

**TITLE 11 CONSUMER PROTECTION DIVISION OF
THE OFFICE OF THE ATTORNEY GENERAL**

LSA Document #02-18(F)

DIGEST

Adds 11 IAC 2-2-5 concerning information provided to consumers added to the telephone privacy list. Amends 11 IAC 2-5-1, 11 IAC 2-5-2, and 11 IAC 2-5-3 by obligating the division to remove certain numbers from the telephone privacy list. Adds 11 IAC 2-5-4 providing for annual purging of the telephone privacy list. Effective 30 days after filing with the secretary of state.

11 IAC 2-2-5
11 IAC 2-5-1
11 IAC 2-5-2

11 IAC 2-5-3
11 IAC 2-5-4

SECTION 1. 11 IAC 2-2, AS ADDED AT 25 IR 1856, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**11 IAC 2-2-5 Information provided to consumers added to
the telephone privacy list**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2; IC 24-4.7-4

Sec. 5. Utilizing mail, e-mail, or other appropriate methods, the division shall communicate to consumers whose residential telephone numbers have been added to the telephone privacy list:

- (1) that the residential telephone number has been added to the telephone privacy list;**
- (2) general information about the telephone privacy act; and**
- (3) procedures for changing or removing their residential telephone numbers from the telephone privacy list.**

(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-2-5; filed Jun 17, 2002, 4:28 p.m.: 25 IR 3702)

SECTION 2. 11 IAC 2-5-1, AS ADDED AT 25 IR 1857, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**11 IAC 2-5-1 Division's authority to purge nonresidential
telephone numbers**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 1. The division ~~may shall~~ purge or ~~may shall~~ direct the agent with which it has contracted pursuant to IC 24-4.7-3-2 to purge from the telephone privacy list any number that ~~it learns~~ is not a residential telephone number. **The division shall remove the relevant telephone number from the telephone privacy list according to the same schedule used for adding residential telephone numbers to the telephone privacy list.** *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-5-1; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857; filed Jun 17, 2002, 4:28 p.m.: 25 IR 3702)*

SECTION 3. 11 IAC 2-5-2, AS ADDED AT 25 IR 1857, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**11 IAC 2-5-2 Division's authority to purge telephone
numbers no longer assigned to consumer**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 2. The division ~~may shall~~ purge or ~~may shall~~ direct the agent with which it has contracted pursuant to IC 24-4.7-3-2 to purge from the telephone privacy list a residential telephone number if the division learns that the number is no longer assigned to the consumer who registered the number. **The division shall remove the relevant telephone number from the telephone privacy list according to the same schedule used for adding residential telephone numbers to the telephone privacy list.** *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-5-2; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857; filed Jun 17, 2002, 4:28 p.m.: 25 IR 3702)*

SECTION 4. 11 IAC 2-5-3, AS ADDED AT 25 IR 1857, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**11 IAC 2-5-3 Purging registered telephone number upon
consumer's revocation notice**

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 3. The division shall purge or shall direct the agent with which it has contracted pursuant to IC 24-4.7-3-2 to purge a residential telephone number of a consumer who submits the revocation notice described in 11 IAC 2-2-4. Upon receiving such revocation notice, the division ~~will shall~~ remove the relevant telephone number from the telephone privacy list according to the same schedule used for adding residential telephone numbers to the telephone privacy list. *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-5-3; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857; filed Jun 17, 2002, 4:28 p.m.: 25 IR 3702)*

SECTION 5. 11 IAC 2-5, AS ADDED AT 25 IR 1857, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

11 IAC 2-5-4 Annual purging of the telephone privacy list

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 4. Annually, the division shall use reasonable efforts to identify and remove from the telephone privacy list:

- (1) Telephone numbers disconnected since the date of initial registration.**
- (2) Any telephone number no longer assigned to a consumer who has registered the number with the telephone privacy list.**

(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-5-4; filed Jun 17, 2002, 4:28 p.m.: 25 IR 3702)

LSA Document #02-18(F)
 Notice of Intent Published: 25 IR 1669
 Proposed Rule Published: April 1, 2002; 25 IR 2281
 Hearing Held: April 22, 2002
 Approved by Attorney General: June 6, 2002
 Approved by Governor: June 11, 2002
 Filed with Secretary of State: June 17, 2002, 4:28 p.m.
 Incorporated Documents Filed with Secretary of State: None

TITLE 11 CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL

LSA Document #02-19(F)

DIGEST

Adds 11 IAC 2-9 to provide that residential telephone numbers shall remain on the telephone privacy list in the event of a change of area code or prefix, or both. Provides that the telephone privacy list shall contain both numbers so long as a telephone solicitor may reach the consumer by directly dialing either number. Effective 30 days after filing with the secretary of state.

11 IAC 2-9

SECTION 1. 11 IAC 2, AS ADDED AT 25 IR 1856, SECTION 1, IS AMENDED BY ADDING A NEW RULE TO READ AS FOLLOWS:

Rule 9. Change of Telephone Area Code or Prefix, or Both

11 IAC 2-9-1 Presumption in the event of change of telephone area code or prefix, or both

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-2-3; IC 24-4.7-3-1; IC 24-4.7-4-1

Sec. 1. A consumer whose residential telephone number has been placed on the telephone privacy list shall be deemed to intend that the number remain on the list in the event that the Indiana utility regulatory commission or other governmental entity having authority gives final approval to a change of telephone area code or prefix, or both, affecting the consumer's residential telephone number. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-9-1; filed Jun 17, 2002, 4:17 p.m.: 25 IR 3703*)

11 IAC 2-9-2 Dual listing of residential telephone numbers during transition

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-2-3; IC 24-4.7-3-1; IC 24-4.7-4-1

Sec. 2. When the division receives from the Indiana utility regulatory commission or other governmental entity having authority, a list of telephone area codes or prefixes, or both, that will change because of final regulatory approval of a

new telephone area code or prefix, or both, it shall revise the next published telephone privacy list to include the consumer's residential telephone number under both the old area code or prefix, or both, and under the new area code or prefix, or both. This dual listing shall be published in the telephone privacy list for so long as a telephone solicitor may reach the consumer by directly dialing either number. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-9-2; filed Jun 17, 2002, 4:17 p.m.: 25 IR 3703*)

11 IAC 2-9-3 Removal of original numbers from list once transition is complete

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-2-3; IC 24-4.7-3-1; IC 24-4.7-4-1

Sec. 3. At such time as a consumer's residential telephone number can be reached directly only by dialing one (1) telephone area code or prefix, the division shall cause the former telephone number to be deleted from the next published edition of the telephone privacy list. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-9-3; filed Jun 17, 2002, 4:17 p.m.: 25 IR 3703*)

LSA Document #02-19(F)

Notice of Intent Published: 25 IR 1669

Proposed Rule Published: April 1, 2002; 25 IR 2282

Hearing Held: April 22, 2002

Approved by Attorney General: June 6, 2002

Approved by Governor: June 11, 2002

Filed with Secretary of State: June 17, 2002, 4:17 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 130 INDIANA PORT COMMISSION

LSA Document #01-395(F)

DIGEST

Adds 130 IAC 2, 130 IAC 3, and 130 IAC 4 to establish rules concerning applicability and definitions, traffic control, and port use. Repeals 130 IAC 1. Effective 30 days after filing with the secretary of state.

130 IAC 1

130 IAC 3

130 IAC 2

130 IAC 4

SECTION 1. 130 IAC 2 IS ADDED TO READ AS FOLLOWS:

ARTICLE 2. APPLICABILITY AND DEFINITIONS

Rule 1. Definitions

130 IAC 2-1-1 Applicability

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 1. The definitions in this rule apply throughout this title. (*Indiana Port Commission; 130 IAC 2-1-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3703*)

130 IAC 2-1-2 “Commission” defined

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1; IC 8-10-2

Sec. 2. “Commission” means the Indiana port commission created under IC 8-10-2. (*Indiana Port Commission; 130 IAC 2-1-2; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704*)

130 IAC 2-1-3 “Control devices and signals” defined

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 3. “Control devices and signals” means all signs, signals, markings, and devices placed or erected on the ports of Indiana for the purpose of regulating, warning, or guiding traffic. (*Indiana Port Commission; 130 IAC 2-1-3; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704*)

130 IAC 2-1-4 “Executive director” defined

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 4. “Executive director” means an individual employed by the commission who is responsible for, among other duties, managing and administering the central office of the commission and all employees of the commission and supervising the port directors. (*Indiana Port Commission; 130 IAC 2-1-4; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704*)

130 IAC 2-1-5 “Oversize or unusual vehicle” defined

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 5. “Oversize or unusual vehicle” means those vehicles exceeding the maximum allowable dimensions and weights set forth in 130 IAC 3-1-12 and those vehicles that are not designed, used, or maintained primarily for the carrying of persons or property upon the public highways. (*Indiana Port Commission; 130 IAC 2-1-5; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704*)

130 IAC 2-1-6 “Parking” defined

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 6. “Parking” means the stopping or standing of a vehicle whether occupied or not. A vehicle shall not be deemed to be parked if stopped temporarily for any of the following reasons:

- (1) Movement of the vehicle is obstructed.
- (2) The vehicle is waiting to enter or leave a gate booth lane.
- (3) The vehicle is in obedience to:

(A) the direction of a police officer, port security officer, or other commission employee assigned to traffic control work; or

(B) an official sign, signal, marking, or device.

(*Indiana Port Commission; 130 IAC 2-1-6; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704*)

130 IAC 2-1-7 “Port” defined

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 7. “Port” means any of the following:

(1) Indiana’s International Port/Burns Harbor at Portage, Indiana.

(2) Southwind Maritime Centre at Mount Vernon, Indiana.

(3) Clark Maritime Centre at Jeffersonville, Indiana.

(*Indiana Port Commission; 130 IAC 2-1-7; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704*)

130 IAC 2-1-8 “Port area” defined

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 8. “Port area” means any:

- (1) water;
- (2) land;
- (3) platform;
- (4) building;
- (5) structure;
- (6) dock;
- (7) road;
- (8) railroad; or
- (9) other facility or operation located at a port.

(*Indiana Port Commission; 130 IAC 2-1-8; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704*)

130 IAC 2-1-9 “Port director” defined

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 9. “Port director” means an individual employed by the commission who is responsible for managing and administering a port. (*Indiana Port Commission; 130 IAC 2-1-9; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704*)

130 IAC 2-1-10 “Port employee” defined

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 10. “Port employee” means each person in the official employ of the commission. (*Indiana Port Commission; 130 IAC 2-1-10; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704*)

130 IAC 2-1-11 “Port roads” defined

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 11. "Port roads" means all:

- (1) traffic lanes;
- (2) acceleration lanes;
- (3) deceleration lanes;
- (4) shoulders;
- (5) medial strips;
- (6) bridges;
- (7) overpasses;
- (8) underpasses;
- (9) gate areas;
- (10) approaches;
- (11) entrance and exit ramps;
- (12) maintenance areas; and
- (13) any and all other areas adjacent thereto;

under the control or jurisdiction of the commission and comprising a part of the road system of the ports of Indiana. (*Indiana Port Commission; 130 IAC 2-1-11; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704*)

130 IAC 2-1-12 "Port security" defined

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 12. "Port security" means any commission employee or independent contractor employed by the commission to provide port protection services. (*Indiana Port Commission; 130 IAC 2-1-12; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3705*)

130 IAC 2-1-13 "Restricted area" defined

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 13. "Restricted area" means all or part of a port area that has been posted by the port director as closed to the public. (*Indiana Port Commission; 130 IAC 2-1-13; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3705*)

130 IAC 2-1-14 "Vessel" defined

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 14. "Vessel" means a boat, motorboat, sailboat, rowboat, skiff, dinghy, canoe, ship, tug, towboat, packet, barge, lighter, or other watercraft, whether self-propelled or not self-propelled. (*Indiana Port Commission; 130 IAC 2-1-14; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3705*)

SECTION 2. 130 IAC 3 IS ADDED TO READ AS FOLLOWS:

ARTICLE 3. TRAFFIC CONTROL

Rule 1. Vehicular Traffic

130 IAC 3-1-1 Speed limits

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 1. (a) No person shall operate a motor vehicle or vehicle at a speed in excess of thirty (30) miles per hour on any port road as clearly indicated by control devices and signals.

(b) No person shall operate a motor vehicle or vehicle at a speed in excess of fifteen (15) miles per hour within any dock, loading, or building area except on the acceleration and deceleration lanes thereof as clearly indicated by control devices and signals.

(c) No person shall drive a vehicle or motor vehicle on the port roads at a speed greater than is reasonable and prudent under the conditions having regard for the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle, motor vehicle, or other conveyance on or entering the port roads and with the duty of all persons to show due care.

(d) No person shall drive a motor vehicle or vehicle at such a low speed as to impede or block the normal and reasonable movement of traffic or at a speed of lower than five (5) miles per hour on the traffic lanes on the port roads, except when a reduced speed is necessary for safe operation or when ordered to do so by the port director, a police officer, or other authorized employee of the commission, or when posted at a lower speed.

(e) Whenever the commission determines that any of the speeds provided in subsection (d) are greater than are reasonable or safe under conditions found to exist on certain portions of the port roads, the commission or its authorized employees shall determine and declare the reasonable and safe speed limit in such areas and for such periods of time as the commission may deem advisable. Such speed limits, when so determined and set forth by the commission, shall be effective when appropriate signs giving notice thereof are erected upon said port roads so signed at a greater speed than is indicated upon such sign. At the trial of any person charged with the violation of this section, oral proof of the contents of said sign and the location thereof shall be prima facie [sic.] evidence of the determination and the option of the commission. (*Indiana Port Commission; 130 IAC 3-1-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3705*)

130 IAC 3-1-2 Application of Title 9

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1; IC 9-20

Sec. 2. (a) Except as provided in subsection (c), IC 9 applies to the operator of a vehicle or motor vehicle when the vehicle is operated within the port area.

(b) The port director or the port director's designee may

confer with the commission's director of safety and security to provide policies for the port concerning traffic control specifically related to the port's activities, including:

- (1) speed limits for;
 - (2) parking within; and
 - (3) regulator signage for;
- port areas.

(c) IC 9-20 does not apply to the operator of a vehicle or motor vehicle in a port area if the operator of the vehicle or motor vehicle has obtained a written exemption from the port director. (*Indiana Port Commission; 130 IAC 3-1-2; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3705*)

130 IAC 3-1-3 Parking

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 3. (a) No person shall stop, park, or leave standing any vehicle or motor vehicle, whether attended or unattended:

- (1) upon the traffic lanes, acceleration lanes, deceleration lanes, bridges, or entrance or exit ramps; or
- (2) at any place where a "No Parking" sign is posted.

In case of an emergency, but not otherwise, a motor vehicle or vehicle may be stopped and parked on the shoulder, adjacent to the outer traffic lane in the designated direction of traffic, provided that all wheels and projecting parts of the vehicle or motor vehicle or its load shall be completely clear of the traffic lanes. In the event that it is necessary for the operator of any vehicle or motor vehicle to leave the vehicle or motor vehicle on any portion of the port road unattended, the operator must obtain authorization for parking from the port director or port security before leaving the vehicle or motor vehicle unattended. This subsection does not apply to police or commission motor vehicles or vehicles.

(b) For the purpose of regulating the parking of vehicles or motor vehicles on the port area, the following classes of zones are hereby authorized and adopted:

- (1) A public parking zone is a zone where all vehicles or motor vehicles shall park except vehicles or motor vehicles for which a special parking zone is provided in this section. It may be designated by signs erected at the entrance to the zone.
- (2) A no parking zone is a zone in which parking of all vehicles or motor vehicles shall be prohibited. It may be designated by painting on the roadway or curb or by the erection of a sign so indicating, or by both.
- (3) A passenger loading zone is a zone exclusively set apart for the loading and unloading of passengers and their baggage. It may be designated by the painting of the curb or roadway or by the erection of a sign, or by both. After passengers and their baggage are loaded or unloaded, vehicles or motor vehicles using the zone for this

purpose shall immediately leave the zone.

(4) A merchandise loading zone is a zone exclusively set apart for the loading and unloading of merchandise, freight, and supplies for the terminals. It may be designated as a merchandise, freight, and supplies loading and unloading zone, in which event it shall be for the exclusive use indicated. It may be designated by the painting of the curb or roadway or by the erecting of a sign so indicating, or by both.

(5) Any employee parking zone is a zone exclusively set apart for vehicles or motor vehicles of tenants, employees, and concessionaires of the terminals and may, by a sign so indicating, be designated for the exclusive use of vehicles or motor vehicles.

(6) A nonstop zone is a zone in which it shall be unlawful for the operator of any vehicle or motor vehicle to stop a vehicle or motor vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer, port security, or traffic sign or signal. The space may be designated by a painted curb or roadway or by a sign reading, "Stopping Prohibited" or other words clearly so indicating, or by both.

(7) A limited parking zone is a zone in which the parking of all vehicles or motor vehicles shall be for a limited time. It may be designated by painting on the roadway or by the erection of a sign indicating the time limit of parking and the hours of the day in which the limit is applicable, or by both.

