IC 16-31-3-20

Sec. 2. (a) An applicant may apply for and obtain provisional certification as an emergency medical technician-basic advanced provider organization for the purpose of prehospital training of emergency medical technician-basic advanced students when in the presence of a preceptor approved by the commission in accordance with this section.

(b) A provisional certification may only be issued to a certified ambulance service provider organization.

(c) The applicant shall submit a fully completed application for provisional certification on forms provided by the agency.

(d) The provisional certification may only be issued after the applicant has demonstrated to the satisfaction of the director that the ambulance to be used for such training is certified and meets the requirements of this article.

(e) The provisional certification expires no later than the earlier of the following dates:
(1) Sixty (60) days after the completion date of the emergency medical technician-basic advanced course completion as identified on the approved course application.
(2) Six (6) months from the starting date of the course contained on the approved course application.

(f) The issuance of an emergency medical technician-basic advanced provider organization certification invalidates any provisional certification. *(Indiana Emergency Medical Services Commission; 836 IAC 1-12-2)*

836 IAC 1-12-3 Application for certification
Authority: IC 16-31-2-7
Affected: IC 16-31-3-8; IC 16-31-3-20

Sec. 3. (a) Application for certification as an emergency medical technician-basic advanced provider organization shall be made on forms provided by the agency and shall include the following:
(1) Each application shall include the following information:
(A) A description of the service area.
(B) Hours of operation.
(C) Number and location of ambulances and nontransport vehicles.
(D) Organizational structure, including name, address, and phone number for the owner, chief executive officer, chief operations officer, training officer, and medical director.
(E) Current Federal Communications Commission license or letter of authorization.

(F) Location of provider organization's records.
(G) Proof of insurance coverage for ambulances and nontransport vehicles as required by 836 IAC 1-3-6.
(H) Staffing pattern of personnel.
(I) Base of operations.
(J) List of all affiliated personnel, including certification numbers.
(K) Other information as required by the commission.
(2) Plans and methodologies to ensure that the trained personnel are provided with supervised continuing education to maintain proficiency. Continuing education is under the direct supervision of the emergency medical technician-basic advanced provider organization medical director or medical director designee.
(3) A listing of intravenous fluids and administration sets, including quantities to be carried on board each vehicle as approved by the medical director.

(b) Emergency medical technician-basic advanced provider organizations that do not also provide transportation of emergency patients shall submit a copy of a current agreement between the nontransporting emergency medical technician-basic advanced provider organization and a certified ambulance service provider organization. The agreement shall provide that the nontransporting emergency medical technician-basic advanced provider organization assures that patients treated shall be transported in a timely and safe manner. The agreement shall not preclude another ambulance service provider organization, if available, from transporting the patients.

(c) Upon approval, an emergency medical technician-basic advanced provider organization shall be issued a certification. The certificate is valid for a period of two (2) years and shall be prominently displayed at the place of business.

(d) Application for emergency medical technician-basic advanced provider organization certification renewal shall be made not less than sixty (60) days prior to the expiration date of the current certification. Application for renewal will be made on forms provided by the agency and show evidence of compliance with the requirements as set forth for original certification. *(Indiana Emergency Medical Services Commission; 836 IAC 1-12-3)*

836 IAC 1-12-4 Emergency medical technician-basic advanced provider organization; operating procedures

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 4. (a) Each emergency medical technician-basic advanced provider organization shall comply with the emergency medical service provider organization operating procedures of 836 IAC 1-1-8.

(b) Each emergency medical technician-basic advanced provider organization shall establish daily equipment checklist procedures to ensure the following:
(1) Mechanical and electronic equipment is in proper operating condition.
(2) Emergency response vehicles are maintained in a safe operating condition at all times.
(3) Intravenous fluids and administration sets are available and functional.
(4) Equipment, medication, fluid, and supplies do not exceed the manufacturer's specified expiration date.

(c) A copy of the protocols and list of intravenous fluids and administration supplies shall be maintained by the emergency medical technician-basic advanced provider organization. Any changes to the protocols and list shall be forwarded to the agency within thirty (30) days.

(d) The following requirements apply to the use of equipment and supplies by emergency medical technician-basic advanced:
(1) Emergency medical technician-basic advanced are prohibited from having in their possession, or maintained on board emergency response vehicles, any equipment or supplies that have not been approved by the emergency medical technician-basic advanced provider organization medical director.
(2) Accountability for distribution, storage, ownership, and security of equipment and supplies shall be in accordance with the requirements established by the issuing pharmacy and medical director.

(e) Each emergency medical technician-basic advanced provider organization shall follow rigid sanitation procedures established in 836 IAC 1-2-3(l).

(f) The emergency medical technician-basic advanced provider organization shall ensure that all ambulances used for the provision of emergency medical technician-basic advanced contain the rescue equipment required in 836 IAC 1-3-4, the emergency care equipment required in 836 IAC 1-3-5, and the communication equipment required in 836 IAC 1-4-2. In addition, the emergency medical services vehicles used for the provision of emergency medical technician-basic advanced shall also carry the following items:
(1) One (1) portable ECG monitor/defibrillator with defibrillation pads or paddles, which may be the defibrillator listed in 836 IAC 1-3-5(1)(L).
(2) Intravenous fluids and administration supplies as approved by the medical director.
(3) A current copy of emergency medical technician-basic advanced protocols shall be maintained on board the emergency medical services vehicle at all times.
(4) A copy of the list of intravenous fluids and adminis-

tration sets, including quantities as approved by the medical director.

(g) An emergency medical technician-basic advanced provider organization and any affiliated emergency medical technician-basic advanced possessing approval for intravenous line placement from the medical director may transport and treat a patient or patients from a health care facility as follows if:

(1) The only procedure that has been previously initiated for the patient is an intravenous line or lines administering prepackaged solutions of dextrose or electrolytes that contain one (1) or more of the following additives and no others:

(A) Vitamins.

(B) Sodium chloride, excluding saline solutions in excess of nine-tenths percent (0.9%) concentration.

(C) Potassium chloride (forty (40) milliequivalent per liter maximum).

(D) Cortisone.

(E) Antibiotics.

(2) The ambulance contains sufficient quantities of the intravenous supplies and solutions received by the patient in order to maintain the patient's established medical intervention and to manage patient complications that may be reasonably anticipated to occur en route to the patient's destination.

(h) An emergency medical technician-basic advanced provider organization shall not do the following:

(1) Operate an ambulance or other emergency medical service vehicle unless it is in full compliance with this article.

(2) Transport any emergency patient in any vehicle except a certified ambulance.

(Indiana Emergency Medical Services Commission; 836 IAC 1-12-4)

SECTION 25. 836 IAC 2-1-1, AS AMENDED AT 26 IR 2345, SECTION 12, IS AMENDED TO READ AS FOLLOWS:

836 IAC 2-1-1 Definitions

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 1. The ~~following~~ definitions **in 836 IAC 1-1-1** apply throughout this article. ~~unless the context clearly denotes otherwise and pertain to all advanced life support requirements and standards promulgated by the commission:~~

~~(1) "Advanced emergency medical technician" means an individual who can perform one (1) or more, but not all, of the procedures of a paramedic and who:~~

~~(A) has completed a prescribed course in advanced life support;~~

~~(B) has been certified by the commission;~~

~~(C) is associated with a single supervising hospital; and~~

~~(D) is affiliated with a provider organization.~~

~~(2) "Advanced emergency medical technician intermediate" means an individual who can perform one (1) or more, but not all, of the procedures of a paramedic and who:~~

~~(A) has completed a prescribed course in advanced life support;~~

~~(B) has been certified by the commission;~~

~~(C) is associated with a single supervising hospital; and~~

~~(D) is affiliated with a provider organization.~~

~~(3) "Advanced emergency medical technician intermediate organization" means an ambulance service provider or other emergency care organization certified by the commission to provide advanced life support services administered by advanced emergency medical technician intermediates in conjunction with a supervising hospital.~~

~~(4) "Advanced emergency medical technician organization" means an ambulance service provider or other emergency care organization certified by the commission to provide advanced life support services administered by advanced emergency medical technicians in conjunction with a supervising hospital.~~

~~(5) "Advanced life support", for purposes of IC 16-31, means:~~

~~(A) care given:~~

~~(i) at the scene of an:~~

~~(AA) accident;~~

~~(BB) act of terrorism (as defined in IC 35-41-1-26.5), if the governor has declared a disaster emergency under IC 10-4-1-7 in response to the act of terrorism; or~~

~~(CC) illness; or~~

~~(ii) during transport at a hospital;~~

~~by a paramedic, advanced emergency medical technician intermediate, or advanced emergency medical technician and that is more advanced than the care usually provided by an emergency medical technician; and~~

~~(B) may include:~~

~~(i) defibrillation;~~

~~(ii) endotracheal intubation;~~

~~(iii) parenteral injection of appropriate medications, including administration of epinephrine through an auto-injector;~~

~~(iv) electrocardiogram interpretation; and~~

~~(v) emergency management of trauma and illness.~~

~~(6) "Advanced life support nontransport vehicle" means a motor vehicle other than an ambulance, owned or leased by a certified emergency medical service provider, that provides advanced life support but does not supply patient transport from the scene of the emergency. The term does not include an employer-owned or employer-operated vehicle used for first aid purposes within or upon the employer's premises.~~

~~(7) "An agency or instrumentality of the United States", as that phrase is used in IC 16-31-3-3, means to exclude all nongovernmental entities that have a contract with the government of the United States or any bureau, board, commission, or statutorily created entity thereof.~~

~~(8) "Anniversary date" means the date on which certification as a paramedic, advanced emergency medical technician intermediate, or an advanced emergency medical technician was issued by the commission.~~

~~(9) "Auto-injector" means a spring-loaded needle and syringe that:~~

~~(A) contains a single dose of medication; and~~

~~(B) automatically releases and injects the medication.~~

~~(10) "Certificate" or "certification", for the purposes of IC 16-31, means authorization in written form issued by the Indiana emergency medical services commission to a person to furnish, operate, conduct, maintain, advertise, or otherwise engage in providing emergency medical services as part of a regular course of doing business, either paid or voluntary.~~

~~(11) "Commission" means the Indiana emergency medical services commission.~~

~~(12) "Director" means the director of the state emergency management agency established under IC 10-8-2-1.~~

~~(13) "Emergency management of trauma and illness" means the following:~~

~~(A) Those procedures for which the paramedic has been specifically trained that are a part of the curriculum prescribed by the commission.~~

~~(B) Those procedures for which the paramedic has been specifically trained as a part of the continuing education program and approved by the supervising hospital and the paramedic organization's medical director.~~

~~(C) Those procedures for which the advanced emergency medical technician has been specifically trained in the Indiana basic emergency medical technician and Indiana advanced emergency medical technician curriculums and has been approved by the administrative and medical staff of the supervising hospital, the advanced emergency medical technician organization medical director, and the commission as being within the scope and responsibility of the advanced emergency medical technician.~~

~~(D) Those procedures for which the advanced emergency medical technician intermediate has been specifically trained in the Indiana basic emergency medical technician and Indiana advanced emergency medical technician intermediate curriculums and has been approved by the administrative and medical staff of the supervising hospital, the advanced emergency medical technician intermediate organization medical director, and the commission as being within the scope and responsibility of the advanced emergency medical technician intermediate.~~

~~(14) "Emergency medical services vehicle" means an ambulance, an emergency medical service nontransport vehicle, a rescue squad, or an advanced life support nontransport vehicle.~~

~~(15) "Paramedic" means an individual who:~~

~~(A) is affiliated with a certified paramedic organization or is employed by a supervising hospital;~~

~~(B) has completed a prescribed course in advanced life support; and~~

~~(C) has been certified by the commission.~~

~~(16) "Paramedic organization" means an ambulance service provider or other emergency care organization certified by the commission to provide advanced life support services administered by paramedics or physicians with an unlimited license to practice medicine in Indiana in conjunction with supervising hospitals.~~

~~(17) "Person" means any:~~

~~(A) natural person or persons;~~

~~(B) partnership;~~

~~(C) corporation;~~

~~(D) association;~~

~~(E) joint stock association; or~~

~~(F) governmental entity other than an agency or instrumentality of the United States.~~

~~(18) "Physician" means an individual who currently holds a valid unlimited license to practice medicine issued in Indiana under IC 25-22.5.~~

~~(19) "Program director" means a person employed by a certified training institution that coordinates the advanced life support courses.~~

~~(20) "Provider organization" means an ambulance service or other emergency care organization certified by the commission to provide advanced life support in connection with a supervising hospital.~~

~~(21) "Provider organization operating area" means the geographic area in which an advanced emergency medical technician or advanced emergency medical technician intermediate, affiliated with a specific advanced emergency medical technician organization or advanced emergency medical technician intermediate organization, is able to maintain two-way voice communication with the provider organization's supervising hospitals.~~

~~(22) "Supervising hospital" means a hospital licensed under IC 16-21-2 or under the licensing laws of another state that has been certified by the commission to supervise paramedics, advanced emergency medical technician intermediates, advanced emergency medical technicians, and provider organizations in providing advanced life support.~~

(Indiana Emergency Medical Services Commission; Advanced Life Support Preliminary; filed Dec 15, 1977: Rules and Regs. 1978, p. 248; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2214; filed Oct 13, 1981, 10:05 a.m.: 4 IR 2433; errata, 5 IR 400; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1061; filed May 15, 1998, 10:25 a.m.: 21 IR 3891; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2732; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2345)

SECTION 26. 836 IAC 2-2-1, AS AMENDED AT 26 IR 2348, SECTION 13, IS AMENDED TO READ AS FOLLOWS:

836 IAC 2-2-1 General requirements for paramedic provider organizations

Authority: IC 16-31-2-7
Affected: IC 16-31-3; IC 16-41-10

Sec. 1. (a) ~~Certification by the commission is required for any ambulance service provider who seeks to provide advanced life support~~ **A person shall not furnish, operate, maintain, advertise, or otherwise engage in providing emergency medical** services as a paramedic **provider** organization unless ~~provisional certification is issued pursuant to subsection (l).~~ **the person is certified by the commission as a paramedic provider organization.**

(b) If the paramedic **provider** organization also provides transportation of emergency patients, the paramedic **provider** organization shall be certified as an ambulance service provider **organization** in accordance with the requirements specified in 836 IAC 1. ~~pursuant to IC 16-31.~~ The paramedic nontransport **provider** organizations shall meet the requirements specified in ~~836 IAC 1-2-2(a) and 836 IAC 1-11-3(o) through 836 IAC 1-11-3(q).~~ **836 IAC 1-1-5 through 836 IAC 1-1-8.**

(c) The paramedic **provider** organization shall ensure ~~that:~~ **the following:**

(1) Ambulances used are certified and meet the requirements specified in 836 IAC 1-3. ~~and~~

(2) All nontransport emergency medical services vehicles used for the provision of advanced life support meet all of the requirements in 836 IAC 2-14.

(d) Paramedic **provider** organizations shall have ~~a contract,~~ **an agreement,** or interdepartmental memo if hospital-based, with one (1) or more supervising hospitals that agree to provide the following services:

(1) Continuing education.

(2) Audit and review.

(3) Medical control and direction.

(4) Provision to allow the paramedics affiliated with the supervised paramedic **provider** organization to function within the appropriate hospital department in order to obtain continuing practice, remediation, and continuing education in their clinical skills.

The ~~contract~~ **agreement** or interdepartmental memo shall include a detailed description of how such services shall be provided to the paramedic **provider** organization. In those cases where more than one (1) hospital ~~contracts,~~ **enters into an agreement,** or seeks to ~~contract,~~ **enter into an agreement,** with a paramedic provider organization as a supervising hospital, an interhospital agreement shall be provided to the ~~commission~~ **agency** that shall clearly define the specific duties and responsibilities of each hospital to ensure medical and administrative accountability of system operation.

(e) The paramedic **provider** organization shall have a medical director provided by the paramedic **provider** organization or jointly with the supervising hospital. ~~who shall be a physician who holds a currently valid unlimited license to practice medicine in Indiana and has an active role in the delivery of emergency care.~~ The medical director is responsible for providing competent medical direction as established by the medical control committee. Upon establishment of a medical control policy, the paramedic **provider** organization medical director and the chief executive officer have the duty to enact the policy within the paramedic **provider** organization and accordingly enforce the policy. The duties and responsibilities of the medical director include, but are not limited to, the following:

(1) Provide liaison with physicians and the medical community.

(2) Assure that the drugs, medications, supplies, and equipment are available to the paramedic **provider** organization.

(3) Monitor and evaluate day-to-day medical operations of paramedic **provider** organizations.

(4) Assist the supervising hospital in the provision and coordination of continuing education.

~~(5) Provide information concerning the operation of the paramedic organization.~~

~~(6)~~ **(5)** Provide individual consultation to paramedics.

~~(7)~~ **(6)** Participate in at least quarterly audit and review of cases treated by paramedics of the provider organization.

~~(8)~~ **(7)** Attest to the competency of paramedics affiliated with the paramedic **provider** organization to perform skills required of a paramedic under 836 IAC 4-9-5.

~~(9)~~ **(8)** Establish protocols for advanced life support in cooperation with the medical control committee of the supervising hospital.

~~(10)~~ **(9)** Establish and publish a list of medications, including minimum quantities and dosages to be carried on the emergency medical services vehicle.

(10) Provide liaison between the emergency medical service provider organization, the emergency medical service personnel, and the hospital in regards to communicable disease testing under IC 16-41-10.

(f) The paramedic **provider** organization shall maintain a communications system that shall be available twenty-four (24) hours a day between the paramedic **provider** organization and the emergency department, or equivalent, of the supervising hospital using UHF (ultrahigh frequency) voice communications. The communications system shall be licensed by the Federal Communications Commission.

(g) Each paramedic **provider** organization shall do the following:

(1) Maintain an adequate number of trained personnel and emergency response vehicles to provide continuous, twenty-four (24) hour advanced life support services.

(2) Notify the commission in writing within thirty (30) days of assigning any individual to perform the duties and responsibilities required of a paramedic. This notification shall be signed by the provider organization and medical director of the provider organization.

~~(3) Notify the commission in writing within thirty (30) days of a paramedic's termination of employment or for any reason~~

~~which prohibits a certified individual from performing the procedures required of a paramedic.~~

(h) A paramedic ~~organization~~ ambulance service provider **organization** must be able to provide ~~an advanced life support~~ **a paramedic level** response. For the purpose of this subsection, ~~an "advanced life support~~ **"paramedic** response" consists of the following:

(1) A paramedic.

(2) An emergency medical technician **or higher.**

(3) An ambulance in compliance with the requirements of ~~836 IAC 2-2-3(e).~~ **section 3(e) of this rule.**

(4) During transport of the patient, **the following are the minimum staffing requirements:**

(A) If **paramedic level** advanced life support treatment techniques have been initiated or are needed: ~~at least one (1) paramedic shall be in the patient compartment of~~

(i) the ambulance **must be staffed by at least a paramedic and an emergency medical technician; and**

(ii) a paramedic shall be in the patient compartment.

(B) If an emergency medical technician-intermediate level advanced life support treatment techniques have been initiated or are needed:

(i) the ambulance must be staffed by at least an emergency medical technician-intermediate and an emergency medical technician; and

(ii) an emergency medical technician-intermediate shall be in the patient compartment.

(C) If advanced life support treatment techniques have not been initiated and are not needed:

(i) ~~at least one (1) individual certified as~~ **the ambulance must be staffed by at least** an emergency medical technician; ~~or higher~~ **and**

(ii) an emergency medical technician shall be in the patient compartment. ~~of the ambulance during transport of the patient.~~

(i) For a paramedic **provider** organization, when an advanced life support nontransport vehicle is dispatched **for an advanced life support response,** it shall, at a minimum, be staffed by a paramedic.

(j) The paramedic **provider** organization shall notify the ~~commission~~ **agency** in writing within thirty (30) days of any ~~change~~ **changes** in the ~~services provided.~~ **operation as stated in the application.**

~~(k) No certification is required for the following:~~

~~(1) A person who provides advanced life support while assisting in the case of a major catastrophe or disaster, whereby persons who are certified to provide emergency medical services or advanced life support are insufficient or are unable to cope with the situation.~~

~~(2) An agency or instrumentality of the United States and any paramedics of such agency or instrumentality is not required to be certified nor to conform to the standards prescribed in this article.~~

~~(l) The director may issue a provisional certification for the provision of advanced life support as a paramedic organization for the purpose of prehospital training of paramedic students when in the presence of a preceptor or preceptors approved by the commission in accordance with the following procedures:~~

~~(1) The provisional certification may be issued to the following:~~

~~(A) To an ambulance service provider certified pursuant to IC 16-31 only.~~

~~(B) To an advanced emergency medical technician-organization certified pursuant to IC 16-31.~~

~~(2) The provisional certification may be issued when the following are met:~~

~~(A) Upon demonstration by the applicant to the satisfaction of the director, the ambulance to be used for such training is certified pursuant to IC 16-31.~~

~~(B) The ambulance meets the requirements of subsection (f) and section 3 of this rule.~~

~~(C) The ambulance service provider or advanced emergency medical technician-organization has and shall maintain an adequate number of paramedic students, preceptors, and ambulances to provide continuous twenty-four (24) hour advanced life support service.~~

~~(3) A fully completed application for provisional certification shall be made on such forms as prescribed by the commission.~~

~~(4) The director may issue a provisional certificate for a period not to exceed sixty (60) days beyond the date of the paramedic course completion as identified on the approved course application. However, the director shall not issue a provisional certificate for a period exceeding twenty-four (24) consecutive months from the starting date of the course as identified on the approved course application.~~

~~(5) The issuance of a temporary or full certification invalidates any provisional certification.~~

~~(m)~~ **(k)** The paramedic **provider** organization shall, with medical director and chief executive officer approval, allow a **student or** graduate of an Indiana approved paramedic course to perform advanced life support under the direction of a preceptor. This person shall be actively pursuing certification as an Indiana certified paramedic. This provision shall be limited from one (1) year from date of course completion as indicated on course report.

~~(n)~~ **(l) The paramedic provider organization shall** provide for a periodic maintenance program to assure that emergency response vehicles, including equipment, are maintained in good working condition and that strict sanitation procedures are in effect at all times.

~~(o)~~ **(m)** Paramedic **provider** organization premises, records,

parking, or garaging facilities and response vehicles shall be available for inspection by the ~~director, or the director's duly authorized representative,~~ **agency** at any time during operating hours.

~~(p)~~ **(n)** Each paramedic **provider** organization shall ~~have in force and effect public liability insurance in the sum as described in 836 IAC 1-3-6 pursuant to IC 16-31. Such~~ **show** proof of insurance ~~shall be made on a form prescribed by the commission.~~ **coverage as required by 836 IAC 1-3-6.** *(Indiana Emergency Medical Services Commission; Advanced Life Support Rule I, A; filed Jan 21, 1977, 11:30 a.m.: Rules and Regs. 1978, p. 200; filed Dec 15, 1977: Rules and Regs. 1978, p. 250; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2216; filed Oct 13, 1981, 10:05 a.m.: 4 IR 2434; errata, 5 IR 400; filed Dec 2, 1983, 2:43 p.m.: 7 IR 364; errata, 7 IR 1254; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1062; filed Aug 18, 1986, 1:00 p.m.: 10 IR 41; filed Oct 11, 1988, 11:05 a.m.: 12 IR 358; filed May 15, 1998, 10:25 a.m.: 21 IR 3892; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2733; filed Apr 4, 2002, 9:15 a.m.: 25 IR 2512; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2348; errata, 26 IR 2624)*

SECTION 27. 836 IAC 2-2-2 IS AMENDED TO READ AS FOLLOWS:

836 IAC 2-2-2 Application for certification; renewal
Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 2. (a) Application for certification as a paramedic **provider** organization shall be made on forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** and shall ~~include, but not be limited to,~~ **comply with** the following:

(1) **Applicants shall complete the required forms and submit the forms to the agency not less than sixty (60) days prior to the requested effective date of the certificate.**

(2) Each application shall include a narrative summary of plans for providing advanced life support services, including the following:

(A) Defined primary area of response, including location of advanced life support response vehicles.

(B) A listing of ~~paramedics to be~~ **all** affiliated **personnel, including certification numbers** by the paramedic **provider** organization.

(C) The staffing pattern of personnel.

(D) Base of operations.

(E) Organizational structure, including name, address, and phone numbers for the owner, chief executive officer, chief operations officer, training officer, and medical director.

(F) Location of paramedic provider organizations records.

(G) Proof of insurance coverage for emergency medical service vehicles if required by 836 IAC 1-3-6.

~~(2)~~ **(H)** Plans and methodologies to ensure that the trained personnel are provided with supervised continuing education to maintain proficiency. Continuing education is under the direct supervision of the paramedic **provider** organization medical director with the cooperation of the supervising hospital.

~~(3)~~ **(I)** A listing of medications and special on-board life support equipment to be carried on board each vehicle as approved by the medical director.

~~(4)~~ **(J)** All scheduled medications shall be stored in a locked container within a locked compartment. Medications storage shall be approved in writing by medical director or issuing pharmacy.

~~(5)~~ **(K)** Letter of approval from the supervising hospital stating acceptance of the paramedics, compatibility of the UHF communications with the paramedic **provider** organization's vehicles, and agreement to fulfill the responsibilities of the supervising hospital.

(L) Other information as required by the agency.

(b) Paramedic **provider** organizations that do not also provide transportation of emergency patients shall submit **and maintain** a copy of a current ~~and binding contract~~ **agreement** between the nontransporting paramedic **provider** organization and an ambulance service provider **organization** certified ~~pursuant to~~ **under** IC 16-31. The ~~contract~~ **agreement** shall ensure that the nontransporting paramedic provider **organization** can be assured that patients treated shall be transported in a timely and safe manner. The ~~contract~~ **agreement** shall not preclude another ambulance service provider **organization,** if available, from transporting the patients.

(c) Upon approval, a paramedic **provider** organization shall be issued certification for the ~~provisions~~ **provision** of advanced life support. ~~certification.~~ The certificate ~~issued~~ is valid for a period of two (2) years and shall be prominently displayed at the place of business.

(d) Application for paramedic **provider** organization certification renewal should be made not less than sixty (60) days prior to the expiration date of the current certification. Application for renewal shall be made on forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** and shall show evidence of compliance with the requirements as set forth for original certification.

~~(e)~~ Upon approval, a ~~certificate~~ **paramedic provider organization** shall be issued ~~by the director to the paramedic organization for v each vehicle.~~ **a certification.** The certificate ~~shall be~~ **is** valid for **a period of** two (2) years ~~unless earlier revoked or suspended by the commission. The vehicle certificate~~ **and** shall be prominently displayed ~~within~~ **at** the ~~vehicle.~~ **place of business.** *(Indiana Emergency Medical Services Commission; Advanced Life Support Rule I, B; filed Jan 21, 1977, 11:30 a.m.: Rules and Regs. 1978, p. 202; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2218; errata, 4 IR 531; filed Oct 13,*

1981, 10:05 a.m.: 4 IR 2436; filed Dec 2, 1983, 2:43 p.m.: 7 IR 366; errata, 7 IR 1254; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1064; filed May 15, 1998, 10:25 a.m.: 21 IR 3895; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2735)

SECTION 28. 836 IAC 2-2-3 IS AMENDED TO READ AS FOLLOWS:

836 IAC 2-2-3 Paramedic provider organization operating procedures

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 3. (a) Each paramedic **ambulance service provider** organization shall comply with the ambulance service provider **organization** operating procedures of 836 IAC 1-2-3. **The paramedic nontransport provider organization shall comply with the operating procedures listed in 836 IAC 1-1-8.**

(b) Each paramedic **provider** organization shall establish daily equipment checklist procedures to ensure the following:

(1) Electronic and mechanical equipment are in proper operating condition.

(2) Emergency response vehicles are maintained in a safe operating condition at all times.

(3) All required medications and intravenous fluids approved by the medical director of the paramedic **provider** organization and the supervising hospital are on board all nontransport emergency medical services vehicles and ambulances when used for the provision of advanced life support and available to the paramedic.

(4) Equipment, medication, fluid, and supplies have not exceeded the manufacturer's specified expiration date.

(c) A copy of the medication list and protocols shall be maintained by the paramedic **provider** organization and the supervising hospital emergency department. Any changes to the medications list shall be forwarded to the ~~commission~~ **agency** within thirty (30) days.

(d) All medications and advanced life support supplies are to be supplied by order of the medical director. Accountability for distribution, storage, ownership, and security of medications is subject to applicable requirements as determined by the ~~Indiana board of pharmacy~~ **medical director, pharmacist,** and the **United States Department of Justice** Drug Enforcement Administration.

(e) The paramedic **provider** organization shall ensure that all ambulances used for the provision of advanced life support contain the emergency care equipment required in 836 IAC 1-3-5, the rescue equipment required in 836 IAC 1-3-4, and communication equipment required in 836 IAC 1-4-2. The advanced life support emergency medical services vehicles shall also carry the following equipment:

(1) Portable defibrillator with self-contained cardiac monitor and ECG strip writer and equipped with defibrillation pads or paddles appropriate for both adult and pediatric defibrillation. This may be the defibrillator listed in 836 IAC 1-3-5(1)(L).

(2) Tracheal suction catheters (adult #14 and #18, child #10).

(3) Endotracheal intubation devices, including the following:

(A) Laryngoscope with extra batteries and bulbs.

(B) Laryngoscope blades (adult and pediatric, curved and straight).

(C) Disposable endotracheal tubes, a minimum of two (2) each, sterile packaged, in sizes 3, 4, 5, 6, 7, 8, and 9 millimeters inside diameter.

(4) Intravenous fluids, medication, and administration supplies approved by the medical director.

(5) A current copy of advanced life support protocols shall be maintained on board the emergency medical services vehicle at all times.

(6) A copy of the medication list, including quantities and concentrations approved by the medical director.

~~(7) All minimum required medications as approved by the medical director.~~

(f) The paramedic **provider** organization shall ensure that all nontransport emergency medical services vehicles used for the provision of advanced life support meet all of the requirements in 836 IAC 2-14.

(g) Each paramedic **provider** organization shall ensure that rigid sanitation procedures are in effect at all times. The following sanitation standards apply to all vehicles used for the purpose of providing advanced life support services:

(1) The interior and the equipment within the vehicle shall be clean and maintained in good working order at all times.

(2) Freshly laundered linen or disposable linens shall be used on litters and pillows, and linen changed after each patient is transported.

(3) Clean linen storage shall be provided.

(4) Closed compartments shall be provided within the vehicle for medical supplies.

(5) Closed containers shall be provided for soiled supplies.

(6) Blankets shall be kept clean and stored in closed compartments.

(7) Single-service implements inserted into the patient's nose or mouth shall be wrapped and properly stored and handled. Multi-use items are to be kept clean and sterile when indicated and properly stored.

(8) When a vehicle has been utilized to transport a patient known to have a communicable disease, the vehicle shall be cleansed and all contact surfaces washed with soap and water and disinfected.

~~(9)~~ **(h)** All scheduled medications shall be stored in a locked container within a locked compartment. Medications storage shall be approved in writing by medical director or issuing pharmacy.

~~(h)~~ **(i)** A paramedic **provider** organization shall not operate

an ambulance or other **emergency medical service** vehicle ~~used for the provision of advanced life support~~ unless ~~the ambulance or vehicle~~ **it** is in full compliance with this article. ~~unless the vehicle is a nontransport emergency medical services vehicle returning from the site of the provision of advanced life support by the equipment, supplies, and personnel previously on board the nontransport emergency medical services vehicle nor shall~~

(j) A paramedic **provider** organization **shall not** transport any emergency patient or patient receiving advanced life support in any vehicle except an ambulance certified ~~pursuant to~~ **under** IC 16-31.

~~(i)~~ **(k)** Provisions for temporary vehicle certification are addressed in 836 IAC 1-2-3 **and 836 IAC 2-14-2(d).**

~~(j)~~ **(l)** Paramedics are prohibited from having in their possession, or maintained on board emergency response vehicles, any advanced life support equipment or supplies that have not been approved by **the** paramedic **provider** organization medical director.

(m) A paramedic provider organization is considered to be providing specialty care transport when the level of service or procedures required:

(1) exceed the procedures identified in the Indiana paramedic curriculum;

(2) are those in which the paramedic has received additional medical director approved training; and

(3) have been approved by the organization medical director.

(Indiana Emergency Medical Services Commission; Advanced Life Support Rule I, C; filed Jan 21, 1977, 11:30 a.m.: Rules and Regs. 1978, p. 204; filed Nov 3, 1980, 3:55 p.m.: 3 IR 2219; filed Oct 13, 1981, 10:05 a.m.: 4 IR 2437; errata, 5 IR 400; filed Dec 2, 1983, 2:43 p.m.: 7 IR 367; errata, 7 IR 1254; filed Dec 13, 1985, 9:13 a.m.: 9 IR 1065; filed Aug 18, 1986, 1:00 p.m.: 10 IR 43; filed Oct 11, 1988, 11:05 a.m.: 12 IR 360; filed May 15, 1998, 10:25 a.m.: 21 IR 3896; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2736)

SECTION 29. 836 IAC 2-2-4 IS ADDED TO READ AS FOLLOWS:

836 IAC 2-2-4 Application for provisional certification
Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-31-3-8; IC 16-31-3-20

Sec. 4. (a) An applicant may apply for and obtain provisional certification as a paramedic provider organization for the purpose of prehospital training of paramedic students when in the presence of a preceptor approved by the commission in accordance with this section.

(b) A provisional certification may only be issued to a certified ambulance service provider organization.

(c) The applicant shall submit a fully completed application for provisional certification on forms provided by the agency.

(d) The provisional certification may only be issued after the applicant has demonstrated to the satisfaction of the director that the ambulance to be used for such training is certified and meets the requirements of this article.

(e) The provisional certification may only be issued if the ambulance service provider organization has and shall maintain an adequate number of paramedic students, preceptors, and ambulances to provide continuous twenty-four (24) hour advanced life support service.

(f) The provisional certification expires no later than the earlier of the following dates:

(1) Sixty (60) days after the completion date of the paramedic course completion as identified on the approved course application.

(2) Twenty-four (24) months from the starting date of the course contained on the approved course application.

(g) The issuance of a paramedic provider organization certification invalidates any provisional certification. *(Indiana Emergency Medical Services Commission; 836 IAC 2-2-4)*

SECTION 30. 836 IAC 2-4.1-1 IS AMENDED TO READ AS FOLLOWS:

836 IAC 2-4.1-1 General requirements
Authority: IC 16-31-2-7
Affected: IC 16-31-3-14

Sec. 1. (a) All hospitals supervising, or seeking to supervise, an emergency medical services provider organization ~~that provides advanced life support services~~ **at the following levels shall be certified by the commission:**

(1) Paramedic.

(2) Emergency medical technician-intermediate.

(3) Emergency medical technician-basic advanced.

~~shall be certified by the commission.~~

(b) Application for certification shall be submitted to the commission no less than ninety (90) days prior to the date for which approval is requested. Application for certification shall be made on forms ~~prescribed~~ **provided** by the ~~commission.~~ **agency. The application shall include the following:**

(1) Description of your communication system, licensed per FCC rules and regulation, which is available twenty-four (24) hours a day, and any other means of communications with emergency medical service provider organizations certified emergency medical technician-basic advanced, emergency medical technician-intermediate, or paramedic vehicles. Attach a copy of current FCC license.

(2) Description of procedures to supervise via voice communication the procedures performed by emergency medical technician-basic advanced, emergency medical technician-intermediate, and/or paramedic personnel.

(3) A list of hospital staff positions approved to give orders for on-line medical control.

(4) Description of the procedures for audit and review of cases transported by emergency medical technician-basic advanced, emergency medical technician-intermediate, or paramedic provider organizations. Include the membership of the medical control committee.

(5) A written approval from the administrative and medical staff to supervise the procedures performed by the emergency medical technician-basic advanced, emergency medical technician-intermediate, and/or paramedic personnel.

(6) A copy of your contractual agreement, or interdepartmental memo if hospital based, with emergency medical technician-basic advanced, emergency medical technician-intermediate, and/or paramedic provider organizations whereby the administrative and medical staff have agreed to provide the following:

(A) Continuing education.

(B) Audit and review.

(C) Medical control and direction.

(D) Liaison and direction for supply of medications, fluids, and other medical items.

(E) A description of procedures to allow emergency medical technician-basic advanced, emergency medical technician-intermediate, and/or paramedic personnel to function within the appropriate hospital department to maintain continuing education for the emergency medical technician-basic advanced, emergency medical technician-intermediate, and/or paramedic personnel skills as defined in 836 IAC 4. Include a list of hospital departments involved and supervisory personnel.

~~(b)~~ **(c)** Commission certification as a supervising hospital shall be valid for ~~three (3)~~ **two (2)** years.

~~(c)~~ **(d)** Application for the renewal shall be made on forms ~~prescribed~~ **provided** by the ~~commission.~~ **agency.** The application shall document compliance with this rule.

~~(d) Procedures for the suspension, revocation, or termination of certification pursuant to IC 16-31-3-14 apply to supervising hospitals. Citations and restrictions issued under this subsection shall apply to the duration of the supervising hospital's current certification.~~ *(Indiana Emergency Medical Services Commission; 836 IAC 2-4.1-1; filed May 15, 1998, 10:25 a.m.: 21 IR 3898)*

SECTION 31. 836 IAC 2-4.1-2 IS AMENDED TO READ AS FOLLOWS:

836 IAC 2-4.1-2 Certification as a supervising hospital; renewal

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 2. Hospitals seeking commission certification shall meet the following minimum requirements:

(1) Have an emergency department open and staffed by a physician twenty-four (24) hours a day.

(2) The hospital's administration shall have approved a written ~~contractual~~ agreement, or interdepartmental memo if **provider organization is** hospital-based, with one (1) or more emergency medical services provider organizations that furnish advanced life support ~~service.~~ **or emergency medical technician-basic advanced services.** The ~~contract,~~ **agreement or interdepartmental memo** shall include a detailed description ~~of the following services to be provided by~~ **whereby** the hospital **agrees** to **provide** the **following services to the** certified emergency medical service provider organization:

(A) Continuing education **to include the following:**

(i) Frequency of training.

(ii) Length of training.

(iii) Attendance policies.

(iv) Policy on acceptance of training obtained outside of supervising hospital.

(B) Audit and review **to include items listed in subdivision (5).**

(C) Medical control and direction **to include the following:**

(i) Procedure to assure medical control available at all times.

(ii) How hospital personnel are trained on provider organization protocols.

~~(D) Provision of arrangements and the supervision of arrangements for the supply of medications and other items utilized by emergency medical service clinical personnel in the provision of advanced life support service.~~

~~(E)~~ **(D)** Provision and supervision of arrangements that allow the emergency medical services clinical personnel affiliated with the supervised emergency medical service provider **organization** to function within appropriate hospital departments in order to obtain continuing ~~practice~~ **education and remediation** in their clinical skills.

(3) Provide and maintain a voice communication system between the emergency medical service provider organization response personnel and the hospital's emergency department. **The communication system shall include the following:**

(A) A system capable to provide UHF (ultrahigh frequency) communications.

(B) A system capable to communicate on the frequency of 155.340 MHz to operate on the Indiana Hospital Emergency Radio Network.

The communications system shall be licensed by the Federal Communications Commission. **If the method of UHF**

communication is wireless, the hospital shall maintain a dedicated telephone line with ring-down capability.

(4) The hospital shall provide a physician or physician designate ~~authorized in writing by the hospital's medical staff,~~ who is at all times immediately available to supervise the medical procedures performed by the emergency medical service provider organization's clinical personnel via the voice communication system.

(5) The hospital shall establish a process for the audit and review of medical procedure performed by the clinical personnel of the emergency medical service provider organization. **Audit and review shall be conducted at least quarterly.** Requirements for audit and review are as follows:

(A) The audit shall ensure an appropriate level of compliance with medical protocols and appropriate level of skill in the performance of medical techniques by those personnel.

(B) The results of the audit shall be reviewed with the emergency medical service personnel.

(C) Documentation for the audit shall include the following:

(i) The criteria used to select audited runs.

(ii) Problem identification and resolution.

(iii) Date of review.

(iv) Attendance at the review.

(v) A summary of the discussion at the review.

(D) The audit and review shall be conducted by the medical control committee as defined in subdivision (9).

(6) The supervising hospital shall review and approve the inservice of the certified paramedics affiliated with the emergency medical services provider organization.

(7) Send **annually during the last quarter of each calendar year** a roster of clinical personnel whose sole advanced life support affiliation is with the supervising hospital **and personnel affiliated with the emergency medical service provider organizations supervised by the hospital.**

(8) The supervising hospital shall report in writing any changes, including affiliated clinical personnel, within thirty (30) days.

(9) The supervising hospital shall establish a medical control committee for audit and review of medical procedures perform by the advanced life support personnel and establish policies for medical direction and control. The membership of the medical control committee shall ~~be as follows:~~ **include the following:**

(A) Medical director of provider organization.

(B) **One (1) or more** emergency department supervisory personnel.

(C) **One (1) or more** provider organization supervisory personnel.

(D) EMS educator.

(E) **One (1) or more** advanced life support personnel of appropriate level from provider organization.

(Indiana Emergency Medical Services Commission; 836 IAC 2-4.1-2; filed May 15, 1998, 10:25 a.m.: 21 IR 3899; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2737; filed Apr 4, 2002, 9:15 a.m.: 25 IR 2514)

SECTION 32. 836 IAC 2-7.2-1, AS ADDED AT 26 IR 2353, SECTION 15, IS AMENDED TO READ AS FOLLOWS:

Rule 7.2. Requirements and Standards for Emergency Medical Technician-Intermediate Provider Organizations

836 IAC 2-7.2-1 General requirements for emergency medical technician-intermediate provider organizations

Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-31-3; IC 16-41-10

Sec. 1. (a) ~~Certification by the commission is required for any ambulance service provider who seeks to provide advanced life support services as an advanced~~ **A person shall not furnish, operate, maintain, advertise, or otherwise engage in providing** emergency medical **services as an emergency medical** technician-intermediate **provider** organization unless ~~provisional certification is issued pursuant to subsection (p).~~ **the person is certified as an emergency medical technician-intermediate provider organization.**

(b) If the ~~advanced~~ emergency medical technician-intermediate **provider** organization also provides transportation of emergency patients, the ~~advanced~~ emergency medical technician-intermediate **provider** organization shall be certified as an ambulance service provider **organization** in accordance with the requirements specified in 836 IAC 1 ~~pursuant to~~ **under** IC 16-31. The ~~advanced~~ emergency medical technician-intermediate nontransport **provider** organizations shall meet the requirements specified in ~~836 IAC 1-2-2(a) and 836 IAC 1-11-3(o) through 836 IAC 1-11-3(q).~~ **836 IAC 1-1-4 through 836 IAC 1-1-8.**

(c) The ~~advanced~~ emergency medical technician-intermediate ~~organizations~~ **provider organization** shall ensure ~~that:~~ **the following:**

(1) Ambulances used are certified and meet the requirements specified in 836 IAC 1-3. ~~and~~

(2) All nontransport emergency medical services vehicles used for the provision of advanced life support meet all of the requirements in 836 IAC 2-14.

(d) ~~Advanced~~ **An** emergency medical technician-intermediate **provider** organization shall have ~~a contract,~~ **an agreement,** or interdepartmental memo if hospital-based, with one (1) or more supervising hospitals for the following services:

(1) Continuing education.

(2) Audit and review.

(3) Medical control and direction.

~~(4) Provision of arrangements and the supervision of arrangements for the supply of medications and other items utilized by emergency medical service clinical personnel in the provision of advanced life support service.~~

~~(5)~~ **(4)** Provision to allow the ~~advanced~~ emergency medical technician-intermediates affiliated with the supervised

~~advanced~~ emergency medical technician-intermediate **provider** organization to function within the appropriate hospital department in order to obtain continuing practice in their clinical skills.

The ~~contract~~ **agreement** or interdepartmental memo shall include a detailed description of how such services shall be provided to the ~~advanced~~ emergency medical technician-intermediate **provider** organization. In those cases where more than one (1) hospital ~~contracts,~~ **enters into an agreement,** or seeks to ~~contract,~~ **enter into an agreement,** with an ~~advanced~~ emergency medical technician-intermediate provider organization as a supervising hospital, an interhospital agreement shall be provided to the ~~commission~~ **agency** that shall clearly define the specific duties and responsibilities of each hospital to ensure medical and administrative accountability of system operation.

(e) The ~~advanced~~ emergency medical technician-intermediate **provider** organization shall have a medical director provided by the ~~advanced~~ emergency medical technician-intermediate **provider** organization or jointly with the supervising hospital. ~~who shall be a physician who holds a currently valid unlimited license to practice medicine in Indiana and has an active role in the delivery of emergency care.~~ The medical director is responsible for providing competent medical direction as established by the medical control committee. Upon establishment of a medical control policy, the ~~advanced~~ **medical director and chief executive officer of the** emergency medical technician-intermediate **provider** organization ~~medical director and the chief executive officer~~ have the duty to enact the policy within the ~~advanced~~ emergency medical technician-intermediate **provider** organization and accordingly enforce the policy. The duties and responsibilities of the medical director include, but are not limited to, the following:

(1) Provide liaison with physicians and the medical community.

(2) Assure that the drugs, medications, supplies, and equipment are available to the ~~advanced~~ emergency medical technician-intermediate **provider** organization.

(3) Monitor and evaluate day-to-day medical operations of ~~advanced~~ emergency medical technician-intermediate **provider** organizations.

(4) Assist in the provision and coordination of continuing education.

~~(5) Provide information concerning the operation of the advanced emergency medical technician-intermediate organization.~~

~~(6)~~ **(5)** Provide individual consultation to ~~advanced~~ emergency medical technician-intermediates.

~~(7)~~ **(6)** Participate in at least quarterly audit and review of cases treated by ~~advanced~~ emergency medical technician-intermediates of the supervising hospital.

~~(8)~~ **(7)** Attest to the competency of ~~advanced~~ emergency medical technician-intermediates affiliated with the ~~advanced~~ emergency medical technician-intermediate **provider** organization to perform skills required of an ~~advanced~~ emergency medical technician-intermediate under 836 IAC 4-7.1.

~~(9)~~ **(8)** Establish protocols for advanced life support.

~~(10)~~ **(9)** Establish and publish a list of medications, including minimum quantities and dosages to be carried on the vehicle.

(10) Provide liaison between the emergency medical service provider organization, the emergency medical service personnel, and the hospital in regards to communicable disease testing under IC 16-41-10.

(f) The ~~advanced~~ emergency medical technician-intermediate **provider** organization shall maintain a communications system that shall be available twenty-four (24) hours a day between the ~~advanced~~ emergency medical technician-intermediate **provider** organization and the emergency department, or equivalent, of the supervising hospital using UHF (ultrahigh frequency) voice communications. The communications system shall be licensed by the Federal Communications Commission.

(g) Each ~~advanced~~ emergency medical technician-intermediate **provider** organization shall do the following:

(1) Maintain an adequate number of trained personnel and emergency response vehicles to provide continuous, twenty-four (24) hour advanced life support services.

(2) Notify the commission in writing within thirty (30) days of assigning any individual to perform the duties and responsibilities required of an advanced emergency medical technician-intermediate. This notification shall be signed by the provider organization and medical director of the provider organization.

~~(3) Notify the commission in writing within thirty (30) days of an advanced emergency medical technician-intermediate's termination of employment or for any reason that prohibits a certified individual from performing the procedures required of an advanced emergency medical technician-intermediate.~~

(h) An ~~advanced~~ emergency medical technician-intermediate ~~organization~~ ambulance service provider **organization** must be able to provide an ~~advanced life support~~ **emergency medical technician-intermediate level** response. For the purpose of this subsection, ~~an "advanced life support~~ **"emergency medical technician-intermediate** response" consists of the following:

(1) An ~~advance~~ emergency medical technician-intermediate.

(2) An emergency medical technician **or higher.**

(3) An ambulance in compliance with the requirements of ~~836 IAC 2-7.2-3(f).~~ **section 3(f) of this rule.**

(4) During transport of the patient, **the following are the minimum staffing requirements:**

(A) If **emergency medical technician-intermediate level** advanced life support treatment techniques have been initiated or are needed: ~~at least one (1) advanced emergency medical technician-intermediate shall be in the patient compartment of~~

(i) the ambulance **must be staffed by at least an emergency medical technician-intermediate and an emer-**

gency medical technician; and

(ii) an emergency medical technician-intermediate shall be in the patient compartment.

(B) If advanced life support treatment techniques have not been initiated and are not needed: ~~at least one (1) individual certified as~~

(i) the ambulance must be staffed by at least an emergency medical technician; ~~or higher~~ **and**

(ii) an emergency medical technician shall be in the patient compartment. ~~of the ambulance during transport of the patient.~~

(i) For an ~~advanced~~ emergency medical technician-intermediate **provider** organization, when an advanced life support nontransport vehicle is dispatched, it shall, at a minimum, be staffed by an ~~advanced~~ emergency medical technician-intermediate.

(j) The ~~advanced~~ emergency medical technician-intermediate **provider** organization shall notify the ~~commission~~ **agency** in writing within thirty (30) days of any change in the ~~services provided.~~ **operation as stated in the application.**

~~(k) No certification is required for the following:~~

~~(1) A person who provides advanced life support while assisting in the case of a major catastrophe or disaster, whereby persons who are certified to provide emergency medical services or advanced life support are insufficient or are unable to cope with the situation.~~

~~(2) An agency or instrumentality of the United States and any advanced emergency medical technician-intermediate of such agency or instrumentality is not required to be certified nor to conform to the standards prescribed in this article.~~

~~(3) Rendering assistance to persons certified to provide emergency ambulance service or to advanced emergency medical technician intermediates.~~

~~(4) Operating from a location or headquarters outside Indiana to provide emergency ambulance services to patients who are picked up outside Indiana for transportation to location within Indiana.~~

~~(l) The director may issue a provisional certification for the provision of advanced life support as an advanced emergency medical technician-intermediate organization for the purpose of prehospital training of advanced emergency medical technician-intermediate students when in the presence of a preceptor or preceptors approved by the commission in accordance with the following procedures:~~

~~(1) The provisional certification may be issued to either of the following:~~

~~(A) An ambulance service provider certified pursuant to IC 16-31 only.~~

~~(B) An advanced emergency medical technician organization certified pursuant to IC 16-31.~~

~~(2) The provisional certification may be issued when the following are met:~~

~~(A) Upon demonstration by the applicant to the satisfaction of the director, the ambulance to be used for such training is certified pursuant to IC 16-31.~~

~~(B) The ambulance meets the requirements of subsection (f) and section 3 of this rule.~~

~~(C) The ambulance service provider or advanced emergency medical technician organization has and shall maintain an adequate number of advanced emergency medical technician intermediate students, preceptors, and ambulances to provide continuous twenty-four (24) hour advanced life support service.~~

~~(3) A fully completed application for provisional certification shall be made on such forms as prescribed by the commission.~~

~~(4) The director may issue a provisional certificate for a period not to exceed sixty (60) days beyond the date of the advanced emergency medical technician intermediate course completion as identified on the approved course application. However, the director shall not issue a provisional certificate for a period exceeding twenty-four (24) consecutive months from the starting date of the course as identified on the approved course application.~~

~~(5) The issuance of a temporary or full certification invalidates any provisional certification.~~

~~(m)~~ **(k)** The ~~advanced~~ emergency medical technician-intermediate **provider** organization shall, with medical director and chief executive officer approval, allow a graduate **or student** of an Indiana approved ~~advanced~~ emergency medical technician-intermediate course to perform advanced life support under the direction of a preceptor. This person shall be actively pursuing certification as an Indiana certified ~~advanced~~ emergency medical technician-intermediate. This provision shall be limited from one (1) year from date of course completion as indicated on course report.

~~(n)~~ **(l) The emergency medical technician-intermediate provider organization shall** provide for a periodic maintenance program to assure that emergency response vehicles, including equipment, are maintained in good working condition and that strict sanitation procedures are in effect at all times.

~~(o) Advanced~~ **(m)** Emergency medical technician-intermediate **provider** organization premises, records, parking, or garaging facilities and response vehicles shall be available for inspection by the ~~director, or the director's duly authorized representative,~~ **agency** at any time during operating hours.

~~(p) Each advanced~~ **(n) All ambulances and nontransport vehicles used by the** emergency medical technician-intermediate **provider** organization shall ~~have in force and effect public liability~~ **meet the** insurance ~~in the sum as described in~~ **requirements under** 836 IAC 1-3-6. ~~pursuant to IC 16-31. Such proof of insurance shall be made on a form prescribed by the commis-~~

~~sion.~~ *(Indiana Emergency Medical Services Commission; 836 IAC 2-7.2-1; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2353)*

SECTION 33. 836 IAC 2-7.2-2, AS ADDED AT 26 IR 2355, SECTION 15, IS AMENDED TO READ AS FOLLOWS:

836 IAC 2-7.2-2 Application for certification; renewal
Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 2. (a) Application for certification as an ~~advanced~~ emergency medical technician-intermediate **provider** organization shall be made on forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** and shall include, but not be limited to, the following:

(1) **An applicant shall complete and submit the required forms to the agency at least sixty (60) days before the requested effective date of the certificate.**

(2) Each application shall include a narrative summary of plans for providing advanced life support services, including the following:

(A) Defined primary area of response, including location of advanced life support response vehicles.

(B) A listing of ~~advanced~~ **all** emergency medical technician-intermediates, **including certification numbers,** to be affiliated by the ~~advanced~~ emergency medical technician-intermediate **provider** organization.

(C) The staffing pattern of personnel.

(D) Base of operations.

(E) Organizational structure, including name, address, and phone numbers for the owner, chief executive officer, chief operations officer, training officer, and medical director.

(F) Location of emergency medical technician-intermediate provider organizations records.

(G) Proof of insurance coverage for emergency medical service vehicles as required by 836 IAC 1-3-6.

~~(2)~~ **(H)** Plans and methodologies to ensure that the trained personnel are provided with supervised continuing education to maintain proficiency. Continuing education is under the direct supervision of the ~~advanced~~ emergency medical technician-intermediate **provider** organization medical director with the cooperation of the supervising hospital.

~~(3)~~ **(I)** A listing of medications and special on-board life support equipment to be carried on board each vehicle as approved by the medical director.

~~(4)~~ **(J)** All scheduled medications shall be stored in a locked container within a locked compartment. Medications storage shall be approved in writing by medical director or issuing pharmacy.

~~(5)~~ **(K)** Letter of approval from the supervising hospital stating acceptance of the ~~advanced~~ emergency medical technician-intermediates, compatibility of the UHF communications with the ~~advanced~~ emergency medical technician-intermediate **provider** organization's vehicles, and agreement to fulfill the responsibilities of the supervising hospital.

(L) Other information as required by the agency.

(b) ~~Advanced~~ Emergency medical technician-intermediate **provider** organizations that do not also provide transportation of emergency patients shall submit **and maintain** a copy of a current written agreement between the nontransporting ~~advanced~~ emergency medical technician-intermediate **provider** organization and an ambulance service provider **organization** certified ~~pursuant to~~ **under** IC 16-31. The agreement shall ensure that the nontransporting ~~advanced~~ emergency medical technician-intermediate provider **organization** can be assured that patients treated shall be transported in a timely and safe manner. The agreement shall not preclude another ambulance service provider **organization,** if available, from transporting the patients.

(c) Upon approval, an ~~advanced~~ emergency medical technician-intermediate **provider** organization shall be issued certification for the provisions of advanced life support certification. The certificate issued is valid for a period of two (2) years and shall be prominently displayed at the place of business.

(d) **An** application for ~~advanced~~ **an** emergency medical technician-intermediate **provider** organization certification renewal ~~should~~ **shall** be made ~~not less than~~ **at least** sixty (60) days ~~prior to~~ **before** the expiration date of the current certification. Application for renewal shall be made on forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** and shall show evidence of compliance with the requirements as set forth for original certification.

~~(e) Upon approval, a certificate shall be issued by the director to the advanced emergency medical technician-intermediate organization for each vehicle. The certificate shall be valid for two (2) years unless earlier revoked or suspended by the commission. The vehicle certificate shall be prominently displayed within the vehicle.~~ *(Indiana Emergency Medical Services Commission; 836 IAC 2-7.2-2; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2355)*

SECTION 34. 836 IAC 2-7.2-3, AS ADDED AT 26 IR 2356, SECTION 15, IS AMENDED TO READ AS FOLLOWS:

836 IAC 2-7.2-3 Emergency medical technician-intermediate provider organization operating procedures
Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 3. (a) Each ~~advanced~~ emergency medical technician-intermediate **provider** organization shall comply with the ambulance service provider operating procedures of 836 IAC 1-2-3. **The emergency medical technician-intermediate**

provider organization nontransport provider organization shall comply with the operating procedures listed in 836 IAC 1-1-8.

(b) Each ~~advanced~~ emergency medical technician-intermediate **provider** organization shall establish daily equipment checklist procedures to ensure the following:

(1) Electronic and mechanical equipment are in proper operating condition.

(2) Emergency response vehicles are maintained in a safe operating condition at all times.

(3) All required medications and intravenous fluids approved by the medical director of the ~~advanced~~ emergency medical technician-intermediate **provider** organization and the supervising hospital are on board all nontransport emergency medical services vehicles and ambulances when used for the provision of advanced life support and available to the ~~advanced~~ emergency medical technician-intermediate.

(4) Equipment, medication, fluid, and supplies have not exceeded the manufacturer's specified expiration date.

(c) A copy of the medication list and protocols shall be maintained by the ~~advanced~~ emergency medical technician-intermediate **provider** organization and the supervising hospital emergency department. Any changes to the medications list shall be forwarded to the ~~commission~~ **agency** within thirty (30) days.

(d) All medications and advanced life support supplies are to be supplied by order of the medical director. Accountability for distribution, storage, ownership, and security of medications is subject to applicable requirements as determined by the ~~Indiana board of pharmacy~~ **medical director, pharmacist,** and the **United States Department of Justice** Drug Enforcement Administration.

(e) The ~~advanced~~ emergency medical technician-intermediate **provider** organization shall ensure that stocking and administration of supplies and medications are limited to the Indiana ~~advanced~~ emergency medical technician-intermediate curriculum. Procedures performed by the ~~advanced~~ emergency medical technician-intermediate are also limited to the Indiana ~~advanced~~ emergency medical technician-intermediate curriculum.

(f) The ~~advanced~~ emergency medical technician-intermediate **provider** organization shall ensure that all ambulances used for the provision of advanced life support contain the emergency care equipment required in 836 IAC 1-3-5, the rescue equipment required in 836 IAC 1-3-4, and communication equipment required in 836 IAC 1-4-2. The advanced life support emergency medical services vehicles shall also carry the following equipment:

(1) Portable defibrillator with self-contained cardiac monitor and ECG strip writer and equipped with defibrillation pads or paddles appropriate for both adult and pediatric defibrillation. This may be the defibrillator listed in 836 IAC 1-3-5(1)(L).

(2) Tracheal suction catheters (adult #14 and #18, child #10).

(3) Endotracheal intubation devices, including the following:

(A) Laryngoscope with extra batteries and bulbs.

(B) Laryngoscope blades (adult and pediatric, curved and straight).

(C) Disposable endotracheal tubes, a minimum of two (2) each, sterile packaged, in sizes 3, 4, 5, 6, 7, 8, and 9 millimeters inside diameter.

(4) Crystalliod intravenous fluids and administration supplies approved by the medical director.

(5) Medications limited to, if approved by the medical director, the following:

(A) Acetylsalicylic acid (aspirin).

(B) Adenosine.

(C) Atropine sulfate.

(D) Bronchodilator (beta 2 agonists):

(i) suggested commonly administered medications:

(AA) albuterol;

(BB) ipratropium;

(CC) isoetharine;

(DD) metaproterenol;

(EE) salmeterol;

(FF) terbutaline; and

(GG) triamcinolone; and

(ii) commonly administered adjunctive medications to bronchodilator therapy:

(AA) dexamethasone; and

(BB) methylprednisolone.

(E) Dextrose, fifty percent (50%).

(F) Diazepam.

(G) Epinephrine (1:1,000).

(H) Epinephrine (1:10,000).

(I) Vasopressin.

(J) Furosemide.

(K) Lidocaine hydrochloride, two percent (2%).

(L) Amiodarone hydrochloride.

(M) Morphine sulfate.

(N) Naloxone.

(O) Nitroglycerin.

(6) A current copy of advanced life support protocols shall be maintained on board the emergency medical services vehicle at all times.

(7) A copy of the medication list, including quantities and concentrations approved by the medical director.

(g) The ~~advanced~~ emergency medical technician-intermediate **provider** organization shall ensure that all nontransport emergency medical services vehicles used for the provision of advanced life support meet all of the requirements in 836 IAC 2-14.

(h) Each ~~advanced~~ emergency medical technician-intermediate **provider** organization shall ensure that rigid sanitation procedures are in effect at all times. The following sanitation

standards apply to all vehicles used for the purpose of providing advanced life support services:

(1) The interior and the equipment within the vehicle shall be clean and maintained in good working order at all times.

(2) Freshly laundered linen or disposable linens shall be used on litters and pillows, and linen changed after each patient is transported.

(3) Clean linen storage shall be provided.

(4) Closed compartments shall be provided within the vehicle for medical supplies.

(5) Closed containers shall be provided for soiled supplies.

(6) Blankets shall be kept clean and stored in closed compartments.

(7) Single-service implements inserted into the patient's nose or mouth shall be wrapped and properly stored and handled. Multi-use items are to be kept clean and sterile when indicated and properly stored.

(8) When a vehicle has been utilized to transport a patient known to have a communicable disease, the vehicle shall be cleansed and all contact surfaces washed with soap and water and disinfected.

~~(9)~~ **(i)** All scheduled medications shall be stored in a locked container within a locked compartment. Medications storage shall be approved in writing by medical director or issuing pharmacy.

~~(i)~~ **(j)** An ~~advanced~~ emergency medical technician-intermediate **provider** organization shall not **do the following:**

(1) Operate an ambulance or other **emergency medical service** vehicle ~~used for the provision of advanced life support~~ unless ~~the ambulance or vehicle~~ **it** is in full compliance with this article. ~~unless the vehicle is a nontransport emergency medical services vehicle returning from the site of the provision of advanced life support by the equipment, supplies, and personnel previously on board the nontransport emergency medical services vehicle, nor shall an advanced emergency medical technician-intermediate organization~~

(2) Transport any emergency patient or patient receiving advanced life support in any vehicle except an ambulance certified ~~pursuant to~~ **under** IC 16-31.

~~(j) Provisions for temporary vehicle certification are addressed in 836 IAC 1-2-3.~~

(k) ~~Advanced~~ Emergency medical technician-intermediates are prohibited from having in their possession, or maintained on board emergency response vehicles, any advanced life support equipment or supplies that have not been approved by ~~advanced~~ **the** emergency medical technician-intermediate **provider** organization medical director. *(Indiana Emergency Medical Services Commission; 836 IAC 2-7.2-3; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2356)*

SECTION 35. 836 IAC 2-7.2, AS ADDED AT 26 IR 2353, SECTION 15, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

836 IAC 2-7.2-4 Application for provisional certification

Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-31-3-8; IC 16-31-3-20

Sec. 4. (a) An applicant may apply for and obtain provisional certification as an emergency medical technician-intermediate provider organization for the purpose of prehospital training of emergency medical technician-intermediate students when in the presence of a preceptor approved by the commission in accordance with this section.

(b) A provisional certification may only be issued to a certified ambulance service provider organization.

(c) The applicant shall submit a fully completed application for provisional certification on forms provided by the agency.

(d) The provisional certification may only be issued after the applicant has demonstrated to the satisfaction of the director that the ambulance to be used for such training is certified and meets the requirements of this article.

(e) The provisional certification may only be issued if the ambulance service provider organization has and shall maintain an adequate number of paramedic students, preceptors, and ambulances to provide continuous twenty-four (24) hour advanced life support service.

(f) The provisional certification expires no later than the earlier of the following dates:

(1) Sixty (60) days after the completion date of the paramedic course completion as identified on the approved course application.

(2) Twenty-four (24) months from the starting date of the course contained on the approved course application.

(g) The issuance of a emergency medical technician-intermediate provider organization certification invalidates any provisional certification. *(Indiana Emergency Medical Services Commission; 836 IAC 2-7.2-4)*

SECTION 36. 836 IAC 2-14-1 IS AMENDED TO READ AS FOLLOWS:

836 IAC 2-14-1 General certification provisions

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 1. (a) **This rule is applicable to all** advanced life support nontransport ~~vehicle ordered or leased shall meet minimum specifications or shall not be~~ **vehicles** eligible for certification.

(b) ~~Procedures for suspension, revocation, or termination of a certificate included under 836 IAC 2-2-1(l) through 836 IAC 2-2-1(o) apply to certification for~~ **All** advanced life support nontransport vehicles **shall be in full compliance with the minimum specifications and certification requirements established in this rule.** *(Indiana Emergency Medical Services Commission; 836 IAC 2-14-1; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2742)*

SECTION 37. 836 IAC 2-14-2 IS AMENDED TO READ AS FOLLOWS:

836 IAC 2-14-2 Application for certification
Authority: IC 16-31-2-7
Affected: IC 16-31-3-2; IC 16-31-3-8

Sec. 2. (a) Application for advanced life support nontransport vehicle certification shall be made by the provider organization on such forms as ~~prescribed~~ **provided** by the ~~commission~~ **agency** and shall comply with the following requirements:

(1) An applicant shall complete **and submit** the required forms **to the agency with the following information:**

(A) Name and address of provider organization.

(B) Vehicle information including make, model, year, and vehicle identification number.

(C) Color scheme of vehicle.

~~and submit the forms to the director. A certificate for the advanced life support nontransport vehicle shall be issued by the director.~~

(2) Each advanced life support nontransport vehicle for which certification is requested shall be made available for inspection by the ~~director, or his duly authorized representative,~~ **agency** with its equipment as required by this article or 836 IAC 1 prior to approval for certification.

(b) Upon approval, a certificate shall be issued ~~by the director~~ to the advanced life support nontransport vehicle provider organization for ~~all~~ **each** advanced life support nontransport ~~vehicles.~~ **vehicle.** The certificate shall be valid for two (2) years. ~~unless earlier revoked or suspended by the commission.~~ The certificate shall be prominently displayed within the advanced life support nontransport vehicle driver compartment.

~~(c) A vehicle certification is invalid upon expiration, suspension, revocation, or relinquishment of the provider certification.~~

~~(d)~~ **(c)** Except as provided in subsection ~~(e),~~ **(d),** a provider organization shall not operate an advanced life support nontransport vehicle on any public way in Indiana if the advanced life support nontransport vehicle:

(1) is not in full compliance with the advanced life support nontransport vehicle certification requirements established ~~and set forth~~ in this article; ~~or exemptions approved by the commission;~~ and

(2) does not have a certificate issued ~~pursuant to~~ **under** IC 16-31.

~~(e)~~ **(d)** A provider organization may operate, for a period not to exceed sixty (60) consecutive days, a noncertified advanced life support nontransport vehicle if the noncertified advanced life support nontransport vehicle is used to replace a certified advanced life support nontransport vehicle that has been taken out of service providing the following:

(1) The replacement advanced life support nontransport vehicle shall meet all certification requirements.

(2) The provider organization shall notify the ~~commission~~ **agency** in writing within seventy-two (72) hours of the time the replacement advanced life support nontransport vehicle is placed in service. The written notice shall identify the following:

(A) The replacement date.

(B) The certification number of the replaced advanced life support nontransport vehicle.

(C) The vehicle identification number of the replacement advanced life support nontransport vehicle.

(D) The make and type of the replacement advanced life support nontransport vehicle.

Upon receipt of the notification, a temporary certificate shall be issued effective the date the certified advanced life support nontransport vehicle was replaced. Temporary certification shall not exceed sixty (60) days **from the date that the replacement ambulance is placed in service** and, upon return to service **of the certified ambulance,** the use of the replacement vehicle shall cease. ~~and the temporary certificate shall be returned to the commission. If the replaced advanced life support nontransport vehicle is not returned to service within the sixty (60) day period, use of the replacement advanced life support nontransport vehicle shall cease unless certification is approved in accordance with this article.~~ *(Indiana Emergency Medical Services Commission; 836 IAC 2-14-2; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2742)*

SECTION 38. 836 IAC 2-14-3 IS AMENDED TO READ AS FOLLOWS:

836 IAC 2-14-3 Advanced life support nontransport vehicle specifications
Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 3. (a) All advanced life support nontransport vehicles shall meet or exceed the following minimum performance characteristics:

(1) The vehicle engine shall be ~~a~~ **an** internal combustion, liquid-cooled engine that meets advanced life support nontransport vehicle chassis manufacturer's standard horsepower/displacement requirements.

(2) The fully loaded vehicle shall be capable of a sustained speed of at least sixty-five (65) miles per hour over dry, level, or hard-surfaced roads.

(3) The steering system shall be the manufacturer's recommended design and be power assisted.

(4) Tires shall meet the manufacturer's standards for the gross vehicle weight of the vehicle. No tire shall display exposed tire cord or have tread depth less than two thirty-seconds ($^{2}/_{32}$) on back tires and four thirty-seconds ($^{4}/_{32}$) on front tires spaced equally around the tire and with no visible defects. Retread tires shall not be used on advanced life support nontransport vehicles.

(b) All advanced life support nontransport vehicles shall meet or exceed the following minimum specifications for electrical systems:

(1) The electrical generating system shall consist of a one hundred five (105) ampere alternator minimum.

(2) Lighting shall be designed and located so that no glare is reflected from surrounding areas to the driver's eyes or line of vision, from instrument panel, switch panel, or other areas that may require illumination while the vehicle is in motion.

(3) Each advanced life support nontransport vehicle ~~for which certification is requested~~ shall have an audible backup warning device that is activated when the advanced life support nontransport vehicle is shifted into reverse.

(c) All advanced life support nontransport vehicles shall meet the following requirements for external identification:

(1) Warning lights of red or red and white, at the discretion of the owner, and shall conform with Indiana law. All lights on vehicle shall be in working condition.

(2) Each ~~fully certified~~ advanced life support nontransport vehicle shall display the four (4) numbers of the commission-assigned advanced life support nontransport vehicle certification number. The four (4) numbers, in sequence, shall be placed on each side of the advanced life support nontransport vehicle on the right and left front fenders and on the ~~left~~ rear portion of the vehicle. Each number shall be in block letters not less than three (3) inches in height. These numbers shall be displayed in color contrasting, reflective material. The numbers shall be placed on the vehicle within seven (7) days of the receipt of the advanced life support nontransport vehicle certificate. The numbers shall be removed or permanently covered by the provider organization when the advanced life support nontransport vehicle is permanently removed from service by the provider organization.

(3) A commission-certified vehicle sticker shall be displayed on all certified advanced life support nontransport vehicles.

(d) All windows shall be intact. The vehicle shall have windshield wipers in working condition.

(e) Dual, firmly secured, vibrationless rear-view mirrors, one (1) mounted on the left side of the vehicle and one (1) mounted on the right side, shall be included.

(f) The driver compartment, at a minimum, shall be equipped with appropriate passenger restraints that are installed in all seating facilities for the driver and the passenger.

(g) All advanced life support nontransport vehicles shall meet or exceed the following minimum communication standards:

(1) All radios used in emergency medical services vehicles for the purpose of dispatch or tactical communications shall demonstrate and maintain the ability to provide a voice communications linkage, during transmission, with the emergency medical service ~~providers~~ **provider organization's** associated base station within the area the emergency medical service provider **organization** normally serves or proposes to serve.

(2) Radio equipment used in emergency medical services vehicles shall be appropriately licensed through the Federal Communications Commission. The maximum power of the transmitter shall be no more than the minimum required for technical operation commensurate with the size of the area to be served and local conditions ~~which~~ **that** affect radio transmission and reception.

(3) All emergency medical services vehicles shall be equipped with two-way radios that shall have one (1) channel or talk-group used primarily for dispatch and tactical communications.

(4) All nontransport vehicles shall maintain a communication system that shall be available twenty-four (24) hours a day between the paramedic **provider** organization and the emergency department, or equivalent, of the supervising hospital using UHF (ultrahigh frequency) voice communications. The communications system shall be licensed by the Federal Communications Commission.

(5) Type and number of sirens shall be at the discretion of the advanced life support nontransport vehicle ~~service~~ provider **organization** and shall conform to Indiana law.

(h) All advanced life support nontransport vehicles shall provide an adequate system for heating and window defrosting of the driver compartment.

(i) Each provider organization shall ensure that rigid sanitation procedures are in effect at all times. The following sanitation standards apply to all vehicles used for the purpose of providing advanced life support services:

(1) The equipment within the vehicle shall be clean and maintained in good working order at all times.

(2) Compartments shall be provided within the vehicle for medical supplies and equipment storage.

(3) All scheduled medications shall be stored in a locked container within a locked compartment. Medications storage shall be approved in writing by medical director or issuing pharmacy.

(Indiana Emergency Medical Services Commission; 836 IAC 2-14-3; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2743)

SECTION 39. 836 IAC 2-14-5, AS AMENDED AT 26 IR 2357, SECTION 16, IS AMENDED TO READ AS FOLLOWS:

836 IAC 2-14-5 Advanced life support nontransport vehicle emergency care equipment

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 5. Each advanced life support nontransport vehicle shall wrap, properly store, and handle all the single-service implements **to be** inserted into the patient's nose or mouth. Multi-use items are to be kept clean and sterile when indicated and properly stored. The vehicle shall carry the following assembled and readily accessible minimum equipment:

(1) Respiratory and resuscitation equipment as follows:

(A) Portable suction apparatus, capable of a minimum vacuum of three hundred (300) millimeters mercury, equipped with wide-bore tubing, ~~and~~ both rigid and soft pharyngeal suction tips **and tracheal suction catheters in sizes, child #10, adult #14 and #18.**

(B) Endotracheal intubation devices, including the following:

(i) Laryngoscope with extra batteries and bulbs.

(ii) Laryngoscope blades (adult and pediatric, curved and straight).

(iii) Disposable endotracheal tubes, a minimum of two (2) each, sterile packaged, in sizes 3, 4, 5, 6, 7, 8, and 9 millimeters inside diameter.

~~(B)~~ **(C)** Bag-mask ventilation units, hand operated, one (1) unit in each of the following sizes, each equipped with clear face masks and oxygen reservoirs with oxygen tubing:

(i) Adult.
(ii) Child.
(iii) Infant.
(iv) Neonatal (mask only).

~~(C)~~ **(D)** Oropharyngeal airways, two (2) each of adult, child, and infant.

~~(D)~~ **(E)** One (1) pocket mask with one-way valve.

~~(E)~~ **(F)** Portable oxygen equipment of at least three hundred (300) liters capacity (D size cylinder) with yoke, medical regulator, pressure gauge, and nondependent flowmeter.

~~(F)~~ **(G)** Oxygen delivery devices shall include the following:

(i) High concentration devices, two (2) each, adult, child, and infant.
(ii) Low concentration devices, two (2) each, adult.

~~(G)~~ **(H)** Nasopharyngeal airways, two (2) each of the following with water soluble lubricant:

(i) Small (20-24 french).
(ii) Medium (26-30 french).
(iii) Large (31 french or greater).

~~(H)~~ **(I)** Bulb syringe individually packaged in addition to obstetrics kit.

~~(I)~~ **(J)** Nonvisualized airway minimum of two (2) with water soluble lubricant.

~~(J)~~ **(K)** Portable defibrillator with self-contained cardiac monitor and ECG strip writer and equipped with defibrillation pads or paddles appropriate for adult **and pediatric** defibrillation.

(2) Wound care supplies as follows:

(A) Airtight dressings, four (4), for open chest wounds.
(B) Assorted bandaging supplies for the care of soft tissue injuries.

(3) Patient stabilization equipment as follows:

(A) Upper and lower extremity splinting devices, two (2) each.
(B) Rigid extrication collar, two (2) each capable of the following sizes:

(i) Pediatric.
(ii) Small.
(iii) Medium.
(iv) Large.

(4) Personal protection/universal precautions equipment, minimum of one (1) each, including the following:

(A) Gowns.
(B) Face masks and shields.
(C) Gloves.
(D) Biohazard bags.
(E) Antimicrobial hand cleaner.

(5) Miscellaneous items as follows:

(A) Obstetrical kit, sterile, one (1).
(B) Blood pressure manometer, one (1) each in the following cuff sizes:

(i) Large adult.
(ii) Adult.
(iii) Pediatric.

(C) Stethoscopes, one (1) each in the following sizes:

(i) Adult.
(ii) Pediatric.

(D) Sharps collector, one (1) being a minimum of seven (7) inches in height.
(E) Intravenous fluids ~~medication,~~ and administration supplies approved by the medical director.

~~(F)~~ **(6)** A current copy of advanced life support protocols shall be maintained on board the advanced life support nontransport vehicle at all times.

~~(G)~~ **(7)** A copy of the medication list, including quantities and concentrations approved by the medical director.

~~(6)~~ **(8)** Medications if approved by medical director, and solely for use by individuals with a certification as an emergency medical technician or higher, are as follows:

(A) Baby aspirin, eighty-one (81) milligrams each.
(B) Activated charcoal.
(C) Instant glucose.
(D) Epinephrine **auto-injector or** auto-injectors.

~~(7) Paramedic services shall also carry the following equipment:~~

~~(A) Tracheal suction catheters (adult #14 and #18, child #10).~~

~~(B) Endotracheal intubation devices, including the following:~~

~~(i) Laryngoscope with extra batteries and bulbs.~~

~~(ii) Laryngoscope blades (adult and pediatric, curved and straight).~~

~~(iii) Disposable endotracheal tubes, a minimum of two (2) each, sterile packaged, in sizes 3, 4, 5, 6, 7, 8, and 9 millimeters inside diameter.~~

~~(C) Defibrillation pads or paddles appropriate for pediatric defibrillation.~~

(9) Intermediate services shall also carry medications as approved by the medical director not to exceed the items listed in 836 IAC 2-7.2-3(f)(5).

(Indiana Emergency Medical Services Commission; 836 IAC 2-14-5; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2744; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2357)

SECTION 40. 836 IAC 3-1-1 IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-1-1 Definitions

Authority: IC 16-31-2-7
Affected: IC 16-31-3-20

Sec. 1. The ~~following~~ definitions **in 836 IAC 1-1-1** apply throughout this article.

~~(1) "14 CFR 135 and 119" means air carriers with reference to F.A.R. 135 and 119, and holding a current F.A.A. air carrier certificate, with approved air ambulance operations-helicopter or air ambulance operation-airplane operations specifications.~~

~~(2) "Advanced life support fixed-wing ambulance service provider" means a service provider that utilizes fixed-wing aircraft to provide airport to airport transports where the patients involved require a stretcher or cot and are being transported to or from a definite care medical setting.~~

~~(3) "Advanced life support rotorcraft ambulance service provider" means a service provider that utilizes rotorcraft aircraft to respond directly to the scene of a medical emergency either as an initial first responder or as a secondary responder and are utilized to airlift critically ill or injured patients directly to or between definitive care facilities or to a point of transfer with another more appropriate form of transportation.~~

~~(4) "Air-medical director" means a physician with an unlimited license to practice medicine in Indiana and who has an active role in the delivery of emergency care. The licensed physician shall be within an air ambulance service who is ultimately responsible for patient care during each transport. The air-medical director is responsible for directly overseeing and assuring that appropriate aircraft, air-medical personnel, and equipment are provided for each patient transported by the air ambulances within the air-medical services as well as the performance of air-medical personnel.~~

~~(5) "Air-medical personnel" means a person who is certified by the commission as a paramedic or is a registered nurse or physician with an unlimited license to practice medicine.~~

~~(6) "Certificate" or "certification" means authorization in written form issued by the commission to a person to furnish, operate, conduct, maintain, advertise, promote, or otherwise engage in providing emergency medical services as a rotorcraft or fixed-wing ambulance service provider as part of a regular course of doing business, either paid or voluntary.~~

~~(7) "F.A.A." means the Federal Aviation Administration.~~

~~(8) "F.A.R." means the federal aviation regulations, including, but not limited to, 14 CFR.~~

~~(9) "Fixed-wing ambulance" means a propeller or jet airplane.~~

~~(10) "Flight physiology" means the physiological stress of flight encountered during air medical operations to include, but not be limited to, temperature, pressure, stresses of barometric pressure changes, hypoxia, thermal and humidity changes, gravitational forces, noise, vibration, fatigue, and volume and mass of gases.~~

~~(11) "Principal operations base" means the operator's principal base of operations where required management personnel and records are maintained.~~

~~(12) "Rotorcraft ambulance" means an aircraft capable of vertical takeoffs and landings with the capability of hovering.~~

(Indiana Emergency Medical Services Commission; 836 IAC 3-1-1; filed Oct 11, 1988, 11:05 a.m.: 12 IR 366; filed May 15, 1998, 10:25 a.m.: 21 IR 3917; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2490)

SECTION 41. 836 IAC 3-2-1 IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-2-1 Air ambulances; general requirements

Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 16-31

Sec. 1. (a) Any organization providing, or seeking to provide, rotorcraft ambulance services utilizing rotorcraft aircraft is required to be certified as an advanced life support rotorcraft ambulance service provider organization by the commission. The advanced life support rotorcraft ambulance service provider organization shall be certified in accordance with this article ~~pursuant to~~ **under** IC 16-31 as appropriate.

~~(b) Certification by the commission as an advanced life support rotorcraft ambulance service provider is not required for the following:~~

~~(1) A person who provides advanced life support while assisting the case of major catastrophe, disaster, whereby persons who are certified to provide emergency medical services or advanced life support are insufficient or are unable to cope with the situation.~~

~~(2) An agency or instrumentality of the United States as defined in 836 IAC 2-1-1(4).~~

~~(c)~~ **(b)** The provider **organization** of rotorcraft ambulance services shall ensure that the aircraft used in conjunction with the provision of advanced life support services meets the guidelines as specified in this article ~~pursuant to~~ **under** IC 16-31 and is certified by the commission. Each rotorcraft ambulance service provider **organization** shall meet all applicable parts of F.A.A. regulation and shall hold a valid 14 CFR 135 air

carrier certificate or shall have a contract with the holder of a 14 CFR 135 air carrier certificate to provide aviation services under their certificate. Either must also have current F.A.A. approved air ambulance operations specifications.

~~(d)~~ **(c)** Advanced life support rotorcraft ambulance service provider organizations will have ~~a contract~~ **an agreement** with one (1) or more supervising hospitals for the following services:

(1) Continuing education.
(2) Audit and review.
(3) Medical control and direction.
(4) Provide liaison and direction for supply of medications, fluids, and other items utilized by the **provider** organization.
(5) Safety and survival programs and education.

The ~~contract~~ **agreement** shall include a detailed description of how such services will be provided to the advanced life support rotorcraft ambulance service provider organization. In those cases where more than one (1) hospital ~~contracts,~~ **enters into an agreement,** or seeks to ~~contract,~~ **enter into an agreement,** with an advanced life support rotorcraft ambulance service provider organization as a supervising hospital, an interhospital agreement will be provided to the commission that clearly defines the specific duties and responsibilities of each hospital to ensure medical, safety, and administrative accountability of system operation. ~~A contract~~ **An agreement** is not required when the hospital and the provider are the same organization.

~~(e)~~ **(d)** The advanced life support rotorcraft ambulance service provider organization will have an air-medical director provided by the advanced life support rotorcraft ambulance service provider organization, or jointly with the supervising hospital, who ~~shall be a physician who holds a currently valid unlimited license to practice medicine in Indiana and has an active role in the delivery of emergency care, and~~ has knowledge of air transport problems and flight physiology. The air-medical director is responsible for providing competent medical direction and overall supervision of the medical aspects of the advanced life support rotorcraft ambulance service provider organization. The duties and responsibilities of the air-medical director include, but are not limited to, the following:

(1) Assuming all medical control and authority over any and all patients treated and transported by the rotorcraft ambulance service.
(2) Providing liaison with physicians.
(3) Assuring that the drugs, medications, supplies, and equipment are available to the advanced life support rotorcraft ambulance service provider organization.
(4) Monitoring and evaluating overall medical operations.
(5) Assisting in the coordination and provision of continuing education.
(6) Providing information concerning the operation of the advanced life support rotorcraft ambulance service provider organization to the commission.
(7) Providing individual consultation to the air-medical personnel.
(8) Participating on the medical control committee of the supervising hospital in at least quarterly audit and review of cases treated by air-medical personnel.
(9) Attesting to the competency of air-medical personnel affiliated with the advanced life support rotorcraft ambulance service provider organization.
(10) Designating an individual or individuals to assist in the performance of these duties.

~~(f)~~ **(e)** Each rotorcraft ambulance service provider **organization** will designate one (1) person to assume responsibility for inservice training. This person shall be certified as a paramedic, a registered nurse, or a licensed physician and actively provide patient care during air ambulance transport.

~~(g)~~ **(f)** A rotorcraft ambulance service provider **organization** shall not engage in conduct or practices detrimental to the health and safety of emergency patients or to members of the general public while in the course of business or service as a rotorcraft ambulance service provider **organization.**

~~(h)~~ **(g)** The advanced life support rotorcraft ambulance service provider organization shall have an areawide plan to provide safety education and coordinate rotorcraft ambulance service with emergency medical services rescue, law enforcement, mutual aid backup systems, and central dispatch when available.

~~(i)~~ **(h)** Each advanced life support rotorcraft ambulance service provider organization shall do the following:

(1) Maintain an adequate number of trained personnel and aircraft to provide continuous twenty-four (24) hour advanced life support services.
(2) Notify the ~~commission~~ **agency** in writing within thirty (30) days of a paramedic's affiliation or termination of employment, or for any reason that has prohibited a certified individual from performing the procedures required of a paramedic ~~pursuant to~~ **under** 836 IAC 2.

~~(j)~~ **(i)** Each rotorcraft ambulance service provider **organization** shall designate one (1) person to assume the responsibilities for establishment of a safety committee consisting of the following:

(1) Pilot or pilots.
(2) Air-medical personnel.
(3) Aircraft maintenance technician or technicians.
(4) Communications personnel.

The safety committee shall meet at least quarterly and may be concurrent and in conjunction with the audit/review committee.
(Indiana Emergency Medical Services Commission; 836 IAC 3-2-1; filed Oct 11, 1988, 11:05 a.m.: 12 IR 367; filed May 15, 1998, 10:25 a.m.: 21 IR 3918; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2491)

SECTION 42. 836 IAC 3-2-2 IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-2-2 Certification; application
Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 16-31

Sec. 2. (a) Application for certification as an advanced life support rotorcraft ambulance service provider **organization** will be made on forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** and include, but not be limited to, the following:

(1) A narrative summary of plans for providing rotorcraft ambulance services, including the following:

(A) The staffing pattern of air-medical personnel and pilots.

(B) Defined area of primary and secondary response and an areawide coordination plan.

(C) Base of operations, a description of the visual flight rules weather minimums for both cross-county and local flight, and the definition of the "local flying area" quoted from the approved F.A.A. Part 135 operations specifications.

(D) Aircraft types and identification numbers.

(E) A listing of all personnel and their qualifications by category who will regularly serve as pilots and air-medical personnel on the aircraft.

(F) A copy of the patient care transport record to be utilized on each transport.

(2) Plans and methodologies to ensure that the trained personnel are provided with continuing education relative to their level of training. Continuing education on air transportation problems and flight physiology shall be provided on an annual basis. Continuing education will be approved by the advanced life support rotorcraft ambulance service provider organization air-medical director with the cooperation of the supervising hospital.

(3) A listing of all on-board life support and medical communications equipment available, including a list of drugs and medications to be carried on each aircraft.

(4) When appropriate, a copy of the contract between the advanced life support rotorcraft ambulance service provider organization and the supervising hospital or hospitals.

(5) A copy of all treatment protocols and standing orders (if applicable) under which all nonphysician personnel operate.

(6) ~~The~~ **Each rotorcraft ambulance service provider organization shall show proof of** insurance ~~requirement of IC 16-31 is satisfied if the rotorcraft ambulance service provider:~~ **coverage as required by 836 IAC 1-3-6.**

~~(A) has in force and effect public liability insurance according to:~~

~~Minimum Limits~~	~~Each~~	
~~Type of Liability~~	~~Person~~	~~Each Occurrence~~
~~Bodily injury liability excluding passengers~~	~~$75,000~~	~~$300,000~~
~~Passenger bodily injury liability~~	~~$75,000~~	~~$75,000 times 75% of total number of passenger seats installed in the aircraft~~
~~Property damage~~		~~$100,000~~

~~(B) combined coverage of a single limit of liability for each occurrence at least equal to the required minimums stated in clause (A) for bodily injury excluding passengers, passenger bodily injury, and property damage; or~~

~~(C) is a governmental entity within the meaning of IC 34-6-2-49.~~

(7) The insurance coverage specified in subdivision (6) shall be for each and every aircraft owned ~~and/or~~ **or** operated, **or both,** by or for the rotorcraft ambulance service provider **organization.**

(b) Upon approval, an advanced life support rotorcraft ambulance service provider organization will be issued certification for the provision of advanced life support services as required in 836 IAC 2 and this article.

(c) The certificate issued ~~pursuant to~~ **under** this article is valid for a period of two (2) years from the date of issue and shall be prominently displayed at the place of business.

(d) Application for certification renewal shall be made ~~not less than~~ **at least** sixty (60) days ~~prior to~~ **before** the expiration date of the current certificate. Application for renewal shall be made on such forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** and shall show evidence of compliance with this article as set forth for original certification. *(Indiana Emergency Medical Services Commission; 836 IAC 3-2-2; filed Oct 11, 1988, 11:05 a.m.: 12 IR 368; filed May 15, 1998, 10:25 a.m.: 21 IR 3919; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2492)*

SECTION 43. 836 IAC 3-2-3 IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-2-3 Minimum specifications
Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 16-31

Sec. 3. (a) The rotorcraft ambulance performance characteristics are inherent in the type of aircraft selected by the rotorcraft ambulance service provider **organization.** The aircraft and its equipment and operations shall be in compliance with prevailing F.A.R. for the type of aircraft in question and flying conditions under which the aircraft will be operated as specified in the 14 CFR 135 air carrier certificate of the air ambulance service provider **organization.**

(b) The aircraft shall be capable of carrying a minimum of one (1) patient on a litter in a horizontal position located so as not to obstruct the pilot's vision or interfere with the performance of any member of the flight crew or required air-medical personnel.

(c) There shall exist a means of securing each litter and attached patient securely to either the floor (deck), walls (bulkhead), seats, or specific litter rack, or any combination thereof, ~~which~~ **that** shall comply with an acceptable method using either approved data from the aircraft manufacturer or

data approved by the F.A.A. If data approved by the F.A.A. is required, a field approval or supplemental type certificate (STC) shall be obtained.

(d) There shall be demonstrable unobstructed vertical space at the head and thorax areas of the upper surface of a litter or litters to allow for performance of advanced life support cardiac care.

(e) Both the head and thorax of a secured patient shall be accessible by a minimum of two (2) air-medical personnel at one (1) time.

(f) The patient compartment shall have lighting available for patient observation (a minimum of forty (40) foot-candles at the level of the patient is recommended). Lighting shall be such as to not interfere with the pilots vision and will be focused, shielded, diffused, or colored illumination.

(g) The patient compartment shall have fresh air ventilation for the comfort of all persons on board.

(h) The patient compartment shall have temperature regulation to assure the comfort of all persons on board.

(i) The aircraft shall have one (1) door demonstrably large enough for ease of patient litter loading and unloading in the supine position.

(j) The electrical system of the aircraft shall be capable of supporting all of the ancillary equipment without the threat of overload or systems failure.

(k) Other specialized equipment may be required to conduct certain operations. The installation of this equipment shall comply with an acceptable method using either approved data from the aircraft manufacturer or data approved by the F.A.A. If data approved by the F.A.A. is required, a field approval or supplemental type certificate (STC) shall be obtained.

(l) The aircraft shall have a searchlight rated as a minimum of four hundred thousand (400,000) candlepower or greater, manipulated by the pilot with a minimum movement of ninety (90) degrees vertical and one hundred eighty (180) degrees horizontal with the capability of illuminating the proposed landing site.

(m) The aircraft shall have air to ground communication capability to allow the pilot to communicate with all of the following ground personnel:
(1) Law enforcement.
(2) Fire/rescue.
(3) Ambulances.
(4) Hospital or hospitals.

(n) The aircraft shall be equipped with adequate patient ~~restraint(s)~~ **restraint or restraints** to preclude interference with the crew or aircraft flight controls.

(o) The aircraft shall have an intercommunications system. *(Indiana Emergency Medical Services Commission; 836 IAC 3-2-3; filed Oct 11, 1988, 11:05 a.m.: 12 IR 369; filed May 15, 1998, 10:25 a.m.: 21 IR 3920; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2493)*

SECTION 44. 836 IAC 3-2-4, AS AMENDED AT 26 IR 2358, SECTION 17, IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-2-4 Operating procedures; flight and medical
Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 4-21.5-1

Sec. 4. (a) Each **provider** organization shall maintain accurate records concerning the emergency care provided to each patient within the state as well as the following:
(1) All advanced life support rotorcraft ambulance service ~~providers~~ **provider organizations** shall utilize a patient care transport record.
(2) All advanced life support rotorcraft ambulance service ~~providers~~ **provider organizations** shall ~~participate in the emergency medical service system review by:~~
~~(A) collecting all data elements prescribed by the commission; and~~
~~(B) reporting that information according to the procedure and schedules prescribed by the commission.~~
maintain accurate records under 836 IAC 1-1-5.

(b) Premises will be maintained, suitable to the conduct of a rotorcraft ambulance service, with provision for adequate storage ~~and/or~~ **or** maintenance, **or both,** of rotorcraft ambulances and the on-board equipment.

(c) Each rotorcraft ambulance service provider **organization** shall have a periodic maintenance program as outlined for each specific aircraft certified by the commission in compliance with F.A.A. guidelines and manufacturer's service recommendations (MSR) as a minimum to assure that each rotorcraft ambulance, including equipment, is maintained in good, safe working condition and that rigid sanitation conditions and procedures are in effect at all times.

(d) All rotorcraft ambulance service provider **organization** premises, records, hangars, padding, ~~and~~ tie-down facilities, and rotorcraft ambulances will be made available for inspection by the ~~director or the director's authorized representative~~ **agency** at any time during regularly scheduled business hours.

(e) A determination of noncompliance with F.A.R. may result in immediate suspension of commission certification as a rotorcraft ambulance service provider **organization.**

(f) Each rotorcraft ambulance service provider **organization** shall make available to the commission for inspection at place

of operation during regular business hours any manual of operations required under F.A.R.

(g) Commission certification as a rotorcraft ambulance service provider **organization** may be terminated upon the date specified in the notice.

(h) Each rotorcraft ambulance service provider **organization** shall establish equipment checklist procedures to ensure the following:

(1) Electronic and mechanical equipment are in proper operating condition.

(2) Rotorcraft ambulances shall be maintained in safe operating conditions at all times.

(3) Emergency patient care equipment required for rotorcraft ambulance certification is maintained in minimum quantities either directly on board the rotorcraft ambulance or available at the time of patient transport.

(i) Each rotorcraft ambulance service provider **organization** shall ensure that rigid sanitation conditions and procedures are in effect at all times. The following sanitation standards apply to all rotorcraft ambulances:

(1) The interior and the equipment within the aircraft are clean and maintained in good working order at all times.

(2) Freshly laundered linens are used on all litters, and pillows and linens shall be changed after each patient is transported.

(3) When the aircraft has been utilized to transport a patient known to have a communicable disease, the aircraft shall be cleansed and all contact surfaces be disinfected.

(j) A rotorcraft ambulance service provider **organization** shall not operate a rotorcraft ambulance in Indiana if the aircraft does not meet the certification requirements of this article and does not have a certificate issued ~~pursuant to~~ **under** this article; however, a rotorcraft ambulance service provider **organization** may operate, for a period not to exceed one hundred eighty (180) consecutive days, a noncertified rotorcraft ambulance if the noncertified rotorcraft ambulance is used to replace a certified rotorcraft ambulance that has been temporarily taken out of service providing the following:

(1) The replacement rotorcraft ambulance meets all certification requirements of this article.

(2) The rotorcraft ambulance service provider **organization** shall notify the ~~commission,~~ **agency,** in writing, within seventy-two (72) hours of the time the replacement rotorcraft is placed in service. The written notice shall identify the following:

(A) The replacement date.

(B) The certification number of the replaced rotorcraft ambulance.

(C) The aircraft identification number of the replacement rotorcraft.

(D) The make and type of the replacement rotorcraft ambulance.

Upon receipt of the notification, a temporary certificate shall be issued effective the date the certified rotorcraft ambulance was replaced. Temporary certification will not exceed one hundred eighty (180) days **from the date that the replacement rotorcraft ambulance is placed in service,** and, upon return to service **of the certified rotorcraft ambulance**, the use of the replacement rotorcraft ambulance shall cease. If the replaced rotorcraft ambulance is not returned to service within the one hundred eighty (180) day period, use of the replacement rotorcraft ambulance shall cease unless certification is approved in accordance with this article. *(Indiana Emergency Medical Services Commission; 836 IAC 3-2-4; filed Oct 11, 1988, 11:05 a.m.: 12 IR 370; filed May 15, 1998, 10:25 a.m.: 21 IR 3920; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2494; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2358)*

SECTION 45. 836 IAC 3-2-5, AS AMENDED AT 26 IR 2360, SECTION 18, IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-2-5 Staffing

Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 4-21.5-1

Sec. 5. (a) Each certified rotorcraft ambulance, while transporting an emergency patient, will be staffed by no ~~less~~ **fewer** than three (3) people that have completed air-medical oriented training as prescribed by the air-medical director. Staffing will include the following requirements:

(1) The first person shall be a properly certified pilot who shall complete an orientation program covering flight and air-medical operations as prescribed by the air-medical director.

(2) The second person shall be currently certified, registered, or licensed in Indiana as: ~~one (1) of the following:~~

(A) a paramedic;

(B) a registered nurse; or

(C) a physician; ~~with a valid unlimited license to practice medicine;~~

within the state the air-ambulance is stationed and operating.

(3) The third person shall be any appropriate personnel required to properly care for the medical needs of the patient at the discretion of the air-medical director. The air-medical personnel on board the aircraft shall be trained in air transport problems and flight physiology.

(b) The advanced life support rotorcraft ambulance service provider organization shall notify the ~~commission~~ **agency** in writing within thirty (30) days of any change in the advanced life support services provided.

(c) Upon suspension, revocation, or termination of a certificate, the provision of advanced life support services shall cease. *(Indiana Emergency Medical Services Commission; 836 IAC 3-2-5; filed Oct 11, 1988, 11:05 a.m.: 12 IR 372; filed May 15, 1998, 10:25 a.m.: 21 IR 3922; filed Apr 4, 2002, 9:08 a.m.: 25*

IR 2496; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2360)

SECTION 46. 836 IAC 3-2-6 IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-2-6 Equipment list
Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 16-31-3-20

Sec. 6. (a) The advanced life support rotorcraft ambulance service provider organization shall ensure that the following basic life support and advanced life support equipment is carried on board each rotorcraft ambulance at the time of dispatch:

(1) Portable suction apparatus, capable of a minimum vacuum of three hundred (300) millimeters of mercury, equipped with wide-bore tubing and other rigid and soft pharyngeal suction tips.
(2) Oropharyngeal airways (adult, child, and infant sizes).
(3) Nasopharyngeal airways (small, 20-24 french; medium, 26-30 french; large, 30 french or greater).
(4) Bag mask ventilation units, hand operated, one (1) unit in each of the following sizes, each equipped with clear face masks and oxygen reservoirs with oxygen tubing:
(A) Adult.
(B) Child.
(C) Infant (mask only).
(D) Neonatal (mask only).
(5) Portable oxygen equipment of at least three hundred (300) liters capacity (D size cylinder) with yoke, medical regulator, pressure gauge, and nondependent flowmeter.
(6) Oxygen delivery devices shall include the following:
(A) High concentration devices, two (2) each, in adult, child, and infant sizes.
(B) Low concentration devices, two (2) in adult size.
(7) Blood pressure manometer, one (1) each in the following cuff sizes:
(A) Large adult.
(B) Adult.
(C) Child.
(8) Stethoscope in adult size.
(9) Wound care supplies to include the following:
(A) Sterile gauze pads ~~(4 × 4).~~ **four (4) inches by four (4) inches.**
(B) Airtight dressing.
(C) Adhesive tape, two (2) rolls.
(D) Bandage shears.
(10) Rigid extrication collars, two (2) each capable of the following sizes:
(A) Pediatric.
(B) Small.
(C) Medium.
(D) Large.
(11) Portable defibrillator with self-contained cardiac monitor and ECG strip writer and equipped with defibrillation pads or paddles, appropriate for both adult and pediatric defibrillation, that will not interfere with the aircraft's electrical and radio system.
(12) Endotracheal intubation devices, including the following equipment:
(A) Laryngoscopes with spare batteries and bulbs.
(B) Laryngoscope blades (adult and pediatric, curved and straight).
(C) Disposable endotracheal tubes, a minimum of two (2) each, sterile packaged, in sizes 3, 4, 5, 6, 7, 8, and 9 millimeters inside diameter.
(13) Medications, intravenous fluids, administration sets, syringes, and needles will be specified by the air-medical director identifying types and quantities.

(b) Additional equipment and supplies approved by the supervising hospital shall be identified by the rotorcraft ambulance service provider organization's air-medical director and reported in writing to the ~~commission~~ **agency** for initial certification and recertification.

(c) All drugs shall be supplied by the supervising hospital, or by written arrangement with a supervising hospital, on an even exchange basis. Lost, stolen, or misused drugs shall only be replaced on order of the advanced life support rotorcraft ambulance service provider organization air-medical director. All medications and advanced life support equipment are to be supplied by order of the medical director. Accountability for distribution, storage, ownership, and security of medications is subject to applicable requirements as determined by the ~~Indiana board of pharmacy~~ **medical director, pharmacist,** and the **United States Department of Justice** Drug Enforcement Administration. *(Indiana Emergency Medical Services Commission; 836 IAC 3-2-6; filed Oct 11, 1988, 11:05 a.m.: 12 IR 373; filed May 15, 1998, 10:25 a.m.: 21 IR 3923; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2497)*

SECTION 47. 836 IAC 3-2-7 IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-2-7 Communications systems requirements
Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 16-31-3-20

Sec. 7. (a) Each rotorcraft ambulance shall have all communications equipment required under 14 CFR 135 for the type of aircraft and service provided. In addition, the rotorcraft ambulance shall have radio communications equipment that allows it to communicate directly with Indiana hospitals utilizing either the Indiana Hospital Emergency Radio Network (IHERN) system or the ultrahigh frequency medical communications channels used for advanced life support.

(b) Transmitters are to operate with an output power not to exceed ten (10) watts as applicable to FCC rules and regulations.

(c) The rotorcraft ambulance service provider **organization**

shall maintain a dispatch and tactical communications system with the capability to provide a coordinated voice communications linkage within the flying area of the rotorcraft ambulance service provider **organization. This channel or** these channels will be used exclusively for dispatch and tactical communications and shall be apart from any involved in the IHERN.

(d) **Authorization or** authorizations for the use of any frequencies necessary for the required communications linkages with ground personnel identified in section 3(m) of this rule shall be part of the areawide coordinated plan identified in section 2(a)(1)(B) of this rule. *(Indiana Emergency Medical Services Commission; 836 IAC 3-2-7; filed Oct 11, 1988, 11:05 a.m.: 12 IR 373; filed May 15, 1998, 10:25 a.m.: 21 IR 3923; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2498)*

SECTION 48. 836 IAC 3-3-1 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Fixed-Wing Air Ambulance Service Provider Organization

836 IAC 3-3-1 Air ambulances; general requirements
Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 16-31-3-20

Sec. 1. (a) Any organization based in Indiana providing, or seeking to provide, fixed-wing air ambulance services utilizing fixed-wing aircraft is required to be certified as an advanced life support fixed-wing air ambulance service provider organization by the commission. The advanced life support fixed-wing air ambulance service provider organization shall be certified in accordance with this article ~~pursuant to~~ **under** IC 16-31 as appropriate.

~~(b) Certification by the commission as an advanced life support fixed-wing air ambulance service provider is not required for the following:~~
~~(1) A person who provides advanced life support while assisting the case of major catastrophe or disaster, whereby persons who are certified to provide emergency medical services or advanced life support are insufficient or are unable to cope with the situation.~~
~~(2) An agency or instrumentality of the United States as defined in 836 IAC 2-1-1(d).~~

~~(c)~~ **(b)** The provider **organization** of fixed-wing air ambulance services shall ensure that the aircraft used in conjunction with the provision of advanced life support services meets the guidelines as specified in this article ~~pursuant to~~ **under** IC 16-31 and is certified by the commission. Each fixed-wing air ambulance service provider **organization** shall meet all applicable parts of F.A.A. regulation and shall hold a valid 14 CFR 135 air carrier certificate or shall have a contract with the holder of a 14 CFR 135 air carrier certificate to provide aviation services under their certificate. Either must also have current F.A.A. approved air ambulance operations specifications.

~~(d)~~ **(c)** Advanced life support fixed-wing air ambulance service provider organizations will have ~~a contract~~ **an agreement** with one (1) or more supervising hospitals for the following services:
(1) Continuing education.
(2) Audit and review.
(3) Medical control and direction.
(4) Provide liaison and direction for supply of medications, fluids, and other items utilized by the **provider** organization.
(5) Safety and survival programs and education.
The ~~contract~~ **agreement** will include a detailed description of how such services will be provided to the advanced life support fixed-wing air ambulance service provider organization. In those cases where more than one (1) hospital ~~contracts,~~ **enters into an agreement,** or seeks to ~~contract,~~ **enter into an agreement,** with an advanced life support fixed-wing air ambulance service provider organization as a supervising hospital, an interhospital agreement will be provided to the ~~commission~~ **agency** that clearly defines the specific duties and responsibilities of each hospital to ensure medical, safety, and administrative accountability of system operation. ~~A contract~~ **An agreement** is not required when the hospital and the provider are the same organization.

~~(e)~~ **(d)** The advanced life support fixed-wing air ambulance service provider organization will have an air-medical director provided by the advanced life support fixed-wing air ambulance service provider organization, or jointly with the supervising hospital, who ~~shall be a physician who holds a currently valid unlimited license to practice medicine and has an active role in the delivery of emergency care, and~~ has knowledge of air transport problems and flight physiology. The air-medical director is responsible for providing competent medical direction and overall supervision of the medical aspects of the advanced life support fixed-wing air ambulance service provider organization. The duties and responsibilities of the air-medical director include, but are not limited to, the following:
(1) Assume all medical control and authority over any and all patients treated and transported by the fixed-wing air ambulance service.
(2) Providing liaison with physicians.
(3) Assuring that the drugs, medications, supplies, and equipment are available to the advanced life support fixed-wing air ambulance service provider organization.
(4) Monitoring and evaluating overall operations.
(5) Assisting in the coordination and provision of continuing education.
(6) Providing information concerning the operation of the advanced life support fixed-wing air ambulance service provider organization to the ~~commission.~~ **agency.**
(7) Providing individual consultation to the air-medical personnel.
(8) Participating on the assessment committee of the supervis-

ing hospital in at least quarterly audit and review of cases treated by air-medical personnel.

(9) Attesting to the competency of air crewmembers affiliated with the advanced life support fixed-wing air ambulance service provider organization.

(10) Designating an individual or individuals to assist in the performance of these duties.

~~(f)~~ **(e)** Each fixed-wing air ambulance service provider **organization** shall designate one (1) person to assume responsibility for inservice training. This person shall be certified as a paramedic, a registered nurse, or a licensed physician and actively provide patient care during air transport.

~~(g)~~ **(f)** A fixed-wing air ambulance service provider **organization** shall not engage in conduct or practices detrimental to the health and safety of emergency patients or to members of the general public while in the course of business or service as a fixed-wing air ambulance service provider **organization.**

~~(h)~~ **(g)** Each advanced life support fixed-wing air ambulance service provider organization shall ~~do the following:~~

~~(1)~~ maintain an adequate number of trained personnel and aircraft to provide advanced life support services as advertised and specified in the fixed-wing air ambulance service ~~provider's~~ **provider organization's** application for certification or certification renewal.

~~(2) Notify the commission in writing within thirty (30) days of a paramedic's affiliation or termination of employment or for any reason that has prohibited a certified individual from performing the procedures required of a paramedic pursuant to 836 IAC 2.~~

~~(i)~~ **(h)** Each fixed-wing air ambulance service provider **organization** shall designate one (1) person to assume the responsibilities for establishment of a safety committee consisting of the following:

(1) Pilot or pilots.

(2) Air-medical personnel.

(3) Aircraft maintenance technician or technicians.

(4) Communications personnel.

The safety committee shall meet at least quarterly and may be concurrent and in conjunction with the audit/review committee.

(Indiana Emergency Medical Services Commission; 836 IAC 3-3-1; filed Oct 11, 1988, 11:05 a.m.: 12 IR 374; filed May 15, 1998, 10:25 a.m.: 21 IR 3924; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2498)

SECTION 49. 836 IAC 3-3-2 IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-3-2 Certification; application

Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 16-31

Sec. 2. (a) Application for certification as an advanced life support fixed-wing air ambulance service provider **organization** will be made on forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** and include, but not be limited to, the following:

(1) A narrative summary of plans for providing fixed-wing air ambulance services, including the following:

(A) The staffing pattern of air-medical personnel and pilots.

(B) Base of operations.

(C) Aircraft types and identification numbers.

(D) A listing of all personnel and their qualifications by category who will regularly serve as pilots and air-medical personnel on the aircraft.

(E) A description of the weather minimums for both cross-country and local flights.

(F) A copy of the patient care transport record to be utilized on each transport.

(2) Plans and methodologies to ensure that the trained personnel are provided with continuing education relative to their level of training. Continuing education on air transportation problems and flight physiology shall be provided on an annual basis. Continuing education will be approved by the advanced life support fixed-wing air ambulance service provider organization air-medical director with the cooperation of the supervising hospital.

(3) A listing of all on-board life support and medical communications equipment available, including a list of drugs and medications to be carried on each aircraft.

(4) When appropriate, a copy of the contract between the advanced life support fixed-wing air ambulance service provider organization and the supervising hospital or hospitals.

(5) A copy of all treatment protocols and standing orders (if applicable) under which all nonphysician personnel will operate.

(6) ~~The~~ **Each fixed-wing ambulance service provider organization shall show proof of** insurance ~~requirement of IC 16-31 is satisfied if the fixed-wing air ambulance service provider:~~ **coverage as required by 836 IAC 1-3-6.**

~~(A) has in force and effect public liability insurance according to:~~

~~Minimum Limits~~		
~~Type of Liability~~	~~Each Person~~	~~Each Occurrence~~
~~Bodily injury liability excluding passengers~~	~~$75,000~~	~~$300,000~~
~~Passenger bodily injury liability~~	~~$75,000~~	~~$75,000 times 75% of total number of passenger seats installed in the aircraft~~
~~Property damage~~		~~$100,000~~

~~(B) combined coverage of a single limit of liability for each occurrence, at least equal to the required minimums stated in clause (A) for bodily injury excluding passengers, passenger bodily injury, and property damage; or~~

~~(C) is a governmental entity within the meaning of IC 34-6-2-49.~~

(7) The insurance coverage specified in subdivision (6) shall be for each and every aircraft owned ~~and/or~~ **or** operated, **or**

both, by or for the fixed-wing air ambulance service provider **organization.**

(b) Upon approval, an advanced life support fixed-wing air ambulance service provider organization will be issued certification for the provision of advanced life support services as required in 836 IAC 2 and this article.

(c) The certificate issued ~~pursuant to these rules and regulations~~ **under** this article is valid for a period of two (2) years from the date of issue and is prominently displayed at the place of business.

(d) Application for certification renewal shall be made not less than sixty (60) days prior to the expiration date of the current certificate. Application for renewal shall be made on such forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** and shall show evidence of compliance with this article as set forth for original certification. *(Indiana Emergency Medical Services Commission; 836 IAC 3-3-2; filed Oct 11, 1988, 11:05 a.m.: 12 IR 375; filed May 15, 1998, 10:25 a.m.: 21 IR 3925; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2499)*

SECTION 50. 836 IAC 3-3-3 IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-3-3 Minimum specifications
Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 16-31-3-20

Sec. 3. (a) The fixed-wing ambulance performance characteristics are inherent in the type of aircraft selected by the fixed-wing air ambulance service provider **organization.** The aircraft and its equipment and operations shall be in compliance with prevailing F.A.R. for the type of aircraft in question and flying conditions under which the aircraft will be operated as specified in the 14 CFR 135 air carrier certificate of the fixed-wing air ambulance service provider **organization.**

(b) The aircraft shall be capable of carrying a minimum of one (1) patient on a litter in a horizontal position located so as not to obstruct the pilot's vision or interfere with the performance of any member of the flight crew or required air-medical personnel.

(c) There shall exist a means of securing each litter and attached patient securely to either the floor (deck), walls (bulkhead), seats, or specific litter rack, or any combination thereof, ~~which~~ **that** shall comply with an acceptable method using either approved data from the aircraft manufacturer or data approved by the F.A.A. If data approved by the F.A.A. is required, a field approval or supplemental type certificate (STC) shall be obtained.

(d) There shall be demonstrable unobstructed vertical space at the head and thorax areas of the upper surface of a litter or litters to allow for performance of advanced life support cardiac care.

(e) Both the head and thorax of the secured patient shall be accessible by a minimum of two (2) air-medical personnel at one (1) time.

(f) The patient compartment shall have lighting available for patient observation (a minimum of forty (40) foot-candles at the level of the patient is recommended). Lighting shall be such as to not interfere with the pilot's vision and will be focused, shielded, diffused, or colored illumination.

(g) The patient compartment shall have fresh air ventilation for the comfort of all persons on board.

(h) The patient compartment shall have temperature regulation to assure the comfort of all persons on board.

(i) The aircraft shall have one (1) door demonstrably large enough for ease of litter patient loading and unloading in the supine position.

(j) The electrical system of the aircraft shall be capable of supporting all of the ancillary equipment without the threat of overload or systems failure.

(k) Other specialized equipment may be required to conduct certain operations. The installation of this equipment shall comply with an acceptable method using either approved data from the aircraft manufacturer or data approved by the F.A.A. If data approved by the F.A.A. is required, a field approval or supplemental type certificate (STC) shall be obtained.

(l) The aircraft shall be equipped with adequate patient restraints to preclude interference with the crew or aircraft flight controls.

(m) The aircraft shall have an intercommunications system. *(Indiana Emergency Medical Services Commission; 836 IAC 3-3-3; filed Oct 11, 1988, 11:05 a.m.: 12 IR 376; filed May 15, 1998, 10:25 a.m.: 21 IR 3926; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2500)*

SECTION 51. 836 IAC 3-3-4, AS AMENDED AT 26 IR 2360, SECTION 19, IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-3-4 Operating procedures; flight and medical
Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 4-21.5-1

Sec. 4. (a) Each **provider** organization shall maintain accurate records concerning the emergency care provided to each patient within the state as well as the following:

(1) All advanced life support fixed-wing ambulance service ~~providers~~ **provider organizations** shall utilize a patient care transport record.

(2) All advanced life support fixed-wing ambulance ~~providers~~ **provider organizations** shall ~~participate in the emergency medical service system review by:~~

~~(A) collecting all data elements prescribed by the commission; and~~

~~(B) reporting that information according to the procedures and schedules prescribed by the commission.~~

maintain accurate records under 836 IAC 1-1-5.

(b) Premises shall be maintained, suitable to the conduct of a fixed-wing air ambulance service, with provision for adequate storage ~~and/or~~ **or** maintenance, **or both,** of fixed-wing ambulances and the on-board equipment.

(c) Each fixed-wing air ambulance service provider **organization** shall have a periodic maintenance program as outlined for each specific aircraft certified by the commission in compliance with F.A.A. and manufacturer's service recommendations (MSR) guidelines as a minimum to assure that each fixed-wing ambulance, including equipment, is maintained in good, safe working condition.

(d) All fixed-wing air ambulance service provider **organization** premises, records, and fixed-wing ambulances shall be made available for inspection by the ~~director or his authorized representative~~ **agency** at any time during regularly scheduled business hours.

(e) A determination of noncompliance with F.A.R. may result in immediate suspension of commission certification as a fixed-wing air ambulance service provider **organization.**

(f) Each fixed-wing air ambulance service provider **organization** shall make available to the commission for inspection at place of operation during regular business hours any manual of operations required under F.A.R.

(g) Commission certification as a fixed-wing air ambulance service provider **organization** may be terminated upon the date specified in the notice.

(h) Each fixed-wing air ambulance service provider **organization** shall establish equipment checklist procedures to ensure the following:

(1) Electronic and mechanical equipment are in proper operating condition.

(2) Fixed-wing ambulances shall be maintained in safe operating conditions at all times.

(3) Emergency patient care equipment required for fixed-wing ambulance certification is maintained in minimum quantities either directly on board the fixed-wing ambulance or available at the time of patient transport.

(i) Each fixed-wing air ambulance service provider **organization** shall ensure that rigid sanitation conditions and procedures are in effect at all times. The following sanitation standards apply to all fixed-wing ambulances:

(1) The interior and the equipment within the aircraft are clean and maintained in good working order at all times.

(2) Freshly laundered linens are used on all litters, and pillows and linens shall be changed after each patient is transported.

(3) When an aircraft has been utilized to transport a patient known to have a communicable disease, the aircraft shall be cleansed and all contact surfaces be washed with soap and water and disinfected.

(j) A fixed-wing air ambulance service provider **organization** shall not operate a fixed-wing ambulance in Indiana if the fixed-wing ambulance does not meet the certification requirements of this article and does not have a certificate issued ~~pursuant to~~ **under** this article; however, a fixed-wing air ambulance service provider **organization** may operate, for a period not to exceed one hundred eighty (180) consecutive days, a temporary replacement fixed-wing ambulance if the temporary replacement fixed-wing ambulance is used to replace a certified fixed-wing ambulance that has been temporarily taken out of service providing the following:

(1) The replacement fixed-wing ambulance shall meet all certification requirements of this article.

(2) The fixed-wing air ambulance service provider **organization** shall notify the ~~commission,~~ **agency,** in writing, within seventy-two (72) hours of the time the replacement fixed-wing ambulance is placed in service. The written notice shall identify the following:

(A) The replacement date.

(B) The certification number of the replaced fixed-wing ambulance.

(C) The aircraft identification number of the replacement fixed-wing ambulance.

(D) The make and type of the replacement fixed-wing ambulance.

Upon receipt of the notification, a temporary certificate shall be issued effective the date the certified rotorcraft ambulance was replaced. Temporary certification will not exceed one hundred eighty (180) days **from the date that the replacement fixed-wing ambulance is placed in service,** and, upon return to service **of the certified fixed-wing ambulance,** the use of the replacement fixed-wing ambulance shall cease. If the replaced fixed-wing ambulance is not returned to service within the one hundred eighty (180) day period, use of the replacement fixed-wing ambulance shall cease unless certification is approved in accordance with this article. *(Indiana Emergency Medical Services Commission; 836 IAC 3-3-4; filed Oct 11, 1988, 11:05 a.m.: 12 IR 376; filed May 15, 1998, 10:25 a.m.: 21 IR 3926; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2501; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2360)*

SECTION 52. 836 IAC 3-3-5, AS AMENDED AT 26 IR 2362, SECTION 20, IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-3-5 Staffing
Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 4-21.5-1; IC 16-31-3-14

Sec. 5. (a) Each certified fixed-wing ambulance while transporting an emergency patient shall be staffed by no less than three (3) people and include the following requirements:

(1) The first person shall be a properly certified pilot who shall complete an orientation program covering flight and air-medical operations as prescribed by the air-medical director.

(2) The second person shall be an Indiana certified paramedic or registered nurse or a physician. ~~with a valid unlimited license to practice medicine.~~

(3) The third person shall be any appropriate personnel to properly care for the medical needs of the patient as required on board the fixed-wing aircraft in the patient compartment.

(4) All medical personnel on board the aircraft must be trained in air transport problems and principles of flight physiology.

(b) The advanced life support fixed-wing air ambulance service provider organization shall notify the ~~commission~~ **agency** in writing within thirty (30) days of any change in the advanced life support services provided.

(c) Upon suspension, revocation, or termination of a certificate, the provision of advanced life support services shall cease. *(Indiana Emergency Medical Services Commission; 836 IAC 3-3-5; filed Oct 11, 1988, 11:05 a.m.: 12 IR 378; filed May 15, 1998, 10:25 a.m.: 21 IR 3928; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2503; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2362)*

SECTION 53. 836 IAC 3-3-6 IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-3-6 Equipment list
Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 16-31-3-20

Sec. 6. (a) The advanced life support fixed-wing air ambulance service provider organization shall ensure that the following basic life support and advanced life support equipment is available on board each aircraft and is appropriate for the age and medical condition of the patient to be transported at the time of transport:

(1) Portable or fixed suction apparatus, capable of a minimum vacuum of three hundred (300) millimeters of mercury, equipped with wide-bore tubing and other rigid and soft pharyngeal suction tips.

(2) Oropharyngeal airways (adult, child, and infant sizes).

(3) Nasopharyngeal airways (small, 20-24 french; medium, 26-30 french; large, 30 french or greater).

(4) Bag mask ventilation units, hand operated, one (1) unit in each of the following sizes, each equipped with clear face masks and oxygen reservoirs with oxygen tubing:

(A) Adult.
(B) Child.
(C) Infant (mask only).
(D) Neonatal (mask only).

(5) Portable oxygen equipment ~~with~~ of at least three hundred (300) liters capacity (D size cylinder) with yoke, medical regulator, pressure gauge, and nondependent flowmeter.

(6) Oxygen delivery device shall include the following:

(A) High concentration devices, two (2) each, in adult, child, and infant sizes.
(B) Low concentration devices, two (2) in adult size.

(7) Blood pressure manometer, one (1) each in the following cuff sizes:

(A) Large adult.
(B) Adult.
(C) Child.

(8) Stethoscope in adult size.

(9) Wound care supplies to include the following:

(A) Sterile gauze pads ~~(4 × 4).~~ **four (4) inches by four (4) inches.**
(B) Airtight dressing.
(C) Bandage shears.
(D) Adhesive tape, two (2) rolls.

(10) Rigid extrication collars, two (2) each capable of the following sizes:

(A) Pediatric.
(B) Small.
(C) Medium.
(D) Large.

(11) Portable defibrillator with self-contained cardiac monitor and ECG strip writer and equipped with defibrillation pads or paddles, appropriate for both adult and pediatric defibrillation, that will not interfere with the aircraft's electrical and radio system.

(12) Endotracheal intubation devices, including the following equipment:

(A) Laryngoscopes with spare batteries and bulbs.
(B) Laryngoscope blades (adult and pediatric, curved and straight).
(C) Disposable endotracheal tubes, a minimum of two (2) each, sterile packaged, in sizes 3, 4, 5, 6, 7, 8, and 9 millimeters inside diameter.

(13) Medications, intravenous fluids, administration sets, syringes, and needles will be specified by the air-medical director identifying types and quantities.

(b) Additional equipment and supplies approved by the supervising hospital shall be identified by the fixed-wing air ambulance service provider organization air-medical director and reported in writing to the ~~commission~~ **agency** for initial certification and recertification.

(c) All drugs shall be supplied by the supervising hospital, or by written arrangement with a supervising hospital, on an even exchange basis. Lost, stolen, or misused drugs shall only be replaced on order of the advanced life support fixed-wing air

ambulance service provider organization medical director. All medications and advanced life support equipment are to be supplied by order of the medical director. Accountability for distribution, storage, ownership, and security of medications is subject to applicable requirements as determined by the ~~Indiana board of pharmacy~~ **medical director, pharmacist,** and the **United States Department of Justice** Drug Enforcement Administration. *(Indiana Emergency Medical Services Commission; 836 IAC 3-3-6; filed Oct 11, 1988, 11:05 a.m.: 12 IR 379; filed May 15, 1998, 10:25 a.m.: 21 IR 3929; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2503)*

SECTION 54. 836 IAC 3-3-7 IS AMENDED TO READ AS FOLLOWS:

836 IAC 3-3-7 Communications systems requirements
Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 16-31-3-20

Sec. 7. (a) Each fixed-wing ambulance shall have all communications equipment required under 14 CFR 135 for the type of aircraft and service provided. In addition, the fixed-wing ambulance shall have radio communications equipment that allows it to communicate directly with Indiana hospitals utilizing either the Indiana Hospital Emergency Radio Network (IHERN) system, the ultrahigh frequency medical communications channels used for advanced life support, or air-to-ground radio telephone.

(b) Transmitters are to operate with an output power not to exceed ten (10) watts as applicable to FCC rules and regulations.

(c) The fixed-wing air ambulance service provider **organization** shall maintain a dispatch and tactical communications system with the capability to provide a voice communications linkage with the fixed-wing air ambulance service ~~provider's~~ **provider organization's** base station. This channel will be used exclusively for dispatch and tactical communications and shall be apart from any involved in the IHERN.

(d) In addition to subsection (a), each multiengine fixed-wing air ambulance shall be equipped with a minimum of two (2) VHF aircraft band transceivers and two (2) independently functioning audio panels allowing each required pilot to communicate with ground resources separately. *(Indiana Emergency Medical Services Commission; 836 IAC 3-3-7; filed Oct 11, 1988, 11:05 a.m.: 12 IR 380; filed May 15, 1998, 10:25 a.m.: 21 IR 3929; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2504)*

SECTION 55. 836 IAC 3-5-1 IS AMENDED TO READ AS FOLLOWS:

Rule 5. Registry for Out-of-State Advanced Life Support Fixed-Wing Ambulance Service Provider Organization

836 IAC 3-5-1 Certificate of registry
Authority: IC 16-31-2-7; IC 16-31-3-20
Affected: IC 16-31-3-20

Sec. 1. (a) Application for certificate of registry as a fixed-wing ambulance service provider **organization** shall be made on forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** and include, but are not limited to, a narrative summary of plans for providing fixed-wing ambulance services, including the following:

(1) The staffing pattern of personnel.
(2) Base of operations and a level of care to be provided.
(3) The training and experience of the applicant in the transportation and care of patients.
(4) A description and general location of each aircraft to be used as an air ambulance, including the make, model, year of manufacture, insignia, name or monogram, or other distinguishing characteristics.
(5) Types and quantity of medical equipment on board.
(6) Proof of current valid certification or license issued by another state.
(7) Other information as requested by the commission.

(b) Upon approval by the commission, the fixed-wing ambulance service provider **organization** shall be registered by the commission.

(c) Each fixed-wing ambulance shall comply with all applicable F.A.A. and F.A.R. requirements pertaining to operating as a commercial air transport service.

(d) Certificate of registry is required for all advanced life support fixed-wing ambulance service ~~providers~~ **provider organizations** based outside of Indiana and transporting patients originating in Indiana **to a location outside of Indiana.** *(Indiana Emergency Medical Services Commission; 836 IAC 3-5-1; filed Oct 11, 1988, 11:05 a.m.: 12 IR 380; filed May 15, 1998, 10:25 a.m.: 21 IR 3930; filed Apr 4, 2002, 9:08 a.m.: 25 IR 2505)*

SECTION 56. 836 IAC 4-1-1, AS AMENDED AT 26 IR 2362, SECTION 21, IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-1-1 Definitions
Authority: IC 16-31-2-7
Affected: IC 16-31

Sec. 1. The ~~following~~ definitions **in 836 IAC 1-1-1** apply throughout this article. ~~unless the context clearly denotes otherwise:~~

~~(1) "Advanced emergency medical technician" means an individual who can perform one (1) or more, but not all, of the procedures of a paramedic and who:~~

~~(A) has completed a prescribed course in advanced life support;~~

~~(B) has been certified by the commission;~~
~~(C) is associated with a single supervising hospital; and~~
~~(D) is affiliated with a provider organization.~~
~~(2) "Advanced emergency medical technician intermediate" means an individual who can perform one (1) or more, but not all, of the procedures of a paramedic and who:~~
~~(A) has completed a prescribed course in advanced life support;~~
~~(B) has been certified by the commission;~~
~~(C) is associated with a single supervising hospital; and~~
~~(D) is affiliated with a provider organization.~~
~~(3) "Advanced emergency medical technician intermediate organization" means an ambulance service provider or other emergency care organization certified by the commission to provide advanced life support services administered by advanced emergency medical technician intermediates in conjunction with a supervising hospital.~~
~~(4) "Advanced emergency medical technician organization" means an ambulance service provider or other emergency care organization certified by the commission to provide advanced life support services administered by advanced emergency medical technicians in conjunction with a supervising hospital.~~
~~(5) "Advanced life support", for purposes of IC 16-31, means:~~
~~(A) care given:~~
~~(i) at the scene of an:~~
~~(AA) accident;~~
~~(BB) act of terrorism (as defined in IC 35-41-1-26.5), if the governor has declared a disaster emergency under IC 10-4-1-7 in response to the act of terrorism; or~~
~~(CC) illness; or~~
~~(ii) during transport at a hospital;~~
~~by a paramedic, advanced emergency medical technician intermediate, or advanced emergency medical technician and that is more advanced than the care usually provided by an emergency medical technician; and~~
~~(B) may include:~~
~~(i) defibrillation;~~
~~(ii) endotracheal intubation;~~
~~(iii) parenteral injection of appropriate medications, including administration of epinephrine through an autoinjector;~~
~~(iv) electrocardiogram interpretation; and~~
~~(v) emergency management of trauma and illness.~~
~~(6) "Advanced life support nontransport vehicle" means a motor vehicle other than an ambulance, owned or leased by a certified emergency medical service provider, that provides advanced life support but does not supply patient transport from the scene of the emergency. The term does not include an employer-owned or employer-operated vehicle used for first aid purposes within or upon the employer's premises.~~
~~(7) "Ambulance" means any conveyance on land, sea, or air that is used or is intended to be used, for the purpose of responding to emergency life-threatening situations and providing transportation for an emergency patient.~~
~~(8) "Ambulance service provider" means any person who is certified by the commission and who engages in or seeks to furnish, operate, conduct, maintain, advertise, or otherwise engage in services for the transportation and care of emergency patients as a part of a regular course of doing business, either paid or voluntary.~~
~~(9) "An agency or instrumentality of the United States", as that phrase is used in IC 16-31-3-3, means to exclude all nongovernmental entities that have a contract with the government of the United States or any bureau, board, commission, or statutorily created entity thereof.~~
~~(10) "Anniversary date" means the date on which certification as a paramedic or an advanced emergency medical technician was issued by the commission.~~
~~(11) "Basic life support", for purposes of IC 16-31, means the following:~~
~~(A) Assessment of emergency patients.~~
~~(B) Administration of oxygen.~~
~~(C) Use of mechanical breathing devices.~~
~~(D) Application of anti-shock trousers.~~
~~(E) Performance of cardiopulmonary resuscitation.~~
~~(F) Application of dressing and bandage materials.~~
~~(G) Application of splinting and immobilization devices.~~
~~(H) Use of lifting and moving devices to ensure safe transport.~~
~~(I) Use of an automatic or a semiautomatic defibrillator if the defibrillator is used in accordance with training procedures established by the commission.~~
~~(J) Other procedures authorized by the commission, including procedures contained in the revised national emergency medical technician-basic training curriculum guide.~~
~~(12) "Certificate" or "certification" means authorization in written form issued by the commission to a person to furnish, operate, conduct, maintain, advertise, or otherwise engage in providing emergency medical services as a part of a regular course of doing business, either paid or voluntary.~~
~~(13) "Commission" means the Indiana emergency medical services commission.~~
~~(14) "Director" means the director of the state emergency management agency.~~
~~(15) "Emergency ambulance services" means the transportation of emergency patients by ambulance and the administration of emergency care procedures to emergency patients before, or during, such transportation.~~
~~(16) "Emergency management of trauma and illness" means the following:~~
~~(A) Those procedures for which the paramedic has been specifically trained that are a part of the curriculum prescribed by the commission.~~
~~(B) Those procedures for which the paramedic has been specifically trained as a part of the continuing education program and approved by the supervising hospital and the paramedic organization's medical director.~~

~~(C) Those procedures for which the advanced emergency medical technician has been specifically trained and have been approved by the administrative and medical staff of the supervising hospital, the advanced emergency medical technician organization medical director, and the commission as being within the scope and responsibility of the advanced emergency medical technician.~~

~~(17) "Emergency patient" means an individual who is acutely ill, injured, or otherwise incapacitated or helpless and who requires emergency care. The term includes an individual who requires transportation on a litter or cot or is transported in a vehicle certified as an ambulance under IC 16-31-3.~~

~~(18) "Emergency medical service nontransport provider" means an organization, certified by the commission, that provides first response patient care at an emergency that includes defibrillation but does not supply patient transport from the scene of the emergency.~~

~~(19) "Emergency medical service nontransport vehicle" means a motor vehicle other than an ambulance, owned or leased by a certified emergency medical service provider, that provides first response patient care at an emergency that includes defibrillation but does not supply patient transport from the scene of the emergency. The term does not include an employer-owned or employer-operated vehicle used for first aid purposes within or upon the employer's premises.~~

~~(20) "Emergency medical services" means the provision of emergency ambulance services or other services utilized in serving an individual's need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.~~

~~(21) "Emergency medical services driver" means an individual who has a certificate of completion of a commission-approved driver training course.~~

~~(22) "Emergency medical services provider" means any person certified by the commission who engages in or seeks to furnish, operate, conduct, maintain, advertise, or otherwise engage in services for the care of emergency patients as part of a regular course of doing business, either paid or voluntary.~~

~~(23) "Emergency medical services vehicle" means any of the following:~~

~~(A) An ambulance.~~

~~(B) An emergency medical services nontransport vehicle.~~

~~(C) A rescue squad.~~

~~(D) An advanced life support nontransport vehicle.~~

~~(24) "Emergency medical technician" means an individual certified by the commission who is:~~

~~(A) responsible for:~~

~~(i) the administration of emergency care procedures to emergency patients; and~~

~~(ii) the handling and transportation of such patients; and~~

~~(B) certified under this article.~~

~~(25) "First responder", for purposes of IC 16-31, means an individual who is:~~

~~(A) certified under IC 16-31 and meets the commission's standards for first responder certification; and~~

~~(B) the first individual to respond to an incident requiring emergency medical services.~~

~~(26) "Paramedic" means an individual who:~~

~~(A) is affiliated with a certified paramedic organization or is employed by a supervising hospital;~~

~~(B) has completed a prescribed course in advanced life support; and~~

~~(C) has been certified by the commission.~~

~~(27) "Paramedic organization" means an ambulance service provider or other emergency care organization certified by the commission to provide advanced life support services administered by paramedics or physicians with an unlimited license to practice medicine in Indiana in conjunction with supervising hospitals.~~

~~(28) "Person" means any:~~

~~(A) natural person or persons;~~

~~(B) partnership;~~

~~(C) corporation;~~

~~(D) association;~~

~~(E) joint stock association; or~~

~~(F) governmental entity other than an agency or instrumentality of the United States.~~

~~(29) "Physician" means an individual who currently holds a valid unlimited license to practice medicine in Indiana under IC 25-22.5.~~

~~(30) "Program director" means a person employed by a certified training institution that coordinates the advanced life support courses.~~

~~(31) "Provider organization" means an ambulance service or other emergency care organization certified by the commission to provide advanced life support in connection with a supervising hospital.~~

~~(32) "Provider organization operating area" means the geographic area in which an advanced emergency medical technician, affiliated with a specific advanced emergency medical technician organization, is able to maintain two-way voice communication with the provider organization's supervising hospitals.~~

~~(33) "Rescue squad organization" means an organization that holds a voluntary certification to provide extrication, rescue, or emergency medical services.~~

~~(34) "Supervising hospital" means a hospital licensed under IC 16-21-2 or under the licensing laws of another state that has been certified by the commission to supervise paramedics, advanced emergency medical technicians, and provider organizations in providing advanced life support.~~

(Indiana Emergency Medical Services Commission; 836 IAC 4-1-1; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2745; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2362)

SECTION 57. 836 IAC 4-2-1, AS AMENDED AT 26 IR 2364, SECTION 22, IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-2-1 General requirements for training institutions; staff

Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-21; IC 16-31-3-2; IC 20-10.1-1-16; IC 20-12-62-3; IC 20-12-71-8

Sec. 1. (a) All institutions administering or seeking to administer emergency medical services training programs shall be certified by the commission **prior to providing such training and shall comply with this section.** Any multiple campus institution administering or seeking to administer such programs shall have its training institution certified by the commission on a campus-by-campus basis.

(b) Each Indiana emergency medical services training institution of emergency medical technician programs shall be:
(1) a postsecondary institution as defined in IC 20-12-71-8;
(2) a private technical, vocational, or trade school as defined in IC 20-12-62-3;
(3) a high school as defined in IC 20-10.1-1-16;
(4) a provider organization as defined in IC 16-31; or
(5) an appropriately accredited hospital licensed under IC 16-21;
that has adequate resources and dedication to educational endeavors. Educational institutions shall be appropriately accredited by a regional accrediting association for higher education or have state licensure that assures comparable educational standards.

