
Final Rules

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

NOTE: Under IC 6-1.1-31-1, the name of the State Board of Tax Commissioners is changed to Department of Local Government Finance, effective January 1, 2002.

LSA Document #00-283(F)

DIGEST

Adds 50 IAC 14 to establish equalization standards. Effective 30 days after filing with the secretary of state.

50 IAC 14

SECTION 1. 50 IAC 14 IS ADDED TO READ AS FOLLOWS:

ARTICLE 14. EQUALIZATION STANDARDS

Rule 1. Purpose and Applicability

50 IAC 14-1-1 Purpose

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-13; IC 6-1.1-14

Sec. 1. The purpose of this rule is to establish procedures and standards to be used by county assessors and the department of local government finance in the adjustment of assessed valuations under IC 6-1.1-13 to attain a just, equal, and uniform basis and level of assessment among taxpayers in a county and from county to county. (*Department of Local Government Finance; 50 IAC 14-1-1; filed Jul 26, 2002, 10:07 a.m.: 25 IR 4048*)

50 IAC 14-1-2 Applicability

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-13-6; IC 6-1.1-14-5

Sec. 2. This rule applies to a county assessor and the department of local government finance exercising authority under IC 6-1.1-13-6 or IC 6-1.1-14-5 to equalize assessed values in and between the various townships of a county. (*Department of Local Government Finance; 50 IAC 14-1-2; filed Jul 26, 2002, 10:07 a.m.: 25 IR 4048*)

Rule 2. Method

50 IAC 14-2-1 Method

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-13; IC 6-1.1-14

Sec. 1. County assessors and the department of local government finance may use any method or combination of methods acceptable under the Standard on Ratio Studies published by the International Association of Assessing Officials, July 1999 (IAAO standard), which is hereby incorporated by reference and does not include any later

amendments or editions, to perform the tasks mandated by this article. Copies of the 1999 IAAO Standard on Ratio Studies are available for purchase from the International Association of Assessing Officers, 130 East Randolph, Suite 850, Chicago, Illinois 60601-6217. Unless otherwise indicated, the definitions in the glossary section of the IAAO standard apply to all terms defined in the IAAO standard that are used in this article. (*Department of Local Government Finance; 50 IAC 14-2-1; filed Jul 26, 2002, 10:07 a.m.: 25 IR 4048*)

Rule 3. Data

50 IAC 14-3-1 Data

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-13; IC 6-1.1-14

Sec. 1. (a) County assessors shall use sales of properties occurring between January 1, 1998, and December 31, 1999, in performing sales ratio studies under this article.

(b) If insufficient sales data satisfying the IAAO standard is available, county assessors may use data from earlier or more recent time periods, or both, adjusting the data as described in the IAAO standard. If a county assessor wishes to use a method for adjusting sales data that is not permitting by the IAAO standard, the county assessor shall obtain prior written approval from the director of the division of data analysis of the department of local government finance for that alternative method for adjusting more recent sales data.

(c) If data other than described in subsection (a) or (b) are used, the county assessor shall explain in writing to the director of the division of data analysis of the department of local government finance the reasons for using other data.

(d) If adequate sales data satisfying the IAAO standard is not available, other methods for testing the validity of the assessment prescribed by the IAAO standard may be used. (*Department of Local Government Finance; 50 IAC 14-3-1; filed Jul 26, 2002, 10:07 a.m.: 25 IR 4048*)

Rule 4. Time

50 IAC 14-4-1 Time

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-13-7; IC 6-1.1-14

Sec. 1. (a) County assessors shall perform equalization compliant with this article and provide the results specified in 50 IAC 14-6 and the data specified in 50 IAC 14-9 to the department of local government finance before tax bills are sent based on values generated by a general reassessment.

(b) If any equalization factor required by Rule 14-6 [50

IAC 14-6] is not reflected in the notice of valuation sent to the taxpayer (Form 11), the equalization factor must be advertised by the county assessor in the manner required by IC 6-1.1-13-7. (*Department of Local Government Finance; 50 IAC 14-4-1; filed Jul 26, 2002, 10:07 a.m.: 25 IR 4048*)

Rule 5. Mandatory Analysis

50 IAC 14-5-1 Classes of land

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
 Affected: IC 6-1.1-13

Sec. 1. (a) For each township in a county assessor's county, the county assessor shall calculate an assessment ratio for each of the following classes of property:

- (1) Improved residential.
- (2) Unimproved residential.
- (3) Improved commercial.
- (4) Unimproved commercial.
- (5) Improved industrial.
- (6) Unimproved industrial.
- (7) Agricultural land.

The definitions for the terms used in the classifications listed in this subsection shall be as stated in Real Property Assessment Guidelines for 2002—Version A (Glossary), as incorporated by reference in 50 IAC 2.3-1-2(c).

(b) Before performing any equalization study under this rule, the county assessor shall add back the value of the shelter allowance computed under the 2002 Real Property Assessment Manual to any parcel to which the shelter allowance has been applied.

(c) A county assessor may separately calculate an assessment ratio for agricultural homesites separate from agricultural land. A county assessor may also include agricultural homesites in an appropriate residential assessment ratio at the county assessor's option.

(d) If any of the classes of property listed in subsection (a) consists of fewer than twenty-five (25) parcels in a township, no assessment ratio is required to be calculated for that class in that township.

(e) In calculating assessment ratios, each county assessor shall disregard distributable utility property. The county assessor shall classify locally assessed utility real property according to its use, for example, commercial or industrial, for purposes of calculating assessment ratios. (*Department of Local Government Finance; 50 IAC 14-5-1; filed Jul 26, 2002, 10:07 a.m.: 25 IR 4049*)

50 IAC 14-5-2 Assessment ratio; requirements

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
 Affected: IC 6-1.1-13

Sec. 2. (a) Except for agricultural land, each assessment

ratio shall be calculated based on an appropriate number of verified sales as determined by the International Association of Assessing Officials (IAAO standard). If an insufficient number of verified sales is available to calculate a ratio, another method acceptable under the IAAO standard shall be used to calculate the ratio.

(b) For agricultural land, the county assessor shall perform an assessment-assessment ratio study in accordance with the IAAO standard.

(c) Ratios shall be calculated to the .95 confidence level whenever possible. If results are calculated to a lower confidence level, that level shall be reported to the department of local government finance. (*Department of Local Government Finance; 50 IAC 14-5-2; filed Jul 26, 2002, 10:07 a.m.: 25 IR 4049*)

50 IAC 14-5-3 Provision of information to department of local government finance; verification

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
 Affected: IC 6-1.1-13; IC 6-1.1-14

Sec. 3. (a) After the required data computations are compiled for every township in a county, the county assessor shall forward the results of those computations, the computations themselves, and all information used to make the computations (including all sales and assessment information) to the division of data analysis of the department of local government finance (division) in the format described in 50 IAC 14-9.

(b) The division will review and verify the accuracy of the computations. If errors are found in the computations, the division will notify the county assessor, who shall correct all errors. Once all errors are corrected, the county assessor shall forward the corrected computations to the division of data analysis for verification. When this verification is complete, the division will notify the county assessor. (*Department of Local Government Finance; 50 IAC 14-5-3; filed Jul 26, 2002, 10:07 a.m.: 25 IR 4049*)

Rule 6. Mandatory Application of Factor

50 IAC 14-6-1 Provision of information to department of local government finance

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
 Affected: IC 6-1.1-13; IC 6-1.1-14

Sec. 1. (a) If the median ratio calculated for any class in a township, as verified by the division of data analysis of the department of local government finance, falls outside the range specified in the International Association of Assessing Officials standard, the county assessor shall apply the factor required to bring the median ratio to one (1.0).

(b) If the county assessor believes that reasons exist why

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no factor, or a factor other than that required to bring the median ratio to one (1.0), should be applied in a particular township, the county assessor shall immediately notify the commissioner of the department of local government finance in writing of those reasons and request permission to take action other than that mandated in the preceding subsection [subsection (a)] or to take no action.

(c) The commissioner shall act on the request within thirty (30) days of receiving the request. In response to a county assessor's request for permission to take action other than that mandated in subsection (a), the commissioner may:

- (1) require the county assessor to take the action mandated in subsection (a);
- (2) permit the action requested by the county assessor; or
- (3) require the county assessor to take other action short of that required in subsection (a).

(Department of Local Government Finance; 50 IAC 14-6-1; filed Jul 26, 2002, 10:07 a.m.: 25 IR 4049)

Rule 7. Reassessment

50 IAC 14-7-1 Reassessment

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-13; IC 6-1.1-14

Sec. 1. (a) If the coefficient of dispersion for any class in a township, as verified by the division of data analysis of the department of local government finance, falls outside the range specified in the International Association of Assessing Officials standard (fifteen (15.0) for residential improved property; twenty (20.0) for all other classes), the county assessor shall direct the township assessor to reassess the class in that township.

(b) If the county assessor believes that reasons exist not to reassess a class in a particular township under subsection (a), the county assessor shall immediately notify the commissioner of the department of local government finance in writing of those reasons and request permission to take action other than that mandated in the preceding subsection [subsection (a)] or to take no action.

(c) The commissioner shall act on the request within thirty (30) days of receiving the request. In response to a county assessor's request for permission to take action other than mandated in subsection (a), the commissioner may require the county assessor to take the action mandated in subsection (a), may permit the action requested by the county assessor, or may require the county assessor to take other action short of that required in subsection (a).
(Department of Local Government Finance; 50 IAC 14-7-1; filed Jul 26, 2002, 10:07 a.m.: 25 IR 4050)

Rule 8. Transfer of Data to Department of Local Government Finance

50 IAC 14-8-1 Transfer of data

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-13; IC 6-1.1-14

Sec. 1. County assessors shall forward to the department of local government finance electronic spreadsheets that contain all data used to calculate a coefficient of dispersion and median ratio for each township. The data the county assessor provides must, at a minimum, include the following information for each property used to calculate the coefficient of dispersion and median ratio:

- (1) Parcel number.
- (2) Assessed value of land.
- (3) Assessed value of improvement before applying shelter allowance.
- (4) Date of sale.
- (5) Sale price.
- (6) Township.
- (7) School corporation.
- (8) County taxing district number.
- (9) Department of local government finance taxing district number.
- (10) Condition rating.
- (11) Grade.
- (12) Neighborhood-code.
- (13) Property class code.

(Department of Local Government Finance; 50 IAC 14-8-1; filed Jul 26, 2002, 10:07 a.m.: 25 IR 4050)

Rule 9. Action by Department of Local Government Finance

50 IAC 14-9-1 Action

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-13; IC 6-1.1-14

Sec. 1. In the event that a county fails to perform the actions required by 50 IAC 14-6 through 50 IAC 14-8 and this rule by the deadlines set in this article, the department of local government finance may perform those actions. In doing so, the department of local government finance shall use data in its possession or data provided by the county assessor, whether or not that data conforms to 50 IAC 14-3.
(Department of Local Government Finance; 50 IAC 14-9-1; filed Jul 26, 2002, 10:07 a.m.: 25 IR 4050)

Rule 10. County and State Equalization by Department of Local Government Finance

50 IAC 14-10-1 County and state equalization

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-13; IC 6-1.1-14-4; IC 6-1.1-14-9

Sec. 1. Using the data described in 50 IAC 14-8 and 50

IAC 14-9, the department of local government finance may propose to equalize valuations in any county, between counties, or in the state as a whole, in any one (1) or more of the classes of property listed in 50 IAC 14-5. The department of local government finance shall issue notice and provide opportunity for hearing in accordance with IC 6-1.1-14-4 and IC 6-1.1-14-9, as applicable, before issuing a final equalization order. (*Department of Local Government Finance; 50 IAC 14-10-1; filed Jul 26, 2002, 10:07 a.m.: 25 IR 4050*)

LSA Document #00-283(F)
Notice of Intent Published: 24 IR 1045
Proposed Rule Published: March 1, 2002; 25 IR 1930
Hearing Held: March 25, 2002
Approved by Attorney General: July 18, 2002
Approved by Governor: July 23, 2002
Filed with Secretary of State: July 26, 2002, 10:07 a.m.
Incorporated Documents Filed with Secretary of State: Standard on Ratio Studies, July 1999.

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

LSA Document #01-390(F)

DIGEST

Amends 105 IAC 5-10-1 and 105 IAC 5-10-2 concerning the criteria for a petition for the opening and the abolishing of a railroad crossing. Effective 30 days after filing with the secretary of state.

105 IAC 5-10-1
105 IAC 5-10-2

SECTION 1. 105 IAC 5-10-1, AS READOPTED AT 25 IR 899, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

105 IAC 5-10-1 Criteria for opening a crossing

Authority: IC 8-6-7.7-3.1; IC 8-23-2-6
Affected: IC 8-6-1-7; IC 8-6-7.7

Sec. 1. Subject to the provisions of IC 8-6-1-7 and IC 8-6-7.7, the department may approve a petition to open a crossing after making findings and conclusions which reflect consideration of all the following factors, to the extent that same are relevant to the crossing decision under consideration:

- (1) Passenger trains do not operate in excess of sixty (60) m.p.h. at the location of the proposed crossing (Class 3 FRA track classification or higher). In cases where passenger service does not operate, this criteria is not applicable.
- (2) An alternate public crossing is not located within one (1) mile of the proposed crossing.

- (3) No crossings within two (2) miles of the proposed crossing have had at least three (3) accidents in the preceding five (5) years, with the expected characteristics of the proposed crossing being similar to the nearby crossings. Characteristics for all crossings within two (2) miles of the proposed crossing must be submitted with the petition.
- (4) The proposed crossing will have expected average annual daily traffic (AADT) of five hundred (500) or greater in rural areas or one thousand (1,000) or greater in urbanized areas, where the traffic collection procedure is completed in accordance with the Federal Highway Administration's (FHWA) Traffic Monitoring Guide, Third Edition, February 1995. This requirement shall not be applicable where a nonmotorized public grade crossing has been petitioned to the department for opening.
- (5) Consideration shall be given to the overall design speed of the roadway approaches involving the proposed grade crossing. This requirement shall not be applicable where a nonmotorized public grade crossing has been petitioned to the department for opening.
- (6) There are not more than ten (10) train movements per day at the proposed crossing.
- (7) Freight trains do not operate in excess of twenty-five (25) m.p.h. at the location of the proposed crossing (Class 2 FRA track classification or higher).
- (8) The proposed crossing has, at a minimum, standard crossbucks, pavement markings, and flashing lights. Any proposed crossing must also meet all standards for a rail-highway ~~intersections~~ **intersection** as provided in the Indiana Manual on Uniform Traffic Control Devices, which is incorporated by reference at ~~105 IC 9-2-1~~ **105 IAC 9-2-1**. The requirement for flashing lights may be waived if the petitioner can demonstrate that such devices are not essential for safety at the proposed crossing. ~~If the petitioner can demonstrate that flashing lights are not essential for safety at the proposed crossing, the petitioner must bear the cost of installing flashing lights at the passive crossing having the highest accident prediction rate, as determined by the Federal Railroad Administration's (FRA) accident prediction formula (as set forth in the Rail-Highway Crossing Resource Allocation Procedure, Third Edition, August 1987); located within the county of the proposed crossing.~~
- (9) The proposed crossing is not within two hundred (200) feet of a roadway intersection. Adjustment of this criteria will consider the maximum queue expected for the design hour.
- (10) The proposed crossing does not have, at a minimum, an eighty (80) degree intersection alignment.
- (11) The proposed crossing will not provide access for trucks carrying hazardous materials unless the utilization of the crossing by such traffic is incidental.
- (12) The proposed crossing will not provide access for vehicles carrying passenger for hire unless the utilization of the crossing by such traffic is incidental.
- (13) The proposed crossing will not provide access for school buses unless the use of the crossing by the school bus traffic

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provides enhanced safety over other transportation routes, as documented by the highest school transportation official.

(14) The proposed crossing will provide improved safety access for emergency vehicles. The department requires documentation from the highest emergency response official whose jurisdiction is located where the crossing is proposed for opening.

(15) While a new crossing may satisfy the ~~above~~ conditions **listed in this section**, if it can be shown by evidence that there are extenuating circumstances which, in the opinion of **the** department, a new crossing would still constitute a hazard, it would be denied.

(16) While a new crossing may not satisfy the ~~above~~ conditions **listed in this section**, if it can be shown by evidence that there are extenuating circumstances which, in the opinion of **the** department, a new crossing would still be justified, it would be approved.

(Indiana Department of Transportation; 105 IAC 5-10-1; filed Jun 17, 1998, 9:00 a.m.: 21 IR 4190; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed Aug 5, 2002, 1:05 p.m.: 25 IR 4051)

SECTION 2. 105 IAC 5-10-2, AS READOPTED AT 25 IR 899, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

105 IAC 5-10-2 Criteria for abolishing a crossing

Authority: IC 8-6-7.7-3.1; IC 8-23-2-6

Affected: IC 8-6-7.7

Sec. 2. Subject to the provisions of IC 8-6-7.7, a crossing may be closed after making findings and conclusions which reflect consideration of all the following factors, to the extent that same are relevant to the crossing decision under consideration:

(1) The crossing is located where passenger train service operates at greater than ten (10) m.p.h. (FRA Accepted Track Classification). In cases where passenger service does not operate, this criteria is not applicable.

(2) The crossing is located in a rail line section with at least four (4) crossings within an urban area and three (3) at grade crossing within a rural area within a one (1) mile segment along the railroad corridor.

(3) The crossing has an accident prediction rate of two-hundredths (.02) or higher, as determined by the Federal Railroad Administration's (FRA) Accident Prediction methodology, as set forth in the Rail-Highway Crossing Resource Allocation Procedure, Third Edition, August 1987.

(4) The crossing has an average annual daily traffic (AADT) of five hundred (500) or less within rural areas or one thousand (1,000) or less within urbanized areas, where the traffic collection procedure is completed by guidance provided in the Federal Highway Administration's (FHWA) Traffic Monitoring Guide, Third Edition, February 1995. This requirement shall not be applicable when it refers to a nonmotorized public grade crossing.

(5) The posted or established speed limit on the road through

the crossing exceeds ten (10) m.p.h. within one thousand (1,000) feet of the crossing. This requirement shall not be applicable when it refers to a nonmotorized public grade crossing.

(6) The crossing has more than ten (10) ~~trains~~ **train** movements per day which utilize the crossing.

(7) The crossing is located where freight train service operates at greater than twenty-five (25) m.p.h. (Class 2 FRA track classification or higher).

(8) The crossing has, at a minimum, a standard crossbuck or a standard crossbuck with flasher or other activated warning device.

(9) The roadway approach to the crossing is skewed or the physical characteristics of the crossing otherwise limit the ability to traverse the crossing in a safe manner.

(10) If the crossing is utilized by the following types of vehicles, then the use by such vehicles should be considered in determining whether a crossing stays open or is closed. The presence or lack of presence of any of the following types of vehicles may not solely be responsible for closure or nonclosure of a crossing:

(A) Trucks carrying hazardous materials.

(B) Vehicles carrying passengers for hire.

(C) School buses.

(D) Emergency vehicles.

(Indiana Department of Transportation; 105 IAC 5-10-2; filed Jun 17, 1998, 9:00 a.m.: 21 IR 4191; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed Aug 5, 2002, 1:05 p.m.: 25 IR 4052)

LSA Document #01-390(F)

Notice of Intent Published: 25 IR 832

Proposed Rule Published: February 1, 2002; 25 IR 1673

Hearing Held: March 4, 2002

Approved by Attorney General: July 16, 2002

Approved by Governor: July 31, 2002

Filed with Secretary of State: August 5, 2002, 1:05 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

LSA Document #01-341(F)

DIGEST

Adds 170 IAC 7-1.2 concerning telecommunications service quality standards. Repeals 170 IAC 7-1.1-1, 170 IAC 7-1.1-2, 170 IAC 7-1.1-3, 170 IAC 7-1.1-4, 170 IAC 7-1.1-5, 170 IAC 7-1.1-6, 170 IAC 7-1.1-7, 170 IAC 7-1.1-8, 170 IAC 7-1.1-9, 170 IAC 7-1.1-10, and 170 IAC 7-1.1-11. Effective 180 days after filing with the secretary of state pursuant to IC 4-22-2-35 or January 1, 2003, whichever is later.

170 IAC 7-1.1-1	170 IAC 7-1.1-7
170 IAC 7-1.1-2	170 IAC 7-1.1-8
170 IAC 7-1.1-3	170 IAC 7-1.1-9
170 IAC 7-1.1-4	170 IAC 7-1.1-10
170 IAC 7-1.1-5	170 IAC 7-1.1-11
170 IAC 7-1.1-6	170 IAC 7-1.2

SECTION 1. 170 IAC 7-1.2 IS ADDED TO READ AS FOLLOWS:

Rule 1.2. Telecommunications Service Quality Standards; Standards of Service

170 IAC 7-1.2-1 Applicability of standards; variances; scope; severability

Authority: IC 8-1-1-3
 Affected: IC 8-1-2; IC 8-1-2.6

Sec. 1. (a) This rule applies to any local exchange carrier (LEC) that is now, or may hereafter be, engaged in the business of rendering telecommunications services to the public under the jurisdiction of the commission. This rule is intended to result in the provision of reasonable quality telecommunications services to the public and to establish the obligations of both the LEC and the customer. The standards of service provided in this rule create a minimum level of service that an LEC must meet when providing reasonable quality telecommunications services within Indiana.

(b) Any LEC subject to the service quality standards set forth in this rule that fails to meet such standards shall be subject to all legal remedies provided by law. Upon complaint or its own motion and after notice and a hearing, the commission may order lawful enforcement mechanisms against a carrier that fails to meet the requirements or standards established in this rule. Nothing in this rule shall prevent the commission from exercising any authority it may have under applicable law to enforce this rule in the event any LEC fails to comply.

(c) An LEC may be excused from the service quality measures of this rule when such failure is the direct result of customer-owned equipment, negligent acts of a customer, or acts of God as determined by the commission. A CLEC shall not be held responsible for failure to meet any provision of this rule, including the credit provisions, when such failure is directly related to ILEC-provided services, systems, or facilities. Sections 3(g), 5, 10, 12, 14, 15, and 18 of this rule do not apply to bundled local resellers of local exchange service or LECs that provide local service via the unbundled network element platform (UNE-Platform).

(d) Credits required by this rule do not apply if the violation of a service quality standard:

- (1) occurs as a result of a negligent or willful act on the part of the customer;

- (2) occurs as a result of a malfunction of customer-owned telephone equipment or inside wiring;
- (3) occurs as a result of, or is extended by, an emergency situation;
- (4) is extended by the carrier's inability to gain access to the customer's premises due to the customer missing an appointment, provided that the violation is not further extended by the carrier;
- (5) occurs as a result of a customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier; or
- (6) occurs as a result of a carrier's right to refuse service to a customer as provided by law.

(e) The commission may, upon petition of an LEC or the utility consumer counselor, upon its own motion, or in response to customer complaints, take any of the following actions in accordance with applicable legal and procedural requirements:

- (1) Alter or amend this rule, in whole or in part.
- (2) Require an LEC to offer any other services.
- (3) Require an LEC to utilize or provide any other equipment or facilities.
- (4) Require an LEC to comply with any other service standards.
- (5) At its sole discretion, grant, in whole or in part, permanent or temporary waivers from this rule on an expedited basis.

(f) When the commission initiates an administrative adjudication under subsection (e), either in response to customer complaints, upon petition of an LEC, the utility consumer counselor, or upon the commission's own motion, it shall consider whether public convenience and necessity will be served by granting the requested relief and whether the requested relief is:

- (1) justified under IC 8-1-2.6;
- (2) necessary to avoid unreasonable hardship to an LEC or its customers; or
- (3) necessary to meet other exceptional conditions.

(g) The adoption of this rule shall not relieve any LEC from any of its duties under the laws of Indiana, applicable federal laws, and applicable commission orders.

(h) If any provision of this rule is determined by a court of competent jurisdiction to be prohibited or otherwise unenforceable under controlling state or federal law, such provision shall be ineffective to the extent of such prohibition or unenforceability, without invalidating the remaining provisions hereof.

(i) If an LEC's tariff on file with the commission contains provisions that conflict with this rule, this rule supersedes any conflicting tariff provisions. *(Indiana Utility Regulatory*

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Commission; 170 IAC 7-1.2-1; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4053, eff one hundred eighty (180) days after filing with the secretary of state)

170 IAC 7-1.2-2 Definitions

Authority: IC 8-1-1-3

Affected: IC 8-1-1.1-2; IC 8-1-2

Sec. 2. The following definitions apply throughout this rule:

(1) "Access line" means the facilities and transmission path used to create a telecommunications connection from a network interface device to the serving switch center and composing the local loop.

(2) "All trunks busy" means any equipment condition in which all trunks (paths) in a given trunk group are busy, causing callers to receive a fast busy signal.

(3) "Bundled local reseller" means a public utility providing telecommunications services that purchases packages (bundles) of retail local services at wholesale rates from an underlying ILEC for resale to customers. The term does not include carriers that purchase disaggregate local service of an underlying ILEC, such as unbundled network elements, components, functionalities, or facilities to use in its provision of local exchange services.

(4) "Business days" means all days other than:

(A) a Saturday;

(B) a Sunday;

(C) a legal holiday; or

(D) a day that the office in which the act is to be done is closed during regular business hours.

(5) "Busy hour" means the hour of the day during which a telephone system carries the most traffic.

(6) "Call" means an attempted or completed telephone message.

(7) "Central office" means a switching unit in a system that provides central office telecommunications services to the general public having the necessary equipment and operating arrangements for terminating and interconnecting access lines and trunks or trunks only. There may be more than one (1) central office in a building.

(8) "Certificate of territorial authority" or "CTA" means a telecommunications service provider's authorization, as granted by the commission in compliance with IC 8-1-2-88, to provide service within a designated area.

(9) "Class of service" means a designation given to an exchange service dependent upon the nature of its use, such as business or residence service.

(10) "Commission" means the Indiana utility regulatory commission.

(11) "Competitive local exchange carrier" or "CLEC" means a local service telephone utility that provides telephone service to customers in the geographic territory served by the local exchange and does not qualify as an incumbent local exchange carrier under subdivision (18).

(12) "Consumer affairs division" means the commission's

division that reviews and issues dispositions on informal complaints submitted to the commission by LEC customers under IC 8-1-2-34.5.

(13) "Customer" means any person, firm, partnership, corporation, municipality, governmental agency, limited liability company, or other entity provided with local exchange carrier telecommunications service and may also be referred to as "end user".

(14) "Exchange" means a geographic service area established by an incumbent local exchange carrier and approved by the commission, usually embracing a city, town, or village and designated surrounding or adjacent area, that typically encompasses one (1) or more central offices, together with the associated plant used in furnishing telecommunications service to the general public.

(15) "Extended area service" or "EAS" means telephone service permitting persons in a given exchange to place and receive calls from one (1) or more other exchanges at monthly flat or measured rates without being assessed toll message charges for each message.

(16) "Facility" means any one (1) or all of the elements of physical plant used to provide telecommunications services, sometimes used synonymously with "transmission path", including all of the physical cables and equipment associated with that path.

(17) "Grade of service" means the type of service furnished a customer with respect to the functionality and capabilities of the service offering.

(18) "Incumbent local exchange carrier" or "ILEC" means a local service LEC that provides telephone service to customers in the geographic territory served by the local exchange and that:

(A) on February 8, 1996, provided telephone exchange service in such area and was deemed to be a member of the exchange carrier association under 47 CFR 69.601(b), 60 FR 19530 (April 19, 1995)*; or

(B) is a person or entity that on or after February 8, 1996, became a successor or assign of a member described in clause (A).

(19) "Intercept service" means a service arrangement provided by the LEC whereby calls placed to a nonworking, disconnected, or discontinued telephone number are intercepted and the calling party is informed that:

(A) the called telephone number is not in service or has been changed to another number; or

(B) the calls are received by another telephone number.

(20) "Interoffice call" means a telephone call originating in one (1) central office unit or entity but terminating in another central office unit or entity, both of which are in the same designated exchange area.

(21) "Intraoffice call" means a telephone call originating and terminating within the same central office unit or entity.

(22) "Legal holiday" means the following:

(A) New Year's day.

(B) Dr. Martin Luther King, Jr. day.

- (C) Washington's birthday.
- (D) Memorial day.
- (E) Independence day.
- (F) Labor day.
- (G) Veteran's day.
- (H) Thanksgiving day.
- (I) Christmas day.
- (J) Any other day appointed as a holiday by the President or the Congress of the United States or by the governor of the state of Indiana.
- (23) "Local exchange carrier" or "LEC" means a local service telephone utility that provides telephone service to customers in the geographic territory served by the local exchange under IC 8-1-2-88 and excluding those services provided pursuant to a CTA issued for a radio common carrier or commercial mobile radio service. The agents of an LEC are deemed to be the LEC for purposes of this rule.
- (24) "Local service" means telephone service furnished to customers under a specific schedule of exchange rates not including toll charges.
- (25) "Local service area" means the area within which telephone service is furnished to customers under a specific schedule of exchange rates and without toll charges, which may include one (1) or more exchange areas or portions of exchange areas.
- (26) "Loop" means the facilities used to connect the customer premises with the central office.
- (27) "Out-of-service trouble report" means the loss of dial tone or the inability to complete either or both incoming and outgoing calls over the customer's access line. As used in this rule, the term shall not include service difficulties such as slow dial tone, circuits busy, or other network or switching capacity shortages.
- (28) "Primary service" means the initial access line providing local service to a customer.
- (29) "Public safety answering position" or "PSAP" means a person or group of people who answer 9-1-1 emergency calls.
- (30) "Service-affecting trouble report" means any regulated service-related trouble report that does not constitute an out-of-service condition.
- (31) "Service interruption" means the loss of dial tone or the inability to complete either or both incoming and outgoing calls over the customer's access line. As used in this rule, the term shall not include service difficulties, such as:
 - (A) slow dial tone;
 - (B) circuits busy; or
 - (C) other network or switching capacity shortages.
- (32) "Speed of answer" means the following:
 - (A) For live operator systems, it is the number of seconds required to reach an operator or service representative who is ready to render assistance and accept the information necessary to process the call.
 - (B) For automated, interactive answering systems, it is the number of seconds from the time a customer's call

exits the automated system until the call is answered by a live operator, service representative, or automated system ready to render assistance and accept the information necessary to process the call.

- (33) "Tariff" means a schedule of regulated recurring and nonrecurring charges together with the appropriate general rules and regulations applicable to customers of the LEC for services furnished properly filed with and approved by the commission.
- (34) "Toll blocking" means a service that customers may use to block outgoing toll calls from their access lines.
- (35) "Toll message" means a completed telephone call between stations in different exchanges for which toll charges are applicable.
- (36) "Tracking number" means a number that allows the customer to verify that a requested repair or installation order has been received by the LEC.
- (37) "Traffic" means the amount of activity during a given period of time over a circuit, access line, or group of access lines, or the number of messages handled by a data communications switch.
- (38) "Trouble report" means any oral or written report to an appropriate LEC representative from the LEC's customer relating to a physical defect in or difficulty with subscribed network facilities providing regulated telecommunications services. For purposes of this rule, trouble reports are classified as either an out-of-service trouble report or a service-affecting trouble report.
- (39) "Trunk" means a common communications line between two (2) switching systems. Information from a variety of users goes through the same trunking facilities.
- (40) "Utility" means any public utility as defined in IC 8-1-2-1.
- (41) "Utility consumer counselor" means the office established pursuant to IC 8-1-1.1-2.
- (42) "Valid number" means a number for a specific telephone terminal in an assigned area code and working central office that is equipped to ring and connect a calling party to such terminal number.
- (43) "Wire center" means the location where the LEC terminates customer access lines with the necessary testing facilities to maintain the access lines.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Utility Regulatory Commission, 302 West Washington Street, Room E306, Indianapolis, Indiana 46204. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-2; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4054, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-3 Records and reports

Authority: IC 8-1-1-3
 Affected: IC 8-1-2-52; IC 8-1-2-88

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Sec. 3. (a) The LEC shall furnish the commission with any information concerning the LEC's facilities or operations that the commission may request and require. Each LEC shall also furnish to the commission, at such time and in such form as the commission may require, the results of any required tests and summaries of any required records. All such data, unless otherwise specified, shall be consistent and reconcilable with the LEC's annual report to the commission.

