

Proposed Rules

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

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

Proposed Rule LSA Document #00-283

DIGEST

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

50 IAC 14

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

ARTICLE 14. EQUALIZATION STANDARDS

Rule 1. Purpose and Applicability

50 IAC 14-1-1 Purpose

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

Sec. 1. The purpose of this rule is to establish procedures and standards to be used by county assessors and the department of local government finance in the adjustment of assessed valuations under IC 6-1.1-13 to attain a just and equal basis of assessment among taxpayers in a county and from county to county. (*Department of Local Government Finance; 50 IAC 14-1-1*)

50 IAC 14-1-2 Applicability

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

Sec. 2. This rule applies to a county assessor and the department of local government finance exercising authority under IC 6-1.1-13-6 or IC 6-1.1-14-5 to equalize assessed values in and between the various townships of a county. (*Department of Local Government Finance; 50 IAC 14-1-2*)

Rule 2. Method

50 IAC 14-2-1 Method

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

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

this article. Copies of the 1999 IAAO Standard on Ratio Studies are available for purchase from the International Association of Assessing Officers, 130 East Randolph, Suite 850, Chicago, Illinois 60601-6217. Unless otherwise indicated, the definitions in the glossary section of the IAAO standard apply to all terms defined in the IAAO standard that are used in this article. (*Department of Local Government Finance; 50 IAC 14-2-1*)

Rule 3. Data

50 IAC 14-3-1 Data

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

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

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

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

(d) If adequate sales data satisfying the IAAO standard is not available, other methods for testing the validity of the assessment prescribed by the IAAO standard may be used. (*Department of Local Government Finance; 50 IAC 14-3-1*)

Rule 4. Time

50 IAC 14-4-1 Time

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

Sec. 1. County assessors shall perform equalization and provide the results specified in 50 IAC 14-6 and the data specified in 50 IAC 14-9 to the department of local government finance by July 1 of each year. If a county assessor is unable to perform equalization by July 1 of the year in which a general reassessment occurs, that county assessor shall provide the commissioner of the department of local government finance by July 1 detailed written reasons why equalization cannot be completed by July 1. If the county assessor cannot perform equalization by July 1 of the year

a general reassessment occurs, the county assessor shall perform equalization as soon as possible thereafter, and in no event later than April 1 of the year following the general reassessment, in which case the equalization order shall apply prospectively only. (*Department of Local Government Finance; 50 IAC 14-4-1*)

Rule 5. Mandatory Analysis

50 IAC 14-5-1 Classes of land

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

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

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

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

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

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

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

(e) In calculating assessment ratios, each county assessor shall disregard distributable utility property. The county assessor shall classify locally assessed utility real property according to its use, for example, commercial or industrial, for purposes of calculating assessment ratios. (*Department of Local Government Finance; 50 IAC 14-5-1*)

50 IAC 14-5-2 Assessment ratio; requirements

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

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

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

(b) For agricultural land, the county assessor shall perform an assessment-assessment ratio study in accordance with the IAAO standard. (*Department of Local Government Finance; 50 IAC 14-5-2*)

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

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

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

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

Rule 6. Mandatory Application of Factor

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

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

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

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

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

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

(Department of Local Government Finance; 50 IAC 14-6-1)

Rule 7. Reassessment

50 IAC 14-7-1 Reassessment

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

Affected: IC 6-1.1-13; IC 6-1.1-14

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

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

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

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

50 IAC 14-8-1 Transfer of data

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

Affected: IC 6-1.1-13; IC 6-1.1-14

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

information for each property used to calculate the coefficient of dispersion and median ratio:

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

(Department of Local Government Finance; 50 IAC 14-8-1)

Rule 9. Action by Department of Local Government Finance

50 IAC 14-9-1 Action

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

Affected: IC 6-1.1-13; IC 6-1.1-14

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

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

50 IAC 14-10-1 County and state equalization

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

Affected: IC 6-1.1-13; IC 6-1.1-14-4; IC 6-1.1-14-9

Sec. 1. Using the data described in 50 IAC 14-8 and 50 IAC 14-9, the department of local government finance may propose to equalize valuations in any county, between counties, or in the state as a whole, in any one (1) or more of the classes of property listed in 50 IAC 14-5. The department of local government finance shall issue notice and provide opportunity for hearing in accordance with IC 6-1.1-14-4 and IC 6-1.1-14-9, as applicable, before issuing a final equalization order.
(Department of Local Government Finance; 50 IAC 14-10-1)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 25, 2002 at 1:00 p.m., at the Indiana Government Center-South,

402 West Washington Street, Auditorium, Indianapolis, Indiana the Department of Local Government Finance will hold a public hearing on proposed new rules to govern the equalization of property tax assessments.

Parties interested in participating in the public hearing are encouraged to attend and submit written statements expressing their specific or general concerns, any suggested additions or revisions, and any documentation that may serve to support, clarify, or supplement their concerns, suggestions, or proposed revisions. The Department of Local Government Finance also encourages any interested party who has concerns, suggestions, or proposed revisions to contact Lisa Acobert, Department of Local Government Finance, at (317) 233-1495.

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 1058 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Jon Laramore
Commissioner
Department of Local Government Finance

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Proposed Rule
LSA Document #01-341

DIGEST

Adds 170 IAC 7-1.2 concerning telecommunications service quality standards. Repeals 170 IAC 7-1.1-1, 170 IAC 7-1.1-2, 170 IAC 7-1.1-3, 170 IAC 7-1.1-4, 170 IAC 7-1.1-5, 170 IAC 7-1.1-6, 170 IAC 7-1.1-7, 170 IAC 7-1.1-8, 170 IAC 7-1.1-9, 170 IAC 7-1.1-10, 170 IAC 7-1.1-11. Effective January 1, 2003.

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

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

Rule 1.2. Telecommunications Service Quality Standards; Standards of Service

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

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

Sec. 1. (a) This rule applies to any local exchange carrier

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

(b) Any LEC subject to the service quality standards set forth in this rule that fails to meet such standards shall be subject to all legal remedies, including, but not limited to, those remedies contained in IC 8-1-2. The failure to provide any automatic credit as provided in this rule shall constitute a separate and distinct violation of this rule. Upon complaint or its own motion and after notice and a hearing, the commission may assess fines or penalties or impose other enforcement mechanisms against a carrier that fails to meet the requirements or standards established in this rule. In determining the appropriate enforcement mechanism, the commission shall consider, at a minimum, the following:

- (1) The carrier's gross annual intrastate revenue.
(2) Past performance.
(3) The frequency, duration, severity, and recurrence of the violation or violations.
(4) The relative harm caused to the affected customer or other users of the network.

In imposing fines the commission shall take into account compensation or credits paid by the telecommunications carrier to its customers.

(c) An LEC may be excused from the service quality measures of this rule, but not the automatic credit provisions of this rule, when such failure is the direct result of customer-owned equipment, negligent acts of a customer, or acts of God as determined by the commission. A CLEC shall not be held responsible for failure to meet any provision of this rule when such failure is directly related to ILEC-provided services or facilities. Sections 3(g), 5, 10, 12, 14, 15 and 18 of this rule do not apply to bundled local resellers of local exchange service. This rule supersedes 170 IAC 7-1.1-1 through 170 IAC 7-1.1-11.

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

- (1) Alter or amend this rule, in whole or in part.
(2) Require an LEC to offer any other services.
(3) Require an LEC to utilize or provide any other equipment or facilities.
(4) Require an LEC to comply with any other service standards.

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(5) Grant permanent or temporary waivers from this rule.

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

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

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

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

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

(i) This rule shall be effective on or after January 1, 2003. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-1*)

170 IAC 7-1.2-2 Definitions

Authority: IC 8-1-1-3
Affected: IC 8-1-1.1-2; IC 8-1-2

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

- (1) "Access line" means the facilities and transmission path used to create a telecommunications connection from a network interface device to the serving switch center and composing the local loop.
- (2) "All trunks busy" means any equipment condition in which all trunks (paths) in a given trunk group are busy, causing callers to receive a fast busy signal.
- (3) "Bundled local reseller" means a public utility providing telecommunications services that purchases packages (bundles) of retail local services at wholesale rates from an underlying ILEC for resale to customers. The term does not include carriers that purchase disaggregate local service of an underlying ILEC, such as unbundled network elements, components, functionalities, or facilities to use in its provision of local exchange services.
- (4) "Business days" means all days other than:
 - (A) a Saturday;
 - (B) a Sunday;
 - (C) a legal holiday; or

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

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

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

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

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

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

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

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

(12) "Consumer affairs division" means the office that reviews and issues dispositions on informal complaints submitted to the commission by LEC customers under IC 8-1-2-34.5.

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

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

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

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

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

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

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

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

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

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

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

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

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

(22) “Legal holiday” means the following:

(A) New Year’s day.

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

(C) Washington’s birthday.

(D) Memorial day.

(E) Independence day.

(F) Labor day.

(G) Veteran’s day.

(H) Thanksgiving day.

(I) Christmas day.

(J) Any other day appointed as a holiday by the President or the Congress of the United States.

(23) “Local exchange carrier” or “LEC” means a local service telephone utility that provides telephone service to customers in the geographic territory served by the local exchange under IC 8-1-2-88 and excluding those services provided pursuant to a CTA issued for a radio common carrier or commercial mobile radio service. The agents of an LEC are deemed to be the LEC for purposes of this rule.

(24) “Local service” means telephone service furnished to customers under a specific schedule of exchange rates not including toll charges.

(25) “Local service area” means the area within which telephone service is furnished to customers under a specific schedule of exchange rates and without toll charges, which may include one (1) or more exchange areas or portions of exchange areas.

(26) “Loop” means the facilities used to connect the customer premises with the central office.

(27) “Out-of-service trouble report” means the loss of dial tone or the inability to complete either or both incoming and outgoing calls over the customer’s access line. As used in this rule, the term shall not include service difficulties such as slow dial tone, circuits busy, or other network or switching capacity shortages.

(28) “Primary service” means the initial access line providing local service to a customer.

(29) “Public safety answering position” or “PSAP” means a person or group of people who answer 9-1-1 emergency calls.

(30) “Service-affecting trouble report” means any regulated service-related trouble report that does not constitute an out-of-service condition.

(31) “Service interruption” means the loss of dial tone or the inability to complete either or both incoming and outgoing calls over the customer’s access line. As used in this rule, the term shall not include service difficulties, such as:

(A) slow dial tone;

(B) circuits busy; or

(C) other network or switching capacity shortages.

(32) “Speed of answer” means the following:

(A) For live operator systems, it is the number of seconds required to reach an operator or service representative who is ready to render assistance and accept the information necessary to process the call.

(B) For automated, interactive answering systems, it is the number of seconds from the time a customer’s call exits the automated system until the call is answered by a live operator, service representative, or automated system ready to render assistance and accept the information necessary to process the call.

(33) “Tariff” means a schedule of regulated recurring and nonrecurring charges together with the appropriate general rules and regulations applicable to customers of the LEC for services furnished properly filed with and approved by the commission.

(34) “Toll blocking” means a service that customers may use to block outgoing toll calls from their access lines.

(35) “Toll message” means a completed telephone call between stations in different exchanges for which toll charges are applicable.

(36) “Tracking number” means a number that allows the customer to verify that a requested repair or installation order has been received by the LEC.

(37) “Traffic” means the amount of activity during a given period of time over a circuit, access line, or group of access lines, or the number of messages handled by a data communications switch.

(38) “Trouble report” means any oral or written report to an appropriate LEC representative from the LEC’s customer relating to a physical defect in or difficulty with subscribed network facilities providing regulated telecommunications services. For purposes of this rule,

trouble reports are classified as either an out-of-service trouble report or a service-affecting trouble report.

(39) "Trunk" means a common communications line between two (2) switching systems. Information from a variety of users goes through the same trunking facilities.

(40) "Utility" means any public utility as defined in IC 8-1-2-1.

(41) "Utility consumer counselor" means the office established pursuant to IC 8-1-1.1-2.

(42) "Valid number" means a number for a specific telephone terminal in an assigned area code and working central office that is equipped to ring and connect a calling party to such terminal number.

(43) "Wire center" means the location where the LEC terminates customer access lines with the necessary testing facilities to maintain the access lines.

(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-2)

170 IAC 7-1.2-3 Records and reports

Authority: IC 8-1-1-3

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

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

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

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

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

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

(1) All records that an LEC is required to keep, by reason of this rule or other rules prescribed by the commission,

shall be kept at the office or offices of the LEC located within Indiana unless otherwise authorized by the commission.

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

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

(4) An LEC that obtains permission to keep its required records in another state shall reimburse the utility consumer counselor for all reasonable out-of-state travel expenses incurred to review records kept in another state if out-of-state inspection and review of records becomes necessary in order to satisfy a discovery request from the utility consumer counselor in any docketed proceeding.

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

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

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

(1) Each LEC shall inform the commission's consumer affairs division and the utility consumer counselor of any interruptions to service exceeding one (1) hour affecting an entire exchange or a substantial portion (twenty percent (20%) or two thousand (2,000) lines, whichever is fewer) of an exchange or central office within two (2) hours during normal work hours of the business day after the LEC becomes aware of such interruption to service and shall within one (1) business day notify the commission's consumer affairs division and the utility consumer counselor when service has been restored. If the offices of the commission and utility consumer counselor are not open for business when any interruptions to service exceeding one (1) hour and affecting an entire exchange or a substantial portion (twenty percent (20%) or two thousand (2,000) lines, whichever is fewer) of an exchange or central office occurs, the LEC shall notify the commission's consumer affairs division and the utility consumer counselor of those events during the first two (2) hours on the next regular business day.

(2) In the event of a 9-1-1 service affecting disruption or impairment, the LEC shall notify the affected PSAP designated contact immediately upon identification and verification of the service affecting disruption or impairment. A status regarding the restoration of the service affecting disruption or impairment shall be provided by the LEC to the affected PSAP every sixty (60) minutes unless otherwise negotiated with the PSAP. The LEC shall inform the commission's consumer affairs division and the utility consumer counselor of such 9-1-1 service affecting disruption or impairment within two (2) hours during normal work hours of the business day and shall within two (2) hours during normal work hours of the business day notify the commission's consumer affairs division and the utility consumer counselor regarding the restoration of the service. If the offices of the commission and the utility consumer counselor are not open for business when a service affecting disruption or impairment or restoration of service occurs, the LEC shall notify the commission's consumer affairs division and the utility consumer counselor of those events during the first two (2) hours on the next regular business day.

(h) The commission may require that certain data be reported by the utilities in order to determine whether an LEC is providing service consistent with this rule. The LEC shall respond to any quality of service survey that is issued by the commission. The commission may revise, as necessary, the quality of service survey to acknowledge technological advances, deployment of advanced services, changes to the set of universally supported services, or other telecommunications related events. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-3*)

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

Authority: IC 8-1-1-3

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

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

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

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

(1) All current local exchange tariffs.

(2) All intrastate toll rate schedules showing any applicable tariffed rate structure distinctions.

(3) All local exchange service area maps.

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

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

(A) The LEC's effective Indiana jurisdictional tariff.

(B) All pending tariff supplements and revisions.

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

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

(4) Tariff files shall be in a widely used and commercially available format. Tariff files shall be in read-only format to prevent Web site users from modifying the tariff language. Tariffs shall continue to be filed in hard copy format pursuant to applicable law. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-4*)

170 IAC 7-1.2-5 Safety standards

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

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

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(b) Copies of the National Electrical Safety Code are available for purchase from the Institute of Electrical and Electronics Engineers, Inc., 445 Hoes Lane, Piscataway, New Jersey 08855-1331.

(c) Each LEC shall use reasonable efforts to properly warn and protect the public from any known dangers caused by the LEC's facilities or operations. Each LEC shall exercise due care to reduce the hazards to employees, customers or members of the general public caused by the LEC's equipment, facilities, or operations. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-5*)

170 IAC 7-1.2-6 Operator services

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

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

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

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

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

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

The LEC shall also arrange for new or changed listings to be provided to the LEC's directory assistance and intercept operators within two (2) calendar days after receipt of a request for new or changed service, excluding Sundays and legal holidays. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-6*)

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

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

Sec. 7. Each LEC shall fully and promptly answer all inquiries received from the commission staff concerning service or any other matters pertaining to this rule. Each LEC shall fully and promptly answer such requests, at the earliest possible date, not to exceed fifteen (15) calendar days after the LEC receives such an inquiry from the commission, unless otherwise directed by the staff. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-7*)

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

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

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

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

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

- (1) information on customers who request unlisted or nonpublished telephone service; and
- (2) identifying information concerning public pay phones.

Upon request, additional directories shall be furnished at no charge, not to exceed the total number of access lines, as provided under tariff, if available. Additional or foreign directories shall be provided when available by the LEC to its customers at cost.

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

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

(f) Upon mutual consent of the LEC and the customer, the LEC may provide the customer with a directory in an electronic format, in lieu of a printed directory.

(g) The name of the publisher of the local telephone directory, the general areas included in the directory, and

the month and year in which the directory was issued shall appear on the front cover of the directory.

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

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

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

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

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

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

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

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

(5) A statement that the LEC's complaint handling process can be obtained by calling the LEC, reviewing the terms of the LEC's current tariff on file with the commission, or accessing the LEC's Web page at a given internet address.

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

number, and internet address of the commission's consumer affairs division.

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

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

(9) A statement that the commission's:

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

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

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

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

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

(j) If a customer's telephone number is shown incorrectly in an LEC-provided telephone directory, the LEC shall comply with the intercept provisions found in section 17 of this rule. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-8*)

170 IAC 7-1.2-9 Availability of service

Authority: IC 8-1-1-3

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

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

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

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

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

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

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- (B) The applicant is prepared to accept the service.
- (C) The applicant has not requested a later installation date.
- (D) The requested service does not require the installation of special equipment or the provision of special services.
- (E) For CLECs, all ILEC-provisioned services and network elements that are necessary in order for a CLEC to install primary service to end-user customers have been obtained by and are available to the CLEC.
- (2) An ILEC is prohibited from disclosing to a customer the first available installation date until after the ILEC has obtained the customer's requested in service date from the customer.
- (3) If a customer requests installation of primary service within five (5) business days of the date the request was placed, the following provisions apply:
- (A) The ILEC shall advise the applicant of the date and time by which the ILEC will be able to provide service and inform the customer of the tracking number assigned to the installation request.
- (B) If the installation of service requires the customer to be present, the ILEC shall fulfill the requirements of subsection (f).
- (C) If the ILEC fails to install primary service within five (5) business days of the date the request was placed, the ILEC shall automatically credit the customer's billing account twenty percent (20%) of the nonrecurring installation fees associated with the installation for the sixth day and each day thereafter until the ILEC completes installation of trouble free primary service.
- (D) If the ILEC fails to install trouble free primary service within ten (10) business days of the date the request was placed, the ILEC shall provide the customer with alternative service free of charge.
- (4) If a customer requests installation of primary service six (6) or more business days after the date the order was placed, the following provisions apply:
- (A) The ILEC shall advise the applicant of the date and time by which the ILEC will be able to provide service.
- (B) If the installation of service requires the customer to be present, the ILEC shall fulfill the requirements of subsection (f).
- (C) If the ILEC fails to install service by the customer requested in service date, the ILEC shall automatically credit the customer's billing account twenty percent (20%) of the nonrecurring installation fees associated with the installation for each day after the customer requested installation date.
- (D) If the ILEC fails to install trouble free primary service within five (5) business days of the customer request in service date, the ILEC shall provide the customer with alternative service free of charge.
- (5) Credits issued pursuant to this section shall be issued in the same billing cycle containing charges for the installation. If the credits issued pursuant to this section exceed the amount of the nonrecurring charges associated with the installation and the recurring monthly fee included on the bill, the ILEC shall make a direct payment to the customer of any credit amount in excess of the charges on the monthly bill.
- (c) Where central office and outside plant facilities are not readily available, the ILEC shall promptly notify the applicant of that fact and provide a date and time acceptable to the customer on which the required central office and outside plant facilities will be available for the ILEC to provide the requested services and provide the customer with a tracking number. Even when central office and outside plant facilities are not readily available, each ILEC shall strive to provide primary service to every applicant:
- (1) on or before the requested in-service date, whenever possible; or
- (2) otherwise, as close to the customer-requested in-service date as possible and within thirty (30) days of the application for primary service.
- (d) Where central office and outside plant facility are readily available, each ILEC shall maintain records by exchange that show the total number of orders for primary service received each month and the number and percentage of those orders that were filled:
- (1) In such cases where the customer requests installation in five (5) days or less, the ILEC shall maintain records showing the number and percentage of requests filled within five (5) days of the application and records showing the number and percentage of requests filled in six (6) days and each day thereafter, until all such requests are accounted for.
- (2) In such cases when the customer requests an installation six (6) or more days after the application date, the ILEC shall maintain records showing the number and percentage of requests filled by the in service date and the ILEC shall maintain records showing the number and percentage of requests filled each and every day after the customer requested in service date.
- (3) For any given installation the ILEC's records shall record the date the request for primary service was made, the in-service date requested by the customer, the date that the installation of trouble free service was completed, whether an on-premise installation visit necessitating the customer's presence was required, the date of such appointment or appointments, the number, if any of missed appointments, the number and total amount of credits issued to the customer, the date the credits were issued and the installation tracking number.
- Each ILEC shall maintain the above records for at least

eighteen (18) months in order to meet any commission request for historical information.

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

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

(2) Waive the nonrecurring installation charges and the following three (3) months recurring local service charges upon installation of the requested service unless the ILEC requests and the commission grants a waiver for installation beyond thirty (30) days of the requested in-service date.

(f) If it is necessary for the customer to be present during an on-premise installation, the LEC shall make appointments for such installation, at a mutually agreed upon date and time (which shall be identified as occurring within a four (4) hour window, such as morning, afternoon, or evening). If a service installation appointment cannot be kept, the LEC shall make reasonable efforts to notify the applicant by noon on the day prior to the appointment to explain the reason for the delay. The LEC shall obtain a contact point from the customer in order to provide such advance notice. If the LEC fails to notify the customer by noon on the day prior to the scheduled installation appointment and the LEC fails to keep the installation appointment, the LEC shall automatically credit the customer's account fifty dollars (\$50). (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-9*)

170 IAC 7-1.2-10 Extension of facilities

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

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

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

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

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

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

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

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

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

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

(2) Any amount that is still owed to the LEC under this subsection or subsection (a) or (b) may be withheld when the deposit is returned to the developer.

(3) Any portion of the deposit that has not been refunded five (5) years from the date that the LEC is first ready to render service from the extension may be retained by the LEC as liquidated damages.

(4) When service applicants request pole attachments to avoid new construction costs, the LEC may charge the customer all expenses and rental charges associated with the attachments.

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(5) Except as provided in filed tariffs, the ownership of all facilities constructed, as herein provided, shall be vested in the LEC.

(6) Except as provided in this subsection, no portion of the expense assessed against the applicant shall be subject to later refund.

(d) Nothing in this rule shall be construed as prohibiting any LEC from establishing an extension policy more favorable to customers than that contained herein, as long as no unjust discrimination is practiced between customers under the same or substantially the same circumstances and conditions. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-10*)

170 IAC 7-1.2-11 Grade of service

Authority: IC 8-1-1-3

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

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

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

(2) All switched voice circuits shall be adequately designed and maintained to allow transmission of at least fourteen thousand four hundred (14,400) bits of data per second when connected through an industry standard modem (IT U-T V.32bis or equivalent) or a facsimile machine (IT U-T V.17bis or equivalent). An LEC that is unable to meet this requirement may petition the commission for waiver of this subsection.

(3) Local service.

(4) Dual tone multi-frequency signaling.

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

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

(7) Availability of toll blocking services.

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

(9) Access to local directory assistance.

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

(*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-11*)

170 IAC 7-1.2-12 Maintenance of plant equipment

Authority: IC 8-1-1-3

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

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

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

(c) If a customer's service has to be interrupted for scheduled maintenance, the serving LEC shall notify affected customers at least seven (7) days in advance of such scheduled service interruptions.

(d) If a customer's service has to be interrupted for a planned facilities upgrade, the serving LEC shall notify affected customers at least thirty (30) days in advance of such planned service interruptions.

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

(f) Anytime a customer premise visit is required for a residential unit or business unit with fewer than four (4) access lines, the LEC shall install a network interface device (NID), if the premises is not already so equipped. The LEC shall not charge the customer for the installation of the NID. All residential units and business units with fewer than four (4) access lines shall be equipped with a NID by 2010. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-12*)

(g) Anytime a customer premise visit is required for a residential unit or business unit with fewer than four (4) access lines, the LEC shall install a network interface device (NID), if the premises is not already so equipped. The LEC shall not charge the customer for the installation of the NID. All residential units and business units with fewer than four (4) access lines shall be equipped with a NID by 2010. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-12*)

170 IAC 7-1.2-13 Trouble reports

Authority: IC 8-1-1-3

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

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

(b) Each LEC shall make all reasonable efforts to minimize the extent and duration of all service outages. In at least ninety-two percent (92%) of service outages reported for any given calendar month, service shall be restored within twenty-four (24) hours from the time the LEC receives an out-of-service trouble report. If the LEC fails to restore service to a customer within twenty-four (24) hours, the LEC shall issue the customer an automatic bill credit equal to the thirty-three percent (33%) of the recurring monthly service charge. The LEC shall issue the customer additional credits equal to thirty-three percent (33%) of the recurring monthly service charge for each twenty-four (24) hour period after the initial twenty-four (24) hour period until the customer's service is restored.

(c) Each LEC shall make all reasonable efforts to minimize the extent and duration of all service-affecting problems. Ninety percent (90%) of all service-affecting problems shall be corrected within forty-eight (48) hours from the time the LEC receives the service-affecting trouble report. If the LEC fails to clear the service affecting trouble report within forty-eight (48) hours, the LEC shall issue the customer an automatic credit equal to sixteen and one-half percent (16.5%) of the recurring monthly service charge for the service affected. The LEC shall issue the customer additional credits equal to sixteen and one-half percent (16.5%) of the recurring monthly service charge of the service affected for each twenty-four (24) hour period after the initial forty-eight (48) hour period until the customer's service is restored.

(d) Automatic credits shall be in the form of either:

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

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

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

(g) If it is necessary for the customer to be present during an on-premises repair, the LEC shall make appointments for such repair, at a mutually agreed upon date and time (which shall be identified as occurring within a four (4) hour window, such as morning, afternoon or evening). If a repair appointment cannot be kept, the LEC shall notify the applicant by noon on the day prior to the appointment to

explain the reason for the delay. The LEC shall obtain a contact point from the customer in order to provide such advance notice. If the LEC fails to notify the customer by noon on the day prior to the scheduled repair appointment and the LEC fails to keep the repair visit, the LEC shall automatically credit the customer's account fifty dollars (\$50).

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

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

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

(k) Each LEC shall be responsible for maintaining the trouble report information required by this section for its Indiana operations and by exchange for at least eighteen (18) months. The records of the LEC shall record, at a minimum for each trouble report, the date and time the report was received, whether the trouble report was for out-of-service or service affecting, whether the complaint was upgraded to out-of-service, when service was restored (date and time), whether the trouble report was a repeat trouble report, the amount of the credit, and the date the credit was issued. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-13*)

170 IAC 7-1.2-14 Adequacy of service

Authority: IC 8-1-1-3

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

Sec. 14. (a) Each LEC shall provide or otherwise arrange for the use of switching equipment, trunking, and associated facilities for the handling of that LEC's local traffic

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within its service territory. Such facilities shall be designed and engineered on the basis of realistic forecasts of growth so as to ensure that at least ninety-seven percent (97%) of all calls offered during the busy hour to any local exchange company trunk group will not encounter an all-trunk busy condition or a no-circuit condition.

(b) Busy hour calls to valid numbers shall encounter an audible ring-back tone, line busy signal, or nonworking intercept facility for operator or recording after completion of dialing at not less than the following performance standards established for such calls, by category of call:

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

Noncompletions include all-trunk busy conditions, no-circuit conditions, reorders, and equipment failures. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-14*)

170 IAC 7-1.2-15 Transmission requirements

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

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

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

(*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-15*)

170 IAC 7-1.2-16 Answering times

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

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

- (1) The average speed of answer for calls to the LEC's

- repair service center shall not exceed sixty (60) seconds.
- (2) The average speed of answer for calls to the LEC's business offices shall not exceed sixty (60) seconds.
- (3) The average speed of answer for calls to the LEC's local service operators shall not exceed twenty (20) seconds.
- (4) The average speed of answer for calls to the LEC's local directory assistance operators shall not exceed twenty (20) seconds.
- (5) The average number of calls to each service listed above which are deflected or encounter a busy shall not exceed ten percent (10%).

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

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

- (d) Local service providers, when offering bundled

service packages, shall explain that each service or feature within the package may be purchased individually, list each service and/or feature contained in the package, and, upon subscriber request, provide individual rates for each service or feature.

(e) When a customer calls an LEC to request information about a specific local exchange service or feature, to report service trouble, and or to make payment arrangements, the LEC shall not engage in sales practices until the LEC first confirms that it has completely responded to the subscriber's concern or concerns. Upon a customer's request, the LEC shall discontinue the sales discussion. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-16*)

170 IAC 7-1.2-17 Intercept service

Authority: IC 8-1-1-3

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

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

(1) All nonworking office codes (NXXs), service codes, and numbers shall be routed to a vacant code recorded announcement.

(2) At the customer's request, the LEC shall provide changed number intercept for a maximum of ninety (90) days for residential customers and three hundred sixty (360) days for business customers following a number change.

(3) When an emergency service number other than 9-1-1 is replaced by the universal emergency service number (9-1-1), the number that is being replaced shall be intercepted to an operator, a PSAP or a changed number recorded announcement for at least one (1) year or until the next local telephone directory is issued, whichever is later.

(4) When an LEC's operations or planned capital improvements necessitate the changing of a customer's telephone number, the serving LEC shall maintain or otherwise arrange for an appropriate intercept on the customer's access line until either:

(A) the old telephone number is permanently reassigned; or

(B) an updated local telephone directory is issued.

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

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

(1) intercept all calls to the incorrect number; or

(2) arrange for such calls to be intercepted by the serving LEC's intercept operator;

as long as the number is not otherwise required for service. The customer's correct listing and omitted number shall be placed on directory assistance and intercept, and the correct number shall be furnished to the calling party, either upon request or upon interception, until the serving LEC issues its next telephone directory for the affected area. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-17*)

170 IAC 7-1.2-18 Emergency operation

Authority: IC 8-1-1-3

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

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

(b) All existing central offices shall maintain the following:

(1) Central offices with installed emergency power generating equipment will have a minimum of three (3) hours central office battery capacity of busy-season, busy-hour load.

(2) Central offices without installed emergency power generating equipment shall have a minimum central office battery capacity of five (5) hours busy-season, busy-hour load. Facilities needed to connect a portable generator shall also be readily available in each central office.

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

(1) Central offices with installed emergency power generating equipment will have a minimum of three (3) hours central office battery capacity of busy-season, busy-hour load.

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

(*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-18*)

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

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Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 4, 2002 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E306, Indianapolis, Indiana the Indiana Utility Regulatory Commission will hold a public hearing on proposed new rules for telecommunications service quality standards of service. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E306 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

William D. McCarty
Commission Chairman
Indiana Utility Regulatory Commission

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Proposed Rule LSA Document #01-342

DIGEST

Adds 170 IAC 7-1.3 concerning telecommunications customer service rights. Repeals 170 IAC 7-1.1-12, 170 IAC 7-1.1-13, 170 IAC 7-1.1-14, 170 IAC 7-1.1-15, 170 IAC 7-1.1-16, 170 IAC 7-1.1-17, and 170 IAC 7-1.1-18. Effective January 1, 2003.

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

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

Rule 1.3. Telecommunications Customer Service Rights and Responsibilities

170 IAC 7-1.3-1 Purpose and scope

Authority: IC 8-1-1-3
Affected: IC 8-1-2-1; IC 8-1-5-10

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

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

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

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

(d) Any LEC subject to the telecommunications customer service rights and responsibilities set forth in this rule that fails to meet such standards, shall be subject to all legal remedies, including, but not limited to, those remedies contained in IC 8-1-2. The failure to provide an automatic credit as provided in this rule shall constitute a separate and distinct violation of this rule. Upon complaint or its own motion and after notice and a hearing, the commission may assess fines or penalties or impose other enforcement mechanisms against a carrier that fails to meet the requirements or standards established in this rule. In determining the appropriate enforcement mechanism, the commission shall consider, at a minimum, the carrier's:

- (1) gross annual intrastate revenue;
- (2) past performance;
- (3) the frequency, duration, severity, and recurrence of the violation or violations; and
- (4) the relative harm caused to the affected customer or other users of the network.

In imposing fines, the commission shall take into account compensation or credits paid by the telecommunications carrier to its customers.

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

- (1) Altering or amending this rule in whole or in part.
- (2) Requiring any other or additional service, equipment, facility, or standard.
- (3) Making such modifications with respect to the application of this rule as may be found necessary to meet exceptional conditions.
- (4) Require an LEC to comply with any other service standards.
- (5) Grant permanent or temporary waivers from this rule.

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

(g) If any provision of this rule is determined by competent authority to be prohibited or unenforceable, such

provision shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof.

(h) This rule shall be effective on and after January 1, 2003. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-1*)

170 IAC 7-1.3-2 Definitions

Authority: IC 8-1-1-3

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

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

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

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

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

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

(10) "Local exchange carrier" or "LEC" means a local serving telephone utility that provides telephone service to customers in the geographic territory served by the local exchange, and excluding those services provided pursuant to a CTA issued for a radio common carrier or commercial mobile radio service.

(11) "Long distance service" or "toll service" means the transmission of two-way interactive switched voice communication between local exchange areas for which charges are made on a per-unit basis.

(12) "New service provider" means a service provider that did not bill the customer for service during the service provider's last billing cycle. The term includes only providers that have continuing relationships with the customer that will result in periodic charges on the customer's bill unless the service is subsequently canceled.

(13) "Nondeniable charges" means charges for toll service and unregulated telecommunications services. Delinquency in payment of nondeniable charges shall not result in disconnection of basic local service.

(14) "Temporary disconnection" means a disconnection that has not yet resulted in the customer's account being permanently removed from the telephone provider's network.

(15) "Utility" means any public utility (as defined in IC 8-1-2-1) or municipal utility (as defined in IC 8-1.5-1-10) that furnishes telephone service to the public under the jurisdiction of the commission.

(*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-2*)

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

Authority: IC 8-1-1-3

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

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

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

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the area in which the applicant or customer resides or operates.

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

(1) The applicant has been a customer of a public or municipal utility in the United States within the last two (2) years, and the applicant:

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

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

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

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

(A) The applicant either has been employed by:

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

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

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

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

(BB) being discharged from military service.

(B) The applicant either:

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

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

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

(d) The utility may elect to accept a written guarantee, signed by a third party guarantor acceptable to the utility, of payment for all telephone service rendered or to be rendered to the applicant. The guarantor may terminate the guarantee upon thirty (30) days prior written notice. Said

guarantee shall be in full force and effect up to and including the date the guarantee shall terminate, and the guarantor shall be obligated, as provided in the written guarantee, respecting the payment of the amount of the applicant's bill on the date of termination. A guarantee shall terminate when the customer submits satisfactory payment for a period of either:

(1) nine (9) consecutive months; or

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

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

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

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

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

(1) A deposit held more than thirty (30) days shall earn interest from the date of deposit at a rate of six percent (6%) per annum, or at such a rate of interest as the commission may prescribe following a public hearing.

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

(i) Requirements for refunds shall be as follows:

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

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

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

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

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

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

(A) The name of the customer.

(B) The current mailing address of the customer.

(C) The amount of the deposit.

(D) The date the deposit was made.

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

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

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

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

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

(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-3)

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

Authority: IC 8-1-1-3

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

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

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

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

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

(b) In order to obtain service, a customer or applicant may be required to pay a deposit as provided in section 3 of this rule after disconnection of service for the reasons listed in section 11(b) of this rule. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-4)*

170 IAC 7-1.3-5 Informational pamphlets; explanation of available service; notice of proposed rate change

Authority: IC 8-1-1-3

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

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

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

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

(d) Each utility shall furnish notice of rate increases to its affected customers that fairly summarizes the nature and extent of the increase within forty-five (45) days of such request and prior to the date of the initial public hearing. If the rate change is one that does not require a hearing, then notice should be included in the first bill where the change is effective. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-5)*

170 IAC 7-1.3-6 Bills for utility service

Authority: IC 8-1-1-3

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

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

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

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

(3) Itemization of toll calls and charges.

(4) State and federal taxes.

(5) Previous balance.

(6) Explanation of codes and abbreviations.

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

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- (8) The total amount of bill.
- (9) The name for the service provider associated with each charge shall be clearly identified.
- (10) Where charges for two (2) or more telephone carriers appear on the same telephone bill, the charges shall be separated by service provider, and the billing entity shall provide clear and conspicuous notification of any change in service provider, including notification to the customer that a new service provider has begun providing service. The notification should describe the nature of the relationship with the customer, including a description of whether the new service provider is the presubscribed:
- (A) local exchange carrier;
 - (B) intra-LATA interexchange carrier; or
 - (C) inter-LATA interexchange carrier.
- (11) Charges contained on telephone bills shall be accompanied by a brief, clear, nonmisleading, plain language description of the individual service or services rendered. The description shall be sufficiently clear in presentation and specific enough in content so that:
- (A) a customer can accurately assess that the services for which he or she is billed correspond to those that he or she has requested and received; and
 - (B) the costs assessed for those services conform to the customer's understanding of the price charged.
- (12) Telephone bills shall contain clear and conspicuous disclosure of any information that the customer may need to make inquiries about, or contest charges, on the bill. The bill shall contain a clear and conspicuous notice that the customer may dispute charges on the bill prior to payment, including, but not limited to, the following:
- (A) A prominent display on each bill of a toll free number of the carrier by which a customer may inquire or dispute any charge contained on the bill.
 - (B) A prominent statement that reads, "If after making a service or billing complaint you are dissatisfied with (telephone company's) resolution, you may contact the Indiana utility regulatory commission at (317) 232-2712 or toll-free at (800) 851-4268."
 - (C) A carrier may list a toll free number for a billing agent, clearinghouse, or other third party, provided that such party possesses sufficient information to answer questions concerning the customer's account and is fully authorized to resolve consumer complaints on the carrier's behalf. Where the customer does not receive a paper copy of his or her telephone bill, but instead accesses that bill only by e-mail or internet, the carrier may comply with this subdivision by providing on the bill an e-mail or Web site address. Each carrier shall make a business address available upon request from a customer.
- (b) A statement that the customer should contact its local exchange service provider for local service bills or its long distance service providers for long distance bills to obtain

instructions on how to submit payments to the customer's telecommunications service providers.

(c) The billing requirements of subsection (a)(9) through (a)(11) may be waived for business customers if those customers consent in writing to such waiver.

(d) A utility service bill, which has remained unpaid for a period of more than seventeen (17) days following the mailing of the bill, shall be a delinquent bill. A utility service bill shall be rendered as a net bill. If the net bill is not paid within seventeen (17) days after the bill is mailed, it shall become a delinquent bill and a late payment charge may be added in the amount of ten percent (10%) of the first three dollars (\$3) and three percent (3%) of the excess of three dollars (\$3).

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

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

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

(g) If a customer is delinquent in payment of nondeniable charges, the telephone carrier may remove or restrict those services for which there is a nondeniable charge from the customer's account without the customer's consent. If toll service is removed or restricted, the LEC may require a deposit pursuant to section 3 of this rule before restoring those services to the customer's account. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-6*)

170 IAC 7-1.3-7 Billing adjustments

Authority: IC 8-1-1-3

Affected: IC 8-1-2-34.5

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

(b) A billing error, including an incorrect tariff application, may be adjusted to the known date of error or for a period of eighteen (18) months, whichever period is shorter. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-7*)

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

Authority: IC 8-1-1-3

Affected: IC 8-1-2

Sec. 8. (a) A customer may complain at any time to a

utility about any bill, security deposit, disconnection notice, or any other matter relating to installation or service and may request a conference with the utility thereon. Such complaints may be made in person, by telephone, in writing, or by completing a form available from the utility at its business offices. A complaint shall be considered filed upon receipt by the utility, except mailed complaints shall be considered filed as of the postmark date. In making a complaint or request for conference, the customer shall state, at a minimum, his or her name, service address, telephone number, and the general nature of his or her complaint.

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

(1) Immediately notify a customer that any undisputed portion of a bill shall be paid by the date due in order to avoid disconnection of service in accordance section 11 of this rule.

(2) Promptly, thoroughly, and completely investigate such complaint in good faith, attempt to confer with the customer when requested, and notify the customer of its proposed disposition of the complaint. During the investigation, no collection action shall be taken for items that are being disputed, and there shall be no negative impact on customer's credit rating.

(3) Without the customer's permission, the utility shall not disconnect, remove, or restrict any service that is the subject matter of the complaint while investigating the complaint or making a good faith attempt to resolve the complaint.

(4) Charges that are disputed by the customer shall be adjusted while an investigation is pending.

(5) After investigation, the utility may rebill the disputed charges in the next billing cycle if the investigation determined that the charges were appropriate.

(6) If the utility's proposed disposition is not in the customer's favor, the utility shall mail the customer written notice of such disposition. The written notification shall advise the customer or applicant that if he or she is dissatisfied with the telephone company's disposition, the customer or applicant may, within twenty-one (21) days of the postmark date of the notice, file a complaint with the commission's consumer affairs division (pursuant to section 9 of this rule). Such notification shall include contact information for the commission, including the commission's mailing address, toll free complaint number, and local telephone number.

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

(d) Each utility shall retain a written record of complaints and requests for conferences for at least eighteen (18) months after the complaint or request for conference is made. Such records shall be maintained at the office or branch office of the utility or in the respective department office thereof where such complaints were received or any conferences were subsequently held. Such written records are to be readily available upon request by the concerned customer, the customer's agent possessing written authorization, or the commission.

