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RELATION OF THE INDIANA REGISTER TO THE INDIANA ADMINISTRATIVE CODE

The Indiana Register is an official monthly publication of the state of Indiana. The Indiana Legislative Council publishes the full text of proposed rules, final rules, and other documents, such as executive orders and attorney general's opinions, in the Indiana Register in the order in which the Indiana Legislative Council receives the documents.

The Indiana Administrative Code is an official annual publication of the state of Indiana. It codifies the current general and permanent rules of state agencies in subject matter order.

The Indiana Register acts as a source of information about the rules being proposed by state agencies and acts as an "advance sheet" to the Indiana Administrative Code. With few exceptions, an agency may not adopt a rule, i.e., a policy statement having the force of law, without publishing a substantially similar proposed version in the Indiana Register. Although a rule becomes effective without publication in the Indiana Register, an agency must file an adopted and approved rule with the Indiana Legislative Council. The Council publishes these final rules in the Indiana Register.

RETENTION SCHEDULE

A person must consult the following publications to find the current rules of state agencies:

- (1) Indiana Administrative Code (2001). (3) Volumes 25 and 26 of the Indiana Register.
- (2) The 2002 Supplement.

The 1996 Edition of the Indiana Administrative Code, the 2000 Cumulative Supplement, and other volumes of the Indiana Register may be discarded. (Please consider recycling.)

JUDICIAL NOTICE AND CITATION FORM

IC 4-22-9 provides for the judicial notice of rules published in the Indiana Register or the Indiana Administrative Code. Subject to any errata notice that may affect a rule, the latest published version of a final rule is prima facie evidence of that rule's validity and content.

Cite to a current general and permanent rule by Indiana Administrative Code citation, regardless of whether it has been published in a supplement to the Indiana Administrative Code. For example, cite the entire current contents of title 312 as "Title 312 of the Indiana Administrative Code," cite the entire current contents of the third article in title 312 as "312 IAC 3," cite the entire current contents of the fourth rule in article three as "312 IAC 3-4," and cite part or all of the current contents of the second section in rule four as "312 IAC 3-4-2." IC 4-22-9-6 provides that a citation in this form contains later adopted amendments. Cite a noncodified rule provision by LSA document number, SECTION number, and Indiana Register citation to the page at which the cited text begins. If a reference to a particular version of a rule or a page in the Indiana Register is appropriate, cite the volume, page, and year of publication as "25 Ind. Reg. 120 (2002)." A shorter Indiana Register citation form is "25 IR 120."

PRINTING CODE

This style type is used to indicate that substantive text is being inserted by amendment into a rule, and **this style type** is used to indicate that substantive text is being eliminated by amendment from a rule. **This style type** is replaced by a single large "X" to show the elimination of a form or other piece of artwork. **This style type** is used to indicate a rule is being added. *This style type* and **this style type** also are used to highlight nonsubstantive annotations to a rule and to indicate that an entry in a reference table or the index concerns a final rule.

REFERENCE TABLES AND INDEX

The page location of rules and other documents printed in the Indiana Register may be found by using the tables and index published in the Indiana Register. A citation listing of the general and permanent rules affected in a volume and a cumulative index are published in each issue. Cumulative tables that cite executive orders, attorney general's opinions, and other nonrule policy documents printed in a calendar year are published quarterly.

FILING AND PUBLISHING SCHEDULE

NOTICE AND PUBLICATION SCHEDULE. The Legislative Services Agency publishes documents filed by 4:45 p.m. on the tenth day of a month (no later than the twelfth day of a month, excluding holidays or weekends) in the following month's Indiana Register according to the schedule below:

PUBLICATION SCHEDULE

Closing Dates:	Publication Dates:	Closing Dates:	Publication Dates:
January 10, 2003	February 1, 2003	August 11, 2003	September 1, 2003
February 10, 2003	March 1, 2003	September 10, 2003	October 1, 2003
March 10, 2003	April 1, 2003	October 10, 2003	November 1, 2003
April 10, 2003	May 1, 2003	November 10, 2003	December 1, 2003
May 9, 2003	June 1, 2003	December 10, 2003	January 1, 2004
June 10, 2003	July 1, 2003	January 9, 2004	February 1, 2004
July 10, 2003	August 1, 2003	February 10, 2004	March 1, 2004

Documents will be accepted for filing on any business day from 8:00 a.m. to 4:45 p.m.

AROC NOTICES: Under IC 2-5-18-4, the Administrative Rules Oversight Committee is established to oversee the rules of any agency not listed in IC 4-21.5-2-4. As a result, certain notices to the AROC are required and are printed in the Indiana Register.

CORRECTIONS: IC 4-22-2-38 authorizes an agency to correct typographical, clerical, or spelling errors in a final rule without initiating a new rulemaking procedure. Correction notices are printed on errata pages in the Indiana Register.

EFFECTIVE DATE: IC 4-22-2-36 provides that, unless a later date is specified in the rule, a rule becomes effective thirty (30) days after filing with the Secretary of State.

EMERGENCY RULES: IC 4-22-2-37.1 provides summary rulemaking procedures for certain specified categories of rules.

INCORPORATION BY REFERENCE: IC 4-22-2-21 requires that a copy of matters that are incorporated by reference into a rule must be filed with the Attorney General, the Governor, and the Secretary of State along with the text of the incorporating final rule.

NONRULE POLICY DOCUMENTS: IC 4-22-7-7 requires that any nonrule document that interprets, supplements, or implements a statute and that the issuing agency may use in conducting its external affairs must be filed with the Legislative Services Agency and published in the Indiana Register.

NOTICE OF INTENT TO ADOPT A RULE: IC 4-22-2-23 requires an agency to publish a Notice of Intent to Adopt a Rule at least thirty (30) days before publication of the proposed rule.

PROMULGATION PERIOD: In order to be effective, the final version of an adopted rule must be approved by the Attorney General and the Governor within one (1) year after the date that the notice of intent is published. The final rule must then be filed with the Secretary of State.

PUBLIC HEARINGS: IC 4-22-2-24 requires that the public hearing on a proposed rule be scheduled at least twenty-one (21) days after a notice of the hearing is published in the Indiana Register and in a newspaper of general circulation in Marion County.

RULES READOPTION: IC 4-22-2.5 provides that a rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date.

State Agencies

ALPHABETICAL LIST

AGENCY	TITLE NUMBER	AGENCY	TITLE NUMBER
Accountancy, Indiana Board of	872	†Industrial Board of Indiana	630
Accounts, State Board of	20	Insurance, Department of	760
Adjutant General	270	Labor, Department of	610
Administration, Indiana Department of	25	Land Surveyors, State Board of Registration for	865
†Administrative Building Council of Indiana	660	Law Enforcement Training Board	250
†Aeronautics Commission of Indiana	110	Library and Historical Board, Indiana	590
†Aging and Community Services, Department on	450	Library Certification Board	595
Agricultural Development Corporation, Indiana	770	Local Government Finance, Department of	50
Agricultural Experiment Station	350	Lottery Commission, State	65
†Agriculture, Commissioner of	340	Medical and Nursing Distribution Loan Fund Board of	
†Air Pollution Control Board	325.1	Trustees, Indiana	580
Air Pollution Control Board	326	Medical Licensing Board of Indiana	844
†Air Pollution Control Board of the State of Indiana	325	Mental Health and Addiction, Division of	440
Alcohol and Tobacco Commission	905	Meridian Street Preservation Commission	925
Amusement Device Safety Board, Regulated	685	Motor Vehicles, Bureau of	140
Animal Health, Indiana State Board of	345	Natural Resources, Department of	310
Architects and Landscape Architects, Board of Registration for	804	Natural Resources Commission	312
Athletic Trainers Board, Indiana	898	Nursing, Indiana State Board of	848
Attorney General for the State, Office of	10	Occupational Safety Standards Commission	620
Auctioneer Commission, Indiana	812	Optometric Legend Drug Prescription Advisory Committee, Indiana	857
Barber Examiners, Board of	816	Optometry Board, Indiana	852
Boiler and Pressure Vessel Rules Board	680	Organic Peer Review Panel, Indiana	375
Boxing Commission, State	808	Parole Board	220
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Chemist of the State of Indiana, State	355	Personnel Department, State	31
Children's Health Insurance Program, Office of the	407	Pesticide Review Board, Indiana	357
Chiropractic Examiners, Board of	846	Pharmacy, Indiana Board of	856
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†Clemency Commission, Indiana	230	Podiatric Medicine, Board of	845
Commerce, Department of	55	Police Department, State	240
Community Residential Facilities Council	431	Political Subdivision Risk Management Commission, Indiana	762
Consumer Protection Division of the Office of the Attorney General	11	Port Commission, Indiana	130
Controlled Substances Advisory Committee	858	Private Detectives Licensing Board	862
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Cosmetology Examiners, State Board of	820	Psychology Board, State	868
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Criminal Justice Institute, Indiana	205	Public Employees' Retirement Fund, Board of Trustees of the	35
Dentistry, State Board of	828	Public Records, Oversight Committee on	60
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Dietitians Certification Board, Indiana	830	Real Estate Commission, Indiana	876
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Education, Indiana State Board of	511	School Bus Committee, State	575
Education Employment Relations Board, Indiana	560	Secretary of State	75
Education Savings Authority, Indiana	540	Securities Division	710
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†Election Board, State	15	Social Worker, Marriage and Family Therapist, and Mental Health	
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†Elevator Safety Board	670	†Soil and Water Conservation Committee, State	311
Emergency Medical Services Commission, Indiana	836	†Solid Waste Management Board	320.1
Employees' Appeals Commission, State	33	Solid Waste Management Board	329
†Employment and Training Services, Department of	645	Speech-Language Pathology and Audiology Board	880
Engineers, State Board of Registration for Professional	864	Standardbred Board of Regulations, Indiana	341
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†Environmental Management Board, Indiana	320	†Teacher Training and Licensing, Commission on	530
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Firefighting Personnel Standards and Education, Board of	655	Transportation Finance Authority, Indiana	135
Forensic Sciences, Commission on	415	Underground Storage Tank Financial Assurance Board	328
Funeral and Cemetery Service, State Board of	832	†Unemployment Insurance Board, Indiana	640
Gaming Commission, Indiana	68	Utility Regulatory Commission, Indiana	170
Geologists, Indiana Board of Licensure for Professional	305	†Vehicle Inspection, Department of	160
Grain Buyers and Warehouse Licensing Agency, Indiana	824	Veterans' Affairs Commission	915
Grain Indemnity Corporation, Indiana	825	Veterinary Medical Examiners, Indiana Board of	888
Hazardous Waste Facility Site Approval Authority, Indiana	323	Violent Crime Compensation Division	480
Health, Indiana State Department of	410	†Vocational and Technical Education, Indiana Commission on	572
Health Facilities Council, Indiana	412	†Wage Adjustment Board	635
Health Facility Administrators, Indiana State Board of	840	War Memorials Commission, Indiana	920
†Highways, Department of	120	†Watch Repairing, Indiana State Board of Examiners in	892
†Horse Racing Commission, Indiana	70	Water Pollution Control Board	327
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†Agency's rules are entirely repealed, transferred, or otherwise voided.

State Agencies

NUMERICAL LIST

TITLE
NUMBER

TITLE
NUMBER

GENERAL GOVERNMENT

10 Office of Attorney General for the State
11 Consumer Protection Division of the Office of the Attorney General
†15 State Election Board
18 Indiana Election Commission
20 State Board of Accounts
25 Indiana Department of Administration
†30 State Personnel Board
31 State Personnel Department
33 State Employees' Appeals Commission
35 Board of Trustees of the Public Employees' Retirement Fund
40 State Ethics Commission
45 Department of State Revenue
50 Department of Local Government Finance
52 Indiana Board of Tax Review
55 Department of Commerce
58 Enterprise Zone Board
60 Oversight Committee on Public Records
62 Office of the Public Access Counselor
65 State Lottery Commission
68 Indiana Gaming Commission
†70 Indiana Horse Racing Commission
71 Indiana Horse Racing Commission
75 Secretary of State
80 State Fair Commission
85 Budget Agency

TRANSPORTATION AND PUBLIC UTILITIES

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105 Indiana Department of Transportation
†110 Aeronautics Commission of Indiana
†120 Department of Highways
130 Indiana Port Commission
135 Indiana Transportation Finance Authority
140 Bureau of Motor Vehicles
145 Reciprocity Commission of Indiana
†150 Office of Traffic Safety
†160 Department of Vehicle Inspection
170 Indiana Utility Regulatory Commission

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210 Department of Correction
220 Parole Board
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240 State Police Department
250 Law Enforcement Training Board
260 State Department of Toxicology
270 Adjutant General
280 Public Safety Training Institute
290 State Disaster Relief Fund

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310 Department of Natural Resources
†311 State Soil and Water Conservation Committee
312 Natural Resources Commission
315 Office of Environmental Adjudication
†320 Indiana Environmental Management Board
†320.1 Solid Waste Management Board
323 Indiana Hazardous Waste Facility Site Approval Authority
†325 Air Pollution Control Board of the State of Indiana
†325.1 Air Pollution Control Board
326 Air Pollution Control Board
327 Water Pollution Control Board
328 Underground Storage Tank Financial Assurance Board
329 Solid Waste Management Board
†330 Stream Pollution Control Board of the State of Indiana
†330.1 Water Pollution Control Board
†340 Commissioner of Agriculture
341 Indiana Standardbred Board of Regulations
345 Indiana State Board of Animal Health
350 Agricultural Experiment Station
355 State Chemist of the State of Indiana
357 Indiana Pesticide Review Board
360 State Seed Commissioner
365 Creamery Examining Board
370 State Egg Board
375 Indiana Organic Peer Review Panel

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407 Office of the Children's Health Insurance Program
410 Indiana State Department of Health
412 Indiana Health Facilities Council
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430 Developmental Disabilities Residential Facilities Council
431 Community Residential Facilities Council
440 Division of Mental Health and Addiction
†450 Department on Aging and Community Services
460 Division of Disability, Aging, and Rehabilitative Services
470 Division of Family and Children
480 Violent Crime Compensation Division
490 Interdepartmental Board for the Coordination of Human Service Programs

EDUCATION AND LIBRARIES

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511 Indiana State Board of Education
515 Professional Standards Board
†520 Commission on Textbook Adoptions
†530 Commission on Teacher Training and Licensing
540 Indiana Education Savings Authority
550 Board of Trustees of the Indiana State Teachers' Retirement Fund
560 Indiana Education Employment Relations Board
570 Indiana Commission on Proprietary Education
†572 Indiana Commission on Vocational and Technical Education
575 State School Bus Committee
580 Indiana Medical and Nursing Distribution Loan Fund Board of Trustees
585 State Student Assistance Commission
590 Indiana Library and Historical Board
595 Library Certification Board

LABOR AND INDUSTRIAL SAFETY

610 Department of Labor
615 Board of Safety Review
620 Occupational Safety Standards Commission
†630 Industrial Board of Indiana
631 Worker's Compensation Board of Indiana
†635 Wage Adjustment Board
†640 Indiana Unemployment Insurance Board
†645 Department of Employment and Training Services
646 Department of Workforce Development
650 State Fire Marshal
655 Board of Firefighting Personnel Standards and Education
†660 Administrative Building Council of Indiana
†670 Elevator Safety Board
675 Fire Prevention and Building Safety Commission
680 Boiler and Pressure Vessel Rules Board
685 Regulated Amusement Device Safety Board

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750 Department of Financial Institutions
760 Department of Insurance
762 Indiana Political Subdivision Risk Management Commission
770 Indiana Agricultural Development Corporation

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812 Indiana Auctioneer Commission
816 Board of Barber Examiners
820 State Board of Cosmetology Examiners
824 Indiana Grain Buyers and Warehouse Licensing Agency
825 Indiana Grain Indemnity Corporation
828 State Board of Dentistry
830 Indiana Dietitians Certification Board
832 State Board of Funeral and Cemetery Service
836 Indiana Emergency Medical Services Commission
839 Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board
840 Indiana State Board of Health Facility Administrators
844 Medical Licensing Board of Indiana
845 Board of Podiatric Medicine
846 Board of Chiropractic Examiners
848 Indiana State Board of Nursing
852 Indiana Optometry Board
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857 Indiana Optometric Legend Drug Prescription Advisory Committee
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864 State Board of Registration for Professional Engineers
865 State Board of Registration for Land Surveyors
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872 Indiana Board of Accountancy
876 Indiana Real Estate Commission
880 Speech-Language Pathology and Audiology Board
884 Board of Television and Radio Service Examiners
888 Indiana Board of Veterinary Medical Examiners
†892 Indiana State Board of Examiners in Watch Repairing
896 Board of Environmental Health Specialists
898 Indiana Athletic Trainers Board

MISCELLANEOUS

905 Alcohol and Tobacco Commission
910 Civil Rights Commission
915 Veterans' Affairs Commission
920 Indiana War Memorials Commission
925 Meridian Street Preservation Commission
930 Indiana Housing Finance Authority

†Agency's rules are entirely repealed, transferred, or otherwise voided.

**TITLE 50 DEPARTMENT OF LOCAL
GOVERNMENT FINANCE**

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

LSA Document #01-266(F)

DIGEST

Amends 50 IAC 15 concerning the certification of assessor-appraisers, professional appraisers, and tax representatives. Makes changes recognizing the new department of local government finance and the Indiana board of tax review as entities that will succeed the state board of tax commissioners effective January 1, 2002 (pursuant to P.L.198-2001.) Makes other changes required under P.L.198-2001, including the deletion of testing requirements in connection with continuing education and adding provisions regarding procedures for the revocation of a certification. Effective 30 days after filing with the secretary of state.

50 IAC 15-1-1.5	50 IAC 15-3-6
50 IAC 15-1-2.5	50 IAC 15-4-1
50 IAC 15-1-2.6	50 IAC 15-5-1
50 IAC 15-1-3	50 IAC 15-5-2
50 IAC 15-1-5	50 IAC 15-5-4
50 IAC 15-3-1	50 IAC 15-5-5
50 IAC 15-3-2	50 IAC 15-5-6
50 IAC 15-3-3	50 IAC 15-5-7
50 IAC 15-3-4	50 IAC 15-5-8
50 IAC 15-3-5	

SECTION 1. 50 IAC 15-1-1.5 IS ADDED TO READ AS FOLLOWS:

ARTICLE 15. ASSESSOR-APPRAISERS, PROFESSIONAL APPRAISERS, AND TAX REPRESENTATIVES

50 IAC 15-1-1.5 “Clarification of the authority of Indiana board of tax review” defined

Authority: IC 6-1.1-30-1.1; IC 6-1.1-35.5-8.5

Affected: IC 6-1.1-31-1; IC 6-1.1-35.5-6

Sec. 1.5. The department of local government finance, as successor agency to the state board of tax commissioners and under the authority of IC 6-1.1-35.5-8.5, adopts these amendments to the rules as they pertain to the department of local government finance and proceedings before the department and the property tax assessment board of appeals. Pursuant to IC 6-1.1-31-1(c), this rulemaking action does not repeal or supersede the rules of the state board of tax commissioners until the Indiana board of tax review adopts rules to repeal or supersede the rules of the state board of tax commissioners as they pertain to rules of practice before the Indiana board. (*Department of Local*

Government Finance; 50 IAC 15-4-1.5; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1516)

SECTION 2. 50 IAC 15-1-2.5 IS ADDED TO READ AS FOLLOWS:

50 IAC 15-1-2.5 “Commissioner” defined

Authority: IC 6-1.1-30-1.1; IC 6-1.1-31-1

Affected: IC 6-1.1-35.5-6

Sec. 2.5. “Commissioner” is the commissioner of the department of local government finance established under IC 6-1.1-30-1.1. (*Department of Local Government Finance; 50 IAC 15-1-2.5; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1516)*

SECTION 3. 50 IAC 15-1-2.6 IS ADDED TO READ AS FOLLOWS:

50 IAC 15-1-2.6 “Department” defined

Authority: IC 6-1.1-30-1.1

Affected: IC 6-1.1-35.5-6

Sec. 2.6. “Department” is the department of local government finance established under IC 6-1.1-30-1.1. References to the department in this rule shall where necessary include its predecessor agency, the state board of tax commissioners. (*Department of Local Government Finance; 50 IAC 15-1-2.6; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1516)*

SECTION 4. 50 IAC 15-3-1 IS AMENDED TO READ AS FOLLOWS:

50 IAC 15-3-1 Level One requirements

Authority: IC 6-1.1-31-1; IC 6-1.1-35.5-8

Affected: IC 6-1.1

Sec. 1. In order to be certified as a Level One assessor-appraiser, an individual must:

(1) ~~after December 31, 1999~~, complete six (6) hours of Level One preexamination course work designated by the ~~board~~; **department**;

(2) pass the Level One examination designated by the ~~board~~; **department**; and

(3) complete the continuing education requirements specified in section 2 of this rule.

(*Department of Local Government Finance; 50 IAC 15-3-1; filed Mar 31, 1999, 10:31 a.m.: 22 IR 2482; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1516)*

SECTION 5. 50 IAC 15-3-2 IS AMENDED TO READ AS FOLLOWS:

50 IAC 15-3-2 Level One continuing education

Authority: IC 6-1.1-31-1; IC 6-1.1-35.5-8

Affected: IC 6-1.1

Sec. 2. (a) The continuing education requirements for Level One certification are ~~as follows~~:

(1) For certification cycles that begin after December 31, 1998; thirty (30) hours of course work approved by the board; six (6) hours of which must be evidenced by passage of the associated course examination: **department.**

(2) For certification cycles that begin after December 31, 2002; thirty (30) hours of course work approved by the board; twelve (12) hours of which must be evidenced by passage of the associated course examination:

(3) For certification cycles that begin after December 31, 2006; thirty (30) hours of course work approved by the board; fifteen (15) hours of which must be evidenced by passage of the associated course examination:

(b) After eight (8) years of continuous certification, accrued after December 31, 1998, as an assessor-appraiser under section 1 of this rule, the continuing education requirements of subsection (a) are reduced to fifteen (15) hours of course work approved by the board; ~~three (3) hours of which must be evidenced by passage of the associated course examination:~~ **department.**

(c) The continuing education requirements specified in this section must be obtained in forty-eight (48) month cycles, beginning

- (1) if first certified before January 1, 1999; January 1, 1999; or
- (2) if first certified after December 31, 1998; January 1 of the first year following certification.

(Department of Local Government Finance; 50 IAC 15-3-2; filed Mar 31, 1999, 10:31 a.m.: 22 IR 2482; filed Dec 18, 2000, 11:01 a.m.: 24 IR 1302; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1516)

SECTION 6. 50 IAC 15-3-3 IS AMENDED TO READ AS FOLLOWS:

50 IAC 15-3-3 Level Two requirements

Authority: IC 6-1.1-31-1; IC 6-1.1-35.5-8

Affected: IC 6-1.1

Sec. 3. In order to be certified as a Level Two assessor-appraiser, an individual must:

- (1) ~~after December 31, 1999;~~ complete six (6) hours of Level Two preexamination course work designated by the ~~board;~~ **department;**
- (2) pass the Level Two examination designated by the ~~board;~~ **department;** and
- (3) complete the continuing education requirements specified in section 4 of this rule.

(Department of Local Government Finance; 50 IAC 15-3-3; filed Mar 31, 1999, 10:31 a.m.: 22 IR 2483; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1517)

SECTION 7. 50 IAC 15-3-4 IS AMENDED TO READ AS FOLLOWS:

50 IAC 15-3-4 Level Two continuing education

Authority: IC 6-1.1-31-1; IC 6-1.1-35.5-8

Affected: IC 6-1.1

Sec. 4. (a) The continuing education requirements for Level Two certification are as follows:

(1) For certification cycles that begin after December 31, 1998; forty-five (45) hours of course work approved by the board; twelve (12) of which must be evidenced by passage of the associated course examination: **department.**

(2) For certification cycles that begin after December 31, 2002; forty-five (45) hours of course work approved by the board; eighteen (18) hours of which must be evidenced by passage of the associated course examination:

(3) For certification cycles that begin after December 31, 2006; forty-five (45) hours of course work approved by the board; twenty-two (22) hours of which must be evidenced by passage of the associated course examination:

(b) After eight (8) years of continuous certification, accrued after December 31, 1998, as an assessor-appraiser under section 3 of this rule, the continuing education requirements of subsection (a) are reduced to eighteen (18) hours of course work approved by the board; ~~six (6) hours of which must be evidenced by passage of the associated course examination:~~ **department.**

(c) The continuing education requirements specified in this section must be obtained **every in** forty-eight (48) **months month cycles**, beginning

- (1) if first certified before January 1, 1999; January 1, 1999; or
- (2) if first certified after December 31, 1998; January 1 of the first year following certification.

(Department of Local Government Finance; 50 IAC 15-3-4; filed Mar 31, 1999, 10:31 a.m.: 22 IR 2483; filed Dec 18, 2000, 11:01 a.m.: 24 IR 1302; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1517)

SECTION 8. 50 IAC 15-3-5 IS AMENDED TO READ AS FOLLOWS:

50 IAC 15-3-5 Miscellaneous provisions

Authority: IC 6-1.1-31-1; IC 6-1.1-35.5-8

Affected: IC 6-1.1-4

Sec. 5. (a) ~~The board may, after proper notice and hearing, revoke an assessor-appraiser certification for noncompliance with:~~

- (1) ~~this article;~~
- (2) ~~the provisions of the contract entered under IC 6-1.1-4; or~~
- (3) ~~assessing laws and rules of the board.~~

(b) ~~The board~~ **department** shall maintain, publish, and distribute to each assessor-appraiser, a list of courses that have been accredited as approved assessor-appraiser continuing education courses. Courses that are not included on the list may be submitted for inclusion and will, at the discretion of the ~~board;~~ **department,** be accredited.

(c) ~~(b)~~ A certified assessor-appraiser that meets the continu-

ing education requirements of section 4 of this rule is not required to meet the continuing education requirements of section 2 3 of this rule in order to maintain their Level One certification.

(d) (c) An assessor-appraiser holding a valid certification on January 1, 1999, shall be deemed certified under this rule. (*Department of Local Government Finance; 50 IAC 15-3-5; filed Mar 31, 1999, 10:31 a.m.: 22 IR 2483; filed Dec 18, 2000, 11:01 a.m.: 24 IR 1302; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1517*)

SECTION 9. 50 IAC 15-3-6 IS ADDED TO READ AS FOLLOWS:

50 IAC 15-3-6 Revocation of certification

Authority: IC 6-1.1-31-1

Affected: IC 6-1.1-4; IC 6-1.1-35.5-6

Sec. 6. (a) The department may revoke the Level One or Level Two assessor-appraiser certification of an individual for:

- (1) conduct proscribed by IC 6-1.1-35.5-6(b);
- (2) noncompliance with:
 - (A) the continuing education provisions of this article;
 - (B) the provisions of the contract entered under IC 6-1.1-4; or
 - (C) assessing laws pursuant to IC 6-1.1, and rules of the department.

(b) The revocation procedure shall be initiated by the department's issuance of a notice to the respondent. The notice shall:

- (1) be sent by certified mail, return receipt requested;
- (2) contain a clear and concise statement detailing the alleged misconduct;
- (3) state the time and place for a hearing not less than ninety (90) days from the date of mailing the notice;
- (4) inform respondent of the information contained in subsections (d) and (g); and
- (5) inform the respondent that the failure to attend the hearing without good cause may constitute grounds for default entered in favor of the department, as well as the sanction imposed.

(c) The department shall appoint a hearing officer for purposes of these proceedings. The hearing officer may by prior written notice:

- (1) conduct any prehearing proceedings requested by either party, or which the hearing officer determines may aid in the ultimate resolution of the proceedings; and
- (2) allow informal discovery subject to any terms and conditions the hearing officer deems to be appropriate.

(d) The revocation hearing shall be conducted on the record.

- (1) The respondent may be represented by counsel, and

shall have the right to present witnesses and evidence on the respondent's own behalf and to cross-examine the department's witnesses or evidence.

(2) The burden of proof shall be on the department to prove the violation or violations alleged by a preponderance of the evidence.

(3) No continuance shall be granted except upon a showing of good cause.

(e) The hearing officer may consider any of the following in recommending to the commissioner whether respondent's Level One or Level Two assessor-appraiser certification should be revoked:

- (1) The seriousness of the violation that gave rise to these proceedings.
- (2) Whether the violation is likely to recur.
- (3) Respondent's character, including remorse, if any,
- (4) Whether respondent's continued status as a Level One or Level Two assessor-appraiser would pose an undue risk to the public.
- (5) Any other factor the hearing officer determines to be appropriate under the circumstances.

(f) The hearing officer shall submit a written recommendation for final action to the commissioner. The recommendation shall contain the reasons for the hearing officer's determination of the sanction, if any, to be imposed. The commissioner is not bound by the hearing officer's recommendation.

(g) If the commissioner determines that a violation of section 2(a) of this rule has occurred, the commissioner may take any of the following remedies with respect to the respondent:

- (1) Decline to issue any sanction.
- (2) Issue a written reprimand admonishing the respondent for the violation.
- (3) Suspend the respondent's Level One or Level Two assessor-appraiser certification for a period of up to one (1) year, at the conclusion of which the respondent shall be automatically reinstated, provided that respondent meets all educational requirements for a Level One or Level Two assessor-appraiser certification, as applicable to the proceedings.

(h) The determination of the commissioner constitutes a final appealable order of the department. (*Department of Local Government Finance; 50 IAC 15-3-6; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1518*)

SECTION 10. 50 IAC 15-4-1 IS AMENDED TO READ AS FOLLOWS:

50 IAC 15-4-1 Certification requirements

Authority: IC 6-1.1-31-1; IC 6-1.1-31.7-3

Affected: IC 6-1.1-4-19.5; IC 6-1.1-31.7; IC 6-1.1-35.5

Sec. 1. (a) **To be designated as a professional appraiser who are individuals appraiser, an individual** must:

- (1) be a certified Level Two assessor-appraiser under IC 6-1.1-35.5;
- (2) enter a contract that contains all applicable standard contract provisions developed by the **board department** under ~~IC 6-1.1-4-19~~; **IC 6-1.1-4-19.5**;
- (3) specify in the contract entered under ~~IC 6-1.1-4-19~~ **IC 6-1.1-4-19.5** that the contract is void if the individual's appraiser certification, issued under IC 6-1.1-31.7, is revoked; and
- (4) specify in the contract entered under ~~IC 6-1.1-4-19~~ **IC 6-1.1-4-19.5** the precise contractual duties that:
 - (A) the professional appraiser will personally fulfill;
 - (B) the professional appraiser will personally review, direct, administer, supervise, or oversee;
 - (C) will be conducted by an administrative assistant or any person other than the professional appraiser; and
 - (D) will remain the responsibility of the township or county.

(b) Professional appraisers that are firms must:

- (1) employ a certified Level Two assessor-appraiser under IC 6-1.1-35.5;
- (2) enter a contract that contains all applicable standard contract provisions developed by the **board department** under ~~IC 6-1.1-4-19~~; **IC 6-1.1-4-19.5**, including, specifically, provisions for sanctions;
- (3) specify in the contract entered under ~~IC 6-1.1-4-19~~ **IC 6-1.1-4-19.5** that the contract is void if the firm's appraiser certification, issued under IC 6-1.1-31.7, is revoked; and
- (4) specify in the contract entered under IC 6-1.1-4 the precise contractual duties that:
 - (A) a certified Level Two assessor-appraiser will personally fulfill;
 - (B) a certified Level Two assessor-appraiser will personally review, direct, administer, supervise, or oversee;
 - (C) will be conducted by administrative personnel or any person other than a certified Level Two assessor-appraiser; and
 - (D) will remain the responsibility of the township or county.

(c) ~~The board may revoke the Level Two assessor-appraiser certification of a professional appraiser or employee of a professional appraiser for noncompliance with:~~

- ~~(1) this article;~~
- ~~(2) the provisions of the contract entered under IC 6-1.1-4; or~~
- ~~(3) assessing laws and rules of the board.~~

(Department of Local Government Finance; 50 IAC 15-4-1; filed Mar 31, 1999, 10:31 a.m.: 22 IR 2483; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1518)

SECTION 11. 50 IAC 15-5-1 IS AMENDED TO READ AS FOLLOWS:

50 IAC 15-5-1 Definitions

Authority: IC 6-1.1-31-1; IC 6-1.1-31-11

Affected: IC 6-1.1-2-4; IC 6-1.1-15; IC 6-1.1-28-1; IC 6-1.1-30-11; IC 6-1.5

Sec. 1. The following definitions apply throughout this rule:
(1) ~~"Division of appeals" means the division of appeals of the board established under IC 6-1.1-30-11.~~

(2) (1) ~~"Practice before the property tax assessment board of appeals the division of appeals, or the board" means department~~ **"is the participation in any all matters connected with a presentation to the property tax assessment board of appeals, the division of appeals, the board, department, or any of their officers or employees relating to a client's rights, privileges, or liabilities under Indiana's property tax laws or rules. Such presentations include but are not limited to, the following:**

- (A) Preparing and filing necessary documents, except personal property returns.
- (B) Corresponding and communicating with the property tax assessment board of appeals ~~the division of appeals, or the board.~~ **department.**
- (C) Representing a client at hearings, on-site inspections, and meetings.

~~Practice before the property tax assessment board of appeals, the division of appeals, or the board does not include the activities of any local unit of government participating before the property tax assessment board of appeals, the division of appeals, or the board.~~

(3) (2) ~~"Property tax assessment board of appeals" means is the county property tax assessment board of appeals established under IC 6-1.1-28-1.~~

(4) (3) ~~"Tax representative" means is a person who represents another person at a proceeding before the property tax assessment board of appeals the division of appeals, or the board under IC 6-1.1-15.~~ **department.** The term does not include:

- (A) the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) that is the subject of the appeal;
- (B) a permanent full-time employee of the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) who is the subject of the appeal;
- (C) representatives of local units of government appearing on behalf of the unit;
- (D) a certified public accountant, when the certified public accountant is representing a client in a matter that relates only to personal property taxation; or
- (E) an attorney who is a member in good standing of the Indiana bar or any person who is a member in good standing of any other state bar and who has been granted leave by the **board department** to appear pro hac vice.

(4) **"Indiana board" means the Indiana board of tax review established under IC 6-1.5, et seq.**

(Department of Local Government Finance; 50 IAC 15-5-1; filed Dec 5, 2000, 2:32 p.m.: 24 IR 947; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1519)

SECTION 12. 50 IAC 15-5-2 IS AMENDED TO READ AS FOLLOWS:

50 IAC 15-5-2 Practice requirements

Authority: IC 6-1.1-31-1; IC 6-1.1-31-11

Affected: IC 6-1.1-15-1; IC 6-1.1-15-12; IC 6-1.1-26-1

Sec. 2. (a) In order to practice before the property tax assessment board of appeals ~~the division of appeals~~, or the ~~board~~, **department**, a tax representative must:

- (1) beginning July 1, 2001, be properly certified **in writing** by the ~~board~~, **department**; and
- (2) have a copy of a properly executed power of attorney from the taxpayer. **The power of attorney shall be on the form prescribed by the board on file with the entity conducting the hearing before a hearing will be scheduled. department and need not be refiled if the form is later revised.**

(b) Property tax representatives may not be certified to practice before the property tax assessment board of appeals ~~the division of appeals~~, or the ~~board~~ **department** for:

- (1) matters relating to real and personal property exemptions claimed on a Form 132 or 136;
- (2) claims that assessments or taxes are "illegal as a matter of law", whether brought on a Form 133 pursuant to IC 6-1.1-15-12(a)(6), on a Form 17-T pursuant to IC 6-1.1-26-1(4), a Form 130 pursuant to IC 6-1.1-15-1, or otherwise;
- (3) claims regarding the constitutionality of an assessment; or
- (4) ~~any~~ other representation that involves the practice of law.

(c) Individuals who apply for certification or recertification as a tax representative must furnish evidence to the ~~board~~ **department** that they:

- (1) are at least eighteen (18) years of age;
- (2) hold a high school diploma or equivalent credential;
- (3) are a certified Level Two assessor-appraiser;
- (4) have completed the educational course requirements of all rules adopted by the ~~board~~ **department** related to procedures for practice before the property tax assessment board of appeals ~~the division of appeals~~, or the ~~board~~, **department**;
- (5) have fully complied with all rules adopted by the ~~board~~ **department** regarding professional conduct and ethical considerations; and
- (6) have fully complied with all rules adopted by the ~~board~~ **department** regarding client solicitation.

(d) A person who fulfills the requirements of subsection (c) shall be granted a written certification that shall be effective upon issuance by the department. (*Department of Local Government Finance; 50 IAC 15-5-2; filed Dec 5, 2000, 2:32 p.m.: 24 IR 947; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1520*)

SECTION 13. 50 IAC 15-5-4 IS AMENDED TO READ AS FOLLOWS:

50 IAC 15-5-4 Course work

Authority: IC 6-1.1-31-11

Affected: IC 6-1.1

Sec. 4. (a) Beginning January 1, 2002, a tax representative must, within each forty-eight (48) month continuing education certification cycle under 50 IAC 15-3-4, complete twelve (12) hours of course work that has been designated as tax representative practice course work approved by the ~~board~~, **department**. Of the twelve (12) hours of tax representative practice course work,

- (1) ~~six (6) hours must be evidenced by passage of the associated course work examination; and~~
- (2) ~~three (3) hours must relate to professional conduct, ethical considerations, or client communications.~~

(b) The course work completed under this section will be credited toward the total continuing education course work required to maintain a Level Two assessor-appraiser certification under 50 IAC 15-3-4. (*Department of Local Government Finance; 50 IAC 15-5-4; filed Dec 5, 2000, 2:32 p.m.: 24 IR 948; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1520*)

SECTION 14. 50 IAC 15-5-5 IS AMENDED TO READ AS FOLLOWS:

50 IAC 15-5-5 Communication with client or prospective client

Authority: IC 6-1.1-31-1; IC 6-1.1-31-11

Affected: IC 6-1.1-2-4

Sec. 5. (a) ~~No~~ A certified property tax representative shall with respect to any matter relating to practice before the property tax assessment board of appeals, the division of appeals, or the board, in any way not use or participate in the use of any form of public communication containing a:

- (1) ~~false, fraudulent, unduly influencing, coercive, or unfair, statement or claim; or~~
- (2) ~~misleading, or deceptive statement or claim.~~ **claims with respect to any matter relating to the practice before the property tax assessment board of appeals or the department.**

(b) Beginning January 1, 2001, a property tax representative shall advise the client or prospective client in writing, using a typeface of not less than 12-point, either on the power of attorney or in some other form that may be reasonably interpreted by the taxpayer (the property owner, or person liable for the taxes under IC 6-1.1-2-4) to set forth the rights of the taxpayer with regard to his or her appeal, the following:

"I understand that by authorizing _____ to serve as my certified property tax representative, I am aware of and accept the possibility that the property value may increase as a result of filing an administrative appeal with the property tax assessment board of appeals ~~the division of appeals of the state board of tax commissioners; or the state board of tax commissioners~~, and that I may be compelled to appear at a hearing before ~~any or all of these boards: the property tax assessment board of appeals or the department of local government finance.~~

I further understand that the certified property tax representative is not an attorney and may not present arguments of a legal nature on my behalf.”. I understand that legal issues relating to my assessment that may now exist or may be discovered at some time in the future will not and cannot be addressed by the certified property tax representative; and that if not raised before the property tax assessment board of appeals may not be raised at a later stage of my assessment appeal.”.

(c) The disclosure shall be signed by the taxpayer. The certified property tax representative shall provide the taxpayer with a copy of the disclosure and shall be required to provide a copy of the disclosure to the property tax assessment board of appeals. ~~the division of appeals; or the board; upon request.~~ Failure to provide a signed copy of disclosure upon request may be grounds for dismissal of the appeal. **an action for revocation of the tax representative’s certification under 50 IAC 15-5-8.** (*Department of Local Government Finance; 50 IAC 15-5-5; filed Dec 5, 2000, 2:32 p.m.: 24 IR 948; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1520*)

SECTION 15. 50 IAC 15-5-6 IS AMENDED TO READ AS FOLLOWS:

50 IAC 15-5-6 Prohibitions; obligations

Authority: IC 6-1.1-31-1; IC 6-1.1-31-11
Affected: IC 6-1.1-2-4

Sec. 6. A certified tax representative shall:

- (1) not knowingly misrepresent any information or act in a fraudulent manner;
- (2) not prepare documents or provide evidence in a property assessment appeal unless the representative is authorized by the property owner (or person liable for the taxes under IC 6-1.1-2-4) to do so and any required authorization form has been filed;
- (3) not knowingly submit false or erroneous information in a property assessment appeal;
- (4) use the appraisal standards and methods required by rules adopted by the **department, Indiana board, or property tax assessment board of appeals** when the representative submits appraisal information in a property assessment appeal; and
- (5) notify the property owner (or person liable for the taxes under IC 6-1.1-2-4) of all matters relating to the review of the assessment of taxpayers’ property before the property tax assessment board of appeals ~~the division of appeals; or the board;~~ **department,** including, but not limited to, the following:

(A) The tax representative’s filing of all necessary documents, correspondence, and communications with the ~~division of appeals;~~ **property tax assessment board of appeal or department.**

(B) The dates and substance of all hearings, on-site inspections, and meetings.

(*Department of Local Government Finance; 50 IAC 15-5-6;*

filed Dec 5, 2000, 2:32 p.m.: 24 IR 948; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1521)

SECTION 16. 50 IAC 15-5-7 IS AMENDED TO READ AS FOLLOWS:

50 IAC 15-5-7 Contingent fees

Authority: IC 6-1.1-31-1; IC 6-1.1-31-11
Affected: IC 6-1.1

Sec. 7. (a) In the event a tax representative **or the entity with which the tax representative is affiliated** charges a contingent fee for any matter relating to practice before the property tax assessment board of appeals, ~~the division of appeals;~~ **Indiana board** or the ~~board;~~ **department,** the tax representative may not testify at hearings or on-site inspections without first disclosing the existence of the contingent fee arrangement.

(b) ~~Failure to must disclose, upon request, the existence of a contingent fee arrangement may result in the exclusion of the certified tax representative’s testimony or in dismissal of the appeal.~~ **to the property tax assessment board of appeals, Indiana board, or department.**

(c) (b) As used in this section, “contingent fee” includes a fee **charged by the tax representative or the entity with which the tax representative is affiliated** that is based on:

- (1) a percentage of the refund obtained;
- (2) a percentage of the taxes saved; or
- (3) a percentage of the reduction in property value.

(c) **Failure to disclose the existence of a contingent fee arrangement may result in the presumption that a contingent fee arrangement exists, revocation of certification, or other discipline as provided in this article.** (*Department of Local Government Finance; 50 IAC 15-5-7; filed Dec 5, 2000, 2:32 p.m.: 24 IR 949; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1521*)

SECTION 17. 50 IAC 15-5-8 IS AMENDED TO READ AS FOLLOWS:

50 IAC 15-5-8 Certification; revocation

Authority: IC 6-1.1-31-1; IC 6-1.1-31-11
Affected: IC 6-1.1

Sec. 8. (a) ~~After a hearing, the board may deny, suspend, or~~ **The department may** revoke the certification of a property tax representative ~~on the following grounds: for:~~

- (1) Violation of any rule applicable to certification **or practice before the department, Indiana board, or the property tax assessment board of appeals.**
- (2) Gross incompetence in the performance of practicing before the property tax assessment board of appeals, ~~the division of appeals;~~ **department,** or the **Indiana board.**
- (3) Dishonesty or fraud committed while practicing before the property tax assessment board of appeals, ~~or the division of appeals;~~ **department,** or the **Indiana board.**

(4) Violation of the standards of ethics or rules of solicitation adopted by the ~~board~~: **department**.

(b) A hearing under subsection (a) will be conducted in a manner that affording the tax representative or applicant due process. Specifically, the tax representative or applicant will be given the opportunity to participate in the hearing process and may be represented by counsel, if desired. It shall be the burden of the board to show, by a preponderance of the evidence, that the denial, suspension, or revocation is justified under this rule.

(c) A certification may be suspended under this rule for a period of up to one (1) year. An applicant that has been denied certification, or a tax representative whose certification has been revoked, may reapply after one (1) year from the date the certification was denied or revoked.

(b) The revocation procedure shall be initiated by the department's issuance of a notice to the respondent. The notice shall:

- (1) be sent by certified mail, return receipt requested;
- (2) contain a clear and concise statement detailing the alleged misconduct;
- (3) state the time and place for a hearing that is not less than ninety (90) days from the date of mailing the notice;
- (4) inform respondent of the information contained in subsections (d) and (g); and
- (5) inform respondent that the failure to attend the hearing without good cause may constitute grounds for default entered in favor of the state board or the department, as well as the sanction imposed.

(c) The department shall appoint a hearing officer for purposes of these proceedings. The hearing officer may, with prior written notice to the parties:

- (1) conduct any prehearing proceedings requested by either party, or which the hearing officer determines may aid in the ultimate resolution of the proceedings; and
- (2) allow informal discovery subject to any terms and conditions the hearing officer deems to be appropriate.

(d) The revocation hearing shall be conducted on the record subject to the following:

- (1) The respondent may be represented by counsel and shall have the right to present witnesses and evidence on the respondent's own behalf and to cross-examine the department's witnesses or evidence.
- (2) The burden of proof shall be on the department to prove the violation or violations alleged by a preponderance of the evidence.
- (3) No continuance shall be granted except upon a showing of good cause.

(e) The hearing officer may consider any of the following in recommending to the commissioner whether respon-

dent's tax representative certification should be revoked:

- (1) The seriousness of the violation that gave rise to these proceedings.
- (2) Whether the violation is likely to recur.
- (3) Respondent's character, including remorse, if any.
- (4) Whether respondent's continued status as a tax representative would pose an undue risk to the public.
- (5) Any other factor the hearing officer determines to be appropriate under the circumstances.

(f) The hearing officer shall submit a recommendation for final action to the commissioner. The recommendation shall contain the reasons for the hearing officer's determination of the sanction, if any, to be imposed. The commissioner is not bound by the recommendation.

(g) If the commissioner determines that a violation of subsection 2(a) of this [section 2(a) of this rule] has occurred, the commissioner may take any of the following remedies with respect to the respondent:

- (1) Decline to issue any sanction.
- (2) Issue a written reprimand, admonishing the respondent for the violation.
- (3) Suspend of the respondent's Level One assessor-appraiser certification for a period of up to one (1) year, at the conclusion of which the respondent shall be automatically reinstated, provided that respondent meets all educational requirements for a tax representative certification.
- (4) Revoke the certification of the respondent for a period of not less than one (1) year, and not more than three (3) years, at the conclusion of which respondent may petition the department for reinstatement provided that respondent meets all of the criteria for certification under this rule.

(h) The determination of the commissioner constitutes a final appealable order of the department, respectively. (*Department of Local Government Finance; 50 IAC 15-5-8; filed Dec 5, 2000, 2:32 p.m.: 24 IR 949; filed Dec 13, 2002, 3:20 p.m.: 26 IR 1521*)

SECTION 18. THE FOLLOWING ARE REPEALED: 50 IAC 15-1-3; 50 IAC 15-1-5.

LSA Document #01-266(F)

Notice of Intent Published: 24 IR 3659

Proposed Rule Published: November 1, 2001; 25 IR 410

Hearing Held: November 29, 2001

Approved by Attorney General: November 27, 2002

Approved by Governor: December 9, 2002

Filed with Secretary of State: December 13, 2002, 3:20 p.m.

Incorporated Documents Filed with Secretary of State: None

**TITLE 345 INDIANA STATE BOARD OF
ANIMAL HEALTH**

LSA Document #02-107(F)

DIGEST

Adds 345 IAC 1-3-16.5 to allow a person to move swine interstate within a production system without identification and a certificate of veterinary inspection. Amends 345 IAC 1-3 to allow swine vaccinated with Pseudorabies vaccine to move into the state. Amends 345 IAC 3-5.1-3 to consolidate and clarify requirements to move swine intrastate. Amends 345 IAC 3-5.1-8.5 to eliminate annual and semiannual Pseudorabies testing of all swine herds. Makes other substantive and technical changes in the law of Pseudorabies control. Repeals 345 IAC 1-3-8, 345 IAC 1-3-16, 345 IAC 3-5.1-8.8, 345 IAC 3-5.1-8.9, 345 IAC 3-5.1-9, 345 IAC 3-5.1-12, 345 IAC 3-5.1-14, and 345 IAC 3-5.1-15. Effective 30 days after filing with the secretary of state.

345 IAC 1-3-3	345 IAC 3-5.1-3.5
345 IAC 1-3-4	345 IAC 3-5.1-4
345 IAC 1-3-8	345 IAC 3-5.1-6
345 IAC 1-3-11	345 IAC 3-5.1-7
345 IAC 1-3-12	345 IAC 3-5.1-8.5
345 IAC 1-3-13	345 IAC 3-5.1-8.7
345 IAC 1-3-14	345 IAC 3-5.1-8.8
345 IAC 1-3-15	345 IAC 3-5.1-8.9
345 IAC 1-3-16	345 IAC 3-5.1-9
345 IAC 1-3-16.5	345 IAC 3-5.1-10
345 IAC 3-5.1-1.2	345 IAC 3-5.1-12
345 IAC 3-5.1-1.5	345 IAC 3-5.1-14
345 IAC 3-5.1-2	345 IAC 3-5.1-15
345 IAC 3-5.1-3	

SECTION 1. 345 IAC 1-3-3 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-3 Identification required; exceptions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-12-7; IC 15-2.1-12-7.5; IC 15-2.1-15-17

Sec. 3. (a) All domestic animals entering Indiana, regardless of age, sex, or breed, shall be identified as follows:

(1) Each animal shall be individually identified utilizing a method of identification acceptable for that species. Acceptable methods of identification are as follows:

- (A) An ear tag.
- (B) A tattoo.
- (C) An individual brand.
- (D) A standard ear notch.
- (E) A registration number.
- (F) A method of identification that is approved by the state veterinarian.

(2) Each animal shall be individually described on the accompanying certificate of veterinary inspection.

(b) The following official identification is approved for livestock transported into Indiana:

(1) Swine must be identified using:

~~(A) a standard ear notch or acceptable ear tag for breeding animals; and~~

~~(B) a standard ear notch for exhibition swine.~~

~~Official ear tags shall be used for feeder pigs. (See IC 15-2.1-12-7.5.) as provided in section 11 of this rule.~~

(2) Cattle must be identified using **one (1) of the following methods of identification:**

(A) An official ear tag.

(B) A tattoo.

(C) An individual brand. ~~or~~

(D) A registration number if accompanied by registration papers.

(3) Sheep must be identified using **one (1) of the following methods of identification:**

(A) A tattoo.

(B) A standard ear notch. ~~or~~

(C) An ear tag.

(D) A breed association ear tag.

(4) Goats must be identified using **one (1) of the following methods of identification:**

(A) A tattoo.

(B) A standard ear notch. ~~or~~

(C) An ear tag.

(D) A breed association ear tag.

(5) Horses and other equine must be identified using **one (1) of the following methods of identification:**

(A) A lip tattoo.

(B) An individual brand.

(C) A registration number if accompanied by registration papers. ~~or~~

(D) A descriptive marking with **the animal's** name.

(6) Cervidae must be identified using **one (1) of the following methods of identification:**

(A) An ear tag. ~~or~~

(B) A tattoo.

(7) Any species may be identified using other identification approved by the state veterinarian.

(c) Any animal may be identified using a permanent electronic chip implant that uniquely identifies the animal if the following requirements are met:

(1) The chip identification number is written on the certificate of veterinary inspection or shipping manifest.

(2) A piece of equipment that is capable of accurately reading the chip implant accompanies the animal at all times.

(3) The owner or caretaker of the animal allows board personnel to use the equipment necessary to read the implanted chip upon request.

If the equipment provided by an owner or caretaker of an animal does not allow for an accurate identification of an animal for any reason, the animal will be deemed unidentified

for the purpose of this rule unless the animal is identified using another method authorized by this rule.

(d) If additional identification is present, at least one (1) additional identification shall also be listed on the certificate of veterinary inspection.

(e) The following types of animals are exempt from the identification requirements in this section:

- (1) Steers.
- (2) Poultry.
- (3) Slaughter animals.
- (4) Baby calves and feeder heifers from Brucellosis-free and Class A states.

(Indiana State Board of Animal Health; Reg 76-1, Title I, Sec 2; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 128; filed May 2, 1983, 10:02 a.m.: 6 IR 1039; filed May 10, 1984, 8:36 a.m.: 7 IR 1447; filed Jan 8, 1986, 2:52 p.m.: 9 IR 991; filed Dec 2, 1994, 3:52 p.m.: 18 IR 856; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1472; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1336; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1523)

SECTION 2. 345 IAC 1-3-4 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-4 Certificate of veterinary inspection and permit required for importation

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1

Sec. 4. (a) A person may not transport into Indiana a domestic animal, or a wild animal of the ~~bovine, ovine, caprine, bison,~~ **family Bovidae, family Suidae, family Equidae, family Cervidae, camelid, or porcine species, family Camelidae,** unless the animal is accompanied by an official certificate of veterinary inspection. The following animals may be transported into Indiana without a certificate of veterinary inspection:

- (1) Those consigned for immediate slaughter.
- (2) The state veterinarian may allow a person to transport into Indiana an animal without a certificate of veterinary inspection in order to facilitate the diagnosis, prevention, or control of disease.
- (3) Swine moving under the procedures in section 16.5 of this rule.**

(b) No person may transport into Indiana an animal other than those described in subsection (a) unless the animal is accompanied by a shipping manifest clearly stating the following information:

- (1) The origin of each animal.
- (2) An individual description and identification of each animal.
- (3) The destination of each animal.
- (4) The import permit number, if required under subsection (d), for the shipment.

(c) The state veterinarian may set specific restrictions, prerequisites, and other requirements for the transportation of diseased or experimental animals into Indiana. Each official certificate of veterinary inspection or shipping manifest must note any restrictions imposed.

(d) No person may transport into Indiana any domestic or wild animal of the ~~bovine, ovine, caprine, bison, family Bovidae, family Suidae, family Cervidae, camelid, or porcine species, family Camelidae~~ regardless of age, sex, or breed, without first obtaining a permit to transport the animal into Indiana. Permits shall be obtained from the state veterinarian. The state veterinarian shall assign a permit number for each permit issued. The permit number shall be recorded on the certificate of veterinary inspection associated with the permitted animals, or if a certificate of veterinary inspection is not required, the shipping manifest accompanying the shipment. The certificate of veterinary inspection or shipping manifest with the correct permit number must be in possession of the person in charge of animals during movement. A person transporting the following animals into Indiana is exempt from the requirements in this subsection:

- (1) Animals transported into Indiana for immediate slaughter.
- (2) The state veterinarian may waive all or part of the requirements in this subsection for a specific shipment of animals to facilitate the diagnosis, prevention, or control of disease.
- (3) Swine moving under the procedures in section 16.5 of this rule.**

(e) Permits for the transportation of animals into Indiana may be obtained day or night, including weekends and holidays, by calling the following telephone numbers:

- (1) For a permit to transport an animal of the bovine, ovine, caprine, bison, cervidae, or camelid species, call (317) 227-0316.
- (2) For a permit to transport an animal of the porcine species, call (317) 227-0311.

(Indiana State Board of Animal Health; Reg 76-1, Title I, Sec 3; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 128; filed May 2, 1983, 10:02 a.m.: 6 IR 1039; filed Jan 8, 1986, 2:52 p.m.: 9 IR 992; filed May 24, 1988, 9:40 a.m.: 11 IR 3535; filed May 1, 1990, 10:25 a.m.: 13 IR 1700; filed Dec 2, 1994, 3:52 p.m.: 18 IR 857; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1478; errata filed Mar 31, 1999, 9:36 a.m.: 22 IR 2534; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1337; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1524)

SECTION 3. 345 IAC 1-3-11 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-11 Swine identification; certificate of veterinary inspection; permit

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-10-1; IC 15-2.1-21-6

Sec. 11. (a) **Except as provided in subsection (d), a person transporting moving swine into Indiana the state must comply with the identification requirements in 345 IAC 1-3-1 subsection (b) and the permit and health certificate of veterinary inspection requirements in 345 IAC 1-3-4. section 4 of this rule.**

(b) **A person moving swine into the state must identify the swine at the earliest of the following:**

- (1) **The point of first commingling the swine with swine from any other source.**
- (2) **Upon unloading the swine at a livestock market.**
- (3) **Before transfer of ownership.**
- (4) **Before arrival at the animal's final destination.**

The method of identification must be one specified in subsection (c).

(c) **The following methods of identification are approved to move swine into the state:**

- (1) **Official ear tags with individual animal identification.**
- (2) **United States Department of Agriculture back tags may be used on swine moving to slaughter.**
- (3) **Official swine tattoos may be used on swine moving to slaughter if the tattoo is approved by the state veterinarian or the United States Department of Agriculture.**
- (4) **Ear notching of swine if the ear notching has been recorded in the book of record of a pure-bred registry association.**
- (5) **Tattoos on the ear or inner flank of swine if the tattoos have been recorded in the book of record of a swine registry association.**
- (6) **Feeder pigs and swine moving to slaughter may be identified with an ear tag or tattoo bearing only the premises identification number assigned by a state or federal animal health official to the premises from which the swine originated.**

(d) **A person may move swine into the state without individually identifying each animal if one (1) of the following sets of procedures are followed:**

- (1) **Using the procedures in section 16.5 of this rule.**
- (2) **The swine are kept as a group during movement to their final destination and the following requirements are met:**
 - (A) **The animals were born on the same premises.**
 - (B) **The animals were raised on the premises where they were born.**
 - (C) **They are moved directly to a slaughter establishment from the place where they were raised.**
 - (D) **They are not commingled with swine from any other premises prior to arriving at the slaughter establishment.**
 - (E) **Approved identification is applied to the swine at the slaughter establishment or the animals are slaughtered one after another as a group and not mixed with other swine at slaughter.**

(Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 1; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed May 2, 1983, 10:02 a.m.: 6 IR 1043; filed Sep 1, 2000, 2:03 p.m.: 24 IR 6; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1524)

SECTION 4. 345 IAC 1-3-12 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-12 Swine herds infected with Pseudorabies; transportation into Indiana prohibited

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 12. **A person may not transport any of the following swine into Indiana: the state:**

- (1) **Swine that originate from a herd that is known to be infected with the Pseudorabies virus.**
- (2) **Swine that are subject to an order of quarantine issued by the United States government or another state because the animals may harbor a disease.**
- (3) **Swine that originate from a herd that has been fed garbage as defined in 345 IAC 1-2.1-1.**
- (4) **Swine that originate from a herd located in a state that does not require the reporting of Pseudorabies diagnosis or quarantine all known Pseudorabies infected swine.**

(Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 2; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed Jan 8, 1986, 2:52 p.m.: 9 IR 995; filed Jun 18, 1990, 2:49 p.m.: 13 IR 1989; filed Sep 1, 2000, 2:03 p.m.: 24 IR 6; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1525)

SECTION 5. 345 IAC 1-3-13 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-13 Breeding swine; tests for Brucellosis and Pseudorabies

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 13. (a) **Before swine for breeding purposes may be transported into Indiana, the state, the swine must have passed a negative test for Brucellosis within thirty (30) days prior to transportation into Indiana: the state. The following swine are exempt from the test required in this subsection:**

- (1) **Swine under one hundred eighty (180) days of age.**
- (2) **Swine that originate from a herd that qualifies as a validated Brucellosis-free herd as defined in 345 IAC 3-4-2.**
- (3) **Swine that originate from a validated Brucellosis-free area as defined in 345 IAC 3-4-2. But, feral swine are not exempt.**

(b) **All breeding swine that originate from areas an area that are is not validated Brucellosis-free as defined in 345 IAC 3-4-2 are quarantined to the receiving producer's premises, must be:**

(1) isolated from all other animals; and
(2) tested for Brucellosis;
in not less than thirty (30) nor more than forty-five (45) days after the date of entry. But, no more than fifty (50) head of swine in any one (1) shipment from one (1) farm of origin must be tested after entry.

(c) Before breeding swine may be transported into ~~Indiana~~, **the state**, the swine must test negative for Pseudorabies on an official serology test that is conducted within the thirty (30) days prior to transportation into ~~Indiana~~. **the state**. But, swine that meet one (1) of the following sets of criteria are exempt from the test required in this subsection:

- (1) Swine originating from a herd in an area designated by the United States Department of Agriculture as Stage III under the national Pseudorabies eradication program and the swine originate from a herd that is a Pseudorabies-qualified herd or a qualified Pseudorabies-negative gene-altered virus-vaccinated herd, utilizing monthly herd testing, under the national Pseudorabies Program Standards defined in 345 IAC 3-5.1.
- (2) Swine, except feral swine, from an area designated Stage IV or Stage V by the United States Department of Agriculture under the national Pseudorabies eradication program.

~~(d) Swine vaccinated with Pseudorabies vaccine shall not be transported into Indiana. The state veterinarian may allow swine vaccinated with Pseudorabies vaccine to be transported into Indiana if such action furthers the goal of Pseudorabies eradication.~~

~~(e)~~ (d) All breeding swine transported into ~~Indiana~~ **the state** are quarantined to the destination premises and must be isolated from other animals and tested for Pseudorabies in not less than thirty (30) nor more than forty-five (45) days from date of entry. But, the following are exemptions and alterations to the test required in this subsection:

- ~~(1) Swine entering a Pseudorabies-infected herd must be vaccinated for Pseudorabies within seventy-two (72) hours after arrival and must be isolated and retested as required by the state veterinarian to minimize the transmission of Pseudorabies.~~
- ~~(2)~~ (1) No more than fifty (50) head of swine in any one (1) shipment from one (1) farm of origin must be tested after entry.
- ~~(3)~~ (2) Swine that are shipped directly from a swine herd that is located in an area designated Stage IV or Stage V by the United States Department of Agriculture under the national Pseudorabies eradication program are exempt.
- ~~(4)~~ (3) Swine that originate from a herd in an area designated by the United States Department of Agriculture as Stage III under the national Pseudorabies eradication program and the herd of origin is a Pseudorabies-qualified herd or qualified negative gene-altered virus-vaccinated herd, utilizing monthly herd testing, under the national Pseudorabies Program Standards defined in 345 IAC 3-5.1 are exempt.

~~(f)~~ (e) Feral swine shall not be transported into Indiana unless consigned directly to a recognized slaughter establishment. (*Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 3; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed May 2, 1983, 10:02 a.m.: 6 IR 1043; filed Jan 8, 1986, 2:52 p.m.: 9 IR 995; filed May 24, 1988, 9:40 a.m.: 11 IR 3535; filed Jun 18, 1990, 2:49 p.m.: 13 IR 1990; filed Nov 30, 1990, 4:35 p.m.: 14 IR 620; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1079; filed Feb 9, 1994, 10:00 a.m.: 17 IR 1089; filed Sep 1, 2000, 2:03 p.m.: 24 IR 6; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1525*)

SECTION 6. 345 IAC 1-3-14 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-14 Feeder pigs

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 14. (a) Feeder pigs that originate from an area designated Stage II or Stage III by the United States Department of Agriculture under the national Pseudorabies eradication program must be tested for Pseudorabies utilizing an official random sample test (95/10) under the Program Standards defined in 345 IAC 3-5.1 within the thirty (30) days immediately prior to the feeder pigs entering ~~Indiana~~. **the state**. Feeder pigs originating from an area designated Stage III and from a herd that qualifies as a Pseudorabies-qualified herd or a qualified negative gene-altered virus-vaccinated herd, utilizing monthly testing, in the Program Standards defined in 345 IAC 3-5.1 are exempt from the test required under this subsection. If the test required in this subsection is not completed or if any feeder pig tests positive for Pseudorabies, a person is prohibited from transporting any part of that group of feeder pigs into Indiana.

(b) ~~All feeder pigs that are transported into Indiana must be delivered directly to a farm for further feeding or directly to a licensed feeder pig concentration point that offers for sale feeder pigs only. All feeder pigs are quarantined to the first feeding premises and shall be isolated from any other swine until sold for slaughter. But, feeder swine consigned to a licensed feeder pig concentration point may be resold within seventy-two (72) hours and are quarantined to the destination premises. The sale of feeder pigs through a concentration point must be documented on State Form 3552R or other forms approved by the state veterinarian.~~

(c) The owner of feeder pigs that are transported into Indiana shall procure the services of a licensed and accredited veterinarian to test the imported swine for Pseudorabies between thirty (30) and forty-five (45) days after entry into Indiana utilizing an official random sample test (95/10) under the Program Standards defined in 345 IAC 3-5.1. But, the test required in this subsection is waived if one (1) of the following conditions are met:

- (1) The swine originated from an area designated Stage IV or

Stage V by the United States Department of Agriculture under the national Pseudorabies eradication program.

(2) The swine originated from an area designated Stage III by the United States Department of Agriculture under the national Pseudorabies eradication program and originated from a herd that qualifies as a Pseudorabies-qualified herd or a qualified negative gene-altered virus-vaccinated herd, utilizing monthly testing, under the Pseudorabies Program Standards defined in 345 IAC 3-5.1.

(Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 4; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed May 2, 1983, 10:02 a.m.: 6 IR 1043; filed Jan 8, 1986, 2:52 p.m.: 9 IR 995; filed Feb 9, 1994, 10:00 a.m.: 17 IR 1089; filed Sep 1, 2000, 2:03 p.m.: 24 IR 7; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1526)

SECTION 7. 345 IAC 1-3-15 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-15 Slaughter swine; consignment

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 15. (a) Swine consigned for sale in Indiana for immediate slaughter shall be consigned to a ~~recognized~~ **an approved** slaughtering establishment or to a licensed public livestock market that buys and sells only slaughter swine for resale directly to a ~~recognized~~ **an approved** slaughtering establishment. Swine sold for immediate slaughter must be slaughtered within seven (7) days of the date of the first consignment and must not move through more than two (2) markets.

(b) All swine sold for immediate slaughter shall be accompanied by a proper way-bill, bill-of-lading, cargo manifest, or similar document showing the point of destination.

(c) Swine moved through a slaughter market or otherwise sold for slaughter in another state may be moved into the state only to a slaughter establishment or to a market for sale for slaughter.

(d) Sows and boars moved to a livestock market shall be consigned for sale for slaughter only. Any sow or boar in a livestock market shall be considered a slaughter only animal for the purposes of this rule. *(Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 5; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed May 2, 1983, 10:02 a.m.: 6 IR 1043; filed Jan 8, 1986, 2:52 p.m.: 9 IR 995; filed Sep 1, 2000, 2:03 p.m.: 24 IR 8; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1527)*

SECTION 8. 345 IAC 1-3-16.5 IS ADDED TO READ AS FOLLOWS:

345 IAC 1-3-16.5 Interstate movement of swine within a production system

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 16.5. (a) For the purposes of this section the following apply:

(1) A swine production health plan for a swine production system must be designed to maintain the health of the swine and detect signs of communicable disease and must meet the following requirements:

(A) The plan must be in writing.

(B) The plan must identify all premises that are part of the swine production system that are in the state and that receive swine from outside the state or send swine out of the state.

(C) The plan must provide for inspections of identified premises by the swine production system accredited veterinarian at intervals not greater than thirty (30) days.

(D) The plan must describe the swine production system record keeping system.

(E) The plan must be signed by an official of each swine production system identified in the plan, the swine production system accredited veterinarian or veterinarians, a United States Department of Agriculture official, the state veterinarian, and a state animal health official from each state in which the swine production system has premises.

(2) A swine production system is a swine production enterprise that consists of multiple sites of production that are connected by ownership or contractual relationships, between which swine move while remaining under the control of a single owner or a group of contractually connected owners. But, slaughter plants and livestock markets are not part of a swine production system.

(b) A person may move swine into the state without a permit and certificate of veterinary inspection required under section 4 of this rule and without individual animal identification if the following requirements are met:

(1) The animals may not be moved to a livestock market or concentration point.

(2) The animals must be moved only to another premises identified in a valid swine production health plan for that swine production system. The swine production health plan for the swine production system must be approved by the state veterinarian and allow for the movement.

(3) The swine production system accredited veterinarian must have found the swine to be free from signs of any communicable disease during the most recent inspection of the originating premises. The inspection must have been within the thirty (30) days prior to movement.

(4) Prior to the movement, the person moving swine must deliver a report of the proposed movement to the swine

production system accredited veterinarian for the premises of origin, the state animal health official for the state of origin, and the state veterinarian.

(5) During movement and after arriving at the destination premises, the swine may not be commingled with other swine in a manner that prevents identification of the premises of origin for each animal. Permanent marking of animals, physical separation, and any other effective means may be used to identify the premises of origin.

(6) The swine production system must keep the following records for not less than three (3) years:

(A) A copy of each swine production health plan signed by the producer.

(B) All interstate swine movement reports issued by the producer.

(C) All reports issued by the swine production system accredited veterinarian that document the health status of the swine on the premises.

(D) Records that will allow a state or federal official to trace any animal on the premises back to its previous premises.

(7) The swine health production system must allow state and federal officials access to the premises upon request to inspect animals and review records.

(8) Once each month each swine production system must send the state veterinarian a written summary of the number of animals moved into the state in the past month, the premises from which they were moved, and the premises to which they were moved.

(c) The following procedures apply to the cancellation of, or withdrawal from, a swine production health plan:

(1) A swine production system may withdraw one (1) or more of its premises from the swine production health plan by giving written notice to all parties signing the plan. The withdrawal shall be effective on the date specified in the notice.

(2) The state veterinarian may cancel the board's participation in a swine production health plan by giving written notice to all parties signing the plan. The state veterinarian may cancel state approval if the state veterinarian determines that it is necessary or helpful to protect animal or public health, or if the swine production system violates a law enforced by the board. The cancellation shall be effective on the date specified in the notice.

(Indiana State Board of Animal Health; 345 IAC 1-3-16.5; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1527)

SECTION 9. 345 IAC 3-5.1-1.2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-1.2 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3-13; IC 15-2.1-18

Sec. 1.2. The definitions in IC 15-2.1-2, the definitions in the Program Standards, and the following definitions apply throughout this rule:

(1) "Board" means the Indiana state board of animal health.

(2) "**Breeding animal**" means a sexually intact swine that is at least six (6) months of age and that is not moving in slaughter channels.

(3) "**Feeder pig**" means swine intended for feeding purposes and swine of any breed weighing one hundred eighty (180) pounds or less.

~~(2)~~ (4) "High risk herd" means one which is adjacent, in close proximity, or exposed to an infected herd, feeder pigs, or a herd determined as such by the owner and the attending veterinarian. The final determination of the herd status will be made by the state veterinarian.

~~(3)~~ (5) "Isolated" means swine must be maintained in a manner to ensure that these swine will have no physical contact with other domestic animals on the premises. All drainage of organic waste material must be designed to prevent it from having contact with any other swine on the premises. The area where the swine are maintained may be approved by a representative of the board and shall be separated from other animals by two (2) barriers (for example, fences or walls) with the intervening area uninhabited by swine or separated by a lot or a road. No other swine may be in the same building unless approved by the state veterinarian.

~~(4)~~ (6) "Official gene-altered Pseudorabies vaccine" means any vaccine for which there is an approved differential Pseudorabies test.

~~(5)~~ (7) "Officially vaccinated herd" means any herd of swine in which a percentage of the swine in the herd as outlined in section 8(a) of this rule has been tested and found negative for Pseudorabies prior to being vaccinated with differentiable Pseudorabies vaccine. Officially vaccinated herds will not be quarantined for Pseudorabies vaccine use.

~~(6)~~ "Parity" means having born offspring. Parity one ~~(1)~~ means an animal that has had its first litter of offspring; Parity two ~~(2)~~ means the animal has had its second litter of offspring, and so on.

~~(7)~~ (8) "Pseudorabies Program Standards" or "Program Standards" means the Pseudorabies Eradication-State-Federal-Industry Standards, as adopted by the United States Department of Agriculture, and incorporated herein by reference in section 1.5 of this rule.

~~(8)~~ (9) "Pseudorabies vaccine" means a biological product designed for the prevention or control of Pseudorabies. Any vaccine sold or offered for sale or exchange, to be used or otherwise distributed, shall be in accordance with IC 15-2.1-18-5, IC 15-2.1-18-6, and IC 15-2.1-18-8.

~~(9)~~ (10) "Qualified negative gene-altered vaccinated herd" means a herd of swine in which all swine over six (6) months of age have been vaccinated with an official gene-altered Pseudorabies vaccine. The herd status is maintained by following the testing protocol as described in the

Pseudorabies Program Standards except all samples must be tested using an approved differential Pseudorabies test and all swine so tested must be found negative for Pseudorabies.

~~(10)~~ (11) "Quarantine" means an order restricting the movement of swine into or out of, or both, a premises.

(12) "Slaughter animal" means the following swine:

(A) Any swine weighing more than one hundred eighty

(180) pounds that is not a breeding animal.

(B) Any swine in slaughter channels.

(13) "Slaughter channels" means an animal is sold or moved in any of the following ways:

(A) Directly to a slaughter facility.

(B) To a slaughter only market.

(C) To a market where it is sold as a slaughter animal.

~~(11)~~ (14) "Special permit" means a special permit issued by the office of the state veterinarian to owners of swine infected with, vaccinated against, or quarantined for Pseudorabies that allows the movement of such swine.

~~(12)~~ (15) "State veterinarian" means the Indiana state veterinarian.

~~(13)~~ (16) "VS Form 1-27" means the United States Department of Agriculture Veterinary Services' "Permit for Movement of Restricted Animals".

(Indiana State Board of Animal Health; 345 IAC 3-5.1-1.2; filed Oct 11, 1996, 2:00 p.m.: 20 IR 746; filed Jun 19, 1998, 4:00 p.m.: 21 IR 4202; filed Dec 23, 1998, 4:36 p.m.: 22 IR 1484; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1528)

SECTION 10. 345 IAC 3-5.1-1.5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-1.5 Pseudorabies Program Standards; adoption by reference

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 1.5. (a) The board adopts and incorporates by reference the United States Department of Agriculture Pseudorabies Eradication-State-Federal-Industry Program Standards in effect January 1, 2000, as rules of the board. Copies of the Pseudorabies Program Standards may be obtained from the office of the state veterinarian by calling (317) 227-0310. Where provisions of the Program Standards conflict with this rule, the express provisions of this rule shall control.

(b) Owners of qualified Pseudorabies-negative (QN) herds may that maintain qualified Pseudorabies-negative herd status as follows:

(1) Herds located in a Stage Two area in Indiana must complete using the monthly testing protocol set forth in Part IV(B)(1) of the Program Standards

(2) Herds located in a Stage Three area in Indiana may complete the monthly testing protocol set forth in Part IV(B)(1) or the quarterly testing protocol set forth in Part IV(B)(2) of the Program Standards.

Monthly testing must be test every twenty-five (25) to thirty-five (35) days and must include conduct twelve (12) official tests in a calendar year.

(c) Part III, subpart "Stage III Mandatory Herd Cleanup", item (C) "Disposition of quarantined herds" of the Program Standards also applies to Part III, subpart "Stage II Control". (Indiana State Board of Animal Health; 345 IAC 3-5.1-1.5; filed Oct 11, 1996, 2:00 p.m.: 20 IR 746; filed Jun 19, 1998, 4:00 p.m.: 21 IR 4203; filed Sep 1, 2000, 2:03 p.m.: 24 IR 8; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1529)

SECTION 11. 345 IAC 3-5.1-2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-2 Report by veterinarian; determination of status; special permits

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15-17

Sec. 2. (a) When clinical or laboratory evidence indicates the presence of Pseudorabies in an individual animal or herd, the veterinarian shall report the diagnosis immediately to the office of the state veterinarian.

(b) All animals tested must be individually identified by ear tags approved by the board or by standard ear notches. All identification must be recorded on the test form. The state veterinarian may alter the identification requirements as needed to protect animal health in Indiana. All blood samples must be drawn by a state or federal official or a licensed, accredited veterinarian, and serological tests must be conducted by a state and federally approved laboratory.

(c) A veterinarian making a clinical diagnosis of Pseudorabies must confirm the diagnosis in writing and send a copy to the board within two (2) business days of the diagnosis. The final determination of herd status shall be made by the state veterinarian.

~~(d)~~ Special permits issued by the state veterinarian shall indicate the status of the herd; be signed by both the consignor and consignee; and be approved by the state veterinarian prior to movement. The state veterinarian shall not issue a special permit unless he has determined that it will not increase the risk of disease in the area and he has considered all valid objections to the permit. (Indiana State Board of Animal Health; Reg 79-1, Title II; filed Mar 26, 1979, 3:40 p.m.: 2 IR 577; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1437; filed Oct 11, 1996, 2:00 p.m.: 20 IR 747; filed Dec 23, 1998, 4:36 p.m.: 22 IR 1484; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1529)

SECTION 12. 345 IAC 3-5.1-3 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-3 Intrastate movement of swine

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 3. ~~No~~ (a) The following requirements apply to a person may sell, offer for sale, barter, lease, or exchange any moving swine for exhibition or breeding purposes unless within the swine have been tested negative for Pseudorabies within thirty (30) days preceding the date of sale, barter, lease, or exchange, and conform to other provisions of this rule, except as follows: state:

(1) swine A person may move feeder pigs as follows:

(A) Feeder pigs may be moved from a ~~currently PRV-qualified herd or premises to another premises without moving through a qualified negative gene-altered vaccinated herd.~~ (2) By special permit: livestock market if a record of the movement is kept for not less than twelve (12) months.

(B) Feeder pigs may be moved through a livestock market if the animals are individually identified using an official ear tag or an official ~~(3)~~ swine vaccinated with Pseudorabies vaccine shall not be sold, offered for sale, bartered, leased, or exchanged, except tattoo if the tattoo is approved by the state veterinarian.

(2) A person may move breeding swine as provided by the board: follows:

(A) Breeding swine may be moved from a premises to another premises without moving through a livestock market if the following requirements are met:

(i) A certificate of veterinary inspection for the animals to be moved is obtained from a licensed and accredited veterinarian prior to movement. The certificate of veterinary inspection must accompany the animals during transportation. A copy of the certificate of veterinary inspection must be given to the recipient of the swine, and a copy must be mailed or delivered to the board office within fourteen (14) days of the animal movement.

(ii) Each animal is individually identified with an official ear tag or an ear notch that has been recorded in the book of record of a swine registry association.

(B) Breeding swine moved to a livestock market shall be consigned for sale for slaughter only. Any breeding swine in a livestock market shall be considered a slaughter animal for the purposes of this rule, 345 IAC 3-4-4.5, and 345 IAC 7-3.5. Breeding swine may move from a livestock market only in slaughter channels.

(3) A person may move slaughter swine as follows:

(A) Directly to a slaughter establishment.

(B) Consigning the animals to a slaughter only market.

(C) Consigning the animals to a livestock market for sale for slaughter.

(b) The requirements to move feeder pigs and breeding animals in subsection (a)(1)(A) and (a)(2)(A) do not apply

to the movement of swine intrastate within a production system under common ownership or management.

(c) Any animal in slaughter channels must remain in slaughter channels until delivered to a slaughter establishment. (Indiana State Board of Animal Health; Reg 79-1, Title III; filed Mar 26, 1979, 3:40 p.m.: 2 IR 577; filed Oct 29, 1984, 9:01 a.m.: 8 IR 174; filed Nov 30, 1990, 4:40 p.m.: 14 IR 622; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1530)

SECTION 13. 345 IAC 3-5.1-3.5 IS ADDED TO READ AS FOLLOWS:

345 IAC 3-5.1-3.5 Interstate movement of swine

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 3.5. A person moving swine into the state shall meet the requirements for moving swine into the state in 345 IAC 1-3. (Indiana State Board of Animal Health; 345 IAC 3-5.1-3.5; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1530)

SECTION 14. 345 IAC 3-5.1-4 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-4 Additions to qualified or qualified negative gene-altered vaccinated herd; monitoring

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 4. (a) ~~All purchased additions, except as further noted, will require~~ A person must meet the requirements in this section and section 5 of this rule to maintain a qualified or qualified negative gene-altered vaccinated herd.

(b) Animals purchased to add to a herd must test negative test for Pseudorabies within thirty (30) days ~~previous~~ prior to movement and must be isolated **upon arrival** and retested negative not less than thirty (30) nor more than forty-five (45) days from the date of receipt ~~upon premises to be eligible to be added to the herd:~~ arrival.

~~(b) But,~~ additions to a herd may be purchased directly from a PRV-qualified herd or a qualified negative gene-altered vaccinated herd without the negative thirty (30) day test previous to sale. ~~however, such animals shall be isolated and tested negative not less than thirty (30) nor more than forty-five (45) days after receipt to be eligible to be added to the herd, except no more than fifty (50) head of swine in any one (1) shipment from one (1) farm of origin must be tested after entry. Purchased additions are not considered to be part of the herd for monitoring protocol until thirty (30) days after the retest.~~

(c) Members of a PRV-qualified herd or qualified negative gene-altered vaccinated herd ~~which that~~ are exhibited or

otherwise commingled with swine from non-Pseudorabies qualified herds shall be held in isolation on the herd premises or owner's isolation facility for a minimum of thirty (30) days after return and shall be tested negative to an official test for Pseudorabies not less than thirty (30) days nor more than forty-five (45) days from ~~date of the~~ first day of isolation before being reunited with other members of the herd.

(d) All **qualified or qualified negative gene-altered vaccinated** herds shall be monitored as described in the Pseudorabies Program Standards or as further defined by ~~the board; this rule.~~ *(Indiana State Board of Animal Health; Reg 79-1, Title IV; filed Mar 26, 1979, 3:40 p.m.: 2 IR 577; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1437; filed Oct 29, 1984, 9:01 a.m.: 8 IR 174; filed Nov 30, 1990, 4:40 p.m.: 14 IR 622; filed Sep 10, 1993, 5:00 p.m.: 17 IR 184; filed Oct 11, 1996, 2:00 p.m.: 20 IR 747; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1530)*

SECTION 15. 345 IAC 3-5.1-6 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-6 High risk herds

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 6. (a) **The state veterinarian shall quarantine all swine herds infected or with Pseudorabies and may quarantine high risk herds. shall be quarantined immediately by the state veterinarian or agent of the board:**

(b) Swine from a herd diagnosed as infected with Pseudorabies ~~or from a high risk herd shall that has been quarantined for Pseudorabies may be sold moved~~ only to an approved slaughter market except the following:

(1) Swine from known-infected or high risk herds may be moved into other known-infected quarantined premises in not less than thirty (30) days following cessation of clinical symptoms of the disease if these swine are vaccinated on or within thirty (30) days prior to the day of sale and a special permit is issued by the state veterinarian.

(2) Those swine which meet requirements of section 7(3) of this rule:

(3) Under exigent circumstances as determined **directed by** the state veterinarian. ~~under special permit:~~

(c) Swine from ~~infected or quarantined~~ high risk herds shall not be sold through ~~any a~~ livestock auction market except as **provided directed by the board: state veterinarian.**

(d) Owners of ~~infected or~~ high risk herds may apply for qualification **of the herd** by signing the qualified herd agreement and meeting requirements of section 7(3); 7(4); **7(a)(3)** or ~~7(5)~~ **7(a)(4)** of this rule.

(e) Herds in which a percentage of the swine in the herd has

been tested and found negative for Pseudorabies prior to being vaccinated with differentiable Pseudorabies vaccine shall be known as officially vaccinated herds. The percentage of animals to be tested is outlined in section 8(a) of this rule. Officially vaccinated herds will not be quarantined for Pseudorabies vaccine use:

(f) Quarantined swine may be sold without a permit only if sold directly to a slaughter facility or to an approved slaughter market:

(e) All ~~other sales or~~ movement of quarantined swine is restricted unless ~~by a special permit issued by the Indiana state veterinarian authorizes the movement.~~ *(Indiana State Board of Animal Health; Reg 79-1, Title VI; filed Mar 26, 1979, 3:40 p.m.: 2 IR 578; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1437; filed Oct 29, 1984, 9:01 a.m.: 8 IR 174; filed Aug 19, 1987, 8:30 a.m.: 11 IR 9; filed Jan 20, 1988, 4:03 p.m.: 11 IR 1756; errata, 11 IR 2901; filed Jun 18, 1990, 3:24 p.m.: 13 IR 1993; filed Sep 10, 1993, 5:00 p.m.: 17 IR 184; filed Oct 11, 1996, 2:00 p.m.: 20 IR 748; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1531)*

SECTION 16. 345 IAC 3-5.1-7 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-7 Release of quarantine; testing

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 7. (a) The state veterinarian may release the Pseudorabies quarantine placed on an infected swine herd when all animals that have tested positive for Pseudorabies have been removed from the premises, no animal on the quarantined premises shows signs of Pseudorabies infection, and at least one (1) of the following sets of requirements is completed:

(1) Complete depopulation of the infected herd occurs meaning that all swine in the herd are removed from the premises and delivered for slaughter. The premises is cleaned and disinfected under the direction of the state veterinarian. No swine have been on the premises for thirty (30) continuous days following the completion of cleaning and disinfecting. The state veterinarian may approve release of a quarantine in less than thirty (30) days after cleaning and disinfecting if doing so advances Pseudorabies eradication.

(2) Complete depopulation of the infected herd meaning that all swine in the herd are removed from the premises and delivered for slaughter. No swine have been on the premises for a period of not less than ninety (90) continuous days from the date the depopulation is complete. Cleaning and disinfecting is not required if a veterinary epidemiologist or the state veterinarian determines that Pseudorabies eradication will be advanced by releasing the quarantine without cleaning and disinfecting at the site.

(3) Progeny under eight (8) weeks of age may be weaned,

isolated from a quarantined herd under direction and supervision of the state veterinarian and pass two (2) negative official Pseudorabies tests or approved differential Pseudorabies tests not less than thirty (30) nor more than sixty (60) days apart. However, the first qualifying test will be conducted on pigs three (3) months of age or over. The first test must be a complete test, and the second test must be at least the designated percentage of animals as outlined in section ~~8(a)~~ **8.5(a)** of this rule. The swine herd is eligible for qualified Pseudorabies-negative herd status if the second negative test is a complete test of the population.

(4) All swine positive to an approved differential or official Pseudorabies test are removed from the premises. The premises are cleaned to the extent feasible. The remaining swine in the herd are tested as follows:

(A) Not less than thirty (30) days after the Pseudorabies-infected swine are removed and the premises is cleaned, all swine over six (6) months of age must test negative for Pseudorabies, and an official random sample of thirty (30) swine between two (2) and six (6) months of age must test negative for Pseudorabies.

(B) Between thirty (30) and sixty (60) days after the tests required under clause (A) are completed, an official random sample of swine over six (6) months of age must test negative for Pseudorabies. An official random sample of swine between two (2) and six (6) months of age must test negative for Pseudorabies. The exact number of animals to be tested shall be determined under section ~~8(a)~~ **8.5(a)** of this rule. Additional negative herd tests may also be required. Infected herds become eligible for qualified Pseudorabies-negative herd status if two (2) complete herd tests have been conducted on all swine over six (6) months of age plus two (2) random samples of progeny two (2) to six (6) months of age and all swine tested are negative. The two (2) tests must be at least thirty (30) days apart.

(5) All swine present on the date the herd was quarantined for Pseudorabies have been removed, and there have been no clinical signs of Pseudorabies infection in the herd for at least six (6) months. Two (2) successive random tests of a percentage of the herd over six (6) months of age and of a percentage of the progeny over four (4) months of age have been determined to reveal no Pseudorabies infection. The two (2) tests must be at least ninety (90) days apart. The percentage of animals to be tested shall be determined under section ~~8(a)~~ **8.5(a)** of this rule. Herds released from Pseudorabies quarantine under this subdivision must be tested for Pseudorabies and test negative using a percentage test one (1) year after the quarantine is released. This subdivision applies only to parts of ~~Indiana~~ **the state** classified Stage I, Stage II, and Stage III under the Program Standards.

(6) High risk herds may be released from quarantine when a percentage of the swine in the herd are tested and found negative for Pseudorabies. The percentage of animals to be tested shall be determined under section ~~8(a)~~ **8.5(a)** of this rule.

(7) In swine herds that contain no breeding swine and that do not receive swine from any premises quarantined for Pseudorabies, one (1) of the following sets of requirements are met:

(A) The herd is depopulated meaning that all swine in the herd are removed from the premises and delivered for slaughter. The premises is cleaned and disinfected and at least seven (7) days ~~passes~~ **pass** after cleaning and disinfecting before any animals are moved onto the premises. The herd tests negative for Pseudorabies infection using an official random sample test (95/10) under the Program Standards conducted at least thirty (30) days after the depopulation was completed.

(B) The herd tests negative for Pseudorabies infection twice, the first test an official random sample test (95/5) under the Program Standards, the second test conducted at least thirty (30) days following the first test and must be an official random sample test (95/10) under the Program Standards.

(b) The state veterinarian shall make the final determination to release any quarantine.

(c) After any herd is released from Pseudorabies quarantine, the herd must be tested for Pseudorabies between one hundred fifty (150) and one hundred eighty (180) days after the quarantine is released utilizing an official random sample test (95/10) under the Program Standards.

(d) A qualified Pseudorabies-negative herd that has been determined to be infected with Pseudorabies may qualify for reinstatement as a qualified Pseudorabies-negative herd if the **quarantine is released and the** owner meets all of the following conditions:

(1) All swine in the herd six (6) months of age and older test negative for Pseudorabies using an official Pseudorabies test.

(2) A random sample of swine two (2) to six (6) months of age ~~are~~ **is** tested for Pseudorabies using an official Pseudorabies test and all swine tested are negative.

(3) Between thirty (30) and sixty (60) days after the tests described in ~~subdivision (A) and subdivision (B)~~ **subdivisions (1) and (2)** are completed, the tests described in ~~subdivision (A) and subdivision (B)~~ **subdivisions (1) and (2)** are repeated.

(e) All tests required in this section must be an approved differential or official Pseudorabies test. (*Indiana State Board of Animal Health; Reg 79-1, Title VII; filed Mar 26, 1979, 3:40 p.m.: 2 IR 578; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1438; filed Jun 29, 1983, 10:27 a.m.: 6 IR 1376; filed Oct 29, 1984, 9:01 a.m.: 8 IR 175; filed Jan 20, 1988, 4:03 p.m.: 11 IR 1756; filed Jun 18, 1990, 3:24 p.m.: 13 IR 1993; filed Nov 30, 1990, 4:40 p.m.: 14 IR 623; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2568; filed Sep 10, 1993, 5:00 p.m.: 17 IR 185; filed Sep 1, 2000, 2:03 p.m.: 24 IR 8; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1531*)

SECTION 17. 345 IAC 3-5.1-8.5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-8.5 Swine herd monitoring

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 8.5. (a) An owner of a swine in ~~Indiana~~ **herd described in subsection (c) or (d)** must procure a licensed and accredited veterinarian to test the owner's swine herd for Pseudorabies. ~~not less than once every seven hundred thirty (730) days.~~ The **Pseudorabies testing required in subsections (c) and (d)** shall be conducted as follows:

- (1) In herds of ten (10) head of swine or less, all are tested.
- (2) In herds of eleven (11) to thirty-five (35) head of swine, ten (10) head are tested.
- (3) In herds of thirty-six (36) or more head of swine, thirty percent (30%) or thirty (30) head of swine, whichever is less, must be tested.
- (4) Purchased additions are not considered to be part of the herd for monitoring purposes until sixty (60) days after entry.
- (5) Swine sampled must be randomly selected from the herd.
- (6) All swine breeding and feeding herds are subject to the test.

(b) Quarantined **swine** herds shall be tested under section 8.7 of this rule. ~~until they are released from Pseudorabies quarantine and tested under subsection (a) thereafter.~~

(c) If the United States Department of Agriculture assigns ~~Indiana, the state~~ or portions of the state a status under the Program Standards that is lower than Stage ~~III~~ **IV** status, **all swine herds in the lower status area must be tested for Pseudorabies testing required as outlined in subsection (a) shall be conducted within thirty (30) days of the date the state veterinarian notifies the herd owner or manager of the requirement to test. Swine herds in the lower status area must be retested** not less than once every three hundred sixty-five (365) days ~~for all swine herds located in until the lower status area.~~ **United States Department of Agriculture assigns the area a Stage IV or Stage V status under the Program Standards.**

(d) Circle testing shall be coordinated by the ~~board~~ **state veterinarian** to identify Pseudorabies infection within five (5) miles of each Pseudorabies infected herd. ~~An~~ **The** owner of a swine herd ~~that is located, in whole or in part, within five (5) miles of a swine herd that tests positive for Pseudorabies must test a percentage of the swine in the owner's herd as outlined in section 8(a) of this rule: subsection (a).~~ *(Indiana State Board of Animal Health; 345 IAC 3-5.1-8.5; filed Jan 8, 1992, 12:00 p.m.: 15 IR 701; filed Sep 10, 1993, 5:00 p.m.: 17 IR 186; filed Oct 11, 1996, 2:00 p.m.: 20 IR 749; filed Sep 1, 2000, 2:03 p.m.: 24 IR 10; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1533)*

SECTION 18. 345 IAC 3-5.1-8.7 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-8.7 Quarantined herd cleanup

Authority: IC 15-2.1-3-19

Affected: IC 4-21.5; IC 15-2.1-3-13; IC 15-2.1-15; IC 15-2.1-18-16; IC 15-2.1-19

Sec. 8.7. (a) Anyone owning swine quarantined for Pseudorabies in Indiana must submit a herd clean-up plan. ~~All new quarantined herds must submit a herd clean-up plan within thirty (30) days of meet the quarantine date. The herd clean-up plan must do the following:~~

- (1) ~~Indicate procedures and actions that the herd owner will take that will eliminate Pseudorabies from the herd within the time allowed under section 8.9 of this rule.~~
- (2) ~~Include a testing and vaccination plan that complies with this rule.~~
- (3) ~~Contain procedures that comply with the board's rules governing release of quarantine.~~
- (4) ~~Contain procedures for testing and removing Pseudorabies-positive animals that meet the requirements of this section. and section 8.8 of this rule. The plan may require more testing and culling than is required by this section and section 8.8 of this rule.~~
- (5) ~~The plan complies with all of the provisions in this rule.~~

A plan of no action is not acceptable. All herd clean-up plans must be submitted to the office of the state veterinarian for approval. The state veterinarian may approve only those herd clean-up plans that comply with this rule. Herd clean-up plans must be reviewed at least semiannually and shall be modified as needed to comply with this rule.

(b) The owner of a swine herd quarantined for Pseudorabies must test quarantined swine:

- (1) at least two (2) times per year using an official random sample test (95/5) outlined in the Program Standards; or
- (2) pursuant to the owner's approved herd clean-up plan.

(c) The owner of a swine herd that is quarantined for Pseudorabies must vaccinate all swine in the quarantined herd with an official gene-altered Pseudorabies vaccine as follows:

- (1) Breeding herds shall be vaccinated pursuant to the owner's herd clean-up plan. However, breeding swine must be vaccinated a minimum of two (2) times per year.
- (2) Swine under six (6) months of age must be vaccinated according to a vaccination protocol for those swine in the owner's approved herd clean-up plan. Swine under six (6) months of age must be vaccinated at least one (1) time each year if the herd contains any infected swine.

(d) In order for any person to move swine from a site quarantined for Pseudorabies, a state or federal official or their designee must document in writing the movement of the swine by filling out completely a form approved by the state veterinarian. The approved form may be the United States Department

of Agriculture "Permit for Movement of Restricted Animals" VS Form 1-27. Copies of the completed form must be distributed as noted on the form:

(~~e~~) (b) Owners of swine herds that are under Pseudorabies quarantine on or after January 1, 2000, and owners of swine herds that violate any provision of this rule are subject to the following requirements for as long as the herd is under Pseudorabies quarantine. Before swine are moved from a Pseudorabies-quarantined premises, the transport vehicle shall be sealed as follows:

(1) Prior to the swine leaving the premises, a state or federal official or the official's designee must document in writing the movement of the swine on a form approved by the state veterinarian. The approved form may be the United States Department of Agriculture "Permit for Movement of Restricted Animals" VS Form 1-27.

(2) Before the swine leave the premises, the vehicle transporting the swine must be sealed by a state or federal official or the official's designee.

(3) Copies of the completed form must be distributed as noted on the form. A copy of the completed form must accompany the swine as they are transported to market and must be presented to a state or federal official or their designee at the destination.

(4) The seal on the transporting vehicle must be broken by a state or federal official or the official's designee at the destination.

(~~f~~) (c) The following apply to all movement of swine under subsections (d) and (~~e~~): **subsection (b):**

(~~1~~) ~~The movement of swine must be consistent with the owner's herd clean-up plan.~~

(~~2~~) (1) The swine must be delivered only to markets approved by the state veterinarian to accept swine from quarantined premises. Only markets approved to accept Pseudorabies-quarantined swine may accept delivery of Pseudorabies-quarantined swine.

(~~3~~) (2) Vehicles transporting the swine must be cleaned and disinfected according to procedures that are designed to prevent the spread of Pseudorabies and that are approved by the state veterinarian before transporting any other swine.

(~~g~~) (d) The state veterinarian shall approve a market to accept swine from Pseudorabies-infected sites only if the movement of swine from infected sites through that market is not likely to spread Pseudorabies. When considering markets for approval, the state veterinarian shall consider all aspects of the market operation, including the market location and biosecurity practices at the market.

(~~h~~) Owners of swine herds quarantined for Pseudorabies must meet the deadlines for quarantine release in section 8.9 of this rule:

(~~i~~) Owners of swine herds quarantined for Pseudorabies must meet the requirements of section 8.8 of this rule:

(~~j~~) (e) Beginning January 1, 2000, the board may order, after notice and hearing under IC 4-21.5 or waiver of right to hearing under IC 15-2.1-19, a herd of swine quarantined for Pseudorabies be depopulated in whole or in part under a staged slaughtering plan in order to protect other producers' swine from the Pseudorabies virus and to ensure continued interstate and international trade in swine from Indiana.

(~~k~~) (f) After the United States Department of Agriculture declares ~~Indiana the state~~ to be without Pseudorabies by assigning ~~Indiana the state~~ Stage V status under the Program Standards, the ~~board state veterinarian~~ will order, after notice and hearing under IC 4-21.5 or waiver of right to hearing under IC 15-2.1-19, a herd of swine that is infected with Pseudorabies be depopulated in whole or in part under a staged slaughtering plan.

(~~l~~) (g) A staged slaughtering plan ordered under ~~subsection (j) and (k) subsection (e) or (f)~~ will include the following minimum requirements:

(1) Time frames for completion of each stage that reasonably protect other producers' swine from the Pseudorabies virus and that ensure continued interstate and international trade in swine from ~~Indiana the state~~.

(2) Requirements that will eliminate Pseudorabies from the herd.

(3) Requirements that will result in the release of the herd's quarantine under this rule.

(~~m~~) (h) The owner of a swine herd that is located within a two (2) mile radius of a swine herd that is under quarantine for Pseudorabies must do the following:

(1) Vaccinate all of the swine in his herd for Pseudorabies at least one (1) time within ten (10) days of the date on which the owner received notice from the ~~board state veterinarian~~ that a Pseudorabies-quarantined herd is located within two (2) miles of his herd.

(2) After complying with subdivision (1), continue to vaccinate his herd pursuant to a written Pseudorabies vaccination plan approved by the state veterinarian until such time as all Pseudorabies-quarantined herds within two (2) miles of the owner's herd are released from quarantine.

(3) Qualified Pseudorabies-negative herds that maintain their qualified Pseudorabies-negative herd status by testing monthly are exempt from the vaccination requirements in this subsection.

(*Indiana State Board of Animal Health; 345 IAC 3-5.1-8.7; filed Jan 8, 1992, 12:00 p.m.: 15 IR 701; filed Oct 11, 1996, 2:00 p.m.: 20 IR 749; filed Jun 19, 1998, 4:00 p.m.: 21 IR 4203; filed Dec 23, 1998, 4:36 p.m.: 22 IR 1485; errata filed Mar 31, 1999, 9:34 a.m.: 22 IR 2534; filed Sep 1, 2000, 2:03 p.m.: 24 IR 10; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1533*)

SECTION 19. 345 IAC 3-5.1-10 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-10 Pseudorabies vaccine; sale and use; reports

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 10. (a) ~~The use of Pseudorabies vaccine is restricted to veterinarians who are may be used only if the use is authorized by a licensed and accredited in Indiana. as follows: veterinarian.~~

(1) ~~A veterinarian approved by the board to use Pseudorabies vaccine may dispense vaccine only to owners of herds on file at the office of the state veterinarian for vaccine use. The veterinarian dispensing Pseudorabies vaccine shall be responsible for reporting all new vaccinated herds in writing to the office of the state veterinarian at least once each month.~~

(2) All swine sold under section 6(b)(1) of this rule shall be identified and vaccinated by a veterinarian. A certificate of vaccination must be completed to accompany the special permit.

(b) All Pseudorabies vaccine sold into Indiana must be reported monthly by the manufacturer and any registered distributor to the office of the state veterinarian.

(c) ~~Only swine in herds on file at the office of the state veterinarian for vaccine use may be vaccinated. Effective January 1, 1992, Only those Pseudorabies vaccines with an approved differential Pseudorabies test may be used.~~

(d) ~~Feeder pigs identified by official ear tags at time of purchase may be vaccinated without additional identification provided the buyer is on file at the office of the state veterinarian for vaccine use.~~

(e) (d) All serological results conducted on swine vaccinated with Pseudorabies vaccine will be evaluated by a veterinary epidemiologist to determine the herd status. (*Indiana State Board of Animal Health; Reg 79-1, Title X; filed Mar 26, 1979, 3:40 p.m.: 2 IR 579; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1439; filed Oct 29, 1984, 9:01 a.m.: 8 IR 175; filed May 13, 1986, 4:00 p.m.: 9 IR 2686; filed Dec 22, 1986, 3:40 p.m.: 10 IR 1060; filed Jan 20, 1988, 4:03 p.m.: 11 IR 1757; filed May 24, 1988, 9:43 a.m.: 11 IR 3536; filed Jun 18, 1990, 3:24 p.m.: 13 IR 1995; filed Nov 30, 1990, 4:40 p.m.: 14 IR 624; filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1535*)

SECTION 20. THE FOLLOWING ARE REPEALED: 345 IAC 1-3-8; 345 IAC 1-3-16; 345 IAC 3-5.1-8.8; 345 IAC 3-5.1-8.9; 345 IAC 3-5.1-9; 345 IAC 3-5.1-12; 345 IAC 3-5.1-14; 345 IAC 3-5.1-15.

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TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

LSA Document #02-126(F)

DIGEST

Adds 345 IAC 7-5-2.1 to consolidate and clarify limits on exhibiting animals. Amends 345 IAC 7-5-2.5 to clarify requirements for certificates of veterinary inspection. Amends 345 IAC 7-5-15.1 to allow swine to be tested for Pseudorabies up to 90 days prior to exhibition. Amends 345 IAC 7-5-28 to require a Brucellosis test on cervidae prior to exhibition. Makes other substantive and technical changes in the laws governing exhibition of animals. Repeals 345 IAC 7-5-3, 345 IAC 7-5-4, 345 IAC 7-5-5, 345 IAC 7-5-8, 345 IAC 7-5-16, 345 IAC 7-5-16.1, 345 IAC 7-5-21, 345 IAC 7-5-25.7, 345 IAC 7-5-26, and 345 IAC 7-5-27. Effective 30 days after filing with the secretary of state.

345 IAC 7-5-1	345 IAC 7-5-15.1
345 IAC 7-5-2.1	345 IAC 7-5-16
345 IAC 7-5-2.5	345 IAC 7-5-16.1
345 IAC 7-5-3	345 IAC 7-5-21
345 IAC 7-5-4	345 IAC 7-5-22
345 IAC 7-5-5	345 IAC 7-5-24
345 IAC 7-5-6	345 IAC 7-5-25.7
345 IAC 7-5-7	345 IAC 7-5-26
345 IAC 7-5-8	345 IAC 7-5-27
345 IAC 7-5-9	345 IAC 7-5-28
345 IAC 7-5-11	

SECTION 1. 345 IAC 7-5-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-1 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3; IC 15-2.1-4; IC 15-2.1-15-14

Sec. 1. The following definitions **and the definitions in IC 15-2.1-2** apply throughout this rule:

(1) **"Accredited veterinarian"** means a veterinarian that is accredited by the United States Department of Agriculture under 9 CFR, Subchapter J.

(2) **"Approved official health certificate"** or "approved certificate of veterinary inspection" means an official health certificate or certificate of veterinary inspection which that bears the endorsement or approval of the chief livestock health official of the state of origin.

(3) “Board” means the Indiana state board of animal health appointed under IC 15-2.1-3.

(4) “Certificate of veterinary inspection” means any prescribed or printed form adopted by a state to be used for the purpose of recording the identification, description, results of tests, vaccinations, and other data concerning the health status of animals listed thereon. Certificates of veterinary inspection must be issued and signed by a veterinarian who holds the following qualifications:

(A) The veterinarian is accredited by the United States Department of Agriculture under 9 CFR, Subchapter J.

(B) The veterinarian is licensed to practice veterinary medicine in the state in which the certificate is issued.

(2) (5) “Equine infectious anemia” or “EIA” means an acute or chronic disease of equidae, characterized by intermittent fever, depression, progressive weakness, loss of weight, edema, and progressive or transitory anemia.

(3) (6) “Equine infectious anemia test” means ~~has the official test for the detection of EIA shall be conducted meaning set forth in a state-USDA approved laboratory and shall be one~~ of the following:

(A) Agar Gel Immuno-Diffusion Test (AGID);

(B) Any other recognized EIA test that is approved by the board;

Blood for all tests must be drawn by a licensed, accredited veterinarian. 345 IAC 6-1.1-1.

(7) “Exhibition” means a fair, show, or competition of limited duration that congregates animals from multiple sources on a premises.

(4) (8) “National Poultry Improvement Plan” or “NPIP” means the National Poultry Improvement Plan and Auxiliary Provisions adopted by the board in 345 IAC 4-4-1.

(5) (9) “Official ear tag” means a ~~metal~~ an identification ear tag approved by the state veterinarian and conforming to the ~~nine~~ (9) character alpha-numeric, National Uniform Ear Tagging System security, and of appropriate color; for example, orange for vaccination; ~~design requirements set by the state veterinarian.~~

(6) “Official health certificate” or “certificate of veterinary inspection” means the printed form adopted by any of the various states and designed to record the identification, description, tests, vaccinations, and other data concerning the health status of domestic animals listed thereon; issued and signed by a licensed, accredited veterinarian.

(7) (10) “Quarantine” means an order restricting the movement of domestic animals into or out of, or both, a premises.

(8) (11) “State 4-H department” means the branch of the Cooperative Extension Service of the United States Department of Agriculture (USDA) that is responsible for administering the state 4-H programs.

(12) “State veterinarian” means the state veterinarian appointed under IC 15-2.1-4 and authorized agents.

(Indiana State Board of Animal Health; Reg 77-2, Title I; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed May 2, 1983, 10:03

a.m.: 6 IR 1035; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 790; filed Jan 8, 1986, 2:54 p.m.: 9 IR 997; filed Dec 2, 1994, 3:50 p.m.: 18 IR 859; filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1535)

SECTION 2. 345 IAC 7-5-2.1 IS ADDED TO READ AS FOLLOWS:

345 IAC 7-5-2.1 Exhibition limitations

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 2.1. (a) The following animals may not be exhibited in the state:

(1) An animal that originates from a herd that is under an order of quarantine.

(2) An animal that is a health hazard to persons or other animals. A determination that an animal is a health hazard may be based on any of the following:

(A) Tests.

(B) Clinical diagnoses.

(C) A determination that the animal is showing signs that suggest the animal may be infected with or afflicted with an infectious, contagious, or communicable disease or condition.

(D) Epidemiologic evidence.

(3) An animal that does not meet the requirements in this rule.

(4) An animal that is prohibited from exhibition under any law or order.

(b) The state veterinarian is authorized to make the final determination as to an animal’s eligibility for exhibition under this rule. The state veterinarian may order any animal that may not be exhibited removed from the exhibition grounds. (Indiana State Board of Animal Health; 345 IAC 7-5-2.1; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1536)

SECTION 3. 345 IAC 7-5-2.5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-2.5 Health certificate required

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3; IC 15-2.1-15-14

Sec. 2.5. (a) All out-of-state swine and cattle shall be accompanied by an approved official health certificate or official health certificate with A permit. A cattle permit may be obtained by calling (317) 232-1330. A swine permit may be obtained by calling (317) 232-1333. All Indiana swine shall be accompanied by an approved official health certificate unless otherwise exempted by person moving animals into the state for exhibition must comply with the requirements in 345 IAC 1-3 and this rule.

(b) The following are required to have an official health animals must be accompanied by a certificate of veterinary inspection for the animal while on the exhibition premises:

- (1) All sheep and goats: animals of the family Bovidae, including
- (2) All Indiana cattle, sheep, goats, and buffalo.
- (3) Out-of-state equine.
- (2) All animals of the family Equidae if the animal originates from outside the state.
- (3) All animals of the family Suidae, including domestic and feral swine.
- (4) All animals of the family Cervidae, including deer and elk.
- (5) All animals of the family Camelidae, including camels, llamas, and alpacas.

(c) All animals subject to For the purposes of this section must show no symptoms of any infectious or contagious disease and be permanently and individually identified; and such identification must be clearly indicated on the accompanying health rule, a certificate of veterinary inspection is valid only if the certificate At the discretion of the state veterinarian; was issued within the following time frames:

- (1) If the health certificate may be waived in lieu of an inspection by personnel who have been approved for this purpose by animal originated from within the state veterinarian; and the certificate of veterinary inspection is an Indiana certificate, within the ninety (90) days immediately preceding the date the animal enters the exhibition grounds.
- (2) If the animal originated from outside the state, within the thirty (30) days immediately preceding the date the animal enters the exhibition grounds.

(d) No cattle may be exhibited that show warts or ringworm. The certificate of veterinary inspection must include the information required on the certificate, including the following:

- (1) The official identification of each animal as required under section 9 of this rule.
- (2) The age and sex of each animal.
- (3) The results of any tests conducted on each animal.
- (4) The name and address of the exhibitor.

(e) Each person intending to exhibit an animal in the state or an agent for that person must mail or deliver a copy of the official certificate of veterinary inspection for the animal to the state veterinarian prior to the opening date of the exhibition. A person moving an animal out of state to exhibition must mail or deliver a copy of the official certificate of veterinary inspection to the state veterinarian within thirty (30) days of the date the certificate was completed.

(f) The state veterinarian may refuse to allow an animal

to be exhibited if the requirements in this section are not met. (*Indiana State Board of Animal Health; 345 IAC 7-5-2.5; filed May 24, 1988, 9:45 a.m.: 11 IR 3537; filed Jun 18, 1990, 2:49 p.m.: 13 IR 1990; filed Dec 2, 1994, 3:50 p.m.: 18 IR 860; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1536*)

SECTION 4. 345 IAC 7-5-6 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-6 Suspect animals prohibited

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-15-14

Sec. 6. (a) Any animal classified as a Brucellosis suspect or a stabilized suspect under 345 IAC 2-6 is not eligible for exhibition in Indiana.

(b) All Brucellosis tests must be conducted at the Animal Disease Diagnostic Laboratory at Purdue University, a state or federal laboratory where tests are conducted by a state or federal employee, or a laboratory approved by the state veterinarian. (*Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 5; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1537*)

SECTION 5. 345 IAC 7-5-7 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-7 Determination of eligibility of animal

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-15-14

Sec. 7. (a) ~~DETERMINATION OF ELIGIBILITY~~ The determination as to whether any animal meets the requirements for eligibility for exhibition in Indiana ~~shall this rule may~~ be made by board personnel assigned to the exhibit by the state veterinarian. ~~The An~~ animal shall not be exhibited pending any appeal.

(b) ~~DISEASED ANIMAL REMOVED~~ Any domestic animal that develops or shows signs of any infectious, contagious, or communicable disease or condition during exhibition must be removed from the ~~premise premises~~ and surrounding exhibition grounds. ~~when determined by~~ Personnel assigned to the exhibit by the state veterinarian may order any such animal removed.

(c) Whenever the state veterinarian orders an animal not be exhibited under this rule, the person with custody of the animal at that time shall immediately remove the animal from the exhibition grounds. (*Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 6; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1383; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1537*)

SECTION 6. 345 IAC 7-5-9 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-9 Identification and description

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-7; IC 15-2.1-12-7.5; IC 15-2.1-15-14

Sec. 9. (a) ~~All domestic animals requiring~~ Each animal for which a health certificate of veterinary inspection is required for exhibition under section 2.5 of this rule must meet be permanently, individually, and uniquely identified utilizing one (1) of the following requirements:

(~~1~~) methods of identification described in subsection (b). One (1) of the following methods of identification shall be permanently and individually identified by an acceptable method used for that species; such as: animals not specifically addressed in subsection (b):

(~~A~~) (1) An ear tag.

(~~B~~) (2) A tattoo.

(~~C~~) (3) A standard ear notch.

(~~D~~) (4) An individual brand. ~~or~~

(~~E~~) (5) A breed registration number.

(2) Be described on the accompanying health certificate indicating the animal's age, sex, and breed:

(b) The following methods of identification is required for domestic animal shall be used to identify animals of the respective listed species exhibited in Indiana: for exhibition:

(1) Domestic swine must be identified with the utilizing a standard ear notch system approved by the state veterinarian, except the following:

(~~A~~) that swine that are to exhibited as part of an Indiana 4-H swine exhibition may use an all-flex or similar a plastic tag approved by the Indiana state 4-H department. The tag shall consist of two (2) parts, the male part imprinted with a permanent identification number and the female part imprinted with a coded number or letters that identify the county of the 4-H member's residence.

(~~B~~) Official ear tags may be used for feeder pigs only if they are to be exhibited in a feeder pig class. (See IC 15-2.1-7 and IC 15-2.1-12-7.5).

(2) Cattle must be identified using one (1) of the following methods of identification:

(A) An official ear tag.

(B) A tattoo.

(C) An individual brand. ~~or~~

(D) A registration number if accompanied by registration papers.

except that But, Indiana steers that do not require testing may use be identified using any type of individual ear tag, for example, including plastic tags.

(3) Sheep must be identified using one (1) of the following methods of identification:

(A) A tattoo.

(B) A standard ear notch.

(C) An ear tag. ~~or~~

(D) A breed association ear tag.

(4) Goats must be identified using one (1) of the following methods of identification:

(A) A tattoo.

(B) A standard ear notch.

(C) An ear tag. ~~or~~

(D) A breed association ear tag.

(5) Horses and other equine must be identified using one (1) of the following methods of identification:

(A) A lip tattoo.

(B) An individual brand.

(C) A registration number if accompanied by registration papers. ~~or~~

(D) A descriptive marking with the animal's name.

(6) Cervidae must be identified using one (1) of the following methods of identification:

(A) An ear tag.

(B) A tattoo. ~~or~~

(C) Other identification approved by the state veterinarian.

(c) If additional more than one (1) identification is present one (~~1~~) additional on an animal, at least two (2) of the identification should also numbers or markings shall be listed on the health certificate of veterinary inspection. (*Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 8; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed May 2, 1983, 10:03 a.m.: 6 IR 1036; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 792; filed Jan 8, 1986, 2:54 p.m.: 9 IR 998; filed Dec 2, 1994, 3:50 p.m.: 18 IR 860; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1476; errata filed Mar 31, 1999, 9:37 a.m.: 22 IR 2534; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1538*)

SECTION 7. 345 IAC 7-5-11 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-11 Isolation of domestic animals from Pseudorabies premises

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 11. Cattle, sheep, and goats existing housed on premises infected with quarantined because Pseudorabies has been diagnosed in an animal on or from the premises must be isolated not less than fourteen (~~14~~) days from infected swine and any other species showing symptoms of the disease previous quarantined animals for at least fourteen (14) days prior to exhibition. (*Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 10; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1538*)

SECTION 8. 345 IAC 7-5-15.1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-15.1 Pseudorabies tests for swine

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 15.1. (a) Before a person may exhibit swine in ~~Indiana~~, **the state**, each swine to be exhibited must test negative for Pseudorabies using an official Pseudorabies serological test approved by the ~~board~~ **state veterinarian**.

(b) The test required in subsection (a) must occur

~~(1) within sixty (60) days if the swine are coming from Indiana, within the state, or thirty (30) days if the swine are coming from out of state, prior to the opening date of exhibition. however~~

~~(2) if swine are to be offered for sale at exhibition, the test must occur:~~

~~(A) within thirty (30) days prior to the sale; or~~

~~(B) within sixty (60) days prior to the opening date of exhibition if the swine is coming from Indiana and will be offered for sale for slaughter only.~~

(c) The following are exempt from the requirements of subsections (a) and (b):

(1) Swine that originate from ~~a herd that is located in outside the state from~~ an area that the United States Department of Agriculture has designated as Stage IV or Stage V under the national Pseudorabies eradication program, ~~and if the swine originate from a herd that meets animal has been in the requirements for a qualified Pseudorabies-negative herd or qualified-negative gene-altered virus-vaccinated herd under the Program Standards defined in 345 IAC 3-5-1.~~ **state for ninety (90) days or less.**

(2) Swine that originate from a herd that is located in an area that the United States Department of Agriculture has designated as Stage III under the national Pseudorabies eradication program and the swine originate from a herd that meets the requirements for a qualified Pseudorabies-negative herd or qualified-negative gene-altered virus-vaccinated herd, utilizing monthly testing, under the Program Standards defined in 345 IAC 3-5-1.

(3) Swine exempted by the state veterinarian.

(4) Suckling pigs accompanying a dam that has met the testing requirements of subsections (a) and (b).

(d) Retest requirements for breeding swine established in 345 IAC 1-3-13 apply to swine transported into ~~Indiana~~ **the state** that are sold at exhibition.

~~(e) Swine vaccinated with Pseudorabies vaccine shall not be exhibited or sold unless specifically allowed by this rule. (Indiana State Board of Animal Health; 345 IAC 7-5-15.1; filed Oct 11, 1996, 2:00 p.m.: 20 IR 751, eff Jan 1, 1997; filed Dec 10, 1997, 11:00 a.m.: 21 IR 1327; errata filed Dec 10, 1997, 3:50 p.m.: 21 IR 1350; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Sep 1, 2000, 2:03 p.m.: 24 IR 13; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1539)~~

SECTION 9. 345 IAC 7-5-22 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-22 Vaccinations and tests required for dogs and cats

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-6; IC 15-2.1-15-14

Sec. 22. (a) Before a dog or cat may be exhibited in ~~Indiana~~, **the state**, a licensed and accredited veterinarian must administer the following vaccinations to the animal within the three hundred sixty-five (365) days immediately preceding the date of exhibition:

(1) Each dog must be vaccinated for distemper, hepatitis, leptospirosis, bordetella (kennel cough), and parvovirus. ~~A dog three (3) months of age or older must be vaccinated for rabies.~~

(2) Each cat must be vaccinated for feline panleukopenia, feline rhinotracheitis, and calcivirus. ~~A cat three (3) months of age or older must be vaccinated for rabies.~~

(3) The board recommends that each exhibitor consult with his or her veterinarian about vaccination for feline leukemia and feline immunodeficiency virus (FIV) prior to exhibition.

(b) Dogs and cats three (3) months of age or older must have a current vaccination for rabies as defined in 345 IAC 1-5 at the time they are exhibited.

~~(b) (c) Before a cat may be exhibited in Indiana, the state, a licensed and accredited veterinarian must test the cat for feline leukemia virus (FeLV) within the one hundred eighty (180) days immediately preceding the date of exhibition. Cats that test positive for feline leukemia may not be exhibited.~~

~~(c) (d) A person exhibiting a dog or cat must have with the animal a certificate or other statement from the veterinarian performing the vaccinations and tests required by this section certifying that the vaccinations and tests have been completed and the date each was completed. The statement must be signed by the veterinarian. (Indiana State Board of Animal Health; Reg 77-2, Title VII, Sec 3; filed Jul 21, 1978, 2:30 p.m.: 1 IR 569; filed Feb 15, 1985, 9:05 a.m.: 8 IR 793; filed Dec 2, 1994, 3:50 p.m.: 18 IR 861; filed Mar 23, 2000, 4:24 p.m.: 23 IR 1914; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1539)~~

SECTION 10. 345 IAC 7-5-24 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-24 Poultry exhibition rules

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 24. (a) All poultry for exhibition shall be accompanied by an official health certificate or appropriate NPIP certificate.