(8) No parking within fifteen (15) feet in either direction of a fire hydrant adjacent to a roadway designated by painted curb or roadway or by a sign reading "No Parking" at any time, or by both.

(9) A parking zone limited to parking of vehicles with properly designated handicapped identification.

The port director is hereby authorized to designate the zones established in this subsection in areas as in his judgment will be most compatible with the operation and maintenance of the port area. Whenever any zone is established, it shall be appropriately designated by painting or signs, or both, and when so designated or marked it shall be unlawful for any person to stop, park, or cause or permit to be stopped or parked any vehicle or motor vehicle contrary to a sign or marking. (*Indiana Port Commission; 130 IAC 3-1-3; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3706*)

130 IAC 3-1-4 Impoundment of vehicles

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 4. Any vehicle or motor vehicle that is operated on any port road or port area, without authorization from the port director, or that is illegally parked or abandoned on any portion of the port area or road may be towed off the port area and road and impounded. The vehicle or motor vehicle shall not be removed from the place where it is

impounded without first obtaining the proper release from the local police department and the payment of all towing, storage, and other costs and charges and at the owner's risk. (*Indiana Port Commission; 130 IAC 3-1-4; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3706*)

130 IAC 3-1-5 Vehicle operation

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 5. (a) No person shall operate a motor vehicle or vehicle on the port road or port area unless such person is duly authorized to do so by the port director.

(b) No person shall operate a motor vehicle or vehicle on the port road unless such person is duly licensed in accordance with the law.

(c) No person shall operate a motor vehicle or vehicle on the port roads unless such vehicle or motor vehicle is registered in accordance with the law.

(d) No person who is under the influence of intoxicating liquor, narcotic drugs, or opiates shall operate or be in actual physical control of a vehicle or motor vehicle on the port roads.

(e) No person shall operate a motor vehicle or vehicle on the port roads without due regard for the safety and rights of others, so as not to endanger the life, limb, or property of any person. (*Indiana Port Commission; 130 IAC 3-1-5; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707*)

130 IAC 3-1-6 Compliance with orders and traffic control devices

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 6. No person shall fail, neglect, or refuse to comply with any lawful order or direction of a member of the port security, flagmen, or port employee. No person shall fail, neglect, or refuse to comply with any traffic control sign, signal, or device erected or displayed on the port roads unless directed otherwise by a member of the port security, flagman, or commission employee. (*Indiana Port Commission; 130 IAC 3-1-6; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707*)

130 IAC 3-1-7 Stops at gate entrance

Authority: IC 8-10-1-1; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 7. The operator of a motor vehicle or vehicle shall make a complete stop at the gate entrance, if any, when entering or leaving the port roads unless otherwise directed. (*Indiana Port Commission; 130 IAC 3-1-7; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707*)

130 IAC 3-1-8 Limited entry and exit

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 8. Entry upon or exit from any part of the port roads or port area is prohibited without obtaining permission from the port director. (*Indiana Port Commission; 130 IAC 3-1-8; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707*)

130 IAC 3-1-9 Accidents

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 9. In addition to the provisions of the motor vehicle laws of Indiana, the operator of a vehicle or motor vehicle involved in an accident on the port roads or port area resulting in injury or death to any person or damage to any property, real or personal, shall immediately stop such vehicle or motor vehicle at the scene of the accident, render such assistance as may be needed, and give his or her name, address, license numbers, and registration number to the person injured, or to the person sustaining the damage, and to the port director. (*Indiana Port Commission; 130 IAC 3-1-9; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707*)

130 IAC 3-1-10 Covered and secured loads

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 10. All loads hauled over port roads shall be properly covered and adequately secured. (*Indiana Port Commission; 130 IAC 3-1-10; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707*)

130 IAC 3-1-11 Hazardous vehicles

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 11. Vehicles, which are in such condition as to create a hazard to life or property, are prohibited on port roads. (*Indiana Port Commission; 130 IAC 3-1-11; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707*)

130 IAC 3-1-12 Vehicle size and weight limits

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 12. (a) The following shall be the maximum allowable dimensions and weights permitted to operate on port roads without the written consent of the port director:

Factor	Limits
Width	8'0"
Heights	13'6"
Maximum length for single vehicle under own motive power (other than buses)	36'
Buses (common carriers of passengers)	40'

Final Rules

Maximum length for combination of any 2 vehicles	60'
Maximum length for combination of 3 or more vehicles	65'
Maximum wheel weight measured between flanges of rim	800 pounds per inch width of tire
Maximum axle weight tandem	18,000 pounds
Maximum single axle weight	22,400 pounds
Maximum tandem axle weight (2 or more axles separated by at least 40" but not more than 9' per axle)	18,000 pounds
Gross weight	90,000 pounds

(b) Scale weight tickets are to be carried in the cab for presenting at the gate, or to port security, for inspection at all times. Proper oversize permits from the state or port director shall be carried in the cab and presented at the gate or to the port security for inspection for loads requiring same.

(c) The operator or operators of any vehicle or motor vehicle exceeding any of the maximum allowable dimensions or weights set forth in subsection (a) shall, upon entering the port roads, state to the gate attendant on duty the facts relative to any excessive dimension or weight. If there shall be any question as to the safety of the vehicle or motor vehicle because of excessive dimension, the port security shall obtain approval from the port director or his duly authorized representative. (*Indiana Port Commission; 130 IAC 3-1-12; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707*)

130 IAC 3-1-13 Applicability of state law

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 13. Except such that may have been modified or amplified by this title, the terms and provisions of 140 IAC 1 and 205 IAC 1 shall apply to the operator of a vehicle or motor vehicle on the port roads and port area same as if the operator was operating a vehicle or motor vehicle on the public highways of Indiana or railroad in Indiana. (*Indiana Port Commission; 130 IAC 3-1-13; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708*)

Rule 2. Rail and Pedestrian Traffic

130 IAC 3-2-1 Railroads

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 1. (a) IC 8 applies to the operator of a railroad located within a port.

(b) A person shall not use a front-end loader or other inappropriate means to move a railroad car or railroad engine in a port. (*Indiana Port Commission; 130 IAC 3-2-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708*)

130 IAC 3-2-2 Pedestrian traffic

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 2. Pedestrians shall not walk on the traveled portions of port roads except to cross them in a safe manner. Pedestrians shall walk facing the vehicle traffic flow in the nearest lane. (*Indiana Port Commission; 130 IAC 3-2-2; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708*)

130 IAC 3-2-3 Hitchhiking

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 3. Hitchhiking is prohibited on port roads or on any port area. (*Indiana Port Commission; 130 IAC 3-2-3; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708*)

Rule 3. Waterborne Traffic

130 IAC 3-3-1 Applicability of boating laws

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 1. Federal maritime laws and regulations and Indiana boating laws and rules apply to the operation of vessels within a port area. (*Indiana Port Commission; 130 IAC 3-3-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708*)

130 IAC 3-3-2 Regulation of water traffic

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 2. (a) Except as provided in subsection (b), and except as provided by federal and Indiana law, the port director may regulate all vessels within the port area.

(b) The maximum speed for a vessel, regardless of its size, while the vessel is within a port area, is five (5) miles per hour. (*Indiana Port Commission; 130 IAC 3-3-2; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708*)

130 IAC 3-3-3 Conditions of port entry

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 3. (a) Except as provided in subsection (b):

- (1) an aircraft; or
- (2) a vessel;

may not enter a port without the permission of the port director or the port director's designee.

(b) An aircraft or a vessel may enter a port without the permission of the port director if access to the port is sought as a harbor of refuge. (*Indiana Port Commission; 130 IAC 3-3-3; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708*)

SECTION 3. 130 IAC 4 IS ADDED TO READ AS FOLLOWS:

ARTICLE 4. PORT USE

Rule 1. Prohibited Acts

130 IAC 4-1-1 Commercial activity

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 1. No person shall:

- (1) offer or display goods or services for sale;
- (2) post, distribute, or display signs, advertisements, circulars, or written or printed matter; or
- (3) operate mobile or stationary public address equipment;

unless the commission shall have granted permission therefore; provided, however, that this section shall not apply to the display of customary warning, identifying, advertising, or like signs on a vehicle ordinarily and customarily carrying such signs. (*Indiana Port Commission; 130 IAC 4-1-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709*)

130 IAC 4-1-2 Unauthorized use of areas

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 2. (a) No one shall make unauthorized use of any area within the port area. Unauthorized occupants are subject to immediate ejection, and unauthorized material on site is subject to removal to storage areas at the owner's expense.

(b) Stevedores' tools, appliances and equipment, donkey engines, vehicles, or any other material or object, which are not part of the cargo, are not permitted to remain on the wharves or other public areas. Such materials shall be removed and stored at the owner's expense. (*Indiana Port Commission; 130 IAC 4-1-2; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709*)

130 IAC 4-1-3 Areas closed to public

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 3. No person shall enter any restricted area posted as being closed to the public, except a person:

- (1) assigned to duty in the restricted area; or
- (2) under the supervision and control of the port director or other personnel duly authorized to enter the restricted area.

(*Indiana Port Commission; 130 IAC 4-1-3; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709*)

130 IAC 4-1-4 Solicitation prohibited

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 4. No person shall solicit funds for any purpose on

the port area without the written consent of the port commission. (*Indiana Port Commission; 130 IAC 4-1-4; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709*)

130 IAC 4-1-5 Photography prohibited

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 5. No person shall take still, motion, or sound pictures on any port or port area except by special permission of the port director. (*Indiana Port Commission; 130 IAC 4-1-5; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709*)

130 IAC 4-1-6 Designated traffic areas; obstruction

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 6. No person shall travel on the port area other than on the roads, walks, or places provided for the particular class of traffic, nor shall any person use the roads or walks in such a manner as to hinder or obstruct their proper use. (*Indiana Port Commission; 130 IAC 4-1-6; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709*)

130 IAC 4-1-7 Firearms and explosives

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 7. (a) No person except port security, conservation officers, police officers, customs officers, or members of the armed forces of the United States on official duty shall carry any firearms, concealed weapons, explosives, or similar inflammable materials on the port area.

(b) All persons other than the excepted classes shall:

- (1) surrender all objects described in subsection (a) to the port security on guard at the entrance gate or to the port director;
- (2) be given a receipt; and
- (3) recover the object upon leaving the port area and surrendering the receipt.

(c) Shooting anywhere on the port area, either over or on the water or land, within the confines of any port boundary is prohibited without the consent of the port director. (*Indiana Port Commission; 130 IAC 4-1-7; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709*)

130 IAC 4-1-8 Prohibited articles

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 8. No person shall transport or carry on the port property any of the following:

- (1) Alcoholic beverages (excepting, however, alcoholic beverages permitted to be brought into the United States on cruise ships and in course of shipment).
- (2) Firearms.

- (3) Weapons.
- (4) Explosives.
- (5) Narcotics.
- (6) Obscene literature.

(Indiana Port Commission; 130 IAC 4-1-8; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709)

130 IAC 4-1-9 No smoking areas

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 9. Persons shall not smoke on:

- (1) the wharves or in the warehouses, sheds, and other structures of the port, set apart for:
 - (A) the loading and unloading of vessels;
 - (B) the storage or warehousing of their cargoes, or other merchandise;
- (2) any truck dray, float, automobile, or vehicle of any kind when using such structure.

A person shall not smoke or use matches or cigar or cigarette lighters in the hold of any vessel or upon the decks thereof, while loading or unloading cargo. *(Indiana Port Commission; 130 IAC 4-1-9; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3710)*

130 IAC 4-1-10 Entry and exit permits

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 10. (a) Every person entering or leaving the port area shall stop at the entrance gate, identify himself or herself to the commission through its authorized employees or port security, and state his or her business and reason for being on the port area. If the person's business and purpose of being in the port area is in furtherance of or incidental to the operation and maintenance of the port area, the person shall be issued a temporary visitor's pass to enter the port area, which pass shall be completely filled out, signed by the visited party, and surrender [*sic., surrendered*] upon leaving the port area.

(b) The commission, through its authorized employees, or port security shall refuse admittance to the port area to anyone whose purpose in the port area is not in furtherance of or incidental to the operation and maintenance of the port area.

(c) No admittance will be permitted to sheds, warehouses, platforms, docks, or other structures, except to those having business to transact with the commission or with its tenants and lessees.

(d) The commission, through its authorized employees, or port security shall refuse admittance to the port area to any person under the influence of intoxicants or drugs.

(e) A special permit and identification card may be given

to persons regularly employed in the port area and will be used in lieu of any other identification or permit to enter and leave the port area upon presentation to the commission, through its authorized employees, or port security. The special permit shall not be transferable and may be taken up by the commission through its authorized employees or port police at any time for violation of port area rules.

(f) The operator of any vehicle entering or leaving the port area shall:

- (1) dim his or her lights and bring his or her vehicle to a complete stop at the gate;
- (2) identify himself or herself and his or her passengers and show his or her operator's permit and identification card to the port security; and
- (3) state his or her business and reason for being in the port area.

The commission, through its authorized employees or port security, shall refuse admittance to the port area to any person or vehicle without an operator's permit and whose purpose in the port area is not in furtherance of or incidental to the operation and maintenance of the port area.

(g) A visitor's pass for the vehicle windshield area may be issued to the operator of a vehicle after identification that will permit the operator of the vehicle and passengers in the vehicle for a limited period to view the facilities of the port area or to use the public fishing area. The pass shall be surrendered to the port security upon leaving the port area. *(Indiana Port Commission; 130 IAC 4-1-10; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3710)*

130 IAC 4-1-11 Fishing; swimming; boat launching

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 11. (a) No person shall fish in the port area between sunset and sunrise. Fishing is allowed only within the designated fishing area that is maintained and is under the jurisdiction of the department of natural resources and the commission.

(b) No person shall launch a boat or fish from a boat in the port area.

(c) Swimming is prohibited in the port area. *(Indiana Port Commission; 130 IAC 4-1-11; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3710)*

130 IAC 4-1-12 Minors

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 12. All minors in the port area must be accompanied by a responsible adult. *(Indiana Port Commission; 130 IAC 4-1-12; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3710)*

130 IAC 4-1-13 Fires prohibited

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 13. No person shall ignite or maintain an open fire in the port area without the consent of the port director. *(Indiana Port Commission; 130 IAC 4-1-13; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

130 IAC 4-1-14 Searches of persons, vehicles, and cargoes

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 14. Every motor vehicle, truck, trailer, vessel, semitrailer, and any person or cargo therein shall be subject to complete search and inspection by the commission, through its authorized employees, or port security on entering or leaving the port area and within the port area. No person shall interfere with or hinder the commission or port security in the conduct of any search. *(Indiana Port Commission; 130 IAC 4-1-14; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

130 IAC 4-1-15 Compliance with orders

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 15. No persons shall disobey any lawful and reasonable order given by the executive director, port director, port security, or other duly authorized port employee. Port employees may be invested with the authority by the executive director or port director to carry on the business of the commission and to enforce the rules of the commission. *(Indiana Port Commission; 130 IAC 4-1-15; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

130 IAC 4-1-16 Damage to commission property

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 16. No person shall:
(1) cut, mutilate, or remove any tree, shrub, or plant; or
(2) deface, damage, mutilate, destroy, mar, or otherwise damage any signs, structures, fences, or any other property or equipment;
owned by or under the jurisdiction or control of the commission without the consent of the port director. *(Indiana Port Commission; 130 IAC 4-1-16; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

130 IAC 4-1-17 Disposal of litter, harmful material, and waste

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 17. No person shall place, drop, or permit to be dropped any litter upon the port roads, harbor property, or any article that may damage or injure any person or

property in or upon the port roads, harbor property or dispose of bottles, cans, papers, garbage, rubbish, or other waste material of any kind or description at any place upon the port roads or port area, except at places designated therefore within the port area. *(Indiana Port Commission; 130 IAC 4-1-17; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

130 IAC 4-1-18 Discharge of liquid waste and other debris

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 18. The discharge or throwing of ballast, bilge water, wash water, fuel oil, sanitary waste, rubbish, dunnage, or debris:

- (1) into:
 - (A) Lake Michigan;
 - (B) any area of the Port of Indiana-Burns Waterway Harbor;
 - (C) the Ohio River;
 - (D) at other ports under the jurisdiction of the commission; or
- (2) at dock structures;

is prohibited. Any vessel needing to dispose of ballast, bilge water, wash water, or sanitary waste shall discharge same into facilities provided by the commission, if any. The commission will assist the owner of any such vessel or the owner's representatives in making contact with a disposal facility if the commission does not provide such a facility. *(Indiana Port Commission; 130 IAC 4-1-18; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

130 IAC 4-1-19 Fire equipment

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 19. A person shall not obstruct or interfere with the free and easy access to, or remove, or in any manner disturb any fire extinguishers, fire hose, fire hydrant, or any other firefighting appliance or apparatus installed in or upon any wharf, building, or any location within a port area. *(Indiana Port Commission; 130 IAC 4-1-19; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

Rule 2. General Provisions

130 IAC 4-2-1 Lease of commission land

Authority: IC 8-10-1-9
Affected: IC 8-10-1-7; IC 8-10-2-2

Sec. 1. (a) Land is available for lease at port sites under the control of the commission. Prospective tenants must meet the qualifications listed in this section.