(e) Each utility shall annually submit a report to the commission that shall state and classify the number of complaints made to the utility pursuant to this rule, the general nature of the subject matter thereof, how the complaint was received, and whether a commission review was conducted thereon. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-8*)

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

Authority: IC 8-1-1-3

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

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

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

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

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

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

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

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

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

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

(g) Without the customer's permission, the utility shall not disconnect, remove, or restrict any disputed service until at least fourteen (14) days have elapsed from the postmark date of the consumer affair's division disposition, or the commission's order upon investigation, if any. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-9*)

170 IAC 7-1.3-10 Customer payments

Authority: IC 8-1-1-3

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

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

- (1) If the customer shows just cause for his or her inability

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

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

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

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

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

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

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

(e) If a customer makes a partial payment on a bill, the LEC shall first apply that payment to any deniable charges. A partial payment may only be applied to nondeniable charges when all deniable charges have been paid in full. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.3-10*)

170 IAC 7-1.3-11 Disconnection and prohibited disconnections

Authority: IC 8-1-1-3

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

Sec. 11. (a) Requirements for disconnection upon a customer's request are as follows:

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

(2) Upon request by a customer to an LEC to disconnect

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Requirements for prohibited disconnections are as follows:

(1) Except as otherwise provided in subsections (a) and (b), an LEC shall postpone the disconnection of local service or the placing of a toll restriction for thirty (30) days if, prior to the disconnect date specified in the disconnect notice, the residential customer provides the LEC with a medical statement from a licensed physician or public health official that states that disconnection would be a serious and immediate threat to the health and safety of a designated person in the household of the

customer. The postponement of disconnection shall be continued for one (1) additional ten (10) day period upon the provision of an additional such medical statement.

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

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

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

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

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

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

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

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

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

(1) on any Friday after noon;

(2) on any Saturday;

(3) on any Sunday;

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

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

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

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

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

- (A) The date of proposed disconnection.
- (B) The specific reason for the proposed disconnection.
- (C) The telephone number of the LEC office at which the customer may call during regular business hours to question the proposed disconnection or seek information concerning the customer's rights.
- (D) The local and toll free telephone numbers and office hours of the commission.
- (E) The customer may make a partial payment of a specified amount to cover deniable charges in order to avoid disconnection of basic local service.
- (F) Information as to the customer's rights, pursuant to this rule, including, but not limited to, the following:
 - (i) That the customer may obtain a temporary waiver of disconnection for a serious illness or medical emergency pursuant to subsection (c).
 - (ii) That the customer may file a complaint with the utility or the commission pursuant to sections 8 and 9 of this rule.
 - (iii) That the customer may make payment arrangements pursuant to section 10 of this rule.

(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-11)

170 IAC 7-1.3-12 Reconnection

Authority: IC 8-1-1-3

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

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

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

- (1) On the same day for disconnections that were not made pursuant to this rule.**
- (2) One (1) business day for temporary disconnections for nonpayment.**
- (3) For disconnections for nonpayment after customer has been removed from the network the rules for new installations in sections 3 and 4 of this rule will apply.**

(Indiana Utility Regulatory Commission; 170 IAC 7-1.3-12)

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

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 4, 2002 at 9:30 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E306, Indianapolis, Indiana the Indiana Utility Regulatory Commission will hold a public hearing on proposed new rules concerning telecommunications customer rights and responsibilities. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E306 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

William D. McCarty
Commission Chairman
Indiana Utility Regulatory Commission

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #01-412

DIGEST

Amends 312 IAC 8 that governs public use of DNR properties to make several changes. Included is a definition of "public road" to conform to the definition of "public highway" in IC 9-25-2-4. New definitions would be added for snowmobile, off-road vehicle, and vehicle. The prohibition would be eliminated on the possession of firearms at public access sites maintained by the division of fish and wildlife. Quiet time at campsites would be extended one hour from 6 a.m. to 7 a.m. Pets would be required to be attended at all times. Vehicles could be left in DNR parking lots only while using a DNR property or adjacent public freshwater lake or navigable waterway. The receipt and pass requirement for horses would be eliminated, but the tag requirement would be retained. Effective 30 days after filing with the secretary of state.

312 IAC 8-1-4

312 IAC 8-2-8

312 IAC 8-2-3

312 IAC 8-2-11

312 IAC 8-2-6

SECTION 1. 312 IAC 8-1-4, AS AMENDED AT 25 IR 1544, SECTION 6, IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-1-4 Definitions

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

Affected: IC 9-13-2-196; IC 9-25-2-4; IC 14-8-2-261; IC 14-16-1-3; IC 14-22-11-1; IC 14-31-1

Sec. 4. The following definitions are supplemental to those set forth at 312 IAC 1 and apply throughout this article:

- (1) "Authorized representative" means the director or another person designated by the director.

- (2) "Berry" means the fruiting body of:
- (A) a blackberry;
 - (B) a blueberry;
 - (C) a dewberry;
 - (D) an elderberry;
 - (E) a gooseberry;
 - (F) a huckleberry;
 - (G) a mulberry;
 - (H) a raspberry;
 - (I) a serviceberry; and
 - (J) a strawberry.
- (3) "DNR property" means land and water owned, licensed, leased, or dedicated under IC 14-31-1, or under easement to the state or managed by the department. The following areas are, however, exempted from the term:
- (A) Public freshwater lakes.
 - (B) Navigable waterways.
 - (C) Buildings and grounds (other than those of the Indiana state museum) not located at recreational, natural, or historic sites.
- (4) "Fallen cone" means the fruiting body of a coniferous tree that is no longer attached to a living tree.
- (5) "Firearm or bow and arrows" means:
- (A) a firearm;
 - (B) an air gun;
 - (C) a CO₂ gun;
 - (D) a spear gun;
 - (E) a bow and arrows;
 - (F) a crossbow; ~~or~~
 - (G) ~~another a paint gun; or~~
 - (H) ~~a similar~~ mechanical device;
- that can be discharged and is capable of causing injury or death to an animal or damage to property.
- ~~(6) "Fishing tournament" means an activity involving fifteen~~
~~(15) or more watercraft used for taking fish where:~~
- ~~(A) persons compete for a trophy, citation, cash, or prize; or~~
 - ~~(B) a fee is charged to participants.~~
- ~~(7) (6)~~ "Fruit" means the fruiting body of:
- (A) cherries;
 - (B) grapes;
 - (C) apples;
 - (D) hawthorns;
 - (E) persimmons;
 - (F) plums;
 - (G) pears;
 - (H) pawpaws; and
 - (I) roses.
- ~~(8) (7)~~ "Green" means the aboveground shoots or leaves of:
- (A) asparagus;
 - (B) dandelion;
 - (C) mustard;
 - (D) plantain; and
 - (E) poke.
- ~~(9) (8)~~ "Group boat dock" means an artificial basin or enclosure for the reception of watercraft that is owned and

- maintained by adjacent landowners for their private usage.
- ~~(10) (9)~~ "Leaf" means the leaf of a woody plant for use in a leaf collection or similar academic project.
- ~~(11) (10)~~ "License" means:
- (A) a license;
 - (B) a permit;
 - (C) an agreement;
 - (D) a contract;
 - (E) a lease;
 - (F) a certificate; or
 - (G) other form of approval;
- issued by the department. A license may authorize an activity otherwise prohibited by this rule.
- ~~(12) (11)~~ "Mushroom" means edible fungi.
- ~~(13) (12)~~ "Nut" means the seeds of:
- (A) hazelnuts;
 - (B) hickories;
 - (C) oaks;
 - (D) pecans; and
 - (E) walnuts.
- (13) "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.**
- (14) "Public road" means a public highway under IC 9-25-2-4 that is designated by the department for use by the public.**
- ~~(15) (15)~~ "Recreation area" means an area that is managed by the department for specific recreation activities.
- (16) "Snowmobile" has the meaning set forth in IC 14-8-2-261.**
- ~~(17) (17)~~ "Vehicle" ~~means a motorized conveyance.~~ **has the meaning set forth in IC 9-13-2-196(d).**
- (Natural Resources Commission; 312 IAC 8-1-4; filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 552, eff Jan 1, 2000; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1544)*
- SECTION 2. 312 IAC 8-2-3 IS AMENDED TO READ AS FOLLOWS:
- 312 IAC 8-2-3 Hunting, trapping, and firearms**
Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14-22-11-1
- Sec. 3. (a) A person must comply with all federal and state hunting, trapping, and firearms laws.
- (b) A person must not possess a firearm or bow and arrows at any of the following locations:
- (1) Inside a check station or headquarters building.
 - (2) Within a nature preserve unless signs indicate that hunting is authorized.
 - (3) On a property administered by the division of museums and historic sites.
- (c) A person must not possess a firearm or bow and arrows unless one (1) of the following conditions apply:

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- (1) The firearm or bow and arrows are:
- (A) unloaded and uncocked; and
 - (B) placed in a case or locked within a vehicle.
- (2) The firearm or bow and arrows are possessed at, and of a type designated for usage on, a rifle, pistol, shotgun, or archery range.
- (3) The firearm or bow and arrows are being used in the lawful pursuit of either:
- (A) a wild animal on a DNR property authorized for that purpose; or
 - (B) a groundhog as authorized under a license.
- (d) Except as provided in subsection ~~(c)(1)~~, (c), a person must not possess a firearm or bow and arrows at the following locations:
- (1) Within an area designated for public camping.
 - (2) On a fish and wildlife area administered by the division of fish and wildlife, except under the terms of a one (1) day hunting permit and record card obtained from a checking station and possessed by the person in the field for a specified date. **This subdivision does not apply to a fishing access site maintained by the division of fish and wildlife.**
 - (3) On a property administered by the division of forestry within:
 - (A) a campground;
 - (B) a picnic area;
 - (C) a beach;
 - (D) a service area; or
 - (E) a developed area.
 - (4) On a property administered by the division of state parks and reservoirs, except on a reservoir property in accordance with the terms of a one (1) day hunting permit and record card obtained from a hunter sign-in station and possessed by the person in the field for a specified date.
- (e) Unless otherwise posted or designated on a property map, a person must not place a trap except as authorized by a license issued for a property by an authorized representative. This license is in addition to the licensing requirements for traps set forth in IC 14-22-11-1.
- (f) A person must not run dogs, except during the lawful pursuit of wild animals, or as authorized by a license for field trials or in a designated training area. A property administered by the division of fish and wildlife may be designated for training purposes without requiring a field trial permit. Only dogs may be used during field trials on a DNR property, except where authorized by a license on a fish and wildlife property.
- (g) A person must not discharge a firearm or bow and arrows within two hundred (200) feet of a:
- (1) campsite;
 - (2) boat dock;
 - (3) launching ramp;
 - (4) picnic area; or
 - (5) bridge.

(h) A person must not leave a portable tree blind or duck blind unattended except for the period authorized by 312 IAC 9-3-2(j).

- (i) The following terms apply to the use of shooting ranges:
- (1) A person must not use a shooting range unless the person is at least eighteen (18) years of age or accompanied by a person who is at least eighteen (18) years of age.
 - (2) A person must register with the department before using a shooting range.
 - (3) A person must shoot only at paper targets placed on target holders provided by the department. All firing must be downrange with reasonable care taken to assure any projectile is stopped by the range backstop.
 - (4) Shot no larger than size six (6) must be used on a shotgun range.
 - (5) A person must not discharge a firearm using automatic fire.
 - (6) A person must not use tracer, armor-piercing, or incendiary rounds.
 - (7) A person must not play on, climb on, walk on, or shoot into or from the side berms.
 - (8) A person must not shoot at clay pigeons, except on a site designated for shooting clay pigeons. Glass and other forms of breakable targets must not be used on a shooting range.
 - (9) A person must dispose of the targets used by the person under section 2(a) of this rule.
 - (10) Permission must be obtained from the department in advance for a shooting event that involves any of the following:
 - (A) An entry fee.
 - (B) Competition for cash, awards, trophies, citations, or prizes.
 - (C) The exclusive use of the range or facilities.
 - (D) A portion of the event occurring between sunset and sunrise.
 - (11) On a field course, signs and markers must be staked. Trees must not be marked or damaged.

(j) A person must not take a reptile or amphibian unless the person is issued a scientific collector license under 312 IAC 9-10-6. Exempted from this subsection are turtles taken under 312 IAC 9-5-2 and frogs taken under 312 IAC 9-5-3 from a DNR property where hunting or fishing is authorized. (*Natural Resources Commission; 312 IAC 8-2-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 739, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 553, eff Jan 1, 2000*)

SECTION 3. 312 IAC 8-2-6, AS AMENDED AT 25 IR 1074, SECTION 1, 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. **A person must attend to a pet at all times.**

(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.

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 4. 312 IAC 8-2-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-8 Vehicles, trails, watercraft, and aircraft

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

Sec. 8. (a) A person must not operate a vehicle:

- (1) at a speed greater than:
 - (A) thirty (30) miles per hour on straight, open stretches of road; or
 - (B) fifteen (15) miles per hour on steep grades, curves, or where posted; or
- (2) other than on a public road. ~~designated by the department.~~

(b) A person must not park a vehicle, watercraft, or associated equipment, except at a site designated by the department.

(c) A person moving cross-country on a trail must remain on the designated pathway for the trail. A person must not hike, bike, ski, horseback ride, or **operate an off-road vehicle or snowmobile, ride**, except on a trail designated for ~~that the~~ purpose. A person must not ride, lead, drive, or hitch ~~any an~~ animal, except where designated by the department.

(d) A person must not operate or maintain a watercraft on a lake:

- (1) containing fewer than three hundred (300) acres unless powered only by an electric trolling motor with not more than two (2) 12-volt or one (1) 24-volt battery;
- (2) except under motor horsepower and speed zone requirements applicable to the lake; and
- (3) for fourteen (14) consecutive days without removal from the lake unless otherwise moored in a designated area.

(e) A person must not launch, dock, or moor a watercraft or another floating device, except for approved periods and at sites designated by the department for those purposes. A person must not leave a watercraft unattended in a courtesy dock provided by the department. A person must not moor a watercraft at a designated group dock or mooring post unless the watercraft exhibits a valid mooring permit.

(f) A person must not leave a vehicle, watercraft, or associated equipment at a public access site or a public fishing area unless the person is actively engaged in the use of a DNR property or adjacent public freshwater lake or navigable waterway.

~~(g)~~ (g) A person must not leave a vehicle, watercraft, or associated equipment in a public parking lot for longer than forty-eight (48) hours.

~~(h)~~ (h) A person must not land, taxi, take-off, park, or moor an aircraft, hang glider, ultralite, powered model aircraft, or hot air balloon, except at a site designated for that purpose or pursuant to a license. (*Natural Resources Commission; 312 IAC 8-2-8; 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 555, eff Jan 1, 2000*)

SECTION 5. 312 IAC 8-2-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-11 Campsites and camping

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

Sec. 11. (a) A person must not place or maintain a camp, tent, or trailer except during periods and at sites authorized by the department for camping. Between 11 p.m. and ~~6~~ 7 a.m., a person must not occupy a site other than a designated campsite, cabin, or inn room unless otherwise authorized by a written permit.

(b) No more than six (6) individuals may lawfully occupy one

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(1) campsite in a family campground unless otherwise approved by an authorized representative.

(c) An individual at least eighteen (18) years of age must register at a campground on behalf of the persons in a group. The responsible person registering for a campsite must remain with the group during the camping period. Campers under eighteen (18) years of age must be accompanied by a person at least eighteen (18) years of age.

(d) A camping fee shall be paid in advance and entitles a group or family to occupy one (1) campsite for one (1) overnight period. The department may provide, on the written fee receipt, restrictions on use of the campsite that supplement the restrictions contained in this article.

(e) Campground occupancy is limited to fourteen (14) consecutive **days nights** unless another period is designated by the department. At the end of the camping period, a camping family or group must vacate the property and remove all equipment for at least forty-eight (48) hours.

(f) A person must not lease or sublease a campsite or equipment on-site to another person.

(g) A person must not:

- (1) bathe; or
- (2) wash a:
 - (A) pet;
 - (B) dish or other cooking utensil; or
 - (C) other personal property;

at a drinking fountain, lavatory, or laundry tub. Dishwater must be disposed through proper sanitary facilities and must not be discharged on the ground. A boat or a vehicle must not be washed in a camping area.

(h) Quiet hours shall be observed from 11 p.m. until 6 7 a.m.

(i) A pet must be caged or leashed within a campsite so as to maintain the pet within the campsite. Section 6(a) of this rule does not apply to this subsection.

(j) Equine animals and llamas are allowed in a horsemen's campground but are prohibited from entering a family campground.

(k) A person must not dispose of refuse or garbage, except in a receptacle provided for that purpose.

(l) Check-out time from a campground is 2 p.m. on Monday through Saturday and 5 p.m. on Sunday or a holiday. Renewals are due by 10 a.m. on the date of scheduled departure. (*Natural Resources Commission; 312 IAC 8-2-11; filed Oct 28, 1998, 3:32 p.m.: 22 IR 742, eff Jan 1, 1999; errata filed Dec 17, 1998, 9:32 a.m.: 22 IR 1525*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 8, 2002 at 11:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments that govern public use of DNR properties. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #99-73

DIGEST

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

HISTORY

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

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

First Public Hearing: February 6, 2002.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least twenty-one (21) days long. Because this proposed rule is not substantively different from the draft rule published on November 1, 2001 at 25 IR 534, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from November 1, 2001, through December 3, 2001, on IDEM's draft rule language. No comments were received during the second comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On February 6, 2002, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 6-1-10.1. No comments were made at the first hearing.

326 IAC 6-1-10.1

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

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

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

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

(b) The following definitions apply throughout this section:

- (1) "lbs/hr" means pounds of particulate matter emissions emitted per one (1) sixty (60) minute period.
- (2) "lbs/MMBtu" means pounds of particulate matter emissions per million British thermal units heat input of fuels fired in the source, unless otherwise stated.

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

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

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

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

- (1) to one (1) stack serving the multiple units specified when the facility description notes "stack serving"; and
- (2) to each stack of multiple stacks serving multiple facilities when the facility description notes "each stack serving".

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

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

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Starch mixing and bagging system #2	93-17-W (5/95)	0.264	0.01
New corn syrup spray dryer cooler system number 3 (SIP #2)	100-01-R-P	4.96	0.015
#4 corn syrup spray dryer	100-03-R (93)	4.2	0.01
Carbon regeneration furnace #2	104-01-R (2/96)	0.728	0.015
Soda ash tank	104-02-R (2/96)	0.154	0.02
Filter aid hopper	104-03-R (2/96)	0.044	0.02
Sodium bisulfate bag dump	104-05-R (2/96)	0.080	0.02
Each stack serving bulk corn starch storage bin numbers 20 through 36 (five (5) stacks may operate at one time)	120-01-S-P to 120-17-S-P	0.56	0.01
Gluten dryer system	121-01-G (3/95)	3.0	0.03
Waxy feed drum dryer scrubber	124-01-G-P	11.12	0.03
Waxy feed milling equipment	124-22-G-P	0.051	0.01
Germ dryer/cooler	124A-01-G (11/94)	1.852	0.02
Starch ring dryer number 3	125-01-S-P	3.50	0.006
Waxy bulk cornstarch storage bins numbers 95 through 98 (only one (1) may operate at a time)	126-01-S-P to 126-04-S-P	0.16	0.01
BCD dryer, building 127	127-01-B-P	0.57	0.01
#1 and #2 vacuum cleaner system	127-21-B and 127-22-B (5/93)	0.031	0.01
#1 and #2 BCD storage hopper	127-23-B and 127-24-B (5/93)	0.18	0.01
BCD mill feeder hopper	127-25-B (5/93)	0.028	0.01
BCD packing hopper	127-26-B (5/93)	0.005	0.01
Special starch process with starch dryer number 4, building 128	128-01-S-P	3.5	0.01
Four products blending systems, building 93	130-01-S-P to 130-04-S-P	0.42	0.01
Dextrin blender	130-05-S (7/93)	0.248	0.01
Corn receiving and storage-bin vent #1 and #2	140-01-G and 140-02-G (12/95)	0.343	0.02
Corn receiving and storage-bin vent #3 and #4	140-03-G and 140-04-G (12/95)	0.343	0.02
Corn dump pit	140-05-G (12/95)	1.286	0.01
Corn scale system	140-06-G (12/95)	0.154	0.01
Corn elevator conveying	140-07-G (12/95)	0.086	0.01
	Emission Limit (Units)	Emission Limit (lbs/hr)	
(4) AMERICAN STEEL FOUNDRIES-EAST CHICAGO			
Sand kiln and cooler	0.636 lbs/ton	16.29	
Sandheater mixing	0.520 lbs/ton	11.44	
Electric induction furnaces (2 units)	0.104 lbs/ton	1.248	
#2 tumblast with dust collector	0.145 lbs/ton of product	0.678	
#3 tumblast with dust collector	0.145 lbs/ton of product	0.678	
Shakeout dust collector	0.012 lbs/ton of product	0.384	
(5) AMERICAN STEEL FOUNDRY-HAMMOND			
Stack serving coil spring grinder numbers 3-0386 and 3-0389	1.083 lbs/ton	0.045	
Stack serving coil spring grinder number 3-0244	0.021 lbs/ton	0.040	
Tub grinder number 3-0388	0.015 lbs/ton	2.00	

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Coil spring grinder number 3-0247	0.019 lbs/ton	0.03
Coil spring grinder number 3-0249	3.792 lbs/ton	1.82
Coil spring grinders numbers 3-0385, 3-295, and 3-0233	0.019 lbs/ton	0.05
Shot blast peener number 3-1804	0.011 lbs/ton	0.06
Shot blast peener number 3-1811	0.018 lbs/ton	0.06
Shot blast peener number 3-1821	0.016 lbs/ton	0.06
Shot blast peener number 3-1823	0.016 lbs/ton	0.06
Small coil manufacturing (ESP number 3-3024)	0.014 lbs/ton	0.02
Medium coil manufacturing (ESP number 3-3027)	0.700 lbs/ton	2.10
Large coil manufacturing (ESP number 3-3028)	0.700 lbs/ton	3.50
Miscellaneous coil manufacturing (ESP number 3-3026)	0.700 lbs/ton	1.05
(6) AMOCO OIL, WHITING REFINERY		
Number 1 CRU, F-101 feed preheater	0.004 lbs/MMBtu	0.267
Stack serving number 1 CRU, F-102, F-201, F-202 heaters	0.004 lbs/MMBtu	0.290
Stack serving number 1 power station, boiler numbers 1, 2, 3, and 4	0.016 lbs/MMBtu	15.809
Stack serving number 1 power station, boiler numbers 5, 6, 7, and 8	0.016 lbs/MMBtu	13.244
Stack serving number 11 pipe still furnaces H-101, H-102, H-103, H-104, coke preheaters	0.004 lbs/MMBtu	0.741
Number 11 pipe still, H-1X heater	0.031 lbs/MMBtu	6.867
Number 11 pipe still, H-2 vacuum heater	0.032 lbs/MMBtu	1.440
Number 11 pipe still, H-200 crude charge	0.032 lbs/MMBtu	7.866
Number 11 pipe still, H-3 vacuum heater	0.031 lbs/MMBtu	1.704
Number 11 pipe still, H-300 furnace	0.031 lbs/MMBtu	4.931
Stack serving number 12 pipe still, H-1A and H-1B preheaters and H-2 vacuum heater	0.025 lbs/MMBtu	16.348
Each stack serving number 12 pipe still, H-1CN and H-1CS crude preheater	0.004 lbs/MMBtu	0.444
Number 12 pipe still, H-1CX crude preheater	0.004 lbs/MMBtu	0.924
Number 2 isomerization, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 2 isomerization, H-1 feed heater furnace	0.004 lbs/MMBtu	0.704
Each stack serving number 3 power station, boiler numbers 1, 2, 3, 4, and 6	0.030 lbs/MMBtu	17.49
Number 3 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 3 ultraformer, H-1 feed heater furnace	0.004 lbs/MMBtu	0.852
Number 3 ultraformer, H-2 feed heater furnace	0.004 lbs/MMBtu	0.685
Number 3 ultraformer, waste heat recovery unit	0.004 lbs/MMBtu	1.537
Stack serving number 37 pipe still, B-1 feed preheater, B-2 wax fractioner	0.018 lbs/MMBtu	1.903
Stack serving number 4 ultraformer, F-1 ultrafiner furnace F-8A and F-8B reboilers	0.004 lbs/MMBtu	1.459

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Number 4 ultraformer, F-2 preheater furnace	0.004 lbs/MMBtu	1.059
Number 4 ultraformer, F-3 number 1 reheat furnace	0.004 lbs/MMBtu	0.896
Stack serving number 4 ultraformer, F-4 number 2 reheat furnace, F-5 number 3 reheat furnace, and F-6 number 4 reheat furnace	0.004 lbs/MMBtu	1.060
Number 4 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.159
Aromatics recovery unit, F-200A furnace	0.004 lbs/MMBtu	0.924
Aromatics recovery unit, F-200B furnace	0.004 lbs/MMBtu	0.924
Blending oil desulphurization, F-401 furnace	0.004 lbs/MMBtu	0.130
Cat feed hydrotreating unit	0.004 lbs/MMBtu	0.246
F-1 Berry Lake distillate heater	0.004 lbs/MMBtu	0.048
F-2 Steiglitz Park residual heater	0.008 lbs/MMBtu	0.208
Stack serving heavy oils unit, H-101, H-201, H-202	0.004 lbs/MMBtu	0.030
NMP extraction unit, B-105 furnace	0.023 lbs/MMBtu	1.174
NMP extraction unit, B-106 furnace	0.004 lbs/MMBtu	0.352
Oil hydrotreating unit	0.004 lbs/MMBtu	0.059
Sulfur recovery unit incinerator	0.004 lbs/MMBtu	0.090
Asphalt oxidizer number 1	0.000 lbs/ton	0.000
Asphalt oxidizer number 2	0.000 lbs/ton	0.000
Asphalt oxidizer number 3	0.000 lbs/ton	0.000
Tail gas unit (new)	0.110 lbs/ton	0.103
Wastewater sludge fluid bed incinerator	0.173 lbs/ton	6.84
	based on 79,000 lbs/hr fluidizing air flow	
FCU 500	1.220 lbs/1,000 lbs coke burned	73.20
FCU 600	1.10 lbs/1,000 lbs coke burned	55.00
DDU WB-301	0.004 lbs/MMBtu	0.250
DDU WB-302	0.004 lbs/MMBtu	0.240
Hydrogen unit B-1	0.009 lbs/MMBtu	3.340
(7) ASSOCIATED BOX		
Wood chip fired space heating boiler	0.810 lbs/MMBtu	4.450
(8) BUCKO CONSTRUCTION		
Rotary dryer	0.017 lbs/hr	4.440
(9) SMITH READY MIX		
Central mix	0.0013 lbs/ton	0.350
(10) STATE LINE ENERGY, LLC		
Unit 3	0.100 lbs/MMBtu	213.00
Unit 4	0.100 lbs/MMBtu	356.80
(11) E.I. DUPONT		
Sodium silicate furnace	1.439 lbs/ton	6.0
(12) GENERAL REFRACTORY		
Ball milling storage	0.041 lbs/ton	0.410
Crushing and sizing	0.012 lbs/ton	0.460
Material handling system	0.003 lbs/ton	0.220
Material loading	0.006 lbs/ton	0.150
Material weighing	0.064 lbs/ton	0.350
Mixing and packaging	0.354 lbs/ton	2.480
Sizing, conveying, and storage	0.029 lbs/ton	0.580

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(13) GEORGIA PACIFIC		
Boiler number 1	0.129 lbs/MMBtu	9.380
(14) GLOBE INDUSTRIES		
Stack serving asphalt saturators (2 units)	0.060 lbs/ton of product	4.500
(15) HAMMOND GROUP INC. (HGI)		
Stack 17-S-40	0.030 gr/dscf	2.120
Stack 20-S-36	0.022 gr/dscf	0.395
Stack 20-S-41	0.022 gr/dscf	0.450
Stack 20-S-37	0.022 gr/dscf	0.200
Stack 20-S-38	0.022 gr/dscf	0.087
Stack 17-S-25	0.030 gr/dscf	2.120
Stack 20-S-42	0.022 gr/dscf	0.200
Stack 20-S-43	0.022 gr/dscf	0.087
Stack 20-S-39	0.022 gr/dscf	0.496
Stack 20-S-44	0.022 gr/dscf	0.496
Stack 13-S-48	0.022 gr/dscf	0.471
Stack 14-S-45	0.022 gr/dscf	0.471
(16) HAMMOND GROUP INC.-HALSTAB DIVISION		
Stack S-1	0.022 gr/dscf	0.220
Stack S-2	0.022 gr/dscf	0.080
Stack S-4	0.022 gr/dscf	1.460
Stack S-5	0.022 gr/dscf	1.030
Stacks S-6, S-7, and S-8, each stack	0.022 gr/dscf	0.570
Stacks S-9, S-10, S-11, S-12, S-13, S-14, S-15, and S-16, each stack	0.022 gr/dscf	0.200
Stack S-17	0.022 gr/dscf	1.990
(17) HAMMOND GROUP INC. (HGI)		
Stack 1-S-54	0.0 gr/dscf	0.000
Stack 4A-S-8	0.022 gr/dscf	0.250
Stack 14-S-16	0.022 gr/dscf	0.250
Stack 1-S-2	0.022 gr/dscf	0.250
Stack 1-S-26	0.022 gr/dscf	0.250
Stack 16-S-56	0.022 gr/dscf	1.000
Stack 1-S-52	0.022 gr/dscf	1.000
Stack 1-S-27	0.022 gr/dscf	0.290
Stack 4-S-35	0.022 gr/dscf	0.570
Stack 6-S-33	0.022 gr/dscf	0.900
Stack 4B-S-34	0.022 gr/dscf	0.400
Stack 6-S-47	0.022 gr/dscf	0.400
V-1	0.022 gr/dscf	1.000
Stack 14-S-15	0.022 gr/dscf	0.320
(18) HARBISON-WALKER REFRACTORIES, HAMMOND WORKS		
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3)	1.36 lbs/ton	4.50
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3) if only one kiln is in operation	1.36 lbs/ton	8.40
Lanley oven (S-7)	0.210 lbs/ton	0.840
Basic dryer (stack 8)	0.916 lbs/ton	3.020
Chrome ore crushing (D-9)	0.024 lbs/ton	0.490
Chrome ore rotary dryer (D-10)	0.032 lbs/ton	0.640
Chrome ore handling (D-11) and storage	0.020 lbs/ton	0.410
Chrome ore screening (D-12) and milling	0.078 lbs/ton	1.240
Chrome ore finished (D-13) material handling and storage	0.044 lbs/ton	0.700

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Magnesite unloading and crushing (D-18)	0.017 lbs/ton	0.580
Magnesite material handling and storage (D-2)	0.012 lbs/ton	0.410
Magnesite screening and milling (D-8)	0.051 lbs/ton	1.280
Specialty magnesite handling system (D-16)	0.097 lbs/ton	0.260
Magnesite chrome ore mixer number 3 (D-6)	0.033 lbs/ton	0.230
Magnesite chrome ore mixer number 2 and flat mixer (D-5)	0.033 lbs/ton	0.460
Magnesite chrome ore mixer number 1 (D-4)	0.033 lbs/ton	0.230
Magnesite carbon mixers (D-7)	0.054 lbs/ton	0.460
Magnesite smooth roll crusher system (D-15)	0.067 lbs/ton	0.500
Magnesite auxiliary milling system (D-14)	0.086 lbs/ton	0.170
(19) INLAND STEEL		
Number 4 slab mill scarfer	0.039 lbs/ton	21.97
Number 2A bloomer scarfer	0.107 lbs/ton	10.70
Mold foundry baghouse	0.011 gr/dscf	26.00
Sinter plant discharge end and cooler baghouse	0.01 gr/dscf TSP	11.70 TSP
Sinter plant windbox baghouse	0.007 gr/dscf TSP	17.00 TSP
Lime plant silo baghouses	0.085 lbs/ton	5.530
Lime plant firing and kiln baghouses	0.110 lbs/ton	7.149
Number 4 roll shop ervin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4 roll shop wheelabrator baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 4A roll shop ervin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4A roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 2 roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.270 TSP
Number 6 roll shop roll blaster/baghouse	0.0052 gr/dscf TSP	0.200 TSP
Electric shop blasters/baghouses	0.0052 gr/dscf TSP	1.070 TSP
Number 11 coke battery preheaters (2 units)	0.00	0.00
Number 11 coke battery shed baghouse	0.00	0.00
Number 6 coke battery underfire stack	0.00	0.00
Number 7 coke battery underfire stack	0.00	0.00
Number 8 coke battery underfire stack	0.00	0.00
Number 9 coke battery underfire stack	0.00	0.00
Number 10 coke battery underfire stack	0.00	0.00
Number 11 coke battery underfire stack	0.00	0.00
Number 7B blast furnace canopy baghouse	0.003 gr/dscf	11.22
Number 7 blast furnace stockhouse pellet baghouse	0.0052 gr/dscf	4.00
Number 7 blast furnace casthouse baghouse	0.011 gr/dscf TSP	22.00 TSP
Number 7 blast furnace coke screening baghouse	0.007 gr/dscf TSP	4.200 TSP
Number 7 blast furnace stockhouse coke baghouse	0.01 gr/dscf TSP	2.00 TSP
Number 1 blast furnace stoves (4 units)	0.000	0.000
Number 2 blast furnace stoves (4 units)	0.000	0.000
Number 2 basic oxygen furnace number 10 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace number 20 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace caster fume collection baghouse	0.0052 gr/dscf TSP	2.00 TSP

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Number 2 basic oxygen furnace ladle metallurgical station baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace secondary ventilation system scrubber	0.015 gr/dscf TSP	12.00 TSP
Number 2 basic oxygen furnace tundish dump baghouse	0.0052 gr/dscf TSP	2.200 TSP
Number 2 basic oxygen furnace charging aisle reladling and desulfurization baghouse	0.011 gr/dscf TSP	28.30 TSP
Number 2 basic oxygen furnace truck and ladle hopper baghouse	0.0052 gr/dscf TSP	0.800 TSP
Number 2 basic oxygen furnace flux storage and batch baghouse	0.0052 gr/dscf TSP	0.530 TSP
Number 4 basic oxygen furnace reladling and desulfurization baghouse	0.0052 gr/dscf TSP	8.26 TSP
Number 4 basic oxygen furnace scrubber stack (steelmaking)	0.187 lbs/ton TSP	100.00 TSP
Number 4 basic oxygen furnace vacuum degassing baghouse	0.01 gr/dscf TSP	4.280 TSP
Number 4 basic oxygen furnace secondary ventilation system baghouse	0.006 gr/dscf TSP	22.30 TSP
Stack serving blast furnace stove, number 5 (3 units)	0.016 lbs/MMBtu	4.70
Stack serving blast furnace stove, number 6 (4 units)	0.016 lbs/MMBtu	3.64
Stack serving blast furnace stove, number 7 (3 units)	0.0076 lbs/MMBtu	6.32
Stack serving "A" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
Stack serving "B" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
100 inch plate mill reheat furnace	0.078 lbs/MMBtu	13.74
Number 2 bloom mill soaking pit, numbers 1 through 4	0.000	0.000
Number 2 bloom mill soaking pit numbers 5 through 16 collective	0.000	0.000
Number 2 bloom mill soaking pit numbers 19 through 20 collective	0.000	0.000
Number 4 slabber soaking pit numbers 1 through 18 collective	0.0 lbs/MMBtu	0.0
Number 4 slabber soaking pit numbers 19 through 45 collective	0.006 lbs/MMBtu	1.750
Stack serving number 2AC station boiler numbers 207 through 210	0.000	0.000
Stack serving number 2AC station boiler numbers 211 through 213	0.018 lbs/MMBtu	16.20
Stack serving number 3AC station boiler numbers 301 through 304	0.018 lbs/MMBtu	16.20
Number 3AC station boiler number 305	0.018 lbs/MMBtu	5.400
Stack serving number 4AC station boiler number 401 through 404	0.042 lbs/MMBtu	76.578
Number 4AC station boiler number 405	0.028 lbs/MMBtu	18.78
Stack serving number 5 boiler house (3 units)	0.013 lbs/MMBtu	18.05
Electric arc furnace shop direct shell evacuation system baghouse roof monitor	0.0052 gr/dscf	17.14
Electric arc furnace shop ladle metallurgical station baghouse	0.01 gr/dscf	0.820
Coal conveyor transfer baghouse A	0.003 gr/dscf	0.17
Blending system baghouse B	0.003 gr/dscf	0.54
Coal storage bin baghouse C	0.003 gr/dscf	0.23
Coal pulverizer baghouse D	0.0015 gr/dscf	0.93
Coal pulverizer baghouse E	0.0015 gr/dscf	0.93
Number 7 blast furnace coal storage bin baghouse F	0.003 gr/dscf	0.09
Number 7 blast furnace coal storage bin baghouse G	0.003 gr/dscf	0.09
Numbers 5 and 6 blast furnace coal storage bin baghouse H	0.003 gr/dscf	0.09
(20) KEIL CHEMICAL-DIVISION OF FERRO CORPORATION		
Cleaver brooks boiler B-4	0.007 lbs/MMBtu	0.09
Cleaver brooks boiler B-5	0.007 lbs/MMBtu	0.14
VA power B-3 boiler	0.007 lbs/MMBtu	0.04
Chlorinated wax process	0.001 lbs/ton	0.003
Pyro-chek 68PB1	0.052 lbs/ton	0.030
Pyro-chek 77PB2	0.122 lbs/ton	0.040
Sulfurized fat process	0.157 lbs/ton	0.230

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(21) THE CHINET COMPANY

Molded pulp dryer number 1	0.546 lbs/ton	0.210
Molded pulp dryer number 2	0.546 lbs/ton	0.250
Molded pulp dryer number 3	0.546 lbs/ton	0.290
Molded pulp dryer number 4	0.546 lbs/ton	0.290
Molded pulp dryer number 5	0.546 lbs/ton	0.130
Molded pulp dryer number 6	0.546 lbs/ton	0.130
Molded pulp dryer number K34	0.546 lbs/ton	0.130
Molded pulp dryer number 8	0.546 lbs/ton	0.350
Molded pulp dryer number 9	0.546 lbs/ton	0.410
Molded pulp dryer number 10	0.546 lbs/ton	0.350
Babcock and Wilcox boiler	0.007 lbs/MMBtu	0.050

(22) LTV STEEL CORPORATION

Stack serving number 3 blast furnace stoves	0.027 lbs/MMBtu	11.73
Stack serving number 4 blast furnace stoves	0.027 lbs/MMBtu	12.93
Stack serving hot strip mill slab heat furnace numbers 1, 2, and 3	0.086 lbs/MMBtu	36.56
Utility boiler number 3	0.066 lbs/MMBtu	12.85
Utility boiler number 4	0.066 lbs/MMBtu	12.85
Utility boiler number 5	0.066 lbs/MMBtu	25.69
Utility boiler number 6	0.066 lbs/MMBtu	25.69
Utility boiler number 7	0.066 lbs/MMBtu	25.69
Utility boiler number 8	0.066 lbs/MMBtu	61.59
Basic oxygen furnace main stack	0.018 gr/dscf	69.40
Reladling and desulfurization baghouse	0.008 gr/dscf	10.49
Ladle metallurgical station baghouse	0.004 gr/dscf	3.630
Sinter plant breaker discharge end	0.02 gr/dscf TSP	18.05 TSP
Sinter plant windbox stack 08	0.02 gr/dscf TSP	49.70 TSP

(23) UNILEVER HPC, USA

Boiler house, building number 8, boiler number 2	0.116 lbs/MMBtu	9.570
Stack serving boiler house, building number 8, boiler numbers 3 and 4	0.116 lbs/MMBtu	18.88
Dowtherm boiler, DEFI process building 6	0.004 lbs/MMBtu	2.700
Milling and pelletizer soap dust collection system (DC-1), building number 15	0.020 gr/dscf	1.03
Powder dye dust collector system (DC-4), building number 15	0.020 gr/dscf	0.130
Schenble wet scrubber and demister collector system, building number 15	0.030 gr/dscf	1.030
Each stack serving detergent bar soap noodle bins numbers 1, 2, and 3 dust collection system (DC-5, DC-6, and DC-7)	0.020 gr/dscf	0.210
Stack serving chip mixers numbers 1, 2, and 3 soap dust collection system, building number 15 (DC-8, DC-9, and DC-10)	0.020 gr/dscf	0.720
Rework soap dust collection system (DC-3), building number 15	0.020 gr/dscf	0.800
Three chill rolls and apron conveyors (DC-2), building number 15	0.020 gr/dscf	1.090
High titer granules and chips manufacturing process, building number 6	0.930 lbs/ton	3.500
Detergent bar soap manufacturing process number 1, stack 7, building number 6	1.140 lbs/ton	4.000
Detergent bar soap manufacturing process number 2, stack 16A, building number 6	1.140 lbs/ton	4.000
Bulk filtrol unloading bleached earth dust collection system, building number 1	0.020 gr/dscf	0.070
Oil refinery/filter aid bag dumping operation, building number 1	0.020 gr/dscf	0.220
3 soap dryers dust collection system, building number 14	0.020 gr/dscf	0.120
6 noodle bins and 1 scrap kettle dust collection system, building number 3	0.020 gr/dscf	0.860
Dust collector system for soap rework grinding process, building number 14	0.020 gr/dscf	0.250
Stack serving hard soap finishing lines numbers 1, 2, 3, 5, 7, and 8 dust collection system (DC), building number 14	0.020 gr/dscf	1.540
Sulfonation process	0.205 lbs/ton	0.390
Soap dryer cleanout system, tank number 1, building number 14	0.030 gr/dscf	0.390

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Soap dryer cleanout system, tank number 2, building number 14	0.030 gr/dscf	0.300
Crude glycerine filter aid dust collection system, building number 2	0.020 gr/dscf	0.130
Glycerine carbon handling dust collection system, building number 2	0.020 gr/dscf	0.170
Bulk urea handling system, new detergent bulk soap, building number 15A	0.020 gr/dscf	0.100
American hydrotherm boiler 2, stack 1A, building number 15A	0.150 lbs/MMBtu	1.830
Schenble wet scrubber and demister collection system, stack 2A, building number 15A	0.030 gr/dscf	1.030
Flex Kleen dust collection system DC-1053, stack 3A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1054, stack 4A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1055, stack 5A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1056, stack 6A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1050, stack 7A, building number 15A	0.020 gr/dscf	2.130
Flex Kleen dust collection system DC-1052, stack 8A, building number 15A	0.020 gr/dscf	2.130
Bulk Borax unloading to storage silo, stack 9A, building number 8	0.020 gr/dscf	0.130
Oil refinery/filter aid mixing tank number 44, building number 1, stack 15A	0.060 lbs/ton	0.030
Sample detergent bar soap line operation, building 14, stack 17A	0.002 lbs/ton	0.002
(24) MARBLEHEAD LIME COMPANY		
Flue dust loadout number 1 (MHL 14)	0.003 lbs/ton	0.110
Flue dust loadout number 2 (MHL 15)	0.003 lbs/ton	0.100
Lime grinder (MHL 13)	0.015 lbs/ton	0.440
Lime handling baghouse number 1 (MHL 6)	0.002 lbs/ton	0.260
Lime handling baghouse number 2 (MHL 7)	0.002 lbs/ton	0.180
Lime handling baghouse number 3 (MHL 8)	0.0004 lbs/ton	0.050
Lime handling baghouse number 4 (MHL 9)	0.001 lbs/ton	0.130
Lime loadout baghouse number 1 (MHL 10)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 2 (MHL 11)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 3 (MHL 12)	0.004 lbs/ton	0.410
Lime rotary kiln number 1	0.478 lbs/ton	9.950
Lime rotary kiln number 2	0.478 lbs/ton	9.950
Lime rotary kiln number 3	0.478 lbs/ton	9.950
Lime rotary kiln number 4	0.478 lbs/ton	9.950
Lime rotary kiln number 5	0.478 lbs/ton	9.950
(25) MARPORT SMELTING		
North baghouse	0.601 lbs/ton	2.300
South baghouse	1.279 lbs/ton	4.900
(26) METHODIST HOSPITAL		
Boiler number 1	0.044 lbs/MMBtu	0.350
(27) NATIONAL RECOVERY SYSTEMS		
Drying system	0.203 lbs/ton	4.060
Material storage handling	0.034 lbs/ton	0.680
Each stack serving lime fines storage silos (two (2) stacks)	0.001 lbs/ton	0.012
(28) NIPSCO-MITCHELL		
(A) Boiler numbers 4, 5, 6, and 11:		
(i) Operation under either item (ii)(BB) or (ii)(CC) shall only be allowed provided that a nozzle is in the stack serving boiler numbers 4 and 5 such that the stack diameter is restricted to eight and three-tenths (8.3) feet.		
(ii) NIPSCO may operate under any one (1) of the following scenarios:		
(AA) Boiler numbers 4, 5, 6, and 11 may operate simultaneously under the following conditions:		

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

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

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

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

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

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

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

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

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

(AA) Fuel type.

