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**Other Notices**

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**INDIANA ELECTION COMMISSION  
ORDER 2001-71  
BEFORE THE  
INDIANA ELECTION COMMISSION**

IN THE MATTER OF THE ) ADMINISTRATIVE CAUSE  
ADMINISTRATIVE DISSOLUTION OF: ) NUMBER: 01-4372-240  
)  
Committee to Elect Dan Steward )

**ORDER ADMINISTRATIVELY  
DISSOLVING COMMITTEE**

This administrative dissolution proceeding came before the Indiana Election Commission (hereinafter "the Commission") at its May 24, 2001 meeting. The Commission, after due consideration of the evidence and record, hereby determines as follows:

- 1) Notice of hearing has been served pursuant to IC 3-9-1-12 and posted pursuant to IC 5-14-1.5;
- 2) The above-named committee has not filed any report of expenditures within the previous three (3) calendar years;
- 3) The above named committee owes no debt to any person other than a civil penalty assessed by the Commission or owes no debt to any person other than a debt to a candidate who is the chairman or treasurer of the candidate's committee and the committee filed a report under IC 3-9; and
- 4) The last reported cash on hand does not exceed one thousand dollars (\$1000) and the committee filed a report under IC 3-9.

(If civil penalties are to be waived add the below findings)

Further, the Commission finds:

- 1) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise functions as a committee;
- 2) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust; and
- 3) According to the best evidence available to the Commission, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

IT IS THEREFORE ORDERED that Committee to Elect Dan Steward is hereby administratively dissolved.

IT IS FURTHER ORDERED that all outstanding civil penalties previously imposed by the Commission against Committee to Elect Dan Steward are hereby waived.

**SO ORDERED THIS 24<sup>RD</sup> DAY OF MAY, 2001:  
THE INDIANA ELECTION COMMISSION:**

\_\_\_\_\_  
**Dudley Cruca, Chairman**

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**Butch Morgan, Member**

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**S. Anthony Long, Vice-Chairman**

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**Joseph M. Perkins, Jr., Member**

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**INDIANA ELECTION COMMISSION  
ORDER 2001-72  
BEFORE THE  
INDIANA ELECTION COMMISSION**

IN THE MATTER OF THE ) ADMINISTRATIVE CAUSE  
ADMINISTRATIVE DISSOLUTION OF: ) NUMBER: 01-4370-239  
)  
Campaign for Hoosier Families )

**ORDER ADMINISTRATIVELY  
DISSOLVING COMMITTEE**

This administrative dissolution proceeding came before the Indiana Election Commission (hereinafter "the Commission") at its May 24, 2001 meeting. The Commission, after due consideration of the evidence and record, hereby determines as follows:

- 1) Notice of hearing has been served pursuant to IC 3-9-1-12 and posted pursuant to IC 5-14-1.5;
- 2) The above-named committee has not filed any report of expenditures within the previous three (3) calendar years;

3) The above named committee owes no debt to any person other than a civil penalty assessed by the Commission or owes no debt to any person other than a debt to a candidate who is the chairman or treasurer of the candidate's committee and the committee filed a report under IC 3-9; and

4) The last reported cash on hand does not exceed one thousand dollars (\$1000) and the committee filed a report under IC 3-9.

(If civil penalties are to be waived add the below findings)

Further, the Commission finds:

- 1) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise functions as a committee;
- 2) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust; and
- 3) According to the best evidence available to the Commission, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

IT IS THEREFORE ORDERED that Campaign for Hoosier Families is hereby administratively dissolved.

IT IS FURTHER ORDERED that all outstanding civil penalties previously imposed by the Commission against Campaign for Hoosier Families committee are hereby waived.