(b) All port tenants must be registered, when required by law, with the Indiana secretary of state and be authorized to do business in Indiana.

(c) It is desirable that the intended commercial activities

of prospective port tenants include direct use of waterborne commerce if at all practicable.

(d) The prospective port tenant must provide adequate assurance that the intended use of the port will comply with all applicable environmental quality laws and regulations.

(e) The prospective port tenant must provide evidence that the prospective tenant has adequate financial resources to undertake the proposed project. (*Indiana Port Commission; 130 IAC 4-2-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711*)

130 IAC 4-2-2 Construction on commission land

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 2. No construction shall commence within any port or upon any port area without the prior written consent from the executive director, the port engineer, or the port director. Any authorized construction shall be limited to the area specifically approved in writing by the executive director, the port engineer, or the port director. (*Indiana Port Commission; 130 IAC 4-2-2; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712*)

130 IAC 4-2-3 Packaging and labeling material

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 3. No radioactive material shall be transported in any vehicle or motor vehicle on the port roads or port area except in a package of sufficiently strong structure so as not to be affected in case the vehicle in which it is transported is involved in any kind of accident or occurrence, and such packaging shall bear legible labels identifying the contents and the radioactivity strength thereof, all in compliance with the Interstate Commerce Commission's regulations or other laws and regulations relating thereto. (*Indiana Port Commission; 130 IAC 4-2-3; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712*)

130 IAC 4-2-4 Vehicle labels

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 4. Every vehicle transporting radioactive materials on the port roads or port area shall display upon exterior of the vehicle four (4) radioactive labels, each complying with the Interstate Commerce Commission's regulations relative thereto as to the size, color, and contents. Such labels shall be so designed and affixed as to be durable and legible for the entire trip such vehicle is transporting such material and shall be placed on such vehicle as follows:

- (1) One (1) on the front of the vehicle so as to be clearly visible to persons approaching the vehicle from the front thereof.
- (2) One (1) on the rear of the vehicle so as to be clearly

visible to any persons approaching the vehicle from the rear thereof.

(3) One (1) on each side of the vehicle clearly visible to persons approaching the vehicle from either side thereof. (*Indiana Port Commission; 130 IAC 4-2-4; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712*)

130 IAC 4-2-5 Permits required

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 5. No radioactive material may be transported in any vehicle on port roads or port area other than those materials listed on the exempt list in the appropriate Interstate Commerce Commission's regulations without first applying to the director of operations or the port director, or to his or her duly authorized representative. (*Indiana Port Commission; 130 IAC 4-2-5; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712*)

130 IAC 4-2-6 Accidents

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 6. In the event of an accident occurring on the port road or port area, it shall be the responsibility of the driver of the vehicle wherein such material is transported, or any passenger therein, to notify the port director immediately, by telephone or radio or in person. In the event of such incident, it shall also be the responsibility of the carrier to prevent contamination of any port road or port property or exposure of any person on the port area, by taking every reasonable step to prevent the dispersal of such material in the interest of personnel into the affected area by setting out flares, lights, and flags as required in a case of a disabled vehicle, by the appropriate Interstate Commerce Commission's regulations. (*Indiana Port Commission; 130 IAC 4-2-6; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712*)

SECTION 4. 130 IAC 1 IS REPEALED.

LSA Document #01-395(F)

Notice of Intent Published: 25 IR 832

Proposed Rule Published: February 1, 2002; 25 IR 1674

Hearing Held: May 22, 2002

Approved by Attorney General: June 4, 2002

Approved by Governor: June 6, 2002

Filed with Secretary of State: June 6, 2002, 11:22 a.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #01-412(F)

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) (14) “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.

~~(15)~~ **(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; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3713)

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:

- (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; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3714*)

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; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715*)

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.

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

~~(g)~~ **(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; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715*)

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 (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. **The property manager may extend the duration of the occupancy for a period not to exceed sixty (60) days where a medical need is established.** 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; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3716*)

LSA Document #01-412(F)

Notice of Intent Published: 25 IR 1196

Proposed Rule Published: March 1, 2002; 25 IR 1954

Hearing Held: April 8, 2002

Approved by Attorney General: May 30, 2002

Approved by Governor: June 12, 2002

Filed with Secretary of State: June 17, 2002, 4:13 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 327 WATER POLLUTION CONTROL BOARD

LSA Document #01-429(F)

DIGEST

Adds 327 IAC 7.1 concerning management of wastewater from sewage disposal systems which meets the federal require-

ments of 40 CFR 503 and 40 CFR 257 Subpart A, regarding land application of various types of wastewater and related record keeping activities. Repeals 327 IAC 7-1, 327 IAC 7-2-1, 327 IAC 7-2-2, 327 IAC 7-2-3, 327 IAC 7-2-4, 327 IAC 7-2-5, 327 IAC 7-2-7, 327 IAC 7-3, 327 IAC 7-4-1, 327 IAC 7-4-2, 327 IAC 7-4-3, 327 IAC 7-4-4, 327 IAC 7-4-5, 327 IAC 7-4-6, 327 IAC 7-4-7, 327 IAC 7-4-8, 327 IAC 7-4-10, 327 IAC 7-4-11, 327 IAC 7-5, 327 IAC 7-6, 327 IAC 7-7, and 327 IAC 7-8. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: September 1, 1997, Indiana Register (20 IR 3511).

Continuation of First Notice: December 1, 1998, Indiana Register (22 IR 829).

Second Notice of Comment Period and Notice of First Hearing: June 1, 2001, Indiana Register (24 IR 2898).

Date of First Hearing: September 12, 2001; but postponed.

Notice of First Hearing: November 1, 2001, Indiana Register (25 IR 403).

Date of First Hearing: November 14, 2001.

Notice of Second Hearing: January 1, 2002, Indiana Register (25 IR 1219).

Date of Second Hearing: March 13, 2002.

327 IAC 7-1	327 IAC 7-4-5
327 IAC 7-2-1	327 IAC 7-4-6
327 IAC 7-2-2	327 IAC 7-4-7
327 IAC 7-2-3	327 IAC 7-4-8
327 IAC 7-2-4	327 IAC 7-4-10
327 IAC 7-2-5	327 IAC 7-4-11
327 IAC 7-2-7	327 IAC 7-5
327 IAC 7-3	327 IAC 7-6
327 IAC 7-4-1	327 IAC 7-7
327 IAC 7-4-2	327 IAC 7-8
327 IAC 7-4-3	327 IAC 7.1
327 IAC 7-4-4	

SECTION 1. 327 IAC 7.1 IS ADDED TO READ AS FOLLOWS:

ARTICLE 7.1. WASTEWATER MANAGEMENT

Rule 1. General Provisions

327 IAC 7.1-1-1 Purpose

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 1. This article establishes procedures, requirements, and standards for the management of wastewater from sewage disposal systems regarding the following:

- (1) Cleaning of sewage disposal systems.
- (2) Transport of wastewater.
- (3) Storage of wastewater.
- (4) Treatment of wastewater.
- (5) Disposal of wastewater.

(Water Pollution Control Board; 327 IAC 7.1-1-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3717)

327 IAC 7.1-1-2 Right of entry

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-14-2-2; IC 13-14-5; IC 13-18-12-6

Sec. 2. Under IC 13-18-12-6(c), the commissioner may make inspections in accordance with IC 13-14-2-2 and IC 13-14-5. (Water Pollution Control Board; 327 IAC 7.1-1-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3717)

327 IAC 7.1-1-3 Applicability; incorporation by reference

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12-7

Sec. 3. (a) This article applies to all persons who provide or engage in wastewater management.

(b) The following do not involve wastewater as defined in 327 IAC 7.1-2-41, and therefore this article does not apply to these activities:

- (1) Land application activities that are regulated under 327 IAC 6.1.
- (2) Waste management activities that are regulated under rules of the solid waste management board at 329 IAC 3.1, 329 IAC 10, 329 IAC 11, 329 IAC 12, and 329 IAC 13.
- (3) Management of animal manure.

(c) This article does not require a wastewater management permit or a vehicle license for the transportation of wastewater from the point of its removal to another location on the same site or tract owned by the same person if the wastewater was generated on the same site or tract owned by the same person and either subdivision (1) or subdivision (2) applies:

- (1) Both of the following:

(A) A facility on the same site or tract owned by the same person has a valid permit under 327 IAC 5 implementing the National Pollutant Discharge Elimination System which includes provisions for the management of wastewater; and

(B) The wastewater is blended with industrial process wastewater, as defined in 327 IAC 6.1-2-28, at the permitted facility.

- (2) Both of the following:

(A) A facility on the same site or tract owned by the same person has a valid permit under 327 IAC 3-4 regarding operational permits; and

(B) The wastewater is blended with industrial process wastewater as defined in 327 IAC 6.1-2-28, at the permitted facility.

(d) Solid waste generated by the permitted facility described in subsection (c) must be disposed of in accordance with 327 IAC 6.1 or the rules of the solid waste management board at 329 IAC 10.

- (e) The following documents of the U.S. Environmental

Protection Agency are incorporated by reference:

- (1) Appendix I of 40 CFR 257, revised as of July 1, 2001.
- (2) Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846 [Third Edition, November 1986, as amended by Updates 1 (July 1992), 2 (September 1994), 2A (August 1993), and 2B (January 1995)].
- (3) Appendix II A of 40 CFR 257, revised as of July 1, 2001.
- (4) 40 CFR 257.3-5(a)(1) and 40 CFR 257.3-5(c), revised as of July 1, 2001.
- (5) 50 CFR 17.11 and 50 CFR 17.12, revised as of October 1, 2001.
- (6) Areas located in Indiana contained in 50 CFR 17.95 and 50 CFR 17.96, revised as of October 1, 2001.

(f) The Code of Federal Regulations and Publication SW-846 are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The telephone number for the Superintendent of Documents is (202) 512-1800. (*Water Pollution Control Board; 327 IAC 7.1-1-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3717*)

327 IAC 7.1-1-4 Enforcement

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-14-2-6; IC 13-14-10; IC 13-18-12-6.5; IC 13-30-3

Sec. 4. This article is enforced under IC 13-30-3. (*Water Pollution Control Board; 327 IAC 7.1-1-4; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718*)

327 IAC 7.1-1-5 Penalties

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12; IC 13-30

Sec. 5. Penalties for violation of this article are provided for at:

- (1) IC 13-30-4.
- (2) IC 13-30-5.
- (3) IC 13-30-6.
- (4) IC 13-30-8.

(*Water Pollution Control Board; 327 IAC 7.1-1-5; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718*)

Rule 2. Definitions

327 IAC 7.1-2-1 Applicability

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-11-2; IC 13-18-12

Sec. 1. The definitions in IC 13-11-2 apply to this article. In addition to the definitions in IC 13-11-2, the definitions in this rule apply throughout this article. (*Water Pollution Control Board; 327 IAC 7.1-2-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718*)

327 IAC 7.1-2-2 "Agricultural land" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 2. "Agricultural land" means land on which a food crop, a feed crop, or a fiber crop is grown. The term includes land used as pasture. (*Water Pollution Control Board; 327 IAC 7.1-2-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718*)

327 IAC 7.1-2-3 "Animal feed" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 3. "Animal feed" means any crop grown for consumption by animals, such as forage and grain. (*Water Pollution Control Board; 327 IAC 7.1-2-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718*)

327 IAC 7.1-2-4 "Applicant" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 4. "Applicant" means a person who applies for any or all of the following:

- (1) A wastewater management permit.
- (2) A wastewater vehicle license.
- (3) An approval for land application of wastewater.

(*Water Pollution Control Board; 327 IAC 7.1-2-4; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718*)

327 IAC 7.1-2-5 "Base flood or one hundred (100) year flood" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 5. "Base flood or one hundred (100) year flood" means a flood of a magnitude equaled or exceeded, on the average, once in one hundred (100) years. (*Water Pollution Control Board; 327 IAC 7.1-2-5; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718*)

327 IAC 7.1-2-6 "Chemical toilet" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 6. "Chemical toilet" means a toilet manufactured to receive nonwater-carried human waste directly into a deodorizing and liquefying chemical in a leakproof tank. (*Water Pollution Control Board; 327 IAC 7.1-2-6; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718*)

327 IAC 7.1-2-7 "Contaminate" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 7. "Contaminate" means introducing a substance that would cause one (1) of the following:

- (1) The concentration of that substance in any drinking

water source to exceed the maximum contaminant level specified in Appendix I of 40 CFR 257.

(2) An increase in the concentration of that substance in any drinking water source where the existing concentration of that substance exceeds the maximum contaminant level specified in Appendix I of 40 CFR 257.

(*Water Pollution Control Board; 327 IAC 7.1-2-7; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718*)

327 IAC 7.1-2-8 "Critical habitat" defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 8. "Critical habitat" means areas located in Indiana and contained in 50 CFR 17.95 and 50 CFR 17.96. (*Water Pollution Control Board; 327 IAC 7.1-2-8; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719*)

327 IAC 7.1-2-9 "Destruction or adverse modification" defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 9. "Destruction or adverse modification" means a direct or indirect alteration of critical habitat that appreciably diminishes the likelihood of the survival and recovery of endangered or threatened species using that habitat. (*Water Pollution Control Board; 327 IAC 7.1-2-9; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719*)

327 IAC 7.1-2-10 "Disease vector" defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 10. "Disease vector" means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting micro-organisms and disease to humans and other animals. (*Water Pollution Control Board; 327 IAC 7.1-2-10; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719*)

327 IAC 7.1-2-11 "Domestic septage" defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 11. "Domestic septage" means the following:

(1) Human excreta, water, scum, sludge, and sewage from sewage disposal systems, or retained contents of wastewater holding tanks.

(2) Wastes carried in liquid from ordinary living processes.

(3) Incidental or accidental seepage from sewage disposal systems.

The term does not include contents from chemical toilets, or Type III marine sanitation devices. (*Water Pollution Control Board; 327 IAC 7.1-2-11; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719*)

327 IAC 7.1-2-12 "Drainage inlet" defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 12. "Drainage inlet" means any surficial opening to an underground tile drainage system that drains to waters of the state. For purposes of this article, the term includes water and sediment control basins. (*Water Pollution Control Board; 327 IAC 7.1-2-12; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719*)

327 IAC 7.1-2-13 "Endangered or threatened species" defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 13. "Endangered or threatened species" means any species listed as such under 50 CFR 17.11 or 50 CFR 17.12. (*Water Pollution Control Board; 327 IAC 7.1-2-13; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719*)

327 IAC 7.1-2-14 "Flood plain" defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 14. "Flood plain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, which are inundated by a base flood. (*Water Pollution Control Board; 327 IAC 7.1-2-14; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719*)

327 IAC 7.1-2-15 "Food crops" defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 15. "Food crops" means tobacco, crops grown for human consumption, and animal feed for animals whose products are consumed by humans. (*Water Pollution Control Board; 327 IAC 7.1-2-15; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719*)

327 IAC 7.1-2-16 "Grease" defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 16. "Grease" means grease, fats, and retained wastes from grease traps or interceptors. (*Water Pollution Control Board; 327 IAC 7.1-2-16; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719*)

327 IAC 7.1-2-17 "Historic site" defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 14-8-2-125

Sec. 17. "Historic site" has the meaning set forth in IC 14-8-2-125. (*Water Pollution Control Board; 327 IAC 7.1-2-17; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719*)

327 IAC 7.1-2-18 "Incorporated into the soil" defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 18. "Incorporated into the soil" means the mixing of

domestic septage, grease, or mixed load with the surface soil, using standard agricultural practices such as tillage. (*Water Pollution Control Board*; 327 IAC 7.1-2-18; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719)

327 IAC 7.1-2-19 “Injection” defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 19. “Injection” means the placement of domestic septage, grease, or mixed load beneath the surface of the soil in the crop root zone, using equipment specifically designed for this purpose. (*Water Pollution Control Board*; 327 IAC 7.1-2-19; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720)

327 IAC 7.1-2-20 “Intermittent waterway” defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 20. “Intermittent waterway” means a waterway that flows only at certain times of the year, as when it receives water from springs or from some surface source. The waterway does not flow continuously, as when water losses from evaporation or seepage exceed the available waterway flow. (*Water Pollution Control Board*; 327 IAC 7.1-2-20; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720)

327 IAC 7.1-2-21 “Land with a low potential for public exposure” defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 21. (a) “Land with a low potential for public exposure” means land that:

- (1) has restricted access;
- (2) is inaccessible to the public; or
- (3) is not used by the public during normal work or recreational activities.

(b) Examples include, but are not limited to, the following:

- (1) Agricultural land.
- (2) Forests.
- (3) Solid waste land disposal facilities as defined in the rules of the solid waste management board at 329 IAC 10-2-176.
- (4) Strip mines not located in a populated area or accessible to the public.
- (5) Industrial sites not located in a populated area or accessible to the public.
- (6) Construction sites not located in a populated area or accessible to the public.