(c) Such an institution shall submit an application to the ~~commission not less than~~ **agency at least** ninety (90) days prior to the date for which certification is requested in a manner prescribed by the ~~commission.~~ **agency. The application shall include the following:**
(1) Name and address of training institution.
(2) Name of institution official.
(3) Agreement or agreements of affiliation with clinical and internship facilities.
(4) Type of emergency medical service courses conducted.
(5) Medical director approval form listing affiliated instructor.
(6) In-course standards and criteria by which the instructor is to determine successful completion of the didactic and clinical portions of the course to include the following:
(A) Attendance requirements and absentee policies.
(B) Testing procedures.
(C) Number and scope of in-course tests.
(D) Didactic pass/fail grade average and criteria.
(E) Provision for make-up test and classes.
(F) Minimal age for enrollment.
(G) Policies for provider organization reasonable accommodations under the Americans with Disabilities Act.
(H) Describe your screening and evaluation process for acceptance into any certified training program.
(7) Other information as required by the agency.

(d) Certification as an emergency medical services training institution is valid for a period of ~~three (3)~~ **two (2)** years from the date of certification.

~~(d)~~ **(e)** Certified emergency medical services training institutions shall be certified according to the institution's intent and ability to teach various levels of emergency medical services curricula as follows:
(1) **A** basic life support training institution **is defined as** an institution that presents ~~Indiana~~ **one (1) or more of the following training courses:**
(A) Basic emergency medical technician. ~~or the Indiana~~
(B) Emergency medical technician-basic advanced.
(C) Emergency medical first responder training courses. ~~or both.~~
(2) **An** advanced life support training institution **is defined as** an institution that presents ~~the Indiana advanced emergency medical technician, Indiana advanced~~ **one (1) or more of the following training courses and may include one (1) or more of the basic life support training courses listed under subdivision (1):**
(A) Emergency medical technician-intermediate. ~~or Indiana~~
(B) Paramedic. ~~training courses, or all levels of courses.~~

~~(e)~~ **(f)** A certified training institution shall submit an application for recertification to the ~~commission~~ **agency at least** sixty (60) days prior to the date of certification expiration. The application for recertification shall indicate compliance with the requirements currently in effect at the time of the application for renewal.

~~(f) Upon suspension, revocation, or termination of a certificate, the provision of such service shall cease.~~ *(Indiana Emergency Medical Services Commission; 836 IAC 4-2-1; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2747; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2364)*

SECTION 58. 836 IAC 4-2-2, AS AMENDED AT 26 IR 2365, SECTION 23, IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-2-2 Institutional responsibilities

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 2. A certified training institution seeking commission approval for administering emergency medical services training courses shall meet the following minimum requirements:
(1) Designate one (1) person as a training institution official responsible for administering all of the activities of the emergency medical services training institution and for communicating with the ~~commission.~~ **agency.**
(2) Submit to an inspection of training facilities and equipment.
(3) Provide a list of educational staff to meet staffing-student ratio requirements ~~outlined~~ **established** in approved curricula.

(4) Have the necessary clinical facilities, or affiliations with clinical facilities, to conduct the required clinical phases of emergency medical ~~technician~~ **service** training programs.
(5) Under conditions where didactic and clinical training are to be conducted by separate institutions, program responsibility will rest with the institution that is certified by the commission. In cases where two (2) or more certified training institutions are cooperating in the presentation of an emergency medical services training program, both institutions will be held jointly responsible for the training programs.
(6) Provide evidence that the training institution has liability insurance on the students.
(7) Provide classroom space to effectively present the various requirements in the curricula.
(8) The curriculum requirements for all certified training programs shall be approved by the commission. Course applications will be made in a manner prescribed by the ~~commission.~~ **agency.** The **agency or** commission may disapprove a course application when it has been determined that the training institution or primary instructor has been found in noncompliance with rules and regulations.
(9) Have the training equipment and training aids (including the emergency care equipment) required by the curriculum of the courses that the training institution offers. The training institution shall have an adequate amount of the training equipment to be utilized by students to meet any equipment-to-student ratios prescribed by the curriculum being presented.
(10) Make available a minimum of twelve (12) hours, over a two (2) year period, of continuing education in educational principles and techniques for each of its affiliated primary instructors. A training institution may offer this continuing education or advise its faculty members of such continuing education at other sites. The training institution official may accept educational programs conducted at other facilities.
(11) Evaluate each course ~~and affiliated primary instructor once during every year~~ and retain a record of the evaluation in its files.
(12) Provide educational personnel for each approved training course, consisting of the following:
(A) **A** medical director.
(B) **A** program director ~~(advanced~~ **for the following levels:**
(i) For an emergency medical technician-basic advanced course, the program director shall be a physician, a registered nurse, an emergency medical technician-**basic** advanced, **an** emergency medical technician-intermediate, ~~and~~ **or a** paramedic. ~~courses only).~~
(ii) For an emergency medical technician-intermediate course, the program director shall be an emergency medical technician-intermediate, a paramedic, a physician, or a registered nurse.
(iii) For a paramedic course, the program director shall be a paramedic, a physician, or a registered nurse.
(C) **A** primary instructor.
(D) Instructional staff.
(13) Be responsible for in-course standards and criteria by which it determines a student's successful completion of the didactic and clinical portions of the course. The criteria include, but are not limited to, the following:
(A) Attendance requirements and absentee policies.
(B) In-course testing procedures.
(C) Number and scope of in-course tests.
(D) Didactic pass/fail grade average and criteria.
(E) Provision for make-up classes and tests.
(F) Minimum age for enrollment.
(G) Policies for providing reasonable accommodation ~~pursuant to~~ **under** the Americans with Disabilities Act.
(14) Be responsible for the screening and evaluation criteria for admission into any certified training program.
(15) Assure ~~a certified primary instructor, affiliated with~~ **that an instructional staff member, approved by** the training institution, is present in each ~~Indiana basic emergency medical technician~~ class session.
(16) Have a retention schedule of seven (7) years for all training and course records.

(Indiana Emergency Medical Services Commission; 836 IAC 4-2-2; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2748; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2365)

SECTION 59. 836 IAC 4-2-3 IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-2-3 Educational staff qualifications and responsibilities

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 3. (a) Minimum personnel qualifications for the training institution's education staff shall be as follows:
(1) ~~The~~ **A** medical director. ~~shall be a physician who:~~
~~(A) holds an unlimited license to practice medicine in Indiana; and~~
~~(B) has an active role in the delivery of emergency care.~~
(2) ~~The~~ **A** program ~~coordinator~~ **director who** shall:
(A) have appropriate education and experience necessary to teach in the assigned areas at the discretion of the medical director;
(B) be thoroughly and appropriately knowledgeable about all subject matter; ~~and~~
(C) be able to demonstrate all skills assigned to teach or evaluate; ~~The program coordinator shall~~
(D) be a certified primary instructor; and
(E) hold a clinical certification or license at least equal to that of the curriculum of the course in which they act as the program ~~coordinator.~~ **director.**
(3) The primary instructor shall be certified by the commission.
(4) Instructional staff members will be selected from various ~~specialities~~ **specialties** and have appropriate education and experience necessary to teach in the assigned areas at the

discretion of the ~~medical director.~~ **training institution official.** They must be thoroughly and appropriately knowledgeable about all subject matter and be able to demonstrate all skills that they are assigned to teach or evaluate. Instructional staff members involved in the skills testing of students shall be persons who hold a clinical certification or license at least equal to that of the curriculum of the course in which they act as instructional staff.

(b) Education staff responsibilities are as follows:

(1) The medical director is responsible for the following:

(A) Providing competent medical direction in the conduct of the training program by providing necessary liaison with physicians to obtain adequate instructor services.

(B) Assuring accurate and thorough presentation of the medical content of the course curriculum.

(C) Attesting on forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** to the competency of the course graduates to perform the medical skills required by the certification for which the student has been trained.

(2) The program ~~coordinator~~ **director** for any advanced life support course is responsible for the following:

(A) Developing teaching plans.

(B) Assuring that the course of instruction meets established standards of the commission and training institution.

(C) Providing liaisons with physicians and other specialists to obtain adequate instructor services for the course.

(D) Monitoring and evaluating classroom activities, including clinical and practice sessions.

(E) Assuring that the required equipment and materials necessary for teaching the course being offered are available at each class session.

(F) Coordinating and evaluating all didactic, clinical, practical, and field/internship activities associated with the course.

(G) Acting as the liaison between the students and the program staff.

(H) Maintaining student class records concerning attendance, performance, and grades.

(I) Fulfilling other course requirements as designated by the medical director and the training institution official.

~~(3) The primary instructor is responsible for the following:~~

~~(A) Developing teaching plans.~~

~~(B) Assuring that the course of instruction meets established standards of the commission and training institution.~~

~~(C) Providing liaisons with physicians and other specialists to obtain adequate instructor services for the course.~~

~~(D) Monitoring and evaluating classroom activities, including clinical and practice sessions.~~

~~(E) Assuring that the required equipment and materials necessary for teaching the course being offered are available at each class session.~~

~~(F) Coordinating and evaluating all didactic, clinical, practical, and field preceptor activities associated with the course.~~

~~(G) Acting as the liaison between the students and the program staff.~~

~~(H) Maintaining student class records concerning attendance, performance, and grades.~~

~~(I) Fulfilling other course requirements as designated by the medical director and the training institution official.~~

~~(4)~~ **(3)** Instructional staff are responsible to teach and to test students during selected lessons or class sessions as assigned by the ~~primary instructor,~~ program ~~coordinator, and~~ **director or** medical director. The instructional staff is evaluated and held accountable in the manner seen fit by the medical director and the training institution official.

(Indiana Emergency Medical Services Commission; 836 IAC 4-2-3; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2749)

SECTION 60. 836 IAC 4-2-4 IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-2-4 Institution reporting requirements

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 4. (a) Each training institution shall submit ~~an annual report~~ **any changes within thirty (30) days** to the ~~commission~~ **agency** that includes the following information:

(1) Name, address, and telephone number of the training institution official.

(2) List of affiliated ~~primary instructors,~~ **educational staff,** including name, certification level, and certification number.

~~(3) Documentation of the continuing education offered to all affiliated primary instructors.~~

~~(4) Submit documentation of all primary instructor evaluations completed within the last year.~~

~~(5) Submit a copy of~~ **(3) Changes in** the training institutions standards and criteria.

(b) Each training institution will provide a final report on each course to the ~~commission~~ **agency** within fifteen (15) days following the completion of the course. These reports will be submitted in a manner prescribed by the ~~commission.~~ **agency.**

(c) Each training institution official will complete other forms as required by the ~~commission~~ **agency** for purposes of course, student, or training institution evaluation. The institution will cooperate with and assist the ~~commission~~ **agency** in collecting statistics and evaluating performance and costs related to emergency medical services training. *(Indiana Emergency Medical Services Commission; 836 IAC 4-2-4; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2750)*

SECTION 61. 836 IAC 4-3-2, AS AMENDED AT 26 IR 2366, SECTION 24, IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-3-2 Certification standards

Authority: IC 16-31-2-7
Affected: IC 16-31-2-8; IC 16-31-3

Sec. 2. (a) Applicants for original certification as a first

responder shall meet the following requirements:

(1) Be a minimum of eighteen (18) years of age.

(2) Have successfully completed a commission-approved first responder course.

(3) Have successfully completed a state written and practical skills examinations as approved by the commission.

(b) Certification as a first responder shall be valid for a period of two (2) years. ~~and shall remain valid as long as compliance with the continuing education requirements of subsection (c) are maintained and reported to the commission prior to the certification expiration date.~~

(c) To ~~remain certified as a first responder, each certified~~ **renew a certification, a** first responder shall submit a report of continuing education every two (2) years that meets or exceeds the minimum requirement to take and report twenty (20) hours of continuing education according to the following:

(1) Participate in a minimum of sixteen (16) hours of any combination of lectures, critiques, skills proficiency examination, or audit and review ~~which~~ **that** reviews subject matter presented in the Indiana first responder curriculum.

(2) Participate in a minimum of four (4) hours in defibrillation and airway management as presented in the ~~Indianan~~ **Indiana** first responder curriculum.

(d) An individual who fails to comply with the continuing education requirements described in this article forfeits all rights and privileges of a certified first responder and shall cease from providing the services authorized by a first responder certification as of the date of expiration of the current certificate. *(Indiana Emergency Medical Services Commission; 836 IAC 4-3-2; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2751; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2366)*

SECTION 62. 836 IAC 4-3-3 IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-3-3 Certification based upon reciprocity

Authority: IC 16-31-2-7
Affected: IC 16-31-3-8; IC 16-31-3-10

Sec. 3. (a) ~~Applicants for~~ **To obtain** certification based upon reciprocity, **an individual** shall be a minimum of eighteen (18) years of age and meet one (1) of the following requirements:

(1) Be a person who: ~~at the time of application for reciprocity:~~

(A) possesses a valid certificate or license as an first responder from another state; ~~or National Registry first responder certification;~~ and

(B) successfully completes the written and practical skills certification examinations as prescribed by the commission.

(2) Be a person who:

(A) while serving in the military of the United States, successfully completed a course of training and study equivalent to the material contained in the Indiana first responder training course; and

(B) successfully completes the written and practical skills certification examinations prescribed by the commission.

(3) Be a person who:

(A) holds a valid unlimited license to practice medicine in Indiana; and

(B) successfully completes the written and practical skills certification examinations prescribed by the commission.

(4) Be a person who:

(A) successfully completed a course of training and study equivalent to the material contained in the Indiana first responder training course; and

(B) successfully completes the written and practical skills certification examinations prescribed by the commission.

(5) Be a person who:

(A) holds a current first responder registration issued by the National Registry; and

(B) has completed a course equivalent to Indiana approved curriculum.

(b) Any nonresident of Indiana who possesses a certificate or license as a first responder that is valid in another state, ~~or a valid registration issued by the National Registry,~~ upon ~~affilliation~~ **affiliation** with an Indiana certified provider organization, may apply to the ~~director~~ **agency** for temporary certification as a first responder. Upon receipt of a valid application and verification of valid status by the ~~director,~~ **agency,** the ~~director~~ **agency** may issue temporary certification, which shall be valid for the duration of the applicant's current certificate or license or for a period not to exceed six (6) months from the date that the reciprocity request is approved by the ~~director,~~ **agency,** whichever period of time is shorter. A person receiving temporary certification may apply for full certification using the procedure required in ~~section 2 of this rule.~~ **subsection (a).** *(Indiana Emergency Medical Services Commission; 836 IAC 4-3-3; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2751)*

SECTION 63. 836 IAC 4-4-1, AS AMENDED AT 26 IR 2366, SECTION 25, IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-4-1 General certification provisions

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 1. (a) Applicants for original certification as an emergency medical technician shall meet the following requirements:

(1) Be a minimum of eighteen (18) years of age.

(2) Successfully complete the Indiana basic emergency medical technician training course as approved by the commission and administered by a certified training institution.

(3) Pass the emergency medical technician written and practical skills examinations as set forth and approved by the commission.

(b) The applicant shall apply for certification on forms

~~prescribed~~ **provided** by the ~~commission~~ **agency** postmarked within one (1) year of the date that the course was concluded as shown on the course report.

(c) The minimum requirement for basic emergency medical technicians training shall be as follows:

(1) The current version of the Indiana basic emergency medical technician training course as amended and approved by the commission.

(2) Each Indiana basic emergency medical technician course shall be supervised by a ~~commission-certified~~ ~~primary instructor~~ **program director** who is affiliated with the course sponsoring training institution as described in this article.

(d) No course shall be approved as equivalent to subsection (c) unless the course meets the training standards ~~currently~~ in effect **on the date an equivalency determination is requested.**

(e) Emergency medical technicians shall comply with the following: ~~standards of professional ethical conduct:~~

(1) ~~Improve medical knowledge and skills through the completion of at least the prescribed regimen of continuing education described in this article~~ **An emergency medical technician shall not perform a procedure:**

(A) for which training has not been received in the emergency medical technician course as approved by the commission; or

(B) that is not within the scope and responsibility of an emergency medical technician.

(2) ~~Perform quality patient care based on the content of approved training or the orders of the provider medical director.~~ **An emergency medical technician shall not act negligently, recklessly, or in such a manner that endangers the health or safety of emergency patients or the members of the general public.**

(3) ~~Uphold and respect the patient's right to privacy, dignity, and safety by keeping confidential~~ **An emergency medical technician shall comply with the state and federal laws governing the confidentiality of** patient **medical** information.

(4) ~~Abiding by the legal responsibilities and limitations imposed upon the~~ **An** emergency medical technician ~~by training and state law.~~ **shall not delegate to a less qualified individual any skill that requires an emergency medical technician.**

(5) An emergency medical technician shall comply with the protocols established by the commission, the provider organization, and the provider organization's medical director.

(Indiana Emergency Medical Services Commission; 836 IAC 4-4-1; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2752; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2366)

SECTION 64. 836 IAC 4-4-2 IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-4-2 Application for original certification or certification renewal

Authority: IC 16-31-2-7
Affected: IC 16-31

Sec. 2. (a) Application for emergency medical technician certification shall be made on forms ~~prescribed~~ **provided** by the ~~commission.~~ **agency.** Applicants shall complete the required forms and submit the forms to the ~~director.~~ **agency. The application shall include the following:**

(1) Name and address of applicant.

(2) Criminal history declarations of applicant.

(3) Name of training institution where training was completed.

(4) Other information required by agency.

(b) All applicants for original certification shall provide evidence of compliance with the requirements for certification.

(c) Certification as an emergency medical technician shall be valid for a period of two (2) years. ~~and remain valid as long as compliance with the continuing education requirements of subsection (d) are maintained and reported every two (2) years to the commission prior to the certification expiration date.~~

(d) To ~~remain certified as an emergency medical technician, each~~ **renew a certification, a** certified emergency medical technician shall submit a report of continuing education every two (2) years that meets or exceeds the minimum requirement to take and report forty (40) hours of continuing education according to the following:

(1) Participate in a minimum of thirty-four (34) hours of any combination of lectures, critiques, skills proficiency examinations, continuing education courses, or teaching sessions that review subject matter presented in the Indiana basic emergency medical technician curriculum.

(2) Participate in a minimum of six (6) hours of audit and review.

(3) Participate in any update course as required by the commission.

(4) Successfully complete proficiency evaluation that tests the skills presented in the Indiana basic emergency medical technician curriculum.

(e) Notwithstanding any other provisions of this article, a person also certified as an ~~advanced~~ emergency medical technician-**basic advanced, emergency medical technician-intermediate,** or paramedic under IC 16-31 may substitute the required continuing education credits for those of subsection (d).

(f) An individual who fails to comply with the continuing education requirements described in this article shall not exercise any of the rights and privileges of an emergency medical technician and shall cease from providing the services authorized by an emergency medical technician certification as of the date of expiration of the current certificate.

(g) An individual wanting to reacquire a certification shall:
(1) complete an emergency medical technician recertification training course as approved by the commission; and
(2) successfully complete the state written and practical skills examinations as set forth and approved by the commission.
If the individual fails either certification ~~examinations,~~ **examination,** the person must retake an Indiana basic emergency medical technician training course.

~~(h) Notwithstanding the provisions of this section, a person whose emergency medical technician certificate expires during service in the armed forces is subject to IC 16-31 regarding certification renewal.~~ *(Indiana Emergency Medical Services Commission; 836 IAC 4-4-2; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2752)*

SECTION 65. 836 IAC 4-4-3 IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-4-3 Certification based upon reciprocity
Authority: IC 16-31-2-7
Affected: IC 16-31-3-8; IC 16-31-3-10

Sec. 3. (a) ~~Applicants for~~ **To obtain** certification based upon reciprocity, **an individual** shall be a minimum of eighteen (18) years of age and meet one (1) of the following requirements:
(1) Be a person who: ~~at the time of application for reciprocity:~~
(A) possesses a valid certificate or license as an emergency medical technician from another state; ~~or National Registry basic emergency medical technician certification;~~ and
(B) successfully completes the written and practical skills certification examinations as prescribed by the commission.
(2) Be a person who:
(A) while serving in the military of the United States, successfully completed a course of training and study equivalent to the material contained in the Indiana basic emergency medical technician training course; and
(B) successfully completes the written and practical skills certification examinations prescribed by the commission.
(3) Be a person who:
(A) holds a valid unlimited license to practice medicine in Indiana; and
(B) successfully completes the written and practical skills certification examinations prescribed by the commission.
(4) Be a person who:
(A) successfully completed a course of training and study equivalent to the material contained in the Indiana basic emergency medical technician training course; and
(B) successfully completes the written and practical skills certification examinations prescribed by the commission.
(5) Be a person who:
(A) holds a current emergency medical technician registration from the National Registry; and
(B) has completed a course equivalent to the Indiana approved curriculum.

(b) Any nonresident of Indiana who possesses a certificate or license as an emergency medical technician that is valid in another state, or a valid registration issued by the National Registry, upon affiliation with an Indiana certified provider organization may apply to the ~~director~~ **agency** for temporary certification as an emergency medical technician. Upon receipt of a valid application and verification of valid status by the ~~director,~~ **agency,** the ~~director~~ **agency** may issue temporary certification, which shall be valid for the duration of the applicant's current certificate or license or for a period not to exceed six (6) months from the date that the reciprocity request is approved by the ~~director,~~ **agency,** whichever period of time is shorter. A person receiving temporary certification may apply for full certification using the procedure required in section 1 of this rule. *(Indiana Emergency Medical Services Commission; 836 IAC 4-4-3; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2753)*

SECTION 66. 836 IAC 4-5-2, AS AMENDED AT 26 IR 2367, SECTION 26, IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-5-2 Certification and recertification; general
Authority: IC 16-31-2-7
Affected: IC 16-31-3-14

Sec. 2. (a) Application for certification will be made on forms and according to procedures prescribed by the ~~commission.~~ **agency.** In order to be certified as an emergency medical services primary instructor, the applicant shall meet **one (1) of** the following requirements:
(1) Successfully complete a commission-approved Indiana emergency medical services primary instructor training course **and complete all of the following:**
~~(2)~~ **(A)** Successfully complete the primary instructor internship.
~~(3)~~ **(B)** Successfully complete the primary instructor written examination.
~~(4)~~ **(C)** Be currently certified as an Indiana emergency medical technician.
(2) Successfully complete a training course equivalent to the material contained in the Indiana emergency medical service primary instructor course and complete all of the following:
(A) Meet the requirements under section 1 of this rule.
(B) Successfully complete the primary instructor internship.
(C) Successfully complete the primary instructor written examination.
(D) Be currently certified as an Indiana emergency medical technician.

(b) Certification as an emergency medical services primary instructor is valid for two (2) years.

(c) In order to retain certification as a primary instructor, a person shall meet the following requirements:

(1) Retain affiliation with at least one (1) Indiana certified training institution.
(2) Conduct a minimum of eighty (80) hours of educational sessions based upon the emergency medical service curricula, which in content are either less than or equal to the primary instructor's level of clinical certification.
(3) Complete a minimum of twelve (12) hours of continuing education that specifically addresses the topic of educational philosophy and techniques, offered or approved by the affiliating training institution.
(4) Be evaluated by the training institution in regard to instructional skills and compliance with existing standards of the training institution and the commission at least once per course.
(5) Every two (2) years present, to the ~~commission,~~ **agency,** evidence of compliance with this subsection during the period of certification as prescribed by the commission.

(d) The minimum requirements for emergency medical services primary instructor training is the current version of the Indiana primary instructor course, based upon the current national standard curriculum as amended and approved by the commission.

(e) A primary instructor shall comply with the following: ~~standards of professional ethical conduct:~~
(1) ~~Improve medical knowledge and skills through the completion of at least the prescribed regimen of continuing education described in this article.~~ **All state and federal laws governing the confidentiality of student information.**
(2) ~~Uphold and respect the student's right to privacy, dignity, and safety by keeping student information confidential.~~ **The curriculum taught by the primary instructor shall not conflict with the scope of practice established by the curriculum approved by the commission.**
(3) ~~Abiding by the legal responsibilities and limitations imposed upon the primary instructor.~~ **Not negligently, recklessly, or willfully endanger the health or safety of emergency patients or students.**
(4) All course standards as established by the training institution course policies and procedures.
(Indiana Emergency Medical Services Commission; 836 IAC 4-5-2; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2754; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2367)

SECTION 67. 836 IAC 4-7-1 IS AMENDED TO READ AS FOLLOWS:

Rule 7. Emergency Medical Technicians-Basic Advanced; Certification

836 IAC 4-7-1 Student qualification to enter training
Authority: IC 16-31-2-7
Affected: IC 16-31-3-14

Sec. 1. (a) An applicant for Indiana ~~advanced~~ emergency medical technician-**basic advanced** training shall hold a valid certificate as an emergency medical technician.

(b) Individuals who have successfully completed an Indiana basic emergency medical technician course or are accepted for basic reciprocity and have taken the Indiana basic written and practical certification examinations may hold a provisional spot in the ~~advanced~~ emergency medical technician-**basic advanced** course. *(Indiana Emergency Medical Services Commission; 836 IAC 4-7-1; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2755)*

SECTION 68. 836 IAC 4-7-2, AS AMENDED AT 26 IR 2368, SECTION 28, IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-7-2 Certification provisions; general
Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-31-3-14

Sec. 2. (a) An applicant for certification as an ~~advanced~~ emergency medical technician-**basic advanced** shall meet the following requirements:
(1) Be an Indiana certified emergency medical technician.
(2) Be affiliated with a certified ~~advanced~~ emergency medical technician-**basic advanced provider** organization or a supervising hospital.
(3) Successfully complete the Indiana ~~advanced~~ emergency medical technician-**basic advanced** training course as approved by the commission and administered by a certified training institution.
(4) Pass the ~~advanced~~ emergency medical technician-**basic advanced** written and practical skills examinations as approved by the commission.

(b) The applicant shall apply for certification on forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** postmarked within one (1) year of the date that the course was concluded as shown on the course report.

(c) The applicant shall submit verification of all affiliated ~~providers~~ **provider organizations** and supervising hospitals.

(d) Certification exemptions identified under ~~836 IAC 2-7.1-1(j)~~ **836 IAC 1-1-4** shall apply to the certification of ~~advanced~~ emergency medical ~~technicians.~~ **technician-basic advanced.**

(e) ~~Advanced~~ Emergency medical technicians-**basic advanced** are prohibited from having in their possession, or maintained on board emergency response vehicles, any ~~advanced life support~~ equipment or supplies that have not been approved by ~~advanced~~ **the** emergency medical technician-**basic advanced provider** organization medical director.

(f) ~~Advanced~~ Emergency medical technicians-**basic advanced** shall comply with the following: ~~standards of professional ethical conduct:~~

(1) ~~Improve medical knowledge and skills through the completion of at least the prescribed regimen of continuing education described in this article.~~ **An emergency medical technician-basic advanced shall not perform a procedure:**

(A) for which training has not been received in the emergency medical technician-basic advanced course as approved by the commission; or

(B) that is not within the scope and responsibility of an emergency medical technician-basic advanced.

(2) ~~Perform quality patient care based on the content of approved training or the orders of the provider medical director.~~ **An emergency medical technician-basic advanced shall not act negligently, recklessly, or in such a manner that endangers the health or safety of emergency patients or the members of the general public.**

(3) ~~Uphold and respect the patient's right to privacy, dignity, and safety by keeping confidential~~ **An emergency medical technician-basic advanced shall comply with the state and federal laws governing the confidentiality of** patient **medical** information.

(4) ~~Abide by the legal responsibilities and limitations imposed upon the advanced~~ **An** emergency medical ~~technician by training and applicable laws.~~ **technician-basic advanced shall not delegate to a less qualified individual any skill that requires an emergency medical technician-basic advanced.**

(5) An emergency medical technician-basic advanced shall comply with the protocols established by the commission, the provider organization, and the provider organization's medical director.

(Indiana Emergency Medical Services Commission; 836 IAC 4-7-2; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2755; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2368)

SECTION 69. 836 IAC 4-7-3 IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-7-3 Application for certification

Authority: IC 16-31-2-7
Affected: IC 16-31-3-8; IC 16-31-3-20

Sec. 3. (a) Application for certification as an ~~advanced~~ emergency medical technician-**basic advanced** shall be made on forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** and shall submit the forms to the ~~director.~~ **agency.**

(b) All applicants for original certification shall provide evidence of compliance with the requirements for certification.

(c) Certification as an ~~advanced~~ emergency medical technician-**basic advanced** shall be valid for two (2) years. ~~and shall remain valid as long as compliance with the continuing education requirements are maintained and reported every two (2) years to the commission prior to the certification expiration date.~~

(d) ~~Advanced~~ Emergency medical technicians-**basic advanced** are authorized to perform manual or automated defibrillation, rhythm interpretation, and intravenous line placement. These procedures may only be performed when affiliated with a certified ~~advanced~~ emergency medical technician-**basic advanced provider** organization and while operating under written protocols ~~under~~ **or** the direct supervision of a physician of the supervising hospital or an individual authorized in writing by the medical staff to act in the behalf of a physician of the approved supervising hospital. ~~Advanced~~ Emergency medical technicians-**basic advanced** are prohibited from performing any advanced life support procedure **other than manual or automated defibrillation, rhythm interpretation, and intravenous line placement as prescribed in the Indiana emergency medical technician-basic advanced course,** with or without physician direction, for which certification by the commission has not been granted.

(e) Individuals who have failed to comply with the continuing education requirements shall not exercise any of the rights and privileges ~~nor~~ **of an emergency medical technician-basic advanced or** administer advanced life support to any emergency patient.

(f) An individual wanting to reacquire a certification shall complete an ~~advanced~~ emergency medical technician-**basic advanced** recertification training course and successfully complete the state written and practical skills examinations as set forth and approved by the commission. If the individual fails the certification examinations, the person shall retake an entire ~~advanced~~ emergency medical technician-**basic advanced** training course.

(g) ~~Advanced~~ Emergency medical technicians-**basic advanced** failing to satisfy the requirements of subsection (f) shall satisfy the requirements for certification renewal by fulfilling the requirements for original certification as outlined in this article. *(Indiana Emergency Medical Services Commission; 836 IAC 4-7-3; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2756)*

SECTION 70. 836 IAC 4-7-3.5 IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-7-3.5 Continuing education requirements

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 3.5. ~~Advanced~~ **To renew a certification, a certified** emergency medical ~~technicians seeking certification renewal~~ **technician-basic advanced** shall ~~meet~~ **submit a report of continuing education every two (2) years that meets** or ~~exceed~~ **exceeds** the minimum requirements ~~in this section to maintain their certification. Concurrent emergency medical technician certification shall be maintained if the individual completes and reports~~ to ~~the commission~~ **take and report** fifty-six (56) hours of continuing education according to the following:

(1) Participate in a minimum of thirty-four (34) hours of any combination of lecture, critiques, skills proficiency examination, continuing education course, or ~~teach~~ **teaching** sessions that review subject matter presented in the Indiana basic emergency medical technician curriculum.
(2) Participate in a minimum of ten (10) hours of any combination of lecture, critiques, skills proficiency examination, or teaching sessions that review subject matter presented in the Indiana ~~advanced~~ emergency medical technician-**basic advanced** curriculum.
(3) Participate in a minimum of twelve (12) hours of audit and review.
(4) Participate in any update course as prescribed by the commission.
(5) Successfully complete a proficiency evaluation that tests the skills presented in the Indiana basic emergency medical technician curriculum and the Indiana ~~advanced~~ emergency medical technician-**basic advanced** curriculum.
(Indiana Emergency Medical Services Commission; 836 IAC 4-7-3.5; filed Apr 4, 2002, 9:15 a.m.: 25 IR 2517)

SECTION 71. 836 IAC 4-7-4 IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-7-4 Emergency medical technician-basic advanced certification based upon reciprocity
Authority: IC 16-31-2-7
Affected: IC 16-31-3-2; IC 16-31-3-20

Sec. 4. (a) ~~Applicants for advanced~~ **To obtain** emergency medical technician-**basic advanced** certification based upon reciprocity, **an individual** shall meet the following requirements:
(1) Be affiliated with an Indiana certified ~~advanced~~ emergency medical technician-**basic advanced** provider organization or supervising hospital.
(2) Possess a valid certificate or license as an ~~advanced~~ emergency medical technician-**basic advanced** from another state or successfully complete a course of training and study equivalent to the material contained in the Indiana ~~advanced~~ emergency medical technician-**basic advanced** training course.
(3) Successfully pass the Indiana ~~advanced~~ emergency medical technician-**basic advanced** written and practical skills examinations as set forth and approved by the commission.

(b) Application for certification shall be postmarked or delivered to the commission office within six (6) months of the request for reciprocity.

(c) Any nonresident of Indiana who possesses a certificate or license as an ~~advanced~~ emergency medical technician-**basic advanced,** or intermediate that is valid in another state, or a valid registration with National Registry, upon ~~affilliation~~ **affiliation** with an Indiana certified ~~advanced~~ emergency medical technician-**basic advanced** provider organization may apply to the ~~director~~ **agency** for temporary certification as an ~~advanced~~ emergency medical technician-**basic advanced.** Upon receipt of a valid application and verification of valid status by the ~~director,~~ **agency,** the ~~director~~ **agency** may issue temporary certification that shall be valid for the duration of the applicant's current certificate or license or for a period not to exceed six (6) months from the date that the reciprocity request is approved by the director, whichever period of time is shorter. A person receiving temporary certification may apply for full certification using section 1 of this rule. *(Indiana Emergency Medical Services Commission; 836 IAC 4-7-4; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2756)*

SECTION 72. 836 IAC 4-7.1-1, AS ADDED AT 26 IR 2369, SECTION 29, IS AMENDED TO READ AS FOLLOWS:

Rule 7.1. Emergency Medical Technician-Intermediate; Certification

836 IAC 4-7.1-1 Student qualification to enter training
Authority: IC 16-31-2-7
Affected: IC 16-31-3-2

Sec. 1. An applicant for Indiana ~~advanced~~ emergency medical technician-intermediate training shall meet the following requirements:
(1) Hold a valid certificate as an emergency medical technician.
(2) Be at a minimum of eighteen (18) years of age.
(3) Have a high school diploma or general education diploma.
(Indiana Emergency Medical Services Commission; 836 IAC 4-7.1-1; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2369)

SECTION 73. 836 IAC 4-7.1-2, AS ADDED AT 26 IR 2369, SECTION 29, IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-7.1-2 Registered nurses; qualification to enter training
Authority: IC 16-31-2-7
Affected: IC 16-31-3-2

Sec. 2. (a) A registered nurse may challenge the ~~advanced~~ emergency medical technician-intermediate course if he or she meets the following requirements:
(1) Be a registered nurse in Indiana.
(2) Be an Indiana certified emergency medical technician.
(3) Be able to document one (1) year of experience in an emergency department or as a flight nurse with an air ambulance service.
(4) Hold an advanced cardiac life support certification.
(5) Hold either an American Heart Association or American Red Cross health care provider card **or equivalent.**
(6) Be able to meet prerequisites required by the commission, the ~~advanced~~ emergency medical technician-intermediate curriculum, and the local training institution course.

(b) For successful completion of the ~~advanced~~ emergency medical technician-intermediate training course, a registered nurse must meet all of the requirements set forth by the training institution for all students or meet the prerequisites as described in subsection (a) and the following:

(1) May earn credit by written examination for individual modules of the ~~advanced~~ emergency medical technician-intermediate course.

(2) Test out of a module to be completed prior to the beginning of that module by completing:

(A) the written examination with a passing score; and

(B) the practical skills examination with a passing score.

Failure of any module exam will require the students to participate in the entire module.

(3) Successfully complete the ~~advanced~~ emergency medical technician-intermediate program comprehensive final examination.

(4) Demonstrate skill proficiency by completing the ~~advanced~~ emergency medical technician-intermediate level skills with course proficiency.

(5) May earn credit of clinical hours by review of the student's past experience in the clinical areas.

(6) Complete all field internship and required hospital clinical hours.

(7) Pass the ~~advanced~~ emergency medical technician-intermediate written and practical skills examinations as approved by the commission.

(8) Meet general certification requirements in section 3 of this rule.

(Indiana Emergency Medical Services Commission; 836 IAC 4-7.1-2; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2369)

SECTION 74. 836 IAC 4-7.1-3, AS ADDED AT 26 IR 2370, SECTION 29, IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-7.1-3 General certification

Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-31-3-14

Sec. 3. (a) An applicant for certification as an ~~advanced~~ emergency medical technician-intermediate shall meet the following requirements:

(1) Be a certified emergency medical technician.

(2) Be affiliated with a certified ~~advanced~~ emergency medical technician-intermediate **provider** organization or a supervising hospital.

(3) Successfully complete the Indiana ~~advanced~~ emergency medical technician-intermediate training course as approved by the commission and administered by an Indiana certified training institution.

(4) Pass the ~~advanced~~ emergency medical technician-intermediate written and practical skills examinations as approved by the commission.

(b) The applicant shall apply for certification on forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** postmarked within one (1) year of the date of successful completion of the required certification examinations.

(c) The applicant shall submit verification of all affiliated ~~providers~~ **provider organizations** and supervising hospitals.

(d) Certification exemptions identified under ~~836 IAC 2-2-1(k)~~ **836 IAC 1-1-4** apply to the certification of ~~advanced~~ emergency medical technician-intermediates.

(e) ~~Advanced~~ Emergency medical technician-intermediates are prohibited from having in their possession, or maintained on board emergency response vehicles, any advanced life support equipment or supplies that have not been approved by the ~~advanced~~ emergency medical technician-intermediate **provider** organization medical director.

~~(f) Under IC 16-31-3-14, the commission may penalize a advanced emergency medical technician-intermediate or the certificate of any advanced emergency medical technician-intermediate, or both, may be suspended or revoked by the commission under 836 IAC 1-2-4 and 836 IAC 2-13-1 for any of the following:~~

~~(1) Fraud or misrepresentation in procuring certification.~~

~~(2) Failure to perform or failure to perform competently procedures that are within the patient care standards or scope and responsibility of advanced emergency medical technician intermediates for which training has been received in the advanced emergency medical technician intermediate training course as approved by the commission.~~

~~(3) Performing a procedure for which training:~~

~~(A) has not been received in the basic emergency medical technician course or advanced emergency medical technician intermediate training course as approved by the commission; or~~

~~(B) is not within the scope and responsibility of an advanced emergency medical technician intermediate as determined by the commission.~~

~~(4) Negligent, reckless, or dangerous conduct that endangers the health or safety of emergency patients or the members of the general public while functioning as a advanced emergency medical technician intermediate.~~

~~(5) Conviction of an offense if the acts that resulted in the conviction have a direct bearing on whether or not the person should be entrusted to serve the public as a advanced emergency medical technician intermediate.~~

~~(6) Delegating to a person less qualified any skill that requires the professional competence of a advanced emergency medical technician intermediate.~~

~~(7) Failure to comply with this title.~~

~~(g) Advanced~~ **(f)** Emergency medical technician-intermediates shall: ~~comply with the following standards of professional ethical conduct:~~

(1) ~~Improve medical knowledge and skills through the completion of at least the prescribed regimen of continuing~~

~~education described in this article.~~ **not perform a procedure:**

(A) for which training has not been received in the emergency medical technician-intermediate course as approved by the commission; or

(B) that is not within the scope and responsibility of an emergency medical technician-intermediate;

(2) ~~Perform quality patient care based on the content of approved training or the orders of the provider medical director.~~ **not act negligently, recklessly, or in such a manner that endangers the health or safety of emergency patients or the members of the general public;**

(3) ~~Uphold and respect the patient's right to privacy, dignity, and safety by keeping confidential~~ **comply with the state and federal laws governing the confidentiality of** patient **medical** information;

(4) ~~Abide by the legal responsibilities and limitations imposed upon the advanced emergency medical technician intermediate by training and applicable laws.~~ **not delegate to a less qualified individual any skill that requires an emergency medical technician-intermediate; and**

(5) comply with the protocols established by the commission, the provider organization, and the provider organization's medical director.

(Indiana Emergency Medical Services Commission; 836 IAC 4-7.1-3; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2370)

SECTION 75. 836 IAC 4-7.1-4, AS ADDED AT 26 IR 2370, SECTION 29, IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-7.1-4 Application for certification; renewal
Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 4. (a) Application for certification as an ~~advanced~~ emergency medical technician-intermediate shall be made on forms ~~prescribed~~ **provided** by the ~~commission.~~ **agency.** An applicant shall complete the required forms and shall submit the forms to the ~~director.~~ **agency.**

(b) All applicants for original certification shall provide evidence of compliance with the requirements for certification.

(c) Certification as an ~~advanced~~ emergency medical technician-intermediate shall be valid for two (2) years. ~~and remain valid as long as compliance with the continuing education requirements are maintained and reported every two (2) years to the commission prior to the certification expiration date.~~

(d) Individuals who have failed to comply with the continuing education requirements shall not exercise any of the rights and privileges nor administer advanced life support services to emergency patients.

(e) An individual wanting to reacquire a certification shall complete an ~~advanced~~ emergency medical technician-intermediate recertification training course and successful completion of state written and practical skills examinations as set forth and approved by the commission. If the individual fails the certification examinations, the person shall retake an entire ~~advanced~~ emergency medical technician-intermediate training course.

(Indiana Emergency Medical Services Commission; 836 IAC 4-7.1-4; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2370)

SECTION 76. 836 IAC 4-7.1-5, AS ADDED AT 26 IR 2371, SECTION 29, IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-7.1-5 Continuing education requirements
Authority: IC 16-31-2-7
Affected: IC 16-31-3-8; IC 16-31-3-20

Sec. 5. (a) ~~Any applicant making application for~~ **To renew a** certification, ~~or certification renewal~~ **a certified emergency medical technician-intermediate** shall ~~meet the qualifications in this section to maintain their certification. Concurrent emergency medical technician certification shall be maintained if the requirements in this section are fulfilled.~~ **submit a report of continuing education every two (2) years that meets or exceeds the minimum requirements in subsection (b).**

(b) An applicant shall report a minimum of seventy-two (72) hours of continuing education consisting of the following:

(1) Section Ia, thirty-six (36) hours of continuing education adhering to and including the content of the Indiana emergency medical technician-intermediate course.

(2) Section Ib, attach a current copy of advanced cardiac life support certification.

(3) Section Ic, attach a current copy of cardiopulmonary resuscitation certification.

(4) Section II, thirty-six (36) hours of continuing education with twelve (12) hours audit and review. No more than eighteen (18) hours may be taken in any one (1) topic.

(5) Section III, skill maintenance (with no specified hour requirement), all skills shall be directly observed by the emergency medical service medical director or emergency medical service educational staff of the supervising hospital, either at an inservice or in an actual clinical setting. The observed skills include, but are not limited to, the following:

(A) Patient assessment and management; medical and trauma.

(B) Ventilatory management skills/knowledge.

(C) Cardiac arrest management.

(D) Hemorrhage control and splinting procedures.

(E) IV therapy skills.

(F) Spinal immobilization; seated and lying patients.

(G) Obstetrics and gynecologic skills/knowledge.

(H) Other related skills/knowledge:

(i) radio communications; and

(ii) report writing and documentation.

(Indiana Emergency Medical Services Commission; 836 IAC 4-7.1-5; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2371)

SECTION 77. 836 IAC 4-7.1-6, AS ADDED AT 26 IR 2371, SECTION 29, IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-7.1-6 Emergency medical technician-intermediate certification based upon reciprocity

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 6. (a) ~~An applicant for advanced~~ **To obtain** emergency medical technician-intermediate certification based upon reciprocity, **an applicant** shall be affiliated with a certified ~~advanced~~ emergency medical technician-intermediate provider organization and ~~meet~~ **be a person who, at the time of applying for reciprocity, meets** one (1) of the following requirements:

(1) ~~Be a person who, at the time of applying for reciprocity,~~ Possesses a valid certificate or license as an ~~advanced~~ emergency medical technician-intermediate from another state and who successfully passes the ~~advanced~~ emergency medical technician-intermediate practical and written certification examinations as set forth and approved by the commission. Application for certification shall be postmarked or delivered to the commission office within six (6) months of the request for reciprocity.

(2) ~~Be a person who, at the time of applying for reciprocity,~~ Has successfully completed a course of training and study equivalent to the material contained in the Indiana ~~advanced~~ emergency medical technician-intermediate training course and successfully completes the written and practical skills certification examinations prescribed by the commission.

(3) ~~Be a person who, at the time of applying for reciprocity,~~ Possesses a valid National Registry intermediate certification based on the ~~advanced~~ emergency medical technician-intermediate curriculum approved by the commission.

(b) Notwithstanding subsection (a), any nonresident of Indiana who possesses a certificate or license as an ~~advanced~~ emergency medical technician-intermediate that is valid in another state may apply to the director for temporary certification as an ~~advanced~~ emergency medical technician-intermediate. Upon receipt of a valid application and verification of valid status by the ~~director,~~ **agency,** the ~~director~~ **agency** may issue temporary certification that shall be valid for the duration of the applicant's current certificate or license or for a period not to exceed six (6) months from the date that the reciprocity request is approved by the ~~director,~~ **agency,** whichever period of time is shorter. A person receiving temporary certification may apply for full certification using the procedure required in section 1 of this rule. *(Indiana Emergency Medical Services Commission; 836 IAC 4-7.1-6; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2371)*

SECTION 78. 836 IAC 4-9-1 IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-9-1 Student qualification to enter training

Authority: IC 16-31-2-7
Affected: IC 16-31-3-2

Sec. 1. An applicant for Indiana paramedic training shall meet the following requirements:

(1) Hold a valid certificate as an emergency medical technician.

(2) Be at a minimum ~~or~~ **of** eighteen (18) years of age.

(3) Have a high school diploma or general education diploma.

(Indiana Emergency Medical Services Commission; 836 IAC 4-9-1; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2757)

SECTION 79. 836 IAC 4-9-2 IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-9-2 Registered nurses; qualification to enter training

Authority: IC 16-31-2-7
Affected: IC 16-31-3-2

Sec. 2. (a) A registered nurse can challenge the paramedic course if they meet the following:

(1) Be a registered nurse in Indiana.

(2) Be an Indiana certified emergency medical technician.

(3) Be able to document one (1) year of experience in an emergency department or as a flight nurse with an air ambulance service.

(4) Hold an advanced cardiac life support certification.

(5) Hold either an American Heart Association or American Red Cross Health care provider card **or equivalent.**

(6) Be able to meet prerequisites required by the commission, the emergency medical technician paramedic curriculum, and the local training institution course.

(b) For successful completion of the paramedic training course, a registered nurse must meet all of the requirements set forth by the training institution for all students or meet the prerequisites as described in subsection (a) and the following:

(1) May earn credit by written examination for individual modules of the paramedic course.

(2) Test out of a module to be completed prior to the beginning of that module by completing:

(A) the written examination with a passing score; and

(B) the practical skills examination with a passing score.

Failure of any module exam will require the students to participate in the entire module.

(3) Successfully complete the paramedic program comprehensive final examination.

(4) Demonstrate skill proficiency by completing the paramedic level skills with course proficiency.

(5) May earn credit of clinical hours by review of the student's past experience in the clinical areas.

(6) Complete all field internship and required hospital clinical hours.

(7) Pass the paramedic written and practical skills examinations as approved by the commission.

(8) Meet general certification requirements in section 3 of this rule.

(Indiana Emergency Medical Services Commission; 836 IAC 4-

9-2; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2757)

SECTION 80. 836 IAC 4-9-3, AS AMENDED AT 26 IR 2372, SECTION 30, IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-9-3 General certification
Authority: IC 16-31-2-7
Affected: IC 4-21.5; IC 16-31-3-14

Sec. 3. (a) An applicant for certification as a paramedic shall meet the following requirements:

(1) Be a certified emergency medical technician.

(2) Be affiliated with a certified paramedic **provider** organization or a supervising hospital.

(3) Successfully complete the Indiana paramedic training course as approved by the commission and administered by an Indiana certified training institution.

(4) Pass the paramedic written and practical skills examinations as approved by the commission.

(b) The applicant shall apply for certification on forms ~~prescribed~~ **provided** by the ~~commission~~ **agency** postmarked within one (1) year of the date of successful completion of the required certification examinations.

(c) The applicant shall submit verification of all affiliated ~~providers~~ **provider organizations** and supervising hospitals.

(d) Certification exemptions identified under ~~836 IAC 2-2-1(k)~~ **836 IAC 1-1-4** apply to the certification of paramedics.

(e) Paramedics are prohibited from having in their possession, or maintained on board emergency response vehicles, any advanced life support equipment or supplies that have not been approved by the paramedic **provider** organization medical director.

(f) Paramedics shall: ~~comply with the following standards of professional ethical conduct:~~

(1) ~~Improve medical knowledge and skills through the completion of at least the prescribed regimen of continuing education described in this article.~~ **not perform a procedure:**

(A) for which training has not been received in the paramedic course as approved by the commission; or

(B) that is not within the scope and responsibility of an paramedic;

(2) ~~Perform quality patient care based on the content of approved training or the orders of the provider medical director.~~ **not act negligently, recklessly, or in such a manner that endangers the health or safety of emergency patients or the members of the general public;**

(3) ~~Uphold and respect the patient's right to privacy, dignity, and safety by keeping confidential~~ **comply with the state and federal laws governing the confidentiality of** patient **medical** information;

(4) ~~Abide by the legal responsibilities and limitations imposed upon the paramedic by training and applicable laws.~~ **not delegate to a less qualified individual any skill that requires a paramedic; and**

(5) comply with the protocols established by the commission, the provider organization, and the provider organization's medical director.

(Indiana Emergency Medical Services Commission; 836 IAC 4-9-3; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2757; filed Feb 20, 2003, 8:00 a.m.: 26 IR 2372)

SECTION 81. 836 IAC 4-9-4 IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-9-4 Application for certification; renewal
Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 4. (a) Application for certification as a paramedic shall be made on forms ~~prescribed~~ **provided** by the commission. An applicant shall complete the required forms and shall submit the forms to the ~~director.~~ **agency.**

(b) All applicants for original certification shall provide evidence of compliance with the requirements for certification.

(c) Certification as a paramedic shall be valid for two (2) years. ~~and remain valid as long as compliance with the continuing education requirements are maintained and reported every two (2) years to the commission prior to the certification expiration date.~~

(d) Individuals who have failed to comply with the continuing education requirements shall not exercise any of the rights and privileges nor administer advanced life support services to emergency patients.

(e) An individual wanting to reacquire a certification shall complete a paramedic recertification training course and successful completion of state written and practical skills examinations as set forth and approved by the commission. If the individual fails the certification examinations, the person shall retake an entire paramedic training course. *(Indiana Emergency Medical Services Commission; 836 IAC 4-9-4; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2758)*

SECTION 82. 836 IAC 4-9-5 IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-9-5 Continuing education requirements
Authority: IC 16-31-2-7
Affected: IC 16-31-3-8; IC 16-31-3-20

Sec. 5. (a) ~~Any applicant making application for~~ **To renew a** certification, ~~or certification renewal~~ **a certified paramedic** shall ~~meet the qualifications in this section to maintain their certification.~~

~~Concurrent emergency medical technician certification shall be maintained if~~ **submit a report of continuing education every two (2) years that meets or exceeds** the **minimum** requirements in ~~this section are fulfilled.~~ **subsection (b).**

(b) An applicant shall report a minimum of seventy-two (72) hours of continuing education consisting of the following:

(1) Section IA, forty-eight (48) hours of continuing education through a formal paramedic refresher course as approved by the commission or forty-eight (48) hours of continuing education that includes the following:

(A) Division I, prehospital environment.

(B) Division II, preparatory (minimum of eight (8) hours).

(C) Division III, trauma (minimum of ten (10) hours).

(D) Division IV, medical emergencies (minimum of twenty-two (22) hours).

(E) Division V, obstetrics/neonatal (minimum of four (4) hours).

(F) Division VI, behavioral emergencies (minimum of four (4) hours).

(2) Section IB, attach a current copy of cardiopulmonary resuscitation certification.

(3) Section IC, attach a current copy of advanced cardiac life support certification.

(4) Section II, twenty-four (24) additional hours of continuing education; twelve (12) of these hours shall be obtained from audit and review. The participation in a fourteen (14) hour Indiana continuing education course as approved by the commission may be included in this section.

(5) Section III, skill maintenance (with no specified hour requirement); all skills shall be directly observed by the emergency medical service medical director or emergency medical service educational staff of the supervising hospital either at an inservice or in an actual clinical setting. The observed skills include, but are not limited to, the following:

(A) Patient assessment and management.

(B) Ventilatory management.

(C) Cardiac arrest management.

(D) Bandaging and splinting.

(E) Intravenous therapy and intraosseous therapy.

(F) Spinal immobilization.

(G) Obstetrics and gynecological scenarios.

(H) Other related skills.

(Indiana Emergency Medical Services Commission; 836 IAC 4-9-5; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2758)

SECTION 83. 836 IAC 4-9-6 IS AMENDED TO READ AS FOLLOWS:

836 IAC 4-9-6 Paramedic certification based upon reciprocity

Authority: IC 16-31-2-7
Affected: IC 16-31-3

Sec. 6. (a) ~~An applicant for~~ **To obtain** paramedic certification based upon reciprocity, **an applicant** shall be affiliated with a certified paramedic provider organization and ~~meet~~ **be a person who, at the time of applying for reciprocity, meets** one (1) of the following requirements:

(1) ~~Be a person who, at the time of applying for reciprocity,~~ Possesses a valid certificate or license as a paramedic from another state and who successfully passes the paramedic practical and written certification examinations as set forth and approved by the commission. Application for certification shall be postmarked or delivered to the commission office within six (6) months of the request for reciprocity.

(2) ~~Be a person who, at the time of applying for reciprocity,~~ Has successfully completed a course of training and study equivalent to the material contained in the Indiana paramedic training course and successfully completes the written and practical skills certification examinations prescribed by the commission.

(3) ~~Be a person who, at the time of applying for reciprocity,~~ Possesses a valid National Registry paramedic certification.

(b) Notwithstanding subsection (a), any nonresident of Indiana who possesses a certificate of license as an paramedic that is valid in another state, upon residing at an Indiana address, may apply to the ~~director~~ **agency** for temporary certification as a paramedic. Upon receipt of a valid application and verification of valid status by the ~~director,~~ **agency,** the ~~director~~ **agency** may issue temporary certification that shall be valid for the duration of the applicant's current certificate or license or for a period not to exceed six (6) months from the date that the reciprocity request is approved by the director, whichever period of time is shorter. A person receiving temporary certification may apply for full certification using the procedure required in section 1 of this rule. *(Indiana Emergency Medical Services Commission; 836 IAC 4-9-6; filed Jun 30, 2000, 4:18 p.m.: 23 IR 2759)*

SECTION 84. THE FOLLOWING ARE REPEALED: 836 IAC 2-7.1; 836 IAC 2-11-1; 836 IAC 4-6-1; 836 IAC 4-8-1.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 4, 2004 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Room 2, Indianapolis, Indiana the Indiana Emergency Medical Services Commission will hold a public hearing on proposed amendments to 836 IAC 1, 836 IAC 2, 836 IAC 3, and 836 IAC 4 Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E208 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Rodney Coats
Chairman
Indiana Emergency Medical Services Commission

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

Proposed Rule
LSA Document #03-262

DIGEST

Amends 844 IAC 6-1-2 to revise the definitions concerning physical therapists and physical therapist's assistants. Effective 30 days after filing with the secretary of state.

844 IAC 6-1-2

SECTION 1. 844 IAC 6-1-2 IS AMENDED TO READ AS FOLLOWS:

844 IAC 6-1-2 Definitions
Authority: IC 25-27-1-5
Affected: IC 25-27-1-2; IC 25-27-1-8

Sec. 2. (a) The definitions in this section apply throughout this article.

(b) "Advisory services" means providing recommendations within the scope of practice of physical therapy based upon an assessment or screening.

~~(b)~~ **(c)** "Board" refers to the medical licensing board of Indiana.

~~(c)~~ **(d)** "Bureau" refers to the health professions bureau.

~~(d)~~ **(e)** "Committee" refers to the Indiana physical therapy committee.

~~(e)~~ **(f)** "Direct supervision" means ~~that~~ **the following:**
(1) For supervision of the physical therapist's assistant under IC 25-27-1-2(c), the supervising physical therapist or physician ~~at all times~~ shall be available **at all times** and under all circumstances shall be absolutely responsible for the direction and the actions of the ~~person supervised~~ **physical therapist's assistant** when services are performed. ~~by the physical therapist's assistant or holder of a temporary permit issued under IC 25-27-1-8(d). For the holder of a temporary permit issued under IC 25-27-1-8(d), unless the supervising physical therapist or physician is on the premises to provide constant supervision, the holder of a temporary permit shall meet with the physical therapist or physician at least once each working day to review all patients' treatments. This meeting must include the actual presence of the physical therapist or physician and the holder of a temporary permit. The patient's care shall always be the responsibility of the supervising physical therapist or physician. Reports written by the holder of a temporary permit for inclusion in the patients' record shall be countersigned by the physical therapist or physician, who may enter any remarks, revisions, or additions, as the physical therapist or physician deems appropriate. With respect to the supervision of physical therapist's assistants under IC 25-27-1-2(c),~~ Unless the supervising physical therapist or physician is on the premises to provide constant supervision, the physical therapist's assistant shall consult with the supervising physical therapist or physician at least once each working day to review all patients' treatments. The supervising physical therapist or physician shall examine each patient not less than:

~~(1)~~ **(A)** every fourteen (14) days for inpatients in either a hospital or comprehensive rehabilitation facility;

~~(2)~~ **(B)** the earlier of every ninety (90) days or six (6) physical therapy visits for patients in a facility for the mentally retarded ~~(MR)~~ and developmentally disabled ~~(DD)~~ **(MR and DD)** and school system patients; and

~~(3)~~ **(C)** the earlier of every thirty (30) days or every fifteen (15) physical therapy visits for all other patients;

to review the patients' treatment and progress. If this daily consultation is not face-to-face, the physical therapist or physician may not supervise more than the equivalent of three (3) full-time physical therapist's assistants. A consultation between a supervising physical therapist or a physician and the physical therapist's assistant may be in person, by telephone, or by a telecommunications device for the deaf (TDD), so long as there is interactive communication concerning patient care. **The patient's care shall always be the responsibility of the supervising physical therapist or physician.**
(2) For supervision of the holder of a temporary permit issued under IC 25-27-1-8(d), the supervising physical therapist shall be available at all times and under all circumstances shall be absolutely responsible for the direction and the actions of the holder of a temporary permit when services are performed. Unless the supervising physical therapist is on the premises to provide constant supervision, the holder of a temporary permit shall meet with the supervising physical therapist at least once each working day to review all patients' treatments. This meeting must include the actual presence of the supervising physical therapist and the holder of a temporary permit. Reports written by the holder of a temporary permit for inclusion in the patients' record shall be countersigned by the physical therapist, who may enter any remarks, revisions, or additions, as the physical therapist deems appropriate. The patient's care shall always be the responsibility of the supervising physical therapist.

~~(f)~~ **(g)** "Physical therapist's assistant" means a person who is ~~registered~~ **certified** by the committee to assist in the practice of physical therapy under the direct supervision of a licensed physical therapist or under the direct supervision of a physician by performing those assigned physical therapy procedures identified in subsection ~~(g)(3),~~ **(h)(3),** but not those specified in subsection ~~(g)(1)~~ **(h)(1)** or ~~(g)(2).~~ **(h)(2).**

~~(g)~~ **(h)** "Physical therapy" includes, but is not limited to, such measures as the following:

(1) Performing and interpreting tests and measurements of neuromuscular, musculoskeletal, cardiac, and pulmonary

functions as a part of treatment, interpretation of physician referrals, initial patient evaluation, initial and ongoing treatment planning, periodic reevaluation of the patient, and adjustment of the treatment plan.
(2) Planning initial and subsequent treatment programs on the basis of test findings and within the orders of a referring practitioner who is licensed to practice medicine, osteopathic medicine, dentistry, podiatry, **psychology,** or chiropractic. ~~in the state of Indiana.~~
(3) Administering treatment through the use of physical, chemical, or other properties of heat or cold, light, water, electricity, massage, mechanical devices, and therapeutic exercise, which includes all types of physical rehabilitative techniques and procedures.

(i) "Research" means physical therapy evaluation and treatment for which the primary purpose and intent is the acquisition and compilation of data pursuant to a formal research plan for the advancement of the body of physical therapy knowledge.

(j) "Teaching" means either of the following:
(1) The provision of information about general public health matters and instruction in the use of exercise or therapy products available without prescription.
(2) Instruction in and demonstration of methods and techniques of physical therapy evaluation and treatment for which the primary purpose is the initial or continuing education of physical therapists, physical therapist's assistants, or supportive personnel.

(Medical Licensing Board of Indiana; 844 IAC 6-1-2; filed Mar 10, 1983, 3:59 p.m.: 6 IR 773; filed Jun 11, 1984, 1:02 p.m.: 7 IR 1937; filed Mar 6, 1986, 3:00 p.m.: 9 IR 1662; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2731; filed Apr 14, 1994, 5:00 p.m.: 17 IR 2077; filed Sep 22, 1994, 4:30 p.m.: 18 IR 261; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 22, 2004 at 9:45 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Medical Licensing Board of Indiana will hold a public hearing on proposed amendments to revise the definitions concerning physical therapists and physical therapist's assistants 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 858 CONTROLLED SUBSTANCES ADVISORY COMMITTEE

Proposed Rule
LSA Document #03-281

DIGEST

Amends 858 IAC 2-1 to revise the electronic prescription monitoring program. Effective 30 days after filing with the secretary of state.

858 IAC 2-1-1	**858 IAC 2-1-3**
858 IAC 2-1-2	**858 IAC 2-1-4**

SECTION 1. 858 IAC 2-1-1 IS AMENDED TO READ AS FOLLOWS:

858 IAC 2-1-1 Definitions
Authority: IC 35-48-7-12
Affected: IC 35-48-2; IC 35-48-7-3

Sec. 1. (a) As used in this article, "department" refers to the Indiana state police department.

(b) As used in this article, "dispense" means the actual or constructive transfer from one (1) person to another whether or not there is an agency relationship.

(c) As used in this article, "dispenser" has the meaning set forth in IC 35-48-7-3.

(d) As used in this article, "Schedule II controlled substance" means **a controlled substance classified in Schedule II:**
(1) ~~a controlled substance classified in Schedule II~~ under IC 35-48-2-6; or
(2) ~~a controlled substance classified in Schedule II~~ by rule adopted under IC 35-48-2-14.

(e) As used in this article, "Schedule III controlled substance" means a controlled substance classified in Schedule III:
(1) under IC 35-48-2-8; or
(2) by rule adopted under IC 35-48-2-14.

(f) As used in this article, "Schedule IV controlled substance" means a controlled substance classified in Schedule IV:
(1) under IC 35-48-2-10; or
(2) by rule adopted under IC 35-48-2-14.

(g) As used in this article, "Schedule V controlled substance" means a controlled substance classified in Schedule V:
(1) under IC 35-48-2-12; or
(2) by rule adopted under IC 35-48-2-14.

~~(e)~~ **(h)** As used in this article, "universal claim form" means a nationally recognized standard form developed by the National Council for Prescription Drug Programs used for billing drug claims to insurance plans. *(Controlled Substances*

Advisory Committee; 858 IAC 2-1-1; filed Oct 6, 1994, 1:30 p.m.: 18 IR 266; filed Jan 27, 2000, 7:49 a.m.: 23 IR 1383; readopted filed Nov 30, 2001, 2:47 p.m.: 25 IR 1344)

SECTION 2. 858 IAC 2-1-2 IS AMENDED TO READ AS FOLLOWS:

858 IAC 2-1-2 Applicability
Authority: IC 35-48-7-12
Affected: IC 35-48-7-8

Sec. 2. This article shall apply ~~only~~ to Schedule II, **III, IV, and V** controlled substances and shall not apply to ~~Schedule III, IV, or V controlled substances, nor to~~ any other drug. *(Controlled Substances Advisory Committee; 858 IAC 2-1-2; filed Oct 6, 1994, 1:30 p.m.: 18 IR 267; readopted filed Nov 30, 2001, 2:47 p.m.: 25 IR 1344)*

SECTION 3. 858 IAC 2-1-3 IS AMENDED TO READ AS FOLLOWS:

858 IAC 2-1-3 Prescription monitoring program
Authority: IC 35-48-7-12
Affected: IC 35-48-7-8

Sec. 3. (a) Each time a Schedule II, **III, IV, or V** controlled substance is dispensed, the dispenser shall transmit to the central repository **the following** information: ~~outlined in IC 35-48-7-8.~~

(1) The recipient's name.
(2) The recipient's or the recipient representative's identification number.
(3) The recipient's date of birth.
(4) The national drug code number of the controlled substance dispensed.
(5) The date the controlled substance is dispensed.
(6) The quantity of the controlled substance dispensed.
(7) The number of days of supply dispensed.
(8) The dispenser's United States Drug Enforcement Agency registration number.
(9) The dispenser's controlled substance registration number.
(10) The prescriber's United States Drug Enforcement Agency registration number.
(11) The prescriber's controlled substance registration number.
(12) An indication as to whether the prescription was transmitted to the pharmacist orally or in writing.

(b) Dispensers reporting more than twenty (20) Schedule II, **III, IV, or V** prescriptions in any given month must transmit to the central repository information outlined in ~~IC 35-48-7-8~~ **subsection (a)** utilizing one (1) of the following:

(1) An electronic device compatible with the receiving device of the central repository.
(2) A computer diskette.
(3) A magnetic tape.

(c) Dispensers reporting less than twenty (20) Schedule II, **III, IV, or V** prescriptions in any given month may submit data utilizing a universal claim form or transmit the information utilizing the ways outlined in subsection (b).

(d) The committee may grant a waiver to a dispenser which is unable to transmit the required data in accordance with subsection (b) for a period of one hundred eighty (180) days from the effective date of this rule which one hundred eighty (180) day period may be extended by the committee at its discretion. During the effective period of the waiver and any extension granted by the committee, the dispenser shall submit the required data in a format acceptable to the committee. *(Controlled Substances Advisory Committee; 858 IAC 2-1-3; filed Oct 6, 1994, 1:30 p.m.: 18 IR 267; readopted filed Nov 30, 2001, 2:47 p.m.: 25 IR 1344)*

SECTION 4. 858 IAC 2-1-4 IS AMENDED TO READ AS FOLLOWS:

858 IAC 2-1-4 Application for payment of pharmacy costs
Authority: IC 35-48-7-12
Affected: IC 35-48-7-9

Sec. 4. (a) Before the department will pay for the purchase of hardware to comply with the program, an applicant must file an application provided by the department and provide the following information:

(1) The dispenser's name, address, and Indiana license number.
(2) A detailed description of the dispenser's current computer hardware, including the name and manufacturer of all components.
(3) A detailed description of the hardware the dispenser intends to purchase and two (2) price quotes from computer hardware vendors.
(4) The reason why the dispenser believes the computer hardware will be necessary to comply with the program.
(5) The number of Schedule II, **III, IV, and V** prescriptions the pharmacy dispenses in any given month.

(b) Upon receipt of an application requesting that the department pay for computer hardware, the committee shall evaluate the dispenser's current technology in determining whether the dispenser would be required to purchase new computer hardware. The committee shall take into account the ability of the dispenser to utilize any one (1) of the methods outlined in section 3 of this rule.

(c) The central repository shall provide grants to software vendors to update software in order for dispensers to comply with the program as outlined in contract form.

(d) The department and the central repository shall pay for telephone access charges, line charges, and switch charges for

transmission of data by dispensers to the central repository. *(Controlled Substances Advisory Committee; 858 IAC 2-1-4; filed Oct 6, 1994, 1:30 p.m.: 18 IR 267; filed Jan 27, 2000, 7:49 a.m.: 23 IR 1384; readopted filed Nov 30, 2001, 2:47 p.m.: 25 IR 1344)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 23, 2004 at 9:30 a.m., at the Health Professions Bureau, Indiana Government Center-South, 402 West Washington Street, Conference Center Room W064, Indianapolis, Indiana the Controlled Substances Advisory Committee will hold a public hearing on proposed amendments to revise the electronic prescription monitoring program. 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 876 INDIANA REAL ESTATE COMMISSION

Proposed Rule
LSA Document #03-225

DIGEST

Amends 876 IAC 3-6-2 to incorporate by reference the 2004 edition of the Uniform Standards of Professional Appraisal Practice (USPAP). Amends 876 IAC 3-6-3 to update the revisions to USPAP based upon the changes in the 2004 edition. Effective 30 days after filing with the secretary of state.

876 IAC 3-6-2
876 IAC 3-6-3

SECTION 1. 876 IAC 3-6-2, AS AMENDED AT 26 IR 3043, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-6-2 Uniform Standards of Professional Appraisal Practice

Authority: IC 25-34.1-3-8
Affected: IC 4-22-2; IC 25-34.1

Sec. 2. (a) That certain document being titled Uniform Standards of Professional Appraisal Practice, ~~2003~~ **2004** edition, as published by the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005, copyright ~~2003,~~ **2004,** is hereby incorporated by reference as if fully set out in this rule except for the revisions stated in section 3 of this rule. The Statements on Appraisal Standards are adopted as part of this rule. The Advisory Opinions are not adopted as part of this rule. The Comments are adopted as part of this rule.

(b) No subsequent editions, amendments, supplements, or releases of the Uniform Standards of Professional Appraisal Practice will be in effect in Indiana or adopted by the commission except by following the rulemaking provisions of IC 4-22-2.

(c) As used in this article, "appraiser" refers to the following:
(1) Indiana licensed trainee appraiser.
(2) Indiana licensed residential appraiser.
(3) Indiana certified residential appraiser.
(4) Indiana certified general appraiser.
(Indiana Real Estate Commission; 876 IAC 3-6-2; filed Sep 24, 1992, 9:00 a.m.: 16 IR 748; filed Dec 8, 1993, 4:00 p.m.: 17 IR 781; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1766; filed May 10, 1999, 12:42 p.m.: 22 IR 2879; filed Apr 24, 2000, 12:48 p.m.: 23 IR 2243; filed May 25, 2001, 2:42 p.m.: 24 IR 3068; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed May 13, 2002, 2:05 p.m.: 25 IR 3181; filed May 1, 2003, 12:15 p.m.: 26 IR 3043)

SECTION 2. 876 IAC 3-6-3, AS AMENDED AT 26 IR 3044, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-6-3 Deletions from the Uniform Standards of Professional Appraisal Practice

Authority: IC 25-34.1-3-8
Affected: IC 25-1-11-5; IC 25-34.1

Sec. 3. (a) Standards 6 through 10 are deleted.

(b) The references to Standards 6 through 10 of the Uniform Standards of Professional Appraisal Practice are deleted or revised as follows:
(1) In the Comment under the definition of "REPORT", delete the following:
(A) "personal property".
(B) "Appraisal Report: a written report prepared under Standards Rule 10-2(a)".
(C) "or 8-2(a)".
(D) "or 8-2(b)".
(E) The comma after 2-2(c) and "8-2(c) or 10-2(b)".
(2) **Under the fourth paragraph of the Preamble, in the sixth bullet point,** delete **"ten" from the first sentence and** the last three (3) sentences. ~~of the fifth paragraph of the Preamble.~~
(3) In the third sentence in the Ethics Rules, ~~in the Preamble,~~ delete "Standards 1 through 10" and insert "Standards 1 through 5".
(4) In the second Comment under the Ethics Rule, ~~in the Preamble,~~ delete the comma after "5-3" and "6-8, 8-3, and 10-3" and before "5-3", insert "and".
(5) In the second Comment under the Management category of the Ethics Rule, ~~in the Preamble,~~ delete the comma after

"5-3" and "6-8, 8-3, or 10-3" and before "5-3", insert "or".
(6) In the last paragraph of the Comment under the Record Keeping category under the Ethics Rule, ~~in the Preamble,~~ delete **"STANDARDS 2 and 8" and insert "STANDARD 2", delete "or an Appraisal Report (for assignments under STANDARD 10),", and delete** the comma after "2-2(c)(ix)" and "8-2(c)(ix), and 10-2(b)(ix)".
(7) In the third to last paragraph of the Comment following the Departure Rule, ~~in the Preamble,~~ delete "6-7(p), 8-2(a)(xi), 8-2(b)(xi), 8-2(c)(xi), 10-2(a)(x), and 10-2(b)(x)" and before "2-2(c)(xi)", insert "and".
(8) In the next to last paragraph of the Comment following the Departure Rule, ~~in the Preamble,~~ delete the comma after "5-3" and "6-1, 6-3, 6-6, 6-7, 6-8, 7-1, 7-2, 7-5, 7-6, 8-1, 8-2, 8-3, 9-1, 9-2, 9-3, 9-5, 10-1, 10-2, and 10-3" and before "5-3", insert "and".
(9) In the Comment under Standards Rule 1-4(g), delete "(See Standard 7)" and "(See Standard 9)".
(10) In the **last paragraph of the** Comment under Standard 3, delete the comma after "5-3" and "6-8, 8-3, and 10-3" and before "5-3", insert "and".
(11) In two (2) locations that appear in the Comment under Standard 3-1(c), delete "(STANDARD 1, 4, 6, 7, or 9)" and insert "(STANDARD 1 or 4)".
(12) Delete the last sentence in the Comment under Standard 3-2(d) and insert the following: "However, ~~changes to the report content~~ **data and analyses provided** by the reviewer to support a different value conclusion must match, at a minimum, the reporting requirements for a Summary Appraisal Report for real property appraisal (SR 2-2(b)) and an appraisal consulting report for real property appraisal consulting (SR 5-2).".
(13) Any references to Standards 6 through 10 in the Statements on Appraisal Standards are deleted and shall not apply.

(c) In the Definitions, delete the title and text of the Comment under Real Property.

~~(c)~~ **(d)** Delete the ~~second~~ **third** paragraph of the Preamble.

~~(d) In the Preamble,~~ **(e)** Add the following sentences to the end of the text of **the** Supplemental Standards **Rule,** "Any such supplemental standard shall not be considered part of this title. However, this does not preclude the possibility of disciplinary sanctions under IC 25-1-11-5(a)(3) where appropriate.".

~~(e) In the Definitions in the Preamble, delete the title and text of the Comment under Real Property.~~ *(Indiana Real Estate Commission; 876 IAC 3-6-3; filed Sep 24, 1992, 9:00 a.m.: 16 IR 748; filed Dec 8, 1993, 4:00 p.m.: 17 IR 781; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; errata filed May 8, 1995, 4:30 p.m.: 18 IR 2262; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1767; filed May 10, 1999, 12:42 p.m.: 22 IR 2880; errata, 22 IR 3420; filed Apr 24, 2000, 12:48 p.m.: 23 IR 2244; filed May 25, 2001, 2:42 p.m.: 24 IR 3068; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed May 13, 2002, 2:05 p.m.: 25 IR 3181; filed May 1, 2003, 12:15 p.m.: 26 IR 3044)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 22, 2004 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 12, Indianapolis, Indiana the Indiana Real Estate Commission will hold a public hearing on proposed amendments to incorporate by reference the 2004 edition of the Uniform Standards of Professional Appraisal Practice (USPAP) and to update the revisions to USPAP based upon the changes in the 2004 edition. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley
Executive Director
Professional Licensing Agency

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

Proposed Rule
LSA Document #03-38

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 concerning 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. This document was revised and resubmitted for publication.* 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)*

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 samples 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)

SECTION 3. 905 IAC 1-5.2-9 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 26, 2004 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on proposed new rules concerning retail and consumer sampling rules. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Mark C. Webb
Executive Secretary
Alcohol and Tobacco Commission

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

Proposed Rule
LSA Document #03-96

DIGEST

Adds 905 IAC 1-35.1 to establish rules regulating the sale of alcoholic beverages at auto race tracks under IC 7.1-3-6-16 and IC 7.1-3-14-6 and to provide definitions and procedures to implement said statutes. *NOTE: Under IC 4-22-2-40, LSA Document #03-96, printed at 26 IR 3745, was recalled by the Alcohol and Tobacco Commission. This document was revised and resubmitted for publication.* Effective 30 days after filing with the secretary of state.

905 IAC 1-35.1

SECTION 1. 905 IAC 1-35.1 IS ADDED TO READ AS FOLLOWS:

Rule 35.1. Auto Race Tracks

905 IAC 1-35.1-1 Definitions
Authority: IC 7.1-2-3-7
Affected: IC 7.1-3-1-25; IC 7.1-3-6-16; IC 7.1-3-14-6; IC 7.1-5-7-11

Sec. 1. The following definitions apply throughout this rule:
(1) "Auto race track" means an outdoor facility with the main purpose and function being organized sporting competition but does not include the following:
(A) A facility to which IC 7.1-3-1-25(a) applies.
(B) A tract that contains a premises used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing.
(2) "Organized sporting competition" means a sporting event sanctioned by a nationally chartered and recognized governing or regulating body for automobile, motorcycle, or truck racing.
(Alcohol and Tobacco Commission; 905 IAC 1-35.1-1)

905 IAC 1-35.1-2 Basic qualifications
Authority: IC 7.1-2-3-7
Affected: IC 7.1-3-6-16; IC 7.1-3-14-6

Sec. 2. In order to qualify as an auto race track, a premises shall meet the following requirements:
(1) Meet all of the requirements of the underlying one-way or two-way alcoholic beverage permit.
(2) Be totally enclosed by some type of finite boundary that prohibits free ingress and egress except for entrances and exits, which must be so designated that they are easily controlled by the permittee.
(3) Be regularly used (at least seasonally) for organized sporting competition.
(Alcohol and Tobacco Commission; 905 IAC 1-35.1-2)

905 IAC 1-35.1-3 Ownership of the permit
Authority: IC 7.1-2-3-7
Affected: IC 7.1-3-4-2

Sec. 3. The holder of the alcoholic beverage permit must be either the owner or the lessee of the land and of the buildings on which the auto race track is located. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-3)*

905 IAC 1-35.1-4 Minimum food services required
Authority: IC 7.1-2-3-7
Affected: IC 7.1-3-6-16; IC 7.1-3-14-6

Sec. 4. The auto race track must maintain the minimum food requirements of 905 IAC 1-20. Such food service must be available at all times when alcoholic beverages are being dispensed anywhere upon the licensed premises. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-4)*

905 IAC 1-35.1-5 Floor plan approval
Authority: IC 7.1-2-3-7
Affected: IC 7.1-3

Sec. 5. The floor plan and any changes therein of the auto race track must be approved by the commission. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-5)*

905 IAC 1-35.1-6 Areas where alcoholic beverages may be dispensed
Authority: IC 7.1-2-3-7
Affected: IC 7.1-3-6-16; IC 7.1-3-14-6

Sec. 6. (a) Alcoholic beverages, for on-premises consumption only, may be dispensed only from the service window and snack stands within the approved boundaries of the auto race track.

(b) The snack stands must be a permanent or semipermanent structure and meet the minimum food requirements of 905 IAC 1-20, except for hot soup. A tent is not acceptable. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-6)*

905 IAC 1-35.1-7 Sales of alcoholic beverages
Authority: IC 7.1-2-3-7; IC 7.1-3-1-14; IC 7.1-5-8-6; IC 7.1-5-10-1
Affected: IC 7.1-3-4-6

Sec. 7. (a) Alcoholic beverages may be dispensed from the snack stand beginning one (1) hour prior to the start of an organized sporting competition and must cease within one (1) hour after the end of the competition providing the hours are within the statutory limits of IC 7.1-3-1-14 and IC 7.1-5-10-1.

(b) There shall be no carryout sales allowed from any location at any time.

(c) No alcoholic beverages may be carried into or upon the auto race track whether or not alcoholic beverages are

being dispensed by the permit holder. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-7)*

905 IAC 1-35.1-8 Adherence to sporting rules
Authority: IC 7.1-2-3-7
Affected: IC 7.1-2

Sec. 8. The auto race track shall comply with all applicable rules and regulations of the recognized sanctioning body of a given sporting event regarding the service of alcoholic beverages. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-8)*

905 IAC 1-35.1-9 Filing of sanctioning organizations
Authority: IC 7.1-2-3-7
Affected: IC 7.1-3-6-16; IC 7.1-3-14-6

Sec. 9. In addition to all other required paperwork for new permits or the renewal of any existing permit, the applicant or permit holder seeking approval to be classified as an auto race track shall file with the commission a list of all sanctioning organizations that will or may be reasonably expected to sanction sporting competition at the auto race track. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-9)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 26, 2004 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on proposed rules to establish the procedures for the sale of alcoholic beverages at auto race tracks. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Mark C. Webb
Executive Secretary
Alcohol and Tobacco Commission

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

Proposed Rule
LSA Document #03-279

DIGEST

Adds 905 IAC 1-46 to establish rules regulating the placement of tobacco sales certificates issued under IC 7.1-3-18.5, et seq. and to provide penalties for noncompliance. Effective 30 days after filing with the secretary of state.

905 IAC 1-46

SECTION 1. 905 IAC 1-46 IS ADDED TO READ AS FOLLOWS:

Rule 46. Tobacco Retail Sales Certificates

905 IAC 1-46-1 Display of sales certificate
Authority: IC 7.1-2-3-7; IC 7.1-3-18.5-4
Affected: IC 7.1-3-18.5

Sec. 1. A tobacco retail sales certificate issued under IC 7.1-3-18.5 must be prominently displayed in a manner clearly visible from the main entrance to the area where tobacco sales are conducted. *(Alcohol and Tobacco Commission; 905 IAC 1-46-1)*

905 IAC 1-46-2 Penalty for noncompliance
Authority: IC 7.1-2-3-7; IC 7.1-3-23-2; IC 7.1-3-23-3
Affected: IC 7.1-3-18.5

Sec. 2. (a) A tobacco retailer who fails to display a tobacco retailer sales certificate in the manner prescribed in section 1 of this rule may be fined in an amount of up to one hundred dollars ($100) for each offense.

(b) Each day in which a violation of this rule remains uncorrected is a separate offense.

(c) Each location at which a violation of this rule remains uncorrected is a separate offense. *(Alcohol and Tobacco Commission; 905 IAC 1-46-2)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 26, 2004 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on a proposed new rule governing the display of tobacco retail sales certificates. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Mark C. Webb
Executive Secretary
Alcohol and Tobacco Commission

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

Proposed Rule
LSA Document #03-280

DIGEST

Adds 905 IAC 1-47 to establish rules defining a municipal

riverfront development project under IC 7.1-3-20-16. Effective 30 days after filing with the secretary of state.

905 IAC 1-47

SECTION 1. 905 IAC 1-47 IS ADDED TO READ AS FOLLOWS:

Rule 47. Municipal Riverfront Development Projects

905 IAC 1-47-1 Definition
Authority: IC 7.1-2-3-7
Affected: IC 7.1-3-20-16; IC 36-1-2-9

Sec. 1. (a) As used in this rule, "municipal riverfront development project" refers to a project authorized under IC 7.1-3-20-16(d).

(b) In order to qualify for a permit under this rule, an applicant must demonstrate that the municipal riverfront development project area where the permit is to be located meets the following criteria:
(1) The project boundaries must border on at least one (1) side of a river.
(2) The proposed permit premises may not be located more than one thousand five hundred (1,500) feet or three (3) city blocks from the river, whichever is greater.
(3) The project must be funded in part with state and city money.
(4) The boundaries of the municipal riverfront development project must be designated by ordinance or resolution by the legislative body as defined in IC 36-1-2-9(3) or IC 36-1-2-9(4) of the city in which the project is located.

(c) Proof of compliance with subsection (b) shall consist of the following documentation, which is required at the time the permit application is filed with the commission:
(1) A detailed map showing definite boundaries of the entire municipal riverfront development project and the location of the proposed permit located therein.
(2) A copy of the local ordinance or resolution of the local governing body authorizing the municipal riverfront development project.
(3) Detailed information concerning the expenditures of state and city funds on the municipal riverfront development project.

(d) At the request of the mayor with the support of the legislative body, the commission may consider an application for a proposed permit premises, the location of which does not meet the criteria of subsection (b)(2), provided that all other requirements of this rule are satisfied. *(Alcohol and Tobacco Commission; 905 IAC 1-47-1)*

905 IAC 1-47-2 Former permit premises excluded
Authority: IC 7.1-2-3-7
Affected: IC 7.1-3-20-16; IC 7.1-3-22-3; IC 7.1-3-24

Sec. 2. A permit may not be issued under this rule if the proposed permit premises is the location of an existing three-way permit covered by IC 7.1-3-22-3. *(Alcohol and Tobacco Commission; 905 IAC 1-47-2)*

905 IAC 1-47-3 Applicability to existing permit applications
Authority: IC 7.1-2-3-7
Affected: IC 7.1-3-20-16; IC 7.1-3-24

Sec. 3. This rule does not apply to applications covered by IC 7.1-3-20-16(d) that were received prior to the effective date of this rule. *(Alcohol and Tobacco Commission; 905 IAC 1-47-3)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 26, 2004 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on a proposed new rule governing municipal riverfront development projects. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Mark C. Webb
Executive Secretary
Alcohol and Tobacco Commission

Readopted Rules

Intent to Readopt Rules
Natural Resources Commission 1294
Final Readopted Rules
Indiana Gaming Commission 1295
Fire Prevention and Building Safety Commission 1299

TITLE 312 NATURAL RESOURCES COMMISSION

Notice of Intent
LSA Document #03-315

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

OVERVIEW: Rules to be readopted without changes are as follows:

312 IAC 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

Questions or comments on the readoption may be directed by mail to the Natural Resources Commission, Division of Hearings, Indiana Government Center-South, 402 W. Washington St., Room W272, Indianapolis, IN 46204, or by electronic mail to jkane@dnr.state.in.us. Statutory authority: IC 14-10-2-4.

TITLE 68 INDIANA GAMING COMMISSION

Final Rule
LSA Document #03-132(F)

DIGEST

Readopts 68 IAC 4 as it currently appears in the Administrative Code. Under IC 4-22-2.5-4, the Indiana Gaming Commission received a written request to separately consider 68 IAC 4. Under IC 4-22-2.5-4(b)(2), the Indiana Gaming Commission is now following the procedure for adoption of administrative rules under IC 4-22-2 with respect to 68 IAC 4. Under IC 4-22-2.5-5 and Executive Order 02-22, printed at 26 IR 1746, 68 IAC 4 will expire on January 1, 2004, unless readopted. Effective 30 days after filing with the secretary of state.

68 IAC 4-1-1	**68 IAC 4-1-6**
68 IAC 4-1-2	**68 IAC 4-1-7**
68 IAC 4-1-3	**68 IAC 4-1-8**
68 IAC 4-1-4	**68 IAC 4-1-9**
68 IAC 4-1-5	**68 IAC 4-1-10**

SECTION 1. UNDER IC 4-22-2.5-4, 68 IAC 4-1-1 IS READOPTED TO READ AS FOLLOWS:

68 IAC 4-1-1 Definitions
Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9; IC 23-2-1-1

Sec. 1. The following definitions apply throughout this rule:
(1) "Current market price" means the average of the daily closing prices for the twenty (20) consecutive trading days immediately preceding the date of such transaction or the closing price on the day immediately preceding the date of the transaction, whichever is higher. For the purpose of this definition, the closing price shall be determined as follows:
(A) If the security is admitted to trading or listed on the principal national securities and exchange, the closing price for each day shall be:
(i) the last reported sale price, regular way; or
(ii) in case no such reported sale takes place on such day, the average of the last reported bid and asked prices, regular way.
In either case, the closing price on the principal national securities and exchange registered under the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) on which such security is admitted to trading or listed.
(B) If the security is not listed or admitted to trading on any national securities exchange, the closing price for each day shall be:
(i) the closing price of such security; or
(ii) in case no reported sale takes place, the average of the closing bid and asked prices on NASDAQ or any comparable system.
(C) If the security is not listed or quoted on NASDAQ or on any comparable system, the closing price for each day shall be:
(i) the closing sale price; or
(ii) in case no reported sale takes place, the average of the closing bid and asked prices, as furnished by any member of the National Association of Securities Dealers, Inc., selected from time to time by the issuer for that purpose.
(2) "Holding company" means any corporation, firm, partnership, trust, limited liability company, or other form of business entity that meets the following criteria:
(A) Directly or indirectly:
(i) owns;
(ii) has the power or right to vote or control; or
(iii) holds with the power to vote;
all or any part of the stock, interest, or other voting security of a business entity that holds or has applied for an Indiana riverboat owner's license or a supplier's license.
(B) Indirectly holds, holds, or owns any power, right, or security if it does so through any interest in a subsidiary or successive subsidiary, however, many such subsidiaries may intervene between the holding company and the holder or applicant for a riverboat owner's license or a supplier's license.
(3) "Intermediary company" means any corporation, firm, partnership, trust, limited liability company, or other form of business entity that meets the following criteria:
(A) Is a holding company of a holder or an applicant for a riverboat owner's license or a supplier's license.
(B) Is a subsidiary with respect to any holding company.
(4) "Public offering" means a sale of voting securities that is subject to the registration requirements of Section 5 of the Securities Act of 1933 (15 U.S.C. 78a et seq.), or that is exempt from such requirements solely by reason of an exemption contained in either:
(A) Section 3(a)(10), 3(a)(11), or 3(c) of the Securities Act of 1933 (15 U.S.C. 78a et seq.); or
(B) Regulation A or Regulation D adopted under Section 3(b) of the Securities Act of 1933 (15 U.S.C. 78a et seq.).
(5) "Publicly traded corporation" means the following:
(A) Any person, other than an individual, that:
(i) has one (1) or more classes of voting securities registered under Section 12 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.);
(ii) issues securities and is subject to Section 15(d) of the Securities Act of 1934 (15 U.S.C. 78a et seq.); or
(iii) has one (1) or more classes of voting securities exempted from the registration requirements of Section 5 of the Securities Act of 1933 (15 U.S.C. 78a et seq.) due to an exemption contained in Section 3(a)(10), 3(a)(11), or 3(c) of the Securities Act of 1933 (15 U.S.C. 78a et seq.);
or any other company required to file under the Securities and Exchange Act of 1934.
(B) Any person, other than an individual, created under the laws of a foreign country that:

(i) has one (1) or more classes of voting securities registered on that country's securities exchange or over-the-counter market; and

(ii) the commission has determined that the business entity's activities are regulated in a manner that protects the investors and Indiana.

The term includes any person, other than an individual, that has securities registered or is an issuer under this definition solely because it guaranteed a security issued by an affiliate under a public offering and is considered by the Securities and Exchange Commission to be a co-issuer of a public offering of securities under Rule 140 of the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.).

(6) "Security" has the meaning set forth in IC 23-2-1-1(k).

(7) "Subsidiary" means any firm, partnership, trust, limited liability company, or other form of business organization, all or any interest of which is:

(A) owned;

(B) subject to a power or right of control; or

(C) held with power to vote;

directly, indirectly, or in conjunction with a holding company or intermediary company.

(8) "Voting security" means a security the holder of which is entitled to vote generally for the election of a member or members of the board of directors or board of trustees of a corporation or a comparable person or persons in the case of a partnership, trust, or other form of business organization other than a corporation.

(Indiana Gaming Commission; 68 IAC 4-1-1; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1026; readopted and extended filed Dec 1, 2003, 9:45 a.m.: 27 IR 1295)

SECTION 2. UNDER IC 4-22-2.5-4, 68 IAC 4-1-2 IS READOPTED TO READ AS FOLLOWS:

68 IAC 4-1-2 Applicability

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 2. (a) This rule applies to publicly traded corporations holding riverboat owners' licenses, certificates of suitability, or supplier licenses in Indiana and riverboat licensees, riverboat license applicants, or supplier licensees owned directly or indirectly by a publicly traded corporation, whether through a subsidiary or intermediary company thereof, where such ownership interest directly or indirectly is, or will be upon approval by the commission, five percent (5%) or more of the entire riverboat licensee, riverboat license applicant, or supplier licensee.

(b) If the commission determines that a publicly traded corporation, or a subsidiary, intermediary company, or holding company thereof has the actual ability to exercise influence over a riverboat licensee or supplier licensee, regardless of the percentage of ownership possessed by the entity, the commission may require the entity to comply with this rule. *(Indiana Gaming Commission; 68 IAC 4-1-2; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1027; readopted and extended filed Dec 1, 2003, 9:45 a.m.: 27 IR 1296)*

SECTION 3. UNDER IC 4-22-2.5-4, 68 IAC 4-1-3 IS READOPTED TO READ AS FOLLOWS:

68 IAC 4-1-3 Public offerings

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 3. A riverboat licensee, riverboat license applicant, supplier licensee, affiliate, or controlling person thereof commencing a public offering must notify the commission, with regard to a public offering to be registered with the Securities and Exchange Commission, no later than ten (10) business days after the initial filing of a registration statement with the Securities and Exchange Commission, or, with regard to any other type of public offering, no later than ten (10) business days prior to the public use or distribution of any offering document, if:

(1) the riverboat licensee, supplier licensee, affiliate, or controlling person thereof intending to issue the voting securities is not a publicly traded corporation; or

(2) the riverboat licensee, supplier licensee, affiliate, or controlling person thereof intending to issue the voting securities is a publicly traded corporation and if the proceeds of the offering, in whole or in part, are intended to be used:

(A) to pay for the construction of a gambling operation to be owned or operated by the licensee in Indiana;

(B) to acquire any direct or indirect interest in a gambling operation located in Indiana or a supplier licensee;

(C) to finance the operation of a gambling operation in Indiana by the licensee; or

(D) to retire or extend obligations incurred for one (1) or more purposes set forth in clause (A), (B), or (C).

(Indiana Gaming Commission; 68 IAC 4-1-3; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1027; readopted and extended filed Dec 1, 2003, 9:45 a.m.: 27 IR 1296)

SECTION 4. UNDER IC 4-22-2.5-4, 68 IAC 4-1-4 IS READOPTED TO READ AS FOLLOWS:

68 IAC 4-1-4 Notice of public offering

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 4. A person notifying the commission of a public offering shall disclose the following information:

(1) A description of the voting securities to be offered.

(2) The proposed terms upon which the voting securities are to be offered.

(3) The anticipated gross and net proceeds of the offering, including a detailed list of expenses.

(4) The use of the proceeds.

(5) The name and address of the lead underwriter.

(6) The forms of the underwriting agreement, the agreement underwriters, if any, and the selected dealers agreements, if any.
(7) A statement of intended compliance with all applicable federal, state, local, and foreign securities laws.
(8) The names and addresses of the riverboat licensee or supplier licensee's counsel for such public offering, independent auditors, and special consultants for the offering.
(9) If any voting securities to be issued are not to be offered to the general public, the general nature of the offerees and the form of the offering.
(10) Any other offering material filed with the Securities and Exchange Commission that is required to be submitted pursuant to the direction of the Securities and Exchange Commission.
(Indiana Gaming Commission; 68 IAC 4-1-4; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1027; readopted and extended filed Dec 1, 2003, 9:45 a.m.: 27 IR 1296)

SECTION 5. UNDER IC 4-22-2.5-4, 68 IAC 4-1-5 IS READOPTED TO READ AS FOLLOWS:

68 IAC 4-1-5 Fraudulent and deceptive practices prohibited
Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9; IC 23-2-1

Sec. 5. A disciplinary action may be initiated under 68 IAC 13 if any person, in connection with the purchase or sale of any security issued by a riverboat licensee, supplier licensee, affiliate, or controlling person thereof is:
(1) found guilty of;
(2) pleads nolo contendere to;
(3) is the subject of a final cease and desist order with respect to;
(4) is subject to an order of permanent injunction issued on the basis of; or
(5) is the subject of a similar final action taken on the basis of;
a violation of Rule 10b-5 promulgated by the Securities and Exchange Commission under Section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or a violation of IC 23-2-1. *(Indiana Gaming Commission; 68 IAC 4-1-5; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1028; readopted and extended filed Dec 1, 2003, 9:45 a.m.: 27 IR 1297)*

SECTION 6. UNDER IC 4-22-2.5-4, 68 IAC 4-1-6 IS READOPTED TO READ AS FOLLOWS:

68 IAC 4-1-6 Submission of proxy and information statements
Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 6. Each publicly traded corporation that is a riverboat licensee or supplier licensee shall, within ten (10) business days after distributing any:
(1) proxy statement subject to Regulation 14A of the Securities and Exchange Commission; or
(2) information statement subject to Regulation 14C of the Securities and Exchange Commission;
to its security holders, submit such proxy statement or information statement to the commission. *(Indiana Gaming Commission; 68 IAC 4-1-6; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1028; readopted and extended filed Dec 1, 2003, 9:45 a.m.: 27 IR 1297)*

SECTION 7. UNDER IC 4-22-2.5-4, 68 IAC 4-1-7 IS READOPTED TO READ AS FOLLOWS:

68 IAC 4-1-7 Reporting requirements
Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 7. (a) A publicly traded corporation that is a riverboat licensee, a riverboat license applicant, or a supplier licensee which files:
(1) Form 10;
(2) Form 10-Q;
(3) Form 10-K;
(4) Form 8-K;
(5) Form 1-A;
(6) Registration Statement S-1;
(7) Registration Statement SB-2;
(8) Registration Statement 10-SB;
(9) Report 10-KSB;
(10) Report 10-QSB;
(11) Schedule 13e-3;
(12) Schedule 14D-9; or
(13) any filing required by Rule 14f-1 promulgated under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);
shall, within ten (10) business days of filing the document with the Securities and Exchange Commission, file three (3) copies of such document with the commission.

(b) A publicly traded corporation that is a riverboat licensee or supplier licensee that receives any material document filed with the Securities and Exchange Commission by any other person relating to such publicly traded corporation shall, within ten (10) business days following such receipt, file one (1) copy of such document with the commission.

(c) A publicly traded corporation that is a riverboat licensee or supplier licensee shall file a list of recordholders and beneficial owners of its voting securities with the commission annually.

(d) A publicly traded corporation that is a riverboat or supplier licensee shall report to the commission the election or appointment of any director, executive officer, or any other officer of the licensee, holding company, or intermediary company thereof who is actively and directly engaged in the

administration or supervision of the riverboat gambling operation or the supplier licensee.

(e) A publicly traded corporation that is a riverboat licensee or supplier licensee shall advise the commission, in writing, that a key person or substantial owner of the publicly traded corporation has disposed of any of such publicly traded corporation's voting securities by the fifteenth day of the month following the transaction.

(f) A riverboat licensee, supplier licensee, intermediary, or holding company thereof shall file any other document requested by the commission to ensure compliance with the Act or this title within thirty (30) days or such other time established by the commission. *(Indiana Gaming Commission; 68 IAC 4-1-7; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1028; readopted and extended filed Dec 1, 2003, 9:45 a.m.: 27 IR 1297)*

SECTION 8. UNDER IC 4-22-2.5-4, 68 IAC 4-1-8 IS READOPTED TO READ AS FOLLOWS:

68 IAC 4-1-8 Required charter provisions
Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 8. (a) The following provisions, or similar provisions approved by the executive director in accordance with subsection (d), must be included in the articles of incorporation, or similar organization documents, of each publicly traded riverboat licensee or supplier licensee: "The [corporation] [partnership] [limited liability company] shall not issue five percent (5%) or greater of any voting securities or other voting interests to a person except in accordance with the provisions of the Indiana Riverboat Gambling Act (IC 4-33) and the rules promulgated thereunder (68 IAC). The issuance of any voting securities or other voting interests in violation thereof shall be void and such voting securities or other voting interests shall be deemed not to be issued and outstanding until one (1) of the following occurs:

(1) The [corporation] [partnership] [limited liability company] shall cease to be subject to the jurisdiction of the Indiana Gaming Commission.

(2) The Indiana Gaming Commission shall, by affirmative action, validate said issuance or waive any defect in issuance.

No voting securities or other voting interests issued by the [corporation] [partnership] [limited liability company] and no interest, claim, or charge of five percent (5%) or greater therein or thereto shall be transferred in any manner whatsoever except in accordance with the provisions of the Indiana Riverboat Gambling Act (IC 4-33) and rules promulgated thereunder (68 IAC). Any transfer in violation thereof shall be void until one (1) of the following occurs:

(1) The [corporation] [partnership] [limited liability company] shall cease to be subject to the jurisdiction of the Indiana Gaming Commission.

(2) The Indiana Gaming Commission shall, by affirmative action, validate said transfer or waive any defect in said transfer.

If the Indiana Gaming Commission at any time determines that a holder of voting securities or other voting interests of this [corporation] [partnership] [limited liability company] shall be denied the application for transfer, then the issuer of such voting securities or other voting interests may, within thirty (30) days after the denial, purchase such voting securities or other voting interests of such denied applicant at the lesser of:

(1) the market price of the ownership interest; or

(2) the price at which the applicant purchased the ownership interest;

unless such voting securities or other voting interests are transferred to a suitable person (as determined by the commission) within thirty (30) days after the denial of the application for transfer of ownership.

Until such voting securities or other voting interests are owned by persons found by the commission to be suitable to own them, the following restrictions must be followed:

(1) The [corporation] [partnership] [limited liability company] shall not be required or permitted to pay any dividend or interest with regard to the voting securities or other voting interests.

(2) The holder of such voting securities or other voting interests shall not be entitled to vote on any matter as the holder of the voting securities or other voting interests, and such voting securities or other voting interests shall not for any purposes be included in the voting securities or other voting interests of the [corporation] [partnership] [limited liability company] entitled to vote.

(3) The [corporation] [partnership] [limited liability company] shall not pay any remuneration in any form to the holder of the voting securities or other voting interests as provided in this paragraph.".

(b) A riverboat license applicant must be in compliance with subsection (a) prior to the commission issuing the riverboat owner's license under 68 IAC 2-1.

(c) A supplier licensee must be in compliance with subsection (a) within forty-five (45) days of receiving a permanent supplier's license under 68 IAC 2-2. Each supplier licensee must file one (1) copy of the amended articles of incorporation or similar organization documents within fifty (50) days of receiving a permanent supplier's license.

(d) A riverboat license applicant, riverboat licensee, or supplier licensee must submit similar charter provisions to the executive director at least thirty (30) days prior to the public offering for approval. The executive director shall notify the riverboat license applicant, riverboat licensee, or supplier licensee, in writing, that the charter provisions are acceptable. *(Indiana Gaming Commission; 68 IAC 4-1-8; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1028; readopted and extended filed Dec 1, 2003, 9:45 a.m.: 27 IR 1298)*

SECTION 9. UNDER IC 4-22-2.5-4, 68 IAC 4-1-9 IS READOPTED TO READ AS FOLLOWS:

68 IAC 4-1-9 Consequences of violation of rule
Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 9. If the commission determines that a riverboat licensee, a riverboat license applicant, or a supplier licensee has violated or is in violation of this rule, the commission may initiate an investigation, a disciplinary action, or both, under 68 IAC 13. *(Indiana Gaming Commission; 68 IAC 4-1-9; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1029; readopted and extended filed Dec 1, 2003, 9:45 a.m.: 27 IR 1299)*

SECTION 10. UNDER IC 4-22-2.5-4, 68 IAC 4-1-10 IS READOPTED TO READ AS FOLLOWS:

68 IAC 4-1-10 Waiver, alteration, or restriction of requirements
Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-21
Affected: IC 4-33-5; IC 4-33-6; IC 4-33-9

Sec. 10. The commission may waive, alter, or restrict any requirement or procedure set forth in this rule if the commission determines that the requirement or procedure is impractical or burdensome and the waiver, alteration, or restriction is in the best interest of the public and the gaming industry and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. *(Indiana Gaming Commission; 68 IAC 4-1-10; filed Dec 11, 1995, 4:30 p.m.: 19 IR 1029; readopted and extended filed Dec 1, 2003, 9:45 a.m.: 27 IR 1299)*

LSA Document #03-132(F)
Intent to Readopt Rules Published: June 1, 2003; 26 IR 3146
Proposed Readopted Rules Published: August 1, 2003; 26 IR 3750
Hearing Held: October 24, 2003
Approved by Attorney General: November 20, 2003
Approved by Governor: November 25, 2003
Filed with Secretary of State: December 1, 2003, 9:45 a.m.

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Final Rule
LSA Document #03-48(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

675 IAC 13-1-4
675 IAC 13-1-5
675 IAC 13-1-9.5
675 IAC 13-1-9.6
675 IAC 13-1-28

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

675 IAC 13-1-4	NFPA 11
675 IAC 13-1-5	NFPA 12
675 IAC 13-1-9.5	NFPA 17
675 IAC 13-1-9.6	NFPA 17A
675 IAC 13-1-28	NFPA 2001

LSA Document #03-48(F)
Intent to Readopt Rules Published: March 1, 2003; 26 IR 2132
Proposed Readopted Rules Published: May 1, 2003; 26 IR 2693
Hearing Held: December 2, 2003
Filed with Secretary of State: December 2, 2003, 11:30 a.m.

60 Day Requirement (IC 4-22-2-19)

TITLE 868 STATE PSYCHOLOGY BOARD

LSA Document #03-60

To: The Honorable Jerry Denbo, Chairperson
Administrative Rules Oversight Committee

From: Shelly Mazo, Director
Indiana State Psychology Board
Health Professions Bureau

Re: LSA #03-60- Restricted Test List
Date: November 19, 2003

Cc: Lisa Hayes, Executive Director HPB
Susan Gard, Deputy, Office of the Attorney General

Notice of Delay

On behalf of the Health Professions Bureau, Indiana State Psychology Board, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the Board has determined there is a possibility 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.

Reasons for Delay

The Board published its notice of intent to adopt a rule for the captioned document on April 11, 2003 (26 IR 2395). The proposed rule was published on August l, 2003 (26 IR 3741). As mandated by Indiana Code 25-33-1-3, the Indiana State Psychology Board is required to promulgate rules to establish, maintain, and update a list of restricted psychology tests and instruments containing those psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than

1. a psychologist licensed under IC 25-33-1-5.1;
2. an appropriately trained mental health provider under the direct supervision of a health service provider in psychology endorsed under IC 25-33-1-5.1(c);
3. a qualified physician licensed under IC 25-22.5;
4. a school psychologist who holds a valid:
   (A) license issued by the professional standards board under IC 20-1-1.4-2; or
   (B) endorsement under IC 20-1-1.9;

   practicing within the scope of the school psychologist's license or endorsement; or
5. a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.

The final version of the rule was published on the Indiana State Psychology Board web page in October of 2002. Written comments, submitted on a form that could be downloaded from the web page, were accepted until December 30, 2002. The Board scheduled the date for public hearing on September 19, 2003. On that date, however, State government was dedicated to public mourning for the late Governor Frank O'Bannon, and the hearing was cancelled. A change in notice of public hearing was submitted to the Indiana Register on October 29, 2003 for publication on the December 2003 edition of the Register. The new date of the hearing is January 23, 2004. Because of the circumstances that necessitated rescheduling, the Board has developed grave concern that the hearing, subsequent review by the Office of the Attorney General, and approval by the Governor will not take place by April 1, 2004. If that did happen, the Board would have to begin the rulemaking process again.

The Board expects the rule to be heard by the Governor by **May 21, 2004.**

This notice is being forwarded to the Administrative Rules Oversight Committee as a precaution, and is being submitted in a timely manner. December 11, 2003 is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.

Your understanding of these circumstances is greatly appreciated. We look forward to receiving your response. If you need additional information please do not hesitate to contact me at 234-2007. Thank you.

TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD
#03-228(APCB)

DEVELOPMENT OF AMENDMENTS TO AND NEW RULES CONCERNING THE DEFINITION OF PARTICULATE MATTER AND AMBIENT AIR QUALITY STANDARDS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules 326 IAC 1-2-52 concerning the definition of particulate matter and 326 IAC 1-3-4 concerning ambient air quality standards. This rulemaking proposes to add ambient air quality standards for $PM_{2.5}$ and a revised PM_{10} standard to state rules, and add new rules concerning definitions for $PM_{2.5}$, PM_{10}, particulate matter emissions, PM_{10} emissions, and total suspended particulate (TSP). 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: September 1, 2003, Indiana Register (26 IR 3961).

CITATIONS AFFECTED: 326 IAC 1-2; 326 IAC 1-2-52; 326 IAC 1-2-52.1; 326 IAC 1-2-52.2; 326 IAC 1-2-52.3; 326 IAC 1-2-52.4; 326 IAC 1-2-52.5; 326 IAC 1-2-82.2; 326 IAC 1-2-82.4; 326 IAC 1-3-4.

AUTHORITY: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

On July 18, 1997, U.S. EPA announced revisions to the national ambient air quality standards (NAAQS) for particulate matter (PM) (67 FR 38651). The new annual standard for $PM_{2.5}$ is fifteen (15) micrograms/cubic meter (ug/m^3) and the new twenty-four (24) hour standard established sixty-five (65) micrograms/cubic meter (65 ug/m^3). States must make recommendations to U.S. EPA by February 15, 2004, regarding the designation of areas as attainment or nonattainment with the $PM_{2.5}$ national ambient air quality standard. U.S. EPA will promulgate the designations by December 2004.

The $PM_{2.5}$ standards focus on microscopic soot and dust particles that can penetrate deep into the lungs. $PM_{2.5}$ is PM with an aerodynamic diameter less than or equal to two and five-tenths (2.5) micrometers. Studies have demonstrated that inhaled PM affects health and that the smaller the size of the PM the greater the health impact. Currently the indicators used to regulate PM are PM_{10} (PM with an aerodynamic diameter less than or equal to ten (10) micrometers) and $PM_{2.5}$. U.S. EPA refers to PM_{10} as PM coarse and $PM_{2.5}$ as PM fine.

Indiana rules define "particulate matter", "PM_{10}", and "total suspended particulate". The current state definition of "particulate matter" is a composite of several federal definitions and is not entirely consistent.

This rulemaking will add a definition of $PM_{2.5}$ to state rules; add the new $PM_{2.5}$ standards and the revised PM_{10} standard to state rules; clarify the existing definition of particulate matter at 326 IAC 1-2-52; provide separate definitions for "PM_{10}", "$PM_{2.5}$", and "TSP" and add the federal definitions of "particulate emissions" and "PM_{10} emissions" to state rules. The rule, upon promulgation as a final rule, will be submitted to U.S. EPA as a revision to the SIP.

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.

Indiana's air rules need to be updated to reflect the new federal standards for $PM_{2.5}$. If Indiana does not update the standards, Indiana will not be able to implement the federal standards. This update includes adding the new $PM_{2.5}$ standards and the revised PM_{10} standard as well as the definition for $PM_{2.5}$. Adding the new $PM_{2.5}$ standard may require clarification of existing PM, PM_{10}, and TSP standards.

Potential Fiscal Impact

There are no direct costs associated with this rulemaking. However, there will be costs associated with $PM_{2.5}$ implementation measures. Those are indeterminate costs at this time. There should be a decrease in health costs once the state meets the new standards.

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is necessary, please contact Gayl Killough, Rule Development Section, Office of Air Quality at (317) 233-8628 or (800) 451-6021 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from September 1, 2003, through October 1, 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 parties by the comment period deadline:

National Starch, (NS)

Following is a summary of the comment received and IDEM's response:

Comment: Implementing the $PM_{2.5}$ standards will be complicated. We recommend a work group to further discuss implementation of the $PM_{2.5}$ standards. (NS)

Response: The purpose of this rulemaking is to add the new and revised particular matter national ambient air quality standards to state rules, the federal definitions of particulate emissions and PM_{10} emissions to state rules and to clarify the existing definition of particulate matter at 326 IAC 1-2-52 to provide consistency with federal definitions. Implementation of the new standards is an effort separate from adding the federal standards and definitions to state rules. Upon further discussion with the commenter, a work group that is already in place, the Central Indiana Air Quality Workgroup, is sufficient to meet the commenter's request for a work group to address implementation issues that may arise. No work group for this particular rulemaking is planned at this time. To join the Central Indiana Air Quality Workgroup, contact Laurence Brown, Planning and Policy Section, Office of Air Quality, (317) 234-3097 or (800) 451-6027 (in Indiana).

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:

#03-228(APCB) Particulate Matter
Gayl Killough
c/o Rules Section 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 IDEM receptionist on duty at the 10th floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rule Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by February 2, 2004.

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).

DRAFT RULE

SECTION 1. 326 IAC 1-2-52 IS AMENDED TO READ AS FOLLOWS:

326 IAC 1-2-52 "Particulate matter" definition
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 52. **"Particulate matter" means** any airborne finely divided solid or liquid material, excluding uncombined water. ~~with an aerodynamic diameter smaller than one hundred (100) micrometers (µm).~~

~~(1) PM_{10}: Any particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers µm as measured by an applicable reference method specified in 40 CFR Part 50 or by an equivalent or alternative method approved by the commissioner.~~

~~(2) Total suspended particulate (TSP): Any particulate matter as measured by the method described in Appendix B of 40 CFR Part 50.~~

(Air Pollution Control Board; 326 IAC 1-2-52; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2374; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3020)

SECTION 2. 326 IAC 1-2-52.1 IS ADDED TO READ AS FOLLOWS:

326 IAC 1-2-52.1 "Particulate matter emissions" definition
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 52.1. "Particulate matter emissions" means any airborne finely divided solid or liquid material, excluding uncombined water as determined by any of the following applicable methods:

(1) A reference method or procedure specified in 40 CFR 50* and designated in accordance with 40 CFR 53*.

(2) An equivalent method designated in accordance with 40 CFR 53*.

(3) A reference method specified in 40 CFR 60*.

(4) A reference method specified in 40 CFR 51*.

***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 1-2-52.1)*

SECTION 3. 326 IAC 1-2-52.4 IS ADDED TO READ AS FOLLOWS:

326 IAC 1-2-52.4 "$PM_{2.5}$" definition
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 52.4. "$PM_{2.5}$" means particulate matter with an aerodynamic diameter less than or equal to a nominal two and five-tenths (2.5) micrometers (µm). *(Air Pollution Control Board; 326 IAC 1-2-52.4)*

SECTION 4. 326 IAC 1-2-52.5 IS ADDED TO READ AS FOLLOWS:

326 IAC 1-2-52.5 "$PM_{2.5}$ emissions" definition
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 52.5. "$PM_{2.5}$ emissions" means particulate matter with an aerodynamic diameter less than or equal to a nominal two and five-tenths (2.5) micrometers (µm) as measured by either of the following:

(1) A reference method based on 40 CFR 50, Appendix L, and designated in accordance with 40 CFR 53*.

(2) An equivalent method designated in accordance with 40 CFR 53*.

***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 1-2-52.5)*

SECTION 5. 326 IAC 1-2-52.6 IS ADDED TO READ AS FOLLOWS:

326 IAC 1-2-52.6 "PM_{10}" definition
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 52.6. "PM_{10}" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers (µm). *(Air Pollution Control Board; 326 IAC 1-2-52.6)*

SECTION 6. 326 IAC 1-2-52.7 IS ADDED TO READ AS FOLLOWS:

326 IAC 1-2-52.7 "PM_{10} emissions" definition
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 52.7. "PM_{10} emissions" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers (µm) as measured by either of the following:

(1) A reference method based on 40 CFR 50, Appendix M, and designated in accordance with 40 CFR 53*.

(2) An equivalent method designated in accordance with 40 CFR 53*.

***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 1-2-52.7)*

SECTION 7. 326 IAC 1-2-82.2 IS ADDED TO READ AS FOLLOWS:

326 IAC 1-2-82.2 "Total suspended particulate" or "TSP" definition
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 82.2. "Total suspended particulate" or "TSP" means any particulate matter with an aerodynamic diameter smaller than one hundred (100) micrometers (µm). *(Air Pollution Control Board; 326 IAC 1-2-82.2)*

SECTION 8. 326 IAC 1-2-82.4 IS ADDED TO READ AS FOLLOWS:

326 IAC 1-2-82.4 "Total suspended particulate emissions" or "TSP emissions" definition
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 82.4. "Total suspended particulate emissions" or "TSP emissions" means any particulate matter with an aerodynamic diameter smaller than one hundred (100) micrometers (µm), as measured by the method described in 40 CFR 50, Appendix B*.

***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 1-2-82.4)*

SECTION 9. 326 IAC 1-3-4, PROPOSED TO BE AMENDED AT 26 IR 3376, SECTION 1, 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~~ **All measurements of** air quality ~~standards,~~ **that are expressed as mass per unit volume, micrograms per cubic meter (µg/m^3), other than for the particulate matter (PM_{10} and $PM_{2.5}$) standards, shall be** corrected to a reference temperature of 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 (µg/m^3). **Measurements of PM_{10} and $PM_{2.5}$, for purposes of the standards contained in subsection (b)(7) and (b)(8), shall be reported based on actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period.**

(b) Ambient air quality standards are as follows:
(1) Sulfur oxides as sulfur dioxide (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) µg/m^3(three-hundredths (0.03) parts per million (ppm)) annual arithmetic mean.
(ii) Three hundred sixty-five (365) µg/m^3 (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) µg/m^3 (five-tenths (0.5) ppm) maximum three (3) hour concentration not to be exceeded more than once per year.
(C) SO_2 values may be converted to ppm using the conversion factor two thousand six hundred twenty (2,620) µg/m^3 = one (1) ppm.
(2) Total suspended 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) µg/m^3 annual geometric mean.
(ii) Two hundred sixty (260) µg/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) µg/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 (mg/m^3) (ten thousand (10,000) µg/m^3) (nine (9) ppm) maximum eight (8) hour average concentration not to be exceeded more than once per year.
(ii) Forty (40) mg/m^3 (forty thousand (40,000) µg/m^3) (thirty-five (35) ppm) maximum one (1) hour average concentration not to be exceeded more than once per year.
(B) CO values may be converted to ppm using the conversion factor one thousand one hundred forty-five (1,145) µg/m^3 = one (1) ppm.
(4) Ozone (O_3) requirements ~~shall be~~ **are** as follows:
(A) For the one (1) hour ozone standards, the 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) µg/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) µg/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*.
(C) O_3 values may be converted to ppm using the conversion

factor one thousand nine hundred sixty-five (1,965) $\mu g/m^3$ = 1.0 ppm.

(5) Nitrogen dioxide (NO_2) requirements ~~shall be~~ **are** as follows:

(A) For primary and secondary standards, the following value shall represent the maximum permissible ambient air quality level: one hundred (100) $\mu g/m^3$ (five-hundredths (0.05) ppm) annual arithmetic mean.

(B) NO_2 values may be converted to ppm using the conversion factor one thousand eight hundred eighty (1,880) $\mu g/m^3$ = one (1) ppm.

(6) Lead (Pb): For primary and secondary standards, the following value shall represent the maximum permissible ambient air quality level: one and five-tenths (1.5) micrograms lead per cubic meter of air (μg of Pb/m^3), averaged over a calendar quarter and measured as elemental lead.

(7) PM_{10}: For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:

(A) Fifty (50) $\mu g/m^3$ 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) $\mu g/m^3$.

(B) One hundred fifty (150) $\mu g/m^3$ 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) $\mu g/m^3$, as determined in accordance with 40 CFR 50, Appendix K,* is equal to or less than one (1).

(8) $PM_{2.5}$: For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:

(A) Fifteen (15) micrograms per cubic meter ($\mu g/m^3$) annual arithmetic mean concentration. The standards are attained when the annual arithmetic mean concentration is less than or equal to fifteen (15) $\mu g/m^3$, as determined in accordance with 40 CFR 50, Appendix N* and measured in the ambient air as $PM_{2.5}$ by either of the following:

(i) A reference method based on 40 CFR 50, Appendix L*, and designated in accordance of 40 CFR 53*.

(ii) An equivalent method designated in accordance with 40 CFR 53*.

(B) Sixty-five (65) $\mu g/m^3$- twenty-four (24) hour average concentration. The standards are attained when the ninety-eighth percentile twenty-four (24) hour concentration is less than or equal to fifteen (15) micrograms per cubic meter ($\mu g/m^3$), as determined in accordance with 40 CFR 50, Appendix N, and measured in the ambient air as $PM_{2.5}$ by either of the following:

(i) A reference method based on 40 CFR 50, Appendix L*, and designated in accordance of 40 CFR 53*.

(ii) An equivalent method designated in accordance with 40 CFR 53*.

*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)*

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 March 3, 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 1-2-52 and 326 IAC 1-3-4 and new rules 326 IAC 1-2-52.1, 326 IAC 1-2-52.4, 326 IAC 1-2-52.5,326 IAC 1-2-52.6, 326 IAC 1-2-52.7, 326 IAC 1-2-82.2, and 326 IAC 1-2-82.4.

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 Gayl Killough, Rules Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

or call (317) 233-0855. TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana, and are open for public inspection.

TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD
#03-264(APCB)

DEVELOPMENT OF NEW RULE 326 IAC 20-56 AND AMENDMENTS TO 326 IAC 20-25 CONCERNING INCORPORATION OF NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FROM REINFORCED PLASTIC COMPOSITES PRODUCTION

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for a new rule, 326 IAC 20-56, concerning the incorporation of national emission standards for hazardous air pollutants from reinforced plastic composites production and amendments to 326 IAC 20-25, concerning emissions from reinforced plastic composites fabricating emission units. 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: October 1, 2003, Indiana Register (27 IR 292).

CITATIONS AFFECTED: 326 IAC 20-25; 326 IAC 20-56.

AUTHORITY: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

On April 21, 2003, U.S. EPA issued a final national emission standard for hazardous air pollutants (NESHAP) (68 FR 19375) to reduce styrene, methyl methacrylate, and methylene chloride emissions from reinforced plastic composites production. The NESHAP will implement Section 112(d) of the Clean Air Act by requiring all major sources to meet hazardous air pollutant (HAP) emission standards reflecting the application of the maximum achievable control technology (MACT). The NESHAP regulates production and ancillary processes used to manufacture products with thermoset resins and gel coats that contain styrene. Operations subject to the NESHAP include: open molding, closed molding, centrifugal casting, continuous lamination, continuous casting, polymer casting, pultrusion, sheet molding compound manufacturing, bulk molding compound manufacturing, mixing, cleaning of equipment used in reinforced plastic composites manufacture, HAP-containing materials storage, and some repair operations. Existing sources subject to the regulation are required to comply by April 21, 2006, and new sources are required to comply upon startup. New sources are sources that commenced construction after August 2, 2001, at a site where there were no existing reinforced plastic composite operations.

Typically these manufacturing sources are designated by the North American Industry Classification System (NAICS) code 325, 326, 335, and 336. In Indiana, it is estimated that there will be over one hundred (100) sources subject to the federal rule. This estimate is based on the number of sources already subject to the state rule, 326 IAC 20-25, Emissions from Reinforced Plastics Composites Fabricating Emissions Units, which is a subset of sources subject to the NESHAP. In Indiana many of these sources are concentrated in Elkhart County. To reduce the health impact of styrene emissions in Elkhart County, the Indiana Air Pollution Control Board adopted a rule in 2000 (326 IAC 20-25) to regulate the emissions from these sources prior to U.S. EPA's promulgation of the NESHAP.

The state rule, 326 IAC 20-25, applies to open molding using resin and gel coat applications at sources manufacturing reinforced plastic composite parts or products. Most of the requirements of the federal NESHAP duplicate requirements of the state rule for reinforced plastic composites. Some differences are in specific HAP emission standards, work practice standards, and operator training. In most cases, the federal rule is more stringent than the state rule, such as HAP limits for application of tooling gel coat. The federal rule applies to more than just open molding operations; it also covers closed molding, casting, continuous lamination, pultrusion, and sheet or bulk molding compound operations. The state rule is more stringent for other requirements, such as HAP limits for open molding application of production unfilled resins and work practice standards for nonatomizing spray equipment and operator training requirements. The emission standard for open molding application of production unfilled resins is more stringent in the state rule because the federal NESHAP does not have separate categories for unfilled and filled resins.

IDEM has considered how to address the overlapping requirements of these two rules in a way that simplifies compliance but assures an overall level of environmental protection consistent with the elements of both rules. Many of the sources subject to this rule are located in Elkhart County, an area of the state that is likely to be designated nonattainment for the 8-hour ozone standard. Elkhart County is ranked in the top ten for amount of releases in the Toxics Release Inventory. Emission reductions achieved through this rule will reduce the impacts on public health, improve air quality, and will contribute towards attainment for the area. IDEM proposes the following approach:

! all requirements for reinforced plastic composites production will be contained in a single rule: 326 IAC 20-56;

! conditions of the state rule that are more stringent than the federal NESHAP will continue to apply to these sources;

! those sources currently subject to 326 IAC 20-25 will be exempt from 326 IAC 20-25 after the compliance date of the federal NESHAP; and

! conditions of the state rule that are also addressed in the federal NESHAP, such as appropriate emission factors, will not be retained in the state rule, 326 IAC 20-25.

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

The rule retains elements of the current state rule that are more protective, but does not add any new requirements other than those contained in the federal rule. Promulgation of a state rule provides the state with the ability to enforce the federal NESHAP and provides the regulated community with the state adjudicatory system as a review forum.

Potential Fiscal Impact

The potential fiscal impact of the amendments and incorporation of the federal NESHAP will not exceed $500,000. Since the NESHAP is a federal requirement, this rulemaking should not result in additional cost to regulated sources beyond the costs associated with the federal rule. U.S. EPA has estimated that the nationwide cost to comply with NESHAP is $21.5 million. However, many sources in Indiana are already in compliance with the provisions of the NESHAP due to their compliance with the state styrene rule.

Public Participation and Work Group Information

No work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is necessary, please contact Susan Bem, Rules Section, Office of Air Quality at (317) 233-5697 or (800) 451-6027 (in Indiana), extension 3-5697.

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from October 1, 2003, through October 31, 2003, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the first notice of public comment period.

REQUEST FOR PUBLIC COMMENTS

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

#03-264(APCB) Reinforced Plastics MACT
Susan Bem
c/o Rules Section Administrative Assistant
Rules 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 February 2, 2004.

Additional information regarding this action may be obtained from Susan Bem, Rules Section, Office of Air Quality, (317) 233-5697 or (800) 451-6027 (in Indiana), extension 3-5697.

DRAFT RULE

SECTION 1. 326 IAC 20-25-1, AS AMENDED AT 26 IR 2607, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 20-25-1 Applicability

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-17-3

Sec. 1. (a) This rule applies to owners or operators of sources that emit or have the potential to emit ten (10) tons per year of any hazardous air pollutant (HAP) or twenty-five (25) tons per year of any combination of HAPs, and that meet all of the following criteria:

(1) Manufacture reinforced plastics composites parts, products, or watercraft.

(2) Have an emission unit where resins and gel coats that contain styrene are applied and cured using the open molding process.

(3) Have actual emissions of styrene equal to or greater than three (3) tons per year.

(b) Except as provided in section 3(d) of this rule, in the event there is a conflict between this rule and any existing federal or state statute or federal or state rule, the more stringent requirement shall apply.

(c) If a source is subject to 326 IAC 20-48 concerning emission standards for hazardous air pollutants for boat manufacturing, the source is exempt from this rule after the following compliance dates for 326 IAC 20-48:

(1) August 23, 2004, for an existing source that is a major source on or before August 22, 2001.

(2) One (1) year after becoming a major source for an existing or new nonmajor source.

(3) Upon startup for a new major source.

(d) If a source is subject to 326 IAC 20-56 concerning emission standards for hazardous air pollutants from reinforced plastic composites production, the source is exempt from this rule after the following compliance dates for 326 IAC 20-56:

(1) April 21, 2006, for a major source that was existing on or before August 2, 2001.

(2) Immediately upon becoming a major source for an area source or April 21, 2006, whichever is later.

(3) Upon startup for a major source that commenced construction after August 2, 2001.

(Air Pollution Control Board; 326 IAC 20-25-1; filed Feb 5, 2001, 9:23 a.m.: 24 IR 2406; filed Mar 25, 2003, 8:10 a.m.: 26 IR 2607)

SECTION 2. 326 IAC 20-25-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 20-25-2 Definitions

Authority: IC 13-14-8; IC 13-15-2-1; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-17-3

Sec. 2. The following definitions apply throughout this rule:

(1) "Air-assisted airless spray technology" means a coating application system in which:

(A) the coating fluid (including gel coat or resin) is supplied to the gun under fluid pressure; and

(B) air is combined at the spray cap of the gun.

(2) "Airless spray technology" means a coating application system in which:

(A) the coating fluid (including gel coat or resin) is supplied to the gun under fluid pressure; and

(B) air is not added to the gun.

(3) "Base coat gel coat" means an interior gel coat, used in boat building, to protect the laminate.

(4) "Class I flame and smoke products" means the following:

(A) For products meeting a building code, products that meet any one (1) of the following Flame Spread and Smoke Intensity numbers as tested by American Society for Testing and Materials (ASTM) E84-99**:

(i) Interior; flame spread less than twenty-five (25) and smoke intensity less than four hundred fifty (450).

(ii) Exterior; flame spread less than twenty-five (25).

(iii) Duct; flame spread less than twenty-five (25) and smoke intensity less than fifty (50).

(B) For products designed for mass transit application, products that meet all of the following:

(i) Flame spread measured by ASTM E162-98** less than thirty-five (35).

(ii) Smoke intensity by ASTM E662-97** less than one and five-tenths (1.5) at one and five-tenths (1.5) minutes and less than two hundred (200) at four (4) minutes.

(5) "Clear gel coat" means a gel coat that contains no pigments.

(6) "Compression molding" means the use of a prepared compound, such as sheet molding compound (SMC), composed of resin and fiberglass fibers and a large hydraulic press to produce fiber reinforced plastic parts.

(7) "Controlled spray" means a work practice standard that reduces emissions by increasing material transfer and reducing overspray. The following are elements of controlled spraying ~~which~~ **that** work together to reduce emissions:

(A) Operation of the spray gun at the lowest fluid tip pressure, which produces an acceptable spray pattern.

(B) Operator training that teaches proper spray gun handling techniques.

(C) The use of close containment mold flanges to minimize overspray off the mold.

(8) "Cured resin or gel coat" means resin or gel coat that has changed irreversibly from a liquid to a solid.

(9) "Delivered to the applicator" means a resin or gel coat actually applied to an open mold, excluding any inert filler, fiberglass mat, or fiberglass roving.

~~(10) "Existing sources" means sources or emission units for which the owner or operator has received all necessary construction or reconstruction permits prior to June 28, 1998, as set forth in 326 IAC 2-4.1-1.~~

~~(11)~~ **(10)** "Filament winding" means the application of resin to strands of glass using a resin bath or other applicator and then winding the wet glass onto the mold or part.

~~(12)~~ **(11)** "Filled resin" means a resin containing inert filler material equal to or greater than thirty-five percent (35%) by weight.

~~(13)~~ **(12)** "Gel coat" means a thermosetting resin, either pigmented or clear, that contains styrene (CAS No. 100-42-5) and provides a cosmetic enhancement or protects the underlying layers of a plastic

composites material. Gel coat does not include thermoplastic material, such as polyethylene or thermosetting coatings, that do not contain styrene, such as epoxies.

~~(14)~~ **(13)** "HAP monomer content" means the percent, by weight, of monomer that has been classified as a hazardous air pollutant (HAP) contained in a resin or gel coat, as delivered to the applicator, and excluding any inert filler, fiberglass mat, or fiberglass roving.

~~(15)~~ **(14)** "High-volume, low-pressure air atomized spray technology" means a coating application system that is operated at an air pressure of less than ten (10) pounds per square inch gauge (psig) at the air cap of the spray gun.

~~(16)~~ **(15)** "Inert filler" means any non-HAP material, such as silica micro-spheres or micro-balloons, added to a resin or gel coat to alter density of the resin or gel coat or change other physical properties of the resin or gel coat. The term does not include pigments.

~~(17)~~ **(16)** "Manual application" means hand application using bucket and paint brush or paint roller, or other hand held methods of application.

~~(18)~~ **(17)** "Mold" means a hollow form or matrix for shaping a liquid or plastic substance.

~~(19)~~ **(18)** "New sources" means those sources or emission units that must comply with 326 IAC 2-4.1-1.

~~(20)~~ **(19)** "Nonatomized application equipment" means the devices where resin or gel coat material does any of the following:

(A) Flows from the applicator, in a steady state in a observable coherent flow, without droplets, for a minimum distance of three (3) inches from the applicator orifices, such as flow coaters, flow choppers, and fluid impingement equipment.

(B) Is mechanically dispensed within or on to a paint roller applicator, such as pressure fed rollers.

(C) Is deposited on fiber reinforcement moving through a resin or gel coat bath, such as resin impregnators.

~~(21)~~ **(20)** "Noncorrosion resistant resin" means a resin that does not meet the criteria of corrosion resistant resin in the specialty product resins definition.

~~(22)~~ **(21)** "Open molding process" means the application of resin or gel coat to an open mold by any method.

~~(23)~~ **(22)** "Pigmented gel coat" means a gel coat that contains a coloring substance.

~~(24)~~ **(23)** "Pressure fed roller" means a fabric roller that is fed a continuous supply of catalyzed resin from a mechanical fluid pump.

~~(25)~~ **(24)** "Production gel coat" means a gel coat that is used to manufacture parts, products, or watercraft and does not include patch repair or touch-up activities.

~~(26)~~ **(25)** "Production resin" means any thermosetting resin that is used to manufacture parts, products, or watercraft and does not include patch repair or touch-up activities.

~~(27)~~ **(26)** "Resin" means any thermosetting resin that contains styrene (CAS No. 100-42-5) **or** methyl methacrylate (CAS No. 80-62-6), or both, and is used to manufacture parts, products, or watercraft. Resin does not include gel coat, tooling gel coat, thermoplastic resin (for example, rotationally molded polyethylene), or thermosetting resin that does not contain styrene or methyl methacrylate (for example, epoxies).

~~(28)~~ **(27)** "Shrinkage controlled resin" means resin that relies on a balance of solution thermodynamics that permits three (3) phases (thermosetting polymer, styreneated thermoplastic, and styrene monomer) and produces less than or equal to one and five-tenths percent (1.5%) linear shrinkage when tested in neat (unfilled, nonreinforced) form by ASTM D2566-86**.

~~(29)~~ **(28)** "Specialty product resins" includes the following resins:

(A) Corrosion resistant resin is used to produce a product that meets any of the following criteria:

(i) Will be exposed to any of the following:

(AA) Materials with a pH equal to or greater than twelve (12.0) pH units or equal to or less than three (3.0) pH units.

(BB) Oxidizing agents.

(CC) Reducing agents.

(DD) Organic solvents.

(EE) Fuels or fuel additives as defined in 40 CFR 79.2*.

(ii) Complies with industry standards that require specific exposure testing for corrosive media.

(iii) Is manufactured to an accepted federal and industry standard for corrosion resistant, potable water contact or food contact applications.

(iv) Is manufactured specifically for an application that requires increased chemical inertness or resistance to chemical attack.

(B) High strength resin exhibiting a tensile strength of ten thousand (10,000) or more pounds per square inch when tested according to ASTM D638-98**.

(C) Resin used to meet military specifications.

(D) Skin coat resin, a thin protective layer of resin, used in watercraft production or other products, applied between the gel coat and laminate that provides corrosion resistance and prevents osmotic blistering.

~~(30)~~ **(29)** "Tooling gel coat" means the gel coat used in the construction of molds or prototypes (plugs).

~~(31)~~ **(30)** "Tooling resin" means the resin used in the construction of molds or prototypes (plugs).

~~(32)~~ **(31)** "Vacuum bagging" means a partially closed molding technology where, after resin has been applied, a flexible cover is placed over the wet surface, sealed, and a vacuum pump is used to draw the air out from under the cover and press the cover down onto the part.

~~(33)~~ **(32)** "Vapor suppressed resin" is a polyester resin material that contains additives to reduce volatile organic compound (VOC) evaporation loss to less than sixty (60) grams per square meter of surface area as determined and certified by resin manufacturers.

~~(34)~~ **(33)** "Watercraft" means any motorized or nonmotorized device in which or by means of which a person may be transported upon the water, excluding seaplanes.

***This document is incorporated by reference.** Copies ~~of the Code of Federal Regulations referenced in this article~~ **may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20204 or** are available for **review and** copying ~~from~~ **at** the **Indiana Department of Environmental Management,** Office of Air ~~Management, Department of Environmental Management,~~ **Quality,** Indiana Government Center-North, **Tenth Floor,** 100 North Senate Avenue, Indianapolis, Indiana ~~or may be obtained from the Government Printing Office, Washington, D. C. 20204.~~ **46204.**

****This document is incorporated by reference.** Copies of American Society for Testing Materials methods are available for **review and** copying ~~from~~ **at** the **Indiana Department of Environmental Management,** Office of Air ~~Management, Department of Environmental Management,~~ **Quality,** Indiana Government Center-North, **Tenth Floor,** 100 North Senate Avenue, Indianapolis, Indiana ~~ASTM, 1916 Race Street, Philadelphia, PA 19103-1187; or the public library.~~ **46204.** *(Air Pollution Control Board; 326 IAC 20-25-2; filed Feb 5, 2001, 9:23 a.m.: 24 IR 2407)*

SECTION 3. 326 IAC 20-56 IS ADDED TO READ AS FOLLOWS:

Rule 56. Reinforced Plastic Composites Production

326 IAC 20-56-1 Applicability; incorporation by reference of federal standards
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-12-3-1; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.5785 (68 FR 19402, April 21, 2003)*.

