

Final Rules

TITLE 68 INDIANA GAMING COMMISSION

LSA Document #01-23(F)

DIGEST

Amends 68 IAC 2-2-1 to conform the rule to a directive from the legislature by deleting the requirement that a supplier of alcoholic beverages is required to hold a supplier's license. Adds 68 IAC 2-2-9.5 requiring supplier licensees and supplier license applicants to: (1) maintain records; and (2) allow the Indiana gaming commission access to those records. Amends 68 IAC 2-3-5 to clarify who should retain possession of occupational licenses and badges at the various phases of licensure. Amends 68 IAC 2-6-6 to require a riverboat licensee requesting permission to convert an electronic gaming device to inform the commission of the regular fill amount, initial fill amount, and probe level measured from the top of the hopper. Amends 68 IAC 3-3-6 to change the date by which the riverboat licensees and license applicants must submit reports concerning the performance of their continuing obligation to meet the minority and women owned business goals established in IC 4-33-14-5. Riverboat licensees and license applicants will be required to file reports reflecting expenditures made during the previous calendar year by January 31 of the following year. Amends 68 IAC 10-2-1 to correct an error in that rule and bring the rules in line with the standard rules for the game of blackjack. Amends 68 IAC 11-2-7 to clarify that meter-reading reports need only be submitted to the commission on a monthly basis. Amends 68 IAC 11-5-1 to correct the conflict with 68 IAC 15-4-3 so that secondary chip inventories will be rotated and counted on a monthly basis. Amends 68 IAC 14 to require that all table layouts have the name of the riverboat licensee imprinted on the layout. Adds 68 IAC 14-3-8 to require riverboat licensees to keep logs in association with card and dice removal and cancellation and to specify the requirements of those logs. Amends 68 IAC 15-2-3 and 68 IAC 15-2-4 to revise the information required to be included on Currency Transaction Reports so it will agree with the revised Internal Revenue Service Currency Transaction Report form. Amends 68 IAC 15-4 to specify the manner in which suppliers and riverboats must ship chips and tokens. Amends 68 IAC 15-4-3 to require commission approval of procedures for performing chip inventories and sealing and accessing of locked compartments used for the storage of chips or tokens. Amends 68 IAC 15-7-3 to: (1) eliminate the need for riverboat licensees to investigate variances of \$500 in electronic gaming device win; and (2) to correct an error of word choice in 68 IAC 15-7-3. Amends 68 IAC 15-8-1 to require the internal audit department to include at least two on-site internal auditors and to stipulate that quarterly reports of compliance testing shall identify repeat findings and state corrective action taken to avoid similar problems in the future. Amends 68 IAC 15-8-2 to include review of the card and dice removal and cancellation logs to the duties of the internal auditors. Adds 68 IAC 15-14 to: (1) stipulate the qualifications and conditions that must be included

in all engagement arrangements a riverboat makes with independent accounting agencies to perform financial statement audits; and (2) to specify requirements for notice to the commission about such audits and their progress. Effective 30 days after filing with the secretary of state.

68 IAC 2-2-1	68 IAC 14-11-2
68 IAC 2-2-9.5	68 IAC 14-12-2
68 IAC 2-3-5	68 IAC 15-2-3
68 IAC 2-6-6	68 IAC 15-2-6
68 IAC 3-3-6	68 IAC 15-4-2
68 IAC 10-2-1	68 IAC 15-4-3
68 IAC 11-2-7	68 IAC 15-7-3
68 IAC 11-5-1	68 IAC 15-8-1
68 IAC 14-2-2	68 IAC 15-8-2
68 IAC 14-3-8	68 IAC 15-14
68 IAC 14-10-2	

SECTION 1. 68 IAC 2-2-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-2-1 Supplier's license required

Authority: IC 4-33-4-1; IC 4-33-4-2

Affected: IC 4-33-7

Sec. 1. (a) The following definitions apply throughout this rule:

- (1) "Applicant" means an applicant for a supplier's license.
- (2) "Riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of suitability under 68 IAC 2-1-5.

(b) An application for a supplier's license shall not be processed by the commission unless the applicant has an agreement or a statement of intent with a riverboat licensee or a riverboat license applicant that the applicant will be supplying the riverboat licensee upon receiving the supplier's license. Nothing in this rule prevents a potential applicant from negotiating, prior to application for licensure, with a riverboat licensee or a riverboat license applicant to supply goods and services to a riverboat licensee once a supplier's license has been obtained.

(c) The following persons or business entities are required to hold a supplier's license:

- (1) The gaming operations manager if the manager is a business entity. If the gaming operations manager is an individual, the applicant shall hold an occupational license, Level 1 under 68 IAC 2-3-1. All employees of a gaming operations manager who have any duty, authority, or function relating directly or indirectly to the gaming operation will be required to hold an occupational license in accordance with 68 IAC 2-3-1.
- (2) All manufacturers of electronic gaming devices, chips, tokens, cards, dice, roulette wheels, keno balls, keno ball or number selection devices, shuffling devices, and any other equipment that the commission determines directly affects gaming shall be licensed as a supplier. All suppliers of

electronic gaming devices, chips, tokens, cards, dice, roulette wheels, keno balls, keno ball or number selection devices, shuffling devices, and any other equipment that the commission determines directly affects gaming shall be manufacturers of said devices.

- (3) A supplier of gaming equipment maintenance or repair.
- (4) A supplier of security services, security systems, and surveillance systems.
- (5) A lessor of a riverboat or dock facilities, or both, unless the lessor of the riverboat or dock facilities, or both, is a county, municipality, or political subdivision.
- (6) A supplier of goods or services where payment is calculated on a percentage of a riverboat gambling operation's revenues.
- (7) A junketeer.
- ~~(8) A supplier of alcoholic beverages to the riverboat licensee.~~
- ~~(9)~~ (8) Any other purveyor of goods or services to a riverboat gambling operation the commission deems necessary to ensure compliance with the Act and this title.

(d) The applicant's key persons, substantial owners, and any other persons deemed necessary to allow the commission to ensure the applicant meets the statutory criteria for licensure set forth in the Act and this title must complete and submit a Personal Disclosure Form 1 under 68 IAC 2-3-1.

(e) A supplier licensee shall continue to maintain suitability for licensure. The supplier licensee is subject to action by the commission, including, but not limited to, suspension, revocation, restriction, and nonrenewal under the Act and this title.

(f) A supplier licensee shall not distribute gaming supplies and equipment that do not conform to the standards for gaming supplies and equipment set forth in the Act and this title.

(g) Riverboat licensees shall not purchase goods or services covered by this rule from a person who does not hold a supplier's license issued by the commission.

(h) A manufacturer of electronic gaming devices, chips, tokens, cards, dice, roulette wheels, keno balls, keno ball or number selection devices, shuffling devices, or any other equipment that the commission determines directly affects gaming shall not be paid by a riverboat licensee based on a percentage of the revenue received from the use of the gaming equipment or based upon the amount of play or use that the gaming equipment receives. *(Indiana Gaming Commission; 68 IAC 2-2-1; filed Nov 10, 1994, 11:00 a.m.: 18 IR 488; errata filed Nov 1, 1995, 8:30 a.m.: 19 IR 353; filed Oct 22, 1997, 8:45 a.m.: 21 IR 922; errata filed Feb 6, 1998, 10:30 a.m.: 21 IR 2128; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1060)*

SECTION 2. 68 IAC 2-2-9.5 IS ADDED TO READ AS FOLLOWS:

68 IAC 2-2-9.5 Records

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33-4-6; IC 4-33

Sec. 9.5. (a) This rule applies to all supplier licensees and supplier's license applicants.

(b) All supplier licensees and supplier's license applicants shall maintain, in a place secure from theft, loss, or destruction, adequate records of business operations. These records shall be held for at least five (5) years. These records shall include, but not be limited to, the following:

- (1) All correspondence with or reports to the commission or to any local, state, or federal government agency.**
- (2) All financial statements or financial records of the supplier.**
- (3) All records pertaining to products or services supplied by the supplier licensee to Indiana riverboat licensees or Indiana riverboat license applicants.**
- (4) All correspondence with riverboats licensed under IC 4-33, or documentation relating to order, shipment, or receipt or provision of merchandise or services sold or provided under the Act or this title.**
- (5) Personnel files on each employee of the supplier licensee, including sales representatives.**

(c) All supplier licensees and supplier's license applicants must produce the original or a copy, or both, of any records requested by the commission, commission agents, or persons authorized by the commission.

(d) No original book, record, or document that is required to be maintained by this section may be destroyed without prior approval of the commission.

(e) If a supplier licensee or supplier's license applicant fails to comply with this section, the commission may initiate disciplinary action pursuant to 68 IAC 13-1. *(Indiana Gaming Commission; 68 IAC 2-2-9.5; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1061)*

SECTION 3. 68 IAC 2-3-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-3-5 Licensing procedures

Authority: IC 4-33-4-1; IC 4-33-4-2
Affected: IC 4-33-8-3

Sec. 5. (a) An applicant for an occupational license shall be subject to the following procedures prior to licensing:

- (1) Application.
- (2) Issuance of a temporary identification badge. The temporary identification badge shall serve as the temporary occupational license until the permanent occupational license has been issued or denied.
- (3) Investigation of the applicant.
- (4) If an applicant for an occupational license, Level 1, 2, or 3

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has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States, the application is automatically denied in accordance with IC 4-33-8-3(2). The executive director shall issue the applicant a notice of denial by certified mail, or the commission agent who receives the completed application may personally deliver a notice of denial to the applicant.

(5) Action by the commission.

(6) Issuance of a permanent occupational license and identification badge. **The permanent identification badge shall serve as the permanent occupational license.**

(7) Different or additional licensing procedures the commission requires of the applicant to ensure the applicant is in compliance with the Act and this title.

(b) Procedures for a temporary occupational license shall be as follows:

(1) An applicant for an occupational license must submit a completed application that has been stamped and signed by the riverboat licensee, the riverboat license applicant, or its authorized agent to the commission agent at the commission's dock site office during times designated by the commission agents.

(2) Once the commission agent has received the completed occupational license application and appropriate fee, the commission agent shall obtain the applicant's fingerprints and photograph. If the application or a criminal record check completed by a commission agent, or both, does not reveal that the applicant has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States, the commission agent shall issue the applicant a temporary identification badge.

(3) An applicant who receives a temporary identification badge may work on a riverboat until a permanent license is issued or the temporary identification badge is revoked.

(4) The temporary identification badge shall be a card of a color designated by the executive director and that meets the specifications set forth in section 6 of this rule. The color of the temporary identification badge shall be different from the color of the permanent identification badge.

(5) Temporary identification badges shall be worn by all occupational licensees during work hours. Temporary identification badges shall be clearly displayed.

(6) A fee of ten dollars (\$10) shall be paid to the commission for any necessary replacement of temporary identification badge. The fee shall be assessed each time an occupational licensee obtains a replacement temporary identification badge.

(7) A temporary identification badge shall not be transferred. If the applicant resigns or his or her employment is terminated, the applicant shall return the temporary badge to the commission.

(8) Requirements for the revocation of a temporary identification badge shall include the following:

(A) The executive director, upon written notice to the

applicant and the riverboat licensee, may revoke an applicant's temporary badge if the executive director determines that the background investigation reveals that an applicant is not suitable for licensure.

(B) The executive director, or the executive director's designee, upon written notice to the applicant and the riverboat licensee, may revoke an applicant's temporary occupational license if the executive director or the executive director's designee determines that the applicant has violated the Act or this title, or committed a criminal offense in the performance of the applicant's duties for the riverboat licensee.

(C) If an applicant's temporary identification badge is revoked, the applicant shall not be permitted to work for any riverboat gambling operation at duties that are to be performed on a riverboat.

(D) If an applicant's temporary identification badge is revoked, the application shall be forwarded to the commission for action unless the applicant withdraws the application prior to commission action.

(9) An applicant must comply with all requests for information, documents, or other materials relating to the applicant and his or her application during the investigation conducted by the commission.

(c) The applicant shall meet the following standards, qualifications, or criteria to be issued an occupational license of any level:

(1) The applicant must possess the qualifications set forth in IC 4-33-8-3.

(2) The applicant must demonstrate a level of skill, experience, or knowledge necessary to perform the job that the applicant will perform.

(3) An applicant whose knowledge, experience, and skill are derived solely from the completion of an occupational training school that is not in compliance with 68 IAC 2-5 shall not be considered to have the requisite skill, experience, or knowledge necessary to conduct gambling games. An applicant who has completed an occupational training school that is not in compliance with 68 IAC 2-5 may be hired if the riverboat licensee will provide the appropriate training.

(4) The applicant must not have been convicted of any offense involving violation of a gaming law in any jurisdiction.

(5) The applicant's name must not appear on the exclusion list of any jurisdiction.

(6) The applicant must never have had a gaming license suspended or revoked in any jurisdiction.

(7) An applicant who will serve alcoholic beverages must hold the appropriate permits from the alcoholic beverage commission.

(8) An applicant whose duties will be to operate or navigate the riverboat must hold the appropriate licenses or merchant marine documents, or both, from the United States Coast Guard.

(9) An applicant who will work on a riverboat that is docked on the waters of Lake Michigan must hold a valid merchant marine document from the United States Coast Guard.

(10) An applicant whose duties will be to operate or navigate the riverboat must not have violated any criminal statute involving drugs or alcohol, or both, in any jurisdiction.

(11) An applicant must not be currently abusing drugs or alcohol, or both.

(12) An applicant must be twenty-one (21) years of age.

(13) An applicant must be in substantial compliance with all state and federal tax laws.

(14) An applicant must be of good moral character and reputation.

(15) An applicant must meet any other standard that the commission deems necessary to ensure compliance with the Act and this title after publication of the standard.

(d) The commission may place restrictions or conditions on a temporary occupational license. The applicant must comply with these restrictions or conditions before the commission issues an occupational license. These restrictions or conditions may include, but are not limited to, the following:

(1) That the applicant demonstrates a level of skill, experience, or knowledge necessary to perform the job that the applicant will perform.

(2) That the applicant who will serve alcoholic beverages holds the appropriate permits from the alcoholic beverage commission.

(3) That the applicant who will operate or navigate the riverboat holds the appropriate license or merchant marine documents, or both, from the United States Coast Guard.

The occupational licensee must continue to meet all conditions or restrictions for licensure after the issuance of the permanent occupational license. If an occupational licensee fails to adhere to these conditions or restrictions or fails to maintain suitability for licensure, the commission may initiate a disciplinary action under 68 IAC 13.

(e) Action of the commission shall be as follows:

(1) After the background investigation has been completed, if the commission finds that the applicant is suitable to receive an occupational license, the commission shall direct the executive director to issue the applicant an occupational license **and a permanent identification badge** upon the payment of the applicant's occupational license fee. **The permanent identification badge shall serve to represent the permanent occupational license.** If the applicant's occupational license fee is not received by the commission within ten (10) business days after the date of the mailing of the notification of the applicant's suitability for licensing to the applicant and the riverboat licensee, the executive director shall revoke the applicant's temporary identification badge and notify the commission that the temporary identification badge has been revoked.

(2) If the commission determines that the applicant is not

suitable to receive an occupational license, it shall direct the executive director to issue the applicant a notice of denial by personal delivery or certified mail, immediately revoke the temporary license, and notify the appropriate riverboat licensee of the revocation of the temporary license.

(f) Requirements for a **permanent occupational license and a permanent identification badge** shall be as follows:

(1) Upon a finding of suitability for licensure, the commission shall issue an occupational license **and in the form of a permanent identification badge.**

(2) ~~The occupational license shall be on a form prescribed by the commission and shall contain the following information:~~

~~(A) The occupational licensee's first name, last name, and job title.~~

~~(B) The occupational license number assigned by the commission.~~

~~(C) The level of the occupational license.~~

~~(D) The signature of the executive director.~~

~~(E) The date the occupational license was issued and the date that the occupational license will expire.~~

(3) ~~The riverboat licensee shall possess the occupational licenses of the occupational licensees it employs.~~

(4) ~~If the occupational licensee voluntarily terminates employment with a riverboat licensee, the riverboat licensee shall return the occupational license to the occupational licensee. If the occupational licensee's employment is involuntarily terminated for misconduct that may reflect on the occupational licensee's suitability for licensure, or the occupational licensee retires without an intent to seek employment with a different riverboat licensee, the riverboat licensee shall return the occupational license to the commission.~~

(5) ~~(2) The occupational license permanent identification badge shall remain the property of the commission at all times. The occupational license may be revoked, suspended, canceled, or restricted by the commission in accordance with 68 IAC 13. The commission may refuse to renew the license when it is reviewed under section 8 of this rule.~~

(6) ~~(3) Neither the occupational license number nor the permanent identification badge shall be transferred to another person. If the occupational licensee resigns or the occupational licensee's employment is terminated, the occupational licensee shall return the permanent identification badge to the commission.~~

(7) ~~(4) The permanent identification badge shall be a card of a color designated by the executive director and that meets the specifications set forth in section 6 of this rule. The color of the permanent identification badge shall be different from the color of the temporary identification badge.~~

(8) ~~(5) The permanent identification badge shall be worn by all occupational licensees during work hours. Permanent identification badges shall be clearly displayed.~~

(9) ~~(6) A fee of ten dollars (\$10) shall be paid to the commission for any necessary replacement of a permanent identifica-~~

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tion badge. ~~or the permanent occupational license.~~ The fee shall be assessed each time an occupational licensee obtains a replacement permanent identification badge. ~~or permanent occupational license.~~

(Indiana Gaming Commission; 68 IAC 2-3-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 497; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2056; filed May 29, 1998, 5:12 p.m.: 21 IR 3704; errata filed Aug 12, 1998, 3:58 p.m.: 22 IR 125; filed Dec 29, 1998, 10:46 a.m.: 22 IR 1418; errata filed Jan 11, 1999: 3:54 p.m.: 22 IR 1525; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1061)

SECTION 4. 68 IAC 2-6-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 2-6-6 Electronic gaming device inventory requirements; conversion notification

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 6. (a) The riverboat licensee must maintain an inventory of electronic gaming devices and equipment. The inventory must include the following:

- (1) The serial number assigned to the electronic gaming device by the manufacturer.
- (2) The registration number issued by the commission.
- (3) The type of game the electronic gaming device is designed and used for.
- (4) The denomination of tokens accepted by each electronic gaming device.
- (5) The location of electronic gaming devices equipped with bill validators and any bill validators that stand alone.
- (6) The manufacturer of the electronic gaming device.
- (7) The location of the electronic gaming device.

(b) This inventory report must be submitted, on a form prescribed by the commission, to the executive director on the anniversary date of the issuance of the riverboat owner's license.

(c) If a riverboat licensee converts an electronic gaming device, the riverboat licensee must take the following steps:

- (1) Request permission for the conversion from the commission and supply the commission with the following information:
 - (A) The serial number of the electronic gaming device that is being converted.
 - (B) The commission registration number of the electronic gaming device that is being converted.
 - (C) The machine number of the electronic gaming device that is being converted.
 - (D) The model number of the electronic gaming device that is being converted.
 - (E) The type of electronic gaming device that is being converted and the new type of machine if the type of machine is changed.

(F) The location of the electronic gaming device on the riverboat.

(G) If the electronic gaming device is a stand alone progressive or is linked to a progressive controller, the old rate of progression and the new rate of progression must be submitted.

(H) The current and future denomination of the electronic gaming device if the denomination is to be converted.

(I) The current and future EPROM number that is installed or that is to be installed in the electronic gaming device. If a new EPROM is installed in an electronic gaming device, the EPROM must be one that is approved for use in Indiana.

(J) Regular fill amount.

(K) Initial fill amount.

(L) Probe level measured from the top of the hopper.

(M) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

This information must be submitted to the commission at least fourteen (14) days before the riverboat licensee plans to make the conversion. The request for conversion shall have a space for the commission to sign indicating approval of the conversion request and a space for the signature of the commission agent to indicate the conversion was completed.

- (2) The commission must approve the request for conversions before a conversion may be made by the riverboat licensee.
- (3) A commission agent must KOBETRON the EPROMS to ensure that the EPROMS being installed match those on the request for conversion.
- (4) A commission agent must seal the EPROM with tape in accordance with section 19 of this rule.
- (5) In the presence of a commission agent, a slot technician or the equivalent shall ensure that the payglass installed on the electronic gaming device accurately reflects the payouts for the EPROM that has been installed in the electronic gaming device. The payglass test may be performed by either running the payout table test or by ensuring the payglass matches the approved diagram set forth in the payglass manual maintained by the commission.
- (6) The riverboat licensee shall ensure that a copy of the par sheet is placed in the electronic gaming device in accordance with section 5 of this rule.
- (7) The riverboat licensee shall perform a coin test to ensure that the electronic gaming device is communicating with the central computer system. If the electronic gaming device is not communicating with the central computer system, the electronic gaming device must be disabled.
- (8) The riverboat licensee must update the master list of electronic gaming devices after the conversion is complete. The riverboat licensee must provide the chief counsel for the commission and the sergeant of the Indiana state police department assigned to the riverboat with a copy of the updated master list within fourteen (14) days of the conversion.

(Indiana Gaming Commission; 68 IAC 2-6-6; filed Jan 17,

1996, 11:00 a.m.: 19 IR 1302; filed Aug 20, 1997, 7:11 a.m.: 21 IR 12; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1064)

SECTION 5. 68 IAC 3-3-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 3-3-6 Reporting contracts with minority and women's business enterprises

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-14-10
Affected: IC 4-13-16.5; IC 4-33-4; IC 4-33-6; IC 4-33-9; IC 4-33-14-5

Sec. 6. (a) ~~On the anniversary date of the issuance of the certificate of suitability, and annually each year thereafter, Annually on January 31, for expenditures made during the previous calendar year,~~ each riverboat licensee or riverboat license applicant shall file a report with the commission concerning performance of its continuing obligation to meet the goals required by IC 4-33-14-5. The commission shall provide a copy of each report filed to the department of administration, minority business development. This report shall contain the following information:

- (1) The total number and value of all contracts or transactions awarded for goods and services.
- (2) The total number and value of all contracts or transactions awarded to certified minority and women's business enterprises and a schedule of anticipated disbursements, by calendar quarter, for these contracts or transactions.
- (3) The total number and value of all contracts awarded that contain a participation plan and a schedule of anticipated disbursements, by calendar quarter, for these participation plans.
- (4) The total number and value of all subcontracts to be awarded to minority and women's business enterprises under contracts containing a participation plan and a schedule of anticipated disbursements, by calendar quarter, for these subcontracts.
- (5) A schedule showing actual disbursements to minority and women's business enterprises during each quarter of the year and indicating any deviation from the anticipated disbursement schedule previously reported to the commission.
- (6) A schedule showing actual disbursements to minority and women's business enterprises by contractors under the provisions of a participation plan during each quarter of the year and indicating any deviation from the anticipated disbursement schedule previously reported to the commission.
- (7) The total number and value of contracts or transactions awarded to noncertified minority and women's business enterprises for which the riverboat licensee or riverboat license applicant wishes to claim credit toward attainment of its statutory goal and for each such noncertified minority and women's business enterprise a description of the scope and thoroughness of the investigation conducted to determine that the enterprise qualifies as a minority and women's business enterprise under this rule. Credit shall only be given for noncertified minority and women's business enterprises that have applied for certification as a minority or women's business enterprise under this rule.

- (8) An identification of each contract or transaction awarded to a minority and women's business enterprise.
- (9) An identification of each contract in which the contractor has not complied, or is not reasonably expected to comply, with the provisions of the participation plan.
- (10) A comprehensive description of all efforts made by the riverboat licensee or riverboat license applicant to monitor and enforce the provisions of the participation plan.
- (11) Such other information deemed necessary by the executive director to ensure compliance with the Act and this title.

(b) The executive director may require a riverboat licensee or riverboat license applicant to present a written or oral report to the commission concerning performance of its continuing obligation to achieve the goals required by IC 4-33-14-5 at any time. (*Indiana Gaming Commission; 68 IAC 3-3-6; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3036; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1065*)

SECTION 6. 68 IAC 10-2-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 10-2-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Blackjack shall be conducted in conformance with this rule.

(c) Riverboat licensees may only offer the game of blackjack on a table and layout that are in compliance with 68 IAC 14.

(d) The following definitions apply throughout this rule:

- (1) "Blackjack" means an ace and second card with a point value of ten (10) dealt as the initial two (2) cards to a player or the dealer. Blackjack may not include an ace and card with a point value of ten (10) dealt to a player who has split the first two (2) cards dealt to the player.
- (2) "Burn" means the act of placing a card face downward in the discard rack if it is not to be utilized in play in accordance with this rule.
- (3) "Deal" means the distribution of the playing cards among the players and the dealer.
- (4) "Dealer" means the occupational licensee of the riverboat licensee who is responsible for dealing the cards at the blackjack table.
- (5) "Doubling down" means to make an additional wager, identical to or less than the player's original wager, on the first two (2) cards dealt to the player or the first two (2) cards of any split pair.
- (6) "Even money wager" means a bet placed by a player when the player has a blackjack and the exposed card dealt to the dealer is an ace. ~~The even money wager wins if the dealer's hole card is a king, queen, jack, or ten (10). The even money~~

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wager loses if the dealer's hole card is an ace or a two (2) through nine (9). A player who makes an even money wager shall be paid at odds of at least one (1) to one (1).

(7) "Exposed card" means the card held by a dealer that is seen by the other players.

(8) "Hard total" means the total point count of a hand that contains no aces or that contains aces that are counted as a value of one (1).

(9) "Hole card" means a card held by the dealer or player that is unseen by the other players or the dealer unless otherwise authorized by this rule.

(10) "Insurance wager" means a bet placed by a player when the exposed card dealt to the dealer is an ace. The insurance wager wins if the dealer's hole card is a king, queen, jack, or ten (10). An insurance wager loses if the dealer's hole card is an ace or a two (2) through nine (9).

(11) "Peek machine" means a device that allows the dealer to see the hole card to determine if the dealer has a blackjack.

(12) "Soft total" means the total point count of a hand that contains an ace that is counted as a value of eleven (11).

(13) "Splitting pairs" means a wager in which the first two (2) cards a player receives are identical in value. The player must make a wager on the second hand in an amount equal to the player's original wager.

(14) "Surrender" means an option whereby the player surrenders the player's hand by forfeiting one-half (1/2) of the player's original wager if the dealer does not have a blackjack.

(Indiana Gaming Commission; 68 IAC 10-2-1; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2257; errata filed Jun 20, 1996, 1:15 p.m.: 19 IR 3114; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1065)

SECTION 7. 68 IAC 11-2-7 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-2-7 Meter readings

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 7. (a) The riverboat licensee's audit department or accounting department shall read the following meters of each electronic gaming device at least one (1) time per month:

- (1) Tokens-in meter.
- (2) Tokens-out meter.
- (3) Tokens drop meter.
- (4) Bill drop meter.

(b) A log shall be maintained by the audit department or accounting department to record the meter readings. A copy of this report shall be submitted to the commission office in Indianapolis, Indiana, after the ~~weekly~~ **monthly** readings have been completed. *(Indiana Gaming Commission; 68 IAC 11-2-7; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2268; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1066)*

SECTION 8. 68 IAC 11-5-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 11-5-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to all riverboat licensees.

(b) Riverboat licensees shall submit the procedures that the riverboat licensee shall implement to ensure that all tokens and chips are accurately and regularly counted to prevent the loss of assets.

(c) All racked tokens and primary chip inventories must be rotated and counted, at a minimum, on a daily basis. ~~All secondary chip inventories must be rotated and counted, at a minimum, at least one (1) time per week. Secondary sets of chips and tokens shall be rotated and counted in accordance with 68 IAC 15-4-3.~~

(d) The riverboat licensee shall submit a list of the titles of employees authorized to participate in the chip and token rotation and count. These employees must hold an occupational license, Level 2 or higher. Amendments to the list of employees authorized to participate in the chip and token rotation and count must be submitted to the commission agent as the amendment occurs. The employee title must be submitted to the commission agent before an employee with the title participates in the chip and token rotation and count.

(e) The riverboat licensee shall maintain the following information concerning chip and token rotations on a form approved by the commission:

- (1) The date and time that the chip or token rotation was performed.
- (2) The printed name of the occupational licensee who performed the chip or token rotation.
- (3) The signature of the occupational licensee who performed the chip or token rotation.
- (4) The occupational license number of the occupational licensee who performed the chip or token rotation.
- (5) Any discrepancies that were discovered as a result of the chip or token inventory.
- (6) The steps that were taken to investigate any discrepancies discovered as a result of the chip or token inventory.
- (7) The results of the investigation that was conducted concerning any discrepancies discovered as a result of the chip or token inventory.

(Indiana Gaming Commission; 68 IAC 11-5-1; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2061; filed Dec 29, 1998, 10:27 a.m.: 22 IR 1420; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1066)

SECTION 9. 68 IAC 14-2-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 14-2-2 Live gaming device table requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) Each live gaming device shall have, at a minimum, the following requirements:

(1) Each live gaming device shall be capable of having a drop box attached to it that meets the following requirements:

(A) One (1) lock that secures the contents of the drop box.

(B) A separate lock that attaches the drop box to the live gaming device. The keys to the lock securing the contents of the drop box and attaching the drop box to the live gaming device must be separate.

(C) A slot opening through which currency, coins, tokens, chips, forms, records, and documents can be inserted into the drop box.

(D) Be equipped with a mechanical device that automatically closes and locks the slot opening upon removal of the drop box from the live gaming device.

(E) Is attached to the side of the live gaming device table at which the dealer is located, or at another location approved by the executive director.

(F) Have the type of game, the shift, and the live gaming device table number to which the drop box is attached permanently imprinted on the drop box. The imprinted information must be clearly visible.

(2) Each live gaming device shall be capable of having a tip box attached to it for the deposit of tips and gratuities received by the dealer. The tip box shall meet the following requirements:

(A) It shall be a transparent container.

(B) It shall be capable of being locked.

(C) It shall be capable of being secured to the table by means of a chain, a lock, or the equivalent. If the tip box is attached by means of a lock, the key to remove the tip box from the table shall be separate from the key that opens the tip box.

(D) It shall be attached to the side of the live gaming device table at which the dealer is located, or at another location approved by the executive director.

(3) Each live gaming device that utilizes a table layout shall have the name of the riverboat licensee imprinted on the layout.

(b) The riverboat licensee may have emergency drop boxes to replace the drop boxes on a temporary basis. The emergency drop boxes must meet the requirements outlined in subsection (a)(1)(A) through (a)(1)(E) and must have the word "EMERGENCY" permanently and clearly imprinted thereon. (*Indiana Gaming Commission; 68 IAC 14-2-2; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3294; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1066*)

SECTION 10. 68 IAC 14-3-8 IS ADDED TO READ AS FOLLOWS:

68 IAC 14-3-8 Card and dice removal and cancellation logs

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 8. (a) Each riverboat licensee must maintain a log in the pit area containing information about card and dice removal and transfer to the card and dice cancellation room. Such log shall track the following information:

(1) The date.

(2) The number of decks of cards removed from play.

(3) The number of individual dice removed from play.

(4) Game from which the cards or dice were removed.

(5) Printed name, signature, and license number of the pit manager responsible for removal.

(b) Each riverboat licensee must maintain a log in the card and dice cancellation room to track information about card and dice removal and cancellation. The following information shall be contained in that log:

(1) Date received in cancellation room.

(2) Number of decks of cards received.

(3) Number of individual dice received.

(4) Printed name, signature and occupational license number of occupational licensee accepting receipt of cards or dice.

(5) Date of destruction.

(6) Number of decks of cards destroyed.

(7) Number of individual dice destroyed.

(8) Printed name, signature and occupational license number of the individual responsible for destruction.

(9) Inventory of uncanceled cards and uncanceled dice in the cancellation room.

(*Indiana Gaming Commission; 68 IAC 14-3-8; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1067*)

SECTION 11. 68 IAC 14-10-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 14-10-2 Caribbean Stud Poker table requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The table must meet the requirements set forth in 68 IAC 14-2.

(b) The Caribbean Stud Poker table shall be covered with a cloth that meets the following requirements:

(1) The patented name of Caribbean Stud Poker shall be imprinted on the cloth.

(2) One (1) side of the cloth shall be designated for players and the opposite side designated for the dealer.

(3) The cloth shall have at least seven (7) areas designated for the placement of wagers on bets approved in accordance with 68 IAC 10-6.

(4) The table shall have at least seven (7) token-in slots for participation in the progressive jackpot corresponding with the placement of the table wagers.

(5) An inscription reading "Dealer only plays with Ace/King or higher" shall appear on the cloth.

(6) The rules concerning the operation of the game, including minimum and maximum wagers, payoffs, and the winning

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hands that qualify for a portion of the progressive jackpot, shall be posted at the table for public inspection.

(7) The name of the riverboat licensee shall be imprinted on the cloth.

(c) The Caribbean Stud Poker table shall have a meter to display the current amount in the progressive jackpot.

(d) The Caribbean Stud Poker table shall have lights or some other mechanism that will signify which players, if any, inserted the appropriate token to participate in the progressive game.

(e) Any other requirements deemed necessary by the executive director or the commission to ensure:

- (1) compliance with the Act and this title; and
- (2) the integrity of the games.

(Indiana Gaming Commission; 68 IAC 14-10-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3042; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1067)

SECTION 12. 68 IAC 14-11-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 14-11-2 Table requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) The table must meet the requirements set forth in 68 IAC 14-2.

(b) The Let It Ride table shall be covered with a cloth that meets the following requirements:

- (1) The patented name of Let It Ride shall be imprinted on the cloth.
- (2) One (1) side of the cloth shall be designated for players and the opposite side designated for the dealer.
- (3) The cloth shall have no more than eight (8) areas designated for the placement of the three (3) wagers a player must initially place in accordance with 68 IAC 10-7.
- (4) If the Let It Ride bonus feature is offered at the Let It Ride table, there must be no more than eight (8) sensors that correspond with the placement of table wagers. The sensors are for the side bet to be placed on and for participation in the bonus feature.
- (5) A designated area located in front of the dealer for the placement of the community cards.
- (6) The rules concerning the operation of the game, including minimum and maximum wagers, payoffs or payoff odds, and the winning hands that qualify for the bonus payment, shall be posted at the table for public inspection.
- (7) The name of the riverboat licensee shall be imprinted on the cloth.**

(c) The Let It Ride table that offers the bonus feature must have sensor lights that are visible to the following:

- (1) The players.
- (2) The dealer.

(3) The surveillance system and surveillance personnel. The sensor lights must signify which players, if any, placed the one dollar (\$1) token to participate in the bonus feature.

(d) Any other requirements deemed necessary by the executive director or the commission to ensure:

- (1) compliance with the Act and this title; and
- (2) the integrity of the games.

(Indiana Gaming Commission; 68 IAC 14-11-2; filed Jun 1, 1998, 2:53 p.m.: 21 IR 3710; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1068)

SECTION 13. 68 IAC 14-12-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 14-12-2 Table requirements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. (a) The Caribbean Draw Poker table must meet the requirements set forth in 68 IAC 14-2.

(b) The Caribbean Draw Poker table shall be covered with a cloth that meets the following requirements:

- (1) The patented name of Caribbean Draw Poker shall be imprinted on the cloth.
- (2) One (1) side of the cloth shall be designated for players and the opposite side designated for the dealer.
- (3) The cloth shall have no more than eight (8) designated areas for the placement of a wager by a player in accordance with 68 IAC 10-8.
- (4) The table shall have no more than eight (8) token-in slots for participation in the progressive jackpot corresponding with the placement of the table wagers.
- (5) An inscription reading "Dealer only plays with pair of eights or higher" shall appear on the cloth.
- (6) The rules concerning the operation of the game, including minimum and maximum wagers, payoffs or payoff odds, and the winning hands that qualify for the portion of the progressive jackpot, shall be posted at the table for public inspection.
- (7) The name of the riverboat licensee shall be imprinted on the cloth.**

(c) The Caribbean Draw Poker table shall have a meter to display the current amount in the progressive jackpot.

(d) The Caribbean Draw Poker table that offers the progressive feature must have sensor lights that are visible to the following:

- (1) The players.
- (2) The dealer.
- (3) The surveillance system and surveillance personnel.

The sensor lights must signify which players, if any, inserted the appropriate token to participate in the progressive portion of the game.

(e) Any other requirements deemed necessary by the execu-

tive director or the commission to ensure:

- (1) compliance with the Act and this title; and
- (2) the integrity of the games.

(Indiana Gaming Commission; 68 IAC 14-12-2; filed Jun 1, 1998, 3:40 p.m.: 21 IR 3710; errata filed Aug 12, 1998, 3:59 p.m.: 22 IR 125; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1068)

SECTION 14. 68 IAC 15-2-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-2-3 Multiple transaction control log

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. (a) The riverboat licensee shall be required to maintain a log for the purpose of recording aggregated cash transactions in excess of three thousand dollars (\$3,000). The riverboat licensee shall require coordination between the pits, slots, cashiers, cages, redemption centers, and other appropriate areas to ensure all transactions in excess of three thousand dollars (\$3,000) are recorded.

(b) The employee witnessing the transaction is responsible for completing the log.

(c) The log shall include, but is not limited to, the following information:

- (1) Date of the transaction.
- (2) Time of the transaction.
- (3) Description of the patron and name of the patron, if known.
- (4) Type of transaction and related information, including, but not limited to, the following types of transaction:
 - (A) Marker payment.
 - (B) Deposit.
 - (C) Check.
 - (D) Chip redemption.
- (5) Amount of the transaction.
- ~~(6) Number and denomination of bills involved in the transaction.~~
- ~~(7) (6) Signature and occupational licensee number of the individual recording the transaction.~~
- ~~(8) (7) Location of transaction.~~
- ~~(9) (8) Photograph of the patron.~~
- ~~(10) (9) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.~~

(d) The reports shall be submitted to the accounting department on a daily basis and maintained by the riverboat licensee for five (5) years.

(e) Cage and pit personnel are responsible for communicating with other personnel to ensure all transactions are properly logged and any necessary currency transaction reports are completed. *(Indiana Gaming Commission; 68 IAC 15-2-3; filed*

Jul 18, 1996, 8:45 a.m.: 19 IR 3327; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1069)

SECTION 15. 68 IAC 15-2-6 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-2-6 Currency transaction report

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 6. The following information shall, at a minimum, be included on the currency transaction report:

(1) Part I. **Section A.** The individual or organization for whom the transaction was completed, including the following information:

- (A) Patron's last name, first name, and, if provided, middle initial.
- (B) Patron's Social Security number.
- (C) Name of organization and employer identification number if the transaction is being conducted on behalf of a business or organization.
- (D) If the individual is an alien or nonresident of the United States, the passport number or alien registration number, or both, and issuing country for both.
- (E) Complete address of the patron, including the number and street, city, state, zip code and country if not in the United States.
- ~~(F) Business or occupation of the individual or organization conducting the transaction.~~ **Individual's date of birth.**
- (G) Type and number of identification used to verify patron's identity.
- (H) Customer's account number. Include the customer's account number if an account relationship has been established between the patron and the casino or the deposit receipt number.**

(2) Part ~~H~~. **I. Section B.** Identity of individual conducting the transaction (complete only if an agent conducts a transaction for the person). Include the following information:

- (A) Agent's last name, first name, and, if provided, middle initial.
- (B) Agent's Social Security number.
- (C) Complete address of the agent, including the number and street, city, state, zip code, and country, if not in the United States.
- (D) If the individual is an alien or nonresident of the United States, the passport number, alien registration number, or both, and the issuing country for both.
- (E) Agent's date of birth.**

~~(F) (F) Type and number of identification used to verify patron's identity.~~

~~(3) Part III. Patron's account or receipt number. Include the patron's account number if an account relationship has been established between the patron and the casino or the deposit receipt number.~~

~~(4) (3) Part IV. II.~~ Description of transaction, including the following:

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(A) Indicate if more space is necessary to explain the transaction and a separate schedule has been attached: **whether multiple currency transactions, none of which individually exceeds ten thousand dollars (\$10,000), comprise this report.**

(B) Indicate the nature of the transaction. Indicate if more than one (1) type of transaction is involved, and indicate the amount for each: **Only transactions in one (1) of the same categories, including:**

- (i) currency exchange;
- (ii) cash in; or
- (iii) cash out.

should be included on a single currency transaction report.

(C) Specify the total amount of the cash transaction, in United States dollars, being reported. This must be completed for reports even if a check is being cashed.

~~(D)~~ Specify the amount of the cash transaction that was in one hundred dollar (\$100) bills or higher denomination:

~~(E)~~ (D) Include the date of the transaction.

~~(F)~~ (E) If the transaction involves currency other than United States currency, include the following information: **name of the country that issued the currency.**

- ~~(i)~~ Currency name:
- ~~(ii)~~ The country that issued the currency:
- ~~(iii)~~ Total amount of the foreign currency in United States dollars:

~~(G)~~ If the transaction involves a check, include the following information:

- ~~(i)~~ Date of the check:
- ~~(ii)~~ Amount of the check in United States dollars:
- ~~(iii)~~ Payee of the check:
- ~~(iv)~~ Maker of the check:
- ~~(v)~~ Drawee bank and city:

~~(5)~~ (4) Part ~~V~~. III. The riverboat reporting the financial transaction shall include the following information:

(A) ~~Signature and commission license number~~ **Name** of the riverboat cage or occupational licensee handling ~~or supervising and witnessing the transaction or preparing the form.~~

~~(B)~~ Position held by the occupational licensee handling or supervising and witnessing the transaction:

~~(C)~~ Date the report was completed by the occupational licensee:

~~(D)~~ (B) **Name and signature and occupational licensee number** of the occupational licensee reviewing and approving the currency transaction report. The occupational licensee responsible for reviewing, approving, and submitting the report shall sign the report.

~~(E)~~ Title of the occupational licensee reviewing the report:

(C) **Name and commercial telephone number of a responsible individual to contact concerning any questions about this form.**

~~(F)~~ (D) Date on which the occupational licensee reviewed and approved the report.

~~(G)~~ (E) All currency transaction reports must be properly

filed with the Internal Revenue Service by the fifteenth day after the date the transaction was completed with a copy simultaneously provided to the commission agent.

(Indiana Gaming Commission; 68 IAC 15-2-6; filed Jul 18, 1996, 8:45 a.m.; 19 IR 3329; filed Dec 2, 2001, 12:35 p.m.; 25 IR 1069)

SECTION 16. 68 IAC 15-4-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-4-2 Purchase and receipt of chips and tokens

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. (a) The riverboat licensee or riverboat license applicant shall be responsible for establishing policies and procedures for the purchase, receipt, inventory, storage, and destruction of chips and tokens. These policies and procedures must be submitted to and approved by the executive director in accordance with 68 IAC 15-1.

(b) Procedures for the purchase and receipt of chips and tokens shall include, but are not limited to, the following:

(1) Chips and tokens shall only be purchased from a licensed supplier. **The riverboat licensee or riverboat license applicant shall be responsible for communicating with licensed suppliers to arrange secured shipment and receipt of chips or tokens. Shipment shall be made via an exclusive courier who shall be required to use sealed doors and implement procedures for documenting all stops along the route.**

(2) The occupational licensee delegated the responsibility of ordering chips and tokens shall be at least the slot manager or cage manager level, or the equivalent.

(3) The commission shall be notified in writing prior to the delivery of any chips or tokens. This notification shall include the following information:

(A) Date and time of delivery.

(B) Location of delivery.

(C) A detailed description of the method and details of the secured shipment that will be utilized to transport the chips or tokens.

~~(D)~~ (D) Amount of chips or tokens, by denomination.

~~(E)~~ (E) Occupational licensee who authorized the order of the chips or tokens.

~~(F)~~ (F) Any other information deemed necessary by the executive director or commission to ensure compliance with the Act and this title.

(4) At least two (2) occupational licensees from separate departments shall open and count the chips or tokens received. A commission agent shall also be present **while the chips or tokens are being opened and counted.**

(5) Any deviation between the actual count of chips or tokens received and the invoice or packing slip accompanying the chips or tokens or any defects in the chips or tokens shall be immediately reported to the executive director.

(6) The actual count of chips or tokens shall be recorded in a log or ledger. This log or ledger will be in a format approved by the commission. The following information shall, at a minimum, be included in the log or ledger:

- (A) Date of receipt of the chips or tokens.
- (B) Amount of chips or tokens, by denomination.
- (C) Whether the chips are value chips or nonvalue chips.
- (D) Whether the chips are part of the primary or reserve set of chips.
- (E) Total token and chip inventory.
- (F) Signatures of the occupational licensees counting the chips or tokens received.
- (G) Name of the commission agent observing the delivery of the chips or tokens.
- (H) Signature of the occupational licensee recording the entry.
- (I) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(7) If any of the chips are to be held in reserve, then those chips shall be stored in a locked cabinet separate from all other chips.

(Indiana Gaming Commission; 68 IAC 15-4-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3330; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1070)

SECTION 17. 68 IAC 15-4-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-4-3 Storage of chips or tokens

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. The riverboat licensee or riverboat applicant shall establish procedures for the transfer or storage of all chips and tokens. The procedures shall include, at a minimum, the following:

- (1) Location and access of sensitive keys in accordance with 68 IAC 11-7.
- (2) At least two (2) occupational licensees must be present for the transfer of the reserve or secondary chips and reserve tokens.
- (3) Identification of occupational licensees authorized to transfer reserve and secondary chips.
- (4) Establish a procedure where at least two (2) occupational licensees, Level 2 or higher, from separate departments shall open and check the chips transferred. Identify the occupational licensees, by title, involved in this process.
- (5) Inventories of chips in reserve and secondary set of chips and reserve tokens shall be made on a monthly basis and the results of such inventories shall be recorded in the chip inventory ledger. Physical inventories may be performed annually if the inventory procedures incorporate the sealing of locked compartments. The procedures for **the performance of chip inventories, the procedures for** sealing and accessing ~~these~~ locked compartments, and the security

measures to be taken with respect to these locked compartments **shall be submitted to the commission for approval at least sixty (60) days prior to their implementation.**

(6) During nongaming hours all chips shall be stored and locked in the casino cages, main bank vault, or locked table trays at the live gaming devices.

(Indiana Gaming Commission; 68 IAC 15-4-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3331; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1071)

SECTION 18. 68 IAC 15-7-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-7-3 Electronic gaming devices

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. (a) The riverboat licensee shall require, on a daily basis, that the revenue auditor or its equivalent to perform certain procedures on the calculation of the electronic gaming device win. These procedures shall include, at a minimum, the following procedures:

- (1) Trace the total of the “bills-in” meter readings as recorded by the bill acceptor flash report or equivalent to the actual count performed by the soft count team to verify agreement.
- (2) Compare the total of tokens dropped as reported by the central computer system with the actual wrap count as reported by the slot drop count team. Any significant variance of greater than two percent (2%) ~~or five hundred dollars (\$500), whichever is less,~~ will be documented and investigated by the head of the accounting department or the equivalent.
- (3) Review all voided electronic gaming device jackpot and fill slips for accuracy and proper handling. Verify proper number of authorized signatures.
- (4) Trace the electronic gaming device count documentation into the cage checkout sheet and subsequent posting to the general ledger.
- (5) Verify that all manual electronic gaming device jackpot and fill slips are entered into the central computer system.

(b) The riverboat licensee shall require that all variances or discrepancies from subsection (a) shall be investigated, recorded, and reported to the head of the accounting department or its equivalent and the commission staff.

(c) Any variances or discrepancies that affect the calculation of the electronic gaming device win shall be adjusted for in the financial statements and reported on Form RG-1 for the appropriate gaming day.

(d) The riverboat licensee shall require the revenue auditor or its equivalent to perform certain procedures, on a sample basis, on the electronic gaming devices on a daily basis. These procedures should be performed for both computerized and manual forms and shall include, at a minimum, the following:

- (1) Compare the original electronic gaming device fills and

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jackpot slips to the duplicate fills and jackpot slips to verify accuracy.

(2) Review the electronic gaming device fills and jackpot slips for the proper number of authorized signatures.

(3) Verify and account for the numerical sequence of the electronic gaming device fills and jackpot slips.

(4) Recalculate the electronic gaming device documentation for accuracy and recording.

(5) Randomly select certain days to verify the accuracy of the total of fills and jackpots and re-foot and trace to the jackpot and fill report.

(e) The riverboat licensee shall require that all variances or discrepancies of greater than two percent (2%) ~~or five hundred dollars (\$500), whichever is less~~, from subsection (a) or (d) shall be investigated, recorded, and reported to the head of the accounting department or equivalent.

(f) Any variances or discrepancies that affect the calculation of the electronic gaming device win shall be adjusted for in the financial statements and reported on Form RG-1 for the appropriate gaming day.

(g) The riverboat licensee's audit department or accounting department shall read the following electro-mechanical meters of each electronic gaming device at least one (1) time per month:

- (1) Tokens-in meter.
- (2) Tokens-out meter.
- (3) Tokens drop meter.
- (4) Bill drop meter.

(h) A log shall be maintained by the audit department or accounting department to ~~read~~ **record** the meter readings. A copy of this report shall be submitted to the commission office in Indianapolis, Indiana after the monthly readings have been completed.

(i) The meter readings shall be compared to the readings produced by the central computer system. Any variance of greater than two percent (2%) ~~or five hundred dollars (\$500), whichever is less~~, will be investigated by the head of the accounting department or equivalent and reported. (*Indiana Gaming Commission; 68 IAC 15-7-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3332; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1071*)

SECTION 19. 68 IAC 15-8-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-8-1 Applicability; general provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1. (a) This rule applies to riverboat licensees.

(b) The riverboat licensee shall establish policies and

procedures in connection with the internal audit function for the riverboat operations. The internal audit department or its equivalent shall report directly to the audit committee of the board of directors, or equivalent. **The internal audit department shall consist of at least two (2) full-time on-site internal auditors.**

(c) The riverboat licensee shall document all procedures and results of compliance testing performed under this rule. All material instances of noncompliance with the submitted internal controls shall be investigated and reported immediately to the commission staff.

(d) Quarterly reports shall be submitted to the commission staff documenting the results of the compliance testing under this rule. The quarterly reports documenting the results of the compliance testing shall be submitted to the regional audit administrator at the commission office in Indianapolis, Indiana, within thirty (30) days of the close of the quarter that the report covers. **These reports shall identify repeat findings and shall list all corrective action that was taken or will be taken to avoid similar problems in the future.**

(e) At any time errors are uncovered in the computation of win, such errors shall be corrected and reported on Form RG-1 for the appropriate gaming day.

(f) As used in this rule, "Form RG-1" means the Daily Adjusted Gross Receipts and Tax Remittance Form. (*Indiana Gaming Commission; 68 IAC 15-8-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3333; filed Aug 20, 1997, 7:11 a.m.: 21 IR 20; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1072*)

SECTION 20. 68 IAC 15-8-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 15-8-2 Observation of live table games

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2. The riverboat licensee shall establish procedures to observe, unannounced, the compliance with the system of internal controls that have been submitted in accordance with 68 IAC 11 and 68 IAC 15 for live gaming devices. The procedures shall be performed quarterly and shall include, at a minimum, the following:

- (1) Observe and review the opening, closing, and shift procedures.
- (2) Observe and review the live gaming device fill and credit procedures.
- (3) Observe and review the live gaming device pit marker procedures.
- (4) Observe and review the live gaming device drop box and tip box removal procedures.
- (5) Observe and review the soft count procedures, including the count of the live gaming device drop boxes and currency

acceptor cash storage boxes, and the subsequent transfer of the funds.

(6) Observe and review the location and control over sensitive keys.

(7) Observe and review card and dice control procedures, including the card and dice removal and cancellation logs.

(8) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 15-8-2; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3333; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1072)

SECTION 21. 68 IAC 15-14 IS ADDED TO READ AS FOLLOWS:

Rule 14. Financial Statement Audits

68 IAC 15-14-1 Applicability; general provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 1. (a) Annually, each riverboat licensee shall undergo an audit of the annual financial statements of the riverboat licensee.

(b) The riverboat licensee shall recommend an independent certified public accountant to perform the audit. The independent certified public accountant or independent certified public accounting firm must be licensed in Indiana. The executive director or the executive director's designee must approve of the selection of the independent certified public accountant prior to the commencement of a contract between the accountant and the riverboat licensee.

(c) The audit shall be performed in accordance with generally accepted accounting principles and contain the opinion of the independent certified public accountant as to its fair presentation in accordance with such generally accepted accounting principles.

(d) Audits required by this section shall be prepared at the expense of the riverboat licensee. *(Indiana Gaming Commission; 68 IAC 15-14-1; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1073)*

68 IAC 15-14-2 Qualifications

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 2. An independent certified public accountant or independent certified public accounting firm selected to perform a financial statement audit shall meet the following qualifications and shall be required to affirm that they meet these qualifications as part of a written agreement with the riverboat licensee to perform the audit:

(1) Be independent with respect to the entity, its parents, and investors. Standards of independence are to be determined by pronouncements of the American Institute of Certified Public Accountants and the Securities and Exchange Commission.

(2) Licensed to practice in Indiana.

(3) Have sufficient experience in the gaming industry or related industries.

(4) Have an adequate number of professional personnel to meet the requirements of the engagement in a timely and efficient manner.

(Indiana Gaming Commission; 68 IAC 15-14-2; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1073)

68 IAC 15-14-3 Conditions of engagements

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 3. An independent certified public accountant or independent certified public accounting firm selected to perform a financial statement audit shall agree to abide by the following conditions of engagement, which shall be stated in a written agreement with the riverboat licensee to perform the audit:

(1) Inform the commission with respect to material errors and irregularities, or illegal acts that come to their attention during the course of the audit.

(2) Inform the commission in writing of matters that come to their attention that represent significant deficiencies in the design or operation of the internal control structure.