(b) Where an LEC is operated with another business that is not regulated by the commission, data and records of the LEC shall be separate such that the results of the LEC's intrastate telephone operations may be determined at any time at the level of detail prescribed under applicable state and federal law.

(c) Upon the direction of the commission and notification to the LEC, any member of the commission staff may, at any reasonable time during normal business hours, visit the LEC's offices or other places of business within or outside Indiana and inspect any accounts, books, records, and papers of the LEC that may be necessary in the discharge of commission duties.

(d) During such visits by the commission staff, and during comparable visits by the utility consumer counselor's staff, the LEC shall provide staff members with adequate and comfortable working and filing space, consistent with the prevailing conditions and climate, and comparable to the accommodations the LEC provides for its independent auditors.

(e) Requirements for location and preservation of records are as follows:

(1) All records that an LEC is required to keep, by reason of this rule or other rules prescribed by the commission, shall be kept at the office or offices of the LEC located within Indiana unless otherwise authorized by the commission.

(2) All LECs shall maintain sufficient records necessary to verify and substantiate all requirements of these rules. The failure of an LEC to maintain sufficient records to verify and substantiate the LEC's compliance with a service quality standard shall serve as an admission that the LEC failed to meet that service quality standard.

(3) An LEC that receives commission authorization to keep its required records in another state shall reimburse the commission for all reasonable out-of-state travel expenses incurred to review records kept in another state.

(4) An LEC that receives commission authorization to keep its required records in another state shall reimburse the utility consumer counselor for all reasonable out-of-state travel expenses incurred to review records kept in another state if out-of-state inspection and review of records becomes necessary in order to satisfy a discovery

request from the utility consumer counselor in any docketed proceeding.

(5) Unless otherwise directed by the commission, an LEC shall maintain its records in accordance with 47 CFR 42 and the master index maintained pursuant to 47 CFR 42.4, 51 FR 32653 (September 15, 1986)*. Notwithstanding any other provision of this rule, all records necessary to substantiate an LEC's compliance with the requirements of this rule, including any underlying documentation, shall be maintained for at least eighteen (18) months.

(f) Each LEC shall maintain suitable maps and records to show the location and description of its toll and exchange plant facilities and the extent of area served by the LEC.

(g) Requirements for reports of interruptions are as follows:

(1) Each LEC shall inform the commission's consumer affairs division and the utility consumer counselor of any interruptions to service exceeding one (1) hour affecting an entire exchange or a substantial portion (twenty-five percent (25%) of the LEC's average number of lines per exchange or two thousand (2,000) lines, whichever is fewer) of an exchange or central office within two (2) hours during normal work hours of the business day after the LEC becomes aware of such interruption to service and shall within one (1) business day notify the consumer affairs division and the utility consumer counselor when service has been restored. If the offices of the commission and utility consumer counselor are not open for business when any interruptions to service exceeding one (1) hour and affecting an entire exchange or a substantial portion (twenty-five percent (25%) of the LEC's average number of lines per exchange or two thousand (2,000) lines, whichever is fewer) of an exchange or central office occurs, the LEC shall notify the commission's consumer affairs division and the utility consumer counselor of those events during the first two (2) hours on the next regular business day.

(2) In the event of a 9-1-1 service affecting disruption or impairment that affects all or a substantial portion of an exchange, the LEC shall notify the affected PSAP designated contact immediately upon identification and verification of the service affecting disruption or impairment. A status regarding the restoration of the service affecting disruption or impairment shall be provided by the LEC to the affected PSAP every sixty (60) minutes unless otherwise negotiated with the PSAP. The LEC shall inform the commission's consumer affairs division and the utility consumer counselor of such 9-1-1 service affecting disruption or impairment within two (2) hours during normal work hours of the business day and shall within two (2) hours during normal work hours of the business day notify the commission's consumer affairs division and the utility consumer counselor regarding the

restoration of the service. If the offices of the commission and the utility consumer counselor are not open for business when a service affecting disruption or impairment or restoration of service occurs, the LEC shall notify the commission's consumer affairs division and the utility consumer counselor of those events during the first two (2) hours on the next regular business day.

(h) The commission may require that data be reported by the utilities in order to determine whether an LEC is providing service consistent with this rule. The LEC shall respond to any quality of service survey that is issued by the commission. The commission may revise, as necessary, the quality of service survey to acknowledge technological advances, deployment of advanced services, changes to the set of universally supported services, or other telecommunications related events.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Utility Regulatory Commission, 302 West Washington Street, Suite E306, Indianapolis, Indiana 46204. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-3; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4055, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-4 Tariffs; maps of service areas

Authority: IC 8-1-1-3
 Affected: IC 8-1-2-38; IC 8-1-2-39

Sec. 4. (a) Each LEC shall maintain on file with the commission tariffs which set forth all rates and charges for customer services, applicable local service areas, any applicable classes and grades of service, the conditions and circumstances under which service will be furnished, and all general rules and regulations governing the relationship between the LEC and its customers. Such tariff filings shall comply with this rule and with other applicable law.

(b) Each ILEC shall file maps with the commission depicting the ILEC's local exchange service areas. The maps shall cover all territory included in the ILEC's CTA and shall delineate the local exchange service area boundaries in sufficient detail to permit such boundaries to be located in the field. The maps shall be maintained on a current basis, with signatures of concurrence from duly accredited representatives of each affected ILEC for abutting exchanges, where necessary.

(c) Each LEC shall make copies of the following available for public inspection during normal business hours at all of its public service center locations in Indiana:

- (1) All current local exchange tariffs.
- (2) All intrastate toll rate schedules showing any applicable tariffed rate structure distinctions.
- (3) All local exchange service area maps.

The LEC shall provide copies of the items listed in this subsection to the public within twenty-four (24) hours of receiving an oral request or a request in person. The LEC shall provide copies of the items listed in this subsection to the public within seven (7) days of receiving a request by mail or facsimile. If the LEC charges customers for copies of the items listed in this subsection, such charges shall be included in the LEC's approved local exchange service tariffs on file with the commission.

(d)(1) Any LEC having a Web site, or with a parent corporation with a Web site, shall place on that Web site the following information:

- (A) The LEC's effective Indiana jurisdictional tariff.
- (B) All pending tariff supplements and revisions.

(2) An LEC shall notify the commission of all applicable Web site addresses. If any changes occur in an LEC's Web site address, the LEC shall notify the commission in writing within seven (7) days of such change. An LEC shall direct this correspondence to the commission's consumer affairs division.

(3) An LEC shall certify to the commission that the electronic tariffs are, and will continue to be, accurate electronic representations of the officially filed tariff. However, the electronic tariffs are not the official documents of the commission, and the Web site user assumes responsibility for any reliance placed on them.

(4) Tariff files shall be in a widely used and commercially available format. Tariff files shall be in read-only format to prevent Web site users from modifying the tariff language. Tariffs shall continue to be filed in hard copy format pursuant to applicable law. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-4; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4057, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-5 Safety standards

Authority: IC 8-1-1-3
 Affected: IC 8-1-2-4

Sec. 5. (a) The LEC's plant and facilities shall be designed, constructed, installed, maintained, operated, and removed in accordance with applicable provisions of the 2002 edition of the National Electrical Safety Code (copyright 2001), as approved by the American National Standards Institute on June 14, 2001*, other state and federal workplace safety laws, and generally accepted industry practice to help ensure continuity of service and safety of persons and property.

(b) Each LEC shall use reasonable efforts to properly warn and protect the public from any known dangers caused by the LEC's facilities or operations. Each LEC

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shall exercise due care to reduce the hazards to employees, customers, or members of the general public caused by the LEC's equipment, facilities, or operations.

*This document is incorporated by reference. Copies may be obtained from the Institute of Electrical and Electronics Engineers, Inc., 445 Hoes Lane, Piscataway, New Jersey 08855-1331 or are available for copying at the Indiana Utility Regulatory Commission, Indiana Government Center-South, 302 West Washington, Room E306, Indianapolis, Indiana 46204. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-5; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4057, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-6 Operator services

Authority: IC 8-1-1-3
Affected: IC 8-1-2-4

Sec. 6. (a) Each LEC that provides operator services shall adopt suitable practices concerning the operating methods used by its telephone operators, with the objective of providing prompt, courteous, accurate, and efficient operator services to each of its customers.

(b) Each LEC that contracts with another entity for the provision of operator services for its customers shall require that the contracting operator service provider adopt suitable practices concerning the operating methods used by the contractor's telephone operators, with the objective of providing prompt, courteous, accurate, and efficient operator services to each customer of the contracting LEC.

(c) Each LEC and contracting provider of operator services shall ensure that the telephone operators and service evaluation personnel used to provide operator services to the LEC's Indiana customers are familiar with and instructed to comply with all applicable state and federal laws concerning privacy of telecommunications.

(d) Except for those customers who request nonpublished listings, each LEC shall provide access to the following information to the directory assistance and intercept operators used by the LEC:

- (1) The names of all customers.
- (2) The telephone numbers of all customers.
- (3) The service addresses of all customers.

The LEC shall also arrange for new or changed listings to be provided to the LEC's directory assistance and intercept operators within two (2) calendar days after installation of new or changed service, excluding Sundays and legal holidays. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-6; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4058, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-7 Response to commission staff inquiries

Authority: IC 8-1-1-3
Affected: IC 8-1-2-53

Sec. 7. Each LEC shall fully and promptly answer all inquiries received from the commission staff concerning service or any other matters pertaining to this rule. Each LEC shall fully and promptly answer such requests, at the earliest possible date, not to exceed fifteen (15) calendar days after the LEC receives such an inquiry from the commission, unless otherwise directed by the staff. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-7; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4058, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-8 Telephone directories; white pages

Authority: IC 8-1-1-3
Affected: IC 8-1-2-4; IC 8-1-2-88; IC 35-45-2-4

Sec. 8. (a) This section applies only to those telephone directories that an LEC publishes for its customers or contracts to provide to its customers in a given area.

(b) Telephone directories shall be revised at least once every fifteen (15) months, except when it is known that impending service changes require the rescheduling of directory revision dates. The commission, upon written application by an LEC, may allow exemptions from this section upon a showing that it is unnecessary or impractical to revise the directory within the normal time limit.

(c) Upon issuance of a directory, each customer served by such directory shall be furnished one (1) copy of that directory at no charge. The telephone directory shall list the name, address, and telephone number of all customers located in the area covered by the directory, excluding:

- (1) information on customers who request unlisted or nonpublished telephone numbers; and
 - (2) identifying information concerning public pay phones.
- Upon request, additional directories shall be furnished at no charge, not to exceed the total number of access lines, as provided under tariff, if available. Additional or foreign directories shall be provided when available by the LEC to its customers at cost.

(d) Upon customer request, each LEC shall provide, at no charge, a copy of any other telephone directory containing listings that may be dialed as either a local call or extended area service call by the requesting customer. These additional directories shall be furnished when available and shall not exceed the total number of access lines as provided under tariff.

(e) A current copy of all directories shall be furnished to the commission at no charge.

(f) Upon mutual consent of the LEC and the customer,

the LEC may provide the customer with a directory in an electronic format, in lieu of a printed directory.

(g) The name of the publisher of the local telephone directory, the general areas included in the directory, and the month and year in which the directory was issued shall appear on the front cover of the directory.

(h) On the directory cover or spine, the primary area codes being served by the directory will be identified. Listings included in the directory from other area codes shall be presented with both the area code and number being shown.

(i) All of the following information shall be listed conspicuously on the first pages of the directory:

(1) Instructions on the use of 9-1-1 emergency service numbers for all areas covered by the directory where 9-1-1 service is available. For areas covered by the directory that do not have 9-1-1 service, the directory shall list the emergency numbers for either the sheriff or local police agency and the local fire department. A statement identifying where nonemergency numbers for local police and fire agencies are located shall also be included in the directory.

(2) A statement that the customer should contact its local exchange service provider for local service bills or its long distance service providers for long distance bills and to obtain instructions on how to submit payments to the customer's telecommunications service providers.

(3) A statement that the customer should contact the local exchange service provider for the following:

- (A) Matters relating to local exchange service.
- (B) Instructions on how to place local calls.
- (C) Instructions on how to report local service problems.
- (D) Instructions on how to change service options.
- (E) Instructions on how to access local directory assistance.
- (F) Instructions on how to access local operators.

(4) A statement that the customer should contact the long distance service providers for the following:

- (A) Matters relating to long distance service.
- (B) Instructions on how to place long distance calls.
- (C) Instructions on how to report long distance service problems.
- (D) Instructions on how to change service options.
- (E) Instructions on how to access long distance directory assistance.
- (F) Instructions on how to access long distance operators.

(5) A statement that the LEC's complaint handling process can be obtained by:

- (A) calling the LEC;
- (B) reviewing the terms of the LEC's current tariff on file with the commission; or

(C) accessing the LEC's Web page at a given Internet address.

(6) A statement that if a customer is not able to resolve billing or service related complaints directly with the serving LEC, after attempting to do so, the customer is invited to contact the commission's consumer affairs division. This statement shall include the name, address, local telephone number, toll-free telephone number, TDD number, and Internet address of the consumer affairs division.

(7) A statement that a company's tariff is available for public inspection at the LEC's public service center and at the offices of the commission.

(8) A statement identifying the existence of low-income telephone assistance programs available in the area covered by the LEC, with instructions to contact the LEC to obtain additional information.

(9) A statement that the commission's:

(A) service quality rule may be found at 170 IAC 7-1.2; and

(B) consumer rights rule may be found at 170 IAC 7-1.3.

(10) A statement that is consistent with commission orders explaining both the LEC's and the customer's responsibilities regarding inside wiring.

(11) A copy of the rights and responsibilities of customers of telephone utilities (or a summary that has been approved by the commission for use in telephone directories).

(12) A statement that the federal statute that governs and limits privacy protections for interstate or foreign telecommunications is located at 47 U.S.C. 605 and the Indiana statute that affords protections for intrastate telecommunications is located at IC 35-45-2-4.

(j) If a customer's telephone number is shown incorrectly in an LEC-provided telephone directory, the LEC shall comply with the intercept provisions found in section 17 of this rule. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-8; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4058, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-9 Availability of service

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 9. (a) Each LEC that provides central office equipment and outside plant facilities shall design and engineer such equipment and facilities in accordance with the following:

- (1) Recognized industry technical standards.
- (2) The service quality standards and other provisions of this rule.
- (3) Reasonable anticipated customer demand for basic telephone service.
- (4) Applicable commission orders.
- (5) Applicable tariffs.

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(b) Where central office and outside plant facilities are readily available:

(1) An LEC shall complete at least ninety-two percent (92%) of all requests for primary service in any month within an interval of five (5) business days after receipt of an application. The following conditions must be met for the standards set forth in this subsection to apply:

(A) The customer applicant has complied with all applicable tariff requirements.

(B) The customer applicant is prepared to accept the service.

(C) The customer applicant has not requested a later installation date.

(D) The requested service does not require the installation of special equipment or the provision of special services.

(E) For CLECs, all ILEC-provisioned services and network elements that are necessary in order for a CLEC to install primary service to end-user customers have been obtained by and are available to the CLEC.

(2) An LEC shall disclose to a customer its obligation to install primary service within an interval of five (5) business days or provide the customer with a credit, except when the LEC offers an installation date of five (5) days or less, or when the customer requests an installation date that exceeds five (5) days.

(3) If a customer requests installation of primary service within five (5) business days of the date the request was placed, the following provisions apply:

(A) The LEC shall advise the customer applicant of the date and time by which the LEC will be able to provide service and inform the customer of the tracking number assigned to the installation request.

(B) If the installation of service requires the customer to be present, the LEC shall fulfill the requirements of subsection (f).

(C) If the LEC fails to install primary service within five (5) business days of the date the request was placed, the LEC shall, without the customer's request, credit the customer's billing account twenty percent (20%) of the nonrecurring installation fees associated with the installation for the sixth day and each day thereafter until the LEC completes installation of trouble free primary service, provided, however, that the credit for failure to install primary service within five (5) business days shall not exceed the total amount of the installation fee.

(D) If the LEC fails to install trouble free primary service within ten (10) business days of the date the request was placed, the LEC shall provide the customer with alternative service free of charge.

(4) If a customer requests installation of primary service six (6) or more business days after the date the order was placed, the following provisions apply:

(A) The LEC shall advise the customer applicant of the

date and time by which the LEC will be able to provide service.

(B) If the installation of service requires the customer to be present, the LEC shall fulfill the requirements of subsection (f).

(C) If the LEC fails to install service by the customer requested in service date, the LEC shall, without the customer's request, credit the customer's billing account twenty percent (20%) of the nonrecurring installation fees associated with the installation for each day after the customer requested installation date, provided, however, that the credit for failure to timely install primary service shall not exceed the total amount of the installation fee.

(D) If the LEC fails to install trouble-free primary service within five (5) business days of the customer request in service date, the LEC shall provide the customer with alternative service free of charge.

(5) Credits issued pursuant to this section shall be applied as soon as practicable but not later than two (2) billing cycles after the date of the completed installation.

(6) This section applies to new primary service installations by LECs and does not apply to service migrations from one (1) LEC to another LEC.

(c) Where central office and outside plant facilities are not readily available, the ILEC shall promptly notify the customer applicant of that fact and provide a date and time acceptable to the customer on which the required central office and outside plant facilities will be available for the ILEC to provide the requested services and provide the customer with a tracking number. Even when central office and outside plant facilities are not readily available, each ILEC shall strive to provide primary service to every customer applicant:

(1) on or before the requested in-service date, whenever possible; or

(2) otherwise, as close to the customer-requested in-service date as possible and within thirty (30) days of the application for primary service.

(d) Each LEC shall maintain records reasonably sufficient to show the extent of its compliance with subsections (b) and (c) of this section for the previous eighteen (18) months.

(e) If any ILEC fails to satisfy any primary service request within thirty (30) days of the requested in-service date, the ILEC shall do the following:

(1) File a report of any failure with the commission at the end of each calendar quarter. The report shall include an explanation of relevant circumstances and shall identify any factors outside the ILEC's control that prevented it from providing the requested service within thirty (30) days of the requested in-service date.

(2) Waive the nonrecurring installation charges upon installation of the requested service unless the ILEC requests and the commission grants a waiver for installation beyond thirty (30) days of the requested in-service date.

(f) If it is necessary for the customer to be present during an on-premise installation, the LEC shall make appointments for such installation, at a mutually agreed upon date and time (which shall be identified as occurring within a four (4) hour window, such as morning, afternoon, or evening). If a service installation appointment cannot be kept, the LEC shall make reasonable efforts to notify the customer applicant by 6:00 p.m. on the day prior to the appointment to explain the reason for the delay. The LEC shall obtain a contact point from the customer in order to provide such advance notice. If the LEC fails to notify the customer by 6:00 p.m. on the day prior to the scheduled installation appointment and the LEC fails to keep the installation appointment, the LEC shall, without the customer's request, credit the customer's account twenty-five dollars (\$25). (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-9; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4059, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-10 Extension of facilities

Authority: IC 8-1-1-3
 Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 10. (a) Each LEC shall include in its tariffs filed with the commission a statement of its standard extension policy, setting forth the terms and conditions under which its facilities will be extended to provide service to customer applicants located within the LEC's certificated service territory. The LEC's policies for service extensions shall conform to construction charges for extension of facilities required to provide local service and will not apply to facilities located on public rights-of-way, except where:

- (1) unusual costs, as defined in tariffs or otherwise determined by the commission, are involved in the establishment of service;
- (2) the installation is for a temporary or semipermanent purpose; or
- (3) the facilities cannot be used for other general telephone purposes if service to the customer applicant is discontinued.

(b) Provided the type of facilities and method of installation are the type normally used by the LEC to provide the requested service, construction charges for facilities to be located on private rights-of-way in order to satisfy an customer applicant's request for local service shall not apply to the following:

- (1) The first one-tenth (0.1) of a mile for business service.
- (2) The first two-tenths (0.2) of a mile for residential service.

If a customer applicant requests a type of facility or method of installation that differs from the norm, the LEC shall charge the customer applicant for the difference in cost between the two (2) types of construction. The customer applicant shall also be responsible for providing necessary private rights-of-way if construction is required in areas where the right of eminent domain does not exist. The provision of any facilities beyond the first one-tenth (0.1) of a mile for business service and two-tenths (0.2) of a mile for residential service shall be charged to the customer applicant at cost.

(c) Requirements for new real estate developments are as follows:

(1) If a developer requests the installation of telephone facilities for a new real estate development, the developer shall have the property:

- (A) cleared of trees, tree stumps, paving, and other obstructions necessary for installation of the telephone facilities;
- (B) staked to show property lines and final grade; and
- (C) graded to within six (6) inches of final grade;

all at no charge to the LEC. The LEC shall also have the right to require a deposit from the developer to cover the full cost of constructing the requested facilities in accordance with applicable rules, regulations, and tariffs approved by the commission. The LEC shall refund the deposit to the developer on a pro rata basis as customers connect to the newly extended facilities. Such refunds shall be paid to the developer on a quarterly basis or at longer intervals if the developer and the LEC so agree. If refunds are returned quarterly, no interest shall be paid. If refunds are returned annually, the refundable portion of the deposit shall bear interest at the rate of six percent (6%) per annum from the date the first customer is connected to the newly extended facilities.

- (2) Any amount that is still owed to the LEC under this subsection or subsection (a) or (b) may be withheld when the deposit is returned to the developer.
- (3) Any portion of the deposit that has not been refunded five (5) years from the date that the LEC is first ready to render service from the extension may be retained by the LEC as liquidated damages.
- (4) When customers request pole attachments to avoid new construction costs, the LEC may charge the customer all expenses and rental charges associated with the attachments.
- (5) Except as provided in filed tariffs, the ownership of all facilities constructed, as herein provided, shall be vested in the LEC.
- (6) Except as provided in this subsection, no portion of the expense assessed against the customer shall be subject to later refund.

(d) Nothing in this rule shall be construed as prohibiting

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any LEC from establishing an extension policy more favorable to customers than that contained herein, as long as no discrimination is practiced between customers under the same or substantially the same circumstances and conditions. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-10; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4061, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-11 Grade of service

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 11. The minimum grade of local exchange telecommunications service that may be provided within Indiana shall include the following:

(1) Voice grade access to the public switched network with a minimum bandwidth of three hundred (300) hertz to three thousand (3,000) hertz that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call.

(2) All switched voice circuits shall be adequately designed and maintained. Within sixty (60) days of a customer's application therefore, a voice grade access line will be provisioned for connectivity of at least fourteen thousand four hundred (14,400) bits of data per second when connected through an industry standard modem (IT U-T V.32bis, V.34bis, or equivalent) or a facsimile machine (IT U-T V.17bis or equivalent). An LEC that is unable to meet this requirement may petition the commission for waiver of this subsection.

(3) Local service.

(4) Dual tone multifrequency signaling.

(5) Single-party service or its functional equivalent.

(6) Access to emergency services, including access to 9-1-1 and enhanced 9-1-1, where such emergency services are provided by local governments through a PSAP.

(7) Availability of toll blocking services.

(8) Access to local operator services (O-).

(9) Access to local directory assistance.

(10) Access to interexchange services (1+), including access to toll operator services (O+).

(*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-11; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4062, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-12 Maintenance of plant equipment

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 12. (a) Each LEC shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendition of safe, adequate, and continuous service at all times.

(b) A maintenance program shall include keeping all plant and equipment in a good state of repair consistent with safety, adequate service performance, and industry standards. Broken, damaged, or deteriorated parts shall be promptly repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found to be in unsatisfactory operating condition. Electrical faults, such as leakage or poor insulation, noise induction, cross talk, or poor transmission characteristics shall be corrected to comply with industry standards.

(c) A LEC shall make reasonable attempts to notify customers whose service is expected to be interrupted for more than one (1) hour for scheduled maintenance or facilities upgrades, consistent with safety and security considerations.

(d) When additions or changes to plant or records are scheduled that will necessitate a large group of telephone numbers to change, the serving LEC shall notify all of its affected customers then of record who will be affected by the change at least sixty (60) days in advance of such scheduled additions or changes, regardless of whether the number change is scheduled to occur at approximately the same time that the serving LEC's next local telephone directory is issued.

(e) Anytime a customer premise visit is required for a residential unit or business unit with fewer than four (4) access lines, or upon request by a customer, the LEC shall install a network interface device (NID), if the premises is not already so equipped. The LEC shall notify its customers of their ability to request that a NID be installed through bill inserts, directory information pages, or other cost-efficient means. The LEC shall not charge the customer for the installation of the NID. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-12; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4062, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-13 Trouble reports

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 13. (a) Each LEC shall provide for the receipt of customer trouble reports twenty-four (24) hours a day, seven (7) days a week. For purposes of this rule, trouble reports shall be classified as either out-of-service trouble reports or service-affecting trouble reports. An out-of-service trouble report shall not be downgraded to a service-affecting trouble report. However, a service-affecting trouble report shall be upgraded to an out-of-service trouble report if changing conditions so indicate.

(b) Each LEC shall make all reasonable efforts to minimize the extent and duration of all service outages. In at

least ninety-two percent (92%) of service outages reported for any given calendar month, service shall be restored within twenty-four (24) hours from the time the LEC receives an out-of-service trouble report. If the LEC fails to restore service to a customer within twenty-four (24) hours, the LEC shall, without the customer's request, issue the customer a bill credit equal to the thirty-three percent (33%) of the recurring monthly service charge. The LEC shall issue the customer additional credits equal to thirty-three percent (33%) of the recurring monthly service charge for each twenty-four (24) hour period after the initial twenty-four (24) hour period until the customer's service is restored.

(c) Each LEC shall make all reasonable efforts to minimize the extent and duration of all service-affecting problems. Ninety percent (90%) of all service-affecting problems shall be corrected within forty-eight (48) hours from the time the LEC receives the service-affecting trouble report, excluding Saturdays, Sundays, and legal holidays.

(d) Credits shall be in the form of either:

- (1) a credit to the customer's account made within the next two (2) billing periods; or
- (2) direct payment to the customer made within the next two (2) billing periods if the customer's account is current and the credit exceeds one (1) month's recurring charges.

(e) Priority shall be given to those out-of-service trouble reports and service-affecting trouble reports that adversely affect the public health, safety, or welfare.

(f) If the LEC's investigation reveals that the customer is responsible for correcting the reported service problem, the LEC shall notify the customer of that fact within twenty-four (24) hours.

(g) If it is necessary for the customer to be present during an on-premises repair, the LEC shall make appointments for such repair, at a mutually agreed upon date and time (which shall be identified as occurring within a four (4) hour window, such as morning, afternoon, or evening). If a repair appointment cannot be kept, the LEC shall notify the customer applicant by 6:00 p.m. on the day prior to the appointment to explain the reason for the delay. The LEC shall obtain a contact point from the customer in order to provide such advance notice. If the LEC fails to notify the customer by 6:00 p.m. on the day prior to the scheduled repair appointment and the LEC fails to keep the repair visit, the LEC shall, without the customer's request, credit the customer's account fifty dollars (\$50).

(h) Each LEC shall maintain an accurate record of trouble reports and the disposition of each trouble report and shall maintain service at a level such that the average number of initial customer trouble reports measured on a

statewide basis for the LEC's Indiana operations does not exceed five (5) trouble reports per one hundred (100) access lines. For purposes of this section, an initial customer trouble report shall be construed to mean the first trouble report on a station, access line, or other plant item on which all previous customer reports on record for that particular problem have been closed.

(i) If the average number of initial customer trouble reports for any exchange or wire center exceeds five (5) trouble reports per one hundred (100) access lines in each of any three (3) consecutive months, the LEC shall file a written report with the commission within thirty (30) days, explaining relevant circumstances and describing corrective actions taken by the LEC.

(j) Each LEC shall attempt to minimize the occurrence of repeat trouble reports. A repeat trouble report is any report made within thirty (30) days after the closing of another trouble report involving the same type of service problem and the same access line. An LEC shall maintain service at such level that repeat trouble reports result from less than fifteen percent (15%) of all trouble reports.

(k) Each LEC shall be responsible for maintaining the trouble report information required by this section for its Indiana operations and by exchange for at least eighteen (18) months. The records of the LEC shall record, at a minimum for each trouble report, the date and time the report was received, whether the trouble report was for out-of-service or service-affecting, whether the complaint was upgraded to out-of-service, when service was restored (date and time), whether the trouble report was a repeat trouble report, the amount of the credit, and the date the credit was issued. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-13; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4062, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-14 Adequacy of service

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 14. (a) Each LEC shall provide or otherwise arrange for the use of switching equipment, trunking, and associated facilities for the handling of that LEC's local traffic within its service territory. Such facilities shall be designed and engineered on the basis of realistic forecasts of growth so as to ensure that at least ninety-seven percent (97%) of all calls offered during the busy hour to any LEC trunk group will not encounter an all-trunk busy condition or a no-circuit condition.

(b) Busy hour calls to valid numbers shall encounter an audible ring-back tone, line busy signal, or nonworking intercept facility for operator or recording after completion

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of dialing at not less than the following performance standards established for such calls, by category of call:

- (1) Ninety-five percent (95%) for intraoffice calls.
- (2) Ninety-five percent (95%) for interoffice calls.
- (3) Ninety-five percent (95%) for extended area calls.

Noncompletions include all-trunk busy conditions, no-circuit conditions, reorders, and equipment failures. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-14; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4063, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-15 Transmission requirements

Authority: IC 8-1-1-3
Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 15. Local networks shall be designed and operated so as to meet the following service objectives:

- (1) For loop loss, transmission loss will vary with the characteristics of the loop and the type of interface used, whether analog or digital. However, the loop loss objective to the end user's network interface device (NID) shall be designed to meet an objective of eight and five-tenths (8.5) decibels, with no loops exceeding ten (10) decibels.
- (2) For loop noise, the standard for steady state C-Message loop noise is independent of the characteristics of the loop and the interface to the central office equipment. The weighted loop noise objective measured at the NID shall not exceed thirty (30) decibels at reference noise of one thousand (1,000) hertz (30 dBrnC).
- (3) The alternating current (AC) power influence (noise to ground) level on a subscriber loop shall be below ninety (90) decibels at reference noise up one thousand (1,000) hertz (90 dBrnC).
- (4) For loop current, to ensure proper operation of customer premises equipment, sufficient loop current shall be maintained. The loop current objective, measured at the NID, shall not be less than twenty (20) milliamperes.

(*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-15; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4064, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-16 Answering times

Authority: IC 8-1-1-3
Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 16. (a) The average speed of answer for an LEC's Indiana operations shall meet the following requirements during normal business hours:

- (1) The average speed of answer for calls to the LEC's repair service center shall not exceed sixty (60) seconds.
- (2) The average speed of answer for calls to the LEC's business offices shall not exceed sixty (60) seconds.
- (3) The average speed of answer for calls to the LEC's local service operators shall not exceed twenty (20) seconds.

(4) The average speed of answer for calls to the LEC's local directory assistance operators shall not exceed twenty (20) seconds.