(b) All poultry for exhibition shall have passed a negative test for pullorum-typhoid within ninety (90) days prior to the date of their exhibition or originate from NPIP-approved flocks, hatched from eggs originating from NPIP-approved flocks, or the entire flock must be certified NPIP pullorum-typhoid clean.

~~(c) No poultry may be exhibited showing signs of infectious or communicable disease.~~

~~(d) No poultry may be exhibited showing excessive signs of external parasite infestation. (Indiana State Board of Animal Health; Reg 77-2, Title VIII, Sec 1; filed Jul 21, 1978, 2:30 p.m.: 1 IR 569; filed May 2, 1983, 10:03 a.m.: 6 IR 1038; filed Feb 15, 1985, 9:05 a.m.: 8 IR 793; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1384; filed May 24, 1988, 9:45 a.m.: 11 IR 3538; filed Dec 2, 1994, 3:50 p.m.: 18 IR 861; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1539)~~

SECTION 11. 345 IAC 7-5-28 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-28 Cervidae exhibition

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15-14

Sec. 28. If cervidae are to be exhibited at a show or 4-H fair, the cervidae must meet ~~one (1) of~~ the following requirements or they may not enter the exhibition grounds:

~~(1) A cervidae~~ **The animal must meet one (1) of the following requirements:**

~~(A) Test negative for tuberculosis within ninety (90) days prior to the date of exhibition.~~

~~(2) A cervidae must~~

~~(B) Originate from a herd that is accredited under requirements that are at least equal to those in 345 IAC 2-4.5-3.~~

(2) The animal must test negative for Brucellosis within ninety (90) days prior to the date of exhibition.

(Indiana State Board of Animal Health; 345 IAC 7-5-28; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1477; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1540)

SECTION 12. THE FOLLOWING ARE REPEALED: 345 IAC 7-5-3; 345 IAC 7-5-4; 345 IAC 7-5-5; 345 IAC 7-5-8; 345 IAC 7-5-16; 345 IAC 7-5-16.1; 345 IAC 7-5-21; 345 IAC 7-5-25.7; 345 IAC 7-5-26; 345 IAC 7-5-27.

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TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

LSA Document #02-127(F)

DIGEST

Amends 345 IAC 9-2.1-1 to incorporate by reference federal regulations in effect on January 1, 2002, concerning slaughter of livestock and processing of meat and meat products. Amends 345 IAC 10-2.1-1 to incorporate by reference federal regulations in effect on January 1, 2002, concerning the slaughter of poultry and the processing of poultry and poultry products. Effective 30 days after filing with the secretary of state.

345 IAC 9-2.1-1

345 IAC 10-2.1-1

SECTION 1. 345 IAC 9-2.1-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 9-2.1-1 Incorporation by reference

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 4-21.5-3; IC 15-2.1-19; IC 15-2.1-24

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, ~~2000~~ **2002**:

(1) 9 CFR 301, except the definitions in IC 15-2.1 and 345 IAC 9-1-3 shall control over conflicting definitions in 9 CFR.
(2) 9 CFR 303 through 9 CFR 311, except the following are not incorporated:

(A) 9 CFR 303.1(c), 9 CFR 303.1(g), and 9 CFR 303.2.

(B) 9 CFR 306.1.

(C) 9 CFR 307.4, 9 CFR 307.5, and 9 CFR 307.6.

(D) 9 CFR 308.

(3) 9 CFR 313 through 9 CFR 320, except 9 CFR 317.4 and 9 CFR 317.5.

(4) 9 CFR 325.

(5) 9 CFR 416.

(6) 9 CFR 417.

(7) 9 CFR 500, except the following:

(A) References to the Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H shall mean IC 15-2.1-19 and ~~IC 4-21.5-3~~ **IC 4-21.5-3**.

(B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in IC 15-2.1-24.

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

(1) A reference to any subpart of 9 CFR 302 refers to the corresponding section of 345 IAC 9-2.

(2) A reference to:

(A) 9 CFR 307.4 shall refer to 345 IAC 9-7-4;

(B) 9 CFR 307.5 shall refer to 345 IAC 9-7-6; and

(C) 9 CFR 307.6 shall refer to 345 IAC 9-7-6.

(3) A reference to any subpart of 9 CFR 312 refers to the corresponding section of 345 IAC 9-12.

(4) A reference to:

- (A) 9 CFR 316.16 shall refer to 345 IAC 9-16-16;
- (B) 9 CFR 317.4 shall refer to 345 IAC 9-17-4;
- (C) 9 CFR 317.5 shall refer to 345 IAC 9-17-5; and
- (D) 9 CFR 317.16 shall refer to 345 IAC 9-17-16.

(5) A reference to:

- (A) 9 CFR 321.1 shall refer to 345 IAC 9-20; and
- (B) 9 CFR 321.2 shall refer to 345 IAC 9-20.

(6) A reference to any subpart of 9 CFR 329 shall refer to the corresponding section in 345 IAC 9-22.

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control. (*Indiana State Board of Animal Health; 345 IAC 9-2.1-1; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; filed Sep 10, 1999, 9:14 a.m.: 23 IR 14; filed Oct 30, 2000, 2:06 p.m.: 24 IR 678; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1540*)

SECTION 2. 345 IAC 10-2.1-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 10-2.1-1 Incorporation by reference; poultry products inspection

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 4-21.5-3; IC 15-2.1-19; IC 15-2.1-24

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, ~~2000~~, **2002**, relating to poultry products inspection:

(1) 9 CFR 381.1, except the definitions in IC 15-2.1 and 345 IAC 10-1-1 shall control over conflicting definitions in 9 CFR.

(2) 9 CFR 381.10 through 9 CFR 381.95, except the following are not incorporated:

- (A) 9 CFR 381.36.
- (B) 9 CFR 381.37.
- (C) 9 CFR 381.38.
- (D) 9 CFR 381.39.
- (E) 9 CFR 381.45 through 9 CFR 381.61.

(3) 9 CFR 381.115 through 9 CFR 381.182, except the following are not incorporated:

- (A) 9 CFR 381.132.
- (B) 9 CFR 381.133.

(4) 9 CFR 381.189 through 9 CFR 381.194.

(5) 9 CFR 381.300 through 9 CFR 381.500.

(6) 9 CFR 416.

(7) 9 CFR 417.

(8) 9 CFR 500, except the following:

(A) References to Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H shall mean IC 15-2.1-19 and IC 4-21.5-3.

(B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in IC 15-2.1-24.

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

(1) References to 9 CFR 381.3 through 9 CFR 381.7 refer to the corresponding section in 345 IAC 10-2.

(2) References to:

- (A) 9 CFR 381.36 refer to 345 IAC 10-7-1;
- (B) 9 CFR 381.37 refer to 345 IAC 10-7-2 and 345 IAC 10-7-3; and
- (C) 9 CFR 381.38 and 9 CFR 381.39 refer to 345 IAC 10-7-4.

(3) References to:

- (A) 9 CFR 381.96 refer to 345 IAC 10-13-1;
- (B) 9 CFR 381.98 refer to 345 IAC 10-13-2;
- (C) 9 CFR 381.99 refer to 345 IAC 10-13-3;
- (D) 9 CFR 381.100 refer to 345 IAC 10-13-4;
- (E) 9 CFR 381.101 refer to 345 IAC 10-13-5;
- (F) 9 CFR 381.103 refer to 345 IAC 10-13-6;
- (G) 9 CFR 381.110 refer to 345 IAC 10-13-7; and
- (H) 9 CFR 381.111 refer to 345 IAC 10-13-8.

(4) References to 9 CFR 381.131, 9 CFR 381.132, and 9 CFR 381.133 refer to 345 IAC 10-14-18 and 345 IAC 10-14-20.

(5) References to:

- (A) 9 CFR 381.185 refer to 345 IAC 10-18-1; and
- (B) 9 CFR 381.186 refer to 345 IAC 10-18-2.

(6) References to 9 CFR 381.210 through 9 CFR 381.218 refer to the corresponding section of 345 IAC 10-20.

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control. (*Indiana State Board of Animal Health; 345 IAC 10-2.1-1; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Sep 10, 1999, 9:14 a.m.: 23 IR 16; filed Oct 30, 2000, 2:06 p.m.: 24 IR 685; errata filed Apr 9, 2001, 12:52 p.m.: 24 IR 2470; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1541*)

LSA Document #02-127(F)

Notice of Intent Published: 25 IR 2747

Proposed Rule Published: September 1, 2002; 25 IR 4187

Hearing Held: October 10, 2002

Approved by Attorney General: December 3, 2002

Approved by Governor: December 16, 2002

Filed with Secretary of State: December 19, 2002, 12:43 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 370 STATE EGG BOARD

LSA Document #01-419(F)

DIGEST

Amends 370 IAC 1 concerning requirements for processing, transportation, and consumer container identification for shell

eggs, including updating matters incorporated by reference. Adds a requirement for safe handling instructions for egg cartons. Makes other substantive and technical changes. Effective 30 days after filing with the secretary of state.

370 IAC 1-1-1	370 IAC 1-3-4
370 IAC 1-1-2	370 IAC 1-4-1
370 IAC 1-1-3	370 IAC 1-4-2
370 IAC 1-1-4	370 IAC 1-4-3
370 IAC 1-1-5	370 IAC 1-5-1
370 IAC 1-2-1	370 IAC 1-6-1
370 IAC 1-2-2	370 IAC 1-8-1
370 IAC 1-2-3	370 IAC 1-9-1
370 IAC 1-3-1	370 IAC 1-10-1
370 IAC 1-3-2	370 IAC 1-10-2
370 IAC 1-3-3	

SECTION 1. 370 IAC 1-1-1 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-1-1 Applicability of state standards

Authority: IC 16-42-11-5
Affected: IC 16-42-11-5

Sec. 1. The official Indiana standards for the quality of shell eggs contained in this ~~subpart rule~~ are applicable only to eggs that are the product of the domesticated chicken hen and are in the shell. (*State Egg Board; Reg 1, Title I, Sec 1; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 81; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1542*)

SECTION 2. 370 IAC 1-1-2 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-1-2 Applicability of state standards to interstate or foreign commerce

Authority: IC 16-42-11-5
Affected: IC 16-42-11-5

Sec. 2. ~~U.S. Public Law 91-597 91st Congress H. R., 1988, December 29, 1970 The Egg Products Inspection Act (21 U.S.C. 1031 through 21 U.S.C. 1056) provide, Sec. 23, (b), "For eggs which have moved or are moving in interstate or foreign commerce, (1) no State or local jurisdiction may require the use of standards of quality, condition, weight, quantity, or grade which are in addition to or different from the official Federal standards, (2) with respect to egg handlers specified in paragraphs (1) and (2) of section 5(e), no State or local jurisdiction may impose temperature requirements pertaining to eggs packaged for the ultimate consumer which are in addition to, or different from, federal requirements, and (2) (3) no state or local jurisdiction other than those in noncontiguous areas of the United States may require labeling to show the state or other geographical area of production or origin. Provided, however, that this shall not preclude a state from requiring that the name, address, and license number of the~~

person processing or packaging eggs, be shown on each container." (*State Egg Board; Reg 1, Title I, Sec 2; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 82; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1542*)

SECTION 3. 370 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-1-3 Uniform grade standards; adoption of federal standards

Authority: IC 16-42-11-5
Affected: IC 16-42-11-5

Sec. 3. Therefore in the interest of maintaining uniform grade standards in ~~the State of Indiana~~, the state egg board hereby adopts the ~~U.S. United States~~ Standards, Grades, and Weight Classes for Shell Eggs promulgated by the ~~U.S. United States~~ Department of Agriculture (~~7 CFR Part (AMS 56)~~ as the official standards for quality, grade, and weight classes for ~~the State of Indiana~~, including ~~7 CFR Part 59) 57, Regulations Governing the Inspection of Eggs. and Egg Products.~~ (*State Egg Board; Reg 1, Title I, Sec 3; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 82; filed Nov 23, 1981, 9:30 a.m.: 5 IR 33, eff Jan 1, 1982; errata, 9 IR 779; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1542*)

SECTION 4. 370 IAC 1-1-4 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-1-4 Candling; Haugh unit value

Authority: IC 16-42-11-5
Affected: IC 16-42-11-5

Sec. 4. ~~Candling.~~ Interior egg quality specifications for ~~these standards this section~~ are based on the apparent condition of the interior contents of the egg as it is twirled before the candling light. Any type or make of candling light may be used that will enable consistently accurate determination of the interior quality of shell eggs. It is desirable to break out an occasional egg and to determine the Haugh unit value of the broken out and candled appearance thereby aiding in correlating candled and broken out appearance. (*State Egg Board; Reg 1, Title II, Sec 1; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 82; filed Nov 23, 1981, 9:30 a.m.: 5 IR 33, eff Jan 1, 1982; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1542*)

SECTION 5. 370 IAC 1-1-5 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-1-5 Haugh measurements

Authority: IC 16-42-11-5
Affected: IC 16-42-11-5

Sec. 5. ~~Haugh Measurements.~~ Specifications for measuring the thick albumen condition is [*sic., are*] based on the use of a

specially designed micrometer or slide rule to determine the relationship between the weight of an egg and the height of the thick white. The readings are taken in units ranging from **zero** (0) to **one hundred** (100) after the egg has been broken out on a flat ~~glass~~ surface. (*State Egg Board; Reg 1, Title II, Sec 2; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 82; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1542*)

SECTION 6. 370 IAC 1-2-1 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-2-1 Temperature requirements; dealer facilities

Authority: IC 16-42-11-5

Affected: IC 16-42-11

Sec. 1. Every registered person, partnership, firm, or corporation permitted to handle or sell eggs under the provisions of ~~IC 16-6-1~~ **IC 16-42-11** shall, upon delivery, provide adequate space and storage facilities to hold shell eggs at an ambient temperature of forty-five (**45**) degrees Fahrenheit (~~45°F~~) or below. (*State Egg Board; Reg 2, Title I, Sec 1; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 82; filed Nov 23, 1981, 9:30 a.m.: 5 IR 33, eff Jan 1, 1982; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1775; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1543*)

SECTION 7. 370 IAC 1-2-2 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-2-2 Temperature requirements; retail stores

Authority: IC 16-42-11-5

Affected: IC 16-42-11-5

Sec. 2. Upon delivery, shell eggs at the retail store shall be stored and displayed at an ambient temperature of forty-five (**45**) degrees Fahrenheit (~~45°F~~) or below. (*State Egg Board; Reg 2, Title I, Sec 2; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 82; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1776; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1543*)

SECTION 8. 370 IAC 1-2-3 IS ADDED TO READ AS FOLLOWS:

370 IAC 1-2-3 Temperature requirements; transportation

Authority: IC 16-42-11-5

Affected: IC 16-42-11-5

Sec. 3. All eggs packed in containers for the purpose of resale to consumers shall be transported under refrigeration at an ambient temperature no greater than forty-five (**45**) degrees Fahrenheit or seven and two-tenths (**7.2**) degrees Celsius. (*State Egg Board; 370 IAC 1-2-3; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1543*)

SECTION 9. 370 IAC 1-3-1 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-3-1 Wholesale packaging and labeling

Authority: IC 16-42-11-5

Affected: IC 16-42-11-5

Sec. 1. The eggs shall be sold at wholesale in cases, boxes, or containers ~~which that~~ shall be plainly labeled as:

(1) Grade AA, Grade A, or Grade B; and ~~as~~

(2) to size, "Jumbo", "Extra Large", "Large", "Medium", "Small", or "Pee Wee";

according to standards of quality and size established in this article. (*State Egg Board; Reg 3, Title I, Sec 1; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 82; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1776; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1543*)

SECTION 10. 370 IAC 1-3-2 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-3-2 Consumer packages; date requirements

Authority: IC 16-42-11-5

Affected: IC 16-42-11-5

Sec. 2. All eggs offered for sale in consumer packages (cases, boxes, baskets, or containers) shall:

(1) be legibly dated (month and day or consecutive day of the year) the day the eggs were packed; and ~~shall~~

(2) bear an expiration date of no more than thirty (30) days from date of pack, excluding date of pack.

Shell eggs labeled AA shall bear in distinctly legible form an expiration date of no more than ten (10) days from date of pack excluding date of pack. The expiration date shall be stated as the month and day, for example, April 3 or 4-3, preceded by the letters "EXP" or "SELL BY". Quality is best if sold by the expiration date. (*State Egg Board; Reg 3, Title I, Sec 2; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 83; filed Nov 23, 1981, 9:30 a.m.: 5 IR 33, eff Jan 1, 1982; filed Feb 13, 1985, 1:57 p.m.: 8 IR 794; filed Feb 3, 1987, 2:00 p.m.: 10 IR 1225; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1776; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1543*)

SECTION 11. 370 IAC 1-3-3 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-3-3 Consumer packages; packer identification

Authority: IC 16-42-11-5

Affected: IC 16-42-11-5

Sec. 3. All eggs offered for sale in consumer packages (cases, boxes, baskets, or containers) shall be labeled with one (1) of the following means of identification:

(1) Name and address of packer.

(2) Indiana state egg license number, **for example, IN-000.**

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(3) United States Department of Agriculture plant number, for example, P-000.

(4) Egg license number from another state, provided the number is on file in writing at the state egg board office.

(5) United States Department of Agriculture Shell Egg Surveillance number, including state code and handler code, for example, 18-0000. Note: The Shell Egg Surveillance registrant number contains a state code, county code, and handler code. Do not include the county code, only state and handler number.

All eggs offered for sale in cases, boxes, or cartons shall contain labeling ~~which that~~ indicates refrigeration is required. **Additionally, all cartons of shell eggs shall bear the statement, "SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: Keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly."** The statement shall appear prominently and conspicuously, with the words "SAFE HANDLING INSTRUCTIONS" in bold type. The statement shall be set off in a box by use of hairlines. Shell eggs that have been specifically processed to destroy all viable salmonella shall be exempt from this requirement. (State Egg Board; Reg 3, Title I, Sec 3; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 83; filed Feb 13, 1985, 1:57 p.m.: 8 IR 794; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1776; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1543)

SECTION 12. 370 IAC 1-3-4 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-3-4 Restricted eggs; definition; labeling

Authority: IC 16-42-11-5

Affected: IC 16-42-11-5

Sec. 4. (a) ~~Public Law 91-597~~ **Regulations Governing the Inspection of Eggs (7 CFR 57)** requires that eggs classed as restricted eggs, dirties, checks, leakers, ~~inedibles~~, and loss and incubator rejects as well as graded eggs, exceeding the tolerances allowed for restricted eggs in United States Grade B standards must be labeled with certain required information. (Leakers ~~and loss inedibles~~, and incubator rejects must also be denatured or decharacterized at the point of grading.) Labeling must be legible and conspicuous. The name and address of the packer must appear on each case or label.

(b) Examples of labeling shall be as follows:

<p>Restricted Eggs for Processing Only in an Official USDA Egg Products Plant</p> <p>Name _____ Address _____ Zip _____</p>

Dirty and Checked Eggs for
Processing Only in an Official
USDA Egg Products Plant.

Name _____
Address _____ Zip _____

(c) Labeling for loss, leakers, ~~inedibles~~, and incubator rejects shall be as follows:

<p>Restricted Eggs. Not to be Used as Human Food.</p> <p>Name _____ Address _____ Zip _____</p>

Denatured Inedible Egg Products.
Not to be Used as Human Food.

Name _____
Address _____ Zip _____

(State Egg Board; Reg 3, Title II, Sec 1; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 83; filed Nov 23, 1981, 9:30 a.m.: 5 IR 34, eff Jan 1, 1982; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1776; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1544)

SECTION 13. 370 IAC 1-4-1 IS AMENDED TO READ AS FOLLOWS:

Rule 4. Inspection and Noncompliance

370 IAC 1-4-1 Inspection

Authority: IC 16-42-11-5

Affected: IC 16-6-1-2; IC 16-42-11-12

Sec. 1. All inspectors named by the ~~Director~~ **dean of agriculture** of the Purdue University ~~Agricultural Experiment Station~~ as provided for in this ~~act~~, **article** shall, in the inspection of eggs, be governed by the rules ~~and regulations~~ of the state egg board, ~~These rules and regulations are to include including~~ the standards of quality and weight. (State Egg Board; Reg 4, Title I, Sec 1; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 84; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1544)

SECTION 14. 370 IAC 1-4-2 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-4-2 Removal of below standard eggs

Authority: IC 16-42-11-5
Affected: IC 16-42-11-5

Sec. 2. Shell eggs offered for sale at retail or wholesale and found to be below the minimum standards and requirements of quality ~~and/or~~ or weight, **or both**, for grade and size marked, shall be removed at the time of inspection. (*State Egg Board; Reg 4, Title II, Sec 1; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 84; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1777; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1545*)

SECTION 15. 370 IAC 1-4-3 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-4-3 Violations; inspectors' duties

Authority: IC 16-42-11-5
Affected: IC 16-6-1-2; IC 16-42-11-12

Sec. 3. The state egg board hereby requests the shell egg inspectors to follow the procedure outlined ~~below~~ **as follows** when ~~the~~ product is found in violation of this ~~act~~ **article**:

- (1) Discuss ~~the~~ problem with parties involved and request their cooperation in removing product from sale.
 - (2) Call ~~the~~ state office when cooperation with the parties involved is not received.
 - (3) Prepare ~~the~~ report in writing to the state egg board giving details of ~~the~~ violation and disposition of ~~the~~ product, with **a** copy to ~~the~~ party or parties involved in ~~the~~ violation.
- (*State Egg Board; Reg 4, Title II, Sec 2; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 84; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1545*)

SECTION 16. 370 IAC 1-5-1 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-5-1 Advertisements

Authority: IC 16-42-11-5
Affected: IC 16-42-11-5

Sec. 1. At retail, if the price is quoted, all quotations or advertising of any kind by any media connected with the sale of eggs by registrants of this ~~act~~ **article** shall plainly state the grade and size of the eggs so priced in such quotations or advertisements. (*State Egg Board; Reg 5, Title I, Sec 1; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 84; filed Nov 23, 1981, 9:30 a.m.: 5 IR 34, eff Jan 1, 1982; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1545*)

SECTION 17. 370 IAC 1-6-1 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-6-1 Grade and size identification

Authority: IC 16-42-11-5
Affected: IC 16-42-11-5

Sec. 1. (a) All packages, of whatever kind, in which eggs are offered for sale by registrants under this article shall be marked as:

- (1) Grade AA;
- (2) Grade A; or
- (3) Grade B.

(b) All packages bearing the grade mark shall be identified as to size by:

- (1) Jumbo;
- (2) Ex-Large;
- (3) Large;
- (4) Medium;
- (5) Small; or
- (6) Pee Wee.

(*State Egg Board; Reg 6, Title I, Sec 1; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 84; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1777; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1545*)

SECTION 18. 370 IAC 1-8-1 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-8-1 Fresh eggs

Authority: IC 16-42-11-5
Affected: IC 16-42-11-5

Sec. 1. Fresh eggs shall meet the minimum standards and requirements of quality and weight under 370 IAC 1-1-3 for:

- (1) Indiana Grade AA;
- (2) Indiana Grade A; or
- (3) Indiana Grade B;

eggs. (*State Egg Board; Reg 8, Title I, Sec 1; filed Aug 14, 1973, 1:30 p.m.: Rules and Regs. 1974, p. 85; filed Nov 23, 1981, 9:30 a.m.: 5 IR 34, eff Jan 1, 1982; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1777; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1545*)

SECTION 19. 370 IAC 1-9-1 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-9-1 Record keeping by wholesalers

Authority: IC 16-42-11-5
Affected: IC 16-42-11-10

Sec. 1. (a) All wholesalers shall keep such records as necessary to indicate accurately the case (**thirty** (30) dozen) volume of shell eggs sold in Indiana. These records shall include **the following**:

- (1) Invoices showing purchases and sales of shell eggs.
- (2) A sales ledger showing all egg sales made at wholesale in Indiana to any retailer, hotel, restaurant, hospital, school, nursing home, **or** state ~~or of~~ [*sic.*, *or*] federal institution.
- (3) A cumulative summary of sales made in Indiana.

(b) The ~~above~~ records **required in subsection (a)** shall be retained by the wholesaler for a period of one (1) calendar year exclusive of the current operating quarter. (*State Egg Board; 370 IAC 1-9-1; filed Feb 13, 1985, 1:57 p.m.: 8 IR 794; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1545*)

SECTION 20. 370 IAC 1-10-1 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-10-1 Shell egg packers

Authority: IC 16-42-11-5

Affected: IC 16-42-11-5

Sec. 1. (a) This section establishes minimum sanitation and operating requirements for shell egg grading plants engaged in grading, storage, packaging, and distribution of eggs.

(b) Buildings shall be of sound construction so as to prevent the entrance or harboring of vermin.

(c) All areas and rooms in which eggs are handled, graded, and packed shall be kept clean.

(d) Cooler rooms shall be free from objectionable odors, such as mustiness or a rotten odor, and shall be maintained in a clean, sanitary condition.

(e) Egg cleaning equipment shall be kept in good repair and shall be thoroughly cleaned after each day's use or more often if necessary to maintain a sanitary condition. The wash water ~~should~~ **shall** be potable and maintained at a temperature of ninety (90) degrees Fahrenheit (~~90°F~~) minimum. The wash water temperature must be at least twenty (20) degrees Fahrenheit (~~20°F~~) greater than the egg temperature. The wash water shall be replaced frequently, a minimum of once a day, and the detergent and sanitizer shall be kept at an effective level at all times.

(f) During any rest period, or at anytime when the equipment is not in operation, the eggs shall be removed from the washing and rinsing area of the egg washer and from the scanning area whenever there is a build-up of heat.

(g) Only ~~the United States Department of Agriculture or federally~~ approved cleaning and sanitizing compounds may be used ~~Current list of proprietary substances and nonfood compounds; in shell egg processing plants. To assure that only compounds are used for the purpose intended, plant management must provide the inspector, upon request, with a written guaranty stating that each compound used in the shell egg processing plant complies with federal food laws and regulations and can be legally used in the shell egg processing plant for the purpose intended.~~ Washed eggs shall be reasonably dry before containing or casing. (*State Egg Board; 370 IAC 1-10-1; filed Feb 3, 1987, 2:00 p.m.: 10 IR*

1226; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1777; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1546)

SECTION 21. 370 IAC 1-10-2 IS AMENDED TO READ AS FOLLOWS:

370 IAC 1-10-2 Retailers and wholesalers

Authority: IC 16-42-11-5

Affected: IC 16-42-11-5

Sec. 2. (a) This section establishes minimum sanitation requirements for retailers and wholesalers.

(b) Display cases in which eggs are offered for sale to consumers must be clean and free from any substances or conditions whereby the eggs could become adulterated through absorption of bacteria or odors ~~which that~~ could affect the quality or taste of eggs.

(c) All storage areas where eggs are held must be maintained in a clean and sanitary condition. (*State Egg Board; 370 IAC 1-10-2; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1778; readopted filed Nov 7, 2001, 3:22 p.m.: 25 IR 937; filed Jan 2, 2003, 10:03 a.m.: 26 IR 1546*)

LSA Document #01-419(F)

Notice of Intent Published: 25 IR 1196

Proposed Rule Published: October 1, 2002; 26 IR 152

Hearing Held: November 6, 2002

Approved by Attorney General: December 10, 2002

Approved by Governor: December 19, 2002

Filed with Secretary of State: January 2, 2003, 10:03 a.m.

Incorporated Documents Filed with Secretary of State: None

**TITLE 405 OFFICE OF THE SECRETARY OF
FAMILY AND SOCIAL SERVICES**

LSA Document #02-50(F)

DIGEST

Amends 405 IAC 5-14-1 to limit annual expenditures for Medicaid covered dental services to six hundred dollars (\$600) per year for recipients twenty-one (21) years of age and over. Effective 30 days after filing with secretary of state.

405 IAC 5-14-1

SECTION 1. 405 IAC 5-14-1 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-14-1 Policy

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2;
IC 12-15-21-3

Affected: IC 12-13-7-3; IC 12-15-13-6

Sec. 1. (a) Medicaid reimbursement is available only for those dental services listed in section 2 of this rule subject to the limitations set out in this rule. ~~The dental portion of the Indiana Medicaid program places top priority on prevention, relief of pain, elimination of infection, and pathology.~~

(b) For those recipients twenty-one (21) years of age and over, covered services routinely provided in a dental office will be limited to six hundred dollars (\$600) per recipient, per twelve (12) month period. This limit precedes all other limits within this rule. The procedure codes that will be included within the limitation will be listed and published in a provider bulletin and may be updated by the office as needed. A provider bulletin issued under this subsection shall be effective no earlier than permitted under IC 12-15-13-6. (*Office of the Secretary of Family and Social Services; 405 IAC 5-14-1; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3319; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Dec 13, 2002, 4:00 p.m.: 26 IR 1546*)

LSA Document #02-50(F)

Notice of Intent Published: 25 IR 1928

Proposed Rule Published: May 1, 2002; 25 IR 2556

Hearing Held: June 4, 2002

Approved by Attorney General: November 27, 2002

Approved by Governor: December 11, 2002

Filed with Secretary of State: December 13, 2002, 4:00 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #02-145(F)

DIGEST

Adds 405 IAC 2-10 to provide for the placement of liens on the real property of certain Medicaid recipients. This rule implements IC 12-15-8.5 as added by P.L.178-2002 (HEA 1196). Effective 30 days after filing with the secretary of state.

405 IAC 2-10

SECTION 1. 405 IAC 2-10 IS ADDED TO READ AS FOLLOWS:

Rule 10. Lien Attachment and Enforcement

405 IAC 2-10-1 Definitions

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-8.5

Affected: IC 12-15-3-6; IC 12-15-9

Sec. 1. The following definitions apply throughout this rule:

(1) "Disabled" is defined according to the criteria established under 42 U.S.C. 1382c.

(2) "Interest" means any equitable right, title, or interest in real property.

(3) "Lawfully residing in the home" means residing in the recipient's place of residence with the permission of the owners or, if under guardianship, the owner's legal guardian.

(4) "Medical institution" means a long term care facility, an intermediate care facility for the mentally retarded (ICF/MR), or other residential medical facility.

(5) "Permanently institutionalized" means an individual of any age who:

(A) is an inpatient in a nursing facility, ICF/MR facility, or other medical institution;

(B) is required, as a condition of receiving services in such institution under the state plan, to spend for costs of medical care all but a minimum amount of his income required for personal needs; and

(C) after notice and opportunity for a hearing, has been determined to have a medical condition of such severity that he or she cannot reasonably be expected to be discharged from the medical institution and returned to the noninstitutional home environment prior to death.

(6) "Real property" means land, including houses or immovable structures or objects attached permanently to the land in which a recipient has ownership rights and interests, including, but not limited to, the recipient's home.

(7) "Recipient's home" means the recipient's place of residence prior to institutionalization.

(8) "Residing in recipient's home on a continuous basis" means using the home as the principal place of residence.

(9) "TEFRA" means Tax Equity Fiscal Responsibility Act.

(*Office of the Secretary of Family and Social Services; 405 IAC 2-10-1; filed Dec 13, 2002, 4:00 p.m.: 26 IR 1547*)

405 IAC 2-10-2 Recovery

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-8.5

Affected: IC 12-15-3-6; IC 12-15-9

Sec. 2. The office shall seek reimbursement for Medicaid benefits paid on behalf of a recipient by either or both of the following methods:

(1) Filing and enforcing a lien in accordance with this rule.

(2) Filing and enforcing a claim against the estate of a deceased recipient in accordance with 405 IAC 2-8.

(*Office of the Secretary of Family and Social Services; 405 IAC 2-10-2; filed Dec 13, 2002, 4:00 p.m.: 26 IR 1547*)

405 IAC 2-10-3 Criteria for instituting a TEFRA lien

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-8.5

Affected: IC 12-15-3-6; IC 12-15-9

Sec. 3. (a) When the office in accordance with 42 U.S.C. 1396p determines that a Medicaid recipient who resides in

a medical institution cannot reasonably be expected to be discharged and return home, the office may attach a lien on the Medicaid recipient's real property subject to the provisions of this rule and IC 12-15-8.5.

(b) The office may not obtain a lien on the recipient's home if any of the following people lawfully reside in the home of the institutionalized recipient:

- (1) The recipient's spouse.
- (2) The recipient's child who is less than twenty-one (21) years of age, blind, or disabled as defined in 42 U.S.C. 1382c.
- (3) The recipient's sibling who:
 - (A) was residing in the recipient's home for a period of at least one (1) year immediately before the recipient's institutionalization; and
 - (B) has an ownership interest in the home.
- (4) The recipient's parent.
- (5) An individual, other than a paid caregiver, who:
 - (A) was continuously residing in the recipient's home for a period of at least two (2) years immediately prior to the date of the recipient's institutionalization; and
 - (B) establishes to the satisfaction of the office that the person provided care to the recipient enabling the recipient to reside in his or her home, delaying institutionalization.

(Office of the Secretary of Family and Social Services; 405 IAC 2-10-3; filed Dec 13, 2002, 4:00 p.m.: 26 IR 1547)

405 IAC 2-10-4 Notice and opportunity for hearing

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-8.5

Affected: IC 12-15-3-6; IC 12-15-9

Sec. 4. (a) The office shall notify the recipient and the recipient's authorized representative, if applicable, of its determination that the recipient is permanently institutionalized and not reasonably expected to return home and its intent to file a lien on recipient's real property. Notice must include an explanation of liens and their effect on an individual's ownership of real property.

(b) The office may file a lien not less than thirty-one (31) days following notice to recipient and after any hearing process has been completed, if a hearing is requested. (Office of the Secretary of Family and Social Services; 405 IAC 2-10-4; filed Dec 13, 2002, 4:00 p.m.: 26 IR 1548)

405 IAC 2-10-5 Appeal

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-8.5

Affected: IC 12-15-3-6; IC 12-15-9

Sec. 5. (a) A recipient or his or her designee may, within thirty (30) days after receipt of notice described in this rule, request an administrative hearing under this rule.

(b) Administrative hearings and appeals by Medicaid recipients are governed by the procedures and time limits set out in 405 IAC 1.1.

(c) Only one (1) appeal shall be afforded to a recipient, for each notice received in accordance with section 4 of this rule, notwithstanding the number of parcels owned by the recipient and identified in the notice. (Office of the Secretary of Family and Social Services; 405 IAC 2-10-5; filed Dec 13, 2002, 4:00 p.m.: 26 IR 1548)

405 IAC 2-10-6 Lien attachment

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-8.5

Affected: IC 12-15-3-6; IC 12-15-9

Sec. 6. (a) The office or its designee shall file a notice of lien with the recorder of the county in which the real property subject to the lien is located. The notice shall be filed prior to the recipient's death and shall include the following:

- (1) Name and place of residence of the recipient against whom the lien is asserted.
- (2) Legal description of the real property subject to the lien.

(b) The office shall file one (1) copy of the notice of lien with the county office of family and children in the county in which the real property is located. The county office shall retain a copy of the notice with the county office's records.

(c) The office shall provide one (1) copy of the notice of lien to the recipient or the recipient's authorized representative, if applicable, whose real property is affected. (Office of the Secretary of Family and Social Services; 405 IAC 2-10-6; filed Dec 13, 2002, 4:00 p.m.: 26 IR 1548)

405 IAC 2-10-7 Effect of filing; duration

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-8.5

Affected: IC 12-15-3-6; IC 12-15-9

Sec. 7. (a) From the date on which the notice of lien is recorded in the office of the county recorder, the notice of lien:

- (1) constitutes due notice of a lien against the recipient or recipient's estate for any amount then recoverable and any amounts that become recoverable under this article; and
- (2) gives a specific lien in favor of the office on the Medicaid recipient's interest in the real property.

(b) The lien continues from the date of filing until the lien:

- (1) is satisfied;
- (2) is released; or
- (3) expires.

The lien automatically expires unless the office commences a foreclosure action not later than nine (9) months after the Medicaid recipient's death. (Office of the Secretary of Family and Social Services; 405 IAC 2-10-7; filed Dec 13, 2002, 4:00 p.m.: 26 IR 1548)

405 IAC 2-10-8 Enforcement; foreclosure

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-8.5

Affected: IC 12-15-3-6; IC 12-15-9

Sec. 8. (a) The office may not enforce a lien on the recipient's home under this rule if the following individuals are lawfully residing in the recipient's home and have resided there on a continuous basis since the recipient's date of admission to the medical institution:

- (1) The recipient's child of any age who:
 - (A) resided in the recipient's home for at least twenty-four (24) months before the recipient was institutionalized; and
 - (B) establishes to the satisfaction of the office that he or she provided care to the recipient that enabled the recipient to reside in his or her home, delaying institutionalization.
- (2) The recipient's sibling, who has resided in the recipient's home for a period of at least one (1) year immediately before the date of the recipient's admission to the medical institution.

(b) The office may not enforce a lien on the real property of the recipient under this rule as long as the recipient is survived by any of the following:

- (1) Recipient's spouse.
- (2) Recipient's child who is less than twenty-one (21) years of age, blind, or disabled as defined in this rule.
- (3) The recipient's parent.

(c) If there is no condition present in subsection (a) or (b), the office, or its designee, may bring a proceeding in foreclosure on the lien or to make arbitration of the amount due on the lien as follows:

- (1) If the real property or recipient's interest is sold during the lifetime of the recipient.
- (2) Upon the death of the recipient.

(Office of the Secretary of Family and Social Services; 405 IAC 2-10-8; filed Dec 13, 2002, 4:00 p.m.: 26 IR 1548)

405 IAC 2-10-9 Release; subordination

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-8.5
Affected: IC 12-15-3-6; IC 12-15-9

Sec. 9. (a) The office shall release a lien obtained under this rule within ten (10) business days after the county office of family and children receives notice that the recipient is no longer institutionalized and is living in his or her home.

(b) A lien obtained under this rule is subordinate to the subsequent security interest of a financial institution as defined in IC 12-15-8.5 that loans money to the recipient, provided that the recipient is able to establish to the satisfaction of the office that the funds were used for any of the following purposes:

- (1) The payment of taxes, insurance, maintenance, and repairs in order to preserve and maintain the recipient's real property.

(2) Operating capital for the operation of the recipient's farm, the recipient's business, or the recipient's real property that is income-producing.

(3) The payment of medical, dental, or optical expenses incurred by:

- (A) the recipient;
- (B) the recipient's spouse;
- (C) the recipient's dependent parent; or
- (D) a child less than twenty-one (21) years of age or who is blind or disabled.

(4) The reasonable costs and expenses for the support, maintenance, comfort, and education of the recipient's spouse, a dependent parent, or a child who is less than twenty-one (21) years of age or who is blind or disabled.

(c) If the real property subject to the lien is sold, the office shall release its lien at the closing, and the lien shall attach to the net proceeds of the sale. (Office of the Secretary of Family and Social Services; 405 IAC 2-10-9; filed Dec 13, 2002, 4:00 p.m.: 26 IR 1549)

405 IAC 2-10-10 Exemption

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-8.5
Affected: IC 12-15-3-6; IC 12-15-9

Sec. 10. A single exemption of one hundred twenty-five thousand dollars (\$125,000) is afforded to an institutionalized recipient and applies to single or combined total interests of the recipient in all real property subject to a lien. This section expires January 1, 2008. (Office of the Secretary of Family and Social Services; 405 IAC 2-10-10; filed Dec 13, 2002, 4:00 p.m.: 26 IR 1549)

LSA Document #02-145(F)

Notice of Intent Published: 25 IR 2748

Proposed Rule Published: August 1, 2002; 25 IR 3829

Hearing Held: September 11, 2002

Approved by Attorney General: November 27, 2002

Approved by Governor: December 11, 2002

Filed with Secretary of State: December 13, 2002, 4:00 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #02-43(F)

DIGEST

Amends 410 IAC 15-1.5-4 and 410 IAC 15-1.5-5 to remove the 48 hour requirement for authentication of entries in medical records and add requirements regarding appropriate authentication of entries in medical records. Effective 30 days after filing with the secretary of state.

410 IAC 15-1.5-4

410 IAC 15-1.5-5

SECTION 1. 410 IAC 15-1.5-4 IS AMENDED TO READ AS FOLLOWS:

410 IAC 15-1.5-4 Medical record services

Authority: IC 16-21-1-7

Affected: IC 16-21-1

Sec. 4. (a) The medical record service has administrative responsibility for the medical records that shall be maintained for every individual evaluated or treated within those services that come under the hospital's license.

(b) The organization of the medical record service shall be appropriate to the scope and complexity of the services provided as follows:

(1) The service shall be directed by a registered ~~record health information~~ administrator (~~RRA~~) (**RHIA**) or an ~~accredited record a registered health information~~ technician (~~ART~~) (**RHIT**). If a full-time or part-time ~~RRA RHIA~~ or ~~ART RHIT~~ is not employed, then a consultant ~~RRA RHIA~~ or ~~ART RHIT~~ shall be provided to assist the person in charge. Documentation of the findings and recommendations of the consultant shall be maintained.

(2) The medical record service shall be provided with the necessary direction, staffing, and facilities to perform all required functions in order to ensure prompt completion, filing, and retrieval of records.

(c) An adequate medical record shall be maintained with documentation of service rendered for each individual who is evaluated or treated as follows:

(1) Medical records are documented accurately and in a timely manner, are readily accessible, and permit prompt retrieval of information.

(2) A unit record system of filing should be utilized. When this is not possible, a system shall be established by the hospital to retrieve when necessary all divergently located record components.

(3) The hospital shall use a system of author identification and record maintenance that ensures the integrity of the authentication and protects the security of all record entries. Each entry shall be authenticated **promptly** in accordance with the hospital and medical staff policies.

(4) Medical records shall be retained in their original or legally reproduced form as required by federal and state law.

(5) Plain paper facsimile orders, reports, and documents are acceptable for inclusion in the medical record if allowed by the hospital policies.

(6) The hospital shall have a system of coding and indexing medical records which allows for timely retrieval of records by diagnosis and procedure in order to support continuous quality assessment and improvement activities.

(7) The hospital shall ensure the confidentiality of patient

records which includes, but is not limited to, the following:

(A) A procedure for releasing information from or copies of records only to authorized individuals in accordance with federal and state laws.

(B) A procedure that ensures that unauthorized individuals cannot gain access to patient records.

(d) The medical record shall contain sufficient information to:

(1) identify the patient;

(2) support the diagnosis;

(3) justify the treatment; and

(4) document accurately the course of treatment and results.

(e) All entries in the medical record shall be:

(1) legible and complete;

(2) made only by individuals given this right as specified in hospital and medical staff policies; and

(3) authenticated and dated promptly ~~within forty-eight (48) hours~~ in accordance with subsection (c)(3).

(f) All inpatient records, except those in subsection (g), shall document and contain, but not be limited to, the following:

(1) Identification data.

(2) The medical history and physical examination of the patient done within the time frames as prescribed by the medical staff rules and section 5(b)(3)(M) of this rule.

(3) A statement of the diagnosis or impressions drawn from the admission history and physical examination.

(4) Diagnostic and therapeutic orders.

(5) Evidence of appropriate informed consent for procedures and treatments for which it is required as specified by the informed consent policy developed by the medical staff and governing board, and consistent with federal and state law.

(6) Clinical observations, including results of therapy, documented in a timely manner.

(7) Progress notes.

(8) Operative note in accordance with 410 IAC 15-1.6-9(c)(7).

(9) Results of all consultative evaluations of the patient and appropriate findings by clinical and other staff involved in the care of the patient.

(10) Nursing notes, nursing plan of care, and entries by other health care providers that contain pertinent, meaningful observations and information.

(11) Reports of pathology and clinical laboratory examinations, radiology and nuclear medicine examinations or treatment, anesthesia records, and any other diagnostic or therapeutic procedures and their results.

(12) Documentation of complications and unfavorable reactions to drugs and anesthesia.

(13) A discharge summary authenticated by the physician. A final progress note may be substituted for the discharge summary in the case of a normal newborn infant and uncomplicated obstetric delivery. The final progress note should include any instruction given to the patient and family.

(14) Final diagnosis.

(g) A short stay record form used for inpatients hospitalized for less than forty-eight (48) hours, observation patients, ambulatory care patients, and ambulatory surgery patients shall document and contain, but not be limited to, the following:

- (1) Identification data.
- (2) Medical history and description of the patient's condition and pertinent physical findings.
- (3) Diagnostic and therapeutic orders.
- (4) Care based on identified standard of care and standard of practice.
- (5) Data necessary to support the diagnosis and the treatment given, with reports of procedures and tests, and their results, clinical observations, including the results of therapy, and anesthesia given, if applicable.
- (6) Operative note in accordance with 410 IAC 15-1.6-9(c)(7), if applicable.
- (7) Final progress note, including instructions to the patient and family with dismissal diagnosis and disposition of patient.
- (8) Authentication by the physician and other responsible personnel in attendance.

(h) Outpatient records shall document and contain, but not be limited to, the following:

- (1) Identification data.
- (2) Diagnostic and therapeutic orders.
- (3) Description of treatment given, procedures performed, and documentation of patient response to intervention, if applicable.
- (4) Results of diagnostic tests and examinations done, if applicable.

(i) Emergency service records shall document and contain, but not be limited to, the following:

- (1) Identification data.
- (2) Time of arrival, means of arrival, time treatment is initiated, and time examined by the physician, if applicable.
- (3) Pertinent history of illness or injury, description of the illness or injury, and examination, including vital signs.
- (4) Diagnostic and therapeutic orders.
- (5) Description of treatment given or prescribed, clinical observations, including the results of treatment, and the reports of procedures and test results, if applicable.
- (6) Authentication by the practitioner or licensed health professional who rendered treatment or prescribed for the patient in accordance with hospital policy.
- (7) Instruction given to patient on release, prescribed follow-up care, signature of patient or responsible other, and name of person giving instructions.
- (8) Diagnostic impression and condition on discharge documented by the practitioner, and disposition of the patient and time of dismissal.
- (9) Copy of transfer form, if patient is referred to the inpatient service of another hospital. If care is not furnished to a

patient or if the patient is referred elsewhere, the reasons for such action shall be recorded.

(Indiana State Department of Health; 410 IAC 15-1.5-4; filed Dec 21, 1994, 9:40 a.m.: 18 IR 1269; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 2, 2003, 10:22 a.m.: 26 IR 1550)

SECTION 2. 410 IAC 15-1.5-5 IS AMENDED TO READ AS FOLLOWS:

410 IAC 15-1.5-5 Medical staff

Authority: IC 16-21-1-7

Affected: IC 16-21-1; IC 25-22.5

Sec. 5. (a) The hospital shall have an organized medical staff that operates under bylaws approved by the governing board and is responsible to the governing board for the quality of medical care provided to patients. The medical staff shall be composed of two (2) or more physicians and other practitioners as appointed by the governing board and do the following:

- (1) Conduct outcome oriented performance evaluations of its members at least biennially.
- (2) Examine credentials of candidates for appointment and reappointment to the medical staff by using sources in accordance with hospital policy and applicable state and federal law.
- (3) Make recommendations to the governing board on the appointment or reappointment of the applicant for a period not to exceed two (2) years.
- (4) Maintain a file for each member of the medical staff which includes, but is not limited to, the following:
 - (A) A completed, signed application.
 - (B) The date and year of completion of all Accreditation Council for Graduate Medical Education (ACGME) accredited residency training programs, if applicable.
 - (C) A copy of their current Indiana license showing date of licensure and current number or an available certified list provided by the health professions bureau. A copy of practice restrictions, if any, shall be attached to the license issued by the health professions bureau through the medical licensing board.
 - (D) A copy of their current Indiana controlled substance registration showing number, as applicable.
 - (E) A copy of their current Drug Enforcement Agency registration showing number, as applicable.
 - (F) Documentation of experience in the practice of medicine.
 - (G) Documentation of specialty board certification, as applicable.
 - (H) Category of medical staff appointment and delineation of privileges approved.
 - (I) A signed statement to abide by the rules of the hospital.
 - (J) Documentation of current health status as established by hospital and medical staff policy and procedure and federal and state requirements.
 - (K) Other items specified by the hospital and medical staff.

(b) The medical staff shall adopt and enforce bylaws and rules to carry out its responsibilities. These bylaws and rules shall:

- (1) be approved by the governing board;
- (2) be reviewed at least triennially; **and**
- (3) include, but not be limited to, the following:
 - (A) A description of the medical staff organizational structure. If the organization calls for an executive committee, a majority of the members shall be physicians on the active medical staff.
 - (B) Meeting requirements of the staff.
 - (C) A provision for maintaining records of all meetings of the medical staff and its committees.
 - (D) A procedure for designating an individual physician with current privileges as chief, president, or chairperson of the staff.
 - (E) A statement of duties and privileges for each category of the medical staff.
 - (F) A description of the medical staff applicant qualifications.
 - (G) Criteria for determining the privileges to be granted to individual practitioners and a procedure for applying the criteria to individuals requesting privileges.
 - (H) A process for review of applications for staff membership, delineation of privileges in accordance with the competence of each practitioner, and recommendations on appointments to the governing board.
 - (I) A process for appeals of decisions regarding medical staff membership and privileges.
 - (J) A process for medical staff performance evaluations based on clinical performances indicated in part by the results of quality assessment and improvement activities.
 - (K) A process for reporting practitioners who fail to comply with state professional licensing law requirements as found in IC 25-22.5, and for documenting appropriate enforcement actions against practitioners who fail to comply with the hospital and medical staff bylaws and rules.
 - (L) A provision for physician coverage of emergency care ~~which~~ **that** addresses at least:
 - (i) a definition of emergency care to include, but not be limited to:
 - (AA) inpatient emergencies; **and**
 - (BB) emergency services emergencies; and
 - (ii) a timely response.
 - (M) A requirement that a complete physical examination and medical history be performed:
 - (i) on each patient admitted by a practitioner who has been granted such privileges by the medical staff;
 - (ii) within seven (7) days prior to date of admission and documented in the record with a durable, legible copy of the report and changes noted in the record on admission; or
 - (iii) within forty-eight (48) hours after an admission.
 - (N) A requirement that all physician orders shall be in

writing or acceptable computerized form and shall be authenticated ~~within forty-eight (48) hours~~ by the responsible individual **in accordance with hospital and medical staff policies.**

(O) A requirement that all verbal orders must be repeated and verified and that the repetition and verification be documented in the patient's medical record signed and dated by the authorized health care professional that took the order. If there is no repetition and verification of the verbal order the prescribing physician/practitioner shall authenticate and date the verbal order within forty-eight (48) hours.

~~(P)~~ **(P)** A requirement that the final diagnosis be documented along with completion of the medical record within thirty (30) days following discharge.

(c) The medical staff should attempt to secure autopsies in all cases of unusual deaths and educational interest. There shall be the following:

- (1) A mechanism for documenting in writing the following:
 - (A) That permission to perform an autopsy was obtained.
 - (B) The source of the permission.
- (2) A system for notifying the medical staff, and specifically the attending practitioner, when an autopsy is being performed.

(Indiana State Department of Health; 410 IAC 15-1.5-5; filed Dec 21, 1994, 9:40 a.m.: 18 IR 1271; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Jan 2, 2003, 10:22 a.m.: 26 IR 1551)

LSA Document #02-43(F)

Notice of Intent Published: 25 IR 1928

Proposed Rule Published: October 1, 2002; 26 IR 164

Hearing Held: October 22, 2002

Approved by Attorney General: December 10, 2002

Approved by Governor: December 23, 2002

Filed with Secretary of State: January 2, 2003, 10:22 a.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #02-53(F)

DIGEST

Amends 675 IAC 22-2.2-14 to reflect updates in technology by adopting and amending NFPA 58, 2001 Edition. Effective 30 days after filing with the secretary of state.

675 IAC 22-2.2-14

SECTION 1. 675 IAC 22-2.2-14 IS AMENDED TO READ AS FOLLOWS:

675 IAC 22-2.2-14 NFPA 58; standard for the storage and handling of liquefied petroleum gases

Authority: IC 22-13-2-2

Affected: IC 22-11-15; IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17; IC 36-8-17.5

Sec. 14. (a) That certain document, being titled NFPA 58, ~~Standard for the Storage and Handling of Liquefied Petroleum Gases, 1995 Gas Code, 2001~~ Edition, published by the National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, be and same is hereby adopted by reference, as if fully set out in this section except as revised hereafter.

(b) The following documents referenced in NFPA 58 are not adopted, are not enforceable, and are for information purposes only:

- (1) NFPA 30.
- (2) NFPA 37.
- (3) NFPA 54.
- (4) NFPA 61B.
- (5) NFPA 82.
- (6) NFPA 96.
- (7) NFPA 101.
- (8) NFPA 251.
- (9) NFPA 302.
- (10) NFPA 501A.
- (11) NFPA 501C.
- (12) NFPA 505.
- (13) API-ASME Code for Unfired Pressure Vessels for Petroleum Liquids and Gases.
- (14) API 620.
- (15) ASCE 7.
- (16) ASME Boiler and Pressure Vessels Code.
- (17) ASME B31.3.
- (18) ASME B36.10M.
- (19) ASTM A47.
- (20) ASTM A48.
- (21) ASTM A53.
- (22) ASTM A106.
- (23) ASTM A395.
- (24) ASTM A513.
- (25) ASTM A536.
- (26) ASTM A539.
- (27) ASTM B42.
- (28) ASTM B43.
- (29) ASTM B86.
- (30) ASTM B88.
- (31) ASTM B135.
- (32) ASTM B280.
- (33) ASTM D2513.
- (34) ASTM D2683.
- (35) ASTM D3261.
- (36) ASTM F1055.
- (37) AWS Z49.1.

- (38) ANSI/CGA C-4.
- (39) Title 49, Code of Federal Regulations.
- (40) UL 132.
- (41) UL 144.
- (42) UL 147A.
- (43) UL 147B.
- (44) UL 567.

(c) The following documents referenced in NFPA 58 are adopted and are enforceable:

- (1) NFPA 10 adopted in section 3 of the rule.
- (2) NFPA 15 adopted in section 4 of this rule.
- (3) NFPA 50B adopted in section 9 of this rule.
- (4) NFPA 51 adopted in section 10 of this rule.
- (5) NFPA 51B adopted in section 12 of this rule.
- (6) NFPA 59 adopted in section 13 of this rule.
- (7) NFPA 86 adopted in section 18 of this rule.

(d) "NOTES" that are not a part of a table, figure, or graph are not enforceable as part of this code.

(e) Amend section ~~1-1.1~~ by changing the second sentence **1.1.1(1)** to read as follows: ~~When the possibility of ammonia contamination exists (such as may be the result from the dual use of transportation or storage equipment); the LP-gas shall be tested in accordance with approved methods.~~ **Containers, piping, and associated equipment for supplying LP gas as a fuel up to the point of delivery into a building as defined in section 1.7.52.2.**

(f) Amend section ~~1-1.3.1(e)~~ **1.1.1(3)** to read as follows: (c) Marine and pipeline terminals, natural gas processing plants, refineries, or tank farms ("tank farm" storage at industrial locations) is covered by this standard.

(g) Amend section ~~1-1.3.1(e)~~ **1.1.2(5)** to read as follows: (e) LP-gas used with oxygen shall comply with the Indiana Fire Code (**675 IAC 22**).

(h) Delete section ~~1-1.3.1(h)~~ **1.1.2(8)**.

(i) Delete section ~~1-1.4~~ **1.1.3** and substitute: See 675 IAC 12-6.

(j) In section ~~1-1.5~~, delete the second paragraph without substitution: **1.1.4, delete everything after the first sentence.**

(k) Delete section ~~1-4~~ **1.4**.

(l) In section 1.6, add the following to the last sentence: "in accordance with approved methods".

~~(m)~~ **(m)** In section ~~1-6~~ **1.7**, amend the following definitions: **1.7.6 APPROVED** means, as to materials, equipment, and types of construction, acceptance by the authority having jurisdiction by one (1) of the following methods: investigation or tests conducted by recognized authorities; or investi-

gation or tests conducted by technical or scientific organizations; or accepted principles. The investigation, tests, or principles shall establish that the materials, equipment, and types of construction are safe for their intended purpose.

1.7.11 AUTHORITY HAVING JURISDICTION means the state building commissioner, or the state fire marshal, or officer of a local unit of government empowered by law to administer and enforce the rules of the commission.

1.7.19 CYLINDER means a portable container constructed to DOT (formerly ICC) cylinder specifications or, in some cases, constructed in accordance with the ASME Code of a similar size and for similar service. The maximum size permitted under DOT specifications is one thousand (1,000) pounds (four hundred fifty-four (454) kilograms) water capacity, four hundred twenty (420) pounds PROPANE (one hundred (100) gallons).

1.7.23 Amend the definition of DISPENSING STATION by adding a second sentence to read as follows: The public is not to be permitted access to the dispensing station area.

1.7.37 LABELED means equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation, that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

1.7.39 LISTED means equipment or materials included in a list published by an organization engaged in product evaluation, that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

1.7.66 Amend the definition of SPECIAL PROTECTION by adding the following: When required by this standard, special protection is allowed to consist of any of the following: applied insulated coatings, mounding, burial, water spray fixed systems, or fixed monitor nozzles meeting the criteria specified in this standard (see section 3.10.3), or by other means approved for this purpose.

(m) In section 1-6, add to the end of the definition of cylinder the following: "four hundred twenty (420) pounds PROPANE (one hundred (100) gallons)."

(n) In section 1-6, amend the definition of Dispensing Station by amending the second sentence to read as follows: The public is not to be permitted access to the dispensing station area.

(o) (n) In section 1-6, 1.7, add the following definitions to read:

1.7.11.5 BUILDING CODE means the Indiana Building Code in effect in Indiana at the time of construction, remodeling, alteration, addition, or repair of the structure.

1.7.24.4 ELECTRICAL CODE means the Indiana Electrical

Code in effect in Indiana at the time of construction, remodeling, alteration, addition, or repair of the structure.

1.7.24.8 FIRE CODE means the Indiana Fire Code (675 IAC 22). **INDIANA FIRE CODE** means the Uniform Fire Code, 1997 Edition, Volumes 1 and 2 as adopted by reference in section 1 of this rule.

1.7.34.6 INSPECTION AUTHORITY means the state fire marshal, or the fire chief, or the state building commissioner, or the local building official, or their authorized representative.

1.7.47.1 NFPA 70 means the Indiana Electrical Code (675 IAC 17).

1.7.40.5 MECHANICAL CODE means the mechanical code in effect in Indiana at the time of construction, remodeling, alteration, addition, or repair of the structure.

1.7.52.5 PLUMBING CODE means the plumbing code in effect in Indiana at the time of construction, remodeling, alteration, addition, or repair of the structure.

SPECIAL PROTECTION is a means of limiting the temperature of an LP-gas container for purposes of minimizing the possibility of failure of the container as the result of fire exposure.

When required by this standard, special protection is allowed to consist of any of the following: applied insulated coatings; mounding; burial; water spray fixed systems; or fixed monitor nozzles meeting the criteria specified in this standard (see 3-10.3); or by other means approved for this purpose.

1.7.52.8 POINT OF DELIVERY means the outlet of the first stage pressure regulator that provides utilization [sic.] pressure, exclusive of line gas regulators, in the system.

(p) (o) Amend section 2-2.1.3 **2.2.1.3** to read as follows: Containers shall be listed and labeled for their intended use. (See Appendices C and D)

(q) (p) Amend section 2-2.1.4 **2.2.1.4** to read as follows: Containers complying with 2-2.1.3 shall be permitted to be reused, reinstalled, or continued in use as follows:

(i) A container shall not be filled if it is not suitable for continued service.

(ii) Containers that have been involved in a fire and show no distortion shall be retested using the hydrostatic test procedure applicable at the time of original fabrication, and relabeled by the manufacturer or the manufacturer's authorized representative. All appurtenances shall be replaced.

(q) In section 2.2.1.5, delete the second sentence without substitution.

(r) In section 2.2.1.6(1), delete the exception.

(s) In section 2.2.1.6(2), delete "ASME or API ASME".

(t) (t) Amend section 2-2.2.1 **2.2.2.1** to read as follows: The

minimum design or service pressure of containers shall be in accordance with their listing.

(s) (u) Amend section ~~2-2.2.3(c)~~ **2.2.2.3(c)** to read as follows:
(c) Wind loading on containers shall be based on wind pressures on the projected area as required by the building code (675 IAC 13).

(t) (v) Amend section ~~2-2.2.3(d)~~ **2.2.2.3(d)** to read as follows: (d) Seismic loading on containers shall be as required by the building code (675 IAC 13).

(u) (w) In section ~~2-2.5.4~~, **2.2.5.3**, amend the first sentence to read as follows: Containers to be used as portable storage containers (see definition) for temporary stationary service shall comply with the following (this shall apply to movable fuel storage tenders, including farm carts):.

(v) In section ~~2-2.6.6~~, amend the first sentence by deleting the word “service”.

(w) (x) In section ~~2-3.1.2~~, **2.3.1.2**, amend the first sentence by deleting the word “suitable” and substituting “listed”.

(x) (y) Delete section ~~2-3.2.3~~ **2.3.2.3** and substitute the following: American Society of Mechanical Engineers (ASME) containers for LP-gas shall be equipped with listed direct spring-loaded relief valves or equivalent. **installed in accordance with manufacturer’s recommendations. The start-to-leak setting of such pressure relief valves with relation to the design pressure of the container shall be in accordance with Table 2.3.2.3.**

EXCEPTION: On containers of forty thousand (40,000) gallon (one hundred fifty-one (151) m³) water capacity or more, a pilot-operated pressure relief valve in which the relief device is combines with and is controlled by a self-actuated, direct, spring-loaded pilot valve shall be permitted to be used provided it complies with Table 2.3.2.3 listed, is inspected and maintained in accordance with manufacturer’s recommendations, and is tested for proper operation at intervals not exceeding five (5) years.

(y) (z) Amend section ~~2-4.1.2~~ **2.4.1.2** to read as follows: Piping, pipe, and tubing fittings and valves used to supply utilization equipment shall be in accordance with the Mechanical Code (675 IAC 18).

(z) (aa) Amend section ~~2-4.1.3~~ **2.4.1.3(2)** to read as follows: Pipe and tubing shall comply with sections ~~2-4.2~~ and ~~2-4.3~~ or shall be of material which has been approved for its intended use.

(aa) (bb) Amend the last sentence in section ~~2-4.6.1~~ **2.4.6.1** to read as follows: Hose, hose connections, and flexible connectors (*see definition) shall be listed for use with LP-gas both as liquid and vapor. If wire braid is used for reinforcement, it shall be of corrosion-resistant material.

(bb) (cc) Amend the title of section ~~2-6~~ **2.6** to read “APPLIANCES IN BUILDINGS.”.

(cc) (dd) Amend section ~~2-6.1~~ **2.6.1** to read as follows: Approved appliances: See the Mechanical Code (675 IAC 18).

(dd) (ee) Amend section ~~3-2.2.2~~ **3.2.2.2** by deleting the word “important” and the phrase “that can be built upon”.

(ee) (ff) Amend section ~~3-2.2.7(e)~~ **3.2.2.6** by deleting the last sentence and substituting the following: Horizontal separation is not required between aboveground LP-gas containers and underground tanks containing flammable or combustible liquids installed in accordance with ~~Article 79~~ of the Indiana Fire Code (**675 IAC 22**).

(ff) (gg) Amend section ~~3-2.2.7(f)~~ **3.2.2.6(f)** to read as follows: (f) The minimum separation between LP-gas containers and oxygen or gaseous hydrogen containers shall be in accordance with Table ~~3-2.2.7(f)~~ **3.2.2.6(f)** except that lesser distances are allowed where protective structures interrupt the line of sight between uninsulated portions of the oxygen or hydrogen containers and the LP-gas containers. ~~The location and arrangement of such structures shall minimize the problems cited in the note to section 3-2.2.8.~~ The minimum separation between LP-gas containers and liquefied hydrogen containers shall be in accordance with ~~Article 75~~ of the **Indiana** fire code (**675 IAC 22**).

(gg) (hh) Amend section ~~3-2.2.7(h)~~ **3.2.2.6(h)** by adding a second sentence to read as follows: See Appendix II-B of the fire code.

(ii) Delete section **3.2.10** in its entirety.

(jj) Delete section **3.2.16.4** in its entirety.

(hh) (kk) Amend section ~~3-2.8.7~~ by deleting the second paragraph in its entirety: **3.2.18.4** to read as follows: Emergency remote shutdown stations shall be clearly identified by a sign printed in block letters of not less than two (2) inches (fifty-one (51) millimeters) in height on a background of contrasting colors to the letters. The sign shall be visible from the point of transfer.

(ll) Amend section **3.3.3.7** to read as follows: **Liquid inlet piping to the bulk plant storage facility shall be designed to prevent debris from entering the system.**

(ii) (mm) Delete section ~~3-4.3.8~~ **3.4.3.8** in its entirety.

(jj) (nn) Amend section ~~3-4.9.1~~ **3.4.9.1** to read as follows: Containers are allowed to be installed on noncombustible roofs of buildings constructed as required for an occupancy separation having a fire-resistive rating of not less than the following:
Groups B, F, M, and S Occupancies, Two Hours
All other occupancies, Four Hours

EXCEPTION: When the quantity of gas does not exceed sixty (60) gallons (**two hundred twenty-seven and one-tenth** (227.1) L), a noncombustible roof without a fire-resistive rating is allowed.

~~(kk)~~ **(oo)** Amend section ~~3-6.2.6~~ **3.6.2.6** by deleting subsection (a) and substituting subsection (b) as (a).

(pp) Amend section 3.10.2.2 to read as follows: **Fire protection shall be provided for installations of ASME containers with an aggregate water capacity of more than four thousand (4,000) gallons (fifteen and one-tenth (15.1) m³). The mode of such protection shall be determined through a written fire safety analysis for new installations. A written fire safety analysis may be prepared by company risk management personnel, insurance company loss control representatives, LP gas industry consultants, or other competent persons. Nothing in this section shall preclude the use of an industry-accepted checklist or the written results of a preplanning inspection conducted by the local fire department under IC 36-8-17.5 to satisfy the requirements that a written analysis be prepared. Nothing in this section shall require that such written plans must be stamped or certified by a professional engineer or submitted to any governmental agency.**

~~(H)~~ **(qq)** Add a section ~~4-2.2.1.1~~ **4.2.2.1.1** to read as follows: ~~4-2.2.1.1~~ **4.2.2.1.1** Containers to be Filled. Containers shall be filled only by the owner or upon the owners' authorizations in accordance with IC 22-11-15.

~~(mm)~~ **(rr)** Delete the text of Chapter 7 and substitute as follows: ~~7~~ **7.1** See the Building Code (675 IAC 13).

~~(nn)~~ **(ss)** In the first sentence of section ~~9-1.5~~, **9.1.3.2**, delete the words "ICBO Uniform" and add "(675 IAC 13)" after "building code".

~~(oo)~~ **(tt)** In section ~~9-1.5~~, **9.1.3.2**, delete the second sentence without substitution.

~~(pp)~~ **(uu)** Chapter ~~11~~ **13** and the appendices are not adopted as part of this code and are intended for use as a guide, and the standards referenced therein are not enforceable as part of this code. (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-14; filed Aug 28, 1998, 5:02 p.m.: 22 IR 109; errata filed Jun 21, 1999, 3:33 p.m.: 22 IR 3420; filed Dec 13, 2002, 3:45 p.m.: 26 IR 1553*)

LSA Document #02-53(F)

Notice of Intent Published: 25 IR 1929

Proposed Rule Published: May 1, 2002; 25 IR 2569

Hearing Held: July 15, 2002 and September 4, 2002

Approved by Attorney General: November 27, 2002

Approved by Governor: December 11, 2002

Filed with Secretary of State: December 13, 2002, 3:45 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #02-90(F)

DIGEST

Adds 675 IAC 12-3-13 to establish a fee schedule for the permitting and inspection of regulated boilers and pressure vessels, the licensing of boiler and pressure vessel inspectors, and the licensing of an owner or user boiler or pressure vessel inspection agency. Adds 675 IAC 12-3-14 to establish a fee schedule for the permitting and certification of regulated lifting devices. Adds 675 IAC 12-3-15 to establish a fee schedule for the licensing of elevator contractors, elevator inspectors, and elevator mechanics. Partially effective on April 1, 2003, and partially effective 30 days after filing with the secretary of state.

675 IAC 12-3-13

675 IAC 12-3-14

675 IAC 12-3-15

SECTION 1. 675 IAC 12-3-13 IS ADDED TO READ AS FOLLOWS:

675 IAC 12-3-13 Boiler and pressure vessel inspection, permitting, and licensing fees

Authority: IC 22-12-6-6; IC 22-13-2-13

Affected: IC 22-12-7-5; IC 22-15-6

Sec. 13. (a) The office of the state building commissioner may not charge an owner or user more than two (2) of the fees described in subsections (b) through (e) for inspections of regulated boilers and pressure vessels during a particular calendar year. However, a fee of twenty-five dollars (\$25) shall be paid by an owner or user who has failed to:

- (1) prepare a boiler or pressure vessel for the required inspection on the date specified by the inspector; or**
- (2) make repairs or otherwise correct conditions of noncompliance applicable to regulated equipment within the time frame specified in a correction order pursuant to IC 22-12-7-5.**

Verification of the conditions noted in either subdivision (1) or (2) shall be documented on the inspection report form mandated by the division of boiler and pressure vessel safety (division) to report inspection activities relating to equipment regulated by the division.

(b) The fees for the internal inspection of regulated boilers shall be as follows:

Heating Surface Area (in square feet)	Amount
0-100	\$24
101-500	\$36
501-1,000	\$48
1,001-10,000	\$90

Fees for internal inspection of regulated boilers exceeding

ten thousand (10,000) square feet of heating surface shall be charged at the rates specified in subsection (i).

(c) The fees for the external inspection of regulated boilers shall be as follows:

Heating Surface Area (in square feet)	Amount
0-50	\$18
51-150	\$24
151 or more	\$40

(d) The fees for the internal or external inspection of regulated pressure vessels shall be based on the sectional area of the vessel (overall length head to head times the width or outside diameter) expressed in square feet as follows:

Area (in square feet)	Amount
0-50	\$15
51-150	\$30
Greater than 150	\$60

(e) The fee for internal or external inspection of a service water heater shall be ten dollars (\$10).

(f) The operating permit processing fee for all certificates of inspection (operating permits) issued by the office shall be twenty-five dollars (\$25). In all cases, this fee is in addition to fees for inspection activities.

(g) A request to recreate an operating permit that has been lost shall be accompanied by a payment of fifteen dollars (\$15).

(h) An application for a variance from a rule adopted by the boiler and pressure vessel rules board shall be accompanied by a fee of two hundred dollars (\$200). An additional five hundred dollars (\$500) shall accompany the application when engineering calculations are included for review.

(i) The fees for inspection and/or audit activities requested that are not otherwise listed in this section shall be either of the following:

- (1) Three hundred dollars (\$300) per day, not to exceed four (4) regular working hours.
- (2) Six hundred dollars (\$600) per day exceeding four (4) regular working hours, plus seventy-five dollars (\$75) per hour exceeding eight (8) regular working hours in a particular day, plus actual expenses incurred, such as travel, lodging, and dining expenses.

A fee computed under this subsection must cover the period from the time the inspector leaves the inspector's regular work schedule to the time the inspector returns to the inspector's regular work schedule and is payable upon receipt of an invoice.

(j) A payment of twenty dollars (\$20) per object inspected shall accompany the annual report of inspection of owner or user inspection agencies.

(k) An application for an owner or user inspection agency certificate shall be accompanied by payment of five hundred dollars (\$500).

(l) An application to sit for an inspector examination shall be accompanied by payment of one hundred dollars (\$100).

(m) The annual renewal of an inspector license shall be accompanied by payment of twenty-five dollars (\$25).

(n) All payments to the office are payable to the Fire and Building Services Fund. The state building commissioner may authorize the refunding of any fee specified in this section that was paid or collected in error. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-13; filed Dec 9, 2002, 11:15 a.m.; 26 IR 1556, eff Apr 1, 2003*)

SECTION 2. 675 IAC 12-3-14 IS ADDED TO READ AS FOLLOWS:

675 IAC 12-3-14 Regulated lifting device permitting and certification fees

Authority: IC 22-12-6-6; IC 22-13-2-13
Affected: IC 22-15-5

Sec. 14. (a) An application for an installation or alteration permit for a regulated lifting device shall be accompanied by payment as follows:

Type of Device	Amount
(1) Vertical wheelchair lift, incline wheelchair lift, and incline chair lift	\$250
(2) Any other regulated lifting device, including elevator, escalator, belt manlift, personnel hoist, sewage lift station personnel hoist, or dumbwaiter	\$500

(b) An application for an initial or renewal operating certificate for a regulated lifting device shall be accompanied by payment of one hundred twenty dollars (\$120).

(c) An application for a temporary operating permit for a regulated lifting device shall be accompanied by a payment of one hundred dollars (\$100).

(d) All payments to the office are payable to the Fire and Building Services Fund. The state building commissioner may authorize the refunding of any fee specified in this section which was paid or collected in error. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-14; filed Dec 9, 2002, 11:15 a.m.; 26 IR 1557, eff Apr 1, 2003*)

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SECTION 3. 675 IAC 12-3-15 IS ADDED TO READ AS FOLLOWS:

675 IAC 12-3-15 Regulated lifting device professional licensing fees

Authority: IC 22-12-6-6; IC 22-13-2-13

Affected: IC 22-15-5

Sec. 15. (a) An application for an initial or renewal license as an elevator contractor, elevator inspector, or elevator mechanic shall be accompanied by payment as follows:

Type of License	Amount
(1) Elevator contractor	\$500
(2) Elevator inspector	\$100
(3) Elevator mechanic	\$100
(4) Temporary elevator mechanic	\$100
(5) Emergency elevator mechanic	\$25

(b) All payments to the office are payable to the Fire and Building Services Fund. The state building commissioner may authorize the refunding of any fee specified in this section which was paid or collected in error. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-15; filed Dec 9, 2002, 11:15 a.m.: 26 IR 1558*)

SECTION 4. SECTIONS 1 and 2 of this document take effect April 1, 2003.

LSA Document #02-90(F)

Notice of Intent Published: 25 IR 2279

Proposed Rule Published: May 1, 2002; 25 IR 2573

Hearing Held: July 15, 2002 and September 4, 2002

Approved by Attorney General: November 21, 2002

Approved by Governor: December 4, 2002

Filed with Secretary of State: December 9, 2002, 11:15 a.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #02-180(F)

DIGEST

Amends 844 IAC 2.2-2-1, 844 IAC 2.2-2-2, and 844 IAC 2.2-2-5 concerning certification of physician assistants. Amends 844 IAC 2.2-2-8 concerning fees for registration of physician assistants. Effective 30 days after filing with the secretary of state.

844 IAC 2.2-2-1	844 IAC 2.2-2-5
844 IAC 2.2-2-2	844 IAC 2.2-2-8

SECTION 1. 844 IAC 2.2-2-1 IS AMENDED TO READ AS FOLLOWS:

844 IAC 2.2-2-1 Applications

Authority: IC 25-22.5-2-7; IC 25-27.5-3-5

Affected: IC 25-22.5-1-2; IC 25-27.5

Sec. 1. (a) The application for certification of a physician assistant must be made upon forms supplied by the committee.

(b) Each application for certification as a physician assistant or for a temporary permit while waiting for the next committee meeting shall include all of the following information:

(1) Complete names, address, and telephone number of the physician assistant.

(2) Satisfactory evidence of the following:

(A) Completion of an **approved** educational program. ~~approved by the committee.~~

(B) Passage of the Physician Assistant National Certifying Examination administered by the NCCPA.

(C) A current NCCPA certificate.

(3) All names used by the physician assistant, explaining the reason for such name change or use.

(4) Date and place of birth of the physician assistant, and age at the time of application.

(5) Citizenship and visa status if applicable.

(6) Whether the physician assistant has been licensed, certified, or registered in any other jurisdiction and, if so, the dates thereof.

(7) Whether the physician assistant has had any disciplinary action taken against the license, certificate, or registration by the licensing or regulatory agency of any other state or jurisdiction, and the details and dates thereof.

(8) A complete listing of all places of employment, including:

(A) the name and address of employers;

(B) the dates of each employment; and

(C) employment responsibilities held or performed;

that the applicant has had since becoming a physician assistant in any state or jurisdiction.

(9) Whether the physician assistant is, or has been, addicted to, or is chemically dependent upon, any narcotic drugs, alcohol, or other drugs, and if so, the details thereof.

(10) Whether the applicant has been denied a license, certificate, approval, or registration as physician assistant by any other state or jurisdiction, and, if so, the details thereof, including the following:

(A) The name and location of the state or jurisdiction denying licensure.

(B) Certification, approval, or registration.

(C) The date of denial of the certification, approval, or registration.

(D) The reasons relating to the denial of certification, approval, or registration.

(11) Whether the physician assistant has been convicted of, or pleaded guilty to, any violation of federal, state, or local law relating the use, manufacturing, distributing, sale, dispensing, or possession of controlled substances or of drug addiction, and, if so, all of the details relating thereto.

(12) Whether the physician assistant has been convicted of, or pleaded guilty to, any federal or state criminal offense, felony, or misdemeanor, except for traffic violations that resulted only in fines, and, if so, all of the details thereto.

(13) Whether the physician assistant was denied privileges in any hospital or health care facility, or had such privileges revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitation, and, if so, all of the details relating thereto, including the name and address of the hospital or health care facility, the date of such action, and the reasons therefore.

(14) Whether the physician assistant has ever been admonished, censured, reprimanded, or requested to withdraw, resign, or retire from any hospital or health care facility in which the physician assistant was employed, worked, or held privileges.

(15) Whether the physician assistant has had any malpractice judgments entered against him or her or settled any malpractice action or cause of action, and, if so, a complete, detailed description of the facts and circumstances relating thereto.

(16) A statement from the supervising physician that the physician assistant is, or will be, supervised by that physician.

(17) A description of the setting in which the physician assistant shall be working under the physician supervision.

(18) The name, business address, and telephone number of the physician under whose supervision the physician assistant will be supervised.

(19) One (1) passport-type photo taken of the applicant within the last eight (8) weeks.

(c) All information in the application shall be ~~typewritten, except the signature, and~~ submitted under oath or affirmation, subject to the penalties of perjury.

(d) Each applicant for certification as a physician assistant shall submit an executed authorization and release form supplied by the committee that:

(1) authorizes the committee or any of its authorized representatives to inspect, receive, and review;

(2) authorizes and directs any:

- (A) person;
- (B) corporation;
- (C) partnership;
- (D) association;
- (E) organization;
- (F) institute;
- (G) forum; or
- (H) officer thereof;

to furnish, provide, and supply to the committee all relevant documents, records, or other information pertaining to the applicant; and

(3) releases the committee, or any of its authorized representatives, and any:

- (A) person;
- (B) corporation;

(C) partnership;

(D) association;

(E) organization;

(F) institute;

(G) forum; or

(H) officer thereof;

from any and all liability regarding such inspection, review, receipt, furnishing, or supply of any such information.

(e) Application forms submitted to the committee must be complete in every detail. All supporting documents required by the application must be submitted with the application.

(f) Applicants for a temporary permit to practice as a physician assistant while waiting to take the examination or waiting for results of the examination must submit all requirements of subsection (b), except for subsection (b)(2)(B) and (b)(2)(C), in order to apply for a temporary permit.

(g) A temporary permit becomes invalid if the temporary permit holder fails to sit or fails to register for the next available examination. (*Medical Licensing Board of Indiana; 844 IAC 2.2-2-1; filed May 26, 2000, 8:52 a.m.: 23 IR 2498; errata filed Sep 21, 2000, 3:21 p.m.: 24 IR 382; filed Jan 2, 2003, 10:38 a.m.: 26 IR 1558*)

SECTION 2. 844 IAC 2.2-2-2 IS AMENDED TO READ AS FOLLOWS:

844 IAC 2.2-2-2 Registration of supervising physician

Authority: IC 25-22.5-2-7; IC 25-27.5-3-5

Affected: IC 25-27.5-6

Sec. 2. (a) A physician ~~or osteopathic physician~~ licensed under IC 25-22.5 who intends to supervise a physician assistant shall register his or her intent to do so with the board on a form approved by the board prior to commencing supervision of a physician assistant. The supervising physician shall include the following information on the form supplied by the board:

(1) The name, business address, and telephone number of the supervising physician.

(2) The name, business address, telephone number, and certification number of the physician assistant.

(3) The current license number of the physician.

(4) A statement that the physician will be supervising no more than two (2) physician assistants, and the name and certificate numbers of the physician assistants he or she is currently supervising.

(5) A description of the setting in which the physician assistant will practice under the supervising physician, including the specialty, if any, of the supervising physician.

(6) A statement that the supervising physician:

- (A) will exercise continuous supervision over the physician assistant in accordance with IC 25-27.5-6 and this article;
- (B) shall review all patient encounters maintained by the

physician assistant within twenty-four (24) hours after the physician assistant has seen a patient; and
(C) at all times, retain professional and legal responsibility for the care rendered by the physician assistant.

(7) Detailed description of the process maintained by the physician for evaluation of the physician assistant's performance.

(b) The supervising physician may not be the designated supervising physician for more than two (2) physician assistants and may not supervise more than two (2) physician assistants at one (1) time as the primary or designated supervising physician.

(c) The designated supervising physician is to accept responsibility of supervising the physician assistant in the absence of the primary supervising physician of record. Protocol is to be established by the physician practice.

~~(b)~~ **(d)** The supervising physician shall, within fifteen (15) days, notify the board when the supervising relationship with the physician assistant is terminated, and the reason for such termination. In addition, notification shall be submitted to the committee. (*Medical Licensing Board of Indiana; 844 IAC 2.2-2-2; filed May 26, 2000, 8:52 a.m.: 23 IR 2499; errata filed Sep 21, 2000, 3:21 p.m.: 24 IR 382; filed Jan 2, 2003, 10:38 a.m.: 26 IR 1559*)

SECTION 3. 844 IAC 2.2-2-5 IS AMENDED TO READ AS FOLLOWS:

844 IAC 2.2-2-5 Privileges and duties

Authority: IC 25-22.5-2-7; IC 25-27.5-3-5

Affected: IC 25-22.5-1-2; IC 25-27.5

Sec. 5. (a) When engaged in the physician assistant's professional activities, a physician assistant shall wear a name tag identifying the individual as a physician assistant and shall inform patients that he or she is a physician assistant. A physician assistant shall not portray himself or herself as a licensed physician.

(b) A physician assistant shall ~~keep his or her certificate~~ **make** available for inspection at his or her primary place of business:

- (1) the physician assistant's certificate issued by the committee;**
- (2) a statement from the supervising physician that the physician assistant is, or will be, supervised by that physician;**
- (3) a description of the setting in which the physician assistant shall be working under the physician supervision;**
- (4) a job description with duties to be performed by the physician assistant and to be signed by both the physician and physician assistant; and**
- (5) the name, business address, and telephone number of**

the physician under whose supervision the physician assistant will be supervised.

(c) The physician assistant may perform, under the supervision of the supervising physician, such duties and responsibilities within the scope of the supervising physician's practice. (*Medical Licensing Board of Indiana; 844 IAC 2.2-2-5; filed May 26, 2000, 8:52 a.m.: 23 IR 2500; filed Jan 2, 2003, 10:38 a.m.: 26 IR 1560*)

SECTION 4. 844 IAC 2.2-2-8 IS AMENDED TO READ AS FOLLOWS:

844 IAC 2.2-2-8 Certification of physician assistants; fees

Authority: IC 25-22.5-2-7; IC 25-27.5-3-5

Affected: IC 25-22.5-1-1.1; IC 25-22.5-1-2; IC 25-27.5

Sec. 8. (a) A nonrefundable fee of ~~thirty one hundred~~ **thirty one hundred** dollars (~~(\$30)~~ **(\$100)**) shall accompany the initial application for ~~registration:~~ **certification.**

(b) A nonrefundable fee of ~~twenty fifty~~ **twenty five** dollars (~~(\$20)~~ **(\$50)**) shall accompany an application for changing supervising physicians.

(c) A fee of ~~twenty fifty~~ **twenty five** dollars (~~(\$20)~~ **(\$50)**) shall accompany each ~~biannual~~ **biennial** application for renewal of the physician assistant certificate. **A fee of fifty dollars (\$50) shall accompany each request for a temporary permit in addition to the fee for initial certification.**

(d) A fee of ten dollars (\$10) shall accompany each request for verification of licensure to another state.

(e) All such fees are nonrefundable. (*Medical Licensing Board of Indiana; 844 IAC 2.2-2-8; filed May 26, 2000, 8:52 a.m.: 23 IR 2501; filed Jan 2, 2003, 10:38 a.m.: 26 IR 1560*)

LSA Document #02-180(F)

Notice of Intent Published: 25 IR 3211

Proposed Rule Published: October 1, 2002; 26 IR 177

Hearing Held: October 24, 2002

Approved by Attorney General: December 10, 2002

Approved by Governor: December 23, 2002

Filed with Secretary of State: January 2, 2003, 10:38 a.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 852 INDIANA OPTOMETRY BOARD

LSA Document #02-133(F)

DIGEST

Adds 852 IAC 1-17 concerning application, examination, and renewal requirements for a limited license. Effective 30 days after filing with the secretary of state.

852 IAC 1-17

SECTION 1. 852 IAC 1-17 IS ADDED TO READ AS FOLLOWS:

Rule 17. Limited License

852 IAC 1-17-1 Application file; contents

Authority: IC 25-24-1-1

Affected: IC 25-24-1-3.2

Sec. 1. (a) An applicant for a limited license shall submit the following:

- (1) An application filed on a form prescribed by the Indiana optometry board and provided by the health professions bureau.
- (2) The fee required by 852 IAC 1-10-1.
- (3) Official transcripts, certified by the school, recording courses, grades, certificates, and degrees earned in an accredited optometry school. If not in English, the applicant must provide an official translation.
- (4) One (1) passport-quality photograph taken not earlier than one (1) year prior to the date of application, dated and signed on the back in the applicant's handwriting, "I certify that this is a true photograph of me."
- (5) A copy of the applicant's curriculum vitae.
- (6) A statement from the dean at Indiana University which shall include the date of faculty appointment and subject or subjects being taught.
- (7) Verification of licensure status provided to the board directly by the appropriate agency in each state or country where the applicant holds or has held a license to practice optometry.
- (8) Verification of areas of examination, type of examination, pass-fail criteria, and the applicant's score in each area of the examination provided to the board directly by the state or country in which the applicant took the examination.

(b) The dean at Indiana University school of optometry may be contacted in order to validate the suitability of the applicant for a limited license. (*Indiana Optometry Board; 852 IAC 1-17-1; filed Jan 6, 2003, 10:23 a.m.: 26 IR 1561*)

852 IAC 1-17-2 Written examination

Authority: IC 25-24-1-1

Affected: IC 25-24-1-3

Sec. 2. An applicant for a limited license must pass a written examination on the Indiana optometry statute (IC 25-24) and rules (this title). A score of seventy-five (75) or above is required. (*Indiana Optometry Board; 852 IAC 1-17-2; filed Jan 6, 2003, 10:23 a.m.: 26 IR 1561*)

852 IAC 1-17-3 Renewal of a limited license

Authority: IC 25-24-1-1

Affected: IC 25-24-1-3

Sec. 3. All limited license holders are required to complete thirty (30) hours of continuing education every biennium as specified in 852 IAC 1-16-1. (*Indiana Optometry Board; 852 IAC 1-17-3; filed Jan 6, 2003, 10:23 a.m.: 26 IR 1561*)

LSA Document #02-133(F)

Notice of Intent Published: 25 IR 2749

Proposed Rule Published: August 1, 2002; 25 IR 3870

Hearing Held: November 13, 2002

Approved by Attorney General: December 19, 2002

Approved by Governor: January 3, 2003

Filed with Secretary of State: January 6, 2003, 10:23 a.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #02-172(F)

DIGEST

Amends 856 IAC 1-35-1 and 856 IAC 1-35-4 concerning pharmacy technicians, including the determination of whether a pharmacy technician is qualified, and provides technicians the opportunity to pass a certification exam in lieu of taking the training program. Repeals 856 IAC 1-35-6. Effective 30 days after filing with the secretary of state.

856 IAC 1-35-1

856 IAC 1-35-4

856 IAC 1-35-6

SECTION 1. 856 IAC 1-35-1 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-35-1 Purpose and scope

Authority: IC 25-26-13-4

Affected: IC 25-26-13

Sec. 1. (a) The board is responsible for establishing standards for the competent practice of pharmacy.

(b) The use of pharmacy technicians to assist the pharmacist with nondiscretionary functions associated with the practice of pharmacy enables the pharmacist to provide pharmaceutical care to the patient.

(c) Evolved pharmacy practice demands additional time for pharmacists to counsel individual patients regarding the proper use of drugs.

(d) Only pharmacists (licensed under IC 25-26-13-11), pharmacy interns and externs (as defined in IC 25-26-13-2 and registered under IC 25-26-13-10), and pharmacy technicians as described in this section shall be permitted to participate in the activities associated with a drug order or prescription preparation.

(e) A pharmacist shall not permit a pharmacy technician to participate in the activities associated with a drug order or prescription preparation unless the pharmacy technician meets the qualifications of this section.

(f) The pharmacist is responsible for the work performed by the pharmacy technician under the pharmacist's supervision. (*Indiana Board of Pharmacy; 856 IAC 1-35-1; filed Aug 17, 1995, 8:30 a.m.: 19 IR 39; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330; filed Dec 20, 2002, 12:17 p.m.: 26 IR 1561*)

SECTION 2. 856 IAC 1-35-4 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-35-4 Qualifications

Authority: IC 25-26-13-4

Affected: IC 25-26-13-18

Sec. 4. To be eligible to perform the functions and duties of a pharmacy technician, an individual must possess the following qualifications, which shall be ascertained and documented **in a reasonably retrievable manner** by the pharmacist that qualifies the pharmacy permit:

(1) The individual has not been convicted of a crime that has a direct bearing on the individual's ability to work with legend drugs or controlled substances.

(2) The individual must be a high school graduate or have successfully completed a General Education Development program **or have been judged to be competent by the qualifying pharmacist.**

(3) The individual must have successfully completed or be enrolled in **and successfully complete within twelve (12) months of being hired as a technician** one (1) of the following board-approved programs:

(A) A ~~board approved~~ comprehensive curricular-based education and training program conducted by a pharmacy or educational organization.

(B) A technician training program utilized by the employer that includes specific training in the duties required to assist the pharmacist in the technical functions associated with the practice of pharmacy. The contents of the training program shall include, at a minimum, the following:

(i) Understanding of the duties and responsibilities of the technician and the pharmacist, including the standards of patient confidentiality and ethics governing pharmacy practice.

(ii) Tasks and technical skills, policies, and procedures related to the technician's position.

(iii) Working knowledge of pharmaceutical-medical terminology, abbreviations, and symbols commonly used in prescriptions and drug orders.

(iv) Working knowledge of the general storage, packaging, and labeling requirements of drugs, prescriptions, or drug orders.

(v) Ability to perform the arithmetic calculations required for the usual dosage determinations.

(vi) Working knowledge and understanding of the essential functions related to drug purchasing and inventory control.

(vii) The record keeping functions associated with prescriptions or drug orders.

(4) In lieu of the requirements in subdivision (3), the successful completion of a board-approved certification examination may satisfy the requirements of this section.

~~(5)~~ **(5)** A record of the pharmacy technician training and education must be maintained in the pharmacy where the technician is employed and shall include the following:

~~(i)~~ **(A)** The name of the pharmacy technician.

(B) The starting date of employment as a pharmacy technician.

(C) The starting date of the technician training program.

~~(ii)~~ **(D)** The date of completion of the training program **or proof of passing the board-approved examination if subdivision (4) applies.**

~~(iii)~~ **(E)** A copy of the training manual, if on-the-job training is used by the employer, or certificate of successful completion of another approved program, or other training program completed prior to employment.

(*Indiana Board of Pharmacy; 856 IAC 1-35-4; filed Aug 17, 1995, 8:30 a.m.: 19 IR 40; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330; filed Dec 20, 2002, 12:17 p.m.: 26 IR 1562*)

SECTION 3. 856 IAC 1-35-6 IS REPEALED.

LSA Document #02-172(F)

Notice of Intent Published: 25 IR 3211

Proposed Rule Published: September 1, 2002; 25 IR 4211

Hearing Held: October 15, 2002

Approved by Attorney General: December 5, 2002

Approved by Governor: December 20, 2002

Filed with Secretary of State: December 20, 2002, 12:17 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 888 INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

LSA Document #02-134(F)

DIGEST

Amends 888 IAC 1.1-6-1 concerning the application content, the examination of applicants, and the deadline for applying to take the examination for licensure. Effective 30 days after filing with the secretary of state.

888 IAC 1.1-6-1

SECTION 1. 888 IAC 1.1-6-1 IS AMENDED TO READ AS FOLLOWS:

888 IAC 1.1-6-1 Application content; examination applicant; application deadline

Authority: IC 15-5-1.1-8

Affected: IC 15-5-1.1-11; IC 15-5-1.1-12

Sec. 1. (a) An applicant for license by examination shall submit the following information:

- (1) Official transcripts or a letter from the dean, certified by the school or college, recording the degree earned in a school or college of veterinary medicine accredited under IC 15-5-1.1-11(a) or a notarized copy of the applicant's diploma.
- (2) Official score report of the applicant's National Board Examination (NBE) and the Clinical Competency Test (CCT) or the North American Veterinary Licensing Examination (NAVLE) approved under IC 15-5-1.1-12(b) if the applicant is not applying to take these examinations in Indiana.
- (3) Two (2) unmounted, duplicate, passport-quality photographs taken not earlier than eight (8) weeks prior to the date of application, dated and signed across the back in the applicant's handwriting, "I certify that this is a true photograph of me."
- (4) A statement from the appropriate agency in each state where the applicant has been licensed, verifying the date the applicant's license was originally issued and certifying whether or not disciplinary proceedings have ever been initiated or are presently pending against the applicant.
- (5) The fee required by 888 IAC 1.1-3-2.

(b) An applicant who has not graduated from an accredited school of veterinary medicine and who submits satisfactory proof that he or she is participating in an Educational Commission for Foreign Veterinary Graduates (ECFVG) program of the American Veterinary Medical Association may take the NAVLE. The applicant is not eligible for licensure until he or she submits satisfactory proof that he or she holds an ECFVG certificate issued by the American Veterinary Medical Association.

(c) All applications for the NAVLE must be received by the board at least seventy-five (75) days prior to the administration of the NAVLE in which the applicant desires to participate. (*Indiana Board of Veterinary Medical Examiners; 888 IAC 1.1-6-1; filed Jan 22, 1991, 4:50 p.m.: 14 IR 1284; filed Dec 27, 1993, 9:00 a.m.: 17 IR 1004; filed Aug 7, 2000, 2:19 p.m.: 24 IR 24; readopted filed Jul 18, 2001, 10:20 a.m.: 24 IR 4238; filed Dec 20, 2002, 12:31 p.m.: 26 IR 1563*)

LSA Document #02-134(F)

Notice of Intent Published: 25 IR 2750

Proposed Rule Published: August 1, 2002; 25 IR 3877

Hearing Held: October 30, 2002

Approved by Attorney General: December 5, 2002

Approved by Governor: December 20, 2002

Filed with Secretary of State: December 20, 2002, 12:31 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 888 INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

LSA Document #02-136(F)

DIGEST

Adds 888 IAC 1.1-11 concerning inactive status of licenses to practice veterinary medicine and inactive status of registered veterinary technicians. Effective 30 days after filing with the secretary of state.

888 IAC 1.1-11

SECTION 1. 888 IAC 1.1-11 IS ADDED TO READ AS FOLLOWS:

Rule 11. Inactive Status of Licenses

888 IAC 1.1-11-1 Inactive status for veterinarians

Authority: IC 15-5-1.1-8

Affected: IC 15-5-1.1-18; IC 15-5-1.1-19

Sec. 1. (a) The board may place a veterinary license on inactive status if the applicant makes the request in writing under IC 15-5-1.1-19.

(b) The fee and continuing education requirements are waived when a request for inactive status is submitted to and approved by the board.

(c) The veterinarian will no longer receive renewal notices until the time the veterinarian submits a written request to reactivate the veterinarian's license. (*Indiana Board of Veterinary Medical Examiners; 888 IAC 1.1-11-1; filed Dec 20, 2002, 12:36 p.m.: 26 IR 1563*)

888 IAC 1.1-11-2 Reactivation of an inactive license to practice veterinary medicine; requirements

Authority: IC 15-5-1.1-8

Affected: IC 15-5-1.1-18; IC 15-5-1.1-19

Sec. 2. (a) The following requirements apply to requests for reactivation of an inactive license to practice veterinary medicine:

- (1) The veterinarian must submit an application for reactivation in the form and manner required by the board.**
- (2) The veterinarian must submit the current renewal fee as required in 888 IAC 1.1-3-2 at the time of applying to reactivate the applicant's license.**
- (3) If the veterinarian's license has been on inactive status two (2) years or less, the veterinarian must submit proof of the completion of the continuing education hours required by 888 IAC 1.1-10-1.**
- (4) If the veterinarian's license has been on inactive status**

for more than two (2) years up to and including three (3) years, the veterinarian must submit proof of completion of sixty (60) hours of the continuing education that meets the requirements of 888 IAC 1.1-10-1.

(5) If the veterinarian's license has been on inactive status more than three (3) years up to and including four (4) years, the veterinarian must submit proof of completion of eighty (80) hours of the continuing education that meets the requirements of 888 IAC 1.1-10-1.

(6) If the veterinarian's license has been inactive more than four (4) years, the board may require the veterinarian to make a personal appearance before the board and meet any additional conditions set by the board, including, but not limited to, completion of continuing education in an amount prescribed by the board. The veterinarian may be required to take and pass an examination as approved by the board.

(b) Documentation verifying the completion of the required continuing education hours must be submitted to the board with the license reactivation application. (*Indiana Board of Veterinary Medical Examiners; 888 IAC 1.1-11-2; filed Dec 20, 2002, 12:36 p.m.: 26 IR 1563*)

888 IAC 1.1-11-3 Inactive status for registered veterinary technicians

Authority: IC 15-5-1.1-8

Affected: IC 15-5-1.1-18; IC 15-5-1.1-19

Sec. 3. (a) The board may place a registered veterinary technician on inactive status if the applicant makes the request in writing under IC 15-5-1.1-19.

(b) The fee and continuing education requirements are waived when a request for inactive status is submitted to and approved by the board.

(c) The registered veterinary technician will no longer receive renewal notices until the time the registered veterinary technician submits a written request to reactivate the veterinary technician's registration. (*Indiana Board of Veterinary Medical Examiners; 888 IAC 1.1-11-3; filed Dec 20, 2002, 12:36 p.m.: 26 IR 1564*)

888 IAC 1.1-11-4 Reactivation of an inactive veterinary technician registration

Authority: IC 15-5-1.1-8

Affected: IC 15-5-1.1-18; IC 15-5-1.1-19

Sec. 4. (a) The following requirements apply to requests for reactivation of an inactive veterinary technician registration:

(1) The veterinary technician must submit an application for reactivation in the form and manner required by the board.

(2) The registered veterinary technician must submit the current renewal fee as required in 888 IAC 1.1-3-3 at the time of applying to reactivate the applicant's registration.

(3) If the registered veterinary technician's registration has been on inactive status two (2) years or less, the registered veterinary technician must submit proof of the completion of the continuing education hours required by 888 IAC 1.1-10-1.

(4) If the registered veterinary technician has been on inactive status more than two (2) years up to and including three (3) years, the registered veterinary technician must submit proof of completion of twenty-four (24) hours of the continuing education that meets the requirements of 888 IAC 1.1-10-1.

(5) If the registered veterinary technician has been on inactive status more than three (3) years up to and including four (4) years, the registered veterinary technician must submit proof of completion of thirty-two (32) hours of the continuing education that meets the requirements of 888 IAC 1.1-10-1.

(6) If the registered veterinary technician has been on inactive status more than four (4) years, the board may require the registered veterinary technician to make a personal appearance before the board and meet any additional conditions set by the board, including, but not limited to, the completion of continuing education in an amount prescribed by the board. The registered veterinary technician may be required to take and pass an examination as approved by the board.

(b) Documentation verifying the completion of the required continuing education hours must be submitted to the board with the registration reactivation application. (*Indiana Board of Veterinary Medical Examiners; 888 IAC 1.1-11-4; filed Dec 20, 2002, 12:36 p.m.: 26 IR 1564*)

LSA Document #02-136(F)

Notice of Intent Published: 25 IR 2750

Proposed Rule Published: August 1, 2002; 25 IR 3878

Hearing Held: October 30, 2002

Approved by Attorney General: December 5, 2002

Approved by Governor: December 20, 2002

Filed with Secretary of State: December 20, 2002, 12:36 p.m.

Incorporated Documents Filed with Secretary of State: None

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Under IC 4-22-8-4(c), corrects the following clerical error in the Indiana Administrative Code, 2002 edition:

In 170 IAC 7-1.3-2(7)(B)(i), after “will operate with”, delete “eight” and insert “four”.

Retroactively effective to the same date and time as LSA Document #01-342(F).

TITLE 312 NATURAL RESOURCES COMMISSION

Under IC 4-22-2-38, corrects the following clerical error in the Indiana Administrative Code, 2001 edition:

In 312 IAC 12-3-2(c)(1), delete “twenty (20)” and insert “fifty (50)”.

Filed with Secretary of State: December 26, 2002, 9:58 a.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

TITLE 326 AIR POLLUTION CONTROL BOARD

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in the Indiana Administrative Code, 2002 edition:

- (1) In 326 IAC 2-2-13*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (2) In 326 IAC 2-2-13*, delete “20402” and insert “20401”.
- (3) In 326 IAC 2-2-13*, after “Air”, delete “Management,” and insert “Quality,”.
- (4) In 326 IAC 2-2-13*, after “Center-North,”, insert “Tenth Floor,”.
- (5) In 326 IAC 2-2-13*, delete “46204-2220.” and insert “46204.”.
- (6) In 326 IAC 2-2-16*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (7) In 326 IAC 2-2-16*, delete “20402” and insert “20401”.
- (8) In 326 IAC 2-2-16*, after “Air”, delete “Management,” and insert “Quality,”.
- (9) In 326 IAC 2-2-16*, after “Center-North,”, insert “Tenth Floor,”.
- (10) In 326 IAC 2-2-16*, delete “46204-2220.” and insert “46204.”.
- (11) In 326 IAC 2-3-1*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (12) In 326 IAC 2-3-1*, delete “20402” and insert “20401”.
- (13) In 326 IAC 2-3-1*, after “Center-North,”, insert “Tenth Floor,”.

(14) In 326 IAC 2-3-1*, delete “46204-2220.” and insert “46204.”.

(15) In 326 IAC 7-2-1*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(16) In 326 IAC 7-2-1*, delete “20402.” and insert “20401”.

(17) In 326 IAC 7-2-1*, after “Air”, delete “Management,” and insert “Quality,”.

(18) In 326 IAC 7-2-1*, after “Center-North,”, insert “Tenth Floor,”.

(19) In 326 IAC 7-2-1*, delete “P.O. Box 6015,”.

(20) In 326 IAC 7-2-1*, delete “46206-6015.” and insert “46204.”.

(21) In 326 IAC 8-1-4**, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(22) In 326 IAC 8-1-4**, delete “20402” and insert “20401”.

(23) In 326 IAC 8-1-4**, after “Air”, delete “Management,” and insert “Quality, Indiana Government Center-North, Tenth Floor,”.

(24) In 326 IAC 8-1-4**, delete “46204-2220.” and insert “46204.”.

(25) In 326 IAC 8-12-6*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(26) In 326 IAC 8-12-6*, delete “20402.” and insert “20401”.

(27) In 326 IAC 8-12-6*, after “Air”, delete “Management,” and insert “Quality, Indiana Government Center-North, Tenth Floor,”.

(28) In 326 IAC 8-12-6*, delete “46204-2220.” and insert “46204.”.

(29) In 326 IAC 15-1-2**, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(30) In 326 IAC 15-1-2**, delete “20402 ” and insert “20401”.

(31) In 326 IAC 15-1-2**, after “Air”, delete “Management,” and insert “Quality,”.

(32) In 326 IAC 15-1-2**, after “Center-North,”, insert “Tenth Floor,”.

(33) In 326 IAC 15-1-2**, delete “46206-6015.” and insert “46204.”.

Filed with Secretary of State: December 12, 2002, 3:30 p.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

TITLE 326 AIR POLLUTION CONTROL BOARD

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in the Indiana Administrative Code, 2002 edition:

- (1) In 326 IAC 1-5-2, delete “dissaproved” and insert “disapproved”.

- (2) In 326 IAC 2-6-4*, after “Air”, delete “Management,” and insert “Quality, Indiana”.
- (3) In 326 IAC 2-6-4*, after “Center-North,”, insert “Tenth Floor,”.
- (4) In 326 IAC 2-7-3*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (5) In 326 IAC 2-7-3*, delete “20402” and insert “20401”.
- (6) In 326 IAC 2-7-3*, after “Management,”, insert “Office of Air Quality,”.
- (7) In 326 IAC 2-7-3*, after “Center-North,”, insert “Tenth Floor,”.
- (8) In 326 IAC 2-7-3*, delete “46204-2220.” and insert “46204.”.
- (9) In 326 IAC 2-7-8*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (10) In 326 IAC 2-7-8*, delete “20402” and insert “20401”.
- (11) In 326 IAC 2-7-8*, after “Management,”, insert “Office of Air Quality,”.
- (12) In 326 IAC 2-7-8*, after “Center-North,”, insert “Tenth Floor,”.
- (13) In 326 IAC 2-7-8*, delete “46204-2220.” and insert “46204.”.
- (14) In 326 IAC 2-7-18*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (15) In 326 IAC 2-7-18*, delete “20402” and insert “20401”.
- (16) In 326 IAC 2-7-18*, after “Management,”, insert “Office of Air Quality,”.
- (17) In 326 IAC 2-7-18*, after “Center-North,”, insert “Tenth Floor,”.
- (18) In 326 IAC 2-7-18*, delete “46204-2220.” and insert “46204.”.
- (19) In 326 IAC 2-8-3*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (20) In 326 IAC 2-8-3*, delete “20402” and insert “20401”.
- (21) In 326 IAC 2-8-3*, after “Management,”, insert “Office of Air Quality,”.
- (22) In 326 IAC 2-8-3*, after “Center-North,”, insert “Tenth Floor,”.
- (23) In 326 IAC 2-9-7*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (24) In 326 IAC 2-9-7*, delete “20402” and insert “20401”.
- (25) In 326 IAC 2-9-7*, after “Air”, delete “Management,” and insert “Quality,”.
- (26) In 326 IAC 2-9-7*, after “Center-North,”, insert “Tenth Floor,”.
- (27) In 326 IAC 2-9-7*, delete “46204-2220.” and insert “46204.”.
- (28) In 326 IAC 2-9-8*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (29) In 326 IAC 2-9-8*, delete “20402” and insert “20401”.
- (30) In 326 IAC 2-9-8*, after “Air”, delete “Management,” and insert “Quality,”.
- (31) In 326 IAC 2-9-8*, after “Center-North,”, insert “Tenth Floor,”.
- (32) In 326 IAC 2-9-8*, delete “46204-2220.” and insert “46204.”.
- (33) In 326 IAC 2-9-9*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (34) In 326 IAC 2-9-9*, delete “20402” and insert “20401”.
- (35) In 326 IAC 2-9-9*, after “Air”, delete “Management,” and insert “Quality,”.
- (36) In 326 IAC 2-9-9*, after “Center-North,”, insert “Tenth Floor,”.
- (37) In 326 IAC 2-9-9*, delete “46204-2220.” and insert “46204.”.
- (38) In 326 IAC 2-9-10*, after “Air”, delete “Management,” and insert “Quality,”.
- (39) In 326 IAC 2-9-10*, after “Center-North,”, insert “Tenth Floor,”.
- (40) In 326 IAC 2-9-10*, delete “46204-2220.” and insert “46204.”.
- (41) In 326 IAC 2-9-10**, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (42) In 326 IAC 2-9-10**, delete “20402” and insert “20401”.
- (43) In 326 IAC 2-9-10**, after “Air”, delete “Management,” and insert “Quality,”.
- (44) In 326 IAC 2-9-10**, after “Center-North,”, insert “Tenth Floor,”.
- (45) In 326 IAC 2-9-10**, delete “46204-2220.” and insert “46204.”.
- (46) In 326 IAC 2-9-13**, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (47) In 326 IAC 2-9-13**, delete “20402” and insert “20401”.
- (48) In 326 IAC 2-9-13**, after “Air”, delete “Management,” and insert “Quality,”.
- (49) In 326 IAC 2-9-13**, after “Center-North,”, insert “Tenth Floor,”.
- (50) In 326 IAC 2-9-13**, delete “46204-2220.” and insert “46204.”.
- (51) In 326 IAC 3-4-1*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (52) In 326 IAC 3-4-1*, delete “20402” and insert “20401”.
- (53) In 326 IAC 3-4-1*, after “Management,”, insert “Office of Air Quality,”.
- (54) In 326 IAC 3-4-1*, after “Center-North,”, insert “Tenth Floor,”.
- (55) In 326 IAC 3-4-1*, delete “46206-6015.” and insert “46204.”.
- (56) In 326 IAC 3-4-3*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (57) In 326 IAC 3-4-3*, delete “20402” and insert “20401”.
- (58) In 326 IAC 3-4-3*, after “Management,”, insert “Office of Air Quality,”.
- (59) In 326 IAC 3-4-3*, after “Center-North,”, insert “Tenth Floor,”.
- (60) In 326 IAC 3-4-3*, delete “46206-6015.” and insert “46204.”.
- (61) In 326 IAC 3-5-2*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

- (62) In 326 IAC 3-5-2*, delete “20402” and insert “20401”.
- (63) In 326 IAC 3-5-2*, after “Air”, delete “Management,” and insert “Quality,”.
- (64) In 326 IAC 3-5-2*, after “Center-North,”, insert “Tenth Floor,”.
- (65) In 326 IAC 3-5-2*, delete “46206-6015.” and insert “46204.”.
- (66) In 326 IAC 3-5-3*, after “Management,”, insert “Office of Air Quality,”.
- (67) In 326 IAC 3-5-3*, after “Center-North,”, insert “Tenth Floor,”.
- (68) In 326 IAC 3-5-3*, delete “46206-6015.” and insert “46204.”.
- (69) In 326 IAC 3-5-3**, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (70) In 326 IAC 3-5-3**, delete “20402” and insert “20401”.
- (71) In 326 IAC 3-5-3**, after “Management,”, insert “Office of Air Quality,”.
- (72) In 326 IAC 3-5-3**, after “Center-North,”, insert “Tenth Floor,”.
- (73) In 326 IAC 3-5-3**, delete “46206-6015.” and insert “46204.”.
- (74) In 326 IAC 3-5-4*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (75) In 326 IAC 3-5-4*, delete “20402” and insert “20401”.
- (76) In 326 IAC 3-5-4*, after “Management,”, insert “Office of Air Quality,”.
- (77) In 326 IAC 3-5-4*, after “Center-North,”, insert “Tenth Floor,”.
- (78) In 326 IAC 3-5-4*, delete “46206-6015.” and insert “46204.”.
- (79) In 326 IAC 3-5-5*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (80) In 326 IAC 3-5-5*, delete “20402” and insert “20401”.
- (81) In 326 IAC 3-5-5*, after “Management,”, insert “Office of Air Quality,”.
- (82) In 326 IAC 3-5-5*, after “Center-North,”, insert “Tenth Floor,”.
- (83) In 326 IAC 3-5-5*, delete “46206-6015.” and insert “46204.”.
- (84) In 326 IAC 3-6-1*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (85) In 326 IAC 3-6-1*, delete “20402” and insert “20401”.
- (86) In 326 IAC 3-6-1*, after “Management,”, insert “Office of Air Quality,”.
- (87) In 326 IAC 3-6-1*, after “Center-North,”, insert “Tenth Floor,”.
- (88) In 326 IAC 3-6-1*, delete “46206-6015.” and insert “46204.”.
- (89) In 326 IAC 3-6-3*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (90) In 326 IAC 3-6-3*, delete “20402” and insert “20401”.
- (91) In 326 IAC 3-6-3*, after “Management,”, insert “Office of Air Quality,”.
- (92) In 326 IAC 3-6-3*, after “Center-North,”, insert “Tenth Floor,”.
- (93) In 326 IAC 3-6-3*, delete “46206-6015.” and insert “46204.”.
- (94) In 326 IAC 3-6-5*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (95) In 326 IAC 3-6-5*, delete “20402” and insert “20401”.
- (96) In 326 IAC 3-6-5*, after “Management,”, insert “Office of Air Quality,”.
- (97) In 326 IAC 3-6-5*, after “Center-North,”, insert “Tenth Floor,”.
- (98) In 326 IAC 3-7-2*, after “Management,”, insert “Office of Air Quality,”.
- (99) In 326 IAC 3-7-2*, after “Center-North,”, insert “Tenth Floor,”.
- (100) In 326 IAC 3-7-2*, delete “46206-6015.” and insert “46204.”.
- (101) In 326 IAC 3-7-4*, after “Management,”, insert “Office of Air Quality,”.
- (102) In 326 IAC 3-7-4*, after “Center-North,”, insert “Tenth Floor,”.
- (103) In 326 IAC 3-7-4*, delete “46206-6015.” and insert “46204.”.
- (104) In 326 IAC 4-1-8(3), delete “operator” and insert “operation”.
- (105) In 326 IAC 5-1-2*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (106) In 326 IAC 5-1-2*, delete “20402” and insert “20401”.
- (107) In 326 IAC 5-1-2*, after “Air”, delete “Management,” and insert “Quality,”.
- (108) In 326 IAC 5-1-2*, after “Center-North,”, insert “Tenth Floor,”.
- (109) In 326 IAC 5-1-4*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (110) In 326 IAC 5-1-4*, delete “20402” and insert “20401”.
- (111) In 326 IAC 5-1-4*, after “Air”, delete “Management,” and insert “Quality,”.
- (112) In 326 IAC 5-1-4*, after “Center-North,”, insert “Tenth Floor,”.
- (113) In 326 IAC 5-1-5*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (114) In 326 IAC 5-1-5*, delete “20402” and insert “20401”.
- (115) In 326 IAC 5-1-5*, after “Air”, delete “Management,” and insert “Quality,”.
- (116) In 326 IAC 5-1-5*, after “Center-North,”, insert “Tenth Floor,”.
- (117) In 326 IAC 6-2-3(a), delete “micrograms” and insert “micrograms”.
- (118) In 326 IAC 6-4-5*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (119) In 326 IAC 6-4-5*, delete “20402.” and insert “20401.”.
- (120) In 326 IAC 6-4-5*, after “Air”, delete “Management, 105 South Meridian Street,” and insert “Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue,”.
- (121) In 326 IAC 6-4-5*, delete “46225.” and insert “46204.”.

- (122) In 326 IAC 6-5-7(d), delete “325 IAC 6-5” and insert “326 IAC 6-5”.
- (123) In 326 IAC 6-6-2*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (124) In 326 IAC 6-6-2*, delete “20402” and insert “20401 or are available for review and copying at Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.”.
- (125) In 326 IAC 6-6-4, delete “0.084 lb/MMBTU” and insert “0.084 lb/MMBTU”.
- (126) In 326 IAC 7-4-10*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (127) In 326 IAC 7-4-10*, delete “20402.” and insert “20401”.
- (128) In 326 IAC 7-4-10*, after “Air”, delete “Management, 105 South Meridian Street,” and insert “Quality, Indiana Government Center-North, Tenth Floor,”.
- (129) In 326 IAC 7-4-10*, delete “46225.” and insert “46204.”.
- (130) In 326 IAC 7-4-14(1)(C)(vii)(CC), delete “vertically” and insert “vertically”.
- (131) In 326 IAC 8-4-9*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (132) In 326 IAC 8-4-9*, delete “20402” and insert “20401”.
- (133) In 326 IAC 8-4-9*, after “Air”, delete “Management,” and insert “Quality,”.
- (134) In 326 IAC 8-4-9*, after “Center-North,”, insert “Tenth Floor,”.
- (135) In 326 IAC 8-7-7*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (136) In 326 IAC 8-7-7*, delete “20402.” and insert “20401”.
- (137) In 326 IAC 8-7-7*, after “Management,”, insert “Office of Air Quality, Indiana Government Center-North, Tenth Floor,”.
- (138) In 326 IAC 8-7-10(b)(7)(C), delete “exceedance,” and insert “exceedance,”.
- (139) In 326 IAC 8-8.1-1, delete “applies” and insert “apply”.
- (140) In 326 IAC 8-9-2*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (141) In 326 IAC 8-9-2*, delete “20402” and insert “20401”.
- (142) In 326 IAC 8-9-2*, after “Management,”, insert “Office of Air Quality,”.
- (143) In 326 IAC 8-9-2*, after “Center-North,”, insert “Tenth Floor,”.
- (144) In 326 IAC 8-9-2*, delete “46204-2220.” and insert “46204.”.
- (145) In 326 IAC 8-9-3*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (146) In 326 IAC 8-9-3*, delete “20402” and insert “20401”.
- (147) In 326 IAC 8-9-3*, after “Management,”, insert “Office of Air Quality,”.
- (148) In 326 IAC 8-9-3*, after “Center-North,”, insert “Tenth Floor,”.
- (149) In 326 IAC 8-9-3*, delete “46204-2220.” and insert “46204.”.
- (150) In 326 IAC 8-9-4*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (151) In 326 IAC 8-9-4*, delete “20402” and insert “20401”.
- (152) In 326 IAC 8-9-4*, after “Management,”, insert “Office of Air Quality,”.
- (153) In 326 IAC 8-9-4*, after “Center-North,”, insert “Tenth Floor,”.
- (154) In 326 IAC 8-9-4*, delete “46204-2220.” and insert “46204.”.
- (155) In 326 IAC 8-9-5*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (156) In 326 IAC 8-9-5*, delete “20402” and insert “20401”.
- (157) In 326 IAC 8-9-5*, after “Management,”, insert “Office of Air Quality,”.
- (158) In 326 IAC 8-9-5*, after “Center-North,”, insert “Tenth Floor,”.
- (159) In 326 IAC 8-9-5*, delete “46204-2220.” and insert “46204.”.
- (160) In 326 IAC 8-9-6*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (161) In 326 IAC 8-9-6*, delete “20402” and insert “20401”.
- (162) In 326 IAC 8-9-6*, after “Management,”, insert “Office of Air Quality,”.
- (163) In 326 IAC 8-9-6*, after “Center-North,”, insert “Tenth Floor,”.
- (164) In 326 IAC 8-9-6*, delete “46204-2220.” and insert “46204.”.
- (165) In 326 IAC 8-10-5(d)(3), delete “activity” and insert “activities”.
- (166) In 326 IAC 8-10-6(b)(4), after “as”, delete “as”.
- (167) In 326 IAC 8-10-7*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (168) In 326 IAC 8-10-7*, delete “20402.” and insert “20401”.
- (169) In 326 IAC 8-10-7*, after “Air”, delete “Management” and insert “Quality,”.
- (170) In 326 IAC 8-10-7*, delete “46204-2220.” and insert “46204.”.
- (171) In 326 IAC 8-11-2*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (172) In 326 IAC 8-11-2*, delete “20402.” and insert “20401”.
- (173) In 326 IAC 8-11-2*, after “Air”, delete “Management” and insert “Air Quality, Indiana Government Center-North, Tenth Floor,”.
- (174) In 326 IAC 8-11-2*, delete “46204-2220.” and insert “46204.”.
- (175) In 326 IAC 8-11-3(a)(3)(C), delete “one and nine-tenths (1.8) lb VOC/lb solids” and insert “one and eight-tenths (1.8) lb VOC/lb solids”.
- (176) In 326 IAC 8-11-6*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (177) In 326 IAC 8-11-6*, delete “20402.” and insert “20401”.
- (178) In 326 IAC 8-11-6*, after “Air”, delete “Management” and insert “Quality,”.