(*Water Pollution Control Board*; 327 IAC 7.1-2-21; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720)

327 IAC 7.1-2-22 “Liquid waste” defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 22. “Liquid waste” means any waste material that

contains free liquids as determined by Method 9095 (Paint Filter Liquids Test), as described in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, EPA Publication SW-846 [Third Edition, November 1986, as amended by Updates 1 (July 1992), 2 (September 1994), 2A (August 1993), and 2B (January 1995)]. (*Water Pollution Control Board*; 327 IAC 7.1-2-22; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720)

327 IAC 7.1-2-23 “Mixed load” defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 23. “Mixed load” means a mixture of any quantity of domestic septage with any quantity of grease. (*Water Pollution Control Board*; 327 IAC 7.1-2-23; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720)

327 IAC 7.1-2-24 “Operator” defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 24. “Operator” means the person responsible for the operation of any of the following:

- (1) Wastewater management business.
- (2) Wastewater management vehicle.
- (3) Wastewater treatment facility.
- (4) Wastewater storage facility.
- (5) Wastewater land application site.

(*Water Pollution Control Board*; 327 IAC 7.1-2-24; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720)

327 IAC 7.1-2-25 “Owner” defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 25. “Owner” means the person who owns any of the following:

- (1) Wastewater management business.
- (2) Vehicle used for wastewater management activities.
- (3) Wastewater treatment facility.
- (4) Wastewater storage facility.
- (5) Wastewater land application site.

(*Water Pollution Control Board*; 327 IAC 7.1-2-25; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720)

327 IAC 7.1-2-26 “Pasture” defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 26. “Pasture” means land on which animals feed directly on feed crops, such as legumes, grasses, grain stubble, or fodder. (*Water Pollution Control Board*; 327 IAC 7.1-2-26; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720)

327 IAC 7.1-2-27 “Person” defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-11-2-158; IC 13-18-12

Sec. 27. "Person" has the meaning set forth in IC 13-11-2-158(a). (*Water Pollution Control Board; 327 IAC 7.1-2-27; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720*)

327 IAC 7.1-2-28 "Pesticide" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 28. "Pesticide" means any substance that:

- (1) is commercially produced, marketed, or sold to control insects, rodents, nematodes, fungus, or weeds; and
- (2) is regulated by the state chemist's office under rules of the state chemist's office at 355 IAC 4 and 355 IAC 5, or by the U.S. Environmental Protection Agency, under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. Section 136.

(*Water Pollution Control Board; 327 IAC 7.1-2-28; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721*)

327 IAC 7.1-2-29 "Petroleum based" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 29. "Petroleum based" means crude oil and substances derived from crude oil through processes such as separation, conversion, and finishing, that are liquid at ambient condition of temperature and pressure comprised of a complex blend of hydrocarbons, including, but not limited to, the following:

- (1) Motor fuel.
- (2) Jet fuel.
- (3) Mineral oil.
- (4) Lubricants.
- (5) Petroleum solvents.
- (6) Used oil.

(*Water Pollution Control Board; 327 IAC 7.1-2-29; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721*)

327 IAC 7.1-2-30 "pH" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 30. "pH" means the logarithm of the reciprocal of hydrogen ion concentration. (*Water Pollution Control Board; 327 IAC 7.1-2-30; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721*)

327 IAC 7.1-2-31 "Potable" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 31. "Potable" means fit to drink. (*Water Pollution Control Board; 327 IAC 7.1-2-31; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721*)

327 IAC 7.1-2-32 "Public water supply surface intake structure" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 32. "Public water supply surface intake structure" means any structure used for the purpose of providing water through a public water supply system. (*Water Pollution Control Board; 327 IAC 7.1-2-32; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721*)

327 IAC 7.1-2-33 "Public water supply well" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 33. "Public water supply well" means any well that provides water to the public through a water distribution system that:

- (1) serves at least twenty-five (25) persons per day for:
 - (A) drinking;
 - (B) domestic use; or
 - (C) other purposes; or
- (2) has at least fifteen (15) service connections.

(*Water Pollution Control Board; 327 IAC 7.1-2-33; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721*)

327 IAC 7.1-2-34 "Sensitive area" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12; IC 14-31; IC 14-38-1-5

Sec. 34. "Sensitive area" means a site where land application of domestic septage, a mixed load, or grease poses a specific water quality threat to one (1) or more of the following:

- (1) Aquifers used as a source of drinking water.
- (2) Public water supply wells.
- (3) Wellhead protection areas.
- (4) Drinking water supply reservoirs.
- (5) Areas requiring special protection from a threat to water quality or because of the area's aesthetic value to the citizens of Indiana, such as:
 - (A) wetlands;
 - (B) karst terrains;
 - (C) the critical habitat of an endangered or threatened species; or
 - (D) natural areas, including:
 - (i) parks;
 - (ii) nature preserves as regulated under IC 14-31;
 - (iii) historic sites as defined in section 17 of this rule; and
 - (iv) public lands as defined in IC 14-38-1-5.

(*Water Pollution Control Board; 327 IAC 7.1-2-34; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721*)

327 IAC 7.1-2-35 "Set aside" or "idle" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 35. "Set aside" or "idle" means agricultural land upon which no crop is grown during the crop season. (*Water Pollution Control Board; 327 IAC 7.1-2-35; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721*)

327 IAC 7.1-2-36 “Sewage disposal system” defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-11-2-201; IC 13-18-12

Sec. 36. “Sewage disposal system”, as defined in IC 13-11-2-201, means septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:

- (1) store;
- (2) treat;
- (3) make inoffensive; or
- (4) dispose of;

human excrement or liquid carrying wastes of a domestic nature. (*Water Pollution Control Board; 327 IAC 7.1-2-36; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722*)

327 IAC 7.1-2-37 “Surface application” defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 37. “Surface application” means the placement of wastewater by spraying or spreading onto the land surface. (*Water Pollution Control Board; 327 IAC 7.1-2-37; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722*)

327 IAC 7.1-2-38 “Taking” defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 38. “Taking” means harassing, harming, pursuing, hunting, wounding, killing, capturing, or collecting or attempting to engage in such conduct. (*Water Pollution Control Board; 327 IAC 7.1-2-38; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722*)

327 IAC 7.1-2-39 “Type III marine sanitation device” defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 39. “Type III marine sanitation device” means any equipment installed on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage. The device or process must be designed to prevent the over board discharge of treated or untreated sewage or any waste derived from sewage. (*Water Pollution Control Board; 327 IAC 7.1-2-39; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722*)

327 IAC 7.1-2-40 “Unauthorized” defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 40. “Unauthorized” means that which is prohibited by permit, license, or approval conditions or Indiana or federal statutes or regulations. (*Water Pollution Control Board; 327 IAC 7.1-2-40; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722*)

327 IAC 7.1-2-41 “Wastewater” defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-11-2-256; IC 13-18-12

Sec. 41. “Wastewater”, as defined in IC 13-11-2-256, means the following:

- (1) Human excreta, water, scum, sludge, and sewage from the sewage disposal systems, retained contents of wastewater holding tanks, or portable sanitary units.
- (2) Grease, fats, and retained wastes from grease traps or interceptors.
- (3) Wastes carried in liquid from ordinary living processes.
- (4) Incidental or accidental seepage from sewage disposal systems.

Grease, domestic septage, and a mixed load are all forms of wastewater. (*Water Pollution Control Board; 327 IAC 7.1-2-41; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722*)

327 IAC 7.1-2-42 “Wastewater management” defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-11-2-257; IC 13-18-12

Sec. 42. “Wastewater management”, as defined in IC 13-11-2-257, means the following:

- (1) The cleaning of sewage disposal systems.
- (2) The transportation, storage, treatment, or disposal of wastewater.

(*Water Pollution Control Board; 327 IAC 7.1-2-42; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722*)

Rule 3. Permits, Licenses, and Approvals

327 IAC 7.1-3-1 General requirements

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 1. Any person providing or engaging in wastewater management shall comply with the following:

- (1) Unless exempted by IC 13-18-12-7, possess a valid wastewater management permit, in addition to any of the following that are applicable as required by this article:
 - (A) A valid license for any vehicle used for wastewater management activities.
 - (B) A valid approval for land application of wastewater.
- (2) Comply with all applicable requirements of IC 13-18-12 and this article.

(*Water Pollution Control Board; 327 IAC 7.1-3-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722*)

327 IAC 7.1-3-2 Revocation and modification

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12-6.5

Sec. 2. The commissioner or a designee may revoke or modify a permit, license, or approval issued by the commis-

sioner in accordance with IC 13-18-12-6.5. (*Water Pollution Control Board; 327 IAC 7.1-3-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722*)

327 IAC 7.1-3-3 Records; access to information

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-14-2-2; IC 13-18-12

Sec. 3. (a) Each permitted wastewater management business shall keep accurate records of activities governed by this article.

(b) The records must include the following:

- (1) The contract or invoice of all wastewater management activities.
- (2) The date, location, and method of disposal of wastewater associated with the contract or invoice as required by 327 IAC 7.1-6-1(b).
- (3) Land application records as required by 327 IAC 7.1-8-7.

(c) Such records must be:

- (1) located at the permitted wastewater management business address;
- (2) made available to representatives of the commissioner during normal business hours for inspection as set forth in IC 13-14-2-2;
- (3) updated weekly, except as required at 327 IAC 7.1-8-7(a)(5); and
- (4) maintained for at least five (5) years.

(*Water Pollution Control Board; 327 IAC 7.1-3-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3723*)

Rule 4. Wastewater Management Permits

327 IAC 7.1-4-1 Wastewater management permit applications

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12; IC 25-31-1

Sec. 1. (a) An application for a wastewater management permit, including a renewal application, must be submitted to the commissioner on a form provided by the commissioner. An application, including a renewal application, is considered complete only after all information requested has been submitted.

(b) An application for renewal of an existing wastewater management permit shall be:

- (1) postmarked; or
- (2) hand delivered to the office of land quality, Indiana department of environmental management; or
- (3) deposited with a private carrier as shown by the receipt issued by the carrier, if the application is sent by the private carrier to the address for the department on the application;

prior to the expiration date of the permit or the permit will be invalid upon expiration.

(c) If the applicant intends to store wastewater, or treat wastewater by altering the nature of domestic septage, a mixed load, or grease, then the permit application must be accompanied by all of the following:

(1) If the property where the wastewater storage or treatment facility will be located is not owned by the applicant:

(A) the name, mailing address, and telephone number of the property owner; and

(B) a statement, signed by the property owner, granting permission to conduct the activities specified in the application and stating that the activities specified in the application are not prohibited by any covenant of record.

(2) A county map clearly indicating the location of the property on which the facility is proposed.

(3) An accurate drawing clearly delineating the proposed facility site and the area within one-quarter (¼) mile of the site in all directions. The drawing must use a scale of one (1) inch per one hundred (100) feet and show north. The drawing shall clearly and accurately indicate the location of all features of interest, including the following:

(A) Potable water supplies.

(B) Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water.

(C) Drainage inlets and tile systems.

(D) Rock outcrops, sinkholes, or undrained depressions.

(E) The location of all property lines, easements, and public roads.

(F) The critical habitat of endangered or threatened species.

(G) Historical sites.

(4) Plans and specifications certified by a professional engineer licensed under IC 25-31-1 to practice in Indiana. The plans must include the following:

(A) The design of the facility.

(B) The capacity of the facility.

(5) A brief narrative description of the proposed operating plan and maintenance procedures to be used at the facility.

(6) The name, address, and phone number of the person, or persons, designated in charge of the facility.

(7) A letter from at least one (1) publicly owned treatment works permitted under 327 IAC 5-2 or other state permitted wastewater treatment plant permitted under 327 IAC 5 stating the applicant is authorized to dispose of wastewater at their facility. If the narrative presented in subdivision (5) states the facility will be solidifying all wastewater, the applicant must also submit such a letter from a state permitted municipal solid waste landfill permitted under the rules of the solid waste management board at 329 IAC 10.

(8) A signed statement from either the applicant or the property owner and the applicant, if the applicant is not the property owner, accepting responsibility for closure in compliance with section 11 of this rule.

(Water Pollution Control Board; 327 IAC 7.1-4-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3723)

327 IAC 7.1-4-2 Action on application

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-15-7; IC 13-18-12; IC 13-30-6; IC 36-9-30-35

Sec. 2. (a) The commissioner shall issue or renew a permit only after the following:

(1) Receipt of a completed application in accordance with section 1 of this rule.

(2) An inspection by a representative of the commissioner to determine compliance with the requirements of this article.

(b) A permit may be renewed with new or modified conditions based on the information provided in subsection (a).

(c) The commissioner may:

(1) deny a permit application or a renewal application;

(2) limit the length of a permit or renewal permit to one (1) year; or

(3) place additional conditions on a permit or renewal permit;

if the commissioner determines that one (1) or more of the criteria in subsection (d) demonstrate the applicant's inability or unwillingness to manage wastewater under the requirements of IC 13-18-12 or this article.

(d) The commissioner may deny, limit the length of, or place additional conditions on a permit or renewal permit based on one (1) or more of the following:

(1) The applicant has been convicted of a crime under IC 13-30-6 or IC 36-9-30-35.

(2) The commissioner, under IC 13-15-7, has revoked the applicant's previous permit to operate under:

(A) this article; or

(B) 327 IAC 7, which was repealed in 2002.

(3) The applicant has a history of one (1) or more violations of IC 13 or rules promulgated by authority of IC 13.

(4) The applicant was the subject of one (1) or more administrative or judicial enforcement actions concerning wastewater management under this article or 327 IAC 7, which was repealed in 2002.

(5) The applicant is the subject of one (1) or more pending administrative or judicial enforcement actions commenced under authority of IC 13.

(e) The application for a permit or the issuance of a permit does not:

(1) convey any property rights of any sort or any exclu-

sive privileges to the applicant or permittee;

(2) authorize:

(A) any injury to any person or private property;

(B) invasion of other property rights; or

(C) any infringement of federal, state, or local laws or regulations; or

(3) preempt any duty to comply with other federal, state, or local requirements.

(f) After the transition process described in section 5 of this rule, all permits shall be issued for three (3) years unless limited to one (1) year under section [subsection] (c). *(Water Pollution Control Board; 327 IAC 7.1-4-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3724)*

327 IAC 7.1-4-3 Updating information

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 3. If the information provided in the application for the wastewater management permit changes, the applicant or permittee shall provide the new information to the commissioner no more than fifteen (15) days after the information provided in the application changes. The commissioner may modify the permit based on this information. *(Water Pollution Control Board; 327 IAC 7.1-4-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3724)*

327 IAC 7.1-4-4 Permit conditions

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 4. (a) The commissioner may include conditions in a permit that ensure compliance with this article. All wastewater management permits issued are subject to the following conditions and such additional conditions as stated in the permit:

(1) The business name stated on the wastewater management permit and no other name shall be used in advertising for and engaging in wastewater management services.

(2) Permits issued under this article or 327 IAC 7, which was repealed in 2002, are not transferable.

(3) The permittee shall provide wastewater management services in a manner that does not create a threat to human health or the environment, including the following:

(A) Pumping, dumping, or allowing the leakage or drainage of wastewater onto any unauthorized premises, ground surfaces, public roads, or into the waters of the state is prohibited.

(B) Any spillage of wastewater onto unauthorized premises, ground surfaces, public roads, or waters of the state must be handled, removed, and disposed in accordance with this article and under 327 IAC 2-6.1.

(C) Water obtained from any source for flushing or cleaning licensed wastewater vehicles, equipment used in wastewater management, or a sewage disposal

system must be obtained in a manner that prevents the possibility of contaminating the water source. Backflow prevention devices must be installed when water is obtained from a potable water source.

(D) Water used for flushing or cleaning purposes must be disposed of in the same manner as required by this article for wastewater disposal.

(4) Wastewater management activities must comply with all applicable requirements of IC 13-18-12 and this article.

(b) If the applicant intends to store or treat wastewater, the wastewater management permit shall be issued subject to the conditions contained in subsection (a), the following conditions, and such additional conditions as may be stated in the permit:

(1) Except for wastewater storage or treatment facilities approved prior to the effective date of this article, all storage or treatment facilities must comply with site restrictions and be designed and constructed in compliance with this article.

(2) All facilities must be operated in compliance with this article.

(Water Pollution Control Board; 327 IAC 7.1-4-4; filed Jul 8, 2002, 2:01 p.m.; 25 IR 3724)

327 IAC 7.1-4-5 Transition

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 5. (a) Any permittee possessing a valid wastewater management permit on the effective date of this article shall, prior to expiration of that permit, submit an application for renewal of the permit in accordance with this subsection. A renewal permit will be issued subject to section 2 of this rule and according to the following schedule:

(1) Any permittee whose place of business is located outside of Indiana or any permittee whose place of business is located in the counties of:

- (A) Adams;
- (B) Allen;
- (C) Bartholomew;
- (D) Benton;
- (E) Blackford;
- (F) Boone;
- (G) Brown;
- (H) Carroll;
- (I) Cass;
- (J) Clark;
- (K) Clay;
- (L) Clinton;
- (M) Crawford;
- (N) Daviess;
- (O) Dearborn;
- (P) Decatur;
- (Q) Dekalb;

- (R) Delaware;
- (S) Dubois;
- (T) Elkhart;
- (U) Fayette;
- (V) Floyd;
- (W) Fountain;
- (X) Franklin;
- (Y) Fulton;
- (Z) Gibson;
- (AA) Grant; and
- (BB) Greene;

in Indiana will be issued a permit valid for one (1) year.