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart WWWW (68 FR 19402, April 21, 2003)*, National Emission Standards for Hazardous Air Pollutants for Reinforced Plastic Composites 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 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 20-56-1)*

326 IAC 20-56-2 Additional organic hazardous air pollutant emissions limits for open molding sources
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-12-3-1; IC 13-17

Sec. 2. In addition to the organic hazardous air pollutant (HAP) emissions limits for existing open molding sources and new open molding sources emitting less than one hundred (100) tons per year of HAP contained in Table 3 to 40 CFR 63, Subpart WWWW (68 FR 19402, April 21, 2003)*, the following emission limits apply:

Operation type	And this application method	Organic HAP emissions limit[1]	Highest organic HAP content for a compliant resin[2]
Open molding - noncorrosion-resistant or high strength, or both (CR/HS) and unfilled[3]	Mechanical Resin Application	77 lb/ton	35 percent with nonatomized application
Open molding - low-flame spread/low-smoke products	Mechanical Resin Application	155 lb/ton	60 percent with nonatomized application

[1] Organic HAP emissions limits for open molding are expressed as lb/ton. The source must be at or below these values based on a 12-month rolling average.

[2] A compliant resin means that, if its organic HAP content is used to calculate an organic HAP emissions factor, the factor calculated does not exceed the appropriate organic HAP emissions limit shown in the table.

[3] See the definition of unfilled resin at 40 CFR 63.5935 (68 FR 19402, April 21, 2003)*.

***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 20-56-2)*

326 IAC 20-56-3 Work practice standards
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-12-3-1; IC 13-17

Sec. 3. In addition to the work practice standards in Table 4 to 40 CFR 63, Subpart WWWW (68 FR 19402, April 21, 2003)*, open molding operations using mechanical, nonatomized applicators shall not operate nonatomizing spray equipment at pressures that atomize the material during the application process.

***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 20-56-3)*

326 IAC 20-56-4 Operator training
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-12-3-1; IC 13-17

Sec. 4. (a) Each owner or operator shall train all new and existing personnel, including contract personnel, who are involved in resin and gel coat spraying and applications that could result in excess emissions if performed improperly according to the following schedule:
(1) All personnel hired shall be trained within fifteen (15) days of hiring.
(2) To ensure training goals listed in subsection (b) are maintained, all personnel shall be given refresher training annually.
(3) Personnel who have been trained by another owner or operator subject to this rule are exempt from subdivision (1) if written documentation that the employee's training is current is provided to the new employer.

(b) The lesson plans shall cover, for the initial and refresher training, at a minimum, all of the following topics:
(1) Appropriate application techniques.
(2) Appropriate equipment cleaning procedures.
(3) Appropriate equipment setup and adjustment to minimize material usage and overspray.

(c) The owner or operator shall maintain the following training records on site and available for inspection and review:
(1) A copy of the current training program.
(2) A list of all current personnel, by name, that are required to be trained, the dates they were trained, and the date of the most recent refresher training.

(d) Records of prior training programs and former personnel are not required to be maintained. *(Air Pollution Control Board; 326 IAC 20-56-4)*

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 13, 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 new rule 326 IAC 20-56 and amendments to 326 IAC 20-25.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules 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 Susan Bem, Rules Section, Office of Air Quality, (317) 233-5697 or (800) 451-6027 (in Indiana), extension 3-5697.

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

or call (317) 233-0855. TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana, and are open for public inspection.

TITLE 326 AIR POLLUTION CONTROL BOARD

FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO IC 13-14-9-7 AND SECOND NOTICE OF COMMENT PERIOD
#03-332(APCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING PERMIT BY RULE

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for 326 IAC 2-10, Permit by Rule. The purpose of this notice is to seek public comment on the draft rule, including suggestions for specific language to be included in the rule. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 2-10.

AUTHORITY: IC 13-14-9; IC 13-14-9.5.

STATUTORY REQUIREMENTS

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

If the commissioner makes the determination of limited rulemaking policy alternatives required by IC 13-14-9-7, the commissioner shall prepare written findings and include them in the second notice of public comment period published in the Indiana Register. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-7.

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

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

BACKGROUND

Sunset Legislation

In 1996, the Indiana Legislature provided for the expiration of certain administrative rules unless expressly readopted under IC 13-14-9.5. 326 IAC 2-10, permit by rule, is subject to IC 13-14-9.5. All rules adopted after December 31, 1995, expire on January first of the seventh year after the year in which the rule takes effect. IC 13-14-9.5-4(a) provides that the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. IC 13-14-9.5-4(b) provides that if a person submits to the department or board that has rulemaking authority under Title 13 a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule described in subsection (a), the department or board must readopt the rule separately from the readoption rule and follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to the rule. 326 IAC 2-10 was first noticed for readoption in the first sunset rulemaking (LSA #00-44). Because a request and a basis for the request was submitted during the first comment period, 326 IAC 2-10 was not readopted in the first sunset rulemaking and must now go through the IC 13-14-9 rulemaking process.

Purpose of Rule and Explanation of Limited Policy Alternatives

Some Indiana sources have large potential to emit certain air pollutants but, in actuality, emit very little without needing to use air pollution controls. If this permit by rule were not available, sources with relatively low actual air emissions would be required to apply for and obtain a registration or permit to authorize operation and other approvals for construction or modification. There are fees, reporting obligations, and other requirements associated with air permits that the department has determined are not necessary to assure that small sources comply with legal requirements and minimize their air impacts. IDEM has created a permit program, permit by rule, to allow these small sources to operate with a permit established specifically in a rule and not through issuance of a permit by IDEM, Office of Air Quality. The permit by rule establishes a permit program necessary for the operation of Indiana's permitting program.

Part of Indiana's permit by rule, 326 IAC 2-10-2 through 326 IAC 2-10-6, expired January 1, 2003, according to IC 13-14-9.5, sunset legislation. The section of the rule that establishes the program, 326 IAC 2-10-1, remains in effect until January 1, 2005. That section establishes the permit by rule program and provides that sources can limit their potential to emit, "by complying with the conditions of this rule". Because the remaining sections of the rule provide all of the regulatory guidance and compliance for these sources, a complete rule is needed for the continuation of the program. Therefore, rules should be adopted to allow the permit by rule provisions to continue. There are limited policy alternatives because the sources following 326 IAC

2-10 must be able to continue following the rules and not be in violation of federal and state law for operating without a permit.

The number of sources that are covered by 326 IAC 2-10 is not known since the rule provides that as long as a source can demonstrate compliance with the requirements of the rule upon request, it is covered by the permit by rule and is not required to possess a permit issued by the department. This rulemaking will provide an opportunity for public comment and amendment or readoption of 326 IAC 2-10-1 and new sections 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.

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. 326 IAC 2-10 is a voluntary state only permit by rule program. A source can choose to be permitted by rule under 326 IAC 2-10 if it meets the applicability criteria. If a source is not permitted under 326 IAC 2-10, it may be required to hold a permit under an approved permit program. Additionally, the minor corrections in the draft rule impose no requirements.

Potential Fiscal Impact

If 326 IAC 2-10-1 expires, sources that are now permitted by 326 IAC 2-10 may be required to hold a permit issued by the department under one of the following programs: 326 IAC 2-6.1, Minor Source Operating Permit Program; 326 IAC 2-7, Part 70 Permit Program; 326 IAC 2-8, Federally Enforceable State Operating Permit Program; or 326 IAC 2-9, Source Specific Operating Agreements, as applicable. There are fees associated with each type of permit.

If the rules are amended, the potential fiscal impact will not be assessable until the nature of the rule amendments being proposed is known.

If the rules are adopted as written in the draft rule, there will be no fiscal impact to the sources, the department, or citizens.

Public Participation and Work Group Information

No work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is necessary, please contact Pat Troth, Rules Development Section, Office of Air Quality at (317) 233-5681 or (800) 451-6021 (in Indiana).

FINDINGS

The commissioner of IDEM has prepared written findings regarding rulemaking on 326 IAC 2-10, Permit by Rule. These findings are prepared under IC 13-14-9-7 and are as follows:

(1) This rule is necessary for the continuation of the permitting program under 326 IAC 2.

(2) The expiration of 326 IAC 2-10-2 through 326 IAC 2-10-6 allows the permit by rule program to exist without the necessary provisions regulating the applicable sources.

(3) The administrative burden of issuing permits to all permit by rule sources is too great.

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

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

Lori Kaplan
Commissioner
Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

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

#03-332(APCB)[326 IAC 2-10, Permit by Rule]
Pat Troth
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 East 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 Rule Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by January 30, 2004.

Additional information regarding this action may be obtained from Pat Troth, Rule Development Section, Office of Air Quality, (317) 233-5681 or (800) 451-6027 (in Indiana).

DRAFT RULE

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 First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on March 3, 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 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, 326 IAC 2-10-6.1, and readoption of 326 IAC 2-10-1.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules and readoption. 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 Pat Troth, Rule Development Section, Office of Air Quality, (317) 233-5681 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 Air Quality, Tenth Floor East, Indiana Government Center-North, 100 North Senate Avenue and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

TITLE 326 AIR POLLUTION CONTROL BOARD

FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO IC 13-14-9-7 AND SECOND NOTICE OF COMMENT PERIOD
#03-333(APCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING PERMIT BY RULE FOR SPECIFIC SOURCE CATEGORIES

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for 326 IAC 2-11, Permit by Rule for Specific Source Categories. The purpose of this notice is to seek public comment on the draft rule, including suggestions for specific language to be included in the rule. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 2-11.

AUTHORITY: IC 13-14-9; IC 13-14-9.5.

STATUTORY REQUIREMENTS

IC 13-14-9-7 recognizes that under certain circumstances it may be

appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that the rulemaking policy alternatives available to IDEM are so limited that the notice of first public comment period would provide no substantial benefit, IDEM may forego this comment period and proceed directly to the notice of second public comment period.

If the commissioner makes the determination of limited rulemaking policy alternatives required by IC 13-14-9-7, the commissioner shall prepare written findings and include them in the second notice of public comment period published in the Indiana Register. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-7.

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

(1) the environment; or

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

BACKGROUND

Basic Purpose and Explanation of Limited Policy Alternatives

In 1996, the Indiana Legislature provided for the expiration of certain administrative rules unless expressly readopted under IC 13-14-9.5. 326 IAC 2-11, permit by rule, is subject to IC 13-14-9.5. All rules adopted after December 31, 1995, expire on January first of the seventh year after the year in which the rule takes effect. IC 13-14-9.5-4(a) provides that the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. IC 13-14-9.5-4(b) provides that if a person submits to the department or board that has rulemaking authority under Title 13 a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule described in subsection (a), the department or board must readopt the rule separately from the readoption rule and follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to the rule. 326 IAC 2-11 was first noticed for readoption in the first sunset rulemaking (LSA #00-44). Because a request and a basis for the request was submitted during the first comment period, 326 IAC 2-11 was not readopted in the first sunset rulemaking and must now go through the IC 13-14-9 rulemaking process.

326 IAC 2-11 applies to gasoline dispensing operations, grain elevators, and sources that process or mill grain. It allows these types of sources to operate pursuant to a "permit by rule" if they limit their allowable emissions or "potential to emit" by complying with specified conditions. A source that complies with the requirements of this rule possesses a permit under the rule. If this permit by rule were not available, sources with relatively low actual air emissions would be required to apply for and obtain a registration or permit to authorize operation and other approvals for construction or modification. There are fees, reporting obligations, and other requirements associated with air permits that the department has determined are not necessary to assure that small sources comply with legal requirements and minimize their air impacts.

Sections 1 through 4 were adopted in 1997; section 1 of this rule was amended in 1998 and will expire January 1, 2005. Sections 2 through 4 will expire on January 1, 2004. An extension of one year, pursuant to IC 13-14-9.5 is pending with the Governor, which would make all of the sections expire January 1, 2005.

The number of sources that are covered by 326 IAC 2-11 is not known since the rule provides that as long as a source can demonstrate compliance with the requirements of the rule upon request, it is covered by the permit by rule and is not required to possess a permit issued by the department. This rulemaking will provide an opportunity for public comment and amendment or readoption of 326 IAC 2-11. IDEM proposes no changes to these rules.

Limited policy alternatives exist because this rule will expire, pursuant to the sunset provision, either on January 1, 2004, or on January 1, 2005, if the Governor grants a one year extension. This rule has been extremely beneficial to the public and to businesses by providing a simple way to regulate sources whose air emissions are potentially large enough to require an operating permit but, in actuality, are quite low.

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. 326 IAC 2-11 is a voluntary state only permit by rule program. A source can choose to be permitted by rule under 326 IAC 2-11 if it meets the applicability criteria. If a source is not permitted under 326 IAC 2-11, it may be required to hold a permit under an approved permit program. Additionally, the minor corrections in the draft rule impose no requirements.

Potential Fiscal Impact

If 326 IAC 2-11 expires, sources that are now permitted by 326 IAC 2-11 may be required to hold a permit issued by the department under one of the following programs: 326 IAC 2-6.1, Minor Source Operating Permit Program; 326 IAC 2-7, Part 70 Permit Program; 326 IAC 2-8, Federally Enforceable State Operating Permit Program; or 326 IAC 2-9, Source Specific Operating Agreements, as applicable. There are fees associated with each type of permit.

If the rules are amended, the potential fiscal impact will not be assessable until the nature of the rule amendments being proposed is known.

If the rules are readopted with only the minor corrections indicated in the draft rule, there will be no fiscal impact to the sources, the department, or citizens.

Public Participation and Work Group Information

No work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is necessary, please contact Pat Troth, Rules Development Section, Office of Air Quality at (317) 233-5681 or (800) 451-6021 (in Indiana).

FINDINGS

The commissioner of IDEM has prepared written findings regarding rulemaking on 326 IAC 2-11, Permit by Rule for Specific Source Categories. These findings are prepared under IC 13-14-9-7 and are as follows:

(1) This rule will expire on January 1, 2004, or January 1, 2005, if extended by the Governor pursuant to IC 13-14-9.5, and is necessary to the operation of the permitting program under 326 IAC 2.

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

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

Lori Kaplan
Commissioner
Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

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

#03-333(APCB)[326 IAC 2-11, Permit by Rule for Source Specific Categories]
Susan Bem
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 East 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 Rule Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by January 30, 2004.

Additional information regarding this action may be obtained from Susan Bem, Rule Development Section, Office of Air Quality, (317) 233-5697 or (800) 451-6027 (in Indiana).

DRAFT RULE

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 READOPTED 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).
(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:
(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, 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 First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on March 3, 2004 at 1:00 p.m., in 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 readoption of 326 IAC 2-11-1, 326 IAC 2-11-2, 326 IAC 2-11-3, and 326 IAC 2-11-4.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules and readoption. 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 Pat Troth, Rule Development Section, Office of Air Quality, (317) 233-5681 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 Air Quality, Tenth Floor East, Indiana Government Center-North, 100 North Senate Avenue and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

TITLE 327 WATER POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD
#03-129(WPCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING WATER QUALITY ISSUES SUITABLE FOR FAST TRACK RULEMAKING

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to rules in Title 327 concerning water quality standards, methods, and implementation procedures. 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 327 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: #03-129(WPCB) June 1, 2003, Indiana Register (26 IR 3166).

CITATIONS AFFECTED: 327 IAC 1; 327 IAC 2-1; 327 IAC 2-1.5; 327 IAC 2-4; 327 IAC 5-1.5; 327 IAC 5-2.

AUTHORITY: IC 13-13-5-1; 13-13-5-2; IC 13-14-8; 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-3; IC 13-18-4-3.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

Under 40 CFR 131.20, states with approved NPDES programs are required to review their water quality standards at least once every three (3) years. Through the triennial review process, IDEM separated the many water quality issues into several rulemakings including this one for "fast track" issues. Issues that would have a reasonable potential to move through the rulemaking process more quickly due to the relative lack of controversy about the content or approach are included in this "fast track" rulemaking. The Triennial Review steering committee, a large and diverse group of interested stakeholders, helped identify needed rule changes based on best science, updates of existing rules, and technical corrections and clarifications that have a reasonable potential of minimal controversy.

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

This statute requires IDEM to identify, as part of the second notice published in the Indiana Register, the estimated fiscal impact and expected benefits of any elements of the draft rule that are not imposed under federal law. IDEM seeks comments on these elements as well as specific fiscal impact information. The following elements of the draft rule are "not imposed under federal law" (NIFL elements) and have been identified as either having an estimated fiscal impact or providing an expected benefit to entities regulated under the draft rule. Review is required under federal law of specific, state-promulgated water quality standards that do not have a specific counterpart in federal regulation. Much of the federal information on suggested or preferred approaches is provided in the form of guidance and is not, therefore, specifically imposed under federal law.

A. 327 IAC 2-1-8.9: Site-specific criteria. This is a new section added to the non-Great Lakes system rules to allow for calculating site-specific aquatic life and human health criteria as is allowed in the Great Lakes system rules at 327 IAC 2-1.5-16.

EPA's Great Lakes Guidance contains a procedure that allows for the calculation of site-specific aquatic life and human health criteria that can be more or less stringent than EPA's recommended criteria. The addition of this section to the non-Great Lakes system area of Indiana will allow for these procedures to be available statewide. IDEM believes it is important to be able to calculate criteria that are more stringent than the criteria listed in Tables 6-1 and 6-2 when site-specific conditions warrant. Conversely, IDEM believes that it is important for the regulated entities to have the option to have IDEM calculate criteria that are less stringent when site-specific conditions warrant.

The fiscal impact and benefits on a regulated entity depend on whether site-specific criteria become more or less stringent than the criteria listed in Tables 6-1 and 6-2. If the site-specific criteria are less stringent, the fiscal impact on the regulated entity would be positive. More stringent criteria would have a negative fiscal impact on regulated entities. Data on specific costs are not available because the calculation is a site-specific one.

B. 327 IAC 2-1-9(5):BCCs. The list of bioaccumulative chemicals of concern or BCCs has been added to this subdivision to match the definition of BCCs in 327 IAC 2-1.5-6 for the Great Lakes system. The list of BCCs is taken from EPA's Great Lakes Guidance.

Since 1990, 327 IAC 2 identified a list of chemicals in Table 6-1 as being BCCs because IDEM believed that these chemicals warranted special regulatory consideration. The change that is being made by this rulemaking is to make the list of BCCs in the area of the state outside of the Great Lakes system equivalent to the list inside the Great Lakes system.

This is a technical correction in the rules and has no fiscal impact.

C. 327 IAC 5-2-11.5(b)(1)(D): Reasonable potential to exceed. While the "reasonable potential to exceed" procedure is required under federal law, this specific provision is not; therefore, it is included in this section. Rule language has been added to the "reasonable potential to exceed" procedure concerning Great Lakes system dischargers that will allow a discharger to present dissolved metals effluent data for use in this procedure.

The regulation of dissolved metal rather than total metal is the U.S. EPA recommended approach for protection of aquatic life in the water column from adverse effects due to metal discharges. This rule language will only apply to the implementation of aquatic life criteria and not have any impact on human health protection.

This change provides an option to the reasonable potential procedure without incurring a fiscal impact on the regulated entities.

D. 327 IAC 5-2-11.1(b): Alternate stream flows. While the development of water quality-based effluent limitations, if necessary, is required under federal law, this specific provision is not; therefore, it is included in this section. Rule language has been added at subdivisions (7) and (8) to allow non-Great Lakes system intermittent or controlled discharges to use alternate stream flows to determine the mixing zone dilution.

The changes add options to the procedure used by IDEM to calculate water quality-based effluent limitations and will allow equivalent protection to human health and the environment as currently exists in IDEM rules.

This rule change is not expected to have a fiscal impact on the regulated entities.

Potential Fiscal Impact

IDEM believes the rule changes included in the "fast track" rulemaking will represent a net cost benefit to the regulated entities. At a minimum, some of the rulemaking changes provide options beyond what currently exists in rule; the impact to a regulated entity would, therefore, be nonexistent if the options were not employed.

IDEM requests public comment on the development, if necessary, of the estimate of economic impact and benefit from this rule.

Public Participation and Work Group Information

An external work group has been established to discuss issues

involved in this rulemaking. The work group is made up of IDEM staff and a cross-section of stakeholders and began meeting in December 2002 to discuss and select the issues, originally identified by the Triennial Review steering committee, that would be appropriate candidates for the fast track rulemaking approach. The work group narrowed the issues to those in 327 IAC 1, 327 IAC 2-1, 327 IAC 2-1.5, 327 IAC 2-4, 327 IAC 5-1.5, and 327 IAC 5-2 (rules within Articles 1, 2, and 5). The issues selected include: dissolved metals for aquatic life criteria, free cyanide aquatic life criteria, sulfate and fluoride criteria, general narrative criteria, narrative criteria for whole effluent toxicity, site-specific modifications, Article 5 implementation procedures, and bioaccumulative chemicals of concern (BCCs).

Regarding the sulfate criterion, IDEM is specifically looking for comments on the proposed 1,000 mg/l criterion to be applied outside of the mixing zone. IDEM is in agreement that the existing criterion of 250 mg/l should be applied at drinking water intakes only. However, IDEM believes that available information supports the establishment of alternative criteria for waters to protect human health, aquatic life, or wildlife. This second notice proposes a 1,000 mg/l criterion as an interim number. IDEM has received comment that the 1,000 mg/l may be overly conservative and that an alternative number of 2,000 mg/l or higher may prove more appropriate. During the early part of 2004, IDEM will work with all parties and with those in other states and U.S. EPA that are conducting technical work that may prove valuable in providing input as to an appropriate number to present in the public hearing for preliminary adoption later in 2004. IDEM is receptive to altering the second notice "interim" sulfate criterion based on comments to this second notice and technical information that becomes available in 2004.

Information concerning the fast track work group activities may be found on the IDEM Triennial Rulemaking web page at: http://www.IN.gov/idem/water/planbr/wqs/review/fasttrk.html
If you wish to provide comments to the work group on the rulemaking, attend meetings, or have suggestions related to the work group process, please contact MaryAnn Stevens, Rules Section, Office of Water Quality at (317) 232-8635 or (800) 451-6027 (in Indiana). Please provide your name, phone number, and e-mail address, if applicable, where you can be contacted. The public is also encouraged to submit comments and questions to members of the work group who represent their particular interests in the rulemaking.

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from June 1, 2003, through July 30, 2003, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comment letters from the following parties by the comment period deadline:

Citizens Gas and Coke Utility, Wade Kohlmann, Director of Environmental Affairs (CG)

Indiana Water Quality Coalition and the Indiana Manufacturers Association, represented by Barnes and Thornburg (IWQC-IMA)

Indianapolis, City of, Barbara A. Lawrence, Director of Department of Public Works (INDP)

Industrial Discharge Advisory Committee, Vince Parker, Chairman (IDAC)

PSEG Services Corporation, Russell J. Furnari, Environmental Policy Manager (PSEG)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: IDEM should revise the surface water cyanide water quality criteria from total cyanide to free cyanide. The toxicity tests performed to establish the cyanide criteria were performed on free cyanide; therefore, the standard in the receiving water should also be free cyanide. Cyanide that is chemically bonded as a metal complex has negligible toxicity. The water quality criteria in the Great Lakes basin is now free cyanide since the rule change of 1997. Similar rule change needs to be made for all waters in Indiana. (CG, IDAC, INDP)

Response: IDEM has drafted rule language to replace the total cyanide aquatic life criteria for the non-Great Lakes system with free cyanide aquatic life criteria.

Comment: No numeric value for a criterion is sufficient without designation of the intended methodology. The rule should allow the use of any EPA approved technique for free cyanide. These approved methods of measurement would include the longstanding cyanide amenable to chlorination (CATC) procedure and would also include the available cyanide test procedure that EPA has recently approved for use as an alternative to the amenable cyanide test procedure. (CG, IDAC)

Response: Title 40 CFR 136 contains analytical methods that are approved by EPA for the analysis of wastewater. There are currently no approved methods for free cyanide under 40 CFR 136, but there are two approved methods for available cyanide. These are the "Available Cyanide by Flow Injection with Ligand Exchange" method (Method OIA-1677) and the "Cyanides Amenable to Chlorination" (CATC) method (Method 4500-CN G). IDEM intends to allow the use of methods approved under 40 CFR 136 for available cyanide to monitor for compliance with an effluent limitation based on a criterion for free cyanide. However, U.S. EPA is currently reconsidering the use of Method 1677 for the measurement of available cyanide. Therefore, IDEM has not included this method in the draft rule but has made allowance for other methods approved by the commissioner. IDEM will make a determination on whether to allow the use of Method 1677 after U.S. EPA has completed its review.

Comment: Methods for monitoring effluent with a limit derived from the free cyanide criteria should include the CATC and Weak and Dissociable (WAD) methods though IDEM should provide additional language in the rule to allow for use of an analytical method for free cyanide when such a method is approved by EPA. The methods that seem likely to be approved by EPA are the American Standard Test Method (ASTM) D 4282-89, "Standard Test Method for Determination of Free Cyanide in Water and Wastewater by Microdiffusion" and the WERF Ion Chromatography Method for Cyanide Species. (INDP)

Response: Since U.S. EPA has not approved a method for free cyanide under 40 CFR 136, IDEM has not determined whether it will approve such a method. By allowing for other methods approved by the commissioner, IDEM could allow the use of such a method if the commissioner determines that it is appropriate.

Comment: The aquatic life criteria for the non-Great Lakes system rules should be changed from acid soluble to dissolved metals. However, deleting 327 IAC 2-1-6(a)(3) without providing new language does not appear to be consistent with the requirement to solicit public comment on new or proposed rules. (PSEG)

Response: IDEM proposes to remove from Table 6-1 the metals criteria that are expressed as acid soluble and move them to a new table identified as 6-2 and express the metals as dissolved.

Comment: No alternate tables have been provided for public comment on modifying Tables 1 and 2 in 327 IAC 2-1-6. Table 8-1 (in 327 IAC 2-1.5-8) and its associated conversion factors (excluding cadmium) might be an appropriate starting point for revising the metals component of Table 1. (PSEG)

Response: The new table, Table 6-2, contains the associated conversion factors from Table 8-1 with the exception of cadmium.

Comment: Methodologies for developing site-specific aquatic life,

human health, and wildlife criteria for the non-Great Lakes system need to be proposed in a subsequent rulemaking. (PSEG)

Response: IDEM has drafted a new section (327 IAC 2-1-8.9) for the non-Great Lakes system rules that gives the same general information for conducting site-specific modifications to criteria as contained in the site-specific modification section for the Great Lakes system under 327 IAC 2-1.5-16. However, IDEM is currently discussing the approval process for site-specific modifications to criteria with U.S. EPA Region 5 and could not reach a conclusion by the deadline for the submission of the draft rule. Therefore, IDEM inserted a placeholder in the rules to inform interested parties that IDEM intends to draft rule language concerning the approval process prior to preliminary adoption. To expedite the approval process, IDEM may draft a detailed methodology for developing site-specific modifications using the recalculation procedure if U.S. EPA will approve such a methodology.

Comment: IDEM's proposal to revise the water quality rules so that dissolved metal translators (DMTs) must be immediately applied to dissolved criterion to calculate a total recoverable metal criterion is not accurately justified by the EPA guidance document, "The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit from a Dissolved Criterion," EPA 823-B-96-007 (June 1996), as IDEM cites in the first notice. EPA cannot impose binding requirements in guidance documents, and, secondly, the EPA guidance document does not specify that a DMT must be applied to a dissolved metal criterion before the wasteload allocation and reasonable potential procedures are conducted. Appendix A from the cited EPA guidance document (specifically Section A.5, pages 32 and 33) appears to promote the application of DMTs directly to water quality criteria. However, this appendix is no more than one example of how to derive permit limits for metal and has intentionally been made simplistic. More importantly, this appendix contradicts other statements in the main body of the guidance. There is good cause to apply the DMT after the wasteload allocation and reasonable potential processes are completed. The reasonable potential procedure for the Great Lakes system, specified at 327 IAC 5-2-11.5, requires calculating the preliminary effluent limitation ("PEL") and comparing the PEL to the projected effluent quality ("PEQ"). The procedure requires calculation of the PEL and PEQ followed by comparison of the PEL to the PEQ. The PEL is based on the water quality criteria, which are expressed as dissolved for metals. If the dissolved metal criteria are converted to total prior to undertaking this procedure, there would have been no reason to promulgate water quality criteria for metals as dissolved. (IWQC-IMA)

Response: IDEM has drafted rule language to apply the dissolved metals translator to the dissolved metals criterion in the calculation of wasteload allocations for water quality criteria expressed in the form of dissolved metal. The dissolved metals translator accounts for the fate of the metal in the receiving waterbody outside of the mixing zone and must be incorporated in the wasteload allocation equation to do the mass balance appropriately because nontoxic metal attributable to the discharge or receiving waterbody may become toxic after the discharge mixes with the receiving waterbody. The language in the draft rule is consistent with the wasteload allocation procedure in the U.S. EPA guidance document, "The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit from a Dissolved Criterion," EPA 823-B-96-007, June 1996, Appendix A. The comment states that Appendix A contradicts other statements made in the main body of the guidance document. IDEM contacted the U.S. EPA staff person who is one of the principle authors of the guidance document about the apparent contradictions. The author stated that the apparent contradictions are only a matter of semantics and stood by the procedure in Appendix A as being necessary to do the mass balance correctly. The change to the procedure for calculating wasteload allocations does not impact the reasonable potential procedure since this procedure requires the PEL to be developed in accordance with the procedure for converting wasteload allocations into WQBELs in 327 IAC 5-2-11.6. Using the existing procedure in 327 IAC 5-2-11.6, PELs would be developed in the form of total recoverable metal. Using the revised procedure in the draft rule, PELs would continue to be developed in the form of total recoverable metal. IDEM disagrees with the statement that if dissolved metal criteria are converted to total prior to undertaking the reasonable potential procedure, there would have been no reason to promulgate water quality criteria for metals as dissolved. The dissolved metal criteria are not converted to a total recoverable criterion but to the total recoverable metal concentration outside the mixing zone that equates to the dissolved criterion. This allows the fate of the metal outside of the mixing zone to be appropriately addressed. Conducting reasonable potential using effluent data collected in the form of dissolved metal would not appropriately address the fate of the metal in the discharge outside of the mixing zone. Promulgating water quality criteria in the form of dissolved metal allows the use of a site-specific study to determine the fate of the metal outside of the mixing zone. Such a study could result in an increase in a wasteload allocation based on total recoverable metal.

Comment: The following provision should be added to 327 IAC 5-2-11.5(b)(1)(A) to clarify that IDEM must use dissolved metals data when available:

> "(v) If dissolved metals effluent data are available, the commissioner shall develop a dissolved metals PEL consistent with WLAs developed under items (i) through (iii). If this process determines that a substance is or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion of the applicable criteria, the preliminary dissolved metal WLA will be converted into a total metal WQBEL using the statistical procedures in section 11.6 of this rule."

When the non-Great Lakes system metals criteria are revised to the dissolved form, this reasonable potential provision should be applied when IDEM issues permits for non-Great Lakes system dischargers. (IWQC-IMA)

Response: IDEM also asked the author of the Metals Translator guidance document mentioned in the preceding response about conducting reasonable potential using effluent data collected in the form of dissolved metal. The author referenced the Executive Summary in the Metals Translator guidance document in stating that reasonable potential should be done using effluent data collected in the form of total recoverable metal. The U.S. EPA document "Water Quality Guidance for the Great Lakes system: Supplementary Information Document (SID)," EPA-820-B-95-001, March 1995, includes an analysis of issues raised in comments received on the proposed Guidance. U.S. EPA explains, in Section VIII.E.2.b.i., that the proposed Guidance provided that preliminary effluent limitations be expressed as a single day value, a weekly average, or a monthly average and compared to actual effluent information. The document explains that since the preliminary effluent limitations must be compared to actual effluent information, the proposed Guidance provided that preliminary effluent limitations be expressed in the same form (i.e., single day, weekly average, or monthly average) as effluent data are typically available to the permitting authority. This would allow for direct comparison of preliminary effluent limitations to effluent data without requiring additional manipulations or conversion of the effluent data. The document lists the permit application and discharge monitoring reports (DMRs) as the typical sources of data. Since effluent data for metals are typically reported in these sources as total recoverable metal, it is apparent from this explanation that the discussion of preliminary effluent limitations in Section VIII.E.2.b. is

in the context of using total recoverable metal even though it is not explicitly stated. Therefore, based on the discussion in Section VIII.E.2.b., it appears that U.S. EPA intended the reasonable potential procedure to be done using effluent data collected in the form of total recoverable metal. IDEM is not aware of any U.S. EPA regulation, policy, or guidance document that allows or even mentions the use of effluent data collected in the form of dissolved metal in the determination of reasonable potential. However, IDEM does agree that there are some situations where it may be appropriate to conduct the reasonable potential procedure using PEQs developed using effluent data collected in the form of dissolved metal and PELs developed in the form of dissolved metal. IDEM has drafted rule language that specifies the conditions under which the reasonable potential procedure may be conducted in this manner. One condition is that the discharger must demonstrate that the metal in the effluent does not become more dissolved outside of the mixing zone. The rules for the non-Great Lakes system do not include detailed procedures for doing reasonable potential calculations. Therefore, IDEM does not believe it is appropriate to include such a provision in the rules for the non-Great Lakes system.

Comment: The new definition of bioaccumulative chemicals of concern (BCC) and the associated list of chemicals should follow IDEM's intent as stated in the first notice. (PSEG)

Response: Subsequent to the publication of the first notice, IDEM, through the workgroup process, has drafted rule language that only incorporates the Great Lakes system list of BCCs into the rules for the non-Great Lakes system. In order to incorporate the Great Lakes system definition of a BCC, a methodology for determining bioaccumulation factors (BAFs) would have to be incorporated into the rules for the non-Great Lakes system. IDEM does not believe that incorporating such a methodology is appropriate for this fast track rulemaking. The list of BCCs was incorporated by including only the list of BCCs in the definition of a BCC at 327 IAC 2-1-9. The substances in 327 IAC 2-1-6, Table 6-1 that are included in the list of BCCs are noted in the table as being BCCs.

Comment: The definition of outstanding national resource water (ONRW) should match the definition at IC 13-11-2-149.5. (IWQC-IMA, PSEG)

Response: Subsequent to the publication of the first notice, IDEM, through the workgroup process, has drafted rule language for ONRW that matches the definition at IC 13-11-2-149.5.

Comment: The definition of outstanding state resource water (OSRW) should match the definition at IC 13-11-2-149.6. (IWQC-IMA, PSEG)

Response: Subsequent to the publication of the first notice, IDEM, through the workgroup process, has drafted rule language for OSRW that matches the definition at IC 13-11-2-149.6.

Comment: Justification has not been provided for adopting narrative criteria from the Great Lakes system rule at 327 IAC 2-1.5-8(b) into the non-Great Lakes system rules. The CMC and CCC values to protect aquatic life presented in Table 8-1 and the wildlife quality criteria for protection of wildlife presented in Table 8-4 may be appropriate for the Great Lakes system but there is no explanation why the identified species, herring gull and bald eagle, and resultant specific values are appropriate for the non-Great Lakes system. Directly adopting this portion of the rule into the non-Great Lakes system might impose a secondary maximum concentration (SMC) or a secondary continuous concentration (SCC) to protect aquatic life from acute or chronic effects that had not previously been a requirement for these waters. (PSEG)

Response: The intent of the proposal in the first notice was to express the narrative criteria for the non-Great Lakes system in the same format as the narrative criteria for the Great Lakes system and to adopt narrative criteria for whole effluent toxicity (WET) into the rules for the non-Great Lakes system. IDEM has drafted rule language that expresses the narrative criteria for the non-Great Lakes system in the same format as the narrative criteria for the Great Lakes system. IDEM has not included narrative criteria for WET in the draft rule language. IDEM believes that adopting narrative criteria for WET into the rules for the non-Great Lakes system is not appropriate for the fast track rulemaking.

Comment: The point of temperature measurement should be determined on a case by case basis and not proscribed in rule for every waterbody. The temperature provision of 327 IAC 2-1.5-8(c)(4)(D)(i) may be appropriate for a large lake such as Lake Michigan but likely inappropriate for shallow, intermittent streams and rivers. (PSEG)

Response: After considering the comments received, IDEM believes that including a provision in the rules concerning where to measure for compliance with temperature criteria is not appropriate for the fast track rulemaking.

Comment: Provisions that specify where to measure for compliance with the temperature criteria need to be included in the water quality rules. The following language regarding temperature measurement location is suggested: "The values in [insert appropriate rule citation] shall normally be applied in the first meter below the water surface, but where waters are less than two (2) meters deep, the values shall normally be applied at one-half (½) the depth of the surface water.". (IWQC-IMA)

Response: After considering the comments received, IDEM believes that including a provision in the rules concerning where to measure for compliance with temperature criteria is not appropriate for the fast track rulemaking.

Comment: The first notice for this fast track rulemaking did not address the applicability of 327 IAC 2-1 and 327 IAC 2-1.5, the water quality standards rules for waters outside and inside the Great Lakes system. These rules should both be clarified to specify that they apply to surface waters only. Separate water quality standards in 327 IAC 2-11 apply to ground water. (IWQC-IMA)

Response: IDEM agrees that addressing the applicability of 327 IAC 2-1 and 327 IAC 2-1.5 to all waters or all surface waters should be considered as part of the fast track rulemaking. IDEM has made revisions to several sections of 327 IAC 2-1 and 327 IAC 2-1.5, but was not able to complete a review of all the sections by the deadline for the submission of this draft rule. IDEM plans to address the other sections prior to preliminary adoption. As a part of this effort, IDEM has drafted rule language to revise the definition of surface waters of the state in 327 IAC 2-1-9 and 327 IAC 2-1.5-2.

Comment: The dissolved solids, sulfates, and fluoride criteria for waters outside of the Great Lakes system at 327 IAC 2-1-6(a)(3) should be revised to apply only to waters used for public water supply and industrial water supply such as is the appropriate criteria for dissolved solids, sulfates, and fluoride contained in 327 IAC 2-1-6(e) and 327 IAC 2-1-6(f), respectively. (IWQC-IMA)

Response: Subsequent to the publication of the first notice, IDEM, through the workgroup process, has drafted rule language to remove the criterion for dissolved solids from 327 IAC 2-1-6, Table 6-1 and place it in the public water supply criteria at 327 IAC 2-1-6(e). IDEM has also drafted rule language to add a criterion for dissolved solids to the public water supply criteria for the Great Lakes system at 327 IAC 2-1.5-8(f). A criterion for dissolved solids for waters used for industrial water supply is already in the rules for the Great Lakes system and non-Great Lakes system. IDEM has also drafted rule language to change the criterion for sulfates in Table 6-1 from 250 mg/l to 1000 mg/l and to apply it to all waters outside the applicable mixing zone. A criterion for sulfates is already included in the public water supply criteria at 327

IAC 2-1-6(e). The criterion of 1000 mg/l is being proposed as an interim number until sufficient toxicological data are available to develop appropriate aquatic life criteria. IDEM does not believe that removing the criteria for fluoride from Table 6-1 and adding them to the public water supply criteria at 327 IAC 2-1-6(e) is appropriate for the fast track rulemaking.

Comment: 327 IAC 2-1-6(b)(5) and 327 IAC 2-1.5-8(c)(5), ammonia criteria for non-Great Lakes system and Great Lakes system waters, need to be updated to be consistent with the 1999 EPA ammonia criteria guidance particularly concerning the relationship of pH and temperature to the acute and chronic criteria and the averaging period of the chronic criteria. The acute criterion is now dependent on pH and fish species, and the chronic criterion is based on pH and temperature. At lower temperatures, the chronic criterion is also dependent on early life stages of fish. As a result, when protection of the early life stages of fish is not needed, the chronic criterion values in the 1999 update are higher than the values in the 1984 guidance document. (IWQC-IMA)

Response: During the workgroup process to develop the first notice and choose the fast track issues to be addressed through this rulemaking, ammonia was not considered to be a fast track issue.

Comment: EPA's 1999 update of ammonia criteria also revised the averaging period and flow design recommendations for the chronic criterion so that stream design flow can be applied based on a thirty (30) day averaging period for ammonia. Alternately, the states may multiply by two and one-half (2.5) EPA's recommended stream design flow for four (4) day chronic criterion. Application of either the thirty (30) day averaging period or the four (4) day averaging period times two and one-half (2.5) will result in less restrictive criteria than the averaging period in the 1984 guidance document. (IWQC-IMA)

Response: During the workgroup process to develop the first notice and choose the fast track issues to be addressed through this rulemaking, ammonia was not considered to be a fast track issue.

Comment: The Method 4 application factor at 327 IAC 2-1-8.3(4) for Determination of Non-Great Lakes System Chronic Aquatic Life Criteria should be revised to 18 to be consistent with the Great Lakes system factor at 327 IAC 2-1.5-12(b). (IWQC-IMA)

Response: During the workgroup process to develop the first notice and choose the fast track issues to be addressed through this rulemaking, changing the Method 4 application factor was not considered to be a fast track issue.

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:

#03-129(WPCB) [Fast Track Issues]
MaryAnn Stevens
Rules Section
Office of Water Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, Room 1255, 100 North Senate Avenue, Indianapolis, Indiana. Comments also may be submitted by facsimile to (317) 232-8406, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Office of Water Quality, Rules Section at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with another sent through the postal system.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by January 30, 2004.

Additional information regarding this rulemaking action may be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 or technical information concerning fast track may be obtained from John Elliott, Permits Branch, 317-233-0703 or David Kallander, Assessment Branch, 317-308-3088 or (800) 451-6027 (in Indiana).

DRAFT RULE

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

327 IAC 1-1-1 References to Federal Act
Authority: IC 13-14-9; IC 13-18-3-2
Affected: IC 13-14-8

Sec. 1. Unless otherwise indicated, references in ~~these rules (327 IAC)~~ **this title** to the Federal Water Pollution Control Act or to the Clean Water Act (CWA) shall mean the Federal Water Pollution Control Act ~~as defined~~ in ~~IC 13-7-1-10.~~ **effect July 1, 2003.** *(Water Pollution Control Board; 327 IAC 1-1-1; filed Sep 24, 1987, 3:00 p.m.: 11 IR 579; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 2. 327 IAC 1-1-2 IS AMENDED TO READ AS FOLLOWS:

327 IAC 1-1-2 References to the Code of Federal Regulations
Authority: IC 13-14-9; IC 13-18-3-2
Affected: IC 13-14-8

Sec. 2. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, ~~1986~~ **2003,** revision. *(Water Pollution Control Board; 327 IAC 1-1-2; filed Sep 24, 1987, 3:00 p.m.: 11 IR 579; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

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

327 IAC 1-1-3 Severability
Authority: IC 13-14-9; IC 13-18-3-2
Affected: IC 13-14-8

Sec. 3. If any provision of ~~these rules (327 IAC)~~ **this title** or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect any other provisions or applications of ~~these rules (327 IAC) which~~ **this title that** can be given effect without the invalid provision or application. *(Water Pollution Control Board; 327 IAC 1-1-3; filed Sep 24, 1987, 3:00 p.m.: 11 IR 579; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 4. 327 IAC 2-1-5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1-5 Exception to quality standards applicability
Authority: IC 13-14-9; IC 13-18-3-2
Affected: IC 13-14-8

Sec. 5. All surface water quality standards in section 6 of this rule, except those provided in section 6(a)(1) of this rule, will cease to be applicable when the stream flows are less than the average minimum seven (7) consecutive day low flow ~~which~~ **that** occurs once in ten (10) years. This

determination will be made using Low-Flow Characteristics of Indiana Streams, ~~1983,~~ **1996,** United States Department of the Interior, Geological Survey, or any additional information compiled on a comparable basis. *(Water Pollution Control Board; 327 IAC 2-1-5; filed Sep 24, 1987, 3:00 p.m.: 11 IR 581; filed Feb 1, 1990, 4:30 p.m.: 13 IR 1020)*

SECTION 5. 327 IAC 2-1-6 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1-6 Minimum surface water quality standards
Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-18-4; IC 13-30-2-1; IC 14-22-9

Sec. 6. (a) The following are minimum **surface** water quality conditions:

(1) All **surface** waters at all times and at all places, including **waters within** the mixing zone, shall meet the minimum conditions of being free from substances, materials, floating debris, oil, or scum attributable to municipal, industrial, agricultural, and other land use practices, or other discharges **that do any of the following:**

(A) ~~that~~ Will settle to form putrescent or otherwise objectionable deposits.

(B) ~~that~~ Are in amounts sufficient to be unsightly or deleterious.

(C) ~~that~~ Produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance. ~~which~~

(D) Are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

~~(D)~~ **(E)** Are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill, aquatic life, other animals, plants, or humans:

(i) to assure protection of aquatic life, concentrations of toxic substances shall not exceed the final acute value (FAV = 2 (AAC)) in the undiluted discharge or the acute aquatic criterion (AAC) outside the zone of initial dilution or, if applicable, the zone of discharge-induced mixing:

(AA) for certain substances, the AAC are established and set forth in **subdivision (3),** Table ~~1~~ **6-1 and subdivision (3), Table 6-2,** (which table incorporates **subdivision (4),** Table ~~2);~~ ~~and~~ **6-3);**

(BB) for substances for which an AAC is not specified in **subdivision (3),** Table ~~1 or if a different AAC can be scientifically justified based on new toxicological data or site-specific conditions concerning water quality characteristics or species present,~~ **6-1 or subdivision (3), Table 6-2,** an AAC can be calculated by the commissioner using the procedures in section 8.2 of this rule; and

(CC) the AAC determined under subitem (AA) or (BB) may be modified on a site-specific basis to reflect local conditions in accordance with section 8.9 of this rule; and

(ii) this clause shall not apply to the chemical control of plants and animals when that control is performed in compliance with approval conditions specified by the Indiana department of natural resources as provided by ~~IC 14-2-1;~~ ~~and~~ **IC 14-22-9.**

~~(E) which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.~~

(2) At all times, all **surface** waters outside of mixing zones shall be free of substances in concentrations ~~which~~ **that** on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants. To assure protection against the adverse effects identified in this subdivision, the following requirements are established:

(A) A toxic substance or pollutant shall not be present in such waters in concentrations which exceed the most stringent of the following continuous criterion concentrations (CCCs):

(i) A chronic aquatic criterion (CAC) to protect aquatic life from chronic toxic effects.

(ii) A terrestrial life cycle safe concentration (TLSC) to protect terrestrial organisms from toxic effects ~~which~~ **that** may result from the consumption of aquatic organisms ~~and/or~~ **or** water from the waterbody.

(iii) A human life cycle safe concentration (HLSC) to protect human health from toxic effects ~~which~~ **that** may result from the consumption of aquatic organisms ~~and/or~~ **or** drinking water from the waterbody.

(iv) For carcinogenic substances, a criterion to protect human health from unacceptable cancer risk of greater than one (1) additional occurrence of cancer per one hundred thousand (100,000) population.

(B) For certain substances, one (1) or more of the CCCs identified in clause (A) are established and set forth in **subdivision (3),** Table ~~1~~ **6-1and subdivision (3), Table 6-2** (which table incorporates **subdivision (4),** Table ~~2).~~ ~~If~~ **6-3).**

(C) For substances for which one (1) or more of the CCCs **identified in clause (A)** are ~~absent from~~ **not specified in subdivision (3),** Table ~~1 or if a different criterion or criteria can be scientifically justified based on new toxicological data or site-specific conditions of water quality or resident species,~~ **6-1 or subdivision (3), Table 6-2,** such criterion or criteria may be calculated by the commissioner using the corresponding procedures prescribed by sections 8.3 through 8.6 of this rule.

(D) A CCC determined under clause (B) or (C) may be modified on a site-specific basis to reflect local conditions in accordance with section 8.9 of this rule.

~~(C)~~ **(E)** The CAC and TLSC for a substance apply in all **surface** waters outside a mixing zone for a discharge of that substance. Similarly, in waters where a public ~~drinking~~ water **system** intake is not present or is unaffected by the discharge of a substance, the HLSC and the carcinogenic criterion for that substance based on consumption of organisms from the waterbody and only incidental ingestion of water shall apply to all **surface** waters outside the mixing zone for a discharge of that substance. In **surface** waters where a public ~~drinking~~ water **system** intake is present, the HLSC and the carcinogenic criterion for a substance based on consumption of organisms and potable water from the waterbody shall apply at the point of the public ~~drinking~~ water **system** intake.

~~(D) All CCCs shall be met at the point at which they apply (outside of the mixing zone or point of drinking water intake).~~

(3) ~~The toxicity criteria set forth for metals in Table 1 are expressed in terms of the acid-soluble fraction of the metals (unless specified otherwise) in order to be consistent with the ambient water quality criteria published by the U.S. Environmental Protection Agency (EPA) for these metals. In the absence of an analytical chemistry method approved by EPA for determination of the acid-soluble fraction of a metal, the criteria in Table 1 shall be enforced as total recoverable metals, except as otherwise provided in 327 IAC 5-2-11.1, until an acid-soluble analytical method is approved by EPA, and by the board through rulemaking.~~ **The following establishes surface water quality criteria for specific substances:**

Table ~~1~~ **6-1**

Surface Water Quality Criteria for Specific Substances

Substances	AAC (Maximum)	CCC (4-Day Average) Outside of Mixing Zone Aquatic Life (CAC)	CCC (4-Day Average) Outside of Mixing Zone Human Health	CCC (4-Day Average) Point of Water Intake Human Health
Metals (µg/l)				
~~(Acid soluble, except as indicated)~~ **Total recoverable**				
Antimony			45,000 (T)	146 (T)
Arsenic (III)~~@~~	~~360~~ #	~~190~~ #	0.175 (C)	0.022 (C)
Barium				1,000 (D)
Beryllium			1.17 (C)	0.068 (C)
Cadmium ~~#~~~~@~~	$e^{(1.128[\ln Hard^*]-3.828)}$ #	$e^{(0.7852[\ln Hard]-3.490)}$ #		10 (D)
Chromium (III)~~#~~~~@~~	$e^{(0.819[\ln Hard]+3.688)}$ #	$e^{(0.8190[\ln Hard]+1.561)}$ #	3,433,000 (T)	170,000 (T)
Chromium (VI)~~@~~	~~(dissolved)~~ ~~16~~ #	~~11~~ #		50 (D)
Copper ~~#~~	$e^{(0.9422[\ln Hard]-1.464)}$ #	$e^{(0.8545[\ln Hard]-1.465)}$ #		
Lead ~~#~~	$e^{(1.273[\ln Hard]-1.460)}$ #	$e^{(1.273[\ln Hard]-4.705)}$ #		50 (D)
Mercury ~~@~~$	2.4	0.012	0.15 (T)	0.14 (T)
Nickel ~~#~~	$e^{(0.8460[\ln Hard]+3.3612)}$ #	$e^{(0.8460[\ln Hard]+1.1645)}$ #	100 (T)	13.4 (T)
Selenium	130* ~~*~~	35		10 (D)
Silver ~~#~~	$e^{(1.72[\ln Hard]-6.52)}$~~/2**~~ #			50 (D)
Thallium			48 (T)	13 (T)
Zinc ~~#~~	$e^{(0.8473[\ln Hard]+0.8604)}$ #	$e^{(0.8473[\ln Hard]+0.7614)}$ #		
Organics (µg/l)				
Acrolein			780 (T)	320 (T)
Acrylonitrile			6.5 (C)	0.58 (C)
Aldrin ~~@~~$	1.5~~***~~		0.00079 (C)	0.00074 (C)
Benzene ~~@~~			400 (C)	6.6 (C)
Benzidine			0.0053 (C)	0.0012 (C)
Carbon Tetrachloride			69.4 (C)	4.0 (C)
Chlordane ~~@~~$	1.2~~***~~	0.0043	0.0048 (C)	0.0046 (C)
Chlorinated Benzenes				
Monochlorobenzene ~~@~~				488 (T)
1,2,4,5-Tetrachlorobenzene **$**			48 (T)	38 (T)
Pentachlorobenzene $			85 (T)	74 (T)
Hexachlorbenzene ~~@~~$			0.0074 (C)	0.0072 (C)
Chlorinated Ethanes				
1,2-dichloroethane			2,430 (C)	9.4 (C)
1,1,1-trichloroethane ~~@~~			1,030,000 (T)	18,400 (T)
1,1,2-trichloroethane ~~@~~			418 (C)	6.0 (C)
1,1,2,2-tetrachloroethane~~@~~			107 (C)	1.7 (C)
Hexachloroethane ~~@~~~~$~~			87.4 (C)	19 (C)
Chlorinated Phenols				
2,4,5-trichlorophenol				2,600 (T)
2,4,6-trichlorophenol ~~@~~			36 (C)	12 (C)
Chloroalkyl Ethers				
bis(2-chloroisopropyl) ether			4,360 (T)	34.7 (T)
bis(chloromethyl) ether			0.018 (C)	0.000038 (C)
bis(2-chloroethyl) ether			13.6 (C)	0.3 (C)
Chloroform			157 (C)	1.9 (C)
Chlorpyrifos ~~$~~	0.083	0.041		
DDT ~~@~~$	0.55~~***~~	0.0010	0.00024 (C)	0.00024 (C)
Dichlorobenzenes ~~@~~			2,600 (T)	400 (T)
Dichlorobenzidine ~~@~~			0.2 (C)	0.1 (C)
1,1-dichloroethylene			18.5 (C)	0.33 (C)
2,4-dichlorophenol ~~@~~				3,090 (T)
Dichloropropenes			14,100 (T)	87 (T)

Dieldrin ~~[illegible]~~$	1.3~~***~~	0.0019	0.00076 (C)	0.00071 (C)
2,4-dinitrotoluene ~~[illegible]~~			91 (C)	1.1 (C)
Dioxin (2,3,7,8-TCDD) ~~[illegible]~~$			0.0000001 (C)	0.0000001 (C)
1,2-diphenylhydrazine ~~[illegible]~~			5.6 (C)	0.422 (C)
Endosulfan ~~[illegible]~~	0.11~~***~~	0.056	159 (T)	74 (T)
Endrin ~~[illegible]~~$	0.09~~***~~	0.0023		1.0 (D)
Ethylbenzene ~~[illegible]~~			3,280 (T)	1,400 (T)
Fluoranthene ~~[illegible]~~~~$~~			54 (T)	42 (T)
Halomethanes			157 (C)	1.9 (C)
Heptachlor ~~[illegible]~~$	0.26~~***~~	0.0038	0.0028 (C)	0.0028 (C)
Hexachlorobutadiene ~~[illegible]~~$			500 (C)	4.47 (C)
Hexachlorocyclohexane (HCH)				
alpha HCH ~~[illegible]~~$			0.31 (C)	0.09 (C)
beta HCH ~~[illegible]~~$			0.55 (C)	0.16 (C)
gamma HCH (Lindane) ~~[illegible]~~$	1.0~~***~~	0.080	0.63 (C)	0.19 (C)
Technical HCH ~~[illegible]~~$			0.41 (C)	0.12 (C)
Hexachlorocyclopentadiene ~~[illegible]~~				206 (T)
Isophorone			520,000 (T)	5,200 (T)
Nitrobenzene				19,800 (T)
Nitrophenols				
4,6-dinitro-o-cresol			765 (T)	13.4 (T)
Dinitrophenol			14,300 (T)	70 (T)
Nitrosamines				
N-nitrosodiethylamine			12.4 (C)	0.008 (C)
N-nitrosodimethylamine			160 (C)	0.014 (C)
N-nitrosodibutylamine			5.9 (C)	0.064 (C)
N-nitrosodiphenylamine ~~[illegible]~~			161 (C)	49 (C)
N-nitrosopyrrolidine			919 (C)	0.16 (C)
Parathion ~~[illegible]~~	0.065	0.013		
Pentachlorophenol ~~[illegible]~~	$e^{(1.005\ [pH]-4.830)}$	$e^{(1.005\ [pH]-5.290)}$		1,000 (T)
Phenol ~~$~~				3,500 (T)
Phthalate Esters				
Dimethyl phthalate			2,900,000 (T)	313,000 (T)
Diethyl phthalate			1,800,000 (T)	350,000 (T)
Dibutyl phthalate ~~[illegible]~~~~$~~			154,000 (T)	34,000 (T)
Di-2-ethylhexyl phthalate ~~$~~			50,000 (T)	15,000 (T)
Polychlorinated Biphenyls (PCBs) ~~[illegible]~~$		0.014	0.00079 (C)	0.00079 (C)
Carcinogenic Polynuclear Aromatic Hydrocarbons (PAHs) ~~[illegible]~~~~$~~			0.31 (C)	0.028 (C)
Tetrachloroethylene ~~[illegible]~~			88.5 (C)	8 (C)
Toluene ~~[illegible]~~			424,000 (T)	14,300 (T)
Toxaphene ~~[illegible]~~$	0.73	0.0002	0.0073 (C)	0.0071 (C)
Trichloroethylene ~~[illegible]~~			807 (C)	27 (C)
Vinyl Chloride			5,246 (C)	20 (C)
Other Substances				
Asbestos (fibers/liter)				300,000 (C)
Chlorides (mg/l)	860	230		
Chlorine				
(Total Residual) (µg/l)	19	11		
Chlorine[a] (mg/l)				
(intermittent, total residual)		0.2		
Cyanide (Free) (µg/l)	**22**	**5.2**		
Cyanide (Total) (µg/l)	~~22~~	~~5.2~~		200 (D)
Nitrate-N + Nitrite-N (mg/l)				10 (D)
Nitrite-N (mg/l)				1.0 (D)

~~Dissolved solids shall not exceed 750 mg/l in all waters.~~

Fluoride shall not exceed 2.0 mg/l in all **surface** waters **outside the applicable mixing zone** except the Ohio River and Interstate Wabash River where it shall not exceed 1.0 mg/l **outside the applicable mixing zone.**

Sulfates shall not exceed ~~250~~ **1,000** mg/l in all **surface** waters **outside the applicable mixing zone.**

~~#See Table 2 for calculated~~ **The** AAC and CAC ~~values at various hardness levels. The criteria from Table 2 may be utilized in the alternative to criteria from Table 1 to determine protective concentrations for the seven (7) metallic substances for acute and chronic toxicity based on the characteristic hardness for a particular waterbody. For hardness values other than those specifically listed in Table 2, the standard proportional interpolation technique should be used to obtain the corresponding criteria values.~~ **for this substance are established in Table 6-2.**

~~*Natural logarithm of hardness in milligrams per liter $CaCO_3$.~~

~~**~~ *One-half (½) of the final acute value (FAV) as calculated by procedures developed by U.S. EPA in 1980. This value would correspond to acute aquatic values calculated using IDEM procedures or U.S. EPA procedures developed in 1985 in which the calculated FAV is divided by two (2) to reduce acute toxicity.

T derived from threshold toxicity.

C derived from nonthreshold cancer risk.

D derived from drinking water standards, equal to or less than threshold toxicity.

~~@This substance, which has a log octanol-water partition coefficient greater than or equal to two (2.0), is considered to be bioconcentrating and of concern.~~

$This substance is ~~considered to be~~ a bioaccumulative chemical of concern.

[a]To be considered an intermittent discharge, total residual chlorine shall not be detected in the discharge for a period of more than forty (40) minutes in duration and such periods shall be separated by at least five (5) hours.

Table 6-2

Surface Water Quality Criteria for Specific Substances

Substances	AAC (Maximum) (µg/l)	AAC Conversion Factors	CAC (4-Day Average) (µg/l)	CAC Conversion Factors
Metals (dissolved)[1]				
Arsenic (III)	**360**	**1.000**	**190**	**1.000**
Cadmium	$e^{(1.128\ [1n(hardness)]-3.828)}$	**1.136672-[(ln hardness)(0.041838)]**	$e^{(0.7852\ [1n(hardness)]-3.490)}$	**1.101672-[(ln hardness)(0.041838)]**
Chromium (III)	$e^{(0.819\ [1n(hardness)]+3.688)}$	**0.316**	$e^{(0.8190\ [1n(hardness)]+1.561)}$	**0.860**
Chromium (VI)	**16**	**0.982**	**11**	**0.962**
Copper	$e^{(0.9422\ [1n(hardness)]-1.464)}$	**0.960**	$e^{(0.8545\ [1n(hardness)]-1.465)}$	**0.960**
Lead	$e^{(1.273\ [1n(hardness)]-1.460)}$	**1.46203-[(ln hardness)(0.145712)]**	$e^{(1.273\ [1n(hardness)]-4.705)}$	**1.46203-[(ln hardness)(0.145712)]**
Nickel	$e^{(0.8460\ [1n(hardness)]+3.3612)}$	**0.998**	$e^{(0.8460\ [1n(hardness)]+1.1645)}$	**0.997**
Silver	$e^{(1.72\ [ln(hardness)]-6.52)}/2$[2]	**0.85**		
Zinc	$e^{(0.8473\ [ln(hardness)]+0.8604)}$	**0.978**	$e^{(0.8473\ [ln(hardness)]+0.7614)}$	**0.986**

[1] The AAC and CAC columns of this table contain total recoverable metals criteria (numeric **and hardness-based**). **The criterion for the dissolved metal is calculated by multiplying the appropriate conversion factor by the AAC or CAC**. **This dissolved AAC or CAC shall be rounded to two** (2) **significant digits**, **except when the criteria are used as intermediate values in** a **calculation**, **such as in the calculation of water quality-based effluent limitations (WQBELs).**

[2] One-half (½) of the final acute value (FAV) as calculated by procedures developed by U.S. EPA in 1980. This value would correspond to acute aquatic values calculated using IDEM procedures or U.S. EPA procedures developed in 1985 in which the calculated FAV is divided by two (2) to reduce acute toxicity.

(4) The following, Table 6-3, establishes dissolved acute (AAC) and chronic (CAC) aquatic criteria for certain metals at selected hardness values calculated from the equations and conversion factors in subdivision (3), Table 6-2:

Table ~~2~~ **6-3**

~~Acute (AAC) and chronic (CAC) aquatic criteria for certain metals at selected hardness values as calculated from equations in Table 1~~ Metals Concentrations in Micrograms Per Liter; Hardness in Milligrams Per Liter $CaCO_3$[1]

	Arsenic (III)		Cadmium		Chromium III		**Chromium VI**		Copper		Lead		Nickel		Silver		Zinc	
Hardness	**AAC**	**CAC**	AAC	CAC	AAC	CAC	**AAC**	**CAC**	AAC	CAC	AAC	CAC	AAC	CAC	AAC	CAC	AAC	CAC
50	**360**	**190**	~~2~~	~~0.7~~	~~984~~	~~117~~	**16**	**11**	~~9~~	~~6~~	~~34~~	~~1~~	~~789~~	~~88~~	~~0.6~~	–	~~65~~	~~59~~
			1.7	**0.62**	**310**	**100**			**8.9**	**6.3**	**30**	**1.2**	**790**	**87**	**0.52**		**64**	**58**
100	**360**	**190**	~~4~~	~~1.1~~	~~1737~~	~~207~~	**16**	**11**	~~18~~	~~12~~	~~82~~	~~3~~	~~1418~~	~~158~~	~~2~~	–	~~117~~	~~106~~
			3.7	**1.0**	**550**	**180**			**17**	**11**	**65**	**2.5**	**1400**	**160**	**1.7**		**110**	**100**
150	**360**	**190**	~~6~~	~~1.6~~	~~2420~~	~~289~~	**16**	**11**	~~26~~	~~17~~	~~137~~	~~5~~	~~1999~~	~~222~~	~~4~~	–	~~165~~	~~149~~
			5.7	**1.4**	**760**	**250**			**25**	**16**	**100**	**3.9**	**2000**	**220**	**3.5**		**160**	**150**
200	**360**	**190**	~~9~~	~~2.0~~	~~3064~~	~~365~~	**16**	**11**	~~34~~	21	~~197~~	~~8~~	~~2549~~	~~283~~	~~7~~	–	~~210~~	~~191~~
			7.8	**1.7**	**970**	**310**			**33**		**140**	**5.3**	**2500**	**280**	**5.7**		**210**	**190**
250	**360**	**190**	~~11~~	~~2.3~~	~~3679~~	~~438~~	**16**	**11**	~~42~~	~~26~~	~~262~~	~~10~~	~~3079~~	~~342~~	~~10~~	–	~~254~~	~~230~~
			10	**2.0**	**1200**	**380**			**40**	**25**	**170**	**6.7**	**3100**	**340**	**8.3**		**250**	**230**
300	**360**	**190**	~~14~~	~~2.7~~	~~4270~~	~~509~~	**16**	**11**	~~50~~	~~30~~	~~331~~	~~13~~	~~3592~~	~~400~~	~~13~~	–	~~297~~	~~269~~
			12	**2.3**	**1300**	**440**			**48**	**29**	**210**	**8.1**	**3600**	**400**	**11**		**290**	**270**

350	**360**	**190**	~~16~~	~~3.0~~	~~4845~~	~~577~~	**16**	**11**	~~58~~	~~34~~	~~402~~	~~16~~	~~4093~~	~~455~~	~~18~~	–	~~338~~	~~306~~
			14	**2.6**	**1500**	**500**			**55**	**33**	**240**	**9.5**	**4100**	**450**	**15**		**330**	**300**
400	**360**	**190**	~~19~~	~~3.4~~	~~5405~~	~~644~~	**16**	**11**	~~65~~	~~39~~	~~477~~	~~19~~	~~4582~~	~~509~~	~~22~~	–	~~379~~	~~343~~
			17	**2.9**	**1700**	**550**			**63**	**37**	**280**	**11**	**4600**	**510**	**19**		**370**	**340**
450	**360**	**190**	~~21~~	~~3.7~~	~~5952~~	~~709~~	**16**	**11**	~~73~~	~~43~~	~~554~~	~~22~~	~~5063~~	~~563~~	~~27~~	–	~~419~~	~~379~~
			19	**3.1**	**1900**	**610**			**70**	**41**	**320**	**12**	**5100**	**560**	**23**		**410**	**370**
500	**360**	**190**	~~24~~	~~4.0~~	~~6488~~	~~773~~	**16**	**11**	~~81~~	~~47~~	~~634~~	~~25~~	~~5535~~	~~615~~	~~32~~	–	~~458~~	~~415~~
			21	**3.4**	**2100**	**670**			**78**	**45**	**350**	**14**	**5500**	**610**	**27**		**450**	**410**

[1] The dissolved metals criteria in this table have been rounded to two (2) significant digits in accordance with subdivision (3), Table 6-2. The equations and conversion factors in subdivision (3), Table 6-2 shall be used instead of the criteria in this table when dissolved metals criteria are used as intermediate values in a calculation, such as in the calculation of water quality-based effluent limitations (WQBELs).

(b) This subsection establishes minimum **surface** water quality for aquatic life. In addition to subsection (a), subdivisions (1) through (5) are established to ensure conditions necessary for the maintenance of a well-balanced aquatic community. ~~Subdivisions (1) through (5)~~ **The following** are applicable at any point in the waters outside of the mixing zone:

(1) There shall be no substances ~~which~~ **that** impart unpalatable flavor to food fish or result in noticeably offensive odors in the vicinity of the water.

(2) No pH values below six (6.0) nor above nine (9.0), except daily fluctuations ~~which~~ **that** exceed pH nine (9.0) and are correlated with photosynthetic activity, shall be permitted.

(3) Concentrations of dissolved oxygen shall average at least five (5.0) milligrams per liter per calendar day and shall not be less than four (4.0) milligrams per liter at any time.

(4) The following conditions for temperature:

(A) There shall be no abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions.

(B) The normal daily and seasonal temperature fluctuations that existed before the addition of heat due to other than natural causes shall be maintained.

(C) The maximum temperature rise at any time or place above natural temperatures shall not exceed five **(5)** degrees Fahrenheit ~~(5°F)~~ (two and eight-tenths **(2.8)** degrees Celsius) ~~(2.8°C))~~ in streams and three **(3)** degrees Fahrenheit ~~(3°F)~~ (one and seven-tenths **(1.7)** degrees Celsius) ~~(1.7°C))~~ in lakes and reservoirs.

(D) Water temperatures shall not exceed the maximum limits in the following table during more than one percent (1%) of the hours in the twelve (12) month period ending with any month; at no time shall the water temperature at such locations exceed the maximum limits in Table ~~3~~ **6-4** by more than three **(3)** degrees Fahrenheit ~~(3°F)~~ (one and seven-tenths **(1.7)** degrees Celsius): ~~(1.7°C)).~~

TABLE ~~3~~ **6-4**

	Ohio River Main Stem °F(°C)	Other Indiana Streams °F(°C)
January	50 (10.0)	50 (10.0)
February	50 (10.0)	50 (10.0)
March	60 (15.6)	60 (15.6)
April	70 (21.1)	70 (21.1)
May	80 (26.7)	80 (26.7)
June	87 (30.6)	90 (32.2)
July	89 (31.7)	90 (32.2)
August	89 (31.7)	90 (32.2)
September	87 (30.7)	90 (32.2)
October	78 (25.6)	78 (25.5)
November	70 (21.1)	70 (21.1)
December	57 (14.0)	57 (14.0)

(5) The following criteria will be used to regulate ammonia:

(A) Except for waters covered in clause (B), at all times, all **surface** waters outside of mixing zones shall be free of substances in concentrations ~~which,~~ **that,** on the basis of available scientific data, are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

(B) For those waters listed in subsection (c), the following ammonia criteria will apply outside the mixing zone:

Maximum Ammonia Concentrations
(Unionized Ammonia as N)***
(mg/l)

pH	Temperature (°C) 0	5	10	15	20	25	30
6.5	0.0075	0.0106	0.0150	0.0211	0.0299	0.0299	0.0299
6.6	0.0092	0.0130	0.0183	0.0259	0.0365	0.0365	0.0365
6.7	0.0112	0.0158	0.0223	0.0315	0.0444	0.0444	0.0444
6.8	0.0135	0.0190	0.0269	0.0380	0.0536	0.0536	0.0536
6.9	0.0161	0.0228	0.0322	0.0454	0.0642	0.0642	0.0642
7.0	0.0191	0.0270	0.0381	0.0539	0.0761	0.0761	0.0761
7.1	0.0244	0.0316	0.0447	0.0631	0.0892	0.0892	0.0892
7.2	0.0260	0.0367	0.0518	0.0732	0.1034	0.1034	0.1034
7.3	0.0297	0.0420	0.0593	0.0837	0.1183	0.1183	0.1183
7.4	0.0336	0.0474	0.0669	0.0946	0.1336	0.1336	0.1336
7.5	0.0374	0.0528	0.0746	0.1054	0.1489	0.1489	0.1489
7.6	0.0411	0.0581	0.0821	0.1160	0.1638	0.1638	0.1638
7.7	0.0447	0.0631	0.0892	0.1260	0.1780	0.1780	0.1780
7.8	0.0480	0.0678	0.0958	0.1353	0.1911	0.1911	0.1911

7.9	0.0510	0.0720	0.1017	0.1437	0.2030	0.2030	0.2030
8.0	0.0536	0.0758	0.1070	0.1512	0.2135	0.2135	0.2135
8.1	0.0537	0.0758	0.1071	0.1513	0.2137	0.2137	0.2137
8.2	0.0537	0.0758	0.1071	0.1513	0.2137	0.2137	0.2137
8.3	0.0537	0.0758	0.1071	0.1513	0.2137	0.2137	0.2137
8.4	0.0537	0.0758	0.1071	0.1513	0.2137	0.2137	0.2137
8.5	0.0537	0.0758	0.1071	0.1513	0.2137	0.2137	0.2137
8.6	0.0537	0.0758	0.1071	0.1513	0.2137	0.2137	0.2137
8.7	0.0537	0.0758	0.1071	0.1513	0.2137	0.2137	0.2137
8.8	0.0537	0.0758	0.1071	0.1513	0.2137	0.2137	0.2137
8.9	0.0537	0.0758	0.1071	0.1513	0.2137	0.2137	0.2137
9.0	0.0537	0.0758	0.1071	0.1513	0.2137	0.2137	0.2137

***To calculate total ammonia, divide the number in the table by the value determined by: $1/(10^{pKa-pH} + 1)$.

Where: pKa = 0.09018 + (2729.92/(T + 273.2))
pH = pH of water
T = °C

24-Hour Average Ammonia Concentrations
(Unionized Ammonia as N)***
(mg/l)

	Temperature (°C)						
pH	0	5	10	15	20	25	30
6.5	0.0005	0.0008	0.0011	0.0015	0.0015	0.0015	0.0015
6.6	0.0007	0.0010	0.0014	0.0019	0.0019	0.0019	0.0019
6.7	0.0009	0.0012	0.0017	0.0024	0.0024	0.0024	0.0024
6.8	0.0011	0.0015	0.0022	0.0031	0.0031	0.0031	0.0031
6.9	0.0014	0.0019	0.0027	0.0038	0.0038	0.0038	0.0038
7.0	0.0017	0.0024	0.0034	0.0048	0.0048	0.0048	0.0048
7.1	0.0022	0.0031	0.0043	0.0061	0.0061	0.0061	0.0061
7.2	0.0027	0.0038	0.0054	0.0077	0.0077	0.0077	0.0077
7.3	0.0034	0.0048	0.0068	0.0097	0.0097	0.0097	0.0097
7.4	0.0043	0.0061	0.0086	0.0122	0.0122	0.0122	0.0122
7.5	0.0054	0.0077	0.0108	0.0153	0.0153	0.0153	0.0153
7.6	0.0068	0.0097	0.0136	0.0193	0.0193	0.0193	0.0193
7.7	0.0086	0.0122	0.0172	0.0242	0.0242	0.0242	0.0242
7.8	0.0092	0.0130	0.0184	0.0260	0.0260	0.0260	0.0260
7.9	0.0098	0.0138	0.0196	0.0276	0.0276	0.0276	0.0276
8.0	0.0103	0.0146	0.0206	0.0294	0.0294	0.0294	0.0294
8.1	0.0103	0.0146	0.0206	0.0294	0.0294	0.0294	0.0294
8.2	0.0103	0.0146	0.0206	0.0294	0.0294	0.0294	0.0294
8.3	0.0103	0.0146	0.0206	0.0294	0.0294	0.0294	0.0294
8.4	0.0103	0.0146	0.0206	0.0294	0.0294	0.0294	0.0294
8.5	0.0103	0.0146	0.0206	0.0294	0.0294	0.0294	0.0294
8.6	0.0103	0.0146	0.0206	0.0294	0.0294	0.0294	0.0294
8.7	0.0103	0.0146	0.0206	0.0294	0.0294	0.0294	0.0294
8.8	0.0103	0.0146	0.0206	0.0294	0.0294	0.0294	0.0294
8.9	0.0103	0.0146	0.0206	0.0294	0.0294	0.0294	0.0294
9.0	0.0103	0.0146	0.0206	0.0294	0.0294	0.0294	0.0294

***To calculate total ammonia, divide the number in the table by the value determined by: $1/(10^{pKa-pH} + 1)$.

Where: pKa = 0.09018 + (2729.92/(T + 273.2))
pH = pH of water
T = °C

(c) This subsection establishes **surface** water quality for cold water fish. In addition to subsections (a) through (b), the following ~~standards~~ **criteria** are established to ensure conditions necessary for the maintenance of a well-balanced, cold water fish community and are applicable at any point in the waters outside of the mixing zone:

(1) Waters designated as salmonid waters and that shall be protected for cold water fish are those waters designated by the Indiana department of natural resources for put-and-take trout fishing.

(2) In the waters listed in subdivision (1), dissolved oxygen concentrations shall not be less than six (6.0) milligrams per liter at any time and shall not be less than seven (7.0) milligrams per liter in areas where spawning occurs during the spawning season and in areas used for imprinting during the time salmonids are being imprinted.

(3) In those waters listed in subdivision (1), the maximum temperature rise above natural shall not exceed two **(2)** degrees Fahrenheit ~~(2°F)~~ (one and one-tenth ~~degree~~ **(1.1) degrees** Celsius) ~~(1.1°C))~~ at any time or place ~~nor,~~ **or,** unless due to natural causes, shall the temperature exceed the following:

(A) Seventy **(70)** degrees Fahrenheit ~~(70°F)~~ (twenty-one and one-

tenth **(21.1)** degrees Celsius) ~~(21.1°C))~~ at any time.

(B) Sixty-five **(65)** degrees Fahrenheit ~~(65°F)~~ (eighteen and three-tenths **(18.3)** degrees Celsius) ~~(18.3°C))~~ during spawning and imprinting periods.

(d) This subsection establishes bacteriological quality for recreational uses. In addition to subsection (a), the criteria in this subsection are to be used to evaluate waters for full body contact recreational uses, to establish wastewater treatment requirements, and to establish effluent limits during the recreational season, which is defined as the months of April through October, inclusive. E. coli bacteria, using membrane filter (MF) count, shall not exceed one hundred twenty-five (125) per one hundred (100) milliliters as a geometric mean based on not less than five (5) samples equally spaced over a thirty (30) day period nor exceed two hundred thirty-five (235) per one hundred (100) milliliters in any one (1) sample in a thirty (30) day period.

(e) This subsection establishes surface water quality for public water supply. In addition to subsections (a) and (d), the following ~~standards~~ **criteria** are established to protect the surface water quality at the point at which water is withdrawn for treatment for public supply:

(1) The coliform bacteria group shall not exceed **the following:**

(A) Five thousand (5,000) per one hundred (100) milliliters **as** a monthly average value (either MPN or MF count). ~~nor exceed this number~~

(B) Five thousand (5,000) per one hundred (100) milliliters in more than twenty percent (20%) of the samples examined during any month. ~~nor exceed~~

(C) Twenty thousand (20,000) per one hundred (100) ~~milliliter~~ **milliliters** in more than five percent (5%) of ~~such~~ **the** samples **examined during any month.**

(2) Taste and odor producing substances, other than naturally occurring, shall not interfere with the production of a finished water by conventional treatment consisting of coagulation, sedimentation, filtration, and disinfection.

(3) The concentrations of either chlorides or sulfates shall not exceed two hundred fifty (250) milligrams per liter other than due to naturally occurring sources.

(4) The concentration of dissolved solids shall not exceed seven hundred fifty (750) milligrams per liter other than due to naturally occurring sources. A specific conductance of one thousand two hundred (1,200) micromhos per centimeter (at twenty-five (25) degrees Celsius) may be considered equivalent to a dissolved solids concentration of seven hundred fifty (750) milligrams per liter.

~~(4)~~ **(5)** Surface waters shall be considered acceptable for public ~~supplies~~ **water supply** if radium-226 and strontium-90 are present in amounts not exceeding three (3) and ten (10) picocuries per liter, respectively. In the known absence of strontium-90 and alpha emitters, the water supply is acceptable when the gross beta concentrations do not exceed one thousand (1,000) picocuries per liter.

~~(5)~~ **(6)** Chemical constituents in the waters shall not be present in such levels as to prevent, after conventional treatment, meeting the drinking water standards contained in 327 IAC 8-2, due to other than natural causes.

(f) This subsection establishes **surface** water quality for industrial water supply. In addition to subsection (a), the ~~standard~~ **criterion** to ensure protection of water quality at the point at which water is withdrawn for use (either with or without treatment) for industrial cooling and processing is that, other than from naturally occurring sources, the dissolved solids shall not exceed seven hundred fifty (750) milligrams per liter at any time. A specific conductance of one thousand two hundred (1,200) micromhos per ~~centimeters~~ **centimeter** (at twenty-five **(25)** degrees Celsius) ~~(25°C))~~ may be considered equivalent to a dissolved solids concentration of seven hundred fifty (750) milligrams per liter.

(g) This subsection establishes **surface** water quality for agricultural uses. The ~~standards~~ **criteria** to ensure water quality conditions necessary for agricultural use are the same as those in subsection (a).

(h) This subsection establishes **surface** water quality for limited uses. The quality of waters classified for limited uses ~~pursuant to~~ **under** section 3(a)(5) of this rule shall, at a minimum, meet the following ~~standards:~~ **criteria:**

(1) The ~~standards contained~~ **criteria** in subsection (a).

(2) The ~~standards contained~~ **criteria** in subsection (d).

(3) The ~~standards contained~~ **criteria** in subsection (f), where applicable.

(4) The waters must be aerobic at all times.

(5) Notwithstanding the preceding subdivisions, the quality of a limited use stream at the point where it becomes physically or chemically capable of supporting a higher use or at its interface with a higher use water segment shall meet the ~~standards which~~ **criteria that** are applicable to the higher use water.

(i) This subsection establishes **surface** water quality for exceptional uses. Waters classified for exceptional uses warrant extraordinary protection. Unless ~~standards~~ **criteria** are otherwise specified on a case-by-case basis, the quality of all waters designated for exceptional use shall be maintained without degradation.

~~(j) Notwithstanding section 7 of this rule, the acute aquatic and chronic aquatic criteria (AAC and CAC) established in subsection (a) shall apply to the underground portion of the Lost River system and other underground streams and their tributaries that support fish or other higher aquatic life forms.~~ *(Water Pollution Control Board; 327 IAC 2-1-6; filed Sep 24, 1987, 3:00 p.m.: 11 IR 581; filed Feb 1, 1990, 4:30 p.m.: 13 IR 1020; errata, 13 IR 1861; errata filed Jul 6, 1990, 5:00 p.m.: 13 IR 2003; filed Feb 26, 1993, 5:00 p.m.: 16 IR 1725; errata filed May 7, 1993, 4:00 p.m.: 16 IR 2189; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1348; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3376)*

SECTION 6. 327 IAC 2-1-8 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1-8 Methods of analysis

Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-18-4

Sec. 8. The analytical procedures used as methods of analysis to determine the chemical, bacteriological, biological, and radiological quality of waters sampled shall be in accordance with 40 CFR 136 ~~the sixteenth edition of Standard Methods for the Examination of Water and Wastewater,~~ or methods approved by the commissioner. ~~and the Environmental Protection Agency.~~ *(Water Pollution Control Board; 327 IAC 2-1-8; filed Sep 24, 1987, 3:00 p.m.: 11 IR 583; filed Feb 1, 1990, 4:30 p.m.: 13 IR 1033)*

SECTION 7. 327 IAC 2-1-8.1 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1-8.1 Calculation of criteria for toxic substances; general

Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-18-4

Sec. 8.1. **(a)** Water quality standards for the state of Indiana indicate that all **surface** waters at all times and at all places, including the mixing zone, shall be free of substances or combinations of substances ~~which~~ **that** are in amounts sufficient to be acutely toxic to humans, other animals, plants, or aquatic life. Toxic substances include, but are not limited to, those substances identified under Section 307(a) of the Clean Water Act. The allowable concentration of a toxic substance in surface water shall be determined for that substance by the procedures in sections 8.2 through ~~8.8~~ **8.9** of this rule.

(b) The use of dissolved metal to set and measure compliance with water quality standards for aquatic life is the recommended approach because dissolved metal more closely approximates the bioavailable fraction of metal in the water column than does total recoverable metal. Reasons for the consideration of total recoverable metals criteria include risk management considerations not covered by evaluation of water column toxicity. The commissioner may, after considering sediment and food chain effects for a particular metal, decide to take a more conservative approach for the metal. This approach could include the expression of aquatic life criteria for the metal in the form of total recoverable metal. If the commissioner determines that it is appropriate to express aquatic life criteria for a particular metal in the form of dissolved metal, the criteria shall be determined as follows:

(1) If sufficient toxicological data in the form of dissolved metal are available, these data shall be used in sections 8.2, 8.3, and 8.9 of this rule to derive aquatic life criteria directly in the form of dissolved metal.

(2) If sufficient toxicological data in the form of dissolved metal are not available, aquatic life criteria shall be derived in the form of total recoverable metal using the procedures in sections 8.2, 8.3, and 8.9 of this rule and then multiplied by criteria conversion factors approved by the commissioner to express the criteria in the form of dissolved metal.

(3) If sufficient toxicological data in the form of dissolved metal are not available and criteria conversion factors for the particular metal have not been approved by the commissioner, aquatic life criteria shall be derived in the form of total recoverable metal using the procedures in sections 8.2, 8.3, and 8.9 of this rule and expressed in the form of total recoverable metal.

(Water Pollution Control Board; 327 IAC 2-1-8.1; filed Feb 1, 1990, 4:30 p.m.: 13 IR 1033; errata filed Jul 6, 1990, 5:00 p.m.: 13 IR 2003)

SECTION 8. 327 IAC 2-1-8.2 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1-8.2 Determination of acute aquatic criteria (AAC)

Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-18-4

Sec. 8.2. In order to ensure that the concentration of a substance or combination of substances does not become acutely toxic to aquatic organisms, an acute aquatic criterion (AAC) will be determined by one (1) of the following methods:

(1) The following for Method 1:

(A) If no AAC is available in section ~~6(a)(2)~~ **6(a)(3),** Table ~~1~~ **6-1** of this rule **or section 6(a)(3), Table 6-2 of this rule** for the substance, ~~or if a different AAC can be scientifically justified based on new toxicological data, or site-specific conditions concerning water quality characteristics, or species present,~~ an AAC can be calculated using the procedures in **this** subdivision. ~~(2).~~

~~(B) Alternatively, or in addition to those criteria in section 6(a)(1)(D) of this rule, a site-specific acute aquatic criterion based on whole effluent toxicity can be utilized. This criterion shall not exceed ten percent (10%) mortality above control mortality, as measured by the most sensitive species tested, in one hundred percent (100%) effluent. The toxicity of the whole effluent shall be determined as follows:~~

~~(i) Three (3) species will be tested initially, and these will represent species from ecologically diverse taxa to the extent possible. The exact species to be tested will be determined by the commissioner on a case-by-case basis with the objective of using resident or representative species. Once the toxicity of the effluent has been characterized, only the most sensitive of the species tested need to be used in such further testing as may be required.~~

~~(ii) Whole effluent toxicity testing will be required on up to three (3) sets of composite effluent samples to determine the variability of the effluent.~~

~~(2) The following for Method 2:~~

~~(A)~~ **(B)** An acute criterion can be calculated using modified U.S. EPA procedures when acute toxicity data are available for at least five (5) North American genera of freshwater organisms, including representatives of the following families:

(i) The family Salmonidae.

(ii) The family Cyprinidae or Centrarchidae.

(iii) Another family, not represented in item (i) or (ii), in the Class Osteichthyes.

(iv) The family Daphnidae.

(v) Another aquatic macroinvertebrate family.

~~(B)~~ **(C)** Resident species data are preferred for the above required data set. If one (1) or more of the required families are not a site resident, the requirement may be waived and appropriate substitution will be made. If data are not available for resident species, data for nonresident species may be substituted and will be assumed to be representative of resident species. ~~In addition, site-specific modifications to acute aquatic life criteria developed in accordance with this clause may be developed when the local water characteristics such as pH, hardness, temperature, or color alter the biological availability or toxicity of a pollutant.~~ The AAC is calculated using the following procedures:

(i) If the acute toxicity of the chemical has not been adequately shown to be related to a water quality characteristic, such as hardness, pH, or temperature, the AAC is calculated using the following procedures:

(AA) For each species for which at least one (1) acute value is available, the species mean acute value (SMAV) is calculated as the geometric mean of the results of all tests in which the concentrations of test material were stable as shown by measured values. For a species for which no such result is available, the SMAV should be calculated as the geometric mean of all available acute values, ~~i.e.,~~ **for example,** results of flow-through tests in which the concentrations were not measured and results of static and renewal tests based on initial concentrations of test material.

(BB) For each genus for which one (1) or more SMAVs are available, the genus mean acute value (GMAV) is calculated

as the geometric mean of the SMAVs available for the genus.

(CC) The GMAVs are ordered from high to low.

(DD) Ranks (R) are assigned to the GMAVs from "1" for the lowest to "N" for the highest. If two (2) or more GMAVs are identical, successive ranks are arbitrarily assigned.

(EE) The cumulative probability, P, is calculated for each GMAV as R/(N + 1).

(FF) The (T) GMAVs (T = 2 for N = 5; T = 3 for N = 6 or 7; T = 4 for N = 8 or greater) are selected ~~which~~ **that** have cumulative probabilities closest to five-hundredths (0.05). If there are less than fifty-nine (59) GMAVs, these will always be the two (2) (for N = 5), three (3) (for N = 6 or 7), or four (4) (for N = 8 or greater) lowest GMAVs.

(GG) Using the selected GMAVs and Ps, the final acute value (FAV) is calculated as:

$$S^2 = \frac{E^*((\ln GMAV)^2) - ((E(\ln GMAV))^2/T)}{E(P) - ((E(\sqrt{P}))^2/T)}$$

$$L = (E(\ln GMAV) - S(E(\sqrt{P})))/T$$

$$A = S(\sqrt{0.05}) + L$$

$$FAV = e^A$$

$$AAC = FAV/2$$

$$^*E = \text{Summation}$$

(HH) If, for a commercially, recreationally, or ecologically important species, the geometric mean of the acute values from flow-through tests in which the concentrations of test material were measured is lower than the calculated FAV, then that geometric mean is used as the FAV instead of the calculated FAV.

(ii) If data are available to show that acute toxicity to two (2) or more species is similarly related to a water quality characteristic, the AAC is calculated using the procedures as follows:

(AA) For each species for which comparable acute toxicity values are available at two (2) or more different values of the water quality characteristic, a least squares regression of the acute toxicity values on the corresponding values of the water quality characteristic is performed to obtain the slope of the curve that describes the relationship. Because the best documented relationship is that between hardness and acute toxicity of metals and a log-log relationship fits these data, geometric means and natural logarithms of both toxicity and water quality are used in the rest of this procedure to illustrate the method. For relationships based on other water quality characteristics, such as pH or temperature, no transformation or a different transformation might fit the data better, and appropriate changes will be made as necessary throughout this method.

(BB) Each acute slope is evaluated as to whether or not it is meaningful, taking into account the range and number of tested values of the water quality characteristic and the degree of agreement within and between species. If meaningful slopes are not available for at least one (1) fish and one (1) invertebrate, or if the available slopes are too dissimilar, or if too few data are available to adequately define the relationship between acute toxicity and the water quality characteristic, the AAC is calculated using the procedures in item (i).

(CC) Individually, for each species, the geometric mean of the available acute values is calculated and then each of the acute values for a species is divided by the mean for the species. This normalizes the acute values so that the geometric mean of the normalized values for each species individually and for any combination of species is one (1.0).

(DD) The values of the water quality characteristic are similarly normalized for each species individually.

(EE) All the normalized data are treated as if they were for the same species and a least squares regression of all the normalized acute values on the corresponding normalized values of the water quality characteristic is performed to obtain the pooled acute slope, V.

(FF) For each species the geometric mean, W, of the acute toxicity values and the geometric mean, X, of the water quality characteristic are calculated. (These were calculated in subitems (CC) through (DD).)

(GG) For each species the logarithmic intercept, Y, is calculated using the equation:

$$Y = \ln W - V(\ln X - \ln Z)$$

(HH) For each species calculate the SMAV at Z using the equation:

$$SMAV = e^Y$$

(II) Obtain the FAV at Z by using the procedures described in subitems (BB) through (HH), replacing "value" with "intercept".

(JJ) The final acute equation is written as:

$$\text{final acute value (FAV)} = e^{(V(\ln(\text{water quality characteristic})) + \ln A - V(\ln Z))}$$

Where: V = pooled acute slope (from subitem (EE))

A = FAV at Z (from subitem (II))

Since V, A, and Z are known, the FAV can be calculated for any selected value of the water quality characteristic.

(KK) The AAC is equal to the FAV/2.

~~(C)~~ **(D)** If data are not available for at least five (5) North American freshwater genera meeting the requirements in clause ~~(A),~~ **(B),** go to subdivision ~~(3).~~ **(2).**

~~(3)~~ **(2)** The following for Method ~~3.~~ **(2):**

(A) If the required data to derive the AAC in subdivision ~~(2)(B)~~ **(1)(C)** are not present in the acute toxicity data base and at least one (1) LC_{50} value is available for a daphnid species and either fathead minnow, bluegill, or rainbow trout, a FAV is calculated by dividing the lowest SMAV for the daphnid species, fathead minnow, bluegill, and rainbow trout by five (5) if rainbow trout are represented or ten (10) if rainbow trout are not represented. The AAC equals the FAV divided by two (2). If appropriate, the AAC will be made a function of a water quality characteristic in a manner similar to that described in subdivision ~~(2)(B)(ii).~~ **(1)(C)(ii).**

(B) If the data required in clause (A) are not available, no AAC can be calculated and the discharger will be required to develop the minimum data base (ninety-six (96) hour LC_{50} for rainbow trout, fathead minnow, or bluegill and a forty-eight (48) hour LC_{50} for a daphnid) needed to calculate the AAC.

(Water Pollution Control Board; 327 IAC 2-1-8.2; filed Feb 1, 1990, 4:30 p.m.: 13 IR 1033; errata filed Jul 6, 1990, 5:00 p.m.: 13 IR 2004; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1357; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3376)

SECTION 9. 327 IAC 2-1-8.3 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1-8.3 Determination of chronic aquatic criterion (CAC)

Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-18-4

Sec. 8.3. In order to ensure that the concentration of a substance or combination of substances does not produce chronic effects on aquatic organisms, a chronic aquatic criterion (CAC) will be determined by one (1) of the following methods:

(1) The following for Method 1:

(A) If no CAC is given for the substance in section ~~6(a)(2)~~ **6(a)(3),** Table ~~1~~ **6-1** of this rule, ~~or if different CAC can be scientifically justified based on new toxicological data, or site-specific conditions concerning water quality characteristics or species present,~~ **or section 6(a)(3), Table 6-2 of this rule,** a CAC can be calculated using the procedures in **this** subdivision. ~~(2).~~

~~(B) Alternatively, or in addition to the CAC in section 6(a)(2) of this rule, a site-specific CAC based on whole effluent toxicity can be utilized. This criterion shall not exceed the no observable effect level (NOEL) based on an appropriate chronic toxicity test, as measured by the most sensitive species tested, at an effluent dilution equal to that provided by no more than one-fourth (¼) of the $Q_{7,10}$ flow of the receiving stream. The toxicity of the whole effluent shall be determined as follows:~~

~~(i) Three (3) species will be tested initially, and these will represent species from ecologically diverse taxa to the extent possible. The exact species to be tested will be determined by the commissioner on a case-by-case basis with the objective of using resident or representative species. Once the toxicity of the effluent has been characterized, only the most sensitive of the species tested need be used in such further testing as may be required.~~

~~(ii) Whole effluent toxicity testing will be required on up to three (3) sets of composite effluent samples to determine the variability of the effluent.~~

~~(2) The following for Method 2:~~

~~(A)~~ **(B)** The CAC is derived in the same manner as the FAV in section ~~8.2(2)~~ **8.2(1)** of this rule by substituting CAC for FAV, chronic for acute, MATC (maximum acceptable toxicant concentration) for LC_{50}, SMCV (species mean chronic value) for SMAV, and GMCV (genus mean chronic value) for GMAV.

~~(B)~~ **(C)** If chronic toxicity data are not available for at least five (5) North American freshwater genera meeting the requirements in section ~~8.2(2)(A)~~ **8.2(1)(B)** of this rule, go to subdivision ~~(3).~~ **(2).**

~~(C) Site-specific modifications to chronic aquatic life criteria developed in accordance with this section may be developed when the local water characteristics, such as pH, hardness, temperature, or color, alter the biological availability or toxicity of a pollutant.~~

~~(3)~~ **(2)** The following for Method ~~3:~~ **2:**

(A) The CAC can be calculated by dividing the FAV by an acute-chronic ratio (or geometric mean of the acute-chronic ratios if more than one (1) is available) for at least one (1) North American freshwater species.

(B) If no acute-chronic ratio is available for at least one (1) North American freshwater species, go to subdivision ~~(4).~~ **(3).**

~~(4)~~ **(3)** The following for Method ~~4:~~ **3:**

(A) The CAC can be calculated by dividing the FAV by a factor of forty-five (45). If, for a commercially, recreationally, or ecologically important species, the geometric mean of the chronic values is lower than the calculated CAC, then that geometric mean is used as the CAC instead of the calculated CAC.

(B) If the data needed in clause (A) are not available, no CAC can be calculated and the discharger will be required to develop the minimum data base necessary to calculate the CAC (ninety-six (96) hour LC_{50} for rainbow trout, fathead minnow, or bluegill and a forty-eight (48) hour LC_{50} for a daphnid).

(Water Pollution Control Board; 327 IAC 2-1-8.3; filed Feb 1, 1990, 4:30 p.m.: 13 IR 1035; errata, 13 IR 1861; errata filed Jul 6, 1990, 5:00 p.m.: 13 IR 2004; errata filed Jul 24, 1990, 4:55 p.m.: 13 IR 2138; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1359)

SECTION 10. 327 IAC 2-1-8.9 IS ADDED TO READ AS FOLLOWS:

327 IAC 2-1-8.9 Site-specific modifications to criteria

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

Sec. 8.9. (a) Site-specific modifications to criteria must be protective of designated uses and aquatic life or human health. In addition, any site-specific modifications that result in less stringent criteria must be based on a sound scientific rationale and shall not be likely to jeopardize the continued existence of endangered or threatened species listed or proposed under Section 4 of the Endangered Species Act (ESA) or result in the destruction or adverse modification of such species' critical habitats. More stringent modifications shall be developed to protect endangered or threatened species listed or proposed under Section 4 of the ESA where such modifications are necessary to ensure that water quality is not likely to jeopardize the continued existence of such species or result in the destruction or adverse modification of such species' critical habitats. More stringent modifications may also be developed to protect candidate (C1) species being considered by the U.S. Fish and Wildlife Service (FWS) for listing under Section 4 of the ESA where such modifications are necessary to protect such species. Criteria may be modified on a site-specific basis to reflect local environmental conditions as restricted by the following provisions:

(1) Aquatic life criteria may be modified on a site-specific basis as follows:

(A) Aquatic life criteria may be modified on a site-specific basis to provide an additional level of protection.

(B) Less stringent site-specific modifications to chronic or acute aquatic life criteria may be developed when either of the following conditions applies:

(i) The local water quality characteristics, such as pH, hardness, temperature, or color, alter the biological availability or toxicity of a pollutant.

(ii) The sensitivity of the aquatic organisms species that occur at the site differs from the species actually tested in developing the criteria.

(C) Less stringent modifications may also be developed to acute and chronic aquatic life criteria to reflect local physical and hydrological conditions.

(D) Any modifications to protect threatened or endangered aquatic species required by this subsection may be accomplished using either of the two (2) following procedures:

(i) If the species mean acute value (SMAV) for a listed or proposed species or for a surrogate of such species is lower than the calculated final acute value (FAV), such lower SMAV may be used instead of the calculated FAV in developing site-specific modified criteria.

(ii) The site-specific criteria may be calculated using the recalculation procedure for site-specific modifications as described in EPA's Water Quality Standards Handbook, Second Edition-Revised (1994) Chapter 3 and Appendix L.

(2) Human health criteria may be modified on a site-specific basis as follows:

(A) Human health criteria may be modified on a site-specific basis to provide an additional level of protection in accordance with the following:

(i) Human health criteria shall be modified on a site-specific basis to provide additional protection appropriate for highly exposed subpopulations.

(ii) Any person may request the commissioner to develop a site-specific modification of a human health criterion to make it more stringent.

(iii) The commissioner shall develop the site-specific modification of the human health criterion to make it more stringent when local fish consumption rates are higher than the rate used to derive human health criteria under sections 8.5 and 8.6 of this rule and determined according to clause (C).

(B) Less stringent site-specific modifications to human health criteria may be developed when local fish consumption rates are lower than the rate used to derive human health criteria under sections 8.5 and 8.6 of this rule and determined according to clause (C).

(C) Local fish consumption rates referenced in clauses (A) and (B) shall be determined by a fish consumption survey applicable to the site.

(b) Upon receipt of an application for a site-specific modification to a water quality criterion, the commissioner shall provide notice, request comment, and, if requested, schedule and hold a public meeting on the application in accordance with 327 IAC 5-2-11.2.

(Note: IDEM is currently discussing the approval process for site-specific modifications to criteria with U.S. EPA Region 5 and could not reach a conclusion by the deadline for the submission of this draft rule. Therefore, IDEM is inserting this place holder in the rules to inform interested parties that IDEM intends to add rule language to this effect prior to preliminary adoption. The rule language will provide the details of the approval process and could include a detailed methodology for developing site-specific modifications to criteria if U.S. EPA would approve such a methodology.)

(c) The following site-specific modifications to water quality criteria have been granted:

Table 8.9-1

Site-Specific Surface Water Quality Criteria[1]

Waterbody	Starting Location	Ending Location	Substances	AAC (Maximum) (µg/l)	AAC Conversion Factors	CAC (4-Day Average) (µg/l)	CAC Conversion Factors
Richland Creek	The outfall of the Princeton POTW	The confluence of Richland Creek with McCarty Ditch	Copper (Dissolved)	$e^{(0.9422\ [1n(hardness)]-1.4076)}$	0.960	$e^{(0.8545\ [1n(hardness)]-1.4097)}$	0.960
			Cyanide (Free)	45.8		10.7	
			Lead (Dissolved)	$e^{(1.273\ [1n(hardness)]-1.1856)}$	1.46203-[(ln hardness)(0.145712)]	$e^{(1.273\ [1n(hardness)]-3.6853)}$	1.46203-[(ln hardness)(0.145712)]
Wabash River	The outfall of the Smurfit-Stone Corporation (river mile 387)	A point 2 miles downstream	Cyanide (Free)	45.8		10.7	
Wabash River	The outfall of Eli-Lilly and Company (river mile 309)	A point 2 miles downstream	Copper (Dissolved)	$e^{(0.9422\ [1n(hardness)]-1.4076)}$	0.960	$e^{(0.8545\ [1n(hardness)]-1.4097)}$	0.960
Wabash River	The outfall of Eli-Lilly and Company (river mile 236)	A point 2 miles downstream	Lead (Dissolved)	$e^{(1.273\ [1n(hardness)]-1.1856)}$	1.46203-[(ln hardness)(0.145712)]	$e^{(1.273\ [1n(hardness)]-3.6853)}$	1.46203-[(ln hardness)(0.145712)]

			Cadmium (Dissolved)	$e^{(1.128\ [\ln(hardness)]-1.708)}$	1.136672-[(ln hardness)(0.041838)]	$e^{(0.7852\ [\ln(hardness)]-2.9232)}$	1.101672-[(ln hardness)(0.041838)]
West Fork White River	The outfall of the Belmont POTW (river mile 227)	The Marion-Johnson County line (river mile 220)	Copper (Dissolved)	$e^{(0.9422\ [\ln(hardness)]-1.4076)}$	0.960	$e^{(0.8545\ [\ln(hardness)]-1.4097)}$	0.960
			Cyanide (Free)	45.8		10.7	
			Lead (Dissolved)	$e^{(1.273\ [\ln(hardness)]-1.1856)}$	1.46203-[(ln hardness)(0.145712)]	$e^{(1.273\ [\ln(hardness)]-3.6853)}$	1.46203-[(ln hardness)(0.145712)]

[1] The AAC and CAC columns of this table contain hardness-based total recoverable metals criteria for cadmium, copper, and lead. The criterion for the dissolved metal is calculated by multiplying the appropriate conversion factor by the AAC or CAC. This dissolved AAC or CAC shall be rounded to two (2) significant digits, except when the criteria are used as intermediate values in a calculation, such as in the calculation of water quality-based effluent limitations (WQBELs).

(Water Pollution Control Board; 327 IAC 2-1-8.9)

SECTION 11. 327 IAC 2-1-9 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1-9 Definitions

Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-11-2-265; IC 13-18-3-2; IC 13-18-4

Sec. 9. In addition to the definitions contained in IC 13-11-2 and 327 IAC 1, the following definitions apply throughout this title:

(1) "Acceptable daily intake" or "ADI" represents the maximum amount of a substance ~~which~~ **that** if ingested daily for a lifetime results in no adverse effects to humans.

(2) "Acute aquatic criterion" or "AAC" means the highest concentration of chemical that if met instream will protect the aquatic life present from mortality or other irreversible effects due to short term exposure. The AAC is equal to one-half (½) the final acute value (FAV).

(3) "Acute toxicity" means ~~the ability of a chemical to cause a debilitating or injurious change in an organism which results from a single or short term~~ **concurrent and delayed adverse effects that result from an acute** exposure ~~to the chemical.~~ **and occur within any short observation period which begins when the exposure begins, may extend beyond the exposure period, and usually does not constitute a substantial portion of the life span of the organism.**

(4) "Adverse effect" means any deleterious effect to organisms due to exposure to a substance. The term includes effects that are or may become debilitating, harmful, or toxic to the normal functions of the organism, but does not include nonharmful effects, such as tissue discoloration alone or the induction of enzymes involved in the metabolism of the substance.

~~(4)~~ **(5)** "Bioaccumulative chemical of concern" or "BCC" ~~means any chemical which, upon entering the surface waters, by itself or as its transformation product, bioaccumulates in aquatic organisms by a factor greater than one thousand (1,000) at six percent (6%) lipids.~~ **refers to the following substances:**

Table 9-1

Bioaccumulative Chemicals of Concern

CAS Number	Substance
309002	Aldrin
57749	Chlordane
72548	4,4'-DDD; p,p'-DDD; 4,4'-TDE; p,p'-TDE
72559	4,4'-DDE; p,p'-DDE
50293	4,4'-DDT; p,p'-DDT
60571	Dieldrin
72208	Endrin
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene; hexachloro-1,3-butadiene
608731	Hexachlorocyclohexanes; BHCs
319846	alpha-Hexachlorocyclohexane; alpha-BHC
319857	beta-Hexachlorocyclohexane; beta-BHC
319868	delta-Hexachlorocyclohexane; delta-BHC
58899	Lindane; gamma-hexachlorocyclohexane; gamma-BHC
7439976	Mercury
2385855	Mirex
29082744	Octachlorostyrene
1336363	PCBs; polychlorinated biphenyls
608935	Pentachlorobenzene
39801144	Photomirex
1746016	2,3,7,8-TCDD; dioxin
634662	1,2,3,4-Tetrachlorobenzene
95943	1,2,4,5-Tetrachlorobenzene
8001352	Toxaphene

~~(5)~~ **(6)** "Bioconcentration" ~~is the increase in concentration of the chemical of concern and its metabolites in or on the target organisms (or specified tissues thereof) relative to the concentration of the chemical of concern in~~ **means the net accumulation of a substance by an aquatic organism as a result of uptake directly from** the ambient water **through gill membranes or other external body surfaces.**

~~(6)~~ **(7)** "Bioconcentration factor" or "BCF" ~~is the number used to~~

~~relate substance residue~~ **means the ratio (in liters per kilogram) of a substance's concentration** in **tissue of an** aquatic ~~organisms~~ **organism** to ~~the~~ **its** concentration ~~of the substance~~ in the ~~waters~~ **ambient water** in ~~which the organisms reside.~~ **situations where the organism is exposed through the water only and the ratio does not change substantially over time.**

~~(7)~~ **(8)** "Carcinogen" means a chemical ~~which~~ **that** causes an increased incidence of benign or malignant neoplasms, or a substantial decrease in the latency period between exposure and onset of neoplasms through oral or dermal exposure, or through inhalation exposure when the cancer occurs at nonrespiratory sites in at least one (1) mammalian species or man through epidemiological ~~and/or~~ **studies or** clinical studies, **or both.**

~~(8)~~ **(9)** "Chronic aquatic criterion" or "CAC" means the highest concentration of chemical that if met instream will protect the aquatic life present from toxic effects due to long term exposure, ~~e.g.,~~ **for example,** adverse effects on growth and reproduction.

~~(9)~~ **(10)** "Chronic toxicity" means ~~the ability of a chemical to cause an injurious or debilitating effect in an organism which results from repeated~~ **concurrent and delayed adverse effects that occur only as a result of a chronic** exposure. ~~to a chemical for a time period representing a substantial portion of the natural life expectancy of that organism.~~

~~(10)~~ **(11)** "Coliform bacteria" means all the aerobic and facultatively anaerobic, gram-negative, nonsporeforming bacilli that produce acid and gas from the fermentation of lactose.

~~(11)~~ **(12)** "Community" means a general collective term to describe the varieties of aquatic species and associated organisms living together in a waterbody.

(13) "Criteria conversion factor" means the fraction of the metal corresponding to an estimate of the percent of the total recoverable metal that was dissolved in the aquatic toxicity tests that were most important in the derivation of the criterion for the metal. Criteria conversion factors are multiplied by acute and chronic aquatic criteria developed using toxicological data in the form of total recoverable metal to express the criteria in the form of dissolved metal.

(14) "Criterion" means a definite numerical value or narrative statement promulgated by the board to maintain or enhance water quality to provide for and fully protect designated use of the waters of the state.

~~(12)~~ **(15)** "Discharge-induced mixing" or "DIM" means mixing initiated by the use of submerged, high rate diffuser outfall structures ~~which~~ **(or the functional equivalent) that** provide turbulent initial mixing and will minimize organism exposure time.

~~(13)~~ **(16)** "Effluent" means a wastewater discharge from a point source to the waters of the state.

(17) "Endangered or threatened species" includes those species that are listed as endangered or threatened under Section 4 of the Endangered Species Act (ESA).

(18) "ESA" means the Endangered Species Act (ESA), 16 U.S.C. 1531 et seq.

(19) "Exceptional use water" means any water designated as an exceptional use water by the water pollution control board, regardless of when the designation occurred.

~~(14)~~ **(20)** "Final acute value" or "FAV" means:

(A) a calculated estimate of the concentration of a ~~substance~~ **test material such** that ~~is lower than all but five~~ **ninety-five** percent ~~(5%)~~ **(95%)** of the ~~mean acute values (MAVs) that cause a specific level of~~ **genera (with which acceptable** acute toxicity ~~to an aquatic taxon in laboratory test.~~ **tests have been conducted on the material) have higher genus mean acute values (GMAVs); or**

(B) the species mean acute value (SMAV) of an important or critical species, if the SMAV is lower than the calculated estimate.

~~(15)~~ **(21)** "Full body contact" means direct contact with the water to the point of complete submergence.

(22) "Genus mean acute value" or "GMAV" means the geometric mean of the SMAVs for the genus.

(23) "Genus mean chronic value" or "GMCV" means the geometric mean of the SMCVs for the genus.

~~(16)~~ **(24)** "Geometric mean" means the Nth root of the product of N quantities. Alternatively, the geometric mean can be calculated by adding the logarithms of the N numbers, dividing the sum by N, and taking the antilog of the quotient.

~~(17)~~ **(25)** "Great Lakes system" has the ~~same definition in this rule as contained under 327 IAC 2-1.5-2(42).~~ **meaning set forth in 327 IAC 2-1.5-2(44).**

~~(18)~~ **(26)** "Ground water" means ~~such accumulations of underground water, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state, but excluding manmade underground storage or conveyance structures.~~ **water located below the ground surface in interconnected voids and pore spaces in the zone of saturation.**

~~(19)~~ **(27)** "Human life cycle safe concentration" or "HLSC" is the highest concentration of a chemical to which a human is exposed continuously for a lifetime and ~~which~~ **that** results in no observable adverse effects to **a** human and its progeny.

~~(20)~~ **(28)** "Indigenous" means, generally, an organism native to and growing and reproducing in a particular region. For purposes of this rule, ~~this~~ **the** term also includes historically nonnative species introduced by the Indiana department of natural resources as part of a program of wildlife management whether such species reproduce or not.

~~(21)~~ **(29)** "LC_{50}" ~~means the median lethal~~ **refers to a statistically or graphically estimated** concentration ~~which~~ **that** is ~~the concentration of a test material in a suitable diluent at which~~ **expected to be lethal to** fifty percent (50%) of ~~the exposed organisms die during a specified time period.~~ **group of organisms under specified conditions.**

~~(22)~~ **(30)** "LD_{50}" means the median lethal dose of a chemical, which is the amount of a test material per body weight ~~which,~~ **that,** when administered, results in fifty percent (50%) mortality to the organisms during a specified time period.

~~(23)~~ **(31)** "Life cycle safe concentration" means the highest concentration of a chemical to which an organism is exposed continuously for a lifetime and ~~which~~ **that** results in no observable adverse effects to the organism and its progeny.

~~(24) "Limit of quantification" means a concentration of an analyte at which one can state with a degree of confidence, using the most sensitive analytical test method approved by EPA, for that sample matrix that an analyte is present at a specific concentration in the sample tested.~~

~~(25) "Log K_{ow}" means the log (base 10) of the n-octanol/water partition coefficient.~~

~~(26)~~ **(32)** "Lowest observable adverse effect level" or "LOAEL" means the lowest tested **dose or** concentration ~~causing the occurrence of an injurious or debilitating~~ **of a substance that resulted in an observed adverse** effect **in exposed test organisms when all higher doses or concentrations resulted in the same or more severe effects.**

~~(27)~~ **(33)** "MATC" means the maximum acceptable toxicant concentration obtained by calculating the geometric mean of the lower and upper chronic limits from a chronic test. A lower chronic limit is the highest tested concentration ~~which~~ **that** did not cause the occurrence of a specified adverse effect. An upper chronic limit is the lowest tested concentration ~~which~~ **that** did cause the occurrence of a specified adverse effect and above which all tested concentrations caused such an occurrence.

~~(28)~~ **(34)** "Maximum contaminant level" or "MCL" means the maximum permissible level of a contaminant in water ~~which~~ **that** is delivered to the free-flowing outlet of the ultimate user of a public water ~~supply~~ system.

~~(29) "Mean acute value" or "MAV" means the concentration of a substance that causes a specific level of acute toxicity to aquatic organisms in some taxonomic group.~~

~~(30)~~ **(35)** "Mixing zone" means an area contiguous to a discharge where the discharged wastewater mixes with the receiving waters. Where the quality of the effluent is lower than that of the receiving waters, it may not be possible to attain within the mixing zone all beneficial uses ~~which~~ **that** are attained outside the zone. The mixing zone should not be considered a place where effluents are treated.

~~(31)~~ **(36) "No observed adverse effect level" or** "NOAEL" ~~means~~ **is** the highest ~~level of toxicant which results~~ **tested dose or concentration of a substance that resulted** in no ~~observable~~ **observed** adverse ~~effects to~~ **effect in** exposed test organisms **where higher doses or concentrations resulted in an adverse effect.**

~~(32) "n-octanol/water partition coefficient (K_{ow})" means the ratio of the octanol to water equilibrium concentrations of a compound.~~

~~(33)~~ **(37)** "Nonthreshold mechanism" means a process ~~which~~ **that** results in some possible effect no matter what level is present. There is no level ~~which~~ **that** may not produce an effect.

(38) "Occur at the site" includes the species, genera, families, orders, classes, and phyla that:

(A) are usually present at the site;

(B) are present at the site only seasonally due to migration;

(C) are present intermittently because they periodically return to or extend their ranges into the site;

(D) were present at the site in the past, are not currently present at the site due to degraded conditions, and are expected to return to the site when conditions improve; or

(E) are present in nearby bodies of water, are not currently present at the site due to degraded conditions, and are expected to be present at the site when conditions improve.

The taxa that occur at the site cannot be determined merely by sampling downstream and upstream of the site at one (1) point in time. The term does not include taxa that were once present at the site but cannot exist at the site now due to permanent physical alteration of the habitat at the site, for example, alterations resulting from dams.

(39) "Octanol-water partition coefficient" or "K_{OW}" means the ratio of the concentration of a substance in the n-octanol phase to its concentration in the aqueous phase in an equilibrated two-phase octanol-water system. For log K_{OW}, the log of the octanol-water partition coefficient is a base ten (10) logarithm.

(40) "Outstanding national resource water" means a water designated as such by the general assembly after recommendations by the water pollution control board and the environmental quality service council under IC 13-18-3-2(o) and IC 13-18-3-2(p). The designation must describe the quality of the outstanding national resource water to serve as the benchmark of the water quality that shall be maintained and protected. Waters that may be considered for designation as outstanding national resource waters include waterbodies that are recognized as:

(A) important because of protection through official action, such as:

(i) federal or state law;

(ii) presidential or secretarial action;

(iii) international treaty; or

(iv) interstate compact;

(B) having exceptional recreational significance;

(C) having exceptional ecological significance;

(D) having other special environmental, recreational, or ecological attributes; or

(E) waters with respect to which designation as an outstanding national resource water is reasonably necessary for protection of other waterbodies designated as outstanding national resource waters.

(41) "Outstanding state resource water" means any water designated as such by the water pollution control board regardless of when the designation occurred or occurs. Waters that may be considered for designation as outstanding state resource waters include waterbodies that have unique or special ecological, recreational, or aesthetic significance.

~~(34)~~ **(42)** "Persistent substance" means a chemical that is long-lived in soil, aquatic environments, and animal and plant tissues and is not readily broken down by biological or physiochemical processes.

~~(35)~~ **(43)** "Point source" means ~~a~~ **the following:**

(A) Any discernible, confined, and discrete conveyance, **including, but not limited to, any of the following** from which ~~wastewater is~~ **pollutants are** or may be discharged: ~~to waters of the state.~~

(i) Pipe.

(ii) Ditch.

(iii) Channel.

(iv) Tunnel.

(v) Conduit.

(vi) Well.

(vii) Discrete fissure.

(viii) Container.

(ix) Rolling stock.

(x) Concentrated animal feeding operation.

(xi) Landfill leachate collection system.

(xii) Vessel.

(xiii) Other floating craft.

(B) The term does not include return flows from irrigated agriculture or agricultural storm run-off. See 327 IAC 5-2-4(a)(4) for other exclusions.

~~(36)~~ **(44)** "Policy", as employed herein, means a statement of

administrative practice or decision making guidelines to be followed or implemented to the maximum extent feasible with respect to an identified problematic situation but to be less than strictly enforceable in contrast to a standard or rule of law.

~~(37)~~ **(45)** "Public water supply" means ~~any wells, reservoirs, lakes, rivers, sources of supply, pumps, mains, pipes, facilities, and structures through which water is obtained, treated as may be required, and supplied through a water distribution system for sale to or consumption by the public for drinking, domestic, or other purposes, including state-owned facilities even though the water may not be sold to the~~ **a source of water for a** public **water system.**

(46) "Public water system" has the meaning set forth in 42 U.S.C. 300f.

~~(38)~~ **(47)** "Risk" means the probability that a substance, when released to the environment, will cause an adverse effect in exposed humans or other living organisms.

~~(39)~~ **(48)** "Risk assessment" means the analytical process used to determine the level of risk.

(49) "Species mean acute value" or "SMAV" means the geometric mean of the results of all acceptable flow-through acute toxicity tests (for which the concentrations of the test material were measured) with the most sensitive tested life stage of the species. For a species for which no such result is available for the most sensitive tested life stage, the SMAV is the geometric mean of the results of all acceptable acute toxicity tests with the most sensitive tested life stage.

(50) "Species mean chronic value" or "SMCV" means the geometric mean of the results of all acceptable life-cycle and partial life-cycle toxicity tests with the species; for a species of fish for which no such result is available, the SMCV is the geometric mean of all acceptable early life-stage tests.

~~(40) "Standard" means a definite numerical value or narrative statement promulgated by the board to maintain or enhance water quality to provide for and fully protect designated use of the waters of the state.~~

~~(41)~~ **(51)** "Steady-state" means an equilibrium condition has been achieved in the body burden of a substance in an organism. This is assumed when the rate of loss of a substance matches its rate of uptake.

~~(42)~~ **(52)** "Surface waters of the state" or "surface water" ~~means such accumulations of water on the land surface, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state, but the term does not include any private pond or any pond, reservoir, or facility built for reduction or control of pollution or cooling water prior to discharge unless the discharge therefrom causes or threatens to cause water pollution.~~ **has the meaning set forth in IC 13-11-2-265, except that the term does not include underground waters with the exception of the following:**

(A) The underground portion of the Lost River and its underground tributaries.

(B) Any other underground stream that supports fish or other higher aquatic life forms and its underground tributaries.

~~(43)~~ **(53)** "Terrestrial life cycle safe concentration" or "TLSC" is the highest concentration of chemical to which wildlife is exposed continuously for a lifetime and ~~which~~ **that** results in no observable adverse effects to wildlife and its progeny.

~~(44)~~ **(54)** "Threshold mechanism" means a process ~~which~~ **that** results in some effect if a certain level is exceeded, but ~~which~~ **that** produces no effect below that level.

~~(45)~~ **(55)** "Toxic substances" means substances ~~which~~ **that** are or may become harmful to: ~~plant or animal:~~

(A) aquatic life;

(B) humans;

(C) other animals;

(D) plants; or ~~to~~

(E) food chains;

when present in sufficient concentrations or combinations. Toxic substances include, but are not limited to, those pollutants identified as toxic under Section 307(a)(1) of the Clean Water Act.

~~(46)~~ **(56)** "Variance" means a deviation from a water quality standard.

~~(47) "Waters of the state" means such accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state, but the term does not include any private pond, or any pond, reservoir, or facility built for reduction or control of pollution or cooling of water prior to discharge unless the discharge therefrom causes or threatens to cause water pollution.~~

~~(48)~~ **(57)** "Water use designations" means a use of the waters of the state as established by this rule, including, but not limited to, **the following:**

(A) Industrial water supply.

(B) Agricultural use.

(C) Public water supply.

(D) Full body contact.

(E) Aquatic life.

(F) Limited use. ~~and~~

(G) Exceptional use.

(58) "Waters of the state" has the meaning set forth in IC 13-11-2-265.

~~(49)~~ **(59)** "Well-balanced aquatic community" means an aquatic community ~~which~~ **that** is diverse in species composition, contains several different trophic levels, and is not composed mainly of strictly pollution tolerant species.

~~(50)~~ **(60)** "Zone of initial dilution" or "ZID" means ~~that~~ **the** area of the receiving ~~stream~~ **water directly** after the end of the pipe where an instantaneous volume of water gives **up to** a one-to-one **(1:1)** dilution of the discharge.

(Water Pollution Control Board; 327 IAC 2-1-9; filed Sep 24, 1987, 3:00 p.m.: 11 IR 584; filed Feb 1, 1990, 4:30 p.m.: 13 IR 1041; errata filed Jul 6, 1990, 5:00 p.m.: 13 IR 2004; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1360; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3376)

SECTION 12. 327 IAC 2-1-12 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1-12 Incorporation by reference

Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-18-4

Sec. 12. The following materials have been incorporated by reference into this rule. Each of the following items, in addition to its title, will list the name and address of where it may be located for inspection and copying:

(1) Clean Water Act (CWA) 33 U.S.C. 1251 et seq. in effect

~~December 16, 1996,~~ **July 1, 2003,** available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or from the Indiana Department of Environmental Management, Office of Water ~~Management,~~ **Quality,** Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

(2) Code of Federal Regulations (40 CFR 136) in effect ~~December 16, 1996,~~ **July 1, 2003,** available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or the Indiana Department of Environmental Management, Office of Water ~~Management,~~ **Quality,** Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

(3) U.S. EPA Water Quality Standards Handbook, Second Edition-Revised (1994) Chapter 3 and Appendix L, available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

(Water Pollution Control Board; 327 IAC 2-1-12; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1363; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3376)

SECTION 13. 327 IAC 2-1.5-2 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1.5-2 Definitions

Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-11-2-265; IC 13-18-3-2; IC 13-18-4

Sec. 2. In addition to the definitions contained in IC 13-11-2 and 327 IAC 1, the following definitions apply throughout this article, 327 IAC 5, and 327 IAC 15:

(1) "Acceptable daily exposure" or "ADE" means an estimate of the maximum daily dose of a substance ~~which~~ **that** is not expected to result in adverse noncancer effects to the general human population, including sensitive subgroups.

(2) "Acceptable endpoints" (subchronic and chronic), for the purpose of wildlife criteria derivation, means those endpoints that affect reproductive or developmental success, organismal viability or growth, or any other endpoint that is, or is directly related to, a parameter that influences population dynamics.

(3) "Acute-chronic ratio" or "ACR" means a standard measure of the acute toxicity of a material divided by an appropriate measure of the chronic toxicity of the same material under comparable conditions.

(4) "Acute toxic unit" or "TU_a" means $100/LC_{50}$ where the LC_{50} is expressed as a percent effluent in the test medium of an acute whole effluent toxicity (WET) test that is statistically or graphically estimated to be lethal to fifty percent (50%) of the test organisms.

(5) "Acute toxicity" means concurrent and delayed adverse effects that result from an acute exposure and occur within any short observation period, which begins when the exposure begins, may extend beyond the exposure period, and usually does not constitute a substantial portion of the life span of the organism.

(6) "Adverse effect" means any deleterious effect to organisms due to exposure to a substance. The term includes effects that are or may become debilitating, harmful, or toxic to the normal functions of the organism, but does not include nonharmful effects, such as tissue discoloration alone or the induction of enzymes involved in the metabolism of the substance.

(7) "Alternate mixing zone" means a mixing zone granted by the commissioner under 327 IAC 5-2-11.4(b)(4) for a particular pollutant and a particular criterion or value that is larger than that specified in 327 IAC 5-2-11.4(b)(2) or 327 IAC 5-2-11.4(b)(3).

~~(7)~~ **(8)** "Baseline BAF" means the following:

(A) For organic chemicals, a BAF that is based on the concentration of freely dissolved chemical in the ambient water and takes into account the partitioning of the chemical within the organism.

(B) For inorganic chemicals, a BAF that is based on the wet weight of the tissue.

~~(8)~~ **(9)** "Baseline BCF" means the following:

(A) For organic chemicals, a BCF that is based on the concentration of freely dissolved chemical in the ambient water and takes into account the partitioning of the chemical within the organism.

(B) For inorganic chemicals, a BCF that is based on the wet weight of the tissue.

~~(9)~~ **(10)** "Bioaccumulation" means the net accumulation of a substance by an organism as a result of uptake from all environmental sources.

~~(10)~~ **(11)** "Bioaccumulation factor" or "BAF" means the ratio (in L/kg) of a substance's concentration in tissue of an aquatic organism to its concentration in the ambient water, in situations where both the organism and its food are exposed and the ratio does not change substantially over time.

~~(11)~~ **(12)** "Bioaccumulative chemical of concern" or "BCC" has the meaning set forth in section 6 of this rule.

~~(12)~~ **(13)** "Bioconcentration" means the net accumulation of a substance by an aquatic organism as a result of uptake directly from the ambient water through gill membranes or other external body surfaces.

~~(13)~~ **(14)** "Bioconcentration factor" or "BCF" means the ratio (in liters per kilogram) of a substance's concentration in tissue of an aquatic organism to its concentration in the ambient water, in situations where the organism is exposed through the water only and the ratio does not change substantially over time.

~~(14)~~ **(15)** "Biota-sediment accumulation factor" or "BSAF" means the ratio (in kilograms of organic carbon per kilogram of lipid) of a substance's lipid-normalized concentration in tissue of an aquatic organism to its organic carbon-normalized concentration in surface sediment, in situations where:

(A) the ratio does not change substantially over time;

(B) both the organism and its food are exposed; and

(C) the surface sediment is representative of average surface sediment in the vicinity of the organism.

~~(15)~~ **(16)** "Carcinogen" means a substance that causes an increased incidence of benign or malignant neoplasms, or substantially decreases the time to develop neoplasms, in animals or humans. The classification of carcinogens is discussed in section ~~13(b)(1)~~ **14(b)(1)** of this rule.

~~(16)~~ **(17)** "Chronic effect", for purposes of wildlife criteria derivation, means:

(A) an adverse effect that is measured by assessing an acceptable endpoint; and

(B) results from continual exposure over several generations, or at least over a significant part of the test species' projected life

span or life stage.

~~(17)~~ **(18)** "Chronic toxic unit" or "TU_c " means 100/NOEC or $100/IC_{25}$, where the NOEC and IC_{25} are expressed as a percent effluent in the test medium.

~~(18)~~ **(19)** "Chronic toxicity" means concurrent and delayed adverse effects that occur only as a result of a chronic exposure.

~~(19)~~ **(20)** "Clean Water Act" or "CWA" means the federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).

~~(20)~~ **(21)** "Coliform bacteria" means all the aerobic and facultatively anaerobic, gram-negative, nonsporeforming bacilli that produce acid and gas from the fermentation of lactose.

~~(21)~~ **(22)** "Community" means a general collective term to describe the varieties of aquatic species and associated organisms living together in a waterbody.

(23) "Criteria conversion factor" means the fraction of the metal corresponding to an estimate of the percent of the total recoverable metal that was dissolved in the aquatic toxicity tests that were most important in the derivation of the criterion for the metal. Criteria conversion factors are multiplied by acute and chronic aquatic criteria developed using toxicological data in the form of total recoverable metal to express the criteria in the form of dissolved metal.

~~(22) "Criteria"~~ **(24) "Criterion"** means a definite numerical value or narrative statement promulgated by the board to maintain or enhance water quality to provide for and fully protect designated uses of the waters of the state.

~~(23)~~ **(25)** "Criterion continuous concentration" or "CCC" means an estimate of the highest concentration of a material in the water column to which an aquatic community can be exposed indefinitely without resulting in an unacceptable effect.

~~(24)~~ **(26)** "Criterion maximum concentration" or "CMC" means an estimate of the highest concentration of a material in the water column to which an aquatic community can be exposed briefly without resulting in an unacceptable effect.

~~(25)~~ **(27)** "Depuration" means the loss of a substance from an organism as a result of any active or passive process.

~~(26)~~ **(28)** "Designated uses" has the meaning set forth in section 5 of this rule, whether or not they are being attained.

~~(27)~~ **(29)** "EC_{50}" refers to a statistically or graphically estimated concentration that is expected to cause one (1) or more specified effects in fifty percent (50%) of a group of organisms under specified conditions.

~~(28)~~ **(30)** "Effluent" means a wastewater discharge from a point source to the waters of the state.

~~(29)~~ **(31)** "Endangered or threatened species" includes those species that are listed as endangered or threatened under Section 4 of the Endangered Species Act (ESA).

~~(30)~~ **(32)** "ESA" means the Endangered Species Act (ESA), 16 U.S.C. 1531, ~~through 16 U.S.C. 1544.~~ **et seq.**

~~(31)~~ **(33)** "Existing uses" includes those uses actually attained in the waterbody on or after November 28, 1975, whether or not they are included under section 5 of this rule.

~~(32)~~ **(34)** "Final acute value" or "FAV" means:

(A) a calculated estimate of the concentration of a test material such that ninety-five percent (95%) of the genera (with which acceptable acute toxicity tests have been conducted on the material) have higher GMAVs; or

(B) the SMAV of an important or critical species, if the SMAV is lower than the calculated estimate.

~~(33)~~ **(35)** "Final chronic value" or "FCV" means:

(A) a calculated estimate of the concentration of a test material such that ninety-five percent (95%) of the genera (with which acceptable chronic toxicity tests have been conducted on the material) have higher GMCVs;

(B) the quotient of an FAV divided by an appropriate acute-chronic ratio; or

(C) the SMCV of an important or critical species, if the SMCV is lower than the calculated estimate or the quotient, whichever is applicable.

~~(34)~~ **(36)** "Final plant value" or "FPV" means the lowest plant value that was obtained with an important aquatic plant species in an acceptable toxicity test for which the concentrations of the test material were measured and the adverse effect was biologically important.

~~(35)~~ **(37)** "Food-chain multiplier" or "FCM" means the ratio of a BAF to an appropriate BCF.

~~(36)~~ **(38)** "Full body contact" means direct contact with the water to the point of complete submergence.

~~(37)~~ **(39)** "Genus mean acute value" or "GMAV" means the geometric mean of the SMAVs for the genus.

~~(38)~~ **(40)** "Genus mean chronic value" or "GMCV" means the geometric mean of the SMCVs for the genus.

~~(39)~~ **(41)** "Geometric mean" means the Nth root of the product of N quantities. Alternatively, the geometric mean can be calculated by adding the logarithms of the N numbers, dividing the sum by N, and taking the antilog of the quotient.

~~(40)~~ **(42)** "Great Lakes" means Lake Erie and Lake Michigan.

~~(41)~~ **(43)** "Great Lakes states" means Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

~~(42)~~ **(44)** "Great Lakes system" means all the streams, rivers, lakes, and other waters of the state within the drainage basin of the Great Lakes within Indiana.

~~(43)~~ **(45)** "Great Lakes water quality wildlife criterion" or "GLWC" means the concentration of a substance that is likely to, if not exceeded, protect avian and mammalian wildlife populations inhabiting the Great Lakes basin from adverse effects resulting from the ingestion of water and aquatic prey taken from surface waters of the Great Lakes system. These criteria are based on existing toxicological studies of the substance of concern and quantitative information about the exposure of wildlife species to the substance, that is, food and water consumption rates. Since toxicological and exposure data for individual wildlife species are limited, a GLWC is derived using a methodology similar to that used to derive noncancer human health criteria. Separate avian and mammalian values are developed using taxonomic class-specific toxicity data and exposure data for five (5) representative Great Lakes basin wildlife species. The following wildlife species selected are representative of avian and mammalian species resident in the Great Lakes basin that are likely to experience the highest exposures to bioaccumulative contaminants through the aquatic food web:

(A) Bald eagle.

(B) Herring gull.

(C) Belted kingfisher.

(D) Mink.

(E) River otter.

~~(44)~~ **(46)** "Ground water" means ~~such accumulations of underground water, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state, but excluding manmade underground storage or conveyance structures.~~ **water located below the ground surface in interconnected voids and pore spaces in the zone of saturation.**

~~(45)~~ **(47)** "High quality waters" means waterbodies in which, on a parameter by parameter basis, the quality of the waters exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water. The term includes any waterbody for which the pollutant has not been detected in:

(A) the water column; and

(B) nontransient aquatic organisms at levels that would indicate that a water quality criterion is not being met.

~~(46)~~ **(48)** "Human cancer criterion" or "HCC" refers to a human cancer value (HCV) for a pollutant that meets the minimum data requirements for Tier I specified in section 14 of this rule.

~~(47)~~ **(49)** "Human cancer value" or "HCV" means the maximum ambient water concentration of a substance at which a lifetime of exposure will represent a plausible upper-bound risk of contracting cancer of one (1) in one hundred thousand (100,000) using the exposure assumptions specified in section 14 of this rule from either:

(A) drinking the water, consuming fish from the water, and water-related recreational activities; or

(B) consuming fish from the water and water-related recreational activities.

~~(48)~~ **(50)** "Human noncancer criterion" or "HNC" refers to a human noncancer value (HNV) for a pollutant that meets the minimum data requirements for Tier I specified in section 14 of this rule.

~~(49)~~ **(51)** "Human noncancer value" or "HNV" means the maximum ambient water concentration of a substance at which adverse noncancer effects are not likely to occur in the human population from lifetime exposure using section 14 of this rule from either:

(A) drinking the water, consuming fish from the water, and water-related recreational activities; or

(B) consuming fish from the water and water-related recreation activities.

~~(50)~~ **(52)** "Inhibition concentration 25" or "IC_{25}" means the toxicant concentration that would cause a twenty-five percent (25%) reduction in a nonquantal biological measurement for the test population. For example, the IC_{25} is the concentration of toxicant that would cause a twenty-five percent (25%) reduction in mean young per female or in growth for the test population.

~~(51)~~ **(53)** "LC_{50}" refers to a statistically or graphically estimated concentration that is expected to be lethal to fifty percent (50%) of a group of organisms under specified conditions.

~~(52)~~ **(54)** "Linearized multistage model" means a conservative mathematical model for cancer risk assessment. This model fits linear dose-response curves to low doses. It is consistent with a no-threshold model of carcinogenesis, that is, exposure to even a very small amount of the substance is assumed to produce a finite increased risk of cancer.

~~(53)~~ **(55)** "Lowest observed adverse effect level" or "LOAEL" means the lowest tested dose or concentration of a substance that resulted in an observed adverse effect in exposed test organisms when all higher doses or concentrations resulted in the same or more severe effects.

~~(54)~~ **(56)** "Maximum contaminant level" or "MCL" means the maximum permissible level of a contaminant in water that is delivered to the free-flowing outlet of the ultimate user of a public water ~~supply~~ system.

~~(55)~~ **(57)** "Mixing zone" means an area contiguous to a discharge where the discharged wastewater mixes with the receiving water. Where the quality of the effluent is lower than that of the receiving water, it may not be possible to attain within the mixing zone all beneficial uses attained outside the zone. The mixing zone should not be considered a place where effluents are treated.

~~(56)~~ **(58)** "New Great Lakes discharger" has the meaning set forth in 327 IAC 5-1.5-36.

~~(57)~~ **(59)** "No observed adverse effect level" or "NOAEL" is the highest tested dose or concentration of a substance that resulted in no observed adverse effect in exposed test organisms where higher doses or concentrations resulted in an adverse effect.

~~(58)~~ **(60)** "No observed effect concentration" or "NOEC" is the highest concentration of toxicant to which organisms are exposed in a full life cycle or partial life cycle (short term) test, that causes no observable adverse effects on the test organisms, that is, the highest concentration of toxicant in which the values for the observed responses are not statistically significantly different from the controls.

~~(59)~~ **(61)** "Nonthreshold mechanism" means a process that results in some possible effect no matter what level is present. There is no level that may not produce an effect.