(179) In 326 IAC 8-11-6*, delete “46204-2220.” and insert “46204.”.

(180) In 326 IAC 8-11-7*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(181) In 326 IAC 8-11-7*, delete “20402.” and insert “20401.”.

(182) In 326 IAC 8-11-7*, after “Air”, delete “Management” and insert “Air Quality,”.

(183) In 326 IAC 8-11-7*, delete “46204-2220.” and insert “46204.”.

(184) In 326 IAC 8-12-3*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(185) In 326 IAC 8-12-3*, delete “20402.” and insert “20401.”.

(186) In 326 IAC 8-12-3*, after “Air”, delete “Management” and insert “Air Quality,”.

(187) In 326 IAC 8-12-3*, delete “46204-2220.” and insert “46204.”.

(188) In 326 IAC 8-12-5*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(189) In 326 IAC 8-12-5*, delete “20402.” and insert “20401.”.

(190) In 326 IAC 8-12-5*, after “Air”, delete “Management” and insert “Quality”.

(191) In 326 IAC 8-13-5*, after “Management,”, insert “Office of Air Quality,”.

(192) In 326 IAC 8-13-5*, after “Center-North,”, insert “Tenth Floor,”.

(193) In 326 IAC 10-1-2*, after “Air”, delete “Management” and insert “Quality, Indiana Government Center-North, Tenth Floor”.

(194) In 326 IAC 10-1-2*, delete “46204-2220.” and insert “46204.”.

(195) In 326 IAC 10-1-4*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(196) In 326 IAC 10-1-4*, delete “20402.” and insert “20401.”.

(197) In 326 IAC 10-1-4*, after “available from the”, insert “Indiana”.

(198) In 326 IAC 10-1-4*, after “Air”, delete “Management” and insert “Quality, Indiana Government Center-North, Tenth Floor,”.

(199) In 326 IAC 10-1-4*, delete “46204-2220.” and insert “46204.”.

(200) In 326 IAC 10-1-5*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(201) In 326 IAC 10-1-5*, delete “20402.” and insert “20401.”.

(202) In 326 IAC 10-1-5*, after “available from the”, insert “Indiana”.

(203) In 326 IAC 10-1-5*, after “Air”, delete “Management” and insert “Quality, Indiana Government Center-North, Tenth Floor,”.

(204) In 326 IAC 10-1-5*, delete “46204-2220.” and insert “46204.”.

(205) In 326 IAC 10-1-6*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(206) In 326 IAC 10-1-6*, delete “20402.” and insert “20401.”.

(207) In 326 IAC 10-1-6*, after “available from the”, insert “Indiana”.

(208) In 326 IAC 10-1-6*, after “Air”, delete “Management,” and insert “Quality, Indiana Government Center-North, Tenth Floor,”.

(209) In 326 IAC 10-1-6*, delete “46204-2220.” and insert “46204.”.

(210) In 326 IAC 10-3-3(c)(1), delete “2000***” and insert “2000**”.

(211) In 326 IAC 10-3-3(c)(1), delete “7E***,” and insert “7E*,”.

(212) In 326 IAC 10-3-3(d)(1), delete “2000***” and “2000*****” and insert “2000*” in both places.

(213) In 326 IAC 10-3-3(d)(2), delete “7E***,” and insert “7E*,”.

(214) In 326 IAC 10-3-3*****, delete “*****” and insert “*”.

(215) In 326 IAC 10-3-3*****, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(216) In 326 IAC 10-3-3*****, after “Air”, delete “Management,” and insert “Quality,”.

(217) In 326 IAC 10-3-3*****, after “Center-North,”, insert “Tenth Floor,”.

(218) In 326 IAC 10-4-3*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(219) In 326 IAC 10-4-3*, delete “20402” and insert “20401”.

(220) In 326 IAC 10-4-3*, after “Center-North,”, insert “Tenth Floor,”.

(221) In 326 IAC 10-4-4*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(222) In 326 IAC 10-4-4*, delete “20402” and insert “20401”.

(223) In 326 IAC 10-4-4*, after “Center-North,”, insert “Tenth Floor,”.

(224) In 326 IAC 10-4-8*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(225) In 326 IAC 10-4-8*, delete “20402” and insert “20401”.

(226) In 326 IAC 10-4-8*, after “Center-North,”, insert “Tenth Floor,”.

(227) In 326 IAC 10-4-12*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(228) In 326 IAC 10-4-12*, delete “20402” and insert “20401”.

(229) In 326 IAC 10-4-12*, after “Center-North,”, insert “Tenth Floor,”.

(230) In 326 IAC 11-3-4*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(231) In 326 IAC 11-3-4*, delete “20402” and insert “20401”.

(232) In 326 IAC 11-3-4*, after “Air”, delete “Management,” and insert “Quality, Indiana Government Center-North, Tenth

Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.”.

(233) In 326 IAC 13-1.1-1*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(234) In 326 IAC 13-1.1-1*, delete “20402” and insert “20401”.

(235) In 326 IAC 13-1.1-1*, after “copying at the”, insert “Indiana”.

(236) In 326 IAC 13-1.1-1*, after “Air”, delete “Management” and insert “Quality, Indiana Government Center-North, Tenth Floor,”.

(237) In 326 IAC 13-1.1-1*, delete “46204-2220.” and insert “46204.”.

(238) In 326 IAC 13-1.1-8*, after “copying at the”, insert “Indiana”.

(239) In 326 IAC 13-1.1-8*, after “Air”, delete “Management,” and insert “Quality, Indiana Government Center-North, Tenth Floor,”.

(240) In 326 IAC 13-1.1-8*, delete “46204-2220.” and insert “46204.”.

(241) In 326 IAC 13-1.1-10*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(242) In 326 IAC 13-1.1-10*, delete “20402” and insert “20401”.

(243) In 326 IAC 13-1.1-10*, after “copying at the”, insert “Indiana”.

(244) In 326 IAC 13-1.1-10*, after “Air”, delete “Management,” and insert “Quality, Indiana Government Center-North, Tenth Floor,”.

(245) In 326 IAC 13-1.1-10*, delete “46204-2220.” and insert “46204.”.

(246) In 326 IAC 13-1.1-13*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(247) In 326 IAC 13-1.1-13*, delete “20402” and insert “20401”.

(248) In 326 IAC 13-1.1-13*, after “Air”, delete “Management,” and insert “Quality,”.

(249) In 326 IAC 13-1.1-13*, after “Center-North,”, insert “Tenth Floor,”.

(250) In 326 IAC 13-1.1-14*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(251) In 326 IAC 13-1.1-14*, delete “20402” and insert “20401”.

(252) In 326 IAC 13-1.1-14*, after “Air”, delete “Management,” and insert “Quality, Indiana Government Center-North, Tenth Floor,”.

(253) In 326 IAC 13-1.1-14*, after “copying at the,”, insert “Indiana”.

(254) In 326 IAC 13-1.1-14*, delete “46204-2220.” and insert “46204.”.

(255) In 326 IAC 13-1.1-16*, after “copying at the”, insert “Indiana”.

(256) In 326 IAC 13-1.1-16*, after “Air”, delete “Management,” and insert “Quality, Indiana Government Center-North, Tenth Floor,”.

(257) In 326 IAC 13-1.1-16*, delete “46204-2220.” and insert “46204.”.

(258) In 326 IAC 13-2.1-3*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(259) In 326 IAC 13-2.1-3*, delete “20402.” and insert “20401.”.

(260) In 326 IAC 13-2.1-3*, after “available at the,”, insert “Indiana”.

(261) In 326 IAC 13-2.1-3*, after “Air”, delete “Management, 105 South Meridian Street” and insert “Quality, 100 North Senate Avenue, Indiana Government Center-North, Tenth Floor,”.

(262) In 326 IAC 13-2.1-3*, delete “46225” and insert “46204”.

(263) In 326 IAC 13-3-2*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(264) In 326 IAC 13-3-2*, delete “20402” and insert “20401”.

(265) In 326 IAC 13-3-2*, after “Management,”, insert “Office of Air Quality,”.

(266) In 326 IAC 13-3-2*, after “Center-North,”, insert “Tenth Floor,”.

(267) In 326 IAC 13-3-2*, delete “46204-2220.” and insert “46204.”.

(268) In 326 IAC 13-3-5*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(269) In 326 IAC 13-3-5*, delete “20402” and insert “20401”.

(270) In 326 IAC 13-3-5*, after “Management,”, insert “Office of Air Quality,”.

(271) In 326 IAC 13-3-5*, after “Center-North,”, insert “Tenth Floor,”.

(272) In 326 IAC 13-3-5*, delete “46204-2220.” and insert “46204.”.

(273) In 326 IAC 13-3-6*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(274) In 326 IAC 13-3-6*, delete “20402” and insert “20401”.

(275) In 326 IAC 13-3-6*, after “Management,”, insert “Office of Air Quality,”.

(276) In 326 IAC 13-3-6*, after “Center-North,”, insert “Tenth Floor,”.

(277) In 326 IAC 13-3-6*, delete “46204-2220.” and insert “46204.”.

(278) In 326 IAC 14-3-1*, after “Office”, insert “732 North Capitol Street NW,”.

(279) In 326 IAC 14-3-1*, delete “20402” and insert “20401”.

(280) In 326 IAC 14-3-1*, after “or from the”, insert “Indiana”.

(281) In 326 IAC 14-3-1*, after “Office of”, delete “Technical Assistance, 105 S. Meridian Street,” and insert “Air Quality, 100 North Senate, Indiana Government Center-North, Tenth Floor,”.

(282) In 326 IAC 14-3-1*, delete “46225.” and insert “46204.”.

(283) In 326 IAC 14-4-1*, after “Office”, insert “732 North Capitol Street NW,”.

(284) In 326 IAC 14-4-1*, delete “20402” and insert “20401”.

(285) In 326 IAC 14-4-1*, after “or from the”, insert “Indiana”.

(286) In 326 IAC 14-4-1*, delete “Technical Assistance, 105 South Meridian Street,” and insert “Air Quality, 100 North Senate, Indiana Government Center-North, Tenth Floor”.

(287) In 326 IAC 14-4-1*, delete “46225.” and insert “46204.”.

(288) In 326 IAC 14-5-1*, after “Office”, insert “732 North Capitol Street NW,”.

(289) In 326 IAC 14-5-1*, delete “20402” and insert “20401”.

(290) In 326 IAC 14-5-1*, after “or from the”, insert “Indiana”.

(291) In 326 IAC 14-5-1*, delete “Technical Assistance, 105 S. Meridian Street,” and insert “Air Quality, 100 North Senate, Indiana Government Center-North, Tenth Floor,”.

(292) In 326 IAC 14-5-1*, delete “46225.” and insert “46204.”.

(293) In 326 IAC 14-6-1*, after “Office”, insert “732 North Capitol Street NW,”.

(294) In 326 IAC 14-6-1*, delete “20402” and insert “20401”.

(295) In 326 IAC 14-6-1*, after “or from the”, insert “Indiana”.

(296) In 326 IAC 14-6-1*, delete “Technical Assistance, 105 South Meridian Street,” and insert “Air Quality, 100 North Senate, Indiana Government Center-North, Tenth Floor,”.

(297) In 326 IAC 14-6-1*, delete “Indindiana” and insert “Indiana”.

(298) In 326 IAC 14-6-1*, delete “46225.” and insert “46204.”.

(299) In 326 IAC 14-7-1*, after “Office”, insert “732 North Capitol Street NW,”.

(300) In 326 IAC 14-7-1*, delete “20402” and insert “20401”.

(301) In 326 IAC 14-7-1*, after “or from the”, insert “Indiana”.

(302) In 326 IAC 14-7-1*, delete “Technical Assistance, 105 South Meridian Street,” and insert “Air Quality, 100 North Senate, Indiana Government Center-North, Tenth Floor,”.

(303) In 326 IAC 14-7-1*, delete “Indindiana” and insert “Indiana”.

(304) In 326 IAC 14-7-1*, delete “46225.” and insert “46204.”.

(305) In 326 IAC 14-9-7(d), delete “recover” and insert “recovery”.

(306) In 326 IAC 14-9-9(e)(3)(B), delete “exhauster” and insert “exhausters”.

(307) In 326 IAC 14-9-9*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(308) In 326 IAC 14-9-9*, delete “20402” and insert “20401”.

(309) In 326 IAC 14-9-9*, after “Air”, delete “Management, 105 South Meridian Street” and insert “Quality, 100 North Senate, Indiana Government Center-North, Tenth Floor,”.

(310) In 326 IAC 14-9-9*, delete “46225.” and insert “46204.”.

(311) In 326 IAC 14-10-1*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(312) In 326 IAC 14-10-1*, delete “20402” and insert “20401”.

(313) In 326 IAC 14-10-1*, after “Air”, delete “Management,” and insert “Quality,”.

(314) In 326 IAC 14-10-1*, after “Center-North,”, insert “Tenth Floor,”.

(315) In 326 IAC 14-10-2*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(316) In 326 IAC 14-10-2*, delete “20402” and insert “20401”.

(317) In 326 IAC 14-10-2*, delete “Management,” after “Air” and insert “Quality,”.

(318) In 326 IAC 14-10-2*, after “Center-North,”, insert “Tenth Floor,”.

(319) In 326 IAC 14-10-3*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(320) In 326 IAC 14-10-3*, delete “20402” and insert “20401”.

(321) In 326 IAC 14-10-3*, after “Air”, delete “Management,” and insert “Quality,”.

(322) In 326 IAC 14-10-3*, after “Center-North,”, insert “Tenth Floor,”.

(323) In 326 IAC 14-10-4*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(324) In 326 IAC 14-10-4*, delete “20402” and insert “20401”.

(325) In 326 IAC 14-10-4*, after “Air”, delete “Management,” and insert “Quality,”.

(326) In 326 IAC 14-10-4*, after “Center-North,”, insert “Tenth Floor,”.

(327) In 326 IAC 15-1-4*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(328) In 326 IAC 15-1-4*, delete “20402,” and insert “20401,”.

(329) In 326 IAC 15-1-4*, after “from the”, insert “Indiana”.

(330) In 326 IAC 15-1-4*, delete “Technical Assistance, 105 South Meridian Street,” and insert “Air Quality, 100 North Senate Avenue, Indiana Government Center-North, Tenth Floor,”.

(331) In 326 IAC 15-1-4*, delete “46225.” and insert “46204.”.

(332) In 326 IAC 16-2-3(b)(2)(G)(ix), delete “(ix)” and insert “(viii)”.

(333) In 326 IAC 16-3-1*, after “Printing Office,”, insert “732 North Capitol Street NW,”.

(334) In 326 IAC 16-3-1*, delete “20402” and insert “20401”.

(335) In 326 IAC 16-3-1*, after “Air”, delete “Management,” and insert “Quality,”.

- (336) In 326 IAC 16-3-1*, after “Center-North,”, insert “Tenth Floor,”.
- (337) In 326 IAC 18-1-2*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (338) In 326 IAC 18-1-2*, delete “20402” and insert “20401”.
- (339) In 326 IAC 18-1-2*, after “Air”, delete “Management,” and insert “Quality,”.
- (340) In 326 IAC 18-1-2*, after “Center-North,”, insert “Tenth Floor,”.
- (341) In 326 IAC 18-1-5*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (342) In 326 IAC 18-1-5*, delete “20402” and insert “20401”.
- (343) In 326 IAC 18-1-5*, after “Air”, delete “Management,” and insert “Quality,”.
- (344) In 326 IAC 18-1-5*, after “Center-North,”, insert “Tenth Floor,”.
- (345) In 326 IAC 18-1-7*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (346) In 326 IAC 18-1-7*, delete “20402” and insert “20401”.
- (347) In 326 IAC 18-1-7*, after “Air”, delete “Management,” and insert “Quality,”.
- (348) In 326 IAC 18-1-7*, after “Center-North,”, insert “Tenth Floor,”.
- (349) In 326 IAC 18-2-2(19), delete “October 22, 1986**” and insert “October 22, 1986**”.
- (350) In 326 IAC 18-2-2*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (351) In 326 IAC 18-2-2*, delete “20402” and insert “20401”.
- (352) In 326 IAC 18-2-2*, after “Air”, delete “Management,” and insert “Quality,”.
- (353) In 326 IAC 18-2-2*, after “Center-North,”, insert “Tenth Floor,”.
- (354) In 326 IAC 18-2-2**, delete “**Copies of TSCA Title II may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of pertinent sections are also available for copying at the Indiana Department of Environmental Management, Indiana Government Center-North, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204”.
- (355) In 326 IAC 18-2-3*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (356) In 326 IAC 18-2-3*, delete “20402” and insert “20401”.
- (357) In 326 IAC 18-2-3*, after “Air”, delete “Management,” and insert “Quality,”.
- (358) In 326 IAC 18-2-3*, after “Center-North,”, insert “Tenth Floor,”.

- (359) In 326 IAC 22-1-1*, after “Printing Office,”, insert “732 North Capitol Street NW,”.
- (360) In 326 IAC 22-1-1*, delete “20402” and insert “20401”.
- (361) In 326 IAC 22-1-1*, after “Management,”, insert “Office of Air Quality,”.
- (362) In 326 IAC 22-1-1*, after “Center-North,”, insert “Tenth Floor,”.

Filed with Secretary of State: December 12, 2002, 3:35 p.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

TITLE 412 INDIANA HEALTH FACILITIES COUNCIL

LSA Document #01-281(AC)

Under IC 4-22-2-38, corrects the following clerical error in LSA Document #01-281(F), printed at 25 IR 2728:

In 412 IAC 2-1-3(4)(Y) [*sic.*, 412 IAC 2-1-3(4)(Z)], on page 3 of the original document (25 IR 2729), delete “disposal” and insert “disposable”.

Filed with Secretary of State: December 10, 2002, 11:20 a.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION

LSA Document #01-356(AC)

Under IC 4-22-2-38, corrects the following clerical error in LSA Document #01-356(F), printed at 25 IR 3145:

In 440 IAC 6-2-2(a)(3), on page 2 of the original document (25 IR 3146), delete “; or” and insert “.”.

Filed with Secretary of State: January 6, 2003, 4:11 p.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from date and time filed with the Secretary of State.

**TITLE 405 OFFICE OF THE SECRETARY OF
FAMILY AND SOCIAL SERVICES**

LSA Document #02-140

Under IC 4-22-2-40, LSA Document #02-140, printed at 25 IR
3822, is recalled.

Emergency Rules

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #02-346(E)

DIGEST

Temporarily adds rules concerning instant game number 620.
Effective December 12, 2002.

SECTION 1. The name of this instant game is “Instant Game Number 620, 7-11-21”.

SECTION 2. Instant tickets in instant game number 620 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 620 shall contain twelve (12) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Four (4) play symbols and play symbol captions shall appear in each of three (3) games labeled “GAME 1”, “GAME 2”, and “GAME 3”, respectively. The three (3) play symbols and play symbol caption [*sic., captions*] representing numbers shall appear at the top of each game. One (1) play symbol and play symbol caption representing a prize amount shall also appear in each game.

(b) The play symbols and play symbol captions in instant game number 620, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 8
EGT
- (8) 9
NIN
- (9) 10
TEN
- (10) 12
TWLV

(c) The play symbols and play symbol captions representing prize amounts in instant game number 620 shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$5.00
FIVE
- (4) \$10.00
TEN
- (5) \$20.00
TWENTY
- (6) \$25.00
TWY FIVE
- (7) \$50.00
FIFTY
- (8) \$500
FIVE HUN
- (9) \$2,000
TWO THOU

SECTION 4. The holder of a ticket in instant game number 620 shall remove the latex material covering the twelve (12) play symbols and play symbol captions. If the top three (3) play symbols and play symbol captions in “GAME 1”, “GAME 2”, and/or “GAME 3” total seven (7), eleven (11), or twenty-one (21) when added, the holder is entitled to the associated prize amount. A holder may win up to three (3) times on a ticket. The winning play symbols, prize amounts, and number of winners in instant game number 620 are as follows:

Number of Winning Prize Symbols	Prize Amount	Approximate Number of Winners
1-\$1.00	\$1	748,000
2-\$1.00	\$2	68,000
1-\$2.00	\$2	54,400
3-\$1.00	\$3	13,600
1-\$5.00	\$5	54,400
2-\$5.00	\$10	27,200
1-\$10.00	\$10	13,600
3-\$5.00	\$15	13,600
2-\$5.00 and 1-\$10.00	\$20	6,800
2-\$10.00	\$20	3,400
1-\$20.00	\$20	3,400
1-\$5.00 and 2-\$10.00	\$25	935
1-\$25.00	\$25	935
1-\$10.00 and 2-\$20.00	\$50	255
2-\$25.00	\$50	255
1-\$50	\$50	255
1-\$500	\$500	85
1-\$2,000	\$2,000	34

SECTION 5. (a) There shall be approximately four million

(4,000,000) instant tickets initially available in instant game number 620.

(b) The odds of winning a prize in instant game number 620 are approximately 1 in 4.04.

(c) All reorders of tickets for instant game number 620 shall have the same:

- (1) prize structure;
 - (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
 - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 614 [sic., 620] is December 31, 2003.

SECTION 7. SECTIONS 1 through 6 of this document expire January 31, 2004.

LSA Document #02-346(E)

Filed with Secretary of State: December 12, 2002, 3:40 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #02-347(E)

DIGEST

Temporarily adds rules concerning instant game number 622. Effective December 12, 2002.

SECTION 1. The name of this instant game is "Instant Game Number 622, \$50,000 Hand".

SECTION 2. Instant tickets in instant game number 622 shall sell for five dollars (\$5) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 622 shall contain forty-six (46) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. There shall be fifteen (15) separate and independent games labeled "HAND 1", "HAND 2", "HAND 3", "HAND 4", "HAND 5", "HAND 6", "HAND 7", "HAND 8", "HAND 9", and [sic.] "HAND 10", "HAND 11", "HAND 12", "HAND 13", "HAND 14", [sic., and] "HAND 15", respectively. Each game shall contain two (2) play symbols and play symbol captions representing playing cards in the area labeled YOUR HANDS and shall contain one (1) play symbol and play symbol caption representing a playing card in the area labeled DEALER'S TOTAL. Each game shall contain a play symbol and play symbol caption representing a prize.

(b) The play symbols and play symbol captions, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

(1)	2 TWO
(2)	3 THR
(3)	4 FOR
(4)	5 FIV
(5)	6 SIX
(6)	7 SVN
(7)	8 EGT
(8)	9 NIN
(9)	10 TEN
(10)	J JCK
(11)	Q QUN
(12)	K KNG
(13)	A ACE

(14) A symbol representing a picture of a joker
JKR

(c) The play symbols and play symbol captions of prize amounts shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$3.00
THREE
- (4) \$4.00
FOUR
- (5) \$5.00
FIVE
- (6) \$8.00
EIGHT
- (7) \$10.00
TEN
- (8) \$20.00
TWENTY
- (9) \$30.00
THIRTY

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(10) \$40.00
FORTY
(11) \$50.00
FIFTY
(12) \$75.00
SVTY FIVE
(13) \$100
ONE HUN
(14) \$10,000
TEN THOU
(15) \$50,000
FTY THOU

SECTION 4. (a) The holder of an instant ticket in instant game number 622 shall remove the latex material covering the forty-six (46) play symbols and play symbol captions. If the play symbol and play symbol caption exposed in the "YOUR HANDS" area has a higher value than the play symbol and play symbol caption exposed in the "DEALER'S TOTAL" area, the holder is entitled to the corresponding prize amount for that game. If any of "YOUR HANDS" total twenty-one (21), the holder is entitled to double the corresponding prize amount. If a play symbol representing a picture of a "JOKER" is exposed in the "YOUR HANDS" area, the player is automatically entitled to one hundred dollars (\$100). A holder may win up to fifteen (15) times on a ticket. Play symbols and play symbol captions representing playing cards are valued in descending order with aces valued at eleven (11) and face cards valued at ten (10).

(b) The number of winning games and the associated prize amount play symbols, total prize amounts, and approximate number of winners in instant game number 622 are as follows:

Number of Winning Games and Play Symbols	Total Prize Amount	Approximate Number of Winners
1-\$1.00 + 1-\$2.00 double	\$5	489,600
4-\$2.00	\$8	20,400
1-\$2.00 + 2-\$3.00	\$8	20,400
1-\$2.00 double + 1-\$4.00	\$8	20,400
2-\$4.00	\$8	20,400
1-\$8.00	\$8	20,400
2-\$1.00 + 4-\$2.00	\$10	20,400
10-\$1.00	\$10	20,400
2-\$5.00	\$10	20,400
5-\$2.00	\$10	10,200
1-\$5.00 double	\$10	10,200
1-\$10.00	\$10	10,200
5-\$1.00 + 1-\$5.00 double	\$15	5,100
1-\$1.00 + 7-\$2.00	\$15	5,100
1-\$5.00 double + 1-\$5.00	\$15	5,100
1-\$15.00	\$15	5,100

5-\$1.00 + 5-\$3.00	\$20	4,250
4-\$5.00	\$20	5,695
1-\$10.00 double	\$20	4,250
2-\$10.00	\$20	4,250
10-\$1.00 + 5-\$2.00	\$20	4,250
1-\$20.00	\$20	4,250
15-\$2.00	\$30	4,520
3-\$10.00	\$30	3,400
1-\$30.00	\$30	3,400
1-\$20.00 double	\$40	2,125
1-\$10.00 double + 4-\$5.00	\$40	2,125
4-\$10.00	\$40	2,720
1-\$40.00	\$40	2,125
10-\$5.00	\$50	1,020
1-\$3.00 + 5-\$4.00	\$50	1,020
14-\$3.00 + 1-\$8.00	\$50	1,020
1-\$20.00 double + 1-\$10.00	\$50	1,020
1-\$50.00	\$50	1,020
15-\$5.00	\$75	510
1-\$20.00 double + 7-\$5.00	\$75	510
1-\$2.00 + 1-\$3.00 + 12-\$5.00 + 1-\$10.00	\$75	510
1-\$75.00	\$75	510
1-\$100 with joker	\$100	425
1-\$50.00 double	\$100	425
5-\$20.00	\$100	425
10-\$5.00 + 5-\$10.00	\$100	425
1-\$100	\$100	425
1-\$100.00 with joker + 4-\$100	\$500	85
1-\$100 with joker + 13-\$20.00 + 1-\$40.00	\$500	85
6-\$75.00 + 1-\$50.00	\$500	85
1-\$100 with joker + 8-\$50.00	\$500	85
1-\$100 with + 14-\$100.00	\$1,500	34
1-\$10,000	\$10,000	12
1-\$50,000	\$50,000	8

SECTION 5. (a) There shall be approximately two million (2,000,000) instant tickets initially available in instant game number 622.

(b) The odds of winning a prize in instant game number 622 are approximately 1 in 2.68.

(c) All reorders of tickets for instant game number 622 shall have the same:

- (1) prize structure;
 - (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
 - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 622 is December 31, 2003.

SECTION 7. SECTIONS 1 through 6 of this document expire on January 31, 2004.

LSA Document #02-347(E)

Filed with Secretary of State: December 12, 2002, 3:40 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #02-348(E)

DIGEST

Temporarily adds rules concerning instant game number 623. Effective December 12, 2002.

SECTION 1. The name of this instant game is "Instant Game Number 623, Deal Me In".

SECTION 2. Instant tickets in instant game number 623 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 623 shall contain ten (10) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Two (2) play symbols and play symbol captions representing playing cards and one (1) play symbol and play symbol caption representing a prize amount shall appear in three (3) rows. The rows shall be labeled "HAND 1", "HAND 2", *[sic., and]* "HAND 3", respectively, representing a number and labeled "DEALER'S HAND".

(b) The play symbols and play symbol captions, other than those of prize amounts and those appearing in the "DEALER'S HAND" area, shall consist of the following possible play symbols and play symbol captions:

- (1) The play symbol of a playing card with the number two (2) plus an "X".
- (2) The play symbol of a playing card with the number three (3) corresponding with the play symbol caption "THR".
- (3) The play symbol of a playing card with the number four (4) corresponding with the play symbol caption "FOR".
- (4) The play symbol of a playing card with the number five (5) corresponding with the play symbol caption "FIV".
- (5) The play symbol of a playing card with the number six (6) corresponding with the play symbol caption "SIX".
- (6) The play symbol of a playing card with the number seven (7) corresponding with the play symbol caption "SVN".

(7) The play symbol of a playing card with the number eight (8) corresponding with the play symbol caption "EGT".

(8) The play symbol of a playing card with the number nine (9) corresponding with the play symbol caption "NIN".

(9) The play symbol of a playing card with the number ten (10) corresponding with the play symbol caption "TEN".

(10) The play symbol of a playing card with a picture of a jack corresponding with the play symbol caption "JCK".

(11) The play symbol of a playing card with a picture of a queen corresponding with the play symbol caption "QUN".

(12) The play symbol of a playing card with a picture of a king corresponding with the play symbol caption "KNG".

(13) The play symbol of a playing card with the letter "A" corresponding with the play symbol caption "ACE".

(c) The play symbols and play symbol captions appearing in the "DEALER'S TOTAL" area shall consist of the following possible play symbols and play symbol captions:

- (1) 16
SIXTN
- (2) 17
SVTN
- (3) 18
EGHTN
- (4) 19
NINTN
- (5) 20
TWTY

(d) The play symbols and play symbol captions of prize amounts shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$5.00
FIVE
- (4) \$10.00
TEN
- (5) \$25.00
TWY FIVE
- (6) \$50.00
FIFTY
- (7) \$100.00
ONE HUN
- (8) \$500.00
FIVE HUN
- (9) \$2,000
TWO THOU

Emergency Rules

SECTION 4. The holder of a ticket in instant game number 623 shall remove the latex material covering the ten (1) play symbols and play symbol captions. If “HAND 1”, “HAND 2”, or “HAND 3” contain [*sic., contains*] play symbols that when added together total more than the number exposed in the “DEALER’S HAND” area, the holder is entitled to the corresponding prize amount. If “HAND 1”, “HAND 2”, or “HAND 3” contains the play symbol of a card with a “2X”, the holder is entitled to double the corresponding prize amount. Play symbols and play symbol captions representing playing cards are valued in descending order with aces as the high cards and face cards valued at ten (10). The play symbols, prize amounts, and number of winners in instant game number 623 are as follows:

Number of Winning Games, Prize Amounts, and Doubles	Prize Amount	Approximate Number of Winners
1-\$1.00	\$1	504,000
1-\$1.00 double	\$2	36,000
1-\$1.00 + \$1.00	\$2	24,000
1-\$2.00	\$2	36,000
3-\$1.00	\$3	18,000
1-\$5.00	\$5	24,000
1-\$5.00 double	\$10	12,000
2-\$5.00	\$10	12,000
1-\$10.00	\$10	12,000
3-\$5.00	\$15	12,000
1-\$5.00 + 2-\$10.00	\$25	6,000
1-\$5.00 + 1-\$10.00 double	\$25	6,000
1-\$25.00	\$25	6,000
1-\$25.00 double	\$50	750
2-\$25.00	\$50	750
1-\$50.00	\$50	750
1-\$100.00	\$100	360
1-\$500	\$500	75
1-\$2,000	\$2,000	30

SECTION 5. (a) There shall be approximately three million six hundred thousand (3,600,000) instant tickets initially available in instant game number 623.

(b) The odds of winning a prize in instant game number 623 are approximately 1 in 5.071.

(c) All reorders of tickets for instant game number 623 shall have the same:

- (1) prize structure;
 - (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
 - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 623 is October 31, 2003.

SECTION 7. SECTIONS 1 through 6 of this document expire November 30, 2003.

LSA Document #02-348(E)

Filed with Secretary of State: December 12, 2002, 3:45 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #02-349(E)

DIGEST

Temporarily adds rules concerning instant game number 624. Effective December 12, 2002.

SECTION 1. The name of this instant game is “Instant Game Number 624, High Stakes”.

SECTION 2. Instant tickets in instant game number 624 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 624 shall contain twenty-two (22) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Two (2) play symbols and play symbol captions shall appear in the area labeled “WINNING CARDS”. Twenty (20) play symbols and play symbol captions shall appear in the area labeled “YOUR CARDS” and be arranged in pairs representing numbers and prize amounts.

(b) The play symbols and play symbol captions in instant game number 624, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

(1)	2 TWO
(2)	3 THR
(3)	4 FOR
(4)	5 FIV
(5)	6 SIX
(6)	7 SVN
(7)	8 EGT
(8)	9 NIN

Emergency Rules

(9)	10 TEN
(10)	J JCK
(11)	Q QUN
(12)	K KNG
(13)	A ACT

(c) The play symbols and play symbol captions representing prize amounts in instant game number 624 shall consist of the following possible play symbols and play symbol captions:

- (1) \$2.00
TWO
- (3) \$3.00
THREE
- (3) \$4.00
FOUR
- (4) \$5.00
FIVE
- (5) \$10.00
TEN
- (6) \$20.00
TWENTY
- (7) \$50.00
FIFTY
- (8) \$100
ONE HUN
- (9) \$500
FIVE HUN
- (10) \$1,000
ONE THOU
- (11) \$10,000
TEN THOU

SECTION 4. The holder of a ticket in instant game number 624 shall remove the latex material covering the twenty-two (22) play symbols and play symbol captions. If one (1) or more of "YOUR CARDS" match either of the "WINNING CARDS", the holder is entitled to the prize amount paired with the matched number. The holder can win up to ten (10) times on an instant ticket. The matched prize play symbols, prize amounts, and number of winners in instant game number 624 are as follows:

Number of Matches and Matched Play Symbols	Total Prize Amount	Approximate Number of Winners
1-\$2.00	\$2	252,000
1-\$4.00	\$4	189,000
1-\$2.00 + 1-\$3.00	\$5	37,800

1-\$5.00	\$5	37,800
5-\$2.00	\$10	25,200
2-\$5.00	\$10	12,600
1-\$10.00	\$10	12,600
2-\$10.00	\$20	6,300
5-\$4.00	\$20	6,300
4-\$5.00	\$20	6,300
1-\$20.00	\$20	6,300
10-\$5.00	\$50	2,520
1-\$10.00 + 2-\$20.00	\$50	2,520
1-\$50.00	\$50	2,520
10-\$10.00	\$100	441
2-\$50.00	\$100	441
1-\$100	\$100	441
5-\$100	\$500	20
1-\$500	\$500	20
10-\$100	\$1,000	12
1-\$1,000	\$1,000	12
1-\$10,000	\$10,000	5

SECTION 5. (a) There shall be approximately two million five hundred thousand (2,500,000) instant tickets initially available in instant game number 624.

(b) The odds of winning a prize in instant game number 624 are approximately 1 in 4.19.

(c) All reorders of tickets for instant game number 624 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 624 is October 31, 2003.

SECTION 7. SECTIONS 1 through 6 of this document expire November 30, 2003.

LSA Document #02-349(E)

Filed with Secretary of State: December 12, 2002, 3:46 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #02-350(E)

DIGEST

Adds 65 IAC 4-453 concerning instant game number 625. Effective December 12, 2002.

Emergency Rules

65 IAC 4-453

SECTION 1. 65 IAC 4-453 IS ADDED TO READ AS FOLLOWS:

Rule 453. Instant Game 625

65 IAC 4-453-1 Name

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 1. The name of this instant game is “Instant Game Number 625, Vegas Action”. (*State Lottery Commission; 65 IAC 4-453-1; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1580*)

65 IAC 4-453-2 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 2. Instant tickets in instant game number 625 shall sell for seven dollars (\$7) per ticket. (*State Lottery Commission; 65 IAC 4-453-2; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1580*)

65 IAC 4-453-3 Instant ticket layout

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 3. (a) Each instant ticket in instant game number 625 shall contain forty-seven (47) play symbols and play symbol captions arranged among four (4) separate and independent games each concealed under a spot of latex material.

(b) The game play data area labeled “GAME 1” shall contain nine (9) play symbols and play symbol captions. One (1) play symbol and play symbol caption representing a number shall appear in the small box labeled “YOUR #”. The remaining play symbols and play symbol captions shall be arranged in pairs of numbers and prize amounts surrounding the “YOUR #” box.

(c) The game play data area labeled “GAME 2” shall contain twenty (20) play symbols and play symbol captions arranged in four (4) rows and four (4) columns. Each row shall contain five (5) play symbols and play symbols captions and shall be labeled “HAND 1”, “HAND 2”, “HAND 3”, and “HAND 4”, respectively. The first two (2) columns shall be labeled “YOUR CARDS”, and the next two (2) columns shall be labeled “DEALER’S CARDS”. The play symbols appearing under these columns shall represent playing cards. The last column shall be labeled “Prize” and contain play symbols and play symbol captions representing prize amounts.

(d) The game play data area labeled “GAME 3” shall contain twelve (12) play symbols and play symbol captions arranged in four (4) rows of three (3) play symbols and play symbol captions appearing in the game play data area all

concealed under a large spot of latex material. Each instant ticket shall also contain a legend setting forth prize amounts associated with the matching play symbols. The rows shall be labeled “PULL 1”, “PULL 2”, “PULL 3”, and “PULL 4”, respectively.

(e) The game play data area at the bottom shall contain six (6) play symbols and play symbol captions that shall represent playing cards and [*sic., be*] labeled “YOUR CARDS”, AND “DEALER’S CARDS”. One (1) play symbol caption shall represent a prize amount. (*State Lottery Commission; 65 IAC 4-453-3; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1580*)

65 IAC 4-453-4 Play symbols and play symbol captions

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 4. (a) The play symbols and play symbol captions representing prize amounts in instant game number 625 shall consist of the following possible play symbols and play symbol captions:

- (1) \$2.00
TWO
- (2) \$3.00
THREE
- (3) \$4.00
FOUR
- (4) \$5.00
FIVE
- (5) \$7.00
SEVEN
- (6) \$10.00
TEN
- (7) \$20.00
TWENTY
- (8) \$25.00
TWY FIVE
- (9) \$50.00
FIFTY
- (10) \$75.00
SVENTY
- (11) \$100
ONE HUN
- (12) \$200
TWO HUN
- (13) \$250
TWO HUN FTY
- (14) \$500
FIVE HUN
- (15) \$1,000
ONE THOU
- (16) \$2,000
TWO THOU
- (17) \$5,000
FIVE THOU

- (18) \$10,000
TEN THOU
(19) \$70,000
SVTY THOU

(b) The play symbols and play symbol captions appearing in the “GAME 1”, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
(2) 2
TWO
(3) 3
THR
(4) 4
FOR
(5) 5
FIV
(6) 6
SIX
(7) 7
SVN
(8) 8
EGT
(9) 9
NIN

(c) The play symbols and play symbol captions appearing in the “GAME 2” and the game at the bottom of the ticket, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) A playing card with the number 3
THR
(2) A playing card with the number 4
FOR
(3) A playing card with the number 5
FIV
(4) A playing card with the number 6
SIX
(5) A playing card with the number 7
SVN
(6) A playing card with the number 8
EGT
(7) A playing card with the number 9
NIN
(8) A playing card with the number 10
TEN
(9) A playing card with a picture of a jack
JCK
(10) A playing card with a picture of a queen
QUN
(11) A playing card with a picture of a king
KNG

- (12) A playing card with the letter “A”
ACE

(d) The play symbols and play symbol captions appearing in the “GAME 3”, other than those representing prize amounts, shall consist of pictures representing the following:

- (1) A picture of a seven
SVN
(2) A picture of a bunch of grapes
GRAPES
(3) A picture of a bell
BELL
(4) A picture of a star
STAR
(5) A picture of a bunch of cherries
CHERRY
(6) A picture of a dollar sign
MONEY
(7) A picture of a horseshoe
SHOE

(State Lottery Commission; 65 IAC 4-453-4; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1580)

65 IAC 4-453-5 How to play

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 5. (a) The holder of a ticket in instant game number 625 shall remove the latex material covering the forty-seven (47) play symbols and play symbol captions. A holder can win up to sixteen (16) times on an instant ticket in instant game number 625.

(b) In “GAME 1”, if the play symbol in the “YOUR #” match any of the four (4) surrounding numbers, the holder is entitled a prize of the paired prize amount.

(c) In “GAME 2”, add the numerical values of the play symbols representing playing cards in “HAND 1”, “HAND 2”, “HAND 3”, and “HAND 4”. Play symbols have the value designated on the face of the playing card except that those representing kings, queens, and jacks shall have a value of ten (10) and those representing aces shall have a value of eleven (11). If one (1) or more of the resulting totals is higher than the play symbol and play symbol caption in the “DEALER’S CARDS”, the holder is entitled to the prize exposed with that hand.

(d) In “GAME 3”, if three (3) matching play symbols and play symbol captions are exposed in one (1) or more rows, the holder is entitled to the corresponding prize.

(e) In the game at the bottom of the ticket, if any of “YOUR CARDS” beat the “DEALER’S CARDS”, the holder is entitled to the corresponding prize. *(State Lottery Commission; 65 IAC 4-453-5; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1581)*

Emergency Rules

65 IAC 4-453-6 Prizes

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 6. The prize amounts and number of winners in instant game number 625 are as follows:

Winning Number and Amounts of Play Symbols	Prize Amount	Approximate Number of Winners
1-\$2.00 + 1-\$5.00	\$7	43,200
1-\$3.00 + 1-\$4.00	\$7	21,600
1-\$7.00	\$7	21,600
5-\$2.00	\$10	21,600
1-\$2.00 + 2-\$4.00	\$10	43,200
2-\$5.00	\$10	21,600
1-\$10.00	\$10	21,600
5-\$2.00 + 1-\$5.00	\$15	21,600
4-\$2.00 + 1-\$7.00	\$15	10,800
3-\$5.00	\$15	10,800
10-\$2.00 + 1-\$5.00	\$25	3,600
1-\$2.00 2 + \$4.00 + 3-\$5.00	\$25	2,700
6-\$2.00 + 2-\$4.00 + 1-\$5.00	\$25	2,700
5-\$5.00	\$25	2,700
1-\$25.00	\$25	2,700
3-\$10.00 + 1-\$20.00	\$50	4,950
4-\$5.00 + 3-\$10.00	\$50	4,950
1-\$50.00	\$50	4,950
1-\$2.00 + 1-\$3.00 + 7-\$10.00	\$75	4,050
5-\$5.00 + 5-\$10.00	\$75	4,050
1-\$5.00 + 7-\$10.00	\$75	4,050
1-\$75.00	\$75	4,050
7-\$10.00 + 1-\$5.00 + 1-\$25.00	\$100	225
5-\$20.00	\$100	225
4-\$25.00	\$100	225
3-\$10.00 + 1-\$10.00 + 2-\$25.00	\$100	225
2-\$50.00	\$100	225
1-\$100	\$100	225
14-\$25.00 + 1-\$50.00 + 1-\$100	\$500	90
5-\$100	\$500	90
1-\$500	\$500	90
10-\$100	\$1,000	72
4-\$250	\$1,000	72
14-\$50.00 + 1-\$100 + 1-\$500	\$1,000	72
2-\$500	\$1,000	72
1-\$1,000	\$1,000	72
5-\$2,000	\$10,000	2

2-\$5,000	\$10,000	2
1-\$10,000	\$10,000	2
7-\$10,000	\$70,000	1
1-\$70,000	\$70,000	1

(State Lottery Commission; 65 IAC 4-453-6; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1582)

65 IAC 4-453-7 Number of ticket; odds; reorders

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 7. (a) There shall be approximately one million (1,000,000) instant tickets initially available in instant game number 625.

(b) The odds of winning a prize in instant game number 625 are approximately 1 in 3.79.

(c) All reorders of tickets for instant game number 625 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order. (State Lottery Commission; 65 IAC 4-453-7; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1582)

65 IAC 4-453-8 Last day to claim prizes

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 8. Players will have up to sixty (60) days from the end of instant game 625 within which to claim their prizes. The last day to claim a prize in instant game number 625 is sixty (60) days after the end of the game. Game end dates are available on the commission's Web site at www.hoosierlottery.com or may be obtained through the commission's toll free customer service number or from any instant ticket retailer. (State Lottery Commission; 65 IAC 4-453-8; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1582)

LSA Document #02-350(E)

Filed with Secretary of State: December 12, 2002, 3:46 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #02-351(E)

DIGEST

Temporarily adds rules concerning instant game number 627. Effective December 12, 2002.

SECTION 1. The name of this instant game is "Instant Game Number 627, Luck of the Irish".

Emergency Rules

SECTION 2. Instant tickets in instant game number 627 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 627 shall contain ten (10) play symbols and play symbol captions all concealed under a large spot of latex material. Nine (9) play symbols and play symbol captions shall appear in a matrix of three (3) rows and three (3) columns. One (1) play symbol and play symbol caption shall appear in a box labeled "PRIZE".

(b) The play symbols and play symbol captions, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) X
XXX
- (2) A picture of a clover
CLVR

(c) The play symbols and play symbol captions representing prize amounts shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$3.00
THREE
- (4) \$5.00
FIVE
- (5) \$10.00
TEN
- (6) \$20.00
TWENTY
- (7) \$50.00
FIFTY
- (8) \$100
ONE HUN
- (9) \$500
FIVE HUN
- (10) \$1,000
ONE THOU

SECTION 4. The holder of a ticket in instant game number 627 shall remove the latex material covering the ten (10) play symbols and play symbol captions. If three (3) play symbols of a "Clover" are exposed in a row, column, or diagonal, the holder is entitled to the prize in the "PRIZE" area. The prize amounts and number of winners in instant game number 627 are as follows:

Winning Play Prize Play Symbol	Prize Amount	Approximate Num- ber of Winners
\$1.00	\$1	196,000
\$2.00	\$2	56,000
\$3.00	\$3	33,600

\$5.00	\$5	28,000
\$10.00	\$10	16,800
\$20.00	\$20	5,600
\$50.00	\$50	1,400
\$100	\$100	525
\$500	\$500	21
\$1,000	\$1,000	21

SECTION 5. (a) There shall be approximately one million six hundred thousand (1,600,000) instant tickets initially available in instant game number 627.

(b) The odds of winning a prize in instant game number 627 are approximately 1 in 4.97.

(c) All reorders of tickets for instant game number 627 shall have the same:

- (1) prize structure;
 - (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
 - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 627 is August 31, 2003.

SECTION 7. SECTIONS 1 through 6 of this document expire September 30, 2003.

LSA Document #02-351(E)

Filed with Secretary of State: December 12, 2002, 3:46 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #02-352(E)

DIGEST

Temporarily adds rules concerning instant game number 643. Effective December 12, 2002.

SECTION 1. The name of this instant game is "Instant Game Number 643, Sizzling Red 7s".

SECTION 2. Instant tickets in instant game number 643 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 643 shall contain twenty (20) play symbols and play symbol captions arranged in pairs of numbers and prize amounts all concealed under a large spot of latex material. Twenty (20) play symbols and play symbol captions shall appear in a matrix of five (5) rows and two (2) columns.

Emergency Rules

(b) The play symbols and play symbol captions, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THREE
- (4) 4
FOUR
- (5) 5
FIVE
- (6) 6
SIX
- (7) 7
RSEV (red seven)
- (8) 7
BSEV (black seven)
- (9) 8
EGT
- (10) 9
NIN
- (11) 10
TEN
- (12) 11
ELEVN
- (13) 12
TWLV
- (14) 13
THRTN
- (15) 14
FORTN
- (16) 15
FIFTN
- (17) 16
SIXTN
- (18) 18
EGTN
- (19) 19
NINTN
- (20) 20
TWTY

(c) The play symbols and play symbol captions representing prize amounts shall consist of the following possible play symbols and play symbol captions:

- (1) \$2.00
TWO
- (2) \$3.00
THREE
- (3) \$4.00
FOUR

- (4) \$5.00
FIVE
- (5) \$10.00
TEN
- (6) \$20.00
TWENTY
- (7) \$50.00
FIFTY
- (8) \$100
ONE HUN
- (9) \$500
FIVE HUN
- (10) \$1,000
ONE THOU
- (11) \$15,000
FTN THOU

SECTION 4. The holder of a ticket in instant game number 643 shall remove the latex material covering the twenty (20) play symbols and play symbol captions. If a play symbol of black "7" is exposed, the holder is entitled to the paired prize amount shown. If a play symbol of a RED "7" is exposed, the holder is entitled to double the paired prize amount. A holder may win up to ten (10) times on a ticket. The prize amounts and number of winners in instant game number 643 are as follows:

Winning Prize Play Symbol	Prize Amount	Approximate Number of Winners
1-\$2.00	\$2	252,000
1-\$2.00 double	\$4	88,200
1-\$4.00	\$4	88,200
1-\$2.00 + 1-\$3.00	\$5	37,800
1-\$5.00	\$5	37,800
5-\$2.00	\$10	25,200
2-\$5.00	\$10	6,300
1-\$5.00 double	\$10	6,300
1-\$10.00	\$10	12,600
1-\$5.00 + 1-\$5.00 double	\$15	12,600
5-\$3.00	\$15	12,600
10-\$2.00	\$20	6,300
5-\$4.00	\$20	6,300
1-\$5.00 double + 1-\$10.00	\$20	6,300
1-\$20.00	\$20	6,300
10-\$5.00	\$50	735
1-\$10.00 + 1-\$20.00 double	\$50	735
1-\$50.00	\$50	735
10-\$10.00	\$100	210
1-\$50.00 double	\$100	210
2-\$50.00	\$100	105
1-\$100	\$100	105

5-\$100	\$500	12
1-\$500	\$500	12
1-\$500 double	\$1,000	8
1-\$1,000	\$1,000	8
1-\$15,000	\$15,000	5

SECTION 5. (a) There shall be approximately two million five hundred thousand (2,500,000) instant tickets initially available in instant game number 643.

(b) The odds of winning a prize in instant game number 643 are approximately 1 in 4.15.

(c) All reorders of tickets for instant game number 643 shall have the same:

- (1) prize structure;
 - (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
 - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 643 is December 31, 2003.

SECTION 7. SECTIONS 1 through 6 of this document expire January 31, 2004.

LSA Document #02-352(E)

Filed with Secretary of State: December 12, 2002, 3:46 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #02-353(E)

DIGEST

Adds 65 IAC 4-452 concerning instant game number 647. Effective December 12, 2002.

65 IAC 4-452

SECTION 1. 65 IAC 4-452 IS ADDED TO READ AS FOLLOWS:

Rule 452. Instant Game 647

65 IAC 4-452-1 Name

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 1. The name of this instant game is "Instant Game Number 647, Hoosier Bingo". (State Lottery Commission; 65 IAC 4-452-1; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1585)

65 IAC 4-452-2 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 2. Instant tickets for instant game number 647 shall sell for two dollars (\$2) per ticket. (State Lottery Commission; 65 IAC 4-452-2; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1585)

65 IAC 4-452-3 Play symbols

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 3. (a) Instant tickets for instant game number 647 shall have four (4) separate and independent game play data areas with the game play data area in the upper right side of each instant ticket referred to as "CALLER'S CARD". The game play data area on each instant ticket shall have four (4) separate games labeled "CARD 1", "CARD 2", "CARD 3", and "CARD 4", respectively. The "CALLER'S CARD" shall have twenty-four (24) play symbols arranged in a matrix of four (4) rows and six (6) columns. "CARD 1", "CARD 2", "CARD 3", and "CARD 4" shall have twenty-five (25) play symbols arranged in a matrix of five (5) rows and five (5) columns. The columns on each card shall be labeled B, I, N, G, and O, respectively.

(b) The play symbols for "CARD 1", "CARD 2", "CARD 3", and "CARD 4" shall consist of the following possible play symbols:

SYMBOL SYMBOL SYMBOL SYMBOL SYMBOL

1	16	31	46	61
2	17	32	47	62
3	18	33	48	63
4	19	34	49	64
5	20	35	50	65
6	21	36	51	66
7	22	37	52	67
8	23	38	53	68
9	24	39	54	69
10	25	40	55	70
11	26	41	56	71
12	27	42	57	72
13	28	43	58	73
14	29	44	59	74
15	30	45	60	75

FREE

(c) The play symbols for "CALLER'S CARD" shall consist of the following possible play symbols:

SYMBOL SYMBOL SYMBOL SYMBOL SYMBOL

B1	I16	N31	G46	O61
B2	I17	N32	G47	O62

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B3	I18	N33	G48	O63
B4	I19	N34	G49	O64
B5	I20	N35	G50	O65
B6	I21	N36	G51	O66
B7	I22	N37	G52	O67
B8	I23	N38	G53	O68
B9	I24	N39	G54	O69
B10	I25	N40	G55	O70
B11	I26	N41	G56	O71
B12	I27	N42	G57	O72
B13	I28	N43	G58	O73
B14	I29	N44	G59	O74
B15	I30	N45	G60	O75

(State Lottery Commission; 65 IAC 4-452-3; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1585)

65 IAC 4-452-4 How to play

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 4. The holder of an instant ticket for instant game 647 must remove the latex material covering the twenty-four (24) play symbols on the upper right side of the game play data area labeled "CALLER'S CARD". (State Lottery Commission; 65 IAC 4-452-4; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1586)

65 IAC 4-452-5 "Winning play" defined

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 5. (a) For purposes of this rule, "winning play" means play symbols on "CARD 1", "CARD 2", "CARD 3", or "CARD 4", or a combination thereof, which match "CALLING CARD" play symbols in any of the following manners:

- (1) Five (5) play symbols in a vertical, horizontal, or diagonal line.
- (2) One (1) play symbol in each corner.
- (3) Eight (8) play symbols arranged from corner to corner in the form of an "X".

(b) There shall be no more than one (1) winning play in "CARD 1", "CARD 2", "CARD 3", or "CARD 4", respectively, on a single instant ticket in instant game 647. (State Lottery Commission; 65 IAC 4-452-5; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1586)

65 IAC 4-452-6 "Pack" defined

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 6. For purposes of instant game number 647, "pack" means a set of instant tickets each bearing a common pack number, fan-folder in strips of one (1) ticket. (State Lottery

Commission; 65 IAC 4-452-6; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1586)

65 IAC 4-452-7 Number of prizes

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 7. The holder of a valid instant ticket having a winning play as described in section 5 of this rule is entitled to a prize. The prize amounts and number of winners in instant game number 647 are as follows:

Winning Cards and Winning Plays	Prize Amount	Approximate Number of Winners
CARD 1-5(a)(1)	\$2	189,000
CARD 2-5(a)(1)	\$3	277,200
CARD 1-5(a)(1) and CARD 2-5(a)(1)	\$5	88,200
CARD 3-5(a)(1)	\$10	37,800
CARD 4-5(a)(1)	\$25	12,600
CARD 1-5(a)(1), CARD 2-5(a)(1), and CARD 4-5(a)(1)	\$30	6,825
CARD 1-5(a)(1), CARD 2-5(a)(1), CARD 3-5(a)(1), and CARD 4-5(a)(1)	\$40	2,814
CARD 2-5(a)(2)	\$50	2,100
CARD 1-5(a)(3)	\$150	840
CARD 1-5(a)(2), CARD 3-5(a)(2), and CARD 4-5(a)(1)	\$200	525
CARD 2-5(a)(2) and CARD 1-5(a)(3)	\$200	315
CARD 1-5(a)(2), CARD 2-5(a)(2), CARD 3-5(a)(2), and CARD 4-5(a)(1)	\$250	126
CARD 2-5(a)(3)	\$250	84
CARD 4-5(a)(2)	\$250	84
CARD 3-5(a)(3)	\$1,000	42
CARD 4-5(a)(3)	\$10,000	7

(State Lottery Commission; 65 IAC 4-452-7; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1586)

65 IAC 4-452-8 Number of tickets and odds of winning

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 8. (a) A total of approximately two million five hundred thousand (2,500,000) instant tickets will be initially available for instant game number 647.

(b) The odds of winning a prize with an instant ticket in instant game number 647 are approximately 1 in 4.07. (State Lottery Commission; 65 IAC 4-452-8; emergency rule filed Dec 12, 2002, 3:46 p.m.: 26 IR 1586)

65 IAC 4-452-9 Last day to claim prizes

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 9. Players will have up to sixty (60) days from the end of instant game 647 within which to claim their prizes. The last day to claim a prize in instant game number 647 is sixty (60) days after the end of the game. Game end dates are available on the commission's Web site at www.hoosierlottery.com or may be obtained through the commission's toll free customer service number or from any instant ticket retailer. (*State Lottery Commission; 65 IAC 4-452-9; emergency rule filed Dec 12, 2002, 3:46 p.m.; 26 IR 1587*)

LSA Document #02-353(E)

Filed with Secretary of State: December 12, 2002, 3:46 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #02-354(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 050. Effective December 20, 2002.

SECTION 1. The name of this pull-tab game is "Pull-Tab Game Number 050, Stardust".

SECTION 2. Pull-tab tickets for pull-tab game number 050 shall sell for twenty-five cents (\$0.25) per ticket.

SECTION 3. Pull-tab game number 050 is a match 3 game.

SECTION 4. A pull-tab ticket in pull-tab game number 050 shall contain nine (9) play symbols and play symbol captions arranged in a matrix of three (3) rows and three (3) columns. Each row shall be covered by a tab. The play symbols and play symbol captions in pull-tab game number 050 shall consist of the following possible play symbols:

- (1) A picture of a diamond

DIAMOND

- (2) A picture of a stack of chips

CHIPS

- (3) A picture of a singer

SINGER

- (4) A picture of a pair of dice

DICE

- (5) A picture of playing cards

CARDS

- (6) A picture of a slot machine

SLOTS

- (7) A picture of a sign with the words "Wayne Live"

SIGN

SECTION 5. A row on a pull-tab ticket in pull-tab game number 050 which contains three (3) identical play symbols is not a match 3 winning row unless all of the following are true:

- (1) The play symbols and play symbol captions in the row are consistent with those specified in SECTION 4 of this rule [document].
- (2) The three (3) play symbols and play symbol captions in the row are bisected by a green arrow.
- (3) The prize amount appears on the left side of the row in red ink on a yellow box.

SECTION 6. Subject to SECTION 5 of this rule [document], the holder of a valid pull-tab ticket for pull-tab game number 050 containing a match 3 winning row is entitled to a prize the amount and the approximate number of which are as follows:

Matching Play Symbol in Match 3 Winning Row	Prize Amount	Approximate Number of Prizes
3 dice	\$0.25	256,968
3 singers	\$1	65,736
3 chips	\$5	8,964
3 diamonds	\$50	2,988

SECTION 7. A total of approximately two million (2,000,000) pull-tab tickets will be initially available for pull-tab game number 050. The odds of winning a prize in pull-tab game 050 are approximately 1 in 6.00. If additional pull-tab tickets are made available for this pull-tab game, the approximate number of each prize shall increase proportionally.

SECTION 8. The last day to claim prizes in pull-tab game number 050 shall be sixty (60) days after the end of the game. Game end dates are available on the commission's Web site at www.hoosierlottery.com or may be obtained through the commission's toll free customer service number or from any pull-tab retailer.

LSA Document #02-354(E)

Filed with Secretary of State: December 20, 2002, 11:46 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #02-355(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 051. Effective December 20, 2002.

SECTION 1. The name of this pull-tab game is "Pull-Tab Game Number 051, Hot 13s".

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SECTION 2. Pull-tab tickets for pull-tab game number 051 shall sell for fifty cents (\$0.50) per ticket.

SECTION 3. Pull-tab game number 051 is a criss-cross game.

SECTION 4. A pull-tab ticket in pull-tab game number 051 shall contain fifteen (15) play symbols and play symbol captions arranged in a matrix of five (5) rows and three (3) columns. Each row shall be covered by a tab. The play symbols and play symbol captions in pull-tab game number 051 shall consist of the following possible play symbols:

- (1) A picture of a bunch of cherries
CHERRIES
- (2) A picture of a stack of chips
CHIPS
- (3) A picture of a diamond
DIAMOND
- (4) A picture of a dollar sign
MONEY
- (5) A picture of the number "13"
13's
- (6) A picture of a block of ice with cherries
ICE
- (7) A picture of a star
STAR
- (8) A picture of a bunch of grapes
GRAPES

SECTION 5. A row, column, or diagonal on a pull-tab ticket in pull-tab game number 051 which contains three (3) play symbols in a combination set forth in SECTION 6 of this rule *[document]* is not a criss-cross winning combination unless all of the following are true:

- (1) The play symbols and play symbol captions in the line are consistent with those specified in SECTION 4 of this rule *[document]*.
- (2) The three (3) play symbols and play symbol captions in the line are bisected by a blue arrow.
- (3) The prize amount appears on the left side of the line in red ink on a yellow box.

SECTION 6. Subject to SECTION 5 of this rule *[document]*, the holder of a valid pull-tab ticket for pull-tab game number 051 containing a criss-cross winning combination is entitled to a prize the amount and the approximate number of which are as follows:

Matching Play Symbols in Criss-Cross Winning Combinations	Prize Amount	Approximate Number Number <i>[sic.]</i> of Prizes
2-13's + 1 Cherries	\$50	201,690
2-13's + 1 Chips	\$1	29,133
2-13's + 1 Diamond	\$3	6,723
2-13's + 1 Money	\$25	2,241
3-13's	\$125	2,241

SECTION 7. A total of approximately one million five hundred thousand (1,500,000) pull-tab tickets will be initially available for pull-tab game number 051. The odds of winning a prize in pull-tab game 051 are approximately 1 in 6.22. If additional pull-tab tickets are made available for this pull-tab game, the approximate number of each prize shall increase proportionally.

SECTION 8. The last day to claim prizes in pull-tab game number 051 shall be sixty (60) days after the end of the game. End of game dates are available at any pull tab retailer location, on the commission's Web site at www.hoosierlottery.com, and via the commission's customer service center which can be contacted toll-free at 1-800-955-6886.

LSA Document #02-355(E)

Filed with Secretary of State: December 20, 2002, 11:46 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #02-356(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 052. Effective December 20, 2002.

SECTION 1. The name of this pull-tab game is "Pull-Tab Game Number 052, Cherry Bar Fortune".

SECTION 2. Pull-tab tickets for pull-tab game number 052 shall sell for one dollar (\$1) per ticket.

SECTION 3. Pull-tab game number 052 is a criss-cross game.

SECTION 4. A pull-tab ticket in pull-tab game number 052 shall contain fifteen (15) play symbols and play symbol captions arranged in a matrix of five (5) rows and three (3) columns. Each row shall be covered by a tab. The play symbols and play symbol captions in pull-tab game number 052 shall consist of the following possible play symbols:

- (1) A picture of one (1) bar
BAR
- (2) A picture of three (3) sevens
SEVEN
- (3) A picture of two (2) bars
BAR-BAR
- (4) A picture of a diamond
DIAMOND
- (5) A picture of a cherry
CHERRY

- (6) A picture of three (3) bars
BAR-BAR-BAR
- (7) A picture of a melon
MELON
- (8) A picture of a lemon
LEMON
- (9) A picture of an orange
ORANGE

SECTION 5. A row, column, or diagonal on a pull-tab ticket in pull-tab game number 052 which contains three (3) play symbols in a combination set forth in SECTION 6 of this rule *[document]* is not a criss-cross winning combination unless all of the following are true:

- (1) The play symbols and play symbol captions in the line are consistent with those specified in SECTION 4 of this rule *[document]*.
- (2) The three (3) play symbols and play symbol captions in the line are bisected by a blue arrow.
- (3) The prize amount appears on the left side of the line in red ink on a yellow box.

SECTION 6. Subject to SECTION 5 of this rule *[document]*, the holder of a valid pull-tab ticket for pull-tab game number 052 containing a criss-cross winning combination is entitled to a prize the amount and the approximate number of which are as follows:

Matching Play Symbols in Criss-Cross Winning Combinations	Prize Amount	Approximate Number Number <i>[sic.]</i> of Prizes
3-Bar	\$ 1	167,328
2-Cherries + 1 Seven	\$ 5	13,446
3-Bar-Bar	\$10	4,482
2-Cherries + 1 Diamond	\$25	4,482
3-Bar-Bar-Bar	\$175	1,494

SECTION 7. A total of approximately one million (1,000,000) pull-tab tickets will be initially available for pull-tab game number 052. The odds of winning a prize in pull-tab game 052 are approximately 1 in 5.25. If additional pull-tab tickets are made available for this pull-tab game, the approximate number of each prize shall increase proportionally.

SECTION 8. The last day to claim prizes in pull-tab game number 052 shall be sixty (60) days after the end of the game. End of game dates are available at any pull-tab retailer location, on the commission's Web site at www.hoosierlottery.com, and via the commission's customer service center which can be contacted toll-free at 1-800-955-6886.

LSA Document #02-356(E)

Filed with Secretary of State: December 20, 2002, 11:46 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #02-357(E)

DIGEST

Temporarily adds rules concerning instant game number 628. Effective December 20, 2002.

SECTION 1. The name of this instant game is "Instant Game Number 628, Fabulous 4s".

SECTION 2. Instant tickets in instant game number 628 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 628 shall contain nine (9) play symbols and play symbol captions all concealed under a large spot of latex material. Nine (9) play symbols and play symbol captions shall appear in a matrix of three (3) rows and three (3) columns. The three (3) rows shall be labeled "\$14", "\$40", and "\$400", respectively, from top row to bottom row. The three (3) columns shall be labeled "\$1", "\$2", and "\$4", respectively, from left to right. The diagonal from the upper left through the lower right of the matrix shall be labeled "\$4,000".

(b) The play symbols and play symbol captions, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIVE
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN

SECTION 4. The holder of a ticket in instant game number 628 shall remove the latex material covering the nine (9) play symbols and play symbol captions. If three (3) play symbols of "4" are exposed in a row, column, or diagonal, the holder is entitled to the prize associated with the corresponding row, column, or diagonal line. The prize

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amounts and number of winners in instant game number 628 are as follows:

Winning Play Symbol	Prize Amount	Approximate Number of Winners
\$1.00—column 1	\$1	504,000
\$2.00—column 2	\$2	108,000
\$4.00—column 3	\$4	72,000
\$14.00—row 1	\$14	48,000
\$40.00—row 2	\$40	6,750
\$400—row 3	\$400	180
\$4000—diagonal	\$4,000	15

SECTION 5. (a) There shall be approximately three million six hundred thousand (3,600,000) instant tickets initially available in instant game number 628.

(b) The odds of winning a prize in instant game number 628 are approximately 1 in 4.87.

(c) All reorders of tickets for instant game number 628 shall have the same:

- (1) prize structure;
 - (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
 - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 628 is November 30, 2003.

SECTION 7. SECTIONS 1 through 6 of this document expire December 31, 2003.

LSA Document #02-357(E)

Filed with Secretary of State: December 20, 2002, 11:46 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #02-358(E)

DIGEST

Temporarily adds rules concerning instant game number 629. Effective December 20, 2002.

SECTION 1. The name of this instant game is “Instant Game Number 629, 24K”.

SECTION 2. Instant tickets in instant game number 629 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 629 shall contain twenty-two (22) play symbols and play symbol captions in the game play data area all concealed

under a large spot of latex material. Two (2) play symbols and play symbol captions shall appear in the area labeled “WINNING NUMBERS”. Twenty (20) play symbols and play symbol captions shall appear in the area labeled “YOUR NUMBERS” and be arranged in pairs representing numbers or a picture of a bar of gold and prize amounts.

(b) The play symbols and play symbol captions in instant game number 629, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN
- (10) 10
TEN
- (11) 11
ELV
- (12) 12
TLV
- (13) 13
TRN
- (14) 14
FRN
- (15) 15
FTN
- (16) 16
SXT
- (17) 17
SVT
- (18) 18
ETN
- (19) 19
NTN
- (20) 20
TWY
- (21) A picture of a gold bar
WIN 5X

(c) The play symbols and play symbol captions represent-

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ing prize amounts in instant game number 629 shall consist of the following possible play symbols and play symbol captions:

- (1) \$2.00
TWO
- (2) \$3.00
THREE
- (3) \$4.00
FOUR
- (4) \$5.00
FIVE
- (5) \$10.00
TEN
- (6) \$20.00
TWENTY
- (7) \$50.00
FIFTY
- (8) \$100
ONE HUN
- (9) \$1,000
ONE THOU
- (10) \$24,000
TWY FOR THOU

SECTION 4. The holder of a valid instant ticket in instant game number 629 shall remove the latex material covering the twenty-two (22) play symbols and play symbol captions. If one (1) or more of "YOUR NUMBERS" match either of the "WINNING NUMBERS", the holder is entitled to the prize amount paired with the matched number. If a "YOUR NUMBERS" play symbol and play symbol caption is a picture of a gold bar, the holder is entitled to five (5) times the paired prize amount. The matched prize play symbols, prize amounts, and number of winners in instant game number 629 are as follows:

Number of Matches and Matched Symbols	Total Prize Amount	Approximate Number of Winners
1-\$2.00	\$2	264,600
1-\$4.00	\$4	176,400
1-\$2.00 + 1-\$3.00	\$5	37,800
1-\$5.00	\$5	37,800
1-\$2.00 + bar	\$10	12,600
5-\$2.00	\$10	12,600
2-\$5.00	\$10	12,600

1-\$10.00	\$10	12,600
1-\$3.00 + bar	\$15	12,600
5-\$3.00	\$15	12,600
1-\$2.00 + bar + 2-\$5.00	\$20	6,300
10-\$2.00	\$20	6,300
4-\$5.00	\$20	6,300
1-\$20.00	\$20	6,300
10-\$5.00	\$50	210
1-\$10.00 + bar	\$50	210
1-\$50.00	\$50	210
10-\$10.00	\$100	210
1-\$10.00 + bar + \$50	\$100	210
5-\$20.00	\$100	210
1-\$100	\$100	210
5-\$100	\$500	20
10-\$100	\$1,000	15
1-\$1,000	\$1,000	15
1-\$24,000	\$24,000	4

SECTION 5. (a) There shall be approximately two million five hundred thousand (2,500,000) instant tickets initially available in instant game number 629.

(b) The odds of winning a prize in instant game number 629 are approximately 1 in 4.07.

(c) All reorders of tickets for instant game number 629 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in instant game number 629 is November 30, 2003.

SECTION 7. SECTIONS 1 through 6 of this document expire December 31, 2003.

LSA Document #02-358(E)

Filed with Secretary of State: December 20, 2002, 11:45 a.m.

Change in Notice of Public Hearing

TITLE 326 AIR POLLUTION CONTROL BOARD

#02-189(APCB)

The Air Pollution Control Board hereby gives notice that the room location for the public hearing for consideration of preliminary adoption of Document #02-189(APCB) concerning amendments to rules concerning lead-based paint activities, printed at 26 IR 572, has been changed. The new Notice of Public Hearing appears below:

Notice of Public Hearing

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on **February 5, 2003** at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, **Conference Center Room C**, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed amendments to 326 IAC 23.*

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their view concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana). Technical information regarding this action may be obtained from David White, Asbestos Section, Office of Air Quality, (317) 232- 8219 or the toll free number. If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register.

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

Attn: ADA Coordinator

Indiana Department of Environmental Management

100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

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

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

Kathryn A. Watson, Chief
Air Programs Branch
Office of Air Quality

TITLE 327 WATER POLLUTION CONTROL BOARD

#01-96(WPCB)

The Water Pollution Control Board hereby gives notice that the date and location of the public hearing for consideration of final adoption of #01-96(WPCB), printed at 26 IR 1113, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

*Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on **February 12, 2003** at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Water Pollution Control Board will hold a public hearing on proposed amendments to 327 IAC 5 NPDES and pretreatment programs; and new rules under 327 IAC 15 NPDES general permit rule program related to municipal separate storm sewer systems (MS4s). Procedures to be followed in this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).*

The purpose of this hearing is to receive comments from the public prior to the board's consideration of final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their view concerning the proposal to final adopt the new rules and amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.

Technical information regarding this action may be obtained from Lori Gates, Office of Water Quality, Wet Weather Section, (317) 233-6725 or (800) 451-6027 (in Indiana). Additional information regarding this action may be obtained from Kiran Verma, Office of Water Quality, Rules Section, (317) 234-0986 or (800) 451-6027 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register.

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

ADA Coordinator

Indiana Department of Environmental Management

100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

or call (317) 234-1208 (V) or (317) 232-6565 (TTD). Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file with the Office of Water Quality, Indiana Government Center-North, 100 North Senate

Change in Notice of Public Hearing

Avenue, Twelfth Floor West and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Mary Ellen Gray
Deputy Assistant Commissioner
Office of Water Quality

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

Copies of these rules are now on file with the Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Twelfth Floor West, Room 1255 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

TITLE 327 WATER POLLUTION CONTROL BOARD

#02-327(WPCB)

The Water Pollution Control Board gives notice that the date of the public hearing for consideration of preliminary adoption of #02-327(WPCB), printed at 26 IR 885, has been scheduled. The Notice of Public Hearing appears below:

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on **March 12, 2003** at 1:30 p.m., in the Indiana Government Center-South, 402 West Washington Street, Conference Room A, Indianapolis, Indiana the Water Pollution Control Board will hold a public hearing on amendments to 327 IAC 5-1-1.5 and 327 IAC 15-3-2 and new rule 327 15-14 concerning on-site residential sewage discharging disposal systems in Allen County.

The purpose of this hearing is to receive comments from the public prior to the board's consideration of preliminary adoption of these rules. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposal to preliminarily adopt the new rule and amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action can be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 or (800) 451-6027 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register.

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

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

Tim Method
Deputy Commissioner
Indiana Department of Environmental Management

TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY

LSA Document #02-287

The Indiana Education Savings Authority gives notice that the date of the public hearing for LSA Document #02-287, printed at 26 IR 1257, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on **February 24, 2003** at 11:00 a.m., at the Indiana Education Savings Authority, One North Capitol Avenue, Suite 444, Indianapolis, Indiana the Indiana Education Savings Authority will hold a public hearing on proposed amendments that finalize prior emergency rules that define administrator fee, clarify initial and subsequent contribution amounts; and eliminate limitations on frequency of account distributions. Copies of these proposed rules are now on file at the Indiana Education Savings Authority, One North Capitol, Suite 444, and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Susan Loftus
Executive Director
Indiana Education Savings Authority

Notice of Intent to Adopt a Rule

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

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

LSA Document #03-6

Under IC 4-22-2-23, the Department of Local Government Finance intends to adopt a rule concerning the following:

OVERVIEW: Under the authority of IC 6-1.1-35.2-2, as enacted by P.L.177-2002, the Department of Local Government Finance intends to adopt rules to provide for a uniform approval of both a mileage and per diem allowance rates that any new assessing official or county assessor who attends the required new official training pursuant to IC 6-1.1-35.2-2 is entitled to. This rule will also establish the uniform procedures necessary to approve such reimbursements for the county in which the official resides. The Department of Local Government Finance invites written submissions expressing your views on these matters. Questions or comments may be directed to Heather Scheel, Attorney, Department of Local Government Finance, at the Indiana Government Center-North, 100 North Senate Avenue, Room 1058, Indianapolis, Indiana 46204 or hscheel@tcb.state.in.us. Telephone number: 317-232-5895. Statutory authority: IC 6-1.1-35.2-2.

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

LSA Document #03-17

Under IC 4-22-2-23, the Indiana Department of Transportation intends to adopt a rule concerning the following:

OVERVIEW: Amends 105 IAC 9-1 concerning prohibited activities on interstate highways, including stopping, standing, parking, pedestrian movement, and certain vehicles. The rule will amend the list of interstate highways in order to delete I-165 and to add I-275, I-469, and I-865. Comments on the proposed rule may be sent to the Indiana Department of Transportation, Indiana Government Center-North, 100 North Senate Avenue, Room 730, Indianapolis, Indiana 46204 or by electronic mail to tgiller@indot.state.in.us. Statutory authority: IC 8-23-2-6; IC 8-23-2-9; IC 8-23-2-10; IC 8-23-4.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-12

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 312 IAC 20-2 to add definitions for “certificate”, “Indiana Register”, and “National Register”. Amends 312 IAC 20-3 to provide reasonable notice to members of the historic preservation review board before making a determination regarding the grant, denial, or conditioning of a certificate. Questions concerning the proposed rule amendments may be directed to the following telephone number: (317) 233-3322 or by e-mail to slucas@dnr.state.in.us/. Statutory authority: IC 14-21-1-31.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-24

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 312 IAC 5-2-47 that defines “waters of concurrent jurisdiction” to include the portion of the Wabash River that forms a border with Illinois and to include the Great Miami River. Amends 312 IAC 5-13-2 by requiring children under 13 years of age to wear personal flotation devices (sometimes called “life preservers”) to conform with U.S. Coast Guard requirements. Deletes language pertaining to personal flotation devices that is now addressed by statute. Questions concerning the proposed rule amendments may be directed to the following telephone number: (317) 233-3322 or by e-mail to slucas@dnr.state.in.us. Statutory authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-7.

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

LSA Document #03-9

Under IC 4-22-2-23, the Indiana State Board of Animal Health intends to adopt a rule concerning the following:

OVERVIEW: Amends 345 IAC 1-3 concerning rabies vaccination requirements to move animals into the state. Public questions and comments may be sent to the Indiana State Board of Animal Health, ATTENTION: Legal Affairs, 805 Beachway Drive, Suite 50, Indianapolis, Indiana 46224, or by electronic mail to ghaynes@boah.state.in.us. Statutory authority: IC 15-2.1-3-19.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #03-18

Under IC 4-22-2-23, the Office of the Secretary of Family

and Social Services intends to adopt a rule concerning the following:

OVERVIEW: Amends 405 IAC 1-10.5 to eliminate inflationary adjustment in nonrebased years and modify relative weights contained in the Medicaid reimbursement methodology for inpatient hospital services; makes other clarifying changes consistent with current policy. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2.

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #03-3

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

OVERVIEW: Revise the rules that determine what persons are not required to be licensed as home health agencies. Written comments may be submitted to the Indiana State Department of Health, ATTENTION: Office of Legal Affairs and Policy, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-27-1-7.

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #03-4

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

OVERVIEW: Revise the rules for the reporting and control measures of communicable diseases and other diseases that are a danger to health. Written comments may be submitted to the Indiana State Department of Health, ATTENTION: Office of Legal Affairs and Policy, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-41-2-1.

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #03-19

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

OVERVIEW: The rule will increase the newborn screening fee charged for each newborn screened. Written comments may

be submitted to the Indiana State Department of Health, ATTENTION: Children and Family Health Services Commission, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-41-17-9; IC 16-41-17-10.

TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #03-10

Under IC 4-22-2-23, the Professional Standards Board intends to adopt a rule concerning the following:

OVERVIEW: Adds 515 IAC 8 to provide certain requirements for the initial practitioner license issued by the Indiana Professional Standards Board. Public comments are invited and may be directed to Marie Theobald, Executive Director, Indiana Professional Standards Board, 101 West Ohio Street, Indianapolis, Indiana 46204. Statutory authority: IC 20-1-1.4-7.

TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #03-11

Under IC 4-22-2-23, the Professional Standards Board intends to adopt a rule concerning the following:

OVERVIEW: Adds 515 IAC 9 to provide certain requirements and procedures for the issuance and revocation of various licenses and permits issued by the Indiana Professional Standards Board. Public comments are invited and may be directed to Marie Theobald, Executive Director, Indiana Professional Standards Board, 101 West Ohio Street, Indianapolis, Indiana 46204. Statutory authority: IC 20-1-1.4-7.

TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #03-5

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

OVERVIEW: The department intends to adopt a rule to address a health maintenance organization's plan in the event a health maintenance were to be placed into receivership for covering all outstanding claims during the first sixty (60) days. Written comments may be submitted to the Indiana Department of Insurance, ATTENTION: Amy Strati, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204 or e-mail to astrati@doi.state.in.us. Statutory authority: IC 27-13-16-5.

Notice of Intent to Adopt a Rule

TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #03-7

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

OVERVIEW: The department intends to adopt a rule to amend 760 IAC 1-57 to adopt the most recent changes by the National Association of Insurance Commissioners (NAIC) to the NAIC Actuarial Opinion and Memorandum Model Regulation. Written comments may be submitted to the Indiana Department of Insurance, ATTENTION: Amy Strati, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204 or e-mail to astrati@doi.state.in.us. Statutory authority: IC 27-1-3-7; IC 27-1-12-10.1.

TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #03-8

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

OVERVIEW: The department intends to adopt a rule to recognize, permit, and prescribe the use of the 2001 Commissioners Standard Ordinary Mortality Table for use in determining minimum reserve liabilities and nonforfeiture benefits. Written comments may be submitted to the Indiana Department of Insurance, ATTENTION: Amy Strati, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204 or e-mail to astrati@doi.state.in.us. Statutory authority: IC 27-1-3-7; IC 27-1-12-10; IC 27-1-12-10.5.

TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

LSA Document #03-20

Under IC 4-22-2-23, the Board of Registration for Architects and Landscape Architects intends to adopt a rule concerning the following:

OVERVIEW: Amends 804 IAC 1.1-1-1 to revise the definition of degree in a design discipline. Questions or comments concerning the proposed rule may be directed to: Indiana Professional Licensing Agency, ATTENTION: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700 or by e-mail to mdavis@pla.state.in.us. Statutory authority: IC 25-4-1-3; IC 25-4-2.

TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS

LSA Document #03-21

Under IC 4-22-2-23, the State Board of Cosmetology Examiners intends to adopt a rule concerning the following:

OVERVIEW: Revise the graduation requirements for a manicurist student in a cosmetology school. Establish distance learning continuing education requirements and procedures for cosmetology professionals and to establish the requirements and procedures for distance learning continuing education educators and courses. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, ATTENTION: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700 or by e-mail to mdavis@pla.state.in.us. Statutory authority: IC 25-8-3-23; IC 25-8-15-11.

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #03-13

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

OVERVIEW: Amends 844 IAC 5 to add a rule concerning the use of controlled substances by physicians for the treatment of pain. Effective 30 days after filing with the secretary of state. Public comments are invited and may be directed to the Medical Licensing Board of Indiana, ATTENTION: General Counsel, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by e-mail to bmcnett@hpb.state.in.us. Statutory authority: IC 25-22.5-2-7.

TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

LSA Document #03-22

Under IC 4-22-2-23, the State Board of Registration for Land Surveyors intends to adopt a rule concerning the following:

OVERVIEW: Amends 865 IAC 1-7-3 to revise what a registered land surveyor may include in the registrant's plans. Repeals 865 IAC 1-10-23 and 865 IAC 1-10-24. Amends 865 IAC 1-12 to revise the standards for the competent practice of land surveying. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing

Agency, ATTENTION: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700 or by e-mail to mdavis@pla.state.in.us. Statutory authority: IC 25-21.5-2-14; IC 25-2.1-8-7.

TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #03-23

Under IC 4-22-2-23, the Indiana Real Estate Commission intends to adopt a rule concerning the following:

OVERVIEW: This rule makes changes regarding licensure of appraisers. Revise the educational requirements for Indiana licensed trainee appraisers, Indiana licensed residential appraisers, Indiana certified residential appraisers, and Indiana certified general appraisers to require that the fifteen (15) hours of required prelicensing education in Uniform Standards of Professional Appraisal Practice meet the Appraiser Qualification Board requirements for content and instructor qualifications. Require real estate appraiser continuing education course providers teaching the seven (7) hours of required continuing education in USPAP provide to all attendees a current copy of USPAP and the Indiana appraiser license law booklet. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, ATTENTION: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700 or by e-mail to mdavis@pla.state.in.us. Statutory authority: IC 25-34.1-3-8; IC 25-34.1-2-5.1; IC 25-34.1-2-5.

Proposed Rules

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

Proposed Rule
LSA Document #02-324

DIGEST

Adds 11 IAC 2-5-5 concerning obtaining changed, transferred, and disconnected telephone numbers. Effective 30 days after filing with the secretary of state.

11 IAC 2-5-5

SECTION 1. 11 IAC 2-5-5 IS ADDED TO READ AS FOLLOWS:

11 IAC 2-5-5 Obtaining changed, transferred, and disconnected telephone numbers

Authority: IC 4-6-9-8; IC 24-4-7-3-7
Affected: IC 24-4-7-3-1

Sec. 5. (a) As used in this rule, “local exchange carrier” or “LEC” means any person, firm, partnership, cooperative organization, or corporation engaged in the business of furnishing telecommunications service that carries voice telephone calls originating and terminating within the local calling area within Indiana. An LEC shall not include a radio common carrier or commercial mobile radio service.

(b) Not later than the fifth day of every calendar quarter (i.e., January 5, April 5, July 5, and October 5), each LEC shall provide electronically to the division a list containing any changed, transferred, and disconnected telephone numbers of residential telephone subscribers from the previous calendar quarter. The data must be in a format prescribed by the division. The first list shall be provided no later than July 5, 2003.

(c) The division may use the data only for the purpose of updating the no telephone sales solicitation listing published by the division. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-5-5*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 7, 2003 at 1:15 p.m., at the Indiana Government Center-South, Office of the Attorney General’s Conference Room, 302 West Washington Street, Fifth Floor, Indianapolis, Indiana the Consumer Protection Division of the Office of the Attorney General will hold a public hearing on a proposed new rule concerning the obtaining of changed, disconnected, or transferred telephone numbers to update the telephone privacy list. Copies of these rules are now on file at the Office of the Attorney General, Indiana Government Center-South, 302 West Washington Street, Fifth Floor and Legislative Services Agency,

One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Marguerite M. Sweeney
Chief Counsel, Telephone Privacy
Office of the Attorney General

TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

Proposed Rule
LSA Document #02-328

DIGEST

Amends 305 IAC 1 by adding rule 5 to establish a code of ethics for licensed professional geologists. Also includes amendments to provide that fees are set by board resolution not directly by rule. Clarifies that certificates are reinstated by the board not the Indiana geological survey. Provides for annual rather than semiannual publication of a roster of licensed geologists. Makes other technical changes. Effective 30 days after filing with the secretary of state.

305 IAC 1-2-6
305 IAC 1-3-4
305 IAC 1-4-1

305 IAC 1-4-2
305 IAC 1-5

SECTION 1. 305 IAC 1-2-6 IS AMENDED TO READ AS FOLLOWS:

305 IAC 1-2-6 “Professional geological work” defined

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 6. (a) “Professional geological work” means the application of principles, theories, and laws of geology, along with the body of knowledge encompassed by the science at an advanced and skillful level requiring experience in the geological profession and the capability of interpretation of geological data.

(b) Examples of activities that may qualify as professional geological work are consultation, research, evaluation, or planning of geological systems, works, or projects for one (1) or more of the following:

- (1) Land reclamation.
- (2) Construction.
- (3) Location, prediction of the location, evaluation, or development or production of petroleum, natural gas, coal, metallic and nonmetallic minerals, ground water, and other geological resources.
- (4) Assessment of geologic hazards, such as landslides, earthquakes, and land subsidence.
- (5) Environmental geology.
- (6) Hydrogeology.

(c) Examples of activities that ~~may~~ **cannot** qualify as professional geological work are the following:

- (1) Activities before an applicant completes the minimum education requirements under 305 IAC 1-3-2(c).
- (2) Participation as a laboratory assistant, field assistant, or technician.
- (3) Participation as an associate instructor or research assistant while enrolled in an undergraduate or graduate studies program.
- (4) Participation as an engineer, driller, well logger, soil scientist, archeologist, or profession other than geology.

(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-6; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2215; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937)

SECTION 2. 305 IAC 1-3-4 IS AMENDED TO READ AS FOLLOWS:

305 IAC 1-3-4 Issuance of a renewal certificate

Authority: IC 25-17.6-3-12

Affected: IC 4-21.5-3-4; IC 25-17.6

Sec. 4. (a) ~~A request for a renewal license is timely if made by a licensed professional geologist at least thirty (30) days before expiration.~~ A **license certificate** expires three (3) years after the date of issuance. A request for renewal must be accompanied by a fee ~~of sixty dollars (\$60) to be determined by the board~~ in the form of a check or money order payable to the "Indiana Geological Survey". The renewal will be issued unless the board determines the applicant no longer qualifies as a licensed professional geologist under IC 25-17.6 and this article. IC 4-21.5-3-4(d) applies to this subsection.

(b) The survey shall mail a renewal notice to each licensed professional geologist at least sixty (60) days before the expiration of the ~~license~~ **certificate**. The notice shall be directed to the most recent mailing address provided to the survey by the licensed professional geologist.

(c) If the renewal fee is not paid when due, the ~~license certificate~~ is invalidated. The name of the holder shall be deleted from future rosters of the licensed professional geologists unless:

- (1) a late renewal fee ~~of seventy-five dollars (\$75)~~ is paid by the applicant before the expiration of two (2) years from the date of its invalidation; ~~and or~~
- (2) the certificate is reinstated by the ~~survey~~ **board**.

(d) If the renewal fee is not paid within two (2) consecutive years of the invalidation of a certificate, a person may seek reinstatement as a licensed professional geologist only upon successful completion of section 2 of this rule. *(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-3-4; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2218; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1621)*

SECTION 3. 305 IAC 1-4-1 IS AMENDED TO READ AS FOLLOWS:

305 IAC 1-4-1 Seal and responsibilities of licensed professional geologist for documents

Authority: IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 1. (a) A licensed professional geologist may purchase a seal from a private vendor that bears the geologist's name, **license certificate** number, and the legend "~~Licensed~~ "professional geologist". A seal cannot be less than one and five-eighths (1 $\frac{5}{8}$) inches or more than one and seven-eighths (1 $\frac{7}{8}$) inches in outside diameter and shall conform with the following design:



(b) The seal may be embossed or applied by a rubber stamp. The seal may have a milled edge, as illustrated in subsection (a), or two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling.

(c) The seal shall be affixed to a document or **license certificate** only if:

- (1) the **license certificate** is current and has not been suspended or revoked; and
- (2) the document or instrument is created by the licensed professional geologist or by persons who are regularly employed or directly supervised subordinates of the licensed professional geologist.

(d) A licensed professional geologist shall cause to be legible the placement of a seal on a document or instrument.

(e) A licensed professional geologist is responsible for the professional work on any plans, specifications, plats, reports, or other documents to which the seal or signature of the licensed professional geologist is affixed. A licensed professional geologist who affixes a seal or signature to a document without understanding the contents of the document, violates the code of ethics. *(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-4-1; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2218; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1621)*

SECTION 4. 305 IAC 1-4-2 IS AMENDED TO READ AS FOLLOWS:

305 IAC 1-4-2 Publication of roster; responsibility of a licensed professional geologist to maintain a current address with the Indiana geological survey

Authority: IC 25-17.6-3-12

Affected: IC 25-17.6

Proposed Rules

Sec. 2. (a) The survey shall, ~~at least every other~~ calendar year, publish a roster showing the names and addresses of the licensed professional geologists.

(b) Each licensed professional geologist is responsible for maintaining with the survey a current mailing address. A notification made by the board under IC 25-17.6 and this article is complete if delivered to the address provided by the licensed professional geologist under this subsection. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-4-2; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2219; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937*)

SECTION 5. 305 IAC 1-5 IS ADDED TO READ AS FOLLOWS:

Rule 5. Code of Ethics

305 IAC 1-5-1 Professional conduct

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 1. A licensed professional geologist must be guided by the highest standards of honesty, integrity, impartiality, and professional conduct. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-1*)

305 IAC 1-5-2 Public interest

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 2. (a) A licensed professional geologist must uphold the public health, safety, and welfare in the performance of professional services and avoid the appearance of impropriety.

(b) A licensed professional geologist shall promote public awareness of the effects of geology and geological processes on the quality of life.

(c) A licensed professional geologist shall not only abide by the code of ethics but encourage others under the geologist's supervision or direction (whether licensed or not) to abide by this code. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-2*)

305 IAC 1-5-3 Legal compliance

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 3. (a) A licensed professional geologist must observe and comply with the requirements and intent of all applicable common law, federal and state constitutional provisions, federal and state statutes, regulations, rules, and local ordinances.

(b) A licensed professional geologist must not knowingly participate in any illegal activities, or knowingly permit the publication of his or her reports, maps, or other documents for illegal purposes.

(c) A licensed professional geologist must not accept payment, gift, or other valuable consideration that would appear to influence a decision made on behalf of the public by the licensed professional geologist acting in a position of public trust.

(d) If a licensed professional geologist becomes aware of a decision or action by an employer, client, or colleague that violates any law or regulation, the licensed professional geologist must advise against such action. The licensed professional geologist must advise the appropriate public officials responsible for the enforcement of such law or regulation when such violation appears to materially affect the public health, safety, or welfare.

(e) A licensed professional geologist must not aid any person in the unauthorized practice of geology. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-3*)

305 IAC 1-5-4 Integrity

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 4. (a) A licensed professional geologist must be accurate, truthful, and candid in all communications with the public.

(b) A licensed professional geologist must not knowingly engage in false or deceptive advertising, or make false, misleading, or deceptive representations or claims in regard to the profession of geology or which concerns his or her own professional qualifications or abilities or those of other geologists.

(c) A licensed professional geologist must not issue statements or information that the geologist knows are false or misleading even though directed to do so by an employer or client.

(d) A licensed professional geologist must avoid making sensational, exaggerated, or unwarranted statements that may mislead or deceive members of the public or any public body.

(e) A licensed professional geologist, acting in the position of public trust, must exercise authority impartially and must not seek to use the authority for personal profit or to secure any competitive advantage.

(f) A licensed professional geologist, when serving as an expert witness, shall express an opinion only when having an adequate knowledge of the facts of the issue and a background of technical competence on the subject. Statements and opinions must be based on an honest conviction of the accuracy and propriety of the testimony. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-4*)

305 IAC 1-5-5 Conflicts of interest

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 5. (a) A licensed professional geologist must disclose any actual or potential conflicts of interest that may affect their ability to serve an employer or client faithfully.

(b) A licensed professional geologist must disclose to a prospective employer or client the existence of any owned or controlled mineral or other interest that may, either directly or indirectly, have a pertinent bearing on such employment.

(c) A licensed professional geologist having or expecting to have beneficial interest in a property on which the licensed professional geologist is reporting must state in the report the existence of the interest or expected interest.

(d) A licensed professional geologist employed or retained by one (1) employer or client must not accept, without that employer's or client's written consent, an engagement by another if the interests of the two (2) are in any manner conflicting. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-5*)

305 IAC 1-5-6 Obligations to employers and clients

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 6. (a) A licensed professional geologist must protect, to the fullest possible extent, the interest of an employer or client so far as is consistent with the public health, safety, and welfare and the licensed professional geologist's legal, professional, and ethical obligations.

(b) A licensed professional geologist who has made an investigation for an employer or client must not seek to profit economically from the information gained or resources used without written permission of the employer or client unless it is clear that there can no longer be a conflict of interest with the original employer or client.

(c) A licensed professional geologist who finds that obligations to an employer or client cause serious conflict with professional and ethical standards must recommend that the objectionable conditions be corrected. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-6*)

305 IAC 1-5-7 Professional and ethical obligations

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 7. (a) A licensed professional geologist must serve employers and clients faithfully and competently within the geologist's overall professional and ethical obligations.

(b) A licensed professional geologist shall perform

professional services or issue professional advice that is only within the scope of the education and experience of the licensed professional geologist and the licensed professional geologist's professional associates, consultants, or employees, and must advise the employer or client if any professional advice is outside of the licensed professional geologist's personal expertise.

(c) A licensed professional geologist must not give a professional opinion or submit a report without being thoroughly informed as might be reasonably expected, considering the purpose for which the opinion or report is requested.

(d) A licensed professional geologist must report all assumptions on which the results of a report or opinion are based.

(e) A licensed professional geologist must not make unsubstantiated statements in opinions and reports.

(f) A licensed professional geologist must not knowingly or purposefully misrepresent or omit relevant data, nor fail to mention a lack of data that might affect the results or conclusions of an opinion or report.

(g) A licensed professional geologist must engage, or advise an employer or client to engage, and cooperate with other experts and specialists whenever the employer's or client's interests would be best served. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-7*)

305 IAC 1-5-8 Professional courtesy

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 8. (a) A licensed professional geologist must respect the rights, interests, and contributions of their professional colleagues and must be accurate, truthful, and candid in all communications with others regarding professional colleagues.

(b) A licensed professional geologist must:

- (1)** give due credit for work done by others in the course of a professional assignment; and
- (2)** not knowingly accept credit due another.

(c) Statements regarding opinions must be restricted to and based on logical and scientific principles and must be made in a respectful and professional manner. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-8*)

305 IAC 1-5-9 Continuing education

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 9. A licensed professional geologist must strive to improve professional knowledge and skills and work

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toward the advancement of geological education, research, training, and practice. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-9*)

305 IAC 1-5-10 Equal opportunity

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 10. A licensed professional geologist must not discriminate against any person on the basis of race, creed, gender, age, disability, or national origin. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-10*)

305 IAC 1-5-11 Obligation to report violations

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 11. A licensed professional geologist having knowledge of a violation of this article by another licensed professional geologist must bring substantiated evidence of the violation to the attention of the board, which is responsible for disciplinary procedures. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-11*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 24, 2003 at 10:30 a.m., at the Indiana Geological Survey, 611 North Walnut Grove, Room S-201, Bloomington, Indiana the Indiana Board of Licensure for Professional Geologists will hold a public hearing on proposed amendments to establish a code of ethics for licensed professional geologists. Also includes amendments to provide that fees are set by board resolution not directly by rule. Clarifies that certificates are reinstated by the board not the Indiana geological survey. Provides for annual rather than semiannual publication of a roster of licensed geologists. Makes other technical changes. Copies of these rules are now on file at the Indiana Geological Survey, 611 North Walnut Street, Room S-201, Bloomington, Indiana and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

John R. Hill

Associate Director

Indiana Board of Licensure for Professional Geologists

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #02-232

DIGEST

Amends 312 IAC 9-10-4, that governs game breeder licenses,

by requiring documentation when transporting white-tailed deer, requiring compliance with Indiana state board of animal health laws, and restricting the release of white-tailed deer. Effective 30 days after filing with the secretary of state.

312 IAC 9-10-4

SECTION 1. 312 IAC 9-10-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-4 Game breeder licenses

Authority: IC 14-22-2-6; IC 14-22-20

Affected: IC 4-21.5; IC 14-22; IC 15-2.1

Sec. 4. (a) An application for a license as a game breeder of one (1) or more species of wild animals shall be made on a departmental form.

(b) An application for a permit under this section must be made within five (5) days after the acquisition of an animal within Indiana or within five (5) days after the importation of an animal into Indiana, but after the cages or other enclosures are readied for habitation. Each cage or enclosure will be inspected by a conservation officer before a permit may be issued.

(c) A license holder may add a species to a game breeder operation other than those identified in the application upon written notification to the division within five (5) days of acquisition of the new species.

(d) Each animal possessed under this section must be lawfully acquired. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition shall be presented for inspection upon the request of a conservation officer. Game or furbearing mammals or game birds, other than wild turkeys, lawfully taken in season may be retained alive after the close of the season. **All animals held in captivity under this license shall be confined to the licensee's premises at all times. A person may transport an animal held under a license for the following reasons only:**

(1) **Veterinary treatment of the animal.**

(2) **Sale or transfer of ownership of the animal to a licensed game breeder or licensed shooting preserve. Documentation that establishes lawful acquisition or ownership must accompany any transportation of white-tailed deer.**

(e) A wild animal must be confined in a cage or other enclosure which makes escape of the animal unlikely. The cage or enclosure shall be large enough to provide the wild animal with ample space for exercise and to avoid overcrowding. Rainproof dens, nest boxes, shelters, shade, and bedding shall be provided as required for the comfort of the particular species of animal. Each animal shall be handled in a sanitary and humane manner. The cages or other enclosures must be made available upon request for inspection by a conservation officer.

(f) A diseased wild animal possessed under this section shall not be released in the wild. **No white-tailed deer may be released into the wild. A license holder must report the escape of any white-tailed deer to a conservation officer within twenty-four (24) hours.**

(g) **A license holder must comply with IC 15-2.1 and 345 IAC.**

~~(g)~~ (h) A game breeder shall record on a bill of sale or other suitable record a transaction by which a wild animal is sold, traded, or given to another person. A copy of the record shall be kept on the premises of the game breeder for at least two (2) years after the transaction and must be presented to a conservation officer upon request.

(i) **A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder fails to comply with any of the following:**

- (1) **A license issued under this document.**
- (2) **IC 14-22-20.**
- (3) **IC 15-2.1 and 345 IAC.**

(Natural Resources Commission; 312 IAC 9-10-4; filed May 12, 1997, 10:00 a.m.; 20 IR 2728)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 24, 2003 at 2:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 4, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to requiring documentation when transporting white-tailed deer, requiring compliance with Indiana state board of animal health laws, and restricting the release of white-tailed deer. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #02-322

DIGEST

Amends 312 IAC 9-11-4, that governs wild animal possession permits, to allow an alligator snapping turtle, lawfully acquired prior to January 1, 1998, to be used for commercial purposes or for public display. Effective 30 days after filing with the secretary of state.

312 IAC 9-11-4

SECTION 1. 312 IAC 9-11-14 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-14 Maintaining a wild animal possessed under this rule

Authority: IC 14-22-26

Affected: IC 14-22

Sec. 14. (a) A person must not maintain a wild animal in a manner ~~which that~~ does any of the following:

- (1) Poses a hazard to public safety.
- (2) Poses a hazard to property of a person other than the permittee.
- (3) Harms the health of the wild animal.
- (4) Violates this article or the license under which the animal is possessed.

(b) A person must not possess a wild animal in a condition ~~which that~~ is any of the following:

- (1) Unsafe.
- (2) Unsanitary.
- (3) Constitutes maltreatment or neglect of the animal.
- (4) Allows the escape of the animal.

(c) A person must not use a wild animal in any of the following manners:

- (1) For a commercial purpose, unless the person is issued a commercial license by the United States Department of Agriculture **or the wild animal is an alligator snapping turtle (*Macrolemys temmincki*) lawfully acquired by the applicant prior to January 1, 1998.**
- (2) For a sporting purpose.
- (3) As a public display.

(d) If a Class II or Class III wild animal is used for an educational purpose, the animal must be confined in a cage that prevents contact with the public.

(e) A wild animal must be provided with fresh drinking water in clean containers on a daily basis.

(f) A swimming pool or wading pool, which is provided for the use of a wild animal, must be cleaned as needed to maintain good water quality.

(g) Surface water must be adequately drained from a cage or enclosure where a wild animal is possessed.

(h) A wild animal must be provided with food ~~which that~~ is each of the following:

- (1) Unspoiled.
- (2) Uncontaminated.
- (3) Appropriate to the dietary needs of the animal.

(i) Fecal wastes and food wastes must be removed daily from

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cages and stored or disposed to prevent noxious odors and insect pests. Hard floors shall be scrubbed and disinfected weekly. Large pens and paddocks with dirt floors shall be raked at least once every three (3) days and the waste removed. (*Natural Resources Commission; 312 IAC 9-11-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2743*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 24, 2003 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to allow an alligator snapping turtle, lawfully acquired prior to January 1, 1998, to be used for commercial purposes or for public display. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 327 WATER POLLUTION CONTROL BOARD

Proposed Rule

LSA Document #01-95

DIGEST

Amends 327 IAC 15 concerning storm water run-off associated with construction activity and storm water discharges associated with industrial activity. Repeals 327 IAC 15-5-11. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: April 1, 2001, Indiana Register (24 IR 2243).

Second Notice of Comment Period and Notice of First Hearing: September 1, 2001, Indiana Register (24 IR 4242).

Change in Notice of Public Hearing: November 1, 2001, Indiana Register (25 IR 404).

Change in Notice of Public Hearing: November 1, 2002, Indiana Register (26 IR 416).

Change in Notice of Public Hearing: December 1, 2002, Indiana Register (26 IR 812).

Date of First Hearing: December 11, 2002.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

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

REQUEST FOR PUBLIC COMMENTS

This proposed (preliminarily adopted) rule is substantively different from the draft rule published on September 1, 2001, at 24 IR 4242. The Indiana Department of Environmental Management (IDEM) is requesting comment on the entire proposed (preliminarily adopted) rule.

The proposed rule contains numerous changes from the draft rule that make the proposed rule so substantively different from the draft rule that public comment on the entire proposed rule is advisable. This notice requests the submission of comments on the entire proposed rule, including suggestions for specific amendments. These comments and the department's responses thereto will be presented to the board for its consideration at final adoption under IC 13-14-9-6. Mailed comments should be addressed to:

#01-95 (Storm water Rules 2, 3, 5, and 6)
Larry Wu, Chief
Rules Section
Office of Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the twelfth floor reception desk, Office of Water Quality, 100 North Senate Avenue, Indianapolis, Indiana. Comments may also be submitted by facsimile to (317) 232-8406, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-8903.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by February 21, 2003.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

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

American Electric Power (AEP)
Andrews Environmental Engineering Inc. (AEE)
Bethlehem Steel Corporation (BSC)
Indiana Builders Association (IBA)
Indiana Chapter of the National Solid Waste Management Association (NSWMA)
Indiana Constructors, Inc. (ICI)
Indiana Manufacturers Association (IMA)
Kimball International (KI)
Monroe County Soil and Water Conservation District (MCSW)
Republic Services, Inc. (RSI)
Utilimaster (UTI)
Waste Management of Indiana (WM)

Following is a summary of the comments received and IDEM's responses thereto. The summarized comments are being divided into categories so as to focus on issues.

Rules 1 through 4 Comments

General Comments:

Comment: They agree with the proposed changes to 327 IAC 15-2-6 which would eliminate the necessity of getting individual permits for discharges to outstanding state resource waters or exceptional use state waters. They suggest making general permits applicable for discharges to outstanding national resource waters as well. (ICI)

Response: There are no outstanding national resource waters currently in Indiana. However, this rule language was added for the future in case outstanding national resource waters are designated in Indiana.

Comment: The new language in 327 IAC 15-3-2 “except for permittees covered under 327 IAC 15-5 and 327 IAC 15-13” seems to be confusing and duplicative, therefore, should be deleted. (ICI)

Response: 327 IAC 15-3-2 contains NOI letter requirements for all Article 15 general permit rules. Because Rules 5 and 13 have all of the information required for their NOI letter submittals within those respective rules, 327 IAC 15-3-2 does not apply to 327 IAC 15-5 and 327 IAC 15-13. The following language in 327 IAC 15-5-5(a) was deleted “In addition to the Notice of Intent (NOI) letter requirements under 327 IAC 15-3....”

Rule 5 Comments

Definitions:

Comment: Though “natural and cultural resources” is defined in the rule, the concern is that an operator or a permittee would not know beforehand what these resources were. They wonder if a listing or map of these resources is available, since that would be very beneficial to an investor. (IBA)

Response: The intent was for the commissioner or the commissioner’s designated representative to compare the location of the proposed construction site to various resource maps (i.e. Endangered and Threatened Species maps). However, the rule requirement to evaluate natural and cultural resources was deleted.

Comment: They question the need to evaluate natural and cultural resources for a storm water permit, and whether these issues are addressed under other statutes and rules. (RSI, NSWMA)

Response: According to EPA Region 5, this is not a specific storm water issue but any time EPA issues a permit (a federal action), they are obligated through the National Environmental Policy Act to coordinate with other affected program areas. When EPA delegated the storm water program to the State of Indiana, EPA did not require this review from delegated states at that time. Therefore, the natural and cultural resources review requirement was deleted from rule language.

Comment: The definition of “agricultural land disturbing activity” should also include the construction of facilities, such as residences, barns, buildings that house livestock, roads, forest land management activities, agricultural waste lagoons and facilities, lakes and ponds, and other infrastructure. These agricultural activities should be exempt until they reach five acres, and once over five acres, they should be treated as other “land disturbing activities”. (MCSW)

Response: Construction activities, regardless of the setting, pose a threat to water quality through the potential pollutants generated during construction operations. Singling out a particular land use for exemption would not be appropriate. Also, the definition change is simply a clarification, and not a change in the coverage of the rule. Construction activities in agricultural areas have been subject to coverage under 327 IAC 15-5 since 1992.

Comment: The rule is written to address commercial or residential construction activity, therefore, determining applicability for contract work can be difficult. For example in 327 IAC 15-5-2, it states, “when the activity is under control of the operator”. Again, is a contractor under a public works contract a developer under this definition? The definition of developer should be revised to exclude contractors. (ICI)

Response: The words “contractor, developer, and operator” have been defined to clarify their roles as they pertain to their responsibility for maintaining storm water pollution prevention measures at a site.

Rule 5 and Rule 13 interaction:

Comment: MS4 areas in 327 IAC 15-5-4 is not well defined. Questions that need to be answered are whether a highway project

would fall under this; where does a listing of MS4 areas exist to meet the requirements of 327 IAC 15-5-5. (ICI)

Response: The listing of entities could include any municipality regulated under 327 IAC 15-13, the Phase II Municipal Separate Storm Sewer System (MS4) program, or any entity that the MS4 operator chooses to implement the municipality’s construction storm water permit program. IDEM currently has a list of regulated MS4 entities on their web site.

Comment: In 327 IAC 15-5-5(C), it is not clear to a permittee as to whom the construction plans need to be submitted, other than the SWCD. Clarification is also needed as to other entities designated by the department who could potentially need a copy of the construction plan? (IBA)

Response: IDEM will provide a revised list of regulated MS4 entities and their agents to whom Rule 5 information needs to be submitted when that information becomes available.

Comment: The entity responsible for approving submitted storm water pollution prevention plans is not clearly indicated. According to 327 IAC 15-5-6(b), plan review will be conducted by a minimum of four entities. AEP feels this may not result in a consistent review and conceivably a plan approval being denied. They would like to see the rationale behind having multiple approval entities, as well as, the review guidelines IDEM will be instituting. (AEP)

Response: If a project is located within a regulated MS4 area, then the MS4 operator will be responsible for implementing the Rule 5 program. IDEM and IDNR will retain primacy for the responsibility of the Rule 5 program and will provide oversight for the MS4 programs. For projects located outside of a regulated MS4 area, the State will maintain the existing Rule 5 program structure. The intent is not to have all entities issue permits and review permit compliance information. The State does not want to duplicate Rule 5 program efforts and agrees that Rule 5 program implementation should be consistent throughout the State of Indiana.

Qualified Professional:

Comment: The recommendation is being made to correct the discrepancy which exists between the title of the certifying person in Rule 5 as “qualified professional”, versus “qualified environmental professional” in Rule 6. (KI)

Response: The term “qualified environmental professional” in Rule 6 has been changed to “qualified professional.” The term “qualified professional” in Rule 5 has been changed to “trained individual.” The two definitions in these respective rules have been modified to reflect these differences in terms and the differing roles of each of these persons.

Comment: The suggestion is being made to eliminate the requirements for a qualified professional as a state certification program is not in place. Another option is to delay the implementation of the requirements until 18 months after the state makes a certification program available. If such a program already exists, companies that did not need certified personnel earlier would need at least a year to get their personnel certified. This also raises the question whether a company can certify their own personnel. (IBA, ICI)

Response: The definition of Qualified Professional in Rule 5 has been modified to “Trained Individual” to address concerns voiced in the public comments. This should reduce the perceived burden of needing to hire third parties to conduct quality assurance procedures. IDEM never intended to mandate the hiring of third parties; the intent was to have trained persons conducting the monitoring procedures.

Comment: In 327 IAC 15-5-4(24) and 327 IAC 15-5-7(b)(19), the qualifications of the “qualified professional” appear to exceed the requirements of the qualified professionals responsibilities. (RSI, NSWMA)

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Response: IDEM has reworded this language as to not limit the scope of a “trained individual’s” credentials. IDNR in cooperation with Soil and Water Conservation Districts will provide training courses and materials to assist operators and their representatives in performing these duties for Rule 5.

Notice of Intent (NOI):

Comment: One of the requirements for the NOI letter in 327 IAC 15-5-5 is a certification that the storm water quality measures comply with sections 7, 8, 9, and 11. Only sections 7 and 9 pertain to measures that must be used. The reference to section 8 is also inappropriate. (ICI)

Response: IDEM has corrected this language.

Comment: In 327 IAC 15-5-6, references to “SWD, DNR, DSC” implies there are three (3) agencies, this needs to be clarified. (RSI, NSWMA)

Response: IDEM has corrected this language.

Land Disturbance Calculation

Comment: If the land disturbance calculation is based on lots, the question is how would the calculation be done for a linear project, such as a sewer line. Per 327 IAC 15-5-7, a stable construction entrance is required at all points of ingress and egress. Such a requirement is not feasible for a linear project. (ICI)

Response: The land disturbance calculation for a linear project, such as a sewer line, would be done by taking the total length of the project times the total width of the project. The requirement to provide a stable construction entrance at all points of ingress and egress would have to be assessed on a case by case basis for linear projects via the construction plan review process.

Submittal of Construction Plans for Agency Approval:

Comment: In 15-5-6(b)(2), a construction plan is to be submitted sixty (60) days before any land disturbing activities. There is no timeline for the approval process. IBA suggests that if the department has not acted on the construction plan, then after 60 days of submission, land disturbing activities could begin. The issue of an action of recourse for the permittee should be addressed. IBA and NSWMA feel the lack of a deadline appear to violate federal requirements under 40 CFR 122.28(b)(2) (iii). There is a concern that requiring the construction plan to be submitted sixty (60) days prior to land disturbing activities is excessive and would cause unnecessary delays that could contribute to sediment runoff and the company may not be able to take advantage of the construction season. If the same requirement pertains to a public works construction where the contractor is not determined until after a required public bidding process, it must be noted that some elements of the construction plan are determined by the contractor rather than the operator. Holding up plan review would again cause undue delays and be a burden to taxpayers and users of the public facility. (IBA, WM, RSI, NSWMA, ICI, AEP)

Response: IDEM has revised 15-5-6(a) language to read, “After the project site owner has received notification from the reviewing agency that the construction plans meet the requirements of the rule or the review period outlined in section 6(b)(3) has expired, all NOI letter information required under section 5 of this rule shall be submitted to the commissioner at least forty-eight(48) hours prior to the initiation of land disturbing activities at the site.”

15-5-6(b)(3) has been revised to, “If the project site owner does not receive notification from the reviewing agency that the plan meets the requirements of the rule within thirty (30) days after the plan is received by the reviewing agency, the project site owner may submit the NOI letter information.

Comment: At 327 IAC 15-5-6, ICI is concerned with requiring approval of the construction plan by the SWCD. The SWCD or any other entity should not have authority to force changes to a plan that effectively controls runoff. This provision is highly subjective. (ICI)

Response: While the Storm Water Pollution Prevention Plan is an important document and critical to successful stormwater pollution prevention during the construction process, other issues may arise during construction that would reduce or negate the effectiveness of stormwater pollution prevention measures proposed in the plan. These could include decisions by the operator and/or contractor, which could not have been known by the planner at the time of plan submittal. Weather conditions, likewise, are impossible to predict far in advance, therefore field changes to the plan may often become necessary.

Field changes and additions would be recommended by the reviewing and inspecting agency to address deficiencies and prevent stormwater pollution. These recommended changes would only be made to bring the project in compliance with the standards set forth in this rule and the Indiana Storm Water Quality Manual.

Comment: Clarification is needed on 327 IAC 15-5-6 which states that the plan will be approved if the contents meet minimum standards. If the minimum standards are the same as the rule, it needs to be spelled out. If the minimum standards are other than the entire rule, then they need to be referenced. (ICI)

Response: IDEM has revised this language to clarify that the plan will be reviewed and verified to see if the contents comply with the rule requirements.

Requirements for Construction Plans:

Comment: In 327 IAC 15-5-6.5, the cost for complying with the requirements for construction plans will be less for the an operator of a large subdivision rather than the smaller builder building in rural areas on one (1) to five (5) acre tracts, crippling housing affordability in rural areas. Therefore, IBA suggests a modified construction plan for permits files in the one (1) to five (5) acre range. (IBA, ICI)

Response: The purpose of the requirements for construction plans is to ensure that all aspects of a project are evaluated and taken into consideration in the development of the project. The plan is a blueprint for the project and serves to provide critical information to all parties involved in the development and construction of the project. A well developed plan that is drafted utilizing specific site information and that addresses construction activities is the first defense in addressing pollutants associated with the site. The intent of the rule is to reduce the impact of sedimentation and other pollutants associated with construction activity. Taking into consideration the intent of the rule, the potential for harm is not specific to the size of the development but is related to site specific information such as, but not limited to, topography, soils, proximity to water bodies, and the extent of grading that is planned for the site. A small site of 4 acres may have the potential for more harm if the site is rolling and the developer plans to conduct massive earthmoving compared to a 15 acre site on relatively flat land where the developer has chosen to minimize disturbance of the site.

Comment: 327 IAC 15-5-6.5(b)(7) requires that the plan be designed to meet or exceed the requirements of sections 8 or 9 of this rule. Sections 8 and 9 do not seem to have any relevance to the items that are listed. (ICI)

Response: IDEM has corrected this language to reference to “...meet or exceed the requirements of sections 7 and 7.5 or this rule....”

Comment: In 327 15-5-6.5, requiring the method of seeding to be included in the construction plan seems meaningless. Public works contracts may not specify the method for the contractor to use. (ICI)

Response: IDEM has removed the requirement to include the method of seeding.

Comment: 327 IAC 15-5-6 requires that the construction plan meet the requirements of section 7. They wonder whether it should be 6.5 instead. (ICI)

Response: IDEM has corrected this language.

Post-construction Plan Requirement:

Comment: 327 IAC 15-5-6.5(6) mentions providing information for post construction. The intent of the rule has been to regulate storm water run-off associated with construction activity, not to regulate drainage plans after construction. IBA questions the use of the phrase “10-year storm event”, and well as wonders who would make the judgement of the conditions. (IBA)

Response: The post construction requirement requires up front planning for a construction project. The intent is not to regulate the project after it is completed. IDEM intends to duplicate the post construction requirement in 327 IAC 15-13 for Phase II MS4 entities. Examples of these post construction measures will be included in IDEM’s MS4 Guidance Document and in IDNR’s Indiana Stormwater Quality Manual. It is prudent to require consistency across the state to have similar design criteria. The ten (10)-year storm design criteria is most commonly used as a sufficient design criteria for post construction. The agency felt the ten (10)-year criteria would satisfy the intent and not overly burden the operator.

Comment: IBA feels that the requirement of a post construction prevention plan is beyond the federal requirements. Also, clarification is needed on the term first flush and the expectations of the department regarding this. (IBA)

Response: Each type of land usage has inherent pollutants associated with that type of usage. It is important for the operator to realize that the proposed land use will potentially discharge specific storm water pollutants. Project design can have a significant impact to the amount of these pollutants that enters the run-off stream. This requirement in the rule heightens the awareness of this fact, and requires each project to have designed measures to minimize the impacts of these inherent pollutants.

The term first flush has been removed from the draft rule.

General Requirements:

Comment: In 327 IAC 15-5-7.5(b)(5), daily cleanup of the site is a practice that most builders and developers try to achieve, but with the constant flow of contractors at the site, these requirements could lead to enforcement problems. IBA suggests a “weekly cleanup of sediment” be inserted instead. (IBA)

Response: Cleanup of the site is crucial since the nature of wet weather events is so unpredictable. The time element of “daily” has been removed to reflect the unpredictability of when and how often an operator must perform this essential type of maintenance at the project site.

Comment: 327 IAC 15-5-7(b)(17) is a duplication of air rules at 326 IAC 6. Fugitive dust rules which are enforceable by Office of Air Management should be referenced, otherwise the proposed language should be deleted. (RSI, NSWMA, ICI)

Response: Fugitive dust may be mobilized via storm water discharges and all potential sources of storm water pollution are regulated by the storm water regulations. IDEM has referenced the fugitive dust rule and has added clarification to the Rule 5 language.

Comment: The posting of the required notice per 327 IAC 15-5-7 would be near the field office established for the project. The question is if the field office is a few miles from the project site, whether it is considered “near” the currently active construction site. (ICI)

Response: The intent of posting a notice is to provide information concerning the construction activity, including the location of the construction plans and project contacts. Therefore, the posting for the project should be close to the actual land-disturbing activity, so the notice can be referenced to the permitted site. Typically, this would be at the entrance to the project site. For linear projects (highway, utility), the notice should be posted within the confines of the project area.