(3) Provide each member of the professional training staff assigned to the engagement a minimum of sixteen (16) hours of training in the gaming industry.

(4) Retain and make available to the commission personnel or their authorized representatives all reports, working papers (current and permanent files), audit programs, tax returns, and other information relating to engagements for a period of five (5) years after completion of the engagement.

(5) Respond timely to all reasonable requests of successor auditors.

(6) Submit peer review reports to the commission.

(7) Have all engagement letters approved by the commission prior to undertaking assignments.

(8) Send copies of all reports and management letters directly to the commission in compliance with this rule.

(9) At the conclusion of the engagement, provide management and the commission, in a mutually agreeable format, recommendations designed to help the entity make improvements in its internal control structure and operation, and other matters that are discovered during the audit.

(Indiana Gaming Commission; 68 IAC 15-14-3; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1073)

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68 IAC 15-14-4 Special audits

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3
Affected: IC 4-33

Sec. 4. To assure the integrity of gaming, compliance with the Act and the rules of the commission, the commission may require, at any time, a special audit of a riverboat owner to be conducted by an independent certified public accountant who is, or whose firm is, licensed in Indiana. The commission shall establish the scope, procedures, and reporting requirements of such an audit. (Indiana Gaming Commission; 68 IAC 15-14-4; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1074)

LSA Document #01-23(F)

Notice of Intent Published: 24 IR 1377

Proposed Rule Published: June 1, 2001; 24 IR 2728

Hearing Held: June 26, 2001

Approved by Attorney General: November 26, 2001

Approved by Governor: November 30, 2001

Filed with Secretary of State: December 2, 2001, 12:35 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #01-34(F)

DIGEST

Amends 312 IAC 8-2-6 and 312 IAC 8-5-3, rules that govern the public use of DNR properties. A license would be required for the release of any animal on a DNR property. Amends 312 IAC 8-5-3, so in addition to a property manager, any person authorized by the director could (subject to administrative review) restrict or reject a person from a DNR property for misconduct for a period not to exceed one year. Clarifies that a restriction or ejection can apply to all or any portion of a particular property, to multiple DNR properties, or to all DNR properties. Makes other technical changes. (The Natural Resources Commission has, however, deferred action on amendments to 312 IAC 8-2-2 by which discharge of sink, shower, or other gray water through drains onboard a boat operated on a DNR property would be prohibited.) Effective January 1, 2002.

312 IAC 8-2-6

312 IAC 8-5-3

SECTION 1. 312 IAC 8-2-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-6 Animals brought by people to DNR properties

Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14-22-11-1

Sec. 6. (a) A person who possesses a pet must keep the animal caged or on a leash no more than six (6) feet long.

(b) If a pet appears likely to endanger a person or property or to create a nuisance, the owner may be required to immediately remove the pet from a DNR property.

(c) A person must not take or possess a cat, a dog, or other pet to a:

- (1) swimming beach;
- (2) swimming pool enclosure;
- (3) rental facility; or
- (4) public building.

~~A seeing eye dog, a hearing guide dog, or another animal used to assist~~ **An assistance animal used by** a person with a disability is exempted from this subsection.

(d) A horse tag, receipt, or pass must be acquired and possessed for each horse that is brought into designated DNR properties from April 1 through November 30. At Brown County and Versailles State Parks and at Salamonie, the horse tag or pass must be prominently displayed on the left side of the bridle.

(e) A person must not allow livestock or domesticated animals to enter or remain upon a DNR property. These animals may be removed by the department and disposed or held at the owner's expense.

(f) A person must not release an animal on DNR property except under license issued by an authorized representative under this subsection. To receive a license, a person must demonstrate the animal is healthy and unlikely to endanger public safety or the environment. A person in violation of this subsection shall reimburse the department for any expenses reasonably incurred. (Natural Resources Commission; 312 IAC 8-2-6; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 554, eff Jan 1, 2000; filed Nov 30, 2001, 10:55 a.m.: 25 IR 1074, eff Jan 1, 2002)

SECTION 2. 312 IAC 8-5-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-5-3 Ejection from a DNR property

Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 4-21.5; IC 14

Sec. 3. (a) A property manager or another authorized representative may require a person to leave a DNR property or may otherwise restrict a person's use of a DNR property.

(b) An ejection or restriction imposed under subsection (a) is effective immediately and applies for twenty-four (24) hours unless the property manager or other authorized representative specifies a shorter duration.

(c) Notwithstanding subsection (b), a property manager or another authorized representative may designate in writing that the ejection or restriction shall remain in effect for not more than one (1) year. An ejection or restriction under this subsection is subject to administrative review to the commission under IC 4-21.5.

(d) An ejection or restriction imposed under this section may be made applicable to all or a portion of particular DNR property, to multiple DNR properties, or to all DNR properties. (*Natural Resources Commission; 312 IAC 8-5-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 748, eff Jan 1, 1999; filed Nov 30, 2001, 10:55 a.m.: 25 IR 1074, eff Jan 1, 2002*)

SECTION 3. SECTIONS 1 through 2 of this document take effect January 1, 2002.

LSA Document #01-34(F)
Notice of Intent Published: 24 IR 1687
Proposed Rule Published: September 1, 2001; 24 IR 4055
Hearing Held: September 27, 2001
Approved by Attorney General: November 14, 2001
Approved by Governor: November 29, 2001
Filed with Secretary of State: November 30, 2001, 10:55 a.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 327 WATER POLLUTION CONTROL BOARD

LSA Document #00-266(F)
 DIGEST

Amends 327 IAC 8-2 and 327 IAC 8-2.1 concerning public notification requirements for public water supply systems. Repeals 327 IAC 8-2-15, 327 IAC 8-2-16, 327 IAC 8-2-17, and 327 IAC 8-2-18. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: December 1, 2000, Indiana Register (24 IR 803).
 Second Notice of Comment Period and Notice of First Hearing: February 1, 2001, Indiana Register (24 IR 1478).
 Continuation of Second Comment Period and Notice of Rescheduled First Hearing: March 1, 2001, Indiana Register (24 IR 1977).
 Change in Notice of Public Hearing: 1, 2001, Indiana Register (24 IR 2723).
 Date of First Hearing: June 13, 2001.
 Publication of Proposed Rule and Notice of Second Hearing: August 1, 2001, Indiana Register (24 IR 3706).
 Date of Second Hearing and Final Adoption: August 8, 2001.

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|------------------------|-------------------------|
| 327 IAC 8-2-1 | 327 IAC 8-2-5.5 |
| 327 IAC 8-2-2 | 327 IAC 8-2-7 |
| 327 IAC 8-2-4 | 327 IAC 8-2-8.4 |
| 327 IAC 8-2-4.1 | 327 IAC 8-2-10.2 |
| 327 IAC 8-2-5.1 | 327 IAC 8-2-13 |
| 327 IAC 8-2-5.3 | 327 IAC 8-2-14 |

- | | |
|------------------------|-------------------------|
| 327 IAC 8-2-15 | 327 IAC 8-2.1-9 |
| 327 IAC 8-2-16 | 327 IAC 8-2.1-10 |
| 327 IAC 8-2-17 | 327 IAC 8-2.1-11 |
| 327 IAC 8-2-18 | 327 IAC 8-2.1-12 |
| 327 IAC 8-2-20 | 327 IAC 8-2.1-13 |
| 327 IAC 8-2.1-3 | 327 IAC 8-2.1-14 |
| 327 IAC 8-2.1-6 | 327 IAC 8-2.1-15 |
| 327 IAC 8-2.1-7 | 327 IAC 8-2.1-16 |
| 327 IAC 8-2.1-8 | 327 IAC 8-2.1-17 |

SECTION 1. 327 IAC 8-2-1 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-1 Definitions

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-11-2; IC 13-18

Sec. 1. In addition to the definitions contained in IC 13-11-2 and 327 IAC 1, the following definitions apply throughout this rule:

- (1) "Act" means the Safe Drinking Water Act (42 U.S.C. 300f et seq.).
- (2) "Action level" means the concentration of lead or copper in water specified in section 36(c) of this rule which determines, in some cases, the treatment requirements contained in sections 36 through 47 of this rule, that a water system is required to complete.
- (3) "Adjustment program" means the addition of fluoride to drinking water by a public water system for the prevention of dental cavities.
- (4) "Administrator" means the administrator of the U.S. EPA.
- (5) "Best available technology (BAT)" means best technology, treatment techniques, or other means which the commissioner finds are available, after examination for efficacy under field conditions, and not solely under laboratory conditions, and after taking cost into consideration. For the purpose of setting maximum contaminant levels for synthetic organic chemicals, any BAT must be at least as effective as granular activated carbon.
- (6) "Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.
- (7) "Commissioner" means the commissioner of the Indiana department of environmental management or the designated agent of the commissioner.
- (8) "Community water system" means a public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.
- (9) "Compliance cycle" means the nine (9) year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three (3) three-year compliance periods. The first calendar year cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

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(10) "Compliance period" means a three (3) year calendar year period within a compliance cycle. Each compliance cycle has three (3) three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001. **Within the second compliance cycle, the first compliance period runs from January 1, 2002, to December 31, 2004; the second from January 1, 2005, to December 31, 2007; and the third from January 1, 2008, to December 31, 2010. Within the third compliance cycle, the first compliance period runs from January 1, 2011, to December 31, 2013; the second from January 1, 2014, to December 31, 2016; and the third from January 1, 2017, to December 31, 2019.**

(11) "Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.

(12) "Contaminant" means any micro-organisms, chemicals, waste, physical substance, radiological substance, or any wastewater introduced or found in the drinking water.

(13) "Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

(14) "Corrosion inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

(15) "CT" or "CTcalc" is the product of residual disinfectant concentration (C) in milligrams per liter determined before or at the first customer and the corresponding disinfectant contact time (T) in minutes, such as $C \times T$. If a public water system applies disinfectants at more than one (1) point prior to the first customer, it must determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or total inactivation ratio. In determining the total inactivation ratio, the public water system must determine the residual disinfectant concentration of each disinfection sequence and corresponding contact time before any subsequent disinfection application point. $CT_{99.9}$ is the CT value required for ninety-nine and nine-tenths percent (99.9%) (3-log) inactivation of *Giardia lamblia* cysts. $CT_{99.9}$ for a variety of disinfectants and conditions appears in Tables 1.1-1.6, 2.1, and 3.1 of paragraph 141.74(b)(3)¹.

$$\frac{CT_{calc}}{CT_{99.9}}$$

is the inactivation ratio. The sum of the inactivation ratios or total inactivation ratio shown as:

$$\sum \frac{(CT_{calc})}{(CT_{99.9})}$$

is calculated by adding together the inactivation ratio for each

disinfection sequence. A total inactivation ratio equal to or greater than one (1.0) is assumed to provide a 3-log inactivation of *Giardia lamblia* cysts.

(16) "Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which:

(A) a precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

(B) while the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

(17) "Direct filtration" means a series of processes, including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

(18) "Disinfectant" means any oxidant, including, but not limited to, chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process that is intended to kill or inactivate pathogenic micro-organisms.

(19) "Disinfectant contact time" (T in CT calculations) means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration (C) is measured. Where only one (1) C is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at where C is measured. Where more than one (1) C is measured, T is:

(A) for the first measurement of C, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first C is measured; and

(B) for subsequent measurements of C, the time in minutes that it takes for water to move from the previous C measurement point to the C measurement point for which the particular T is being calculated.

Disinfectant contact time in pipelines must be calculated based on plug flow by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe. Disinfectant contact time within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

(20) "Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

(21) "Domestic or other nondistribution system plumbing problem" means a coliform contamination problem in a public water system with more than one (1) service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

(22) "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRUM).

(23) “Drinking water violation” means violations of the maximum contaminant level (MCL), treatment technique (TT), monitoring requirements, and testing procedures in this rule. 327 IAC 8-2.1-16 identifies the tier assignment for each specific violation or situation requiring a public notice.

~~(23)~~ **(24) “Effective corrosion inhibitor residual” means a concentration sufficient to form a passivating film on the interior walls of a pipe for the purpose of sections 36 through 47 of this rule only.**

~~(24)~~ **(25) “Filtration” means a process for removing particulate matter from water by passage through porous media.**

~~(25)~~ **(26) “First draw sample” means a one (1) liter sample of tap water collected in accordance with section 37 of this rule, that has been standing in the plumbing pipes at least six (6) hours and is collected without flushing the tap.**

~~(26)~~ **(27) “Flocculation” means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.**

~~(27)~~ **(28) “Gross alpha particle activity” means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.**

~~(28)~~ **(29) “Gross beta particle activity” means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.**

~~(29)~~ **(30) “Ground water under the direct influence of surface water” means any water beneath the surface of the ground with:**

(A) significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia*; or

(B) significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

Direct influence must be determined for individual sources in accordance with criteria established by the commissioner. The commissioner’s determination of direct influence may be based on site-specific measurements of water quality and/or documentation of well construction characteristics and geology with field evaluation.

~~(30)~~ **(31) “Halogen” means one (1) of the chemical elements chlorine, bromine, or iodine.**

~~(31)~~ **(32) “Initial compliance period” means January 1993 to December 1995, for the contaminants listed in sections 4 (other than arsenic, barium, cadmium, fluoride, lead, mercury, selenium, and silver), 5, and 5.4(a) (other than benzene, vinyl chloride, carbon tetrachloride, 1,2-dichloroethane, trichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane, and para-dichlorobenzene) of this rule.**

~~(32)~~ **(33) “Large water system” means a water system that serves more than fifty thousand (50,000) people for the purpose of sections 36 through 47 of this rule only.**

~~(33)~~ **(34) “Lead service line” means a service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck, or other fitting which is connected to such lead line.**

~~(34)~~ **(35) “Legionella” means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.**

~~(35)~~ **(36) “Manmade beta particle and photon emitters” means all radionuclides emitting beta particle and/or photons listed in “Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure”, NBS Handbook 69, as amended August 1973, U.S. Department of Commerce, except the daughter products of thorium-232, uranium-235, and uranium-238.**

~~(36)~~ **(37) “Maximum contaminant level (MCL)” means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.**

~~(37)~~ **(38) “Maximum contaminant level goal (MCLG)” means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur and which includes an adequate margin of safety. Maximum contaminant level goals are nonenforceable health goals.**

~~(38)~~ **(39) “Maximum total trihalomethane potential (MTP)” means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after seven (7) days at a temperature of twenty-five (25) degrees Celsius or above.**

~~(39)~~ **(40) “Medium size water system” means a water system that serves greater than three thousand three hundred (3,300) and less than or equal to fifty thousand (50,000) persons for the purpose of sections 36 through 47 of this rule only.**

~~(40)~~ **(41) “Near the first service connection” means at one (1) of the twenty percent (20%) of all service connections in the entire system that are nearest the water supply treatment facility, as measured by water transport time within the distribution system.**

~~(41)~~ **(42) “Noncommunity water system” means a public water system which has at least fifteen (15) service connections used by nonresidents or which regularly serves twenty-five (25) or more nonresident individuals daily for at least sixty (60) days per year.**

~~(42)~~ **(43) “Nontransient noncommunity water system (NTNCWS)” means a public water system that is not a community water system which regularly serves the same twenty-five (25) or more persons at least six (6) months per year.**

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~~(43)~~ (44) “Optimal corrosion control treatment” means the corrosion control treatment that minimizes the lead and copper concentrations at users’ taps while ensuring that the treatment does not cause the water system to violate any national primary drinking water regulations for the purpose of sections 36 through 47 of this rule only.

~~(44)~~ (45) “Performance evaluation sample” means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the administrator. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

~~(45)~~ (46) “Pico curi (pCi)” means the quantity of radioactive material producing two and twenty-two hundredths (2.22) nuclear transformations per minute.

~~(46)~~ (47) “Point of disinfectant application” is the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water run-off.

~~(47)~~ (48) “Point-of-entry treatment device (POE)” is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in drinking water distributed throughout the house or building.

~~(48)~~ (49) “Point-of-use treatment device (POU)” is a treatment device to a single tap used for the purpose of reducing contaminants in drinking water at that one (1) tap.

(50) “Primacy agency” is the department of environmental management where the department exercise primary enforcement responsibility as granted by EPA.

~~(49)~~ (51) “Public water system” means a public water supply for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year. “Public water system” includes any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. A public water system is either a community water system or a noncommunity water system, as defined in subdivisions (8) and ~~(41)~~ (42).

~~(50)~~ (52) “Rem” means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A millirem (mrem) is one-thousandth (1/1,000) of a rem.

~~(51)~~ (53) “Repeat compliance period” means any subsequent compliance period after the initial compliance period.

~~(52)~~ (54) “Residual disinfectant concentration”(C in CT calculations) means the concentration of disinfectant measured in milligrams per liter in a representative sample of water.

~~(53)~~ (55) “Sanitary survey” means an on-site inspection of the water source, facilities, equipment, construction, and operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, construction, and operation and maintenance for producing and distributing safe drinking water.

~~(54)~~ (56) “Sedimentation” means a process for removal of solids before filtration by gravity or separation.

~~(55)~~ (57) “Service line sample” means a one (1) liter sample of water collected in accordance with section 37(b)(3) of this rule that has been standing at least six (6) hours in a service line.

~~(56)~~ (58) “Single family structure” means a building constructed as a single family residence that is currently being used as either a residence or a place of business for the purpose of sections 36 through 47 of this rule only.

~~(57)~~ (59) “Slow sand filtration” means a process involving passage of raw water through a bed of sand at low velocity (generally less than four-tenths (0.4) meter per hour or forty-five (45) to one hundred fifty (150) gallons per day per square foot) resulting in substantial particulate removal by physical and biological mechanisms.

~~(58)~~ (60) “Small water system” means a water system that serves three thousand three hundred (3,300) persons or fewer for the purpose of sections 36 through 47 of this rule only.

~~(59)~~ (61) “Standard sample” means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

~~(60)~~ (62) “Supplier of water” means any person who owns and/or operates a public water system.

~~(61)~~ (63) “Surface water” means all water occurring on the surface of the ground, including water in a stream, natural and artificial lakes, ponds, swales, marshes, and diffused surface water.

~~(62)~~ (64) “System with a single service connection” means a public water system which supplies drinking water to consumers via a single service line.

~~(63)~~ (65) “Too numerous to count” means that the total number of bacterial colonies exceeds two hundred (200) on a forty-seven (47) millimeter diameter membrane filter used for coliform detection.

~~(64)~~ (66) “Total trihalomethanes (TTHM)” means the sum of the concentration in milligrams per liter of the trihalomethane compounds:

- (A) trichloromethane (chloroform);
- (B) dibromochloromethane;
- (C) bromodichloromethane; and
- (D) tribromomethane (bromoform);

rounded to two (2) significant figures.

~~(65)~~ (67) “Transient noncommunity water system (TWS)” means a noncommunity water system that does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year.

~~(66)~~ (68) “Trihalomethane (THM)” means one (1) of the

family of organic compounds, named as derivatives of methane, wherein three (3) of the four (4) hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

~~(67)~~ **(69)** “U.S. EPA” or “EPA” means the United States Environmental Protection Agency.

~~(68)~~ **(70)** “Virus” means a virus of fecal origin which is infectious to humans by waterborne transmission.

~~(69)~~ **(71)** “Waterborne disease outbreak” means the significant occurrence of acute infectious illness epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment as determined by the commissioner.

¹Federal Register, Part II, 40 CFR 141, June 29, 1989, Volume 54, Number 124, pages 27532 through 27534.

(Water Pollution Control Board; 327 IAC 8-2-1; filed Sep 24, 1987, 3:00 p.m.: 11 IR 705; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1003; errata filed Jan 9, 1991, 2:30 p.m.: 14 IR 1070; errata filed Aug 6, 1991, 3:45 p.m.: 14 IR 2258; filed Apr 12, 1993, 11:00 a.m.: 16 IR 2151; filed Aug 24, 1994, 8:15 a.m.: 18 IR 19; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 531; filed Oct 24, 1997, 4:30 p.m.: 21 IR 932; filed Mar 6, 2000, 7:56 a.m.: 23 IR 1623; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1075)

SECTION 2. 327 IAC 8-2-2 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-2 Applicability of rule; modification of monitoring requirements

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 2. (a) Each public water system shall comply with all of the provisions of this rule **and 327 IAC 8-2.1** unless the public water system meets all of the following conditions:

- (1) Consists only of distribution and storage facilities and does not have collection and treatment facilities.
- (2) Obtains all of its water from, but is not owned or operated by, a public water system to which this article applies.
- (3) Does not sell water to any person.
- (4) Is not a carrier which conveys passengers in interstate commerce.

(b) When a public water system supplies water to one (1) or more public water systems, the commissioner may modify the monitoring requirements imposed by this rule to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes. Any modified monitoring shall be conducted pursuant to a schedule specified by the commissioner and concurred in by the administrator. The commissioner shall provide a copy of the determination to the administrator. *(Water Pollution Control Board; 327 IAC 8-2-2; filed Sep 24, 1987, 3:00 p.m.: 11 IR 706; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1006; errata filed Aug 6, 1991, 3:45 p.m.: 14 IR 2258; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1079)*

SECTION 3. 327 IAC 8-2-4 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-4 Inorganic chemicals; maximum contaminant levels

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 4. (a) The following MCLs for inorganic chemicals apply to all community water systems, nontransient noncommunity water systems, and transient noncommunity systems except as provided in subsection (b):

<u>Contaminant</u>	<u>Level in Milligrams Per Liter</u>
Nitrate	10 (as nitrogen)
Nitrite	1 (as nitrogen)
Nitrate and nitrite	10 (as nitrogen)

(b) The commissioner may allow nitrate levels up to, but not to exceed, twenty (20) milligrams per liter in a noncommunity water system if the supplier of water meets all of the following conditions:

- (1) Such water will not be available to children under six (6) months of age.
- (2) There will be continuous posting of the fact that nitrate levels exceed ten (10) milligrams per liter and the potential health effects of exposure.
- (3) Local and state public health authorities shall be notified annually of nitrate levels that exceed ten (10) milligrams per liter.
- (4) No adverse health effects shall result.
- (5) The commissioner may require additional notice to the public as provided by ~~section 15 of this rule: 327 IAC 8-2.1-14.~~

(c) The following MCL for fluoride applies to all community water systems:

<u>Contaminant</u>	<u>Level in Milligrams Per Liter</u>
Fluoride	4.0

(d) The following MCLs for inorganic chemicals apply to all community water systems and nontransient noncommunity water systems:

<u>Contaminant</u>	<u>Level in Milligrams Per Liter Except Asbestos</u>
Antimony	0.006
Arsenic	0.05
Asbestos	7 (MFL) ¹
Barium	2
Beryllium	0.004
Cadmium	0.005
Chromium	0.1
Cyanide (free)	0.2
Mercury	0.002
Selenium	0.05
Thallium	0.002

¹MFL = million fibers per liter greater than ten (10) micrometers.

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(e) For the inorganic chemicals listed in this section and nickel, the monitoring frequency is specified in section 4.1 of this rule and analytical methods are specified in section 4.2 of this rule.

(f) The commissioner hereby identifies the following as the best available technology, treatment technique, or other means available for achieving compliance with the MCLs for inorganic contaminants identified in subsections (a), (c), and (d), except fluoride:

BAT for Inorganic Chemicals Listed in This Section

Chemical Name	BATs
Antimony	2,7
Asbestos	2,3,8
Barium	5,6,7,9
Beryllium	1,2,5,6,7
Cadmium	2,5,6,7
Chromium	2,5,6 ² ,7
Cyanide	5,7,10
Mercury	2 ¹ ,4,6 ¹ ,7 ¹
Nitrate	5,7,9
Nitrite	5,7
Selenium	1,2 ³ ,6,7,9
Thallium	1,5

¹BAT only if influent mercury concentrations less than ten (10) micrograms per liter.

²BAT for Chromium III only.

³BAT for Selenium IV only.

Key to BATs in Table

1 = Activated alumina

2 = Coagulation/filtration

3 = Direct and diatomite filtration

4 = Granular activated carbon

5 = Ion exchange

6 = Lime softening

7 = Reverse osmosis

8 = Corrosion control

9 = Electrodialysis

10 = Chlorine

11 = Ultraviolet

(Water Pollution Control Board; 327 IAC 8-2-4; filed Sep 24, 1987, 3:00 p.m.: 11 IR 706; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1006; filed Aug 24, 1994, 8:15 a.m.: 18 IR 22; filed Aug 25, 1997, 8:00 a.m.: 21 IR 34; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1079)

SECTION 4. 327 IAC 8-2-4.1, AS AMENDED AT 24 IR 3946, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-4.1 Collection of samples for inorganic chemical testing

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16

Affected: IC 13-18

Sec. 4.1. (a) Community water systems shall conduct moni-

toring to determine compliance with the MCLs specified in section 4(a), 4(c), and 4(d) of this rule in accordance with this section. Nontransient noncommunity water systems shall conduct monitoring to determine compliance with the MCLs specified in section 4(a) and 4(d) of this rule in accordance with this section. Transient noncommunity water systems shall conduct monitoring to determine compliance with the MCLs specified in section 4(a) of this rule in accordance with this section.

(b) When a contaminant listed in section 4 of this rule exceeds the MCL, the supplier of water shall report to the commissioner under section 13 of this rule and shall give notice to the public under ~~section 15 of this rule~~: **327 IAC 8-2.1-7 through 327 IAC 8-2.1-16**. Monitoring after public notification shall be at a frequency designated by the commissioner and shall continue until the MCL has not been exceeded in two (2) successive samples or until a monitoring schedule as a condition to a ~~variance, exemption, or an~~ enforcement action shall become effective.

(c) Monitoring shall be conducted as follows:

(1) Ground water systems shall take a minimum of one (1) sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point) beginning in the compliance period starting January 1, 1993. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(2) Surface water systems, including systems with a combination of surface and ground sources, shall take a minimum of one (1) sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment (hereafter called a sampling point) beginning in the compliance period beginning January 1, 1993. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(3) If a system draws water from more than one (1) source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions, for example, when water is representative of all sources being used.

(4) The commissioner may reduce the total number of samples which must be analyzed by allowing the use of compositing. Composite samples from a maximum of five (5) samples are allowed, provided that the detection limit of the method used for analysis is less than one-fifth (¹/₅) of the MCL. Compositing of samples must be completed in the laboratory as follows:

(A) When a composite sample is analyzed, if the concentration in the composite sample is greater than or equal to one-fifth (¹/₅) of the MCL of any inorganic chemical, then a

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follow-up sample must be analyzed within fourteen (14) days at each sampling point included in the composite. These samples must be analyzed for the contaminants which exceeded one-fifth ($1/5$) of the MCL in the composite sample. Detection limits for each analytical method and MCLs for each inorganic contaminant are the following:

<u>Contaminant</u>	<u>MCL (mg/l)</u>	<u>Methodology</u>	<u>Detection Limit (mg/l)</u>
Antimony	0.006	Atomic absorption; furnace	0.003
		Atomic absorption; platform	0.0008 ⁵
		ICP-mass spectrometry	0.0004
		Hydride-atomic absorption	0.001
Asbestos	7 MFL ¹	Transmission electron microscopy	0.01 MFL
Barium	2	Atomic absorption; furnace	0.002
		Atomic absorption; direct aspiration	0.1
		Inductively coupled plasma	0.002 (0.001)
Beryllium	0.004	Atomic absorption; furnace	0.0002
		Atomic absorption; platform	0.00002 ⁵
		Inductively coupled plasma ²	0.0003
		ICP-mass spectrometry	0.0003
Cadmium	0.005	Atomic absorption; furnace	0.0001
		Inductively coupled plasma	0.001
Chromium	0.1	Atomic absorption; furnace	0.001
		Inductively coupled plasma	0.007 (0.001)
Cyanide	0.2	Distillation, spectrophotometric ³	0.02
		Distillation, automated spectrophotometric ³	0.005
		Distillation, selective electrode ³	0.05
		Distillation, amenable, spectrophotometric ⁴	0.02
Fluoride	4.0	Colorimetric SPADNS; with distillation	0.1
		Potentiometric ion selective electrode	0.1
		Automated alizarin fluoride blue; with distillation (complexone)	0.05
		Automated ion selective electrode	0.1
Mercury	0.002	Manual cold vapor technique	0.0002
		Automated cold vapor technique	0.0002
Nitrate	10 (as N)	Manual cadmium reduction	0.01
		Automated hydrazine reduction	0.01
		Automated cadmium reduction	0.05
		Ion selective electrode	1
		Ion chromatography	0.01

Nitrite	1 (as N)	Spectrophotometric	0.01
		Automated cadmium reduction	0.05
		Manual cadmium reduction	0.01
Selenium	0.05	Ion chromatography	0.004
		Atomic absorption; furnace	0.002
Thallium	0.002	Atomic absorption; gaseous hydride	0.002
		Atomic absorption; furnace	0.001
		Atomic absorption; platform	0.0007 ⁵
		ICP-mass spectrometry	0.0003

¹MFL = million fibers per liter greater than ten (10) micrometers.

²Using a 2x preconcentration step as noted in Method 200.7. Lower method detection limits may be achieved when using a 4x preconcentration.

³Screening method for total cyanides.

⁴Measures "free" cyanides.

⁵Lower method detection limits are reported using stabilized temperature graphite furnace atomic absorption.

(B) If the population served by the system is greater than three thousand three hundred (3,300) persons, then compositing may only be permitted by the commissioner at sampling points within a single system. In systems serving less than or equal to three thousand three hundred (3,300) persons, the commissioner may permit compositing among different systems provided the five (5) sample limit is maintained.

(C) If duplicates of the original sample taken from each sampling point used in the composite sample are available, the system may use these instead of resampling. The duplicate must be analyzed and the results reported to the commissioner within fourteen (14) days after completing analysis of the composite sample, provided the holding time of the sample is not exceeded.

(5) The frequency of monitoring for:

- (A) asbestos shall be in accordance with subsection (d);
- (B) antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, nickel, mercury, selenium, and thallium shall be in accordance with subsection (e);
- (C) nitrate shall be in accordance with subsection (f);
- (D) nitrite shall be in accordance with subsection (g); and
- (E) arsenic shall be in accordance with subsection (l).

(d) The frequency of monitoring conducted to determine compliance with the MCL for asbestos specified in section 4(d) of this rule shall be conducted as follows:

(1) Each community and nontransient noncommunity water system is required to monitor for asbestos during the first three (3) year compliance period of each nine (9) year compliance cycle beginning in the compliance period starting January 1, 1993.

(2) If the system believes it is not vulnerable to either asbestos contamination in its source water or due to corrosion of asbestos-cement pipe, or both, it may apply to the commissioner for a waiver of the monitoring requirement in subdivi-

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- sion (1). If the commissioner grants the waiver, the system is not required to monitor.
- (3) The commissioner may grant a waiver based upon a consideration of the following factors:
- (A) Potential asbestos contamination of the water source.
 - (B) The use of asbestos-cement pipe for finished water distribution and the corrosive nature of the water.
- (4) A waiver remains in effect for the initial monitoring of the first three (3) year compliance period. Systems not receiving a waiver must monitor in accordance with the provisions of subdivision (1).
- (5) A system vulnerable to asbestos contamination due solely to corrosion of asbestos-cement pipe shall take one (1) sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.
- (6) A system vulnerable to asbestos contamination due solely to source water shall monitor in accordance with the provision of subsection (c).
- (7) A system vulnerable to asbestos contamination due both to its source water supply and corrosion of asbestos-cement pipe shall take one (1) sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.
- (8) A system which exceeds the MCLs as determined in section 4 of this rule shall monitor quarterly beginning in the next quarter after the violation occurred.
- (9) The commissioner may decrease the quarterly monitoring requirement to the frequency specified in subdivision (1) provided the commissioner has determined that the system is reliably and consistently below the MCL. In no case can the commissioner make this determination unless a ground water system takes a minimum of two (2) quarterly samples and a surface (or combined surface/ground) water system takes a minimum of four (4) quarterly samples.
- (10) If monitoring data collected after January 1, 1990, are generally consistent with the requirements of this subsection, then the commissioner may allow systems to use that data to satisfy the monitoring requirement for the initial compliance period beginning January 1, 1993.
- (e) The frequency of monitoring conducted for nickel and to determine compliance with the MCLs in section 4 of this rule for antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium, and thallium shall be as follows:
- (1) Ground water systems shall take one (1) sample at each sampling point during each compliance period. Surface water systems (or combined surface/ground) shall take one (1) sample annually at each sampling point.
 - (2) The system may apply to the commissioner for a waiver from the monitoring frequencies specified in subdivision (1).
 - (3) A condition of the waiver shall require that a system take a minimum of one (1) sample while the waiver is effective. The term during which the waiver is effective shall not exceed one (1) compliance cycle which is nine (9) years.
- (4) The commissioner may grant a waiver provided surface water systems have monitored annually for at least three (3) years and ground water systems have conducted a minimum of three (3) rounds of monitoring. (At least one (1) sample shall have been taken since January 1, 1990.) Both surface and ground water systems shall demonstrate that all previous analytical results were less than the maximum contaminant level. Systems that use a new water source are not eligible for a waiver until three (3) rounds of monitoring from the new source have been completed. The commissioner may grant a public water system a waiver for monitoring of cyanide, provided that the commissioner determines that the system is not vulnerable due to lack of any industrial source of cyanide.
- (5) In determining the appropriate reduced monitoring frequency, the commissioner shall consider the following:
- (A) Reported concentrations from all previous monitoring.
 - (B) The degree of variation in reported concentrations.
 - (C) Other factors which may affect contaminant concentrations such as:
 - (i) changes in ground water pumping rates;
 - (ii) changes in the system's configuration;
 - (iii) changes in the system's operating procedures; or
 - (iv) changes in stream flows or characteristics.
- (6) A decision by the commissioner to grant a waiver shall be made in writing and shall set forth the basis for the determination. The determination may be initiated by the commissioner or upon an application by the public water system. The public water system shall specify the basis for its request. The commissioner shall review and, where appropriate, revise the determination of the appropriate monitoring frequency when the system submits new monitoring data or when other data relevant to the system's appropriate monitoring frequency becomes available.
- (7) Systems which exceed the MCLs as calculated in subsection (k) shall monitor quarterly beginning in the next quarter after the violation occurred.
- (8) The commissioner may decrease the quarterly monitoring requirement to the frequencies specified in subdivisions (1) and (2) provided it has determined that the system is reliably and consistently below the MCL. In no case can the commissioner make this determination unless a ground water system takes a minimum of two (2) quarterly samples and a surface water system takes a minimum of four (4) quarterly samples.
- (f) All public water systems (community, nontransient noncommunity, and transient noncommunity systems) shall monitor to determine compliance with the MCL for nitrate in section 4(a) of this rule under the following monitoring schedules:
- (1) Community and nontransient noncommunity water systems served by ground water systems shall monitor annually beginning January 1, 1993; systems served by surface water shall monitor quarterly beginning January 1, 1993.
 - (2) For community and nontransient noncommunity water systems, the repeat monitoring frequency for ground water systems shall be quarterly for at least one (1) year following any

one (1) sample in which the concentration is greater than or equal to fifty percent (50%) of the MCL. The commissioner may allow a ground water system to reduce the sampling frequency to annually after four (4) consecutive quarterly samples are reliably and consistently less than the MCL.

(3) For community and nontransient noncommunity water systems, the commissioner may allow a surface water system to reduce the sampling frequency to annually if all analytical results from four (4) consecutive quarters are less than fifty percent (50%) of the MCL. A surface water system shall return to quarterly monitoring if any one (1) sample is greater than or equal to fifty percent (50%) of the MCL.

(4) Each transient noncommunity water system shall monitor annually beginning January 1, 1993.

(5) After the initial round of quarterly sampling is completed, each community and nontransient noncommunity system which is monitoring annually shall take subsequent samples during the quarter which previously resulted in the highest analytical result.

(g) All public water systems (community, nontransient noncommunity, and transient noncommunity systems) shall monitor to determine compliance with the MCL for nitrite under the following monitoring schedules:

(1) All public water systems shall take one (1) sample at each sampling point in the compliance period beginning January 1, 1993, and ending December 31, 1995.

(2) After the initial sample, systems where an analytical result for nitrite is less than fifty percent (50%) of the MCL shall monitor at the frequency specified by the commissioner.

(3) For community, nontransient noncommunity, and transient noncommunity water systems, the repeat monitoring frequency for any water system shall be quarterly for at least one (1) year following any one (1) sample in which the concentration is greater than or equal to fifty percent (50%) of the MCL. The commissioner may allow a system to reduce the sampling frequency from quarterly to annually after determining the system is reliably and consistently less than the MCL.

(4) Systems which are monitoring annually shall take each subsequent sample during the quarter which previously resulted in the highest analytical result.

(h) Confirmation sampling shall be as follows:

(1) Where the results of sampling for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium, or thallium indicate the MCL has been exceeded, the commissioner may require that one (1) additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two (2) weeks) at the same sampling point.

(2) Where nitrate or nitrite sampling results indicate the MCL has been exceeded, the system shall take a confirmation sample within twenty-four (24) hours of the system's receipt of notification of the analytical results of the first sample.

Systems unable to comply with the twenty-four (24) hour sampling requirement must immediately notify the consumers served by the public water system in accordance with ~~section 15 of this rule~~ **327 IAC 8-2.1-7 through 327 IAC 8-2.1-16**. Systems exercising this option must take and analyze a confirmation sample within two (2) weeks of notification of the analytical results of the first sample.

(3) If a commissioner-required confirmation sample is taken for any contaminant, the results of the initial and confirmation sample shall be averaged. The resulting average shall be used to determine the system's compliance in accordance with subsection (k). The commissioner has the discretion to delete results of obvious sampling errors.

(i) The commissioner may require more frequent monitoring than specified in subsections (d) through (g) or may require confirmation samples for positive and negative results.

(j) Systems may apply to the commissioner to conduct more frequent monitoring than the minimum monitoring frequencies specified in this section.

(k) Compliance with section 4 of this rule shall be determined based on the analytical results obtained at each sampling point in the following manner:

(1) For systems which are conducting monitoring at a frequency greater than annual, compliance with the MCLs for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium, or thallium is determined by a running annual average at each sampling point. If the average at any sampling point is greater than the MCL, then the system is out of compliance. If any one (1) sample would cause the annual average to be exceeded, then the system is out of compliance immediately. Any sample below the method detection limit shall be calculated at zero (0) for the purpose of determining the annual average.

(2) For systems which are monitoring annually, or less frequently, the system is out of compliance with the MCLs for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium, or thallium if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the commissioner, the determination of compliance will be based on the average of the two (2) samples.

(3) Compliance with the MCLs for nitrate and nitrite is determined based on one (1) sample if the levels of these contaminants are below the MCLs. If the levels of nitrate ~~and/or~~ **or** nitrite, **or both**, exceed the MCLs in the initial sample, a confirmation sample is required in accordance with subsection (h)(2), and compliance shall be determined based upon the average of the initial and confirmation samples.

(4) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the commissioner may allow the system to give public notice to only the area served by that portion of the system which is out of compliance.

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(l) The frequency of monitoring conducted to determine compliance with the MCL for arsenic shall be as follows:

- (1) Analyses for all community water systems utilizing surface water sources shall be sampled annually.
- (2) Analyses for all community water systems utilizing only ground water sources shall be repeated at three (3) year intervals.
- (3) The commissioner has the authority to determine compliance or initiate enforcement action based on analytical results.
- (4) If the result of an analysis conducted as required in this section indicates that the results exceed the MCL as determined in section 4 of this rule, the supplier of water shall report to the state within seven (7) days and initiate three (3) additional analyses at the same sampling point within one (1) month.
- (5) When the average of four (4) analyses made pursuant to this section, rounded to the same number of significant figures as the MCL for the arsenic, exceeds the MCL, the supplier of water shall notify the commissioner and give notice to the public under section 16 of this rule. Monitoring after public notification shall be at a frequency set by the commissioner and shall continue until the MCL has not been exceeded in two (2) consecutive samples or until a monitoring schedule as a condition to a ~~variance, exemption, or an~~ enforcement action shall become effective.

(m) Each public water system shall monitor at the time designated by the commissioner during each compliance period.

(n) Sample collection for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium under this section shall be conducted using the sample preservation, container, and maximum holding time procedures specified in the following table:

Contaminant	Preservative ³	Container ¹	Time ²
Antimony	HNO ₃	P or G	6 months
Asbestos	49C	P or G	48 hours ⁴
Barium	HNO ₃	P or G	6 months
Beryllium	HNO ₃	P or G	6 months
Cadmium	HNO ₃	P or G	6 months
Chromium	HNO ₃	P or G	6 months
Cyanide	49C, NaOH	P or G	14 days
Fluoride	none	P or G	1 month
Mercury	HNO ₃	P or G	28 days
Nickel	HNO ₃	P or G	6 months
Nitrate	49C	P or G	48 hours ⁵
Nitrate-Nitrite ⁶	H ₂ SO ₄	P or G	28 days
Nitrite	49C	P or G	48 hours
Selenium	HNO ₃	P or G	6 months
Thallium	HNO ₃	P or G	6 months

¹P = Plastic, hard or soft; G = glass.

²In all cases, samples should be analyzed as soon after collection as possible. Follow additional (if any) information on preservation, containers, or holding times that is specified in method.

³When indicated, samples must be acidified at the time of collection to pH < 2 with concentrated acid or adjusted with sodium hydroxide to pH > 12. When chilling is indicated the sample must be shipped and stored at four (4) degrees Celsius or less.

⁴Instructions for containers, preservation procedures, and holding times as specified in Method 100.2 must be adhered to for all compliance analyses including those conducted with Method 100.1.

⁵If the sample is chlorinated, the holding time for an unacidified sample kept at four (4) degrees Celsius is extended to fourteen (14) days.

⁶Nitrate-Nitrite refers to a measurement of total nitrate. (*Water Pollution Control Board; 327 IAC 8-2-4.1; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1007; filed Aug 24, 1994, 8:15 a.m.: 18 IR 23; filed Aug 25, 1997, 8:00 a.m.: 21 IR 34; errata filed Dec 10, 1997, 3:45 p.m.: 21 IR 1347; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3946; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1080*)

SECTION 5. 327 IAC 8-2-5.1, AS AMENDED AT 24 IR 3953, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-5.1 Collection of samples for organic chemical testing other than volatile organic compounds and total trihalomethanes

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 5.1. To determine compliance with section 5(a) of this rule, collection of samples for organic chemical testing, other than volatile organic compounds and total trihalomethanes, shall be made as follows:

- (1) Ground water systems shall take a minimum of one (1) sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
- (2) Surface water systems, including those systems with a combination of surface and ground sources, shall take a minimum of one (1) sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
- (3) If the system draws water from more than one (1) source and the sources are combined before distribution, the system must sample at an entry point to the distribution system

during periods of normal operating conditions such as when water representative of all sources is being used.

(4) The monitoring frequency is as follows:

(A) Each community and nontransient noncommunity water system shall take four (4) consecutive quarterly samples for each contaminant listed in section 5(a) of this rule during each compliance period beginning with the initial compliance period.

(B) Systems serving more than three thousand three hundred (3,300) persons which do not detect a contaminant in the initial compliance period may reduce the sampling frequency to a minimum of two (2) quarterly samples in one (1) year during each repeat compliance period.

(C) Systems serving less than or equal to three thousand three hundred (3,300) persons which do not detect a contaminant in the initial compliance period may reduce the sampling frequency to a minimum of one (1) sample during each repeat compliance period.

(5) Each community and nontransient noncommunity water system may apply to the commissioner for a waiver from the requirement of subdivision (4). A system must reapply for a waiver for each compliance period.

(6) The commissioner may grant a waiver after evaluating the knowledge of previous use, including transport, storage, or disposal of the contaminant within the watershed or zone of influence of the system. If a determination by the commissioner reveals no previous use of the contaminant within the watershed or zone of influence, a waiver may be granted. If previous use of the contaminant is unknown or it has been used previously, then the following factors shall be used to determine whether a waiver is granted:

(A) Previous analytical results.

(B) The proximity of the system to a potential point or nonpoint source of contamination. (Point sources include spills and leaks of chemicals at or near a water treatment facility or at manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities. Nonpoint sources include the use of pesticides to control insect and weed pests on agricultural areas, forest lands, home and gardens, and other land application uses).

(C) The environmental persistence and transport of the pesticide or polychlorinated biphenyls (PCBs).

(D) How well the water source is protected against contamination due to such factors as:

- (i) depth of the well;
- (ii) the type of soil; and
- (iii) the integrity of the well casing.

(E) Elevated nitrate levels at the water supply source.

(F) Use of PCBs in equipment used in the production, storage, or distribution of water, including, but not limited to, PCBs used in pumps or transformers.

(7) If an organic contaminant listed in section 5(a) of this rule is detected as defined by subdivision (16), in any sample, then the monitoring requirements are as follows:

(A) Each system must monitor quarterly at each sampling point which resulted in a detection.

(B) The commissioner may decrease the quarterly monitoring requirement specified in clause (A) provided it has determined that the system is reliably and consistently below the MCL. In no case shall the commissioner make this determination unless a ground water system takes a minimum of two (2) quarterly samples and a surface water system takes a minimum of four (4) quarterly samples.

(C) After the commissioner determines the system is reliably and consistently below the MCL, the commissioner may allow the system to monitor annually. Systems which monitor annually must monitor during the quarter that previously yielded the highest analytical result.

(D) Systems which have three (3) consecutive annual samples with no detection of contaminant may apply to the commissioner for a waiver as specified in subdivision (6).

(E) If monitoring results in detection of one (1) or more of certain related contaminants (aldicarb, aldicarb sulfoxide, aldicarb sulfone, heptachlor, and heptachlor epoxide), then subsequent monitoring shall include analyses for all related contaminants.

(8) Systems which violate the requirements of section 5(a) of this rule as determined by subdivision (11) must monitor quarterly. After a minimum of four (4) quarterly samples shows the system is in compliance and the commissioner determines the system is reliably and consistently below the MCL, as specified in subdivision (11), the system shall monitor at the frequency specified in subdivision (7)(C).

(9) The commissioner may require a confirmation sample for positive or negative results. If a confirmation sample is required by the commissioner, the result must be averaged with the first sampling result and the average used for the compliance determination as specified in subdivision (11). The commissioner has the discretion to delete results of obvious sampling errors from this calculation.

(10) The commissioner may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite samples from a maximum of five (5) sampling points are allowed, provided that the detection limit of the method used for analysis is less than one-fifth ($1/5$) of the MCL. Compositing of samples must be done in the laboratory and analyzed within fourteen (14) days of sample collection **in accordance with the following:**

(A) When a composite sample is analyzed, if the concentration in the composite sample detects one (1) or more contaminants listed in section 5(a) of this rule, then a follow-up sample must be analyzed within fourteen (14) days from each sampling point included in the composite and analyzed for that contaminant.

(B) If duplicates of the original sample taken from each sampling point used in the composite samples are available, the system may use these instead of resampling. The duplicates must be analyzed and the results reported to the commissioner within fourteen (14) days after completion of

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the composite analysis or before the holding time for the initial sample is exceeded, whichever is sooner.

(C) If the population served by the system is greater than three thousand three hundred (3,300) persons, then compositing may only be permitted by the commissioner at sampling points within a single system. In systems serving less than or equal to three thousand three hundred (3,300) persons, the commissioner may permit compositing among different systems provided the five (5) sample limit is maintained.

(11) Compliance with section 5(a) of this rule shall be determined based on the analytical results obtained at each sampling point in the following manner:

(A) For systems which are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point. If the annual average of any sampling point is greater than the MCL, then the system is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the system is out of compliance immediately. Any samples below the detection limit shall be calculated as zero (0) for purposes of determining the annual average.

(B) If monitoring is conducted annually, or less frequently, the system is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the commissioner, the determination of compliance will be based on the average of two (2) samples.

~~(C) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the commissioner may allow the system to give public notice to only that portion of the system which is out of compliance.~~

(12) If monitoring data collected after January 1, 1990, are generally consistent with the requirements of this section and section 5.2 of this rule, then the commissioner may allow systems to use that data to satisfy the monitoring requirement for the initial compliance period.

(13) The commissioner may increase the required monitoring frequency, where necessary, to detect variations within the system such as fluctuations in concentration due to seasonal use and changes in water source.

(14) The commissioner has the authority to determine compliance or initiate enforcement action based upon analytical results and other information compiled by the commissioner's sanctioned representatives or agencies, or both.

(15) Each public water system shall monitor at the time designated by the commissioner within each compliance period.

(16) Method detection levels for contaminants listed in section 5(a) of this rule are as follows:

<u>Contaminant</u>	<u>Detection Limit (mg/l)</u>
Alachlor	0.0002
Atrazine	0.0001
Benzo[a]pyrene	0.00002

Carbofuran	0.0009
Chlordane	0.0002
Dalapon	0.001
1,2-dibromo-3-chloropropane (DBCP)	0.00002
Di(2-ethylhexyl)adipate	0.0006
Di(2-ethylhexyl)phthalate	0.0006
Dinoseb	0.0002
Diquat	0.0004
2,4-D	0.0001
Endothall	0.009
Endrin	0.00001
Ethylene dibromide (EDB)	0.00001
Glyphosate	0.006
Heptachlor	0.00004
Heptachlor epoxide	0.00002
Hexachlorobenzene	0.0001
Hexachlorocyclopentadiene	0.0001
Lindane	0.00002
Methoxychlor	0.0001
Oxamyl	0.002
Picloram	0.0001
Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)	0.0001
Pentachlorophenol	0.00004
Simazine	0.00007
Toxaphene	0.001
2,3,7,8-TCDD (dioxin)	0.000000005
2,4,5-TP (silvex)	0.0002

(Water Pollution Control Board; 327 IAC 8-2-5.1; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1010; filed Aug 24, 1994, 8:15 a.m.: 18 IR 33; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 531; filed Aug 25, 1997, 8:00 a.m.: 21 IR 44; filed Apr 21, 1999, 3:22 p.m.: 22 IR 2862; errata filed Apr 28, 1999, 6:36 p.m.: 22 IR 2883; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3953; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1084)

SECTION 6. 327 IAC 8-2-5.3, AS AMENDED AT 24 IR 3958, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-5.3 Collection of samples for total trihalomethanes testing; community water systems

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-11-2; IC 13-14-8; IC 13-18-1; IC 13-18-2

Sec. 5.3. (a) To determine compliance with section 5 of this rule, each community water system which serves ten thousand (10,000) or more individuals and which adds a disinfectant (oxidant) to the water in any part of the drinking water treatment process shall collect and analyze samples for total trihalomethanes (TTHM) in accordance with this section. The

minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple wells drawing raw water from a single aquifer may, with the commissioner's approval, be considered one (1) treatment plant for determining the minimum number of samples. All samples taken within an established frequency shall be collected within a twenty-four (24) hour period.

(b) The requirements of subsection (a) apply as follows:

(1) Community water systems which utilize surface water sources in whole or in part, and community water systems which utilize only ground water sources and which have not been determined by the commissioner to qualify for the monitoring requirements of subsection (c) shall analyze for TTHM at quarterly intervals on at least four (4) water samples for each treatment plant used by the system. At least twenty-five percent (25%) of the samples shall be taken at locations within the distribution system reflecting the maximum residence time of the water in the system. The remaining seventy-five percent (75%) shall be taken at representative locations in the distribution system, taking into account number of persons served, different sources of water, and different treatment methods employed. The results of all analyses per quarter shall be arithmetically averaged and reported to the commissioner within thirty (30) days of the system's receipt of such results. All samples collected shall be used in the computation of the average, unless the analytical results are invalidated for technical reasons. Sampling and analyses shall be conducted in accordance with the methods listed in subsection (e).

(2) Upon the written request of a community water system, the monitoring frequency required by subdivision (1) may be reduced by the commissioner to a minimum of one (1) sample analyzed for TTHM per quarter taken at a point in the distribution system reflecting the maximum residence time of the water in the system. Upon a written determination by the commissioner that the data from at least one (1) year of monitoring in accordance with subdivision (1) and local conditions demonstrate that TTHM concentrations will be consistently below the MCL.

(3) If, at any time during which the reduced monitoring frequency prescribed under this section applies, the results from any analysis exceed ten-hundredths (0.10) milligram per liter of TTHM and such results are confirmed by at least one (1) check sample taken promptly after such results are received, or if the system makes any significant change to its source of water or treatment program, the system shall immediately begin monitoring in accordance with the requirements of subdivision (1) which monitoring shall continue for at least one (1) year before the frequency may be reduced again. At the discretion of the commissioner, a system's monitoring frequency shall be increased above the minimum in those cases where it is necessary to detect variations of TTHM levels within the distribution system.

(c) Monitoring frequency required by this section may only be reduced as follows:

(1) Upon written request to the commissioner, a community water system utilizing only ground water sources may seek to have the monitoring frequency required by subsection (a) reduced to a minimum of one (1) sample for maximum TTHM potential per year for each treatment plant used by the system taken at a point in the distribution system reflecting maximum residence time of the water in the system. The system shall submit, to the commissioner, the results of at least one (1) sample analyzed for maximum TTHM potential using the procedure specified in subsection (g). A sample must be analyzed from each treatment plant used by the system and be taken at a point in the distribution system reflecting the maximum residence time of the water in the system. The system's monitoring frequency may only be reduced upon a written determination by the commissioner that, based upon the data submitted by the system, the system has a maximum TTHM potential of less than ten-hundredths (0.10) milligram per liter and that, based upon an assessment of the local condition of the system, the system is not likely to approach or exceed the MCL for total TTHMs. The results of all analyses shall be reported to the commissioner within thirty (30) days of the system's receipt of such results. All samples collected shall be used for determining whether the system must comply with the monitoring requirements of subsection (a) unless the analytical results are invalidated for technical reasons. Sampling and analyses shall be conducted in accordance with the methods listed in subsection (e).

