

Document: IC 13-14-9 Notice

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TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD

IC 13-14-9.5 NOTICE OF READOPTION

#00-45(F)

READOPTED RULES IN TITLE 328 UNDER IC 13-14-9.5

PURPOSE OF NOTICE

Pursuant to IC 13-14-9.5-4(c), the Indiana Department of Environmental Management (IDEM) is publishing a notice of readoption of rules in Title 328 of the Indiana Administrative Code. With this notice, IDEM is providing notification that the following rules are readopted.

READOPTED RULES: 328 IAC 1-1; 328 IAC 1-2; 328 IAC 1-3; 328 IAC 1-4; 328 IAC 1-5; 328 IAC 1-6; 328 IAC 1-7; 328 IAC 2-1; 328 IAC 2-2; 328 IAC 2-3; 328 IAC 2-4. The readoption of these rules is effective 30 days after filing with the secretary of state.

RULES EXEMPT FROM READOPTION: None.

RULES TO EXPIRE: None.

AUTHORITY: IC 13-14-9.5.

HISTORY

First Notice of Comment Period: March 1, 2000, Indiana Register (23 IR 1490).

Extension of First Notice of Comment Period: May 1, 2000, Indiana Register (23 IR 2137).

SUBJECT MATTER AND BASIC PURPOSE OF READOPTION RULEMAKING

This rulemaking is required pursuant to IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. A rule that was adopted under a provision of IC 13 and was in force on December 31, 1995, expires not later than January 1, 2002. All rules adopted after that date under IC 13-14-9, expire on January 1 of the seventh year after the year in which each rule takes effect. Certain rules are exempt from expiration: rules that incorporate a federal regulation by reference or adopt a federal regulation in its entirety without substantive additions pursuant to a federal mandate do not expire. Those rules that are being readopted are specifically listed in the "Readopted Rules" section of this notice. If there are rules that the agency chose not to readopt, they are listed in the "Rules to Expire" section of the notice. If no rules are listed in that section, all rules will be readopted, except those specifically exempt from the requirement. Those rules that are exempt from readoption are listed in the "Rules Exempt from Readoption" section of this notice.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-9.5-4 requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to Legislative Services Agency for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one (1) rulemaking, the agency must:
 - (A) readopt that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the secretary of state under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

NOTICE OF READOPTION

The following rules received no comments during the first notice of comment period and are not exempt from the readoption process under IC 13-14-9.5:

- (1) 328 IAC 1-1.
- (2) 328 IAC 1-2.
- (3) 328 IAC 1-3.
- (4) 328 IAC 1-4.
- (5) 328 IAC 1-5.
- (6) 328 IAC 1-6.
- (7) 328 IAC 1-7.
- (8) 328 IAC 2-1.
- (9) 328 IAC 2-2.
- (10) 328 IAC 2-3.
- (11) 328 IAC 2-4.

Therefore, the above-listed rules are readopted pursuant to IC 13-14-9.5-4. The rules will be submitted to the secretary of state for filing and will be effective thirty (30) days after that filing date. The rules will remain in effect until their next expiration date, January 1, 2008. However, all rules are subject to amendment or repeal under IDEM's regular rulemaking process found at IC 13-14-9.

Lori F. Kaplan
Commissioner
Indiana Department of Environmental Management

Filed with Secretary of State: January 10, 2001, 3:21 p.m.