**SO ORDERED THIS 24<sup>RD</sup> DAY OF MAY, 2001:**

**THE INDIANA ELECTION COMMISSION:**

\_\_\_\_\_  
**Dudley Cruea, Chairman**

\_\_\_\_\_  
**Butch Morgan, Member**

\_\_\_\_\_  
**S. Anthony Long, Vice-Chairman**

\_\_\_\_\_  
**Joseph M. Perkins, Jr., Member**

**INDIANA ELECTION COMMISSION  
ORDER 2001-73  
BEFORE THE  
INDIANA ELECTION COMMISSION**

IN THE MATTER OF THE	)	ADMINISTRATIVE CAUSE
ADMINISTRATIVE DISSOLUTION OF:	)	NUMBER: 01-4357-238
	)	
Wilson for State Representative	)	

**ORDER ADMINISTRATIVELY  
DISSOLVING COMMITTEE**

This administrative dissolution proceeding came before the Indiana Election Commission (hereinafter "the Commission") at its May 24, 2001 meeting. The Commission, after due consideration of the evidence and record, hereby determines as follows:

- 1) Notice of hearing has been served pursuant to IC 3-9-1-12 and posted pursuant to IC 5-14-1.5;
- 2) The above-named committee has not filed any report of expenditures within the previous three (3) calendar years;
- 3) The above named committee owes no debt to any person other than a civil penalty assessed by the Commission or owes no debt to any person other than a debt to a candidate who is the chairman or treasurer of the candidate's committee and the committee filed a report under IC 3-9; and
- 4) The last reported cash on hand does not exceed one thousand dollars (\$1,000) and the committee filed a report under IC 3-9.

(If civil penalties are to be waived add the below findings)

Further, the Commission finds:

- 1) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise functions as a committee;
- 2) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust; and
- 3) According to the best evidence available to the Commission, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

IT IS THEREFORE ORDERED that Wilson for State Representative is hereby administratively dissolved.

IT IS FURTHER ORDERED that all outstanding civil penalties previously imposed by the Commission against Wilson for State Representative are hereby waived.

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**Other Notices**

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**SO ORDERED THIS 24<sup>RD</sup> DAY OF MAY, 2001:  
THE INDIANA ELECTION COMMISSION:**

\_\_\_\_\_  
**Dudley Cruea, Chairman**

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**Butch Morgan, Member**

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**S. Anthony Long, Vice-Chairman**

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**Joseph M. Perkins, Jr., Member**

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**INDIANA ELECTION COMMISSION  
ORDER 2001-74  
BEFORE THE  
INDIANA ELECTION COMMISSION**

IN THE MATTER OF THE )  
ADMINISTRATIVE DISSOLUTION OF: ) ADMINISTRATIVE CAUSE  
) ) NUMBER: 01-4332-236  
) )  
Reynolds for State Representative )

**ORDER ADMINISTRATIVELY  
DISSOLVING COMMITTEE**

This administrative dissolution proceeding came before the Indiana Election Commission (hereinafter "the Commission") at its May 24, 2001 meeting. The Commission, after due consideration of the evidence and record, hereby determines as follows:

- 1) Notice of hearing has been served pursuant to IC 3-9-1-12 and posted pursuant to IC 5-14-1.5;
- 2) The above-named committee has not filed any report of expenditures within the previous three (3) calendar years;
- 3) The above named committee owes no debt to any person other than a civil penalty assessed by the Commission or owes no debt to any person other than a debt to a candidate who is the chairman or treasurer of the candidate's committee and the committee filed a report under IC 3-9; and
- 4) The last reported cash on hand does not exceed one thousand dollars (\$1000) and the committee filed a report under IC 3-9.

(If civil penalties are to be waived add the below findings)

Further, the Commission finds:

- 1) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise functions as a committee;
- 2) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust; and
- 3) According to the best evidence available to the Commission, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

IT IS THEREFORE ORDERED that Reynolds for State Representative is hereby administratively dissolved.

IT IS FURTHER ORDERED that all outstanding civil penalties previously imposed by the Commission against Reynolds for State Representative committee are hereby waived.

**SO ORDERED THIS 24<sup>RD</sup> DAY OF MAY, 2001:  
THE INDIANA ELECTION COMMISSION:**

**Dudley Cruea, Chairman**

**Butch Morgan, Member**

**S. Anthony Long, Vice-Chairman**

**Joseph M. Perkins, Jr., Member**

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**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**To:** Interested Persons

**From:** Lori F. Kaplan, Commissioner

**Date:** April 11, 2001

**Subject:** IDEM Actions Related to SWANCC Supreme Court Decision

The recent SWANCC v. United States Supreme Court decision removes certain water bodies from the jurisdiction of the U.S. Army Corps of Engineers. Generally, isolated waterbodies or wetlands that are not adjacent to navigable waters of the United States are considered affected by the SWANCC decision. Historically, Indiana has protected the state's waters, which include wetlands,

by applying our water quality standards through our Section 401 Water Quality Certification program, in conjunction with the Section 404 U.S. Corps of Engineers permit program.