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

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

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

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

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

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

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

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

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

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

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(36) USS-Gary Works

Each stack serving number 3 sinter plant coolers	0.03 gr/dscf TSP	154.3 TSP
Number 3 sinter plant discharge area baghouse	0.02 gr/dscf	5.12
Number 3 sinter plant screening station baghouse	0.0052 gr/dscf	7.5
S1/S2 baghouse	0.0052 gr/dscf	0.83
Number 3 sinter plant storage bins building baghouse	0.01 gr/dscf	1.300
Each stack serving number 3 sinter plant windbox stacks	0.065 gr/dscf TSP	167.1
Number 2 QBOP flux handling lime baghouse	0.01 gr/dscf	2.600
Coke battery number 2 underfire stack	0.05 gr/dscf	27.54
Coke battery number 3 underfire stack	0.05 gr/dscf	42.140
Coke battery number 5 underfire stack	0.05 gr/dscf	16.80
Coke battery number 7 underfire stack	0.05 gr/dscf	20.40
Each stack serving number 2 precarbon building precipitators (3 units)	0.06 gr/dscf	2.5
Each stack serving number 3 precarbon building precipitators (3 units)	0.06 gr/dscf	2.5
Each stack serving number 1 BOP gas cleaning (2 units)	0.02 gr/dscf	17.2
Each stack serving number 2 QBOP gas cleaning (2 units)	0.02 gr/dscf	18.20
Number 2 QBOP hot metal desulfurization baghouse (8 stacks)	0.0052 gr/dscf	1.44
New 2 QBOP secondary baghouse	0.0052 gr/dscf	25.9
Number 1 basic oxygen furnace iron desulfurization baghouse	0.01 gr/dscf	9.32
Number 2 QBOP ladle metal baghouse number 1	0.01 gr/dscf	6.86
Number 2 QBOP ladle metal baghouse number 2	0.01 gr/dscf	2.44
Number 2 QBOP ladle metallurgy facility number 3 reheat furnace hot fume extraction and material handling baghouse	0.01 gr/dscf	4.33
Number 13 blast furnace sinter screening station number 13 baghouse	0.02 gr/dscf	2.5
Stack serving blast furnace stove number 4	0.029 lbs/MMBtu	11.60
Stack serving blast furnace stove number 6	0.029 lbs/MMBtu	11.6
Stack serving blast furnace stove numbers 7 and 8	0.029 lbs/MMBtu	23.20
Stack serving blast furnace stove number 13	0.015 lbs/MMBtu	21.20
Each stack serving boiler house number 4	0.036 lbs/MMBtu	13.155
Number 2 coke plant boiler house, boiler number 3	0.020 lbs/MMBtu	2.7
Stack serving number 2 coke plant boiler house, boiler numbers 4 and 5	0.033 lbs/MMBtu	10.0
Number 2 coke plant boiler house, boiler number 6	0.020 lbs/MMBtu	3.000
Number 2 coke plant boiler house, boiler number 7	0.011 lbs/MMBtu	1.800
Number 2 coke plant boiler house, boiler number 8	0.011 lbs/MMBtu	2.61
Each stack serving turboblower boiler numbers 1 through 5	0.025 lbs/MMBtu	8.400
Turboblower boiler number 6	0.025 lbs/MMBtu	16.58
Each stack serving 84 inch hot strip mill, reheat furnaces (four (4) units)	0.064 lbs/MMBtu	28.2
84 inch hot strip mill, waste heat boiler number 1	0.064 lbs/MMBtu	10.9
84 inch hot strip mill, waste heat boiler number 2	0.064 lbs/MMBtu	12.8
Each stack serving 160/210 inch plate mill, batch reheat furnace numbers 1 through 4	0.011 lbs/MMBtu	0.33
160/210 inch plate mill, continuous reheat furnace number 1	0.011 lbs/MMBtu	2.75
160/210 inch plate mill, continuous reheat furnace number 2	0.011 lbs/MMBtu	2.75
Stack serving 160/210 inch continuous heat treating furnaces 1, 2, 3, and 4	0.011 lbs/MMBtu	1.1

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

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<u>Source</u>	<u>Opacity</u>
INLAND STEEL	
Electric arc furnace direct shell evacuation system baghouse	5%, 6 minute average
Electric furnace shop roof monitor	20%, 6 minute average
Electric furnace shop ladle metallurgical station baghouse	5%, 6 minute average
Number 2 basic oxygen furnace, number 10 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace, number 20 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace caster fume collection baghouse	5%, 3 minute average
Number 2 basic oxygen furnace charging isle and reladling desulfurization baghouse	5%, 3 minute average
Number 2 basic oxygen furnace flux storage and batch baghouse	5%, 3 minute average
Number 2 basic oxygen furnace ladle metallurgy station baghouse	5%, 3 minute average
Number 2 basic oxygen furnace roof monitor	20%, 3 minute average
Number 2 basic oxygen furnace secondary ventilation system scrubber	20%, 6 minute average
Number 2 basic oxygen furnace truck and ladle hopper baghouse	5%, 3 minute average
Number 2 basic oxygen furnace tundish dump baghouse	5%, 3 minute average
Number 4 basic oxygen furnace off-gas scrubber	20%, 6 minute average
Number 4 basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Number 4 basic oxygen furnace roof monitor	20%, 3 minute average
Number 4 basic oxygen furnace secondary ventilation system baghouse	5%, 3 minute average
Number 4 basic oxygen furnace vacuum degassing material handling baghouse	5%, 3 minute average
Number 7 blast furnace casthouse	15%, 6 minute average
LTV STEEL CORPORATION	
Basic oxygen furnace ladle metallurgical station baghouse	5%, 3 minute average
Basic oxygen furnace main stack	20%, 6 minute average
Basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Basic oxygen furnace shop roof monitor	20%, 3 minute average
USS-Gary Works	
Number 1 basic oxygen furnace iron desulfurization baghouse	5%, 3 minute average
Number 1 basic oxygen furnace roof monitor	20%, 3 minute average
Number 1 basic oxygen process gas cleaning (two (2) units)	20%, 6 minute average
Number 2 QBOP hot metal desulfurization baghouse	5%, 3 minute average
Number 2 QBOP gas cleaning	20%, 6 minute average
Number 2 QBOP roof monitor	20%, 3 minute average
Number 2 QBOP flue handling line baghouse	5%, 3 minute average
New 2 QBOP secondary baghouse	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 1	5%, 3 minute average
Number 2 QBOP ladle metallurgy baghouse number 2	5%, 3 minute average

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

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

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

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

- (A) 40 CFR 60, Appendix A, Method 5, 5A, 5D, 5E, or 17*. Method 17 may not be used when the stack gas

temperature exceeds two hundred forty-eight degrees (248) Fahrenheit (248°F), (±25°F): **plus or minus twenty-five (25) degrees Fahrenheit.**

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

(3) Measurements of opacity shall be conducted in accordance with 40 CFR 60, Appendix A, Method 9*, except for those sources where a three (3) minute averaging time is required. Sources requiring a three (3) minute averaging time are subject to all parts of Method 9 except the six (6) minute averaging provision. In these cases, the opacity shall be

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determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

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

(5) Compliance with the mass emission limits for the sinter plant windbox stacks at USS Gary in subsection (d) shall be determined by the simultaneous sampling and analysis of both noncondensibles (front half) and condensibles (back half) particulate matter. The quantity of noncondensibles particulate matter in the gas stream shall be determined in accordance with the procedures specified in 40 CFR 60, Appendix A, Method 5*. The quantity of condensible particulate matter in the gas stream shall be determined in accordance with 40 CFR 51, Appendix M, Method 202*, with the following modifications:

(A) A heated Method 5* out of stack filter shall be used instead of an in-stack filter.

(B) The impinger system shall consist of five (5) impingers. The first three (3) impingers shall contain one hundred (100) milliliters of deionized water, the fourth shall be empty, and the fifth shall contain silica gel.

(C) The first four (4) impingers shall be used to determine the quantity of condensible particulate emissions.

Compliance shall be achieved if the sum of the front half and the back half is less than or equal to the mass emission limit of one hundred sixty-seven and one-tenth (167.1) lbs/hr, and

the front half catch is less than or equal to the mass concentration limit of sixty-five thousandths (0.065) gr/dscf in subsection (d).

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

(1) Coke battery underfire stacks at USS.

(2) LTV: basic oxygen furnace precipitator main stack.

(3) ~~USS~~: **US Steel, Gary Works** numbers 2 and 3 precarbon building preheating and drying line exhaust gas precipitators (six (6) units). One (1) opacity continuous emission monitor shall be installed prior to December 10, 1993. The remaining five (5) opacity continuous emission monitors shall be installed prior to December 31, 1994. Based on an evaluation of the technical feasibility of operation of the first monitor on one (1) line, US Steel, **Gary Works** may petition for a one (1) year extension of the requirement to install the remaining five (5) monitors or for a waiver for installation and operation of the six (6) opacity continuous emission monitors. US Steel, **Gary Works** shall include information on the moisture content of the gases and their effect on accurate opacity measurements as part of the petition.

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

<u>Source</u>	<u>Units</u>	<u>lbs/hr</u>
(1) JUPITER ALUMINUM CORPORATION		
Number 2 annealer	0.003 lbs/MMBtu	0.048
Number 3 annealer	0.003 lbs/MMBtu	0.048
Annealing furnace	0.003 lbs/MMBtu	0.040
Boiler	0.003 lbs/MMBtu	0.010
(2) SILGAN CONTAINERS MANUFACTURING CORPORATION		
Stack serving basecoat ovens (six (6) units)	0.003 lbs/MMBtu	0.210
Boiler number 4	0.003 lbs/MMBtu	0.010
Stack serving boiler numbers 1, 2, and 3	0.003 lbs/MMBtu	0.170
Stack serving Johnson space heater numbers 1 through 4	0.003 lbs/MMBtu	0.060
Stack serving litho ovens (five (5) units)	0.003 lbs/MMBtu	0.150
(3) CERESTAR USA, INCORPORATED		
Boiler number 1	0.003 lbs/MMBtu	0.288
Boiler number 2	0.003 lbs/MMBtu	0.468
South dextrin furnace number 1	0.003 lbs/MMBtu	0.023
North dextrin furnace number 2	0.003 lbs/MMBtu	0.023
(4) AMERICAN STEEL FOUNDRY-HAMMOND		
Boiler number 4-5509	0.003 lbs/MMBtu	0.030
Furnaces	0.003 lbs/MMBtu	0.16
(5) AMOCO OIL, WHITING REFINERY		
F-100 marine docks distillate heater	0.003 lbs/MMBtu	0.020
(6) SMITH READY MIX		
Stack serving two (2) boiler units	0.003 lbs/MMBtu	0.035

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(7) STATE LINE ENERGY, LLC		
Stack serving emergency backup boiler numbers 2-1 and 2-2	0.003 lbs/MMBtu	0.900
(8) E.I. DUPONT		
Power house (one (1) unit)	0.003 lbs/MMBtu	0.100
(9) GATX-GEN AMER TRANS		
Stress relief furnace	0.003 lbs/MMBtu	0.120
(10) GENERAL REFRACTORY		
Tunnel kiln	0.003 lbs/MMBtu	0.040
(11) HAMMOND GROUP, INC. (HGI)		
Stack 18-S-24	0.003 lbs/MMBtu	0.025
Stack 18-S-49	0.003 lbs/MMBtu	0.025
(12) HAMMOND GROUP, INC.-HALSTAB DIVISION		
Stack S-18	0.003 lbs/MMBtu	0.008
Stack S-19	0.003 lbs/MMBtu	0.008
(13) INLAND STEEL		
12 inch bar mill reheat furnace	0.003 lbs/MMBtu	1.090
Stack serving 21 inch bar mill reheat furnace numbers 1 and 2	0.003 lbs/MMBtu	1.31
Stack serving 76 inch hot strip mill reheat furnace numbers 1, 2, and 3	0.003 lbs/MMBtu	1.310
Stack serving 80 inch hot strip mill furnace numbers 3 and 4	0.003 lbs/MMBtu	3.980
Number 3 cold strip and numbers 5 and 6 annealing furnaces	0.003 lbs/MMBtu	0.987
Number 5 galvanizing line	0.003 lbs/MMBtu	0.44
Number 3 continuous anneal line	0.003 lbs/MMBtu	0.25
Open coil anneal	0.003 lbs/MMBtu	0.25
Plant 1 galvanizing lines	0.003 lbs/MMBtu	0.51
Normalizing line	0.003 lbs/MMBtu	0.13
(14) LTV STEEL CORPORATION		
Hot strip space heater numbers 1 through 28	0.003 lbs/MMBtu	0.250 TSP
Sheet mill number 2 portable annealing furnace numbers 1 through 23	0.003 lbs/MMBtu	1.100 TSP
Sheet mill number 2 space heater numbers 1 through 7	0.003 lbs/MMBtu	0.050 TSP
Sheet mill number 3 open coil annealing furnace numbers 1 through 3	0.003 lbs/MMBtu	0.031 TSP
Number 3 sheet mill annealing furnace numbers 1 through 7	0.003 lbs/MMBtu	0.071 TSP
Number 3 sheet mill annealing furnace numbers 1 through 11	0.003 lbs/MMBtu	0.520 TSP
Sheet mill number 2, annealing and galvanizing furnace numbers 2 through 5	0.003 lbs/MMBtu	1.280 TSP
Sheet mill number 2, CRSM boiler numbers 7 and 8	0.003 lbs/MMBtu	0.290 TSP
Number 2 cold reduced strip mill, number 2 galvanizing line, numbers 1 and 2 flame furnaces	0.003 lbs/MMBtu	0.500
Number 2 sheet mill galvanizers 1 and 2	0.003 lbs/MMBtu	0.265 TSP
(15) UNILEVER HPC, USA		
American hydrotherm boiler number 1	0.003 lbs/MMBtu	0.040
(16) NIPSCO-MITCHELL		
Number 9A gas turbine	0.003 lbs/MMBtu	0.660
(17) PRAXAIR		
Package boilers (two (2) units)	0.003 lbs/MMBtu	0.618
Plants numbers 6, 7, and 8 regenerator heaters	0.003 lbs/MMBtu	0.097
(18) UNION TANK CAR CO.		
Boiler house, north	0.003 lbs/MMBtu	0.110
Boiler house, south	0.003 lbs/MMBtu	0.110
Number 4 boiler	0.003 lbs/MMBtu	0.020
Number 8 boiler	0.003 lbs/MMBtu	0.010

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North stress furnace	0.003 lbs/MMBtu	0.160
Stack serving paint oven unit numbers 1 through 5	0.003 lbs/MMBtu	0.060
South stress furnace	0.003 lbs/MMBtu	0.160
(19) U.S. GYPSUM COMPANY		
Each stack serving wallboard drying furnace, stacks B4, B5, and B6	0.003 lbs/MMBtu	0.068
(20) USS-Gary Works		
Electrogalvanizing boiler	0.003 lbs/MMBtu	0.110
Number 2 coke plant boiler house, boiler number 1	0.003 lbs/MMBtu	0.385
Number 2 coke plant boiler house, boiler number 2	0.003 lbs/MMBtu	0.385
Tin mill boiler number 5	0.003 lbs/MMBtu	0.480
Tin mill boiler number 1	0.003 lbs/MMBtu	0.240
Tin mill boiler number 2	0.003 lbs/MMBtu	0.240
Stack serving tin mill boiler numbers 3 and 4	0.003 lbs/MMBtu	0.830
160/210 inch plate mill, car bottom heat treating furnace	0.003 lbs/MMBtu	0.070
160/210 inch plate mill, car bottom normalizing furnace	0.003 lbs/MMBtu	0.070
160/210 inch plate mill, keep hot pits	0.003 lbs/MMBtu	0.090

(i) (Reserved)

(j) (Reserved)

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

(1) The following **requirements** for Cerestar USA, Incorporated:

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

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

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

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

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

(2) American Steel Foundry-Hammond. The PM₁₀ mass

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

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

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

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

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

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

(5) The following for Inland Steel:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) The following **requirements** for LTV Steel Corporation:

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

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

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

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

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

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

(8) The following **requirements** for USS-Gary Works:

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

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

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

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

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

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

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

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

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

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

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

(i) Startup and shutdown time.

(ii) Average hourly production rate.

(iii) The cause of any malfunction and the correction taken.

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

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

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

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

(1) American Steel Foundries-East Chicago.

(2) American Steel Foundry-Hammond.

(3) Amoco Oil Company.

(4) Bucko Construction.

(5) Cerestar USA, Incorporated.

(6) Globe Industries.

(7) Hammond Group, Inc. (HGI).

(8) Harbison Walker Refractories, Hammond Works.

(9) Inland Steel.

(10) LTV Steel Corporation.

(11) Marblehead Lime Company.

(12) Marport Smelting.

(13) National Recovery Systems.

(14) NIPSCO-Mitchell.

(15) Reed Minerals.

(16) Rhodia, Inc.

(17) State Line Energy, LLC.

(18) Unilever HPC, USA.

(19) U.S. Gypsum Company.

(20) USS-Gary Works.

(21) A CCP shall also be submitted by any source in Lake County for facilities that meet the following conditions:

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

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

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

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

(n) The CCP shall include the following:

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

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

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

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

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

(1) For lime plants, monitor opacity at the kilns and control system vents during normal operation of the kiln with a continuous emission monitor or through self-monitoring of opacity. 40 CFR 60, Appendix A, Method 9* should be used to determine opacity if the facility is controlled by a positive pressure fabric filter.

(2) For petroleum refineries, continuously monitor opacity of exhaust gases and monitor the coke burn-off rate in pounds per hour from fluid catalytic cracking unit catalyst regenerators.

(3) Steel mill CCPs shall include, as a minimum, the following:

(A) Basic oxygen process (BOP, BOF, QBOP), including the following:

(i) Describe the capture and control devices used to control particulate emissions from each phase of the steel production cycle, including, **but not limited to**, the furnace, hot metal transfer, hot metal desulfurization, and kish removal. The description shall include the locations within the facility of these operations in relation to capture hoods, control devices, roof vents, and other building openings.

(ii) Describe any fume suppression system, including, **but not limited to**, the process or emission point being controlled, the location within the facility, the inert gas or steam application rate, and the monitoring method. As used in this item, "fume suppression system" means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.

(iii) Describe the procedure for recording furnace charging and tapping time, amount of throughput, and amount of steel produced.

(iv) Describe the off-gas system leak detection and repair record keeping practices.

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

(vi) Describe practices that reduce PM₁₀ and TSP emissions escaping the primary or secondary hood during scrap charging and hot metal charging tapping steel and dumping slag.

(vii) At least monthly, inspect the operational status of the

following elements of the capture system **and maintain records of the inspections and any repairs:**

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

Maintain records of the inspections and any repairs:

- (B) Electric arc furnace, including the following:
 - (i) List the furnace operating sequences to be followed in case of multivessel operation. Describe the capture and control devices used to control particulate emissions in each phase of the steel production cycle, including, **but not limited to**, exhaust rate, and dampers, blast gates, instrumentation operation, and control. Include a drawing that shows:
 - (AA) the location of the furnace within the facility in relation to capture hoods and control devices, roof vents, and other building openings; and
 - (BB) the location of other processes within the facility that have potential to generate emissions, **such as including, but not limited to**, casting and ladle repair.
 - (ii) Describe the procedure for recording the following:
 - (AA) Time of furnace charging, furnace melting, and furnace refining.
 - (BB) Tapping start and stop times.
 - (CC) Charge weight for each heat.
 - (DD) Tap weight for each heat.
 - (iii) At least monthly, inspect the operational status of the following elements of the capture system **and maintain records of the inspections and any repairs:**
 - (AA) Pressure sensors.
 - (BB) Dampers.
 - (CC) Damper switches.
 - (DD) Hood and ductwork for the presence of holes.
 - (EE) Ductwork for accumulation of dust.
 - (FF) Fans for erosion.

Maintain records of the inspections and any repairs:

- (iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.
- (v) Once per heat, either check and record the control system fan motor ampere and damper position or monitor flow rate through each separately ducted hood and/or duct used to capture emissions from the electric arc furnace operation.
- (vi) Take visible emission readings of the direct shell evacuation system and the roof monitor at least once a day. The readings shall be taken during one (1) single steel production cycle and will be concurrent with the observations in subsection (k)(5)(H)(iii). The opacity observations shall be taken according to 40 CFR 60, Appendix A, Method 9* and consist of at least one (1) six (6) minute observation each during charging and tapping and three (3) six (6) minute observations during melting and refining.

(vii) Report to the department on a quarterly basis control system fan motor amperage values that exceed fifteen percent (15%) of the value or operation at volumetric flow rates lower than those established during the performance test in subsection (k)(5)(H)(i). Operation above these values may be considered as unacceptable operation of the electric arc furnace equipment and the emissions capture and control system by the commissioner. Unless alternative values are established according to the procedures prescribed in subsection (l).

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

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

- (i) Describe procedures, including, **but not limited to**, frequency, for inspection of the following elements of a capture system **and maintain records of the inspections, maintenance, and any repairs made:**
 - (AA) Pressure sensors.
 - (BB) Dampers.
 - (CC) Damper switches.
 - (DD) Hood and ductwork for the presence of holes.

Maintain records of the maintenance and any repairs made:

- (ii) Describe procedures used to minimize dirt and debris accumulation on the facility floor.
- (iii) Describe any fume suppression system, including, **but not limited to**, the process or emission point being controlled, the location, and the inert gas or steam application rate and the monitoring method. Fume suppression system means the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.
- (iv) Describe the record keeping for the following elements of the iron production cycle:
 - (AA) Time of hole drilling.
 - (BB) Time of tapping.
 - (CC) Time of hole plugging.
- (v) Describe the blast furnace inspection, repair, and maintenance schedule for the following elements:
 - (AA) Tuyres.
 - (BB) Bleeder valves.
 - (CC) Large and small bells.
 - (DD) Uptakes and downcomers (to minimize backdrafting).
 - (EE) Standby devices.
- (vi) Describe the procedures used to inspect and operate the blast furnace gas cleaning equipment, **such as including, but not limited to**, dust catchers and scrubbing equipment to assure operation within design parameters.

(D) Sinter production shall comply with the following:

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- (i) Describe routine startup and shutdown procedures and other work practices which are followed to reduce emissions and equipment malfunctions.
- (ii) Describe procedures for inspection of equipment to identify areas which may affect particulate emissions, including, **but not limited to**, the following:
 - (AA) Points of wear.
 - (BB) Distorted grate bars.
 - (CC) Leaking machine seals.
 - (DD) Holes in ducts.
 - (EE) Holes in flapper valves.
- (iii) Describe procedures for monitoring mechanical and electrical inspection records.
- (iv) Describe procedures used to minimize dirt and debris accumulation on the facility floor.
- (v) Describe procedures for monitoring burden parameters, including, **but not limited to**, base to acid ratio and hydrocarbon content.
- (vi) Describe the routine for plant operation during equipment failure, ~~such as~~; **including, but not limited to**, screening station failure.
- (vii) At least monthly, inspect the operational status of the following elements of the capture system **and maintain records of the inspections and any repairs**:
 - (AA) Pressure sensors.
 - (BB) Dampers.
 - (CC) Damper switches.
 - (DD) Hood and ductwork for the presence of holes.
 - (EE) Ductwork for accumulation of dust.
 - (FF) Fans for erosion.

Maintain records of the inspections and any repairs:

- (E) Coke production shall comply with the following:
 - (i) Describe operating and maintenance practices used to minimize emissions from charging doors, charge port lids, offtakes, standpipes, gooseneck caps and gas collector mains, pushing, underfire stacks, and quenching, including, **but not limited to**, quench water dissolved solids control. The documentation shall include the following operating practices:
 - (AA) Use of jumper pipe during charging.
 - (BB) Procedure for worker's coordination, training, and communication.
 - (CC) Luting material used.
 - (DD) Periodic engineering evaluations to determine improvements needed.
 - (EE) Aspiration practices during charging, including, **but not limited to**, aspiration rate and adjustment.
 - (ii) Describe the routinely available inventory of spare parts and equipment, including, **but not limited to**, luting compounds, doors, and mobile scrubber cars.
- (F) Waste disposal and recycling practices of iron and steel scrap and other metallic scrap shall comply with the following:
 - (i) Provide a description of the routine activities involving disposal and reclamation of iron and steel. The visible

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

- (ii) Maintenance of process vessels ~~for example, pug
ladles~~, shall be performed in enclosed structures. The visible emissions from such structures shall not exceed twenty percent (20%) opacity on a three (3) minute average as measured by 40 CFR 60, Appendix A, Method 9*. The opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

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

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

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

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

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

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

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

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

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

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

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

- (ii) The daily measurements for each facility of the type

of fuel used, amount of each type of fuel used, and heat content of each type of fuel used.

- (iii) The TSP or PM₁₀ emission factors for each type of fuel to be used as estimated by the AP-42* or stack test method.
- (iv) The method used to monitor the fuel amount and heat content in addition to the frequency.
- (v) The control efficiency of the particulate control device and the method of determination.
- (vi) Average daily PM₁₀ emissions (or TSP if applicable) for each facility, expressed in pounds per million British thermal units.

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

- (i) For heat content, AP-42, Volume 1, Appendix A, Table A-3, "Typical Parameters of Various Fuels" Fifth Edition, January 1995**, *, Supplements A through G, December 2000***. *
- (ii) For emission factors (TSP or PM₁₀), EPA 450/4-90-003, "AIRS Facility Subsystem Source Classification Codes and Emission Factors Listing for Criteria Air Pollutants" **** **.
- (iii) For control equipment efficiency, manufacturer's warranty or as determined by source.
- (iv) Sources may substitute other site-specific values for the values as indicated if they can be shown to be acceptable to the department.

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

- (1) Startup, shutdown, and emergency shutdown procedures.
- (2) Sources shall notify the department fifteen (15) days in advance of startup of either new control equipment or control equipment to which major modifications have been made.
- (3) Manufacturer's recommended inspection procedures, preventive and corrective maintenance procedures, and safety devices and procedures, such as sensors, alarm systems, and bypass systems. If manufacturer's recommendations are not available, procedures shall be developed by the source.
- (4) Contents of the operator's training program and the frequency with which the training is held.
- (5) A list of spare parts available at the facility.
- (6) A list of control equipment safety devices, for example, high temperature sensors and alarm systems, exhaust gas stream bypass system, or safety interlock system.
- (7) Monitoring and recording devices and/or instruments to monitor and record control equipment operating parameters specified in subsection (n)(4).

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

- (1) A CCP for a facility controlled with a baghouse shall include the recording, inspection, and maintenance proce-

dures to be consistent with the requirements of subsection (m), ~~such as including, but not limited to~~, the following:

- (A) Operating parameters, ~~such as including, but not limited to~~, the following:
 - (i) Pressure drop across the baghouse.
 - (ii) Gas flow rate at baghouse inlet.
 - (iii) Gas temperatures at inlet.

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

(B) Baghouse cleaning system. A complete description of the cleaning system, including, **but not limited to**, such information as intensity, duration, frequency, and method of activation.

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

- (i) Daily inspections shall include the following:
 - (AA) Pressure drop.
 - (BB) Fan amperage.
 - (CC) Cleaning cycle.
 - (DD) Compressed air on pulse jet baghouses for values outside of the operating ranges.
 - (EE) Dust discharge equipment for proper operation.
 - (FF) General check for abnormal audible and visual conditions.
- (ii) Weekly inspections of the following:
 - (AA) Moving parts on discharge system.
 - (BB) Bypass and isolation damper operation.
 - (CC) Bag tension.
 - (DD) Compressed air lines, oilers, and filters.
 - (EE) Manometer lines.
 - (FF) Temperature indicating equipment.
 - (GG) Bag cleaning sequence.
 - (HH) Drive components on fans.
- (iii) Monthly inspections of the following:
 - (AA) Bag seating condition.
 - (BB) Moving parts on shaker baghouses.
 - (CC) Fan corrosion and blade wear.
 - (DD) Hoses and clamps.
 - (EE) Bags for leaks and holes.
 - (FF) Bag housing for corrosion.
- (iv) Quarterly inspections of the following:
 - (AA) Bags.
 - (BB) Ducts for dust build-up.
 - (CC) Damper valves for proper setting.
 - (DD) Door gaskets.
 - (EE) Baffle plate for wear.

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(v) Annual inspection of the following:

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

(2) A CCP for a facility controlled by an electrostatic precipitator (ESP) shall include recording, inspection, and maintenance procedures to be consistent with the requirements of subsection (m), **such as including, but not limited to**, the following:

(A) Operating parameters, **such as including, but not limited to**, the following:

- (i) Gas flow rate.
- (ii) Temperature.
- (iii) Type and rate of gas conditioning agents used for resistivity control or resistivity measurements.
- (iv) Power input at each section of the ESP. A CCP shall identify monitors and instrumentation and specify location, accuracy, precision, and calibration frequency. A CCP shall also include a description of any visible emissions evaluation program.

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

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

Corrective actions taken, if any, shall be recorded.

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

- (AA) Rapper operation.
 - (BB) Control set interiors.
- (iii) Monthly inspection of the following:
- (AA) Fans for noise and vibration.
 - (BB) Hopper heaters.
 - (CC) Hopper level alarm operation.
- (iv) Quarterly inspection of the following:
- (AA) Check rapper and vibrator switch contacts.
 - (BB) Access door dog bolt and hinges.
 - (CC) Interlock covers.
 - (DD) Test connectors.
 - (EE) Exterior for visual signs of deterioration.
 - (FF) Abnormal vibration, noise, and leaks.

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

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

(vi) Annual inspection of the following:

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

(3) A CCP for a facility controlled by a scrubber shall include the recording, inspection, and maintenance procedures to be consistent with the objectives of subsection (m), **such as including, but not limited to**, the following:

(A) Operating parameters, **such as including, but not limited to**, the following:

- (i) Gas flow rate.
- (ii) Inlet and outlet temperatures of gas to and from scrubber.
- (iii) Liquid flow rate to scrubber.
- (iv) Pressure drop across scrubber.
- (v) pH of liquid to scrubber.
- (vi) Fan and pump currents.

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

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

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

Corrective actions taken shall be recorded.

(ii) Monthly inspection of the following:

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

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

(1) A CCP revised to include additional documentation or practices as needed to allow the department to verify that operation and maintenance practices critical to continuous compliance with the applicable mass and opacity limits are being followed.

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

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

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

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

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

Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

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

**** **EPA 450/4-90-003, "AIRS Facility Subsystem Source Classification Codes and Emission Factors Listing for Criteria Air Pollutants" is incorporated by reference and is available from U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 or the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6-1-10.1; filed May 12, 1993, 11:30 a.m.: 16 IR 2368; filed Mar 2, 1998, 8:30 a.m.: 21 IR 2354; filed May 13, 1999, 12:00 p.m.: 22 IR 3047; filed Dec 14, 2000, 5:07 p.m.: 24 IR 1308; errata filed May 1, 2001, 3:24 p.m.: 24 IR 2709; filed Nov 8, 2001, 2:02 p.m.: 25 IR 716*)

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on May 1, 2002 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed amendments to 326 IAC 6-1-10.1.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).

Additional information regarding this action may be obtained from Suzanne Whitmer, Rule Development section, (317) 232-8229 or (800) 451-6027, press 0, and ask for extension 2-8229 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register.

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

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

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

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Janet G. McCabe
Assistant Commissioner
Office of Air Quality

TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #99-177
DIGEST

Repeals 326 IAC 11-5 concerning fluoride emissions for existing aluminum plants. IDEM requests repeal of 326 IAC 11-5 because it has been superseded by 326 IAC 20-24. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: September 1, 1999 Indiana Register (22 IR 3997).

Second Notice of Comment Period and Notice of First Hearing: November 1, 2001 Indiana Register (25 IR 555).

Date of First Hearing: February 6, 2002.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least twenty-one (21) days long.

Because this proposed rule is not substantively different from the draft rule published on November 1, 2001 at 25 IR 555, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from November 1, 2001, through December 3, 2001, on IDEM's draft rule language. No comments were received during the second comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On February 6, 2002, the air pollution control board (board) conducted the first public hearing/board meeting concerning the repeal of rule 326 IAC 11-5. No comments were made at the first hearing.

326 IAC 11-5

SECTION 1. 326 IAC 11-5 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on June 5, 2002 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed repeal of 326 IAC 11-5.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed repeal. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).

Additional information regarding this action may be obtained from Gayla Killough, Rule Development section, (317) 233-8628 or (800) 451-6027, press 0, and ask for 3-8628 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register. Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

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

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

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Janet G. McCabe
Assistant Commissioner
Office of Air Quality

TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #01-375

DIGEST

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

HISTORY

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

Date of First Hearing: February 6, 2002.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least twenty-one (21) days long.

Because this proposed rule is not substantively different from the draft rule published on November 1, 2001 at 25 IR 560, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from November 1, 2001, through December 3, 2001, on IDEM's draft rule language. IDEM received comments from the following parties:

- Eli Lilly and Company, (EL)
- GE Plastics Mt. Vernon, Inc., (GE)
- Homecrest Cabinetry, (HC)
- Hoven Funeral Home, (HV)

Following is a summary of the comments received and IDEM's responses thereto:

Closure date

Comment: The District of Columbia Circuit Court vacated the early cessation provision of the Hazardous Waste Combustor maximum achievable control technology regulation. IDEM should not limit the closure date to one year after the effective date of the state rule. The early cessation requirement appears to be arbitrary and capricious. (EL)

Response: The emission guidelines require the state rule to achieve final compliance as expeditiously as practicable after U.S. EPA approval of the state rule. Some commercial and industrial solid waste incinerators (CISWI) will be able to send their waste off-site to a landfill and thus do not need the extended time to close. Air curtain incinerators also will not need extended time to come into compliance, since their main requirement is an annual opacity test. Therefore, IDEM does not consider an early closure date to be arbitrary, since there is an environmental benefit. However, IDEM is aware that for some sources, one (1) year after the effective date of the state rule may not allow enough time for closing the unit. We have modified the state rule to allow for extended closure dates when the source can show that it is necessary.

Comment: Since the rule was presented as the adoption of a federal requirement without change, and IDEM changed the compliance date from the model, the Commissioner should not have dispensed with the first public comment period and the rule should be subject to additional comments. (EL)

Response: IDEM considers this rulemaking to have limited policy options. This comment period and subsequent comment periods provide sufficient opportunity for the public to comment on the one area that IDEM has changed, the compliance date. The findings prepared under IC 13-14-9-7 mention IDEM's discretion with respect to the compliance date.

Comment: CISWI units should not be compared to medical waste incinerators for the allowed closure date because CISWI units do not have the same alternative options. (EL)

Response: IDEM agrees, CISWI units will not have the same alternative on-site waste disposal options as medical waste incinerators.

However, some CISWI units will have the option of sending waste to a landfill whereas medical waste incinerators cannot send their waste to a landfill.

General

Comment: For companies that own and operate multiple sites in Indiana, IDEM should explicitly state in the rule that a final control plan may encompass a strategy that deals with multiple plant sites collectively. (EL)

Response: IDEM did add this language to the rule, since IDEM has modified the state rule to include an extended compliance date for sources closing the incinerator. The extended compliance date for closure will allow for a strategy that deals with multiple plant sites collectively.

Comment: We support incorporating the federal rule without additional requirements, as IDEM has proposed. (GE)

Response: IDEM appreciates the commenter's support.

Comment: IDEM should use the term "incineration unit" instead of "incinerator" to maintain consistency with the federal rule. A reference to the federal rule for definition of CISWI unit should be added to applicability section. A reference to subpart Cb should be added to 326 IAC 11-8-1(b). Units listed in 326 IAC 11-8-1(b)(9) and 326 IAC 11-8-1(b)(10) should include a reference to the definition in 40 CFR 60.2875, 65 FR 75338. We suggest that all fourteen (14) types of incineration units that are exempt from this rule use the same paragraph structure. The reference to the Federal Power Act should be changed to match the federal rule. In paragraph (b)(11), the reference to "40 CFR 60 " should be changed to "40 CFR 63 ". In sections 11-8-2(a)(13) and 11-8-2(c), insert "subpart" before "DDDD". (GE)

Response: IDEM agrees and the draft rule for preliminary adoption reflects the commenter's suggestions.

Comment: The phrase "(i.e., black liquor)" should be added to match the federal rule language. (GE)

Response: Indiana rules must be written in a style approved by the Indiana Legislative Service Agency. This means that language in Indiana rules will not always match federal style.

Comment: The phrase "both of" should be inserted in paragraphs (b)(1), (b)(2), and (b)(3)(B) to clarify that both actions must be taken to meet the exemption requirement. (GE)

Response: Style as approved by the Indiana Legislative Service Agency requires the phrase "all of ". IDEM has inserted "all of " in paragraphs (b)(1), (b)(2) and (b)(3)(B). This clarifies, as suggested by the commenter, that both actions must be taken to meet the exemption requirement.

Comment: We feel that there should be a *de minimis* level for incinerators based on size and/or amount burned. For small incinerators, it would be cost prohibitive compared to the environmental benefit to put a scrubber on the stack. (HC)

Response: IDEM is required to adopt a state rule that is as stringent as the federal emission guidelines. The federal emission guidelines does not include a *de minimis* level for applicability. There are other options such as closing the incinerator and sending waste to a landfill, that are less costly.

Comment: Does this rule apply to crematories? (HV)

Response: Yes, it applies to commercial crematories, but the requirements are minimal notification and record keeping to document that the source is exempt from the emission limits.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On February 6, 2002, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of new rule 326 IAC 11-8 concerning emission control

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limits for commercial and industrial solid waste incineration units. Comments were made by the following parties:

Eli Lilly and Company (EL)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: We question the need for a waste management plan for an incinerator that is shutting down, especially one that does not receive the full allotted time for an extension.

Response: IDEM will evaluate this requirement, and will discuss it further with U.S. EPA and interested parties.

326 IAC 11-8

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

Rule 8. Commercial and Industrial Solid Waste Incineration Units

326 IAC 11-8-1 Applicability

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

Affected: IC 13-15; IC 13-17

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

(b) The following are exempt from this rule:

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

(A) Notifies the department and U.S. EPA that the unit meets these criteria.

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

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

(A) Notifies the department and U.S. EPA that the unit meets these criteria.

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

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

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

(B) Burn greater than thirty percent (30%) municipal solid waste or refuse-derived fuel, as defined in 40 CFR 60 Subpart Ea*, Eb*, AAAA (65 FR 76350 (December 6, 2000))* and BBBB (65 FR 76378 (December 6, 2000))* and that have the capacity to burn less than thirty-five (35) tons (thirty-two (32) megagrams) per day of municipal solid waste or refuse-derived fuel, provided the owner or operator of the incinerator does all of the following:

(i) Notifies the department and U.S. EPA that the unit meets these criteria.

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

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

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

(A) The unit qualifies as a small power-production facility under Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C))*.

(B) The unit burns homogeneous waste, not including refuse-derived fuel, to produce electricity.

(C) The owner or operator notifies the department and U.S. EPA that the unit meets all of these requirements.

(6) Cogeneration units that meet all of the following requirements:

(A) The unit qualifies as a cogeneration facility under Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B))*.

(B) The unit burns homogeneous waste, not including refuse-derived fuel, to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator notifies the department and U.S. EPA that the unit meets all of these requirements.

(7) Hazardous waste combustion units that meet either of the following criteria:

(A) Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act*.

(B) Units regulated under 40 CFR 63, Subpart EEE*.

(8) Materials recovery units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

(9) Cyclonic barrel burners as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)*.

(10) Rack, part, and drum reclamation units as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)*.

(11) Cement kilns regulated under 40 CFR 63, Subpart LLL*.

(12) Sewage sludge incinerators regulated under 40 CFR 60, Subpart O*.

(13) Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The following types of units are considered chemical recovery units:

(A) Units burning only pulping liquors that are reclaimed in a pulping liquor recovery process and reused in the pulping process.

(B) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.

(C) Units burning only wood or coal feedstock for the production of charcoal.

(D) Units burning only manufacturing byproduct streams or residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.

(E) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.

(F) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for the use in other manufacturing processes.

(G) Units burning only photographic film to recover silver.

(14) Laboratory analysis units that burn samples of materials for the purpose of chemical or physical analysis.

(c) The owner or operator of a unit listed in subsection (b) must submit an exemption notification no later than one (1) year from the effective date of this rule.

(d) Pathological waste exemptions submitted under 326 IAC 11-6 satisfy the conditions of subsection (b)(1).

(e) Air curtain incinerators or destructors that only burn one (1) of the following fuels are required to comply with 40 CFR 60.2810 through 40 CFR 60.2870, 65 FR 75338 (December 1, 2000)* and obtain approval under 326 IAC 4-1-6:

- (1) One hundred percent (100%) wood waste.
- (2) One hundred percent (100%) clean lumber.
- (3) One hundred percent (100%) yard waste.
- (4) One hundred percent (100%) mixture of only wood waste, clean lumber, yard waste, or any combination of these wastes.

(f) If the owner or operator of a CISWI unit makes changes that meet the definition of modification or reconstruction on or after June 1, 2001, the CISWI unit becomes subject to 40 CFR 60, Subpart CCCC, 65 FR 75338 (December 1, 2000)* and 326 IAC 12, and this rule no longer applies to that unit.