Comment: They question the language in 327 IAC 15-5-7(b)(8) and

seek clarification on the purpose of submitting an SWP3 plan for review and approval if it is not deemed the basis for implementation of a storm water quality measure. (WM, RSI, NSWMA)

Response: Field changes and additions would be mandated by the inspecting agency to address deficiencies and prevent storm water pollution. These mandated changes would only be made to bring the project in compliance with the standards set forth in this rule and the Indiana Storm Water Quality Manual.

Pre-construction Meetings Requirement:

Comment: In 327 IAC 15-5-7(b)(9) the rule is requiring a pre-construction meeting with the operator and all contractors visiting the site. IBA strongly disagrees with this government intrusion into the business practices of the on-site operator, as this would be time consuming and cause costly delays. They are opposed to the two-week delay, and the requirement for a written certification of the meeting in this subsection. They feel that there is already a sufficient form being used to notify contractors of their Rule 5 responsibilities, and the language with the additional requirements should be deleted from this subsection. (IBA, RSI, NSWMA, AEP, WM)

Response: Pre-construction meetings play an important role in the success of a construction project. It’s purpose is to make sure everyone involved with the project understands what regulations are governing the project as well as what is expected by each contractor.

The language has been revised to require the project site owner to inform all primary individuals involved in construction activities at the site of the terms and conditions of Rule 5. The intent is to give each operator flexibility in how they decide to implement this requirement whether it be a pre-construction meeting with everyone that will be involved or via individual meetings with affected parties.

Quality assurance Plan Procedures and Program:

Comment: 327 IAC 15-5-6.5(b)(7)(G) requires quality assurance plan procedures. This raises questions on how the procedures will be enforced and whether quality assurance inspections would be required. (IBA)

Response: Compliance inspections and enforcement of Rule 5 will continue to be the responsibility of IDEM and IDNR in non-regulated MS4 areas. In regulated MS4 areas, the MS4 operator will perform compliance inspections and enforcement. The provision in 327 IAC 15-5-7(b)(18) has been revised to a “self monitoring program” and would be performed by a “trained individual” on behalf of the operator.

Comment: IBA has serious concerns with the quality assurance program in 327 IAC 15-5-7(19). A definition is needed for measurable rainfall. There are expense and other problems associated with weekend and weekly reporting of site conditions after a rain event. They feel that the requirements of this section are unnecessary, difficult to achieve, and difficult for IDEM to monitor. (IBA, ICI, WM, RSI, NSWMA)

Response: Effectiveness of storm water pollution prevention measures is heavily dependent on the frequent monitoring and maintenance of those measures. The weekly monitoring requirement is intended to ensure that appropriate pollution prevention measures have not been damaged and are in place for future rain events. The monitoring operation required after each rain event is necessary to identify cleanout and repair needs resulting from each storm. The required written reports do not have to be automatically submitted to IDEM. The requirement is to have the reports available within 48 hours, upon the request of the agency or their designated representative.

Surface Stabilization:

Comment: IBA suggests a forty-five (45) day period before surface stabilization since surface stabilization after fifteen (15) days is too short for many construction projects. Weather and other uncontrollable delays affect surface stabilization, therefore a longer time-frame is needed. (IBA, ICI)

Proposed Rules

Response: The intent of the rule is to minimize adverse impacts to surface waters of the state during construction activities. With respect to soil erosion and sedimentation, this can best be accomplished by minimizing the exposure of bare soil to the erosive effects of precipitation and run-off. Temporary surface stabilization is considered most often as the least expensive and most efficient means to minimize this exposure. Temporary surface stabilization may take many forms, including anchored mulching, seeding and anchored mulching, covering, and the application of spray-on materials. The intent is to stabilize unvegetated and thinly vegetated areas that are expected to be left idle for a period of fifteen (15) or more days in the construction process. In these areas, it is expected that the appropriate stabilization method be applied upon completion of the most recent land disturbing activity in the unvegetated and thinly vegetated areas that are expected to be left idle, and not at the end of the fifteen (15) day requirement. Forty-five (45) days of inactivity with no stabilization would significantly increase the potential for erosion and the resulting sedimentation.

Comment: The provision in 327 IAC 15-5-7(b)(16) is impossible to meet as a blanket requirement in the continuous construction and operation of a solid waste land disposal facility. With 329 IAC 10-20-14(h) already in place, the fifteen (15) day seeding provision in the proposed rules is not appropriate. (RSI, NSWMA)

Response: 329 IAC 10 is currently being revised to address this concern.

Project Termination:

Comment: In the event that the inspection of the site per 327 IAC 15-5-8-(d) is not done, the question is how the entity would know if their NOT letter was properly filed. They would also question how the NOT letter filing would be verified. (IBA)

Response: The intent of this requirement is to stress the importance of the Rule 5 permittee's obligation to submit an NOT letter once they have met the requirements in Section 8. It is important for the permittee to coordinate with the entity who has jurisdiction over their project to verify that the project is complete.

Inspection and Enforcement:

Comment: In 327 IAC 15-5-10, WM seeks justification for additional measures beyond those already identified in the SWP3. The language is vague and allows the representative to be subjective. (WM, RSI, NSWMA)

Response: Field changes and additions would be recommended by the inspecting agency to address deficiencies and prevent storm water pollution. These recommended changes would only be made to bring the project in compliance with the standards set forth in this rule and the Indiana Storm Water Quality Manual.

Revisions that are required, and revisions that go beyond federal requirements:

Comment: IBA is concerned about the rule going beyond the federal requirements. In 15-5-1, there is concern about the language referring to "completed project". They feel that once erosion control measures are in place, the owner/developer of the project should be relieved of their Rule 5 responsibilities. (IBA)

Response: The intent is to include within Rule 5 a method to address storm water pollutants that may be reduced via "post construction" best management practices. These practices must be planned for prior to initiation of land disturbing activities to ensure that they can be installed at a site. The intent is not to regulate the project after it is completed.

Comment: IBA requests IDEM to highlight the federal requirements in the draft rule as well as the changes IDEM feels are necessary for this rule. They would like to see the science or reasoning behind each of IDEM's decisions. IBA believes that if the current rule moves

forward it will completely drain the agency of its resources of proper enforcement and severely cripple housing affordability in Indiana. (IBA)

Response: These rule changes are generally required to implement the federal Phase II program. The draft rules contain a few provisions that further clarify or elaborate on Indiana's Phase I storm water program language to address state concerns. Examples of these provisions include additions to the definitions section, the addition of the land disturbance calculation section, expansion of the construction plan section, and the requirement to inform all contractors of the permit compliance terms and conditions. IDEM does not believe provisions in the rule, whether specifically in the federal requirements or not, will cripple housing affordability in Indiana.

Comment: WM fails to find how the proposed language "adds clarity and effectiveness" to the existing program. They would like to know the reasons IDEM seeks to exceed federal requirements. (WM)

Response: The proposed rule revisions and additions will improve clarity, remedy old Phase I omissions, utilize past program experiences, and incorporate new Phase II requirements.

Landfills:

Comment: WM strongly believes that the proposed rule is a duplication of permit requirements for landfills regulated under 329 IAC 10. The proposed rule suggests that landfills do not have storm water pollution prevention plans and soil erosion measures, when in fact landfills are already required to have storm water pollution prevention plans and controls for soil erosion. They feel landfill operators may be placed in the middle of two branches of the same agency and receive conflicting directives. For example, 327 IAC 15-5-7(b)(16) regarding soil stabilization conflicts with 329 IAC 10 which addresses the same. In 327 IAC 15-5-4(14), they recommend excluding landfills from 327 IAC 15, and amending 327 IAC 10, if required, to add specificity regarding storm water management, rather than adopting a conflicting rule. (WM, RSI, NSWMA)

Response: 329 IAC 10 is currently being revised to address this concern.

General Comments:

Comment: Regarding their comments from the first comment period, IBA was pleased that IDEM intends to continue the general permitting process. (IBA, IMA)

Response: The Phase II NPDES language contained in the federal register also strongly encourages the use of general permits for the storm water program. IDEM feels this is the best utilization of its resources.

Comment: The added language at 327 IAC 15-3-2, conflicts with the opening sentence of 327 IAC 15-5-6.

Response: IDEM has corrected this language in 327 IAC 15-5-6 to remove "327 IAC 15-3 and...."

Comment: The proposed rule is very specific, and requires timely review and oversight by various agencies. WM questions whether IDEM and other relevant agencies, with their current staffing levels, will be able to implement and oversee this new rule. (WM)

Response: All implementing agencies will do their best to effectively implement the revised federal program. IDEM is seeking statutory authorization for the Water Pollution Control Board to establish fees for the new MS4 and Phase II storm water programs.

Comment: The Indiana Storm Water Quality Manual should be placed on the DNR website and the web address should be shown in the rule. (ICI)

Response: The DNR, Division of Soil Conservation, is currently revising the Indiana Handbook for Erosion Control in Developing Areas. The revised version of this handbook will become the Indiana Stormwater Quality Manual. The revised version will include planning

principles and practices that address post construction run-off associated with various land uses. This explanation is currently on the DNR, Division of Soil Conservation, website. The Division of Soil Conservation, at a minimum, plans to have an abbreviated version of the handbook and how to purchase the entire handbook on their website. Because they frequently change, IDEM feels that placing web addresses in the rule is not useful. The logistics of having the entire manual accessible via the web is being considered.

Comment: There is confusion over the substance of IDEM's presentation to the Water Pollution Control Board versus the published draft rule. The understanding from the board meeting presentation was that the rule would primarily impact municipal activities and minimally impact other activities. However, the proposed rule goes well beyond municipal activities. (RSI, NSWMA)

Response: As was explained in the presentation, the federally mandated Phase II NPDES storm water rule regulates storm water discharges associated with construction, industrial, and municipal activities.

Cost benefit review:

Comment: AEE questions whether the proposed rules have been subject to a cost benefit review. They feel that costs of regulation for small construction activity may outweigh the benefits, and that the costs would exceed estimates provided by U.S. EPA. (AEE)

Response: USEPA provided a cost-benefit analysis as part of the final Phase II storm water regulations. Provisions in draft Rule 5 that are Phase I omissions or were previously included in the federal language have already been accounted for at the federal level.

Rule 6 Comments

Rule Applicability:

Comment: In 327 IAC 15-6-5(7), justify the inclusion of "transfer stations" under this definition. Why was the potential designation of transfer stations moved from 327 IAC 15-6-2 (5)(H) to (5)(D)? The term "industrial waste" in this provision is contrary to Indiana Statute. (WM, RSI, NSWMA)

Response: In 327 IAC 15-6-2 (5)(D), IDEM has revised the designation category to include transfer stations. Transfer stations were added to provide more complete coverage of various solid waste handling and recycling facilities under Rule 6. Many of the same materials handled by facilities already subject to this rule are processed at transfer stations. Because they are solid waste processing facilities, IDEM staff felt that transfer stations would be more appropriately covered under subsection (5)(D), instead of placing them under transportation facilities in subsection (5)(H). IDEM's Office of Land Quality staff provided input into this rule revision, and felt that Rule 6 coverage was needed at transfer stations. The potential for pollutants to impact water quality from transfer stations was deemed significant enough to require Rule 6 permit coverage and to initiate requirements for storm water pollution prevention measures. To clarify a difference, the term "process" was added to "industrial waste" in subsection (5)(D). "Industrial process waste" is meant to encompass wastes from all types of facilities subject to Rule 6.

Definitions:

Comment: Amendments to 327 IAC 15-6-1 add a new definition of storm water discharge at 327 IAC 15-6-4(31) that appear to potentially make nonpoint sources subject to a NPDES General Permit. The NPDES permit process as codified in 33 U.S.C., makes no reference to nonpoint source management programs. In the preamble to the initial federal NPDES rules at 55 FR 47995, U.S. EPA noted that the rulemaking covered only storm water discharges from point sources. AEE requests clarification on the state's authority to include nonpoint sources, such as sheetflow run-off, in the NPDES general rule. (AEE)

Response: Rule 6, like the other storm water programs, regulates

storm water discharges. Given the unpredictable nature of precipitation events, it is likely that there will be some form of point source discharge at a facility. Reference to sheetflow run-off has been removed from the definition, and the term "point source" has been reestablished in appropriate sections of the rule.

Qualified Professional:

Comment: KI would like the criteria for a qualified environmental professional to include experience or training but not require both, stating that many personnel in the environmental field acquire sufficient knowledge through experience equal to that of a new graduate. (KI)

Response: IDEM agrees and has revised this definition to remove the educational degree requirement.

NOI Requirements:

Comment: In former 327 IAC 15-6-5(7), writers request justification for exceeding federal requirements and requiring a map with a one (1)-mile radius. Federal regulations only require mapping of the site and drainage basins of site outfalls, and listing of only those wells and streams that are affected by storm water discharges. The proposed rules have additional requirements which will prove costly and time-consuming. (WM, RSI, NSWMA)

Response: In former 327 IAC 15-6-5(7), IDEM has revised the NOI letter requirements to remove an area map with a one-mile radius beyond the property boundaries of the facility. The area mapping requirements have been moved into 327 IAC 15-6-7(b). Under 327 IAC 15-6-7 (b)(1)(B)(iii) of the current rule, IDEM requires regulated facilities to currently provide a map, extending one-fourth of a mile beyond their property boundaries, that indicates springs, other surface water bodies, and drinking water wells. This information is useful to identify area storm water drainage patterns and potential impact areas for polluted storm water run-off from the facility. The one-mile radius extension has been removed, and the one-fourth of a mile radius is the revised rule requirement. Well location and area drainage system information is readily available from local municipal, county, or state offices. If this type of information is required under other regulations, the information simply needs to be duplicated for the Rule 6 NOI letter submittal. IDEM feels the use of existing data to meet multiple regulations is not overly burdensome to the permittee.

Proof of publication

Comment: There is concern over the provision which adds a proof of publication submittal and public appeal process to Rule 6. (RSI)

Response: In 327 IAC 15-6-5(8), IDEM has required the submittal of a proof of publication to be consistent with other storm water general permit rules, and because this was a Phase I omission. The proof of publication requirement is intended to provide the general public with an opportunity to comment on the allowance of an industrial NPDES general storm water permit.

Storm Water Pollution Prevention Plan requirements:

Comment: IMA is concerned that requiring risk assessment analysis seems to be going beyond the federal requirements and questions the need for it. (IMA, BSC, UTIL, AEP, RSI, NSWMA)

Response: Under 327 IAC 15-6-7 (b)(2)(A) and (D) of the current rule, IDEM requires regulated facilities to currently conduct a risk assessment. The revised rule language does not add a new requirement, but clarifies it. Risk assessment is necessary to identify industrial practices and areas that have the potential for exposure to storm water run-off, and, as a result of this assessment, to determine measures that can be implemented to reduce this potential exposure. The term "risk assessment" was changed to "risk identification", to avoid confusion with recent other risk-based IDEM programs.

Comment: The required reporting of historical spill information beyond the most recent three (3)-year period exceeds the federal

requirements, and it is not clear as to the value of such requirements. (WM, RSI, NSWMA)

Response: IDEM feels that the three (3)-year requirement is not adequate to address potential pollutant source locations from spills. Spills that are greater than three years old may still contribute pollutants to storm water run-off. The historical requirement was changed to spills occurring three (3) years prior to the NOI letter submittal date, and five (5) years from the NOI letter date in subsequent permit terms.

Comment: There is concern within the new general requirements of a storm water pollution prevention plan at former 327 IAC 15-6-7(b)(2) and 327 IAC 15-6-7(b)(3). The required soils map and aerial photograph exceed the federal requirements and it is not clear as to the value of such requirements. (AEP, WM, RSI, NSWMA)

Response: Under 327 IAC 15-6-7 (b)(1)(i)(JJ) of the current rule, IDEM requires regulated facilities to currently provide a site map indicating soil types in the storm water pollution prevention plan. The revised rule language does not add a soils map requirement, but clarifies it. The revised rule language no longer adds a requirement for aerial photography. Aerial photography could provide a graphic overview of the facility, so that industrial activity areas can easily be identified and assessed for pollutant potential through visual means. Although not required, the photograph is a useful tool for implementation of a storm water pollution prevention plan, and is widely available through local sources such as the US Geological Survey, regional planning commissions, and county Soil and Water Conservation Districts.

Comment: The requirement in 327 IAC 15-6-7(a)(4) to specifically identify individual members of the storm water pollution prevention team is unnecessary and burdensome to update and keep current with personnel changes. They suggest using position titles instead of names. (WM, RSI, NSWMA)

Response: IDEM agrees and has revised this language to reference position titles for member or members of the storm water pollution prevention team.

Comment: The provision in 327 IAC 15-6-7(d)(1) seems to duplicate the Storm Water Pollution Prevention Plan. In addition, a SPCC plan is required which is duplicative and should be deleted. (RSI, NSWMA)

Response: In 327 IAC 15-6-7(c)(1), the requirements are part of the overall facility storm water pollution prevention plan. As a result of a submitted comment, the content of subsections (c) and (d) were switched for clarity. As it pertains to 327 IAC 15-6-7(c)(2) and is written in 327 IAC 15-6-7(d)(6), any information that has been developed to comply with another regulation, such as Spill Prevention Control and Countermeasures (SPCC) requirements, can be referenced, and not duplicated, in the storm water pollution prevention plan. However, if the exact information required by this subsection is not addressed in another required document, it must be presented in the storm water pollution prevention plan. Because the potential exists for the items listed in subsection (c)(2) to not be addressed elsewhere by a facility, the language will remain in the rule.

Monitoring requirements:

Comment: The test requirements for E.coli bacteria should be *in lieu* of a written non-storm water assessment program. Many plants are located in rural areas where there is run-off from adjacent properties that have animal wastes containing E.coli bacteria. The question raised is whether the entities would have to test upstream waters each sampling event to prove that E.coli bacteria is from other sources. The concern is the increased expense that would result. (KI)

Response: The interpretation of sampling data is done on a case by case basis for each facility. All sources of potential pollution should be documented in the Storm Water Pollution Prevention Plan, including those potentially contributed from external sources. The written non-

storm water assessment must include a certification letter stating that storm water discharges from the facility property have been evaluated for the presence of illicit discharges and non-storm water contributions. This certification would be performed once during each five (5) year permit cycle and, if suitable to a facility, an E.coli bacteria sample could be collected and analyzed to analytically verify that no sewage is present. The rule language was changed to remove the requirement for E.coli bacteria sampling. To verify that a bacteria source is upstream of a facility, the collection of an upstream sample would be recommended during the sample collection of the facility's discharge(s).

Comment: At 327 IAC 15-6-7.3, it is unclear whether the new monitoring parameter of E.coli applies to industrial facilities. AEP would like to see an explanation of the need, as well as supporting justification, for this parameter. (AEP)

Response: The testing for E.coli bacteria is no longer required for Rule 6 permittees. This requirement was originally added due to the significant potential for illicit discharges to contaminate storm water run-off, and to numerically determine if sewage is present. If a facility determines its suitability, E.coli bacteria can still be tested as a means of verification of no illicit sanitary connections, but bacteria testing is not required.

Comment: Under 327 IAC 15-6-7.3(a)(12) monitoring requirements, it is stated that run-off events resulting from snow and ice melt should not be sampled and may not be used to meet the minimum annual monitoring requirements. U.S. EPA has allowed the sampling of snow and ice melt in the storm water program. Therefore, facilities should have the option to obtain samples from snow and ice melt. Moreover, large corporations with multiple regulated facilities may not have sufficient time, staff, and equipment to collect samples at all their facility locations without sampling during winter months. The expense related to renting equipment is not feasible due to the current economic conditions. (KI)

Response: The intent of this requirement is to develop standards for uniformity with regard to data collection procedures. USEPA's NPDES Storm Water Sampling Guidance Document, EPA # 833-B-92-001, July 1992, states that "snow melt may be sampled as long as the applicant works closely with the permitting authority to determine the proper sampling strategy". IDEM, as the permitting authority, feels that sampling snow and ice melt discharges does not meet the required qualified storm event sampling conditions, and tend to provide inconsistent data.

Comment: In 327 IAC 6-7.3(a)(1) they question IDEM's rationale for exceeding federal requirements, and adding E.coli, total copper, total zinc, and total lead to the listing of required sampling parameters. (RSI, NSWMA)

Response: In 327 IAC 15-6-7.3, IDEM initially added E.coli bacteria, total copper, total zinc, total lead, and any other pollutant, which is reasonably expected to be present in the discharge. The additional parameters were added to gather concentration data on pollutants that have not been previously addressed and have been historically identified as present in storm water run-off from industrial facilities. However, because the parameters are not present at all categories of regulated facilities, IDEM concurs that language requiring the sampling and analysis for E.coli bacteria, total copper, total zinc, and total lead should be removed from the rule.

Comment: In 327 IAC 15-6-7.3(b)(4) the phrase "as soon as they are completed" is vague and needs to be defined. They suggest several time frames for data submittal, including annual or "within thirty (30) days after lab analysis has been completed." (KI, RSI, NSWMA)

Response: IDEM concurs with the suggestion to change the "as soon as they are completed" reference in 327 IAC 15-6-7.3 (b)(4) to "within

thirty (30) days after laboratory analyses have been completed.”

Comment: The rule calls for analysis of carbonaceous biochemical oxygen demand (CBOD) as well as chemical oxygen demand (COD). The current rule had reportedly been amended to replace BOD with CBOD, and to eliminate COD. COD needs to be removed from the list of required sampling. (KI)

Response: Currently both 327 IAC 15-6-7(d)(1) and 40 CFR 122.26(c)(E)(3) list COD as a required storm water monitoring parameter. The listing of COD as a parameter has not changed since the rule (327 IAC 15-6) was first published in 1992. COD is a measure of oxygen depletion caused by chemicals, and is different from CBOD₅ or BOD₅, which are measures for depletion by biological sources. Therefore, COD is a better indicator of industrial source discharges, which typically contain chemical components. For the CBOD₅ parameter, CBOD₅ is preferred instead of BOD₅ because the nitrogenous component of BOD₅ is already being addressed by the required ammonia-nitrogen and nitrate-nitrite parameters.

Comment: It needs to be clarified whether the oil and grease test required under the monitoring requirement section is to be performed by the Freon extraction method or by the EPA-mandated Hexane extraction method. (KI)

Response: Per 327 IAC 15-6-7.3(a)(11) sampling methods used must meet the requirements of 327 IAC 5-2-13(d)(1), which references approved methods in 40 CFR 136. Currently both the Freon and Hexane extraction methods are listed as approved methods for oil and grease testing and therefore either may be used. However, it should be noted that during calendar year 2002 USEPA is scheduled to revise part 136 to remove the testing procedures that utilize Freon. Therefore, IDEM recommends the use of USEPA Hexane extraction method 1664.

Comment: Under current Rule 6 language, certain outfalls have been permitted in individual NPDES permits by reference to the general NPDES permit program and its sampling requirements. The question is how will the changes to Rule 6 affect the facilities who have a set of sampling requirements in their existing permits. The language in 327 IAC 15-6-1 “composed entirely” of storm water will impact previously issued individual permits, and this needs to be addressed. (KI)

Response: The “composed entirely” of storm water language and the clarification found in 327 IAC 15-6-2(a)(4) that includes allowable non-storm water discharges were Phase I omissions, and were added to the rule language to be consistent with federal requirements. Permittees with individual NPDES permits are governed by the permit conditions, and there is the allowance under those permits to have commingled wastewater and storm water discharges. Permittees with existing individual NPDES permits that reference Rule 6 requirements will either have to comply with existing or revised Rule 6 requirements, depending on the reference language in the individual permit and the permit’s effective date.

Duration of Coverage and Renewal:

Comment: Upon permit renewal in 2006, will IDEM issue a generator certification document to certify the original NOI letter is still valid and information is current? The rule states that the NOI information package would have to be resubmitted even if there are no changes. This would not be cost-effective. The recommendation is to have a short-form for the purposes of renewal when no changes have occurred. (KI)

Response: IDEM is currently developing state forms to use for all required compliance submittals. The new NOI letter forms will be simpler to use. It is standard practice in the NPDES permit program to require resubmittal of such an application for permit renewals. The resubmittal is particularly needed for Rule 6 NOI letter forms, due to changes in NOI package submittal requirements.

Required revisions and revisions that go beyond federal requirements:

Comment: They request that a full accounting of the provisions in the proposed rule which are beyond the federal requirement along with the justification for each of them be presented to the Water Pollution Control Board. (IMA, UTIL)

Response: This comparison and justification will be provided to the Board.

Comment: IDEM needs to re-issue the second notice identifying the revisions being made that are required to implement the Phase II rule, and the revisions IDEM is proposing which go beyond the federal requirements. (BSC)

Response: Due to lengthy state rulemaking procedures and the limiting federal time frame for required state rule adoption, IDEM will not be re-opening the Second Public Comment Period. IDEM is making every effort to be responsive to comments concerning the rules, and has invited all commenters and known relevant associations to participate in question and answer public meeting sessions concerning the two rules. Public comments will be allowed during preliminary adoption, third comment period, if applicable, and final adoption public hearings before the Water Pollution Control Board.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On December 11, 2002, the Water Pollution Control Board (board) conducted the first public hearing/board meeting concerning the development of new rules 327 IAC 15-5-5.5, 327 IAC 15-5-6.5, 327 IAC 15-5-7.5, 327 IAC 15-6-7.3, 327 IAC 15-6-7.5, 327 IAC 15-6-8.5, 327 IAC 15-6-10, 327 IAC 15-6-11, and 327 IAC 15-6-12; and amendments to 327 IAC 15-2-3, 327 IAC 15-2-6, 327 IAC 15-2-8, 327 IAC 15-2-9, 327 IAC 15-3-1, 327 IAC 15-3-2, 327 IAC 15-3-3, 327 IAC 15-5-1, 327 IAC 15-5-2, 327 IAC 15-5-3, 327 IAC 15-5-4, 327 IAC 15-5-5, 327 IAC 15-5-6, 327 IAC 15-5-7, 327 IAC 15-5-8, 327 IAC 15-5-10, 327 IAC 15-5-12, 327 IAC 15-6-1, 327 IAC 15-6-2, 327 IAC 15-6-4, 327 IAC 15-6-5, 327 IAC 15-6-6, and 327 IAC 15-6-7. Comments were made by the following parties:

Fort Wayne-Allen County Airport Authority (FWACAA)
Aviation Association of Indiana (AAIA)
Indiana Water Quality Coalition (IWQC)
Indiana Home Builders Association (IHBA)
Indiana Petroleum Council (IPC)
Indiana Constructors, Incorporated (ICI)

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

Rule 5 Comments:

Comment: They have been tracking these rules since introduction and have raised their concerns at previous board meetings about their serious concern with the rules exceeding federal requirements for Phase II. He is pleased to report that the Coalition has been working very hard with IDNR and IDEM and most of the key concerns had been resolved, therefore, will not be opposing preliminary adoption of the rule. They indicated that there were still some minor issues dealing with stabilization that the Home Builders group had, and was hopeful that those could be worked out before final adoption. (IWQC) (IHBA) (IPC)

Response: This item has been addressed by the addition of language allowing the site owner to demonstrate that adequate erosion and sediment control measures are implemented around the inactive area.

Comment: One of the biggest changes in the rule is that erosion control plans will have to be approved in advance of construction. The current rule only requires that a copy of the plan be sent to the SWCD and local authority for review prior to the commencement to construc-

tion. The proposed version requires that the plan be provided to the reviewing agency at least thirty (30) days in advance of construction and that the project owner receive notification from the reviewing agency that the plan complies with all the requirements, plus this has to occur before the NOI letter can be filed with the department. Though IDEM did make some changes in response to these concerns, ICI requests the board to reduce the thirty (30) day review period to twenty (20) days in 327 IAC 15-5-6(b)(3). A reference to the section 6 provision that allows the NOI letter to be submitted if the reviewing agency does not respond in a timely fashion should be added to (a)(14) of section 5, otherwise there is a conflict in the rule. (ICI)

Response: Quality Storm Water Pollution Prevention Plans are the foundation of successful storm water pollution prevention during construction. Ten years of experience by the agencies has shown that quality plans are not as common as they should be. Plan review for adequacy is a critical component to the success of the program. The agency requires adequate time to complete a thorough review. The proposed rule allows the agency to have up to a twenty-eight (28) day period for plan review.

There is a conflict in language between 327 IAC 15-5-5(a)(14) and 327 IAC 15-5-6(b)(3). To correct this conflict the agency will add the following language to 327 IAC 15-5-5(a)(14), "A notification from the SWCD, DNR-DSC or other entity designated by the department as the reviewing agency indicating that the construction plans are sufficient to comply with this rule. This requirement may be waived if the project site owner has not received notification from the reviewing agency within the time frame specified in 327 IAC 15-5-6(b)(3)."

Comment: In 327 IAC 15-2-9, it appears that the project site owners who obtained general permit coverage for construction projects under the current rules will have to refile a plan and submit a new NOI once the new rule becomes effective. This was discussed in earlier meetings and the department had indicated that this was not their intent but no change has been made in the rule. If this language is left in, they believe that it would be a lot of wasted effort on the part of the industry. (ICI)

Response: 327 IAC 15-2-9 states that once the general permit rule is amended all persons currently affected by that rule will be notified and that NOIs would be submitted ninety (90) days after receipt of a notice from the commissioner. Therefore, projects that are currently regulated under Rule 5 would only need to submit a new NOI if they receive a notice from the commissioner asking them to do so.

Comment: In 327 IAC 15-5-7(b)(18), the requirement to make and maintain evaluation reports following storm events shifts the focus of the rule from environmental protection to paperwork. They object to the additional documentation the possibility of getting penalized for poor paperwork. (ICI)

Response: The intent of a self monitoring program is to promote a regularly scheduled program in which erosion and sediment control practices are maintained and repaired. The purpose of an evaluation report is to document the routine self-inspections. The report serves as documentation of corrective actions that are required to keep the project in compliance. The report should be used by project site decision makers to assess deficiencies, determine corrective actions, and document that corrective actions are implemented. An effective self monitoring program will reduce overall project costs by reducing post construction costs associated with cleaning of storm water detention/retention basins, flushing of storm sewers and culverts, removal of sediment from drainage channels and adjoining properties, etcetera.

Comment: They do not agree with the "one-size fits all approach" taken in section 7(b)(16) in requiring unvegetated areas to be stabilized if they are left inactive for fifteen (15) days or more. They emphasize

that every construction site is different, therefore, erosion and sediment control measures should address site-specific conditions. Though a sentence has been added since the last meeting the meaning is unclear. They recommend stating that alternative measures "are acceptable" rather than the current "may be acceptable". They suggest that the project site owner be required to state in the erosion control how he will address disturbed areas that will be inactive for fifteen (15) days or longer and be accountable for following the plan. (ICI)

Response: Stabilization of inactive areas is an important part of the system approach to erosion and sediment control. By reducing the erosion potential of inactive areas through stabilization, there will be less pressure on the other implemented erosion and sediment control measures. There may be situations in the field where sediment control used independently of stabilization is not adequate. The proposed rule gives the project site owner more flexibility in choosing alternative methods of surface stabilization and sediment control through out the life of the project, whereas the language proposed by ICI would appear to lock the developer into implementing only those practices designated in the plan.

Comment: Another issue that has been discussed, but not yet addressed, is an appeals process that a project site owner can utilize if it believes that the SWCD, MS4, or other review agency is being unreasonable in the control measures that the agency wants to implement on a site. There should be an impartial administrative review board that can consider such matters so that every dispute doesn't end up in a court of law. (ICI)

Response: The Office of Environmental Adjudication (OEA), created and operating under IC 4-21.5-7, reviews decisions of the commissioner of IDEM. The OEA is the impartial administrative review board the commentor has requested. If the commentor is referring to disagreements with the agency on specific items that have not yet reached the level of an agency action or decision that is reviewable by the OEA, IDEM believes that informal negotiations and discussions are preferable to adding another administrative review body to the permitting process.

Comment: There is a conflict in the rule, on one hand 327 IAC 15-5-6.5(b)(A)(ii) requires that a copy of the completed NOI letter be included in the construction plan. On the other hand, 327 IAC 15-5-5(a)(14) states that the NOI letter cannot be submitted until the construction plan has been approved by the reviewing agency. One of these requirements should be changes so that it is possible to comply with both revisions. (ICI)

Response: There does appear to be a conflict with submittal of the Notice of Intent at the time of plan submittal. The issue raised can be resolved by removing item (ii) from 327 IAC 15-5-6.5(a)(1)(A) and 327 IAC 15-5-6.5(b)(1)(A).

Comment: It needs to be clarified in the rule, most notably in section 6(b), that the "other entity designated by the department for review and verification" is in fact the MS4s with approved programs. (ICI)

Response: This may not always be an MS4. Other entity designated by the department may refer to a local city or county planning department or other local unit of government that is not designated an MS4. The agency plans to supply an updated list on their website providing the names of various designated entities for each county.

Comment: They want to bring their concern about the interaction of Rules 5 and 13 to the board's attention, particularly since they were unable to submit comments for the earlier Rule 13 hearing. The prospect of one-hundred seventy (170) or more different erosion control programs around the state could create great confusion for the construction industry. They urge IDEM to work with local government groups and representatives of other MS4s to develop model programs so there is consistency throughout Indiana. (ICI)

Response: IDEM and DNR-DSC in cooperation with local SWCDs have been actively working with MS4s and regional planning departments in the promotion of MS4 co-permitting. Some inconsistency is inevitable and not uncommon when a local entity develops their own ordinances.

Comment: The proposal greatly expands the regulatory burden on the industry and urges the board to examine whether each element is really needed. (ICI)

Response: The agency has worked very hard to develop an effective regulation, meeting the federal requirements while minimizing the burden on the regulated community. Quite a number of meetings were held with industry groups and their concerns weighed heavily on decisions involving specific requirements.

Comment: They have some minor concerns as well. 327 IAC 15-2-8 allows IDEM to negate transferability. If the conditions are valid and are met, then IDEM should not be authorized to prohibit transferability. (ICI)

Response: The only aspect of non-transferability that exists is the requirement to submit a new NOI for the new owner. This is the only means for the agency to have a record of the change in ownership and responsibility.

Comment: It appears that the grading of county gravel roads would require a construction plan and this could be clarified in the definition of construction activity. (ICI)

Response: Language was clarified so as not to regulate maintenance of existing gravel roads.

Comment: Notifying the plan review agency and IDEM within forty-eight (48) hours of the actual start of construction activity seems needless. Some clarification is needed on this issue. (ICI)

Response: The expected start date for a project is delayed for various reasons. Notification to the plan review agency will prevent unnecessary travel by site inspectors to sites that have not started construction due to delays or other reasons.

Comment: The material handling provision in 327 IAC 15-5-6.5(b)(7)(H) should be applicable only to the handling and storage of hazardous substances that present a possible threat to the waters of the state. (ICI)

Response: The purpose of the rule is to implement appropriate practices for all possible pollutants that may leave the site and threaten waters of the state.

Comment: The contractor determines some of the information required in the submittal of the construction plan. Therefore, the project site owner does not know how these aspects will be handled when the plan is developed. The rule partly acknowledges this by stipulating that certain information had to be included in the plan only to the extent that it was "under control of the project site owner." They suggest adding similar language to the provisions regarding off-site activities, soil stockpiles, borrow areas, construction sequence, and material handling/storage. (ICI)

Response: Stockpiles, etcetera, are included in the proposed rule under 327 IAC 15-5-6.5 (a)(5)(C) (see next comment as this citation requires change) and contains language that refers to control by the project site owner. Similar language will be added to 327 IAC 15-5-6.5 (a)(5)(A) and will read "Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site and are under the control of the Project Site Owner". With regard to material storage and handling, it is the intent to have procedures in place to address the containment and control of pollutants that impact water quality. While it is true that the Project Site Owner or their engineer may not be able to predetermine an exact construction sequence describing the relationship between implementation of storm water quality measures and stages of construction

activity, they should have the capability of developing a basic level of a construction sequence which can be modified as individual contractors are selected.

Comment: There appears to be some confusion in the numbering of both sections 6 and 6.5 and an incorrect reference to section 12. (ICI)

Response: Section 6 appears to be correct. However, in Section 6.5(a) the numbering is incorrect. The numbering should be corrected beginning at 6.5 (a)(2) through 6.5(a)(8). 6.5(a)(2) through 6.5(a)(8) should be renumbered 6.5(a)(1)(B) through 6.5(a)(1)(H).

The reference to section 12 in 327 IAC 15-5-12 (b) should be changed to 12(c) or sections.

Comment: Section 10(e) mentions a quality assurance plan that is not defined anywhere in the proposed rule. Other sections which referred to a quality assurance plan in earlier versions were changed to a self-monitoring program, but the reference to quality assurance plan still remains in 10(e). If it needs to be left in then an explanation of what it constitutes, is needed. (ICI)

Response: The term should be changed to "self monitoring program" instead of "quality assurance" for consistency in the rule.

Rule 6 Comments

Comment: Concern was expressed with the requirement to obtain an individual NPDES storm water permit due to use of certain stated deicing compounds in amounts in excess of certain stated limits. The limits allegedly date back to ten (10) years ago. Currently, most airports in Indiana are reportedly covered under group storm water permits, which were allowed in the early 1990's. Each facility has its own unique character, and one, across-the-board rulemaking does not serve the communities, airports, or the citizens. Concern was expressed with the stated limits for urea and glycol compounds, which trigger the requirements of an individual permit. (FWACAA, AAI)

Response: IDEM currently utilizes individual NPDES permits for most storm water discharges associated with airport deicing operations. Since the middle 1990's, group storm water permits have not been accepted in Indiana, and the existing group permits were terminated in favor of specific facility permits. The purpose of a general permit rule, such as Rule 6, is to make it general enough to be applicable to a wide variety of similar discharge sources. If a discharge is unique, then it is more appropriately covered by a facility-specific individual NPDES permit. The "trigger" limitation language for urea and glycol compounds in the rule was deleted, and the rule language was changed to require individual storm water permits for airports that use any amount of aircraft deicing compounds that have the potential to impact a water of the state.

Comment: The amount of deicing chemical should not be used as a trigger mechanism due to variability of the land area size, chemical usage, and tenant base at airport facilities. Since the size of an airport facility may correlate to the amount of chemicals utilized, a more appropriate trigger for individual permit coverage should be to use a chemical amount per-acre of watershed. Larger facilities will generate more storm water run-off and will likely have larger receiving watersheds, and deicing chemicals should have more dilution. (FWACAA, AAI)

Response: Dilution does not always correspond to a minimal impact on the receiving water. IDEM typically bases pollutant limitations on the amount of pollutant, the average flow of the receiving water, and the ability of the receiving water to handle the pollutant amount. IDEM feels that chemical usage, in any amount, could impact a receiving water, and, as such, should be more appropriately covered under an individual NPDES storm water permit. General storm water permits issued under Rule 6 are not intended to take into account the impact variability of deicing chemicals. The "trigger" limitation language for urea and glycol compounds in the rule was deleted, and the rule

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language was changed to require individual storm water permits for airports that use any amount of aircraft deicing compounds that have the potential to impact a water of the state.

Comment: Many changes have occurred in the airport industry relative to deicing chemicals. The current rule language is too broad and open-ended in terms of regulating other pollutants which could be discharged into the waters of the state. The suggestion was given to have individual permit exemptions granted for using environmentally friendly substitutes for ethylene glycol, such as potassium acetate and propylene glycol, which have been developed over the last ten (10) years. The other suggested exemption is regarding the use of urea, not for transportation-related purposes, but for farming operations that use thousands of acres of airport land for agricultural purposes. The industry wants to continue to work with both IDEM and the board to help make these regulations as meaningful as possible. (FWACAA, AAI)

Response: The use of more environmentally friendly substitutes is a desirable practice to IDEM. However, the intent of a general permit is to make it general enough to be applicable to a wide variety of similar discharge sources, and the use of different chemical compounds is more appropriately covered by site-specific individual NPDES storm water permits. As for the use of urea for farming operations on airport land, the farming activity is not regulated by Rule 6. IDEM encourages the use of best management practices related to farming application of fertilizers and pesticides, but farming activities are already exempt from the storm water regulations.

Comment: The definition of airport deicing operations should be revised to take into account the various forms and dilution concentrations of glycol compounds used at airports. The suggested recommendation is that the one hundred thousand gallons of glycol compounds be further specified as one hundred percent (100%) concentrate and it be focused on ethylene glycol. This focus is further justified by a belief that U.S. EPA's only deicing chemical reporting requirement is for the use of ethylene glycol. (FWACAA, AAI)

Response: The definition was revised to eliminate reference to specific types of deicing compounds. If any amount, type, or concentration of deicing compound is used, an individual NPDES storm water permit, because it can be written to take into account chemical type and concentration, would provide more appropriate coverage than a Rule 6 permit.

Comment: A suggestion was raised to allow a two-year implementation period for airports to come into compliance with the new Rule 6 requirements, commencing from the effective date of the new rule. (FWACAA, AAI)

Response: Airports will not be treated any differently than other types of industrial facilities subject to Rule 6. Furthermore, gradual implementation of best management practices and other means to reduce storm water pollution is already allowed in the rule. The rule allows for continual review of the facility's storm water program to ensure that storm water pollution is being minimized and receiving waters are not being significantly impacted. Pollution controls and practices may be added or changed at any time during the permit term.

Comment: Concerns were raised over the case-by-case basis for requiring an individual storm water permit for airports if the airport uses deicing chemicals in amounts less than the limits stated in the rule. The case-by-case determination is too vague. If the stated limits have scientific basis, then the commissioner should not need discretionary authority. A willingness was expressed to work with IDEM to find limits that are developed using scientific rationale. (AAI)

Response: The language referring to commissioner determination and threshold deicing chemical amounts was deleted. To improve

clarity, the rule language was changed to require individual storm water permits for any airport that uses aircraft deicing chemicals, regardless of the amount.

Comment: The definition of airport deicing operation was not in the original version of this rule in the September 2001 Indiana Register. They are not aware that any of the airports was contacted regarding this definition. (AAI)

Response: The definition was originally added based on comments IDEM received from the regulated community concerning what criteria was used to require individual storm water permits for airports. The definition, which was based on federal language, was intended to help clarify that issue. However, after additional comments and discussions, the definition was revised to specify any deicing compounds.

Comment: There are no apparent environmental improvements to be gained with this rule. (AAI)

Response: Rule 6 is federally required, and addresses storm water pollution from industrial facilities. By permitting categories of industry with the greatest potential to cause pollutant impacts to waters of the state, IDEM is fulfilling the federal requirements and initiating a best management practice-driven solution to storm water pollution from industrial sources. Once storm water pollution from these industrial sources is minimized, the quality of receiving waters in the state will improve chemically and biologically, thus potentially enabling the waters to support beneficial uses. The rule forces industrial facilities to assess their facilities for appropriate controls and practices, so that storm water discharge quality is improved.

Comment: Concern was raised with the fiscal impact of the rule, specifically to the airport industry. The cost of the rule on airports was requested, both for airports already permitted under Rule 6 and those that will be subject to the rule based on rule revisions. Emphasis was placed on the financial problems of the aviation industry since the events of September 11th, which has already caused additional costs for airports. (AAI)

Response: Since storm water discharges for the airport industrial category are already regulated, the original fiscal analysis was not changed. The revised rule language pertaining to airports is an attempt to clarify existing state program operating procedures at IDEM. IDEM currently requires airport facilities with deicing chemicals to obtain individual storm water permits. The rule simply clarifies the situations when airports can remain under Rule 6 coverage (that is, when they have on-site maintenance, and do not use aircraft deicing chemicals).

327 IAC 15-2-3

327 IAC 15-2-6

327 IAC 15-2-8

327 IAC 15-2-9

327 IAC 15-3-1

327 IAC 15-3-2

327 IAC 15-3-3

327 IAC 15-5-1

327 IAC 15-5-2

327 IAC 15-5-3

327 IAC 15-5-4

327 IAC 15-5-5

327 IAC 15-5-6

327 IAC 15-5-6.5

327 IAC 15-5-7

327 IAC 15-5-7.5

327 IAC 15-5-8

327 IAC 15-5-10

327 IAC 15-5-11

327 IAC 15-5-12

327 IAC 15-6-1

327 IAC 15-6-2

327 IAC 15-6-4

327 IAC 15-6-5

327 IAC 15-6-6

327 IAC 15-6-7

327 IAC 15-6-7.3

327 IAC 15-6-7.5

327 IAC 15-6-8.5

327 IAC 15-6-10

327 IAC 15-6-11

327 IAC 15-6-12

SECTION 1. 327 IAC 15-2-3 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-2-3 NPDES general permit rule applicability requirements

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 3. (a) A general permit rule may regulate all designated categories of point sources for which a general permit rule exists, except:

- (1) as provided under section 6 or 9 of this rule or the applicable general permit rule; and
- (2) point source discharges meeting the applicability requirements of a general permit rule, who are already subject to individual NPDES permits prior to the effective date of a general permit rule.

(b) Persons excluded from general permit rule regulation solely because they have an existing individual NPDES permit may request to be regulated under a general permit rule and may request that the individual NPDES permit be revoked or modified to remove the point source from the existing permit. Upon revocation or expiration of the individual NPDES permit, the general permit rule shall apply to such point source discharges regulated under this article. **This allowance to change from an individual NPDES permit to a general NPDES permit does not apply to municipal separate storm sewer system permittees who were issued an individual NPDES permit before January 1, 2000.**

(c) A person that holds an individual NPDES permit may have discharges regulated under an applicable general permit rule if such discharges are not addressed in the individual permit. (*Water Pollution Control Board; 327 IAC 15-2-3; filed Aug 31, 1992, 5:00 p.m.: 16 IR 17*)

SECTION 2. 327 IAC 15-2-6 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-2-6 Exclusions

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 6. (a) **Except as provided in subsection (b),** an individual NPDES permit issued under 327 IAC 5 is required for a discharge to a receiving stream identified as an outstanding state resource water, an exceptional use water, or an outstanding national resource water as defined under 327 IAC 2-1-2(3), 327 IAC 2-1-11(b), or 327 IAC 2-1.5-4 or which would significantly lower the water quality, as defined under 327 IAC 5-2-11.3(b)(1) of such a water downstream of the point source discharge.

(b) **A discharge to an outstanding national resource water, outstanding state resource water or exceptional use water may be permitted under 327 IAC 15-5, 327 IAC 15-6,**

or 327 IAC 15-13 if the commissioner determines the discharge will not significantly lower the water quality, as defined under 327 IAC 5-2-11.3(b)(1) of such a water downstream of that point source discharge. (*Water Pollution Control Board; 327 IAC 15-2-6; filed Aug 31, 1992, 5:00 p.m.: 16 IR 17; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1476*)

SECTION 3. 327 IAC 15-2-8 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-2-8 Transferability of notification requirements

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 4-22-2; IC 13-11-2; IC 13-18-4

Sec. 8. (a) **Unless other requirements are found within specific rules under this article,** compliance with the NOI letter submission requirements under this article may not be transferred if ownership/operation of a facility is transferred to a new person; that person must submit a NOI letter pursuant to 327 IAC 15-3 or seek coverage under an individual NPDES permit pursuant to 327 IAC 5: **the following occurs:**

- (1) **The current permittee notifies the commissioner at least thirty (30) days in advance of the proposed transfer date in subdivision (2).**
- (2) **A written agreement containing a specific date for transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date, and that the transferee is liable for violations from that date on) is submitted to the commissioner.**
- (3) **The transferee certifies in writing to the commissioner intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change the nature or quantities of pollutants discharged.**

(b) **A person who filed a NOI letter under this article and who subsequently was requested by the commissioner to file an application for an individual NPDES permit has one hundred twenty (120) days from the time of the request by the commissioner to file the application. The commissioner may require that a new NOI letter be submitted rather than agreeing to the transfer of the NOI letter requirements.** (*Water Pollution Control Board; 327 IAC 15-2-8; filed Aug 31, 1992, 5:00 p.m.: 16 IR 18*)

SECTION 4. 327 IAC 15-2-9 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-2-9 Special requirements for NPDES general permit rule

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 4-21.5; IC 13-11-2; IC 13-18-4

Sec. 9. (a) If a general permit rule is amended, all persons

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regulated by the affected general permit rule must be notified by first class mail of the amendment by the commissioner. ~~within sixty (60) days after the effective date of the amended rule.~~ Those persons notified by the commissioner under this subsection shall:

- (1) apply for an individual NPDES permit under 327 IAC 5-3; ~~within one hundred twenty (120) days after the effective date of the amended rule;~~ or
- (2) submit a **complete** NOI letter containing the information required in 327 IAC 15-3-2 and the amended rule; ~~within ninety (90) days after the effective date of the amended rule.~~ **receipt of the notice from the commissioner.**

(b) The commissioner may require any person either with an existing discharge subject to the requirements of this article or who is proposing a discharge that would otherwise be subject to the requirements of this article to apply for and obtain an individual NPDES permit if one (1) of the six (6) cases listed in this subsection occurs. Interested persons may petition the commissioner to take action under this subsection. Cases where individual NPDES permits may be required include the following:

- (1) The applicable requirements contained in this article are not adequate to ensure compliance with:
 - (A) water quality standards under 327 IAC 2-1 or 327 IAC 2-1.5; or
 - (B) the provisions that implement water quality standards contained in 327 IAC 5.
- (2) The person is not in compliance with the terms and conditions of the general permit rule.
- (3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants from the point source.
- (4) Effluent limitations guidelines that are more stringent than the requirements in the general permit rule are subsequently promulgated for point sources regulated by the general permit rule.
- (5) A water quality management plan containing more stringent requirements applicable to such point source is approved.
- (6) Circumstances have changed since the activity regulated under this article began so that the discharger is no longer appropriately controlled under the general permit rule, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.

(c) If, under subsection (b), the commissioner requires an individual NPDES permit, pursuant to 327 IAC 5-3, the commissioner shall notify the person in writing that an individual NPDES permit application is required. This notice shall be issued pursuant to IC 4-21.5 and shall also include the following:

- (1) A brief statement of the reasons for this decision.
- (2) An application form.
- (3) A statement setting a time for the person to file the application.
- (4) A statement that on the effective date of the individual

NPDES permit, the general permit rule, as it applies to the individual person, shall no longer apply.

The commissioner may grant additional time upon request of the applicant for completion of the application.

(d) ~~An operator, as defined in 327 IAC 15-5-4(7); of a storm water discharge~~ **A person having financial responsibility or operational control for a facility, project site, or municipal separate storm sewer system area and the associated storm water discharges,** that meets the applicability requirements of the general permit rule and is not covered by an existing individual NPDES permit, must submit an application under 40 CFR 122.26 as published in the Federal Register on November 16, 1990, and 327 IAC 5-3 if the operator seeks to cover the discharge under an individual permit.

(e) On the effective date of an individual NPDES permit that is issued to a person regulated under this article, this article no longer applies to that person.

(f) Persons with a discharge meeting all the applicability criteria of more than one (1) general permit rule shall comply with all applicable general permit rules. (*Water Pollution Control Board; 327 IAC 15-2-9; filed Aug 31, 1992, 5:00 p.m.: 16 IR 18; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; errata, 16 IR 751; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1476*)

SECTION 5. 327 IAC 15-3-1 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-3-1 Purpose

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 1. The purpose of this rule is to establish the requirements and procedures for submitting ~~a~~ **an** NOI letter under a general permit rule. **Unless otherwise specified under an applicable general permit rule,** the NOI letter shall be sent to the following address:

Indiana Department of Environmental Management
Office of Water ~~Management~~ **Quality**
~~105 South Meridian Street~~ **100 North Senate Avenue**
P.O. Box 6015
Indianapolis, Indiana 46206

Attention: Permits Section, General Permit Desk
(*Water Pollution Control Board; 327 IAC 15-3-1; filed Aug 31, 1992, 5:00 p.m.: 16 IR 19; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 6. 327 IAC 15-3-2 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-3-2 Content requirements of a NOI letter

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 2. **Except for permittees covered under 327 IAC 15-5**

and 327 IAC 15-13, the NOI letter shall include the following:

- (1) Name, mailing address, and location of the facility for which the notification is submitted.
- (2) Standard Industrial Classification (SIC) codes, as defined in 327 IAC 5, up to four (4) digits, that best represent the principal products or activities provided by the facility.
- (3) The person's name, address, telephone number, **e-mail address (if available)**, ownership status, and status as federal, state, private, public, or other entity.
- (4) The latitude and longitude of the approximate center of the facility to the nearest fifteen (15) seconds, **or and, if the section, township, and range are provided**, the nearest quarter section ~~(if the section, township, and range are provided)~~ in which the facility is located.
- (5) The name of receiving water, or, if the discharge is to a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water.
- (6) A description of how the facility complies with the applicability requirements of the general permit rule.
- (7) Any additional NOI letter information required by the applicable general permit rule.
- (8) The NOI letter must be signed by a person meeting the signatory requirements in 327 IAC 15-4-3(g).

(Water Pollution Control Board; 327 IAC 15-3-2; filed Aug 31, 1992, 5:00 p.m.: 16 IR 19; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 7. 327 IAC 15-3-3 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-3-3 Deadline for submittal of a NOI letter; additional requirements

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 3. (a) Any person proposing a new discharge that will be subject to a general permit rule, except for construction activity under 327 IAC 15-5 **and municipal separate storm sewer system discharges under 327 IAC 15-13**, shall submit **a** an NOI letter and additional information as required by the applicable general permit rule at least one hundred eighty (180) days before the date on which the discharge is to commence unless permission for a later date has been granted by the commissioner or is established in the applicable general permit rule. A construction activity NOI letter shall be submitted in accordance with 327 IAC 15-5-6. **A municipal separate storm sewer system NOI letter shall be submitted in accordance with 327 IAC 15-13-6 and 327 IAC 15-13-9.**

(b) Any person ~~operating~~ **requesting** coverage under a general permit rule with an existing discharge shall submit an NOI letter within ninety (90) days of the effective date of the applicable general permit rule, unless permission for a later date has been granted by the commissioner or is established in **327**

IAC 15-2-9(a)(3) or the applicable general permit rule. *(Water Pollution Control Board; 327 IAC 15-3-3; filed Aug 31, 1992, 5:00 p.m.: 16 IR 19; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; errata, 16 IR 898; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 8. 327 IAC 15-5-1 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-5-1 Purpose

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 1. The purpose of this rule is to ~~reduce pollutants principally sediment as a result of soil erosion; in establish requirements for storm water discharges into surface waters of the state from sites where construction activity disturbs five (5) acres or more of the site. However, in contemplation of recent federal court decisions; persons with sites greater than one (1) acre but less than five (5) acres are invited to comply with this rule as well: from construction activities of one (1) acre or more so that the public health, existing water uses, and aquatic biota are protected.~~ *(Water Pollution Control Board; 327 IAC 15-5-1; filed Aug 31, 1992, 5:00 p.m.: 16 IR 23; errata, 16 IR 898; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 9. 327 IAC 15-5-2 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-5-2 Applicability of general permit rules

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4; IC 14-34

Sec. 2. (a) The requirements under this rule apply to all persons who:

- (1) do not obtain an individual NPDES permit under 327 IAC 15-2-6;
- (2) meet the general permit rule applicability requirements under 327 IAC 15-2-3; and
- (3) are involved in construction activity, ~~which includes clearing, grading, excavation, and other land disturbing activities;~~ except operations that result in the **land** disturbance of less than ~~five (5) acres~~ **one (1) acre** of total land area **as determined under subsection (h)** and ~~which~~ are not part of a larger common plan of development or sale.

(b) **The requirements under this rule do not apply to persons who are involved in:**

- (1) agricultural land disturbing activities; or
- (2) forest harvesting activities.

(c) **The requirements under this rule do not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures:**

- (1) Landfills that have been issued a certification of closure under 329 IAC 10.
- (2) Coal mining activities permitted under IC 14-34.
- (3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the department under 329 IAC 10 that contains equivalent storm water requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

(d) It will be the responsibility of the project site owner to complete a sufficient notice of intent letter and ensure that a sufficient construction plan is completed and submitted in accordance with section 6 of this rule. It will be the responsibility of the project site owner to ensure compliance with this rule during the construction activity and implementation of the construction plan, and to notify the department with a sufficient notice of termination letter. However, all persons engaging in construction activities on a permitted project site must comply with the requirements of this rule.

(e) For off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a permitted project site, these off-site activity areas must be considered a part of the permitted project site, when the activity is under the control of the project site owner.

(f) For an individual lot within a project site permitted under this rule and where land disturbance is expected to be one (1) acre or more, the individual lot owner must complete their own notice of intent letter, apply for a permit under this rule, and ensure that a sufficient construction plan is completed and submitted in accordance with section 6 of this rule.

(g) An individual lot within a permitted project site, where the land disturbance is less than one (1) acre, is considered part of the permitted project site, and the individual lot operator must comply with the provisions and requirements of the plan developed by the project site owner and section 7.5 of this rule. Submittal of a notice of intent and construction plans is not required for an individual lot within a permitted project site that has less than one (1) acre of land disturbance. Strip developments will be considered as one (1) project site and must comply with this rule unless the total combined disturbance on all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale.

(h) To determine if multi-lot project sites are regulated by this rule, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as, roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:

- (1) For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
- (2) For a single-family residential project site where the lots are less than one-half (0.5) acre in size, the total lot must be calculated as being disturbed.
- (3) To calculate lot disturbance on all other types of projects sites, such as industrial and commercial project sites, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.

(i) Submittal of a notice of intent and construction plans is not required for construction activities associated with a single family residential dwelling disturbing less than five (5) acres, when the dwelling is not part of a larger common plan of development or sale. Provisions in section 7(a)(1) through 7(a)(5) and 7(a)(10) through 7(a)(19) of this rule [sic.] shall be complied with throughout construction activities and until the areas are permanently stabilized.

(j) The department may waive the permit requirements under this rule for construction activities that disturb less than five (5) acres where the waiver applicant, determined by the commissioner, certifies that:

- (1) a total maximum daily load (TMDL) for the pollutants of concern from storm water discharges associated with construction activity indicates that controls on construction site discharges are not needed to protect water quality; or
- (2) a site discharging to nonimpaired waters that does not require TMDLs by an equivalent analysis that demonstrates water quality is not threatened by storm water discharges has determined allocations for small construction sites for the pollutants of concern or determined that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety.

(Water Pollution Control Board; 327 IAC 15-5-2; filed Aug 31, 1992, 5:00 p.m.: 16 IR 23; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 10. 327 IAC 15-5-3 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-5-3 General permit rule boundary

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 13-18-4

Sec. 3. Facilities existing This general permit covers all lands within the boundaries of the state of Indiana. affected by this rule are regulated under this rule. *(Water Pollution Control Board; 327 IAC 15-5-3; filed Aug 31, 1992, 5:00 p.m.: 16 IR 23; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 11. 327 IAC 15-5-4 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-5-4 Definitions

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3
Affected: IC 13-11-2; IC 14-32; IC 14-34

Sec. 4. In addition to the definitions contained in ~~IC 13-7-1, IC 13-1-3-1.5, IC 13-11-2, 327 IAC 1, 327 IAC 5, and 327 IAC 15-1-2,~~ the following definitions apply throughout this rule:

(1) "Agricultural ~~land use~~ conservation practices" means ~~use of land for the production of animal or plant life, including forestry, pasturing or yarding of livestock, and planting, growing, cultivating, and harvesting crops for human or livestock consumption; practices that are constructed on agricultural land for the purposes of controlling soil erosion and sedimentation. These practices include grass waterways, sediment basins, terraces, and grade stabilization structures.~~

(2) "Agricultural land disturbing activity" means tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this rule, the term does not include land disturbing activities for the construction of agricultural related facilities, such as:

- (A) barns;
- (B) buildings to house livestock;
- (C) roads associated with infrastructure;
- (D) agricultural waste lagoons and facilities;
- (E) lakes and ponds;
- (F) wetlands; and
- (G) other infrastructure.

(3) "Commissioner" refers to the commissioner of the department of environmental management.

(4) "Construction activity" means land disturbing activities, and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch maintenance or minor landscaping projects.

(5) "Construction plan" means a representation of a project site and all activities associated with the project. The plan includes the location of the project site, buildings and other infrastructure, grading activities, schedules for implementation and other pertinent information related to the project site. A storm water pollution prevention plan is a part of the construction plan.

(6) "Construction site access" means a stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

(7) "Contractor" or "subcontractor" means an individual

or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

(8) "Department" refers to the department of environmental management.

(9) "Developer" means:

(A) any person financially responsible for construction activity; or

(B) an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

(10) "DNR-DSC" means the division of soil conservation of the department of natural resources.

~~(2)~~ (11) "Erosion" means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

~~(3)~~ (12) "Erosion and sediment control measure" means a practice, or a combination of practices, to control erosion and resulting sedimentation. ~~and/or off-site damages.~~

~~(4)~~ "Erosion control plan" means a written description and site plan of pertinent information concerning erosion control measures.

(13) "Erosion and sediment control system" means the use of appropriate erosion and sediment control measures to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being discharged from or within a project site.

(14) "Final stabilization" means the establishment of permanent vegetative cover or the application of a permanent nonerosive material to areas where all land disturbing activities have been completed and no additional land disturbing activities are planned under the current permit.

(15) "Grading" means the cutting and filling of the land surface to a desired slope or elevation.

(16) "Impervious surface" means surfaces, such as pavement and rooftops, which prevent the infiltration of storm water into the soil.

(17) "Individual building lot" means a single parcel of land within a multi-parcel development.

(18) "Individual lot operator" means a contractor or subcontractor working on an individual lot.

(19) "Individual lot owner" means a person who has financial control of construction activities for an individual lot.

~~(5)~~ (20) "Land disturbing activity" means any manmade change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading. ~~In the context of this rule, agricultural land disturbing activities, coal mining activities permitted by the DNR under IC 13-4-1, and active landfills permitted by the Indiana department of environmental management where the permit requires soil erosion control are excluded.~~

~~(6)~~ "Nonagricultural land use" means commercial use of land

for the manufacturing and wholesale or retail sale of goods or services; residential or institutional use of land intended primarily to shelter people; highway use of land including lanes, alleys, and streets; and other land uses not included in agricultural land use.

(21) “Larger common plan of development or sale” means a plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

(22) “Measurable storm event” means a precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

(23) “MS4 area” means a land area comprising one (1) or more places that receives coverage under one (1) NPDES storm water permit regulated by 327 IAC 15-13 or 327 IAC 5-4-6(a)(3) and 327 IAC 5-4-6(a)(4).

(24) “MS4 operator” means the person responsible for development, implementation, or enforcement of the minimum control measures for a designated MS4 area regulated under 327 IAC 15-13.

(25) “Municipal separate storm sewer system” or “MS4” has the same meaning set forth at 327 IAC 15-13-5(42).

(26) “Peak discharge” means the maximum rate of flow during a storm, usually in reference to a specific design storm event.

(27) “Permanent stabilization” means the establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent nonerosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

(28) “Phasing of construction” means sequential development of smaller portions of a large project site, stabilizing each portion before beginning land disturbance on subsequent portions, to minimize exposure of disturbed land to erosion.

(29) “Project site” means the entire area on which construction activity is to be performed.

(7) “Operator” (30) “Project site owner” means the person required to submit the NOI letter under this article, and required to comply with the terms of this rule, **including either of the following:**

(A) A developer.

(B) A person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

(8) “Site” means the entire area included in the legal description of the land on which land disturbing activity is to be performed.

(31) “Sediment” means solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth’s surface.

(32) “Sedimentation” means the settling and accumulation of unconsolidated sediment carried by storm water run-off.

(33) “Soil” means the unconsolidated mineral and organic material on the surface of the earth that serves as the natural medium for the growth of plants.

(34) “Soil and Water Conservation District” or “SWCD” means a political subdivision established under IC 14-32.

(35) “Storm water pollution prevention plan” means a plan developed to minimize the impact of storm water pollutants resulting from construction activities.

(36) “Storm water quality measure” means a practice, or a combination of practices, to control or minimize pollutants associated with storm water run-off.

(37) “Strip development” means a multi-lot project where building lots front on an existing road.

(38) “Subdivision” means any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

(39) “Temporary stabilization” means the covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other nonerosive material applied at a uniform density of seventy percent (70%) across the disturbed area.

(40) “Tracking” means the deposition of soil that is transported from one (1) location to another by tires, tracks of vehicles, or other equipment.

(41) “Trained individual” means an individual who is trained and experienced in the principles of storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding storm water control or treatment and monitoring.

(Water Pollution Control Board; 327 IAC 15-5-4; filed Aug 31, 1992, 5:00 p.m.: 16 IR 23; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 12. 327 IAC 15-5-5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-5-5 Notice of intent letter requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 5. In addition to the NOI letter requirements under 327 IAC 15-5-3, (a) The following information must be submitted by the operator project site owner with a complete NOI letter under this rule:

(1) Name, mailing address, and location of the project site for which the notification is submitted.

(2) The project site owner's name, address, telephone number, e-mail address (if available), ownership status as federal, state, public, private, or other entity.

(3) Contact person (if different than project site owner), person's name, company name, address, e-mail address (if available), and telephone number.

~~(4)~~ (4) A brief description of the construction project, including ~~but not limited to~~; a statement of the total acreage of the project site. **Total acreage claimed in the NOI letter shall be consistent with the acreage covered in the construction plan.**

~~(5)~~ (5) Estimated ~~timetable dates for land disturbing initiation and completion of construction activities, and installation of erosion control measures.~~ **Within forty-eight (48) hours of the initiation of construction activity, the project site owner must notify the commissioner and the appropriate plan reviewing agency of the actual project start date.**

(6) The latitude and longitude of the approximate center of the project site to the nearest fifteen (15) seconds, and the nearest quarter section, township, range, and civil township in which the project site is located.

(7) Total impervious surface area, in square feet, of the final project site including structures, roads, parking lots, and other similar improvements.

~~(8)~~ (8) The number of acres to be involved in ~~land disturbing the construction activities.~~

(9) Proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity is to commence, that states, "(Company name, address) is submitting an NOI letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-5 to discharge storm water from construction activities for the following project: (name of the construction project, address of the location of the construction project). Run-off from the project site will discharge to (stream(s) receiving the discharge(s)).".

(10) As applicable, a list of all MS4 areas designated under 327 IAC 15-13 within which the project site lies.

~~(11)~~ (11) A written certification by the operator that:

(A) the ~~erosion control storm water quality~~ measures included in the ~~erosion control construction~~ plan comply with the requirements under sections ~~6.5, 7, and 9~~ **7.5** of this rule and that the **storm water pollution prevention** plan complies with **all** applicable **federal, state, county, or and local erosion control storm water** requirements;

(B) the ~~erosion control~~ measures **required by section 7 of this rule** will be implemented in accordance with the **storm water pollution prevention** plan;

(C) verification that an appropriate state, county, or local erosion control authority ~~and if the projected land distur-~~

bance is one (1) acre or more, the applicable soil and water conservation district office ~~have or other entity designated by the department, has been sent a copy of the construction plan for review; and~~

~~(D)~~ **storm water quality measures beyond those specified in the storm water pollution prevention plan will be implemented during the life of the permit if necessary to comply with section 7 of this rule; and**

~~(E)~~ **verification that (E) implementation of the erosion control plan storm water quality measures will be conducted inspected by personnel trained in erosion control practices: trained individuals.**

(5) Proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction under this rule is to commence.

(12) The name of receiving water or, if the discharge is to a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water.

(13) The NOI letter must be signed by a person meeting the signatory requirements in 327 IAC 15-4-3(g).

(14) A notification from the SWCD, DNR-DSC, or other entity designated by the department as the reviewing agency indicating that the constructions plans are sufficient to comply with this rule.

(b) Send NOI letters to:

Attention: Rule 5 Storm Water Coordinator
Indiana Department of Environmental Management
Office of Water Quality, Urban Wet Weather Section
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

(Water Pollution Control Board; 327 IAC 15-5-5; filed Aug 31, 1992, 5:00 p.m.: 16 IR 24; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 13. 327 IAC 15-5-6 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-5-6 Submittal of an NOI letter and construction plans

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 6. (a) After the project site owner has received notification from the reviewing agency that the construction plans meet the requirements of the rule or the review period outlined in subsection (b)(3) has expired, all NOI letter information required under ~~327 IAC 15-3~~ and section 5 of this rule shall be submitted to the commissioner **at least forty-eight (48) hours** prior to the initiation of land disturbing activities at the site. A copy of the completed NOI letter must also be submitted to all SWCDs, or other entity designated by the

department, where the land disturbing activities are to occur. If the NOI letter is determined to be deficient, the project site owner must address the deficient items and submit an amended NOI letter to the commissioner at the address specified in section 5 of this rule.

(b) For a project site where the proposed land disturbance is one (1) acre or more as determined under section 2 of this rule, the following requirements must be met:

(1) The following information must be submitted:

(A) A construction plan, including the storm water pollution prevention plan, which meets the requirements of sections 6.5, 7, and 7.5 of this rule, must be submitted prior to the initiation of any land disturbing activities to the appropriate SWCD, or other entity designated by the department for review and verification that the plan meets the requirements of the rule. If the construction activity will occur in more than one (1) SWCD, the project site owner may request a single coordinated review in accordance with subsection (c)(3).

(2) If the construction plan is determined to be deficient, the SWCD, DNR-DSC, or other entity designated by the department as the reviewing agency may require modifications, terms, and conditions as necessary to meet the requirements of the rule. The initiation of construction activity following notification by the reviewing agency that the plan does not meet the requirements of the rule is a violation and subject to enforcement action. If notification of a deficient plan is received after the review period outlined in subdivision (3) and following commencement of construction activities, the plans must be modified to meet the requirements of the rule and resubmitted within fourteen (14) days of receipt of the notification of deficient plans.

(3) If the project site owner does not receive notification from the reviewing agency that the plan meets the requirements of the rule within twenty-eight (28) days after the plan is received by the reviewing agency, the project site owner may submit the NOI letter information.

(4) The following apply for a project where construction activity occurs inside an MS4 area regulated under 327 IAC 15-13:

(A) A copy of the completed NOI letter must be submitted to the appropriate MS4 operators.

(B) The project site owner must comply with all appropriate ordinances and regulations within the MS4 area related to storm water discharges. The MS4 operator ordinance will be considered to have the same authority as this rule within the regulated MS4 area.

(c) For a project that will occur in more than one (1) jurisdiction, such as an SWCD or regulated MS4 area, the following must be met:

(1) Project site owners of project sites occurring in multiple MS4 areas, but not in nondesignated areas, shall submit the information required in this subsection to each appropriate MS4 operator.

(2) Project site owners of project sites occurring in one (1) or more MS4 areas and nondesignated areas shall submit the information required in subsection (b) and this subsection to all appropriate MS4 operators, and the SWCD or other entity designated by the department.

(3) Project site owners of project sites occurring in multiple nondesignated areas, but not occurring within an MS4 area, may request a single coordinated review through the DNR-DSC office at the following address:

402 West Washington Street

Room W265

Indianapolis, Indiana 46204.

Upon acceptance of the request, the DNR-DSC will coordinate the plan review with appropriate SWCDs and other entities designated by the department.

(Water Pollution Control Board; 327 IAC 15-5-6; filed Aug 31, 1992, 5:00 p.m.: 16 IR 24; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 14. 327 IAC 15-5-6.5 IS ADDED TO READ AS FOLLOWS:

327 IAC 15-5-6.5 Requirements for construction plans

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4

Affected: IC 13-12-3-1; IC 13-18-1

Sec. 6.5. (a) For project sites that do not meet the criteria in subsection (b), the project site owner shall develop a set of construction plans. Storm water quality measures included in the plan must achieve the minimum project site requirements specified in section 7 of this rule and meet the design criteria, standards, and specifications established in the Indiana Storm Water Quality Manual* or similar guidance documents approved for use by the department.

(1) The construction plans must include the following:

(A) Project narrative and supporting documents, including the following information:

(i) An index indicating the location, in the construction plans, of all required items in section 6.5(a)(1) through 6.5(a)(8) of this rule [*sic.*].

(ii) Copy of the completed NOI letter for the project site.

(iii) Description of the nature and purpose of the project.

(iv) Legal description of the project site. The description should be to the nearest quarter section, township, and range, and include the civil township.

(v) Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.

(vi) General construction sequence of how the project

site will be built, including phases of construction.

(vii) Hydrologic Unit Code (14 Digit) available from the United States Geological Survey (USGS).

(viii) A reduced plat or project site map showing the lot numbers, lot boundaries, and road layout and names. The reduced map must be legible and submitted on a sheet or sheets no larger than eleven (11) inches by seventeen (17) inches for all phases or sections of the project site.

(ix) Identification of any other state or federal water quality permits that are required for construction activities associated with the owner's project site.

(2) Vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads, such as a USGS topographic quadrangle map, or county or municipal road map.

(3) An existing project site layout that must include the following information:

(A) Location and name of all wetlands, lakes, and water courses on, or adjacent to, the project site.

(B) Location of all existing structures on the project site.

(C) One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exist.

(D) Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or an equivalent publication, or as determined by a soil scientist. A soil legend must be included with the soil map.

(E) Identification and delineation of vegetative cover such as grass, weeds, brush, and trees on the project site.

(F) Land use of all adjacent properties.

(G) Existing topography at a contour interval appropriate to indicate drainage patterns.

(4) Final project site layout, including the following information:

(A) Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas.

(B) One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exist.

(C) Proposed final topography, at a contour interval appropriate to indicate drainage patterns.

(5) A grading plan, including the following information:

(A) Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.

(B) Location of all soil stockpiles and borrow areas.

(C) Information regarding any off-site borrow or disposal areas that are associated with a project site, and under the control of the project site owner.

(D) Existing and proposed topographic information.

(6) A drainage plan, including the following information:

(A) An estimate of the peak discharge, based on the ten (10) year storm event, of the project site for both preconstruction and postconstruction conditions.

(B) Location, size, and dimensions of all storm water drainage systems, such as culverts, storm sewers, and conveyance channels.

(C) Locations where storm water may be directly discharged into ground water, such as abandoned wells or sinkholes. Please note if none exist.

(D) Locations of specific points where storm water discharge will leave the project site.

(E) Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.

(F) Location, size, and dimensions of features such as permanent retention or detention facilities, including existing or manmade wetlands, used for the purpose of storm water management.

(7) A storm water pollution prevention plan associated with construction activities. The plan must be designed to, at least, meet the requirements of sections 7 and 7.5 of this rule and must include the following:

(A) Location, dimensions, detailed specifications, and construction details of all temporary and permanent storm water quality measures.

(B) Temporary stabilization plans and sequence of implementation.

(C) Permanent stabilization plans and sequence of implementation.

(D) Temporary and permanent stabilization plans shall include the following:

(i) Specifications and application rates for soil amendments and seed mixtures.

(ii) The type and application rate for anchored mulch.

(E) Construction sequence describing the relationship between implementation of storm water quality measures and stages of construction activities.

(F) Self-monitoring program including plan and procedures.

(G) A description of potential pollutant sources associated with the construction activities, which may reasonably be expected to add a significant amount of pollutants to storm water discharges.

(H) Material handling and storage associated with construction activity, spill prevention, and spill response procedures. Spill response procedures must be in accordance with 327 IAC 2-6.1.

(8) The postconstruction storm water pollution prevention plan. The plan must include the following information:

(A) A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant amount of pollutants to storm water discharges.

(B) Location, dimensions, detailed specifications, and construction details of all postconstruction storm water quality measures.

(C) A description of measures that will be installed to control pollutants in storm water discharges that will occur after construction activities have been completed. Such practices include infiltration of run-off, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and storm water retention and detention ponds.

(D) A sequence describing when each postconstruction storm water quality measure will be installed.

(E) Storm water quality measures that will remove or minimize pollutants from storm water run-off.

(F) Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.

(G) A narrative description of the maintenance guidelines for all postconstruction storm water quality measures to facilitate their proper long term function. This narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the postconstruction storm water quality measures.

(b) For a single-family residential development consisting of four (4) or less lots or a single-family residential strip development where the developer offers for sale or lease without land improvements, and the project is not part of a larger common plan of development or sale, the project site owner shall develop a set of construction plans containing storm water quality measures which achieve the minimum project site requirements specified in section 7 of this rule and meet the design criteria, standards, and specifications established in the Indiana Storm Water Quality Manual* or similar guidance documents approved for use by the department and Indiana department of natural resources.

(1) The construction plan must include the following:

(A) Project narrative and supporting documents, including the following information:

(i) An index indicating the location, in the construction plans, of all required items in section 6.5(b)(1) through 6.5(b)(8) of this rule.

(ii) Copy of the completed NOI letter for the project site.

(iii) Description of the nature and purpose of the project.

(iv) Legal description of the project site. The description should be to the nearest quarter section, township, and range, and include the civil township.

(v) Soil properties, characteristics, limitations, and

hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.

(vi) Hydrologic Unit Code (14 Digit) available from the United States Geological Survey (USGS).

(vii) Identification of any other state or federal permits that are required for construction activities associated with the project site operator's project site.

(B) Vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads, such as a USGS topographic quadrangle map, or county or municipal road map.

(C) A project site layout that must include the following information:

(i) Location and name of all wetlands, lakes, and water courses on, or adjacent to, the project site.

(ii) Location of all existing structures on the project site (if applicable).

(iii) One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exist.

(iv) Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or an equivalent publication, or as determined by a soil scientist. A soil legend must be included with the soil map.

(v) Identification and delineation of vegetative cover, such as grass, weeds, brush, and trees on the project site.

(vi) Land use of all adjacent properties.

(vii) Existing and proposed topography at a contour interval appropriate to indicate drainage patterns.

(viii) Location of all proposed site improvements, including roads, utilities, lot delineation and identification, and proposed structures.

(D) A storm water pollution prevention plan associated with construction activities. The plan must be designed to, at least, meet the requirements of sections 7 and 7.5 of this rule and must include the following:

(i) Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.

(ii) Location of all soil stockpiles and borrow areas.

(iii) Location, size, and dimensions of all storm water drainage systems such as culverts, storm sewers, and conveyance channels.

(iv) Locations where storm water may be directly discharged into ground water, such as abandoned wells or sinkholes. Please note if none exist.

(v) Locations of specific points where storm water discharge will leave the project site.

(vi) Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.

(vii) Location, dimensions, detailed specifications, and construction details of all temporary and permanent storm water quality measures.

(viii) Temporary stabilization plans and sequence of implementation of storm water quality measures.

(ix) Temporary and permanent stabilization plans shall include the following:

(AA) Specifications and application rates for soil amendments and seed mixtures.

(BB) The type and application rate for anchored mulch.

(x) Self-monitoring program plan and procedures.

(c) The SWCD or the DNR-DSC representative or other designated entity may upon finding reasonable cause require modification to the construction plan, if it is determined that changes are necessary due to site conditions or project design changes. Revised plans, if requested, must be submitted to the appropriate entity within twenty-one (21) calendar days of a request for a modification.

*Copies of the Indiana Storm Water Quality Manual referenced in this section may be obtained from the Division of Soil Conservation, Indiana Department of Natural Resources, 402 West Washington Street, Room W265, Indianapolis, Indiana 46204-2739. (*Water Pollution Control Board; 327 IAC 15-5-6.5*)

SECTION 15. 327 IAC 15-5-7 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-5-7 General requirements for storm water quality control

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4

Affected: IC 13-12-3-1; IC 13-18-1

Sec. 7. (a) The operator shall develop an erosion control construction storm water pollution prevention plan in accordance with the requirements under this section. All storm water quality measures and erosion and sediment controls necessary to comply with this rule must be implemented in accordance with the construction plan and meet the design criteria, standards, and specifications as established in the "Indiana Storm Water Quality Manual*" or similar guidance documents approved for use by the department and Indiana department of natural resources requirements under this section.

(b) A project site owner shall, at least, meet the following requirements: shall be met on all sites during the period when active land disturbing activities occur:

(1) Sediment-laden water which otherwise would flow from the project site shall be detained treated by erosion and sediment control practices measures appropriate to minimize sedimentation. in the receiving stream. No storm water shall be discharged from the site in a manner causing erosion in the receiving channel at the point of discharge.

(2) Appropriate measures shall be taken by the operator implemented to minimize or eliminate wastes or unused building materials, including but not limited to, garbage, debris, cleaning wastes, wastewater, concrete truck wash-out, and other substances from being carried from a project site by run-off or wind. Proper disposal or management of all wastes and unused building materials, appropriate to the nature of the waste or material, is required. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable statutes and regulations.

(3) Sediment being tracked from a site onto public or private roadways shall be minimized. This can be accomplished initially by a temporary gravel construction entrance in addition to a well-planned layout of roads, access drives, and parking areas of sufficient width and length, or other appropriate measures. A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.

(4) Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of accumulated sediment shall not include flushing the area with water. Cleared sediment shall be returned to the point of likely origin or other suitable location: redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.

(5) All on-site storm drain inlets shall be protected against sedimentation with straw bales, filter fabric, or equivalent barriers meeting accepted design criteria, standards, and specification for that purpose:

(6) The following items apply during the time the construction activity is taking place:

(A) Storm water drainage from adjacent areas that naturally pass through the site shall be controlled by diverting it around disturbed areas. Alternatively, the existing channel must be protected and/or improved to prevent erosion or sedimentation from occurring:

(B) Run-off from a disturbed area shall be controlled by one (1) or more of the following measures:

(i) Except as prevented by inclement weather conditions or other circumstances beyond the control of the operator, appropriate vegetative practices will be initiated within seven (7) days of the last land disturbing activity at the site regulated by this rule. Appropriate vegetative practices include, but are not limited to, seeding, sodding, mulching, covering, or by other equivalent erosion control measures:

(ii) The erosion control plan shall be implemented on disturbed areas within the construction site. The plan shall include erosion control measures as appropriate, such as, but not limited to, the following:

(AA) Sediment detention basins:

(BB) Sediment control practices, such as filter strips,

diversions; straw bales; filter fences; inlet protection measures; slope minimization; phased construction; maximizing tree coverage; temporary and permanent seeding of vegetation; mulching; and sodding.

All measures involving erosion control practices shall be designed and installed under the guidance of a qualified professional experienced in erosion control and following the specifications and criteria under this subsection. All other nonengineered erosion control measures involving vegetation should be installed according to accepted specifications and criteria under this subsection.

- (5) Storm water run-off leaving a project site must be discharged in a manner that is consistent with applicable state or federal law.
- (6) The project site owner shall post a notice near the main entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office. The notice must be maintained in a legible condition and contain the following information:
 - (A) Copy of the completed NOI letter and the NPDES permit number, where applicable.
 - (B) Name, company name, telephone number, e-mail address (if available), and address of the project site owner or a local contact person.
 - (C) Location of the construction plan if the project site does not have an on-site location to store the plan.
- (7) This permit and posting of the notice under subdivision (6) does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site.
- (8) The storm water pollution prevention plan shall serve as a guideline for storm water quality, but should not be interpreted to be the only basis for implementation of storm water quality measures for a project site. The project site owner is responsible for implementing, in accordance with this rule, all measures necessary to adequately prevent polluted storm water run-off.
- (9) The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of this rule and the conditions and standards of the storm water pollution prevention plan and the schedule for proposed implementation.
- (10) Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas.
- (11) Appropriate measures shall be planned and installed as part of an erosion and sediment control system.
- (12) All storm water quality measures must be designed and installed under the guidance of a trained individual.
- (13) Collected run-off leaving a project site must be either discharged directly into a well-defined, stable receiving

channel, or diffused and released to adjacent property with out causing an erosion or pollutant problem to the adjacent property owner.

(14) Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet.

(15) Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with storm water run-off.

(16) Unvegetated areas that are scheduled or likely to be left inactive for fifteen (15) days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization may be acceptable if the project site owner or their representative can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas with a density of less than seventy percent (70%) shall be restabilized using appropriate methods to minimize the erosion potential.

(17) During the period of construction activities, all storm water quality measures necessary to meet the requirements of this rule shall be maintained in working order.

(18) A self-monitoring program that includes the following must be implemented:

(A) A trained individual shall perform a written evaluation of the project site:

- (i) by the end of the next business day following each measurable storm event; and
- (ii) at a minimum of one (1) time per week.

(B) The evaluation must address:

- (i) the maintenance of existing storm water quality measures to ensure they are functioning properly; and
- (ii) identify additional measures necessary to remain in compliance with all applicable statutes and regulations.

(C) Written evaluation reports must include:

- (i) the name of the individual performing the evaluation;
- (ii) the date of the evaluation;
- (iii) problems identified at the project site; and
- (iv) details of corrective actions recommended and completed.

(D) All evaluation reports for the project site must be made available to the inspecting authority within forty-eight (48) hours of a request.

(19) Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.

(20) Final stabilization of a project site is achieved when:

(A) all land disturbing activities have been completed and a uniform (for example, evenly distributed, without

large bare areas) perennial vegetative cover with a density of seventy percent (70%) has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed; and

(B) construction projects on land used for agricultural purposes are returned to its preconstruction agricultural use or disturbed areas, not previously used for agricultural production, such as filter strips and areas that are not being returned to their preconstruction agricultural use meet the final stabilization requirements in clause (A).

(c) During the period of construction activity at a site, all erosion control measures necessary to meet the requirements of this rule shall be maintained by the operator.

(d) All erosion control measures required to comply with this rule shall meet the design criteria, standards, and specifications for erosion control measures established by the department in guidance documents similar to, or as effective as, those outlined in the Indiana Handbook for Erosion Control in Developing Areas from the division of soil conservation, Indiana department of natural resources and the Field Office Technical Guide from the Soil Conservation Service. The erosion control plan shall include, but is not limited to, the following:

(1) A map of the site in adequate detail to show the site and adjacent areas, including the following:

(A) Site boundaries and adjacent lands which accurately portray the site location.

(B) Lakes, streams, channels, ditches, wetlands, and other water courses on and adjacent to the site.

(C) One hundred (100) year floodplains, floodway fringes, and floodways.

(D) Location of the predominant soil types which may be determined by the United States Department of Agriculture, SCS County Soil Survey, or an equivalent publication, or as determined by a certified professional soil scientist.

(E) Location and delineation of vegetative cover such as grass, weeds, brush, and trees.

(F) Location and approximate dimensions of storm water drainage systems and natural drainage patterns on, and immediately adjacent to, the site.

(G) Locations and approximate dimensions of utilities, structures, roads, highways, and paving.

(H) Site topography, both existing and planned, at a contour interval appropriate to indicate drainage patterns.

(I) Potential areas where point source discharges of storm water may enter ground water, if any.

(2) A plan of final site conditions on the same scale as the existing site map showing the site changes.

(3) A site construction plan shall include, but is not limited to, the following:

(A) Locations and approximate dimensions of all proposed land disturbing activities.

(B) Potential locations of soil stockpiles.

(C) Locations and approximate dimensions of all erosion control measures necessary to meet the requirements of this rule.

(D) Schedule of the anticipated initiation and completion dates of each land disturbing activity, including the installation of erosion control measures needed to meet the requirements of this rule.

(E) Provisions, including a schedule, for maintenance of the erosion control measures during construction.

(F) Where feasible, preserve vegetation that exists on the site prior to the initiation of land disturbing activities.

*Copies of the Indiana Storm Water Quality Manual referenced in this section may be obtained from the Division of Soil Conservation, Indiana Department of Natural Resources, 402 West Washington Street, Room W265, Indianapolis, Indiana 46204-2739. (*Water Pollution Control Board; 327 IAC 15-5-7; filed Aug 31, 1992, 5:00 p.m.; 16 IR 24; readopted filed Jan 10, 2001, 3:23 p.m.; 24 IR 1518*)

SECTION 16. 327 IAC 15-5-7.5 IS ADDED TO READ AS FOLLOWS:

327 IAC 15-5-7.5 General requirements for individual building lots within a permitted project

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 7.5. (a) All storm water quality measures, including erosion and sediment control, necessary to comply with this rule shall be implemented in accordance with the plan and meet the design criteria, standards, and specifications as established in the "Indiana Storm Water Quality Manual*" or similar guidance documents approved for use by the department.

(b) Provisions for erosion and sediment control on individual building lots regulated under the original permit of a project site owner must include the following requirements:

(1) The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with activities on individual lots.

(2) Installation and maintenance of a stable construction site access.

(3) Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.

(4) Sediment discharge and tracking from each lot must be minimized throughout the land disturbing activities on the lot until permanent stabilization has been achieved.

(5) Cleanup of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include

flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and regulations.

(6) Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.

(7) For individual residential lots, final stabilization meeting the criteria in section 7(b)(20) of this rule will be achieved when the individual lot operator:

(A) completes final stabilization; or

(B) has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirement for, and benefits of, final stabilization.

*Copies of the Indiana Storm Water Quality Manual referenced in this section may be obtained from the Division of Soil Conservation, Indiana Department of Natural Resources, 402 West Washington Street, Room W265, Indianapolis, Indiana 46204-2739. (*Water Pollution Control Board*; 327 IAC 15-5-7.5)

SECTION 17. 327 IAC 15-5-8 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-5-8 Project termination

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4

Affected: IC 13-12-3-1; IC 13-18-1

Sec. 8. (a) The ~~operator~~ **project site owner** shall plan an orderly and timely termination of the ~~land disturbing construction~~ activities, which shall include the following:

(1) ~~Allowing the installation of utility lines on the site, whenever practicable, prior to final land grading, seeding, and mulching of the site.~~

(2) ~~Implementing erosion control measures which are to remain on the site.~~

(b) ~~The commissioner may, subsequent to termination of a project, inspect the site to evaluate the adequacy of the remaining erosion control measures, including the implementation of storm water quality measures that are to remain on the project site.~~

(b) The project site owner shall submit a notice of termination (NOT) letter to the commissioner and a copy to the appropriate SWCD or other designated entity in accordance with the following:

(1) Except as provided in subdivision (2), the project site owner shall submit an NOT letter when the following conditions have been met:

(A) All land disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized.

(B) All temporary erosion and sediment control measures have been removed.

The NOT letter must contain a verified statement that each of the conditions in this subdivision has been met.

(2) The project site owner may submit an NOT letter to obtain early release from compliance with this rule if the following conditions are met:

(A) The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.

(B) A map of the project site, clearly identifying all remaining undeveloped lots, is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot owners or individual lot operators of all undeveloped lots.

(C) All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the appropriate local entity.

(D) The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.

(E) All permanent storm water quality measures have been implemented and are operational.

(c) Maintenance of the remaining erosion control measures shall be the responsibility of the occupier of the property after the operator has terminated land disturbing activities. Following acceptance of the NOT letter and written approval from the department for early release under subsection (b), the project site owner shall notify all current individual lot owners and all subsequent individual lot owners of the remaining undeveloped acreage and acreage with construction activity that they are responsible for complying with section 7.5 of this rule. The remaining individual lot owners do not need to submit an NOI letter or NOT letter. The notice must contain a verified statement that each of the conditions in subsection (b)(2) have been met. The notice must also inform the individual lot owners of the requirements to:

(1) install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and

(2) maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.

(d) The SWCD, DNR-DSC, other entity designated by the department or a regulated MS4, or the department may inspect the project site to evaluate the adequacy of the remaining storm water quality measures and compliance with the NOT letter requirements. If the inspecting entity finds that the project site owner has sufficiently filed an NOT letter, the entity shall forward notification to the department. Upon receipt of the verified NOT letter by the department, and receipt of written approval from the department, the project site owner shall no longer be responsible for compliance with this rule.

(e) After a verified NOT letter has been submitted for a

project site, maintenance of the remaining storm water quality measures shall be the responsibility of the individual lot owner or occupier of the property. (*Water Pollution Control Board; 327 IAC 15-5-8; filed Aug 31, 1992, 5:00 p.m.: 16 IR 25; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 18. 327 IAC 15-5-10 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-5-10 Inspection and enforcement

Authority: IC 13-13-5-2; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-3; IC 13-18-3-13; IC 13-18-4-1; IC 13-18-4-3

Affected: IC 13-14-10; IC 13-15-7; IC 13-18-3; IC 13-18-4; IC 13-30

Sec. 10. (a) The department or its designated representative may inspect any **project** site involved in ~~land disturbing~~ **construction** activities regulated by this rule at reasonable times. ~~The erosion control plan must be readily accessible for review at the time of the inspection. The department or its designated representatives may make recommendations to the project site owner or their representative to install appropriate measures beyond those specified in the storm water pollution prevention plan to achieve compliance.~~

(b) All persons engaging in ~~land disturbing activity~~ **construction activities** on a **project** site shall be responsible for complying with the ~~soil erosion control storm water pollution prevention plan for that site~~ and the provisions of this rule.

(c) The department shall investigate potential violations of this rule to determine which person may be responsible for the violation. The department shall, if appropriate, consider public records of ownership, building permits issued by local units of government, and other relevant information, which may include site inspections, ~~soil erosion control storm water pollution prevention~~ plans, notices of intent, and other information related to the specific facts and circumstances of the potential violation. Any person causing or contributing to a violation of any provisions of this rule shall be subject to enforcement and penalty under IC 13-14-10, IC 13-15-7, and IC 13-30.

(d) If remaining ~~erosion control storm water quality~~ measures are not properly maintained by the person occupying or owning the property, the department may pursue enforcement against that person for correction of deficiencies under 327 IAC 15-1-4.

(e) **Construction plans and supporting documentation associated with the quality assurance plan must be made available to the department or its designated representatives within forty-eight (48) hours of such a request.** (*Water Pollution Control Board; 327 IAC 15-5-10; filed Aug 31, 1992, 5:00 p.m.: 16 IR 26; filed Mar 23, 2000, 4:15 p.m.: 23 IR 1912; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 19. 327 IAC 15-5-12 IS ADDED TO READ AS FOLLOWS:

327 IAC 15-5-12 Duration of coverage

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4

Affected: IC 13-12-3-1; IC 13-18-1

Sec. 12. (a) A permit issued under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences.

(b) Once the five (5) year permit term duration is reached, a general permit issued under this rule will be considered expired, and, as necessary for construction activity continuation, a new NOI letter would need to be submitted in accordance with this section.

(c) To obtain renewal of coverage under this rule, the information required under sections 5 and 6 of this rule must be submitted to the commissioner ninety (90) days prior to the termination of coverage under this NPDES general permit rule, unless the commissioner determines that a later date is acceptable. Coverage under renewal NOI letters will begin on the date of expiration from the previous five (5) year permit term. (*Water Pollution Control Board; 327 IAC 15-5-12*)

SECTION 20. 327 IAC 15-6-1 IS AMENDED TO READ AS FOLLOWS:

Rule 6. Storm Water Discharges Exposed to Industrial Activity

327 IAC 15-6-1 Purpose

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4

Affected: IC 13-12-3-1; IC 13-18-1

Sec. 1. The purpose of this rule is to establish requirements for ~~point source storm water discharges exposed to industrial activity that are composed entirely of storm water associated with industrial activity. Storm water discharges associated with construction activity are regulated under rule 5 of this article only.~~ **and allowable nonstorm water so that the public health, existing water uses, and aquatic biota are protected.** (*Water Pollution Control Board; 327 IAC 15-6-1; filed Aug 31, 1992, 5:00 p.m.: 16 IR 26; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 21. 327 IAC 15-6-2 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-6-2 Applicability of the general permit rule for storm water discharges exposed to industrial activity

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4

Affected: IC 13-12-3-1; IC 13-18-1

Sec. 2. (a) Except as provided in subsections (c) and (d), the requirements under this rule apply to all persons who: facilities that meet the following requirements:

Proposed Rules

(1) Are not prohibited from regulation under a NPDES general permit rule under 327 IAC 15-2-6.
(2) Meet the NPDES general permit rule applicability requirements under 327 IAC 15-2-3. ~~and~~
(3) **Have not received a conditional no exposure exclusion from storm water permitting under section 12 of this rule.**
(4) Have a new or existing point source discharge composed entirely of storm water ~~associated with and the following allowable nonstorm water discharges exposed to industrial activity: except for categories, in effect on February 12, 1992, of facilities that have storm water effluent guidelines for at least one (1) of their subcategories. These categories include:~~

- (A) cement manufacturing (40 CFR 411);
- (B) feedlots (40 CFR 412);
- (C) fertilizer manufacturing (40 CFR 418);
- (D) petroleum refining (40 CFR 419);
- (E) phosphate manufacturing (40 CFR 422);
- (F) steam electric power generation (40 CFR 423);
- (G) coal mining (40 CFR 434);
- (H) mineral mining and processing (40 CFR 436);
- (I) ore mining and dressing (40 CFR 440); and
- (J) asphalt (40 CFR 443).

If a facility is classified in one (1) of the subcategories that have storm water effluent guidelines, an individual NPDES storm water permit application must be submitted:

- (A) Discharges from firefighting activities.
- (B) Fire hydrant flushings.
- (C) Potable water sources, including waterline flushings.
- (D) Irrigation drainage.
- (E) Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions.
- (F) Routine external building washdown that does not use detergents.
- (G) Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed, and where detergents are not used.
- (H) Uncontaminated ground water or spring water.
- (I) Foundation or footing drains where flows are not contaminated with process materials, such as solvents.
- (J) Uncontaminated air conditioning or compressor condensate.
- (K) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (for example, piped cooling tower blowdown or drains).
- (L) Vehicle washwaters where uncontaminated water, without detergents or solvents, is utilized.
- (M) Run-off from the use of dust suppressants approved for use by other program areas within the department.

Allowable nonstorm water discharges described under this subdivision may be allowed under this rule provided they have not been identified by the permittee or commissioner as a significant contributor of pollutants to a water of the state. If an allowable nonstorm water discharge is determined to be a significant contributor of pollutants to a water of the state an individual wastewater permit may be required for the discharge.

(5) Have industrial activities classified by one (1) or more of the following categories:

(A) Facilities classified under the following SIC codes:

- (i) 20 (food and kindred products).
- (ii) 21 (tobacco products).
- (iii) 22 (textile mill products).
- (iv) 23 (apparel and other textile products).
- (v) 24 (lumber and wood products).
- (vi) 25 (furniture and fixtures).
- (vii) 26 (paper and allied products).
- (viii) 27 (printing and publishing).
- (ix) 28 (chemicals and allied products).
- (x) 29 (petroleum and coal products).
- (xi) 30 (rubber and miscellaneous plastic products).
- (xii) 31 (leather and leather products).
- (xiii) 32 (stone, clay, and glass products).
- (xiv) 33 (primary metal industries).
- (xv) 34 (fabricated metal products).
- (xvi) 35 (industrial machinery and equipment).
- (xvii) 36 (electronic and other electric equipment).
- (xviii) 37 (transportation equipment).
- (xix) 38 (instruments and related products).
- (xx) 39 (miscellaneous manufacturing industries).

(B) Mining operations classified under the following SIC codes:

- (i) 10 (metal mining).
- (ii) 13 (oil and gas extraction).
- (iii) 14 (nonmetallic minerals, except fuels).

(C) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA), (42 U.S.C. 6921).

(D) Landfills, land application sites, open dumps, and transfer stations that receive, or have received, industrial process wastes, as defined in rules of the solid waste management board at 329 IAC 10-2-95, from any of the types of facilities described under this subdivision. This inclusion does not include those facilities that have undergone landfill closure approved by the department, or are regulated under an individual municipal solid waste landfill permit, that includes requirements for addressing the quality of storm water run-off, issued under 329 IAC 10.

(E) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including those classified under the following SIC codes:

- (i) 5015 (motor vehicles parts, used).
- (ii) 5093 (scrap and waste materials).

(F) Steam electric power generating facilities. Those facilities identified in this clause that are involved in the processing, handling, or storage of coal and associated byproducts are not subject to this rule and must apply for an individual NPDES storm water permit.

(G) Transportation facilities classified under the following SIC codes that have vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or industrial equipment cleaning areas:

- (i) 40 (railroad transportation).
- (ii) 41 (local and interurban passenger transit).
- (iii) 42 (trucking and warehousing).
- (iv) 43 (United States Postal Service).
- (v) 44 (water transportation).
- (vi) 45 (transportation by air).

Facilities involved in airport deicing operations and having storm water discharges entering a water of the state are not subject to this rule and must apply for an individual NPDES storm water permit. Transportation facilities identified by SIC code 5171 (petroleum bulk stations and terminals) are not subject to this rule and shall, if facility conditions meet the rule applicability requirements, obtain permit coverage under 327 IAC 15-9.

(H) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of one million (1,000,000) gallons per day or more, or that are required to have an approved pretreatment program under 40 CFR 403***. Farmland, domestic gardens, or land used for sludge management where sludge is beneficially reused, and that is not physically located in the confines of the facility or areas that are in compliance with Section 405 of the Clean Water Act (33 U.S.C. 1345)**** are not subject to this rule under this clause.

(I) Facilities, that are involved in the processing, transfer, or storage of agricultural chemicals (chemical fertilizers and pesticides), which meet any of the following storage capacity criteria:

- (i) Fluid bulk fertilizer in undivided quantities in excess of:
 - (AA) two thousand five hundred (2,500) gallons for one (1) vessel; or
 - (BB) seven thousand five hundred (7,500) gallons total for multiple vessels at a facility (3 × 2,500 gallon vessels).
- (ii) Dry bulk fertilizer in undivided quantities exceeding twelve (12) tons.

(iii) Liquid pesticide in undivided quantities in excess of four hundred (400) gallons.

(iv) Dry pesticide in undivided quantities excess of one hundred (100) pounds that is in solid form prior to any application or mixing for application and includes formulations, such as dusts, wettable powders, dry flowable powders, and granules.

Only those portions of the facility that are involved in the material handling of agricultural chemicals (chemical fertilizers and pesticides) or which are otherwise identified under this clause are required to comply with this rule.

(J) Facilities engaged in selling fuel or lubricating oils to the trucking industry, where the facility has on-site vehicle maintenance activities, serves as a truck stop or plaza, and are classified as SIC code 5541 (gasoline service stations). Truck stops and plazas that do not have vehicle maintenance activities and gasoline dispensing facilities, such as automotive service stations, convenience stores and marinas, are not required to comply with this rule.

(b) When a facility, meeting the applicability requirements of subsection (a), is owned by one (1) person but the regulated industrial activity is conducted by another person, it is the duty of the person conducting the regulated industrial activity to apply for a permit under this rule.

(c) A facility classified in one (1) of the following subcategories of facilities that has storm water effluent guidelines for at least one (1) of its subcategories, in effect on February 12, 1992, shall apply for an individual NPDES storm water permit:

- (1) Cement manufacturing (40 CFR 411).
- (2) Feedlots (40 CFR 412).
- (3) Fertilizer manufacturing (40 CFR 418).
- (4) Petroleum refining (40 CFR 419).
- (5) Phosphate manufacturing (40 CFR 422).
- (6) Steam electric power generation (40 CFR 423).
- (7) Coal mining (40 CFR 434).
- (8) Mineral mining and processing (40 CFR 436).
- (9) Ore mining and dressing (40 CFR 440).
- (10) Asphalt (40 CFR 443).

(d) A facility subject to storm water effluent limitation guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Chapter I, Subchapter N* shall apply for an individual NPDES storm water permit.

*Copies of the Code of Federal Regulations (CFR) 40 CFR Chapter I, Subchapter N referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Water Quality,

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

****Copies of the Subtitle D of the Resource Conservation and Recovery Act (RCRA), (42 U.S.C. 6941) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

*****Copies of the Code of Federal Regulations (CFR) 40 CFR 403 referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

******Copies of Section 405 of the Clean Water Act (33 U.S.C. 1345) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Water Pollution Control Board; 327 IAC 15-6-2; filed Aug 31, 1992, 5:00 p.m.: 16 IR 26; errata, 16 IR 751; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)**

SECTION 22. 327 IAC 15-6-4 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-6-4 Definitions

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18-1

Sec. 4. In addition to the definitions contained in ~~IC 13-7-1, IC 13-13-1-5, IC 13-11-2, 327 IAC 5, and 327 IAC 15-1-2,~~ the following definitions apply throughout this rule:

- (1) "Airport deicing operations" means the use of urea, glycol, or other potentially toxic compounds to remove ice from airplanes or runways. An airport or airport operation, using one hundred (100) tons or more of urea or one hundred thousand (100,000) gallons or more of glycol compounds, on an annual basis, must obtain an individual NPDES permit. On a case-by-case determination by the commissioner, an individual NPDES permit may be required for facilities that use amounts of deicing compounds less than these minimum annual amounts.
- (2) "Best management practices" or "BMPs" means any of the following measures to prevent or reduce the pollution of waters of the state:
 - (A) Schedules of activities.
 - (B) Prohibitions of practice.
 - (C) Treatment requirements.
 - (D) Operation and maintenance procedures.

(E) Use of containment facilities.

(F) Other management practices.

BMPs may be employed, for example, to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage, resulting from regulated industrial activities.

(3) "Commissioner" refers to the commissioner of the department of environmental management.

(4) "Concentration" means the mass of any given material present in a unit volume of liquid. Unless otherwise indicated under this rule, concentration values must be expressed in milligrams per liter.

(5) "Department" refers to the department of environmental management.

(6) "Drainage" means the flow patterns of storm water run-off.

(7) "Drainage area" means the surface area draining storm water run-off.

(8) "Facility" means a parcel of land or site, together with all buildings, equipment, structures, and other stationary items that are:

(A) located on a single site or on contiguous or adjacent sites; and

(B) owned or operated by:

(i) the same person; or

(ii) any person that controls, is controlled by, or is under common control with the same person.

(9) "Good housekeeping" means maintaining a clean work environment to reduce or eliminate the potential mobilization of pollutants by storm water.

(10) "Impervious surface" means any surface that prevents storm water from readily infiltrating into the soils.

(11) "Individual NPDES permit" means a NPDES permit issued by the commissioner under 327 IAC 5 to a single facility that contains requirements specific to that individual facility.

(12) "Injection well" means any hole that is deeper than it is wide and through which fluids can enter the ground water. Injection wells are regulated under 40 CFR 145 and 40 CFR 144.

(13) "Material handling activity" means the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct, or waste product.

(14) "Measurable storm event" means a precipitation event which results in a total measured precipitation accumulation equal to, or greater than, one-tenth (0.1) inch of rainfall.

(15) "Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains that is:

(A) owned or operated by a federal entity or state, city,

town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over storm water, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Clean Water Act (33 U.S.C. 1288)* that discharges into waters of the state;

(B) designed or used for collecting or conveying storm water;

(C) not a combined sewer; and

(D) not part of a publicly owned treatment works (POTW) as defined in 40 CFR 122.2**.

(16) “No exposure” means a condition of a facility that exists when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to precipitation or run-off.

(17) “Nonstructural control measure” means the use of nonphysical best management practices to reduce or eliminate mobilization of pollutants by storm water (for example, sweeping, inspections, training, and preventative maintenance).

(18) “Notice of intent letter” or “NOI letter” means a written notification indicating a facility’s intention to comply with the terms of this rule in lieu of applying for an individual NPDES permit. An NOI letter includes information required under section 5 of this rule.

(19) “Notice of termination letter” or “NOT letter” means a written notification indicating that facility has met the conditions to terminate its permit coverage under this rule.

(20) “Outfall” means the point of discharge from a point source.

(21) “Pervious surface” means a ground surface that readily allows storm water to infiltrate or percolate into the soils.

(22) “Point source” has the meaning set forth in 327 IAC 5-1.5-40.

(23) “Qualified professional” means an individual who is trained and experienced in storm water treatment techniques and related fields as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make sound, professional judgments regarding storm water control or treatment and monitoring, pollutant fate and transport, and drainage planning.

(24) “Qualified storm event” means a discharge resulting from a measurable storm event at least seventy-two (72) hours after the previous measurable storm event. The term does not include discharges of snowmelt.

(25) “Risk identification” means a nonstatistical assessment to determine the potential for storm water to be exposed to pollutants, and the facility’s subsequent need for additional protection practices and measures.

(26) “Secondary containment structure” means a struc-

ture or a part of a structure that prevents or impedes a hazardous material that is released accidentally from entering surface water or ground water.

(27) “SIC code” means the four (4) digit standard industrial classification code applicable to a particular industrial activity in accordance with the Standard Industrial Classification Manual published by the Office of Management and Budget of the Executive Office of the President of the United States.

(28) “Storm water discharge” means the release or flow of storm water from a point source, which enters a water of the state.

(29) “Storm water discharge associated with exposed to industrial activity” means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to discharge that has been exposed to the manufacturing and processing activities, or raw materials or intermediate products storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122, in effect on February 12, 1992: facility. The term does not include activities conducted on facility property separate from the facility’s industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from the included areas. For the categories of industries identified in clauses (A) through (I), section 2(a)(5) of this rule, the term includes but is not limited to, the following:

(A) Storm water discharges from industrial plant yards.

(B) Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or byproducts used or created by the facility.

(C) Material handling sites.

(D) Refuse sites.

(E) Sites used for the application or disposal of process wastewaters (as defined at in 40 CFR Part 401, in effect on February 12, 1992).

(F) Sites used for the storage and maintenance of material handling equipment.

(G) Sites used for residual treatment, storage, or disposal.

(H) Shipping and receiving areas.

(I) Manufacturing buildings.

(J) Storage areas (including tank farms) for raw materials, and intermediate and finished products. and

(K) Areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in clause (J), the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities; raw materials; intermediate products; final products; waste materials; byproducts; or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities

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include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. The following facility types are considered to be involved in industrial activity:

(A) Facilities subject to storm water effluent limitation guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N as referenced in 327 IAC 5-12-3 (except facilities with toxic pollutant effluent standards which are exempted under clause (J));

(B) Facilities classified under the following SIC codes:

- (i) 24 (lumber and wood products, except 2434-wood kitchen cabinets);
- (ii) 26 (paper and allied products, except 265-paperboard containers and boxes and 267);
- (iii) 28 (chemicals and allied products, except 283-drugs);
- (iv) 29 (petroleum and coal products);
- (v) 311 (leather tanning and finishing);
- (vi) 32 (stone, clay, and glass products, except 323-products of purchased glass);
- (vii) 33 (primary metal industries);
- (viii) 3441 (fabricated structural metal);
- (ix) 373 (ship and boat building and repairing);

(C) Mining operations classified as SIC codes:

- (i) 10 (metal mining);
- (ii) 11 (anthracite mining);
- (iii) 12 (coal mining);
- (iv) 13 (oil and gas extraction); and
- (v) 14 (nonmetallic minerals, except fuels);

(D) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA as defined in IC 13-7-2-15;

(E) Landfills, land application sites, and open dumps that receive, or have received, any industrial wastes (waste that is received from any of the facilities described under this subdivision) including those that are subject to requirements under Subtitle D of RCRA as defined in IC 13-7-2-15;

(F) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including, but not limited to, those classified as SIC codes:

- (i) 5015 (motor vehicles parts, used); and
- (ii) 5093 (scrap and waste materials);

(G) Steam electric power generating facilities, including coal handling sites;

(H) Transportation facilities classified as SIC codes:

- (i) 40 (railroad transportation);
- (ii) 41 (local and interurban passenger transit);
- (iii) 42 (trucking and warehousing, except 4221-25);

(iv) 43 (United States Postal Service);

(v) 44 (water transportation);

(vi) 45 (transportation by air); and

(vii) 5171 (petroleum bulk stations and terminals);

which have vehicle maintenance, solvent based industrial equipment cleaning, or airport de-icing areas. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), solvent based industrial equipment cleaning operations, airport de-icing operations, or which are otherwise identified under this subsection are associated with industrial activity.

(I) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of one (1.0) million gallons per day or more, or that are required to have an approved pretreatment program under 40 CFR 403. Not included is farmland, domestic gardens, or land used for sludge management where sludge is beneficially reused, and which is not physically located in the confines of the facility or areas that are in compliance with the Federal Act.

(J) Facilities classified under the following SIC codes:

- (i) 20 (food and kindred products);
- (ii) 21 (tobacco products);
- (iii) 22 (textile mill products);
- (iv) 23 (apparel and other textile products);
- (v) 2434 (wood kitchen cabinets);
- (vi) 25 (furniture and fixtures);
- (vii) 265 (paperboard containers and boxes);
- (viii) 267;
- (ix) 27 (printing and publishing);
- (x) 283 (drugs);
- (xi) 285 (paints, varnishes, lacquers, enamels, and allied products);
- (xii) 30 (rubber and miscellaneous plastic products);
- (xiii) 31 (leather and leather products, except 311);
- (xiv) 323 (products of purchased glass);
- (xv) 34 (fabricated metal products, except 3441);
- (xvi) 35 (industrial machinery and equipment);
- (xvii) 36 (electronic and other electric equipment);
- (xviii) 37 (transportation equipment, except 373);
- (xix) 38 (instruments and related products);
- (xx) 39 (miscellaneous manufacturing industries);
- (xxi) 4221 (farm product warehousing and storage);
- (xxii) 4222 (refrigerated warehousing and storage);
- (xxiii) 4223;
- (xxiv) 4224 (household goods warehousing and storage);
- (xxv) 4225 (general warehousing and storage);

which are not otherwise included under clauses (B) through (I) only need to apply for regulation under this rule when storm water is potentially exposed to industrial activity.

(30) "Storm water pollution prevention plan" or "SWP3"

means a written document that addresses storm water run-off pollution prevention for a specific industrial facility.

(31) "Structural control measure" means a physical structure designed to reduce or eliminate the mobilization of pollutants by storm water, for example, detention structures, berming, and vegetated swales.

*Copies of Section 208 of the Clean Water Act (33 U.S.C. 1288) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

**Copies of the Code of Federal Regulations (CFR) 40 CFR 122.2 referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Water Pollution Control Board; 327 IAC 15-6-4; filed Aug 31, 1992, 5:00 p.m.: 16 IR 27; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; errata, 16 IR 751; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 23. 327 IAC 15-6-5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-6-5 Additional NOI letter requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 5. In addition to the NOI letter requirements under 327 IAC 15-3, the following information must be submitted with the NOI letter under this rule:

- (1) Name of responsible corporate officer ~~and/or~~ **or** written authorization for an alternate ~~person~~ **individual** or position to act as the duly authorized representative for that ~~person~~ **individual**, if appropriate, who will be responsible for all signatory responsibilities for the facility under 327 IAC 15-4-3(g).
- (2) Identification of the number and location of each point source discharge of storm water associated with industrial activity and the corresponding industrial activity associated with the drainage area of each point source discharge. Name and contact information of the individual who can provide assistance with information pertaining to the facility's permit.
- (3) A brief narrative description of the industrial processes performed at the facility.
- (4) Identification of the number and location of each outfall where storm water exposed to industrial activity discharges to a water of the state, including a narrative description of the industrial activity associated with the drainage area of each identified outfall.

(3) (5) Identification of substantially similar ~~point source discharges~~ **outfalls** of storm water ~~on the site~~ **identified in subdivision (2)** and if appropriate, the outfall to be monitored as representative of all such ~~discharge points~~ **discharges**. ~~Also, explain~~ **Include an explanation of** the rationale used to identify why certain ~~point sources~~ **outfalls** are similar.

(6) The identification of past and present NPDES permits, if applicable.

(7) The identification of the regulated MS4 entity receiving the storm water discharge, if applicable.

(8) Proof of publication of the following statement in the newspaper of largest circulation in the area of the discharge: "(Facility name, address, address of the location of the discharging facility, and the stream(s) receiving the discharge(s)) is submitting an NOI letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-6 to discharge storm water exposed to industrial activities."

(*Water Pollution Control Board; 327 IAC 15-6-5; filed Aug 31, 1992, 5:00 p.m.: 16 IR 28; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 24. 327 IAC 15-6-6 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-6-6 Deadline for submittal of an NOI letter; additional information

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 6. All information required under 327 IAC 15-3 and section 5 of this rule shall be submitted to the commissioner in accordance with 327 IAC 15-3-3. ~~except, for persons that operate under 327 IAC 15-5 and that are affected by this rule;~~ **For newly constructed industrial facilities,** the NOI letter shall be submitted ~~one hundred eighty (180)~~ **ninety (90)** days before completion of construction. **prior to start up of industrial operations. For existing industrial facilities regulated by this rule, the NOI letter must be submitted in accordance with 327 IAC 15-2-9. For existing industrial facilities that have not been regulated by this rule but now meet the applicability requirements of this rule, the NOI letter must be submitted within ninety (90) days of the effective date of this rule, unless permission for a later date has been granted by the commissioner.** (*Water Pollution Control Board; 327 IAC 15-6-6; filed Aug 31, 1992, 5:00 p.m.: 16 IR 28; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518*)

SECTION 25. 327 IAC 15-6-7 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-6-7 General requirements for a storm water pollution prevention plan (SWP3)

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 7. (a) The person **having financial responsibility or operational control for a facility** regulated under this rule shall develop a storm water pollution prevention plan which **implement, update, and maintain a SWP3 that:**

- (1) identifies potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges **associated with exposed to** industrial activity from the facility;
- (2) describes practices **and measures** to be used in reducing the potential for pollutants to be exposed to storm water; **and**
- (3) assures compliance with the terms and conditions of this rule;
- (4) lists, by position title, the member or members of a facility storm water pollution prevention team, who will be responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision; **and**
- (5) clearly identifies the responsibilities of each storm water pollution prevention team member.

(b) For each area of the plant that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a The SWP3 must include a map and description of all areas of the facility that generate storm water discharges exposed to industrial activity and have a reasonable potential for storm water to be exposed to pollutants. As a minimum, the plan shall contain the following:

- (1) A description of potential pollutant sources as follows: **copy of the complete NOI letter.**

(A) The plan must provide a description of areas on the site reasonably expected to be sources which add significant amounts of pollutants to storm water discharges such as areas used for the following:

- (i) Loading or unloading of dry bulk materials or liquids.
- (ii) Outdoor storage of raw materials, intermediary products, or final products, or waste products.
- (iii) Outdoor process activities.
- (iv) Dust or particulate generating processes.
- (v) Unauthorized connections or management practices.
- (vi) Waste disposal practices.
- (vii) Areas upon which pesticides are applied.

(B) To provide such a description, the plan shall include, at a minimum, the following items:

- (i) A site map indicating, at a minimum, the following:
 - (AA) Each drainage and discharge conveyance and outline of the drainage area of each storm water outfall.
 - (BB) Paved areas and buildings within the drainage area of each discharge point.
 - (CC) Each past or present area used for outdoor storage or disposal of significant materials.
 - (DD) Each existing structural control measure to reduce pollutants in storm water run-off.
 - (EE) Materials loading and access areas.
 - (FF) Each hazardous waste treatment, storage, or

disposal facility, including each area not required to have a RCRA permit which is used for accumulating hazardous waste as defined in 327 IAC 5-1-2 under 40 CFR 262.34 as adopted in 329 IAC 3-14-3.

(GG) Each well where fluids from the facility are injected underground.

(HH) Springs and wetlands.

(H) Other surface water bodies.

(J) Soil types.

(KK) Existing and proposed underground storage tanks.

(LL) Snow dumping sites, if any.

(ii) An estimate of the area of impervious surfaces, including paved areas and building roofs, relative to the total area drained by each outfall.

(iii) A topographic map, or other if a topographic map is unavailable, extending one-fourth (1/4) of a mile beyond the property boundaries of the facility, depicting the facility and each of its intake and discharge structures, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area. This item may be included in the site map required under item (i).

(iv) A narrative description of the following:

(AA) Significant materials that in the three (3) years prior to the submittal of the NOI letter have been treated, stored, or disposed on-site in a manner to allow exposure to storm water.

(BB) Method of treatment, storage, or disposal.

(CC) Past and present materials management practices employed to minimize contact of these materials with storm water run-off.

(DD) Materials loading and access areas.

(EE) The location and description of existing structural and nonstructural control measures to reduce pollutants in storm water run-off.

(FF) A description of any treatment the storm water receives, including the ultimate disposal of any solid or fluid wastes other than by discharge.

(v) A list of significant spills and leaks of toxic pollutants or hazardous substances as defined in 327 IAC 5-1-2 that occurred at the facility within three (3) years prior to the submittal of the NOI letter. Such list shall be updated within ninety (90) days from when a significant spill or leak of toxic pollutants or hazardous substances occurs and shall include a description of the materials released, an estimate of the volume of the release, the location of the release, and a description of any remediation or cleanup measures taken.