Although some of these waters may no longer be subject to federal jurisdiction, they are still waters of the state. IDEM will continue to protect all water bodies, including those affected by the SWANCC decision, through the state's water quality standards. The Supreme Court decision did not question the states' authority to enforce its own statutes and regulations, and in fact, reaffirmed the states' primary authority to regulate its water resources and to control water pollution.

Due to the confusion caused by the SWANCC decision and the start of the construction season, it is important that IDEM clarify its position and approach relative to water bodies affected by the SWANCC decision. Accordingly, IDEM:

Will publish in the Indiana Register a statement related to its interpretation of state law as applied to water bodies affected by the SWANCC decision. Actions that may violate the state's water quality standards are prohibited for these affected water bodies. This statement reflects IDEM's past and continued interpretation that Indiana's water quality standards apply to wetlands.

Recommends that individuals or entities that are involved in projects for water bodies covered by the SWANCC decision submit project plans and designs for IDEM review. IDEM will review these projects in a manner consistent with the Section 401 Water Quality Certification program and issue a letter with recommendations as to the types of actions needed to avoid future enforcement for violation of water quality standards.

Pursue enforcement for violations of surface water quality standards as appropriate.

Begin discussions with interested persons to modify the current draft of the 401 Water Quality Certification procedures rule to establish a state permit system for water bodies affected by the SWANCC decision.

Draft an example NPDES permit for wetland fills. IDEM believes the existing NPDES permit rules apply to projects affected by the SWANCC decision. We are currently preparing a draft model NPDES permit for wetland fills and will share and discuss that with interested persons before proceeding with that approach. NPDES permits, issued as a stop-gap measure prior to the effective date of new rules authorizing a state wetland permit program, appear to provide the best mechanism by which impacts to wetlands can be legally authorized. Additionally, they will provide a public process and a level of certainty for the public and the regulated community.

IDEM will soon schedule a session with a group of interested persons to discuss the rulemaking as affected by the SWANCC decision. If there are any questions regarding specific projects, please contact Dennis Clark at 317/233-2482.

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#### **INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**To:** Interested Persons

**From:** Lori F. Kaplan, Commissioner

**Date:** June 5, 2001

**Subject:** NPDES Permit for Discharges of Dredged and Fill Material to Isolated Waters No Longer Subject to Federal Jurisdiction

**Overview:**

As noted in the memo dated April 11, 2001, IDEM Actions Related to SWANCC Supreme Court Decision, I stated that the Indiana Department of Environmental Management (IDEM) would develop an interim regulatory process to continue protection of water resources affected by the Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) United States Supreme Court decision.

This memorandum states our intention to use IDEM's authority to implement the National Pollution Discharge and Elimination System (NPDES) permitting program and apply it to wetland fills. IDEM is using the NPDES permit as an interim measure to provide an enforceable mechanism to incorporate conditions that will assure the state's water quality standards and laws will be implemented. This approach is planned for use until the effective date of new rules authorizing a state wetland permit program. An NPDES permit, at this time, provides the best mechanism by which impacts to wetlands can be legally authorized, and also provides for a public process and a level of certainty for all citizens of Indiana.

**Applicability:**

All waters of the state are subject to water quality standards (which are set forth in 327 IAC 2) and other state laws and regulations. Discharges of dredged or fill material to waters of the state, including wetlands, are likely to violate these provisions. Indiana rules prohibit any discharge of a pollutant (which includes dredged or fill material) into waters of the state from a point source discharge (which includes bulldozers and backhoes) unless the discharger has obtained an NPDES permit or an exclusion applies. One of the exclusions is for discharges of dredged or fill material into waters of the state that are regulated under section 404 of the CWA. This exclusion does not apply to discharges into waters that are no longer subject to section 404 of the CWA. Therefore, a discharge of dredged or fill material into these waters is subject to the prohibition on discharging without an NPDES permit. Based on this, any activity that would result in the discharge of dredged or fill material into water bodies that are no longer subject to federal jurisdiction under the Clean Water Act (which appear to be those with no hydrological connection to other waters

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or other interstate commerce connection) will require an NPDES permit. Any project that requires a Section 404 permit from the Corps of Engineers and a Section 401 Water Quality Certification from IDEM will not require a separate NPDES permit.