~~(60)~~ **(62)** "Occur at the site" includes the species, genera, families, orders, classes, and phyla that:

(A) are usually present at the site;

(B) are present at the site only seasonally due to migration;

(C) are present intermittently because they periodically return to or extend their ranges into the site;

(D) were present at the site in the past, are not currently present at the site due to degraded conditions, and are expected to return to the site when conditions improve; or

(E) are present in nearby bodies of water, are not currently present at the site due to degraded conditions, and are expected to be present at the site when conditions improve.

The taxa that occur at the site cannot be determined merely by sampling downstream and upstream of the site at one (1) point in time. The term does not include taxa that were once present at the site but cannot exist at the site now due to permanent physical alteration of the habitat at the site, for example, alterations resulting from dams.

~~(61)~~ **(63)** "Octanol-water partition coefficient" or "K_{OW}" means the ratio of the concentration of a substance in the n-octanol phase to its concentration in the aqueous phase in an equilibrated two-phase octanol-water system. For log K_{OW}, the log of the octanol-water partition coefficient is a base ten (10) logarithm.

~~(62)~~ **(64)** "Open waters of Lake Michigan" means all of the waters within Lake Michigan lakeward from a line drawn across the mouth of tributaries to the lake, including all waters enclosed by constructed breakwaters. For the Indiana Harbor Ship Canal, the boundary of the open waters of Lake Michigan is delineated by a line drawn across the mouth of the harbor from the East Breakwater Light (1995 United States Coast Guard Light List No. 19675) to the northernmost point of the LTV Steel property along the west side of the harbor.

~~(63)~~ **(65)** "Outstanding national resource ~~waters"~~ **water"** means ~~those waters~~ **a water** designated as such by ~~Indiana~~ **the general assembly after recommendations by the water pollution control board and the environmental quality service council under IC 13-18-3-2(o) and IC 13-18-3-2(p).** The designation ~~shall~~ **must** describe the quality of ~~such waters~~ **the outstanding national resource water** to serve as the benchmark of the water quality that shall be maintained and protected. Waters that may be considered for designation as outstanding national resource waters include ~~but are not limited to,~~ waterbodies that are recognized as:

(A) important because of protection through official action, such as:

(i) federal or state law;

(ii) presidential or secretarial action;

(iii) international treaty; or

(iv) interstate compact;

(B) having exceptional recreational significance;

(C) having exceptional ecological significance;

(D) having other special environmental, recreational, or ecological attributes; or

(E) waters ~~whose~~ **with respect to which** designation as **an** outstanding national resource ~~waters~~ **water** is reasonably necessary for ~~the~~ protection of other ~~waters so~~ **waterbodies** designated **as outstanding national resource waters.**

~~(64)~~ **(66)** "Outstanding state resource ~~waters"~~ **water"** means ~~those waters~~ **any water** designated as such by ~~Indiana.~~ **the water pollution control board regardless of when the designation occurred or occurs. Waters that may be considered for designation as outstanding state resource waters include waterbodies that have unique or special ecological, recreational, or aesthetic significance.**

~~(65)~~ **(67)** "Point source" has the meaning set forth in 327 IAC 5-1.5-40.

~~(66)~~ **(68)** "Policy" means a statement of administrative practice or decision making guidelines to be followed or implemented to the maximum extent feasible with respect to an identified problematic situation but to be less than strictly enforceable in contrast to a standard or rule of law.

~~(67)~~ **(69)** "Public water supply" means ~~any wells, reservoirs, lakes, rivers, sources of supply, pumps, mains, pipes, facilities, and structures through which water is obtained, treated as may be required, and supplied through a water distribution system for sale to or consumption by the public for drinking, domestic, or other purposes, including state-owned facilities even though the water may not be sold to the~~ **a source of water for a** public **water system.**

(70) "Public water system" has the meaning set forth in 42 U.S.C. 300f.

~~(68)~~ **(71)** "Quantitative structure activity relationship" or "QSAR" or "structure activity relationship" or "SAR" refers to a mathematical relationship between a property (activity) of a chemical and a number of descriptors of the chemical. These descriptors are chemical or physical characteristics obtained experimentally or predicted from the structure of the chemical.

~~(69)~~ **(72)** "Relative source contribution" or "RSC" means the factor (percentage) used in calculating a HNV or HNC to account for all sources of exposure to a contaminant. The RSC reflects the percent of total exposure that may be attributed to surface water through water intake and fish consumption.

~~(70)~~ **(73)** "Risk" means the probability that a substance, when released to the environment, will cause an adverse effect in exposed humans or other living organisms.

~~(71)~~ **(74)** "Risk assessment" means the analytical process used to determine the level of risk.

~~(72)~~ **(75)** "Risk associated dose" or "RAD" refers to a dose of a known or presumed carcinogenic substance in milligrams per kilogram per day, which, over a lifetime of exposure, is estimated to be associated with a plausible upper bound incremental cancer risk equal to one (1) in one hundred thousand (100,000).

(76) "Secondary continuous concentration" or "SCC" means an estimate of the highest concentration of a material in the water column to which an aquatic community can be exposed indefinitely without resulting in an unacceptable effect. The SCC differs from the criterion continuous concentration (CCC) in that fewer data are required to calculate the SCC than the CCC.

(77) "Secondary maximum concentration" or "SMC" means an estimate of the highest concentration of a material in the water column to which an aquatic community can be exposed briefly without resulting in an unacceptable effect. The SMC differs from the criterion maximum concentration (CMC) in that fewer data are required to calculate the SMC than the CMC.

~~(73)~~ **(78)** "Slope factor", also known as "q_1*", means the incremental rate of cancer development calculated through use of a linearized multistage model or other appropriate model. It is expressed in milligrams per kilogram per day of exposure to the chemical in question.

~~(74)~~ **(79)** "Species mean acute value" or "SMAV" means the geometric mean of the results of all acceptable flow-through acute toxicity tests (for which the concentrations of the test material were measured) with the most sensitive tested life stage of the species. For a species for which no such result is available for the most sensitive tested life stage, the SMAV is the geometric mean of the results of all acceptable acute toxicity tests with the most sensitive tested life stage.

~~(75)~~ **(80)** "Species mean chronic value" or "SMCV" means the geometric mean of the results of all acceptable life-cycle and partial life-cycle toxicity tests with the species; for a species of fish for which no such result is available, the SMCV is the geometric mean of all acceptable early life-stage tests.

~~(76)~~ **(81)** "Steady-state" means an equilibrium condition has been achieved in the body burden of a substance in an organism. Steady state is assumed when the rate of loss of a substance matches its rate of uptake.

~~(77)~~ **(82)** "Stream design flow" means the stream flow that represents critical conditions, upstream from the source, for protection of aquatic life, human health, or wildlife.

~~(78)~~ **(83)** "Subchronic effect" means an adverse effect, measured by assessing an acceptable endpoint, resulting from continual exposure for a period of time less than that deemed necessary for a chronic test.

~~(79)~~ **(84)** "Surface waters of the state" or "surface water" ~~means:~~

~~(A) either:~~

~~(i) the accumulations of water, surface and underground, natural and artificial, public and private; or~~

~~(ii) a part of the accumulations of water;~~

~~that are wholly or partially within, flow through, or border upon Indiana; and~~

~~(B)~~ **has the meaning set forth in IC 13-11-2-265 except that** the term does not include

~~(i) a private pond; or~~

~~(ii) an off-stream pond, reservoir, or facility built for reduction or control of pollution or cooling of water before discharge;~~

~~unless the discharge from the pond, reservoir, or facility causes or threatens to cause water pollution.~~ **underground waters with the exception of the following:**

(A) The underground portion of the Lost River and its underground tributaries.

(B) Any other underground stream that supports fish or other higher aquatic life forms and its underground tributaries.

~~(80)~~ **(85)** "Threshold effect" means an effect of a substance for which there is a theoretical or empirically established dose or concentration below which the effect does not occur.

~~(81)~~ **(86)** "Tier I criteria" means numeric values derived by use of the Tier I procedures in sections 11 and 13 through 16 of this rule that either have been adopted as numeric criteria into a water quality standard or are used to implement narrative water quality criteria.

~~(82)~~ **(87)** "Tier I wildlife criterion" means criterion used to denote the number derived from data meeting the Tier I minimum database requirements and will be protective of the two (2) classes of wildlife. The term is synonymous with GLWC, and the two (2) are used interchangeably.

~~(83)~~ **(88)** "Tier II values" means numeric values derived by use of the Tier II procedures in sections 12 through 16 of this rule that are used to implement narrative water quality criteria.

~~(84)~~ **(89)** "Toxic substances" means substances that are or may become harmful to:

(A) aquatic life;

(B) humans;

(C) other animals;

(D) plants; or

(E) food chains;

when present in sufficient concentrations or combinations. Toxic substances include, but are not limited to, those pollutants identified as toxic under Section 307(a)(1) of the Clean Water Act.

~~(85)~~ **(90)** "Tributaries of the Great Lakes system" means all waters of the Great Lakes system that are not open waters of Lake Michigan or connecting channels.

~~(86)~~ **(91)** "Trophic level" means a functional classification of taxa within a community that is based on feeding relationships, for example, aquatic green plants comprise the first trophic level and herbivores comprise the second.

~~(87)~~ **(92)** "Uncertainty factor" or "UF" means one (1) of several numeric factors used in operationally deriving criteria from experimental data to account for the quality or quantity of the available data.

~~(88)~~ **(93)** "Uptake" means acquisition of a substance from the environment by an organism as a result of any active or passive process.

~~(89)~~ **(94)** "Variance" means a deviation from a water quality standard.

~~(90)~~ **(95)** "Water use designations" means a use of the waters of the state as established by this rule, including, but not limited to, the following:

(A) Industrial water supply.

(B) Agricultural use.

(C) Public water supply.

(D) Full body contact.

(E) Aquatic life.

(F) Limited use.

~~(91)~~ **(96)** "Waters of the state" ~~means:~~

~~(A) either:~~

~~(i) the accumulations of water, surface and underground, natural and artificial, or public and private; or~~

~~(ii) a part of the accumulations of water;~~

~~that are wholly or partially within, flow through, or border upon Indiana; and~~

~~(B) the term does not include:~~

~~(i) a private pond; or~~

~~(ii) an off-stream pond, reservoir, or facility built for reduction or control of pollution or cooling of water before discharge;~~

~~unless the discharge from the pond, reservoir, or facility causes or threatens to cause water pollution.~~ **has the meaning set forth in IC 13-11-2-265.**

~~(92)~~ **(97)** "Well-balanced aquatic community" means an aquatic community that: ~~is:~~

(A) **is** diverse in species composition;

(B) contains several different trophic levels; and

(C) is not composed mainly of pollution tolerant species.

~~(93)~~ **(98)** "Wildlife value" or "WV" means a value used to denote each representative species that results from using the equation presented in section 15 of this rule, the value obtained from averaging species values within a class, or any value derived from application of the site-specific procedure provided in section 16 of this rule. The WVs calculated for the representative species are used to calculate taxonomic class-specific WVs. The WV is the concentration of a substance ~~which,~~ **that,** if not exceeded, should better protect the taxon in question.

~~(94)~~ **(99)** "Zone of initial dilution" or "ZID" means the area of the receiving water directly after the end of the pipe where an instantaneous volume of water gives up to a one-to-one (1:1) dilution of the discharge.

(Water Pollution Control Board; 327 IAC 2-1.5-2; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1363; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3376)

SECTION 14. 327 IAC 2-1.5-6 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1.5-6 Bioaccumulative chemicals of concern

Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-18-4; IC 13-30-2-1

Sec. 6. (a) A bioaccumulative chemical of concern (BCC) is any chemical that meets the following requirements:

(1) Has the potential to cause adverse effects.

(2) Has a half-life of at least eight (8) weeks in the water column, sediment, and biota.

(3) Upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor (BAF) greater than one thousand (1,000) after considering metabolism and other

physicochemical properties that might enhance or inhibit bioaccumulation, in accordance with the procedure in section 13 of this rule. The minimum BAF information needed to define a chemical as a BCC is either of the following:

(A) For an organic chemical, either a field-measured BAF or a BAF derived using the BSAF methodology.

(B) For an inorganic chemical, including an organometal, either a field-measured BAF or a laboratory-measured BCF.

(b) Pollutants that are BCCs include, but are not limited to, the following:

Table 6-1

Bioaccumulative Chemicals of Concern

CAS Number	Substance
57749	Chlordane
72548	4,4′-DDD; p,p′-DDD; 4,4′-TDE; p,p′-TDE
72559	4,4′-DDE; p,p′-DDE
50293	4,4′-DDT; p,p′-DDT
60571	Dieldrin
118741	Hexachlorobenzene
87683	Hexachlorobutadiene; hexachloro-1,3-butadiene
608731	Hexachlorocyclohexanes; BHCs
319846	alpha-Hexachlorocyclohexane; alpha-BHC
319857	beta-Hexachlorocyclohexane; beta-BHC
319868	delta-Hexachlorocyclohexane; delta-BHC
58899	Lindane; gamma-hexachlorocyclohexane; gamma-BHC
7439976	Mercury
2385855	Mirex
29082744	Octachlorostyrene
1336363	PCBs; polychlorinated biphenyls
608935	Pentachlorobenzene
39801144	Photomirex
1746016	2,3,7,8-TCDD; dioxin
634662	1,2,3,4-Tetrachlorobenzene
95943	1,2,4,5-Tetrachlorobenzene
8001352	Toxaphene

(c) The substances established in this subsection shall be treated as BCCs under this rule and under 327 IAC 5-2-11.3 through 327 IAC 5-2-11.6. If additional data becomes available (such as a field-measured BAF) for a substance established in this subsection that conclusively demonstrates that the substance should not be treated as a BCC, the commissioner may determine that it is not necessary to treat the substance as a BCC. Substances treated as BCCs include the following:

Table 6-2

Substances Treated as Bioaccumulative Chemicals of Concern

CAS Number	Substance
309002	Aldrin
~~84742~~	~~Dibutyl phthalate~~
72208	Endrin
76448	Heptachlor

(Water Pollution Control Board; 327 IAC 2-1.5-6; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1370; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3376)

SECTION 15. 327 IAC 2-1.5-8 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1.5-8 Minimum surface water quality criteria

Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-18-4; IC 13-30-2-1; IC 14-22-9

Sec. 8. (a) All surface water quality criteria in this section, except those provided in subsection (b)(1), will cease to be applicable when the stream flows are less than the applicable stream design flow for the particular criterion as determined under 327 IAC 5-2-11.4.

(b) The following are minimum **surface** water quality conditions:

(1) All **surface** waters within the Great Lakes system at all times and at all places, including waters within the mixing zone, shall meet the minimum conditions of being free from substances, materials, floating debris, oil, or scum attributable to municipal, industrial, agricultural, and other land use practices, or other discharges that do any of the following:

(A) Will settle to form putrescent or otherwise objectionable deposits.

(B) Are in amounts sufficient to be unsightly or deleterious.

(C) Produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance.

(D) Are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

(E) Are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans. To assure protection of aquatic life, the waters shall meet the following requirements:

(i) Concentrations of toxic substances shall not exceed the **criterion maximum concentration** (CMC) **or secondary maximum concentration (SMC)** outside the zone of initial dilution or the final acute value (FAV = 2 (CMC) **or 2 (SMC))** in the undiluted discharge unless, for a discharge to a receiving stream or Lake Michigan, an alternate mixing zone demonstration is conducted and approved in accordance with 327 IAC 5-2-11.4(b)(4), in which case, the CMC **or SMC** shall be met outside the ~~discharge-induced~~ **applicable alternate** mixing zone:

(AA) for certain substances, a CMC is established and set forth in subdivision (3), Table 8-1, which table incorporates subdivision (4), Table 8-2;

(BB) for substances for which a CMC is not specified in subdivision (3), Table 8-1, a CMC shall be calculated by the commissioner using the procedures in section 11 of this rule, or if the minimum data requirements to calculate a CMC are not met, a ~~secondary maximum concentration~~ SMC shall be calculated using the procedures in section 12 of this rule; and

(CC) the CMC or SMC determined under subitem (AA) or (BB) may be modified on a site-specific basis to reflect local conditions in accordance with section 16 of this rule.

(ii) A discharge shall not cause acute toxicity, as measured by whole effluent toxicity tests, at any point in the waterbody. Compliance with this criterion shall be demonstrated if a discharge does not exceed 1.0 TU_a in the undiluted discharge. For a discharge into a receiving stream or Lake Michigan, for which an alternate mixing zone demonstration is conducted and approved in accordance with 327 IAC 5-2-11.4(b)(4), compliance with this criterion shall be demonstrated if 0.3 TU_a is not exceeded outside the ~~discharge-induced~~ **applicable alternate** mixing zone.

This clause shall not apply to the chemical control of plants and animals when that control is performed in compliance with approval conditions specified by the Indiana department of natural resources as provided by IC 14-22-9.

(2) At all times, all **surface** waters outside of the applicable mixing zones determined in accordance with ~~327 IAC 5-2-11.4(c) through 327 IAC 5-2-11.4(f)~~ **section 7 of this rule** shall be free of substances in concentrations, that, on the basis of available scientific data, are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants. To assure protection against the adverse effects identified in this subdivision, a toxic substance or pollutant shall not be present in such waters in concentrations that exceed the most stringent of the following:

(A) A criterion continuous concentration (CCC) or a secondary continuous concentration (SCC) to protect aquatic life from chronic toxic effects as follows:

(i) For certain substances, a CCC is established and set forth in subdivision (3), Table 8-1 (which table incorporates subdivision (4), Table 8-2).

(ii) For substances for which a CCC is not specified in subdivision (3), Table 8-1, a CCC shall be calculated by the commissioner using the procedures in section 11 of this rule, or if the minimum data requirements to calculate a CCC are not met, a SCC shall be calculated using the procedures in section 12 of this rule.

(iii) The CCC or SCC determined under item (i) or (ii) may be modified on a site-specific basis to reflect local conditions in accordance with section 16 of this rule.

(iv) To assure protection of aquatic life, a discharge shall not cause chronic toxicity, as measured by whole effluent toxicity tests, outside of the applicable mixing zone. Compliance with this criterion shall be demonstrated if the waterbody does not exceed 1.0 TU_c at the edge of the mixing zone.

(B) A human noncancer criterion or value (HNC or HNV) to protect human health from adverse noncancer effects that may result from the consumption of aquatic organisms or drinking water from the waterbody determined as follows:

(i) For certain substances, an HNC is established and set forth in subdivision (5), Table 8-3.

(ii) For substances for which an HNC is not specified in subdivision (5), Table 8-3, an HNC shall be calculated by the commissioner using the procedures in section 14 of this rule, or if the minimum data requirements to calculate a HNC are not met, an HNV shall be calculated using the procedures in section 14 of this rule.

(iii) The HNC or HNV determined under item (i) or (ii) may be modified on a site-specific basis to reflect local conditions in accordance with section 16 of this rule.

(iv) The HNC-nondrinking or HNV-nondrinking for a substance shall apply to all **surface** waters outside the applicable mixing zone for a discharge of that substance. The HNC-drinking or HNV-drinking shall apply at the point of the public ~~drinking~~ water **system** intake.

(C) For carcinogenic substances, a human cancer criterion or value (HCC or HCV) to protect human health from unacceptable cancer risk of greater than one (1) additional occurrence of cancer per one hundred thousand (100,000) population as follows:

(i) For certain substances, an HCC is established and set forth in subdivision (5), Table 8-3.

(ii) For substances for which an HCC is not specified in subdivision (5), Table 8-3, an HCC shall be calculated by the commissioner using the procedures in section 14 of this rule or if the minimum data requirements to calculate a HCC are not met, an HCV shall be calculated using the procedures in section 14 of this rule.

(iii) The HCC or HCV determined under item (i) or (ii) may be modified on a site-specific basis to reflect local conditions in accordance with section 16 of this rule.

(iv) The HCC-nondrinking or HCV-nondrinking for a substance shall apply to all **surface** waters outside the applicable mixing zone for a discharge of that substance. The HCC-drinking or HCV-drinking shall apply at the point of the public ~~drinking~~ water **system** intake.

(D) A wildlife criterion (WC) to protect avian and mammalian wildlife populations from adverse effects which may result from the consumption of aquatic organisms or water from the waterbody as follows:

(i) For certain substances, a WC is established and set forth in **subdivision (6),** Table 8-4.

(ii) For substances for which a WC is not specified in subdivision (6), Table 8-4, a WC shall be calculated by the commissioner using the procedures in section 15 of this rule or if the minimum data requirements to calculate a WC are not met, a wildlife value (WV) may be calculated using the procedures in section 15 of this rule.

(iii) The WC or WV determined under item (i) or (ii) may be modified on a site-specific basis to reflect local conditions in accordance with section 16 of this rule.

(3) The following establishes **surface** water quality criteria for protection of aquatic life:

Table 8-1

Surface Water Quality Criteria for Protection of Aquatic Life[1]

CAS Number	Substances	CMC (Maximum) (µg/l)	CMC Conversion Factors	CCC (4-Day Average) (µg/l)	CCC Conversion Factors

	Metals (dissolved)[2]				
7440382	Arsenic (III)	339.8	1.000	147.9	1.000
7440439	Cadmium	$e^{(1.128\ [\ln(hardness)]-3.6867)}$	~~0.944~~ **1.136672-[(ln hardness)(0.041838)]**	$e^{(0.7852\ [\ln(hardness)]-2.715)}$	~~0.909~~ **1.101672-[(ln hardness)(0.041838)]**
7440473	Chromium (III)	$e^{(0.819\ [\ln(hardness)]+3.7256)}$	0.316	$e^{(0.819\ [\ln(hardness)]+0.6848)}$	0.860
7440473	Chromium (VI)	16.02	0.982	10.98	0.962
7440508	Copper	$e^{(0.9422\ [\ln(hardness)]-1.700)}$	0.960	$e^{(0.8545\ [\ln(hardness)]-1.702)}$	0.960
7439976	Mercury	1.694	~~0.850~~ **0.85**	0.9081	~~0.850~~ **0.85**
7440020	Nickel	$e^{(0.846\ [\ln(hardness)]+2.255)}$	0.998	$e^{(0.846\ [\ln(hardness)]+0.0584)}$	0.997
7782492	Selenium			5	0.922
7440666	Zinc	$e^{(0.8473\ [\ln(hardness)]+0.884)}$	0.978	$e^{(0.8473\ [\ln(hardness)]+0.884)}$	0.986
	Organics (total)				
60571	Dieldrin	0.24	NA	0.056	NA
72208	Endrin	0.086	NA	0.036	NA
56382	Parathion	0.065	NA	0.013	NA
87865	Pentachlorophenol[3]	$e^{(1.005[pH]-4.869)}$	NA	$e^{(1.005[pH]-5.134)}$	NA
	Other Substances				
	Chlorides (total)	860000	NA	230000	NA
	Chlorine (total residual)	19	NA	11	NA
	Chlorine (intermittent, total residual)[4]	200	NA		NA
57125	Cyanide (free)	22	NA	5.2	NA

[1] Aquatic organisms should not be affected unacceptably if the four (4) day average concentration of any substance in this table does not exceed the CCC more than once every three (3) years on the average and if the one (1) hour average concentration does not exceed the CMC more than once every three (3) years on the average, except possibly where a commercially or recreationally important species is very sensitive.

[2] The CMC and CCC columns of this table contain total recoverable metals criteria (numeric and hardness-based). The criterion for the dissolved metal is calculated by multiplying the appropriate conversion factor by the CMC or CCC. This dissolved CMC or CCC shall be rounded to two (2) significant digits, except when the criteria are used as intermediate values in a calculation, such as in the calculation of water quality-based effluent ~~limits~~ **limitations** (WQBELs).

[3] A CMC and CCC calculated for pentachlorophenol using the equation in this table shall be rounded to two (2) significant digits, except when the criteria are used as intermediate values in a calculation, such as in the calculation of water quality-based effluent ~~limits~~ **limitations** (WQBELs).

[4] To be considered an intermittent discharge, total residual chlorine shall not be detected in the discharge for a period of more than forty (40) minutes in duration, and such periods shall be separated by at least five (5) hours.

(4) The following establishes dissolved criterion maximum concentrations (CMCs) and criterion continuous concentrations (CCCs) for certain metals at selected hardness values calculated from the equations and ~~conversions~~ **conversion** factors in subdivision (3), Table 8-1:

Table 8-2

Metals Concentrations in Micrograms Per Liter; Hardness in Milligrams Per Liter $CaCO_3$[1]

	Arsenic (III)		Cadmium		Chromium (III)		**Chromium (VI)**		Copper		**Mercury**		Nickel		**Selenium**		Zinc	
Hardness	**CMC**	**CCC**	CMC	CCC	CMC	CCC	**CMC**	**CCC**	CMC	CCC	**CMC**	**CCC**	CMC	CCC	**CMC**	**CCC**	CMC	CCC
50	**340**	**150**	2.0	1.3	320	42	**16**	**11**	7.0	5.0	**1.4**	**0.77**	260	29	**–**	**4.6**	65	66
100	**340**	**150**	4.3	2.2	570	74	**16**	**11**	13	9.0	**1.4**	**0.77**	470	52	**–**	**4.6**	120	120
150	**340**	**150**	~~6.7~~ **6.6**	~~3.1~~ **3.0**	790	100	**16**	**11**	20	13	**1.4**	**0.77**	660	73	**–**	**4.6**	170	170

200	**340**	**150**	~~9.3~~ **9.0**	~~3.9~~ **3.7**	1,000	130	**16**	**11**	26	16	**1.4**	**0.77**	840	93	**–**	**4.6**	210	210
250	**340**	**150**	12	~~4.6~~ **4.4**	1,200	160	**16**	**11**	32	20	**1.4**	**0.77**	1,000	110	**–**	**4.6**	250	260
300	**340**	**150**	~~15~~ **14**	~~5.3~~ **5.0**	1,400	180	**16**	**11**	38	23	**1.4**	**0.77**	1,200	130	**–**	**4.6**	300	300
350	**340**	**150**	~~18~~ **17**	~~6.0~~ **5.6**	1,600	210	**16**	**11**	44	26	**1.4**	**0.77**	1,400	150	**–**	**4.6**	340	340
400	**340**	**150**	~~20~~ **19**	~~6.6~~ **6.2**	1,800	230	**16**	**11**	50	29	**1.4**	**0.77**	1,500	170	**–**	**4.6**	380	380
450	**340**	**150**	~~23~~ **22**	~~7.3~~ **6.8**	2,000	250	**16**	**11**	55	32	**1.4**	**0.77**	1,700	190	**–**	**4.6**	420	420
500	**340**	**150**	~~26~~ **24**	~~7.9~~ **7.3**	2,100	280	**16**	**11**	61	35	**1.4**	**0.77**	1,800	200	**–**	**4.6**	460	460

[1] The dissolved metals criteria in this table have been rounded to two (2) significant digits in accordance with subdivision (3), Table 8-1. The equations and conversion factors in subdivision (3), Table 8-1 shall be used instead of the criteria in this table when dissolved metals criteria are used as intermediate values in a calculation, such as in the calculation of water quality-based effluent limitations (WQBELs).

(5) The following establishes **surface** water quality criteria for protection of human health:

Table 8-3

Surface Water Quality Criteria for Protection of Human Health[1]

		Human Noncancer Criteria (HNC)		Human Cancer Criteria (HCC)	
CAS Number	Substances	Drinking (µg/l)	Nondrinking (µg/l)	Drinking (µg/l)	Nondrinking (µg/l)
	Metals (total recoverable)				
7439976	Mercury (including methyl mercury)	0.0018	0.0018		
	Organics (total)				
71432	Benzene	19	510	12	310
57749	Chlordane	0.0014	0.0014	0.00025	0.00025
108907	Chlorobenzene	470	3,200		
50293	DDT	0.002	0.002	0.00015	0.00015
60571	Dieldrin	0.00041	0.00041	6.5×10^{-6}	6.5×10^{-6}
105679	2,4-dimethylphenol	450	8,700		
51285	2,4-dinitrophenol	55	2,800		
118741	Hexachlorobenzene	0.046	0.046	0.00045	0.00045
67721	Hexachloroethane	6	7.6	5.3	6.7
58899	Lindane	0.47	0.5		
75092	Methylene chloride	1,600	90,000	47	2600
1336363	PCBs (class)			6.8×10^{-6}	6.8×10^{-6}
1746016	2,3,7,8-TCDD (dioxin)	6.7×10^{-8}	6.7×10^{-8}	8.6×10^{-9}	8.6×10^{-9}
108883	Toluene	5,600	51,000		
8001352	Toxaphene			6.8×10^{-5}	6.8×10^{-5}
79016	Trichloroethylene			29	370
	Other Substances				
57125	Cyanide (total)	600	48,000		

[1]The HNC and HCC are thirty (30) day average criteria.

(6) The following establishes **surface** water quality criteria for protection of wildlife:

Table 8-4

Surface Water Quality Criteria for Protection of Wildlife[1]

CAS Number	Substances	Wildlife Criteria (µg/l)
	Metals (total recoverable)	
7439976	Mercury (including methylmercury)	0.0013
	Organics (total)	
50293	DDT and metabolites	1.1×10^{-5}
1336363	PCBs (class)	1.2×10^{-4}
1746016	2, 3, 7, 8-TCDD (dioxin)	3.1×10^{-9}

[1]The WC are thirty (30) day average criteria.

(c) This subsection establishes minimum **surface** water quality criteria for aquatic life. In addition to the criteria in subsection (b), this subsection ensures conditions necessary for the maintenance of a well-balanced aquatic community. The following conditions are applicable at any point in the waters outside of the applicable mixing zone, as determined in accordance with section 7 of this rule: ~~and 327 IAC 5-2-11.4(b):~~

(1) There shall be no substances which impart unpalatable flavor to food fish or result in offensive odors in the vicinity of the water.

(2) No pH values below six (6.0) ~~nor~~ **or** above nine (9.0), except daily fluctuations that exceed pH 9.0 and are correlated with photosynthetic activity shall be permitted.

(3) Concentrations of dissolved oxygen shall average at least five (5.0) milligrams per liter per calendar day and shall not be less than four (4.0) milligrams per liter at any time.

(4) The following are conditions for temperature:

(A) No abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions.

(B) The normal daily and seasonal temperature fluctuations that existed before the addition of heat due to other than natural causes shall be maintained.

(C) Water temperatures shall not exceed the maximum limits as established in this clause during more than one percent (1%) of the hours in the twelve (12) month period ending with any month. At no time shall the water temperature at such locations exceed the maximum limits in the following table by more than three **(3)** degrees Fahrenheit ~~(3°F)~~ (one and seven-tenths **(1.7)** degrees Celsius): ~~(1.7°C)).~~

Table 8-5

Maximum Instream Water Temperatures

Month	St. Joseph River Tributary to Lake Michigan Upstream of the Twin Branch Dam °F(°C)	All Other Indiana Streams in the Great Lakes System °F(°C)
January	50 (10)	50 (10)
February	50 (10)	50 (10)
March	55 (12.8)	60 (15.6)
April	65 (18.3)	70 (21.1)
May	75 (23.9)	80 (26.7)
June	85 (29.4)	90 (32.2)
July	85 (29.4)	90 (32.2)
August	85 (29.4)	90 (32.2)
September	84 (29.4)	90 (32.2)
October	70 (21.1)	78 (25.5)
November	60 (15.6)	70 (21.1)
December	50 (10)	57 (14.0)

(D) The following temperature criteria shall apply to Lake Michigan:

(i) In all receiving waters, the points of measurement normally shall be in the first meter below the surface at such depths necessary to avoid thin layer surface warming due to extreme ambient air temperatures, but, where required to determine the true distribution of heated wastes and natural variations in water temperatures, measurements shall be at a greater depth and at several depths as a thermal profile.

(ii) There shall be no abnormal temperature changes so as to be injurious to fish, wildlife, or other aquatic life, or the growth or propagation thereof. In addition, plume interaction with the bottom shall be minimized and shall not injuriously affect fish, shellfish, and wildlife spawning or nursery areas.

(iii) The normal daily and seasonal temperature fluctuations that existed before the addition of heat shall be maintained.

(iv) At any time and at a maximum distance of a one thousand (1,000) foot arc inscribed from a fixed point adjacent to the discharge or as agreed upon by the commissioner and federal regulatory agencies:

(AA) the receiving water temperature shall not be more than three **(3)** degrees Fahrenheit ~~(3°F)~~ (one and seven-tenths **(1.7)** degrees Celsius) ~~(1.7°C))~~ above the existing natural water temperature; and

(BB) thermal discharges to Lake Michigan shall comply with the following maximum temperature requirements:

(aa) Thermal discharges to Lake Michigan shall not raise the maximum temperature in the receiving water above those listed in the following table, except to the extent the permittee adequately demonstrates that the exceedance is caused by the water temperature of the intake water:

Table 8-6

Maximum Water Temperatures

Month	°F(°C)
January	45 (7)
February	45 (7)
March	45 (7)
April	55 (13)
May	60 (16)
June	70 (21)
July	80 (27)
August	80 (27)
September	80 (27)
October	65 (18)
November	60 (16)
December	50 (10)

(bb) If the permittee demonstrates that the intake water temperature is within three **(3)** degrees Fahrenheit ~~(3°F)~~ below an applicable maximum temperature under subitem (aa), Table 8-6, then no more than a three **(3)** degree Fahrenheit ~~(3°F)~~ exceedance of the maximum water temperature shall be permitted.

(v) The facilities described as follows that discharge into the open waters of Lake Michigan shall be limited to the amount essential for blowdown in the operation of a closed cycle cooling facility:

(AA) All facilities that have new waste heat discharges exceeding a daily average of five-tenths (0.5) billion British thermal units per hour. As used in this item, "new waste heat discharge" means a discharge that had not begun operations as of February 11, 1972.

(BB) All facilities with existing waste heat discharges that increase the quantity of waste heat discharged by more than a daily average of five-tenths (0.5) billion British thermal units per hour.

(vi) Water intakes shall be designed and located to minimize entrainment and damage to desirable organisms. Requirements may vary depending upon local conditions, but, in general, intakes shall have minimum water velocity and shall not be located in spawning or nursery areas of important fishes. Water velocity at screens and other exclusion devices shall also be at a minimum.

(vii) Discharges other than those now in existence shall be such that the thermal plumes do not overlap or intersect.

(viii) Facilities discharging more than a daily average of five-tenths (0.5) billion British thermal units of waste heat shall continuously record intake and discharge temperature and flow and make those records available to the public or regulatory agencies upon request.

(5) The following criteria shall be used to regulate ammonia:

(A) Concentrations of total ammonia (as N) shall not exceed the CMC outside the zone of initial dilution or the final acute value (FAV = 2 (CMC)) in the undiluted discharge unless, for a discharge to a receiving stream or Lake Michigan, an alternate mixing zone demonstration is conducted and approved in accordance with 327 IAC 5-2-11.4(b)(4), in which case, the CMC shall be met outside the ~~discharge-induced~~ **applicable alternate** mixing zone. The CMC of total ammonia (as N) is determined using the following equation:

$$CMC = \frac{(0.822)(0.52)(10^{(pK_a - pH)} + 1)}{(FT)(FPH)(2)}$$

Where: $FT = 10^{0.03(20-T)}$

$FPH = 1$; when: $8 \le pH \le 9$; or

$$\frac{1 + 10^{(7.4 - pH)}}{1.25}$$; when: $6.5 \le pH \le 8$

$$pK_a = 0.09018 + \frac{2729}{T + 273.2}$$

T = Temperature in °C

(B) The criterion continuous concentration (CCC) of total ammonia (as N) is determined using the following equation:

$$CCC = \frac{(0.822)(0.80)(10^{(pK_a - pH)} + 1)}{(FT)(FPH)(RATIO)}$$

Where: $FT = 10^{0.03(20-T)}$

$FPH = 1$; when: $8 \le pH \le 9$; or

$$\frac{1 + 10^{(7.4 - pH)}}{1.25}$$; when: $6.5 \le pH \le 8$

RATIO = 13.5; when: $7.7 \le pH \le 9$; or

$$\frac{(20)(10^{(7.7 - pH)})}{1 + 10^{(7.4 - pH)}}$$; when: $6.5 \le pH \le 7.7$

$$pK_a = 0.09018 + \frac{2729}{T + 273.2}$$

T = Temperature in °C

(C) The use of the equations in clause (A) results in the following CMCs for total ammonia (as N) at different temperatures and pHs:

Table 8-7

Criterion Maximum Concentrations for Total Ammonia (as N)

	Temperature (°C)						
pH	0	5	10	15	20	25	30
6.5	28.48	26.61	25.23	24.26	23.64	23.32	23.29
6.6	27.68	25.87	24.53	23.59	22.98	22.68	22.65
6.7	26.74	24.99	23.69	22.78	22.20	21.92	21.90
6.8	25.64	23.96	22.72	21.85	21.30	21.03	21.01
6.9	24.37	22.78	21.60	20.78	20.26	20.01	20.00
7.0	22.95	21.45	20.35	19.58	19.09	18.86	18.86
7.1	21.38	19.98	18.96	18.24	17.80	17.59	17.60
7.2	19.68	18.40	17.46	16.81	16.40	16.22	16.24
7.3	17.90	16.73	15.88	15.29	14.93	14.78	14.81
7.4	16.06	15.02	14.26	13.74	13.42	13.30	13.35
7.5	14.23	13.31	12.64	12.19	11.92	11.81	11.88
7.6	12.44	11.65	11.07	10.67	10.45	10.37	10.45
7.7	10.75	10.06	9.569	9.238	9.052	9.003	9.088
7.8	9.177	8.597	8.181	7.907	7.760	7.734	7.830
7.9	7.753	7.268	6.924	6.701	6.589	6.584	6.689
8.0	6.496	6.095	5.813	5.636	5.555	5.569	5.683
8.1	5.171	4.857	4.639	4.508	4.457	4.486	4.602
8.2	4.119	3.873	3.707	3.612	3.584	3.625	3.743
8.3	3.283	3.092	2.967	2.900	2.891	2.942	3.061
8.4	2.618	2.472	2.379	2.335	2.340	2.399	2.519
8.5	2.091	1.979	1.911	1.886	1.903	1.968	2.089
8.6	1.672	1.588	1.540	1.529	1.555	1.625	1.747
8.7	1.339	1.277	1.246	1.246	1.279	1.353	1.475
8.8	1.075	1.030	1.011	1.021	1.060	1.137	1.260
8.9	0.8647	0.8336	0.8254	0.8418	0.8862	0.9650	1.088

9.0	0.6979	0.6777	0.6777	0.6998	0.7479	0.8286	0.9521

(D) The use of the equations in clause (B) results in the following CCCs for total ammonia (as N) at different temperatures and pHs:

Table 8-8

Criterion Continuous Concentrations for Total Ammonia (as N)

	Temperature (°C)						
pH	0	5	10	15	20	25	30
6.5	2.473	2.310	2.191	2.106	2.052	2.025	2.022
6.6	2.473	2.311	2.191	2.107	2.053	2.026	2.023
6.7	2.473	2.311	2.191	2.107	2.054	2.027	2.025
6.8	2.473	2.311	2.192	2.108	2.055	2.028	2.027
6.9	2.474	2.312	2.193	2.109	2.056	2.030	2.030
7.0	2.474	2.312	2.193	2.110	2.058	2.033	2.033
7.1	2.475	2.313	2.195	2.112	2.060	2.036	2.037
7.2	2.475	2.314	2.196	2.114	2.063	2.040	2.043
7.3	2.476	2.315	2.198	2.116	2.066	2.044	2.050
7.4	2.477	2.317	2.200	2.119	2.070	2.050	2.058
7.5	2.478	2.319	2.202	2.123	2.075	2.058	2.069
7.6	2.480	2.321	2.206	2.128	2.082	2.067	2.082
7.7	2.450	2.294	2.181	2.106	2.063	2.052	2.071
7.8	2.092	1.959	1.865	1.802	1.769	1.763	1.785
7.9	1.767	1.657	1.578	1.527	1.502	1.501	1.525
8.0	1.481	1.389	1.325	1.285	1.266	1.269	1.295
8.1	1.179	1.107	1.057	1.027	1.016	1.022	1.049
8.2	0.9387	0.8828	0.8450	0.8232	0.8169	0.8263	0.8531
8.3	0.7481	0.7048	0.6762	0.6610	0.6589	0.6705	0.6976
8.4	0.5968	0.5634	0.5421	0.5321	0.5334	0.5468	0.5741
8.5	0.4766	0.4511	0.4357	0.4298	0.4337	0.4485	0.4760
8.6	0.3811	0.3619	0.3511	0.3485	0.3545	0.3704	0.3981
8.7	0.3052	0.2910	0.2839	0.2839	0.2916	0.3083	0.3362
8.8	0.2450	0.2347	0.2305	0.2326	0.2417	0.2591	0.2871
8.9	0.1971	0.1900	0.1881	0.1919	0.2020	0.2199	0.2480
9.0	0.1591	0.1545	0.1545	0.1595	0.1705	0.1889	0.2170

(d) This subsection establishes **surface** water quality for cold water fish. The waters listed in section ~~5(a)(2)~~ **5(a)(3)** of this rule are designated as salmonid waters and shall be protected for cold water fish. In addition to subsections (b) and (c), the following criteria are established to ensure conditions necessary for the maintenance of a well-balanced, cold water fish community and are applicable at any point in the waters outside of the applicable mixing zone:

(1) Dissolved oxygen concentrations shall not be less than six (6.0) milligrams per liter at any time and shall not be less than seven (7.0) milligrams per liter in areas where spawning occurs during the spawning season and in areas used for imprinting during the time salmonids are being imprinted. Dissolved oxygen concentrations in the open waters of Lake Michigan shall not be less than seven (7.0) milligrams per liter at any time.

(2) The maximum temperature rise above natural shall not exceed two **(2)** degrees Fahrenheit ~~(2°F)~~ (one and one-tenth ~~degree~~ **(1.1) degrees** Celsius) ~~(1.1°C))~~ at any time or place ~~nor,~~ **and,** unless due to natural causes, ~~shall~~ the temperature **shall not** exceed the following:

(A) Seventy **(70)** degrees Fahrenheit ~~(70°F)~~ (twenty-one and one-tenth **(21.1)** degrees Celsius) ~~(21.1°C))~~ at any time.

(B) Sixty-five **(65)** degrees Fahrenheit ~~(65°F)~~ (eighteen and three-tenths **(18.3)** degrees Celsius) ~~(18.3°C))~~ during spawning or imprinting periods.

(e) This subsection establishes bacteriological quality for recreational uses as follows:

(1) In addition to subsection (b), the criteria in this subsection shall be used **to:**

(A) ~~to~~ evaluate waters for full body contact recreational uses;

(B) ~~to~~ establish wastewater treatment requirements; and

(C) ~~to~~ establish effluent limits during the recreational season, which is defined as the months of April through October, inclusive.

(2) E. coli bacteria, using membrane filter (MF) count, shall not exceed one hundred twenty-five (125) per one hundred (100) milliliters as a geometric mean based on not less than five (5) samples equally spaced over a thirty (30) day period ~~nor~~ **or** exceed two hundred thirty-five (235) per one hundred (100) milliliters in any one (1) sample in a thirty (30) day period.

(f) This subsection establishes surface water quality for **a** public water ~~supplies.~~ **supply.** In addition to subsection (b), the following ~~standards~~ **criteria** are established to protect the surface water quality at the point at which water is withdrawn for treatment for public supply:

(1) The coliform bacteria group shall not exceed the following:

(A) Five thousand (5,000) per one hundred (100) milliliters as a monthly average value (either MPN or MF count).

(B) Five thousand (5,000) per one hundred (100) milliliters in more than twenty percent (20%) of the samples examined during any month.

(C) Twenty thousand (20,000) per one hundred (100) milliliters in more than five percent (5%) of the samples examined during any month.

(2) Taste and odor producing substances, other than those naturally occurring, shall not interfere with the production of a finished water by conventional treatment consisting of coagulation, sedimentation, filtration, and disinfection.

(3) The concentrations of either chlorides or sulfates shall not exceed two hundred fifty (250) milligrams per liter unless due to naturally occurring sources.

(4) The concentration of dissolved solids shall not exceed seven hundred fifty (750) milligrams per liter other than due to naturally occurring sources. A specific conductance of one thousand two hundred (1,200) micromhos per centimeter (at twenty-five (25) degrees Celsius) may be considered equivalent to a dissolved solids concentration of seven hundred fifty (750) milligrams per liter.

~~(4)~~ **(5)** Surface waters shall be considered acceptable for **a** public ~~supplies~~ **water supply** if radium-226 and strontium-90 are present in amounts not exceeding three (3) and ten (10) picocuries per liter, respectively. In the known absence of strontium-90 and alpha

emitters, the water supply is acceptable when the gross beta concentrations do not exceed one thousand (1,000) picocuries per liter.

~~(5)~~ **(6)** The combined concentration of nitrate-N and nitrite-N shall not exceed ten (10) milligrams per liter, and the concentration of nitrite-N shall not exceed one (1) milligram per liter.

~~(6)~~ **(7)** Chemical constituents in the waters shall not be present in such levels as to prevent, after conventional treatment, meeting the drinking water standards contained in 327 IAC 8-2, due to other than natural causes.

(g) This subsection establishes **surface** water quality for industrial water supply. In addition to subsection (b), the ~~standard~~ **criterion** to ensure protection of water quality at the point at which water is withdrawn for use (either with or without treatment) for industrial cooling and processing is that, other than from naturally occurring sources, the dissolved solids shall not exceed seven hundred fifty (750) milligrams per liter at any time. A specific conductance of one thousand two hundred (1,200) micromhos per ~~centimeters~~ **centimeter** (at twenty-five **(25)** degrees Celsius) ~~(25°C))~~ may be considered equivalent to a dissolved solids concentration of seven hundred fifty (750) milligrams per liter.

(h) This subsection establishes **surface** water quality for agricultural uses. The ~~standards~~ **criteria** to ensure water quality conditions necessary for agricultural use are the same as those in subsection (b).

(i) This subsection establishes **surface** water quality for limited uses. The quality of waters designated for limited uses under section 19(a) of this rule shall, at a minimum, meet the following criteria:

(1) The criteria contained in subsection (b).

(2) The criteria contained in subsection (e).

(3) The criteria contained in subsection (g).

(4) The waters must be aerobic at all times.

(5) Notwithstanding subdivisions (1) through (4), the quality of a limited use stream at the point where it becomes physically or chemically capable of supporting a higher use or at its interface with a higher use water segment shall meet the criteria that are applicable to the higher use water.

(j) Additional requirements for the open waters of Lake Michigan are as follows:

(1) In addition to complying with all other applicable subsections, open waters in Lake Michigan shall meet the following criteria:

Table 8-9

Additional Criteria for Lake Michigan

Parameters	Criteria
Dissolved oxygen	Dissolved oxygen concentrations shall not be less than seven (7.0) milligrams per liter at any time at all places outside the applicable mixing zone.
pH	No pH values below six (6.0) ~~nor~~ **or** above nine (9.0), except daily fluctuations that exceed pH 9.0 and are correlated with photosynthetic activity, shall be permitted.
Chlorides	860 mg/l criterion maximum concentration 230 mg/l criterion continuous concentration
Phenols	See subsection (c)(1)
Sulfates	250 mg/l[1]
Total phosphorus	See 327 IAC 5-10-2
Total dissolved solids	750 mg/l[1]
Fluorides	1.0 mg/l[1]
Dissolved iron	300 µg/l[1]

[1]The above-noted criteria are established to minimize or prevent increased levels of these substances in Lake Michigan. For the purposes of establishing water quality-based effluent limitations based on the above-noted criteria, they shall be treated as four (4) day average criteria.

(2) During each triennial review of the water quality standards, prior to preliminary adoption of revised rules, the department shall prepare a report for the board on the monitoring data for the constituents in the following table (Table 8-10), as measured at the drinking water intakes in Lake Michigan. If these data indicate that the levels of the constituents are either increasing or exceed the levels in the table, the report shall provide available information on the known and potential causes of the increased levels of these parameters, the known and

potential impacts on aquatic life, wildlife, and human health, and any recommended revisions of the criteria.

Table 8-10

Parameters	Levels
pH	7.5-8.5 s.u.
Chlorides	
Monthly average	15 mg/l
Daily maximum	20 mg/l
Sulfates	
Monthly average	26 mg/l
Daily maximum	50 mg/l
Total phosphorus	
Monthly average	0.03 mg/l
Daily maximum	0.04 mg/l
Total dissolved solids	
Monthly average	172 mg/l
Daily maximum	200 mg/l

~~(k) The following table is for reference only to facilitate the comparison of the former water quality criteria with water quality criteria developed using the methodologies within this rule; these former water quality criteria shall not be used to establish water quality-based permit limits.~~

~~Table 8-11~~

~~Substances~~	~~Acute~~ ~~Aquatic Life~~	~~Chronic~~ ~~Outside of Mixing Zone~~ ~~Chronic Aquatic Life~~	~~Chronic~~ ~~Outside of Mixing Zone~~ ~~Human Health~~	~~Chronic~~ ~~Point of Water Intake~~ ~~Human Health~~
~~Metals (µg/l)~~				
~~(Acid soluble, except as indicated)~~				
~~Antimony~~			~~45,000 (T)~~	~~146 (T)~~
~~Arsenic (III)~~			~~0.175 (C)~~	~~0.022 (C)~~
~~Barium~~				~~1,000 (D)~~
~~Beryllium~~			~~1.17 (C)~~	~~0.068 (C)~~
~~Cadmium~~				~~10 (D)~~
~~Chromium (III)~~			~~3,433,000 (T)~~	~~170,000 (T)~~
~~Chromium (VI)~~				~~50 (D)~~
~~Lead~~	$e^{(1.273 [\ln Hard] - 1.460)}$	$e^{(1.273 [\ln Hard] - 4.705)}$		~~50 (D)~~
~~Nickel~~			~~100 (T)~~	~~13.4 (T)~~
~~Selenium~~				~~10 (D)~~
~~Silver~~	$e^{(1.72[\ln Hard] - 6.52)}/2$			~~50 (D)~~
~~Thallium~~			~~48 (T)~~	~~13 (T)~~
~~Organics (µg/l)~~				
~~Acrolein~~			~~780 (T)~~	~~320 (T)~~
~~Acrylonitrile~~			~~6.5 (C)~~	~~0.58 (C)~~
~~Aldrin~~	~~1.5~~		~~0.00079 (C)~~	~~0.00074 (C)~~
~~Benzidine~~			~~0.0053 (C)~~	~~0.0012 (C)~~
~~Carbon Tetrachloride~~			~~69.4 (C)~~	~~4.0 (C)~~
~~Chlordane~~	~~1.2~~	~~0.0043~~		
~~Chlorinated Benzenes~~				
~~1,2,4,5-Tetrachlorobenzene~~			~~48 (T)~~	~~38 (T)~~
~~Pentachlorobenzene~~			~~85 (T)~~	~~74 (T)~~
~~Hexachlorobenzene~~			~~0.0074 (C)~~	~~0.0072 (C)~~
~~Chlorinated Ethanes~~				
~~1,2-dichloroethane~~			~~2,430 (C)~~	~~9.4 (C)~~
~~1,1,1-trichloroethane~~			~~1,030,000 (T)~~	~~18,400 (T)~~
~~1,1,2-trichloroethane~~			~~418 (C)~~	~~6.0 (C)~~
~~1,1,2,2,-tetrachloroethane~~			~~107 (C)~~	~~1.7(C)~~
~~Chlorinated Phenols~~				
~~2,4,5-trichlorophenol~~				~~2,600 (T)~~
~~2,4,6-trichlorophenol~~			~~36 (C)~~	~~12 (C)~~
~~Chloroalkyl Ethers~~				
~~bis(2-chloroisopropyl) ether~~			~~4,360 (T)~~	~~34.7 (T)~~
~~bis(chloromethyl) ether~~			~~0.018 (C)~~	~~0.000038 (C)~~
~~bis(2-chloroethyl) ether~~			~~13.6 (C)~~	~~0.3 (C)~~
~~Chloroform~~			~~157 (C)~~	~~1.9 (C)~~
~~Chlorpyrifos~~	~~0.083~~	~~0.041~~		
~~DDT~~	~~0.55~~	~~0.001~~		

~~Dichlorobenzenes~~			~~2,600 (T)~~	~~400 (T)~~
~~Dichlorobenzidine~~			~~0.2 (C)~~	~~0.1 (C)~~
~~1,1-dichloroethylene~~			~~18.5 (C)~~	~~0.33 (C)~~
~~2,4-dichlorophenol~~				~~3,090 (T)~~
~~Dichloropropenes~~			~~14,100 (T)~~	~~87 (T)~~
~~2,4-dinitrotoluene~~			~~91 (C)~~	~~1.1 (C)~~
~~1,2-diphenylhydrazine~~			~~5.6 (C)~~	~~0.422 (C)~~
~~Endosulfan~~	~~0.11~~	~~0.056~~	~~159 (T)~~	~~74 (T)~~
~~Endrin~~				~~1.0 (D)~~
~~Ethylbenzene~~			~~3,280 (T)~~	~~1,400 (T)~~
~~Fluoranthene~~			~~54 (T)~~	~~42 (T)~~
~~Halomethanes~~			~~157 (C)~~	~~1.9 (C)~~
~~Heptachlor~~	~~0.26~~	~~0.0038~~	~~0.0028 (C)~~	~~0.0028 (C)~~
~~Hexachlorobutadiene~~			~~500 (C)~~	~~4.47 (C)~~
~~Hexachlorocyclohexane (HCH)~~				
~~alpha HCH~~			~~0.31 (C)~~	~~0.09 (C)~~
~~beta HCH~~			~~0.55 (C)~~	~~0.16 (C)~~
~~gamma HCH (Lindane)~~	~~1.0~~	~~0.08~~	~~0.63 (C)~~	~~0.19 (C)~~
~~Technical HCH~~			~~0.41 (C)~~	~~0.12 (C)~~
~~Hexachlorocyclopentadiene~~				~~206 (T)~~
~~Isophorone~~			~~520,000 (T)~~	~~5,200 (T)~~
~~Nitrobenzene~~				~~19,800 (T)~~
~~4,6-dinitro-o-cresol~~			~~765 (T)~~	~~13.4 (T)~~
~~Nitrosamines~~				
~~N-nitrosodiethylamine~~			~~12.4 (C)~~	~~0.008 (C)~~
~~N-nitrosodimethylamine~~			~~160 (C)~~	~~0.014 (C)~~
~~N-nitrosodibutylamine~~			~~5.9 (C)~~	~~0.064 (C)~~
~~N-nitrosodiphenylamine~~			~~161 (C)~~	~~49 (C)~~
~~N-nitrosopyrrolidine~~			~~919 (C)~~	~~0.16 (C)~~
~~Pentachlorophenol~~				~~1,000 (T)~~
~~Phenol~~				~~3,500 (T)~~
~~Phthalate Esters~~				
~~Dimethyl phthalate~~			~~2,900,000 (T)~~	~~313,000 (T)~~
~~Diethyl phthalate~~			~~1,800,000 (T)~~	~~350,000 (T)~~
~~Dibutyl phthalate~~			~~154,000 (T)~~	~~34,000 (T)~~
~~Di-2-ethylhexyl phthalate~~			~~50,000 (T)~~	~~15,000 (T)~~
~~Polychlorinated Biphenyls (PCBs)~~		~~0.014~~	~~0.00079 (C)~~	~~0.00079 (C)~~
~~Carcinogenic Polynuclear Aromatic Hydrocarbons (PAHs)~~			~~0.31 (C)~~	~~0.028 (C)~~
~~Tetrachloroethylene~~			~~88.5 (C)~~	~~8 (C)~~
~~Toxaphene~~	~~0.73~~	~~0.0002~~		
~~Vinyl Chloride~~			~~5,246 (C)~~	~~20 (C)~~
~~Other Substances~~				
~~Asbestos (fibers/liter)~~				~~300,000 (C)~~
~~Nitrate-N + Nitrite-N (mg/l)~~				~~10 (D)~~

~~Nitrite-N (mg/l)~~ ~~1.0 (D)~~

~~Dissolved solids shall not exceed 750 mg/l in all waters.~~

~~Fluoride shall not exceed 2.0 mg/l in all waters.~~

~~Sulfates shall not exceed 250 mg/l in all waters.~~

~~NOTES:~~

~~(T) derived from threshold toxicity.~~

~~(C) derived from nonthreshold cancer risk.~~

~~(D) derived from drinking water standards, equal to or less than threshold toxicity.~~

~~(l) The department shall calculate additional criteria or values as follows:~~

~~(1) The department shall calculate Tier I criteria or Tier II values (Tier I criteria will be calculated whenever sufficient data are available) using the methodologies under sections 11 through 15 of this rule, and shall publish them in the Indiana Register by July 1, 1997, for the following parameters:~~

~~Table 8-12~~

~~Parameter~~	~~Criteria or Values to be Calculated~~
~~Acenaphthene~~	~~Aquatic life and human health~~
~~Acenaphthylene~~	~~Aquatic life[**] and human health[**]~~
~~Aldrin~~	~~Aquatic life, human health, and wildlife~~
~~Aluminum~~	~~Aquatic life and human health~~
~~Anthracene~~	~~Aquatic life and human health~~
~~Arsenic~~	~~Human health~~
~~Benzene~~	~~Aquatic life~~
~~Benzo(a)anthracene~~	~~Aquatic life and human health[**]~~
~~Benzo(a)Pyrene~~	~~Aquatic life and human health[**]~~
~~Benzo(b)fluoranthene~~	~~Aquatic life and human health[**]~~
~~bis(2-ethylhexyl) phthalate~~	~~Aquatic life and human health~~
~~Cadmium~~	~~Human health~~
~~Chloroform~~	~~Aquatic life and human health~~
~~Chromium, Trivalent~~	~~Human health~~
~~Chromium, Hexavalent~~	~~Human health~~
~~Chrysene~~	~~Aquatic life[**] and human health[**]~~
~~DDT~~	~~Aquatic life~~
~~Dibenzofuran~~	~~Aquatic life and human health~~
~~Ethylbenzene~~	~~Aquatic life and human health~~
~~Ethylene glycol~~	~~Aquatic life and human health~~
~~Fluoranthene~~	~~Aquatic life and human health~~
~~Fluorene~~	~~Aquatic life and human health~~
~~Fluoride~~	~~Aquatic life and human health[**]~~
~~Iron~~	~~Aquatic life~~
~~Lead~~	~~Aquatic life and human health~~
~~Manganese~~	~~Aquatic life and human health~~
~~2-Methylnaphthalene~~	~~Aquatic life[**] and human health~~
~~Methylene chloride~~	~~Aquatic life~~
~~Methyl tert-Butyl Ether~~	~~Aquatic life and human health~~
~~Naphthalene~~	~~Aquatic life and human health~~
~~Nickel~~	~~Human health~~
~~Phenanthrene~~	~~Aquatic life and human health~~
~~Pyrene~~	~~Aquatic life[**] and human health~~
~~Selenium~~	~~Acute aquatic life and human health~~
~~Silver~~	~~Aquatic life and human health~~
~~Tetrachloroethylene~~	~~Aquatic life and human health~~
~~Toluene~~	~~Aquatic life~~
~~1,1,1-Trichloroethane~~	~~Aquatic life and human health~~
~~1,3,5-Trimethylbenzene~~	~~Aquatic life[**] and human health~~
~~Xylene~~	~~Aquatic life[**] and human health~~

~~[**]For the above-noted criteria, insufficient data are available to calculate Tier I criteria and Tier II values at this time. Unless data become available by May 1, 1997, IDEM may not be able to develop the above-noted criteria by July 1, 1997.~~

~~(2) By July 1, 1997, the department shall develop a schedule for determining criteria or values for the parameters that have criteria under 327 IAC 2-1-6, Table 1 that do not have criteria in this rule and for which criteria or values have not been calculated under subdivision (1).~~

(Water Pollution Control Board; 327 IAC 2-1.5-8; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1370; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3376)

SECTION 16. 327 IAC 2-1.5-10 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1.5-10 Methods of analysis

Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-18-4

Sec. 10. The analytical procedures used as methods of analysis to determine the chemical, bacteriological, biological, and radiological quality of waters sampled shall be in accordance with 40 CFR 136 ~~Standard Methods for the Examination of Water and Wastewater,~~ or methods approved by the commissioner. *(Water Pollution Control Board; 327 IAC 2-1.5-10; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1381)*

SECTION 17. 327 IAC 2-1.5-11 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1.5-11 Determination of Tier I aquatic life criteria

Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-18

Sec. 11. (a) The procedures in this section shall be used to determine acute and chronic Tier I aquatic life criteria.

(b) The following considerations regarding the toxic substance shall be considered during the development of **Tier I** criteria or **Tier II** values:

(1) Each separate chemical that does not ionize substantially in most natural bodies of water should usually be considered a separate substance, except possibly for structurally similar organic compounds that only exist in large quantities as commercial mixtures of the various compounds and apparently have similar biological, chemical, physical, and toxicological properties.

(2) For chemicals that ionize substantially in most natural bodies of water, for example:

(A) some phenols and organic acids;

(B) some salts of phenols and organic acids; and

(C) most inorganic salts and coordination complexes of metals and metalloid;

all forms that would be in chemical equilibrium should usually be considered one (1) substance. Each different oxidation state of a metal and each different nonionizable covalently bonded organometallic compound should usually be considered a separate substance.

(3) The definition of the toxic substance should include an operational analytical component. Identification of a substance simply as sodium, for example, implies total sodium, but leaves room for doubt. If total is meant, it must be explicitly stated. Even total has different operational definitions, some of which do not necessarily measure all that is there in all samples. Thus, it is also necessary to reference or describe the analytical method that is intended. The selection of the operational analytical component should take into account the analytical and environmental chemistry of the material and various practical considerations, such as labor and equipment requirements, and whether the method would require measurement in the field or would allow measurement after samples are transported to a laboratory.

(A) The primary requirements of the operational analytical component shall be as follows:

(i) Appropriate for use on samples of receiving water.

(ii) Rarely result in underprotection or overprotection of aquatic organisms and their uses.

(iii) Compatible with the available toxicity and bioaccumulation data without making extrapolations that are too hypothetical. Toxicity is the property of a substance, or combination of substances, to adversely affect organisms.

(B) Because an ideal analytical measurement will rarely be available, an appropriate compromise measurement will usually have to be used. This compromise measurement must fit with the general approach that if an ambient concentration is lower than the criterion **or value,** unacceptable effects will probably not occur, that is, the compromise measure must not err on the side of underprotection when measurements are made on a surface water. What is an appropriate measurement in one (1) situation might not be appropriate for another. For example, because the chemical and physical properties of an effluent are usually quite different from those of the receiving water, an analytical method that is appropriate for analyzing an effluent might not be appropriate for expressing a criterion **or value,** and vice versa. A criterion **or value** should be based on an appropriate analytical measurement, but the criterion **or value** is not rendered useless if an ideal measurement either is not available or is not feasible. The analytical chemistry of the substance might have to be taken into account when defining the substance or when judging the acceptability of some toxicity tests, but a criterion **or value** must not be based on the sensitivity of an analytical method. When aquatic organisms are more sensitive than routine analytical methods, the proper solution is to develop better analytical methods.

(4) The use of dissolved metal to set and measure compliance with water quality standards for aquatic life is the recommended approach, because dissolved metal more closely approximates the bioavailable fraction of metal in the water column than does total recoverable metal. ~~One (1) reason is that a primary mechanism for water column toxicity is adsorption at the gill surface that requires metals to be in the dissolved form.~~ Reasons for the consideration of total recoverable metals criteria **or values** include risk management considerations not covered by evaluation of water column toxicity. The commissioner may, after considering sediment and food chain effects for a particular metal, decide to take a more conservative approach for the metal. ~~since metals are elements, hence persistent.~~ This approach could include the ~~use~~ **expression of aquatic life criteria or values for the metal in the form** of total recoverable metal. ~~in the development of a water quality criterion for a specific metal.~~ **If the commissioner determines that it is appropriate to express aquatic life criteria or values for a particular metal in the form of dissolved metal, the criteria or values shall be determined as follows:**

(A) If sufficient toxicological data in the form of dissolved metal are available, these data shall be used in sections 11, 12, and 16 of this rule to derive aquatic life criteria or values directly in the form of dissolved metal.

(B) If sufficient toxicological data in the form of dissolved metal are not available, aquatic life criteria or values shall be derived in the form of total recoverable metal using the procedures in sections 11, 12, and 16 of this rule and then multiplied by criteria conversion factors approved by the commissioner to express the criteria or values in the form of dissolved metal.

(C) If sufficient toxicological data in the form of dissolved metal are not available and criteria conversion factors for the particular metal have not been approved by the commissioner, aquatic life criteria or values shall be derived in the form of total recoverable metal using the procedures in sections 11, 12 and 16 of this rule and expressed in the form of total recoverable metal.

(c) The following data collection procedures shall be followed when developing Tier I aquatic life criteria:

(1) Collect all data available on the substance concerning toxicity to aquatic animals and plants.

(2) All data that are used should be available in typed, dated, and signed hard copy, for example:

(A) publication;

(B) manuscript;

(C) letter; or

(D) memorandum;

with enough supporting information to indicate that acceptable test procedures were used and that the results are reliable. In some cases, it may be appropriate to obtain written information from the investigator, if possible. Information that is not available for distribution shall not be used.

(3) Questionable data, whether published or unpublished, shall not be used. For example, data shall be rejected if they are from tests:

(A) that did not contain a control treatment;

(B) in which too many organisms in the control treatment died or showed signs of stress or disease; and

(C) in which distilled or deionized water was used as the dilution water without the addition of appropriate salts.

(4) Data on technical grade materials may be used if appropriate, but data on formulated mixtures and emulsifiable concentrates of the material shall not be used.

(5) For some highly volatile, hydrolyzable, or degradable materials, it may be appropriate to use only results of flow-through tests in which the concentrations of test material in test solutions were measured using acceptable analytical methods. A flow-through test is a test with aquatic organisms in which test solutions flow into constant-volume test chambers either intermittently, for example, every few minutes, or continuously, with the excess flowing out.

(6) Data shall be rejected if obtained using the following:

(A) Brine shrimp, because they usually only occur naturally in water with salinity greater than thirty-five (35) grams per kilogram.

(B) Species that do not have reproducing wild populations in North America.

(C) Organisms that were previously exposed to substantial concentrations of the test material or other contaminants.

(D) Saltwater species except for use in deriving acute-chronic ratio (ACR).

(7) Questionable data, data on formulated mixtures and emulsifiable concentrates, and data obtained with species nonresident to North America or previously exposed organisms may be used to provide auxiliary information but shall not be used in the derivation of criteria.

(d) This subsection establishes the data requirements for the development of Tier I aquatic life criteria as follows:

(1) Certain data should be available to help ensure that each of the major kinds of possible adverse effects receives adequate consideration. An adverse effect is a change in an organism that is harmful to the organism. Exposure means contact with a chemical or physical agent. Results of acute and chronic toxicity tests with representative species of aquatic animals are necessary so that data available for tested species can be considered a useful indication of the sensitivities of appropriate untested species. Fewer data concerning toxicity to aquatic plants are usually available because procedures for conducting tests with plants and interpreting the results of such tests are not as well developed.

(2) To derive a ~~Great Lakes~~ Tier I criterion for aquatic organisms and their uses, the following must be available:

(A) Results of acceptable acute (or chronic) tests (see subsections (e) and (g)) with at least one (1) species of freshwater animal in at least eight (8) different families such that all of the following are included:

(i) The family Salmonidae in the class Osteichthyes.

(ii) One (1) other family (preferably a commercially or recreationally important, warmwater species) in the class Osteichthyes, for example:

(AA) bluegill; or

(BB) channel catfish.

(iii) A third family in the phylum Chordata, for example:

(AA) fish; or

(BB) amphibian.

(iv) A planktonic crustacean, for example:

(AA) a cladoceran; or

(BB) copepod.

(v) A benthic crustacean, for example:

(AA) ostracod;

(BB) isopod;

(CC) amphipod; or

(DD) crayfish.

(vi) An insect, for example:

(AA) mayfly;

(BB) dragonfly;

(CC) damselfly;

(DD) stonefly;

(EE) caddisfly;

(FF) mosquito; or

(GG) midge.

(vii) A family in a phylum other than Arthropoda or Chordata, for example:

(AA) Rotifera;

(BB) Annelida; or

(CC) Mollusca.

(viii) A family in any order of insect or any phylum not already represented.

(B) Acute-chronic ratios (see subsection (g)) with at least one (1) species of aquatic animal in at least three (3) different families provided that of the three (3) species **at least one (1) is:**

(i) ~~at least one (1) is~~ a fish;

(ii) ~~at least one (1) is~~ an invertebrate; and

(iii) ~~at least one (1) species is~~ an acutely sensitive freshwater species (the other two (2) may be saltwater species).

(C) Results of at least one (1) acceptable test with a freshwater algae or vascular plant is desirable but not required for criterion derivation (see subsection (i)). If plants are among the aquatic organisms most sensitive to the material, results of a test with a plant in another phylum (division) should also be available.

(3) If all required data are available, a numerical criterion can usually be derived except in special cases. For example, derivation of a chronic criterion might not be possible if the available ACRs vary by more than a factor of ten (10) with no apparent pattern. Also, if a criterion is to be related to a water quality characteristic (see subsections (f) and (h)), more data will be required.

(4) Confidence in a criterion usually increases as the amount of available pertinent information increases. Thus, additional data are usually desirable.

(e) The following procedures shall be used to calculate a final acute

value (FAV):

(1) Appropriate measures of the acute (short term) toxicity of the material to a variety of species of aquatic animals are used to calculate the FAV. The calculated FAV is a calculated estimate of the concentration of a test material such that ninety-five percent (95%) of the genera (with which acceptable acute toxicity tests have been conducted on the material) have higher genus mean acute values (GMAVs). An acute test is a comparative study in which organisms that are subjected to different treatments are observed for a short period usually not constituting a substantial portion of their life span. However, in some cases, the species mean acute value (SMAV) of a commercially or recreationally important species of the Great Lakes system is lower than the calculated FAV, then the SMAV replaces the calculated FAV in order to provide protection for that important species.

(2) Acute toxicity tests shall be conducted in accordance with this subsection.

(3) Except for results with saltwater annelids and mysids, results of acute tests during which the test organisms were fed should not be used, unless data indicate that the food did not affect the toxicity of the test material. (If the minimum acute-chronic ratio data requirements (as described in subsection (d)(2)(B)) are not met with freshwater data alone, saltwater data may be used.)

(4) Results of acute tests conducted in unusual dilution water, for example, dilution water in which total organic carbon or particulate matter exceeded five (5) milligrams per liter, shall not be used, unless a relationship is developed between acute toxicity and organic carbon or particulate matter or unless data show that the organic carbon or particulate matter do not affect toxicity.

(5) Acute values must be based upon endpoints ~~which~~ **that** reflect the total severe adverse impact of the test material on the organisms used in the test. Therefore, only the following kinds of data on acute toxicity to aquatic animals shall be used:

(A) Tests with daphnids and other cladocerans must be started with organisms less than twenty-four (24) hours old, and tests with midges must be started with second or third instar larvae. It is preferred that the results should be the forty-eight (48) hour EC_{50} based on the total percentage of organisms killed and immobilized. If such an EC_{50} is not available for a test, the forty-eight (48) hour LC_{50} should be used in place of the desired forty-eight (48) hour EC_{50}. An EC_{50} or LC_{50} of longer than forty-eight (48) hours can be used as long as the animals were not fed and the control animals were acceptable at the end of the test.

(B) It is preferred that the results of a test with embryos and larvae of barnacles, bivalve molluscs (clams, mussels, oysters, and scallops), sea urchins, lobsters, crabs, shrimp, and abalones be the ninety-six (96) hour EC_{50} based on the percentage of organisms with incompletely developed shells plus the percentage of organisms killed. If such an EC_{50} is not available from a test, of the values that are available from the test, the lowest of the following should be used in place of the desired ninety-six (96) hour EC_{50}:

(i) Forty-eight (48) to ninety-six (96) hour EC_{50}s based on percentage of organisms with incompletely developed shells plus percentage of organisms killed.

(ii) Forty-eight (48) to ninety-six (96) hour EC_{50}s based upon percentage of organisms with incompletely developed shells.

(iii) Forty-eight (48) hour to ninety-six (96) hour LC_{50}s.

If the minimum acute-chronic ratio data requirements (as described in subsection (d)(2)(B)) are not met with freshwater data alone, saltwater data may be used.

(C) It is preferred that the result of tests with all other aquatic animal species and older life stages of barnacles, bivalve molluscs (clams, mussels, oysters, and scallops), sea urchins, lobsters, crabs, shrimp, and abalones be the ninety-six (96) hour EC_{50} based on percentage of organisms exhibiting loss of equilibrium plus percentage of organisms immobilized plus percentage of organisms killed. If such an EC_{50} is not available from a test, of the values that are available from a test, the lower of the following should be used in place of the desired ninety-six (96) hour EC_{50}:

(i) The ninety-six (96) hour EC_{50} based on percentage of organisms exhibiting loss of equilibrium plus percentage of organisms immobilized.

(ii) The ninety-six (96) hour LC_{50}.

(D) Tests results that take into account the number of young produced, such as most tests with protozoans, are not considered acute tests, even if the duration was ninety-six (96) hours or less.

(E) If the tests were conducted properly, acute values reported as greater than values and those that are above the solubility of the test material should be used, because rejection of such acute values would bias the final acute value by eliminating acute values for resistant species.

(6) If the acute toxicity of the material to aquatic animals has been shown to be related to a water quality characteristic, such as hardness or particulate matter for freshwater animals, refer to subsection (f).

(7) The agreement of the data within and between species must be considered. Acute values that appear to be questionable in comparison with other acute and chronic data for the same species and for other species in the same genus must not be used. For example, if the acute values available for a species or genus differ by more than a factor of ten (10), rejection of some or all of the values would be appropriate, absent countervailing circumstances.

(8) If the available data indicate that one (1) or more life stages are at least a factor of two (2) more resistant than one (1) or more other life stages of the same species, the data for the more resistant life stages shall not be used in the calculation of the SMAV because a species cannot be considered protected from acute toxicity if all of the life stages are not protected.

(9) For each species for which at least one (1) acute value is available, the SMAV shall be calculated as the geometric mean of the results of all acceptable flow-through acute toxicity tests in which the concentrations of test material were measured with the most sensitive tested life stage of the species. For a species for which no such result is available, the SMAV shall be calculated as the geometric mean of all acceptable acute toxicity tests with the most sensitive tested life stage, for example, results of flow-through tests in which the concentrations were not measured and results of static and renewal tests based on initial concentrations (nominal concentrations are acceptable for most test materials if measured concentrations are not available) of test material. A renewal test is a test with aquatic organisms in which either the test solution in a test chamber is removed and replaced at least once during the test or the test organisms are transferred into a new test solution of the same composition at least once during the test. A static test is a test with aquatic organisms in which the solution and organisms that are in a test chamber at the beginning of the test remain in the chamber until the end of the test, except for removal of dead test organisms. The following conditions are applicable to this calculation:

(A) Data reported by original investigators must not be rounded off. Results of all intermediate calculations must not be rounded off to fewer than four (4) significant digits.

(B) The geometric mean of N numbers is the Nth root of the product of the N numbers. Alternatively, the geometric mean can be calculated by adding the logarithms of the N numbers, dividing the sum by N, and taking the antilog of the quotient. The geometric mean of two (2) numbers is the square root of the product of the two (2) numbers, and the geometric mean of one (1) number is that number. Either natural (base e) or common (base 10) logarithms can be used to calculate geometric means as long as they are used consistently within each set of data, for example, the antilog used must match the logarithms used.

(C) Geometric means, rather than arithmetic means, are used here because the distributions of sensitivities of individual organisms in toxicity tests on most materials and the distributions of sensitivities of species within a genus are more likely to be lognormal than normal. Similarly, geometric means are used for ACRs because quotients are likely to be closer to lognormal than normal distributions. In addition, division of the geometric mean of a set of numerators by the geometric mean of the set of denominators will result in the geometric mean of the set of corresponding quotients.

(10) For each genus for which one (1) or more SMAVs are available, the GMAV shall be calculated as the geometric mean of the SMAVs available for the genus.

(11) Order the GMAVs from high to low.

(12) Assign ranks, R, to the GMAVs from "1" for the lowest to "N" for the highest. If two (2) or more GMAVs are identical, assign them successive ranks.

(13) Calculate the cumulative probability, P, for each GMAV as R/(N + 1).

(14) Select the four (4) GMAVs which have cumulative probabilities closest to five-hundredths (0.05) (if there are fewer than fifty-nine (59) GMAVs, these will always be the four (4) lowest GMAVs).

(15) Using the four (4) selected GMAVs and Ps, calculate:

(A) $FAV = e^{A}$

(B) $A = S(\sqrt{0.05}) + L$

(C) $L = \dfrac{\sum(\ln GMAV) - S(\sum(\sqrt{P}))}{4}$

(D) $S^2 = \dfrac{\sum((\ln GMAV)^2) - \dfrac{(\sum(\ln GMAV))^2}{4}}{\sum(P) - \dfrac{(\sum(\sqrt{P}))^2}{4}}$

(16) If for a commercially or recreationally important species of the Great Lakes system the geometric mean of the acute values from flow-through tests in which the concentrations of test material were measured is lower than the calculated FAV, then that geometric mean must be used as the FAV instead of the calculated FAV.

(f) When enough data are available to show that acute toxicity to two (2) or more species is similarly related to a water quality characteristic, the relationship shall be taken into account as described in subdivisions (1) through (6) or using analysis of covariance. The two (2) methods are equivalent and produce identical results. The manual method described in this subsection provides an understanding of this application of covariance analysis, but computerized versions of covariance analysis are much more convenient for analyzing large data sets. If two (2) or more factors affect toxicity, multiple regression analysis shall be used. An acute criterion based on a water quality characteristic shall be determined as follows:

(1) For each species for which comparable acute toxicity values are available at two (2) or more different values of the water quality characteristic, perform a least squares regression of the acute toxicity values on the corresponding values of the water quality characteristic to obtain the slope and its ninety-five percent (95%) confidence limits for each species. (Because the best documented relationship is that between hardness and acute toxicity of metals in fresh water and a log-log relationship fits these data, geometric means and natural logarithms of both toxicity and water quality are used in the rest of this section. For relationships based on other water quality characteristics, such as pH, temperature, no transformation or a different transformation might fit the data better, and appropriate changes will be necessary throughout this section.)

(2) Decide whether the data for each species are relevant, taking into account the range and number of the tested values of the water quality characteristic and the degree of agreement within and between species. For example, a slope based on six (6) data points might be of limited value if it is based only on data for a very narrow range of values of the water quality characteristic. A slope based on only two (2) data points, however, might be useful if it is consistent with other information and if the two (2) points cover a broad enough range of the water quality characteristic. In addition, acute values that appear to be questionable in comparison with other acute and chronic data available for the same species and for other species in the same genus should not be used. For example, if after adjustment for the water quality characteristic, the acute values available for a species or genus differ by more than a factor of ten (10), rejection of some or all of the values would be appropriate, absent countervailing justification. If useful slopes are not available for at least one (1) fish and one (1) invertebrate or if the available slopes are too dissimilar or if too few data are available to adequately define the relationship between acute toxicity and the water quality characteristic, return to subsection (e)(7), using the results of tests conducted under conditions and in waters similar to those commonly used for toxicity tests with the species.

(3) For each species, calculate the geometric mean of the available acute values and then divide each of the acute values for the species by the geometric mean for the species. This normalizes the acute values so that the geometric mean of the normalized values for each species individually and for any combination of species is one (1.0).

(4) Similarly normalize the values of the water quality characteristic for each species individually using the procedure in subdivisions (1) through (3).

(5) Individually for each species perform a least squares regression of the normalized acute values of the water quality characteristic. The resulting slopes and ninety-five percent (95%) confidence limits will be identical to those obtained in subdivision (1). If, however, the data are actually plotted, the line of best fit for each individual species will go through the point 1,1 in the center of the graph.

(6) Treat all of the normalized data as if they were all for the same species and perform a least squares regression of all of the normalized acute values on the corresponding normalized values of the water quality characteristic to obtain the pooled acute slope, V, and its ninety-five percent (95%) confidence limits. If all of the normalized data are actually plotted, the line of best fit will go through the point 1,1 in the center of the graph.

(7) For each species calculate the geometric mean, W, of the acute toxicity values and the geometric mean, X, of the values of the water quality characteristic. (These were calculated in subdivisions (3) and (4)).

(8) For each species, calculate the logarithm, Y, of the SMAV at a selected value, Z, of the water quality characteristic using the equation:

$$Y = \ln W - V(\ln X - \ln Z)$$

(9) For each species calculate the SMAV at Z using the equation:

$$SMAV = e^{Y}$$

(10) Alternatively, the SMAVs at Z can be obtained by skipping the step in subdivision (7), using the equations in subdivisions (8) and (9) to adjust each acute value individually to Z, and then calculating the geometric mean of the adjusted values for each species individually. This alternative procedure allows an examination of the range of the adjusted acute values for each species.

(11) Obtain the FAV at Z by using the procedure described in subsection (e)(10) through (e)(15).

(12) If, for a commercially or recreationally important species of the Great Lakes system the geometric mean of the acute values at Z from flow-through tests in which the concentrations of the test material were measured is lower than the FAV at Z, then the geometric mean must be used as the FAV instead of the FAV calculated in subdivision (11).

(13) The final acute equation is written as:

$$(FAV) = e^{(V[\ln(\text{water quality characteristic})] + A - V[\ln Z])}$$

Where: V = pooled acute slope.

A = ln(FAV at Z).

Because V, A, and Z are known, the FAV can be calculated for any selected value of the water quality characteristic.

(g) The following procedures shall be used to calculate a final chronic value (FCV):

(1) Depending on the data that are available concerning chronic toxicity to aquatic animals, the FCV can be calculated in the same manner as the FAV or by dividing the FAV by the final acute-chronic ratio (FACR). In some cases, it might not be possible to calculate a FCV. The FCV is one (1) of the following as applicable:

(A) A calculated estimate of the concentration of a test material such that ninety-five percent (95%) of the genera (with which acceptable chronic toxicity tests have been conducted on the material) have higher GMCVs.

(B) The quotient of an FAV divided by an appropriate ACR (ACR is a way of relating acute and chronic toxicities).

(C) The SMCV of an important or critical species, if the SMCV is lower than the calculated estimate or the quotient.

(2) Chronic values shall be based on results of flow-through (except renewal is acceptable for daphnids) chronic tests in which the concentrations of test material in the test solutions were properly measured at appropriate times during the test. A chronic test is a comparative study in which organisms, that are subjected to different treatments, are observed for a long period or a substantial portion of their life span.

(3) Results of chronic tests in which survival, growth, or reproduction in the control treatment was unacceptably low shall not be used. The limits of acceptability will depend on the species.

(4) Results of chronic tests conducted in unusual dilution water, for example, dilution water in which total organic carbon or particulate matter exceeded five (5) milligrams per liter, should not be used, unless a relationship is developed between chronic toxicity and organic carbon or particulate matter or unless data show that the organic carbon or particulate matter do not affect toxicity.

(5) Chronic values must be based on endpoints and lengths of exposure appropriate to the species. Therefore, only results of the following kinds of chronic toxicity tests shall be used:

(A) Life-cycle toxicity tests consisting of exposures of each of two (2) or more groups of individuals of a species to a different concentration of the test material throughout a life cycle. To ensure that all life stages and life processes are exposed, the following procedures shall be followed:

(i) Tests with fish should begin with embryos or newly hatched young less than forty-eight (48) hours old, continue through maturation and reproduction, and should end not less than twenty-four (24) days (ninety (90) days for salmonids) after the hatching of the next generation. For fish, data should be obtained and analyzed on survival and growth of adults and young, maturation of males and females, eggs spawned per female, embryo viability (salmonids only), and hatchability.

(ii) Tests with daphnids should begin with young less than twenty-four (24) hours old and last for not less than twenty-one (21) days, and for ceriodaphnids not less than seven (7) days. For daphnids, data should be obtained and analyzed on survival and young per female.

(iii) Tests with mysids should begin with young less than twenty-four (24) hours old and continue until seven (7) days past the median time of first brood release in the controls. For mysids, data should be obtained and analyzed on survival, growth, and young per female.

(B) Partial life-cycle toxicity tests consist of exposures of each of two (2) or more groups of individuals of a species of fish to a different concentration of the test material through most portions of a life cycle. Partial life-cycle tests are allowed with fish species that require more than a year to reach sexual maturity, so that all major life stages can be exposed to the test material in less than fifteen (15) months. A life-cycle test is a comparative study in which organisms that are subjected to different treatments are observed at least from a life stage in one (1) generation to the same life-stage in the next generation. Exposure to the test material should begin with immature juveniles at least two (2) months prior to active gonad development, continue through maturation and reproduction, and end not less than twenty-four (24) days (ninety (90) days for salmonids) after the hatching of the next generation. Data should be obtained and analyzed on survival and growth of adults and young, maturation of males and females, eggs spawned per female, embryo viability (salmonids only), and hatchability.

(C) Early life-stage toxicity tests consisting of twenty-eight (28) to thirty-two (32) day (sixty (60) days post hatch for salmonids) exposures of the early life stages of a species of fish from shortly after fertilization through embryonic, larval, and early juvenile development. Data should be obtained and analyzed on survival and growth. (Note: Results of an early life-stage test are used as predictions of results of life-cycle and partial life-cycle tests with the same species. Therefore, when results of a life-cycle or partial life-cycle test are available, results of an early life-stage test with the same species should not be used. Also, results of early life-stage tests in which the incidence of mortalities or abnormalities

increased substantially near the end of the test shall not be used because the results of such tests are possibly not good predictions of comparable life-cycle or partial life-cycle tests.)

(6) A chronic value may be obtained by analyzing chronic data using regression analysis or by calculating the geometric mean of the lower and upper chronic limits from a chronic test as follows:

(A) A lower chronic limit is the highest tested concentration:

(i) in an acceptable chronic test;

(ii) ~~which~~ **that** did not cause an unacceptable amount of adverse effect on any of the specified biological measurements; and

(iii) below which no tested concentration caused an unacceptable effect.

(B) An upper chronic limit is the lowest tested concentration:

(i) in an acceptable chronic test;

(ii) ~~which~~ **that** did cause an unacceptable amount of adverse effect on one (1) or more of the specified biological measurements; and

(iii) above which all tested concentrations also caused such an effect.

(C) Because various authors have used a variety of terms and definitions to interpret and report results of chronic tests, reported results should be reviewed carefully. The amount of effect that is considered unacceptable is often based on a statistical hypothesis test, but might also be defined in terms of a specified percent reduction from the controls. A small percent reduction (for example, three percent (3%)) might be considered acceptable even if it is statistically significantly different from the control, whereas a large percent reduction (for example, thirty percent (30%)) might be considered unacceptable even if it is not statistically significant.

(7) If the chronic toxicity of the material to aquatic animals has been shown to be related to a water quality characteristic, such as hardness or particulate matter for freshwater animals, refer to subsection (h).

(8) If chronic values are available for species in eight (8) families as described in subsection (d)(2)(A), a SMCV shall be calculated for each species for which at least one (1) chronic value is available by calculating the geometric mean of the results of all acceptable life-cycle and partial life-cycle toxicity tests with the species; for a species of fish for which no such result is available, the SMCV is the geometric mean of all acceptable early life-stage tests. Appropriate GMCVs shall also be calculated. A GMCV is the geometric mean of the SMCVs for the genus. The FCV shall be obtained using the procedure described in subsection (e)(10) through (e)(15), substituting SMCV and GMCV for SMAV and GMAV, respectively. See subdivision (10).

(9) The following procedures are for use when chronic values are not available for species in eight (8) taxonomic families as described in subsection (d)(2)(A):

(A) For each chronic value for which at least one (1) corresponding appropriate acute value is available, calculate an ACR, using for the numerator the geometric mean of the results of all acceptable flow-through (except static is acceptable for daphnids and midges) acute tests in the same dilution water in which the concentrations are measured. For fish, the acute tests should be conducted with juveniles. The acute tests should be part of the same study as the chronic test. If acute tests were not conducted as part of the same study, but were conducted as part of a different study in the same laboratory and dilution water, then they may be used. If no such acute tests are available, results of acute tests conducted in the same dilution water in a different laboratory may be used. If no such acute tests are available, an ACR shall not be calculated.

(B) For each species, calculate the SMACR as the geometric mean of all ACRs available for that species. If the minimum ACR data requirements (as described in subsection (d)(2)(B)) are not met with freshwater data alone, saltwater data may be used along with the freshwater data.

(C) For some materials, the ACR seems to be the same for all species, but for other materials the ratio seems to increase or decrease as the SMAV increases. Thus the FACR can be obtained in the following three (3) ways, depending on the data available (If the available SMACRs do not fit one (1) of these cases, a FACR may not be obtained and a Tier I FCV probably cannot be calculated.):

(i) If the species mean ACR seems to increase or decrease as the SMAVs increase, the FACR shall be calculated as the geometric mean of the ACRs for species whose SMAVs are close to the FAV.

(ii) If no major trend is apparent and the ACRs for all species are within a factor of ten (10), the FACR shall be calculated as the geometric mean of all of the SMACRs.

(iii) If the most appropriate SMACRs are less than two (2.0), and especially if they are less than one (1.0), acclimation has probably occurred during the chronic test. In this situation, because continuous exposure and acclimation cannot be assured to provide adequate protection in field situations, the FACR should be assumed to be two (2), so that the FCV is equal to the Criterion Maximum Concentration (CMC). (See subsection (k)(1).)

(D) Calculate the FCV by dividing the FAV by the FACR. FCV = FAV ÷ FACR. If there is a final acute equation rather than a FAV, see also subsection (f).

(10) If the SMCV of a commercially or recreationally important species of the Great Lakes system is lower than the calculated FCV, then that SMCV must be used as the FCV instead of the calculated FCV.

(h) When enough data are available to show that toxicity to two (2) or more species is similarly related to a water quality characteristic, the relationship shall be taken into account as described in this subsection. A final chronic equation can be derived in two (2) ways. The procedure described in subdivision (1) will result in the chronic slope being the same as the acute slope. The procedure described in subdivision (2) will usually result in the chronic slope being different from the acute slope. A chronic criterion based on a water quality characteristic shall be determined as follows:

(1) If ACRs are available for enough species at enough values of the water quality characteristic to indicate that the ACR appears to be the same for all species and appears to be independent of the water quality characteristic, then:

(A) calculate the FACR as the geometric mean of the available SMACRs;

(B) calculate the FCV at the selected value Z of the water quality characteristic by dividing the FAV at Z (see subsection (f)(11)) by the FACR; and

(C) use V = pooled acute slope (see subsection (f)(6)), and L = pooled chronic slope (see subdivision (2)(F)).

(2) When enough data are available to show that chronic toxicity to at least one (1) species is related to a water quality characteristic, the relationship should be taken into account as described in clauses (A) through (E) or using analysis of covariance. The two (2) methods are equivalent and produce identical results. The manual method described in this subdivision provides an understanding of this application of covariance analysis, but computerized versions of covariance analysis are much more convenient for analyzing large data sets. If two (2) or more factors affect toxicity, multiple regression analysis shall be used.

(A) For each species for which comparable chronic toxicity values are available at two (2) or more different values of the water quality characteristic, perform a least squares regression of the chronic toxicity values on the corresponding values of the water quality characteristic to obtain the slope and its ninety-five percent (95%) confidence limits for each species. (Because the best documented relationship is that between hardness and acute toxicity of metals in fresh water and a log-log relationship fits these data, geometric means and natural logarithms of both toxicity and water quality are used in the rest of this section. For relationships based on other water quality characteristics, such as pH, temperature, no transformation, or a different transformation might fit the data better, and appropriate changes will be necessary throughout this section. It is probably preferable, but not necessary, to use the same transformation that was used with the acute values in subsection (f).)

(B) Decide whether the data for each species are relevant, taking into account the range and number of the tested values of the water quality characteristic and the degree of agreement within and between species. For example, a slope based on six (6) data points might be of limited value if it is based only on data for a very narrow range of values of the water quality characteristic. A slope based on only two (2) data points, however, might be more useful if it is consistent with other information and if the two (2) points cover a broad range of the water quality characteristic. In addition, chronic values that appear to be questionable in comparison with other acute and chronic data available for the same species and for other species in the same genus in most cases should not be used. For example, if after adjustment for the water quality characteristic, the chronic values available for a species or genus differ by more than a factor of ten (10), rejection of some or all of the values is, in most cases, absent countervailing circumstances, appropriate. If a useful chronic slope is not available for at least one (1) species or if the available slopes are too dissimilar or if too few data are available to adequately define the relationship between chronic toxicity and the water quality characteristic, it might be appropriate to assume that the chronic slope is the same as the acute slope, which is equivalent to assuming that the ACR is independent of the water quality characteristic. Alternatively, return to subsection (g)(8), using the results of tests conducted under conditions and in waters similar to those commonly used for toxicity tests with the species.

(C) Individually for each species, calculate the geometric mean of the available chronic values and then divide each chronic value for a species by the mean for the species. This normalizes the chronic values so that the geometric mean of the normalized values for each species individually, and for any combination of species, is one (1.0).

(D) Similarly, normalize the values of the water quality characteristic for each species individually.

(E) Individually for each species, perform a least squares regression of the normalized chronic toxicity values on the corresponding normalized values of the water quality characteristic. The resulting slopes and the ninety-five percent (95%) confidence limits will be identical to those obtained in this subdivision. Now, however, if the data are actually plotted, the line of best fit for each individual species will go through the point 1,1 in the center of the graph.

(F) Treat all of the normalized data as if they were all the same species and perform a least squares regression of all of the normalized chronic values on the corresponding normalized values of the water quality characteristic to obtain the pooled chronic slope, L, and its ninety-five percent (95%) confidence limits. If all normalized data are actually plotted, the line of best fit will go through the point 1,1 in the center of the graph.

(G) For each species, calculate the geometric mean, M, of the toxicity values and the geometric mean, P, of the values of the water quality characteristic. (These are calculated in clauses (C) and (D).)

(H) For each species, calculate the logarithm, Q, of the SMCV at a selected value, Z, of the water quality characteristic using the equation:

$$Q = \ln M - L(\ln P - \ln Z)$$

(Although it is not necessary, it is recommended that the same value of the water quality characteristic be used here as was used in subsection (f).)

(I) For each species, calculate a SMCV at Z using the equation:

$$SMCV = e^{Q}$$

(Alternatively, the SMCV at Z can be obtained by skipping clause (G), using the equations in clause (H) and this clause to adjust each chronic value individually to Z, and then calculating the geometric means of the adjusted values for each species individually. This alternative procedure allows an examination of the range of the adjusted chronic values for each species.)

(J) Obtain the FCV at Z by using the procedure described in subsection (e)(10) through (e)(15).

(3) If the SMCV at Z of a commercially or recreationally important species of the Great Lakes system is lower than the calculated FCV at Z, then that SMCV shall be used as the FCV at Z instead of the calculated FCV.

(4) The final chronic equation is written as:

$$FCV = e^{(L[\ln(\text{water quality characteristic})] + \ln S - L[\ln Z])}$$

Where: L = pooled chronic slope.

S = FCV at Z.

Because L, S, and Z are known, the FCV can be calculated for any selected value of the water quality characteristic.

(i) A final plant value (FPV) is the lowest plant value that was obtained with an important aquatic plant species in an acceptable toxicity test for which the concentrations of the test material were measured and the adverse effect was biologically important. Appropriate measures of the toxicity of the material to aquatic plants are used to compare the relative sensitivities of aquatic plants and animals. Although procedures for conducting and interpreting the results of toxicity tests with plants are not well-developed, results of tests with plants usually indicate that criteria which adequately protect aquatic animals and their uses will, in most cases, also protect aquatic plants and their uses. When developing an FPV, the following apply:

(1) A plant value is the result of a ninety-six (96) hour test conducted with an alga or a chronic test conducted with an aquatic vascular plant. (A test of the toxicity of a metal to a plant shall not be used if the medium contained an excessive amount of a complexing agent, such as EDTA, that might affect the toxicity of the metal. Concentrations of EDTA above two hundred (200) µg/L should be considered excessive.)

(2) The FPV shall be obtained by selecting the lowest result from a test with an important aquatic plant species in which the concentrations of test material are measured and the endpoint is biologically important.

(j) Pertinent information that could not be used in earlier subsections may be available concerning adverse effects on aquatic organisms. The following are data that may affect a criterion if the data were obtained with an important species, the test concentrations were measured, and the endpoint was biologically important:

(1) Cumulative and delayed toxicity, reduction in survival, growth, or reproduction, or any other adverse effect that has been shown to be biologically important. Delayed toxicity is an adverse effect to an organism that results from, and occurs after the end of, its exposure to one (1) or more test materials.

(2) Species for which no other data are available.

(3) Behavioral, biochemical, physiological, microcosm, and field studies.

(4) Tests conducted in unusual dilution water (see subsections (e)(4) and (g)(4)).

(5) Chronic tests in which the concentrations were not measured (see subsection (g)(2)).

(6) Tests with previously exposed organisms (see subsection (c)(6)(C)).

(7) Tests on formulated mixtures or emulsifiable concentrates (see subsection (c)(4)).

(k) A criterion consists of two (2) concentrations, the criterion maximum concentration (CMC) and the criterion continuous concentration (CCC), determined as follows:

(1) The CMC is equal to one-half (½) the FAV. The CMC is an estimate of the highest concentration of a material in the water column to which an aquatic community can be exposed briefly without resulting in an unacceptable effect.

(2) The CCC is equal to the lowest of the FCV or the FPV (if available) unless other data (see subsection (j)) show that a lower value should be used. The CCC is an estimate of the highest concentration of a material in the water column to which an aquatic community can be exposed indefinitely without resulting in an unacceptable effect. If toxicity is related to a water quality characteristic, the CCC is obtained from the final chronic equation or FPV (if available) that results in the lowest concentrations in the usual range of the water quality characteristic, unless other data (see subsection (j)) show that a lower value should be used.

(3) Round both the CMC and the CCC to two (2) significant digits.

(4) The criterion is stated as follows:

(A) The procedures described in the Tier I methodology indicate that, except possibly where a commercially or recreationally important species is very sensitive, aquatic organisms should not be affected unacceptably if the four (4) day average concentration of (insert name of substance) does not exceed (insert the CCC for the substance) µg/L more than once every three (3) years on the average and if the one (1) hour average concentration does not exceed (insert the CMC for the substance) µg/L more than once every three (3) years on the average.

(B) If the CMC averaging period of one (1) hour or the CCC averaging period of four (4) days is inappropriate for the pollutant, or if the once-in-three-year allowable excursion frequency is inappropriate for the pollutant or for the sites to which a criterion is applied, then the commissioner may specify alternative averaging periods or frequencies. The choice of an alternative averaging period or frequency shall be justified by a scientifically defensible analysis demonstrating that the alternative values will protect the aquatic life uses of the water. Appropriate laboratory data or well-designed field biological surveys shall be submitted to the U.S. EPA as justification for differing averaging periods or frequencies of exceedance.

(Water Pollution Control Board; 327 IAC 2-1.5-11; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1381; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3377)

SECTION 18. 327 IAC 2-1.5-16 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1.5-16 Site-specific modifications to Tier I criteria and Tier II values

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

Sec. 16. (a) Site-specific modifications ~~of~~ **to Tier I** criteria and **Tier II** values ~~in this subsection~~ must be protective of designated uses and aquatic life, wildlife, or human health. In addition, any site-specific modifications that result in less stringent criteria must be based on a sound scientific rationale and shall not be likely to jeopardize the continued existence of endangered or threatened species listed or proposed under Section 4 of the Endangered Species Act (ESA) or result in the destruction or adverse modification of such species' critical habitat. More stringent modifications shall be developed to protect endangered or threatened species listed or proposed under Section 4 of the ESA, where such modifications are necessary to ensure that water quality is not likely to jeopardize the continued existence of such species or result in the destruction or adverse modification of such species' critical habitat. More stringent modifications may also be developed to protect candidate (C1) species being considered by the U.S. Fish and Wildlife Service (FWS) for listing under Section 4 of the ESA, where such modifications are necessary to protect such species. Criteria and values may be modified on a site-specific basis to reflect local environmental conditions as restricted by the following provisions:

(1) Aquatic life criteria or values may be modified on a site-specific basis as follows:

(A) Aquatic life criteria or values may be modified on a site-specific basis to provide an additional level of protection.

(B) Less stringent site-specific modifications to chronic or acute aquatic life criteria or values may be developed when either of the following conditions apply:

(i) The local water quality characteristics such as pH, hardness, temperature, or color alter the biological availability or toxicity of a pollutant.

(ii) The sensitivity of the aquatic organisms species that occur at the site differs from the species actually tested in developing the criteria.

(C) Less stringent modifications also may be developed to acute and chronic aquatic life criteria or values to reflect local physical and hydrological conditions.

(D) Any modifications to protect threatened or endangered aquatic species required by this subsection may be accomplished using either of the two (2) following procedures:

(i) If the species mean acute value (SMAV) for a listed or proposed species, or for a surrogate of such species, is lower than the calculated final acute value (FAV), such lower SMAV may be used instead of the calculated FAV in developing site-specific modified criteria.

(ii) The site-specific criteria may be calculated using the recalculation procedure for site-specific modifications **as described in EPA's Water Quality Standards Handbook, Second Edition-Revised (1994) Chapter 3 and Appendix L.**

(2) Wildlife criteria or values may be modified on a site-specific basis as follows:

(A) Wildlife water quality criteria may be modified on a site-specific basis to provide an additional level of protection.

(B) Less stringent site-specific modifications to wildlife water quality criteria may be developed when a site-specific bioaccumulation factor (BAF) is derived that is lower than the system-wide BAF derived under section 13 of this rule. The modification must consider both the mobility of prey organisms and wildlife populations in defining the site for which criteria are developed. In addition, there must be a showing that the following conditions are met:

(i) Any increased uptake of the toxicant by prey species utilizing the site will not cause adverse effects in wildlife populations.

(ii) Wildlife populations utilizing the site or downstream waters will continue to be fully protected.

(C) Any modification to protect endangered or threatened wildlife species required by this subsection must consider both the mobility of prey organisms and wildlife populations in defining the site for which criteria are developed and may be accomplished by using the following recommended method:

(i) The procedure presented in section 15 of this rule is used, substituting appropriate species-specific toxicological, epidemiological, or exposure information, including changes to the BAF.

(ii) An interspecies uncertainty factor of one (1) shall be used where epidemiological data are available for the species in question. If necessary, species-specific exposure parameters may be derived as presented in section 15 of this rule.

(iii) An intraspecies uncertainty factor, to account for protection of individuals within a wildlife population, shall be applied in the denominator of the effect part of the wildlife equation in section 15 of this rule in a manner consistent with the other uncertainty factors described in section 15 of this rule.

(iv) The resulting wildlife value for the species in question should be compared to the two (2) class specific wildlife values that were previously calculated, and the lowest of the three (3) shall be selected as the site-specific modification.

(3) BAFs may be modified on a site-specific basis as follows:

(A) BAFs may be modified on a site-specific basis to larger values where reliable data show that local bioaccumulation is greater than the system-wide value.

(B) BAFs may be modified on a site-specific basis to lower values, where scientifically defensible, if:

(i) the fraction of the total chemical that is freely dissolved in the ambient water is different than that used to derive the system-wide BAFs, that is, the concentrations of particulate organic carbon and the dissolved organic carbon are different than those used to derive the system-wide BAFs;

(ii) input parameters of the model, such as the structure of the aquatic food web and the disequilibrium constant, are different at the site than those used to derive the system-wide BAFs;

(iii) the percent lipid of aquatic organisms that are consumed and occur at the site is different than that used to derive the system-wide BAFs; or

(iv) site-specific field-measured BAFs or biota-sediment accumulation factor (BSAFs) are determined.

(C) If site-specific BAFs are derived, they shall be derived using section 13 of this rule.

(D) Any more stringent modifications to protect threatened or endangered species required by this subsection shall be derived using procedures set forth in the methodology in section 13 of this rule.

(4) Human health criteria or values may be modified on a site-specific basis as follows:

(A) Human health criteria or values may be modified on a site-specific basis to provide an additional level of protection **in accordance with the following:**

(i) Human health criteria or values shall be modified on a site-specific basis to provide additional protection appropriate for highly exposed subpopulations.

(ii) Any person may request the commissioner to develop a site-specific modification of a human health criterion or value to make it more stringent.

(iii) The commissioner shall develop the site-specific modification of the human health criterion or value to make it more stringent when either of the following conditions ~~apply:~~ **applies:**

~~(i)~~ **(AA)** Local fish consumption rates are higher than the rate used to derive a human health criterion or value applicable under section 14 of this rule.

~~(ii)~~ **(BB)** A site-specific BAF is derived that is higher than that used in deriving a human health criterion of value under section 14 of this rule.

(B) Less stringent site-specific modifications to human health criteria or values may be developed when any of the following conditions apply:

(i) Local fish consumption rates are lower than the rate used in deriving human health criteria or values under section 14 of this rule.

(ii) A site-specific BAF is derived that is lower than that used in deriving human health criteria or values under section 14 of this rule.

(C) Local fish consumption rates referenced in clauses ~~(A)(i)~~ **(A)(iii)(AA)** and (B)(i) shall be determined by a fish consumption survey applicable to the site.

(b) Upon receipt of ~~a request~~ **an application** for a site-specific modification ~~of~~ **to** a water quality criterion or value, the commissioner shall provide notice, request comment, and, if requested, schedule and hold a public meeting on the application in accordance with 327 IAC 5-2-11.2.

(Note: The approval process for site-specific modifications to criteria and values is included in the following subsections. IDEM is currently discussing this process with U.S. EPA Region 5 and could not reach a conclusion by the deadline for the submission of this draft rule. Therefore, IDEM is inserting this placeholder in the rules to inform interested parties that IDEM intends to revise the following subsections prior to preliminary adoption. Besides revising the following subsections, IDEM may include a detailed methodology for developing site-specific modifications to criteria if U.S. EPA would approve such a methodology.)

(c) When the commissioner proposes a site-specific modification to a criterion or value as allowed in this section, the tentative decision shall be incorporated into a draft permit ~~which~~ **that** is made available for public comment under 327 IAC 5-3-9. The commissioner shall notify the other Great Lakes states of such a proposal and, for less stringent criteria, shall supply appropriate supporting documentation for the modification.

(d) A final decision regarding a site-specific modification to a criterion or value shall be incorporated into the final NPDES permit. In addition, a reopening clause shall be included in the NPDES permit allowing the permit to be modified or revoked and reissued to revise the WQBELs based on the modified criterion or value if the board fails to adopt or the U.S. EPA fails to approve the modified criterion or value.

(e) All site-specific modifications to water quality criteria shall be incorporated into these water quality standards rules during the next revision of the water quality standards. The U.S. EPA will have the opportunity to review the modified criterion or value upon submittal of the revised water quality standards rules adopted by the board. *(Water Pollution Control Board; 327 IAC 2-1.5-16; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1407; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3378)*

SECTION 19. 327 IAC 2-1.5-20 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-1.5-20 Incorporation by reference

Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-18-4

Sec. 20. The following materials have been incorporated by reference into this rule. Each of the following items, in addition to its title, will list the name and address of where it may be located for inspection and copying:

(1) Clean Water Act (CWA), 33 U.S.C. 1251 et seq., in effect ~~December 16, 1996,~~ **July 1, 2003,** is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or from the Indiana Department of Environmental Management, Office of Water ~~Management,~~ **Quality,** Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

(2) The map identifying 1995 United States Coast Guard Light List No. 19675 is available from the Indiana Department of Environmental Management, Office of Water ~~Management,~~ **Quality,** Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

(3) Code of Federal Regulations (40 CFR 136) in effect ~~December 16, 1996,~~ **July 1, 2003,** are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Water ~~Management,~~ **Quality,** Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

(4) ASTM, 1990, Standard Practice for Conducting Bioconcentration Tests with Fishes and Saltwater Bivalve Molluscs, Standard E 1022, available from the Indiana Department of Environmental Management, Office of Water ~~Management,~~ **Quality,** Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

(5) 1986 U.S. EPA Guidelines for Carcinogenic Risk Assessment (U.S. EPA, 1986), available from the U.S. Environmental Protection Agency, Office of Water Resource Center (WH-550A), 401 M Street, S.W., Washington, D.C. 20460, and the Indiana Department of Environmental Management, Office of Water ~~Management,~~ **Quality,** Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

(6) U.S. EPA. 1993, Chapter 4, Wildlife Exposure Factors Handbook, Volumes I and II, available from U.S. Environmental Protection Agency, Office of Water Resource Center, 401 M Street, S.W., Washington, D.C. 20460 [EPA/600/R-93/187a and b], and the Indiana Department of Environmental Management, Office of Water ~~Management,~~ **Quality,** Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

~~(7) "Standard Methods for the Examination of Water and Wastewater", Joint Editorial Board, American Public Health Association, American Water Works Association, and Water Environment Federation, 18th Edition, 1992. Available from American Public Health Association, 1015 Fifteenth Street, N.W., Washington, D.C. 20005, and the Indiana Department of Environmental Management, Office of Water Management, Indiana Government Center-North, 100 Senate Avenue, Indianapolis, Indiana 46206.~~

~~(8)~~ **(7)**1980 National Guidelines, 45 FR 79352 and 45 FR 79354.

(8) U.S. EPA Water Quality Standards Handbook, Second Edition-Revised (1994) Chapter 3 and Appendix L, available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

(Water Pollution Control Board; 327 IAC 2-1.5-20; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1412; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3378)

SECTION 20. 327 IAC 2-4-3 IS AMENDED TO READ AS FOLLOWS:

327 IAC 2-4-3 Sampling frequency; methods of analysis

Authority: IC 13-14-8; IC 13-14-9; IC 13-18-3
Affected: IC 13-18-4

Sec. 3. Sampling, measurements of flow and characteristics of the effluent shall be performed at a frequency prescribed by the commissioner. All analytical work shall be in accordance with ~~the 16th edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association (APHA)~~ **40 CFR 136** or other methods approved by the commissioner. *(Water Pollution Control Board; 327 IAC 2-4-3; filed Sep 24, 1987, 3:00 p.m.: 11 IR*

587; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 21. 327 IAC 5-1.5-72 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-1.5-72 "Waters of the state of Indiana" or "waters of the state" defined

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2-265; IC 13-18-4

Sec. 72. "Waters of the state of Indiana" or "waters of the state" has the meaning set forth in ~~327 IAC 2-1.5-2(91).~~ **IC 13-11-2-265.** *(Water Pollution Control Board; 327 IAC 5-1.5-72; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1421; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 22. 327 IAC 5-2-1.5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-2-1.5 Incorporation by reference

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

Sec. 1.5. The following materials have been incorporated by reference into this article. Each of the following items, in addition to its title, will list the name and address of where it may be located for inspection and copying:

(1) Clean Water Act (CWA), 33 U.S.C. 1251 et seq., in effect on ~~December 16, 1996,~~ **July 1, 2003,** is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or from the Indiana Department of Environmental Management, Office of Water ~~Management,~~ **Quality,** Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

(2) All Federal Registers listed in this rule are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or the Indiana Department of Environmental Management, Office of Water ~~Management,~~ **Quality,** Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

(3) Code of Federal Regulations (40 CFR 100–149, 40 CFR 400–424, and 40 CFR 425–699), in effect on ~~December 16, 1996,~~ **July 1, 2003,** are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or the Indiana Department of Environmental Management, Office of Water ~~Management,~~ **Quality,** Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

(4) Standard Form A Municipal (EPA Form 7550-22), available from the U.S. Environmental Protection Agency, Office of Water Resource Center, 401 M Street, S.W., Washington, D.C. 20460, or the Indiana Department of Environmental Management, Office of Water ~~Management,~~ **Quality,** Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

(5) Pollution Prevention Act of 1990 (42 ~~USCA~~ **U.S.C.** 13101 ~~to 42 USCA 13109~~ **et seq.**), available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or the Indiana Department of Environmental Management, Office of Water ~~Management,~~ **Quality,** Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.

~~(6) "Standard Methods for the Examination of Water and Wastewater", Joint Editorial Board, American Public Health Association, American Water Works Association, and Water Environment Federation, 18th Edition, 1992. Available from American Public Health Association, 1015 Fifteenth Street, N.W., Washington, D.C. 20005, and the Indiana Department of Environmental Management, Office of Water Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46206.~~

(Water Pollution Control Board; 327 IAC 5-2-1.5; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1421; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3378)

SECTION 23. 327 IAC 5-2-11.1 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-2-11.1 Establishment of water quality-based effluent limitations for dischargers not discharging to waters within the Great Lakes system

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

Sec. 11.1. (a) The water quality standards established through the criteria set forth in 327 IAC 2-1-6 or under the procedures described in 327 IAC 2-1-8.2 through 327 IAC 2-1-8.6 **and 327 IAC 2-1-8.9 shall:**

(1) ~~shall~~ be the basis for water quality-based effluent limitations applicable to point source dischargers, not discharging to waters within the Great Lakes system, through NPDES permits (except for instances where a variance has been approved under 327 IAC 2-1-8.8 and 327 IAC 5-3-4.1); and

(2) ~~shall~~ not be enforceable against point source dischargers until translated into effluent limitations ~~which~~ **that** are incorporated in NPDES permits in accordance with this article.

(b) This subsection describes how the **surface** water quality criteria in 327 IAC 2-1-6(a) or those criteria derived using the procedures in 327 IAC 2-1-8.2 through 327 IAC 2-1-8.6 **and 327 IAC 2-1-8.9** will be applied in determining appropriate water quality-based effluent limitations to NPDES permits as follows:

(1) The final acute value (FAV = 2(AAC)) will be applied directly to the undiluted discharge, or, if dilution by discharge induced mixing is allowed, the AAC will be applied outside the discharge induced mixing zone. **If the AAC for a metal is expressed in the form of dissolved metal, the AAC shall be set equal to $C_{instream}$ determined for the AAC in accordance with subdivision (8).**

(2) The CAC and the TLSC will be applied outside of the mixing zone. In the absence of site-specific mixing zone data, the allowable mixing zone dilution shall be determined by applying the guideline in 327 IAC 2-1-4 to the $Q_{7,10}$ low flow of the receiving stream. **If the CAC for a metal is expressed in the form of dissolved metal, the CAC shall be set equal to $C_{instream}$ determined for the CAC in accordance with subdivision (8).**

(3) The HLSC shall be applied outside of the mixing zone, if based on the consumption of organisms and incidental water intake. If based on consumption of organisms and drinking water, the HLSC shall apply at the point of the **public** water ~~supply~~ **system** intake, if this does not cause the HLSC based on consumption of organisms and incidental water intake to be exceeded outside of the mixing zone. Allowable mixing zone dilution shall be determined by applying the guideline of 327 IAC 2-1-4 to the $Q_{7,10}$ low flow of the

receiving stream if the HLSC is based on consumption of organisms and incidental water intake and the $Q_{7,10}$ flow at the point of **the public** water ~~supply~~ **system** intake (provided the effluent has had time to fully mix with the receiving water) shall be allowed for dilution if the HLSC is based on consumption of organisms and drinking water.

(4) The criterion to provide an acceptable degree of protection to public health for cancer effects shall apply outside of the mixing zone if the criterion is based on consumption of organisms and incidental water intake and at the point of **the public** water ~~supply~~ **system** intake if based on the consumption of organisms and drinking water, if this would not cause the criterion based on the consumption of organisms and incidental water intake to be exceeded outside of the mixing zone. For calculation of allowable dilution, one-fourth (¼) of the fiftieth percentile flow of the receiving stream shall be used if the criterion is based on consumption of organisms and incidental water intake, and the fiftieth percentile flow of the receiving stream at the point of **the public** water **system** intake can be used if the criterion is based on the consumption of organisms and drinking water.

(5) As used in this rule, "FAV", "AAC", "CAC", "TLSC", and "HLSC" have the ~~same~~ meanings ~~as defined~~ **set forth** in 327 IAC 2-1-9.

(6) For a new discharge of a BCC, the water quality ~~standard~~ **criteria** for a BCC shall be applied directly to the undiluted discharge. Beginning January 1, 2004, the water quality ~~standard~~ **criteria** for a BCC shall be applied directly to the undiluted discharge for all discharges of a BCC. As used in this subdivision, "new discharge" means a discharge of a BCC that is initiated after the effective date of this subdivision.

(7) For intermittent or controlled discharges, the mixing zone dilution may be determined using stream flows other than those specified in this subsection if these alternate stream flows will ensure compliance with water quality criteria.

(8) The following procedures shall be used to calculate $C_{instream}$, the total recoverable metal concentration outside the mixing zone that equates to an acute or chronic aquatic water quality criterion expressed in the form of dissolved metal:

(A) For an AAC expressed in the form of dissolved metal, $C_{instream}$ shall be calculated by dividing the AAC by the acute translator found in clause (D).

(B) For a CAC expressed in the form of dissolved metal, $C_{instream}$ shall be calculated by dividing the CAC by the chronic translator found in clause (D).

(C) If all approved analytical methods for the metal inherently measure only its dissolved form, such as hexavalent chromium, $C_{instream}$ shall not be calculated and the acute and chronic aquatic water quality criteria expressed in the form of dissolved metal shall be applied in determining appropriate water quality-based effluent limitations.

(D) Unless a site-specific translator is determined in accordance with clause (E), the following translators shall be used:

Table 11.1-1

Metals Translators

Dissolved to Total Recoverable

Substances	Acute Translators	Chronic Translators
Arsenic (III)	1.000	1.000
Cadmium	1.136672-[(ln hardness)(0.041838)]	1.101672-[(ln hardness)(0.041838)]
Chromium (III)	0.316	0.860
Copper	0.960	0.960
Lead	1.46203-[(ln hardness)(0.145712)]	1.46203-[(ln hardness)(0.145712)]
Nickel	0.998	0.997
Silver	0.85	
Zinc	0.978	0.986

(E) A discharger or proposed discharger may request the use of an alternate translator by using site-specific data. The discharger must conduct a site-specific study to identify the ratio of the dissolved fraction to the total recoverable fraction for a metal in the receiving waterbody outside the mixing zone. If the discharger provides an acceptable study and other provisions of 327 IAC 2-1 and this article are satisfied (such as antibacksliding and antidegradation), the commissioner shall use the site-specific translator. A translator derived for one (1) discharge into a waterbody segment may be applied to other discharges on the same waterbody segment if the translator would adequately represent the site-specific conditions applicable to the other discharges.

(c) In a case where a variance has been granted from a water quality standard under 327 IAC 2-1-8.8 and 327 IAC 5-3-4.1, water quality-based effluent limitations for the pollutant that is the subject of the variance shall be calculated under subsection (b) on the basis of the variance rather than the water quality standard.

~~(d) In accordance with 327 IAC 2-1-6(a)(3), effluent limitations which are based on water quality criteria for metals from 327 IAC 2-1-6(a)(2) Table 1, or subsequently developed under the procedures contained under 327 IAC 2-1-8, shall be expressed as the total recoverable fraction unless any of the following occur:~~

~~(1) An acid-soluble analytical method for the metal has been approved by EPA and the board through rulemaking, in which case the effluent limitation may be expressed as acid-soluble fraction.~~

~~(2) For a specific permittee, the commissioner determines that it is feasible to identify the ratio of the soluble fraction to the total recoverable fraction for a metal in the permittee's discharge after mixing with the receiving stream, in which case the effluent limitation shall be expressed as the total recoverable fraction for which the numeric limit has been increased on the basis of the ratio.~~

(d) Water quality-based effluent limitations in an NPDES permit for a metal calculated from a water quality criterion expressed in the form of dissolved metal that is:

(1) contained in 327 IAC 2-1; or

(2) subsequently developed under the procedures contained in 327 IAC 2-1;

shall be expressed in the permit as total recoverable metal unless ~~(3)~~ all approved analytical methods for the metal inherently measure only its dissolved form, ~~for example,~~ **such as** hexavalent chromium.

~~(e) It is the express intent of the board that, when an acid-soluble analytical method is approved for metals, the redesignation of numeric effluent limitations from total recoverable fraction to acid-soluble~~

~~fraction shall not be construed as backsliding for purposes of Section 402(o) of the Clean Water Act (CWA) in cases where the effluent limitations are based on the acid-soluble criteria of 327 IAC 2-1-6(a)(2) Table 1.~~

(e) Water quality-based effluent limitations for cyanide, calculated from a criterion for free cyanide contained in 327 IAC 2-1, shall be limited in the permit as free cyanide and monitored in the effluent using the "Cyanides Amenable to Chlorination" (CATC) method (40 CFR 136, Method 4500-CN G) or another method approved by the commissioner. The commissioner may include additional monitoring, limitations, or other requirements in a permit, on a case-by-case basis, if the additional requirements are necessary to ensure that water quality standards will be attained.

(f) When the water quality-based effluent limitation for any substance is less than the limit of quantitation normally achievable and determined by the commissioner to be appropriate for that substance in the effluent, the permit shall contain the following provisions:

(1) The permittee shall be required to use an approved analytical methodology for the substance in the effluent to produce the LOD and LOQ achievable in the effluent. This analytical method, and the LOD and LOQ associated with this method, shall be specified in the permit in addition to the following requirements:

(A) The permit shall include conditions that state that effluent concentrations less than the limit of quantitation are in compliance with the effluent limitations.

(B) In addition, the permit shall require the permittee to implement one (1) or more of the following requirements:

(i) Develop a more sensitive analytical procedure.

(ii) Use an existing, more sensitive, analytical procedure that has not been approved by EPA.

(iii) Conduct studies to determine the bioaccumulative or bioconcentrative properties of the substance in aquatic species through caged-biota studies or fish tissue analyses of resident species.

(iv) Conduct effluent bioconcentration evaluations.

(v) Conduct whole effluent toxicity testing.

(vi) Other requirements, as appropriate, such as engineering assessments or sediment analyses.

For substances defined as bioaccumulative chemicals of concern, at a minimum, either item (iii) or (iv) shall be included in the permit.

(2) If the measured effluent concentrations for a substance are above the water quality-based ~~permit~~ **effluent** limitations and above the limit of detection specified by the permit in any three (3) consecutive analyses or any five (5) out of nine (9) analyses, or if any of the additional analyses required under subdivision (1)(B) indicate that the substance is present in the effluent at concentrations exceeding the water quality-based ~~permit~~ **effluent** limitations, the permit shall contain provisions that require the discharger to:

(A) determine the source of this substance through evaluation of sampling techniques, analytical/laboratory procedures, and industrial processes and waste streams; and

(B) increase the frequency of sampling and testing for the substance.

(3) The permit shall contain provisions allowing the permit to be reopened, in accordance with section 16 of this rule, to include additional requirements or limitations if the information gathered under subdivisions (1) and (2) indicates that such additional requirements or limitations are necessary.

(g) The department shall use the representative ambient upstream concentration of a substance in determining the water quality-based effluent limitations for that substance. This upstream concentration shall be determined by the department on a case-by-case basis, using existing, acceptable data for the receiving water. Where limited or no acceptable data exists, the permittee shall be required to supply the necessary data. Whenever the representative ambient upstream concentration for a substance in the receiving water is determined to be greater than any applicable water quality ~~standard~~ **criterion** for that substance, the following conditions apply:

(1) If the source of the wastewater is not the receiving water, the permit limitations shall be calculated using the applicable water quality ~~standard~~ **criterion** and a value of zero (0) for the upstream dilution flow. Except for substances defined as bioaccumulative chemicals of concern, the department may establish limitations greater than the applicable water quality ~~standard~~ **criterion** for the substance as required in this subdivision, in a range up to, but not greater than, the lesser of the representative ambient upstream concentration of the substance in the receiving water or the representative ambient concentration of the substance in the body of water at the point of intake. The limitation shall only be increased above the ~~standard~~ **criterion** if it is demonstrated to the department that the concentration of the substance in the body of water at the point of intake exceeds the applicable ~~standard~~ **criterion** for that substance and that reasonable, practical, or otherwise required methods are implemented to minimize the addition of the substance to the wastewater.

(2) If the source of the wastewater is the receiving water, the effluent limitation for that substance shall equal the representative ambient upstream concentration of that substance in the receiving water as determined by the department. Where circumstances allow, such as the discharge of once through noncontact cooling water, this will be implemented through the use of net limitations, with a net limitation of zero (0) being applied to the effluent. The representative ambient upstream concentration applicable to this subdivision shall be established at the upper ninety-ninth percentile of the available acceptable upstream data or otherwise appropriately determined as the reasonably expected upstream concentration for that substance.

(h) In addition to the requirements of 40 CFR 122.43(a), NPDES permits shall include limitations more stringent than promulgated effluent limitations guidelines from Sections 301, 306, 307, 318, and 405 of the CWA where necessary to achieve water quality standards established under Section 303 of the CWA, including narrative criteria for water quality as follows:

(1) Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants), ~~which~~ **that** the commissioner determines are, or may be, discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any narrative or numeric water quality ~~standard~~ **criterion** promulgated under 327 IAC 2-1-6.

(2) When determining whether a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative or numeric ~~criteria~~ **criterion** within an Indiana water quality standard, the commissioner shall use procedures ~~which~~ **that** account for existing controls on point and nonpoint ~~source~~

sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity), and, where appropriate, the dilution of the effluent in the receiving water.

(3) When the commissioner determines, using the procedures in subdivision (2), that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the allowable ambient concentration of a numeric ~~criteria~~ **criterion** from 327 IAC 2-1-6 for an individual pollutant, the permit must contain effluent limitations for that pollutant.

(4) When the commissioner determines, using the procedures in subdivision (2), that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the numeric criterion for whole effluent toxicity, the permit must contain effluent limits for whole effluent toxicity.

(5) Except as provided in this subdivision, when the commissioner determines, using the procedures in subdivision (2), toxicity testing ~~date,~~ **data,** or other information, that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative criterion from 327 IAC 2-1-6, the permit must contain effluent limitations for whole effluent toxicity. Limitations on whole effluent toxicity are not necessary where the commissioner demonstrates in the fact sheet or briefing memo of the NPDES permit, using the procedures in subdivision (2), that chemical-specific limits for the effluent are sufficient to attain and maintain applicable numeric and narrative water quality ~~standards.~~ **criteria.**

(6) Where a water quality criterion has not been established for a specific chemical pollutant that is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion from 327 IAC 2-1-6, the commissioner must establish effluent limits using one (1) or more of the following options:

(A) Establish effluent limits using a calculated numeric water quality criterion for the pollutant ~~which~~ **that** the commissioner demonstrates will attain and maintain applicable narrative water quality criteria and will fully protect the designated use. Such a criterion may be derived using a proposed state criterion, or an explicit policy or rule interpreting the narrative water quality criterion, supplemented with other relevant information that may include:

(i) EPA's Water Quality Standards Handbook, Second Edition–Revised (1994);

(ii) risk assessment data;

(iii) exposure ~~date;~~ **data;**

(iv) information about the pollutant from the Food and Drug Administration; and

(v) current EPA criteria documents.

(B) Establish effluent limits on a case-by-case basis, using EPA's water quality criteria, published under Section ~~307(a)~~ **304(a)** of the CWA, supplemented where necessary by other relevant information.

(C) Establish effluent limitations on an indicator parameter for the pollutant of concern, provided the following:

(i) The permit identifies which pollutants are intended to be controlled by the use of the effluent limitation.

(ii) The fact sheet required by 327 IAC 5-3-8 sets forth the basis for the limit, including a finding that compliance with the effluent limit on the indicator parameter will result in controls on the pollutant of concern that are sufficient to attain and maintain applicable water quality standards.

(iii) The permit requires all effluent and ambient monitoring necessary to show that during the term of the permit the limit on the indicator parameter continues to attain and maintain applicable water quality standards.

(iv) The permit contains a reopening clause allowing the permitting authority to modify or revoke and reissue the permit if the limits on the indicator parameter no longer attain and maintain applicable water quality standards.

(7) When developing water quality-based effluent limits under this subsection, the commissioner shall ensure the following:

(A) The level of water quality to be achieved by limits on point sources established under this subsection is derived from, and complies with, all applicable water quality standards.

(B) Effluent limits developed to protect a narrative water quality criterion **or** a numeric water quality criterion, or both, are consistent with the assumptions and requirements of any available waste load allocation for the discharge prepared by the commissioner and approved by EPA under 40 CFR 130.7.

~~(i) Water quality-based limitations may be expressed, where appropriate, in terms of toxicity or toxic units (TU), for example, the LC_{10} for fathead minnow of the effluent from outfall 001 shall be greater than one hundred percent (100%) or shall not exceed one (1) TU_a. As used in this subsection, "toxic unit" or "TU" means the unit used for whole effluent toxicity-based limitations for the protection of the receiving stream from toxic effects and is defined as one hundred (100) divided by the LC_{10} or the no observed effect level (NOEL).~~

(Water Pollution Control Board; 327 IAC 5-2-11.1; filed Feb 1, 1990, 4:30 p.m.: 13 IR 1043; filed Feb 26, 1993, 5:00 p.m.: 16 IR 1749; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1432; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3378)

SECTION 24. 327 IAC 5-2-11.2 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-2-11.2 Public notice of comment period and public meetings for site-specific modification of water quality criteria and values; implementation of antidegradation; alternate mixing zone demonstrations; variances

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-15-4-1; IC 13-15-5-1; IC 13-18-4; IC 13-18-7; IC 13-23-13; IC 13-24-1; IC 13-25-5

Sec. 11.2. (a) This section is applicable to **an application for** the following:

(1) ~~An application for~~ Site-specific modification ~~of~~ **to water quality criteria under 327 IAC 2-1-8.9(b) and** Tier I water quality criteria and Tier II water quality values under 327 IAC 2-1.5-16(b).

(2) ~~An application for~~ An antidegradation demonstration under section 11.3(b)(4) of this rule.

(3) ~~An application for~~ An antidegradation exception under section 11.7(c) of this rule.

(4) ~~An application for~~ An alternate mixing zone under section ~~11.4(b)(4)(D)~~ **11.4(b)(4)(F)** of this rule.

(5) ~~An application for~~ A variance under 327 IAC 5-3-4.1(c).

(b) Upon receipt of an application listed in subsection (a), the commissioner shall provide notice, request comment, and, if requested, schedule and hold a public meeting on the application in accordance with the following conditions:

(1) The commissioner shall provide notice of receipt of an application in the following manner:

(A) Publication of a notice in a daily or weekly newspaper in general circulation throughout the area affected by the discharge for which the application was submitted.

(B) Send the notice to interested persons on either ~~of~~ **mailing list identified under** the following: ~~mailing lists:~~

(i) ~~The mailing list identified under~~ 327 IAC 5-3-8(a).

(ii) ~~The mailing list identified under~~ 327 IAC 5-3-12(b)(1).

(C) Send the notice to the applicant.

(2) The notice under subdivision (1) shall contain the following:

(A) Name and address of the department.

(B) Name and address of the applicant.

(C) An identification of the type of application submitted, such as alternate mixing zone or variance.

(D) A brief description of the location of any existing or proposed discharge point subject to the application, including an identification of the receiving water.

(E) A brief description of the applicant's activities or operations that result in the discharge identified in the application.

(F) An identification of the substance for which the application was submitted.

(G) Name of an agency contact person, and an address and telephone number where interested persons may obtain further information, including a copy of the application.

(H) A brief description of the comment procedures and the procedures to request a public meeting.

(3) If requested, the commissioner shall hold a public meeting on the application in accordance with the following provisions:

(A) The commissioner shall provide notice of the public meeting as follows:

(i) Publication of a notice in a daily or weekly newspaper in general circulation throughout the area affected by the discharge for which the application was submitted.

(ii) Send the notice to the following interested persons:

(AA) Persons on the mailing list identified under 327 IAC 5-3-8(a).

(BB) Persons on the mailing list identified under 327 IAC 5-3-12(b)(1).

(CC) Those persons that commented on the notice of receipt of the application.

(iii) Send the notice to the applicant.

(B) The notice required by clause (A) shall contain the date, time, and place of the public meeting, and the information required under subdivision (2).

(C) This meeting shall be held at least ten (10) days after the later of the following:

(i) The notice in accordance with clause (A)(i) appears in the newspaper.

(ii) The postmark date of the written notice sent to interested parties and to the applicant in accordance with clause (A)(ii) and (A)(iii).

(D) The meeting shall be recorded by any of the following:

(i) Audio tape.

(ii) Video tape.

(iii) Any other method of accurately and completely recording the details of the meeting.

(E) The commissioner shall request the applicant to provide a summary and rationale for the application at the meeting.

(F) At the commissioner's discretion, a public meeting may be noticed and held without having first received a request for a public meeting. In these instances, the notice for the public meeting may be contained in the notice of receipt of the application.

(4) The time period under IC 13-15-4-1 is hereby changed to increase the period by thirty (30) days for any permit application subject to the time period that is affected by the application. If a public meeting is requested, the time period under IC 13-15-4-1 is hereby changed to increase the period by an additional thirty (30) days.

(Water Pollution Control Board; 327 IAC 5-2-11.2; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1435; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3378)

SECTION 25. 327 IAC 5-2-11.4 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-2-11.4 Great Lakes system dischargers total maximum daily loads; wasteload allocations for point sources; load allocations for nonpoint sources; preliminary wasteload allocations

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4-7; IC 13-18-4-8

Sec. 11.4. (a) This subsection applies to the establishment of total maximum daily loads (TMDLs) for all pollutants and pollutant parameters in the Great Lakes system. Where specified, the following conditions also apply to wasteload allocations (WLAs) calculated in the absence of TMDLs and to preliminary WLAs:

(1) At a minimum, TMDLs shall be established in accordance with the listing and priority setting process established in Section 303(d) of the Clean Water Act (CWA) and at 40 CFR 130.7. Where water quality standards cannot be attained immediately, TMDLs must reflect reasonable assurances that water quality standards will be attained in a reasonable period of time. TMDLs may be based on attaining water quality standards over a period of time, with specific controls on individual sources being implemented in stages. Determining the reasonable period of time in which water quality standards will be met is a case-specific determination considering a number of factors, including, but not limited to, the following:

(A) Receiving water characteristics.

(B) Persistence, behavior, and ubiquity of pollutants of concern.

(C) Type of remediation activities necessary.

(D) Available regulatory and nonregulatory controls.

(E) Requirements for attainment of water quality standards.

(2) An assessment and remediation plan that the commissioner has certified as meeting the requirements of this section pertaining to TMDLs and public participation requirements applicable to TMDLs,

and that has been approved by EPA as meeting those requirements under 40 CFR 130.6, may be used in lieu of a TMDL for purposes of this section. Assessment and remediation plans under this section may include, but are not limited to, Lakewide Management Plans, Remedial Action Plans, and State Water Quality Management Plans. Also, any part of an assessment and remediation plan that also satisfies one (1) or more requirements under Section 303(d) of the CWA or implementing regulations may be incorporated by reference into a TMDL as appropriate. Assessment and remediation plans under this section shall be tailored to the level of detail and magnitude for the watershed and pollutant being assessed.

(3) TMDLs, WLAs calculated in the absence of a TMDL, and preliminary WLAs must ensure attainment of applicable water quality standards including all numeric and narrative water quality criteria set forth in 327 IAC 2-1.5-8, and Tier I criteria and Tier II values established under 327 IAC 2-1.5-11 through 327 IAC 2-1.5-16.

(4) If a discharge contains one (1) or more substances for which a TMDL, WLA calculated in the absence of a TMDL, or preliminary WLA was based on a human cancer criterion (HCC), human cancer value (HCV), human noncancer criterion (HNC), or human noncancer value (HNV), human health shall be protected from the potential adverse additive effects of mixtures of substances in an effluent in accordance with the following procedures:

(A) If an effluent for a particular discharger contains more than one (1) substance for which an HCC exists or for which an HCC or an HCV can be calculated, the additivity of the mixture of carcinogens shall be addressed as follows:

(i) Except as provided in item (ii), the TMDL, WLA calculated in the absence of a TMDL, or preliminary WLA based on an HCC or HCV shall be established to protect against additive effects possibly associated with simultaneous multiple chemical human exposure to carcinogens such that the following condition is met:

$$\sum \frac{C_i}{WLA_i} \leq 1; \qquad \text{For } i = 1 \text{ to } n$$

Where: C = The adjusted TMDL, WLA calculated in the absence of a TMDL, or preliminary WLA concentration of each separate carcinogen that shall be used in the calculation of reasonable potential in section 11.5 of this rule and WQBELs in section 11.6 of this rule.

WLA = The TMDL, WLA calculated in the absence of a TMDL, or preliminary WLA concentration based on the HCC or HCV for each respective carcinogen.

n = Number of WLAs based on an HCC or HCV.

(ii) Notwithstanding item (i):

(AA) the commissioner may consider, upon submission of the discharger, the use of an alternate, scientifically-based, procedure for ensuring the aggregate risk of the mixture of carcinogens remains below one (1) in one hundred thousand (100,000); or

(BB) if information is available to the commissioner demonstrating that available scientific information does not support the assumption of additivity, the TMDL, WLA calculated in the absence of a TMDL, or preliminary WLA shall not be adjusted for each such substance.

(B) If an effluent for a particular discharger contains more than one (1) substance for which a HNC exists or for which a HNC or HNV can be calculated, the additivity of the mixture of substances shall be addressed as follows:

(i) The incremental adverse effect of each substance shall be assumed to not be additive except as provided in item (ii).