(vi) For each area of the plant that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which could be present in storm water discharges associated with industrial activity.

(vii) A summary of existing sampling data describing pollutants in storm water discharges.

(2) The facility shall be operated and maintained in such a manner that exposure of storm water to potential sources of significant pollutant material is minimized. To accomplish such an operation and maintenance program, the person shall develop management controls of storm water discharge/run-off appropriate for the facility and implement such controls. The storm water management controls shall include, at a minimum, the following components:

(A) A risk identification/assessment and material inventory which evaluates the potential for various areas of the plant to contribute pollutants to the storm water discharge by exposing the storm water to industrial activity. Such assessment and inventory shall consider factors such as the following:

- (i) An inventory of the types of materials handled; the location of material handling activities; and types of material management activities;
- (ii) Identification of the toxicity of chemicals utilized at the facility as well as the quantity of such chemicals used; produced; or discharged;
- (iii) A history of significant leaks or spills of pollutants known to have occurred.

(B) A preventative maintenance program which includes routine inspection and maintenance of storm water management devices.

(C) A spill prevention and response program which identifies areas where potential spills can occur and their accompanying drainage points; and that minimizes the potential for spills to occur. The program shall include, at a minimum, procedures for the following:

- (i) Proper spill response and clean-up;
- (ii) Reporting a spill to the appropriate facility personnel and, if appropriate, local/state emergency response personnel;
- (iii) Routine maintenance and inspection of spill response/cleanup materials and equipment.

(D) An exposure reduction assessment which identifies the potential to eliminate/reduce storm water exposure in areas identified above as having a risk of exposing the storm water to significant pollutants and appropriate procedures to accomplish such elimination/reduction.

(E) A schedule for implementing procedures as identified under clause (D).

(F) Certify that storm water discharges from the site have been evaluated for the presence of nonstorm water.

(2) A soils map indicating the types of soils found on the facility property, and showing the boundaries of the facility property outlined in a contrasting color. If a facility's property only has impervious surfaces, the soils map requirement can be omitted.

(3) A graphical representation, such as aerial photographs or site layout maps, drawn to an appropriate scale, which contains a legend and compass coordinates, indicating, at a minimum, the following:

(A) All on-site storm water drainage and discharge conveyances, which may include pipes, ditches, swales, and erosion channels, related to a storm water discharge.

(B) Known adjacent property drainage and discharge conveyances, if directly associated with run-off from the facility.

(C) All on-site and known adjacent property water bodies, including wetlands and springs.

(D) An outline of the drainage area for each storm water outfall.

(E) An outline of the facility property indicating directional flows, via arrows, of surface drainage patterns.

(F) An outline of impervious surfaces, which includes pavement and buildings, and an estimate of the impervious and pervious surface square footage for each drainage area placed in a map legend.

(G) On-site injection wells, as applicable.

(H) On-site wells used as potable water sources, as applicable.

(I) All existing structural control measures to reduce pollutants in storm water run-off.

(J) All existing and historical underground or above-ground storage tank locations, as applicable.

(K) All permanently designated plowed or dumped snow storage locations.

(L) All loading and unloading areas for solid and liquid bulk materials.

(M) All existing and historical outdoor storage areas for raw materials, intermediary products, final products, and waste materials.

(N) All existing or historical outdoor storage areas for fuels, processing equipment, and other containerized materials, for example, in drums and totes.

(O) Outdoor processing areas.

(P) Dust or particulate generating process areas.

(Q) Outdoor waste storage or disposal areas.

(R) Pesticide or herbicide application areas.

(S) Vehicular access roads.

The on-site mapping of items listed in clauses (J) through (S) is required only in those areas that generate storm water discharges exposed to industrial activity and have a reasonable potential for storm water exposure to pollutants. The mapping of historical locations is only required if the historical locations have a reasonable potential for storm water exposure to historical pollutants.

(4) An area map that indicates:

(A) the topographic relief or similar elevations to determine surface drainage patterns;

(B) the facility boundaries outlined in a contrasting color;

(C) all receiving waters; and

(D) all known drinking water wells;

and includes, at a minimum, the features in clauses (A), (C), and (D) within a one-fourth (1/4) mile radius beyond the property boundaries of the facility. This map must be to scale and include legend and compass coordinates.

(5) A narrative description of areas that generate storm water discharges exposed to industrial activity and have a reasonable potential for storm water exposure to pollutants, including descriptions for any existing or historical areas listed in section 5(6)(J) through 5(6)(S) of this rule [*sic.*], and any other areas thought to generate storm water discharges exposed to industrial activity and be a reasonable potential source of storm water exposure to pollutants. The narrative descriptions for each identified area must include the following:

(A) Type and typical quantity of materials present in the area.

(B) Methods of storage, including presence of any secondary containment measures.

(C) Any remedial actions undertaken in the area to eliminate pollutant sources or exposure of storm water to those sources. If a corrective action plan was developed, the type of remedial action and plan date shall be referenced.

(D) Any significant release or spill history dating back a period of three (3) years from the date of the initial NOI letter, in the identified area, for materials spilled outside of secondary containment structures and impervious surfaces in excess of their reportable quantity, including the following:

(i) The date and type of material released or spilled.

(ii) The estimated volume released or spilled.

(iii) A description of the remedial actions undertaken, including disposal or treatment.

Depending on the adequacy or completeness of the remedial actions, the spill history shall be used to determine additional pollutant sources that may be exposed to storm water. In subsequent permit terms, the history shall date back for a period of five (5) years from the date of the NOI letter.

(E) Where the chemicals or materials have the potential to be exposed to storm water discharges, the descriptions for each identified area must include a risk identification analysis of chemicals or materials stored or used within the area. The analysis must include the following:

(i) Toxicity data of chemicals or materials used within the area, referencing appropriate material safety data sheet information locations.

(ii) The frequency and typical quantity of listed chemicals or materials, to be stored within the area.

(iii) Potential ways in which storm water discharges may be exposed to listed chemicals and materials.

(iv) The likelihood of the listed chemicals and materials to come into contact with storm water.

(6) A narrative description of existing and planned

management practices and measures to improve the quality of storm water run-off entering a water of the state. Descriptions must be created for existing or historical areas listed in section 5(6)(J) through 5(6)(S) [*sic.*] and any other areas thought to generate storm water discharges exposed to industrial activity and be a potential source of storm water exposure to pollutants. The description must include the following:

(A) Any existing or planned structural and nonstructural control practices and measures.

(B) Any treatment the storm water receives prior to leaving the facility property or entering a water of the state.

(C) The ultimate disposal of any solid or fluid wastes collected in structural control measures other than by discharge.

(7) If applicable, the specific control practices and measures for potential pollutant source areas must include the following:

(A) Identification of areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify and implement measures to limit erosion.

(B) A plan to cover, or otherwise reduce the potential for pollutants in storm water discharge from, deicing salt and sand or other commercial or industrial material storage piles, except for exposure resulting from the addition or removal of materials from the pile. For piles that do not have the potential for polluting storm water run-off, the plan needs to provide the basis for determining no exposure potential. The plan must be included in the SWP3.

(C) Storage piles of sand and salt or other commercial or industrial materials must be stored in a manner to reduce the potential for polluted storm water run-off and in accordance with the plan required under subdivision (6)(B).

(8) Information or other documentation required under subsection (d).

(9) The results of monitoring required in section 7.3 of this rule. The monitoring data must include completed field data sheets, chain-of-custody forms, and laboratory results. If the monitoring data is not placed into the facility's SWP3, the on-site location for storage of the information must be referenced in the SWP3. As two (2) or more sample monitoring events are completed, the laboratory results must be compared to indicate water quality improvements in the run-off from the facility. If the parameters and sample type are identical, historical storm water monitoring data at each discharge outfall identified in section 5(2) of the rule, or representative discharge outfall identified in section 5(5) of this rule, can be used in the comparison to provide data that is more reflective of initial water quality conditions.

(10) A mapped or narrative description of any such

management practice or measure pursuant to subsection (c)(4) must be added to the SWP3.

(c) For areas of the facility that generate storm water discharges and have a reasonable potential for storm water exposure to pollutants, storm water exposure to pollutants must be minimized. To ensure this reduction, the following practices and measures must be planned and implemented:

(1) A written preventative maintenance program, including the following:

(A) Implementation of good housekeeping practices to ensure the facility will be operated in a clean and orderly manner and that pollutants will not have the potential to be exposed to storm water via vehicular tracking or other means.

(B) Maintenance of storm water management measures, for example, catch basins or the cleaning of oil or water separators. All maintenance must be documented and either contained in, or have the on-site record keeping location referenced in, the SWP3.

(C) Inspection and testing of facility equipment and systems that are in areas of the facility that generate storm water discharges and have a reasonable potential for storm water exposure to pollutants to ensure appropriate maintenance of such equipment and systems, and to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

(D) At a minimum, quarterly inspections of the storm water management measures and storm water run-off conveyances. Inspections must be documented and either contained in, or have the on-site record keeping location referenced in, the SWP3.

(E) An employee training program to inform personnel at all levels of responsibility that have the potential to engage in industrial activities that impact storm water quality of the components and goals of the SWP3. Training must occur at a minimum annually and should address topics such as spill response, good housekeeping and material management practices. All employee training sessions, including relevant storm water topics discussed and a roster of attendees, must be documented and either contained in, or have the on-site record keeping location referenced in, the SWP3.

(2) A written spill response program, including the following:

(A) Location, description, and quantity of all response materials and equipment.

(B) Response procedures for facility personnel to respond to a release.

(C) Contact information for reporting spills, both for facility staff and external emergency response entities.

(3) A written nonstorm water assessment, including the following:

(A) A certification letter stating that storm water

discharges entering a water of the state have been evaluated for the presence of illicit discharges and nonstorm water contributions.

(B) Detergent or solvent-based washing of equipment or vehicles that would allow washwater additives to enter any storm drainage system or receiving water shall not be allowed at the facility.

(C) All interior maintenance area floor drains with the potential for maintenance fluids or other materials to enter storm sewers must be either sealed, connected to a sanitary sewer with prior authorization, or appropriately permitted under the NPDES wastewater program pursuant to 327 IAC 5. The sealing, sanitary sewer connecting, or permitting of drains under this item must be documented in the written nonstorm water assessment program.

(D) The certification shall include a description of the method used, the date of any testing, and the on-site drainage points that were directly observed during the test.

(4) If parameter reductions are not indicated in the comparison conducted under subsection (b)(9) and they cannot be attributed to laboratory error or significant variability in the rainfall events, the source of the pollutant parameter must be investigated, and either eliminated or reduced via a management practice or measure to the extent technologically practicable and cost beneficial. A lack of reduction does not, in and of itself, constitute a violation of this permit. However, insufficient reductions may be used to identify facilities that would be more appropriately covered under an individual storm water NPDES permit. If parameter concentrations are at, or below, laboratory detection limitations, further reductions are not necessary.

(e) (d) The SWP3 must meet the following general requirements: of a storm water pollution prevention plan shall include the following:

(1) The plan shall be certified by a qualified professional.

(2) The plan shall be retained on-site at the facility and be available for review by a representative of the commissioner upon request, or in the case of a storm water discharge exposed to industrial activity which discharges through a regulated municipal separate storm sewer system conveyance, by the operator or operators of the regulated municipal system.

(3) A schedule shall be included with the plan which allows for compliance with the terms of The plan must be completed and implemented on or before three hundred sixty-five (365) days after submission of the a timely-submitted initial NOI letter, or in the case of new facilities, prior to initiation of operation at the facility: the expiration date of the previous five (5) year permit term. The commissioner may grant an extension of this time frame based on a request by the person having financial responsibility or operational control for a facility showing reasonable cause.

Proposed Rules

(4) The person regulated under this rule having financial responsibility or operational control for a facility shall report once per quarter its progress in developing and implementing the plan. Once the plan is completed and implemented, the reports may cease. The reports shall be sent to:

Indiana Department of Environmental Management
Permits Section
Office of Water Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015

complete and submit to the commissioner a storm water pollution prevention plan certification checklist form within thirty (30) days of the plan completion date, but no later than three hundred sixty-five (365) days after the submission of a timely-submitted initial NOI letter, or the expiration date of the previous five (5) year permit term. This checklist must also be signed by a qualified professional.

(5) The person A permittee regulated under this rule shall amend the plan by either of the following:

(A) Whenever there is a change in design, construction, operation, or maintenance at the facility, which may have a significant effect on the potential for the discharge of pollutants to surface waters of the state.

(B) Upon written notice by the commissioner that the storm water pollution prevention plan SWP3 proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with exposed to industrial activity. Within sixty (60) days of such notification from the commissioner, the permittee shall make the required changes to the SWP3 and shall submit the amended plan to the commissioner for review.

(6) If a permittee has other written plans, required under applicable federal or state law, such as operation and maintenance, spill prevention control and countermeasures, or risk contingency plans, which fulfill certain requirements of a SWP3, these plans may be referenced, at the permittee's discretion, in the appropriate sections of the SWP3 to meet those section requirements.

(7) A permittee may combine the requirements of the SWP3 with another written plan if:

- (A) the plan is retained at the facility, and available for review;
- (B) all the requirements of the SWP3 are contained within the plan; and
- (C) a separate, labeled section is utilized in the plan for the SWP3 requirements.

(d) Monitoring and reporting requirements shall be as follows:

(1) Each discharge outfall, or representative discharge outfall, composed entirely of storm water run-off, shall be monitored as follows:

Parameter	Units	Sample Type
Oil and grease	mg/l	grab
CBOD ₅	mg/l	grab and composite
COD	mg/l	grab and composite
TSS	mg/l	grab and composite
TKN	mg/l	grab and composite
T: phosphorous	mg/l	grab and composite
pH	s.u.	grab
Nitrate plus nitrite nitrogen	mg/l	grab and composite

(2) For those facilities subject to Federal Categorical Effluent Guidelines (40 CFR Subchapter N; in effect on February 12, 1992); Sara Title III facilities subject to report releases into the environment of chemicals which are classified as section 313 water priority chemicals used at the plant in the previous reporting year and which are reasonably expected to be in the discharge; or an individual NPDES permit for process discharge; those parameters required under these programs which are not listed in this subsection shall also be monitored and sampled by grab and composite; except cyanide; hexavalent chromium and volatile organic compounds; which shall be sampled by the grab sample method:

(3) Prior to implementation of the storm water pollution prevention plan; the person regulated under this rule shall sample and analyze the discharge from the outfall(s) regulated by this rule. During the second year of regulation under this rule; after implementation of the storm water pollution prevention plan; the person shall sample and analyze the discharge from the outfall(s) regulated under this rule for two (2) precipitation events. No further physical sampling is required unless the facility is notified to perform additional physical sampling by Indiana department of environmental management. During the third through the fifth year of regulation under this rule; visual inspections of each outfall or representative outfall as identified in the NOI letter shall be performed for two (2) storm events each year with results recorded and reported annually to the permits section. Visual inspections shall report the presence of turbidity; color; foam; solids; floatables; and an oil sheen.

(4) A grab sample shall consist of at least one hundred (100) milliliters collected during the first thirty (30) minutes; or as soon thereafter as practicable; of the discharge. The grab sample shall be analyzed separately from the composite sample. A composite sample shall consist of a flow or time-weighted sample; either by the time interval between each aliquot or by the volume of aliquot proportionate to the discharge flow at the time of sampling or the total discharge flow since collection of the previous aliquot. A composite sample shall be taken during a minimum of the first three (3) hours of a storm event.

(5) There shall be a minimum of three (3) months between reported sampling events.

(6) Samples taken in compliance with the monitoring requirements under subdivision (4) shall be taken at a point representative of the discharge but prior to entry into surface

waters of the state of Indiana or a municipal separate storm sewer.

(7) Sampling type for discharges from a retention basin with a minimum twenty-four (24) hour detention capacity; or, for coal mines, ten (10) hour detention; shall be a grab sample for all parameters. Such a grab shall be taken within the first thirty (30) minutes of discharge from the pond after initiation of a storm event.

(8) All samples shall be collected from a discharge resulting from a measurable storm event at least seventy-two (72) hours from the previous measurable storm event and, where feasible, where the duration and total precipitation does not exceed fifty percent (50%) from the average or median precipitation event in the area, as determined by the nearest United States National Weather Service Information Center. Documentation of weather conditions that prevent sampling as described in this subsection must be provided to the commissioner.

(9) The analytical and sampling methods used shall conform to the current version of 40 CFR 136 as referenced in 327 IAC 5-2-13(c)(1).

(10) Samples and measurements taken as required under this subsection shall be representative of the volume and nature of the monitored discharge.

(e) Analysis shall be performed in accordance with 40 CFR 136, in effect on February 12, 1992, for quality assurance and quality control.

(f) Reporting requirements shall be as follows:

(1) All samples shall be reported as a value of concentration. Concentration is defined as the mass of any given material present in a unit volume of liquid. Unless otherwise indicated under this rule, concentration values shall be expressed in milligrams per liter.

(2) For each measurement or sample taken pursuant to the requirements of this rule, the facility shall record the following information:

- (A) The exact place, date, and time of sampling.
- (B) The person who performed the sampling or measurements.
- (C) The dates the analyses were performed.
- (D) The person who performed the analyses.
- (E) The analytical techniques or methods used.
- (F) The results of all required analyses and measurements.

(3) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. In cases where the original records are kept at another location, a copy of all such records shall be kept at the facility. The three (3) year period shall be extended:

- (A) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the

facility or regarding promulgated effluent guidelines applicable to the facility; or

(B) as requested by the regional administrator or the Indiana department of environmental management.

(4) The person regulated under this rule shall submit an annual report to the Indiana department of environmental management containing results obtained during the previous year and shall be postmarked no later than the twenty-eighth day of January each year. The regional administrator may request the person to submit monitoring reports to the EPA if it is deemed necessary to assure compliance with the applicable general permit rule.

(5) Persons regulated under this rule who have a discharge regulated under this rule which enters a municipal separate storm sewer shall also submit a copy of the discharge monitoring report required under subsection (d) to the operator of the municipal system in accordance with the requirements under subsection (d).

(6) If the person regulated under this rule monitors any pollutant at the location designated in this section more frequently than required under this rule, using approved analytical methods as specified in this subsection, the results of such monitoring shall be reported as additional information in the annual report. Such increased frequency shall also be indicated in the report.

(Water Pollution Control Board; 327 IAC 15-6-7; filed Aug 31, 1992, 5:00 p.m.: 16 IR 28; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; errata, 16 IR 898; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)

SECTION 26. 327 IAC 15-6-7.3 IS ADDED TO READ AS FOLLOWS:

327 IAC 15-6-7.3 Monitoring requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 7.3. (a) Monitoring requirements shall be as follows:

(1) Each discharge outfall identified in section 5(2) of this rule, or representative discharge outfall identified in section 5(5) of this rule, composed entirely of storm water and allowable nonstorm water run-off, shall be monitored as follows:

Parameter	Units	Sample	
		Type	Frequency
Oil and grease	mg/l	grab	Annual
CBOD ₅ (Carbonaceous biochemical oxygen demand)	mg/l	grab	Annual
COD (Chemical oxygen demand)	mg/l	grab	Annual
TSS (Total suspended solids)	mg/l	grab	Annual
TKN (Total Kjeldahl nitrogen)	mg/l	grab	Annual
Total phosphorous	mg/l	grab	Annual
pH	s.u.	grab	Annual
Nitrate plus nitrite nitrogen	mg/l	grab	Annual

(2) Each discharge outfall subject to subdivision (1) shall be monitored for any pollutant attributable to a facility's industrial activity which is reasonably expected to be present in the discharge, as well as for any other pollutant that has the potential to be present in a storm water discharge as requested by the commissioner.

(3) Within one (1) year of the original or renewal NOI letter submittal and prior to implementation of the SWP3, a permittee regulated under this rule shall sample and analyze the discharge from the outfall identified in the approved NOI letter. The monitoring data taken from this first year event shall be used by the permittee as an aid in developing and implementing the SWP3. Subsequent annual sampling data shall be used to verify the effectiveness of the SWP3 and will aid the permittee with revising the SWP3 and implementation of additional BMPs, as necessary.

(4) The commissioner may require a permittee to sample additional storm events beyond the required five (5) annual events upon finding reasonable cause. The commissioner shall notify the facility in writing that additional sampling is required.

(5) A grab sample must be collected during the first thirty (30) minutes of discharge at the storm water outfalls identified in the NOI letter, or as soon thereafter as practicable.

(6) The pH measurement must be taken at the time the grab sample is collected, and by using a pH meter that has been properly calibrated according to manufacturer's specifications and provides results displayed in numeric units. A color comparison analysis for pH is not acceptable.

(7) There shall be a minimum of three (3) months between reported sampling events.

(8) Samples must be taken at a point representative of the discharge but prior to entry into surface waters of the state or a municipal separate storm sewer conveyance unless an alternative location has been granted by the commissioner. For discharges that flow through on-site detention basins, samples shall be taken at a point representative of the discharge from the basin.

(9) All samples must be collected from a discharge resulting from a measurable storm event at least seventy-two (72) hours from the previous measurable storm event. Documentation of weather conditions that prevent sampling as described in this subsection must be provided to the commissioner.

(10) The analytical and sampling methods used must meet the requirements of 327 IAC 5-2-13(d)(1) and 327 IAC 5-2-13(d)(2) for quality assurance and quality control.

(11) Run-off events resulting from snow or ice melt should not be sampled, and shall not be used to meet the minimum annual monitoring requirements.

(b) Reporting requirements shall be as follows:

(1) All samples must be reported as a value of concentration or loading.

(2) For each measurement or sample taken under this rule, the permittee shall record and submit the following information to the commissioner:

(A) The exact place, date, and time of the start of the discharge, the duration of the storm event sampled, a measurement of the rainfall in inches, and time of sampling.

(B) The duration between the storm event sampled and the end of the previous measurable storm event.

(C) The individual who performed the sampling or measurements.

(D) The dates the analyses were performed.

(E) The individual who performed the analyses.

(F) The analytical techniques or methods used.

(G) The results of all required analyses and measurements.

(H) A complete copy of the laboratory report, including chain-of-custody.

(3) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation, must be retained for a minimum of either one (1) year following the date on an NOI letter, three (3) years following the expiration of the facility's permit, or longer if requested by the commissioner. As applicable, the records for calibration and maintenance of instrumentation can be maintained at an off-site laboratory, but must be available to the commissioner upon request. All calibration and maintenance records for on-site instruments, such as pH meters, used by a facility for compliance with this rule must be documented and either contained in, or have the on-site record keeping location referenced in, the SWP3.

(4) A permittee regulated under this rule shall submit sampling data results to the commissioner at the address specified in section 8.5 of this rule within thirty (30) days after laboratory analyses have been completed.

(5) A permittee regulated under this rule that has a discharge that enters a regulated municipal separate storm sewer conveyance shall also submit a copy of the sampling data results to the operator of the regulated municipal system conveyance upon request.

(6) If a permittee regulated under this rule monitors a pollutant more frequently than required under this rule, using analytical methods referenced in subsection (a)(10), the results of such monitoring must be reported as additional information in the annual report. Such increased frequency must also be indicated in the report.

(Water Pollution Control Board; 327 IAC 15-6-7.3)

SECTION 27. 327 IAC 15-6-7.5 IS ADDED TO READ AS FOLLOWS:

327 IAC 15-6-7.5 Annual reports

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 7.5. A permittee regulated under this rule shall submit an annual report to the commissioner that contains the following information:

- (1) Any changes to the original NOI letter.
- (2) Any changes to the facility, the facility's operations or industrial activities.
- (3) During the second through fifth years of permit coverage, a copy of the comparison of all sampling data results included in the facility's SWP3 and required under section 7(b)(9) of this rule.
- (4) Any additional BMPs implemented, or corrective measures taken, as a result of sampling data results.

The annual report must contain information obtained during the previous year of regulation and be submitted initially no later than three hundred sixty-five (365) days from the initial NOI submittal date, or the expiration date of the previous five (5) year permit term. Subsequent annual report submittals shall be provided no later than three hundred sixty-five (365) days from the previous report in years two (2) through five (5). (*Water Pollution Control Board; 327 IAC 15-6-7.5*)

SECTION 28. 327 IAC 15-6-8.5 IS ADDED TO READ AS FOLLOWS:

327 IAC 15-6-8.5 Permit compliance schedule

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 8.5. The following compliance schedule must be followed:

Permit Compliance Schedule

To apply for coverage	Submit a completed NOI letter
1 st year of permit coverage	Submit results of sampling data Develop and implement the SWP3 Submit SWP3 certification checklist Submit annual report
2 nd year of permit coverage	Submit results of sampling data Submit annual report
3 rd year of permit coverage	Submit results of sampling data Submit annual report
4 th year of permit coverage	Submit results of sampling data Submit annual report

5th year of permit coverage Submit results of sampling data

Submit annual report

90 days before permit expires Resubmit a completed NOI letter

Permit renewals Repeat annual sampling schedule

Submit SWP3 certification checklist during the first year of renewal coverage only if substantial changes have been made on site or to the plan since its inception

Submit annual reports

The compliance schedule begins from the date on the initial NOI letter submittal, or the expiration date of the previous five (5) year permit term. All submittals to the commissioner must be sent to:

Attention: Rule 6 Storm Water Coordinator
Indiana Department of Environmental Management
Office of Water Quality
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

(*Water Pollution Control Board; 327 IAC 15-6-8.5*)

SECTION 29. 327 IAC 15-6-10 IS ADDED TO READ AS FOLLOWS:

327 IAC 15-6-10 Duration of coverage and renewal

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 10. A permit issued under this rule is valid for a period of five (5) years from the date that the commissioner receives an original NOI letter. To obtain renewal of coverage under this rule, the information required under 327 IAC 15-3 and section 5 of this rule must be submitted to the commissioner ninety (90) days prior to the expiration of coverage under this rule unless the commissioner determines that a later date is acceptable. Coverage under renewal NOI letters will begin on the date of expiration from the previous five (5) year permit. (*Water Pollution Control Board; 327 IAC 15-6-10*)

SECTION 30. 327 IAC 15-6-11 IS ADDED TO READ AS FOLLOWS:

327 IAC 15-6-11 Termination of coverage; permit not transferable

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4
Affected: IC 13-12-3-1; IC 13-18-1

Sec. 11. (a) A complete, state-issued NOT letter request form shall be submitted by a permittee regulated under this rule to the commissioner for any of the following:

- (1) Closure of the facility.
- (2) Transfer of ownership or operator.
- (3) No exposure of all facility industrial activities to storm water.
- (4) All storm water run-off from the facility flows into a combined sewer system.
- (5) Storm water does not have the potential to impact a water of the state.

(b) A permittee regulated under this rule shall submit a complete, state-issued NOT letter request form to the commissioner upon closure of the facility or upon transfer of ownership or operator as defined in 327 IAC 15-2-8 within thirty (30) days of the date of closure or transfer. The new owner or operator must submit a new NOI letter within sixty (60) days of the date of closure or transfer.

(c) For a permittee to claim termination based on no exposure to industrial activities, a complete "No Exposure Certification" form referenced in section 12 of this rule must be submitted with the NOT letter request form.

(d) For a permittee to claim termination based on all storm water run-off flowing into a combined sewer system, a certification letter from the responsible party of the combined sewer system, on responsible party letterhead, shall be submitted with the NOT letter request form.

(e) The completed NOT request form will be reviewed by the commissioner within sixty (60) days of the submittal date. During this sixty (60) day review period, the permit shall remain effective. Once the review is complete, one (1) of the following may occur:

- (1) An NOT letter will be mailed to the requester.
- (2) An on-site verification inspection will be requested.
- (3) The NOT request will be denied.

If the permittee does not receive any of the above notifications within sixty (60) days of the NOT request submittal, the NOT request will be considered adequate.

- (f) An NOT letter may be issued by the commissioner if:
- (1) effluent standards and limitations are promulgated for discharges subject to this rule; or
 - (2) it is determined that a general permit is not adequate to protect water quality.

When a general permit is not adequate, an individual NPDES storm water permit will be issued. (*Water Pollution Control Board; 327 IAC 15-6-11*)

SECTION 31. 327 IAC 15-6-12 IS ADDED TO READ AS FOLLOWS:

327 IAC 15-6-12 Conditional no exposure exclusion

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4

Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18-1

Sec. 12. (a) In addition to the definitions contained in IC 13-11-2, 327 IAC 5, 327 IAC 15-1-2, and section 4 of this rule, the following definitions apply throughout this section:

(1) "Adequately maintained vehicle" means a vehicle (truck, automobile, forklift, trailer, or other general purpose vehicle) found on facility property that is not industrial machinery, and not leaking or otherwise a potential source of contaminants.

(2) "Final product" means a product that is not used in producing other products and is built and intended for use outdoors, provided the final product has not deteriorated or has otherwise become a potential source of contaminants.

(3) "Industrial materials and activities" means:

- (A) material handling equipment or activities;
- (B) industrial machinery;
- (C) raw materials, intermediate products, byproducts, and final products; or
- (D) waste products.

(4) "Intermediate product" means a product that is used in the composition of yet another product.

(5) "Material handling activity" means the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct, or waste product. The term does not include activities conducted on facility property separate from the facility's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from the included areas.

(6) "Sealed container" means a container that has been banded or otherwise secured, without operational taps or valves, provided the container is not deteriorated and does not leak.

(7) "Storm-resistant shelter" means a completely roofed and walled building or structure, as well as, a structure with only a top cover but no side coverings, provided material under the structure is not otherwise subject to any run-on and subsequent run-off of storm water.

(b) A facility regulated under this rule may request an exclusion from permit coverage by:

- (1) submitting a complete United States Environmental Protection Agency "No Exposure Certification" form 3510-11 (10-99) to the commissioner;
- (2) allowing the commissioner to inspect the facility to determine compliance with the "no exposure" conditions;
- (3) allowing the commissioner to make any "no exposure" inspection reports available to the public upon request; and
- (4) for facilities that discharge through a regulated MS4 conveyance, upon request, submit a copy of the certification of "no exposure" to the MS4 operator, as well as allow inspection and public reporting by the MS4 operator.

(c) New or existing facilities that were not previously

required to obtain a permit under this rule, but are subject to it, must either obtain permit coverage in accordance with sections 5 and 6 of this rule, or comply with the procedures in subsection (b).

(d) Facilities that have an existing permit under this rule must also submit an NOT letter with the “No Exposure Certification” form.

(e) To determine if a facility can apply for the no exposure certification, the following must be considered:

(1) A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and run-off.

(2) The conditional no exposure exclusion is available on a facility-wide basis only, not for individual outfalls, and a no exposure certification must be provided for each facility qualifying for the no exposure exclusion.

(3) The no exposure certification requirement applies to all industrial facilities regulated under this rule, including light industrial facilities that were previously not required to submit documentation to be excluded from storm water permitting requirements.

(4) A storm-resistant shelter is not required for the following industrial materials and activities:

(A) Drums, barrels, tanks, and similar containers that are tightly sealed, provided these containers are not deteriorated and do not leak.

(B) Adequately maintained vehicles used in material handling.

(C) Final products, except those products that would be mobilized in storm water discharges (for example, rock salt), products that may, when exposed to storm water, oxidize, deteriorate, leak, or otherwise be a potential source of contaminants, or final products which are in actuality intermediate products.

(5) Particulate matter emissions from roof stacks and vents that are regulated by, and in compliance with, other environmental protection programs (for example, air quality control programs) and do not cause storm water contamination are considered not exposed. Particulate matter or visible deposits of residuals from roof stacks and vents not otherwise regulated (for example, under an air quality control program) and evident in storm water discharges are considered exposed. Likewise, visible “track out” (pollutants carried on the tires of vehicles) and windblown raw materials are considered exposed.

(6) General and industrial refuse and trash are not considered exposed as long as the containers are completely covered and nothing can drain out holes in their bottoms, or is lost in loading onto a garbage truck. General and industrial refuse and trash that are left uncovered, however, are considered exposed.

(7) Storm water run-off from separate office buildings

and their associated parking lots do not need to be considered when determining no exposure at an industrial facility.

(8) Temporary covers may be used to shelter materials and activities until permanent enclosure can be achieved. The temporary sheltering of industrial materials and activities is only allowed during facility renovation or construction.

(9) Aboveground storage tanks (ASTs) are generally considered not exposed and may be exempt from the prohibition against adding, or withdrawing materials, to, or from, external containers. For an AST to be operational and qualify for no exposure:

(A) it must be physically separated from, and not associated with, vehicle maintenance operations;

(B) there must be no piping, pumps, or other equipment leaking contaminants that could contact storm water; and

(C) it must be surrounded by some type of physical containment to prevent run-off in the event of a structural failure or leaking transfer valve.

(f) The no exposure certification must require the submission of the following information, at a minimum, to aid the department in determining if the facility qualifies for the no exposure exclusion:

(1) The person’s name, address, and phone number.

(2) The facility name and address, the county name, and the latitude and longitude where the facility is located.

(3) The certification must indicate that none of the following materials or activities are, or will be in the foreseeable future, exposed to precipitation:

(A) Using, storing, or cleaning industrial machinery or equipment, and areas where residuals from using, storing, or cleaning industrial machinery or equipment remain and are exposed to storm water.

(B) Materials or residuals on the ground or in storm water inlets from spills or leaks.

(C) Materials or products from past industrial activity.

(D) Material handling equipment (except adequately maintained vehicles).

(E) Materials or products during loading and unloading or transporting activities.

(F) Materials or products stored outdoors (except final products intended for outside use, for example, new cars, where exposure to storm water does not result in the discharge of pollutants).

(G) Materials contained in open, deteriorated, or leaking storage drums, barrels, tanks, and similar containers.

(H) Materials or products handled or stored on roads or railways owned or maintained by the facility.

(I) Waste material (except waste in covered, nonleaking containers, for example, dumpsters).

(J) Application or disposal of process wastewater (unless otherwise permitted).

(K) Particulate matter or visible deposits of residuals form roof stacks or vents not otherwise regulated, that is, under an air quality control permit, and evident in the storm water outflow.

(4) All “no exposure” certifications must include the following certification statement, and be signed in accordance with 327 IAC 15-4-3(g): “I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of “no exposure” and obtaining an exclusion from NPDES storm water permitting; and that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility identified in this document (except as allowed under subsection(d)(4) [sic.]). I understand that I am obligated to submit a no exposure certification form once every five (5) years to the department and, if requested, to the operator of the local regulated MS4 into which this facility discharges (where applicable). I understand that I must allow the department, or MS4 operator where the discharge is into the local regulated MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under an NPDES permit prior to any point source discharge of storm water from the facility. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”.

(g) Information contained in the “No Exposure Certification” form 3510-11 (10-99)* and the United States Environmental Protection Agency’s “Guidance Manual for Conditional Exclusion from Storm Water Permitting Based on “No Exposure” of Industrial Activities to Storm Water”(EPA 833-B-00-001 June 2000)** shall be used by the commissioner to determine whether a facility is eligible for the exclusion. Definitions of terms provided in these documents shall apply to the commissioner’s interpretation of the no exposure exclusion.

(h) A facility excluded under this section shall meet the following requirements:

(1) A copy of the “No Exposure Certification” form must be retained on site at the facility for a period of five (5) years following the date that the commissioner received

the original form in order for the no exposure exclusion to remain applicable.

(2) The “No Exposure Certification” form must be submitted once every five (5) years to the commissioner.

(3) The certification for no exposure is nontransferable. If a new operator or owner takes over a facility, the new operator shall immediately complete and submit a new certification form in order to claim the exclusion.

(4) If changes at a facility result in industrial activities or materials becoming exposed to storm water, the no exposure exclusion ceases to apply. The person with financial responsibility or operational control for the facility must submit an NOI letter in accordance with section 5 of this rule at least two (2) days before the foreseen changes happen that cause the condition of exposure.

(5) If unforeseen events, such as spills, equipment malfunctions or acts of nature, cause industrial activities or materials to become exposed to storm water, the no exposure exclusion may still apply provided notification is given to the commissioner within twenty-four (24) hours of facility personnel becoming aware of the exposure and corrective measures are taken to reestablish a condition of no exposure prior to the next storm water discharge event.

(i) If the commissioner finds that, during a compliance inspection or at a later time, the facility has a reasonable potential to cause a violation or nonattainment of a water quality standard or does not meet the conditions for the no exposure exclusion, the commissioner may, upon notifying the facility in writing, deny or revoke the exclusion and require the facility to obtain permit coverage within thirty (30) days of the date on the notification letter.

(j) Failure to maintain the condition of no exposure or obtain coverage under an NPDES permit may lead to the unauthorized discharge of pollutants to waters of the state.

*Copies of the No Exposure Certification Form referenced in this section are available from the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.

**Copies of the Guidance Manual for Conditional Exclusion from Storm Water Permitting Based on “No Exposure” of Industrial Activities to Storm Water referenced in this section are available from the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015. (*Water Pollution Control Board; 327 IAC 15-6-12*)

SECTION 32. 327 IAC 15-5-11 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on February 12, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Water Pollution Control Board will hold a public hearing on proposed amendments and new rules concerning storm water run-off associated with construction activity and storm water discharges associated with industrial activity.

The purpose of this hearing is to receive comments from the public prior to the board's consideration of final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposal to final adopt the new rules and amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.

Technical information regarding this action may be obtained from Lori Gates, Office of Water Quality, Wet Weather Section, (317) 233-6725 or (800) 451-6027 (in Indiana). Additional information regarding this action may be obtained from Kiran Verma, Rules Section, Office of Water Quality, (317) 234-0986 or (800) 451-6027 (in Indiana).

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

Attn: ADA Coordinator

Indiana Department of Environmental Management

100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

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

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

Mary Ellen Gray

Deputy Assistant Commissioner

Office of Water Quality

TITLE 329 SOLID WASTE MANAGEMENT BOARD**Proposed Rule**

LSA Document #01-288

DIGEST

Adds 329 IAC 10-2-29.5 to be consistent with requirements for conditionally exempt small quantity generators in 329 IAC

3.1. Adds 329 IAC 10-2-135.5 to define petroleum contaminated soil. Adds 329 IAC 10-7.2 to clarify requirements for generators to identify hazards of solid wastes. Adds 329 IAC 10-8.2 to retain handling requirements for certain solid wastes. Adds 329 IAC 11-2-19.5 and 329 IAC 11-9-6 to allow solid waste transfer stations to use the insignificant facility modification mechanism. Adds 329 IAC 11-8-2.5 to clarify wastes that transfer stations may accept. Amends 329 IAC 10-2-72.1 to clarify the definition of "final closure." Amends 329 IAC 10-2-32, 329 IAC 10-2-115, 329 IAC 10-2-116, 329 IAC 10-2-117, 329 IAC 10-2-174, 329 IAC 10-5-1, 329 IAC 10-9-4, 329 IAC 10-14-2, 329 IAC 10-20-14.1, 329 IAC 10-28-24, 329 IAC 10-36-19, 329 IAC 11-2-39, 329 IAC 11-8-2, 329 IAC 11-8-3, 329 IAC 11-13-4, 329 IAC 11-13-6, 329 IAC 11-15-1, 329 IAC 11-19-2, 329 IAC 11-19-3, 329 IAC 11-20-1, 329 IAC 11-21-4, 329 IAC 11-21-5, 329 IAC 11-21-6, 329 IAC 11-21-7, 329 IAC 11-21-8, 329 IAC 12-8-4, and 329 IAC 13-3-1 to remove references to special waste and comply with IC 4-22-2-20. Amends 327 IAC 10-2-197.1 to be consistent with 329 IAC 3.1. Amends 329 IAC 10-9-2 to clarify wastes that municipal solid waste landfills may accept. Amends 329 IAC 11-3-2 to be consistent with requirements for conditionally exempt small quantity generators in 329 IAC 3.1. Repeals 329 IAC 10-2-135.1, 329 IAC 10-2-179, 329 IAC 10-2-199.1, 329 IAC 10-2-201.1, 329 IAC 10-7.1, 329 IAC 10-8.1, 329 IAC 10-20-29, 329 IAC 10-28-21, 329 IAC 11-2-44, 329 IAC 11-6-1, and 329 IAC 11-7. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: September 1, 2001, Indiana Register (24 IR 4265).

Second Notice of Comment Period and Notice of First Hearing: July 1, 2002, Indiana Register (25 IR 3568).

Date of First Hearing: September 17, 2002.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

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

REQUEST FOR PUBLIC COMMENTS

Portions of this proposed rule are substantively different from the draft rule published in the Indiana Register on July 1, 2002, at 25 IR 3568. The Indiana Department of Environmental Management (IDEM) is requesting comment on the following portions of the proposed (preliminarily adopted) rule that are substantively different from the language contained in the draft rule.

The following sections of the proposed rule are substantively different from the draft rule:

329 IAC 10-2-72.1

329 IAC 10-7.2

329 IAC 10-9-2

329 IAC 10-20-14.1

329 IAC 11-2-39

329 IAC 11-8-2.5

The following sections appeared in the draft rule but were deleted from the proposed (preliminarily adopted) rule:

329 IAC 10-2-1
329 IAC 10-2-12
329 IAC 10-2-63
329 IAC 10-2-73
329 IAC 10-2-85
329 IAC 10-2-99.3
329 IAC 10-2-105.6
329 IAC 10-2-107.6
329 IAC 10-2-129.5
329 IAC 10-2-140
329 IAC 10-2-175
329 IAC 10-2-175.5
329 IAC 10-2.5
329 IAC 12-2-43
329 IAC 12-2-48

This notice requests the submission of comments on the sections of the rule listed above, including suggestions for specific amendments to those sections. These comments and the department's responses thereto will be presented to the board for its consideration at final adoption under IC 13-14-9-6. Comments on additional sections of the proposed rule that the commentator believes are substantively different from the draft rule may also be submitted for the consideration of the board. Mailed comments should be addressed to:

#01-288(SWMB)[Removal of Special Waste and Industrial Waste]
Marjorie Samuel
Rules, Planning and Outreach Section
Office of Land Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the eleventh floor reception desk, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor East, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 232-3403, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules, Planning and Outreach Section at (317) 232-1655 or (317) 232-7995.

COMMENT PERIOD DEADLINE

Comments in any form must be postmarked, faxed, or hand delivered by February 22, 2003.

Additional information regarding this action may be obtained from Steve Mojonniere of the Rules, Planning and Outreach Section, Office of Land Quality, (317) 233-1655 or call (800) 451-6027 (in Indiana), press 0, and ask for extension 3-1655.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND PUBLIC COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from July 1, 2002, through August 1, 2002, on IDEM's draft rule language. IDEM received comment from the following parties:

Dan B. Magoun, National Solid Waste Management Association (NSWMA)

Mark E. Shere, Bethlehem Steel Corporation (BSC)

Vincent L. Griffin, Indiana Chamber of Commerce (ICC)

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

Comment: This comment refers to 329 IAC 10-2-12(b), 329 IAC 10-2-72-1(b), 329 IAC 10-2-73(b), 329 IAC 10-2-85(b), 329 IAC 10-2-99.3(b), and 329 IAC 10-2-175(b). The proposed draft rule has

numerous double definitions for the same term depending on if one is referring to a municipal solid waste landfill or a non-municipal solid waste landfill (MSWLF), construction/demolition site, or a restrictive waste site (e.g., 329 IAC 10-2-12, definition of aquifer; 329 IAC 10-2-63, definition of dwelling). There is no explanation why two definitions are provided. Having two different definitions for the same term creates serious confusion and could lead to inappropriate application and misuse. One definition should be utilized. (NSWMA) The proposed new definition in 329 IAC 10-2-63(b) is more restrictive than the existing definition in 329 IAC 10-2-63(a) when used in conjunction with the setback requirements in 329 IAC 10-25 and 329 IAC 10-33. Why would the setback from a dwelling for non-municipal solid waste facilities be more stringent than for a MSWLF? (NSWMA) 329 IAC 10-2-105.6 is a new definition. It is more appropriate to propose this new definition in the revision to 329 IAC 10 (LSA Document # 00-185). (NSWMA) 329 IAC 10-2-140(b): If (b) was intended to be exactly the same as (a) except for its application, then need to delete "means the original" and replace with "most recently submitted" to be consistent (which is the way it should read anyway). (NSWMA)

Response: P.L. 218 -2001 requires the board to adopt rules that reflect the repeal of references to "special waste." Because 329 IAC 10-2.5-1 contains a definition of special waste, it was included in the draft rule. Comments received on the draft rule indicated that moving existing definitions from 329 IAC 10-2.5-1 to 329 IAC 10-2 would result in confusion by creating different definitions for the same terms. Therefore, we are proposing to remove 329 IAC 10-2.5-1 from this rulemaking. The result of this action would be to retain 329 IAC 10-2.5-1 in its present form, including the definition of "special waste." That definition has no practical effect as a result of P.L. 138-2000. We will remove that definition in future rulemaking dealing with restricted waste sites, nonmunicipal solid waste landfills, and construction/demolition sites.

Comment: The words "revised as of July 1, 2001" in 329 IAC 10-2-29.5(2) should be deleted to eliminate future impacts on this rule by a new revision of 40 CFR 261.5. (NSWMA)

Response: This phrase establishes a "date certain" for material referenced in the rule as required by the Attorney General under IC 4-22-2-21, IC 4-22-2-32, and IC 4-22-2-42. If this date was eliminated, future amendments could take effect without action by the board. Such prospective regulation is prohibited by Indiana law. This date ensures that only amendments adopted by the board under IC 4-22-2 and IC 13-14-9 are included in the rules.

Comment: The reference to "special waste" in 329 IAC 10-2-32 should be deleted. (NSWMA)

Response: 329 IAC 10-2-32 is included in this rule in Section 4, where the term "special waste" has been replaced with "industrial process waste."

Comment: 329 IAC 10-2-174 is a new definition and is inconsistent in what is being proposed in the revision to 329 IAC 10 (LSA Document #00-185). In addition, there is a duplication in (b)(6) and (12). Residential and household wastes are the same. What is non-residential waste? Isn't non-residential waste the rest of the list in (b)? (NSWMA)

Response: 329 IAC 10-2-174 is an existing definition. However, as currently written, this definition conflicts with the statutory definition of "solid waste" at IC 13-11-2-205. Because such a conflict is grounds for disapproval of the rule, the definition has been rewritten to be consistent with the statutory definition. The list of wastes retained in this definition clarifies the term "other discarded material."

Household waste and residential waste are defined at 329 IAC 10-2-90 and 329 IAC 10-2-156, respectively. Since both terms are used in Article 10, both terms have been retained.

The existing term “nonresidential waste” has been removed because it is not defined in Article 10 and is only used in this definition.

No changes to this section have been proposed in the Article 10 substantial change rule, LSA Document #00-185.

Comment: 329 IAC 10-7.2-2(a)(2) and 329 IAC 10-7.2-2(a)(3) should be deleted. These subdivisions are redundant because they are included in 329 IAC 7.2-2(a)(1). (NSWMA)

Response: 329 IAC 10-7.2-2(a)(1) describes the acceptable sources of test methods to use to comply with this section. 329 IAC 10-7.2-2(a)(2) requires use of Chapter 1 of SW-846 for all test methods, even those from sources other than SW-846. Similarly, 329 IAC 10-7.2-2(a)(3) requires use of the statistical sampling methodology from Chapter 9 of SW-846 for all test methods, even those from sources other than SW-846. Removing these subdivisions would result in Chapters 1 and 9 of SW-846 being applicable only to test methods from SW-846. 329 IAC 10-7.2-2 has been rewritten to clarify that these requirements apply to all test methods used to identify chemicals in solid waste.

Comment: 329 IAC 10-8.2-4(a)(4)(C)(vi): What is “dedicated equipment”? A definition is needed. It is suggested that the whole second sentence be deleted. Also, suggest in the last sentence that “directed by the asbestos waste disposal manager” be deleted and replaced with “in accordance with the facility written asbestos contingency plan”. (NSWMA)

Response: These requirements originally appeared in the rules for special waste (329 IAC 10-8-4), effective April 13, 1996. They were added to ensure that a landfill would have the ability to clean up an uncontrolled release of asbestos-containing material by having a stock of equipment and supplies that is available when it is needed, as well as a trained supervisor who can ensure that the release is cleaned up without endangering human health.

The equipment and supplies required to clean up a spill of asbestos-containing material is established by 29 CFR 1926.1101, 29 CFR 1910.120 and the landfill’s contingency plan. The requirement for equipment and supplies to be dedicated ensures that sufficient equipment and supplies will be available when needed to respond to a release of asbestos-containing material. Common sense would suggest that a landfill would not need to own a separate backhoe or end loader, or other similar costly equipment, just to clean up an asbestos spill, if the landfill operator can immediately make the equipment available to clean up a spill. Common sense would also suggest that supplies such as disposal drums, tape, wetting agents and personal protective equipment that are difficult to obtain on short notice should be stockpiled and not used for other purposes. The landfill’s contingency plan must document adequate amounts and sources of equipment and supplies to respond to spills of asbestos-containing materials. Because landfills that accept asbestos-containing material need to be able to clean up spills and secure improperly packaged material, we are not proposing to eliminate the requirement for dedicated equipment and supplies. Because the dictionary definitions provide an adequate explanation of this term, we do not intend to propose a new definition for this term.

IDEM considers a trained asbestos waste disposal manager essential to conducting cleanup of an uncontrolled release of asbestos without endangering human health. Requirements for asbestos waste disposal manager training and certification are found in 326 IAC 18. The requirement for an asbestos waste disposal manager is consistent with the rules for asbestos removal in 326 IAC 14-10. The commentor’s suggestion to remove the trained manager and permit cleanups to be performed with untrained personnel would endanger human health and is inconsistent with other rules for management of asbestos-containing material. The commentor has provided no justification for removing

this important provision and we are not proposing to do so in this rule.

Comment: In 329 IAC 10-9-2 (a), the designation for “(a)” is not present. The listing of solid wastes for MSWLF acceptance is not complete. Petroleum contaminated soils and pollution control wastes are omitted. It is suggested for clarity and completeness that this section be deleted and the original language “all solid waste regulated under this article except” be retained. Again for clarity, it is recommended that IDEM list those wastes that are not acceptable. Suggested listing:

- (1) Infectious waste;
- (2) Regulated hazardous waste;
- (3) PCB waste with concentration >50 ppm;
- (4) Old section (b)(2); and
- (5) Old section (b)(1).

This would eliminate the need for IDEM to list out in every new permit or amend every existing permit to identify all prohibited wastes when rule becomes effective. (NSWMA)

Response: IDEM concurs. This section now includes a comprehensive list of wastes that may and may not be accepted by a municipal solid waste landfill.

Comment: In 329 IAC 10-20-14.1(c)(3), dust is already addressed in 329 IAC 10-8.2-2. It is suggested that this criteria be deleted or change to read “The material must not create a violation of 329 IAC 10-8.2-2.” (NSWMA) 329 IAC 10-20-14.1(c)(5) is not required and is burdensome. Violations of fugitive dust issues are covered elsewhere. (NSWMA)

Response: 329 IAC 10-8.2-2 applies to “waste” and refers to violations of the fugitive dust rules in 326 IAC 6-4 and 326 IAC 6-5. 329 IAC 10-20-14.1 applies to materials used as alternative daily cover that are not considered wastes. 329 IAC 10-20-14.1(c)(3) was intended to ensure that an adequate thickness of alternative daily cover material is in place to cover the waste as required by 329 IAC 10-20-13 and 329 IAC 10-20-14. If the alternative daily cover material washes or blows away, then it does not meet the requirements of 329 IAC 10-20-14(b). We have removed proposed 329 IAC 10-20-14.1(c)(3) and substituted a more general statement in 329 IAC 10-20-14.1(c)(2) that states: “Use of the material must not result in... blowing dust.”

329 IAC 10-20-14.1(c)(5) (now 329 IAC 10-20-14.1(c)(4)) is intended to provide an ascertainable standard that will allow a person to identify materials that might be susceptible to blowing away in conditions commonly experienced in Indiana, prior to their application.

Comment: This comment refers to 329 IAC 10-20-14.1(c)(9). The purpose of cover is already addressed in items (2) and (4) of this section. Secondly, cover application is addressed in 329 IAC 10-20. As written, the requirement is severely stringent and almost impossible to meet. When cover is applied, portions of solid waste has a tendency to become entangled and intermingled with cover material or the equipment even with six inches of soil resulting in small portion of waste sometimes visible and slightly protruding through the cover. The commentor suggests that this item be deleted. (NSWMA)

Response: This subdivision establishes a performance standard that is consistent with 329 IAC 10-20-13 and 329 IAC 10-20-14. Adding a standard for how much a material may fail to meet a particular performance standard would result in an unnecessarily complex rule that would be difficult to administer. Minor discrepancies in application of material are compliance issues unique to each facility and application.

Comment: As written, 329 IAC 10-20-14.1(c)(10) is not a performance standard and provides no clear guidance as to what criteria must be met. It is suggested for clarity that IDEM place a concentration level if a PCB criteria is to be included in this section. NSWMA would again suggest 25 ppm as the criteria for PCBs in waste for use as an ADC. (NSWMA)

Response: IDEM concurs. A number of materials containing PCB may safely be used as alternative daily cover, including:

- (1) Material containing PCB allowed under 40 CFR 761.62(d).
- (2) Materials containing less than fifty (50) parts per million PCB that:
 - (A) results from a source that contained less than fifty (50) parts per million PCB;
 - (B) would otherwise meet the definition of PCB bulk product waste in 40 CFR 761.3; and
 - (C) is listed in 40 CFR 761.62(b)(1).
- (3) Other material containing less than or equal to ten (10) parts per million PCB not as a result of dilution.

These materials have been added to the list of materials in 329 IAC 10-20-14.1(d) that may be used under an insignificant facility modification under 329 IAC 10-3-3(b). A new provision in 329 IAC 10-20-14.1(b) would prohibit use of any material containing PCB that is not listed in 329 IAC 10-20-14.1(d).

Comment: For clarity, it is recommended that shredder fluff not be deleted from 329 IAC 10-20-14.1(e). (NSWMA)

Response: If the specific shredder fluff to be used meets the performance standards in 329 IAC 10-20-14.1(c), then use of the material may be proposed as an insignificant facility modification under 329 IAC 10-3-3(c), the same as currently provided for in the existing rules.

Comment: Is a collection container, as referred to in 329 IAC 11-2-19.5(a)(7), the same as a "collection container system" as defined in 329 IAC 10-2-31? (NSWMA)

Response: This language was proposed by the commentor and refers to an individual collection container placed at a processing facility. This is not a "collection container system" as defined in 329 IAC 11-2-6 and regulated under 329 IAC 12-4. Since this new provision for insignificant facility modifications applies only to solid waste processing facilities, the definition of collection container system at 329 IAC 10-2-31 is not relevant.

Comment: The definition of solid waste in 329 IAC 11-2-39 is not consistent with 329 IAC 10-2-174. For clarity and to minimize confusion these definitions should be the same. (NSWMA)

Response: 329 IAC 11-2-39 is an existing definition. As currently written, it conflicts with the statutory definition of "solid waste" at IC 13-11-2-205. Such conflicts are grounds for disapproval of the rule. We have also been advised by the Attorney General to delete regulatory definitions of terms that are defined in statutes. However, because these definitions of "solid waste" contain amplifying information, we have kept that information and have rewritten 329 IAC 10-2-174 to be consistent with IC 13-11-2-205 and we have rewritten 329 IAC 11-2-39 to refer to 329 IAC 10-2-174.

Comment: For consistency and clarity, 329 IAC 11-8-2.5 should be consistent with 329 IAC 10-9-2. (NSWMA)

Response: IDEM concurs. The same list now appears in both sections.

Comment: Many facilities in Indiana ship non-hazardous solid wastes out of state for disposal. These facilities comply with the standards of the receiving state for notification, testing, and other requirements. It does not make sense to subject these shipments to dual regulations that may conflict.

Indiana's current solid waste rules recognize this overlap. For example, under 329 IAC 10-7.1-3(a), a waste determination "must be carried out for all solid waste except waste "that is disposed of outside of Indiana." The language in IDEM's July 1, 2002, proposals would eliminate the current exclusions for wastes disposed out of state. IDEM's discussion of its proposal and its response to comments give no indication that the agency intended a substantive change in the

regulatory requirements that apply to waste disposed out of state, or even that the agency was aware of the issue.

IDEM proposes to add a new Rule 7.2 on "Generator Responsibilities for Waste Identification." To be consistent with the current rules, the following language should be added:

329 IAC 10-7.2-1 Generator Responsibilities

* * * * *

- (c) This rule does not apply to industrial waste that is disposed of in a solid waste land disposal facility in another state if the generator complies with the waste identification requirements of federal law and of the receiving state.

It does not appear that other sections of the proposed rule would impose new requirements for wastes to be disposed out of state. It would be helpful for IDEM to confirm this point in its response to comments. (BSC)

Response: The provision in 329 IAC 10-7.1-3(a)(4) was added in the special waste rule which dealt with disposal. 329 IAC 10-7.2-1 refers to waste generation. Even though disposal may occur outside of Indiana, a number of activities subsequent to generation will occur in Indiana, such as storage, handling, transportation, transfer into or out of containers, consolidation, treatment, compaction, and other activities. Each activity requires the generator to understand the hazards associated with the waste to be able to conduct the activity safely. The waste identification requirement ensures that the generator has enough information to make appropriate choices about each waste's management, storage and disposition, in addition to disposal.

Comment: The proposed rule requires every generator of solid waste to do testing over and above that necessary for making a hazardous waste determination. It is incumbent upon IDEM to demonstrate why such additional testing is necessary. U.S. EPA regulations include provisions requiring generators to determine whether their wastes are hazardous or non-hazardous. IDEM has proposed a new section 329 IAC 10-7.2-1 ("Generator Responsibilities for Waste Identification") with broad language that differs significantly from the federal requirements. We recommend that this section be revised to provide a straight incorporation of the federal regulations. It is important to note that IC 13-20-7.5(2) provided until recently that generators were required to follow only the federal requirements for waste identification. This section was repealed by P.L. 218-2001 (HEA 1830-2001 session), but this repeal was to remove references to "special waste" from the Indiana Code and was non-substantive. We believe the legislature's intent continues to be for Indiana to follow the federal requirements for waste determinations. We are especially concerned that IDEM has not identified the practical differences between the federal requirements and the broad language in the current proposal. (ICC)

Response: Any activity that requires an agency decision may require additional waste specific and site specific information, beyond that required to make a hazardous waste determination under 40 CFR 262.11. The following are some examples of agency decisions that would require us to request additional information:

- Solid waste surface impoundment closures.
- Legitimate reuse requests.
- Disposal of cement kiln dust that is not regulated under the rules for boilers and industrial furnaces.
- Solid waste cleanup issues.
- Open dumping issues.
- Management of solid waste on-site in contact with the land.

Action levels will depend on the activity itself, the location, and any other site-specific issues and will often reflect either established levels from the risk integrated system of closure (RISC) or restricted waste type criteria.

Comment: The proposal would introduce or leave in place several

regulatory inconsistencies. These include definitions of “ground water” and “potable ground water source” that differ from the corresponding definitions adopted by the Water Pollution Control Board. It brings needless complexity and potential conflict into the regulations for different boards to be using different definitions of these common terms. (ICC)

Response: The definition of “ground water” at 329 IAC 10-2-85 is derived from the definition of “waters” at IC 13-11-2-265, which includes underground waters. 329 IAC 10-2-85 is identical to definitions of “ground water” in the rules of the water pollution control board at 327 IAC 2-1-9(18) and 327 IAC 2-1.5-2(44) (Water Quality Standards).

In contrast, in other rules of the water pollution control board at 327 IAC 2-11-3(7) (Ground Water Quality Standards), and 327 IAC 6.1-2-25 (Land Application of Biosolid, Industrial Waste Product, and Pollutant-Bearing Water), the definition of “ground water” is similar to that found in the federal Comprehensive Environmental Response, Cleanup, and Liability Act (CERCLA) (42 U.S.C. 9601(12)).

“Potable ground water source” defines a specific type of aquifer for purposes of determining an aquifer of significance and does not appear in rules of the water pollution control board.

Because it is unclear from the comment what specific action is recommended, and because these terms are derived from different authorities for different purposes, IDEM is not proposing any changes to these definitions.

Comment: The current rules contain a definition of “storage” of solid waste that appears to be more restrictive than the corresponding statutory definition of storage for hazardous waste. In the context of solid waste, the definition declares a “rebuttable presumption” that storage is limited to “six months.” By contract, the statutory definition of storage of hazardous waste at IC 13-11-2-223 refers explicitly to storage “for a period of years.” It does not make sense to apply a more restrictive definition to ordinary solid waste than to wastes that are legally “hazardous.” (ICC)

Response: The statutory definition of “storage” at IC 13-11-2-223(a) reads in full:

“(a) ‘Storage’, for purposes of environmental management laws and when used in conjunction with hazardous waste, means the containment of hazardous waste, either on a temporary basis or for a period of years, in a manner that does not constitute disposal of the hazardous waste.”.

In addition to this definition, the hazardous waste management program defines storage as “the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.” [See 40 CFR 260.10, incorporated by reference at 329 IAC 3.1-4-1(a). This definition of storage does not apply to nonhazardous solid waste.] The hazardous waste rules at 329 IAC 3.1 also contain extensive requirements for storage of hazardous waste that are much more stringent than the provisions for storage in 329 IAC 10-2-181.

In contrast, the rules for solid waste in 329 IAC 10 contain minimal regulation of storage. The definition at 329 IAC 10-2-181 contains only three (3) stipulations:

- (1) The retention, containment or accumulation of the solid waste must be temporary, that is, it must end at some point.
- (2) The storage must not threaten or potentially threaten human health or impact or potentially impact the environment.
- (3) If the storage continues for more than twenty-four (24) hours, it must not constitute disposal of the waste.

Rather than create extensive rules for solid waste storage similar to those found in 329 IAC 3.1, the board simply required that storage not threaten human health or the environment, in line with the prohibitions

in 329 IAC 10-4-2 through 329 IAC 10-4-4. To ensure that storage is temporary, the board provided a maximum storage time of six (6) months, unless the owner of the waste can show that the waste is stored in a way that does not constitute disposal.

These provisions were included because “storage” of solid waste often results in one (1) of the following conditions:

- (1) The waste is stored on the ground, a practice that is considered by federal and state law to threaten human health or the environment by its very nature, since disposal of solid waste on the ground is open dumping. State law and the federal Resource Conservation and Recovery Act (RCRA) prohibit disposal of solid waste except in a solid waste land disposal facility.
- (2) The waste is “stored” for an indeterminate period of time, with no definite or predicted time for removal or proper disposal. Such “storage” meets the dictionary definition of “permanent.” Many entities file for bankruptcy before such “storage” ends, often forcing Indiana taxpayers to bear the cost of removal of the waste.

The current standards for storage of solid waste strike a reasonable balance between regulation and environmental protection and do not require amendment.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On September 17, 2002, the solid waste management board conducted the first public hearing/board meeting concerning the development of amendments to 329 IAC 10 through 329 IAC 13. Comments were made by the following parties:

Lisa Disbrow, National Solid Waste Management Association (NSWMA)

Mark E. Shere, Bethlehem Steel Corporation (BSC)

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

Comment: 329 IAC 10-9-2 proposes a list of acceptable and nonacceptable wastes at a landfill. In developing a list in the rules, it is difficult to have an all-inclusive list. The commentor suggests that instead of developing a list of what may or may not come in, that language be added in subsection (a) that would read “Unless prohibited in subsection (b), a municipal solid waste landfill may accept solid wastes including but not limited to.” A broad statement similar to this would give IDEM the flexibility to either specifically or generically modify permits, and would also retain the list of nonacceptable waste in subsection (b). (NSWMA)

Response: The items in proposed 329 IAC 10-9-2(a) were moved from 329 IAC 10-2-116 and 329 IAC 10-2-117 when those definitions were rewritten to meet the standards of the Administrative Rules Drafting Manual. That manual prohibits inclusion of substantive or applicability provisions in definitions. This list is derived from the definition of “municipal solid waste landfill unit” in 40 CFR 258.2 that lists wastes that a municipal solid waste landfill unit may accept. Because this information is part of the basis for federal authorization of Indiana’s solid waste program, the list must remain in our rules. However, based on this comment, we are proposing to change proposed 329 IAC 10-9-2(a) to add a statement similar to that proposed by the commentor.

Comment: In proposed 329 IAC 10-20-14.1(d)(14), IDEM is amending the criteria for PCB waste that can be used as alternative daily cover from twenty-five (25) parts per million to ten (10) parts per million. Why is IDEM proposing to reduce this criteria? (NSWMA)

Response: This proposed rule makes several changes that affect use of materials containing PCBs as alternative daily cover. While the rule reduces the allowable PCB concentration for some materials, it increases the allowable PCB concentration for other types and streamlines the procedures for use of the material.

Proposed Rules

(1) The existing twenty-five (25) parts per million criteria did not take into account the new rules for waste containing PCBs. 329 IAC 4.1 does not automatically allow use of PCB remediation waste as daily cover in a landfill. The self-implementing procedure for on-site cleanup and disposal of PCB remediation waste in 40 CFR 761.61(a) sets the following cleanup levels:

High occupancy areas: (worker exposure ≥16.8 hours/week)	<div>≤1 ppm without conditions</div> <div>>1 ppm to ≤10 ppm if site is capped with asphalt or concrete</div>
Low occupancy areas: (worker exposure <16.8 hours/week)	<div>≤25 ppm unless site is secured or capped</div> <div>>25 - ≤50 ppm if access is limited: site is secured with a fence and marked with a sign</div> <div>>25 - ≤100 ppm if site is capped with asphalt or concrete</div>

Because a landfill working face can be either a high-occupancy area or a low-occupancy area, we selected ten (10) parts per million PCBs as a level that was reasonably consistent with these new protective standards. Materials containing more than ten (10) parts per million PCBs could still be used under a minor facility modification.

(2) On the other hand, this proposed rule would actually increase the allowable PCB concentration for some materials that could be used as alternative daily cover:

- PCB bulk product wastes listed in 40 CFR 761.62(b)(1) could be used as daily cover, as currently allowed by 329 IAC 4.1. PCB bulk product wastes listed in 40 CFR 761.62(b)(1) are derived from manufactured products, have a low potential for leaching PCBs into the environment, and have PCB concentrations equal to or greater than fifty (50) parts per million.
- Materials listed in 40 CFR 761.62(b)(1) with a PCB concentration less than fifty (50) parts per million could also be used. These are materials similar to PCB bulk product waste that are not regulated under 329 IAC 4.1.

(3) This proposed rule would also make it easier to use materials containing PCBs by allowing landfills to use these materials under the “seven day” insignificant facility modification in 329 IAC 10-3-3(b). That provision allows use of these materials without prior approval as long as the landfill notifies IDEM no later than seven days after beginning use of the material. Currently, use of materials containing PCBs requires a thirty day advance notice to the department, as well as department concurrence.

We will continue to work with interested parties to further refine these provisions before final adoption by the board.

Comment: Proposed 329 IAC 11-8-2.5(a) deals with acceptable waste for transfer stations and is similar to 329 IAC 10-9-2. Some of the materials listed, including biosolids, regulated asbestos-containing material, wastewater, and pollution control waste, may have handling issues. Regarding pollution control waste, the commentor suggests adding language that states “Pollution control waste in nonleaking containers or after written approval from the department.” (NSWMA)

Response: This list is intended to be consistent with 329 IAC 10-9-2. Based on this comment, we are proposing to change proposed 329 IAC 11-8-2.5 to clarify the wastes a transfer station could accept. We will propose to add pollution control waste in nonleaking containers to the list of acceptable waste. We will also add language that would allow a transfer station to accept up to two hundred twenty (220) pounds of uncontainerized pollution control waste in a shipment without going through the insignificant facility modification process. Greater amounts would require an insignificant facility modification under proposed 329 IAC 11-9-6, consistent with the current generic modification issued to all transfer stations in 2002. Once an insignificant facility modification is approved, the waste would be a “solid waste authorized by the facility permit.”

Comment: Under the current solid waste rules at 329 IAC 10-7.1-3(a), a waste determination must be carried out for all solid waste except waste that is disposed of outside of Indiana. Solid wastes being shipped out of state have not been an environmental problem. The commentor objected to elimination of this exclusion for solid waste being disposed of outside of Indiana. (BSC)

Response: The primary purpose of 329 IAC 10-7.1-3 was to support the special waste certification and verification process which was set up to ensure that Indiana landfills did not accept hazardous waste and that any special handling requirements at the landfill were identified. The exclusion for waste disposed of out-of-state was provided to prevent duplication or conflict with other states’ requirements relative to disposal of special waste in their landfills.

It is unfortunate that the existing language is written the way it is as it implies that waste being shipped out-of-state doesn’t need to be understood to assure it is managed in an environmentally sound manner while it is still within Indiana. Continuing to provide such an exclusion is not environmentally sound policy. Also, this exclusion does not allow violation of other environmental laws including Indiana’s environmental management laws, the Clean Water Act, the Comprehensive Environmental Response, Compensation and Liability Act (Superfund), and the Resource Conservation and Recovery Act.

Waste determination requirements apply to waste as it is generated. Even though disposal of a solid waste may occur outside of Indiana, a number of other activities prior to disposal, such as storage and transportation, do occur in Indiana. Each activity requires the generator to understand the characteristics of the waste to be able to conduct the activity safely.

Comment: This proposed rule would impose a new set of controls on wastes that are currently excluded from regulation when they undergo predisposal activities, such as storage, handling, transfer into and out of containers, and other activities, on-site at the generating facility. (BSC)

Response: While the existing rule does provide an exclusion for waste being disposed of out-of-state, there is no logical reason why the management of the waste in Indiana prior to disposal should be treated differently based on where it is ultimately taken for disposal. It is the department’s position that all waste managed in Indiana should be handled in a manner that does not create a threat to the environment.

Comment: This proposed rule would create a third level of regulation for waste determination. (BSC)

Response: This rule reduces Indiana’s waste identification requirements to the lowest level allowed by Indiana and federal laws, and eliminates all unnecessary and duplicative requirements. This rule only requires that generators comply with Indiana’s waste determination requirements in 329 IAC 3.1-7 and manage their wastes in accordance with Indiana’s solid waste management rules. Generators would need to identify the contents and properties of their wastes sufficiently to comply with those rules. If a generator does not have enough information to comply with the rules, testing may be necessary. Generators would be required to keep records and share the information with IDEM when requested to do so.

None of these are new requirements. The requirement to identify the contents and properties of solid waste ensures that a generator has enough information to make appropriate choices about how to manage each waste stream from generation to disposal.

329 IAC 3.1-7 incorporates the federal waste determination requirement in 40 CFR 262.11 by reference, as required by federal law (42 U.S.C. §6926 and 40 CFR 271). As provided in 42 U.S.C. §6926(b), Indiana’s hazardous waste program operates in lieu of the

federal hazardous waste program. Similarly, since 329 IAC 10 is equivalent to the federal solid waste regulations in 40 CFR 258, Indiana has received authorization by the U.S. Environmental Protection Agency to operate our solid waste management program. Because Indiana's solid and hazardous waste rules and the federal regulations are identical or equivalent and no agency other than IDEM regulates solid waste in Indiana, there is no "triple layer of regulation" as asserted by the commentor. There is only the single layer of Indiana rules for solid and hazardous waste administered by IDEM. We have been careful to ensure that this proposed rule does not duplicate other requirements.

In addition to the waste determination requirements in 329 IAC 3.1-7, a generator may engage in an activity that requires an agency decision. We may need additional information to make that decision. Activities that may require additional information include:

- Permitting a restricted waste site (329 IAC 10-24 through 10-38).
- Permitting a nonmunicipal solid waste landfill (329 IAC 24 through 10-31).
- Disposal of solid waste in a restricted waste site (329 IAC 10-9-4).
- Disposal of solid waste in a non-MSWLF (329 IAC 10-9-5).
- Use of a material as alternative daily cover (329 IAC 10-20-14.1).
- Solid waste surface impoundment closures (329 IAC 10-3-1(8)).
- Legitimate reuse requests (329 IAC 10-3-1(13)).
- Storage, containment, processing, or disposal of solid waste in a manner which creates a threat (329 IAC 10-4-2).
- Deposit of a contaminant or solid waste on the land (329 IAC 10-4-2, IC 13-30-2).
- Correcting open dumping violations (329 IAC 10-4-3, IC 13-30-2).
- Storage of solid waste (329 IAC 10-2-181).
- Management of solid waste on-site in contact with the land (329 IAC 10-2-181).
- Corrective action (329 IAC 10-21-13, 329 IAC 10-29-9).
- Disposal of wastes containing PCBs in a MSWLF (329 IAC 10-8-2-5, 329 IAC 4.1).
- Industrial on-site activities (329 IAC 10-5).

All of these decisions are waste specific and site specific. Each activity is under the control of the generator or results from an action taken by the generator. In each case, the generator would have to provide IDEM with the information we need to make an approval or to carry out our statutory responsibilities.

This proposed rule is significantly less restrictive and much more flexible than the existing requirements in 329 IAC 10-7.1, and eliminates the specific requirements for waste determinations in the existing rule. Since preliminary adoption, we reviewed this proposed rule to eliminate any unnecessary provisions. At final adoption, we will propose to the board an even more simplified version that removes references to rules other than 329 IAC 10 and makes the least restrictive statement that can legally be made about waste identification. This new version will only require the generator to identify the contents and properties of the waste to the extent necessary to comply with 329 IAC 10. Because 329 IAC 10 provides specific requirements for regulated activities, compliance should be greatly simplified.

FISCAL ANALYSIS PREPARED BY THE LEGISLATIVE SERVICES AGENCY

Under IC 4-22-2-28, IDEM has estimated that the economic impact of the proposed amendments to rules removing references to special waste and industrial waste will be less than five hundred thousand dollars (\$500,000) on the regulated entities. The economic impact analysis for this rule was not submitted to the Legislative Services Agency.

329 IAC 10-2-29.5	329 IAC 10-28-24
329 IAC 10-2-32	329 IAC 10-36-19
329 IAC 10-2-72.1	329 IAC 11-2-19.5
329 IAC 10-2-115	329 IAC 11-2-39
329 IAC 10-2-116	329 IAC 11-2-44
329 IAC 10-2-117	329 IAC 11-3-2
329 IAC 10-2-130	329 IAC 11-6-1
329 IAC 10-2-135.1	329 IAC 11-7
329 IAC 10-2-135.5	329 IAC 11-8-2
329 IAC 10-2-174	329 IAC 11-8-2.5
329 IAC 10-2-179	329 IAC 11-8-3
329 IAC 10-2-197.1	329 IAC 11-9-6
329 IAC 10-2-199.1	329 IAC 11-13-4
329 IAC 10-2-201.1	329 IAC 11-13-6
329 IAC 10-5-1	329 IAC 11-15-1
329 IAC 10-7.1	329 IAC 11-19-2
329 IAC 10-7.2	329 IAC 11-19-3
329 IAC 10-8.1	329 IAC 11-20-1
329 IAC 10-8.2	329 IAC 11-21-4
329 IAC 10-9-2	329 IAC 11-21-5
329 IAC 10-9-4	329 IAC 11-21-6
329 IAC 10-14-2	329 IAC 11-21-7
329 IAC 10-20-14.1	329 IAC 11-21-8
329 IAC 10-20-29	329 IAC 12-8-4
329 IAC 10-28-21	329 IAC 13-3-1

SECTION 1. 329 IAC 10-2-29.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 10-2-29.5 "CESQG hazardous waste" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

Affected: IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 29.5. "CESQG hazardous waste" means hazardous waste that is:

- (1) generated by a conditionally exempt small quantity generator; and
- (2) regulated under 40 CFR 261.5, revised as of July 1, 2001, available from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328.

(Solid Waste Management Board; 329 IAC 10-2-29.5)

SECTION 2. 329 IAC 10-2-32 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-2-32 "Commercial solid waste" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

Affected: IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 32. (a) "Commercial solid waste" means all types of solid waste generated by:

- (1) retail outlets;
- (2) offices;
- (3) restaurants;
- (4) warehouses; and
- (5) other nonmanufacturing activities. ~~but excludes~~

Proposed Rules

(b) The term does not include:

- (1) household or residential waste;
- (2) hazardous waste;
- (3) infectious waste; and special wastes;
- (4) industrial process waste.

(Solid Waste Management Board; 329 IAC 10-2-32; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1767)

SECTION 3. 329 IAC 10-2-72.1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-2-72.1 “Final closure” defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3

Affected: IC 13-11-2-17; IC 13-19-3; IC 36-9-30

Sec. 72.1. (a) “Final closure” means those activities required at the end of waste acceptance for the entire area of a facility, including:

(b) The term includes:

- (1) the placement of final cover; and
- (2) the establishment of vegetation in accordance with approved closure plans; but exclusive of and
- (3) activities to be completed at the end of waste acceptance at a facility, including certification required by:
 - (A) 329 IAC 10-22-8;
 - (B) 329 IAC 10-30-7; or
 - (C) 329 IAC 10-37-7.

(c) The term does not include:

- (1) monitoring and maintenance activities required under post-closure care; and
- (2) activities required after certification.

(Solid Waste Management Board; 329 IAC 10-2-72.1; filed Mar 19, 1998, 11:07 a.m.: 21 IR 2746)

SECTION 4. 329 IAC 10-2-115 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-2-115 “Municipal solid waste” or “MSW” defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

Affected: IC 13-19-3-3; IC 13-30-2; IC 36-9-30

Sec. 115. (a) “Municipal solid waste” or “MSW” means any solid waste generated by community activities or the operation of residential or commercial establishments.

(b) The term includes the following:

- (1) Household or residential waste.
- (2) Commercial solid waste.

(c) The term does not include the following:

- (1) Construction/demolition waste.
- (2) special Industrial process waste, as defined in section 179 of this rule;
- (3) Infectious waste, as defined in section 96 of this rule; or

(4) waste that:

- (A) results from the combustion of Coal and
- (B) is referenced under IC 13-1-12-9 combustion and flue gas desulfurization wastes excluded from regulation by IC 13-19-3-3.

(5) Hazardous waste.

(6) Pollution control waste.

(Solid Waste Management Board; 329 IAC 10-2-115; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1777)

SECTION 5. 329 IAC 10-2-116 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-2-116 “Municipal solid waste landfill” or “MSWLF” defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

Affected: IC 13-19-3; IC 3-20-21; IC 13-30-2; IC 36-9-30

Sec. 116. (a) “Municipal solid waste landfill” or “MSWLF” means a solid waste land disposal facility that is:

- (1) permitted to receive accept municipal solid waste; and that is
- (2) not:
 - (A) a land application unit;
 - (B) a surface impoundment;
 - (C) an injection well; or
 - (D) a waste pile.

(b) An MSWLF is a sanitary landfill for purposes of IC 13-20-21. An MSWLF also may receive commercial solid waste, construction/demolition waste, small quantity generator waste, industrial solid waste, and special waste in accordance with 329 IAC 10-8-1. Such a landfill may be publicly or privately owned. *(Solid Waste Management Board; 329 IAC 10-2-116; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1777; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1703, eff one hundred eighty (180) days after filing with the secretary of state; filed Mar 19, 1998, 11:07 a.m.: 21 IR 2747, eff Jul 10, 1998; errata filed Apr 8, 1998, 2:20 p.m.: 21 IR 2990; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3767)*

SECTION 6. 329 IAC 10-2-117 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-2-117 “Municipal solid waste landfill unit” or “MSWLF unit” defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

Affected: IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 117. (a) “Municipal solid waste landfill unit” or “MSWLF unit” means a discrete area of land or an excavation that is:

- (1) permitted to receive accept municipal solid waste for disposal; and that is
- (2) not:
 - (A) a land application unit;
 - (B) a surface impoundment;

- (C) an injection well; or
- (D) a waste pile.

as those terms are defined in 40 CFR 257.2:

An MSWLF also may receive commercial solid waste; construction/demolition waste; small quantity generator waste; industrial solid waste; and special waste in accordance with 329 IAC 10-8.1:

(b) The landfill may be publicly or privately owned. An MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion. (*Solid Waste Management Board; 329 IAC 10-2-117; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1777; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1703, eff one hundred eighty (180) days after filing with the secretary of state; filed Mar 19, 1998, 11:07 a.m.: 21 IR 2747, eff Jul 10, 1998; errata filed Apr 8, 1998, 2:20 p.m.: 21 IR 2990; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3767*)

SECTION 7. 329 IAC 10-2-130 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-2-130 “Operator” defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-4-7; IC 13-20-6

Affected: IC 13-11-2-148; IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 130. (a) “Operator”, **except as provided in subsection (b)**, means the person or persons responsible for the overall operation of a solid waste land disposal facility or part of a solid waste land disposal facility.

(b) In:

- (1) 329 IAC 10-20-30;
- (2) 329 IAC 10-28-22 through 329 IAC 10-28-24; and
- (3) 329 IAC 10-36-17 through 329 IAC 10-36-19;

the term has the meaning set forth in IC 13-11-2-148(c). (*Solid Waste Management Board; 329 IAC 10-2-130; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1779; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3767*)

SECTION 8. 329 IAC 10-2-135.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 10-2-135.5 “Petroleum contaminated soil” defined

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3

Affected: IC 13-12; IC 13-19; IC 13-20-7-6; IC 36-9-30

Sec. 135.5. “Petroleum contaminated soil” means soil that is contaminated with any of the following:

- (1) Asphalt or asphaltic suspension.
- (2) Aviation turbine fuel.
- (3) Crude oil.
- (4) Diesel fuel.
- (5) Fuel oil.
- (6) Gas oil.

- (7) Gasoline.
- (8) Heating oil.
- (9) Hydraulic oil.
- (10) Jet fuel.
- (11) Kerosene.
- (12) Lubricating oil.
- (13) Mineral spirits.
- (14) Motor fuel.
- (15) Transformer oil.
- (16) Transmission fluid.

(*Solid Waste Management Board; 329 IAC 10-2-135.5*)

SECTION 9. 329 IAC 10-2-174 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-2-174 “Solid waste” defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3

Affected: IC 13-11-2-17; IC 13-11-2-205; IC 13-19-3; IC 36-9-30

Sec. 174. (a) “Solid waste” ~~means any:~~ **has the meaning set forth in IC 13-11-2-205.**

- (1) ~~garbage;~~
- (2) ~~refuse;~~
- (3) ~~sludge from a wastewater treatment plant;~~
- (4) ~~sludge from a water supply treatment plant;~~
- (5) ~~sludge from an air pollution control facility; or~~
- (6) ~~other discarded material; including:~~

(b) **The following are examples of other discarded material:**

- (A) (1) Ash residue.
- (B) (2) Contaminated sediments.
- (C) (3) Commercial **solid** waste.
- (D) (4) Construction/demolition waste.
- (E) (5) Hazardous waste.
- (F) (6) Household waste.
- (G) (7) Infectious waste.
- (H) (8) Liquid waste.
- (I) ~~special~~ (9) **Pollution control** waste.
- (J) (10) Municipal solid waste.
- (K) (11) Regulated hazardous waste.
- (L) (12) Residential ~~and nonresidential~~ waste. ~~and~~
- (M) ~~Any solid; liquid; semisolid; or contained gaseous material.~~
- (13) **Industrial process waste.**

(b) The term does not include:

- (1) solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the federal Water Pollution Control Act, 33 U.S.C. 1342, as amended February 4, 1987;
- (2) source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, 42 U.S.C. 2014 et seq., as amended October 24, 1992;
- (3) manures or crop residues returned to the soil at the point

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of generation as fertilizers or soil conditioners as part of a total farm operation; or

~~(4) vegetative matter at composting facilities registered under IC 13-20-10.~~

(Solid Waste Management Board; 329 IAC 10-2-174; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1784; filed Mar 19, 1998, 11:07 a.m.: 21 IR 2748)

SECTION 10. 329 IAC 10-2-197.1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-2-197.1 “U.S. Environmental Protection Agency Publication SW-846” or “SW-846” defined

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19

Affected: IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 197.1. “U.S. Environmental Protection Agency Publication SW-846” or “SW-846” means “Test Methods for Evaluating Solid Waste, Physical Chemical Methods”, U.S. Environmental Protection Agency Publication SW-846, Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), and III (December 1996), ~~that is incorporated by reference at 329 IAC 10-7-1-2(a)(1); and IIIA (April 1998).~~ **SW-846 is available from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328.** *(Solid Waste Management Board; 329 IAC 10-2-197.1; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1705, eff one hundred eighty (180) days after filing with the secretary of state)*

SECTION 11. 329 IAC 10-5-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-5-1 Applicability

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3-1

Affected: IC 13-19-3; IC 13-25-4; IC 36-9-30

Sec. 1. (a) This rule applies to all industries:

(1) that dispose of solid waste ~~including special waste~~ on the site where the waste is generated or off-site at a solid waste land disposal facility that is owned and operated by the generator for its exclusive use; and

(2) that are required to have a permit under this article, but did not have a permit under:

(A) 329 IAC 1.5, which was repealed in 1989; or

(B) 329 IAC 2, which was repealed in 1996.

(b) To continue on-site disposal after September 1, 1989, industries subject to this rule and operating before September 1, 1989, must have submitted all information required by **section 2 of this section rule** on or before September 1, 1989, to the commissioner. Compliance with section 2 of this rule must constitute an interim permit and must allow the facility to continue operating until such time as the commissioner issues or denies a permit under section 3 of this rule.

(c) This rule does not preclude the commissioner from taking action under IC 13-25-4 where a particular disposal practice is demonstrated to threaten human health or the environment. *(Solid Waste Management Board; 329 IAC 10-5-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1797; errata filed Apr 4, 1996, 4:00 p.m.: 19 IR 2045; filed Mar 19, 1998, 11:07 a.m.: 21 IR 2750; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3778; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 12. 329 IAC 10-7.2 IS ADDED TO READ AS FOLLOWS:

Rule 7.2. Generator Responsibilities for Waste Identification

329 IAC 10-7.2-1 Generator responsibilities

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3-1

Affected: IC 13-12; IC 13-19; IC 13-30-2-1

Sec. 1. (a) A generator of solid waste is responsible for identifying the contents and properties of each waste generated for purposes of the following:

(1) Managing each waste in a way that does not violate IC 13-30-2-1 or 329 IAC 10-4-2.

(2) Managing each waste in accordance with the following:

(A) This article.

(B) 329 IAC 11.

(C) 329 IAC 15.

(3) If applicable, managing and disposing of each waste in compliance with the following:

(A) 329 IAC 3.1*.

(B) 329 IAC 4.1.

(b) A generator may use any of the following to identify the contents and properties of the waste:

(1) Generator knowledge as defined in 329 IAC 10-2-78.1.

(2) Waste testing in accordance with section 2 of this rule.

(c) A generator shall do all of the following:

(1) Maintain the records used to comply with this section to the extent necessary to support all decisions regarding that waste.

(2) Make the information used to comply with this section available to the commissioner upon request.

(3) Allow the commissioner to review any information, decisions, and activities regarding that waste.

This subsection does not require a generator to create records in addition to those necessary to comply with this section.

***The waste determination requirements in 40 CFR 262.11 apply to each person who generates a solid waste as described in 40 CFR 261.2. 40 CFR 261.2 and 40 CFR 262.11, revised as of July 1, 2001, are incorporated by reference at 329 IAC 3.1-6 and 329 IAC 3.1-7, respectively. 40 CFR 261.2 and 40 CFR 262.11, revised as of July 1, 2001, are**

available from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328. (*Solid Waste Management Board; 329 IAC 10-7.2-1*)

329 IAC 10-7.2-2 Waste testing

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-12; IC 13-19; IC 36-9-30

Sec. 2. (a) When testing is used to identify the contents and properties of a solid waste the generator shall do the following:

- (1) Use test methods from one (1) of the following:
 - (A) U.S. Environmental Protection Agency publication SW-846.
 - (B) Equivalent methods approved by the commissioner.
- (2) Comply with the following for all test methods used:
 - (A) Applicable quality assurance and quality control procedures in U.S. Environmental Protection Agency publication SW-846, Chapter 1, "Quality Control".
 - (B) The statistical sampling methodology specified in Volume II, Chapter 9, "Sampling Plan" of U.S. Environmental Protection Agency publication SW-846 to determine the upper confidence limit for each constituent concentration value.

(b) Wastes must not be combined for testing.

(c) Nothing in this section limits the ability of the commissioner to require additional testing for activities other than disposal in a municipal solid waste landfill that meets the requirements of 329 IAC 10-17.

(d) For testing required to determine a restricted waste site type under 329 IAC 10-9-4 use Table 1.

Table 1. Testing Requirements for Waste to be Disposed of in a Restricted Waste Site

Waste	Use These Extraction Methods ¹	Analyze for These Constituents ²
Coal Ash or Flue Gas Desulfurization Byproducts	Method 1311 (Toxicity Characteristic Leaching Procedure)	Arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver
	Neutral Leaching Method ³ or Method 1312 (Synthetic Precipitation Leaching Procedure)	Barium, chlorides, total cyanide, fluoride, sodium, sulfate, total sulfide, total dissolved solids
Foundry Waste	Method 1311 (Toxicity Characteristic Leaching Procedure)	Arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver
	Neutral Leaching Method ³ or Method 1312 (Synthetic Precipitation Leaching Procedure)	Chlorides, copper, total cyanide, fluoride, iron, manganese, nickel, pH, phenols, sodium, sulfate, total sulfide, total dissolved solids, zinc
All Other Waste	Test methods from SW-846 specific to the waste	Constituents will be determined based on the specific waste

¹Extraction methods and procedures are found in U.S. Environmental Protection Agency Publication SW-846 unless otherwise noted.

²Use appropriate analytical methods from SW-846, "Methods for

Chemical Analysis of Water and Waste", EPA-600/4-79-020, revised March 1983, or use other equivalent analytical methods approved by the commissioner. EPA-600/4-79-020 is available from the National Technical Information Service, Springfield, Virginia 22161, order number PB84-128677.

³The Neutral Leaching Method is conducted as follows:

- (1) Use Method 1311, Toxicity Characteristic Leaching Procedure, described in U.S. Environmental Protection Agency publication SW-846.
- (2) Substitute deionized water for extraction fluids 1 and 2 described in Method 1311.
- (3) Analyze for pH at the end of the eighteen (18) hour extraction period.

(*Solid Waste Management Board; 329 IAC 10-7.2-2*)

SECTION 13. 329 IAC 10-8.2 IS ADDED TO READ AS FOLLOWS:

Rule 8.2. Management Requirements for Certain Solid Wastes

329 IAC 10-8.2-1 General

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3-1
Affected: IC 13-11-2-155; IC 13-12; IC 13-19; IC 13-20-7-6

Sec. 1. This rule describes certain solid waste that must be managed using the handling or disposal requirements described in this section. (*Solid Waste Management Board; 329 IAC 10-8.2-1*)

329 IAC 10-8.2-2 Wastes that generate fugitive dust

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3-1
Affected: IC 13-11-2-155; IC 13-12; IC 13-19; IC 13-20-7-6

Sec. 2. Waste that generates fugitive dusts or fugitive particulate matter must be managed in a way that does not violate any of the following:

- (1) The rules of the air pollution control board at 326 IAC 6-4 for fugitive dust.
- (2) The rules of the air pollution control board at 326 IAC 6-5 for fugitive particulate matter, including 326 IAC 6-5-4(g) for control measures for solid waste handling.

(*Solid Waste Management Board; 329 IAC 10-8.2-2*)

329 IAC 10-8.2-3 Waste that is hot or capable of generating heat

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3-1
Affected: IC 13-11-2-155; IC 13-12; IC 13-19; IC 13-20-7-6

Sec. 3. (a) Waste that is hot, or capable of generating heat in combination with other wastes or water, such that the heat may adversely affect:

- (1) routine solid waste disposal operations;
- (2) the structure of the MSWLF unit or non-MSWLF unit; or
- (3) human health;

must be managed in accordance with this section, as applicable.

(b) The waste must be cooled or allowed to cool to a temperature that will not adversely affect:

(1) routine solid waste disposal operations;
(2) the structure of the MSWLF unit or non-MSWLF unit; or
(3) human health;
prior to shipment for disposal.

(c) The waste must be treated to prevent any exothermic reaction if such contact may adversely affect:

- (1) routine solid waste disposal operations;
- (2) the structure of the MSWLF unit or non-MSWLF unit; or
- (3) human health.

(d) The waste must be isolated to prevent contact with another waste or with water if such contact may adversely affect:

- (1) routine solid waste disposal operations;
- (2) the structure of the MSWLF unit or non-MSWLF unit; or
- (3) human health.

(Solid Waste Management Board; 329 IAC 10-8.2-3)

329 IAC 10-8.2-4 Regulated asbestos-containing materials

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3-1

Affected: IC 13-11-2-155; IC 13-12; IC 13-19; IC 13-20-7-6

Sec. 4. (a) Regulated asbestos-containing materials, except for Category II nonfriable asbestos-containing materials regulated under subsection (b), must be managed in accordance with the rules of the air pollution control board at 326 IAC 14-10, 40 CFR 61, Subpart M, revised as of February 12, 1999, and the following:

(1) The generator shall provide the solid waste land disposal facility with sufficient notice in advance of the disposal such that the facility may prepare to accept the regulated asbestos-containing material.

(2) All regulated asbestos-containing material must be handled in accordance with the wetting, packaging, and labeling provisions of 40 CFR 61.145(c), revised as of January 16, 1991, and 40 CFR 61.150(a), revised as of January 16, 1991.

(3) Each load of regulated asbestos-containing material must be accompanied by a waste shipment record prepared on one (1) of the following:

(A) A form provided by the department.

(B) A form produced by the generator that includes all the information included on the form provided by the department.

(4) All regulated asbestos-containing material must be disposed of in accordance with the provisions of the following:

(A) 40 CFR 61.154, revised as of January 16, 1991.

(B) 326 IAC 14-10.

(C) The following:

(i) There must not be direct physical contact between regulated asbestos-containing material and heavy

equipment during disposal and covering operations.
(ii) All regulated asbestos-containing material must be covered with soil, approved alternative material, or solid waste before compaction with heavy equipment or within twenty-four (24) hours of receipt of the waste to prevent airborne release.

(iii) Any regulated asbestos-containing material that is improperly packaged or in which packaging has been damaged must be placed in the working face of the MSWLF unit or non-MSWLF unit and covered immediately after placement of the waste.

(iv) An asbestos waste disposal manager shall be present at the MSWLF unit or non-MSWLF unit during all handling and disposal of regulated asbestos-containing material to ensure compliance with this subsection. The asbestos waste disposal manager shall be licensed in accordance with the rules of the air pollution control board at 326 IAC 18-1.

(v) All personnel involved in off-loading or in covering shall use appropriate personal protective equipment as necessary to prevent exposure to any airborne release of asbestos fibers during disposal operations.

(vi) The solid waste land disposal facility must have a written contingency plan to safely control torn and broken containers. Dedicated equipment and supplies must be maintained at the facility to properly handle spilled or improperly packaged or wetted regulated asbestos-containing material. If release of asbestos-containing waste materials occurs, the solid waste land disposal facility must take immediate corrective action directed by the asbestos waste disposal manager.

(b) Category II nonfriable asbestos-containing material, as defined in 40 CFR 61.141, revised as of June 19, 1995, that has not been made friable by forces reasonably expected to act on the material before disposal must be managed in accordance with the following:

(1) Subsection (a)(1).

(2) Subsection (a)(3).

(3) Subsection (a)(4).

(4) Label the containers or wrapped materials using warning labels that meet the requirements of 29 CFR 1910.1001(j)(4), revised as of January 8, 1998, and include the information in the following figure:

<p>DANGER CONTAINS ASBESTOS FIBERS AVOID CREATING DUST CANCER AND LUNG DISEASE HAZARD</p>

(5) For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated.

(c) 29 CFR 1910 and 40 CFR 61 are available from the

Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328. (Solid Waste Management Board; 329 IAC 10-8.2-4)

329 IAC 10-8.2-5 Wastes that contain PCBs

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3-1
Affected: IC 13-11-2-155; IC 13-12; IC 13-19; IC 13-20-7-6

Sec. 5. Wastes that contain PCBs must be managed and disposed of in accordance with 329 IAC 4.1. (Solid Waste Management Board; 329 IAC 10-8.2-5)

329 IAC 10-8.2-6 Waste pesticides or wastes contaminated with pesticides

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3-1
Affected: IC 13-11-2-155; IC 13-12; IC 13-19; IC 13-20-7-6; IC 15-3-3.5-34

Sec. 6. Waste pesticides or wastes contaminated with pesticides must be disposed of in accordance with:

- (1) the label required by 40 CFR 156.10(a), revised as of February 23, 1998, available from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328; and
- (2) IC 15-3-3.5-34.

(Solid Waste Management Board; 329 IAC 10-8.2-6)

SECTION 14. 329 IAC 10-9-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-9-2 Municipal solid waste landfill waste criteria

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-19-3; IC 13-20-9; IC 13-20-16; IC 36-9-30

Sec. 2. A municipal solid waste landfill may accept all solid waste regulated under this article except the following solid wastes:

- (1) Municipal solid waste.
- (2) Construction/demolition waste.
- (3) CESQG hazardous waste.
- (4) Industrial process waste.
- (5) Pollution control waste.
- (6) Regulated asbestos-containing material that meets the requirements of 329 IAC 10-8.2-4.
- (7) Biosolid defined in 327 IAC 6.1-2-7, in accordance with 327 IAC 6.1-1-7.
- (8) Wastewater defined in 327 IAC 7.1-2-41, in accordance with 327 IAC 7.1-7-1.

(b) A municipal solid waste landfill may not dispose of or accept for disposal any of the following solid wastes:

- (1) Special Solid waste must be accepted at a municipal solid waste landfill only in accordance with 329 IAC 10-8.1-1 that is prohibited by the facility permit.
- (2) Liquid waste, that is or that contains free liquids must not be accepted for disposal by any municipal solid waste landfill effective September 1, 1989. Free liquid shall be determined utilizing Method 9095 (Paint Filter Liquids Test); as de-

scribed in U.S. Environmental Protection Agency Publication SW-846. This prohibition must not apply to except those liquids allowed in 329 IAC 10-20-27.

- (3) Hazardous waste, except CESQG hazardous waste.
- (4) Infectious waste, except as provided in 410 IAC 1-3-26.
- (5) Whole waste tires, except as provided in 329 IAC 10-20-32.
- (6) Lead-acid batteries prohibited by IC 13-20-16.
- (7) Vegetative matter prohibited by IC 13-20-9.
- (8) Waste or material containing PCB prohibited by 329 IAC 4.1.
- (9) Regulated asbestos-containing material that is not managed in accordance with 326 IAC 14-10 and 329 IAC 10-8.2-4.
- (10) Any appliance or motor vehicle air conditioner containing a refrigerant or other class I or class II substance that has not been removed as required by 40 CFR 82.156, revised as of July 1, 2001. 40 CFR 82.156 is available from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328.

(Solid Waste Management Board; 329 IAC 10-9-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1805; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1725, eff one hundred eighty (180) days after filing with the secretary of state; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 15. 329 IAC 10-9-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-9-4 Restricted waste sites waste criteria

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 4. (a) A restricted waste site must accept only the restricted waste types specified in the facility permit, determined according to the classification criteria in this section.

(b) Restricted wastes accepted at a restricted waste site must be limited to one (1) waste type or related waste types that are as follows:

- (1) Expected to have similar chemical and physical composition.
- (2) Demonstrated to be within the concentration limits for the appropriate site type for each constituent for which testing is required. The concentration limits for each constituent for each restricted waste site type are as follows:

(A) Table 1 lists the maximum levels for constituents using Method 1311, the toxicity characteristic leaching procedure test as defined in 329 IAC 10-7-1; described in U.S. Environmental Protection Agency Publication SW-846:

Table 1. Constituents Using the Method 1311, Toxicity Characteristic Leaching Procedure Test

Constituent	Concentration (milligrams per liter)			
	Type IV	Type III	Type II	Type I
Arsenic	≤*.05 ≤.05	≤.50	≤1.3	≤*.5.0 <5.0

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Barium	≤1.0	≤10.	≤25.	<100.
Cadmium	≤.01	≤.10	≤.25	<1.0
Chromium	≤.05	≤.50	≤1.3	<5.0
Lead	≤.05	≤.50	≤1.3	<5.0
Mercury	≤.002	≤.02	≤.05	<.20
Selenium	≤.01	≤.10	≤.25	<1.0
Silver	≤.05	≤.50	≤1.3	<5.0

(B) **Table 2 lists the maximum levels** for constituents using the **neutral** leaching method test:

Table 2. Constituents Using the **Neutral** Leaching Method Test¹

Constituent	Concentration (milligrams per liter)			
	Type IV	Type III	Type II	Type I
Barium	≤1.0	≤10.0	≤25.	*** (2)
Chlorides	≤250.	≤2,500.	≤6,300.	*** (2)
Copper	≤.25	≤2.5	≤6.3	*** (2)
Cyanide, total	≤.20	≤2.0	≤5.0	*** (2)
Fluoride	≤1.4	≤14.0	≤35.	*** (2)
Iron	≤1.5	≤15.0	*** (2)	*** (2)
Manganese	≤.05	≤.50	*** (2)	*** (2)
Nickel	≤.20	≤2.0	≤5.0	*** (2)
Phenols	≤.30	≤3.0	≤7.5	*** (2)
Sodium	≤250.	≤2,500.	≤6,300.	*** (2)
Sulfate	≤250.	≤2,500.	≤6,300.	*** (2)
Sulfide, total	≤1.0*** ≤1.0 ³	≤5.0	≤13.	*** (2)
Total dis- solved solids	≤500.	≤5,000.	≤12,500.	*** (2)
Zinc	≤2.5	≤25.	≤63.	*** (2)

¹The Neutral Leaching Method test is conducted as follows:

- (1) Use Method 1311, Toxicity Characteristic Leaching Procedure, described in U.S. Environmental Protection Agency publication SW-846.
- (2) Substitute deionized water for extraction fluids 1 and 2 described in Method 1311.
- (3) Analyze for pH at the end of the eighteen (18) hour extraction period.

²Testing is not required.

³If detection limit problems exist, please consult the Office of Land Quality for guidance.

(C) For Table 3 lists the maximum pH:

Table 3. pH

Constituent	Acceptable Range (Standard Units)			
	Type IV	Type III	Type II	Type I
pH	6.0-9.0	5.0-10.0	4.0-11.0	*** (1)

* ≤ means less than or equal to:

** < means less than:

*** ¹Testing is not required.

**** If detection limit problems exist, please consult the Office of Solid and Hazardous Waste for guidance:

(3) (c) The following apply to those wastes that have previ-

ously been classified using the **Method 1310**, extraction procedure toxicity test, **described in U.S. Environmental Protection Agency Publication SW-846**, under 329 IAC 2, which was repealed in 1996, and now must be classified using the toxicity characteristic leaching procedure **Method 1311** under this article:

(A) (1) The waste must be classified as under 329 IAC 10-7.1 **329 IAC 10-7.2** at the renewal of the current waste classification.

(B) (2) If the results using the toxicity characteristic leaching procedure **Method 1311** demonstrate a higher concentration of contaminants leaching from the waste than demonstrated using the extraction procedure toxicity test **Method 1310** for the previous waste classification such that the waste now requires a restricted waste site type with more environmentally protective design and operating standards, the facility accepting the waste is subject to the following:

(i) (A) For units undergoing closure, the facility must comply with the ground water monitoring and post-closure requirements of the more environmentally protective restricted waste site type.

(ii) (B) Within one (1) year from the date that the new waste classification type is determined, the owner or operator shall:

(AA) (i) submit an application to reclassify the facility to the restricted waste site type with the more environmentally protective standards; or

(BB) (ii) close the facility as required under item (i) **clause (A)**.

(iii) (C) If the facility is comprised of previously closed units that are contiguous with existing or new units, the new and existing units must comply with item (ii) **clause (B)** and the entire facility must comply with the ground water monitoring requirements of the more environmentally protective restricted waste site type.

(c) (d) Coal combustion fly or bottom ash and flue gas desulfurization byproducts may be disposed of at a restricted waste site Type I without characterization testing, or at a restricted waste site Type II, III, or IV, if the following are completed:

(1) The waste is characterized as specified in 329 IAC 10-7.1 **329 IAC 10-7.2**.

(2) The waste is classified as specified in 329 IAC 10-7.1 **329 IAC 10-7.2** for disposal and meets the criteria under subsection (b) for a restricted waste site Type II, III, or IV.

(3) Resampling is conducted:

(A) at five (5) year intervals;

(B) whenever the characteristics of the coal changes;

(C) whenever the process generating the waste changes; or

(D) according to a schedule for resampling specified by the commissioner based on variability noted in previous sampling and other factors affecting the predictability of waste characteristics.

~~(d)~~ (e) Foundry waste may be disposed of at a restricted waste site Type I, II, III, or IV if the following are completed:

- (1) The waste is characterized as specified in ~~329 IAC 10-7.1~~. **329 IAC 10-7.2.**
- (2) The waste is characterized as specified in ~~329 IAC 10-7.1~~ **329 IAC 10-7.2** for disposal and meets the criteria under subsection (b) for a restricted waste site Type I, II, III, or IV.
- (3) Resampling is conducted:
 - (A) at two (2) year intervals;
 - (B) whenever the process changes; or
 - (C) according to a schedule for resampling by the commissioner based on variability noted in previous sampling and other factors affecting the predictability of waste characteristics.

~~(e)~~ (f) For waste other than those in subsections ~~(e)~~ (d) through ~~(d)~~, (e), the generator may request that the commissioner define test constituents and concentration limits needed to ~~make a determination of~~ **determine** which restricted waste site type ~~adequately~~ controls the expected hazards of the waste based on the chemical and physical characteristics of the waste. The commissioner may deny such a request for wastes that are heterogeneous, such as municipal garbage and trash and demolition debris, or wastes that are subject to organic decomposition, and other wastes for which test methods are inadequate to determine the hazards posed by the waste or its decomposition products.

~~(f)~~ **Notwithstanding (g) Except as provided in subsections (a) through (f), even if** sampling results that indicate that waste constituents exceed the criteria for a proposed restricted waste site type, the commissioner may approve the site if the permittee ~~adequately~~ demonstrates that:

- (1) the pH range encountered under leaching conditions likely to be encountered at the site will produce lower concentrations of waste constituents in any leachate generated;
- (2) due to precipitation, sorption, ion exchange, neutralization, reaction, or decomposition, the waste constituents will be removed from solution; or
- (3) dispersion and dilution likely to occur within the monitoring boundary, as defined in 329 IAC 10-2-113, will reduce the concentration of waste constituents in leachate as determined by the toxicity characteristic leaching procedure and leaching method tests.

~~(g)~~ (h) The generator shall submit a comprehensive list, comparable to material safety data sheets, of all organic additives used in the process unit operations generating the waste. If trade names are given to additives, it is the generator's responsibility to contact the manufacturer about supplying the commissioner with the chemical ingredient listing that makes up the trade name chemical and to have the manufacturer contact the commissioner with the proper information. The commissioner may require organic testing of the additive.

~~(h)~~ (i) Waste analyses submitted to the commissioner for review under subsections (a) through ~~(g)~~ (h) must be accompa-

nied by sufficient documentation of representative sampling and quality assurance and quality control measures to establish that the applicable procedures were conducted under adequate controls as stipulated in ~~329 IAC 10-7.1-4~~. **329 IAC 10-7.2.**

~~(i)~~ (j) The person seeking the restricted waste site waste classification shall include a signed statement attesting that the information provided is true and accurate that states, "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit this information."

~~(j)~~ (k) The results of the waste classification indicating the restricted waste type determined by the commissioner must be provided in writing to the generator of the waste. A waste classification is not considered valid unless provided in writing by the commissioner. (*Solid Waste Management Board; 329 IAC 10-9-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1805; errata filed Apr 4, 1996, 4:00 p.m.: 19 IR 2045; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1725, eff one hundred eighty (180) days after filing with the secretary of state; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 16. 329 IAC 10-14-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-14-2 Weighing scales

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

Affected: IC 13-19-3; IC 13-20-2; IC 24-6-3-5; IC 36-9-30

Sec. 2. (a) This section applies to either of the following:

- (1) Solid waste land disposal facilities receiving a permit from the department after January 1, 1994, that are required to install weighing scales.
- (2) Existing solid waste land disposal facilities required to install weighing scales under the following conditions:
 - (A) The solid waste land disposal facility is open to accept solid waste for disposal.
 - (B) Based on reporting results required by section 1(a) of this rule, the solid waste land disposal facility accepts in any calendar year an annual average of more than fifty (50) tons of solid waste per operating day.

(b) This section does not apply to any solid waste land disposal facility that receives solid waste from a person that:

- (1) generates the solid waste; and
- (2) disposes of the solid waste at a solid waste land disposal facility that is:

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- (A) owned by that person; and
- (B) limited to use for the disposal of solid waste generated by that person.

(c) Solid waste land disposal facilities required to install weighing scales by subsection (a) must:

- (1) install the weighing scales within twelve (12) months of determining the installation is required;
- (2) notify the department in writing of the date the weighing scales became operable after installation;
- (3) effectively maintain and operate these weighing scales in accordance with IC 24-6;
- (4) submit to inspection of the weighing scales under IC 24-6-3-5; and
- (5) weigh all vehicles bringing solid waste to the **working face of the** solid waste land disposal facility and report the total weighed quantity of solid waste in tons as required by section 1 of this rule.

(d) In the event that the weighing scales required in subsection (a) break down or are operating improperly:

- (1) the solid waste land disposal facility owner, operator, or permittee may use the waste quantification methods in subsection (e) for the duration of the scale breakdown;
- (2) the solid waste land disposal facility owner, operator, or permittee shall submit a written notification of the breakdown with each quarterly tonnage report required under section 1 of this rule for each affected quarter;
- (3) the solid waste land disposal facility owner, operator, or permittee shall submit with the notification required by subdivision (2), the time frames for actions to be taken to repair the breakdown or inoperable weighing scales; and
- (4) the solid waste land disposal facility owner, operator, or permittee shall notify the department in writing that the weighing scales are operable after any repair.

(e) A solid waste land disposal facility required to report under section 1(a) of this rule but not required to install and operate weighing scales or a solid waste land disposal facility at which the scales are operating improperly or are temporarily inoperable shall use the most applicable of the following conversion factors to determine the weight of municipal solid waste from the volume of municipal solid waste:

- (1) Three and three-tenths (3.3) cubic yards of compacted solid waste equals one (1) ton of solid waste.
- (2) Six (6) cubic yards of uncompacted solid waste equals one (1) ton of solid waste.
- (3) One (1) cubic yard of baled solid waste equals one (1) ton of solid waste.

(f) Any solid waste land disposal facility accepting construction/demolition waste or **special pollution control** waste, required to report under section 1(a) of this rule that is not required by subsection (a) to install weighing scales to weigh solid waste, shall use accepted engineering practices, produc-

tion information, or other methods approved by the department to estimate the weight of ~~these solid construction/demolition waste types and pollution control waste~~ received at the solid waste land disposal facility.

(g) Failure to install and operate weighing scales and to notify the department as required by this section constitutes an operational violation under 329 IAC 10-1-2. (*Solid Waste Management Board; 329 IAC 10-14-2; filed Mar 14, 1996, 5:00 p.m.; 19 IR 1817; filed Aug 2, 1999, 11:50 a.m.; 22 IR 3796*)

SECTION 17. 329 IAC 10-20-14.1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-20-14.1 Alternative daily cover

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3

Affected: IC 13-11-2-215.1; IC 13-19-3; IC 13-20; IC 36-9-30

Sec. 14.1. (a) ~~An~~ **The** owner, operator, or permittee of an MSWLF unit **that is constructed** with a leachate collection system and composite liner **in accordance with 329 IAC 10-17** may apply ~~an a material as~~ **alternative daily cover (ADC)** ~~material under only in accordance with:~~

- (1) this section; and
- (2) **any requirements in the facility permit.**

(b) The following **materials** must not be applied as ~~ADC~~ **alternative daily cover:**

- (1) ~~Category A special waste. A solid waste that contains a toxicity characteristic contaminant listed in 40 CFR 261.24, Table 1, at a level equal to or greater than seventy-five percent (75%) of the regulatory level for that contaminant, determined in accordance with 329 IAC 3.1.~~
- (2) ~~Material that contains polychlorinated biphenyl (PCB) concentrations greater than twenty-five (25) parts per million; however, this material cannot be PCB containing as defined by 329 IAC 4-1-1(b).~~
- (3) ~~Material excluded from special waste requirements that is greater than or equal to seventy-five percent (75%) of the hazardous waste limit under the:~~

- (A) ~~toxicity characteristic leaching procedure (TCLP) test; or~~
- (B) ~~extraction procedure toxicity (EP Tox) test;~~

~~as applicable.~~

- (2) **Putrescible waste.**
- (3) **Medical waste.**
- (4) **Baghouse dust.**
- (5) **Biosolid that does not meet Class A criteria described in the rules of the water pollution control board at 327 IAC 6.1-4-13(c).**
- (6) **Material containing PCB that is not listed in subsection (d).**

(b) ~~The~~ (c) **Unless permitted otherwise under subsection (f), all material used as alternative daily cover must meet the following ~~are ADC~~ performance standards:**

(1) The material must meet ~~the disposal~~ **all** requirements for MSWLFs ~~under of this article for disposal in a municipal solid waste landfill.~~

(2) Category B special waste must meet the verification process for disposal under 329 IAC 10-8-1.

(3) (2) Use of the material must control: **not result in:**

(A) blowing litter; ~~and~~

(B) **blowing dust**; or

(B) (C) disease vectors.

(4) (3) The material must not contribute to:

(A) fire;

(B) odor; or

(C) scavenging.

(5) (4) The material must not:

(A) be composed of ~~particle sizes that contribute to fugitive dust more than twenty percent (20%) particles smaller than six hundred (600) microns~~; or

(B) have a bulk density less than one (1) gram per cubic centimeter.

(5) The material must not be soluble in water.

(6) The A dry material must not pose an exposure threat to workers exhibit a pH of:

(A) less than or equal to five (5); or

(B) greater than or equal to ten (10);

when tested in accordance with Method 9045C, "Soil and Waste pH", described in U.S. Environmental Protection Agency Publication SW-846.

(7) The maximum dimension of the material, with the exception of geotextile or plastic (tarp), must be fourteen (14) inches or less. When applied as alternative daily cover in accordance with this section, the material must not present a threat to human health or the environment as follows:

(A) The material must not exceed an exposure limit listed in any of the following:

(i) 29 CFR 1910, Subpart Z, revised as of July 1, 2001.

(ii) 29 CFR 1926.55, revised as of July 1, 2001.

(iii) 29 CFR 1926.62, revised as of July 1, 2001.

29 CFR 1910 and 29 CFR 1926 are available from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328.

(B) The material must not be ignitable under conditions that exist at the working face of the landfill.

(8) Waste must not be visible after application of the material as alternative daily cover.

(c) If the ADC is one (1) of the following and meets the performance standards under subsection (b); (d) The owner, operator, or permittee of the municipal solid waste landfill shall apply for an insignificant facility modification under in accordance with 329 IAC 10-3-3(b) to apply any of the ADC: following materials as alternative daily cover:

(1) Altered tires.

(2) Wood chips.

(3) Compost.

(4) ~~Category B Foundry sand. or foundry sand that is excluded from special waste under IC 13-11-2-215.1(b)(8).~~

(5) Geotextile.

(6) Plastic (tarp): **tarpaulin.**

(7) ~~Excluded Material under~~ **excluded from regulation by** 329 IAC 10-3-1(1).

(8) Dewatered publicly owned treatment works (POTW) sludge.

(9) Dewatered paper sludge.

(10) **Petroleum contaminated soil.**

(11) **Soil contaminated with vegetable oil.**

(12) **Material containing PCB allowed under 40 CFR 761.62(d), revised as of July 1, 1999*.**

(13) **Material containing less than fifty (50) parts per million PCB that:**

(A) results from a source that contained less than fifty (50) parts per million PCB;

(B) would otherwise meet the definition of PCB bulk product waste in 40 CFR 761.3, revised as of July 1, 1999*; and

(C) is listed in 40 CFR 761.62(b)(1), revised as of July 1, 1999*.

(14) Other material containing less than or equal to ten (10) parts per million PCB not as a result of dilution.

*40 CFR 761 is available from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328.

(d) If (e) The owner, operator, or permittee intends to apply: of the municipal solid waste landfill shall apply for an insignificant facility modification in accordance with 329 IAC 10-3-3(c) to apply a material that:

(1) an ADC that:

(A) (1) is not listed under in subsection (c); (d); and

(B) (2) meets the performance standards under in subsection (b); or (c) when delivered to the working face of the landfill.

(2) shredder fluff as an ADC;

the owner, operator, or permittee shall apply for an insignificant facility modification under 329 IAC 10-3-3(c).

(e) If (f) The owner, operator, or permittee intends to of the municipal solid waste landfill shall apply an ADC that does not meet the requirements of subsection (d) and for a minor modification in accordance with 329 IAC 10-11-6 to apply a material as alternative daily cover that:

(1) is not listed under in subsection (c); (d); and

(2) does not meet the performance standards under in subsection (b); the owner, operator, or permittee shall apply for a minor modification under 329 IAC 10-11-6. (c) when delivered to the working face of the landfill but can be made to meet the performance standards using additional management practices at the landfill.

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The application for a minor modification must describe the management practices that will be used to make the material meet the performance standards in subsection (c).

~~(f)~~ **(g)** The owner, operator, or permittee of a municipal solid waste cell or unit that applies ~~ADC~~ **alternative daily cover** shall comply with all of the following requirements:

(1) Prior to the initial use of any ~~one (1) ADC~~ **under this section, material as alternative daily cover**, the owner, operator, or permittee shall notify the ~~commissioner~~ **seven (7) agriculture and solid waste compliance section, office of land quality, at least five (5) working days prior to before** the initial use of ~~the any~~ **material as alternative daily cover**.

(2) ~~The ADC~~ **Alternative daily cover** must ~~only be used~~ **applied** on:

(A) areas that will have additional solid waste deposited within the next seven (7) working days; or

(B) as approved by the commissioner.

~~Areas that have ADC~~ **(3) Alternative daily cover** that is exposed for longer than seven (7) working days must be covered with soil: ~~under~~

(A) **as required by** section 13(a) of this rule; or

(B) as approved by the commissioner.

~~(3) The ADC~~ **(4) Alternative daily cover** must be placed on the working face by the end of each day of operation. ~~ADC~~ **with the exception of**

(5) Alternative daily cover, except geotextile or plastic ~~(tarp); tarpaulin,~~ must be applied:

(A) at a minimum thickness of six (6) inches; or

(B) as approved by the commissioner.

(6) Any solid waste that is not covered by ~~ADC~~ **alternative daily cover** must be covered ~~under~~ **in accordance with** section 13(a) of this rule.

~~(4) The ADC; with the exception of~~ **(7) Alternative daily cover, except** geotextile or plastic ~~(tarp); tarpaulin,~~ must:

(A) not be reapplied as daily cover; or

(B) be applied as approved by the commissioner.

~~(5)~~ **(8)** The owner, operator, or permittee shall retain the following information in the operating record for a period of one (1) year:

(A) The ~~ADC~~ **source of the alternative daily cover material**.

(B) **Documentation used to determine compliance with subsection (b)(1).**

~~(B)~~ **(C)** Documentation that the ~~ADC~~ **alternative daily cover material** complies with the performance standards under subsection ~~(b); (c),~~ if applicable.

~~(6) The ADC~~ **(9) Material used as alternative daily cover** must be stockpiled ~~under applicable federal, state, and local regulations; in accordance with:~~

(A) **the provisions of this article regarding storm water pollution prevention; and**

(B) **section 15 of this rule.**

~~(7) An alternative~~ **(10) A** supply of ~~acceptable~~ **daily cover**

~~under material that meets the requirements of~~ section 13 of this rule must be readily available if the ~~ADC~~ **material used as alternative daily cover** does not meet the requirements of this section.