(g) Physical or operational changes made to an existing CISWI unit primarily to comply with emission limits under this rule are not considered modifications or reconstructions and do not result in an existing CISWI unit becoming subject to 40 CFR 60, Subpart CCCC, 65 FR 75338 (December 1, 2000)*.

*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-8-1*)

326 IAC 11-8-2 Requirements; incorporation by reference of federal standards

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

Sec. 2. (a) The air pollution control board incorporates by reference the following provisions of 40 CFR 60, Subpart DDDD, Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or before November 30, 1999, 65 FR 75338 (December 1, 2000):

- (1) 40 CFR 60.2575 through 40 CFR 60.2615 Increments of Progress*.
- (2) 40 CFR 60.2620 through 40 CFR 60.2630 Waste Management Plan*.
- (3) 40 CFR 60.2635 through 40 CFR 60.2665 Operator Training and Qualification*.
- (4) 40 CFR 60.2670 through 40 CFR 60.2685 Emission Limitations and Operating Limits*.
- (5) 40 CFR 60.2690 through 40 CFR 60.2695 Performance Testing*.
- (6) 40 CFR 60.2700 through 40 CFR 60.2705 Initial Compliance Requirements*.
- (7) 40 CFR 60.2710 through 40 CFR 60.2725 Continuous Compliance Requirements*.
- (8) 40 CFR 60.2730 through 40 CFR 60.2735 Monitoring*.
- (9) 40 CFR 60.2740 through 40 CFR 60.2800 Record Keeping and Reporting*.
- (10) 40 CFR 60.2805 Title V Operating Permits*.
- (11) 40 CFR 60.2810 through 40 CFR 60.2870 Air Curtain Incinerators*.
- (12) 40 CFR 60.2875 Definitions*.
- (13) 40 CFR 60 Subpart DDDD Table 1 through 5*.

(b) For the purposes of this rule, these terms used in 40 CFR 60.2575 through 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)* are defined as follows:

- (1) "Administrator" means the commissioner of the department of environmental management.
- (2) "You" means the owner or operator of a CISWI unit.

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(c) An owner or operator subject to the control requirements in subsection (a) must comply no later one (1) year from the effective date of this rule unless the owner or operator:

- (1) submits a final control plan no later than one (1) year from the effective date of this rule; or
- (2) requests and is granted an extension of the closure date pursuant to subsection (e).

(d) If the owner or operator submits a final control plan, the compliance dates for the increments of progress in 40 CFR 60, Subpart DDDD Table 1, 65 FR 75338 (December 1, 2000)* are as follows:

- (1) The compliance date for Increment 1—Submit Final Control Plan shall be one (1) year from the effective date of this rule.
- (2) The compliance date for Increment 2—Final Compliance shall be September 1, 2005.

(e) An owner or operator may request an extension of the closure date to achieve compliance as expeditiously as possible, but no later than September 1, 2005, by submitting a closure notification pursuant to 40 CFR 60.2615 and 40 CFR 60.2855, 65 FR 75338 (December 1, 2000)*, which shall include all of the following supporting documentation:

- (1) Analysis that supports the need for the requested extension.
- (2) Explanation of why the compliance date of one (1) year after the effective date does not provide sufficient time to shut down.
- (3) Explanation of why the requested closure date provides sufficient time to shut down.

The documentation shall be submitted to the department within eight (8) months from the effective date of this rule and the department shall grant or deny the extension in a written response to the owner or operator within three (3) months of receipt of a closure notification that contains all required information.

*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board*; 326 IAC 11-8-2)

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on May 1, 2002 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Air

Pollution Control Board will hold a public hearing on proposed new rule 326 IAC 11-8.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rule. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, *Indiana Register*, page 1710 (19 IR 1710).

Technical information regarding this action may be obtained from Susan Bem, Program Planning and Policy Section, Office of Air Quality, (317) 233-5697 or (800) 451-6027 extension 3-5697 (in Indiana). Additional general information regarding this action may be obtained from Gayla Killough, Rules Development and Outreach Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027, extension 3-8628 (in Indiana).

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

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

Indianapolis, Indiana 46206-6015

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

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Janet G. McCabe
Assistant Commissioner
Office of Air Quality

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Proposed Rule

LSA Document #01-333

DIGEST

Amends 345 IAC 2-6-8 to clarify exemptions to certificates of veterinary inspection requirements for cattle sold intrastate. Amends 345 IAC 7-3.5 to remove the requirement that all animals sold through a public market be inspected. Makes other changes in the law of livestock dealers and markets and the sale of animals. Repeals 345 IAC 5-1-3 and 345 IAC 5-1-4. Effective 30 days after filing with the secretary of state.

345 IAC 2-6-8
345 IAC 5-1-3
345 IAC 5-1-4

345 IAC 7-3.5-13
345 IAC 7-3.5-14

filed Dec 22, 1986, 3:40 p.m.: 10 IR 1072; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1481; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 1. 345 IAC 2-6-8 IS AMENDED TO READ AS FOLLOWS:

345 IAC 2-6-8 Sale of cattle; testing required; exceptions; owner responsibilities

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15

Sec. 8. (a) An owner of cattle, that are to be sold, leased, bartered, or exchanged must have a licensed accredited veterinarian prepare an official health certificate for the cattle within thirty (30) days prior to the sale, lease, barter, or exchange. A copy of the health certificate shall accompany the cattle during transportation. Copies of the health certificate shall be distributed as follows:

- (1) A copy to the recipient of the cattle.
- (2) The veterinarian preparing the certificate must mail the pink and blue copies of the health certificate to the board's office within seven (7) days of preparing the certificate.

(b) **A transaction involving feeder cattle is exempt from the certificate of veterinary inspection requirement in subsection (a). But if the feeder cattle are moved into Indiana from outside the state, the interstate movement requirements in 345 IAC 1-3 must be met.** An owner or custodian of feeder cattle must keep the feeder cattle separate and apart from all dairy and breeding cattle.

(c) All cattle sold for immediate slaughter at an auction market, community sale, or public stockyard must be entered on an approved consignment sheet indicating **the name and address of the consignee.**

(d) **The following apply to cattle sold for immediate slaughter:**

(1) The transaction is exempt from the certificate of veterinary inspection requirement in subsection (a).

(2) The cattle shall not be resold or diverted for any other purpose or use.

(e) The responsibility for having cattle tested in accordance with this rule shall be upon the owner of the cattle prior to any transfer.

(f) Blood samples for Brucellosis tests must be drawn by a licensed, accredited veterinarian and tested by the Brucellosis testing service laboratory at Purdue University or at such other laboratory as the ~~board~~ **state veterinarian** may designate. Blood samples tested at an approved laboratory at a licensed auction market shall be sent to the animal disease diagnostic laboratory at Purdue University for confirmation. (*Indiana State Board of Animal Health; 345 IAC 2-6-8; filed Oct 29, 1984, 8:59 a.m.: 8 IR 171; filed Feb 26, 1986, 4:00 p.m.: 9 IR 1568;*

SECTION 2. 345 IAC 7-3.5-13 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-3.5-13 Sale of animals at a market facility

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15

Sec. 13. (a) A person consigning livestock to a dealer to be sold or offered for sale by competitive bidding shall, upon consignment or delivery of the animal to such dealer, stipulate the specific purpose for which the animal is to be sold or offered for sale. However, where the consignor does not declare such intent or purpose and relies upon the dealer to make the determination in his or her behalf, the dealer shall make the determination and proceed to sell or offer for sale the animal in such manner as will be in the best interests of the consignor.

(b) The following shall apply to animals sold for immediate slaughter:

(1) When ~~any domestic~~ **an** animal is consigned to a dealer under the stipulation that it is to be sold or offered for sale solely for the purpose of immediate slaughter, the auctioneer or any other selling agent acting in behalf of the consignor shall clearly announce to all prospective buyers the specific purpose for which the animal is to be sold. When an animal is sold for slaughter, the dealer shall clearly identify on a bill of sale given to the buyer and in the dealer's records that the animal was sold for slaughter only.

(2) When it has been determined or stipulated that any given animal is to be sold or offered for sale for the sole purpose of immediate slaughter, it shall be unlawful for any person to divert said animal or cause said animal to be diverted for any other purpose or use.

(3) Any duly authorized representative of the state veterinarian shall have the right to identify any ~~domestic~~ animal which has been designated for immediate slaughter by paint branding the letter "S" just behind the point of the shoulder. Such letter "S" shall be at least twelve (12) inches in height.

~~(c) It shall be unlawful for any person to remove or cause to be removed from the premises of a public market in Indiana any domestic animal unless or until such animal has passed inspection as defined in section 2(12) of this rule.~~

~~(c)~~ (c) The following requirements apply to sales on consignment:

(1) Any dealer engaged in the business of receiving, buying, or selling livestock on a commission basis, by competitive bidding, or otherwise, shall market the livestock consigned to his or her place of business openly so as to obtain the highest available bid and in a manner that will best promote the interest of the consignor.

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(2) A dealer shall sell each consignment of livestock on its merits and shall not make the sale of one (1) consignment conditional on the sale of another and different consignment, provided, however, that this shall not prohibit the sale in graded lots of livestock belonging to different consignors who have agreed to such procedure.

(~~e~~) (d) It is a violation of this rule to knowingly make any false statement or representation of fact with respect to the consignment or sale of any domestic animal that is intended to induce action by another if such statement causes another to act upon it to his or her damage.

(~~f~~) (e) Promptly following the purchase or sale of livestock at public auction, the dealer shall transmit or deliver to the seller or consignor and the buyer, or their agent, an itemized written account of the purchase or sale which shall include the following:

- (1) The number, weight (if sold by weight), and price for each animal or draft.
- (2) The name of the person for whose account the transaction was made.
- (3) The amount of the commission or other lawful charges or deductions withheld from the gross proceeds.
- (4) Such other facts as may be necessary to complete the account and show fully the true nature of the transaction.

(~~g~~) (f) Each market facility dealer must provide marketing services ~~that include the following:~~

(~~1~~) Services and facilities **that are** reasonably necessary in the buying, selling, assembling, holding, feeding, watering, testing, identifying, inspecting, and delivering livestock for public marketing.

(~~2~~) The services of a licensed, accredited veterinarian approved by the board to conduct all testing, vaccinating, and inspection of animals sold through the market facility **as if needed to perform services** required by state and federal law.

(Indiana State Board of Animal Health; 345 IAC 7-3.5-13; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1290; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 3. 345 IAC 7-3.5-14 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-3.5-14 Animals not intended for slaughter; inspection and identification

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15

Sec. 14. (a) No person shall sell or offer for sale, except for purposes of immediate slaughter, any domestic animal consigned to a dealer for public sale or auction in Indiana unless or until such animal has been inspected as defined by this rule:

(~~b~~) (a) Dealers having the custody of livestock animals

subject to inspection under ~~this rule~~ **state or federal law** shall make the ~~livestock animals~~ readily available to inspecting agencies in such manner as to preserve the identity of the consignment until such inspection has been completed.

(~~e~~) (b) Employees of the board and all other persons duly authorized by the state veterinarian shall have the right to inspect any ~~livestock animal~~ at market facilities in Indiana in order to determine ownership, point of origin, evaluate the health of the animals, and pursue any lawful objective of the board.

(~~f~~) (c) When ~~domestic~~ animals are tested, vaccinated, or otherwise professionally treated by a qualified veterinarian on the premises of a market facility incidentally to their being sold or offered for sale through such market, it shall be the duty of the market operator to furnish the veterinarian:

- (1) all available identification of the animal;
- (2) the name and address of the consignor; and
- (3) all other pertinent information that may be required in order for the veterinarian to complete a report of the professional services rendered.

(~~e~~) (d) Any expense or cost incidental to professional services rendered at a market, along with other lawful charges, may be withheld or deducted by the marketing agency from the consignor's gross proceeds of sale. In such case, when accounting to the consignor of ~~livestock, animals~~, the marketing agency shall clearly show the amount withheld or deducted and the reason for which such deduction was made.

(~~f~~) (e) It shall be the duty of every person licensed by the state to operate a market in this state to compile and file with the state veterinarian a complete and accurate report of all cattle that have been identified (tagged) at his or her place of business in connection with the market-cattle test program currently being conducted by state-federal regulatory agencies. Such report shall be prepared by the licensee on a form provided for this purpose without charge by the regulatory agencies. The completed forms shall be forwarded by the dealer to the state veterinarian.

(~~g~~) (f) Unless specifically stated otherwise, the dealer is responsible for sending all prepared and completed forms that are required to be forwarded to the office of the state veterinarian by this rule or otherwise within ten (10) days following the date of the event requiring the form. *(Indiana State Board of Animal Health; 345 IAC 7-3.5-14; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1291; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

SECTION 4. THE FOLLOWING ARE REPEALED: 345 IAC 5-1-3; 345 IAC 5-1-4.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 16, 2002 at 10:00 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed amendments to rules concerning certificate of veterinary inspections for cattle sold intrastate, inspection of animals sold through livestock markets, and certificates of veterinary inspection for scapies control in sheep. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Indiana State Board of Animal Health

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Proposed Rule
LSA Document #01-377

DIGEST

Amends 345 IAC 7-7 concerning disposal of dead animals. Adds 345 IAC 7-7-1.5 to define terms. Makes other changes in the law of dead animal disposal. Repeals 345 IAC 7-7-6 and 345 IAC 7-7-8. Effective 30 days after filing with the secretary of state.

- 345 IAC 7-7-1.5
345 IAC 7-7-2
345 IAC 7-7-3
345 IAC 7-7-3.5
345 IAC 7-7-4
345 IAC 7-7-5
345 IAC 7-7-6
345 IAC 7-7-7
345 IAC 7-7-8
345 IAC 7-7-9
345 IAC 7-7-10

SECTION 1. 345 IAC 7-7-1.5 IS ADDED TO READ AS FOLLOWS:

345 IAC 7-7-1.5 Definitions

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7
Affected: IC 15-2.1-2; IC 15-2.1-3-13; IC 15-2.1-4; IC 15-2.1-16; IC 15-2.1-24

Sec. 1.5. The definitions in IC 15-2.1-2 and the following definitions apply throughout this rule:

- (1) "Animal" means domestic animal.
(2) "Condemned and inedible waste" means any part of a slaughtered animal that is unfit for human food or that is not intended for human food. The term does not include eggs and parts thereof.
(3) "Dead animal" means an animal that has died other than by slaughter.

- (4) "Domestic animal" has the meaning set forth in IC 15-2.1-2-15.
(5) "Carnivore" means a flesh-eating wild animal. Some examples are tigers, lions, bears, and cougars.
(6) "Restaurant grease" means animal or vegetable oils and fats that have been used or generated as a result of the preparation of food by a restaurant or other establishment that prepares food for human consumption.
(7) "Slaughter" means the killing and processing of an animal for human food.
(8) "Slaughtering establishment" means an establishment that is inspected or that has been granted an exemption from inspection under IC 15-2.1-24, the Federal Meat Inspection Act (21 U.S.C. et seq.), or the Federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.).
(9) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 and all authorized representatives.
(10) "Wild animal" means an animal that is not a domestic animal.

(Indiana State Board of Animal Health; 345 IAC 7-7-1.5)

SECTION 2. 345 IAC 7-7-2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-2 Exemption or license required

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7
Affected: IC 15-2.1-3-13; IC 15-2.1-16-1; IC 15-2.1-16-7; IC 15-2.1-24

Sec. 2. (a) No person shall transport carcasses of dead animals, or poultry condemned and inedible waste, or restaurant grease in Indiana unless he holds either that person meets one (1) of the following requirements:

- (1) The person holds a valid disposal plant permit or exotic animal license or collection service license and transport vehicle licenses issued under IC 15-2.1-16.
(2) The person is exempt under IC 15-2.1-16-1 or this rule.
(3) The person holds a valid carnivore feeding permit license issued under this rule.

(b) A person who owns, cares for, or possesses an animal that dies must dispose of all parts of the dead animal within twenty-four (24) hours of knowing of the death in a manner that meets the requirements in this rule.

(c) A slaughtering establishment must dispose of condemned and inedible waste in compliance with IC 15-2.1-24, 345 IAC 9, 345 IAC 10, and this rule.

(d) The following persons matters or vocations and activities are exempt from section (a) requiring a permit: the requirements in this rule:

- (1) Persons slaughtering, butchering, manufacturing, The transportation or selling in any manner of any animal flesh or products solely for the purpose of human consumption.

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~~(2) Persons engaged in transporting dead animal and poultry bodies for human consumption.~~

~~(3) (2) Persons transporting, disposing of, or selling the hides or skins of animals, or tanning such animal hides or skins for himself or others, provided no other byproducts operation is involved.~~

~~(4) (3) Persons transporting and disposing of bodies of dead fish, reptiles, dogs, cats and small game. in numbers not to exceed five (5) at one time.~~

~~(5) (4) Any governmental agencies agency collecting, transporting, or disposing of dead animals or poultry. in any manner.~~

~~(6) (5) Any livestock animal owner transporting his or her dead livestock animal to a rendering plant or to a diagnostic facility or a site for disposal in compliance with this rule.~~

~~(7) Exotic animal owners who pick up only carcasses of (6) Transportation and disposal of dead wild deer and other non-domestic wild animals.~~

~~(7) Any person collecting, transporting, or disposing of dead animals or poultry in any manner for educational or research purposes.~~

(e) The following apply to disposal plant, collection service, and transport vehicle licenses issued under this section:

(1) The license fees are those listed in IC 15-2.1-16-7.

(2) Each license expires at the end of the day on January 31 or the date a replacement license is issued, whichever is earlier. Licenses issued in November or December expire January 31 of the next year.

(3) A license may be renewed.

(Indiana State Board of Animal Health; 345 IAC 7-7-2; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1758; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 3. 345 IAC 7-7-3 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-3 Disposal methods

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7

Affected: IC 15-2.1-3-13; IC 15-2.1-16-19; IC 15-2.1-16-24; IC 15-2.1-24-15

Sec. 3. Any person owning, caring for, or having possession of an animal that has died (a) **Dead animals and condemned and inedible waste shall dispose be disposed** of the carcass within twenty-four (24) hours of the death by one (1) or more of the following methods:

~~(a) (1) Removal of the carcass to a licensed disposal plant.~~

~~(b) (2) Burying the carcass on the owner's premises or condemned and inedible waste to a depth of four (4) feet or more, with a covering of at least four (4) feet of earth in addition to any other materials that may be used for that purpose: covering. Burying a carcass or condemned and inedible waste in a location without the land owner's permission is prohibited.~~

~~(c) (3) Thorough and complete incineration of the carcass or condemned and inedible waste.~~

~~(d) (4) Removal of the carcass or condemned and inedible waste directly to an exotic animal the premises of a person holding a valid carnivore feeding permit holder: license issued under this rule.~~

~~(5) Thorough and complete composting of the carcass or condemned and inedible waste in compliance with the standards in this rule.~~

~~(6) By sale to a plant producing pet food under permit issued by the state veterinarian under IC 15-2.1-16-26.~~

(b) A person may dispose of a dead animal or condemned and inedible waste by delivering the animal or waste to a facility approved by the state to operate as a landfill. But a person may not dispose of a dead animal or waste as described in this subsection if other state laws or local ordinances prohibit such activity. The operator of a landfill is not required by this rule to accept dead animals or condemned and inedible waste.

(c) A person meets the disposal requirement in section 2(b) of this rule if they have arranged for a disposal plant or collection service to pick up the dead animal or animals, including a prearranged contract for ongoing periodic collection, even if the actual pick up by the disposal plant or collection service occurs after twenty-four (24) hours have passed. The person responsible for disposal shall take steps to prevent other animals from accessing the dead animals prior to pick-up. A disposal plant or collection service that has been called to pick up a dead animal or that is acting pursuant to a prearranged contract for ongoing periodic collection has permission to enter a premises as required under IC 15-2.1-16-19 and section 7(a)(4) of this rule.

(d) No person may bury an animal or condemned and inedible waste within the corporate limits of any city or town if prohibited by a city or town ordinance.

(e) A person applying for meat or poultry inspection or an exemption from inspection under IC 15-2.1-24 shall notify the state veterinarian in writing of the method by which the applicant will dispose of the dead animals and condemned and inedible waste from the establishment. If the establishment changes the method of disposal the owner must notify the state veterinarian in writing within fifteen (15) days of the change.

(f) The state veterinarian may authorize or order that any particular animal or condemned and inedible waste, or any class of animal or waste, be disposed of in a particular manner, including a manner not listed in subsection (a), for the purpose of addressing an emergency, facilitating research, preventing the spread of disease, or protecting the public health. *(Indiana State Board of Animal Health; 345 IAC*

7-7-3; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 4. 345 IAC 7-7-3.5 IS ADDED TO READ AS FOLLOWS:

345 IAC 7-7-3.5 Composting

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 3.5. (a) A person composting dead animals or condemned and inedible waste must meet the following standards:

(1) The composting operation must be operated in a manner that meets all of the following conditions:

(A) Domestic animals are kept from accessing the compost pile.

(B) Rodents and other wild animals are controlled so they do not disrupt the compost pile or create a health hazard to humans or animals.

(C) Leachate run-off must be prevented or controlled.

(D) The material must be thoroughly and completely composted. Any part that is not completely composted must be removed from the compost prior to application and must be disposed of in accordance with section 3 of this rule.

(2) Dead animals and condemned and inedible waste from other operations may not be accepted for composting. But, the following may be transported to another site and accepted for composting:

(A) Sheep and goat condemned and inedible waste from slaughtering establishments.

(B) Animals excluded from this rule under section 2(d) of this rule.

(C) Dead animals and condemned and inedible waste from facilities under common ownership or management.

(b) A slaughtering establishment must meet the following additional requirements to compost dead animals and condemned and inedible waste:

(1) The composting operation may not be located in a facility that:

(A) shares a common wall or roof with the slaughtering establishment; or

(B) utilizes the same air handling equipment as the slaughtering establishment.

(2) Equipment and supplies used in the composting operation may not be moved into the slaughtering establishment.

(3) The slaughtering establishment must establish and follow procedures that will prevent adulteration of products intended for human food from the movement of personnel between the compost facility and the slaughtering establishment.

(c) The state veterinarian may order that any particular

animal or condemned and inedible waste, or any class of animal or waste, not be composted, or composted in a particular manner, in order to prevent the spread of disease and protect the public health. (Indiana State Board of Animal Health; 345 IAC 7-7-3.5)

SECTION 5. 345 IAC 7-7-4 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-4 Unloading of trucks

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 4. (a) No dead animal carcasses of dead animals or condemned and inedible waste shall remain on a truck overnight, more than twenty-four (24) hours, but shall be unloaded within a licensed disposal plant, a licensed substation, or at the premises of an exotic animal feeding permit-holder: a person licensed to feed carnivores under this rule.

(b) All carcasses of dead animals which and condemned and inedible waste that have been unloaded in a licensed substation shall be transferred to a licensed disposal plant within twenty-four (24) hours of the time the carcasses were placed in and waste arrived at the substation. (Indiana State Board of Animal Health; 345 IAC 7-7-4; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 6. 345 IAC 7-7-5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-5 Transportation for carnivore feeding

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 5. Exotic animal owners, who wish to transport (a) A person must obtain a license from the state veterinarian prior to engaging in the following:

(1) Transporting the carcasses of domestic dead animals for the purpose of or condemned and inedible waste from another person's premises.

(2) Feeding the carcasses of dead animals or condemned and inedible waste to exotic animals, shall obtain a permit from the board before transporting such carcasses: carnivores.

(b) The following apply to carnivore feeding licenses issued under this section:

(1) The license is called a carnivore feeding license.

(2) There is no fee for the license.

(3) Issued licenses expire December 31 of the year following the year in which the license was issued.

(4) A license that is valid and in effect on December 31, 2002, may be regularly renewed as provided in this section.

(5) The state veterinarian may not issue any new carni-

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vore feeding licenses after December 31, 2002. The state veterinarian may continue to renew licenses in effect on December 31, 2002, as provided in this section.

(c) A person holding a carnivore feeding license issued under this section shall keep records of the following information for each collection:

- (1) The name and address of the person from whom the dead animal or condemned and inedible waste is obtained.
- (2) The date the dead animal or condemned and inedible waste is obtained.
- (3) A description of what was obtained from the premises on each date.

The records shall be kept for not less than two (2) years.

(d) A person storing on their premises dead animal carcasses or condemned and inedible waste for the purpose of feeding carnivores shall totally dispose of the carcasses and waste within seventy-two (72) hours of arrival at the premise. Any remains of a carcass or of waste not eaten by carnivores within seventy-two (72) hours shall be disposed of by a method allowed under section 3 of this rule. But, carcasses or waste that are placed in a refrigerator or freezer immediately upon arrival at the premises shall be disposed of within seventy-two (72) hours of being removed from the appliance. (*Indiana State Board of Animal Health; 345 IAC 7-7-5; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 7. 345 IAC 7-7-7 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-7 Vehicle requirements

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16-17; IC 15-2.1-16-18; IC 15-2.1-16-19; IC 15-2.1-24-15

Sec. 7. (a) Exotic animal feeder permit holders A person holding a license to transport dead animals and condemned and inedible waste issued under this rule, including a license issued under section 5 of this rule, shall use a comply with the following requirements:

- (1) A vehicle for transporting used to transport dead animals which does or waste must be configured to not allow dripping and seepage. The carcasses fluids from the dead animals or waste to leak onto public roads.
- (2) Dead animals and waste shall be contained or covered while transported so that they are not be visible when the vehicle is on the public highways- roads.
- (b) The vehicles (3) A vehicle used to transport dead animals or waste shall be thoroughly cleaned and disinfected after each use time that it is used for transporting carcasses- dead animals or waste.
- (c) (4) A vehicle of exotic animal feeder permit holders

transporting carcasses dead animals or waste from a premise premises is prohibited from entry onto any other premise, premises unless given permission by the owner, until the carcasses and waste are unloaded at the final destination and the vehicle is cleaned and disinfected.

(5) In the event any dead animal, condemned and inedible waste, or seepage therefrom escapes from the transporting vehicle, the licensee shall clean it up as soon as is reasonably possible.

(*Indiana State Board of Animal Health; 345 IAC 7-7-7; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 8. 345 IAC 7-7-9 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-9 Inspections of carnivore feeding licensees

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16

Sec. 9. Exotic animal feeder permit holders A carnivore feeding license holder and an applicant for a carnivore feeding license shall allow unannounced inspections by the board of the permittees² the licensees' or applicants' vehicles and premises for the purpose of checking for evaluating compliance with this chapter. rule. (*Indiana State Board of Animal Health; 345 IAC 7-7-9; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1760; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 9. 345 IAC 7-7-10 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-10 Denial, suspension, or revocation of licenses

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-17-5

Sec. 10. The state veterinarian may refuse to issue a license under this rule and may suspend or revoke any license issued under this chapter for failure to comply with this chapter. rule if the state veterinarian finds the following:

- (1) The applicant or licensee violated a requirement of this rule.
- (2) Any reason listed in IC 15-2.1-16, IC 15-2.1-17-5, or this rule.
- (3) The transportation, feeding, or disposal of dead animals or condemned and inedible waste by the applicant or licensee presents a health hazard to animals or the citizens of Indiana.

(*Indiana State Board of Animal Health; 345 IAC 7-7-10; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1760; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 10. THE FOLLOWING ARE REPEALED: 345 IAC 7-7-6; 345 IAC 7-7-8.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 16, 2002 at 10:05 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed amendments to rules concerning disposal of dead animals. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Indiana State Board of Animal Health

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Proposed Rule
LSA Document #01-391

DIGEST

Adds 345 IAC 1-4-2 and 345 IAC 1-4-3 to define terms and establish standards for detection, control, and eradication of anthrax in animals. Repeals 345 IAC 1-4-1. Effective 30 days after filing with the secretary of state.

345 IAC 1-4-1
345 IAC 1-4-2
345 IAC 1-4-3

SECTION 1. 345 IAC 1-4-2 IS ADDED TO READ AS FOLLOWS:

345 IAC 1-4-2 Definitions

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-2; IC 15-2.1-3-11; IC 15-2.1-3-13; IC 15-2.1-4

Sec. 2. The definitions in IC 15-2.1-2 and the following definitions apply throughout this rule:

- (1) "Anthrax" means *Bacillus anthracis*.
- (2) "Quarantine" means limiting, including prohibiting, movement onto or off of a premises or into or out of a facility.
- (3) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 and all authorized representatives.

(Indiana State Board of Animal Health; 345 IAC 1-4-2)

SECTION 2. 345 IAC 1-4-3 IS ADDED TO READ AS FOLLOWS:

345 IAC 1-4-3 Anthrax control measures

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-11; IC 15-2.1-3-13

Sec. 3. (a) Whenever evidence indicates the presence of anthrax on a premises, the following apply:

(1) The state veterinarian may immediately impose a quarantine on the premises. The quarantine may restrict animals, products derived from animals, and feed and other material that are or may be contaminated with anthrax. The quarantine shall contain such restrictions, including prohibitions, as is necessary to prevent the spread of anthrax and protect public health and animal health.

(2) The state veterinarian shall evaluate the epidemiology of the occurrence.

(3) The state veterinarian may take any action necessary to prevent the spread of anthrax, eliminate anthrax contamination, and protect the public health and animal health from anthrax including condemning animals, products derived from animals, and feed and other material that are or may be contaminated with anthrax.

(4) The state veterinarian may order any dead animal or part thereof, product derived from an animal, and feed and other material that is or may be contaminated with anthrax disposed of in a particular manner that prevents the spread of anthrax and protects the public health and animal health.

(5) The state veterinarian may order any:

- (A) animal;
- (B) product derived from an animal;
- (C) feed and other material;
- (D) premises;
- (E) building; and
- (F) equipment;

cleaned, disinfected, and treated in a particular manner that prevents the spread of anthrax and protects the public health and animal health.

(b) The state veterinarian may rescind all or part of a quarantine issued under this rule when the totality of the circumstances indicates that doing so is consistent with protecting the public and animal health from anthrax contamination. (Indiana State Board of Animal Health; 345 IAC 1-4-3)

SECTION 3. 345 IAC 1-4-1 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 16, 2002 at 10:00 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed new rules concerning the detection,

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control, and eradication of anthrax in animals. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Indiana State Board of Animal Health

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Proposed Rule
LSA Document #01-413

DIGEST

Amends 345 IAC 1-3 to impose restrictions on the movement of cervids into Indiana. Amends 345 IAC 2-7 to require cervid owners to register locations housing cervids with the state veterinarian and participate in a chronic wasting disease certification program that includes record keeping, identification, death loss reporting, and perimeter fencing requirements. Amends 345 IAC 2-7 to establish requirements for chronic wasting disease positive, suspect, and exposed herds. Makes other changes in the law of animal disease control. Effective 30 days after filing with the secretary of state.

345 IAC 1-3-1.5	345 IAC 2-7-3
345 IAC 1-3-30	345 IAC 2-7-4
345 IAC 2-7-1	345 IAC 2-7-5

SECTION 1. 345 IAC 1-3-1.5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-1.5 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2-15; IC 15-2.1-3-13; IC 15-2.1-4; IC 15-2.1-8; IC 15-2.1-21-6; IC 15-2.1-24

Sec. 1.5. The definitions in IC 15-2.1-2 and the following definitions apply throughout this rule:

- (1) "Approved official health certificate" or "approved certificate of veterinary inspection" means an official certificate of veterinary inspection endorsed or approved by the chief livestock health official of the state of origin.
- (2) "Approved vaccine" means a vaccine that is:
 - (A) approved by the board for use in Indiana; and
 - (B) manufactured under license granted by the Veterinary Biologics Division, United States Department of Agriculture.
- (3) "Baby calves" means calves of all breeds that are:
 - (A) imported without dams; and
 - (B) under two hundred (200) pounds in weight.
- (4) "Board" means the Indiana state board of animal health created under IC 15-2.1.

(5) "Cattle" means all animals of the bovine species and all animals of the bison species.

(6) "Cervid" or "cervidae" means all members of the cervidae family, including deer, elk, moose, caribou, reindeer, and related species and hybrids thereof.

(7) "Chronic wasting disease" or "CWD" means a transmissible spongiform encephalopathy of cervids.

(8) "Class A", "Class B", or "Class C" state or zone means the state or zone is designated or classified by the United States Department of Agriculture as a Brucellosis "A", Brucellosis "B", or Brucellosis "C" area.

(9) "CWD certification program" means a state or federal program that monitors animals for CWD.

(10) "CWD endemic state" means a state or a Canadian province where CWD has been diagnosed in free ranging cervids or on three (3) or more privately owned cervid premises within the last sixty (60) months.

(11) "CWD high risk state" means a state or Canadian province other than a CWD endemic state where CWD has been diagnosed within the last sixty (60) months.

(12) "CWD low risk state" means a state or Canadian province that is not a CWD high risk or CWD endemic state.

~~(9)~~ **(13)** "Domestic animal" has the meaning set forth in IC 15-2.1-2-15.

~~(10)~~ **(14)** "Duly recognized slaughtering establishment" or "approved slaughtering establishment" means an establishment where domestic animals are slaughtered and processed for human consumption under the federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Indiana Meat and Poultry Inspection Act (IC 15-2.1-24).

~~(11)~~ **(15)** "Equine infectious anemia" or "EIA" means the infectious disease equine infectious anemia caused by a lentivirus, equine infectious anemia virus (EIAV).

~~(12)~~ **(16)** "Equine infectious anemia test" means the official test for the detection of EIA as defined in 345 IAC 6-1.1.

~~(13)~~ **(17)** "Farm of origin of cattle and bison" means a farm or other premises where cattle or bison to be shipped interstate were born or have been kept for not less than four (4) months prior to the date of shipment and which premises, within the four (4) months prior to the date of shipment, have not been used to assemble cattle or bison from any other premises.

~~(14)~~ **(18)** "Feeder cattle" means the following cattle, but does not include female dairy type cattle of any kind:

(A) Steers of any age.

(B) Nonpregnant and nonparturient females.

(C) Bulls of beef breeds that are obviously under eighteen (18) months of age and are intended for slaughter after having reached the desired feeding state.

~~(15)~~ **(19)** "Feeder pigs" means:

(A) swine intended for feeding purposes, commonly designated as feeder pigs; and

(B) swine of any breed, weighing not in excess of one hundred eighty (180) pounds.

~~(16)~~ **(20)** "Hatchery" means hatchery equipment on one (1) premises operated or controlled by any person, company, or corporation for the hatching of poultry.

~~(17)~~ **(21)** "Hatching eggs" means eggs of poultry for hatching purposes, including embryonated eggs.

~~(18)~~ **(22)** "Immediate slaughter" means livestock that are designated for slaughter must be slaughtered within seven (7) days of first consignment.

~~(19)~~ **(23)** "Johne's disease" means an infectious communicable disease that primarily affects cattle, sheep, goats, and other domestic, exotic, and wild ruminants, also known as paratuberculosis, caused by Mycobacterium paratuberculosis.

~~(20)~~ **(24)** "National Poultry Improvement Plan" or "NPIP" means the National Poultry Improvement Plan and Auxiliary Provisions adopted by the board in 345 IAC 4-4-1.

~~(21)~~ **(25)** "Normal trade area" means an area in an adjoining state in which are located buyers and sellers who normally do business at an Indiana auction market, the size and extent of such area to be determined by the board.

~~(22)~~ **(26)** "Official ear tag" is a metal identification ear tag that conforms to the nine (9) character alpha-numeric National Uniform Ear Tagging System and that is the appropriate color.

~~(23)~~ **(27)** "Official health certificate", "health certificate", or "certificate of veterinary inspection" means the printed form adopted by a state to record the owner, identification, description, tests, vaccinations, and other data concerning the health status of domestic animals listed thereon. The certificate must be:

- (A) issued for feeder pigs within fifteen (15) days prior to importation;
- (B) issued for all other domestic animals within thirty (30) days prior to importation;
- (C) signed by a licensed and accredited veterinarian; and
- (D) in compliance with all board rules for health certificates.

~~(24)~~ **(28)** "Official test" means a disease detection test approved by the state veterinarian conducted in a laboratory approved by the state veterinarian.

~~(25)~~ **(29)** "Permit" means a permit for importation of domestic animals issued by the state veterinarian.

~~(26)~~ **(30)** "Poultry" means live chickens and turkeys of all ages.

~~(27)~~ **(31)** "Premises identification number" means a unique number assigned by the state veterinarian to a livestock production unit that is, in the judgment of the state veterinarian, epidemiologically distinct from other livestock production units. A premises identification number shall consist of the state's two-letter postal abbreviation (IN) followed by the premises' assigned number.

~~(28)~~ **(32)** "Quarantine" means a law or order restricting or prohibiting the movement of animals onto or off of a premises, or into or out of an area.

~~(29)~~ **(33)** "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 or an authorized agent.

(Indiana State Board of Animal Health; 345 IAC 1-3-1.5; filed Jan 8, 1986, 2:52 p.m.: 9 IR 990; filed Dec 2, 1994, 3:52 p.m.: 18 IR 855; filed Oct 11, 1996, 2:00 p.m.: 20 IR 738; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1477; errata filed Mar 31, 1999, 9:36 a.m.: 22 IR 2534; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1334; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 2. 345 IAC 1-3-30 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-30 Chronic wasting disease

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 30. **(a)** A person may not transport into Indiana a cervid ~~that originates unless the applicable requirements elsewhere in this rule are satisfied and the following criteria are met:~~

(1) The animal must originate from a herd that is located in a state where chronic wasting disease has been diagnosed within the sixty (60) months immediately prior to the date of transportation into Indiana unless one (1) of the following sets of conditions are met: (1) The animal originates from a herd that meets the following criteria:

(A) No requires all suspected or confirmed cases of CWD be reported to the state animal health official and has the authority to quarantine CWD positive, CWD suspect, and CWD exposed herds. But, an animal that originates from a CWD low risk state that does not require reporting of CWD or lacks authority to quarantine for CWD may enter before January 1, 2004, if the applicant for a pre-entry permit under this section certifies in a writing provided to the state veterinarian the following:

(A) The animal has been in the herd and of origin for at least twelve (12) months or is a natural addition to the herd.

(B) There have been no diagnosis of CWD in the herd of origin in the last sixty (60) months.

(C) No animal in the herd of origin originated from a herd in a CWD endemic state that originated from was in a CWD certification program for less than sixty (60) months at the time of entry into the herd.

(2) The animal may not originate from a herd or a location where an animal in the herd or housed at that location has tested positive for chronic wasting disease within the sixty (60) months immediately prior to the date of transportation into Indiana:

(B) (3) If the herd has been from which the animal originates is in a CWD endemic state, the following apply:

(A) The person must first apply to the state veterinarian for a pre-entry permit to bring the animal into Indiana. The state veterinarian may require from the applicant any information that is relevant to evaluating the disease risk associated with the animal movement.

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The state veterinarian may require that the application for a permit be in writing and be submitted not less than forty-eight (48) hours prior to the date the animal is to be moved into Indiana.

(B) The animal may not be moved into the state unless the state veterinarian issues a pre-entry permit to move the animal into the state.

(C) The certificate of veterinary inspection required under section 4 of this rule shall be obtained.

(D) The animal's herd of origin must be enrolled in or subject to an official state or federal surveillance CWD certification program whereby the herd has been monitored for chronic wasting disease for not less than sixty (60) consecutive months. and The owner of the herd is must be in compliance with the surveillance certification program requirements.

(4) If the herd from which the animal originates is in a CWD high risk state, the following apply:

(A) The person must first apply to the state veterinarian for a pre-entry permit to bring the animal into Indiana. The state veterinarian may require from the applicant any information that is relevant to evaluating the disease risk associated with the animal movement. The state veterinarian may require that the application for a permit be in writing and be submitted not less than forty-eight (48) hours prior to the date the animal is to be moved into Indiana.

(B) The animal may not be moved into the state unless the state veterinarian issues a pre-entry permit to move the animal into the state.

(C) The certificate of veterinary inspection required under section 4 of this rule shall be obtained.

(5) If the herd from which the animal originates is in a CWD low risk state, the following apply:

(A) The person must first apply to the state veterinarian for a pre-entry permit to bring the animal into Indiana. The state veterinarian may require from the applicant any information that is relevant to evaluating the disease risk associated with the animal movement.

(B) The animal may not be moved into the state unless the state veterinarian issues a pre-entry permit to move the animal into the state.

(C) The certificate of veterinary inspection required under section 4 of this rule shall be obtained.

(6) Information concerning the herd of origin's participation in a CWD certification program and any CWD tests conducted on the animal shall be disclosed to the state veterinarian when applying for a pre-entry permit and shall be included on the certificate of veterinary inspection required under section 4 of this rule.

(2) (b) The state veterinarian issues may issue a pre-entry permit to transport the animal move a cervid into Indiana the state if the requirements in this rule are met and the epidemiology as it relates to CWD indicates that the

proposed movement is consistent with reasonable animal health precautions. The state veterinarian may issue a permit to transport any animal into the state for the purpose of slaughter or research, or to facilitate the diagnosis, treatment, prevention, or control of disease. The state veterinarian may issue a pre-entry permit for any animal based only on the fact that within the thirty (30) days immediately prior to transportation into the state the animal has been tested for CWD using a test for CWD that has been approved by the United States Department of Agriculture and the state veterinarian and is found to be CWD negative.

(c) The requirements in this section apply to the movement of cervid semen or embryos into Indiana.

(d) The state veterinarian shall maintain a list of classify states where chronic wasting disease has been diagnosed: as CWD endemic, CWD high risk, and CWD low risk under this section.

(e) Submitting false information to the state veterinarian in an application for a pre-entry permit is a violation of this rule. (*Indiana State Board of Animal Health; 345 IAC 1-3-30; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1338; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 3. 345 IAC 2-7-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 2-7-1 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3-13; IC 15-2.1-4

Sec. 1. The following definitions and the definitions in IC 15-2.1-2 apply throughout this rule:

(1) "Board" means the Indiana state board of animal health appointed under IC 15-2.1-3.

(2) "Certification program" means the CWD certification program in sections 3 and 4 of this rule.

(3) "Cervidae" or "cervid" means all members of the cervidae family and hybrids, including deer, elk, moose, caribou, reindeer, and related species. and hybrids thereof.

(4) "Chronic wasting disease" or "CWD" means a transmissible spongiform encephalopathy of cervids.

(5) "CWD affected" and "affected" exposed animal" means a cervid an animal that is, or has been, diagnosed as having chronic wasting disease based on laboratory test results, clinical signs, in the last five (5) years, part of a CWD positive herd.

(6) "CWD exposed herd" means a herd in which a CWD positive or exposed animal has resided within sixty (60) months prior to the diagnosis of CWD.

(7) "CWD negative animal" means an animal that has been subjected to an official CWD test that resulted in a negative classification.

(8) "CWD positive animal" means an animal that has

been diagnosed as having CWD based on official laboratory test results.