(5) The average number of calls to each service listed above which are deflected or encounter a busy shall not exceed ten percent (10%).

(b) Each LEC shall monitor its Indiana operations' speed of answer in each of the categories set forth in subsection (a) throughout the calendar year to ensure that applicable average speed of answer requirements are met, at least on a quarterly average basis. Where an LEC cannot practically differentiate among the types of calls identified in subsection (a) because it utilizes a single customer service number for all calls, the LEC shall meet an average speed of answer for all calls of sixty (60) seconds and shall monitor its speed of answer of all calls on an undifferentiated basis. If it is not economically feasible for an LEC to purchase or otherwise arrange for the use of an automated answering speed measurement system, the LEC may request a waiver from the commission to conduct manual time studies each calendar quarter, or more frequently if required by the commission, to test the LEC's ongoing compliance with the above average speed of answer requirements. Each LEC shall comply with all requests and directives from the commission concerning testing methodology and frequency to ensure that any time studies conducted by or on behalf of the LEC produce accurate data concerning the LEC's average speed of answer for each of the above types of calls.

(c) When an LEC utilizes a menu driven, automated, interactive answering system (referred to in this subsection as an automated system), the option of transferring to a live attendant shall be included in the initial message. At any time during the call, the customer shall be transferred to a live attendant if the customer fails to interact with the automated system for a time period exceeding ten (10) seconds following any prompt. At that point, the speed of answer of the customer's call shall be governed by subsection (a). For purposes of this subsection, "interaction" means responding to a customer prompt offered by the automated system by keying a number or character of an activated touch-tone keypad or by providing an audible response, if requested. When an automated system is utilized, instructions shall be provided on how to make or reschedule appointments.

(d) Local service providers, when offering bundled service packages, shall explain that each service or feature within the package may be purchased individually, list each service and/or feature contained in the package, and, upon subscriber request, provide individual rates for each service or feature.

(e) When a customer calls an LEC to request information

about a specific local exchange service or feature, to report service trouble, and or to make payment arrangements, the LEC shall not engage in sales practices until the LEC first confirms that it has completely responded to the subscriber's concern or concerns. Upon a customer's request, the LEC shall discontinue the sales discussion. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-16; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4064, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-17 Intercept service

Authority: IC 8-1-1-3
 Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 17. (a) This section does not apply to area code or other commission-authorized telephone number changes. In all other cases, each LEC shall provide the following intercept services for office codes assigned to that LEC:

- (1) All nonworking office codes (NXXs), service codes, and numbers shall be routed to a vacant code recorded announcement.
- (2) At the customer's request, the LEC shall provide changed number intercept for a maximum of ninety (90) days for residential customers and three hundred sixty (360) days for business customers following a number change.
- (3) When an emergency service number other than 9-1-1 is replaced by the universal emergency service number (9-1-1), the number that is being replaced shall be intercepted to an operator, a PSAP, or a changed number recorded announcement for at least one (1) year or until the next local telephone directory is issued, whichever is later.
- (4) When an LEC's operations or planned capital improvements necessitate the changing of a customer's telephone number, the serving LEC shall maintain or otherwise arrange for an appropriate intercept on the customer's access line until either:
 - (A) the old telephone number is permanently re-assigned; or
 - (B) an updated local telephone directory is issued.

(b) Adequate intercept facilities shall be available for routine number changes. When number change volumes are abnormally high, auxiliary intercept facilities shall be utilized.

(c) If a customer's telephone number is shown incorrectly in an LEC-provided telephone directory, within two (2) calendar days after receiving a complaint from the customer, excluding Sundays and legal holidays, the serving LEC shall either:

- (1) intercept all calls to the incorrect number; or
 - (2) arrange for such calls to be intercepted by the serving LEC's intercept operator;
- as long as the number is not otherwise required for service.

The customer's correct listing and omitted number shall be placed on directory assistance and intercept, and the correct number shall be furnished to the calling party, either upon request or upon interception, until the serving LEC issues its next telephone directory for the affected area. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-17; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-18 Emergency operation

Authority: IC 8-1-1-3
 Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 18. (a) Each LEC shall make reasonable provisions to meet emergencies resulting from commercial electrical failure and sudden, prolonged increases in traffic due to extraordinary circumstances. Each LEC shall instruct employees on procedures to be followed in the event of such emergencies in order to prevent or mitigate interruption or impairment of telephone service.

- (b) All existing central offices shall maintain the following:
 - (1) Central offices with installed emergency power generating equipment will have a minimum of three (3) hours central office battery capacity of busy-season, busy-hour load.
 - (2) Central offices without installed emergency power generating equipment shall have a minimum central office battery capacity of five (5) hours busy-season, busy-hour load. Facilities needed to connect a portable generator shall also be readily available in each central office.

(c) It is essential that all central offices have adequate provision for emergency power. All new central offices, central office replacements, and major additions placed on order after the effective date of this rule and standards shall be designed to meet the following objectives:

- (1) Central offices with installed emergency power generating equipment will have a minimum of three (3) hours central office battery capacity of busy-season, busy-hour load.
- (2) Central offices without installed emergency power generating equipment shall have a minimum central office battery capacity of eight (8) hours busy-season, busy-hour load. Facilities needed to connect a portable generator shall also be readily available in each central office.

(*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-18; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state*)

SECTION 2. THE FOLLOWING ARE REPEALED: 170 IAC 7-1.1-1; 170 IAC 7-1.1-2; 170 IAC 7-1.1-3; 170 IAC 7-1.1-4; 170 IAC 7-1.1-5; 170 IAC 7-1.1-6; 170 IAC 7-1.1-7; 170 IAC 7-1.1-8; 170 IAC 7-1.1-9; 170 IAC 7-1.1-10; 170 IAC 7-1.1-11.

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SECTION 3. SECTIONS 1 and 2 of this document take effect one hundred eighty (180) days after filing with the secretary of state pursuant to IC 4-22-2-35 or January 1, 2003, whichever is later.

LSA Document #01-341(F)

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TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

LSA Document #01-342(F)

DIGEST

Adds 170 IAC 7-1.3 concerning telecommunications customer service rights. Repeals 170 IAC 7-1.1-12, 170 IAC 7-1.1-13, 170 IAC 7-1.1-14, 170 IAC 7-1.1-15, 170 IAC 7-1.1-16, 170 IAC 7-1.1-17, and 170 IAC 7-1.1-18. Effective 180 days after filing with the secretary of state pursuant to IC 4-22-2-35 or January 1, 2003, whichever is later.

170 IAC 7-1.1-12	170 IAC 7-1.1-16
170 IAC 7-1.1-13	170 IAC 7-1.1-17
170 IAC 7-1.1-14	170 IAC 7-1.1-18
170 IAC 7-1.1-15	170 IAC 7-1.3

SECTION 1. 170 IAC 7-1.3 IS ADDED TO READ AS FOLLOWS:

Rule 1.3. Telecommunications Customer Service Rights and Responsibilities

170 IAC 7-1.3-1 Purpose and scope

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1; IC 8-1-5-10

Sec. 1. (a) This rule applies to any utility that is now, or may hereafter be, engaged in the business of rendering telephone services to the public under the jurisdiction of the commission. Excluded under this rule are those services provided pursuant to a CTA issued for a radio common carrier or commercial mobile radio service. This rule creates the minimum level of service that an LEC is expected to meet when providing reasonable quality telephone services to the public and to establish the obligations of both the utility and the customer. Sections 3 through 7 and

sections 10 through 12 of this rule do not apply to (CLECs) that serve less than five thousand (5,000) access lines.

(b) This rule supersedes 170 IAC 7-1.1-12 through 170 IAC 7-1.1-18.

(c) No utility shall discriminate against or penalize a customer for exercising any right granted by this rule. If an LEC's tariff on file with the commission contains provisions that conflict with this rule, this rule supersedes any conflicting tariff provisions.

(d) Any LEC subject to the telecommunications customer service rights and responsibilities set forth in this rule that fails to meet such standards shall be subject to all legal remedies provided by law. Upon complaint or its own motion and after notice and a hearing, the commission may order lawful enforcement mechanisms against a carrier that fails to meet the requirements or standards established in this rule. Nothing in this rule shall prevent the commission from exercising any authority it may have under applicable law to enforce this rule in the event any LEC fails to comply.

(e) The adoption of this rule shall in no way preclude the commission, upon complaint by a customer, upon its own motion or upon the petition of any utility or the office of the utility consumer counselor, after notice and hearing, from taking any of the following actions:

(1) Altering or amending this rule in whole or in part.

(2) Requiring any other or additional service, equipment, facility, or standard.

(3) Making such modifications with respect to the application of this rule as may be found necessary to meet exceptional conditions.

(4) Require an LEC to comply with any other service standards.

(5) At its sole discretion, grant, in whole or in part, permanent or temporary waivers from this rule on an expedited basis.

(f) The adoption of this rule shall not in any way relieve any utility from any of its duties under the laws of this state.

(g) If any provision of this rule is determined by competent authority to be prohibited or unenforceable, such provision shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-1; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4066, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.3-2 Definitions

Authority: IC 8-1-1-3

Affected: IC 8-1-2-1; IC 8-1.5-1-10

Sec. 2. The following definitions apply throughout this rule:

- (1) "Applicant" means any person, company, or designated agent who seeks to become a customer for basic residential or small business telephone services.
- (2) "Basic local service" means the provision to a customer of an access line that transmits two-way interactive switched voice or communication within a local calling area.
- (3) "Business days" means all days other than a:
 - (A) Saturday;
 - (B) Sunday;
 - (C) legal holiday as defined by statute; or
 - (D) day that the utility (or service provider) office is closed during regular business hours.
- (4) "Clear and conspicuous notification" means notice that would be apparent to a reasonable consumer.
- (5) "Commission" means the Indiana utility regulatory commission.
- (6) "Competitive local exchange carrier" or "CLEC" means a local service telephone utility that provides telephone service to customers in the geographic territory served by the local exchange and does not qualify as an incumbent local exchange carrier under subdivision (9).
- (7) "Customer" means the following:
 - (A) Any person that requests and obtains telephone service and is responsible for the payment of charges, compliance with filed tariffs, and rules of the utility.
 - (B) Any business or institutional entity, whether an individual, partnership, corporation, association, or other business or institutional form that:
 - (i) does or will operate with eight (4) or single access lines;
 - (ii) requests and obtains telephone service for occupational, professional, or institutional purposes; and
 - (iii) is responsible for the payment of charges, compliance with filed tariffs, and rules of the utility.
 - (C) Any customer whose service has been temporarily disconnected shall continue to be a customer for purposes of this rule until such time as service is permanently disconnected and the customer must reapply for new service.
- (8) "Deniable charges" means charges for basic local service. Delinquency in payment of deniable charges may result in disconnection of basic local service.
- (9) "Incumbent local exchange carrier" or "ILEC" means a local service telephone utility that provides telephone service to customers in the geographic territory served by the local exchange and that:
 - (A) on February 8, 1996, provided telephone exchange service in such area and was deemed to be a member of the exchange carrier association under 47 CFR 69.601(b); or
 - (B) is a person or entity that on or after February 8, 1996, became a successor or assignee of a member described in clause (A).

- (10) "Local exchange carrier" or "LEC" means a local serving telephone utility that provides telephone service to customers in the geographic territory served by the local exchange, and excluding those services provided pursuant to a CTA issued for a radio common carrier or commercial mobile radio service.
- (11) "Long distance service" or "toll service" means the transmission of two-way interactive switched voice communication between local exchange areas for which charges are made on a per-unit basis.
- (12) "New service provider" means a service provider that did not bill the customer for service during the service provider's last billing cycle. The term includes only providers that have continuing relationships with the customer that will result in periodic charges on the customer's bill unless the service is subsequently canceled.
- (13) "Nondeniable charges" means charges for toll service and unregulated telecommunications services. Delinquency in payment of nondeniable charges shall not result in disconnection of basic local service.
- (14) "Temporary disconnection" means a disconnection that has not yet resulted in the customer's account being permanently removed from the telephone provider's network.
- (15) "Utility" means any public utility (as defined in IC 8-1-2-1) or municipal utility (as defined in IC 8-1.5-1-10) that furnishes telephone service to the public under the jurisdiction of the commission.

(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-2; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4066, eff one hundred eighty (180) days after filing with the secretary of state)

170 IAC 7-1.3-3 Creditworthiness of residential customer; deposit; refund

Authority: IC 8-1-1-3
 Affected: IC 8-1-2-4; IC 8-1-2-88; IC 32-9-1.5-20

Sec. 3. (a) Each LEC shall determine the creditworthiness of applicants or customers in an equitable and nondiscriminatory manner:

- (1) without regard to the race, sex, national origin, or marital status of the applicant or customer, or the economic character of the area wherein the applicant or customer resides or operates; and
- (2) solely upon the credit risk of the applicant or customer without regard to the collective credit reputation of the area in which the applicant or customer resides or operates.

(b) Each new applicant for residential telephone service shall be deemed creditworthy and shall not be required to make a cash deposit as a condition of receiving basic local service if the applicant satisfies either of the following criteria:

- (1) The applicant has been a customer of a public or

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municipal utility in the United States within the last two (2) years, and the applicant:

(A) owes no outstanding bills for service rendered within the past four (4) years by such utility;

(B) during the last twelve (12) consecutive months that the service was provided, did not have more than two (2) bills that were delinquent to such utility or, if service was rendered for a period for less than twelve (12) months, did not have more than one (1) delinquent bill in such period; and

(C) within the last two (2) years did not have a service disconnected by such utility for nonpayment of a bill for services rendered by that utility.

(2) The applicant has not been a customer of a utility during the previous two (2) years and any of the following criteria are met:

(A) The applicant either has been employed by:

(i) his or her present employer for two (2) years;

(ii) his or her present employer for less than two (2) years, but has been employed by only one (1) other employer during the past two (2) years; or

(iii) the present employer for less than two (2) years and has no previous employment due to recently:

(AA) graduating from a school, university, or vocational program; or

(BB) being discharged from military service.

(B) The applicant either:

(i) owns or is buying his or her home; or

(ii) is renting a home or an apartment and has occupied the premises for more than two (2) years.

(c) If the applicant fails to establish that he or she is creditworthy under subsection (b), the applicant may be required to make a reasonable initial cash deposit. Such initial deposit shall not exceed one-sixth ($\frac{1}{6}$) of the estimated annual billings for local service to the applicant and shall be paid in full before installation of service. Such initial deposit shall be subject to reevaluation upon the request of either the LEC or the customer, based upon actual charges for services rendered, at any time after service has been provided.

(d) The utility may elect to accept a written guarantee, signed by a third party guarantor acceptable to the utility, of payment for all telephone service rendered or to be rendered to the applicant. The guarantor may terminate the guarantee upon thirty (30) days prior written notice. Said guarantee shall be in full force and effect up to and including the date the guarantee shall terminate, and the guarantor shall be obligated, as provided in the written guarantee, respecting the payment of the amount of the applicant's bill on the date of termination. A guarantee shall terminate when the customer submits satisfactory payment for a period of either:

(1) nine (9) consecutive months; or

(2) ten (10) out of any twelve (12) consecutive months.

(e) If the utility requires a cash deposit or a written guarantee as a condition of providing service, the utility shall advise the applicant of the reason upon which it bases its decision and provide the applicant with an opportunity to rebut such facts and show other facts demonstrating creditworthiness.

(f) The LEC may require a present customer to make a reasonable cash deposit, or an additional deposit in cases where a deposit has been made, when the customer has been mailed disconnect notices for two (2) consecutive months or any three (3) months within the preceding twelve (12) month period. In such cases, notice of the need for a deposit shall be in writing, and the customer shall be given ten (10) business days from the mailing date of the notice within which to make said deposit. When the service has been disconnected within the past four (4) years pursuant to section 11 of this rule, the deposit shall be provided before the service will be reconnected. The total amount of all deposits required for local service pursuant to this section may not exceed an amount equal to one-sixth ($\frac{1}{6}$) of the annualized estimated billings for the customer at the address at which service is rendered.

(g) The LEC shall treat customers who have filed bankruptcy under federal law in accordance with the protective provisions of 11 U.S.C. 366.

(h) Requirements for interest upon a deposit shall be as follows:

(1) A deposit held more than thirty (30) days shall earn interest from the date of deposit. Beginning on the effective date of this rule, the rate of interest shall be set by the commission based upon the then-existing rate for one-year United States treasury bills. The interest rate will be rounded to the nearest one-half ($\frac{1}{2}$) of one percent (1%). In December of each year, the commission shall issue a General Administrative Order establishing the interest rate for the next calendar year that shall be paid on all deposits held during all or part of the subsequent year.

(2) The deposit shall not earn interest after the date it is mailed or personally delivered to the customer, or otherwise lawfully disposed of as provided in subsection (i)(6).

(i) Requirements for refunds shall be as follows:

(1) Any deposit and accrued interest shall be promptly refunded to the customer without the customer's request when the customer submits satisfactory payment ten (10) out of any twelve (12) consecutive months without late payment.

(2) A statement of accounting for each transaction affecting the deposit and interest shall accompany refunds of deposits or accrued interest issued under this section.

(3) Following a customer-requested termination of service, the LEC shall:

(A) apply the deposit, plus accrued interest, to the final bill; or

(B) upon specific request from the customer, refund the deposit, plus accrued interest, within fifteen (15) business days after payment of the final bill.

(4) Each LEC shall maintain a record of each applicant or customer making a deposit that shows the following:

(A) The name of the customer.

(B) The current mailing address of the customer.

(C) The amount of the deposit.

(D) The date the deposit was made.

(E) A record of each transaction affecting such deposit.

(5) Each customer shall be provided a written receipt from the LEC at the time the customer's deposit is paid in full or when the customer makes a cash partial payment. The LEC shall provide a reasonable method by which a customer, who is unable to locate his or her receipt, may establish that he or she is entitled to a refund of the deposit and payment of interest thereon.

(6) Any deposit made by the applicant or customer to the LEC (less any lawful deductions to be refunded), or any sum the LEC is ordered to refund for telephone services that has remained unclaimed for one (1) year after the LEC has made a diligent effort to locate the customer who made such deposit or the heirs of such customer, shall be presumed abandoned and treated in accordance with IC 32-9-1.5-20(c)(10).

(7) A deposit may be used by the LEC to cover any unpaid balances owed the LEC following disconnection of any service under section 11 of this rule, provided, however, that any surplus be returned to the customer as provided in this subsection.

(8) Establishment of credit by cash deposit shall not relieve a customer from complying with the commission's rules for prompt payment of bills.

(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-3; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4067, eff one hundred eighty (180) days after filing with the secretary of state)

170 IAC 7-1.3-4 Rejection of application for service

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88; IC 32-9-1.5-20

Sec. 4. (a) An application for telephone service may be rejected until remedied for any one (1) or more of the following reasons:

(1) Misrepresentation of the customer or applicant's identity for the purpose of obtaining telephone service.

(2) Information provided by the applicant is materially false or materially misrepresentative of the applicant's true status.

(3) Failure to pay a deposit if required under section 3 of this rule.

(b) In order to obtain service, a customer or applicant may be required to pay a deposit as provided in section 3 of this rule after disconnection of service for the reasons listed in section 11(b) of this rule. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-4; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4069, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.3-5 Explanation of available service; notice of proposed rate change

Authority: IC 8-1-1-3

Affected: IC 8-1-2-40; IC 8-1-2-88

Sec. 5. (a) Each utility shall supply to each customer on an annual basis, without charge, a brief summary of the customer's rights and responsibilities contained in this rule. Each utility shall forward a copy to the commission annually to be kept on record with the commission's consumer affairs division.

(b) When a utility representative takes an order for new telephone service, the representative shall describe to the applicant the least expensive telephone service available. Such description shall include lifeline/link-up services for eligible customers.

(c) Each utility shall have a copy of this rule in all of its business offices that shall be available for inspection by applicants and customers.

(d) Each utility shall furnish notice of rate increases to its affected customers that fairly summarizes the nature and extent of the increase within forty-five (45) days of such request and prior to the date of the initial public hearing. If the rate change is one that does not require a hearing, then notice should be included in the first bill where the change is effective. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-5; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4069, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.3-6 Bills for utility service

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 6. (a) Bills rendered periodically to customers for telephone service shall show at least the following information:

(1) The customer's name, billing address, telephone number, and date of bill.

(2) For measured service, details shall include the number of additional local calls, rate, and total amount of charges.

(3) Itemization of toll calls and charges.

(4) State and federal taxes.

(5) Previous balance.

(6) Explanation of codes and abbreviations.

(7) The past due date or the date on which the bill becomes delinquent.

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- (8) The total amount of bill.
- (9) The name for the service provider associated with each charge shall be clearly identified.
- (10) Where charges for two (2) or more telephone carriers appear on the same telephone bill, the charges shall be separated by service provider, and the billing entity shall provide clear and conspicuous notification of any change in service provider, including notification to the customer that a new service provider has begun providing service. The notification shall describe the nature of the relationship with the customer, including a description of whether the new service provider is the presubscribed:
- (A) local exchange carrier;
 - (B) intra-LATA interexchange carrier; or
 - (C) inter-LATA interexchange carrier.
- (11) Charges contained on telephone bills shall be accompanied by a brief, clear, nonmisleading, plain language description of the individual service or services rendered. The description shall be sufficiently clear in presentation and specific enough in content so that:
- (A) a customer can accurately assess that the services for which he or she is billed correspond to those that he or she has requested and received; and
 - (B) the costs assessed for those services conform to the customer's understanding of the price charged.
- (12) Telephone bills shall contain clear and conspicuous disclosure of any information that the customer may need to make inquiries about, or contest charges, on the bill. The bill shall contain a clear and conspicuous notice that the customer may dispute charges on the bill prior to payment, including, but not limited to, the following:
- (A) A prominent display on each bill of a toll free number of the carrier by which a customer may inquire or dispute any charge contained on the bill.
 - (B) A carrier may list a toll free number for a billing agent, clearinghouse, or other third party, provided that such party possesses sufficient information to answer questions concerning the customer's account and is fully authorized to resolve consumer complaints on the carrier's behalf. Where the customer does not receive a paper copy of his or her telephone bill, but instead accesses that bill only by e-mail or Internet, the carrier may comply with this subdivision by providing on the bill an e-mail or Web site address. Each carrier shall make a business address available upon request from a customer.
- (b) The billing requirements of subsection (a)(9) through (a)(11) may be waived for business customers if those customers consent in writing to such waiver.
- (c) A utility service bill, which has remained unpaid for a period of more than seventeen (17) days following the mailing of the bill, shall be a delinquent bill. A utility service bill shall be rendered as a net bill. If the net bill is

not paid within seventeen (17) days after the bill is mailed, the net bill shall become a delinquent bill and a late payment charge may be added in the amount of ten percent (10%) of the first three dollars (\$3) and three percent (3%) of the excess of three dollars (\$3).

(d) The LEC may only change a monthly billing cycle to another periodic form of billing if the customer agrees in writing to such change.

(e) Where a bill contains charges for basic local service in addition to charges for toll service and unregulated services, the bill shall distinguish between deniable and nondeniable charges. The carrier shall:

- (1) explain the distinction between nondeniable and deniable charges to the customer; and
- (2) clearly and conspicuously identify on the bill those charges for which nonpayment will result in disconnection of basic local service.

(f) If a customer is delinquent in payment of nondeniable charges, the telephone carrier may remove or restrict those services for which there is a nondeniable charge from the customer's account without the customer's consent. If toll service is removed or restricted, the LEC may require a deposit pursuant to section 3 of this rule before restoring those services to the customer's account. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-6; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4069, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.3-7 Billing adjustments

Authority: IC 8-1-1-3
Affected: IC 8-1-2-34.5

Sec. 7. (a) Adjustment of a disputed nondeniable charge shall be made in accordance with sections 8 and 9 of this rule.

(b) A billing error, including an incorrect tariff application, may be adjusted to the known date of error or for a period of eighteen (18) months, whichever period is shorter. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-7; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4070, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.3-8 Customer complaints to the utility

Authority: IC 8-1-1-3
Affected: IC 8-1-2

Sec. 8. (a) A customer may complain at any time to a utility about any bill, security deposit, disconnection notice, or any other matter relating to installation or service and may request a conference with the utility thereon. Such complaints may be made in person, by telephone, in writing, or by completing a form available from the utility at its business offices. A complaint shall be considered filed

upon receipt by the utility, except mailed complaints shall be considered filed two (2) calendar days after the postmark date. In making a complaint or request for conference, the customer shall state, at a minimum, his or her name, service address, telephone number, and the general nature of his or her complaint.

(b) Upon receiving each such complaint or request for conference, the utility shall take the following actions:

- (1) Immediately notify a customer that any undisputed portion of a bill shall be paid by the date due in order to avoid disconnection of service in accordance section 11 of this rule.
- (2) Promptly, thoroughly, and completely investigate such complaint in good faith, attempt to confer with the customer when requested, and notify the customer of its proposed disposition of the complaint. During the investigation, no collection action shall be taken for items that are being disputed, and there shall be no negative impact on customer's credit rating.
- (3) Without the customer's permission, the utility shall not disconnect, remove, or restrict any service that is the subject matter of the complaint while investigating the complaint or making a good faith attempt to resolve the complaint.
- (4) Charges that are disputed by the customer shall not be treated as delinquent while an investigation is pending.
- (5) After investigation, the utility may rebill the disputed charges in the next billing cycle if the investigation determined that the charges were appropriate.
- (6) If the utility's proposed disposition is not in the customer's favor, the utility shall notify the customer of such disposition in writing if the complaint was made in writing. If the utility's proposed disposition is not in the customer's favor, the utility shall notify the customer in writing or orally, if the complaint was made orally. The notification shall advise the customer or applicant that if he or she is dissatisfied with the telephone company's disposition, the customer or applicant may, within twenty-one (21) days, file a complaint with the commission's consumer affairs division (pursuant to section 9 of this rule). Such notification shall include contact information for the commission, including the commission's mailing address, toll free complaint number, and local telephone number.

(c) If at any time the customer files a complaint with the commission regarding a dispute with a utility, the procedures set forth in section 9 of this rule shall apply. Any disconnection of the customer's service shall be governed by section 11 of this rule.

(d) Each utility shall retain a written record of complaints and requests for conferences for at least eighteen (18) months after the complaint or request for conference is

made. Such records shall be maintained at the office or branch office of the utility or in the respective department office thereof where such complaints were received or any conferences were subsequently held. Such written records are to be readily available upon request by the concerned customer, the customer's agent possessing written authorization, or the commission.

(e) Each utility shall, at the request of the commission, submit a report covering the previous twelve (12) month period to the commission that shall state and classify the number of complaints made to the utility pursuant to this rule, the general nature of the subject matter thereof, how the complaint was received, and whether a commission review was conducted thereon. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-8; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4070, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.3-9 Customer complaints to the commission

Authority: IC 8-1-1-3

Affected: IC 8-1-2-34.5; IC 8-1-2-88

Sec. 9. (a) An individual or entity may informally complain to the commission's consumer affairs division with respect to any matter within the jurisdiction of the commission. Such complaints may be made in person, by telephone, in writing, or by completing a form available from the consumer affairs division. A complaint shall be considered filed upon receipt by the commission, except mailed complaints shall be considered filed as of the postmark date. In making a complaint, the customer shall state, at a minimum, his or her name, service address, telephone number, and the general nature of his or her complaint.

(b) Without the customer's permission, the utility shall not disconnect, remove, or restrict any service that is the subject matter of the complaint while any commission review or investigation of such complaint is pending. The customer shall continue to pay all undisputed charges. In those instances when the customer and utility cannot agree as to what portion of a bill is undisputed, the customer shall pay on the disputed bill an amount equal to the customer's average bill for the twelve (12) months immediately preceding the disputed bill. In those cases where the customer has received fewer than twelve (12) bills, the customer shall pay an amount equal to one-twelfth ($1/12$) of the estimated annual billing for service to be rendered to the customer.

(c) If the customer is dissatisfied with a utility's notice of its proposed disposition of the complaint as provided in section 8 of this rule, the customer or applicant may, within twenty-one (21) days after the postmark date of the notice, file a consumer complaint with the commission's consumer affairs division.

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(d) Upon receiving a consumer complaint, the following actions shall be taken:

- (1) The utility shall be notified that a complaint has been made.
- (2) The complaint shall be investigated.
- (3) The customer and the utility shall be notified of the decision made on the complaint in accordance with applicable law.

(e) Requirements for an informal review are as follows:

(1) The customer or the utility may make a written request that a decision made pursuant to subsection (d) be reviewed informally by the consumer affairs director or designee. Such written request shall be made within fourteen (14) days of the decision. The records of the commission relating to such reviews shall be kept in a systematic order.

(2) Upon receiving a request for an informal review, the consumer affairs director or designee shall provide an informal review within thirty (30) days. The review shall consist of not less than a prompt and thorough investigation of the dispute and shall result in a written decision to be mailed to the customer and the utility within thirty (30) days after its receipt of the customer's request. Upon request by either party or the consumer affairs director or designee, the parties shall be required to meet and confer to the extent and at such place as the consumer affairs director or designee may consider appropriate.

(f) The customer may make a written request that the commission investigate the disposition of the informal review. Such written request shall be made within fourteen (14) days of the consumer affairs division's notice of disposition. Prior to entering an order upon a commission investigation, the commission shall afford the customer and the utility notice and an opportunity to be heard.

(g) Without the customer's permission, the utility shall not disconnect, remove, or restrict any disputed service until at least fourteen (14) days have elapsed from the postmark date of the consumer affair's division disposition, or the commission's order upon investigation, if any. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-9; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4071, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.3-10 Customer payments

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 10. (a) When a residential customer cannot pay an undisputed bill or the undisputed portions of a disputed bill in full, the LEC shall continue to serve the customer if the customer and the LEC agree on a reasonable portion of the outstanding bill to be paid immediately. The manner in which the balance of the outstanding bill will be paid in accordance with the following guidelines:

(1) If the customer shows just cause for his or her inability to pay deniable charges (financial hardship shall constitute just cause), and the customer pays a reasonable portion of such amount, not to exceed the greater of either twenty dollars (\$20) or twenty-five percent (25%) of all amounts due for deniable charges.

(2) In deciding on the reasonableness of a particular agreement, the LEC shall consider the following:

- (A) The customer's ability to pay.
- (B) The size of the unpaid balance.
- (C) The customer's payment history and length of service.
- (D) The amount of time and reasons why the debt is outstanding.
- (E) The customer:
 - (i) agrees to pay the balance of all amounts due in equal monthly installments;
 - (ii) agrees to pay all undisputed future bills for local service as they become due; and
 - (iii) has not breached any similar agreement with the LEC made pursuant to this section in the last twelve (12) months.

The LEC may add to the outstanding bill a late payment charge not to exceed the amount set pursuant to section 6(d) of this rule.

(b) The terms of any payment arrangement made pursuant to this section shall be put in writing by the LEC and sent by mail to the customer.

(c) Only one (1) late payment charge may be assessed against the charges applicable to any given month.

(d) If the customer does not meet any of the conditions in subsection (a), the LEC may, but is not obligated to, enter into subsequent payment arrangements with the customer.

(e) If a customer makes a partial payment on a bill, the LEC shall first apply that payment to any deniable charges. A partial payment may only be applied to nondeniable charges when all deniable charges have been paid in full. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-10; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4072, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.3-11 Disconnection and prohibited disconnections

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 11. (a) This section shall not apply to CLECs that provide service either through resale of the LEC services or through the purchase of unbundled network elements.

(b) Requirements for disconnection upon a customer's request are as follows:

(1) The customer shall notify the LEC at least three (3) business days in advance of the day disconnection is desired. The customer shall remain responsible for all service used and the billing therefore until the date the customer has requested disconnection pursuant to such notice.