(2) If, at any time during which the reduced monitoring frequency prescribed under subdivision (1) applies, the results from any analysis taken by the system for maximum TTHM potential are equal to or greater than ten-hundredths (0.10) milligram per liter, and such results are confirmed by at least one (1) check sample taken promptly after such results are received, the system shall immediately begin monitoring in accordance with the requirements of subsection (b) and such monitoring shall continue for at least one (1) year before the frequency may be reduced again. In the event of any significant change to the system's source of water or treatment program, the system shall immediately analyze an additional sample for maximum TTHM potential taken at a point in the distribution system reflecting maximum residence time of the water in the system for the purpose of determining whether the system must comply with monitoring requirements of subsection (b). At the discretion of the commissioner, monitoring frequencies may and should be increased above the minimum in those cases where this is necessary to detect variation of TTHM levels within the distribution system.

(d) Compliance with section 5 of this rule for TTHM shall be determined based on a running annual average of quarterly samples collected by the system as prescribed in subsection (b)(1) or (b)(2). If the average of samples covering any four (4)

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consecutive quarterly periods exceeds the MCL, the supplier of water shall report to the commissioner under section 13 of this rule and notify the public under ~~section 15 of this rule~~. **327 IAC 8-2.1-7 through 327 IAC 8-2.1-16.** Monitoring after public notification shall be at a frequency designated by the commissioner and shall continue until a monitoring schedule as a condition to a ~~variance, exemption, or an~~ enforcement action shall become effective.

(e) Samples for TTHM shall be dechlorinated upon collection to prevent further production of trihalomethanes according to the procedures described in the methods, except acidification is not required if only TTHMs or THMs are to be determined. Samples for maximum TTHM potential should not be dechlorinated and should be held for seven (7) days at twenty-five (25) degrees Celsius or above prior to analysis. Analyses made under this section shall be conducted by one (1) of the following U.S. EPA approved methods:

- (1) Method 502.2, Rev 2.1*.
- (2) Method 524.2*.
- (3) Method 551.1*.

(f) Before a community water system makes any significant modifications to its existing treatment process for the purpose of achieving compliance with the MCL established in section 5(a) of this rule, such system must submit and obtain the commissioner's approval of a detailed plan setting forth its proposed modification and those safeguards that it will implement to ensure that the bacteriological quality of the drinking water served by such system will not be adversely affected by such modification. Each system shall comply with the provisions set forth in the approved plan. At a minimum, a plan approved by the commissioner shall require the system modifying its disinfection practice to do the following:

- (1) Evaluate the water system for sanitary defects and evaluate the source water for biological quality.
- (2) Evaluate its existing treatment practices and consider improvements that will minimize disinfectant demand and optimize finished water quality throughout the distribution system.
- (3) Provide baseline water quality survey data of the distribution system. Such data should include the results from monitoring for coliform and fecal coliform bacterial, fecal streptococci, standard plate counts at thirty-five (35) degrees Celsius and twenty (20) degrees Celsius, phosphate, ammonia nitrogen, and total organic carbon. Virus studies should be required where source waters are heavily contaminated with sewage effluent.
- (4) Conduct additional monitoring to assure continued maintenance of optimal biological quality in finished water, for example, when chloramines are introduced as disinfectants or when prechlorination is being discontinued. Additional monitoring may also be required by the commissioner for chlorate, chlorite, and chlorine dioxide when chlorine dioxide is used. Standard plate count analysis may also be

required by the commissioner as appropriate before and after any modifications.

(5) Consider inclusion in the plan provisions to maintain an active disinfectant residual throughout the distribution system at all times during and after modification.

(g) The water sample for determination of maximum trihalomethane potential is taken from a point in the distribution system that reflects maximum residence time. Procedures for sample collection and handling are given in the methods. No reducing agent is added to quench the chemical reaction producing THMs at the time of sample collection. The intent is to permit the levels of THM precursors to be depleted and the concentration of THMs to be maximized for the supply to be tested. Four (4) experimental parameters affecting maximum THM production are pH, temperature, reaction time, and the presence of a disinfectant residual. These parameters are dealt with as follows:

- (1) Measure the disinfectant residual at the selected sampling point. Proceed only if a measurable disinfectant residual is present.
- (2) Collect triplicate forty (40) milliliter water samples at the pH prevailing at the time of sampling and prepare a method blank according to the methods.
- (3) Seal and store these samples together for seven (7) days at twenty-five (25) degrees Celsius or above.
- (4) After this time period, open one (1) of the sample containers and check for disinfectant residual. Absence of a disinfectant residual invalidates the sample for further analysis. Once a disinfectant residual has been demonstrated, open another of the sealed samples and determine total THM concentration using a method specified in subsection (e).

*The methods referenced in this section may be obtained as follows:

- (1) Method 502.2, Rev 2.1 may be found in "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III", EPA/600/R-95-131, August 1995, available from NTIS, PB95-261616, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, (800) 553-6847.
- (2) Method 551.1 may be found in "Methods for the Determination of Organic Compounds in Drinking Water Supplement III", EPA/600/R-95-131, August 1995, available from NTIS, PB95-261616, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, (800) 553-6847.
- (3) Method 524.2 may be found in "Methods for the Determination of Organic Compounds in Drinking Water Supplement II", EPA-600/R-92-129, August 1992, available from NTIS, PB92-207703, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, (800) 553-6847.

These methods are available for copying at the Indiana Department of Environmental Management, Office of Water Quality,

100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. (*Water Pollution Control Board; 327 IAC 8-2-5.3; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1011; filed Aug 24, 1994, 8:15 a.m.: 18 IR 37; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 531; filed Aug 25, 1997, 8:00 a.m.: 21 IR 49; errata filed Dec 10, 1997, 3:45 p.m.: 21 IR 1348; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3958; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1086*)

SECTION 7. 327 IAC 8-2-5.5, AS AMENDED AT 24 IR 3960, SECTION 6, IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-5.5 Collection of samples for volatile organic compound testing other than total trihalomethanes; community and nontransient noncommunity water systems

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 5.5. (a) Community water systems and nontransient noncommunity water systems shall collect samples for volatile organic compound testing in order to determine compliance with section 5.4 of this rule, beginning with the initial compliance period, as follows:

- (1) Ground water systems shall take a minimum of one (1) sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point, unless conditions make another sampling point more representative of each source or treatment plant, or within the distribution system.
- (2) Surface water systems (or combined surface/ground) shall take a minimum of one (1) sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point, unless conditions make another sampling point more representative of each source or treatment plant, or within the distribution system.
- (3) If the system draws water from more than one (1) source and sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions such as when water representative of all sources is being used.
- (4) Each community and nontransient noncommunity water system shall take four (4) consecutive quarterly samples for each contaminant listed in section 5.4 of this rule, except vinyl chloride, during each compliance period, beginning in the initial compliance period.
- (5) If the initial monitoring for contaminants listed in section 5.4 of this rule, as allowed by subsection (b), has been completed by December 31, 1992, and the system did not detect any contaminant listed in section 5.4 of this rule, then each ground and surface water system shall take one (1) sample annually beginning with the initial compliance period.
- (6) After a minimum of three (3) years of annual sampling,

the commissioner may allow ground water systems with no previous detection of any contaminant listed in section 5.4 of this rule to take one (1) sample during each compliance period.

(7) Each community and nontransient noncommunity ground water system which does not detect a contaminant listed in section 5.4 of this rule may apply to the commissioner for a waiver from the requirements of subdivisions (5) and (6) after completing the initial monitoring. As used in this section, "detection" means greater than or equal to five ten-thousandths (0.0005) milligram per liter. A waiver shall be effective for no more than six (6) years (two (2) compliance periods). The commissioner may also issue waivers to small systems for the initial round of monitoring for 1,2,4-trichlorobenzene.

(8) The commissioner may grant a waiver after evaluating the following factors:

- (A) Knowledge of previous use (including transport, storage, or disposal) of the contaminant within the watershed or zone of influence of the system. If a determination by the commissioner reveals no previous use of the contaminant within the watershed or zone of influence, a waiver may be granted.
- (B) If previous use of the contaminant is unknown or if the contaminant has been used previously, then the following factors shall be used to determine whether a waiver is granted:
 - (i) Previous analytical results.
 - (ii) The proximity of the system to a potential point or nonpoint source of contamination. Point sources include spills and leaks of chemicals at or near a water treatment facility or at manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities.
 - (iii) The environmental persistence and transport of the contaminants.
 - (iv) The number of persons served by the public water system, and the proximity of a smaller system to a larger system.
 - (v) How well the water source is protected against contamination, such as whether it is a surface or ground water system. Ground water systems must consider factors such as the depth of the well, the type of soil, and wellhead protection. Surface water systems must consider watershed protection.

(9) As a condition of the waiver, a ground water system must take one (1) sample at each sampling point during the time the waiver is effective, for example, one (1) sample during two (2) compliance periods or six (6) years, and update its vulnerability assessment considering the factors listed in subdivision (8). Based on this vulnerability assessment, the commissioner must reconfirm that the system is nonvulnerable. If the commissioner does not make this reconfirmation within three (3) years of the initial determination, then the waiver is invalidated and the system is required to sample annually as specified in subdivision (5).

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(10) Each community and nontransient noncommunity surface water system which does not detect a contaminant listed in section 5.4 of this rule may apply to the commissioner for a waiver from the requirements of subdivision (5) after completing the initial monitoring. Composite samples from a maximum of five (5) sampling points are allowed provided that the detection limit of the method used for analysis is less than one-fifth ($\frac{1}{5}$) of the MCL. Systems meeting this criterion must be determined by the commissioner to be nonvulnerable based on a vulnerability assessment during each compliance period. Each system receiving a waiver shall sample at the frequency specified by the commissioner (if any).

(11) If a contaminant listed in section 5.4 of this rule, except vinyl chloride, is detected at a level exceeding five ten-thousandths (0.0005) milligram per liter in any sample, then the monitoring requirements will be as follows:

(A) The system must monitor quarterly at each sampling point which resulted in a detection.

(B) The commissioner may decrease the quarterly monitoring requirement specified in clause (A) provided it has determined that the system is reliably and consistently below the MCL. In no case shall the commissioner make this determination unless a ground water system takes a minimum of two (2) quarterly samples and a surface water system takes a minimum of four (4) quarterly samples.

(C) If the commissioner determines that the system is reliably and consistently below the MCL, the commissioner may allow the system to monitor annually. Systems which monitor annually must monitor during the quarter or quarters which previously yielded the highest analytical result.

(D) Systems which have three (3) consecutive annual samples with no detection of a contaminant may apply to the commissioner for a waiver as specified in subdivision (7).

(E) Ground systems which have detected one (1) or more two-carbon organic compounds:

- (i) trichloroethylene;
- (ii) tetrachloroethylene;
- (iii) 1,2-dichloroethane;
- (iv) 1,1,1-trichloroethane;
- (v) cis-1,2-dichloroethylene;
- (vi) trans-1,2-dichloroethylene; or
- (vii) 1,1-dichloroethylene;

shall monitor quarterly for vinyl chloride. A vinyl chloride sample shall be taken at each sampling point at which one (1) or more of the two-carbon organic compounds was detected. If the results of the first analysis do not detect vinyl chloride, the commissioner may reduce the quarterly monitoring frequency of vinyl chloride monitoring to one (1) sample during each compliance period. Surface water systems are required to monitor for vinyl chloride as specified by the commissioner.

(12) Systems which violate the requirements of section 5.4 of this rule, as determined by subdivision (15), must monitor quarterly. After a minimum of four (4) consecutive quarterly

samples which show the system is in compliance as specified in subdivision (15) if the commissioner determines that the system is reliably and consistently below the MCL, the system may monitor at the frequency and times specified in subdivision (11)(C).

(13) The commissioner may require a confirmation sample for positive or negative results. If a confirmation sample is required by the commissioner, the result must be averaged with the first sampling result and the average is used for the compliance determination as specified by subdivision (15). The commissioner has the discretion to delete results of obvious sampling errors from this calculation.

(14) The commissioner may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite samples from a maximum of five (5) sampling points are allowed, provided that the detection limit of the method used for analysis is less than one-fifth ($\frac{1}{5}$) of the MCL. Compositing of samples must be done in the laboratory and analyzed within fourteen (14) days of sample collection as follows:

(A) If the concentration in the composite sample is greater than or equal to five ten-thousandths (0.0005) milligram per liter for any contaminant listed in section 5.4 of this rule, then a follow-up sample must be analyzed within fourteen (14) days from each sampling point included in the composite, and be analyzed for that contaminant.

(B) If duplicates of the original sample taken from each sampling point used in the composite sample are available, the system may use the duplicates instead of resampling. The duplicates must be analyzed and the results reported to the commissioner within fourteen (14) days after completing analysis of the composite sample, provided the holding time of the sample is not exceeded.

(C) Compositing may only be permitted by the commissioner at sampling points within a single system if the population served by the system is greater than three thousand three hundred (3,300) persons. In systems serving less than or equal to three thousand three hundred (3,300) persons, the commissioner may permit compositing among different systems provided the five (5) sample limit is maintained.

(D) Compositing of samples prior to gas chromatography (GC) analysis shall be as follows:

(i) Add five (5) milliliters or equal larger amounts of each sample (up to five (5) samples are allowed) to a twenty-five (25) milliliter glass syringe. Special precautions must be made to maintain zero (0) headspace in the syringe.

(ii) The samples must be cooled at four (4) degrees Celsius during this step to minimize volatilization losses.

(iii) Mix well and draw out a five (5) milliliter aliquot for analysis.

(iv) Follow sample introduction, purging, and desorption steps described in the method.

(v) If less than five (5) samples are used for compositing, a proportionately smaller syringe may be used.

(E) Compositing of samples prior to gas chromatography/mass spectrometry (GS/MS) analysis shall be as follows:

- (i) Inject five (5) milliliters or larger amounts of each aqueous solution (up to five (5) samples are allowed) into a twenty-five (25) milliliter purging device using the sample introduction technique described in the method.
- (ii) The total volume of the sample in the purging device must be twenty-five (25) milliliters.
- (iii) Purge and desorb as described in the method.

(15) Compliance with section 5.4 of this rule shall be determined based on the analytical results obtained at each sampling point using the following criteria:

(A) For systems which are conducting monitoring at a frequency greater than annually, compliance is determined by a running annual average of all samples taken at each sampling point. If the annual average of any sampling point is greater than the MCL, then the system is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the system is out of compliance immediately.

(B) If monitoring is conducted annually, or less frequently, the system is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the commissioner, the determination of compliance will be based on the average of two (2) samples.

(C) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the commissioner may allow the system to give public notice to only that area served by that portion of the system which is out of compliance.

(b) The commissioner may allow the use of monitoring data collected after January 1, 1988, for purposes of initial monitoring compliance. If the data are generally consistent with the other requirements of this section, the commissioner may use these data (a single sample rather than four (4) quarterly samples) to satisfy the initial monitoring requirement of subsection (a)(4). Systems which use grandfathered samples and do not detect any contaminant listed in section 5.4 of this rule, except vinyl chloride, shall begin monitoring annually in accordance with subsection (a)(5), beginning with the initial compliance period.

(c) The commissioner may increase required monitoring where necessary to detect variations within the system.

(d) To receive certification to conduct analyses for the contaminants in section 5.4 of this rule, excluding vinyl chloride, each certified laboratory must meet the following requirements:

- (1) Successfully analyze performance evaluation (PE) samples provided by EPA, the commissioner, or by a third party with the approval of EPA or the commissioner, at least

once a year by each method for which the laboratory desires certification.

(2) Achieve the quantitative acceptance limits under subdivisions (3) and (4) for at least eighty percent (80%) of the regulated organic chemicals in section 5.4 of this rule, excluding vinyl chloride.

(3) Achieve quantitative results on the analyses performed under subdivision (1) that are within plus or minus twenty percent ($\pm 20\%$) of the actual amount of the substances in the PE sample when the actual amount is greater than or equal to ten-thousandths milligrams per liter (~ 0.010 mg/l).

(4) Achieve quantitative results on the analyses performed under subdivision (1) that are within plus or minus forty percent ($\pm 40\%$) of the actual amount of the substances in the PE sample when the actual amount is less than ten-thousandths milligrams per liter (< 0.010 mg/l).

(5) Achieve a method detection limit of five ~~ten-thousandth milligrams~~ **ten-thousandths milligram** per liter (0.0005 mg/l), according to the procedures in 40 CFR 136, Appendix B*.

(e) To receive certification to conduct analyses for vinyl chloride, the laboratory must meet the following requirements:

(1) Successfully analyze PE samples provided by EPA, the commissioner, or by a third party with the approval of EPA or the commissioner, at least once a year by each method for which the laboratory desires certification.

(2) Achieve quantitative results on the analyses performed under subdivision (1) that are within plus or minus forty percent ($\pm 40\%$) of the actual amount of vinyl chloride in the PE sample.

(3) Achieve a method detection limit of five ~~ten-thousandth milligrams~~ **ten-thousandths milligram** per liter (0.0005 mg/l), according to the procedures in 40 CFR 136, Appendix B*.

(4) Obtain certification for the contaminants listed in section 5.4 of this rule.

(f) Each public water system shall monitor at the time designated by the commissioner within each compliance period.

(g) The commissioner may increase required monitoring where necessary to detect variations within the system.

(h) The commissioner has the authority to determine compliance or initiate enforcement based upon analytical results or other information.

40 CFR 136, Appendix B is incorporated by reference. Copies of this regulation may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402, or from the Indiana Department of Environmental Management, Office of Water Management, Quality, Indiana Government Center-North, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana 46206. (*Water Pollution Control Board; 327 IAC 8-2-5.5; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1014; errata filed Jan 9, 1991, 2:30 p.m.: 14 IR 1070; errata*

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filed Aug 6, 1991, 3:45 p.m.: 14 IR 2258; filed Aug 24, 1994, 8:15 a.m.: 18 IR 39; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 531; filed Oct 24, 1997, 4:30 p.m.: 21 IR 936; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3960; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1089)

SECTION 8. 327 IAC 8-2-7 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-7 Microbiological contaminants; maximum contaminant levels for all public water systems

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-11-2; IC 13-14-8; 13-18-1; IC 13-18-2

Sec. 7. (a) The microbiological MCL applies to all public water systems and is based on the presence or absence of total coliforms in a sample, rather than coliform density. For a system:

- (1) which collects at least forty (40) samples per month, if no more than five percent (5%) of the samples collected during a month are total coliform-positive, the system is in compliance with the MCL for total coliforms; or
- (2) which collects fewer than forty (40) samples per month, if no more than one (1) sample collected during a month is total coliform-positive, the system is in compliance with the MCL for total coliforms.

(b) Any fecal coliform-positive repeat sample or E. coli-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or E. coli-positive routine sample, constitutes a violation of the MCL for total coliforms. For purposes of the public notification requirements in ~~section 15 of this rule, 327 IAC 8-2.1-7 through 327 IAC 8-2.1-16~~, this is a violation that may pose an acute risk to health.

(c) A public water system must determine compliance with the MCL for total coliforms in subsections (a) and (b) for each month in which it is required to monitor for total coliforms.

(d) The following are BAT for achieving compliance with the MCL for total coliforms in subsections (a) and (b):

- (1) Protection of wells from coliform contamination by appropriate placement and construction.
- (2) Maintenance of a disinfectant residual throughout the distribution system.
- (3) Proper maintenance of the distribution system, including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs, and continual maintenance of positive water pressure in all parts of the distribution system.
- (4) Filtration and/or disinfection of surface water, as described in sections 8.5 and 8.6 of this rule, or disinfection of ground water using strong oxidants such as chlorine, chlorine dioxide, or ozone.

(5) For systems using ground water compliance with the requirements of an EPA approved wellhead protection program developed and implemented under Section 1428 of the Safe Drinking Water Act.

(Water Pollution Control Board; 327 IAC 8-2-7; filed Sep 24, 1987, 3:00 p.m.: 11 IR 707; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1018; filed Apr 12, 1993, 11:00 a.m.: 16 IR 2154; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1092)

SECTION 9. 327 IAC 8-2-8.4, AS AMENDED AT 24 IR 3991, SECTION 10, IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-8.4 Analytical methods for microbiological contaminants

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-11-2; IC 13-14-8; IC 13-18-1; IC 13-18-2

Sec. 8.4. (a) A public water system shall analyze for microbiological contaminants as follows:

(1) The standard sample volume required for total coliform analysis, regardless of analytical method used, is one hundred (100) milliliters.

(2) Public water systems need only determine the presence or absence of total coliforms, and a determination of total coliform density is not required.

(3) Public water systems must conduct total coliform analyses in accordance with one (1) of the following analytical methods:

(A) Total coliform fermentation technique^{1,2,3} as set forth in Method 9221A* and Method 9221B*.

(B) Total coliform membrane filter technique⁴ as set forth in Method 9222A*, Method 9222B*, and Method 9222C*.

(C) Presence-absence (P-A) coliform test^{3,5} as set forth in Method 9221D*.

(D) ONPG-MUG test⁶ as set forth in Method 9223*.

(E) Colisure test⁷.

(F) E*Colite[®] test*.

(G) m-ColiBlue24[®] test*.

(4) Public water systems must conduct fecal coliform analysis in accordance with the procedure in this subdivision. When the MTF technique or presence-absence (P-A) coliform test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A bottle vigorously and transfer the growth with a sterile three (3) millimeter loop or sterile applicator stick into brilliant green lactose bile broth and EC medium to determine the presence of total and fecal coliforms, respectively. For EPA-approved analytical methods which use a membrane filter, transfer the total coliform-positive culture by one (1) of the following methods:

(A) Remove the membrane containing the total coliform colonies from the substrate with a sterile forceps and carefully curl and insert the membrane into a tube of EC medium. (The laboratory may first remove a small portion of selected colonies for verification.)

(B) Alternately, the laboratory may swab the entire mem-

brane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium), or inoculate individual total coliform-positive colonies into EC medium.

Gently shake the inoculated EC tubes to ensure adequate mixing and incubate in a water bath at forty-four and one-half (44.5) degrees Celsius, plus or minus two-tenths (0.2) degrees Celsius, for twenty-four (24) hours, plus or minus two (2) hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test. The preparation of EC medium is described in Method 9221E, paragraph 1(a)*. Public water systems need only determine the presence or absence of fecal coliforms; a determination of fecal coliform density is not required.

(5) Public water systems must conduct analysis of *Escherichia coli* in accordance with one (1) of the following analytical methods:

(A) EC medium supplemented with fifty (50) micrograms per milliliter of 4-methylumbelliferyl-beta-D-glucuronide (MUG) (final concentration). EC medium is described in Method 9221E, paragraph 1(a)*. MUG may be added to EC medium before autoclaving. EC medium supplemented with fifty (50) micrograms per milliliter of MUG is commercially available. At least ten (10) milliliters of EC medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to EC medium supplemented with MUG shall be as specified in subdivision (4) for transferring a total coliform-positive culture to EC medium. Observe fluorescence with an ultraviolet light three hundred sixty-six (366) nanometers (preferably with a six (6) watt lamp) in the dark after incubating tube at forty-four and one-half (44.5) degrees Celsius, plus or minus two-tenths (0.2) degrees Celsius for twenty-four (24) hours, plus or minus two (2) hours.

(B) Nutrient agar supplemented with one hundred (100) micrograms per milliliter of MUG (final concentration). Nutrient agar is described in Method 9221E*. This test is used to determine if a total coliform-positive sample, as determined by the membrane filter technique or any other method in which a membrane filter is used contains *E. coli*. Transfer the membrane filter containing a total coliform colony(ies) to nutrient agar supplemented with one hundred (100) micrograms per milliliter (final concentration) of MUG. After incubating the agar plate at thirty-five (35) degrees Celsius for four (4) hours, observe the colony(ies) under ultraviolet light three hundred sixty-six (366) nanometers (preferably with a six (6) watt lamp) in the dark for fluorescence. If fluorescence is visible, *E. coli* are present.

(C) Minimal medium ONPG-MUG (MMO-MUG) test as described in the article "National Field Evaluation of a Defined Substrate Methods for the Simultaneous Detection of Total Coliforms and *Escherichia coli* from Drinking Water: Comparison with Presence-Absence Techniques*".

If the MMO-MUG test is total coliform-positive after a twenty-four (24) hour incubation, test the medium for fluorescence with a three hundred sixty-six (366) nanometer ultraviolet light (preferably with a six (6) watt lamp) in the dark. If fluorescence is observed, the sample is *E. coli*-positive. If fluorescence is questionable (cannot be definitively read) after twenty-four (24) hours incubation, incubate the culture for an additional four (4) hours, but not to exceed twenty-eight (28) hours total, and again test the medium for fluorescence. The MMO-MUG test with hepes buffer in lieu of phosphate buffer is the only approved formulation for the detection of *E. coli*.

(D) The Colisure test*.

(E) The Membrane Filter Method with MI agar*.

(F) E*Colite® test*.

(G) m-ColiBlue24® test*.

(6) As an option to subdivision (5)(C), a system with a total coliform-positive, MUG-negative, MMO-MUG test may further analyze the culture for the presence of *E. coli* by transferring a one-tenth (0.1) milliliter, twenty-eight (28) hour MMO-MUG culture to EC medium plus MUG with a pipet. The formulation and incubation conditions of EC medium plus MUG and observation of the results are described in subdivision (5)(A).

(b) Response to a violation shall be as follows:

(1) A public water system which has exceeded the MCL for total coliforms in section 7 of this rule must report the violation to the commissioner no later than the end of the next business day after it learns of the violation and notify the public in accordance with ~~section 15 of this rule:~~ **327 IAC 8-2.1-7 through 327 IAC 8-2.1-16.**

(2) A public water system which has failed to comply with a coliform monitoring requirement, including the sanitary survey requirement, must report the monitoring violation to the commissioner within ten (10) days after the system discovers the violation, and notify the public in accordance with ~~section 15 of this rule:~~ **327 IAC 8-2.1-7 through 327 IAC 8-2.1-16.**

(c) The time from sample collection to initiation of analysis cannot exceed thirty (30) hours. Systems are encouraged but not required to hold samples below ten (10) degrees Celsius during transit.

(d) The agency strongly recommends that laboratories evaluate the false-positive and negative rates for the method or methods they use for monitoring total coliforms. The agency also encourages laboratories to establish false-positive and negative rates within their own laboratory and sample matrix (drinking water or source water or both) with the intent that if the method they choose has an unacceptable false-positive or negative rate, another method can be used. The agency suggests that laboratories perform these studies on a minimum of five percent (5%) of all total coliform-positive samples, except for those methods where verification or confirmation or both is

already required, ~~(e.g.,~~ **for example**, the M-Endo and LES Endo Membrane Filter Tests, Standard Total Coliform Fermentation Technique, and Presence-Absence Coliform Test. Methods for establishing false-positive and negative-rates may be based on lactose fermentation, the rapid test for β -galactosidase and cytochrome oxidase, multi-test identification systems, or equivalent confirmation tests. False-positive and false-negative information is often available in published studies, from the manufacturer, or both.

¹Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth, if the system conducts at least twenty-five (25) parallel tests between this medium and lauryl tryptose broth using the water normally tested, and this comparison demonstrates that the false-positive rate and false-negative rate for total coliform, using lactose broth, is less than ten percent (10%).

²If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half ($\frac{1}{2}$) to two-thirds ($\frac{2}{3}$) after the sample is added.

³No requirement exists to run the completed phase on ten percent (10%) of all total coliform-positive confirmed tubes.

⁴MI agar may also be used*.

⁵Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.

⁶The OPNG-MUG test is also known as the Autoanalysis Colilert System.

⁷The Colisure Test may be read after an incubation time of twenty-four (24) hours.

*The methods referenced in this section may be obtained as follows:

(1) Methods 9221A, 9221B, 9222A, 9222B, 9222C, 9221D, 9223, and 9221E may be found in "Standard Methods for the Examination of Water and Wastewater", 1992, American Public Health Association, et al., 18th edition, or "Standard Methods for the Examination of Water and Wastewater", 1995, American Public Health Association, et al., 19th edition, available from the American Public Health Association, et al., 1015 Fifteenth Street N.W., Washington, D.C. 20005.

(2) A description of the Colisure test may be obtained from IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook, Maine 04092.

(3) The minimal medium ONPG-MUG test may be found in "National Field Evaluation of a Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia coli from Drinking Water: Comparison with Presence-Absence Techniques", (Edberg, et al.), Applied and Environmental Microbiology, Volume 55, pages 1003-1008, April 1989.

(4) Preparation and use of MI agar is set forth in the article, "New Medium for the Simultaneous Detection of Total Coliforms and Escherichia coli in Water" by Brenner, K.P., et al., 1993, Applied and Environmental Microbiology, 59:3534-3544, and errata published in Applied and Environmental Microbiology, 59:4378. Also available from the

Office of Water Resource Center (RC-4100), 401 M. Street S.W., Washington, D.C. 20460, EPA/600/J-99/225.

(5) A description of the E*Colite[®] test, "Presence/Absence for Coliforms and E. coli in Water", December 24, 1997, is available from Charm Sciences, Inc., 36 Franklin Street, Malden, Massachusetts 02148-4120.

(6) A description of the m-ColiBlue24[®] test, August 17, 1999, is available from the Hach Company, 100 Dayton Avenue, Ames, Iowa 50010.

These methods are available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. (*Water Pollution Control Board; 327 IAC 8-2-8.4; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1023; errata filed Jan 9, 1991, 2:30 p.m.: 14 IR 1070; filed Apr 12, 1993, 11:00 a.m.: 16 IR 2158; filed Aug 25, 1997, 8:00 a.m.: 21 IR 51; errata filed Dec 10, 1997, 3:45 p.m.: 21 IR 1348; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3968; errata filed Jul 25, 2001, 3:25 p.m.: 24 IR 3991; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1092*)

SECTION 10. 327 IAC 8-2-10.2 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-10.2 Monitoring frequency for radioactivity; community water systems

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 10.2. (a) Monitoring requirements for gross alpha particle activity, radium-226, and radium-228 in community water systems are as follows:

(1) Compliance with section 9 of this rule shall be based on the analysis of an annual composite of four (4) consecutive quarterly samples or the average of the analyses of four (4) samples obtained at quarterly intervals as follows:

(A) A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis, provided that the measured gross alpha particle activity does not exceed five (5) picocuri per liter at a confidence level of ninety-five percent (95%) (one and sixty-five hundredths (1.65) σ where σ is the standard deviation of the net counting rate of this sample). In localities where radium-228 may be present in drinking water, it is recommended that the commissioner require radium-226, ~~and/or~~ radium-228, **or both**, analyses when the gross alpha particle activity exceeds two (2) picocuri per liter.

(B) When the gross alpha particle activity exceeds five (5) picocuri per liter, the same or an equivalent sample shall be analyzed for radium-226. If the concentration of radium-226 exceeds three (3) picocuri per liter, the same or an equivalent sample shall be analyzed for radium-228.

(2) Suppliers of water shall monitor at least once every four (4) years following the procedure required by subdivision (1). At the discretion of the commissioner, when an annual record taken in conformance with subdivision (1) has established

that the average annual concentration is less than one-half (½) the MCL established by section 9 of this rule, analysis of a single sample may be substituted for the quarterly sampling procedure required by subdivision (1) as follows:

(A) More frequent monitoring shall be conducted when ordered by the commissioner in the vicinity of mining or other operations which may contribute alpha particle radioactivity to either surface or ground water sources of drinking water.

(B) A supplier of water shall monitor in conformance with subdivision (1) within one (1) year of the introduction of a new water source for a community water system. More frequent monitoring shall be conducted when ordered by the commissioner in the event of possible contamination, or when changes in the distribution system or treatment processing occur which may increase the concentration of radioactivity in finished water.

(C) A community water system using two (2) or more sources having different concentrations of radioactivity shall monitor source water, in addition to water from a free-flowing tap, when ordered by the commissioner.

(D) Monitoring for compliance with section 9 of this rule after the initial period need not include radium-228 except when required by the commissioner, provided that the average annual concentration of radium-228 has been assayed at least once using the quarterly sampling procedure required by subdivision (1).

(E) Suppliers of water shall conduct monitoring of any community water system in which the radium-226 concentration exceeds three (3) picocuri per liter, when ordered by the commissioner.

(3) If the average annual MCL for gross alpha particle activity or total radium as set forth in section 9 of this rule is exceeded, the supplier for a community water system shall report to the commissioner pursuant to section 13 of this rule and notify the public pursuant to ~~section 15 of this rule.~~ **327 IAC 8-2.1-7 through 327 IAC 8-2.1-16.** Monitoring at quarterly intervals shall be continued until the annual average concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a ~~variance or an~~ enforcement action shall become effective.

(b) Monitoring requirements for manmade radioactivity in community water systems are as follows:

(1) Systems using surface water sources and serving more than one hundred thousand (100,000) persons and such other community water systems as are designated by the commissioner shall be monitored for compliance with section 10 of this rule by analysis of a composite of four (4) consecutive quarterly samples or analysis of four (4) quarterly samples. Compliance with section 10 of this rule may be assumed without further analysis if the average annual concentration of gross beta particle activity is less than fifty (50) picocuri per liter and if the average annual concentrations of tritium and strontium-90 are less than those listed in the table in

section 10 of this rule. Provided, that if both radionuclides are present, the sum of their annual dose equivalents to bone marrow shall not exceed four (4) millirem per year as follows:

(A) If the gross beta particle activity exceeds fifty (50) picocuri per liter an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with section 10 of this rule.

(B) Suppliers of water shall conduct additional monitoring, as ordered by the commissioner, to determine the concentration of manmade radioactivity in principal watersheds designated by the commissioner.

(C) At the discretion of the commissioner, suppliers of water utilizing only ground water may be required to monitor for manmade radioactivity.

(2) Suppliers of water shall monitor at least every four (4) years following the procedure given in subdivision (1).

(3) The supplier for any community water system designated by the commissioner as utilizing waters contaminated by effluents from nuclear facilities shall initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium as follows:

(A) Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of a composite of three (3) monthly samples. The former is recommended. If the gross beta particle activity in a sample exceeds fifteen (15) picocuri per liter, the same or an equivalent sample shall be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds fifty (50) picocuri per liter, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with section 10 of this rule.

(B) For iodine-131, a composite of five (5) consecutive daily samples shall be analyzed once each quarter. At the direction of the commissioner, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.

(C) Annual monitoring for strontium-90 and tritium shall be conducted by analysis of a composite of four (4) consecutive quarterly samples or analysis of four (4) quarterly samples. The latter procedure is recommended.

(D) The commissioner may allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of manmade radioactivity by the supplier of water where the commissioner determines such data are applicable to a particular community water system.

(4) If the average annual MCL for manmade radioactivity set forth in section 10 of this rule is exceeded, the operator of a community water system shall report to the commissioner

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pursuant to section 13 of this rule and give notice to the public pursuant to ~~section 15 of this rule~~; **327 IAC 8-2.1-7 through 327 IAC 8-2.1-16**. Monitoring at monthly intervals shall be continued until the concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a ~~variance or an~~ enforcement action shall become effective. (*Water Pollution Control Board; 327 IAC 8-2-10.2; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1029; errata filed Aug 6, 1991, 3:45 p.m.: 14 IR 2258; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1094*)

SECTION 11. 327 IAC 8-2-13, AS AMENDED AT 24 IR 3974, SECTION 13, IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-13 Reporting requirements; test results and failure to comply

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 13. (a) Except where a shorter period is specified in this rule, the supplier of water or the certified laboratory, provided the supplier of water has granted permission in writing to the laboratory using forms provided by the commissioner, and that permission is on file with the commissioner, shall report to the commissioner the results of any test measurement or analysis required by this rule within:

- (1) the first ten (10) days following the month in which the result is received; or
- (2) the first ten (10) days following the end of the required monitoring period as stipulated by the commissioner, whichever is shorter.

(b) The supplier of water or the certified laboratory, provided the supplier of water has granted permission in writing to the laboratory using forms provided by the commissioner, and that permission is on file with the commissioner, shall report to the commissioner within forty-eight (48) hours of completion of laboratory analysis the failure to comply with any MCL and any other requirement set forth in this rule by telephone or the methods specified in subsection (e) **of this section**. If notification is made by telephone, the results must follow using one (1) of the methods specified in subsection (e) within forty-eight (48) hours of the telephone notification.

(c) The supplier of water or the certified laboratory, provided the supplier of water has granted permission in writing to the laboratory using forms provided by the commissioner, and that permission is on file with the commissioner, shall report to the commissioner within (48) hours of completion of laboratory analysis any positive total coliform results by telephone or the methods specified in subsection (e). If notification is made by telephone, the results must follow using one (1) of the methods specified in subsection (e) within forty-eight (48) hours of the telephone notification.

- (d) The supplier of water, ~~upon initiation~~ **within ten (10)**

days of each completing the public notification required by ~~section 15 of this rule~~; **327 IAC 8-2.1-7 through 327 IAC 8-2.1-16, for the initial public notice and any repeat notices**, shall submit to the commissioner a **certification that it has fully complied with the public notification regulations. The public water system must include with this certification** a representative copy of each type of notice distributed, published, posted, or made available to the persons served by the system or to the media.

(e) The submittal of the information required under this section shall be submitted in one (1) of the following manners:

- (1) Mail.
- (2) Facsimile.
- (3) Electronic mail.
- (4) Hand delivery.
- (5) Other means determined by the commissioner to provide the degree of confidentiality, reliability, convenience, and security appropriate to the information to be submitted.

(*Water Pollution Control Board; 327 IAC 8-2-13; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1030; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3974; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1096*)

SECTION 12. 327 IAC 8-2-14, AS AMENDED AT 24 IR 3974, SECTION 14, IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-14 Reporting and record keeping requirements; systems that provide filtration

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 14. (a) Effective June 29, 1993, a public water system that uses a surface water source or a ground water source under the direct influence of surface water and provides filtration treatment must report monthly to the commissioner the information specified in this section. Systems shall submit information to the commissioner using the methods specified in section 13(e) of this rule.

(b) Turbidity measurements as required by section 8.8(b) of this rule must be reported within ten (10) days after the end of each month the system serves water to the public. Information that must be reported includes the following:

- (1) The total number of filtered water turbidity measurements taken during the month.
- (2) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in section 8.5(c) of this rule for the filtration technology being used.
- (3) The date and value of any turbidity measurements taken during the month which exceed five (5) nephelometric turbidity units (NTU).

(c) Disinfection information specified in section 8.8 of this rule must be reported to the commissioner within ten (10) days after the

end of each month the system serves water to the public. Information that must be reported includes the following:

- (1) For each day, the lowest measurement of residual disinfectant concentration in milligrams per liter in water entering the distribution system.
- (2) The date and duration of each period when the residual disinfectant concentration in water entering the distribution system fell below two-tenths (0.2) milligram per liter and when the commissioner was notified of the occurrence.
- (3) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring under section 8.6 of this rule:
 - (A) Number of instances where the residual disinfectant concentration is measured.
 - (B) Number of instances where the residual disinfectant concentration is not measured but heterotrophic bacteria plate count (HPC) is measured.
 - (C) Number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured.
 - (D) Number of instances where no residual disinfectant concentration is detected and where HPC is greater than five hundred (500) per milliliter.
 - (E) Number of instances where the residual disinfectant concentration is not measured and HPC is greater than five hundred (500) per milliliter.
 - (F) For the current and previous month the system serves water to the public, the value of V in the following formula:

$$V = \frac{c_i d_i e}{a b} \times 100$$

- Where:
- a = The value in clause (A).
 - b = The value in clause (B).
 - c = The value in clause (C).
 - d = The value in clause (D).
 - e = The value in clause (E).

- (G) The commissioner may determine, based on site-specific considerations, that a system has no means for having a sample transported and analyzed for HPC by a certified laboratory within the requisite time and temperature conditions specified by section 8.7(3) of this rule and that the system is providing adequate disinfection in the distribution system, the requirements of clauses (A) through (F) do not apply.
- (4) A system need not report the data listed in subdivision (1) if all data listed in subdivisions (1) through (3) remain on file at the system and the commissioner determines that the system has submitted all the information required by subdivisions (1) through (3) for at least twelve (12) months.
 - (d) Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the commissioner as soon as possible, but no later than by the end of the next business day. If at any time the turbidity exceeds five (5) NTU,

the system must ~~inform the commissioner~~ **consult with the department of environmental management** as soon as possible, ~~practical~~, but no later than the ~~end of the next business day~~ **twenty-four (24) hours after the exceedance is known in accordance with the public notification requirements under 327 IAC 8-2.1-9(b)(3)**. If at any time the residual falls below two-tenths (0.2) milligram per liter in the water entering the distribution system, the system must notify the commissioner as soon as possible, but no later than the end of the next business day. The system also must notify the commissioner by the end of the next business day whether or not the residual was restored to at least two-tenths (0.2) milligram per liter within four (4) hours. (*Water Pollution Control Board; 327 IAC 8-2-14; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1031; filed Apr 12, 1993, 11:00 a.m.: 16 IR 2163; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3974; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1096*)

SECTION 13. 327 IAC 8-2-20 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-20 Record maintenance

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9, IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 20. Any owner or operator of a public water system subject to the provisions of this rule shall retain on its premises or at a convenient location near its premises the following records:

- (1) Records of bacteriological analyses made under this rule shall be kept for not less than five (5) years. Records of chemical and radiological analyses made under this rule shall be kept for not less than ten (10) years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:
 - (A) The date, place, and time of sampling, and the name of the person who collected the sample.
 - (B) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample, or other special purpose sample.
 - (C) Date of analysis.
 - (D) Laboratory and person responsible for performing analysis.
 - (E) The analytical technique/method used.
 - (F) The results of the analysis.
- (2) Records of action taken by the system to correct violations of this rule shall be kept for not less than three (3) years after the last action taken with respect to the particular violation involved.
- (3) Copies of any written reports, summaries, or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, state, or federal agency, shall be kept for not less than ten (10) years after completion of the sanitary survey involved.
- (4) ~~Records concerning a variance granted to the system shall~~

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be kept for not less than five (5) years after the expiration of variance. **Copies of public notices issued pursuant to 327 IAC 8-2.1-7 through 327 IAC 8-2.1-16 and certifications made to the primacy agency pursuant to section 13 of this rule must be kept for three (3) years after issuance.**

(Water Pollution Control Board; 327 IAC 8-2-20; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1038; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1097)

SECTION 14. 327 IAC 8-2.1-3, AS AMENDED AT 24 IR 3982, SECTION 21, IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-3 Content of the reports

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 3. (a) A community water system shall provide to its customers an annual report that contains the information specified in this section and section 4 of this rule.

(b) The report must contain information on the source of the water delivered, including the following:

(1) The source or sources of water delivered by the community water system by including information on:

(A) the type of water, such as surface water or ground water; and

(B) the commonly used name, if any, and location of the body or bodies of water.

(2) If a source water assessment has been completed, the report must notify the consumers of the availability of this information and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water assessment from the commissioner, the report must include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by the commissioner or written by the operator.

(c) The report must include the following definitions: ~~as applicable:~~

(1) "Maximum contaminant level goal" or "MCLG" means the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

(2) "Maximum contaminant level" or "MCL" means the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

~~(3) (d) A report that contains data on a contaminant for which contaminants that the department or EPA has set a treatment technique or an action level regulates and uses any of the following terms must include one (1) or both of the following~~

definitions, as applicable, **of the terms used:**

~~(A) (1)~~ "Treatment technique" means a required process intended to reduce the level of a contaminant in drinking water.

~~(B) (2)~~ "Action level" means the concentration of a contaminant that, if exceeded, triggers treatment or other requirements that a water system shall follow.

~~(4) (e)~~ A report must include the information specified in this subsection for the following contaminants subject to mandatory monitoring, other than *Cryptosporidium*:

(1) Contaminants subject to an MCL, action level, or treatment technique, hereafter referred to as regulated contaminants.

(2) Disinfection byproducts or microbial contaminants for which monitoring is required by 40 CFR 141.142* and 40 CFR 141.143*, except as provided in subsection (e)(1), and that are detected in the finished water.

(3) The data relating to these contaminants must be displayed in one (1) table or in several adjacent tables. Any additional monitoring results that a community water system chooses to include in its report must be displayed separately.

(4) The data must be derived from data collected to comply with EPA and department monitoring and analytical requirements during calendar year 1998 for the first report and subsequent calendar years thereafter, except the following:

(A) Where a system is allowed to monitor for regulated contaminants less often than once a year, the table or tables must include the date and results of the most recent sampling, and the report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. No data older than five (5) years need be included.

(B) Results of monitoring in compliance with 40 CFR 141.142* and 40 CFR 141.143* need only be included for five (5) years from the date of the last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.

(5) For detected regulated contaminants listed in section 6(a) of this rule, the table or tables must contain the following information:

(A) The MCL for that contaminant expressed as a number equal to or greater than one and zero tenths (1.0), as listed in section 6(a) of this rule.

(B) The MCLG for that contaminant expressed in the same units as the MCL.

(C) If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report shall include the definitions for treatment technique or action level, or both, as appropriate, specified in subsection (c)(4).

(D) For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with this rule and the range of detected levels as follows:

- (i) When compliance with the MCL is determined annually or less frequently, the highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.
- (ii) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point, the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.
- (iii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points, the average and range of detection expressed in the same units as the MCL.
- (E) When turbidity is reported pursuant to 327 IAC 8-2-8.8, the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in 327 IAC 8-2-8.8 for the filtration technology being used. The report must include an explanation of the reasons for measuring turbidity.
- (F) For lead and copper, the ninetieth percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level.
- (G) For total coliform, the highest monthly:
 - (i) number of positive samples for systems collecting fewer than forty (40) samples per month; or
 - (ii) percentage of positive samples for systems collecting at least forty (40) samples per month.
- (H) For fecal coliform, the total number of positive samples.
- (I) The likely source or sources of detected contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and must be used when available to the operator. If the operator lacks specific information on the likely source, the report must include one (1) or more of the typical sources for that contaminant listed in section 6(b) of this rule that are most applicable to the system.
- (6) If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources:
 - (A) the table must contain a separate column for each service area and the report must identify each separate distribution system; or
 - (B) the system may produce separate reports tailored to include data for each service area.
- (7) The table must clearly identify any data indicating violations of MCLs or treatment techniques, and the report must contain a clear and readily understandable explanation of the violation, including the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system shall use the relevant language of section 6(c) of this rule.
- (~~e~~) (f) Each report must contain the following information on Cryptosporidium, radon, and other contaminants:
 - (1) If the system has performed any monitoring for Cryptosporidium, including monitoring performed to satisfy the requirements of 40 CFR 141.143*, that indicates Cryptosporidium may be present in the source water or the finished water, the report must include:
 - (A) a summary of the results of the monitoring; and
 - (B) an explanation of the significance of the results.
 - (2) If the system has performed any monitoring for radon that indicates radon may be present in the finished water, the report must include:
 - (A) the results of the monitoring; and
 - (B) an explanation of the significance of the results.
 - (3) If the system has performed additional monitoring that indicates the presence of other contaminants in the finished water, the commissioner strongly encourages systems to report any results that may indicate a health concern. To determine if results may indicate a health concern, the commissioner recommends that systems find out if EPA has proposed a National Primary Drinking Water Regulation (NPDWR) or issued a health advisory for that contaminant by calling the Safe Drinking Water Hotline at (800) 426-4791. The commissioner and EPA consider levels detected above a proposed federal or state MCL or health advisory level to indicate possible health concerns. For such contaminants, the commissioner recommends that the report includes:
 - (A) the results of the monitoring; and
 - (B) an explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.
- (~~f~~) (g) In addition to the requirements of subsection (d)(5), the report must note any violation of a requirement listed in this subsection that occurred during the year covered by the report, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation. Violations of the following requirements must be included:
 - (1) Monitoring and reporting of compliance data.
 - (2) Filtration and disinfection prescribed by 327 IAC 8-2-8.5 and 327 IAC 8-2-8.6. For systems that have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes that constitutes a violation, the report must include the following language as part of the explanation of potential health effects, "inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."
 - (3) Lead and copper control requirements prescribed by 327 IAC 8-2-36 through 327 IAC 8-2-47. For systems that fail to take one (1) or more actions prescribed by 327 IAC 8-2-36(d) or 327 IAC 8-2-40 through 327 IAC 8-2-43, the report must include the applicable language from section 6(c) of this rule for lead or copper, or both.

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(4) Treatment techniques for acrylamide and epichlorohydrin prescribed by ~~327 IAC 8-2-3-5~~; **327 IAC 8-2-35**. For systems that violate ~~327 IAC 8-2-32~~; **327 IAC 8-2-35**, the report shall include the relevant language from section 6(c) of this rule.

(5) Record keeping of compliance data.

(6) Special monitoring requirements prescribed by 327 IAC 8-2-21.

(7) Violation of the terms of an administrative or judicial order.

~~(g)~~ **(h)** The following additional information must be contained in the report:

(1) A brief explanation regarding contaminants that may reasonably be expected to be found in drinking water, including bottled water. This explanation may include the language in clauses (A) through (C), or systems may use their own comparable language. The report must also include the language of clause (D). The language is as follows:

(A) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals, and in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

(B) Contaminants that may be present in source water include the following:

(i) Microbial contaminants, such as viruses and bacteria, that may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

(ii) Inorganic contaminants, such as salts and metals, that can be naturally-occurring or result from urban stormwater run-off, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

(iii) Pesticides and herbicides, that may come from a variety of sources, such as agriculture, urban stormwater run-off, and residential uses.

(iv) Organic chemical contaminants, including synthetic and volatile organic chemicals, that are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban stormwater run-off, and septic systems.

(v) Radioactive contaminants, that can be naturally-occurring or be the result of oil and gas production and mining activities.

(C) In order to ensure that tap water is safe to drink, the department and EPA prescribe regulations that limit the amount of certain contaminants in water provided by public water systems. Federal Drug Administration (FDA) regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

(D) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that the water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline at (800) 426-4791.

(2) The telephone number of the owner, operator, or designee of the community water system as a source of additional information concerning the report.

(3) In communities with a large proportion of non-English speaking residents, in which twenty percent (20%) or more of the residents speak the same language other than English, the report must contain information in the appropriate language or languages regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

(4) The report must include information about opportunities for public participation in decisions that may affect the quality of water. This information may include, but is not limited to, the time and place of regularly scheduled board meetings.

(5) The systems may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report.

*The Code of Federal Regulations (CFR) citations are incorporated by reference into this rule and are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or from the Indiana Department of Environmental Management, Office of Water ~~Management~~, **Quality**, Indiana Government Center-North, Twelfth Floor, Room 1255, 100 North Senate Avenue, Indianapolis, Indiana 46206. (*Water Pollution Control Board; 327 IAC 8-2.1-3; filed Mar 22, 2000, 3:23 p.m.: 23 IR 1899; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3982; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1098*)

SECTION 15. 327 IAC 8-2.1-6 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-6 Other required information

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 6. (a) In order to convert MCLs to numbers greater than or equal to one and zero-tenths (1.0) for the required table referenced in section 3 of this rule, a community water system shall use the following table:

Table 6-1: Converting MCL Compliance Values for Consumer Confidence Reports

Contaminant	MCL in Compliance Units (mg/l)	multiply by...	MCL in CCR Units	MCLG in CCR Units
Microbiological contaminants				
1. Total coliform bacteria			5% of monthly samples are positive (systems that collect forty (40) or more samples per month); one (1) positive monthly sample (systems that collect fewer than forty (40) samples per month).	0
2. Fecal coliform and E. coli			A routine sample and a repeat sample are total coliform positive, and one (1) is also fecal coliform or E. coli positive.	0
3. Turbidity			TT (NTU)	n/a
Radioactive contaminants				
4. Beta/photon emitters	4 mrem/year		4 mrem/year	0
5. Alpha emitters	15 pCi/l		15 pCi/l	0
6. Combined radium	5 pCi/l		5 pCi/l	0
Inorganic contaminants				
7. Antimony	0.006	1,000	6 ppb	6
8. Arsenic	0.05	1,000	50 ppb	n/a
9. Asbestos	7 MFL		7 MFL	7
10. Barium	2		2 ppm	2
11. Beryllium	0.004	1,000	4 ppb	4
12. Cadmium	0.005	1,000	5 ppb	5
13. Chromium	0.1	1,000	100 ppb	100
14. Copper	AL = 1.3		AL = 1.3 ppm	1.3
15. Cyanide	0.2	1,000	200 ppb	200
16. Fluoride	4		4 ppm	4
17. Lead	AL = 0.015	1,000	AL = 15 ppb	0
18. Mercury (inorganic)	0.002	1,000	2 ppb	2
19. Nitrate (as nitrogen)	10		10 ppm	10
20. Nitrite (as nitrogen)	1		1 ppm	1
21. Selenium	0.05	1,000	50 ppb	50
22. Thallium	0.002	1,000	2 ppb	0.5
Synthetic organic contaminants including pesticides and herbicides				
23. 2,4-D	0.07	1,000	70 ppb	70
24. 2,4,5-TP (silvex)	0.05	1,000	50 ppb	50
25. Acrylamide			TT	0
26. Alachlor	0.002	1,000	2 ppb	0
27. Atrazine	0.003	1,000	3 ppb	3
28. Benzo(a)pyrene (PAH)	0.0002	1,000,000	200 ppt	0
29. Carbofuran	0.04	1,000	40 ppb	40
30. Chlordane	0.002	1,000	2 ppb	0
31. Dalapon	0.2	1,000	200 ppb	200
32. Di(2-ethylhexyl)adipate	4 .4	1,000	400 ppb	400
33. Di(2-ethylhexyl)phthalate	0.006	1,000	6 ppb	0
34. Dibromochloropropane	0.0002	1,000,000	200 ppt	0
35. Dinoseb	0.007	1,000	7 ppb	7
36. Diquat	0.02	1,000	20 ppb	20
37. Dioxin (2,3,7,8-TCDD)	0.0000003	1,000,000,000	30 ppq	0
38. Endothall	0.1	1,000	100 ppb	100
39. Endrin	0.002	1,000	2 ppb	2

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40. Epichlorohydrin			TT	0
41. Ethylene dibromide	0.00005	1,000,000	50 ppt	0
42. Glyphosate	0.7	1,000	700 ppb	700
43. Heptachlor	0.0004	1,000,000	400 ppt	0
44. Heptachlor epoxide	0.0002	1,000,000	200 ppt	0
45. Hexachlorobenzene	0.001	1,000	1 ppb	0
46. Hexachlorocyclopentadiene	0.05	1,000	50 ppb	50
47. Lindane	0.0002	1,000	200 ppt	200
48. Methoxychlor	0.04	1,000	40 ppb	40
49. Oxamyl (vydate)	0.2	1,000	200 ppb	200
50. PCBs (polychlorinated biphenyls)	0.0005	1,000,000	500 ppt	0
51. Pentachlorophenol	0.001	1,000	1 ppb	0
52. Picloram	0.5	1,000	500 ppb	500
53. Simazine	0.004	1,000	4 ppb	4
54. Toxaphene	0.003	1,000	3 ppb	0
Volatile organic contaminants				
55. Benzene	0.005	1,000	5 ppb	0
56. Carbon tetrachloride	0.005	1,000	5 ppb	0
57. Chlorobenzene	0.1	1,000	100 ppb	100
58. o-Dichlorobenzene	0.6	1,000	600 ppb	600
59. p-Dichlorobenzene	0.075	1,000	75 ppb	75
60. 1,2-Dichloroethane	0.005	1,000	5 ppb	0
61. 1,1-Dichloroethylene	0.007	1,000	7 ppb	7
62. cis-1,2-Dichloroethylene	0.07	1,000	70 ppb	70
63. trans-1,2-Dichloroethylene	0.1	1,000	100 ppb	100
64. Dichloromethane	0.005	1,000	5 ppb	0
65. 1,2-Dichloropropane	0.005	1,000	5 ppb	0
66. Ethylbenzene	0.7	1,000	700 ppb	700
67. Styrene	0.1	1,000	100 ppb	100
68. Tetrachloroethylene	0.005	1,000	5 ppb	0
69. 1,2,4-Trichlorobenzene	0.07	1,000	70 ppb	70
70. 1,1,1-Trichloroethane	0.2	1,000	200 ppb	200
71. 1,1,2-Trichloroethane	0.005	1,000	5 ppb	3
72. Trichloroethylene	0.005	1,000	5 ppb	0
73. TTHMs (total trihalomethanes)	0.1	1,000	100 ppb	n/a
74. Toluene	1		1 ppm	1
75. Vinyl chloride	0.002	1,000	2 ppb	0
76. Xylenes	10		10 ppm	10

Key:

AL = Action level.