(ii) If scientific information available to the commissioner demonstrates that the adverse effects of the components are additive, the TMDL, WLA calculated in the absence of a TMDL, or preliminary WLA for each additive noncarcinogenic substance shall be established to protect against additive ~~or~~ effects possibly associated with simultaneous multiple chemical human exposure such that the following condition is met:

$$\sum \frac{N_i}{WLA_i} \leq 1; \qquad \text{For } i = 1 \text{ to } n$$

Where: N = The adjusted TMDL, WLA calculated in the absence of a TMDL, or preliminary WLA concentration of each separate substance that shall be used in the calculation of reasonable potential in section 11.5 of this rule and WQBELs in section 11.6 of this rule.

WLA = The TMDL, WLA calculated in the absence of a TMDL, or preliminary WLA concentration based on the HNC or HNV for each respective substance.

n = Number of WLAs based on an HNC or HNV.

(C) Notwithstanding the requirements of clauses (A) and (B), the toxicity equivalency factors (TEFs) and bioaccumulation equivalency factors (BEFs) for the chlorinated dibenzo-p-dioxins (CDDs) and chlorinated dibenzofurans (CDFs) shall be accounted for as follows:

(i) The TEFs and BEFs in Table 11.4-1 in item (iv) shall be used when calculating a 2,3,7,8-TCDD toxicity equivalence concentration in effluent to be used when implementing both human health noncancer and cancer criteria. The chemical concentration of each CDDs and CDFs in effluent shall be converted to a 2,3,7,8-TCDD toxicity equivalence concentration in effluent by:

(AA) multiplying the chemical concentration of each CDDs and CDFs in the effluent by the appropriate TEF in Table 11.4-1 in item (iv);

(BB) multiplying each product from subitem (AA) by the BEF for each CDDs and CDFs in Table 11.4-1 in item (iv); and

(CC) adding all final products from subitem (BB).

(ii) The equation for calculating the 2,3,7,8-TCDD toxicity equivalence concentration in effluent is:

$$(TEC)_{tcdd} = \sum (C)_x (TEF)_x (BEF)_x$$

Where: $(TEC)_{tcdd}$ = 2,3,7,8-TCDD toxicity equivalence concentration in effluent.

$(C)_x$ = Concentration of total chemical x in effluent.

$(TEF)_x$ = TCDD toxicity equivalency factor for x.

$(BEF)_x$ = TCDD bioaccumulation equivalency factor for x.

(iii) The 2,3,7,8-TCDD toxicity equivalence concentration in

effluent shall be used when developing TMDLs, wasteload allocations in the absence of a TMDL, or preliminary wasteload allocations under this section.

(iv) The following values shall be used for TEFs and BEFs for CDDs and CDFs:

Table 11.4-1

Toxicity Equivalency Factors (TEF) and

Bioaccumulation Equivalency Factors (BEF)

for CDDs and CDFs

Congener	TEF	BEF
2,3,7,8-TCDD	1.0	1.0
1,2,3,7,8-PeCDD	0.5	0.9
1,2,3,4,7,8-HxCDD	0.1	0.3
1,2,3,6,7,8-HxCDD	0.1	0.1
1,2,3,7,8,9-HxCDD	0.1	0.1
1,2,3,4,6,7,8-HpCDD	0.01	0.05
OCDD	0.001	0.01
2,3,7,8-TCDF	0.1	0.8
1,2,3,7,8-PeCDF	0.05	0.2
2,3,4,7,8-PeCDF	0.5	1.6
1,2,3,4,7,8-HxCDF	0.1	0.08
1,2,3,6,7,8-HxCDF	0.1	0.2
2,3,4,6,7,8-HxCDF	0.1	0.7
1,2,3,7,8,9-HxCDF	0.1	0.6
1,2,3,4,6,7,8-HpCDF	0.01	0.01
1,2,3,4,7,8,9-HpCDF	0.01	0.4
OCDF	0.001	0.02

(5) TMDLs shall include WLAs for point sources and load allocations (LAs) for nonpoint sources, including natural background, such that the sum of these allocations is not greater than the loading capacity of the water for the pollutant addressed by the TMDL, minus the sum of a specified margin of safety (MOS) and any capacity reserved for future growth. The components of the TMDL are as follows:

(A) Nonpoint source LAs that shall be based on any of the following:

(i) Existing pollutant loadings if changes in loadings are not reasonably anticipated to occur.

(ii) Increases in pollutant loadings that are reasonably anticipated to occur.

(iii) Anticipated decreases in pollutant loadings if such decreased loadings are technically feasible and are reasonably anticipated to occur within a reasonable time period as a result of implementation of BMPs or other load reduction measures. In determining whether anticipated decreases in pollutant loadings are technically feasible and can reasonably be expected to occur within a reasonable period of time, technical and institutional factors shall be considered. These decisions are case-specific and should reflect the particular TMDL under consideration.

(iv) Where appropriate and where sufficient data are available, contributions to the water column from sediments inside and outside of any applicable mixing zones.

(v) Where appropriate and where sufficient data are available, nonpoint source discharges resulting from wet weather events.

Monitoring data for these LAs shall be collected and analyzed in order to validate the TMDL's assumptions, to verify anticipated load reductions, to evaluate the effectiveness of controls being used to implement the TMDL, and to revise the WLAs and LAs as necessary to ensure that water quality criteria shall be achieved within the time period established in the TMDL.

(B) Each TMDL shall include a margin of safety (MOS) sufficient to account for technical uncertainties in establishing the TMDL and shall describe the manner in which the MOS is determined and incorporated into the TMDL. The MOS may be provided by leaving a portion of the loading capacity unallocated or by using conservative modeling assumptions to establish WLAs and LAs. If a portion of the loading capacity is left unallocated to provide a MOS, the amount left unallocated shall be described. If conservative modeling assumptions are relied on to provide a MOS, the specific assumptions providing the MOS shall be identified.

(C) TMDLs may include reserved allocations of loading capacity to accommodate future growth and additional sources. Where such reserved allocations are not included in a TMDL, any increased loadings of the pollutant for which the TMDL was developed that are due to a new or expanded discharge shall not be allowed unless the TMDL is revised in accordance with these procedures to include an allocation for the new or expanded discharge.

(D) The sum of the WLAs is the portion of the loading capacity not assigned to nonpoint sources including background, or to an MOS, or reserved for future growth. Where appropriate and where sufficient data are available, WLAs shall also be developed for point source discharges resulting from wet weather events. Upon reissuance, NPDES permits for these point sources must include effluent limitations consistent with WLAs in EPA-approved or EPA-established TMDLs.

(6) If separate TMDLs are prepared for different segments of the same watershed, and the separate TMDLs each include WLAs for the same pollutant for one (1) or more of the same point sources, then WQBELs for that pollutant for the point sources shall be consistent with the most stringent of those WLAs in order to ensure attainment of all applicable water quality standards.

(7) TMDLs shall be sufficiently stringent so as to prevent accumulation of the pollutant of concern in sediments to levels injurious to designated or existing uses, human health, wildlife, and aquatic life.

(8) The representative background concentration of pollutants shall be established in accordance with this section to develop TMDLs, WLAs calculated in the absence of a TMDL, ~~or~~ **and** preliminary WLAs. Background loadings may be accounted for in a TMDL through an allocation to a single background category or through individual allocations to the various background sources as follows:

(A) As used in this subsection, "background" represents all loadings resulting from the following:

(i) Flow from upstream waters into the specified watershed, waterbody, or waterbody segment for which a TMDL, WLA in the absence of a TMDL, or preliminary WLA for the purpose of determining the need for a WQBEL is being developed.

(ii) Atmospheric deposition or sediment release or resuspension.

(iii) Chemical reactions occurring within the watershed,

waterbody, or waterbody segment.

(B) When determining what available data are acceptable for use in calculating background, the commissioner shall use best professional judgment, including consideration of the sampling location and the reliability of the data through comparison to reported analytical detection levels. Pollutant degradation and transport information may be considered when utilizing pollutant loading data. Where limited or no acceptable data exist, the commissioner may require the permittee to supply the necessary data. Best professional judgment shall be used to select the one (1) data set that most accurately reflects or estimates background concentrations when data in more than one (1) of the following data sets or categories exist:

(i) Acceptable available water column data.

(ii) Water column concentrations estimated through use of acceptable available caged or resident fish tissue data.

(iii) Water column concentrations estimated through use of acceptable available or projected pollutant loading data.

(C) The representative background concentration for a substance in the specified watershed, waterbody, or waterbody segment shall be established as follows:

(i) If all the values in the data set selected in clause (B) are at or above the limit of detection (LOD), then the background concentration is the geometric mean of that data set.

(ii) If the data set consists of values above and below the LOD, the following procedure shall be used to determine the representative background concentration:

(AA) Each value in the data set with a value less than the LOD (nondetect) shall be assigned the value (V). The geometric mean of this adjusted data set is the representative background concentration. The value (V) is determined as follows:

$$V = (LOD) \times \left(1 - \frac{\text{Number of nondetects}}{\text{Total number of values}}\right)$$

(BB) If information is available that indicates an alternate methodology for evaluating the data set would result in a background concentration more representative of actual conditions, this alternative methodology may be used in place of the methodology contained in subitem (AA) upon approval of the commissioner.

(iii) When all of the acceptable available data in a data set or category, such as water column, caged or resident fish tissue, or pollutant loading data, are below the LOD for a substance, and the most sensitive approved analytical method available for that substance was used, then all the data for that pollutant in that data set shall be assumed to be zero (0).

(iv) Notwithstanding items (i) through (iii), the representative background concentration of whole effluent toxicity (WET) shall be assumed to be zero (0) unless data are available that indicates that the discharge of the WET and any background WET are additive.

(9) The effluent flow used to develop TMDLs, WLAs calculated in the absence of a TMDL, ~~or~~ **and** preliminary WLAs shall be determined as follows:

(A) For municipal, semipublic, and other sanitary or domestic wastewater discharges, the average design flow of the treatment facility shall be used.

(B) For industrial dischargers, the highest monthly average flow from the previous two (2) years of monitoring shall be used.

(C) Notwithstanding clauses (A) and (B), an alternate effluent flow value may be used, upon approval by the commissioner, if the discharger provides flow data that supports the alternate value (such as when a TMDL or WLA is calculated for wet weather conditions as provided in section 11.6(g)(4) of this rule). This flow data shall be included with the application for a new permit, a renewal of an existing permit, or with a request for modification of an existing permit, or when requested by the commissioner.

(D) TMDLs, WLAs calculated in the absence of a TMDL, ~~or~~ **and** preliminary WLAs shall indicate the point source effluent flows used in the analyses.

(10) The portion of the receiving waterbody allocated for mixing for TMDLs, WLAs calculated in the absence of a TMDL, ~~or~~ **and** preliminary WLAs shall be determined in accordance with subsection (b).

(11) TMDLs, WLAs in the absence of a TMDL, and preliminary WLAs shall be based on the assumption that a pollutant does not degrade. However, the commissioner may take into account degradation of the pollutant if each of the following conditions are met:

(A) Scientifically valid field studies or other relevant information demonstrate that degradation of the pollutant is expected to occur under the full range of environmental conditions expected to be encountered.

(B) Scientifically valid field studies or other relevant information address other factors that affect the level of pollutants in the water column, including, but not limited to, the following:

(i) Resuspension of sediments.

(ii) Chemical speciation.

(iii) Biological and chemical transformation.

(C) Notwithstanding clauses (A) and (B), TMDLs, WLAs in the absence of a TMDL, and preliminary WLAs conducted for chlorine and whole effluent toxicity shall be based on the assumption that the parameter does degrade unless data for the waterbody are available indicating otherwise.

(12) As used in this section, "loading capacity" refers to the greatest amount of loading that a water can receive without violating water quality standards. The loading capacity is initially calculated at the farthest downstream location in the watershed drainage basin. The maximum allowable loading consistent with the attainment of each applicable numeric criterion or value for a given pollutant is determined by multiplying the applicable criterion or value by the flow at the farthest downstream location in the tributary basin at the design flow condition described under subsection (b) and by using appropriate conversion factors. This loading is then compared to the loadings at sites within the basin to assure that applicable numeric criteria or values for a given pollutant are not exceeded at all applicable sites. The lowest load is then selected as the loading capacity.

(13) The ambient water quality characteristics used to develop TMDLs, WLAs calculated in the absence of a TMDL, ~~or~~ **and** preliminary WLAs shall be determined as follows:

(A) For ammonia (as N), metals dependent on hardness, and pentachlorophenol, the appropriate water quality characteristics shall be obtained at a location downstream of the point of discharge, or for Lake Michigan, outside the applicable mixing zone and shall be determined as follows:

(i) For ammonia (as N), the seventy-fifth percentile of the pH and temperature. If a seasonal TMDL, WLA calculated in the absence of a TMDL, or preliminary WLA is developed for ammonia, the pH and temperature data shall be obtained from the appropriate seasonal period.

(ii) For metals dependent on hardness, the fiftieth percentile of the hardness.

(iii) For pentachlorophenol, the fiftieth percentile of the ~~temperature.~~ **pH.**

(B) If any of the data required under clause (A) are not available for the waterbody, the data shall either be obtained from similar nearby streams or the permittee will be required to obtain the necessary data. For discharges to Lake Michigan, data from Lake Michigan shall be required.

(C) The use of the data required in clause (A) is intended to determine values of those water quality characteristics that are representative of those characteristics at design conditions. If it is demonstrated that an alternate method of determining these characteristics for a specific receiving waterbody would result in values more representative of the characteristics at design conditions, then this alternate method may be used to determine the water quality characteristics.

(b) The following requirements shall be applied in establishing the portion of the receiving waterbody allocated for mixing for TMDLs, WLAs in the absence of TMDLs, and preliminary WLAs:

(1) The following procedures shall be used to establish the portion of the receiving waterbody allocated for mixing for TMDLs, WLAs in the absence of TMDLs, and preliminary WLAs for a BCC:

(A) For purposes of this subsection, new and existing discharges are determined as follows:

(i) New discharges are defined as:

(AA) discharges from new Great Lakes dischargers; or

(BB) new or expanded discharges from an existing Great Lakes discharger.

(ii) Existing discharges are defined as all discharges of BCCs not included in item (i).

(B) There shall be no mixing zone available for a new discharge of a BCC to the Great Lakes system. WLAs established through TMDLs, WLAs in the absence of TMDLs, and preliminary WLAs for a new discharge of a BCC shall be set equal to the most stringent applicable water quality ~~criteria~~ **criterion** or ~~values~~ **value** for the BCC.

(C) A mixing zone may be allocated for a BCC for an existing discharge to the Great Lakes system ~~pursuant to~~ **under** subdivisions (2) and (3) until January 1, 2004, except for a discharge into the open waters of Lake Michigan. WLAs established through TMDLs, WLAs established in the absence of TMDLs, and preliminary WLAs for all discharges, both new and existing, into the open waters of Lake Michigan shall be set equal to the most stringent applicable water quality criterion or value for the BCC.

(D) Except as provided in clauses (E) and (F), NPDES permits shall not authorize mixing zones for existing discharges of a BCC to the Great Lakes system after January 1, 2004. After January 1, 2004, WLAs established through TMDLs, WLAs established in the absence of TMDLs, and preliminary WLAs for all discharges of a BCC to the Great Lakes system shall be set equal to the most stringent applicable water quality criterion or value for the BCC.

(E) The commissioner may grant mixing zones for any existing discharge of a BCC to the Great Lakes system beyond the date specified in clause (D) where it can be demonstrated, on a case-by-case basis, that failure to grant a mixing zone would preclude water conservation measures that would lead to the overall load reduction of the BCC, even though higher concentrations of the BCC occur in the effluent. Such mixing zones must also be consistent with subdivisions (2) and (3).

(F) The commissioner may grant mixing zones, consistent with subdivisions (2) and (3), beyond the date specified in clause (D) for any existing discharge of a BCC to the Great Lakes system upon the request of a discharger subject to the following limited circumstances:

(i) The commissioner determines the following:

(AA) The discharger is in compliance with and will continue to implement all applicable technology-based treatment and pretreatment requirements of Sections 301, 302, 304, 306, 307, 401, and 402 of the CWA, and is in compliance with its existing NPDES water quality-based effluent limitations, including those based on a mixing zone.

(BB) The discharger has reduced and will continue to reduce the loading of the BCC for which a mixing zone is requested to the maximum extent possible.

(ii) In making the determination in item (i), the commissioner shall consider the following information submitted by the discharger:

(AA) The availability, feasibility, cost effectiveness, and environmental benefits of additional controls or pollution prevention measures for reducing and ultimately eliminating the BCC for that discharger, including those used by similar dischargers. As used in this item, "pollution prevention" has the meaning set forth in the federal Pollution Prevention Act of 1990 (42 ~~USCA~~ **U.S.C.** 13101 ~~to 42 USCA 13109).~~ **et seq.).**

(BB) Whether the discharger or affected communities will suffer unreasonable economic effects if the mixing zone is eliminated.

(CC) The extent to which the discharger will implement an ambient monitoring plan to ensure compliance with water quality criteria at the edge of any authorized mixing zone or to ensure consistency with any applicable TMDL or such other strategy consistent with this section.

(DD) Other information the commissioner deems appropriate.

(iii) Any exceptions to the mixing zone elimination provision for an existing discharge of a BCC granted under this clause shall comply with the following:

(AA) Not result in any less stringent limitations than those existing upon or after the effective date of this rule.

(BB) Not likely jeopardize the continued existence of any endangered or threatened species listed under Section 4 of the Endangered Species Act (ESA) or result in the destruction or adverse modification of such species' critical habitat.

(CC) Be limited to one (1) permit term unless the commissioner makes a new determination in accordance with this subdivision for each successive permit application in which a mixing zone for the BCC is sought.

(DD) Reflect all information relevant to the size of the mixing zone considered under item (ii).

(EE) Protect all designated and existing uses of the receiving water.

(FF) Meet all applicable aquatic life, wildlife, and human health criteria and values at the edge of the mixing zone and, as appropriate, within the mixing zone or be consistent with any appropriate TMDL or such other strategy consistent with this section.

(GG) Ensure the discharger has developed and conducted a pollutant minimization program for the BCC if required to do so under section 11.6 of this rule.

(HH) Ensure that alternative means for reducing BCCs elsewhere in the watershed are evaluated.

(G) For each draft NPDES permit that would allow a mixing zone for one (1) or more BCCs after January 1, 2004, the fact sheet or statement of basis for the draft permit, shall:

(i) specify the mixing provisions used in calculating the permit limits; and

(ii) identify each BCC for which a mixing zone is proposed.

(2) The following addresses conditions for deriving TMDLs, WLAs in the absence of TMDLs, and preliminary WLAs for open waters of Lake Michigan, inland lakes, and other waters of the Great Lakes system with no appreciable flow relative to their volumes:

(A) For discharges into the open waters of Lake Michigan, the following requirements apply:

(i) To prevent acute toxicity to aquatic life, WLAs established in a TMDL, WLAs in the absence of a TMDL, and preliminary WLAs shall be determined as follows:

(AA) For allocations based on **an** acute aquatic life ~~criteria~~ **criterion** or ~~values,~~ **value,** the CMC **or SMC** shall not be exceeded outside the zone of initial dilution and the final acute value (FAV) shall not be exceeded in the undiluted discharge, unless a mixing zone demonstration is conducted and approved under subdivision (4), in which case the CMC **or SMC** shall be met outside the ~~alternative~~ **applicable alternate** mixing zone.

(BB) For allocations implementing ~~an~~ **the narrative** acute whole effluent toxicity (WET) criterion, 1.0 TU_a shall not be exceeded in the undiluted discharge, unless a mixing zone demonstration is conducted and approved ~~pursuant to~~ **under** subdivision (4), in which case 0.3 TU_a shall be met outside the ~~alternative~~ **applicable alternate** mixing zone.

(ii) To prevent chronic toxicity to aquatic life, human health, and wildlife, WLAs established in a TMDL, WLAs in the absence of a TMDL, and preliminary WLAs shall be determined as follows:

(AA) For allocations based on **a** chronic ~~criteria~~ **criterion** or ~~values~~ **value** (CCC or ~~SCV;~~ **SCC;** HNC or HNV; HCC or HCV; or WC or WV), the chronic ~~criteria~~ **criterion** or value shall not be exceeded in the undiluted discharge unless ~~an alternative~~ **a** mixing zone ~~is demonstrated as appropriate in a mixing zone~~ demonstration **is** conducted ~~pursuant to~~ **and approved under** subdivision (4), **in which case the chronic criterion or value shall be met outside the applicable alternate mixing zone.**

(BB) For allocations implementing ~~a~~ **the narrative** chronic **whole** effluent toxicity (WET) criterion, 1.0 TU_c shall not be exceeded in the undiluted discharge unless ~~an alternative~~ **a** mixing zone ~~is demonstrated as appropriate in a mixing zone~~ demonstration **is** conducted ~~pursuant to~~ **and approved under** subdivision (4), in which case 1.0 TU_c shall be met outside the ~~discharge-induced~~ **applicable alternate** mixing zone.

(iii) WLAs established in a TMDL, WLAs in the absence of a TMDL, and preliminary WLAs based on the criterion for sulfates, total dissolved solids**,** fluorides, or dissolved iron under 327 IAC 2-1.5-8(j) shall ensure that the ~~criteria~~ **criterion** not be exceeded in the undiluted discharge unless ~~an alternative~~ **a** mixing zone ~~is demonstrated as appropriate in a mixing zone~~ demonstration **is** conducted ~~pursuant to~~ **and approved under** subdivision (4), **in which case the criterion shall be met outside the applicable alternate mixing zone.**

(iv) If mixing zones from two (2) or more proximate sources interact or overlap, the combined effect must be evaluated to ensure that applicable criteria and values will be met in the area where any applicable mixing zones overlap.

(v) In no case shall a mixing zone be granted that exceeds the area where discharge-induced mixing occurs.

(B) For discharges into inland lakes and other waters of the Great Lakes system with no appreciable flow relative to their volumes (other than the open waters of Lake Michigan), no mixing zone will be allowed and water quality criteria **or values** will apply to the undiluted discharge.

(C) Appropriate mixing zone assumptions to be used in calculating load allocations for nonpoint sources shall be determined on a case-by-case basis.

(D) In no case shall a mixing zone be granted that would likely jeopardize the continued existence of any endangered or threatened species listed under Section 4 of the ESA or result in the destruction or adverse modification of such species' critical habitat.

(3) The following describes conditions for deriving TMDLs, WLAs in the absence of TMDLs, and preliminary WLAs for tributaries of the Great Lakes system that exhibit appreciable flows relative to their volumes:

(A) The following stream design flows shall be used unless data exist to demonstrate that an alternative stream design flow is appropriate for stream-specific and pollutant-specific conditions:

(i) For purposes of calculating a TMDL, WLAs in the absence of a TMDL, or preliminary WLAs, using a steady-state model, the stream design flows shall be as follows:

(AA) For an acute aquatic life criterion or value, ~~or an acute aquatic WET criterion, when a high rate diffuser is used,~~ the one (1) day, ten (10) year stream design flow ($Q_{1,10}$).

(BB) To implement the narrative acute WET criterion, when a high rate diffuser is used, the one (1) day, ten (10) year stream design flow ($Q_{1,10}$).

~~(BB)~~ **(CC)** For a chronic aquatic life criterion or value, ~~or a chronic aquatic WET criterion,~~ the seven (7) day, ten (10) year stream design flow ($Q_{7,10}$).

(DD) To implement the narrative chronic WET criterion, the seven (7) day, ten (10) year stream design flow ($Q_{7,10}$).

~~(CC)~~ **(EE)** For a drinking water human health criterion or value, the harmonic mean flow at the point of ~~drinking~~ **the public** water **system** intake.

~~(DD)~~ **(FF)** For a nondrinking water human health criterion or value, the harmonic mean flow at the point of discharge.

~~(EE)~~ **(GG)** For a wildlife criterion or value, the ninety (90)

day, ten (10) year **stream design** flow ($Q_{90,10}$).

(ii) TMDLs, WLAs in the absence of TMDLs, and preliminary WLAs calculated using dynamic modelling do not need to incorporate the stream design flows specified in item (i).

(iii) TMDLs, WLAs in the absence of TMDLs, and preliminary WLAs calculated for intermittent or controlled discharges may use alternate stream design flows if these alternate design flows will ensure compliance with water quality criteria **and values.**

(B) To prevent acute toxicity, WLAs and LAs established in a TMDL, WLAs in the absence of a TMDL, and preliminary WLAs shall be determined as follows:

(i) For allocations based on **an** acute aquatic life ~~criteria~~ **criterion** or ~~values,~~ **value, the CMC or SMC shall not be exceeded outside the zone of initial dilution and** the final acute value (FAV) shall not be exceeded in the undiluted discharge unless ~~the discharger utilizes a submerged, high rate diffuser outfall structure (or the functional equivalent) that provides turbulent initial mixing and minimizes organism exposure time; and~~ a mixing zone demonstration is conducted and approved under subdivision (4), in which case the CMC **or SMC** shall be met outside the ~~discharge-induced~~ **applicable alternate** mixing zone.

(ii) For allocations implementing ~~an~~ **the narrative** acute whole effluent toxicity (WET) criterion, 1.0 TU_a shall not be exceeded in the undiluted discharge unless ~~the discharger utilizes a submerged, high rate diffuser outfall structure (or the functional equivalent) that provides turbulent initial mixing and minimizes organism exposure time; and~~ a mixing zone demonstration is conducted and approved under subdivision (4), in which case 0.3 TU_a shall be met outside the ~~discharge-induced~~ **applicable alternate** mixing zone.

(C) To protect aquatic life, wildlife, and human health from chronic effects, including chronic whole effluent toxicity, WLAs and LAs established in a TMDL, WLAs in the absence of a TMDL, and preliminary WLAs shall be calculated using a dilution fraction no greater than twenty-five percent (25%) of the stream design flow unless a mixing zone demonstration under subdivision (4) is conducted and approved.

(D) If mixing zones from two (2) or more proximate sources interact or overlap, the combined effect must be evaluated to ensure that applicable criteria and values will be met in the area where any applicable mixing zones overlap.

(E) In no case shall a permitting authority grant a mixing zone that would likely jeopardize the continued existence of any endangered or threatened species listed under Section 4 of the ESA or result in the destruction or adverse modification of such species' critical habitat.

(4) An alternate mixing zone that is allowed under subdivision (2) or (3) may be granted upon the request of the discharger subject to the following requirements:

(A) **Alternate mixing zones are granted on a pollutant-by-pollutant and criterion-by-criterion basis.** Any discharger seeking a mixing zone other than that specified by subdivision (2) or (3) shall submit an application for ~~a~~ **an alternate** mixing zone ~~demonstration~~ for consideration by the commissioner. The alternate mixing zone application must do the following:

(i) Document the characteristics and location of the outfall structure, including whether technologically-enhanced mixing will be utilized.

(ii) Document the amount of dilution occurring at the boundaries of the proposed mixing zone and the size, shape, and location of the area of mixing, including the manner in which diffusion and dispersion occur.

(iii) For sources discharging to the open waters of Lake Michigan, define the location at which discharge-induced mixing ceases.

(iv) For sources discharging to tributaries of the Great Lakes system that exhibit appreciable flows relative to their volumes and seeking an alternate mixing zone for an acute aquatic life criterion or value or for acute whole effluent toxicity (WET), define the location at which discharge-induced mixing ceases under stream design flow conditions.

~~(iv)~~ **(v)** Document the physical, including substrate character and geomorphology, chemical, and biological characteristics of the receiving waterbody, including whether the receiving waterbody supports indigenous, endemic, or naturally occurring species.

~~(v)~~ **(vi)** Document the physical, chemical, and biological characteristics of the effluent.

~~(vi)~~ **(vii)** Document the synergistic effects of overlapping mixing zones or the aggregate effects of adjacent mixing zones.

~~(vii)~~ **(viii)** Show whether organisms would be attracted to the area of mixing as a result of the effluent character.

(B) The commissioner may grant the alternate mixing zone if the discharger demonstrates the following:

(i) The mixing zone would not interfere with or block passage of fish or aquatic life.

(ii) The level of the pollutant permitted in the waterbody would not likely jeopardize the continued existence of any endangered or threatened species listed under Section 4 of the ESA or result in the destruction or adverse modification of such species' critical habitat.

(iii) The mixing zone would not extend to drinking water intakes.

(iv) The mixing zone would not impair or otherwise interfere with the designated or existing uses of the receiving water or downstream waters.

(v) The mixing zone would not promote undesirable aquatic life or result in a dominance of nuisance species.

(vi) By allowing the additional mixing:

(AA) substances will not settle to form objectionable deposits;

(BB) floating debris, oil, scum, and other matter in concentrations that form nuisances will not be produced; and

(CC) objectionable color, odor, taste, or turbidity will not be produced.

(C) In no case shall an alternate mixing zone for an acute aquatic life criterion or value or for acute whole effluent toxicity (WET) be granted unless the discharger utilizes a submerged, high rate diffuser outfall structure (or the functional equivalent) that provides turbulent initial mixing and minimizes organism exposure time.

(D) In no case shall an alternate mixing zone for an acute aquatic life criterion or value or for acute whole effluent toxicity (WET) be granted that exceeds the area where discharge-induced mixing occurs.

~~(C)~~ **(E)** In no case shall ~~a~~ **an alternate** mixing zone for a dis-

charge into the open waters of Lake Michigan be granted that exceeds the area where discharge-induced mixing occurs.

~~(D)~~ **(F)** Upon receipt of an application for an alternate mixing zone, ~~demonstration,~~ the commissioner shall provide notice, request comment, and, if requested, schedule and hold a public meeting on the application in accordance with section 11.2 of this rule.

(5) Except for discharges into the open waters of Lake Michigan, notwithstanding subdivisions (2) ~~(3), and~~ **through** (4), the commissioner may deny any mixing zone for a discharge, **for certain substances in a discharge,** or for a criterion **or value** for any substance in a discharge based upon a determination of adverse human health, aquatic life, or wildlife effects. The commissioner shall identify and document the rationale for this decision.

(6) For discharges into the open waters of Lake Michigan, if all of the conditions for approval of an alternate mixing zone are met in accordance with subdivision (4), the alternate mixing zone shall be granted unless the commissioner determines that the mixing zone should be denied based upon a consideration of harm to human health, aquatic life, or wildlife. The commissioner shall evaluate all available information, including information submitted by the public, relevant to the consideration of harm to human health, aquatic life, or wildlife. The commissioner shall identify the harm to human health, aquatic life, or wildlife, and document the rationale for this decision.

(7) The commissioner's evaluation of a mixing zone for a discharge into the open waters of Lake Michigan under subdivisions (2), (4), and (6) shall constitute the evaluation required by IC 13-18-4-7. Any decision regarding the granting or denial of a mixing zone for a discharge into Lake Michigan shall be included in the public notice of the tentative decision on the draft new, renewed, or modified permit. The basis for the tentative decision, including the commissioner's rationale for concluding whether or not the requirements of IC 13-18-4-7 are satisfied, shall be included in the briefing memo or fact sheet that accompany the tentative decision on the draft new, renewed, or modified permit.

(c) Wasteload allocations calculated in the absence of a TMDL and preliminary WLAs shall be determined using the conservation of mass equations as follows unless an alternate methodology is approved by the commissioner:

(1) For the calculations contained within this subsection, the following apply:

(A) WQC_c = The chronic water quality criterion or value. A chronic water quality criterion or value is any of the following:

(i) Criterion continuous concentration (CCC) or secondary ~~chronic value (SCV).~~ **continuous concentration (SCC). If the CCC or SCC for a metal is expressed in the form of dissolved metal, the CCC or SCC shall be set equal to $C_{instream}$ determined for the CCC or SCC in accordance with subdivision (6).**

(ii) **The numeric interpretation of the narrative chronic** WET criterion ~~in chronic toxic units~~ (1.0 TU_c).

(iii) Human noncancer criterion (HNC) or human noncancer value (HNV).

(iv) Human cancer criterion (HCC) or human cancer value (HCV).

(v) Wildlife criterion (WC) or wildlife value (WV).

(vi) The ~~criteria~~ **criterion** for sulfates, total dissolved solids, fluorides, ~~and~~ **or** dissolved iron under 327 IAC 2-1.5-8(j).

(B) WQC_a = The criterion maximum concentration (CMC) or secondary ~~acute value (SAV)~~ **maximum concentration (SMC)** or, **if a mixing zone demonstration for acute WET is conducted and approved under subsection (b)(4),** three-tenths (0.3) TU_a for WET. **If the CMC or SMC for a metal is expressed in the form of dissolved metal, the CMC or SMC shall be set equal to $C_{instream}$ determined for the CMC or SMC in accordance with subdivision (6).**

(C) FAV = Final acute value = two (2) times the CMC or ~~SAV.~~ **SMC. If the CMC or SMC for a metal is expressed in the form of dissolved metal, the FAV shall equal two (2) times $C_{instream}$ determined for the CMC or SMC in accordance with subdivision (6).**

(D) Q_e = The facility effluent flow as determined by subsection (a)(9).

(E) Q_w = The portion of the receiving waterbody allocated for mixing ~~pursuant to~~ **under** subsection (b). **If C_b is greater than the water quality criterion or value, a value of zero (0) shall be used for Q_w.**

(F) C_b = The representative background concentration determined by subsection (a)(8).

(G) MR = Mixing zone ratio $= \frac{Q_w}{Q_e}$.

(H) Q_z = The **portion of the receiving waterbody allocated for mixing in the** zone of initial dilution. **For discharges into tributaries that exhibit appreciable flows relative to their volumes, $Q_z = Q_e$ or the $Q_{1,10}$, whichever is less. For discharges into the open waters of Lake Michigan, $Q_z = Q_e$. If C_b is greater than WQC_a, a value of zero (0) shall be used for Q_z.**

(2) Wasteload allocations for discharges into tributaries that exhibit appreciable flows relative to their volumes based on protection from acute aquatic effects shall be determined as follows:

(A) For a discharge without a high rate diffuser (or its functional equivalent), the equation resulting in the lesser WLA shall be used:

(i) WLA = FAV (or 1.0 TU_a for WET); or

(ii) $$WLA = \frac{WQC_a(Q_e + Q_z) - (Q_z)(C_b)}{Q_e}$$

(B) For a discharge with a high rate diffuser (or its functional equivalent), the following equation shall be used:

$$WLA = \frac{WQC_a(Q_e + Q_w) - (Q_w)(C_b)}{Q_e}$$

(3) Wasteload allocations for tributaries that exhibit appreciable

flows relative to their volumes based on protection from chronic effects shall be determined as follows:

$$WLA = \frac{WQC_c(Q_e + Q_w) - (Q_w)(C_b)}{Q_e}$$

(4) Wasteload allocations for discharges into the open waters of Lake Michigan based on protection from acute aquatic effects shall be determined as follows:

(A) For a discharge without an approved alternate mixing zone, the equation resulting in the lesser WLA shall be used:

(i) WLA = FAV (or 1.0 TU_a for WET); or

(ii) $$WLA = \frac{WQC_a(Q_e + Q_z) - (Q_z)(C_b)}{Q_e}$$

(B) For a discharge with an approved alternate mixing zone, the following equation shall be used:

$$WLA = (WQC_a)(1 + MR) - (C_b)(MR)$$

(5) Wasteload allocations for the open waters of Lake Michigan based on protection from chronic effects shall be determined as follows:

$$WLA = (WQC_c)(1 + MR) - (C_b)(MR)$$

(6) The following procedures shall be used to calculate $C_{instream}$, the total recoverable metal concentration outside the mixing zone that equates to an acute or chronic aquatic water quality criterion or value expressed in the form of dissolved metal:

(A) For a CMC or SMC expressed in the form of dissolved metal, $C_{instream}$ shall be calculated by dividing the CMC or SMC by the acute translator found in clause (D).

(B) For a CCC or SCC expressed in the form of dissolved metal, $C_{instream}$ shall be calculated by dividing the CCC or SCC by the chronic translator found in clause (D).

(C) If all approved analytical methods for the metal inherently measure only its dissolved form, such as hexavalent chromium, $C_{instream}$ shall not be calculated and the acute and chronic aquatic water quality criteria or values expressed in the form of dissolved metal shall be used in the calculation of WLAs.

(D) Unless a site-specific translator is determined in accordance with clause (E), the following translators shall be used:

Table 11.4-2

Metals Translators

Dissolved to Total Recoverable

Substances	Acute Translators	Chronic Translators
Arsenic (III)	**1.000**	**1.000**
Cadmium	**1.136672-[(ln hardness)(0.041838)]**	**1.101672-[(ln hardness)(0.041838)]**
Chromium (III)	**0.316**	**0.860**
Copper	**0.960**	**0.960**
Mercury	**0.85**	**0.85**
Nickel	**0.998**	**0.997**
Selenium	**0.922**	**0.922**
Zinc	**0.978**	**0.986**

(E) A discharger or proposed discharger may request the use of an alternate translator by using site-specific data. The discharger must conduct a site-specific study to identify the ratio of the dissolved fraction to the total recoverable fraction for a metal in the receiving waterbody outside the mixing zone. If the discharger provides an acceptable study, and other provisions of 327 IAC 2-1.5 and this article are satisfied (such as antibacksliding and antidegradation), the commissioner shall use the site-specific translator. A translator derived for one (1) discharge into a waterbody segment may be applied to other discharges on the same waterbody segment if the translator would adequately represent the site-specific conditions applicable to the other discharges.

(d) Notwithstanding this section, the pollutants contained in this subsection shall be addressed as follows:

(1) The pH requirements contained in 327 IAC 2-1.5-8(c)(2) and 327 IAC 2-1.5-8(j) apply to the undiluted discharge.

(2) The bacteriological criteria contained in 327 IAC 2-1.5-8(e) apply to the undiluted discharge.

(3) Models, approved by the commissioner, that ensure compliance with the applicable water quality criteria for the following parameters shall be used:

(A) Dissolved oxygen criteria contained in 327 IAC 2-1.5-8(c)(3), 327 IAC 2-1.5-8(d)(1), and 327 IAC 2-1.5-8(j).

(B) Thermal requirements contained in 327 IAC 2-1.5-8(c)(4) and 327 IAC 2-1.5-8(d)(2).

(C) Criteria for the protection of public water supplies contained under 327 IAC 2-1.5-8(f).

(D) Criteria for the protection of industrial water supplies contained in 327 IAC 2-1.5-8(g).

(Water Pollution Control Board; 327 IAC 5-2-11.4; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1441; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3379)

SECTION 26. 327 IAC 5-2-11.5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-2-11.5 Great Lakes system dischargers determination of reasonable potential to exceed water quality standards

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

Sec. 11.5. (a) If the commissioner determines that a pollutant or pollutant parameter (either conventional, nonconventional, a toxic substance, or whole effluent toxicity) is or may be discharged into the Great Lakes system at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable narrative **criterion** or numeric water quality ~~criteria~~ **criterion** or value under 327 IAC 2-1.5, the commissioner shall incorporate WQBELs in an NPDES permit that will ensure compliance with the ~~criteria~~ **criterion** or value. The commissioner shall exercise best professional judgment, taking into account the source and nature of the discharge, existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, and, where appropriate, the dilution of the effluent in the receiving water. In all cases, the commissioner shall use any valid, relevant, representative information pertaining to the discharge of the pollutant.

(b) If the commissioner determines that a substance is or may be

discharged into the Great Lakes system at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any numeric criterion for a toxic substance contained in 327 IAC 2-1.5-8(b)(3), Table 8-1, 327 IAC 2-1.5-8(b)(5), Table 8-3, 327 IAC 2-1.5-8(b)(6), Table 8-4, a criterion for ammonia contained under 327 IAC 2-1.5-8(c)(5), a criterion for sulfates, total dissolved solids, fluorides, or dissolved iron under 327 IAC 2-1.5-8(j), or a Tier I criterion or Tier II value determined under 327 IAC 2-1.5-11 through 327 IAC 2-1.5-16, the commissioner shall incorporate WQBELs in an NPDES permit for the discharge of that pollutant, and in all cases, the commissioner shall use any valid, relevant, representative information pertaining to the discharge of the substance as follows:

(1) When facility-specific effluent monitoring data for a substance are available, the commissioner may take into account the source and nature of the discharge, existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, and, where appropriate, the dilution of the effluent in the receiving water in making the determination whether to develop preliminary effluent limitations (PELs) and comparing those effluent limitations to the projected effluent quality (PEQ) of the discharge in accordance with the following procedures:

(A) The commissioner shall develop PELs for the discharge of a pollutant from a point source using the following procedures:

(i) The commissioner shall develop preliminary WLAs for the discharge of the pollutant from the point source to protect human health, wildlife, acute aquatic life, and chronic aquatic life, based upon the following:

(AA) Any existing numeric criterion for a toxic substance contained in 327 IAC 2-1.5-8(b)(3), Table 8-1, 327 IAC 2-1.5-8(b)(5), Table 8-3, 327 IAC 2-1.5-8(b)(6), Table 8-4, or 327 IAC 2-1.5-8(c)(5) **or a site-specific modification to an existing numeric criterion calculated under 327 IAC 2-1.5-16.**

(BB) Where there is no existing numeric criterion, the commissioner shall calculate a Tier I criterion for such substance for the protection of human health, wildlife, and aquatic life using the methodologies under 327 IAC 2-1.5-11 (aquatic life), 327 IAC 2-1.5-14 (human health), 327 IAC 2-1.5-15 (wildlife), and 327 IAC 2-1.5-16 (site-specific modifications).

(CC) Where there is insufficient data to calculate a Tier I criterion, the commissioner shall calculate a Tier II value for such substance for the protection of human health and aquatic life using the methodologies under 327 IAC 2-1.5-12 (aquatic life), 327 IAC 2-1.5-14 (human health), and 327 IAC 2-1.5-16 (site-specific modifications).

(DD) Where there is insufficient data to calculate a Tier II value, the commissioner shall apply the procedure in subdivision (3) to determine whether data must be generated to calculate a Tier II value.

(ii) The commissioner shall develop **a** preliminary ~~WLAs~~ **WLA** for the discharge of sulfates, total dissolved solids, fluorides, or dissolved iron, in addition to the preliminary WLAs developed for ~~these parameters~~ **the parameter** under item (i), based on the numeric ~~criteria~~ **criterion** for ~~these substances~~ **the substance** under 327 IAC 2-1.5-8(j) when applicable.

(iii) Section 11.4(c) of this rule shall be used as the basis for determining preliminary WLAs in accordance with items (i) and (ii).

(iv) The commissioner shall ~~develop PELs consistent with~~ **use** the preliminary WLAs developed under items (i) through (iii) ~~and~~ **to develop monthly and daily PELs** in accordance with the ~~procedures~~ **procedure** for converting WLAs into WQBELs under section ~~11.6~~ **11.6(c)** of this rule.

(B) The commissioner shall determine the projected effluent quality (PEQ) as follows:

(i) When monthly average data are available, **calculated using** at least ~~three (3)~~ **two (2)** data points over the period of a month, the monthly PEQ shall be determined as follows:

(AA) The commissioner shall identify the number of monthly averages of the effluent data and the coefficient of variation of the monthly averages of the effluent data.

(BB) The commissioner shall obtain the appropriate multiplying factor from ~~Table 11.5-1 in~~ subsection (h) based on the information obtained in subitem (AA).

(CC) The maximum of the monthly average values shall be multiplied by the multiplying factor determined under subitem (BB) to determine the monthly PEQ.

(ii) When monthly average data ~~is~~ **are** not available, the monthly PEQ shall be identical to the daily PEQ determined under item (iii). An alternate method of ~~determining the~~ **calculating** monthly ~~PEQ~~ **averages** may be used if the applicant demonstrates that this alternate method results in ~~a~~ monthly ~~PEQ~~ **averages** representative of actual conditions at the facility. **Monthly averages calculated under this item shall be used to determine the monthly PEQ using the procedure in item (i).**

(iii) The daily PEQ shall be determined as follows:

(AA) The commissioner shall identify the number of daily effluent samples and the coefficient of variation of the daily effluent samples.

(BB) The commissioner shall obtain the appropriate multiplying factor from ~~Table 11.5-1 in~~ subsection (h) based on the information obtained in subitem (AA).

(CC) The maximum of the daily effluent samples shall be multiplied by the multiplying factor determined under subitem (BB) to determine the daily PEQ.

(iv) The coefficient of variation shall be calculated as the ratio of the standard deviation of the daily or monthly effluent data divided by the arithmetic average of the effluent data, except that where there are fewer than ten (10) data points the coefficient of variation shall be specified as six-tenths (0.6).

(v) In lieu of the procedures under items (i) through (iv), the commissioner shall allow the use of an alternate procedure for the determination of the PEQ if the applicant demonstrates that the alternate statistical procedure meets the following: ~~criteria:~~

(AA) Is a scientifically defensible statistical method.

(BB) Specifies the daily PEQ as the ninety-fifth percentile of the distribution of the projected population of daily values of the facility-specific effluent monitoring data.

(CC) Specifies the monthly PEQ as the ninety-fifth percentile of the distribution of the projected population of monthly average values of the facility-specific effluent monitoring data.

(DD) Accounts for and captures the long term daily and monthly variability of the effluent quality.

(EE) Accounts for limitations associated with sparse data sets.

(FF) Assumes a lognormal distribution of the facility-specific effluent data unless otherwise shown by the effluent data set.

(C) The commissioner shall establish WQBELs in the NPDES permit for each substance that:

(i) the monthly PEQ developed under clause (B) exceeds the monthly PEL developed under clause (A); or

(ii) the daily PEQ developed under clause (B) exceeds the daily PEL developed under clause (A).

(D) If facility-specific effluent monitoring data for a metal are available in the form of dissolved metal and the PELs for the metal developed under clause (A) are based on an acute or chronic aquatic water quality criterion or value expressed in the form of dissolved metal, the commissioner shall make the determination under clause (C) using PEQs and PELs in the form of dissolved metal if the following conditions are satisfied:

(i) The discharger provides an acceptable site-specific study that shows that the metal in the effluent does not become more dissolved in the receiving waterbody outside the mixing zone.

(ii) Representative data are available from the receiving waterbody to calculate the background concentration of the metal in accordance with section 11.4(a)(8) of this rule and, if applicable, the hardness of the receiving waterbody in accordance with section 11.4(a)(13) of this rule.

(iii) The facility-specific effluent monitoring data in the form of dissolved metal are representative of the magnitude and variability of the metal in the effluent.

(iv) The PEQs in the form of dissolved metal are determined under clause (B) using the effluent monitoring data in item (iii).

(v) The PELs in the form of dissolved metal are developed as follows:

(AA) Preliminary WLAs in the form of dissolved metal are developed consistent with section 11.4(c) of this rule and using the receiving waterbody data in item (ii) to protect acute and chronic aquatic life.

(BB) The preliminary WLAs in subitem (AA) are used to develop monthly and daily PELs in accordance with section 11.6(c) of this rule.

(vi) A determination under clause (C) using PEQs and PELs developed under this item in the form of total recoverable metal shows that the commissioner is not required to establish WQBELs in the NPDES permit for the metal. The PEQs and PELs shall be developed as follows:

(AA) PEQs in the form of total recoverable metal shall be determined under clause (B) using facility-specific effluent monitoring data in the form of total recoverable metal that is comparable to the data in item (iii).

(BB) Monthly and daily PELs in the form of total recoverable metal shall be developed using preliminary WLAs developed under section 11.4(c) of this rule for all the applicable criteria and values for the metal that are expressed in the form of total recoverable metal and in accordance with section 11.6(c) of this rule. The preliminary WLAs shall be calculated using the receiving waterbody data in item (ii).

(2) When facility-specific effluent monitoring data for a substance are not available, the commissioner shall exercise best professional judgment, taking into account the source and nature of the discharge, existing controls on point and nonpoint sources of pollution, and, where appropriate, the dilution of the effluent in the receiving water:

(A) for a new Great Lakes discharger, to develop an estimated monthly and daily PEQ necessary to make a determination under this subsection; or

(B) for an existing Great Lakes discharger, to determine whether it is necessary to require the applicant to collect the data required to make a determination under this subsection.

(3) The commissioner shall develop the necessary data to calculate Tier II values where such data does not currently exist as follows:

(A) Except as provided in clauses (B) and (D) or subdivision (4), for each toxic substance that a permittee reports as known or believed to be present in its effluent, or that the commissioner reasonably believes may be present in the effluent, and for which pollutant data sufficient to calculate Tier II values for noncancer human health, acute aquatic life, or chronic aquatic life do not exist, the commissioner shall take the following actions:

(i) For those effects (noncancer human health, acute aquatic life, or chronic aquatic life) for which sufficient data do not exist, the commissioner shall use all available, relevant information, including quantitative structure activity relationship (QSAR) information and other relevant toxicity information, to estimate ambient screening values for such pollutant that will protect humans from health effects other than cancer, and aquatic life from acute and chronic effects.

(ii) Using the procedures under subdivision ~~(1)(A),~~ **(1),** the commissioner shall develop PELs for the discharge of the pollutant from the point source to protect human health, acute aquatic life, and chronic aquatic life based upon the estimated ambient screening values.

(iii) The commissioner shall compare the PEQs developed according to the procedures under subdivision ~~(1)(B)~~ **(1)** to the PELs developed under item (ii). If the monthly or daily PEQ exceeds the respective monthly or daily PEL, the commissioner shall generate or require the permittee to generate the data necessary to derive Tier II values for noncancer human health, acute aquatic life, and chronic aquatic life.

(iv) The data generated under item (iii) shall be used in calculating a Tier II value as required under subdivision (1). The calculated Tier II value shall be used in calculating the PELs under subdivision ~~(1)(A).~~ **(1).** These PELs shall be used for purposes of determining whether a WQBEL must be included in the permit under subdivision ~~(1)(C).~~ **(1).**

(B) With the exception of bioaccumulative chemicals of concern (BCCs), the commissioner is not required to apply the procedures under clause (A) or include WQBELs to protect aquatic life for any pollutant discharged by an existing point source into the Great Lakes system if the following occur:

(i) There is insufficient data to calculate a Tier I criterion or Tier II value for aquatic life for the pollutant.

(ii) The permittee has demonstrated that the whole effluent does not exhibit acute or chronic toxicity.

(iii) The permittee has demonstrated, through a biological assessment, that there are no acute or chronic effects on aquatic life in the receiving water. ~~Upon request by the permittee, the commissioner may determine that a biological assessment is not necessary to evaluate the impact of the pollutant on the receiving stream after considering:~~

~~(AA) the characteristics of the pollutant;~~

~~(BB) the concentration of the pollutant in the effluent;~~

~~(CC) the effluent flow; and~~

~~(DD) the biological and physical characteristics of the receiving waterbody.~~

(C) Nothing in clause (A) or (B) shall preclude or deny the right of the commissioner to:

(i) determine, in the absence of the data necessary to derive a Tier II value, that the discharge of the pollutant will cause, have the reasonable potential to cause, or contribute to an excursion above a narrative criterion for water quality; and

(ii) incorporate a WQBEL for the pollutant into an NPDES permit.

(D) If the commissioner develops a WQBEL consistent with clause (C) that is at least as stringent as a WQBEL that would have been developed based upon the Tier II value or values for that pollutant, the commissioner may require the permittee to generate the data necessary to derive a Tier II value or values for that pollutant.

(4) The determinations under this subdivision shall be made on a pollutant-by-pollutant, outfall-by-outfall basis. This subdivision applies only in the absence of an EPA-approved TMDL applicable to the discharge or in the absence of an assessment and remediation plan submitted and approved in accordance with section 11.4(a)(2) of this rule. The following procedures shall be used in the consideration of intake pollutants in determining reasonable potential:

(A) As used in this subdivision and section 11.6(i) of this rule, "intake pollutant" means a pollutant that is present in waters of the state at the time it is withdrawn from such waters by the discharger or other facility, such as a public water ~~supply,~~ **system** supplying the discharger with intake water.

(B) As used in this subdivision, **subsection (g),** and section 11.6(i) of this rule, an intake pollutant is considered to be from the same body of water as the discharge if the following conditions exist:

(i) The commissioner finds that the intake pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee. This finding may be deemed established if:

(AA) the representative background concentration of the pollutant in the receiving water, as determined under section 11.4(a)(8) of this rule, (excluding any amount of the pollutant in the facility's discharge) is similar to or greater than that in the intake water;

(BB) there is a direct hydrological connection between the intake and discharge points (the water at the point of intake naturally flows toward the water at the point of discharge); and

(CC) any difference in a water quality characteristic (such as temperature, pH, and hardness) between the intake and receiving waters does not result in an adverse impact on the receiving water.

(ii) The commissioner may also consider other site-specific factors relevant to the transport and fate of the pollutant to make the finding in a particular case that a pollutant would or would not have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee.

(iii) An intake pollutant from ground water may be considered to be from the same body of water if the commissioner determines that the pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee, except that such a pollutant is not from the same body of water to the extent that the ground water contains the pollutant partially or entirely due to human activity, such as industrial, commercial, or municipal operations, disposal actions, or treatment processes.

(iv) Notwithstanding any other provision in this clause, an intake pollutant shall be considered to be from the same body of water if the permittee's intake point is located on Lake Michigan and the outfall point is located on a tributary of Lake Michigan and the following conditions are met:

(AA) The representative background concentration of the pollutant in the receiving water, as determined under section 11.4(a)(8) of this rule, (excluding any amount of the pollutant in the facility's discharge) is similar to or greater than that in the intake water.

(BB) Any difference in a water quality characteristic (such as temperature, pH, and hardness) between the intake and receiving waters does not result in an adverse impact on the receiving water.

(C) The commissioner may use the procedure to determine reasonable potential described in this subdivision in lieu of the procedures contained under subdivisions (1) through (3) provided the following conditions are met:

(i) The commissioner may determine that there is no reasonable potential for the discharge of an intake pollutant or pollutant parameter to cause or contribute to an excursion above a narrative **criterion** or numeric water quality criterion ~~within an applicable water quality standard~~ **or value under 327 IAC 2-1.5** when a discharger demonstrates to the satisfaction of the commissioner (based upon information provided in the permit application or other information deemed necessary by the commissioner) that:

(AA) the facility does not contribute any additional mass of the intake pollutant to its wastewater;

(BB) the facility withdraws one hundred percent (100%) of the intake water containing the pollutant from the same body of water into which the discharge is made;

(CC) the facility does not alter the intake pollutant chemically or physically in a manner that would cause adverse water quality impacts to occur that would not occur if the pollutants were left in-stream;

(DD) the facility does not cause an increase in the intake pollutant concentration at the edge of the mixing zone, or at the point of discharge if a mixing zone is not allowed, as compared to the pollutant concentration in the intake waterbody unless the increased concentration does not cause or contribute to an excursion above an applicable water quality ~~standard;~~ **criterion or value;** and

(EE) the timing and location of the discharge would not cause adverse water quality impacts to occur that would not occur if the intake pollutant were left in the waterbody.

(ii) If a discharge of an intake pollutant or pollutant parameter is not able to qualify under item (i), the commissioner may decide not to impose WQBELs on the discharge, if the following conditions are met:

(AA) The discharge consists of one (1) or more internal wastestreams that do qualify (qualifying wastestreams) under item (i) and one (1) or more internal wastestreams that do not qualify (nonqualifying wastestreams) under item (i).

(BB) For nonqualifying wastestreams composed entirely of storm water, the permittee accepts permit conditions for the storm water wastestream that the commissioner determines to

be necessary to protect the water quality of the receiving waterbody. The requirements imposed shall be as if the storm water wastestream discharged directly into the receiving waterbody and shall be consistent with requirements imposed on other similar storm water discharges to the waterbody.

(CC) For nonqualifying wastestreams not composed entirely of storm water, the permittee accepts WQBELs on each of the nonqualifying wastestreams that have a reasonable potential for the discharge of the intake pollutant or pollutant parameter to cause or contribute to an excursion above a narrative **criterion** or numeric water quality criterion **or value** as determined using the procedures under subdivisions (1) through (3). For purposes of determining reasonable potential and developing WQBELs for these nonqualifying wastestreams, the preliminary wasteload allocations and wasteload allocations in the absence of a TMDL shall be determined as if these nonqualifying wastestreams discharged directly into the receiving waterbody without combining with the qualifying wastestreams.

(iii) Upon a finding under item (i) or (ii) that a pollutant in the discharge does not cause, have the reasonable potential to cause, or contribute to an excursion above an applicable water quality ~~standard,~~ **criterion or value,** the commissioner is not required to include a WQBEL in the facility's permit for the intake pollutant provided:

(AA) the NPDES permit fact sheet or statement of basis includes a specific determination that there is no reasonable potential for the discharge of an intake pollutant to cause or contribute to an excursion above an applicable narrative **criterion** or numeric water quality criterion **or value** and references appropriate supporting documentation included in the administrative record;

(BB) the permit requires all influent, effluent, and ambient monitoring necessary to demonstrate that the conditions in item (i) or (ii) are maintained during the permit term; and

(CC) the permit contains a reopener clause authorizing modification or revocation and reissuance of the permit if new information indicates changes in the conditions under item (i) or (ii).

(iv) Absent a finding under item (i) or (ii) that the discharge of an intake pollutant or pollutant parameter does not cause, have the reasonable potential to cause, or contribute to an excursion above an applicable water quality criterion **or value,** the commissioner shall use the procedures contained under subdivisions (1) through (3) to determine whether the discharge of that pollutant causes, has the reasonable potential to cause, or contribute to an excursion above an applicable narrative **criterion** or numeric water quality criterion **or value.**

(5) Notwithstanding this subsection, if the commissioner determines that the geometric mean of a pollutant in fish tissue samples collected from a waterbody exceeds the tissue basis of a ~~toxic substance,~~ **water quality criterion or value,** after consideration of the variability of the pollutant's bioconcentration and bioaccumulation in fish, the following provisions apply:

(A) If such pollutant is a BCC, each facility that discharges detectable levels of the BCC to that water has the reasonable potential to cause or contribute to an excursion above a water quality criterion **or value** for that BCC and the commissioner shall establish a WQBEL for such pollutant in the NPDES permit for each such facility.

(B) If such pollutant is not a BCC, the commissioner may determine that any or all of the facilities that discharge detectable levels of the pollutant to that water have the reasonable potential to cause or contribute to an excursion above a water quality criterion **or value** for that ~~toxic substance~~ **pollutant** and the commissioner shall establish a WQBEL for such pollutant in the NPDES permit for each such facility.

(c) Except as provided in subdivision (3), where the commissioner determines that the whole effluent toxicity (WET) of an effluent is or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any numeric interpretation of a narrative WET criterion contained in 327 IAC 2-1.5-8, the commissioner shall incorporate WQBELs for WET in the NPDES permit and in all cases, the commissioner shall use any valid, relevant, or representative information pertaining to the discharge of WET as follows:

(1) When facility-specific WET effluent data are available, the commissioner may take into account the source and nature of the discharge, existing controls on point and nonpoint sources of pollution, the variability of the WET in the effluent, and, where appropriate, the dilution of the effluent in the receiving water in making the determination to develop effluent limitations for WET. The WET of an effluent is or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable WET criterion contained under 327 IAC 2-1.5, when effluent-specific information demonstrates the following:

(A) The acute WET of an effluent is or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above an applicable acute WET criterion applied to the undiluted discharge, when effluent-specific information demonstrates the following:

$$(TU_a)(F) \geq 0.2$$

Where: TU_a = The geometric mean of the measured acute toxicity values expressed in acute toxic units (TU_a or TU_c). Individual toxicity values may be estimated for the missing endpoint using a default acute-chronic ratio (ACR) of ten (10), when data exist for chronic WET, but not for acute WET.

F = Fraction of the measured toxicity values greater than the preliminary wasteload allocation for acute WET determined under section 11.4(c) of this rule (fraction failed).

(B) The acute WET of an effluent is or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above an applicable acute WET criterion applied outside an alternate mixing zone, when effluent-specific information demonstrates the following:

$$F \geq 0.2$$

Where: F = Fraction of the measured toxicity values greater than the preliminary wasteload allocation for acute WET determined under section 11.4(c) of this rule (fraction failed). Individual toxicity values may be estimated for the missing endpoint using a default acute-chronic ratio (ACR) of ten (10), when data exist for chronic WET, but not for acute WET.

(C) The chronic WET of an effluent is or may be discharged at a

level that will cause, have the reasonable potential to cause, or contribute to an excursion above an applicable chronic WET criterion, when effluent-specific information demonstrates the following:

$$\frac{(TU_c)(Q_e)(F)}{(Q_w + Q_e)} \geq 0.2$$

Where: TU_c = The geometric mean of the measured chronic toxicity values expressed in chronic toxic units. Individual toxicity values may be estimated for the missing endpoint using a default acute-chronic ratio (ACR) of ten (10), when data exist for acute WET, but not for chronic WET.

Q_e = The effluent flow rate as determined under section 11.4(a)(9) of this rule.

Q_w = The portion of the receiving waterbody allocated for mixing as determined under section 11.4(b) of this rule.

F = Fraction of the measured toxicity values greater than the preliminary wasteload allocation for acute or chronic WET determined under section 11.4(c) of this rule (fraction failed).

(2) When WET data are not available, the commissioner shall exercise best professional judgment, taking into account the source and nature of the discharge, existing controls on point and nonpoint ~~source~~ **sources** of pollution, and, where appropriate, the dilution of the effluent in the receiving water to determine whether it is necessary to impose WET requirements in accordance with the following:

(A) For a new Great Lakes discharger, the commissioner shall determine whether it is necessary to impose WET limitations.

(B) For an existing Great Lakes discharger, whether it is necessary to require the applicant to collect the data required to make a determination under this subsection. The commissioner may include in the NPDES permit the following conditions to generate additional data and control toxicity if found:

(i) WET testing requirements to generate the data needed to adequately characterize the toxicity of the effluent to aquatic life.

(ii) A toxicity reduction evaluation and a schedule to comply with WET limits if any toxicity testing data indicate that the WET of an effluent is or may be discharged at levels that will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable WET criterion.

(iii) WET limits that become effective upon completion of the compliance schedule.

(3) Limitations on whole effluent toxicity are not necessary where the commissioner demonstrates in the fact sheet or briefing memo of the NPDES permit that chemical-specific limits for the effluent are sufficient to attain and maintain the applicable narrative water quality criteria for WET.

(d) Once the commissioner has determined in accordance with this section that a WQBEL must be included in an NPDES permit, the commissioner shall do the following:

(1) Rely upon the WLA established for the point source either as part of any EPA approved TMDL prepared under section 11.4 of this rule, or as part of an assessment and remediation plan developed and approved in accordance with section ~~11.4(a)(3)~~ **11.4(a)(2)** of this rule, or, in the absence of such TMDL or plan, calculate WLAs for the protection of acute and chronic aquatic life, wildlife, and human health in accordance with the provisions for developing wasteload allocations under section 11.4 of this rule.

(2) Develop water quality-based effluent limitations using these WLAs in accordance with section 11.6 of this rule.

(e) The commissioner may require monitoring for a pollutant or pollutant parameter even if it is determined that a WQBEL in the NPDES permit for that pollutant or pollutant parameter is not required.

(f) In addition to this section, effluent limitations shall be established to comply with all other applicable state and federal laws and regulations, including technology-based requirements and antidegradation policies.

(g) Notwithstanding subsection (b) or (c) **and only in situations where the intake and outfall points are located on the same body of water as defined in subsection (b)(4)(B),** the commissioner shall not impose WQBELs for a discharge consisting solely of once-through noncontact cooling water, except in accordance with the following:

(1) The commissioner may require a WQBEL based on an acute aquatic criterion **or value** for a substance or acute WET when information is available indicating that such a limit is necessary to protect aquatic life unless the discharger is able to demonstrate that the presence of the substance or WET is due solely to its presence in the intake water.

(2) The commissioner shall establish limitations or other requirements in the permit for the noncontact cooling water wastestream to prevent impairment of the receiving waterbody if a valid biological assessment of the receiving waterbody indicates that the noncontact cooling water discharge impairs an existing or designated use of the waterbody, exclusive of thermal impacts from a discharge for which alternative thermal effluent limitations have been established in accordance with Section 316(a) of the CWA and 327 IAC 5-7.

(3) If a substance is present at elevated levels in the noncontact cooling water wastestream due to improper operation or maintenance of the cooling system, and this substance is or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above a numeric criterion **or value** for a toxic substance as determined under subsection (b), WQBELs shall be established using the procedures in sections 11.4 and 11.6 of this rule.

(4) If the permittee uses or proposes to use additives in the noncontact cooling water wastestream, the additives shall be evaluated using the reasonable potential procedures contained under this section to determine whether ~~WQBELS~~ **WQBELs** are necessary for the wastestream.

(5) If the source of the noncontact cooling water wastestream is contaminated ground water, the provisions of this subsection do not apply to the discharge of the substances contaminating the ground water.

(6) If one (1) or more wastestreams consisting solely of noncontact cooling water are combined with one (1) or more wastestreams not consisting solely of noncontact cooling water, the provisions of this subsection may still be applied to the wastestreams consisting solely of noncontact cooling water if, for the wastestreams that do not consist solely of noncontact cooling water, the following requirements are imposed:

(A) For each of the wastestreams composed entirely of storm water, permit conditions that the commissioner determines to be necessary to protect the water quality of the receiving waterbody shall be imposed. The requirements imposed shall be as if the storm water wastestream discharged directly into the receiving waterbody and shall be consistent with requirements imposed on other similar storm water discharges to the waterbody.

(B) For each of the wastestreams not composed entirely of storm water, each wastestream shall be evaluated to determine if there is a reasonable potential for the discharge of a pollutant or pollutant parameter to cause or contribute to an excursion above a narrative **criterion** or numeric water quality criterion **or value** as determined using the procedures in this section. For purposes of determining reasonable potential and developing WQBELs for these wastestreams, the preliminary wasteload allocations and wasteload allocations in the absence of a TMDL shall be determined as if these wastestreams discharged directly into the receiving waterbody without combining with the wastestreams consisting solely of noncontact cooling water.

(7) As used in this subsection, "once-through noncontact cooling water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, final product, or waste product and makes one (1) or two (2) passes for the purpose of removing waste heat.

(h) The ~~following table establishes the~~ multiplying factors to be used in subsection (b) **are established in Tables 11.5-1 and 11.5-2 and shall be obtained as follows:**

(1) Round the coefficient of variation (CV) identified in subsection (b) to the nearest CV in Table 11.5-1 or Table 11.5-2. If the CV identified in subsection (b) is greater than 2.0, set the CV equal to 2.0.

(2) Obtain the appropriate multiplying factor from Table 11.5-1 or Table 11.5-2 using the number of samples identified in subsection (b) and the CV determined under subdivision (1). If the number of samples identified under subsection (b) is greater than one hundred (100), obtain the multiplying factor using one hundred (100) samples.

Table 11.5-1
Reasonable Potential Multiplying Factors

Number of Samples	Coefficient of Variation																				
	0.05	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0
1	1.2	1.4	1.9	2.6	3.6	4.7	6.2	8.0	10.1	12.6	15.5	18.7	22.3	26.4	30.8	35.6	40.7	46.2	52.1	58.4	64.9
2	1.1	1.3	1.6	2.0	2.5	3.1	3.8	4.6	5.4	6.4	7.4	8.5	9.7	10.9	12.2	13.6	15.0	16.4	17.9	19.5	21.1
3	1.1	1.2	1.5	1.8	2.1	2.5	3.0	3.5	4.0	4.6	5.2	5.8	6.5	7.2	7.9	8.6	9.3	10.0	10.8	11.5	12.3
4	1.1	1.2	1.4	1.7	1.9	2.2	2.6	2.9	3.3	3.7	4.2	4.6	5.0	5.5	6.0	6.4	6.9	7.4	7.8	8.3	8.8
5	1.1	1.2	1.4	1.6	1.8	2.1	2.3	2.6	2.9	3.2	3.6	3.9	4.2	4.5	4.9	5.2	5.6	5.9	6.2	6.6	6.9
6	1.1	1.1	1.3	1.5	1.7	1.9	2.1	2.4	2.6	2.9	3.1	3.4	3.7	3.9	4.2	4.5	4.7	5.0	5.2	5.5	5.7
7	1.1	1.1	1.3	1.4	1.6	1.8	2.0	2.2	2.4	2.6	2.8	3.1	3.3	3.5	3.7	3.9	4.1	4.3	4.5	4.7	4.9
8	1.1	1.1	1.3	1.4	1.6	1.7	1.9	2.1	2.3	2.4	2.6	2.8	3.0	3.2	3.3	3.5	3.7	3.9	4.0	4.2	4.3
9	1.1	1.1	1.2	1.4	1.5	1.7	1.8	2.0	2.1	2.3	2.4	2.6	2.8	2.9	3.1	3.2	3.4	3.5	3.6	3.8	3.9
10	1.0	1.1	1.2	1.3	1.5	1.6	1.7	1.9	2.0	2.2	2.3	2.4	2.6	2.7	2.8	3.0	3.1	3.2	3.3	3.4	3.6
11	1.0	1.1	1.2	1.3	1.4	1.6	1.7	1.8	1.9	2.1	2.2	2.3	2.4	2.5	2.7	2.8	2.9	3.0	3.1	3.2	3.3
12	1.0	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.0
13	1.0	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.5	2.6	2.7	2.8	2.9
14	1.0	1.1	1.2	1.3	1.4	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.3	2.4	2.5	2.6	2.6	2.7
15	1.0	1.1	1.2	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.8	1.9	2.0	2.1	2.2	2.2	2.3	2.4	2.4	2.5	2.5
16	1.0	1.1	1.1	1.2	1.3	1.4	1.5	1.6	1.6	1.7	1.8	1.9	1.9	2.0	2.1	2.1	2.2	2.3	2.3	2.4	2.4
17	1.0	1.1	1.1	1.2	1.3	1.4	1.4	1.5	1.6	1.7	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.2	2.2	2.3	2.3
18	1.0	1.1	1.1	1.2	1.3	1.3	1.4	1.5	1.6	1.6	1.7	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.1	2.2	2.2
19	1.0	1.1	1.1	1.2	1.3	1.3	1.4	1.5	1.5	1.6	1.6	1.7	1.8	1.8	1.9	1.9	2.0	2.0	2.0	2.1	2.1
20	1.0	1.1	1.1	1.2	1.2	1.3	1.4	1.4	1.5	1.5	1.6	1.6	1.7	1.7	1.8	1.8	1.9	1.9	2.0	2.0	2.0
21	**1.0**	**1.1**	**1.1**	**1.2**	**1.2**	**1.3**	**1.3**	**1.4**	**1.5**	**1.5**	**1.6**	**1.6**	**1.7**	**1.7**	**1.7**	**1.8**	**1.8**	**1.9**	**1.9**	**1.9**	**2.0**
22	**1.0**	**1.1**	**1.1**	**1.2**	**1.2**	**1.3**	**1.3**	**1.4**	**1.4**	**1.5**	**1.5**	**1.6**	**1.6**	**1.7**	**1.7**	**1.7**	**1.8**	**1.8**	**1.8**	**1.9**	**1.9**
23	**1.0**	**1.0**	**1.1**	**1.2**	**1.2**	**1.3**	**1.3**	**1.4**	**1.4**	**1.4**	**1.5**	**1.5**	**1.6**	**1.6**	**1.6**	**1.7**	**1.7**	**1.8**	**1.8**	**1.8**	**1.8**
24	**1.0**	**1.0**	**1.1**	**1.1**	**1.2**	**1.2**	**1.3**	**1.3**	**1.4**	**1.4**	**1.5**	**1.5**	**1.5**	**1.6**	**1.6**	**1.6**	**1.7**	**1.7**	**1.7**	**1.8**	**1.8**

25	**1.0**	**1.0**	**1.1**	**1.1**	**1.2**	**1.2**	**1.3**	**1.3**	**1.4**	**1.4**	**1.4**	**1.5**	**1.5**	**1.5**	**1.6**	**1.6**	**1.6**	**1.7**	**1.7**	**1.7**	**1.7**
26	**1.0**	**1.0**	**1.1**	**1.1**	**1.2**	**1.2**	**1.3**	**1.3**	**1.3**	**1.4**	**1.4**	**1.4**	**1.5**	**1.5**	**1.5**	**1.6**	**1.6**	**1.6**	**1.6**	**1.7**	**1.7**
27	**1.0**	**1.0**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.3**	**1.3**	**1.4**	**1.4**	**1.4**	**1.4**	**1.5**	**1.5**	**1.5**	**1.6**	**1.6**	**1.6**	**1.6**	**1.6**
28	**1.0**	**1.0**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.3**	**1.3**	**1.3**	**1.4**	**1.4**	**1.4**	**1.4**	**1.5**	**1.5**	**1.5**	**1.5**	**1.6**	**1.6**	**1.6**
29	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.3**	**1.3**	**1.3**	**1.4**	**1.4**	**1.4**	**1.4**	**1.5**	**1.5**	**1.5**	**1.5**	**1.5**	**1.6**
30	1.0	1.0	1.1	1.1	1.1	1.2	1.2	1.2	1.3	1.3	1.3	1.3	1.4	1.4	1.4	1.4	1.5	1.5	1.5	1.5	1.5
31	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.3**	**1.3**	**1.3**	**1.3**	**1.4**	**1.4**	**1.4**	**1.4**	**1.4**	**1.5**	**1.5**	**1.5**
32	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.4**	**1.4**	**1.4**	**1.4**	**1.4**	**1.4**	**1.5**
33	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.4**	**1.4**	**1.4**	**1.4**	**1.4**	**1.4**
34	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.4**	**1.4**	**1.4**	**1.4**	**1.4**
35	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.4**	**1.4**	**1.4**
36	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.4**
37	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**
38	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**	**1.3**
39	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.3**	**1.3**	**1.3**	**1.3**
40	1.0	1.0	1.0	1.1	1.1	1.1	1.1	1.1	1.1	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.3	1.3
~~50~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.1~~	~~1.1~~	~~1.1~~	~~1.1~~	~~1.1~~	~~1.1~~	~~1.1~~	~~1.1~~	~~1.1~~	~~1.1~~	~~1.1~~	~~1.1~~	~~1.1~~
~~60~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~
~~70~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~
~~80~~	~~1.0~~	~~1.0~~	~~1.0~~	~~1.0~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~
~~90~~	~~1.0~~	~~1.0~~	~~1.0~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~
~~100~~	~~1.0~~	~~1.0~~	~~1.0~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.9~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.8~~	~~0.7~~	~~0.7~~	~~0.7~~

Table 11.5-2
Reasonable Potential Multiplying Factors

Number of Samples	**Coefficient of Variation**																				
	0.05	**0.1**	**0.2**	**0.3**	**0.4**	**0.5**	**0.6**	**0.7**	**0.8**	**0.9**	**1.0**	**1.1**	**1.2**	**1.3**	**1.4**	**1.5**	**1.6**	**1.7**	**1.8**	**1.9**	**2.0**
41	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**
42	**1.0**	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**
43	**1.0**	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**
44	**1.0**	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**
45	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**	**1.2**	**1.2**	**1.2**
46	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.2**	**1.2**
47	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**
48	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**
49	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**
50	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**
51	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**
52	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**
53	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**	**1.1**
54 to 63	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**
64	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**
65	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**

66	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**
67	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**
68	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**
69	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**
70 to 73	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**
74 to 77	**1.0**	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**
78	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.8**	**0.8**
79	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.8**	**0.8**	**0.8**
80 to 81	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**
82 to 83	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**
84	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**
85	**1.0**	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**
86 to 87	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**
88 to 89	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**
90 to 92	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**
93 to 96	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**
97	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.7**
98 to 99	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.7**	**0.7**
100	**1.0**	**1.0**	**1.0**	**0.9**	**0.9**	**0.9**	**0.9**	**0.9**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.8**	**0.7**	**0.7**	**0.7**

(Water Pollution Control Board; 327 IAC 5-2-11.5; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1450; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3379)

SECTION 27. 327 IAC 5-2-11.6 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-2-11.6 Great Lakes system dischargers establishment of water quality-based effluent limitations (WQBELs)

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

Sec. 11.6. (a) The NPDES permit shall include conditions necessary to achieve water quality standards established under 327 IAC 2-1.5, including narrative water quality criteria. The numeric water quality criteria set forth in 327 IAC 2-1.5-8 and Tier I criteria and Tier II values established under 327 IAC 2-1.5-11 through 327 IAC 2-1.5-16 shall not be enforceable against any point source discharger until translated into effluent limitations that are incorporated in NPDES permits in accordance with this article.

(b) Total maximum daily loads (TMDLs) and wasteload allocations (WLAs) developed under section 11.4 of this rule shall provide the basis for numeric water quality-based effluent limitations (WQBELs) established in NPDES permits for point sources discharging to waters within the Great Lakes system. If a variance has been granted from a water quality criterion under 327 IAC 2-1.5-17 and 327 IAC 5-3-4.1, WQBELs for the pollutant that is the subject of the variance shall be calculated on the basis of the variance rather than the water quality criterion.

(c) The following procedure shall be used to calculate WQBELs using the WLAs, ~~including~~ **except** WLAs for whole effluent toxicity (WET), developed under section 11.4 of this rule:

(1) This subsection assumes that effluent data follow a log-normal distribution. If a discharger is able to demonstrate that the effluent data for a pollutant does not follow a log-normal distribution, and provides an alternate distribution that more accurately describes the data, this alternate distribution may be used in lieu of the procedures in this subsection.

~~(2) The following procedures shall be used to translate a WLA based on a dissolved criterion into a total recoverable WLA used in the determination of WQBELs:~~

~~(A) Unless site-specific translators are determined in accordance with clause (B), the following translators shall be used to translate a dissolved WLA based on an acute or chronic dissolved aquatic water quality criterion into a total recoverable WLA to be used in the determination of total recoverable WQBELs in an NPDES permit:~~

~~Table 11.6-1~~

~~Metals Translators~~

~~Dissolved to Total Recoverable[1]~~

~~Substances~~	~~Acute Translators~~	~~Chronic Translators~~
~~Arsenic (III)~~	~~1.000~~	~~1.000~~
~~Cadmium~~	~~0.944~~	~~0.909~~
~~Chromium (III)~~	~~0.316~~	~~0.860~~
~~Copper~~	~~0.960~~	~~0.960~~
~~Mercury~~	~~0.850~~	~~0.850~~
~~Nickel~~	~~0.998~~	~~0.997~~
~~Selenium~~	~~0.922~~	~~0.922~~
~~Zinc~~	~~0.978~~	~~0.986~~

~~[1] Divide a dissolved WLA derived from an acute aquatic water quality criterion by the acute translator and divide a dissolved WLA derived from a chronic aquatic water quality criterion by the chronic translator.~~

~~(B) A discharger or proposed discharger may request the use of an alternate translator by using site-specific data. The discharger must conduct a site-specific study to identify the ratio of the dissolved fraction to the total recoverable fraction for a metal in the receiving waterbody outside the mixing zone. If the discharger provides an acceptable study, and other provisions of 327 IAC 2-1.5 and this article are satisfied (such as antibacksliding and antidegradation), the commissioner shall use the site-specific translators to convert a dissolved WLA into a total recoverable WLA. A translator derived for one (1) discharge into a waterbody segment may be applied to other discharges on the same waterbody segment if the translator would adequately represent the site-specific conditions applicable to the other discharges.~~

~~(3)~~ **(2)** For the equations contained within this subsection the following apply:

(A) Z_{99} = 2.326 (99th percentile probability basis).

(B) CV = coefficient of variation = ratio of the standard deviation to the mean. A value of six-tenths (0.6) will be used for the CV unless the discharger demonstrates that an alternate CV is more representative of the variability of the pollutant in the effluent.

~~(4)~~ **(3)** The first step in this procedure is to calculate a long term average (LTA) for each WLA determined **for the pollutant** under section 11.4 of this rule. These LTAs are calculated as follows:

(A) The LTA_A protective of acute aquatic life effects shall be calculated as follows:

$$LTA_A = \left(e^{(0.5\sigma^2 - z_{99}\sigma)}\right) WLA_A$$

Where: σ^2 = $\ln(CV^2 + 1)$.

WLA_A = WLA determined under section 11.4 of this rule using **the** acute aquatic ~~criteria~~ **criterion** or ~~values or acute toxic units and, if appropriate, translated from a dissolved WLA to a total recoverable WLA in accordance with subdivision (2).~~ **value.** This WLA is expressed as a one (1) day maximum.

(B) The LTA_C protective of chronic aquatic life effects shall be calculated as follows:

$$LTA_C = \left(e^{(0.5\sigma_4^2 - z_{99}\sigma_4)}\right) WLA_C$$

Where: σ_4^2 = $\ln(CV^2/4 + 1)$.

WLA_C = **For sulfates, total dissolved solids, fluorides, and dissolved iron, the more stringent** WLA determined under section 11.4 of this rule using ~~criteria~~ **the criterion** for ~~sulfates, total dissolved solids, fluorides, and dissolved iron~~ **the pollutant** under 327 IAC 2-1.5-8(j), **if applicable, or the** chronic aquatic ~~criteria~~ **criterion** or ~~values or chronic toxic units and, if appropriate, translated from a dissolved WLA to a total recoverable WLA in accordance with subdivision (2).~~ **value. For other pollutants, the WLA determined under section 11.4 of this rule using the chronic aquatic criterion or value.** This WLA is expressed as a four (4) day average.

(C) The LTA_H protective of human health ~~life~~ effects shall be calculated as follows:

$$LTA_H = \left(e^{(0.5\sigma_{30}^2 - z_{99}\sigma_{30})}\right) WLA_H$$

Where: σ_{30}^2 = $\ln(CV^2/30 + 1)$.

WLA_H = **The most stringent** WLA determined under section 11.4 of this rule using ~~criteria~~ **a criterion** or ~~values~~ **value** for the protection of human health. This WLA is expressed as a thirty (30) day average.

(D) The LTA_W protective of wildlife effects shall be calculated as follows:

$$LTA_W = \left(e^{(0.5\sigma_{30}^2 - z_{99}\sigma_{30})}\right) WLA_W$$

Where: σ_{30}^2 = $\ln(CV^2/30 + 1)$.

WLA_W = WLA determined under section 11.4 of this rule using **the** wildlife ~~criteria~~ **criterion** or ~~values.~~ **value.** This WLA is expressed as a thirty (30) day average.

~~(5)~~ **(4)** Daily maximum and monthly average WQBELs are determined using the lowest LTA calculated in subdivision ~~(4)~~ **(3)** as follows:

(A) The daily maximum WQBEL is calculated as follows:

$$\text{Daily Maximum} = \left(e^{(Z_{99}\sigma - 0.5\sigma^2)}\right) LTA$$

Where: σ^2 = $\ln(CV^2 + 1)$.

(B) The monthly average WQBEL is calculated as follows:

$$\text{Monthly Average} = \left(e^{(Z_{95}\sigma_n - 0.5\sigma_n^2)}\right) LTA$$

Where: σ_n^2 = $\ln(CV^2/n + 1)$.

z_{95} = 1.645 (95th percentile probability basis).

n = Number of samples per month. A value of ten (10) will be used unless the discharger demonstrates that an alternate value is more appropriate.

(C) ~~The values of 1.0 TU_a and 1.0 TU_c will be the most restrictive WQBELs established in an NPDES permit for WET.~~ **The monthly average WQBEL shall not exceed the most stringent WLA developed under section 11.4 of this rule unless calculated using the following:**

(i) A CV calculated using facility-specific effluent monitoring data that is representative of the variability of the pollutant in the effluent.

(ii) A value for n based on the monitoring frequency in the NPDES permit to be issued.

(d) Notwithstanding the provisions of subsection (c), **WQBELs for WET and** WQBELs for the criteria listed in section 11.4(d) of this rule shall be developed ~~to be consistent with the models used in that subsection.~~ **as follows:**

(1) For WET, WQBELs shall be developed using the WLAs for

acute and chronic WET developed under section 11.4 of this rule as follows:

(A) The commissioner shall ensure that the WQBELs for WET established under this subdivision attain the acute and chronic WET criteria in 327 IAC 2-1.5-8 under the receiving waterbody flows and outside the mixing zones used to develop the WLAs for acute and chronic WET under section 11.4 of this rule.

(B) The commissioner shall determine, on a case-by-case basis, the following:

(i) Whether to develop a WQBEL for only acute or chronic WET or WQBELs for both acute and chronic WET.

(ii) The number of species required for WET testing.

(iii) The particular species required for WET testing.

(C) In making the determination in clause (B), the commissioner shall take into consideration available information about the discharge and receiving waterbody, including, but not limited to, the following:

(i) The acute-chronic ratio of the effluent.

(ii) The sensitivity of the test species to the toxicity in the effluent.

(iii) The WLAs developed for acute and chronic WET under section 11.4 of this rule.

(D) When the commissioner determines that it is necessary to develop a WQBEL for acute WET, the WQBEL shall be set equal to the WLA developed for acute WET under section 11.4 of this rule and shall be established in an NPDES permit as a daily maximum limit.

(E) When the commissioner determines that it is necessary to develop a WQBEL for chronic WET, the WQBEL shall be set equal to the WLA developed for chronic WET under section 11.4 of this rule and shall be established in an NPDES permit as a monthly average limit.

(2) For the criteria listed in section 11.4(d) of this rule, WQBELs shall be developed to be consistent with the models used in that subsection.

(e) WQBELs in an NPDES permit for ~~metals~~ **a metal** calculated from a ~~dissolved~~ water quality criterion **expressed in the form of dissolved metal that is:**

(1) contained in 327 IAC 2-1.5; **or**

(2) subsequently developed under the procedures contained in 327 IAC 2-1.5;

shall be expressed in the permit as ~~the~~ total recoverable ~~metals fraction~~ **metal** unless all approved analytical methods for the metal inherently measure only its dissolved form, such as hexavalent chromium.

(f) Water quality-based effluent limitations for cyanide, calculated from a criterion for free cyanide contained in 327 IAC 2-1.5, shall be limited in the permit as free cyanide and monitored in the effluent using the "Cyanides Amenable to Chlorination" (CATC) method ~~(Standard Methods for the Examination of Water and Wastewater,~~ **(40 CFR 136,** Method 4500-CN G) **or another method approved by** the commissioner. ~~may approve the use of the "Weak and Dissociable Cyanide" method (Standard Methods for the Examination of Water and Wastewater, Method 4500-CN I) if the applicant demonstrates that interferences render the CATC method inaccurate.~~ The commissioner may include additional monitoring, limitations, or other requirements in a permit, on a case-by-case basis, if the additional requirements are necessary to ensure that water quality standards will be attained.

(g) Whenever a WQBEL is developed, unless otherwise provided in subdivision (3), ~~or (4),~~ the WQBEL in the NPDES permit shall be expressed as both a concentration value and a corresponding mass loading rate as follows:

(1) Both mass and concentration limits shall be based on the same permit averaging periods, such as daily, or monthly averages, or in other appropriate permit averaging periods.

(2) The mass loading rates shall be calculated using effluent flow rates that are the same as those used in establishing the concentration-based WQBELs.

(3) For pollutants or parameters that cannot appropriately be expressed in terms of mass (such as pH, temperature, radiation, bacteria, or dissolved oxygen) mass limits are not required.

(4) A discharger may request tiered mass limits for a discharge that increases as a result of wet weather flow. As used in this subdivision, "tiered mass limits" consists of two (2) sets of mass limits. One (1) set shall be based on the dry-weather effluent flow determined under section 11.4(a)(9) of this rule and the stream design flow under section 11.4(b) of this rule. The second set shall be based on an effluent flow and stream flow under wet weather conditions. **For each mass limit developed under this subdivision, the NPDES permit shall include a corresponding concentration limit.**

(h) When a WQBEL for a pollutant is calculated to be less than the ~~level~~ **limit** of quantitation (LOQ), the following conditions apply:

(1) The calculated WQBEL shall be established as the limit in the NPDES permit.

(2) The analytical method, ~~level~~ **limit** of detection (LOD), and LOQ shall be specified as follows:

(A) The commissioner shall specify in the permit the most sensitive, applicable, analytical method, specified in or approved under 40 CFR 136 or by the commissioner, to be used to monitor for the presence and amount in an effluent of the pollutant for which the WQBEL is established and shall specify in accordance with clause (B), the LOD and LOQ that can be achieved by use of the specified analytical method.

(B) The LOD and LOQ shall be determined as follows:

(i) The method detection level (MDL) shall be used as the LOD unless the permittee demonstrates that a higher LOD is appropriate because of effluent-specific matrix interference.

(ii) The LOQ shall be the minimum level (ML) specified in or approved under 40 CFR 136 for the method for that pollutant. If no such ML exists, or if the method is not specified or approved under 40 CFR 136 or by the commissioner, the LOQ shall be calculated by multiplying the LOD by three and eighteen-hundredths (3.18). The commissioner may specify a higher LOQ if the permittee demonstrates that a higher LOQ is appropriate because of effluent-specific matrix interference. Other methods for deriving an LOQ may be approved by the commissioner if the method is scientifically defensible.

(3) Compliance with the WQBELs for the pollutant shall be determined as follows:

(A) When a daily maximum WQBEL is less than the LOD specified in the permit, **effluent levels:**

(i) ~~effluent levels~~ of the pollutant less than the LOD are in compliance with the maximum WQBEL; and

(ii) ~~effluent levels~~ greater than the LOD but less than the LOQ are in compliance with the maximum WQBEL, except when confirmed by a sufficient number of analyses of multiple samples and use of appropriate statistical techniques.

(B) When a daily maximum WQBEL is greater than the LOD specified in the permit but less than the LOQ specified in the permit, effluent levels of the pollutant less than the LOQ are in compliance with the WQBEL.

(C) To determine compliance with a WQBEL expressed as a daily maximum mass limitation, the LOD and LOQ shall each be converted to a mass value, using appropriate conversion factors and the same effluent flow used to determine the mass-based WQBEL, before applying the provision of clauses (A) and (B).

(D) When a monthly or weekly average WQBEL is less than the LOQ specified in the permit, a monthly or weekly average effluent level less than or equal to the respective monthly or weekly average WQBEL is in compliance with the monthly or weekly average WQBEL. Daily effluent values that are less than the LOQ, used to determine the monthly or weekly average effluent levels less than the LOQ, may be assigned a value of zero (0), unless, after considering the number of monitoring results that are greater than the LOD, and applying appropriate statistical techniques, a value other than zero (0) is warranted.

(4) When a WQBEL is less than the LOD, the commissioner may require a period of accelerated monitoring in a permit, when the measured effluent level is between the LOD and LOQ, for the purpose of collecting additional data to apply the statistical analysis referenced in subdivision ~~(3)(B)~~ **(3)(A)** and (3)(D).

(5) When a WQBEL is less than the LOQ, special conditions may be included in the permit to better quantify the levels of pollutant present in the discharge. These special conditions may include, but are not limited to, the following:

(A) Fish tissue sampling.

(B) Caged-biota studies.

(C) Whole effluent toxicity (WET) tests.

(D) Limits on internal wastestreams.

(E) Monitoring requirements on internal wastestreams.

(F) Development of a more sensitive analytical procedure.

(G) Monitoring for surrogate parameters.

(H) Waterbody bioassessment.

(6) The permit shall contain reopener clauses authorizing modification or revocation and reissuance of the permit to:

(A) include more stringent monitoring requirements or conditions if new information generated as a result of accelerated monitoring conducted in accordance with subdivision (4), or special conditions included in the permit in accordance with subdivision (5) indicates the likely presence of the pollutant in the discharge at levels above the WQBEL; and

(B) specify the use of a different analytical method if a more sensitive analytical method has been specified in or approved under 40 CFR 136 or approved by the commissioner to monitor for the presence and amount in the effluent of the pollutant for which the WQBEL is established and shall specify in accordance with subdivision (2)(B), the LOD and LOQ that can be achieved by use of the specified analytical method.

(7) The commissioner shall include a condition in the permit requiring the permittee to develop and conduct a pollutant minimization program (PMP) for each pollutant with a WQBEL below the LOQ in accordance with the following:

(A) The goal of the pollutant minimization program shall be to maintain the effluent at or below the WQBEL. The pollutant minimization program shall include, but is not limited to, the following:

(i) Submission of a control strategy designed to proceed toward the goal.

(ii) Implementation of appropriate cost-effective control measures consistent with the control strategy.

(iii) Monitoring necessary to monitor the progress toward the goal. **This shall include, but is not limited to, the following:**

(AA) Semiannual monitoring of potential sources of the pollutant.

(BB) Quarterly monitoring for the pollutant in the influent of the wastewater treatment system.

(iv) An annual status report that shall be sent to the commissioner, including the following:

(AA) All minimization program monitoring results for the previous year.

(BB) A list of potential sources of the pollutant.

(CC) A summary of all actions taken to reduce or eliminate the identified sources of the pollutant.

(v) A ~~pollution~~ **pollutant** minimization program may include the submittal of pollution prevention strategies that use changes in production process technology, materials, processes, operations, or procedures to reduce or eliminate the source of the pollutant.

(B) No ~~pollution~~ **pollutant** minimization program is required if the permittee demonstrates that the discharge of a pollutant with a WQBEL below the LOQ is reasonably expected to be in compliance with the WQBEL at the point of discharge into the receiving water. This demonstration may include, but is not limited to, the following:

(i) Treatment information, including information derived from modeling the destruction or removal of the pollutant in the treatment process.

(ii) Mass balance information.

(iii) Fish tissue studies or other biological studies.

(C) In determining appropriate cost-effective control measures to be implemented in a ~~pollution~~ **pollutant** minimization program, the following factors may be considered:

(i) Significance of sources.

(ii) Economic and technical feasibility.

(iii) Treatability.

(D) The permit shall contain a reopener clause authorizing modification or revocation and reissuance of the permit to revise (such as more or less frequent monitoring) or remove the requirements of this subdivision if supported by information generated as a result of this subdivision.

(i) The determinations under this subsection regarding the consideration of intake pollutants, as defined under section 11.5(b)(4)(A) of this rule, shall be made on a pollutant-by-pollutant, outfall-by-outfall basis. This subsection applies only when the concentration of the pollutant of concern upstream of the discharge, as determined under section 11.4(a)(8) of this rule, exceeds the most stringent applicable water quality criterion **or value** for that pollutant. In addition, this subsection applies only in the absence of an EPA-approved TMDL

applicable to the discharge, or in the absence of an assessment and remediation plan submitted and approved in accordance with section 11.4(a)(2) of this rule. ~~The requirements of section 11.5(b)(3)(A) of this rule shall also apply to this section.~~ The following procedures shall be used in the consideration of intake pollutants in establishing WQBELs:

(1) When an intake pollutant is from the same body of water, as defined under section 11.5(b)(4)(B) of this rule, and the discharge and the facility meet the conditions in section 11.5(b)(4)(C)(i)(BB) through 11.5(b)(4)(C)(i)(EE), the following procedures apply:

(A) The commissioner may establish effluent limitations allowing the facility to discharge a mass and concentration of the pollutant that are no greater than the mass and concentration of the pollutant identified in the facility's intake water (no net addition limitations). The permit shall specify how compliance with mass and concentration limitations shall be assessed. No permit may authorize no net addition limitations that are effective after March 23, 2007. After that date, WQBELs shall be established in accordance with section 11.5(d) of this rule.

(B) Where proper operation and maintenance of a facility's treatment system results in removal of a pollutant, the commissioner may establish limitations that reflect the lower mass or concentration, or both, of the pollutant achieved by such treatment, taking into account the feasibility of establishing such limits.

(C) For pollutants contained in intake water provided by a water system, the concentration of the intake pollutant shall be determined at the point where the raw water supply is removed from the same body of water, except that it shall be the point where the water enters the water supplier's distribution system where the water treatment system removes any of the identified pollutants from the raw water supply. Mass shall be determined by multiplying the concentration of the pollutant by the volume of the facility's intake flow received from the water system.

(2) Where the pollutant in a facility's discharge originates from a water of the state that is not the same body of water as the receiving water, as determined in accordance with section 11.5(b)(4)(B) of this rule, WQBELs shall be established based upon the most stringent applicable water quality criterion **or value** for that pollutant.

(3) Where a facility discharges intake pollutants that originate in part from the same body of water, and in part from a different body of water, the commissioner may apply the procedures of subdivisions (1) and (2) to derive an effluent limitation reflecting the flow-weighted average of each source of the pollutant, provided that adequate monitoring to determine compliance can be established and is included in the permit.

(Water Pollution Control Board; 327 IAC 5-2-11.6; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1457; errata filed Aug 11, 1997, 4:15 p.m.: 20 IR 3379; errata, 26 IR 3884)

SECTION 28. 327 IAC 5-2-13 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-2-13 Monitoring

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

Sec. 13. (a) To assure compliance with permit terms and conditions, all permittees shall monitor, as required in the permit, the following:

(1) The mass, concentration, or other measurement specified in sections 11, 11.1, and 11.6 of this rule for each pollutant specified in the permit.

(2) The volume of wastewater flow at monitoring points specified in the permit, including the final effluent flow from each point source.

(3) Other parameters and conditions as specifically required in the permit.

(b) A POTW shall monitor the mass, concentration, or other units of specified pollutants in the raw influent, in the discharge from intermediate unit treatment processes as specified in the permit or the applicable report of operation form, and in the final effluent, and the volume of effluent flow. For purposes of this section and sections 14 through 15 of this rule, a POTW includes a municipality or other political subdivision, such as a regional sewer district, ~~which~~ **that** owns or operates a wastewater treatment ~~works~~ **plant** or a **water** treatment plant, ~~for public water supply~~ **as defined in IC 13-11-2,** or a private utility of a quasi-public nature ~~which~~ **that** owns or operates a treatment plant for a mobile home park, a residential development, etc., from which a permitted discharge occurs.

(c) For purposes of subsections (a) and (b), the commissioner shall specify the following monitoring requirements in the permit:

(1) Requirements concerning proper installation, use, and maintenance of monitoring equipment or methods (including biological monitoring methods where appropriate).

(2) Monitoring frequency, type, and intervals sufficient to yield continuing data representative of the volume of effluent flow and the quantity of pollutants discharged based on the impact of the waste stream on the receiving water, in accordance with 40 CFR 122.44.

(3) Test procedures for the analysis of pollutants meeting the requirements of subsection (d).

(d) Requirements for test procedures shall be as follows:

(1) Test procedures identified in 40 CFR 136 shall be utilized for pollutants or parameters listed in that part, unless an alternative test procedure has been approved under 40 CFR 136.5.

(2) Where no test procedure under 40 CFR 136 has been approved, analytical work shall be conducted in accordance with ~~the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association (APHA) or as otherwise specified~~ **test procedures approved** by the commissioner. ~~in the permit.~~

(3) Notwithstanding subdivision (1), the commissioner may specify in a permit the test procedure ~~used in developing the data on which an effluent limitations guideline was based, or~~ specified ~~by the standards and guidelines.~~ **in a standard or effluent limitations guideline.**

(e) The sampling frequency and other monitoring requirements specified by the commissioner under subsection (c) shall, to the extent applicable, be consistent with monitoring requirements specified in a standard or effluent limitations guideline on which the effluent limitations in the permit are based. In no case shall the sampling frequency be less than once per calendar year.

(f) Where composite samples are specified in the permit, each fraction of the composite shall be weighted in proportion to the flow corresponding to the time that sample fraction is taken unless the permittee demonstrates that such flow-weighting of sample fractions is

not necessary to obtain representative monitoring results. *(Water Pollution Control Board; 327 IAC 5-2-13; filed Sep 24, 1987, 3:00 p.m.: 11 IR 628; filed Feb 26, 1993, 5:00 p.m.: 16 IR 1753; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1465)*

SECTION 29. 327 IAC 5-2-15 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-2-15 Reporting requirements

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

Sec. 15. (a) Permittees shall report to the commissioner, using discharge monitoring reports (DMR) (EPA Form 3320-1) and, also, in the case of POTWs, semipublic, state, and federal facilities' reports of operation, the results of any monitoring specified by the permit, ~~pursuant to~~ **under** section 13 of this rule, as often as required by the permit, but in no case less than once per year. POTWs with pretreatment or hybrid pretreatment requirements in their NPDES permits as well as industrial dischargers shall also submit the results of effluent analysis on the Indiana Discharge Monitoring Report Form 30530.

(b) If the permittee monitors any pollutant more frequently than required by the permit, using approved analytical methods, the results of this monitoring shall be reported in the DMR. Other monitoring data not specifically required in the permit (such as internal process or internal waste stream data) ~~which~~ **that** is collected by or for the permittee need not be submitted unless requested by the commissioner. Any such additional monitoring data ~~which~~ **that** indicates a violation of a permit limitation shall be followed up by the permittee, whenever feasible, with a monitoring sample obtained and analyzed pursuant to approved analytical methods. The results of the analysis of the follow-up sample shall be reported to the commissioner in the permittee's DMR.

(c) All reports required by this section shall be prepared by or under the direction of a certified wastewater treatment plant operator or a certified water treatment plant operator licensed under the provisions of 327 IAC 8 when such reports concern a discharge originating in whole or in part from a wastewater treatment plant or a water treatment plant, respectively, as defined in IC 13-11-2.

(d) As used in this section, "approved analytical methods" means those test procedures for the analysis of pollutants ~~which conform to 40 CFR 136 or are specified in the permit.~~ **under section 13(d) of this rule.**

(e) NPDES effluent data is to be reported on the monthly DMRs as follows:

(1) Effluent concentrations less than the limit of detection (LOD) shall be reported as less than the value of the LOD. For example, if a substance is not detected at a concentration of one (1.0) milligram per liter, the value shall be reported as < 1.0 mg/l.

(2) Effluent concentrations greater than or equal to the LOD shall be reported at the measured value. Effluent concentrations greater than or equal to the LOD and less than the limit of quantitation (LOQ) that are reported on a DMR shall be annotated on the DMR to indicate that the value is not quantifiable.

(3) Except as provided in section 11.6(h)(3) of this rule, when the individual daily values are averaged for the purpose of determining the weekly average or monthly average, values less than the LOQ shall be accommodated in calculation of the averages using statistical methods that have been approved by the commissioner.

(4) Mass discharge values ~~which~~ **that** are calculated from concentrations reported as less than the value of the limit of detection shall be reported as less than the corresponding mass discharge value.

(5) Mass discharge values that are calculated from effluent concentrations greater than the limit of detection shall be reported at the calculated value.

(6) Except as provided in section 11.6(h)(3) of this rule, when the individual daily mass discharge values are averaged for the purpose of determining the weekly average or monthly average, values less than the LOQ shall be accommodated in calculation of the averages using statistical methods that have been approved by the commissioner.

(Water Pollution Control Board; 327 IAC 5-2-15; filed Sep 24, 1987, 3:00 p.m.: 11 IR 629; filed Feb 26, 1993, 5:00 p.m.: 16 IR 1754; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1466)

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 9, 2004, at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Water Pollution Control Board (board) will hold a public hearing on amendments to rules concerning water quality.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of this rule by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the drafted new rule. 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 MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 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) 233-1785 (V) or (317) 232-7589 (TDD). Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Water Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Room 1255 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Tim Method
Deputy Commissioner
Office of Water Quality
Indiana Department of Environmental Management

TITLE 329 SOLID WASTE MANAGEMENT BOARD

FIRST NOTICE OF COMMENT PERIOD
#03-312(SWMB)

DEVELOPMENT OF NEW RULES AND AMENDMENTS TO RULES CONCERNING THE 2003 UPDATE TO THE HAZARDOUS WASTE MANAGEMENT PROGRAM AT 329 IAC 3.1

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules and amendments to rules in 329 IAC 3.1 concerning:

! incorporating by reference the July 1, 2003, edition of the federal hazardous waste management regulations in 40 CFR 260 through 40 CFR 273, including adopting three (3) recent federal changes to the hazardous waste management program, concerning:

" zinc fertilizers made from recycled hazardous secondary materials,

" the national treatment variance for radioactively contaminated batteries, and

" corrections to the hazardous air pollutants standards for hazardous waste combusters,

! updating the incorporation by reference of 40 CFR 146 and the eight (8) appendices to 40 CFR 60 to the latest available editions,

! amending 329 IAC 3.1-6-2, 329 IAC 13-3-1, and 329 IAC 13-9-5 to be consistent with federal changes to the recycled used oil management standards published by the U.S. Environmental Protection Agency (EPA) on July 30, 2003,

! amending 329 IAC 3.1-6-3 to clarify that chemical munitions listed in that section are acute hazardous wastes,

! substituting the Indiana statutory definition of PCB for the definition of PCB and PCBs, and

! correcting references to federal certification language and hazardous waste permits in the federal hazardous waste regulations.

IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

CITATIONS AFFECTED: 329 IAC 3.1-1-7; 329 IAC 3.1-6-2; 329 IAC 3.1-6-3; 329 IAC 3.1-12-2; 329 IAC 3.1-13-2; 329 IAC 13-3-1; 329 IAC 13-9-5.

AUTHORITY: IC 13-14-8-4; IC 13-14-8-7; IC 13-14-9; IC 13-19-3-1; IC 13-22-2; P.L.231-2003, SECTION 6; 40 U.S.C. §6926; 40 U.S.C. §6929; 40 CFR 271.21.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

This rulemaking would incorporate by reference the federal hazardous waste management regulations at 40 CFR 260 through 40 CFR 273, revised as of July 1, 2003, including the following amendments published by the EPA in the Federal Register from July 24, 2002, through December 19, 2002:

Federal Register	Publication Date	Subject
67 FR 48393	July 24, 2002	Zinc Fertilizers Made From Recycled Hazardous Secondary Materials
67 FR 62617	October 7, 2002	Land Disposal Restrictions: National Treatment Variance to Designate New Treatment Subcategories for Radioactively Contaminated Cadmium-, Mercury-, and Silver-Containing Batteries
67 FR 77687	December 19, 2002	NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combusters - Corrections

These federal rules are amendments to the federal hazardous waste regulations that are incorporated by reference in the Indiana hazardous waste management rules at 329 IAC 3.1.

Two of these amendments (the zinc fertilizer rule except for the removal of 40 CFR 268.40(i) and the national treatment variance rule for radioactively contaminated batteries) are optional but may be adopted to maintain consistency with the federal program as provided for in sections 3006 and 3009 of the Resource Conservation and Recovery Act, as amended (RCRA)(42 U.S.C. §6926 and 42 U.S.C. §6929 respectively), and by Indiana statutes.

The hazardous waste combuster NESHAP rule corrects the final standards for hazardous air pollutants for hazardous waste combusters, commonly known as the "MACT rule," published on September 30, 1999 (64 FR 52827), November 19, 1999 (64 FR 63209), July 10, 2000 (65 FR 42292), May 14, 2001 (66 FR 24270), July 3, 2001 (66 FR 35087), and February 14, 2002 (67 FR 6968). The acronym MACT stands for "maximum available control technology." The "MACT rule" is a mixture of required and optional rules and was incorporated by reference in 329 IAC 3.1 on May 4, 2001 at 24 IR 2431. Because this amendment corrects the current federal program and is not less stringent than the federal program, we must adopt it to keep Indiana's hazardous waste program consistent with the federal hazardous waste program and to maintain our hazardous waste program authorization.

In addition to the federal changes included in the July 1, 2003, edition of 40 CFR 260 through 40 CFR 273, this rule would adopt changes to 40 CFR 261.5 incorporated by reference in 329 IAC 3.1-6, and the recycled used oil management standards in 329 IAC 13 that were published by the EPA on July 30, 2003 at 68 FR 44659 through 68 FR 44665. These changes correct and clarify the scope of certain regulatory requirements to eliminate confusion and are considered by the EPA to be no more stringent than the existing federal standards. (See Section III. State Authority at 68 FR 44663.) These changes are not required to be adopted by federal law.

States are not required to adopt federal amendments to the hazardous waste regulations that are not more stringent or broader in scope than the existing federal hazardous waste program. However, in many cases, federal amendments that are less stringent involve streamlining, cost reduction or implement other regulatory reduction initiatives.

In addition to the federal amendments, we are proposing the following changes:

! Update 329 IAC 3.1-1-7(a) that incorporates by reference 40 CFR 146, standards and criteria for underground injection wells, and 40 CFR 60, Appendices A-1 through A-8 that provide test methods for boilers and industrial furnaces, to include the latest version of these standards revised as of July 1, 2003.

! Amend 329 IAC 3.1-6-3 to clarify that the chemical munitions listed in that section are acute hazardous wastes.

! Amend 329 IAC 3.1-12-2 to substitute Indiana's statutory definition of PCB and to correct a reference to current federal rule language for certifications.

! Amend 329 IAC 3.1-13-2 to correct a reference to RCRA hazardous waste permits in federal rule language.

Alternatives to be Considered Within the Rulemaking

We are considering nine (9) alternatives in this rulemaking.

Alternative 1. Adopt the zinc fertilizer rule (67 FR 48393) as promulgated in the Federal Register on July 24, 2002. This rule conditionally excludes from the definition of solid waste some zinc fertilizers made from recycled hazardous secondary materials. To exclude these secondary materials, generators, handlers, and manufacturers must make reports, keep records, and meet a number of regulatory requirements. This rule also eliminates the exclusion from land disposal restrictions treatment standards for K061 derived fertilizers in 40 CFR 268.40(i). Because this rule is adopted under RCRA authority that existed prior to the 1984 Hazardous and Solid Waste Amendments, this amendment will not be effective in Indiana until we adopt it in state rules.

! *Is this alternative an incorporation of federal standards, either by reference or full text incorporation?* This is an incorporation by reference.

! *Is this alternative imposed by federal law or is there a comparable federal law?* Because this rule is less stringent than the current federal hazardous waste regulations (except the elimination of the exclusion for K061 derived fertilizers in 40 CFR 268.40(i)), this rule is optional and is not required to be adopted under 42 U.S.C. §6926. However, the provision eliminating 40 CFR 268.40(i) is more stringent than the existing program and we are required to adopt it.

! *If this alternative is a federal requirement, is it different from federal law?* While federal law does not include this requirement, it is identical to the federal amendments published in the July 24, 2002, federal rule.

! *If it is different, describe the differences.* There are no differences.

Alternative 2. Adopt the national treatment variance rule for radioactively contaminated batteries (67 FR 62617) as promulgated in the Federal Register on October 7, 2002. This rule designates new treatment subcategories for radioactively contaminated batteries generated by the United States Department of Energy. While we are proposing to adopt this amendment to make Indiana's rules consistent with the federal program, we do not expect any regulated entities in Indiana to be affected by this rule.

! *Is this alternative an incorporation of federal standards, either by reference or full text incorporation?* This is an incorporation by reference.

! *Is this alternative imposed by federal law or is there a comparable federal law?* This rule is less stringent than the current federal hazardous waste regulations, therefore it is not required to be adopted under 42 U.S.C. §6926.

! *If this alternative is a federal requirement, is it different from federal law?* While federal law does not include this requirement, it is identical to the federal amendments published in the October 7, 2002, federal rule.

! *If it is different, describe the differences.* There are no differences.

Alternative 3. Adopt the hazardous waste combuster NESHAP correction rule (67 FR 77687) as promulgated in the Federal Register on December 19, 2002. This rule corrects technical errors in the hazardous air pollution standards for hazardous waste combusters rule published on September 30, 1999. This rule must be adopted under 42 U.S.C. §6926 and 40 CFR §271.21 to maintain EPA authorization for this program, since failure to adopt it would result in a program that is inconsistent with the federal program.

! *Is this alternative an incorporation of federal standards, either by reference or full text incorporation?* This is an incorporation by reference.

! *Is this alternative imposed by federal law or is there a comparable federal law?* This rule is required to be adopted under 42 U.S.C. §6926.

! *If this alternative is a federal requirement, is it different from federal law?* While federal law does not include this requirement, it is identical to the federal amendments published in the December 19, 2002, federal rule.

! *If it is different, describe the differences.* There are no differences.

Alternative 4. Amend 329 IAC 3.1-1-7(a) to incorporate by reference the versions of 40 CFR 146 and 40 CFR 60, Appendices A-1 through A-8 revised as of July 1, 2003. This amendment would require regulated entities to use the current versions of these rules. This amendment is imposed under federal law.

! *Is this alternative an incorporation of federal standards, either by reference or full text incorporation?* This is an incorporation by reference.

! *Is this alternative imposed by federal law or is there a comparable federal law?* This amendment incorporates the latest editions of 40 CFR 146 and 40 CFR 60, Appendices A-1 through A-8, consistent with the current federal program.

! *If this alternative is a federal requirement, is it different from federal law?* No.

! *If it is different, describe the differences.* There are no differences.

Alternative 5. Adopt amendments to 329 IAC 3.1-6-2, 329 IAC 13-3-1, and 329 IAC 13-9-5 to make the recycled used oil management standards consistent with changes published by the EPA on July 30, 2003. These changes clarify the applicability of the used oil standards to used oil containing PCBs and mixtures of used oil and conditionally exempt small quantity generator (CESQG) hazardous waste. The changes are intended to eliminate confusion experienced by regulated entities.

! *Is this alternative an incorporation of federal standards, either by reference or full text incorporation?* This is a full text incorporation of the federal regulation.

! *Is this alternative imposed by federal law or is there a comparable federal law?* Because these changes are not more stringent or broader in scope than the existing federal hazardous waste program, they are not required to be adopted under 42 U.S.C. §6926.

! *If this alternative is a federal requirement, is it different from federal law?* While federal law does not include this requirement, it is identical to the federal amendments published in the July 30, 2003, federal rule.

! *If it is different, describe the differences.* There are no differences.

Alternative 6. Amend 329 IAC 3.1-6-3 to clarify that the chemical munitions listed in that section are acute hazardous wastes. This would ensure the highest level of cleanup for these extremely hazardous wastes, consistent with Indiana law and the interests of the citizens of Indiana.

! *Is this alternative an incorporation of federal standards, either by reference or full text incorporation?* No, this is a state-initiated change.

! *Is this alternative imposed by federal law or is there a comparable federal law?* No.

! *If this alternative is a federal requirement, is it different from federal law?* Not applicable.

! *If it is different, describe the differences.* Not applicable.

Alternative 7. Adopt amendments to 329 IAC 3.1-12-2 that would

correct references to PCBs. This amendment would substitute Indiana's statutory definition of PCB for the federal definition of "polychlorinated biphenyls and PCBs" in 40 CFR 268.2(e). It would also correct a reference to federal certification language in 40 CFR 268.7.

! *Is this alternative an incorporation of federal standards, either by reference or full text incorporation?* No.

! *Is this alternative imposed by federal law or is there a comparable federal law?* This is a state-initiated provision. Because these changes are not part of the federal program, they are not required to be adopted under 42 U.S.C. §6926 or other federal law.

! *If this alternative is a federal requirement, is it different from federal law?* This is a state-initiated provision that is different from the corresponding federal regulation.

! *If it is different, describe the differences.* IC 13-11-2-155 defines "PCB" differently from the federal definition of "PCB or PCBs" in 40 CFR 761.3.

Alternative 8. Amend 329 IAC 3.1-13-2 to correct a reference to hazardous waste permits. This amendment would correct a confusing reference to RCRA hazardous waste permits in 40 CFR 270.32(b)(2).

! *Is this alternative an incorporation of federal standards, either by reference or full text incorporation?* Yes

! *Is this alternative imposed by federal law or is there a comparable federal law?* This amendment corrects erroneous language in 40 CFR 270.32(b)(2). It is not red to be adopted under 42 U.S.C. §6926 or other federal law.

! *If this alternative is a federal requirement, is it different from federal law?* Not applicable.

! *If it is different, describe the differences.* Not applicable.

Alternative 9. Do not adopt one (1) or more of the amendments described above.

! *Is this alternative an incorporation of federal standards, either by reference or full text incorporation?* No.

! *Is this alternative imposed by federal law or is there a comparable federal law?* No.

! *If this alternative is a federal requirement, is it different from federal law?* Not applicable.

! *If it is different, describe the differences.* Not applicable.

Additional Alternatives

This notice specifically solicits comment on the alternatives listed above and any other alternatives that would accomplish the purpose of this rule. Based on the comments received on this notice, additional alternatives may be considered.

Applicable Federal Law

Sections 3006 and 3009 of RCRA (42 U.S.C. §6926 and 42 U.S.C. §6929) and 40 CFR 271 require states that choose to operate a hazardous waste management program in lieu of the federal program to adopt rules that are at least as stringent as the federal program. These programs can be authorized by the EPA to operate in lieu of the federal hazardous waste program. If the EPA Administrator determines that a state is not maintaining its program to be at least as stringent as the federal program, that authorization can be withdrawn.

40 CFR 260 through 40 CFR 273 contain the federal hazardous waste program. These regulations have been incorporated by reference in 329 IAC 3.1. The amendments proposed in this rule would make 329 IAC 3.1 as consistent as possible with the federal hazardous waste program.

Potential Fiscal Impact

As required by IC 13-14-9-3(2)(B) (added by P.L. 240-2003, SECTION 4), alternatives 1, 2, 5, 6, 7, 8, and 9 are not imposed under federal law and may potentially have the following fiscal impact:

Potential Fiscal Impact of Alternative 1. The fiscal impact of this alternative is estimated to be an annual cost savings of approximately forty-two thousand eight hundred dollars ($42,800), based on two percent (2%) of the total annual cost savings nationwide of two million one hundred forty thousand dollars ($2,140,000) estimated by the EPA. (See 67 FR 48409, Section VII.A. Executive Order 12866, Table 1. - Estimated Incremental Costs and Cost Savings by Facility Category.)

Potential Fiscal Impact of Alternative 2. EPA did not provide an economic impact analysis for this rule. Because we do not expect any regulated entities in Indiana to be affected by this provision, we estimate that this alternative will have no economic impact to regulated entities in Indiana.

Potential Fiscal Impact of Alternative 5. These amendments would eliminate confusion experienced by regulated entities. The EPA did not provide an economic analysis of this rule, and we do not have enough information to quantify the rule's potential costs or benefits. We specifically request any available information on the specific costs or benefits of these changes. We expect this provision to make the recycled used oil standards easier to understand and comply with.

Potential Fiscal Impact of Alternative 6. This amendment would have minimal economic impact because most contractors currently treat these chemical munitions as acute hazardous waste. The actual impact is not quantifiable at this time.

Potential Fiscal Impact of Alternative 7. This amendment does not establish any new regulatory requirements. We anticipate that this rule will not result in any new costs or savings to regulated entities in Indiana. This amendment will make terminology in the hazardous waste rules consistent with Indiana law.

Potential Fiscal Impact of Alternative 8. This amendment does not establish any new requirements. It corrects a confusing reference to RCRA hazardous waste permits in the federal rule language. This alternative will have no economic impact on regulated entities in Indiana.

Potential Fiscal Impact of Alternative 9. Regulated entities would not realize the potential cost savings of alternative 1. Failure to adopt alternative 3 could result in withdrawal of federal authorization for Indiana's hazardous waste program. The immediate cost of such a withdrawal could be as much as two million eight hundred thousand dollars ($2,800,000) to Indiana taxpayers if federal grants supporting the hazardous waste management program are withdrawn. Other costs of such a withdrawal cannot be quantified at this time. In addition, regulated entities would not benefit from the clarifications in alternatives 5, 7, and 8. The economic impact of those clarifications is not quantifiable at this time. Failure to adopt alternative 6 could result in exposure of Indiana citizens to small amounts of chemical munitions. The economic impact of such exposure cannot be quantified at this time.

Public Participation and Work Group Information

We may establish an external work group to discuss issues involved in this rulemaking. The work group, if established, would be made up of department staff and a cross-section of stakeholders. If you believe a work group would further the purposes of this rule and result in better rulemaking, and you wish to participate in the work group, please submit your name, mailing address, telephone number, e-mail address, and the area(s) of interest you wish to represent to:

#03-312(SWMB) [2003 Hazardous Waste Annual Update Work Group]

Marjorie Samuel

Rules, Planning and Outreach Section

Office of Land Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

If too many applications are received to form a functional work group, the department will select a representative group from the applications on file.

The formation of a work group, if it occurs, will be announced on IDEM's rulemaking website: http://www.in.gov/idem/rules/.

If a work group is formed and you wish to provide comments to the work group on the rulemaking, attend meetings, or submit suggestions related to the work group process, please contact Steve Mojonnier, Rules, Planning and Outreach Section, Office of Land Quality at (317) 233-1655 or (800) 451-6027 (in Indiana). Please provide your name, phone number, and e-mail address, if applicable, where you can be contacted.

The public is also encouraged to submit comments and questions directly to members of the work group who represent their particular interests in the rulemaking. If a work group is established, a list of work group members and the interests they represent will be provided on request.

Effect on Industries Listed in Public Law 231-2003, SECTION 6

In accordance with P.L.231-2003, SECTION 6, this rule cannot require a person who engages in an industry listed in that section to comply with a standard of conduct that exceeds the standard of conduct established in the related federal regulation or regulatory policy until July 1, 2005. Therefore, because some requirements proposed to be adopted in this rule are not imposed under federal law and exceed the standard of care established in the related federal regulation, they will not apply to persons who engage in any of the following industries until July 1, 2005:

3312: Steel works, blast furnaces (including coke ovens), and rolling.

3321: Gray and ductile iron foundries.

3322: Malleable iron foundries.

3324: Steel investment foundries.

3325: Steel foundries, not elsewhere classified.

3365: Aluminum foundries.

3366: Copper foundries.

3369: Nonferrous foundries, except aluminum and copper.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

(1) All existing physical conditions and the character of the area affected.

(2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.

(3) Zoning classifications.

(4) The nature of the existing air quality or existing water quality, as the case may be.

(5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.

(6) Economic reasonableness of measuring or reducing any particular type of pollution.

(7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

(1) The submission of alternative ways to achieve the purpose of the rule.

(2) The submission of suggestions for the development of draft rule language.

(3) The submission of information on the fiscal impact of each alternative identified in this notice.

Mailed comments should be addressed to:

#03-312(SWMB) [2003 Hazardous Waste Annual Update]

Marjorie Samuel

Rules, Planning and Outreach Section

Office of Land Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the eleventh floor reception desk, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor East, Indianapolis, Indiana.

Comments may be submitted by facsimile at 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) 232-1655 or (317) 232-7995.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by **January 31, 2004.**

Additional information regarding this action may be obtained from Steve Mojonnier of the Rules, Planning and Outreach Section, Office of Land Quality, (317) 233-1655 or call (800) 451-6027 (in Indiana), press zero (0), and ask for extension 3-1655. Additional information on this rule may also be found on IDEM's rulemaking web site at http://www.in.gov/idem/rules/.

Bruce H. Palin
Deputy Assistant Commissioner
Office of Land Quality

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Office of Water Quality
Notice of Public Hearing
Final 2002 List of Impaired Waters Under Section 303(d) of the CWA

Introduction

Section 303(d) of the Clean Water Act requires states to identify waters that do not or are not expected to meet applicable water quality standards with federal technology based standards alone. States are also required to develop a priority ranking for these waters taking into account the severity of the pollution and the designated uses of the waters. Once this listing and ranking of waters is completed, the states are required to develop Total Maximum Daily Loads (TMDLs) for these waters in order to achieve compliance with the water quality standards.

At the end of this notice is the final 2002 303(d) list of Category 5 impaired waterbodies as approved by the United States Environmental Protection Agency (USEPA) on September 30, 2003. Category 5 waters are waterbodies impaired or threatened for one or more designated uses by one or more pollutants and require TMDLs be developed. Changes to the draft 2002 303(d) list, published in the March 1, 2002, Indiana Register, were based on comments received from the public and USEPA.

Changes made to the draft 2002 303(d) list

Some of the changes from the draft list were to move waterbodies into a more appropriate list category. Some of the waterbodies listed in Category 5 on the draft list were moved to Category 3 for some parameters. Category 3 includes waterbody segments for which water quality data or information is lacking or is insufficient to determine a designated use. The following waterbodies and/or their associated waterbody segments have been moved from the draft 2002 303(d) list and placed into Category 3 for the parameters noted:

WATERBODY NAME	PARAMETER(S) OF CONCERN	303(D) NUMBER	PARAMETERS MOVED TO CATEGORY 3
GRAND CALUMET RIVER - GARY TO INDIANA HARBOR CANAL	FCA for PCB & Hg; Cyanide, Oil and Grease; Pesicides; Impaired Biotic Communities; E. coli; Cadmium; Zinc; PAH	8	Cadmium, Zinc, and PAH moved to Category 3
GRAND CALUMET RIVER - ILLINOIS TO INDIANA HARBOR CANAL	FCA for PCB & Hg, Ammonia; Cyanide; Pesticides; Chlorides; Impaired Biotic Communities; Organics; PAH; Cadmium; Nickel; Zinc; Organic Enrichment; E. coli	9	Organics, PAH, Cadmium, Nickel, Zinc, Organic Enrichment moved to Category 3
INDIANA HARBOR CANAL MAIN CHANNEL	FCA for PCB & Hg; Pesticides; Metals; Lead; E. coli; PAH	11	PAH moved to Category 3
LAKE GEORGE BRANCH - IHC	FCA for PCB & Hg; Oil and Grease; Pesticides; Impaired biotic Communities; Metals; E. coli; PAH	12	PAH moved to Category 3
HABEGGER DITCH	E. coli	43	E. coli moved to Category 3
COBB CREEK	Lead	53	Lead moved to Category 3
LAKE MANITOU	DO; Organic Enrichment	74	DO and Organic Enrichment moved to Category 3
WABASH RIVER-GREATHOUSE CREEK (ILL)	Atrazine	93	Move Atrazine to Category 3
WABASH RIVER MAINSTEM	FCA for PCB & Hg; Copper; Lead	93	Move Lead to Category 3
WABASH RIVER MAINSTEM	FCA for PCB & Hg; Lead	93	Move Lead to Category 3
WABASH RIVER	FCA for PCB & Hg; Lead	93	Move Lead to Category 3
WILDCAT CREEK - MAINSTEM	FCA for PCB; Cyanide; Lead; Organics	97	Move Organics to Category 3
DOLLAR HIDE CREEK	FCA for PCB & Hg	106	Move to Category 3
PIGEON CREEK	FCA for PCB; Organics; Chlordane	206	Move Organics and Chlordane to Category 3

PIGEON CREEK-KLEYMEYER PARK	FCA for PCB; Organics; Chlordane; Sulfates; Total Dissolved Solids	206	Move Organics and Chlordane to Category 3
PIGEON CREEK-HARPER DITCH	FCA for PCB; Organics; Chlordane; Total Dissolved Solids	206	Move Organics and Chlordane to Category 3
PIGEON RIVER	E. coli	224	Move E. coli to Category 3
MUD BRANCH	E. coli	279	Move E. coli to Category 3
EEL RIVER - WASHONIS CREEK	E. coli	280	Move E. coli to Category 3
SQUIRREL CREEK (LOWER)	E. coli	281	Move E. coli to Category 3
SOLON DITCH AND OTHER TRIBUTARIES; SWANK DITCH	E. coli	283	Move E. coli to Category 3
TIPPECANOE RIVER - AGNEW DITCH - MOSS DITCH	E. coli	285	Move E. coli to Category 3
TIPPECANOE RIVER - BARTEE/ TAYLOR DITCHES	E. coli	286	Move E. coli to Category 3
TIPPECANOE RIVER - WILSON/ COLLINS DITCHES	E. coli	287	Move E. coli to Category 3
TIPPECANOE RIVER - MCMAHAN DT	E. coli	289	Move E. coli to Category 3
HARRISON CREEK	E. coli	299	Move E. coli to Category 3
PLEASANT RUN/ TANNERY BRANCH	E. coli	300	Move E. coli to Category 3
GRANTS RUN	E. coli	302	Move E. coli to Category 3
UNNAMED TRIBUTARIES	E. coli	305	Move E. coli to Category 3
SILVER CREEK BASIN	Copper; E. coli	307	Move E. coli to Category 3
MUD CREEK	E. coli	309	Move E. coli to Category 3
HEAVILON DITCH - HEADWATER	E. coli	322	Move E. coli to Category 3
HEAVILON DITCH - HEADWATER	Ammonia; DO; Organic Enrichment	322	Move Organic Enrichment to Category 3
HEAVILON DITCH - HEADWATER	Ammonia; DO; Organic Enrichment	322	Move Organic Enrichment to Category 3
CANNON - GOYER DITCH	E. coli	330	Move E. coli to Category 3
TURKEY CREEK; MUD CREEK - IRWIN CREEK	E. coli	331	Move E. coli to Category 3
OTTERBEIN DITCH	Impaired Biotic Communities	340	Move Parameter, Impaired Biotic Communities to Category 3
BIG PINE CREEK-ROUDEBUSH DITCH	Impaired Biotic Communities; DO; Algae; Organic Enrichment	341	Move Organic Enrichment to Category 3
UNNAMED TRIBUTARY OF JACKSON CREEK	E. coli	372	Move E. coli to Category 3
MIDDLE FORK SALT CREEK AND TRIBS; HAMILTON CREEK	E. coli	373	Move E. coli to Category 3

LITTLE SALT CREEK-KIPER CREEK; LITTLE SALT CREEK; SOUTH FORK SALT CREEK-BEE CREEK; SOUTH FORK SALT CREEK-TIPTON CREEK; SOUTH FORK SALT CREEK-NEGRO CREEK	E. coli	374	Move E. coli to Category 3
UNNAMED TRIBUTARY	Organics; DO; Chlorides	375	Move Organics to Category 3
VERNON FORK-GUM LICK CREEK AND TRIBS; MUTTON CREEK-SANDY BRANCH AND TRIBS	E. coli	377	Move E. coli to Category 3
LOG LICK CREEK-TWO LICK CREEK	E. coli	380	Move E. coli to Category 3
SHOCK LAKE	Impaired Biotic Communities	447	Move Parameter, Impaired Biotic Communities to Category 3
LAKE FREEMAN	E. coli	459	Move E. coli to Category 3
LAKE SULLIVAN	FCA for Hg	467	Move FCA to Category 3
RESERVOIR NUMBER 29	pH	472	Move pH to Category 3
ROUND LAKE	pH	473	Move pH to Category 3
LITTLE KANKAKEE RIVER-MILL CREEK-FISH LAKES	Impaired Biotic Communities	485	These waterbodies were moved to Category 3, 303(d)

Note: Some of the waterbodies identified in Category 3 above may still remain on the 303(d) list Category 5 for one or more parameters that have sufficient data to prove that a designated use is not being attained and that the waterbody requires a TMDL.

Some of the waterbodies listed in Category 5 on the draft list were moved to Category 4b for some parameters. Category 4b includes waterbodies where other pollution control measures should result in attainment of the water quality standards. The following waterbodies and/or their associated waterbody segments have been moved from the draft 2002 303(d) list and placed into Category 4b:

WATERBODY NAME	PARAMETER(S) OF CONCERN	303(D) NUMBER	PARAMETERS MOVED TO CATEGORY 4B
WABASH RIVER - WABASH GEN STA TO LOST CREEK	Thermal	93	Move Thermal to Category 4B
WABASH RIVER - CAYUGA GEN STA TO MILL CR	Thermal	94	Move Thermal to Category 4B
MANILLA BRANCH; RAYS CROSSING TRIBUTARIES	E. coli	351	Move E. coli to Category 4B
MUSCATATUCK RIVER	Dissolved Oxygen	379	Move Dissolved Oxygen to Category 4B
TURTLE CREEK RESERVOIR	Thermal	466	Move Thermal to Category 4B

Some of the waterbodies listed in Category 5 on the draft list were moved to Category 4c for some parameters. Category 4c includes waterbodies where the water quality impairment is due to pollution and not caused by a pollutant. The following waterbodies and/or their associated waterbody have been moved segments from the draft 2002 303(d) list and placed into Category 4c:

WATERBODY NAME	PARAMETER(S) OF CONCERN	303(D) NUMBER	PARAMETERS MOVED TO CATEGORY 4B
THOMPSON DITCH-CLARK DITCH	Impaired Biotic Communities; Nutrients; DO; Habitat	293	Move Impaired Biotic Communities and Habitat to Category 4C

Besides category corrections, other changes were made to the draft 2002 303(d) list. Some waterbodies/segments had additional parameters of concern added. The following waterbodies had parameters of concern added:

WATERBODY NAME	PARAMETER(S) OF CONCERN LISTED IN DRAFT LIST	303(D) NUMBER	PARAMETER(S) OF CONCERN ADDED TO FINAL LIST
CROOKED LAKE	FCA for PCB & Hg	4	Add Parameter, Impaired Biotic Communities
JIMMERSON LAKE	FCA for Hg	13	Add Parameter, Impaired Biotic Communities

LAKE JAMES	FCA for Hg	16	Add Parameter, Impaired Biotic Communities
MARSH LAKE	FCA for Hg	26	Add Parameter, Impaired Biotic Communities
ST. JOSEPH RIVER	FCA for PCB & Hg	36	A portion of the St. Joseph River will be listed for E. coli
KOKOMO RESERVOIR NO 2	FCA for Hg	73	Add Parameters, Taste and Odor/Algae and Nutrients
LAKE MAXINKUCKEE	FCA for Hg	75	Add Parameter PCB under FCA
PIKE LAKE	FCA for Hg	82	Add Parameter PCB under FCA
TIPPECANOE LAKE	FCA for Hg	90	Add Parameter, Impaired Biotic Communities
BIG WALNUT CREEK; BIG WALNUT CREEK - ERNIE PYLE MEMORIAL	FCA for Hg	101	Add Parameter, E. coli
BUCK CREEK	Impaired Biotic Communities	102	Add Parameter, E. coli
GEIST RESERVOIR	FCA for Hg	117	Add Parameters, Taste and Odor/Algae and Nutrients
MORSE RESERVOIR	FCA for Hg	135	Add Parameters, Taste and Odor/Algae and Nutrients
WHITE LICK CREEK	FCA for PCB & Hg	163	Add Parameter, E. coli
CLEAR CREEK	E.coli	166	Add Parameters, Impaired Biotic Communities and FCA for PCB
SUGAR CREEK-SUGAR CREEK (TOWN)	FCA for PCB	184	Add Parameter Hg to FCA
SUGAR CREEK-BROAD RIPPLE CAMP	FCA for PCB	184	Add Parameter Hg to FCA
EAST FORK WHITEWATER RIVER	FCA for PCB	190	Add Parameter, E. coli
MIDDLE FORK RESERVOIR	FCA for Hg	194	Add Parameters, Taste and Odor/Algae
UNNAMED TRIBUTARY	Organics; DO; Chlorides	375	Add Parameter, TDS
LITTLE KANKAKEE RIVER-MILL CREEK-FISH LAKES	Impaired Biotic Communities	485	Add Sly Run and tributaries for E. coli. Note: 303(d) Number 485 was re-assigned to this waterbody.

Additionally, changes were made to some of the draft 303(d) list numbers. Generally, list numbers were changed to combine newly identified impaired segments with adjacent, previously listed impaired segments. This combining of adjacent segments, with the same impairment(s) reduces confusion in the list and assists in the development of comprehensive, consistent TMDLs. Following is a summary of the list number changes:

WATERBODY NAME	CHANGE TO 303(D) NUMBER LISTED IN FINAL LIST
EEL RIVER - MAINSTEM	Combined with 69
WHITEWATER RIVER, EAST FORK	Combined with 190
PINE CREEK-HORACE MILLER DITCH	249 combined with 250
YELLOW RIVER - MILNER SELTENRIGHT DITCH	253 combined with 251
STOCK DITCH - BUNCH BRANCHES	256 combined with 255
SWARTZ DITCH	260 combined with 258
ST. MARYS RIVER	277 combined with 47
FLATROCK RIVER	352 combined with 172
WHITEWATER RIVER, EAST FORK	353 combined with 190
WHITEWATER RIVER, WF; WHITEWATER RIVER - MILTON	354 combined with 192
BUSSERON CREEK - HYMERA	358 combined with 356
BIG BRANCH-MUD CREEK	359 combined with 356
BUSSERON CREEK; BUTTERMILK CREEK	360 combined with 356
BUSSERON CREEK - HYMERA	362 combined with 356

MAY CREEK AND OTHER TRIBUTARIES; CLEAR CREEK-LITTLE CLEAR CREEK	370 combined with 166
UNNAMED TRIBUTARY OF JACKSON CREEK	372 combined with 173
OWEN CREEK	388 combined with 387
LAKE OF THE WOODS	437 303(d) list number removed as it was a duplicate of 303(d) list number 423
DOGWOOD LAKE	478 303(d) list number removed as it was a duplicate of 303(d) list number 167

Some clarifications and corrections were made to some waterbodies on the list. Following is a summary of the clarifications and corrections:

WATERBODY NAME	PARAMETER(S) OF CONCERN	303(D) NUMBER	CLARIFICATIONS AND CORRECTIONS
DEEP RIVER - BURNS DITCH	Impaired Biotic Communities	5	Name changed to Deep River
DOSCH DITCH	Impaired Biotic Communities; Algae; Habitat	259	Remove Habitat from Parameter(s) of Concern
FLINT CREEK - FLINT RUN	Nutrients; DO; Habitat	339	Remove Habitat from Parameter(s) of Concern
EAGLE CREEK RESERVOIR	Nutrients; Taste; Algae	464	Clarify Parameters: Nutrients, Taste and Odor/Algae
MONROE RESERVOIR (UPPER)	Taste; Algae	470	Clarify Parameters: Taste and Odor/Algae
LAKE SALINDIA	Taste; Algae	476	Clarity Parameters: Taste and Odor/Algae
JOHN HAYS LAKE	Taste; Algae	477	Clarity Parameters: Taste and Odor/Algae
HOLLAND LAKE 1	Taste; Algae	479	Clarity Parameters: Taste and Odor/Algae
HOLLAND LAKE 2	Taste; Algae	480	Clarity Parameters: Taste and Odor/Algae

Finally, in the draft 2002 303(d) list, IDEM proposed delisting the St. Joseph River from the Michigan border in Elkhart County to South Bend because, at the time of the draft list development, IDEM did not have data verifying E Coli impairment of that segment. Since the time of the draft list development, new data was received verifying that the St. Joseph River from the Michigan border in Elkhart County to South Bend is impaired for E Coli, therefore in the final 2002 303(d) list, that segment remains listed as impaired for E Coli.