(2) Upon request by a customer to an LEC to disconnect service in less than three (3) business days, the LEC shall disconnect the service within three (3) business days of the request. The customer shall not be liable for any service rendered to such address after the expiration of three (3) such days.

(3) The customer shall not charge service or authorize the charging of service to any account that has been disconnected at the customer's request or otherwise. Subdivisions (1) and (2), to the contrary notwithstanding, a customer shall be responsible for any services he or she charges or authorizes charged to such account in violation of the prohibition in this subdivision.

(c) Requirements for disconnection without a customer's request are as follows:

(1) An LEC may disconnect service without request by the customer of the service and without prior notice only:

(A) if a condition dangerous or hazardous to life, physical safety, or property exists;

(B) upon order by any court, the commission or other duly authorized public authority;

(C) if fraudulent or unauthorized use of service is detected and the LEC has reasonable grounds to believe the affected customer is responsible for such use;

(D) if the LEC's equipment has been tampered with and the LEC has reasonable grounds to believe that the affected customer is responsible for such tampering; and

(E) if the LEC's equipment is used in a manner disruptive to the service of other customers.

(2) An LEC may place a toll restriction on a customer's line for nonpayment of toll charges. If the LEC initiates the toll restriction, there shall be no charge for that service.

(3) An LEC may disconnect service to a customer or applicant based on a delinquent account with the same class of service for that customer or applicant.

(4) If a customer files a complaint under section 8 or 9 of this rule, the LEC may disconnect only as provided in those sections.

(5) In all other instances, upon providing the customer with proper notice, as defined in subsection (e), an LEC may disconnect service subject to the other provisions of this section.

(d) Requirements for prohibited disconnections are as follows:

(1) Except as otherwise provided in subsections (a) and (b),

an LEC shall postpone the disconnection of local service or the placing of a toll restriction for thirty (30) days if, prior to the disconnect date specified in the disconnect notice, the residential customer provides the LEC with a medical statement from a licensed physician or public health official that states that disconnection would be a serious and immediate threat to the health and safety of a designated person in the household of the customer. The postponement of disconnection shall be continued for one (1) additional ten (10) day period upon the provision of an additional such medical statement.

(2) An LEC may not disconnect basic local service to the customer for any of the following reasons:

(A) For nonpayment of any toll charges or unregulated telecommunications services.

(B) Upon the customer's failure to pay for services to a previous occupant of the premises being served unless the customer is attempting to defraud the LEC by using another name.

(C) On the basis of the delinquent character of an account of any other person, except if such customer is the guarantor of that other person's account for telephone service.

(D) If the customer makes a payment arrangement pursuant to section 10 of this rule.

(E) If a customer is unable to pay a bill that is unusually large due to prior incorrect billing, incorrect application of the rate schedule, or any human or mechanical error of the LEC, and the customer:

(i) makes a payment arrangement in accordance with the guidelines set forth in section 10(a)(2)(E)(ii) and 10(a)(2)(E)(iii) of this rule; and

(ii) agrees to pay all undisputed future bills for basic local service as they become due, provided, however, that the LEC may not add to the outstanding bill any late fee and, provided further, that the payment arrangement agreement in item (i) and this item shall be put in writing by the LEC and sent by mail to the customer.

(e) No LEC may disconnect service unless it is done between the hours of 8 a.m. and 3 p.m. Disconnections pursuant to subsections (a) and (b) are not subject to this limitation. The LEC may not disconnect service for nonpayment:

(1) on any Friday after noon;

(2) on any Saturday;

(3) on any Sunday;

(4) on any other day the LEC's offices are not open for business; or

(5) after noon on any day immediately before a day the LEC's office are not open for business.

(f) Requirements for notice required prior to involuntary disconnection are as follows:

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(1) Except as otherwise provided in this section, service to any customer shall not be disconnected for a violation of any rule of the LEC or for nonpayment of a bill, except after seven (7) business days from the postmark date of a written notice sent to such customer at the address shown on the records of the LEC. No disconnect notice for nonpayment may be rendered prior to the date on which the account becomes delinquent.

(2) The disconnection notice shall be in language that is clear, concise, and easily understandable to a layman and shall state, in separately numbered large print paragraphs, the following information:

(A) The date of proposed disconnection.

(B) The specific reason for the proposed disconnection.

(C) The telephone number of the LEC office at which the customer may call during regular business hours to question the proposed disconnection or seek information concerning the customer's rights.

(D) The local and toll free telephone numbers and office hours of the commission.

(E) The customer may make a partial payment of a specified amount to cover deniable charges in order to avoid disconnection of basic local service.

(F) Information as to the customer's rights, pursuant to this rule, including, but not limited to, the following:

(i) That the customer may obtain a temporary waiver of disconnection for a serious illness or medical emergency pursuant to subsection (c).

(ii) That the customer may file a complaint with the utility or the commission pursuant to sections 8 and 9 of this rule.

(iii) That the customer may make payment arrangements pursuant to section 10 of this rule.

(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-11; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4072, eff one hundred eighty (180) days after filing with the secretary of state)

170 IAC 7-1.3-12 Reconnection

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 12. (a) An LEC may charge a reasonable reconnection charge, not to exceed the charge approved by the commission in the LEC's filed tariffs. An LEC shall inform its customers of such reconnection fee pursuant to section 5 of this rule.

(b) The LEC shall reconnect service to the customer as soon as reasonably possible after it is requested to do so if the customer has satisfied the requirements of this rule, not to exceed the following time frames:

(1) Within twenty-four (24) hours of identification for disconnections that were not made pursuant to this rule.

(2) One (1) business day for temporary disconnections for nonpayment.

(3) For disconnections for nonpayment after customer

has been removed from the network the rules for new installations in sections 3 and 4 of this rule will apply.

(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-12; filed Aug 7, 2002, 10:05 a.m.: 25 IR 4074, eff one hundred eighty (180) days after filing with the secretary of state)

SECTION 2. THE FOLLOWING ARE REPEALED: 170 IAC 7-1.1-12; 170 IAC 7-1.1-13; 170 IAC 7-1.1-14; 170 IAC 7-1.1-15; 170 IAC 7-1.1-16; 170 IAC 7-1.1-17; 170 IAC 7-1.1-18.

SECTION 3. SECTIONS 1 and 2 of this document take effect one hundred eighty (180) days after filing with the secretary of state pursuant to IC 4-22-2-35 or January 1, 2003, whichever is later.

LSA Document #01-342(F)

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Incorporated Documents Filed with Secretary of State: None

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #01-361(F)

DIGEST

Amends rules governing historic preservation and archaeology by adding 312 IAC 22.5 to provide standards for the registration and management of cemeteries and burial grounds. Effective 30 days after filing with the secretary of state.

312 IAC 22.5

SECTION 1. 312 IAC 22.5 IS ADDED TO READ AS FOLLOWS:

ARTICLE 22.5. CEMETERIES AND BURIAL GROUNDS; REGISTRATION AND MANAGEMENT

Rule 1. Definitions

312 IAC 22.5-1-1 Application of definitions

Authority: IC 14-21-1-25; IC 14-21-1-31

Affected: IC 14-9-4-1; IC 14-21-1

Sec. 1. The definitions contained in this rule apply throughout this article and are in addition to those set forth in 312 IAC 1. *(Natural Resources Commission; 312 IAC 22.5-1-1; filed Jul 17, 2002, 3:40 p.m.: 25 IR 4074)*

312 IAC 22.5-1-2 "Cemetery" defined

Authority: IC 14-21-1-25; IC 14-21-1-31

Affected: IC 14-9-4-1; IC 14-21-1

Sec. 2. “Cemetery” means ground in which human remains are buried, including the land associated with or incidental to the burial of human remains. The term includes a cemetery, Native American cemetery, graveyard, burial ground, or similarly described real property. *(Natural Resources Commission; 312 IAC 22.5-1-2; filed Jul 17, 2002, 3:40 p.m.: 25 IR 4074)*

312 IAC 22.5-1-3 “Development plan” defined

Authority: IC 14-21-1-25; IC 14-21-1-31
 Affected: IC 14-9-4-1; IC 14-21-1

Sec. 3. “Development plan” means a plan for the erection, alteration, or repair of any structure. *(Natural Resources Commission; 312 IAC 22.5-1-3; filed Jul 17, 2002, 3:40 p.m.: 25 IR 4075)*

312 IAC 22.5-1-4 “Division” defined

Authority: IC 14-21-1-25; IC 14-21-1-31
 Affected: IC 14-9-4-1; IC 14-21-1

Sec. 4. “Division” means the division of historic preservation and archaeology of the department. *(Natural Resources Commission; 312 IAC 22.5-1-4; filed Jul 17, 2002, 3:40 p.m.: 25 IR 4075)*

312 IAC 22.5-1-5 “Human remains” defined

Authority: IC 14-21-1-25; IC 14-21-1-31
 Affected: IC 14-9-4-1; IC 14-21-1

Sec. 5. “Human remains” means any part of the body of a human being in any stage of decomposition or state of preservation. This article does not, however, apply to the human remains of individuals dying after December 31, 1939. *(Natural Resources Commission; 312 IAC 22.5-1-5; filed Jul 17, 2002, 3:40 p.m.: 25 IR 4075)*

312 IAC 22.5-1-6 “State” defined

Authority: IC 14-21-1-25; IC 14-21-1-31
 Affected: IC 14-8-2-265

Sec. 6. “State” means the following:

- (1) The Indiana state government.
- (2) An agency, subdivision, an officer, a board, a bureau, a commission, a department, a division, or an instrumentality of the state.

(Natural Resources Commission; 312 IAC 22.5-1-6; filed Jul 17, 2002, 3:40 p.m.: 25 IR 4075)

Rule 2. Disturbance of Ground within 100 Feet of a Cemetery

312 IAC 22.5-2-1 Application of rule for development plan at burial grounds

Authority: IC 14-21-1-25; IC 14-21-1-31
 Affected: IC 14-9-4; IC 14-21-1

Sec. 1. This rule provides standards for the submission,

review, and implementation of a development plan within one hundred (100) feet of a cemetery. *(Natural Resources Commission; 312 IAC 22.5-2-1; filed Jul 17, 2002, 3:40 p.m.: 25 IR 4075)*

312 IAC 22.5-2-2 Requirement of a prior development plan

Authority: IC 14-21-1-25; IC 14-21-1-31
 Affected: IC 8-1-2-1; IC 8-1-13; IC 14-9-4; IC 14-21-1; IC 14-34

Sec. 2. (a) Except as provided in subsection (b), a person must receive and comply with a development plan approved under this rule before disturbing the ground within one hundred (100) feet of a cemetery to erect, alter, or repair a structure.

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

- (1) A public utility (as defined by IC 8-1-2(a) [*sic.*, IC 8-1-2-1(a)]).
- (2) A corporation organized under IC 8-1-13.
- (3) A municipally owned utility (as defined in IC 8-1-2-1(h)).
- (4) A surface coal mining and reclamation operation permitted under IC 14-34.
- (5) A government entity other than the state.

(Natural Resources Commission; 312 IAC 22.5-2-2; filed Jul 17, 2002, 3:40 p.m.: 25 IR 4075)

312 IAC 22.5-2-3 Application for approval of a development plan

Authority: IC 14-21-1-25; IC 14-21-1-31
 Affected: IC 14-9-4; IC 14-21-1

Sec. 3. An application for approval of a development plan under this rule must be filed with the division and include the following:

- (1) A signed cover letter from the applicant on letterhead with the following information:
 - (A) The identity of the person or persons who would conduct the project.
 - (B) The overall nature and timeframe for the project.
 - (C) The location of the project by section, township, range, county, and address.
 - (D) Any prior disturbance of the area.
 - (E) A statement of whether federal or state funds or licenses are involved in the project.
- (2) Mapping to show the location of the cemetery in relation to the project that includes:
 - (A) Construction details for activities within one hundred (100) feet of the cemetery.
 - (B) References to nearby landmarks.
 - (C) Location of the cemetery and the project area on the appropriate U.S. Geological Survey 7.5' quadrangle map.
- (3) A description of the cemetery sufficient to evaluate the likely impact of the project, including the following:

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- (A) Any name of the cemetery.
- (B) The dates of use.
- (C) Historical information and documentation.
- (D) Precise boundaries that reference nearby landmarks. If documentation is not currently available to identify the cemetery boundaries, the applicant may be required to determine those boundaries through:
 - (i) Remote sensing.
 - (ii) Investigations by archaeologists.
 - (iii) Another scientific method approved by the division.
- (E) The current physical condition of the cemetery.

(4) A description of the grounds adjacent to and within one hundred (100) feet of the cemetery, including the following:

- (A) The nature, depth, and degree of previous disturbances, including those caused by construction, excavation, grading, or filling.
- (B) A description of soils, by types, that are present at the site, including an explanation of how they would be disturbed, graded, modified, removed, or otherwise treated.
- (C) A description of every structure.
- (D) A description of the activities anticipated to erect, alter, or repair a structure.
- (E) Areas that would contain new construction of the footprints of the proposed construction areas.

(5) Clear recent photographs of the cemetery and the grounds adjacent to and within one hundred (100) feet of the cemetery.

(6) If the application is not from the landowner, written permission from the owner of the cemetery and the owner of any area to be entered or disturbed during the project.

(Natural Resources Commission; 312 IAC 22.5-2-3; filed Jul 17, 2002, 3:40 p.m.: 25 IR 4075)

312 IAC 22.5-2-4 Incomplete or inadequate applications and expiration

Authority: IC 14-21-1-25; IC 14-21-1-31
Affected: IC 14-9-4; IC 14-21-1

Sec. 4. (a) The division shall inform the applicant of any aspect of an application believed by the division to be incomplete or inadequate under IC 14-21 or this article. An opportunity shall be provided to the applicant to correct deficiencies or inadequacies.

(b) Unless otherwise specified in the authorization, an authorization under this rule expires two (2) years after issuance by the division. *(Natural Resources Commission; 312 IAC 22.5-2-4; filed Jul 17, 2002, 3:40 p.m.: 25 IR 4076)*

312 IAC 22.5-2-5 Completion of review and effective date of authorization

Authority: IC 14-21-1-25; IC 14-21-1-31
Affected: IC 4-21.5; IC 14-9-4; IC 14-21-1

Sec. 5. (a) The division shall conclude its review of the development plan within sixty (60) days of the receipt of a completed application. Upon the conclusion of review, the division may approve, condition, or deny the application.

(b) The effective date and administrative review of an authorization under this rule are governed by IC 4-21.5 and 312 IAC 3-1. *(Natural Resources Commission; 312 IAC 22.5-2-5; filed Jul 17, 2002, 3:40 p.m.: 25 IR 4076)*

312 IAC 22.5-2-6 Conduct of activities and modifications

Authority: IC 14-21-1-25; IC 14-21-1-31
Affected: IC 14-9-4; IC 14-21-1

Sec. 6. (a) The applicant must conduct approved activities according to the terms and conditions of the authorization and this rule.

(b) The applicant must comply with other valid federal, state, or local laws and ordinances. Compliance with 312 IAC 21 and 312 IAC 22 is specifically made a condition of the authorization.

(c) The activities contemplated in an authorization may be modified only upon advance approval by the division. If written permission was required as a condition for approval of the authorization, the same person (or the successor in interest to the person) must also give written approval for the modification. *(Natural Resources Commission; 312 IAC 22.5-2-6; filed Jul 17, 2002, 3:40 p.m.: 25 IR 4076)*

LSA Document #01-361(F)

Notice of Intent Published: 25 IR 407

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Approved by Governor: July 15, 2002

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Incorporated Documents Filed with Secretary of State: None

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #99-73(F)

DIGEST

Amends 326 IAC 6-1-10.1 to change particulate matter (PM₁₀) emission limitations for Union Tank Car in Lake County. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: May 1, 1999, Indiana Register (22 IR 2647).

Second Notice of Comment Period and Notice of First Hearing: November 1, 2001, Indiana Register (25 IR 534).

First Public Hearing: February 6, 2002.

Notice of Second Hearing: March 1, 2002, Indiana Register (25 IR 1958).

Date of Second Hearing: May 1, 2002.

326 IAC 6-1-10.1

SECTION 1. 326 IAC 6-1-10.1, AS AMENDED AT 25 IR 716, SECTION 10, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6-1-10.1 Lake County PM₁₀ emission requirements

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

Affected: IC 13-15; IC 13-17

Sec. 10.1. (a) This section applies to the sources, facilities, and operations listed in subsection (d).

(b) The following definitions apply throughout this section:

(1) "lbs/hr" means pounds of particulate matter emissions emitted per one (1) sixty (60) minute period.

(2) "lbs/MMBtu" means pounds of particulate matter emissions per million British thermal units heat input of fuels fired in the source, unless otherwise stated.

(3) "lbs/ton" means pounds of particulate matter emissions per ton of product output from the particular facility, unless otherwise stated. Byproducts that may be sold as product shall not be included under the term "product".

(4) "gr/dscf" means grains of particulate matter per dry standard cubic foot of exhaust air.

(c) All emission limits in this section shall be PM₁₀ limits, unless otherwise stated.

(d) The following sources shall comply with the corresponding PM₁₀ and total suspended particulates (TSP) emission limitations and other requirements in this section consistent with the provisions as applicable in subsection (k). Each emission limit applies to one (1) stack serving one (1) facility unless otherwise noted. The emission limitations apply:

(1) to one (1) stack serving the multiple units specified when the facility description notes "stack serving"; and

(2) to each stack of multiple stacks serving multiple facilities when the facility description notes "each stack serving".

<u>Source</u>	<u>Emission Limit (Units)</u>	<u>Emission Limit (lbs/hr)</u>	
(1) JUPITER ALUMINUM CORPORATION			
Reverberatory furnace number 1	0.060 lbs/ton	0.970	
Reverberatory furnace number 2	0.142 lbs/ton	0.430	
Reverberatory furnace number 3	0.145 lbs/ton	0.510	
Reverberatory furnace number 4	0.145 lbs/ton	0.510	
Reverberatory furnace number 5	0.130 lbs/ton	1.137	
(2) SILGAN CONTAINERS MANUFACTURING CORPORATION			
Stack serving incinerators (3 units)	0.007 lbs/MMBtu	0.310	
Coil coater	0.007 lbs/MMBtu	0.290	
(3) CERESTAR USA, INC.			
Stack serving boiler numbers 6 and 7	Stack Number	lbs/hr	gr/dscf
	10-03-U-P and	30.3	
	10-04-U-P		
Stack serving boiler numbers 8 and 10	10-05-U-P and	22.7	
	10-06-U-P		
Activated carbon regenerating furnace	15G-01-R-F	0.34	0.01
Bulk carbon/bulk filter aid system	17-03-R-P	0.06	0.01
Corn syrup solids dust collection system number 2	18-03-R-P	0.30	0.01
Special starch (P. G.) manufacturing equipment system number 1	18-06-S-P	0.17	0.01
Special starch (P. G.) manufacturing equipment system number 2	18-07-S-P	0.084	0.01
Special starch (P. G.) manufacturing equipment system number 3C (½ system number 3)	18-08-S-P	0.12	0.01
Special starch (P. G.) manufacturing equipment system number 3D (½ system number 3)	18-09-S-P	0.12	0.01
Gluten ring dryer #1	19-03-G-P	4.76	0.015
Receiver for first stage germ dryer	21A-01-G-P	0.12	0.015
First stage germ dryer exhaust	21A-02-G-P	0.67	0.01
Equipment conveying corn dirt to dirt storage silo	30-16-G-P	0.06	0.01
Waxy feed conveyor system	31-02-G	0.27	0.01
Finished gluten conveying system (Tank 2 or 3)	31-10-G-P or	0.19	0.02
	31-11-G-P		
Gluten receiver	31-13-G(3/95)	0.23	0.02

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Germ storage silo	31-14-G(10/95)	0.097	0.01
Corn receiving and storage-bin vent #5	33-01-G(12/95)	0.171	0.02
Corn receiving and storage-bin vent #6	33-02-G(12/95)	0.171	0.02
Corn cleaner	33-03-G(12/95)	0.21	0.01
Dextrin incoming starch, building 34	34-01-S-P	0.04	0.01
Dextrin starch reactor #1	34-02-S-P	0.180	0.01
Dextrin starch cooler #1	34-03-S-P	0.042	0.01
Dextrin storage hopper, building 34	34-05-S-P	0.11	0.01
Dextrin feed hoppers: 1 and 2 (System 1)	34-06-S and	0.030	0.01
Dextrin air lock feeder	34-07-S (12/92)		
Dextrin starch cooler	34B-01-S (10/93)	0.042	0.01
Dextrin storage hopper	34B-03-S (10/93)	0.114	0.01
Dextrin starch reactor #2	34B-04-S (10/93)	0.179	0.01
Dextrin feed hoppers: 3 and 4 (System 2)	34B-05-S and	0.030	0.01
#1 and #2 Dextrin air lock feeder	34B-06-S (10/93)		
Dextrin incoming starch batch scale hopper No. 2	34B-13-S (10/93)	0.067	0.01
Feed receiver	35-05-G	0.568	0.01
Dextrin bulk loading equipment	48-09-S-P	0.26	0.01
Receiver for second stage germ dryer	51A-01-G-P	0.19	0.02
Second stage germ dryer exhaust	51A-02-G-P	1.01	0.015
Sulfate bag dumping	52-02-S-P	0.20	0.01
Starch milling system number 1	59-01-S-P	0.43	0.01
Starch milling system number 2	59-02-S-P	0.43	0.01
Starch ring dryer number 2	59-03-S-P	3.50	0.006
Stack serving starch bulk loading equipment (receiver)	76-02-S-P	0.17	0.01
Stack serving starch bulk loading equipment (Railcar loading)	76-03-S-P	0.17	0.01
Stack serving special starch (P.G.) manufacturing equipment system	85-01-S-P	0.24	0.01
Fiber drying equipment	89-01-G (10/95)	4.50	0.01
Wet fiber cyclone receiver	89-02-G (10/95)	0.178	0.01
Rotary feed dryer	89-03-G (10/95)	4.5	0.03
Milled feed hopper	89-04-G (10/95)	0.50	0.01
Feed pelletizing B	91-14-G-P	2.10	0.015
Feed pelletizing C	91-15-G-P	2.10	0.015
Feed pelletizing D	91-16-G-P	0.23	0.01
Starch conveying system number 46	93-01-W-P	0.17	0.01
Starch conveying system 47	93-02-W-P	0.17	0.02
Dextrin conveying system 48	93-03-W-P	0.17	0.01
Dried corn syrup conveying system, frodex	93-04-W-P	0.069	0.01
Corn syrup solids conveyor equipment	93-05-W-P	0.066	0.01
Stack serving starch packing systems number 1 and 2, building 93 (43 and 44)	93-06-W-P and	0.23	0.01
	93-07-W-P		
Frodex semibulk packing system, building 93	93-08-W-P	0.083	0.01
Each stack serving bag dump numbers 1 and 2	93-09-W-P and	0.10	0.01
	93-10-W-P		
Starch bulk loading	93-14-W (2/93)	0.273	0.01
Starch vacuum clean-up system	93-15-W (2/93)	0.021	0.01
Starch mixing and bagging system #1	93-16-W (5/95)	0.130	0.01
Starch mixing and bagging system #2	93-17-W (5/95)	0.264	0.01
New corn syrup spray dryer cooler system number 3 (SIP #2)	100-01-R-P	4.96	0.015

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#4 corn syrup spray dryer	100-03-R (93)	4.2	0.01
Carbon regeneration furnace #2	104-01-R (2/96)	0.728	0.015
Soda ash tank	104-02-R (2/96)	0.154	0.02
Filter aid hopper	104-03-R (2/96)	0.044	0.02
Sodium bisulfate bag dump	104-05-R (2/96)	0.080	0.02
Each stack serving bulk corn starch storage bin numbers 20 through 36 (five (5) stacks may operate at one time)	120-01-S-P to 120-17-S-P	0.56	0.01
Gluten dryer system	121-01-G (3/95)	3.0	0.03
Waxy feed drum dryer scrubber	124-01-G-P	11.12	0.03
Waxy feed milling equipment	124-22-G-P	0.051	0.01
Germ dryer/cooler	124A-01-G (11/94)	1.852	0.02
Starch ring dryer number 3	125-01-S-P	3.50	0.006
Waxy bulk cornstarch storage bins numbers 95 through 98 (only one (1) may operate at a time)	126-01-S-P to 126-04-S-P	0.16	0.01
BCD dryer, building 127	127-01-B-P	0.57	0.01
#1 and #2 vacuum cleaner system	127-21-B and 127-22-B (5/93)	0.031	0.01
#1 and #2 BCD storage hopper	127-23-B and 127-24-B (5/93)	0.18	0.01
BCD mill feeder hopper	127-25-B (5/93)	0.028	0.01
BCD packing hopper	127-26-B (5/93)	0.005	0.01
Special starch process with starch dryer number 4, building 128	128-01-S-P	3.5	0.01
Four products blending systems, building 93	130-01-S-P to 130-04-S-P	0.42	0.01
Dextrin blender	130-05-S (7/93)	0.248	0.01
Corn receiving and storage-bin vent #1 and #2	140-01-G and 140-02-G (12/95)	0.343	0.02
Corn receiving and storage-bin vent #3 and #4	140-03-G and 140-04-G (12/95)	0.343	0.02
Corn dump pit	140-05-G (12/95)	1.286	0.01
Corn scale system	140-06-G (12/95)	0.154	0.01
Corn elevator conveying	140-07-G (12/95)	0.086	0.01
(4) AMERICAN STEEL FOUNDRIES-EAST CHICAGO	Emission Limit	Emission Limit	
	(Units)	(lbs/hr)	
Sand kiln and cooler	0.636 lbs/ton	16.29	
Sandheater mixing	0.520 lbs/ton	11.44	
Electric induction furnaces (2 units)	0.104 lbs/ton	1.248	
#2 tumblast with dust collector	0.145 lbs/ton of product	0.678	
#3 tumblast with dust collector	0.145 lbs/ton of product	0.678	
Shakeout dust collector	0.012 lbs/ton of product	0.384	
(5) AMERICAN STEEL FOUNDRY-HAMMOND			
Stack serving coil spring grinder numbers 3-0386 and 3-0389	1.083 lbs/ton	0.045	
Stack serving coil spring grinder number 3-0244	0.021 lbs/ton	0.040	
Tub grinder number 3-0388	0.015 lbs/ton	2.00	
Coil spring grinder number 3-0247	0.019 lbs/ton	0.03	
Coil spring grinder number 3-0249	3.792 lbs/ton	1.82	
Coil spring grinders numbers 3-0385, 3-295, and 3-0233	0.019 lbs/ton	0.05	
Shot blast peener number 3-1804	0.011 lbs/ton	0.06	

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Shot blast peener number 3-1811	0.018 lbs/ton	0.06
Shot blast peener number 3-1821	0.016 lbs/ton	0.06
Shot blast peener number 3-1823	0.016 lbs/ton	0.06
Small coil manufacturing (ESP number 3-3024)	0.014 lbs/ton	0.02
Medium coil manufacturing (ESP number 3-3027)	0.700 lbs/ton	2.10
Large coil manufacturing (ESP number 3-3028)	0.700 lbs/ton	3.50
Miscellaneous coil manufacturing (ESP number 3-3026)	0.700 lbs/ton	1.05
(6) AMOCO OIL, WHITING REFINERY BP PRODUCTS NORTH AMERICA INC.		
Number 1 CRU, F-101 feed preheater	0.004 lbs/MMBtu	0.267
Stack serving number 1 CRU, F-102, F-201, F-202 heaters	0.004 lbs/MMBtu	0.290
Stack serving number 1 power station, boiler numbers 1, 2, 3, and 4	0.016 lbs/MMBtu	15.809
Stack serving number 1 power station, boiler numbers 5, 6, 7, and 8	0.016 lbs/MMBtu	13.244
Stack serving number 11 pipe still furnaces H-101, H-102, H-103, H-104, coke preheaters	0.004 lbs/MMBtu	0.741
Number 11 pipe still, H-1X heater	0.031 lbs/MMBtu	6.867
Number 11 pipe still, H-2 vacuum heater	0.032 lbs/MMBtu	1.440
Number 11 pipe still, H-200 crude charge	0.032 lbs/MMBtu	7.866
Number 11 pipe still, H-3 vacuum heater	0.031 lbs/MMBtu	1.704
Number 11 pipe still, H-300 furnace	0.031 lbs/MMBtu	4.931
Stack serving number 12 pipe still, H-1A and H-1B preheaters and H-2 vacuum heater	0.025 lbs/MMBtu	16.348
Each stack serving number 12 pipe still, H-1CN and H-1CS crude preheater	0.004 lbs/MMBtu	0.444
Number 12 pipe still, H-1CX crude preheater	0.004 lbs/MMBtu	0.924
Number 2 isomerization, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 2 isomerization, H-1 feed heater furnace	0.004 lbs/MMBtu	0.704
Each stack serving number 3 power station, boiler numbers 1, 2, 3, 4, and 6	0.030 lbs/MMBtu	17.49
Number 3 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 3 ultraformer, H-1 feed heater furnace	0.004 lbs/MMBtu	0.852
Number 3 ultraformer, H-2 feed heater furnace	0.004 lbs/MMBtu	0.685
Number 3 ultraformer, waste heat recovery unit	0.004 lbs/MMBtu	1.537
Stack serving number 37 pipe still, B-1 feed preheater, B-2 wax fractioner	0.018 lbs/MMBtu	1.903
Stack serving number 4 ultraformer, F-1 ultrafiner furnace F-8A and F-8B reboilers	0.004 lbs/MMBtu	1.459
Number 4 ultraformer, F-2 preheater furnace	0.004 lbs/MMBtu	1.059
Number 4 ultraformer, F-3 number 1 reheat furnace	0.004 lbs/MMBtu	0.896
Stack serving number 4 ultraformer, F-4 number 2 reheat furnace, F-5 number 3 reheat furnace, and F-6 number 4 reheat furnace	0.004 lbs/MMBtu	1.060
Number 4 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.159
Aromatics recovery unit, F-200A furnace	0.004 lbs/MMBtu	0.924
Aromatics recovery unit, F-200B furnace	0.004 lbs/MMBtu	0.924
Blending oil desulphurization, F-401 furnace	0.004 lbs/MMBtu	0.130
Cat feed hydrotreating unit	0.004 lbs/MMBtu	0.246
F-1 Berry Lake distillate heater	0.004 lbs/MMBtu	0.048
F-2 Steiglitz Park residual heater	0.008 lbs/MMBtu	0.208
Stack serving heavy oils unit, H-101, H-201, H-202	0.004 lbs/MMBtu	0.030
NMP extraction unit, B-105 furnace	0.023 lbs/MMBtu	1.174
NMP extraction unit, B-106 furnace	0.004 lbs/MMBtu	0.352
Oil hydrotreating unit	0.004 lbs/MMBtu	0.059
Sulfur recovery unit incinerator	0.004 lbs/MMBtu	0.090
Asphalt oxidizer number 1	0.000 lbs/ton	0.000
Asphalt oxidizer number 2	0.000 lbs/ton	0.000
Asphalt oxidizer number 3	0.000 lbs/ton	0.000
Tail gas unit (new)	0.110 lbs/ton	0.103
Wastewater sludge fluid bed incinerator	0.173 lbs/ton based on 79,000 lbs/hr fluidizing air flow	6.84