(2) Any permittee whose place of business is located in the counties of:

- (A) Hamilton;
- (B) Hancock;
- (C) Harrison;
- (D) Hendricks;
- (E) Henry;
- (F) Howard;
- (G) Huntington;
- (H) Jackson;
- (I) Jasper;
- (J) Jay;
- (K) Jefferson;
- (L) Jennings;
- (M) Johnson;
- (N) Knox;
- (O) Kosciusko;
- (P) LaGrange;
- (Q) Lake;
- (R) LaPorte;
- (S) Lawrence;
- (T) Madison;
- (U) Marion; and
- (V) Marshall;

in Indiana will be issued a permit valid for two (2) years.

(3) Any permittee whose place of business is located in the counties of:

- (A) Martin;
- (B) Miami;
- (C) Monroe;
- (D) Montgomery;
- (E) Morgan;
- (F) Newton;
- (G) Noble;
- (H) Ohio;
- (I) Orange;
- (J) Owen;
- (K) Parke;
- (L) Perry;
- (M) Pike;
- (N) Porter;
- (O) Posey;
- (P) Pulaski;

(Q) Putnam;
(R) Randolph;
(S) Ripley;
(T) Rush;
(U) St. Joseph;
(V) Scott;
(W) Shelby;
(X) Spencer;
(Y) Starke;
(Z) Steuben;
(AA) Sullivan;
(BB) Switzerland;
(CC) Tippecanoe;
(DD) Tipton;
(EE) Union;
(FF) Vanderburgh;
(GG) Vermillion;
(HH) Vigo;
(II) Wabash;
(JJ) Warren;
(KK) Warrick;
(LL) Washington;
(MM) Wayne;
(NN) Wells;
(OO) White; and
(PP) Whitley;

in Indiana will be issued a permit valid for three (3) years.

(b) All wastewater treatment facilities or wastewater storage facilities approved prior to the effective date of this article that do not have an expiration date specified in the approval shall submit, within one hundred eighty (180) days of the effective date of this article, a wastewater management permit application as specified in section 1 of this rule. Failure to timely submit a wastewater management permit application will cause the approval to store or treat wastewater to expire one hundred eighty-one (181) days after the effective date of this article.

(c) All wastewater treatment facilities or wastewater storage facilities approved prior to the effective date of this article shall submit, prior to the expiration date specified in the approval, a wastewater management permit application as specified in section 1 of this rule. Failure to timely submit a wastewater management permit application will invalidate the approval to store or treat wastewater on the expiration date.

(d) A permit or renewal permit will be issued subject to section 2 of this rule and according to the schedule set in subsection (a). (*Water Pollution Control Board; 327 IAC 7.1-4-5; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3725*)

327 IAC 7.1-4-6 Site restrictions

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 6. Storage facilities or treatment facilities must not be constructed:

- (1) within one hundred (100) feet of any easement;
- (2) within three hundred (300) feet of any public road;
- (3) within six hundred (600) feet of any:
 - (A) residence;
 - (B) place of business;
 - (C) public gathering place;
 - (D) property line;
 - (E) lake;
 - (F) pond;
 - (G) stream;
 - (H) intermittent waterway;
 - (I) surface water impoundment;
 - (J) wetland;
 - (K) rock outcrop;
 - (L) sink hole;
 - (M) undrained depression; or
 - (N) potable water supply;
- (4) within one thousand (1,000) feet of any:
 - (A) public water supply well or public water supply surface intake structure;
 - (B) historical site; or
 - (C) the critical habitat of endangered or threatened species;
- (5) in a flood plain; or
- (6) in a manner that would allow the wastewater to enter waters of the state.

(*Water Pollution Control Board; 327 IAC 7.1-4-6; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3726*)

327 IAC 7.1-4-7 Design requirements for treatment facilities or storage facilities

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 7. (a) All wastewater treatment facilities or wastewater storage facilities must be designed in compliance with this article.

(b) All facilities must be designed so as to prevent entry of storm water run-off from surrounding areas.

(c) Earthen facilities for the storage or treatment of wastewater are prohibited.

(d) Underground steel tanks for the storage or treatment of wastewater are prohibited.

(e) Storage tanks of synthetic material, fiberglass, and aboveground metal tanks must comply with the following:

- (1) The tank material and wall thickness shall be adequately engineered to contain the contents.
- (2) All tanks must be watertight.
- (3) Tanks previously used to store a substance other than wastewater must be cleaned to remove all traces of the other substance prior to the addition of wastewater to the tank.

(4) Tanks shall be anchored, supported, and bedded to provide structural safety and prevent movement. Above-ground tanks shall be supported by a concrete base.

(5) The bottom of the storage tank shall at all times be at least two (2) feet above:

- (A) the water table;
- (B) bedrock; or
- (C) both clauses (A) and (B).

(6) Aboveground tanks must have protected shutoff valves for all inlet and outlet pipes.

(7) Vents on tanks shall not allow disease vectors to enter the tanks.

(8) Tanks shall be of such construction or design as to allow inspection and sampling of contents.

(9) An all-weather access road shall be provided to the storage facility sites.

(*Water Pollution Control Board; 327 IAC 7.1-4-7; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3726*)

327 IAC 7.1-4-8 Construction requirements for treatment or storage facilities

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 8. (a) All wastewater treatment facilities or storage facilities must be constructed to prevent leaks and seepage and prevent spills that could enter waters of the state.

(b) The commissioner may incorporate conditions into the wastewater management permit that require testing to verify that the facility's wastewater management system is consistent with the design standards and meets the performance standards established in this article. (*Water Pollution Control Board; 327 IAC 7.1-4-8; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3727*)

327 IAC 7.1-4-9 Operational requirements for treatment or storage facilities

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 9. (a) All wastewater treatment facilities or storage facilities permitted under this article must be maintained and operated to prevent any threats to human health or the environment as follows:

- (1) An all-weather off-loading area with containment for spill cleanup must be provided where the vehicle contents are received by the facility.
- (2) Unauthorized access to the facility must be prevented by locks, and the facility must be fenced and posted.
- (3) Facilities must be maintained so there is no discharge or seepage of wastewater other than controlled removal for final disposal of the wastewater.
- (4) Facilities must be maintained so as to prevent safety hazards or disease vector conditions.

(b) Any uncovered storage structure must allow for and

maintain a minimum of two (2) feet of freeboard at all times.

(c) Stockpiles of solids resulting from wastewater treatment at the treatment facility must be:

- (1) stored on an impervious surface;
- (2) stored for not longer than thirty (30) days at any given time;
- (3) maintained to have adequate run-on and run-off control methods; and
- (4) covered by a tarp, plastic sheet, or roof if stored for longer than seventy-two (72) hours.

(*Water Pollution Control Board; 327 IAC 7.1-4-9; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3727*)

327 IAC 7.1-4-10 Innovative technology; alternate design and construction

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 10. (a) The use of a design or construction approach other than the requirements specified in this article or an innovative technology may be proposed by the owner or operator in accordance with the following:

- (1) The proposal for the alternative design, construction, or innovative technology must be accompanied by documentation that assures that the provisions of this article are met.
- (2) The proposal must comply with all applicable environmental rules and laws.
- (3) The proposal must be submitted with a wastewater management permit application.

(b) In making a determination on the alternative design, construction, or innovative technology the commissioner shall consider the following criteria:

- (1) Design specifications that assure adequate structural integrity.
- (2) Protective measures that reduce the potential for spills.
- (3) Operational practices that provide additional protection.
- (4) Threats of adverse impacts to water quality or other specified sensitive areas.
- (5) Other criteria related to protection of the environment or human health.

(c) The commissioner shall document the basis for the approval or denial of the proposed alternate design, construction, or innovative technology. (*Water Pollution Control Board; 327 IAC 7.1-4-10; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3727*)

327 IAC 7.1-4-11 Closure of treatment facilities or storage facilities

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 11. A treatment or storage facility that is no longer being operated or used must be closed. The person or persons who signed the statement submitted in accordance with section 1(c)(8) of this rule must close the treatment or storage facility in accordance with this section. The following steps are required:

- (1) The commissioner shall be notified at least thirty (30) days in advance that the facility is to be closed.
- (2) Closure, as described in this section, must be completed within one hundred twenty (120) days after the notification required in subdivision (1).
- (3) The contents of a facility must be disposed of in a manner consistent with rule 7 of this article [327 IAC 7.1-7].
- (4) Aboveground facilities must be dismantled and removed.
- (5) Earthen facilities must be:
 - (A) cleaned and leveled or filled with earth, and the appurtenances removed or closed in an alternative manner equally protective of human health and the environment that has been approved by the commissioner; and
 - (B) the site shall be returned approximately to its natural contours and be mounded to allow for settling and to divert surface waters.
- (6) A certification statement indicating that the requirements of this section have been met must be sent to the commissioner within thirty (30) days after completion of closure. The closure certification will be deemed adequate unless within ninety (90) days of receipt of the closure certification and subsequent review, the commissioner issues a notice of deficiency of closure, including actions necessary to correct the deficiency.

(Water Pollution Control Board; 327 IAC 7.1-4-11; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3727)

Rule 5. Vehicle Licenses

327 IAC 7.1-5-1 Vehicle license requirements

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 1. (a) An application for a wastewater management vehicle license, including a renewal, must be submitted to the commissioner, on a form provided by the commissioner. An application shall be considered complete only after all information requested has been submitted.

(b) An application for renewal of an existing wastewater management vehicle license shall be:

- (1) postmarked; or
- (2) hand delivered to the office of land quality, Indiana department of environmental management; or
- (3) deposited with a private carrier as shown by the receipt issued by the carrier, if the application is sent by the private carrier to the address for the department on the application;

prior to the expiration date of the permit or the permit will be invalid upon expiration. (Water Pollution Control Board; 327 IAC 7.1-5-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3728)

327 IAC 7.1-5-2 Action on application

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-15-7; IC 13-18-12; IC 13-30-6; IC 36-9-30-35

Sec. 2. (a) The commissioner shall issue or renew a license only after the following:

- (1) Receipt of a completed application in accordance with section 1 of this rule.
- (2) A vehicle and equipment inspection by a representative of the commissioner to determine compliance with the requirements of this rule.
- (3) A valid wastewater management permit is issued to the vehicle owner under this article.

(b) A license may be renewed with new or modified conditions based on the information provided in subsection (a).

(c) The commissioner may:

- (1) deny a license application or a renewal license;
- (2) limit the length of a license or renewal license to one
(1) year; or
- (3) place additional conditions on a license or renewal license;

if the commissioner determines that one (1) or more of the criteria in subsection (d) demonstrate the applicant's inability or unwillingness to manage wastewater under the requirements of IC 13-18-12 or this article.

(d) The commissioner may deny, limit the length of, or place additional conditions on a license or renewal license based on one (1) or more of the following:

- (1) The applicant has been convicted of a crime under IC 13-30-6 or IC 36-9-30-35.
- (2) The commissioner, under IC 13-15-7, has revoked the applicant's previous license to operate under:
 - (A) this article; or
 - (B) 327 IAC 7, which was repealed in 2002.

(3) The applicant has a history of one (1) or more violations of IC 13 or rules promulgated by authority of IC 13.

(4) The applicant was the subject of one (1) or more administrative or judicial enforcement actions concerning wastewater management under this article or 327 IAC 7, which was repealed in 2002.

(5) The applicant is the subject of one (1) or more pending administrative or judicial enforcement actions commenced under authority of IC 13.

(e) The application for a license or the issuance of a license does not:

- (1) convey any property rights of any sort or any exclusive privileges to the licensee;
- (2) authorize:

- (A) any injury to any person or private property;
- (B) invasion of other property rights; and
- (C) any infringement of federal, state, or local laws or regulations; or
- (3) preempt any duty to comply with other federal, state, or local requirements.

(f) After the transition process described in section 5 of this rule, all licenses shall be issued for three (3) years unless limited to one (1) year under section [subsection] (c). In no case shall a license be issued for a term longer than the associated wastewater management permit required under 327 IAC 7.1-3-1(1). (*Water Pollution Control Board; 327 IAC 7.1-5-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3728*)

327 IAC 7.1-5-3 Updating information

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 3. If the information provided in the application for the vehicle license changes, the applicant or licensee shall provide the new information to the commissioner no more than fifteen (15) days after the information provided in the application changes. The commissioner may modify the license based on this information. (*Water Pollution Control Board; 327 IAC 7.1-5-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3729*)

327 IAC 7.1-5-4 License conditions and restrictions

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-11-2-155; IC 13-18-12

Sec. 4. (a) The commissioner may include conditions and restrictions in a license that ensure compliance with this article.

(b) All wastewater management vehicle licenses are issued subject to the following conditions and any additional conditions contained in the license:

- (1) The vehicle must be used only as authorized by the license and in compliance with any applicable restrictions or conditions stated on the license.
- (2) The vehicle must not be used for the transport of any of the following:
 - (A) A hazardous waste that is regulated under 329 IAC 3.1.
 - (B) Wastewater containing PCBs equal to or greater than two (2) milligrams per kilogram on a dry weight basis.
 - (C) Petroleum based products.
 - (D) Pesticides.
- (3) The vehicles and equipment used in cleaning sewage disposal systems or transporting wastewater must not be used for purposes other than the hauling of domestic waste, animal wastes, landfill leachate, or biosolids as defined in 327 IAC 6.1-2-7 without prior written permis-

sion of the commissioner. The granting or denial of permission shall be based on the potential for environmental harm caused by the hauling of a specific waste or wastes, such as cross contamination with domestic wastes, animal wastes, landfill leachate, or biosolids as defined in 327 IAC 6.1-2-7.

(c) A restricted license may be issued for a vehicle that does not comply with specific requirements of this rule but is adequate to clean designated sewage disposal systems or types of systems or transport or land apply wastewater. The specific conditions that the vehicle is and is not required to meet shall be stated on the license.

(d) Wastewater management vehicle licenses are not transferable. (*Water Pollution Control Board; 327 IAC 7.1-5-4; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3729*)

327 IAC 7.1-5-5 Transition

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 5. (a) Any permittee possessing a valid vehicle license on the effective date of this article shall, prior to the expiration of that license, submit an application for renewal of the license in accordance with section 1 of this rule. A renewal license will be issued subject to section 2 of this rule and according to the following schedule:

(1) Any permittee whose place of business is located outside of Indiana or any permittee whose place of business is located in the counties of:

- (A) Adams;
- (B) Allen;
- (C) Bartholomew;
- (D) Benton;
- (E) Blackford;
- (F) Boone;
- (G) Brown;
- (H) Carroll;
- (I) Cass;
- (J) Clark;
- (K) Clay;
- (L) Clinton;
- (M) Crawford;
- (N) Daviess;
- (O) Dearborn;
- (P) Decatur;
- (Q) Dekalb;
- (R) Delaware;
- (S) Dubois;
- (T) Elkhart;
- (U) Fayette;
- (V) Floyd;
- (W) Fountain;
- (X) Franklin;
- (Y) Fulton;

(Z) Gibson;
(AA) Grant; and
(BB) Greene;

in Indiana will be issued a license valid for one (1) year.

(2) Any permittee whose place of business is located in the counties of:

(A) Hamilton;
(B) Hancock;
(C) Harrison;
(D) Hendricks;
(E) Henry;
(F) Howard;
(G) Huntington;
(H) Jackson;
(I) Jasper;
(J) Jay;
(K) Jefferson;
(L) Jennings;
(M) Johnson;
(N) Knox;
(O) Kosciusko;
(P) LaGrange;
(Q) Lake;
(R) LaPorte;
(S) Lawrence;
(T) Madison;
(U) Marion; and
(V) Marshall;

in Indiana will be issued a license valid for two (2) years.

(3) Any permittee whose place of business is located in the counties of:

(A) Martin;
(B) Miami;
(C) Monroe;
(D) Montgomery;
(E) Morgan;
(F) Newton;
(G) Noble;
(H) Ohio;
(I) Orange;
(J) Owen;
(K) Parke;
(L) Perry;
(M) Pike;
(N) Porter;
(O) Posey;
(P) Pulaski;
(Q) Putnam;
(R) Randolph;
(S) Ripley;
(T) Rush;
(U) St. Joseph;
(V) Scott;
(W) Shelby;
(X) Spencer;

(Y) Starke;
(Z) Steuben;
(AA) Sullivan;
(BB) Switzerland;
(CC) Tippecanoe;
(DD) Tipton;
(EE) Union;
(FF) Vanderburgh;
(GG) Vermillion;
(HH) Vigo;
(II) Wabash;
(JJ) Warren;
(KK) Warrick;
(LL) Washington;
(MM) Wayne;
(NN) Wells;
(OO) White; and
(PP) Whitley;

in Indiana will be issued a license valid for three (3) years.