(9) **“CWD positive herd”** means a herd in which a CWD positive animal resided at the time it was diagnosed and epidemiologic investigation: that has not been released from quarantine.

~~(5)~~ (10) **“CWD affected herd” suspect** and **“affected herd” “suspect”** means laboratory evidence or clinical signs suggest a herd from which any animal has been diagnosed with diagnosis of CWD, but laboratory results are not yet available or have been inconclusive.

~~(6)~~ **“CWD exposed”** and **“exposed”** (11) **“Herd”** means an animal or a designation applied to cervids group of animals that have had contact with CWD affected animals are under common ownership or supervision and that are grouped on one (1) or more parts of a single premises, or on two (2) or more separate premises but on which animals have been interchanged or had direct or indirect contact with animals from a CWD affected herd: one another.

(12) **“Herd plan”** means a written herd management agreement developed by the herd owner, the herd owner’s veterinarian, and the state veterinarian, and approved by the state veterinarian, that states the steps that will be taken to eradicate CWD from a CWD positive, CWD exposed, or CWD suspect herd.

~~(7)~~ (13) **“High risk animal”** means a cervid that may have been exposed to CWD. The state veterinarian shall determine which animals are high risk animals based on an epidemiological investigation that includes evaluation of animal movements, housing, location, and probable contacts with affected CWD positive, CWD exposed, or CWD suspect animals.

~~(8)~~ **“Monitoring program”** means the CWD monitoring program created in sections 3 and 4 of this rule.

~~(9)~~ (14) **“Official test”** means a disease CWD detection test approved by the state veterinarian conducted in a laboratory approved by the state veterinarian.

(15) **“Owner”** means a person who legally owns an animal. The state veterinarian may include as an owner a person who possesses an animal under a permit issued by the United States government or the Indiana department of natural resources, whether or not the permit holder actually has ownership rights in the animal, if it furthers the purposes of this rule.

~~(10)~~ (16) **“Quarantine”** means an order restricting the movement of animals onto or off of a premises.

~~(11)~~ (17) **“State veterinarian”** means the state veterinarian appointed under IC 15-2.1-4 or his authorized agent.

(Indiana State Board of Animal Health; 345 IAC 2-7-1; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 4. 345 IAC 2-7-3 IS AMENDED TO READ AS FOLLOWS:

345 IAC 2-7-3 Herd registration

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-11

Sec. 3. (a) The owner of ~~an elk~~ a cervid located in Indiana must meet the following requirements:

(1) ~~Each elk herd must be registered~~ The owner shall register with the state veterinarian ~~each location where his or her cervidae are kept.~~

(2) Every animal in the herd must be uniquely identified, in a manner prescribed by ~~but~~ natural additions to the herd need not be identified until they are moved from the premises. The state veterinarian shall prescribe the methods by which cervids shall be identified.

(3) The owner must keep a complete, accurate, and current herd inventory. A herd inventory shall include the following:

(A) A record of each animal that is part of the herd including and its identification.

(B) A record of each animal that is added to the herd, including the date the animal is added and the source of the animal. If the source of the animal is from outside the owner’s herd, the name and address of the source.

(C) A record of each animal that is removed from the herd, including the date removed and the name and address of the animal’s destination.

(4) Upon request of the state veterinarian, the owner or custodian of the animals must do the following:

(A) Provide the state veterinarian access to or a copy of the written herd inventory. including each animal’s identification.

~~(4) The owner must~~ (B) Present each animal in the herd to the state veterinarian for inspection and verification of identification. upon registration and annually thereafter. The herd inventory provided to the state veterinarian shall be updated not less than annually.

(C) Provide access to any animal in the herd for testing, identification, or evaluation.

(5) Upon the death of any animal in the herd for any reason the owner shall immediately notify the state veterinarian. The state veterinarian will ~~may~~ inspect any dead cervid that is ~~eighteen (18) months of age or older~~ and take tissues or other material necessary or helpful for a laboratory test for chronic wasting disease: detecting CWD. The owner shall dispose of the remaining carcass as directed by the state veterinarian.

(6) The herd must be enclosed in a perimeter fence that is made from materials that will prevent cervids from entering or leaving through the structure, has no openings that will allow ingress or egress, and measures at least eight (8) feet from the ground to the top of the fence at all parts of the structure. The state veterinarian may approve a perimeter fence enclosing smaller cervidae that is lower than eight (8) feet if the fence is likely to contain the animals.

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(b) The state veterinarian may grant a waiver from the requirement in subsection (a)(5) if **conduct** an epidemiologic evaluation of the **any cervid herd**, indicates that **including** testing the deceased **any animal would not further if it furthers** the **goal of chronic wasting animal disease surveillance and control**. The state veterinarian ~~shall~~ **may** consider **all relevant factors including** the length of time the herd has been under a CWD surveillance program, the herd's health history, the potential effects of any additions to the herd, and the potential effect of wild cervids on the herd when **considering waivers evaluating herds** under this subsection.

(c) **The requirements in this section do not apply to a person possessing a dead wild cervid taken pursuant to a hunting permit issued by the Indiana department of natural resources.** (*Indiana State Board of Animal Health; 345 IAC 2-7-3; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 5. 345 IAC 2-7-4 IS AMENDED TO READ AS FOLLOWS:

345 IAC 2-7-4 Chronic wasting disease certified herd status

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 4. (a) An owner of a cervid herd located in Indiana ~~may~~ **shall** obtain a **chronic wasting disease monitored CWD certified** status for the herd from the ~~board~~ **state veterinarian** by complying with the following requirements

- (1) The owner of the herd must submit an application for participation in the monitoring program to the state veterinarian.
- (2) Every animal in the applicant's herd must be uniquely identified in a manner prescribed by the state veterinarian.
- (3) The owner must keep a record of each animal that is part of the herd, including a record of each animal that is added to the herd and each animal that is removed from the herd. The owner must provide the state veterinarian a written herd inventory including each animal's identification.
- (4) The owner must present each animal in the herd to the state veterinarian for inspection and verification of identification upon beginning the monitoring program and annually thereafter. The herd inventory provided to the state veterinarian shall be updated not less than annually.
- (5) Upon the death of any animal in the herd for any reason, the owner shall immediately notify the state veterinarian. The state veterinarian will inspect any dead cervid that is eighteen (18) months of age or older and take tissues necessary for a laboratory test for chronic wasting disease. The owner shall dispose of the remaining carcass as directed by the state veterinarian.
- (6) The owner shall pay for any fees associated with testing an animal other than elk from his or her herd for chronic wasting disease, including any fees necessary for tissue collection and laboratory diagnostic costs. The state veterinarian

may allow the owner to utilize state or federal funds, if available, to pay for the costs of testing for CWD in lieu of the herd owner paying for testing.

(b) The state veterinarian may grant a waiver from the requirement in subsection (a)(5) if an epidemiologic evaluation of the herd indicates that testing the deceased animal would not further the goal of chronic wasting disease surveillance and control. When considering waivers under this subsection, the state veterinarian shall consider the following:

- (1) The length ~~section and section 3~~ of time the herd has been in the surveillance program.
- (2) The herd's health history.
- (3) The potential effects of any additions to the herd.
- (4) The potential effect of wild cervids on the herd.

this rule.

(c) **(b) The state veterinarian may award** a cervid owner may receive the following chronic wasting disease **CWD** herd statuses while participating in the chronic wasting disease monitoring **CWD certification** program: described in this section:

- (1) Level One status after one (1) year of ~~participation.~~ **compliance.**
- (2) Level Two status after two (2) years of ~~participation.~~ **compliance.**
- (3) Level Three status after three (3) years of ~~participation.~~ **compliance.**
- (4) Level Four status after four (4) years of ~~participation.~~ **compliance.**
- (5) Level Five **or "certified"** status after five (5) or more years of ~~participation.~~ **compliance.**
- (6) Unknown status prior to the first complete year of ~~participation.~~ **compliance or if a herd is not in compliance.**
- (7) Status pending status if the herd has been identified as a CWD affected **positive, CWD suspect, or CWD exposed** herd.

(d) **(c) If an animal is added to a herd, the chronic wasting disease monitored CWD certification** status of a herd will be altered as follows:

- (1) The **chronic wasting disease CWD** status will not change if the animal that is added to the herd originated from a herd that has a **chronic wasting disease monitored status equal to or greater than been in an equivalent CWD certification program for at least as long as** the recipient herd.
- (2) If the animal that is added to the herd originated from a herd that has **been in a chronic wasting disease monitored status lower CWD certification program for less time** than the recipient herd, the recipient herd's **certification** status will be lowered to the status of the lowest status cervid added.
- (3) A new herd that is assembled on a premises where **chronic wasting disease CWD** has never been diagnosed retains the **certification** status of the lowest status animal brought into the new herd.

(e) **(d) The state veterinarian may suspend, revoke, or lower**

the ~~monitoring certification~~ program status of a herd if: **for the following reasons:**

- (1) **A herd is found to be CWD positive, CWD suspect, or CWD exposed.**
- (2) The herd owner does not meet the requirements under this section. ~~or~~
- (3) **The herd owner violates the requirements for moving cervids into Indiana in 345 IAC 1-3 or any provision of this rule.**

(Indiana State Board of Animal Health; 345 IAC 2-7-4; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1340; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 6. 345 IAC 2-7-5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 2-7-5 CWD positive, CWD suspect, and CWD exposed animals

Authority: IC 15-2.1-3-19
 Affected: IC 15-2.1-3-13; IC 15-2.1-18

Sec. 5. (a) Whenever an animal is determined to be CWD ~~affected~~, **positive**, the state veterinarian shall **do the following:**

- (1) **Quarantine the CWD positive herd.**
- (2) **Condemn the CWD positive animal or its carcass and any feed or other material necessary to contain the disease.**
- (3) **Specify the means of disposal for condemned items.**
- (4) Conduct a complete epidemiologic investigation to determine the specific cause and source of the disease and to determine the population infected with and exposed to the disease.
- (5) **Take steps to prevent, detect, contain, and eradicate CWD.**

(b) Whenever a cervid is determined to be affected with chronic wasting disease **CWD positive a herd plan shall be developed. The herd plan shall include** the following: apply:

- (1) The affected animal or its carcass shall be condemned **specific conditions of the quarantine imposed** by the state veterinarian **under subsection (a).**
- (2) The affected herd shall be quarantined by **specific conditions for the state veterinarian disposal of condemned items and death loss from the herd.**
- (3) ~~The affected A plan for cleaning and disinfecting the CWD positive herd premises shall be cleaned and disinfected according to directions prescribed by the state veterinarian.~~ **The plan shall be designed to minimize the likelihood that chronic wasting disease CWD is spread.**
- (4) ~~The affected herd owner shall enroll in A plan for assessing the monitoring program in section 4 of this rule.~~ **health of animals in the affected herd. owner The plan shall participate in the monitoring program until such time as Level Five status is achieved.**
- (5) The state veterinarian may release the affected herd from

quarantine upon the owner completing one ~~(1)~~ **address each** of the following: requirements:

- ~~(A) Obtaining Level Five status in the monitoring program.~~
- ~~(B) Isolating all high risk (A) Testing some or all of the animals from any other animal and testing the high risk animals for CWD. If all animals test negative for CWD, the quarantine may be released upon completion of Level Three status in the monitoring program.~~
- ~~(C) (B) Depopulating some or all of the animals in the herd.~~
- ~~(C) Inspections by state or federal officials and other surveillance measures.~~
- ~~(D) Animal identification requirements.~~
- ~~(E) Herd inventory requirements.~~
- ~~(5) If necessary, parameters for separation of animals, captive and wild.~~
- ~~(6) Parameters for restocking or adding to the herd.~~
- ~~(7) Any other measures necessary to prevent, detect, and eradicate CWD.~~

(c) **The following apply to CWD exposed and CWD suspect herds:**

- (1) **The state veterinarian may quarantine a CWD exposed or CWD suspect herd.**
- (2) The state veterinarian may: ~~order a premises that contains or that contained exposed animals cleaned and disinfected according to directions prescribed by~~
 - ~~(A) condemn animals in the state veterinarian that are designed to minimize the likelihood that chronic wasting disease is spread. The owner of a CWD exposed herd; and~~
 - ~~(B) order testing of any animal in the herd.~~
- (3) ~~A herd plan shall enter be developed for the herd. in The monitoring program until such time as Level Three status in herd plan shall meet the monitoring program is obtained. The state veterinarian may allow an owner of an exposed herd to leave the monitoring program prior to achieving Level Three status if an epidemiological investigation indicates that the likelihood of CWD transmission to, within, or from the herd is remote. requirements in subsection (b).~~
- (d) **A cervid owner shall follow and implement the provisions of a herd plan developed for the owner's herd under this section.**

(e) **The state veterinarian may release a quarantine imposed on a CWD positive, CWD suspect, or CWD exposed herd after the provisions of the herd plan developed under this section have been completed.** *(Indiana State Board of Animal Health; 345 IAC 2-7-5; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1340; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 16, 2002 at 10:10 a.m., at the Indiana State Board of Animal

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Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed amendments to rules concerning restrictions on the movement of cervids into Indiana and regulation of cervids in Indiana to control chronic wasting disease. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Indiana State Board of Animal Health

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Proposed Rule LSA Document #01-243

DIGEST

Adds 410 IAC 6-7.1, which governs sanitation and safety in campgrounds. Adds 410 IAC 6-7.2, which governs sanitation and safety in youth camps. Repeals 410 IAC 6-7. Effective 30 days after filing with the secretary of state.

410 IAC 6-7 410 IAC 6-7.1 410 IAC 6-7.2

SECTION 1. 410 IAC 6-7.1 IS ADDED TO READ AS FOLLOWS:

Rule 7.1. Campgrounds

410 IAC 6-7.1-1 Definitions

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 1. The definitions in this rule apply throughout this rule. (Indiana State Department of Health; 410 IAC 6-7.1-1)

410 IAC 6-7.1-2 "Bathing beach" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 2. "Bathing beach" means a body of water not contained within a structure, chamber, or tank and used for swimming, diving, or recreational bathing. (Indiana State Department of Health; 410 IAC 6-7.1-2)

410 IAC 6-7.1-3 "Campground" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 3. "Campground" means an area or tract of land

where campsites are leased or rented and where provisions are made for ten (10) or more tents, recreational vehicles, park models, or vacation mobile homes. A campground is established, operated, and maintained for recreational, health, education, sectarian, business, or tourist activities away from established residences. The term, as used in this rule, does not include primitive campgrounds, youth camps, or tracts of land divided into individually deeded lots. (Indiana State Department of Health; 410 IAC 6-7.1-3)

410 IAC 6-7.1-4 "Campsite" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 4. "Campsite" means an individual camping space set aside in a campground for a tent, recreational vehicle, or vacation mobile home. (Indiana State Department of Health; 410 IAC 6-7.1-4)

410 IAC 6-7.1-5 "Department" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 5. "Department" means the Indiana state department of health. (Indiana State Department of Health; 410 IAC 6-7.1-5)

410 IAC 6-7.1-6 "Dependent campsite" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 6. "Dependent campsite" means a campsite without an individual sewer connection. (Indiana State Department of Health; 410 IAC 6-7.1-6)

410 IAC 6-7.1-7 "Gray water" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 7. "Gray water" means wastewater originating from dish washing, hand washing, laundering, showers, or sinks. (Indiana State Department of Health; 410 IAC 6-7.1-7)

410 IAC 6-7.1-8 "Independent campsite" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 8. "Independent campsite" means a campsite with individual water and sewer connections. (Indiana State Department of Health; 410 IAC 6-7.1-8)

410 IAC 6-7.1-9 "Local health officer" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 9. "Local health officer" means the health officer of any local health department or their authorized representative. (Indiana State Department of Health; 410 IAC 6-7.1-9)

410 IAC 6-7.1-10 "Person" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 10. "Person" means any individual, firm, partnership, company, corporation, trustee, association, municipality, county, authority, estate, or public or private entity owning, conducting, controlling, managing, or operating a campground. (*Indiana State Department of Health; 410 IAC 6-7.1-10*)

410 IAC 6-7.1-11 "Primitive campground" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 11. "Primitive campground" means an area or tract of land without water supply systems, electricity, or toilets and having no vehicular access. (*Indiana State Department of Health; 410 IAC 6-7.1-11*)

410 IAC 6-7.1-12 "Public sewer" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 12. "Public sewer" means a sewage disposal facility provided by a utility, municipality, conservancy district, or regional sewer district. (*Indiana State Department of Health; 410 IAC 6-7.1-12*)

410 IAC 6-7.1-13 "Public water supply" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 13. "Public water supply" means water supplied by a utility, municipality, conservancy district, regional water district, rural water corporation, or not-for-profit water corporation. (*Indiana State Department of Health; 410 IAC 6-7.1-13*)

410 IAC 6-7.1-14 "Recreational vehicle" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 14. "Recreational vehicle" means a travel trailer, park model, collapsible trailer, truck-mounted camper, or motor home. (*Indiana State Department of Health; 410 IAC 6-7.1-14*)

410 IAC 6-7.1-15 "Sanitary dumping station" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 15. "Sanitary dumping station" means a sewage inlet with cover surrounded by a concrete apron sloped to a drain, and a water outlet. The sanitary dumping station is for disposal of recreational vehicle holding tank waste. (*Indiana State Department of Health; 410 IAC 6-7.1-15*)

410 IAC 6-7.1-16 "Temporary campground" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 16. "Temporary campground" means a campground

operated not more than ten (10) consecutive days per event and not more than thirty (30) days a calendar year. Temporary campgrounds are under the jurisdiction of local health officers. (*Indiana State Department of Health; 410 IAC 6-7.1-16*)

410 IAC 6-7.1-17 "Tent" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 17. "Tent" means a shelter with twenty-five percent (25%) or more of its walls or roof, or both, made of fabric. (*Indiana State Department of Health; 410 IAC 6-7.1-17*)

410 IAC 6-7.1-18 "Vacation mobile home" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 18. "Vacation mobile home" means a manufactured housing unit not on a permanent foundation used for recreational living on a temporary basis and not occupied as a principal residence. (*Indiana State Department of Health; 410 IAC 6-7.1-18*)

410 IAC 6-7.1-19 "Water station" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 19. "Water station" means a facility for filling water storage containers with potable water from an approved water system. (*Indiana State Department of Health; 410 IAC 6-7.1-19*)

410 IAC 6-7.1-20 Construction permit requirement

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 20. (a) Any person or persons planning the construction, addition to, or significant change in the construction of any campground shall, at least ninety (90) days prior to the initiation of any such construction, submit plans, drawn to scale, for review and approval by the department. These plans must be certified by a registered engineer or architect licensed to practice in Indiana.

(b) The department may waive the requirement for plan review for any project that it deems to be a minor alteration. (*Indiana State Department of Health; 410 IAC 6-7.1-20*)

410 IAC 6-7.1-21 Campgrounds and campsites

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 21. (a) Campgrounds shall have designated campsites, and each site shall be plainly marked with a different number.

(b) No more than one (1) recreational vehicle or one (1) vacation mobile home shall be allowed on a designated campsite at the same time.

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(c) The campground owner or operator shall have a plan of the campground. The plan must show the location of each designated campsite with the number assigned to it, and the location of any community buildings, wells, sanitary dumping stations, swimming pools, or sewage disposal systems. *(Indiana State Department of Health; 410 IAC 6-7.1-21)*

410 IAC 6-7.1-22 Conditions for health and safety

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 22. No condition, situation, or installation shall be created, installed, or maintained that:

- (1) may cause or result in a health or safety hazard; or
- (2) may cause or transmit disease or harbor rodents or other vermin.

(Indiana State Department of Health; 410 IAC 6-7.1-22)

410 IAC 6-7.1-23 Campground water supplies

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 23. (a) Campgrounds shall be provided with an adequate and convenient supply of potable water that meets 327 IAC 8-2. Potable water shall always be available for culinary, drinking, laundry, and bathing purposes.

(b) Wells shall be constructed, installed, and located in accordance 327 IAC 8 and 310 IAC 16. The construction and location of all campground wells with less than fifteen (15) service connections or serving less than twenty-five (25) people shall comply with all the requirements of this rule.

(c) A campground shall exclusively use a public water supply if public water is available within a reasonable distance. If a public water supply is not available, a campground shall have water supplied from a well that complies with the requirements of 327 IAC 8-2.

(d) Campground water supply and distribution systems shall have the capacity to deliver a minimum water pressure of twenty (20) pounds per square inch to all water stations and connections during periods of peak water usage. The water supply shall have capacity to meet total daily water demands. If a well or pump cannot meet peak or daily water demand, campgrounds shall be provided with sufficient usable storage capacity to meet the demand.

(e) The casing pipe of a well shall project not less than twenty-four (24) inches above floor level, finished grade, or the highest flood level of record.

(f) Water supplies shall have no well head, well casing, pump, pumping machinery, exposed pressure tanks, or suction piping located in any pit, room, or space, walled in or enclosed so it does not have free drainage by gravity to the ground surface at all times.

(g) Each campground shall provide one (1) or more accessible water stations of an approved design and located so no campsite is more than two hundred (200) feet from a water station. Water stations and sanitary dumping stations shall be a minimum of fifty (50) feet apart. A water station having an inside or outside threaded faucet shall have a pressure vacuum breaker installed to protect against back-flow.

(h) In lieu of water stations, individual water riser pipes may be installed at each campsite.

(i) Water riser pipes shall be located and constructed to protect against damage from parking of recreational vehicles.

(j) Water riser pipes shall:

- (1) be at least one-half ($\frac{1}{2}$) inch in diameter;
- (2) extend at least four (4) inches above ground; and
- (3) be separated from sewer risers by not less than five (5) feet horizontally.

(k) Stop-and-waste valves or yard hydrants that would allow aspiration or backflow of contaminated water into the potable water system shall not be used.

(l) Wells and potable water distribution systems shall be disinfected after construction and after each repair. The water supply shall be tested and be bacteriologically acceptable in at least two (2) consecutive samples collected at least twenty-four (24) hours apart before it can be used. Each camper shall be advised to boil potable water until sample results reveal a safe water supply.

(m) There shall be no direct physical connection between the campground potable water supply system and any nonpotable water supply system. *(Indiana State Department of Health; 410 IAC 6-7.1-23)*

410 IAC 6-7.1-24 Campground sewage disposal

Authority: IC 16-19-3-4

Affected: IC 13-18-12; IC 16-19-3

Sec. 24. (a) All sewage generated by a campground, including gray water, shall be disposed of via a connection to a public sewer if available within a reasonable distance from the campground. If a public sewer is not available within a reasonable distance, sewage disposal must comply with 410 IAC 6-12, 410 IAC 6-10, Bulletin S.E. 11, Bulletin S.E. 13, or applicable rules of the Indiana department of environmental management.

(b) If individual sewer connections are provided for recreational vehicles, these connections shall meet the following minimum requirements:

- (1) Each individual sewer riser shall be at least four (4) inches in diameter.

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- (2) Each individual sewer connection shall be tightly capped when a recreational vehicle is not connected.
- (3) The rim of the riser pipe shall extend four (4) inches above the ground, and surface drainage shall be diverted away from the riser.

31-45	2	3	1
46-60	2	4	2
61-100	3	5	2

*Toilets may be substituted for the required number of urinals on a one-for-one basis.

(c) Only wastewater management businesses licensed pursuant to IC 13-18-12 shall clean campground privies and portable toilets of waste. Privies must be pumped when the accumulated waste is within eighteen (18) inches of the privy floor. (*Indiana State Department of Health; 410 IAC 6-7.1-24*)

(b) Campgrounds with more than one hundred (100) dependent campsites shall be provided with one (1) flush toilet, sanitary vault privy, or portable toilet for each sex in the ratio of one (1) per thirty (30) dependent campsites and one (1) urinal for each one hundred (100) additional campsites.

410 IAC 6-7.1-25 Sanitary dumping station

Authority: IC 16-19-3-4
Affected: IC 16-19-3

(c) The entrance to a sanitary facility shall have a sign to designate which sex may use the facility. Solid walls extending from floor to ceiling shall separate facilities for each sex located in the same building.

Sec. 25. (a) All campgrounds, except those having only independent campsites, shall have at least one (1) sanitary dumping station for each two hundred fifty (250) dependent campsites or fraction thereof.

(d) For all common use rooms that contain sanitary or laundry facilities, excluding sanitary vault privies and portable toilets, the following minimum requirements shall apply:

(b) Each sanitary dumping station must be equipped with the following:

- (1) A four (4) inch sewer riser pipe with a self-closing hinged cover or other tight fitting closure.
- (2) A concrete apron at least three (3) feet in diameter and sloped to drain the area surrounding the inlet of the riser pipe.
- (3) A water outlet for sanitary maintenance of the station.
- (4) A sign located at the water outlet which states that the water is not for drinking, but for flushing and cleaning holding tanks and the dump station area.
- (5) A vacuum breaker installed downstream of the last shut-off valve that meets the requirements of 675 IAC 16.

(1) Floors, walls, and partitions around showers, lavatories, and other plumbing fixtures shall be smooth, nonabsorbent, and easily cleanable.

(c) Sanitary dumping stations shall be capable of receiving a sewage flow of at least twenty (20) gallons per day for each dependent campsite served.

(2) Bathing and hand washing facilities shall have hot and cold water under pressure. Bathing facilities shall have an approved, properly operating automatic temperature control valve. The valve must control the water temperature at the point of use so it will not exceed one hundred twenty (120) degrees Fahrenheit.

(d) Sanitary dumping stations utilizing holding tanks shall be capable of receiving a sewage flow of at least sixty (60) gallons per day for each dependent campsite served. (*Indiana State Department of Health; 410 IAC 6-7.1-25*)

(3) An operating mechanical exhaust device is required and must replace the air in the facility at least six (6) times per hour.

410 IAC 6-7.1-26 Campground sanitary facilities

Authority: IC 16-19-3-4
Affected: IC 16-19-3

(4) Exterior openings shall be screened utilizing screening of not less than sixteen (16) mesh.

Sec. 26. (a) A campground with dependent campsites shall have flush toilets, sanitary vault privies, or portable toilets, in the following ratios:

Number of Dependent Campsites	Toilet Facilities		Urinals*
	Men	Women	Men
1-15	1	1	0
16-30	1	2	1

(5) Entrances to toilet and bathing facilities shall have self-closing doors.

(6) Toilet and bathing facilities shall be configured to prevent viewing of the interior through the entrance door.

(7) Light fixtures shall have guards or shields to prevent shattering.

(8) At least twenty (20) foot-candles of light measured thirty (30) inches above the floor must be provided throughout the interior of any permanent facility within a campground.

(e) Campground plumbing fixtures shall comply with 675 IAC 16.

(f) Privies shall be constructed and maintained in compliance with Bulletin S.E. 11.

(g) Where electricity is available, campground privy

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interiors must have artificial illumination. Where electricity is not available, privies must be configured to allow natural light to enter for illumination.

- (h) Campground sanitary facilities shall be:
- (1) maintained in a clean condition and in good repair;
 - (2) properly lighted; and
 - (3) ventilated.

(Indiana State Department of Health; 410 IAC 6-7.1-26)

410 IAC 6-7.1-27 Swimming pools and bathing beaches

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 27. (a) Swimming pools shall comply with 410 IAC 6-2 and 675 IAC 20-1.1.

- (b) Bathing beaches shall comply with the following:
- (1) Campground bathing beaches shall have a water surface area of at least one (1) acre.
 - (2) A minimum of twenty-five (25) square feet of water surface per bather shall be provided in areas having a water depth less than four (4) feet.
 - (3) At least seventy-five (75) square feet of water surface per bather shall be provided in areas over four (4) feet deep.
 - (4) A minimum of thirty (35) square feet of land area shall be provided per bather.
 - (5) The campground bathing beach, from the shoreline out to a water depth of six (6) feet, shall consist of sand or pea gravel or other material to minimize turbidity.
 - (6) Floating marker lines securely anchored with buoys, spaced at intervals of no more than twenty-five (25) feet, shall be provided to designate the perimeter of the bathing area. Marker lines shall delineate the separation between the shallow (less than five (5) feet), deep, and diving areas. Depth markers shall be provided at diving areas.
 - (7) Toilet facilities shall be provided within five hundred (500) feet of the campground bathing beach, in the ratio of one (1) toilet for each fifty (50) bathers. Where flush toilets are provided, lavatories shall be provided in the ratio of one (1) lavatory for each fifty (50) bathers.
 - (8) Water samples shall be collected at the campground bathing beach for bacteriological examination and submitted to an approved laboratory for analysis. Samples shall be submitted in accordance with the following:
 - (A) One (1) sample at least two (2) weeks prior to opening.
 - (B) One (1) sample each week the bathing beach is open thereafter.
 - (C) One (1) sample after a heavy rainfall of at least one-half (½) inch.
 - (9) Bathing beach samples shall be collected within one (1) foot of the surface, in water having a depth of at least

three (3) feet, but no more than six (6) feet and at least twenty (20) feet from swimmers and animals.

(10) The bathing beach must be closed if the beach water quality does not meet the following water quality standards:

(A) Escherichia coliform bacteria, using the membrane filter count, exceeds one hundred twenty-five (125) colonies per one hundred (100) milliliters as a geometric mean based on no less than five (5) samples equally spaced over a thirty (30) day period.

(B) Escherichia coliform bacteria using the membrane filter count exceeds two hundred thirty-five (235) colonies per one hundred (100) milliliters in any one (1) sample in a thirty (30) day period.

(C) The water has aquatic vegetation, deposits, growths, oil, grease, chemicals, or other substances capable of creating toxic reactions, skin, or membrane irritations, or a health or safety hazard.

(11) Results of each camp bathing beach water sample analysis must be reported to the department.

(12) A spine board with ties shall be provided at each aquatic location.

(13) A rescue tube shall be provided at each lifeguard station.

(14) Required safety equipment shall be kept clean, in good repair, and ready for use.

(Indiana State Department of Health; 410 IAC 6-7.1-27)

410 IAC 6-7.1-28 Refuse collection and disposal

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 28. (a) Refuse, including garbage, shall be collected, stored, and disposed of properly so the campground is clean and litter free. Refuse shall not accumulate in a manner that could:

- (1) result in rodent harborage or promote insect breeding; or
- (2) cause a fire, safety, or health hazard.

(b) Each garbage can and dumpster in a campground shall be covered with a tight fitting lid.

(c) Garbage and refuse collection and disposal shall occur at least once a week or more often when necessary.

(d) Community dumpsters shall be at least twenty-five (25) feet from any campsite. *(Indiana State Department of Health; 410 IAC 6-7.1-28)*

410 IAC 6-7.1-29 Electrical distribution system

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 29. (a) After the effective date of this rule, all new wiring, lighting, and electrical hook-ups shall be installed in compliance with 675 IAC 17. Existing wiring, lighting, and

electrical hook-ups shall be installed and maintained in a safe condition.

(b) Fifteen (15) and twenty (20) ampere, one hundred twenty-five (125) volt receptacles at sanitary facilities shall have approved ground fault circuit interrupter protection.

(c) Electrical receptacles shall have wiring and circuit breakers or fuses sized to conform to the amperage of the receptacle they supply.

(d) Switches, circuit breakers, receptacles, control equipment, and metering devices located in wet places or outside a building shall be weatherproof.

(e) Splices in electrical wires in accessible locations shall be made in approved junction boxes.

(f) When underground conductors enter or leave a building or a trench, they shall have mechanical protection from physical damage. The protection must be rigid conduit, intermediate metal conduit, rigid nonmetallic conduit, schedule 80 electrical plastic tubing, or other mechanical means. Underground conductors in conduit shall be a minimum of eighteen (18) inches below finished grade. Underground conductors not in conduit shall be a minimum of twenty-four (24) inches below finished grade.

(g) Electrical equipment and conductors shall not be attached to trees. *(Indiana State Department of Health; 410 IAC 6-7.1-29)*

410 IAC 6-7.1-30 Emergency equipment and services

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 30. Telephone service shall be made available to all campers, and access shall be provided at all times to such service for emergency use. *(Indiana State Department of Health; 410 IAC 6-7.1-30)*

410 IAC 6-7.1-31 Registration

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 31. A register containing the name and home address of the campsite occupant and the dates of arrival and departure must be maintained and available for inspection by the department or the local health officer. *(Indiana State Department of Health; 410 IAC 6-7.1-31)*

410 IAC 6-7.1-32 Right of entry

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 32. The department or the local health officer may enter public or private property at reasonable times and, upon presentation of credentials, to do any of the following:

- (1) Inspect facilities, equipment, or records.
- (2) Investigate allegations, conduct tests, or collect samples.
- (3) Obtain information necessary to the issuance of a permit pursuant to this rule.
- (4) Determine whether any person is subject to, or in violation of, this rule or a permit issued pursuant to this rule.

(Indiana State Department of Health; 410 IAC 6-7.1-32)

410 IAC 6-7.1-33 Local authorities

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 33. Local health officers may enforce the rules of the department. County and municipal authorities within their respective jurisdictions have jurisdiction over zoning, building codes, and ordinances pertaining to campgrounds. *(Indiana State Department of Health; 410 IAC 6-7.1-33)*

410 IAC 6-7.1-34 Incorporation by reference

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 34. Bulletin S.E. 11 and Bulletin S.E. 13 are incorporated by reference as part of this rule. Copies of these bulletins may be obtained by request to the department. *(Indiana State Department of Health; 410 IAC 6-7.1-34)*

410 IAC 6-7.1-35 Enforcement

Authority: IC 16-19-3-4
Affected: IC 4-21.5-3-6; IC 4-21.5-3-8; IC 16-19-3

Sec. 35. The department may commence an action under IC 16-19-3-4, IC 16-19-3-5, and IC 4-21.5-3-6, or IC 4-21.5-3-8 against a campground operator who:

- (1) fails to comply with this rule; or
- (2) interferes with or obstructs the department or its designated agent in the performance of duties pursuant to this rule.

(Indiana State Department of Health; 410 IAC 6-7.1-35)

SECTION 2. 410 IAC 6-7.2 IS ADDED TO READ AS FOLLOWS:

Rule 7.2. Youth Camps

410 IAC 6-7.2-1 Definitions

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 1. The definitions in this rule apply throughout this rule. *(Indiana State Department of Health; 410 IAC 6-7.2-1)*

410 IAC 6-7.2-2 "Bathing beach" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 2. "Bathing beach" means a body of water not

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contained within a structure, chamber, or tank and used for swimming, diving, or recreational bathing. (*Indiana State Department of Health; 410 IAC 6-7.2-2*)

410 IAC 6-7.2-3 "Camp" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 3. "Camp" means a youth camp. (*Indiana State Department of Health; 410 IAC 6-7.2-3*)

410 IAC 6-7.2-4 "Department" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 4. "Department" means the Indiana state department of health. (*Indiana State Department of Health; 410 IAC 6-7.2-4*)

410 IAC 6-7.2-5 "Designated adult" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 5. "Designated adult" means the individual with the primary responsibility for health matters, food, staff supervision, the administration of program operations, and business and transportation services. (*Indiana State Department of Health; 410 IAC 6-7.2-5*)

410 IAC 6-7.2-6 "Gray water" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 6. "Gray water" means wastewater originating from dish washing, hand washing, laundering, showers, or sinks. (*Indiana State Department of Health; 410 IAC 6-7.2-6*)

410 IAC 6-7.2-7 "Local health officer" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 7. "Local health officer" means the health officer of any local health department or their authorized representative. (*Indiana State Department of Health; 410 IAC 6-7.2-7*)

410 IAC 6-7.2-8 "Person" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 8. "Person" means any individual, firm, partnership, company, corporation, trustee, association, municipality, county, authority, estate, or public or private entity owning, conducting, controlling, managing, or operating a camp. (*Indiana State Department of Health; 410 IAC 6-7.2-8*)

410 IAC 6-7.2-9 "Primitive camp" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 9. "Primitive camp" means a youth camp that operates at a site having only tents. (*Indiana State Department of Health; 410 IAC 6-7.2-9*)

410 IAC 6-7.2-10 "Public sewer" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 10. "Public sewer" means a sewage disposal facility provided by a utility, municipality, conservancy district, or regional sewer district. (*Indiana State Department of Health; 410 IAC 6-7.2-10*)

410 IAC 6-7.2-11 "Public water supply" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 11. "Public water supply" means water supplied by a utility, municipality, conservancy district, regional water district, rural water corporation, or not-for-profit water corporation. (*Indiana State Department of Health; 410 IAC 6-7.2-11*)

410 IAC 6-7.2-12 "Tent" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 12. "Tent" means a shelter having twenty-five percent (25%) or more of its walls or roof, or both, covered by fabric material. (*Indiana State Department of Health; 410 IAC 6-7.2-12*)

410 IAC 6-7.2-13 "Water station" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 13. "Water station" means a facility for filling water storage containers with potable water from an approved water system. (*Indiana State Department of Health; 410 IAC 6-7.2-13*)

410 IAC 6-7.2-14 "Youth camp" defined

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 14. "Youth camp" means any area or tract of land established, operated, or maintained to provide more than seventy-two (72) continuous hours of outdoor group living experiences away from established residences for educational, recreational, sectarian, or health purposes to ten (10) or more children who are under eighteen (18) years of age and not accompanied by a parent or guardian. (*Indiana State Department of Health; 410 IAC 6-7.2-14*)

410 IAC 6-7.2-15 Construction permit requirement

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 15. Any person planning the construction, addition to, or significant change in the construction of any youth camp shall, at least ninety (90) days prior to the initiation of any such construction, submit plans, drawn to scale, for review and approval by the department. These plans must

be certified by a registered engineer or architect licensed to practice in Indiana. (*Indiana State Department of Health; 410 IAC 6-7.2-15*)

410 IAC 6-7.2-16 General supervision

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 16. When a youth camp is in session, there shall be a designated adult on the premises who is responsible for compliance with this rule. (*Indiana State Department of Health; 410 IAC 6-7.2-16*)

410 IAC 6-7.2-17 General health

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 17. (a) When a youth camp is in session, there shall be an individual present who is designated as the health supervisor and who has completed at least the Red Cross Standard First Aid Course or its equivalent.

(b) A member of the camp health staff shall conduct a health screening of each camper to identify any illness or communicable disease. The screening shall:

- (1) occur not more than twelve (12) hours after arrival at camp; and
- (2) include a check of medications in use by each camper.

(c) Youth camps shall maintain an up to date medical log. The medical log shall be in permanent ink and be a record of the dates, times, patient names, ailments, treatments, names of attending staff, and signature of the staff member who made the entries into the log.

(d) Medication prescribed for campers or staff members shall be dispensed from original containers.

(e) Medications, except those a physician prescribed for self-administration, shall be locked in a cabinet, box, or drawer or stored in a safe place inaccessible to children.

(f) Whenever there is an injury or illness to a camper that results in hospitalization, a positive x-ray or laboratory analysis, or the camper is being sent home, a report shall be sent to the department. This report shall be:

- (1) made on a form acceptable to the department; and
- (2) filed with the department within ten (10) days of an incident.

(g) Whenever there is an injury or illness that results in the death of a camper or staff member, a report of the incident and death shall be filed with the department within twenty-four (24) hours of the death.

(h) The use of tobacco products or alcohol is prohibited in buildings used by children, in the presence of children, or

in areas that will be occupied by children. (*Indiana State Department of Health; 410 IAC 6-7.2-17*)

410 IAC 6-7.2-18 Infirmary

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 18. (a) Youth camps constructed after the effective date of this rule shall include a separate room with toilet and lavatory facilities to be used as an infirmary and isolation area.

(b) The separate room described in subsection (a) shall have the following:

- (1) Ventilation to keep it free of excessive heat, condensation, vapors, noxious odors, and fumes.
- (2) Heating equipment capable of maintaining a temperature of at least sixty-eight (68) degrees Fahrenheit.
- (3) At least one (1) cot per one hundred (100) campers and staff, with a minimum of two (2) cots.
- (4) At least one (1) adult shall be present when campers are in the infirmary.
- (5) At least seventy (70) foot-candles of light measured thirty (30) inches from the floor.

(*Indiana State Department of Health; 410 IAC 6-7.2-18*)

410 IAC 6-7.2-19 First aid kits

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 19. (a) First aid kits shall be available to camp staff at food service operations, beaches, the infirmary, the camp office, primitive camps, and all program areas. First aid may be administered only by properly trained staff.

(b) As a minimum, each first aid kit must include the following:

- (1) One (1) watertight medication canister.
- (2) Thirty (30) adhesive bandages, each measuring one (1) inch by three (3) inches.
- (3) One (1) roll of adhesive tape measuring one-half (½) inch by ten (10) yards.
- (4) Nine (9) antiseptic towelettes.
- (5) Two (2) latex barrier gloves.
- (6) One (1) triangular bandage.
- (7) Six (6) sponge dressing pads, each measuring two (2) inches by two (2) inches.
- (8) Four (4) sponge dressing pads, each measuring three (3) inches by three (3) inches.
- (9) Two (2) sponge dressing pads, each measuring four (4) inches by four (4) inches.
- (10) One (1) instant ice compress measuring at least six (6) inches by four (4) inches.
- (11) Two (2) large fabric fingertip bandages.
- (12) Two (2) large fabric knuckle bandages.
- (13) Two (2) island bandages each measuring two (2) inches by three (3) inches.

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- (14) Two (2) adhesive Telfa bandages each measuring two (2) inches by two (2) inches.
- (15) One (1) eye pad.
- (16) Three (3) providone-iodine pads.
- (17) Six (6) alcohol cleansing pads.
- (18) Three (3) tubes of triple-antibacterial cream.
- (19) One (1) conform bandage roll measuring two (2) inches by five (5) yards.
- (20) One (1) pair of scissors.
- (21) One (1) pair of tweezers.
- (22) One (1) emergency blanket.
- (23) One (1) refillable plastic case.

(c) First aid materials shall be wrapped and stored so they do not become contaminated. (*Indiana State Department of Health; 410 IAC 6-7.2-19*)

410 IAC 6-7.2-20 Records

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 20. (a) A record for each camper must be maintained by the designated adult operating a camp and shall contain the following:

- (1) The camper's name and address.
- (2) The name, address, and telephone number of the camper's parent, legal guardian, or designated adult emergency contact.
- (3) Authorization from the parent or guardian for emergency medical care.
- (4) A list of relevant health conditions that camp personnel may encounter.

(b) Records required by this rule shall be kept on file by the designated adult for a period of at least two (2) years. (*Indiana State Department of Health; 410 IAC 6-7.2-20*)

410 IAC 6-7.2-21 Campsites and safety

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 21. (a) No condition, situation, or installation shall be created, installed, or maintained that:

- (1) may cause or result in a health or safety hazard; or
- (2) cause or transmit disease or harbor rodents or other vermin.

(b) An accurate plat of the camp shall be maintained that shows the location of buildings, wells, privies, sewage disposal systems, sanitary facilities, swimming areas, and water and sewer lines.