If you have questions concerning the changes you may contact Timothy Kroeker at tkroeker@dem.state.in.us.

Final 2002 303(d) list

For the development of the 2002 303(d) list, the Indiana Department of Environmental Management (IDEM) has followed, to the degree possible, the 305(b) and 303(d) reporting methods outlined in the United States Environmental Protection Agency's (EPA) 2002 Integrated Water Quality Monitoring and Assessment Report Guidance. This integrated report is designed to satisfy the Clean Water Act (CWA) requirements for both Section 305(b) water-quality reports, and Section 303(d) lists. The 303(d) list was developed using the 305(b) Assessment Database. Interpretation of the data and listing decisions take into account IDEMs assessment methodologies, EPA guidance, and recommendations outlined by Indiana's TMDL Advisory Group.

A public hearing concerning the final 2002 303(d) list of impaired waterbodies will be held during the Water Pollution Control Board meeting scheduled for 1:30 p.m., E.S.T., January 14, 2004 in Conference Room A the Indiana Government Center South, 402 W. Washington Street, Indianapolis, Indiana.

2002 303(d) list of Impaired Waterbodies for Indiana: Category 5 – Arranged by TMDL Development Schedule (Column 5)

Parameters of Concern are abbreviated as follows: FCA - Fish Consumption Advisory; PCB - Polychlorinated biphenyls; Hg - Mercury; DO - Dissolved Oxygen; PAH - Polycyclic Aromatic Hydrocarbons; Nutrients – excess Phosphorus and/or Nitrogen.

The TMDL Development Schedule corresponds with IDEMs surface-water quality basin-rotation monitoring schedule to take advantage of all available resources

For TMDL development.

Total Number of Waterbodies – 428

Breakdown of Listings by Parameter: IBC – 180, E. coli – 174, FCA – 167, DO –27, Nutrients – 22, TDS – 19, Algae – 14, Sulfates – 12, Taste and Odor – 10, Ammonia – 7, Cyanide – 6, Chlorides – 5, pH – 5, Copper – 3, Lead – 3, Oil and Grease – 2, Dioxin – 1, Nickel – 1, Nitrates – 1, Siltation – 1, Zinc – 1.

Waterbody Name	County	Major Basin	Parameter(s) of Concern	TMDL Development Schedule	303(d) #
Indiana Harbor Canal Main Channel	Lake	Great Lakes	E. coli	1998 - 2004	11
Grand Calumet River - Illinois To Indiana Harbor Canal	Lake	Great Lakes	FCA for PCB & Hg; Ammonia; Cyanide; Chlorides	1998 - 2004	9
Grand Calumet River - Gary To Indiana Harbor Canal	Lake	Great Lakes	FCA for PCB & Hg; Cyanide; Oil and Grease	1998 - 2004	8
Grand Calumet River - Headwaters	Lake	Great Lakes	FCA for PCB & Hg; Cyanide; Oil and Grease; Ammonia	1998 - 2004	8
Lake George Branch - IHC	Lake	Great Lakes	Oil and Grease	1998 - 2004	12
Little Calumet River	Lake	Great Lakes	Cyanide; E. coli	2000 - 2004	24
Portage Burns Waterway (Previously Burns Ditch)	Porter	Great Lakes	E. coli	2000 - 2004	2
Lake Michigan Shoreline	Lake, Porter, LaPorte	Great Lakes	E. coli	2000 - 2004	17
Little Calumet River	Porter	Great Lakes	E. coli	2000 - 2004	21
Little Calumet River	Porter, LaPorte	Great Lakes	E. coli	2000 - 2004	22
Burns Ditch (Previously Little Calumet River)	Lake	Great Lakes	E. coli	2000 - 2004	24
Salt Creek; Clark Ditch And Other Tribs	Porter	Great Lakes	E. coli	2000 - 2004	34
Trail Creek	LaPorte	Great Lakes	E. coli	2000 - 2004	37
White River	Marion, Johnson, Morgan	West Fork White	Cyanide; E. coli	2001 - 2006	154
White River	Marion	West Fork White	Cyanide; E. coli; DO	2001 - 2006	149
Beanblossom Creek	Brown, Monroe	West Fork White	E. coli	2001 - 2006	100
Connelly Ditch	Clay	West Fork White	E. coli	2001 - 2006	105
Duck Creek; Duck Creek - Elwood To Polywog Creek	Madison, Tipton, Hamilton	West Fork White	E. coli	2001 - 2006	107
Eagle Creek	Marion, Boone	West Fork White	E. coli	2001 - 2006	110
Eel River	Clay, Greene	West Fork White	E. coli	2001 - 2006	112
Fall Creek	Marion	West Fork White	E. coli	2001 - 2006	115
First Creek	Greene, Daviess, Martin	West Fork White	E. coli	2001 - 2006	116
Indian Creek	Morgan	West Fork White	E. coli	2001 - 2006	120
Kessinger Ditch	Knox	West Fork White	E. coli	2001 - 2006	124
Killbuck Creek	Madison	West Fork White	E. coli	2001 - 2006	125

Lambs Creek	Morgan	West Fork White	E. coli	2001 - 2006	127
Mill Creek	Hendricks	West Fork White	E. coli	2001 - 2006	134
Pipe Creek	Madison	West Fork White	E. coli	2001 - 2006	136
Pleasant Run	Marion	West Fork White	E. coli	2001 - 2006	137
Plummer Creek	Greene	West Fork White	E. coli	2001 - 2006	139
North And South Fork Prairie Creek	Daviess	West Fork White	E. coli	2001 - 2006	141
Richland Creek	Monroe, Owen	West Fork White	E. coli	2001 - 2006	142
Stoney Creek	Hamilton	West Fork White	E. coli	2001 - 2006	145
Wabash & Erie Canal	Clay	West Fork White	E. coli	2001 - 2006	147
White River	Marion	West Fork White	E. coli	2001 - 2006	148
White River	Morgan, Monroe	West Fork White	E. coli	2001 - 2006	152
White River (White River - Pipe Creek To Cicero Creek In 305b Database)	Hamilton	West Fork White	E. coli	2001 - 2006	153
White River	Monroe, Owen, Greene	West Fork White	E. coli	2001 - 2006	155
White River (White River - Chesterfield To Indian Creek; White River - Perkinsville In 305b Database)	Madison	West Fork White	E. coli	2001 - 2006	157
White River - Muncie To Madison County (White River In 305b Database)	Delaware	West Fork White	E. coli	2001 - 2006	158
Cedar Creek	Allen, Dekalb	Great Lakes	E. coli	2002 - 2007	41
Sugar Creek	Hancock	East Fork White	E. coli	2002 - 2007	183
Little Cedar Creek; Diehl Ditch; Swartz Ditch	Dekalb	Great Lakes	E. coli	2002 - 2007	258
Heavilon Ditch - Headwater	Clinton	Upper Wabash	Ammonia; DO	2003 - 2008	322
Prairie Creek Ditch - Lower	Howard	Upper Wabash	E. coli	2003 - 2008	83
Cannon - Goyer Ditch	Howard	Upper Wabash	E. coli	2003 - 2008	97
Big Monon Ditch – Outlet	White, Pulaski	Upper Wabash	E. coli	2003 - 2008	284
Lauramie Creek	Tippecanoe	Upper Wabash	E. coli	2003 - 2008	319
Middle Fork Wildcat Creek - Pettit	Tippecanoe	Upper Wabash	E. coli	2003 - 2008	320
West Honey Creek	Howard	Upper Wabash	E. coli	2003 - 2008	327
Kitty Run And Other Tributaries; Little Wildcat Creek - East Fork	Howard	Upper Wabash	E. coli	2003 - 2008	328

Finn Ditch And Other Tributar-ies; Martin - Youngman Ditch Basin	Howard	Upper Wabash	E. coli	2003 - 2008	329
Turkey Creek; Mud Creek - Irwin Creek	Tipton	Upper Wabash	E. coli	2003 - 2008	332
Crooked Lake	Noble, Whitley	Upper Wabash	Impaired Biotic Communities	2003 - 2010	4
Limberlost Creek And Tributaries	Jay	Upper Wabash	Impaired Biotic Communities	2003 - 2010	314
Hummel Creek	Grant	Upper Wabash	Impaired Biotic Communities	2003 - 2010	318
Kettle Creek	Sullivan	Lower Wabash	DO	2004 - 2009	361
Unnamed Ditch	St. Joseph	Upper Illinois	E. coli	2004 - 2009	59
Potato Creek - Kartoffel Creek	St. Joseph	Upper Illinois	E. coli	2004 - 2009	250
Kline Rouch Ditch	Marshall, St. Joseph	Upper Illinois	E. coli	2004 - 2009	255
Sugar Creek - Earl Park	Benton	Upper Illinois	E. coli	2004 - 2009	290
Busseron Creek - Robbins Creek	Sullivan	Lower Wabash	Nutrients	2004 - 2009	355
Flint Creek - Flint Run	Tippecanoe	Lower Wabash	Nutrients; DO	2004 - 2009	339
Little Creek-Lower	Posey	Lower Wabash	Nutrients; pH	2004 - 2009	412
Wabash River - Attica	Fountain, Vermillion	Lower Wabash	Nutrients; pH; DO	2004 - 2009	94
Little Raccoon Creek - Moore Lake/Guion	Parke	Lower Wabash	pH; Total Dissolved Solids	2004 - 2009	334
Cedar Creek	Lake	Upper Illinois	Impaired Biotic Communities	2004 - 2011	51
Crooked Creek	LaPorte, Porter	Upper Illinois	Impaired Biotic Communities	2004 - 2011	54
Elmer-Seltenright Ditch Headwa-ters	Marshall	Upper Illinois	Impaired Biotic Communities	2004 - 2011	254
Aldrich Ditch - Schang Ditch	St. Joseph	Upper Illinois	Impaired Biotic Communities	2004 - 2011	256
Middle Fork Anderson River	Perry	Ohio Tributar-ies	DO; E. coli	2005 - 2010	408
Blue Creek	Adams	Great Lakes	E. coli	2005 - 2010	40
East Branch Trail Creek And Other Tribs	LaPorte	Great Lakes	E. coli	2005 - 2010	209
West Branch Trail Creek And Other Tribs	LaPorte	Great Lakes	E. coli	2005 - 2010	212
Damon Run - Swanson Lamporte Ditch; Damon Run And Tributary	Porter	Great Lakes	E. coli	2005 - 2010	216
St. Joseph River	Dekalb	Great Lakes	E. coli	2005 - 2010	261
Fish Creek And Tribs; West Branch Fish Creek And Tribs	Steuben, Dekalb	Great Lakes	E. coli	2005 - 2010	265
Flatrock Creek - Brown Ditch	Allen	Great Lakes	E. coli	2005 - 2010	271
Little Blue Creek	Adams	Great Lakes	E. coli	2005 - 2010	272
Gates Ditch	Adams	Great Lakes	E. coli	2005 - 2010	273
Garrett City Ditch	Dekalb	Great Lakes	E. coli; Total Dissolved Solids	2005 - 2010	42
Little Cedar Creek; Little Cedar Creek Trib	Dekalb	Great Lakes	Impaired Biotic Communities	2005 - 2012	258
Black Creek	Steuben	Great Lakes	Impaired Biotic Communities	2005 - 2012	264
Spy Run Basin	Allen	Great Lakes	Impaired Biotic Communities	2005 - 2012	278
Lake Of The Woods	Steuben, LaGrange	Great Lakes	Impaired Biotic Communities	2005 - 2012	423
Dallas Lake	LaGrange	Great Lakes	Impaired Biotic Communities	2005 - 2012	429

Dosch Ditch	Dekalb	Great Lakes	Impaired Biotic Communities; Algae	2005 - 2012	259
Emma Creek Trib	LaGrange	Great Lakes	Impaired Biotic Communities; Ammonia	2005 - 2012	225
Blue Creek	Adams	Great Lakes	Impaired Biotic Communities; Ammonia; Nutrients	2005 - 2012	40
Anderson River And Tribs	Spencer, Perry	Ohio Tributaries	Impaired Biotic Communities; DO	2005 - 2012	406
Black Creek (Allen)	Allen	Great Lakes	Impaired Biotic Communities; Nutrients; Algae	2005 - 2012	268
Deep River Tributary - Merrillville	Lake	Great Lakes	Impaired Biotic Communities; Siltation	2005 - 2012	218
Bean Creek	Marion	West Fork White	E. coli	2006 - 2011	99
Buck Creek	Delaware	West Fork White	E. coli	2006 - 2011	102
Dollar Hide Creek	Marion	West Fork White	E. coli	2006 - 2011	106
Broadripple Tributaries - Minnie Creek Tribs; Indianapolis Tribs (Previously Indianapolis Waterway Canal)	Marion	West Fork White	E. coli	2006 - 2011	121
Lick Creek	Greene, Owen	West Fork White	E. coli	2006 - 2011	128
Pogues Run	Marion	West Fork White	E. coli	2006 - 2011	140
Sly Run And Tribs	Hamilton	West Fork White	E. coli	2006 - 2011	485
Eagle Creek Reservoir	Marion	West Fork White	Nutrients; Taste & Odor; Algae	2006 - 2011	464
East Fork Fish Creek	Owen	West Fork White	Impaired Biotic Communities	2006 - 2013	111
Honey Creek	Johnson	West Fork White	Impaired Biotic Communities	2006 - 2013	119
Jacks Defeat Creek	Monroe	West Fork White	Impaired Biotic Communities	2006 - 2013	122
Jones Creek	Putnam	West Fork White	Impaired Biotic Communities	2006 - 2013	123
Little Deer Creek	Putnam	West Fork White	Impaired Biotic Communities	2006 - 2013	130
Maiden Run	Putnam	West Fork White	Impaired Biotic Communities	2006 - 2013	131
McCormicks Creek	Monroe, Owen	West Fork White	Impaired Biotic Communities	2006 - 2013	133
Plum Creek	Putnam	West Fork White	Impaired Biotic Communities	2006 - 2013	138
Richland Creek	Monroe, Owen	West Fork White	Impaired Biotic Communities	2006 - 2013	142
South Fork Grifty Creek	Monroe	West Fork White	Impaired Biotic Communities	2006 - 2013	143
South Fork Patoka River	Pike	Patoka River	Impaired Biotic Communities	2006 - 2013	197

North And South Prong Stotts Creek -Headwaters	Morgan, Johnson	West Fork White	Impaired Biotic Communities	2006 - 2013	347
Rattlesnake Creek	Owen	West Fork White	Impaired Biotic Communities	2006 - 2013	367
Lime Lake	Steuben	Great Lakes	Impaired Biotic Communities	2006 - 2013	421
Fish Lake	LaGrange	Great Lakes	Impaired Biotic Communities	2006 - 2013	426
May Creek And Other Tributaries; Clear Creek - Little Clear Creek	Monroe	East Fork White	E. coli	2007 - 2012	166
Jackson Cr.	Monroe	East Fork White	E. coli	2007 - 2012	173
Sugar Creek - Broad Ripple Camp	Johnson	East Fork White	E. coli	2007 - 2012	184
Little Sugar Creek	Johnson	East Fork White	E. coli	2007 - 2012	349
Lost River – West Baden; Lost River- Above Springs Valley Intake; Lick Creek - Scott Hollow To Mouth; French Lick Creek - Sand Creek To Mouth	Orange	East Fork White	E. coli	2007 - 2012	368
Clear Creek	Monroe	East Fork White	E. coli; Impaired Biotic Communities	2007 - 2012	166
Monroe Reservoir Lower	Monroe	East Fork White	Taste & Odor; Algae	2007 - 2012	470
Unnamed Tributary	Jackson	East Fork White	Total Dissolved Solids; DO; Chlorides	2007 - 2012	375
Cornstalk Creek	Montgomery	Lower Wabash	Impaired Biotic Communities	2007 - 2014	64
Elliot Ditch	Tippecanoe	Lower Wabash	Impaired Biotic Communities	2007 - 2014	71
South Ramp Creek	Putnam	Lower Wabash	Impaired Biotic Communities	2007 - 2014	85
East Fork Jackson Cr.	Monroe	East Fork White	Impaired Biotic Communities	2007 - 2014	168
Jackson Creek; Unnamed Tributary Of Jackson Creek	Monroe	East Fork White	Impaired Biotic Communities	2007 - 2014	173
West Fork Clear Creek	Monroe	East Fork White	Impaired Biotic Communities	2007 - 2014	185
Bull Run Basin	Lake	Upper Illinois	Impaired Biotic Communities	2007 - 2014	239
Beaver Creek	Lawrence, Martin	East Fork White	Impaired Biotic Communities	2007 - 2014	369
Seven Sisters Lakes	Steuben	Great Lakes	Impaired Biotic Communities	2007 - 2014	417
Royer Lake	LaGrange	Great Lakes	Impaired Biotic Communities	2007 - 2014	425
Cedar Creek	Allen, Dekalb	Great Lakes	Impaired Biotic Communities; Nutrients	2007 - 2014	41
Silver Creek Basin	Wabash, Huntington	Upper Wabash	Copper	2008 - 2013	307
Kokomo Creek - Mainstem Headwaters	Howard	Upper Wabash	E. coli	2008 - 2013	72
Little Wildcat Creek - Mainstem	Howard	Upper Wabash	E. coli	2008 - 2013	78
Munson Ditch And Tributary; Deer Creek U/S Of Brown Ditch	Cass	Upper Wabash	E. coli	2008 - 2013	301
Little River - Mud Creek	Huntington	Upper Wabash	E. coli	2008 - 2013	308
Salamonie River - Lancaster	Huntington	Upper Wabash	E. coli	2008 - 2013	317

Wildcat Creek, Middle Fork - Mainstem	Carroll	Upper Wabash	E. coli	2008 - 2013	326
Mississinewa River	Randolph, Delaware, Grant	Upper Wabash	Lead	2008 - 2013	79
Wildcat Creek - Mainstem	Howard, Carroll, Tippecanoe	Upper Wabash	Nitrates; E. coli; DO	2008 - 2013	97
Curtis Creek - Yeoman Ditch	Jasper	Upper Illinois	Nutrients; DO; Total Dissolved Solids; Chlorides	2008 - 2013	295
Meyers Ditch Basin	Marshall	Upper Illinois	Impaired Biotic Communities	2008 - 2015	252
Mud Creek - Smith Ditch; Mud Creek- Neff/Baker Ditches	Fulton	Upper Wabash	Impaired Biotic Communities	2008 - 2015	288
Pipe Creek - Upper	Grant	Upper Wabash	Impaired Biotic Communities	2008 - 2015	303
Eightmile Creek - Upper Middle	Wells	Upper Wabash	Impaired Biotic Communities	2008 - 2015	310
Unnamed Tributary Basin	Tippecanoe	Upper Wabash	Impaired Biotic Communities	2008 - 2015	321
Mud Creek - North Creek	Tipton	Upper Wabash	Impaired Biotic Communities	2008 - 2015	332
Sechrist Lake	Kosciusko	Upper Wabash	Impaired Biotic Communities	2008 - 2015	438
Oswego Lake	Kosciusko	Upper Wabash	Impaired Biotic Communities	2008 - 2015	440
James Lake	Kosciusko	Upper Wabash	Impaired Biotic Communities	2008 - 2015	441
Shriner Lake	Whitley	Upper Wabash	Impaired Biotic Communities	2008 - 2015	457
Majencia Creek - Headwaters	Huntington	Upper Wabash	Impaired Biotic Communities; Nutrients	2008 - 2015	316
Carpenter Creek Tributary	Jasper	Upper Illinois	Impaired Biotic Communities; Nutrients; DO	2008 - 2015	415
Mosquito Creek - Simonin Ditch	Newton, Jasper	Upper Illinois	DO	2009 - 2014	294
Kankakee River - Mainstem	Lake, LaPorte	Upper Illinois	E. coli	2009 - 2014	57
Sugar Creek	Montgomery	Lower Wabash	E. coli	2009 - 2014	87
Wea Creek - Elliot Ditch To Mouth	Tippecanoe	Lower Wabash	E. coli	2009 - 2014	96
Kankakee River - Travis Ditch/Long Ditch	LaPorte	Upper Illinois	E. coli	2009 - 2014	246
Little Kankakee River - Byron	LaPorte	Upper Illinois	E. coli	2009 - 2014	247
Shawnee Creek - Kell Ditch/Little Shawnee Creek	Fountain	Lower Wabash	E. coli	2009 - 2014	337
Vermillion River - Whippoorwill Br	Vermillion	Lower Wabash	Lead; E. coli	2009 - 2014	335
Montgomery Ditch - Morrison Ditch	Newton	Upper Illinois	Nutrients; DO	2009 - 2014	291
Thompson Ditch - Clark Ditch	Newton	Upper Illinois	Nutrients; DO	2009 - 2014	293
East Branch Stony Run	Lake	Upper Illinois	Nutrients; Total Dissolved Solids; Chlorides	2009 - 2014	240
North Branch Otter Cr – Little Creek To Mouth	Vigo	Lower Wabash	Zinc	2009 - 2014	366
Beaver Creek	Newton	Upper Illinois	Impaired Biotic Communities	2009 - 2016	50
Cobb Creek/Breyfogel Ditch	Porter	Upper Illinois	Impaired Biotic Communities	2009 - 2016	53
Dyer Ditch	Lake	Upper Illinois	Impaired Biotic Communities	2009 - 2016	55
Kankakee River - Mainstem	Lake, LaPorte	Upper Illinois	Impaired Biotic Communities	2009 - 2016	57
Big Raccoon Creek	Putnam	Lower Wabash	Impaired Biotic Communities	2009 - 2016	61
North Ramp Creek	Putnam	Lower Wabash	Impaired Biotic Communities	2009 - 2016	80
Sugar Creek	Vigo	Lower Wabash	Impaired Biotic Communities	2009 - 2016	86

Cobb Ditch -Sievers Creek	Porter	Upper Illinois	Impaired Biotic Communities	2009 - 2016	243
Hodge Ditch - Delehanty/Schatzley Ditches	Jasper	Upper Illinois	Impaired Biotic Communities	2009 - 2016	244
Salisbury Ditch	LaPorte	Upper Illinois	Impaired Biotic Communities	2009 - 2016	245
Little Kankakee River - Mill Creek -Fish Lakes	LaPorte	Upper Illinois	Impaired Biotic Communities	2009 - 2016	248
Thompson Ditch - Hambridge Ditch	Newton	Upper Illinois	Impaired Biotic Communities	2009 - 2016	292
Ringeisen Ditch Basin	Jasper	Upper Illinois	Impaired Biotic Communities	2009 - 2016	297
Lawrence Lake	Marshall	Upper Illinois	Impaired Biotic Communities	2009 - 2016	435
Myers Lake	Marshall	Upper Illinois	Impaired Biotic Communities	2009 - 2016	436
Singleton Ditch - Bruce Dt/Bailey Dt	Lake	Upper Illinois	Impaired Biotic Communities, Total Dissolved Solids	2009 - 2016	241
Big Poison Creek	Perry	Ohio Tributaries	DO	2010 - 2015	390
Deer Creek - Mainstem	Perry	Ohio Tributaries	DO	2010 - 2015	409
Little Pigeon Creek	Spencer	Ohio Tributaries	DO; E. coli	2010 - 2015	202
Little Oil Creek	Perry	Ohio Tributaries	DO; E. coli	2010 - 2015	391
Indian Creek - Devils Backbone	Harrison	Ohio Tributaries	DO; E. coli	2010 - 2015	398
Crooked Creek - Liberal; Crooked Creek - Cedar Crest Lake	Spencer	Ohio Tributaries	DO; E. coli	2010 - 2015	405
Dunes Creek	Porter	Great Lakes	E. coli	2010 - 2015	6
St. Joseph River – from Elkhart through South Bend to the Michigan border	St. Joseph	Great Lakes	E. coli	2010 - 2015	36
Turkey Creek - Mainstem; Turkey Creek - Merrillville	Lake	Great Lakes	E. coli	2010 - 2015	38
Fawn River - Orland	Steuben	Great Lakes	E. coli	2010 - 2015	220
Turkey Creek - Stump Ditch	Steuben	Great Lakes	E. coli	2010 - 2015	221
Baugo Creek And Tribs	Elkhart	Great Lakes	E. coli	2010 - 2015	232
Willow Creek And Trib	Allen	Great Lakes	E. coli	2010 - 2015	257
South Fork Laughery Creek - Lower	Ohio	Ohio Tributaries	E. coli	2010 - 2015	381
South Hogan Creek; Whitaker Creek	Dearborn	Ohio Tributaries	E. coli	2010 - 2015	382
Laughery Creek	Ripley	Ohio Tributaries	E. coli	2010 - 2015	383
Little Blue River - Grantsburg	Crawford	Ohio Tributaries	E. coli	2010 - 2015	396
Indian Creek; Indian Creek - Crandall Branch	Harrison	Ohio Tributaries	E. coli	2010 - 2015	399
Otter Creek - Lower	Warrick	Ohio Tributaries	Sulfates; Total Dissolved Solids	2010 - 2015	402
Squaw Creek	Warrick	Ohio Tributaries	Sulfates; Total Dissolved Solids	2010 - 2015	410

Cypress Creek	Warrick	Ohio Tributar-ies	Sulfates; Total Dissolved Solids; E. coli	2010 - 2015	200
Lake Salindia	Washington	Ohio Tributar-ies	Taste & Odor; Algae	2010 - 2015	476
Holland Lake 1	Dubois	Ohio Tributar-ies	Taste & Odor; Algae	2010 - 2015	479
Holland Lake 2	Dubois	Ohio Tributar-ies	Taste & Odor; Algae	2010 - 2015	480
Swartz-Carnahan Ditch	Allen	Great Lakes	Impaired Biotic Communities	2010 - 2017	48
Blue River	Harrison	Ohio Tributar-ies	Impaired Biotic Communities	2010 - 2017	199
Little Elkhart River	Elkhart, LaGrange	Great Lakes	Impaired Biotic Communities	2010 - 2017	236
Metcalf Ditch And Tribs	Dekalb	Great Lakes	Impaired Biotic Communities	2010 - 2017	262
Gremeaux Ditch	Allen	Great Lakes	Impaired Biotic Communities	2010 - 2017	270
St. Marys River Trib	Allen	Great Lakes	Impaired Biotic Communities	2010 - 2017	276
South Fork Blue River	Washington	Ohio Tributar-ies	Impaired Biotic Communities	2010 - 2017	400
Big Otter Lake	Steuben	Great Lakes	Impaired Biotic Communities	2010 - 2017	416
North Twin Lake	LaGrange	Great Lakes	Impaired Biotic Communities	2010 - 2017	424
Habegger Ditch	Adams	Great Lakes	Impaired Biotic Communities; Al-gae	2010 - 2017	43
Owen Creek	Clark	Ohio Tributar-ies	Impaired Biotic Communities; Am-monia; DO	2010 - 2017	388
Silver Creek Trib	Clark	Ohio Tributar-ies	Impaired Biotic Communities; DO	2010 - 2017	389
Ham Interceptor Ditch	Allen	Great Lakes	Impaired Biotic Communities; Nu-trients	2010 - 2017	269
Flatrock Creek - Brown Ditch	Allen	Great Lakes	Impaired Biotic Communities; Nu-trients	2010 - 2017	271
Little Sandy Creek	Spencer	Ohio Tributar-ies	Impaired Biotic Communities; Sul-fates; DO; Total Dissolved Solids	2010 - 2017	404
Little Pigeon Creek	Spencer	Ohio Tributar-ies	Impaired Biotic Communities; Sul-fates; Total Dissolved Solids	2010 - 2017	202
Little Blue River	Crawford	Ohio Tributar-ies	Impaired Biotic Communities; Sul-fates; Total Dissolved Solids	2010 - 2017	395
Smith Fork	Gibson	Ohio Tributar-ies	Impaired Biotic Communities; Sul-fates; Total Dissolved Solids	2010 - 2017	411
State Ditch	Marion	West Fork White	E. coli	2011 - 2016	144
Big Walnut Creek; Big Walnut Creek - Ernie Pyle Memorial	Putnam	West Fork White	FCA for Hg	2011 - 2016	101
Cagles Mill Lake	Putnam	West Fork White	FCA for Hg	2011 - 2016	103
Morse Reservoir	Hamilton	West Fork White	FCA for Hg	2011 - 2016	135
Patoka Lake Dam-Lick Creek	Orange, Dubois	Patoka River	FCA for Hg	2011 - 2016	195
Griffy Lake	Monroe	West Fork White	FCA for Hg	2011 - 2016	469
East Fork White Lick Creek	Hendricks	West Fork White	FCA for PCB	2011 - 2016	109

Stoney Creek	Hamilton	West Fork White	FCA for PCB	2011 - 2016	145
White River - Chesterfield To Indian Creek; White River - Perkinsville	Madison	West Fork White	FCA for PCB	2011 - 2016	157
Eagle Creek Reservoir	Marion	West Fork White	FCA for PCB	2011 - 2016	464
Patoka River	Dubois, Pike, Gibson	Patoka River	FCA for PCB & Hg	2011 - 2016	196
Geist Reservoir	Hamilton	West Fork White	FCA for Hg & PCB	2011 - 2017	117
Bean Creek	Marion	West Fork White	Impaired Biotic Communities	2011 - 2018	99
Buck Creek	Delaware	West Fork White	Impaired Biotic Communities	2011 - 2018	102
Dollar Hide Creek	Marion	West Fork White	Impaired Biotic Communities	2011 - 2018	106
East Fork White Lick Creek	Marion, Hendricks	West Fork White	Impaired Biotic Communities	2011 - 2018	108
Eagle Creek - Dam To Little Eagle Creek	Marion	West Fork White	Impaired Biotic Communities	2011 - 2018	110
Hawkins Creek	Daviess	West Fork White	Impaired Biotic Communities	2011 - 2018	118
Killbuck Creek	Madison	West Fork White	Impaired Biotic Communities	2011 - 2018	125
Little Cicero Creek	Hamilton	West Fork White	Impaired Biotic Communities	2011 - 2018	129
Pipe Creek	Madison	West Fork White	Impaired Biotic Communities	2011 - 2018	136
Pleasant Run	Marion	West Fork White	Impaired Biotic Communities	2011 - 2018	137
Poques Run	Marion	West Fork White	Impaired Biotic Communities	2011 - 2018	140
State Ditch	Marion	West Fork White	Impaired Biotic Communities	2011 - 2018	144
Meserve Lake	Steuben	Great Lakes	Impaired Biotic Communities	2011 - 2018	420
Messick Lake	LaGrange	Great Lakes	Impaired Biotic Communities	2011 - 2018	427
Big Blue River	Henry, Rush, Shelby, Johnson	East Fork White	E. coli	2012 - 2017	164
Flatrock River	Bartholomew, Decatur, Henry, Rush, Shelby	East Fork White	E. coli	2012 - 2017	172
Little Blue River	Shelby	East Fork White	E. coli	2012 - 2017	174
Youngs Creek	Johnson	East Fork White	E. coli	2012 - 2017	187
East Fork Whitewater River	Union	Great Miami	E. coli	2012 - 2017	190
Buck Creek - Big Creek/Wildcats	Hancock, Marion, Shelby	East Fork White	E. coli	2012 - 2017	350

Clifty Creek - Columbus; Clifty Creek - Newbern	Bartholomew, Decatur	East Fork White	E. coli	2012 - 2017	376
Muscatatuck River-Big Creek And Tribs	Jefferson, Jennings, Scott, Jackson	East Fork White	E. coli	2012 - 2017	378
Brandywine Creek	Hancock	East Fork White	FCA for Hg	2012 - 2017	165
Dogwood Lake	Daviess	East Fork White	FCA for Hg	2012 - 2017	167
Flatrock River-Applebutter Creek	Rush	East Fork White	FCA for Hg	2012 - 2017	171
Lake Monroe (Lower)	Monroe	East Fork White	FCA for Hg	2012 - 2017	176
Sand Creek	Jennings	East Fork White	FCA for Hg	2012 - 2017	182
Sugar Creek	Hancock	East Fork White	FCA for Hg	2012 - 2017	183
Yellowwood Lake	Brown	East Fork White	FCA for Hg	2012 - 2017	186
Brookville Reservoir	Franklin	Great Miami	FCA for Hg	2012 - 2017	189
Middle Fork Reservoir	Wayne	Great Miami	FCA for Hg	2012 - 2017	194
Monroe Reservoir (Upper)	Monroe	East Fork White	FCA for Hg	2012 - 2017	470
Yellowwood Lake	Brown	East Fork White	FCA for Hg	2012 - 2017	471
Starve Hollow Lake	Jackson	East Fork White	FCA for Hg	2012 - 2017	475
Big Blue River	Henry, Rush, Shelby, John-son	East Fork White	FCA for PCB	2012 - 2017	164
Clear Creek	Monroe	East Fork White	FCA for PCB	2012 - 2017	166
East Fork White R-Columbus	Bartholomew, Martin	East Fork White	FCA for PCB	2012 - 2017	170
Little Blue River	Shelby, Crawford	East Fork White	FCA for PCB	2012 - 2017	174
Pleasant Run Tributaries	Lawrence	East Fork White	FCA for PCB	2012 - 2017	179
Youngs Creek	Johnson	East Fork White	FCA for PCB	2012 - 2017	187
East Fork Whitewater River	Wayne, Union	Great Miami	FCA for PCB & Hg	2012 - 2017	190
East Fork White R-Reddington	Jackson, Law-rence	East Fork White	FCA for PCB & Hg	2012 - 2017	169
Flatrock River	Shelby	East Fork White	FCA for PCB & Hg	2012 - 2017	172
Little Sugar Creek	Hancock	East Fork White	FCA for PCB & Hg	2012 - 2017	175
Muddy Fork Sand Creek	Decatur	East Fork White	FCA for PCB & Hg	2012 - 2017	177
Muscatatuck River	Washington	East Fork White	FCA for PCB & Hg	2012 - 2017	178

Salt Creek; Middle Fork Salt Creek	Lawrence	East Fork White	FCA for PCB & Hg	2012 - 2017	180
Sand Creek	Decatur	East Fork White	FCA for PCB & Hg	2012 - 2017	181
Sugar Creek - Broad Ripple Camp	Johnson	East Fork White	FCA for PCB & Hg	2012 - 2017	184
Great Miami River	Dearborn	Great Miami	FCA for PCB & Hg	2012 - 2017	191
West Fork Whitewater River	Fayette, Wayne	Great Miami	FCA for PCB & Hg	2012 - 2017	192
Whitewater River - Mainstem	Dearborn	Great Miami	FCA for PCB & Hg	2012 - 2017	193
Middle Fork Reservoir	Wayne	Great Miami	Taste & Odor; Algae	2012 - 2017	194
John Hays Lake	Washington	East Fork White	Taste & Odor; Algae	2012 - 2017	477
Deep River	Lake	Great Lakes	Impaired Biotic Communities	2012 - 2019	5
Fish Creek Trib/Outlet Of Burdick Lk	Dekalb	Great Lakes	Impaired Biotic Communities	2012 - 2019	263
Bullerman Ditch And Other Trib-utaries	Allen	Great Lakes	Impaired Biotic Communities	2012 - 2019	266
Bottern Ditch And Tribs	Allen	Great Lakes	Impaired Biotic Communities	2012 - 2019	267
South Hogan Creek; Whitaker Creek	Dearborn	Ohio Tributar-ies	Impaired Biotic Communities	2012 - 2019	382
Tanners Creek	Dearborn	Ohio Tributar-ies	Impaired Biotic Communities	2012 - 2019	384
Indian Kentuck Creek	Jefferson	Ohio Tributar-ies	Impaired Biotic Communities	2012 - 2019	385
West Fork Indian Kentuck - Headwaters	Jefferson, Ripley	Ohio Tributar-ies	Impaired Biotic Communities	2012 - 2019	386
Oil Creek - Webb Branch	Perry	Ohio Tributar-ies	Impaired Biotic Communities	2012 - 2019	392
Bogard Creek	Crawford	Ohio Tributar-ies	Impaired Biotic Communities	2012 - 2019	393
Otter Creek Trib	Crawford	Ohio Tributar-ies	Impaired Biotic Communities	2012 - 2019	394
Buck Creek - Mainstem	Harrison	Ohio Tributar-ies	Impaired Biotic Communities	2012 - 2019	397
Little Indian Creek (North)	Floyd, Clark	Ohio Tributar-ies	Impaired Biotic Communities	2012 - 2019	401
North Fork Little Pigeon Creek And Trib	Dubois	Ohio Tributar-ies	Impaired Biotic Communities	2012 - 2019	403
Rockhouse Branch	Perry	Ohio Tributar-ies	Impaired Biotic Communities	2012 - 2019	407
Hackenburg Lake	LaGrange	Great Lakes	Impaired Biotic Communities	2012 - 2019	428
Witmer Lake	LaGrange	Great Lakes	Impaired Biotic Communities	2012 - 2019	430
Eel River - Mainstem	Whitley, Miami	Upper Wabash	E. coli	2013 - 2015	67
Wabash River - Mainstem	Wabash	Upper Wabash	Copper	2013 - 2018	93
Eel River - Mainstem; Eel River - Washonis Creek	Cass	Upper Wabash	E. coli	2013 - 2018	69
Mississinewa River	Randolph, Del-aware, Grant	Upper Wabash	E. coli	2013 - 2018	79
South Fork Wildcat Creek - Mainstem	Clinton	Upper Wabash	E. coli	2013 - 2018	84

Tippecanoe River And Tributary	Marshall, Kosciusko	Upper Wabash	E. coli	2013 - 2018	92
Pipe Creek - Mainstem	Miami, Cass	Upper Wabash	E. coli	2013 - 2018	304
Wabash River - Threemile Creek	Adams, Wells	Upper Wabash	E. coli	2013 - 2018	311
Wabash River - Headwaters	Jay	Upper Wabash	E. coli	2013 - 2018	313
Salamonie River - East Creek; Salamonie River - Rhoton Ditch	Wells, Blackford	Upper Wabash	E. coli	2013 - 2018	315
Kilmore Creek - Boyles Ditch	Clinton	Upper Wabash	E. coli	2013 - 2018	324
Campbells Run - Mainstem	Clinton	Upper Wabash	E. coli	2013 - 2018	325
Grassy Fork Ditch - Harper Ditch	Grant	Upper Wabash	E. coli	2013 - 2018	333
Crooked Lake	Noble	Upper Wabash	FCA for Hg	2013 - 2018	4
Eel River - Mainstem; Eel River - Washonis Creek	Cass	Upper Wabash	FCA for Hg	2013 - 2018	69
Kokomo Reservoir No 2	Howard	Upper Wabash	FCA for Hg	2013 - 2018	73
Lake Manitou	Fulton	Upper Wabash	FCA for Hg	2013 - 2018	74
Tippecanoe Lake	Kosciusko	Upper Wabash	FCA for Hg	2013 - 2018	90
Little Barbee Lake	Kosciusko	Upper Wabash	FCA for Hg	2013 - 2018	439
Webster Lake	Kosciusko	Upper Wabash	FCA for Hg	2013 - 2018	443
Loon Lake	Whitley	Upper Wabash	FCA for Hg	2013 - 2018	456
Blue Lake	Whitley	Upper Wabash	FCA for Hg	2013 - 2018	458
J. Edward Roush Lake	Huntington	Upper Wabash	FCA for Hg	2013 - 2018	461
Salamonie Reservoir	Wabash	Upper Wabash	FCA for Hg	2013 - 2018	462
Kunkel Lake	Wells	Upper Wabash	FCA for Hg	2013 - 2018	482
Hominy Ridge Lake	Wabash	Upper Wabash	FCA for Hg	2013 - 2018	483
Pike Lake	Kosciusko	Upper Wabash	FCA for Hg & PCB	2013 - 2018	82
Center Lake	Kosciusko	Upper Wabash	FCA for PCB	2013 - 2018	63
Eel River - Mainstem	Miami, Wabash	Upper Wabash	FCA for PCB	2013 - 2018	68
Eel River - Mainstem	Wabash	Upper Wabash	FCA for PCB	2013 - 2018	70
Kokomo Creek - Mainstem Head-waters	Howard	Upper Wabash	FCA for PCB	2013 - 2018	72
Little Mississinewa River Mainstem	Randolph	Upper Wabash	FCA for PCB	2013 - 2018	76
Wildcat - Mainstem	Howard, Carroll, Tippecanoe	Upper Wabash	FCA for PCB	2013 - 2018	97
Winona Lake	Kosciusko	Upper Wabash	FCA for PCB	2013 - 2018	98
Lake Shafer	White	Upper Wabash	FCA for PCB	2013 - 2018	460
Mississinewa Reservoir	Miami	Upper Wabash	FCA for PCB	2013 - 2018	463
Deer Creek; Deer Creek D/S Of Brown Ditch	Carroll	Upper Wabash	FCA for PCB & Hg	2013 - 2018	65
Eel River - Mainstem	Whitley, Miami	Upper Wabash	FCA for PCB & Hg	2013 - 2018	67
Mississinewa River - Mainstem	Randolph, Del-aware, Grant	Upper Wabash	FCA for PCB & Hg	2013 - 2018	79
Tippecanoe River – Mainstem; Tippecanoe River And Tributary	Kosciusko, Fulton, Pulaski	Upper Wabash	FCA for PCB & Hg	2013 - 2018	92

Wabash River Mainstem	Wells, Huntington, Wabash, Miami, Cass, Carroll, Tippecanoe, Vigo, Sullivan, Knox, Gibson, Posey	Upper Wabash	FCA for PCB & Hg	2013 - 2018	93
Palestine Lake	Kosciusko	Upper Wabash	FCA for PCB & Hg	2013 - 2018	442
Kokomo Reservoir No 2	Howard	Upper Wabash	Taste & Odor; Algae; Nutrients	2013 - 2018	73
Main Beaver Dam Ditch – Above Niles Ditch And Crown Point WWTP	Lake	Great Lakes	Impaired Biotic Communities	2013 - 2019	1
Dunes Creek	Porter	Great Lakes	Impaired Biotic Communities	2013 - 2020	6
Niles Ditch	Lake	Great Lakes	Impaired Biotic Communities	2013 - 2020	29
Tippecanoe Lake	Kosciusko	Upper Wabash	Impaired Biotic Communities	2013 - 2020	90
Galena River	LaPorte	Great Lakes	Impaired Biotic Communities	2013 - 2020	210
Rock Run Creek - Hoover Ditch - Boyer Ditch	Elkhart	Great Lakes	Impaired Biotic Communities	2013 - 2020	234
St. Joseph River Trib	St. Joseph	Great Lakes	Impaired Biotic Communities	2013 - 2020	238
Holthouse Ditch - Kohne Ditch	Adams	Great Lakes	Impaired Biotic Communities	2013 - 2020	275
Bolley Ditch - Lukens Lake; Squirrel Creek - Berger Ditch	Wabash	Upper Wabash	Impaired Biotic Communities	2013 - 2020	282
Mill Creek Basin	Wabash	Upper Wabash	Impaired Biotic Communities	2013 - 2020	306
Mud Creek	Huntington	Upper Wabash	Impaired Biotic Communities	2013 - 2020	309
Unnamed Tributary Basin	Clinton	Upper Wabash	Impaired Biotic Communities	2013 - 2020	323
Damon Run and Tributary	Porter	Great Lakes	Impaired Biotic Communities, E. coli	2013 - 2020	217
Wabash River - Mainstem	Adams	Upper Wabash	Impaired Biotic Communities; Total Dissolved Solids; Chlorides	2013 - 2020	312
Little Calumet River	Lake	Upper Illinois	Cyanide; FCA for PCB & Hg	2014 - 2019	23
Iroquois River	Jasper, Newton	Upper Illinois	E. coli	2014 - 2019	56
Big Pine Creek; Big Pine Creek - Brown Ditch To Pine Village	Warren	Lower Wabash	E. coli	2014 - 2019	60
Big Raccoon Creek - New Ross	Montgomery	Lower Wabash	E. coli	2014 - 2019	61
Wabash River - D/S Wea Creek	Tippecanoe	Lower Wabash	E. coli	2014 - 2019	93
Singleton Ditch - Bryant Ditch	Lake	Upper Illinois	E. coli	2014 - 2019	242
Pine Creek - Horace Miller Ditch	LaPorte, St. Joseph	Upper Illinois	E. coli	2014 - 2019	250
Armey Ditch - Headwaters; Yellow River - Armey Ditch - Albert Zeiger Ditch; Yellow River - Riverside Church	Marshall, Kosciusko	Upper Illinois	E. coli	2014 - 2019	251
Yellow River - Milner Seltenright Ditch	Marshall	Upper Illinois	E. coli	2014 - 2019	251
Yellow River; Listenberger/Cliffton Ditches To Yellow River - Knox	Starke, Marshall, Kosciusko	Upper Illinois	E. coli	2014 - 2019	251
Slough Creek; Slough Creek - Carpenter Creek - Lower	Jasper	Upper Illinois	E. coli	2014 - 2019	296

Coal Creek - Stone Bluff; Coal Creek - Dry Run; Coal Creek - Copper Chapel	Fountain	Lower Wabash	E. coli	2014 - 2019	336
Sugar Creek - Davis/Barnes Ditch	Clinton, Boone	Lower Wabash	E. coli	2014 - 2019	346
Bass Lake	Starke	Upper Illinois	FCA for Hg	2014 - 2019	434
Cedar Lake; Cedar Creek	Lake	Upper Illinois	FCA for PCB	2014 - 2019	52
Iroquois River	Jasper, Newton	Upper Illinois	FCA for PCB	2014 - 2019	56
Dugger Lake	Sullivan	Lower Wabash	FCA for PCB	2014 - 2019	66
Elliot Ditch	Tippecanoe	Lower Wabash	FCA for PCB	2014 - 2019	71
Sugar Creek	Parke	Lower Wabash	FCA for PCB	2014 - 2019	88
Wabash River - Attica	Fountain, Vermillion	Lower Wabash	FCA for PCB	2014 - 2019	94
Wea Creek	Tippecanoe	Lower Wabash	FCA for PCB	2014 - 2019	96
Kankakee River - Mainstem	Lake, LaPorte	Upper Illinois	FCA for PCB & Hg	2014 - 2019	57
Big Pine Creek; Big Pine Creek - Brown Dt To Pine Village	Warren	Lower Wabash	FCA for PCB & Hg	2014 - 2019	60
Big Raccoon Creek	Parke	Lower Wabash	FCA for PCB & Hg	2014 - 2019	62
Lake Maxinkuckee	Marshall	Upper Illinois	FCA for PCB & Hg	2014 - 2019	75
Little Sugar Creek	Montgomery	Lower Wabash	FCA for PCB & Hg	2014 - 2019	77
Otter Creek	Vigo	Lower Wabash	FCA for PCB & Hg	2014 - 2019	81
Sugar Creek	Montgomery	Lower Wabash	FCA for PCB & Hg	2014 - 2019	87
Walnut Fork - Below Little Sugar Creek	Montgomery	Lower Wabash	FCA for PCB & Hg	2014 - 2019	344
North Chain Lake	St. Joseph	Upper Illinois	FCA for PCB & Hg	2014 - 2019	431
Lower Fish Lake	LaPorte	Upper Illinois	FCA for PCB & Hg	2014 - 2019	433
Big Pine Creek; Big Pine Creek - Brown Ditch To Pine Village	Warren	Lower Wabash	Lead	2014 - 2019	60
Rowan Ditch Tributary	Jasper	Upper Illinois	Nutrients; DO	2014 - 2019	298
Busseron Creek - Paxton	Sullivan	Lower Wabash	Sulfates	2014 - 2019	356
Sulphur Creek Unnamed Tributary	Vigo	Lower Wabash	Sulfates	2014 - 2019	365
Busseron Creek - Hymera; Tanyard Branch; Mud Creek; Buttermilk Creek	Sullivan	Lower Wabash	Sulfates; Total Dissolved Solids	2014 - 2019	356
Jimmerson Lake	Steuben	Great Lakes	Impaired Biotic Communities	2014 - 2021	13
Marsh Lake	Steuben	Great Lakes	Impaired Biotic Communities	2014 - 2021	26
Snow Lake	Steuben	Great Lakes	Impaired Biotic Communities	2014 - 2021	35
Wabash River	Tippecanoe	Lower Wabash	Impaired Biotic Communities	2014 - 2021	93
Wea Creek	Tippecanoe	Lower Wabash	Impaired Biotic Communities	2014 - 2021	96
Opossum Hollow Basin	Fountain, Warren	Lower Wabash	Impaired Biotic Communities	2014 - 2021	338
Rush Creek - East/West Forks	Parke	Lower Wabash	Impaired Biotic Communities	2014 - 2021	342
Walnut Fork - Above Little Sugar Cr	Montgomery	Lower Wabash	Impaired Biotic Communities	2014 - 2021	343
Brown's Wonder Creek - Ross Ditch	Boone	Lower Wabash	Impaired Biotic Communities	2014 - 2021	345
Honey Creek - Allendale; Honey Creek - Thompson Ditch To Mouth	Vigo	Lower Wabash	Impaired Biotic Communities	2014 - 2021	363
Lost Creek - North Tributary	Vigo	Lower Wabash	Impaired Biotic Communities	2014 - 2021	364

Little Creek - Wolf Creek	Posey	Lower Wabash	Impaired Biotic Communities	2014 - 2021	413
Big Creek - Alexander Creek	Posey	Lower Wabash	Impaired Biotic Communities	2014 - 2021	414
Gordy Lake	Noble	Great Lakes	Impaired Biotic Communities	2014 - 2021	450
Sulpher Creek	Sullivan	Lower Wabash	Impaired Biotic Communities; Copper; Nickel; Zinc; Sulfates; pH; DO; Total Dissolved Solids	2014 - 2021	89
Big Pine Creek - Roudebush Ditch	White	Lower Wabash	Impaired Biotic Communities; DO; Algae	2014 - 2021	341
Otter Creek	Vigo	Lower Wabash	Impaired Biotic Communities; Sulfates; pH; Total Dissolved Solids; E. coli	2014 - 2021	81
Ohio River - Ohio State Line To Markland Dam	Switzerland	Ohio River	Dioxin	2015 - 2020	205
Ohio River - Salt Creek To Cannelton	Perry	Ohio River	Dioxin	2015 - 2020	205
Pigeon Creek - Harper Ditch	Vanderburg	Ohio Tributaries	DO	2015 - 2020	206
Elkhart River	Elkhart, Noble	Great Lakes	E. coli	2015 - 2020	7
Grand Calumet River - Gary To Indiana Harbor Canal	Lake	Great Lakes	E. coli	2015 - 2020	8
Grand Calumet River - Illinois To Indiana Harbor Canal	Lake	Great Lakes	E. coli	2015 - 2020	9
Lake George Branch - IHC	Lake	Great Lakes	E. coli	2015 - 2020	12
Juday Creek	St. Joseph	Great Lakes	E. coli	2015 - 2020	14
Pigeon Creek	Steuben	Great Lakes	E. coli	2015 - 2020	33
Maumee River	Allen	Great Lakes	E. coli	2015 - 2020	45
Cedarville Reservoir - Lower	Allen	Great Lakes	E. coli	2015 - 2020	46
St. Marys River	Adams, Allen	Great Lakes	E. coli	2015 - 2020	47
Blue River	Harrison	Ohio Tributaries	E. coli	2015 - 2020	199
Ohio River	Clark, Floyd	Ohio River	E. coli	2015 - 2020	203
Ohio River	Vanderburg	Ohio River	E. coli	2015 - 2020	204
Pigeon Creek - Kleymeyer Park	Vanderburg	Ohio Tributaries	E. coli	2015 - 2020	206
Galena River	LaPorte	Great Lakes	E. coli	2015 - 2020	210
Kinzele Ditch And Tribs	LaPorte, Porter	Great Lakes	E. coli	2015 - 2020	213
Rice Lake Tributaries And Outlet Stream	Porter	Great Lakes	E. coli	2015 - 2020	214
Coffee Creek Basin	Porter	Great Lakes	E. coli	2015 - 2020	215
Deep River U/S US 30; Deep River - Above Lake George Dam	Lake	Great Lakes	E. coli	2015 - 2020	219
Pigeon Creek	LaGrange	Great Lakes	E. coli	2015 - 2020	222
Fly Creek - Headwaters	LaGrange	Great Lakes	E. coli	2015 - 2020	223
Croft Ditch; South Branch Elkhart River	Noble	Great Lakes	E. coli	2015 - 2020	226
North Branch Elkhart River And Tribs	Noble	Great Lakes	E. coli	2015 - 2020	227
Turkey Creek; Turkey Creek - Skinner/Hoopingarner Ditches	Kosciusko, Elkhart	Great Lakes	E. coli	2015 - 2020	228
Solomon Creek And Tribs	Elkhart	Great Lakes	E. coli	2015 - 2020	230
Stoney Creek And Trib	Elkhart	Great Lakes	E. coli	2015 - 2020	231

Rock Run Creek And Tribs	Elkhart	Great Lakes	E. coli	2015 - 2020	233
North And South Fork Pine Creek	Elkhart	Great Lakes	E. coli	2015 - 2020	235
Little Elkhart River	Elkhart, LaGrange	Great Lakes	E. coli	2015 - 2020	236
Willow Creek And Trib	St. Joseph	Great Lakes	E. coli	2015 - 2020	237
Fourteen Mile Creek - Dry Branch; Yankee Creek; Owen Creek	Clark	Ohio Tributar-ies	E. coli	2015 - 2020	387
Buck Creek - Mainstem	Harrison	Ohio Tributar-ies	E. coli	2015 - 2020	397
Anderson River And Tribs	Spencer, Perry	Ohio Tributar-ies	E. coli	2015 - 2020	406
Gustafson Ditch - Other Tributar-ies	Porter	Great Lakes	E. coli	2015 - 2020	484
Ohio River - Mcalpine To Green-wood, KY	Harrison	Ohio River	E. coli; Dioxin	2015 - 2020	205
Jimmerson Lake	Steuben	Great Lakes	FCA for Hg	2015 - 2020	13
Lake James	Steuben	Great Lakes	FCA for Hg	2015 - 2020	16
Wabee Lake	Kosciusko	Great Lakes	FCA for Hg	2015 - 2020	19
Long Lake	Steuben	Great Lakes	FCA for Hg	2015 - 2020	25
Marsh Lake	Steuben	Great Lakes	FCA for Hg	2015 - 2020	26
Olin Lake	LaGrange	Great Lakes	FCA for Hg	2015 - 2020	30
Oliver Lake	LaGrange	Great Lakes	FCA for Hg	2015 - 2020	31
Snow Lake	Steuben	Great Lakes	FCA for Hg	2015 - 2020	35
Hamilton Lake	Steuben	Great Lakes	FCA for Hg	2015 - 2020	44
Bischoff Reservoir	Ripley	Ohio Tributar-ies	FCA for Hg	2015 - 2020	198
Deam Lake	Clark	Ohio Tributar-ies	FCA for Hg	2015 - 2020	201
Versailles Lake	Ripley	Ohio Tributar-ies	FCA for Hg	2015 - 2020	208
Crooked Lake	Steuben	Great Lakes	FCA for Hg	2015 - 2020	418
Mcclish Lake	Steuben	Great Lakes	FCA for Hg	2015 - 2020	422
Lake Of The Woods	LaGrange	Great Lakes	FCA for Hg	2015 - 2020	423
Dewart Lake	Kosciusko	Great Lakes	FCA for Hg	2015 - 2020	444
Barrel And A Half Lake	Kosciusko	Great Lakes	FCA for Hg	2015 - 2020	445
Spear Lake	Kosciusko	Great Lakes	FCA for Hg	2015 - 2020	446
Shock Lake	Kosciusko	Great Lakes	FCA for Hg	2015 - 2020	447
Long Lake	Noble	Great Lakes	FCA for Hg	2015 - 2020	452
Bixler Lake	Noble	Great Lakes	FCA for Hg	2015 - 2020	453
Sylvan Lake	Noble	Great Lakes	FCA for Hg	2015 - 2020	455
Bischoff Reservoir	Ripley	Ohio Tributar-ies	FCA for Hg	2015 - 2020	474
Marquette Park Lagoons	Lake	Great Lakes	FCA for PCB	2015 - 2020	10
Juday Creek	St. Joseph	Great Lakes	FCA for PCB	2015 - 2020	14
Lake George	Lake	Great Lakes	FCA for PCB	2015 - 2020	15
Lake Shipshewana	LaGrange	Great Lakes	FCA for PCB	2015 - 2020	18
Wolf Lake	Lake	Great Lakes	FCA for PCB	2015 - 2020	39
Cedar Creek	Allen, Dekalb	Great Lakes	FCA for PCB	2015 - 2020	41

Ohio River	Clark, Floyd	Ohio River	FCA for PCB	2015 - 2020	203
Ohio River	Vanderburg	Ohio River	FCA for PCB	2015 - 2020	204
Ohio River - Ohio State Line To Markland Dam	Switzerland	Ohio River	FCA for PCB	2015 - 2020	205
Ohio River - Mcalpine To Greenwood, KY	Harrison	Ohio River	FCA for PCB	2015 - 2020	205
Ohio River - Salt Creek To Cannelton	Perry	Ohio River	FCA for PCB	2015 - 2020	205
Pigeon Creek	Vanderburg	Ohio Tributaries	FCA for PCB	2015 - 2020	206
Hovey Lake	Posey	Ohio Tributaries	FCA for PCB	2015 - 2020	481
Portage Burns Waterway (Previously Burns Ditch)	Porter	Great Lakes	FCA for PCB & Hg	2015 - 2020	2
Elkhart River	Elkhart	Great Lakes	FCA for PCB & Hg	2015 - 2020	7
Indiana Harbor Canal Main Channel	Lake	Great Lakes	FCA for PCB & Hg	2015 - 2020	11
Lake George Branch - IHC	Lake	Great Lakes	FCA for PCB & Hg	2015 - 2020	12
Lake Michigan Shoreline	Lake, Porter, LaPorte	Great Lakes	FCA for PCB & Hg	2015 - 2020	17
Lake Wawasee	Kosciusko	Great Lakes	FCA for PCB & Hg	2015 - 2020	20
Little Calumet River	Lake	Great Lakes	FCA for PCB & Hg	2015 - 2020	24
Burns Ditch	Lake	Great Lakes	FCA for PCB & Hg	2015 - 2020	24
Pigeon Creek	Steuben	Great Lakes	FCA for PCB & Hg	2015 - 2020	33
St. Joseph River	St. Joseph, Elkhart	Great Lakes	FCA for PCB & Hg	2015 - 2020	36
Trail Creek	LaPorte	Great Lakes	FCA for PCB & Hg	2015 - 2020	37
Maumee River	Allen	Great Lakes	FCA for PCB & Hg	2015 - 2020	45
St. Joseph River - Mainstem	Allen	Great Lakes	FCA for PCB & Hg	2015 - 2020	46
St. Marys River	Allen	Great Lakes	FCA for PCB & Hg	2015 - 2020	47
Blue River	Harrison	Ohio Tributaries	FCA for PCB & Hg	2015 - 2020	199
Silver Creek	Floyd	Ohio Tributaries	FCA for PCB & Hg	2015 - 2020	207
Pleasant Lake	Steuben	Great Lakes	FCA for PCB & Hg	2015 - 2020	419
Henderson Lake	Noble	Great Lakes	FCA for PCB & Hg	2015 - 2020	454
Pigeon Creek - Kleymeyer Park/Harper Ditch	Vanderburg	Ohio Tributaries	Sulfates; Total Dissolved Solids	2015 - 2020	206
Little Calumet River	Porter, LaPorte	Great Lakes	FCA for PCB & Hg	2015 – 2020	22
Grand Calumet River - Illinois To Indiana Harbor Canal	Lake	Upper Illinois	Impaired Biotic Communities	2015 - 2022	9
Grand Calumet River - Gary To Indiana Harbor Canal	Lake	Great Lakes	Impaired Biotic Communities	2015 - 2022	8
Grand Calumet River - Headwaters	Lake	Great Lakes	Impaired Biotic Communities	2015 - 2022	8
Lake George Branch - IHC	Lake	Great Lakes	Impaired Biotic Communities	2015 - 2022	12
Lake James	Steuben	Great Lakes	Impaired Biotic Communities	2015 - 2022	16
Little Calumet River	Lake	Great Lakes	Impaired Biotic Communities	2015 - 2022	24
Little Calumet River	Porter	Great Lakes	FCA for PCB & Hg	2015 - 2022	21
Salt Creek	Porter	Great Lakes	Impaired Biotic Communities	2015 - 2022	34

Turkey Creek - Mainstem; Turkey Creek - Merrillville	Lake	Great Lakes	Impaired Biotic Communities	2015 - 2022	38
Trail Creek Tributary Basin	LaPorte	Great Lakes	Impaired Biotic Communities	2015 - 2022	211
Knapp Lake	Noble	Great Lakes	Impaired Biotic Communities	2015 - 2022	448
Hindman Lake	Noble	Great Lakes	Impaired Biotic Communities	2015 - 2022	449
Village Lake	Noble	Great Lakes	Impaired Biotic Communities	2015 - 2022	451
Wisler Ditch And Tribs	Elkhart	Great Lakes	Impaired Biotic Communities; Nutrients	2015 - 2022	229
Yellow Creek - Martz Creek	Adams	Great Lakes	Impaired Biotic Communities; Nutrients; Total Dissolved Solids	2015 - 2022	274
Big Walnut Creek	Putnam	West Fork White	E. coli	2016 - 2021	101
White Lick Creek	Hendricks, Morgan	West Fork White	E. coli	2016 - 2021	163
Driftwood River	Bartholomew, Johnson	East Fork White	E. coli	2016 - 2021	348
Geist Reservoir	Hamilton, Marion	West Fork White	Taste & Odor; Algae; Nutrients	2016 - 2021	117
Morse Reservoir	Hamilton	West Fork White	Taste & Odor; Algae; Nutrients	2016 - 2021	135
Buck Creek	Delaware	West Fork White	FCA for PCB & Hg	2016 - 2023	102
Eel River	Greene	West Fork White	FCA for PCB & Hg	2016 - 2023	113
Fall Creek	Madison, Hamilton	West Fork White	FCA for PCB & Hg	2016 - 2023	114
Killbuck Creek	Madison	West Fork White	FCA for PCB & Hg	2016 - 2023	125
Lake Lemon	Monroe	West Fork White	FCA for PCB & Hg	2016 - 2023	126
Pipe Creek	Madison	West Fork White	FCA for PCB & Hg	2016 - 2023	136
Richland Creek	Monroe, Owen	West Fork White	FCA for PCB & Hg	2016 - 2023	142
Stout Creek	Monroe	West Fork White	FCA for PCB & Hg	2016 - 2023	146
White River	Marion	West Fork White	FCA for PCB & Hg	2016 - 2023	148
White River	Marion	West Fork White	FCA for PCB & Hg	2016 - 2023	149
White River	Marion	West Fork White	FCA for PCB & Hg	2016 - 2023	150
White River	Hamilton, Marion	West Fork White	FCA for PCB & Hg	2016 - 2023	151
White River	Morgan	West Fork White	FCA for PCB & Hg	2016 - 2023	152
White River - Pipe Cr To Cicero Cr	Hamilton	West Fork White	FCA for PCB & Hg	2016 - 2023	153
White River	Marion, Johnson, Morgan	West Fork White	FCA for PCB & Hg	2016 - 2023	154

White River	Owen, Greene	West Fork White	FCA for PCB & Hg	2016 - 2023	155
White River	Greene, Daviess	West Fork White	FCA for PCB & Hg	2016 - 2023	156
White River	Delaware	West Fork White	FCA for PCB & Hg	2016 - 2023	158
White River	Greene, Owen	West Fork White	FCA for PCB & Hg	2016 - 2023	159
White River - Elnora To Indian Creek; White River - Wheatland	Daviess	West Fork White	FCA for PCB & Hg	2016 - 2023	160
White River; White River - Maysville	Daviess	West Fork White	FCA for PCB & Hg	2016 - 2023	161
White River	Randolph, Delaware	West Fork White	FCA for PCB & Hg	2016 - 2023	162
White Lick Creek	Hendricks, Morgan	West Fork White	FCA for PCB & Hg	2016 - 2023	163
White River	Pike, Gibson	West Fork White	FCA for PCB & Hg	2016 - 2023	188
White River	Marion	West Fork White	Impaired Biotic Communities	2016 - 2023	149
White River	Hamilton, Marion	West Fork White	Impaired Biotic Communities	2016 - 2023	151
White River	Morgan, Monroe	West Fork White	Impaired Biotic Communities	2016 - 2023	152
White River - Pipe Creek To Cicero Creek	Hamilton	West Fork White	Impaired Biotic Communities	2016 - 2023	153
White River	Marion, Johnson, Morgan	West Fork White	Impaired Biotic Communities	2016 - 2023	154
White River	Monroe, Owen, Greene	West Fork White	Impaired Biotic Communities	2016 - 2023	155
White River	Greene, Daviess, Knox	West Fork White	Impaired Biotic Communities	2016 - 2023	156
White River - Chesterfield To Indian Creek; White River - Perkinsville	Madison	West Fork White	Impaired Biotic Communities	2016 - 2023	157
White River - Elnora To Indian Creek; White River - Wheatland	Daviess, Knox	West Fork White	Impaired Biotic Communities	2016 - 2023	160
White River; White River - Maysville	Daviess, Knox	West Fork White	Impaired Biotic Communities	2016 - 2023	161
White River	Randolph, Delaware	West Fork White	Impaired Biotic Communities	2016 - 2023	162
White River	Pike, Gibson, Knox	West Fork White	Impaired Biotic Communities	2016 - 2023	188

OCCUPATIONAL SAFETY STANDARDS COMMISSION
ADOPTION BY REFERENCE
Bulletin 03-01

IC 22-8-1.1-16.2 allows the adoption of any United States Occupational Safety and Health Administration (OSHA) standard that has been lawfully adopted by OSHA under federal law to be enforced by the Indiana Department of Labor, not earlier than sixty

(60) days after the effective date of the federal OSHA final standard. Notice must be given by the Indiana Department of Labor by publishing a statement describing the standard by making reference to the federal regulation, under IC 4-22-7-7(b).

The Indiana Department of Labor incorporates, by reference, the U.S. Department of Labor, Occupational Safety and Health Administration provisions that amend 29 CFR 1910, Subpart E, the final rule for the General Industry Safety and Health Standards for exit routes, emergency action plans, and fire prevention plans. The Indiana Department of Labor incorporates by reference the standard 29 CFR 1910, Subpart E, as published in the Federal Register, November 7, 2002, Volume 67, pages 6791 to 6793.

Federal effective dates: November 7, 2002.

Indiana effective dates: January 8, 2003.

Nancy J. Guyott
Commissioner

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 03-43

FOR: THE HOOSIERS HELPING HOOSIERS FOOD DRIVE

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, given the recent economic downturn, there are people who go hungry even with the efforts of religious and social service organizations; and

WHEREAS, in the spirit of hospitality, Hoosiers have a tradition of extending a helping hand to those in need; and

WHEREAS, state offices should assist those in need by facilitating the collection of nonperishable food staples;

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. State offices shall designate space to accept private donations of food and staples from state employees.
2. The food drive shall begin November 3, 2003 and conclude December 1, 2003.
3. Contributions received are to be retained and distributed in the local communities where donated.
4. With the approval of the employing agency, a state employee may volunteer to use the Community Service Leave program to assist with this food drive.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 27th day of October, 2003.

Joseph E. Kernan
Governor of Indiana

SEAL
ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 03-46

FOR: FORMATION OF THE INDIANA CHILD CARE FUND, INC.

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, the Governor recognizes that quality child care is vital to the proper physical, educational, social, and emotional development of Indiana's children; and

WHEREAS, the Governor further recognizes that quality child care is necessary for the continued development and growth of Indiana's workforce; and

WHEREAS, there is an increased demand for and corresponding lack of availability of quality child care for working parents in the State of Indiana; and

WHEREAS, the State of Indiana and private business leaders have expressed a desire to collectively form a public/private

partnership that will be responsible for establishing a permanent funding source to expand and enhance the availability of quality child care to all children residing in Indiana,

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 Indiana Child Care Fund, Inc., shall be established as the vehicle to implement the public/private partnership and shall be charged with undertaking the following activities essential to the well being of the children of Indiana: (a) increase public awareness regarding child care issues, (b) educate child care providers regarding quality child care, (c) raise funds to encourage and support the provision of quality child care, (d) build public/private partnerships intended to create, strengthen, and foster quality child care in Indiana, through statewide initiatives, and (e) foster and support consumer educational programs that promote quality child care.
2. The Governor may appoint up to one-third (1/3) of the directors of Indiana Child Care Fund, Inc., who shall serve at the pleasure of the Governor.
3. The Governor accepts the articles of incorporation of Indiana Child Care Fund, Inc., as previously filed with the Secretary of State, and its bylaws and consents to his participation in the operation of the Indiana Child Care Fund, Inc., as described in the Articles of Incorporation and bylaws.
4. The Governor acknowledges and affirms that Indiana Child Care Fund, Inc., shall be organized and operated exclusively for charitable and educational purposes, and shall serve the public purpose of expanding and enhancing the availability of quality child care for all children residing in Indiana.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 28th day of October, 2003.

Joseph E. Kernan
Governor of Indiana

SEAL
ATTEST: Todd Rokita
Secretary of State

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title: Guidance for Interpretation of the Term "Emission Data"
Identification Number: Air-031-NPD
Date Originally Effective: January 2, 2004
Dates Revised: none
Other Policies Repealed or Amended: none
Brief Description of Subject Matter: Definition of the term "emission data" as used for purposes relating to the Clean Air Act and the Indiana Code.
Citations Affected: IC 13-14-11-1

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 (NPD) 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 NPD will be made available to the public forty-five (45) days prior to presentation to the air pollution control board. Then, this NPD may be put into effect by IDEM thirty days after presentation to the air pollution control board, pursuant to IC 13-14-1-11.5. After such period, IDEM will submit the policy to the Indiana Register for publication. Revisions to the policy will follow the same procedure of notice, presentation to the board and publication.

PURPOSE

The purpose of this nonrule policy is to describe the policy that IDEM will use to define the term "emission data", as it relates to the trade secret exemption in public records found in Indiana Code 5-14-3-4 for purposes of permitting, data collection, modeling and compliance and related activities. IDEM's interpretation of "emission data", as it relates to data collection, permitting, air quality modeling and compliance is set forth in this NPD.

BACKGROUND

Both the Clean Air Act, Sections 114, 208 and 307(a), and Indiana's public records' statutes, IC 5-14-3-4 and IC 13-14-11-1(b), provide for the confidential treatment of "trade secrets" or "proprietary data" submitted to U.S. EPA or IDEM, respectively, with the exception of "emission data".

The Clean Air Act, in section 114(c), specifically states that "emission data" are public records that are not eligible for the trade secret disclosure exemption. This exclusion states,

> Any records, reports or information obtained under subsection (a) of this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets...
>
> (42 USC Section 7414(c) (CAA 114(c))).

In order to define the term "emission data", EPA promulgated 40 CFR 2.301(a)(2). It also issued a guidance document at 56 FR 7042 and further enacted part of that guidance in the Consolidated Emission Reporting Rule (CERR) found at 40 CFR 51.

Indiana has similar language to the Clean Air Act in its public record statute found at IC 13-14-11-1(b). Indiana does not, however, have an Indiana statute or rule that defines "emission data", so IDEM has used EPA's rules, guidance and interpretations in making "emission data" confidentiality determinations under 326 IAC 17.1.

IDEM has the authority to interpret rules and statutes through guidance documents under IC 13-14-1-11.5. Specifically, IDEM may use for guidance, "a policy or statement that:

(1) Interprets, supplements, or implements a statute or rule;
(2) has not been adopted in compliance with IC 4-22-2;
(3) is not intended by the department to have the effect of law; and
(4) is not related solely to internal department organization."

This NPD interprets IC 13-14-11-1(b), has not been promulgated as a rule using IC 4-22-2, is not intended to have the effect of law and is not related solely to internal department organization and therefore falls into the policy requirements of IC 13-14-1-11.5.

POLICY

When required to apply or interpret the term "emission data", IDEM intends to use the following definition:

"Emission data", for purposes of IC 13-14-11, means any of the following:

(1) The identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any contaminant that:
  (A) has been emitted from; or
  (B) results from any emission by;

an emission unit authorized to emit under an applicable standard or limitation.

(2) The name, address, or other description of the location and the nature of the emission unit necessary to identify the emission unit, including a description of the device, equipment, or operation constituting the emission unit.

(3) Information necessary to:

(A) determine a permit condition that assures compliance with an applicable requirement; or

(B) determine or calculate an enforceable emission limitation, including:

(i) rate of operation;

(ii) rate of production;

(iii) rate of raw material usage;

(iv) material balance; or

(v) equipment capacity;

if the information is contained in a permit or the technical support document to ensure that the permit is practically enforceable under state or federal law.

IDEM will consider data and information meeting the above definition as "emission data" within the meaning of state and federal law, which must be disclosed to the public upon request. This information is not eligible for the trade secret exclusion. This definition applies to data currently held by IDEM upon public request as well as information submitted in the future. This definition applies only to the data listed above. However, this NPD does not affect a permittee's right to request confidential treatment of information submitted to IDEM if such information is submitted in accordance with 326 IAC 17.1, to IDEM as a trade secret. IDEM will then make a determination whether the information constitutes "emission data" based on this NPD. Permittees who have previously made a claim of confidentiality under 326 IAC 17.1, or its predecessor rules, or who make a confidentiality claim in the future, will continue to receive notice and an opportunity to appropriately respond to a determination as set forth in 326 IAC 17.1-5. Determinations will continue to be made on a case-by-case basis for data not specified in this NPD.

POLICY INTERPRETATION AND EXAMPLES

IDEM uses "emission data" for a variety of regulatory purposes, including permits, emission statements, air quality modeling and compliance activities. Following is a discussion of how IDEM will apply the definition of "emission data" stated above in these contexts.

PERMITS

The permitting program uses "emission data" when determining applicable requirements for construction and operating permits. The following are examples of "emission data" in permits: applicability determinations based on potential to emit, process weight rate information in 326 IAC 6-3, process flow diagrams and Best Achievable Control Technology (BACT) determinations.

Applicability of the permit program is based on a source's potential to emit. Potential to emit is generally determined using the maximum capacity of a unit. This information is "emission data" under paragraph (3) of the definition of "emission data" set forth above. However, actual maximum capacity is not needed if the permittee agrees to an enforceable limit on its potential to emit (PTE). An enforceable limit is created when the permittee stipulates that the permittee's capacity is greater than the highest relevant capacity for PTE purposes and over the PTE threshold. In these cases only the enforceable limit is needed to determine PTE and the actual maximum capacity would not constitute "emission data".

The process weight rate rule, found at 326 IAC 6-3, requires throughput information to calculate the correct particulate limit. This process weight rate information is "emission data" under paragraph (3) of the definition of "emission data" set forth above. However, if a permittee agrees to comply with an emission limit for 326 IAC 6-3 and stipulates that the capacity is above the corresponding process weight rate, then maximum throughput information would not be needed to determine the particulate limit and therefore would not constitute "emission data".

Process flow diagrams included in permit applications, at the request of IDEM, that contain "emission data" and are claimed as confidential because they graphically depict a manufacturing process that is itself confidential trade secret information, shall not constitute "emission data" under the definition of "emission data" set forth above, provided the "emission data" of interest on the process flow diagram appears elsewhere in the permit application.

When IDEM performs a BACT analysis pursuant to 326 IAC 2-2 and 326 IAC 8-1-6, information needed to determine that limit constitutes "emission data". This includes, but is not limited to, information that explains why control technology is or is not practical or cost- effective; and why a source is or is not comparable to other sources. For example, if maximum capacity is needed in these instances, then the maximum capacity would constitute "emission data" under the definition of "emission data" set forth above. However, if this information is not needed to make a BACT determination, then it would not constitute "emission data".

Another example of "emission data" in the permitting context is expected pollutant emission rates for pollutants, which may not be subject to specific requirements under state or federal law. NOx is an example of a pollutant that, for many types of emission units, is not regulated under state or federal law, so it would not be necessary in the course of new source review to determine a permit condition or emission limit. In this example, the expected emission rate would be considered "emission data" and be made publicly available in a Technical Support Document prior to issuance of the new source review permit, even if some of the information used to arrive at that rate continues to qualify for confidential treatment, pursuant to 326 IAC 17.1, as a trade secret.

In addition to the above examples, if information normally given to IDEM is not needed to make a permitting determination and the permittee does not wish to disclose that information, then the permittee should not submit it as part of their application or

correspondence. The permittee is then assured that the information is kept confidential. IDEM will revise its permit application form instructions to be consistent with this NPD.

EMISSION STATEMENTS

Many air emitting source permittees are required to submit an emission statement on an annual basis according to 326 IAC 2-6. IDEM uses this information for a variety of planning and compliance purposes and makes it available to the public. IDEM also must report much of the emission statement information to EPA, pursuant to 40 CFR 51, the Consolidated Emission Reporting Rule (CERR). IDEM will consider information that is necessary to determine actual air emissions to be "emission data" reportable under 40 CFR 51, CERR (see attachment A). Pursuant to 40 CFR 51.15(d), EPA considers all information supplied under the CERR to be "in the public domain and cannot be treated as confidential". EPA recognizes that state and federal confidentiality requirements may be different and a final reconciliation can be made prior to submission of confidential state information. It is IDEM's intent to treat any confidential trade secret information, which is not "emission data", reported pursuant to 326 IAC 2-6 as confidential.

It is important to note, that if a permittee takes an enforceable limit to avoid a permitting program or other regulation (and depending on how the source monitors compliance), certain information would not constitute "emission data." For example, a source's actual maximum capacity or design capacity would not constitute "emission data" if the permittee took an enforceable limit to avoid a permitting program or other regulation, unless the unit emits other pollutants for which a maximum limit has not been set and the limit is not expressed in lbs/hour. Additionally, if annual emissions can be determined through data other than actual throughput of raw material or capacity (for example, Continuous Emissions Monitoring Systems [CEMS] data or airflow and grain loading), then throughput of raw material information, maximum capacity, or design capacity would not constitute "emission data."

With the above qualifications, the following constitutes "emission data" heat content (fuel, annual average), ash content (fuel, annual average), sulfur content (fuel, annual average), pollutant code, activity/throughput (annual), annual emissions, emission factor, winter throughput (%), spring throughput (%), summer throughput (%), fall throughput (%), hours/day in operation, start time (hour), day/week in operation, weeks/year in operation, design capacity, primary control efficiency (%) and secondary control efficiency, facility ID code, Point ID code, process ID code, stack ID code, site name, physical address, 'x' stack coordinate (latitude), 'y' stack coordinate (longitude), stack height, stack diameter, exit gas temperature, exit gas velocity, exit gas flow rate, SIC/NAICS and control device type.

AIR QUALITY MODELING

The modeling program uses certain permitting and emission statement data to perform accurate modeling for air quality planning purposes. Therefore, much of these data is also "emission data". In addition to the "emission data" of emission statements and permitting, modeling uses the following information: property line boundaries and dimensions and location of the building next to the stack. These two provisions constitute "emission data" under the definition of "emission data" set forth above.

COMPLIANCE

IDEM uses a variety of information either submitted by or collected from sources to determine compliance with emission limitations. Information necessary to determine whether a source is in compliance with an enforceable emission limitation established by permit, rule, or law constitutes "emission data" as set forth above. As noted above, however, sources may take permit limits or establish other conditions that render certain data unnecessary to determine compliance with these limits. In that circumstance, data deemed not to constitute "emission data" in the permitting context would also not constitute "emission data" for compliance purposes.

ADDITIONAL INFORMATION

Copies of this policy are available at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, Room N1003, 100 North Senate Avenue, Indianapolis, Indiana 46204.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
COMMISSIONER'S BULLETIN #14
List of hazardous waste sites scored
using the Indiana Scoring Model (ISM)
Jan-04
http://www.in.gov/idem/land/statecleanup/club.html

County/City Site Name (Type of Facility) Address	*score based on potential impact* Score Rescore	Score Date Rescore Date	Contaminant Type	Environment Affected	Status
1. Adams/Berne					

National Oil Company (Bulk Plant) SR 218 & CR 150W	20.97 -/-	May-92	Fuel	Soil Surface water	Investigation in progress
2. Delaware/Albany Muncie Race Track (Dump) SR 67 & 700N	27.70 -/-	Feb-91	Metals Solvents PCBs	Soil Groundwater	Waste isolated Landfill capped Ongoing groundwater monitoring
3. Delaware/Muncie Stout Storage Battery (Industrial) 2505 West 8th	26.22 11.21	Dec-90 May-99	Lead	Soil	Cleanup Complete Delisting evaluation proposed 2004
4. Elkhart/Elkhart Lusher Avenue (Landfill) CR 18 & 21st Street	31.00 -/-	Feb-91	Solvents	Groundwater	Residential water filters installed
5. Elkhart/Elkhart Sycamore Street Site (Dry Cleaner) 100 Sycamore	13.13 -/-	May-91	Solvents	Groundwater	Alternate water supplied Delisting evaluation proposed 2004
6. Elkhart/Middlebury Universal Adhesives/Timminco (Industrial) SR 13 South	25.00 -/-	Dec-90	Solvents	Soil Groundwater	Cleanup completed Delisting evaluation proposed 2004
7. Fayette/Connersville Connersville Landfill (Landfill) SR 121 & Eastern Avenue	44.60 -/-	Feb-91	Solvents Metals	Soil Surface water Groundwater	Immediate removal actions initiated
8. Franklin/Laurel Laurel Dump Site #1 (Dump) 24128 Old Highway 52	20.89 -/-	Mar-92	Solvents Metals	Soil Surface water Groundwater	Surface/subsurface waste removed Delisting evaluation proposed 2004
9. Gibson/Princeton Indiana Refining (Industrial) US 41 and 350 S	30.03 -/-	Dec-90	Fuel	Soil	Surface waste removed Delisting evaluation proposed 2004
10. Grant/Marion Grant County Landfill (Landfill) 750 E & SR 18	15.48 -/-	Apr-91	Metals	Soil Groundwater	Additional investigation under consideration
11. Hancock/Fortville Meridian Road Landfill (Landfill) CR 1000 N and Meridian	40.16 -/-	Dec-90	Solvents Metals	Soil Groundwater	Investigation complete Risk Assessment complete Cleanup in progress
12. Hendricks/Clayton Clayton Wells (Commercial) Kentucky Street	27.00 -/-	Dec-90	Solvents	Groundwater	Filters supplied Periodic monitoring
13. Huntington/Huntington Huntington Terminals	28.90	Dec-90	Fuel	Groundwater	Alternate water supplied

(Pipeline) Meridian & Erie Stone	-/-				Agreed Order under negotiation
14. Jackson/Reddington Texas Eastern (Petroleum pipeline) Southwest of Reddington	26.26 -/-	Dec-90	Fuel	Soil Groundwater	Cleanup in progress under Agreed Order Record of Decision finalized
15. Jackson/Medora United Plastics (Manufacturing) SR235 & 2nd Street	39.00 -/-	Jan-91	Solvents Metals	Soil Groundwater	Waste removal in progress
16. Kosciusko/Warsaw Warsaw Chemical (Chem-Manufacturing) Argonne & Durban Street	47.45 -/-	Jan-91	Solvents	Soil Groundwater	Cleanup in progress under Agreed Order
17. Lake/Hammond Calumet Containers (Industrial) 3631 Stateline Road	16.07 -/-	Dec-90	Solvents	Soil	Ongoing removal by USEPA Delisting evaluation proposed 2004
18. Lake/East Chicago Energy Cooperative Incorpo- rated (Industrial) 3500 Indianapolis Boulevard	19.87 -/-	Dec-90	Fuel Lead	Soil Surface water Groundwater	Cleanup in progress under Agreed Order Consent Decree negotiations underway
19. Lake/Hammond BP (Refinery) Lake Avenue & 129th Street	18.59 -/-	Mar-91	Fuel Acid/bases Lead	Soil Groundwater	Cleanup under RCRA Corrective Action
20. Lake/Cedar Lake Schreiber Oil Company (Petroleum Storage) 10601 W 133rd Street	13.48 -/-	Dec-90	Fuel	Soil	Surface waste removed
21. Lake/Hammond William Powers (Dump) 119th & Stateline	18.88 -/-	Mar-91	Cyanide Sulfide	Soil Surface water	Delisting evaluation proposed 2004
22. Lawrence/Oolitic Oolitic Dump (Dump) Hoosier & 4th Street	48.87 -/-	Jan-91	Fuel	Soil Groundwater	Cleanup in progress under Leaking Underground Storage Tank Program
23. Madison/Anderson Prime Battery (Manufacturing) 230 Jackson	29.52 -/-	Dec-91	Lead	Soil Groundwater	Investigation ongoing
24. Marion/Indianapolis American Lead (Industrial) 2102 Hillside Avenue	21.78	Jun-99	Lead	Soil	USEPA removal proposed
25. Marion/Indianapolis Avanti Corporation	40.05	May-93	Lead	Soil	USEPA removal completed

(Industrial)	23.09	Oct-98		Groundwater	Long-term operation and maintenance ongoing
South Harris Street				Surface Water	
26. Marion/Indianapolis					
Marathon Rock Island	15.22	Jan-91	Gasoline	Soil	Voluntary waste cleanup in progress
(Industrial)	-/-		Metals	Surface water	Ongoing investigation
500 W 86th Street				Groundwater	Ongoing negotiations for Agreed Order
27. Marion/Speedway					
Marathon Terminal	21.04	Apr-91	Fuel	Soil	Cleanup in progress
(Industrial)	-/-			Surface water	Multiple recovery wells
1304 Olin Avenue				Groundwater	Soil vapor extraction system in place
					Ongoing investigation
28. Marshall/Bourbon					
Bourbon & Quad Streets Contamination	25.86	May-92	Solvents	Soil	Cleanup in progress under Leaking
(Commercial)	-/-		Fuel	Groundwater	Underground Storage Tank Program
211 W Center Street					
29. Montgomery/Crawfordsville					
Crawfordsville Scrap & Salvage	29.67	Oct-93	PCBs	Soil	Entered Voluntary Remediation Program
(Dump/Scrap)	-/-		Lead	Sediments	
419 N Green Street					
30. Montgomery/Crawfordsville					
P.R. Mallory	22.23	Sep-91	PCBs	Soil	Some surface waste removed by USEPA
(Electrical)	-/-			Sediments	Pending further investigation
SR 32 East					
31. Montgomery/Crawfordsville					
Shelly Ditch	24.04	Aug-99	PCBs	Soil	Waste study in progress under Superfund
(Industrial)	-/-			Sediments	Ongoing removal action
1204 Darlington Avenue					USEPA lead
32. Morgan/Monrovia					
Davenport Dump	28.20	Dec-90	Solvents	Surface water	USEPA removal action completed
(Dump)	23.20	Jul-00			Delisting evaluation proposed 2004
6965 Beech Grove Road					
33. Porter/Wheeler					
Wheeler Landfill	31.19	Jan-92	Solvents	Groundwater	Long-term monitoring under RCRA
(Landfill)	-/-		Caustics		Corrective Action
SR 130 & Jones Road					
34. Randolph/Union City					
A.O. Smith (Westinghouse)	44.67	Feb-92	PCBs	Soil	Cleanup in progress under Superfund
(Industrial)	-/-			Groundwater	Surface waste removed by USEPA
Frank Miller Road					
35. Randolph/Union City					
Little Mississenewa River	31.37	Jul-99	PCBs	Soil	Cleanup in progress under Superfund
(River)	-/-			Sediments	
Frank Miller Road at Little Mississenewa					
36. Randolph/Union City					
UTA	33.70	Sep-99	PCBs	Soil	Cleanup in progress under TSCA
(Industrial)	-/-			Groundwater	
1425 W Oak					

37. St. Joseph/Granger Amoco/Granger (Industrial) Adams Road	54.76 26.02	Dec-90 Jan-96	Fuel Solvents	Soil Groundwater	Cleanup in progress Agreed Order signed
38. St. Joseph/South Bend Allied Signal Corporation (Industrial) 717 N Bendix Drive	41.75 -/-	May-92	Solvents Fuel	Soil Groundwater	Entered Voluntary Remediation Program
39. St. Joseph/South Bend ARCO (Industrial) 20630 West Ireland	46.74 -/-	Jul-99	Fuel	Soil Groundwater	Remedial investigation in progress
40. St. Joseph/South Bend Avanti (Industrial) 765 S Lafayette Road	27.60 28.28	Mar-90 Mar-92	Solvents	Soil Groundwater	Drum removal complete Remedial investigation in progress
41. St. Joseph/South Bend Chippewa Avenue Well Field (Industrial) 600 W Chippewa	50.38 -/-	Aug-99	Solvents	Groundwater	Remedial investigation in progress Wellfield cleanup system in operation
42. St. Joseph/South Bend Hollywoood Park (Residential) 23768 US 20	12.8 -/-	Aug-02	Solvents	Groundwater	Investigation in progress Ongoing negotiations for Agreed Order
43. St. Joseph/South Bend Toro-Wheelhorse (Industrial) 515 W Ireland Road	29.89 -/-	Mar-93	Solvents Metals	Soil Groundwater	Entered Voluntary Remediation Program
44. Shelby/Shelbyville Knauf Fiberglass (Industrial) 240 Elizabeth	43.86 17.85 12.32	Mar-91 Mar-94 Oct-03	Solvents	Groundwater Surface water	Cleanup Complete No further action Delisting proposed 2004
45. Shelby/Shelbyville IGC/PSI (Industrial) Noble Street	19.06 -/-	Mar-91	Fuel by-prod-ucts Cyanide	Soil Groundwater	Ongoing investigation
46. Shelby/Shelbyville TRW Incorporated (Industrial) 630 Noble/513 Hendricks	42.83 -/-	Dec-90 Mar-94	Solvents	Soil Groundwater	Risk assessment in progress Cleanup in progress
47. Spencer/Troy Freeman Kline Site/Troy Refin-ery (Refinery) SR 70 East	31.17 -/-	Jun-97	Petroleum	Soil Surface water	Immediate removal completed Investigation in progress
48. Sullivan/Dugger Dugger Electric (Commercial) First and Main Streets	25.82 -/-	Feb-91	Petroleum PCBs	Groundwater	Monitoring

49. Tippecanoe/Lafayette ALCOA (Industrial) 3131 E Main	19.44 -/-	Dec-90	PCBs	Soil Sediments	Ongoing investigation
50. Tippecanoe/Otterbein David John Property (Drum Recycling) Vandalia Street	43.8	Aug-01	Solvents	Soil Groundwater	Ongoing Investigation
51. Tippecanoe/Lafayette Indiana Gas	44.35	Dec-91	Fuel by-prod-ucts	Soil	Cleanup complete
(Industrial) 600 N 4th Street	39.65	Jul-99	Cyanide	Groundwater	Long term monitoring
52. Tippecanoe/Lafayette TRW/Ross Gear (Industrial) 800 Heath Street	58.54 42.60	Dec-90 Jan-96	Solvents	Soil Groundwater	Cleanup complete under Agreed Order
53. Vigo/Terre Haute J.I. Case (Industrial) 4901 N 13th Street	31.77 -/-	Dec-90	Solvents	Groundwater	Agreed Order signed Pilot groundwater cleanup project in place
54. Wayne/Richmond Dana/Springwood Park (Industrial) Williamsburg Pike	43.17 -/-	Jan-91	Solvents	Groundwater	Cleanup in progress under Voluntary Remediation and Solid Waste programs
55. Wells/Petroleum Merrill Meyers Property (Farm Equipment) SR 1 & CR 900	25.26 -/-	Feb-92	PCBs	Soil	Pending USEPA Removal Action
56. White/Monon Monon Well Field (Commercial) Main Street	28.40 13.91	Dec-90 Oct-03	Solvents	Soil Groundwater	Consent Order signed Wellfield relocated Delisting evaluation proposed 2004

No sites were deleted from the Commissioner's Bulletin in 2003
No sites were added to the Commissioner's Bulletin in 2003
Two (2) sites were rescored in 2003

INDIANA DEPARTMENT OF INSURANCE
December 5, 2003
Bulletin 123
Use of Credit Information by Insurance Companies

This Bulletin is directed to all insurance companies, as defined by IC 27-1-2-3, that write personal lines property and casualty products in this state. IC 27-2-21 as added by Senate Enrolled Act 178 (P.L.201-2003) addresses the use of credit information by these insurance companies for applications submitted and policies issued, delivered, amended or renewed after December 31, 2003. The definitions contained in IC 27-2-21 apply to this bulletin. Bulletin 122 is withdrawn and replaced by this Bulletin 123.

An insurer that uses a credit score to underwrite and rate risks shall file the insurer's scoring models or other scoring processes with the Department of Insurance (Department). This filing is confidential under IC 5-14-3-4(a)(1) and IC 27-2-21-20(d) and not available for public inspection. Companies should identify their filings as made pursuant to IC 27-2-21 and should separate all confidential documents and clearly identify them as confidential as described in Bulletin 111. Pursuant to IC 27-2-21-20 the scoring

model and other scoring processes are confidential.

Insurers that use credit information were required by Bulletin 111 to file their credit scoring methodologies in 2002. If the 2002 filing is compliant with the provisions of IC 27-2-21 then there is no need for the insurer to file in 2003. In these cases, the insurer should notify the Department in writing that they have made no changes to the 2002 filing and certify that it is compliant with the provisions of IC 27-2-21.

An insurer may not deny, cancel or decline to renew a personal insurance policy solely on the basis of credit information. An insurer may not base an insured's renewal rate for a personal insurance policy solely on credit information. The Department interprets this prohibition to mean that an insurer may not deny, cancel, decline to renew or increase a renewal rate due to a credit score unless at least one other rating factor has changed to indicate a denial, cancellation, declination to renew or increase in the premium rate. These actions are considered "adverse actions". Other factors may include, but are not limited to, driver class, driving record, age of home, age of the insured, claim experience, and number of vehicles owned. If no other factor used in underwriting or rating would cause the insurer to deny, cancel, decline to renew or increase a renewal rate and credit information would indicate such an action, the insurer is prohibited from denying, canceling, declining to renew or increasing the premium rate, as this would constitute taking an adverse action solely on the basis of credit information. A base rate change cannot be identified as the second factor to support an adverse action.

If credit is one of the factors leading to an adverse action the insurer must use a credit report issued or a credit score calculated not more than ninety (90) days before the policy is first written or a renewal is issued. In addition, the insurer shall provide notice to the consumer in accordance with the federal Fair Credit Reporting Act and provide notice to the consumer explaining the reason for the adverse action. This notice shall be sufficiently clear and use specific, not general, language to identify the basis for the insurer's adverse action.

An insurer may not use income, gender, address, zip code, ethnic group, religion, marital status or nationality as a factor in determining the credit score. An insurer may not take an adverse action against a consumer solely because the consumer does not have a credit card account. The absence of credit information may not be used in underwriting or rating unless the insurer (1) presents to the Commissioner information that the absence relates to the risk for the insurer and the insurer treats the consumer as approved by the Commissioner; or (2) the insurer treats the consumer as if the consumer had neutral credit information. If an insured requests, the insurer must re-underwrite or re-rate the policy with an updated credit report or score not more often than one time in a twelve (12) month period. Beginning January 1, 2004, an insurer may not use a credit score or credit report that is older than thirty-six (36) months in the issuance or renewal of a policy.

An insurance score cannot consider as a negative factor a credit inquiry that was not initiated by the consumer. A consumer's inquiry as to his/her own credit cannot be used as a negative factor. Credit inquiries relating to insurance coverage or unpaid medical bills cannot be used as negative factors. Multiple lender inquiries related to a home mortgage in a thirty (30) day period can only be counted as one inquiry. Multiple lender inquiries related to automobile financing in a thirty (30) day period can only be counted as one inquiry.

The application of insurance must inform the consumer that credit information is used by the insurer. The insurer must have a policy in place for handling notification of an error in a credit report and also a procedure for a consumer to dispute a credit score.

The Department will review filings to ensure that insurers using credit information are acting appropriately. An insurer that is found to be acting contrary to the provisions of IC 27-2-21 may be subject to enforcement action under IC 27-4-1.

INDIANA DEPARTMENT OF INSURANCE

Sally McCarty, Commissioner

NATURAL RESOURCES COMMISSION

Information Bulletin #40

Methods of Measuring the Amount of Water Withdrawn by a Significant Water Withdrawal Facility

SUBJECT: The purpose of this Information Bulletin is to describe methodologies approved by the natural resources commission to calculate the amount of water withdrawn annually from a "significant water withdrawal facility" as defined at IC 14-8-2-257.

Rate of Flow Metering Devices

Rate of flow meters are used to quantify fluids that pass in a continuous stream rather than in isolated or separately counted quantities. These meters are dependant upon some property of the fluid other than, or in addition to, volume or mass. They are designed to use a change in the property or properties associated with the rate of flow, and they usually include a device that manually or automatically records a measurable change. The rate of flow multiplied by the time of operation equals the amount of water withdrawn for that period of time, so the time of operation must also be tabulated. There are several principles that can be used in recording the rate of flow:

a) Differential (Variable) Pressure Type Meters – These systems involve the pressure differential at two points in full flowing

systems. When flow varies, the pressure difference measured by such devices also varies and both functions can be correlated with reasonable accuracies through various types of accessory instrumentation. *Examples include venturi meters, flow nozzles, orifice meters, pilot tubes, and annubars*.

b) Steady Pressure (i.e., Steady Head) Type Meters – These systems discharge into the atmosphere. *Examples include irrigation nozzles that are available with reasonably accurate flow vs. pressure calibrations*.

*c) O*verflow *(Head Area) Type Meters* – These systems measure variation in levels of gravity flow (i.e., non-pumped) systems. As flow varies in a channel, the depth upstream of a restriction in partially filled conduits varies and these functions can be correlated with reasonable accuracies. The key element needed in this type of system is water depth that can be measured with accessory instrumentation or simply with a depth gage. *Examples of such restrictions are weirs and flumes.*

d) Current Type Meters – These systems utilize a wheel or propeller, which rotates when immersed in flowing water, and a device to determine the number of revolutions of the wheel or propeller. The number of revolutions is then related to fluid velocity. The method can be utilized where water withdrawals travel through a pipe or an open channel.

Time of Pump Operation

Water withdrawals can be measured based upon the time each pump supplying a water withdrawal facility is operated multiplied by the capability of the respective pump. The time of operation can be recorded manually in a written log or by means of an automatic time meter. The cost of installing a time meter on a pump is relatively low, and being aware of the pump design discharge, pump efficiency, and time of pump operation allow for a fairly accurate record of water withdrawals. Pumping rates can also be determined for specified periods of time from a manufacturer's calibration graph by correlating volume flows with electrical loads and with discharge pressures.

Past Performance Comparison

Some industries have a direct relationship between the amount of water withdrawn and the quantity of product manufactured or handled. In order to measure water withdrawals using a past performance comparison, the owner of a significant water withdrawal facility must provide the division of water with adequate supporting data to establish the relationship between water withdrawals and the amount of production.

NPDES Data

Many businesses and industries monitor the amount of water that is discharged to the State's rivers or streams as a part of their NPDES permit. When water use is non-consumptive and no additional inflow occurs, the amount of discharge water closely reflects the amount of water withdrawn. Ascertaining individual water withdrawals for facilities having more than one well or intake can be difficult, but this method may be acceptable in some cases. In order to measure water withdrawals using NPDES data, the owner of a significant water withdrawal facility must provide the division of water with supporting data to verify that the discharge is reflective of the amount of water withdrawal.

Direct Measurement of Amount Applied

A system using "rain gage" type of equipment can be installed to measure the amount of water applied to a given area (typically in agricultural applications). The water applied multiplied by the number of acres irrigated equals the amount of water withdrawn (e.g. 1 acre-inch equals 27,154 gallons). The gaging system must be carefully monitored in order to differentiate between water applied by irrigation and that contributed by precipitation. In order to measure water withdrawals using direct measurement, the owner of a significant water withdrawal facility must obtain prior approval from the division of water.

Quantity Metering Devices

Quantity metering devices function by having water pass in successive and completely isolated amounts, measured either by weight or volume, by alternatively filling or emptying containers of known or fixed quantities. The simplest of these devices is a holding tank or a reservoir with a known volume. When the tank or reservoir is filled from a significant water withdrawal system, the water must be accounted for by a logging method that applies to either partially filled or full flowing systems. *Examples of weighing meters include weighing tanks and tilting traps. Volumetric meters include holding tanks and reservoirs, reciprocating piston, rotary piston, and nutating disk*.

Other Methods

In order to use a method other than those approved in this Information Bulletin to measure the amount of water withdrawn by a significant water withdrawal facility, the owner of the facility must provide the division of water with the following:

1) an explanation or description of the proposed method; and

2) supporting data sufficient to satisfy the division of water that the method provides for an accurate representation of the amount of water withdrawn.

DEPARTMENT OF STATE REVENUE

STATE OF INDIANA	)	
	)	SS: BEFORE THE STATE OF INDIANA
COUNTY OF MARION	)	DEPARTMENT OF STATE REVENUE
	)	
IN THE MATTER OF:	)	
	)	
CRISIS CENTER, INC.,	)	Docket Number: 29-2003-0159
	)	
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 September 2, 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 September 2, 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 6TH DAY OF OCTOBER, 2003

Kenneth L. Miller, Commissioner
Indiana Department of State Revenue

DEPARTMENT OF STATE REVENUE
AUDIT-GRAM NUMBER IR-010
January 1, 2004

[This Audit-Gram replaces the prior issue dated March 1, 1999 published at 22 IR 2092]

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

Nonresident Receipts Attributable to Indiana – Financial Institutions Tax

Authority: IC 6-5.5-2-3; IC 6-5.5-4-1 to 13; 45 IAC 17-3-4; 45 IAC 17-3-10

IC 6-5.5-2-3. Apportioned income of nonresident taxpayer.

For a nonresident taxpayer…apportioned income consists of…adjusted gross income for that year multiplied by the quotient of:

(1) the taxpayer's total receipts attributable to transacting business in Indiana, as determined under IC 6-5.5-4; divided by

(2) the taxpayer's total receipts from transacting business in all taxing jurisdictions, as determined under IC 6-5.5-4. [1989]

IC 6-5.5-2-3. Taxpayer apportioned income.

For a taxpayer…apportioned income consists of…adjusted gross income… [2000]

IC 6-5.5-4-2. Definitions.

(1) "Receipts" means gross income (as defined in IC 6-5.5-1-10, plus the gross income excluded under Section 103 of the Internal Revenue Code. [1989]

I. GENERAL STATEMENT

A. TAXABLE YEARS ENDING PRIOR TO JANUARY 1, 1999

1. Resident – The adjusted gross income of a resident financial institution is subject to Financial Institutions Tax.
2. Nonresident—The apportioned adjusted gross income of a nonresident financial institution is subject to Financial

Institutions Tax.

B. TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1998

The adjusted gross income of a financial institution is subject to Financial Institutions Tax. (There is no distinction between resident and nonresident taxpayers.)

II. NONRESIDENT FINANCIAL INSTITUTION PRIOR TO JANUARY 1, 1999

A. RECEIPTS SPECIFICALLY ATTRIBUTABLE TO INDIANA. IC 6-5.5-4.

Receipts are specifically attributed to Indiana under the conditions established in each of the following sections of IC 6-5.5-4:

IC 6-5.5-4-3. Lease or rental income.

IC 6-5.5-4-4. Secured loan interest.

IC 6-5.5-4-5. Unsecured consumer loan interest

IC 6-5.5-4-6. Unsecured commercial loan and installment loan interest.

IC 6-5.5-4-7. Fee income.

IC 6-5.5-4-8. Credit card interest, merchant discount, service charge...

IC 6-5.5-4-9. Sale of an asset.

IC 6-5.5-4-10. Fiduciary fee.

IC 6-5.5-4-11. Traveler's check, money order, and savings bond fees.

IC 6-5.5-4-12. Investment income from state and local government securities.

IC 6-5.5-4-13.Participation loan interest.

Receipts of a nonresident financial institution "attributable to Indiana" are not limited to those listed. Other receipts from business activity or tangible and intangible assets located in Indiana may be attributed to Indiana.

B. OTHER RECEIPTS OF A NONRESIDENT TAXPAYER ATTRIBUTABLE TO INDIANA.

"Receipts attributable to Indiana" may include the receipt of dividends and interest from stocks, bonds, and other securities issued by an Indiana resident taxpayer.

Income from intangible property which is located in Indiana and is controlled from an Indiana business situs may be attributable to Indiana.

C. RECEIPTS NOT ATTRIBUTABLE TO INDIANA.

Receipts which are not "attributable to Indiana" and, therefore, not included in the numerator of the receipts factor, must be included in the denominator of the receipts factor.

III. RESIDENT AND NONRESIDENT FINANCIAL INSTITUTION AFTER DECEMBER 31, 1998

A. NUMERATOR OF THE APPORTIONMENT FACTOR

Receipts included in the numerator of the apportionment factor are limited to those specifically enumerated in IC 6-5.5-4-3 through IC 6-5.5-4-13 (See II, A). Receipts from non-municipal investments are not enumerated and not includible. The fact that a taxpayer is commercially domiciled in Indiana or manages the non-municipal investments from an Indiana location is not determinative.

B. DENOMINATOR OF APPORTIONMENT FACTOR

The denominator of the apportionment factor should include all gross income (as defined in Section 61 of the Internal Revenue Code) reported for federal income tax purposes. Although not included in the numerator, receipts from non-municipal investments must be included in the denominator if they have been reported for federal income tax purposes. Non-municipal investment receipts received upon the disposition of the asset (such as securities and money market transactions) are limited to the gain recognized upon disposition under IC 6-5.5-4-2(1).

[FN 1] IC 6-5.5-1-13. [1989] "Resident taxpayer" defined

[FN 2] IC 6-5.5-1-12. [1989] "Nonresident taxpayer" defined

[FN 3] IC 6-5.5-1-13. "Resident taxpayer" means a taxpayer transacting business in Indiana and having its commercial domicile in Indiana.

[FN 4] Revenue Rulings 2000-01FIT and 2000-02FIT

[FN 5] Revenue Rulings 2000-01FIT and 2000-02FIT

DEPARTMENT OF STATE REVENUE
COMMISSIONER'S DIRECTIVE #21
January 2004

DISCLAIMER: Commissioner's Directives are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not

consistent with the law, regulations or court decisions is not binding on either the Department or the taxpayer. Therefore the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: Streamlined Sales Tax Agreement Provisions

I. INTRODUCTION

In March 2000, a collection of states joined forces to sponsor a national sales tax initiative—the Streamlined Sales Tax Project ("SSTP"). The SSTP represents an effort on the part of its member states to "simplify and modernize sales and use tax collection and administration." To that end, the Streamlined Sales Tax Implementing States ("SSTIS") crafted model legislation—i.e., the Streamlined Sales and Use Tax Agreement. Member states were encouraged to adopt legislation conforming to this model. Effective January 1, 2004, Indiana has enacted legislation to bring Indiana's sales and use tax statutes into conformity with this model legislation.

Temporary regulations have been adopted and are available in the Indiana Register for December 2003. The Department has also updated Sales Tax Information Bulletin #29 to reflect the changes to the definitions of food, candy, soft drinks, alcoholic beverages, and dietary supplements and the application of sales tax to these items.

II. SALES TAX AMENDMENTS

IC 6-2.5-1-5 (amended). "Gross retail income" defined.

- Provides that delivery and installation charges are included in gross retail income.
- Provides that coupons or other discounts allowed that are not reimbursed by a third party are not part of gross retail income.

IC 6-2.5-1-11 (added). "Alcoholic beverages" defined.

- Defines an alcoholic beverage as a beverage that contains one-half of one percent (0.5%) or more of alcohol by volume.

IC 6-2.5-1-12 (added). "Candy" defined.

- Defines candy to be a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces.
- The term does not include items containing flour or items requiring refrigeration.

IC 6-2.5-1-13; IC 6-2.5-1-14; AND IC 6-2.5-1-15; (added). "Computer," "Computer software," and "Electronically" defined.

- Defines the terms computer, computer software, and delivered electronically.

IC 6-2.5-1-16 (added). "Dietary supplement" defined.

- Defines a dietary supplement as a product that is intended to supplement the diet, contains a vitamin or other mineral, is intended for oral ingestion, and is required to be labeled as a dietary supplement, identifiable by the "Supplemental Facts" box found on the label as required under 21 CFR 101.36.

IC 6-2.5-1-17 (added). "Drug" defined.

- Defines a drug as a substance recognized in the official United States Pharmacopoeia, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease.
- The term does not include food and food ingredients, dietary supplements, or alcoholic beverages.

IC 6-2.5-1-18 (added). "Durable medical equipment" defined.

- Defines durable medical equipment to mean equipment including repair and replacement parts for equipment that can stand repeated use, is used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body.

IC 6-2.5-1-19 (added). "Electronic" defined.

- Defines electronic as relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

IC 6-2.5-1-20 (added). "Food and food ingredients" defined.

- Defines food and food ingredients as substances sold for ingestion or chewing by humans, that are consumed for their taste or nutritional value.
- The term does not include alcoholic beverages, candy, dietary supplements, or soft drinks.

IC 6-2.5-1-21 (added). "Lease" or "rental" defined.

- Defines the terms "lease" and "rental" as any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration.
- The term does not include any arrangement whereby title to property subject to a security agreement automatically transfers upon the completion of payments or when title can be gained by the payment of an option price of less the $100 or 1% of the total payments.
- The term also does not include providing tangible personal property along with an operator for a fixed or indeterminate period if the operator is necessary for the equipment to perform as designed and the operator does more than maintain, inspect, or set up the tangible personal property.

- How a transaction is characterized by the Internal Revenue Code, the uniform commercial code, or any other federal, state, or local laws is not a consideration in determining whether an arrangement is a lease.

IC 6-2.5-1-22 (added). "Mobility enhancing equipment" defined.

- Defines mobility enhancing equipment as equipment primarily used to provide or increase the ability to move from one place to another and is not generally used by persons with normal mobility. It does not include a motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer.

IC 6-2.5-1-23 (added). "Prescription" defined.

- Defines a prescription as an order or formula issued by a licensed practitioner.

IC 6-2.5-1-24 (added). "Prewritten computer software" defined.

- Defines prewritten computer software to mean computer software that is not designed and developed by the author or other creator to the specifications of a specific purchaser.
- Modifications to prewritten computer software where there is a reasonably separately stated charge for modification or enhancement, the modification or enhancement is not prewritten computer software.
- Consistent with existing Department policy concerning the taxation of "canned" and "customized" software.

IC 6-2.5-1-25 (added). "Prosthetic device" defined.

- Defines a prosthetic device as a replacement, corrective, or supportive device worn on or in the body to artificially replace a missing part of the body, prevent or correct physical deformity, or support a weak or deformed part of the body.

IC 6-2.5-1-26 (added). "Soft drinks" defined.

- Defines soft drinks as nonalcoholic beverages that contain natural or artificial sweeteners.
- The term does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or greater than fifty percent (50%) of vegetable or fruit juice by volume.

IC 6-2.5-1-27 (added). "Tangible personal property" defined.

- Defines tangible personal property as something that can be seen, weighed, measured, felt, or touched or in any other manner is perceptible to the senses. The term includes electricity, gas, water, steam, and prewritten computer software.

IC 6-2.5-4-1 (amended). "Selling at retail" defined.

- Includes delivery charges in gross retail income and charges by the seller for the preparation and delivery of the property to a location designated by the purchaser, including but not limited to transportation, shipping, postage, handling, crating, and packing.

IC 6-2.5-4-10 (amended). "Rental or leasing of personal property."

- Provides that subleasing is not classified as the rental or leasing of tangible personal property.

IC 6-2.5-5-1 (amended). "Agricultural exemption."

- Provides an agricultural exemption for the production of "food and food ingredients."

IC 6-2.5-5-2 (amended). "Agricultural machinery, tools, and equipment" exemption.

- Provides an agricultural machinery, tools, and equipment exemption for the production of "food and food ingredients."

IC 6-2.5-5-18 (amended). "Medical equipment, supplies, and devices" exemption.

- Clarifies that the purchase of durable medical equipment and prosthetic devices are exempt from the sales tax, as well as the rental of durable medical equipment and other medical supplies.

IC 6-2.5-5-19 (amended). "Drug" exemption.

- Provides a technical change to the exemption for legend and non-legend drugs.

IC 6-2.5-5-20 (amended). "Food for human consumption" exemption.

- Provides that food and food items are exempt from the sales tax if items are sold without eating utensils provided by the seller and are sold by a seller whose primary NAICS classification is food manufacturing, except for bakeries.
- Food sold in an unheated state by weight or volume as a single item, or bakery items including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas are also exempt.
- Items that are taxable include, (1) candy, (2) alcoholic beverages, (3) soft drinks, (4) food sold through a vending machine, (5) food sold in a heated state or heated by the seller, (6) two or more food ingredients mixed or combined by the seller for sale as a single item, and (7) food sold with eating utensils provided by the seller.

IC 6-2.5-5-21 (amended). "Food; medically necessary deliveries or purchases" exemption.

- Provides an exemption for transactions involving the sales of "food and food ingredients." See IC 6-2.5-1-20.

IC 6-2.5-5-21.5 (amended). "Medically necessary food" exemption.

- Provides an exemption for transactions involving the sales of "food and food ingredients." See IC 6-2.5-1-20.

IC 6-2.5-5-22 (amended). "School meals" exemption.

- Provides an exemption for transactions involving the sales of "food and food ingredients." See IC 6-2.5-1-20.

IC 6-2.5-5-35 (amended). "Tangible personal property transaction" exemption.

- Provides an exemption for transactions involving the sales of "food and food ingredients." See IC 6-2.5-1-20.

IC 6-2.5-6-9 (amended). "Uncollectible receivables" deduction.

- Makes changes in the bad debt deduction for sales tax so that any deduction taken does not include interest and the amount of the deduction shall be determined in the manner provided in Section 166 of the Internal Revenue Code.
- The deduction excludes financing charges or interest, sales or use taxes charged on the purchase price, uncollectible amounts on property that remain in the possession of the seller until the full purchase price is paid, expenses incurred in attempting to collect any bad debt, and the value of repossessed property.
- The deduction is claimed during the period for which the receivable is written off. A claimant who is not required to file a federal income tax return may deduct an uncollectible receivable on a return filed for the period in which the receivable is written off in the claimant's records.
- Provides that if the amount of the deduction exceeds the retail merchant's tax liability for the reporting period, the merchant may file a refund claim under IC 6-8.1-9.
- For purposes of reporting a payment received on an uncollectible receivable, any payments made shall be applied proportionally to the taxable price of the property and the sales tax thereon, then to interest, service charges, and any other charges.

A NEW chapter, IC 6-2.5-12, "Taxing Situs of Nonmobile Telecommunications Service" is ADDED.

IC 6-2.5-12-10 (added). "Post paid calling service" defined.

- Defines post paid calling service as payment on a call by call basis through the use of a credit card, debit card, or by charge made to a telephone number that is not associated with the origination or termination of the telecommunications service.

IC 6-2.5-12-11 (added). "Prepaid calling service" defined.

- Defines prepaid calling service as the right to access telecommunications services, which must be paid for in advance, and with the use of an access number and that is sold in predetermined units or dollars.

IC 6-2.5-12-14 (added). "Telecommunications sourcing rules."

- Provides that services sold on a call-by-call basis shall be sourced to each level of jurisdiction where the call either originates or terminates, and in which the service address is located.
- Sales of mobile telecommunications are sourced to the customer's primary place of primary use as required by the Mobile Telecommunications Sourcing Act.
- Post paid calling services are sourced to the origination point of the telecommunications signal as first identified by the seller's telecommunications system, or information received by the seller from its service provider, where the system used to transport such signals is not that of the seller.
- Prepaid calling services are sourced in the following manner. When the services are received by the purchaser at a business location of the seller, the sale is sourced to the business location. If it is not received by the purchaser at a business location of the seller, the sale is sourced to the location where receipt by the purchaser occurs.

IC 6-2.5-4-6 imposes sales tax on "intrastate" telecommunications. With regard to non-mobile telecommunications services, sales tax is not imposed on interstate telecommunications services even though those transactions could be sourced to Indiana pursuant to IC 6-2.5-12. All mobile telecommunications services that are sourced to Indiana pursuant to IC 6-8.1-15 are subject to sales tax.

A NEW chapter, IC 6-2.5-13, "General Sourcing Rules" is ADDED.

IC 6-2.5-13-1 (added). "Definitions; scope, sourcing rules"

- Provides sourcing rules for general personal property and services excluding motor vehicles, trailers, aircraft, watercraft, modular homes, mobile homes, manufactured homes, or telecommunications services.
- The retail sale, except for the lease or rental of a product shall be sourced in the following ways: A sale shall be sourced to the business location of the seller when received by the purchaser at the business location. If the item is received by the purchaser at a location other than that of the seller, the sale is sourced to the location received by the purchaser. If the first two provisions do not apply, the sale is sourced to the location indicated by an address for the purchaser that is available from the business records of the seller. If none of the previous provisions apply, the location will be determined by the address from which the property was shipped.
- The lease or rental of property other than motor vehicles, trailers, semi-trailers, aircraft, or property used in transportation that requires recurring periodic payments will be sourced in the following manner: The first payment is sourced the same as a retail transaction. Subsequent payments are sourced to the location of the property. The lease or rental of motor vehicles, trailers, semi-trailers, or aircraft is sourced to the primary location of the property. The retail sale or lease or rental of transportation equipment shall be sourced the same as a retail sale.

IC 6-2.5-13-2 (added). "Multiple Points of Use" exemption form.

- Provides for a multiple point of use ("MPU") exemption for a business purchaser that knows at the time of purchase that a digital good, computer software delivered electronically or for service that will concurrently be available for use in more

than one jurisdiction.

- Presentation of the MPU exemption relieves the seller from all obligations to collect the sales tax from the purchaser. The purchaser is allowed to use any consistent and uniform apportionment method.

IC 6-2.5-13-3 (added). "Direct mail purchases."

- Provides that a direct mailer must provide the seller with a direct mail form, or information to show the jurisdictions to which the direct mail is delivered to recipients. Upon the receipt of the direct mail form, the seller is not obligated to collect the applicable tax, and the purchaser is obligated to remit the applicable tax on a direct pay basis. If the purchaser provides information to the seller of the jurisdictions to which the direct mail is delivered, the seller is required to collect the tax according to the delivery information provided by the purchaser.

IC 6-9-12-3; IC 6-9-20-4; IC 6-9-21-4; IC 6-9-23-4; IC 6-9-14-4; IC 6-9-25-4; IC 6-9-26-7; IC 6-9-27-4; IC 6-9-33-4 (amended).

- Amends the Food and Beverage Tax statutes so that the definition of food sold on a "To Go" or "Take Out" basis corresponds to provisions in the new sales tax statutes.

Kenneth L. Miller
Commissioner

DEPARTMENT OF STATE REVENUE
IN REGARDS TO THE MATTER OF:
MARGOT NEWMAN
DOCKET NO. 29-2002-0142
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. The Petitioner protested in a timely manner.

FINDINGS OF FACTS

1) Petitioner protested the Department's proposed actions on March 8, 2002.
2) The Department acknowledged the Petitioner's appeal in a letter dated March 11, 2002.
3) The Department contacted the Petitioner a second time regarding setting a hearing on May 10, 2002.
4) Pursuant to IC 4-21.5-3-1 notice was given to the Petitioner on March 11, 2002 regarding a possible dismissal of her appeal.
5) Petitioner has 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.

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: _____ _____

Bruce R. Kolb / Administrative Law Judge

DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #29
SALES TAX
JANUARY 2004

(Replaces Information Bulletin #29 dated December 2002)

DISCLAIMER: Information bulletins are intended to provide non-technical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the statutes, rules or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current statute and procedures related to the subject matter covered herein.

SUBJECT: Sales of Food

REFERENCES: IC 6-2.5-1-11, IC 6-2.5-1-12, IC 6-2.5-1-16, IC 6-2.5-1-20, IC 6-2.5-1-26, IC 6-2.5-5-20, IC 6-2.5-5-21, IC 6-2.5-5-21.5, IC 6-2.5-5-22, IC 6-2.5-5-35

INTRODUCTION:

Generally, the sale of food and food ingredients for human consumption is exempt from Indiana sales tax. Primarily, the exemption is limited to the sale of food and food ingredients commonly referred to as "grocery" food. The purpose of this bulletin is to assist Indiana retailers in the proper application of this exemption.

A number of items sold by grocery stores, supermarkets, and similar type businesses are classified in this bulletin under the headings "Non-taxable Food Items" and "Taxable Grocery Items". These examples are for illustrative purposes and are not intended to be all-inclusive.

I. Non-taxable Food Items:

Food is defined as substances whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by humans and that are consumed for their taste or nutritional value. The term does not include tobacco, alcoholic beverages, candy, dietary supplements or soft drinks.

The Indiana sales tax does not apply to the sale of food and food ingredients listed below if sold unheated and without eating utensils provided by the seller.

Baby food

Bakery items (including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas)

Baking chocolate (whether liquid, powder, or solid)

Baking soda or other forms of leavening agents

Beverages containing 50% fruit or vegetable juice or containing milk, milk products or milk substitutes

Broths and bouillons (whether liquid, instant, freeze dried, or cubes)

Cereal and cereal products

Cocoa

Coconut (whether whole, shredded, sweetened, processed or raw)

Coffee and coffee substitutes (beans, grounds, freeze dried, bags and instant only)

Condiments

Deli items when sold unheated by weight or volume as a single item
Deli trays that only contain otherwise exempt items
Eggs and egg products or substitutes
Extracts and flavorings intended as a cooking ingredient
Fish and fish products (including all other forms of seafood)
Flour (including wheat, whole wheat, rye, corn, rice, barley, buckwheat, soy or other forms of milled grains or nuts)
Food coloring
Food sold by a seller whose primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries)
Food sold by weight or volume as a single item
Fruit and fruit products (whether fresh, frozen, canned or dehydrated, excludes items on salad bars)
Gelatins (whether powdered or prepared)
Honey
Ice
Ice cream (including toppings and novelties)
Jams and jellies (including marmalades and preserves)
Ketchup
Lard
Marshmallows (including marshmallow crème)
Meat and meat products (whether fresh, frozen, cured, canned, or dehydrated)
Milk and milk products
Mustard
Nuts (including salted, but not chocolate or candy coated nuts)
Oleomargarine
Olive oil
Peanut butter
Pepper
Pickles
Powdered drink mixes (including sweetened)
Relishes
Salad dressings and mixes
Salt
Sauces
Sherbets and sorbets
Shortenings
Soups
Snack chips and pieces (includes potato chips, corn chips, pig skins, pretzels and trail mixes.)
Spices
Sandwich spreads
Sugar, sugar products and sugar substitutes
Syrups (including molasses and dietetic syrups and similar products)
Tea (bags, leaves, or instant only)
Vegetables and vegetable products (whether fresh, frozen, canned or dehydrated, excludes items on salad bars)
Vegetable oils
Water

II. Taxable Grocery Items:

The following grocery items are subject to Indiana sales tax:
Alcoholic beverages
Candy and confections
Chewing gum
Chocolate covered nuts
Cocktail mixes (dry or liquid)
Cooking utensils
Dietary supplements
Liver oils
Lozenges

Over the counter medicines
Paper products
Pet food and supplies
Soap and soap products
Soft drinks
Tobacco and tobacco products
Tonics
Toothpaste and mouthwash
Vending machine sales
Vitamins

Food sold in a heated state or heated by the seller is taxable.

Two (2) or more food ingredients mixed or combined by the seller for sale as a single item are taxable (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer so as to prevent food borne illness).

Food that is sold with eating utensils, provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws is taxable.

A. Candy

Candy is defined as preparations of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces. The fact that these preparations contain ingredients, which if purchased separately, are considered exempt, does not exempt these preparations. The term does not include any preparation that contains flour as one of the first three (3) ingredients listed on the label or any preparation that requires refrigeration.

Baking chocolate and similar products, which are intended for use in cooking, will be considered exempt food within the meaning of this information bulletin. The method used in packaging, distributing and displaying the product, including the kind and size of container used, will be considered in determining the primary use for which it is sold.

B. Soft Drinks

Soft drinks are defined as nonalcoholic beverages that contain natural or artificial sweeteners. The term does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or greater than fifty percent (50%) vegetable or fruit juice by volume.

C. Dietary Supplements

Sales of dietary supplements are subject to Indiana sales tax. The term "dietary supplements" means any product other than tobacco that:

(1) is intended to supplement the diet;

(2) contains one or more of the following ingredients:

(a) vitamins,
(b) minerals,
(c) herbs or other botanicals,
(d) amino acids,
(e) a dietary substance for use by humans to increase the total dietary intake,
(f) concentrates, metabolites, constituents, extracts or a combination of any of the above ingredients;

(3) is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in the above form, is not represented as a conventional food and is not represented for use as a sole item of a meal or of the diet;

(4) is required to be labeled as a dietary supplement, identifiable by the "Supplemental Facts" box found on the label and as required under 21CFR 101.36.

Dietary supplements include products such as Figurines, Carnation Diet Drinks, Slimfast, Slender, and Ensure.

Sales of food prescribed as medically necessary by a physician licensed to practice medicine in Indiana are exempt from the sales tax if dispensed by a registered pharmacist or sold by a licensed physician.

D. Prepared Food

(1) All food sold through a vending machine is subject to sales tax regardless of the type of food sold. The fact that the item qualifies as exempt food if sold in another manner does not make the purchase exempt if sold through a vending machine.

(2) All food items sold with eating utensils provided by the seller are taxable. Food shall be considered to be sold with eating utensils provided by the seller when the food is intended for consumption with the utensils provided. Taxable food therefore includes all food sold by an eating establishment that sells meals, sandwiches, or other food for consumption on or off the premises. Additionally, taxable food includes self-service food such as salad bars or drink islands. The presence of self-service

utensils in a facility does not make otherwise exempt food taxable unless it is intended that the food be consumed with those utensils. Further, items provided solely pursuant to sanitary statutes or regulations and not for purposes of consumption do not qualify as utensils.

(3) All food items sold in a heated state are taxable. Food is also taxable if it was heated by the seller and is ready to eat without further cooking by the purchaser.

(4) Where 2 or more food ingredients are mixed or combined by the seller and then sold as a single food item, this item is taxable unless:

(a) the item is both sold in an unheated state by weight or volume as a single item and is sold without eating utensils, e.g., potato salad; or

(b) the item sold represents food that is only cut, repackaged, or pasteurized by the seller, e.g., vegetable trays; or

(c) the item sold contains raw animal foods that require cooking.

(5) Bakery items are not taxable unless they are:

(a) sold through a vending machine; or

(b) sold with eating utensils provided by the seller; or

(c) sold in a heated state.

(6) Food items sold by a seller whose proper primary NAICS classification is 311 food manufacturing (except subsector 3118, bakeries) are not taxable unless they are:

(a) sold through a vending machine; or

(b) sold with eating utensils provided by the seller; or

(c) sold in a heated state.

E. Unitary Transactions

When a taxable item is sold with a non-taxable item for a single price the entire purchase amount is subject to sales tax. If such items are separately priced and charged on the receipt, then only the amount charged for the taxable item is subject to sales tax.

III. Coupons, Redemption Certificates, and Bottle Deposits

Coupons or redemption certificates received by the seller as payment or partial payment of merchandise are considered as cash if such coupons are redeemable to the seller and were not extended by the seller.

Charges for bottle deposits are not subject to sales tax and should be removed from the total on which sales tax is computed. The refund of bottle deposits are not deductible when computing taxable receipts.

IV. Purchases by Retailers

Purchases by the retailer of merchandise for resale and material for non-returnable packaging of merchandise sold is exempt from sales tax.

Gifts and premiums given by a retailer are not purchases for resale and such items are subject to the sales tax when purchased by the retailers. The retailer cannot purchase cash registers, equipment cleaning supplies, cash register tapes, sales tickets and other similar items exempt since the retailer is the final consumer of these items. The retail merchant must pay sales tax on all such items. Sales of merchandise to employees are subject to sales tax on the full final sales price.

V. Registration and Record Keeping Requirements

All grocers and other general merchandise retailers are required to file an application for a registered retail merchant's certificate for each location. Upon application with the Department of Revenue and the payment of a twenty-five dollar ($25.00) fee, a permanent certificate will be issued which must be displayed on the premises at all times.

Indiana retail merchants are required to keep adequate books and records for both taxable and non-taxable sales for a period of three (3) years, plus the current year.

Kenneth L. Miller
Commissioner

DEPARTMENT OF STATE REVENUE

03970448.LOF

LETTER OF FINDINGS NUMBER: 97-0448
WITHHOLDING TAX
For The Tax Periods: 1989 through 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. Withholding Tax – Dividends

Authority: IC 6-3-4-13, IC 6-3-2-2.8, 45 IAC 1.1-1-9, I.R.C. § 1363, I.R.C. § 1368, I.R.C § 316.

The Taxpayer protests the Department's assessment of withholding tax on distributions made to non-resident shareholders.

STATEMENT OF FACTS

Taxpayer incorporated out-of-state but maintains an Indiana commercial domicile and has elected to be taxed as an S Corporation. Taxpayer's primary source of revenue came from the flow through of income from its various partnership interests.

Taxpayer was audited for the periods of 1989 through 1993. During 1989 through 1992, Taxpayer was owned by six individual shareholders that were non-residents. In 1993, Taxpayer was owned by fifteen shareholders composed of family and trusts of the original six shareholders.

Taxpayer held a limited and general partnership interest in Company A. During the audit period Company A operated numerous Indiana nursing homes and later added three out-of-state locations. Company A was organized out-of-state and has its commercial domicile in Indiana. The bulk of Taxpayer's revenue came from the flow through of income from Company A. Taxpayer also owned a majority interest in Company A.

Taxpayer also held a general partnership interest in Company B which operated a pharmacy in Indiana. Company B was organized out-of-state and has Indiana domicile. Taxpayer owned an 85% interest in Company B.

Finally, Taxpayer held a limited partnership interest in Company C beginning in 1992. Company C was a partnership of investors. Company C's primary investment was a limited partnership interest in Company A and Company B and was organized out-of-state and held an Indiana domicile.

Taxpayer had no property, payroll or sales and operated merely as a conduit between its shareholders and the partnerships it owned. More facts supplied as necessary.

I. Withholding Tax: Dividends

In 1989 and 1990, Taxpayer sustained large losses that were filtered down from the operations of Company A. Although there were losses being shown, Taxpayer paid distributions to its shareholders. The auditor determined these distributions were subject to tax since Taxpayer had a negative capital account and the distributions were made in excess of basis. Taxpayer argues that these distributions represent a return of capital in excess of basis, thus, are not subject to tax.

IC 6-3-4-13 (a) states: "[e]very corporation which is exempt from tax under IC 6-3 pursuant to IC 6-3-2-2.8(2) shall, at the time that it pays or credits amounts to any of its nonresident shareholders as dividends or as their share of the corporation's undistributed taxable income, withhold the amount prescribed by the department." An S-Corporation as described by I.R.C. § 1363 is an exempt organization for adjusted gross income tax purposes. IC 6-3-2-2.8(2).

I.R.C. § 1368 states in part:

(a) GENERAL RULE.-A distribution of property made by an S corporation with respect to its stock to which (but for this subsection) section 301(c) would apply shall be treated in the manner provided in subsection (b) or (c), whichever applies.

(b) S CORPORATION HAVING NO EARNINGS AND PROFITS.-In the case of a distribution described in subsection (a) by an S corporation which has no accumulated earnings and profits-

(1) AMOUNT APPLIED AGAINST BASIS. – The distribution shall not be included in gross income to the extent that it does not exceed the adjusted basis of the stock.

(2) AMOUNT IN EXCESS OF BASIS.- If the amount of the distribution exceeds the adjusted basis of the stock, such excess shall be treated as gain from the sale or exchange of property.

(c) S CORPORATION HAVING EARNINGS AND PROFITS. – In the case of a distribution described in subsection (a) by an S corporation which has accumulated earnings and profits.-

(1) ACCUMULATED ADJUSTMENTS ACCOUNT.- That portion of the distribution which does not exceed the accumulated adjustments account shall be treated in the manner provided by subsection (b).

(2) DIVIDEND.-That portion of the distribution which remains after the application of paragraph (a) shall be treated as a dividend to the extent it does not exceed the accumulated earnings and profits of the S Corporation.

(3) TREATMENT OF REMAINDER.- Any portion of the distribution remaining after the application of paragraph (2) of this subsection shall be treated in the manner provided by subsection (b).

Except to the extent provided in regulations, if the distributions during the taxable year exceed the amount in the accumulated adjustments account at the close of the taxable year, for purposes of this subsection, the balance of such account shall be allocated among such distributions in proportion to their respective sizes…

Here, the auditor states that the distributions did exceed the basis of stock. Taxpayer concurs. However, Taxpayer contends that IC 6-3-4-13(a) does not require withholding where the distributions represent a return of capital in excess of basis. They argue that IC 6-3-4-13(a) only requires withholding where the distribution represents a dividend or undistributed taxable income.

I.R.C § 316 defines a dividend as follows:

(a) GENERAL RULE.- For purposes of this subtitle, the term "dividend" means any distribution of property made by a

corporation to its shareholders'

(1) out of its earnings and profits accumulated after February 28, 1913, or

(2) out of its earnings and profits of the taxable year (computed as of the close of the taxable year without diminution by reason of any distributions made during the taxable year), without regard to the amount of the earnings and profits at the time the distribution was made….

Also, 45 IAC 1.1-1-9 defines a dividend as "a distribution payable by a corporation out of its earnings, profits, or some other source not impairing capital."

Taxpayer sustained losses and had a negative capital account. Consequently, pursuant to I.R.C. § 1368(b)(2) the distributions should be characterized as the gain from the sale or exchange of property and are not subject to Indiana's withholding tax.

FINDING

The Taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

01-20000268.LOF
04-20000269.LOF

LETTERS OF FINDINGS NUMBERS: 00-0268 & 00-0269
ADJUSTED GROSS INCOME AND STATE GROSS RETAIL TAX
For Years 1996, 1997, AND 1998

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 —Validity of Audit Assessment

Authority: IC § 6-8.1-5-4

Taxpayer protests an Audit assessment based on the best available information.

STATEMENT OF FACTS

Taxpayer is an individual who buys and sells antiques. Due to a lack of reliable records, the audit was based on the best information available, which was the taxpayer's bank statements, canceled checks, and tax returns. The canceled checks showed that the taxpayer purchased several thousand dollars worth of antiques from individuals and antique auctions. The bank statements showed deposits far in excess of amounts available per individual income tax returns. The auditor was provided no evidence that all income from various sources was in fact deposited in the checking account and took the position that the deposits were the result of business activities. The total deposited in the checking account, with adjustments for cost of goods sold and other expenses, was considered gross receipts and inasmuch as no invoices were available for any sales or purchases, sales and use tax was calculated for all nonexempt transactions that could be identified. Taxpayer disagreed with the assessment total and protested, maintaining that additional documentation would be provided to reduce the assessment. As part of the hearing on this protest, taxpayer provided prepared summaries purporting to show taxpayer's actual income and transactions.

I. Tax Administration—Validity of Assessment

DISCUSSION

The overlying issue for the taxpayer's protest is the audit's assessment of tax based on inferences drawn from taxpayer records related to bank deposits. Taxpayer contends that the inferences resulting in assessment were not properly drawn and provided documentation refuting the audit finding and reducing the assessment. This issue revolves around the burden of proof in an audit situation, which IC § 6-8.1-5-4 defines as:

Every person subject to a listed tax must keep books and records so that the department can determine the amount, if any, of the person's liability for that tax by reviewing those books and records. The records in this subsection include *all source documents necessary to determine the tax,* including invoices, register tapes, receipts, and canceled checks. *(Emphasis added)*

Taxpayer does not cite any statute, regulation, or case law for the proposition that the auditor was required to accept assertions as to the nature of the transactions based solely on the summary documentation prepared by the taxpayer. The statute requires taxpayer to keep source documentation and have it available to support taxpayer's claims as to the nature of the transactions. During the audit taxpayer presented contradictory information and documentation as to his activities. The taxpayer, having signed an exemption certificate reporting that he was an out of state retailer and wholesaler of antiques to obtain a retail sales tax exemption, later denied having any out of state activity, or that he was a retailer or wholesaler, when questioned regarding sales and use tax obligations. Taxpayer's current assertion that the Department is now required to accept taxpayer's selective and unsupported

assertions absent statutorily required documentation is not sustainable.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

04-20000444.LOF

LETTER OF FINDINGS NUMBER: 00-0444
Sales/Use Tax
For Years 1997 and 1998

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. Sales/Use Tax – Interstate commerce

Authority: IC 6-2.5-4-1; IC 6-2.5-2-1; 45 IAC 2.2-2-2; IC 6-2.5-8-8, 45 IAC 2.2-5-53(b); 45 IAC 2.2-5-53(a); IC 6-2.1-3-3; 45 IAC 1-1-119(2)(b); 45 IAC 2.2-5-54; IC 6-2.5-5 et al.