(b) In no case shall a license be issued for a term longer than the associated wastewater management permit required under 327 IAC 7.1-3-1(1). (*Water Pollution Control Board; 327 IAC 7.1-5-5; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3729*)

Rule 6. Licensed Vehicle Operation

327 IAC 7.1-6-1 Vehicle requirements; general

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 1. (a) The current vehicle license issued by the commissioner must be maintained in the vehicle at all times.

(b) The operator shall remove wastewater from the sewage disposal system so as to minimize the occurrence of spills. Completion of wastewater removal includes the following:

(1) Closing all access openings to the sewage disposal system.

(2) Cleaning up any spilled wastewater.

(3) Providing the customer with a completed, legible invoice showing the following:

(A) The customer's name and address.

(B) The date the customer's sewage disposal system was cleaned.

(C) The amount of wastewater removed from the system in gallons.

(4) The invoice required in subdivision (3) must bear the following:

(A) The name and address of the permitted wastewater management business.

(B) The permittee's wastewater management permit number.

(C) The vehicle license number, as assigned by the commissioner, of the vehicle used in cleaning the customer's sewage disposal system.

(c) When transporting wastewater, licensed vehicles must be maintained to prevent the leakage, spillage, or discharge of wastewater onto ground surfaces or public roads, including the following:

- (1) Portable sanitary units, including chemical toilets, and equipment on the vehicle must be secured to prevent detachment from the vehicle during transport.
- (2) Portable sanitary units, including chemical toilets, and equipment on the vehicle must be maintained to prevent any leakage or spillage of wastewater during transport.

(Water Pollution Control Board; 327 IAC 7.1-6-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3730)

327 IAC 7.1-6-2 Vehicle requirements; tanks

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 2. The vehicle must be equipped with a leak-proof tank suitable for containment of wastewater from cleaning sewage disposal systems and must meet the following requirements unless otherwise specified under a restricted license:

- (1) The tank must be securely affixed to the vehicle chassis.
- (2) The tank must have a capacity of at least one thousand (1,000) gallons.
- (3) The tank must be constructed of a metal adequate to prevent collapse when a vacuum is created.
- (4) The tank, if more than seven (7) feet long as measured along the axis of vehicle travel, must contain interior baffles of sufficient cross-sectional area to adequately dampen movement of contained liquid during vehicle travel or braking. The baffles must be composed of the same material as the tank and must have the same or greater thickness as the tank walls. The baffles must be firmly attached to the interior tank wall at least every seven (7) feet along the axis of vehicle travel and must allow for complete draining of the contained wastewater.
- (5) The tank must have a discharge opening of a minimum of two and one-half (2½) inches in diameter, and the discharge point shall allow for complete draining of the contained wastewater.
- (6) The tank must have watertight valves provided at the tank's inlet and outlet. Watertight caps or plugs must be installed whenever the inlet and outlet openings are not being used to transfer the wastewater.
- (7) The tank must be constructed so that its interior and exterior can be cleaned.
- (8) A device must be installed on the tank to visually indicate from the exterior of the tank the wastewater level in the tank.

(Water Pollution Control Board; 327 IAC 7.1-6-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731)

327 IAC 7.1-6-3 Vehicle requirements; pumping system

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 3. A vehicle pumping system must meet the following requirements:

- (1) The inlet and discharge of the sewage pumps must be a minimum of two and one-half (2½) inches in diameter.
- (2) The vehicle engine intake manifold must not be used as a vacuum source.
- (3) The pump installation must be such that leakage is prevented.
- (4) All exposed connections or openings must be made watertight with caps or plugs when the pumping system is being used to transfer liquid or wastewater.

(Water Pollution Control Board; 327 IAC 7.1-6-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731)

327 IAC 7.1-6-4 Vehicle requirements; hoses

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 4. A vehicle hose must meet the following requirements:

- (1) The hose must:
 - (A) be maintained in good condition;
 - (B) have an inside diameter of not less than two and one-half (2½) inches; and
 - (C) be equipped with leakproof connectors.
- (2) The hose must be of such material and construction that every portion of the interior and exterior can be cleaned.
- (3) All exposed hose openings or connections must be capped or plugged watertight when not in use unless the hoses have been flushed and rinsed clean or are carried in a leakproof storage compartment on the vehicle.

(Water Pollution Control Board; 327 IAC 7.1-6-4; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731)

327 IAC 7.1-6-5 Vehicle requirements; land application vehicles

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 5. Vehicles and equipment that will be used on-site for surface application of wastewater must have a spray bar or splash plate and a screening device that will distribute the wastewater while the vehicle is in motion. The screening device must be capable of preventing the application of materials not defined as wastewater. The wastewater distribution device must be designed to allow the device to be cleaned. (Water Pollution Control Board; 327 IAC 7.1-6-5; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731)

327 IAC 7.1-6-6 Vehicle requirements; vehicle

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 6. Wastewater management vehicle identification labeling must be a minimum of three-eighths (⅜) inch in width and of a color contrasting with the background. Such

identification must be maintained in a legible condition at all times. All licensed wastewater management vehicles must bear the following visual identification:

- (1) There must be labeled on both vehicle doors, or on the front quarter of the tank on both sides, where the tank wall is vertical, the business name and phone number, followed by the word "VEHICLE" followed by the vehicle license number assigned by the commissioner, in letters and numbers all at least two (2) inches tall.
- (2) The maximum capacity of the vehicle tank shall be painted at a location visible at all times, either on both sides of the tank or at the rear of the tank in letters and numbers at least two (2) inches tall.

(Water Pollution Control Board; 327 IAC 7.1-6-6; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731)

Rule 7. Wastewater Disposal

327 IAC 7.1-7-1 General requirements

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 1. (a) Disposal may be by discharge into a wastewater treatment plant or treatment works collection system that has a valid National Pollutant Discharge Elimination System permit issued by the commissioner under 327 IAC 5 as follows:

- (1) The discharge point, method of discharge, and wastewater quality must be in accordance with the requirements of the wastewater treatment plant accepting the wastewater.
- (2) Wastewater must not be disposed of through a wastewater treatment plant or sewerage system without prior written permission of the responsible official in charge of the wastewater treatment plant or sewerage system.

(b) Domestic septage, grease, or mixed load may be disposed of in a permitted wastewater treatment facility as follows:

- (1) Disposal may be by discharge into a treatment facility specifically designed for the treatment of domestic septage, grease, or mixed load.
- (2) Facilities for the treatment of domestic septage, grease, or mixed load must have a valid wastewater management permit issued under rule 4 of this article [327 IAC 7.1-4].

(c) Wastewater may be disposed of in a municipal solid waste landfill as follows:

- (1) Wastewater may be disposed at a municipal solid waste landfill possessing a valid solid waste management permit from the commissioner in accordance with the rules of the solid waste management board at 329 IAC 10.
- (2) Liquid waste must not be accepted for disposal by any municipal solid waste landfill. Free liquid shall be deter-

mined utilizing Method 9095 (Paint Filter Liquids Test) as described in the U.S. Environmental Protection Agency Publication SW-846. Free liquids must be removed or solidified before disposal.

(d) Wastewater may be disposed of at an approved land application site as follows:

- (1) Wastewater may be disposed at land application sites in compliance with this article. The wastewater may be in the form of grease, domestic septage, or a mixed load. No disposal of wastewater shall be permitted on the land at any property or location without a valid land application approval issued under rule 8 of this article [327 IAC 7.1-8].
- (2) The contents of chemical toilets or Type III marine sanitation devices must not be land applied under this article.
- (3) Sludges or waste products that are not wastewater must not be land applied under this article.
- (4) During the period of the approval, land application sites for disposal of wastewater cannot be used for the disposal of animal manures or biosolids as defined in 327 IAC 6.1-2-7.

(e) Wastewater may be stored at a storage facility as follows:

- (1) Pending final disposal at an approved land application site.
- (2) Facilities for the storage of wastewater must be constructed or installed in compliance with this article.
- (3) Facilities for the storage of wastewater must have a valid wastewater management permit issued under rule 4 of this article [327 IAC 7.1-4].

(Water Pollution Control Board; 327 IAC 7.1-7-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3732)

327 IAC 7.1-7-2 Wastewater origins; notifications

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-11-2-99; IC 13-18-12; IC 13-22-2-3

Sec. 2. A permittee, owner, or operator shall notify the commissioner if requested to haul wastewater where there is reason to believe the wastewater may contain one (1) or more of the following:

- (1) A pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act, 33 U.S.C. Section 1251, et seq.
- (2) A hazardous waste as described in IC 13-11-2-99.
- (3) A hazardous waste that is listed under IC 13-22-2-3.

(Water Pollution Control Board; 327 IAC 7.1-7-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3732)

Rule 8. Land Application; General Requirements

327 IAC 7.1-8-1 Land application approval requirements

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12; IC 25-31.5

Sec. 1. (a) An application for a wastewater land application site approval, including a renewal, must be submitted to the commissioner, on a form provided by the commissioner. An application is considered complete only after all information requested has been submitted.

(b) An application for renewal of an existing land application approval shall be:

- (1) postmarked; or
- (2) hand delivered to the office of land quality, Indiana department of environmental management; or
- (3) deposited with a private carrier as shown by the receipt issued by the carrier, if the application is sent by the private carrier to the address for the department on the application;

prior to the expiration date of the permit or the permit will be invalid upon expiration.

(c) The application must be accompanied by all of the following:

- (1) A statement, signed by the property owner that:
 - (A) grants permission to dispose of wastewater on the property;
 - (B) acknowledges the crop and use limitations of sections 9 and 10 of this rule for land used for wastewater land application as set forth by this rule; and
 - (C) states activities specified in the application are not prohibited by any covenant of record.
- (2) The name, mailing address, and telephone number of the property owner.
- (3) A county map clearly indicating the location of the property on which wastewater application is proposed.
- (4) An accurate drawing clearly delineating the proposed wastewater application site and the area within one-quarter (1/4) mile of the site in all directions. The drawing must use a scale of one (1) inch per one hundred (100) feet and show north. The drawing shall clearly and accurately indicate the location of all features of interest, including the following:
 - (A) Potable water supplies.
 - (B) Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water.
 - (C) Drainage inlets and tile systems.
 - (D) Rock outcrops, sinkholes, or undrained depressions.
 - (E) The location and use of all structures, including residences or places of business and any public gathering places.
 - (F) The location of all property lines, easements, and public roads.
 - (G) The critical habitat of endangered or threatened species.
 - (H) Historical sites.
 - (I) Public water supply surface intake structures.
 - (J) Public water supply wells.

(5) A soil survey map or a report by a soil scientist registered under IC 25-31.5 or certified by the American Registry of Certified Professionals in Agronomy, Crops, and Soils (ARCPACS), classifying the soils and their permeabilities within the proposed site and specifying the site's suitability for wastewater disposal by indicating the following:

- (A) That at least three (3) feet of soil exists at all times between the point of application and the:
 - (i) water table;
 - (ii) bedrock; or
 - (iii) both clauses (A) and (B).

(B) That the land application site is not located in the flood plain of the base flood or one hundred (100) year flood.

(C) That the soil permeability is slower than or equal to six (6) inches per hour for the first three (3) feet below the point of application.

(6) Additional information from the owner or operator as follows:

- (A) A statement regarding the form or forms of wastewater to be land applied at the site: domestic septage, grease, or mixed load.
 - (B) Facts demonstrating that the site is not located in a sensitive area as defined at 327 IAC 7.1-2-34.
 - (C) Facts demonstrating that the site is land with a low potential for public exposure as defined at 327 IAC 7.1-2-21.
 - (D) The number of acres of area available for the application site after setbacks have been taken into consideration.
 - (E) A description of all land application methods to be utilized at the site.
 - (F) The estimated annual amount of wastewater to be applied at the site.
 - (G) The total amount of wastewater that has been applied to the site in all previous years.
 - (H) A plan indicating what crops are to be grown on the site during the effective period of the approval or if the site will be pasture land or set aside.
- (7) A fee of thirty dollars (\$30) per site per year.

(d) Wastewater land application sites will not be approved unless the requirements of subsection (c), including, but not limited to, the site location and soil requirements, are met. (*Water Pollution Control Board; 327 IAC 7.1-8-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3732*)

327 IAC 7.1-8-2 Wastewater land application sites; prohibitions

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 2. The application of wastewater at a land application site must not:

- (1) cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife;
- (2) result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR 17.11 and 50 CFR 17.12;
- (3) cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES) under 327 IAC 5;
- (4) cause nonpoint source pollution to waters of the state;
- (5) contaminate a drinking water source;
- (6) cause soil erosion; or
- (7) be located in a sensitive area.

(Water Pollution Control Board; 327 IAC 7.1-8-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3733)

327 IAC 7.1-8-3 Action on application

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12; IC 13-30-6; IC 36-9-30-35

Sec. 3. (a) The commissioner may issue or renew a land application approval only after the following:

- (1) Receipt of a completed application in accordance with section 1 of this rule.
- (2) An inspection of the proposed land application site to determine if the site and proposed methods of application will comply with the requirements of this rule.
- (3) A valid wastewater management permit has been issued to the applicant under this article.

(b) An approval may be renewed with new or modified conditions based on the information provided in subsection (a).

(c) The commissioner may:

- (1) deny an approval application or a renewal approval;
- (2) limit the length of an approval or renewal approval to one (1) year; or
- (3) place additional conditions on an approval or renewal approval;

if the commissioner determines that one (1) or more of the criteria in subsection (d) demonstrate the applicant's inability or unwillingness to manage wastewater under the requirements of IC 13-18-12 or this article.

(d) The commissioner may deny, limit the length of, or place additional conditions on an approval or renewal approval based on one (1) or more of the following:

- (1) The applicant has been convicted of a crime under IC 13-30-6 or IC 36-9-30-35.
- (2) The applicant's previous approval or permit to operate has been revoked by the commissioner under:
 - (A) this article; or
 - (B) 327 IAC 7, which was repealed in 2002.
- (3) The applicant has a history of one (1) or more violations of IC 13 or rules promulgated by authority of IC 13.
- (4) The applicant was the subject of one (1) or more

administrative or judicial enforcement actions concerning wastewater management under this article or 327 IAC 7, which was repealed in 2002.

(5) The applicant is the subject of one (1) or more pending administrative or judicial enforcement actions commenced under authority of IC 13.

(e) The application for an approval or the issuance of an approval does not:

- (1) convey any property rights of any sort or any exclusive privileges to the applicant or approval holder;
- (2) authorize:
 - (A) any injury to any person or private property;
 - (B) invasion of other property rights; or
 - (C) any infringement of federal, state, or local laws or regulations; or
- (3) preempt any duty to comply with other federal, state, or local requirements.

(f) After the transition process described in section 6 of this rule, all approvals shall be issued for a period not to exceed three (3) years unless limited to one (1) year under section [subsection] (c). No approval shall be issued for a term longer than the associated permit required under 327 IAC 7.1-3-1(1). *(Water Pollution Control Board; 327 IAC 7.1-8-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3734)*

327 IAC 7.1-8-4 Updating information

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 4. If the information provided in the application for the land application approval changes, the applicant or holder of the approval shall provide the new information to the commissioner no more than fifteen (15) days after the information provided in the application changes. The commissioner may modify the approval based on this information. *(Water Pollution Control Board; 327 IAC 7.1-8-4; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3734)*

327 IAC 7.1-8-5 Approval conditions

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 5. All wastewater land application approvals shall be issued subject to the following conditions and such additional conditions as may be stated on the approval:

- (1) The valid wastewater land application approval or copy of the approval must be carried in any vehicle disposing of wastewater at an application site at all times; such approval or copy of the approval must be available for inspection by representatives of the commissioner or any law enforcement officer.
- (2) Surface application must be performed using equipment described in 327 IAC 7.1-6-5.
- (3) The property on which the wastewater land applica-

tion site is located must be posted with signs reading, "NO TRESPASSING". Such signs must be posted along all access points to the site.

(4) The usable portion of any land application site must be that area indicated on the application for approval and remaining after setbacks and all other restrictions are applied. This area must be clearly marked every one hundred (100) yards at its boundaries by flags or other boundary markers.

(5) The applicable requirements of this rule must be met.

(6) Land application approvals are not transferable.

(Water Pollution Control Board; 327 IAC 7.1-8-5; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3734)

327 IAC 7.1-8-6 Transition

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 6. (a) Any holder of a valid land application approval on the effective date of this article shall, prior to the expiration of that approval, submit an application for renewal of that approval in accordance with section 1 of this rule. A renewal approval will be issued subject to section 2 of this rule and according to the following schedule:

(1) Any holder of an approval whose place of business is located in the counties of:

- (A) Adams;
- (B) Allen;
- (C) Bartholomew;
- (D) Benton;
- (E) Blackford;
- (F) Boone;
- (G) Brown;
- (H) Carroll;
- (I) Cass;
- (J) Clark;
- (K) Clay;
- (L) Clinton;
- (M) Crawford;
- (N) Daviess;
- (O) Dearborn;
- (P) Decatur;
- (Q) Dekalb;
- (R) Delaware;
- (S) Dubois;
- (T) Elkhart;
- (U) Fayette;
- (V) Floyd;
- (W) Fountain;
- (X) Franklin;
- (Y) Fulton;
- (Z) Gibson;
- (AA) Grant; and
- (BB) Greene;

in Indiana will be issued an approval valid for one (1) year.