(c) The central camp areas, primitive camps, and program areas shall be maintained to minimize the growth of poison ivy, poison oak, poison sumac, and other noxious plants.

(d) The camp shall be free of debris or other hazards.

(e) Building stairways over four (4) steps in height shall have handrails.

(f) Equipment and facilities in camps shall be designed, installed and maintained in a safe condition. Playground equipment shall be securely anchored.

(g) When not in use, archery equipment, firearms, and ammunition shall be locked in a cabinet or building.

(h) Poisonous substances, pool chemicals, pesticides, and toxic chemicals shall be clearly marked and stored in locked cabinets or enclosures. (*Indiana State Department of Health; 410 IAC 6-7.2-21*)

410 IAC 6-7.2-22 Emergency equipment and procedures

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 22. (a) Telephone service shall be provided to each youth camp as follows:

- (1) Telephone service shall always be accessible at youth camps.
- (2) The telephone number of the nearest fire department, police department, poison control center, and emergency medical service shall be posted next to each telephone. Where 911 service is available, only the poison control center telephone number must be posted.

(b) A written emergency plan for dealing with natural disasters, lost campers, and other emergencies must be developed and maintained. At a minimum, the plan shall include procedures for evacuation and transportation to emergency facilities. Camp staff shall be trained on the plan and a record of the training shall be kept by a responsible adult. Campers shall be advised of their responsibilities in following the plan.

(c) Camps offering aquatic activities must have an emergency plan that includes procedures for rescues, accounting for each camper, evacuations, and the method for notification of emergency services. Weekly orientation in using the aquatic emergency plan must be conducted. (*Indiana State Department of Health; 410 IAC 6-7.2-22*)

410 IAC 6-7.2-23 Fire and building safety

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 23. (a) Each youth camp shall be equipped with a minimum of a 4-A, 60-B:C, ten (10) pound, multipurpose, dry chemical, pressure fire extinguisher in each kitchen and furnace room and within one hundred (100) feet of sleeping facilities.

(b) Fire extinguishers must be readily accessible and maintained in an operable condition.

(c) Exits from structures must be maintained free of obstructions and have exit signs clearly posted.

(d) Buildings with occupancy of more than ten (10) persons shall have at least two (2) separate and independent exits. Exits shall not be closer to each other than fifty percent (50%) of the longest exterior dimension of the building.

(e) Buildings with occupancy above the first floor shall have two (2) separate and independent exits. At least one (1) exit shall lead directly to the outside.

(f) A one-room building used for sleeping shall be equipped with a smoke detector.

(g) Buildings with two (2) or more compartmentalized sleeping rooms shall have hard-wired interconnected smoke detectors.

(h) All required smoke detectors shall be UL listed.

(i) All required smoke detectors shall be kept clean and tested monthly.

(j) Fire drills shall be held within twenty-four (24) hours of the beginning of each camping session and weekly thereafter.

(k) Gasoline and other flammable fluids shall be marked and stored in locked containers or in locked buildings not occupied by campers.

(l) Gasoline and other flammable fluids shall be stored at least fifty (50) feet from sleeping quarters. (*Indiana State Department of Health; 410 IAC 6-7.2-23*)

410 IAC 6-7.2-24 Electrical safety

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 24. (a) Wiring, lighting, and electrical receptacles shall be installed and maintained in a safe condition.

(b) Fifteen (15) and twenty (20) ampere, one hundred twenty-five (125) volt receptacles in sanitary facilities, bathrooms, garages, or maintenance buildings or located outside of buildings shall be equipped with ground-fault circuit interrupter protection.

(c) Electrical receptacles shall have wiring and circuit breakers or fuses sized to conform to the amperage of the receptacles they supply.

(d) Electrical switches, circuit breakers, receptacles,

control equipment, and metering devices located in wet places or outside of a building shall be weatherproof.

(e) Splices to electrical wires at accessible locations shall be made utilizing approved junction boxes.

(f) In areas subject to vehicle movement, service drop conductors of not over six hundred (600) volts nominal, shall be at least eighteen (18) feet above the ground surface. In other areas, the minimum clearance shall be ten (10) feet above the ground surface.

(g) Electrical equipment and conductors shall not be attached to trees.

(h) Electrical receptacles shall be grounded and shall not have an open neutral, open hot conductor, or reverse polarity.

(i) Loose electrical equipment shall be secured. Face plates and panel fronts shall be in place to prevent accidental contact. (*Indiana State Department of Health; 410 IAC 6-7.2-24*)

410 IAC 6-7.2-25 Water supplies

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 25. (a) Camps shall be provided with an adequate and convenient supply of potable water that meets the Indiana department of environmental management public water supply drinking water quality standard found in 327 IAC 8. Potable water shall always be available for culinary, drinking, laundry, and bathing purposes.

(b) Wells shall be constructed, installed, and located in accordance with 327 IAC 8 and 310 IAC 16.

(c) A camp shall exclusively use a public water supply if public water is available within a reasonable distance. If a public water supply is not available, a camp shall have water supplied from a well that complies with 327 IAC 8-2.

(d) The construction and location of all camp wells with less than fifteen (15) service connections or serving less than twenty-five (25) people shall comply with all the requirements of this rule.

(e) Camp water supply and distribution systems shall have the capacity to deliver a minimum water pressure of twenty (20) pounds per square inch to all water stations and connections during periods of peak water usage. The water supply shall have capacity to meet total daily water demands. If a well or pump cannot meet peak or daily water demand, camps shall be provided with sufficient usable storage capacity to meet the demand.

(f) The casing pipe of a well shall project not less than

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twenty-four (24) inches above floor level, finish grade or the highest flood level of record.

(g) Water supplies shall have no well head, well casing, pump, pumping machinery, exposed pressure tanks, or suction piping located in any pit, room, or enclosed space that does not have free drainage, by gravity, to the ground surface at all times.

(h) Wells and potable water distribution systems shall be disinfected after construction and after a repair. The water shall be tested and be bacteriologically acceptable in at least two (2) consecutive samples collected at least twenty-four (24) hours apart before the potable water system can be used.

(i) There shall be no direct physical connection between the camp potable water supply system and any nonpotable water supply system.

(j) Stop-and-waste valves or yard hydrants that would allow aspiration or back flow of contaminated water into the potable water system shall not be used.

(k) Common drinking cups are not permitted.

(l) When potable water is transported, it shall be in closed, disinfected containers used for no other purpose.

(m) Plumbing fixtures shall comply with 675 IAC 16. (*Indiana State Department of Health; 410 IAC 6-7.2-25*)

410 IAC 6-7.2-26 Sewage disposal

Authority: IC 16-19-3-4
Affected: IC 13-18-12; IC 16-19-3

Sec. 26. (a) Sewage shall be disposed of by a connection to a public sewer, if available within a reasonable distance from the camp. If a public sewer is not available within a reasonable distance from the camp, sewage disposal must comply with 410 IAC 6-12, 410 IAC 6-10, Bulletin S.E. 11, Bulletin S.E. 13, or applicable rules of the Indiana department of environmental management for sewage disposal facilities other than sanitary vault privies or septic tank soil-absorption systems.

(b) Only wastewater management businesses licensed pursuant to IC 13-18-12 shall clean camp privies and portable toilets of waste. Privies must be pumped when the accumulated waste is within eighteen (18) inches of the privy floor. (*Indiana State Department of Health; 410 IAC 6-7.2-26*)

410 IAC 6-7.2-27 Sanitary facilities

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 27. (a) The entrance to a sanitary facility shall have

a sign to designate which sex may use the facility. Solid walls extending from floor to ceiling shall separate facilities for each sex located in the same building.

(b) Toilets, urinals, hand washing, and bathing facilities shall be provided as follows:

Males

Individuals to

be served	Showers	Lavatories	Toilets	Urinals*
1-10	1	2	1	1
11-20	2	2	1	1
21-30	2	3	2	1
31-40	3	4	2	2
41-50	4	5	3	2
51-60	5	6	3	3
61-70	6	7	4	3

*Toilets may be substituted for the appropriate number of urinals.

Females

Individuals to

be served	Showers	Lavatories	Toilets
1-10	1	2	2
11-20	2	2	2
21-30	2	3	3
31-40	3	4	4
41-50	4	5	5
51-60	5	6	6
61-70	6	7	7

(c) Camps serving more than seventy (70) campers shall have sanitary facilities for each sex in the ratio of one (1) shower, lavatory, and toilet or urinal for each fifteen (15) additional campers.

(d) Showers or lavatories are not required at primitive camps.

(e) For all common use rooms that contain sanitary or laundry facilities, excluding sanitary vault privies and portable toilets, the following minimum requirements shall apply:

(1) Floors, walls, and partitions around showers, lavatories, and other plumbing fixtures shall be smooth, nonabsorbent, and easily cleanable. Floors in hand washing and shower rooms shall have a nonskid finish and trapped floor drains.

(2) Bathing and hand washing facilities shall have hot and cold water under pressure. Bathing facilities shall have an approved properly operating, approved automatic hot water temperature control valve. The valve must control the water temperature at the point of use so it will not exceed one hundred twenty (120) degrees Fahrenheit.

- (3) An operating mechanical exhaust device must replace the air in the facility at least six (6) times per hour.
- (4) Exterior openings shall be screened with at least sixteen (16) mesh screen to prevent the entrance of insects.
- (5) Entrances to toilets and bathing facilities shall have self-closing doors.
- (6) Toilet and bathing facilities shall be configured to prevent viewing of the interior through the entrance door.
- (7) Light fixtures shall have guards or shields to prevent shattering.
- (8) At least twenty (20) foot-candles of light measured thirty (30) inches above the floor must be provided throughout the interior of the facility.
- (9) Lavatories shall have mixing or combination faucets. Self-closing, slow closing, or metering faucets shall provide a flow of water for at least fifteen (15) seconds.
- (10) Lavatories and hand washing facilities shall be located within twenty-five (25) feet of toilets. Water, soap, and paper towels or a mechanical hand drying device shall be provided at hand washing facilities that are available to all campers. Common towels are prohibited.
- (11) Sanitary facilities must have a roof with an overhang to prevent drainage into the structure.
- (12) Sanitary facilities shall be maintained in a clean condition and in good repair.

(f) Toilet paper shall be available at all times in toilets and privies.

(g) Privies shall be constructed and maintained in compliance with Bulletin S.E. 11.

(h) Where electricity is available, the privy interior must have artificial illumination. Where electricity is not available, the privy must allow natural light to enter for illumination.

(i) Hand washing facilities, or a dispenser with moistened disposable towelettes, shall be located within twenty-five (25) feet of a privy.

(j) Toilet facilities shall be located within five hundred (500) feet of each sleeping area. (*Indiana State Department of Health; 410 IAC 6-7.2-27*)

410 IAC 6-7.2-28 Cooking and eating facilities

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 28. (a) Central kitchen and dining halls shall comply with 410 IAC 7-20.

(b) Kitchens separate from the central dining and used for individual campers to prepare meals shall meet the following requirements:

- (1) Provide a refrigerator and a range with a ventilation hood.
- (2) Provide a three (3) compartment sink or a two (2) compartment sink and a dishwasher or use only single service dishes and utensils.
- (3) Provide a numerically scaled indicating thermometer in each refrigerator accurate to plus or minus three (3) degrees Fahrenheit, located as to be easily readable.
- (4) Provide shielded or guarded light fixtures providing at least seventy (70) foot-candles of light on all food preparation surfaces and at equipment or utensil washing areas.
- (5) Provide a hand washing lavatory having hot and cold water and a combination faucet.
- (6) Provide the hand washing lavatory with a supply of hand cleansing soap and a supply of sanitary towels or a hand drying device. Sinks used for food preparation or food washing equipment shall not be used for hand washing.
- (7) Common towels are prohibited.
- (8) Provide a mop sink for use and disposal of mop water. Food preparation sinks shall not be used for this purpose. (*Indiana State Department of Health; 410 IAC 6-7.2-28*)

410 IAC 6-7.2-29 Buildings and sleeping shelters

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 29. (a) Buildings, structures, tents, and cabins shall be kept in good repair and maintained in a safe and sanitary condition.

(b) Floors and floor coverings in buildings used for sleeping or camp activities shall be in good repair and easily cleanable.

(c) Buildings used for sleeping shall have screened openable windows equal to at least ten percent (10%) of the floor area.

(d) Outside openings shall be screened with at least sixteen (16) mesh screen to prevent the entrance of insects.

(e) Screened doors shall be tight fitting, in good repair, and self-closing.

(f) At least thirty (30) square feet of floor space per camper must be provided in rooms used for sleeping.

(g) Beds shall be arranged so the heads of the sleepers are at least six (6) feet apart and there is at least thirty (30) inches between the sides of the beds.

(h) Sleeping rooms shall have a minimum ceiling height of seven (7) feet.

(i) Bedding provided by the camp operator shall be clean and washed before use by a new camper.

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(j) Foam bed mattresses shall be provided with easily cleanable plastic mattress covers.

(k) Vertical separation between the top of the lower mattress of a double deck bunk and the upper bunk shall be a minimum of twenty-seven (27) inches. The vertical separation from the top of the upper mattress to the ceiling shall be a minimum of thirty-six (36) inches.

(l) Bunk beds used by campers shall be equipped with guardrails on the upper bunk. Guardrails are required on any side of a bunk not placed tightly against a wall.

(m) At least twenty (20) foot-candles of light shall be provided throughout buildings used for sleeping.

(n) Tent material shall be flame-retardant. (*Indiana State Department of Health; 410 IAC 6-7.2-29*)

410 IAC 6-7.2-30 Water recreation

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 30. (a) An individual currently certified as a lifeguard and having a current cardiopulmonary resuscitation (CPR) certification must direct swimming, boating, canoeing, watercraft, water skiing, and other aquatic activities.

(b) A minimum of one (1) counselor for each fifteen (15) campers shall supervise watercraft and swimming activities.

(c) At each aquatic site, a minimum of one (1) currently certified lifeguard for each thirty (30) campers must be provided.

(d) Swimming pools shall comply with 410 IAC 6-2 and 675 IAC 20.

(e) In addition to the requirements of 410 IAC 6-2 and 675 IAC 20, swimming pools less than two thousand (2,000) square feet shall have one (1) or more qualified lifeguards on duty when the pool is in use by campers.

(f) Watercraft activity participants must wear a Type II or Type III U.S. Coast Guard approved personal flotation device.

(g) Bathing beaches shall comply with the following:

(1) Camp bathing beaches shall have a water surface area of at least one (1) acre.

(2) A minimum of twenty-five (25) square feet of water surface per bather shall be provided in areas having a water depth less than four (4) feet.

(3) At least seventy-five (75) square feet of water surface per bather shall be provided in areas over four (4) feet deep.

(4) A minimum of thirty-five (35) square feet of land area shall be provided per bather.

(5) The camp bathing beach, from the shoreline out to a

water depth of six (6) feet, shall consist of sand or pea gravel or other material to minimize turbidity.

(6) Floating marker lines securely anchored with buoys, spaced at intervals of no more than twenty-five (25) feet, shall be provided to designate the perimeter of the bathing area. Marker lines shall delineate the separation between the shallow (less than five (5) feet), deep, and diving areas. Depth markers shall be provided at diving areas.

(7) Toilet facilities shall be provided within five hundred (500) feet of camp bathing beaches, in the ratio of one (1) toilet for each fifty (50) bathers. Where flush toilets are provided lavatories shall be provided in the ratio of one (1) lavatory for each fifty (50) bathers.

(8) Water samples shall be collected at the camp bathing beach for bacteriological examination and submitted to an approved laboratory for analysis. Samples shall be submitted in accordance with the following:

(A) One (1) sample at least two (2) weeks prior to opening.

(B) One (1) sample each week the bathing beach is open thereafter.

(C) One (1) sample after a heavy rainfall of at least one-half (½) inch.

(9) Bathing beach samples shall be collected within one (1) foot of the surface, in water having a depth of at least three (3) feet, but no more than six (6) feet and at least twenty (20) feet from swimmers and animals.

(10) The bathing beach must be closed if the beach water quality does not meet the following water quality standards:

(A) *Escherichia coliform* bacteria, using the membrane filter count, exceeds one hundred twenty-five (125) colonies per one hundred (100) milliliters as a geometric mean based on no less than five (5) samples equally spaced over a thirty (30) day period.

(B) *Escherichia coliform* bacteria using the membrane filter count exceeds two hundred thirty-five (235) colonies per one hundred (100) milliliters in any one (1) sample in a thirty (30) day period.

(C) The water has aquatic vegetation, deposits, growths, oil, grease, chemicals, or other substances capable of creating toxic reactions, skin or membrane irritations, or a health or safety hazard.

(11) Results of each camp bathing beach water sample analysis must be reported to the department.

(12) At least one (1) qualified lifeguard shall be on duty when the bathing beach is open to swimmers.

(13) A lifeguard shall be stationed at each diving area.

(14) Lifeguard stations shall be equipped with elevated seats or stands to isolate them and give them a complete and unobstructed view of the bathing and beach area for which they are responsible.

(15) Land based lifeguard stations shall be located within thirty (30) feet of the shoreline.

(16) Lifeguard stations shall be equipped with a whistle or megaphone and sunglasses.

(17) When performing as a lifeguard, lifeguards shall not perform any other tasks and shall not be in the water except in the line of duty.

(18) A spine board with ties shall be provided at each aquatic location.

(19) A rescue tube shall be provided at each lifeguard station.

(20) Required safety equipment shall be kept clean, in good repair, and ready for use.

(Indiana State Department of Health; 410 IAC 6-7.2-30)

410 IAC 6-7.2-31 Refuse collection

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 31. (a) Refuse, including garbage, shall be collected, stored, and disposed of properly so the camp is clean and litter free. Refuse shall not accumulate in a manner that could:

(1) result in rodent harborage or promote insect breeding; or

(2) cause a fire, safety, or health hazard.

(b) Each garbage can and dumpster in a camp shall be covered with a tight fitting lid at all times except during use.

(c) Garbage and refuse shall be collected at least once per week or more often when necessary.

(d) Burning of garbage and refuse is not permitted.

(e) Garbage and refuse shall be stored in watertight, rodent proof, fly proof containers. Unless plastic liners are used, garbage containers shall be cleaned when emptied.

(f) Dumpsters shall be located at least fifty (50) feet from sleeping areas. *(Indiana State Department of Health; 410 IAC 6-7.2-31)*

410 IAC 6-7.2-32 Animal and pest control

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 32. (a) Animal shelters, corrals, tie rails, or hitching posts shall not be located within two hundred (200) feet of a dining hall, kitchen, or other place where food is prepared, cooked, or served.

(b) Buildings, grounds, and storage areas shall be kept free of insect and rodent infestations and free of refuse that could harbor rodents, mosquitoes, flies, and other pests.

(c) Lumber, pipe, and other building materials shall be stored at least four (4) inches above the ground. *(Indiana State Department of Health; 410 IAC 6-7.2-32)*

410 IAC 6-7.2-33 Right of entry

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 33. The department or the local health officer may enter public or private property at reasonable times and, upon presentation of credentials, to do any of the following:

(1) Inspect facilities, equipment, or records.

(2) Investigate allegations, conduct tests, or collect samples.

(3) Obtain information necessary to the issuance of a permit pursuant to this rule.

(4) Determine whether any person is subject to, or in violation of, this rule or a permit issued pursuant to this rule.

(Indiana State Department of Health; 410 IAC 6-7.2-33)

410 IAC 6-7.2-34 Incorporation by reference

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 34. Bulletin S.E. 11 and Bulletin S.E. 13 are incorporated by reference as part of this rule. Copies of these bulletins may be obtained free of charge by mailing a request to the department. *(Indiana State Department of Health; 410 IAC 6-7.2-34)*

410 IAC 6-7.2-35 Local authorities

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 35. Local health officers may enforce the rules of the department. County and municipal authorities within their respective jurisdictions have jurisdiction over zoning, building codes, and ordinances pertaining to camps. *(Indiana State Department of Health; 410 IAC 6-7.2-35)*

410 IAC 6-7.2-36 Enforcement

Authority: IC 16-19-3-4

Affected: IC 4-21.5-3-6; IC 4-21.5-3-8; IC 16-19-3-5

Sec. 36. The department may commence an action under IC 16-19-3-4, IC 16-19-3-5, and IC 4-21.5-3-6, or IC 4-21.5-3-8 against a camp operator who:

(1) fails to comply with this rule; or

(2) interferes with or obstructs the department or its designated agent in the performance of duties pursuant to this rule.

(Indiana State Department of Health; 410 IAC 6-7.2-36)

SECTION 3. 410 IAC 6-7 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 22, 2002 at 2:00 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a

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public hearing on proposed new rules to govern sanitation and safety in campgrounds and sanitation and safety in youth camps. Copies of these rules are now on file at the Indiana State Department of Health, 2 North Meridian Street, 5th Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gregory A. Wilson, M.D.
State Health Commissioner
Indiana State Department of Health

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Proposed Rule LSA Document #01-280

DIGEST

Adds 410 IAC 21-3 to define birth problems and establish reporting requirements for the birth problems registry. Effective 30 days after filing with the secretary of state.

410 IAC 21-3

SECTION 1. 410 IAC 21-3 IS ADDED TO READ AS FOLLOWS:

Rule 3. Birth Problems Registry

410 IAC 21-3-1 Applicability

Authority: IC 16-38-4-7
Affected: IC 16-38-4

Sec. 1. The definitions in this rule apply throughout this rule. (Indiana State Department of Health; 410 IAC 21-3-1)

410 IAC 21-3-2 "Indiana resident" defined

Authority: IC 16-38-4-7
Affected: IC 16-38-4

Sec. 2. "Indiana resident" means an individual whose current address is within Indiana. (Indiana State Department of Health; 410 IAC 21-3-2)

410 IAC 21-3-3 "Person" defined

Authority: IC 16-38-4-7
Affected: IC 16-38-4

Sec. 3. "Person" means an individual, association, partnership, corporation, or government entity. (Indiana State Department of Health; 410 IAC 21-3-3)

410 IAC 21-3-4 "Registry" defined

Authority: IC 16-38-4-7
Affected: IC 16-38-4

Sec. 4. "Registry" means the Indiana birth problems registry administered by the Indiana state department of health. (Indiana State Department of Health; 410 IAC 21-3-4)

410 IAC 21-3-5 "Severe disability" defined

Authority: IC 16-38-4-7
Affected: IC 16-38-4

Sec. 5. "Severe disability" means a severe physical disability or developmental delay that:

- (1) results from injury, infection, or disease;
- (2) is chronic in nature; and
- (3) requires long term health care.

(Indiana State Department of Health; 410 IAC 21-3-5)

410 IAC 21-3-6 "Stillbirth" defined

Authority: IC 16-38-4-7
Affected: IC 16-38-4

Sec. 6. "Stillbirth" means a birth after twenty (20) weeks of gestation that is not a live birth. (Indiana State Department of Health; 410 IAC 21-3-6)

410 IAC 21-3-7 Persons required to report

Authority: IC 16-38-4-7
Affected: IC 16-38-4

Sec. 7. The following persons shall report a diagnosed birth problem to the birth problems registry:

- (1) Hospitals.
- (2) Birthing centers.
- (3) Health facilities.
- (4) Physicians.
- (5) Psychiatric hospitals.
- (6) Dentists.
- (7) Oral surgeons.
- (8) Registered or licensed practical nurses.
- (9) Midwives.
- (10) Optometrists.
- (11) Podiatrists.
- (12) Chiropractors.
- (13) Physical therapists.
- (14) Psychologists.
- (15) Local health departments.
- (16) Health maintenance organization.

(Indiana State Department of Health; 410 IAC 21-3-7)

410 IAC 21-3-8 Reporting requirements

Authority: IC 16-38-4-7
Affected: IC 16-38-4

Sec. 8. (a) The following shall be reported by a person who must report as required by section 7 of this rule to the registry:

- (1) Every birth problem listed in section 9 of this rule that has been diagnosed in a child before that child's second birthday.
- (2) Every birth problem listed in section 9 of this rule that was diagnosed at the time of a child's death up to two (2) years of age or at expulsion or extraction of a fetus at twenty (20) weeks or greater gestation.

(b) Reports to the registry must be made within sixty (60) days of diagnosis.

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(c) Only diagnoses of birth problems in children who are Indiana residents shall be reported.

(d) The registry shall provide the required forms for birth problems reporting. (*Indiana State Department of Health; 410 IAC 21-3-8*)

410 IAC 21-3-9 Reportable birth problems

Authority: IC 16-38-4-7

Affected: IC 16-38-4

Sec. 9. The following categories, along with those conditions identified in the International Classification of Diseases—Ninth Revision, Clinical Modification, 1998 (ICD-9-CM), are birth problems:

- (1) A structural deformation.
- (2) A developmental malformation.
- (3) A genetic, inherited, or biochemical disease.
- (4) Birth weight less than two thousand five hundred (2,500) grams.
- (5) A condition of a chronic nature, including central nervous system hemorrhage or infection of the central nervous system, that may result in a need for long term health care.
- (6) Stillbirth.
- (7) Any other severe disability that is recognized in a child after birth and before the child becomes two (2) years of age.
- (8) ICD-9-CM Codes

ICD-9-CM Codes	Name
090-090.2	Syphilis
155-214.9	Neoplasms
216-216.9	Neoplasms
228.1-239.9	Neoplasms
243	Congenital hypothyroidism
246.1	Dyshormonogenic goiter
250-250.9	Diabetes mellitus
255.2	Adrenogenital disorders
257.8	Other testicular dysfunction
270-271.3	Disorders of amino acids and carbohydrate transport and metabolism
272.7	Lipidoses
273	Disorders of plasma protein metabolism
277-277.9	Other unspecified disorders of metabolism
279.11	DiGeorge's syndrome
282	Hereditary hemolytic anemias
284	Constitutional aplastic anemia
286	Coagulation defects
299	Infantile autism
330.1	Cerebral lipidoses
335	Werdnig-Hoffmann disease
362.21	Retrolental fibroplasia
362.7	Hereditary retinal dystrophies
365.14	Glaucoma of childhood

366-366.09

378.9

379.51

389-389.9

425

425.3

426.7

427.9

430

524-524.1

551.1-551.3

553.2

630-635.9

637-637.9

655-655.9

656.4

658.8

685

709

Congenital anomalies

740-742.9

743-744.9

745-747.9

748-748.9

749-750.29

750.3-751.9

752-753.9

754-756.9

757-757.9

758-758.9

759-759.9

760.70-760.79

768-768.1

764-765.1

771-771.2

774.4

775.1

778.6

779.9

Infantile, juvenile, and presenile cataract

Unspecified disorders of eye movement

Congenital nystagmus

Hearing loss

Cardiomyopathy

Endocardial fibroelastosis

Anomalous atrioventricular excitation

Cardiac dysrhythmia, unspecified

Subarachnoid hemorrhage

Anomalies of jaw

Hernia with gangrene

Ventral hernia

Complications of pregnancy and abortive outcome

Unspecified abortion

Fetal abnormality affecting management of mother

Intrauterine death

Amnion nodosm amniotic cyst

Pilonidal cyst

Other disorders of skin and subcutaneous tissue

CNS

Orofacial

Cardiovascular

Respiratory

Orofacial

Gastrointestinal

Genitourinary

Musculoskeletal

Integument

Chromosome and syndromes

Other and unspecified congenital anomalies

Alcohol and other drugs

Fetal death from asphyxia or anoxia

Low birth weight

Congenital infections

Perinatal jaundice due to hepatocellular damage

Neonatal diabetes mellitus

Congenital hydrocele

Unspecified conditions originating in the perinatal period

(*Indiana State Department of Health; 410 IAC 21-3-9*)

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Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 25, 2002 at 2:00 p.m., at the Indiana State Department of Health, Information Services and Policy Commission, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on a proposed new rule to define birth problems and establish reporting requirements for the birth problems registry. Copies of these rules are now on file at the Indiana State Department of Health, Information Services and Policy Commission, 2 North Meridian Street, Third Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gregory A. Wilson, M.D.
State Health Commissioner
Indiana State Department of Health

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Proposed Rule

LSA Document #01-339

DIGEST

Adds 410 IAC 23-2 to implement the health care professional recruitment and retention program for the repayment for student loans incurred by eligible health care professionals. Repeals 410 IAC 23-1. Effective 30 days after filing with the secretary of state.

410 IAC 23-1

410 IAC 23-2

SECTION 1. 410 IAC 23-2 IS ADDED TO READ AS FOLLOWS:

Rule 2. Health Care Professional Recruitment and Retention Program

410 IAC 23-2-1 Definitions

Authority: IC 16-46-5-19
Affected: IC 16-46-5

Sec. 1. The definitions in this rule apply throughout this rule. (Indiana State Department of Health; 410 IAC 23-2-1)

410 IAC 23-2-2 "Department" defined

Authority: IC 16-46-5-19
Affected: IC 16-46-5

Sec. 2. "Department" means the Indiana state department of health. (Indiana State Department of Health; 410 IAC 23-2-2)

410 IAC 23-2-3 "Fiscal body" defined

Authority: IC 16-46-5-19
Affected: IC 16-46-5

Sec. 3. "Fiscal body" means:

- (1) county council, for a county not having a consolidated city;
- (2) city county council, for a consolidated city or county having a consolidated city;
- (3) common council, for a city other than a consolidated city;
- (4) town council, for a town;
- (5) township board, for a township; or
- (6) governing body or budget approval body, for any other political subdivision.

(Indiana State Department of Health; 410 IAC 23-2-3)

410 IAC 23-2-4 "Fund" defined

Authority: IC 16-46-5-19
Affected: IC 16-46-5

Sec. 4. "Fund" means the Indiana health care professional recruitment and retention fund. (Indiana State Department of Health; 410 IAC 23-2-4)

410 IAC 23-2-5 "Lending institution" defined

Authority: IC 16-46-5-19
Affected: IC 16-46-5

Sec. 5. "Lending institution" means an institution that makes or holds education loans. (Indiana State Department of Health; 410 IAC 23-2-5)

410 IAC 23-2-6 "Shortage area" defined

Authority: IC 16-46-5-19
Affected: IC 16-46-5

Sec. 6. "Shortage area" means a county, city, town, census tract, or township designated by the department as underserved by health care professionals. (Indiana State Department of Health; 410 IAC 23-2-6)

410 IAC 23-2-7 "Student loan" defined

Authority: IC 16-46-5-19
Affected: IC 16-46-5

Sec. 7. "Student loan" means a loan insured or guaranteed under a federal or state program of private insurance that is made to assist a student in obtaining postsecondary education and is:

- (1) made to any Indiana student, or either one (1) or both parents or the legal guardian of the student, for the purpose of attending an Indiana or non-Indiana institution;
- (2) made to any non-Indiana student, or one (1) or both parents or the legal guardian of the student, for the purpose of attending an Indiana institution; or
- (3) made or owned by any lending institution or their affiliate with offices located in Indiana or in a state which an Indiana bank or an Indiana bank holding company is entitled under Indiana law to acquire a bank or holding company.

(Indiana State Department of Health; 410 IAC 23-2-7)

410 IAC 23-2-8 Federal designation

Authority: IC 16-46-5-19
Affected: IC 16-46-5

Sec. 8. The department shall annually adopt the federal designation of the counties, towns, census tracts, and townships in Indiana that are underserved by specific types of health professionals as determined by the department. The department shall rank these areas according to the degree each is underserved by health care professionals. (*Indiana State Department of Health; 410 IAC 23-2-8*)

410 IAC 23-2-9 Fund established

Authority: IC 16-46-5-19
Affected: IC 16-46-5; IC 25-22.5-9

Sec. 9. (a) The Indiana health care professional recruitment and retention fund is established. The purpose of this fund is to provide loan repayment for student loans incurred by health care professionals to encourage full-time delivery of health care in shortage areas. The department shall administer the fund.

(b) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Repayments by loan recipients from the Indiana medical and nursing distribution loan fund under IC 25-22.5-9.
- (3) Gifts to the fund.
- (4) Grants from public or private sources.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund.

(d) Money in the fund does not revert to the state general fund.

(e) The fund shall be used for loan repayment under this document. (*Indiana State Department of Health; 410 IAC 23-2-9*)

410 IAC 23-2-10 Applicants

Authority: IC 16-46-5-19
Affected: IC 16-46-5

Sec. 10. (a) Applicants may choose only from those areas appearing on the department's annual list, unless an applicant can provide the department with sufficient evidence and documented support that an area not appearing on the department's list is a medically underserved area.

(b) A health care professional must apply for a loan repayment on an application form supplied by the department. Applications from health care professionals will be accepted until November 1. Funding decisions will be made by the department by December 1.

(c) Health care professionals participating in the student

loan repayment program must meet the following conditions:

- (1) Be a United States citizen.
- (2) Have no outstanding contractual obligation for health professional service to the United States government, or a state or other entity, unless the service obligation will be completely satisfied before the contract has been signed. Be aware that certain bonus clauses in employment contracts may impose a service obligation.
- (3) Not be in breach of a health professional service contract to the United States government, state, or local government, or other entity.
- (4) Not have a judgment lien against their property for a debt to the United States.
- (5) Perform their service obligation at a site designated as eligible by the department.
- (6) Provide full-time primary health care service, which is defined as a minimum of forty (40) hours per week for at least forty-five (45) weeks per year at an eligible site. At least thirty-two (32) of the forty (40) hours per week must be spent providing clinical service. These services must be conducted during normally scheduled clinic hours in the ambulatory care setting office or offices, with the remaining hours spent providing inpatient care to patients of the eligible site and/or in practice related administrative activities, with administrative activities not to exceed twenty percent (20%) of their full-time tour. Time spent on-call is not considered part of the full-time tour. Obstetrician/gynecologists, certified nurse midwives, and certified midwives are expected to spend not less than twenty-one (21) hours per week providing ambulatory care services during normally scheduled office hours, with the remaining hours spent providing inpatient care to patients of the eligible site and/or in practice related administrative activities, with administrative activities not to exceed twenty percent (20%) of their full-time tour.
- (7) Charge for their professional services at the usual and customary prevailing rates in the area in which such services are provided, except that if a person is unable to pay such charge, such person shall be charged at a reduced rate or not charged any fee.
- (8) Agree to provide primary health services to any individual seeking care. The program participants must agree not to discriminate on the basis of the patient's ability to pay for such care on the basis that payment for such care will be made pursuant to Medicare or Medicaid.
- (9) Agree that they will:
 - (A) accept assignment under Medicare (Section 1842(b)(3)(B)(ii) of the Social Security Act) for all services for which payment under Part B of Title XVIII; and
 - (B) enter into an appropriate agreement with the state agency that administers the state plan for medical assistance under Title XIX to provide services to individuals entitled to medical assistance under the plan.
- (10) Pay the amount specified in the program contract

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default provisions for failure to complete their service obligation for any reason.

(d) To be eligible for loan repayment for student loans, a health care professional must meet all of the following conditions:

(1) Hold an unlimited license to practice a health care profession in Indiana that has been declared by the department to be eligible for loan repayment in a specified fiscal year.

(2) Either:

(A) completed at least one (1) year of health care professional practice in a shortage area; or

(B) worked at least one (1) year at a community or migrant health center or maternal and child health clinic in a shortage area.

(3) Practice in a health care profession that has been declared eligible by the department for loan repayment in a specified fiscal year.

(Indiana State Department of Health; 410 IAC 23-2-10)

410 IAC 23-2-11 Eligibility

Authority: IC 16-46-5-19

Affected: IC 16-46-5-7

Sec. 11. The department shall consider each application and determine the eligibility of the applicant for the program under which the application is submitted and the extent to which the shortage area or eligible entity located in a shortage area is underserved, according to the rank given the shortage area under IC 16-46-5-7. *(Indiana State Department of Health; 410 IAC 23-2-11)*

410 IAC 23-2-12 Amount awarded

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 12. Amounts awarded may not exceed the documented amount of the student loans incurred by the health care professional. *(Indiana State Department of Health; 410 IAC 23-2-12)*

410 IAC 23-2-13 Annual report

Authority: IC 16-46-5-19

Affected: IC 16-46-5

Sec. 13. The department shall file an annual report with the governor and the general assembly on the following:

- (1) The receipt, disbursement, and use of funds.
- (2) The identification of shortage areas.
- (3) The number of applications for loan repayments by the following categories:
 - (A) Profession.
 - (B) Specialty.
 - (C) Underserved are to be served.
- (4) The number and amount of loan repayments provided by the department.

(Indiana State Department of Health; 410 IAC 23-2-13)

SECTION 2. 410 IAC 23-1 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 28, 2002 at 2:00 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on a proposed new rule to implement the health care professional recruitment and retention program for the repayment for student loans incurred by eligible health care professionals. Repeals 410 IAC 23-1. Copies of these rules are now on file at the Indiana State Department of Health, Community Health Development Services Commission, 2 North Meridian Street, Eighth Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gregory A. Wilson, M.D.

State Health Commissioner

Indiana State Department of Health

TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION

Proposed Rule

LSA Document #01-357

DIGEST

Adds 440 IAC 9-2-7, 440 IAC 9-2-8, and 440 IAC 9-2-9 to establish standards and requirements for community mental health centers and certified managed care providers regarding residential services for adults with psychiatric disorders, residential services for adults with addictions, and residential services for seriously emotionally disturbed or addicted children. Repeals 440 IAC 7-2-16, 440 IAC 7-2-17, and 440 IAC 7-2-18. Effective 30 days after filing with the secretary of state.

440 IAC 7-2-16

440 IAC 9-2-7

440 IAC 7-2-17

440 IAC 9-2-8

440 IAC 7-2-18

440 IAC 9-2-9

SECTION 1. 440 IAC 9-2-7 IS ADDED TO READ AS FOLLOWS:

440 IAC 9-2-7 Residential services for adults with psychiatric disorders

Authority: IC 12-8-8-4; IC 12-21-2-8

Affected: IC 12-7-2-40.6; IC 12-21-5-1.5; IC 12-22-1; IC 12-22-2; IC 12-24-19-4; IC 16-28-2

Sec. 7. (a) Managed care providers and community

mental health centers shall provide residential services according to the standards set out in this section. Managed care providers and community mental health centers shall ensure that their subcontractors who provide residential services also meet the same standards.

(b) Residential services for adults with psychiatric disorders can take place in a variety of settings, as appropriate for the individual consumer.

(c) Residential services that are a part of the continuum of care must be provided in a variety of settings, including at least two (2) of the following types of settings:

- (1) Supervised group living facility.
- (2) Transitional residential facility.
- (3) Subacute stabilization facility.
- (4) Semi-independent living facility.
- (5) Alternative family for adults program.

(d) Residential services for adults with psychiatric disorders must be based on a written, cohesive, and clearly stated philosophy and treatment orientation and must include the following standards:

- (1) There must be evidence that the philosophy is based on literature, research, and proven practice models.
- (2) The services must be client centered.
- (3) The services must consider client preferences and choices.
- (4) There must be a stated commitment to quality services.
- (5) The residents must have a safe and drug free environment.
- (6) The individual environment must be as homelike as possible.

(e) The services must provide flexible alternatives with a wide variety of levels of supervision, support, and treatment as follows:

- (1) The treatment services must be carried out in residences that meet all life safety requirements and are licensed or certified as appropriate.
- (2) Service flexibility must allow movement toward the least restrictive environment but allow increases in intensity during relapses or cycles of relapse.
- (3) The services must provide the ability to maintain residents at any level of supervision and support as required by the consumer's need. If a consumer's need exceeds the typical length of stay, services may not be terminated without just cause.
- (4) The services must provide continuous or reasonably incremental steps between levels.
- (5) A consumer can graduate from residential services, but cannot be terminated because of a need for more supervision, care, or direction without the agency continuing to assertively provide adequate, safe, and continuing

treatment unless the resident is transferred to another entity with continuing treatment provided to the resident by that entity.

(f) Residential services shall include specific functions that shall be made available to consumers based upon the individual treatment plan. These functions include the following:

- (1) Provision of transportation or access to public transportation in accordance with the treatment plan.
- (2) A treatment plan partially based on a functional assessment of each resident's daily living, socialization, and coping skills that is based on structured evaluation and observation of behavior.
- (3) Provision of services focused on assisting a resident's move to an independent setting.
- (4) Respite residential services, a very short term residential care (less than two (2) weeks), to provide either relief for a caregiver or transition during a stressful situation.
- (5) Within twenty-four (24) hours after problem recognition, access to emergency residential services, more intensive residential services and ultimately to acute stabilization services.

(g) Residents, as determined by their individual treatment plan, must receive a combination of the following services:

- (1) Day treatment, that may include the following:
 - (A) Intensive outpatient.
 - (B) Social, recreational, and support activities.
 - (C) Other models of intervention.
- (2) Habilitation and rehabilitation services that may include the following:
 - (A) Daily living skills development.
 - (B) Parenting skills development.
 - (C) Social and recreational activities.
 - (D) Public involvement and education.
 - (E) Community reintegration.
- (3) Vocational services that may include the following:
 - (A) Supported employment.
 - (B) Volunteering.
 - (C) Vocational rehabilitation services.
 - (D) Competitive employment.
 - (E) Job training.
- (4) Appropriate educational services must be available in as normal a setting as possible.
- (5) Mental health treatment, including the following:
 - (A) Group therapy.
 - (B) Individual counseling or psychotherapy.
 - (C) Medication therapy.

(h) Family involvement must be offered to the resident as part of the service unless it is refused by the resident as documented annually in the treatment plan.

(i) If the resident agrees to family participation and signs

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a release of information, the following requirements apply:

- (1) The program shall solicit and consider input from the family or legal representative in the diagnosis and treatment planning process.
- (2) Families or legal representatives shall be contacted when admitting residents and moving them between residences within the total service.
- (3) Families or legal representatives shall be contacted quarterly regarding the resident's progress and situation.
- (4) Families shall be encouraged to use appropriate family support services.

(Division of Mental Health and Addiction; 440 IAC 9-2-7)

SECTION 2. 440 IAC 9-2-8 IS ADDED TO READ AS FOLLOWS:

440 IAC 9-2-8 Residential services for adults with addictions

Authority: IC 12-8-8-4; IC 12-21-2-8; IC 12-21-5-1.5; IC 12-23-1-6
Affected: IC 12-7-2

Sec. 8. (a) Each managed care provider for addiction services and each community mental health center shall provide residential services according to the standards set out in this section. Managed care providers and community mental health centers shall ensure that their subcontractors who provide residential services also meet the same standards.

(b) Residential treatment services for adults with addictions can take place in a variety of settings, as appropriate for the individual consumer.

(c) Residential treatment services must be based on a written, cohesive, and clearly stated philosophy and treatment orientation and must include the following standards:

- (1) There must be evidence that the philosophy is based on literature, research, and proven practice models.
- (2) The services must be client centered.
- (3) The services must consider client preferences and choices.
- (4) There must be a stated commitment to quality services.
- (5) The residents must be provided a safe, alcohol free, and drug free environment.
- (6) The individual environment must be as homelike as possible.
- (7) The services must provide transportation or ensure access to public transportation in accordance with the treatment plan.