MCL = Maximum contaminant level.

MCLG = Maximum contaminant level goal.

MFL = Million fibers per liter.

mrem/year = Millirems per year (a measure of radiation absorbed by the body).

NTU = Nephelometric turbidity units.

pCi/l = Picocuries per liter (a measure of radioactivity).

ppm = Parts per million, or milligrams per liter (mg/l).

ppb = Parts per billion, or micrograms per liter (µg/l).

ppt = Parts per trillion, or nanograms per liter (ng/l).

ppq = Parts per quadrillion, or picograms per liter (pg/l).

TT = Treatment technique.

(b) In order to show potential sources of contamination for the table required by section 3 of this rule, a community water system shall use the following table:

Table 6-2: Regulated Contaminants

Contaminant (units)	MCLG	MCL	Major Sources in Drinking Water
Microbiological contaminants			
1. Total coliform bacteria	0	5% of monthly samples are positive (systems that collect forty (40) or more samples per month); one (1) positive monthly sample (systems that collect fewer than forty (40) samples per month).	Naturally present in the environment.
2. Fecal coliform and E. coli	0	A routine sample and a repeat sample are total coliform positive, and one (1) is also fecal coliform or E. coli positive.	Human and animal fecal waste.
3. Turbidity	n/a	TT	Soil run-off.
Radioactive contaminants			
4. Beta/photon emitters (mrem/year)	0	4	Decay of natural and manmade deposits.
5. Alpha emitters (pCi/l)	0	15	Erosion of natural deposits.
6. Combined radium (pCi/l)	0	5	Erosion of natural deposits.
Inorganic contaminants			
7. Antimony (ppb)	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.
8. Arsenic (ppb)	n/a	50	Erosion of natural deposits; run-off from orchards; run-off from glass and electronics production wastes.
9. Asbestos (MFL)	7	7	Decay of asbestos cement water mains; erosion of natural deposits.
10. Barium (ppm)	2	2	Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits.
11. Beryllium (ppb)	4	4	Discharge from metal refineries and coal-burning factories; discharge from electrical, aerospace, and defense industries.
12. Cadmium (ppb)	5	5	Corrosion of galvanized pipes; erosion of natural deposits; discharge from metal refineries; run-off from waste batteries and paints.
13. Chromium (ppb)	100	100	Discharge from steel and pulp mills; erosion of natural deposits.
14. Copper (ppm)	1.3	AL = 1.3	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.
15. Cyanide (ppb)	200	200	Discharge from steel/metal factories; discharge from plastic and fertilizer factories.
16. Fluoride (ppm)	4	4	Erosion of natural deposits; water additive that promotes strong teeth; discharge from fertilizer and aluminum factories.

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17. Lead (ppb)	0	AL = 15	Corrosion of household plumbing systems; erosion of natural deposits.
18. Mercury (inorganic) (ppb)	2	2	Erosion of natural deposits; discharge from refineries and factories; run-off from landfills; run-off from cropland.
19. Nitrate (as nitrogen) (ppm)	10	10	Run-off from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
20. Nitrite (as nitrogen) (ppm)	1	1	Run-off from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
21. Selenium (ppb)	50	50	Discharge from petroleum and metal refineries; erosion of natural deposits; discharge from mines.
22. Thallium (ppb)	0.5	2	Leaching from ore-processing sites; discharge from electronics, glass, and drug factories.
Synthetic organic contaminants, including pesticides and herbicides			
23. 2,4-D (ppb)	70	70	Run-off from herbicide used on row crops.
24. 2,4,5-TP (Silvex) (ppb)	50	50	Residue of banned herbicide.
25. Acrylamide	0	TT	Added to water during sewage/wastewater treatment.
26. Alachlor (ppb)	0	2	Run-off from herbicide used on row crops.
27. Atrazine (ppb)	3	3	Run-off from herbicide used on row crops.
28. Benzo(a)pyrene (PAH) (ppt)	0	200	Leaching from linings of water storage tanks and distribution lines.
29. Carbofuran (ppb)	40	40	Leaching of soil fumigant used on rice and alfalfa.
30. Chlordane (ppb)	0	2	Residue of banned termiticide.
31. Dalapon (ppb)	200	200	Run-off from herbicide used on rights-of-way.
32. Di(2-ethylhexyl)adipate (ppb)	400	400	Discharge from chemical factories.
33. Di(2-ethylhexyl)phthalate (ppb)	0	6	Discharge from rubber and chemical factories.
34. Dibromochloropropane (ppt)	0	200	Run-off/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.
35. Dinoseb (ppb)	7	7	Run-off from herbicide used on soybeans and vegetables.
36. Diquat (ppb)	20	20	Run-off from herbicide use.
37. Dioxin (2,3,7,8-TCDD) (ppq)	0	30	Emissions from waste incineration and other combustion; discharge from chemical factories.
38. Endothall (ppb)	100	100	Run-off from herbicide use.
39. Endrin (ppb)	2	2	Residue of banned insecticide.
40. Epichlorohydrin	0	TT	Discharge from industrial chemical factories; an impurity of same water treatment chemicals.
41. Ethylene dibromide (ppt)	0	50	Discharge from petroleum refineries.

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42. Glyphosate (ppb)	700	700	Run-off from herbicide use.
43. Heptachlor (ppt)	0	400	Residue of banned termiticide.
44. Heptachlor epoxide (ppt)	0	200	Breakdown of heptachlor.
45. Hexachlorobenzene (ppb)	0	1	Discharge from metal refineries and agricultural chemical factories.
46. Hexachlorocyclopentadiene (ppb)	50	50	Discharge from chemical factories.
47. Lindane (ppt)	200	200	Run-off/leaching from insecticide used on cattle, lumber, gardens.
48. Methoxychlor (ppb)	40	40	Run-off/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.
49. Oxamyl (vydate) (ppb)	200	200	Run-off/leaching from insecticide used on apples, potatoes, and tomatoes.
50. PCBs (polychlorinated biphenyls) (ppt)	0	500	Run-off from landfills; discharge of waste chemicals.
51. Pentachlorophenol (ppb)	0	1	Discharge from wood preserving factories.
52. Picloram (ppb)	500	500	Herbicide run-off.
53. Simazine (ppb)	4	4	Herbicide run-off.
54. Toxaphene (ppb)	0	3	Run-off/leaching from insecticide used on cotton and cattle.
Volatile organic contaminants			
55. Benzene (ppb)	0	5	Discharge from factories; leaching from gas storage tanks and landfills.
56. Carbon tetrachloride (ppb)	0	5	Discharge from chemical plants and other industrial activities.
57. Chlorobenzene (ppb)	100	100	Discharge from chemical and agricultural chemical factories.
58. o-Dichlorobenzene (ppb)	600	600	Discharge from industrial chemical factories.
59. p-Dichlorobenzene (ppb)	75	75	Discharge from industrial chemical factories.
60. 1,2-Dichloroethane (ppb)	0	5	Discharge from industrial chemical factories.
61. 1,1-Dichloroethylene (ppb)	7	7	Discharge from industrial chemical factories.
62. cis-1,2-Dichloroethylene (ppb)	70	70	Discharge from industrial chemical factories.
63. trans-1,2-Dichloroethylene (ppb)	100	100	Discharge from industrial chemical factories.
64. Dichloromethane (ppb)	0	5	Discharge from pharmaceutical and chemical factories.
65. 1,2-Dichloropropane (ppb)	0	5	Discharge from industrial chemical factories.
66. Ethylbenzene (ppb)	700	700	Discharge from petroleum refineries.
67. Styrene (ppb)	100	100	Discharge from rubber and plastic factories; leaching from landfills.
68. Tetrachloroethylene (ppb)	0	5	Discharge from factories and dry cleaners.
69. 1,2,4-Trichlorobenzene (ppb)	70	70	Discharge from textile-finishing factories.
70. 1,1,1-Trichloroethane (ppb)	200	200	Discharge from metal degreasing sites and other factories.
71. 1,1,2-Trichloroethane (ppb)	3	5	Discharge from industrial chemical factories.

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72. Trichloroethylene (ppb)	0	5	Discharge from metal degreasing sites and other factories.
73. TTHMs (total trihalomethanes) (ppb)	n/a	100	Byproduct of drinking water chlorination.
74. Toluene (ppm)	1	1	Discharge from petroleum factories.
75. Vinyl chloride (ppb)	0	2	Leaching from PVC piping; discharge from plastics factories.
76. Xylenes (ppm)	10	10	Discharge from petroleum factories; discharge from chemical factories.

Key:

AL = Action level.

MCL = Maximum contaminant level.

MCLG = Maximum contaminant level goal.

MFL = Million fibers per liter.

mrem/year = millirems per year (a measure of radiation absorbed by the body).

NTU = Nephelometric turbidity units.

pCi/l = Picocuries per liter (a measure of radioactivity).

ppm = Parts per million, or milligrams per liter (mg/l).

ppb = Parts per billion, or micrograms per liter (µg/l).

ppt = Parts per trillion, or nanograms per liter (ng/l).

ppq = Parts per quadrillion, or picograms per liter (pg/l).

TT = Treatment technique.

(c) The following language in section 17 of this rule shall be used if there is a violation referenced in section 3 of this rule and health effects language is required **unless alternate language is listed in this subsection as follows:**

(1) For microbiological contaminants, the following language shall be used:

(A) Total coliform. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other potentially harmful bacteria may be present. Coliforms were found in more samples than allowed, and this was a warning of potential problems.

(B) (1) Fecal coliform/E. coli. Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with animal or human wastes. Microbes in these wastes can cause short term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.

(C) Turbidity. Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(2) For radioactive contaminants, the following language shall be used:

(A) Beta/photon emitters. Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

(B) Alpha emitters. Certain minerals are radioactive and

may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

(C) Combined radium 226/228. Some people who drink water containing radium 226 or 228 in excess of the MCL over many years have an increased risk of getting cancer.

(3) For inorganic contaminants, the following language shall be used:

(A) Antimony. Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.

(B) Arsenic. Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system and may have an increased risk of getting cancer.

(C) Asbestos. Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

(D) Barium. Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

(E) Beryllium. Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

(F) Cadmium. Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

(G) Chromium. Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

(H) Copper: Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

(f) Cyanide: Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

(J) (2) Fluoride: Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Children may get mottled teeth.

(K) Lead: Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.

(L) Mercury (inorganic): Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

(M) Nitrate: Infants below the age of six (6) months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

(N) Nitrite: Infants below the age of six (6) months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

(O) Selenium: Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail loss, numbness in fingers or toes, and problems with their circulation.

(P) Thallium: Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

(4) For synthetic organic contaminants, including pesticides and herbicides, the following language shall be used:

(A) 2,4-D: Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.

(B) 2,4,5-TP (silvex): Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

(C) Acrylamide: Some people who drink water containing a high level of acrylamide over a long period of time could have problems with their nervous system or blood and may have an increased risk of getting cancer.

(D) Aalachlor: Some people who drink water containing aalachlor in excess of the MCL over many years could have

problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

(E) Atrazine: Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

(F) Benzo(a)pyrene (PAH): Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.

(G) Carbofuran: Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood or nervous or reproductive systems.

(H) Chlordane: Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system and may have an increased risk of getting cancer.

(I) Dalapon: Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

(J) Di(2-ethylhexyl)adipate: Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.

(K) Di(2-ethylhexyl)phthalate: Some people who drink water containing di(2-ethylhexyl)phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.

(L) Dibromochloropropane (DBCP): Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

(M) Dinoseb: Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.

(N) Dioxin (2,3,7,8-TCDD): Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

(O) Diquat: Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

(P) Endothall: Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.

(Q) Endrin: Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.

(R) Epichlorohydrin: Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems and may have an increased risk of getting cancer.

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(S) Ethylene dibromide: Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys and may have an increased risk of getting cancer.

(T) Glyphosate: Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

(U) Heptachlor: Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.

(V) Heptachlor epoxide: Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.

(W) Hexachlorobenzene: Some people who drink water containing hexachlorobenzene in excess of the MCL over many years may experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.

(X) Hexachlorocyclopentadiene: Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.

(Y) Lindane: Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

(Z) Methoxychlor: Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.

(AA) Oxamyl (vydate): Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

(BB) PCBs (polychlorinated biphenyls): Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties and may have an increased risk of getting cancer.

(CC) Pentachlorophenol: Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys and may have an increased risk of getting cancer.

(DD) Picloram: Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.

(EE) Simazine: Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

(FF) Toxaphene: Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid and may have an increased risk of getting cancer.

(5) For volatile organic contaminants, the following language shall be used:

(A) Benzene: Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets and may have an increased risk of getting cancer.

(B) Carbon tetrachloride: Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

(C) Chlorobenzene: Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

(D) o-Dichlorobenzene: Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.

(E) p-Dichlorobenzene: Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.

(F) 1,2-Dichloroethane: Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years have an increased risk of getting cancer.

(G) 1,1-Dichloroethylene: Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

(H) cis-1,2-Dichloroethylene: Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

(I) trans-1,2-Dichloroethylene: Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

(J) Dichloromethane: Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.

(K) 1,2-Dichloropropane: Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increase risk of getting cancer.

(L) Ethylbenzene: Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.

(M) Styrene: Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.

(N) Tetrachloroethylene: Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver and may have an increased risk of getting cancer.

(O) 1,2,4-Trichlorobenzene: Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

(P) 1,1,1-Trichloroethane: Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

(Q) 1,1,2-Trichloroethane: Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.

(R) Trichloroethylene: Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

(S) Total trihalomethanes (TTHMs): Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems and may have an increased risk of getting cancer.

(T) Toluene: Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.

(U) Vinyl chloride: Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

(V) Xylenes: Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

(Water Pollution Control Board; 327 IAC 8-2.1-6; filed Mar 22, 2000, 3:23 p.m.: 23 IR 1903; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1100)

SECTION 16. 327 IAC 8-2.1-7 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2.1-7 Public notification of drinking water violations

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9
 Affected: IC 13-18-16

Sec. 7. (a) Each of the following owners or operators of a public water system must give notice for all violations of drinking water regulations and for other situations that are listed in subsection (b):

- (1) Community water systems.
- (2) Nontransient noncommunity water systems.
- (3) Transient noncommunity water systems.

(b) The following are violation categories and other situations that require a public notice:

- (1) The following drinking water violations:
 - (A) Failure to comply with an applicable maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL).
 - (B) Failure to comply with a prescribed treatment technique (TT).
 - (C) Failure to perform water quality monitoring, as

required by the drinking water regulations.

(D) Failure to comply with testing procedures as prescribed by a drinking water regulation.

(2) The following special public notices:

(A) Occurrence of a waterborne disease outbreak or other waterborne emergency.

(B) Exceedance of the nitrate MCL by noncommunity water systems (NCWS), where granted permission by the commissioner under 327 IAC 8-2-4(b).

(C) Exceedance of the secondary maximum contaminant level (SMCL) for fluoride.

(D) Availability of unregulated contaminant monitoring data.

(E) Other violations and situations determined by the commissioner to require a public notice under this subdivision, not already listed.

(c) Public notice requirements are divided into three (3) tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. They are divided as follows:

(1) A Tier 1 public notice is required for drinking water violations and situations with significant potential to have serious adverse effects on human health as a result of short term exposure.

(2) Tier 2 public notice is required for all other drinking water violations and situations with potential to have serious adverse effects on human health.

(3) Tier 3 public notice required for all other drinking water violations and situations not included in Tier 1 and Tier 2.

(d) Public notification requirements are as follows:

(1) Each public water system must provide public notice to persons served by the water system.

(2) Public water systems that sell or otherwise provide drinking water to other public water systems are required to give public notice to the owner or operator of the consecutive system; the consecutive system is responsible for providing public notice to the persons it serves.

(3) If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the commissioner may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission from the commissioner for limiting distribution of the notice must be granted in writing.

(4) A copy of the notice must also be sent to the commissioner, within ten (10) days of completion of each public notification. The public water system shall submit to the commissioner a representative copy of each type of notice distributed, published, posted, or made available to the persons served by the system and the media, where appropriate.

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(Water Pollution Control Board; 327 IAC 8-2.1-7; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1109)

SECTION 17. 327 IAC 8-2.1-8 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2.1-8 Tier 1 public notice; form, manner, and frequency of notice

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 8. (a) The following violations or situations require a Tier 1 public notice:

(1) Violation of the MCL for total coliforms when fecal coliform or *E. coli* are present in the water distribution system as specified in 327 IAC 8-2-7(b), or the water system fails to test for fecal coliforms or *E. coli* when any repeat sample tests positive for coliform as specified in 327 IAC 8-2-8.3.

(2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in 327 IAC 8-2-4, or when the water system fails to take a confirmation sample within twenty-four (24) hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in 327 IAC 8-2-4.1(h)(2).

(3) Exceedance of the nitrate MCL by noncommunity water systems, where permitted to exceed the MCL by the commissioner under 327 IAC 8-2-4.

(4) Violation of the 327 IAC 8-2-8.5(c) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit as identified in section 16 of this rule, where the commissioner determines after consultation that a Tier 1 notice is required or where consultation does not take place within twenty-four (24) hours after the system learns of the violation.

(5) Occurrence of a waterborne disease outbreak, as defined in 327 IAC 8-2-1, or other waterborne emergency. This includes failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination.

(6) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short term exposure, as determined by the commissioner either in its regulations or on a case-by-case basis.

(b) Tier 1 public notice needs to be provided as follows:

(1) Provide a public notice as soon as practical but no later than twenty-four (24) hours after the system learns of the violation.

(2) Initiate consultation with the commissioner as soon as practical, but no later than twenty-four (24) hours after

the public water system learns of the violation or situation, to determine additional public notice requirements. (3) Comply with any additional public notification requirements that are established as a result of the consultation with the commissioner, including any repeat notices or direction on the duration of the posted notices. To reach all persons served, such requirements may include:

(A) timing;

(B) form;

(C) manner;

(D) frequency; and

(E) content of repeat notices and other actions designed.

(4) Public water systems must provide the notice within twenty-four (24) hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and nontransient users of the water system. In order to reach all persons served, water systems are to use, at a minimum, one (1) or more of the following forms of delivery:

(A) Appropriate broadcast media, such as:

(i) radio; or

(ii) television.

(B) Posting of the notice in conspicuous locations throughout the area served by the water system.

(C) Hand delivery of the notice to persons served by the water system.

(D) Another delivery method approved in writing by the commissioner.

(Water Pollution Control Board; 327 IAC 8-2.1-8; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1110)

SECTION 18. 327 IAC 8-2.1-9 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2.1-9 Tier 2 notice; form, manner, and frequency of notice

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 9. (a) The following violations or situations require a Tier 2 public notice:

(1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under section 8(a) of this rule or where the commissioner determines a Tier 1 notice is required.

(2) Violations of the monitoring and testing procedure requirements, where the commissioner determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation.

(b) Tier 2 public notice needs to be provided as follows:

(1) Public water systems must provide the public notice as

soon as practical, but no later than thirty (30) days after the system learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven (7) days, even if the violation or situation is resolved. The commissioner may, in appropriate circumstances, allow additional time for the initial notice of up to three (3) months from the date the system learns of the violation. It is not appropriate for the commissioner to grant an extension to the thirty (30) day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the commissioner must be in writing.

(2) The public water system must repeat the notice every three (3) months as long as the violation or situation persists, unless the commissioner determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the commissioner to allow less frequent repeat notice for an MCL violation under the 327 IAC 8-2-7, 327 IAC 8-2-8, 327 IAC 8-2-8.1, and 327 IAC 8-2-8.3 or a treatment technique violation under 327 IAC 8-2-8.5, 327 IAC 8-2-8.6, and 327 IAC 8-2-8.8. The commissioner determinations allowing repeat notices to be given less frequently than once every three (3) months must be in writing.

(3) If there is a violation of the treatment technique requirement in 327 IAC 8-2-8.5(c) that results from a single exceedance of the maximum allowable turbidity limit, then public water systems must consult with the commissioner as soon as practical but no later than twenty-four (24) hours after the public water system learns of the violation, to determine whether a Tier 1 public notice under section 8(a) of this rule is required to protect public health. When consultation does not take place within the twenty-four (24) hour period, the water system must distribute a Tier 1 notice of the violation within the next twenty-four (24) hours (for example, no later than forty-eight (48) hours after the system learns of the violation), following the requirements under section 8(b) and 8(c) of this rule.

(c) Public water systems must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

(1) Unless directed otherwise by the commissioner in writing, community water systems must provide notice by the following methods:

(A) Mail or other direct delivery to each customer receiving a bill and to other service connections to

which water is delivered by the public water system.

(B) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in clause (A). Such persons may include those who do not pay water bills or do not have service connection addresses, including any of the following:

- (i) House renters.
- (ii) Apartment dwellers.
- (iii) University students.
- (iv) Nursing home patients.
- (v) Prison inmates.

(C) Other methods may include any of the following:

- (i) Publication in a local newspaper.
- (ii) Delivery of multiple copies for distribution by customers that provide their drinking water to others, such as:

- (AA) apartment building owners; or
- (BB) large private employers.

- (iii) Posting in public places served by the system or on the Internet.
- (iv) Delivery to community organizations.

(2) Unless directed otherwise by the commissioner in writing, noncommunity water systems must provide notice by the following methods:

(A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system.

(B) By mail or direct delivery to each customer and service connection if known.

(C) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in clauses (A) and (B). Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include:

- (i) publication in a local newspaper or newsletter distributed to customers;
- (ii) use of e-mail to notify employees or students; or
- (iii) delivery of multiple copies in central locations, such as community centers.

(Water Pollution Control Board; 327 IAC 8-2.1-9; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1110)

SECTION 19. 327 IAC 8-2.1-10 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2.1-10 Tier 3 public notice; form, manner, and frequency of notice

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 10. (a) The following violations or situations require a Tier 3 public notice:

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(1) Monitoring violations under 327 IAC 8-2, except where a Tier 1 notice is required under section 8 of this rule or where the commissioner determines that a Tier 2 notice is required.

(2) Failure to comply with a testing procedure established in 327 IAC 8-2, except where a Tier 1 notice is required under section 8(a) of this rule or where the commissioner determines that a Tier 2 notice is required.

(3) Exceedance of the fluoride secondary maximum contaminant level (SMCL) as required under section 13 of this rule.

(b) Tier 3 public notice needs to be provided as follows:

(1) Public water systems must provide the public notice not later than one (1) year after the public water system learns of the violation or situation. Following the initial notice, the public water system must repeat the notice annually for as long as the violation or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation or other situation persists, but in no case less than seven (7) days even if the violation or situation is resolved.

(2) Instead of individual Tier 3 public notices, a public water system may use an annual report detailing all violations and situations that occurred during the previous twelve (12) months, as long as the timing requirements of subdivision (1) are met.

(c) Public water systems must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must, at a minimum, meet the following requirements:

(1) Unless directed otherwise by the commissioner in writing, community water systems must provide notice by the following methods:

(A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system.

(B) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in clause (A). These persons may include those who do not pay water bills or do not have service connection addresses, such as any of the following:

- (i) House renters.
- (ii) Apartment dwellers.
- (iii) University students.
- (iv) Nursing home patients.
- (v) Prison inmates.

(C) Other methods may include any of the following:

- (i) Publication in a local newspaper.
- (ii) Delivery of multiple copies for distribution by

customers that provide their drinking water to others, such as:

(AA) apartment building owners; or

(BB) large private employers.

(iii) Posting in public places or on the Internet.

(iv) Delivery to community organizations.

(2) Unless directed otherwise by the commissioner in writing, noncommunity water systems must provide notice by the following methods:

(A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection if known.

(B) Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice required in item (i). Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include:

(i) publication in a local newspaper or newsletter distributed to customers;

(ii) use of e-mail to notify employees or students; or

(iii) delivery of multiple copies in central locations such community centers.

(d) For community water systems, the Consumer Confidence Report (CCR) required under sections 1 through 6 of this rule may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices as long as:

(1) the CCR is provided to persons served no later than twelve (12) months after the system learns of the violation or situation as required in this section;

(2) the Tier 3 notice contained in the CCR follows the content requirements under section 11 of this rule; and

(3) the CCR is distributed following the delivery requirements under subsection (c).

(Water Pollution Control Board; 327 IAC 8-2.1-10; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1111)

SECTION 20. 327 IAC 8-2.1-11 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2.1-11 Contents of the public notice

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 11. (a) When a public water system violates a drinking water regulation or has a situation requiring public notification, each public notice must include the following elements:

(1) A description of the violation or situation, including the contaminant or contaminants of concern and the contaminant level or levels as applicable.

(2) When the violation or situation occurred.

(3) Any potential adverse health effects from the violation

or situation, including the standard language under subsection (c)(1) or (c)(2), whichever is applicable.

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water.

(5) Whether alternative water supplies should be used.

(6) What actions consumers should take, including when they should seek medical help, if known.

(7) What the system is doing to correct the violation or situation.

(8) When the water system expects to return to compliance or resolve the situation.

(9) The name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice.

(10) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under subsection (c)(3), where applicable.

(b) The following requirements need to be included when a public notice is presented:

(1) Each public notice must do the following:

(A) Must be displayed in a conspicuous way when printed or posted.

(B) Must not contain overly technical language or very small print.

(C) Must not be formatted in a way that defeats the purpose of the notice.

(D) Must not contain language that nullifies the purpose of the notice.

(2) In communities with a large proportion of non-English speaking residents, in which twenty percent (20%) or more of the residents speak the same language other than English, the notice must contain information in the appropriate language or languages regarding the importance of the notice or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the notice or assistance in the appropriate language or languages.

(c) Public water systems are required to include the following standard language in their public notice:

(1) Standard health effects language for MCL or MRDL violations and treatment technique violations. Public water systems must include in each public notice the health effects language specified in section 17 of this rule corresponding to each MCL, MRDL, and treatment technique violation listed in section 16 of this rule.

(2) Public water systems must include standard language in their notice about monitoring and testing procedure violations, including language necessary to fill in the blanks, for all monitoring and testing procedure violations listed in section 16 of this rule. The standard lan-

guage must state, "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period], we "did not monitor or test" or "did not complete all monitoring or testing" for [contaminant(s)], and therefore cannot be sure of the quality of your drinking water during that time."

(3) Public water systems must include standard language in their notice to encourage the distribution of the public notice to all persons served. Where applicable, the standard language must state, "Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail."

(Water Pollution Control Board; 327 IAC 8-2.1-11; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1112)

SECTION 21. 327 IAC 8-2.1-12 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2.1-12 Notice to new billing units or new customers

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 12. (a) Community water systems must give a copy of the most recent public notice for any continuing violation or other ongoing situations requiring a public notice to all new billing units or new customers prior to or at the time service begins.

(b) Noncommunity water systems must continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation or other situation requiring a public notice for as long as the violation or other situation persists. *(Water Pollution Control Board; 327 IAC 8-2.1-12; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1113)*

SECTION 22. 327 IAC 8-2.1-13 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2.1-13 Special notice for exceedance of the SMCL for fluoride

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 13. (a) A community water system that exceeds the fluoride secondary maximum contaminant level (SMCL) of two (2) milligrams per liter as specified in 40 CFR § 143.3*, determined by the last single sample taken in accordance with 327 IAC 8-2-4.1, but does not exceed the maximum

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contaminant level (MCL) of four (4) milligrams per liter for fluoride as specified in 327 IAC 8-2-4, must provide the public notice in subsection (c) to persons served. Public notice must be provided as soon as practical, but no later than twelve (12) months from the day the water system learns of the exceedance. A copy of the notice must also be sent to all new billing units and new customers at the time service begins and to the state public health officer. The public water system must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven (7) days even if the exceedance is eliminated. On a case-by-case basis, the commissioner may require an initial notice sooner than twelve (12) months and repeat notices more frequently than annually.

(b) The form and manner of the public notice, including repeat notices, must follow the requirements for a Tier 3 public notice in sections [section] 10(c), 10(d)(1), and 10(d)(3) of this rule.

(c) The notice must contain the standard language, including the language necessary to fill in the blanks, that states, "This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine (9) years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than two (2) milligrams per liter (mg/l) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system [name] has a fluoride concentration of [insert value] mg/l. Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine (9) should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water. Drinking water containing more than four (4) mg/L of fluoride (the U.S. Environmental Protection Agency's and Indiana Department of Environmental Management's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than four (4) mg/l of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed two (2) mg/l because of this cosmetic dental problem. For more information, please call [name of water system contact] of [name of community water system] at [phone number]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP."

*40 CFR 143.3 is incorporated by reference and is available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. (*Water Pollution Control Board; 327 IAC 8-2.1-13; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1113*)

SECTION 23. 327 IAC 8-2.1-14 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2.1-14 Special notice for nitrate exceedances above MCL by noncommunity water systems; granted permission by the commissioner under 327 IAC 8-2-4(b)

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 14. (a) The owner or operator of a noncommunity water system granted permission by the commissioner under 327 IAC 8-2-4(b) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under 327 IAC 8-2-8.1.

(b) Noncommunity water systems granted permission by the commissioner to exceed the nitrate MCL under 327 IAC 8-2-4(b) must provide continuous posting of:

(1) the fact that nitrate levels exceed ten (10) milligrams per liter; and

(2) the potential health effects of exposure;

in accordance with the requirements for Tier 1 notice delivery under section 8 of this rule and the content requirements under section 11 of this rule. (*Water Pollution Control Board; 327 IAC 8-2.1-14; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1114*)

SECTION 24. 327 IAC 8-2.1-15 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2.1-15 Notice by the commissioner on behalf of the public water system

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 15. (a) The commissioner may give the notice required by sections 7 through 14 of this rule, this section, and sections 16 and 17 of this rule on behalf of the owner and operator of the public water system if the commissioner complies with this section.

(b) The owner or operator of the public water system remains responsible for ensuring that this section is met. (*Water Pollution Control Board; 327 IAC 8-2.1-15; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1114*)

SECTION 25. 327 IAC 8-2.1-16 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2.1-16 Drinking water violations; other situations requiring public notice

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9
 Affected: IC 13-18-16

Sec. 16. Drinking water violations and other situations that require public notice according to this rule are contained in the following table:

Table 16. Drinking Water Violations and Other Situations Requiring Public Notice				
Contaminant	MCL/MRDL/TT/AL Violations		Monitoring and Testing Procedure Violations	
	Tier of Public Notice Required	Citation	Tier of Public Notice Required	Citation
I. Violations of Drinking Water Regulations:				
A. Microbiological Contaminants				
1. Total coliform	2	327 IAC 8-2-7(a)	3	327 IAC 8-2-8 327 IAC 8-2-8.1 327 IAC 8-2-8(f) 327 IAC 8-2-8.2 327 IAC 8-2-8.3
2. Fecal coliform/E. coli	1	327 IAC 8-2-7(b)	1, 3	327 IAC 8-2-8.3
3. Turbidity TT (resulting from a single exceedance of maximum allowable turbidity levels)	2,1	327 IAC 8-2-8.5(a)	3	327 IAC 8-2-8.8(b)
4. Surface Water Treatment Rule violations, other than violations resulting from single exceedance of maximum allowable turbidity level (TT)	2	327 IAC 8-2-8.5 327 IAC 8-2-8.6	3	327 IAC 8-2-8.8
B. Inorganic Chemicals (IOCs)				
1. Antimony	2	327 IAC 8-2-4-(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
2. Arsenic	2	327 IAC 8-2-4(d) 327 IAC 8-2-4.1(l)(5)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(l)(3) 327 IAC 8-2-4.1(l)(4)
3. Asbestos (fibers >10 µm)	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(d)
4. Barium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
5. Beryllium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
6. Cadmium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
7. Chromium (total)	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
8. Cyanide	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
9. Fluoride	2	327 IAC 8-2-4(c)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
10. Mercury (inorganic)	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
11. Nitrate	1	327 IAC 8-2-4(b)	1, 3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(f) 327 IAC 8-2-4.1(h)(2)

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12. Nitrite	1	327 IAC 8-2-4(b)	1, 3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(g) 327 IAC 8-2-4.1(h)(2)
13. Total Nitrate and Nitrite	1	327 IAC 8-2-4(b)	3	327 IAC 8-2-4.1(c)
14. Selenium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
15. Thallium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
C. Lead and Copper Rule				
1. Lead and Copper Rule (TT)	2	327 IAC 8-2-36 327 IAC 8-2-40 327 IAC 8-2-41 327 IAC 8-2-42 327 IAC 8-2-43 327 IAC 8-2-44	3	327 IAC 8-2-37 327 IAC 8-2-38 327 IAC 8-2-39 327 IAC 8-2-45
D. Synthetic Organic Chemicals (SOCs)				
1. 2,4-D	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
2. 2,4,5-TP (Silvex)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
3. Alachlor	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
4. Atrazine	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
5. Benzo(a)pyrene (PAHs)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
6. Carbofuran	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
7. Chlordane	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
8. Dalapon	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
9. Di (2-ethylhexyl) adipate	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
10. Di (2-ethylhexyl) phthalate	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
11. Dibromochloropropane	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
12. Dinoseb	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
13. Dioxin (2,3,7,8-TCDD)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
14. Diquat	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
15. Endothall	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
16. Endrin	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
17. Ethylene dibromide	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
18. Glyphosate	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
19. Heptachlor	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
20. Heptachlor epoxide	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
21. Hexachlorobenzene	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
22. Hexachlorocyclopentadiene	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
23. Lindane	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
24. Methoxychlor	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
25. Oxamyl (Vydate)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
26. Pentachlorophenol	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
27. Picloram	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
28. Polychlorinated biphenyls (PCBs)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
29. Simazine	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
30. Toxaphene	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
E. Volatile Organic Chemicals (VOCs)				
1. Benzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
2. Carbon tetrachloride	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
3. Chlorobenzene (monochlorobenzene)	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
4. o-Dichlorobenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
5. p-Dichlorobenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
6. 1,2-Dichloroethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5

7. 1,1-Dichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
8. cis-1,2-Dichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
9. trans-1,2-Dichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
10. Dichloromethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
11. 1,2-Dichloropropane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
12. Ethylbenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
13. Styrene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
14. Tetrachloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
15. Toluene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
16. 1,2,4-Trichlorobenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
17. 1,1,1-Trichloroethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
18. 1,1,2-Trichloroethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
19. Trichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
20. Vinyl chloride	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
21. Xylenes (total)	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
F. Radioactive Contaminants				
1. Beta/photon emitters	2	327 IAC 8-2-10	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(b)
2. Alpha emitters	2	327 IAC 8-2-9(2)	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(a)
3. Combined radium (226 and 228)	2	327 IAC 8-2-9(1)	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(a)
G. Disinfection Byproducts (DBPs). Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of DBPs in drinking water.				
1. Total trihalomethanes (TTHMs)	2	327 IAC 8-2-5(a) and 327 IAC 8-2-5(c)	3	327 IAC 8-2-5.3
H. Other Treatment Techniques				
1. Acrylamide (TT)	2	327 IAC 8-2-35	N/A	N/A
2. Epichlorohydrin (TT)	2	327 IAC 8-2-35	N/A	N/A
II. Unregulated Contaminant Monitoring:				
A. Nickel	N/A	N/A	3	327 IAC 8-2-4.1(e)
III. Other Situations Requiring Public Notification:				
A. Fluoride secondary maximum contaminant level (SMCL) exceedance	3	40 CFR § 143.3*	N/A	N/A
B. Exceedance of nitrate MCL for noncommunity systems, as allowed by the commissioner	1	327 IAC 8-2-4(b)	N/A	N/A
C. Waterborne disease outbreak	1	327 IAC 8-2-1	N/A	N/A
D. Other waterborne emergency	1	N/A	N/A	N/A
E. Other situations as determined by the commissioner	1, 2, 3	N/A	N/A	N/A

Key:

MCL - Maximum contaminant level

TT - Treatment technique

Violations of Drinking Water Regulations is used here to included violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.

(1) Violations and other situations not listed in this table, such as reporting violations and failure to prepare Consumer Confidence Report, do not require notice unless otherwise determined by the commissioner. The commissioner may, at their option, also require a more stringent public notice tier such as Tier 1 instead of Tier

2 or Tier 2 instead of Tier 3 for specific violations and situations listed in the above.

(2) Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3.

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(3) Systems with treatment technique violations involving a single exceedance of maximum turbidity limit under the surface water treatment rule (SWTR) are required to initiate consultation with the commissioner within twenty-four (24) hours after learning of the violation. Based on this consultation, the commissioner may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the commissioner in the twenty-four (24) hour period, the violation is automatically elevated to Tier 1.

(4) Failure to take a confirmation sample within twenty-four (24) hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 Violation. Other monitoring violations for nitrate are Tier 3.

(5) Other waterborne emergencies require a Tier 1 public notice under section 8(a) of this rule for situations that do not meet the definition of a waterborne disease outbreak given in 327 IAC 8-2-1, but that still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distri-

bution system, chemical spills, or unexpected loading of possible pathogens into the source water.

(6) The commissioner may place other situations in any tier believed appropriate, based on threat to public health.

*40 CFR 143.3 is incorporated by reference and is available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. (*Water Pollution Control Board; 327 IAC 8-2.1-16; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1115*)

SECTION 26. 327 IAC 8-2.1-17 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2.1-17 Drinking water violations; standard health effects language for public notice

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 17. A public water system must comply with the standard health effects language for public notification contained in the following table:

Table 17. Standard Health Effects Language for Public Notification			
Contaminant	MCLG mg/L	MCL mg/L	Standard Health Effects Language for Public Notification
Drinking Water Regulations:			
A. Microbiological Contaminants			
1a. Total coliform	Zero	See foot-note	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
1b. Fecal coliform/E. coli	Zero	Zero	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
2a. Turbidity (MCL)	None	1 NTU/ 5 NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
2b. Turbidity (SWTR TT)	None	TT	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
B. Inorganic Chemicals (IOCs)			
3. Antimony	0.006	0.006	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.

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4. Arsenic	None	0.05	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
5. Asbestos (>10 µm)	7 MFL	7 MFL	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
6. Barium	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
7. Beryllium	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
8. Cadmium	0.005	0.005	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
9. Chromium (total)	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
10. Cyanide	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
11. Fluoride	4.0	4.0	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine (9) years old. Mottling, also known as dental fluorosis, may include brown staining or pitting of the teeth, or both, and occurs only in developing teeth before they erupt from the gums.
12. Mercury (inorganic)	0.002	0.002	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
13. Nitrate	10	10	Infants below the age of six (6) months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
14. Nitrite	1	1	Infants below the age of six (6) months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
15. Total Nitrate and Nitrite	10	10	Infants below the age of six (6) months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
16. Selenium	0.05	0.05	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
17. Thallium	0.0005	0.002	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
C. Lead and Copper Rule			
18. Lead	Zero	TT	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.

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19. Copper	1.3	TT	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
D. Synthetic Organic Chemicals (SOCs)			
20. 2,4-D	0.07	0.07	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
21. 2,4,5-TP (Silvex)	0.05	0.05	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
22. Alachlor	Zero	0.002	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
23. Atrazine	0.003	0.003	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
24. Benzo(a)pyrene (PAHs)	Zero	0.0002	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
25. Carbofuran	0.04	0.04	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
26. Chlordane	Zero	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
27. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
28. Di (2-ethylhexyl) adipate	0.4	0.4	Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
29. Di (2-ethylhexyl) phthalate	Zero	0.006	Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
30. Dibromochloropropane (DBCP)	Zero	0.0002	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
31. Dinoseb	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
32. Dioxin (2,3,7,8-TCDD)	Zero	3×10^{-8}	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
33. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
34. Endothall	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
35. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.

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36. Ethylene dibromide	Zero	0.00005	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
37. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
38. Heptachlor	Zero	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
39. Heptachlor epoxide	Zero	0.0002	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
40. Hexachlorobenzene	Zero	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
41. Hexachlorocyclopentadiene	0.05	0.05	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
42. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
43. Methoxychlor	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
44. Oxamyl (Vydate)	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
45. Pentachlorophenol	Zero	0.001	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
46. Picloram	0.5	0.5	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
47. Polychlorinated biphenyls (PCBs)	Zero	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
48. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
49. Toxaphene	Zero	0.003	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
E. Volatile Organic Chemicals (VOCs)			
50. Benzene	Zero	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
51. Carbon tetrachloride	Zero	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
52. Chlorobenzene (monochlorobenzene)	0.1	0.1	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

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53. o-Dichlorobenzene	0.6	0.6	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
54. p-Dichlorobenzene	0.075	0.075	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
55. 1,2-Dichloroethane	Zero	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
56. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
57. cis-1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
58. trans-1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
59. Dichloromethane	Zero	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
60. 1,2-Dichloropropane	Zero	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
61. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
62. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
63. Tetrachloroethylene	Zero	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
64. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
65. 1,2,4-Trichlorobenzene	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
66. 1,1,1-Trichloroethane	0.2	0.2	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
67. 1,1,2-Trichloroethane	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
68. Trichloroethylene	Zero	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
69. Vinyl chloride	Zero	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

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70. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
F. Radioactive Contaminants			
71. Beta/photon emitters	Zero	4 mrem/yr	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
72. Alpha emitters	Zero	15 pCi/L	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
73. Combined radium (226 and 228)	Zero	5 pCi/L	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
G. Disinfection Byproducts (DBPs): Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water.			
74. Total trihalomethanes (TTHMs)	N/A	0.10/0.080	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.
H. Other Treatment Techniques			
75. Acrylamide	Zero	TT	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
76. Epichlorohydrin	Zero	TT	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Key:

MCLG - Maximum contaminant level goal

MCL - Maximum contaminant level

NTU - Nephelometric turbidity unit

TT - Treatment technique

MFL - Millions of fiber per liter

Action Level (Lead) = 0.015 mg/L

Action Level (Copper) = 1.3 mg/L

mrem - millirems per year

ppq - picocuries per liter

(1) For water systems analyzing at least forty (40) samples per month, no more than five percent (5.0%) of the monthly samples may be positive for total coliforms. For systems analyzing fewer than forty (40) samples per month, no more than one (1) sample per month may be positive for total coliforms.

(2) The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.

(3) SWTR treatment technique violations that involve turbidity exceedances may use the health effects language for turbidity instead.

(4) The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.

(5) The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.

(Water Pollution Control Board; 327 IAC 8-2.1-17; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1118)

SECTION 27. THE FOLLOWING ARE REPEALED: 327 IAC 8-2-15; 327 IAC 8-2-16; 327 IAC 8-2-17; 327 IAC 8-2-18.

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LSA Document #00-266(F)
Proposed Rule Published: August 1, 2001; 24 IR 3706
Hearing Held: August 8, 2001
Approved by Attorney General: November 5, 2001
Approved by Governor: November 19, 2001
Filed with Secretary of State: November 20, 2001, 10:20 a.m.
Incorporated Documents Filed with Secretary of State: 40
CFR 143.3

TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #00-173(F)

DIGEST

Amends 329 IAC 7-2-6, 329 IAC 7-11-1, 329 IAC 7-11-2, 329 IAC 7-11-3 with a new maximum score of 10 to be eligible for deletion from the Commissioner's Bulletin and adds designations that can be attained for consideration for deletion. Senate Enrolled Act 360-1997 required rules be adopted by the solid waste management board to amend 329 IAC 7 concerning the Indiana Scoring Model and assessment of hazardous substance response sites and determine a maximum score to allow sites that either have been the subject of a successful remediation or score at or below the maximum score to be removed from the priority ranking if appropriate. A procedure for deleting a listed site from the priority ranking and a maximum score was established by LSA Document #98-110(F), which was effective November 27, 1998. A maximum score of 5 was established. The procedures allowed for either a party to petition for deletion or for the agency to initiate deletion of a site. After consideration of all sites on the list, it was determined by the agency that this maximum score is inadequate to appropriately delete all the sites that have been the subject of a successful remediation. There are sites that pose no significant risk to human health or the environment but still accrue a score greater than 5. This rule amends the maximum score for a site to be removed from the priority ranking to 10 and, in addition, other approvals (designations) to be applied to a remediated site to determine appropriateness for that site to be deleted from the list have been added. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: September 1, 2000, Indiana Register (23 IR 3220).

Second Notice of Comment Period and Notice of First Hearing: January 1, 2001, Indiana Register (24 IR 1179).

Date of First Hearing: April 17, 2001.

Proposed Rule and Notice of Second Hearing: June 1, 2001, Indiana Register (24 IR 2802).

Date of Second Hearing: August 21, 2001.

329 IAC 7-2-6
329 IAC 7-11-1

329 IAC 7-11-2
329 IAC 7-11-3

SECTION 1. 329 IAC 7-2-6 IS AMENDED TO READ AS FOLLOWS:

329 IAC 7-2-6 Assessment of hazardous substance response sites

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3; IC 13-25-4-7
Affected: IC 13-22-2

Sec. 6. Sites that receive a score of five (5) or less A site may be deleted from the commissioner's bulletin through an agency or petition deletion procedure if the site complies with one (1) of the following:

- (1) Received a score of ten (10) or less.
- (2) A comprehensive site clean-up has been completed so that the site is no longer a significant threat to human health and the environment and one (1) of the following has been issued concerning the site:
 - (A) A letter from the department's leaking underground storage tank section that states no further action is necessary.
 - (B) A letter of determination from the department or the United States Environmental Protection Agency that states no further action is necessary for releases of hazardous wastes or hazardous constituents following investigation and remediation performed under the Resource Conservation and Recovery Act.
 - (C) A certificate of completion and a covenant not to sue from the department's voluntary remediation program section.
 - (D) A record of decision or declaration of closure from the department's state clean-up program section that states no further action is necessary.
 - (E) Designation in the United States Environmental Protection Agency's Comprehensive Environmental Response, Compensation, and Liability Act data base of "No Further Remedial Action Planned Priority Assessment".

(Solid Waste Management Board; 329 IAC 7-2-6; filed Oct 28, 1998, 3:26 p.m.: 22 IR 753; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Nov 16, 2001, 4:40 p.m.: 25 IR 1124)

SECTION 2. 329 IAC 7-11-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 7-11-1 Deletion procedure agency deletion

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3; IC 13-25-4-7
Affected: IC 13-22-2

Sec. 1. Procedures for deleting sites from the commissioner's bulletin by agency deletion are as follows:

- (1) Sites must have been evaluated using the Indiana Scoring Model and received a score of ~~five (5)~~ **ten (10)** or less or be **eligible for deletion under 329 IAC 7-2-6(2)**.
- (2) The commissioner shall notice the local or county health or environmental agency of the proposed agency deletion. The notice shall include the following:

- (A) Name.
 - (B) Location.
 - (C) Property legal description.
 - (D) Current owners or operators.
 - (E) Property ownership.
 - (F) Operation history.
 - (G) A comprehensive summary that includes:
 - (i) the current site conditions; and
 - (ii) an explanation that these current site conditions do not pose a significant environmental concern.
- (3) The commissioner shall solicit a correspondence regarding the proposed agency deletion from the:
- (A) local officials;
 - (B) county health department; or
 - (C) environmental agency.
- (4) The commissioner shall provide the following as necessary:
- (A) Answers to any public comments received.
 - (B) A forum for public meetings.
- (5) The commissioner will consider comments received from the:
- (A) public;
 - (B) county commissioners;
 - (C) town board; or
 - (D) mayor's office.
- (6) Forty-five (45) days after initiation of agency deletion procedures, the commissioner will notify interested parties, if the site will be deleted from the commissioner's bulletin.
- (Solid Waste Management Board; 329 IAC 7-11-1; filed Oct 28, 1998, 3:26 p.m.: 22 IR 753; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Nov 16, 2001, 4:40 p.m.: 25 IR 1124)*

SECTION 3. 329 IAC 7-11-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 7-11-2 Deletion procedures: petition deletion

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3; IC 13-25-4-7
Affected: IC 13-22-2

Sec. 2. Procedures for deleting sites from the commissioner's bulletin by petition deletions are as follows:

- (1) Sites must have been evaluated using the Indiana Scoring Model and received a score of ~~five (5)~~ **ten (10)** or less **or be eligible for deletion under 329 IAC 7-2-6(2)**.
- (2) The commissioner must receive a petition for deleting a site from the commissioner's bulletin. The petition correspondence must include the following:
 - (A) Name.
 - (B) Location.
 - (C) Property legal description.
 - (D) Current owners or operators.
 - (E) Property ownership.
 - (F) Operational history records relating to the hazardous waste activities.
 - (G) A comprehensive summary that includes:
 - (i) the current site conditions; and
 - (ii) an explanation that these current site conditions do not pose a significant environmental concern.
 - (H) Correspondence from the:
 - (i) local officials;

- (ii) county health department; or
 - (iii) environmental agency;
- delineating their position on the proposed deletion.
- (3) The commissioner shall provide the following as necessary with petitioner's participation:
- (A) Public hearings.
 - (B) Public meetings.
 - (C) Information necessary to answer public comments.
- (4) The commissioner will consider comments received from the:
- (A) public;
 - (B) county commissioners;
 - (C) town board; or
 - (D) mayor's office.
- (5) The commissioner will notify all interested parties, within forty-five (45) days after complete and adequate petition correspondence is received by the commissioner, if the site will be deleted from the commissioner's bulletin.
- (Solid Waste Management Board; 329 IAC 7-11-2; filed Oct 28, 1998, 3:26 p.m.: 22 IR 753; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Nov 16, 2001, 4:40 p.m.: 25 IR 1125)*

SECTION 4. 329 IAC 7-11-3 IS AMENDED TO READ AS FOLLOWS:

329 IAC 7-11-3 Deletion procedures: site relisted

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3; IC 13-25-4-7
Affected: IC 13-22-2

Sec. 3. Sites may be deleted from the commissioner's bulletin if the site scores a score of ~~five (5)~~ **ten (10)** or less **or is eligible for deletion under 329 IAC 7-2-6(2)**. Sites that are deleted, which subsequently receive a score higher than ~~five (5)~~, **will ten (10), may** be relisted on the commissioner's bulletin **if new information becomes available to indicate that site conditions have changed and the site warrants reevaluation.**

(Solid Waste Management Board; 329 IAC 7-11-3; filed Oct 28, 1998, 3:26 p.m.: 22 IR 754; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Nov 16, 2001, 4:40 p.m.: 25 IR 1125)

*LSA Document #00-173(F)
 Proposed Rule Published: June 1, 2001; 24 IR 2802
 Hearing Held: August 21, 2001
 Approved by Attorney General: November 2, 2001
 Approved by Governor: November 16, 2001
 Filed with Secretary of State: November 16, 2001, 4:40 p.m.
 Incorporated Documents Filed with Secretary of State: None*

TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #01-207(F)

DIGEST

Amends for readoption pursuant to comments received under IC 13-14-9.5: 329 IAC 11-9, 329 IAC 11-11, and 329 IAC 11-

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14. 329 IAC 11-9 addresses solid waste processing facilities permit requirements, 329 IAC 11-11 addresses solid waste processing permit issuance, and 329 IAC 11-14 addresses quarterly reporting of solid waste processing facilities. The amendments correct language and references. 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 effect on December 31, 1995, expires not later than January 1, 2002. All rules adopted after that date under IC 13-14-9, with some exceptions listed in IC 13-14-9.5-1, expire on January 1 of the seventh year after the year in which each rule takes effect. The First Notice of Comment Period and Continuation of First Notice of Comment Period opened all rules required to be opened in Title 329 for readoption, regardless of their initial effective date. Other comments received are being included and considered within another currently existing rulemaking. Effective January 1, 2002.