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FCU 500	1.220 lbs/1,000 lbs coke burned	73.20
FCU 600	1.10 lbs/1,000 lbs coke burned	55.00
DDU WB-301	0.004 lbs/MMBtu	0.250
DDU WB-302	0.004 lbs/MMBtu	0.240
Hydrogen unit B-1	0.009 lbs/MMBtu	3.340
(7) ASSOCIATED BOX		
Wood chip fired space heating boiler	0.810 lbs/MMBtu	4.450
(8) BUCKO CONSTRUCTION		
Rotary dryer	0.017 lbs/hr	4.440
(9) SMITH READY MIX		
Central mix	0.0013 lbs/ton	0.350
(10) STATE LINE ENERGY, LLC		
Unit 3	0.100 lbs/MMBtu	213.00
Unit 4	0.100 lbs/MMBtu	356.80
(11) E.I. DUPONT		
Sodium silicate furnace	1.439 lbs/ton	6.0
(12) GENERAL REFRACTORY		
Ball milling storage	0.041 lbs/ton	0.410
Crushing and sizing	0.012 lbs/ton	0.460
Material handling system	0.003 lbs/ton	0.220
Material loading	0.006 lbs/ton	0.150
Material weighing	0.064 lbs/ton	0.350
Mixing and packaging	0.354 lbs/ton	2.480
Sizing, conveying, and storage	0.029 lbs/ton	0.580
(13) GEORGIA PACIFIC		
Boiler number 1	0.129 lbs/MMBtu	9.380
(14) GLOBE INDUSTRIES		
Stack serving asphalt saturators (2 units)	0.060 lbs/ton of product	4.500
(15) HAMMOND GROUP INC. (HGI)		
Stack 17-S-40	0.030 gr/dscf	2.120
Stack 20-S-36	0.022 gr/dscf	0.395
Stack 20-S-41	0.022 gr/dscf	0.450
Stack 20-S-37	0.022 gr/dscf	0.200
Stack 20-S-38	0.022 gr/dscf	0.087
Stack 17-S-25	0.030 gr/dscf	2.120
Stack 20-S-42	0.022 gr/dscf	0.200
Stack 20-S-43	0.022 gr/dscf	0.087
Stack 20-S-39	0.022 gr/dscf	0.496
Stack 20-S-44	0.022 gr/dscf	0.496
Stack 13-S-48	0.022 gr/dscf	0.471
Stack 14-S-45	0.022 gr/dscf	0.471
(16) HAMMOND GROUP INC.–HALSTAB DIVISION		
Stack S-1	0.022 gr/dscf	0.220
Stack S-2	0.022 gr/dscf	0.080
Stack S-4	0.022 gr/dscf	1.460
Stack S-5	0.022 gr/dscf	1.030
Stacks S-6, S-7, and S-8, each stack	0.022 gr/dscf	0.570
Stacks S-9, S-10, S-11, S-12, S-13, S-14, S-15, and S-16, each stack	0.022 gr/dscf	0.200
Stack S-17	0.022 gr/dscf	1.990
(17) HAMMOND GROUP INC. (HGI)		
Stack 1-S-54	0.0 gr/dscf	0.000
Stack 4A-S-8	0.022 gr/dscf	0.250

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Stack 14-S-16	0.022 gr/dscf	0.250
Stack 1-S-2	0.022 gr/dscf	0.250
Stack 1-S-26	0.022 gr/dscf	0.250
Stack 16-S-56	0.022 gr/dscf	1.000
Stack 1-S-52	0.022 gr/dscf	1.000
Stack 1-S-27	0.022 gr/dscf	0.290
Stack 4-S-35	0.022 gr/dscf	0.570
Stack 6-S-33	0.022 gr/dscf	0.900
Stack 4B-S-34	0.022 gr/dscf	0.400
Stack 6-S-47	0.022 gr/dscf	0.400
V-1	0.022 gr/dscf	1.000
Stack 14-S-15	0.022 gr/dscf	0.320
(18) HARBISON-WALKER REFRACTORIES, HAMMOND WORKS		
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3)	1.36 lbs/ton	4.50
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3) if only one kiln is in operation	1.36 lbs/ton	8.40
Lanley oven (S-7)	0.210 lbs/ton	0.840
Basic dryer (stack 8)	0.916 lbs/ton	3.020
Chrome ore crushing (D-9)	0.024 lbs/ton	0.490
Chrome ore rotary dryer (D-10)	0.032 lbs/ton	0.640
Chrome ore handling (D-11) and storage	0.020 lbs/ton	0.410
Chrome ore screening (D-12) and milling	0.078 lbs/ton	1.240
Chrome ore finished (D-13) material handling and storage	0.044 lbs/ton	0.700
Magnesite unloading and crushing (D-18)	0.017 lbs/ton	0.580
Magnesite material handling and storage (D-2)	0.012 lbs/ton	0.410
Magnesite screening and milling (D-8)	0.051 lbs/ton	1.280
Specialty magnesite handling system (D-16)	0.097 lbs/ton	0.260
Magnesite chrome ore mixer number 3 (D-6)	0.033 lbs/ton	0.230
Magnesite chrome ore mixer number 2 and flat mixer (D-5)	0.033 lbs/ton	0.460
Magnesite chrome ore mixer number 1 (D-4)	0.033 lbs/ton	0.230
Magnesite carbon mixers (D-7)	0.054 lbs/ton	0.460
Magnesite smooth roll crusher system (D-15)	0.067 lbs/ton	0.500
Magnesite auxiliary milling system (D-14)	0.086 lbs/ton	0.170
(19) INLAND STEEL		
Number 4 slab mill scarfer	0.039 lbs/ton	21.97
Number 2A bloomer scarfer	0.107 lbs/ton	10.70
Mold foundry baghouse	0.011 gr/dscf	26.00
Sinter plant discharge end and cooler baghouse	0.01 gr/dscf TSP	11.70 TSP
Sinter plant windbox baghouse	0.007 gr/dscf TSP	17.00 TSP
Lime plant silo baghouses	0.085 lbs/ton	5.530
Lime plant firing and kiln baghouses	0.110 lbs/ton	7.149
Number 4 roll shop ervin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4 roll shop wheelabrator baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 4A roll shop ervin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4A roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 2 roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.270 TSP
Number 6 roll shop roll blaster/baghouse	0.0052 gr/dscf TSP	0.200 TSP
Electric shop blasters/baghouses	0.0052 gr/dscf TSP	1.070 TSP

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Number 11 coke battery preheaters (2 units)	0.00	0.00
Number 11 coke battery shed baghouse	0.00	0.00
Number 6 coke battery underfire stack	0.00	0.00
Number 7 coke battery underfire stack	0.00	0.00
Number 8 coke battery underfire stack	0.00	0.00
Number 9 coke battery underfire stack	0.00	0.00
Number 10 coke battery underfire stack	0.00	0.00
Number 11 coke battery underfire stack	0.00	0.00
Number 7B blast furnace canopy baghouse	0.003 gr/dscf	11.22
Number 7 blast furnace stockhouse pellet baghouse	0.0052 gr/dscf	4.00
Number 7 blast furnace casthouse baghouse	0.011 gr/dscf TSP	22.00 TSP
Number 7 blast furnace coke screening baghouse	0.007 gr/dscf TSP	4.200 TSP
Number 7 blast furnace stockhouse coke baghouse	0.01 gr/dscf TSP	2.00 TSP
Number 1 blast furnace stoves (4 units)	0.000	0.000
Number 2 blast furnace stoves (4 units)	0.000	0.000
Number 2 basic oxygen furnace number 10 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace number 20 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace caster fume collection baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace ladle metallurgical station baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace secondary ventilation system scrubber	0.015 gr/dscf TSP	12.00 TSP
Number 2 basic oxygen furnace tundish dump baghouse	0.0052 gr/dscf TSP	2.200 TSP
Number 2 basic oxygen furnace charging aisle reladling and desulfurization baghouse	0.011 gr/dscf TSP	28.30 TSP
Number 2 basic oxygen furnace truck and ladle hopper baghouse	0.0052 gr/dscf TSP	0.800 TSP
Number 2 basic oxygen furnace flux storage and batch baghouse	0.0052 gr/dscf TSP	0.530 TSP
Number 4 basic oxygen furnace reladling and desulfurization baghouse	0.0052 gr/dscf TSP	8.26 TSP
Number 4 basic oxygen furnace scrubber stack (steelmaking)	0.187 lbs/ton TSP	100.00 TSP
Number 4 basic oxygen furnace vacuum degassing baghouse	0.01 gr/dscf TSP	4.280 TSP
Number 4 basic oxygen furnace secondary ventilation system baghouse	0.006 gr/dscf TSP	22.30 TSP
Stack serving blast furnace stove, number 5 (3 units)	0.016 lbs/MMBtu	4.70
Stack serving blast furnace stove, number 6 (4 units)	0.016 lbs/MMBtu	3.64
Stack serving blast furnace stove, number 7 (3 units)	0.0076 lbs/MMBtu	6.32
Stack serving "A" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
Stack serving "B" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
100 inch plate mill reheat furnace	0.078 lbs/MMBtu	13.74
Number 2 bloom mill soaking pit, numbers 1 through 4	0.000	0.000
Number 2 bloom mill soaking pit numbers 5 through 16 collective	0.000	0.000
Number 2 bloom mill soaking pit numbers 19 through 20 collective	0.000	0.000
Number 4 slabber soaking pit numbers 1 through 18 collective	0.0 lbs/MMBtu	0.0
Number 4 slabber soaking pit numbers 19 through 45 collective	0.006 lbs/MMBtu	1.750
Stack serving number 2AC station boiler numbers 207 through 210	0.000	0.000
Stack serving number 2AC station boiler numbers 211 through 213	0.018 lbs/MMBtu	16.20
Stack serving number 3AC station boiler numbers 301 through 304	0.018 lbs/MMBtu	16.20
Number 3AC station boiler number 305	0.018 lbs/MMBtu	5.400
Stack serving number 4AC station boiler number 401 through 404	0.042 lbs/MMBtu	76.578
Number 4AC station boiler number 405	0.028 lbs/MMBtu	18.78
Stack serving number 5 boiler house (3 units)	0.013 lbs/MMBtu	18.05
Electric arc furnace shop direct shell evacuation system baghouse roof monitor	0.0052 gr/dscf	17.14
Electric arc furnace shop ladle metallurgical station baghouse	0.01 gr/dscf	0.820
Coal conveyor transfer baghouse A	0.003 gr/dscf	0.17

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Blending system baghouse B	0.003 gr/dscf	0.54
Coal storage bin baghouse C	0.003 gr/dscf	0.23
Coal pulverizer baghouse D	0.0015 gr/dscf	0.93
Coal pulverizer baghouse E	0.0015 gr/dscf	0.93
Number 7 blast furnace coal storage bin baghouse F	0.003 gr/dscf	0.09
Number 7 blast furnace coal storage bin baghouse G	0.003 gr/dscf	0.09
Numbers 5 and 6 blast furnace coal storage bin baghouse H	0.003 gr/dscf	0.09
(20) KEIL CHEMICAL-DIVISION OF FERRO CORPORATION		
Cleaver brooks boiler B-4	0.007 lbs/MMBtu	0.09
Cleaver brooks boiler B-5	0.007 lbs/MMBtu	0.14
VA power B-3 boiler	0.007 lbs/MMBtu	0.04
Chlorinated wax process	0.001 lbs/ton	0.003
Pyro-chek 68PB1	0.052 lbs/ton	0.030
Pyro-chek 77PB2	0.122 lbs/ton	0.040
Sulfurized fat process	0.157 lbs/ton	0.230
(21) THE CHINET COMPANY		
Molded pulp dryer number 1	0.546 lbs/ton	0.210
Molded pulp dryer number 2	0.546 lbs/ton	0.250
Molded pulp dryer number 3	0.546 lbs/ton	0.290
Molded pulp dryer number 4	0.546 lbs/ton	0.290
Molded pulp dryer number 5	0.546 lbs/ton	0.130
Molded pulp dryer number 6	0.546 lbs/ton	0.130
Molded pulp dryer number K34	0.546 lbs/ton	0.130
Molded pulp dryer number 8	0.546 lbs/ton	0.350
Molded pulp dryer number 9	0.546 lbs/ton	0.410
Molded pulp dryer number 10	0.546 lbs/ton	0.350
Babcock and Wilcox boiler	0.007 lbs/MMBtu	0.050
(22) LTV STEEL CORPORATION		
Stack serving number 3 blast furnace stoves	0.027 lbs/MMBtu	11.73
Stack serving number 4 blast furnace stoves	0.027 lbs/MMBtu	12.93
Stack serving hot strip mill slab heat furnace numbers 1, 2, and 3	0.086 lbs/MMBtu	36.56
Utility boiler number 3	0.066 lbs/MMBtu	12.85
Utility boiler number 4	0.066 lbs/MMBtu	12.85
Utility boiler number 5	0.066 lbs/MMBtu	25.69
Utility boiler number 6	0.066 lbs/MMBtu	25.69
Utility boiler number 7	0.066 lbs/MMBtu	25.69
Utility boiler number 8	0.066 lbs/MMBtu	61.59
Basic oxygen furnace main stack	0.018 gr/dscf	69.40
Reladling and desulfurization baghouse	0.008 gr/dscf	10.49
Ladle metallurgical station baghouse	0.004 gr/dscf	3.630
Sinter plant breaker discharge end	0.02 gr/dscf TSP	18.05 TSP
Sinter plant windbox stack 08	0.02 gr/dscf TSP	49.70 TSP
(23) UNILEVER HPC, USA		
Boiler house, building number 8, boiler number 2	0.116 lbs/MMBtu	9.570
Stack serving boiler house, building number 8, boiler numbers 3 and 4	0.116 lbs/MMBtu	18.88
Dowtherm boiler, DEFI process building 6	0.004 lbs/MMBtu	2.700
Milling and pelletizer soap dust collection system (DC-1), building number 15	0.020 gr/dscf	1.03
Powder dye dust collector system (DC-4), building number 15	0.020 gr/dscf	0.130
Schenible wet scrubber and demister collector system, building number 15	0.030 gr/dscf	1.030
Each stack serving detergent bar soap noodle bins numbers 1, 2, and 3 dust collection system (DC-5, DC-6, and DC-7)	0.020 gr/dscf	0.210
Stack serving chip mixers numbers 1, 2, and 3 soap dust collection system, building number 15 (DC-8, DC-9, and DC-10)	0.020 gr/dscf	0.720
Rework soap dust collection system (DC-3), building number 15	0.020 gr/dscf	0.800
Three chill rolls and apron conveyors (DC-2), building number 15	0.020 gr/dscf	1.090

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High titer granules and chips manufacturing process, building number 6	0.930 lbs/ton	3.500
Detergent bar soap manufacturing process number 1, stack 7, building number 6	1.140 lbs/ton	4.000
Detergent bar soap manufacturing process number 2, stack 16A, building number 6	1.140 lbs/ton	4.000
Bulk filtrol unloading bleached earth dust collection system, building number 1	0.020 gr/dscf	0.070
Oil refinery/filter aid bag dumping operation, building number 1	0.020 gr/dscf	0.220
3 soap dryers dust collection system, building number 14	0.020 gr/dscf	0.120
6 noodle bins and 1 scrap kettle dust collection system, building number 3	0.020 gr/dscf	0.860
Dust collector system for soap rework grinding process, building number 14	0.020 gr/dscf	0.250
Stack serving hard soap finishing lines numbers 1, 2, 3, 5, 7, and 8 dust collection system (DC), building number 14	0.020 gr/dscf	1.540
Sulfonation process	0.205 lbs/ton	0.390
Soap dryer cleanout system, tank number 1, building number 14	0.030 gr/dscf	0.390
Soap dryer cleanout system, tank number 2, building number 14	0.030 gr/dscf	0.300
Crude glycerine filter aid dust collection system, building number 2	0.020 gr/dscf	0.130
Glycerine carbon handling dust collection system, building number 2	0.020 gr/dscf	0.170
Bulk urea handling system, new detergent bulk soap, building number 15A	0.020 gr/dscf	0.100
American hydrotherm boiler 2, stack 1A, building number 15A	0.150 lbs/MMBtu	1.830
Schenible wet scrubber and demister collection system, stack 2A, building number 15A	0.030 gr/dscf	1.030
Flex Kleen dust collection system DC-1053, stack 3A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1054, stack 4A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1055, stack 5A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1056, stack 6A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1050, stack 7A, building number 15A	0.020 gr/dscf	2.130
Flex Kleen dust collection system DC-1052, stack 8A, building number 15A	0.020 gr/dscf	2.130
Bulk Borax unloading to storage silo, stack 9A, building number 8	0.020 gr/dscf	0.130
Oil refinery/filter aid mixing tank number 44, building number 1, stack 15A	0.060 lbs/ton	0.030
Sample detergent bar soap line operation, building 14, stack 17A	0.002 lbs/ton	0.002
(24) MARBLEHEAD LIME COMPANY		
Flue dust loadout number 1 (MHL 14)	0.003 lbs/ton	0.110
Flue dust loadout number 2 (MHL 15)	0.003 lbs/ton	0.100
Lime grinder (MHL 13)	0.015 lbs/ton	0.440
Lime handling baghouse number 1 (MHL 6)	0.002 lbs/ton	0.260
Lime handling baghouse number 2 (MHL 7)	0.002 lbs/ton	0.180
Lime handling baghouse number 3 (MHL 8)	0.0004 lbs/ton	0.050
Lime handling baghouse number 4 (MHL 9)	0.001 lbs/ton	0.130
Lime loadout baghouse number 1 (MHL 10)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 2 (MHL 11)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 3 (MHL 12)	0.004 lbs/ton	0.410
Lime rotary kiln number 1	0.478 lbs/ton	9.950
Lime rotary kiln number 2	0.478 lbs/ton	9.950
Lime rotary kiln number 3	0.478 lbs/ton	9.950
Lime rotary kiln number 4	0.478 lbs/ton	9.950
Lime rotary kiln number 5	0.478 lbs/ton	9.950
(25) MARPORT SMELTING		
North baghouse	0.601 lbs/ton	2.300
South baghouse	1.279 lbs/ton	4.900
(26) METHODIST HOSPITAL		
Boiler number 1	0.044 lbs/MMBtu	0.350
(27) NATIONAL RECOVERY SYSTEMS		
Drying system	0.203 lbs/ton	4.060
Material storage handling	0.034 lbs/ton	0.680
Each stack serving lime fines storage silos (two (2) stacks)	0.001 lbs/ton	0.012
(28) NIPSCO-MITCHELL		
(A) Boiler numbers 4, 5, 6, and 11:		

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(i) Operation under either item (ii)(BB) or (ii)(CC) shall only be allowed provided that a nozzle is in the stack serving boiler numbers 4 and 5 such that the stack diameter is restricted to eight and three-tenths (8.3) feet.

(ii) NIPSCO may operate under any one (1) of the following scenarios:

(AA) Boiler numbers 4, 5, 6, and 11 may operate simultaneously under the following conditions:

(aa) One (1) of boiler number 4 or 5 may operate on coal if the other boiler is operating on natural gas or is not operating. Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to one-tenth (0.1) pound per million Btu and one hundred twenty-eight and seventy-five hundredths (128.75) pounds per hour.

(bb) Boiler numbers 6 and 11 may operate simultaneously on coal. Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to one-tenth (0.1) pound per million Btu and two hundred thirty-six (236) pounds per hour.

(BB) Boiler numbers 4, 5, 6, and 11 may operate simultaneously on coal subject to the following conditions:

(aa) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred eighty-five (185) pounds per hour.

(bb) Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred seventy-five (175) pounds per hour.

(CC) One (1) set of either boiler numbers 4 and 5 or 6 and 11 may operate on coal, if the other set is not operating, subject to the following conditions:

(aa) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to one-tenth (0.1) pound per million Btu and two hundred fifty (250) pounds per hour.

(bb) Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to one-tenth (0.1) pound per million Btu and two hundred thirty-six (236) pounds per hour.

(iii) NIPSCO shall maintain a daily log of the following for boiler numbers 4, 5, 6, and 11:

(AA) Fuel type.

(BB) Transition time of changes between or within operating scenarios.

The log shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

(iv) Emission limits shall be maintained during transition periods within or between operating scenarios.

(B) Upon the effective date of this amended rule, biennial stack testing shall be conducted in the stack serving boiler numbers 4 and 5 and in the stack serving boiler numbers 6 and 11, meeting the following conditions:

(i) Stack testing shall begin within sixty (60) days and be completed within ninety (90) days of the initial utilization of the operating scenario specified in clause (A)(ii)(BB). Particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to seventy-four thousandths (0.074) pound per million Btu.

(ii) After the initial stack test specified in item (i), NIPSCO may utilize the operating scenario specified in clause (A)(ii)(BB) if in the previous biennial stack test particulate emissions from boiler numbers 4, 5, 6, and 11 met the emission limitation of seventy-four thousandths (0.074) pound per million Btu.

(iii) If the operating scenario specified in clause (A)(ii)(BB) has not been utilized since the previous biennial stack test specified in this clause, then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth (0.1) pound per million Btu.

(iv) If the operating scenario specified in clause (A)(ii)(BB) has been utilized since the previous biennial stack test specified in this clause, and NIPSCO no longer has the ability to operate the boilers as specified in clause (A)(ii)(BB), then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth (0.1) pound per million Btu.

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All emissions testing shall be conducted in accordance with the procedures specified in 326 IAC 3-6. Records of stack test data shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

(29) PREMIER CANDY COMPANY		
Boiler number 1 (North)	0.069 lbs/MMBtu	0.420
Boiler number 2 (South)	0.069 lbs/MMBtu	0.450
(30) LASALLE STEEL COMPANY		
Fume scrubber	0.015 lbs/ton	0.060
Number 11 furnace precipitator	0.548 lbs/ton	0.940
Stack serving shot blast baghouse (2 units)	0.001 lbs/ton	0.020
(31) REED MINERALS PLANT #14		
Fluidized bed dryer	0.015 gr/dscf	3.5
Crushing and screening	0.015 gr/dscf	9.0
(32) RHODIA, INC.		
Package boiler	0.007 lbs/MMBtu	0.755
Preheater	0.007 lbs/MMBtu	0.230
Sulfuric acid production unit number 4	0.150 lbs/ton acid	6.958 acid mist produced
(33) PRAXAIR		
Cylinder paint spray booth, stack 033	42.5 lbs/ton	0.340
Drum+ shotblaster and baghouse, stack 075	0.002 gr/dscf	0.028
Drum paint spray booth, stack 073	42.5 lbs/ton	0.340
Cylinder shotblaster number 2 baghouse, stack 030	0.004 gr/dscf	0.042
Generators, numbers 1 through 6	0.008 lbs/MMBtu	0.279
Cylinder shotblaster number 1 baghouse, stack 031	0.002 gr/dscf	0.020
(34) UNION TANK CAR COMPANY		
Grit blaster	0.002 lbs/ton 0.01 gr/dscf	0.020 9.9
(35) U.S. GYPSUM COMPANY		
Raw material handling		
Rail car unloading, stack J10	0.010 gr/dscf	0.070
Each stack serving raw material conveying and storage, stacks J11, J12, and J13	0.015 gr/dscf	0.190
Rock handling process		
Drying, grinding, and calcining, stack M1	0.012 gr/dscf	3.210
Stucco elevating and conveying, stack M2	0.015 gr/dscf	2.210
Franklin fiber process, stack M6	0.011 gr/dscf	0.313
Wallboard manufacturing process		
Paper grinding and stucco system, stack B1	0.020 gr/dscf	2.230
Wallboard end sawing, stack B2	0.020 gr/dscf	0.860
Speciality board manufacturing process (kerfing), stack B3	0.020 gr/dscf	0.260
Each stack serving ready mix process, stacks J1, J2, and J3	0.017 lbs/ton	0.100
Dry texture paint process		
Mixing and packing, stack J4	0.020 gr/dscf	0.190
Bag dumping, stack J5	0.010 gr/dscf	0.100
Dry additive conveying, stack J6	0.010 gr/dscf	0.030
Dry joint compound process		
Mixing and packing, stack J7	0.020 gr/dscf	0.340
Additive air conveying, stack J8	0.010 gr/dscf	0.34
Panel saw process	0.020 gr/dscf	0.140
(36) USS-Gary Works		
Each stack serving number 3 sinter plant coolers	0.03 gr/dscf TSP	154.3 TSP
Number 3 sinter plant discharge area baghouse	0.02 gr/dscf	5.12
Number 3 sinter plant screening station baghouse	0.0052 gr/dscf	7.5
S1/S2 baghouse	0.0052 gr/dscf	0.83
Number 3 sinter plant storage bins building baghouse	0.01 gr/dscf	1.300

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Each stack serving number 3 sinter plant windbox stacks	0.065 gr/dscf TSP	167.1
Number 2 QBOP flux handling lime baghouse	0.01 gr/dscf	2.600
Coke battery number 2 underfire stack	0.05 gr/dscf	27.54
Coke battery number 3 underfire stack	0.05 gr/dscf	42.140
Coke battery number 5 underfire stack	0.05 gr/dscf	16.80
Coke battery number 7 underfire stack	0.05 gr/dscf	20.40
Each stack serving number 2 precarbon building precipitators (3 units)	0.06 gr/dscf	2.5
Each stack serving number 3 precarbon building precipitators (3 units)	0.06 gr/dscf	2.5
Each stack serving number 1 BOP gas cleaning (2 units)	0.02 gr/dscf	17.2
Each stack serving number 2 QBOP gas cleaning (2 units)	0.02 gr/dscf	18.20
Number 2 QBOP hot metal desulfurization baghouse (8 stacks)	0.0052 gr/dscf	1.44
New 2 QBOP secondary baghouse	0.0052 gr/dscf	25.9
Number 1 basic oxygen furnace iron desulfurization baghouse	0.01 gr/dscf	9.32
Number 2 QBOP ladle metal baghouse number 1	0.01 gr/dscf	6.86
Number 2 QBOP ladle metal baghouse number 2	0.01 gr/dscf	2.44
Number 2 QBOP ladle metallurgy facility number 3 reheat furnace hot fume extraction and material handling baghouse	0.01 gr/dscf	4.33
Number 13 blast furnace sinter screening station number 13 baghouse	0.02 gr/dscf	2.5
Stack serving blast furnace stove number 4	0.029 lbs/MMBtu	11.60
Stack serving blast furnace stove number 6	0.029 lbs/MMBtu	11.6
Stack serving blast furnace stove numbers 7 and 8	0.029 lbs/MMBtu	23.20
Stack serving blast furnace stove number 13	0.015 lbs/MMBtu	21.20
Each stack serving boiler house number 4	0.036 lbs/MMBtu	13.155
Number 2 coke plant boiler house, boiler number 3	0.020 lbs/MMBtu	2.7
Stack serving number 2 coke plant boiler house, boiler numbers 4 and 5	0.033 lbs/MMBtu	10.0
Number 2 coke plant boiler house, boiler number 6	0.020 lbs/MMBtu	3.000
Number 2 coke plant boiler house, boiler number 7	0.011 lbs/MMBtu	1.800
Number 2 coke plant boiler house, boiler number 8	0.011 lbs/MMBtu	2.61
Each stack serving turboblower boiler numbers 1 through 5	0.025 lbs/MMBtu	8.400
Turboblower boiler number 6	0.025 lbs/MMBtu	16.58
Each stack serving 84 inch hot strip mill, reheat furnaces (four (4) units)	0.064 lbs/MMBtu	28.2
84 inch hot strip mill, waste heat boiler number 1	0.064 lbs/MMBtu	10.9
84 inch hot strip mill, waste heat boiler number 2	0.064 lbs/MMBtu	12.8
Each stack serving 160/210 inch plate mill, batch reheat furnace numbers 1 through 4	0.011 lbs/MMBtu	0.33
160/210 inch plate mill, continuous reheat furnace number 1	0.011 lbs/MMBtu	2.75
160/210 inch plate mill, continuous reheat furnace number 2	0.011 lbs/MMBtu	2.75
Stack serving 160/210 inch continuous heat treating furnaces 1, 2, 3, and 4	0.011 lbs/MMBtu	1.1

(e) The following opacity limits shall be complied with and shall take precedence over those in 326 IAC 5-1-2 with which they conflict:

<u>Source</u>	<u>Opacity</u>
INLAND STEEL	
Electric arc furnace direct shell evacuation system baghouse	5%, 6 minute average
Electric furnace shop roof monitor	20%, 6 minute average
Electric furnace shop ladle metallurgical station baghouse	5%, 6 minute average
Number 2 basic oxygen furnace, number 10 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace, number 20 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace caster fume collection baghouse	5%, 3 minute average
Number 2 basic oxygen furnace charging isle and reladling desulfurization baghouse	5%, 3 minute average
Number 2 basic oxygen furnace flux storage and batch baghouse	5%, 3 minute average
Number 2 basic oxygen furnace ladle metallurgy station baghouse	5%, 3 minute average
Number 2 basic oxygen furnace roof monitor	20%, 3 minute average
Number 2 basic oxygen furnace secondary ventilation system scrubber	20%, 6 minute average

Number 2 basic oxygen furnace truck and ladle hopper baghouse	5%, 3 minute average
Number 2 basic oxygen furnace tundish dump baghouse	5%, 3 minute average
Number 4 basic oxygen furnace off-gas scrubber	20%, 6 minute average
Number 4 basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Number 4 basic oxygen furnace roof monitor	20%, 3 minute average
Number 4 basic oxygen furnace secondary ventilation system baghouse	5%, 3 minute average
Number 4 basic oxygen furnace vacuum degassing material handling baghouse	5%, 3 minute average
Number 7 blast furnace casthouse	15%, 6 minute average
LTV STEEL CORPORATION	
Basic oxygen furnace ladle metallurgical station baghouse	5%, 3 minute average
Basic oxygen furnace main stack	20%, 6 minute average
Basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Basic oxygen furnace shop roof monitor	20%, 3 minute average
USS-Gary Works	
Number 1 basic oxygen furnace iron desulfurization baghouse	5%, 3 minute average
Number 1 basic oxygen furnace roof monitor	20%, 3 minute average
Number 1 basic oxygen process gas cleaning (two (2) units)	20%, 6 minute average
Number 2 QBOP hot metal desulfurization baghouse	5%, 3 minute average
Number 2 QBOP gas cleaning	20%, 6 minute average
Number 2 QBOP roof monitor	20%, 3 minute average
Number 2 QBOP flue handling line baghouse	5%, 3 minute average
New 2 QBOP secondary baghouse	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 1	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 2	5%, 3 minute average

(f) Test methods for this section shall be as follows:

(1) Emissions of PM₁₀ shall be measured by any of the following methods:

- (A) 40 CFR 51, Appendix M, Method 201*.
- (B) 40 CFR 51, Appendix M, Method 201A*.
- (C) The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR 60, Appendix A, Method 1, 1A, 2, 2A, 2C, 2D, 3, or 4*.

(2) Emissions for TSP matter shall be measured by the following methods:

- (A) 40 CFR 60, Appendix A, Method 5, 5A, 5D, 5E, or 17*. Method 17 may not be used when the stack gas temperature exceeds two hundred forty-eight (248) degrees Fahrenheit (248°F) ($\pm 25^{\circ}\text{F}$). **plus or minus twenty-five (25) degrees Fahrenheit.**
- (B) The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR 60, Appendix A, Method 1, 1A, 2, 2A, 2C, 2D, 3, or 4*.

(3) Measurements of opacity shall be conducted in accordance with 40 CFR 60, Appendix A, Method 9*, except for those sources where a three (3) minute averaging time is required. Sources requiring a three (3) minute averaging time are subject to all parts of Method 9 except the six (6) minute averaging provision. In these cases, the opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(4) Emissions of sulfuric acid mist shall be measured in accordance with 40 CFR 60, Appendix A, Method 8*.