~~(g)~~ **(h)** The commissioner may

~~(1) modify the procedures under subsection (f) for using; or~~
~~(2) prohibit the use of;~~

revoke an approval under subsections (d) through (f) for application of any material that does not meet the requirements of this section. (*Solid Waste Management Board; 329 IAC 10-20-14.1; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3829; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 18. 329 IAC 10-28-24 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-28-24 Definitions

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

Affected: IC 13-11-2; IC 13-19-3-3; IC 13-22; IC 13-30-2; IC 16-41-16-4; IC 36-9-30

Sec. 24. As used in sections 22 and 23 of this rule, the following definitions apply:

(1) "Manifest" means the form used for identifying the quantity, origin, operators involved in a shipment, and the destination of municipal ~~solid~~ waste during its transportation.

(2) "Municipal waste", ~~refers to as defined in IC 13-11-2-133,~~ **means** any garbage, refuse, industrial lunchroom or office waste, and other **similar** material resulting from the operation of residential, municipal, commercial, or institutional establishments, and ~~from~~ community activities. The term does not include the following:

~~(A) Special waste as defined in 329 IAC 10-2-179.~~

~~(B) (A) Hazardous waste regulated under: IC 13-22~~

(i) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or under

(ii) the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976; as amended by the Hazardous and Solid Waste Amendments of 1984; as amended; 42 U.S.C. 6901 et seq., as in effect on January 1, 1990.

~~(C) (B) Infectious waste as defined in 329 IAC 10-2-96; IC 16-41-16-4.~~

~~(D) Waste (C) Wastes that results result~~ from the combustion of coal and ~~is that are~~ referred to in IC 13-19-3-3.

~~(E) (D) Materials that are being transported to a facility for reprocessing or reuse.~~

(E) As used in this subdivision, "reprocessing or reuse" does not include **either of the following:**

(i) Incineration. or

(ii) Placement in a landfill.

(3) "Operator", refers to as defined in IC 13-11-2-148(c), means a corporation, a **limited liability company**, a partnership, a business association, a unit, ~~(as defined in IC 36-1-2-~~

~~23~~; or an individual who is a sole proprietor that is one (1) of the following:

- (A) A broker.
- (B) A person who manages the activities of a transfer station that receives municipal waste.
- (C) A transporter.

(4) “Waste transfer activities”, **refers to as defined in IC 13-11-2-254, means** the participation by a:

- (A) broker or transporter who is:
 - (i) a resident of Indiana; or
 - (ii) not a resident of Indiana; or
- (B) transfer station that receives municipal waste located:
 - (i) inside Indiana; or
 - (ii) outside Indiana;

in the collection or transportation of municipal waste for disposal or incineration in Indiana. (*Solid Waste Management Board; 329 IAC 10-28-24; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1899; errata filed Dec 6, 1999, 9:41 a.m.: 23 IR 813; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 19. 329 IAC 10-36-19 IS AMENDED TO READ AS FOLLOWS:

329 IAC 10-36-19 Definitions

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

Affected: IC 13-11-2; IC 13-19-3-3; IC 13-22; IC 13-30-2; IC 16-41-16-4; IC 36-9-30

Sec. 19. As used in sections 17 and 18 of this rule, the following definitions apply:

- (1) “Manifest” means the form used for identifying the quantity, origin, and operators involved in a shipment, and the destination of municipal solid waste during its transportation.
- (2) “Municipal waste”, **refers to as defined in IC 13-11-2-133, means** any garbage, refuse, industrial lunchroom or office waste, and other material resulting from the operation of residential, municipal, commercial, or institutional establishments, and ~~from~~ community activities. The term does not include the following:

- ~~(A) Special waste, as defined in 329 IAC 10-2-179.~~
- ~~(B) (A) Hazardous waste regulated under: IC 13-22~~
 - (i) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or under
 - (ii) the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984, as amended, 42 U.S.C. 6901 et seq., in effect on January 1, 1990.
- ~~(C) (B) Infectious waste as defined in 329 IAC 10-2-96. IC 16-41-16-4.~~
- ~~(D) Waste (C) Wastes that results result~~ from the combustion of coal and that ~~is that are~~ referred to in IC 13-19-3-3.
- ~~(E) (D) Materials that are being transported to a facility for reprocessing or reuse.~~
- (E) As used in this subdivision, “reprocessing or reuse” does not include **either of the following:**

- (i) Incineration. ~~or~~
- (ii) Placement in a landfill.

(3) “Operator”, **refers to as defined in IC 13-11-2-148(c), means** a corporation, a **limited liability company**, a partnership, a business association, a unit, ~~(as defined in IC 36-1-2-23)~~; or an individual who is a sole proprietor that is one (1) of the following:

- (A) A broker.
- (B) A person who manages the activities of a transfer station that receives municipal waste.
- (C) A transporter.

(4) “Waste transfer activities”, **refers to as defined in IC 13-11-2-254, means** the participation by a:

- (A) broker or transporter who is:
 - (i) a resident of Indiana; or
 - (ii) not a resident of Indiana; or
- (B) transfer station **that receives municipal waste** located:
 - (i) inside Indiana; or
 - (ii) outside Indiana;

that receives municipal waste for in the collection or transportation of municipal waste for disposal or incineration in Indiana. (*Solid Waste Management Board; 329 IAC 10-36-19; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1915; errata filed Dec 6, 1999, 9:41 a.m.: 23 IR 813; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 20. 329 IAC 11-2-19.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-19.5 “Insignificant facility modification” defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

Affected: IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 19.5. (a) “Insignificant facility modification”, as used in 329 IAC 11-9-6(b), means any of the following:

- (1) Add recycling activities and associated storage areas.
- (2) Add or modify outside storage of:
 - (A) white goods; or
 - (B) other scrap metal.
- (3) Modify facility traffic patterns.
- (4) Modify the size of a compactor.
- (5) Add or modify tipping floor entrance doors.
- (6) Add or modify the collection of household hazardous waste.
- (7) Add or modify a collection container.

(b) The term, as used in 329 IAC 11-9-6(c), means any of the following:

- (1) Accept more than two hundred twenty (220) pounds of uncontainerized pollution control wastes in a shipment.
- (2) Modify the waste water handling or disposition procedures.
- (3) Modify the drainage around the facility, except for normal maintenance.
- (4) Modify the latest approved facility layout.

(5) Any modification to the permitted facility that the commissioner determines will improve the operation of the facility without altering the approved solid waste processing facility permit.

(Solid Waste Management Board; 329 IAC 11-2-19.5)

SECTION 21. 329 IAC 11-2-39 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-2-39 "Solid waste" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10

Affected: IC 13-11-2-205; IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 39. (a) "Solid waste" means any: has the meaning set forth at 329 IAC 10-2-174.

- (1) garbage;
- (2) refuse;
- (3) sludge from a wastewater treatment plant;
- (4) sludge from a water supply treatment plant;
- (5) sludge from an air pollution control facility; or
- (6) other discarded material;

including ash residue; commercial waste; construction/demolition waste; hazardous waste; household waste; infectious waste; liquid waste; special waste; municipal solid waste; regulated hazardous waste; residential and nonresidential waste; and any solid, liquid, semisolid, or contained gaseous material:

(b) The term does not include:

- (1) solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the federal Water Pollution Control Act, 33 U.S.C. 1342 as amended February 4, 1987;
- (2) source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, 42 U.S.C. 2014 et seq. as amended October 24, 1992;
- (3) manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation; or
- (4) vegetative matter at composting facilities registered under IC 13-20-10.

(Solid Waste Management Board; 329 IAC 11-2-39; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1931; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741)

SECTION 22. 329 IAC 11-3-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-3-2 Exclusion; hazardous waste

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

Affected: IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 2. (a) Hazardous wastes are regulated by and shall be treated, stored, and disposed of in accordance with 329 IAC 3.1. Hazardous waste that is regulated by 329 IAC 3.1 is not subject to the provisions of this article.

(b) No hazardous waste which is regulated by 329 IAC 3.1 shall be disposed of at any solid waste facility regulated under this article.

(c) As used in this article, "hazardous waste that is regulated by 329 IAC 3.1" does not include **CESQG** hazardous waste that is generated in quantities less than one hundred (100) kilograms per month and is, therefore, excluded from regulation under the hazardous waste management article, 329 IAC 3.1. Such small quantities of as defined in 329 IAC 10-2-29.5. **CESQG** hazardous waste shall must be disposed of in accordance with 329 IAC 10 and 40 CFR 261.5, revised as of July 1, 2001. 40 CFR 261.5 is available from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328.

(d) Facilities permitted under 329 IAC 3.1 are not required to obtain permits under this article for the storage, treatment, or disposal of nonhazardous solid waste where such solid waste is treated or disposed of as a hazardous waste at the receiving hazardous waste facility. *(Solid Waste Management Board; 329 IAC 11-3-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1934; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 23. 329 IAC 11-8-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-8-2 Processing facilities waste criteria

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 2. Solid waste processing facilities may accept all solid waste regulated under this article. Special waste may be accepted at solid waste processing facilities in accordance with 329 IAC 11-7 and 329 IAC 10-8.1, except the following:

(1) **Hazardous waste that is regulated by 329 IAC 3.1.**

(2) **Solid waste that is prohibited by the facility permit.**

(Solid Waste Management Board; 329 IAC 11-8-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1936; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1730, eff one hundred eighty (180) days after filing with the secretary of state; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 24. 329 IAC 11-8-2.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-8-2.5 Transfer station waste criteria

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-19-3; IC 13-20-9; IC 13-20-16; IC 36-9-30

Sec. 2.5. (a) A transfer station may accept the following solid waste:

- (1) **Municipal solid waste.**
- (2) **Construction/demolition waste.**
- (3) **CESQG hazardous waste.**
- (4) **Industrial process waste.**

- (5) Pollution control waste.
- (6) Regulated asbestos-containing material that meets the requirements of 329 IAC 10-8.2-4.
- (7) Biosolid defined in 327 IAC 6.1-2-7, in accordance with 327 IAC 6.1-1-7.
- (8) Wastewater defined in 327 IAC 7.1-2-41, in accordance with 327 IAC 7.1-7-1.

- (b) A transfer station may not accept any of the following:
- (1) Solid waste that is prohibited by the facility permit.
 - (2) Liquid waste defined in 329 IAC 10-2-106 except those liquids allowed in 329 IAC 10-20-27.
 - (3) Hazardous waste except CESQG hazardous waste.
 - (4) Infectious waste except as provided in 410 IAC 1-3-26.
 - (5) Whole waste tires except as provided in 329 IAC 10-20-32.
 - (6) Lead-acid batteries prohibited by IC 13-20-16.
 - (7) Vegetative matter prohibited by IC 13-20-9.
 - (8) Waste or material containing PCB prohibited by 329 IAC 4.1.
 - (9) Regulated asbestos-containing material that is not managed in accordance with 326 IAC 14-10 and 329 IAC 10-8.2-4.
 - (10) Any appliance or motor vehicle air conditioner containing a refrigerant or other class I or class II substance that has not been removed as required by 40 CFR 82, Subpart F, revised as of July 1, 1994, as incorporated by reference in 326 IAC 22-1-1.

(Solid Waste Management Board; 329 IAC 11-8-2.5)

SECTION 25. 329 IAC 11-8-3 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-8-3 Incinerators waste criteria

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
 Affected: IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 3. Incinerators may accept all solid waste regulated under this article, except ~~special waste must be accepted at an incinerator in accordance with 329 IAC 11-7 and 329 IAC 10-8.2-4~~ the following:

- (1) Hazardous waste that is regulated by 329 IAC 3.1.
- (2) Solid waste that is prohibited by the facility permit.

(Solid Waste Management Board; 329 IAC 11-8-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1936; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1730, eff one hundred eighty (180) days after filing with the secretary of state; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 26. 329 IAC 11-9-6 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-9-6 Insignificant facility modifications

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
 Affected: IC 13-14; IC 13-19-3; IC 13-30; IC 36-9-30

Sec. 6. (a) The permittee of a solid waste processing

facility may make or propose an insignificant facility modification in accordance with this section.

(b) If a permittee of a solid waste processing facility makes an insignificant facility modification described in 329 IAC 11-2-19.5(a), the permittee shall provide notice to the commissioner no later than seven (7) calendar days after the modification has been made. The notice must include a detailed description of the modification and the date the modification was completed or is expected to be completed.

(c) If the permittee of a solid waste processing facility proposes to make an insignificant facility modification described in 329 IAC 11-2-19.5(b), the permittee shall submit documentation of the proposed insignificant facility modification to the commissioner. The documentation must include a detailed description of the proposed modification.

(d) If the commissioner determines that the modification proposed under subsection (c) is a major or minor modification, the commissioner will notify the permittee in writing within thirty (30) days after receipt of the proposed modification that the permittee must submit an application for a minor or major modification to the current permit if the permittee plans to proceed with the proposed modification.

(e) If the permittee of the solid waste processing facility does not receive notification from the commissioner within thirty (30) days after submission of the proposed modification under subsection (c) to the commissioner, the permittee may initiate the insignificant facility modification in accordance with documentation provided to the commissioner.

(f) A permit modification is not required to modify the facility as necessary to:

- (1) correct operational violations of this article; or
- (2) protect human health or the environment.

(Solid Waste Management Board; 329 IAC 11-9-6)

SECTION 27. 329 IAC 11-13-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-13-4 Sanitation

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
 Affected: IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 4. (a) Solid waste must be confined to the designated storage, processing, loading, and unloading areas of the processing facility. The processing facility and adjacent areas must be maintained clean and litter free.

(b) Solid waste may not be stored overnight at the processing facility except in permitted storage areas or in enclosed transporting units.

(c) The solid waste processing facility must be cleaned as necessary to prevent a nuisance or public health hazard.

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(d) Residues from solid waste processing facilities and incinerators ~~are special wastes and~~ must be disposed of in accordance with ~~329 IAC 10-8-1~~; **329 IAC 10**.

(e) Salvaging, if undertaken, must not interfere with the facility operation or create unsightliness, nuisance, or health hazard.

(f) At a minimum, all salvage materials must be stored in buildings or transportable containers while awaiting removal from the facility. No alternative methods of storing salvage materials may be used without obtaining prior approval from the commissioner. Approval may be granted at the request of the permittee, if the permittee can demonstrate that the alternative method will provide a comparable level of environmental protection. (*Solid Waste Management Board; 329 IAC 11-13-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1942; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1730, eff one hundred eighty (180) days after filing with the secretary of state; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 28. 329 IAC 11-13-6 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-13-6 Records and reports

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 6. (a) The following must be furnished upon request and made available during normal operating hours for inspection by any officer, employee, or representative of the commissioner:

- (1) All solid waste processing facility records and reports required by this section, 329 IAC 11-14, and 329 IAC 11-15.
- (2) All test results of residues generated by the facility.
- ~~(3) All special waste certifications and disposal notifications required by 329 IAC 11-7 and 329 IAC 10-8-1 if applicable.~~

(b) Owners or operators of solid waste processing facilities shall maintain the records and reports required in subsection (a)(2) ~~and (a)(3)~~ until certification of post-closure is deemed acceptable if applicable. (*Solid Waste Management Board; 329 IAC 11-13-6; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1942; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1730, eff one hundred eighty (180) days after filing with the secretary of state; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 29. 329 IAC 11-15-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-15-1 Definitions

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

Affected: IC 13-11-2; IC 13-19-3-3; IC 13-22; IC 13-30-2; IC 16-41-16-4; IC 36-9-30

Sec. 1. (a) In addition to the definitions found in 329 IAC 11-2 and IC 13-11-2, the definitions in this section apply throughout this rule.

(b) “Broker”, **as defined in IC 13-11-2-19**, means a person who is in the business of making arrangements for the transportation of municipal waste that was generated by another person. ~~The term does not include an owner or operator of a solid waste processing facility who makes arrangements for transportation of municipal waste from their own facility.~~

(c) “Manifest” means the form used for identifying the quantity, origin, operators involved in a shipment, and destination of municipal solid waste during its transportation.

(d) “Municipal waste”, **refers to as defined in IC 13-11-2-133, means** any garbage, refuse, industrial lunchroom or office waste, and other **similar** material resulting from the operation of residential, municipal, commercial, or institutional establishments, and from community activities. The term does not include the following:

~~(1) Special waste as defined in 329 IAC 11-2-44.~~

~~(2) (1) Hazardous waste regulated under: IC 13-22~~

~~(A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or under~~

~~(B) the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976; as amended by the Hazardous and Solid Waste Amendments of 1984; as amended; 42 U.S.C. 6901 et seq., in effect on January 1, 1990.~~

~~(3) (2) Infectious waste as defined in 329 IAC 11-2-18; IC 16-41-16-4.~~

~~(4) (3) Wastes that result from the combustion of coal and that are referred to in IC 13-19-3-3.~~

~~(5) (4) Materials that are being transported to a facility for reprocessing or reuse. As used in this subdivision, “reprocessing or reuse” does not include either of the following:~~

~~(A) Incineration. or~~

~~(B) Placement in a landfill.~~

(e) “Operator”, **as defined in IC 13-11-2-148(c)**, means a corporation, a **limited liability company**, a partnership, a business association, a unit, ~~(as defined in IC 36-1-2-23)~~; or an individual who is a sole proprietor that is one (1) of the following:

(1) A broker.

(2) A person who manages the activities of a transfer station that receives municipal waste.

(3) A transporter.

(f) “Solid waste processing facility”, **as defined in IC 13-11-2-212**, means a facility at which at least one (1) of the following is located:

(1) ~~A~~ solid waste incinerator.

(2) ~~A~~ transfer station.

(3) ~~A~~ solid waste ~~shredder~~. **baler.**

(4) ~~A~~ solid waste ~~baler~~. **shredder.**

(5) ~~A~~ resource recovery system.

(6) ~~A~~ composting facility.

(7) ~~A~~ garbage grinding system.

The term does not include a facility or an operation that generates solid waste.

(g) "Transporter", as defined in IC 13-11-2-238, means a person who is in the business of transporting municipal solid waste.

(h) "Waste transfer activities", as defined in IC 13-11-2-254, means the participation by a:

- (1) broker or a transporter who is:
 - (A) a resident of Indiana; or
 - (B) not a resident of Indiana; or
- (2) transfer station that receives municipal waste located:
 - (A) inside Indiana; or
 - (B) outside Indiana;

in the collection or transportation of municipal waste for disposal or incineration in Indiana. (*Solid Waste Management Board; 329 IAC 11-15-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1944; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741*)

SECTION 30. 329 IAC 11-19-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-19-2 Permit by rule

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 2. (a) All solid waste incinerators with a design capacity less than ten (10) tons per day, and infectious waste incinerators with a design capacity of less than seven (7) tons per day, will be deemed to have a permit under this article provided they comply with the following:

- (1) File a notification as a solid waste incinerator facility as required by section 1 of this rule.
- (2) Comply with 329 IAC 11-13-4 and 329 IAC 11-13-5.
- (3) Infectious waste incinerators with a design capacity of less than seven (7) tons per day must also comply with the requirements of 329 IAC 11-20-1.
- (4) Operate in compliance with all applicable air pollution control standards and regulations and all conditions set forth in the permit.
- (5) Notify the office of solid and hazardous waste management and all appropriate local government officials within twenty-four (24) hours after the permittee learns of the release, violation, shutdown, or damage of the following:

- (A) Any release of a contaminant in a quantity in excess of that allowed by permit conditions and appropriate regulations.
- (B) Any violation of operating requirements established in the permit.
- (C) Any unscheduled shutdown of the incinerator or associated equipment.
- (D) Any damage to the incinerator or associated equipment that could, if unrepaired, result in a release of a contaminant in a quantity exceeding a control level established in the permit or applicable regulations.

(6) The incinerator must dispose of residues in accordance with ~~329 IAC 11-7 and 329 IAC 10-8.1~~ at a solid waste facility with a valid permit under 329 IAC 10.

(b) All solid waste incinerators with a design capacity greater than or equal to ten (10) tons per day, and less than or equal to thirty (30) tons per day, and infectious waste incinerators with a design capacity of greater than or equal to seven (7) tons per day, and less than or equal to thirty (30) tons per day, will be deemed to have a permit under this article provided they comply with the following:

- (1) File a notification as a solid waste incinerator facility as required by section 1 of this rule.
- (2) Submit an application for a solid waste processing facility permit, complying with 329 IAC 11-9, 329 IAC 11-16, and 329 IAC 11-17 within ninety (90) days of the notification required by section 1 of this rule.
- (3) Solid waste incinerators must comply with the requirements of ~~329 IAC 11-7~~ and 329 IAC 11-13 through 329 IAC 11-15.
- (4) Infectious waste incinerators that burn infectious waste must comply with the requirements of ~~329 IAC 11-7~~; 329 IAC 11-13 through 329 IAC 11-15 and 329 IAC 11-20.
- (5) The incinerator must operate in compliance with all applicable air pollution control standards and regulations and all conditions set forth in the permit.
- (6) The permit holder shall notify the office of solid and hazardous waste management and all appropriate local government officials within twenty-four (24) hours after the permittee learns of the release, violation, shutdown, or damage of the following:
 - (A) Any release of a contaminant in a quantity in excess of that allowed by permit conditions and appropriate regulations.
 - (B) Any violation of operating requirements established in the permit.
 - (C) Any unscheduled shutdown of the incinerator or associated equipment.
 - (D) Any damage to the incinerator or associated equipment that could, if unrepaired, result in a release of a contaminant in a quantity exceeding a control level established in the permit or applicable regulations.

(c) Permits granted under subsection (b) must remain in effect until such time as the commissioner takes action on the application submitted in compliance with 329 IAC 11-9, 329 IAC 11-16, and 329 IAC 11-17. (*Solid Waste Management Board; 329 IAC 11-19-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1947; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1731, eff one hundred eighty (180) days after filing with the secretary of state; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 31. 329 IAC 11-19-3 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-19-3 Solid waste incinerators 10 tons per day or greater; infectious waste incinerators seven tons per day or greater; operational requirements**Authority:** IC 13-14-8-7; IC 13-15-2; IC 13-19-3**Affected:** IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 3. The following operational requirements apply to solid waste incinerators with a design capacity of ten (10) tons per day or greater and to infectious waste incinerators with a design capacity of seven (7) tons per day or greater:

(1) The incinerator must not operate without a valid permit under this article and a valid permit from the office of air management or its designated local air pollution control agency and comply with the operational requirements of ~~329 IAC 11-7~~ and 329 IAC 11-13 through 329 IAC 11-15 and all permit conditions.

(2) The incinerator must dispose of residues in accordance with ~~329 IAC 11-7~~ and ~~329 IAC 10-8.1~~ at a solid waste facility with a valid permit under 329 IAC 10.

(3) The incinerator must operate in compliance with all applicable air pollution control standards and regulations and all conditions set forth in the permit.

(4) The permittee shall notify the office of solid and hazardous waste management and all appropriate local government officials within twenty-four (24) hours after the permittee learns of the release, violation, shutdown, or damage of the following:

(A) Any release of a contaminant in a quantity in excess of that allowed by permit conditions and appropriate regulations.

(B) Any violation of operating requirements established in the permit.

(C) Any unscheduled shutdown of the incinerator or associated equipment.

(D) Any damage to the incinerator or associated equipment that could, if unrepaired, result in a release of a contaminant in a quantity exceeding a control level established in the permit or applicable regulations.

(Solid Waste Management Board; 329 IAC 11-19-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1948; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1731, eff one hundred eighty (180) days after filing with the secretary of state; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 32. 329 IAC 11-20-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-20-1 Operational requirements**Authority:** IC 13-14-8-7; IC 13-15-2; IC 13-19-3**Affected:** IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 1. (a) The following additional operational requirements apply to all infectious waste incinerators:

(1) A solid waste incinerator that is used to burn infectious waste, except an existing incinerator equipped with an

afterburner and achieving zero (0) opacity, must be a multiple chamber incinerator. Infectious waste incinerators must maintain a temperature of one thousand eight hundred (**1,800**) degrees Fahrenheit (~~(1,800°F)~~) with a residence time of one (1) second in the secondary chamber.

(2) Any solid waste incinerator that is used to burn antineoplastic agents must maintain a temperature of one thousand eight hundred (**1,800**) degrees Fahrenheit (~~(1,800°F)~~) with a residence time of one and one-half (1½) seconds in the secondary chamber. As used in this rule, "antineoplastic agents" means chemotherapy drugs, or compounds used in the treatment of cancer, which are not subject to regulation under 329 IAC 3.1. Containers or other items containing residues of antineoplastic agents must not be considered antineoplastic agents.

(3) Infectious waste incinerators constructed after January 1, 1988, must be equipped with an automatic mechanical loading device, and an interlock system must be provided to prevent charging until the secondary chamber exit temperature of one thousand eight hundred (**1,800**) degrees Fahrenheit (~~(1,800°F)~~) is established.

(4) Batch incinerators, fully loaded while cold and never opened until the burn cycle is complete, must incorporate a lockout system that will prevent ignition of the waste until the exit temperature of the secondary chamber or the afterburner reaches one thousand eight hundred (**1,800**) degrees Fahrenheit (~~(1,800°F)~~) and prevent recharging until the combustion and burndown cycles are complete.

(5) No waste must be charged to an incinerator other than a batch incinerator until the secondary chamber or afterburner has achieved a minimum temperature of one thousand eight hundred (**1,800**) degrees Fahrenheit. (~~(1,800°F)~~). The secondary chamber or afterburner must achieve and maintain the required minimum temperature for fifteen (15) minutes before charging begins.

(6) During shutdowns, the secondary chamber or afterburner minimum temperature of one thousand eight hundred (**1,800**) degrees Fahrenheit (~~(1,800°F)~~) is to be maintained using auxiliary burners until the wastes are completely combusted and the burndown cycle is complete.

(7) Residue from an infectious waste incinerator must be disposed of in accordance with ~~329 IAC 11-7~~ and ~~329 IAC 10-8.1~~. **329 IAC 10.**

(b) All infectious waste incinerators that are not in compliance or not able to comply with the requirements of this rule must submit a detailed timetable for the modification of the facility necessary to bring the unit into compliance. This timetable must be submitted within one hundred eighty (180) days of ~~the effective date of this article~~. **April 14, 1996.**

(c) All infectious waste incinerators must be in compliance with this rule within eighteen (18) months of ~~the effective date of this article~~. **April 14, 1996**, unless a written extension has been granted by the commissioner. *(Solid Waste Management*

Board; 329 IAC 11-20-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1948; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1732, eff one hundred eighty (180) days after filing with the secretary of state; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 33. 329 IAC 11-21-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-21-4 Monitoring of incoming municipal waste

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-6-7

Sec. 4. (a) Incoming municipal waste must be monitored daily by transfer station employees. The monitoring must be conducted by personnel who are able to recognize the visual indications that:

- (1) ~~special waste as defined by 329 IAC 11-2-44; prohibited by the facility permit;~~
 - (2) hazardous waste regulated by 329 IAC 3.1; ~~and~~
 - (3) infectious waste as defined by 329 IAC 11-2-18; ~~or~~
 - (4) **regulated asbestos containing materials;**
- may be present in the municipal waste observed.

(b) The monitoring may be accomplished by either of the following methods:

- (1) Conducting, on a daily basis, a minimum of two (2) random inspections that must consist of a visual observation of all off-loaded municipal waste prior to processing.
 - (2) An overview of the municipal waste on an ongoing basis by facility personnel.
- (Solid Waste Management Board; 329 IAC 11-21-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1950; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 34. 329 IAC 11-21-5 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-21-5 Record keeping

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-6-7

Sec. 5. (a) Random inspections conducted under section 4(b)(1) of this rule must be recorded in a format established by the department.

(b) A facility conducting overview inspections of the incoming municipal waste under section 4(b)(2) of this rule must only record events in which ~~special waste; hazardous waste; or infectious waste~~ **any of the following** is found:

- (1) **Waste prohibited by the facility permit.**
- (2) **Hazardous waste.**
- (3) **Infectious waste.**
- (4) **Regulated asbestos containing material.**

Records of such events must be in a format established by the department.

(c) Inspection records must be maintained on-site and available for review by department personnel for a period of one (1) year from the date of the inspection or event. *(Solid Waste Management Board; 329 IAC 11-21-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1950; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 35. 329 IAC 11-21-6 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-21-6 Reporting

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-6-7

Sec. 6. (a) Transfer stations that ~~are transporting transport~~ and ~~disposing dispose of~~ municipal waste at disposal facilities in Indiana ~~on or after the effective date of this rule;~~ must submit to the office of ~~solid waste management land quality~~ by January 31 of each year an annual report, in a format established by the department, which identifies:

- (1) any inspection that detected any:
 - (A) **regulated** asbestos ~~special~~ **containing materials;**
 - (B) waste **prohibited by the facility permit;**
 - (C) hazardous waste; or
 - (D) infectious waste;
 at the facility; and ~~its final~~
- (2) **the disposition of these wastes.**

(b) The report must include **all of** the following:

- (1) Name of facility.
- (2) Address of facility.
- (3) Permit number of facility.
- (4) Inspection date.
- (5) Name of person conducting each inspection.
- (6) Type of waste found and how it was handled, including final disposition.
- (7) Name and address of generator of waste found during an inspection if known.

(Solid Waste Management Board; 329 IAC 11-21-6; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1950; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 36. 329 IAC 11-21-7 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-21-7 Training

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-6-7

Sec. 7. The transfer station employee responsible for conducting the random inspections or constant overview required in section 4 of this rule shall be able to recognize the visual indications that ~~special waste; hazardous waste; and infectious waste~~ **any of the following** may be present in the municipal waste observed:

- (1) **Waste prohibited by the facility permit.**
- (2) **Hazardous waste.**

(3) Infectious waste.

(4) Regulated asbestos containing material.

(Solid Waste Management Board; 329 IAC 11-21-7; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1951; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 37. 329 IAC 11-21-8 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-21-8 General operating requirements

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-6-7

Sec. 8. All transfer stations must be operated in a manner that minimizes the inclusion of liquids and vectors into the municipal waste shipped from the transfer station. Such management practices include, but are not limited to, the following:

(1) All facility floors must be maintained so as to prevent standing water within the facility structure. All drainage and liquids originating from:

(A) storage, handling, and processing municipal waste;

(B) cleaning floors; or

(C) wash-out water from a municipal waste vehicle; must be properly directed to a sanitary sewer, a holding tank constructed and operated in accordance with any applicable local approvals, or the equivalent of a sanitary sewer or holding tank.

(2) The facility tipping floor must be cleaned by wash-down to prevent odors and other nuisance conditions with all residuals being removed and disposed of properly.

(3) Any municipal waste that is stored overnight at the facility, except nonputrescible waste that has been segregated for recycling, must be removed from the site the following operating day except for holidays and weekends. Any municipal waste stored overnight must be stored in a manner to promote vector control.

(4) Any ~~hazardous waste, infectious waste, or special waste~~ **of the following** found at a transfer station must be managed in accordance with the applicable laws:

(A) **Waste prohibited by the facility permit.**

(B) **Hazardous waste.**

(C) **Infectious waste.**

(D) **Regulated asbestos containing material.**

(Solid Waste Management Board; 329 IAC 11-21-8; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1951; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 38. 329 IAC 12-8-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 12-8-4 Examination requirements for Category II certification

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-15-10; IC 13-19-3; IC 36-9-30

Sec. 4. (a) In order to qualify for accreditation as an accred-

ited examination provider for Category II certification for operators of municipal and nonmunicipal solid waste disposal facilities, the written examination must meet the requirements of this section.

(b) The commissioner may approve an examination under the Category IV certification for a specific type of site. For operators of municipal and nonmunicipal solid waste disposal facilities, the examination for operator certification under Category IV must address any Category II topics in subsection (c) that are applicable to the type of site for which the examination has been developed.

(c) A Category II certification shall adequately address the following topics:

(1) Purpose of training course.

(2) An overview of municipal and nonmunicipal solid waste disposal facilities in integrated municipal solid waste management to address the following:

(A) Generation of municipal solid wastes.

(B) Physical and chemical composition of solid wastes.

(C) Municipal solid waste management.

(3) Basics of site selection.

(4) Complying with design requirements to the following:

(A) Specifications.

(B) Types of plans.

(C) Plan reading.

(D) Municipal and nonmunicipal solid waste facility landfill methods.

(5) Waste acceptance and screening to include the following:

(A) Wastes prohibited by state and federal law and regulations.

(B) Commonly prohibited wastes.

(C) Wastes requiring special handling.

(D) ~~Special~~ **Wastes prohibited by the facility permit.**

(E) Screening methods for prohibited wastes.

(F) Record keeping and notification requirements.

(G) Public information and education.

(6) Waste decomposition to include the following:

(A) Fate of wastes.

(B) Effects of decomposition.

(C) Subsidence and differential settlement.

(D) Landfill gas generation and migration.

(E) Leachate generation, migration, and control.

(7) Control processes for landfill gas and leachate to include the following:

(A) Landfill gas and leachate characteristics.

(B) Managing landfill gas.

(C) Protection of facilities built on landfills.

(D) Landfill gas recovery and use.

(E) Managing leachate.

(8) Operational techniques shall adequately address the following:

(A) Design and operational plans.

(B) Operational practices.

- (C) Cover systems.
- (D) Operation of a lined facility.
- (E) Operational problems.
- (F) Site operation to minimize environmental and health problems.
- (9) Closure and long term care shall adequately address the following:
 - (A) Site closure.
 - (B) Closure considerations.
 - (C) Closure plan.
 - (D) Long term care and environmental monitoring.
 - (E) Landfill site end uses.
 - (F) Final cover design.
 - (G) Vegetation.
 - (H) Financing closure and postclosure care.

(Solid Waste Management Board; 329 IAC 12-8-4; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1485; readopted filed Jan 1, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 39. 329 IAC 13-3-1, AS AMENDED AT 25 IR 238, SECTION 45, IS AMENDED TO READ AS FOLLOWS:

329 IAC 13-3-1 Applicability

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30; 40 CFR 261; 40 CFR 761.20(e)

Sec. 1. (a) The department presumes that used oil is to be recycled unless a used oil handler disposes of used oil or sends used oil for disposal. Except as provided in section 2 of this rule, this article applies to used oil, and to materials identified in this section as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in 40 CFR 261 Subpart C, **revised as of July 1, 2001**.

(b) Mixtures of used oil and hazardous waste must be handled as follows:

- (1) For mixtures of used oil with a listed hazardous waste, the following shall apply:
 - (A) Mixtures of used oil and hazardous waste that is listed in 40 CFR 261 Subpart D, **revised as of July 1, 2001**, are subject to regulation as hazardous waste under 329 IAC 3.1 rather than as used oil under this article.
 - (B) Used oil containing more than one thousand (1,000) parts per million total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 CFR 261 Subpart D, **revised as of July 1, 2001**. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste. For example, this may be done by using an analytical method from EPA publication SW-846, Third Edition, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 40 CFR 261 Appendix VIII, **revised as of July 1, 2001**. EPA publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Docu-

ments, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238. Request document number 955-001-00000-1. The rebuttable presumption does not apply to the following:

- (i) Metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in 329 IAC 13-4-5(c), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner or disposed.
- (ii) Used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

(2) Used oil mixed with characteristic hazardous waste identified in 40 CFR 261 Subpart C, **revised as of July 1, 2001**, are subject to 329 IAC 3.1.

(3) Mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under 40 CFR 261.5, **revised as of July 1, 2001**, are subject to regulation as used oil under this article.

(c) Materials containing or otherwise contaminated with used oil must be handled as follows:

(1) Except as provided in subdivision (2), materials containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material:

- (A) are not used oil and thus not subject to this article; **and**
- (B) if applicable, are subject to the hazardous waste regulations under 329 IAC 3.1. **and**
- ~~(C) if applicable, are subject to the solid waste regulations under 329 IAC 10 and 329 IAC 11.~~

(2) Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil under this article.

(3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this article.

(d) Mixtures of used oil with products must be handled as follows:

- (1) Except as provided in subdivision (2), mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this article.
- (2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this article once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of 329 IAC 13-4.

(e) Materials derived from used oil must be handled as follows:

(1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal, such as re-refined lubricants, are:

- (A) not used oil and thus are not subject to this article; and
- (B) not solid wastes and are thus not subject to the hazardous waste regulations under 329 IAC 3.1 as provided in 40 CFR 261.3(c)(2)(A), **revised as of July 1, 2001.**

(2) Materials produced from used oil that are burned for energy recovery, such as used oil fuels, are subject to regulation as used oil under this article.

(3) Except as provided in subdivision (4), materials derived from used oil that are disposed of or used in a manner constituting disposal are:

- (A) not used oil and thus are not subject to this article; and
- (B) are solid wastes and thus are subject to
 - (i) ~~if applicable~~, the hazardous waste regulations under 329 IAC 3.1 if the materials are listed or identified as hazardous waste. ~~and~~
 - (ii) ~~if applicable~~, the ~~solid waste regulations under 329 IAC 10 and 329 IAC 11.~~

(4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this article.

(f) Wastewater, the discharge of which is subject to regulation under either Section 402 or 307(b) of the Clean Water Act, **33 U.S.C. 1342 or 33 U.S.C. 1317(b), respectively**, including wastewaters at facilities that have eliminated the discharge of wastewater, contaminated with de minimis quantities of used oil are not subject to the requirements of this article. As used in this subsection, "de minimis quantities of used oils" means small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

(g) Used oil introduced into crude oil pipelines or a petroleum refining facility must be handled as follows:

- (1) Used oil mixed with crude oil or natural gas liquids, such as in a production separator or crude oil stock tank, for insertion into a crude oil pipeline is exempt from the requirements of this article. The used oil is subject to the requirements of this article prior to the mixing of used oil with crude oil or natural gas liquids.
- (2) Mixtures of used oil and crude oil or natural gas liquids containing less than one percent (1%) used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of this article.
- (3) Used oil that is inserted into the petroleum refining

facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of this article provided that the used oil constitutes less than one percent (1%) of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this article.

(4) Except as provided in subdivision (5), used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of this article only if the used oil meets the specification of section 2 of this rule. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this article.

(5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as an article of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of this article. This exemption does not extend to used oil that is intentionally introduced into a hydrocarbon recovery system, such as by pouring collected used oil into the wastewater treatment system.

(6) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of this article.

(h) Used oil produced on vessels from normal shipboard operations is not subject to this article until it is transported ashore.

(i) In addition to the requirements of this article, marketers and burners of used oil who market used oil containing any quantifiable level of polychlorinated biphenyls (PCBs) are subject to the requirements found at 40 CFR 761.20(e), **revised as of June 24, 1999.**

(j) 40 CFR 261 and 40 CFR 761 are available from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328. (Solid Waste Management Board; 329 IAC 13-3-1; filed Feb 3, 1997, 9:15 a.m.; 20 IR 1494; readopted filed Sep 7, 2001, 1:35 p.m.; 25 IR 238)

SECTION 40. THE FOLLOWING ARE REPEALED: 329 IAC 10-2-135.1; 329 IAC 10-2-179; 329 IAC 10-2-199.1; 329 IAC 10-2-201.1; 329 IAC 10-7.1; 329 IAC 10-8.1; 329 IAC 10-20-29; 329 IAC 10-28-21; 329 IAC 11-2-44; 329 IAC 11-6-1; 329 IAC 11-7.

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on April 15, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Solid Waste Management Board will hold a public hearing on

proposed amendments to the solid waste management rules at 329 IAC 10 through 329 IAC 13.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Steve Mojonnier, Rules, Planning and Outreach Section, Office of Land Quality, (317) 233-1655 or dial (800) 451-6027 in Indiana, press 0, and ask for extension 3-1655.

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

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

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

Copies of these rules are now on file at the Indiana Department of Environmental Management Central File Room, Indiana Government Center-North, 100 North Senate Avenue, Room 1201 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Mary Beth Touhy
Assistant Commissioner
Office of Land Quality
Indiana Department of Environmental Management

TITLE 470 DIVISION OF FAMILY AND CHILDREN

Proposed Rule LSA Document #02-298

DIGEST

Adds 470 IAC 3-4.7 concerning licensure of child care centers. These rules represent the minimum standards necessary to operate a child care center. Existing child care centers licensed at the time these rules are officially adopted shall have one calendar year to comply with the new rules unless specifically stated otherwise. Repeals 470 IAC 3-4.1 and 470 IAC 3-4.2. Effective 30 days after filing with the secretary of state.

470 IAC 3-4.1
470 IAC 3-4.2
470 IAC 3-4.7

SECTION 1. 470 IAC 3-4.7 IS ADDED TO READ AS FOLLOWS:

Rule 4.7. Child Care Centers; Licensing

470 IAC 3-4.7-1 General definitions

Authority: IC 12-13-5-3

Affected: IC 12-7-2-28.4; IC 12-17.2-4

Sec. 1. For the purpose of this rule only, the following definitions apply:

- (1) "Accredited college or university" means accreditation by accrediting agencies and associations that are recognized by the United States Secretary of Education.
- (2) "Additional portion of food" means one (1) extra helping of food.
- (3) "Administrator" means the person who is responsible for personnel, purchasing, fiscal, and maintenance of the child care center.
- (4) "Admission" means the process of entering a child in a child care center. The date of admission is the first day that the child is actually present at the center.
- (5) "Age appropriate" means designed for the particular age of child served.
- (6) "Attendance" means children present in the child care center at any given time.
- (7) "Capacity determination" means the division will determine maximum capacity based on square footage by adding the capacities of the individual rooms/areas. The division compares the square footage capacity with the capacity based on the number of toilets and sinks. The lesser of these two (2) capacities determines the maximum capacity of the center. Capacity for fire and building issues may be different.
- (8) "Caregiver" means the early childhood professional that is a qualified staff person providing direct care and education to children.
- (9) "CDA" refers to the Child Development Associate credential issued by the Council for Early Childhood Professional Recognition.
- (10) "Center" refers to the person or persons in the child care center designated by the licensee to be responsible for following each individual section of this rule.
- (11) "Child" means any person under thirteen (13) years of age.
- (12) "Child care center" has the meaning set forth in IC 12-7-2-28.4 a nonresidential building where at least one
 - (1) child receives child care from a provider:
 - (A) while unattended by a parent, legal guardian, or custodian;
 - (B) for regular compensation; and
 - (C) for more than four (4) but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

Proposed Rules

- (13) "Child care health consultant" means a physician, a certified pediatric or family nurse practitioner, or a registered nurse with pediatric or out of home child care experience and shall be knowledgeable about out of home child care, community child care licensing requirements, and available health resources.
- (14) "Child/staff ratio" means the number of children supervised by one (1) qualified staff person.
- (15) "Class room/area" means the room or area within a room occupied by a group of children and caregivers on a regular basis throughout the day.
- (16) "Conspicuous place" means a place that is easily visible and at eye level viewed daily by the parents.
- (17) "Consulting resource person" means:
- (A) a physician;
 - (B) a nurse;
 - (C) a psychologist;
 - (D) a social worker;
 - (E) a speech therapist;
 - (F) a physical and occupational therapist;
 - (G) an educator; or
 - (H) other technical and professional person whose expertise the center utilizes in providing specialized services to children.
- (18) "Contamination" means to soil or infect by any form of contact.
- (19) "Continuity of care" means the center maintain a primary caregiving relationship over a period of years. Infants and their primary caregivers stay together until all children in the group are at least thirty (30) months of age.
- (20) "Corporal punishment" means any kind of punishment inflicted on a child's body.
- (21) "Criminal history check" means an Indiana state police search and report of criminal records on forms provided by that agency.
- (22) "Developmentally appropriate" means a program planned and carried out that takes into account the level of physical, social, emotional, and intellectual development of a child.
- (23) "Direct supervision" means that qualified caregivers:
- (A) have all children in sight;
 - (B) are alert to any problems that may occur; and
 - (C) are taking an active supervisory role with the children.
- (24) "Directly accessible" means accessible without crossing a motor traffic thoroughway.
- (25) "Director" means the person responsible for the operation for the child care center at all times.
- (26) "Discipline" means the ongoing process of helping children to develop self-control for self-management while protecting and maintaining the integrity of the child.
- (27) "Division" refers to the division of family and children.
- (28) "Documentation" means written records or copies of documents kept in files at the child care center.
- (29) "Early childhood professional" means the qualified caregiver providing direct supervision to children.
- (30) "Early childhood program" means a program of activities provided for children ages birth to eight (8) years of age.
- (31) "Enrollment" means the list of children registered with the child care center.
- (32) "EPA" means Environmental Protection Agency.
- (33) "Field trip" means an event or activity that meets the following conditions:
- (A) The center sponsors it.
 - (B) It is conducted on property that is not part of the licensed child care center or their safely enclosed playground.
 - (C) Children enrolled in the child care center participate in it.
 - (D) Child care center caregivers supervise the children.
 - (E) It occurs during the child care center's regular hours of operation.
- (34) "Filthy" means heavily soiled, dirty, or other unclean conditions, which present a health or safety hazard to children.
- (35) "FPBSC" refers to fire prevention and building safety commission.
- (36) "Group" means a number of children who routinely work, learn, eat, sleep, and play together inside and outside.
- (37) "Hand washing" means to cleanse hands and wrists a minimum of twenty (20) seconds using soap and warm, running water (one hundred (100) degrees Fahrenheit through one hundred twenty (120) degrees Fahrenheit) at a hand sink.
- (38) "Ill child care" means the care of temporarily ill children, twelve (12) months of age or older, that centers must normally exclude. Caregivers care for these children in a part of the child care center specifically approved for ill child care.
- (39) "IDEM" means Indiana department of environmental management.
- (40) "Individual education plan" or "IEP" has the meaning set forth in the Individuals with Disabilities in Education Act (42 U.S.C. 1400 et seq.).
- (41) "Individual family service plan" or "IFSP" has the meaning set forth in the Individuals with Disabilities in Education Act (42 U.S.C. 1400 et seq.).
- (42) "Infant" means a child who is at least six (6) weeks of age until the child is able to walk consistently unassisted.
- (43) "ISDH" means Indiana state department of health.
- (44) "Kindergartner" means a child who is age-eligible to be enrolled in private or public kindergarten program.
- (45) "Lead caregiver" refers to the caregiver assigned to implement the program for a group of children.
- (46) "Learning center" means a defined area, within the

class room/area, in which children may participate in similar or related types of activities.

(47) "License" means the actual completed document issued by the division to the licensee that authorizes the operation of the child care center.

(48) "Licensed capacity" means the maximum number of children permitted in the child care center at any one (1) time as stated on the license. This may be different than the fire and building occupant load capacity.

(49) "Licensee" means the individual, agency, organization, corporation, or board of directors that actually owns or assumes responsibility for the child care center business and is granted a license to operate under this rule by the division.

(50) "Maximum age range" means the maximum difference in age between the youngest and oldest child in any particular group of children.

(51) "Minor injury" means any injury that requires first aid treatment, but does not require medical attention by medical personnel.

(52) "OSHA" means Occupational Safety and Health Administration.

(53) "Parent" refers to the person assuming legal responsibility for the care and protection of the child on a twenty-four (24) hour basis, including a guardian or legal custodian.

(54) "Physician" means a person holding an unlimited license to practice medicine.

(55) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms. The term does not include foods that have a pH level of four and six-tenths (4.6) or below or a water activity (Aw) value of eighty-five hundredths (0.85) or less under standard conditions or food products in hermetically sealed containers processed to prevent spoilage and as defined in 410 IAC 7-20-59.

(56) "Preschool children" means children at least three (3) years of age and not yet attending first grade.

(57) "Primary caregiver" means a caregiver is assigned to be primarily responsible for meeting the needs of specific children, especially for feeding, diapering, and periods when the child is falling to sleep or awakening.

(58) "Program" means all activities provided for children during their hours of attendance at the child care center.

(59) "Punishment" means the use of negative consequences to correct unacceptable behavior.

(60) "Room" means an area enclosed on all sides by walls that extend from floor to ceiling.

(61) "Sanitation" means the promotion of hygiene and the prevention of disease by maintenance of sanitary environmental conditions and practices.

(62) "Sanitizable" means an article, utensil, or equipment that can be easily sanitized because of the material composition.

(63) "Sanitize" means the effective bactericidal treatment by a process that provides adequate accumulative heat or concentration of chemicals for adequate time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

(64) "School age children" means children attending first grade or above.

(65) "Serious injury" means any injury that requires medical attention by a dentist, physician, emergency room personnel, ambulance attendant, or any other medical personnel.

(66) "SFM" means the office of the state fire marshal.

(67) "Shock absorbing surface" means ground cover placed under and around equipment designed to absorb a fall.

(68) "Staff" means any person employed by the child care center.

(69) "Sterilized" means to boil infant bottles a minimum of five (5) minutes, and nipples, collars, and caps a minimum of three (3) minutes to rid them of micro-organisms.

(70) "Support staff" means service staff, such as cooks, maintenance persons, secretaries, and bus drivers.

(71) "Swimming pool" means any pool used for swimming that is more than twenty-four (24) inches in depth.

(72) "Time out" means an out of group activity for a child with adult supervision.

(73) "Toddler" means a child who is less than thirty (30) months of age and is able to walk consistently unassisted.

(74) "Unit block" means a solid wood block that comes in many shapes and sizes. The basic unit block is approximately five and one-half (5½) inches by two and three-fourths (2¾) inches by one and three-eighths (1⅓) inches. All other blocks are proportional in length or width to this basic unit.

(75) "Visitor" means any person observing or assisting in the child care center for no compensation and for less than eight (8) hours per month.

(76) "Volunteer" means a person working or assisting in the child care center more than eight (8) hours per month who is not paid by the center.

(77) "Wading pool" means any pool used for wading that is twenty-four (24) inches or less in depth that meets the standards of ISDH 410 IAC 6-2.

(78) "Water" means water meeting the minimum water quality standards of the IDEM 327 IAC 8-2.

(Division of Family and Children; 470 IAC 3-4.7-1)

470 IAC 3-4.7-2 Licensing requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 2. (a) All new construction shall have plan releases

from both the department of fire and building services (DFBS) and the ISDH prior to construction and licensing.

(b) Child care centers shall fully comply with all the rules of the FPBSC under 675 IAC that apply to child care centers, including, without limitation, rules concerning change of occupancy.

(c) The center shall submit a complete application including all required written documentation.

(d) The center shall submit a written plan for nutrition and food service and two (2) weeks of menus for approval by the division prior to licensure and thereafter as required by this rule.

(e) The center shall submit a written health program form for approval by the division prior to licensure and thereafter as required by this rule.

(f) The building shall pass on-site inspections prior to licensure and license renewals.

(g) The attendance at the child care center shall not at any time exceed the capacity approved by the division.

(h) The child care center may only provide care to children of the age approved by the division and the DFBS.

(i) The child care center shall not operate in an area where conditions exist that could be injurious to the welfare of children.

(j) The child care center shall meet the zoning requirements of their locale. (*Division of Family and Children; 470 IAC 3-4.7-2*)

470 IAC 3-4.7-3 Child care center license

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 3. (a) The license is not transferable to another person, organization, or sponsor.

(b) The license is only valid for the address shown on the license.

(c) The center shall post the license in a conspicuous place that parents regularly view.

(d) Only areas licensed and approved by the division may be used by the licensed child care center.

(e) The center must file an application and obtain a new license prior to any of the following:

- (1) Expanding their services.
- (2) Changing the age of children served.
- (3) Increasing their licensing capacity.

(*Division of Family and Children; 470 IAC 3-4.7-3*)

470 IAC 3-4.7-4 Application required

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 4. A center shall file an application under any of the following conditions:

- (1) Prior to initial licensure.
- (2) A minimum of sixty (60) days prior to the expiration of a current license.
- (3) When an application for license has been voluntarily withdrawn and the center wishes to reapply.
- (4) If more than one (1) year has lapsed since filing the initial application and the child care center has not met sufficient standards to qualify for a provisional license.
- (5) There is a change of address of the child care center.
- (6) There is a change of name, ownership, or corporate status of the center.

(*Division of Family and Children; 470 IAC 3-4.7-4*)

470 IAC 3-4.7-5 Application for change of license

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 5. (a) When a licensed child care center seeks to change its name or corporate status, the following must occur:

- (1) The center must complete a new application reflecting the revised status.
- (2) The governing body or its representative must sign and submit the application to the division thirty (30) days prior to the effective date of the changes.
- (3) The center must attach amended articles of incorporation.

(b) When a licensed child care center has a change of ownership, the following must occur:

- (1) The new owner shall submit a new application reflecting the revised status and any changes in operation.
- (2) The owner must provide proof of ownership (bill of sale) within ten (10) days of finalization of the sale.
- (3) After receiving the application, the division may grant a six (6) month provisional license to the new owner, in order to give the new owner time to obtain regular licensure.

(*Division of Family and Children; 470 IAC 3-4.7-5*)

470 IAC 3-4.7-6 Revocation or denial of license

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 6. If a child care center license is revoked or denied, the licensee may reapply for licensure by the division, except when prohibited by court order. (*Division of Family and Children; 470 IAC 3-4.7-6*)

470 IAC 3-4.7-7 Civil penalties

Authority: IC 12-13-5-3
Affected: IC 12-17.2-2-3; IC 12-17.2-4

Sec. 7. (a) The division may impose civil penalties whenever the following occurs:

- (1) The center knowingly operates without a license and the loss of the license or failure to obtain a license was due to the center's inability to meet licensing standards.
- (2) The center fails to notify the division of serious occurrences as required by section 12 of this rule or fails to close the center after this notification, if directed by the division.
- (3) The center receives a probationary license. The division may impose a fine for each probationary period at the time that the probationary license is issued.

(b) The division will notify the center in writing of a fine including the reason for the civil penalty and the amount of the fine.

(c) The payment by check shall be made out to the division "Child Care Fund" listed in IC 12-17.2-2-3.

(d) Failure to pay a fine may result in suspension or revocation of the child care license. (*Division of Family and Children; 470 IAC 3-4.7-7*)

470 IAC 3-4.7-8 Criminal history check; required actions

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 8. (a) Sufficient grounds exist to revoke, or deny licensure, if an owner or director commits any crime that would require that they be listed in any state or national registry that is intended to protect children from violent and sex offenders.

(b) Sufficient grounds exist to deny employment or to dismiss any employee, if the employee commits any crime that would require that they be listed in any state or national registry that is intended to protect children from violent and sex offenders.

(c) If a criminal history check of an owner, director, employee, or volunteer shows that any of the following offenses has occurred, sufficient grounds exist to revoke, or deny licensure, deny employment, or dismiss an employee, as applicable:

- (1) Adoption schemes.
- (2) Adulterating drugs, controlled substances, or preparations.
- (3) Aiding or abetting the filing of false claims.
- (4) Allowing an establishment to be used for illegal purposes.
- (5) Any crime that involves a violent act or a threat of a violent act.
- (6) Armed robbery.
- (7) Arson.
- (8) Assault.

(9) Attempts to commit armed robbery, burglary, or robbery.

(10) Attempts to commit criminal sexual conduct.

(11) Attempts to commit homicide or murder.

(12) Attempts to commit kidnaping.

(13) Battery.

(14) Bribery.

(15) Burglary.

(16) Child abuse, neglect, or exploitation.

(17) Concealing stolen property.

(18) Criminal sexual conduct in any degree.

(19) Cruelty toward or torture of any animal.

(20) Cruelty toward or torture of any person.

(21) Embezzlement.

(22) Extortion.

(23) Filing of false claims.

(24) Fraud.

(25) Homicide.

(26) Kidnaping.

(27) Larceny by conversion.

(28) Larceny by trick.

(29) Manslaughter.

(30) Mayhem.

(31) Murder.

(32) Negligent homicide.

(33) Obtaining property by false pretenses.

(34) Offenses involving narcotics, alcohol, or controlled substances that result in a felony conviction.

(35) Poisoning.

(36) Prostitution or related crimes.

(37) Receiving stolen property.

(38) Robbery.

(39) Unlawful manufacture or delivery of drugs or possession with intent to manufacture or deliver drugs.

(d) The center may request a waiver under subsection (c) based on the specific circumstances of the case, but a person shall not be employed by a center or a child care center approved for licensure unless the waiver is granted.

(e) The center shall notify the division immediately of any felony conviction that appears on a criminal history check or is otherwise known by the center.

(f) Any felony listed in subsection (c) is sufficient grounds to revoke, or deny licensure, and/or to dismiss any employee. Hiring an employee with felony convictions not listed in subsection (c) will require prior approval of the division.

(g) The division must approve any exceptions made under this section. (*Division of Family and Children; 470 IAC 3-4.7-8*)

470 IAC 3-4.7-9 Inspections

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Proposed Rules

Sec. 9. (a) The division may, at any time, monitor, visit, or inspect the child care center.

(b) The center shall provide the division access to the premises, personnel, children in care, and records.

(c) The center shall provide access to personnel from other state agencies or other persons who provide inspections at the request of the division.

(d) Failure to permit immediate access to the child care center may result in suspension or revocation of the child care license. (*Division of Family and Children; 470 IAC 3-4.7-9*)

470 IAC 3-4.7-10 Emergency closure of child care centers

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 10. (a) When conditions arise that make the building unsafe, the center must take immediate action to provide for the safety and well-being of children and staff. Unsafe conditions include, but are not limited to, the following:

(1) Building damage due to:

- (A)** earthquake;
- (B)** flooding or water damage;
- (C)** tornado;
- (D)** severe wind;
- (E)** ice storm; or
- (F)** fire.

(2) Sewage problems as follows:

- (A)** Sewage backup.
- (B)** Toilets cannot be flushed or are overflowing.
- (C)** Sewage system is not operating properly.

(3) Inadequate or unsafe water supply as follows:

- (A)** Contaminated water supply.
- (B)** Water supply not functioning.

(4) No electricity to the building.

(5) Heating system problems.

(6) Gas, carbon monoxide, or other noxious gases leak.

(7) Filthy conditions.

(8) Rodent, roach, or vermin infestation.

(9) Building renovation occurring in a room or area occupied by children.

(b) All centers shall have a written plan for correcting the conditions listed in subsection (a) and must inform parents that when such conditions exist. The child care center is required to close until the situation is corrected.

(c) The center must report any of the conditions listed in subsection (a) to the division as soon as the children have been removed to safety or sent home.

(d) If closure is necessary for one (1) of the conditions listed in subsection (a), a child care center may not reopen without division approval. This approval will be contingent on one (1) or more of the following:

(1) Inspections and approval of the building by the division or the SFM.

(2) Division receipt of two (2) satisfactory water sample reports twenty-four (24) hours apart for private wells or approval by municipal system.

(3) Other verification of correction of the problem necessitating the closure.

(*Division of Family and Children; 470 IAC 3-4.7-10*)

470 IAC 3-4.7-11 Reporting requirements; general

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 11. (a) The governing body, or others designated to represent the child care center, shall immediately notify the division, in writing, of the following:

(1) Change in the name of licensee.

(2) Change in the name of the child care center.

(3) Change in the location of the child care center prior to relocation.

(4) Change in the number of children to be cared for, if in excess of the number authorized in the license, prior to the acceptance of the additional children.

(5) Change in the ages of children to be cared for, when the change includes the care for children above or below the ages as authorized in the license, prior to the acceptance of the child or children.

(6) Change in the hours of operation, after 6 p.m. and before 6 a.m.

(7) The closing of the child care center operation and the effective date.

(8) Alterations or construction that changes room sizes or adds space to the child care center prior to construction.

(9) Change in the use of rooms, especially regarding infants, toddlers, and twos, unless the room has previously been approved for the particular new use.

(10) Employment of a new director.

(11) Any damage caused by fire or natural disaster that occurs on the premises of the child care center.

(12) Any sign of failure of the septic system or an unsatisfactory water report.

(13) Absence of electricity, heat, or approved water supply to the child care center for longer than one (1) hour.

(14) Any serious child injury, occurring while the child is in the care of child care center caregivers, that requires medical attention by:

(A) a dentist;

(B) a physician;

(C) emergency room personnel;

(D) an ambulance attendant; or

(E) any other medical personnel;

shall be reported on forms provided by the division.

(15) The death of any child that occurred while the child was on the premises of the child care center or while in the care of child care center caregivers.

(16) Any arrest of the director or an employee for either of the following offenses:

- (A) A felony.
- (B) A misdemeanor relating to the health and safety of children.

(17) If notice is received of any legal action against the child care center.

(b) Failure to report any of subsection (a) within five (5) calendar days may result in probation, suspension, or revocation of the child care center license. (*Division of Family and Children; 470 IAC 3-4.7-11*)

470 IAC 3-4.7-12 Reporting requirements; serious occurrences

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 12. (a) The center shall verbally report immediately to the affected child's parent and to the division any serious occurrences involving any child. These occurrences include, but are not limited to, the following:

- (1) Serious injury requiring hospitalization.
- (2) Death.
- (3) Arrest of child care personnel.
- (4) Alleged abuse or neglect by child care center personnel.
- (5) Fire or natural disaster at the child care center.
- (6) Any noxious gas leak.
- (7) A lack of electrical power, water, or sewer.
- (8) Unsatisfactory water sample.

(b) Child care center authorities shall confirm verbal reports to the division, in writing, within five (5) days of the occurrence unless otherwise directed by the division. (*Division of Family and Children; 470 IAC 3-4.7-12*)

470 IAC 3-4.7-13 Reporting child abuse or neglect

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 13. (a) The center shall at all times maintain the confidentiality of all information obtained regarding the suspected abuse or neglect of a child.

(b) During the first two (2) weeks of employment, all staff shall receive documented training in recognizing and reporting child abuse and neglect. The director shall update this training annually.

(c) A center shall not employ or utilize the services of a person known by the division and reported to the center as a substantiated perpetrator of child abuse or neglect.

(d) The center shall develop written guidelines for reporting suspected child abuse or neglect and include in staff training.

(e) The director and all staff shall refrain from questioning children and suspected perpetrators beyond gathering information to report the suspected abuse or neglect to child protective services.

(f) Staff shall immediately report suspected child abuse or neglect as follows:

(1) If the alleged abuse or neglect occurred while the child was under the care of the child care center or the center receives a complaint from anyone regarding possible abuse or neglect of a child by a staff member, they or the director must immediately call the institutional abuse hotline or a law enforcement agency and self-report the suspected abuse or neglect. The statewide institutional abuse phone number is 1-800-562-2407.

(2) If the alleged abuse or neglect occurred while the child was not under the care of the child care center, staff shall immediately report suspected abuse or neglect to the county child protective services. The statewide phone number is 1-800-800-5556.

(g) Reporting suspicions to the director or other supervisory personnel does not relieve the individual staff of their responsibility to report directly to child protective services.

(h) The center shall suspend any employee or volunteer suspected of child abuse or neglect during the process of any child protective services investigation.

(i) The center shall dismiss the employee or volunteer if the child protective services investigation substantiates the abuse or neglect. (*Division of Family and Children; 470 IAC 3-4.7-13*)

470 IAC 3-4.7-14 Reporting communicable disease

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 14. (a) When staff suspect that a child may have a communicable disease, the director shall notify the child's parent or guardian.

(b) When more than one (1) child in the child care center has been diagnosed with a communicable disease, the center shall take the following action:

(1) The center shall immediately notify all parents of the children and all staff members that have been exposed by posting a notice in a conspicuous place in the child care center or by giving a personal note to each parent and staff member.

(2) The center shall call one (1) or more of the following:

(A) The local health department for consultation.

(B) The division's child care health section.

(C) The child care center's health consultant.

(*Division of Family and Children; 470 IAC 3-4.7-14*)

470 IAC 3-4.7-15 Personnel policies

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 15. (a) The center shall have written personnel policies available to staff at all times.

(b) The center shall establish and maintain a written policy that prohibits smoking on the child care premises.

(c) The center's written personnel policies shall address the following health hazards for child care:

(1) Infectious disease, including, but not limited to, the following:

- (A) Hepatitis A.
- (B) Cytomegalovirus (CMV).
- (C) Chicken pox.
- (D) Rubella.
- (E) Measles.
- (F) Pertussis (whooping cough).
- (G) Fifth disease.
- (H) Influenza.
- (I) Tuberculosis.
- (J) Shigellosis.
- (K) Giardiasis.
- (L) Meningococcal disease.
- (M) Group A streptococcus.
- (N) Ringworm.
- (O) Scabies.
- (P) Lice.
- (Q) Herpes.
- (R) Cryptosporidiosis.
- (S) Diarrhea caused by *Escherichia coli* (E. coli).
- (T) Rotavirus.
- (U) *Campylobacterium*.
- (V) *Salmonella*.
- (W) Diarrhea and vomiting.

(2) Injuries and noninfectious diseases, including, but not limited to, the following:

- (A) Back injuries.
- (B) Bites.
- (C) Dermatitis.

(3) Stress.

(4) Environmental exposures, including, but not limited to, the following:

- (A) Art materials.
- (B) Formaldehyde (indoor air pollution).
- (C) Noise.
- (D) Disinfecting solutions.
- (E) Latex.

(Division of Family and Children; 470 IAC 3-4.7-15)

470 IAC 3-4.7-16 Enrollment policies

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 16. The director shall discuss and give the following information, in writing, to the parent at the time of the child's enrollment:

- (1) The name of the persons legally responsible for the child care center.
- (2) Description of the program.
- (3) Policy regarding children who are left past closing time.
- (4) Provisions for emergency medical care.
- (5) Provisions for treatment of illness.
- (6) Policy regarding visits, field trips, or excursions off the premises.
- (7) Policy regarding the child care center's abuse and neglect reporting responsibilities.
- (8) Policy regarding the release of a child to an intoxicated or impaired person.
- (9) The discipline policies of the center.
- (10) A statement that the child will be released only to a parent, legal guardian, or other person authorized by the parent who has proper identification.
- (11) A statement that persons bringing or picking up the child shall be responsible to notify a staff member of the child's arrival or departure and that the person shall in some manner sign the child in and out by name and time of arrival and departure.
- (12) A statement regarding the necessity of a health examination, for the child, including up-to-date immunizations.

(Division of Family and Children; 470 IAC 3-4.7-16)

470 IAC 3-4.7-17 Admission, discharge, arrival, and departure policies

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 17. (a) The center shall provide the parent explicit, documented, formal written reasons for refusal to admit or provide care to a child.

(b) Staff shall require any person picking up a child, and not known by the caregiver, to provide identification.

(c) If a court order exists preventing a particular individual from having contact with a child, the center shall comply with the order. The center shall keep a copy of the court order on file.

(d) If an intoxicated or impaired person insists on removing children from the care of a licensed child care center, the center shall immediately report the incident to the local police agency.

(e) Unscheduled visits by a custodial parent or guardian of a child shall be permitted at any time the child care center is in operation. *(Division of Family and Children; 470 IAC 3-4.7-17)*

470 IAC 3-4.7-18 Parent communication

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 18. (a) At the time of admission, the center shall obtain, from the parent, information about the child to assist the center in meeting the daily needs of the child.

(b) Caregivers shall have periodic interviews with the parent to assure consistency of child care and mutual awareness of the child's progress, development, and problems.

(c) Caregivers shall inform the parent of any important information regarding their child on the day of occurrence.

(d) Centers shall forward to parents and staff information or handouts provided by the division regarding inclusion, rules and other child care information. (*Division of Family and Children; 470 IAC 3-4.7-18*)

470 IAC 3-4.7-19 Posted items

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 19. (a) The following items shall be prominently posted in a place regularly viewed by parents:

- (1) The license.
- (2) The name of the director and name of the person in charge in the director's absence.
- (3) A child/staff ratio chart.
- (4) Weekly menus.
- (5) Prohibitions against:
 - (A) smoking;
 - (B) use of alcohol;
 - (C) use or possession of firearms is prohibited unless the person is required to carry a firearm as a condition of their employment; and
 - (D) use or possession of illegal substances or unauthorized potentially toxic substances;
 in the child care center.
- (6) The telephone number of the division's licensing office.

(b) The center shall post the following items:

- (1) Hand washing procedures at each adult sink area.
- (2) Diaper changing procedures at each diaper changing area.
- (3) A copy of infant feeding plans in each infant room.
- (4) Procedures for bottle sterilization, where this occurs.
- (5) Fire and emergency disaster routes in each child care room.
- (6) Disaster and shelter procedures in each child care room.
- (7) Dish washing procedures, where this occurs.
- (8) Instructions for mixing and use of sanitizing solutions for cots, tables, toys, dish washing, and diaper changing areas, where the solution is prepared.
- (9) Approved first aid directives in each child care area.

(10) Cleaning schedules in all food storage, preparation, and service areas.

(c) Staff shall post by the telephone, the name and address of the child care center and a list of emergency telephone numbers as follows:

- (1) Fire department.
- (2) Police department.
- (3) Ambulance.
- (4) Nearest hospital.
- (5) Poison control.
- (6) The county child protective services number 1-800-800-5556.
- (7) The institutional abuse hotline number 1-800-562-2407.
- (8) The child care information line 1-877-511-1144.

(*Division of Family and Children; 470 IAC 3-4.7-19*)

470 IAC 3-4.7-20 Insurance

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 20. The center shall carry the following insurance:

- (1) Liability insurance.
- (2) Insurance on any child care center owned, or leased vehicle used to transport children while under the care of the center.

(*Division of Family and Children; 470 IAC 3-4.7-20*)

470 IAC 3-4.7-21 Director qualifications

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 21. (a) The director shall be a minimum of twenty-one (21) years of age.

(b) Each child care center must employ a qualified person to carry out the responsibilities of the director.

(c) The director shall meet one (1) of the following minimum education and experience qualifications:

- (1) A bachelor of arts or bachelor of science degree from an accredited college or university in early childhood education or elementary education with a kindergarten endorsement and grades of C or better.
- (2) Any bachelor of arts or bachelor of science degree from an accredited college or university must include one (1) of the following:
 - (A) Fifteen (15) credit hours in college level courses with documented content relating to the needs, skills, development, or teaching methods of children six (6) years of age or younger and grades of C or better.
 - (B) A CDA.
- (3) A two (2) year associate's degree in early childhood education from an accredited college or university, with a grade of C or better and a minimum of three (3) years of experience in an early childhood program.

(d) All directors who were employed as a director prior to December 1, 1985, are exempt from the specific educational requirements for this position provided that his or her position continues as a director at that child care center. (*Division of Family and Children; 470 IAC 3-4.7-21*)

470 IAC 3-4.7-22 Director responsibilities

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 22. (a) The director shall work on site a minimum of thirty (30) hours per week during the scheduled hours of operation of the child care center.

(b) The director shall not permit other employment or activities, including teaching responsibilities, to interfere with the operation of the child care center.

(c) The director responsibilities shall include the following:

- (1) The general planning and supervision of the developmentally appropriate program.
- (2) Orientation of newly employed child caregivers.
- (3) Supervision and evaluation of child caregivers.
- (4) Ensuring that caregivers receive ongoing training.

(d) The director shall designate a responsible caregiver, at least twenty-one (21) years of age, to be in charge during any absences of the director and include the following:

- (1) The director shall post his or her name and the name of the director-designee in a conspicuous place.
- (2) The director-designee shall have the following qualifications:

- (A) Knowledge of this rule to carry on normal operation of the child care center.
- (B) A working understanding of office routine.
- (C) Access to child and personnel files.
- (D) The ability to communicate with the staff from the various state regulatory agencies.
- (E) Training and ability to handle all emergency procedures and routines.

(*Division of Family and Children; 470 IAC 3-4.7-22*)

470 IAC 3-4.7-23 Administrator responsibilities

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 23. (a) An administrator that is not the director may carry out the day-to-day operating responsibilities of child care centers.

(b) The administrator need not meet the education and experience requirements of the director.

(c) The administrator may carry out the following responsibilities:

- (1) All personnel matters.
- (2) Purchasing equipment and supplies.

(3) All fiscal matters.

(4) Supervision of maintenance.

(d) If an administrator is not employed, these duties are the responsibility of the director. (*Division of Family and Children; 470 IAC 3-4.7-23*)

470 IAC 3-4.7-24 Caregiver qualifications

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 24. All caregivers counted in child/staff ratios shall meet the following qualifications:

- (1) They shall be at least eighteen (18) years of age.
- (2) They shall have a high school diploma or shall have passed an equivalency test.
- (3) They shall have reading skills to be able to read the following:

- (A) Emergency information.
- (B) Prescription labels.
- (C) First aid and emergency evacuation directives.
- (D) Menus.
- (E) Medical information.
- (F) Special dietary information.
- (G) Intake information on children.

(4) They shall have writing skills to be able to document the following:

- (A) Accident reports and significant occurrences.
- (B) The time and administering of medication.
- (C) Diapering and feeding information.
- (D) The developmental progress of children.

(5) All early childhood professionals who were employed as a caregiver prior to December 1, 1985, are exempt from the specific educational requirements for this position provided that his or her position continues as an early childhood professional at that child care center.

(*Division of Family and Children; 470 IAC 3-4.7-24*)

470 IAC 3-4.7-25 Lead caregiver qualifications

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 25. (a) Lead caregivers shall have one (1) of the following:

- (1) A current CDA credential.
- (2) An associate's or bachelor's degree in early childhood education or child development.
- (3) A bachelor's degree in elementary education.

(b) Lead caregivers that do not meet these qualifications shall:

- (1) have eight (8) hours additional in-service training per year appropriate to the age group with which the caregiver is working;
- (2) enroll in one (1) of the educational programs listed in subsection (a) within one (1) year of becoming a lead caregiver; and

(3) provide documentation showing successful completion of at least six (6) credit hours per year.

(Division of Family and Children; 470 IAC 3-4.7-25)

470 IAC 3-4.7-26 Lead caregiver responsibilities

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 26. Lead caregivers are responsible for the following:

(1) The classroom management for one (1) group of children.

(2) The daily planning for one (1) group of children.

(Division of Family and Children; 470 IAC 3-4.7-26)

470 IAC 3-4.7-27 Support staff

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 27. (a) Support staff shall complete orientation and ongoing training to carry out their assigned responsibilities.

(b) Support staff are exempt from educational requirements.

(c) When support staff are counted in child/staff ratios, they shall meet all the qualifications of the caregiver.

(Division of Family and Children; 470 IAC 3-4.7-27)

470 IAC 3-4.7-28 Substitutes

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 28. Substitutes shall meet the minimum caregiver qualifications. *(Division of Family and Children; 470 IAC 3-4.7-28)*

470 IAC 3-4.7-29 Volunteers

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 29. Volunteers may serve in any capacity for which they are qualified, but may not be left alone with a group of children. *(Division of Family and Children; 470 IAC 3-4.7-29)*

470 IAC 3-4.7-30 Early childhood practicum students

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 30. (a) Centers may count early childhood practicum students under eighteen (18) years of age in child/staff ratios with the following conditions:

(1) They attend a high school early childhood program.

(2) They are seventeen (17) years of age or sixteen (16) years of age if working at their on-site vocational child care center.

(3) They are assigned to a lead caregiver who provides supervision at all times.

(4) They are never left alone with a group of children.

(5) They are not counted in the child/staff ratio of infant or toddler rooms.

(b) Early childhood practicum students from colleges or universities may serve in any capacity for which they are qualified. *(Division of Family and Children; 470 IAC 3-4.7-30)*

470 IAC 3-4.7-31 Visitors

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 31. Visitors are exempt from all qualification requirements, but may not be left alone with children or be counted in child/staff ratios. *(Division of Family and Children; 470 IAC 3-4.7-31)*

470 IAC 3-4.7-32 Staff orientation

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 32. (a) Prior to having direct contact with children or food, the following training or information shall be provided to all staff and volunteers according to the specific responsibilities assigned to that particular staff member or volunteer:

(1) The names, ages, and any specific needs of the children for whom the caregiver will be responsible.

(2) The center's policy on confidentiality of children's records.

(3) The center's child discipline policy.

(4) Meal patterns and food handling policies of the center.

(5) Emergency evacuation procedures.

(6) General health policies and procedures, including, but not limited to, the following:

(A) Division-approved hand washing techniques.

(B) Division-approved diapering techniques.

(C) All policies and documentation procedures for dispensing approved medication to children.

(D) Procedures for feeding infants and toddlers, including formula preparation.

(7) Training in universal precautions. A person trained annually in universal precautions shall repeat this training annually for all child care staff and include the following topics:

(A) Blood borne diseases and their transmission, work practice controls, and the use of personal protective equipment as required by the OSHA and ISDH.

(B) Procedures for documenting and handling incidents in which staff are directly exposed to contact with blood.

(8) The health hazards listed in section 15(c) of this rule.

(b) During the first two (2) weeks of employment, all staff and volunteers shall have the following training or information provided according to their individual responsibilities:

(1) Developmentally appropriate practices in the early childhood program.

(2) The goals and philosophy of the center.

(3) Daily schedules, routines, and transition procedures.

- (4) Parent communication policies.
- (5) Child abuse detection, prevention, and reporting responsibilities (see section 13 of this rule).
- (6) Recognizing symptoms of illness.
- (7) Cleaning, sanitation, and disinfection procedures.
- (8) Special needs inclusion policies.
- (9) Training specific to the special needs of children under their care.
- (10) The center's confidentiality policy.
- (11) All aspects of this rule.

(c) Documentation shall be available at the child care center showing that all applicable orientation topics are covered and the dates of when the training was provided.
(*Division of Family and Children; 470 IAC 3-4.7-32*)

470 IAC 3-4.7-33 Pediatric first aid training

Authority: IC 12-13-5-3
Affected: IC 12-17-2-4

Sec. 33. All caregivers and other persons counted in child/staff ratios shall have training in pediatric first aid as follows:

- (1) Prior to opening a child care center, at least one (1) caregiver shall have current training or the expiration date shall be no later than three (3) years from the training date in the administration of pediatric first aid and be on duty at all times. Additionally, all infant and toddler staff shall have current training in pediatric first aid.
- (2) Except as stated in subdivision (1), training for all other staff shall be completed within six (6) months of employment and at least every three (3) years thereafter.
- (3) Pediatric first aid training shall include rescue breathing and first aid for choking and shall be consistent with pediatric first aid training developed by the American Red Cross or the National Safety Council for First Aid Training Institute.
- (4) The offered first aid instruction shall include, but not be limited to, the following:
 - (A) Hemorrhage.
 - (B) Poisoning.
 - (C) Choking.
 - (D) Shock.
 - (E) Seizures.
 - (F) Head injuries.
 - (G) Artificial respiration.
- (5) Written records of current certification of first aid training shall be maintained at the child care center for at least three (3) years.

(*Division of Family and Children; 470 IAC 3-4.7-33*)

470 IAC 3-4.7-34 Cardiopulmonary resuscitation training

Authority: IC 12-13-5-3
Affected: IC 12-17-2-4

Sec. 34. Staff shall have training in cardiopulmonary resuscitation (CPR) as follows:

- (1) At least one (1) caregiver must be trained annually in pediatric CPR shall be present within the licensed area of the child care center during all hours of operation and with children on field trips.
- (2) In child care centers licensed for infants or toddlers, all infant and toddler caregivers shall be trained annually in infant or pediatric CPR as appropriate.
- (3) Training in CPR shall be appropriate to the age of the children for which the child care center is licensed. Training in adult CPR is required if children eight (8) years of age or older are present.
- (4) The course shall be based on current guidelines for CPR and emergency cardiac care as published in the *Journal of American Medical Association (JAMA)*.
- (5) All staff members shall be informed of which employees are trained in CPR and how to obtain the trained employee's assistance in an emergency.
- (6) Written records of annual training in CPR shall be maintained at the child care center for three (3) years.

(*Division of Family and Children; 470 IAC 3-4.7-34*)

470 IAC 3-4.7-35 In-service staff training

Authority: IC 12-13-5-3
Affected: IC 12-17-2-4

Sec. 35. (a) In addition to first aid, cardiopulmonary resuscitation (CPR), universal precautions, and life saving certification, all directors and persons counted in child/staff ratios shall have, on an annual basis, a minimum of twelve (12) clock hours of in-service training as follows:

- (1) The director shall receive training in each of the following categories:
 - (A) Administrative issues.
 - (B) Curriculum and developmentally appropriate practices.
 - (C) Health, nutrition, sanitation, and safety.
- (2) Caregivers shall receive training in each of the following categories:
 - (A) Positive classroom management and discipline.
 - (B) Developmentally appropriate practices and curriculum.
 - (C) Child development.
 - (D) Health, nutrition, sanitation, and safety.
- (3) Training may include, but is not limited to:
 - (A) workshops;
 - (B) formal education;
 - (C) videos;
 - (D) training by consultants; or
 - (E) educational programs provided for staff by the director or director designated training facilitators.
- (4) The documentation of reading of early childhood educational literature shall require a written summary and shall not count as more than two (2) hours of training per year.

(5) Lead caregivers, who do not meet the educational qualifications, shall have an additional eight (8) hours of in-service training per year.

(6) Training shall be appropriate to the age group with which the caregiver is working.

(7) Caregivers shall measure training on an annual basis. New caregivers shall average one (1) hour of training per month during the first year of service.

(8) Each caregiver's file or a separate staff training file shall contain the following written documentation of all in-service training:

- (A) Date of training.
- (B) Number of clock hours of training.
- (C) Type of training.
- (D) Content of the training.
- (E) Name and credentials of trainer.

(b) Child care centers that have a swimming pool or built-in wading pool shall have at least one (1) person present, whenever the pool is in use, who is trained in age appropriate CPR, basic water safety, and has a valid Red Cross advanced life saving certificate. Caregivers shall maintain documentation of training in the appropriate person's file at the child care center for three (3) years.

(c) Caregivers in child care centers serving children with special needs shall have orientation and continuing training based on the special needs of the children in their care. If applicable, this training shall be in accordance with the child's IFSP (birth to two (2) years of age) or the child's IEP (three (3) years of age or older). (*Division of Family and Children; 470 IAC 3-4.7-35*)

470 IAC 3-4.7-36 Children's admission records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 36. A written application for admission of each child, signed by the child's parent, shall be on file at the child care center prior to admission and shall include the following:

- (1) The child's full name, address, and sex.
- (2) The name of parent, address, and telephone number.
- (3) The child's date of birth, verified by a copy of the child's birth certificate or other legal proof of age.
- (4) Information regarding the child's social, emotional, cognitive, and physical development.
- (5) A copy of any relevant court orders that affect the child to be enrolled.
- (6) Place of employment and working hours of the parent and the employer's address and telephone number.
- (7) The name, address, and telephone number of the child's physician and dentist to call in emergencies.
- (8) The name, address, and telephone number of any person, other than the parent, authorized to remove the child from the premises.
- (9) The name, address, and telephone number of respon-

sible person who may be called to come for the child in case of illness or other emergency if the parent cannot be reached.

(10) The date of admission.

(*Division of Family and Children; 470 IAC 3-4.7-36*)

470 IAC 3-4.7-37 Signed consent forms

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 37. Each child's record shall contain the following consents signed by the parent:

- (1) Emergency medical authorization to provide transportation and obtain medical treatment for children when the parent cannot be contacted. This authorization shall also be in the emergency information file.
- (2) Written permission to participate in extracurricular activities, whether on or off the child care center premises for children participating in the activity.

(*Division of Family and Children; 470 IAC 3-4.7-37*)

470 IAC 3-4.7-38 Children's health records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 38. Within thirty (30) days of a child's enrollment, the child's health record shall contain the following:

- (1) Physical examination verification form with physician's or nurse practitioner's signature dated no earlier than twelve (12) months prior to enrollment date.
- (2) Current and complete record of immunization history showing month, day, and year of each immunization.

(*Division of Family and Children; 470 IAC 3-4.7-38*)

470 IAC 3-4.7-39 Children's injury records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 39. (a) Written records shall be maintained for all injuries that occur while children are under the care of child care center caregivers, both on and off premises.

(b) On the day of occurrence, caregivers shall inform parents of minor injuries when they pick up their child. Minor injury reports shall be kept in the child's individual file or in a separate minor injury reporting file and shall be recorded showing the following:

- (1) The date and time of the injury.
- (2) How the injury occurred.
- (3) A description of the injury.
- (4) The treatment administered.

(c) Caregivers shall immediately report serious injury verbally to the parent. Caregivers shall record these injuries on forms supplied by the division and distributed as follows:

- (1) One (1) copy of the report given to the parents.

- (2) One (1) copy kept in the child's individual file.
- (3) One (1) copy sent to the division.

(Division of Family and Children; 470 IAC 3-4.7-39)

470 IAC 3-4.7-40 Children's medication records

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 40. (a) Records regarding dispensing of medication to children shall be maintained at the child care center and shall contain the following:

- (1) The child's name.
- (2) The name of the medication.
- (3) The dosage given.
- (4) The date and time given.
- (5) The full name of caregivers who administered medication.

(b) If a parent requested medication to be given and it was not administered, caregivers shall write the reason on the medication record.

(c) The center shall keep these records for a minimum of one (1) year. *(Division of Family and Children; 470 IAC 3-4.7-40)*

470 IAC 3-4.7-41 Staff, substitutes, and volunteer records

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 41. (a) Records, kept at the child care center, shall document the following for all current staff, substitutes, and volunteers:

- (1) Application for employment.
- (2) Qualifications.
- (3) A statewide limited criminal history check completed by the Indiana state police.
- (4) The name, address, and telephone number of the person, physician, or health facility to be contacted in the event of an emergency.
- (5) An annual written evaluation of the employee's performance.
- (6) Physical examination verification form with physician's or nurse practitioner's signature within thirty (30) days of employment dated no earlier than twelve (12) months prior to date of hire.
- (7) Verification that staff is free of tuberculosis within thirty (30) days of employment and annually thereafter.
- (8) In-service training.
- (9) Dates of employment.

(b) Volunteers and support staff are exempt from documentation of qualifications, evaluations, and in-service training requirements. Volunteers who are counted in the child/staff ratio must meet all staff requirements. *(Division of Family and Children; 470 IAC 3-4.7-41)*

470 IAC 3-4.7-42 Emergency information file

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 42. Each center shall keep an emergency information file, separate from individual record files, and take it on field trips. It shall contain the following:

- (1) Emergency numbers for police, fire, hospital, and ambulance.
- (2) Emergency information for all staff, volunteers, student helpers, and children, including the following:
 - (A) The name and date of birth.
 - (B) The name and phone number of spouse, parent, physician, health facility, or other person to contact in an emergency.
 - (C) A signed authorization for emergency treatment. Parents shall sign this authorization for persons under eighteen (18) years of age. Staff, eighteen (18) years of age or older, shall sign their own authorization.

(Division of Family and Children; 470 IAC 3-4.7-42)

470 IAC 3-4.7-43 General records

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 43. If applicable, the center shall have the following records available for review:

- (1) All required well water test results.
- (2) The daily temperature of vendor delivered potentially hazardous food.
- (3) The most recent inspection records relevant to state fire marshal, IDEM water records for private wells, child care health, or general licensing inspections and the records relative to compliance, complaint, and investigation for the past three (3) years.

(Division of Family and Children; 470 IAC 3-4.7-43)

470 IAC 3-4.7-44 Confidentiality of records

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 44. (a) All information pertaining to the admission, health, family, or discharge of a child and each personnel record is confidential. The center may release the children's records to the parent of the child in question. The center may release the personnel records to the following:

- (1) Persons authorized by the division.
- (2) Child protective services personnel.
- (3) Other agencies authorized by law.

(b) The director or administrator shall determine the limits for sharing confidential information with staff.

(c) The center shall have a written policy for protecting the confidentiality of medical and social information that is consistent with federal, state and local laws.

(d) The center shall inform all staff of the confidentiality policy. *(Division of Family and Children; 470 IAC 3-4.7-44)*

470 IAC 3-4.7-45 Attendance records

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 45. Written attendance records shall be kept at the child care center, available for review for a minimum of one (1) year and shall document the following for all children, staff, and volunteers:

- (1) Daily arrival and departure times.
- (2) Dates of attendance.

(Division of Family and Children; 470 IAC 3-4.7-45)

470 IAC 3-4.7-46 Record retention

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 46. The center shall maintain personnel and children's records on grounds for a minimum of one (1) year after the end of service or care. *(Division of Family and Children; 470 IAC 3-4.7-46)*

470 IAC 3-4.7-47 Child/staff ratio chart

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 47. Directors shall prominently post the following child/staff ratio chart in each class area of the child care center and in the area where parents sign children in on a daily basis:

Age of the Youngest Child in the Group	Maximum Number of Children Supervised by One Caregiver	Maximum Number of Children in One Group
Infant	4	8
Toddler	5	10
2 years	5	10
30-36 months	7	14
3 years	10	20
4 years	12	24
5 years and older	15	30

(Division of Family and Children; 470 IAC 3-4.7-47)

470 IAC 3-4.7-48 Child/staff ratios and supervision

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 48. (a) Child/staff ratios shall be maintained during all hours of operation.

(b) When there is a combination of ages within a group of children, caregivers shall determine the ratio required by the age of the youngest child in the group. This includes opening and closing times.

(c) When determining the child/staff ratios, count only persons who are responsible for and directly engaged in supervising and implementing activities for children.

(d) Persons in the child care center with multiple roles, such as, teacher/cook, teacher/director, or teacher/receptionist,

shall be counted in child/staff ratios only while directly engaged with children.

(e) All children shall be under the direct supervision of a responsible caregiver at all times.

(f) Centers shall have a written policy that describes the steps caregivers shall take to correct inadequate ratios. Caregivers shall be aware of this policy.

(g) Caregivers shall promptly notify the director when ratios become deficient.

(h) The director or person in charge shall correct child/staff ratios immediately.

(i) Children of the director and staff members shall be counted in child/staff ratios and assigned to their appropriate age group.

(j) The center shall have at least two (2) adults present during all hours of operation.

(k) The center shall make arrangements so that if only one (1) adult is supervising a group of children, that adult has means available to communicate with other caregivers and summon assistance without leaving children unattended.

(l) The assignment of administrative, maintenance, and housekeeping duties shall not interfere with the direct supervision of children.

(m) The center shall make every effort to have substitutes visit the child care center to become generally familiar with the children and program in advance of the time they may be called to substitute. *(Division of Family and Children; 470 IAC 3-4.7-48)*

470 IAC 3-4.7-49 Child grouping policies

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 49. (a) Age grouping policies apply at all times except as in subsection (f).

(b) When mixing age groups, younger children shall be protected from aggressive older children.

(c) Caregivers may care for preschool children in the same group or area.

(d) Centers may group thirty (30) to thirty-six (36) month old children with children three (3) years of age.

(e) When all the two (2) year olds in a group at least thirty (30) months of age, the ratio is 7:1.

(f) Caregivers may group children three (3) years of age through school age together during the first and last hour of the child care center's operation provided the group size does not exceed the maximum group size for the youngest children in the group.

(g) Caregivers shall care for school age children in a clearly defined separate room/area. When mixing age groups, the group may not be larger than the square foot capacity of the room.

(h) The maximum number of children per class is also determined by available space.

(i) Centers licensed prior to the effective date of this rule may elect to have a maximum group size for two (2) year olds of fifteen (15), provided they use the same room.

(j) Kindergarten aged children may be mixed with either preschool or school-aged groups. (*Division of Family and Children; 470 IAC 3-4.7-49*)

470 IAC 3-4.7-50 Grouping of children under 30 months of age

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 50. (a) In any group that has an infant or toddler, the maximum age range between the oldest and youngest child in the group shall be thirteen (13) months.

(b) Caregivers of infants and toddlers shall have the date of birth of all children in the room immediately available. (*Division of Family and Children; 470 IAC 3-4.7-50*)

470 IAC 3-4.7-51 Implementation of continuity of care

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 51. Centers shall make a reasonable effort to provide continuity of care for children under thirty (30) months of age. (*Division of Family and Children; 470 IAC 3-4.7-51*)

470 IAC 3-4.7-52 Alternative mixed age groupings

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 52. For the purpose of maintaining continuity of care, centers may mix children age six (6) weeks to thirty-six (36) months in one (1) classroom under the following conditions:

- (1) A child/staff ratio of 4:1 is maintained.
- (2) The maximum group size is eight (8).
- (3) Each group shall have no more than three (3) children under the age of twelve (12) months.
- (4) The center's program, furnishings, and equipment shall meet the developmentally appropriate needs of all the children in the room.

(*Division of Family and Children; 470 IAC 3-4.7-52*)

470 IAC 3-4.7-53 Rest periods

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 53. (a) Caregivers shall provide a supervised rest period for children four (4) year of age and under after the noon meal and at any other time if requested by any age child. (This does not apply to children in attendance less than four (4) hours per day.)

(b) Children of all ages shall not rest or sleep on the floor. Staff shall provide cots for all children that rest as follows:

(1) Cots shall be firm, portable, easily sanitized, in good repair, and have the underside of the sleeping surface off the floor.

(2) Staff shall sanitize cots daily after each use. Staff may sanitize cots weekly if the same child uses the same cot each day. If staff sanitize cots weekly, they shall clearly identify assigned cots.

(3) Staff shall space cots at minimum of two (2) feet apart on all sides, except where they touch a wall or other room divider.

(4) Aisles between cots shall be kept clear of all obstructions while the cots are occupied.

(5) Cots shall not block exits.

(c) The center shall assure that a cover is provided as follows for each child:

(1) The cover shall be clean, individually marked, and maintain comfort and warmth.

(2) The cover shall be washed at least weekly or promptly if soiled.

(3) If different children use the same cover, staff shall wash the cover between uses.

(4) Children's faces and heads shall be free from covering.

(d) The center shall provide individual storage so that one (1) child's cover does not touch the cover of another child.

(e) When resting, children shall lie in such a way that direct face-to-face situations are avoided.

(f) After thirty (30) minutes, caregivers shall provide supervised alternate activities for nonsleeping children.

(g) Caregivers shall permit sleeping children to awaken naturally at their own pace.

(h) During the rest period for children toddler age and older, caregivers may supervise children at fifty percent (50%) of the required child/staff ratio provided that:

(1) the required child/staff ratio is maintained on the premises;

(2) required caregivers are immediately accessible; and

(3) a minimum of fifty percent (50%) of the children in the class are asleep.

(i) The fifty percent (50%) reduction in child/staff ratios does not apply to infants.

(j) Caregivers shall supervise sleeping children and never leave them unattended.

(k) Rest areas shall have a minimum average of five (5) foot-candles of light in all areas. (*Division of Family and Children; 470 IAC 3-4.7-53*)

470 IAC 3-4.7-54 Positive discipline

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 54. (a) Caregivers shall use positive discipline.

(b) Caregivers shall do the following:

- (1) Communicate to children using positive statements.
- (2) Encourage children, with adult support, to use their own words and solutions in order to resolve their own interpersonal conflicts.
- (3) Communicate with children by getting down to their eye level and talking to them in a calm quiet manner about what behavior is expected.

(*Division of Family and Children; 470 IAC 3-4.7-54*)

470 IAC 3-4.7-55 Inappropriate discipline

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 55. (a) Any person, while on child care center premises, shall not engage in or direct any of the following actions toward children:

- (1) Inflict corporal punishment in any manner upon a child's body.
- (2) Hit, spank, beat, shake, pinch, or any other measure that produces physical discomfort.
- (3) Cruel, harsh, unusual, humiliating, or frightening methods of discipline, including threatening the use of physical punishment.
- (4) Placement in a locked or dark room.
- (5) Public or private humiliation, yelling, or abusive or profane language.

(b) Staff shall not associate disciplinary action or rewards with rest.

(c) Staff shall not associate disciplinary action with food or use food as a reward.

(d) Staff shall not associate disciplinary action or humiliate a child in regard to toileting.

(e) Caregivers shall not:

- (1) use time out for any child less than three (3) years of age;
- (2) permit time out to exceed one (1) minute per year of age of the child; and

(3) physically restrain children except:

(A) when it is necessary to ensure their own safety or that of others; and

(B) only for as long as is necessary for control of the situation.

(*Division of Family and Children; 470 IAC 3-4.7-55*)

470 IAC 3-4.7-56 Discipline documentation

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 56. (a) The director shall formulate a child care center-wide written discipline policy and distribute the policy to parents and staff.

(b) Caregivers shall have ongoing communication between home and center regarding all aspects of the care of the child.

(c) Caregivers shall document any history of recurring discipline problems and subsequent formal parent conferences in the child's record.

(d) The center shall implement and document a specific plan of action with the child's parents for dealing with the child's unacceptable behavior. (*Division of Family and Children; 470 IAC 3-4.7-56*)

470 IAC 3-4.7-57 General program components

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 57. (a) Caregivers shall recognize each child as an individual whose personal privacy, choice of activities, and cultural, ethnic, and religious backgrounds are respected.

(b) Centers shall work to increase understanding of cultural, ethnic, and other differences.

(c) The curriculum and adults' interaction shall be responsive to individual differences in ability and interests. Caregivers shall design interactions and activities to develop children's positive feelings toward learning.

(d) Efficient planning and good caregiver communication during transition periods shall be used to avoid waiting periods between activities.

(e) Caregivers shall arrange learning areas, equipment, and materials so children can work undisturbed either individually or in small groups.

(f) Caregivers shall arrange equipment in orderly, clearly defined areas of interest with space in each area for children to see the various activities available to them.

(g) Caregivers shall provide children many opportunities to develop social skills, such as cooperating, helping,

negotiating, and talking with others to solve interpersonal problems.

(h) Caregivers shall move among groups and individuals to facilitate children's involvement with materials and activities by asking questions, offering suggestions, or adding more complex materials or ideas to a situation.

(i) The center shall assign one (1) lead caregiver for each group of children. (*Division of Family and Children; 470 IAC 3-4.7-57*)

470 IAC 3-4.7-58 Basic schedule of activities

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 58. The center shall provide a written basic schedule of activities designed to meet the developmental needs of the children served. The center shall post a general outline of times and activities in each child care room and shall provide a schedule for the following:

- (1) Meal times.
- (2) Rest times.
- (3) Indoor activities.
- (4) Outdoor activities.

(*Division of Family and Children; 470 IAC 3-4.7-58*)

470 IAC 3-4.7-59 General program planning

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 59. All program planning shall provide the following:

- (1) A caregiver-prepared environment for children to learn through active exploration and interaction with adults, other children, and materials.
- (2) Encouragement and enhancement of expressive activities that include play, story telling, music, and dancing. A variety of art media is readily available for creative expression.
- (3) Daily opportunities for children to use large muscle skills, learn about outdoor environments, and express themselves freely and loudly, except when the severity of the weather poses a safety hazard, the wind-chill temperature is below twenty-five (25) degrees Fahrenheit, or there is a health related reason documented by a parent or physician for a child to remain indoors. (For a period exceeding three (3) consecutive days a physician's statement is required.)
- (4) Daily opportunities for children to develop small muscle skills through play activities.
- (5) Opportunities for children to complete activities.
- (6) Provision for privacy by arranging a small, quiet area that is easily accessible to the child who seeks or needs time to be alone.

(*Division of Family and Children; 470 IAC 3-4.7-59*)

470 IAC 3-4.7-60 Written program plans

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 60. Caregivers shall plan a daily, detailed written program, based on teacher observations, for each child care group. Caregivers shall always make this program available to parents and the division and provide the following:

- (1) A description of how learning centers will be changed or enriched.
- (2) A list of materials to be added to or removed from the specific learning areas.
- (3) Activities to be used or discussed during circle and transition times.
- (4) A description of any planned small or large group activities.
- (5) Any special activities or field trips planned.

(*Division of Family and Children; 470 IAC 3-4.7-60*)

470 IAC 3-4.7-61 Literacy development

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 61. Caregivers shall foster language development and literacy by the following:

- (1) Talking with children.
- (2) Encouraging children to talk with each other by helping them to listen and respond.
- (3) Modeling verbal expression and written language.
- (4) Reading books and poems with children daily.
- (5) Providing opportunities for children to read and explore with books.
- (6) Creating activities which encourage children to participate in dramatic play and other experiences requiring communication.
- (7) Providing methods and materials in which children can experiment with writing by drawing, copying, and inventing their own spelling.
- (8) Extending literacy activities to all areas of the classroom.

(*Division of Family and Children; 470 IAC 3-4.7-61*)

470 IAC 3-4.7-62 Coping with separation

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 62. Caregivers shall help children to cope with the experience of separation from their parents by the following:

- (1) The caregivers of the child care center shall encourage the parents to spend time in the child care center, to observe, and participate in experiences with their child. Caregivers shall design all aspects of the child care program to facilitate parental input and involvement.
- (2) Caregivers shall permit children to bring reminders of home and family to the child care center.
- (3) Caregivers shall help children play out themes of separation and reunion.
- (4) Caregivers shall share information about the child's daily needs and activities with parents on a daily informal basis.

(5) Caregivers shall reassure children about their parent's return.

(Division of Family and Children; 470 IAC 3-4.7-62)

470 IAC 3-4.7-63 Educational equipment and materials

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 63. (a) The quantity and variety of learning center equipment and materials provided daily shall permit children to interact without conflict due to a lack of equipment.

(b) The center may combine learning centers. Materials from individual learning centers may overlap but the center shall count individual items only once.

(c) The following minimums shall be provided to each group to children two (2) years of age and older:

(1) Equipment and materials to supply the following learning centers:

(A) Art.

(B) Music/movement.

(C) Large muscle.

(D) Math/science/discovery.

(E) Manipulative/fine motor.

(F) Blocks.

(G) Quiet/individual.

(H) Dramatic play.

(I) Literacy.

(2) An art easel with paint and paper.

(3) A water/sand/alternative type of activity.

(4) A shatterproof mirror.

(5) A set of wooden unit blocks.

(6) Musical listening equipment.

(7) Musical instruments.

(d) Learning centers shall be within the class room/areas.

(e) All children in each class room/area shall have access to these learning centers regularly throughout the day.

(f) Children two (2) years of age shall have small climbing equipment that they can go in and out of, over, and around in their area.

(g) Centers shall have equipment storage as follows:

(1) Each child care learning center shall have stable, low, open shelves to house, display, and organize learning materials.

(2) Staff shall use these shelves or units to assist with creating division of learning centers.

(3) Staff shall store equipment on these shelves and within easy reach of the children at all times.

(h) The center shall clean and sanitize equipment and materials a minimum of once per week.

(i) All play equipment and materials shall be constructed and installed in a manner that is safe for use by children.

(j) All indoor gross motor equipment shall meet the Consumer Product Safety Commission's guidelines for safety surfaces.

(k) Projectile toys are prohibited.

(l) All toys and equipment shall be free of sharp edges or protrusions.

(m) Tricycles used by children shall be spokeless, steerable, of age-appropriate size, and have a low center of gravity.

(n) When riding bicycles, children shall wear safety helmets that meet national safety standards. *(Division of Family and Children; 470 IAC 3-4.7-63)*

470 IAC 3-4.7-64 Television

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 64. Television use in the classroom shall meet the following guidelines:

(1) All programs must be age appropriate.

(2) All programs must be for educational purposes only and incorporated into lesson plans.

(3) Caregivers shall not require children to watch or sit in front of a television and shall offer other choices of activities.

(4) Caregivers shall maintain required room lighting.

(Division of Family and Children; 470 IAC 3-4.7-64)

470 IAC 3-4.7-65 Pets

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 65. Healthy household pets that present no danger to children are permitted on the premises under the following conditions:

(1) Dogs, cats, or potentially aggressive animals must be temperamentally suitable to be around children and shall only be permitted for infrequent visits and shall at all times be restrained by the adult owner or caretaker.

(2) Pets kept by the center shall be free from diseases with potential for transmission to humans.

(3) Dogs and cats must be vaccinated against rabies in accordance with state law.

(4) There shall be no ferrets, turtles, reptiles, psittacine birds (birds of the parrot family), or any wild or dangerous animals permitted in a child care center.

(5) Animals shall not roam freely and shall be housed in a manner that prevents injury to either the children or the animal.

(6) The center shall use sixteen (16) gauge screen or an

equivalent enclosure to prevent children from putting their fingers in an animal cage or aquarium.

(7) Animal cages shall permit proper sanitation and have removable bottoms.

(8) Staff shall keep cages and aquariums clean and in sanitary condition.

(9) Staff and children shall wash their hands after handling, feeding, or cleaning pets or the pet's environment.

(Division of Family and Children; 470 IAC 3-4.7-65)

470 IAC 3-4.7-66 Playground and outdoor safety

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 66. The specific guidelines of the most current, "Handbook for Public Playground Safety", as published by the United States Consumer Product Safety Commission, Washington, D.C. 20207, shall be used to determine compliance with the following safety rules:

(1) Assembly, installation, and the anchoring process shall be completed in strict accordance with the manufacturer's specifications.

(2) All playground equipment shall meet the manufacturer's guidelines for age-appropriate size.

(3) All anchoring devices for playground equipment shall be installed four (4) inches below the playing surface.

(4) The center shall maintain all equipment in safe condition and make prompt repairs. Records shall document the date equipment is known to need repair, the actual date of repair, and the method of repair.

(5) All repairs and replacement of parts shall meet or exceed original equipment standards.

(6) The center shall install a shock absorbing surface with required depth for the critical height of the equipment and covering the appropriate fall zone area under and around all playground equipment.

(7) The fall zones of adjacent equipment, two (2) feet or higher, shall not overlap.

(8) Climbing ropes shall be secured at both ends.

(9) Trampolines shall not be permitted.

(10) Wood parts shall be smooth and free from splinters.

(11) There shall be no accessible protrusions, projections, pinch, crush, or shearing points on equipment that could injure children or catch their clothing.

(12) Equipment components shall not form openings that could entrap a child's head.

(13) Guardrails and protective barriers shall be designed to prevent inadvertent falls from platforms. Equipment shall have vertical rather than horizontal pieces fill in the space below the top rail on barriers.

(14) All S-hooks shall be tightly closed.

(15) Swing seats shall have smooth rounded edges and not be made of wood, metal, or other hard material.

(16) Climbing equipment shall be designed so that

children holding onto horizontal bars may not fall from a height of greater than eighteen (18) inches.

(17) Balance beams shall be less than twelve (12) inches high.

(18) Merry-go-round platforms shall be continuous with no openings.

(19) Sand, used as play space or ground cover, shall be covered when not in use or raked daily before use.

(Division of Family and Children; 470 IAC 3-4.7-66)

470 IAC 3-4.7-67 Critical height chart

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 67. The center shall use the reference table located in the "Handbook for Public Playground Safety" published by the Consumer Product Safety Commission and the manufacturer's guidelines to determine the depth of loose fill materials that will provide the necessary safety for equipment of various heights. *(Division of Family and Children; 470 IAC 3-4.7-67)*

470 IAC 3-4.7-68 Playground design

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 68. (a) The outdoor caregivers will interact with children in all areas of the playground and ensure that all children are visible at all times.

(b) The outdoor play area shall be safely enclosed, fenced, or protected from traffic by other natural barriers. Air compressors or other dangerous equipment in the outdoor play area shall be enclosed and inaccessible to children.

(c) The outdoor play area shall contain at least seventy-five (75) square feet for each child outdoors at any one (1) time.

(d) The outdoor play area shall be directly accessible from the indoor child care center. If this is not possible and children cross traffic areas, such as a street, alley, or parking lot, the following steps apply to crossing the area:

(1) No child shall cross a traffic area unassisted.

(2) Children shall wait at the edge of the traffic area.

(3) The caregiver shall move to the center of the traffic area and assure that no autos are present or that all traffic is stopped.

(4) The caregiver shall remain in the center of the traffic area until the last child has safely crossed the area.

(5) When crossing public streets or other areas regularly traveled, caregivers shall display a flag, "Stop" sign, or other effective sign designed to halt traffic while children cross the area.

(e) The outdoor play area and equipment shall be well drained and free from standing water. *(Division of Family and Children; 470 IAC 3-4.7-68)*

470 IAC 3-4.7-69 Playground and outdoor environment

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 69. (a) The playground shall be considered to be an outdoor classroom and an extension of the learning environment that meets curricular objectives by encouraging child-initiated, teacher-supported play activities.

(b) The center must organize active, physical activities separate from passive, quiet activities. (*Division of Family and Children; 470 IAC 3-4.7-69*)

470 IAC 3-4.7-70 Water play areas

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 70. (a) Staff shall maintain a one (1) to three (3) parts per million (ppm) chlorine solution, as verified by a pool test kit, or equivalent in water tables used for water play activities. Staff shall empty the water table daily and clean it with an approved sanitizing solution before being air-dried.

(b) Portable fill and draw pools are prohibited.

(c) When children swim in any permanently constructed private swimming pool, wading pool, or lake, owned by the child care center, center staff, relatives, parents, or others, while under the supervision of the child care center staff, the following rules apply:

- (1) Pool equipment and chemical storage rooms shall be locked and inaccessible to children.
- (2) Written parental permission shall be obtained and kept on file prior to a child participating in a swimming activity.
- (3) Each swimming area must have a minimum of two (2) flotation devices.
- (4) Child/staff ratios shall be twice the number required in this rule. The center may count employed lifeguards in child staff ratios.
- (5) A person having a valid Red Cross advanced life saving certificate shall be on duty at all times when a swimming pool or lake is in use.
- (6) At all times, when children are in the water, staff shall directly supervise children with a minimum of one (1) staff person at pool or lake side and another staff in the water with the children.
- (7) All private lakes must have their water tested and approved for swimming.

(d) In addition, permanently constructed swimming or wading pools located on the premises of the child care center shall meet the following:

- (1) The center must construct the pool in accordance with fire prevention and building safety commission rules under 675 IAC 20 and maintain it in accordance with ISDH rules under 410 IAC 6-2.

(2) The center must fence in all swimming and wading pool areas and keep the gate locked when the pool is not in use.

(3) The center must cover or empty swimming pools in the off season.

(e) When children are taken to public pools or lakes while under the supervision of the child care center, the following rules apply:

- (1) Written parental permission shall be obtained and kept on file prior to a child participating in a swimming activity.
- (2) Child/staff ratios shall be twice the number required in this rule. A center may count one (1) pool or lake lifeguard in the child/staff ratios for the child care center unless pool or lake policies prohibit.
- (3) At all times, when children are in the water, staff shall directly supervise children with a minimum of one (1) staff person at pool or lake side and another staff in the water with the children.

(f) Staff shall not permit children to be in hot tubs, spas, or saunas. (*Division of Family and Children; 470 IAC 3-4.7-70*)

470 IAC 3-4.7-71 Field trips

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 71. (a) The center shall comply with all sections of this rule during field trips.

(b) Caregivers shall account for all children before, during, and after field trips.

(c) The center shall obtain written parental permission for each child prior to participation in a field trip. (*Division of Family and Children; 470 IAC 3-4.7-71*)

470 IAC 3-4.7-72 Transportation in child care center owned or leased vehicles

Authority: IC 12-13-5-3

Affected: IC 9-19-11; IC 12-17.2-4

Sec. 72. The following rules apply to all center transportation of children in vehicles owned or leased by the center:

- (1) The center shall assume responsibility for a child between the place where the child is picked up and the child care center, and from the time he or she leaves the child care center until he or she is delivered to his or her parent or the responsible person designated by his or her parents.
- (2) The center shall do the following:
 - (A) Obtain signed parental permission to transport prior to providing transportation for a child.
 - (B) Maintain child/staff ratios when transporting children, except as in clause (C).
 - (C) When transporting more than twelve (12) children

on a school bus or Head Start bus to and from school or home, have at least one (1) qualified caregiver not including the driver supervise the children.

(D) License any vehicle operated by the center in accordance with the laws of Indiana.

(E) Carry liability insurance to cover all passengers riding in the vehicle.

(F) Maintain vehicles in safe operating condition.

(G) Keep the vehicle clean and free of obstructions on the floors, seats, and rear window area.

(H) Present documentation that vehicles used in transporting children are appropriately licensed and maintained.

(I) Not transport more children than the manufacturer's rated passenger capacity.

(J) Not permit children to ride in the front seat of any vehicle.

(K) Post a sign in the vehicle stating that this is a smoke free vehicle.

(L) Check driver has proper license from bureau of motor vehicles on at least an annual basis.

(3) Staff shall comply with the following:

(A) Not leave children in any vehicle unattended.

(B) Load and unload children from the curbside of the vehicle.

(C) Not permit children to open and close the vehicle doors.

(D) Lock all passenger doors while the vehicle is in motion.

(E) Have in the vehicle emergency medical authorization for all children and emergency contact numbers for all occupants.

(4) The driver shall comply with the following:

(A) Be at least twenty-one (21) years of age and hold a proper license to operate the vehicle.

(B) Turn the vehicle off when loading or unloading children. (This does not apply to regulation school buses.)

(C) Seat all children in proper safety restraints to comply with IC 9-19-11 while the vehicle is in motion.

(D) Not have used alcohol within twelve (12) hours prior to transporting children.

(E) Not use illegal drugs.

(F) Ensure that any prescription drugs will not impair their ability to drive.

(G) Not have any medical conditions that would affect the driver's ability to safely operate the vehicle.

(5) The director or administrator shall require drug testing of employees when illegal drug use or alcohol use as in subdivision (4)(D) is suspected.

(6) Vehicle equipment shall include the following:

(A) A first aid kit, fire extinguisher, and blanket when transporting children.

(B) One (1) restraint per child.

(C) Door locks.

(7) When transporting a child in a wheelchair, vehicles shall

accommodate the placement of wheelchairs with tie downs affixed according to the manufacturer's instructions.

(Division of Family and Children; 470 IAC 3-4.7-72)

470 IAC 3-4.7-73 Transportation in other vehicles

Authority: IC 12-13-5-3

Affected: IC 9-19-11; IC 12-17.2-4

Sec. 73. The following rules apply to all transportation of children while under the care of the child care center in vehicles not owned or leased by the center:

(1) The center shall assume responsibility for a child between the place where the child is picked up and the child care center, and from the time he leaves the child care center until he or she is delivered to his or her parent or the responsible person designated by his or her parents.

(2) The center shall do the following:

(A) Obtain signed parental permission to transport in a vehicle not owned by the center prior to providing transportation for a child.

(B) Maintain child/staff ratios when transporting children.

(C) Carry liability insurance to cover all children riding in the vehicle beyond the coverage provided by the vehicle owner.

(D) Not permit transportation of more children than the manufacturer's rated passenger capacity.

(E) Only permit children to be transported in vehicles that are smoke free.

(F) Not permit children to ride in the front seat of any vehicle.

(G) Assure that the driver is at least twenty-one (21) years of age and holds a proper license to operate the vehicle.

(3) Child care center staff shall instruct the driver of each vehicle to do the following:

(A) Not leave children in any vehicle unattended.

(B) Load and unload children from the curb side of the vehicle.

(C) Turn the vehicle off when loading or unloading children.

(D) Not permit children to open and close the vehicle doors.

(E) Lock all vehicle doors while the vehicle is in motion.

(4) Staff shall do the following:

(A) Visually inspect vehicles to assure they are in safe operating condition.

(B) Visually inspect vehicles to assure they are clean and free of obstructions on the floors, seats, and rear window area.

(C) Have in the vehicle emergency medical authorization for all children and emergency contact numbers for all occupants.

(D) Secure all children in proper safety restraints with one (1) child per restraint to comply with IC 9-19-11 while the vehicle is in motion.

(Division of Family and Children; 470 IAC 3-4.7-73)

470 IAC 3-4.7-74 Transportation to school

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 74. (a) If the center provides transportation for children to or from school, the center is responsible for the child during transportation.

(b) A child transported to school by the center shall never be left unattended outside the school building.

(c) The center shall establish a written transportation agreement between the parent and the center, including, but not limited to, the following:

- (1)** Clear definitions of legal responsibility.
- (2)** The time of the child's release from the school and the center.
- (3)** The means of transportation.
- (4)** Children leaving the center to go to school.
- (5)** Children leaving the school to go to the center.
- (6)** Children leaving school for regular school activities or visiting friends.
- (7)** Children leaving the child care center for extracurricular activities.

(d) A copy of this agreement shall be kept in each child's file. (*Division of Family and Children; 470 IAC 3-4.7-74*)

470 IAC 3-4.7-75 Food program

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 75. (a) Prior to initial licensure, the center shall submit a written plan for nutrition and food service for approval to the division on forms provided for this purpose.

(b) A written revised plan for nutrition and food service shall be submitted to the division for review and approval each time the food service plan undergoes any change as follows:

- (1)** A change in the licensee.
- (2)** The changing of vendors.
- (3)** The changing from vending to on-site food preparation and vice versa.
- (4)** The center requests a change in licensure to include the care of children under two (2) years of age.

(*Division of Family and Children; 470 IAC 3-4.7-75*)

470 IAC 3-4.7-76 Menus

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 76. (a) A current weekly menu shall be planned one (1) week in advance and posted as follows:

- (1)** In a conspicuous place for all parents to review.
- (2)** In the kitchen.

(b) Menus shall show serving sizes, specific food items, and serving times for all snacks and meals.

(c) Food service staff shall record menu changes as served and keep menus on file for one (1) month.

(d) A notation of any special dietary exceptions for children shall be posted in the kitchen and where meals and snacks are served. (*Division of Family and Children; 470 IAC 3-4.7-76*)

470 IAC 3-4.7-77 Meal times

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 77. (a) A period of not less than two (2) hours and not more than three and one-half (3½) hours shall separate meals and snacks for children one (1) year of age and older. This does not apply between the hours of 9 p.m. and 6 a.m.

(b) If the child's attendance at the child care center coincides with any meals and snacks that are provided by the center, the child shall be served those meals and snacks.

(c) The center shall serve breakfast, a morning snack, lunch, and a mid-afternoon snack each day.

(d) Staff shall serve a snack to school age children when they arrive at the child care center after school.

(e) Staff are not required to serve meals to children that have already eaten that particular meal at another location. (*Division of Family and Children; 470 IAC 3-4.7-77*)

470 IAC 3-4.7-78 Meal components

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 78. (a) The center shall provide meals and snacks that meet dietary requirements in accordance with the division guidelines.

(b) Children eating both the noon meal and the evening meal at the child care center shall not be served the same food at both meals.

(c) The center shall not serve reconstituted dry milk or fat free milk to children.

(d) The center shall serve whole milk to children under two (2) years of age unless a physician orders a specific substitution.

(e) Liquid refreshments shall meet the following guidelines:

- (1)** All fruit juice shall be one hundred percent (100%) pure fruit juice with no sugar added.
- (2)** All noncitrus juice shall be fortified with vitamin C.
- (3)** The center shall not serve or have accessible to children ades, drinks, soft drinks, or powders.

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(4) A competing beverage shall not be served with milk at lunch or dinner.

(f) Written, standardized recipes must be immediately available in the kitchen for all protein entree items on the menu. The recipe must be suitable for the number of children served at the child care center. The recipe must show the following:

- (1) The amount of high protein food in ounces or pounds.
- (2) The number of children to be served by the recipe.
- (3) The serving size.

(g) Centers shall not offer foods that present a choking hazard to children under three (3) years of age, including, but not limited to, the following:

- (1) Whole grapes.
- (2) Hot dog rounds.
- (3) Hard candy.
- (4) Nuts.
- (5) Seeds.
- (6) Raw peas.
- (7) Dried fruit.
- (8) Pretzel nuggets.
- (9) Chips.
- (10) Popcorn.
- (11) Marshmallows.
- (12) Spoonfuls of peanut butter.
- (13) Chunks of meat larger than children can swallow whole.

(Division of Family and Children; 470 IAC 3-4.7-78)

470 IAC 3-4.7-79 General meal guidelines

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 79. (a) Caregivers shall plan a period of time away from the lunch table before the noon meal for children to participate in quiet or calming activities.

(b) Staff shall offer additional portions of food (at least two (2) different items) and milk to children at the noon and evening meals.

(c) Staff shall offer an additional portion of food and juice or milk at snacks.

(d) On the initial serving of any particular meal, staff shall serve children the full portions of all posted menu items at the same time.

(e) Correct food temperature and holding time shall be maintained for all food served to children.

(f) Food shall be covered during transport from kitchen.

(g) Staff shall permit children to eat promptly when they sit down.

(h) All food servers shall not touch ready-to-eat food with their bare hands.

(i) Adults shall assist, supervise, converse, and sit with the children during all meals and snacks in age relative groups, small enough in number to assure assistance and safety.

(j) Children shall be allowed to converse freely during meal times and snacks.

(k) If adults eat with the children, the center shall serve adults the same meal as the children.

(l) All food, not prepared at the child care center or provided by an approved vendor, must come in an unopened package from an approved food source.

(m) Eating utensils, dishes, glasses, chairs, and tables shall be suitable for the age, size, and developmental level of the children.