HISTORY

First Notice of Comment Period: December 1, 1995, Indiana Register (19 IR 512).

Continuation of First Notice of Comment Period: December 1, 1996, Indiana Register (20 IR 867).

Second Notice of Comment Period and Notice of First Hearing: July 1, 1999, Indiana Register (22 IR 3246).

Change in Notice of Public Hearing: October 1, 1999, Indiana Register (23 IR 38).

Date of First Public Hearing: May 16, 2000; continued to June 20, 2000.

Notice of First Hearing: August 1, 2000, Indiana Register (23 IR 2788).

Date of First Public Hearing: November 21, 2000; continued to January 16, 2000, but postponed.

Second Notice of Comment Period and Notice of First Hearing: April 1, 2001, Indiana Register (24 IR 2245).

Date of First Hearing: May 15, 2001.

Notice of Second Hearing: July 1, 2001, Indiana Register (24 IR 3160).

Date of Second Hearing August 21, 2001.

329 IAC 11-9-1	329 IAC 11-11-2
329 IAC 11-9-2	329 IAC 11-11-3
329 IAC 11-9-3	329 IAC 11-11-4
329 IAC 11-9-4	329 IAC 11-11-5
329 IAC 11-9-5	329 IAC 11-11-6
329 IAC 11-11-1	329 IAC 11-14-1

SECTION 1. 329 IAC 11-9-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-9-1 Permit requirement

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10

Affected: IC 13-30-2; IC 13-30-6; IC 36-9-30-35

Sec. 1. (a) Unless excluded in 329 IAC 11-3, any person who **constructs or** operates a solid waste processing facility as **defined under 329 IAC 11-2-43** shall have a solid waste **processing** facility permit under this article.

(b) The owner of the facility is responsible for applying for and obtaining a permit. The owner of the land upon which the facility is located also shall sign the application form acknowl-

edging the land owner's responsibility in accordance with 329 IAC 11-11-4.

(c) In the event that, after the permit application is submitted but prior to the issuance of the permit, there is any change that renders the information in the application incorrect, the applicant shall notify the commissioner of the change within fifteen (15) days and submit corrected information within a reasonable period of time.

(d) It is grounds to deny a permit, including a renewal permit, to any applicant if such applicant has been convicted under ~~IC 13-7-13-3~~ **IC 13-30-6** or IC 36-9-30-35, or if such applicant's previous permit to operate under this article or the previous articles, 329 IAC 1.5, which was repealed in 1989, or 329 IAC 2, which was repealed in 1996, has been revoked by the commissioner under ~~IC 13-7-10-5~~ **IC 13-15-7-1**. (*Solid Waste Management Board; 329 IAC 11-9-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1936; errata filed Apr 4, 1996, 4:00 p.m.: 19 IR 2047; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1126, eff Jan 1, 2002*)

SECTION 2. 329 IAC 11-9-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-9-2 New permit application and major modification application

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10

Affected: IC 4-21.5-3-4; IC 4-21.5-3-5; IC 13-30-2; IC 36-7-4; IC 36-9-30

Sec. 2. (a) A complete application for a solid waste **process-****ing** facility permit must consist of the following information submitted to the commissioner in a format specified by the department on forms provided by the department:

- (1) The name and address of the applicant or applicants.
- (2) The name and address of the property owner or owners.
- (3) The name, address, and location of the facility.
- (4) The legal description as defined in 329 IAC 11-2-20 for the following:
 - (A) The area for which ownership will be established as required in subdivision (10).
 - (B) The area upon which the facility is located.
 - (C) Sufficient documentation must be provided to verify that the facility is located on property owned or leased by the permittee. Documentation must include a map of the legal description for these areas certified by a registered land surveyor.
- (5) Facility information, including the following:
 - (A) A description of the type of operation.
 - (B) The planned life of the facility in years.
 - (C) The expected volume of waste to be received in cubic yards per day and tons per day.
 - (D) The type of waste to be received.
- (6) Signatures and certification statements in compliance with section 3 of this rule.
- (7) Detailed plans and design specifications as required by

this section, 329 IAC 11-12, 329 IAC 11-17, and 329 IAC 11-18.

(8) Closure plan under 329 IAC 11-16.

(9) Closure financial responsibility under 329 IAC 11-16. A description of the financial instrument that will be used to achieve compliance with financial responsibility provisions of 329 IAC 10-39. These documents need not be executed and delivered to the commissioner until after the review of the technical application and until after the applicant receives notice of such requirement from the commissioner in accordance with 329 IAC 11-11-1(c)(1).

(10) Documents necessary to establish ownership or other tenancy of, including an option to purchase, the real estate upon which the facility to be permitted is located, including a certified copy of the deed to the subject real estate showing ownership in the person identified as the owner in the application, or the deed and evidence satisfactory to the commissioner that ownership will be transferred to the owner prior to operation of the facility.

(11) In order to assist the commissioner in identifying persons entitled to notice in accordance with ~~IC 4-21.5-3-5(f)~~, **IC 4-21.5-3-4 and IC 4-21.5-3-5**, the name and address of all owners or last taxpayers of record of property located within one-half (½) mile of the site boundaries of a proposed solid waste processing facility.

(12) Certification verification from the zoning authority, or the county commissioners if there is no zoning authority, that proper zoning approvals have been obtained, and the following documents:

(A) A copy of the zoning requirements, if any, for solid waste facilities in the area where the facility is to be located.

(B) A copy of the improvement location permit or occupancy permit issued by the zoning authority having jurisdiction for the site if a solid waste facility is permitted by the zoning ordinance in the area where the facility is to be located.

(C) A copy of the amendment or amendments to the zone maps incorporated by reference into the zoning ordinance under IC 36-7-4-602(c) if a change in the zone maps is required for the area where the facility is to be located.

(D) A copy of the amendment or amendments to the zoning ordinance adopted under IC 36-7-4-602 if such amendment is required for the area where the facility is to be located.

(E) A copy of the variance, special exception, special use, contingent use, or conditional use approved under IC 36-7-4-918.1 through IC 36-7-4-921 if such approval is required for the area where the facility is to be located.

(F) The status of any appeals of any zoning determination as described in clauses (B) through (E) and, if none pending, the date by which such appeal must be initiated.

(b) The completed application must be submitted to the commissioner in triplicate, by registered or certified mail or in person. For all items larger than eleven (11) inches by seventeen

(17) inches, one (1) of the three (3) required copies must be submitted on reproducible mylar plastic.

(c) Confidentiality of information submitted in the permit application may be requested in accordance with 329 IAC 6.1.

(d) All corporations must submit a certificate of existence signed by the secretary of state.

(e) Fees must be submitted with the application in accordance with IC 13-20-21.

(f) An application for a solid waste processing facility permit must be accompanied by the plans or documents specified in this rule. Design drawings and specifications must be certified by a registered professional engineer. Design drawings must be properly titled.

(g) The following general documentation is required:

(1) A United States Geological Survey (USGS) topographic quadrangle map or maps, seven and one-half (7½) minute, or equivalent, to include all areas within two (2) miles of the proposed facility with property boundaries and the proposed processing facility clearly delineated.

(2) Documentation of the base flood elevation within one-fourth (¼) mile of the proposed facility. The following documentation will be accepted:

(A) A letter from the Indiana department of natural resources.

(B) A national flood insurance program map.

(h) Applications must include a plot plan or plans of the facility, including the following:

(1) Access control measures such as fences, gates, or natural barriers.

(2) A method of screening.

(3) The general layout of the equipment.

(4) The traffic pattern.

(5) Road access.

(6) Surface water drainage.

Roads and buildings, on and within one-half (½) mile of the facility, must be shown. The plot plans and drawings required by this section must be drawn to scale. A bar scale must be shown on the plans to indicate the scale if size changes occur.

(i) Applications must include drawings of all buildings and all structures used for the storage, processing, loading, and unloading of solid waste. Drawings must include the type of construction, construction materials, layout, and dimensions for the storage, processing, loading, and unloading areas. Drawings must also include sanitary facilities, plumbing, sewer connections, and utilities. All liquid waste streams generated by the facility must be shown on these drawings.

(j) Applications must include a narrative describing the proposed operation, including the following:

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- (1) The anticipated type, quantity, and source of solid waste to be processed at the facility, including population and the area to be served. Include any analyses already completed on the waste and describe the sampling and analysis methods and equipment used. Describe any proposed sampling of waste streams, including analytical methods to be used.
- (2) A detailed description of all processes used in the handling, sorting, processing, and transportation of the waste, including a waste flow diagram for all waste streams and residues. Flow rates coinciding with the waste flow diagram must be specified.
- (3) A description of the proposed testing, treatment, and ~~disposal~~ **disposition** of all waste resulting from the facility. Proposed testing must be adequate to provide for proper treatment and ~~disposal~~ [sic.] of wastes.
- (4) Specifications for the base of all areas where wastes will be stored or handled.
- (5) Names and locations of solid waste land disposal facilities anticipated to receive waste and residue from the facility.
- (6) A contingency plan outlining the method or methods of waste disposal to be implemented if the facility is unable to operate or process solid waste in accordance with the approved operating plan for more than twenty-four (24) continuous hours. Include design capacity of waste storage areas and normal percent of capacity used during routine operations. Specify the maximum inventory of wastes in storage or treatment that will occur at any time during the life of the facility.
- (7) Procedures for controlling dust, noise, odors, fire, explosions, vectors, litter, and handling of bulky waste or other materials unsuitable for the proposed process.
- (8) Daily cleanup procedures for solid waste storage, processing, loading, and unloading areas.
- (9) Sanitary toilet facilities for employees.
- (10) Proposed operating hours for the facility.

(Solid Waste Management Board; 329 IAC 11-9-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1936; filed Nov 4, 1999, 10:19 a.m.: 23 IR 562; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1126, eff Jan 1, 2002)

SECTION 3. 329 IAC 11-9-3 IS READOPTED AS FOLLOWS:

329 IAC 11-9-3 Signatories to permit application and reports

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 36-9-30

- Sec. 3. (a) All permit applications must be signed as follows:
- (1) For a corporation, by a responsible corporate officer.
 - (2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.
 - (3) For a municipality or state, by the executive of the unit.
 - (4) For a federal or other public agency, by either a principal executive officer or ranking elected official or a senior executive officer having responsibility for the overall opera-

tions of a principal geographic unit of the agency that covers the facility to be permitted.

(b) All reports required by permits and other information requested by or on behalf of the commissioner must be signed by the permittee, or by a duly authorized representative of that person. A person is presumed to be an authorized representative if the conditions in any of the following are met:

- (1) The information is submitted on behalf of a person described in subsection (a).
- (2) The information is submitted in response to a requirement of the permit or in response to a request for information directed to a person described in subsection (a).
- (3) Written authorization is submitted to the commissioner, by an individual identified in subsection (a) that identifies a specific individual or position as authorized to submit information.

(c) If an authorization under subsection (b)(3) is no longer accurate, a new authorization satisfying the requirements of subsection (b)(3) must be submitted to the commissioner prior to or together with any reports of information to be signed by the authorized representative.

(d) Any person signing a document under subsection (a) or (b) shall make the certification, "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit this information." *(Solid Waste Management Board; 329 IAC 11-9-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1938; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1128, eff Jan 1, 2002)*

SECTION 4. 329 IAC 11-9-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-9-4 Renewal permit application and minor modification application

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 4-21.5-3-4; IC 4-21.5-3-5; IC 13-15-3-1; IC 13-30-2; IC 36-9-30

Sec. 4. (a) Renewal applications must be submitted at least one hundred twenty (120) days prior to the expiration date of the permit.

(b) A complete application for a solid waste **processing** facility permit renewal must consist of the following information, submitted on forms provided by the commissioner:

- (1) The name and address of the applicant.

- (2) The name and address of the property owner or owners.
- (3) The name, address, and location of the facility.
- (4) The operation permit number of the facility.
- (5) The legal description of the facility location as defined in 329 IAC 11-2-20.
- (6) Facility information, including the following:
 - (A) A description of the type of operation.
 - (B) The volume of waste received at the facility in cubic yards per day or tons per day.
 - (C) The type of waste received at the site.
- (7) Signatures and certification statements in compliance with section 3 of this rule.
- (8) In order to assist the commissioner in identifying persons entitled to notice:**
 - (A) in accordance with IC 4-21.5-3-4 and IC 4-21.5-3-5, the name and address of all owners or last taxpayers of record of property located adjacent to the facility boundary of the solid waste processing facility; and**
 - (B) in accordance with IC 13-15-3-1(a), the county executive of a county that is affected by the permit application, the executive of a city that is affected by the permit application, and the executive of a town council of a town that is affected by the permit application.**

(c) Fees must be submitted with the application in accordance with ~~IC 13-7-16-1~~ **IC 13-20-21**. (*Solid Waste Management Board; 329 IAC 11-9-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1939; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1128, eff Jan 1, 2002*)

SECTION 5. 329 IAC 11-9-5 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-9-5 Demonstration and determination of need

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-20-1-1; IC 13-21-5; IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 5. (a) This section applies to all permits for new solid waste facilities or major modifications of permits issued after March 20, 1990, except those facilities exempt under ~~IC 13-7-10-1.5(e)~~ **IC 13-20-1-1**.

(b) In accordance with subsection (a), and in addition to other permit application requirements outlined in this rule, the following are also required:

- (1) A description of the anticipated area that would be served by the facility as indicated by the following:
 - (A) Solid waste management district or districts if established.
 - (B) County, counties, or portions thereof.
 - (C) County, counties, and state if the area includes portions outside of Indiana.
- (2) A description of the existing solid waste management facilities that serve the same described area.
- (3) A description of the need that would be fulfilled by constructing the proposed facility as follows:

(A) For facilities proposed in areas with approved district solid waste management plans, a description of the need identified in the district solid waste management plan required by ~~IC 13-9-5~~ **under IC 13-21-5**.

(B) For facilities proposed in areas without approved district solid waste management plans, a description of need for the proposed area to be served.

(4) A description of recycling, composting, or other activities that the facility would operate within the proposed area of service.

~~(5) A description of the additional disposal capacity that the facility, if permitted, would provide for the proposed area of service.~~

~~(6)~~ (5) Additional information as requested by the commissioner.

(c) The commissioner shall review the submitted application and accompanying materials in accordance with this rule. If it is determined that there is not a local or regional need in Indiana for the solid waste management facility, the commissioner shall deny the permit application. (*Solid Waste Management Board; 329 IAC 11-9-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1939; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1129, eff Jan 1, 2002*)

SECTION 6. 329 IAC 11-11-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-11-1 Issuance procedures; original permits

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-15-3; IC 13-15-5-1; IC 13-15-5-3; IC 13-15-6; IC 13-20-8; IC 13-30-2; IC 36-9-30

Sec. 1. (a) After the commissioner determines that the application is complete, the commissioner shall comply with the procedural requirements of ~~IC 13-7-10-2 and IC 13-7-10-2.5~~ **IC 13-15-3, IC 13-15-5-1, IC 13-15-5-3, and IC 13-15-6-1 through IC 13-15-6-5** that are relevant to an application for an original permit for solid waste incinerator ~~regulated under IC 13-7-21~~ **IC 13-20-8**.

(b) If the commissioner determines that the permit application meets the requirements of this article and that the facility will be constructed and operated in accordance with the requirements of this article, the permit must be granted. The commissioner may impose such conditions in a permit as may be necessary to comply with the requirements of this article, ~~IC 13-1, IC 13-7, IC 13,~~ and IC 36-9-30.

(c) The notice of the granting of a permit must state that the permit will not become effective until:

- (1) all financial responsibility documents have been executed and delivered to the commissioner in the form and amount specified; and
- (2) any real estate transfers necessary to vest legal title of the real estate upon which the permitted activity is to occur in the name of the owner listed on the application have been

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completed, executed, and recorded and documents evidencing such transfer have been delivered to the commissioner.

(d) All permits must be issued in the name of the owner of the facility.

(e) Notwithstanding subsection (c)(2), a variance granted under ~~IC 13-7-7-6~~ **IC 13-14-8** must not be transferred to another person without independent proof of undue hardship or burden by the person seeking the transfer. (*Solid Waste Management Board; 329 IAC 11-11-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1940; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1129, eff Jan 1, 2002*)

SECTION 7. 329 IAC 11-11-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-11-2 Issuance procedures; renewal permits

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-20-8; IC 13-30-2; IC 36-9-30

Sec. 2. (a) After the commissioner concludes that the renewal application is complete, the following is required:

(1) The commissioner shall comply with the procedural requirements of ~~IC 13-7-10-2 and IC 13-7-10-2.5.~~ **IC 13** relevant to an application for a renewal permit for a solid waste incinerator regulated under ~~IC 13-7-21.~~ **IC 13-20-8.**

(2) The commissioner shall review the application to determine whether the facility or operation is in compliance with the plans and specifications as approved in its existing permit. The commissioner may request clarification or supplementation of information submitted in support of the renewal application. The commissioner shall evaluate the facility's compliance record under:

(A) the operational requirements of 329 IAC 11-7, 329 IAC 11-13, 329 IAC 11-14, 329 IAC 11-15, 329 IAC 11-19, and 329 IAC 11-20 as appropriate; and

(B) any prior or existing permit conditions.

(b) After the provisions of subsection (a) have been accomplished, if the commissioner determines that the facility will be in compliance with the requirements of this article and the permit conditions, including any additions to or revisions of the conditions in the existing permit, the commissioner shall grant renewal of the permit.

(c) All renewal permits must be issued in the name of the owner of the facility. (*Solid Waste Management Board; 329 IAC 11-11-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1940; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1130, eff Jan 1, 2002*)

SECTION 8. 329 IAC 11-11-3 IS READOPTED AS FOLLOWS:

329 IAC 11-11-3 Duration of permits

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 36-9-30

Sec. 3. A permit, including a renewal permit, must be issued for a fixed term not to exceed five (5) years. A permit may be modified or revoked prior to the expiration of the term for cause, as provided in section 6 of this rule, or in accordance with conditions set forth in the permit. (*Solid Waste Management Board; 329 IAC 11-11-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1940; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1130, eff Jan 1, 2002*)

SECTION 9. 329 IAC 11-11-4 IS READOPTED AS FOLLOWS:

329 IAC 11-11-4 Effect of permit issuance

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 36-9-30

Sec. 4. (a) The issuance of a permit does not:

- (1) convey any property ~~rights~~ **right** of any sort or any exclusive privileges;
- (2) authorize any injury to persons or private property or invasion of other private rights or any infringement of federal, state, or local laws or regulations; or
- (3) preempt any duty to comply with other state or local requirements.

(b) The owner ~~and~~ **or** operator of a solid waste facility and the owner or owners of the land upon which a solid waste facility is located shall be liable for any environmental harm caused by the facility. (*Solid Waste Management Board; 329 IAC 11-11-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1940; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1130, eff Jan 1, 2002*)

SECTION 10. 329 IAC 11-11-5 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-11-5 Transferability of permits

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-15-7; IC 13-30-2; IC 13-30-6; IC 36-9-30-35

Sec. 5. (a) A permit may be transferred to another person by the permittee, without the need for a new permit or modification or revocation of the existing permit **being required**, if:

- (1) the permittee notifies the commissioner of the proposed transfer at least sixty (60) days before the proposed date of transfer on forms provided by the commissioner;
- (2) a written agreement containing a specific date of transfer of permit responsibility is submitted to the commissioner;
- (3) the transferee has not been convicted under ~~IC 13-7-13-3~~ **IC 13-30-6** or IC 36-9-30-35 and has not had a permit to operate under this article, or previous articles, 329 IAC 1.5, which was repealed in 1989, or 329 IAC 2, which was repealed in 1996, revoked by the commissioner under ~~IC 13-7-10-5;~~ **IC 13-15-7;**
- (4) the transferee provides proof of financial responsibility as provided in 329 IAC 10-39 if required by the commissioner; and
- (5) the transferee provides proof that ~~he or she~~ **it** is, or will be, the owner of the facility.

(b) The transfer will be effective on the specific date of transfer provided by the permittee unless the commissioner notifies the permittee and the transferee that the transfer will be denied.

(c) Notwithstanding the transfer of a permit, a variance must not be transferred to another person. (*Solid Waste Management Board; 329 IAC 11-11-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1940; errata filed Apr 4, 1996, 4:00 p.m.: 19 IR 2047; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1130, eff Jan 1, 2002*)

SECTION 11. 329 IAC 11-11-6 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-11-6 Permit revocation and modification

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 4-21.5-3-7; IC 13-30-2; IC 36-9-30

Sec. 6. (a) The commissioner may revoke or modify a permit issued under this article if cause exists under ~~IC 13-7-10-5(a)~~ **IC 13-15-7-1** and may request an updated application if necessary. When a permit is modified, only the conditions subject to modifications are reopened and subject to review under ~~IC 13-7-10-5~~ **IC 13-15-7** and IC 4-21.5-3-7. If a permit is revoked, the entire permit is reopened and subject to revision, and if the permit is reissued, it may be for a new term.

(b) If the facility is located in an area not suitable for the operation of a solid waste processing facility as specified ~~by~~ **under** this article, the commissioner shall consider this issue as a sufficient basis for denying the modification or for revoking the permit unless the permittee demonstrates to the commissioner that continued use of the facility will not pose a threat to human health or the environment.

(c) ~~Except as provided under 329 IAC 11-3-4, to request a change in the facility plans or operation; permit,~~ the permittee ~~may shall~~ request that the commissioner modify the permit. The permittee shall submit the requested modification and rationale for such modification. If the commissioner determines that the requested modification is consistent with the standards established in this article, the commissioner shall grant the modification. Only the conditions subject to modification are reopened. The commissioner shall give notice of the determination on the modification in accordance with ~~IC 13-7-10-5~~ **IC 13-15-7** and IC 4-21.5-3-7. (*Solid Waste Management Board; 329 IAC 11-11-6; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1941; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1131, eff Jan 1, 2002*)

SECTION 12. 329 IAC 11-14-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-14-1 Quarterly reports

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 1. (a) A quarterly tonnage report of solid waste received

at the solid waste processing facility must be submitted to the commissioner by the owner, operator, or permittee of that facility.

(b) The report required by subsection (a) must be submitted:

(1) For all facilities required to report, except on-site incinerators, on or before the fifteenth day of the month immediately following the end of the calendar quarter being reported. If the submittal date falls on a Saturday, Sunday, or national or state legal holiday, the submittal date will be the next day that is not a Saturday, Sunday, or holiday.

(2) For on-site incinerators, annually, on or before the fifteenth of January. If the submittal date falls on a Saturday, Sunday, or national or state legal holiday, the submittal date will be the next day that is not a Saturday, Sunday, or holiday.

(3) For purposes of this subsection, “on-site” means a facility that accepts solid waste generated within the facility boundary and may also accept solid waste generated at various locations owned by the same parent company that owns the facility. The term does not include an incinerator that is on-site and permitted by rule under 329 IAC 11-19-2.

(c) The report required by subsection (a) must be submitted by the owner, operator, or permittee of the **permitted** solid waste processing facility that is open to accept solid waste for processing unless **one (1) of the following applies:**

(1) The owner, operator, or permittee of the solid waste processing facility has:

(A) ceased accepting solid waste for a period of at least one (1) calendar quarter; and

~~**(2) the owner, operator, or permittee of the solid waste processing facility has**~~

(B) sent written notification to the commissioner indicating the initiation of final closure under 329 IAC 11-16 if applicable.

(2) The solid waste processing facility is not required to obtain a permit under this article.

(3) The solid waste processing facility is only required to obtain a permit by rule under 329 IAC 11-19-2(a).

(d) The solid waste hauler shall provide the owner, operator, or permittee of the solid waste processing facility with the origin or origins of the solid waste delivered to the solid waste processing facility. The hauler shall estimate, by percent, the type and amount of solid waste originating in each county and state, or country if other than the United States, if the load contains solid waste from more than one (1) county, state, or country.

(e) The owner, operator, or permittee of the solid waste processing facility shall submit the quarterly tonnage report, required ~~by~~ **under** subsection (a) as follows:

(1) On the most current paper **or electronic** report form

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prescribed by the department. The owner, operator, or permittee may obtain a quarterly tonnage report form from the department. The form:

- (A) may be photocopied **or electronically copied** by the owner, operator, or permittee of the solid waste processing facility; and
 - (B) in its most current format, may be computer generated by the owner, operator, or permittee of the solid waste processing facility.
- (2) The original of each paper report must be signed by the facility owner, operator, or permittee as certification of report accuracy.
- (3) Each report must be accurate, legible, and complete.
- (4) ~~One (1) additional paper copy of each original paper report must be submitted with the original paper report required in subdivision (6):~~ **Each electronic report must contain a unique identification code assigned to the permitted facility owner, operator, or permittee by the commissioner as certification of report accuracy and authenticity.**
- (5) The type and usage of electronic reporting formats **other than described in subdivision (1)** must be approved by the ~~department:~~ **commissioner.**
- (6) The paper report and any approved format required by this subsection must include at least the following information:
- (A) The weight in total tons of solid waste received at the facility for that calendar quarter compiled by waste type and origin.
 - (B) The county and state in which the solid waste originated. If the solid waste originated outside of the United States, the country must be designated. The origin must be provided to the solid waste processing facility by the solid waste hauler as described in subsection (d).
 - (C) The type, total weight in tons, and final destination of solid waste received at and transported off-site from the solid waste processing facility for reuse, recycling or disposal.
 - (D) Waste types include the following:
 - (i) Municipal solid waste.
 - (ii) Construction/demolition debris.
 - (iii) **Special Pollution control** waste.
 - (iv) Other solid waste.
- (f) If the owner, operator, or permittee of the solid waste processing facility ascertains that there is an error or errors in any report previously submitted as required by subsection (a), a revised report reflecting the correct information must be submitted in the same format as the original submission. The revised report must:
- (1) have "Amended" written or typed at the top of each page of the resubmitted report; and
 - (2) be submitted before or with the submission of the next quarterly tonnage report after ascertaining the error.
- (g) Copies of reports required by this section must be maintained on-site by the facility owner, operator, or permittee for three (3) years after the submittal date of the report and be made

available during normal operating hours for on-site inspection and photocopying by a representative of the department.

(h) The facility owner, operator, or permittee shall maintain the documentation on-site to substantiate reports required by this section. Such documentation must be maintained by the facility owner, operator, or permittee for three (3) years after the report's submittal date and be made available during normal operating hours for on-site inspection and photocopying by a representative of the department.

(i) Failure to submit reports and copies as required by this section, or maintain copies of reports and records as required by this section, constitutes an operational violation under 329 IAC 11-1-1.

(j) A facility required to report by subsection (a), which does not operate weighing scales for weighing solid waste, must use the most applicable of the following conversion factors to determine the weight of municipal solid waste from the volume of municipal solid waste:

(1) Three and three-tenths (3.3) cubic yards of compacted solid waste equals one (1) ton of solid waste.

(2) Six (6) cubic yards of uncompacted solid waste equals one (1) ton of solid waste. ~~or~~

(3) One (1) cubic yard of baled solid waste equals one (1) ton of solid waste.

(k) The owner, operator, or permittee of any solid waste processing facility accepting construction/demolition debris or **special pollution control** waste, required to report under subsection (a), that does not operate weighing scales for weighing solid waste, shall use accepted engineering practices, production information, or other methods approved by the ~~department~~ **commissioner** to estimate the weight of these solid waste types received at the facility. (*Solid Waste Management Board; 329 IAC 11-14-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1943; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1131, eff Jan 1, 2002*)

LSA Document #01-207(F)

Proposed Rule Published: July 1, 2001; 24 IR 3160

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Incorporated Documents Filed with Secretary of State: None

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #01-168(F)

DIGEST

Amends 410 IAC 15-2.5-7 and 410 IAC 15-2.7-1 to update

the guidelines for design and construction of hospital and health care facilities. Effective 30 days after filing with the secretary of state.

410 IAC 15-2.5-7

410 IAC 15-2.7-1

SECTION 1. 410 IAC 15-2.5-7 IS AMENDED TO READ AS FOLLOWS:

410 IAC 15-2.5-7 Physical plant, equipment maintenance, and environmental services

Authority: IC 16-21-1-7

Affected: IC 16-21-1

Sec. 7. (a) The center shall be constructed, arranged, and maintained to ensure the safety of the patient and to provide facilities for services authorized under the center license as follows:

(1) The plant operations and maintenance service, equipment maintenance, and environmental services must be as follows:

(A) Staffed to meet the scope of the services provided.

(B) Under the direction of a person or persons qualified by education, training, or experience according to center policy, approved by the governing body.

(2) The center shall provide a physical plant and equipment that meets the statutory requirements and regulatory provisions of the state department of fire and building services, 675 IAC 22, Indiana fire prevention codes, and 675 IAC 13, Indiana building codes.

(3) There must be emergency power and lighting in accordance with National Fire Protection Association (NFPA) 99.

(4) In new construction, renovations, and additions, the center site and facilities, or nonlicensed facilities acquired for the purpose of providing center services shall meet the following:

(A) The ~~1996-1997~~ **2001** edition of the national "Guidelines for Design and Construction of ~~Hospitals~~ **Hospital** and Health Care Facilities" (Guidelines).

(B) All building, fire safety, and handicapped accessibility codes, and rules adopted and administered by the state building commission shall apply to all facilities covered by this rule and take precedence over any building, fire safety, or handicapped accessibility requirements of the Guidelines.

(C) When renovation or replacement work is done within an existing facility, all new work or additions, or both, shall comply, insofar as practical, with applicable sections of the Guidelines and for certification with appropriate parts of NFPA 101.

(D) Water supply and sewage disposal services shall be obtained from municipal or community services.

(E) As early in the construction, addition, and/or renovation project as possible, the functional and operational description shall be submitted to the division. This submission shall consist of, but not be limited to, the following:

(i) Functional program narrative as established in the Guidelines.

(ii) Schematics, based upon the functional program, consisting of drawings, (as single-line plans), outline specifications, and other documents illustrating the scale and relationship of project components.

(F) Prior to the start of construction, addition, and/or renovation projects, detailed architectural and operational plans for construction shall be submitted to the plan review division of the department of fire and building services and to the division of sanitary engineering of the department as follows:

(i) Working drawings, project manuals, and specifications shall be included.

(ii) Prior to submission of final plans and specifications, recognized standards and codes, including infection control standards, shall be reviewed as required in section 1(e)(2) of this rule.

(iii) All required approvals shall be obtained from fire and building services and final approval from the division of sanitary engineering of the department prior to issuance of the occupancy letter by the division.

(G) Upon receipt of a plan release from the fire and building commissioner and documentation of a completed plan review by the division of sanitary engineering of the department, a licensure application shall be submitted to the division on the form approved and provided by the department.

(H) Documentation from the state building commissioner that the center is in compliance with the fire safety rules of the fire prevention and building safety commission shall be furnished to the division with the licensure application.

(b) The condition of the physical plant and the overall center environment must be developed and maintained in such a manner that the safety and well-being of patients are assured as follows:

(1) No condition in the center or on the grounds may be maintained which may be conducive to the harboring or breeding of insects, rodents, or other vermin.

(2) No condition may be created or maintained which may result in a hazard to patients, public, or employees.

(3) Provision must be made for the periodic inspection, preventive maintenance, and repair of the physical plant and equipment by qualified personnel as follows:

(A) Operation, maintenance, and spare parts manuals must be available, along with training and/or instruction of the appropriate center personnel, in the maintenance and operation of fixed and movable equipment.

(B) All mechanical equipment (pneumatic, electric, sterilizing, or other) must be on a documented maintenance schedule of appropriate frequency in accordance with acceptable standards of practice or the manufacturer's recommended maintenance schedule.

(C) Operational and maintenance control records must be established and analyzed at least triennially. These records must be readily available on the premises.

(D) Maintenance and repairs must be carried out in accor-

dance with applicable codes, rules, standards, and requirements of local jurisdictions, administrative building council, the state fire marshal, and the department.

(4) The patient care equipment requirements are as follows:

(A) There must be sufficient patient care equipment and space to assure the safe, effective, and timely provision of the available services to patients.

(B) All patient care equipment must be in good working order and regularly serviced and maintained as follows:

(i) All patient care equipment must be on a documented maintenance schedule of appropriate frequency in accordance with acceptable standards of practice or the manufacturer's recommended maintenance schedule.

(ii) There must be evidence of preventive maintenance on all patient care equipment.

(iii) Appropriate records must be kept pertaining to equipment maintenance, repairs, and electrical current leakage checks and analyzed at least triennially.

(iv) Defibrillators must be discharged at least in accordance with manufacturers' recommendations, and a discharge log with initialed entries must be maintained.

(5) The building(s), including fixtures, walls, floors, ceiling, and furnishings throughout, must be kept clean and orderly in accordance with current standards of practice, including the following:

(A) Environmental services must be provided in such a way as to guard against transmission of disease to patients, health care workers, the public, and visitors by using the current principles of the following:

(i) Asepsis.

(ii) Cross-contamination prevention.

(iii) Safe practice.

(B) Refuse, biohazards, infectious waste, and garbage must be collected, transported, sorted, and disposed of by methods, which will minimize nuisances or hazards according to federal, state, and local laws and rules.

(c) A safety management program must include, but not be limited to, the following:

(1) A review of safety functions by a committee appointed by the chief executive officer which includes representatives from administration and patient care services.

(2) An ongoing center-wide process to evaluate and collect information about hazards and safety practices to be reviewed by the committee.

(3) The safety program includes, but is not limited to, the following:

(A) Patient safety.

(B) Health care worker safety.

(C) Public and visitor safety.

(4) A written fire control plan that contains provisions for the following:

(A) Prompt reporting of fires.

(B) Extinguishing of fires.

(C) Protection of patients, personnel, and guests.

(D) Evacuation.

(E) Cooperation with firefighting authorities.

(F) Fire drills.

(5) Maintenance of written evidence of regular inspection and approval by state or local fire control agencies in accordance with center policy and state and local regulations.

(6) Emergency and disaster preparedness coordinated with appropriate community, state, and federal agencies.

(Indiana State Department of Health; 410 IAC 15-2.5-7; filed Dec 1, 1999, 3:44 p.m.: 23 IR 793; errata filed Feb 15, 2000, 8:05 a.m.: 23 IR 1657; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1133)

SECTION 2. 410 IAC 15-2.7-1, AS AMENDED AT 24 IR 992, SECTION 4, IS AMENDED TO READ AS FOLLOWS:

410 IAC 15-2.7-1 Incorporation by reference

Authority: IC 16-21-1-7

Affected: IC 16-21-1

Sec. 1. (a) When used in this article, references to the following publications shall mean the version of that publication listed and are hereby incorporated by reference:

(1) Guidelines for Design and Construction of ~~Hospitals~~ **Hospital** and Health Care Facilities (~~1996-1997~~ **(2001** Edition). Copies are available from the American Institute of Architects, 1735 New York Avenue Northwest, Washington, D.C. 20006. Local purchase may be made from the Architectural Center Bookstore, 47 South Pennsylvania Avenue, Indianapolis, Indiana 46204.

(2) National Fire Protection Association (NFPA) 99, Health Care Facilities (1993 Edition). Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 1901, Quincy, Massachusetts 02260-9904.

(3) National Fire Protection Association (NFPA) 101, Life Safety Code Handbook (1985 Edition for Medicare/Medicaid certified nonaccredited hospitals, and the 1991 Edition for Medicare/Medicaid certified hospitals that are accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO). Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 1901, Quincy, Massachusetts 02269-9904.

(4) National Committee on Radiation Protection (NCRP) Reports, Number 49, "Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies Up to 10 MeV: (September 15, 1976, Edition). Copies may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Avenue, Washington, D.C. 20014.

(5) National Committee on Radiation Protection (NCRP) Reports, Number 102, "Medical X-ray, Electron Beam and Gamma Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use)", June 30, 1989, Edition). Copies may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Avenue, Washington, D.C. 20014.

(6) 42 CFR 493 (Effective October 1, 1993, Edition).

- (7) 21 CFR 606 (April 1, 1994, Edition).
- (8) 21 CFR 640 (April 1, 1994, Edition).

(b) Federal rules which have been incorporated by reference do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. All incorporated material is available for public review at the department. (*Indiana State Department of Health; 410 IAC 15-2.7-1; filed Dec 1, 1999, 3:44 p.m.: 23 IR 795; errata filed Feb 15, 2000, 8:05 a.m.: 23 IR 1658; filed Nov 13, 2000, 11:17 a.m.: 24 IR 992; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1134*)

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Approved by Governor: November 30, 2001
Filed with Secretary of State: December 2, 2001, 12:35 p.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #01-169(F)
DIGEST

Amends 410 IAC 15-1.5-8 and 410 IAC 15-1.7-1 to update the guidelines for design and construction of hospital and health care facilities. Effective 30 days after filing with the secretary of state.

410 IAC 15-1.5-8
410 IAC 15-1.7-1

SECTION 1. 410 IAC 15-1.5-8 IS AMENDED TO READ AS FOLLOWS:

410 IAC 15-1.5-8 Physical plant, maintenance, and environmental services

Authority: IC 16-21-1-7
Affected: IC 16-21-1

Sec. 8. (a) The hospital shall be constructed, arranged, and maintained to ensure the safety of the patient and to provide facilities for services authorized under the hospital license as follows:

- (1) The plant operations and maintenance service, equipment maintenance, and environmental service shall be:
 - (A) staffed to meet the scope of the services provided; and
 - (B) under the direction of a person or persons qualified by education, training, or experience.

- (2) There shall be a safety officer designated to assume responsibility for the safety program.
- (3) The hospital shall provide a physical plant and equipment that meets the statutory requirements and regulatory provisions of the state department of fire and building services, including 675 IAC 22, Indiana fire prevention codes, and 675 IAC 13, Indiana building codes.

(b) The condition of the physical plant and the overall hospital environment shall be developed and maintained in such a manner that the safety and well-being of patients are assured as follows:

- (1) No condition in the facility or on the grounds shall be maintained which may be conducive to the harborage or breeding of insects, rodents, or other vermin.
- (2) No condition shall be created or maintained which may result in a hazard to patients, public, or employees.
- (3) There shall be emergency power and lighting in accordance with National Fire Protection Association (NFPA) 99.
- (4) There shall be a plan for emergency fuel and water supply.
- (5) Provision shall be made for the periodic inspection, preventive maintenance, and repair of the physical plant and equipment by qualified personnel as follows:

- (A) Operation, maintenance, and spare parts manuals shall be available, along with training or instruction of the appropriate personnel, in the maintenance and operation of the fixed and movable equipment.
- (B) Operational and maintenance control records shall be established and analyzed periodically. These records shall be readily available on the premises.
- (C) Maintenance and repairs shall be carried out in accordance with applicable codes, rules, standards, and requirements of local jurisdictions, the administrative building council, the state fire marshal, and the department.

(c) In new construction, renovations, and additions, the hospital site and facilities, or nonlicensed facilities acquired for the purpose of providing hospital services, shall meet the following:

- (1) The ~~1992~~ **2001** edition of the national "Guideline for Construction and Equipment of ~~Hospitals~~ **Hospital** and Medical Facilities" (Guidelines).
- (2) All building, fire safety, and handicapped accessibility codes and rules adopted and administered by the state building commissioner shall apply to all facilities covered by this rule and take precedence over any building, fire safety, or handicapped accessibility requirements of the Guidelines.
- (3) When renovation or replacement work is done within an existing facility, all new work or addition, or both, shall comply, insofar as practical, with applicable sections of the Guidelines and for certification with appropriate parts of National Fire Protection Association (NFPA) 101.
- (4) Proposed sites shall be located away from detrimental nuisances, well drained, and not subject to flooding. A site

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survey and recommendations shall be obtained from the department prior to site development.

(5) Water supply and sewage disposal services shall be obtained from municipal or community services. Outpatient facilities caring for patients less than twenty-four (24) hours that do not provide surgery, laboratory, or renal dialysis services may be served by approved private on-site septic tank absorption field systems.

(6) Site utility installations for water, sprinkler, sanitary, and storm sewer systems, and wells for potable emergency water supplies shall comply with applicable sections of Bulletin S.E. 13, "On-Site Water Supply and Waste-water Disposal for Public and Commercial Establishments", 1988 edition.

(7) As early in the construction, addition, or renovation project as possible, the functional and operational description shall be submitted to the division. This submission shall consist of, but not be limited to, the following:

(A) Functional program narrative as established in the Guidelines.

(B) Schematics, based upon the functional program, consisting of drawings (as single-line plans), outline specifications, and other documents illustrating the scale and relationship of project components.

(8) Prior to the start of construction, addition, and/or renovation projects, detailed architectural and operational plans for construction shall be submitted to the plan review division of the department of fire and building services and to the division of sanitary engineering of the department, as follows:

(A) Working drawings, project manual, and specifications shall be included.

(B) Prior to submission of final plans and specifications, recognized standards and codes, including infection control standards, shall be reviewed as required in section 2(f)(2) of this rule.

(C) All required approvals shall be obtained from the state building commissioner and final approval from the division of sanitary engineering of the department prior to issuance of the occupancy letter by the division.

(9) All back flow prevention devices shall be installed as required by 327 IAC 8-10 and the current edition of the Indiana plumbing code. Such devices shall be listed as approved by the department.

(10) Upon receipt of a design release from the state building commissioner and documentation of a completed plan review by the division of sanitary engineering of the department, a licensure application shall be submitted to the division on the form approved and provided by the department.

(11) Documentation from the state building commissioner that the hospital is in compliance with the fire safety rules of the fire prevention and building safety commission shall be furnished to the division with the licensure application.

(12) Plans for constructing, expanding, or remodeling x-ray or gamma ray facilities shall be accompanied by an evaluation of the radiation protection features by a radiation qualified expert as required by 410 IAC 5. After completion of the x-

ray or gamma ray installation and prior to use, a radiation safety survey shall be performed by a radiation qualified expert to insure that the facility meets all applicable requirements of 410 IAC 5 and National Council on Radiation Protection and Measurements (NCRP) Reports Number 49 and 102.

(13) Outpatient facilities, rehabilitation facilities, psychiatric facilities, and mobile, transportable, and relocatable units which are included under the hospital license may comply with appropriate sections of the Guidelines. If not, they shall comply with the hospital section of the Guidelines.

(d) The equipment requirements are as follows:

(1) All equipment shall be in good working order and regularly serviced and maintained.

(2) There shall be sufficient equipment and space to assure the safe, effective, and timely provision of the available services to patients, as follows:

(A) All mechanical equipment (pneumatic, electric, or other) shall be on a documented maintenance schedule of appropriate frequency and with the manufacturer's recommended maintenance schedule.

(B) There shall be evidence of preventive maintenance on all equipment.

(C) Appropriate records shall be kept pertaining to equipment maintenance, repairs, and current leakage checks.

(3) Defibrillators shall be discharged at least in accordance with manufacturers recommendations and a discharge log with initialed entries shall be maintained.

(4) Electrical safety shall be practiced in all areas.

(e) The building(s), including fixtures, walls, floors, ceiling, and furnishings throughout, shall be kept clean and orderly in accordance with current standards of practice as follows:

(1) Environmental services shall be provided in such a way as to guard against transmission of disease to patients, health care workers, the public, and visitors by using the current principles of:

(A) asepsis;

(B) cross-infection; and

(C) safe practice.

(2) Refuse and garbage shall be collected, transported, sorted, and disposed of by methods which will minimize nuisances or hazards.

(f) The safety management program shall include, but not be limited to, the following:

(1) An ongoing hospital-wide process to evaluate and collect information about hazards and safety practices to be reviewed by the safety committee.

(2) A safety committee appointed by the chief executive officer which includes representatives from administration, patient services, and support services.

(3) The safety program which includes, but is not limited to, the following:

- (A) Patient safety.
- (B) Health care worker safety.
- (C) Public and visitor safety.
- (D) Hazardous materials and wastes management in accordance with federal and state rules.
- (E) A written fire control plan that contains provisions for the following:
 - (i) Prompt reporting of fires.
 - (ii) Extinguishing of fires.
 - (iii) Protection of patients, personnel, and guests.
 - (iv) Evacuation.
 - (v) Cooperation with firefighting authorities.
- (F) Maintenance of written evidence of regular inspection and approval by state or local fire control agencies.
- (G) Emergency and disaster preparedness coordinated with appropriate community, state, and federal agencies.

(Indiana State Department of Health; 410 IAC 15-1.5-8; filed Dec 21, 1994, 9:40 a.m.: 18 IR 1273; errata filed Feb 23, 1995, 2:00 p.m.: 18 IR 1837; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1135)

SECTION 2. 410 IAC 15-1.7-1 IS AMENDED TO READ AS FOLLOWS:

410 IAC 15-1.7-1 Incorporation by reference

Authority: IC 16-21-1-7
Affected: IC 16-21-1

Sec. 1. (a) When used in this article, references to the following publications shall mean the version of that publication listed below. The following publications are hereby incorporated by reference:

- (1) Guidelines for Construction and Equipment of ~~Hospitals~~ **Hospital** and Medical Facilities (~~1992-1993~~ **(2001** Edition). Copies are available from the American Institute of Architects, 1735 New York Ave. Northwest, Washington, D.C. 20006.
- (2) Bulletin S.E. 13, "On-site Water Supply and Waste-water Disposal for Public and Commercial Establishments" (1988 Edition). Copies are available from the Indiana State Department of Health, 1330 West Michigan Street, P.O. Box 1964, Indianapolis, IN 46206-1964.
- (3) National Fire Protection Association (NFPA) 99, Health Care Facilities (1993 Edition). Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9904.
- (4) National Fire Protection Association (NFPA) 101, Life Safety Code Handbook (1985 Edition for Medicare/Medicaid certified nonaccredited hospitals, and the 1991 Edition for Medicare/Medicaid certified hospitals that are accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO)). Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9904.
- (5) National Committee on Radiation Protection (NCRP) Reports, Number 49, "Structural Shielding Design and

Evaluation for Medical Use of X-rays and Gamma Rays of Energies Up to 10 MeV", (September 15, 1976 Edition). Copies may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Avenue, Washington, D.C. 20014.

- (6) National Committee on Radiation Protection (NCRP) Reports, Number 102, "Medical X-ray, Electron Beam and Gamma Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use)", (June 30, 1989 Edition). Copies may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Avenue, Washington, D.C. 20014.
- (7) 42 CFR Part 412, Subpart B, section 412.25, 42 CFR Part 412, Subpart B, section 412.27, 42 CFR Part 412, Subpart B, section 412.29, 42 CFR Part 412, Subpart B, section 412.30 (October 1, 1993 Edition).
- (8) 42 CFR Part 493 (October 1, 1993 Edition).
- (9) 21 CFR Part 606 (April 1, 1994 Edition).
- (10) 21 CFR Part 640 (April 1, 1994 Edition).

(b) Federal rules which have been incorporated by reference do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. All incorporated material is available for public review at the Indiana state department of health. *(Indiana State Department of Health; 410 IAC 15-1.7-1; filed Dec 21, 1994, 9:40 a.m.: 18 IR 1280; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1137)*

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 Incorporated Documents Filed with Secretary of State: None*

TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION

NOTE: Under P.L.215-2001, SECTION 54, the name of the Division of Mental Health is changed to Division of Mental Health and Addiction, effective July 1, 2001.

LSA Document #01-53(F)

DIGEST

Adds 440 IAC 9-2-4, 440 IAC 9-2-5, and 440 IAC 9-2-6 to establish standards and requirements for community mental health centers and certified managed care providers regarding

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acute stabilization, day treatment, and services to prevent unnecessary and inappropriate treatment and hospitalization and the deprivation of a person's liberty as part of the required continuum of care for persons needing addiction services, persons with serious mental illness, or children with serious emotional disorders. Effective 30 days after filing with the secretary of state.

440 IAC 9-2-4

440 IAC 9-2-5

440 IAC 9-2-6

SECTION 1. 440 IAC 9-2, AS ADDED AT 24 IR 372, SECTION 2, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

440 IAC 9-2-4 Acute stabilization

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2; IC 12-24-12-10; IC 12-24-19-4

Sec. 4. (a) **Managed care providers and community mental health centers shall provide acute stabilization according to the standards set out in this section. Managed care providers and community mental health centers shall ensure that their subcontractors who provide acute stabilization services also meet the same standards.**

(b) **Acute stabilization can take place in a variety of settings, as appropriate. Acute stabilization services are those activities which accomplish rapid intervention and management of psychological and social distress of persons in crisis. A person in crisis is a person whose condition is threatening to their physical well being or that of others.**

(c) **Inpatient care in a licensed general or private mental health institution is a necessary part of acute stabilization for all populations.**

(1) **All managed care providers and community mental health centers shall either operate or contract with a licensed general or psychiatric hospital to provide inpatient care.**

(2) **The staff of the managed care provider or community mental health center shall be involved in the planning of treatment for and the discharge of the consumer during the time the consumer is in inpatient care, to maintain continuity of care.**

(3) **The managed care provider or community mental health center shall assure that the consumer is able to obtain psychiatric inpatient care without regard to the ability to pay.**

(d) **All managed care providers for addictions treatment services and all community mental health centers shall have detoxification services available for individuals who are chronically addicted.**

(1) **Detoxification services are those activities provided for a person during withdrawal from alcohol and other**

drugs, under the supervision of a physician or clinical nurse specialist.

(2) **All managed care providers for addictions treatment services and all community mental health centers shall either operate or contract with a provider of detoxification services.**

(3) **Detoxification services shall be included within the array of services and shall be available twenty-four (24) hours per day, seven (7) days per week.**

(4) **The staff of the managed care provider or community mental health center shall be involved in the treatment of the consumer during the time the consumer is in detoxification services to maintain continuity of care.**

(e) **All managed care providers and community mental health centers shall have a physician licensed in Indiana available for consultation to staff twenty-four (24) hours per day, seven (7) days per week.**

(f) **In addition to inpatient or detoxification, all managed care providers and all community mental health centers shall have the ability to provide crisis services in other appropriate settings.**

(1) **Crisis services must be protective and supportive, while being in as natural an environment as possible.**

(2) **When a consumer is in crisis, staff must be on site.**

(Division of Mental Health and Addiction; 440 IAC 9-2-4; filed Nov 30, 2001, 10:58 a.m.; 25 IR 1138)

SECTION 2. 440 IAC 9-2, AS ADDED AT 24 IR 372, SECTION 2, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

440 IAC 9-2-5 Day treatment for adults

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2; IC 12-24-12-10; IC 12-24-19-4

Sec. 5. (a) **Managed care providers and community mental health centers shall provide or arrange for the provision of day treatment according to the standards set out in this section. Managed care providers and community mental health centers shall ensure that their subcontractors who provide day treatment services also meet the same standards.**

(b) **Day treatment services provide a distinct and organized treatment program that offers less than twenty-four (24) hour daily care and furnishes a well defined, structured program of activities during the day, evening, or weekend for a specific consumer population, seriously mentally ill adults, and individuals who abuse substances.**

(c) **Day treatment shall be provided to individual consumers, as appropriate, according to the individual treatment plan, which is required to be developed for each consumer at section 3 of this rule:**

(1) Clinical records shall reflect individualized schedules for participants.

(2) Schedules shall be individualized based upon a written care plan, based on an individualized assessment of needs.

(d) A day treatment program shall be based on a written, cohesive, and clearly stated philosophy and treatment orientation and must include the following items:

(1) For each population served, there must be a written statement of philosophy that is based on literature, research, and proven practice models for that population.

(2) The services must be consumer centered.

(3) The philosophy shall explicitly state a consideration of client preferences and informed choices.

(4) The stated philosophy shall be carried out in practice.

(e) The managed care provider or community mental health center shall provide, as a part of a day treatment program, or in other parts of the continuum, the following program units as a minimum:

(1) Treatment groups.

(2) Vocational services, which include a range of activities designed to assist an individual to realize the individual's fullest vocational potential by utilizing such activities as supported employment, vocational rehabilitation, job skills training, volunteer work, or clubhouse.

(3) Training for the consumer in self-management, including psycho-education and training in disease management.

(4) Training in activities of daily living.

(5) Community interaction programs.

(f) Day treatment programs shall provide programming at distinguishable levels of intensity. Intensity is a measure of the structure, pace of activity, and supervision or clinical intervention in a program.

(g) A day treatment program shall have the following as evidence of ongoing programming:

(1) Schedules of ongoing programming.

(2) Evidence of normal activities outside the facility in community settings.

(3) Service records or other evidence that individuals receive services of different intensity, according to their individual treatment plan.

(Division of Mental Health and Addiction; 440 IAC 9-2-5; filed Nov 30, 2001, 10:58 a.m.: 25 IR 1138)

SECTION 3. 440 IAC 9-2, AS ADDED AT 24 IR 372, SECTION 2, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

440 IAC 9-2-6 Services to prevent unnecessary and inappropriate treatment and hospitalization and the deprivation of a person's liberty

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2; IC 12-24-12-10; IC 12-24-19-4; IC 12-26

Sec. 6. (a) Services to prevent unnecessary and inappropriate

deprivation of a person's liberty include the following:

(1) Review of commitments and gatekeeping into and out of state-operated institutions.

(2) The range of community support program services and crisis service alternatives.

(3) Those administrative and supervisory functions that manage the care provided to make certain that each consumer receives appropriate care.

(b) A utilization management plan, which provides objective guidance that helps direct treatment, external to the clinician/consumer relationship, must be in place and include the following:

(1) The plan shall be an existing system that defines criteria for initiating a course of treatment, transition, and discharge.