(5) Compliance with the mass emission limits for the sinter plant windbox stacks at USS Gary in subsection (d) shall be

determined by the simultaneous sampling and analysis of both noncondensibles (front half) and condensibles (back half) particulate matter. The quantity of noncondensibles particulate matter in the gas stream shall be determined in accordance with the procedures specified in 40 CFR 60, Appendix A, Method 5*. The quantity of condensible particulate matter in the gas stream shall be determined in accordance with 40 CFR 51, Appendix M, Method 202*, with the following modifications:

- (A) A heated Method 5* out of stack filter shall be used instead of an in-stack filter.
- (B) The impinger system shall consist of five (5) impingers. The first three (3) impingers shall contain one hundred (100) milliliters of deionized water, the fourth shall be empty, and the fifth shall contain silica gel.
- (C) The first four (4) impingers shall be used to determine the quantity of condensible particulate emissions.

Compliance shall be achieved if the sum of the front half and the back half is less than or equal to the mass emission limit of one hundred sixty-seven and one-tenth (167.1) lbs/hr, and the front half catch is less than or equal to the mass concentration limit of sixty-five thousandths (0.065) gr/dscf in subsection (d).

(g) The installation and operation of opacity continuous emissions monitors shall be conducted according to procedures specified in 326 IAC 3. Prior to December 10, 1993, the following facilities shall have a continuous emission monitor for opacity installed and operating:

- (1) Coke battery underfire stacks at USS.
- (2) LTV: basic oxygen furnace precipitator main stack.

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(3) USS: numbers 2 and 3 precarbon building preheating and drying line exhaust gas precipitators (six (6) units). One (1) opacity continuous emission monitor shall be installed prior to December 10, 1993. The remaining five (5) opacity continuous emission monitors shall be installed prior to December 31, 1994. Based on an evaluation of the technical feasibility of operation of the first monitor on one (1) line, US Steel, may petition for a one (1) year extension of the

requirement to install the remaining five (5) monitors or for a waiver for installation and operation of the six (6) opacity continuous emission monitors. US Steel, shall include information on the moisture content of the gases and their effect on accurate opacity measurements as part of the petition.

(h) The following combustion sources shall fire natural gas only:

<u>Source</u>	<u>Units</u>	<u>lbs/hr</u>
(1) JUPITER ALUMINUM CORPORATION		
Number 2 annealer	0.003 lbs/MMBtu	0.048
Number 3 annealer	0.003 lbs/MMBtu	0.048
Annealing furnace	0.003 lbs/MMBtu	0.040
Boiler	0.003 lbs/MMBtu	0.010
(2) SILGAN CONTAINERS MANUFACTURING CORPORATION		
Stack serving basecoat ovens (six (6) units)	0.003 lbs/MMBtu	0.210
Boiler number 4	0.003 lbs/MMBtu	0.010
Stack serving boiler numbers 1, 2, and 3	0.003 lbs/MMBtu	0.170
Stack serving Johnson space heater numbers 1 through 4	0.003 lbs/MMBtu	0.060
Stack serving litho ovens (five (5) units)	0.003 lbs/MMBtu	0.150
(3) CERESTAR USA, INCORPORATED		
Boiler number 1	0.003 lbs/MMBtu	0.288
Boiler number 2	0.003 lbs/MMBtu	0.468
South dextrin furnace number 1	0.003 lbs/MMBtu	0.023
North dextrin furnace number 2	0.003 lbs/MMBtu	0.023
(4) AMERICAN STEEL FOUNDRY-HAMMOND		
Boiler number 4-5509	0.003 lbs/MMBtu	0.030
Furnaces	0.003 lbs/MMBtu	0.16
(5) AMOCO OIL, WHITING REFINERY BP PRODUCTS NORTH AMERICA INC.		
F-100 marine docks distillate heater	0.003 lbs/MMBtu	0.020
(6) SMITH READY MIX		
Stack serving two (2) boiler units	0.003 lbs/MMBtu	0.035
(7) STATE LINE ENERGY, LLC		
Stack serving emergency backup boiler numbers 2-1 and 2-2	0.003 lbs/MMBtu	0.900
(8) E.I. DUPONT		
Power house (one (1) unit)	0.003 lbs/MMBtu	0.100
(9) GATX-GEN AMER TRANS		
Stress relief furnace	0.003 lbs/MMBtu	0.120
(10) GENERAL REFRACTORY		
Tunnel kiln	0.003 lbs/MMBtu	0.040
(11) HAMMOND GROUP, INC. (HGI)		
Stack 18-S-24	0.003 lbs/MMBtu	0.025
Stack 18-S-49	0.003 lbs/MMBtu	0.025
(12) HAMMOND GROUP, INC.-HALSTAB DIVISION		
Stack S-18	0.003 lbs/MMBtu	0.008
Stack S-19	0.003 lbs/MMBtu	0.008
(13) INLAND STEEL		
12 inch bar mill reheat furnace	0.003 lbs/MMBtu	1.090
Stack serving 21 inch bar mill reheat furnace numbers 1 and 2	0.003 lbs/MMBtu	1.31
Stack serving 76 inch hot strip mill reheat furnace numbers 1, 2, and 3	0.003 lbs/MMBtu	1.310
Stack serving 80 inch hot strip mill furnace numbers 3 and 4	0.003 lbs/MMBtu	3.980
Number 3 cold strip and numbers 5 and 6 annealing furnaces	0.003 lbs/MMBtu	0.987
Number 5 galvanizing line	0.003 lbs/MMBtu	0.44
Number 3 continuous anneal line	0.003 lbs/MMBtu	0.25

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Open coil anneal	0.003 lbs/MMBtu	0.25
Plant 1 galvanizing lines	0.003 lbs/MMBtu	0.51
Normalizing line	0.003 lbs/MMBtu	0.13
(14) LTV STEEL CORPORATION		
Hot strip space heater numbers 1 through 28	0.003 lbs/MMBtu	0.250 TSP
Sheet mill number 2 portable annealing furnace numbers 1 through 23	0.003 lbs/MMBtu	1.100 TSP
Sheet mill number 2 space heater numbers 1 through 7	0.003 lbs/MMBtu	0.050 TSP
Sheet mill number 3 open coil annealing furnace numbers 1 through 3	0.003 lbs/MMBtu	0.031 TSP
Number 3 sheet mill annealing furnace numbers 1 through 7	0.003 lbs/MMBtu	0.071 TSP
Number 3 sheet mill annealing furnace numbers 1 through 11	0.003 lbs/MMBtu	0.520 TSP
Sheet mill number 2, annealing and galvanizing furnace numbers 2 through 5	0.003 lbs/MMBtu	1.280 TSP
Sheet mill number 2, CRSM boiler numbers 7 and 8	0.003 lbs/MMBtu	0.290 TSP
Number 2 cold reduced strip mill, number 2 galvanizing line, numbers 1 and 2 flame furnaces	0.003 lbs/MMBtu	0.500
Number 2 sheet mill galvanizers 1 and 2	0.003 lbs/MMBtu	0.265 TSP
(15) UNILEVER HPC, USA		
American hydrotherm boiler number 1	0.003 lbs/MMBtu	0.040
(16) NIPSCO-MITCHELL		
Number 9A gas turbine	0.003 lbs/MMBtu	0.660
(17) PRAXAIR		
Package boilers (two (2) units)	0.003 lbs/MMBtu	0.618
Plants numbers 6, 7, and 8 regenerator heaters	0.003 lbs/MMBtu	0.097
(18) UNION TANK CAR CO.		
Boiler house, north	0.003 lbs/MMBtu	0.110
Boiler house, south	0.003 lbs/MMBtu	0.110
Number 4 boiler	0.003 lbs/MMBtu	0.020
Number 8 boiler	0.003 lbs/MMBtu	0.010
North stress furnace	0.003 lbs/MMBtu	0.160
Stack serving paint oven unit numbers 1 through 5	0.003 lbs/MMBtu	0.060
South stress furnace	0.003 lbs/MMBtu	0.160
(19) U.S. GYPSUM COMPANY		
Each stack serving wallboard drying furnace, stacks B4, B5, and B6	0.003 lbs/MMBtu	0.068
(20) USS-Gary Works		
Electro galvanizing boiler	0.003 lbs/MMBtu	0.110
Number 2 coke plant boiler house, boiler number 1	0.003 lbs/MMBtu	0.385
Number 2 coke plant boiler house, boiler number 2	0.003 lbs/MMBtu	0.385
Tin mill boiler number 5	0.003 lbs/MMBtu	0.480
Tin mill boiler number 1	0.003 lbs/MMBtu	0.240
Tin mill boiler number 2	0.003 lbs/MMBtu	0.240
Stack serving tin mill boiler numbers 3 and 4	0.003 lbs/MMBtu	0.830
160/210 inch plate mill, car bottom heat treating furnace	0.003 lbs/MMBtu	0.070
160/210 inch plate mill, car bottom normalizing furnace	0.003 lbs/MMBtu	0.070
160/210 inch plate mill, keep hot pits	0.003 lbs/MMBtu	0.090

(i) (Reserved)

(j) (Reserved)

(k) This subsection lists site-specific control requirements. For any facility with a compliance date after December 10, 1993, the company shall submit a schedule for meeting the final compliance date containing milestones for purchase and installation of the equipment and for the operational changes required to assure compliance with the applicable standard prior to the final compliance date. The schedule shall be submitted to the department and to U.S. EPA prior to December 10, 1993. A

violation of any milestone in the submitted schedule constitutes a violation of this rule. The sources listed shall meet the requirements as follows:

(1) The following for Cerestar USA, Incorporated:

(A) Starch dryer number 1 shall be permanently shut down by December 31, 1993.

(B) Starch dryer number 2 stack height shall be increased from eighteen and three-tenths (18.3) meters to thirty (30) meters by December 10, 1993.

(C) Dextrin manufacturing systems 1 through 7 shall be permanently shut down by December 31, 1993.

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(D) After December 10, 1993, Cerestar USA, Incorporated shall achieve compliance with the respective limits in subsection (d). The following mass emission limits shall be applicable until December 10, 1993:

<u>Process</u>	<u>Units</u>	<u>Emission Limit</u>
Each stack serving dextrin manufacturing equipment systems numbers 1 through 7	1.000 lbs/ton	0.50 lbs/hr
Starch flash feed dryer number 1 scrubber	0.086 lbs/ton	8.69 TSP

(2) American Steel Foundry-Hammond. The PM₁₀ mass emission limit in subsection (d) for coil spring grinder numbers 3-0244, 3-0386, 3-0389, 3-0247, 3-0385, 3-0295, and 3-0233 shall be complied with no later than December 31, 1993, and shall be maintained thereafter. The source shall either improve the efficiency of the existing control equipment or replace the existing control equipment with higher efficiency control equipment to comply with emission limits specified in subsection (d).

(3) State Line Energy, LLC. Units 3 and 4 shall comply with:

(A) a thirty percent (30%), six (6) minute average opacity limit until December 31, 1992;

(B) a twenty-five percent (25%), six (6) minute average opacity limit from January 1, 1993, to December 31, 1993; and

(C) a twenty percent (20%), six (6) minute average opacity limit after December 31, 1993.

(4) Hammond Group, Inc. (HGI)-Halox plant. The stack heights of stacks 17-S-25 and 17-S-40 shall be raised to twenty-one and three-tenths (21.3) meters above grade by December 10, 1993.

(5) The following for Inland Steel:

(A) Number 2 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the opacity standard shall be the thirty percent (30%), six (6) minute average. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9*, except that the three (3) minute, twenty percent (20%) opacity standard shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(B) Numbers 8 and 11 coke batteries. Operation of the number 8 coke battery and its underfire stack and number 11 coke battery and its associated quench tower, underfire stack, and preheater stacks shall be permanently discontinued before December 31, 1992.

(C) Number 10 coke battery. After the shutdown of the number 8 coke battery, the electrostatic precipitator associated with the number 8 coke battery shall be connected to the number 10 coke battery prior to December 31, 1992.

(D) Numbers 6, 7, 9, and 10 coke batteries. These coke batteries and associated quench towers and underfire stacks shall not operate after December 31, 1994. Prior to December 31, 1994, these coke batteries shall meet the requirement of section 10.2 of this rule with the following exceptions:

(i) There shall be no visible emissions from more than ten percent (10%) of the standpipes on operating ovens on a battery.

(ii) Visible emissions shall not exceed twenty percent (20%) averaged over six (6) consecutive observations during any pushing operation.

(iii) Mass emissions from the coke battery underfire stacks shall not exceed fifty-thousandths (0.050) gr/dscf.

(E) Number 4 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the opacity standard shall be the twenty-five percent (25%), six (6) minute average.

(F) Number 7 blast furnace casthouse. Tapping emissions from the number 7 blast furnace casthouse shall be controlled by a hood vented to a baghouse on and after December 1, 1992. Canopy hoods shall be installed above each of the four (4) furnace tap holes. The hoods shall be ducted to a new three hundred seventy thousand (370,000) actual cubic feet per minute minimum design flow rate baghouse. Each hood shall be located just above the casthouse crane and extend via vertical sheeting to the casthouse roof. The system shall provide a minimum of one hundred eighty-five thousand (185,000) actual cubic feet per minute of air flow (fume capture) to each hood, when the corresponding tap hole is being drilled or plugged.

(G) Number 2 bloom mill soaking pits. The soaking pits shall not operate after December 31, 1992.

(H) Prior to December 31, 1994, Inland Steel shall comply with a thirty percent (30%), six (6) minute average opacity limit for the electric arc furnace roof monitor. On and after December 31, 1994, Inland Steel shall comply with the roof monitor opacity limit specified in subsection (e). Prior to December 31, 1994, Inland Steel shall do the following:

(i) Perform tests according to procedures developed in consultation with the department to establish process and control equipment operating procedures and to establish control system fan motor ampere and damper position or volumetric flow rates through each separately ducted hood and/or duct used to capture emissions during the electric arc furnace charging, tapping, and refining process.

(ii) Install the required monitoring equipment in consultation with the department regarding its accuracy and precision position.

(iii) Record the start time and duration of charging, tapping, and refining of each heat.

(I) After December 31, 1994, the sources shall comply with the respective limits contained in subsection (d). The following mass emission limits will be applicable until December 31, 1994:

<u>Inland Steel Processes</u>	Emission Limit (Units)	Emission Limit (lbs/hr)
Number 6 coke battery underfire stack	0.271 lbs/ton coal	9.840
Number 7 coke battery underfire stack	0.267 lbs/ton coal	15.580
Number 9 coke battery underfire stack	0.406 lbs/ton coal	19.180
Number 10 coke battery underfire stack	0.371 lbs/ton coal	27.81
Stack serving 21 inch bar mill reheat furnace numbers 1 and 2	0.29 lbs/MMBtu	12.95
Number 4 slabber soaking pit numbers 1 through 18 collective	0.0 lbs/MMBtu	0.0
Number 4 slabber soaking pit numbers 19 through 45 collective	0.031 lbs/MMBtu	9.190
Number 3AC station boiler numbers 301 through 304	0.023 lbs/MMBtu	20.45
Number 3AC station boiler number 305	0.023 lbs/MMBtu	6.82

(6) The following for LTV Steel Corporation:

(A) Basic oxygen furnace facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 10, 1993, and shall be maintained thereafter. Prior to December 10, 1993, the opacity standard shall be twenty percent (20%), except for one (1) three (3) minute average per hour.

(B) Number 4 blast furnace. Compliance with the opacity limit shall be achieved no later than February 1, 1994, and shall be maintained thereafter. Also, control equipment capable of capturing and collecting emissions generated at the east and west tilting runner spouts and tap holes shall be installed and operational by February 1, 1994.

(7) NIPSCO-Mitchell. Units 5 and 6 shall comply with the following:

(A) Thirty percent (30%), six (6) minute average opacity limit until December 31, 1992.

(B) Twenty-five percent (25%), six (6) minute average opacity limit from January 1, 1993, to December 10, 1993.

(C) Twenty percent (20%), six (6) minute average opacity limit after December 10, 1993.

(8) The following for USS-Gary Works:

(A) Numbers 15 and 16 coke batteries. The coke batteries and all associated operations shall not operate after the effective date of this section.

(B) Number 13 blast furnace casthouse roof monitor. The twenty percent (20%), six (6) minute average opacity standard shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the blast furnace casthouse shall comply with a thirty percent (30%) opacity, six (6) minute rolling average standard.

(C) Number 1 basic oxygen furnace facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1996, and shall be maintained thereafter. Prior to December 31, 1996, the following opacity standards shall apply:

(i) Prior to January 1, 1995, the instantaneous opacity shall not exceed thirty percent (30%) opacity except for an aggregate of six (6) minutes per hour. Twenty-four (24) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered a six (6) minute aggregate.

(ii) For the period of January 1, 1995, through December 31, 1995, the instantaneous opacity shall not exceed twenty-five percent (25%) opacity, except for an aggregate of six (6) minutes per hour.

(iii) For the period of January 1, 1996, through December 30, 1996, the instantaneous opacity shall not exceed twenty-five percent (25%) opacity, except for an aggregate of five (5) minutes per hour. Twenty (20) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered a five (5) minute aggregate.

(D) Number 2 QBOP facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in subsection (e) shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Prior to December 31, 1994, the instantaneous opacity shall not exceed thirty percent (30%) opacity except for an aggregate of eight (8) minutes per hour. Thirty-two (32) instantaneous opacity readings greater than thirty percent (30%) within any sixty (60) minute period shall be considered an eight (8) minute aggregate.

(E) Number 2 coke plant boilers. Only four (4) of the number 2 coke plant boilers may operate using coal or coke oven gas at the same time. If more than four (4) boilers are in operation, all but four (4) shall use natural gas.

(F) Eighty-four (84) inch hot strip mill. Actual heat input derived from coke oven gas and fuel oil shall not exceed a total of four hundred seventy-seven million (477,000,000) British thermal units per hour for waste heat boiler number 1 and furnace numbers 1 and 2 combined and a total of five hundred seven million (507,000,000) British thermal units per hour for waste heat boiler 2 and furnaces 3 and 4 combined. The remainder of the actual heat input shall be obtained by burning natural gas. A total actual heat input shall not exceed four hundred forty million (440,000,000) British thermal units per hour for each furnace, one hun-

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dred seventy million (170,000,000) British thermal units per hour for waste heat boiler number 1, and two hundred million (200,000,000) British thermal units per hour for waste heat boiler number 2.

(G) Only two (2) of the three (3) sinter lines shall operate at any one (1) time. For each line, USS-Gary Works shall maintain the following records in regard to the sinter plant operation:

- (i) Startup and shutdown time.
- (ii) Average hourly production rate.
- (iii) The cause of any malfunction and the correction taken.

(H) Number 2 coke plant boiler house boilers numbers 4, 5, and 6. A ninety (90) day written notice shall be given to the department and U.S. EPA in the event of switching fuels from gas to coal. In addition, continuous opacity emission monitors must be installed prior to the fuel switch.

(I) Beach iron dumping and process vessel maintenance activities subject to subsection (p)(3)(F)(i) and (p)(3)(F)(ii) shall comply with the applicable twenty percent (20%) opacity limitation no later than December 31, 1994. The schedule for compliance submitted by December 10, 1993, shall establish milestones that achieve final compliance as soon as practical, but no later than December 31, 1994.

(J) Number 5 quench tower will comply with the ninety-five percent (95%) baffle requirement under section 10.2(c)(7)(F) of this rule no later than December 10, 1993.

(l) The continuous compliance plan (CCP) for sources listed in subdivisions (1) through (21) shall contain information on the facilities included in subsections (d) and (e). The following sources shall submit a CCP to the department by December 10, 1993:

- (1) American Steel Foundries-East Chicago.
- (2) American Steel Foundry-Hammond.
- (3) ~~Amoco Oil Company~~; **BP Products North America Inc.**
- (4) Bucko Construction.
- (5) Cerestar USA, Incorporated.
- (6) Globe Industries.
- (7) Hammond Group, Inc. (HGI).
- (8) Harbison Walker Refractories, Hammond Works.
- (9) Inland Steel.
- (10) LTV Steel Corporation.
- (11) Marblehead Lime Company.
- (12) Marport Smelting.
- (13) National Recovery Systems.
- (14) NIPSCO-Mitchell.
- (15) Reed Minerals.
- (16) Rhodia, Inc.
- (17) State Line Energy, LLC.
- (18) Unilever HPC, USA.
- (19) U.S. Gypsum Company.
- (20) USS-Gary Works.
- (21) A CCP shall also be submitted by any source in Lake County for facilities that meet the following conditions:

(A) Boilers with heat input capacity equal to or greater than twenty-five million (25,000,000) British thermal units per hour, singly or in combination, that vent through a single stack. Facilities, including boilers and reheat furnaces, configured to burn only natural gas, blast furnace gas, or coke oven gas, or a combination of these gases, are exempt.

(B) Facilities that perform manufacturing operations in a building or structure such that the total uncontrolled PM₁₀ emissions from all such operations amount to ten (10) tons per year or more and that could potentially escape into the atmosphere through roof vents and other openings. The uncontrolled PM₁₀ emissions shall be estimated with AP-42, "Compilation of Air Pollutant Emission Factors, Volume I, (Stationary Point and Area Sources)", Fifth Edition, January 1995**, *, Supplements A through G, December 2000*** * emission factors or other documentable emission factors acceptable to the commissioner and U.S. EPA.

(C) Each facility, not otherwise required to submit a CCP in accordance with this subsection, with uncontrolled PM₁₀ or TSP emissions that may exceed one hundred (100) tons per year based on eight thousand seven hundred sixty (8,760) hours of operation and AP-42 emission factors or other documentable emission factors acceptable to the commissioner and U.S. EPA.

(m) The CCP shall contain, for the facilities specified in subsection (l), documentation of operation and maintenance practices of process operations and any particulate matter control equipment existing or required to be installed, replaced, or improved by subsection (k) that are essential to maintaining compliance with the mass and opacity limits specified in subsections (d) and (e) and 326 IAC 5-1.

(n) The CCP shall include the following:

- (1) A list of the processes and facilities at the source.
- (2) A list of the particulate matter control equipment associated with the processes and facilities listed in subsection (l).
- (3) The process operating parameters critical to continuous compliance with the applicable PM₁₀ or TSP mass and opacity limits, including applicable specific requirements listed in subsection (p).
- (4) The particulate matter control equipment operating parameters critical to continuous compliance with the applicable PM₁₀ or TSP mass and opacity including applicable requirements listed in subsection (q).
- (5) The specific monitoring, recording, and record keeping procedures for process and control equipment for each facility in the CCP specified in subdivisions (1) and (2).
- (6) The procedure used to assure that adequate exhaust ventilation is maintained through each duct at facilities where emissions are captured by a collection hood and transported to a control device.

(o) A CCP for a source to which subsection (k) applies shall

contain a schedule for complying with the requirements of subsection (k). The schedule shall list specific compliance dates for the following actions:

- (1) Submittal of plans.
- (2) Start of construction.
- (3) Completion of construction.
- (4) Achieving compliance.
- (5) Performing compliance tests.
- (6) Submitting compliance test results.

(p) A source or facility to which subsection (l) applies and which belongs to any source category listed in this subsection shall include the following information or applicable procedures, or commit to the following actions, in its CCP:

- (1) For lime plants, monitor opacity at the kilns and control system vents during normal operation of the kiln with a continuous emission monitor or through self-monitoring of opacity. 40 CFR 60, Appendix A, Method 9* should be used to determine opacity if the facility is controlled by a positive pressure fabric filter.
- (2) For petroleum refineries, continuously monitor opacity of exhaust gases and monitor the coke burn-off rate in pounds per hour from fluid catalytic cracking unit catalyst regenerators.
- (3) Steel mill CCPs shall include, as a minimum, the following:
 - (A) Basic oxygen process (BOP, BOF, QBOP), including the following:
 - (i) Describe the capture and control devices used to control particulate emissions from each phase of the steel production cycle, including the furnace, hot metal transfer, hot metal desulfurization, and kish removal. The description shall include the locations within the facility of these operations in relation to capture hoods, control devices, roof vents, and other building openings.
 - (ii) Describe any fume suppression system, including the process or emission point being controlled, the location within the facility, the inert gas or steam application rate, and the monitoring method. As used in this item, "fume suppression system" means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.
 - (iii) Describe the procedure for recording furnace charging and tapping time, amount of throughput, and amount of steel produced.
 - (iv) Describe the off-gas system leak detection and repair record keeping practices.
 - (v) Describe the procedures used to minimize dirt and debris accumulation on the facility floor.
 - (vi) Describe practices that reduce PM₁₀ and TSP emissions escaping the primary or secondary hood during scrap charging and hot metal charging tapping steel and dumping slag.
 - (vii) At least monthly, inspect the operational status of the following elements of the capture system:
 - (AA) Pressure sensors.
 - (BB) Dampers.
 - (CC) Damper switches.
 - (DD) The hood and ductwork for the presence of holes.
 - (EE) Ductwork for accumulation of dust.
 - (FF) Fans for erosion.

- (AA) Pressure sensors.
- (BB) Dampers.
- (CC) Damper switches.
- (DD) The hood and ductwork for the presence of holes.
- (EE) Ductwork for accumulation of dust.
- (FF) Fans for erosion.

Maintain records of the inspections and any repairs.

- (B) Electric arc furnace, including the following:
 - (i) List the furnace operating sequences to be followed in case of multivessel operation. Describe the capture and control devices used to control particulate emissions in each phase of the steel production cycle, including exhaust rate and dampers, blast gates, instrumentation operation, and control. Include a drawing that shows:
 - (AA) the location of the furnace within the facility in relation to capture hoods and control devices, roof vents, and other building openings; and
 - (BB) the location of other processes within the facility that have potential to generate emissions, such as casting and ladle repair.
 - (ii) Describe the procedure for recording the following:
 - (AA) Time of furnace charging, furnace melting, and furnace refining.
 - (BB) Tapping start and stop times.
 - (CC) Charge weight for each heat.
 - (DD) Tap weight for each heat.
 - (iii) At least monthly, inspect the operational status of the following elements of the capture system:
 - (AA) Pressure sensors.
 - (BB) Dampers.
 - (CC) Damper switches.
 - (DD) Hood and ductwork for the presence of holes.
 - (EE) Ductwork for accumulation of dust.
 - (FF) Fans for erosion.
- Maintain records of the inspections and any repairs.
- (iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.
 - (v) Once per heat, either check and record the control system fan motor ampere and damper position or monitor flow rate through each separately ducted hood and/or duct used to capture emissions from the electric arc furnace operation.
 - (vi) Take visible emission readings of the direct shell evacuation system and the roof monitor at least once a day. The readings shall be taken during one (1) single steel production cycle and will be concurrent with the observations in subsection (k)(5)(H)(iii). The opacity observations shall be taken according to 40 CFR 60, Appendix A, Method 9* and consist of at least one (1) six (6) minute observation each during charging and tapping and three (3) six (6) minute observations during melting and refining.
 - (vii) Report to the department on a quarterly basis control system fan motor amperage values that exceed fifteen percent (15%) of the value or operation at volumetric

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flow rates lower than those established during the performance test in subsection (k)(5)(H)(i). Operation above these values may be considered as unacceptable operation of the electric arc furnace equipment and the emissions capture and control system by the commissioner. Unless alternative values are established according to the procedures prescribed in subsection (l).

(viii) Keep a record of any process and control equipment upsets, malfunctions, or activities within the electric arc furnace facility that may have resulted in excessive emissions. The records shall consist of the nature of event, time, and duration.

(C) Iron production that includes a blast furnace shall comply with the following:

(i) Describe procedures, including frequency, for inspection of the following elements of a capture system:

- (AA) Pressure sensors.
- (BB) Dampers.
- (CC) Damper switches.
- (DD) Hood and ductwork for the presence of holes.

Maintain records of the maintenance and any repairs made.

(ii) Describe procedures used to minimize dirt and debris accumulation on the facility floor.

(iii) Describe any fume suppression system, including the process or emission point being controlled, the location, and the inert gas or steam application rate and the monitoring method. Fume suppression system means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.

(iv) Describe the record keeping for the following elements of the iron production cycle:

- (AA) Time of hole drilling.
- (BB) Time of tapping.
- (CC) Time of hole plugging.

(v) Describe the blast furnace inspection, repair, and maintenance schedule for the following elements:

- (AA) Tuyres.
- (BB) Bleeder valves.
- (CC) Large and small bells.
- (DD) Uptakes and downcomers (to minimize backdrafting).
- (EE) Standby devices.

(vi) Describe the procedures used to inspect and operate the blast furnace gas cleaning equipment, such as dust catchers and scrubbing equipment to assure operation within design parameters.

(D) Sinter production shall comply with the following:

(i) Describe routine startup and shutdown procedures and other work practices which are followed to reduce emissions and equipment malfunctions.

(ii) Describe procedures for inspection of equipment to identify areas which may affect particulate emissions, including the following:

- (AA) Points of wear.
- (BB) Distorted grate bars.
- (CC) Leaking machine seals.
- (DD) Holes in ducts.
- (EE) Holes in flapper valves.

(iii) Describe procedures for monitoring mechanical and electrical inspection records.

(iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.

(v) Describe procedures for monitoring burden parameters, including base to acid ratio and hydrocarbon content.

(vi) Describe the routine for plant operation during equipment failure, such as screening station failure.

(vii) At least monthly, inspect the operational status of the following elements of the capture system:

- (AA) Pressure sensors.
- (BB) Dampers.
- (CC) Damper switches.
- (DD) Hood and ductwork for the presence of holes.
- (EE) Ductwork for accumulation of dust.
- (FF) Fans for erosion.

Maintain records of the inspections and any repairs.

(E) Coke production shall comply with the following:

(i) Describe operating and maintenance practices used to minimize emissions from charging doors, charge port lids, offtakes, standpipes, gooseneck caps and gas collector mains, pushing, underfire stacks, and quenching, including quench water dissolved solids control. The documentation shall include the following operating practices:

- (AA) Use of jumper pipe during charging.
- (BB) Procedure for worker's coordination, training, and communication.
- (CC) Luting material used.
- (DD) Periodic engineering evaluations to determine improvements needed.
- (EE) Aspiration practices during charging, including aspiration rate and adjustment.

(ii) Describe the routinely available inventory of spare parts and equipment, including luting compounds, doors, and mobile scrubber cars.

(F) Waste disposal and recycling practices of iron and steel scrap and other metallic scrap shall comply with the following:

(i) Provide a description of the routine activities involving disposal and reclamation of iron and steel. The visible emissions from such activities shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(ii) Maintenance of process vessels, for example, pugh ladles, shall be performed in enclosed structures. The visible emissions from such structures shall not exceed twenty percent (20%) opacity on a three (3) minute

average as measured by 40 CFR 60, Appendix A, Method 9*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(iii) Emissions from all steel scrap burning or cutting and oxygen lancing operations shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

(G) Visible emission evaluation plans shall comply with the following:

(i) Within sixty (60) days of the effective date of this section, each steel mill shall submit a plan to conduct visible emissions evaluations per the approved test method or procedures to determine compliance with the applicable opacity standard. The plan shall specify the frequency of visible emissions evaluations at the operations included in clauses (A) through (F). The plan shall include charging, pushing, lids and offtakes, doors, standpipes, and gas collector mains at coke production operations and lime plants.

(ii) If the plan specifies that the duration of readings is less than one (1) hour per day at each facility, then the plan shall include the basis for less frequent evaluations.

(iii) The department shall disapprove the plan if it does not include all facilities or if the proposed duration and frequency will not provide for a reasonable assessment of compliance.

(iv) Upon approval of a steel mill's plan by the department, the visible emissions evaluations shall commence and the data submitted to the department within one (1) month of the end of the calendar quarter.

(v) The plan may be revised with department approval at any time.