(d) The services must provide flexible alternatives with a variety of levels of supervision, support, and treatment as follows:

- (1) Service flexibility must allow movement toward the least restrictive environment but allow increases in intensity during relapses or cycles of relapse.

(2) The residential services must provide continuous or reasonably incremental steps between levels.

(3) An agency cannot terminate a consumer from all services because of a need for more supervision, care, or direction without the agency making a good faith effort to continue to provide adequate, safe, and continuing treatment unless the resident is transferred to another entity with continuing treatment provided to the resident by that entity.

(e) The treatment services must be carried out in residences that meet all life safety requirements and are licensed or certified as appropriate.

(f) Residential services shall include specific functions that shall be made available to consumers based upon the individual treatment plan. These functions include the following:

- (1) A treatment plan partially based on a functional assessment of each resident's daily living, socialization, and coping skills that is based on structured evaluation and observation of behavior.
- (2) Crisis services, including access to more intensive residential services and ultimately to acute stabilization services, including detoxification, within twenty-four (24) hours of problem identification.
- (3) Case management services, including access to medical services, for the duration of treatment, provided by a case manager or primary therapist.

(g) A consumer of residential treatment services must have access to psychiatric or addictions treatment as needed, including the following:

- (1) Day treatment that may include the following:
 - (A) Daily living skills development.
 - (B) Social, recreational, and recovery support activities.
 - (C) Parenting skills development.
- (2) Vocational services, that may include the following:
 - (A) Supported employment.
 - (B) Volunteering.
 - (C) Vocational rehabilitation services.
 - (D) Competitive employment.
 - (E) Job training.
- (3) Appropriate educational services must be available in as normal a setting as possible.
- (4) Psychiatric or addiction treatment, including the following:
 - (A) Group therapy.
 - (B) Individual counseling.
 - (C) Medication evaluation and monitoring.

(h) Family involvement must be offered to the resident as part of the service unless it is refused by the resident.

(i) If the resident agrees to family participation and signs a release of information, the following requirements apply:

- (1) The program must solicit and consider input from the family or legal representative in the diagnosis and treatment planning process.
- (2) Families or legal representatives shall be contacted when admitting residents and moving them between residences within the total service.
- (3) Families or legal representatives shall be contacted quarterly regarding the resident's progress and situation.
- (4) Families shall be encouraged to use appropriate family support services.

(Division of Mental Health and Addiction; 440 IAC 9-2-8)

SECTION 3. 440 IAC 9-2-9 IS ADDED TO READ AS FOLLOWS:

440 IAC 9-2-9 Residential services for seriously emotionally disturbed or addicted children

Authority: IC 12-8-8-4; IC 12-21-2-8

Affected: IC 12-7-2; IC 12-21-5-1.5; IC 12-22-1; IC 12-22-2; IC 12-22-3-4; IC 31-34

Sec. 9. (a) Each managed care provider for seriously emotionally disturbed children, managed care provider for addiction services, and community mental health center shall provide residential services for seriously emotionally disturbed or addicted children according to the standards set out in this section. Managed care providers and community mental health centers shall ensure that their subcontractors who provide residential services also meet the same standards.

(b) Residential services for children consist of treatment services for children in out of home placements.

(c) The treatment services must be based on a written, cohesive, and clearly stated philosophy and treatment orientation that is based on literature, research, and proven practice models.

(d) Residential services for children under this rule do not include the following:

- (1) Room and board.
- (2) In loco parentis supervision.
- (3) Education.
- (4) Developmental services and vocational training.
- (5) Medical and dental care.
- (6) Nontherapeutic activities.

(e) The treatment services must have the following characteristics:

- (1) Family centered philosophy.
- (2) Family preferences and choices must be considered.
- (3) A stated commitment to quality services.

(f) Treatment services must consist of a continuum of alternatives providing a wide variety of levels of supervision, support, and treatment as follows:

(1) Service flexibility must allow movement toward the least restrictive environment but increases in intensity during periods of crisis or instability.

(2) The treatment services must provide continuous or reasonably incremental steps between levels.

(3) A child can graduate from the program if that is addressed in the treatment plan. A child cannot be terminated because of a need for more supervision, care, or direction without the agency continuing to provide adequate, safe, and continuing treatment, unless the child is transferred to another entity with continuing treatment provided to the child by that entity.

(g) Treatment services must be carried out in residences and facilities that are licensed, certified, or operated by the state.

(h) The following specific functions must be evident in a residential treatment program:

(1) A diagnosis and assessment capability that allows for observation of daily living skills and socialization skills in an out of home setting.

(2) Transitional services that are aimed specifically at assisting a resident's first move to an adult setting.

(3) Respite care, short term care provided in an out of home setting (for less than two (2) weeks), to provide either relief for a caregiver or transition during a stressful situation.

(4) Within twenty-four (24) hours of problem recognition, emergency care, for which the provider must have the ability to place and care for children in an emergency situation in a setting other than inpatient, if inpatient services are not appropriate.

(5) Access to more intensive residential services and ultimately to inpatient services within twenty-four (24) hours when in crisis.

(6) Case management services for each child requiring residential treatment by a case manager or primary therapist who can follow them throughout the program.

(i) Children receiving children's residential treatment services must have access to psychiatric or addictions treatment, including, as determined by the individual treatment plan, the following:

- (1) Group therapy.
- (2) Individual counseling or psychotherapy.
- (3) Medication therapy.

(j) All agencies under this rule shall provide the following family preservation/reintegration services unless precluded by court order under IC 31-34.

(1) The family of any child in an out of home placement shall be provided counseling and related services to prepare for the eventual return of the child.

(2) Family input and advice shall be considered in the

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diagnosis, treatment planning, and discharge planning process.

(3) Families shall be contacted before admitting residents and before moving them between residences within the total program.

(4) Families shall be contacted at least monthly regarding the progress and situation of the resident.

(5) Families shall be encouraged to use appropriate family support services.

(k) A treatment program of mental health or addiction services for children shall do the following:

(1) Include liaison with the school system.

(2) Ensure that education is represented on the treatment team.

(l) All providers of mental health or addiction services for children shall cooperate with local entities which have jurisdiction over the individual child. (*Division of Mental Health and Addiction; 440 IAC 9-2-9*)

SECTION 4. THE FOLLOWING ARE REPEALED: 440 IAC 7-2-16; 440 IAC 7-2-17; 440 IAC 7-2-18.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 28, 2002 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 4 and 5, Indianapolis, Indiana the Division of Mental Health and Addiction will hold a public hearing on proposed new rules to establish standards and requirements for community mental health centers and certified managed care providers regarding residential services for adults with psychiatric disorders, residential services for adults with addictions, and residential services for seriously emotionally disturbed or addicted children. Repeals 440 IAC 7-2-16, 440 IAC 7-2-17, and 440 IAC 7-2-18. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Janet Corson
Director
Division of Mental Health and Addiction

TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY

Proposed Rule
LSA Document #01-428

DIGEST

Amends 540 IAC 1 to maintain the tax-qualified status of the Indiana CollegeChoice 529 Program by complying with the

amendments to Section 529 of the Internal Revenue Code of 1986, and the provisions related thereto, as established by the Economic Growth and Tax Relief Reconciliation Act of 2001, P.L.107-16. Repeals 540 IAC 1-3-2, 540 IAC 1-5-2, 540 IAC 1-6-2, 540 IAC 1-7-3, 540 IAC 1-8-5, 540 IAC 1-8-6, 540 IAC 1-8-7, 540 IAC 1-9-2, 540 IAC 1-10-1.5, 540 IAC 1-10-1.6, and 540 IAC 1-10-3. Effective 30 days after filing with the secretary of state.

540 IAC 1-1-3	540 IAC 1-7-3
540 IAC 1-1-4	540 IAC 1-8-1
540 IAC 1-1-6	540 IAC 1-8-2
540 IAC 1-1-7	540 IAC 1-8-3.5
540 IAC 1-1-7.5	540 IAC 1-8-4
540 IAC 1-1-9	540 IAC 1-8-5
540 IAC 1-1-10.5	540 IAC 1-8-6
540 IAC 1-1-11.5	540 IAC 1-8-7
540 IAC 1-1-11.6	540 IAC 1-9-1
540 IAC 1-1-12	540 IAC 1-9-2
540 IAC 1-1-13	540 IAC 1-9-2.5
540 IAC 1-1-14	540 IAC 1-9-2.6
540 IAC 1-1-16	540 IAC 1-9-2.7
540 IAC 1-1-16.5	540 IAC 1-9-3
540 IAC 1-3-2	540 IAC 1-10-1
540 IAC 1-5-1	540 IAC 1-10-1.5
540 IAC 1-5-2	540 IAC 1-10-1.6
540 IAC 1-6-1	540 IAC 1-10-3
540 IAC 1-6-2	540 IAC 1-10-4
540 IAC 1-7-1	540 IAC 1-12-2
540 IAC 1-7-2	

SECTION 1. 540 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-3 “Account” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 3. “Account” means ~~an individual~~ a trust account. (*Indiana Education Savings Authority; 540 IAC 1-1-3; filed Sep 9, 1997, 4:45 p.m.: 21 IR 84*)

SECTION 2. 540 IAC 1-1-4 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-4 “Account owner” defined

Authority: IC 21-9-4-7
Affected: IC 21-9; IC 30-2-8.5

Sec. 4. “Account owner” means any:

- (1) individual; ~~who is an adult;~~
- (2) emancipated minor; ~~or an individual serving as a~~
- (3) trust;
- (4) estate;
- (5) partnership;
- (6) association;
- (7) company;
- (8) corporation; or

(9) qualified custodian under the Uniform Transfers to Minors Act (IC 30-2-8.5); that may make deposits for the benefit of an account beneficiary and is designated at the time an account is opened as having the right to select or change a beneficiary, designate a person to whom funds may be distributed from an account, and withdraw funds from the account before the account is disbursed to or for the benefit of a beneficiary. (*Indiana Education Savings Authority; 540 IAC 1-1-4; filed Sep 9, 1997, 4:45 p.m.: 21 IR 85*)

SECTION 3. 540 IAC 1-1-6 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-6 “Administrative fee” defined

Authority: IC 21-9-4-7
Affected: IC 4-22-2; IC 21-9

Sec. 6. “Administrative fee” means the fee charged for the following: as determined and published by the board from time to time pursuant to IC 21-9-4-7.

- (1) Opening an account.
 - (2) Cancellation of an account.
 - (3) Multiple changes of beneficiaries or account owners.
 - (4) As the board otherwise determines to be charged as part of the program and adopted pursuant to IC 4-22-2.
- (*Indiana Education Savings Authority; 540 IAC 1-1-6; filed Sep 9, 1997, 4:45 p.m.: 21 IR 85*)

SECTION 4. 540 IAC 1-1-7 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-7 “Administrator fee” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 7. “Administrator fee” means the annual fee charged by the program administrator, computed and allocated to participant account earnings on a quarterly basis: as approved and published by the board from time to time pursuant to IC 21-9-4-7. (*Indiana Education Savings Authority; 540 IAC 1-1-7, filed Sep 9, 1997, 4:45 p.m.: 21 IR 85*)

SECTION 5. 540 IAC 1-1-7.5 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-1-7.5 “Adoption agreement” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 7.5. “Adoption agreement” means the enrollment form contract or account application contract promulgated by the board from time to time. (*Indiana Education Savings Authority; 540 IAC 1-1-7.5*)

SECTION 6. 540 IAC 1-1-9 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-9 “Beneficiary” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 9. “Beneficiary” means the individual to whom (or for whose benefit) all or some of the assets of an account transfer at the time the individual incurs qualified higher education expenses designated as the beneficiary of the account at the time the account is established or as a new beneficiary when beneficiaries are changed. (*Indiana Education Savings Authority; 540 IAC 1-1-9; filed Sep 9, 1997, 4:45 p.m.: 21 IR 85*)

SECTION 7. 540 IAC 1-1-10.5 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-1-10.5 “Contributor” defined

Authority: IC 21-9-4-7
Affected: IC 21-9; IC 30-2-8.5

Sec. 10.5. “Contributor” means any:

- (1) individual;
- (2) emancipated minor;
- (3) trust;
- (4) estate;
- (5) partnership;
- (6) association;
- (7) company;
- (8) corporation; or
- (9) qualified custodian under the Uniform Transfers to Minors Act (IC 30-2-8.5); that may make deposits for the benefit of an account beneficiary. (*Indiana Education Savings Authority; 540 IAC 1-1-10.5*)

SECTION 8. 540 IAC 1-1-11.5 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-11.5 “Internal Revenue Code” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 11.5. “Internal Revenue Code” means § Section 529 of the Internal Revenue Code of 1986, as amended and effective August 5, 1997: from time to time and the regulations promulgated thereunder. (*Indiana Education Savings Authority; 540 IAC 1-1-11.5; filed Apr 1, 1998, 10:55 a.m.: 21 IR 2821*)

SECTION 9. 540 IAC 1-1-11.6 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-1-11.6 “Member of the family” defined

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 11.6. “Member of the family” has the meaning as set forth in the Internal Revenue Code of 1986, as defined in

Proposed Rules

section 11.5 of this rule. (*Indiana Education Savings Authority; 540 IAC 1-1-11.5*)

SECTION 10. 540 IAC 1-1-12 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-12 “Nonqualified distribution” defined

Authority: IC 21-9-4-7

Affected: IC 21-9

Sec. 12. “Nonqualified distribution” means any refund from earnings on an account that is not:

- (1) used for qualified higher education expenses of the designated beneficiary;
- (2) made on account of the death or disability of the designated beneficiary; or
- (3) made on account of a scholarship (or allowance or payment described in 26 U.S.C. 135(d)(1)(B) or 26 U.S.C. 135(d)(1)(G)) received by a designated beneficiary, but only to the extent of the amount of the scholarship (or allowance or payment described in 26 U.S.C. 135(d)(1)(B) or 26 U.S.C. 135(d)(1)(G)); or
- (4) made on account of a rollover.

(*Indiana Education Savings Authority; 540 IAC 1-1-12; filed Sep 9, 1997, 4:45 p.m.: 21 IR 85; errata filed Nov 20, 1997, 3:15 p.m.: 21 IR 1350*)

SECTION 11. 540 IAC 1-1-13 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-13 “Penalty” defined

Authority: IC 21-9-4-7

Affected: IC 21-9

Sec. 13. “Penalty” means a ten percent (10%) penalty on all earnings in each account distributed as part of any nonqualified distribution. ~~has the meaning set forth in the Internal Revenue Code of 1986, as defined in section 11.5 of this rule.~~ (*Indiana Education Savings Authority; 540 IAC 1-1-13; filed Sep 9, 1997, 4:45 p.m.: 21 IR 85; filed Apr 1, 1998, 10:55 a.m.: 21 IR 2822*)

SECTION 12. 540 IAC 1-1-14 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-14 “Program” defined

Authority: IC 21-9-4-7

Affected: IC 21-9-3

Sec. 14. “Program” means ~~the Indiana family college savings any plan or program established under and operated by the authority pursuant to, and in accordance with, the Internal Revenue Code of 1986, as defined in section 11.5 of this rule, and IC 21-9-3.~~ (*Indiana Education Savings Authority; 540 IAC 1-1-14; filed Sep 9, 1997, 4:45 p.m.: 21 IR 86*)

SECTION 13. 540 IAC 1-1-16 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-1-16 “Qualified higher education expenses” defined

Authority: IC 21-9-4-7

Affected: IC 21-9

Sec. 16. “Qualified higher education expenses” has the meaning as set forth in the Internal Revenue Code of 1986, as defined in section 11.5 of this rule. ~~subject to any limitations applicable under IC 21-9.~~ (*Indiana Education Savings Authority; 540 IAC 1-1-16; filed Sep 9, 1997, 4:45 p.m.: 21 IR 86; filed Apr 1, 1998, 10:55 a.m.: 21 IR 2822*)

SECTION 14. 540 IAC 1-1-16.5 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-1-16.5 “Rollover” defined

Authority: IC 21-9-4-7

Affected: IC 21-9

Sec. 16.5. “Rollover” means any distribution that, within sixty (60) days of such distribution, is transferred:

- (1) under the program to another account established for such designated beneficiary under Section 529 of the Internal Revenue Code that is subject to the law of another jurisdiction provided that such distribution or transfer does not occur within twelve (12) months from the date of any previous distribution or transfer to any account established under Section 529 of the Internal Revenue Code for the benefit of such designated beneficiary; or
- (2) to the account of another beneficiary, who is a member of the family of the designated beneficiary provided that the account of the other beneficiary is part of the program or subject to the law of another jurisdiction and Section 529 of the Internal Revenue Code.

(*Indiana Education Savings Authority; 540 IAC 1-1-16.5*)

SECTION 15. 540 IAC 1-5-1 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-5-1 Beneficiary change

Authority: IC 21-9-4-7

Affected: IC 21-9; IC 30-2-8.5

Sec. 1. (a) Except for an account owner who made a contribution to an account as a qualified custodian under the Uniform Transfers to Minors Act (IC 30-2-8.5), an account owner may change a beneficiary by submitting to the program administrator a request to change the beneficiary. The new beneficiary must be eligible for participation under 540 IAC 1-4 and be a member of the family of the beneficiary being changed. The request to change a beneficiary shall accompany the evidence, as specified by the program administrator, that the proposed beneficiary is a member of the family of the beneficiary being changed.

- (b) An individual shall be considered a member of the

beneficiary's family pursuant to the Internal Revenue Code of 1986, as defined in ~~section 11.5 of this rule:~~ **540 IAC 1-1-11.5.** (*Indiana Education Savings Authority; 540 IAC 1-5-1; filed Sep 9, 1997, 4:45 p.m.: 21 IR 87; filed Apr 1, 1998, 10:55 a.m.: 21 IR 2822*)

SECTION 16. 540 IAC 1-6-1 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-6-1 Transfer

Authority: IC 21-9-4-7
Affected: IC 21-9; IC 30-2-8.5

Sec. 1. (a) An account owner may transfer ownership at any time upon request to the program administrator. The new account owner must be an individual eligible for participation under 540 IAC 1-3. ~~and a member of the family of the beneficiary or an ex-spouse of the account owner transferring ownership. The request to transfer ownership of the account shall accompany the evidence, as specified by the program administrator, that the proposed account owner is a member of the family of the beneficiary or an ex-spouse of the account owner transferring ownership. If an account owner is a qualified custodian under the Uniform Transfers to Minors Act (IC 30-2-8.5), then upon the termination of the custodianship, as provided in IC 30-2-8.5, the beneficiary of such account shall be deemed the new account owner.~~

(b) ~~An individual shall be considered a member of the beneficiary's family pursuant to the Internal Revenue Code of 1986 as defined in section 11.5 of this rule:~~ (*Indiana Education Savings Authority; 540 IAC 1-6-1; filed Sep 9, 1997, 4:45 p.m.: 21 IR 87; filed Apr 1, 1998, 10:55 a.m.: 21 IR 2822*)

SECTION 17. 540 IAC 1-7-1 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-7-1 Administration

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 1. For each new account opened, ~~an administrative fee of ten dollars (\$10) shall be charged to the account owner.~~ an account owner shall make an initial deposit for each account opened in an amount not less than fifty dollars (\$50). (*Indiana Education Savings Authority; 540 IAC 1-7-1; filed Sep 9, 1997, 4:45 p.m.: 21 IR 88*)

SECTION 18. 540 IAC 1-7-2 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-7-2 Administrator fee charge

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 2. The program administrator shall charge an annual administrator fee, ~~in such amount as agreed to by the authority;~~

~~to which shall be computed and allocated to account owners' account earnings. on a quarterly basis:~~ (*Indiana Education Savings Authority; 540 IAC 1-7-2; filed Sep 9, 1997, 4:45 p.m.: 21 IR 88*)

SECTION 19. 540 IAC 1-8-1 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-8-1 Contributions

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 1. Contributions by an account owner **or contributor** shall be made in cash only, with available contribution payment options determined by the authority. These options may include such methods as payroll deductions, electronic funds transfer, or other such methods as the authority determines. (*Indiana Education Savings Authority; 540 IAC 1-8-1; filed Sep 9, 1997, 4:45 p.m.: 21 IR 88*)

SECTION 20. 540 IAC 1-8-2 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-8-2 Contribution amount

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 2. An account owner **or contributor** must specify an amount to be contributed according to the contribution option chosen by the account owner in the adoption agreement. All contributions must be in an amount not less than twenty-five dollars (\$25). (*Indiana Education Savings Authority; 540 IAC 1-8-2; filed Sep 9, 1997, 4:45 p.m.: 21 IR 88; errata filed Nov 20, 1997, 3:15 p.m.: 21 IR 1350*)

SECTION 21. 540 IAC 1-8-3.5 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-8-3.5 Contribution procedure

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 3.5. Any contributor may make a contribution to an existing account on behalf of an account owner to the extent permitted by the Internal Revenue Code of 1986, as defined in 540 IAC 1-1-11.5, provided that a contribution form identifying the applicable account owner and account is completed and submitted and any other requirements of the program administrator in connection with such contribution, or series of contributions, are fulfilled. (*Indiana Education Savings Authority; 540 IAC 1-8-3.5*)

SECTION 22. 540 IAC 1-8-4 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-8-4 Maximum account contributions

Authority: IC 21-9-4-7
Affected: IC 21-9

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Sec. 4. Contributions cannot be made to any account which would result in the total of all account ~~balances~~ **contributions** held on behalf of one (1) beneficiary to exceed ~~one hundred fourteen thousand five hundred forty-eight dollars (\$114,548)~~, including accrued earnings up through the date of such contribution. ~~This the maximum account contribution amount set by the board pursuant to a formula or other methodology adopted by the board from time to time and as published by the board from time to time pursuant to IC 21-9-4-7.~~ The maximum account ~~balance~~ **contribution amount** shall be adjusted annually pursuant to a formula or other methodology adopted by the board from time to time. In the event that total account ~~balances~~ **contributions** for a single beneficiary exceed the maximum account ~~balance~~ **contribution amount** due to new contributions, the excess amount shall be refunded to the account owner or owners, pro rata, without penalty. ~~Notwithstanding the foregoing, it shall be permissible for the maximum account balance to be exceeded if such excess is caused solely by the accrual of earnings to one (1) or more accounts held on behalf of a single beneficiary.~~ (Indiana Education Savings Authority; 540 IAC 1-8-4; filed Sep 9, 1997, 4:45 p.m.: 21 IR 88; filed Oct 10, 2000, 3:06 p.m.: 24 IR 375)

SECTION 23. 540 IAC 1-9-1 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-9-1 Cancellation

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 1. An account owner may at any time cancel an adoption agreement by submitting to the program administrator notice to terminate agreement. ~~An administrative fee of twenty-five dollars (\$25) shall be charged to an account owner for the cancellation of an account.~~ (Indiana Education Savings Authority; 540 IAC 1-9-1; filed Sep 9, 1997, 4:45 p.m.: 21 IR 89)

SECTION 24. 540 IAC 1-9-2.5 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-9-2.5 Premature cancellation

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 2.5. An account may be terminated by the program administrator at the direction of the board if the account has a balance of less than five hundred dollars (\$500) and no contributions have been made within the preceding calendar year. **Notwithstanding the foregoing, if distributions of at least five hundred dollars (\$500) are paid from the account for qualified higher education expenses within the preceding calendar year, the account shall not be subject to cancellation. The board shall instruct the program administrator as to such cancellations from time to time.** (Indiana Education Savings Authority; 540 IAC 1-9-2.5)

SECTION 25. 540 IAC 1-9-2.6 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-9-2.6 Interruption of attendance

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 2.6. **If, following the submission of a notice to use program benefits, the beneficiary interrupts his or her attendance at an institution of higher education, the account owner shall submit a notice to delay program benefits. Interruption of attendance shall mean failure to enroll for the next academic period, excluding summer sessions. Upon receipt of notice, the administrator shall suspend the requirements set forth in section 2.5 of this rule for a period of two (2) years. Upon the expiration of one (1) year, the account is subject to cancellation if the account has a balance of less than five hundred dollars (\$500) and contributions are not resumed unless qualifying distributions are again resumed. The board shall instruct the program administrator as to such cancellations from time to time.** (Indiana Education Savings Authority; 540 IAC 1-9-2.6)

SECTION 26. 540 IAC 1-9-2.7 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-9-2.7 Cancellation notice and procedure

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 2.7. **Prior to cancellation for failure to maintain an appropriate balance, make required contributions, or to resume attendance, appropriate notice, as established by the board, shall be given to the account owner with an opportunity to cure.** (Indiana Education Savings Authority; 540 IAC 1-9-2.7)

SECTION 27. 540 IAC 1-9-3 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-9-3 Refund

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 3. (a) If the adoption agreement is canceled by the account owner **(unless the cancellation is the result of a rollover) or by the board for failure to maintain an appropriate balance, make required contributions, or to resume attendance, the account owner, or the beneficiary if the account owner so directs,** is entitled to a refund. Any portion of the refund attributable to earnings is subject to the penalty for a nonqualified distribution.

(b) Before a cancellation and refund due to the death of a beneficiary is made, an account owner must provide the program administrator a copy of the beneficiary's death certificate or other proof of death acceptable under state law.

Before a cancellation and refund due to the disability of a beneficiary is made, an account owner must provide to the program administrator written certification from a qualified and licensed physician that the beneficiary cannot reasonably attend school. Before a cancellation and refund due to receipt of a scholarship (or allowance or payment as described in 26 U.S.C. 135(d)(1)(B) or 26 U.S.C. 135(d)(1)(C)); an account owner must provide the program administrator proof of receipt of a scholarship (or allowance or payment) and the amount of the scholarship (or allowance or payment):

(e) (b) Funds that are refunded to an account owner, **or the beneficiary if directed by the account owner**, pursuant to this section shall be reported to the appropriate taxing authorities for the tax year in which such refund is made. (*Indiana Education Savings Authority; 540 IAC 1-9-3; filed Sep 9, 1997, 4:45 p.m.: 21 IR 89; errata filed Nov 20, 1997, 3:15 p.m.: 21 IR 1350*)

SECTION 28. 540 IAC 1-10-1 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-10-1 Benefit payment

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 1. For payment of benefits from the trust to begin, the account owner shall submit a notice to use program benefits. The payment of benefits shall be made only for qualified higher education expenses, or shall be subject to applicable penalties for nonqualified distributions. All qualified higher education expenses ~~charged directly by the eligible educational institution~~ shall be paid:

- (1) directly to the eligible educational institution; ~~All other expenses charged by third parties shall be paid~~
- (2) to the beneficiary **as directed by the account owner**; or
- (3) to the account owner. ~~upon receipt of proof of payment of the expense by the account owner.~~

~~Payment made on a reimbursement basis shall be permitted only two (2) times per academic period.~~ **shall be limited to once a month and subject to a minimum distribution amount of fifty dollars (\$50).** (*Indiana Education Savings Authority; 540 IAC 1-10-1; filed Sep 9, 1997, 4:45 p.m.: 21 IR 90; filed Apr 1, 1998, 10:55 a.m.: 21 IR 2823*)

SECTION 29. 540 IAC 1-10-4 IS ADDED TO READ AS FOLLOWS:

540 IAC 1-10-4 Rollover distributions

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 4. An account owner may transfer the account funds pursuant to a rollover made in accordance with the Internal Revenue Code of 1986, as defined in 540 IAC 1-1-11.5. Upon the receipt by the administrator of a rollover notice from the account owner, the administrator shall transfer all

of the account funds to the account designated in the rollover notice. (*Indiana Education Savings Authority; 540 IAC 1-10-4*)

SECTION 30. 540 IAC 1-12-2 IS AMENDED TO READ AS FOLLOWS:

540 IAC 1-12-2 Investment direction

Authority: IC 21-9-4-7
Affected: IC 21-9

Sec. 2. An account owner or beneficiary shall ~~not be permitted to direct the investment of any contributions or the earnings on any contribution.~~ **contributions only in accordance with the Internal Revenue Code of 1986, as defined in 540 IAC 1-1-11.5, and the terms of the program.** (*Indiana Education Savings Authority; 540 IAC 1-12-2; filed Sep 9, 1997, 4:45 p.m.: 21 IR 90*)

SECTION 31. THE FOLLOWING ARE REPEALED: 540 IAC 1-3-2; 540 IAC 1-5-2; 540 IAC 1-6-2; 540 IAC 1-7-3; 540 IAC 1-8-5; 540 IAC 1-8-6; 540 IAC 1-8-7; 540 IAC 1-9-2; 540 IAC 1-10-1.5; 540 IAC 1-10-1.6; 540 IAC 1-10-3.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 22, 2002 at 8:30 a.m., at the Indiana Education Savings Authority, One North Capitol Avenue, Suite 444, Indianapolis, Indiana the Indiana Education Savings Authority will hold a public hearing on proposed rules to maintain the tax-qualified status of the Indiana CollegeChoice 529 Program by complying with the amendments to Section 529 of the Internal Revenue Code of 1986, and the provisions related thereto, as established by the Economic Growth and Tax Relief Reconciliation Act of 2001, P.L.107-16. Copies of these rules are now on file at the Indiana Education Savings Authority, One North Capitol, Suite 444, and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Susan Loftus
Executive Director
Indiana Education Savings Authority

**TITLE 631 WORKER'S COMPENSATION
BOARD OF INDIANA**

Proposed Rule
LSA Document #01-424

DIGEST

Adds 631 IAC 1-1-1.1 to establish rules concerning the location and hours of the board office. Adds 631 IAC 1-1-24.1 to establish rules schedule of attorney fees. Effective 30 days after filing with the secretary of state.

Proposed Rules

631 IAC 1-1-1.1
631 IAC 1-1-24.1

SECTION 1. 631 IAC 1-1-1.1 IS ADDED TO READ AS FOLLOWS:

631 IAC 1-1-1.1 Location and hours of board office

Authority: IC 22-3-1-3

Affected: IC 22-3-4-1; IC 22-3-7-22

Sec. 1.1. (a) The office of the worker's compensation board of Indiana (board) is located at Indiana Government Center-South, 402 West Washington Street, Room W196, Indianapolis, Indiana. The office will be open continuously from 8:15 a.m. until 4:45 p.m. on each weekday, Monday through Friday. The board fully appreciates the fact that its members are public servants; that, to make its administration successful, it will need the support and cooperation of the citizens of the state generally, and this the board earnestly solicits.

(b) The office of the board is a public place, and every citizen of the state is always welcome without the formality of an invitation. (*Worker's Compensation Board of Indiana; 631 IAC 1-1-1.1*)

SECTION 2. 631 IAC 1-1-24.1 IS ADDED TO READ AS FOLLOWS:

631 IAC 1-1-24.1 Schedule of attorney fees

Authority: IC 22-3-1-3

Affected: IC 22-3-4-12; IC 22-3-8-1; IC 22-3-8-2

Sec. 24.1. (a) The worker's compensation board of Indiana (board) has adopted the following schedule of attorney fees that shall be applicable to all cases filed between September 1, 1983 and June 30, 2002:

- (1) A minimum of one hundred dollars (\$100) and upon the first ten thousand dollars (\$10,000) of the recovery, twenty percent (20%).
- (2) On the second ten thousand dollars (\$10,000) of recovery, fifteen percent (15%).
- (3) Ten percent (10%) upon all recovery in excess of twenty thousand dollars (\$20,000).

(b) The board has adopted the following schedule of attorney's fees that shall be applicable to all cases filed on or after July 1, 2002:

- (1) A minimum of two hundred dollars (\$200) and upon the first fifty thousand dollars (\$50,000) of the recovery, twenty percent (20%).
- (2) Fifteen percent (15%) upon all recovery in excess of fifty thousand dollars (\$50,000).

(c) Provided, however, the board maintains continuing jurisdiction over all attorney fees in cases before the board and the board may order a different attorney fee schedule or allowance in a proper case.

(d) In death cases where there is no dispute, the board has

jurisdiction to award an attorney fee based upon the above schedule or upon such other factors as the board may determine so as to prevent an unjust result to either the dependent-claimant or the attorney.

(e) Medical and hospital expenses of an employee paid for or to the employee as a result of:

- (1) a Form 1043 agreement;
- (2) an award written upon the agreed stipulation of the parties; or
- (3) an award made pursuant to a hearing before the board or a single member thereof;

are not compensation and will not be included in the computation of attorney's fees as defined in the paragraph above, nor shall they be considered in the computation of attorney's fees. Provided, however, in cases where there is a dispute with respect to medical or hospital expenses and counsel for the claimant is required to expend time and effort to collect such disputed medical or hospital expense then, in such cases, on proper application, with or without hearing, the board may award an additional attorney fee but in no event shall such additional attorney fee exceed ten percent (10%) of the amount actually in dispute and actually collected by the attorney.

(f) No application for additional attorney's fees will be considered by the board unless said application is made in writing on or before the hearing of claim for compensation, either before a single hearing member or the full board. (*Worker's Compensation Board of Indiana; 631 IAC 1-1-24.1*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 22, 2002 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W196, Hearing Room, Indianapolis, Indiana the Worker's Compensation Board of Indiana will hold a public hearing on proposed new rules to establish rules concerning the location and hours of the board office and schedule of attorney fees.

Requests for any part of this adoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

*Sandra Cerimele-Fralich
Worker's Compensation Board of Indiana
402 West Washington Street, Room W196
Indianapolis, Indiana 46204.*

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W196 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

G. Terrence Coriden
Chairman
Worker's Compensation Board of Indiana

**TITLE 675 FIRE PREVENTION AND BUILDING
SAFETY COMMISSION**

Proposed Rule
LSA Document #01-430

DIGEST

Amends 675 IAC 21 to incorporate updated standards for regulated lifting devices, amend the application and testing requirements for installation and operation permits, and repeal the rules for sewage lift stations and handpowered personnel hoists. Repeals 675 IAC 21-1-2, 675 IAC 21-1-2.1, 675 IAC 21-1-3, 675 IAC 21-1-4, 675 IAC 21-1-6, 675 IAC 21-2, 675 IAC 21-6, and 675 IAC 21-7. Effective 30 days after filing with the secretary of state.

675 IAC 21-1-1	675 IAC 21-2
675 IAC 21-1-1.5	675 IAC 21-3-1
675 IAC 21-1-2	675 IAC 21-3-2
675 IAC 21-1-2.1	675 IAC 21-4-1
675 IAC 21-1-3	675 IAC 21-4-2
675 IAC 21-1-3.1	675 IAC 21-5-1
675 IAC 21-1-4	675 IAC 21-5-3
675 IAC 21-1-6	675 IAC 21-6
675 IAC 21-1-7	675 IAC 21-7
675 IAC 21-1-9	675 IAC 21-8-1
675 IAC 21-1-10	675 IAC 21-8-2

SECTION 1. 675 IAC 21-1-1 IS AMENDED TO READ AS FOLLOWS:

675 IAC 21-1-1 Installation permit; registration; application; fees

Authority: IC 22-12-6-9; IC 22-13-2-13; IC 22-15-5-2; IC 22-15-5-3
Affected: IC 22-12-6-9; IC 22-13; IC 22-14; IC 22-15-5-3

Sec. 1. Permits are (a) **An installation permit** is required prior to commencement of work for ~~new installations~~ **an installation of a new regulated lifting device** or ~~alterations~~ **an alteration to an existing installations of regulated lifting devices governed under this article and pursuant to IC 22-15-5.** ~~device.~~

Applications (b) **An application for permits an installation permit** shall be made to the ~~division of elevator safety office of the state building commissioner~~ on forms provided by the ~~division~~ **office**. Each application shall be accompanied by plans contain the following:

- (1) The name, address, e-mail address, and fax number of the contractor that will be installing or altering the regulated lifting device.
- (2) The name, address, and e-mail address of the owner of the building in which the new regulated lifting device is being installed or the existing regulated lifting device is being altered.
- (3) The name, address, and e-mail address of the user of the regulated lifting device.

- (4) The location of the regulated lifting device.
- (5) The type of regulated lifting device.
- (6) All information required under IC 22-15-5-3(b)(1) for registration.
- (7) Plans, specifications, shop drawings, certificates, or other ~~documentation~~ **information the office considers** necessary for the ~~division director~~ to evaluate the installation or **alteration** for compliance with this article. ~~and to accomplish registration pursuant to IC 22-15-5-3.~~ Such application and shall also be accompanied by a check made payable to the State Building Commissioner Fund in such amount as set out in ~~IC 22-12-6-9.~~
- (8) The fee required under IC 22-12-6-9.
- (9) The affirmations by the appropriate signatories as required under section 1.5 of this rule.

(Fire Prevention and Building Safety Commission; 675 IAC 21-1-1; filed Aug 30, 1985, 11:52 a.m.: 9 IR 38, eff Oct 1, 1985; filed Sep 27, 1989, 4:30 p.m.: 13 IR 285; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

SECTION 2. 675 IAC 21-1-1.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 21-1-1.5 Signatories; affirmation

Authority: IC 22-13-2-13
Affected: IC 22-13; IC 22-14; IC 22-15-5-3

Sec. 1.5. (a) All signatories to an application shall be determined as follows:

- (1) For a corporation, the signatory shall be a responsible corporate officer. For the purpose of this section, a responsible corporate officer means a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policymaking or decision-making functions for the corporation.
- (2) For a partnership or sole proprietorship, the signatory shall be a general partner or the proprietor, respectively.
- (3) For a municipality, state, federal, or other public agency, the signatory shall be a principal executive officer or ranking elected official.

(b) Alternatively, a duly authorized representative of a signatory listed under subsection (a) may be the signatory on the application. A person is a duly authorized representative only if:

- (1) the authorization is made in writing by an individual described in subsection (a);
- (2) the authorization specifies either an individual or a position having responsibility for the regulated lifting device such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for building and fire safety matters for the company; and
- (3) the written authorization is submitted to the office, if requested.

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(c) The designated signatories shall make the following affirmations:

(1) The owner of the building in which the new regulated lifting device is being installed or the existing regulated lifting device is being altered shall make an affirmation that reads, "I affirm, under penalty of perjury, the following:

(A) 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 person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

(B) The regulated lifting device will be installed or altered in accordance with all applicable rules adopted by the commission and will not be changed from the design specified in the plans and specifications submitted with the application and released by the office.

(C) The contractor responsible for the installation or alteration of the regulated lifting device was chosen under my direction and to the best of my knowledge and belief, after exercising due diligence, has the expertise necessary to install or alter the regulated lifting device in accordance with the rules adopted by the commission.

(D) I hereby grant the authority to and require all individuals employed by either the contractor or the owner to immediately suspend the operation of the regulated lifting device upon discovering a condition that could result in the unsafe operation of the regulated lifting device, and to report the discovery of such a condition to the office."

(2) The contractor who is responsible for the installation or alteration of the regulated lifting shall make an affirmation that reads, "I affirm, under penalty of perjury, the following:

(A) 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 person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

(B) The regulated lifting device will be installed or altered in accordance with all applicable rules adopted by the commission and will not be changed from the design specified in the plans and specifications submitted with the application and released by the office.

(C) All individuals installing or altering the regulated lifting device:

(i) have sufficient background, knowledge, skills, and training to install or alter, inspect, and maintain the regulated lifting device;

(ii) have the training and expertise necessary to recognize and report any condition that could result in the unsafe operation of the regulated lifting device;

(iii) are provided with sufficient ongoing training to reasonably ensure that the individuals are proficient in the standards affecting regulated lifting devices that have been adopted by the commission; and

(iv) possess the requisite authority and are required to immediately suspend the operation of the regulated lifting device upon discovering a condition that could result in the unsafe operation of the regulated lifting device, and to report the discovery of such a condition to the office."

(Fire Prevention and Building Safety Commission; 675 IAC 21-1-1.5)

SECTION 3. 675 IAC 21-1-3.1 IS AMENDED TO READ AS FOLLOWS:

675 IAC 21-1-3.1 Operating permit; display; location

Authority: IC 22-13-2-13; IC 22-15-5-4; IC 22-15-5-5

Affected: IC 22-12-6-9; IC 22-13; IC 22-14; IC 22-15

Sec. 3.1. (a) After inspection, testing, and acceptance of an installation under section 3 of this rule, An operating permit is required prior to the use of a regulated lifting device for any purpose, except that an individual who is performing maintenance on, repairing, installing, or altering the regulated lifting device may use the regulating lifting device to the extent necessary to complete the work and required testing.

(b) The ~~division director office~~ shall issue an operating permit for each such installation a regulated lifting device if:

(1) the applicant for the operating permit has:

(A) demonstrated through an acceptance inspection and tests that the regulated lifting device complies with the laws governing its construction, repair, maintenance, and operation;

(B) submitted a notice of compliance/completion to the office that has been completed and signed and affirmed by the appropriate signatory as required under section 1.5 of this rule;

(C) paid the fee set under IC 22-12-6-9; and

(2) been inspected by the office and the office has determined that the regulated lifting device complies with the laws governing its construction, repair, maintenance, and operation.

~~(b)~~ (c) Upon receiving an operating permit, the operating permit shall be displayed as follows:

(1) For elevators, dumbwaiters, and vertical wheelchair lifts, the operating permit shall be displayed inside the cab enclosure in a protective frame.

(e) (2) For escalators, moving walks, and inclined lifts, the operating permit shall be displayed in a protective frame mounted on a nearby column or wall at the lowest floor level served. ~~or~~

(3) At a location approved by and in a form other than that required under subdivision (1) or (2) if the approval of the division director: **office is obtained.**

(Fire Prevention and Building Safety Commission; 675 IAC 21-1-3.1; filed Sep 27, 1989, 4:30 p.m.: 13 IR 286; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

SECTION 4. 675 IAC 21-1-7 IS AMENDED TO READ AS FOLLOWS:

675 IAC 21-1-7 Accident reports and investigations

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 7. (a) ~~The following includes, but is not limited to, the occurrences which shall be reported:~~

(1) ~~Any occurrence in which one (1) or more riders are fatally injured or require hospitalization.~~

(2) ~~Any collision in which the damage exceeds one thousand dollars (\$1,000).~~

An accident involving a regulated lifting device shall be reported by the owner of the regulated lifting device within twenty-four (24) hours after the accident has occurred. This initial report shall contain, to the extent available, the information specified in subsection (b)(1) through (b)(8).

(b) **The owner shall submit a final written accident report to the office as soon as possible after the accident has occurred, but in any event no later than two (2) weeks after the date of the accident. The following information shall be reported: included in the final written accident report:**

(1) ~~Registration number of the installation:~~ **regulated lifting device.**

(2) ~~Owner and operator of installation:~~ **the regulated lifting device.**

(3) **The names, address, and phone numbers of all persons responsible for the maintenance or repair of the regulated lifting device.**

~~(4) Location of the installation:~~ **regulated lifting device.**

~~(5) Names, addresses, and phone numbers of any persons injured.~~

~~(6) Date and time of the occurrence:~~ **accident.**

~~(7) Operating condition of the installation as known.~~

~~(8) Brief details of the occurrence:~~ **accident.**

(9) Police report.