(2) The plan shall be objective, documented, and external to individual clinicians.

(3) The plan shall cite published literature and research on which the system is based.

(4) Utilization management may consist of any of the following:

(A) Prior authorization manuals or systems.

(B) Evidence based treatment systems.

(C) Clinical pathways.

(D) American Society of Addiction Medicine criteria.

(E) Another system of linking need to care.

(5) A provider may contract for utilization management services.

(c) In addition to regular peer review, supervisor review, and treatment plan reviews, the provider shall have an ongoing process to evaluate the utilization of services.

(d) The utilization of services review shall include the following:

(1) The percentage of cases evaluated for each modality of treatment.

(2) The ongoing system of treatment evaluation.

(3) Samples of reports from the previous year's treatment review.

(e) The provider shall train staff on the use of the utilization management system and keep records regarding the training. *(Division of Mental Health and Addiction; 440 IAC 9-2-6; filed Nov 30, 2001, 10:58 a.m.: 25 IR 1139)*

LSA Document #01-53(F)

Notice of Intent Published: 24 IR 1688

Proposed Rule Published: August 1, 2001; 24 IR 3756

Hearing Held: August 23, 2001

Approved by Attorney General: November 14, 2001

Approved by Governor: November 29, 2001

Filed with Secretary of State: November 30, 2001, 10:58 a.m.

Incorporated Documents Filed with Secretary of State: None

Final Rules

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #00-286(F)

DIGEST

Adds 460 IAC 1-3.6 concerning the residential care assistance program eligibility requirements. Effective 30 days after filing with the secretary of state.

460 IAC 1-3.6

SECTION 1. 460 IAC 1-3.6 IS ADDED TO READ AS FOLLOWS:

Rule 3.6. Residential Care Assistance Program

460 IAC 1-3.6-1 Definitions

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-30; IC 16-28

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

(b) "County home" means a residential facility owned, staffed, maintained, and operated by a county government that provides residential care to individuals.

(c) "County office" means the county office of family and children.

(d) "Division" means the division of disability, aging, and rehabilitative services.

(e) "Residential care" provided in a county home is nonmedical assistance provided to a resident. Residential care provided in a residential home is room, board, and laundry, along with minimal administrative direction.

(f) "Residential care assistance" means state financial assistance through the division paid on behalf of a resident of a county home or residential home who has been found to be eligible for assistance.

(g) "Residential home" means a residential care setting licensed under IC 16-28 or an accredited Christian Science facility listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., that meets certain life safety standards considered necessary by the state fire marshal. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.6-1; filed Nov 14, 2001, 4:50 p.m.: 25 IR 1140*)

460 IAC 1-3.6-2 Eligibility for assistance for county home residents

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-30

Sec. 2. (a) An individual is eligible for residential care assistance in a county home if the individual:

- (1) is at least sixty-five (65) years of age, blind, or disabled;
- (2) is a resident of a county home; and
- (3) would be eligible for federal Supplemental Security Income assistance except for the fact that the individual is residing in a county home.

(b) An individual will be determined to be eligible for federal Supplemental Security Income assistance if the individual does any of the following:

- (1) Presents verification that the individual is currently receiving federal Supplemental Security Income benefits.
- (2) Presents verification that the individual is currently receiving Medicaid benefits.
- (3) It is determined by the county office that the individual is eligible for federal Supplemental Security Income benefits. An individual shall be determined to be eligible for federal Supplemental Security Income benefits if the individual:

(A) has a disability that meets the definition of disability contained in 42 U.S.C. 1382c(a)(3)(A) and 42 U.S.C. 1382c(a)(3)(B); and

(B) is financially eligible for federal Supplemental Security Income benefits.

(c) An individual who is disabled because of mental illness may be admitted to a county home only to the extent that money is available for the individual's care. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.6-2; filed Nov 14, 2001, 4:50 p.m.: 25 IR 1140*)

460 IAC 1-3.6-3 Eligibility for assistance in a residential home

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-10-6

Sec. 3. (a) An individual is eligible for residential care assistance in a residential home if the individual:

- (1) is a current recipient of Medicaid or federal Supplemental Security Income benefits; and
- (2) can be adequately cared for in a residential care setting.

(b) An individual will be determined to be able to be adequately cared for in a residential home if an individual is admitted to or cared for in a residential home.

(c) An individual diagnosed with mental retardation may not be admitted to a residential home.

(d) An individual who is disabled because of mental illness may be admitted to a residential home only to the extent that money is available for the individual's care. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.6-3; filed Nov 14, 2001, 4:50 p.m.: 25 IR 1140*)

460 IAC 1-3.6-4 Continuing financial eligibility

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6
Affected: IC 12-30

Sec. 4. An individual who is receiving residential care assistance and has an increase in income that would render the individual ineligible for residential care assistance may elect to continue to be eligible for residential care assistance by paying the excess income to the county home or residential home that provides residential care to the individual. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.6-4; filed Nov 14, 2001, 4:50 p.m.: 25 IR 1141*)

460 IAC 1-3.6-5 Annual review

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6
Affected: IC 12-30

Sec. 5. Eligibility for residential care assistance shall be redetermined by the county office on an annual basis, upon a change in the eligible individual's status as a recipient of Medicaid or federal Supplemental Security Income benefits, or upon a change in the medical status of a resident of a county home that would render the resident ineligible for federal Supplemental Security Income benefits. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.6-5; filed Nov 14, 2001, 4:50 p.m.: 25 IR 1141*)

LSA Document #00-286(F)

Notice of Intent Published: 24 IR 1046

Proposed Rule Published: August 1, 2001; 24 IR 3759

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Approved by Governor: November 14, 2001

Filed with Secretary of State: November 14, 2001, 4:50 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 511 INDIANA STATE BOARD OF EDUCATION

LSA Document #01-33(F)

DIGEST

Amends 511 IAC 6.1-5.1-1 dealing with multidisciplinary courses. Amends 511 IAC 6.1-5.1-9 dealing with business technology education, family and consumer sciences, and technology education. Amends 511 IAC 6.1-5.1-10.1 dealing with vocational-technical courses. Effective 30 days after filing with the secretary of state.

511 IAC 6.1-5.1-1

511 IAC 6.1-5.1-9

511 IAC 6.1-5.1-10.1

SECTION 1. 511 IAC 6.1-5.1-1 IS AMENDED TO READ AS FOLLOWS:

511 IAC 6.1-5.1-1 Multidisciplinary courses

Authority: IC 20-1-1-6; IC 20-1-1.2-18
Affected: IC 20-10.1

Sec. 1. (a) The following multidisciplinary courses may be offered:

- (1) Basic skills development.
- (2) Cadet teaching experience.
- (3) Introduction to computer applications.
- (4) Environmental studies (L).
- (5) Humanities.
- (6) Junior reserve officer training corps.
- (7) Musical theatre (L).
- (8) Peer tutoring.
- (9) Career information and exploration.
- (10) Driver education (L).
- (11) Motorcycle safety education (L).

(b) After July 1, 2001, schools involved in Project Lead the Way, a pre-engineering program, may offer the following:

- (1) Engineering design and development (L).**
- (2) Digital electronics (L).**

(b)(c) For establishing majors and minors, multidisciplinary courses shall be applied to an area of study to which a significant portion of the course content is closely related.

(c)(d) In order to use the courses listed in this section toward the thirty-eight (38) credit requirements, any course that is suffixed with a capital "L" in parentheses is to be presented as a laboratory course, as defined at 511 IAC 6.1-1-2(l).

(d)(e) Cadet teaching experience for high school pupils is limited to kindergarten through grade 9. Credit is granted on the same basis as any other course. (*Indiana State Board of Education; 511 IAC 6.1-5.1-1; filed Nov 8, 1990, 3:05 p.m.: 14 IR 654; filed Nov 4, 1999, 10:08 a.m.: 23 IR 566, eff Jul 1, 2000; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1141*)

SECTION 2. 511 IAC 6.1-5.1-9 IS AMENDED TO READ AS FOLLOWS:

511 IAC 6.1-5.1-9 Business technology education; family and consumer sciences; technology education

Authority: IC 20-1-1-6; IC 20-1-1.2-18
Affected: IC 20-10.1

Sec. 9. The following courses may be offered in the business technology education family and consumer sciences, and technology education areas of study:

(1) Before July 1, 2000, the following business technology education courses:

(A) The following business technology education and economics courses:

(i) Business communications:

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- (ii) Business communications, advanced.
 - (iii) Business mathematics.
 - (iv) Personal finance/consumer economics.
 - (v) Introduction to business.
 - (vi) Introduction to marketing.
- (B) The following business technology education applications courses:
- (i) Accounting, beginning.
 - (ii) Accounting, advanced.
 - (iii) Introduction to computers and technology.
 - (iv) Computer applications.
 - (v) Computer applications, advanced.
 - (vi) Computer programming.
 - (vii) Electronic office applications/technology.
 - (viii) Record keeping.
 - (ix) Shorthand/notehand.
 - (x) Shorthand, advanced.
 - (xi) Keyboarding.
 - (xii) Keyboarding applications.
 - (xiii) Keyboarding production.
 - (xiv) Information/word processing.
- (C) The following advanced business technology education and economics courses:
- (i) International business.
 - (ii) Economics of business.
 - (iii) Business law.
 - (iv) Business management.
 - (v) Entrepreneurship.
- (2) After June 30, 1998; (1) The following business technology education courses:
- (A) The following business technology education and economics courses:
- (i) Accounting I.
 - (ii) Accounting II.
 - (iii) Business foundations.
 - (iv) Computer applications.
 - (v) Computer applications, advanced.
 - (vi) Computer keyboarding/document formatting.
 - (vii) Computer programming.
 - (viii) Marketing.
 - (ix) Business mathematics/personal finance.
 - (x) Shorthand/notehand.
- (B) The following advanced business technology education and economics courses:
- (i) Business, college level.
 - (ii) Business and personal law.
 - (iii) Business management.
 - (iv) Entrepreneurship.
 - (v) Global economics.
 - (vi) International business.
 - (vii) Technical/business communication.
- (3) Before July 1, 2000; the following family and consumer sciences courses:
- (A) The following general (nonvocational) family and consumer sciences courses:
- (i) General family and consumer sciences Level I.
 - (ii) General family and consumer sciences Level H.
 - (iii) General family and consumer sciences Level III.
 - (iv) General family and consumer sciences Level IV.
 - (v) Nutrition and food 3.
 - (vi) Nutrition and food 4.
 - (vii) Textiles and clothing 3.
 - (viii) Textiles and clothing 4.
- (B) Any family and consumer sciences course listed in section 10.1 of this rule but not vocationally approved.
- (4) (2) The following industrial arts/technology technology education courses:
- (A) Before July 1, 2000; the following industrial arts courses:
- (i) Aerospace.
 - (ii) Ceramics.
 - (iii) Drafting.
 - (iv) Electricity.
 - (v) Electronics.
 - (vi) Graphic arts.
 - (vii) Industrial communication.
 - (viii) Industrial materials and processes.
 - (ix) Industrial power.
 - (x) Innovative industrial research.
 - (xi) Metals.
 - (xii) Plastics/synthetics.
 - (xiii) Power mechanics.
 - (xiv) Woods.
- (B) After June 30, 1995; (A) The following technology education courses:
- (i) Communication systems (one (1) semester).
 - (ii) Construction systems (one (1) semester).
 - (iii) Manufacturing systems (one (1) semester).
 - (iv) Transportation systems (one (1) semester).
 - (v) Communication processes (one (1) or two (2) semesters).
 - (vi) Construction processes (one (1) or two (2) semesters).
 - (vii) Manufacturing processes (one (1) or two (2) semesters).
 - (viii) Transportation processes (one (1) or two (2) semesters).
 - (ix) Design processes (one (1) or two (2) semesters).
 - (x) Technology enterprises (one (1) semester).
 - (xi) Technology and society (one (1) semester).
 - (xii) Technology systems (one (1) or two (2) semesters).
 - (xiii) Fundamentals of engineering (one (1) semester).
 - (xiv) Computers in design and production systems (one (1) or two (2) semesters).
- (B) After July 1, 2001, schools involved in Project Lead the Way may substitute the following pre-engineering courses:
- (i) Introduction to engineering design (two (2) semesters) in lieu of design processes.
 - (ii) Principles of engineering (two (2) semesters) in lieu of fundamentals of engineering.
 - (iii) Computer integrated manufacturing (two (2) semesters) in lieu of computers in design and production systems.

(Indiana State Board of Education; 511 IAC 6.1-5.1-9; filed Nov 8, 1990, 3:05 p.m.: 14 IR 658; filed Jul 12, 1993, 10:00 a.m.: 16 IR 2853, eff Jul 1, 1993 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-143 was filed Jul 12, 1993.] ; filed May 24, 1995, 10:00 a.m.: 18 IR 2409; filed May 28, 1998, 4:57 p.m.: 21 IR 3826; errata filed Aug 17, 1998, 10:21 a.m.: 22 IR 127; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1141)

SECTION 3. 511 IAC 6.1-5.1-10.1 IS AMENDED TO READ AS FOLLOWS:

511 IAC 6.1-5.1-10.1 Vocational-technical courses

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1

Sec. 10.1. (a) The following courses may be offered in the vocational-technical area of study:

(1) The following agricultural science and business courses:

(A) Fundamentals of agricultural science and business.

(B) The following agricultural business courses:

(i) Agribusiness management.

(ii) Agricultural mechanization.

(iii) Farm management.

(iv) Landscape management.

(v) Natural resource management.

(vi) Supervised agricultural experience.

(C) The following agricultural science courses:

(i) Animal science.

(ii) Food science.

(iii) Horticultural science.

(iv) Plant and soil science.

(2) Before July 1, 2000, the following business services and technology education courses:

(A) The following intensive office laboratory courses:

(i) Management-administrative support services.

(ii) Business office services.

(iii) Computer operations and/or programming.

(iv) Computerized accounting services.

(v) Information processing services.

(B) The following cooperative office education courses:

(i) Related instruction.

(ii) On-the-job training.

(3) After June 30, 1998, (2) The following business services and technology education courses:

(A) Career planning and success skills.

(B) The following business services and technology education laboratory courses:

(i) Business technology lab I.

(ii) Business technology lab II.

(iii) Business management and finance.

(iv) Computer operations and/or programming.

(v) Computerized accounting services.

(vi) Information technology network systems.

(vii) Information technology information support and services.

(viii) Information technology programming and software development.

(ix) Information technology interactive media.

(C) Business cooperative experiences (cooperative/related).

(4) (3) The following health occupations careers education courses:

(A) The following health occupations careers education core courses:

(i) Introduction to health careers care systems.

(ii) ~~Medical terminology.~~ **Integrated health sciences I.**

(iii) ~~Medical anatomy and physiology.~~ **Integrated health sciences II.**

(iv) Introduction to dental health careers.

(B) The following health occupations careers education skill courses:

(i) Health careers I.

(ii) Health careers II.

(iii) Health careers III.

(iv) Introduction to medical assisting.

(v) Introduction to health care specialties.

(vi) Introduction to community health services.

(vii) Introduction to pharmacy.

(viii) Introduction to physical therapy.

(ix) Introduction to health care technology.

(x) Introduction to emergency medical services.

(xi) Dental assisting I, II, III, and IV.

(C) The following health occupations, other courses:

(i) ~~Integrated human studies I: Medical terminology.~~

(ii) ~~Integrated human studies II: Anatomy and physiology.~~

(D) Health career practicum (extended lab/related).

(5) Before July 1, 2000, the following one (1) semester family and consumer sciences courses:

(A) The following consumer education/management courses:

(i) Consumer education.

(ii) Family management.

(B) The following nutrition/food courses:

(i) Nutrition and food 1.

(ii) Nutrition and food 2.

(C) The following housing courses:

(i) Housing and interior design.

(ii) Home furnishings and interior decoration.

(D) The following human development courses:

(i) Interpersonal relations.

(ii) Human development.

(iii) Child development 1.

(iv) Child development 2.

(v) Family relations.

(E) The following textiles and clothing courses:

(i) Textiles and clothing 1.

(ii) Textiles and clothing 2.

(F) The following family and consumer sciences, other courses:

(i) Family health.

(ii) Independent living.

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- (iii) Orientation to world of work.
- (iv) Parenthood education.
- (6) After June 30, 1998; (4) The following one (1) semester family and consumer sciences courses:
 - (A) Orientation to life and careers.
 - (B) Nutrition and wellness.
 - (C) Child development and parenting.
 - (D) Interpersonal relationships.
 - (E) Adult roles and responsibilities.
 - (F) Consumer economics.
 - (G) Chemistry of foods.
 - (H) Advanced foods and nutrition.
 - (I) Advanced child development.
 - (J) Human development and family wellness.
 - (K) Housing and interiors.
 - (L) Textiles and fashion technologies.
 - (M) Family and consumer sciences issues and applications.
- (7) Before July 1, 2000, the following one (1) year occupational family and consumer sciences courses:
 - (A) The following child care and guidance courses:
 - (i) Child care services I.
 - (ii) Child care services II.
 - (iii) Child care assistance.
 - (iv) Teacher assistance.
 - (B) The following clothing and textiles production and management courses:
 - (i) Commercial sewing I.
 - (ii) Commercial sewing II.
 - (iii) Commercial apparel construction.
 - (iv) Custom tailoring.
 - (v) Clothing maintenance.
 - (C) The following food production and management courses:
 - (i) Dietetic assistance.
 - (ii) Dining room service.
 - (iii) Food service I.
 - (iv) Food service II.
 - (v) Food service management.
 - (vi) Quantity food preparation.
 - (vii) Specialty food preparation.
 - (viii) Food catering.
 - (D) The following home furnishings and equipment management courses:
 - (i) Home furnishings and equipment.
 - (ii) Interior design.
 - (iii) Home service assistance.
 - (E) The following institutional and home management courses:
 - (i) Homemaker's assistance.
 - (ii) Institutional housekeeping.
 - (F) The following cooperative occupational family and consumer sciences courses:
 - (i) Cooperative occupational family and consumer sciences I.
 - (ii) Cooperative occupational family and consumer sciences II.
- (8) After June 30, 1998; (5) The following one (1) year occupational family and consumer sciences courses:
 - (A) The following early childhood education and services courses:
 - (i) Early childhood education and services I.
 - (ii) Early childhood education and services II.
 - (B) The following apparel and textile occupations courses:
 - (i) Apparel and textile occupations I.
 - (ii) Apparel and textile occupations II.
 - (C) The following food industry occupations courses:
 - (i) Food industry occupations I.
 - (ii) Food industry occupations II.
 - (D) The following housing occupations courses:
 - (i) Housing occupations I.
 - (ii) Housing occupations II.
 - (E) The following residential and institutional facilities and equipment courses:
 - (i) Residential and institutional facilities and equipment I.
 - (ii) Residential and institutional facilities and equipment II.
 - (F) The following human services occupations courses:
 - (i) Human services I.
 - (ii) Human services II.
 - (G) The following cooperative occupational family and consumer sciences courses:
 - (i) Cooperative occupational family and consumer sciences I.
 - (ii) Cooperative occupational family and consumer sciences II.
- (9) (6) The following trade and industrial education courses:
 - (A) The following air conditioning courses:
 - (i) Cooling and refrigeration.
 - (ii) Heating and air conditioning.
 - (iii) Solar heating and cooling.
 - (B) The following appliance repair courses:
 - (i) Major appliance repair.
 - (ii) Small appliance repair.
 - (C) The following automotive courses:
 - (i) Body and fender repair.
 - (ii) Auto mechanics.
 - (iii) Auto specialization.
 - (D) The following aviation courses:
 - (i) Aircraft maintenance.
 - (ii) Air frame mechanics.
 - (iii) Aircraft mechanics.
 - (iv) Aircraft operations.
 - (v) Ground operations.
 - (E) The following business machine maintenance courses:
 - (i) Business machine maintenance.
 - (ii) Business machine repair.
 - (F) The following commercial art courses:
 - (i) Commercial art.
 - (ii) Interior design.
 - (iii) Product design.
 - (G) Commercial fishery.
 - (H) Commercial photography.
 - (I) The following construction and maintenance courses:

- (i) Building trades.
- (ii) Carpentry.
- (iii) Electricity.
- (iv) Masonry.
- (v) Painting and decorating.
- (vi) Plumbing and pipe fitting.
- (J) The following custodial service courses:
 - (i) Custodial service.
 - (ii) Building maintenance.
- (K) Diesel mechanics.
- (L) The following drafting courses:
 - (i) Architectural.
 - (ii) Civil/structural.
 - (iii) Engineering.
 - (iv) Blueprint reading.
 - (v) Die designer.
 - (vi) Design.
 - (vii) Drafting.
 - (viii) Electrical/electronics.
 - (ix) Mechanical.
- (M) The following electrical courses:
 - (i) Industrial electrician.
 - (ii) Lineman.
 - (iii) Motor repair.
- (N) The following electronics courses:
 - (i) Biomedical.
 - (ii) Communications.
 - (iii) Computer electronics.
 - (iv) Electronic product servicing.
 - (v) Industrial electronics.
 - (vi) Radio/television repair.
 - (vii) Robotics.
- (O) The following fabric maintenance courses:
 - (i) Dry cleaning.
 - (ii) Laundering.
- (P) Foremanship, supervision, and management development.
- (Q) The following graphic arts-printing courses:
 - (i) Graphic arts.
 - (ii) Printing.
- (R) Industrial atomic energy.
- (S) The following instrument maintenance and repair courses:
 - (i) Instrument maintenance and repair.
 - (ii) Watchmaking and repair.
- (T) The following maritime courses:
 - (i) Maritime.
 - (ii) Marine maintenance.
- (U) The following metalworking courses:
 - (i) Foundry.
 - (ii) Machine shop.
 - (iii) Machine tool operation.
 - (iv) Sheet metal.
 - (v) Metal fabrication.
 - (vi) Welding and cutting.
 - (vii) Gas welding.
 - (viii) Electric welding.
 - (ix) Tool and die making.
- (V) Metallurgy.
- (W) The following precision food production courses:
 - (i) Precision food production, general.
 - (ii) Meat cutting.
 - (iii) Slaughtering and butchering.
 - (iv) Precision food production.
- (X) The following personal services courses:
 - (i) Barbering.
 - (ii) Cosmetology.
 - (iii) Electrolysis.
- (Y) Plastics.
- (Z) The following public service courses:
 - (i) Fireman training.
 - (ii) Law enforcement training.
- (AA) Small engine repair.
- (BB) Stationary energy sources.
- (CC) The following textile production and fabrication courses:
 - (i) Textile production and fabrication.
 - (ii) Commercial sewing.
 - (iii) Tailoring.
- (DD) The following leather working courses:
 - (i) Leather working.
 - (ii) Shoe repair.
- (EE) Upholstering.
- (FF) The following woodworking courses:
 - (i) Cabinet making.
 - (ii) Millwork.
 - (iii) Furniture making.
 - (iv) Woodworking, general.
- (GG) The following industrial cooperative training courses:
 - (i) Related instruction.
 - (ii) On-the-job training.
- ~~(H)~~ (7) The following interdisciplinary cooperative education courses:
 - (A) Related instruction.
 - (B) On-the-job training.
- ~~(H)~~ Before July 1, 2000, the following marketing education courses:
 - ~~(A) The following marketing courses:

 - ~~(i) Introduction to marketing.~~
 - ~~(ii) Marketing.~~
 - ~~(iii) Marketing, advanced (cooperative/related).~~~~
 - ~~(B) The following specialized marketing education courses:

 - ~~(i) Marketing management.~~
 - ~~(ii) Fashion merchandising.~~
 - ~~(iii) Advertising and sales.~~
 - ~~(iv) Entrepreneurship/business ownership.~~
 - ~~(v) Finance and credit services.~~
 - ~~(vi) Retailing.~~
 - ~~(vii) Hospitality and tourism.~~
 - ~~(viii) Sports/entertainment marketing.~~~~

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(ix) Radio-TV broadcasting/telecommunications.

(12) After June 30, 1998; (8) The following marketing education courses:

(A) The following marketing courses:

- (i) Marketing foundations.
- (ii) Marketing, advanced (related).

(B) The following specialized marketing education courses:

- (i) Entrepreneurship.
- (ii) Fashion merchandising.
- (iii) Financial services marketing.
- (iv) Hospitality, travel, and tourism.
- (v) Marketing seminar.
- (vi) Sports, recreation, and entertainment marketing.
- (vii) Radio-TV broadcasting/telecommunications.

(C) Marketing field experiences (cooperative).

(b) All of the courses listed in subsection (a) must also meet the requirements of 511 IAC 8.

(e) Before July 1, 2000, as an option to offering family and consumer sciences courses as nonvocational education, schools may choose to offer these courses as a vocational family and consumer sciences program by meeting the following additional requirements:

(1) A minimum offering for vocational family and consumer sciences consists of consumer education, interpersonal relations, and at least one (1) course from each of the following areas:

- (A) Nutrition and food.
- (B) Housing.
- (C) Human development.
- (D) Textiles and clothing.

This minimum offering must be taught within any consecutive two (2) year time period.

(2) A major in vocational family and consumer sciences education consists of consumer education or family management, interpersonal relations, or family relations, and four (4) additional courses from at least three (3) different categories in the family and consumer sciences area of study.

(3) A minor in vocational family and consumer sciences consists of consumer education or family management, interpersonal relations or family relations, and two (2) additional courses from at least two (2) different categories in the family and consumer sciences area of study.

(d) After June 30, 1998; (c) Schools may qualify their family and consumer sciences programs for vocational status by meeting the following additional requirements:

(1) A minimum offering for vocational family and consumer sciences consists of teaching orientation to life and careers or interpersonal relationships every year and teaching at least four (4) additional courses from the following:

- (A) Nutrition and wellness.
- (B) Interpersonal relationships.
- (C) Child development and parenting or human development and family wellness.
- (D) Adult roles and responsibilities.
- (E) Consumer economics.

(F) Orientation to life and careers.

This minimum offering must be taught within any consecutive two (2) year time period.

(2) A major in vocational family and consumer sciences education consists of at least six (6) credits, including three (3) of the following:

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

(3) A minor in vocational family and consumer sciences consists of at least four (4) credits from the following:

- (A) Child development and parenting or human development and family wellness.
- (B) Nutrition and wellness.
- (C) Orientation to life and careers.
- (D) Adult roles and responsibilities.
- (E) Consumer economics.
- (F) Interpersonal relationships.

(Indiana State Board of Education; 511 IAC 6.1-5.1-10.1; filed Jul 12, 1993, 10:00 a.m.: 16 IR 2854, eff Jul 1, 1993 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-143 was filed Jul 12, 1993.]; filed May 28, 1998, 4:57 p.m.: 21 IR 3827; errata filed Aug 17, 1998, 10:21 a.m.: 22 IR 127; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1143)

LSA Document #01-33(F)

Notice of Intent Published: 24 IR 1688

Proposed Rule Published: April 1, 2001; 24 IR 2181

Hearing Held: May 3, 2001

Approved by Attorney General: November 16, 2001

Approved by Governor: November 30, 2001

Filed with Secretary of State: December 2, 2001, 12:22 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 511 INDIANA STATE BOARD OF EDUCATION

LSA Document #01-162(F)

DIGEST

Amends 511 IAC 5-2-4 to provide ISTEP testing accommodations to students with limited English proficiency and to make other changes to conform with current statutory provisions. Effective 30 days after filing with the secretary of state.

511 IAC 5-2-4

SECTION 1. 511 IAC 5-2-4 IS AMENDED TO READ AS FOLLOWS:

511 IAC 5-2-4 Accommodations

Authority: IC 20-1-1-6; IC 20-10.1-16-10

Affected: IC 20-1-1.2; IC 20-1-1.3; IC 20-1-6; IC 20-10.1-16; IC 20-10.1-17

Sec. 4. (a) The case conference committee may determine that a ~~special adaptation~~ **testing accommodation** is necessary for a student, ~~identified as handicapped who is a student with a disability~~ under ~~511 IAC 7-1-1~~, **511 IAC 7**, to take the test. The ~~adaptation~~ **accommodation** must be documented in the student's ~~IEP~~, **individualized education program** as defined in ~~511 IAC 7-1-1(M)~~, **511 IAC 7**, the student's permanent educational record, and on the **appropriate** ISTEP ~~answer~~ document.

(b) ~~The building principal may determine for all other students that a special adaptation is necessary~~ For a student who ~~suffers has~~ an unusual condition that significantly impairs the student's ~~physical~~ ability to take the test, **but to whom subsection (a) does not apply, the building principal or principal's designee shall ensure that determinations about testing accommodations are made.** Examples of these conditions range from temporary disabling conditions, such as a broken arm, to chronic conditions that affect motor ability, such as cerebral palsy. ~~The adaptation should be noted~~ **accommodation must be documented** in the student's permanent educational record and on the **appropriate** ISTEP ~~answer~~ document.

(c) **The building principal or principal's designee may determine that a testing accommodation is necessary for a student whose primary language is a language other than English and who is a student with limited English proficiency as defined in section 3 of this rule. The accommodation must be documented in the student's permanent educational record and on the appropriate ISTEP document.**

(c) ~~Special adaptations~~ (d) **Subject to the requirements of federal law, IC 20-1-6, and the ISTEP program manual, testing accommodations** include, but are not limited to:

- (1) adaptive equipment;
- (2) braille;
- (3) increased testing time;
- (4) large print; and
- (5) a test assistant to fill in the answers indicated by the student on the answer document.

(Indiana State Board of Education; 511 IAC 5-2-4; filed May 4, 1988, 8:40 a.m.: 11 IR 3038; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1147)

LSA Document #01-162(F)

Notice of Intent Published: 24 IR 2726

Proposed Rule Published: August 1, 2001; 24 IR 3764

Hearing Held: September 6, 2001

Approved by Attorney General: November 16, 2001

Approved by Governor: November 30, 2001

Filed with Secretary of State: December 2, 2001, 12:30 p.m.

Incorporated Documents Filed with Secretary of State: None

**TITLE 511 INDIANA STATE BOARD OF
EDUCATION**

LSA Document #01-203(F)

DIGEST

Amends 511 IAC 5-2 to eliminate the norm-referenced test and test of cognitive skills from the Indiana statewide testing for educational progress (ISTEP) program but allow schools to continue to offer the tests at state expense. Effective 30 days after filing with the secretary of state.

511 IAC 5-2-1

511 IAC 5-2-3

SECTION 1. 511 IAC 5-2-1 IS AMENDED TO READ AS FOLLOWS:

511 IAC 5-2-1 Definitions

Authority: IC 20-1-1-6; IC 20-10.1-16-5; IC 20-10.1-16-10

Affected: IC 20-1-1.2; IC 20-1-1.3; IC 20-10.1-17

Sec. 1. (a) "ISTEP" refers to the Indiana statewide testing for educational progress test consisting of the following components:

(1) **A criterion-referenced test in English/language arts and mathematics for grades 3, 6, 8, and 10.**

(+) (2) A standardized, norm-referenced test in the subject areas of English/language arts and mathematics for grades ~~1~~, ~~2~~, 3, 6, 8, ~~9~~, and ~~11~~, supplemented with test items needed to better relate the ISTEP program with the proficiency statements developed by the department. **10. Beginning with the 2000-2001 school year, a school corporation or accredited nonpublic school may administer, but is not required to administer, the norm-referenced test in grade 10. Beginning with the 2001-2002 school year, a school corporation or accredited nonpublic school may administer, but is not required to administer, the norm-referenced test in grades 3, 6, and 8. If a school corporation or accredited nonpublic school administers the norm-referenced test, the state shall pay the cost of administering the norm-referenced test.**

(-) (3) A cognitive abilities test for grades ~~2~~, 3, 6, 8, ~~9~~, and ~~11~~. **10. Beginning with the 2000-2001 school year, a school corporation or accredited nonpublic school may administer, but is not required to administer, the cognitive abilities test. If a school corporation or accredited nonpublic school administers the cognitive abilities test, the state shall pay the cost of administering the cognitive abilities test.**

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- (3) Writing samples for grades 3, 6, 8, 9, and 11.
(4) Beginning in the ~~1988-89~~ **2002-2003** school year, ~~supplementary tests in the subject areas of science and~~
(5) **Beginning in the 2003-2004 school year, tests in social studies. for grades 3, 6, 8, and 11.**

“Proficiency statements” refer to the statements developed by the department of education identifying (b) “Academic standards” refers to the skills and knowledge taught in English/language arts and mathematics in grades 1, 2, 3, 6, 8, 9, and 11: **base expected of a student at a particular grade level for a particular subject area.**

(c) “Student” means any individual enrolled in a school corporation or ~~private~~ accredited **nonpublic** school. (*Indiana State Board of Education; 511 IAC 5-2-1; filed May 4, 1988, 8:40 a.m.: 11 IR 3037; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1147*)

SECTION 2. 511 IAC 5-2-3, AS AMENDED AT 24 IR 994, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

511 IAC 5-2-3 Applicability

Authority: IC 20-1-1-6; IC 20-10.1-16-5; IC 20-10.1-16-10
Affected: IC 20-1-1.2; IC 20-1-1.3; IC 20-10.1-17

Sec. 3. (a) Any ~~private~~ **nonpublic** school seeking accreditation and all school corporations shall administer the ISTEP **criterion-referenced** test to each student in grades 3, 6, 8, and 10. A student is exempt from participation in the ISTEP program if the student qualifies under one (1) of the following:

- (1) As determined by the student’s case conference committee, a student who is a student with a disability under 511 IAC 7, who does not receive classroom instruction in English/language arts or mathematics that reflects the student’s grade level achievement standards.
(2) A student whose primary language is other than English, has limited proficiency in English, and reads at least two (2) years below grade level. Limited proficiency in English is evidenced by any of the following:

- (A) The student does not understand, speak, read, or write English, but may know a few isolated words or expressions.
(B) The student understands simple sentences in English, especially when they are spoken slowly, but speaks only isolated words and expressions.
(C) The student:
(i) speaks English with hesitancy;
(ii) understands English with difficulty;
(iii) converses in English, but only with effort and assistance;
(iv) understands only some parts of lessons;
(v) cannot understand and follow simple directions; and
(vi) cannot write sentences that do not contain errors in syntax and fact.

- (b) The building principal must document the exemption of

a student from participation in the ISTEP program in the student’s permanent educational record. If the student is exempt under subsection (a)(1), that exemption must be included in the student’s IEP as defined under 511 IAC 7. (*Indiana State Board of Education; 511 IAC 5-2-3; filed May 4, 1988, 8:40 a.m.: 11 IR 3037; filed Nov 13, 2000, 8:01 a.m.: 24 IR 994; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1148*)

LSA Document #01-203(F)

Notice of Intent Published: 24 IR 3100

Proposed Rule Published: August 1, 2001; 24 IR 3768

Hearing Held: September 6, 2001

Approved by Attorney General: November 16, 2001

Approved by Governor: November 30, 2001

Filed with Secretary of State: December 2, 2001, 12:22 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #00-254(F)

DIGEST

Amends 515 IAC 1-2-19 to specify fees required for various types of applications for licenses, certificates, and permits for educators. Effective January 1, 2002.

515 IAC 1-2-19

SECTION 1. 515 IAC 1-2-19 IS AMENDED TO READ AS FOLLOWS:

515 IAC 1-2-19 Fees; licensing fund

Authority: IC 20-1-1.4-7

Affected: IC 20-6.1-3-6

Sec. 19. (a) The following are **nonrefundable application fees for educators a license, certificate, or permit:**

(1) All evaluations of out-of-state transcripts	\$5
(2) (1) Issuance of an an original licenses license	\$5 \$35
(3) Duplicates	\$5
(4) Limiteds	\$5
(5) Substitutes	\$5
(2) Renewal	\$35
(3) Add or delete a license area	\$35
(4) Conversion to a professional license	\$35
(5) Limited license	\$35
(6) Substitute certificate	\$15
(7) Reciprocal license	\$35
(8) Evaluation to professionalize a license	\$35
(9) Evaluation of an out-of-state transcript, per licensing area	\$35
(10) Duplicate	\$35
(11) Name change	\$ 0

- (12) Degree change \$35
- (13) Internship change \$35
- (14) Certificate \$35
- (15) Permit \$35

All fees paid are nonrefundable.

(b) An applicant may combine any two (2) or more actions for renewal, to add a license area, to drop a license area, or for conversion to a professional license in the same application, and pay a fee for only one (1) of the actions.

(c) An applicant may combine any one (1) or more action for degree change, or internship change, in an application for any one (1) or more action for renewal, to add a license area, to drop a license area, or for conversion to a professional license, and pay a fee for only one (1) of the actions.

(d) In the event that a professional standards board licensing fund for fees exists at the time the fees are due, ~~educators an applicant~~ shall pay the fees to the ~~professional standards board, (board)~~, which shall deposit the fees in the licensing fund. The board shall administer the licensing fund in accordance with the current legislation that authorizes the licensing fund. (*Professional Standards Board; Rule 47, Sec 10; filed Dec 10, 1975, 2:50 p.m.: Rules and Regs. 1976, p. 257; filed Jul 29, 1985, 3:00 p.m.: 8 IR 2027, eff Jan 1, 1986; filed Nov 13, 1996, 4:00 p.m.: 20 IR 958, eff Oct 1, 1996 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #96-24(F) was filed Nov 13, 1996]; filed Jun 1, 1998, 3:30 p.m.: 21 IR 3838; filed Nov 30, 2001, 10:50 a.m.: 25 IR 1148, eff Jan 1, 2002) NOTE: Transferred from the Commission on Teacher Training and Licensing (530 IAC 2-2-11) to the Indiana State Board of Education (511 IAC 10-2-11) by P.L. 20-1984, SECTION 206, effective July 1, 1984. NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-2-11) to the Professional Standards Board (515 IAC 1-2-19) by P.L. 46-1992, SECTION 19, effective July 1, 1992.*

SECTION 2. SECTION 1 of this document takes effect January 1, 2002.

*LSA Document #00-254(F)
 Notice of Intent Published: 24 IR 699
 Proposed Rule Published: January 1, 2001; 24 IR 1103
 Hearing Held: October 22, 2001
 Approved by Attorney General: November 13, 2001
 Approved by Governor: November 29, 2001
 Filed with Secretary of State: November 30, 2001, 10:50 a.m.
 Incorporated Documents Filed with Secretary of State: None*

TITLE 575 STATE SCHOOL BUS COMMITTEE

LSA Document #01-140(F)
 DIGEST

Adds 575 IAC 1-8 to prescribe performance standards and measurements for determining the physical ability necessary for

a person to be a school bus driver as provided for by IC 20-9.1-4-4(b). Effective 30 days after filing with secretary of state.

575 IAC 1-8

SECTION 1. 575 IAC 1-8 IS ADDED TO READ AS FOLLOWS:

Rule 8. School Bus Driver Physical Performance Standards and Measurements

575 IAC 1-8-1 Exiting the bus

Authority: IC 20-9.1-4-4
 Affected: IC 20-9.1-5

Sec. 1. (a) Driver shall demonstrate the ability to exit the bus from a seat belted position in the driver's seat and exiting from the rearmost emergency door.

(b) The measurement is pass/fail. (*State School Bus Committee; 575 IAC 1-8-1; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1149*)

575 IAC 1-8-2 Quick reaction time between accelerator and service brake

Authority: IC 20-9.1-4-4
 Affected: IC 20-9.1-5

Sec. 2. (a) Driver shall demonstrate quick reaction time between accelerator and service brake.

(b) In a seat belted position, driver shall with the right foot, alternately depress the accelerator and service brake ten (10) times in ten (10) seconds or less. (*State School Bus Committee; 575 IAC 1-8-2; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1149*)

575 IAC 1-8-3 Climbing and descending bus service door steps

Authority: IC 20-9.1-4-4
 Affected: IC 20-9.1-5

Sec. 3. (a) Driver shall demonstrate the ability to climb and descend the bus service door steps in a forward facing position two (2) times without stopping.

(b) The measurement is pass/fail. (*State School Bus Committee; 575 IAC 1-8-3; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1149*)

575 IAC 1-8-4 Opening and closing bus service door

Authority: IC 20-9.1-4-4
 Affected: IC 20-9.1-5

Sec. 4. (a) Driver shall demonstrate the ability to open and close the bus service door two (2) times without stopping from a seat belted position.

(b) The measurement is pass/fail. (*State School Bus Committee; 575 IAC 1-8-4; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1149*)

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575 IAC 1-8-5 Operating hand controls or steering wheel

Authority: IC 20-9.1-4-4
Affected: IC 20-9.1-5

Sec. 5. (a) Driver shall demonstrate the ability to operate one (1) hand control on each side of the steering wheel while the bus is in a safe forward motion.

(b) The measurement is pass/fail. (*State School Bus Committee; 575 IAC 1-8-5; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1150*)

575 IAC 1-8-6 School bus driver physical performance standards and measurements; applicability

Authority: IC 20-9.1-4-4
Affected: IC 20-9.1-5

Sec. 6. The performance standards and measurements outlined in this rule apply to drivers who receive a state school bus committee standard certificate after the effective date of the rule. (*State School Bus Committee; 575 IAC 1-8-6; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1150*)

LSA Document #01-140(F)

Notice of Intent Published: 24 IR 2727

Proposed Rule Published: July 1, 2001; 24 IR 3180

Hearing Held: August 14, 2001, August 16, 2001, AND August 20, 2001

Approved by Attorney General: November 16, 2001

Approved by Governor: November 30, 2001

Filed with Secretary of State: December 2, 2001, 12:22 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 575 STATE SCHOOL BUS COMMITTEE

LSA Document #01-213(F)

DIGEST

Adds 575 IAC 1-1-4.5 regarding labeling requirements for school buses. Amends 575 IAC 1-1-5 to make the labeling requirements apply to buses ordered on or after the effective date. Effective July 1, 2002.

575 IAC 1-1-4.5

575 IAC 1-1-5

SECTION 1. 575 IAC 1-1-4.5 IS ADDED TO READ AS FOLLOWS:

575 IAC 1-1-4.5 Labeling requirements

Authority: IC 20-9.1-4-4; IC 20-9.1-4-4.5
Affected: IC 20-9.1

Sec. 4.5. (a) The school corporation identification number, as assigned by the department of education, must be placed on the rear emergency door between the upper and lower windows. The characters must be four (4) to six (6)

inches high. On type D rear engine buses the identification number must appear in a corresponding location on the engine access cover.

(b) All letters and numbers must be black. (*State School Bus Committee; 575 IAC 1-1-4.5; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1150, eff Jul 1, 2002*)

SECTION 2. 575 IAC 1-1-5 IS AMENDED TO READ AS FOLLOWS:

575 IAC 1-1-5 Applicability of minimum specifications

Authority: IC 20-9.1-4-4
Affected: IC 20-9.1-5

Sec. 5. (a) The minimum specifications outlined in ~~575 IAC this title~~ apply to all school buses that are owned, operated, leased, or otherwise used by school corporations, private ~~school~~, **schools**, or authorized agencies to transport children under IC 20-9.1.

(b) The revisions of February 26, 1981, apply to all school buses ~~which that~~ were ordered for purchase or placed in production for use in Indiana before June 30, 1988.

(c) The revisions of March 31, 1988, apply to all school buses ~~which that~~ were ordered for purchase and initially placed in service on or after July 1, 1988.

(d) Section 4.5 of this rule applies to all school buses with a body build date of July 1, 2002, or after. (*State School Bus Committee; 575 IAC 1-1-5; filed Jun 20, 1988, 8:50 am: 11 IR 3825; readopted filed Oct 10, 2001, 3:37 p.m.: 25 IR 938; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1150, eff Jul 1, 2002*)

SECTION 3. SECTIONS 1 and 2 of this document take effect July 1, 2002.

LSA Document #01-213(F)

Notice of Intent Published: 24 IR 3100

Proposed Rule Published: August 1, 2001; 24 IR 3777

Hearing Held: September 5, 2001

Approved by Attorney General: November 16, 2001

Approved by Governor: November 30, 2001

Filed with Secretary of State: December 2, 2001, 12:22 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 590 INDIANA LIBRARY AND HISTORICAL BOARD

LSA Document #01-108(F)

DIGEST

Adds 590 IAC 4 to establish new standards for librarian

certification. Repeals 595 IAC 1. Effective 30 days after filing with the secretary of state.

**590 IAC 4
595 IAC 1**

SECTION 1. 590 IAC 4 IS ADDED TO READ AS FOLLOWS:

ARTICLE 4. LIBRARIAN CERTIFICATION

Rule 1. General Provisions

590 IAC 4-1-1 Library certification law

Authority: IC 20-14-12-3
Affected: IC 20-14-12-4

Sec. 1. IC 20-14-12-4 refers to all professional positions as distinguished from clerical positions that do not require certification. See the definition of professional position at 590 IAC 4-2-10. (*Indiana Library and Historical Board; 590 IAC 4-1-1; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1151*)

590 IAC 4-1-2 Authority of certification board

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 2. The board, in accordance with IC 20-14-12, makes the final determination as to what grades of certificate are required for directors or head librarians of public libraries. (*Indiana Library and Historical Board; 590 IAC 4-1-2; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1151*)

590 IAC 4-1-3 Validity of old certificates

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 3. A librarian in position and holding a permanent certificate under 595 IAC 1, which was repealed in 2001, will not be required to obtain a new certificate issued under this article. Their present certificate will remain fully valid for their present position and for any other position that the certificate originally covered. They may obtain a new certificate, at their own option, provided they fully meet the required qualifications for the grade of certificate sought, and provided such new certificate is applied for and processed in the same manner as other certificates issued under this article. (*Indiana Library and Historical Board; 590 IAC 4-1-3; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1151*)

590 IAC 4-1-4 Life certificate

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 4. Any certificate issued on the basis of prescribed qualifications is designated as a life certificate. (*Indiana Library and Historical Board; 590 IAC 4-1-4; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1151*)

590 IAC 4-1-5 Exempt librarians and voluntary certification

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 5. A certificate issued by the board is not required, under the law, for appointment to positions in school libraries and libraries of educational institutions. A librarian in such a library or in any private library may voluntarily make application for a certificate. If the applicant is found to be qualified for the grade of certificate requested, the applicant shall be given the certificate in the same manner and subject to the same conditions as pertain to certificates of librarians in public libraries. As used in this section, "private library" means any library not supported by public funds. (*Indiana Library and Historical Board; 590 IAC 4-1-5; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1151*)

590 IAC 4-1-6 Military service

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 6. Any service in the Armed Forces shall be accepted in lieu of library experience provided an applicant held a professional library position prior to his or her military service and at that time held qualifications entitling him or her to an Indiana library certificate. (*Indiana Library and Historical Board; 590 IAC 4-1-6; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1151*)

590 IAC 4-1-7 Reciprocity

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 7. Anyone presenting a certificate for public library service from any other state shall be required to obtain an Indiana certificate in order to qualify for public library service in Indiana. In granting this certificate, due recognition shall be given to a certificate that may be presented from the other state in terms of the special qualifications it represents as these qualifications apply under the certification requirements of Indiana. In all cases due consideration will be given to the educational standards and recommendations of the American Library Association. (*Indiana Library and Historical Board; 590 IAC 4-1-7; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1151*)

Rule 2. Definitions

590 IAC 4-2-1 Applicability

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 1. The definitions in this rule apply throughout this article. (*Indiana Library and Historical Board; 590 IAC 4-2-1; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1151*)

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590 IAC 4-2-2 “Accredited college or university” defined

Authority: IC 20-14-12-3

Affected: IC 20-14-12

Sec. 2. “Accredited college or university” means a college or university that qualifies for membership in the North Central Association of Colleges and Schools or other regional or national associations of similar rank. These associations and the institutions they have accredited are listed in the latest edition of the publication “Accredited Institutions of Higher Education” 1974 (and later), issued annually by the United States Office of Education. (*Indiana Library and Historical Board; 590 IAC 4-2-2; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1152*)

590 IAC 4-2-3 “Accredited library education” defined

Authority: IC 20-14-12-3

Affected: IC 20-14-12

Sec. 3. “Accredited library education” means completion of at least one (1) year of professional study on the graduate level taken in an American Library Association accredited library school and validated by a diploma or certificate awarding a master’s of library science or equivalent. (*Indiana Library and Historical Board; 590 IAC 4-2-3; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1152*)

590 IAC 4-2-4 “Accredited library school” defined

Authority: IC 20-14-12-3

Affected: IC 20-14-12

Sec. 4. “Accredited library school” means a professional school of librarianship that is approved by the Committee on Accreditation of the American Library Association, or a school that was approved at the time courses were taken that are submitted to fulfill the Indiana certification requirements. Accredited status is retroactive to cover the academic year preceding the one in which the accreditation visit to the library school was made. (*Indiana Library and Historical Board; 590 IAC 4-2-4; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1152*)

590 IAC 4-2-5 “Administrative experience” defined

Authority: IC 20-14-12-3

Affected: IC 20-14-12

Sec. 5. “Administrative experience” means experience attained as a director or head librarian or by supervising the work of other persons, at least two (2) of whom have professional status, or a valid equivalent of such experience that is accepted by the board. (*Indiana Library and Historical Board; 590 IAC 4-2-5; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1152*)

590 IAC 4-2-6 “Approved library science education” defined

Authority: IC 20-14-12-3

Affected: IC 20-14-12

Sec. 6. “Approved library science education” means elementary instruction in library science taken, after completion of two (2) years of academic education, in an institution approved to give such library science instruction. This approval may be either accreditation of the institution by the American Library Association to give graduate library education, or approval by the Indiana state commission on higher education to give graduate or undergraduate courses in library science. Such approved Indiana courses in library science taken in fulfillment of the Indiana teachers’ licensing requirements for school library service shall be accepted for purposes of public library certification, except as established in section 9(2)(A) of this rule with respect to the requirement of a course in public library administration for a director or head librarian of a public library. Similar approved courses in library science taken outside of Indiana may be accepted at the discretion of the board. (*Indiana Library and Historical Board; 590 IAC 4-2-6; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1152*)

590 IAC 4-2-7 “Board” defined

Authority: IC 20-14-12-3

Affected: IC 4-23-7-2; IC 20-14-12

Sec. 7. “Board” means the Indiana library and historical board as established under IC 4-23-7-2 (*Indiana Library and Historical Board; 590 IAC 4-2-7; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1152*)

590 IAC 4-2-8 “College credits” defined

Authority: IC 20-14-12-3

Affected: IC 20-14-12

Sec. 8. “College credits” means the computation of the number of years of academic college work. Thirty (30) semester hours or forty-five (45) quarter hours is considered a year of work, provided, however, that the award of a baccalaureate degree is required as evidence of completion of four (4) years of college work. (*Indiana Library and Historical Board; 590 IAC 4-2-8; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1152*)

590 IAC 4-2-9 “Creditable library education” defined

Authority: IC 20-14-12-3

Affected: IC 20-14-12

Sec. 9. “Creditable library education” refers to the kind and the amount of library education, which, together with academic education and creditable experience, is recognized by the board in determining the grade of certificate to be granted. The board recognizes the following types of library education:

(1) Accredited library education, as defined in section 3 of this rule, which requires at least one (1) year of professional study beyond the baccalaureate degree. This professional education relates to the higher grades of Indiana library certificates.

(2) Approved library science education, as defined in section 6 of this rule, which requires designated amounts of study in library science and relates to the lower grades of Indiana library certificates. Two (2) levels of such study are recognized and are designated as intermediate library education and minimum library education as follows:

(A) As used in this section, “intermediate library education” means at least fifteen (15) semester hours or twenty (20) quarter hours of approved library science education and shall consist of courses embracing five (5) areas of study, namely:

- (i) selection and evaluation of media;
- (ii) cataloging and organization of materials;
- (iii) public library administration;
- (iv) reference and information sources; and
- (v) children’s materials;

at least three (3) semester hours or four (4) quarter hours each. Persons who are not candidates for administrative positions may substitute some other course approved by the board for the course in public library administration. Certificates will show such substitution. Subsequent eligibility to a position of director or head librarian shall require removal of the deficiency by taking the specified course. Intermediate library education is recognized as basic general preparation for librarianship that meets specified certification requirements above the level of minimum library education.

(B) As used in this section, “minimum library education” means at least nine (9) semester hours or twelve (12) quarter hours of approved library science education, taken after completion of two (2) years of academic education in an accredited college or university. This education is designated to meet the minimum essential needs of small public libraries for purposes of certifying positions of director or head librarian. As such, minimum library education shall consist of courses embracing three (3) areas of study, namely:

- (i) selection and evaluation of media;
- (ii) reference and information sources; and
- (iii) public library administration;

at least three (3) semester hours or four (4) quarter hours each. The same provisions relating to substitution for the course in public library administration shall apply to minimum library education as apply to intermediate library education.

(Indiana Library and Historical Board; 590 IAC 4-2-9; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1152)

590 IAC 4-2-10 “Professional position” defined

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 10. “Professional position” means a position in which a person devotes more than half of his or her time to work that calls for:

- (1) a knowledge of books and other library materials and of technical library processes; and
- (2) the ability to deal with people in a professional capacity as distinguished from clerical.

(Indiana Library and Historical Board; 590 IAC 4-2-10; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1153)

590 IAC 4-2-11 “Specialist education” defined

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 11. “Specialist education” means study beyond the secondary level in subject areas that provide specialized expertise in libraries, including, but not limited to, business administration, history, fine arts, and audio-visual media. Positions that may be included in the specialist category are as follows:

- (1) Business manager.
- (2) Archivist.
- (3) Computer specialist.
- (4) Library media specialist.
- (5) Specialist in charge of art collection.