(n) The center shall use divided plates for children two (2) years of age and younger.

(o) The center shall not serve food items prepared in a home kitchen at any time, except with a physician's written order for a particular child's special diet.

(p) Packaged, ready-to-eat foods that are served to children must be discarded, if not consumed. *(Division of Family and Children; 470 IAC 3-4.7-79)*

470 IAC 3-4.7-80 Home style food service

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 80. (a) Staff shall ensure that food served home style is protected from contamination.

(b) Staff shall supervise children who handle or serve food.

(c) Staff shall ensure that each child receives the minimum required serving size of each meal component.

(d) Staff shall discard any food brought from the kitchen to be served that remains after the meal.

(e) Staff shall ensure that food is not exposed to sneezing, coughing, or drooling and that food is not touched by bare hands or clothing.

(f) Staff shall discard contaminated food and container and replace it with food from the kitchen before continuing service to other children. *(Division of Family and Children; 470 IAC 3-4.7-80)*

470 IAC 3-4.7-81 Picnics

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 81. (a) If staff serves picnic lunches to children under the care of the center, the lunch must conform to the menu guidelines for children who are on table food. The center or an approved vendor must provide picnic lunches.

(b) Centers shall comply with the following:

- (1) Adjust menus accordingly, if juice is substituted for milk.
- (2) Keep cold foods under forty-one (41) degrees Fahrenheit.
- (3) Provide equipment to maintain hot foods at one hundred forty (140) degrees Fahrenheit or above.

(c) The following rules apply to cooking on an outdoor grill:

- (1) The center shall keep grills at least ten (10) feet away from the building.
- (2) Caregivers shall keep children at least fifteen (15) feet away from the grill. Gas or propane grills shall comply with all applicable rules of the FPBSC.
- (3) Staff shall have an approved fire extinguisher readily available.

(Division of Family and Children; 470 IAC 3-4.7-81)

470 IAC 3-4.7-82 Special diets

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 82. (a) The center shall post information regarding children's special diets for dietary staff in charge of preparing and serving the food.

(b) The center must plan and serve substitutions, written on a menu, for all children with dietary restrictions.

(c) For children requiring a special diet due to medical reasons or allergic reactions, the center shall provide meals and snacks in accordance with the child's needs and the written instructions of the child's physician.

(d) A child requiring a special diet due to religious or personal beliefs shall have a written statement from the child's parent.

(e) For special diets, the center may request the parent to supplement food served by the center.

(f) If the parent provides the food from home, the center must have the parent sign a "Safe Transportation of Food Responsibility" form, available from the division.

(g) All food items must be protected from damage and potential contamination. *(Division of Family and Children; 470 IAC 3-4.7-82)*

470 IAC 3-4.7-83 Vendor service

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 83. (a) Each center using vendor service shall have a written contract as follows:

- (1) The contract must describe the vendor's responsibilities.
- (2) The contract must assure that the vendor's food service business, food handlers, and all premises are inspected and approved by local health authorities.

(b) Vendors must transport food items in easily sanitizable insulated containers that maintain potentially hazardous food at the temperature requirements of 410 IAC 7-20.

(c) Upon receiving the food from the vendor, the center shall verify the temperature of the food with a metal stem type, numerically scaled thermometer that reads zero (0) degrees Fahrenheit to two hundred twenty (220) degrees Fahrenheit.

(d) Correct food temperature and holding time shall be maintained until serving.

(e) A record of potentially hazardous food temperatures taken shall be maintained at the child care center for one (1) year.

(f) When potentially hazardous food temperature and holding time are not correct, the vendor shall be notified and food shall be immediately replaced.

(g) If time is being used as a public health control, 410 IAC 7-20 must be adhered to and procedures, time, and temperatures must be documented. *(Division of Family and Children; 470 IAC 3-4.7-83)*

470 IAC 3-4.7-84 Health program

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 84. (a) Prior to initial licensure, the center shall submit a written, dated health program for review and approval to the division on forms provided for that purpose.

(b) The center shall make specific arrangements for a health consultant to provide guidance to the staff to maintain an adequate health program, policies and procedures for the children and staff in the child care center.

(c) The written health program shall be reviewed by the center and the health consultant and submitted to the division for review and approval each time any of the following occurs:

- (1) A change in the health consultant.
- (2) A change in the health program practices.
- (3) A change in licensee.
- (4) The center requests a change in licensure to include the care of children not previously cared for, such as diapered children, infants, or toddlers.

(Division of Family and Children; 470 IAC 3-4.7-84)

470 IAC 3-4.7-85 Adult health requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 85. Within thirty (30) days of employment, newly employed staff, volunteers, substitutes, student aides, and any other personnel having direct contact with the children or providing food service shall have the following:

- (1) Written verification of a physical examination by a physician or nurse practitioner that provides evidence that there is no known communicable disease in an infectious state or physical or mental conditions which could affect their ability to perform assigned duties in the child care center.
- (2) Mantoux tuberculin skin test, with results recorded in millimeters, and repeated annually.
- (3) If the Mantoux test is considered positive, they shall have a negative chest x-ray and or a statement from a physician or nurse practitioner stating that they are free of tuberculosis in an active, infectious state.
- (4) Persons with a history of tuberculosis or a positive mantoux shall have an annual health assessment, including a symptom screening for tuberculosis documented by a health professional.

*(Division of Family and Children; 470 IAC 3-4.7-85)***470 IAC 3-4.7-86 Child health requirements**

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 86. (a) Within thirty (30) days after enrollment or no earlier than twelve (12) months prior to enrollment, each child shall have written verification of a physical examination by a physician, or a nurse practitioner.

(b) The examination shall include the following:

- (1) Child's medical history.
- (2) Physical examination.
- (3) A written statement there is no health condition that would be hazardous either to the child or to other children in the child care center as a result of participation in the program of activities.
- (4) A written statement regarding modification of plans of care which require special attention because of medical conditions or allergies.

(c) Written orders for each medication taken at the child care center.

(d) Documentation of complete age appropriate immunizations, as required by the division with recommendation from ISDH, and updated annually, including:

- (1) conjugated pneumococcal vaccine; and
- (2) varicella vaccine or written documented history of disease by either the parent or child's health provider.

(e) Health records may be transferred if the physical exam is dated within a year.

(f) Children two (2) years of age and younger shall have an annual health examination.

(g) A provider shall maintain current documentation for each child.

(h) A parent may request that their child be exempt from immunizations, physical examinations, or medical treatment based on religious beliefs with the following conditions:

- (1) The parent shall make a signed, written request for exemption based on religious beliefs.
- (2) The center shall keep the request in the child's health record.
- (3) Nothing in this provision precludes the child care center from using emergency first aid techniques to treat the exempted child or to exclude a child where control of contagious disease may be necessary.

(i) If a child's physician determines that a child should not have immunizations for medical reasons, the physician shall indicate and update annually these exceptions on the child's health record form.

(j) Only children that meet the health requirements of this rule may attend the child care center. *(Division of Family and Children; 470 IAC 3-4.7-86)*

470 IAC 3-4.7-87 Ill child procedures

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 87. (a) The center shall not admit children who are ill upon arrival.

(b) If a child becomes ill during the day, caregivers shall immediately isolate the child from other children and notify the parent to arrange for other immediate care of the child.

(c) Caregivers shall directly observe and supervise all children who are ill or injured until they leave the child care center.

(d) The center may not readmit children who exhibit symptoms of the illness for which they were excluded without the approval of the director or director-designee.

(e) Centers shall have a written policy regarding the exclusion of ill children. *(Division of Family and Children; 470 IAC 3-4.7-87)*

470 IAC 3-4.7-88 Medication

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 88. (a) Each child care center may have one (1) pain or fever reducing medication, one (1) cough medication, and

one (1) antihistamine decongestant on the premises as follows:

- (1) The child care center's health consultant shall specify these medications by name in the child care center's written approved health program renewed every two (2) years, and renew written instructions every two (2) years.
- (2) Caregivers shall administer the specified medication as directed on the label of the medication or as specified by the consulting physician.
- (3) Parent permission forms for administering this medication shall be on file for each child to whom the medication is given.

(b) The giving or application of all other medication and carrying out medical procedures shall be done only on written order or prescription from a physician or other health care professional authorized to write prescriptions, which must be kept with the medication.

(c) All individual nonprescription medicine orders must be renewed annually for children under two (2) years of age and every two (2) years for children two (2) years of age and older.

(d) Caregivers shall obtain the reason for administration of the medication and written parental permission prior to the administering of medication.

(e) All pharmacy-labeled prescription medication must be renewed annually and kept in currently labeled containers.

(f) The written order or the pharmacy label must show the following:

- (1) The name of the child.
- (2) The name of the specific medication.
- (3) The dosage of medication to be administered.
- (4) Why it is to be given (for nonprescription medication).
- (5) The frequency/interval to be given.
- (6) The physician's name.
- (7) The date the prescription was filled or the order was written.

(g) Medication shall be kept in the original container.

(h) When no longer needed, medication shall be returned to the parents or destroyed.

(i) Medication not requiring refrigeration shall be kept locked in a cabinet or container that is in a well-lit area, fifty (50) foot-candles, and shall not be stored in the kitchen or in a bathroom.

(j) Medication labeled "refrigerate" shall be stored in tightly lidded, washable containers marked "medication" in a refrigerator.

(k) The center shall not store medication beyond the:

- (1) expired date on the label;
- (2) expired written physician order; and
- (3) prescription label older than one (1) year.

(l) With parent's written approval, centers may use preventive products, such as sunscreens, insect repellents, nonmedicated powder, petroleum jelly, and A & D ointment, without a physician's order. (*Division of Family and Children; 470 IAC 3-4.7-88*)

470 IAC 3-4.7-89 Communicable disease

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 89. (a) The center shall make every effort to control the spread of communicable diseases and shall establish written health policies and precautions directed to this end.

(b) Whenever exposure to disease has occurred in the child care center, control measures shall be implemented as follows:

- (1) The disinfection of toilet facilities, furnishings, toys, or other articles that may have been used by a person with a communicable disease.
- (2) The disposal of bodily discharge containing infectious material in a manner that would protect handlers from contact with the material.

(c) When any person working, volunteering, or attending the child care center is known to have a communicable disease, they shall be excluded from attendance at the child care center for such time as is prescribed by the person's physician or the local health officer.

(d) The center shall ascertain when the person is well enough to return to work.

(e) The center shall follow the Child Care Communicable Disease Chart, available from the division, for appropriate management of suspected illness.

(f) The center shall provide space to separate from the group, any child having or suspected of having a communicable disease or any illness as follows:

- (1) This area shall not be used for any other purpose by the children while being used as isolation quarters.
- (2) This area shall be heated and well ventilated.
- (3) The area must have at least one (1) cot. The center must provide two (2) cots if the child care center is licensed for one hundred fifty (150) children or more and three (3) cots if the child care center is licensed for two hundred twenty-five (225) children or more.
- (4) The cot, and all other furnishings in this area, must be easily sanitized.

Proposed Rules

(5) Caregivers shall maintain three (3) feet of space between cots.

(6) Children in this area shall at all times be directly supervised by an adult caregiver.

(7) Staff shall sanitize the area and all equipment in the area between uses.

(Division of Family and Children; 470 IAC 3-4.7-89)

470 IAC 3-4.7-90 Universal precautions supplies

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 90. The following universal precautions supplies shall be available to all staff:

(1) Disposable medical gloves.

(2) Plastic bags.

(3) One (1) part chlorine to nine (9) parts water or other EPA-approved tuberculocidal solution for cleaning blood or other potentially infectious materials as defined by OSHA.

(4) Cardiopulmonary resuscitation barrier masks.

(5) Any other items indicated by the child care center's health consultant.

(Division of Family and Children; 470 IAC 3-4.7-90)

470 IAC 3-4.7-91 Emergency equipment and procedures

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 91. (a) The center shall post first aid directions for the care of poisoning, seizures, hemorrhaging, artificial respiration, choking, and shock in each room or area occupied by children.

(b) If first aid directives from the division are not used, the procedures must be approved, in writing, by the center's health consultant and updated every two (2) years.

(c) A first aid manual, equivalent to the Red Cross First Aid Manual, shall be immediately available for staff use.

(d) First aid supplies as specified by the center's health consultant shall be available to all staff and inaccessible to children. The first aid kit, at a minimum, shall consist of the following:

(1) Sheer strip bandages.

(2) Sterile bandages and compresses.

(3) Adhesive tape.

(4) Scissors.

(5) Flashlight.

(6) Thermometer.

(7) Disposable gloves.

(8) Mild soap.

(e) The center shall have an operable telephone on the premises, easily accessible for use in an emergency and for other communications.

(f) The center shall post a list of emergency telephone numbers by all telephones. *(Division of Family and Children; 470 IAC 3-4.7-91)*

470 IAC 3-4.7-92 Evacuation procedures

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 92. (a) The center shall make plans for the protection of children in the event of a disaster.

(b) The center shall post written disaster, evacuation, and shelter procedures for an internal and an external disaster in the following areas:

(1) All areas used by children.

(2) Kitchen.

(3) Offices.

(4) Hallways.

(c) Fire exit routes shall not pass through the following:

(1) Kitchens.

(2) Storerooms.

(3) Bathrooms.

(4) Closets.

(5) Any area where motor vehicles or gasoline powered equipment are stored.

(6) Spaces used for similar purposes.

(d) Staff shall obtain accurate head counts of children and staff in the event of evacuations or drills at the child care center. *(Division of Family and Children; 470 IAC 3-4.7-92)*

470 IAC 3-4.7-93 Child hygiene

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 93. (a) The center schedule shall include provisions for supervised personal hygiene, washing hands before and after meals, and washing hands after using the toilet facilities.

(b) Caregivers shall change wet or soiled clothing promptly. Each child shall have a supply of clean clothing available for this purpose.

(c) If toothbrushes and toothpaste are used, the following applies:

(1) The center shall store them in an area inaccessible to children.

(2) The center shall not store them in the toilet room.

(3) The center shall store them so that one (1) child's toothbrush does not touch or contaminate another child's.

(4) The center shall maintain toothbrushes in a clean and sanitary manner.

(5) Caregivers shall dispense toothpaste in a sanitary manner.

(6) If the sink for tooth brushing is in a toilet room, the faucet and sink must be sanitized before being used for tooth brushing.

(Division of Family and Children; 470 IAC 3-4.7-93)

470 IAC 3-4.7-94 Diapering

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 94. (a) Diaper bags brought from home shall be inaccessible to children.

(b) The center or the parent shall supply diapers. Caregivers shall have diapers available at all times so they can keep each child dry and clean.

(c) The center must store diapers off the floor, protected from contamination, and inaccessible to children.

(d) Disposable diapers furnished by the parent shall be brought to the child care center in original, unopened packages and marked with the individual child's name.

(e) Caregivers shall diaper all children on a changing table, except as follows:

(1) Caregivers may change infants that are unable to pull to a stand in their own crib.

(2) Caregivers may change children two (2) years of age and older standing up under the following conditions:

(A) Hand washing and child cleansing procedures are followed in the same manner as when a changing table is used.

(B) Neither the clean or dirty diaper changing materials are placed on the floor.

(f) When diapering children three (3) years of age and older, caregivers shall do the following:

(1) Not use the twos', toddlers', or infants' diaper changing table or their room or area to change diapers.

(2) Use a designated, sanitizable table or cot that is not used for any other purpose as follows:

(A) This cot must be stored away from children when not in use.

(B) The cot and table must be sanitized with a solution of one (1) tablespoon bleach to one (1) quart water or EPA-approved solution capable of killing enteric pathogens after each use.

(3) Use same skin care procedure as consulting physician has approved for other diapered children in center or the procedure recommended by the division.

(4) Provide a shielded or private area for the diapering process.

(g) The center with children under three (3) years of age who wear diapers or pull-ups shall provide a changing table in each room/area.

(h) The center shall locate a sink within ten (10) feet of the changing table in the room/area or in a room that opens directly into the room/area.

(i) The center shall use a changing table as follows:

(1) The table must be sturdy and sanitizable.

(2) The table must not have wicker, lattice, or cloth material parts.

(3) The table must be equipped with sanitizable safety devices designed to prevent a child from falling.

(j) Caregivers shall use the diapering surface exclusively for diaper changing.

(k) Caregivers shall not change diapers on the floor, on equipment shelves, or on any food preparation or eating surface.

(l) Staff shall maintain hand contact with the child to prevent falls while on the changing table.

(m) Caregivers shall speak with the children while changing diapers.

(n) There shall be a soft sanitizable pad on the table with a clean strip of waterproof, disposable paper to cover the entire pad. Caregivers shall place a new, waterproof, paper strip on the pad after each diaper change.

(o) If an infant is changed in their crib, caregivers shall place a clean sanitizable pad down with a clean strip of waterproof, disposable paper to protect the bedding or change the sheet and sanitize the mattress after each changing.

(p) Caregivers shall sanitize the pad and table when they become soiled and at the end of each day.

(q) Caregivers shall use a clean cloth or diaper wipe for each individual washing of a child. Soft, clean, terry wash cloths or diaper wipes shall be immediately accessible.

(r) Caregivers shall properly cleanse the child's body at each diapering. The submitted health program shall contain skin care procedures approved by the center's health consultant. Caregivers shall post and follow the procedures when diapering children.

(s) If disposable gloves are used, they must be discarded immediately after the dirty diaper is removed and the child is cleansed.

(t) Regardless of whether gloves are used, caregivers shall wash their hands before and after each diaper change.

(u) The child's hands shall be washed after diaper changing with a clean, damp, soapy cloth, then rinsed with

a second clean cloth in the same order, or, the child's hands shall be held under warm, running water, soaped, and dried with a disposable towel.

(v) Soiled or wet children's clothing shall be placed in a plastic bag, sealed, and kept inaccessible to children and returned home at the end of each day.

(w) Loose fecal material may be shaken into the toilet; soiled clothing or cloth diapers shall not be rinsed in toilets or sinks. (*Division of Family and Children; 470 IAC 3-4.7-94*)

470 IAC 3-4.7-95 Disposable diapers

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 95. (a) Caregivers shall place soiled disposable diapers in a plastic bag in a tightly covered sanitary container that is inaccessible to children.

(b) The bags shall be tied tightly and removed from the child care center, as needed, and at the end of each day. (*Division of Family and Children; 470 IAC 3-4.7-95*)

470 IAC 3-4.7-96 Cloth diapers

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 96. (a) Staff shall use a deodorizing solution or granules in diaper containers.

(b) Staff shall clean and disinfect diaper containers when emptied.

(c) Caregivers shall handle cloth diapers furnished by the center as follows:

- (1) Waterproof diaper covers must be provided.
- (2) Caregivers shall use a fresh, clean diaper cover with each diaper change.
- (3) Caregivers shall keep the diapers and diaper covers in tightly covered containers between pick-ups.
- (4) A commercial laundry service shall launder the diapers and the diaper covers.

(d) Caregivers shall handle cloth diapers furnished by the parents as follows:

- (1) The diapers shall be kept separate from diapers used for other children.
- (2) Waterproof diaper covers must be provided.
- (3) Caregivers shall use a fresh, clean diaper cover with each diaper change.
- (4) Caregivers shall place the soiled diapers in a plastic bag, store them through the day in a tightly covered container, and return the diapers to the parent daily.
- (5) Caregivers shall keep the diaper covers in tightly covered containers or plastic bags and return them to the parent daily.

(e) The center shall provide washable, plastic lined, tightly covered containers for soiled cloth diapers and linens.

(f) Containers shall be conveniently located for caregivers, but inaccessible to children. (*Division of Family and Children; 470 IAC 3-4.7-96*)

470 IAC 3-4.7-97 Toilet training

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 97. (a) Caregivers shall do all toilet training with the parent's knowledge and consent.

(b) Caregivers shall make a reasonable effort to be consistent with the parent's toilet training methods and communicate regularly on the progress and child's successes.

(c) When children reach an age where they feel confident and unafraid to sit on a training seat, caregivers shall invite them to use the toilet, help them as needed, and positively reinforce their behavior regardless of the outcome.

(d) Caregivers shall never force a child to remain on the toilet.

(e) Caregivers shall never discipline, scold, shame, or humiliate a child for failure to conform or for wet or soiled clothing.

(f) Caregivers shall assure that a supply of clean clothing is available to keep children dry, clean, and fully clothed during the training process.

(g) The center shall provide a toilet with a training seat or a child-sized toilet.

(h) Potty chairs may not be used.

(i) Children and staff shall wash their hands with soap and warm running water and dry them with a disposable towel after each toileting usage. (*Division of Family and Children; 470 IAC 3-4.7-97*)

470 IAC 3-4.7-98 Staff hygiene

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 98. (a) Persons who handle and serve food shall thoroughly wash their hands with soap and warm running water and use disposable towels from a dispenser for drying or an electric hand dryer.

(b) Hand sanitizers shall not be used in place of hand washings.

(c) Hand washing shall be done before starting work, washed as often as necessary to keep them clean, and after smoking, eating, drinking, or using the toilet.

(d) Staff who prepare food shall not change diapers.

(e) Caregivers shall wash their hands before and after each child care duty including individual feeding, bathing, wiping noses, diapering, and assisting children using the toilet.

(f) Kitchen staff must wear clean, washable garments (aprons or smocks) while in the kitchen and serving food.

(g) Kitchen staff must have effective hair restraint that keeps hair back and covered. (*Division of Family and Children; 470 IAC 3-4.7-98*)

470 IAC 3-4.7-99 Building maintenance

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 99. (a) The administrator or director is responsible for keeping the building, premises, and equipment in safe repair and structurally sound.

(b) Caregivers shall not care for children in areas that are being remodeled, repaired, or painted.

(c) The administrator or director is responsible for maintaining all interior and exterior surfaces, including walls, floors, ceilings, equipment, toys, furnishings, and cribs, in a safe condition, free of sharp points or jagged edges, splinters, protruding nails or wires, loose parts, rusty parts, or materials containing poisonous substances.

(d) The interior finish, including walls and ceilings, of the child care center shall comply with the rules of the FPBSC under 675 IAC.

(e) Walls shall be of washable materials.

(f) Floors and steps shall be smooth and of washable, nonslippery material.

(g) The center must firmly secure and keep all carpeting clean.

(h) The center shall not use small rugs for floor covering.

(i) Staff shall take the following steps to maintain the child care center:

- (1) Clean the child care center daily.
- (2) Keep the child care center in a sanitary condition at all times.
- (3) Sanitize toys, furniture, and other equipment used by children, weekly and when they become soiled or contaminated.
- (4) Wash all soiled items prior to sanitization.

(j) Staff shall not do major cleaning, except for spills after meals and art projects, while children are present in the area being cleaned.

(k) Staff shall keep exit areas clear of equipment, debris, and other objects at all times. (*Division of Family and Children; 470 IAC 3-4.7-99*)

470 IAC 3-4.7-100 Poisons, chemicals, and hazardous items

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 100. (a) Poisons, chemicals, and any item that states "fatal if swallowed" must be in locked storage and not accessible to children.

(b) Chemicals for lawn care and insect and rodent control shall not be applied when children are present in the child care center.

(c) Peeling paint, on any interior or exterior surface or on any equipment, that contains lead in excess of current ISDH standards shall be made inaccessible to children until laboratory analysis is made on the peeling material.

(d) The division shall approve all lead abatement procedures prior to the start of work.

(e) The center must store cleaning equipment, cleaning agents, aerosol cans, and any other item that states "keep out of the reach of children" in a place that is inaccessible to children.

(f) The center must store hazardous articles, sharp scissors, knives, latches, lighters, flammable liquids, power tools, cleaning supplies, and any other items that might be harmful to children, in a place inaccessible to children.

(g) Any thermal hazards above one hundred twenty (120) degrees Fahrenheit, such as radiators, hot water pipes, steam pipes, and heaters, in the space occupied by children shall be out of reach of children or be separated from the space by partitions, screens, or other means, which are firmly attached and cannot be overturned.

(h) The center shall make inaccessible to children environmental hazards that present a risk for entrapment or burial, such as, but not limited to, the following:

- (1) Pits.
- (2) Abandoned wells.
- (3) Abandoned appliances.

(*Division of Family and Children; 470 IAC 3-4.7-100*)

470 IAC 3-4.7-101 Electrical safety

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Proposed Rules

Sec. 101. (a) Centers shall not use extension cords, except for approved, grounded, and surge protection strips. Such protection strips shall be plugged directly into an approved outlet.

(b) The center shall cover electrical outlets or otherwise make them shockproof in all areas accessible by children.

(c) Electric fans, if used, shall be securely mounted high on the wall or ceiling or shall be guarded to limit the size of the opening in the blade guard with properly installed sixteen (16) gauge mesh screen. The Underwriters Laboratory must approve all fans.

(d) No electrical device or apparatus accessible to children shall be located so that it could be plugged into an electrical outlet while in contact with a water source, including, but not limited to, a sink, tub, shower, or swimming pool. (*Division of Family and Children; 470 IAC 3-4.7-101*)

470 IAC 3-4.7-102 Combustible materials

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 102. (a) Staff shall keep the center free from fire hazards.

(b) The center shall not permit trash that contains combustible materials, such as paper, rags, or cardboard, to accumulate on the premises.

(c) Staff shall keep hoods above stoves and other equipment free of dust and grease.

(d) Kitchen hoods shall be installed where required under the rules of the FPBSC under 675 IAC. The center shall have all kitchen hoods serviced and maintained according to the rules of the FPBSC under 675 IAC and have available records to document compliance.

(e) Staff shall keep storage areas clean and free from clutter.

(f) All storage shall be at least twenty-four (24) inches from the ceiling.

(g) The center shall store flammable liquids as follows:

- (1) Only in quantities and in rooms specifically permitted by the rules of the FPBSC under 675 IAC.
- (2) In a room that is inaccessible to children.
- (3) In tightly sealed containers when not in use.

(h) The center shall not use flammable decorative materials unless the materials are inherently flame retardant or made flame retardant, except as follows:

- (1) The center may display educational materials in a manner so as not to create a fire hazard.

(2) The center may have live, uncut, and nonpoisonous plants and trees.

(3) The center may display flammable wall decorations as long as the decorations do not exceed five percent (5%) of the gross wall area and are distributed in a manner so as not to create a fire hazard.

(*Division of Family and Children; 470 IAC 3-4.7-102*)

470 IAC 3-4.7-103 Emergency drills

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 103. (a) Staff shall conduct fire drills in accordance with the rules of the FPBSC under 675 IAC. Drills shall be conducted monthly and the records available to document compliance.

(b) Staff shall conduct evacuation drills for natural disasters in areas where they occur as follows:

(1) Tornadoes, on a monthly basis.

(2) Floods, every six (6) months.

(3) Earthquake, every six (6) months.

(*Division of Family and Children; 470 IAC 3-4.7-103*)

470 IAC 3-4.7-104 Furnace room

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 104. The center shall construct the furnace room or room containing any central heating equipment in accordance with the rules of the FPBSC under 675 IAC. (*Division of Family and Children; 470 IAC 3-4.7-104*)

470 IAC 3-4.7-105 Prohibited heat sources

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 105. The center shall not use the following heat sources:

(1) Open grate gas heaters.

(2) Open fireplaces.

(3) Space heaters.

(4) Portable unventilated oil burning heaters.

(5) Portable electric heaters.

(*Division of Family and Children; 470 IAC 3-4.7-105*)

470 IAC 3-4.7-106 Heat, light, ventilation, and air conditioning

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 106. (a) Installation, testing, and maintenance of heating, ventilation, air conditioning, fire alarm, and sprinkler systems shall comply with the rules of the FPBSC under 675 IAC.

(b) When natural light is insufficient, it shall be supplemented by artificial light so that the following minimum levels of illumination are maintained:

- (1) All food service areas shall have a minimum of seventy (70) foot-candles.
- (2) All food storage areas, including refrigerators, shall have a minimum of twenty (20) foot-candles.
- (3) Desks, table top work areas, reading areas, locked medication storage areas, and art rooms shall have a minimum of fifty (50) foot-candles.
- (4) Gymnasiums, large muscle equipment areas, bath-rooms, locker rooms, and diaper changing areas shall have a minimum of thirty (30) foot-candles.
- (5) Hallways, corridors, stairwells, storage rooms, and food storage areas shall have a minimum of twenty (20) foot-candles.
- (6) Rest and nap areas shall have a minimum of five (5) foot-candles in all areas.

(c) All light intensity measurements shall be at the level of work. If no work is done in a room or hallway, the measurement shall be at a height of thirty (30) inches above the floor.

(d) The child care center shall be ventilated.

(e) The center shall maintain a temperature of not less than sixty-eight (68) degrees Fahrenheit.

(f) All child care centers initially licensed after the effective date of this rule shall maintain a temperature not more than seventy-eight (78) degrees Fahrenheit.

(g) All outside doors and windows shall be screened with sixteen (16) gauge mesh screen when open.

(h) The center shall keep all screens in good repair and all unscreened windows and doors closed.

(i) The center shall make heating units, including water pipes and baseboards heaters hotter than one hundred ten (110) degrees Fahrenheit inaccessible to children by barriers such as guards or other devices. (*Division of Family and Children; 470 IAC 3-4.7-106*)

470 IAC 3-4.7-107 Hallways, stairways, and exits

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 107. (a) The center shall keep all hallways, stairways, corridors, aisles, and exits lighted and free from obstructions at all times.

(b) All exterior and interior stairways shall comply with the rules of FPBSC under 675 IAC.

(c) Exit signs shall be installed and maintained in accordance with the rules of the FPBSC under 675 IAC.

(d) The center shall provide emergency lighting in all interior hallways, stairways, and corridors.

(e) All portions of the means of egress shall comply with the rules of the FPBSC under 675 IAC. (*Division of Family and Children; 470 IAC 3-4.7-107*)

470 IAC 3-4.7-108 Doors

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 108. (a) Exit doors shall comply with the rules of FPBSC under 675 IAC.

(b) Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Exit doors shall not be locked, chained, bolted, barred, latched, or otherwise rendered unusable.

(c) The center shall make all interior room and closet doors such that children can open the doors from the inside with a simple twisting motion or the equivalent.

(d) The center shall not provide locking or latching devices on child bathroom doors.

(e) All interior locked doors shall be designed to permit opening by the staff. The key or other opening device shall be readily accessible to staff.

(f) Automatic door closures must be adjusted properly. (*Division of Family and Children; 470 IAC 3-4.7-108*)

470 IAC 3-4.7-109 Garbage and refuse

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 109. (a) The center shall keep all interior garbage, dirty diapering supplies, food products, and disposable meal service supplies in tight sealed, easily cleanable trash containers and cover them with tight fitting lids pending removal.

(b) Staff shall remove all garbage and refuse within the child care center daily to an outside tightly covered trash receptacle that will not permit the transmission of disease or provide harborage for insects, rodents, or other pests.

(c) Staff shall clean trash containers when soiled. (*Division of Family and Children; 470 IAC 3-4.7-109*)

470 IAC 3-4.7-110 Indoor space

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 110. (a) Each child care room/area shall have a minimum of thirty-five (35) square feet of usable indoor play space per child at all times.

(b) Usable indoor play space is exclusive of the kitchen, toilet rooms, isolation areas, office, staff rooms, hallways,

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stairways, storage areas, lockers, cubbies, the teacher's desk, laundry areas, the furnace room, and floor space occupied by permanent built-in cabinets.

(c) Separate play rooms or separated areas in play rooms shall be provided for the various types of activities required by the child care program and for the separation of children according to age and class size. (*Division of Family and Children; 470 IAC 3-4.7-110*)

470 IAC 3-4.7-111 Indoor furnishings

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 111. (a) Furnishings and equipment shall be durable, safe, and scaled to the size of the children.

(b) The center shall provide tables and chairs in each child care area as follows:

(1) Child-sized chairs made so that when a child sits in a chair their feet touch the ground and their back touches the chair back.

(2) A minimum of one (1) chair and table space per child regularly cared for in the room/area.

(3) Child-sized tables made so that when a child sits in a child-sized chair their elbows rest on the table top.

(c) Staff shall not stack tables or chairs in the class room/area while children are awake.

(d) The center shall provide space for each child's personal belongings to keep them separate from other children's belongings.

(e) The center shall construct, locate, install, and design coat hooks in a manner that does not pose a hazard to children. (*Division of Family and Children; 470 IAC 3-4.7-111*)

470 IAC 3-4.7-112 Holiday decorations

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 112. All child care centers shall comply with the rules of the FPBSC under 675 IAC regarding holiday decorations and Christmas trees. (*Division of Family and Children; 470 IAC 3-4.7-112*)

470 IAC 3-4.7-113 Bathrooms

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 113. (a) The child care center shall provide a minimum of one (1) sink and one (1) flush toilet per fifteen (15) children two (2) years of age and older. Infant and toddler restrooms count only for their rooms.

(b) When the licensing capacity exceeds sixty (60) children, the center may substitute one (1) urinal for a toilet in the school age area only.

(c) School age children of the opposite sex shall not use the same restroom.

(d) Partitions shall separate toilets for school age children if there is more than one (1) toilet in a room.

(e) Stalls used by school age children shall have doors.

(f) If fifteen (15) or fewer school age children are present, only one (1) toilet and sink is required for their use.

(g) The center shall locate the toilet for children two (2) years of age no more than ten (10) feet from their room/area.

(h) Toilet paper on a dispenser shall be available and within reach of the children by each toilet.

(i) Mild soap shall be available, dispensed in a sanitary manner, and within reach of the children at each sink.

(j) Disposable towels in a dispenser or electrical hand dryers that operate at a maximum temperature of one hundred twenty (120) degrees Fahrenheit shall be within reach of the children by the sinks. If the center uses electrical hand dryers, they must provide one (1) for each sink.

(k) Toilet facilities for staff shall be furnished, separate from those facilities used for children. Staff shall not use children's toilets.

(l) The center must seal all hand washing sinks to the wall.

(m) The center must seal all walls and floors in restrooms.

(n) All items in the restroom must be sanitizable.

(o) If toilets and sinks are not child-sized, the center must provide safe, sanitizable steps or platforms for each toilet and sink.

(p) The center shall control toilet and bathroom odors by ventilation and sanitation. If a screened window is not present, there shall be mechanical exhaust vents. Existing centers shall have ventilation added if sanitation measures fail to control odors. (*Division of Family and Children; 470 IAC 3-4.7-113*)

470 IAC 3-4.7-114 Water supply and plumbing

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 114. (a) The center shall maintain a safe and sanitary water supply.

(b) If the center uses a private water supply or well instead of a public water supply, the center shall supply

written records of current test results indicating that the water supply is safe for drinking. The water system must meet the water quality and construction standards of the IDEM.

(c) The center shall provide hot and cold running water at all hand washing sinks.

(d) The center shall use an antiscald valve approved by ISDH to maintain water temperature between one hundred (100) degrees Fahrenheit and one hundred twenty (120) degrees Fahrenheit on all hot water supplied to sinks, bathing, and washing facilities used by children.

(e) If water faucets have hoses connected to them that are not in use, such faucets must have vacuum breakers (back-flow preventives).

(f) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance or if soil conditions prohibit the construction of an approved on-site system.

(g) All sewage disposal and any sewage treatment system shall meet the requirements of ISDH.

(h) All plumbing fixtures shall be in good repair.

(i) All plumbing equipment shall meet the requirements of the FPBSC under 675 IAC, ISDH, and IDEM. (*Division of Family and Children; 470 IAC 3-4.7-114*)

470 IAC 3-4.7-115 Drinking water

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 115. (a) Drinking water shall be freely available to all children during all hours.

(b) Drinking fountains or disposable cups for individual use shall be provided and dispensed in a sanitary manner.

(c) Drinking fountains shall have a guarded angled stream with water pressure regulated so that the stream rises at least two (2) inches above the guard but does not splash on the floor.

(d) Drinking water shall not be obtained from a toilet room sink.

(e) Children shall not go into the kitchen to obtain drinking water. (*Division of Family and Children; 470 IAC 3-4.7-115*)

470 IAC 3-4.7-116 Kitchen and food preparation areas

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 116. (a) The center shall operate the kitchen, all food preparation areas, and all food service areas in compliance with 410 IAC 7-20, a copy of which shall be in the kitchen at all times for reference.

(b) The kitchen must have at least three (3) floor-to-ceiling walls. The fourth serving wall and all doors must be a minimum of three (3) feet in height.

(c) Walls and ceilings must meet the requirements of 410 IAC 7-20 and FPBSC under 675 IAC.

(d) The kitchen and other food preparation areas shall be separate from areas used for any other purpose.

(e) The center shall locate the kitchen in a way to prevent usage as a throughway. No one shall use the kitchen as a throughway to other rooms or areas during food preparation and dish washing.

(f) The kitchen shall not be used:

- (1) for children's activities or naps;
- (2) as a dining or recreational area for adults; or
- (3) as an office.

(g) The center shall not allow unauthorized persons in the kitchen.

(h) Counter surfaces shall be smooth, free from breaks or chips, and sealed to the wall.

(i) All food preparation surfaces and eating surfaces shall be sanitized:

- (1) before and after use; and
- (2) when there is a potential for cross contamination.

(j) Floors shall be of smooth, nonabsorbent materials and free of cracks that would prevent cleaning. The center shall not carpet the kitchen or food preparation areas.

(k) All equipment must be easily movable, elevated, or sealed to the floor and the wall so that cleaning under and around equipment will be possible.

(l) Whenever washing and sanitizing are conducted mechanically, the center shall provide spray type dishwashing machines that meet the specifications of 410 IAC 7-20.

(m) When manually washing and sanitizing dishes and utensils, the center must use a three (3) compartment sink with either drain boards or movable dish tables.

(n) Staff must store dishes, pots, pans, and utensils in a manner that protects them from contamination.

(o) If disposable utensils and supplies are used, they shall

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be stored in closed containers away from any cleaning compounds and toxic or hazardous materials.

(p) The center shall properly install a hand washing sink in the kitchen. The center shall supply soap and disposable towels from a dispenser or an electric hand dryer by the sink.

(q) The center shall locate the hand washing sink at least twenty-four (24) inches away from the area used for dish sanitizing or air drying, or install a protective barrier, at least twenty-four (24) inches in height, between the sanitizing area and the hand washing sink.

(r) Work and cleaning schedules shall be written, posted, and followed for all the food storage and preparation and service areas.

(s) The center shall place an accurate, easily readable thermometer in each compartment of the refrigerator and freezer in position for daily monitoring.

(t) The center must provide a stove if they prepare meals. If the stove is of the commercial type, it must comply with the rules of the FPBSC. (*Division of Family and Children; 470 IAC 3-4.7-116*)

470 IAC 3-4.7-117 Manual dish washing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 117. (a) Staff shall thoroughly wash multi-use utensils and equipment in a detergent solution in the first compartment of the sink.

(b) Staff shall rinse the equipment free of detergent solutions in clean water by immersing in the second compartment of the sink.

(c) All eating and drinking utensils and the food contact surfaces of all other equipment and utensils are sanitized in the third compartment as specified in 410 IAC 7-20.

(d) The center shall post instructions for proper manual dish washing in the kitchen if dishes are washed and sanitized manually.

(e) Dishes and utensils shall always be air-dried.

(f) The center may use sturdy, single-use, disposable utensils and dishes as an alternative to dish washing. If the center uses any cooking or serving utensils or dishes that are not disposable, they must have and use approved dish washing facilities. (*Division of Family and Children; 470 IAC 3-4.7-117*)

470 IAC 3-4.7-118 Pest prevention

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 118. (a) The center shall take adequate measures to prevent entry of insects and rodents. These measures shall include the following:

- (1) Installing sixteen (16) mesh screen on outside openings.
- (2) Sealing cracks and holes.
- (3) Sealing around pipes, plumbing, and ducts.

(b) The center shall employ an exterminator if other measures fail to rid the child care center of pests.

(c) Proper cleaning shall be provided to minimize attraction of insects to food sources.

(d) Children shall not be present during pest extermination procedures. (*Division of Family and Children; 470 IAC 3-4.7-118*)

470 IAC 3-4.7-119 Office and staff areas

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 119. (a) The center shall provide office space separated from the areas used by the children.

(b) Office space and equipment shall be adequate for the administrative and staff needs of the child care center.

(c) Telephone service must be provided on site.

(d) An area separated from the office space and areas used by the children shall be provided for the use of the staff. This area must be a room in child care centers licensed after the effective date of this rule. (*Division of Family and Children; 470 IAC 3-4.7-119*)

470 IAC 3-4.7-120 Infant/toddler requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 120. (a) The child care center shall meet all the requirements of this rule and be specifically licensed for infant or toddler care prior to providing care for any infant or toddler.

(b) The specific rules for infants and toddlers shall prevail if there is a difference between this rule and the rules for all ages of children. (*Division of Family and Children; 470 IAC 3-4.7-120*)

470 IAC 3-4.7-121 Infant/toddler room personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 121. (a) Caregivers shall have had training specifically related to infant/toddler development.

(b) Caregivers shall have means available to communicate with other staff and summon assistance without leaving children unattended.

(c) The director shall assign a primary caregiver for each infant and toddler.

(d) All caregivers shall interact with and address the needs of all children in their room.

(e) Staff person in charge of an infant/toddler group shall be at least twenty-one (21) years of age. (*Division of Family and Children; 470 IAC 3-4.7-121*)

470 IAC 3-4.7-122 Infant/toddler charts and records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 122. (a) The center shall devise and place a daily record chart in each infant and toddler room. This chart shall provide space to record information about each child as follows:

- (1)** Food and fluid offered and taken.
- (2)** Time of diaper changes.
- (3)** Unusual mood of the child.
- (4)** Unusual health conditions, such as:
 - (A)** nose bleeds;
 - (B)** skin rash;
 - (C)** elevated temperature;
 - (D)** signs of constipation or diarrhea;
 - (E)** injuries; and
 - (F)** special health needs.

(b) The center shall keep charts on file for at least one (1) month. (*Division of Family and Children; 470 IAC 3-4.7-122*)

470 IAC 3-4.7-123 Infant physical care

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 123. Caregivers shall:

- (1)** greet the infant and their parent as they arrive and help the child separate from the parent;
- (2)** engage in many one-to-one, face-to-face interactions with infants;
- (3)** talk in a pleasant, soothing voice, using simple language and frequent eye contact;
- (4)** provide regular hugs and affection;
- (5)** talk with, sing, and read to infants;
- (6)** hold and carry infants frequently and talk to the infants before, during, and after moving the infant around;
- (7)** drape a diaper, towel, or pad across their shoulder when holding an infant using a different cloth for each infant;

- (8)** respond quickly to infants' cries or calls of distress; and
- (9)** respond to infants' needs for food and comfort.

(*Division of Family and Children; 470 IAC 3-4.7-123*)

470 IAC 3-4.7-124 Toddler physical care

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 124. Caregivers shall:

- (1)** greet the toddler and their parent as they arrive;
- (2)** help the child separate from the parent and become a part of a small group or the activities in process;
- (3)** provide regular hugs and affection;
- (4)** engage in many one-to-one, face-to-face conversations with toddlers;
- (5)** let toddlers initiate language, even from children whose language is limited;
- (6)** name objects, describe events, and reflect feelings to help children learn new words;
- (7)** respond quickly to toddlers' cries or calls for help;
- (8)** respect the toddler's desire to carry favored objects around with them, to move objects like household items from one (1) place to another, and to roam around, or sit and parallel play with toys and objects; and
- (9)** help children to feel increasingly competent and in control of themselves.

(*Division of Family and Children; 470 IAC 3-4.7-124*)

470 IAC 3-4.7-125 Infant/toddler program; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 125. Caregivers shall:

- (1)** provide a daily program that is designed to meet the developmental needs of infants and toddlers;
- (2)** write and engage in a developmentally appropriate individual activity with each child daily;
- (3)** respect the individual child's schedule with regard to eating, sleeping, and diapering;
- (4)** dress children for the weather and type of play;
- (5)** set flexible time schedules dictated more by children's needs than by adults;
- (6)** children shall have many opportunities for active, large muscle play, both indoors and outdoors;
- (7)** provide toys that are reachable by the children without assistance from the caregiver; and
- (8)** provide a variety of music.

(*Division of Family and Children; 470 IAC 3-4.7-125*)

470 IAC 3-4.7-126 Infant program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 126. Caregivers shall:

- (1)** arrange space so children:
 - (A)** can enjoy moments of quiet play by themselves;
 - (B)** have space to roll over; and
 - (C)** can crawl toward interesting objects;

- (2) provide safe areas for infants to freely explore their environment;
- (3) change the child's focus of play periodically during the day from the floor:

- (A) to strollers;
- (B) to being carried;
- (C) to rocking or swinging; and
- (D) to other variations;

to give infants different perspectives on people and places; and

- (4) not place awake children in cribs, except for a short period of time when going to sleep or awakening.

(Division of Family and Children; 470 IAC 3-4.7-126)

470 IAC 3-4.7-127 Toddler program

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 127. Caregivers shall:

- (1) speak to children in complete sentences, avoiding long explanations and not using baby talk;
- (2) play pretend and singing games with the children;
- (3) make toys available on low, open shelves so children can choose their own selections;
- (4) permit children to carry toys and move about in the environment as they choose;
- (5) frequently read to toddlers, individually or in groups of two (2) or three (3);
- (6) sing and do finger plays with toddlers;
- (7) act out simple stories with children participating actively;
- (8) provide a variety of art media, such as large crayons, watercolor markers, and large paper, to toddlers;
- (9) permit toddlers to explore and manipulate art materials; and
- (10) permit toddlers to produce their own art products.

(Division of Family and Children; 470 IAC 3-4.7-127)

470 IAC 3-4.7-128 Infant/toddler room furnishings; general

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 128. (a) Caregivers shall decorate the room at the children's eye level.

(b) Storage space for supplies and personal belongings of each child shall be in each room.

(c) Staff shall not store furnishings or equipment in cribs.

(d) Furniture that could be pulled over by a child shall not be accessible to the children.

(e) Indoor climbing structures and steps that are safe for exploration shall be provided in each room.

(f) All electrical cords shall be inaccessible to children.
(Division of Family and Children; 470 IAC 3-4.7-128)

470 IAC 3-4.7-129 Infant room furnishings

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 129. (a) The center shall equip each infant room with the following furnishings:

- (1) A crib and individual bed clothes for each infant.
- (2) A sanitizable rocking chair/glider for each care worker with no more than two (2) rocking chairs/gliders required per room.
- (3) A sanitizable changing table unless caregivers change all infants in their individual cribs.
- (4) Shatterproof mirrors placed where infants can observe themselves.
- (5) Stable, low, and open shelves.

(b) Mesh cribs, mesh play pens, cradles, bean bag chairs, and bassinets of any type are prohibited. *(Division of Family and Children; 470 IAC 3-4.7-129)*

470 IAC 3-4.7-130 Toddler room furnishings

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 130. (a) The center shall equip each toddler room with the following furnishings:

- (1) Stable, low, and open shelves.
- (2) Child-sized tables and chairs.
- (3) At least one (1) sanitizable rocking chair/glider.
- (4) A sanitizable changing table.
- (5) Cots.

(b) Caregivers may substitute cribs for cots, but may not count crib space in square footage. *(Division of Family and Children; 470 IAC 3-4.7-130)*

470 IAC 3-4.7-131 Infant/toddler equipment; general

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 131. (a) The center shall provide indoor and outdoor play materials and equipment for caregivers to use with infants and toddlers to stimulate learning, growth, health, and development.

(b) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to infants and toddlers. Hazardous or injurious characteristics include, but are not limited to:

- (1) sharp edges;
- (2) rough edges;
- (3) toxic paint; and
- (4) objects small enough for children to swallow.

(c) Diaper bags and car seats from home shall not be allowed in the infant and toddler rooms.

(d) All articles that are used by infants or toddlers shall be sanitizable and sanitized daily and whenever soiled.

(e) All articles an infant chews on shall be sanitized after each child's use.

(f) Caregivers shall not attach pacifiers, if used, near or around the child's neck.

(g) Caregivers shall sanitize pacifiers when contaminated.

(h) The indoor and outdoor environment shall include ramps and steps that are the correct size for children to practice newly acquired skills.

(i) The infant and toddler outdoor play space must be separate from that of older children.

(j) Infants and toddlers shall have indoor/outdoor small climbing equipment that they can go in and out of, over, and around. (*Division of Family and Children; 470 IAC 3-4.7-131*)

470 IAC 3-4.7-132 Infant equipment

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 132. (a) Each room shall have, as a minimum, the following:

- (1) Books for caregivers to read and sturdy picture books for children.
- (2) Fine motor or manipulative toys.
- (3) Gross motor or large muscle equipment.
- (4) Sensory items.
- (5) A source for playing recorded music.

(b) Caregivers shall provide duplicate toys.

(c) Equipment shall be routinely rotated in and out of the environment.

(d) Television is prohibited in infant areas. (*Division of Family and Children; 470 IAC 3-4.7-132*)

470 IAC 3-4.7-133 Toddler equipment

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 133. (a) Caregivers shall:

- (1) provide duplicate toys;
- (2) provide an art easel with paint and paper in each toddler room;
- (3) have a shatterproof, full body mirror in each toddler room;
- (4) have riding toys available and regularly used in the room; and

(5) routinely rotate equipment in and out of the environment.

(b) Each room shall have, at a minimum, the following:

- (1) Dramatic play equipment.
- (2) A sand/water/sensory table or container with equipment for measuring and pouring.
- (3) Gross motor or large muscle equipment.
- (4) Art materials.
- (5) Blocks and accessories.
- (6) A book corner with comfortable seating, cardboard books, and cloth books.
- (7) Musical instruments.

(c) Television is prohibited in toddler areas. (*Division of Family and Children; 470 IAC 3-4.7-133*)

470 IAC 3-4.7-134 Infant feeding

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 134. (a) The center shall provide food that meets the dietary needs of each infant as based on the National Research Council-Recommended Daily Dietary Allowance (NRC-RDA).

(b) Prior to admission, the child's parent shall establish a feeding plan, based on the recommendation of the child's physician, for each infant.

(c) The feeding plan for each infant shall include and list the following:

- (1) The specified kind and amount of food or formula to be offered.
- (2) The scheduled hours that food or formula are to be offered.

(d) The parent shall update the feeding plan as the child's food intake changes.

(e) Any changes or restrictions from the recommended feeding plan for children for more than forty-eight (48) hours must have a physician's written order.

(f) The center shall post a copy of the child's feeding plan for use by food preparation personnel and the person responsible for feeding the child.

(g) Caregivers shall adjust to infant's individual feeding schedules.

(h) Caregivers shall feed infants in their own rooms.

(i) Caregiver shall wash their hands before each feeding of individual children.

(j) Caregivers shall hold infants while feeding them bottles.

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(k) Caregivers shall provide a clean sanitized training cup for each child who is old enough and ready to drink from it. *(Division of Family and Children; 470 IAC 3-4.7-134)*

470 IAC 3-4.7-135 Infant food preparation and storage

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 135. (a) The parent or the center may provide formula.

(b) All canned formula must be unopened, commercially prepared, and ready-to-feed strength.

(c) The center shall not use outdated formula.

(d) There shall be a heating unit for warming bottles and food, accessible only to staff, located in the infant room. Staff shall not heat formula or breast milk in a microwave oven.

(e) Caregivers shall thoroughly stir food heated in a microwave after heating and before feeding to children.

(f) A refrigerator shall be located in the infant food preparation room.

(g) If a day's supply of bottles is prepared at one (1) time, each bottle shall be covered and labeled with the child's name, date, and time poured.

(h) Staff shall refrigerate prepared bottles and use them within twenty-four (24) hours.

(i) Staff shall cover and refrigerate portions of formula that remain in open original containers that are labeled with date and time opened and shall discard this formula after forty-eight (48) hours if unused.

(j) Staff shall discard any formula remaining in a bottle after a feeding.

(k) Parents may supply filled bottles as follows:

(1) The bottles shall be sterilized.

(2) The nipple must be covered.

(3) The bottle shall be labeled with the child's name and date prepared.

(4) The bottles must be brought to the child care center in a clean, insulated container that keeps the formula at forty-one (41) degrees Fahrenheit or below.

(5) Staff shall return all unused bottles daily.

(6) The parent shall provide one (1) unopened can of ready to feed formula.

(Division of Family and Children; 470 IAC 3-4.7-135)

470 IAC 3-4.7-136 Breast milk

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 136. (a) Prior to serving breast milk to an infant, the center shall have on file a written parent agreement as follows:

(1) The parent shall agree to provide breast milk in sterilized bottles or sterile nurser bags.

(2) The parent shall agree to store the milk in a single serving size.

(3) The parent shall assume responsibility for maintaining the milk at forty-one (41) degrees Fahrenheit or below during home storage and transport to the child care center.

(b) The center or the mother must supply sterilized bottles or disposable nurser bags.

(c) The mother shall store her milk in a bottle or bag and refrigerate the milk.

(d) The milk must be labeled with the child's name and the date and time collected.

(e) The bottles must be brought to the child care center in a clean, insulated container that keeps the milk at forty-one (41) degrees Fahrenheit or below.

(f) The center shall use fresh, refrigerated breast milk within forty-eight (48) hours of the time expressed.

(g) Staff shall not thaw or warm breast milk in a microwave oven.

(h) Staff shall discard any breast milk remaining in a bottle after a feeding.

(i) Centers shall support mothers who are breast feeding. *(Division of Family and Children; 470 IAC 3-4.7-136)*

470 IAC 3-4.7-137 Infant milk

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 137. (a) At feeding time, milk shall be poured from the original container directly into the sterilized bottle or sanitized training cup.

(b) All unused portions of an individual feeding shall be discarded.

(c) The center shall store milk at forty-one (41) degrees Fahrenheit or below. *(Division of Family and Children; 470 IAC 3-4.7-137)*

470 IAC 3-4.7-138 Bottle sterilizing procedures

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 138. (a) If bottles are to be washed and sterilized in

the infant room, the center must provide a two (2) compartment sink for this purpose only.

(b) The center shall post procedures for bottle sterilization where the sterilization takes place.

(c) Staff shall sterilize permanent ware bottles, nipples, collars, caps, expanders, and tongs as follows:

- (1) Prewash all items in hot detergent water.
- (2) Scrub bottles and nipples inside and out with bottle and nipple brush.
- (3) Squeeze water through the nipple hole during washing.
- (4) Rinse items well with clean, hot water.
- (5) Boil in clear water as follows:
 - (A) Bottles for five (5) minutes.
 - (B) Nipples, caps, collars, and tongs for three (3) minutes.

(d) A commercial bottle sterilizer used according to manufacturer instructions may be substituted for the boiling procedures in this subdivision.

(e) All items shall be air-dried.

(f) Staff shall store all items separately in clean, covered, and labeled containers, away from food, and in compliance with 410 IAC 7-20 concerning food service sanitation requirements.

(g) Hands shall be clean and care taken in handling technique to prevent contamination of clean bottles and nipples. (*Division of Family and Children; 470 IAC 3-4.7-138*)

470 IAC 3-4.7-139 Infant solid foods

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 139. (a) Caregivers shall not use a nurser or nurser-type equipment to feed children food unless by written orders from a physician.

(b) Staff shall cover, date, and refrigerate open containers of food. Caregivers shall use or discard the contents of opened jars within twenty-four (24) hours.

(c) Caregivers may serve food from jars or from a separate serving dish using a separate jar or serving dish for each infant.

(d) If caregivers feed children from jars, they shall discard any leftovers in the jars. Caregivers shall discard any leftovers from serving dishes.

(e) Food shall be cut up in small pieces no larger than one-fourth (¼) inch cube. (*Division of Family and Children; 470 IAC 3-4.7-139*)

470 IAC 3-4.7-140 Toddler feeding

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 140. (a) The center shall provide food that meets the dietary needs of each toddler as based on the National Research Council-Recommended Daily Dietary Allowance (NRC-RDA).

(b) Caregivers shall wash their hands before feeding of toddlers.

(c) Caregivers shall assist and assure that each toddler washes their hands before each meal.

(d) Caregivers shall feed toddlers in their own room.

(e) Tables and chairs of appropriate height and size, high chairs with a broad base or feeding tables shall be provided according to the age and development of the child.

(f) Caregivers shall always use safety belts for securing the children when the children are in high chairs and feeding tables.

(g) Caregivers shall remove children from their chair after eating.

(h) Caregivers shall provide a clean sanitized training cup for each child who is old enough and ready to drink from it. Caregivers must cover unused refrigerated training cups.

(i) Caregivers shall allow and encourage children to feed themselves. Caregivers shall maintain supportive help to children for as long as they need such help.

(j) Staff shall serve and have food ready to eat before calling children to meals so they do not have to wait.

(k) Caregivers must provide appropriate size eating utensils.

(l) When a child is able and seems ready to adjust to eating with others at a table, he or she may be placed at a child's table.

(m) At all meals, adults shall be seated at each table to supervise.

(n) Water shall be offered between meals and snacks to each toddler.

(o) Food must be cut up in no larger than one-half (½) inch cubes. (*Division of Family and Children; 470 IAC 3-4.7-140*)

470 IAC 3-4.7-141 Infant/toddler sleeping

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Proposed Rules

Sec. 141. (a) The needs of individual children shall determine the sleeping periods.

(b) Caregivers shall place infants on their backs or sides in their cribs for sleeping.

(c) Only children under thirty (30) inches tall may use a port-a-crib.

(d) Only children under thirty-five (35) inches tall may use a full-sized crib.

(e) The fifty (50) square feet of required space per child includes space for a crib for each infant.

(f) All cribs shall meet the following guidelines:

(1) Cribs shall be of sturdy construction.

(2) There shall be no corner posts higher than one-sixteenth ($\frac{1}{16}$) inch.

(3) There shall be no cut-outs in the headboard.

(4) Spaces between the bars of the crib and between the bars and the end panels of the crib shall not exceed two and three-eighths ($2\frac{3}{8}$) inches.

(5) Each crib shall have a firm mattress at least two (2) inches thick that is securely covered with a waterproof material not dangerous to children.

(6) The gap between the mattress and the interior perimeter of the crib shall not exceed one (1) inch.

(7) Drop-side latches shall be safe and securely hold the sides in the raised position.

(8) Latches shall not be reachable by a child in the crib.

(g) Full-sized cribs shall meet the following guidelines:

(1) The interior dimension shall be greater than fifty-one and three-fourths ($51\frac{3}{4}$) inches in length, and twenty-seven and three-eighths ($27\frac{3}{8}$) inches in width.

(2) With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and end panel shall not be less than twenty-six (26) inches.

(h) Port-a-cribs shall meet the following guidelines:

(1) The interior dimension is smaller than fifty and three-eighths ($50\frac{3}{8}$) inches in length but not less than thirty-six (36) inches in length, and smaller than twenty-six (26) inches in width but not less than twenty-four (24) inches in width.

(2) With the mattress support in its lowest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and end panel shall not be less than twenty-two (22) inches.

(i) Caregivers shall provide at least three (3) feet of space between cribs when occupied.

(j) Tiered or stacked cribs are prohibited.

(k) Cribs shall be located away from heaters, drafts, and cords from window coverings.

(l) When a child is in a crib, caregivers shall extend the sides to their fullest height.

(m) Staff shall sanitize all cribs as often as necessary and at least daily.

(n) Staff shall sanitize cribs or cots and change bedding between each child's use if they allow two (2) part-time children to share the same crib or cot.

(o) All bedding shall be changed immediately when wet or soiled, and otherwise once each day.

(p) Staff shall launder bedding in a washing machine with water temperature above one hundred sixty (160) degrees Fahrenheit or in a sanitizing solution of one (1) cup bleach or equivalent chemical per washer load.

(q) Soiled bedding shall not accumulate for longer than twenty-four (24) hours before laundering.

(r) Staff shall have a reserve supply of bedding and wash cloths available at all times in case of delays in laundry pickup or delivery.

(s) Each toddler shall have individual bedding with their separate cot or crib.

(t) Caregivers shall assure that at least three (3) feet of space is between toddler cots. (*Division of Family and Children; 470 IAC 3-4.7-141*)

470 IAC 3-4.7-142 Infant room size

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 142. (a) Each newly licensed infant room under this rule shall have a minimum of fifty (50) square feet of usable space per child. This space is exclusive of storage areas, entryways, lockers, and floor area occupied by built-in cabinets.

(b) Any infant room shall have a minimum of thirty-five (35) square feet of usable space per child provided that the same room remains licensed for infants. This space is exclusive of storage areas, entry ways, lockers, and floor area occupied by permanent built-in cabinets. (*Division of Family and Children; 470 IAC 3-4.7-142*)

470 IAC 3-4.7-143 Infant/toddler rooms; general

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 143. (a) All portions of the means of egress shall comply with the rules of the FPBSC under 675 IAC.

(b) Each infant and toddler room shall have floor-to-ceiling walls on all sides and full doors.

(c) No one shall use the infant or toddler rooms as throughways.

(d) The floor covering in infant and toddler rooms shall meet the following standards:

- (1) It shall be safe and easily cleaned.
- (2) Throw rugs are not permitted.
- (3) Staff shall vacuum carpeting daily when children are not present and shampoo the carpeting as frequently as necessary to keep it clean.
- (4) Staff shall mop noncarpeted flooring daily when children are not present and as frequently as necessary to keep it clean.
- (5) The floor covering under and two (2) feet around the area used for diapering, feeding, and preparation of food shall be noncarpeted and easily cleaned.

(e) A sink must be in the infant room or in a room that opens directly into the infant room. If the infant room has a toilet, it must be in a room with a door.

(f) A sink must be in the toddler room or in a room that opens directly into the toddler room.

(g) A toilet must be in a room with a door that opens directly into the toddler room. (*Division of Family and Children; 470 IAC 3-4.7-143*)

470 IAC 3-4.7-144 School age staffing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 144. (a) The child care center that enrolls school age children shall have at least one (1) caregiver qualified by training or experience to work with this age group.

(b) The caregivers serving school age children shall receive in-service training that relates to the specific needs of the children served. (*Division of Family and Children; 470 IAC 3-4.7-144*)

470 IAC 3-4.7-145 School age grouping

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 145. (a) The center shall keep school age children separated from younger children at all times except as in subsection (d) and section 49(e) of this rule.

(b) School age children shall have a clearly defined separate room/area that does not interfere with the care of younger children.

(c) Outdoor play areas shall not be used by both pre-school and school age children at the same time unless separate, clearly defined play areas are provided.

(d) School age children may choose to interact with two (2) year olds and preschool children under direct caregiver supervision with the following conditions:

- (1) Caregivers shall permit only one (1) school age child per group of two (2) year olds or preschool children at any given time.
- (2) This shall be a voluntary educational experience and not used as a disciplinary measure or to correct child/staff ratios.
- (3) Caregivers shall permit only one (1) school age child per group per day.
- (4) School age children shall be counted as children when determining the child/staff ratio.
- (5) School age children shall not lift a child.
- (6) School age children shall not assist in snack or meal times.
- (7) School age children shall not assist in rest time.
- (8) School age children shall not assist in supervision of restroom usage or diapering.
- (9) School age children shall not be asked to assume responsibility for the care and safety of other children.

(*Division of Family and Children; 470 IAC 3-4.7-145*)

470 IAC 3-4.7-146 School age program and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 146. (a) The center shall provide a program and activities that recognize the developmental and educational needs of school age children.

(b) Caregivers shall seek child input in the development of program activities.

(c) Children who have been in school all day shall have time set aside for relaxation and recreation immediately upon arrival from school.

(d) Indoor and outdoor equipment shall be age and physical size appropriate. (*Division of Family and Children; 470 IAC 3-4.7-146*)

470 IAC 3-4.7-147 Special needs staffing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 147. (a) Caregivers serving children who require special program services shall receive in-service training that relates to the specific needs of the children served.

(b) A consulting resource person shall be available to caregivers to provide assistance when necessary.

Proposed Rules

(c) Directors shall be certified in special needs care by the division within six (6) months of employment as provided by or approved by the division.

(d) Staff shall have special needs care training by a certified director or the division. (*Division of Family and Children; 470 IAC 3-4.7-147*)

470 IAC 3-4.7-148 Special needs program

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 148. (a) The center shall form a resource team that maintains communication regarding the child's special needs and progress that consists of the following:

- (1) Parent.
- (2) Child care center director.
- (3) Direct caregivers.
- (4) Speech pathologists, physical and occupational therapists, educators, and other technical and professional personnel.

(b) The center shall implement recommendations made by the resource team and incorporate the recommendations into a program plan for the child.

(c) The center shall review, evaluate, and document all program recommendations from resource persons related to a child's special needs at least twice a year. (*Division of Family and Children; 470 IAC 3-4.7-148*)

470 IAC 3-4.7-149 Extended hours of operation

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 149. (a) If a child care center is open for business twenty-four (24) hours per day, the center shall contact the SFM for additional fire safety rules.

(b) The center shall have the approval of the SFM and division prior to operating extended hours. (*Division of Family and Children; 470 IAC 3-4.7-149*)

470 IAC 3-4.7-150 Night care approval

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 150. (a) The center shall meet all the requirements of this rule and be specifically approved for "Night Care" prior to providing care for any child between the hours of 7 p.m. and 6 a.m.

(b) The specific rules for "Night Care" shall prevail if there is a difference between this rule and the rules for all times of care. (*Division of Family and Children; 470 IAC 3-4.7-150*)

470 IAC 3-4.7-151 Night care staffing

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 151. (a) There shall always be at least two (2) caregivers on duty at all times regardless of the child/staff ratio.

(b) Caregivers counted for purposes of meeting child/staff ratio requirements shall be awake at all times. (*Division of Family and Children; 470 IAC 3-4.7-151*)

470 IAC 3-4.7-152 Night care

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 152. (a) Caregivers may combine infants, toddlers, and children two (2) years of age only during evening sleeping hours.

(b) Caregivers shall determine maximum group size by the age of the youngest child.

(c) Caregivers may permit preschool and school age children to sleep in separate areas in the same room during evening hours. Caregivers may make exceptions for siblings. (*Division of Family and Children; 470 IAC 3-4.7-152*)

470 IAC 3-4.7-153 Night care program and equipment

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 153. (a) Each child shall have an individual cot, bed, or crib equipped with bedding and maintained in sanitary and safe condition.

(b) Each group must have a posted schedule of evening activities. (*Division of Family and Children; 470 IAC 3-4.7-153*)

470 IAC 3-4.7-154 Night care food service

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 154. (a) Staff shall serve an evening meal at a regular time each evening to all children that are in attendance and make the meal available to other children who may arrive later.

(b) Staff shall serve a bedtime snack to each child.

(c) Staff shall serve breakfast to all children that have been at the child care center throughout the night and are present at 6:30 a.m. (*Division of Family and Children; 470 IAC 3-4.7-154*)

470 IAC 3-4.7-155 Ill child care space requirement

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 155. (a) The center shall use the ill child care room exclusively for ill children and not use the room for any other purpose.

(b) There shall be toilet, hand washing, and diapering facilities used exclusively for ill child care.

(c) The ill child care room shall have a separate entrance from the outside.

(d) The ill child care room shall have separate heating, air conditioning, and ventilation.

(e) The center must contact the child care health section for additional criteria. (*Division of Family and Children; 470 IAC 3-4.7-155*)

470 IAC 3-4.7-156 Existing licensed child care centers

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 156. Existing child care centers licensed under 470 IAC 3-4.1 or 470 IAC 3-4.2, or both, at the time this rule is effective shall have one (1) calendar year to comply with this rule unless specifically stated otherwise. (*Division of Family and Children; 470 IAC 3-4.7-156*)

SECTION 2. THE FOLLOWING ARE REPEALED: 470 IAC 3-4.1; 470 IAC 3-4.2.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 26, 2003 at 6:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana; AND on February 27, 2003 at 6:00 p.m., at the South Bend Public Library, 304 South Main Street, South Bend, Indiana; AND on March 5, 2003 at 6:00 p.m., at the Limestone Girls Club, 2009 19th Street, Bedford, Indiana the Division of Family and Children will hold public hearings on proposed new rules at 470 IAC 3-4.7 establishing the minimum standards necessary to obtain and retain a license for a child care center. The new rule repeals 470 IAC 3-4.1 and 470 IAC 3-4.2 that currently govern this subject. Copies of the proposed new rules are now at each County Office of Family and Children throughout the state. Written comments will be accepted through March 28, 2003, and may be directed to the DFC, Bureau of Child Development, Attention: Keith Carver, 402 West Washington Street, Room W386, MS 02, Indianapolis, Indiana 46204.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W386 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

John Jay Boyce
Director
Division of Family and Children

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Proposed Rule
LSA Document #02-264

DIGEST

Amends 511 IAC 6.2 to bring the school accountability system into alignment with the federal No Child Left Behind Act of 2001. Adds definition of adequate yearly progress and expectation of 100% proficiency of all students and identified subgroups of students in 2013-2014. Establishes intermediate goals and annual objectives. Identifies student subgroups for purposes of reporting and determining adequate yearly progress. Requires schools to assess 95% of students in identified subgroups on ISTEP+ tests. Adds alternate means of demonstrating adequate yearly progress for student groups. Defines "full academic year" for purposes of determining if students are included in making decisions about adequate yearly progress. Adds provisions to implement the statutory requirement to assess school corporation improvement. Effective 30 days after filing with the secretary of state.

511 IAC 6.2-6-4

511 IAC 6.2-6-12

511 IAC 6.2-6-6.1

511 IAC 6.2-7

511 IAC 6.2-6-8

SECTION 1. 511 IAC 6.2-6-4, AS ADDED AT 25 IR 2228, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

511 IAC 6.2-6-4 School improvement and performance categories; placement of school and school corporation in categories; measures used; nonmobile cohort group of students

Authority: IC 20-1-1-6; IC 20-1-1.2; IC 20-10.2-7-1

Affected: IC 20-10.2-5

Sec. 4. (a) The base year for improvement and performance determinations for elementary and middle schools will be the 2003-2004 school year. The base year for high schools will be the 2004-2005 school year.

(b) Beginning in the 2005-2006 school year, the board annually shall place a school **and school corporation** in a school improvement and performance category based on results of mandatory annual assessments. English/language arts and mathematics test results will be used initially. Science and social studies test results will be added when those tests are implemented.

(c) School performance is based on the percentage of all students who pass mandatory annual assessments in English/language arts and mathematics calculated as an average rate across subject areas and grade levels. Science and social studies test results will be added when those tests are implemented.

(d) School improvement is based on increases in achievement of a nonmobile cohort group of students as they progress through school. Increases in achievement will be measured by percentage point increases in students who pass mandatory annual assessments in English/language arts and mathematics calculated as an average rate across subject areas and grade levels.

(e) The nonmobile cohort group of students referred to in subsection (a) includes students enrolled in the school for at least seventy percent (70%) of the school year preceding testing.

(f) After the initial determinations of school improvement, the level of school improvement shall be determined by the average of the yearly improvement for the three-year period that includes the current year and the two (2) previous years (three-year rolling average).

(g) The initial determination of school improvement for a high school will be based on a comparison of the base year to the next year. The second determination shall be based on a two (2) year average.

(h) The initial determination of school improvement for an elementary school or a middle school will be based on a two (2) year average. (*Indiana State Board of Education; 511 IAC 6.2-6-4; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2228*)

SECTION 2. 511 IAC 6.2-6, AS ADDED AT 25 IR 2227, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

511 IAC 6.2-6-6.1 Additional requirements for category placement

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2-5

Sec. 6.1. Notwithstanding the provisions of sections 4 and 5 of this rule, the state board shall not place a school or school corporation in a category higher than academic progress if the school or school corporation fails, for two (2) consecutive years, to make adequate yearly progress under 511 IAC 6.2-7-5. (*Indiana State Board of Education; 511 IAC 6.2-6-6.1*)

SECTION 3. 511 IAC 6.2-6-8, AS ADDED AT 25 IR 2230, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

511 IAC 6.2-6-8 Disaggregated data and category placement

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2-5

Sec. 8. After Disaggregated data become available, it is the intent of the board to base category placement on improvement and performance of defined groups of students: shall be used

to determine if a school or school corporation has made adequate yearly progress under 511 IAC 6.2-7-5. (*Indiana State Board of Education; 511 IAC 6.2-6-8; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2230*)

SECTION 4. 511 IAC 6.2-6-12, AS ADDED AT 25 IR 2230, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

511 IAC 6.2-6-12 Appeal of category placement

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2-5

Sec. 12. The ~~state board of education~~ shall develop criteria for a school **or school corporation** to appeal its category placement based on objective factors the school considers relevant because the annual assessment data does not provide an accurate picture of school improvement and performance, including significant demographic changes in the student population, errors in data, or other significant issues. (*Indiana State Board of Education; 511 IAC 6.2-6-12; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2230*)

SECTION 5. 511 IAC 6.2-7 IS ADDED TO READ AS FOLLOWS:

Rule 7. Adequate Yearly Progress

511 IAC 6.2-7-1 Elementary and secondary education act goals adopted

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2

Sec. 1. The board adopts the elementary and secondary education act goals and indicators, including the goal that, by 2013-2014, all students will reach high standards, at a minimum attaining proficiency or better in English/language arts and mathematics. (*Indiana State Board of Education; 511 IAC 6.2-7-1*)

511 IAC 6.2-7-2 Adequate yearly progress integrated into state accountability system

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2

Sec. 2. The board integrates adequate yearly progress, as defined by the elementary and secondary education act of 1965 (20 U.S.C. 6301 et seq.) into the school accountability system created by IC 20-10.2 and this article. (*Indiana State Board of Education; 511 IAC 6.2-7-2*)

511 IAC 6.2-7-3 Starting point determined

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1
Affected: IC 20-10.2

Sec. 3. The department, using data for the 2001-2002 school year, shall establish separate starting points for measuring the percentage of students meeting the pass level of academic achievement on the ISTEP+ English and

mathematics assessments. Each starting point shall be based on the higher of the percentage of students at the pass level who are in:

- (1) the state's lowest achieving group of students described in section 6 of this rule; or
- (2) the school at the twentieth percentile in the state, based on enrollment, among all schools ranked by the percentage of students at the pass level.

(Indiana State Board of Education; 511 IAC 6.2-7-3)

511 IAC 6.2-7-4 Measurable annual objectives and intermediate goals

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7.1

Affected: IC 20-10.2

Sec. 4. (a) The objectives described in this section shall be the same for each of the following:

- (1) School corporation.
- (2) Public school.

(b) The initial measurable objective shall be the starting point.

(c) The annual measurable objective shall increase with each intermediate goal.

(d) Equal increments in achievement, to ensure that all students become proficient by the 2013-2014 school year, shall be calculated as follows:

STEP ONE: Subtract the starting point from one hundred percent (100%).

STEP TWO: Divide the remainder by six (6).

(e) Intermediate goals shall be determined by adding the STEP TWO of subsection (d) result to the initial measurable objective and to the resulting objective for the following school years:

- (1) 2004-2005.
- (2) 2007-2008.
- (3) 2010-2011.
- (4) 2011-2012.
- (5) 2012-2013.

(Indiana State Board of Education; 511 IAC 6.2-7-4)

511 IAC 6.2-7-5 Annual improvement needed to make adequate yearly progress; participation in assessments; counting date

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7.1

Affected: IC 20-10.2

Sec. 5. (a) Beginning with data for the 2001-2002 school year and each subsequent year, for a school or school corporation to make adequate yearly progress under this section:

- (1) each group of students described in section 6 of this rule must meet or exceed the measurable objectives in English and the measurable objectives in mathematics

under section 4 of this rule, except that if any group does not meet those objectives in any particular year, the school or school corporation shall be considered to have made adequate yearly progress if the percentage of students in that group who did not meet the pass level of academic achievement on ISTEP+ for that year decreased by ten percent (10%) of that percentage from the preceding school year and that group made progress on the other academic indicators described in section 8 of this rule;

(2) the school or school corporation meets or exceeds the other academic indicators under section 8 of this rule; and

(3) not less than ninety-five percent (95%) of each group of students described in section 6 of this rule who are enrolled in the school are required to take state assessments in English and not less than ninety-five percent (95%) of each group of students described in section 6 of this rule who are enrolled in the school are required to take state assessments in mathematics, including an alternate:

(A) assessment for students with disabilities; and

(B) form of assessment for limited English proficient students;

except that the ninety-five percent (95%) requirement shall not apply in a case in which the number of students in a group is fewer than forty (40).

(b) The ninety-five percent (95%) requirement for each subject area shall be calculated using the number of students in the:

(1) group who participated in the assessments as the numerator; and

(2) subgroup enrolled in the school or school corporation on the ADM count date established under 511 IAC 1-3-1.

(c) Consecutive years of failing to make adequate yearly progress shall be based on failing to meet the measurable annual objective in the same subject (English or mathematics) for consecutive years. If a school or school corporation in a given year fails to meet the annual objective in English but meets the objective in mathematics and in the next year one (1) or more student groups under section 6 of this rule fails to meet the objective in English, the school or school corporation has failed to make adequate yearly progress for two (2) consecutive years. If, however, the school or school corporation meets the annual objective in English for all student groups in the second year, then the timeline restarts. If the school or school corporation fails to meet the annual objective in mathematics, it has now failed to make adequate yearly progress for one (1) year. If the school or school corporation meets the annual objective in mathematics, the school or school corporation has no consecutive years of not making adequate yearly progress.

(d) Students who take an alternate assessment for

students with disabilities shall be counted as not passing for purposes of determining if a school or school corporation makes adequate yearly progress. If the United States Department of Education permits students with disabilities to be compared to a different standard, such students, up to the maximum permitted by federal regulation, shall be considered at the pass level on ISTEP+ for purposes of determining if a school or school corporation has made adequate yearly progress. (*Indiana State Board of Education; 511 IAC 6.2-7-5*)

511 IAC 6.2-7-6 Groups of students; minimum group size

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 6. (a) The following groups of students are established for determining if a school or school corporation has made adequate yearly progress:

- (1) All students.
- (2) Economically disadvantaged students.
- (3) Students with disabilities as defined under Section 602(3) of the Individuals with Disabilities Education Act.
- (4) Limited English proficient students, who will be included as part of the group until they score at the proficient level on the test of English proficiency for two (2) consecutive years.
- (5) Students from the following groups:
 - (A) American Indian.
 - (B) Asian.
 - (C) Black.
 - (D) Hispanic.
 - (E) White.

(b) Disaggregation of data under subsection (a) is not required if:

- (1) a group has fewer than thirty (30) students;
- (2) the failure of the group of students to make adequate yearly progress is not statistically significant, as determined by a one-tailed binomial test of significance using an alpha level of .01.

(c) Provisions of section 5 of this rule or this section notwithstanding, groups of students as small as ten (10) shall be reported for information purposes only.

(d) To protect the confidentiality of individual data, percentages close to zero (0) shall be reported as "less than five percent (5%)" and percentages close to one hundred (100) shall be reported as "greater than ninety-five percent (95%)". (*Indiana State Board of Education; 511 IAC 6.2-7-6*)

511 IAC 6.2-7-7 Inclusion of students who have been enrolled for full academic year; full academic year defined

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 7. (a) Adequate yearly progress shall be calculated using data for students who have been enrolled in a school corporation or charter school for a full academic year, but performance of students who have attended more than one (1) school in a school corporation in any academic year shall be used only in determining the progress of the school corporation.

(b) A full academic year for purposes of this section is the time between October 1 and the end of the regular school year, the equivalent of one hundred sixty-two (162) days. (*Indiana State Board of Education; 511 IAC 6.2-7-7*)

511 IAC 6.2-7-8 Other indicators

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 8. The following other academic indicators are established for the purposes described in section 5 of this rule:

- (1) For high schools, graduation rate, as determined under 511 IAC 6.1-1-2, that increases toward a rate of ninety-five percent (95%).
- (2) For elementary and middle schools, attendance rate as determined under 511 IAC 1-3-3, that increases toward a rate of ninety-five percent (95%).

(*Indiana State Board of Education; 511 IAC 6.2-7-8*)

511 IAC 6.2-7-9 Use of data; averaging procedure

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 9. For the purpose of determining if schools and school corporations are making adequate yearly progress, data shall be used and averaged as follows:

- (1) Data shall be averaged across grades in a school.
- (2) The higher of the following shall be used to determine if a school or school corporation has made adequate yearly progress:
 - (A) Data from the school year for which a determination is being made.
 - (B) Average data from three (3) school years immediately preceding the school year for which the determination is being made.

(*Indiana State Board of Education; 511 IAC 6.2-7-9*)

511 IAC 6.2-7-10 Special rules for schools that do not include students at grades assessed under ISTEP+ and schools that do not meet the minimum subgroup size

Authority: IC 20-1-1-6; IC 20-1-1.2-18; IC 20-10.2-7-1

Affected: IC 20-10.2

Sec. 10. (a) Adequate yearly progress for schools that do not include students at grades assessed under ISTEP+ shall be determined as follows:

(1) A school that includes a grade or grades below those for which there is ISTEP+ data shall be linked with the school that students attend after they leave the school for which there is no ISTEP data. The adequate yearly progress determination for the school for which there is ISTEP data shall apply to the feeder school.

(2) High schools that include only grades above those for which there is ISTEP+ data shall be paired with the feeder school for which there is high school ISTEP+ data.

(b) If a school has a student group that does not meet the minimum size for disaggregation under section 6 of this rule, adequate yearly progress for the group shall be determined by aggregating data over consecutive years, if necessary, to meet the minimum group size. (*Indiana State Board of Education; 511 IAC 6.2-7-10*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 6, 2003 at 9:00 a.m., at the Department of Education, 151 West Ohio Street, James Whitcomb Riley Conference Room, Indianapolis, Indiana the Indiana State Board of Education will hold a public hearing on proposed amendments to bring the school accountability system into alignment with the federal No Child Left Behind Act of 2001. Adds definition of adequate yearly progress and expectation of 100% proficiency of all students and identified subgroups of students in 2013-2014. Establishes intermediate goals and annual objectives. Identifies student subgroups for purposes of reporting and determining adequate yearly progress. Requires schools to assess 95% of students in identified subgroups on ISTEP+ tests. Adds alternate means of demonstrating adequate yearly progress for student groups. Defines "full academic year" for purposes of determining if students are included in making decisions about adequate yearly progress. Adds provisions to implement the statutory requirement to assess school corporation improvement. Copies of these rules are now on file at 229 State House and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Suellen Reed
Superintendent of Public Instruction
Indiana State Board of Education

TITLE 575 STATE SCHOOL BUS COMMITTEE

Proposed Rule
LSA Document #02-315

DIGEST

proposed new rules concerning the display of the United States flag on school buses. Effective 30 days after filing with the secretary of state.

575 IAC 1-1-4.6

SECTION 1. 575 IAC 1-1-4.6 IS ADDED TO READ AS FOLLOWS:

575 IAC 1-1-4.6 Display of United States flag

Authority: IC 20-9.1-4-4; IC 20-9.1-4-4.7
Affected: IC 20-9.1

Sec. 4.6. (a) A school bus may display the United States flag.

(b) The flag must:

- (1) be a decal only;
- (2) not contain any words, lettering, slogans, or symbols;
- (3) be nonreflective;
- (4) be a maximum of three (3) inches high with proportional length;
- (5) have straight horizontal stripes with the union facing the front of the school bus;
- (6) be located on both sides of the school bus beneath the first passenger window and centered vertically in the belt line between the rub rails;
- (7) be the same size on each side; and
- (8) not obscure the governing body name, bus number, other identifiers, or equipment in the belt line.

(*State School Bus Committee; 575 IAC 1-1-4.6*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 27, 2003 at 1:00 p.m., at the Department of Education, 151 West Ohio Street, Grissom Conference Room, Indianapolis, Indiana the State School Bus Committee will hold a public hearing on proposed new rules concerning the display of the United States flag on school buses. Copies of these rules are now on file at 229 State House and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Suellen Reed
Superintendent of Public Instruction
State School Bus Committee

TITLE 760 DEPARTMENT OF INSURANCE

Proposed Rule
LSA Document #02-299

DIGEST

Amends 760 IAC 1-21 regarding the manner of determination and the calculation of surcharge for health care providers other than hospitals and physicians and for hospitals that establish financial responsibility by means other than an insurance policy. Effective 30 days after filing with secretary of state.

760 IAC 1-21-2

760 IAC 1-21-5

760 IAC 1-21-8

SECTION 1. 760 IAC 1-21-2, AS READOPTED AT 25 IR 531, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-21-2 Definitions

Authority: IC 34-18-5-4

Affected: IC 16-21-2; IC 25-22.5; IC 34-18-2-14; IC 34-18-17

Sec. 2. As used in this rule:

- (1) "Health care provider" means all health care providers as defined in IC 34-18-2-14, except physicians and hospitals.
- (2) "Hospital" means a public or private institution licensed under IC 16-21-2.
- (3) "Commissioner" means the commissioner of insurance of Indiana.

(4) "IRMIA" means the Indiana Residual Malpractice Insurance Authority created by IC 34-18-17.

(5) "Physician" means an individual with an unlimited license to practice medicine under IC 25-22.5.

(Department of Insurance; Reg 22, Sec II; filed Jan 27, 1977, 2:35 p.m.; Rules and Regs. 1978, p. 514; filed Apr 29, 1999, 2:22 p.m.; 22 IR 2874; readopted filed Sep 14, 2001, 12:22 p.m.; 25 IR 531)

SECTION 2. 760 IAC 1-21-5, AS READOPTED AT 25 IR 531, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-21-5 Financial responsibility of hospital

Authority: IC 34-18-5-4

Affected: IC 16-21-1; IC 34-18-4-1; IC 34-18-5-3

Sec. 5. A hospital may establish financial responsibility for itself, its officers, agents, and employees by submitting, to the commissioner, all of the following:

- (1) An agreement in writing, in a form and manner prescribed by the commissioner, to pay any final judgment or agreed settlement arising from claims of malpractice subject to the limits on liability set forth in IC 34-18-4-1(1)(A)(i) and IC 34-18-4-1(1)(A)(ii).
- (2) An agreement in writing that the hospital will establish and maintain a claims management and risk management program, which program shall include, at a minimum, the following:

(A) Procedures satisfactory to the commissioner for the prompt investigation of each malpractice claim reported to the hospital to determine whether malpractice liability exists and to determine its cause.

(B) Procedures for the efficient processing, adjustment, and reasonable settlement of claims.

(C) Procedures for the defense by legal counsel of claims that cannot be adjusted or settled.

(D) Procedures to examine the cause of losses and to take action to reduce their frequency and severity, including a safety program and employee and professional training program.

The hospital may undertake such a claims management and risk management program through its own qualified personnel, or it may undertake part or all of the program through the services of qualified independent contractors.

(3) A verified financial statement that demonstrates the financial resources of the hospital are sufficient to satisfy all malpractice claims incurred by it up to the limits on liability set forth in IC 34-18-4-1(3). Notwithstanding, if the hospital is an agency of any governmental unit and desires to use the taxing power of that governmental unit to establish its financial security, it may establish financial responsibility by filing with the commissioner a copy of an ordinance or resolution of the taxing governing body of the governmental unit, authorizing the hospital to do so, and acknowledging the responsibility of the governmental unit for any judgment or settlement arising from claims of malpractice.

(4) An agreement in writing that if the hospital discontinues operation or decides to purchase insurance to establish financial responsibility under IC 34-18 et seq., the hospital will continue to be liable in the amounts set forth in subdivision (1) until liability ceases to exist.

(5) For each year in which the hospital establishes proof of financial responsibility under this section and not through the use of an insurance policy, the hospital shall obtain the quotation for the surcharge amount to be paid to the patient's compensation fund from IRMIA. In support of this calculation, the hospital shall submit to IRMIA the following:

(A) The hospital's most recent application for licensure to operate a hospital pursuant to IC 16-21-2 on file with the Indiana state department of health.

(B) Any other information reasonably requested by IRMIA to accurately determine the surcharge amount.

(6) A hospital that chooses to establish financial responsibility under this section may cover claims against the officers, agents, and employees of the hospital and facilities identified in the hospital's application for licensure to operate a hospital pursuant to IC 16-21-2 as facilities operated under the hospital license.

(Department of Insurance; Reg 22, Sec V; filed Jan 27, 1977, 2:35 p.m.; Rules and Regs. 1978, p. 515; filed Apr 29, 1999, 2:22 p.m.; 22 IR 2875; readopted filed Sep 14, 2001, 12:22 p.m.; 25 IR 531)

SECTION 3. 760 IAC 1-21-8, AS READOPTED AT 25 IR 531, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-21-8 Payment into patient's compensation fund; annual surcharge

Authority: IC 34-18-5-4

Affected: IC 34-18-5-2; IC 34-18-5-3

Sec. 8. (a) The annual surcharge for a health care provider shall be ~~one hundred fifty-five percent (100%)~~ **(55%)** of the cost to the health care provider for maintenance of financial responsibility.

(b) A health care provider establishing financial responsibility by means other than insurance under section 3 of this rule shall pay into the patient's compensation fund an amount equal to ~~one hundred fifty-five percent (100%)~~ **(55%)** of the premium that would be charged to the health care provider by the residual malpractice insurance authority. The payment must be made each year under IC 34-18-5-3 within thirty (30) days after qualification. (*Department of Insurance; Reg 22, Sec VIII; filed Jan 27, 1977, 2:35 p.m.: Rules and Regs. 1978, p. 516; filed Mar 18, 1986, 10:41 a.m.: 9 IR 2057, eff Apr 18, 1986; filed May 28, 1987, 4:00 p.m.: 10 IR 2298; filed Aug 13, 1991, 4:00 p.m.: 15 IR 7; filed Apr 29, 1999, 2:22 p.m.: 22 IR 2875; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 28, 2003 at 10:00 a.m., at the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana the Department of Insurance will hold a public hearing on proposed amendments regarding the manner of determination and the calculation of surcharge for health care providers other than hospitals and physicians and for hospitals that establish financial responsibility by means other than an insurance policy. Copies are available at the Web site for the Department of Insurance at www.state.in.us/idoi. Copies of these rules are now on file at the Department of Insurance, 311 West Washington Street, Suite 300 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Sally McCarty
Commissioner
Department of Insurance

TITLE 816 BOARD OF BARBER EXAMINERS

Proposed Rule
LSA Document #02-320

DIGEST

Amends 816 IAC 1-3-1 to revise the fees collected for the examination of an applicant to practice as a barber and to revise the fee for the issuance of an initial four year license to practice barbering by an applicant applying on the basis of reciprocity. Effective 30 days after filing with the secretary of state.

816 IAC 1-3-1

SECTION 1. 816 IAC 1-3-1 IS AMENDED TO READ AS FOLLOWS:

816 IAC 1-3-1 Fees

Authority: IC 25-7-5-14; IC 25-7-5-15; IC 25-1-8-2
Affected: IC 25-7-6-1; IC 25-7-11-5

Sec. 1. The following fees shall be collected:

- (1) For the examination of an applicant to practice as a barber, ~~thirty five dollars (\$30)~~ **(\$50)**.
- (2) For the issuance of an initial four (4) year license to practice barbering by an applicant applying on the basis of reciprocity, ~~fifty one hundred dollars (\$50)~~ **(\$100)**.
(*Board of Barber Examiners; 816 IAC 1-3-1; filed Feb 20, 1986, 3:00 p.m.: 9 IR 1660; filed Jan 20, 1993, 4:00 p.m.: 16 IR 1511; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3098; readopted filed Jun 22, 2001, 8:59 a.m.: 24 IR 3823*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 21, 2003 at 9:15 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room D, Indianapolis, Indiana the Board of Barber Examiners will hold a public hearing on proposed amendments to revise the fees collected for the examination of an applicant to practice as a barber and to revise the fee collected for the issuance of an initial four year license to practice barbering by an applicant applying on the basis of reciprocity. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley
Executive Director
Indiana Professional Licensing Agency

TITLE 856 INDIANA BOARD OF PHARMACY

Proposed Rule
LSA Document #02-258

DIGEST

Adds 856 IAC 2-7 concerning limited permits for humane societies, animal control agencies, or governmental entities operating an animal shelter; and storage, security, policy, and procedure for access, handling, and administration of Ketamine, Ketamine products, Tiletimine, and Zolazepam, and other controlled substances obtained under the limited permit. Effective 30 days after filing with the secretary of state.

856 IAC 2-7

SECTION 1. 856 IAC 2-7 IS ADDED TO READ AS FOLLOWS:

Rule 7. Limited Permits**856 IAC 2-7-1 Application**

Authority: IC 35-48-3-2

Affected: IC 35-48-3-2

Sec. 1. (a) A humane society, animal control agency, or governmental entity that intends to operate an animal shelter or other animal impounding facility for the purpose of buying, possessing, and using drugs authorized by IC 35-48-3-2 shall apply for a limited permit in the form and manner required by the board.

(b) The applicant shall provide the following:

- (1) Name and address of the facility.
- (2) Type of facility.
- (3) Documentation describing the ownership of the facility.
- (4) Fees set by the board in this rule.
- (5) Information about the substances that the facility intends to administer.
- (6) Written policies relating to storage, security, and procedures for access, handling, and administration of drugs.
- (7) Proof that the employees of the applicant who will handle a controlled substance are sufficiently trained to use and administer the controlled substance.
- (8) Proof that a licensed Indiana veterinarian holding a valid Indiana controlled substances registration and federal D.E.A. registration has been retained to provide technical advice to the facility.

(c) No humane society, animal control agency, or governmental entity that intends to operate an animal shelter or other animal impounding facility for the purpose of buying, possessing, and using drugs authorized by IC 35-48-3-2 shall engage in any activity for which a permit is required until the permit is granted by the board. (*Indiana Board of Pharmacy; 856 IAC 2-7-1*)

856 IAC 2-7-2 Permit fees

Authority: IC 35-48-3-2

Affected: IC 35-48-3-2

Sec. 2. The board shall charge and collect the following fees:

- (1) Application for a limited permit, fifty dollars (\$50).
- (2) Annual renewal of limited permit, twenty-five dollars (\$25).

(*Indiana Board of Pharmacy; 856 IAC 2-7-2*)

856 IAC 2-7-3 Renewal of permit

Authority: IC 35-48-3-2

Affected: IC 35-48-3-2

Sec. 3. The renewal of the limited permits issued under this section shall be on the same schedule as other humane

societies, animal control agencies, or governmental entities that hold controlled substance registrations issued by the board. (*Indiana Board of Pharmacy; 856 IAC 2-7-3*)

856 IAC 2-7-4 Storage, handling, and use of controlled substances

Authority: IC 35-48-3-2

Affected: IC 35-48-3-2

Sec. 4. (a) Limited permit holders and their agents, representatives, and employees must comply with the requirements of this rule for the storage and handling of controlled substances.

(b) All facilities at which controlled substances are stored, handled, or used shall:

- (1) be of suitable size and construction to facilitate cleaning, maintenance, and proper operations;
- (2) have storage areas large enough to provide adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions;
- (3) have a quarantine area for storage of controlled substances that are:
 - (A) outdated, damaged, deteriorated, misbranded, or adulterated; or
 - (B) in immediate or sealed secondary containers that have been opened;
- (4) be maintained in a clean and orderly condition; and
- (5) be free from infestation by insects, rodents, birds, or vermin of any kind.

(c) All facilities used for storage of controlled substances by registrants under this section shall comply with the security requirements as provided by 856 IAC 2-3-31.

(d) All controlled substances shall be stored at appropriate temperatures and under appropriate conditions in accordance with requirements, if any, in the labeling of such controlled substances, or with requirements in the current edition of an official compendium of drug information.

(e) If no storage requirements are established for a controlled substance, the controlled substance may be held at a controlled room temperature, as defined in an official compendium, to help ensure that its identity, strength, quality, and purity are not adversely affected.

(f) Controlled substances that are outdated, damaged, deteriorated, misbranded, or adulterated shall be quarantined and physically separated from other controlled substances until they are destroyed by a designated agent of the board or returned to their supplier.

(g) Any controlled substance whose immediate or sealed outer or sealed secondary containers have been opened or used shall be:

- (1) identified as such; and
- (2) quarantined and physically separated from other controlled substances until they are either destroyed by a designated agent of the board or returned to the supplier.

(h) Limited permit holders shall establish and maintain inventories and records of all controlled substances stored or used at the facility.

(i) Inventories and records shall be made available for inspection and photocopying by any authorized official of any governmental agency charged with enforcement of this rule for a period of two (2) years following disposition of the controlled substances.

(j) Records described in this section that are kept at the inspection site or that can be immediately retrieved by computer or other electronic means shall be readily available for authorized inspection during the retention period. Records kept at a central location apart from the inspection site and not electronically retrievable shall be made available for inspection within two (2) working days of a request by an authorized official of any governmental agency charged with enforcement of this rule. (*Indiana Board of Pharmacy; 856 IAC 2-7-4*)

856 IAC 2-7-5 Training of staff

Authority: IC 35-48-3-2

Affected: IC 35-48-3-2

Sec. 5. (a) Only employees of the limited permit holder are eligible for training to store, handle, and use controlled substances. Volunteers are prohibited from storing, handling, or using controlled substances.

(b) The following training is required:

- (1) Completion of a comprehensive training program approved by the controlled substance advisory committee.
- (2) Any additional training as required by the supervising veterinarian or site administrator.

(c) A veterinarian licensed to practice in Indiana, holding a valid Indiana controlled substances registration and federal D.E.A. registration, must verify in writing that the employee has been trained adequately to store, handle, or use controlled substances. The written verification must be maintained at the facility in a reasonably retrievable manner.

(d) The limited permit holder or site administrator shall maintain documentary proof of training in a reasonably retrievable manner at the facility for review by an authorized official of any governmental agency charged with

enforcement of this rule. (*Indiana Board of Pharmacy; 856 IAC 2-7-5*)

856 IAC 2-7-6 Protocol for administration of controlled substances

Authority: IC 35-48-3-2

Affected: IC 35-48-3-2

Sec. 6. In the event the consulting veterinarian is not physically present during the administration of controlled substances by employees of the limited permit holder, the veterinarian shall be available for consultation by telephonic or other electronic device. (*Indiana Board of Pharmacy; 856 IAC 2-7-6*)

856 IAC 2-7-7 Limitations on permit

Authority: IC 35-48-3-2

Affected: IC 35-48-3-2

Sec. 7. (a) Except as provided in subsection (b), only controlled substances for which the humane society, animal control agency, or governmental entity has received a permit may be stored, handled, and used at the facility.

(b) A licensed veterinarian who stores, handles, or uses controlled substances at the humane society, animal control agency, or governmental entity other than those authorized under the facility's limited permit, must apply for and obtain a controlled substance registration for the facility in the veterinarian's name.

(c) The veterinarian who holds the registration noted in subsection (b) is responsible for the proper storage, handling, and use of the controlled substances authorized for use under the veterinarian's controlled substance registration. (*Indiana Board of Pharmacy; 856 IAC 2-7-7*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 10, 2003 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Indiana Board of Pharmacy will hold a public hearing on proposed new rules to provide a limited permit for animal shelters to handle Ketamine and other products. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Lisa R. Hayes
Executive Director
Health Professions Bureau

Proposed Rules

TITLE 862 PRIVATE DETECTIVES LICENSING BOARD

Proposed Rule
LSA Document #02-302

DIGEST

Amends 862 IAC 1-1-6 to revise the advertising requirements. Effective 30 days after filing with the secretary of state.

862 IAC 1-1-6

SECTION 1. 862 IAC 1-1-6 IS AMENDED TO READ AS FOLLOWS:

862 IAC 1-1-6 Advertising

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-13; IC 35-43-4-3; IC 35-43-5-3

Sec. 6. ~~Advertising:~~ (a) Any advertisement by a licensee, or by any employee, member, officer, director, or manager of a licensee, must contain the full name, business address, and license number of the licensee as they appear in the records of the board. Such advertising shall include, but is not limited to, the following:

- (1) Business cards.
- (2) Identification cards.
- (3) Letterhead.
- (4) Invoices.
- (5) Other forms that may be used to advertise the licensee's business.

(b) No written or verbal advertisement by any licensee, or by any employee, member, officer, director, or manager of a licensee, shall contain any inference that the licensee or any such person is connected with or in any manner represents the Indiana State Police Department or the Superintendent of the Indiana State Police Department; nor shall the words "Indiana State Police", or "Superintendent of Indiana State Police", "Police", or the letters "I.S.P.", be used by any licensee or employee, member, officer, director or manager of a licensee on any forms, cards, letterheads or advertising media of any kind; provided that any local, state, or federal law enforcement agency.

(c) This section shall not be construed to prevent the proper use of the forms and cards authorized by the **private** detective license law and ~~by these rules and regulations this article~~ or any other legitimate advertising, but is intended solely for the purpose of preventing misleading or false advertising within the meaning and intent of ~~Indiana Code~~ IC 35-43-4-3 and IC 35-43-5-3. (*Private Detectives Licensing Board; Private Detective License Law Rule VII; filed Feb 5, 1979, 2:45 pm: 2 IR 300; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237*) NOTE: *Transferred from State Police Department (240 IAC 4.1-1-7) to*

Private Detectives Licensing Board (862 IAC 1-1-6) by P.L.234-1989, SECTION 25, effective July 1, 1989.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 20, 2003 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 2, Indianapolis, Indiana the Private Detectives Licensing Board will hold a public hearing on proposed amendments to revise the advertising requirements. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley
Executive Director
Indiana Professional Licensing Agency

TITLE 876 INDIANA REAL ESTATE COMMISSION

Proposed Rule
LSA Document #02-246

DIGEST

Amends 876 IAC 3-6-2 to incorporate by reference the 2003 edition of the Uniform Standards of Professional Appraisal Practice. Amends 876 IAC 3-6-3 to update the revisions to the Uniform Standards of Professional Appraisal Practice based upon the changes in the 2003 edition. Effective 30 days after filing with the secretary of state.

876 IAC 3-6-2

876 IAC 3-6-3

SECTION 1. 876 IAC 3-6-2, AS AMENDED AT 25 IR 3181, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-6-2 Uniform Standards of Professional Appraisal Practice

Authority: IC 25-34.1-3-8

Affected: IC 4-22-2; IC 25-34.1

Sec. 2. (a) That certain document being titled Uniform Standards of Professional Appraisal Practice, ~~2002~~ **2003** edition, as published by the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005, copyright ~~2002~~; **2003**, is hereby incorporated by reference as if fully set out in this rule except for the revisions stated in section 3 of this rule. The Statements on Appraisal Standards are adopted as part of this rule. The Advisory Opinions are not adopted as part of this rule. The Comments are adopted as part of this rule.

(b) No subsequent editions, amendments, supplements, or releases of the Uniform Standards of Professional Appraisal Practice will be in effect in Indiana or adopted by the commission except by following the rulemaking provisions of IC 4-22-2.

(c) As used in this article, "appraiser" refers to the following:

- (1) Indiana licensed trainee appraiser.
- (2) Indiana licensed residential appraiser.
- (3) Indiana certified residential appraiser.
- (4) Indiana certified general appraiser.

(Indiana Real Estate Commission; 876 IAC 3-6-2; filed Sep 24, 1992, 9:00 a.m.: 16 IR 748; filed Dec 8, 1993, 4:00 p.m.: 17 IR 781; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1766; filed May 10, 1999, 12:42 p.m.: 22 IR 2879; filed Apr 24, 2000, 12:48 p.m.: 23 IR 2243; filed May 25, 2001, 2:42 p.m.: 24 IR 3068; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed May 13, 2002, 2:05 p.m.: 25 IR 3181)

SECTION 2. 876 IAC 3-6-3, AS AMENDED AT 25 IR 3181, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-6-3 Deletions from the Uniform Standards of Professional Appraisal Practice

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 3. (a) Standards 6 through 10 are deleted.

(b) The references to Standards 6 through 10 of the Uniform Standards of Professional Appraisal Practice are deleted or revised as follows:

(1) In the Comment under the definition of "REPORT", delete the following:

- (A) "personal property".
- (B) "Appraisal Report: a written report prepared under Standards Rule 10-2(a)".
- (C) "or 8-2(a)".
- (D) "or 8-2(b)".

(E) The comma after 2-2(c) and "8-2(c) or 10-2(b)".

(2) Delete the last three (3) sentences of the fifth paragraph of the Preamble.

(3) In the third sentence in the Ethics Rules in the Preamble, delete "Standards 1 through 10" and insert "Standards 1 through 5".

(4) In the second Comment under the Ethics Rule in the Preamble, delete the comma after "5-3" and "6-8, 8-3, and 10-3" and before "5-3", insert "and".

(5) In the second Comment under the Management category of the Ethics Rule in the Preamble, delete the comma after "5-3" and "6-8, 8-3, or 10-3" and before "5-3", insert "or".

(6) In the last paragraph of the Comment under the Record Keeping category under the Ethics Rule in the Preamble, delete the comma after "2-2(c)(ix)" and "8-2(c)(ix), and 10-2(b)(ix)".

(7) In the third to last paragraph of the Comment following the Departure Rule in the Preamble, delete "6-7(p), 8-2(a)(xi), 8-2(b)(xi), 8-2(c)(xi), 10-2(a)(x), and 10-2(b)(x)" and before "2-2(c)(xi)", insert "and".

(8) In the next to last paragraph of the Comment following the Departure Rule in the Preamble, delete the comma after "5-3" and "6-1, 6-3, 6-6, 6-7, 6-8, 7-1, 7-2, 7-5, 7-6, 8-1, 8-2, 8-3, 9-1, 9-2, 9-3, 9-5, 10-1, 10-2, and 10-3" and before "5-3", insert "and".

(9) In the Comment under Standards Rule 1-4(g), delete "(See Standard 7)" and "(See Standard 9)".

In Standard 3, delete "or personal property".

(10) In the Comment under Standard 3, delete "or personal property" and delete the comma after "5-3" and "6-8, 8-3, and 10-3" and before "5-3", insert "and".

(11) In two (2) locations that appear in the Comment under Standard 3-1(c), delete "(STANDARD 1, or 4, 6, 7, or 9)" and insert "(STANDARD 1 or 4)".

(12) Delete the last sentence in the Comment under Standard 3-2(d) delete "or 8-1" and "or 8-2(a), (b), or (c)(viii)": and insert the following: "However, changes to the report content by the reviewer to support a different value conclusion must match, at a minimum, the reporting requirements for a Summary Appraisal Report for real property appraisal [SR 2-2(b)] and an appraisal consulting report for real property appraisal consulting [SR 5-2]."

(13) Any references to Standards 6 through 10 in the Statements on Appraisal Standards are deleted and shall not apply.

(c) Delete the second paragraph of the Preamble.

(d) In the Preamble, add the following sentences to the end of the text of Supplemental Standards, "Any such supplemental standard shall not be considered part of this title. However, this does not preclude the possibility of disciplinary sanctions under IC 25-1-11-5(a)(3) where appropriate."

(e) In the Definitions in the Preamble, delete the title and text of the Comment under Real Property. *(Indiana Real Estate Commission; 876 IAC 3-6-3; filed Sep 24, 1992, 9:00 a.m.: 16 IR 748; filed Dec 8, 1993, 4:00 p.m.: 17 IR 781; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; errata filed May 8, 1995, 4:30 p.m.: 18 IR 2262; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1767; filed May 10, 1999, 12:42 p.m.: 22 IR 2880; errata, 22 IR 3420; filed Apr 24, 2000, 12:48 p.m.: 23 IR 2244; filed May 25, 2001, 2:42 p.m.: 24 IR 3068; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed May 13, 2002, 2:05 p.m.: 25 IR 3181)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 27, 2003 at 10:45 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 12,

Proposed Rules

Indianapolis, Indiana the Indiana Real Estate Commission will hold a public hearing on proposed amendments to incorporate by reference the 2003 edition of the Uniform Standards of Professional Appraisal Practice and to update the revisions to the Uniform Standards of Professional Appraisal Practice based upon the changes in the 2003 edition. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley
Executive Director
Indiana Professional Licensing Agency

TITLE 876 INDIANA REAL ESTATE COMMISSION

Proposed Rule
LSA Document #02-300

DIGEST

Adds 876 IAC 4-2-3.5 to establish an outline for the mandatory continuing education courses under IC 25-34.1-9-11(a)(1). Effective January 1, 2004.

876 IAC 4-2-3.5

SECTION 1. 876 IAC 4-2-3.5 IS ADDED TO READ AS FOLLOWS:

876 IAC 4-2-3.5 Outline for curricula for salespersons and brokers under IC 25-34.1-9-11(a)(1)

Authority: IC 25-34.1-9-21
Affected: IC 25-34.1-9-11

Sec. 3.5. (a) Except as allowed by subsection (b), the subject areas required in sections 2 and 3 of this rule shall be taught under the following recommended outlines:

(1) The following under the Indiana licensure and escrow law:

- (A) Purpose and basic provisions of licensing statutes and administrative rules.
- (B) Real estate broker and salesperson licensure requirements.
- (C) Educational requirements.
- (D) Enforcement of statutes and rules.
- (E) Seller agency.
- (F) Buyer agency.
- (G) Limited agency.
- (H) Disclosure issues.
- (I) Unlicensed assistants.
- (J) Current topics of importance.

(2) The following under the agency law:

- (A) General agency law.
- (B) Agency relationships, including agent's duty to the following:
 - (i) Principal.
 - (ii) Third parties.
- (C) Creation of an agency.
- (D) Enforcement of agency, including the following:
 - (i) Intentional misrepresentation.
 - (ii) Negligent misrepresentation.
 - (iii) Fraud.
- (E) Liabilities and consequences of breach of duties, including the following:
 - (i) Disciplinary action by the Indiana real estate commission.
 - (ii) Civil liability.
 - (iii) Criminal liability.
- (F) Seller agency.
- (G) Buyer agency.
- (H) Limited agency.

(3) The following under the fair housing and civil rights laws:

- (A) Historical context of legislation.
- (B) Discriminatory acts and penalties, including the following:
 - (i) Theories of discrimination.
 - (ii) Items of specific prohibition.
 - (iii) Definitions.
- (C) Exemptions.
- (D) Enforcement.
- (E) Testing for compliance.
- (F) Advertising.
- (G) Protected classes.
- (H) Record keeping.
- (I) Fair housing procedures.

(4) The following under the listing contracts and purchase agreements:

- (A) Basic contract law.
- (B) Statute of frauds.
- (C) Indiana license law.
- (D) Essential elements of a contract.
- (E) Enforcement and defenses to enforcement of contracts.
- (F) Listing contracts, including the following:
 - (i) Types.
 - (ii) Seller disclosure.
 - (iii) Duties and responsibilities of both parties.
 - (iv) Extension/protection clause.
- (G) Purchase agreement, including the following:
 - (i) Duties and responsibilities of both parties.
 - (ii) Contingencies.
 - (iii) Real property and personal property issues.

(5) The following under the settlement procedures:

- (A) Principles and sources of contract law.
- (B) Contract terms and definitions.

- (C) Contract essentials.
- (D) Legal objective.
- (E) Performance and nonperformance.
- (F) Sources of contract law.
- (G) Listing contract and purchase agreements.
- (H) Agent's role in closing, including the following:
 - (i) Financing.
 - (ii) Inspections.
 - (iii) Environmental.
 - (iv) Insurance.
 - (v) Appraisal and survey.
 - (vi) Title.
 - (vii) Closing and possession.
- (I) Escrow deposits and disbursement.
- (J) Controlling problems.
- (6) The following under the antitrust laws:
 - (A) Sherman act.
 - (B) Clayton act.
 - (C) Federal Trade Commission.
 - (D) Indiana act.
 - (E) Penalties for antitrust violations.
 - (F) Potential violations with clients and customers.
 - (G) Potential violations with competitors.
 - (H) Potential violations with providers and other organizations.
 - (I) Enforcement.
 - (J) Compliance policies.
- (7) The following under environmental issues:
 - (A) Historical perspective.
 - (B) Federal environmental laws.
 - (C) Indiana environmental laws, including the following:
 - (i) Insecticide and pesticide.
 - (ii) Wells.
 - (iii) Water quality.
 - (iv) Sewage disposal systems.
 - (v) Radon.
 - (vi) Asbestos.
 - (vii) Lead.
 - (viii) Storage tanks.
 - (ix) Electric and magnetic fields.
 - (x) Wet lands.
 - (xi) Mold and other biological contaminants.

- (8) The following under ethics and standards:
 - (A) Ethics, standards, regulations, and laws.
 - (B) Business versus personal ethics.
 - (C) Ethical considerations, including the following:
 - (i) Management.
 - (ii) Record keeping.
 - (iii) Confidentiality.
 - (D) Standards discussions.
 - (E) Duties and responsibilities of parties involved.
 - (F) Meditation.
 - (G) Arbitration.
 - (H) Litigation with regulations.

(b) As an alternative to following the outlines in subsection (a), the subject areas required in sections 2 and 3 of this rule may be taught under outlines substantially similar under subsection (a). (*Indiana Real Estate Commission; 876 IAC 4-2-3.5*)

SECTION 2. SECTION 1 of this document takes effect January 1, 2004.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 27, 2003 at 11:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 12, Indianapolis, Indiana the Indiana Real Estate Commission will hold a public hearing on proposed amendments to establish an outline for the mandatory continuing education courses under IC 25-34.1-9-11(a)(1). Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley
Executive Director
Indiana Professional Licensing Agency

Indiana Register

Proposed Readopted Rules

Division of Disability, Aging, and Rehabilitative Services 1734

Final Readopted Rules

Alcohol and Tobacco Commission 1735

Readopted Rules

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

Proposed
LSA Document #02-237

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. *NOTE: IC 4-22-2.5-5 authorizes the governor, by executive order, to postpone the expiration date for one year. Executive Order 02-22 (printed at 26 IR 1746), issued December 20, 2002, extends the rules listed in this document to expire January 1, 2004.* Effective 30 days after filing with the secretary of state.

460 IAC 3.5

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS
READOPTED:

460 IAC 3.5 RATES FOR ADULT DAY SERVICES PROVIDED BY COMMUNITY MENTAL RETARDATION AND OTHER DEVEL- OPMENTAL DISABILITIES CENTERS

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on March 4, 2003 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451, Conference Room A, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

MS27

Jean A. Oswalt

FSSA Office of General Counsel

Indiana Government Center-South

402 West Washington Street, Room W451

Indianapolis, Indiana 46204.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Steven C. Cook

Director

Division of Disability, Aging, and Rehabilitative
Services

**TITLE 905 ALCOHOL AND TOBACCO
COMMISSION**

Final
LSA Document #02-272(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. *NOTE: IC 4-22-2.5-5 authorizes the governor, by executive order, to postpone the expiration date for one year. Executive Order 02-22 (printed at 26 IR 1746), issued December 20, 2002, extends the rules listed in this document to expire January 1, 2004. Effective 30 days after filing with the secretary of state.*

905 IAC 1-39**905 IAC 1-40****905 IAC 1-41**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING
ARE READOPTED:

- 905 IAC 1-39 Horse Track and Satellite Facility Permits
- 905 IAC 1-40 Catering Halls and Supplemental Caterer's Permits
- 905 IAC 1-41 Separation of Family Room from Barroom

LSA Document #02-272(F)

Intent to Readopt Rules Published: October 1, 2002; 26 IR 182

Proposed Readopted Rules Published: November 1, 2002; 26 IR 544

Hearing Held: December 2, 2002

Filed with Secretary of State: January 7, 2003, 4:31 p.m.

60 Day Requirement (IC 4-22-2-19)
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TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #02-104

December 23, 2002

Hon. Senator Luke Kenley, Chairperson
Administrative Rules Oversight Committee
200 West Washington Street
Indianapolis, IN 46204

RE: Notification of Rule Extension—IC 4-22-2-25 LSA Document #02-104

Dear Senator Kenley:

The Department of Natural Resources is providing timely notification, pursuant to IC 4-22-2-25, that it will not be able to complete promulgation of the above rule within one (1) year. The Notice of Intent to adopt this rule was published in the Indiana Register on May 1, 2002, page 2544. The purpose of this rule is to implement groundwater quality standards promulgated by the Water Pollution Control Board into surface mining regulations administered by the Department of Natural Resources.

The Department has determined that the rule cannot be adopted within the one-year deadline due to the numerous comments of a complex nature that were received during the public hearing and comment period. These comments make it necessary to reevaluate specific portions of the preliminarily adopted version of the rule. This process continues to include interaction with stakeholders interested in the rule including the environmental community and the coal industry in an effort to reach resolution on the issues. Due to the complexity of the rule itself and the efforts to reach consensus with stakeholders, it is not anticipated that the rulemaking process will be completed by the statutory deadline of May 1, 2003. It is expected that the rule will be approved or deemed approved by the Governor or withdrawn no later than August 1, 2003.

Therefore, it is the request of the Department that the deadline to complete the promulgation process for the above rule be extended to and including August 1, 2003.

Respectfully yours,

Paul J. Ehret
Deputy Director

cc:
Susan Kennell, Esq.
Natural Resources Commission
Bruce Stevens

TITLE 327 WATER POLLUTION CONTROL BOARD
SECOND NOTICE OF COMMENT PERIOD
 #01-51(WPCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING CONCENTRATED ANIMAL FEEDING OPERATIONS
PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for a general National Pollutant Discharge Elimination System permit for concentrated animal feeding operations (CAFOs). The purpose of this rulemaking is to allow IDEM to issue a general NPDES permit for all confined feeding operations that meet the definition of a CAFO. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: March 1, 2001, Indiana Register (24 IR 1976).

CITATIONS AFFECTED: 327 IAC 5-4-3; 327 IAC 15-15.

AUTHORITY: IC 13-13-5-1; IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 412.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Under the Clean Water Act, CAFOs are point sources for pollutant discharges subject to the NPDES permit process. This requirement is also found in federal regulations at 40 CFR 122.23(a). The term "CAFO" is defined in 40 CFR 122. This same language has been adopted in Indiana and is found in the Indiana Administrative Code at 327 IAC 5-4-3 concerning special NPDES programs. Based on a decision from the United States District Court for the Southern District of Indiana, IDEM is required to select one (1) of three (3) options for pursuing NPDES permits for CAFOs in Indiana. IDEM believes that development of a general permit rule is the most time and resource effective means to comply with this court order. In addition, U.S. EPA has published amendments to the federal NPDES regulations for CAFOs, which are being incorporated into this rulemaking.

IDEM has a separate program to regulate confined feeding operations (CFOs). This program is required by statute under IC 13-18-10. However, the requirements of that program do not, in all instances, meet the requirements for a NPDES permit under federal law. IDEM believes the most effective way to address the issue of federal NPDES requirements under the Clean Water Act is in a separate rulemaking that considers all the alternatives available for compliance with those requirements.

IDEM has drafted rule language for a new NPDES general permit for CAFOs at 327 IAC 15-15. IDEM has also amended 327 IAC 5-4-3 to comport with the newly published federal regulations. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from March 1, 2001, through April 1, 2001, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

Joseph E. Kernan, Lieutenant Governor and Commissioner of Agriculture, (ICARD)

Harry L. Pearson, Indiana Farm Bureau, (IFB)

Terry Fleck, Indiana Pork Producers Association, (IPPA)

Paul Wm. Brennan, Indiana State Poultry Association, Inc., (ISPA)

Bryan Hendrix, Rose Acre Farms, (RAF-BH)

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

Comment: IDEM worked diligently with U.S. EPA over this 42-month period to satisfy the environmental requirements of a National Pollutant Discharge Elimination System (NPDES) permit. In fact, when reviewing the Indiana confined feeding rule, compared to the environmental requirements of an NPDES permit, Indiana's rule is more environmentally restrictive and protective of the Hoosier environmental landscape. Indiana's rule is functionally equivalent to a federal program and provides a mechanism for enforcement and protection of water quality under the Clean Water Act. (ICARD) (IFB) (IPPA) (ISPA)

Response: IDEM has discussed the concept of "functional equivalency" with EPA, and has attempted to make the case that the CFO rule is functionally equivalent per the 1999 U.S. EPA/USDA CAFO strategy. However, in accordance with the above referenced federal court decision, the federal government is concluding that Indiana must have NPDES permits for CAFOs. IDEM believes the general permit process is the most expeditious way to meet the requirements of the court order and pending federal regulations.