Taxpayer protests the imposition of sales tax on transactions where an item purchased in Indiana is subsequently and immediately moved out of state via interstate commerce.

STATEMENT OF FACTS

Taxpayer makes custom decals for its customers. The decals are primarily used on semi-trailers. Taxpayer also installs the decals on the semi-trailers at several locations. The sales of the decals is done only through one of taxpayer's Indiana locations.

Several out-of-state customers made use of the taxpayer's products and services. The customers drove their trucks to one of the taxpayer's Indiana locations to purchase the decals. The decals may or may not have been installed in Indiana. However, in all cases, the sales of the decals took place in Indiana. Sales tax was not collected for any of the transactions in question.

DISCUSSION

I. Sales/Use Tax – Interstate commerce

Taxpayer, in the ordinary course of its regularly conducted business, acquires tangible personal property for the purpose of resale and transfers that property to another person for consideration. These activities qualify taxpayer as a retail merchant. IC 6-2.5-4-1. As such, the retail merchant, acting as an agent for the state, must collect sales tax from its customers against whom the tax is levied under IC 6-2.5-2-1. 45 IAC 2.2-2-2. However, certain exemptions apply to the assessment of sales tax.

One such instance of exemption from sales tax comes from the issuance of exemption certificates. IC 6-2.5-8-8 speaks to the matter:

(a) A person, authorized under subsection (b), who makes a purchase in a transaction which is exempt from the state gross retail and use taxes, may issue an exemption certificate to the seller instead of paying the tax. The person shall issue the certificate on forms and in the manner prescribed by the Department. A seller accepting a proper exemption certificate under this section has no duty to collect or remit the state gross retail or use tax on that purchase.

(b) The following are the only persons authorized to issue exemption certificates:

(1) Retail merchants, wholesalers, and manufacturers, who are registered with the department under this chapter;

(2) Organizations which are exempt from the state gross retail tax under IC 6-2.5-5-21, IC 6-2.5-5-25, or IC 6-2.5-5-26 and which are registered with the department under this chapter; and

(3) Other persons who are exempt from the state gross retail tax with respect to any part of their purchases.

Several of taxpayer's customers validly and legally submitted exemption certificates at the time of their purchase of taxpayer's products. For those transactions, there is no controversy. Other of taxpayer's customers did not submit exemption certificates. It is for these transactions that the controversy exists.

Taxpayer claims that these customers were not able to obtain exemption certificates, for various reasons, from the State of Indiana. The Department has no reason to doubt this assertion.

Taxpayer was able to obtain from these customers a form, an ST-136A Indiana Out-of-State Purchasers Sales Tax Exemption Affidavit, that can serve as an alternative to the exemption certificate for those businesses unable to obtain them. The issue surrounding the use of these forms is: Does the information on the forms establish an exempt nature for the transactions at issue?

The problem lies in the fact that these forms indicate no valid reason to grant exempt status to the transactions they cover. The probative notation on these forms comes under the following query: "I hereby certify under penalty of perjury that the property described above is purchased exempt from Indiana sales tax for the following reasons:". For each of the forms submitted, the entry

is the same: "Property being transported out of state."

It therefore follows that taxpayer's argument can be summed up as such: Because taxpayer's customers take the products they purchase from taxpayer and transport them out of state, these transactions are exempt from sales tax consideration. Nothing in the law supports this argument.

The state gross retail tax does not apply to sales from transactions constituting retail transactions that are in interstate commerce and which the state of Indiana is prohibited from taxing by the Constitution of the United States of America. 45 IAC 2.2-5-53(b). 45 IAC 2.2-5-53(a) leads to the conclusion that the gross income tax and its provisions as guiding, specifically pointing to IC 6-2.1-3-3:

> The state gross retail tax shall not apply to such part of the gross income from transactions constituting selling at retail as is exempt from the gross income tax under the provisions of IC 6-2.1-3-3.

IC 6-2.1-3-3 reads:

> Gross income derived from business conducted in commerce between the state of Indiana and either another state or a foreign country is exempt from gross income tax to the extent the state of Indiana is prohibited from taxing that gross income by the United State Constitution.

Taking 45 IAC 2.2-5-53(a) and IC 6-2.1-3-3 together, this means one must look to the gross income tax regulations to determine when gross retail tax regulations apply.

The situation found here, where an out-of-state customer purchases tangible personal property in Indiana and then transports that property out of state, is classified as a taxable outshipment. For gross income tax purposes, taxable outshipments are defined in 45 IAC 1-1-119(2)(b), which defines one particular type of taxable outshipment as:

> Sales to nonresidents where the goods are accepted by the buyer or he takes *actual delivery* within the State. Sales will also be taxable if the goods are shipped out of state on bills of lading showing the seller, buyer or a third party as shipper if the goods were inspected and accepted, or when the sales were completed prior to shipment in interstate commerce. (Emphasis added.)

Because taxpayer's customers take actual delivery of taxpayer's products in Indiana, they would be subject to gross income tax for these transactions, and are therefore subsequently subject to gross retail tax.

45 IAC 2.2-5-54 also directly speaks to this point:

> (a) Delivery to purchaser in Indiana. Sales of tangible personal property which are delivered to the purchaser in Indiana are subject to gross retail tax or use tax, except (see Regs. 6-2.5-5-15(020) [45 IAC 2.2-5-22]) for certain sales of motor vehicles and aircraft.

As taxpayer delivers its products to its customers in Indiana, and because the sales in question do not qualify for any of the aforementioned exceptions, this section applies.

Finally, in IC 6-2.5-5 et. al., several exemptions to the gross retail tax are listed under the heading "Exempt Transactions of a Retail Merchant." This list is extensive and presumably exhaustive. A thorough reading of these exemptions lists nothing that could possibly encompass the transactions in question.

FINDINGS

The taxpayer is respectfully denied.

DEPARTMENT OF STATE REVENUE

0220000456.LOF

LETTER OF FINDINGS NUMBER: 00-0456
Income Tax
For Tax Periods 1995-1997

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Income—Partnership Distributions

Authority: IC 6-2.1-2-2; IC 23-4-1-25; 45 IAC 1-1-49; 45 IAC 1-1-51; 45 IAC 1-1-159.1

Taxpayer protests imposition of Gross Income tax on distributions from a partnership.

II. Adjusted Gross Income—Partnership Distributions

Authority: IC 6-3-2-2; 45 IAC 3.1-1-153

Taxpayer protests imposition of Adjusted Gross Income tax on distributions from a partnership.

III. Supplemental Net Income—Partnership Distributions
Authority: IC 6-3-8-1; IC 6-3-8-2

Taxpayer protests imposition of Supplemental Net Income tax on distributions from a partnership.

IV. Tax Administration—Negligence Penalty
Authority: 45 IAC 15-11-2

Taxpayer protests imposition of a ten percent (10%) negligence penalty.

STATEMENT OF FACTS

Taxpayer was a minority shareholder in four limited partnerships that are non-unitary Real Estate Investment Trusts (REITS). As the result of an audit, the Indiana Department of Revenue ("Department") issued proposed assessments imposing gross income tax, adjusted gross income tax, and supplemental net income tax on taxpayer's income from partnership distributions from the REITS. Taxpayer protests the assessments. Further facts will be provided as necessary.

I. Gross Income—Partnership Distributions

DISCUSSION

Taxpayer was a non-resident minority shareholder in four limited partnerships that were Real Estate Investment Trusts (REITs). The partnerships, via the REITs, held real property in four Indiana shopping malls. The partnerships were not domiciled in Indiana. As the result of an audit, the Department issued proposed assessments for Gross Income tax on the partnerships' distributions to taxpayer for the tax years involved. The Department based its decision on the fact that the partnerships owned and rented real property in Indiana, which the Department determined gave taxpayer an Indiana business situs.

The Department refers to IC 6-2.1-2-2, which states in relevant part:

(a) An income tax, known as the gross income tax, is imposed upon the receipt of:

(1) the entire taxable gross income of a taxpayer who is a resident or a domiciliary of Indiana; and

(2) the taxable gross income derived from activities or businesses or any other sources within Indiana by a taxpayer who is not a resident or a domiciliary of Indiana.

The Department proceeded on the grounds that taxpayer's partnership interests in the REITs, which own and rent Indiana real property, constituted business activities within Indiana for taxpayer.

Taxpayer's position is that its partnership interests were intangible property and that it had insufficient nexus with Indiana to subject it to taxation here. Taxpayer had no other contacts with Indiana. Taxpayer makes a general reference to several Federal nexus cases, but does not provide additional analysis.

Taxpayer claims that its partnership interests are similar to intangibles and refers to 45 IAC 1-1-51, which states in part:

Situs of Intangibles. The Department applies two tests in determining the taxability of income from intangibles. The term "intangible" or "intangible property," as used in IC 6-2-1-1(m) *[Repealed by P.L. 77-1981, SECTION 22.]*, means and includes notes, stocks in either foreign or domestic corporations, bonds, debentures, certificates of deposit, accounts receivable, brokerage and trading accounts, bills of sale, conditional sales contracts, chattel mortgages, "trading stamps", final judgments, leases, royalties, certificates of sale, choses in action and any and all other evidences of similar rights capable of being transferred, acquired or sold.

Taxpayer believes that, as an "intangible", the partnership interests should be considered to have taxpayer's headquarters as its situs. 45 IAC 1-1-51 also explains that the two tests applied in determining the taxability of income from intangibles are the "business situs" test and the "commercial domicile" test. Since taxpayer is not commercially domiciled in Indiana, the "business situs" test is relevant here. 45 IAC 1-1-51 explains the "business situs" test as:

The first test is what may be termed the "business situs" of the taxpayer or the relationship of the income from the intangible to the business activity of the taxpayer in Indiana. If the intangible or the income derived therefrom forms an integral part of a business regularly conducted at a situs in Indiana, the total gross income derived from the sale, assignment, transfer or exchange of the rights comprising the intangible property, or from interest, finance charges, dividends or other earnings upon the intangibles of any kind, or from any other source arising from the ownership of intangible property, or from the transfer of ownership to another will be required to be reported for taxation under IC 6-2-1-1(m) *[Repealed by P.L. 77-1981, SECTION 22.]* at the higher rate under IC 6-2-1-3(g) *Repealed by P.L. 77-1981, SECTION 22]*.

Taxpayer believes that its partnership interests in the REITs qualify as intangible property in corporations. Taxpayer points to the sale of its partnership interest in one of the REITs to another partner in 1995 as evidence of the transferability of the interests.

The basic entity being dealt with here is a partnership. The fact that the partnership is a real estate investment trust does not alter the fact that the partners are in a partnership. Taxpayer's income at issue is in the form of partnership distributions. The Department refers to 45 IAC 1-1-159.1, which states:

(a) As used in this section, "partner's distributive share" means the amount determined under Section 704 of the Internal Revenue Code and its prescribed regulations before any modifications required by Indiana tax statutes.

(b) An amount credited to a corporate partner as its distributive share of partnership income, which is derived from sources within Indiana is subject to the gross income tax. An amount previously subjected to the gross income tax because it was

included in the partner's distributive share but not actually distributed is not subject to the gross income tax again when it is actually distributed.

(c) For purposes of this subsection, all income of the partnership shall be considered business income. If a partnership does business in a state besides Indiana, a partner's distributive share of partnership income which is derived from sources within Indiana, for gross income tax purposes, shall be determined by multiplying the partner's distributive share by a fraction. The numerator of the fraction shall be the sum of:

(1) the property factor;

(2) the payroll factor; and

(3) the sales factor;

of the partnership. The denominator of the fraction shall be determined by the number of factors used. The property factor shall be determined under IC 6-3-2-2(c). The payroll factor shall be determined under IC 6-3-2-2(d). the sales factor shall be determined under IC 6-3-2-2(e) and IC 6-3-2-2(f).

(d) The amount credited to a corporate partner as its distributive share of partnership income which is derived from sources within Indiana is taxable at the high rate.

45 IAC 1-1-159.1 specifically deals with partnership distributions, and subjects them to gross income tax. 45 IAC 1-1-51 makes general provisions, and does not mention partnership interests. Since 45 IAC 1-1-159.1 specifically deals with distributions on partnership interests, 45 IAC 1-1-51 is not applicable here.

The Department's position that taxpayer had nexus with Indiana is supported by IC 23-4-1-25(1), which states:

A partner is co-owner with his partners of specific partnership property holding as a tenant in partnership.

Also, 45 IAC 1-1-49 provides in relevant part:

For purposes of these regulations *[45 IAC 1-1]*, a taxpayer may establish a "business situs" in ways including, but not limited to, the following:

…

(6) Ownership, leasing, rental or other operation of income-producing property (real or personal);

Therefore, taxpayer was co-owner of income-producing real property in Indiana. This gave taxpayer a business situs in Indiana.

In conclusion, taxpayer had nexus with Indiana through its ownership interests in partnerships which held Indiana real property. The partnership interests do not qualify as intangibles. 45 IAC 1-1-159.1 provides the proper method for determining taxpayer's gross income liability.

FINDING

Taxpayer's protest is denied.

II. Adjusted Gross Income—Partnership Distributions

DISCUSSION

The Department issued an assessment for Adjusted Gross Income tax on partnership distributions for the tax years in question. The Department determined that taxpayer and the partnership were not a unitary business, and therefore based its decision on 45 IAC 3.1-1-153, which states in relevant part:

(c) If the corporate partner's activities and the partnership's activities do not constitute a unitary business under established standards, disregarding ownership requirements, the corporate partner's share of the partnership income attributable to Indiana shall be determined as follows:

(1) If the partnership derives business income from sources within and without Indiana, the business income derived from sources within Indiana shall be determined by a three (3) factor formula consisting of property, payroll, and sales of the partnership.

(2) If the partnership derives business income from sources entirely within Indiana, or entirely without Indiana, such income shall not be subject to formula apportionment.

(d) A partner's distributive share of income will be adjusted by the partner's proportionate share of the partnership's income that is exempt from taxation under the Constitution and statutes of the United States and by the partner's proportionate share of the partnership's deductions allowed or allowable under Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States or for taxes on property levied by any subdivision of any state of the United States.

Also of relevance is IC 6-3-2-2, which states in part:

(a) With regard to corporations and nonresident persons, "adjusted gross income derived from sources within Indiana", for the purposes of this article, shall mean and include:

(1) income from real or tangible personal property located in this state;

(2) income from doing business in this state;

(3) income from a trade or profession conducted in this state;

(4) compensation for labor or services rendered within this state; and

(5) income from stocks, bonds, notes, bank deposits, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other intangible personal property if the receipt from the intangible is attributable to Indiana under section 2.2 of this chapter.

As explained in Issue I, taxpayer received income from the rental of real property located in this state. IC 6-3-2-2(a)(1) provides that this income is "adjusted gross income derived from sources within Indiana".

In 1995, taxpayer sold its interest in one of the partnerships. The relevant statute is IC 6-3-2-2(i), which states:

(1) Capital gains and losses from sales of real property are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:

(i) the property had a situs in this state at the time of the sale; or

(ii) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

As previously explained, taxpayer owned real property via the partnerships. When taxpayer sold its interest in one of the partnerships, it sold the real property it owned in Indiana via the partnership.

In conclusion, taxpayer had nexus with Indiana through its ownership of partnership real property in Indiana. The Department properly assessed adjusted gross income tax on the partnership distributions according to 45 IAC 3.1-1-153. Also, the Department properly assessed adjusted gross income tax on the capital gain from the sale of real property in Indiana, as provided in IC 6-3-2-2(i).

FINDING

Taxpayer's protest is denied.

III. Supplemental Net Income—Partnership Distributions

Taxpayer protests imposition of Supplemental Net Income tax. IC 6-3-8-1 states:

A tax to be called the "supplemental net income tax" is hereby imposed on the net income of every corporation, except corporations subject to taxation under the financial institutions tax (IC 6-5.5).

Also, IC 6-3-8-2(b) explains:

The term "net income" shall mean adjusted gross income derived from sources within the state of Indiana, as determined in accordance with the provisions of IC 6-3-2-2, adjusted as follows: Subtract an amount equal to the greater of:

(1) the amount of tax imposed by IC 6-3-2 on the taxpayer's adjusted gross income for the same taxable year (before the allowance of credits provided for in IC 6-3);

(2) the amount of tax imposed on the gross income of the taxpayer for such taxable year by IC 6-2.1; or

(3) the amount of tax imposed on premiums received on policies of insurance by IC 27-1-18-2.

Since taxpayer had an Indiana business situs, as explained in Issue I, taxpayer had nexus with Indiana. Taxpayer had gross income and adjusted gross income for the years at issue. The Department properly assessed supplemental net income tax.

FINDING

Taxpayer's protest is denied.

IV. Tax Administration—Negligence Penalty

DISCUSSION

Taxpayer protests the imposition of a ten percent (10%) negligence penalty. 45 IAC 15-11-2(c) states in part:

The department shall waive the negligence penalty imposed under [IC 6-8.1-10-2.1] if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying our or failing to carry out a duty giving rise to the penalty imposed under this section.

Although taxpayer has been denied in the previous issued, it has provided reasonable explanations for its interpretations and actions. Taxpayer has demonstrated that it exercised ordinary business care in carrying out its duty. The negligence penalty will be waived.

FINDING

Taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0220010066.LOF

LETTER OF FINDINGS NUMBER: 01-0066
Corporate Income Tax
For the Years 1993-1995

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-Imposition of Tax

Authority: IC 6-8.1-5-1 (b).

The taxpayer protests the imposition of tax on certain income.

II. Gross Income Tax-Sales to U.S. Government

Authority: IC 6-2.1-2-2, IC 6-2.1-3-3, 45 IAC 1-1-119 (2)(b).

The taxpayer protests the imposition of tax on certain sales to the U.S. government.

III. Adjusted Gross Income Tax- Research Expenses

Authority: IC 6-8.1-9-1 (a).

The taxpayer requests a refund of taxes paid despite certain possibly deductible research expenses.

IV. 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 researches, develops, and manufactures products in the automotive, defense, and electronics and fluid technology fields. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional income tax, interest, and penalty for the tax period 1993-1995. The taxpayer protested a portion of the assessment and a hearing was held.

I. Gross Income Tax-Imposition of Tax

The department determined a ratio of Indiana assets and business activity to total assets and business activity everywhere. It then applied this ratio to the taxpayer's reimbursement of business expenses as reported in deductions of the federal tax return to allocate the appropriate amount subject to Indiana gross income tax. The taxpayer argued that there were no taxable reimbursements received in the Indiana operations. The taxpayer submitted its "Schedule of General & Administrative Expenses" to support this contention.

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). A taxpayer generated schedule without underlying documentation is inadequate to sustain a taxpayer's burden of proof that an assessment is inappropriate.

FINDING

The taxpayer's protest is denied.

II. Gross Income Tax-Sales to U.S. Government

The department assessed gross income tax on certain sales to the U.S. government. The taxpayer protested this assessment, contending that the sales were exempt from the Indiana gross income tax since they were sales in interstate commerce. The department examined one month's sales invoices on location at the taxpayer's Ft. Wayne premises. The sales that were taxed had U.S. Government Form DD250 attached. This government form was used to record the results of a federal inspection of the items mentioned on the invoice which was performed in Indiana. The sales considered taxable also had copies of bills of lading issued by a private carrier to transport the goods to the government locations in other states. The taxpayer argues that these actions in Indiana were not enough to complete the sale within the state and subject them to the imposition of the Indiana gross income tax.

Indiana imposes a tax on "the entire taxable gross income of a taxpayer who is a resident or a domiciliary of Indiana." IC 6-2.1-2-2. However, not all income is subject to the tax. IC 6-2.1-3-3 provides that, "Gross income derived from business conducted in commerce between the state of Indiana and either another state or a foreign country is exempt from gross income tax to the extent the state of Indiana is prohibited from taxing that gross income by the United States Constitution."

The department has clarified the gross income tax consequences of sales to nonresidents at 45 IAC 1-1-119 (2)(b) as follows:

> Sales to nonresidents where the goods are accepted by the buyer or he takes actual delivery within the state. Sales will also be taxable if the goods are shipped out of state on bills of lading showing the seller, buyer or a third party as shipper if the goods were inspected and accepted, or when any other evidence shows that the sales were completed prior to shipment in interstate commerce.

The taxpayer submitted several bills of lading and contracts indicating that the products were shipped FOB destination. The taxpayer argued that this method of shipment delayed the transfer of title to the products until they arrived at their final destination. The cited regulation, however, indicates that inspection and acceptance of the product in Indiana determines whether or not the sale is subject to the Indiana gross income tax. In the instant case, the sales considered taxable were of products that were inspected and accepted within Indiana by the U.S. government prior to their shipment to out of state destinations. These were intrastate sales subject to the Indiana gross income tax.

DISCUSSION

The taxpayer's protest is denied.

III. Adjusted Gross Income Tax- Research Expenses

DISCUSSION

In addition to its protests, the taxpayer also claimed a refund of certain research expenses based on the Federal Research & Development Credit as determined on Internal Revenue Service audit. With its protest, the taxpayer enclosed Forms IT-20REC for tax year ending 12/31/93 and 12/31/94 reflecting a claim of refund based upon a tax credit of $101,593 and $131,990, respectively. The taxpayer also enclosed its IRS Notice of Proposed Adjustment with respect to the tax credit and supporting workpapers for the calculations.

The law governing claims for refund is found at IC 6-8.1-9-1 (a) as follows:

If a person has paid more tax than the person determines is legally due for a particular taxable period, the person may file a claim for a refund with the department. Except as provided in subsections (f) and (g), in order to obtain the refund, the person must file the claim with the department within three (3) years after the latter of the following:

(1) The due date of the return.

(2) The date of payment.

The taxpayer's claim for the refund of taxes paid due to a Federal Research & Development Credit was filed with the department on January 22, 2001 for the tax periods 1993 and 1994. The due dates of these returns were April 15, 1994 and 1995 respectively. That is more than three years prior to the taxpayer's claim for refund. The taxpayer contends that the three year limit does not apply in this instance due to the Agreements to Extension of Time executed by the taxpayer and the department. These extensions refer to issues of the audit, not other claims for refund the taxpayer desires to file. The Agreements specifically state that, "The time limitation prescribed by I.C. 6-8.1-9-1 to file refund claims is not, and can not be, extended by this agreement." That language is clear and dispositive of the issue. This claim for refund was filed too late to be considered by the department.

FINDING

The taxpayer's claims for refund are denied.

IV. 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 underreported its gross receipts despite the easily accessible department's instructions requiring the reporting of all gross receipts. This failure to follow department's instructions constitutes negligence.

FINDING

The taxpayer's protest to the imposition of the penalty is denied.

DEPARTMENT OF STATE REVENUE

0420010083.LOF

LETTER OF FINDINGS NUMBER: 01-0083
Use Tax
Penalty
For Years 1997 & 1998

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. Gross Retail and Use Taxes—Business Assets

Authority: IC § 6-8.1-5-1(b); IC § 6-2.5-2-1; IC § 6-2.5-3-1; IC § 6-2.5-3-4; IC § 6-2.5-3-6; IC § 6-2.5-3-7; 45 IAC 15-5-3(8); 45 IAC 2.2-2-1; 45 IAC 2.2-3-4

Taxpayer protests the assessment of use tax on assets purchased for the business where allegedly no gross retail tax was paid at the point of purchase.

II. Penalty—Request for Waiver

Authority: IC § 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests the imposition of the 10% negligence penalty and requests a waiver.

STATEMENT OF FACTS

Taxpayer sells and installs mail boxes at retail. The mail box installations can include a post, mounting board, and newspaper holder, in addition to the mail box itself. During the audit, taxpayer was given ample opportunities to provide documentation to support its claim that no use tax was owed to the Department of Revenue. Taxpayer did not comply. The audit was therefore based on the best information available to the auditor. The Department issued its proposed assessment of use tax liability for the years at issue, and taxpayer protested. The Hearing Officer assigned to the protest also gave taxpayer's representative ample opportunity to provide documents supporting its protest of the proposed assessment of Indiana use tax. Taxpayer's representative did not provide such documentation and has had no further contact since a series of phone calls in the fall of 2002. Taxpayer's representative has not responded to the Department's repeated requests for documents. Additional facts will be added as necessary.

I. Gross Retail and Use Tax—Business assets

DISCUSSION

Taxpayer protests the use tax assessment on assets purchased in order to carry out its mail box sales and installation business. As discussed in the Statement of Facts *supra*, taxpayer and its representative have had ample opportunities to provide the necessary documentation supporting the protest of the proposed assessment of Indiana use tax. They have not done so.

Pursuant to IC § 6-8.1-5-1(b) and 45 IAC 15-5-3(8), a "notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the assessment is made." Pursuant to IC § 6-2.5-2-1, a "person who acquires property in a retail transaction is liable for the tax on the transaction and, except as otherwise provided in this chapter, shall pay the tax to the retail merchant as a separate added amount to the consideration in the transaction. The retail merchant shall collect the tax as agent for the state." *See also*, 45 IAC 2.2-2-1. Pursuant to IC §§ 6-2.5-3-1 through 6-2.5-3-7, an "excise tax, known as the use tax, is imposed on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction." An exemption is provided in IC § 6-2.5-3-4 if "the property was acquired in a retail transaction and the state gross retail tax" was paid at the time of purchase. Taxpayers are personally liable for the tax. IC § 6-2.5-3-6. IC § 6-2.5-3-7 provides that a "person who acquires tangible personal property from a retail merchant for delivery in Indiana is presumed to have acquired the property for storage, use, or consumption in Indiana;" therefore, the presumption of taxability exists until rebutted. *See also*, 45 IAC 2.2-3-4. In this case, taxpayer has not rebutted the presumption that it owes the state of Indiana the assessed use tax.

FINDING

Taxpayer's protest concerning the assessment of use tax on assets purchased for the business is denied.

II. Penalty—Request for waiver

DISCUSSION

Taxpayer protests the imposition of the 10% negligence penalty on the assessment.

Indiana Code Section 6-8.1-10-2.1(d) states that if a taxpayer subject to the negligence penalty imposed under this section can show that the failure to file a return, pay the full amount of tax shown on the person's return, timely remit taxes held in trust, or pay the deficiency determined by the department was due to reasonable cause and not due to willful neglect, the department shall waive the penalty. Indiana Administrative Code, Title 45, Rule 15, section 11-2 defines negligence as the failure to use reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence results from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by Indiana's tax statutes and administrative regulations.

In order for the Department to waive the negligence penalty, taxpayer must prove that its failure to pay the full amount of tax due was due to reasonable cause. Taxpayer may establish reasonable cause by "demonstrat[ing] that it exercised ordinary business care and prudence in carrying or failing to carry out a duty giving rise to the penalty imposed...." In determining whether reasonable cause existed, the Department may consider the nature of the tax involved, previous judicial precedents, previous department instructions, and previous audits.

Taxpayer has not set forth a basis whereby the Department could conclude taxpayer exercised the degree of care statutorily imposed upon an ordinarily reasonable taxpayer. Therefore, given the totality of all the circumstances, waiver of the 10% negligence penalty on the entire assessment is inappropriate in this particular instance.

FINDING

Taxpayer's protest concerning the proposed assessment of the 10% negligence penalty is denied.

DEPARTMENT OF STATE REVENUE

04-20010102.LOF

LETTER OF FINDINGS NUMBER: 01-0102
State Gross Retail and Use Taxes: Production Exemptions
For Tax Years 1997-1999

NOTICE: Under Indiana Code § 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. State Gross Retail and Use Taxes—Exempt Items

Authority: IC § 6-2.5-2-1, IC § 6-2.5-3-2, IC § 6-2.5-3-4, IC § 6-2.5-3-6, IC § 6-2.5-3-7, IC § 6-2.5-5-3(b), IC § 6-2.5-5-4, IC § 6-2.5-5-5.1, IC § 6-2.5.5-6, IC § 6-2.5-5-8, IC § 6-8.1-1(b), 45 IAC 2.2-2-1, 45 IAC 2.2-2-2, 45 IAC 2.2-3-4, 45 IAC 2.2-5-8, 45 IAC 2.2-5-11, 45 IAC 2.2-5-14, 45 IAC 2.2-5-15, 45 IAC 2.2-5-16

Taxpayer protests the refund amount the Department has calculated, arguing that it is entitled to further exemptions based on its production processes.

STATEMENT OF FACTS

Taxpayer, a wholly owned subsidiary of X Corporation, is a manufacturer and distributor of various copper, brass, aluminum, nickel, and stainless steel fittings and valves for the plumbing, air conditioning, and other industrial markets. Taxpayer's protest originally began as a refund claim investigation where taxpayer requested a refund of overpayment of sales tax paid to vendors and use tax paid to the Department. Taxpayer currently argues that it is entitled to more production exemptions on purchases of materials used in its business. Further facts will be added as necessary

I. State Gross Retail and Use Taxes—Exempt Items

Taxpayer protests the refund amount the Department has calculated, arguing that it is entitled to further exemptions based on its production processes.

Under IC § 6-8.1-5-1(b), a "notice of proposed assessment is *prima facie* evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made." In the course of auditing taxpayer for the tax years at issue, it became apparent that taxpayer had overpaid the Department, and the appropriate notice was sent. The only disagreement on the proposed refund concerns the amount, which turns on taxpayer's arguments concerning exemptions.

First, IC § 6-2.5-2-1 imposes an "excise tax, known as the state gross retail tax... on retail transactions made in Indiana." Second, IC § 6-2.5-3-2 also imposes an excise tax, "known as the use tax," "on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction." Further, IC § 6-2.5-3-4 sets forth an exemption from the use tax:

(a) The storage, use, and consumption of tangible personal property in Indiana is exempt from the use tax if:

(1) the property was acquired in a retail transaction in Indiana and the state gross retail tax has been paid on the acquisition of that property; or

(2) the property was acquired in a transaction that is wholly or partially exempt from the state gross retail tax under any part of IC 6-2.5-5, except IC 6-2.5-5-24(b), and the property is being used, stored, or consumed for the purpose for which it was exempted.

Under IC § 6-2.5-3-6, the individual—in this case, taxpayer—"who uses, stores, or consumes the tangible personal property acquired in a retail transaction is personally liable for the use tax." IC § 6-2.5-3-7 establishes the presumption of taxability:

(a) A person who acquires tangible personal property from a retail merchant for delivery in Indiana is presumed to have acquired the property for storage, use, or consumption in Indiana, unless the person or the retail merchant can produce evidence to rebut that presumption.

(b) A retail merchant is not required to produce evidence of nontaxability under subsection (a) if the retail merchant receives from the person who acquired the property an exemption certificate which certifies, in the form prescribed by the department, that the acquisition is exempt from the use tax.

See also, 45 IAC 2.2-2-1, 45 IAC 2.2-2-2, and 45 IAC 2.2-3-4, regulations defining terms in the statute imposing the state gross retail tax, and setting forth the retail merchant's duty to collect the tax.

There are numerous exemptions from the state's gross retail tax. IC § 6-2.5-5-3(b) provides in pertinent part:

Transactions involving manufacturing machinery, tools, and equipment are exempt from the state gross retail tax if the person acquiring that property acquires it for direct use in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property.

IC § 6-2.5-5-4 states that transactions involving tangible personal property "are exempt from the state gross retail tax if the

person acquiring the property acquires it for his direct use in the direct production of the machinery, tools, or equipment described in section 2 or 3 of this chapter." IC § 6-2.5-5-5.1 exempts tangible personal property from the state gross retail tax if it was acquired "for direct consumption as a material to be consumed in the direct production of other tangible personal property in the person's business of manufacturing," etc.

The relevant regulation, 45 IAC 2.2-5-8, provides generally that "all purchases of tangible personal property by persons engaged in the direct production, manufacture, fabrication, assembly, or finishing of tangible personal property are taxable." (45 IAC 2.2-5-8(a)). This is the general rule: purchases are taxable. Subsection (b) states that the state's gross retail tax does not apply to "sales of manufacturing machinery, tools, and equipment to be directly used by the purchaser in the direct production, manufacture, fabrication, assembly, or finishing of tangible personal property." Subsection (c) defines "direct use" as having "an immediate effect on the article being produced. Property has an immediate effect on the article being produced if it is an essential and integral part of an integrated process which produces tangible personal property." Subsection (d) draws the critical distinction between pre-production and post-production:

> "Direct use in the production process" begins at the point of the first operation or activity constituting part of the integrated production process and ends at the point that the production has altered the item to its completed form, including packaging, if required.

The additional items for which taxpayer is requesting exemptions under the above statutes and regulation are ones taxpayer claims are part of its process of producing fittings and valves for industrial markets. However, many of the items taxpayer argues fall within the statutory and regulatory exemptions do not meet the strictures of 45 IAC 2.2-5-14, cited by taxpayer in the Letter of Protest. This regulation exempts from the imposition of the state's gross retail tax "sales of any tangible personal property which is to be incorporated by the purchaser as a material or an integral part into tangible personal property produced for sale by such purchaser in the business of manufacturing...." Subsections (d) and (e) severely limit the application of the exemption:

> (d) The purchase of tangible personal property which is to be incorporated by the purchaser as a material or an integral part is exempt from tax. "Incorporated as a material or integral part into tangible personal property for sale by such purchaser" means:
>
> (1) That the material must be physically incorporated into and become a component of the finished product;
> (2) The material must constitute a material or an integral part of the finished product;
> (3) The tangible personal property must be produced for sale by the purchaser.
>
> (e) Application of the general rule.
>
> (1) Incorporation into the finished product. The material must be physically incorporated into and become a component part of the finished product.
> (2) Integral or material part. The material must constitute a material or integral part of the finished product.
> (3) The finished product must be produced for sale by the purchaser.

In short, the above strictures require physical incorporation of tangible personal property as a component integral to the produced product. If the tangible personal property for which taxpayer claims exemption does not meet the statutory and regulatory strictures, the production exemption cannot apply.

A. Expense Items

1. Exempt

First, there are two items taxpayer protested based on the mistaken belief taxpayer did not receive exemptions for the purchases. One involves price lists sent to out of state customers directly from the printer. The audit determined they were exempt because they were in interstate commerce: "Purchases where the vendor shipped the materials to out of state locations are considered transactions in interstate commerce and [are] not included in the adjustment." The other item involves taxpayer's purchase of cast iron fittings resold to taxpayer's customers. This purchase does not appear in the audit at all as an adjustment; therefore, taxpayer has already received the exemption pursuant to IC § 6-2.5-5-8 and 45 IAC 2.2-5-15. This statute and regulation exempt from the state gross retail tax "sales of any tangible personal property to a purchaser who purchases the same for the purpose of reselling... such tangible personal property in the form in which it is sold to such purchaser."

Taxpayer also received a credit for sales tax paid on non-returnable wrapping materials used as enclosures to add to contents to be sold. Pursuant to 45 IAC 2.2-5-16, such purchases are exempt from sales tax. Taxpayer paid the tax on purchases of boxes, plastic bags, and gummed tape. Therefore, the audit properly awarded a credit to taxpayer for the sales taxes paid.

The following items are presented in the same order as taxpayer presented them in the Letter of Protest accompanying the Request for Refund.

EXPENSE ITEMS

STRATUM	AMOUNT	ITEM	DECISION
10	$10,455.00	Label Adhesive	No
10	$5,444.40	Price Lists	No
10	$15,933.48	Plates & dies	No

4	$22.10	Repair part	No
4	$31.19	Cast iron fittings	No
4	$22.75	Replacement parts	No
5	$208.00	Replacement sensors	No
5	$119.40	Tape dispensers	No
5	$129.60	Replacement parts	No
6	$389.50	Parts for manufacturing equipment	Yes
6	$452.96	Parts for manufacturing equipment	Yes
6	$252.45	Bar code labels	No
6	$252.45	Bar code labels	No
6	$252.45	Bar code labels	No
6	$261.60	Label sheets	No
7	$502.35	Repair parts	No
7	$710.40	Blue label imprint foil	No
7	$575.00	Wax slabs	Yes
8	$798.00	Repair parts	No
8	$990.00	Bar code labels	No
8	$824.36	Copper	No
8	$1215.78	Stapler	No
9	$2920.00	Software	Yes
9	$4243.54	Copper	No
9	$2025.00	Shelving Units	Yes
9	$4100.00	Label adhesive	No
9	$4100.00	Label adhesive	No
9	$2720.00	Repair parts	No
9	$2140.00	Glue applicator unit	No
9	$2385.00	Label applicator unit	No
9	$2164.00	Cleats to repair conveyor for cleaning line	Yes
9	$2106.67	Jib crane to assemble new production machine	No
9	$2001.69	Copper	No
9	$2027.27	Copper	No
9	$3292.88	Copper	No
9	$3316.16	Copper	No

CAPITAL ASSETS

YEAR	AMOUNT	ITEM	DECISION
1998	$24,600.00	Lab equipment for quality control	Yes
1998	$24,475.07	Cryogentic unit used for tool production	Yes
1998	$5,730.00	Quality control equipment	Yes
1998	$29,950.00	Quality control equipment	Yes
1998	$14,258.34	Conveyor	No
1998	$7,129.17	Conveyor	No
1998	$49,904.19	Conveyor	No
1998	$2695.39	Computer equipment to control production equipment	Yes
1998	$6128.00	Printer for product labels	No
1998	$12,820.00	Quality control equipment	Yes
1999	$895.00	Quality control equipment	Yes
1999	$1900.00	Quality control equipment	Yes
1999	$25,237.00	Decoiler	No
1999	$27,980.00	Quality control equipment	Yes

ANALYSIS

Three items under protest involve a dispute over the exemption percentages applied to certain purchases by the Research and Development Department (R&D). Two purchases were for parts for the manufacturing equipment R&D produces. R&D also purchased a jib crane to aid in assembling a production machine that makes "T" fittings. The crane moved work-in-process materials and is used to assemble new production equipment. Taxpayer provided no facts to support its contention that the auditor's methodology—i.e., using a 70% exemption percentage across the board—was erroneous.

Another area of dispute concerns six purchases of #1 copper from various metal companies. The audit found that these purchases were non-exempt. The copper is first tested in R&D, and then shipped to taxpayer's Arkansas plant for melting and shaping into copper tubing. Then it is either resold to unrelated customers or sent back to taxpayer for use in manufacturing taxpayer's products. The entire set of purchases comprises a purchase for testing purposes, rather than for resale. It is immaterial that the copper is sold in its unformed state to other customers or copper manufactured into taxpayer's products. The primary purpose for these purchases was for testing.

There are four remaining expense items the audit determined were non-exempt. The first item involves wax slabs R&D purchased. The audit stated the purchase was non-exempt because R&D used them for lab test materials. In this instance, however, R&D incorporated the slabs into production equipment the department manufactured. Therefore, this purchase is exempt pursuant to 45 IAC 2.2-5-8(a) through (c).

The second item involves software maintenance charges which included non-guaranteed updates. The upgrade was shipped. The audit determined these charges were non-exempt. However, according to Sales Tax Information Bulletin #2 (August 1991), optional warranties and maintenance agreements are not subject to sales and use tax because their purchase "is the purchase of an intangible right to have property supplied and there is no certainty that property will be supplied." Therefore, these charges are exempt.

The third item involves shelving units which transport oxygen fittings from the final cleaning stage to required inspection by Quality Control. The oxygen fittings go from Quality Control to packaging. The audit determined these shelving units were non-exempt because they were transporting finished goods. Because of the nature of the goods—oxygen fittings—strict quality control standards apply. Therefore, the oxygen fittings are being transported as works in progress. The shelving units are therefore exempt pursuant to 45 IAC 2.2-5-8(f)(3), 45 IAC 2.2-5-8(d) and 45 IAC 2.2-5-8(i): "Machinery, tools, and equipment used to test and inspect the product as part of the production process are exempt." The oxygen fittings are not finished goods until they have been tested and inspected.

2. Non-exempt

The non-exempt items concern all purchases related to packaging and certain repair parts. All purchases related to packaging are items purchased for post-production activities. These include purchases of label adhesive, plates and dies for labels, tape dispensers, label sheets attached to packages containing the fittings, blue label print foil ribbon, staplers, boxing glue, and a labeler which applies labels to boxes. These items are all used in post-production activities and therefore do not qualify for the production exemption. These items fail the "immediate effect" test of 45 IAC 2.2-5-8(g): "... the property must also be an integral part of the integrated process which produces tangible personal property."

The audit also disallowed an exemption for repair parts to repair the conveyor for the cleaning line. The audit determined the conveyor was actually transporting finished goods. Cleaning the fittings is part of the production process; the conveyor transports the fittings from the wash tank to the hopper which then loads the finished goods into cardboard boxes. Therefore, this purchase is non-exempt pursuant to 45 IAC 2.2-5-8(h)(2). Since the conveyor is not exempt production machinery, the repair parts are not exempt repair parts: "Replacement parts, used to replace worn, broken, inoperative, or missing parts or accessories on exempt machinery and equipment, are exempt from tax." 45 IAC 2.2-3-8(h)(2).

Finally, the audit determined that taxpayer's purchase of bar code labels was non-exempt. The labels are affixed to small, individual fittings as desired by taxpayer's customers. IC § 6-2.5-5-6 provides that "[t]ransactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for incorporation as a material part of other tangible personal property which the purchaser manufactures... for sale in his business." 45 IAC 2.2-5-14(e)(1), quoted on page 4, *supra*, provides that in order for the exemption to take effect, "[t]he material must be physically incorporated into and become a component part of the finished product." Bar code labels are not component parts of metal fittings as they are discarded upon installation, and have no affect whatsoever on the finished fitting.

B. Capital Assets

Taxpayer made a number of capital purchases which the audit determined were either entirely taxable or only 80% taxable. Items the audit determined were 80% taxable are all 100% used for quality control during production of taxpayer's fittings. Such machinery includes those used for tensile testing of the fittings and grain analysis of the copper. R&D uses the equipment whenever product deficiencies arise. Once R&D determines the problem, production equipment and raw materials are adjusted accordingly in order to produce useable copper fittings. Taxpayer made eight such purchases. All eight are 100% exempt as the machines are directly used to have an effect on raw materials used in taxpayer's production process. 45 IAC 2.2-5-14 (d) and (e).

One of the pieces of equipment taxpayer purchased which the audit determined was 100% taxable was a cryogentic processing unit used to produce new tooling used to pressurize bars of raw materials to make the fittings. This unit is exempt pursuant to 45 IAC 2.2-5-11. The computer and software items control the production process and are also exempt.

The remainder of the capital purchases are non-exempt because they are used in pre-production or post-production work: the conveyor between the wash tank and hopper which loads completed fittings into cardboard boxes (post-production); a printer used to print labels in the boxing department (post-production); and a "header machine" that straightens coiled copper tubing prior to

cutting, the first actual step in production (pre-production). Taxpayer argued that the copper tubing produced in its Arkansas plant is all part of an integrated production process that ends up at the Indiana plant to be turned into fittings. This is pre-production activity.

FINDING

Taxpayer's protest is partially sustained and partially denied.

DEPARTMENT OF STATE REVENUE

04-20010237.LOF

LETTER OF FINDINGS NUMBER: 01-0237
SALES AND USE TAX
For Years 1997, 1998, and 1999

NOTICE: Under Ind. Code § 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Sales/Use Tax—Best information available; failure to maintain adequate records

Authority: IC 6-8.1-5-1(a); IC 6-8.1-5-4(a); IC 6-8.1-5-4(c) IC 6-8.1-5-1(b).

Taxpayer argues that the proposed assessment should be reduced because, in the taxpayer's opinion, the auditor's assessment, which was based on the best information available, was unreasonable.

STATEMENT OF FACTS

Taxpayer is a transient vendor registered to do business in Indiana. Taxpayer's activities involve the annual leasing of space at an annual festival, the use of which facilitates the taxpayer's sales of novelty items to festival attendees. With regard to its sales at the festival, taxpayer could provide no source documents to the auditor for examination. Rather, taxpayer kept manual records of sales in a notebook exclusively under the taxpayer's control.

Because the auditor did not feel that the taxpayer's handwritten notes were trustworthy, the audit proceeded on the basis of the best information available. In order to compute taxpayer's Indiana retail gross receipts, taxpayer's rental expense was multiplied by a factor of 10, a number that the auditor determined to be reasonable given the auditor's experience with festivals of a like nature.

Taxpayer claims that the auditor's factor is faulty for two reasons. First, it is a figure determined by the auditor's own experience. Taxpayer suggests that a figure derived from its federal income tax forms, which disclose the relationship between taxpayer's overall rental expense and overall gross income, would be more appropriate. Second, taxpayer contends that Indiana rental expense is not accurate because taxpayer sublets some of its space to other vendors. This subletting would necessarily cause a lessening in the taxpayer's available space for making sales. Taxpayer argues that, regardless of the factor used, the factor should be multiplied against the amount of rental expense incurred for the taxpayer's own benefit, and not that which taxpayer subsequently sublet away.

DISCUSSION

If the department reasonably believes that a person has not reported the proper amount of tax due, the department shall make a proposed assessment of the amount of the unpaid tax on the basis of the best information available to the department. IC 6-8.1-5-1(a). Every person subject to a listed tax must keep books and records so that the department can determine the amount, if any, of the person's liability for that tax by reviewing those books and records. IC 6-8.1-5-4 (a). A person must allow inspection of the books and records and returns by the department or its authorized agents at all reasonable times. IC 6-8.1-5-4 (c). The notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made. IC 6-8.1-5-1(b).

Taxpayer has supplied the Department with his own hand-written records of sales during the festival. However, these records are suspect, as they are self-serving, subject to tampering and human error, and no evidence exists that these records were kept during the festival itself and were not made in anticipation of the audit. As a result, the auditor's reliance on extrinsic evidence is warranted in this situation.

However, the taxpayer has provided sufficient evidence to contradict the auditor's assumption that taxpayer's gross revenue is a multiple of 10 of its rental expense. Taxpayer's proposed reliance on federal income tax forms is justified as a valid foundation for a determination using the best information available and establishes the multiple as 7 2/3.

Taxpayer has failed, however, to prove that the rental expense in Indiana is anything other than what is shown on the contract between taxpayer and the festival's organizers. Aside from a list of supposed sublessors supplied by taxpayer himself, no evidence exists that any formal subletting took place. The contract itself specifies that subletting is not allowed. There is no evidence of any

contractual terms between taxpayer and his alleged sublessors. None of the alleged sublessors are registered as retail merchants with the Department, and the people working the booths that were leased by taxpayer all stated that they were taxpayer's employees.

FINDINGS

The taxpayer is sustained to the extent that the gross revenue multiple is adjusted to 7 2/3 and denied as to the remainder of the protest.

DEPARTMENT OF STATE REVENUE

0420020302.LOF

LETTER OF FINDINGS: 02-0302
Indiana Gross Retail Tax
For the Tax Years 1998, 1999, and 2000

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Sales Tax Assessments.

Authority: IC 6-2.5-2-1; IC 6-2.5-2-1(b); IC 6-8.1-5-1(a); IC 6-8.1-5-1(b); 45 IAC 2.2-4-8; 45 IAC 2.2-4-8(a).

Taxpayer argues that the audit erred in assessing additional sales tax liability over and above the amount of sales tax that taxpayer had originally paid. Taxpayer maintains that the audit incorrectly assessed the additional taxes based on the amount of its gross yearly sales rather than on the retail transactions which actually occurred within Indiana.

STATEMENT OF FACTS

Taxpayer is a transient seller of various craft items. Taxpayer travels from venue to venue offering her goods to the public. In addition, taxpayer rents booth space located at a particular Indiana venue to other vendors. The Department of Revenue (Department) conducted an audit of taxpayer's business records. Based upon those records, the Department concluded that taxpayer had substantially underpaid sales tax. Accordingly, the Department assessed additional sales tax. Taxpayer challenged these assessments on the contention that the assessment was – in large part – based upon sales transactions concluded at out-of-state locations. In addition, taxpayer argued that she was not responsible for collecting sales tax on income received from renting the booth spaces to other vendors. Taxpayer submitted a protest, and an administrative hearing was conducted during which taxpayer further explained the basis for her protest. This Letter of Findings results.

DISCUSSION

Taxpayer paid sales tax to Indiana during 1998, 1999, and 2000. During 1998, taxpayer paid tax based on approximately $14,000 in Indiana sales; in 1999, taxpayer paid tax based upon approximately $6,000 in Indiana sales; in 2000, taxpayer paid sales tax based on approximately $14,000 in Indiana sales.

Finding that taxpayer had "grossly" underreported Indiana sales, the audit determined that taxpayer's records for those three years were "not reliable and [could not] be used to determine her Indiana taxable sales." Based upon the available records, the audit concluded that taxpayer's taxable sales were between 10 to 30 times greater than the sales amounts originally reported. In addition, the audit determined that taxpayer should have been collecting sales tax on the transactions involving the rental of booth spaces.

Taxpayer maintains that the additional assessments are wholly incorrect on the ground that these assessments are based upon the gross receipts received in Indiana, Kentucky, Ohio, Michigan, Illinois, Tennessee, and Missouri. In addition, taxpayer argues that the receipts for the booth rental were not subject to sales tax because the booth spaces were rented for more than 30 days.

Pursuant to IC 6-2.5-2-1, a sales tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana unless a valid exemption is otherwise applicable. The statute requires that, "The retail merchant shall collect the tax as agent for the state." IC 6-2.5-2-1(b). In addition, 45 IAC 2.2-4-8(a) imposes sales tax on income derived from the "renting or furnishing for periods of less than thirty (30) days any accommodation including booths [or] display spaces...."

A. Indiana and Out-of-State Sales.

Taxpayer has provided information purporting to establish what portion of its annual receipts were acquired from "retail transactions made in Indiana" and what portion of those receipts were acquired from out-of-state transactions. Taxpayer provided a list of the in-state and out-of-state events she attended. Taxpayer provided a list of general ledger entries and a list of bank deposits.

However, taxpayer has provided no original source documents indicating what sales occurred at what locations; for example, taxpayer was unable to provide a cash register tape or individual sales receipts.

Much of the information provided by taxpayer is incomplete, conflicting, or apparently erroneous. For example, taxpayer represents that during 1998, taxpayer was selling goods at a specific five-day event which took place in Michigan. However, a copy

of an "Agreement for Exposition Space," indicates that taxpayer was simultaneously selling goods at a nine-day event which took place in Indiana during the same period. The Indiana and Michigan events are approximately 300 miles apart. The obvious disparity seems irreconcilable. In addition, taxpayer's original 1999 records indicate approximately 20 occasions in which taxpayer rented booth space at Indiana locations which taxpayer failed to account for during the audit review.

Of course, taxpayer should not be assessed Indiana sales tax on those out-of-state transactions for which sales tax was paid to the foreign jurisdiction; if taxpayer paid Ohio sales tax on retail transactions which occurred in Ohio, Indiana has no business trying to collect Indiana sales tax on those same transactions. However, taxpayer has provided no information which would substantiate that she ever paid sales tax to another state. Instead, taxpayer frankly admits that she never paid sales tax to another state.

Taxpayer has demonstrated that a portion of her annual sales took place at out-of-state locations. What taxpayer has failed to do is provide any demonstrably reliable and accurate method of differentiating between sales which took place in Indiana and those sales which took place at out-of-state locations. None of the information which taxpayer has provided is original to any specific transaction or location. Instead, the information consists of such secondary sources as general ledger entries or records of bank deposits. Even a cursory examination reveals that the information taxpayer has provided is incomplete, inaccurate, or contradictory. Faced with such circumstances, IC 6-8.1-5-1(a) provides that, "If the department reasonably believes that a person has not reported the proper amount of tax due, the department shall make a proposed assessment of the amount of the unpaid tax on the basis of the best information available." Because apparently *some* portion of the taxpayer's sales took place out-of-state, the proposed assessment cannot be said to be completely accurate. However, given that taxpayer never paid sales tax to another state, given the total absence of any original sales records, and given that the available records are problematic, the proposed 1998, 1999, and 2000 sales tax assessments were based upon the "best information available."

The audit report's original conclusions and the consequent assessments are presumed correct. IC 6-8.1-5-1(b) states in part that, "The notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid." Faced with the audit report's original conclusions, "The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made." Taxpayer has failed to meet her burden of demonstrating that the proposed sales tax assessments were attributable to retail transactions which occurred entirely at out-of-state locations.

B. Lease Income.

Taxpayer rents booth spaces to other transient vendors during a 10-day Indiana tourist festival. Taxpayer does not own these spaces; she herself leases a block of vendor spaces from the actual owner and then subleases the spaces to the individual vendors. The audit determined that taxpayer should have been collecting sales tax on each lease transaction. Taxpayer disagrees arguing that the booth spaces were rented for one year and that the receipts were not subject to sales tax.

45 IAC 2.2-4-8 provides that, "For the purpose of the state gross retail tax and use tax: Every person engaged in the business of renting or furnishing for periods of less than thirty (30) days any accommodation, including booths, display spaces and banquet facilities... is a retail merchant making retail transactions in respect thereto and the gross income received shall constitute gross retail income from retail unitary transactions."

The receipt/application provided to each of the vendors clearly states that the "Contract will be for the duration of one year" and that the amount of rent charged is the "Yearly Rental Total." However, the parties' actual contract states that "Booth space is rented for the month of October but occupancy is between October 12-21st." There is apparently a discrepancy between the language of the receipt/applications and the terms of the contract.

Considering both the language of the contract itself and the practical reality governing these transactions, it is evident that taxpayer is providing space to vendors interested in selling goods to customers who are present during the 10-day tourist festival. There is nothing to indicate that the individual vendors use or even have access to the booth spaces during the remainder of the year. To the contrary, the contract language specifically indicates that the vendors are permitted access to the booth spaces for 10 days out of the year. In addition, taxpayer's records indicate that the vendors are provided electrical and sanitary services only during the 10-day festival.

Taxpayer has provided numerous copies of vendor receipt/applications indicating that taxpayer is renting the booth spaces "for the duration of one year." However, there is nothing to indicate that taxpayer has the authority or the means of allowing individual lessors to occupy these spaces for one year. There is nothing to indicate that the parties ever intended the vendors to occupy these spaces for one year. Despite what is printed on the receipt/applications, the Department is not required to exalt the form of the transactions over the substance of these booth rental agreements. Under 45 IAC 2.2-4-8, taxpayer should have been collecting sales tax on each of these transactions.

FINDING

Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE
NOTICE OF RESCISSION
LETTER OF FINDINGS 02-0308

The Indiana Department of Revenue hereby rescinds and withdraws Letter of Findings 02-0308, issued on July 29, 2003, because said Letter of Findings contains an error of law. Said withdrawal is effective December 3, 2003.

DEPARTMENT OF STATE REVENUE

0520020364.LOF

LETTER OF FINDINGS NUMBER: 02-0364
Cigarette Tax
For Tax Period 1998-2000

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.

I. Cigarette Tax--Imposition

Authority: IC 6-7-1-1; IC 6-8.1-5-1; 45 IAC 8.1-1-28

Taxpayer protests the imposition of cigarette tax on cigarettes reportedly exported from Indiana.

STATEMENT OF FACTS

Taxpayer is in the business of distributing tobacco products and other products in Indiana and several other states. The Indiana Department of Revenue ("Department") determined that the cigarettes in question never left Indiana based on taxpayer's records reported to the governments of the states in question, and therefore assessed cigarette tax on those cigarettes which had not been previously paid. Taxpayer protests the imposition of additional cigarette tax. Further facts will be provided as necessary.

I. Cigarette Tax--Imposition

DISCUSSION

Taxpayer protests the imposition of additional cigarette tax for the tax years in question. The Department reviewed taxpayer's Indiana returns as well as taxpayer's returns to Kentucky and Illinois and Missouri. As a result, the Department noted discrepancies between the amount taxpayer reported shipped into Kentucky and Illinois from Indiana and the amount reported on taxpayer's Indiana returns shipped from Indiana into those states.

The cigarette tax is established in IC 6-7-1-1, which states:

> It is the intent and purpose of this chapter to levy a tax on all cigarettes sold, used, consumed, handled, or distributed within this state, and to collect the tax from the person who first sells, uses, consumes, handles, or distributes the cigarettes. It is further the intent and purpose of this chapter that whenever any cigarettes are given for advertising or any purpose whatsoever, they shall be taxed in the same manner as if they were sold, used, consumed, handled, or distributed in this state. Notwithstanding any other provisions contained in this chapter, the liability for the excise taxes imposed by this chapter shall be conclusively presumed to be on the retail purchaser or ultimate consumer, precollected for convenience and facility only. When such taxes are paid by any other person, such payment shall be considered as an advance payment and shall be added to the price of the cigarettes and recovered from the ultimate consumer or user. Distributors, wholesalers, or retailers may state the amount of the tax separately from the price of such cigarettes on all price display signs, sales or delivery slips, bills, and statements which advertises or indicate the price of such cigarettes.

Also of relevance is 45 IAC 8.1-1-28, which states:

> The tax imposed by the Act *[IC 6-7-1]* upon distributors of cigarettes within this State does not apply to cigarettes which are shipped from within this State to a point, outside the State, not to be returned to this State. Distributors need not affix tax stamps to the individual packages of cigarettes that are sold and shipped outside the State. The burden of proof, however, is at all times upon the Indiana distributor to show that such cigarettes actually went into interstate commerce.

The Department reviewed taxpayer's Indiana returns for the years in question, then reviewed taxpayer's returns for Kentucky, Illinois and Missouri for the same years. The Department determined that taxpayer had reported a certain number of cigarettes as shipped from its Indiana point of origin to Kentucky, Illinois and Missouri destinations. As explained in 45 IAC 8.1-1-28, such cigarettes are not taxed in Indiana.

The Department also determined that taxpayer reported fewer cigarettes shipped to the Kentucky and Illinois destinations than it reported shipped from the Indiana point of origin. As a result of fewer cigarettes reported as shipped into those states, taxpayer paid fewer cigarette taxes to those states. The Department determined that, since the number of cigarettes shipped from Indiana to Kentucky and Illinois did not match the number of cigarettes shipped into Kentucky and Illinois from Indiana, the cigarettes were

never shipped out of Indiana and were therefore subject to Indiana's cigarette tax.

Taxpayer states that there is no requirement that a taxpayer pay taxes on cigarettes in another state in order to meet the requirements of 45 IAC 8.1-1-28. Taxpayer believes that the only requirement is that it provide proof of interstate shipping of the cigarettes. Therefore, taxpayer believes, it has satisfied the requirements of 45 IAC 8.1-1-28 by reporting the cigarettes as interstate shipping. Taxpayer states that the Department is mistaken in requiring cigarette taxes to actually be paid in another state.

Taxpayer misunderstands the Department's method. Taxpayer reported a number of cigarettes as shipped to Kentucky, Illinois and Missouri. No cigarette tax was paid on those cigarettes. Taxpayer reported a smaller number of cigarettes arriving in Kentucky and Illinois. The Department determined that the original number reported by taxpayer was incorrect and the number reported to Kentucky and Illinois were correct. That left a number of cigarettes which, while originally reported as shipped out of Indiana, in fact never left Indiana and never had cigarette taxes paid on them. These are the cigarettes upon which the Department has imposed cigarette taxes.

The Department did not base its determination on whether or not taxes were paid in another state. The Department based its determination on whether or not the cigarettes left Indiana. As for taxes paid or not paid to other states, if cigarettes never leave Indiana, it stands to reason that taxes will not be paid to other states.

The Department refers to the last sentence of 45 IAC 8.1-1-28, which states:

> The burden of proof, however, is at all times upon the Indiana distributor to show that such cigarettes actually went into interstate commerce.

The Department also refers to IC 6-8.1-5-1(b), which states in relevant part:

> The notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made.

Taxpayer sent in documentation to support its protest that the cigarettes were shipped interstate to Kentucky and Illinois. As previously explained, the Department based its determination on the reports taxpayer made on its Kentucky and Illinois tax returns, which state that the cigarettes in question did not go into interstate commerce. The documentation taxpayer submitted does not meet the burden of proving that the cigarettes actually went into interstate commerce, as required by 45 IAC 8.1-1-28. Neither does it meet the burden of proving the proposed assessment wrong, as required by IC 6-8.1-5-1(b).

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420020608.LOF

LETTER OF FINDINGS NUMBER: 02-0608
Sales and Use Tax
For the 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. Sales and Use Tax- Imposition of Sales Tax on Leases
Authority: IC 6-2.5-2-1, IC 6-2.5-4-10, IC 6-8.1-5-1 (b), IC 6-2.5-5-8, 45 IAC 2.2-4-27.

The taxpayer protests the imposition of the sales tax.

II. Sales and Use Tax-Imposition of Use Tax
Authority: IC 6-2.5-3-2.

The taxpayer protests the imposition of the use tax.

III. Sales and Use Tax-Services
Authority: IC 6-2.5-2-1, IC 6-2.5-3-2, IC 6-2.5-4-1, IC 6-2.5-1-2, IC 6-2.5-1-1.

The taxpayer protests the imposition of use tax on invoices it contends represent service charges.

IV. Sales and Use Tax-Reimbursement of Expenses
Authority: to IC 6-2.5-3-2.

The taxpayer protests the assessment of tax on certain transactions that it contends were in actuality the reimbursement of expenses.

STATEMENT OF FACTS

The taxpayer is an out-of-state management company operating a golf course in Indiana. After an audit, the Indiana Department

of Revenue, hereinafter referred to as the "department," assessed additional sales and use tax. The taxpayer protested this assessment and a telephone hearing was held. This Letter of Findings results.

I. Sales and Use Tax- Imposition of Sales Tax on Leases

DISCUSSION

Indiana imposes a sales tax on retail transactions made in Indiana. Persons who acquire tangible personal property in a retail transaction are liable for the tax. Retail merchants collect the tax and remit it to the state. IC 6-2.5-2-1. Persons renting tangible personal property are retail merchants making a retail transaction. IC 6-2.5-4-10. Since Indiana imposes a sales tax on retail transactions and rentals of tangible personal property constitute retail transactions, Indiana imposes the sales tax on rentals of tangible personal property. The sales tax on rentals is to be collected and remitted to the state in the same manner as any other imposition of sales tax. All assessments made by the department are presumed to be correct. Taxpayers bear the burden of proving that an assessment is incorrect. IC 6-8.1-5-1 (b).

The taxpayer rents golf carts, golf clubs, and club carts without collecting and remitting sales tax on the rentals. The department assessed sales tax on these rentals and the taxpayer protested this assessment. The taxpayer contends that it need not collect and remit sales tax on the rentals because it paid sales tax when it purchased the property for lease. The taxpayer bases this contention on the language of the regulation concerning the imposition of sales tax on rental transactions found at 45 IAC 2.2-4-27 as follows:

(a) In general, the gross receipts from renting or leasing tangible personal property are taxable. This regulation only exempts from tax those transactions which would have been exempt in an equivalent sales transaction.

(b) Every person engaged in the business of the rental or leasing of tangible personal property, other than a public utility shall be deemed to be a retail merchant in respect thereto and such rental or leasing transaction shall constitute a retail transaction subject to the state gross retail tax on the amount of the actual receipts from such rental or leasing.

(c) In general, the gross receipts from renting or leasing tangible personal property are subject to tax. The rental or leasing of tangible personal property constitutes a retail transaction, and every lessor is a retail merchant with respect to such transactions. The lessor must collect and remit the gross retail tax or use tax on the amount of actual receipts as agent for the state of Indiana. The tax is borne by the lessee, except when the lessee is otherwise exempt from taxation.

The taxpayer argues that since these regulations start with the phrase, "In General," most taxpayers operate in this manner, but some taxpayers do not. The phrase, "in general" means that there are acceptable exceptions to this normal behavior. The taxpayer contends that it availed itself of one of the exemptions by paying the sales tax on the purchase of the property to be rented and not collecting sales tax when it rented the golf clubs, etc. The taxpayer argued that it could choose the more convenient method of paying the sales tax on the property at the time of purchase for leasing. The taxpayer's position is not supported by the law and regulations. They specifically impose the sales tax on leases of tangible personal property unless the transaction qualifies for a stated exemption. No exemption for "convenience" is found in the law. Further, IC 6-2.5-5-8 provides an exemption from the sales tax for property acquired for leasing in the course of a taxpayer's business. Therefore, in this situation, the taxpayer should not have paid the sales tax when it purchased the golf clubs, etc. for rental. It should have collected and remitted the sales tax when it leased the property. The department gave the taxpayer credit for the sales taxes it paid when it purchased the property.

The taxpayer argues further that its understanding of the law and its duties under the law was affirmed through communication with a departmental employee. It is not possible at this point for the department to know the totality of the taxpayer's communications with the department's employee several years ago. The department offers a procedure for obtaining a ruling on the tax consequences of a particular situation. The taxpayer did not avail itself of this process. Therefore, the taxpayer's documentation of communication with the department's employee is not adequate to sustain its burden of proving that the tax was applied inappropriately.

FINDING

The taxpayer's protest is denied.

II. Sales and Use Tax-Imposition of Use Tax

DISCUSSION

Indiana imposes an excise tax on tangible personal property stored, used, or consumed in Indiana on which no sales tax was paid at the time of purchase. IC 6-2.5-3-2. The department assessed use tax on top dressing sand, reference numbers 92276 and 99078 on page 13 of the audit. The taxpayer presented invoices indicating that sales tax was paid to the vendor on the top dressing sand.

The department also assessed use tax on the taxpayer's use of property such as clothing for staff and scorecards. The taxpayer protests this assessment arguing that it was the retail vendors' responsibility to collect and remit the tax. Since the vendors did not collect the tax and the vendors are all still in business, the department should collect any tax due from the vendors.

At the time of the audit, the taxpayer was subject to the imposition of the use tax on the tangible personal property it used in Indiana if it had not paid sales tax on it at the time of purchase. The department's proper remedy at this point is to assess and collect the use tax from the taxpayer rather than chasing down vendors who failed to collect the tax for some unknown, and possibly valid, reason.

FINDING

The taxpayer's protest to the assessment of use tax on reference numbers 92276 and 99078 is sustained. The remainder of the taxpayer's protest is denied.

III. Sales and Use Tax-Services

DISCUSSION

Retail transactions made in Indiana are subject to sales tax. IC 6-2.5-2-1. The use of tangible personal property acquired in a retail transaction is subject to the use tax unless the sales tax has been paid. IC 6-2.5-3-2. A retail transaction is defined generally as the acquiring and subsequently selling of tangible personal property. IC 6-2.5-4-1. Except for certain enumerated services, sales of services are generally not retail transactions and are not subject to sales or use tax. There are two instances when an otherwise nontaxable sale or use of a service is subject to the appropriate tax. The first is when the services are performed with respect to tangible personal property being transferred in a retail transaction and the services take place prior to the transfer of the tangible personal property. IC 6-2.5-4-1(e). The second is when the services are part of a retail unitary transaction. IC 6-2.5-1-2. A unitary transaction is defined as a transaction that includes the transfer of tangible personal property and the provision of services for a single charge pursuant to a single agreement or order. IC 6-2.5-1-1.

The taxpayer protests the imposition of use tax on parking lot bumpers. The taxpayer provided an invoice indicating payment to a company that specializes in parking lots. The invoice indicates that among the products it sells are parking lot bumpers. The invoice indicates that the taxpayer paid $824.00 to the company to "deliver and install 32 parking bumpers pinned in asphalt. " The taxpayer contends that the charge on that invoice represented only the nontaxable services of delivery and installation. The taxpayer was unable to supply a separate invoice or any other evidence that the parking bumpers were purchased separately and delivered prior to the delivery and installation services represented by the invoice. In this case, the services were performed prior to the transfer of the parking lot bumpers to the taxpayer. Therefore, assessment of use tax on the amount of the invoice is proper.

The taxpayer also protests the assessment of use tax on audit page 13 reference numbers 9850, 9890, and 8790 representing month end adjusting entries for expensed items. The taxpayer contends that these assessed amounts actually represent exempt labor charges. The taxpayer did not produce documentation sufficient to sustain its burden of proving that the audit was incorrect and the charges were actually for labor charges.

FINDING

The taxpayer's protest is denied.

IV. Sales and Use Tax-Reimbursement of Expenses

DISCUSSION

The department also assessed use tax on the taxpayer's lease of items such as tractors and mowers from another corporation. The taxpayer contends that these transactions were in actuality nontaxable reimbursals of expenses. The taxpayer originally purchased the equipment and paid the sales tax on the equipment. After the opening of the golf course, the taxpayer set up the leasing corporation as a holding company and transferred the tractor and related items to it. The taxpayer directs the movements of the equipment, pays insurance and wages of the leasing corporation's employees. The two corporations are owned by the same persons. The purpose of the equipment transfer was to ease accounting procedures. The taxpayer contends that the payments are actually reimbursals of the leasing corporation's expenses and depreciation rather than leases. The department disagrees. The taxpayer receives the benefits of the two separate corporations and clearly set up the situation as a leasing situation. Therefore, the taxpayer owes use tax on the leases pursuant to IC 6-2.5-3-2.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

04-20030211P.LOF

LETTER OF FINDINGS NUMBER: 03-0211P
TAX ADMINISTRATION
For Years 1999, 2000, 2001 and 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 - Interest
Authority: IC 6-8.1-10.1

Taxpayer requests waiver of the interest imposed.

II. Tax Administration - Penalty

Authority: IC 6-8.1- 10-2.1(d); 45 IAC 15-11-2(c).

Taxpayer requests waiver of the 10% negligence penalty imposed for failure to use ordinary business care.

STATEMENT OF FACTS

Taxpayer is protesting the imposition of the interest and 10% negligence penalty imposed because it was the victim of employee theft and because it is experiencing difficult financial times that may preclude it from being capable of paying the accrued penalties and interest.

I. Tax Administration - Interest

DISCUSSION

Pursuant to IC 6-8.1-10.1, the department has no authority to waive interest.

FINDINGS

The taxpayer is respectfully denied.

II. Tax Administration – Penalty

DISCUSSION

IC 6-8.1-10-2.1(d) provides:

If a person subject to penalty imposed under this section can show that the failure to file a return, pay the full amount of tax shown on the person's return, timely remit the tax held in trust, or pay the deficiency determined by the department was due to reasonable cause and not due to willful neglect, the department shall waive the penalty.

Furthermore, 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 45 IAC 15-11-2(c). Factors which may be considered in determining reasonable cause include, but are not limited to:

(1) the nature of the tax involved;

(2) judicial precedents set by Indiana courts;

(3) judicial precedents established in jurisdictions outside Indiana;

(4) published department instructions, information bulletins, letters of findings, rulings, letters of advice, etc.;

(5) previous audits or letters of findings concerning the issue and taxpayer involved in the penalty assessment.

Reasonable cause is a fact sensitive question and thus will be dealt with according to the particular facts and circumstances of each case. Employee theft of the magnitude in this situation, absent any civil or criminal liability against the perpetrators, does not show reasonable care and therefore does not relieve a taxpayer of its duty to collect and remit taxes as they become due.

FINDINGS

The taxpayer is respectfully denied.

DEPARTMENT OF STATE REVENUE

02-20030253P.LOF

LETTER OF FINDINGS NUMBER: 03-0253P
Negligence Penalty
For Years 1998, 1999, and 2000

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration - Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

Taxpayer is in the business of selling and renting construction equipment to contractors, manufacturers, mining companies, and others from five locations out of state and four locations in Indiana. During the tax years in question, taxpayer did claim receipts as required by statute. However, taxpayer failed to correctly assess its liability at the correct tax rate.

I. Tax Administration - Ten Percent (10%) Negligence 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.

Taxpayer claims that because it reported its receipts to the Department, albeit at the incorrect rate, that the penalty should be waived. Taxpayer feels that the discrepancies involved were not substantial enough to warrant having penalties assessed, especially in light of taxpayer's attempts to comply with the law. Finally, taxpayer claims that it has installed safeguards that will prevent such mishaps in the future.

However, the auditor claims, and taxpayer does not refute, that in prior years the company, albeit in a different corporate form, had undergone an audit where the correct tax rate was revealed to taxpayer. This kind of information could have and should have been relied upon by the taxpayer when computing its liabilities from the point of that prior audit forward.

It is the taxpayer's responsibility to correctly assess and remit taxes. Reasonable care on the part of the taxpayer would have included knowledge gained from previous audits. Failure to use said knowledge is proof of taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Reasonable care should be taken regardless of the magnitude of the potential liability. Finally, subsequent remedial measures provide no evidence that a taxpayer is not negligent.

FINDING

The taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0220030269P.LOF

LETTER OF FINDINGS NUMBER: 03-0269P
Income Tax
Fiscal Year Ending September 30, 2001

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the late penalty.

STATEMENT OF FACTS

The late penalty was assessed on the late filing of a "no activity" income tax return for the fiscal year 2001.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer argues the late penalty should be waived as no tax was due on the return. The taxpayer also states that the corporation is no longer in operation.

The Department points out that the State of Indiana's regulations require the filing of an income tax return for a tax year where there is no tax liability. The taxpayer was in operation during the fiscal year in which the penalty was assessed.

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 no basis for waiver of the penalty. The taxpayer has failed to demonstrate the reasonable care and diligence which are required in overcoming the imposition of penalty under IC 6-8.1-10-2.1. As such, the Department finds the penalty proper and denies the penalty protest.

FINDING

The taxpayer's penalty protest is denied.

DEPARTMENT OF STATE REVENUE

0220030310P.LOF

LETTER OF FINDINGS NUMBER: 03-0310P
Income Tax
For the Years 1992-1999

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- Ten Percent (10%) Negligence Penalty
Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer is a major purveyor of office supplies and furniture. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional income tax, interest, and penalty. The taxpayer paid the assessment and protested the imposition of the ten percent (10%) negligence penalty. Although given ample opportunity to do so, the taxpayer did not request a hearing or submit additional documentation. Therefore, this Letter of Findings is based on the contents of the file.

I. Tax Administration- Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. The taxpayer contends that the negligence penalty is inappropriate in this situation because the taxpayer did not intentionally fail to pay the proper amount of tax. Specifically, the taxpayer argued that its underpayment of taxes was due to limitations in its data gathering systems prior to 2000.

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 department's standard for the negligence penalty, as stated in the regulation, is significantly lower than intentional nonpayment of tax as argued by the taxpayer. Rather, the penalty can be properly imposed when the taxpayer is inattentive to its duties. In this case, the taxpayer carelessly failed to collect the accurate data necessary to determine, report, and pay the appropriate amount of tax. The taxpayer's carelessness and inattention to its duties constitutes negligence.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

04-20030321.LOF

LETTER OF FINDINGS NUMBER: 03-0321
SALES/USE TAX
For Year 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. Sales/Use Tax – Like kind exchange
Authority: IC 6-2.5-1-5(b); IC 6-2.5-1-6; 45 IAC 2.2-1-1(l).

Taxpayer protests the imposition of gross retail tax on a transaction claimed to be a like kind exchange.

II. Tax Administration – Ten Percent (10%) Negligence Penalty
Authority: IC 6-8.1-10-2.1; 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty that resulted primarily from the taxpayer's failure to collect Indiana sales tax and having outdated exemption certificates.

STATEMENT OF FACTS

Taxpayer sells and rents construction and mining equipment, including trailers to haul construction equipment. They also service and repair the equipment and sell related parts from all locations. Several sales are under rent purchase options where the rental customer may opt to purchase the equipment.

In June 2000, taxpayer entered into a cash sales contract in which it agreed to sell to a third party a custom-made crane. Part of the agreement contemplated the trade-in of similar construction equipment. Taxpayer contends that it is this transaction that is exempt from gross retail tax as a like kind exchange.

I. Sales/Use Tax – Like kind exchange

DISCUSSION

Taxpayer contends that when it entered into the transaction in question, it did so with the contemplation that a like kind exchange would take place. Like kind exchanges are exempt from gross retail tax under IC 6-2.5-1-5(b), which reads in relevant part:

"Gross retail income" does not include that part of the gross receipts attributable to:

(1) the value of any tangible personal property received in a like kind exchange in the retail transaction, if the value of the property given in exchange is separately stated on the invoice, bill of sale, or similar document given to the purchaser.

Like kind exchanges are defined in IC 6-2.5-1-6:

"Like kind exchange" means the reciprocal exchange of personal property between two (2) persons, when:

(1) the property exchanged is of the same kind or character, regardless of grade or quality; and

(2) the persons exchanging the property both own the property prior to the exchange.

Indiana regulations take the requirements one step further. 45 IAC 2.2-1-1(l) requires that "(an) exchange agreement must specify the definite units or quantity of property to be exchanged." In other words, it must be known at the time of the transaction what property is being exchanged for what property. Mere contemplation is not enough.

Taxpayer cites to certain concerns that made it difficult, if not impossible, for the taxpayer or the third party to definitely establish at the time of the contract what would be the traded-in or exchanged item. These concerns include the difficulty in valuating the third party's exchanges, the unique and specialized quality of the crane taxpayer was selling, and the unexpected early availability of the crane.

The regulations make it clear, however, that such concerns are not to be given consideration.

Taxpayer admittedly did not know the exact details of the exchange at the time of the sales contract. The terms of the contract itself illustrate this point. It reads, in part:

Other: Trade-Ins: To be determined at future date and 5% Indiana Sales Tax to be charged on difference (sic) price.

Because the definite units or quantity of property to be exchanged was not specified in the sales contract as required by 45 IAC 2.2-1-1(l), taxpayer's transaction cannot be classified as a like kind exchange, exempt from gross retail tax under IC 6-2.5-1-5(b).

FINDINGS

The taxpayer is respectfully denied.

II. Tax Administration – Ten Percent (10%) Negligence 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 careless-ness, 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.

Taxpayer admits that it incorrectly assessed Kentucky sales tax when Indiana sales tax would have been appropriate. However, taxpayer claims that these mistakes were innocent and not part of any scheme to avoid paying tax to Indiana.

Taxpayer further admits that a portion of the assessment was due to the fact that taxpayer held outdated exemption certificates for several customers. However, taxpayer contends that penalties should be waived because certificates, albeit outdated, were available and because procedures have been put into place to prevent future problems.

It is the taxpayer's responsibility to correctly assess and remit taxes. Reasonable care on the part of the taxpayer would have included maintaining updated exemption certificates. Failure to update these certificates is proof of taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Also, subsequent remedial measures provide no evidence that a taxpayer is not negligent.

FINDINGS

The taxpayer is respectfully denied.

DEPARTMENT OF STATE REVENUE

0320030333P.LOF

LETTER OF FINDINGS NUMBER: 03-0333P
Withholding Tax
For the month of February 2003

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.

STATEMENT OF FACTS

The late penalty was assessed on the late filing of a monthly withholding tax return for the month of February 2003.

The taxpayer is a company located in Indianapolis.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer argues the late penalty should be waived as the error was the result of a troubled medical condition of a key staff person.

The Department points out that the taxpayer has control of situations involving the taxpayer's employees. As such, the taxpayer is responsible to make sure the duties of the respective employees are carried out.

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.

DEPARTMENT OF STATE REVENUE

0420030350P.LOF

LETTER OF FINDINGS NUMBER: 03-0350P
Sales & Use Tax
For the month of April 2003

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.

STATEMENT OF FACTS

The late penalty was assessed on the late filing of a monthly sales tax return for the month of April 2003.

The taxpayer is a company located out-of-state.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer requests the late penalty be waived as the error was unintentional and not typical of the taxpayer's payment 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 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.

DEPARTMENT OF STATE REVENUE

0420030376P.LOF

LETTER OF FINDINGS NUMBER: 03-0376P
Sales & Use Tax
For the month of November 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.

STATEMENT OF FACTS

The late penalty was assessed on the late filing of a monthly sales tax return for the month of November 2002.

The taxpayer is a company located in Indiana.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer requests the late penalty be waived as the error was the result of an unintentional oversight, and furthermore, this is the first time the taxpayer has been late.

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.

DEPARTMENT OF STATE REVENUE

0420030380P.LOF

LETTER OF FINDINGS NUMBER: 03-0380P
Sales and Use Tax
For the Years 1998-2000

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- Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer manufactures concrete pipes, culverts, related products, and large wall and roof sections for commercial construction. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional sales and use tax interest, and penalty. The taxpayer protested the imposition of the ten percent (10%) negligence penalty. A telephone hearing was held on October 28, 2003. This Letter of Findings results.

I. Tax Administration- Ten Percent (10%) Negligence 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 argues that its deficiency in tax payments was not due to a willful intent to disregard the law. The taxpayer cited its 1997 centralization of tax reporting functions, establishment of a tax department, and 1997 institution of a new software system to report sales and use taxes as evidence that it attempted to pay the appropriate amount of sales and use tax to Indiana. These changes in the taxpayer's practice did not, however, keep the taxpayer from failing to collect and remit sales tax on certain sales without valid exemption certificates or failing to remit accrued use tax. The taxpayer's inattention to these duties constitutes negligence.

FINDING

The taxpayer's protest is denied.

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1982	See 5 IR 2586	(December 1982)
1983	See 7 IR 252	(December 1983)
1984	See 8 IR 1220	(June 1985)
1985	See 9 IR 932	(January 1986)
1986	See 10 IR 173	(October 1986)
1987	See 11 IR 2786	(April 1988)
1988	See 12 IR 1023	(January 1989)
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02-21	Amendment to settlements between the state of Indiana and the Unity Team and the state of Indiana and AFSCME Council 62 (12/3/02)	26 IR 1363
02-22	Postponement of the date of expiration of rules until one year after date specified in IC 4-22-2.5 (12/20/02)	26 IR 1746
03-1	Declaring an energy emergency in the state of Indiana due to the extremely cold weather and for the purpose of allowing the propane transport infrastructure to keep up with demand (1/24/03)	26 IR 2138
03-2	Extending an energy emergency in the state of Indiana due to the extremely cold weather and for the purpose of allowing the propane transport infrastructure to keep up with demand (1/28/03)	26 IR 2139
03-3	Extending an energy emergency in the state of Indiana due to the extremely cold weather and for the purpose of allowing the propane transport infrastructure to keep up with demand (1/29/03)	27 IR 975
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03-7	Pardon: Nathan Colbert, Jr. (3/20/03)	27 IR 978
03-8	Pardon: James Weaver (3/20/03)	27 IR 978
03-9	Pardon: Jeffrey D. Thomas (3/20/03)	27 IR 979
03-10	Pardon: Anthony Higgs (3/20/03)	27 IR 980
03-11	Pardon: Lawana Westmoreland (3/20/03)	27 IR 980
03-12	Pardon: David Pearson (3/20/03)	27 IR 981
03-13	Pardon: Darlene Faye Leonard (5/22/03)	27 IR 982
03-14	Pardon: Jeffrey D. Leonard (5/22/03)	27 IR 982
03-15	Pardon: Mary Elizabeth Cook (5/22/03)	27 IR 983
03-16	Pardon: Jack Harper (5/22/03)	27 IR 984
03-17	The creation of the Native American Indian Affairs Commission (6/25/03)	27 IR 984
03-18	Declaring a disaster emergency in the state of Indiana due to severe storms flooding	27 IR 986
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03-20	Pardon: Thomas Jackson (8/14/03)	27 IR 987
03-21	Declaring a disaster emergency in the state of Indiana due to severe storms and flooding (9/2/03)	27 IR 988
03-22	The creation of the Native American Indian Affairs Commission (10/1/03)	27 IR 989
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03-24	Continuation of the Indiana Commission on Juvenile Law (10/1/03)	27 IR 993
03-25	Continuation of the Governor's Council on Physical Fitness and Sports (10/1/03)	27 IR 995
03-26	Establishing and clarifying the structure of the Indiana State Emergency Management Agency and the Indiana Department of Fire and Building Services (10/1/03)	27 IR 996
03-27	Greening the government (10/1/03)	27 IR 997
03-28	The establishment of the State Employee Community Service Program (10/1/03)	27 IR 998
03-29	Continuation of the Integrated Law Enforcement Council (10/1/03)	27 IR 999
03-30	Continuation of the Indiana Criminal Law Study Commission (10/1/03)	27 IR 1000
03-31	Continuation of the Indiana Commission on Uniform State Laws (10/1/03)	27 IR 1001
03-32	Continuation of the Governor's Council on Impaired and Dangerous Driving (10/1/03)	27 IR 1002
03-33	Continuation of the Indiana Juvenile Justice and Delinquency Prevention Advisory Group (10/1/03)	27 IR 1003
03-34	Establishing and clarifying duties of state agencies, for all matters relating to emergency management (10/1/03)	27 IR 1004
03-35	Recognition of employee organizations representing employees of the executive branch and continuation of the Public Employees Relations Board (10/1/03)	27 IR 1007
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03-42	Pardon: Sandi P. Ward (10/22/03)	27 IR 1018
03-43	The Hoosiers Helping Hoosiers Food Drive (10/27/03)	27 IR 1416
03-44	Approval and implementation of the settlement between the state of Indiana and the Unity Team Local 9212/UAW/AFT (20/28/03)	27 IR 1019
03-45	Approval and implementation of the settlement between the state of Indiana and AFSCME Council 62 (10/28/03)	27 IR 1020
03-46	Formation of the Indiana Child Care Fund, Inc. (10/28/03)	27 IR 1416

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03-1	Distribution of county option income tax (1/30/03)	27 IR 588
03-2	Local ordinances and state laws (1/31/03)	27 IR 591
03-3	School corporations unfunded retirement or severance liability (5/27/03)	27 IR 594
03-4	Compensating firefighters for substituted hours (5/27/03)	27 IR 597
03-5	Withdrawal from principal of common school fund (6/17/03)	27 IR 601
03-6	Smoking bans (8/12/03)	27 IR 604
03-7	Political subdivision establishment of rainy day funds (8/12/03)	27 IR 607
03-8	Redevelopment commission's acquisition and disposition of property (8/27/03)	27 IR 613

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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)
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10 IAC 1.5-2-5				*ERR (26 IR 3046)
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11 IAC 2-6-6	N	02-110	25 IR 3213	**26 IR 6**
11 IAC 3	N	03-165	26 IR 3911	**27 IR 826**

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25 IAC 2-20	R	02-150	26 IR 86	*ARR (26 IR 3047)
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45 IAC 18-1-4	R	02-40	25 IR 3238	*CPH (25 IR 4129)
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45 IAC 18-1-7	R	02-40	25 IR 3238	*CPH (25 IR 4129)
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45 IAC 18-1-8	R	02-40	25 IR 3238	*CPH (25 IR 4129)
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45 IAC 18-1-19	N	02-40	25 IR 3221	*CPH (25 IR 4129)
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45 IAC 18-1-20	N	02-40	25 IR 3221	*CPH (25 IR 4129)
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45 IAC 18-1-24	N	02-40	25 IR 3222	*CPH (25 IR 4129)
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45 IAC 18-1-25	N	02-40	25 IR 3222	*CPH (25 IR 4129)
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45 IAC 18-1-29	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2304** *AROC (26 IR 2472)
45 IAC 18-1-30	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2304** *AROC (26 IR 2472)
45 IAC 18-1-31	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2304** *AROC (26 IR 2472)
45 IAC 18-1-32	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2304** *AROC (26 IR 2472)
45 IAC 18-1-33	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-34	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-35	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-36	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-37	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-38	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-39	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-40	N	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2306** *AROC (26 IR 2472)
45 IAC 18-1-41	N	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2306** *AROC (26 IR 2472)
45 IAC 18-1-42	N	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2306** *AROC (26 IR 2472)
45 IAC 18-1-43	N	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2306** *AROC (26 IR 2472)
45 IAC 18-2-1	A	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2306** *AROC (26 IR 2472)
45 IAC 18-2-2	A	02-40	25 IR 3226	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-2-3	A	02-40	25 IR 3227	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-2-4	A	02-40	25 IR 3228	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-3-1	A	02-40	25 IR 3228	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-3-2	A	02-40	25 IR 3229	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-3-3	R	02-40	25 IR 3238	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2313** *AROC (26 IR 2472)
45 IAC 18-3-4	N	02-40	25 IR 3231	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2307** *AROC (26 IR 2472)
45 IAC 18-3-5	N	02-40	25 IR 3232	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2307** *AROC (26 IR 2472)
45 IAC 18-3-6	N	02-40	25 IR 3232	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2308** *AROC (26 IR 2472)
45 IAC 18-3-7	N	02-40	25 IR 3232	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2308** *AROC (26 IR 2472) *ERR (26 IR 2375)
45 IAC 18-3-8	N	02-40	25 IR 3233	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2308** *AROC (26 IR 2472)
45 IAC 18-4-1	A	02-40	25 IR 3233	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2309** *AROC (26 IR 2472)
45 IAC 18-4-2	A	02-40	25 IR 3234	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2309** *AROC (26 IR 2472)
45 IAC 18-5-2	A	02-40	25 IR 3235	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2310** *AROC (26 IR 2472)
45 IAC 18-6-1	R	02-40	25 IR 3238	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2313** *AROC (26 IR 2472)
45 IAC 18-6-2	R	02-40	25 IR 3238	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2313** *AROC (26 IR 2472)

45 IAC 18-6-3	A	02-40	25 IR 3235	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2310
				*AROC (26 IR 2472)
45 IAC 18-7	N	02-40	25 IR 3236	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				*AROC (26 IR 2472)
45 IAC 18-8	N	02-40	25 IR 3236	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2311
				*AROC (26 IR 2472)

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

50 IAC 2.3-1-1	A	01-305	25 IR 835	**26 IR 6**
	A	01-402	26 IR 86	*AROC (26 IR 183)
				*AROC (26 IR 184)
				26 IR 2314
	A	02-240	26 IR 88	**26 IR 2315**
50 IAC 2.3-1-2	A	01-366	25 IR 1200	*ARR (25 IR 3760)
				*AWR (26 IR 39)
	A	01-402	26 IR 87	*AROC (26 IR 183)
				*AROC (26 IR 184)
				26 IR 2314
50 IAC 3.1-1	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.1-2-1	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.1-2-5	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.1-2-6	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.1-2-7	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.1-2-8	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.1-2-9	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.2	N	01-367	25 IR 2548	**26 IR 326**
				*ERR (26 IR 382)
50 IAC 14-3-1				*ERR (26 IR 3046)
50 IAC 14-4-1				*ERR (26 IR 382)
				*ERR (26 IR 3046)
50 IAC 14-5-1				*ERR (26 IR 3046)
50 IAC 14-5-3				*ERR (26 IR 3046)
50 IAC 14-6-1				*ERR (26 IR 382)
50 IAC 14-7-1				*ERR (26 IR 382)
50 IAC 14-8-1				*ERR (26 IR 3046)
50 IAC 15-1-1.5	N	01-266		**††26 IR 1516**
50 IAC 15-1-2.5	N	01-266	25 IR 410	*AROC (25 IR 2591)
				26 IR 1516
50 IAC 15-1-2.6	N	01-266	25 IR 410	*AROC (25 IR 2591)
				26 IR 1516
50 IAC 15-1-3	R	01-266	25 IR 416	*AROC (25 IR 2591)
				26 IR 1522
50 IAC 15-1-5	R	01-266	25 IR 416	*AROC (25 IR 2591)
				26 IR 1522
50 IAC 15-1-6	N	01-266	25 IR 410	*AROC (25 IR 2591)
50 IAC 15-3-1	A	01-266	25 IR 410	*AROC (25 IR 2591)
				26 IR 1516
50 IAC 15-3-2	A	01-266	25 IR 410	*AROC (25 IR 2591)
				26 IR 1516
50 IAC 15-3-3	A	01-266	25 IR 411	*AROC (25 IR 2591)
				26 IR 1517
50 IAC 15-3-4	A	01-266	25 IR 411	*AROC (25 IR 2591)
				26 IR 1517
50 IAC 15-3-5	A	01-266	25 IR 411	*AROC (25 IR 2591)
				26 IR 1517
50 IAC 15-3-6	N	01-266	25 IR 411	*AROC (25 IR 2591)
				26 IR 1518
50 IAC 15-4-1	A	01-266	25 IR 412	*AROC (25 IR 2591)
				26 IR 1518
50 IAC 15-5-1	A	01-266	25 IR 413	*AROC (25 IR 2591)
				26 IR 1519
50 IAC 15-5-2	A	01-266	25 IR 414	*AROC (25 IR 2591)
				26 IR 1520
50 IAC 15-5-4	A	01-266	25 IR 414	*AROC (25 IR 2591)
				26 IR 1520
50 IAC 15-5-5	A	01-266	25 IR 414	*AROC (25 IR 2591)
				26 IR 1520
50 IAC 15-5-6	A	01-266	25 IR 415	*AROC (25 IR 2591)
				26 IR 1521
50 IAC 15-5-7	A	01-266	25 IR 415	*AROC (25 IR 2591)
				26 IR 1521
50 IAC 15-5-8	A	01-266	25 IR 415	*AROC (25 IR 2591)
				26 IR 1521
50 IAC 18	N	02-81	26 IR 1117	*AROC (26 IR 1263)
	N	03-235	27 IR 909	
50 IAC 19	N	02-342	26 IR 2397	*ARR (26 IR 3885)
				*AROC (27 IR 287)
				27 IR 450
50 IAC 20	N	03-6	27 IR 908	

TITLE 52 INDIANA BOARD OF TAX REVIEW

52 IAC 1	N	02-206	26 IR 89	**26 IR 2316**
52 IAC 2	N	03-179	26 IR 3915	
52 IAC 3	N	03-179	26 IR 3926	
52 IAC 4	N	03-259	27 IR 555	

TITLE 60 OVERSIGHT COMMITTEE ON PUBLIC RECORDS

60 IAC 2-1-1	A	02-261	26 IR 1118	**26 IR 2604**
60 IAC 2-1-2	R	02-261	26 IR 1121	**26 IR 2607**
60 IAC 2-1-3	R	02-261	26 IR 1121	**26 IR 2607**
60 IAC 2-2-1	A	02-261	26 IR 1118	**26 IR 2604**
60 IAC 2-2-2	A	02-261	26 IR 1118	**26 IR 2604**
60 IAC 2-2-3	A	02-261	26 IR 1119	**26 IR 2605**
60 IAC 2-2-3.1	N	02-261	26 IR 1120	**26 IR 2605**
60 IAC 2-2-4	A	02-261	26 IR 1120	**26 IR 2605**
60 IAC 2-2-5	A	02-261	26 IR 1120	**26 IR 2606**
60 IAC 2-2-5.1	N	02-261	26 IR 1121	**26 IR 2606**
60 IAC 2-2-6	R	02-261	26 IR 1121	**26 IR 2607**
60 IAC 2-2-7	R	02-261	26 IR 1121	**26 IR 2607**

TITLE 65 STATE LOTTERY COMMISSION

65 IAC 3-3-3	A	02-252	*ER (26 IR 40)
65 IAC 3-3-10	A	02-252	*ER (26 IR 40)
65 IAC 3-4-4	A	02-252	*ER (26 IR 41)
65 IAC 3-4-5	A	02-252	*ER (26 IR 42)
65 IAC 4-2-4	A	02-253	*ER (26 IR 42)
65 IAC 4-2-8	A	02-253	*ER (26 IR 43)
65 IAC 4-206	N	03-121	*ER (26 IR 3348)
65 IAC 4-319	N	03-148	*ER (26 IR 3360)
65 IAC 4-329	N	03-237	*ER (27 IR 192)
65 IAC 4-330	N	03-246	*ER (27 IR 199)
65 IAC 4-331	N	03-247	*ER (27 IR 200)
65 IAC 4-333	N	03-292	*ER (27 IR 891)
65 IAC 4-335	N	03-310	*ER (27 IR 1190)
65 IAC 4-452	N	02-353	*ER (26 IR 1585)
65 IAC 4-453	N	02-350	*ER (26 IR 1580)
65 IAC 5-2-4	A	02-253	*ER (26 IR 43)
65 IAC 5-2-8	A	02-253	*ER (26 IR 43)
65 IAC 5-5-5	A	03-113	*ER (26 IR 3057)
65 IAC 5-12-2	A	02-254	*ER (26 IR 44)
65 IAC 5-12-3	A	02-254	*ER (26 IR 45)
65 IAC 5-12-4	A	02-254	*ER (26 IR 45)
65 IAC 5-12-5	A	02-254	*ER (26 IR 46)
65 IAC 5-12-6	A	02-254	*ER (26 IR 46)
65 IAC 5-12-7	A	02-254	*ER (26 IR 47)
65 IAC 5-12-9	A	02-254	*ER (26 IR 47)
65 IAC 5-12-10	A	02-254	*ER (26 IR 47)
65 IAC 5-12-11	A	02-254	*ER (26 IR 48)
65 IAC 5-12-12	A	02-254	*ER (26 IR 49)
65 IAC 5-12-12.5	A	02-254	*ER (26 IR 49)
65 IAC 5-12-14	A	02-254	*ER (26 IR 51)
65 IAC 5-15-10	N	03-14	*ER (26 IR 1946)
65 IAC 5-15-11	N	03-14	*ER (26 IR 1946)
65 IAC 6-1-1.1	N	02-255	*ER (26 IR 51)

65 IAC 6-1-1.2	N	02-255		*ER (26 IR 51)
65 IAC 6-1-2.1	N	02-255		*ER (26 IR 51)
65 IAC 6-1-2.2	N	02-255		*ER (26 IR 51)
65 IAC 6-1-4.1	N	02-255		*ER (26 IR 51)
65 IAC 6-1-10	N	02-255		*ER (26 IR 52)
65 IAC 6-2-3	A	02-255		*ER (26 IR 52)
65 IAC 6-2-4	A	02-255		*ER (26 IR 52)
65 IAC 6-2-5	A	02-255		*ER (26 IR 52)
65 IAC 6-2-8	A	02-255		*ER (26 IR 53)
65 IAC 6-2-9	A	02-255		*ER (26 IR 53)
65 IAC 6-3-2	A	02-255		*ER (26 IR 53)
65 IAC 6-3-3	R	02-255		*ER (26 IR 54)
65 IAC 6-4-6	R	02-255		*ER (26 IR 54)
65 IAC 6-4-7	R	02-255		*ER (26 IR 54)
65 IAC 6-4-8	R	02-255		*ER (26 IR 54)
65 IAC 6-4-9	R	02-255		*ER (26 IR 54)
65 IAC 6-4-10	R	02-255		*ER (26 IR 54)
65 IAC 6-4-11	R	02-255		*ER (26 IR 54)
65 IAC 6-4-12	R	02-255		*ER (26 IR 54)

TITLE 68 INDIANA GAMING COMMISSION

68 IAC 3	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 4	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
68 IAC 4-1-1	RA	03-132	26 IR 3750	*CPH (27 IR 208)
				27 IR 1295
68 IAC 4-1-2	RA	03-132	26 IR 3751	*CPH (27 IR 208)
				27 IR 1296
68 IAC 4-1-3	RA	03-132	26 IR 3751	*CPH (27 IR 208)
				27 IR 1296
68 IAC 4-1-4	RA	03-132	26 IR 3751	*CPH (27 IR 208)
				27 IR 1296
68 IAC 4-1-5	RA	03-132	26 IR 3752	*CPH (27 IR 208)
				27 IR 1297
68 IAC 4-1-6	RA	03-132	26 IR 3752	*CPH (27 IR 208)
				27 IR 1297
68 IAC 4-1-7	RA	03-132	26 IR 3752	*CPH (27 IR 208)
				27 IR 1297
68 IAC 4-1-8	RA	03-132	26 IR 3753	*CPH (27 IR 208)
				27 IR 1298
68 IAC 4-1-9	RA	03-132	26 IR 3753	*CPH (27 IR 208)
				27 IR 1299
68 IAC 4-1-10	RA	03-132	26 IR 3754	*CPH (27 IR 208)
				27 IR 1299
68 IAC 5	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 6-3	N	03-204	27 IR 212	
68 IAC 10	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 11	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 12	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 13	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 14	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 15	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 16	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 17	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 18	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 19	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261

TITLE 71 INDIANA HORSE RACING COMMISSION

71 IAC 1-1-41.5	N	02-282		*ER (26 IR 394)
71 IAC 1.5-1-37.5	N	02-282		*ER (26 IR 394)
				*ERR (26 IR 793)
71 IAC 3-2-9	A	03-52		*ER (26 IR 2380)
71 IAC 3.5-2-9	A	03-52		*ER (26 IR 2380)
71 IAC 4-2-4	A	03-52		*ER (26 IR 2380)
71 IAC 4-2-5	A	03-52		*ER (26 IR 2381)
71 IAC 4-3-1	A	03-52		*ER (26 IR 2381)
71 IAC 4.5-2-4	A	03-52		*ER (26 IR 2381)
71 IAC 4.5-2-5	A	03-52		*ER (26 IR 2382)
71 IAC 4.5-3-1	A	03-52		*ER (26 IR 2382)
71 IAC 5.5-4-4	A	03-52		*ER (26 IR 2382)
71 IAC 5.5-5-3	A	02-250		*ER (26 IR 55)
71 IAC 6.5-1-4	A	02-250		*ER (26 IR 55)
71 IAC 7-1-15	A	03-52		*ER (26 IR 2383)
71 IAC 7-1-28	A	03-52		*ER (26 IR 2383)
71 IAC 7-1-37	R	03-52		*ER (26 IR 2388)
71 IAC 7-3-6	A	03-244		*ER (27 IR 205)
71 IAC 7.5-1-4	A	03-52		*ER (26 IR 2383)
	A	03-244		*ER (27 IR 205)
71 IAC 7.5-1-14	N	03-52		*ER (26 IR 2383)
71 IAC 7.5-6-1	A	03-52		*ER (26 IR 2384)
71 IAC 7.5-6-3	A	03-244		*ER (27 IR 206)
71 IAC 7.5-10	N	02-250		*ER (26 IR 56)
71 IAC 8-1-1	A	03-52		*ER (26 IR 2384)
71 IAC 8-4-1	A	03-52		*ER (26 IR 2385)
71 IAC 8-6-2	N	03-52		*ER (26 IR 2385)
71 IAC 8.5-1-1	A	03-52		*ER (26 IR 2385)
71 IAC 8.5-3-1	A	03-52		*ER (26 IR 2386)
71 IAC 8.5-4-8	N	02-250		*ER (26 IR 57)
71 IAC 8.5-5-2	N	02-250		*ER (26 IR 57)
	N	03-52		*ER (26 IR 2386)
71 IAC 8.5-10-6	A	02-250		*ER (26 IR 58)
71 IAC 10-2-9	A	03-52		*ER (26 IR 2387)
71 IAC 12-2-15	A	02-251		*ER (26 IR 58)
	A	02-282		*ER (26 IR 394)
	A	03-52		*ER (26 IR 2387)
	A	03-293		*ER (27 IR 896)
71 IAC 12-2-18	A	03-52		*ER (26 IR 2388)
71 IAC 12-2-19	A	02-251		*ER (26 IR 59)
				*ERR (26 IR 382)
71 IAC 12-2-20	A	02-282		*ER (26 IR 395)
71 IAC 13.5-3-3	A	03-25		*ER (26 IR 1952)
71 IAC 14.5-1-3	A	03-25		*ER (26 IR 1952)

TITLE 80 STATE FAIR COMMISSION

80 IAC 4-3-3	A	02-200	26 IR 420	**26 IR 3536**
80 IAC 4-3-5	A	02-200	26 IR 420	**26 IR 3536**
80 IAC 4-4	N	02-243	26 IR 2398	**26 IR 3537**

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

105 IAC 9-1-1	A	03-17	26 IR 2400	**27 IR 451**
105 IAC 9-1-2	A	03-17	26 IR 2400	**27 IR 452**
105 IAC 9-2-1	A	02-231	26 IR 421	**27 IR 7**
105 IAC 9-2-2	R	02-231		**††27 IR 52**
105 IAC 9-2-3	N	02-231		**††27 IR 7**
105 IAC 9-2-4	N	02-231		**††27 IR 7**
105 IAC 9-2-5	N	02-231		**††27 IR 7**
105 IAC 9-2-6	N	02-231		**††27 IR 7**
105 IAC 9-2-7	N	02-231		**††27 IR 8**
105 IAC 9-2-8	N	02-231		**††27 IR 8**
105 IAC 9-2-9	N	02-231		**††27 IR 8**
105 IAC 9-2-10	N	02-231		**††27 IR 8**
105 IAC 9-2-11	N	02-231		**††27 IR 9**
105 IAC 9-2-12	N	02-231		**††27 IR 9**
105 IAC 9-2-13	N	02-231		**††27 IR 9**
105 IAC 9-2-14	N	02-231		**††27 IR 9**
105 IAC 9-2-15	N	02-231		**††27 IR 10**

105 IAC 9-2-16	N	02-231	**††27 IR 10**
105 IAC 9-2-17	N	02-231	**††27 IR 10**
105 IAC 9-2-18	N	02-231	**††27 IR 10**
105 IAC 9-2-19	N	02-231	**††27 IR 10**
105 IAC 9-2-20	N	02-231	**††27 IR 11**
105 IAC 9-2-21	N	02-231	**††27 IR 11**
105 IAC 9-2-22	N	02-231	**††27 IR 11**
105 IAC 9-2-23	N	02-231	**††27 IR 11**
105 IAC 9-2-24	N	02-231	**††27 IR 12**
105 IAC 9-2-25	N	02-231	**††27 IR 12**
105 IAC 9-2-26	N	02-231	**††27 IR 12**
105 IAC 9-2-27	N	02-231	**††27 IR 12**
105 IAC 9-2-28	N	02-231	**††27 IR 12**
105 IAC 9-2-29	N	02-231	**††27 IR 13**
105 IAC 9-2-30	N	02-231	**††27 IR 13**
105 IAC 9-2-31	N	02-231	**††27 IR 13**
105 IAC 9-2-32	N	02-231	**††27 IR 14**
105 IAC 9-2-33	N	02-231	**††27 IR 14**
105 IAC 9-2-34	N	02-231	**††27 IR 14**
105 IAC 9-2-35	N	02-231	**††27 IR 15**
105 IAC 9-2-36	N	02-231	**††27 IR 15**
105 IAC 9-2-37	N	02-231	**††27 IR 15**
105 IAC 9-2-38	N	02-231	**††27 IR 16**
105 IAC 9-2-39	N	02-231	**††27 IR 16**
105 IAC 9-2-40	N	02-231	**††27 IR 16**
105 IAC 9-2-41	N	02-231	**††27 IR 16**
105 IAC 9-2-42	N	02-231	**††27 IR 16**
105 IAC 9-2-43	N	02-231	**††27 IR 17**
105 IAC 9-2-44	N	02-231	**††27 IR 17**
105 IAC 9-2-45	N	02-231	**††27 IR 18**
105 IAC 9-2-46	N	02-231	**††27 IR 18**
105 IAC 9-2-47	N	02-231	**††27 IR 18**
105 IAC 9-2-48	N	02-231	**††27 IR 18**
105 IAC 9-2-49	N	02-231	**††27 IR 19**
105 IAC 9-2-50	N	02-231	**††27 IR 19**
105 IAC 9-2-51	N	02-231	**††27 IR 19**
105 IAC 9-2-52	N	02-231	**††27 IR 19**
105 IAC 9-2-53	N	02-231	**††27 IR 19**
105 IAC 9-2-54	N	02-231	**††27 IR 19**
105 IAC 9-2-55	N	02-231	**††27 IR 20**
105 IAC 9-2-56	N	02-231	**††27 IR 20**
105 IAC 9-2-57	N	02-231	**††27 IR 20**
105 IAC 9-2-58	N	02-231	**††27 IR 21**
105 IAC 9-2-59	N	02-231	**††27 IR 21**
105 IAC 9-2-60	N	02-231	**††27 IR 21**
105 IAC 9-2-61	N	02-231	**††27 IR 22**
105 IAC 9-2-62	N	02-231	**††27 IR 22**
105 IAC 9-2-63	N	02-231	**††27 IR 22**
105 IAC 9-2-64	N	02-231	**††27 IR 22**
105 IAC 9-2-65	N	02-231	**††27 IR 22**
105 IAC 9-2-66	N	02-231	**††27 IR 22**
105 IAC 9-2-67	N	02-231	**††27 IR 23**
105 IAC 9-2-68	N	02-231	**††27 IR 23**
105 IAC 9-2-69	N	02-231	**††27 IR 23**
105 IAC 9-2-70	N	02-231	**††27 IR 23**
105 IAC 9-2-71	N	02-231	**††27 IR 23**
105 IAC 9-2-72	N	02-231	**††27 IR 23**
105 IAC 9-2-73	N	02-231	**††27 IR 24**
105 IAC 9-2-74	N	02-231	**††27 IR 24**
105 IAC 9-2-75	N	02-231	**††27 IR 24**
105 IAC 9-2-76	N	02-231	**††27 IR 24**
105 IAC 9-2-77	N	02-231	**††27 IR 24**
105 IAC 9-2-78	N	02-231	**††27 IR 25**
105 IAC 9-2-79	N	02-231	**††27 IR 25**
105 IAC 9-2-80	N	02-231	**††27 IR 25**
105 IAC 9-2-81	N	02-231	**††27 IR 25**
105 IAC 9-2-82	N	02-231	**††27 IR 25**
105 IAC 9-2-83	N	02-231	**††27 IR 26**
105 IAC 9-2-84	N	02-231	**††27 IR 26**
105 IAC 9-2-85	N	02-231	**††27 IR 26**
105 IAC 9-2-86	N	02-231	**††27 IR 26**
105 IAC 9-2-87	N	02-231	**††27 IR 27**
105 IAC 9-2-88	N	02-231	**††27 IR 27**
105 IAC 9-2-89	N	02-231	**††27 IR 28**
105 IAC 9-2-90	N	02-231	**††27 IR 29**
105 IAC 9-2-91	N	02-231	**††27 IR 30**
105 IAC 9-2-92	N	02-231	**††27 IR 30**
105 IAC 9-2-93	N	02-231	**††27 IR 30**
105 IAC 9-2-94	N	02-231	**††27 IR 31**
105 IAC 9-2-95	N	02-231	**††27 IR 31**
105 IAC 9-2-96	N	02-231	**††27 IR 31**
105 IAC 9-2-97	N	02-231	**††27 IR 31**
105 IAC 9-2-98	N	02-231	**††27 IR 32**
105 IAC 9-2-99	N	02-231	**††27 IR 32**
105 IAC 9-2-100	N	02-231	**††27 IR 32**
105 IAC 9-2-101	N	02-231	**††27 IR 32**
105 IAC 9-2-102	N	02-231	**††27 IR 33**
105 IAC 9-2-103	N	02-231	**††27 IR 33**
105 IAC 9-2-104	N	02-231	**††27 IR 33**
105 IAC 9-2-105	N	02-231	**††27 IR 34**
105 IAC 9-2-106	N	02-231	**††27 IR 34**
105 IAC 9-2-107	N	02-231	**††27 IR 34**
105 IAC 9-2-108	N	02-231	**††27 IR 34**
105 IAC 9-2-109	N	02-231	**††27 IR 34**
105 IAC 9-2-110	N	02-231	**††27 IR 34**
105 IAC 9-2-111	N	02-231	**††27 IR 35**
105 IAC 9-2-112	N	02-231	**††27 IR 35**
105 IAC 9-2-113	N	02-231	**††27 IR 35**
105 IAC 9-2-114	N	02-231	**††27 IR 36**
105 IAC 9-2-115	N	02-231	**††27 IR 36**
105 IAC 9-2-116	N	02-231	**††27 IR 36**
105 IAC 9-2-117	N	02-231	**††27 IR 36**
105 IAC 9-2-118	N	02-231	**††27 IR 36**
105 IAC 9-2-119	N	02-231	**††27 IR 36**
105 IAC 9-2-120	N	02-231	**††27 IR 36**
105 IAC 9-2-121	N	02-231	**††27 IR 37**
105 IAC 9-2-122	N	02-231	**††27 IR 37**
105 IAC 9-2-123	N	02-231	**††27 IR 37**
105 IAC 9-2-124	N	02-231	**††27 IR 37**
105 IAC 9-2-125	N	02-231	**††27 IR 37**
105 IAC 9-2-126	N	02-231	**††27 IR 37**
105 IAC 9-2-127	N	02-231	**††27 IR 37**
105 IAC 9-2-128	N	02-231	**††27 IR 38**
105 IAC 9-2-129	N	02-231	**††27 IR 38**
105 IAC 9-2-130	N	02-231	**††27 IR 38**
105 IAC 9-2-131	N	02-231	**††27 IR 39**
105 IAC 9-2-132	N	02-231	**††27 IR 39**
105 IAC 9-2-133	N	02-231	**††27 IR 39**
105 IAC 9-2-134	N	02-231	**††27 IR 39**
105 IAC 9-2-135	N	02-231	**††27 IR 39**
105 IAC 9-2-136	N	02-231	**††27 IR 40**
105 IAC 9-2-137	N	02-231	**††27 IR 40**
105 IAC 9-2-138	N	02-231	**††27 IR 40**
105 IAC 9-2-139	N	02-231	**††27 IR 40**
105 IAC 9-2-140	N	02-231	**††27 IR 41**
105 IAC 9-2-141	N	02-231	**††27 IR 41**
105 IAC 9-2-142	N	02-231	**††27 IR 41**
105 IAC 9-2-143	N	02-231	**††27 IR 42**
105 IAC 9-2-144	N	02-231	**††27 IR 42**
105 IAC 9-2-145	N	02-231	**††27 IR 42**
105 IAC 9-2-146	N	02-231	**††27 IR 42**
105 IAC 9-2-147	N	02-231	**††27 IR 42**
105 IAC 9-2-148	N	02-231	**††27 IR 42**
105 IAC 9-2-149	N	02-231	**††27 IR 43**
105 IAC 9-2-150	N	02-231	**††27 IR 43**
105 IAC 9-2-151	N	02-231	**††27 IR 43**
105 IAC 9-2-152	N	02-231	**††27 IR 43**
105 IAC 9-2-153	N	02-231	**††27 IR 43**

105 IAC 9-2-154	N	02-231		**††27 IR 44**
105 IAC 9-2-155	N	02-231		**††27 IR 44**
105 IAC 9-2-156	N	02-231		**††27 IR 44**
105 IAC 9-2-157	N	02-231		**††27 IR 44**
105 IAC 9-2-158	N	02-231		**††27 IR 45**
105 IAC 9-2-159	N	02-231		**††27 IR 45**
105 IAC 9-2-160	N	02-231		**††27 IR 45**
105 IAC 9-2-161	N	02-231		**††27 IR 46**
105 IAC 9-2-162	N	02-231		**††27 IR 46**
105 IAC 9-2-163	N	02-231		**††27 IR 46**
105 IAC 9-2-164	N	02-231		**††27 IR 47**
105 IAC 9-2-165	N	02-231		**††27 IR 47**
105 IAC 9-2-166	N	02-231		**††27 IR 47**
105 IAC 9-2-167	N	02-231		**††27 IR 47**
105 IAC 9-2-168	N	02-231		**††27 IR 47**
105 IAC 9-2-169	N	02-231		**††27 IR 47**
105 IAC 9-2-170	N	02-231		**††27 IR 48**
105 IAC 9-2-171	N	02-231		**††27 IR 48**
105 IAC 9-2-172	N	02-231		**††27 IR 48**
105 IAC 9-2-173	N	02-231		**††27 IR 49**
105 IAC 9-2-174	N	02-231		**††27 IR 49**
105 IAC 9-2-175	N	02-231		**††27 IR 49**
105 IAC 9-2-176	N	02-231		**††27 IR 49**
105 IAC 9-2-177	N	02-231		**††27 IR 49**
105 IAC 9-2-178	N	02-231		**††27 IR 50**
105 IAC 9-2-179	N	02-231		**††27 IR 50**
105 IAC 9-2-180	N	02-231		**††27 IR 50**
105 IAC 9-2-181	N	02-231		**††27 IR 50**
105 IAC 9-2-182	N	02-231		**††27 IR 51**
105 IAC 9-2-183	N	02-231		**††27 IR 51**
105 IAC 9-2-184	N	02-231		**††27 IR 51**
105 IAC 9-2-185	N	02-231		**††27 IR 51**
105 IAC 9-2-186	N	02-231		**††27 IR 51**
105 IAC 9-2-187	N	02-231		**††27 IR 51**
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	
105 IAC 12-1-5	A	03-58	26 IR 3077	
105 IAC 12-1-14.5	N	03-58	26 IR 3077	
105 IAC 12-1-14.6	N	03-58	26 IR 3077	
105 IAC 12-1-18	A	03-58	26 IR 3077	
105 IAC 12-1-22	A	03-58	26 IR 3077	
105 IAC 12-1-23	A	03-58	26 IR 3078	
105 IAC 12-2-4	A	03-58	26 IR 3078	
105 IAC 12-2-6	A	03-58	26 IR 3078	
105 IAC 12-2-7	A	03-58	26 IR 3078	
105 IAC 12-2-10	A	03-58	26 IR 3078	
105 IAC 12-2-11	A	03-58	26 IR 3078	
105 IAC 12-2-13	A	03-58	26 IR 3079	
105 IAC 12-2-14	A	03-58	26 IR 3079	
105 IAC 12-2-16	A	03-58	26 IR 3079	
105 IAC 12-2-17	A	03-58	26 IR 3080	
105 IAC 12-2-18	N	03-58	26 IR 3080	
105 IAC 12-2-19	N	03-58	26 IR 3080	
105 IAC 12-2-20	N	03-58	26 IR 3080	
105 IAC 12-2-21	N	03-58	26 IR 3081	
105 IAC 12-3-1	A	03-58	26 IR 3082	
105 IAC 12-3-2	A	03-58	26 IR 3082	
105 IAC 12-3-4	A	03-58	26 IR 3082	
105 IAC 12-3-5	A	03-58	26 IR 3083	
105 IAC 12-4-3	A	03-58	26 IR 3084	
105 IAC 12-4-4	A	03-58	26 IR 3084	
105 IAC 12-4-5	A	03-58	26 IR 3084	

TITLE 135 INDIANA TRANSPORTATION FINANCE AUTHORITY

135 IAC 2	RA	02-175	25 IR 4219	**26 IR 882**
135 IAC 2-1-1	A	02-171	25 IR 4138	
135 IAC 2-2-1	A	02-171	25 IR 4140	
135 IAC 2-2-3	A	02-171	25 IR 4140	
135 IAC 2-2-5	A	02-171	25 IR 4140	
135 IAC 2-2-10	A	02-171	25 IR 4141	
135 IAC 2-2-12	A	02-171	25 IR 4141	
135 IAC 2-3-1	A	02-171	25 IR 4141	
135 IAC 2-3-2	A	02-171	25 IR 4141	
135 IAC 2-4-1	A	02-171	25 IR 4141	
135 IAC 2-4-4	A	02-171	25 IR 4142	
135 IAC 2-5-1	A	02-171	25 IR 4142	
135 IAC 2-5-2	A	02-171	25 IR 4142	
135 IAC 2-6-1	A	02-171	25 IR 4148	
135 IAC 2-7-1	A	02-171	25 IR 4148	
135 IAC 2-7-3	A	02-171	25 IR 4148	
135 IAC 2-7-7	A	02-171	25 IR 4148	
135 IAC 2-7-11	A	02-171	25 IR 4149	
135 IAC 2-7-15	A	02-171	25 IR 4149	
135 IAC 2-7-18	A	02-171	25 IR 4149	
135 IAC 2-7-19	R	02-171	25 IR 4151	
135 IAC 2-7-20	A	02-171	25 IR 4149	
135 IAC 2-7-23	A	02-171	25 IR 4149	
135 IAC 2-8-1	A	02-171	25 IR 4149	
135 IAC 2-8-3	A	02-171	25 IR 4150	
135 IAC 2-8-5	A	02-171	25 IR 4150	
135 IAC 2-8-7	A	02-171	25 IR 4150	
135 IAC 2-8-11	A	02-171	25 IR 4150	
135 IAC 2-10-1	A	02-171	25 IR 4151	
135 IAC 2-10-2	A	02-171	25 IR 4151	
135 IAC 3	RA	02-175	25 IR 4219	**26 IR 882**

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

170 IAC 4-1-26	A	02-44	25 IR 2751	**26 IR 328**
170 IAC 7-1.2				*ERR (26 IR 382)
170 IAC 7-1.2-10	A	03-194	27 IR 558	
170 IAC 7-1.3				*ERR (26 IR 382)
170 IAC 7-1.3-2				*ERR (26 IR 1565)
				*ERR (26 IR 2375)

TITLE 210 DEPARTMENT OF CORRECTION

210 IAC 1-6-1	A	02-259	26 IR 817	**26 IR 3538**
210 IAC 1-6-2	A	02-259	26 IR 818	**26 IR 3539**
210 IAC 1-6-3	R	02-259	26 IR 829	**26 IR 3550**
210 IAC 1-6-4	A	02-259	26 IR 818	**26 IR 3539**
210 IAC 1-6-5	A	02-259	26 IR 819	**26 IR 3540**
210 IAC 1-6-6	A	02-259	26 IR 820	**26 IR 3541**
210 IAC 1-6-7	A	02-259	26 IR 821	**26 IR 3542**
210 IAC 1-10	N	02-259	26 IR 821	**26 IR 3542**
210 IAC 5-1-1	A	02-259	26 IR 823	**26 IR 3544**
210 IAC 5-1-2	A	02-259	26 IR 824	**26 IR 3545**
210 IAC 5-1-3	A	02-259	26 IR 824	**26 IR 3545**
210 IAC 5-1-4	A	02-259	26 IR 827	**26 IR 3548**
210 IAC 6-1-1	A	02-173	25 IR 4152	**26 IR 1064**
210 IAC 6-2-1	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-2	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-3	A	02-173	25 IR 4152	**26 IR 1064**
210 IAC 6-2-4	A	02-173	25 IR 4152	**26 IR 1064**
210 IAC 6-2-5	A	02-173	25 IR 4152	**26 IR 1064**
210 IAC 6-2-6	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-7	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-8	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-9	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-10	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-11	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-12	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-13	A	02-173	25 IR 4152	**26 IR 1064**
210 IAC 6-3-1	A	02-173	25 IR 4152	**26 IR 1064**
210 IAC 6-3-2	A	02-173	25 IR 4153	**26 IR 1065**
210 IAC 6-3-3	A	02-173	25 IR 4153	**26 IR 1065**
210 IAC 6-3-4	A	02-173	25 IR 4154	**26 IR 1066**
210 IAC 6-3-5	A	02-173	25 IR 4155	**26 IR 1067**

210 IAC 6-3-6	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-3-7	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-3-8	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-3-9	A	02-173	25 IR 4155	**26 IR 1067**
210 IAC 6-3-10	A	02-173	25 IR 4155	**26 IR 1068**
210 IAC 6-3-11	A	02-173	25 IR 4155	**26 IR 1068**
210 IAC 6-3-12	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 7	RA	03-54	26 IR 3147	**26 IR 3960**

TITLE 240 STATE POLICE DEPARTMENT

240 IAC 1-4-3	RA	03-98	26 IR 3425	
240 IAC 1-4-24.1	RA	03-98	26 IR 3425	**27 IR 286**
240 IAC 7-1-6	RA	02-139	25 IR 3882	**26 IR 546**

TITLE 250 LAW ENFORCEMENT TRAINING BOARD

250 IAC 2	N	02-339	26 IR 3679	

TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

305 IAC 1-2-6	A	02-328	26 IR 1598	*DAG (27 IR 947)
	A	03-212	27 IR 216	
305 IAC 1-3-4	A	02-328	26 IR 1599	*DAG (27 IR 947)
	A	03-212	27 IR 216	
305 IAC 1-4-1	A	02-328	26 IR 1599	*DAG (27 IR 947)
	A	03-212	27 IR 217	
305 IAC 1-4-2	A	02-328	26 IR 1599	*DAG (27 IR 947)
	A	03-212	27 IR 217	
305 IAC 1-5	N	02-328	26 IR 1600	*DAG (27 IR 947)
	N	03-212	27 IR 217	

TITLE 307 INDIANA BOARD OF REGISTRATION FOR SOIL SCIENTISTS

307 IAC	N	03-32	26 IR 2652	*GRAT (27 IR 291)
				27 IR 53
				*ERR (27 IR 538)

TITLE 312 NATURAL RESOURCES COMMISSION

312 IAC 2	RA	02-72	25 IR 3461	**26 IR 546**
312 IAC 2-2-1	A	03-220	27 IR 1205	
312 IAC 2-2-4	A	03-220	27 IR 1205	
312 IAC 2-3-1	A	03-220	27 IR 1205	
312 IAC 2-4-1	A	02-236	26 IR 1126	**26 IR 3318**
312 IAC 2-4-2	A	02-236	26 IR 1126	**26 IR 3318**
312 IAC 2-4-4	A	02-236	26 IR 1127	**26 IR 3318**
312 IAC 2-4-6	A	02-236	26 IR 1127	**26 IR 3319**
312 IAC 2-4-7	A	02-236	26 IR 1127	**26 IR 3319**
312 IAC 2-4-8	R	02-236	26 IR 1131	**26 IR 3323**
312 IAC 2-4-9	A	02-236	26 IR 1128	**26 IR 3319**
312 IAC 2-4-9.5	A	02-236	26 IR 1128	**26 IR 3320**
312 IAC 2-4-10	R	02-236	26 IR 1131	**26 IR 3323**
312 IAC 2-4-12	A	02-236	26 IR 1128	**26 IR 3320**
312 IAC 2-4-13	N	02-236	26 IR 1129	**26 IR 3321**
312 IAC 3	RA	02-72	25 IR 3461	**26 IR 546**
312 IAC 3-1-1	A	02-2	25 IR 2552	**26 IR 7**
312 IAC 3-1-2	A	02-2	25 IR 2553	**26 IR 8**
312 IAC 3-1-3	A	02-2	25 IR 2553	**26 IR 8**
312 IAC 3-1-8	A	02-2	25 IR 2553	**26 IR 8**
312 IAC 3-1-12	A	02-294	26 IR 1131	**26 IR 3323**
312 IAC 3-1-14	A	02-2	25 IR 2554	**26 IR 9**
312 IAC 3-1-18	A	02-2	25 IR 2554	**26 IR 9**
312 IAC 5-2-47	A	03-24	26 IR 2401	**26 IR 3868**
312 IAC 5-3-1	A	02-236	26 IR 1130	**26 IR 3321**
312 IAC 5-3-2	A	02-236	26 IR 1130	**26 IR 3322**
312 IAC 5-3-3	A	02-236	26 IR 1130	**26 IR 3322**
312 IAC 5-6-5	A	03-92	27 IR 220	
312 IAC 5-6-6	A	02-162	25 IR 4165	**26 IR 1900**
	A	03-29	26 IR 2660	**27 IR 59**
312 IAC 5-13-2	A	03-24	26 IR 2401	**26 IR 3869**
312 IAC 6	RA	02-331	26 IR 2133	**27 IR 286**
312 IAC 7	RA	02-331	26 IR 2133	**27 IR 286**
312 IAC 8-1-2	A	03-50	26 IR 3085	**27 IR 455**
312 IAC 8-1-4	A	03-50	26 IR 3085	**27 IR 455**
312 IAC 8-2-3	A	03-50	26 IR 3086	**27 IR 456**
312 IAC 8-2-6	A	03-50	26 IR 3088	**27 IR 457**
312 IAC 8-2-9	A	03-50	26 IR 3088	**27 IR 458**
312 IAC 8-2-11	A	03-50	26 IR 3088	**27 IR 458**
312 IAC 9	RA	02-331	26 IR 2133	**27 IR 286**
312 IAC 9-2-11	A	03-50	26 IR 3089	**27 IR 459**
312 IAC 9-2-13	A	02-68	25 IR 2751	**26 IR 1068**
312 IAC 9-6-1	A	02-318	26 IR 1966	**26 IR 3866**
312 IAC 9-6-7	A	02-318	26 IR 1967	**26 IR 3868**
312 IAC 9-10-3	A	03-35	26 IR 3374	**27 IR 1165**
312 IAC 9-10-4	A	02-232	26 IR 1602	*AWR (26 IR 3347)
	A	03-149	27 IR 246	
312 IAC 9-10-6	A	02-68	25 IR 2752	**26 IR 1069**
312 IAC 9-10-11	A	01-444	25 IR 2551	**26 IR 692**
312 IAC 9-11-14	A	02-322	26 IR 1603	**26 IR 3324**
312 IAC 11-3-1	A	03-203	27 IR 1201	
312 IAC 11-4-3	A	03-203	27 IR 1202	
312 IAC 11-5-1	A	03-30	26 IR 2661	**27 IR 61**
312 IAC 12-3-2				*ERR (26 IR 1565)
312 IAC 14	RA	02-331	26 IR 2133	**27 IR 286**
312 IAC 15	RA	02-331	26 IR 2133	**27 IR 286**
312 IAC 16-1-9.5	N	03-251	27 IR 1206	
312 IAC 16-1-39.5	N	03-251	27 IR 1206	
312 IAC 16-1-44.6	N	03-251	27 IR 1206	
312 IAC 16-3-2	A	02-73	25 IR 4156	**26 IR 1896**
312 IAC 16-3.5	N	02-73	25 IR 4158	**26 IR 1898**
312 IAC 16-4-1	A	02-73	25 IR 4158	**26 IR 1898**
312 IAC 16-4-2	A	02-73	25 IR 4159	**26 IR 1898**
312 IAC 16-4-5	A	02-73	25 IR 4159	**26 IR 1899**
312 IAC 16-5-15	A	03-251	27 IR 1206	
312 IAC 16-5-19	A	03-251	27 IR 1207	
312 IAC 18	RA	02-72	25 IR 3461	**26 IR 546**
312 IAC 18-3-8	A	02-202	26 IR 1123	**26 IR 3315**
312 IAC 18-3-12	A	02-201	26 IR 1121	**26 IR 3313**
	A	03-214	27 IR 1203	
312 IAC 18-3-15	N	03-213	27 IR 559	
312 IAC 18-3-16	N	03-213	27 IR 560	
312 IAC 18-3-17	N	03-213	27 IR 560	
312 IAC 18-5-2	A	03-213	27 IR 561	
312 IAC 18-5-4	A	03-91	26 IR 3375	**27 IR 1166**
312 IAC 20-2-1.7	N	03-12	26 IR 3084	**27 IR 454**
312 IAC 20-2-4.3	N	03-12	26 IR 3084	**27 IR 454**
312 IAC 20-2-4.7	N	03-12	26 IR 3085	**27 IR 454**
312 IAC 20-3-3	N	03-12	26 IR 3085	**27 IR 454**
312 IAC 20-5	N	02-329	26 IR 2658	**27 IR 452**
312 IAC 22.5				*ERR (26 IR 383)
312 IAC 24	RA	02-331	26 IR 2133	**27 IR 286**
312 IAC 25-1-8	A	03-93	27 IR 221	
312 IAC 25-1-45.5	N	02-104	25 IR 4160	*AROC (26 IR 1736)
				26 IR 3860
312 IAC 25-1-60.5	N	02-104	25 IR 4160	*AROC (26 IR 1736)
				26 IR 3860
312 IAC 25-1-75.5	N	03-93	27 IR 222	
312 IAC 25-1-109.5	N	02-104		**††26 IR 3860**
312 IAC 25-1-155.5	N	03-93	27 IR 222	
312 IAC 25-4-17	A	03-93	27 IR 222	
312 IAC 25-4-43	A	02-104	25 IR 4160	*AROC (26 IR 1736)
				26 IR 3860
312 IAC 25-4-45	A	03-93	27 IR 223	
312 IAC 25-4-47	A	02-104	25 IR 4161	*AROC (26 IR 1736)
				26 IR 3861
312 IAC 25-4-49	A	03-93	27 IR 224	
312 IAC 25-4-85	A	02-104	25 IR 4162	*AROC (26 IR 1736)
				26 IR 3862
312 IAC 25-4-87	A	03-93	27 IR 225	
312 IAC 25-4-93	A	02-104	25 IR 4163	*AROC (26 IR 1736)
				26 IR 3863

312 IAC 25-4-102	A	03-93	27 IR 226	
312 IAC 25-4-105.5	N	03-93	27 IR 227	
312 IAC 25-4-113	A	03-93	27 IR 228	
312 IAC 25-4-114	A	03-93	27 IR 228	
312 IAC 25-4-115	A	03-93	27 IR 229	
312 IAC 25-4-118	A	03-93	27 IR 230	
312 IAC 25-5-7	A	03-93	27 IR 231	
312 IAC 25-5-16	A	03-93	27 IR 232	
312 IAC 25-6-12.5	N	02-104	25 IR 4164	*AROC (26 IR 1736)
				26 IR 3864
312 IAC 25-6-17	A	03-93	27 IR 233	
312 IAC 25-6-20	A	03-93	27 IR 235	
312 IAC 25-6-23	A	03-93	27 IR 237	
312 IAC 25-6-25	A	03-93	27 IR 238	
312 IAC 25-6-31	A	03-169	27 IR 248	
312 IAC 25-6-66	A	03-93	27 IR 238	
312 IAC 25-6-76.5	N	02-104	25 IR 4164	*AROC (26 IR 1736)
				26 IR 3865
312 IAC 25-6-81	A	03-93	27 IR 239	
312 IAC 25-6-84	A	03-93	27 IR 241	
312 IAC 25-6-130	A	03-93	27 IR 243	
312 IAC 25-7-1	A	03-93	27 IR 244	
312 IAC 25-7-20	A	03-93	27 IR 246	
312 IAC 25-9-5	A	03-169	27 IR 249	
312 IAC 25-9-8	A	03-169	27 IR 249	

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326 IAC 1-1-3	A	02-337	26 IR 1997	
326 IAC 1-1-3.5	A	02-337	26 IR 1997	
326 IAC 1-2-65	A	02-337	26 IR 1997	
326 IAC 1-2-90	A	02-337	26 IR 1998	
326 IAC 1-3-4	A	03-69	26 IR 3376	
326 IAC 1-4-1	A	02-88	25 IR 3240	**26 IR 1077**
	A	03-70	26 IR 3092	**27 IR 1167**
326 IAC 1-5-2				*ERR (26 IR 1565)
326 IAC 2-2-1	A	03-68	27 IR 250	
326 IAC 2-2-6	A	03-68	27 IR 256	
326 IAC 2-2-12	A	03-68	27 IR 257	
326 IAC 2-2-13				*ERR (26 IR 1565)
	A	02-337	26 IR 1998	
326 IAC 2-2-16				*ERR (26 IR 1565)
	A	02-337	26 IR 1999	
326 IAC 2-3-1				*ERR (26 IR 1565)
	A	02-337	26 IR 2000	
326 IAC 2-6-1	A	01-249	24 IR 3700	*CPH (24 IR 4012)
				*CPH (27 IR 551)
326 IAC 2-6-2	A	01-249	24 IR 3700	*CPH (24 IR 4012)
				*CPH (27 IR 551)
326 IAC 2-6-3	A	01-249	24 IR 3702	*CPH (24 IR 4012)
				*CPH (27 IR 551)
326 IAC 2-6-4	A	01-249	24 IR 3703	*CPH (24 IR 4012)
				*ERR (26 IR 1566)
				*CPH (27 IR 551)
	A	02-337	26 IR 2005	
326 IAC 2-6-5	N	01-249	24 IR 3705	*CPH (24 IR 4012)
				*CPH (27 IR 551)
326 IAC 2-7-3				*ERR (26 IR 1566)
	A	02-337	26 IR 2006	
326 IAC 2-7-8				*ERR (26 IR 1566)
	A	02-337	26 IR 2006	
326 IAC 2-7-18				*ERR (26 IR 1566)
	A	02-337	26 IR 2007	
326 IAC 2-8-3				*ERR (26 IR 1566)
	A	02-337	26 IR 2008	
326 IAC 2-9-7				*ERR (26 IR 1566)
	A	02-337	26 IR 2009	
326 IAC 2-9-8				*ERR (26 IR 1566)
	A	02-337	26 IR 2010	
326 IAC 2-9-9				*ERR (26 IR 1566)
	A	02-337	26 IR 2012	
326 IAC 2-9-10				*ERR (26 IR 1566)
	A	02-337	26 IR 2013	
326 IAC 2-9-13				*ERR (26 IR 1566)
	A	02-337	26 IR 2014	
326 IAC 3-4-1				*ERR (26 IR 1566)
	A	02-337	26 IR 2016	
326 IAC 3-4-3				*ERR (26 IR 1566)
	A	02-337	26 IR 2016	
326 IAC 3-5-2				*ERR (26 IR 1566)
	A	02-337	26 IR 2017	
326 IAC 3-5-3				*ERR (26 IR 1567)
	A	02-337	26 IR 2019	
326 IAC 3-5-4				*ERR (26 IR 1567)
	A	02-337	26 IR 2019	
326 IAC 3-5-5				*ERR (26 IR 1567)
	A	02-337	26 IR 2020	
326 IAC 3-6-1				*ERR (26 IR 1567)
	A	02-337	26 IR 2022	
326 IAC 3-6-3				*ERR (26 IR 1567)
	A	02-337	26 IR 2022	
326 IAC 3-6-5				*ERR (26 IR 1567)
	A	02-337	26 IR 2023	
326 IAC 3-7-2				*ERR (26 IR 1567)
	A	02-337	26 IR 2024	
326 IAC 3-7-4				*ERR (26 IR 1567)
	A	02-337	26 IR 2025	
326 IAC 4-1-4.1	A	02-88	25 IR 3240	**26 IR 1077**
326 IAC 4-1-8				*ERR (26 IR 1567)
326 IAC 4-2-1	A	00-44	24 IR 2754	*CPH (25 IR 2542)
				*CPH (25 IR 3208)
				26 IR 1071
326 IAC 4-2-2	A	00-44	24 IR 2754	*CPH (25 IR 2542)
				*CPH (25 IR 3208)
				26 IR 1071
326 IAC 5-1-2				*ERR (26 IR 1567)
	A	01-407	26 IR 2026	*CPH (26 IR 2391)
326 IAC 5-1-4				*ERR (26 IR 1567)
	A	02-337	26 IR 2026	
326 IAC 5-1-5				*ERR (26 IR 1567)
	A	02-337	26 IR 2027	
326 IAC 6-1-1				*ERR (26 IR 383)
326 IAC 6-1-10.1	A	01-407	26 IR 1970	*CPH (26 IR 2391)
				27 IR 61
326 IAC 6-1-10.2	A	01-407	26 IR 1994	*CPH (26 IR 2391)
				27 IR 85
326 IAC 6-1-14	A	02-122	26 IR 98	*CPH (26 IR 811)
				26 IR 2318
326 IAC 6-2-3				*ERR (26 IR 1567)
326 IAC 6-4-5				*ERR (26 IR 1567)
326 IAC 6-5-7				*ERR (26 IR 1568)
326 IAC 6-6-2				*ERR (26 IR 1568)
326 IAC 6-6-4				*ERR (26 IR 1568)
326 IAC 7-2-1				*ERR (26 IR 1565)
	A	02-337	26 IR 2028	
326 IAC 7-4-10				*ERR (26 IR 1568)
	A	02-337	26 IR 2029	
326 IAC 7-4-14				*ERR (26 IR 1568)
326 IAC 8-1-2	A	01-251	25 IR 2754	**26 IR 1073**
326 IAC 8-1-4				*ERR (26 IR 1565)
	A	02-337	26 IR 2030	
326 IAC 8-2-9	A	02-88	25 IR 3241	**26 IR 1078**
326 IAC 8-4-6	A	02-337	26 IR 2032	
326 IAC 8-4-9				*ERR (26 IR 1568)
	A	02-337	26 IR 2035	
326 IAC 8-7-7				*ERR (26 IR 1568)
	A	02-337	26 IR 2036	
326 IAC 8-7-10				*ERR (26 IR 1568)
326 IAC 8-8.1-1				*ERR (26 IR 1568)
326 IAC 8-9-2				*ERR (26 IR 1568)
	A	02-337	26 IR 2037	