(Indiana Library and Historical Board; 590 IAC 4-2-11; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1153)

590 IAC 4-2-12 “Unlawful” defined

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 12. “Unlawful” means, among other things, the unlawful expenditure of public funds for the purpose of employing library personnel. Specifically, and as an example, a library board may be considered to expend public funds unlawfully when it pays a salary to a person occupying a professional position who does not hold a requisite certificate issued by the board. Such failure to observe the law would normally be disclosed at the time of official audit of library accounts. The members of the governing body collectively shall be responsible for the restitution to the funds of the library for which the governing body is responsible of such salaries, fees, reimbursements, or other payments from public funds as have been made to a person not holding the certificate of the required grade or a valid temporary permit. *(Indiana Library and Certification Board; 590 IAC 4-2-12; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1153)*

Rule 3. Certification Application; Fees

590 IAC 4-3-1 Minimum requirements

Authority: IC 20-14-12-3
Affected: IC 4-22-2-2; IC 20-14-12

Sec. 1. (a) The director or head librarian, or an officer of the local library board (transmitting official) shall send to the board an application for a certificate for any member of the professional staff who:

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(1) is not already certified; or
(2) does not hold the requisite grade of certification for the position occupied.

(b) The application must be on a form prescribed and supplied by the board and shall indicate in the designated place the position occupied by the applicant, attested to by the signature and title of the transmitting official. The application must also indicate in the designated place the grade of certificate requested or proposed for the applicant.

(c) A person who is not presently under employment in an Indiana library may make application for a certificate on the prescribed form in his or her own name without the signature of a transmitting official (except that if the applicant is a library school student, the dean of the library school is the transmitting official).

(d) The applicant shall submit to the board official verification of the academic and library education claimed before a certificate is granted.

(e) Certificates will be issued to persons who give proof of qualifications prescribed by the board for a requisite grade of certificate. Application for such certificate shall be made on the prescribed form, accompanied by the prescribed fee as established in section 3 of this rule. Such certificates shall be valid in respect to the level of positions they are designed to cover.

(f) The qualifications in 590 IAC 4-4 for each grade of certificate are considered to be minimum requirements only. Certificates issued therefore represent minimum standards of competence for the various levels of positions. Libraries may require higher qualifications for appointments to their staff, but cannot lawfully appoint to positions persons who have lower qualifications than those called for by the grades of certificates pertaining to the levels of position as prescribed by the board.

(g) Candidates for librarian certificates who lack the amount of academic education specified for a particular grade of certificate are urged to make up the deficiency by attending college or by taking approved examinations designed to test academic equivalencies. The board is prepared to advise candidates on the availability of college courses and college equivalency examinations as recommended means of meeting the academic education requirements for library certificates.

(h) Any candidate for a librarian certificate who has taken an examination (which is no longer offered) and received a passing score will be issued a certificate that reflects credit for the examination. (*Indiana Library Certification Board; 590 IAC 4-3-1; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1153*)

590 IAC 4-3-2 Temporary permits

Authority: IC 20-14-12-3

Affected: IC 4-22-2-2; IC 20-14-12

Sec. 2. A temporary permit may be issued at the request of a local library board to cover a substitute or temporary employee or an acting appointee who does not at the time of assuming duties fully meet the requirements for the appropriate grade of certificate. Application for such temporary permit must be made within six (6) months after the date of assuming duties. Regardless of the date of such application, the effective date of the first temporary permit shall be the date six (6) months after first assuming the duties of the covered position. A temporary permit is valid for one (1) year. It can be renewed by special authorization of the board. Application for such renewal shall be approved and requested by the local library board and shall be accompanied by a statement indicating progress toward meeting the requirements for the requisite permanent certificate. A temporary permit will not be issued to a director or head librarian who does not have the qualifications for the grade immediately below the one for which application is being made, with the exception of Librarian V. A temporary permit for the position of director or head librarian can be renewed twice. Application for a temporary permit shall be made on the regular form prescribed for all certificates and shall be accompanied by the prescribed fee as established in section 3 of this rule. (*Indiana Library Certification Board; 590 IAC 4-3-2; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1154*)

590 IAC 4-3-3 Fees

Authority: IC 20-14-12-3

Affected: IC 4-22-2-2; IC 20-14-12

Sec. 3. The fee for a permanent or temporary certification shall be one dollar (\$1). (*Indiana Library Certification Board; 590 IAC 4-3-3; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1154*)

Rule 4. Certification Requirements

590 IAC 4-4-1 Certification plan

Authority: IC 20-14-12-3

Affected: IC 20-14-12

Sec. 1. The population figures used in this rule are those figures officially released in the latest United States decennial census. (*Indiana Library and Historical Board; 590 IAC 4-4-1; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1154*)

590 IAC 4-4-2 Librarian I

Authority: IC 20-14-12-3

Affected: IC 20-14-12

Sec. 2. (a) The Librarian I position shall be the required minimum grade of certificate for directors or head librarians of libraries serving a population greater than one hundred fifty thousand (150,000), and for other comparable professional positions as determined by the board.

(b) Qualification requirements for the Librarian I position are as follows:

- (1) Graduation from an accredited college or university.**
- (2) One (1) year of accredited library education.**
- (3) Ten (10) years of library experience, or six (6) years of library experience, including at least three (3) years of administrative experience, after attaining eligibility for a Librarian III certificate.**

(Indiana Library and Historical Board; 590 IAC 4-4-2; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1154)

590 IAC 4-4-3 Librarian II

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 3. (a) The Librarian II position shall be the required minimum grade of certificate for directors or head librarians of libraries serving a population of from twenty-five thousand one (25,001) to one hundred fifty thousand (150,000), and for other comparable professional positions as determined by the board.

(b) Qualification requirements for the Librarian II position are as follows:

- (1) Graduation from an accredited college or university.**
- (2) One (1) year of accredited library education.**
- (3) Three (3) years of library experience, after attaining eligibility for a Librarian III certificate.**

(Indiana Library and Historical Board; 590 IAC 4-4-3; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1155)

590 IAC 4-4-4 Librarian III

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 4. (a) The Librarian III position shall be the required minimum grade of certificate for directors or head librarians of libraries serving a population of from ten thousand one (10,001) to twenty-five thousand (25,000), and for other comparable professional positions as determined by the board.

(b) Qualification requirements for the Librarian III position are as follows:

- (1) Graduation from an accredited college or university.**
- (2) One (1) year of accredited library education.**

(Indiana Library and Historical Board; 590 IAC 4-4-4; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1155)

590 IAC 4-4-5 Librarian IV

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 5. (a) The Librarian IV position shall be the required minimum grade of certificate for directors or head librarians of libraries serving a population of from five thousand one (5,001) to ten thousand (10,000), and for other comparable professional positions as determined by the board.

(b) Qualification requirements for the Librarian IV position are as follows:

(1) Bachelor's degree from an accredited college or university.

(2) At least fifteen (15) semester hours or twenty (20) quarter hours of approved library education.

(Indiana Library and Historical Board; 590 IAC 4-4-5; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1155)

590 IAC 4-4-6 Librarian V

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 6. (a) The Librarian V position shall be the required minimum grade of certificate for directors or head librarians of libraries serving a population of less than five thousand (5,000), and for other comparable professional positions as determined by the board.

(b) Qualification requirements for the Librarian V position are as follows:

(1) Two (2) years of academic education in an accredited college or university.

(2) An additional nine (9) semester hours or twelve (12) quarter hours of approved library education.

(Indiana Library and Historical Board; 590 IAC 4-4-6; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1155)

590 IAC 4-4-7 Specialist I

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 7. Specialist I qualification requirements are as follows:

(1) Graduation from an accredited college or university.

(2) Fifth year degree in subject area from an accredited graduate school.

(3) Ten (10) years experience in subject field, or six (6) years of subject experience including at least three (3) years of administrative experience.

(Indiana Library and Historical Board; 590 IAC 4-4-7; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1155)

590 IAC 4-4-8 Specialist II

Authority: IC 20-14-12-3
Affected: IC 20-14-12

Sec. 8. Specialist II qualification requirements are as follows:

(1) Graduation from an accredited college or university.

(2) Fifth year degree in subject area from an accredited graduate school.

(3) Three (3) years of experience in subject field.

(Indiana Library and Historical Board; 590 IAC 4-4-8; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1155)

590 IAC 4-4-9 Specialist III

Authority: IC 20-14-12-3
Affected: IC 20-14-12

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Sec. 9. Specialist III qualification requirements are as follows:

- (1) Graduation from an accredited college or university.
- (2) Fifth year degree in subject area from an accredited graduate school.

(Indiana Library and Historical Board; 590 IAC 4-4-9; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1155)

590 IAC 4-4-10 Specialist IV

Authority: IC 20-14-12-3

Affected: IC 20-14-12

Sec. 10. Specialist IV qualification requirements are as follows:

- (1) Bachelor's degree from an accredited college or university.
- (2) Fifteen (15) semester hours or twenty (20) quarter hours in relevant subject area.

(Indiana Library and Historical Board; 590 IAC 4-4-10; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1156)

590 IAC 4-4-11 Specialist V

Authority: IC 20-14-12-3

Affected: IC 20-14-12

Sec. 11. Specialist V qualification requirements are as follows:

- (1) Two (2) years of academic education in an accredited college or university.
- (2) An additional nine (9) semester hours or twelve (12) quarter hours in relevant subject area.

(Indiana Library and Historical Board; 590 IAC 4-4-11; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1156)

590 IAC 4-4-12 Specific positions

Authority: IC 20-14-12-3

Affected: IC 20-14-12

Sec. 12. Local requirements for specific positions shall be set by the local library board. No specific recommendations are appropriate or feasible for particular positions, such as children's librarian, branch librarian, or bookmobile librarian, because too wide a variance in skills and responsibilities is represented in these positions in different library systems throughout the state. It is the responsibility of the local administration to place in such positions certified personnel having the necessary training and experience.

(Indiana Library and Historical Board; 590 IAC 4-4-12; filed Nov 16, 2001, 4:35 p.m.: 25 IR 1156)

SECTION 2. 595 IAC 1 IS REPEALED.

LSA Document #01-108(F)

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TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION

LSA Document #01-121(F)

DIGEST

Amends 655 IAC 1-1-1.1 to add and amend definitions. Amends 655 IAC 1-1-4 to add certification programs. Amends 655 IAC 1-1-5.1 to make conforming changes. Amends 655 IAC 1-1-7 to further define conditions of revocation of certification. Amends 655 IAC 1-1-13 concerning proctor qualifications. Amends 655 IAC 1-2.1 to update certain editions of National Fire Protection Association standards, amend, add, and delete certifications, make conforming section number changes, and correct typographical errors. Repeals 655 IAC 1-2.1-76, 655 IAC 1-2.1-77, 655 IAC 1-2.1-78, 655 IAC 1-2.1-79, 655 IAC 1-2.1-80, 655 IAC 1-2.1-81, 655 IAC 1-2.1-82, 655 IAC 1-2.1-83, 655 IAC 1-2.1-84, 655 IAC 1-2.1-85, 655 IAC 1-2.1-86, and 655 IAC 1-2.1-87. Effective 30 days after filing with the secretary of state.

655 IAC 1-1-1.1	655 IAC 1-2.1-75.4
655 IAC 1-1-4	655 IAC 1-2.1-75.5
655 IAC 1-1-5.1	655 IAC 1-2.1-76
655 IAC 1-1-7	655 IAC 1-2.1-76.1
655 IAC 1-1-13	655 IAC 1-2.1-76.2
655 IAC 1-2.1-2	655 IAC 1-2.1-76.3
655 IAC 1-2.1-6	655 IAC 1-2.1-77
655 IAC 1-2.1-6.1	655 IAC 1-2.1-78
655 IAC 1-2.1-6.2	655 IAC 1-2.1-79
655 IAC 1-2.1-6.3	655 IAC 1-2.1-80
655 IAC 1-2.1-6.4	655 IAC 1-2.1-81
655 IAC 1-2.1-7	655 IAC 1-2.1-82
655 IAC 1-2.1-16	655 IAC 1-2.1-83
655 IAC 1-2.1-17	655 IAC 1-2.1-84
655 IAC 1-2.1-18	655 IAC 1-2.1-85
655 IAC 1-2.1-19.1	655 IAC 1-2.1-86
655 IAC 1-2.1-22	655 IAC 1-2.1-87
655 IAC 1-2.1-75	655 IAC 1-2.1-93
655 IAC 1-2.1-75.1	655 IAC 1-2.1-94
655 IAC 1-2.1-75.2	655 IAC 1-2.1-95
655 IAC 1-2.1-75.3	

SECTION 1. 655 IAC 1-1-1.1 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-1-1.1 Definitions

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 1.1. (a) The definitions in this section apply throughout this article.

(b) “Authority having jurisdiction”, for purposes of NFPA standards adopted by the board, means the board.

(c) “Authorized testing agency” means any person or organization that complies with the requirements for testing under this title.

(d) “Authorized training entity” means any person or organization that teaches board-approved programs or courses in compliance with this title.

(e) “Board” means the board of firefighting personnel standards and education.

(f) “Fire service person” means a person **eighteen (18) years of age or older** who is engaged in:

- (1) fire suppression;
- (2) fire code enforcement;
- (3) fire education; or
- (4) fire investigation.

(g) “Lead evaluator” means any person who supervises or coordinates the administration of practical skills examinations and signs off on practical skills examination forms.

(h) “Nonfire service person” means a person eighteen (18) years of age or older.

~~(i)~~ (i) “Six-hour up-date class” means a course of instruction at the conclusion of which a student shall **do the following**:

- (1) Describe, orally or in writing, the following:
 - ~~(1)~~ (A) The procedures for voluntary certification under **this title: the rules of the board.**
 - ~~(2)~~ (B) The procedures by which a certification program may be accredited by the International Fire Service Accreditation Congress.
 - ~~(3)~~ (C) The requirements for certification as an Instructor I, and Instructor II/III, **and Instructor IV.**
 - ~~(4)~~ (D) The difference between a cognitive examination and a practical skills examination.
 - ~~(5)~~ (E) Instructional planning and development methods and techniques and instructional materials and aids.
 - ~~(6)~~ (F) The evaluation and testing procedures used by a proctor under this title.
 - ~~(7)~~ (G) The evaluation and testing procedures used by a lead evaluator under this title.
 - ~~(8)~~ (H) The responsibilities and duties of a proctor, lead evaluator, and evaluator under this title.

(2) Design or develop an evaluation and grading system for a cognitive examination and a practical skills examination.

(Board of Firefighting Personnel Standards and Education; 655 IAC 1-1-1.1; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3384;

filed Sep 24, 1999, 10:02 a.m.: 23 IR 326; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1156)

SECTION 2. 655 IAC 1-1-4 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-1-4 Voluntary certification program

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 4. The board offers voluntary certification programs in the following areas:

- (1) Fire service personnel.
- (2) Fire department instructors.
- (3) Firefighting training and education programs.
- (4) Nonfire service personnel.**

(Board of Firefighting Personnel Standards and Education; 655 IAC 1-1-4; filed May 26, 1989, 2:15 p.m.: 12 IR 1870; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1157)

SECTION 3. 655 IAC 1-1-5.1 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-1-5.1 Certifications under this rule; requirements

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 5.1. (a) Any Indiana fire service person may enter the voluntary certification program by submitting an application and verification by competency based testing for the certification sought. Applications shall be legibly signed by the authorized instructor who has taken responsibility for the verified competencies. Applications shall be legibly completed in full. Applications shall be provided by the board upon request.

(b) Any Indiana nonfire service person may enter the voluntary certification program by submitting an application and verification by competency based testing for the certification sought. Applications shall be legibly signed by the authorized instructor who has taken responsibility for the verified competencies. Applications shall be legibly completed in full. Applications shall be provided by the board upon request.

~~(b)~~ (c) Certifications are available for the following:
(1) Fire service person as follows:

Certification	Requirements
Basic Firefighter	655 IAC 1-2.1-2 and 655 IAC 1-2.1-3
Firefighter I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-4
Firefighter II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-5
Driver/Operator-Pumper	655 IAC 1-2.1-2 and 655 IAC 1-2.1-6
Driver/Operator-Aerial	655 IAC 1-2.1-2 and 655 IAC 1-2.1-6.1

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Driver/Operator-Wildland Fire Apparatus	655 IAC 1-2.1-2 and 655 IAC 1-2.1-6.2	Rescue Technician-Trench Rescue	655 IAC 1-2.1-2 and 655 IAC 1-2.1-75.5
Driver/Operator-Aircraft Crash and Rescue	655 IAC 1-2.1-2 and 655 IAC 1-2.1-6.3	Swift Water Rescue Technician	655 IAC 1-2.1-2 and 655 IAC 1-2.1-76.1 through 655 IAC 1-2.1-76.3
Driver/Operator-Mobile Water Supply	655 IAC 1-2.1-2 and 655 IAC 1-2.1-6.4	Land-Based	655 IAC 1-2.1-2 and 655 IAC 1-2.1-88(a)
Airport Firefighter-Aircraft Crash and Rescue	655 IAC 1-2.1-2 and 655 IAC 1-2.1-7	Firefighter-Marine Vessel Fires	
Fire Officer I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-8	Fire Medic I	655 IAC 1-2.1-2 and 655 IAC [sic.] 655 IAC 1-2.1-89
Fire Officer II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-9	Fire Medic II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-90
Fire Officer III	655 IAC 1-2.1-2 and 655 IAC 1-2.1-10	Fire Medic III	655 IAC 1-2.1-2 and 655 IAC 1-2.1-91
Fire Officer IV	655 IAC 1-2.1-2 and 655 IAC 1-2.1-11	Fire Medic IV	655 IAC 1-2.1-2 and 655 IAC 1-2.1-92
Fire Inspector I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-12	Public Information Officer	655 IAC 1-2.1-2 and 655 IAC 1-2.1-93
Fire Inspector II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-13	Juvenile Firesetter Intervention Specialist I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-94
Fire Inspector III	655 IAC 1-2.1-2 and 655 IAC 1-2.1-14	Juvenile Firesetter Intervention Specialist II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-95
Fire Investigator I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-15	(2) Fire department instructors as follows:	
Public Fire and Life Safety Educator I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-16	Certification	Requirements
Public Fire and Life Safety Educator II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-17	Instructor I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-19
Public Fire and Life Safety Educator III	655 IAC 1-2.1-2 and 655 IAC 1-2.1-18	Instructor II/III	655 IAC 1-2.1-2 and 655 IAC 1-2.1-20
Safety Officer	655 IAC 1-2.1-2 and 655 IAC 1-2.1-22	Instructor-Swift Water Rescue	655 IAC 1-2.1-2 and 655 IAC 1-2.1-19.1
Firefighter-Wildland Fire Suppression I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-23	(3) Firefighting training and education programs as follows:	
Firefighter-Wildland Fire Suppression II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-23.1	Certification	Requirements
Hazardous Materials First Responder-Awareness	655 IAC 1-2.1-2 and 655 IAC 1-2.1-24	Basic Firefighter	655 IAC 1-2.1-3
Hazardous Materials First Responder-Operations	655 IAC 1-2.1-2 and 655 IAC 1-2.1-24.1	Firefighter I	655 IAC 1-2.1-4(a)
Hazardous Materials Technician	655 IAC 1-2.1-2 and 655 IAC 1-2.1-24.2	Firefighter II	655 IAC 1-2.1-5(a)
Emergency Vehicle Technician I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-25 through 655 IAC 1-2.1-35	Driver/Operator-Pumper	655 IAC 1-2.1-6(a)
Emergency Vehicle Technician II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-36 through 655 IAC 1-2.1-60	Driver/Operator-Aerial	655 IAC 1-2.1-6.1(a)
Fire Service Engineering Technician	655 IAC 1-2.1-2 and 655 IAC 1-2.1-61 through 655 IAC 1-2.1-64	Driver/Operator-Wildland Fire Apparatus	655 IAC 1-2.1-6.2(a)
Motor Sports Emergency Responder	655 IAC 1-2.1-2 and 655 IAC 1-2.1-65 through 655 IAC 1-2.1-74	Driver/Operator-Aircraft Crash and Rescue	655 IAC 1-2.1-6.3(a)
Rescue Technician-Rope Rescue	655 IAC 1-2.1-2 and 655 IAC 1-2.1-75 through 655 IAC 1-2.1-86	Driver/Operator-Mobile Water Supply	655 IAC 1-2.1-6.4(a)
Incident Manager	655 IAC 1-2.1-2 and 655 IAC 1-2.1-87(a)	Airport Firefighter-Aircraft Crash and Rescue	655 IAC 1-2.1-7(a)
Rescue Technician-Surface Water Rescue	655 IAC 1-2.1-2 and 655 IAC 1-2.1-75.1	Fire Officer I	655 IAC 1-2.1-8(a)
Rescue Technician-Vehicle and Machinery Rescue	655 IAC 1-2.1-2 and 655 IAC 1-2.1-75.2	Fire Officer II	655 IAC 1-2.1-9(a)
Rescue Technician-Confined Space Rescue	655 IAC 1-2.1-2 and 655 IAC 1-2.1-75.3	Fire Officer III	655 IAC 1-2.1-10(a)
Rescue Technician-Structural Collapse Rescue	655 IAC 1-2.1-2 and 655 IAC 1-2.1-75.4	Fire Officer IV	655 IAC 1-2.1-11(a)
		Fire Inspector I	655 IAC 1-2.1-12(a)
		Fire Inspector II	655 IAC 1-2.1-13(a)
		Fire Inspector III	655 IAC 1-2.1-14(a)
		Fire Investigator I	655 IAC 1-2.1-15(a)
		Public Fire and Life Safety Educator I	655 IAC 1-2.1-16(a)
		Public Fire and Life Safety Educator II	655 IAC 1-2.1-17(a)
		Public Fire and Life Safety Educator III	655 IAC 1-2.1-18(a)
		Safety Officer	655 IAC 1-2.1-22(a)

Firefighter-Wildland Fire Suppression I	655 IAC 1-2.1-23(a)
Firefighter-Wildland Fire Suppression II	655 IAC 1-2.1-23.1(a)
Hazardous Materials	655 IAC 1-2.1-24
First Responder-Awareness	
Hazardous Materials	655 IAC 1-2.1-24.1
First Responder-Operations	
Hazardous Materials Technician	655 IAC 1-2.1-24.2
Emergency Vehicle Technician I	655 IAC 1-2.1-25 through 655 IAC 1-2.1-35
Emergency Vehicle Technician II	655 IAC 1-2.1-36 through 655 IAC 1-2.1-60
Fire Service Engineering Technician	655 IAC 1-2.1-61 through 655 IAC 1-2.1-64
Motor Sports Emergency Responder	655 IAC 1-2.1-65 through 655 IAC 1-2.1-74
Rescue Technician-Rope Rescue	655 IAC 1-2.1-75 through 655 IAC 1-2.1-86
Incident Manager	655 IAC 1-2.1-87(a)
Rescue Technician-Surface Water Rescue	655 IAC 1-2.1-75.1
Rescue Technician-Vehicle and Machinery Rescue	655 IAC 1-2.1-75.2
Rescue Technician-Confined Space Rescue	655 IAC 1-2.1-75.3
Rescue Technician-Structural Collapse Rescue	655 IAC 1-2.1-75.4
Rescue Technician-Trench Rescue	655 IAC 1-2.1-75.5
Swift Water Rescue Technician	655 IAC 1-2.1-76.1 through 655 IAC 1-2.1-76.3
Land-Based Firefighter-Marine Vessel Fires	655 IAC 1-2.1-88(a)
Fire Medic I	655 IAC 1-2.1-89
Fire Medic II	655 IAC 1-2.1-90
Fire Medic III	655 IAC 1-2.1-91
Fire Medic IV	655 IAC 1-2.1-92
Public Information Officer	655 IAC 1-2.1-93
Juvenile Firesetter Intervention Specialist I	655 IAC 1-2.1-94
Juvenile Firesetter Intervention Specialist II	655 IAC 1-2.1-95
Instructor I	655 IAC 1-2.1-19(a)
Instructor II/III	655 IAC 1-2.1-20(a)
Instructor-Swift Water Rescue	655 IAC 1-2.1-19.1

(4) Nonfire service person as follows:

Certification	Requirements
Fire Inspector I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-12

Fire Inspector II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-13
Fire Inspector III	655 IAC 1-2.1-2 and 655 IAC 1-2.1-14
Fire Investigator I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-15
Public Fire and Life Safety Educator I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-16
Public Fire and Life Safety Educator II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-17
Public Fire and Life Safety Educator III	655 IAC 1-2.1-2 and 655 IAC 1-2.1-18
Swift Water Rescue Technician	655 IAC 1-2.1-2 and 655 IAC 1-2.1-76.1 through 655 IAC 1-2.1-76.3
Public Information Officer	655 IAC 1-2.1-2 and 655 IAC 1-2.1-93
Juvenile Firesetter Intervention Specialist I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-94
Juvenile Firesetter Intervention Specialist II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-95

(Board of Firefighting Personnel Standards and Education; 655 IAC 1-1-5.1; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3384; filed Sep 24, 1999, 10:02 a.m.: 23 IR 326; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1157)

SECTION 4. 655 IAC 1-1-7 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-1-7 Revocation of certification

Authority: IC 22-14-2-7
Affected: IC 4-21.5-3-6; IC 22-12-7-7

Sec. 7. (a) Upon receipt of evidence that information provided to the board, ~~was falsified~~, upon which a certification was issued **was falsified**, the board shall impose an appropriate sanction following the provisions of IC 4-21.5-3-6 and IC 22-12-7-7(4).

(b) The certification of any Instructor I or II/III may be suspended or revoked by the board in accordance with the provisions of IC 22-12-7-7(4) upon information provided to the board that such Instructor I or II/III has:

- (1) failed to uphold and respect a student's right to privacy, dignity, and safety; and**
- (2) been convicted of an offense if the acts that resulted in the conviction have a direct bearing on whether or not the person shall be entrusted to serve as an Instructor I or II/III.**

(b) (c) Review may be initiated by the board in the absence of external written requests or complaints. *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-1-7; filed May 26, 1989, 2:15 p.m.: 12 IR 1871; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1159)*

SECTION 5. 655 IAC 1-1-13 IS AMENDED TO READ AS FOLLOWS:

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655 IAC 1-1-13 Qualifications of evaluators and proctors

Authority: IC 22-14-2-7

Affected: IC 22-12-7-7

Sec. 13. (a) The qualifications for lead evaluator shall be as follows:

- (1) Certification as at least Instructor II/III.
- (2) Specialty classification in the course being evaluated.
- (3) Has mastered the curriculum of the course being evaluated.
- (4) Possesses adequate supervisory skills for the proper supervision of the students and any assisting evaluators.
- (5) Has experience in the objective evaluation of performance skills.
- (6) Has signed a written acknowledgement prepared by the board concerning the following:
 - (A) Commitment to serve as lead evaluator.
 - (B) Acceptance of assignments by the board.
 - (C) Commitment to uphold the board's practices and policies.
 - (D) Acknowledgement and acceptance of conditions concerning the administration of practical skills examinations.
- (7) Has successfully completed the six-hour up-date class.
- (8) Is not the lead instructor for the host department where the examination is taking place.

(b) An assisting evaluator must be certified as an Instructor I.

(c) Assisting evaluators may be used in their respective departments or other departments if they are part of a county wide system or if there are students from their respective departments taking part in the examination, so long as they have not taught the subject matter in the course being evaluated.

(d) The instructor certification of any evaluator who fails to abide by the rules of the board with respect to practical skills examinations shall be subject to disciplinary action by the board. Such disciplinary action shall be pursuant to IC 22-12-7-7(4).

(e) A proctor must be one (1) of the following:

- (1) Certified as at least an Instructor II/III.
- (2) Holder of a valid teacher's license.
- (3) A faculty member at an institution of higher learning.
- (4) ~~An instructional~~ A staff member of an authorized training entity.

(f) The instructor certification of any proctor who fails to abide by the rules of the board with respect to written cognitive examinations shall be subject to disciplinary action by the board. Such disciplinary action shall be pursuant to IC 22-12-7-7(4).

(g) The instructor certification of any proctor who fails to abide by the rules of the board with respect to oral cognitive examinations shall be subject to disciplinary action by the board. Such disciplinary action shall be pursuant to IC 22-12-7-

7(4). (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-1-13; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3389; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1160*)

SECTION 6. 655 IAC 1-2.1-2 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-2.1-2 Firefighter certification; general

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 2. (a) Each of the performance objectives for any level of ~~firefighter~~ **fire service person or nonfire service person** certification shall meet the following criteria:

- (1) Each shall be performed in a timely manner, safely, and with competent technique as outlined in the appropriate standard.
- (2) Each objective shall be met in its entirety.

(b) It is not required for the objectives to be mastered in the order that they appear. The local program shall establish the instructional priority to prepare individuals to meet the performance objectives of this rule.

(c) Performance of practical skills objectives covered by this rule shall be evaluated by a certified instructor who shall be an authorized evaluator. An evaluator shall not evaluate sections taught by him or her. An evaluator shall be at least an Instructor I and selected by a Lead Evaluator.

(d) When the word "demonstrate" is used in this rule, performance of practical skills objectives shall require that actual performance and operation be accomplished unless otherwise indicated within the specific objective. Simulation, explanation, and illustration may be substituted when actual operation is not feasible.

~~(e) Each applicant for certification shall:~~

- ~~(1) be a fire service person; and~~
- ~~(2) have successfully completed the written tests and practical skills objective examinations evidencing the necessary physical skill during the thirty-six (36) months immediately preceding the date of application.~~

(e) Wherever in this rule the terms "rules", "regulations", "procedures", "supplies", "apparatus", or "equipment" are used, they shall mean those of the authority having jurisdiction.

(f) "Authority having jurisdiction" means the organization, office, or individual responsible for approving equipment, an installation, or a procedure. The term includes, without limitation, the board, the state fire marshal, a federal, state, regional, or local department or individual having legal authority. (*Board of Firefighting Personnel*

Standards and Education; 655 IAC 1-2.1-2; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3390; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1160)

SECTION 7. 655 IAC 1-2.1-6 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-2.1-6 Driver/Operator-Pumper

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 6. (a) The minimum training standards for Driver/Operator-Pumper certification shall be as set out in that certain document, being titled as NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, Chapters 2 through 7, 1993 and 3, 1998 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 2 through 7 and 3 require compliance with another NFPA standard, such standard shall be that which is referred to in Chapter 8-9.

~~(1) To the extent that Chapters 2 through 7 provide for sublevels of certification, compliance with all such sublevels is a prerequisite for certification as a driver/operator.~~

~~(2) The board will not issue certifications for any sublevel of certification.~~

(b) The candidate shall have been certified as at least a Firefighter I or Second Class Firefighter for a period of at least one (1) year prior to the date of application.

(c) The candidate shall hold an appropriate valid Indiana driver's license. *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-6; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3391; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1161)*

SECTION 8. 655 IAC 1-2.1-6.1 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-6.1 Driver/Operator-Aerial

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 6.1. (a) The minimum training standards for Driver/Operator-Aerial certification shall be as set out in that certain document, being titled as NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, Chapters 2 and 4, 1998 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 2 and 4 require compliance with another NFPA standard, such standard shall be that which is referred to in Chapter 9.

(b) The candidate shall have been certified as at least a

Firefighter I or Second Class Firefighter for a period of at least one (1) year prior to the date of application.

(c) **The candidate shall hold an appropriate valid driver's license.** *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-6.1; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1161)*

SECTION 9. 655 IAC 1-2.1-6.2 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-6.2 Driver/Operator-Wildland Fire Apparatus

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 6.2. (a) The minimum training standards for Driver/Operator-Wildland Fire Apparatus certification shall be as set out in that certain document, being titled as NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, Chapters 2 and 6, 1998 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 2 and 6 require compliance with another NFPA standard, such standard shall be that which is referred to in Chapter 9.

(b) The candidate shall have been certified as at least a Firefighter I or Second Class Firefighter for a period of at least one (1) year prior to the date of application.

(c) **The candidate shall hold an appropriate valid driver's license.** *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-6.2; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1161)*

SECTION 10. 655 IAC 1-2.1-6.3 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-6.3 Driver/Operator-Aircraft Crash and Rescue

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 6.3. (a) The minimum training standards for Driver/Operator-Aircraft Crash and Rescue certification shall be as set out in that certain document, being titled as NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, Chapters 2 and 7, 1998 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 2 and 7 require compliance with another NFPA standard, such standard shall be that which is referred to in Chapter 9.

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(b) The candidate shall have been certified as at least a Firefighter I or Second Class Firefighter for a period of at least one (1) year prior to the date of application.

(c) The candidate shall hold an appropriate valid driver's license. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-6.3; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1161*)

SECTION 11. 655 IAC 1-2.1-6.4 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-6.4 Driver/Operator-Mobile Water Supply

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 6.4. (a) The minimum training standards for Driver/Operator-Mobile Water Supply certification shall be as set out in that certain document, being titled as NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, Chapters 2 and 8, 1998 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 2 and 8 require compliance with another NFPA standard, such standard shall be that which is referred to in Chapter 9.

(b) The candidate shall have been certified as at least a Firefighter I or Second Class Firefighter for a period of at least one (1) year prior to the date of application.

(c) The candidate shall hold an appropriate valid driver's license. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-6.4; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1162*)

SECTION 12. 655 IAC 1-2.1-7 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-2.1-7 Airport Firefighter-Aircraft Crash and Rescue

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 7. (a) The minimum training standards for Airport Firefighter-Aircraft Crash and Rescue certification shall be as set out in that certain document, being titled as NFPA 1003, Standard for Professional Qualifications for Airport Fire Fighters, Chapters 3 and 4, 1994 2000 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 3 and 4 of NFPA 1003 require compliance with another NFPA standard, such standard shall be that which is referred to in Chapter 4.

(b) The candidate shall have been certified as at least a Firefighter II or First Class Firefighter for a period of at least one (1) year prior to the date of application. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-7; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3391; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1162*)

SECTION 13. 655 IAC 1-2.1-16 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-2.1-16 Public Fire and Life Safety Educator I

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 16. (a) The minimum training standards for Public Fire and Life Safety Educator I certification shall be as set out in that certain document, being titled as NFPA 1035, Standard for Professional Qualifications for Public Fire and Life Safety Educator, Chapter 3, 1993 2, 2000 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule.

(b) The candidate shall have been certified as at least a Firefighter II or First Class Firefighter for a period of at least one (1) year prior to the date of application. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-16; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3393; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1162*)

SECTION 14. 655 IAC 1-2.1-17 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-2.1-17 Public Fire and Life Safety Educator II

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 17. (a) The minimum training standards for Public Fire and Life Safety Educator II certification shall be as set out in that certain document, being titled as NFPA 1035, Standard for Professional Qualifications for Public Fire and Life Safety Educator, Chapter 4, 1993 3, 2000 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule.

(b) The candidate shall be certified as a Public Fire and Life Safety Educator I. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-17; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3393; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1162*)

SECTION 15. 655 IAC 1-2.1-18 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-2.1-18 Public Fire and Life Safety Educator III

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 18. (a) The minimum training standards for Public Fire **and Life Safety** Educator III certification shall be as set out in that certain document, being titled as NFPA 1035, Standard for Professional Qualifications for Public Fire **and Life Safety** Educator, Chapter ~~5~~, **4**, 2000 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, **which** is hereby adopted by reference and made a part of this rule as if fully set out in this rule.

(b) The candidate shall be certified as a Public Fire **and Life Safety** Educator II. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-18; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3393; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1162*)

SECTION 16. 655 IAC 1-2.1-19.1 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-19.1 Instructor-Swift Water Rescue

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 19.1. (a) The minimum training standards for Instructor-Swift Water Rescue certification shall be as set out in this section.

(b) The candidate shall be certified as follows:

- (1) An Instructor I or a currently certified Indiana Law Enforcement Academy instructor.
- (2) A Swift Water Rescue Technician.
- (3) By the Indiana emergency medical services commission as at least a First Responder and such certification shall be current and valid.
- (4) A currently certified Red Cross Life Guard.

(c) The candidate shall have served as an assistant instructor for at least one (1) training course for Swift Water Rescue Technician.

(d) The candidate shall have completed passing evaluations on a minimum of two (2) training modules in such training course. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-19.1; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1163*)

SECTION 17. 655 IAC 1-2.1-22 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-2.1-22 Safety Officer

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 22. (a) The minimum training standards for Safety Officer certification shall be as set out in that certain document, being titled as NFPA 1521, Standard for Safety Officer Professional Qualifications, Chapters 2 and 3, ~~1992~~ **1997** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, **which** is hereby adopted by reference

and made a part of this rule as if fully set out in this rule. To the extent that Chapters 2 and 3 require compliance with another NFPA standard, such standard shall be that which is referred to in Chapter 4.

(b) The candidate shall be certified as a Fire Officer I. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-22; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3394; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1163*)

SECTION 18. 655 IAC 1-2.1-75 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-2.1-75 Rescue Technician-Rope Rescue

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 75. (a) The minimum training standards for Rescue Technician-Rope Rescue certification shall be as set out in this section and sections 76 through 86 of this rule: that certain document, being titled as NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapters 2 and 4, 2000 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 2 and 4 require compliance with another NFPA standard, such standard shall be that which is referred to in Appendix E.

(b) The candidate shall have been certified as at least a Firefighter II or First Class Firefighter for one (1) year. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-75; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3403; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1163*)

SECTION 19. 655 IAC 1-2.1-75.1 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-75.1 Rescue Technician-Surface Water Rescue

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 75.1. (a) The minimum training standards for Rescue Technician-Surface Water Rescue certification shall be as set out in that certain document, being titled as NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapters 2 and 5, 2000 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 2 and 5 require compliance with another NFPA standard, such standard shall be that which is referred to in Appendix E.

(b) The candidate shall have been certified as at least a Firefighter II or First Class Firefighter for one (1) year.

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(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-75.1; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1163)

SECTION 20. 655 IAC 1-2.1-75.2 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-75.2 Rescue Technician-Vehicle and Machinery Rescue

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 75.2. (a) The minimum training standards for Rescue Technician-Vehicle and Machinery Rescue certification shall be as set out in that certain document, being titled as NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapters 2 and 6, 2000 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 2 and 6 require compliance with another NFPA standard, such standard shall be that which is referred to in Appendix E.

(b) The candidate shall have been certified as at least a Firefighter II or First Class Firefighter for one (1) year. *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-75.2; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1164)*

SECTION 21. 655 IAC 1-2.1-75.3 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-75.3 Rescue Technician-Confined Space Rescue

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 75.3. (a) The minimum training standards for Rescue Technician-Confined Space Rescue certification shall be as set out in that certain document, being titled as NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapters 2 and 7, 2000 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 2 and 7 require compliance with another NFPA standard, such standard shall be that which is referred to in Appendix E.

(b) The candidate shall have been certified as at least a Firefighter II or First Class Firefighter for one (1) year. *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-75.3; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1164)*

SECTION 22. 655 IAC 1-2.1-75.4 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-75.4 Rescue Technician-Structural Collapse Rescue

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 75.4. (a) The minimum training standards for Rescue Technician-Structural Collapse Rescue certification shall be as set out in that certain document, being titled as NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapters 2 and 8, 2000 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 2 and 8 require compliance with another NFPA standard, such standard shall be that which is referred to in Appendix E.

(b) The candidate shall have been certified as at least a Firefighter II or First Class Firefighter for one (1) year. *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-75.4; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1164)*

SECTION 23. 655 IAC 1-2.1-75.5 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-75.5 Rescue Technician-Trench Rescue

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 75.5. (a) The minimum training standards for Rescue Technician-Trench Rescue certification shall be as set out in that certain document, being titled as NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapters 2 and 9, 2000 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 2 and 9 require compliance with another NFPA standard, such standard shall be that which is referred to in Appendix E.

(b) The candidate shall have been certified as at least a Firefighter II or First Class Firefighter for one (1) year. *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-75.5; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1164)*

SECTION 24. 655 IAC 1-2.1-76.1 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-76.1 Swift Water Rescue Technician

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 76.1. The minimum training standards for Swift Water Rescue Technician certification shall be as set out in this section and sections 76.2 and 76.3 of this rule. *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-76.1; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1164)*

SECTION 25. 655 IAC 1-2.1-76.2 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-76.2 Description requirements

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 76.2. The candidate shall describe the following:

- (1) The three (3) reasons why rescues fail.
- (2) The three (3) elements of river reading tactics.
- (3) The five (5) hazards of swift water rescue.
- (4) The following items of swift water rescue equipment:
 - (A) Rope.
 - (B) Webbing.
 - (C) All hardware associated with swift water rescue.
 - (D) Rescue harness.
 - (E) Victim harness.
 - (F) Knots.
- (5) Accident scene.
- (6) Preplanning.
- (7) Mitigation.
- (8) The four (4) types of communications.
- (9) Incident management.
- (10) Site organization.
- (11) The following medical considerations:
 - (A) Drowning.
 - (B) Hypothermia.
 - (C) Hazard environments.
 - (D) In-water spine management.
 - (E) Low-risk evacuation considerations.
 - (F) High-risk evacuation considerations.
 - (G) Patient packaging.
- (12) The four (4) swift water search and recovery procedures.
- (13) Movable Control Point (M.C.P.).

(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-76.2; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1165)

SECTION 26. 655 IAC 1-2.1-76.3 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-76.3 Demonstration requirements

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 76.3. The candidate shall demonstrate the following:

- (1) The following rescue techniques:
 - (A) Self rescue.
 - (B) Shore based rescue using throw bags and fire hose.
 - (C) Boat assisted rescue using tag lines.
 - (D) Boat assisted rescue using two (2) boats, static lines, and M.C.P.
 - (E) Rescue by wading, swimming, and boogie boards.
- (2) The use of the following:
 - (A) Ropes.
 - (B) Knots.
 - (C) Associated equipment and hardware.
- (3) Rigging for swift water rescue.
- (4) Safe boat handling operations and procedures.

(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-76.3; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1165)

SECTION 27. 655 IAC 1-2.1-93 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-93 Public Information Officer

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 93. The minimum training standards for Public Information Officer certification shall be as set out in that certain document, being titled as NFPA 1035, Standard for Professional Qualifications for Public Fire and Life Safety Educator, Chapter 5, 2000 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-93; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1165)*

SECTION 28. 655 IAC 1-2.1-94 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-94 Juvenile Firesetter Intervention Specialist I

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 94. The minimum training standards for Juvenile Firesetter Intervention Specialist I certification shall be as set out in that certain document, being titled as NFPA 1035, Standard for Professional Qualifications for Public Fire and Life Safety Educator, Chapters 2 and 6, 2000 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-94; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1165)*

SECTION 29. 655 IAC 1-2.1-95 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-95 Juvenile Firesetter Intervention Specialist II

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 95. The minimum training standards for Juvenile Firesetter Intervention Specialist II certification shall be as set out in that certain document, being titled as NFPA 1035, Standard for Professional Qualifications for Public Fire and Life Safety Educator, Chapters 2, 6, and 7, 2000 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-95; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1165)*

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SECTION 30. THE FOLLOWING ARE REPEALED: 655 IAC 1-2.1-76; 655 IAC 1-2.1-77; 655 IAC 1-2.1-78; 655 IAC 1-2.1-79; 655 IAC 1-2.1-80; 655 IAC 1-2.1-81; 655 IAC 1-2.1-82; 655 IAC 1-2.1-83; 655 IAC 1-2.1-84; 655 IAC 1-2.1-85; 655 IAC 1-2.1-86; 655 IAC 1-2.1-87.

LSA Document #01-121(F)

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Incorporated Documents Filed with Secretary of State: NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, 1998 Edition; NFPA 1003, Standard for Airport Fire Fighter Professional Qualifications, 2000 Edition; NFPA 1006, Standard for Rescue Technician Professional Qualifications, 2000 Edition.

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #00-261(F)

DIGEST

Amends 675 IAC 13-1, the Indiana fire safety standards, so as to continue to maintain rules that accurately address current design and construction practice by adopting by reference newer editions of currently adopted National Fire Protection Association (NFPA) Standards (NFPA 13, NFPA 13R, NFPA 14, and NFPA 20). Amends 675 IAC 13-2.3-102, 675 IAC 13-2.3-103, 675 IAC 22-2.2-535, and 675 IAC 22-2.2-536, the Indiana building code and Indiana fire code, by changing references to NFPA 231 (675 IAC 22-2.2-19) and NFPA 231C (675 IAC 22-2.2-20) to NFPA 13 (675 IAC 13-1-8). Repeals 675 IAC 22-2.2-19 (NFPA 231) and 675 IAC 22-2.2-20 (NFPA 231C), as NFPA 231 and NFPA 231C are no longer published by NFPA and the subject matter that was contained in NFPA 231 and NFPA 231C is now contained in NFPA 13, 1999 Edition. Effective 30 days after filing with the secretary of state.

675 IAC 13-1-8	675 IAC 13-2.3-103
675 IAC 13-1-9	675 IAC 22-2.2-19
675 IAC 13-1-10	675 IAC 22-2.2-20
675 IAC 13-1-25	675 IAC 22-2.2-535
675 IAC 13-2.3-102	675 IAC 22-2.2-536

SECTION 1. 675 IAC 13-1-8 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-1-8 NFPA 13; installation of sprinkler systems

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 8. (a) Standard for the Installation of Sprinkler Systems, NFPA 13, ~~1996~~, **1999**, published by National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 is adopted by reference except as revised hereafter.

(b) NFPA ~~13D~~; **11A**, NFPA 22, NFPA 24, ~~NFPA 25~~; ~~NFPA 30~~; ~~NFPA 30B~~; NFPA 40, ~~NFPA 51B~~; ~~NFPA 81~~; ~~NFPA 96~~; ~~NFPA 231D~~; ~~NFPA 231F~~; ~~NFPA 232~~; ~~NFPA 251~~; ~~NFPA 409~~; ~~NFPA 86C~~, **NFPA 214**, and NFPA 703 are not adopted, are not enforceable, and are referenced for information purposes only.

(c) Delete the note following the first paragraph of section 1-1.

(~~d~~) (c) Amend section 1-2 to read as follows: 1-2 Purpose. The purpose of this standard is to provide a reasonable degree of protection for life and property from fire through standardization of design, installation, and testing requirements for sprinkler systems based upon sound engineering principles, test data, and field experience. For alternate materials, methods, and design, see the General Administrative Rules (675 IAC 12-6-11).

(~~e~~) (d) Delete section 1-3 in its entirety.

(~~f~~) (e) Amend the following definitions in subsection 1-4.1 to read as follows:

APPROVED means, as to materials, equipment, and types of construction, acceptance by the authority having jurisdiction by one (1) of the following methods: investigation or tests conducted by recognized authorities; or investigation or tests conducted by technical or scientific organizations; or accepted principles. The investigation, tests, or principles shall establish that the materials, equipment, and types of construction are safe for their intended purpose.

AUTHORITY HAVING JURISDICTION means the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission. For the purposes of Industrialized Building Systems (675 IAC 15), authority having jurisdiction means the state building commissioner.

LISTED means equipment or materials included in a list published by an organization engaged in product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

DWELLING UNIT means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the Indiana Building Code (675 IAC 13); for not more than one (1)

family, or a congregate residence for ten (10) or fewer persons. For purposes of this standard, dwelling unit includes hotel rooms, dormitory rooms, apartments, condominiums, sleeping rooms in nursing homes, and similar living units.

SHOP WELDED. As used in this standard, shop, in the term shop welded, means either of the following:

- (1) At a sprinkler contractors' or fabricators' premises.
- (2) In an area specifically designed for such work, such as a detached outside location, maintenance shop, or other area of noncombustible or fire-resistive construction free of combustible and flammable contents and segregated from adjacent areas.

(f) Add the following definitions to subsection 1-4.1 to read as follows:

BUILDING CODE is the building code in effect in Indiana at the time of construction, remodeling, alteration, addition, or repair of a structure.

FIRE CODE is the fire code in effect in Indiana at the time of construction, remodeling, alteration, addition, or repair of a structure.

LABELED. Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

NFPA 70 means the Indiana Electrical Code (675 IAC 17).

NFPA 72 means the National Fire Alarm Code (675 IAC 22-2.2-17).

(g) Add a new definition to Amend the following definitions in subsection ~~1-4.1~~ 1-4.2 to read as follows: ~~NFPA 70~~ means the Indiana Electrical Code (675 IAC 17).

DWELLING UNIT means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the Indiana Building Code (675 IAC 13), for not more than one (1) family, or a congregate residence for ten (10) or fewer persons. For purposes of this standard, dwelling unit includes hotel rooms, dormitory rooms, apartments, condominiums, sleeping rooms in nursing homes, and similar living units.

SHOP WELDED. As used in this standard, shop, in the term shop welded, means either of the following:

- (1) At a sprinkler contractors' or fabricators' premises.
- (2) In an area specifically designed for such work, such as a detached outside location, maintenance shop, or other area of noncombustible or fire-resistive construction free of combustible and flammable contents and segregated from adjacent areas.

(h) ~~Delete~~ Amend the following definition in subsection ~~1-4.7.4.1~~ in its entirety: 1-4.8 as follows: **SHELF-STORAGE**

means storage on shelves less than thirty (30) inches (seven hundred sixty-two millimeters (762 mm)) deep with the distance between shelves not exceeding three (3) feet (nine hundred fourteen millimeters (914 mm)) vertically.

(i) Delete the last sentence of subsection 1-6.2.

(j) Amend subsection 2-6.1 as follows:

(1) Add to the second line of the exception after "engineer" and before "to", the following: or architect.

(2) Delete, in the last paragraph, "when required by the reviewing authority" and substitute to read as follows: to the office of the state building commissioner as required by the General Administrative Rules (675 IAC 12-6).

(j) Delete the text of Chapter 2 and substitute to read as follows: **Commodity and occupancy classification shall be as set forth in Article 81 of the Indiana Fire Code (675 IAC 22-2.2).**

(k) Amend Exception No. 3 in subsection ~~2-7.1.1~~ 3-8.1.1 to read as follows: A nonindicating valve, such as an underground gate valve with an approved roadway box complete with T-wrench, acceptable to the water purveyor shall be permitted.

(l) Amend subsection 3-9.1 to read as follows: **The fire department connection(s) shall be internal threaded swivel fitting(s) having threads compatible with those of the local fire department.**

(~~m~~) Delete the exception in subsection ~~2-8.1~~ 4-5.1.

(~~m~~) Delete subsection 3-5.1 in its entirety.

(n) Amend the first sentence of subsection ~~3-6.1.6~~ 4-6.1.6 to read as follows: Materials added to water shall not adversely affect the fire fighting properties of the water.

(o) Amend subsection ~~3-9.1~~ 4-9.1 to read as follows: In cooking areas protected by automatic sprinklers, additional sprinklers or automatic spray nozzles shall be provided to protect commercial-type ventilation systems that are designed to carry away grease-laden vapors as required by the Indiana Mechanical Code (675 IAC 18).

(p) Delete subsection ~~3-9.8.3~~ 4-9.8.3 and substitute as follows: See the Indiana Mechanical Code (675 IAC 18) for shut off requirements.

(q) Amend subsection ~~4-2~~ 5-2 by deleting "NFPA Standards" in two (2) places and substituting "rules of the commission as applicable".

(r) Amend subsection 5-4.5.1 by inserting " sleeping rooms in health care facilities" after the words "dwelling units".

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(s) Amend subsection 5-4.6.3 to read as follows: ESFR sprinklers shall be permitted for use in buildings with unobstructed or obstructed construction. Where depths of the solid structural members (beams, stems, etc.) exceed twelve (12) inches (three hundred four (304) mm). ESFR sprinklers shall be installed in each channel formed by the solid structural members. Minimum sprinkler spacing and area coverage shall comply with 5-11.2.3 and 5-11.3.4.

(t) Delete Exception 1 in subsection 5-5.6.

(u) Delete the Exception in subsection 5-6.6.

(v) Delete the Exception in subsection 5-8.6.

(w) Amend subsection 5-13.4 Exception 2(b) by deleting “NFPA 101 Life Safety Code” and substituting “applicable rules of the Commission”.

(x) Amend the exception to subsection 5-13.6.3 to read as follows: Exception: Sprinklers are not required at the tops of noncombustible hoistways of passenger elevators whose car enclosure materials meet the requirements of the Indiana Safety Code for Elevators, Escalators, Manlifts, and Hoists (675 IAC 21).

(s) Delete the exception in subsection 4-6.6.

(y) Delete the second sentence of subsection 5-14.2.6.1.

(z) Amend subsection 5-15.5.1.1 in two (2) places:

- (1) delete “lines” and substitute “connections”.
- (2) after the words “Hose System”, add “675 IAC 13”.

(aa) Amend subsection 5-16.1 by adding “675 IAC 22-2.2-6” after “materials”.

(bb) Delete sections 5-17 and 5-18 without substitution.

(cc) Amend subsection 5-19.1 by adding “675 IAC 22-2.2-10” after “Processes”.

(dd) Delete section 5-20 without substitution.

(ee) Amend section 5-21 by adding “675 IAC 13” in two (2) places:

- (1) in 5-21.1 after “equipment”; and
- (2) in 5-21.2 after “NFPA 82” and before “shall be used”.

(ff) Delete section 5-22 without substitution.

(gg) Delete sections 5-23, 5-24, 5-25, 5-26, 5-27, 5-28, 5-29, 5-30, and 5-31 without substitution.

(hh) Amend subsection 6-1.1 as follows:

- (1) Add to the second line of Exception 1 after “engineer”

and before “to”, the following: “or architect”.

(2) Delete, in the last paragraph of Exception 1, “when required by the reviewing authority” and substitute to read as follows: to the office of the state building commissioner as required by the General Administrative Rules (675 IAC 12-6).

(ii) Amend subsection 6-3.3.1.2 by deleting the words “by the authority having jurisdiction” from the exception.