(2) Any holder of an approval whose place of business is located in the counties of:

- (A) Hamilton;
- (B) Hancock;
- (C) Harrison;
- (D) Hendricks;
- (E) Henry;
- (F) Howard;
- (G) Huntington;
- (H) Jackson;
- (I) Jasper;
- (J) Jay;
- (K) Jefferson;
- (L) Jennings;
- (M) Johnson;
- (N) Knox;
- (O) Kosciusko;
- (P) LaGrange;
- (Q) Lake;
- (R) LaPorte;
- (S) Lawrence;
- (T) Madison;
- (U) Marion; and
- (V) Marshall;

in Indiana will be issued an approval valid for two (2) years.

(3) Any holder of an approval whose place of business is located in the counties of:

- (A) Martin;
- (B) Miami;
- (C) Monroe;
- (D) Montgomery;
- (E) Morgan;
- (F) Newton;
- (G) Noble;
- (H) Ohio;
- (I) Orange;
- (J) Owen;
- (K) Parke;
- (L) Perry;
- (M) Pike;
- (N) Porter;
- (O) Posey;
- (P) Pulaski;
- (Q) Putnam;
- (R) Randolph;
- (S) Ripley;
- (T) Rush;
- (U) St. Joseph;
- (V) Scott;
- (W) Shelby;
- (X) Spencer;
- (Y) Starke;
- (Z) Steuben;
- (AA) Sullivan;

(BB) Switzerland;
(CC) Tippecanoe;
(DD) Tipton;
(EE) Union;
(FF) Vanderburgh;
(GG) Vermillion;
(HH) Vigo;
(II) Wabash;
(JJ) Warren;
(KK) Warrick;
(LL) Washington;
(MM) Wayne;
(NN) Wells;
(OO) White; and
(PP) Whitley;

in Indiana will be issued an approval valid for three (3) years.

(b) No approval shall be issued for a term longer than the associated wastewater management permit required under 327 IAC 7.1-3-1(1). (*Water Pollution Control Board; 327 IAC 7.1-8-6; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3735*)

327 IAC 7.1-8-7 Wastewater land application rates and records

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 7. (a) The amount of wastewater to be applied shall not exceed the following except as approved by the commissioner under subsection [subdivision] (2):

(1) The annual application rate for domestic septage or mixed load shall not exceed:

(A) seventy-six thousand (76,000) gallons per acre based on two hundred (200) pounds of nitrogen, on land being prepared for growing corn, during the next growing season*;

(B) thirty-eight thousand (38,000) gallons per acre based on one hundred (100) pounds of nitrogen, on land being prepared for growing soybeans, wheat, or hay, during the next growing season*;

(C) nineteen thousand (19,000) gallons per acre based on fifty (50) pounds of nitrogen, on land that is grass, pasture, set aside, or otherwise idle for continued growth*.

(2) Proposed wastewater annual application rates that:

(A) will exceed the maximum amount of nitrogen specified in subsection (a)(1) [subdivision (1)]; or

(B) are for crops for which no maximum amount of nitrogen is specified in subsection (a)(1) [subdivision (1)] may be approved by the commissioner if an equivalent or greater protection to the environment or public health can be shown. The U.S. Environmental Protection Agency formula for annual application rates must be used to compute the proposed rates*.

(3) The maximum annual rate for grease only shall not exceed ten thousand (10,000) gallons per acre.

(4) Land application of wastewater shall cease at the site when a total of two hundred thousand (200,000) gallons per acre of wastewater has been applied. The commissioner must then be notified prior to further land application at the site. The commissioner shall require soil tests for heavy metals and PCBs utilizing representative soil samples from the areas of application to ensure that conditions are not created which would endanger public health or have an adverse impact on vegetation and future crop utilization. The initial test results must be submitted to and approved by the commissioner prior to further land application at the site. The initial test results will be used to determine if and at what frequency tests for heavy metals and PCBs will be required by the commissioner from the approval holder in the future to ensure that conditions are not created which would endanger public health or have an adverse impact on vegetation and future crop utilization.

(5) The wastewater must be surface spread or injected uniformly to prevent overlapping. Spot dumping from stationary vehicles is not permitted.

(6) The operator must keep an operating record of the amount of wastewater applied. This record must be:

(A) updated each application day; and

(B) located at the permitted wastewater management business address and made available to representatives of the commissioner during normal business hours for inspection.

(b) For each day that wastewater is land applied the operator must record and retain for five (5) years on a land application report form information as follows:

[See following page for application report.]

I certify under penalty of law that the pathogen requirements and the vector attraction reduction requirements in 327 IAC 7.1-8 have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.

- required time and at the end of the required time).
(12) Vehicle operator.
(13) The certification statement, "I certify under penalty of law that the pathogen requirements and the vector attraction reduction requirements in 327 IAC 7.1-8 have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

+

Final Rules

327 IAC 7.1-8-8 Wastewater land application; setbacks

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 8. Wastewater shall not be applied or allowed to drain closer to the following features than the minimum setbacks indicated below:

Features of Interest	Method of Land Application	
	Surface Spreading	Surface Spreading with Incorporation or Injection
Potable water supplies	500 feet	500 feet
Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water	200 feet	100 feet
Drainage inlets and tile systems	100 feet	50 feet
Rock outcrops, sinkholes, or undrained depressions	100 feet	50 feet
Residences, places of business, or public gathering places	600 feet	500 feet
Public roads	300 feet	200 feet
Property lines or easements	100 feet	50 feet
Historic sites	1,000 feet	1,000 feet
The critical habitat of endangered or threatened species	1,000 feet	1,000 feet
Public water supply well or public water supply surface intake structure	1,000 feet	1,000 feet

(Water Pollution Control Board; 327 IAC 7.1-8-8; filed Jul 8, 2002, 2:01 p.m.; 25 IR 3738)

327 IAC 7.1-8-9 Land application of wastewater; prohibitions; and management practices

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 9. (a) The land application of wastewater must be performed only in accordance with the following:

(1) No domestic septage or mixed load may be disposed at a land application site unless the domestic septage or mixed load has been treated to reduce pathogens prior to disposal as follows:

(A) If the load is domestic septage only, the pH must be raised to twelve (12) or higher by addition of alkaline material and, without the addition of more alkaline material, shall remain at twelve (12) or higher for at least thirty (30) minutes. This test must be done twice, at the start of thirty (30) minutes and at the end of thirty (30) minutes.

(B) If the load is a mixed load, then the pH must be raised to twelve (12) or higher by addition of alkaline material and, without the addition of more alkaline material, shall remain at twelve (12) or higher for at least two (2) hours. This test must be done twice, at the start of two (2) hours and at the end of two (2) hours.

(C) Processes to reduce pathogens other than lime stabilization may be utilized only as listed and described in 40 CFR 257, Appendix II A.

(D) Any process to reduce pathogens in domestic septage or a mixed load other than lime stabilization must be approved by the commissioner prior to use based on a plan submitted by the approval holder specifying how that specific treatment process will be utilized.

(2) Grease must not be disposed of at any land application site unless injection or incorporation into the soil occurs within six (6) hours after application.

(3) Each container of wastewater applied to the land shall be monitored by the operator for compliance with the treatment process for domestic septage, mixed loads, or the land application method utilized under subdivision (2) for grease.

(4) Land application is prohibited under any of the following environmental conditions:

(A) When either or both of the following occurs:

(i) The surface soil temperature is less than thirty-two (32) degrees Fahrenheit at the time of intended application.

(ii) The site is snow covered.

(B) When the moisture holding capacity of the soil has been exceeded.

(C) Under any other conditions that would result in, or are likely to result in, run-off of wastewater from the site of application.

(5) Under no conditions shall wastewater be discharged or allowed to drain to the waters of the state. Wastewater shall not be applied to:

(A) road ditches; or

(B) swales, sink holes, field depressions, or channels that carry running water during snow melt or rainfall.

(6) Wastewater that is surface applied shall not be allowed to pool, pond, or remain as a liquid on the ground for more than twenty-four (24) hours after application.

(7) Injection of wastewater below the surface of the land must leave no significant amount of the wastewater present on the land within one (1) hour after application.

(8) All wastewater must be disposed so that no threat to human health or the environment is created.

(b) Land that is used for the application of a mixed load or grease must not be used for the production of any food crop unless the soil is tested yearly and the results found acceptable under 40 CFR 257.3-5(a)(1), using the definitions

found in 40 CFR 257.3-5(c). The test results must be submitted to IDEM on a yearly basis. The limitations and restrictions regarding land use and crop management also must be followed.

(c) Land that is used for the application of only domestic septage may be used for the production of food crops when the limitations and restrictions regarding land use and crop management contained in section 10 of this rule are followed. (*Water Pollution Control Board; 327 IAC 7.1-8-9; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3738*)

327 IAC 7.1-8-10 Limitations and restrictions regarding land use and crop management

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 10. (a) The following limitations and restrictions on land use and crop management must be followed where grease only has been land applied:

- (1) Access to the site by the public must be prohibited for twelve (12) months following the last grease application.
- (2) Access by animals whose products are consumed by humans must be prevented for at least thirty (30) days following the last grease application.
- (3) Food crops for direct human consumption must not be grown for eighteen (18) months following the last grease application.

(b) The following limitations and restrictions on land use and crop management must be followed where domestic septage only has been land applied:

- (1) Food crops with harvested parts that touch the septage and soil mixture and are totally aboveground must not be harvested for fourteen (14) months after application of domestic septage.
- (2) Food crops with harvested parts below the surface of the land must not be harvested for twenty (20) months after application of domestic septage when the domestic septage remains on the land surface for four (4) months or longer prior to incorporation into the soil.
- (3) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight (38) months after application of domestic septage when the domestic septage remains on the land surface for less than four (4) months prior to incorporation into the soil.
- (4) Animal feed, fiber, and those food crops whose harvested parts do not touch the soil surface must not be harvested for thirty (30) days after application of the domestic septage.
- (5) Turf grown on land where domestic septage is applied must not be harvested for one (1) year after application of the domestic septage when the harvested turf is placed on either a lawn or land with a high potential for public exposure.

(c) The following limitations and restrictions on land use

and crop management must be followed where a mixed load has been land applied:

- (1) Access to the site by the public must be prohibited for twelve (12) months following the last mixed load application.
- (2) Access by animals whose products are consumed by humans must be prevented for at least thirty (30) days following the last mixed load application.
- (3) Food crops for direct human consumption must not be grown for eighteen (18) months following the last mixed load application.
- (4) Food crops with harvested parts that touch the mixed load and soil mixture and are totally aboveground must not be harvested for fourteen (14) months after application of the mixed load.
- (5) Food crops with harvested parts below the surface of the land must not be harvested for twenty (20) months after application of the mixed load when the mixed load remains on the land surface for four (4) months or longer prior to incorporation into the soil.
- (6) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight (38) months after application of the mixed load when the mixed load remains on the land surface for less than four (4) months prior to incorporation into the soil.
- (7) Animal feed, fiber, and those food crops whose harvested parts do not touch the soil surface must not be harvested for thirty (30) days after application of the mixed load.
- (8) Turf grown on land where the mixed load is applied must not be harvested for one (1) year after application of the mixed load when the harvested turf is placed on either a lawn or land with a high potential for public exposure.

(*Water Pollution Control Board; 327 IAC 7.1-8-10; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3739*)

SECTION 2. THE FOLLOWING ARE REPEALED: 327 IAC 7-1; 327 IAC 7-2-1; 327 IAC 7-2-2; 327 IAC 7-2-3; 327 IAC 7-2-4; 327 IAC 7-2-5; 327 IAC 7-2-7; 327 IAC 7-3; 327 IAC 7-4-1; 327 IAC 7-4-2; 327 IAC 7-4-3; 327 IAC 7-4-4; 327 IAC 7-4-5; 327 IAC 7-4-6; 327 IAC 7-4-7; 327 IAC 7-4-8; 327 IAC 7-4-10; 327 IAC 7-4-11; 327 IAC 7-5; 327 IAC 7-6; 327 IAC 7-7; 327 IAC 7-8.

LSA Document #01-429(F)

Proposed Rule Published: January 1, 2002; 25 IR 1219

Hearing Held: March 13, 2002

Approved by Attorney General: June 20, 2002

Approved by Governor: July 3, 2002

Filed with Secretary of State: July 8, 2002, 2:01 p.m.

Incorporated Documents Filed with Secretary of State: 40 CFR 257.3-5(a)(1), revised as of July 1, 2001; 40 CFR 257.3-5(c), revised as of July 1, 2001; 40 CFR 257, Appendices I and IIA, revised as of July 1, 2001.

**TITLE 345 INDIANA STATE BOARD OF
ANIMAL HEALTH**

LSA Document #01-333(F)

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

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; 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; filed Jul 1, 2002, 1:28 p.m.: 25 IR 3740*)

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.

~~(d)~~ (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.

(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; filed Jul 1, 2002, 1:28 p.m.: 25 IR 3740)

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.

~~(c)~~ (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.

~~(d)~~ (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; filed Jul 1, 2002, 1:28 p.m.: 25 IR 3741)

SECTION 4. THE FOLLOWING ARE REPEALED: 345 IAC 5-1-3; 345 IAC 5-1-4.

LSA Document #01-333(F)

Notice of Intent Published: 25 IR 125

Proposed Rule Published: March 1, 2002; 25 IR 1988

Hearing Held: April 16, 2002

Approved by Attorney General: June 13, 2002

Approved by Governor: June 28, 2002

Filed with Secretary of State: July 1, 2002, 1:28 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

LSA Document #01-391(F)

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; filed Jul 1, 2002, 1:30 p.m.: 25 IR 3742)

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; filed Jul 1, 2002, 1:30 p.m.: 25 IR 3742)

SECTION 3. 345 IAC 1-4-1 IS REPEALED.

LSA Document #01-391(F)

Notice of Intent Published: 25 IR 832

Proposed Rule Published: March 1, 2002; 25 IR 1995

Hearing Held: April 16, 2002

Approved by Attorney General: June 14, 2002

Approved by Governor: June 28, 2002
 Filed with Secretary of State: July 1, 2002, 1:30 p.m.
 Incorporated Documents Filed with Secretary of State: None

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #01-243(F)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744; errata filed Jul 8, 2002, 1:47 p.m.: 25 IR 3769*)

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 camp-

sites, 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.

(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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3745*)

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. 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.

(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: (1) twenty-four (24) inches above floor level or finished grade;

(2) thirty-six (36) inches above the regulatory flood elevation if located in a designated flood hazard area identified by the Federal Emergency Management Agency.

(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 (½) 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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3745*)

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.
- (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.

(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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3745*)

410 IAC 6-7.1-25 Sanitary dumping station

Authority: IC 16-19-3-4
Affected: IC 16-19-3

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.

(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.

(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.

(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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3746*)

410 IAC 6-7.1-26 Campground sanitary facilities

Authority: IC 16-19-3-4
Affected: IC 16-19-3

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	
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.

(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.

(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.

(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:

- (1) Floors, walls, and partitions around showers, lavatories, and other plumbing fixtures shall be smooth, nonabsorbent, and easily cleanable.
- (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.
- (3) An operating mechanical exhaust device is required and must replace the air in the facility at least six (6) times per hour.
- (4) Exterior openings shall be screened utilizing screening of not less than sixteen (16) mesh.
- (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 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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3746)

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.

(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) *[sic.]* 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) The minimum safety equipment required at all bathing beaches shall include:

(A) a rescue tube; and

(B) a ring buoy with an attached rope at least forty-five (45) feet in length.

(13) Safety equipment shall be kept clean, in good repair, and ready for use.

(Indiana State Department of Health; 410 IAC 6-7.1-27; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3747)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3747*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749)*

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 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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3750*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3750*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3750*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3750*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3750*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3750)

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 readily available in a timely manner to 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) disposable gloves, such as surgical or examination type.
- (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.
- (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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3751)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3751)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3751)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3752*)

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 within one hundred (100) feet of of [*sic.*] each kitchen, furnace room, and 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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3752*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3752*)

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.

(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:

(1) twenty-four (24) inches above floor level or finished grade;

(2) thirty-six (36) inches above the regulatory flood elevation if located in a designated flood hazard area identified by the Federal Emergency Management Agency.

(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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3753*)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3753*)

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:

Final Rules

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3753*)

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 hall 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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3754; errata filed Jul 8, 2002, 1:47 p.m.: 25 IR 3769)

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.