326 IAC 8-9-3				*ERR (26 IR 1568)
	A	02-337	26 IR 2037	
326 IAC 8-9-4				*ERR (26 IR 1568)
	A	02-337	26 IR 2038	
326 IAC 8-9-5				*ERR (26 IR 1568)
	A	02-337	26 IR 2040	
326 IAC 8-9-6				*ERR (26 IR 1568)
	A	02-337	26 IR 2042	
326 IAC 8-10-5				*ERR (26 IR 1568)
326 IAC 8-10-6				*ERR (26 IR 1568)
326 IAC 8-10-7				*ERR (26 IR 1568)
	A	02-337	26 IR 2044	
326 IAC 8-11-2				*ERR (26 IR 1568)
	A	02-337	26 IR 2044	
326 IAC 8-11-3				*ERR (26 IR 1568)
326 IAC 8-11-6				*ERR (26 IR 1568)
	A	02-337	26 IR 2046	
326 IAC 8-11-7				*ERR (26 IR 1569)
	A	02-337	26 IR 2050	
326 IAC 8-12-3				*ERR (26 IR 1569)
	A	02-337	26 IR 2050	
326 IAC 8-12-5				*ERR (26 IR 1569)
	A	02-337	26 IR 2052	
326 IAC 8-12-6				*ERR (26 IR 1565)
	A	02-337	26 IR 2053	
326 IAC 8-12-7	A	02-337	26 IR 2054	
326 IAC 8-13-5				*ERR (26 IR 1569)
	A	02-337	26 IR 2055	
326 IAC 9-1-1	A	00-44	24 IR 2777	*CPH (25 IR 2542)
				*CPH (25 IR 3208)
				26 IR 1072
326 IAC 9-1-2	A	00-44	24 IR 2777	*CPH (25 IR 2542)
				*CPH (25 IR 3208)
				26 IR 1072
326 IAC 10-1-2				*ERR (26 IR 1569)
	A	02-337	26 IR 2056	
326 IAC 10-1-4				*ERR (26 IR 1569)
	A	02-337	26 IR 2057	
326 IAC 10-1-5				*ERR (26 IR 1569)
	A	02-337	26 IR 2059	
326 IAC 10-1-6				*ERR (26 IR 1569)
	A	02-337	26 IR 2059	
326 IAC 10-3-1	A	02-54	26 IR 1134	*CPH (26 IR 2391)
				26 IR 3550
326 IAC 10-3-3				*ERR (26 IR 1569)
326 IAC 10-4-1	A	02-54	26 IR 1134	*CPH (26 IR 2391)
				26 IR 3551
326 IAC 10-4-2	A	02-54	26 IR 1136	*CPH (26 IR 2391)
				26 IR 3552
326 IAC 10-4-3				*ERR (26 IR 1569)
326 IAC 10-4-4				*ERR (26 IR 1569)
326 IAC 10-4-8				*ERR (26 IR 1569)
326 IAC 10-4-9	A	02-54	26 IR 1142	*CPH (26 IR 2391)
				26 IR 3558
326 IAC 10-4-10	A	02-54	26 IR 1148	*CPH (26 IR 2391)
				26 IR 3565
326 IAC 10-4-12				*ERR (26 IR 1569)
326 IAC 10-4-13	A	02-54	26 IR 1152	*CPH (26 IR 2391)
				26 IR 3568
326 IAC 10-4-14	A	02-54	26 IR 1155	*CPH (26 IR 2391)
				26 IR 3572
326 IAC 10-4-15	A	02-54	26 IR 1156	*CPH (26 IR 2391)
				26 IR 3572
326 IAC 11-3-4				*ERR (26 IR 1569)
	A	01-407	26 IR 2060	*CPH (26 IR 2391)
326 IAC 11-4-5	A	00-43	25 IR 2285	**26 IR 10**
326 IAC 11-5	R	99-177	25 IR 1984	**26 IR 10**
326 IAC 11-7-1	A	02-337	26 IR 2061	
326 IAC 13-1.1-1				*ERR (26 IR 1570)
	A	02-337	26 IR 2062	
326 IAC 13-1.1-8				*ERR (26 IR 1570)
	A	02-337	26 IR 2063	
326 IAC 13-1.1-10				*ERR (26 IR 1570)
	A	02-337	26 IR 2063	
326 IAC 13-1.1-13				*ERR (26 IR 1570)
	A	02-337	26 IR 2064	
326 IAC 13-1.1-14				*ERR (26 IR 1570)
	A	02-337	26 IR 2065	
326 IAC 13-1.1-16				*ERR (26 IR 1570)
	A	02-337	26 IR 2066	
326 IAC 13-2.1-3				*ERR (26 IR 1570)
326 IAC 13-3-1	A	02-88	25 IR 3242	**26 IR 1079**
326 IAC 13-3-2				*ERR (26 IR 1570)
326 IAC 13-3-5				*ERR (26 IR 1570)
326 IAC 13-3-6				*ERR (26 IR 1570)
326 IAC 14-1-1	A	02-337	26 IR 2066	
326 IAC 14-1-2	A	02-337	26 IR 2067	
326 IAC 14-1-4	R	02-337	26 IR 2099	
326 IAC 14-3-1				*ERR (26 IR 1570)
	A	02-337	26 IR 2067	
326 IAC 14-4-1				*ERR (26 IR 1571)
	A	02-337	26 IR 2067	
326 IAC 14-5-1				*ERR (26 IR 1571)
	A	02-337	26 IR 2068	
326 IAC 14-6-1				*ERR (26 IR 1571)
326 IAC 14-7-1				*ERR (26 IR 1571)
	A	02-337	26 IR 2068	
326 IAC 14-8-1	A	02-337	26 IR 2068	
326 IAC 14-8-3	A	02-337	26 IR 2069	
326 IAC 14-8-4	A	02-337	26 IR 2069	
326 IAC 14-8-5	A	02-337	26 IR 2069	
326 IAC 14-9-5	A	02-337	26 IR 2070	
326 IAC 14-9-7				*ERR (26 IR 1571)
326 IAC 14-9-8	A	02-337	26 IR 2071	
326 IAC 14-9-9				*ERR (26 IR 1571)
	A	02-337	26 IR 2071	
326 IAC 14-10-1				*ERR (26 IR 1571)
	A	02-337	26 IR 2072	
326 IAC 14-10-2				*ERR (26 IR 1571)
	A	02-337	26 IR 2074	
326 IAC 14-10-3				*ERR (26 IR 1571)
	A	02-337	26 IR 2076	
326 IAC 14-10-4				*ERR (26 IR 1571)
	A	02-337	26 IR 2078	
326 IAC 15-1-2				*ERR (26 IR 1565)
	A	02-337	26 IR 2080	
326 IAC 15-1-4				*ERR (26 IR 1571)
	A	02-337	26 IR 2083	
326 IAC 16-2-3				*ERR (26 IR 1571)
326 IAC 16-3-1				*ERR (26 IR 1571)
	A	02-337	26 IR 2084	
326 IAC 18-1-2				*ERR (26 IR 1572)
	A	02-337	26 IR 2084	
326 IAC 18-1-5				*ERR (26 IR 1572)
	A	02-337	26 IR 2086	
326 IAC 18-1-7				*ERR (26 IR 1572)
	A	02-337	26 IR 2087	
326 IAC 18-1-8	A	02-337	26 IR 2088	
326 IAC 18-2-2				*ERR (26 IR 1572)
	A	02-337	26 IR 2088	
326 IAC 18-2-3				*ERR (26 IR 1572)
	A	02-337	26 IR 2090	
326 IAC 18-2-6	A	02-337	26 IR 2096	
326 IAC 18-2-7	A	02-337	26 IR 2097	
326 IAC 19-1	R	00-44	24 IR 2791	*CPH (25 IR 2542)
				*CPH (25 IR 3208)
				26 IR 1073
326 IAC 20-25-1	A	02-55	26 IR 92	*CPH (26 IR 811)
				26 IR 2607

326 IAC 20-25-3	A	02-55	26 IR 92	*CPH (26 IR 811)
				26 IR 2607
326 IAC 20-25-4	A	02-55	26 IR 94	*CPH (26 IR 811)
				26 IR 2609
326 IAC 20-25-5	A	02-55	26 IR 94	*CPH (26 IR 811)
				26 IR 2610
326 IAC 20-25-7	A	02-55	26 IR 95	*CPH (26 IR 811)
				26 IR 2610
326 IAC 20-48	N	02-55	26 IR 95	*CPH (26 IR 811)
				26 IR 2611
326 IAC 20-49	N	02-336	26 IR 3090	
326 IAC 20-50	N	02-336	26 IR 3090	
326 IAC 20-51	N	02-336	26 IR 3090	
326 IAC 20-52	N	02-336	26 IR 3091	
326 IAC 20-53	N	02-336	26 IR 3091	
326 IAC 20-54	N	02-336	26 IR 3091	
326 IAC 20-55	N	02-336	26 IR 3091	
326 IAC 22-1-1				*ERR (26 IR 1572)
	A	02-337	26 IR 2098	
326 IAC 23-1-4	A	02-189	26 IR 2407	**27 IR 459**
326 IAC 23-1-5	A	02-189	26 IR 2408	**27 IR 460**
326 IAC 23-1-5.5	N	02-189	26 IR 2408	**27 IR 460**
326 IAC 23-1-6.5	N	02-189	26 IR 2408	**27 IR 460**
326 IAC 23-1-7.5	N	02-189	26 IR 2408	**27 IR 460**
326 IAC 23-1-7.6	N	02-189	26 IR 2408	**27 IR 460**
326 IAC 23-1-9	A	02-189	26 IR 2408	**27 IR 460**
326 IAC 23-1-10	A	02-189	26 IR 2409	**27 IR 461**
326 IAC 23-1-11	A	02-189	26 IR 2409	**27 IR 461**
326 IAC 23-1-11.5	N	02-189	26 IR 2409	**27 IR 461**
326 IAC 23-1-12.5	N	02-189	26 IR 2409	**27 IR 461**
326 IAC 23-1-17	A	02-189	26 IR 2409	**27 IR 462**
326 IAC 23-1-21	A	02-189	26 IR 2410	**27 IR 462**
326 IAC 23-1-21.5	N	02-189	26 IR 2410	**27 IR 462**
326 IAC 23-1-22	A	02-189	26 IR 2437	**27 IR 462**
326 IAC 23-1-23	R	02-189	26 IR 2437	**27 IR 490**
326 IAC 23-1-26.5	N	02-189	26 IR 2410	
326 IAC 23-1-27	A	02-189	26 IR 2410	**27 IR 462**
326 IAC 23-1-27.5	N	02-189	26 IR 2410	**27 IR 463**
326 IAC 23-1-31	A	02-337	26 IR 2099	
326 IAC 23-1-32.1	N	02-189	26 IR 2410	**27 IR 463**
326 IAC 23-1-32.2	N	02-189	26 IR 2411	**27 IR 463**
326 IAC 23-1-34	A	02-189	26 IR 2411	**27 IR 463**
326 IAC 23-1-34.5	N	02-189	26 IR 2411	**27 IR 463**
326 IAC 23-1-34.8	N	02-189	26 IR 2411	**27 IR 463**
326 IAC 23-1-37	R	02-189	26 IR 2437	**27 IR 490**
326 IAC 23-1-40	R	02-189	26 IR 2437	**27 IR 490**
326 IAC 23-1-42	R	02-189	26 IR 2437	**27 IR 490**
326 IAC 23-1-43	R	02-189	26 IR 2437	**27 IR 490**
326 IAC 23-1-44	R	02-189	26 IR 2437	**27 IR 490**
326 IAC 23-1-45	R	02-189	26 IR 2437	**27 IR 490**
326 IAC 23-1-46	R	02-189	26 IR 2437	**27 IR 490**
326 IAC 23-1-47	R	02-189	26 IR 2437	**27 IR 490**
326 IAC 23-1-48.5	N	02-189	26 IR 2411	**27 IR 463**
326 IAC 23-1-52	A	02-189	26 IR 2411	**27 IR 463**
326 IAC 23-1-52.5	N	02-189	26 IR 2411	**27 IR 464**
326 IAC 23-1-54.5	N	02-189	26 IR 2412	**27 IR 464**
326 IAC 23-1-55.5	N	02-189	26 IR 2412	**27 IR 464**
326 IAC 23-1-58.5	N	02-189	26 IR 2412	**27 IR 464**
326 IAC 23-1-58.7	N	02-189	26 IR 2412	**27 IR 464**
326 IAC 23-1-60.1	N	02-189	26 IR 2412	**27 IR 464**
326 IAC 23-1-60.5	N	02-189	26 IR 2412	**27 IR 465**
326 IAC 23-1-60.6	N	02-189	26 IR 2413	**27 IR 465**
326 IAC 23-1-61.5	N	02-189	26 IR 2413	**27 IR 465**
326 IAC 23-1-62.5	N	02-189	26 IR 2413	**27 IR 465**
326 IAC 23-1-62.6	N	02-189	26 IR 2413	**27 IR 465**
326 IAC 23-1-63	A	02-189	26 IR 2413	**27 IR 466**
326 IAC 23-1-64	A	02-189	26 IR 2414	**27 IR 466**
326 IAC 23-1-69.5	N	02-189	26 IR 2414	**27 IR 466**
326 IAC 23-1-69.6	N	02-189	26 IR 2414	**27 IR 466**
326 IAC 23-1-69.7	N	02-189	26 IR 2414	**27 IR 466**
326 IAC 23-1-71	N	02-189	26 IR 2414	**27 IR 467**
326 IAC 23-2-1	A	02-189	26 IR 2414	**27 IR 467**
326 IAC 23-2-3	A	02-189	26 IR 2415	**27 IR 467**
326 IAC 23-2-4	A	02-189	26 IR 2416	**27 IR 469**
326 IAC 23-2-5	A	02-189	26 IR 2418	**27 IR 471**
326 IAC 23-2-6	A	02-189	26 IR 2419	**27 IR 471**
326 IAC 23-2-6.5	N	02-189	26 IR 2419	**27 IR 472**
326 IAC 23-2-7	A	02-189	26 IR 2420	**27 IR 473**
326 IAC 23-2-8	A	02-189	26 IR 2421	**27 IR 474**
326 IAC 23-2-9	A	02-189	26 IR 2422	**27 IR 474**
326 IAC 23-3-1	A	02-189	26 IR 2422	**27 IR 475**
326 IAC 23-3-2	A	02-189	26 IR 2422	**27 IR 475**
326 IAC 23-3-3	A	02-189	26 IR 2423	**27 IR 476**
326 IAC 23-3-5	A	02-189	26 IR 2426	**27 IR 479**
326 IAC 23-3-7	A	02-189	26 IR 2426	**27 IR 479**
326 IAC 23-3-11	A	02-189	26 IR 2428	**27 IR 480**
326 IAC 23-3-12	A	02-189	26 IR 2428	**27 IR 481**
326 IAC 23-3-13	A	02-189	26 IR 2428	**27 IR 481**
326 IAC 23-4-1	A	02-189	26 IR 2429	**27 IR 481**
326 IAC 23-4-2	A	02-189	26 IR 2429	**27 IR 482**
326 IAC 23-4-3	A	02-189	26 IR 2429	**27 IR 482**
326 IAC 23-4-4	A	02-189	26 IR 2430	**27 IR 483**
326 IAC 23-4-5	A	02-189	26 IR 2431	**27 IR 484**
326 IAC 23-4-6	A	02-189	26 IR 2432	**27 IR 485**
326 IAC 23-4-7	A	02-189	26 IR 2434	**27 IR 486**
326 IAC 23-4-9	A	02-189	26 IR 2434	**27 IR 487**
326 IAC 23-4-11	A	02-189	26 IR 2435	**27 IR 488**
326 IAC 23-4-12	A	02-189	26 IR 2435	**27 IR 488**
326 IAC 23-4-13	A	02-189	26 IR 2435	**27 IR 488**
326 IAC 23-5	N	02-189	26 IR 2436	**27 IR 489**

TITLE 327 WATER POLLUTION CONTROL BOARD

327 IAC 5-1-1.5	A	02-327	26 IR 3097	*CPH (26 IR 3366)
327 IAC 5-2-9	A	00-136	26 IR 427	**26 IR 2613**
327 IAC 5-2-11.6				*ERR (26 IR 3884)
327 IAC 5-2.1	N	00-136	26 IR 427	**26 IR 2613**
327 IAC 5-4-3	A	01-51	26 IR 3698	*CPH (27 IR 1195)
327 IAC 5-4-6	A	01-96	26 IR 845	*CPH (26 IR 1113)
				26 IR 3575
				*ERR (27 IR 191)
327 IAC 6.1-1-1	A	01-238	26 IR 1165	**26 IR 3596**
327 IAC 6.1-1-3	A	01-238	26 IR 1166	**26 IR 3596**
327 IAC 6.1-1-4	A	01-238	26 IR 1166	**26 IR 3597**
327 IAC 6.1-1-5	A	01-238	26 IR 1167	**26 IR 3597**
327 IAC 6.1-1-7	A	01-238	26 IR 1167	**26 IR 3597**
327 IAC 6.1-2-3	A	01-238	26 IR 1167	**26 IR 3597**
327 IAC 6.1-2-6	A	01-238	26 IR 1167	**26 IR 3597**
327 IAC 6.1-2-6.5	N	01-238		**††26 IR 3598**
327 IAC 6.1-2-7	A	01-238	26 IR 1167	**26 IR 3598**
327 IAC 6.1-2-7.5	N	01-238	26 IR 1167	**26 IR 3598**
327 IAC 6.1-2-8	A	01-238	26 IR 1168	**26 IR 3598**
327 IAC 6.1-2-10	R	01-238	26 IR 1201	**26 IR 3632**
327 IAC 6.1-2-12	R	01-238	26 IR 1201	**26 IR 3632**
327 IAC 6.1-2-13	A	01-238	26 IR 1168	**26 IR 3598**
327 IAC 6.1-2-14	A	01-238	26 IR 1168	**26 IR 3599**
327 IAC 6.1-2-20.5	N	01-238	26 IR 1168	**26 IR 3599**
327 IAC 6.1-2-28	A	01-238	26 IR 1169	**26 IR 3599**
327 IAC 6.1-2-30	A	01-238	26 IR 1169	**26 IR 3599**
327 IAC 6.1-2-31.5	N	01-238	26 IR 1169	**26 IR 3599**
327 IAC 6.1-2-35	A	01-238	26 IR 1169	**26 IR 3600**
327 IAC 6.1-2-42	A	01-238	26 IR 1169	**26 IR 3600**
327 IAC 6.1-2-43	A	01-238	26 IR 1170	**26 IR 3600**
327 IAC 6.1-2-54	A	01-238	26 IR 1170	**26 IR 3600**
327 IAC 6.1-2-55	A	01-238	26 IR 1170	**26 IR 3600**
327 IAC 6.1-2-55.3	N	01-238		**††26 IR 3601**
327 IAC 6.1-2-55.5	N	01-238	26 IR 1170	**26 IR 3601**
327 IAC 6.1-2-61	R	01-238	26 IR 1201	**26 IR 3632**
327 IAC 6.1-3-1	A	01-238	26 IR 1170	**26 IR 3601**

327 IAC 6.1-3-2	A	01-238	26 IR 1171	**26 IR 3602**
327 IAC 6.1-3-3	A	01-238	26 IR 1172	**26 IR 3602**
327 IAC 6.1-3-4	A	01-238	26 IR 1172	**26 IR 3602**
327 IAC 6.1-3-7	A	01-238	26 IR 1172	**26 IR 3603**
327 IAC 6.1-3-8	N	01-238	26 IR 1173	**26 IR 3603**
327 IAC 6.1-4-1	A	01-238	26 IR 1173	**26 IR 3604**
327 IAC 6.1-4-3	A	01-238	26 IR 1173	**26 IR 3604**
327 IAC 6.1-4-4	A	01-238	26 IR 1174	**26 IR 3605**
327 IAC 6.1-4-5	A	01-238	26 IR 1175	**26 IR 3605**
327 IAC 6.1-4-5.5	N	01-238	26 IR 1175	**26 IR 3606**
327 IAC 6.1-4-6	A	01-238	26 IR 1176	**26 IR 3607**
327 IAC 6.1-4-7	A	01-238	26 IR 1177	**26 IR 3608**
327 IAC 6.1-4-8	A	01-238	26 IR 1178	**26 IR 3609**
327 IAC 6.1-4-9	A	01-238	26 IR 1179	**26 IR 3610**
327 IAC 6.1-4-10	A	01-238	26 IR 1181	**26 IR 3612**
327 IAC 6.1-4-11	A	01-238	26 IR 1182	**26 IR 3613**
327 IAC 6.1-4-13	A	01-238	26 IR 1182	**26 IR 3613**
327 IAC 6.1-4-16	A	01-238	26 IR 1184	**26 IR 3615**
327 IAC 6.1-4-17	A	01-238	26 IR 1186	**26 IR 3617**
327 IAC 6.1-4-18	A	01-238	26 IR 1187	**26 IR 3618**
327 IAC 6.1-4-19	A	01-238	26 IR 1187	**26 IR 3618**
327 IAC 6.1-5-1	A	01-238	26 IR 1187	**26 IR 3618**
327 IAC 6.1-5-2	A	01-238	26 IR 1187	**26 IR 3618**
327 IAC 6.1-5-3	A	01-238	26 IR 1188	**26 IR 3619**
327 IAC 6.1-5-4	A	01-238	26 IR 1188	**26 IR 3619**
327 IAC 6.1-6-1	A	01-238	26 IR 1189	**26 IR 3620**
327 IAC 6.1-6-2	A	01-238	26 IR 1189	**26 IR 3620**
327 IAC 6.1-6-3	A	01-238	26 IR 1190	**26 IR 3621**
327 IAC 6.1-7-1	A	01-238	26 IR 1191	**26 IR 3622**
327 IAC 6.1-7-2	A	01-238	26 IR 1191	**26 IR 3622**
327 IAC 6.1-7-3	A	01-238	26 IR 1192	**26 IR 3623**
327 IAC 6.1-7-4	A	01-238	26 IR 1193	**26 IR 3624**
327 IAC 6.1-7-5	A	01-238	26 IR 1193	**26 IR 3625**
327 IAC 6.1-7-6	A	01-238	26 IR 1194	**26 IR 3625**
327 IAC 6.1-7-9	A	01-238	26 IR 1195	**26 IR 3626**
327 IAC 6.1-7-10	A	01-238	26 IR 1195	**26 IR 3626**
327 IAC 6.1-7-11	A	01-238	26 IR 1196	**26 IR 3627**
327 IAC 6.1-7.5	N	01-238	26 IR 1197	**26 IR 3628**
327 IAC 6.1-8-1	A	01-238	26 IR 1198	**26 IR 3629**
327 IAC 6.1-8-2	A	01-238	26 IR 1199	**26 IR 3630**
327 IAC 6.1-8-3	A	01-238	26 IR 1199	**26 IR 3630**
327 IAC 6.1-8-4	A	01-238	26 IR 1199	**26 IR 3630**
327 IAC 6.1-8-5	A	01-238	26 IR 1200	**26 IR 3631**
327 IAC 6.1-8-6	A	01-238	26 IR 1200	**26 IR 3631**
327 IAC 6.1-8-7	A	01-238	26 IR 1200	**26 IR 3632**
327 IAC 6.1-8-8	A	01-238	26 IR 1201	**26 IR 3632**
327 IAC 8-2-1	A	01-348	26 IR 101	*CPH (26 IR 812)
				26 IR 2808
327 IAC 8-2-5	A	01-348	26 IR 105	*CPH (26 IR 812)
				26 IR 2812
327 IAC 8-2-5.3	A	01-348	26 IR 107	*CPH (26 IR 812)
				26 IR 2814
327 IAC 8-2-6	R	01-348	26 IR 152	*CPH (26 IR 812)
327 IAC 8-2-8.5	A	01-348	26 IR 109	*CPH (26 IR 812)
				26 IR 2816
327 IAC 8-2-13	A	01-348	26 IR 110	*CPH (26 IR 812)
				26 IR 2817
327 IAC 8-2-29	R	01-348	26 IR 152	*CPH (26 IR 812)
				26 IR 2859
327 IAC 8-2-30	A	01-348	26 IR 110	*CPH (26 IR 812)
				26 IR 2817
327 IAC 8-2-31	A	01-348	26 IR 111	*CPH (26 IR 812)
				26 IR 2818
327 IAC 8-2-48	N	01-348	26 IR 111	*CPH (26 IR 812)
				26 IR 2818
327 IAC 8-2.1-3	A	01-348	26 IR 112	*CPH (26 IR 812)
				26 IR 2818
327 IAC 8-2.1-4	A	01-348	26 IR 114	*CPH (26 IR 812)
				26 IR 2821
327 IAC 8-2.1-6	A	01-348	26 IR 115	*CPH (26 IR 812)
				26 IR 2822
327 IAC 8-2.1-8	A	01-348	26 IR 121	*CPH (26 IR 812)
				26 IR 2828
327 IAC 8-2.1-16	A	01-348	26 IR 122	*CPH (26 IR 812)
				26 IR 2829
327 IAC 8-2.1-17	A	01-348	26 IR 126	*CPH (26 IR 812)
				26 IR 2833
327 IAC 8-2.5	N	01-348	26 IR 133	*CPH (26 IR 812)
				26 IR 2840
327 IAC 8-2.6	N	01-348	26 IR 146	*CPH (26 IR 812)
				26 IR 2854
327 IAC 15-2-3	A	01-95	26 IR 1615	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 830
327 IAC 15-2-6	A	01-95	26 IR 1615	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 830
327 IAC 15-2-8	A	01-95	26 IR 1615	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 831
327 IAC 15-2-9	A	01-95	26 IR 1615	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 831
327 IAC 15-3-1	A	01-95	26 IR 1616	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 832
327 IAC 15-3-2	A	01-95	26 IR 1616	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 832
	A	02-327	26 IR 3098	*CPH (26 IR 3366)
327 IAC 15-3-3	A	01-95	26 IR 1617	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 832
327 IAC 15-5-1	A	01-95	26 IR 1617	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 833
327 IAC 15-5-2	A	01-95	26 IR 1617	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 833
327 IAC 15-5-3	A	01-95	26 IR 1618	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 834
327 IAC 15-5-4	A	01-95	26 IR 1619	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 834
327 IAC 15-5-5	A	01-95	26 IR 1620	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 836
327 IAC 15-5-6	A	01-95	26 IR 1621	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 837
327 IAC 15-5-6.5	N	01-95	26 IR 1622	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 838

327 IAC 15-5-7	A	01-95	26 IR 1625	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 840
327 IAC 15-5-7.5	N	01-95	26 IR 1627	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 843
327 IAC 15-5-8	A	01-95	26 IR 1628	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 843
327 IAC 15-5-10	A	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 844
327 IAC 15-5-11	R	01-95	26 IR 1646	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 863
327 IAC 15-5-12	N	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 844
327 IAC 15-6-1	A	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 845
327 IAC 15-6-2	A	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 845
327 IAC 15-6-4	A	01-95	26 IR 1632	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 848
327 IAC 15-6-5	A	01-95	26 IR 1635	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 851
327 IAC 15-6-6	A	01-95	26 IR 1635	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 851
327 IAC 15-6-7	A	01-95	26 IR 1635	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 851
327 IAC 15-6-7.3	N	01-95	26 IR 1641	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 857
327 IAC 15-6-7.5	N	01-95	26 IR 1643	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 858
327 IAC 15-6-8.5	N	01-95	26 IR 1643	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 859
327 IAC 15-6-9	A	01-95		**††27 IR 859**
327 IAC 15-6-10	N	01-95	26 IR 1643	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 859
327 IAC 15-6-11	N	01-95	26 IR 1643	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 860
327 IAC 15-6-12	N	01-95	26 IR 1644	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
				27 IR 860
327 IAC 15-13	N	01-96	26 IR 847	*CPH (26 IR 1113)
				26 IR 3577
				*ERR (27 IR 191)
327 IAC 15-14	N	02-327	26 IR 3098	*CPH (26 IR 3366)
327 IAC 15-15	N	01-51	26 IR 3701	*CPH (27 IR 1195)

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)
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)
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)
329 IAC 3.1-7-15				*ERR (26 IR 3046)
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)
	A	02-160	27 IR 912	
329 IAC 3.1-10-2	A	02-235	26 IR 1242	*CPH (26 IR 1962)
				*CPH (26 IR 2647)
				*CPH (26 IR 3074)
				*CPH (26 IR 3367)
				*CPH (26 IR 3672)
329 IAC 3.1-12-2				*ERR (26 IR 3046)
329 IAC 9-1-1	A	01-161	26 IR 1209	*CPH (26 IR 1962)
				*CPH (26 IR 2646)
				*CPH (26 IR 3073)
				*CPH (26 IR 3367)
				*CPH (26 IR 3671)
329 IAC 9-1-4	A	01-161	26 IR 1209	*CPH (26 IR 1962)
				*CPH (26 IR 2646)
				*CPH (26 IR 3073)
				*CPH (26 IR 3367)
				*CPH (26 IR 3671)
329 IAC 9-1-10.1	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)
329 IAC 9-1-10.2	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)
329 IAC 9-1-10.4	N	01-161	26 IR 1209	*CPH (26 IR 1962)
				*CPH (26 IR 2646)
				*CPH (26 IR 3073)
				*CPH (26 IR 3367)
				*CPH (26 IR 3671)
329 IAC 9-1-10.6	N	01-161	26 IR 1209	*CPH (26 IR 1962)
				*CPH (26 IR 2646)
				*CPH (26 IR 3073)
				*CPH (26 IR 3367)
				*CPH (26 IR 3671)

329 IAC 9-1-10.8	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-14	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-14.1	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)
329 IAC 9-1-14.3	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-14.5	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-14.7	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-25	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-27	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-29.1	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)
329 IAC 9-1-36	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671)
329 IAC 9-1-39.5	N	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)
329 IAC 9-1-41	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)
329 IAC 9-1-41.1	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)
329 IAC 9-1-41.5	N	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)
329 IAC 9-1-42.1	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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)

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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
329 IAC 10-1-4	A	00-185	26 IR 432	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-1-4.5	N	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-6	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 10-2-11	A	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-29	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 10-2-29.5	N	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-32	A	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
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 10-2-41	A	00-185	26 IR 433	*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	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
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)
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)
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)
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)
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)
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)
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)
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)
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 10-2-74	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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
329 IAC 10-2-115	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 10-2-116	A	01-288	26 IR 1654	*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)
329 IAC 10-2-121.1	A	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
329 IAC 10-2-127	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 10-2-128	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 10-2-130	A	01-288	26 IR 1655	*CPH (26 IR 2647)
				*CPH (26 IR 3672)
				*CPH (26 IR 3903)
329 IAC 10-2-132.2	N	00-185	26 IR 437	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
				*CPH (26 IR 3366)
				*CPH (26 IR 3671)
				*CPH (27 IR 208)
329 IAC 10-2-132.3	N	00-185	26 IR 437	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
				*CPH (26 IR 3366)
				*CPH (26 IR 3671)
				*CPH (27 IR 208)
329 IAC 10-2-135.1	R	01-288	26 IR 1674	*CPH (26 IR 2647)
				*CPH (26 IR 3672)
				*CPH (26 IR 3903)
329 IAC 10-2-135.5	N	01-288	26 IR 1655	*CPH (26 IR 2647)
				*CPH (26 IR 3672)
				*CPH (26 IR 3903)
329 IAC 10-2-142.5	N	00-185	26 IR 437	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
				*CPH (26 IR 3366)
				*CPH (26 IR 3671)
				*CPH (27 IR 208)
329 IAC 10-2-147.2	N	00-185	26 IR 437	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
				*CPH (26 IR 3366)
				*CPH (26 IR 3671)
				*CPH (27 IR 208)
329 IAC 10-2-149	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 10-2-158	A	00-185	26 IR 437	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
				*CPH (26 IR 3366)
				*CPH (26 IR 3671)
				*CPH (27 IR 208)
329 IAC 10-2-165.5	N	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
				*CPH (26 IR 3366)
				*CPH (26 IR 3671)
				*CPH (27 IR 208)
329 IAC 10-2-172.5	N	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
				*CPH (26 IR 3366)
				*CPH (26 IR 3671)
				*CPH (27 IR 208)
329 IAC 10-2-174	A	01-288	26 IR 1655	*CPH (26 IR 2647)
				*CPH (26 IR 3672)
				*CPH (26 IR 3903)
329 IAC 10-2-177	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 10-2-179	R	01-288	26 IR 1674	*CPH (26 IR 2647)
				*CPH (26 IR 3672)
				*CPH (26 IR 3903)
329 IAC 10-2-181.2	N	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
				*CPH (26 IR 3366)
				*CPH (26 IR 3671)
				*CPH (27 IR 208)
329 IAC 10-2-181.5	N	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
				*CPH (26 IR 3366)
				*CPH (26 IR 3671)
				*CPH (27 IR 208)
329 IAC 10-2-181.6	N	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
				*CPH (26 IR 3366)
				*CPH (26 IR 3671)
				*CPH (27 IR 208)
329 IAC 10-2-187.5	N	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
				*CPH (26 IR 3366)
				*CPH (26 IR 3671)
				*CPH (27 IR 208)
329 IAC 10-2-197.1	A	01-288	26 IR 1656	*CPH (26 IR 2647)
				*CPH (26 IR 3672)
				*CPH (26 IR 3903)
329 IAC 10-2-199.1	R	01-288	26 IR 1674	*CPH (26 IR 2647)
				*CPH (26 IR 3672)
				*CPH (26 IR 3903)
329 IAC 10-2-201.1	R	01-288	26 IR 1674	*CPH (26 IR 2647)
				*CPH (26 IR 3672)
				*CPH (26 IR 3903)
329 IAC 10-2-203	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 10-2-205	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 10-3-1	A	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
				*CPH (26 IR 3366)
				*CPH (26 IR 3671)
				*CPH (27 IR 208)
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)
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)
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 10-6-4	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)
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 10-7.2	N	01-288	26 IR 1656	*CPH (26 IR 2647)
				*CPH (26 IR 3672)
				*CPH (26 IR 3903)
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 10-8.2	N	01-288	26 IR 1657	*CPH (26 IR 2647)
				*CPH (26 IR 3672)
				*CPH (26 IR 3903)
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 10-9-4	A	01-288	26 IR 1659	*CPH (26 IR 2647)
				*CPH (26 IR 3672)
				*CPH (26 IR 3903)

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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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 10-15-1	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)
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)
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)
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)
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)
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)
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)
329 IAC 10-16-12				*ERR (26 IR 3046)
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)
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)
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)
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)
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)
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)
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)
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)

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)
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)
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)
329 IAC 10-20-14.1	A	01-288	26 IR 1662	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
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)
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)
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)
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)
329 IAC 10-20-29	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)

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)
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)
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 10-28-24	A	01-288	26 IR 1664	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
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)
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)
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 10-37-4	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)
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)
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)
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)
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)
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)
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)
329 IAC 11-2-19.5	N	01-288	26 IR 1665	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-2-39	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-2-44	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-3-2	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-6-1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-7	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-8-2	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-8-2.5	N	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-8-3	A	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-9-6	N	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-13-4	A	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-13-6	A	01-288	26 IR 1668	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-15-1	A	01-288	26 IR 1668	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-19-2	A	01-288	26 IR 1669	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-19-3	A	01-288	26 IR 1670	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-20-1	A	01-288	26 IR 1670	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-21-4	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-21-5	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
329 IAC 11-21-6	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903)
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 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)

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345 IAC 1-3-3	A	02-107	25 IR 4170	**26 IR 1523**
345 IAC 1-3-4	A	02-107	25 IR 4171	**26 IR 1524**
345 IAC 1-3-8	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 1-3-11	A	02-107	25 IR 4171	**26 IR 1524**

345 IAC 1-3-12	A	02-107	25 IR 4172	**26 IR 1525**
345 IAC 1-3-13	A	02-107	25 IR 4172	**26 IR 1525**
345 IAC 1-3-14	A	02-107	25 IR 4173	**26 IR 1526**
345 IAC 1-3-15	A	02-107	25 IR 4173	**26 IR 1527**
345 IAC 1-3-16	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 1-3-16.5	N	02-107	25 IR 4174	**26 IR 1527**
345 IAC 1-3-22	A	03-9	26 IR 3108	**27 IR 490**
345 IAC 1-3-30	A	01-413	25 IR 2774	**26 IR 345**
	A	02-323	26 IR 3102	**27 IR 87**
345 IAC 1-3-31	N	02-323	26 IR 3104	**27 IR 89**
345 IAC 1-3-32	N	02-323	26 IR 3104	**27 IR 90**
345 IAC 1-5-1	A	03-9	26 IR 3108	**27 IR 491**
345 IAC 1-6-2	A	02-323	26 IR 3105	**27 IR 90**
345 IAC 1-6-3	A	02-323	26 IR 3105	**27 IR 90**
345 IAC 2-7-1	A	01-413	25 IR 2775	**26 IR 346**
345 IAC 2-7-2.4	N	02-323	26 IR 3106	**27 IR 92**
345 IAC 2-7-2.5	N	02-323	26 IR 3107	**27 IR 92**
345 IAC 2-7-3	A	01-413	25 IR 2776	**26 IR 347**
	A	02-323	26 IR 3107	**27 IR 92**
345 IAC 2-7-4	A	01-413	25 IR 2777	**26 IR 348**
345 IAC 2-7-5	A	01-413	25 IR 2778	**26 IR 349**
345 IAC 3-5.1-1.2	A	02-107	25 IR 4175	**26 IR 1528**
345 IAC 3-5.1-1.5	A	02-107	25 IR 4176	**26 IR 1529**
345 IAC 3-5.1-2	A	02-107	25 IR 4176	**26 IR 1529**
345 IAC 3-5.1-3	A	02-107	25 IR 4176	**26 IR 1530**
345 IAC 3-5.1-3.5	N	02-107	25 IR 4177	**26 IR 1530**
345 IAC 3-5.1-4	A	02-107	25 IR 4177	**26 IR 1530**
345 IAC 3-5.1-6	A	02-107	25 IR 4177	**26 IR 1531**
345 IAC 3-5.1-7	A	02-107	25 IR 4178	**26 IR 1531**
345 IAC 3-5.1-8.5	A	02-107	25 IR 4179	**26 IR 1533**
345 IAC 3-5.1-8.7	A	02-107	25 IR 4180	**26 IR 1533**
345 IAC 3-5.1-8.8	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 3-5.1-8.9	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 3-5.1-9	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 3-5.1-10	A	02-107	25 IR 4181	**26 IR 1535**
345 IAC 3-5.1-12	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 3-5.1-14	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 3-5.1-15	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 7-5-1	A	02-126	25 IR 4182	**26 IR 1535**
345 IAC 7-5-2.1	N	02-126	25 IR 4183	**26 IR 1536**
345 IAC 7-5-2.5	A	02-126	25 IR 4183	**26 IR 1536**
345 IAC 7-5-3	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-4	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-5	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-6	A	02-126	25 IR 4184	**26 IR 1537**
345 IAC 7-5-7	A	02-126	25 IR 4184	**26 IR 1537**
345 IAC 7-5-8	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-9	A	02-126	25 IR 4184	**26 IR 1538**
345 IAC 7-5-11	A	02-126	25 IR 4185	**26 IR 1538**
345 IAC 7-5-15.1	A	02-126	25 IR 4185	**26 IR 1539**
345 IAC 7-5-16	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-16.1	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-21	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-22	A	02-126	25 IR 4186	**26 IR 1539**
345 IAC 7-5-24	A	02-126	25 IR 4186	**26 IR 1539**
345 IAC 7-5-25.7	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-26	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-27	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-28	A	02-126	25 IR 4186	**26 IR 1540**
345 IAC 7-7-1.5	N	01-377	25 IR 1991	*ARR (25 IR 3770)
			25 IR 4166	**26 IR 693**
345 IAC 7-7-2	A	01-377	25 IR 1991	*ARR (25 IR 3770)
			25 IR 4166	**26 IR 694**
345 IAC 7-7-3	A	01-377	25 IR 1992	*ARR (25 IR 3770)
			25 IR 4167	**26 IR 694**
345 IAC 7-7-3.5	N	01-377	25 IR 1993	*ARR (25 IR 3770)
			25 IR 4168	**26 IR 695**
345 IAC 7-7-4	A	01-377	25 IR 1993	*ARR (25 IR 3770)
			25 IR 4168	**26 IR 695**
345 IAC 7-7-5	A	01-377	25 IR 1993	*ARR (25 IR 3770)
			25 IR 4168	**26 IR 696**
345 IAC 7-7-6	R	01-377	25 IR 1994	*ARR (25 IR 3770)
			25 IR 4169	**26 IR 696**
345 IAC 7-7-7	A	01-377	25 IR 1994	*ARR (25 IR 3770)
			25 IR 4169	**26 IR 696**
345 IAC 7-7-8	R	01-377	25 IR 1994	*ARR (25 IR 3770)
			25 IR 4169	**26 IR 696**
345 IAC 7-7-9	R	01-377	25 IR 1994	*ARR (25 IR 3770)
			25 IR 4169	**26 IR 696**
345 IAC 7-7-10	A	01-377	25 IR 1994	*ARR (25 IR 3770)
			25 IR 4169	**26 IR 696**
345 IAC 8-2-1.1	A	01-392	25 IR 2758	**26 IR 329**
345 IAC 8-2-1.5	N	01-392	25 IR 2760	**26 IR 331**
345 IAC 8-2-1.7	N	01-392	25 IR 2760	**26 IR 331**
345 IAC 8-2-1.9	N	01-392	25 IR 2761	**26 IR 332**
345 IAC 8-2-2	A	01-392	25 IR 2762	**26 IR 333**
345 IAC 8-2-3	A	01-392	25 IR 2764	**26 IR 335**
345 IAC 8-2-3.5	N	01-392	25 IR 2766	**26 IR 337**
345 IAC 8-2-4	A	01-392	25 IR 2767	**26 IR 338**
345 IAC 8-3-1	A	01-392	25 IR 2769	**26 IR 340**
345 IAC 8-3-2	A	01-392	25 IR 2770	**26 IR 341**
345 IAC 8-3-3	N	01-392	25 IR 2770	
345 IAC 8-3-4	N	01-392	25 IR 2771	
345 IAC 8-3-9	N	01-392		**††26 IR 341**
				*ERR (26 IR 793)
345 IAC 8-3-10	N	01-392		**††26 IR 342**
				*ERR (26 IR 793)
345 IAC 8-4-1	A	01-392	25 IR 2771	**26 IR 342**
345 IAC 9-2.1-1	A	02-127	25 IR 4187	**26 IR 1540**
345 IAC 10-2.1-1	A	02-127	25 IR 4188	**26 IR 1541**

TITLE 357 INDIANA PESTICIDE REVIEW BOARD

357 IAC 1-10	N	02-292	26 IR 1243	**26 IR 2859**
				*AROC (26 IR 3149)
357 IAC 1-11	N	02-332	26 IR 3109	*CPH (26 IR 3673)

TITLE 370 STATE EGG BOARD

370 IAC 1-1-1	A	01-419	26 IR 153	**26 IR 1542**
370 IAC 1-1-2	A	01-419	26 IR 153	**26 IR 1542**
370 IAC 1-1-3	A	01-419	26 IR 153	**26 IR 1542**
370 IAC 1-1-4	A	01-419	26 IR 153	**26 IR 1542**
370 IAC 1-1-5	A	01-419	26 IR 153	**26 IR 1542**
370 IAC 1-2-1	A	01-419	26 IR 154	**26 IR 1543**
370 IAC 1-2-2	A	01-419	26 IR 154	**26 IR 1543**
370 IAC 1-2-3	N	01-419	26 IR 154	**26 IR 1543**
370 IAC 1-3-1	A	01-419	26 IR 154	**26 IR 1543**
370 IAC 1-3-2	A	01-419	26 IR 154	**26 IR 1543**
370 IAC 1-3-3	A	01-419	26 IR 154	**26 IR 1543**
370 IAC 1-3-4	A	01-419	26 IR 155	**26 IR 1544**
370 IAC 1-4-1	A	01-419	26 IR 155	**26 IR 1544**
370 IAC 1-4-2	A	01-419	26 IR 155	**26 IR 1545**
370 IAC 1-4-3	A	01-419	26 IR 156	**26 IR 1545**
370 IAC 1-5-1	A	01-419	26 IR 156	**26 IR 1545**
370 IAC 1-6-1	A	01-419	26 IR 156	**26 IR 1545**
370 IAC 1-8-1	A	01-419	26 IR 156	**26 IR 1545**
370 IAC 1-9-1	A	01-419	26 IR 156	**26 IR 1545**
370 IAC 1-10-1	A	01-419	26 IR 156	**26 IR 1546**
370 IAC 1-10-2	A	01-419	26 IR 157	**26 IR 1546**

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

405 IAC 1-8-2	A	03-164	26 IR 3929	*NRA (27 IR 1194)
405 IAC 1-8-3	A	03-164	26 IR 3929	*NRA (27 IR 1194)
405 IAC 1-10.5-2	A	03-164	26 IR 3930	*NRA (27 IR 1194)
	A	03-236	27 IR 914	
405 IAC 1-10.5-3	A	03-18	26 IR 3378	*NRA (27 IR 207)
				27 IR 863
	A	03-164	26 IR 3932	*NRA (27 IR 1194)
	A	03-236	27 IR 916	

405 IAC 1-12-1	A	02-16	25 IR 2791	*NRA (25 IR 4128)
				26 IR 718
405 IAC 1-12-2	A	02-16	25 IR 2791	*NRA (25 IR 4128)
				26 IR 718
405 IAC 1-12-4	A	02-16	25 IR 2793	*NRA (25 IR 4128)
				26 IR 720
405 IAC 1-12-5	A	02-16	25 IR 2794	*NRA (25 IR 4128)
				26 IR 721
405 IAC 1-12-6	A	02-16	25 IR 2795	*NRA (25 IR 4128)
				26 IR 722
405 IAC 1-12-7	A	02-16	25 IR 2796	*NRA (25 IR 4128)
				26 IR 723
405 IAC 1-12-8	A	02-16	25 IR 2796	*NRA (25 IR 4128)
				26 IR 723
405 IAC 1-12-9	A	02-16	25 IR 2797	*NRA (25 IR 4128)
				26 IR 724
405 IAC 1-12-12	A	02-16	25 IR 2797	*NRA (25 IR 4128)
				26 IR 724
405 IAC 1-12-13	A	02-16	25 IR 2798	*NRA (25 IR 4128)
				26 IR 725
405 IAC 1-12-14	A	02-16	25 IR 2799	*NRA (25 IR 4128)
				26 IR 726
405 IAC 1-12-15	A	02-16	25 IR 2799	*NRA (25 IR 4128)
				26 IR 726
405 IAC 1-12-16	A	02-16	25 IR 2800	*NRA (25 IR 4128)
				26 IR 727
405 IAC 1-12-17	A	02-16	25 IR 2801	*NRA (25 IR 4128)
				26 IR 728
405 IAC 1-12-19	A	02-16	25 IR 2802	*NRA (25 IR 4128)
				26 IR 729
405 IAC 1-12-24	A	02-16	25 IR 2802	*NRA (25 IR 4128)
				26 IR 730
405 IAC 1-12-26	A	02-16	25 IR 2803	*NRA (25 IR 4128)
				26 IR 730
405 IAC 1-14.5-13	A	02-144	25 IR 3826	*NRA (26 IR 415)
				26 IR 1080
405 IAC 1-14.5-14	A	02-144	25 IR 3827	*NRA (26 IR 415)
				26 IR 1081
405 IAC 1-14.5-15	A	02-144	25 IR 3827	*NRA (26 IR 415)
				26 IR 1081
405 IAC 1-14.6-2	A	02-13	25 IR 2779	*NRA (26 IR 61)
				26 IR 707
	A	02-340	26 IR 2099	*NRA (26 IR 3365)
				26 IR 3869
405 IAC 1-14.6-4	A	02-13	25 IR 2782	*NRA (26 IR 61)
				26 IR 709
405 IAC 1-14.6-6	A	02-13	25 IR 2784	*NRA (26 IR 61)
				26 IR 712
	A	02-340	26 IR 2102	*NRA (26 IR 3365)
				26 IR 3872
405 IAC 1-14.6-7	A	02-13	25 IR 2785	*NRA (26 IR 61)
				26 IR 712
				*ERR (26 IR 2375)
	A	02-340	26 IR 2103	*NRA (26 IR 3365)
				26 IR 3873
405 IAC 1-14.6-9	A	02-13	25 IR 2786	*NRA (26 IR 61)
				26 IR 714
	A	02-340	26 IR 2104	*NRA (26 IR 3365)
				26 IR 3874
405 IAC 1-14.6-12	A	02-13	25 IR 2787	*NRA (26 IR 61)
				26 IR 715
405 IAC 1-14.6-16	A	02-13	25 IR 2788	*NRA (26 IR 61)
				26 IR 716
	A	02-340	26 IR 2105	*NRA (26 IR 3365)
				26 IR 3875
405 IAC 1-14.6-22	A	02-13	25 IR 2788	*NRA (26 IR 61)
				26 IR 716
	A	02-340	26 IR 2106	*NRA (26 IR 3365)
				26 IR 3876

405 IAC 1-16-2	A	02-214	26 IR 158	*NRA (2644)
				*AROC (26 IR 2695)
				26 IR 3634
405 IAC 1-16-4	A	02-214	26 IR 159	*NRA (2644)
				*AROC (26 IR 2695)
				26 IR 3635
405 IAC 1-17-1	A	03-61	26 IR 3111	*NRA (26 IR 3670)
				27 IR 93
405 IAC 1-17-2	A	03-61	26 IR 3111	*NRA (26 IR 3670)
				27 IR 94
405 IAC 1-17-3	A	03-61	26 IR 3112	*NRA (26 IR 3670)
				27 IR 94
405 IAC 1-17-4	A	03-61	26 IR 3113	*NRA (26 IR 3670)
				27 IR 95
405 IAC 1-17-5	A	03-61	26 IR 3113	*NRA (26 IR 3670)
				27 IR 96
405 IAC 1-17-6	A	03-61	26 IR 3114	*NRA (26 IR 3670)
				27 IR 96
405 IAC 1-17-7	A	03-61	26 IR 3114	*NRA (26 IR 3670)
				27 IR 97
405 IAC 1-17-9	A	03-61	26 IR 3115	*NRA (26 IR 3670)
				27 IR 98
405 IAC 1-18-2	A	02-121	25 IR 3243	*NRA (26 IR 61)
				26 IR 1079
405 IAC 1-18-3	R	02-121	25 IR 3243	*NRA (26 IR 61)
				26 IR 1080
405 IAC 1-19	N	02-184	26 IR 511	*NRA (26 IR 1960)
				26 IR 2865
405 IAC 1-20	N	02-184	26 IR 512	*NRA (26 IR 1960)
				26 IR 2866
405 IAC 1-21	N	03-184	27 IR 258	*NRA (27 IR 1194)
405 IAC 2-3-1.1	A	03-205	27 IR 262	
405 IAC 2-3-1.2				*ERR (26 IR 35)
405 IAC 2-3-10	A	03-263	27 IR 1210	
405 IAC 2-3-17	A	02-234	26 IR 516	*NRA (26 IR 1960)
				26 IR 2868
405 IAC 2-3-21	A	02-234	26 IR 517	*NRA (26 IR 1960)
				26 IR 2868
405 IAC 2-3-23	N	02-45	25 IR 2555	*NRA (25 IR 3804)
				26 IR 731
405 IAC 2-8-1	A	02-87	25 IR 2804	*NRA (26 IR 61)
				26 IR 731
	A	03-134	26 IR 3706	
405 IAC 2-8-1.1	N	02-87	25 IR 2805	*NRA (26 IR 61)
				26 IR 732
	A	03-134	26 IR 3707	
405 IAC 2-9				*ERR (26 IR 35)
405 IAC 2-10	N	02-145	25 IR 3829	*NRA (26 IR 415)
				26 IR 1547
405 IAC 2-10-3	A	03-134	26 IR 3707	
405 IAC 2-10-7	A	03-134	26 IR 3707	
405 IAC 2-10-7.1	N	03-134	26 IR 3707	
405 IAC 2-10-8	A	03-134	26 IR 3708	
405 IAC 2-10-9	A	03-134	26 IR 3708	
405 IAC 2-10-10	R	03-134	26 IR 3709	
405 IAC 2-10-11	N	03-134	26 IR 3709	
405 IAC 4-1	RA	02-275	26 IR 544	**26 IR 1261**
405 IAC 4-1-1				*ERR (26 IR 383)
405 IAC 5-3-13	A	03-66	26 IR 3381	*NRA (26 IR 3902)
				*ARR (27 IR 539)
				*NRA (27 IR 550)
405 IAC 5-12-1	A	02-49	25 IR 2555	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
405 IAC 5-12-2	A	02-49	25 IR 2556	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
				26 IR 2861

405 IAC 5-12-3	A	02-49	25 IR 2556	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
				26 IR 2861
405 IAC 5-12-4	R	02-49	25 IR 2556	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
405 IAC 5-12-5	R	02-49	25 IR 2556	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
405 IAC 5-12-6	R	02-49	25 IR 2556	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
				26 IR 2862
405 IAC 5-12-7	A	02-49	25 IR 2556	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
				26 IR 2862
405 IAC 5-14-1	A	02-50	25 IR 2556	*NRA (26 IR 61)
				*ARR (26 IR 384)
				*NRA (26 IR 415)
				26 IR 1546
405 IAC 5-14-2	A	02-140	25 IR 3823	*NRA (26 IR 61)
				*ARR (26 IR 384)
				*NRA (26 IR 809)
				*ARR (26 IR 1573)
				*NRA (26 IR 1960)
				26 IR 2862
	A	02-277	26 IR 864	**26 IR 2862**
405 IAC 5-14-2.5	N	02-140	25 IR 3823	*NRA (26 IR 61)
				*ARR (26 IR 384)
				*NRA (26 IR 809)
				*ARR (26 IR 1573)
				*NRA (26 IR 1960)
405 IAC 5-14-3	A	02-140	25 IR 3824	*NRA (26 IR 61)
				*ARR (26 IR 384)
				*NRA (26 IR 809)
				*ARR (26 IR 1573)
				*NRA (26 IR 1960)
				26 IR 2863
	A	02-277	26 IR 865	**26 IR 2863**
405 IAC 5-14-4	A	02-140	25 IR 3824	*NRA (26 IR 61)
				*ARR (26 IR 384)
				*NRA (26 IR 809)
				*ARR (26 IR 1573)
				*NRA (26 IR 1960)
				26 IR 2863
405 IAC 5-14-6	A	02-140	25 IR 3824	*NRA (26 IR 61)
				*ARR (26 IR 384)
				*NRA (26 IR 809)
				*ARR (26 IR 1573)
				*NRA (26 IR 1960)
				26 IR 2863
	A	02-277	26 IR 865	**26 IR 2863**
405 IAC 5-14-10	R	02-277	26 IR 866	**26 IR 2865**
405 IAC 5-14-11	A	02-277	26 IR 865	**26 IR 2864**
405 IAC 5-14-15	A	02-277	26 IR 865	**26 IR 2864**
405 IAC 5-14-16	A	02-277	26 IR 866	**26 IR 2864**
405 IAC 5-14-17	A	02-277	26 IR 866	**26 IR 2864**
405 IAC 5-14-18	A	02-277	26 IR 866	**26 IR 2864**
405 IAC 5-19-1	A	01-301	25 IR 3811	*NRA (26 IR 809)
				26 IR 1901
405 IAC 5-19-3	A	02-207	26 IR 514	*NRA (26 IR 2644)
	A	03-207	27 IR 267	
405 IAC 5-20-1	A	03-184	27 IR 259	*NRA (27 IR 1194)
405 IAC 5-20-2	A	03-184	27 IR 260	*NRA (27 IR 1194)
405 IAC 5-20-3.1	N	03-184	27 IR 260	*NRA (27 IR 1194)
405 IAC 5-20-4	A	03-184	27 IR 261	*NRA (27 IR 1194)
405 IAC 5-20-7	A	03-184	27 IR 261	*NRA (27 IR 1194)
405 IAC 5-21-1	A	03-66	26 IR 3381	*NRA (26 IR 3902)
				*ARR (27 IR 539)
				*NRA (27 IR 550)
405 IAC 5-21-7	A	03-66	26 IR 3382	*NRA (26 IR 3902)
				*ARR (27 IR 539)
				*NRA (27 IR 550)
405 IAC 5-21-8	N	03-66	26 IR 3382	*NRA (26 IR 3902)
				*ARR (27 IR 539)
				*NRA (27 IR 550)
405 IAC 5-24-4				*ERR (26 IR 35)
405 IAC 5-24-7	A	02-141	25 IR 3825	*NRA (26 IR 62)
				26 IR 732
	A	03-206	27 IR 266	*NRA (27 IR 1194)
405 IAC 5-24-13	N	02-207	26 IR 515	*NRA (26 IR 2644)
				26 IR 3633
405 IAC 5-31-4	A	02-207	26 IR 515	*NRA (26 IR 2644)
				26 IR 3633
405 IAC 5-34-1	A	02-214	26 IR 159	*NRA (26 IR 2644)
				*AROC (26 IR 2695)
				26 IR 3635
405 IAC 5-34-2	A	02-214	26 IR 159	*NRA (2644)
				*AROC (26 IR 2695)
				26 IR 3635
405 IAC 5-34-3	A	02-214	26 IR 160	*NRA (2644)
				*AROC (26 IR 2695)
				26 IR 3636
405 IAC 5-34-4	A	02-214	26 IR 160	*NRA (2644)
				*AROC (26 IR 2695)
				26 IR 3636
405 IAC 5-34-4.1	N	02-214	26 IR 162	*NRA (2644)
				*AROC (26 IR 2695)
				26 IR 3638
405 IAC 5-34-4.2	N	02-214	26 IR 162	*NRA (2644)
				*AROC (26 IR 2695)
				26 IR 3638
405 IAC 5-34-5	A	02-214	26 IR 162	*NRA (2644)
				*AROC (26 IR 2695)
				26 IR 3638
405 IAC 5-34-6	A	02-214	26 IR 162	*NRA (2644)
				*AROC (26 IR 2695)
				26 IR 3639
405 IAC 5-34-7	A	02-214	26 IR 163	*NRA (2644)
				*AROC (26 IR 2695)
				26 IR 3640
405 IAC 6-2-3	A	01-373	25 IR 3813	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 697
	A	03-260	27 IR 919	
405 IAC 6-2-5	A	01-373	25 IR 3813	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 697
	A	03-260	27 IR 919	
405 IAC 6-2-5.3	N	01-373	25 IR 3813	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 697
405 IAC 6-2-5.5	N	01-373	25 IR 3813	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 697
405 IAC 6-2-9	A	01-373	25 IR 3813	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 698
405 IAC 6-2-12	A	01-373	25 IR 3814	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 698

405 IAC 6-2-12.5	N	01-373	25 IR 3814	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 698
405 IAC 6-2-14	A	01-373	25 IR 3814	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 698
405 IAC 6-2-16.5	N	01-373	25 IR 3814	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 698
405 IAC 6-2-18	A	01-373	25 IR 3814	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 698
405 IAC 6-2-20	A	01-373	25 IR 3814	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 698
405 IAC 6-2-20.5	N	01-373	25 IR 3814	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 699
405 IAC 6-2-21	A	01-373	25 IR 3815	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 699
	R	03-260	27 IR 921	
405 IAC 6-2-22	R	03-260	27 IR 921	
405 IAC 6-2-22.5	N	01-373	25 IR 3815	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 699
405 IAC 6-3-2	A	01-373	25 IR 3815	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 699
405 IAC 6-3-3	A	01-373	25 IR 3815	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 699
	A	03-260	27 IR 919	
405 IAC 6-4-2	A	01-373	25 IR 3815	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 699
	A	03-260	27 IR 919	
405 IAC 6-4-3	A	03-260	27 IR 920	
405 IAC 6-5-1	A	01-373	25 IR 3816	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 700
	A	03-260	27 IR 920	
405 IAC 6-5-2	A	01-373	25 IR 3816	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 700
	A	03-260	27 IR 920	
405 IAC 6-5-3	A	01-373	25 IR 3816	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 700
	A	03-260	27 IR 921	
405 IAC 6-5-4	A	01-373	25 IR 3816	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 701
	A	03-260	27 IR 921	
405 IAC 6-5-5	A	01-373	25 IR 3817	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 701
405 IAC 6-5-6	A	01-373	25 IR 3817	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 701
	A	03-260	27 IR 921	
405 IAC 6-6-2	A	01-373	25 IR 3817	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 701
405 IAC 6-6-3	A	01-373	25 IR 3817	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 701
	R	03-260	27 IR 921	
405 IAC 6-6-4	A	01-373	25 IR 3817	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 702
405 IAC 6-6-4	R	03-260	27 IR 921	
405 IAC 6-8	N	01-373	25 IR 3818	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 702
405 IAC 6-9	N	01-373	25 IR 3818	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 702
405 IAC 7	N	02-234	26 IR 518	*NRA (26 IR 1960)
				26 IR 2869

TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM

407 IAC 2-3-1				*ERR (26 IR 383)

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

410 IAC 1-2.3-47	A	03-4	26 IR 3131	**27 IR 865**
410 IAC 1-2.3-48	A	03-4	26 IR 3134	**27 IR 869**
410 IAC 1-2.3-97.5	N	03-4	26 IR 3135	**27 IR 870**
410 IAC 3-3-7.1	A	03-19	26 IR 3385	*ARR (27 IR 539)
410 IAC 6-2	R	02-142	25 IR 4197	*CPH (26 IR 812)
				*AROC (26 IR 3149)
				26 IR 3334
410 IAC 6-2.1	N	02-142	25 IR 4188	*CPH (26 IR 812)
				*AROC (26 IR 3149)
				26 IR 3325
410 IAC 6-7.1				*ERR (26 IR 36)
410 IAC 6-7.2				*ERR (26 IR 36)
410 IAC 6-7.2-17	A	02-295	26 IR 2662	**27 IR 98**
410 IAC 6-7.2-29	A	02-295	26 IR 2662	**27 IR 99**
410 IAC 6-7.2-30	A	02-295	26 IR 2663	**27 IR 99**
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)
410 IAC 7-19	R	02-317	26 IR 3385	*ARR (27 IR 878)
				27 IR 1169
410 IAC 7-22	N	02-266	26 IR 1245	**26 IR 3334**
410 IAC 7-23	N	02-317	26 IR 3383	*ARR (27 IR 878)
				27 IR 1167
410 IAC 15-1.5-4	A	02-43	26 IR 164	**26 IR 1550**
410 IAC 15-1.5-5	A	02-43	26 IR 166	**26 IR 1551**
410 IAC 16.2-1-0.5	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-1	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-2	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-2.1	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-2.2	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-3	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-3.5	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-5	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-6	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-6.5	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-7	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-8	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-9	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-10.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-10.2	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-11	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-12.5	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-14	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-14.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-14.2	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-15	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-15.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-15.2	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-15.3	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-16	R	02-89	25 IR 3277	**26 IR 1936**

410 IAC 16.2-1-17	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-18	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-18.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-18.2	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-19	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-19.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-20	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-21	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-22	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-22.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-22.2	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-23	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-24	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-25	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-26	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-26.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-27	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-27.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-28	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-29	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-29.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-30	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-31	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-31.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-32	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-32.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-32.2	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-33	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-34	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-35	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-36	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-37	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-38	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-39	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-39.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-41.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-42	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-44	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-45	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-46	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-47	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-48	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1.1	N	02-89	25 IR 3244	**26 IR 1902**
410 IAC 16.2-3.1-19	A	03-90	27 IR 922	
410 IAC 16.2-5-0.5	N	02-89	25 IR 3252	**26 IR 1911**
410 IAC 16.2-5-1.1	A	02-89	25 IR 3252	**26 IR 1912**
410 IAC 16.2-5-1.2	A	02-89	25 IR 3254	**26 IR 1914**
410 IAC 16.2-5-1.3	A	02-89	25 IR 3259	**26 IR 1919**
410 IAC 16.2-5-1.4	A	02-89	25 IR 3261	**26 IR 1921**
410 IAC 16.2-5-1.5	A	02-89	25 IR 3263	**26 IR 1923**
410 IAC 16.2-5-1.6	A	02-89	25 IR 3265	**26 IR 1925**
410 IAC 16.2-5-1.7	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-2	A	02-89	25 IR 3269	**26 IR 1929**
410 IAC 16.2-5-3	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-4	A	02-89	25 IR 3270	**26 IR 1929**
410 IAC 16.2-5-5	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-5.1	N	02-89	25 IR 3271	**26 IR 1931**
410 IAC 16.2-5-6	A	02-89	25 IR 3272	**26 IR 1932**
410 IAC 16.2-5-7	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-7.1	N	02-89	25 IR 3274	**26 IR 1933**
410 IAC 16.2-5-8	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-8.1	N	02-89	25 IR 3274	**26 IR 1934**
410 IAC 16.2-5-9	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-10	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-11	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-11.1	N	02-89	25 IR 3275	**26 IR 1935**
410 IAC 16.2-5-12	N	02-89	25 IR 3276	**26 IR 1935**
410 IAC 16.2-8-1	A	03-90	27 IR 924	

TITLE 412 INDIANA HEALTH FACILITIES COUNCIL

412 IAC 2				*ERR (26 IR 36)
				*ERR (26 IR 1572)
412 IAC 2-1-1	A	02-41	25 IR 4198	**26 IR 1937**
412 IAC 2-1-2.1	N	02-41	25 IR 4198	**26 IR 1937**
				*ERR (26 IR 2375)
412 IAC 2-1-2.2	N	02-41	25 IR 4198	**26 IR 1937**
				*ERR (26 IR 2375)
412 IAC 2-1-6	A	02-41	25 IR 4199	**26 IR 1937**
412 IAC 2-1-8	A	02-41	25 IR 4199	**26 IR 1938**
412 IAC 2-1-10	N	02-41	25 IR 4199	**26 IR 1938**
412 IAC 2-1-11	N	02-41	25 IR 4200	**26 IR 1939**
412 IAC 2-1-12	N	02-41	25 IR 4200	**26 IR 1939**
412 IAC 2-1-13	N	02-41	25 IR 4200	**26 IR 1939**
412 IAC 2-1-14	N	02-41	25 IR 4200	**26 IR 1939**

TITLE 431 COMMUNITY RESIDENTIAL FACILITIES COUNCIL

431 IAC 1.1-1-2				*ERR (26 IR 36)
431 IAC 7	N	02-211	26 IR 2108	**26 IR 3640**

TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION

440 IAC 1-1.5	R	02-42	25 IR 3289	*NRA (26 IR 62)
				26 IR 745
440 IAC 1.5	N	02-42	25 IR 3277	*NRA (26 IR 62)
				26 IR 733
440 IAC 4-3-1	A	02-218	26 IR 519	*NRA (26 IR 2390)
				26 IR 2616
440 IAC 4.1-2-1	A	02-218	26 IR 519	*NRA (26 IR 2390)
				26 IR 2616
440 IAC 4.1-2-4	A	02-218	26 IR 520	*NRA (26 IR 2390)
				26 IR 2617
440 IAC 4.1-2-5	A	02-218	26 IR 521	*NRA (26 IR 2390)
				26 IR 2618
440 IAC 4.1-2-9	A	02-218	26 IR 521	*NRA (26 IR 2390)
				26 IR 2618
440 IAC 4.1-3	N	02-218	26 IR 522	*NRA (26 IR 2390)
				26 IR 2619
440 IAC 5-1-1	A	02-105	25 IR 3289	*NRA (26 IR 62)
				26 IR 745
440 IAC 5-1-2	A	02-105	25 IR 3290	*NRA (26 IR 62)
				26 IR 746
440 IAC 5-1-3.5	N	02-105	25 IR 3290	*NRA (26 IR 62)
				26 IR 747
440 IAC 5.2	N	03-57	26 IR 3386	*NRA (26 IR 3902)
				27 IR 492
440 IAC 6-2-2				*ERR (26 IR 1572)
440 IAC 9-2-10	N	02-106	25 IR 4201	*NRA (26 IR 1112)
				26 IR 1940
440 IAC 9-2-11	N	02-106	25 IR 4202	*NRA (26 IR 1112)
				26 IR 1941
440 IAC 9-2-12	N	02-106	25 IR 4203	*NRA (26 IR 1112)
				26 IR 1942
440 IAC 9-2-13	N	02-265	26 IR 867	**26 IR 3337**

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

460 IAC 1-3-1	R	02-319	26 IR 2112	**26 IR 3644**
460 IAC 1-3-2	R	02-319	26 IR 2112	**26 IR 3644**
460 IAC 1-3-3	RA	02-262	26 IR 544	**26 IR 1261**
	R	02-319	26 IR 2112	**26 IR 3644**
460 IAC 1-3-4	R	02-319	26 IR 2112	**26 IR 3644**
460 IAC 1-3-5	R	02-319	26 IR 2112	**26 IR 3644**
460 IAC 1-3-6	RA	02-262	26 IR 544	**26 IR 1261**
	R	02-319	26 IR 2112	**26 IR 3644**
460 IAC 1-3-7	RA	02-262	26 IR 544	**26 IR 1261**
	R	02-319	26 IR 2112	**26 IR 3644**
460 IAC 1-3-8	R	02-319	26 IR 2112	**26 IR 3644**
460 IAC 1-3-9	R	02-319	26 IR 2112	**26 IR 3644**
460 IAC 1-3-10	R	02-319	26 IR 2112	**26 IR 3644**

460 IAC 1-3-11	R	02-319		**††26 IR 3644**
460 IAC 1-3-12	RA	02-262	26 IR 544	**26 IR 1261**
	R	02-319	26 IR 2112	**26 IR 3644**
460 IAC 1-3-13	R	02-319	26 IR 2112	**26 IR 3644**
460 IAC 1-3-14	R	02-319	26 IR 2112	**26 IR 3644**
460 IAC 1-3-15	R	02-319	26 IR 2112	**26 IR 3644**
460 IAC 1-3.3	N	02-319	26 IR 2111	**26 IR 3643**
460 IAC 1-8	N	01-337	25 IR 2557	**26 IR 350**
460 IAC 2-3-1	A	02-9	25 IR 2286	**26 IR 747**
460 IAC 2-3-2	A	02-9	25 IR 2286	**26 IR 747**
460 IAC 2-3-3	A	02-9	25 IR 2287	**26 IR 748**
460 IAC 3.5	RA	02-237	26 IR 2694	**26 IR 2694**
460 IAC 3.5-1-1	A	03-180	27 IR 269	
460 IAC 3.5-2-1	A	03-180	27 IR 269	
460 IAC 5-1-13	A	02-151	26 IR 524	
460 IAC 6	N	02-46	25 IR 3832	**26 IR 749**
				*AROC (26 IR 883)
460 IAC 6-2-2	A	03-123	26 IR 3935	
460 IAC 6-2-3	A	03-123	26 IR 3935	
460 IAC 6-3-2.1	N	02-326	26 IR 2664	**27 IR 101**
460 IAC 6-3-5.1	N	02-326	26 IR 2665	**27 IR 101**
460 IAC 6-3-5.2	N	02-326	26 IR 2665	**27 IR 101**
460 IAC 6-3-6.1	N	02-326	26 IR 2665	**27 IR 101**
460 IAC 6-3-10.1	N	02-326	26 IR 2665	**27 IR 101**
460 IAC 6-3-15.1	N	02-326	26 IR 2665	**27 IR 101**
460 IAC 6-3-15.2	N	03-123	26 IR 3935	
460 IAC 6-3-15.3	N	02-326	26 IR 2665	**††27 IR 101**
460 IAC 6-3-18	A	02-326	26 IR 2666	**27 IR 102**
460 IAC 6-3-25	A	02-326	26 IR 2666	**27 IR 102**
460 IAC 6-3-29.5	N	02-326	26 IR 2666	**27 IR 102**
460 IAC 6-3-31	A	02-326	26 IR 2666	**27 IR 102**
460 IAC 6-3-32	A	02-326	26 IR 2666	**27 IR 102**
460 IAC 6-3-38.5	N	02-326	26 IR 2666	**27 IR 103**
460 IAC 6-3-38.6	N	02-326	26 IR 2667	**27 IR 103**
460 IAC 6-3-41.1	N	02-326	26 IR 2667	**27 IR 103**
460 IAC 6-3-52.1	N	02-326	26 IR 2667	**27 IR 103**
460 IAC 6-3-56	A	02-326	26 IR 2667	**27 IR 103**
460 IAC 6-4-1	A	02-326	26 IR 2667	**27 IR 103**
460 IAC 6-5-4	A	02-326	26 IR 2668	**27 IR 104**
460 IAC 6-5-7	A	02-326	26 IR 2669	**27 IR 105**
460 IAC 6-5-21	A	02-326	26 IR 2669	**27 IR 105**
460 IAC 6-5-32	N	02-326	26 IR 2669	**27 IR 105**
460 IAC 6-5-33	N	02-326	26 IR 2670	**27 IR 106**
460 IAC 6-5-34	N	02-326	26 IR 2670	**27 IR 106**
460 IAC 6-5-35	N	02-326	26 IR 2670	**27 IR 106**
460 IAC 6-5-36	N	02-326	26 IR 2670	**27 IR 106**
460 IAC 6-6-2	A	02-326	26 IR 2670	**27 IR 106**
460 IAC 6-6-3	A	02-326	26 IR 2670	**27 IR 107**
460 IAC 6-7-2	A	02-326	26 IR 2671	**27 IR 107**
460 IAC 6-7-3	A	02-326	26 IR 2671	**27 IR 108**
460 IAC 6-9-5	A	02-326	26 IR 2672	**27 IR 108**
460 IAC 6-9-7	N	02-326	26 IR 2673	**27 IR 109**
460 IAC 6-10-5	A	02-326	26 IR 2673	**27 IR 110**
460 IAC 6-10-8	A	02-326	26 IR 2674	**27 IR 110**
460 IAC 6-10-13	A	02-326	26 IR 2674	**27 IR 110**
460 IAC 6-13-2	A	02-326	26 IR 2675	**27 IR 111**
460 IAC 6-14-4	A	02-326	26 IR 2675	**27 IR 111**
460 IAC 6-14-6	N	03-123	26 IR 3935	
460 IAC 6-14-7	N	03-123	26 IR 3935	
460 IAC 6-15-2	A	03-123	26 IR 3935	
460 IAC 6-17-3	A	02-326	26 IR 2675	**27 IR 111**
460 IAC 6-17-4	A	02-326	26 IR 2676	**27 IR 112**
460 IAC 6-19-6	A	02-326	26 IR 2676	**27 IR 113**
	A	03-123	26 IR 3936	
460 IAC 6-24-1	A	02-236	26 IR 2677	**27 IR 113**
460 IAC 6-24-2	A	02-326	26 IR 2677	**27 IR 114**
460 IAC 6-25-10	A	02-326	26 IR 2677	**27 IR 114**
460 IAC 6-29-4	A	02-326	26 IR 2678	**27 IR 114**
460 IAC 6-29-9	N	02-326	26 IR 2678	**27 IR 115**
460 IAC 6-31-1	A	03-123	26 IR 3936	
460 IAC 6-35	N	02-326	26 IR 2678	**27 IR 115**
460 IAC 6-36	N	03-123	26 IR 3937	
460 IAC 7	N	02-210	26 IR 525	*ARR (26 IR 1110)
			26 IR 1247	*AROC (26 IR 2472)
				26 IR 2870
460 IAC 8	N	03-99	26 IR 3392	

TITLE 470 DIVISION OF FAMILY AND CHILDREN

470 IAC 3-4.1	R	02-298	26 IR 1719	*NRA (26 IR 3365)
				*AROC (26 IR 3756)
				*AROC (27 IR 288)
				27 IR 162
470 IAC 3-4.2	R	02-298	26 IR 1719	*NRA (26 IR 3365)
				*AROC (26 IR 3756)
				*AROC (27 IR 288)
				27 IR 162
470 IAC 3-4.7	N	02-298	26 IR 1675	*NRA (26 IR 3365)
				*AROC (26 IR 3756)
				*AROC (27 IR 288)
				27 IR 116
				*ERR (27 IR 1184)
470 IAC 3.1-12-2	A	02-74	26 IR 167	*NRA (26 IR 1112)
				*AROC (26 IR 1264)
				26 IR 2320
470 IAC 3.1-12-7	N	02-74	26 IR 168	*NRA (26 IR 1112)
				*AROC (26 IR 1264)
				26 IR 2320
470 IAC 6-2-1	A	03-136	26 IR 3709	*NRA (27 IR 207)
				27 IR 870
470 IAC 6-2-13	A	03-136	26 IR 3709	*NRA (27 IR 207)
				27 IR 871
470 IAC 6-4.1-4	A	03-136	26 IR 3710	*NRA (27 IR 207)
				27 IR 871
470 IAC 8.1-2-12	A	02-152	26 IR 530	
470 IAC 10.1-3-4	R	03-33	26 IR 2682	*NRA (26 IR 3670)
				27 IR 500
470 IAC 10.1-3-4.1	R	03-33	26 IR 2682	*NRA (26 IR 3670)
				27 IR 500
470 IAC 10.1-3-5	R	03-33	26 IR 2682	*NRA (26 IR 3670)
				27 IR 500
470 IAC 10.2	N	03-33	26 IR 2680	*NRA (26 IR 3670)
				27 IR 498
470 IAC 11.1-1-5	A	02-203	26 IR 169	*NRA (26 IR 1112)
				26 IR 2321

TITLE 511 INDIANA STATE BOARD OF EDUCATION

511 IAC 1-3-1	A	03-185	27 IR 270	
511 IAC 1-6-2	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 1-6-3	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 1-6-4	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 4-4-3	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 4-4-4	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 5-1-1	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 5-1-2	A	02-67	25 IR 2807	**26 IR 786**
511 IAC 5-1-3	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 5-1-3.5	A	02-67	25 IR 2807	**26 IR 787**
511 IAC 5-1-4	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 5-1-4.5	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 5-1-5	A	02-67	25 IR 2807	**26 IR 787**
511 IAC 5-1-6	A	02-67	25 IR 2807	**26 IR 787**
511 IAC 5-2-3	A	02-170	25 IR 4204	**26 IR 3645**
511 IAC 5-2-4	A	02-170	25 IR 4205	**26 IR 3645**
511 IAC 5-3-1	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 5-3-2	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 6-7-2	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 6-7-4	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 6-7-6.1	A	03-150	26 IR 3938	*ARR (27 IR 1185)
	A	03-150	27 IR 1211	

511 IAC 6-7-6.5	A	02-177	25 IR 4205	**26 IR 3646**
511 IAC 6-7-7	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 6-8-1	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 6-8-2	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 6-8-3	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 6-8-5	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 6-8-6	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 6.1-1-2	A	03-219	27 IR 561	
511 IAC 6.1-1-11.5				*ERR (26 IR 36)
511 IAC 6.1-5-3.5	RA	03-56	26 IR 3147	**26 IR 3960**
511 IAC 6.1-5.1-5	A	02-177	25 IR 4206	**26 IR 3646**
	A	02-178	25 IR 4207	**26 IR 3647**
511 IAC 6.1-5.1-8	A	02-274	26 IR 1252	**26 IR 3648**
511 IAC 6.1-5.1-9	A	03-151	26 IR 3939	
511 IAC 6.1-5.1-10.1	A	03-151	26 IR 3940	
511 IAC 6.2-2.5	N	03-219	27 IR 563	
511 IAC 6.2-6-4	A	02-264	26 IR 1719	**27 IR 162**
511 IAC 6.2-6-6.1	N	02-264	26 IR 1720	**27 IR 163**
511 IAC 6.2-6-8	A	02-264	26 IR 1720	**27 IR 163**
511 IAC 6.2-6-12	A	02-264	26 IR 1720	**27 IR 163**
511 IAC 6.2-7	N	02-264	26 IR 1720	**27 IR 163**
511 IAC 6.2-7-8	A	03-219	27 IR 564	

TITLE 515 PROFESSIONAL STANDARDS BOARD

515 IAC 1-3	R	02-314	26 IR 1257	*ARR (26 IR 3346)
				27 IR 505
515 IAC 1-4-1	A	02-75	25 IR 4207	**26 IR 2322**
515 IAC 1-4-2	A	02-75	25 IR 4208	**26 IR 2323**
515 IAC 1-6				*ERR (26 IR 36)
515 IAC 1-7	N	02-314	26 IR 1254	*ARR (26 IR 3346)
				27 IR 501
515 IAC 3				*ERR (26 IR 37)
515 IAC 4	N	03-135	27 IR 925	
515 IAC 5	N	02-80	25 IR 2808	**26 IR 2325**
515 IAC 8	N	03-10	26 IR 2437	**27 IR 166**
				*ERR (27 IR 538)
515 IAC 9	N	03-11	26 IR 2451	*CPH (26 IR 2648)
				27 IR 1169
515 IAC 12	N	03-65	26 IR 3943	

TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY

540 IAC 1-1-1	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-1-2	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-1-5	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-1-8	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-1-10	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-1-15	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-1-18	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-2	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-3-1	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-4-1	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-4-2	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-7-2	A	02-287	26 IR 1257	*CPH (26 IR 1593)
				26 IR 3338
540 IAC 1-8-2	A	02-287	26 IR 1258	*CPH (26 IR 1593)
				26 IR 3338
540 IAC 1-8-8	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-9-2.6	R	02-287	26 IR 1258	*CPH (26 IR 1593)
				26 IR 3338
540 IAC 1-10-1	A	02-287	26 IR 1258	*CPH (26 IR 1593)
				26 IR 3338
540 IAC 1-10-2	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-11	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-12-1	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-12-3	RA	03-112	26 IR 3754	**27 IR 570**
540 IAC 1-12-4	RA	03-112	26 IR 3754	**27 IR 570**

TITLE 550 BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND

550 IAC 2-2-7	A	03-155	26 IR 3944	*CPH (27 IR 551)
				*CPH (27 IR 1196)
550 IAC 3-1-1	A	02-325	26 IR 2112	**26 IR 3877**
550 IAC 3-1-2	A	02-325	26 IR 2113	**26 IR 3878**
550 IAC 3-1-3	A	02-325	26 IR 2113	**26 IR 3878**
550 IAC 3-2-1	A	02-325	26 IR 2113	**26 IR 3878**
550 IAC 3-2-2	A	02-325	26 IR 2114	**26 IR 3879**
550 IAC 5	N	02-325	26 IR 2114	**26 IR 3879**
550 IAC 6	N	02-325	26 IR 2115	**26 IR 3880**
550 IAC 7	N	03-100	26 IR 3710	*CPH (27 IR 1196)

TITLE 570 INDIANA COMMISSION ON PROPRIETARY EDUCATION

570 IAC 1-14	N	02-233	26 IR 867	**26 IR 3338**

TITLE 575 STATE SCHOOL BUS COMMITTEE

575 IAC 1-1-4.6	N	02-315	26 IR 1723	**26 IR 3341**

TITLE 610 DEPARTMENT OF LABOR

610 IAC 4-2-1	A	03-36	26 IR 2463	
610 IAC 4-2-11	R	03-36	26 IR 2464	
610 IAC 4-4	R	01-340	25 IR 891	*ARR (25 IR 3770)
				26 IR 370
				*AROC (26 IR 547)
610 IAC 4-6	N	01-340	25 IR 874	*ARR (25 IR 3770)
				26 IR 353
				*AROC (26 IR 547)
610 IAC 4-6-11	A	03-37	26 IR 2464	
610 IAC 4-6-13	R	03-253	27 IR 565	
610 IAC 4-6-23	A	03-252	27 IR 564	

TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION

655 IAC 1-1				*ERR (26 IR 383)
655 IAC 1-1-5.1	A	03-186	27 IR 932	
655 IAC 1-2.1	RA	02-128	25 IR 3883	*CPH (26 IR 416)
				26 IR 1262
655 IAC 1-2.1-2	A	03-186	27 IR 934	
655 IAC 1-2.1-3	A	03-186	27 IR 934	
655 IAC 1-2.1-6.1	A	03-186	27 IR 935	
655 IAC 1-2.1-6.2	A	03-186	27 IR 935	
655 IAC 1-2.1-6.3	A	03-186	27 IR 935	
655 IAC 1-2.1-6.4	A	03-186	27 IR 936	
655 IAC 1-2.1-12	A	03-186	27 IR 936	
655 IAC 1-2.1-14	A	03-186	27 IR 936	
655 IAC 1-2.1-15	A	03-186	27 IR 936	
655 IAC 1-2.1-19	A	03-186	27 IR 937	
655 IAC 1-2.1-19.1	A	03-186	27 IR 937	
655 IAC 1-2.1-20	A	03-186	27 IR 937	
655 IAC 1-2.1-23	A	03-186	27 IR 938	
655 IAC 1-2.1-23.1	A	03-186	27 IR 938	
655 IAC 1-2.1-24	A	03-186	27 IR 938	
655 IAC 1-2.1-24.1	A	03-186	27 IR 938	
655 IAC 1-2.1-24.2	A	03-186	27 IR 938	
655 IAC 1-2.1-24.3	N	03-186	27 IR 939	
655 IAC 1-2.1-88	A	03-186	27 IR 939	
655 IAC 1-3				*ERR (26 IR 383)
655 IAC 1-3-1	A	03-186	27 IR 939	
655 IAC 1-3-2	A	03-186	27 IR 939	
655 IAC 1-3-4	A	03-186	27 IR 940	
655 IAC 1-3-5	A	03-186	27 IR 940	
655 IAC 1-3-7	A	03-186	27 IR 940	
655 IAC 1-3-8	R	03-186	27 IR 941	
655 IAC 1-4				*ERR (26 IR 383)
655 IAC 1-4-1	A	03-186	27 IR 940	
655 IAC 1-4-2	A	03-186	27 IR 940	

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

675 IAC 12-3-13	N	02-90	25 IR 2573	**26 IR 1556**
675 IAC 12-3-14	N	02-90	25 IR 2574	**26 IR 1557**
675 IAC 12-3-15	N	02-90		**††26 IR 1558**
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) **27 IR 1299**
675 IAC 13-1-5	RA	03-48	26 IR 2693	*CPH (27 IR 551) **27 IR 1299**
675 IAC 13-1-8	A	02-51	25 IR 2561	**26 IR 1095**
675 IAC 13-1-9.5	RA	03-48	26 IR 2693	*CPH (27 IR 551) **27 IR 1299**
675 IAC 13-1-9.6	RA	03-48	26 IR 2693	*CPH (27 IR 551) **27 IR 1299**
675 IAC 13-1-10	A	02-51	25 IR 2564	**26 IR 1098**
675 IAC 13-1-28	RA	03-48	26 IR 2693	*CPH (27 IR 551) **27 IR 1299**
675 IAC 13-2.3	R	02-115	25 IR 3366	*ARR (26 IR 2376) **26 IR 2951**
675 IAC 13-2.4	N	02-115	25 IR 3291	*ARR (26 IR 2376) **26 IR 2875**
675 IAC 14-4.2-1	A	03-71	26 IR 3712	
675 IAC 14-4.2-2	A	03-71	26 IR 3712	
675 IAC 14-4.2-3	A	03-71	26 IR 3714	
675 IAC 14-4.2-6	A	03-71	26 IR 3715	
675 IAC 14-4.2-7	A	03-71	26 IR 3719	
675 IAC 14-4.2-9	A	03-71	26 IR 3719	
675 IAC 14-4.2-13.5	N	03-71	26 IR 3719	
675 IAC 14-4.2-15.5	N	03-71	26 IR 3719	
675 IAC 14-4.2-19.5	N	03-71	26 IR 3720	
675 IAC 14-4.2-20.5	A	03-71	26 IR 3720	
675 IAC 14-4.2-21	A	03-71	26 IR 3720	
675 IAC 14-4.2-22	A	03-71	26 IR 3721	
675 IAC 14-4.2-26.5	N	03-71	26 IR 3722	
675 IAC 14-4.2-27.5	A	03-71	26 IR 3722	
675 IAC 14-4.2-29	A	03-71	26 IR 3722	
675 IAC 14-4.2-31	A	03-71	26 IR 3722	
675 IAC 14-4.2-34	A	03-71	26 IR 3723	
675 IAC 14-4.2-37.5	N	03-71	26 IR 3724	
675 IAC 14-4.2-45.3	N	03-71	26 IR 3724	
675 IAC 14-4.2-46.8	N	03-71	26 IR 3724	
675 IAC 14-4.2-49.1	N	03-71	26 IR 3724	
675 IAC 14-4.2-49.3	N	03-71	26 IR 3724	
675 IAC 14-4.2-52	A	03-71	26 IR 3725	
675 IAC 14-4.2-53	A	03-71	26 IR 3725	
675 IAC 14-4.2-53.7	N	03-71	26 IR 3725	
675 IAC 14-4.2-61	A	03-71	26 IR 3726	
675 IAC 14-4.2-63	A	03-71	26 IR 3726	
675 IAC 14-4.2-69.5	N	03-71	26 IR 3726	
675 IAC 14-4.2-71	A	03-71	26 IR 3726	
675 IAC 14-4.2-73.5	N	03-71	26 IR 3727	
675 IAC 14-4.2-77.6	N	03-71	26 IR 3727	
675 IAC 14-4.2-77.7	N	03-71	26 IR 3727	
675 IAC 14-4.2-81.2	N	03-71	26 IR 3727	
675 IAC 14-4.2-81.3	N	03-71	26 IR 3727	
675 IAC 14-4.2-81.7	N	03-71	26 IR 3727	
675 IAC 14-4.2-82	A	03-71	26 IR 3727	
675 IAC 14-4.2-83	A	03-71	26 IR 3728	
675 IAC 14-4.2-89.2	N	03-71	26 IR 3728	
675 IAC 14-4.2-89.6	A	03-71	26 IR 3728	
675 IAC 14-4.2-89.7	R	03-71	26 IR 3737	
675 IAC 14-4.2-89.8	A	03-71	26 IR 3728	
675 IAC 14-4.2-89.9	A	03-71	26 IR 3728	
675 IAC 14-4.2-89.10	R	03-71	26 IR 3737	
675 IAC 14-4.2-89.11	R	03-71	26 IR 3737	
675 IAC 14-4.2-95	A	03-71	26 IR 3729	
675 IAC 14-4.2-96.2	N	03-71	26 IR 3729	
675 IAC 14-4.2-97.5	N	03-71	26 IR 3729	
675 IAC 14-4.2-97.9	N	03-71	26 IR 3729	
675 IAC 14-4.2-107	A	03-71	26 IR 3729	
675 IAC 14-4.2-112.5	N	03-71	26 IR 3735	
675 IAC 14-4.2-117	A	03-71	26 IR 3736	
675 IAC 14-4.2-171.5	N	03-71	26 IR 3736	
675 IAC 14-4.2-174.5	N	03-71	26 IR 3736	
675 IAC 14-4.2-177.5	N	03-71	26 IR 3736	
675 IAC 14-4.2-181.1	N	01-376		**††26 IR 11**
675 IAC 14-4.2-182.1	N	01-376	25 IR 1248	**26 IR 11**
675 IAC 14-4.2-185.1	N	01-376	25 IR 1248	**26 IR 11**
675 IAC 14-4.2-187	A	01-376	25 IR 1248	**26 IR 11**
675 IAC 14-4.2-187.1	N	01-376	25 IR 1248	**26 IR 12**
675 IAC 14-4.2-187.2	N	01-376	25 IR 1248	**26 IR 12**
675 IAC 14-4.2-187.3	N	01-376	25 IR 1248	**26 IR 12**
675 IAC 14-4.2-187.4	N	01-376	25 IR 1248	**26 IR 12**
675 IAC 14-4.2-189	A	03-71	26 IR 3736	
675 IAC 14-4.2-189.2	N	03-71	26 IR 3736	
675 IAC 14-4.2-190.1	N	01-376	25 IR 1249	**26 IR 12**
675 IAC 14-4.2-190.2	N	01-376	25 IR 1249	**26 IR 12**
675 IAC 14-4.2-190.3	N	01-376	25 IR 1249	**26 IR 12**
675 IAC 14-4.2-190.4	N	01-376	25 IR 1249	**26 IR 12**
675 IAC 14-4.2-190.5	N	01-376	25 IR 1249	**26 IR 13**
675 IAC 14-4.2-191.1	N	01-376	25 IR 1249	**26 IR 13**
675 IAC 14-4.2-191.2	N	01-376	25 IR 1249	**26 IR 13**
675 IAC 14-4.2-191.3	N	01-376	25 IR 1249	**26 IR 13**
675 IAC 14-4.2-191.4	N	01-376		**††26 IR 13**
	A	03-71	26 IR 3736	
675 IAC 14-4.2-191.5	N	01-376		**††26 IR 13**
675 IAC 14-4.2-192	R	03-71	26 IR 3737	
675 IAC 14-4.2-192.1	N	01-376	25 IR 1250	**26 IR 13**
675 IAC 14-4.2-192.2	N	01-376	25 IR 1251	**26 IR 13**
675 IAC 14-4.2-192.3	N	01-376	25 IR 1250	**26 IR 14**
675 IAC 14-4.2-192.4	N	01-376	25 IR 1250	**26 IR 14**
675 IAC 14-4.2-192.5	N	01-376	25 IR 1250	**26 IR 14**
675 IAC 14-4.2-192.6	N	01-376	25 IR 1250	**26 IR 14**
675 IAC 14-4.2-193.1	N	01-376	25 IR 1251	**26 IR 14**
675 IAC 14-4.2-193.2	N	01-376	25 IR 1251	**26 IR 14**
675 IAC 14-4.2-193.3	N	01-376	25 IR 1251	**26 IR 14**
675 IAC 14-4.2-193.4	N	01-376	25 IR 1251	**26 IR 14**
675 IAC 14-4.2-193.5	N	01-376	25 IR 1251	**26 IR 14**
675 IAC 14-4.2-194.1	N	01-376	25 IR 1251	**26 IR 15**
675 IAC 14-4.2-194.2	N	01-376	25 IR 1251	**26 IR 15**
675 IAC 14-4.2-194.3	N	01-376	25 IR 1251	**26 IR 15**
675 IAC 14-4.2-194.4	N	01-376	25 IR 1252	**26 IR 15**
675 IAC 14-4.2-194.5	N	01-376	25 IR 1252	**26 IR 15**
675 IAC 14-4.2-194.6	N	01-376	25 IR 1252	**26 IR 15**
675 IAC 14-4.2-194.7	N	01-376	25 IR 1252	**26 IR 15**
675 IAC 17-1.5	R	01-376	25 IR 1255	**26 IR 19**
675 IAC 17-1.6	N	01-376	25 IR 1252	**26 IR 15**
675 IAC 17-1.6-12	A	03-71	26 IR 3737	
675 IAC 17-1.6-16	A	03-71	26 IR 3737	
675 IAC 18-1.3	R	02-116	25 IR 3381	*ARR (26 IR 2376) **26 IR 2967**
675 IAC 18-1.4	N	02-116	25 IR 3366	*ARR (26 IR 2376) **26 IR 2952**
675 IAC 19-3-4	A	03-71	26 IR 3737	
675 IAC 20-2-17	A	02-52	25 IR 2566	**26 IR 1100**
675 IAC 20-2-20	A	02-52	25 IR 2566	**26 IR 1101**
675 IAC 20-2-24	A	02-52	25 IR 2567	**26 IR 1102**
675 IAC 20-2-26	A	02-52	25 IR 2567	**26 IR 1102**
675 IAC 20-3-5	A	02-52	25 IR 2568	**26 IR 1102**
675 IAC 20-3-6	A	02-52	25 IR 2568	**26 IR 1103**
675 IAC 20-3-7	A	02-52	25 IR 2569	**26 IR 1103**
675 IAC 21-1-1	A	01-430	25 IR 2031	*ARR (26 IR 38) **26 IR 1083**
675 IAC 21-1-1.5	N	01-430	25 IR 2031	*ARR (26 IR 38) **26 IR 1084**
675 IAC 21-1-2	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**

675 IAC 21-1-2.1	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-1-3	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-1-3.1	A	01-430	25 IR 2032	*ARR (26 IR 38) **26 IR 1085**
675 IAC 21-1-4	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-1-6	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-1-7	A	01-430	25 IR 2033	*ARR (26 IR 38) **26 IR 1085**
675 IAC 21-1-8	R	01-430		**††26 IR 1095**
675 IAC 21-1-9	A	01-430	25 IR 2033	*ARR (26 IR 38) **26 IR 1086**
675 IAC 21-1-10	N	01-430	25 IR 2034	*ARR (26 IR 38) **26 IR 1086**
675 IAC 21-2	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-3-1	A	01-430	25 IR 2034	*ARR (26 IR 38) **26 IR 1087**
675 IAC 21-3-2	A	01-430	25 IR 2034	*ARR (26 IR 38) **26 IR 1087**
675 IAC 21-4-1	A	01-430	25 IR 2037	*ARR (26 IR 38) **26 IR 1090**
675 IAC 21-4-2	A	01-430	25 IR 2037	*ARR (26 IR 38) **26 IR 1090**
675 IAC 21-5-1	A	01-430	25 IR 2039	*ARR (26 IR 38) **26 IR 1092**
675 IAC 21-5-3	N	01-430	25 IR 2039	*ARR (26 IR 38) **26 IR 1092**
675 IAC 21-6	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-7	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-8	N	01-430	25 IR 2040	*ARR (26 IR 38) **26 IR 1093**
675 IAC 22-2.2	R	02-117	25 IR 3442	*ARR (26 IR 2376) **26 IR 3031**
675 IAC 22-2.2-14	A	02-53	25 IR 2569	**26 IR 1553**
675 IAC 22-2.3	N	02-117	25 IR 3382	*ARR (26 IR 2376) **26 IR 2968**
675 IAC 25	N	02-118	25 IR 3444	*ARR (26 IR 2376) **26 IR 3032**

TITLE 760 DEPARTMENT OF INSURANCE

760 IAC 1-5	R	01-399	25 IR 2582	*AROC (26 IR 183) *ARR (26 IR 38) **26 IR 26**
760 IAC 1-5.1	N	01-399	25 IR 2575	*AROC (26 IR 183) *ARR (26 IR 38) **26 IR 19** *ERR (26 IR 3345)
760 IAC 1-14	R	01-399	25 IR 2582	*AROC (26 IR 183) *ARR (26 IR 38) **26 IR 26**
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	
760 IAC 1-50-3	A	03-160	27 IR 271	
760 IAC 1-50-4	A	03-160	27 IR 272	
760 IAC 1-50-5	A	03-160	27 IR 272	
760 IAC 1-50-7	A	03-160	27 IR 273	
760 IAC 1-50-13	A	03-160	27 IR 273	
760 IAC 1-50-13.5	A	03-160	27 IR 273	
760 IAC 1-57-1	A	03-7	26 IR 3398	**27 IR 505**
760 IAC 1-57-2	A	03-7	26 IR 3398	**27 IR 505**
760 IAC 1-57-3	A	03-7	26 IR 3398	**27 IR 505**
760 IAC 1-57-4	A	03-7	26 IR 3399	**27 IR 506**
760 IAC 1-57-5	A	03-7	26 IR 3399	**27 IR 506**
760 IAC 1-57-6	A	03-7	26 IR 3400	**27 IR 507**
760 IAC 1-57-7	R	03-7	26 IR 3408	**27 IR 515**
760 IAC 1-57-8	A	03-7	26 IR 3401	**27 IR 508**
760 IAC 1-57-9	A	03-7	26 IR 3405	**27 IR 512**
760 IAC 1-57-10	A	03-7	26 IR 3407	**27 IR 514**
760 IAC 1-59-1	A	02-124	26 IR 170	**26 IR 2326**
760 IAC 1-59-2	A	02-124	26 IR 170	**26 IR 2326**
760 IAC 1-59-3	A	02-124	26 IR 171	**26 IR 2327**
760 IAC 1-59-4	A	02-124	26 IR 171	**26 IR 2327**
760 IAC 1-59-5	A	02-124	26 IR 171	**26 IR 2327**
760 IAC 1-59-6	A	02-124	26 IR 172	**26 IR 2328**
760 IAC 1-59-7	A	02-124	26 IR 172	**26 IR 2329**
760 IAC 1-59-8	A	02-124	26 IR 173	**26 IR 2329**
760 IAC 1-59-9	A	02-124	26 IR 174	**26 IR 2330**
760 IAC 1-59-10	A	02-124	26 IR 174	**26 IR 2330**
760 IAC 1-59-11	A	02-124	26 IR 174	**26 IR 2330**
760 IAC 1-59-12	A	02-124	26 IR 175	**26 IR 2331**
760 IAC 1-59-13	R	02-124	26 IR 177	**26 IR 2333**
760 IAC 1-59-14	A	02-124	26 IR 175	**26 IR 2331**
760 IAC 1-68	N	02-137	26 IR 531	*AROC (26 IR 883) **26 IR 3035**
760 IAC 1-69	N	03-8	26 IR 3945	**27 IR 872**

TITLE 762 INDIANA POLITICAL SUBDIVISION RISK MANAGEMENT COMMISSION

762 IAC 2	N	02-24	25 IR 2301	*ARR (25 IR 4114) **26 IR 27**

TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

804 IAC 1.1-1-1	A	03-20	26 IR 3136	**27 IR 180**
804 IAC 1.1-3-1	A	02-20	25 IR 3446	**26 IR 370** *ERR (26 IR 793)
804 IAC 1.1-3-2	RA	03-43	26 IR 3148	**26 IR 3960**

TITLE 808 STATE BOXING COMMISSION

808 IAC 2-6-1	A	02-120	25 IR 4210	**26 IR 1104**

TITLE 816 BOARD OF BARBER EXAMINERS

816 IAC 1-3-1	A	02-320	26 IR 1725	**26 IR 3648**

TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS

820 IAC 4-1-11	A	03-21	26 IR 3137	*AROC (26 IR 3426) **27 IR 515**
820 IAC 4-4-5				*ERR (26 IR 1109)
820 IAC 4-4-14				*ERR (26 IR 1109)
820 IAC 6-1-3	A	03-21	26 IR 3137	*AROC (26 IR 3426) **27 IR 516**
820 IAC 6-2-1				*ERR (26 IR 1109)
820 IAC 6-3	N	03-21	26 IR 3137	*AROC (26 IR 3426) **27 IR 516**

TITLE 825 INDIANA GRAIN INDEMNITY CORPORATION

825 IAC 1	RA	02-176	25 IR 4220	**26 IR 1262**
825 IAC 1-1-5	R	02-179	25 IR 4211	
825 IAC 1-5-1	R	02-179	25 IR 4211	
825 IAC 1-5-2	R	02-179	25 IR 4211	

TITLE 828 STATE BOARD OF DENTISTRY

828 IAC 0.5-2-3	A	02-114	25 IR 3452	**26 IR 376**
828 IAC 0.5-2-4	A	02-114	25 IR 3453	**26 IR 376**
828 IAC 0.5-2-6	N	02-112	25 IR 3447	**26 IR 371**
828 IAC 1-1-3	A	03-73	26 IR 3408	*CPH (26 IR 3904)
828 IAC 1-1-6	A	03-73	26 IR 3409	*CPH (26 IR 3904)
828 IAC 1-1-7	A	03-73	26 IR 3409	*CPH (26 IR 3904)
828 IAC 1-1-12	A	03-73	26 IR 3409	*CPH (26 IR 3904)
828 IAC 1-2-3	A	03-73	26 IR 3409	*CPH (26 IR 3904)

828 IAC 1-2-6	A	03-73	26 IR 3410	*CPH (26 IR 3904)
828 IAC 1-2-7	A	03-73	26 IR 3410	*CPH (26 IR 3904)
828 IAC 1-2-12	A	03-73	26 IR 3410	*CPH (26 IR 3904)
828 IAC 1-3-1	R	02-113	25 IR 3452	**26 IR 375**
828 IAC 1-3-1.1	N	02-113	25 IR 3450	**26 IR 373**
				*ERR (26 IR 383)
828 IAC 1-3-1.5	N	02-113	25 IR 3451	**26 IR 374**
828 IAC 1-3-2	A	02-113	25 IR 3452	**26 IR 375**
828 IAC 1-3-3	A	02-113	25 IR 3452	**26 IR 375**
828 IAC 1-5-1	A	02-112	25 IR 3448	**26 IR 371**
828 IAC 1-5-1.5	N	02-112	25 IR 3448	**26 IR 371**
828 IAC 1-5-2	A	02-112	25 IR 3448	**26 IR 372**
828 IAC 1-5-2.5	N	02-112	25 IR 3449	**26 IR 372**
828 IAC 1-6-1	A	02-112	25 IR 3449	**26 IR 373**
828 IAC 1-7-1	A	02-114	25 IR 3453	**26 IR 376**
828 IAC 1-7-2	N	02-114	25 IR 3453	**26 IR 377**

TITLE 830 INDIANA DIETITIANS CERTIFICATION BOARD

830 IAC 1-2-1	RA	03-55	26 IR 3755	**27 IR 946**
830 IAC 1-2-2	RA	03-55	26 IR 3755	**27 IR 946**
830 IAC 1-2-3	RA	03-55	26 IR 3755	**27 IR 946**
830 IAC 1-2-4	RA	03-55	26 IR 3755	**27 IR 946**
830 IAC 1-2-5	RA	03-55	26 IR 3755	**27 IR 946**
830 IAC 1-3	RA	03-55	26 IR 3755	**27 IR 946**
830 IAC 1-4	RA	03-55	26 IR 3755	**27 IR 946**
830 IAC 1-5	RA	03-55	26 IR 3755	**27 IR 946**

TITLE 832 STATE BOARD OF FUNERAL AND CEMETERY SERVICE

832 IAC 2-1-2	A	02-147	26 IR 870	**26 IR 2622**

TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION

836 IAC 1-1-1	A	02-91	25 IR 2810	*CPH (25 IR 3807)
				26 IR 2333
	A	03-188	27 IR 1212	
836 IAC 1-1-2	N	02-91	25 IR 2812	*CPH (25 IR 3807)
				26 IR 2335
	A	03-188	27 IR 1215	
836 IAC 1-1-3	N	02-91	25 IR 2812	*CPH (25 IR 3807)
				26 IR 2336
	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	02-91	25 IR 2813	*CPH (25 IR 3807)
				26 IR 2337
	A	03-188	27 IR 1221	
836 IAC 1-2-2	A	02-91	25 IR 2814	*CPH (25 IR 3807)
				26 IR 2338
	A	03-188	27 IR 1222	
836 IAC 1-2-3	A	02-91	25 IR 2815	*CPH (25 IR 3807)
				26 IR 2339
	A	03-188	27 IR 1222	
836 IAC 1-2-4	R	02-91	25 IR 2848	*CPH (25 IR 3807)
				26 IR 2372
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	02-91	25 IR 2818	*CPH (25 IR 3807)
				26 IR 2342
	A	03-188	27 IR 1228	
836 IAC 1-3-6	N	02-91	25 IR 2819	*CPH (25 IR 3807)
				26 IR 2343
	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 1-8-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
				26 IR 2372
836 IAC 1-11-1	A	02-91	25 IR 2819	*CPH (25 IR 3807)
				26 IR 2343
	A	03-188	27 IR 1231	
836 IAC 1-11-2	A	02-91	25 IR 2820	*CPH (25 IR 3807)
				26 IR 2344
	A	03-188	27 IR 1231	
836 IAC 1-11-3	A	03-188	27 IR 1232	
836 IAC 1-11-4	A	02-91	25 IR 2821	*CPH (25 IR 3807)
				26 IR 2345
	A	03-188	27 IR 1234	
836 IAC 1-11-5	R	02-91	25 IR 2848	*CPH (25 IR 3807)
				26 IR 2372
836 IAC 1-12	N	03-188	27 IR 1235	
836 IAC 2	RA	01-40	24 IR 2580	
836 IAC 2-1-1	A	02-91	25 IR 2821	*CPH (25 IR 3807)
				26 IR 2345
	A	03-188	27 IR 1239	
836 IAC 2-2-1	A	02-91	25 IR 2824	*CPH (25 IR 3807)
				26 IR 2348
				*ERR (26 IR 2624)
	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 2-7.1-1	A	02-91	25 IR 2826	*CPH (25 IR 3807)
				26 IR 2350
836 IAC 2-7.2	N	02-91	25 IR 2828	*CPH (25 IR 3807)
				26 IR 2353
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 2-12-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
				26 IR 2372
836 IAC 2-13-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
				26 IR 2372
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	02-91	25 IR 2833	*CPH (25 IR 3807)
				26 IR 2357
	A	03-188	27 IR 1255	
836 IAC 3	RA	01-40	24 IR 2580	
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	02-91	25 IR 2834	*CPH (25 IR 3807)
				26 IR 2358
	A	03-188	27 IR 1259	
836 IAC 3-2-5	A	02-91	25 IR 2835	*CPH (25 IR 3807)
				26 IR 2360
	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 3-2-8	R	02-91	25 IR 2848	*CPH (25 IR 3807)
				26 IR 2372
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	02-91	25 IR 2836	*CPH (25 IR 3807)
				26 IR 2360
	A	03-188	27 IR 1264	

836 IAC 3-3-5	A	02-91	25 IR 2837	*CPH (25 IR 3807) **26 IR 2362**
	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 3-3-8	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**
836 IAC 3-4-1	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**
836 IAC 3-5-1	A	03-188	27 IR 1267	
836 IAC 4-1-1	A	02-91	25 IR 2838	*CPH (25 IR 3807) **26 IR 2362**
	A	03-188	27 IR 1267	
836 IAC 4-2-1	A	02-91	25 IR 2840	*CPH (25 IR 3807) **26 IR 2364**
	A	03-188	27 IR 1270	
836 IAC 4-2-2	A	02-91	25 IR 2841	*CPH (25 IR 3807) **26 IR 2365**
	A	03-188	27 IR 1270	
836 IAC 4-2-3	A	03-188	27 IR 1271	
836 IAC 4-2-4	A	03-188	27 IR 1272	
836 IAC 4-2-5	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**
836 IAC 4-3-2	A	02-91	25 IR 2841	*CPH (25 IR 3807) **26 IR 2366**
	A	03-188	27 IR 1272	
836 IAC 4-3-3	A	03-188	27 IR 1273	
836 IAC 4-4-1	A	02-91	25 IR 2842	*CPH (25 IR 3807) **26 IR 2366**
	A	03-188	27 IR 1273	
836 IAC 4-4-2	A	03-188	27 IR 1274	
836 IAC 4-4-3	A	03-188	27 IR 1275	
836 IAC 4-5-2	A	02-91	25 IR 2843	*CPH (25 IR 3807) **26 IR 2367**
	A	03-188	27 IR 1275	
836 IAC 4-6-1	R	03-188	27 IR 1283	
836 IAC 4-6.1	N	02-91	25 IR 2843	*CPH (25 IR 3807) **26 IR 2368**
836 IAC 4-7-1	A	03-188	27 IR 1276	
836 IAC 4-7-2	A	02-91	25 IR 2844	*CPH (25 IR 3807) **26 IR 2368**
	A	03-188	27 IR 1276	
836 IAC 4-7-3	A	03-188	27 IR 1277	
836 IAC 4-7-3.5	A	03-188	27 IR 1277	
836 IAC 4-7-4	A	03-188	27 IR 1278	
836 IAC 4-7.1	N	02-91	25 IR 2844	*CPH (25 IR 3807) **26 IR 2369**
836 IAC 4-7.1-1	A	03-188	27 IR 1278	
836 IAC 4-7.1-2	A	03-188	27 IR 1278	
836 IAC 4-7.1-3	A	03-188	27 IR 1279	
836 IAC 4-7.1-4	A	03-188	27 IR 1280	
836 IAC 4-7.1-5	A	03-188	27 IR 1280	
836 IAC 4-7.1-6	A	03-188	27 IR 1281	
836 IAC 4-8-1	R	03-188	27 IR 1283	
836 IAC 4-9-1	A	03-188	27 IR 1281	
836 IAC 4-9-2	A	03-188	27 IR 1281	
836 IAC 4-9-3	A	02-91	25 IR 2847	*CPH (25 IR 3807) **26 IR 2372**
	A	03-188	27 IR 1282	
836 IAC 4-9-4	A	03-188	27 IR 1282	
836 IAC 4-9-5	A	03-188	27 IR 1282	
836 IAC 4-9-6	A	03-188	27 IR 1283	
836 IAC 4-10-1	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**

TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD

839 IAC 1-2-2.1	A	02-271	26 IR 874	**26 IR 2622**
839 IAC 1-2-5	A	02-271	26 IR 875	**26 IR 2623**
839 IAC 1-3-2	A	02-270	26 IR 871	*ARR (26 IR 1945)
			26 IR 3411	**27 IR 517**
839 IAC 1-4-5	A	02-270	26 IR 871	*ARR (26 IR 1945)
			26 IR 3411	**27 IR 518**
839 IAC 1-5-1	A	02-270	26 IR 872	*ARR (26 IR 1945)
			26 IR 3412	**27 IR 518**
839 IAC 1-5-1.5	N	02-270	26 IR 874	*ARR (26 IR 1945)
			26 IR 3414	**27 IR 520**

TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS

840 IAC 1-1-4	A	02-219	26 IR 540	**26 IR 1943**
840 IAC 1-1-6	A	03-189	27 IR 566	
840 IAC 1-2-1	A	03-190	27 IR 566	

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

844 IAC 2.2-2-1	A	02-180	26 IR 177	**26 IR 1558**
844 IAC 2.2-2-2	A	02-180	26 IR 178	**26 IR 1559**
844 IAC 2.2-2-5	A	02-180	26 IR 179	**26 IR 1560**
844 IAC 2.2-2-8	A	02-180	26 IR 179	**26 IR 1560**
844 IAC 4-1-1	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-1	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-2	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-3.1	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-4.1	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-5	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-6	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-7	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-8	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-9	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-10	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-11	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.5	N	02-12	25 IR 2302	*CPH (25 IR 2746) **26 IR 28**
844 IAC 4-5-1	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-6-2	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-6-2.1	N	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-6-5	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-6-8	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-7-5	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 5-1-1	A	02-268	26 IR 2117	**27 IR 521**
844 IAC 5-1-3	A	02-268	26 IR 2118	**27 IR 522**
844 IAC 5-3	N	02-268	26 IR 2118	**27 IR 522**
844 IAC 5-4	N	02-268	26 IR 2120	**27 IR 524** *ERR (27 IR 538)
844 IAC 6-1-2	A	03-262	27 IR 1284	
844 IAC 6-1-4	A	01-431	25 IR 3454	**26 IR 377**
844 IAC 6-3-5	A	01-432	25 IR 3455	**26 IR 378**
844 IAC 6-4-1	A	02-181	26 IR 541	**26 IR 2373**

TITLE 845 BOARD OF PODIATRIC MEDICINE

845 IAC 1-3-1	A	03-46	26 IR 2683	**27 IR 526**
845 IAC 1-3-2	A	03-46	26 IR 2683	**27 IR 526**
845 IAC 1-3-3	N	03-46	26 IR 2684	**27 IR 527**
845 IAC 1-4.1-1	A	03-46	26 IR 2684	**27 IR 527**
845 IAC 1-4.1-2	A	03-46	26 IR 2684	**27 IR 527**
845 IAC 1-4.1-4	R	03-46	26 IR 2686	**27 IR 528**
845 IAC 1-4.1-7	A	03-46	26 IR 2685	**27 IR 527**
845 IAC 1-5-1	A	03-46	26 IR 2685	**27 IR 527**
845 IAC 1-5-2	R	01-363	25 IR 3456	*I (26 IR 1104)
	R	02-341	26 IR 2682	**27 IR 525**
845 IAC 1-5-2.1	N	01-363	25 IR 3455	*I (26 IR 1104)
	N	02-341	26 IR 2682	**27 IR 525**
845 IAC 1-5-3	A	03-46	26 IR 2685	**27 IR 528**
845 IAC 1-6-8	R	03-47	26 IR 2686	**27 IR 529**
845 IAC 1-6-9	N	03-47	26 IR 2686	**27 IR 529**

TITLE 848 INDIANA STATE BOARD OF NURSING

848 IAC 1-1-2.1	A	02-247	26 IR 2124	**26 IR 3652**
848 IAC 1-1-6	A	02-247	26 IR 2124	**26 IR 3653**
848 IAC 1-1-7	A	02-247	26 IR 2125	**26 IR 3654**
848 IAC 1-1-14	A	02-239	26 IR 2123	**26 IR 3651**
848 IAC 5-1-1	A	03-34	26 IR 3947	
848 IAC 5-1-3	A	03-34	26 IR 3948	
848 IAC 6	N	02-183	26 IR 2121	**26 IR 3649**

TITLE 852 INDIANA OPTOMETRY BOARD

852 IAC 1-1.1-4	A	02-131	25 IR 3869	**26 IR 1944**
852 IAC 1-13-1	A	02-132	25 IR 3869	**26 IR 2373**
852 IAC 1-13-2	A	02-132	25 IR 3870	**26 IR 2374**
852 IAC 1-17	N	02-133	25 IR 3870	**26 IR 1561**

TITLE 856 INDIANA BOARD OF PHARMACY

856 IAC 1-27-1	A	03-191	27 IR 276	
856 IAC 1-33-1	A	03-154	26 IR 3949	
			27 IR 274	*ARR (27 IR 1185)
856 IAC 1-33-1.5	N	03-154	27 IR 274	*ARR (27 IR 1185)
856 IAC 1-33-2	A	03-154	26 IR 3949	
			27 IR 275	*ARR (27 IR 1185)
856 IAC 1-33-4	A	03-154	26 IR 3950	
			27 IR 275	*ARR (27 IR 1185)
856 IAC 1-33-5	N	03-154	27 IR 275	*ARR (27 IR 1185)
856 IAC 1-35-1	A	02-172	25 IR 4211	**26 IR 1561**
856 IAC 1-35-4	A	02-172	25 IR 4212	**26 IR 1562**
856 IAC 1-35-6	R	02-172	25 IR 4212	**26 IR 1562**
856 IAC 2-7	N	02-258	26 IR 1725	**27 IR 181**

TITLE 857 INDIANA OPTOMETRIC LEGEND DRUG PRESCRIPTION ADVISORY COMMITTEE

857 IAC 1-4-1	RA	02-78	25 IR 3883	**26 IR 546**
857 IAC 2-3-16	A	02-123	25 IR 3873	**26 IR 1104**

TITLE 858 CONTROLLED SUBSTANCES ADVISORY COMMITTEE

858 IAC 2-1-1	A	03-281	27 IR 1285	
858 IAC 2-1-2	A	03-281	27 IR 1286	
858 IAC 2-1-3	A	03-281	27 IR 1286	
858 IAC 2-1-4	A	03-281	27 IR 1286	

TITLE 860 INDIANA PLUMBING COMMISSION

860 IAC 1-1-2.1				*ERR (26 IR 1109)

TITLE 862 PRIVATE DETECTIVES LICENSING BOARD

862 IAC 1-1-6	A	02-302	26 IR 1728	**26 IR 3341**

TITLE 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

864 IAC 1.1-2-2	A	01-405	25 IR 2848	**26 IR 379**
	A	03-125	26 IR 3737	**27 IR 874**
864 IAC 1.1-2-4	A	01-405	25 IR 2849	**26 IR 380**
864 IAC 1.1-12-1	A	01-405	25 IR 2850	**26 IR 380**
864 IAC 1.1-14	N	03-125	26 IR 3739	**27 IR 875**

TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

865 IAC 1-4-8	A	02-56	25 IR 3456	**26 IR 1105**
865 IAC 1-7-3	A	03-22	26 IR 3950	
865 IAC 1-10-23	R	03-22	26 IR 3958	
865 IAC 1-10-24	R	03-22	26 IR 3958	
865 IAC 1-12-2	A	03-22	26 IR 3951	
865 IAC 1-12-3	A	03-22	26 IR 3952	
865 IAC 1-12-5	A	03-22	26 IR 3952	
865 IAC 1-12-6	A	03-22	26 IR 3953	
865 IAC 1-12-7	A	03-22	26 IR 3953	
865 IAC 1-12-9	A	03-22	26 IR 3954	
865 IAC 1-12-10	A	03-22	26 IR 3954	
865 IAC 1-12-11	A	03-22	26 IR 3954	
865 IAC 1-12-12	A	03-22	26 IR 3954	
865 IAC 1-12-13	A	03-22	26 IR 3955	
865 IAC 1-12-14	A	03-22	26 IR 3956	
865 IAC 1-12-18	A	03-22	26 IR 3956	
865 IAC 1-12-28	A	02-56	25 IR 3456	**26 IR 1105**
865 IAC 1-13-4	A	03-41	26 IR 3739	**27 IR 875**
865 IAC 1-13-5	A	03-187	27 IR 943	
865 IAC 1-13-7	A	03-41	26 IR 3739	**27 IR 875**
865 IAC 1-13-20	R	03-41	26 IR 3740	**27 IR 876**
865 IAC 1-14-13	A	03-41	26 IR 3740	**27 IR 876**
865 IAC 1-14-14	A	03-41	26 IR 3740	**27 IR 876**
865 IAC 1-14-15	A	03-41	26 IR 3740	**27 IR 876**
865 IAC 1-14-20	R	03-41	26 IR 3740	**27 IR 876**

TITLE 868 STATE PSYCHOLOGY BOARD

868 IAC 2	N	03-60	26 IR 3741	*CPH (27 IR 905)
				*AROC (27 IR 1300)

TITLE 872 INDIANA BOARD OF ACCOUNTANCY

872 IAC 1-1-2	A	03-126	27 IR 277	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-6.1	A	02-213	26 IR 2465	*AROC (26 IR 3150)
				*ARR (26 IR 3656)
				26 IR 3881
872 IAC 1-1-6.2	A	03-126	27 IR 277	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-6.4	A	03-126	27 IR 277	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-6.5	A	03-126	27 IR 278	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-6.6	A	03-126	27 IR 278	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-8	A	03-126	27 IR 278	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-8.3	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-9	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-9.5	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-10	A	02-301	26 IR 2126	**26 IR 3654**
	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-12	A	02-213	26 IR 2466	*AROC (26 IR 3150)
				*ARR (26 IR 3656)
				26 IR 3882
	A	03-126	27 IR 280	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-14	A	03-126	27 IR 280	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-17	R	03-126	27 IR 282	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-19	A	03-126	27 IR 281	*ARR (27 IR 1185)
				*CPH (27 IR 1196)

872 IAC 1-1-22	R	03-126	27 IR 282	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-23	R	03-126	27 IR 282	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-1-25	A	03-126	27 IR 282	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
872 IAC 1-3-14	A	02-213	26 IR 2466	*AROC (26 IR 3150)
				*ARR (26 IR 3656)
				26 IR 3882
872 IAC 1-4	N	02-301	26 IR 2127	**26 IR 3655**
872 IAC 1-5	N	02-213	26 IR 2467	*AROC (26 IR 3150)
				*ARR (26 IR 3656)
				26 IR 3883

TITLE 876 INDIANA REAL ESTATE COMMISSION

876 IAC 1-1-19	A	03-124	26 IR 3744	**27 IR 877**
876 IAC 1-1-23	A	01-427	25 IR 3874	**26 IR 789**
876 IAC 1-1-30.1	N	02-244	26 IR 2127	**26 IR 3342**
876 IAC 1-4-1	A	03-42	26 IR 3142	**27 IR 186**
876 IAC 1-4-2	A	01-427	25 IR 3874	**26 IR 789**
	A	03-42	26 IR 3142	**27 IR 186**
876 IAC 2-16-1	A	02-244	26 IR 2127	**26 IR 3342**
876 IAC 3-2-4	A	02-148	25 IR 4213	**26 IR 1106**
876 IAC 3-2-5	A	02-148	25 IR 4213	**26 IR 1107**
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*Key:

A:	Amended Text
AGA:	Attorney General's Action
AROC:	Administrative Rules Oversight Committee Notice
ARR:	Agency Recalls Rule
AWR:	Agency Withdrew Rule
CPH:	Change in Public Hearing
DAG:	Disapproved by Attorney General
DG:	Disapproved by Governor
ER:	Emergency Rule
ERR:	Errata
ETR:	Emergency Temporary Rule
ETS:	Emergency Temporary Standard
GRAT:	Governor Requires Additional Time
I:	Document Ineffective
N:	New Text
NRA:	Notice of Rule Adoption
OAC:	Objection to Errata
ON:	Other Notices of Administrative Action
R:	Repealed Text
RA:	Readopted Rule
SAC:	Solicitation of Advance Comment
SPE:	Statutory Period for Promulgation Expired
SPE-SE:	Statutory Period for Promulgation Expired; Signed After Expiration
††:	Renumbered or Added in Final Rule

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326 IAC 23-2-5 26 IR 2418 **27 IR 470**
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326 IAC 23-3-1 26 IR 2422 **27 IR 475**
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326 IAC 23-3-11 26 IR 2428 **27 IR 480**
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326 IAC 23-3-7 26 IR 2426 **27 IR 479**
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326 IAC 23-3-2 26 IR 2422 **27 IR 475**
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326 IAC 23-3-3 26 IR 2423 **27 IR 476**
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326 IAC 23-3-13 26 IR 2428 **27 IR 481**
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326 IAC 23-4-5 26 IR 2431 **27 IR 484**
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326 IAC 23-4-12 26 IR 2435 **27 IR 488**
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326 IAC 23-4-1 26 IR 2429 **27 IR 481**
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326 IAC 23-4-6 26 IR 2432 **27 IR 485**
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326 IAC 23-4-11 26 IR 2435 **27 IR 488**
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326 IAC 23-4-3 26 IR 2429 **27 IR 482**
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326 IAC 23-4-9 26 IR 2434 **27 IR 487**
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326 IAC 23-4-13 26 IR 2435 **27 IR 488**
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326 IAC 23-4-4 26 IR 2430 **27 IR 483**
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326 IAC 23-5 26 IR 2436 **27 IR 489**
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326 IAC 15-1-4 26 IR 2083
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326 IAC 15-1-2 26 IR 2080
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326 IAC 3-5-2 26 IR 2017
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326 IAC 3-5-5 26 IR 2020
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326 IAC 3-4-1 26 IR 2016
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326 IAC 3-6-1 26 IR 2022
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326 IAC 3-6-3 26 IR 2022
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326 IAC 3-6-5 26 IR 2023
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326 IAC 13-3-1 25 IR 3242 **26 IR 1079**
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326 IAC 13-1.1-1 26 IR 2062
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326 IAC 13-1.1-14 26 IR 2065
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326 IAC 13-1.1-16 26 IR 2066
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326 IAC 13-1.1-10 26 IR 2063

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326 IAC 10-4-2 26 IR 1136
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326 IAC 10-4-13 26 IR 1152
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326 IAC 10-4-9 26 IR 1142
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326 IAC 10-4-14 26 IR 1155
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326 IAC 10-4-10 26 IR 1148
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326 IAC 10-1-5 26 IR 2059
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326 IAC 10-1-2 26 IR 2056
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326 IAC 10-1-4 26 IR 2057
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326 IAC 10-1-6 26 IR 2059
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326 IAC 10-3-1 26 IR 1134
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326 IAC 5-1-4 26 IR 2026
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326 IAC 5-1-2 26 IR 2025
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326 IAC 5-1-5 26 IR 2026

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326 IAC 6-1-1 25 IR 710
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326 IAC 6-1-10.2 26 IR 1994
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326 IAC 6-1-14 26 IR 98
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326 IAC 2-3-1 26 IR 2000
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326 IAC 2-2-16 26 IR 1999
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326 IAC 2-2-13 26 IR 1998
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326 IAC 2-2-1 27 IR 250
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326 IAC 2-2-12 27 IR 257
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326 IAC 2-9-10 26 IR 2013
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326 IAC 2-9-8 26 IR 2010
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326 IAC 2-9-13 26 IR 2014
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326 IAC 2-9-9 26 IR 2011
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326 IAC 2-9-7 26 IR 2009

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326 IAC 16-3-1 26 IR 2084

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326 IAC 22-1-1 26 IR 2098

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326 IAC 7-2-1 26 IR 2028
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326 IAC 7-4-10 26 IR 2029

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326 IAC 8-10-7 26 IR 2044
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326 IAC 8-1-2 25 IR 2754
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326 IAC 8-1-4 26 IR 2030
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326 IAC 8-4-6 26 IR 2032
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326 IAC 8-4-9 26 IR 2035
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326 IAC 8-12-5 26 IR 2052
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326 IAC 8-12-3 26 IR 2050
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326 IAC 8-12-7 26 IR 2054
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326 IAC 8-12-6 26 IR 2053
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326 IAC 8-13-5 26 IR 2054
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326 IAC 8-7-2 24 IR 2755
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326 IAC 8-7-6 24 IR 2758
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326 IAC 8-7-4 24 IR 2756
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326 IAC 8-7-5 24 IR 2758
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326 IAC 8-7-10 24 IR 2759
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326 IAC 8-7-9 24 IR 2758
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326 IAC 8-7-1 24 IR 2754
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326 IAC 8-7-3 24 IR 2755
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326 IAC 8-7-8 24 IR 2758
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326 IAC 8-7-7 24 IR 2758
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326 IAC 8-2-9 25 IR 3241
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326 IAC 8-9-1 24 IR 2760
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326 IAC 8-9-3 24 IR 2760
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905 IAC 1-15.2-3 26 IR 3745
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905 IAC 1-36-2 26 IR 3747
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905 IAC 1-46 27 IR 1291
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905 IAC 1-5.2-9.2 26 IR 2687
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905 IAC 1-5.2-9.1 26 IR 2687
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345 IAC 2-7-4 25 IR 2000
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26 IR 348
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345 IAC 2-7-5 25 IR 2001
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345 IAC 2-7-1 25 IR 1998
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345 IAC 2-7-3 25 IR 1999
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345 IAC 2-7-2.4 26 IR 3106
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345 IAC 2-7-2.5 26 IR 3107
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345 IAC 8-4-1 25 IR 2771
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345 IAC 8-2-4 25 IR 2767
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345 IAC 8-2-1.1 25 IR 2758
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345 IAC 8-2-1.9 25 IR 2761
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345 IAC 8-2-2 25 IR 2762
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345 IAC 8-2-1.5 25 IR 2760
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345 IAC 8-2-3.5 25 IR 2766
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345 IAC 8-2-1.7 25 IR 2760
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345 IAC 8-3-9 25 IR 2770
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345 IAC 8-3-1 25 IR 2769
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345 IAC 8-3-10 25 IR 2771
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345 IAC 1-3-32 26 IR 3104
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345 IAC 1-3-13 25 IR 4172
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345 IAC 1-3-4 25 IR 4171
26 IR 1524
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345 IAC 1-3-30 25 IR 1997
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345 IAC 1-3-31 26 IR 3104
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345 IAC 1-3-1.5 25 IR 1996
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345 IAC 1-3-14 25 IR 4173
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345 IAC 1-3-3 25 IR 4170
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345 IAC 1-3-16.5 25 IR 4174
26 IR 1527
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345 IAC 1-3-22 26 IR 3108
27 IR 490
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345 IAC 1-3-15 25 IR 4173
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345 IAC 1-3-11 25 IR 4171 **26 IR 1524**
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345 IAC 1-3-12 25 IR 4172 **26 IR 1525**
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345 IAC 1-5-1 26 IR 3108 **27 IR 491**
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345 IAC 1-6-2 26 IR 3105 **27 IR 90**
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345 IAC 1-6-3 26 IR 3105 **27 IR 90**

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345 IAC 7-7-3.5 25 IR 1993 25 IR 4168 **26 IR 695**
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345 IAC 7-7-1.5 25 IR 1991 25 IR 4166 **26 IR 693**
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345 IAC 7-7-3 25 IR 1992 25 IR 4167 **26 IR 694**
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345 IAC 7-7-2 25 IR 1991 25 IR 4166 **26 IR 693**
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345 IAC 7-7-9 25 IR 1994
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345 IAC 7-7-10 25 IR 1994 25 IR 4169 **26 IR 696**
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345 IAC 7-7-5 25 IR 1993 25 IR 4168 **26 IR 696**
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345 IAC 7-7-4 25 IR 1993 25 IR 4168 **26 IR 695**
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345 IAC 7-7-7 25 IR 1994 25 IR 4169 **26 IR 696**
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345 IAC 7-5-28 25 IR 4186 **26 IR 1540**
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345 IAC 7-5-7 25 IR 4184 **26 IR 1537**
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345 IAC 7-5-2.1 25 IR 4183 **26 IR 1536**
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345 IAC 7-5-2.5 25 IR 4183 **26 IR 1536**
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345 IAC 7-5-9 25 IR 4184 **26 IR 1538**
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345 IAC 7-5-11 25 IR 4185 **26 IR 1538**
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345 IAC 7-5-24 25 IR 4186 **26 IR 1539**
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345 IAC 7-5-15.1 25 IR 4185 **26 IR 1538**
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345 IAC 7-5-6 25 IR 4184 **26 IR 1537**
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345 IAC 7-5-22 25 IR 4186 **26 IR 1539**

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345 IAC 9-2.1-1 25 IR 4187 **26 IR 1540**

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345 IAC 10-2.1-1 25 IR 4188 **26 IR 1541**

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345 IAC 3-5.1-4 25 IR 4177 **26 IR 1530**
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345 IAC 3-5.1-1.2 25 IR 4175 **26 IR 1528**
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345 IAC 3-5.1-6 25 IR 4177 **26 IR 1531**
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345 IAC 3-5.1-1.5 25 IR 4176 **26 IR 1529**
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345 IAC 3-5.1-10 25 IR 4181 **26 IR 1534**
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345 IAC 3-5.1-8.7 25 IR 4180 **26 IR 1533**
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345 IAC 3-5.1-7 25 IR 4178 **26 IR 1531**
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345 IAC 3-5.1-2 25 IR 4176 **26 IR 1529**
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10 IAC 1.5-6 26 IR 3374 **27 IR 450**

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11 IAC 2-6-5 25 IR 3213
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11 IAC 2-6-6 25 IR 3213
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828 IAC 1-2-6 26 IR 3410
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828 IAC 1-6-1 25 IR 3449
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828 IAC 1-3-2 25 IR 3452
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828 IAC 1-3-1.1 25 IR 3450
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(See **FIRE PREVENTION AND BUILDING SAFETY COMMISSION)**

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