(jj) Amend the first sentence of subsection 6-4.1 to read as follows: Sprinkler systems shall be protected to prevent pipe breakage where subject to earthquakes in accordance with the requirements of 6-4 and the Indiana Building Code (675 IAC 13) except where alternative methods of providing earthquake protection of sprinkler systems is based on a dynamic seismic analysis certified by a design professional, such that system performance will be at least equal to that of the building structure under expected seismic forces.

(v) Amend Exception No. 2 of subsection 4-14.4.3.5.3 to read as follows: When the use of other horizontal force factors are used, the loads of Table 4-14.4.3.5.3 or those determined in accordance with Exception No. 1 shall be adjusted by the following multipliers:

Horizontal Force Factor F_p	Multiplying Factor
0.2 W_p	0.4
0.4 W_p	0.8
0.6 W_p	1.2
0.8 W_p	1.6
1.0 W_p	2.0
1.2 W_p	2.4

(w) Amend the exception to 4-14.4.3.5.5 to read as follows: Exception: Other pipe schedules and materials not specifically included in Table 4-14.4.3.5.5 are acceptable for use if certified by a design professional to support the loads determined in accordance with the above criteria.

(x) Amend Exception No. 2 to subsection 5-2.2.1 to read as follows: Exception No. 2: The pipe schedule method shall be permitted for additions or modifications to existing extra hazard pipe schedule systems if approved by the authority having jurisdiction.

(y) Amend Exception No. 1 to subsection 5-2.3.1.1 to read as follows: Exception No. 1: Where other rules of the Fire Prevention and Building Safety Commission have developed sprinkler area/density or other design criteria and water supply requirements appropriated for fire control or suppression of Special Occupancy Hazards, they shall take precedence.

(z) Amend subsection 5-3.4.1 to read as follows: Large drop sprinklers shall be permitted to protect ordinary hazard;

miscellaneous storage, and other storage as specified by other rules of the Fire Prevention and Building Safety Commission as applicable.

(kk) Delete the exception in subsection 6-4.5.6 without substitution.

(ll) Amend the subsection 6-4.5.8 as follows:

(1) Amend the exception to read as follows: **Exception: Other pipe schedules and materials not specifically included in Table 6-4.5.8 shall be permitted to be used if certified by a registered professional engineer or architect to support the loads determined in accordance with the above criteria. Calculations shall be submitted to the office of the state building commissioner as required by the General Administrative Rules (675 IAC 12-6).**

(2) In Table 6-4.5.8, change the second slenderness ratio for pipe (Schedule 40) from 200 to 100.

(mm) Amend subsection 6-4.5.9 Exception 2 to read as follows: **Other fastening methods are acceptable for use if certified by a registered professional engineer or architect to support the loads determined in accordance with the criteria in 6-4.5.9.**

(nn) Amend subsection 7-9.2.2 as follows:

(1) After the last word “criteria”, insert “, but not less than to provide a minimum of .01 gpm/per sq ft over the design area”.

(2) Add an exception to read as follows: **Exception: For modification or alteration to existing systems equipped with residential sprinklers, the listed discharge criteria shall be permitted to be used.**

(oo) Amend subsection 7-9.4.1 by deleting “NFPA Standards” and substituting “rules of the Fire Prevention and Building Safety Commission”.

~~(aa)~~ (pp) Amend subsection ~~5-3.4.2.1~~ 7-9.4.2.1 by deleting “NFPA standards” and substituting “rules of the Fire Prevention and Building Safety Commission”.

~~(bb)~~ (qq) Amend subsection ~~5-3.4.2.2~~ 7-9.4.2.2 by deleting from the last sentence “NFPA Storage Standards” and substituting “rules of the Fire Prevention and Building Safety Commission”.

~~(cc)~~ (rr) Amend subsection ~~5-3.5.1~~ 7-9.5.1 by deleting “NFPA Standards” and substituting “rules of the Fire Prevention and Building Safety Commission”.

(ss) Delete subsections 7-10.1 and 7-10.2 and substitute the following:

(1) **Flammable and combustible liquids: See Article 79 in the Indiana Fire Code (675 IAC 22-2.2).**

(2) **Aerosol products: See Article 88 in the Indiana Fire Code (675 IAC 22-2.2).**

(tt) Amend subsection 7-10.3.1 by adding “675 IAC 22-2.2-6” after “Materials”.

(uu) Delete subsections 7-10.4, 7-10.5, 7-10.6, and 7-10.7 without substitution.

(vv) Amend subsection 7-10.8.1 by adding “675 IAC 22-2.2-10” after “Processes”.

(ww) Amend subsection 7-10.9.1 by adding “675 IAC 22-2.2-11” after “Plants”.

(xx) Amend subsection 7-10.9.2 to read as follows: **The need for automatic water spray system protection for acetylene cylinder charging manifolds and cylinder storage areas shall be determined by the building code (675 IAC 13). Where automatic water spray systems are installed, they shall be in accordance with NFPA 15, Standard for Water Spray Fixed Systems for Fire Protection (675 IAC 22-2.2-4).**

(yy) Delete subsection 7-10.10 in its entirety without substitution.

(zz) Amend subsection 7-10.11.1 by adding “675 IAC 22-2.2-15” after “Plants”.

(aaa) Amend subsection 7-10.12.1 by adding “675 IAC 22-2.2-16” after “Gas”.

(bbb) Amend subsection 7-10.13.1 to read as follows: **Ventilation control and Fire Protection of Commercial Cooking Operations shall be in accordance with the Indiana Mechanical Code (675 IAC 18).**

(ccc) Delete sections 7-10.14, 7-10.15, 7-10.16, 7-10.17, 7-10.18, 7-10.19, 7-10.20, 7-10.21, 7-10.22, 7-10.23, 7-10.24, 7-10.25, 7-10.26, and 7-10.27 without substitution.

~~(ddd)~~ (ddd) Delete section ~~6-1~~ 8-1 in its entirety and substitute to read as follows: **Plans and specifications shall be filed as required by the General Administrative Rules (675 IAC 12).**

~~(eee)~~ (eee) Amend subsection ~~6-4.1~~ 8-4.1 by deleting from the last sentence “standards” and substituting “rules of the Fire Prevention and Building Safety Commission”.

(ff) (fff) Amend the footnote to Table ~~6-4.4.5~~ 8-4.4.5 by deleting “is permitted to consider” and substituting “may approve”.

(gg) (ggg) Amend subsection ~~6-5.5~~ section 8-6 to read as follows: **Open sprinkler and deluge systems shall be hydraulically calculated.**

~~(hhh)~~ (hhh) Delete subsection ~~7-1.3~~ 9-1.7 without substitution.

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(iii) Amend subsection 9-1.8 to read as follows: Where equipment is installed to guard against possible contamination of the water supply system, such equipment and devices shall be listed for fire protection service.

(ii) (jjj) Amend subsection 7-2.1 to read as follows: A connection to a water purveyors distribution system shall be an acceptable water supply source. The volume and pressure of a public water supply shall be determined from waterflow test data.

(jj) (kkk) Amend subsection 7-2.3.1 to read as follows: An approved pressure tank shall be an acceptable water supply source.

(kk) (lll) Amend subsection 7-2.4 to read as follows: An approved elevated tank shall be an acceptable water supply source.

(ll) (mmm) Amend section 8-1(a) to read as follows: Notify the owner's representative of the time and date testing will be performed.

(mm) (nnn) Amend the Contractors' Material and Test Certificate for Aboveground Piping as follows:

- (1) Delete from the second paragraph of Procedure "approving authorities" in two (2) places.
- (2) Delete the Plans category.

(nn) (ooo) Amend the Contractors' Material and Test Certificate for Underground Piping as follows:

- (1) Delete from the second paragraph of Procedure "approving authority" in two (2) places.
- (2) Delete the Plans category.

(oo) (ppp) Delete Chapter 9 11 in its entirety.

(pp) Delete Chapter 10 in its entirety and substitute "See the Indiana Fire Prevention Code (675 IAC 22)".

(qq) Amend section 12-1 by deleting everything after the words "Protection Systems" and substitute "675 IAC 22-2.2-5".

(rr) (rrr) Delete Chapter 13 in its entirety.

(rr) Table A-5-3.4 Large-Drop Sprinkler Data, Pressure, and Number of Design Sprinklers Required for Various Hazards for Large-Drop Sprinklers, located in Appendix A is adopted:

(ss) Table A-5-3.5 ESFR Sprinkler Data located in Appendix A is adopted: (*Fire Prevention and Building Safety Commission; 675 IAC 13-1-8; filed Sep 5, 1986, 9:22 a.m.: 10 IR 14; filed Oct 2, 1989, 4:25 p.m.: 13 IR 291; filed Aug 15, 1997, 8:54 a.m.: 21 IR 94; filed Nov 14, 2001, 4:55 p.m.: 25 IR 1166*)

SECTION 2. 675 IAC 13-1-9 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-1-9 NFPA 14

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 9. (a) Standard for the Installation of Standpipe, Private Hydrant, and Hose Systems, NFPA 14, 1993, 2000, published by National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 is adopted by reference except as revised hereafter.

(b) The following documents referenced in NFPA 14 are not adopted, are not enforceable, and are referenced for information purposes only:

(1) NFPA 22, NFPA 24, NFPA 25, NFPA 51B, NFPA 1901, and NFPA 1963.

(2) AWS A5.8.

(3) (2) ASTM E380.

(c) Amend section 1-2 to read as follows: The purpose of this standard is to provide a reasonable degree of protection for life and property from fire through standardization of design, installation, and testing requirements for standpipe systems based upon sound engineering principles, test data, and field experience. For alternate methods, materials, and design, see the General Administrative Rules (675 IAC 12-6-11).

(d) Delete the exception in section 1-3 without substitution.

(e) Amend the following definitions in section 1-4 to read as follows:

APPROVED means, as to materials, equipment, and types of construction, acceptance by the authority having jurisdiction by one (1) of the following methods: investigation or tests conducted by recognized authorities; or investigation or tests conducted by technical or scientific organizations; or accepted principles. The investigation, tests, or principles shall establish that the materials, equipment, and types of construction are safe for their intended purpose.

AUTHORITY HAVING JURISDICTION means the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission. For the purposes of Industrialized Building Systems (675 IAC 15), authority having jurisdiction means the state building commissioner.

LISTED. Equipment or materials included in a list published by an organization engaged in product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

(f) Amend Table 2-2.1 by changing ANSI B36.10 to read as follows: ANSI B36.10M.

(g) Amend subsection 2-5.1 to read as follows: Types of hangers shall be in accordance with the requirements of this section.

EXCEPTION: Hangers certified by a design professional to include all of the following shall be acceptable:

(1) Hangers are designed to support five (5) times the weight of the water-filled pipe plus two hundred fifty (250) pounds (one hundred fourteen (114) kg) at each point of piping support.

(2) These points of support are adequate to support the standpipe system.

(3) Hanger components shall be ferrous.

Detailed calculations shall be submitted, showing stresses developed both in hangers and piping and safety factors allowed, including lateral loads as required by the Indiana Building Code (675 IAC 13):

~~(h) Delete, in section 2-6, Exception No. 3 “accepted by the authority having jurisdiction”.~~

(f) Add the following definition to section 1-4: 1-4.15.1 NFPA 13; Installation of sprinkler systems means 675 IAC 13-1-8.

(g) Amend subsection 2-5, Exception No. 3 to read as follows: A nonindicating valve, such as an underground gate valve with approved roadway box complete with T-wrench, approved by the authority having jurisdiction.

~~(h) Amend subsection 2-7.1.3 2-6.1.3 to read as follows: Where a fire-resistive assembly is penetrated by a cabinet, the fire resistance of the assembly shall be maintained.~~

(i) Delete subsection 2-6.2.1 without substitution.

(j) Amend subsection 2-7, Exception to read as follows: Where the local fire department uses fittings different from those specified, fittings compatible with the local fire department equipment shall be used.

~~(k) Amend section 2-8 subsection 2-8-2, Exception to read as follows: Hose connections shall have external threads. Hose connections shall be equipped with caps to protect hose threads. EXCEPTION: Where the local fire department uses fittings different from those specified, fittings compatible with local fire department equipment shall be used.~~

~~(l) Amend subsection 2-9.2, Exception to read as follows: Each fire department connection shall have at least two (2) two and one-half (2½) inch (sixty-three and five-tenths (63.5) millimeters) internal threaded swivel fittings. Fire department connections shall be equipped with caps to protect against entry of debris into the system. EXCEPTION: Where the local fire department uses fittings different from those specified, fittings compatible with the local fire department equipment shall be used.~~

~~(m) Delete subsection 3-1.1 in its entirety without substitution.~~

~~(m) Amend subsection 3-1.3 to read as follows: Standpipe and hose systems not required by the Indiana Building Code (675 IAC 13) and not meeting the requirements of this standard shall be marked with a sign stating “FOR FIRE BRIGADE USE ONLY”.~~

~~(n) Delete the Exception to subsection 3-3.2 without substitution.~~

~~(o) Delete Exception No. 1 and Exception No. 2 in subsection 3-3.3 without substitution.~~

(n) Delete subsection 3-1.3 without substitution.

~~(p) (o) Amend subsection 3-7.1 to read as follows: For automatic or semiautomatic systems, listed water flow alarms shall be provided.~~

~~(q) Amend the second paragraph of subsection 4-2.1 to read as follows: Where a backflow prevention device of the reduced pressure type is required by the Indiana Plumbing Code (675 IAC 16), the check valve and shutoff shall not be omitted and shall be installed on the discharge side of the reduced pressure backflow device.~~

~~(r) Amend the Exception to subsection 5-3.2(a) to read as follows: Exception: Hose connections shall be permitted to be located at main floor landings in exit stairways.~~

~~(s) (p) Amend subsection 5-3.2(f) to read as follows: (f) Where the most remote portion of a nonsprinklered floor or story exceeds one hundred fifty (150) feet (forty-five (45) meters) of travel distance from a required exit or the most remote portion of a sprinklered floor or story exceeds two hundred (200) feet (sixty-one (61) meters) of travel distance from a required exit, additional hose connections shall be provided in approved locations.~~

~~(t) (q) Delete the first three (3) two (2) sentences of section 5-7 and substitute to read as follows: Standpipe systems shall be designed so that the system demand can be supplied by both the attached water supply and fire department connections.~~

~~EXCEPTION: Manual standpipe systems shall be designed so that the system demand can be supplied by the fire department connections.~~

~~(u) (r) Delete the Exception No. 1 and Exception No. 2 to section 5-7(a) 5-7(1) without substitution.~~

~~(v) (s) Amend the last sentence of the exception to subsection 5-9.1.3.1 to read as follows: The flow rate required for the standpipe demand of a combined system in a building protected throughout by an automatic sprinkler system need not exceed one thousand (1,000) gpm (three thousand seven hundred eighty-five (3,785) L/min).~~

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~~(w)~~ (t) Delete subsection 5-9.1.3.3 in its entirety without substitution.

(x) Amend subsection 5-11.1 to read as follows: A permanently installed three (3) inch (seventy-five (75) millimeter) drain riser shall be provided adjacent to each standpipe equipped with pressure regulating devices to facilitate tests of each device. The riser shall be equipped with a three (3) inch (seventy-six (76) millimeter) by two and one-half (2½) inch (sixty-three and five-tenths (63.5) millimeter) tee with an internal threaded swivel fitting having NH standard threads with plug, located on at least every other floor.

(u) Delete the exception to subsection 5-10.2 without substitution.

(v) Amend the exception to subsection 5-11.1 to read as follows: Where the local fire department uses fittings different from those specified, fittings compatible with the local fire department equipment shall be used.

~~(y)~~ (w) Delete the exception to subsection 5-12.2 without substitution.

(x) Amend subsection 5-13.1 to read as follows: See local ordinance.

(y) Delete the exception to 5-13.1 without substitution.

(z) Delete subsection 5-15.2 without substitution.

~~(z)~~ (aa) Delete Chapter 6 and substitute the following: Plans and specifications shall be filed as required by the General Administrative Rules (675 IAC 12).

(aa) Amend subsection 7-4.3 to read as follows: For systems with two (2) or more zones in which portions of the second and higher zones cannot be supplied with the residual pressure required by section 5-7 by fire department pumpers through a fire department connection, another auxiliary means of supply shall be provided. This shall be in the form of high-level water storage with additional pumping equipment.

(bb) Amend subsection 7-1.2(2) to read as follows: Automatic fire pumps connected to an approved water source in accordance with NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection (675 IAC 13-1-10).

(cc) Amend the last sentence of subsection 7-4.3 to read as follows: This means shall be in the form of high-level water storage with additional pumping equipment.

~~(bb)~~ (dd) Amend subsection 8-2.1 9-2.1 to read as follows: Underground piping supplying the system shall be flushed in accordance with NFPA 13 (675 IAC 13-1-8).

~~(cc)~~ (ee) Amend the last sentence of subsection 8-4.1 9-4.1 to read as follows: Underground pipe shall be tested in accordance with NFPA 13 (675 IAC 13-1-8).

(ff) Amend subsection 9-7 to read as follows: Each alarm and supervisory device provided shall be tested in accordance with NFPA 72, National Fire Alarm Code (675 IAC 22-2.2-17).

~~(dd)~~ (gg) Amend the Contractor's Material and Test Certificate for Aboveground Piping Standpipe System NFPA 14 by:

(1) changing in the Procedure section "approving authorities" in two (2) places to read "authority having jurisdiction";

(+) (2) changing in the Plans section "Accepted By Approving Authority(s) (Names) Address" to read as follows: state building commissioner Project Number; and

(2) (3) deleting "For Approving Authorities" in the third line of "System Operating Test Witnessed By" section.

~~(cc)~~ Delete in (hh) Amend the Contractors Material and Test Certificate for Underground Piping "Approving Authorities": by:

(1) changing in the Procedure section "approving authorities" in two (2) places to read authority having jurisdiction; and

(2) changing in the Plans section "Accepted By Approving Authority(s) (Names) Address" to read as follows: state building commissioner Project Number.

(ii) Amend subsection 9-8(2) to read as follows: A copy of NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems (675 IAC 22-2.2-5).

(ff) (jj) Delete Chapter 9 10 and substitute to read as follows: For buildings under construction, see the Indiana Fire Prevention Code (675 IAC 22).

(gg) (kk) Delete Chapter 10 11 in its entirety without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 13-1-9; filed Sep 5, 1986, 9:22 a.m.: 10 IR 14; filed Aug 15, 1997, 8:54 a.m.: 21 IR 96; filed Nov 14, 2001, 4:55 p.m.: 25 IR 1170*)

SECTION 3. 675 IAC 13-1-10 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-1-10 NFPA 20

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 10. (a) Standard for the Installation of Centrifugal Fire Stationary Pumps for Fire Protection, NFPA 20, 1996, 1999, published by National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 is adopted by reference except as revised hereafter.

(b) The following documents referenced in NFPA 20 are not adopted, are not enforceable, and are for information purposes only:

- (1) NFPA 24, ~~NFPA 25~~, ~~NFPA 51B~~, and NFPA 110. ~~and NFPA 1963.~~
- (2) Hydraulic Institute Standards for Centrifugal, Rotary, and Reciprocating Pumps.
- (3) NEMA Standards.
- (4) SAE Standards, J-1349.
- (5) ANSI/IEEE C62.1, C62.11, C62.41.
- (6) ASTM-E.380.**

(c) Delete the last sentence of subsection 1-2.1 and substitute to read as follows: For alternate methods, materials, and design, see the General Administrative Rules (675 IAC 12-6-11).

(d) Delete subsection 1-2.2 in its entirety without substitution.

(e) Delete subsection 1-4.3 and substitute the following: Plans and specifications shall be filed as required by the General Administrative Rules (675 IAC 12-6).

(f) Delete subsection 1-5 without substitution.

(g) Change the last sentence of section 1-7 to read as follows: The purchaser shall furnish this data to the ~~building official~~ **authority having jurisdiction** when requested.

(h) Amend the following definitions in section 1-8 to read as follows:

APPROVED means, as to materials, equipment, and types of construction, accepted by the authority having jurisdiction by one (1) of the following methods: investigation or tests conducted by recognized authorities; or investigation or tests conducted by technical or scientific organizations; or accepted principles. The investigation, tests, or principles shall establish that the materials, equipment, and types of construction are safe for their intended purpose.

AUTHORITY HAVING JURISDICTION means the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission. For the purposes of Industrialized Building Systems (675 IAC 15), authority having jurisdiction means the state building commissioner.

LISTED. Equipment or materials included in a list published by an organization engaged in product evaluation that maintains periodic inspection or production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

(i) Add the following definitions to section 1-8 to read as follows:

NFPA 13, Installation of Sprinkler Systems means 675 IAC 13-1-8.

NFPA 70, National Electrical Code means the Indiana Electrical Code (675 IAC 17).

TESTING LABORATORY means an independent nationally recognized testing laboratory or other organization listed in the General Administrative Rules (675 IAC 12-6-11).

(j) Delete, in section 1-8, the definition of Aquifer.

(k) Delete subsection 1-8.1 in its entirety without substitution.

(l) Delete subsection 2-1.1 in its entirety without substitution.

~~(m)~~ **(m)** Delete subsection 2-1.2 in its entirety without substitution.

~~(n)~~ **(n)** Amend subsection 2-2.3 to read as follows: Dual-drive pump units shall not be used.

~~(o)~~ **(o)** Delete, in section 2-3, the last sentence of the first paragraph.

(p) Amend Exception No. 2 to subsection 2-7.1.1 to read as follows: In buildings protected with an automatic sprinkler system installed in accordance with NFPA 13 (675 IAC 13-1-8), the separation requirement may be reduced to 1-hour fire-rated construction.

(q) Amend subsection 2-8.4 to read as follows: Torch-cutting or welding in the pump house shall be permitted as a means of modifying or repairing pump house piping when it is performed in accordance with NFPA 51B (675 IAC 22-2.2-12).

~~(r)~~ **(r)** Amend Exception No. 2 to subsection 2-9.9(a) to read as follows: Check valves and backflow prevention devices and assemblies shall be permitted where required by the water purveyor.

(s) Amend the last sentence of subsection 2-10.2 to read as follows: All pump discharge pipe shall be hydrostatically tested in accordance with NFPA 13 (675 IAC 13-1-8).

~~(t)~~ **(t)** Amend subsection 2-14.3.2 to read as follows: Hose valve(s) shall have threads that are compatible with the local fire department hose threads.

(u) Delete subsection 2-14.3.2, Exception without substitution.

~~(v)~~ **(v)** Delete subsection 2-21.4 without substitution.

~~(w)~~ **(w)** Delete subsection 2-22.1 and substitute to read as follows: The fire pump, driver, diesel fuel tank, and the fire pump controller shall resist lateral loads as required by the Building Code (675 IAC 13).

~~(x)~~ **(x)** Delete the last sentence of subsection 4-1.1 without substitution.

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(s) Amend subsection 4-1.2 by changing the second sentence to read as follows: In all applications, the owner of the pump shall be supplied with data on the draw-down characteristics of the well and the pump performance.

(t) (x) Amend subsection 4-2.1.1 to read as follows: The water supply shall have the capacity to supply one hundred fifty percent (150%) of the system that it serves as the system design.

(u) (y) Amend subsection 4-2.1.2 by deleting “satisfactory” in two (2) places.

(v) (z) Amend the third sentence of subsection 4-2.7 to read as follows: The test shall be witnessed by a representative of the customer and contractor as required.

(w) (aa) Amend subsection 4-3.3.2 by deleting “suitable” and substituting “approved”.

(x) (bb) Amend the first sentence of subsection 4-4.2 to read as follows: The driver shall be screened or enclosed and protected against tampering.

(y) (cc) Amend the first and second sentences of subsection 4-5.1.3.1 to read as one (1) sentence as follows: Gear drives and flexible connecting shafts shall be of the vertical hollow-shaft type.

(z) Amend subsection 4-6.1.1 to read as follows: When the installation is completed, an operating test shall be made in the presence of the customer and the pump manufacturer or its designated representative. Requirements in section 11-2 shall be followed insofar as they apply.

(aa) (dd) Amend subsection 7.5.4 by deleting from the exception “or where the authority having jurisdiction has required manual shutdown”.

(bb) (ee) Delete section 7-7 without substitution.

(cc) (ff) Amend subsection 7-8.1.1 by deleting “by the authority having jurisdiction”.

(dd) (gg) Amend subsection 8-1.2 to read as follows: Spark-ignited internal combustion engines shall not be used. This restriction shall not be interpreted to exclude gas turbine engines as future pump drivers.

(ee) (hh) Delete subsection 8-4.1 and substitute the following: Plans and specifications shall be filed as required by the General Administrative Rules (675 IAC 12).

(ff) (ii) Amend the first sentence of subsection 8-4.5 to read as follows: Diesel fuel supply tanks shall be located above-ground in accordance with the Indiana Fire Prevention Code (675 IAC 22) and shall not be buried.

(gg) Delete subsection 9-4.1.5 without substitution.

(hh) (jj) Amend the exception to subsection 9-5.2.6 to read as follows: Automatic shutdown shall not be permitted where the pump constitutes the sole source of supply of a fire sprinkler or standpipe system.

(ii) (kk) Delete subsection 9-6.7.4 without substitution.

(jj) (ll) Amend the last sentence of subsection 9-6.13 to read as follows: Manual shutdown shall also be provided.

(kk) (mm) Delete subsection 11-2.2 in its entirety without substitution.

(ll) (nn) Delete subsection 11-3.2 without substitution.

(mm) (oo) Delete section 11-5 without substitution.

(nn) (pp) Delete Chapter 12 in its entirety without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 13-1-10; filed Sep 5, 1986, 9:22 a.m.: 10 IR 14; filed Apr 5, 1988, 3:05 p.m.: 11 IR 2868; filed Aug 15, 1997, 8:54 a.m.: 21 IR 100; filed Nov 14, 2001, 4:55 p.m.: 25 IR 1172*)

SECTION 4. 675 IAC 13-1-25 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-1-25 NFPA 13R

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 25. (a) Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height, NFPA 13R, 1996, 1999, published by National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02269-9101 is adopted by reference except as revised hereafter.

(b) NFPA 22; NFPA 25; NFPA 101; NFPA 220; and NFPA 251 are not adopted, are not enforceable, and are for information purposes only.

(c) (b) Delete the last paragraph of section 1-2 and substitute to read as follows: For alternate materials, methods, and design, see the General Administrative Rules (675 IAC 12-6-11).

(d) (c) Amend the following definitions in section 1-3 to read as follows:

APPROVED, as to materials, equipment, and types of construction, refers to acceptance by the authority having jurisdiction by one (1) of the following methods: investigation or tests conducted by recognized authorities; or investigation or tests conducted by technical or scientific organizations; or accepted principles. The investigation, tests, or principles shall establish that the materials, equipment, and types of construction are safe for their intended purpose.

AUTHORITY HAVING JURISDICTION means the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission. For the purposes of Industrialized Building Systems (675 IAC 15), authority having jurisdiction means the state building commissioner.

DWELLING UNIT is any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the Indiana Building Code (675 IAC 13), for not more than one (1) family, or a congregate residence for ten (10) or less persons. **LABELED.** Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

LISTED. Equipment or materials included in a list published by an organization engaged in product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner. **RESIDENTIAL OCCUPANCIES.** Residential occupancies, as included in the scope of this standard, include the following:

- (1) Apartment buildings.
- (2) Lodging and rooming houses.
- (3) Board and care facilities.
- (4) Hotels, motels, and dormitories.

(e) **(d)** Delete subsection 2-1.1 and substitute as follows: Plans and specifications shall be filed as required by the General Administrative Rules (675 IAC 12).

(f) **(e)** Amend subsection 2-1.2.1 to read as follows: The installer shall perform all required acceptance tests (see 2-1.3), and complete the Contractor’s Material and Test Certificate(s) (see Fig. 2-1.2.1). The certificate(s) shall be available to the authority having jurisdiction upon request.

(g) **(f)** Delete subsection 2-1.2.2 in its entirety without substitution.

(h) **(g)** Amend subsection 2-3.2 to read as follows: The following water supply sources are acceptable:

- (1) A connection to the water purveyors distribution system with or without a booster pump, as required.
- (2) An elevated tank.
- (3) An approved pressure tank.
- (4) A stored water source with an automatically operated pump, installed in accordance with NFPA 20, Standard for the Installation of Centrifugal Fire Pumps, 675 IAC 13-1-10.

(i) **(h)** Amend the Contractor’s Material and Test Certificate for aboveground piping as follows:

- (1) Delete, in the second paragraph of Procedure, “approving authorities” in two (2) places.
- (2) Delete the Plans category.

(j) Amend section 2-7 by adding “(675 IAC 22-2.2-5)” after the words “Protection Systems”.

(j) Delete Chapter 3 in its entirety without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 13-1-25; filed Feb 21, 1990, 1:00 p.m.: 13 IR 1165; errata filed Aug 11, 1990, 5:00 p.m.: 13 IR 2140; filed Aug 15, 1997, 8:54 a.m.: 21 IR 102; filed Nov 14, 2001, 4:55 p.m.: 25 IR 1174*)

SECTION 5. 675 IAC 13-2.3-102 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-2.3-102 Section 906.1; smoke and heat venting, when required

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 102. Change section 906.1 as follows: (a) Add Exception 3 to read as follows: 3. Buildings equipped with an engineered mechanical smoke removal system and an automatic fire-extinguishing system throughout.

(b) Add an Exception 4 to read as follows: 4. Buildings using the design curves in NFPA 231C (~~675 IAC 22-2.2-20~~), **NFPA 13 (675 IAC 13-1-8)**, for the design of rack storage sprinkler systems in a building that is equipped with an engineered mechanical smoke removal system and an automatic fire-extinguishing system throughout.

(c) Add an Exception 5 to read as follows: 5. Buildings equipped with an early suppression fast-response sprinkler system.

(d) Add a paragraph at the end of the exceptions to read as follows: A fire department control panel for the engineered mechanical smoke removal system shall be located such that it is readily accessible to and usable by the servicing fire department. Prior to the design or installation of said panel, the servicing fire department shall be consulted on the location of the panel or the location shall be as required by local ordinance. (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.3-102; filed Mar 31, 1998, 1:45 p.m.: 21 IR 2839; filed Nov 14, 2001, 4:55 p.m.: 25 IR 1175*)

SECTION 6. 675 IAC 13-2.3-103 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-2.3-103 Section 906.6.1; curtain boards, general

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 103. Change section 906.6.1 as follows: (a) Add an Exception 1 to read as follows: EXCEPTION 1. Buildings

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equipped with an engineered mechanical smoke removal system and an automatic fire-extinguishing system throughout.

(b) Add an Exception 2 to read as follows: EXCEPTION 2. Buildings using the design curves in ~~NFPA 231C (675 IAC 22-2.2-20)~~; **NFPA 13 (675 IAC 13-1-8)**, for the design of rack storage sprinkler systems in buildings that are equipped with an engineered mechanical smoke removal system and an automatic fire-extinguishing system throughout. For high-piled combustible storage, see the Fire Code.

(c) Add an Exception 3 to read as follows: EXCEPTION 3. Buildings equipped with an early suppression fast-response sprinkler system.

(d) Add a paragraph at the end of the exceptions to read as follows: A fire department control panel for the engineered mechanical smoke removal system shall be located such that it is readily accessible to and usable by the servicing fire department. Prior to the design or installation of said panel, the servicing fire department shall be consulted on the location of the panel or the location shall be as required by local ordinance. (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.3-103; filed Mar 31, 1998, 1:45 p.m.: 21 IR 2839; filed Nov 14, 2001, 4:55 p.m.: 25 IR 1175*)

SECTION 7. 675 IAC 22-2.2-535 IS AMENDED TO READ AS FOLLOWS:

675 IAC 22-2.2-535 Uniform Fire Code Standard 81-1; high-piled general storage of combustibles in buildings

Authority: IC 22-13-2-2

Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 535. Delete Uniform Fire Code Standard 81-1 and substitute the following: UFC Standard 81-1 shall be ~~NFPA 231~~, as adopted at section 19 of this code: **NFPA 13 (675 IAC 13-1-8)**. (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-535; filed Mar 31, 1998, 1:50 p.m.: 21 IR 2969; errata filed Oct 9, 1998, 2:57 p.m.: 22 IR 469; filed Nov 14, 2001, 4:55 p.m.: 25 IR 1176*)

SECTION 8. 675 IAC 22-2.2-536 IS AMENDED TO READ AS FOLLOWS:

675 IAC 22-2.2-536 Uniform Fire Code Standard 81-2; high-piled storage of combustibles on racks in buildings

Authority: IC 22-13-2-2

Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 536. Delete Uniform Fire Code Standard 81-2 and substitute the following: UFC ~~Standard Standard~~ 81-2 shall be ~~NFPA 231C~~, as adopted at section 20 of this code: **NFPA 13 (675 IAC 13-1-8)**. (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-536; filed Mar 31, 1998, 1:50*

p.m.: 21 IR 2969; errata filed Oct 9, 1998, 2:57 p.m.: 22 IR 469; filed Nov 14, 2001, 4:55 p.m.: 25 IR 1176)

SECTION 9. THE FOLLOWING ARE REPEALED: 675 IAC 22-2.2-19; 675 IAC 22-2.2-20.

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Incorporated Documents Filed with Secretary of State: *Installation of Sprinkler Systems, NFPA 13, 1999 Edition; NFPA 14, Standard for the Installation of Standpipe, Private Hydrant, and Hose Systems, 2000 Edition; NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, 1999 Edition; Installation of Sprinkler Systems, Residential Occupancies up to and Including Four Stories in Height, NFPA 13R, 1999 Edition.*

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #01-19(F)

DIGEST

Amends 675 IAC 22-2.2 concerning editorial and technical issues in the 1998 Indiana Fire Code. Effective 30 days after filing with the secretary of state.

675 IAC 22-2.2-104

675 IAC 22-2.2-134.5

675 IAC 22-2.2-145

675 IAC 22-2.2-221.5

675 IAC 22-2.2-245.2

675 IAC 22-2.2-245.5

675 IAC 22-2.2-338

675 IAC 22-2.2-365

675 IAC 22-2.2-365.2

675 IAC 22-2.2-369.5

675 IAC 22-2.2-373

675 IAC 22-2.2-412.5

675 IAC 22-2.2-443.5

675 IAC 22-2.2-499

SECTION 1. 675 IAC 22-2.2-104 IS AMENDED TO READ AS FOLLOWS:

675 IAC 22-2.2-104 Section 1006.2.8; operations and maintenance

Authority: IC 22-13-2-2

Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 104. Change section 1006.2.8 to read as follows: The exhaust system in connection with Type I hoods shall be operated at the designed level, and required grease filters shall be in place when equipment under a Type I hood is used. If grease extractors are installed, they shall be operated when the commercial food heat-processing equipment is used.

Extinguishing systems shall be inspected and serviced at least every six (6) months ~~or~~ **and** after activation of the system. Inspection and servicing shall be by qualified individuals, and a service and inspection report shall be left at the site. A Certificate of Inspection shall be forwarded to the chief of the local fire department upon completion of servicing or inspection. All inspections performed shall be to the code in effect at the time of installation, alteration, or modification.

Fusible links, sprinklers, and automatic spray nozzles shall be replaced at least annually, or more frequently if necessary, to ensure proper operation of the system, and other protection devices shall be serviced or replaced in accordance with the manufacturer's instructions.

EXCEPTION 1. Frangible bulbs need not be replaced annually.

EXCEPTION 2. When automatic bulb-type sprinklers or spray nozzles are used and an annual examination shows no buildup of grease or other material on the sprinkler or spray nozzle.

Hoods, grease-removal devices, fans, ducts, and other appurtenances shall be cleaned at frequent intervals in accordance with section 1006.1. (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-104; filed Mar 31, 1998, 1:50 p.m.: 21 IR 2918; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1176*)

SECTION 2. 675 IAC 22-2.2-134.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 22-2.2-134.5 Section 1109.8.1; general

Authority: IC 22-13-2-2

Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 134.5. Change section 1109.8.1 to read as follows: **The use of candles and other open-flame decorative devices shall be in accordance with section 1109.8.**

EXCEPTION: All Division "R" occupancies.

(*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-134.5; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1177*)

SECTION 3. 675 IAC 22-2.2-145 IS AMENDED TO READ AS FOLLOWS:

675 IAC 22-2.2-145 Section 1302.2; reporting emergencies

Authority: IC 22-13-2-2

Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 145. Change section 1302.2 to read as follows: In the event a fire occurs or the discovery of a fire, smoke, or unauthorized release of flammable materials on any property occurs, the owner or occupant shall, without delay, report such condition to the fire department.

EXCEPTION: Flammable liquids spills limited to two (2) gallons at facilities with trained emergency response personnel on staff and not open to the general public.

(*Fire Prevention and Building Safety Commission; 675 IAC 22-*

2.2-145; filed Mar 31, 1998, 1:50 p.m.: 21 IR 2924; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1177)

SECTION 4. 675 IAC 22-2.2-221.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 22-2.2-221.5 Section 4503; dipping operations

Authority: IC 22-13-2-2

Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 221.5. In section 4503.3.3, add an exception to read as follows: **EXCEPTION: Bottom drains shall not be required for tanks that are equipped with automatic closing covers in accordance with section 4503.8.** (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-221.5; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1177*)

SECTION 5. 675 IAC 22-2.2-245.2 IS ADDED TO READ AS FOLLOWS:

675 IAC 22-2.2-245.2 Section 5202.4.4.2; nozzles

Authority: IC 22-13-2-2

Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 245.2. Delete number 2 and its exception and change "3." to "2.". (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-245.2; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1177*)

SECTION 6. 675 IAC 22-2.2-245.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 22-2.2-245.5 Section 5202.4.8; special-type dispensers

Authority: IC 22-13-2-2

Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 245.5. Add a paragraph at the end of section 5202.4.8 to read as follows: **Special-type dispensers as defined in this section do not include credit card or cash accepting dispensers that are provided with a means to issue change or credit.** (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-245.5; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1177*)

SECTION 7. 675 IAC 22-2.2-338 IS AMENDED TO READ AS FOLLOWS:

675 IAC 22-2.2-338 Section 7901.3.2; plans

Authority: IC 22-13-2-2

Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 338. Amend section 7901.3.2 to read as follows: **A copy of plans released in accordance with 675 IAC 12-6 shall be submitted to the local fire department for preplanning information to store more than six hundred sixty (660) gallons (eighteen thousand nine hundred twenty-five liters (18,925 L)) of liquids outside of buildings in drums or tanks. Prior to commencement of construction to store more than six hundred sixty (660) gallons (eighteen thousand nine hundred twenty-five**

(18,925) liters of liquid outside of buildings in drums or tanks, the owner shall notify the local fire department, in writing, of the proposed storage and that a copy of the plans released under 675 IAC 12-6 are available. The released plans shall indicate the method of storage, quantities to be stored, distances from buildings and property lines, accessways, fire protection facilities, and provisions for spill control, drainage control, and secondary containment. (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-338; filed Mar 31, 1998, 1:50 p.m.: 21 IR 2944; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1177*)

SECTION 8. 675 IAC 22-2.2-365 IS AMENDED TO READ AS FOLLOWS:

675 IAC 22-2.2-365 Section 7902.2.8.1; drainage control and diking, general

Authority: IC 22-13-2-2

Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 365. In section 7902.2.8.1, delete both exceptions and substitute to read as follows:

EXCEPTION 1. Aboveground tanks are not required to be provided with diking when the tank complies with the requirements of the first paragraph of Section 2, Installation of Tanks, including subsections (a), (b), and (c) of Appendix II-F, and secondary containment systems are monitored for leak detection with an automatic alarm system, visual and/or audible.

EXCEPTION 2. Approved aboveground tanks with a capacity of five hundred (500) gallons or less, utilized solely for the storage of used motor oil, and in compliance with EPA 40 CFR 279.22 and EPA 40 CFR 264.175 are exempt from the requirements of 7902.2.8.1.

EXCEPTION 3. Drainage control and diking is not required for listed tanks constructed with an integral method of secondary containment, and secondary containment systems are monitored for leak detection with an automatic alarm system, visual, and/or audible. Guard posts or other means shall be provided to protect the area where tanks are installed. When guard posts are installed, the posts shall be:

1. constructed of steel not less than four (4) inches (one hundred one and six-tenths (101.6) millimeters) in diameter and concrete filed;
2. spaced not more than four (4) feet (one thousand two hundred nineteen (1,219) millimeters) on center;
3. set not less than three (3) feet (nine hundred fourteen (914) millimeters) deep in a concrete footing of not less than a fifteen (15) inch (three hundred eighty-one (381) millimeters) diameter;
4. set with the top of the posts not less than three (3) feet (nine hundred fourteen (914) millimeters) above ground; and
5. located not less than five (5) feet (one thousand five hundred twenty-four (1,524) millimeters) from the tank.

(*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-365; filed Mar 31, 1998, 1:50 p.m.: 21 IR 2947; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1178*)

SECTION 9. 675 IAC 22-2.2-365.2 IS ADDED TO READ AS FOLLOWS:

675 IAC 22-2.2-365.2 Section 7902.2.8.3.8; equipment, controls, and piping in diked areas

Authority: IC 22-13-2-2

Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 365.2. Add an exception to section 7902.2.8.3.8 to read as follows: **EXCEPTION: Tanks storing no more than five thousand (5,000) gallons of gasoline, diesel fuel, or kerosene may have pumps and manifolds attached directly to the tank within diked areas.** (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-365.2; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1178*)

SECTION 10. 675 IAC 22-2.2-369.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 22-2.2-369.5 Section 7902.6.5.3; overfill prevention system

Authority: IC 22-13-2-2

Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 369.5. Change the text of number 3 to read as follows: **Restrict flow thirty (30) minutes prior to overfilling, and alert the transfer operator with a high level alarm one (1) minute before overfilling or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.** (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-369.5; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1178*)

SECTION 11. 675 IAC 22-2.2-373 IS AMENDED TO READ AS FOLLOWS:

675 IAC 22-2.2-373 Section 7902.6.15; corrosion protection

Authority: IC 22-13-2-2

Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 373. (a) In section 7902.6.15.1, General, delete the exception without substitution.

(b) ~~In~~ **Change** section 7902.6.15.4 at the end of the paragraph, delete the word "five" and insert the word "three" and delete the words "approved" to read as follows: **All underground steel tanks and piping shall be tested for proper operation by a qualified cathodic protection tester in accordance with the following requirements:**

1. Frequency. All cathodic protection systems must be tested at installation and every three (3) years thereafter.

2. Inspection Criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized authority.

For the purpose of this section, a qualified cathodic protection tester is a person who successfully completed instruction related to cathodic protection. (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-373; filed Mar 31, 1998, 1:50 p.m.: 21 IR 2948; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1178*)

SECTION 12. 675 IAC 22-2.2-412.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 22-2.2-412.5 Section 8001.11.3; protection from vehicles

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 412.5. In section 8001.11.3, item 2, delete the words “between posts”. (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-412.5; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1179*)

SECTION 13. 675 IAC 22-2.2-443.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 22-2.2-443.5 Section 8102.6.2.2; number of doors required

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 443.5. Add an exception to section 8102.6.2.2 to read as follows: **When an ESFR sprinkler system is installed throughout the high piled storage area, access doors shall be provided in each two hundred (200) lineal feet, or major fraction thereof, of the exterior walls which face required access roadways. Spacing between doors shall not exceed two hundred (200) lineal feet throughout the high piled storage area.** (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-443.5; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1179*)

SECTION 14. 675 IAC 22-2.2-499 IS AMENDED TO READ AS FOLLOWS:

675 IAC 22-2.2-499 Appendix II-F; protected above-ground tanks for motor vehicle fuel-dispensing stations outside buildings

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 499. Delete the title and text of Appendix II-F and substitute to read as follows:

**APPENDIX II-F
ABOVEGROUND STORAGE TANKS FOR MOTOR**

VEHICLE FUEL-DISPENSING STATIONS

1. SCOPE

Storage and dispensing of motor fuels into the fuel tanks of motor vehicles from aboveground tanks which are located outside of buildings shall be in accordance with this Appendix.

EXCEPTIONS: 1. Aboveground storage tanks for motor vehicle fuel-dispensing stations legally installed according to the code in effect at the time of installation and in operation prior to September 7, 1992.

2. Single tank installations where the fuel tank has a capacity of one thousand one hundred (1,100) gallons or less that are in compliance with Article 79 of this code.

3. Diesel tanks and dispensing operations when all the following criteria are met:

A. The distance in feet from any property line when not adjacent to a public way shall be double the distance specified in Table 7902.2F.

B. The distance in feet from a property line adjacent to a public way, to include the opposite sides of a public way, shall be double the distance specified in Table 7902.2F.

C. The distance in feet from adjacent structures shall be double the distance specified in Table 7902.2F.

D. In compliance with Article 79 of this code.

E. The diesel tank shall be double the distance specified in Table 7902.2F for the property line including the opposite side of the public way from any non-diesel fuel tank or dispensing operation.

2. INSTALLATION OF TANKS

Tanks shall be installed in accordance with Article 79 and shall be installed in special enclosures constructed in accordance with Section 5202.3.6 or in listed and approved tank enclosures or materials providing fire protection of not less than two (2) hours. The following additional criteria shall apply:

(a) Guard posts or other means shall be provided to protect the area where tanks are installed. ~~The design shall be in accordance with Section 8001.9.3;~~ **When guard posts are installed, the posts shall be:**

1. constructed of steel not less than four (4) inches (one hundred one and six-tenths (101.6) millimeters) in diameter and concrete filed;

2. spaced not more than four (4) feet (one thousand two hundred nineteen (1,219) millimeters) on center;

3. set not less than three (3) feet (nine hundred fourteen (914) millimeters) deep in a concrete footing of not less than a fifteen (15) inch (three hundred eighty-one (381) millimeters) diameter;

4. set with the top of the posts not less than three (3) feet (nine hundred fourteen (914) millimeters) above ground; and

5. located not less than five (5) feet (one thousand five hundred twenty-four (1,524) millimeters) from the tank.

(b) Each tank and each special enclosures enclosure shall be surrounded by a clear space of not less than three (3) feet to allow for maintenance and inspection,

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(c) Warning signs and identification signs shall be installed to clearly identify hazards. The design shall be in accordance with sections 7901.9, 7902.1.3, and 5201.8. Conspicuous signs prohibiting simultaneous tank filling and fuel dispensing shall be posted,

(d) Tanks containing motor fuels shall not exceed a ten thousand (10,000) gallon individual or eighteen thousand (18,000) gallon aggregate capacity. Installations having the maximum allowable aggregate capacity shall be separated from other such installations by not less than one hundred (100) feet, and

(e) Tanks shall be provided with automatic fuel shut-off devices capable of stopping the delivery of fuel when the level in the tank reaches ninety percent (90%) of tank capacity.

3. INSTALLATION OF DISPENSING SYSTEMS

Dispensing systems shall be installed in accordance with Articles 52 and 79 except as follows:

(a) Motor fuels shall be transferred from tanks by means of fixed pumps which are designed and equipped to allow control of the flow and to prevent leakage or accidental discharge,

(b) Tank and tank enclosure openings shall be through the top only. Approved antisiphon devices shall be installed at each connection of piping to a tank when such piping extends below the level of the top of such tank, and

(c) Dispensing devices are allowed to be installed on top of special enclosures.

4. PLANS

Plans submitted under 675 IAC 12-6, Design Releases, shall include the method of storage and dispensing, quantities and types of liquids to be stored, distances from tanks and dispensers to property lines and buildings, vehicle access, fire appliances, collision barriers, design and construction of tanks and tank supports, secondary containment tank venting, vapor recovery provisions, and emergency controls.

5. MAINTENANCE

Tanks, special enclosures, and dispensing systems shall be maintained in proper condition. Damage shall be repaired immediately using materials having equal or greater strength and fire resistance. (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-499; filed Mar 31, 1998, 1:50 p.m.: 21 IR 2962; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1179*)

LSA Document #01-19(F)

Notice of Intent Published: 24 IR 1379

Proposed Rule Published: May 1, 2001; 24 IR 2546

Hearing Held: August 7, 2001 AND October 2, 2001

Approved by Attorney General: November 19, 2001

Approved by Governor: November 30, 2001

Filed with Secretary of State: December 2, 2001, 12:30 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 828 STATE BOARD OF DENTISTRY

LSA Document #01-19(F)

DIGEST

Adds 828 IAC 0.5-2-3 concerning fees related to dental licensure. Adds 828 IAC 0.5-2-4 concerning fees related to dental hygiene licensure. Repeals 828 IAC 0.5-2-1 and 828 IAC 0.5-2-2. Effective 30 days after filing with the secretary of state.

828 IAC 0.5-2-1

828 IAC 0.5-2-3

828 IAC 0.5-2-2

828 IAC 0.5-2-4

SECTION 1. 828 IAC 0.5-2-3 IS ADDED TO READ AS FOLLOWS:

828 IAC 0.5-2-3 Dental fees

Authority: IC 23-1.5-2-9; IC 23-1.5-2-10; IC 25-1-8-2; IC 25-13-1-5; IC 25-14-1-13

Affected: IC 25-13-1-8; IC 25-14-1-10

Sec. 3. The board shall charge and collect the following fees related to the practice of dentistry:

(1) Examination administration \$250 plus the cost of supplies, models, and the use of the examination facility

(2) Reexamination administration \$150 plus the cost of supplies, models, and the use of the examination facility

(3) Licensure by endorsement \$250

(4) License renewal \$100 biennially

(5) Dental intern permit application \$100

(6) Dental intern permit renewal \$ 50

(7) Verification of dental licensure to another state \$ 10

(8) Duplicate wall license \$ 10

(9) Professional corporation registration application \$ 25

(10) Professional corporation registration renewal \$ 20 biennially

(11) Application fees for the following permits: \$ 50

(A) General anesthesia-deep sedation

(B) Light parenteral conscious sedation

(12) Renewal fees for the following permits: \$ 50 biennially

(A) General anesthesia-deep sedation

(B) Light parenteral conscious sedation

(13) Registration of an additional office in which to administer general anesthesia, deep sedation, or light parenteral conscious sedation **\$ 25**

(State Board of Dentistry; 828 IAC 0.5-2-3; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1180)

SECTION 2. 828 IAC 0.5-2-4 IS ADDED TO READ AS FOLLOWS:

828 IAC 0.5-2-4 Dental hygiene fees

Authority: IC 23-1.5-2-9; IC 23-1.5-2-10; IC 25-1-8-2; IC 25-13-1-5; IC 25-14-1-13

Affected: IC 25-13-1-8; IC 25-14-1-10

Sec. 4. The board shall charge and collect the following fees related to the practice of dental hygiene:

- (1) Examination and/or reexamination** **\$100 plus the cost of supplies and the use of the examination facility**
- (2) Law examination only** **\$ 25**
- (3) Licensure by endorsement** **\$100**
- (4) License renewal** **\$ 50 biennially**
- (5) Dental hygiene intern permit application** **\$ 50**
- (6) Dental hygiene intern permit renewal** **\$ 25**
- (7) Verification of dental hygiene licensure to another state** **\$ 10**
- (8) Duplicate wall license** **\$ 10**

(State Board of Dentistry; 828 IAC 0.5-2-4; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1181)

SECTION 3. THE FOLLOWING ARE REPEALED: 828 IAC 0.5-2-1; 828 IAC 0.5-2-2.

LSA Document #01-197(F)

Notice of Intent Published: 24 IR 3101

Proposed Rule Published: September 1, 2001; 24 IR 4184

Hearing Held: October 17, 2001

Approved by Attorney General: November 28, 2001

Approved by Governor: November 30, 2001

Filed with Secretary of State: December 2, 2001, 12:35 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 868 STATE PSYCHOLOGY BOARD

LSA Document #01-210(F)

DIGEST

Adds 868 IAC 1.1-12-1.5 concerning fees related to psychology licensure. Repeals 868 IAC 1.1-12-1. Effective 30 days after filing with the secretary of state.

**868 IAC 1.1-12-1
868 IAC 1.1-12-1.5**

SECTION 1. 868 IAC 1.1-12-1.5 IS ADDED TO READ AS FOLLOWS:

868 IAC 1.1-12-1.5 Fees

Authority: IC 25-1-8-2; IC 25-33-1-3

Affected: IC 25-33

Sec. 1.5. (a) The board shall charge and collect the following fees:

- (1) Application for licensure** **\$100**
- (2) Application to repeat jurisprudence examination** **\$ 75**
- (3) Application to repeat national examination** **\$ 50**
- (4) License renewal** **\$100 biennially**
- (5) Limited license renewal** **\$100 biennially**
- (6) Temporary permit to practice psychology** **\$ 50**
- (7) Verification of psychology licensure to another state** **\$ 10**
- (8) Application fee for endorsement as a health service provider in psychology** **\$100**
- (9) Duplicate wall license** **\$ 10**
- (10) Professional corporation registration application** **\$ 25**
- (11) Professional corporation registration renewal** **\$ 20 biennially**

(b) Candidates required to take the national examination for licensure shall pay a fee directly to a professional examination service in the amount set by the examination service.

(c) Upon approval by the board, applicants applying for additional time in which to take the national examination because English is their second language shall pay to the board the following:

- (1) Double time** **\$100**
- (2) Time and one-half** **\$75**
- (3) Extra one-half hour** **\$50**

(State Psychology Board; 868 IAC 1.1-12-1.5; filed Nov 21, 2001, 10:26 a.m.: 25 IR 1181)

SECTION 2. 868 IAC 1.1-12-1 IS REPEALED.

LSA Document #01-210(F)

Notice of Intent Published: 24 IR 3101

Proposed Rule Published: September 1, 2001; 24 IR 4193

Hearing Held: October 26, 2001

Approved by Attorney General: November 9, 2001

Approved by Governor: November 20, 2001

Filed with Secretary of State: November 21, 2001, 10:26 a.m.

Incorporated Documents Filed with Secretary of State: None