**Rationale:**

The Supreme Court decision removed certain water bodies from the jurisdiction of the U.S. Army Corps of Engineers. While the Court's actual holding was narrowly limited to federal regulation of nonnavigable, isolated, intrastate waters based solely on the use of such waters by migratory birds, the Court's discussion was wider ranging. Some have interpreted the opinion as excluding any isolated waterbodies that are not adjacent to navigable waters of the United States. However, that interpretation is not consistent with the one taken in the joint memorandum issued by the U.S. EPA and the Corps on January 19, 2001.

Historically, Indiana has protected the state's waters, which include wetlands, by applying our water quality standards through our Section 401 Water Quality Certification program in conjunction with the Section 404 U.S. Corps of Engineers permit program. Although some of these waters may no longer be subject to federal jurisdiction, they are still waters of the state. IDEM will continue to protect all water bodies, including those affected by the SWANCC decision, by applying the state's water quality standards. The Supreme Court decision did not question the states' authority to enforce their own statutes and regulations, and in fact, reaffirmed the states' primary authority to regulate their water resources and control water pollution.

IDEM will pursue enforcement actions against persons who discharge pollutants, including dredged and fill material, into waters of the state in violation of state regulatory or statutory provisions. Persons need to obtain an NPDES permit to provide authorization for a discharge to wetlands no longer subject to federal jurisdiction. Obtaining and complying with this permit will provide a mechanism to avoid an enforcement action for illegal discharge.

**Other Information:**

The NPDES permit will be available for use beginning June 11 and is intended to be available until a state wetland permit program per a revised rule is established and effective. Copies of this memo and attachments, as well as information on this approach, can be found on IDEM's website:

<http://www.in.gov/idem/water/planbr/401/401home.html>

IDEM is convening a workgroup to assist in drafting a proposed rule to establish a state wetlands permit program for isolated wetlands. The proposed rule will be presented to the Water Pollution Control Board for its consideration later this year.

If there are any questions regarding specific projects, please contact Dr. Dennis Clark at (317) 233-2482.

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**OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES**  
NOTICE OF SIGNIFICANT CHANGES IN  
MEDICAID METHODS AND STANDARDS FOR SETTING PAYMENT RATES  
FOR SERVICES

In accordance with public notice requirements of 42 CFR 447.205 and Section 1902(a)(13)(A) of the Social Security Act, the Office of Medicaid Policy and Planning (OMPP) publishes this notice of significant changes in the Medicaid reimbursement methodology for hospitals owned or operated by a non-state governmental entity.

In addition to the Medicaid rates paid to hospitals under state law and regulation, any hospital that is owned and operated by a non-state governmental entity may receive an additional Medicaid payment adjustment, which may not exceed the upper payment limit for non-state governmental entities pursuant to 42 CFR 447.272. Any such payment shall be subject to the availability of state matching funds. The Medicaid upper payment limit (what Medicare would pay for those same services) is set at 150% of the aggregate statewide upper payment limit for non-state government-owned or operated hospitals. Currently, Indiana's municipal hospitals can receive Medicaid reimbursement up to 100% of what Medicare would pay for the same or similar services. The proposed State Plan Amendment would potentially increase Medicaid reimbursement up to 150% of what Medicare would pay for the same or similar services. This additional payment will enable these safety-net facilities to better meet the costs of providing care to low-income and Medicaid patients they serve. In the aggregate, the Medicare upper payment limit difference is estimated to be \$4,350,000 for State Fiscal Year 2001 and \$4,350,000 for State Fiscal Year 2002. Detailed analysis of the estimated fiscal impact is available by contacting Myers and Stauffer, 8555 North River Road, Suite 360, Indianapolis, Indiana 46240. Written comments concerning this change may be sent to Myers and Stauffer.

Copies of this notice and the pending Medicaid state plan amendment, including a summary of the fiscal impact, are now available on the Internet at [www.mslcindy.com/hospitals](http://www.mslcindy.com/hospitals). Interested parties without Internet access should contact Myers and Stauffer at (800) 877-6927 to obtain a copy. The proposed retroactive effective date is April 1, 2001.

Katherine Humphreys  
Secretary  
Office of the Secretary of Family and Social Services