(4) Fuel combustion boilers, as described in subsection (l)(26)(A), shall comply as follows:

(A) The requirements of this subdivision shall not relax the fuel monitoring and reporting requirements of 326 IAC 7-1.1-1 for the sources this section applies to.

(B) Affected sources shall maintain records of the following information:

(i) Operational status of each facility for each day.

(ii) The daily measurements for each facility of the type of fuel used, amount of each type of fuel used, and heat content of each type of fuel used.

(iii) The TSP or PM₁₀ emission factors for each type of fuel to be used as estimated by the AP-42* or stack test method.

(iv) The method used to monitor the fuel amount and heat content in addition to the frequency.

(v) The control efficiency of the particulate control device and the method of determination.

(vi) Average daily PM₁₀ emissions (or TSP if applicable) for each facility, expressed in pounds per million British thermal units.

(C) The following guidance may be used to estimate emissions:

(i) For heat content, AP-42, Volume 1, Appendix A, Table A-3, "Typical Parameters of Various Fuels" Fifth Edition, January 1995^{***}, *, Supplements A through G, December 2000^{***}. *

(ii) For emission factors (TSP or PM₁₀), EPA 450/4-90-003, "AIRS Facility Subsystem Source Classification Codes and Emission Factors Listing for Criteria Air Pollutants"^{****}. **.

(iii) For control equipment efficiency, manufacturer's warranty or as determined by source.

(iv) Sources may substitute other site-specific values for the values as indicated if they can be shown to be acceptable to the department.

(q) This subsection concerns particulate matter control equipment operation and maintenance requirements. A CCP shall provide that the following control equipment related information will be maintained at the source's property and will be available for inspection by department personnel:

(1) Startup, shutdown, and emergency shutdown procedures.

(2) Sources shall notify the department fifteen (15) days in advance of startup of either new control equipment or control equipment to which major modifications have been made.

(3) Manufacturer's recommended inspection procedures, preventive and corrective maintenance procedures, and safety devices and procedures, such as sensors, alarm systems, and bypass systems. If manufacturer's recommendations are not available, procedures shall be developed by the source.

(4) Contents of the operator's training program and the frequency with which the training is held.

(5) A list of spare parts available at the facility.

(6) A list of control equipment safety devices, for example, high temperature sensors and alarm systems, exhaust gas stream bypass system, or safety interlock system.

(7) Monitoring and recording devices and/or instruments to monitor and record control equipment operating parameters specified in subsection (n)(4).

(r) Particulate matter control equipment operation, recording, and inspection procedure requirements shall be as follows:

(1) A CCP for a facility controlled with a baghouse shall include the recording, inspection, and maintenance procedures to be consistent with the requirements of subsection (m), such as the following:

(A) Operating parameters, such as the following:

(i) Pressure drop across the baghouse.

(ii) Gas flow rate at baghouse inlet.

(iii) Gas temperatures at inlet.

A CCP shall identify the monitors and instrumentation, and their location, accuracy, precision, and calibration frequency. A CCP shall also include a description of any visible emission evaluation program.

(B) Baghouse cleaning system. A complete description of the cleaning system, including such information as inten-

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sity, duration, frequency, and method of activation.

(C) Baghouse inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule must be approved by the department. Inspections shall include the following:

(i) Daily inspections shall include the following:

- (AA) Pressure drop.
- (BB) Fan amperage.
- (CC) Cleaning cycle.
- (DD) Compressed air on pulse jet baghouses for values outside of the operating ranges.
- (EE) Dust discharge equipment for proper operation.
- (FF) General check for abnormal audible and visual conditions.

(ii) Weekly inspections of the following:

- (AA) Moving parts on discharge system.
- (BB) Bypass and isolation damper operation.
- (CC) Bag tension.
- (DD) Compressed air lines, oilers, and filters.
- (EE) Manometer lines.
- (FF) Temperature indicating equipment.
- (GG) Bag cleaning sequence.
- (HH) Drive components on fans.

(iii) Monthly inspections of the following:

- (AA) Bag seating condition.
- (BB) Moving parts on shaker baghouses.
- (CC) Fan corrosion and blade wear.
- (DD) Hoses and clamps.
- (EE) Bags for leaks and holes.
- (FF) Bag housing for corrosion.

(iv) Quarterly inspections of the following:

- (AA) Bags.
- (BB) Ducts for dust build-up.
- (CC) Damper valves for proper setting.
- (DD) Door gaskets.
- (EE) Baffle plate for wear.

(v) Annual inspection of the following:

- (AA) Welds and bolts.
- (BB) Hoppers for wear.
- (CC) Cleaning parts for wear.

(2) A CCP for a facility controlled by an electrostatic precipitator (ESP) shall include recording, inspection, and maintenance procedures to be consistent with the requirements of subsection (m), such as the following:

(A) Operating parameters, such as the following:

- (i) Gas flow rate.
- (ii) Temperature.
- (iii) Type and rate of gas conditioning agents used for resistivity control or resistivity measurements.
- (iv) Power input at each section of the ESP. A CCP shall

identify monitors and instrumentation and specify location, accuracy, precision, and calibration frequency. A CCP shall also include a description of any visible emissions evaluation program.

(B) ESP inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule shall be approved by the department. Inspections shall include the following:

(i) Daily inspection of the following:

- (AA) Fan amperage.
- (BB) Temperature.
- (CC) Gas conditioning agent flow rate or resistivity.
- (DD) Electrical readings for values outside the operating range.
- (EE) Hoppers and dust discharge system for proper operation.
- (FF) Transformer-rectifier enclosures and bus ducts for abnormal arcing.

Corrective actions taken, if any, shall be recorded.

(ii) Weekly inspection of the following or as per manufacturer's recommendations:

- (AA) Rapper operation.
- (BB) Control set interiors.

(iii) Monthly inspection of the following:

- (AA) Fans for noise and vibration.
- (BB) Hopper heaters.
- (CC) Hopper level alarm operation.

(iv) Quarterly inspection of the following:

- (AA) Check rapper and vibrator switch contacts.
- (BB) Access door dog bolt and hinges.
- (CC) Interlock covers.
- (DD) Test connectors.

- (EE) Exterior for visual signs of deterioration.
- (FF) Abnormal vibration, noise, and leaks.

(v) Semiannual inspection of the following, or as per manufacturer's recommendations:

- (AA) T-R liquid and surge arrestor spark gap.
- (BB) Conduct internal inspection.
- (CC) Top housing or insulator compartment and all electrical insulating surfaces, and correct any defective alignment.

(vi) Annual inspection of the following:

- (AA) Tightness of all electrical connections.
- (BB) Operation of switchgear.
- (CC) Rapper insulator connections.
- (DD) Observe and record areas of corrosion.

(3) A CCP for a facility controlled by a scrubber shall include the recording, inspection, and maintenance procedures to be consistent with the objectives of subsection (m), such as the following:

- (A) Operating parameters, such as the following:
- (i) Gas flow rate.
 - (ii) Inlet and outlet temperatures of gas to and from scrubber.
 - (iii) Liquid flow rate to scrubber.
 - (iv) Pressure drop across scrubber.
 - (v) pH of liquid to scrubber.
 - (vi) Fan and pump currents.

A CCP shall specify the location, accuracy, precision, and calibration frequency of monitors and instrumentation.

(B) Scrubber inspection and maintenance schedule. The inspection schedule logs or records shall be available for inspection by the department for up to one (1) year after the date of inspection. The inspection shall include the activities and frequency of the activities. A source may request an alternative schedule based on manufacturer's recommendations or alternatives documented by the company. The revised schedule shall be approved by the department. Inspections shall include the following:

- (i) Daily inspection of the following:
 - (AA) Scrubbing liquid flow rates to scrubber.
 - (BB) Pressure drop across scrubber.
 - (CC) Fan and pump amperages for values outside the operating range.

Corrective actions taken shall be recorded.

- (ii) Monthly inspection of the following:
 - (AA) Seals for abrasion.
 - (BB) Corrosion and leaks.
 - (CC) Fans for abrasion, corrosion, and solids build-up.
 - (DD) Pipes for abrasion, corrosion, and plugging.
 - (EE) Throat wear in the venturi scrubber.
 - (FF) Sensors, alarm systems, and bypass devices for proper operation.
 - (GG) Entrainment separator for blockage.
 - (HH) Spray nozzles for plugging or excessive wear.

(s) The department shall review the CCP. The department may at any time request, in writing, any of the following:

- (1) A CCP revised to include additional documentation or practices as needed to allow the department to verify that operation and maintenance practices critical to continuous compliance with the applicable mass and opacity limits are being followed.
- (2) A compliance test conducted with the compliance test methods specified in this section if the department determines that the procedures specified in the CCP are not being followed or are inadequate to assure continuous compliance. The compliance test may consist of a series of opacity measurements of frequency and duration specified by the department or a stack test. The department may request that information be collected during the test to determine proper operation and maintenance procedures needed to assure continuous compliance with applicable mass and opacity limits.

(t) The source shall respond, in writing, within thirty (30) days of a request per subsection (s). The source shall either provide an expeditious schedule, not to exceed sixty (60) days, for providing the information requested by the department or petition the department for an alternative to the request. A schedule for completion of an opacity compliance test shall not exceed thirty (30) days from the department's request. A source may petition the department for an alternative schedule based on practical problems in meeting the request.

(u) The source shall update the CCP, as needed, retain a copy of any changes and updates to the CCP on the property, and make the updated CCP available for inspection by the department. The source shall submit the updated CCP, if required, to the department within thirty (30) days of the update.

(v) Failure to submit a CCP, maintain all information required by the CCP on plant property, or submit a required update to a CCP is a violation of this section. Failure to respond to a request by the department under subsection (s) is a violation of this section. The department may notify a source in writing of noncompliance with an action or procedure specified within a CCP and require that the source conduct a compliance test. If the compliance test demonstrates noncompliance with the applicable particulate matter or opacity limit, **both** the findings of noncompliance of both the CCP and the compliance test shall be considered as violations of the applicable mass or opacity limit. A violation of an applicable particulate matter or opacity limit of this section, based either on a compliance test performed by the source or by observations or tests conducted by the department, is a violation of this section.

*The following are incorporated by reference: 40 CFR 51, Appendix M, Methods 201, 201A, and 202; 40 CFR 60, Appendix A, Methods 1, 1A, 2, 2A, 2C, 2D, 3, 4, 5, 5A, 5D, 5E, 8, 9, and 17, **and AP-42, including supplements A through G.** Copies are available from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

~~**/**AP-42 and supplements A through G are incorporated by reference and are available for purchase from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.~~

**** **EPA 450/4-90-003, "AIRS Facility Subsystem Source Classification Codes and Emission Factors Listing for Criteria Air Pollutants" is incorporated by reference and is available from U.S. EPA, Office of Air Quality Planning and

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Standards, Research Triangle Park, North Carolina 27711 or the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board*; 326 IAC 6-1-10.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2368; filed Mar 2, 1998, 8:30 a.m.: 21 IR 2354; filed May 13, 1999, 12:00 p.m.: 22 IR 3047; filed Dec 14, 2000, 5:07 p.m.: 24 IR 1308; errata filed May 1, 2001, 3:24 p.m.: 24 IR 2709; filed Nov 8, 2001, 2:02 p.m.: 25 IR 716; filed Jul 26, 2002, 9:48 a.m.: 25 IR 4077)

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TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #01-375(F)

DIGEST

Adds 326 IAC 11-8 concerning emission control limits for commercial and industrial solid waste incineration units. This rule incorporates federal air emission requirements for solid waste incineration units that burn commercial and industrial waste. Effective 30 days after filing with the secretary of state.

HISTORY

IC 13-14-9-7 Notice of Comment Period and Notice of First Hearing: November 1, 2001, Indiana Register (25 IR 560).

Date of First Hearing: February 6, 2002.

Proposed Rule and Notice of Second Hearing: March 1, 2002, Indiana Register (25 IR 1984).

Date of Second Hearing: May 1, 2002.

326 IAC 11-8

SECTION 1. 326 IAC 11-8 IS ADDED TO READ AS FOLLOWS:

Rule 8. Commercial and Industrial Solid Waste Incineration Units

326 IAC 11-8-1 Applicability

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) Except as provided in subsections (b), (e), (f), and (g), this rule applies to each commercial and industrial solid waste incineration (CISWI) unit as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)*, for which construction was commenced on or before November 30, 1999.

(b) The following are exempt from this rule:

(1) Incineration units burning ninety percent (90%) or

more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)*, provided the owner or operator of the incinerator does all of the following:

(A) Notifies the department and U.S. EPA that the unit meets the criteria in this subdivision.

(B) Keeps records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes burned, and the weight of all other fuels and wastes burned in the unit.

(2) Incineration units burning ninety percent (90%) or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of agricultural wastes as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)*, provided the owner or operator of the incinerator does all of the following:

(A) Notifies the department and U.S. EPA that the unit meets the criteria in this subdivision.

(B) Keeps records on a calendar quarter basis of the weight of agricultural waste burned, and the weight of all other fuels and wastes burned in the unit.

(3) Incineration units that meet either of the following criteria:

(A) Qualify as a municipal waste combustor regulated under 40 CFR 60, Subpart Cb*, Ea*, Eb*, AAAA (65 FR 76350 (December 6, 2000))* or BBBB (65 FR 76378 (December 6, 2000))*.

(B) Burn greater than thirty percent (30%) municipal solid waste or refuse-derived fuel, as defined in 40 CFR 60, Subpart Ea*, Eb*, AAAA (65 FR 76350 (December 6, 2000))* and BBBB (65 FR 76378 (December 6, 2000))* and that have the capacity to burn less than thirty-five (35) tons per day of municipal solid waste or refuse-derived fuel, provided the owner or operator of the incinerator does all of the following:

(i) Notifies the department and U.S. EPA that the unit meets the criteria in clause (A) or (B).

(ii) Keeps records on a calendar quarter basis of the weight of municipal solid waste burned, and the weight of all other fuels and wastes burned in the unit.

(4) Medical waste incineration units regulated under 40 CFR 60, Subpart Ca* or Ec*.

(5) Small power production units that meet all of the following requirements:

(A) The unit qualifies as a small power-production facility under Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C))*.

(B) The unit burns homogeneous waste, not including refuse-derived fuel, to produce electricity.

(C) The owner or operator notifies the department and U.S. EPA that the unit meets all of the requirements in clauses (A) and (B).

(6) Cogeneration units that meet all of the following requirements:

(A) The unit qualifies as a cogeneration facility under Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B))*.

(B) The unit burns homogeneous waste, not including refuse-derived fuel, to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator notifies the department and U.S. EPA that the unit meets all of the requirements in clauses (A) and (B).

(7) Hazardous waste combustion units that meet either of the following criteria:

(A) Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act*.

(B) Units regulated under 40 CFR 63, Subpart EEE*.

(8) Materials recovery units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

(9) Cyclonic barrel burners as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)*.

(10) Rack, part, and drum reclamation units as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)*.

(11) Cement kilns regulated under 40 CFR 63, Subpart LLL*.

(12) Sewage sludge incinerators regulated under 40 CFR 60, Subpart O*.

(13) Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The following types of units are considered chemical recovery units:

(A) Units burning only pulping liquors that are reclaimed in a pulping liquor recovery process and reused in the pulping process.

(B) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.

(C) Units burning only wood or coal feedstock for the production of charcoal.

(D) Units burning only manufacturing byproduct streams or residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.

(E) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.

(F) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for the use in other manufacturing processes.

(G) Units burning only photographic film to recover silver.

(14) Laboratory analysis units that burn samples of materials for the purpose of chemical or physical analysis.

(c) The owner or operator of a unit listed in subsection (b) must submit an exemption notification no later than one (1) year from the effective date of this rule.

(d) Pathological waste exemptions submitted under 326 IAC 11-6 satisfy the conditions of subsection (b)(1).

(e) Air curtain incinerators or destructors that only burn one (1) of the following fuels are required to comply with only 40 CFR 60.2810 through 40 CFR 60.2870, 65 FR 75338 (December 1, 2000)* and obtain approval under 326 IAC 4-1-6:

(1) One hundred percent (100%) wood waste.

(2) One hundred percent (100%) clean lumber.

(3) One hundred percent (100%) mixture of only wood waste, clean lumber, yard waste, or any combination of these wastes.

(f) If the owner or operator of a CISWI unit makes changes that meet the definition of modification or reconstruction, as defined in 40 CFR 60.2875*, on or after June 1, 2001, the CISWI unit becomes subject to 40 CFR 60, Subpart CCCC, 65 FR 75338 (December 1, 2000)* and 326 IAC 12, and this rule no longer applies to that CISWI unit.

(g) Physical or operational changes made to an existing CISWI unit primarily to comply with emission limits under this rule are not considered modifications or reconstructions and do not result in an existing CISWI unit becoming subject to 40 CFR 60, Subpart CCCC, 65 FR 75338 (December 1, 2000)*.

*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-8-1; filed Aug 7, 2002, 9:47 a.m.: 25 IR 4100*)

326 IAC 11-8-2 Requirements; incorporation by reference of federal standards

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) The air pollution control board incorporates by reference the following sections of 40 CFR 60, Subpart DDDD, Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or before November 30, 1999, 65 FR 75338 (December 1, 2000):

(1) 40 CFR 60.2575 through 40 CFR 60.2615 Increments of Progress*.

(2) 40 CFR 60.2620 through 40 CFR 60.2630 Waste Management Plan*.

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- (3) 40 CFR 60.2635 through 40 CFR 60.2665 Operator Training and Qualification*.
- (4) 40 CFR 60.2670 through 40 CFR 60.2685 Emission Limitations and Operating Limits*.
- (5) 40 CFR 60.2690 through 40 CFR 60.2695 Performance Testing*.
- (6) 40 CFR 60.2700 through 40 CFR 60.2705 Initial Compliance Requirements*.
- (7) 40 CFR 60.2710 through 40 CFR 60.2725 Continuous Compliance Requirements*.
- (8) 40 CFR 60.2730 through 40 CFR 60.2735 Monitoring*.
- (9) 40 CFR 60.2740 through 40 CFR 60.2800 Record Keeping and Reporting*.
- (10) 40 CFR 60.2805 Title V Operating Permits*.
- (11) 40 CFR 60.2810 through 40 CFR 60.2870 Air Curtain Incinerators*.
- (12) 40 CFR 60.2875 Definitions*.
- (13) 40 CFR 60, Subpart DDDD, Table 1 through 5*.

(b) For the purposes of this rule, these terms used in 40 CFR 60.2575 through 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)* are defined as follows:

- (1) "Administrator" means the commissioner of the department of environmental management.
- (2) "You" means the owner or operator of a CISWI unit.

(c) An owner or operator subject to section 1(a) [of this rule] must comply with this rule no later than one (1) year from the effective date of this rule unless the owner or operator:

- (1) submits a final control plan no later than one (1) year from the effective date of this rule; or
- (2) requests and is granted an extension of the closure date pursuant to subsection (e).

(d) If the owner or operator submits a final control plan, the compliance dates for the increments of progress in 40 CFR 60, Subpart DDDD, Table 1, 65 FR 75338 (December 1, 2000)* are as follows:

- (1) The compliance date for Increment 1—Submit Final Control Plan shall be one (1) year from the effective date of this rule.
- (2) The compliance date for Increment 2—Final Compliance shall be September 1, 2005.

(e) An owner or operator may request an extension of the closure date to achieve compliance as expeditiously as possible, but no later than September 1, 2005, by submitting a closure notification pursuant to 40 CFR 60.2615* and 40 CFR 60.2855*, 65 FR 75338 (December 1, 2000)*, as follows:

- (1) The request for extension shall include all of the following supporting documentation:
 - (A) Analysis that supports the need for the requested extension.

(B) Explanation of why a closure date of one (1) year after the effective date does not provide sufficient time to shut down.

(C) Explanation of why the requested closure date provides sufficient time to shut down.

(2) The request for extension shall be submitted to the department within eight (8) months from the effective date of this rule, and the department shall grant or deny the extension in a written response to the owner or operator within three (3) months of receipt of a closure notification that contains all required information.

(3) An owner or operator shutting down the incinerator shall submit a waste management plan, as defined in 40 CFR 60.2620 through 40 CFR 60.2630, no later than one (1) year after the effective date of this rule.

*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-8-2; filed Aug 7, 2002, 9:47 a.m.: 25 IR 4101*)

LSA Document #01-375(F)

Proposed Rule Published: March 1, 2002; 25 IR 1984

Hearing Held: May 1, 2002

Approved by Attorney General: July 22, 2002

Approved by Governor: August 6, 2002

Filed with Secretary of State: August 7, 2002, 9:47 a.m.

Incorporated Documents Filed with Secretary of State: Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units, Final Rule (65 FR 75339 through 65 FR 75376); New Source Performance Standards for New Small Municipal Waste Combustion Units, Final Rule (65 FR 76350 through 65 FR 76375); Emission Guidelines for Existing Small Municipal Waste Combustion Units, Final Rule (65 FR 76378 through 65 FR 76405).

TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM

LSA Document #02-85(F)

DIGEST

Amends 407 IAC 2-2-5 to remove 12 months of consecutive eligibility to conform with state law, P.L.107-2002, SECTION 25. Amends 407 IAC 2-3-1 to revise premium payment sched-

ule to remove annual and quarterly payment options. Effective 30 days after filing with the secretary of state.

407 IAC 2-2-5
407 IAC 2-3-1
407 IAC 2-3-2

SECTION 1. 407 IAC 2-2-5 IS AMENDED TO READ AS FOLLOWS:

407 IAC 2-2-5 Eligibility

Authority: IC 12-17.6-2-11
 Affected: IC 12-17.6-3-3

Sec. 5. (a) Subject to subsection (b), an individual who is eligible for CHIP shall remain covered under the program until the earlier of the following:

- (1) ~~The end of a period of twelve (12) months beginning on the first day of the month following the date of determination of the individual's eligibility for the program. As used in this subdivision, "date of determination" means the date that the application is conditionally approved for CHIP.~~ **child becomes financially ineligible.**
- (2) The end of the month in which child becomes nineteen (19) years of age.

(b) Subsection (a) applies only if the individual:

- (1) and the individual's parent, guardian, or caretaker comply with enrollment requirements, including, but not limited to, paying required premiums; and
- (2) does not become ineligible under section 6(a) of this rule. *(Office of the Children's Health Insurance Program; 407 IAC 2-2-5; filed May 3, 2000, 2:02 p.m.: 23 IR 2232; filed Aug 7, 2002, 9:41 a.m.: 25 IR 4103)*

SECTION 2. 407 IAC 2-3-1 IS AMENDED TO READ AS FOLLOWS:

407 IAC 2-3-1 Responsibility for premium payment

Authority: IC 12-17.6-2-11
 Affected: IC 12-17.6-3-2; IC 12-17.6-4-3

Sec. 1. (a) In order for an individual to receive benefits under CHIP, the individual's family must pay **monthly** premiums as described in *[sic.]* **the following table: below:**

Income (as a percentage of federal poverty level)	Table 1: Amount of Premium					
	Monthly		Quarterly		Annually	
	Number of children enrolled					
	One child enrolled	Two or more children enrolled	One	Two or more	One	Two or more
over 150% to 175%	\$11.00	\$16.50	\$31.50	\$47.25	\$120.00	\$180.00
over 175% to 200%	\$16.50	\$24.75	\$47.25	\$71.00	\$180.00	\$270.00

For purposes of this section, the family's income includes the income considered in 407 IAC 2-2-2.

(b) Premiums ~~may~~ **must** be paid monthly. ~~quarterly, or annually at the family's option.~~ Partial month payments will not be accepted. *(Office of the Children's Health Insurance Program; 407 IAC 2-3-1; filed May 3, 2000, 2:02 p.m.: 23 IR 2233; filed Aug 7, 2002, 9:41 a.m.: 25 IR 4103)*

SECTION 3. 407 IAC 2-3-2 IS AMENDED TO READ AS FOLLOWS:

407 IAC 2-3-2 Nonpayment of premium

Authority: IC 12-17.6-2-11
 Affected: IC 12-17.6-3-2; IC 12-17.6-4-3

Sec. 2. (a) When an applicant is determined eligible for CHIP, the applicant will be conditionally approved for CHIP pending payment of the premium. Coverage begins when the first premium is received by the office or its designated contractor. After the premium is received, coverage will be retroactive to the first day of the month of application.

(b) The parent or guardian must pay the first premium in order for the applicant to receive coverage under CHIP. If payment is not received by the due date specified in the second premium notice, the CHIP application will be denied.

(c) If any premium after the first premium is not paid by the due date, a maximum of sixty (60) days coverage without premium payment will be permitted before coverage is discontinued. When a member has been discontinued from the program due to non-payment of premiums, the family may ~~reinstate coverage within one (1) year from the date of the decision granting eligibility by paying reapply, but must pay all past due premiums and the premium for the current month. The member is not required to reapply in order to reinstate begin coverage. during this one-year period.~~ The member is not required to pay premiums for the time period between the date of discontinuance and the date that coverage is ~~reinstated.~~ **resumes.** Any services received by the member during the time period between the date of discontinuance and the date that coverage is ~~reinstated resumes~~ are not covered by CHIP.

(d) A payment of less than the full amount due will not be accepted and will be considered nonpayment. *(Office of the Children's Health Insurance Program; 407 IAC 2-3-2; filed May 3, 2000, 2:02 p.m.: 23 IR 2233; filed Aug 7, 2002, 9:41 a.m.: 25 IR 4103)*

LSA Document #02-85(F)
Notice of Intent Published: 25 IR 2278
Proposed Rule Published: June 1, 2002; 25 IR 2805
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Approved by Attorney General: July 22, 2002
Approved by Governor: July 29, 2002
Filed with Secretary of State: August 7, 2002, 9:41 a.m.
Incorporated Documents Filed with Secretary of State: None

Final Rules

TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY

LSA Document #01-428(F)

DIGEST

Amends 540 IAC 1 to maintain the tax-qualified status of the Indiana CollegeChoice 529 Program by complying with the amendments to Section 529 of the Internal Revenue Code of 1986, and the provisions related thereto, as established by the Economic Growth and Tax Relief Reconciliation Act of 2001, P.L.107-16. Repeals 540 IAC 1-3-2, 540 IAC 1-5-2, 540 IAC 1-6-2, 540 IAC 1-7-3, 540 IAC 1-8-5, 540 IAC 1-8-6, 540 IAC 1-8-7, 540 IAC 1-9-2, 540 IAC 1-10-1.5, 540 IAC 1-10-1.6, and 540 IAC 1-10-3. Effective 30 days after filing with the secretary of state.

540 IAC 1-1-3	540 IAC 1-7-3
540 IAC 1-1-4	540 IAC 1-8-1
540 IAC 1-1-6	540 IAC 1-8-2
540 IAC 1-1-7	540 IAC 1-8-3.5
540 IAC 1-1-7.5	540 IAC 1-8-4
540 IAC 1-1-9	540 IAC 1-8-5
540 IAC 1-1-10.5	540 IAC 1-8-6
540 IAC 1-1-11.5	540 IAC 1-8-7
540 IAC 1-1-11.6	540 IAC 1-9-1
540 IAC 1-1-12	540 IAC 1-9-2
540 IAC 1-1-13	540 IAC 1-9-2.5
540 IAC 1-1-14	540 IAC 1-9-2.6
540 IAC 1-1-16	540 IAC 1-9-2.7
540 IAC 1-1-16.5	540 IAC 1-9-3
540 IAC 1-3-2	540 IAC 1-10-1
540 IAC 1-5-1	540 IAC 1-10-1.5
540 IAC 1-5-2	540 IAC 1-10-1.6
540 IAC 1-6-1	540 IAC 1-10-3
540 IAC 1-6-2	540 IAC 1-10-4
540 IAC 1-7-1	540 IAC 1-12-2
540 IAC 1-7-2	

SECTION 1. 540 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-3 “Account” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 3. “Account” means ~~an individual~~ a trust account. (*Indiana Education Savings Authority; 540 IAC 1-1-3; filed Sep 9, 1997, 4:45 p.m.: 21 IR 84; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4104*)

SECTION 2. 540 IAC 1-1-4 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-4 “Account owner” defined

Authority: IC 21-9-4-7
Affected: IC 21-9; IC 30-2-8.5

Sec. 4. “Account owner” means any:

- (1) individual; ~~who is an adult;~~
- (2) emancipated minor; ~~or an individual serving as a~~
- (3) trust;
- (4) estate;
- (5) partnership;
- (6) association;
- (7) company;
- (8) corporation; or
- (9) qualified custodian under the Uniform Transfers to Minors Act (IC 30-2-8.5);

~~that may make deposits for the benefit of an account beneficiary and is designated at the time an account is opened as having the right to select or change a beneficiary, designate a person to whom funds may be distributed from an account, and withdraw funds from the account before the account is disbursed to or for the benefit of a beneficiary.~~ (*Indiana Education Savings Authority; 540 IAC 1-1-4; filed Sep 9, 1997, 4:45 p.m.: 21 IR 85; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4104*)

SECTION 3. 540 IAC 1-1-6 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-6 “Administrative fee” defined

Authority: IC 21-9-4-7
Affected: IC 4-22-2; IC 21-9

Sec. 6. “Administrative fee” means the fee ~~charged for the following:~~ **as determined and published by the board from time to time pursuant to IC 21-9-4-7.**

- (1) Opening an account.
- (2) Cancellation of an account.
- (3) Multiple changes of beneficiaries or account owners.
- (4) ~~As the board otherwise determines to be charged as part of the program and adopted pursuant to IC 4-22-2.~~

(*Indiana Education Savings Authority; 540 IAC 1-1-6; filed Sep 9, 1997, 4:45 p.m.: 21 IR 85; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4104*)

SECTION 4. 540 IAC 1-1-7 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-7 “Administrator fee” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 7. “Administrator fee” means the annual fee charged by the program administrator, ~~computed and allocated to participant account earnings on a quarterly basis:~~ **as approved and published by the board from time to time pursuant to IC 21-9-4-7.** (*Indiana Education Savings Authority; 540 IAC 1-1-7; filed Sep 9, 1997, 4:45 p.m.: 21 IR 85; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4104*)

SECTION 5. 540 IAC 1-1-7.5 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-1-7.5 “Adoption agreement” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 7.5. “Adoption agreement” means the enrollment form contract or account application contract promulgated by the board from time to time. (*Indiana Education Savings Authority; 540 IAC 1-1-7.5; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4105*)

SECTION 6. 540 IAC 1-1-9 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-9 “Beneficiary” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 9. “Beneficiary” means the individual to whom (or for whose benefit) all or some of the assets of an account transfer at the time the individual incurs qualified higher education expenses: designated as the beneficiary of the account at the time the account is established or as a new beneficiary when beneficiaries are changed. (*Indiana Education Savings Authority; 540 IAC 1-1-9; filed Sep 9, 1997, 4:45 p.m.: 21 IR 85; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4105*)

SECTION 7. 540 IAC 1-1-10.5 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-1-10.5 “Contributor” defined

Authority: IC 21-9-4-7
Affected: IC 21-9; IC 30-2-8.5

Sec. 10.5. “Contributor” means any:

- (1) individual;
- (2) emancipated minor;
- (3) trust;
- (4) estate;
- (5) partnership;
- (6) association;
- (7) company;
- (8) corporation; or
- (9) qualified custodian under the Uniform Transfers to Minors Act (IC 30-2-8.5);

that may make deposits for the benefit of an account beneficiary. (*Indiana Education Savings Authority; 540 IAC 1-1-10.5; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4105*)

SECTION 8. 540 IAC 1-1-11.5 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-11.5 “Internal Revenue Code” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 11.5. “Internal Revenue Code” means §529 of the Internal Revenue Code of 1986, as amended and effective August 5, 1997; April 4, 2002 (26 U.S.C. 1, et seq.). (*Indiana Education Savings Authority; 540 IAC 1-1-11.5; filed Apr 1,*

1998, 10:55 a.m.:21 IR 2821; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4105)

SECTION 9. 540 IAC 1-1-11.6 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-1-11.6 “Member of the family” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 11.6. “Member of the family” has the meaning as set forth in 26 U.S.C. 529*.