(10) Fire department report.

(11) Emergency medical report.

(12) Any other emergency response reports.

(c) ~~The occurrence shall be reported by the owner unless the installation is solely operated by a lessee in which event the lessee shall report.~~

(d) ~~The occurrence shall be reported by telephone to the division within twenty-four (24) hours after the occurrence or during the next regular working day in the event the office of the division is closed.~~

(e) ~~The chief inspector shall have the right to request information on any occurrence which in his opinion should be investigated.~~

(f) ~~The owner or lessee shall make available to the chief inspector (c) The office may request, and the owner shall provide, any additional records and information which in any way relate to any occurrence an accident and shall afford reasonable assistance to him assist the office in the investigation of any occurrence:~~ **accident.**

(d) **The following definitions apply throughout this section:**

(1) **“Accident” means any occurrence involving a regulated lifting device in which:**

(A) **one (1) or more individuals are fatally injured or require medical treatment; or**

(B) **the damage to the regulated lifting device exceeds two thousand five hundred dollars (\$2,500).**

(2) **“First aid” means any one-time treatment, and any follow-up visit for the purpose of observation, of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care. Such one-time treatment, and follow-up visit for the purpose of observation, is considered first aid even though provided by a physician or registered professional personnel.**

(3) **“Medical treatment” includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician (including emergency medical technicians, advanced emergency medical technicians, and paramedics). Medical treatment does not include first aid treatment even though provided by a physician or registered professional personnel.**

(Fire Prevention and Building Safety Commission; 675 IAC 21-1-7; filed Aug 30, 1985, 11:52 a.m.: 9 IR 39, eff Oct 1, 1985; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

SECTION 5. 675 IAC 21-1-9 IS AMENDED TO READ AS FOLLOWS:

675 IAC 21-1-9 Title; availability of rule

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 9. (a) All codes and standards adopted or established in 675 IAC 21-3 through 675 IAC 21-7 shall collectively be known as the Indiana Elevator Safety Code, ~~1989~~ **2002** edition.

(b) All rules under this article may be purchased from the Fire and Building Services, Department, 1099 North Meridian Street, **Indiana Government Center-South, 402 West**

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Washington Street, Room W241, Indianapolis, Indiana 46204. (*Fire Prevention and Building Safety Commission; 675 IAC 21-1-9; filed Aug 30, 1985, 11:52 a.m.: 9 IR 40, eff Oct 1, 1985; filed Sep 27, 1989, 4:30 p.m.: 13 IR 287; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

SECTION 6. 675 IAC 21-1-10 IS ADDED TO READ AS FOLLOWS:

675 IAC 21-1-10 Definitions

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

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

(b) "Qualified inspector" means an individual:

- (1) certified by an organization accredited by ASME in accordance with the requirements of ASME QEI-1; or
- (2) certified by an organization that the authority having jurisdiction has determined has equivalent requirements and conditions as ASME QEI-1 for obtaining and retaining such certification.

(*Fire Prevention and Building Safety Commission; 675 IAC 21-1-10*)

SECTION 7. 675 IAC 21-3-1 IS AMENDED TO READ AS FOLLOWS:

675 IAC 21-3-1 Adoption by reference

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. (a) That certain document, being titled as ANSI/ASME A17.1, ~~1987; 2000~~, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, 345 East 47th Street, Three Park Avenue, New York, New York ~~10017~~; ~~be and the same 10016~~ is hereby adopted by reference and made a part of this rule as if fully set out herein, save and except those additions, deletions, and amendments as are made in section 2 of this rule.

(b) The following standards are intended for use as a guide in the design, testing, and installation of equipment regulated by this code and are not adopted or enforceable as part of this code:

- (1) AGMA 420.04-1975; AGMA 440-04-1971; AGMA 441-04-1978; AGMA 460-05-1971; AGMA 480-06-1977.
- (2) AISC Book #S326; 1978.
- (3) ANSI A10.4; ANSI A10.5; ANSI A12.1-1973; ANSI A14-3-1974; ANSI A58.1; ANSI A117.1-1980; ANSI Z35.1-1972; ANSI Z97.1-1975.
- (4) ANSI/ACI 318-77.
- (5) ANSI/ASME A17.2; ANSI/ASME A17.3; ANSI/ASME B1.20.1-1983; ANSI/ASME B20.1; ANSI/ASME B29.1-1975; ANSI/ASME B29.2-1957; ANSI/ASME QEI-1-1984; ANSI/ASME Y1.1.

(6) ANSI/AWS D1.1.

(7) ANSI/NFPA No. 13-1980; ANSI/NFPA No. 70-1984; ANSI/NFPA No. 72E-1982; ANSI/NFPA No. 80-1981; ANSI/NFPA No. 101-1981.

(8) ANSI/RMA IP-20-1977.

(9) ANSI/Vol. Prod. Std. PS-1-74.

(10) ASME Boiler and Pressure Vessel Code; Section VIII; 1980.

(11) ASME Guide S1-1.

(12) ASTM A27-81a; ASTM A36-81a; ASTM 283-81; ASTM A307-78; ASTM A502-76; ASTM A668-81a; ASTM D97-66; ASTM D198-76; ASTM D345-74; ASTM D2270-79; ASTM E84-81a; ASTM 3152-80; ASTM 380.

(13) National Building Code.

(14) NFPA 252-1979.

(15) Federal Test Method Standard 191.

(16) Plywood Design Specification (April 1978).

(17) SAE J517D-1979.

(18) Standard Building Code.

(19) UL 104.

(*Fire Prevention and Building Safety Commission; 675 IAC 21-3-1; filed Aug 30, 1985, 11:52 a.m.: 9 IR 41, eff Oct 1, 1985; filed Mar 6, 1986, 3:00 p.m.: 9 IR 1658; errata, 9 IR 2063; filed Sep 27, 1989, 4:30 p.m.: 13 IR 288; errata filed Nov 15, 1989, 5:00 p.m.: 13 IR 675; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

SECTION 8. 675 IAC 21-3-2 IS AMENDED TO READ AS FOLLOWS:

675 IAC 21-3-2 Amendments to adopted code

Authority: IC 22-13-2-13

Affected: IC 22-12-1-22; IC 22-12-2-10; IC 22-13-2-10; IC 22-14; IC 22-15; IC 36-7

Sec. 2. (a) Section 4: Reference Codes, Standards, and Specifications: Delete the first paragraph and substitute the following: Section 4: is not adopted as part of this code; however, the referenced standards are deemed to be accepted practice: **Explanatory material, in the form of notes, that is not part of a table, figure, or graph, is not a part of this standard and is not enforceable as part of this rule.**

(b) Rule 111.10 Access to Hoistways for Emergency Purposes is changed by adding a new subparagraph (d) as follows: Elevators installed in single hoistways shall be provided with a hoistway door unlocking device at each landing. Elevators installed in multiple hoistways shall be provided with a hoistway door unlocking device for at least one (1) elevator at each landing.

(c) Rule 200.2a Requirements for Steel; Where Used is changed to read as follows: (2) Bolts which conform to ANSI/ASTM A307 are deemed acceptable; (3) Rivets which conform to ANSI/ASTM A502 are deemed acceptable.

(d) Rule 204.3b Openings in Car Tops; add a second sentence

as follows: Such emergency exit shall be provided with electric contacts conforming to Rule 111-5, and so located as to be inaccessible from the inside of the car.

(e) Rule 207-3 Capacity and Data Plates; add a new subparagraph as follows: 207-3d No Smoking Signs: A sign having a principal stroke of not less than one-eighth ($\frac{1}{8}$) inch lettering reading "No Smoking", or the international symbol for no smoking shall be installed in a conspicuous position inside each passenger elevator car.

(f) Rule 211-3b Smoke Detectors; delete the second paragraph and substitute as follows: No device, other than the Phase I switch (Rule 211-3a) or detectors required by this Rule (211-3b) and 675 IAC 13, Indiana Building Code, shall initiate Phase I operation.

(b) Delete subsection 1.1.4 Effective Date, without substitution.

(c) Delete section 1.2 Purpose and Exceptions, without substitution.

(d) Amend section 1.3 Definitions to read as follows:

(1) Add a definition to read as follows: NFPA 70 means the Indiana Electrical Code (675 IAC 17).

(2) Add a definition to read as follows: ANSI A117.1 means the Indiana Building Code, Chapter 11, Part 1 (675 IAC 13).

(3) Change the definition of approved to read as follows: APPROVED means, as to materials, equipment, products, and construction, acceptance by the authority having jurisdiction by one (1) of the following methods:

(A) Investigation or tests conducted by recognized authorities.

(B) Investigation or tests conducted by technical or scientific organizations.

(C) Accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment, products, and construction are safe for their intended purposes.

(4) Change the definition of authority having jurisdiction to read as follows: AUTHORITY HAVING JURISDICTION means the office of the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10.

(5) Change the definition of building code to read as follows: BUILDING CODE means the Indiana Building Code, 675 IAC 13, for Class 1 structures except townhouses or the Indiana Residential Code, 675 IAC 14, for Class 2 structures and townhouses in effect at the time of the construction, addition, or alteration of the building or structure.

(6) Change the definition of certified to read as follows: CERTIFIED means approved.

(7) Change the definition of elevator to read as follows: ELEVATOR means a regulated lifting device as defined in IC 22-12-1-22.

(8) Change the definition of labeled/marked to read as follows: 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.

(9) Change the definition of listed/certified to read as follows: 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.

(10) Change the definition of regulatory authority to read as follows: REGULATORY AUTHORITY: See AUTHORITY HAVING JURISDICTION.

~~(g) Rule 211-3d~~ (e) Delete the text in section 2.27.8 Switch Keys, delete the "Note" and add to the first paragraph substitute as follows: The emergency operation keys, machine room door keys, and hoistway door unlocking devices shall be placed in a heavy metal enclosure. All such keys shall be clearly identified. The enclosure shall be clearly identified. The enclosure shall be conspicuously located and identified by a sign stating "For Emergency Use Only". All such enclosures shall be equipped with a seven (7) pin cylindrical lock opened by a common key SI-2. Only fire officials, the authority having jurisdiction, and general elevator inspectors the elevator contractor shall be permitted to retain keys for such enclosures.

(h) Part V Private Residence Elevators excepting Rule 501-2 Car Enclosure, is deleted in its entirety and the following is substituted therefor: Private residence elevators are not regulated by the Division of Elevator Safety. Such installations made in private residences, including condominium units, are exempt from the permit and inspection requirements of 675 IAC 21-1. However, the provisions of Part V are recommended for use in such installations. Rule 501-2 is applicable only to installations covered by the exception to Rule 2000-7a:

(f) Delete sections 5-3, 5-4, and 5-9 without substitution.

(g) Amend section 6.1.1.1 Protection Required to read as follows: Floor openings for escalators shall be protected against the passage of flame, heat, and/or smoke in accordance with the Indiana Building Code, 675 IAC 13.

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(h) Amend subsection 6.1.2.1 Protection Required as follows:

- (1) Delete “of NFPA 101, whichever is applicable (see Chapter 9)”.
- (2) Delete “adequate” and insert “required”.

(i) Rule 902.1 Amend section 6.2.1.1 Protection Required, is changed to read as follows: Where a moving walk pierces penetrates a building floor, the opening shall be protected against the passage of flame, heat, and/or smoke in accordance with the provisions of 675 IAC 13; the Indiana Building Code, 675 IAC 13.

(j) Rule 1001.1 Inspection and Test Periods; add an exception to read as follows:

EXCEPTION: The routine inspection for passenger elevators may be performed at intervals not longer than one (1) year during the five (5) year period of service following issuance of the initial operating permit. In such case, the inspection and test requirements of Rule 1001.2 shall be combined with the one (1) year inspection and test requirements of Rule 1002.2.

(k) Rule 1005.3 Three Year Inspection and Tests; delete and substitute as follows: No Requirements.

(l) Rule 1010.2 Private Residence Elevators and Lifts; delete and substitute as follows: No Requirements.

(m) Rule 1900.6d Openings of Hoistway Doors or Gates from the Landing Side is changed to read as follows:

- (1) Delete the first sentence in paragraph one and substitute as follows: Hoistway doors or gates shall be provided with means that will latch the doors or gates mechanically so that they cannot be opened from the landing side; conforming to the requirements of Rule 1901.1.
- (2) Delete the first sentence in paragraph two and substitute as follows: Hoistway doors shall be provided with one of the following:
 - (A) interlocks conforming to the requirements of Rule 111.3j; or
 - (B) combination mechanical locks and electric contacts conforming to the requirements of Rule 111.4.

(n) Rule 2000.7a Limitation of Load, Speed, and Travel; add an exception to read as follows:

EXCEPTION: The travel may extend to thirty feet (30') and may penetrate a floor providing the car enclosure requirements of Rule 501.2 are met.

(o) Rule 2001.6e Obstruction Devices; add two sentences to read as follows: The lift may operate in the direction away from the obstruction. The underside obstruction device shall stop the lift only when the lift is obstructed while traveling in the down direction.

(p) Part XXI Private Residence Inclined Stairway, Chairlifts, and Inclined and Vertical Wheelchair Lifts; including Rules 2100 through 2102; is deleted in its entirety and the following is substituted therefor: Private residence inclined stairway chairlifts and inclined and vertical wheelchair lifts are not regulated by the Division of Elevator Safety. Such installations made in private residences; including condominium units; are exempt from the permit and inspection requirements of 675 IAC 21-1. However, the provisions of Part XXI are recommended for use in such installations.

(j) Amend subsection 6.2.2.1 Protection Required as follows:

- (1) Delete “of NFPA 101, whichever is applicable (see Chapter 9)”.
- (2) Delete “adequate” and insert “required”.

(k) Amend subsection 7.1.1.1 by deleting the second sentence.

(l) Amend subsection 7.1.8.2 as follows: Requirement 2.8.2.3 does not apply. Sprinklers shall be permitted in the hoistway when conforming to NFPA 13 (675 IAC 13-1). All sprinkler risers and returns shall be located outside the hoistway.

(m) Amend subsection 8.6.1.4.2 Record Availability as follows: Add “and the AUTHORITY HAVING JURISDICTION” to the end of the section.

(n) Amend subsection 8.10.1.1.1 to read as follows: The enforcement authority may conduct the acceptance inspection. If the enforcement authority chooses not to make this inspection, a qualified inspector shall make the acceptance inspection.

(1) If a qualified inspector makes the acceptance inspection, this qualified inspector shall sign an attestation for each test that reads, “I hereby attest under penalty for perjury that:

- (A) all of the tests required by 8.10.2, 8.10.3, 8.10.4, or 8.10.5 have been completed in my presence by persons qualified to perform such services; and
- (B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration.”.

(2) The qualified inspector that performs the acceptance inspection shall not be an employee of the elevator contractor that is performing the required tests.

(o) Delete section 8.10.1.1.3 in its entirety without substitution.

(p) Delete section 8.10.5.2 in its entirety without substitution.

(q) Delete section 8.11.1.1 in its entirety without substitution.

(r) Amend section 8.11.1.1.2(a) to read as follows: A qualified inspector shall attest to the Category 1, Category 3, and Category 5 Periodic Test Requirements. This qualified inspector shall sign an attestation for each test that reads, "I hereby attest under penalty for perjury that:
(A) all of the required tests have been completed by persons qualified to perform such services; and
(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(s) Amend section 8.11.1.1.2(b) to read as follows: The owner or the owner's authorized agent shall have all of the tests required by 8.11.2, 8.11.3, 8.11.4, and 8.11.5 made by persons qualified to perform such service. For the Category 1, Category 3, and Category 5 Test Requirements, the owner or the owner's authorized agent shall have these tests attested to by a qualified inspector in the manner specified in 8.11.1.1.2(a).

(t) Amend section 8.11.1.3 to read as follows: The frequency of periodic inspections shall be established by the authority having jurisdiction and the frequency of periodic tests shall be as established in the Indiana Elevator Safety Code (675 IAC 21).

(u) Delete section 8.11.2.1 Periodic Inspection Requirements in its entirety without substitution.

(v) Delete section 8.11.3.1 Periodic Inspection Requirements in its entirety without substitution.

(w) Delete section 8.11.4.1 in its entirety without substitution.

(x) Delete section 8.11.5.2 in its entirety without substitution.

(y) Delete section 8.11.5.13.1 in its entirety without substitution.

(z) Delete the following Appendices without substitution:

- (1) Appendix D.
- (2) Appendix E.
- (3) Appendix H.
- (4) Appendix J.
- (5) Appendix K.
- (6) Appendix L.
- (7) Appendix M.
- (8) Appendix O.

(aa) Appendix N is adopted and amended as follows: In Table N1, delete without substitution, both columns under Periodic Inspections.

(bb) The following Appendices are adopted:

- (1) Appendix A.
- (2) Appendix B.
- (3) Appendix C.
- (4) Appendix F.
- (5) Appendix G.
- (6) Appendix I.

(Fire Prevention and Building Safety Commission; 675 IAC 21-3-2; filed Aug 30, 1985, 11:52 a.m.: 9 IR 41, eff Oct 1, 1985; filed Nov 14, 1986, 9:22 a.m.: 10 IR 873, eff Jan 1, 1987; filed Sep 27, 1989, 4:30 p.m.: 13 IR 288; filed Feb 23, 1995, 11:00 a.m.: 18 IR 1832; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

SECTION 9. 675 IAC 21-4-1 IS AMENDED TO READ AS FOLLOWS:

675 IAC 21-4-1 Adoption by reference

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. That certain document being titled as ANSI A10.4, ~~1981~~, **1990, American National Standard Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations**, published by the American National Standards Institute, 1430 Broadway, New York, New York 10018, be and the same **National Safety Council, 444 North Michigan Avenue, Chicago, Illinois 60611**, is hereby adopted by reference and made a part of this section as if fully set out herein, save and except those additions, deletions, and amendments as are made in the following sections ~~section 2~~ of this rule. ~~(675 IAC 21-4)~~. *(Fire Prevention and Building Safety Commission; 675 IAC 21-4-1; filed Aug 30, 1985, 11:52 a.m.: 9 IR 42, eff Oct 1, 1985; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

SECTION 10. 675 IAC 21-4-2 IS AMENDED TO READ AS FOLLOWS:

675 IAC 21-4-2 Amendments to adopted standard

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13-2-10; IC 22-14; IC 22-15; IC 25-3.1; IC 25-4

Sec. 2. (a) Section ~~6-2~~ **Door Locking Devices**; add a new sentence at the end of the first paragraph as follows: Every landing door shall be provided with an electric contact device to prevent operation of the hoist when the mechanical locking device is in an unlocked position. **Explanatory material, in the form of notes, that is not part of a table, figure, or graph, is not a part of this standard and is not enforceable as part of this Indiana Elevator Safety Code.**

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(b) Section 30 Revision of American National Standards referred to in this document, is deleted in its entirety. Delete section 1.3, Exceptions, without substitution.

(c) Delete section 2, References, without substitution.

(d) In section 3, Definitions, make the following changes:

(1) Change the definition of APPROVED 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:

- (1) Investigation or tests conducted by recognized authorities.
- (2) Investigation or tests conducted by technical or scientific organizations.
- (3) Accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment and types of construction are safe for their intended purpose.

(2) Add the following definitions:

AUTHORITY HAVING JURISDICTION means the office of the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10.

ENFORCING AUTHORITY means the office of the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10.

GOVERNING AUTHORITY means the office of the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10.

DESIGN PROFESSIONAL means a registered architect or professional engineer registered under IC 25-4 or IC 25-31.

(e) Amend section 4 to read as follows: Permanent passenger or freight elevators under construction, modification, or demolition may be used for carrying workers or materials or both provided that the elevators are approved for such use by the authority having jurisdiction in accordance with IC 22-15-5 and the Indiana Elevator Safety Code.

(f) In subsection 5.4.3, delete “qualified professional engineer” and “qualified engineer” and insert “design professional” for each.

(g) In subsection 8.1.3, make the following changes:

(1) Delete “American National Standard National Electrical Code, ANSI/NFPA 70-1990” and insert “the Indiana Electrical Code (675 IAC 17)”.

(2) In the last sentence, delete “ANSI/NFPA 70-1990” and insert “the Indiana Electrical Code (675 IAC 17)”.

(h) In subsection 14.3.1, delete “Part II, section 201, Rule 201.4 of ANSI/ASME A17.1-1987” and insert “section 2.22.4 of ANSI/ASME A17.1-2000 as adopted by the Indiana Elevator Safety Code”.

(i) In subsection 26.1.1, in the second sentence, delete “A similar inspection” and insert “An acceptance inspection”.

(j) In subsection 26.1.2, make the following amendments:

(1) In the title, delete “Initial and Periodic Installation”.

(2) Delete the first paragraph and insert the following: The authority having jurisdiction may conduct the acceptance inspection and witness the full load tests required by 26.1.1. If the authority having jurisdiction chooses not to make this inspection and witness this test, the required acceptance inspection and full load test shall be witnessed and attested to by a qualified inspector.

(3) In the third paragraph, delete “can be performed by state, local, licensed authority or the manufacturer.” and insert “may be performed by the authority having jurisdiction. If the authority having jurisdiction chooses not to make this inspection, it shall be performed by the owner, manufacturer, or installer and shall be witnessed and attested to by a qualified inspector”.

(4) In the fourth paragraph, insert a period after “equipment and delete “in the presence of an inspector employed by the enforcement authority” and insert “The enforcement authority may require that these tests be conducted in the presence of an employee of the enforcement authority. If the enforcement authority chooses not to be present for these tests, the tests shall be performed in the presence of a qualified inspector”.

(k) In subsection 26.1.3, add the following at the end of the sentence: The owner or the owner’s authorized agent shall have all of the required acceptance tests made by persons qualified to perform such service. The enforcement authority may require that the acceptance tests be performed in the presence of an employee of the enforcement authority. If the enforcement authority chooses not to be present, then these tests shall be performed in the presence of a qualified inspector. The qualified inspector that performs shall not be an employee of the elevator contractor that is performing the required tests. The qualified inspector shall sign an attestation for each test that reads, “I hereby attest under penalty for perjury that:

(A) all of the required acceptance tests have been completed in my presence by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equip-

ment codes effective as applicable to and for each alteration.”.

(l) In section 26.3, delete “Part X, Section 1000, Rule 1000.3 of ANSI/ASME A17.1-1988” and insert “Section 8.10.2.2.5(c) of ANSI/ASME A17.1-2000 as adopted by the Indiana Elevator Safety Code (675 IAC 21)”.

(m) Delete subsections 26.4.1 and replace it with the following: **26.4.1 Periodic Inspections.** Periodic inspections shall be made by an inspector employed by the governing authority. The governing authority shall establish the frequency of these periodic inspections.

(n) Delete subsection 26.4.2 and replace it with the following: **26.4.2 General Requirements for Periodic Tests.**

(1) Periodic tests shall be attested to by a qualified inspector.

(2) The qualified inspector identified in 26.4.2(1) shall sign an attestation for each periodic test for each regulated lifting device that reads, “I hereby attest under penalty for perjury that:

(A) all of the periodic tests required by this standard have been completed by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration.”.

(3) The owner or the owner’s authorized agent shall have all of the required periodic tests made by persons qualified to perform such service and shall have these tests attested to by a qualified inspector in the manner specified in 26.4.2(2).

(o) Delete subsection 26.4.3 and replace it with the following: **26.4.3 Frequency of Periodic Tests.** Periodic tests of hoists shall be made at intervals not to exceed three (3) months.

(p) In subsection 26.4.4, in the title, delete “Inspections and”.

(q) In subsection 26.4.5, in the title, delete “Inspections and”.

(r) In subsection 26.4.6, in the title, delete “Inspection” and insert “Test”.

(s) In subsection 26.4.7, in the title, delete “Inspection” and insert “Test”.

(t) In subsection 26.5, in the last sentence, delete “and” and insert “but the installation must be”. (*Fire Prevention*

and Building Safety Commission; 675 IAC 21-4-2; filed Aug 30, 1985, 11:52 a.m.: 9 IR 42, eff Oct 1, 1985; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

SECTION 11. 675 IAC 21-5-1 IS AMENDED TO READ AS FOLLOWS:

675 IAC 21-5-1 Adoption by reference

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. That certain document, being titled as ANSI A90.1, ~~1985, 1997~~, Safety Standard for Belt Manlifts, published by the American Society of Mechanical Engineers, ~~345 East 47th Street, Three Park Avenue~~, New York, New York ~~10017~~, be ~~and the same 10016~~, is hereby adopted by reference and made a part of this section as if fully set out herein, save and except section ~~1.4, Exceptions which is deleted in its entirety: those additions, deletions, and amendments as are made in section 3 of this rule.~~ (*Fire Prevention and Building Safety Commission; 675 IAC 21-5-1; filed Aug 30, 1985, 11:52 a.m.: 9 IR 43, eff Oct 1, 1985; filed Sep 27, 1989, 4:30 p.m.: 13 IR 290; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

SECTION 12. 675 IAC 21-5-3 IS ADDED TO READ AS FOLLOWS:

675 IAC 21-5-3 Amendments to adopted standard

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13-2-10; IC 22-14; IC 22-15

Sec. 3. (a) Explanatory material, in the form of notes, that is not part of a table, figure, or graph, is not a part of this standard and is not enforceable as part of the Indiana Elevator Safety Code (675 IAC 21).

(b) In section 1.2 Purpose, delete the second sentence.

(c) In section 1.3 Application, revise (c) to read as follows: This standard applies to new installations. Existing belt manlifts shall be inspected, tested and maintained in accordance with the code or standard in effect at the time of installation and the manufacturer’s instructions.

(d) Delete paragraph 1.4, Exceptions, without substitution.

(e) In section 2 References, add a section to read as follows: 2.4 When the term “American National Standard National Electrical Code, ANSI/NFPA 70-1990 or ANSI/NFPA 70-1990” are used, it shall mean the Indiana Electrical Code (675 IAC 17).

(f) In section 3, Definitions, add the following definitions: **INDIANA ELECTRICAL CODE** means the Electrical Code in effect in Indiana at the time of construction,

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installation, remodeling, or alteration of the equipment.

(g) In paragraph 8.1, Acceptance and Annual Tests, delete the Note and the first sentence and insert the following:

(A) On completion of the manlift installation, an acceptance test shall be performed by the owner, manufacturer, or installer (under no circumstances shall be humans be used as weights for testing). The enforcement authority may require that these tests be conducted in the presence of an employee of the enforcement authority. If the enforcement authority chooses not to be present at these tests, these tests shall be conducted in the presence of a qualified inspector. The qualified inspector shall not be an employee of the elevator contractor that is performing the required tests. The qualified inspector shall sign an attestation for each test that reads, "I hereby attest under penalty for perjury that:

- (1) all of the required acceptance tests have been completed in my presence by persons qualified to perform such services; and
- (2) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(B) The same series of tests as outlined in this paragraph shall be performed by the owner annually. These annual tests shall be attested to by a qualified inspector. This qualified inspector shall sign an attestation for each annual test of each manlift that reads, "I hereby attest under penalty for perjury that:

- (1) all of the required tests have been completed by persons qualified to perform such services; and
- (2) the manlift conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(h) In paragraph 8.2, Periodic Inspection, in the title delete "Periodic" and insert "Routine".

(i) In subsection 8.2.1, Frequency, add the following sentence at the end of the subsection: A qualified inspector shall attest to these tests. This qualified inspector shall sign an attestation for each test of each manlift that reads, "I hereby attest under penalty for perjury that:

- (1) all of the required tests have been completed by persons qualified to perform such services; and
- (2) the manlift conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(j) In subsection 8.2.2, delete "periodic" and insert "routine".

(k) Appendices A and B of this standard are not adopted, are not enforceable, and are for guidance purposes only. (*Fire Prevention and Building Safety Commission; 675 IAC 21-5-3*)

SECTION 13. 675 IAC 21-8 IS ADDED TO READ AS FOLLOWS:

Rule 8. Platform and Stairway Chair Lifts

675 IAC 21-8-1 Adoption by reference

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. That certain document, being titled as ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016, is hereby adopted by reference and made a part of this rule as if fully set out herein, save and except those additions, deletions, and amendments as are made in section 2 of this rule. (*Fire Prevention and Building Safety Commission; 675 IAC 21-8-1*)

675 IAC 21-8-2 Amendments to adopted code

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13-2-10; IC 22-14; IC 22-15

Sec. 2. (a) In section 1.1.1, change the fourth sentence to read as follows: Except as specifically allowed in 2.7.1, the device shall not penetrate more than one (1) floor.

(b) In section 1.3 Definitions, change the definitions to read as follows:

APPROVED means, as to materials, equipment, products, and construction, acceptance by authority having jurisdiction by one (1) of the following methods:

- (A) Investigation or tests conducted by recognized authorities.
- (B) Investigation or tests conducted by technical or scientific organizations.
- (C) Accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment, products, and construction are safe for their intended purposes.

AUTHORITY HAVING JURISDICTION means the office of the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10.

BUILDING CODE means the Indiana Building Code (675 IAC 13), for Class 1 structures except townhouses or the Indiana Residential Code (675 IAC 14), for Class 2 structures and townhouses in effect at the time of the construction, addition, or alteration of the building or structure.

CERTIFIED means approved.

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 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.

ELECTRICAL CODE means the Indiana Electrical Code (675 IAC 17) in effect at the time of construction, installation, remodeling, or alteration of the equipment.

(c) Add a new paragraph to section 1.4 to read as follows: Where ANSI A117.1-1986 is used in this standard, it shall mean Chapter 11 of the Indiana Building Code (675 IAC 13). Where ANSI/NFPA 70 is used, it shall mean the Indiana Electrical Code (675 IAC 17). Where the term "building code" is used, it shall mean the Indiana Building Code (675 IAC 13).

(d) Amend section 2.3.1.6 by adding a third paragraph to read as follows: If a winding drum is used, it shall have no more than one layer of cable.

(e) Amend the third sentence in section 2.7.1 to read: The travel shall not exceed thirty (30) feet, and may penetrate more than one (1) floor.

(f) Amend section 2.11.3 to read as follows: If the audible signaling device(s), or the means of two-way conversation, or both, are connected to the building power supply, they shall automatically transfer to a source of standby or emergency power upon failure of the normal power supply. This standby or emergency power source shall be capable of providing for the operation of the audible signaling device and illumination of the alarm switch for at least one (1) hour, and the means of two-way conversation for at least four (4) hours.

(g) In section 10, delete "Routine" in the title and in the following paragraph.

(h) Delete section 10.1.1 and insert the following: 10.1.1. Periodic inspections. Periodic inspections shall be made by

the authority having jurisdiction at a frequency determined by the authority having jurisdiction.

(i) Amend the title of section 10.1.2 to delete "Inspections and".

(j) Amend section 10.1.2.1 to read as follows: The one-year test requirements under 10.3.1, the three-year test requirements under 10.3.2, and the five-year test requirements under 10.3.3 shall be attested to by a qualified inspector. This qualified inspector shall sign an attestation for each test that reads, "I hereby attest under penalty for perjury that:

(A) all of the tests required by 10.3.1, 10.3.2, or 10.3.3 have been completed by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(k) Amend section 10.1.2.2 to read as follows: The owner or his/her authorized agent shall have all of the tests required by paragraph 10.3 made by a person qualified to perform such service.

(l) Delete section 10.1.2.3 without substitution.

(m) Amend section 10.1.3.1 to read as follows: The enforcement authority may conduct the acceptance inspection. If the enforcement authority chooses not to make this inspection, a qualified inspector shall make the acceptance inspection.

(1) If a qualified inspector makes the acceptance inspection, this qualified inspector shall sign an attestation for each test that reads, "I hereby attest under penalty for perjury that:

(A) all of the tests required by paragraphs 10.4 or 10.5 have been completed in my presence by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(2) The qualified inspector that performs the acceptance inspection shall not be an employee of the elevator contractor that is performing the required tests.

(n) Amend section 10.1.3.2 to read as follows: The person installing or altering the equipment shall perform all of the tests required by paragraphs 10.4 or 10.5 in the presence of the enforcement authority or a qualified inspector.

(o) Delete section 10.1.3.3 without substitution.

Proposed Rules

(p) Delete section 10.2.1 without substitution.

(q) Amend section 10.2.2 to read as follows: Routine inspections and tests shall include where applicable the following:

(r) In paragraph 10.3, delete "Inspections and" in the title and amend the following paragraph to read as follows: Periodic Tests Periods. In addition to the routine inspections and tests identified in paragraph 10.2, the applicable inspections and tests specified in paragraph 10.3.1 shall be performed in intervals not longer than one (1) year, the applicable inspections and tests specified in paragraph 10.3.2 shall be made at intervals not longer than three (3) years and the applicable inspections and tests specified in paragraph 10.3.3 shall be made at intervals not longer than five (5) years. (*Fire Prevention and Building Safety Commission; 675 IAC 21-8-2*)

SECTION 15. THE FOLLOWING ARE REPEALED: 675 IAC 21-1-2; 675 IAC 21-1-2.1; 675 IAC 21-1-3; 675 IAC 21-1-4; 675 IAC 21-1-6; 675 IAC 21-2; 675 IAC 21-6; 675 IAC 21-7.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on May 15, 2002 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 5, Indianapolis, Indiana; **AND** on July 2, 2002 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana the Fire Prevention and Building Safety Commission will hold a public hearing on proposed amendments to incorporate updated standards for regulated lifting devices, amend the application and testing requirements for installation and operation permits, and repeal the rules for sewage lift stations and handpowered personnel hoists. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W246 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Patrick Ralston
Secretary
Fire Prevention and Building Safety Commission

TITLE 856 INDIANA BOARD OF PHARMACY

Proposed Rule

LSA Document #01-434

DIGEST

Amends 856 IAC 1-27-1 concerning fees related to the practice of pharmacy. Effective 30 days after filing with the secretary of state.

856 IAC 1-27-1

SECTION 1. 856 IAC 1-27-1 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-27-1 Fees

Authority: IC 25-1-8-2; IC 25-26-13-4

Affected: IC 25-26-13

Sec. 1. (a) The fee for the licensure by examination for licensure as a registered pharmacist shall be a cost equal to the board's cost of purchasing the examination and an additional administrative fee of ~~twenty-five~~ **one hundred** dollars ~~(\$25)~~. If the application for examination is not accepted by the board, all but the administrative fee will be refunded: **(\$100)**.

(b) The fee for licensure as a registered pharmacist from another state by reciprocity (**also known as license transfer**) and without a full examination shall be ~~forty one hundred~~ **forty one hundred** dollars ~~(\$40)~~. If an applicant for reciprocity is not accepted by the board, only fifteen dollars ~~(\$15)~~ will be refunded: **(\$100)**.

(c) The fee for **taking or** retaking the state jurisprudence examination or the ~~state administered lab and oral practical~~ examination shall be twenty-five dollars ~~(\$25)~~.

(d) The fee for the renewal of a license as a registered pharmacist shall be ~~fifteen~~ **seventy-five** dollars ~~(\$15)~~ **(\$75)** per year. The board shall collect an additional five dollars ~~(\$5)~~ per year from each individual who renews a pharmacist license to fund a program to assist impaired pharmacists.

~~(e) The penalty fee for a registered pharmacist license that has lapsed shall be ten dollars (\$10) plus payment of all current fees.~~

~~(f) (e)~~ The fee for a license as a pharmacist intern/extern shall be ten dollars ~~(\$10)~~. The renewal fee for such a license shall be ten dollars ~~(\$10)~~.

~~(g) (f)~~ The fee for ~~permit both an initial application and renewal~~ to operate ~~a an in-state~~ pharmacy shall be ~~twenty one hundred~~ **one hundred** dollars ~~(\$20)~~ **(\$100)** per year. When there is a change of ownership, a new permit must be obtained, and the fee shall be ~~fifteen~~ **fifty** dollars ~~(\$15)~~ **(\$50)**. When there is a change of location, the current permit is updated and the fee is ~~fifteen~~ **fifty** dollars ~~(\$15)~~ **(\$50)**.

~~(h) The fee for the renewal of a permit to operate a pharmacy shall be twenty dollars (\$20) per year.~~

~~(i) The fee for a pharmacy permit that has lapsed shall be ten dollars (\$10) plus payment of all current fees.~~

~~(j) (g)~~ The fee for certificate of qualifications, registration, and grades in any application for reciprocity to another state shall be ~~five ten~~ **ten** dollars ~~(\$5)~~ **(\$10)**.

~~(k)~~ **(h)** There will be no fee for the issuance of a duplicate **pharmacy** license or permit shall be two dollars ~~(\$2)~~. There shall be no fee for a duplicate **pharmacist** pocket card license.

~~(i)~~ **(i)** The fee for a duplicate pharmacist's wall certificate shall be ten dollars (\$10).

~~(j)~~ **(j)** The fee for a complete compilation of the pharmacy laws shall be ten dollars **(\$10)**.

~~(k)~~ **(k)** The fee for **both an initial registration and renewal** registration of a nonresident pharmacy shall be ~~twenty one hundred~~ **(\$100)** dollars ~~(\$20)~~ per year. (*Indiana Board of Pharmacy; Reg 29; filed Aug 30, 1977, 8:25 a.m.: Rules and Regs. 1978, p. 660; filed Mar 5, 1985, 2:42 p.m.: 8 IR 802; filed Nov 13, 1985, 3:08 p.m.: 9 IR 772; filed Apr 30, 1986, 9:43 a.m.: 9 IR 2204; filed Sep 8, 1987, 2:30 p.m.: 11 IR 95; filed Jul 24, 1991, 2:45 p.m.: 14 IR 2238; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3106; filed May 29, 1998, 11:56 a.m.: 21 IR 3931; filed Aug 5, 1998, 3:48 p.m.: 21 IR 4535*) **NOTE: Renumbered Reg 30 by 1978 Amendment.**

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 8, 2002 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 1 and 2, Indianapolis, Indiana the Indiana Board of Pharmacy will hold a public hearing on proposed rules concerning fees related to the practice of pharmacy. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Lisa R. Hayes
Executive Director
Health Professions Bureau

865 IAC 1-11-1
865 IAC 1-13-5

SECTION 1. 865 IAC 1-11-1 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-11-1 Fees charged by board

Authority: IC 25-21.5-2-14
Affected: IC 25-21.5

Sec. 1. The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

- (1) For review of an application for examination for registration as a land surveyor other than comity, a fee of ten dollars (\$10).
- (2) For the examination or reexamination of any applicant under the Act, a fee in the amount of ~~fifty sixty~~ **(\$60)** dollars ~~(\$50)~~.
- (3) For the processing and review of qualifications for registration as a land surveyor by comity, a fee of ~~fifty~~ **seventy-five** dollars ~~(\$50)~~ **(\$75)**.
- (4) For issuance of the original certificate to practice as a registered land surveyor following passage of the examination or approval for registration on the basis of comity when the certificate is dated between August 1 of an:
 - (A) odd-numbered year and July 31 of the following even-numbered year, inclusive, ~~twenty-five~~ **fifty** dollars ~~(\$25)~~ **(\$50)**; or
 - (B) even-numbered year and July 31 of the following odd-numbered year, inclusive, ~~fifty on hundred~~ **(\$100)** dollars ~~(\$50)~~.
- (5) For biennial renewal of the certificate to practice as a registered land surveyor, a renewal fee of ~~seventy one hundred~~ **(\$100)** dollars ~~(\$70)~~ and a fee of two dollars (\$2) for each hour of continuing education required both payable no later than July 31 of each even-numbered year. No fee shall be required to renew a certificate in inactive status under 865 IAC 1-13-13.
- (6) For renewal of an expired certificate to practice as a registered land surveyor, ten dollars (\$10), plus all unpaid renewal fees for the four (4) years of delinquency. A certificate may not be renewed after four (4) years of delinquency.
- (7) For a duplicate or replacement certificate to practice as a registered land surveyor, ~~ten twenty-five~~ **(\$25)** dollars ~~(\$10)~~.
- (8) For a replacement pocket card to practice as a registered land surveyor, ~~five ten~~ **(\$10)** dollars ~~(\$5)~~.
- (9) For examination and enrollment as a land-surveyor-in-training, a fee in the amount of ~~twenty twenty-five~~ **(\$25)** dollars ~~(\$20)~~.
- (10) The fee shall be ~~fifty seventy-five~~ **(\$75)** dollars ~~(\$50)~~ for the proctoring of examinations taken in this state for purposes of registration in other states. This fee shall be in addition to the examination fee.

(State Board of Registration for Land Surveyors; Rule 12, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Oct 14, 1981,

TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

Proposed Rule
LSA Document #01-426

DIGEST

Amends 865 IAC 1-11-1 to revise the fees charged and collected by the board. Amends 865 IAC 1-13-5 to allow licensees to submit continuing course material for credit within six months after taking the course. Effective 30 days after filing with the secretary of state.

Proposed Rules

1:30 p.m.: 4 IR 2459; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; errata, 10 IR 445; filed Oct 13, 1992, 5:00 p.m.: 16 IR 884; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3110; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1025; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-12-1 was renumbered by Legislative Services Agency as 865 IAC 1-11-1.

SECTION 2. 865 IAC 1-13-5 IS AMENDED AS FOLLOWS:

865 IAC 1-13-5 Courses from approved and unapproved providers

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 5. (a) Hours of continuing education will be granted to registered land surveyors who have successfully completed courses offered by land surveyor continuing education providers approved pursuant to 865 IAC 1-14 or specific courses from nonapproved providers that the board has approved.

(b) It is the obligation of the registered land surveyor to submit course material from unapproved providers either not more than ~~three (3)~~ **six (6)** months after taking the course or three (3) months before the end of the renewal cycle, whichever comes first. The required information must include the following:

- (1) The course outline or description.
- (2) A certified statement signed by the registered land surveyor stating that the entire course was completed.
- (3) The information required in 865 IAC 1-14-13.
- (4) The name and professional biography of the instructor.

(c) To qualify under subsection (b), courses must be on the subject matter listed in section 6 or 7 of this rule and instructors must meet the requirements of 865 IAC 1-14-9. Course content, instructor qualifications, and provider qualifications must meet the requirements provided in 865 IAC 1-14. If the submitted information does not meet the requirements for approval, the course may be rejected and credit denied. (*State Board of Registration for Land Surveyors; 865 IAC 1-13-5; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1026; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 12, 2002 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 12, Indianapolis, Indiana the State Board of Registration for Land Surveyors will hold a public hearing on proposed amendments to revise the fees charged and collected by the board and to allow licensees to submit continuing course material for credit within six months after taking the course. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley
Executive Director
Indiana Professional Licensing Agency