(j) Foam bed mattresses shall be provided with easily cleanable 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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3755)*

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 life-guard 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 pea gravel or

other material approved by the department of natural resources 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) Each lifeguard station shall have a clear and unobstructed view of the lifeguard's area of responsibility and at least one (1) lifeguard station at the diving area and on shore shall be an elevated stand.

(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 and cervical collar 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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3755)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3756)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3756)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3757)

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3757)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3757)*

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; filed Jun 27, 2002, 1:30 p.m.: 25 IR 3757)

SECTION 3. 410 IAC 6-7 IS REPEALED.

LSA Document #01-243(F)

Notice of Intent Published: 24 IR 3660

Proposed Rule Published: March 1, 2002; 25 IR 2002

Hearing Held: March 22, 2002

Approved by Attorney General: June 20, 2002

Approved by Governor: June 24, 2002

Filed with Secretary of State: June 27, 2002, 1:30 p.m.

Incorporated Documents Filed with Secretary of State: Bulletin S.E. 11, 1986; Bulletin S.E. 13, 1988.

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #01-280(F)

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; filed Jul 8, 2002, 1:55 p.m.: 25 IR 3757)*

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 the state of Indiana. *(Indiana State Department of Health; 410 IAC 21-3-2; filed Jul 8, 2002, 1:55 p.m.: 25 IR 3757)*

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; filed Jul 8, 2002, 1:55 p.m.: 25 IR 3757)*

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; filed Jul 8, 2002, 1:55 p.m.: 25 IR 3757*)

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; filed Jul 8, 2002, 1:55 p.m.: 25 IR 3758*)

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; filed Jul 8, 2002, 1:55 p.m.: 25 IR 3758*)

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 organizations.

(*Indiana State Department of Health; 410 IAC 21-3-7; filed Jul 8, 2002, 1:55 p.m.: 25 IR 3758*)

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 after twenty (20) weeks of gestation.

(b) Reports to the registry must be made within sixty (60) days of diagnosis.

(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; filed Jul 8, 2002, 1:55 p.m.: 25 IR 3758*)

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 Name

155–208	Neoplasms
216–216.9	Neoplasms
230–234	Neoplasms
246.1	Dyshormonogenic goiter
250	Diabetes mellitus
257.8	Other testicular dysfunction
279	Disorders involving the immune mechanism
282	Hereditary hemolytic anemias
284.0	Constitutional aplastic anemia
286.0–286.5	Coagulation defects
287.3	Primary thrombocytopenia
288	Diseases of white blood cells
289.6	Familial polycythemia

330	Cerebral degenerations usually manifest childhood
335	Anterior horn cell disease
359	Muscular dystrophies and myopathies
362.21	Retrolental fibroplasia
362.7	Hereditary retinal dystrophies
365.14	Glaucoma of childhood
378	Strabismus and other disorders of binocular eye movement
379.51	Congenital nystagmus
524.0–524.1	Anomalies of jaw
	Congenital anomalies
740–742	Central nervous system
743–744	Orofacial
745–747	Cardiovascular
748	Respiratory
749–750.29	Orofacial
750.3–751	Gastrointestinal
752–753	Genitourinary
754–756	Musculoskeletal
757	Integument
758	Chromosome and syndromes
759	Other and unspecified congenital anomalies

(Indiana State Department of Health; 410 IAC 21-3-9; filed Jul 8, 2002, 1:55 p.m.: 25 IR 3758)

LSA Document #01-280(F)

Notice of Intent Published: 24 IR 4015

Proposed Rule Published: March 1, 2002; 25 IR 2016

Hearing Held: March 25, 2002

Approved by Attorney General: June 20, 2002

Approved by Governor: June 28, 2002

Filed with Secretary of State: July 8, 2002, 1:55 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #01-339(F)

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; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759)

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; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759)

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; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759)

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; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759)

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; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759)

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; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759*)

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; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3760*)

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; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3760*)

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; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3760*)

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 U.S. citizen.
- (2) Have no outstanding contractual obligation for health professional service to the U.S. 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 U.S. 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(s), 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 and certified nurse 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 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; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3760)

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; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3761)

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; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3761)

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; filed Jun 27, 2002, 1:35 p.m.: 25 IR 3761)

SECTION 2. 410 IAC 23-1 IS REPEALED.

LSA Document #01-339(F)

Notice of Intent Published: 25 IR 125

Proposed Rule Published: March 1, 2002; 25 IR 2018

Hearing Held: March 28, 2002

Approved by Attorney General: June 20, 2002

Approved by Governor: June 24, 2002

Filed with Secretary of State: June 27, 2002, 1:35 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION

LSA Document #01-357(F)

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) Crisis services, including more intensive services within twenty-four (24) hours after problem identification.

(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, that may include 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 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; filed Jul 8, 2002, 1:58 p.m.; 25 IR 3762)

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 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, that may include 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; filed Jul 8, 2002, 1:58 p.m.: 25 IR 3763)

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, as determined by the individual treatment plan, that may include 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 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; filed Jul 8, 2002, 1:58 p.m.: 25 IR 3764*)

SECTION 4. THE FOLLOWING ARE REPEALED: 440 IAC 7-2-16; 440 IAC 7-2-17; 440 IAC 7-2-18.

LSA Document #01-357(F)

Notice of Intent Published: 25 IR 408

Proposed Rule Published: March 1, 2002; 25 IR 2020

Hearing Held: March 28, 2002

Approved by Attorney General: June 20, 2002

Approved by Governor: July 2, 2002

Filed with Secretary of State: July 8, 2002, 1:58 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #01-334(F)

DIGEST

Adds 460 IAC 2-5 to create and specify standards of conduct and performance specific to educational settings for interpreters to persons who are deaf or hard of hearing in the state of Indiana. It provides requirements to be met to become certified by the state of Indiana as an interpreter to persons who are deaf or hard of hearing in educational settings. Effective 30 days after filing with the secretary of state.

460 IAC 2-5

SECTION 1. 460 IAC 2-5 IS ADDED TO READ AS FOLLOWS:

Rule 5. Interpreter Standards for the Deaf and Hard of Hearing in Educational Settings

460 IAC 2-5-1 Scope

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5

Affected: IC 12-12-7

Sec. 1. (a) This rule establishes state certification standards for behavior, competency, and proficiency in interpretation, transliteration, and oral transliteration in a public or private primary or secondary school setting.

(b) This rule applies to a person who:

- (1) applies for state certification;
- (2) works in a public or private school in grades preschool through secondary school in Indiana with a deaf or hard of hearing student; and
- (3) is hired as an interpreter or transliterator.

This includes any interpreter/transliterator who uses American Sign Language or who uses any code or method of communication used by deaf or hard of hearing students, including, but not limited to, cued speech, signed English, signing exact English, seeing essential English, conceptually accurate signed English (CASE), or oral methods of communication.

(c) This rule does not apply to certified teachers with endorsement to teach deaf children unless the person is hired by a public or private school to work as an interpreter/transliterator. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-1; filed Jun 27, 2002, 1:40 p.m.: 25 IR 3765*)

460 IAC 2-5-2 Definitions

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5

Affected: IC 12-12-7

Sec. 2. (a) The definitions and acronyms in this section apply throughout this rule.

Final Rules

- (b) “ASL” means American Sign Language.
- (c) “BIS” means board of interpreter standards.
- (d) “CEU” means continuing education unit.
- (e) “Code of ethics” means the rules of professional behavior for interpreters and transliterators approved by the board of interpreter standards.
- (f) “Cued Speech” means a system for visual representation of spoken language using eight (8) handshapes and four (4) hand locations near the face to supplement speech.
- (g) “DDARS” means the division of disability, aging, and rehabilitative services.
- (h) “Deaf or hard of hearing person” means the persons for and between whom the interpreter is facilitating communication and includes both hearing and deaf consumers.
- (i) “DHHS” means deaf and hard of hearing services.
- (j) “EIPA” means educational interpreter performance assessment.
- (k) “Educational interpreter” means a person who is able to perform conventional interpreting or transliterating, together with required skills for working in the educational setting.
- (l) “Hard of hearing” means a person who has mild to moderate hearing loss.
- (m) “Hearing impaired” means an educational label that is used to refer to all deaf and hard of hearing students.
- (n) “Individualized education program (IEP)” means a document developed by a case conference committee which identifies educational goals and objectives needed to appropriately address the educational needs of a student with a disability.
- (o) “Interpreter” means interpreters, transliterators, and oral transliterators and includes a person who works with a deaf or hard of hearing child or otherwise hearing impaired student to facilitate communication by rendering the complete message for the student and others because they do not share the same language and culture.
- (p) “Interpreting “ means the process of conveying a message from one (1) language into another.
- (q) “Manually coded English” means a signed message that attempts to convey the meaning of the English speaker while maintaining the English form and word order.
- (r) “NAD” means National Association of the Deaf.
- (s) “New interpreter” means an interpreter who has no proof of work as an interpreter in a school setting.
- (t) “Oral transliteration” means the process of understanding the speech and/or mouth movements of deaf, hard of hearing, or otherwise hearing impaired persons and repeating the message in spoken English and includes the process of paraphrasing/ transliterating a message spoken in English to a more visible form with natural lip movements so a deaf or hard of hearing person can read the lips of the oral transliterator.
- (u) “RID” means Registry of Interpreters for the Deaf.
- (v) “SEE II” means Signing Exact English II.
- (w) “Setting” means the context within which an interpreting assignment takes place.
- (x) “Signed English” means a system devised as a semantic representation of English where ASL signs are used in English word order with fourteen (14) sign makers being added to represent a portion of the inflectional system of English.
- (y) “State certification” means certified by DHHS.
- (z) “TECUnit” means Testing, Evaluation and Certification Unit, Inc., an organization that certifies Cued Speech transliterators.
- (aa) “Transliteration” refers to the process of conveying information from a spoken English message to an invented code that is signed or vice versa. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-2; filed Jun 27, 2002, 1:40 p.m.: 25 IR 3765*)

460 IAC 2-5-3 Registration requirements

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5
Affected: IC 12-12-7

Sec. 3. In order to receive state certification as an interpreter, working interpreters/transliterators in Indiana must be registered with deaf and hard of hearing services (DHHS) in the manner prescribed by DHHS. DHHS is the agency responsible for standards related to sign language interpreters in Indiana and has been designated as the agency to make the determination that an interpreter can be certified to interpret in an educational setting. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-3; filed Jun 27, 2002, 1:40 p.m.: 25 IR 3766*)

460 IAC 2-5-4 Certificate

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5
Affected: IC 12-12-7

Sec. 4. After being certified by the state, an interpreter shall be issued a certificate signed by the DHHS deputy director and DDARS director evidencing such certification. An interpreter shall also be issued an identification card signed by the DHHS deputy director and DDARS director, a copy of which the interpreter shall present when requested as proof of certification. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-4; filed Jun 27, 2002, 1:40 p.m.: 25 IR 3766*)

460 IAC 2-5-5 Certification requirements for new interpreters and transliterators

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5
Affected: IC 12-12-7

Sec. 5. (a) In addition to any other requirements that a school district or school corporation establishes, to receive state certification as an interpreter, a person who interprets/transliterates in a public or private school in Indiana working with a deaf or hard of hearing student is required to have the appropriate national certification or performance assessment score listed in subsection (b). This section applies to all new interpreters and transliterators after July 1, 2010.

(b) The five (5) types of certificates and corresponding requirements include:

- (1) American Sign Language: Hold the RID certificate of interpretation (CI) or the NAD Level IV or V for educational situations requiring an ASL/English interpreter.
- (2) Manually coded English (MCE): (unspecified MCE) Hold the RID certificate of transliteration (CT) for educational situations requiring transliteration.
- (3) Oral transliteration: Hold the RID oral transliteration certificate (OTC) for educational situations requiring an oral transliterator. This certificate requires a special written and performance exam.
- (4) Cued speech: Hold certification from TECUnit and pass the RID written generalist test for educational situations requiring a cued speech transliterator.
- (5) Signing exact English (SEE-II): Pass the educational interpreter performance assessment (EIPA) instrument specific to SEE-II at level 3.5 and pass the RID written generalist test. These are the requirements for educational situations needing a SEE-II transliterator.

(c) Interpreters or transliterators holding applicable

national certifications must maintain these certifications in good standing in order to maintain their certification by the state, including fulfilling continuing education requirements.

(d) An interpreter or transliterator certified by the state shall renew the certification every two (2) years in the manner prescribed by DHHS. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-5; filed Jun 27, 2002, 1:40 p.m.: 25 IR 3767*)

460 IAC 2-5-6 Certificate requirements for practicing interpreters and transliterators

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5
Affected: IC 12-12-7

Sec. 6. (a) To receive state certification as an interpreter or transliterator, an individual who has documentation proving paid work as an educational interpreter prior to July 1, 2010, shall meet the following criteria:

- (1) Beginning July 1, 2002, the interpreter or transliterator must earn annually one (1) CEU of skill development in the type of interpreting or transliterating that corresponds to the certificate held by the interpreter.
- (2) Beginning July 1, 2002, the interpreter or transliterator must earn annually one (1) CEU from one (1) of the following seven (7) content areas:
 - (A) Deaf culture and history.
 - (B) Language development and acquisition in children.
 - (C) Child development.
 - (D) Foundations in interpreting theory and practice.
 - (E) Code of ethics for educational interpreters.
 - (F) Principles and practices of special education; or
 - (G) Audiological issues for students and adults.

(b) An interpreter or transliterator certified by the state shall renew such certification every two (2) years in the manner prescribed by DHHS.

(c) After July 1, 2010, a newly hired interpreter or transliterator cannot use this section in later years to qualify. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-6; filed Jun 27, 2002, 1:40 p.m.: 25 IR 3767*)

460 IAC 2-5-7 Limited state certification requirements for graduates of interpreter training programs

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5
Affected: IC 12-12-7

Sec. 7. (a) To receive limited state certification as an interpreter or transliterator, an individual who has a degree in Sign Language Interpreting from an accredited institution after July 1, 2010, may meet each of the following criteria to hold a limited certificate:

- (1) When granted the limited certificate, the inter-

preter/transliterators must earn annually one (1) CEU of skill development in the type of interpreting/transliterating that corresponds to the limited certificate held by the interpreter/transliterators.

(2) When granted the limited certificate, the interpreter/transliterators must annually earn one (1) CEU from one (1) of the following seven (7) content areas:

- (A) Deaf culture and history.
- (B) Language development and acquisition in children.
- (C) Child development.
- (D) Foundations in interpreting theory and practice.
- (E) Code of ethics for educational interpreters.
- (F) Principles and practices of special education; or
- (G) Audiological issues for students and adults.

(3) The interpreter or transliterator must apply for and pass the RID written generalist test for the limited certificate.

(b) The interpreter or transliterator can renew the limited state certificate each year for up to five (5) years in the manner prescribed by DHHS.

(c) A person may use this section for only the first five (5) years immediately following graduation from an accredited sign language interpreter preparation program. There shall be no renewals or extensions of this section. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-7; filed Jun 27, 2002, 1:40 p.m.: 25 IR 3767*)

460 IAC 2-5-8 Interpreter code of ethics

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5
Affected: IC 12-12-7

Sec. 8. (a) To maintain state certification as an interpreter or transliterator, an individual must follow the ethical standards taken from the RID code of ethics.

- (1) Interpreters and transliterators shall keep all assignment-related information strictly confidential.
- (2) Interpreters and transliterators shall render the message faithfully, always conveying the content and spirit of the speaker, using language most readily understood by the person(s) whom they serve.
- (3) Interpreters and transliterators shall not counsel, advise, or interject personal opinions.

(4) Interpreters and transliterators shall accept assignments using discretion with regard to skill, setting, and the consumers involved.

(5) Interpreters and transliterators shall request compensation for services in a professional and judicious manner.

(6) Interpreters and transliterators shall function in a manner appropriate to the situation.

(7) Interpreters and transliterators shall strive to further knowledge and skills through participation in workshops, professional meetings, interaction with professional colleagues, and reading of current literature in the field.

(8) Interpreters and transliterators shall strive to maintain high professional standards in compliance with the code of ethics.

(b) Questions by consumers, interpreters, and transliterators relating to interpreting these ethical standards in an educational setting can be answered by contacting DHHS. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-8; filed Jun 27, 2002, 1:40 p.m.: 25 IR 3768*)

460 IAC 2-5-9 Grievances

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5
Affected: IC 12-12-7

Sec. 9. The grievance committee created under 460 IAC 2-3-13 shall have jurisdiction over grievances arising out of this rule, and any grievances shall be referred to that committee. All grievance procedures, actions, enforcement, discipline, and appeals shall be handled according to the provisions of 460 IAC 2-3-15 through 460 IAC 2-3-20. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-9; filed Jun 27, 2002, 1:40 p.m.: 25 IR 3768*)

LSA Document #01-334(F)

Notice of Intent Published: 25 IR 126

Proposed Rule Published: December 1, 2001; 25 IR 871

Hearing Held: January 9, 2002

Approved by Attorney General: June 14, 2002

Approved by Governor: June 24, 2002

Filed with Secretary of State: June 27, 2002, 1:40 p.m.

Incorporated Documents Filed with Secretary of State: None