***26 U.S.C. 529 is hereby incorporated by reference. Copies of 26 U.S.C. 529 may be obtained from the United States Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 and at <http://www.access.gpo.gov/uscode/title26/title26.html>.** (*Indiana Education Savings Authority; 540 IAC 1-1-11.6; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4105*)

SECTION 10. 540 IAC 1-1-12 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-12 “Nonqualified distribution” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 12. “Nonqualified distribution” means any refund from earnings on an account that is not:

- (1) used for qualified higher education expenses of the designated beneficiary;
- (2) made on account of the death or disability of the designated beneficiary; or
- (3) made on account of a scholarship (or allowance or payment described in 26 U.S.C. 135(d)(1)(B) or ~~26 U.S.C. 135(d)(1)(C))~~ 26 U.S.C. 135(d)(1)(G) received by a designated beneficiary, but only to the extent of the amount of the scholarship (or allowance or payment described in 26 U.S.C. 135(d)(1)(B) or 26 U.S.C. 135(d)(1)(G))*; or
- (4) made on account of a rollover.

***26 U.S.C. 135 is hereby incorporated by reference. Copies of 26 U.S.C. 135 may be obtained from the United States Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 at <http://www.access.gpo.gov/uscode/title26/title26.html>.** (*Indiana Education Savings Authority; 540 IAC 1-1-12; filed Sep 9, 1997, 4:45 p.m.: 21 IR 85; errata filed Nov 20, 1997, 3:15 p.m.: 21 IR 1350; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4105*)

SECTION 11. 540 IAC 1-1-13 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-13 “Penalty” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

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Sec. 13. "Penalty" means a ten percent (10%) penalty on all earnings in each account distributed as part of any nonqualified distribution. ~~has the meaning set forth in 26 U.S.C. 529.~~ (Indiana Education Savings Authority; 540 IAC 1-1-13; filed Sep 9, 1997, 4:45 p.m.: 21 IR 85; filed Apr 1, 1998, 10:55 a.m.: 21 IR 2822; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4105)

SECTION 12. 540 IAC 1-1-14 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-14 "Program" defined

Authority: IC 21-9-4-7
Affected: IC 21-9-3

Sec. 14. "Program" means ~~the Indiana family college savings~~ any plan or program established under and operated by the authority pursuant to and in accordance with 26 U.S.C. 529 and IC 21-9-3. (Indiana Education Savings Authority; 540 IAC 1-1-14; filed Sep 9, 1997, 4:45 p.m.: 21 IR 86; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4106)

SECTION 13. 540 IAC 1-1-16 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-16 "Qualified higher education expenses" defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 16. "Qualified higher education expenses" has the meaning as set forth in the Internal Revenue Code of 1986, as defined in section 11.5 of this rule, subject to any limitations applicable under IC 21-9: 26 U.S.C. 529. (Indiana Education Savings Authority; 540 IAC 1-1-16; filed Sep 9, 1997, 4:45 p.m.: 21 IR 86; filed Apr 1, 1998, 10:55 a.m.: 21 IR 2822; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4106)

SECTION 14. 540 IAC 1-1-16.5 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-1-16.5 "Rollover" defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 16.5. "Rollover" means any distribution that, within sixty (60) days of such distribution, is transferred:

- (1) under the program to another account established for such designated beneficiary under 26 U.S.C. 529 that is subject to the law of another jurisdiction provided that such distribution or transfer does not occur within twelve (12) months from the date of any previous distribution or transfer to any account established under 26 U.S.C. 529 for the benefit of such designated beneficiary; or
- (2) to the account of another beneficiary who is a member of the family of the designated beneficiary provided that the account of the other beneficiary is part of the program or subject to the law of another jurisdiction and 26 U.S.C. 529.

(Indiana Education Savings Authority; 540 IAC 1-1-16.5; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4106)

SECTION 15. 540 IAC 1-5-1 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-5-1 Beneficiary change

Authority: IC 21-9-4-7
Affected: IC 21-9; IC 30-2-8.5

Sec. 1. (a) Except for an account owner who made a contribution to an account as a qualified custodian under the Uniform Transfers to Minors Act (IC 30-2-8.5), an account owner may change a beneficiary by submitting to the program administrator a request to change the beneficiary. The new beneficiary must be eligible for participation under 540 IAC 1-4 and be a member of the family of the beneficiary being changed. The request to change a beneficiary shall accompany the evidence, as specified by the program administrator, that the proposed beneficiary is a member of the family of the beneficiary being changed.

(b) An individual shall be considered a member of the beneficiary's family pursuant to the Internal Revenue Code of 1986, as defined in section 11.5 of this rule. 540 IAC 1-1-11.6. (Indiana Education Savings Authority; 540 IAC 1-5-1; filed Sep 9, 1997, 4:45 p.m.: 21 IR 87; filed Apr 1, 1998, 10:55 a.m.: 21 IR 2822; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4106)

SECTION 16. 540 IAC 1-6-1 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-6-1 Transfer

Authority: IC 21-9-4-7
Affected: IC 21-9; IC 30-2-8.5

Sec. 1. (a) An account owner may transfer ownership at any time upon request to the program administrator. The new account owner must be an individual eligible for participation under 540 IAC 1-3. and a member of the family of the beneficiary or an ex-spouse of the account owner transferring ownership. The request to transfer ownership of the account shall accompany the evidence, as specified by the program administrator, that the proposed account owner is a member of the family of the beneficiary or an ex-spouse of the account owner transferring ownership. If an account owner is a qualified custodian under the Uniform Transfers to Minors Act (IC 30-2-8.5), then upon the termination of the custodianship, as provided in IC 30-2-8.5, the beneficiary of such account shall be deemed the new account owner.

(b) An individual shall be considered a member of the beneficiary's family pursuant to the Internal Revenue Code of 1986 as defined in section 11.5 of this rule. (Indiana Education Savings Authority; 540 IAC 1-6-1; filed Sep 9, 1997, 4:45 p.m.: 21 IR 87; filed Apr 1, 1998, 10:55 a.m.: 21 IR 2822; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4106)

SECTION 17. 540 IAC 1-7-1 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-7-1 Administration

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 1. For each new account opened, an ~~administrative fee of ten dollars (\$10) shall be charged to the account owner.~~ An account owner shall make an initial deposit for each account opened in an amount not less than fifty dollars (\$50). (*Indiana Education Savings Authority; 540 IAC 1-7-1; filed Sep 9, 1997, 4:45 p.m.: 21 IR 88; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4107*)

SECTION 18. 540 IAC 1-7-2 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-7-2 Administrator fee charge

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 2. The program administrator shall charge an annual administrator fee, ~~in such amount as agreed to by the authority, to which shall~~ be computed and allocated to account owners' account earnings. ~~on a quarterly basis.~~ (*Indiana Education Savings Authority; 540 IAC 1-7-2; filed Sep 9, 1997, 4:45 p.m.: 21 IR 88; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4107*)

SECTION 19. 540 IAC 1-8-1 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-8-1 Contributions

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 1. Contributions by an account owner **or contributor** shall be made in cash only, with available contribution payment options determined by the authority. These options may include such methods as payroll deductions, electronic funds transfer, or other such methods as the authority determines. (*Indiana Education Savings Authority; 540 IAC 1-8-1; filed Sep 9, 1997, 4:45 p.m.: 21 IR 88; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4107*)

SECTION 20. 540 IAC 1-8-2 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-8-2 Contribution amount

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 2. An account owner **or contributor** must specify an amount to be contributed according to the contribution option chosen by the account owner in the adoption agreement. All contributions must be in an amount not less than twenty-five dollars (\$25). (*Indiana Education Savings Authority; 540 IAC 1-8-2; filed Sep 9, 1997, 4:45 p.m.: 21 IR 88; errata filed Nov 20, 1997, 3:15 p.m.: 21 IR 1350; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4107*)

SECTION 21. 540 IAC 1-8-3.5 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-8-3.5 Contribution procedure

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 3.5. Any contributor may make a contribution to an existing account on behalf of an account owner to the extent permitted by 26 U.S.C. 529, provided that a contribution form identifying the applicable account owner and account is completed and submitted and any other requirements of the program administrator in connection with such contribution, or series of contributions, are fulfilled. (*Indiana Education Savings Authority; 540 IAC 1-8-3.5; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4107*)

SECTION 22. 540 IAC 1-8-4 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-8-4 Maximum account contributions

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 4. Contributions cannot be made to any account which would result in the total of all account ~~balances~~ **contributions** held on behalf of one (1) beneficiary to exceed ~~one hundred fourteen thousand five hundred forty-eight dollars (\$114,548), including accrued earnings up through the date of such contribution.~~ **This the maximum account contribution amount set by the board pursuant to a formula or other methodology adopted by the board from time to time and as published by the board from time to time pursuant to IC 21-9-4-7. The maximum account balance contribution amount shall be adjusted annually pursuant to a formula or other methodology adopted by the board from time to time. In the event that total account balances contributions for a single beneficiary exceed the maximum account balance contribution amount due to new contributions, the excess amount shall be refunded to the account owner or owners, pro rata, without penalty. Notwithstanding the foregoing, it shall be permissible for the maximum account balance to be exceeded if such excess is caused solely by the accrual of earnings to one (1) or more accounts held on behalf of a single beneficiary.** (*Indiana Education Savings Authority; 540 IAC 1-8-4; filed Sep 9, 1997, 4:45 p.m.: 21 IR 88; filed Oct 10, 2000, 3:06 p.m.: 24 IR 375; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4107*)

SECTION 23. 540 IAC 1-9-1 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-9-1 Cancellation

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 1. An account owner may at any time cancel an adoption agreement by submitting to the program administrator notice to terminate agreement. ~~An administrative fee of twenty-five dollars (\$25) shall be charged to an account owner for the cancellation of an account.~~ (*Indiana Education Savings*

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Authority; 540 IAC 1-9-1; filed Sep 9, 1997, 4:45 p.m.: 21 IR 89; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4107)

SECTION 24. 540 IAC 1-9-2.5 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-9-2.5 Premature cancellation

Authority: IC 21-9-4-7

Affected: IC 21-9

Sec. 2.5. An account may be terminated by the program administrator at the direction of the board if the account has a balance of less than five hundred dollars (\$500) and no contributions have been made within the preceding calendar year. Notwithstanding the foregoing, if distributions of at least five hundred dollars (\$500) are paid from the account for qualified higher education expenses within the preceding calendar year, the account shall not be subject to cancellation. The board shall instruct the program administrator as to such cancellations from time to time. (*Indiana Education Savings Authority; 540 IAC 1-9-2.5; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4108*)

SECTION 25. 540 IAC 1-9-2.6 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-9-2.6 Interruption of attendance

Authority: IC 21-9-4-7

Affected: IC 21-9

Sec. 2.6. If, following the submission of a notice to use program benefits, the beneficiary interrupts his or her attendance at an institution of higher education, the account owner shall submit a notice to delay program benefits. Interruption of attendance shall mean failure to enroll for the next academic period, excluding summer sessions. Upon receipt of notice, the administrator shall suspend the requirements set forth in section 2.5 of this rule for a period of two (2) years. Upon the expiration of one (1) year, the account is subject to cancellation if the account has a balance of less than five hundred dollars (\$500) and contributions are not resumed unless qualifying distributions are again resumed. The board shall instruct the program administrator as to such cancellations from time to time. (*Indiana Education Savings Authority; 540 IAC 1-9-2.6; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4108*)

SECTION 26. 540 IAC 1-9-2.7 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-9-2.7 Cancellation notice and procedure

Authority: IC 21-9-4-7

Affected: IC 21-9

Sec. 2.7. Prior to cancellation for failure to maintain an appropriate balance, make required contributions, or to resume attendance, appropriate notice, as established by

the board, shall be given to the account owner with an opportunity to cure. (*Indiana Education Savings Authority; 540 IAC 1-9-2.7; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4108*)

SECTION 27. 540 IAC 1-9-3 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-9-3 Refund

Authority: IC 21-9-4-7

Affected: IC 21-9

Sec. 3. (a) If the adoption agreement is canceled by the account owner (unless the cancellation is the result of a rollover) or by the board for failure to maintain an appropriate balance, make required contributions, or to resume attendance, the account owner, or the beneficiary if the account owner so directs, is entitled to a refund. Any portion of the refund attributable to earnings is subject to the penalty for a nonqualified distribution.

(b) Before a cancellation and refund due to the death of a beneficiary is made, an account owner must provide the program administrator a copy of the beneficiary's death certificate or other proof of death acceptable under state law. Before a cancellation and refund due to the disability of a beneficiary is made, an account owner must provide to the program administrator written certification from a qualified and licensed physician that the beneficiary cannot reasonably attend school. Before a cancellation and refund due to receipt of a scholarship (or allowance or payment as described in 26 U.S.C. 135(d)(1)(B) or 26 U.S.C. 135(d)(1)(C)); an account owner must provide the program administrator proof of receipt of a scholarship (or allowance or payment) and the amount of the scholarship (or allowance or payment):

(c) (b) Funds that are refunded to an account owner, or the beneficiary if directed by the account owner, pursuant to this section shall be reported to the appropriate taxing authorities for the tax year in which such refund is made. (*Indiana Education Savings Authority; 540 IAC 1-9-3; filed Sep 9, 1997, 4:45 p.m.: 21 IR 89; errata filed Nov 20, 1997, 3:15 p.m.: 21 IR 1350; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4108*)

SECTION 28. 540 IAC 1-10-1 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-10-1 Benefit payment

Authority: IC 21-9-4-7

Affected: IC 21-9

Sec. 1. For payment of benefits from the trust to begin, the account owner shall submit a notice to use program benefits. The payment of benefits shall be made only for qualified higher education expenses, or shall be subject to applicable penalties for nonqualified distributions. All qualified higher education expenses charged directly by the eligible educational institution shall be paid:

TITLE 860 INDIANA PLUMBING COMMISSION

LSA Document #01-425(F)

DIGEST

Amends 860 IAC 1-1-2.1 to revise the fees charged and collected by the Indiana plumbing commission. Amends 860 IAC 1-1-8 to revise the license fee for a temporary plumbing contractor license. Effective January 1, 2003.

860 IAC 1-1-2.1
860 IAC 1-1-8

SECTION 1. 860 IAC 1-1-2.1 IS AMENDED TO READ AS FOLLOWS:

860 IAC 1-1-2.1 Fee schedule

Authority: IC 25-28.5-1-8
Affected: IC 25-28.5-1-22

Sec. 2.1. The Indiana plumbing commission shall charge and collect the following fees:

(1) For an application for examination as an individual plumbing contractor, a nonrefundable fee of ~~thirty fifty~~ **fifty** dollars (~~\$30~~) (**\$50**) and a fee of ~~thirty fifty~~ **fifty** dollars (~~\$30~~) (**\$50**) for each reexamination on one (1) of the two (2) exam parts not previously passed upon notice by the commission.

(2) For the issuance of the initial plumbing contractor license, the following:

(A) When the license is issued in an odd-numbered year, ~~twenty-five fifty~~ **fifty** dollars (~~\$25~~) (**\$50**).

(B) When the license is issued in an even-numbered year, ~~fifty one hundred~~ **fifty** dollars (~~\$50~~) (**\$100**).

(3) For the issuance of an initial license for a corporation, the following:

(A) When the license is issued in an odd-numbered year, ~~twenty-five fifty~~ **fifty** dollars (~~\$25~~) (**\$50**).

(B) When the license is issued in an even-numbered year, ~~fifty one hundred~~ **fifty** dollars (~~\$50~~) (**\$100**).

(4) For an application for examination as an individual journeyman plumber a nonrefundable fee of ~~fifteen thirty~~ **thirty** dollars (~~\$15~~) (**\$30**) and a fee of fifteen [~~thirty~~] **thirty** dollars (~~\$15~~) (**\$30**) for each reexamination on one (1) of the two (2) exam parts not previously passed upon notice by the commission.

(5) For issuance of the initial license for a journeyman plumber, the following:

(A) When the license is issued in an odd-numbered year, ~~ten fifteen~~ **thirty** dollars (~~\$10~~) (**\$30**).

(B) When the license is issued in an even-numbered year, ~~fifteen thirty~~ **thirty** dollars (~~\$15~~) (**\$30**).

(6) For biennial renewal of a plumbing contractor's license, ~~fifty one hundred~~ **thirty** dollars (~~\$50~~) (**\$30**) payable prior to December 1 of each odd-numbered year.

(7) For biennial renewal of a license for a corporation, ~~fifty one hundred~~ **thirty** dollars (~~\$50~~) (**\$30**) payable prior to December 1 of each odd-numbered year.

(1) directly to the eligible educational institution; ~~All other~~ **expenses charged by third parties shall be paid**
(2) to the beneficiary **as directed by the account owner**; or
(3) to the account owner. ~~upon receipt of proof of payment of the expense by the account owner.~~

Payment ~~made on a reimbursement basis shall be permitted only to two (2) times per academic period. shall be limited to once a month and subject to a minimum distribution amount of fifty dollars (\$50).~~ (Indiana Education Savings Authority; 540 IAC 1-10-1; filed Sep 9, 1997, 4:45 p.m.: 21 IR 90; filed Apr 1, 1998, 10:55 a.m.: 21 IR 2823; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4108)

SECTION 29. 540 IAC 1-10-4 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-10-4 Rollover distributions

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 4. An account owner may transfer the account funds pursuant to a rollover made in accordance with 26 U.S.C. 529. Upon the receipt by the administrator of a rollover notice from the account owner, the administrator shall transfer all of the account funds to the account designated in the rollover notice. (Indiana Education Savings Authority; 540 IAC 1-10-4; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4108)

SECTION 30. 540 IAC 1-12-2 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-12-2 Investment direction

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 2. An account owner or beneficiary shall ~~not be permitted to~~ **direct the investment of any contributions or the earnings on any contribution. contributions only in accordance with 26 U.S.C. 529 and the terms of the program.** (Indiana Education Savings Authority; 540 IAC 1-12-2; filed Sep 9, 1997, 4:45 p.m.: 21 IR 90; filed Jul 8, 2002, 1:51 p.m.: 25 IR 4109)

SECTION 31. THE FOLLOWING ARE REPEALED: 540 IAC 1-3-2; 540 IAC 1-5-2; 540 IAC 1-6-2; 540 IAC 1-7-3; 540 IAC 1-8-5; 540 IAC 1-8-6; 540 IAC 1-8-7; 540 IAC 1-9-2; 540 IAC 1-10-1.5; 540 IAC 1-10-1.6; 540 IAC 1-10-3.

LSA Document #01-428(F)

Notice of Intent Published: 25 IR 1197

Proposed Rule Published: March 1, 2002; 25 IR 2024

Hearing Held: March 22, 2002

Approved by Attorney General: June 20, 2002

Approved by Governor: July 3, 2002

Filed with Secretary of State: July 8, 2002, 1:51 p.m.

Incorporated Documents Filed with Secretary of State: Sections 135 and 529 of the Internal Revenue Code of 1986 (26 U.S.C. 529).

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(8) For biennial renewal of a journeyman plumber's license, ~~fifteen~~ **thirty** dollars (~~\$15~~) (**\$30**) payable prior to December 1 of each odd-numbered year.

(9) Application for a renewal received after the expiration date of December 31 of each odd-numbered year and prior to March 1 of the next even-numbered year shall be charged a reinstatement fee of ~~ten~~ **fifteen** dollars (~~\$10~~) (**\$15**) in addition to the license renewal fee.

(10) Applications for renewal received after March 1 of the next even-numbered year following expiration and no later than December 31 of the next odd-numbered year following expiration shall be charged the following reinstatement fees in addition to the applicable license renewal fees:

(A) Journeyman plumber, ~~\$50~~ **one hundred dollars (\$100)**.

(B) Plumbing contractor, ~~\$100~~ **two hundred dollars (\$200)**.

(C) Corporate plumbing contractor, ~~\$100~~ **two hundred dollars (\$200)**.

(11) Applications for renewal received after December 31 of the next odd-numbered year following expiration shall be deemed invalid for renewal.

(Indiana Plumbing Commission; 860 IAC 1-1-2.1; filed Oct 31, 1983, 1:21 p.m.: 7 IR 69; errata, 7 IR 71; filed Oct 29, 1984, 3:07 p.m.: 8 IR 214; filed Jul 30, 1985, 3:13 p.m.: 8 IR 2038; filed Feb 19, 1987, 8:30 a.m.: 10 IR 1390; filed Feb 19, 1990, 11:06 a.m.: 13 IR 1181; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3108; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:34 p.m.: 25 IR 4109, eff Jan 1, 2003)

SECTION 2. 860 IAC 1-1-8 IS AMENDED AS FOLLOWS:

860 IAC 1-1-8 Temporary plumbing contractor license

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1-18.5

Sec. 8. (a) A temporary plumbing contractor license authorized by IC 25-28.5-1-18.5 shall be for six (6) month increments.

(b) Such temporary license shall not enable the holder thereof to perform actual plumbing services unless he is a currently licensed journeyman or a currently licensed plumbing contractor. However, the holder of a temporary license may employ a journeyman to perform actual plumbing services pursuant to the temporary license. If the holder is a licensed journeyman, he may perform plumbing contracting under the authority of the temporary license.

(c) The temporary license will be granted upon submission of the license fee in the amount of ~~fifteen~~ **twenty-five** dollars (~~\$15~~) (**\$25**) for each six (6) month increment, as well as a fully executed bond on a form supplied by the commission.

(d) No temporary license will be issued to any applicant who fails to first appear before the commission or the executive director of the Indiana professional licensing agency to request the same.

(e) A temporary license granted by the executive director of the Indiana professional licensing agency is subject to ratification or refusal at the next regularly scheduled meeting of the

commission. *(Indiana Plumbing Commission; 860 IAC 1-1-8; filed Dec 20, 1985, 9:13 a.m.: 9 IR 1099; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3108; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:34 p.m.: 25 IR 4110, eff Jan 1, 2003)*

SECTION 3. **SECTIONS 1 and 2 of this document take effect January 1, 2003.**

LSA Document #01-425(F)

Notice of Intent Published: 25 IR 1198

Proposed Rule Published: May 1, 2002; 25 IR 2585

Hearing Held: May 29, 2002

Approved by Attorney General: July 2, 2002

Approved by Governor: July 15, 2002

Filed with Secretary of State: July 17, 2002, 3:34 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

LSA Document #01-426(F)

DIGEST

Amends 865 IAC 1-11-1 to revise the fees charged and collected by the board. Amends 865 IAC 1-13-5 to allow licensees to submit continuing education course material for credit within six months after taking the course. Effective 30 days after filing with the secretary of state.

865 IAC 1-11-1

865 IAC 1-13-5

SECTION 1. 865 IAC 1-11-1 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-11-1 Fees charged by board

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 1. The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

(1) For review of an application for examination for registration as a land surveyor other than comity, a fee of ten dollars (**\$10**).

(2) For the examination or reexamination of any applicant under the Act, a fee in the amount of ~~fifty~~ **sixty** dollars (~~\$50~~) (**\$60**).

(3) For the processing and review of qualifications for registration as a land surveyor by comity, a fee of ~~fifty~~ **seventy-five** dollars (~~\$50~~) (**\$75**).

(4) For issuance of the original certificate to practice as a registered land surveyor following passage of the examination or approval for registration on the basis of comity when the certificate is dated between August 1 of an:

(A) odd-numbered year and July 31 of the following even-

numbered year, inclusive, ~~twenty-five fifty~~ dollars (~~\$25~~); (~~\$50~~); or

(B) even-numbered year and July 31 of the following odd-numbered year, inclusive, ~~fifty one hundred~~ dollars (~~\$50~~); (~~\$100~~).

(5) For biennial renewal of the certificate to practice as a registered land surveyor, a renewal fee of ~~seventy one hundred~~ dollars (~~\$70~~) (~~\$100~~) and a fee of two dollars (\$2) for each hour of continuing education required both payable no later than July 31 of each even-numbered year. No fee shall be required to renew a certificate in inactive status under 865 IAC 1-13-13.

(6) For renewal of an expired certificate to practice as a registered land surveyor, ten dollars (\$10), plus all unpaid renewal fees for the four (4) years of delinquency. A certificate may not be renewed after four (4) years of delinquency.

(7) For a duplicate or replacement certificate to practice as a registered land surveyor, ~~ten twenty-five~~ dollars (~~\$10~~); (~~\$25~~).

(8) For a replacement pocket card to practice as a registered land surveyor, ~~five ten~~ dollars (~~\$5~~); (~~\$10~~).

(9) For examination and enrollment as a land-surveyor-in-training, a fee in the amount of ~~twenty twenty-five~~ dollars (~~\$20~~); (~~\$25~~).

(10) The fee shall be ~~fifty seventy-five~~ dollars (~~\$50~~) (~~\$75~~) for the proctoring of examinations taken in this state for purposes of registration in other states. This fee shall be in addition to the examination fee.

(State Board of Registration for Land Surveyors; Rule 12, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Oct 14, 1981, 1:30 p.m.: 4 IR 2459; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; errata, 10 IR 445; filed Oct 13, 1992, 5:00 p.m.: 16 IR 884; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3110; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1025; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:36 p.m.: 25 IR 4110) NOTE: 864 IAC 1.1-12-1 was renumbered by Legislative Services Agency as 865 IAC 1-11-1.

SECTION 2. 865 IAC 1-13-5 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-13-5 Courses from approved and unapproved providers

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 5. (a) Hours of continuing education will be granted to registered land surveyors who have successfully completed courses offered by land surveyor continuing education providers approved pursuant to 865 IAC 1-14 or specific courses from nonapproved providers that the board has approved.

(b) It is the obligation of the registered land surveyor to submit course material from unapproved providers either not more than ~~three (3)~~ **six (6)** months after taking the course or three (3) months before the end of the renewal cycle, whichever comes first. The required information must include the following:

(1) The course outline or description.

(2) A certified statement signed by the registered land surveyor stating that the entire course was completed.

(3) The information required in 865 IAC 1-14-13.

(4) The name and professional biography of the instructor.

(c) To qualify under subsection (b), courses must be on the subject matter listed in section 6 or 7 of this rule and instructors must meet the requirements of 865 IAC 1-14-9. Course content, instructor qualifications, and provider qualifications must meet the requirements provided in 865 IAC 1-14. If the submitted information does not meet the requirements for approval, the course may be rejected and credit denied. *(State Board of Registration for Land Surveyors; 865 IAC 1-13-5; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1026; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:36 p.m.: 25 IR 4111)*

LSA Document #01-426(F)

Notice of Intent Published: 25 IR 1198

Proposed Rule Published: March 1, 2002; 25 IR 2043

Hearing Held: June 14, 2002

Approved by Attorney General: July 2, 2002

Approved by Governor: July 15, 2002

Filed with Secretary of State: July 17, 2002, 3:36 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #01-346(F)

DIGEST

Amends 876 IAC 3-3-21 to change the period of time upon which the temporary permits privileges expire. Effective 30 days after filing with the secretary of state.

876 IAC 3-3-21

SECTION 1. 876 IAC 3-3-21 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-3-21 Permit for temporary practice

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 21. (a) The board will recognize, on a temporary basis, the license or certificate of an appraiser issued by another state, provided the following:

(1) The appraiser's business is of a temporary nature.

(2) The appraiser registers with the board.

(3) The license or certificate issued by the other state is appropriate for the type of property to be appraised.

(4) The work in Indiana does not last longer than ~~sixty (60) days~~; **six (6) months**.

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(b) An applicant must apply on a form provided by the board and pay ~~the a~~ fee required by 876 IAC 3-2-7(b)(12).

(c) Each temporary license or certificate is limited to performing the appraisals or specialized services required by the contract for appraisal services.

(d) Temporary ~~privileges~~ **privilege** [*sic., privileges*] expire upon completion of the work required by the assignment or specialized service or after ~~sixty (60) days~~, **six (6) months**, whichever is earlier, and no more ~~that than~~ three (3) different temporary licenses may be issued to an individual per calendar year.

(e) An applicant must consent to service of process in Indiana and may not advertise or represent themselves as an Indiana licensed or certified appraiser.

(f) An individual who has been denied either admission to an examination or a license by the board will not be eligible for a temporary permit for the level of licensure for which the individual was denied or a greater level of license. However, regardless of this subsection, an individual who otherwise qualifies under this section shall be eligible for a permit for federally related transactions. (*Indiana Real Estate Commission; 876 IAC 3-3-21; filed Sep 24, 1992, 9:00 a.m.: 16 IR 746; filed Dec 8, 1993, 4:00 p.m.: 17 IR 777; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2792; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2705, eff Jan 1, 2002; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Jul 15, 2002, 2:28 p.m.: 25 IR 4111*)

LSA Document #01-346(F)

Notice of Intent Published: 25 IR 127

Proposed Rule Published: April 1, 2002; 25 IR 2310

Hearing Held: May 23, 2002

Approved by Attorney General: June 26, 2002

Approved by Governor: July 11, 2002

Filed with Secretary of State: July 15, 2002, 2:28 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #01-262(F)

DIGEST

Adds 905 IAC 1-52 to implement new provisions of IC 7.1-3-1-28, which went into effect July 1, 2001. Identifies requirements for type, size, and form of and location of posting notice

signs, availability and cost of said signs, and the period of time and location of posting said signs and proof of posting which must be provided to the commission. Effective 30 days after filing with the secretary of state.

905 IAC 1-52

SECTION 1. 905 IAC 1-52 IS ADDED TO READ AS FOLLOWS:

Rule 52. Posting Signs Authorized by IC 7.1-3-1-28

905 IAC 1-52-1 Definitions

Authority: IC 7.1-2-3-7; IC 7.1-3-1-28

Affected: IC 7.1-2-1-1; IC 7.1-2-4-1

Sec. 1. (a) "Commission" refers to the alcohol and tobacco commission created by IC 7.1-2-1-1.

(b) "Local board" refers to the division of the commission created by IC 7.1-2-4-1. (*Alcohol and Tobacco Commission; 905 IAC 1-52-1; filed Jul 26, 2002, 10:11 a.m.: 25 IR 4112*)

905 IAC 1-52-2 Posting signs authorized by IC 7.1-3-1-28

Authority: IC 7.1-2-3-7; IC 7.1-3-1-28

Affected: IC 7.1-3-1-28

Sec. 2. (a) Signs required by IC 7.1-3-1-28 shall be posted in a manner that they are visible from the nearest and largest public thoroughfare in the vicinity of the applicant's premises or proposed premises. If no building or structure is present on the proposed premises, said sign may be posted in a manner sufficient to secure it.

(b) Said sign shall be posted for the ten (10) days prior to the applicant or permittee's scheduled local board hearing and until said local board votes on applications described in IC 7.1-3-1-28.

(c) Signs required by this rule shall be either prepared by the commission or be preapproved by the commission. The commission shall charge two dollars (\$2) per sign. (*Alcohol and Tobacco Commission; 905 IAC 1-52-2; filed Jul 26, 2002, 10:11 a.m.: 25 IR 4112*)

LSA Document #01-262(F)

Notice of Intent Published: 24 IR 3663

Proposed Rule Published: November 1, 2001; 25 IR 514

Hearing Held: November 27, 2001

Approved by Attorney General: July 19, 2002

Approved by Governor: July 23, 2002

Filed with Secretary of State: July 26, 2002, 10:11 a.m.

Incorporated Documents Filed with Secretary of State: None