Comment: With the transition of the federal Administration, it is not prudent to move forward with rulemaking at this time. Animal agriculture federal policy and position has not been determined and communicated to the state level decision-makers. It is because of these reasons that we discourage pursuing additional rulemaking on concentrated animal feeding operations. Indiana farmers are doing their job of protective water quality in this state. Indiana's animal agriculture rules are enforceable and achieve environmental performance standards; therefore rulemaking is not necessary. (ICARD) (IFB) (ISPA)

Response: IDEM believes that with the inception of the new state CFO rules and continued education and outreach with the agricultural community that Indiana's farmers have made significant strides regarding environmental stewardship. However, IDEM is responding to a court order to issue NPDES permits and this rulemaking is the most expeditious way to pursue NPDES permits for CAFOs. IDEM will seek to be as nonduplicative as possible with the existing state rules.

Comment: The task force worked diligently to develop this rule to protect Indiana's water resources and to allow Indiana's livestock to remain a viable part of the state economy. We believe the final adopted rule accomplishes these goals. IDEM has kept the Environmental Protection Agency informed of the rule's progress and content. Numerous revisions were incorporated into the rule in the last year to satisfy EPA concerns. We believe the proposed rule exceeds all requirements for CAFOs under the Clean Water Act. (IFB) (IPPA)

Response: The state CFO rule does not meet all requirements for a NPDES permit for CAFOs. IDEM will work to assure that, to the extent possible, there are not duplicative requirements under the NPDES general permit rule.

Comment: We emphasize that Indiana confined feeding operations operate under a "zero discharge" requirement with no allowances for discharges under wet weather conditions. This is far more restrictive than the NPDES discharge permits issued to industries and municipal wastewater facilities. To propose a new NPDES rule for CAFOs, with a no-discharge provision, does not add environmental protection. Indiana's existing environmental rules do contain provisions to issue NPDES permits to confined feeding operations that have demonstrated an inability to operate without discharging. IDEM is currently

requesting NPDES permits from a number of livestock facilities that fit this category. With current authority to issue NPDES permits to CAFOs when circumstances dictate, we do not see a need for additional regulation. (IFB)

Response: IDEM is under a court order to issue NPDES permits to all CAFOs within the state. The most apparent interpretation of the federal court decision is that all federally-defined CAFOs require a NPDES permit, regardless of whether there is a documented discharge.

Comment: The newly adopted rule applies to a threshold of livestock operations far below the federal guideline. It provides for 5-year renewable permits, extensive on-farm record keeping, continues a no-discharge requirement, emergency response plans, land application requirements, manure management plans, construction guidelines, and much more. Since 1998, IDEM has faithfully pursued a comprehensive inspection program on confined feeding operations, with continuous improvement being noted in locating and correcting management and structural inconsistencies. (IPPA)

Response: IDEM agrees with this characterization of the state program and state efforts to protect the environment.

Comment: What specific EPA official is calling for another new rule from the state of Indiana? Under what pretext in the newly adopted IDEM CFO rule is EPA driving their insistence upon IDEM for further rule changes? Under what demonstratable insufficiency is EPA calling for more environmental protection that is not covered in the IDEM CFO rule? (IPPA)

Response: IDEM is under a court order to issue NPDES permits to all CAFOs in the state.

Comment: US EPA is currently undergoing revision to the federal CAFO regulation and effluent limitation guideline. The intent of the federal laws, which have been in place for the past twenty (20) years when real problems were found, has been to regulate when real problems were found in a facility. Indiana has consistently implemented this delegated authority and taken steps, through its confined feeding statute and guidelines and enforcement authority, to protect Indiana waters. To begin an Indiana process to revise rules to meet federal guidelines when those guidelines have not been determined is unnecessary and premature. Given the recent and evolving changes at US EPA, it seems prudent to allow EPA the room to make their decision on what it required and then take steps to modify if necessary. To take action before we know what will be reflective of the new EPA is not sound policy and an efficient use of IDEM's time. (IPPA)

Response: As stated above, there is now a court order requiring the issuance of NPDES permits to all CAFOs in the state. IDEM believes that the best way to achieve this is to adopt a general permit rule, thereby obviating the need for each individual CAFO to seek an individual permit. IDEM believes that any new general NPDES permit rule should be consistent with the amended federal CAFO regulations expected to be published in December. IDEM will work to incorporate the federal requirements within this rulemaking to the extent possible.

Comment: Current Indiana statute is clear on the steps to follow if and when the issue of a federal NPDES requirement needs to be implemented. Prior to an NPDES permit application, IDEM is to conduct an on-site inspection and determination is then made if a facility should be regulated. The determination is defined to be in the form of pollutants being discharged directly or through another device. To simply imply, as some have suggested, that all CFO's automatically discharge, is legally incorrect and would constitute a violation of our state law. To automatically override state law in this regard is abusive discretion. The foundational premise that because one exists one violates the no discharge policy, is untrue and not scientifically defensible. (IPPA)

Response: IDEM has not suggested and does not mean to imply that all CFOs discharge. There is a distinction between a CFO, as defined

under Indiana law, and a CAFO, as defined under federal law. Indiana has adopted the federal definition of a CAFO in its regulations and currently has the authority to issue individual NPDES permits to CAFOs within the state. The requirement for an on-site inspection only applies to small operations that are designated as CAFOs due to a finding that the operations are significant contributors of pollution to waters of the state. Other operations, based either on size or on size and discharge are, under both state and federal law, a CAFO, which is a point source under the Clean Water Act.

Comment: Rather than pursue the costly process of additional rulemaking it seems apparent that IDEM should implement the tools it already has available. Provisions exist to adequately regulate all confined feeding operations in Indiana. Design and construction standards exist, manure management plans exist, inspection programs exist, record keeping program exist, 5-year permits exist, public comment provisions exist, enforcement authority exists and NPDES provisions exist. Appropriate and fair implementation of current statutes, rules and guidelines and policies is more advisable at the current time until we see where EPA will end up on these evolving issues. Doing anything different is building on shifting sand. (IPPA)

Response: IDEM agrees that implementation of the tools that exist is imperative to environmental protection in Indiana. IDEM could use existing rules to require individual NPDES permits from all CAFOs as defined at 327 IAC 5-4-3. However, it is IDEM's belief that pursuing a general permit rule would be less burdensome for both the agency and those regulated by it. IDEM intends to use the tools developed through many years of hard work with the agricultural community and the public to assure, to the extent possible, that there is not a duplication of requirements and effort between the state CFO rule and the NPDES general permit rule.

Comment: Why is (IDEM) continuing to work on CAFO's? Are we having catastrophes happening in the farming sector that we are not aware of? Today we had an inspector to show up at a site where we were spreading eggshells on the field. He wasted his time and ours. Is this a good way of using our taxpayers money? Now you want to start on NPDES rule making for CAFOs. It is very difficult in this day and age to make money farming. This will only complicate things worse. Why do we need this rule? Is it going to clean the environment up or is it just going to complicate things and make hard feelings between landowners. I want you to know that we already do a good job on each of our farms. That is why we are still in business. Go after the ones that are the problem (City wastewater, etc.) The farming sector has almost died here in Indiana and this will only make it worse. (RAF-BH)

Response: IDEM is continuing to pursue a NPDES general permit rule to satisfy a court order to issue NPDES permits to all CAFOs in the state. Inspection of regulated entities is a vital compliance tool that aids both the agency and the persons being inspected in assuring compliance. IDEM has worked closely with the agricultural community in development of the state CFO rules, which were required by statute, and intends to do so in the development of this rule.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Mailed comments should be addressed to:

#01-51(WPCB)[CAFO-NPDES]

Marjorie Samuel

Rules, Outreach and Planning Section

Office of Land Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the eleventh floor reception desk, Office of Land Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at (317) 232-3403, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by call the Rules, Planning and Outreach Section at (317) 232-7995 or (317) 232-3593.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by March 3, 2003.

Additional information regarding this action may be obtained from Lynn West, Rules, Outreach, and Planning Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 327 IAC 5-4-3 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-4-3 Concentrated animal feeding operations

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-2; IC 13-18-3

Affected: IC 13-11-2; IC 13-13-5-1; IC 13-18-4

Sec. 3. (a) Concentrated animal feeding operations are point sources subject to the that require NPDES permit program permits for discharges or potential discharges. Once an operation is defined as a CAFO under this section, the NPDES requirements for CAFOs apply with respect to all animals in confinement at the operation and all manure, litter, and process wastewater generated by those animals or the production of those animals, regardless of the type of animal. Except as provided in subsection (d), all CAFO owners or operators must seek coverage under either an individual NPDES permit or a general NPDES permit under 327 IAC 15-15.

(b) The following definitions apply throughout this rule:

(1) "Animal confinement area" means the areas of the facility where animals are housed. It includes, but is not limited to, the following areas:

- (A) Open lots.
- (B) Housed lots.
- (C) Feedlots.
- (D) Confinement houses.
- (E) Stall barns.
- (F) Free stall barns.
- (G) Milk rooms.
- (H) Milking center.
- (I) Cowyards.
- (J) Barnyards.
- (K) Medication pens.
- (L) Walkers.
- (M) Animal walkways.
- (N) Stables.

(2) "Animal feeding operation" or "AFO" means the following:

(A) A lot or facility, other than an aquatic animal production facility, where the following conditions are met:

- (A) (i) Animals, other than aquatic animals, that have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period. and
- (B) (ii) Crops, vegetation, forage growth, or post-harvest residues that are not sustained in the normal growing season over any portion of the lot or facility.

(B) Two (2) or more animal feeding operations under common

ownership are considered, for the purposes of this article, (327 IAC 5); to be a single animal feeding operation if they the operations adjoin each other or if they the operations use a common area or system for the disposal of wastes.

(2) (3) "Concentrated animal feeding operation" or "CAFO" means an animal feeding operation which meets the criteria set forth in clause (A) or (B) or which is designated AFO that is one (1) of the following:

(A) A large CAFO.

(B) A medium CAFO.

(C) Designated as a CAFO by the commissioner under subsection (c).

(A) More than the numbers of animals specified in any of the following categories are confined:

- (i) one thousand (1,000) slaughter and feeder cattle;
- (ii) seven hundred (700) mature dairy cattle (whether milked or dry cows);
- (iii) two thousand five hundred (2,500) swine each weighing over 25 kilograms (approximately 55 pounds);
- (iv) five hundred (500) horses;
- (v) ten thousand (10,000) sheep or lambs;
- (vi) fifty-five thousand (55,000) turkeys;
- (vii) one hundred thousand (100,000) laying hens or broilers (if the facility has continuous overflow watering);
- (viii) thirty thousand (30,000) laying hens or broilers (if the facility has a liquid manure system);
- (ix) five thousand (5,000) ducks; or
- (x) one thousand (1,000) animal units; or

(B)(i) Either pollutants are discharged from the facility into waters of the state through a man-made ditch, flushing system, or other similar man-made device; or pollutants are discharged directly from the facility into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation; provided, however, that no animal feeding operation is a concentrated animal feeding operation as defined above if such animal feeding operation discharges only in the event of a twenty-five (25) year, twenty-four (24) hour storm event; and

(ii) More than the following numbers of animals are confined in any of the following categories:

- (AA) three hundred (300) slaughter or feeder cattle;
- (BB) two hundred (200) mature dairy cattle (whether milked or dry cows);
- (CC) seven hundred fifty (750) swine, each weighing over 25 kilograms;
- (DD) one hundred fifty (150) horses;
- (EE) three thousand (3,000) sheep or lamb;
- (FF) sixteen thousand five hundred (16,500) turkeys;
- (GG) thirty thousand (30,000) laying hens or broilers (if the facility has continuous overflow watering);
- (HH) nine thousand (9,000) laying hens or broilers (if the facility has a liquid manure handling system);
- (H) one thousand five hundred (1,500) ducks; or
- (JJ) three hundred (300) animal units.

(3) "Animal unit" means a unit of measurement for any animal feeding operation such that the total animal units is calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0; plus the number of mature dairy cattle multiplied by 1.4; plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4; plus the number of sheep multiplied by 0.1; plus the number of horses multiplied by 2.0.

Two (2) or more AFOs under common ownership that are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for disposal of wastes.

(4) "Land application area" means land under the control of an AFO owner or operator, whether the land is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied.

(5) "Large concentrated animal feeding operation" or "large CAFO" means an AFO that stables or confines as many as or more than the number specified in any of the following categories:

- (A) Seven hundred (700) mature dairy cows, whether milked or dry.
- (B) One thousand (1,000) veal calves.
- (C) One thousand (1,000) cattle other than mature dairy cows or veal calves. Cattle includes, but is not limited to, heifers, steers, bulls, and cow/calf pairs.
- (D) Two thousand five hundred (2,500) swine each weighing fifty-five (55) pounds or more.
- (E) Ten thousand (10,000) swine each weighing less than fifty-five (55) pounds.
- (F) Five hundred (500) horses.
- (G) Ten thousand (10,000) sheep or lambs.
- (H) Fifty-five thousand (55,000) turkeys.
- (I) Thirty thousand (30,000) hens or broilers, if the AFO uses a liquid manure handling system.
- (J) One hundred twenty-five thousand (125,000) chickens, other than laying hens, if the AFO uses other than a liquid manure handling system.
- (K) Eighty-two thousand (82,000) laying hens, if the AFO uses other than a liquid manure handling system.
- (L) Thirty thousand (30,000) ducks, if the AFO uses other than a liquid manure handling system.
- (M) Five thousand (5,000) ducks, if the AFO uses a liquid manure handling system.

(6) "Manure" means animal waste, bedding, compost, and raw materials or other materials commingled with manure or set aside for disposal.

(7) "Manure storage area" means any area where manure is kept. It includes, but is not limited to, the following areas:

- (A) Lagoons.
- (B) Run-off ponds.
- (C) Storage sheds.
- (D) Stockpiles.
- (E) Under house or pit storages.
- (F) Liquid impoundments.
- (G) Static piles.
- (H) Composting piles.

(8) "Manmade" means constructed by man and used for the purpose of transporting wastes.

(9) "Medium concentrated animal feeding operation" or "medium CAFO" means the following:

- (A) Any AFO with the type and number of animals that fall within any of the following ranges and has been defined or designated as a CAFO:
 - (i) Two hundred (200) to six hundred ninety-nine (699) mature dairy cattle, whether milked or dry.
 - (ii) Three hundred (300) to nine hundred ninety-nine (999) veal calves.
 - (iii) Three hundred (300) to nine hundred ninety-nine (999) cattle other than mature dairy cows or veal calves. Cattle includes, but is not limited to, heifers, steers, bulls, and cow/calf pairs.

(iv) Seven hundred fifty (750) to two thousand four hundred ninety-nine (2,499) swine each weighing fifty-five (55) pounds or more.

(v) Three thousand (3,000) to nine thousand nine hundred ninety-nine (9,999) swine each weighing less than fifty-five (55) pounds.

(vi) One hundred fifty (150) to four hundred ninety-nine (499) horses.

(vii) Three thousand (3,000) to nine thousand nine hundred ninety-nine (9,999) sheep or lambs.

(viii) Sixteen thousand five hundred (16,500) to fifty-four thousand nine hundred ninety-nine (54,999) turkeys.

(ix) Nine thousand (9,000) to twenty-nine thousand nine hundred ninety-nine (29,999) laying hens or broilers, if the AFO uses a liquid manure handling system.

(x) Thirty-seven thousand five hundred (37,500) to one hundred twenty-four thousand nine hundred ninety-nine (124,999) chickens, other than laying hens, if the AFO uses other than a liquid manure handling system.

(xi) Twenty-five thousand (25,000) to eighty-one thousand nine hundred ninety-nine (81,999) laying hens, if the AFO uses other than a liquid manure handling system.

(xii) Ten thousand (10,000) to twenty-nine thousand nine hundred ninety-nine (29,999) ducks, if the AFO uses other than a liquid manure handling system.

(xiii) One thousand five hundred (1,500) to four thousand nine hundred ninety-nine (4,999) ducks, if the AFO uses a liquid manure handling system.

(B) Either one (1) of the following conditions are met:

- (i) Pollutants are discharged into waters of the state through a manmade ditch, flushing system, or other similar manmade device.
- (ii) Pollutants are discharged directly into waters of the state that originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

(10) "No potential to discharge" means that there is no potential for any CAFO manure, litter, or process wastewater to be added to waters of the state under any circumstance or climatic condition.

(11) "Process wastewater" means the following:

- (A) Water directly or indirectly used in the operation of the AFO for any or all of the following:
 - (i) Spillage or overflow from animal or poultry watering systems.
 - (ii) Washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities.
 - (iii) Direct contact swimming, washing, or spray cooling of animals.
 - (iv) Dust control.

(B) Process wastewater includes any water that comes into contact with any raw materials, products, or byproducts, including manure, litter, feed, milk, eggs, or bedding.

(12) "Production area" means that part of an AFO that includes the following:

- (A) The animal confinement areas.
- (B) The manure storage areas.
- (C) The raw materials storage areas.
- (D) The waste containment areas.
- (E) Egg washing or processing facility.
- (F) Any area used in the storage, handling, treatment, or disposal of mortalities.

(13) "Raw materials storage area" includes, but is not limited to, the following:

- (A) Feed silos.
- (B) Silage bunkers.
- (C) Bedding materials.

(14) "Small concentrated animal feeding operation" or "small CAFO" means an AFO that is designated as a CAFO and is not a medium CAFO.

(15) "Waste containment area" means an area designed to contain manure, litter or process wastewater and includes, but is not limited to, the following:

- (A) Settling basins.
- (B) Areas within berms and diversions that separate uncontaminated storm water.

(c) Case-by-case designation of concentrated animal feeding operations **requirements are as follows:**

(1) Notwithstanding any other provision of this section, any animal feeding operation may be designated as a concentrated animal feeding operation where it is determined to be a significant contributor of pollution to the waters of the state. In making this designation, the commissioner shall consider the following factors:

- (A) The size of the animal feeding operation and the amount of wastes reaching waters of the state.
- (B) The location of the animal feeding operation relative to waters of the state.
- (C) The means of conveyance of animal wastes and process wastewaters into waters of the state.
- (D) The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes, manure, and process wastewaters into waters of the state. ~~and~~
- (E) Other factors relevant to the significance of the pollution problem under consideration.

(2) In no case shall a permit application be required from a concentrated animal feeding operation designated under this subsection until there has been an on-site inspection of the operation and a determination that the operation should be regulated under the permit program.

(3) No animal feeding operation with less than the numbers of animals set forth in subsection ~~(b)~~ (b)(8) shall be designated as a concentrated animal feeding operation unless:

- (A) pollutants are discharged into waters of the state through a manmade ditch, flushing system, or other similar manmade device; or
- (B) pollutants are discharged directly into waters of the state ~~which that~~ originate outside of the facility and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

(d) An owner or operator of a large CAFO does not need to seek coverage under this rule or 327 IAC 15-15 if the owner or operator has received a notification from the commissioner of a determination that the CAFO has no potential to discharge in accordance with 327 IAC 15-15-10. (Water Pollution Control Board; 327 IAC 5-4-3; filed Sep 24, 1987, 3:00 p.m.: 11 IR 642)

SECTION 2. 327 IAC 15-15 IS ADDED TO READ AS FOLLOWS:

Rule 15. Concentrated Animal Feeding Operations

327 IAC 15-15-1 Purpose

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 1. The purpose of this rule is to establish an NPDES general permit for CAFOs. In addition to the requirements of this article for all general permits, this rule establishes the requirements for CAFOs in Indiana. (Water Pollution Control Board; 327 IAC 15-15-1)

327 IAC 15-15-2 Definitions

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-11-2; IC 13-18-10

Sec. 2. The definitions contained in IC 13-11-2, 327 IAC 5-1.5, 327 IAC 5-4-3, and 327 IAC 15-1-2 apply throughout this rule. In addition to those definitions, the following definitions apply throughout this rule:

- (1) "Manure management plan" or "MMP" means the plan required under 327 IAC 16 for the proper handling, storage and disposal of manure, litter, and process wastewater.
- (2) "NRCS 590 standard" means the Indiana Natural Resources Conservation Service (NRCS) Nutrient Management Conservation Practice Standard, Code 590 for Phosphorus, July 2001.
- (3) "No potential to discharge" means that there is no potential for any CAFO manure, litter, or process wastewater to be added to waters of the state under any circumstance or climatic condition.

(Water Pollution Control Board; 327 IAC 15-15-2)

327 IAC 15-15-3 Applicability

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10; IC 13-30-3

Sec. 3. (a) This rule applies to all CAFOs or AFOs designated as CAFOs under 327 IAC 5-4-3(c) located within the permit boundary set forth in section 4 of this rule. All CAFO owners or operators must seek coverage under this rule or through an individual NPDES permit, except as provided in subsection (d).

(b) Any owner or operator covered by this rule can request to be excluded from coverage under this general permit rule by applying for and obtaining an individual NPDES permit.

(c) A person excluded from the general permit rule solely because the person has a valid existing individual NPDES permit may request coverage under the general permit rule and may request revocation of the existing individual NPDES permit pursuant to 327 IAC 15-2-3.

(d) The discharge of manure, litter, or process wastewater to waters of the state from a CAFO as a result of land application of the manure, litter, or process wastewater to land areas under its control is a discharge from the CAFO subject to NPDES permit requirements. A CAFO with a valid existing NPDES permit is not subject to enforcement action under IC 13-30-3 if the material is applied in accordance with the land application standards of this rule and 327 IAC 16-10. (Water Pollution Control Board; 327 IAC 15-15-3)

327 IAC 15-15-4 General permit rule boundary

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 4. All CAFOs, or AFOs designated as CAFOs under 327 IAC 5-4-3(c), within the boundaries of the state are regulated by this rule. (Water Pollution Control Board; 327 IAC 15-15-4)

327 IAC 15-15-5 Notice of intent letter requirements

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 5. (a) The owner or operator of a CAFO shall submit a notice of intent (NOI) letter, on a form supplied by the department, to the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, IN 46206-6015, Attention: Permits Section.

(b) The NOI letter shall include the following:

- (1) Name and mailing address of the owner and operator.
- (2) Facility name, address, and contact person.
- (3) Physical location of the facility (latitude and longitude of the entrance to the production area).
- (4) Type and number of animals at the facility.
- (5) Type of containment and storage and total capacity for manure, litter, and process wastewater storage.
- (6) Total number of acres under control of the applicant available for land application.
- (7) Estimated amount of manure, litter, and process wastewater generated per year (tons/gallons).
- (8) Estimated amount of manure, litter, and process wastewater transferred to other persons per year (tons/gallons).
- (9) Receiving stream information.
- (10) CFO farm ID number provided on state CFO approval under 327 IAC 16.
- (11) A topographic map of the facility.

(c) The NOI letter must be signed by:

- (1) the owner or operator of the facility for which the NOI is submitted;
- (2) a person described under 327 IAC 15-4-3(g); or
- (3) the person who signed the state CFO approval application.

(d) The commissioner may also require publication of a statement in a newspaper of largest circulation in the area of the facility indicating that the facility intends to be covered by the NPDES general permit.

(e) Following submittal of the NOI letter to IDEM, IDEM shall do the following:

- (1) Review the NOI for applicability under this rule.
- (2) List the facility, the NPDES general permit tracking number, and the information contained in this notice in a monthly publication to be distributed by IDEM to all persons who have asked to receive NPDES general permit rule notification. This publication shall identify all facilities that met the NOI and newspaper publication requirements within the preceding month.
- (3) Issue an approval letter to the facility indicating that the facility is covered under this NPDES general permit.

(Water Pollution Control Board; 327 IAC 15-15-5)

327 IAC 15-15-6 Notice of intent submittal deadline; additional information

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 6. The owner or operator of any existing facility requesting coverage under this rule shall submit a NOI letter within ninety (90) days of the effective date of this rule. Any person proposing a new CAFO facility within the permit boundary shall submit a NOI

letter at least one hundred eighty (180) days before the date the facility is populated with animals. (Water Pollution Control Board; 327 IAC 15-15-6)

327 IAC 15-15-7 General conditions

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 7. (a) In addition to the conditions set forth in this rule, the conditions for a NPDES general permit under 327 IAC 15-1 through 327 IC 15-4 apply to this rule.

(b) The permittee must comply with all requirements under 327 IAC 16 and must maintain the requisite manure management plan (MMP) required under 327 IAC 16-7-11. (Water Pollution Control Board; 327 IAC 15-15-7)

327 IAC 15-15-8 Specific permit conditions

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 8. In addition to developing and maintaining an MMP, as required under 327 IAC 16-7-11, the permittee must do the following:

- (1) Amend the MMP prior to any change in design, construction, operation, or maintenance that has a significant effect on the potential for discharge of pollutants into waters of the state.
- (2) Comply with NRCS 590 Standard* by December 31, 2006.
- (3) Inspect all waste management systems for compliance with this rule at least once every month and keep complete self-monitoring records for each inspection in the operating record.
- (4) Evaluation of the adequacy, stability, and operation of the manure handling and storage facilities must be included in self-inspection reports.

(5) Develop a preventative maintenance plan to be kept with the operating record to include the following:

(A) Identification of storm water management devices, systems, and equipment. Such equipment includes, but is not limited to, the following:

- (i) Drainage inlets.
- (ii) Roof gutters.
- (iii) Drainage swales located within the boundary of the production and manure storage areas.

(B) A schedule of inspections and tests of the pollution prevention equipment.

(6) Engage in good housekeeping practices and train employees in good housekeeping practices.

(7) Maintain an operating record in accordance with 327 IAC 16-9-5.

(8) Submit an annual report to the commissioner with the following information:

(A) Number and type of animals, whether in open confinement or housed under roof.

(B) Estimated amount of total manure, litter, and process wastewater generated by the CAFO in the previous twelve (12) months.

(C) Estimated amount of total manure, litter and process wastewater transferred to other persons by the CAFO in the previous twelve (12) months.

(D) Total number of acres for land application covered by MMP required by this rule.

(E) Total number of acres under control of the CAFO that

were used for land application of manure, litter, and process wastewater in the previous twelve (12) months.

(F) Summary of all manure, litter, and process wastewater discharges from the production area that have occurred in the previous twelve (12) months, including the date, time, and approximate volume for each discharge.

(G) A statement indicating if the current version of the CAFO's MMP was developed or approved by a certified nutrient management planner.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Land Quality, Indiana Government Center-North, Eleventh Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Water Pollution Control Board; 327 IAC 15-15-8*)

327 IAC 15-15-9 Inspection and enforcement

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10; IC 13-30

Sec. 9. (a) The permittee shall allow the commissioner or an authorized representative, upon presentation of credentials, to enter upon the premises where a regulated facility or activity is located, have access to and copy any records that must be kept under the conditions of this rule, in accordance with 327 IAC 15-4-1(i).

(b) The conditions of this rule are subject to enforcement pursuant to 327 IAC 15-4-1 and IC 13-30. (*Water Pollution Control Board; 327 IAC 15-15-9*)

327 IAC 15-15-10 No potential to discharge determination

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 10. (a) The commissioner, upon request, may make a case-specific determination that a large CAFO has no potential to discharge pollutants to waters of the state. When making such a determination, the commissioner shall consider the following:

- (1) The potential for discharges from the production area.
- (2) The potential for discharges from any land application area.
- (3) Any record of prior discharges by the CAFO.

(b) The commissioner shall not determine the CAFO to have no potential to discharge pollutants if the CAFO has had a discharge within the five (5) years prior to the date of the request under this section.

(c) To request a determination of no potential to discharge, the owner or operator shall submit any information that would support such a determination, including all NOI letter information required under section 5 of this rule. The commissioner may require additional information to supplement the request and may gather information through an on-site inspection of the CAFO. The information is to be submitted to the commissioner by the date required for submission of a NOI or permit application.

(d) Before making a final decision to grant a no potential to discharge determination, the commissioner shall issue a public notice of receipt of the request. The notice must be accompanied by a fact sheet, which shall include the following:

- (1) A brief description of the type of facility or activity requesting the determination.

(2) A brief summary of the factual basis, upon which the request was based, for granting the determination.

(3) A description of the procedures for reaching a final decision on the determination.

(e) The commissioner must notify a CAFO of the final determination within ninety (90) days of receiving the request. If the commissioner denies the no potential for discharge determination, the owner or operator must seek coverage under a permit within thirty (30) days of the denial.

(f) Any unpermitted CAFO that discharges pollutants into waters of the state is in violation of the Clean Water Act even if it has received a no potential to discharge determination from the commissioner.

(g) Any CAFO that has received a determination under this section but that anticipates changes in circumstances that could create the potential for a discharge shall contact the commissioner and apply for and obtain permit authorization prior to the change of circumstances.

(h) The commissioner retains the authority to require NPDES permit coverage for a CAFO that has received a determination under this section if circumstances at the facility change, new information becomes available, or there is reason to believe that the CAFO has a potential to discharge. (*Water Pollution Control Board; 327 IAC 15-15-10*)

327 IAC 15-15-11 Duration and renewal of coverage

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 11. (a) Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences.

(b) Coverage commences on the date that the applicant receives a letter of approval from the department.

(c) To obtain renewal of coverage under this general permit rule, the information required under section 5 of this rule shall be submitted to the commissioner no later than forty-five (45) days prior to the expiration of coverage under this rule unless the commissioner determines that a later date is acceptable. A CFO approval renewal application under 327 IAC 16-7-4 may serve as the NOI for purposes of renewal of the general permit as long as all information required in the NOI under section 5 of this rule is included. If the NOI information and the CFO approval renewal application are submitted together, the general permit and the CFO approval terms shall run concurrently.

(d) If a CAFO is required to submit an application for an individual NPDES permit, the general permit terminates when:

- (1) the owner or operator fails to submit the permit application required under section 5 of this rule; or
- (2) the individual permit is issued or denied by the commissioner.

(*Water Pollution Control Board; 327 IAC 15-15-11*)

327 IAC 15-15-12 Effluent limitations

Authority: IC 13-13-5-1; IC 13-15-1-2; IC 13-15-2-1
Affected: IC 13-18-10

Sec. 12. (a) CAFOs subject to this rule are required to meet the effluent limitations contained in 40 CFR 412*.

(b) Any discharges under this rule are required to meet water quality standards.

***This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Land Quality, Indiana Government Center-North, Eleventh Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Water Pollution Control Board; 327 IAC 15-15-12)**

Notice of First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on April 9, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Water Pollution Control Board will hold a public hearing on new rules of the board at 327 IAC 15-15.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Lynn West, Rules, Outreach, and Planning Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

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

Attn: ADA Coordinator

Indiana Department of Environmental Management

100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

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

Copies of these rules are now on file at the Office of Land Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor West and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD

CONTINUATION OF FIRST NOTICE #02-204(FAB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING THE UNDERGROUND STORAGE TANK LIABILITY TRUST FUND

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules of the Financial Assurance Board at 328 IAC 1. The First Notice asked for comments to provide consistency with the RISC closure options allowed by the statute at IC 13-12-3-2, the Underground Storage Tank Rules and the

allowance for payments under the Excess Liability Trust Fund (ELTF) Rule. In addition to the subject matter in the First Notice, this continuation of First Notice proposes the addition of several definitions to clarify the rule. Other specific matters for which comment is solicited include the penalty provisions; allowing access to the ELTF for successor owners or operators; a provision that the commissioner may request additional information before reimbursement is justified; clarification that approval of the corrective action plan under 329 IAC 9 is not the same as a determination that the costs are eligible for reimbursement under 328 IAC 1; as well as clarification of eligible reimbursement costs; provisions for: submission of a budget, reporting credits, rebates, and refunds, allowing audits of financial records, and adding owner and operator signature to the claim application. Proposals for clarification or amendment of any other provision of the rule are included in the scope of this notice. IDEM seeks comment on the affected citations listed and any other provisions of Title 328 that may be affected by this rulemaking.

CITATIONS AFFECTED: 328 IAC 1.

AUTHORITY: IC 13-23-8-1; IC 13-23-8-4.5; IC 13-23-8-5; IC 13-23-11-7.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

A First Notice of Comment Period was published in the August 1, 2002, Indiana Register announcing the Financial Assurance Board's intention to initiate rulemaking for amendments to 328 IAC 1 concerning the excess liability trust fund (ELTF) rule. This notice serves as a continuation of the First Notice. This notice is an opportunity for interested members of the public to provide comment on the following additional subject matter pertaining to #02-204(FAB).

ADDITIONAL SUBJECT MATTER

In addition to the subject matter listed in the first notice of comment period at 25 IR 3906, comments are requested on the following:

- (1) Additional information to justify an expense may be requested by the commissioner before payment is made.
- (2) Definitions may be added or be revised for "third party", "calendar year" or "fiscal year".
- (3) Revisions to 328 IAC 1-3-3 to specify how the penalties would be calculated and perhaps allow flexibility in adjusting the penalties for specific situations.
- (4) Submission to the commissioner for approval of the budget for the corrective action plan (CAP) prior to the implementation of any clean-up activities at the site for which a claim for reimbursement would be submitted to the department.
- (5) Documentation and reporting of any credits, rebates, refunds, or other similar payments given to the owner or operator regarding the corrective action at a site.
- (6) Clarification that eligible reimbursable costs include only reasonable labor and project costs.
- (7) That the commissioner or representatives of the commissioner may request and audit, under appropriate provisions for confidentiality, the financial records of persons employed by or are under contract to the owner or operator and that pertain to the corrective action of a site prior to payment of a claim.
- (8) In addition to the person applying to the fund for reimbursement, the owner and operator must sign the statement under 328 IAC 1-5-1(b) on the claim application.
- (9) Clarification that the approval of the initial site characterization and the corrective action plan, under 329 IAC 9, does not necessar-

ily mean that costs incurred are reasonable and eligible for payment under 328 IAC 1.

(10) Revision that would allow access to the ELTF for a successor owner or operator for corrective action costs due to a prior owner or operator's release.

(11) Other issues that need to be addressed amending the rule in conformance with IC 13-23 or to clarify the rule or to clarify the intent of the rule.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life, or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#02-204(FAB) [ELTF Change Rule]

Marjorie Samuel

Rules, Planning and Outreach Section

Office of Land Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the eleventh floor reception desk, Office of Land Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 232-3403, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Office of Land Quality's Rules, Outreach and Planning Section at (317) 232-7995.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by March 5, 2003.

Additional information regarding this action may be obtained from Lynn West, Rules, Outreach and Planning Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

Bruce Palin

Deputy Assistant Commissioner

Office of Land Quality

Executive Orders

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 02-22

FOR: POSTPONEMENT OF THE DATE OF EXPIRATION OF RULES UNTIL ONE YEAR AFTER DATE SPECIFIED IN IC 4-22-2.5.

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, IC 4-22-2.5-2 provides that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule has an earlier expiration date; and

WHEREAS, IC 4-22-2.5-5 provides that if a rule is not readopted before the expiration date of the rule and the governor finds that the failure to readopt a rule causes an emergency to occur, the governor may by executive order issued before the rule's expiration date, postpone the expiration date of the rule until a date that is one (1) year after the date specified in IC 4-22-2.5-2,

NOW, THEREFORE, I, Frank O'Bannon, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The following rules, as designated by their citations to the Indiana Administrative Code, were submitted for consideration for an extension of one (1) year:
 - a. Title 35 IAC 9 – Annual Compensation Limits (Public Employees Retirement Fund);
 - b. Title 68 IAC 4 – Corporations (Indiana Gaming Commission);
 - c. Title 460 IAC 3.5 – Rates for Adult Day Services Provided by Community Mental Retardation and Other Developmental Disabilities Centers (Family and Social Services Administration, Division of Disability, Aging and Rehabilitative Services);
 - d. Title 905 IAC 1-39 – Horse Track and Satellite Facility Permits (Alcohol and Tobacco Commission);
 - e. Title 905 IAC 1-40 – Catering Halls and Supplemental Caterers' Permits (Alcohol and Tobacco Commission);
 - f. Title 905 IAC 1-41 – Separation of Family Room from Barroom (Alcohol and Tobacco Commission).
2. The rules cited in paragraph 1 of this executive order were not readopted before the expiration date of the rule.
3. The failure to readopt the rules cited in paragraph 1 of this executive order would cause an emergency to occur.
4. The expiration date of the rules cited in paragraph 1 of this executive order shall be extended until January 1, 2004.

IN TESTIMONY WHEREOF, I Frank O'Bannon, have hereto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 20th day of December, 2002.

BY THE GOVERNOR: Frank O'Bannon
Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy
Secretary of State

**OFFICE OF THE STATE BUILDING COMMISSIONER
WRITTEN INTERPRETATION OF A BUILDING LAW**

Title:	Safety Glazing
Identification Number:	OSBC-03-01
Date Originally Issued:	December 26, 2001
Effective Date:	February 1, 2003
Brief Description of Subject Matter:	Safety glazing for bathtub and shower enclosures.
Indiana Building Code(s) Affected:	Indiana Residential Code, 2001 Edition (675 IAC 14-4.2) Indiana Building Code, 1998 Edition (675 IAC 13-2.3)

The Office of the State Building Commissioner, pursuant to the authority granted under Indiana Code 22-15-2-6(5) and Indiana Code 22-13-5, has developed this written interpretation of a building law. Pursuant to Indiana Code 22-13-5-4, **this written interpretation of a building law is binding upon all counties and municipalities.**

This written interpretation will continue to bind all counties and municipalities until the earlier of the following:

- (1) The general assembly enacts a statute that substantively changes the building law interpreted or voids the written interpretation.
- (2) The Fire Prevention and Building Safety Commission adopts a rule under IC 4-22-2 to state a different interpretation of the building law.
- (3) The written interpretation is found to be an erroneous interpretation of the building law in a judicial proceeding.
- (4) The Office of the State Building Commissioner publishes a different written interpretation of the building law.

Background

Indiana Residential Code (675 IAC 14-4.2) Section R308.4(4) and Indiana Building Code (675 IAC 13-2.3) Section 2406.4(5) require safety glazing in doors and enclosures for hot tubs, whirlpools, saunas, steam rooms, bathtubs and showers where the bottom exposed edge of the glazing is less than 60 inches measured vertically above any standing or walking surface (or drain inlet). This requirement includes and also applies to glazed areas in any part of a building wall used to make up part of the enclosure.

Interpretation

The requirement for safety glazing in accordance with IRC Section R308.4(4) and IBC Section 2406.4(5) does not extend beyond an enclosure of a hot tub, whirlpool, sauna, steam room, bathtub or shower, or beyond the part of a building wall that is in contact with the perimeter of the unit.

**OFFICE OF THE STATE BUILDING COMMISSIONER
WRITTEN INTERPRETATION OF A BUILDING LAW**

Title:	Foundation Wall Construction
Identification Number:	OSBC-03-02
Date Originally Issued:	October 9, 2002
Effective Date:	February 1, 2003
Brief Description of Subject Matter:	Use of Header Blocks for Brick Veneer
Indiana Building Code(s) Affected:	Indiana Residential Code, 2001 Edition (675 IAC 14-4.2)

The Office of the State Building Commissioner, pursuant to the authority granted under Indiana Code 22-15-2-6(5) and Indiana Code 22-13-5, has developed this written interpretation of a building law. Pursuant to Indiana Code 22-13-5-4, **this written interpretation of a building law is binding upon all counties and municipalities.**

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- (3) The written interpretation is found to be an erroneous interpretation of the building law in a judicial proceeding.
- (4) The Office of the State Building Commissioner publishes a different written interpretation of the building law.

Background

The acceptance of the use of header blocks (L-blocks) for the top course of masonry foundation walls for Class 2 structures to provide a brick ledge for masonry veneer has not been uniform among authorities having jurisdiction.

Interpretation

The use of 8-inch solid or hollow concrete header blocks (L-blocks) for the top course only of plain masonry foundation walls for Class 2 structures where masonry veneer will be applied is acceptable in accordance with Indiana Residential Code (675 IAC 14-4.2) Section R404.

Using these blocks to elevate the framed wall sill above grade in accordance with Section R404.1.6 is also compliant with Section R404.1.5, and is an improvement over Figure R703.7A.

An approved alternate method of providing foundation anchorage in accordance with Section R403.1.6 may be required if solid blocks are utilized.

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #3
INCOME TAX
JANUARY, 2003**

(Replaces Information Bulletin #3, dated January, 2001)

DISCLAIMER: Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is not consistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

SUBJECT: Payment of Indiana Estimated Tax by Individuals

REFERENCES: IC 6-3-4-4.1; IC 6-3.5-1.1-18; IC 6-3.5-6-22; IC 6-3.5-7-18; IC 6-8.1-3-3

INTRODUCTION: Estimated income tax payments must be made by an individual who:

(1) receives income from which Indiana adjusted gross income tax, county adjusted gross income tax, county option income tax, or county economic development income tax, is not properly withheld; and

(2) Has an annual income tax liability described under subdivision (1), above, that is four hundred dollars (\$400) or more.

Even if an individual does not meet these requirements, the individual may still make estimated payments to reduce the amount that will be due when the annual individual adjusted gross income tax return is filed.

I. ESTIMATED TAX COUPON BOOKLET

Installment payments may be made by using IT-40ES tax vouchers. The Department issues pre-printed estimated tax vouchers in coupon booklet form to those taxpayers. The coupon booklet contains vouchers for each installment period, and a change of name, address, and social security number. Pre-printed vouchers are mailed annually to any taxpayer that made estimated tax payments during the previous year. When a taxpayer makes an estimated payment for the first time, on form ES-40 (contained in the IT-40 booklet) vouchers are sent in coupon booklet form after that initial payment is received.

Taxpayers and tax preparers are encouraged to file estimated tax payments using pre-printed vouchers. If a taxpayer does not receive pre-printed vouchers before the next installment payment is due, the taxpayer may submit payment with Form ES-40. A copy of this form will be provided to the taxpayer upon request, and the form can be downloaded from the Department's Web Site: www.in.gov/dor/taxforms/.

The four installment payments are due on April 15, June 15, September 15, and January 15 following the last month of the tax year. A person filing on a fiscal year rather than calendar year basis should adjust the due dates to correspond with the appropriate voucher for the fiscal year. If the due date falls on a national or state holiday, Saturday, or Sunday, payment is timely if it is postmarked by the next business day following the holiday or Sunday.

While an installment payment cannot be changed once it has been made, future payments may be adjusted to reflect a change in the annual estimated tax due. Future installment payments are determined by subtracting the amount of the previous payments from the amount of the estimated payments not yet paid.

Any installment payment received after January 15 for the preceding tax year will be either returned to the taxpayer or credited against the taxpayer's liability for the following year.

II. CALCULATION OF THE ESTIMATED INSTALLMENT PAYMENT

The following worksheet should be used to determine the amount of estimated tax due:

- | | |
|--|----------|
| A. Total Estimated Income for the Tax Year | A. _____ |
| B. Total Exemptions × \$1,000 (plus \$1,500 per Qualifying Dependent for Tax Year) | B. _____ |
| C. Amount Subject to Indiana Income Tax (Line A minus B) | C. _____ |
| D. Amount of State Income Tax Due (Line C × .034) | D. _____ |
| E. Amount of County Income Tax Due (Line C × County Tax Rate) | E. _____ |

F. Total Estimated Income Tax (Line D plus Line E)

F _____

G. Estimated State and County Income Tax Withheld Plus Total of Other Credits

G _____

H. Amount of Annual Estimated Tax Due (Line F minus Line G)

H _____

I. Each Installment Amount Due (Line H divided by 4)

I _____

III. PENALTIES

A taxpayer is subject to a penalty for underpaying estimated tax if the total state and county taxes due after credits exceeds four hundred dollars (\$400). The taxpayer will not owe a penalty if each installment payment equals at least one-fourth of the required annual payment. The required annual payment is the lesser of:

- (1) 90% of the tax shown on the current year return;
- (2) 100% of the tax shown on the previous year's return;
- (3) 112% of the tax shown on the previous year's tax return if the taxpayer is not a farmer or fisherman and the Indiana adjusted gross income shown on a joint return is more than \$150,000; or
- (4) 112% of the tax shown on the previous year's tax return if the taxpayer is not a farmer or fisherman and the Indiana adjusted gross income shown on the return is more than \$75,000 for a taxpayer who is either single or married and filing separately.

If the taxpayer is eligible for any of the exceptions to the penalty listed in (1), (2), (3), or (4) above, they must attach the Schedule IT-2210 to the individual income tax return showing that the exception has been met.

If a taxpayer's income is not received evenly during the year, the taxpayer can avoid penalty if the tax is paid in an amount at least equal to the annualized income installment by the due date of the installment. Schedule IT-2210A should be used to compute the annualized income installment amount. This schedule is available upon request or at the Department's Web Site (www.in.gov/dor/taxforms/). If a penalty is imposed for underpayment of estimated tax, the penalty is ten percent (.10) of the underpayment for that period.

IV. UNDERPAYMENT

The underpayment of an installment is the difference between the payment required for the installment (or the annual income statement, if applicable) and the amount paid. If a payment is made after the installment due date, the payment is considered to be made in the following installment period.

V. AVOIDING PENALTY FOR THE FOURTH INSTALLMENT

If a taxpayer files an annual individual adjusted gross income tax return and pays the entire tax due by January 31, the taxpayer will not receive a penalty for the installment payment due January 15. However, payment of the entire estimated tax liability or balance due with the fourth installment or with the filing of the return does not relieve the taxpayer from any penalty for failure to make prior estimated payments in a timely manner during the year.

VI. FARMERS AND FISHERMEN

A penalty is not imposed if:

- (1) at least two-thirds of the taxpayer's annual gross income for the current year or preceding year is from farming or fishing;
- (2) the taxpayer files Form IT-40 or Form IT-40PNR; and
- (3) The taxpayer pays the entire tax due by March 1.

The taxpayer should attach Schedule IT-2210 to the income tax return and complete the portion of the return labeled "Farmers and Fishermen Only". If the farmer or fisherman does not file the return and pay the tax by March 1, the taxpayer should complete Schedule IT-2210 to determine if a penalty applies.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #6
INCOME TAX
JANUARY 2003
(Replaces Bulletin #6 dated April 1997)**

DISCLAIMER: Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for the further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: Civil Service Annuity Adjustment and Military Retirement or Survivor's Benefit Adjustment

REFERENCES: IC 6-3-2-3.7; IC 6-3-2-4

Civil Service Annuity Adjustment

IC 6-3-2-3.7 allows a deduction for a portion of a federal civil service annuity. In order to qualify for the civil service annuity adjustment, the taxpayer must be at least 62 years old at the close of the tax year and have received a civil service annuity includable in adjusted gross income while a resident of Indiana.

The allowable adjustment is equal to the federal civil service annuity received while an Indiana resident up to a maximum of \$2,000 minus the total amount of social security and tier 1 and tier 2 railroad retirement benefits received while a resident of Indiana.

Example 1

A full-year Indiana resident who received a civil service annuity of \$3,000 was 61 years old at the end of the year and received social security benefits totaling \$2,300. The taxpayer received no other income during the year.

The taxpayer would not be entitled to the civil service annuity adjustment because he was not at least 62 years old.

If the taxpayer had been 62 years old, he still would not be entitled to the adjustment because the first \$2,000 of civil service annuity is eliminated by the amount of social security benefits received.

Example 2

A full-year Indiana resident who received a civil service annuity of \$6,000 was 66 years old and received railroad retirement benefits of \$1,300. The taxpayer received no other income during the year.

The taxpayer would be entitled to a civil service annuity adjustment of \$700, computed by subtracting the \$1,300 railroad retirement benefits from the first \$2,000 of civil service annuity received.

Example 3

A part-year Indiana resident received a civil service annuity of \$5,000 and social security benefits totaling \$1,800. The taxpayer became 66 years old in May of the tax year, and established residence in Indiana at that time.

During the eight months that the taxpayer was a resident of Indiana, he received a \$3,000 civil service annuity and \$1,200 in social security benefits. The taxpayer received no other income during the year.

The taxpayer would be entitled to a civil service annuity adjustment of \$800 computed by subtracting the \$1,200 social security benefits received while a resident of Indiana from the first \$2,000 of civil service annuity received while a resident of Indiana.

Military Retirement or Survivor's Benefit Adjustment

IC 6-3-2-4 allows an adjustment for retirement pay or survivor's benefits received as a result of the individual's active or reserve service in the armed services.

In order to qualify for the military retirement or survivor's benefit adjustment, the taxpayer or surviving spouse must be at least 60 years of age on the last day of the tax year and have received military retirement or survivor's benefits while a resident of Indiana. The allowable adjustment is the amount of military or survivor's benefits received while a resident of Indiana and included in adjusted gross income, up to a maximum of \$2,000.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #7
INCOME TAX
JANUARY 2003**

(Replaces Bulletin #7 dated December 1987)

DISCLAIMER: Informational bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: Filing Requirements for Prior Year Individual Income Tax Returns

REFERENCES: IC 6-3; IC 6-8.1-10

INTRODUCTION

The Department has prescribed Form IT-40P for use in filing original Indiana individual income tax returns for tax years prior to January 1, 1997. Returns filed for 1997 to current should be filed on the original return for the appropriate year.

Both residents and nonresidents should use Form IT-40P. Nonresidents should complete the sections noted in the IT-40P instructions which are specifically designed for their use. Form IT-40P should not be used to file an amended (corrected) return. Form IT-40X should be used to file an amended return for any tax year.

The IT-40P booklet contains: Form IT-40P, Schedule X for Indiana deductions, Schedule Y for Indiana credits, and Schedule Z for part-year and full-year nonresidents, Schedule CT-40P (used to compute county income taxes) and instructions for the IT-40P and accompanying schedules.

The instructions needed to file Form IT-40P for tax years 1980 to 1996 are contained in the IT-40P booklet. Instructions needed to file returns for tax years 1964 through 1979 are contained in this Bulletin, which serves as a supplement to the IT-40P instructions.

Adjusted Gross Income Defined: For tax years after 1963 Adjusted Gross Income is defined under Section 62 of the Internal Revenue Code, modified by Indiana provisions for exemptions, income, and adjustments, as set forth in these instructions and/or the instructions contained in the IT-40P package.

Adjustments

Adjustments to Income: Listed in the instructions for Form IT-40P are any adjustments which are available for tax years 1964 through 1979. Listed below are four additional adjustments available during this period.

Renter's Deduction: You may deduct rent paid on property used as your principal residence, if such property was subject to Indiana property taxes. For tax year 1973, the deduction is limited to one half of the rent paid, or \$500, whichever is less. For tax years 1974 and 1975 only, the deduction is limited to the amount of rent paid, or \$1,000, whichever is less. No deduction for rent was available for tax years 1976, 1977 and 1978. For tax years beginning in 1979, you are allowed a deduction of the actual amount of rent paid on your principal place of residence during the tax year or \$1,500, whichever is less.

National Bank Dividends: These are non-taxable for tax years prior to 1973; for tax years 1973 and thereafter these dividends are fully taxable. The dividends must first be included in the total dividends reported on your IT-40P and then taken as an adjustment to income. Attach to your IT-40P a copy of your federal Schedule B to verify this adjustment.

New Jobs Credit: For tax year 1977 only, a deduction is allowed from the federal taxable income by that amount of wages which could not be deducted due to the use of this credit. If the deduction is claimed, a supporting explanation must accompany the return. If the deduction is taken on the IT-20S or the IT-65, no deduction will be allowed to the individual shareholders or partners on their individual income tax returns. The deduction is taken under "Other Deductions" on the IT-40P.

Active or Reserve Military Pay: An adjustment is available for tax years 1963 through 1966, to members of reserve components of the armed forces of the United States, to the extent that such income is included in the total income. This adjustment may be applied to compensation received from active or inactive reserve components including the Army, Navy, Air Force, Coast Guard, Marine Corps, Merchant Marine, Indiana Army National Guard or Indiana Air National Guard. However, this adjustment may not be applied to compensation received from regular service or retirement pay. For tax years beginning with 1967 see the "Adjustments for Military Pay". Attach to your IT-40P a copy of your military reserve W-2 withholding statement to verify this adjustment. Enter this adjustment under "Other Deductions", or "Other Adjustments", and note on the line that the adjustment claimed is for Reserve Pay.

Exemptions

All information concerning exemptions for tax years 1964 through 1979 are contained in the IT-40P instructions. However, it bears repeating that part-year and nonresidents should not prorate their exemptions for tax years prior to 1969.

Computing Tax Rates

Income Tax: The individual income tax has been computed at the rate of two percent (.02) for tax years 1964 through 1978. In 1963 a split year tax rate was in effect and prior to that time various rates of tax were used under the 1933 Gross Income Tax Act. Therefore, if you wish to file a return for a period prior to the 1964 tax year, you should contact the Department of Revenue for additional information concerning pre-1964 tax rates.

For tax year 1979 only, the effective state tax rate is 1.7 percent (.017). For tax year 1980, 1981 and 1982 the tax rate is 1.9 percent (.019). For tax years 1983 to 1986 the tax rate is three percent (.03). For 1987 the tax rate is 3.2 percent (.032) and for 1988 the rate increases to 3.4 percent (.034).

County Tax: If, as of July 1, for tax year 1973, or January 1 for tax years after 1973, your legal residence or your principal work activity was located in an Indiana county which had adopted county tax, Schedule CT-40P must be completed. Carry the amount of county tax due from the appropriate lines of Schedule CT-40P to Form IT-40P.

Sales and Use Tax: This tax is levied on retail purchases of tangible personal property. If during the tax year for which you are filing you made purchases from out-of-state firms on which sales tax was not charged, you must report the use tax due on these purchases on Form IT-40P. The Sales and Use tax rates are: two percent (.02) from October 23, 1963 until May 1, 1973, at which time the rate increased to four percent (.04) until January 1, 1983. Effective 1983, the rate was five percent (.05). Since December 1, 2002 the rate has been six percent (.06).

Credits

All information concerning allowable credits for tax years 1964 through 1979 are contained in the IT-40P instructions. However, the following credits have additional restrictions in former tax years. Note that sales tax credits used in years 1964 through

1972; credit for refund of property taxes, used in years 1973 through 1980; and utilities tax credit or unified tax credit, beginning in 1978, are no longer available to be claimed. The statute of limitations demands that a claim for any such credit be filed within six (6) months after the close of the tax year.

College Credit: For tax years 1967 to the present a credit is allowed against your Indiana adjusted gross income tax for contributions made to institutions of higher education located within the State of Indiana, to any corporation or foundation organized and operated solely for the benefit of any such institution of higher education, and/or to the Associated Colleges of Indiana. An updated listing of qualifying institutions is included each year on Schedule CC-40. Contact the Department of Revenue for more information.

You must complete and attach Schedule CC-40 to be allowed this credit on Form IT-40P. Please note the additional limitations this credit has for the following tax years: Effective for tax years 1967 and 1968 only, the allowable credit for gifts or donations is fifty percent (50%) of the contribution, but not to exceed; a) \$50 on a single return or \$100 on a joint return; or b) twenty percent (20%) of the amount of state income tax due on Form IT-40P, whichever is less. Effective for tax years 1969 through 1977 the allowable credit for such gifts or donations is fifty percent (50%) of the contribution, but cannot exceed \$50 on a single return or \$100 on a joint return. In no case may this credit exceed the amount of state income tax due on Form IT-40P. Effective since 1978, the allowable credit is fifty percent (50%) of the gift or donation, but cannot exceed \$100 on a single return or \$200 on a joint return. In no case may this credit exceed the amount of state income tax due on Form IT-40P.

Retirement Income Credit or Credit For The Elderly: This credit is effective for tax years 1965 to 1979. If you qualify for this credit for federal tax purposes, and are an Indiana resident for a least a part of the tax year, you are also allowed a credit against your Indiana adjusted gross income tax liability. The Indiana credit equals 2/15 of the tentative credit from federal Schedule R, a copy of which should be attached to your IT-40P. Calculations are provided below for Full-Year Residents and Part-Year Residents. Full-Year Nonresidents may not claim this credit on their Indiana return.

Full-Year Residents of Indiana should complete lines A through C and enter the total from line C under "Other Credits" on Form IT-40P. Part-Year Residents should complete lines A through D and enter the total from line D under "Other Credits". In no case may this credit exceed the amount of State Adjusted Gross Income Tax due on your IT-40P.

- | | |
|---|---------|
| A. Enter the tentative credit from federal Schedule R/RP | A _____ |
| B. Multiply line A by 2 | B _____ |
| C. Divided line B by 15 | C _____ |
| D. Multiply line C by percentage from Box 12, Form IT-40P | D _____ |

For tax year 1980 only, the credit is calculated by multiplying the tentative federal credit by .1267. Federal Schedule R/RP must be attached to your IT-40P to verify this credit.

County Retirement Income Credit or County Credit for the Elderly: Effective for tax years 1973 through 1980, if you qualify for the Retirement Income Credit or the Credit for the Elderly for state and federal tax purposes, you are also allowed a credit against your county adjusted gross income tax. You should compute the credit according to the table given below for tax years 1974 to 1980. (Contact the Department for the effective rates applicable to tax year 1973.) Use the county tax rate that is applicable for the filing tax year to find the state percentage of Retirement Income Credit or Credit for the Elderly allowed against the county tax. The credit may not exceed the amount of your county adjusted gross income tax.

COUNTY RATE	ALLOWABLE PERCENTAGE OF THE STATE CREDIT
1% (.01)50%
3/4% (.0075)	37.5%
1/2% (.005)	25%
1/4% (.0025)	12.5%

Credit for Taxes Paid to Other States: As an Indiana resident you must report all income received for the tax year, even if you are required to pay tax on a portion of this income to another state. You must also report all income received from Indiana sources while a nonresident of this state. The tax treatment depends upon the type and source of such income. You must contact the Department to verify the tax treatment of your income for tax years prior to 1980 when claiming credit for taxes paid to other states.

Computation of Credit for Taxes Paid to Other States:

The credit you may claim is the **LESSER** of:

1. The amount of tax actually paid to the other state (This does not mean the tax withheld from your wages. It means the actual tax due computed on the other state's income tax return); or
2. The amount of Indiana adjusted gross income tax due on your Indiana return; or
3. The income taxed in both states multiplied by Indiana's tax rate.

For tax years prior to 1979 the credit is limited to 2% (.02) of the income. For 1979, the credit is limited to 1.7% (.017) of the income. For 1980 through 1982, the credit is limited to 1.9% (.019) of the income. For 1983 to 1986, the credit is limited to 3% (.03) of the income. For 1987 the credit is limited to 3.2% (.032) of the income. For 1988 the credit is limited to 3.4% (.034) of the income.

A copy of the other state's tax return filed must be attached to Form IT-40P to substantiate your credit. In no case may the credit claimed for Taxes Paid to Other States exceed your Indiana adjusted gross income tax due on Form IT-40P.

NOTE: The above-mentioned credits along with any Solar and Wind Energy Credit are non-refundable; therefore, the combined totals of each of these credits may not exceed the amount of Indiana adjusted gross income tax due on Form IT-40P.

If you have any questions concerning your filing, or wish to file for a period prior to 1964, contact the Department of Revenue by calling (317) 232-2240.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #9
SALES TAX
JANUARY, 2003**

DISCLAIMER: Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information, which is not consistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: Agricultural Production Exemptions

REFERENCES: IC 6-2.5-4-5, IC 6-2.5-5-1, IC 6-2.5-5-2, IC 6-2.5-5-1.1, 45 IAC 2.2-5-1, 45 IAC 2.2-5-2, 45 IAC 2.2-5-3, 45 IAC 2.2-5-4, 45 IAC 2.2-5-5, 45 IAC 2.2-5-6, 45 IAC 2.2-5-7

I. Purchases

The general rule for the application of sales or use tax is that a purchase of tangible personal property to be used in Indiana is subject to tax unless a specific exemption is available.

Indiana law provides several exemptions from sales and use tax relating to agriculture production. The exemptions are limited to purchases of animals, feed, seed, plants, fertilizer, insecticides, fungicides, and other tangible personal property; and agricultural machinery, tools, and equipment to be directly used in the direct production of food or commodities that are sold either for human consumption or for further food or commodity production.

The phrase directly used in direct production means that the property must be integral and essential to the production process. Property is integral and essential to the production of food or commodities if it is necessary to carry on production and plays a key role in the actual production of the food or commodity. Some examples of property that are directly used in direct production will be discussed later.

A. Animals, Feed, Seed and Farm Products

Purchases of animals, animal feed, seeds, fertilizer, plants, insecticides, fungicides and other similar items of tangible personal property are exempt from sales and use tax if two conditions are met. The person acquiring the property must directly use the property in the direct production of food or commodities for sale and the person must be occupationally engaged in the production of food or commodities which are sold for human or animal consumption or for further use in food or commodity production.

To be occupationally engaged in the production of food or commodities a person must be regularly engaged in the commercial production for sale of vegetables, fruits, crops, livestock, poultry and other food or agricultural products. Persons who do not intend to operate at a profit or who produce food or agricultural commodities for sale as a hobby are not occupationally engaged in the production of food or agricultural commodities.

The term feed includes salt, grains, tankage, oyster shells, mineral supplements, vitamins and other generally recognized animal feed. Fertilizer means any commodity that contains one or more substances to increase the available plant food content of the growing medium. Generally, the contents of the fertilizer must become part of the plants grown and must be used as a fertilizer. Examples:

1. Bob Jones plants 600 acres of soybeans. He intends to sell the soybeans at a profit. He buys insecticide to spray the soybeans. The insecticide fails and his crop is eventually ruined. The purchase of the insecticide is exempt. The fact that the crop was not sold at all does not make the purchase of the insecticide taxable.
2. Same facts as in example 1, except that Bob uses the insecticide to protect his prize rhododendrons. The plants are not sold nor does Bob intend to sell them. The insecticide is taxable. In this example the insecticide is not being directly used in the direct production of agricultural products for sale.
3. Lab Animals Corporation raises animals to be used in research. The animals are not sold to be eaten by humans. The

research is to develop medicines to be used to prevent or cure human and animal diseases. Lab Animals Corporation cannot purchase animal feed exempt from tax under the agricultural exemptions.

4. Ride-A-Horse, Inc. purchases twenty horses to be used as riding animals. The horses would be taxable because the animals are not directly used in the direct production of food or agricultural commodities.

B. Agricultural Machinery, Tools and Equipment

The purchase of agricultural machinery, tools and equipment are exempt from sales and use tax if the machinery, tools and equipment are directly used in the direct production, extraction, harvesting or processing of agricultural commodities. If the machinery or equipment is not directly used in the direct production of agricultural commodities, but is designed for use in the gathering, moving or spreading of animal waste, the machinery or equipment may be exempt if the following conditions are met.

1. The person acquiring the equipment acquires it for use in conjunction with the production of food or commodities for sale.
2. The person acquiring the machinery or equipment is occupationally engaged in the production of food or commodities that are sold for human or animal consumption or are used for further food or commodity production.
3. The machinery or equipment is designed for use in gathering, moving, or spreading animal waste.

Examples:

1. Fencing used to confine livestock during breeding, gestation, farrowing, calving, nursing and finishing is exempt from tax. During these activities the fencing plays a key role in the raising of the livestock.
2. John Doe, cattle rancher, purchases needles, syringes and vaccine pumps to inoculate his herd to prevent various cattle diseases. The equipment is exempt from tax because it is essential and integral to the raising of cattle. Without vaccinations, many of John's cattle could die.
3. Sam Johnson owns 800 acres and grows wheat to be sold to a corporate bakery. Sam purchased lumber, nails, concrete and tools to build a silo to house his grain drying operation. The lumber and other building materials are exempt from tax. The silo is exempt from tax because the grain drying operation is integral and essential to the processing of the grain. The grain can not be sold to Sam's customer until the grain is dried, thus the silo is necessary and plays a key role in the processing of the grain. The tools used to build the silo are taxable because the tools are not used in the processing of the grain.
4. Sam Johnson buys lumber, nails and concrete to build a silo to store grain after it has dried. Sam sells the grain to his customer once the grain is dried without further processing. The materials are taxable. Once the grain has dried no further processing takes place before the grain is sold, thus the processing of the grain is complete after drying. A silo used to store dried grain may be necessary but it does not play a key role in the processing of the grain because the processing of the grain is finished. If the storage silo were used half of the time to dry grain and the other half to store dried grain, then the silo would be fifty percent exempt and fifty percent taxable. If Sam also operates a mill where the grain was ground, then the dried grain storage silo would be exempt from tax. The silo would be exempt because the silo would be a temporary storage place for work-in process. The courts have determined that the temporary storage of property between processing steps is integral and essential to an integrated production process.
5. Corporation C is engaged in the business of selling agricultural chemicals and fertilizers to farmers. Corporation C purchases an applicator that will be used to spread the chemicals and fertilizer on its customer's fields. The purchase of the applicator is exempt from tax because the application of fertilizers and agricultural chemicals is necessary and play a key role in the raising of crops.
6. Corporation A runs a large hog farm operation where pigs are bred, raised, slaughtered and packaged to be sold to wholesale grocers. The pigs are kept in confinement buildings. The confinement buildings maintain the integrity of the product and control the animal's growth environment to facilitate the raising process. Any property which is directly used in the process of raising the pigs, such as heat exchangers, fans, thermostats, heat pumps, roof vents and the confinement stalls or porches would be eligible for exemption. These materials are exempt because if a person occupationally engaged in producing food for human consumption chooses to raise livestock in confinement buildings these materials are both essential and integral to the production process.

C. Utilities

Under certain circumstances Indiana law provides an exemption from sales tax for the purchase of the following utilities: electrical energy, natural and artificial gas, water, steam and steam heat. The utilities listed above are exempt from tax if they are directly used in the direct production of agricultural commodities. Thus, if a person occupationally engaged in the production of agricultural commodities purchases electricity to dry grain, the electricity would be exempt because drying grain is integral and essential to the production of grain. The purchase of electricity to run a fan to ventilate a dried grain storage silo would be taxable because the farmer purchasing the electricity is not going to subject the dried grain to further processing.

If a person, engaged in agricultural production, buys utilities from a public utility and predominantly uses the utilities directly in the direct production of agricultural commodities, then the utility is not required to collect tax on the purchase of the utilities. Each meter measuring the consumption of a utility is treated separately for purposes of determining whether a utility is predominantly used in production. Further, a utility is predominantly used in agricultural production when more than fifty percent of the utility is being directly used in direct agricultural production.

Before utilities may be purchased tax exempt from a public utility, an application for a predominant use exclusion must be filed with the Department of Revenue, form ST-200. If approved, an exemption certificate, ST-109, will be mailed to the public utility by the department. If a person is entitled to an exemption for only a percentage of their utilities, all of the tax must be paid and a refund claimed for the exempt percentage. Utilities purchased from a source other than a public utility may be purchased exempt using an exemption certificate. See section II, Exemption Certificates.

Examples:

1. Grow, Inc. has two meters for electricity and buys natural gas directly from the wellhead. One of the meters measures electricity used to dry grain. Fifty five percent of the electricity measured by the meter operates drying equipment used to dry grain. Another meter measures electricity used to heat the chicken coop and power the egg incubators. Forty-nine percent of the electricity measured by the meter is used for the incubators and fifty-one percent for general heating. The natural gas is used to heat the farmhouse and to dry grain which is harvested during periods of high humidity. Sixty percent of the natural gas dries grain.

The electricity meter for the grain silos is not taxable because the electricity is predominantly used directly in the direct processing of grain. Drying grain is integral and essential to the processing of grain. The electricity for the chicken coops is not predominantly used in direct production because only forty-nine percent of the electricity is directly used in the direct production of agricultural commodities. Therefore, Grow, Inc. is only entitled to an exemption for forty-nine percent of the cost of the electricity. The natural gas, though predominantly used in direct production, is only sixty percent exempt from tax because the gas was not purchased from a public utility.

To purchase the electricity for the silos tax exempt, an ST-200 application must be filed with and approved by the Department of Revenue. The sales tax charged for the chicken coop electricity must be paid to the utility and a claim for refund filed with the Department to recover the exempt percentage. Tax should be paid for purchase of the natural gas and a claim for refund filed to recover the tax paid for the exempt percentage. The Department of Revenue realizes that the percentage of exempt use changes from year to year. Thus, the Department may request a new application to be filed, if the Department believes the percentage of exempt consumption has changed.

II. Exemption Certificates

There are two types of exemption certificates that may be used to purchase exempt agricultural-use property. Form ST-104 allows property to be purchased exempt from tax if the property fits under one of the agricultural exemptions provided by Indiana law. The ST-104 may only be used as a single purchase exemption certificate and may not be used as a blanket exemption. The purchaser must complete the form for each purchase before the exemption will be allowed. The purchaser does not need a certificate for each item purchased but rather a certificate must be completed each time a person purchases one or more exempt items.

Form ST-106 is the Department's blanket agricultural exemption. The certificate may be issued to suppliers to be kept by the suppliers to substantiate exempt sales of the items listed on the front of the certificate. As with any other exemption certificate, the ST-106 must be completely filled out and signed before it is valid.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #11
INCOME TAX
JANUARY 2003**

(Replaces Bulletin #11 dated October 1997)

DISCLAIMER: Information Bulletins are intended to provide non-technical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: Indiana Corporate Estimated Income Tax Payments

REFERENCES: IC 6-2.3-6-1; IC 6-3-4-4.1; IC 6-5.5-6-3; IC 6-8.1-6-1; IC 6-3-4-4.1

INTRODUCTION

Form IT-6 should be used by all corporations required to file Indiana corporate adjusted gross estimated income tax returns. This return must be filed by the twentieth day of the fourth, sixth, ninth, and twelfth month of the taxpayer's taxable year.

Pre-printed IT -6 forms should be checked for accuracy. It is very important that the federal identification number, name and

address are correctly printed on the form. If information is incorrect, make corrections on the Form IT-6, and complete the name and address change coupon and return it to the Department of Revenue, System Services, P.O. Box 6197, Indianapolis, IN 46206-6197. This will ensure proper crediting and quicker processing of your estimated payments.

I. Filing Requirements

Corporations must make estimated payments if the adjusted gross income tax exceeds one thousand dollars (\$1,000) for the taxable year.

Taxpayers should note that refunds reflected on the annual corporate income tax return may be applied to the next taxable year's estimated liability by entering the amount to be credited on the designated line of the annual return. Overpaid estimated payments must be claimed on the annual return to obtain a refund.

One check is remitted for the remainder of a year's estimated income tax liability, no further estimated returns should be filed with the Department after the date of payment. All checks remitted to the Department should be accompanied by a return or a complete explanation for the payment. A zero liability for a quarter does not require Form IT-6 to be filed.

If a taxpayer's estimated liability exceeds ten thousand dollars (\$10,000) per estimating period, the taxpayer is required to remit the tax by electronic funds transfer. If the estimated payment is made by electronic funds transfer, the taxpayer is not required to file Form IT-6 for estimated payments. Questions relating to electronic funds transfer payments should be directed to (317) 615-2695.

II. Extension Payment Using Form IT-6

The Department recognizes the Internal Revenue Service application for automatic extension of time to file. It is not necessary to request a separate Indiana extension if you have a federal extension of time. Returns received within thirty (30) days after the last date indicated on the federal extension form will be considered filed on a timely basis. A copy of the federal extension form must be attached to the Indiana annual return when filed. If a federal extension is not needed, a corporation may request a separate Indiana extension of time to file with the Department. To request an Indiana extension of time to file contact the Indiana Department of Revenue, Data Control Business Tax, Returns Processing Center, 100 N. Senate Avenue, Indianapolis, IN 46204. Ninety percent (90%) of the tax reasonably expected to be due must be prepaid prior to the original due date. Form IT-6 should be used to make an extension payment. This payment will be processed as a "fifth estimated" payment. (See Income Tax Information Bulletin #15 for more details.)

III. Adjusted Gross Income Tax

Corporations whose estimated adjusted gross income tax exceeds one thousand dollars (\$1,000) for the taxable year must pay adjusted gross income tax on the estimated return. When computing the estimated adjusted gross income tax for the taxable year, the adjusted gross income tax rate is eight and five tenths percent (8.5%) of Indiana adjusted gross income after apportionment.

IV. Financial Institutions Tax & Utility Receipts Tax

Corporations subject to the financial institutions tax (IC 6-5.5) and the utility receipts tax (IC 6-2.3) are subject to the same estimated filing thresholds as corporations subject to the corporate adjusted gross income tax.

V. Penalties

Corporations required to estimate their income taxes will be subject to a ten percent (10%) underpayment penalty if they fail to file estimated tax payments or fail to remit a sufficient amount of estimated tax. The required estimate should include at least twenty percent (20%) of the total liability for the current taxable year, or twenty-five percent (25%) of the final tax liability for the prior taxable year. If either one of these conditions are met, there will be no penalty assessed for the estimated period.

If you have any questions concerning the filing of the estimated return, or if you need to obtain an IT-6 booklet, please do not hesitate to contact the Indiana Department of Revenue.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #17
INCOME TAX
JANUARY 2003**

(Replaces Information Bulletin #17 dated June 1992)

DISCLAIMER: Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information, which is not consistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: Taxation and Filing Requirements of Not-For-Profit Organizations

REFERENCES: IC 6-3-2-2.8, IC 6-3-2-3.1

INTRODUCTION

All organizations are subject to the adjusted gross income tax unless the income is specifically exempted from taxation under the provisions of the Adjusted Gross Income Tax Act (Indiana Code 6-3-2-2.8 and 6-3-2-3.1). All not-for-profit organizations will be subject to tax on income derived from unrelated trade or business as defined in Section 513 of the Internal Revenue Code.

I. Recognition of Not-For-Profit Organizations

An organization will not be considered exempt from tax until it applies to and is approved by the Indiana Department of Revenue to file as a not-for-profit organization. Application should be made on Form NFP20A, Application to File as a Not-For-Profit Organization, and must be made within one hundred twenty (120) days after the organization's formation. If federal not-for-profit status has been granted by the Internal Revenue Service, a copy of the determination letter should accompany the NFP20A.

For Indiana adjusted gross income tax purposes, the Department will accept the exempt status determination by the Internal Revenue Service.

Unlike the Internal Revenue Service, the Indiana Department of Revenue will not approve an application for group exemption for affiliated groups. Each affiliate must apply separately for exemption. International, national, state or similar governing bodies may submit one set of Articles of Incorporation, Constitution, By-laws, and similar information requested by the Department on behalf of affiliated groups within the state. However, each affiliate is required to file a separate application and submit a copy of its Constitution, By-laws, etc., if different from the information submitted by its governing body.

After considering the application and information submitted, the Department will notify each organization whether it should file as an exempt organization. If an organization's application to file as a not-for-profit organization is denied, a formal protest may be filed with the Department. If a protest is filed, an administrative hearing shall be scheduled in order to allow the organization to present additional evidence relevant to its application.

II. Unrelated Business Income

All not-for-profit organizations are subject to Adjusted Gross Income Tax on their unrelated business income.

The term "unrelated business income" as defined in IRC Section 513 means income from a trade or business regularly carried on by the organization which is not substantially related to the exercise or performance by such organization of its charitable, educational or other purpose or function constituting the basis for its exemption. A trade or business activity is regularly carried on when it manifests a frequency and continuity and is pursued in a manner generally similar to comparable commercial activities of nonexempt organizations. The trade or business is not substantially related to an organization's exempt purpose when it does not contribute importantly to the achievement of that purpose other than by the mere production of income.

An exempt organization receiving unrelated business income will compute its taxable income in the same manner as that of any other taxpayer receiving business income, except that business deductions may be taken only in so far as they are directly related to the production of taxable income.

For more information on "unrelated business income," and the computation of unrelated business taxable income, please refer to Internal Revenue Service Publication 598.

III. Filing Requirements

In addition to filing an Application to File as a Not-For-Profit Organization, Form NFP20A, the organization must file an annual report, Form NFP20, with the Department on or before the fifteenth day of the fifth month following the close of the taxable year. If the organization fails to file the annual report, the Department will notify the organization of such failure. If, within sixty days after receiving such notice the organization does not file the annual report, the organization's exempt status will be canceled. The Department may reinstate the organization's exempt status if the organization shows by petition that the failure was due to excusable neglect. Extensions of time to file are available and must be filed with the return if it is filed after the due date.

Forms relating to not-for-profit organizations and their due dates are as follows:

	<u>FORM</u>	<u>FILING DATES</u>
IT-6	Indiana Corporation Estimated Quarterly Income Tax Return – Required if the not-for-profit organization's income tax liability in any quarter exceeds \$250	Due on the 20 th day of the 4 th , 6 th , 9 th and 12 th month of the taxable year.
IT-20NP	Not-For-Profit Organizations Return – Tax return for organizations reporting unrelated business income	Due the 15 th day of the 5 th month following the close of the tax year (accounting year of the not-for-profit organization)
NFP20A	Application to File as a Not-For-Profit Organization	Within 120 days after the not-for-profit organization is formed
NFP20	Annual Report of Not-For-Profit Organization- Required by all not - for-profit organizations	Due 15 th day of the 5 th month following the close of the tax year (accounting year of the not-for-profit organization)
NFP1	Not-For-Profit Tax Registration Certificate	Issued by the Department upon approval of application

Nonrule Policy Documents

The Department will allow not-for-profit organizations to attach copies of their annual federal reports and returns to the Indiana annual report, Form NFP20. Form NFP20 will serve as a cover document and must be signed by an authorized person. Completed federal forms 990, 990PF, 4720, or 5500-C can serve as attachments.

IV. Other Taxes

Registration of a not-for-profit organization does not relieve the organization from liability for other taxes or from other reporting requirements.

Special provisions apply to not-for-profit organizations with respect to sales tax. Certain purchases made by not-for-profit organizations are exempt from sales tax. Sales tax must be collected and remitted to the Department on sales made by not-for-profit organizations unless certain limitations are met. For further information please refer to sales tax Information Bulletin Number 10.

Miscellaneous Information

Other Income Tax Information Bulletins available from the Compliance Division which apply to Not-For-Profit Organizations are:

<u>Information Bulletin #</u>	<u>Subject</u>
11	Indiana Corporation Quarterly Income Tax Return (Form IT-6) Filing Requirements
50	Requirements for Certain Information Returns for Income Tax Purposes
84	Not-For-Profit Sponsored Gambling Activities

Sales Tax Information Bulletins available from the Compliance Division which apply to Not-For-Profit Organizations are:

<u>Information Bulletin #</u>	<u>Subject</u>
7	Application of Sales Tax to Meals and Banquets
10	Application of Sales Tax to Not-For-Profit Organizations
20	Casual Sales: Auctions; Garage Sales; Rummage Sales; and Similar Sales
41	Sales Tax Application to Furnishing of Accommodations

V. Public Inspection

In accordance with Commissioner's Directive #6, the Department shall keep all applications for exemption and annual reports, available for public inspection during the Department's working hours. An advance request to inspect such records is recommended.

Questions concerning the taxation of not-for-profit organizations should be addressed to: Indiana Department of Revenue, Compliance Division, Not-For-Profit Section, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2253. The phone contact number is 317-232-2188. Forms are available on the Department's web site at (www.in.gov/dor/).

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #37
SALES TAX
JANUARY 2003
(Replaces Bulletin #37 dated May 1988)**

DISCLAIMER: Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on the Department or the taxpayer. Therefore, information provided in this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

SUBJECT: Sales by Out-of-State Merchants

REFERENCES: IC 6-2.5-4-1; IC 6-2.5-3; IC 6-2.5-8-1

I. Definition of Indiana Retail Merchant

A person is an Indiana Retail Merchant and must be registered with the Department to collect Indiana Use Tax if the retail merchant is engaged in selling at retail for use, storage, or consumption in Indiana and is:

1. Maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary or agent, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business in Indiana unless the property is subsequently shipped to another state.
2. Having any representative, agent, salesman, canvasser, or solicitor operating in Indiana under the authority of the retail merchant or its subsidiary for the purpose of selling, delivering, or taking orders for the sale of any tangible personal property for use, storage or consumption in Indiana.

II. Engaged in Business in Indiana

An out-of-state vendor is engaged in business in Indiana and must be registered as an Indiana Retail Merchant and charge Indiana Use Tax on tangible personal property delivered in Indiana if the out-of-state vendor's only Indiana activity is within "I (1)" or "I(2)" above. This activity includes:

- a. maintaining an administrative office;
- b. maintaining a research facility;
- c. displaying merchandise at local trade fairs and exhibitions;
- d. maintaining a factory or warehouse; or
- e. delivering goods into Indiana by the seller's truck where title and possession transfer in Indiana.

III. Not Engaged in Business in Indiana

An out-of-state vendor is not engaged in business in Indiana and therefore is not required to register as an Indiana Retail Merchant and charge Indiana Use Tax on tangible personal property delivered in Indiana where the out-of-state vendor's ONLY Indiana activity is one of the following:

1. owning Indiana realty for investment;
2. being "qualified" to do business in Indiana;
3. purchasing goods in Indiana;
4. conducting credit investigations;
5. installing or assembling products;
6. servicing or repairing products;
7. advertising in a publication originated, mailed or retailed inside or outside Indiana;
8. advertising by radio or television broadcast from a transmitting location inside or outside Indiana;
9. advertising on billboards' or
10. delivering goods by common carrier or parcel post regardless of F.O.B. point.

IV. Consigned Goods

An out-of-state seller who consigns tangible personal property to an Indiana resident "on approval" is deemed to be engaged in business in Indiana, and must register as an Indiana Retail Merchant to collect Indiana Use Tax on such transactions.

An out-of-state seller whose only business activity in Indiana is the consignment of tangible personal property to an Indiana resident on a "sale or return" basis is deemed not to be engaged in business in Indiana and is not required to register to collect Indiana Use Tax.

V. Registration Procedures, Requirements and Privileges

An Indiana Registered Retail Merchant's Certificate will provide the registrant authority to collect Indiana Sales or Use Tax. In addition, the registrant is entitled to privileges of exemption from the tax on purchases of items to be used for an exempt purpose. The Indiana Registered Retail Merchant's Certificate is permanent. The registration fee is \$25.00.

VI. Purchaser's Use Tax Liability

If an out-of-state vendor is not required or permitted to collect Indiana Sales Tax, the Indiana purchaser is liable for the Indiana Use Tax on such purchases if the property is to be used, stored, or consumed in Indiana.

VII. Out-Of-State Tax Collection Permit

An out-of-state merchant not required to become registered as an Indiana Retail Merchant may qualify for an Out-of-State Use Tax Collection and Remittance Permit. Holders of such permits must collect and remit Indiana Use Tax to the Department on sales of tangible personal property subject to the tax. The holders of these permits are also entitled to issue valid certificates of exemption on purchases of items to be used for an exempt purpose.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #43
SALES TAX
JANUARY 2003**

(Replaces Bulletin #43 dated April 18, 1983)

DISCLAIMER: Information Bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is inconsistent with the law, regulations, or court decisions is not binding on the Department or the taxpayer. Therefore, information provided in

this Bulletin should only serve as a foundation for further investigation and study of the current law and procedures related to its subject matter.

SUBJECT: Nursing Homes

REFERENCES: IC 6-2.5-5-18; IC 6-2.5-4; IC 6-2.5-5-19

For purposes of this bulletin, the term “nursing home” shall mean those facilities which qualify as “health care facilities” under IC 16-10-2-2.

I. Nursing Homes Not Required to Register as Indiana Retail Merchants

A nursing home located in Indiana is not required to register as an Indiana Retail Merchant and collect sales tax in regard to providing health care services to its resident patients for a fixed sum.

Meals, linens, or other tangible personal property normally furnished to the patient as a part of fixed fee charges to the patient are considered to be an incidental part of the service and as such are not subject to the collection of sales tax from the patient.

All purchases by the nursing homes of supplies, medicines, equipment furnishings, or other tangible personal property or taxable services to be used or consumed in the operation of the nursing home are subject to sales tax at the time of purchase by the nursing home. The purchase of grocery type food which is exempted by statute is not subject to sales tax.

Nursing homes as such, providing health care services for a fixed sum are not authorized to issue exemption certificates for any of its purchases.

Sales of nonlegend drugs as defined in IC 16-18-2-101(a) are exempt from the sales tax if the nonlegend drug is dispensed upon an original prescription or a drug order, and the user of the drug is a person confined to a nursing home.

II. Nursing Homes Required to Register as Indiana Retail Merchants

If the nursing home conducts the sale or leasing of tangible personal property to employees or persons other than their patients of the nursing home (such as the sale of meals to visitors and guests), or sells or leases property (such as medicine, clothing, supplies, television sets, etc.) to its patients which is separately billed or charged, the nursing home must register as an Indiana Retail Merchant and must collect and remit Indiana Sales Tax on such transactions.

Tangible personal property which is purchased by the nursing home for rental purposes as outlined in the preceding paragraph is not subject to sales tax at the time of purchase, and the nursing home registered as an Indiana Retail Merchant, may issue exemption certificates at such time for such purposes.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #47
SALES TAX
JANUARY 2003**

(Replaces Bulletin #47 dated November 1985)

DISCLAIMER: Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information, which is not consistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: Auto Rental Excise Tax and Marion County Supplemental Auto Rental Excise Tax

REFERENCES: IC 6-6-9; IC 6-6-9.7

I. Auto Rental Excise Tax

An excise tax known as the auto rental excise tax, is imposed on rentals of passenger motor vehicles and trucks for periods of less than 30 days. The rental of a trailer is not subject to this tax. The tax is equal to 4% of the gross retail income received by the retail merchant. The person renting the vehicle is liable for the tax. The retail merchant is required to collect the tax and remit it to the Department of Revenue. The tax must be a separate added amount to the consideration paid for the rental. Trucks which have a declared gross weight of over 11,000 pounds are exempt. The rental of a passenger motor vehicle or truck by a funeral director is exempt from the auto rental excise tax if the rental is part of the services provided by the director for a funeral.

Example: Mr. X rents a passenger motor vehicle (auto) for 10 days in August and returns the auto; then rents the same auto or another auto for 20 days in September. Both transactions are separate and each is taxable. The rental must be for 30 consecutive days, not 30 total days, in order to be exempt.

A separate return must be filed for each business location. Consolidated reporting is not allowed as each location's tax collections are to be credited to the location's taxing district. A monthly return must be filed even though no tax is due.

II. Marion County Supplemental Auto Rental Excise Tax

Marion County is authorized to impose a supplemental auto rental excise tax on the rental of passenger motor vehicles and trucks in the county for periods of less than thirty (30) days. The tax is imposed at two percent (2%) of the gross retail income derived from the rental.

Trucks exceeding a gross weight of eleven thousand (11,000) pounds are exempt from the tax. The rental of a passenger motor vehicle or truck by a funeral director is exempt from tax if the rental is part of the services provided by the director for a funeral. The temporary rental of a passenger vehicle or truck is exempt if the rental is made or reimbursed under a contract for mechanical breakdown insurance, automobile collision insurance, or provided while repair work is completed.

The supplemental auto rental excise tax expires on December 31, 2027. All revenue collected from the tax shall be distributed monthly to the capital improvement board of managers operating in Indianapolis.

The return filed by the retail merchant must separate the amount of taxes collected at each location.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #51T
SALES TAX
JANUARY 2003**

(Replaces Bulletin 51T dated May 23, 1994)

DISCLAIMER: Informational bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: Telecommunication Services

REFERENCES: IC 6-2.5-4-6; IC 6-2.5-4-13; IC 6-2.5-5-13; IC 6-8.1-15

Telecommunication Services

IC 6-2.5-4-6 subjects a wide range of intrastate telecommunication services to sales tax. The statute states that a person is a retail merchant making a retail transaction when the person provides intrastate telecommunication service. Telecommunication service is defined as the transmission of messages or information by or using wire, cable, fiber-optics, laser, microwave, radio, satellite, or similar facilities. It is not required that the person furnishing such service be a public utility for the service to be subject to sales tax.

A person is a retail merchant making a retail transaction when the person sells a prepaid telephone calling card at retail, a prepaid telephone authorization number at retail, or reauthorizes either of the above. Effective August 1, 2002 there was a standardized method for taxes, charges, and fees levied on wireless telephone service. The method is that all fees are charged and taxed based on the customer's place of primary use.

Example 1

Company A provides cellular phone service. Company A is not a public utility. Company A is required to collect and remit sales tax on its cellular service. The statute imposes sales tax on the transmission of messages or information by microwave, radio, satellite, or similar facilities. Cellular communications are covered by the statute and the statute does not require that a person be a public utility.

Example 2

Company X transmits a satellite television service. Customers are charged a fee by Company X for the privilege of receiving television signals on their satellite dishes. Company X is providing a telecommunication service and its charges are subject to sales tax. (Cable television charges are similarly subject to sales tax.)

Value Added Services

Value added services in which computer processing applications are used to act on the form, content, code, or protocol of the information for purposes other than transmission are not telecommunication services and are therefore not subject to sales tax.

Example 3

Company B is a local telephone service provider. Company B provides several additional services and service enhancements to its customers. These include: call waiting, caller ID, call forward, distinct ringing, and voice mail. Company B's local phone service is subject to sales tax. However, not all of the additional services will be subject to sales tax if separately stated on the

customer's monthly bill. Call waiting, caller ID, call forwarding, distinct ringing, and similar service enhancements are acting upon the transmission itself and do not affect the information contained in the transmission. These services or enhancements are therefore subject to sales tax. Voice mail and similar services are value added services which utilize computer processing applications to act upon the information for purposes other than transmission. The main distinction between voice mail and the other services is that the other services enhance the telecommunication service itself rather than provide a distinct non-telecommunication service. Therefore, voice mail and similar services are not telecommunication services under the statute and not subject to sales tax if separately stated on the customer's monthly bill. These charges must be separately stated or they will be subject to tax as part of a taxable unitary transaction.

The voice mail service should not be confused with the transmission of voice mail messages. Company B must pay sales or use tax on the intrastate transmission of the messages unless Company B's purchase of telecommunication services is exempt from sales tax. (See Example 7.)

Example 4

Company C is a local convenience store that offers to fax customer's documents for a fee. This charge is not subject to sales tax. Company C is not providing telecommunication services, rather, Company C is providing a service whereby it digitizes a document and sends it to its intended destination using a telecommunication service. Company C is the end user of the telecommunication service and must pay sales tax on any intrastate transmissions.

Example 5

Company Z provides access to a computer database. Customers of Company Z access the database over telephone lines using a modem. Company Z charges its customers for the amount of time they are connected to the database. Company Z is not required to collect sales tax on its charges. Company Z is providing a value added service that is not subject to sales tax. The use of the telephone line to provide the service is subject to sales tax.

Public Utilities

The sale of telecommunication services to public utilities or any provider of telecommunication services are not subject to sales or use tax.

Example 6

Company D provides local telephone service to Company W. Company W is a public utility providing water service to the community. The sale of local telephone service to Company W is not subject to sales tax because Company W is a public utility.

Example 7

Company E provides cellular phone service to Company D. Company D provides local telephone service to Company E. Neither transaction is subject to sales tax because each is selling a telecommunication service to another provider of a telecommunication service.

Example 8

Company B is a local telephone service provider. Company B offers voice mail service to its customers. This service is not taxable. (See Example 3.) However, the fact that the voice mail service is not subject to tax does not exempt the use of telecommunication service in furtherance of that service. In this case, Company B is a telecommunication service provider and therefore its purchase or use of telecommunication service is exempt even when used in furtherance of a non-taxable service. If Company B was not a telecommunication service provider or a public utility, it would be required to pay sales or use tax on its purchase of telecommunication service in furtherance of its voice mail service.

Tangible Personal Property

A telecommunication service provider is not making a retail transaction subject to sales or use tax when it provides, installs, constructs, services, or removes tangible personal property which is used in connection with the furnishing of the telecommunication service.

Example 9

Company F is a paging services provider. Company F is not a public utility. The paging service is a telecommunication service and subject to sales tax. Company F provides its customers with a pager as part of the service. If there is a single charge for the service, then only that portion attributable to air time is subject to sales tax. The portion attributable to the providing of the pager itself is exempt. If Company F charges separately for air time and rents the pager, then both charges will be subject to sales tax. The difference being that providing only tangible personal property is exempt. In the latter case, the pager is rented not provided. (**Note:** Public utilities are not retail merchants making retail transactions when they lease or rent tangible personal property to another. Therefore, this analysis does not apply to public utilities. If the telecommunication service provider is a public utility, the charge for tangible personal property will be exempt unless the tangible personal property is being sold to the customer.)

The way that Company F contracts with its customers will determine whether Company F will pay sales or use tax when it purchases the pagers. If Company F charges separately for the pagers, it may purchase them exempt for resale or rental. However, if Company B provides the pagers as part of the service and does not charge separately for the pagers, it must pay sales or use tax on the purchase price of the pagers. (For additional information on purchases by telecommunication service providers see Example 11.)

Miscellaneous Charges

Charges for installing or servicing tangible personal property related to telecommunication service are not subject to sales tax.

Example 10

Company B is a local telephone service provider. Company B charges customers for initial hook-up and an additional charge if any labor is needed to physically connect the customer. The hook-up charge is subject to sales tax because it is a charge for telecommunication service. The charge for labor necessary to physically connect the customer is not taxable since it is not taxable since it is not a charge for telecommunication service.

Company B also offers a service whereby it will maintain the phone lines within the customers house for a fixed monthly fee. This charge is not for telecommunication service and is therefore not subject to sales tax.

Any parts used in providing these services are not subject to sales tax if provided by Company B. (See Example 9.)

Purchases by Telecommunication Service Providers

Transactions involving acquisition of tangible personal property by telecommunication service providers are exempt from sales tax if the property is classified as central office equipment, station equipment or apparatus, station connection, wiring, or large private branch exchanges according to the uniform system of accounts which was adopted and prescribed for the utility by the Indiana Utility Regulatory Commission. Mobile telecommunications switching office equipment and radio or microwave transmitting equipment, including, towers and antennae are also exempt. If the provider is not subject to the control of the Indiana Utility Regulatory Commission, then the exemption applies to any property similar to that mentioned above.

Example 11

Company B is a local telephone service provider. Company B is subject to the authority of the Indiana Utility Regulatory Commission. Company B will look to the uniform system of accounts for local telephone companies to determine whether property it leases or purchases is subject to sales or use tax.

Example 12

Company F is a paging services provider. Company F rents space on a local tower for its antenna. The rental charges are not subject to sales tax. The purchase or rental of the antenna is also exempt from sales tax.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #65
SALES TAX
DECEMBER 2002**

(Replaces Bulletin #65 dated March 1993)

DISCLAIMER: Informational bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: Manufactured Homes (Mobile Homes)

REFERENCES: IC 6-2.5-5-29, 50 IAC 3.1-1-4, 45 IAC 2.2-5-65 through 45 IAC 2.2-5-69

I. Retail Sales of Manufactured Homes

The purchases of manufactured homes by authorized dealers are exempt from sales tax. The dealer shall issue a general exemption certificate, Form ST-105, to the manufacturer as a purchase for resale. When the dealer sells the manufactured home to the final consumer he is a retail merchant making a retail transaction. Accordingly, sales tax must be collected on the selling price of the manufactured home. Sales tax should be collected on sixty five percent (65%) of the selling price. Thirty five percent (35%) of the selling price is attributed to costs other than the cost of material used in manufacturing such structures. The selling price includes delivery, set-up, and utility connections as the manufactured home is not deemed delivered until it is set up.

II. Dealers of Manufactured Homes as Contractors

A dealer of manufactured homes is acting as a contractor when the dealer contracts to make an improvement to real estate by permanently affixing a manufactured home to real estate. A manufactured home is considered affixed to a permanent foundation to the extent that it cannot be moved without material and substantial change to the manufactured home and/or the land. The contract is for an improvement to realty even if the manufactured home is being permanently attached to land not owned by the purchaser of the manufactured home.

A permanent foundation would be evidenced by mortared walls of concrete block, brick, stone, tile, etc. or poured concrete. In these cases the foundation will be partially or totally load bearing. Additional elements that tend to indicate permanence include: permanent utility connections, room additions, patios and porches.

A dealer who permanently affixes a manufactured home to real property pursuant to a lump sum contract for sale without clearly separating selling price from permanent installation costs is acting as a lump sum contractor. When a dealer acts as a lump sum contractor, the dealer must remit use tax on sixty five percent (65%) of the wholesale invoice price of the manufactured home. Sales/use tax must be paid by the dealer on all materials and supplies used in the performance of the contract.

If the dealer segregates a contract into a time and materials contract, sales tax must be collected on sixty five percent (65%) of the unit's selling price and on the full sales price of other tangible personal property transferred as part of the time and material contract.

III. Pre-Owned Manufactured Homes

The gross retail income derived from the sale of a pre-owned manufactured home is exempt from the state gross retail tax.

IV. Modular Homes

Modular homes are not manufactured homes for purposes of this information bulletin. Modular homes are not attached to a chassis nor are the homes movable without specialized equipment. Modular homes are always permanently affixed to a permanent foundation. Thus, any contract to install a modular home is a contract for an improvement to realty. When a lump sum contract is used for sale and installation of a modular home, the contractor must pay sales or use tax on sixty five percent (65%) of the wholesale invoice price (his purchase price of the modular home). When any person purchases a modular home for the purpose of installing it for himself or another, the person shall pay sales or use tax on 65% of the purchase price of the modular home. If the person is acting as a contractor installing the modular home for another person, the contractor shall pay use tax on all materials used in installation.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #69
SALES TAX
DECEMBER 2002**

(Replaces Bulletin #69 dated December 1999)

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SUBJECT: Commercial Printers

REFERENCES: IC 6-2.5-1-10; IC 6-2.5-5-3; IC 6-2.5-5-4; IC 6-2.5-5-5.1; IC 6-2.5-5-6; IC 6-2.5-5-36; IC 6-2.5-8-8.5

INTRODUCTION

This bulletin is to explain the tax exemption for items purchased by commercial printers.

Tax Exemptions for Items Purchased by Commercial Printers

IC 6-2.5-5-3 provides that "commercial printing as described in IC 6-2.5-10 shall be treated as the production and manufacture of tangible personal property." Commercial printing that is described in IC 6-2.5-10 is "the business of commercial printing that results in printed materials, excluding the business of photocopying." A commercial printer is, therefore, entitled to an exemption for machinery, tools and equipment that are directly used to perform a process or activity, or both, that is related to the production of printed materials for others. This includes equipment, (computers, scanners, etc.), that is used to perform what is commonly referred to as pre-press activities, which include the receiving, processing, moving, storing, and transmitting, either physically or electronically, of copy elements and images to be reproduced, and plate-making or cylinder-making. Exempt pre-press activities do not include drafting of copy or the creation of artwork for reproduction.

Commercial printers are also exempt from sales/use tax on purchases of capital equipment, consumables, and materials used in commercial printing under IC 6-2.5-5-4, IC 6-2.5-5-5.1 and IC 6-2.5-5-6. Like other manufacturers, commercial printers may also be exempt from tax under other sections of the Code.

A business or part of a business that performs one or more, but not all, of the processes or activities related to the production of printed materials (such as a pre-press house) is also exempt from sales and use tax on its purchases of machinery, tools and

equipment, consumables, and materials, to the same extent that a business that performs all such commercial printing processes or activities would be exempt on its purchases of the same items. An exempt process or activity related to the production of printed materials should not become taxable simply because it is performed by an entity separate from the entity that performs the rest of the commercial printing processes or activities. Photocopying is expressly excluded from the type of commercial printing that is entitled to exemption under IC 6-2.5-5-3, IC 6-2.5-5-4, IC 6-2.5-5-5.1, and IC 6-2.5-5-6.

A commercial printer must collect and remit Indiana sales tax on the full price charged to the customer for the tangible personal property sold, unless the transaction is otherwise exempt from tax or the customer provides a direct pay permit, exemption certificate or a statement under IC 6-2.5-8-8.5.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #72
INCOME TAX
JANUARY 2003**

(Replaces Information Bulletin #72 dated June 1993)

DISCLAIMER: Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: S Corporation/Partnership/Fiduciary Election to File Composite Return On Behalf of Nonresident Shareholders/Partners/Beneficiaries

REFERENCES: IC 6-3-4-12, IC 6-3-4-13, IC 6-3-4-15

An S corporation, partnership or fiduciary may file a composite adjusted gross income tax return on behalf of some or all nonresident shareholders, partners or beneficiaries. Due to the similar treatment of composite returns for corporations, partnerships and fiduciaries, whenever this bulletin mentions "corporation" or "shareholder", it refers to the S corporation/partnership/fiduciary and the shareholder/partner/ beneficiary, respectively. If the nonresident shareholders properly elect to participate in a composite return, they will be relieved of the obligation to file an individual adjusted gross income tax return.

Any shareholder falling within the following categories must, in all cases, be excluded from the composite return:

- a) any shareholder that is a corporation, partnership, or fiduciary;
- b) any shareholder who received a distribution(s) during the year in excess of his/her distributive share of the corporation's ordinary income;
- c) any shareholder who during the taxable year sold any portion of his/her interest in the corporation;
- d) any shareholder who received income during the year from an Indiana source other than the corporation;
- e) any shareholder who for a portion of the year was a resident of Indiana.

Those shareholders who for any reason are not included in the composite return must file Indiana Part-Year or Nonresident Income Tax Returns (Form IT-40PNR). The names, addresses and social security numbers of these excluded shareholders must be disclosed on the composite return.

The following limitations and conditions shall apply to those shareholders included in the composite return:

- a) any short term capital gain (loss) plus any long term capital gain (loss) specifically allocated to partners shall be allowed subject to any "passive activity" loss limitations pursuant to IRC Section 469 and capital loss limitations imposed on noncorporate taxpayers by IRC Section 1211;
- b) no deduction shall be permitted for interest paid on investment indebtedness under Section 163(d) of the IRC (limitation on interest investment indebtedness);
- c) no deduction shall be permitted for net operating losses;
- d) no personal exemptions shall be permitted;
- e) no deduction shall be allowed for charitable contributions allowed or allowable pursuant to Section 170 of the Internal Revenue Code;
- f) any college credit for individual contributions is limited on the composite return to the lower of each shareholder's state tax liability or \$100 (no joint credit with spouse is permitted);
- g) no credit is permitted for taxes paid to other states;

- h) no credit carryovers are permitted.
- i) any refund of state and/or county taxes will be remitted directly to the corporation.

Composite Filing Procedures

1) Send a copy of composite filing procedures for nonresident shareholders to each nonresident shareholder. The corporation must ascertain which shareholders elect to be included in the composite return and which shareholders do not elect to be included.

2) (a) Prepare a comprehensive schedule which sets out the calculation of tax attributable to each nonresident shareholder. Indicate the names, addresses and social security numbers of those individuals included in the composite return. Subject to the exemptions, deductions and credit limitations above, separately compute the Indiana tax liability of each nonresident shareholder who has authorized the corporation to file on his/her behalf. Attach this schedule to the Small Business Corporation Return (Form IT20S), the Partnership Return (Form IT-65), or the Fiduciary Income Tax Return (Form IT-41).

(b) For a partnership, composite income means each nonresident partner's distributive share of income from the partnership which is derived from sources within Indiana as determined by the use of the apportionment formula described in IC 6-3-2-2(b) on the partnership's income.

(c) Any limitations imposed on the respective shareholders by Section 469 of the Internal Revenue Code (passive activity loss rules) will apply to the composite return.

(d) For the beneficiary of a trust or estate, composite income means all distributions subject to Indiana adjusted gross income tax. For further information, see Information Bulletin #1, Fiduciary Income Tax Return.

3) On Form IT-20S, IT-65, or IT-41 enter the total tax liability of those nonresidents included in the composite return. Insert this amount on the line for "other tax" or "additional tax".

4) Insert the total tax withheld on behalf of the nonresident shareholders included in the composite return on the line for "other credits." This amount plus the total tax withheld on behalf of the nonresident shareholders not included in the composite return should conform to the Annual Reconciliation of Withholding (Form WH-3).

5) Attach a second schedule of names, addresses, social security numbers, the individual distributive shares and tax withheld for those shareholders who for any reason were excluded from the composite return.

6) On a monthly or quarterly basis, using Form WH-1 (Employers Withholding Tax Return), submit withholding tax payments on behalf of all nonresident shareholders along with any withholding for corporate employees.

7) File copy A of Form WH-18 (Indiana Miscellaneous Withholding Tax Statement for Nonresidents) with the Department of Revenue together with Form WH-3 (Annual Withholding Reconciliation) by February 28.

Copy B should be given to the recipient for their records.

Copy C should be attached to the composite return.

Copy D is for the payer's records.

Form WH-3 is mailed automatically to the payer in January.

The corporation filing a composite return for the nonresident shareholders is liable not only for the tax shown on the return but also for any additional tax, interest, and penalty as a result of a subsequent audit and examination.

The composite return shall be due with the corporation return. If the IRS allows the corporation an extension on its federal income tax return, the corresponding due dates for its Indiana income tax returns are automatically extended for the same period, plus thirty (30) days.

For purposes of IC 6-8.1-5-2(a), the return referred to is the composite return for those shareholders properly included in the composite return.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #79
INCOME TAX
JANUARY 2003**

(Replaces Information Bulletin #79 dated June 1995)

DISCLAIMER: Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is not consistent with the law, regulations, or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: Income Derived From Investment Funds Holding U.S. Government Obligations

REFERENCES: IC 6-3-1-3.5; 45 IAC 1-1-127; 45 IAC 3.1-1-5

INTRODUCTION

The proportionate share of dividends or interest received from a mutual fund, regulated investment trust, or other fund derived from investments in direct federal government obligations may be deducted from Indiana adjusted gross income. This deduction is allowed only to the extent that such income is included in Indiana adjusted gross income. Earnings from investments in repurchase agreements do not qualify for this deduction. They are not considered to be derived from direct obligations of the federal government.

Distributions from individual retirement accounts (IRAs), pensions, and annuities represent ordinary income. Such investments do not qualify for a modification for interest earned on United States government obligations.

For further information on direct United States government obligations, please consult Income Tax Information Bulletin #19.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
INFORMATION BULLETIN #85
NOMINEE WITHHOLDING PROCEDURES
JANUARY 2003**

(Replaces Information Bulletin #85 dated September 1992)

DISCLAIMER: Information Bulletins are intended to provide non-technical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the Department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: Nominee Withholding Procedures for Small Business Corporations, Partnerships and Fiduciaries

REFERENCES: IC 6-3-4-12; IC 6-3-4-13; IC 6-3-4-15

Withholding Requirements

Small business corporations (as defined in Section 1361 of the Internal Revenue Code), partnerships, trusts and estates must withhold Indiana adjusted gross income tax from certain payments or credits of income to nonresidents. The withholding agent must report the net income and tax withheld from this income on Form WH-18, Indiana Miscellaneous Withholding Tax Statement for Nonresidents. Withholding is required when:

- a. a small business corporation pays or credits Indiana income amounts to any of its non-Indiana resident shareholders as taxable dividends or undistributed taxable income that was not previously taxed (IC 6-3-4-13);
- b. a partnership pays or credits Indiana income amounts to any of its non-Indiana resident partners on their distributive shares of partnership income (IC 6-3-4-12), unless the partner is a foreign corporation qualified to do business in Indiana; or
- c. a trust or estate (fiduciary) distributes Indiana income (except income attributable to interest or dividends) to a non-Indiana resident beneficiary (IC 6-3-4-15).

The nonresident shareholder, partner, or beneficiary is entitled to claim credit for the withheld tax when filing the proper Indiana return.

Nominee Withholding Procedures

If a small business corporation, partnership, or fiduciary withholds tax from income distributions to a nonresident small business corporation, partnership or fiduciary which in turn passes through the income to a nonresident shareholder, partner, or beneficiary, the original withholding agent may designate the ultimate nonresident recipient as a "Nominee" recipient who may then claim the withheld Indiana tax.

Example. Indianapolis Partners, Ltd., an Indiana partnership, distributes \$1,000 of Indiana source rental income to one of its partners, the Ohio Revocable Trust located in Columbus, Ohio. The Ohio Revocable Trust is a simple trust which distributes all current income to the sole beneficiary, John Jones, a resident of Ohio. Indianapolis Partners, Ltd., must withhold \$34 (3.4% of \$1,000) from the distribution to the Ohio Revocable Trust.

Indianapolis Partners, Ltd., may designate John Jones as the "nominee" recipient of the income distribution on Form WH-18. The Form WH-18 must show the names and addresses of both the Ohio Revocable Trust and John Jones. The federal identification number of the trust would appear in the recipient's block next to the trust's name and address. Jones' social security number must appear in the block specified for "Recipient's Federal ID or SS Number."

Following the end of the partnership's tax year, Indianapolis Partners, Ltd. provides copies B and C of Form WH-18 to the Ohio Revocable Trust. The trust provides Copy C to John Jones for filing with John Jones' IT-40PNR. John Jones reports the \$1,000 rental income on his IT-40PNR. The trust reports the \$1,000 income and \$1,000 distribution deduction on the federal fiduciary return, Form 1041. The trust's Indiana fiduciary return (IT-41) reports no taxable income due to distributions. The trust must attach a copy of the Form WH-18 showing the "pass through" of the withheld income tax to John Jones.

NOTE: If there is more than one partnership or fiduciary between the withholding agent and ultimate beneficiary, the withholding agent may complete Form WH-18 to reflect the initial distribution and nominee beneficiary as if there were no intermediary entities. Intermediary entities must attach a copy of the Form WH-18 to their returns to show the ultimate nominee beneficiary.

Example: Smith Farms, Inc., an Indiana S Corporation, distributes \$10,000 of Indiana source farm income to the Estate of Mary Smith, an Illinois shareholder. The Estate of Mary Smith in turn distributes the income to two Illinois Trusts, the Smith Marital Trust and the Smith Credit Trust. The two trusts in turn distribute the income to Sam Smith, also a resident of Illinois.

Smith Farms, Inc. would complete Form WH-18 showing the Estate of Mary Smith and Sam Smith as the nominee recipient. The Estate of Mary Smith and the two trusts would each file Form IT-41 with a copy of the Form WH-18. Sam Smith would report the \$10,000 of Indiana source income on his IT-40PNR and claim credit for the \$340 of withheld tax.

Additional Information

Additional information about Indiana withholding requirements may be obtained from Information Bulletin #28, Application of State and County Adjusted Gross Income Tax to Residents with Out-of-State Income and Non-Residents with Indiana Source Income.

Kenneth L. Miller
Commissioner

DEPARTMENT OF STATE REVENUE

02980495.LOF

LETTER OF FINDINGS NUMBER: 98-0495

Adjusted Gross Income Tax

For Calendar Years 1992, 1993, 1994, and 1995

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE(S)

I. Net Operating Loss – Carryback

Authority: 45 IAC 3.1-1-9

Taxpayer protests the adjustment to the net operating loss.

STATEMENT OF FACTS

Taxpayer protests the audit adjustment to its net operating loss. Taxpayer was audited for calendar years 1992 through 1995. The income before nonbusiness income was adjusted for the addback of property and income taxes deducted in arriving at Federal Taxable Income before NOL and special deductions. The apportionment factors were also adjusted as shown in the audit report. The aforementioned adjustments affected the taxable income for the years 1992 and 1993 and the losses for the years 1994 and 1995. The taxpayer had not elected to forgo the loss carry back, therefore, the 1994 loss was required to be carried back three years, however, this 1994 loss could not be applied to 1991 since 1991 was a loss year. As a result of the audit, the net operating loss for 1994 was applied to reduce the taxable income to zero for 1992 and 1993 with a \$514,512 net operating loss available for carryforward to future periods.

Taxpayer filed a protest letter dated August 17, 1998 that states that it does not agree with the auditor's calculations. Taxpayer further states that detailed information would be provided and wishes to arrange for a meeting to discuss the issues.

In letters dated September 9, 1999, October 13, 1999, November 10, 1999, February 29, 2000, November 28, 2000, January 30, 2001, and February 6, 2001, the Department asked the taxpayer to provide detail regarding its objections to the audit. In a telephone conversation, it was determined that the taxpayer protests the loss carryforward adjustments. On March 16, 2001, a hearing was scheduled for April 4, 2001 that the taxpayer cancelled. On June 19, 2002 a hearing was rescheduled for July 17, 2002 that the taxpayer cancelled. On July 31, 2002 after discussions with the taxpayer's representative, a copy of the audit was mailed with a letter stating that the department must have a detailed brief. On September 9, 2002 the hearing officer allowed until November 15, 2002 for the taxpayer to provide a written brief and followed the discussion with a letter stating that no further extensions would be allowed.

I. Net Operating Loss – Carryback**DISCUSSION**

Taxpayer protested the audit but has provided no detail or reasons for its disagreement. During a conversation with the hearing officer, it was determined that the taxpayer disagrees with the loss carryforwards as shown in the audit report.

The taxpayer did not elect to forgo the loss carryback in 1994 and did not carry the loss back or forward. The 1994 loss was required to be carried back three years; however, the 1994 loss could not be applied to 1991 since 1991 was a loss year. As a result, the net operating loss from 1994 was applied to reduce the taxable income to zero for 1992 and 1993 with a \$514,512 net operating loss available for carryforward to future periods.

On numerous occasions, the Department asked for detail regarding taxpayer's objections to the audit. No information has been provided the Department.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

03990375.LOF

04990490.LOF

LETTER OF FINDINGS NUMBER: 99-0375 & 99-0490**Gross Income & Sales/Use Tax****For the Years 1996, 1997, 1998**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES**I. Withholding – Application to Out-of-State Contractors**

Authority: IC 6-2.1-6-1; IC 6-2.1-3; 45 IAC 1-1-213; 45 IAC 1-1-121; 45 IAC 1-1-124; *Complete Auto Transit, Inc. v. Brady*, 430 U.S. 274 (1977)

Taxpayer protests the Department's assessment of the gross income tax on payments for an amusement park ride to a non-resident contractor.

II. Sales/Use Tax – Application to Income from Lockers

Authority: IC 6-2.5-2-1; IC 6-2.5-3-1; IC 6-2.5-4-1; IC 6-2.5-4-4; IC 6-2.5-4-10

Taxpayer protests the Department's assessment of the sales/use tax on Taxpayer's locker rentals.

III. Sales/Use Tax – Application to Shuttle Bus

Authority: IC 6-2.5-5-27; 45 IAC 2.2-3-22, 45 IAC 2.2-5-61; *Panhandle Eastern Pipeline Company v. Indiana Department of State Revenue*, 741 N.E.2d 816 (Ind. Tax Ct. 2001)

Taxpayer protests Department's assessment of the sales/use tax on the Taxpayer's shuttle bus.

STATEMENT OF FACTS

The Taxpayer is an amusement resort located in Indiana. A majority of the accommodations are within a short walking distance from the attractions and amusements. Guests may stay at a cottage, inn, motel, or suite and receive free passes for general admission to the park. A private swimming pool, camping, and cabins are also available. Shuttle buses are available to transport guests to and from the campground. There are 26 adult rides and 9 kiddy rides as well as a wide variety of gift, souvenir, and sportswear shopping.

Some of the Taxpayer's operations are leased to independent contractors. These operations include most of the concession stands, games of chance, and souvenir stands. The operators of these facilities pay a percentage of their gross revenue to the taxpayer, which is classified as concession revenue.

An examination of the taxpayer's method of collecting and remitting withholding tax was conducted. The examination revealed that, during 1998, the Taxpayer purchased an amusement ride from a Florida corporation. The manufacturer billed the Taxpayer separately for the "labor and material to construct the ride." Taxpayer paid use tax on the portion of the bill identified as material. The ride was constructed in Florida, shipped to Indiana, and then installed by the manufacturer at the Taxpayer's Indiana business location. The manufacturer is a regular "C" corporation which is not qualified with the Indiana Secretary of State to conduct business within Indiana. Manufacturer has also never filed an Indiana income tax return.

In addition, the Taxpayer provides lockers for rent so that individuals can store their clothes while swimming. Taxpayer did not collect sales and use tax on these rentals of tangible personal property. Furthermore, during 1996, the Taxpayer purchased a shuttle bus. The bus was used to transport individuals to and from the park to their accommodations. No tax was paid to the vendor or the Bureau of Motor Vehicles on the purchase of the bus.

I. Withholding – Application to Out-of-State Contractors**DISCUSSION**

Taxpayer argues that to impose withholding is improper as Taxpayer allegedly falls under an exception to the withholding requirement. Alternatively, Taxpayer argues that the imposition of the withholding tax is in violation of the Commerce Clause of the U.S. Constitution. The Taxpayer argues that taxing the purchase and subsequent installation of the ride is in violation of the Commerce Clause as the purchase is alleged to be solely within interstate commerce.

The Indiana Code provides for withholding tax in this situation, and IC 6-2.1-6-1 states in relevant part:

- (a) As used in this section, “nonresident contractor” does not include a foreign corporation qualified to do business in Indiana.
- (b) Except as provided in subsection (c), each calendar year each individual, firm, organization, or governmental agency of any kind who makes payments to a nonresident contractor for performance of any contract, except contracts of sale, shall withhold from such payments the amount of gross income tax owed upon the receipt of those payments under this article. When withholding the gross income tax, the withholding agent shall compute the amount owed by applying the highest rate applicable under IC 6-2.1-2 to any portion of the payments.

As such the manufacturer meets the definition of a nonresident contractor as defined by both IC 6-2.1-6-1 and 45 IAC 1-1-214. The administrative regulations provide guidance in this area as well. 45 IAC 1-1-213 provides in relevant part:

Withholding for Gross Income Tax Purposes Indiana gross income tax is required to be withheld from any and all payments made to a nonresident contractor for performance of any work or services which are taxable to the State of Indiana. The withholding will be made at the higher rate under IC 6-2-1-3(g) on all payments made during the year to a nonresident contractor which exceeds the sum of \$1,000.

At the time of the purchase of the ride, 45 IAC 1-1-121 stated in relevant part:

Sec. 121 Income from the Performance of a Contract or Service. Gross income derived from the performance of a contract or service within Indiana is subject to gross income tax. Below is a list of some of the situations, which have arisen in dealing with service income, with an indication of the taxability of each:...

- (c) Gross receipts from contracts entered into by nonresidents to furnish and install tangible personal property in Indiana are subject to gross income tax. See *Holland Furnace Co. v. Department of Treasury*, 133 F.2d 212 (7th Cir., 1943), cert. Denied, 320 U.S. 746 (1943). The problem with these and similar cases (see Regulation 6-2-1-7(a)(030) [45 IAC 1-1-120; now 45 IAC 1-1-3-3], *Gross Income Tax Div. V. Surface Combustion Corp. supra*) is in deciding if the contract is simply one of sale with incidental services taking place within the State, which may be tax-exempt as a transaction in interstate commerce, or one of service which is taxable if it takes place in Indiana. The Department interprets the relevant court decisions to mean that whenever a product is shipped in parts as a convenience to transportation and the seller then assembles it or supervises assembly on the customer’s premises, the transaction is a sale if the following conditions are met: Installation consists of no more than setting the product on bases or connecting it to pipes, wires, supports, etc., provided by the customer; the product remains personal property after installation; the property is suitable for sale to other customers in the regular course of the seller’s business; and the service necessary to installation is of such a technical nature that only the seller is capable of providing the necessary skilled workmen. *If these conditions are not met or if, in addition to assembly, the seller performs additional services, such as installation, testing, construction, etc., the transaction will not be considered a sale, but will be treated as a construction contract... (emphasis added).*

The Taxpayer relies on the idea that the purchase and subsequent installation of the ride was a single “contract of sale,” and thus, falls under the exception to the withholding requirement set forth under IC 6-2.1-6-1. This argument is faulty, as the Taxpayer has offered no proof that the shipment of the ride to Taxpayer only involved the mere assembly without installation, testing, or construction. Indeed, the record indicates taxpayer paid use tax on only a portion of the purchase price of the item, breaking out the associated labor costs for the assembly and delivery of the equipment- including information on the portions of the labor costs for the out-of-state location and Indiana.

IC 6-2.1-3-3 requires in relevant part “Gross income derived from business conducted in commerce between the state of Indiana and either another state or a foreign country is exempt from gross income tax to the extent the state of Indiana is prohibited from taxing that gross income by the United States Constitution,” to the extent that the labor costs occurred out-of-state, the withholding requirement would not apply to the portion of the contract identified as payments for labor costs related to the manufacture of the tangible personnel property while out-of-state.

Taxpayer cites *Gross Income Tax Division of Indiana v. Surface Combustion Corp.*, 111 N.E.2d 50 (Ind. 1953), for the Taxpayer’s alternative reliance upon the Commerce Clause of the United States Constitution but, ignores the general rule that taxing interstate commerce is governed by four requirements: 1) the tax is applied to an activity with a substantial nexus to the taxing state; 2) the tax is fairly apportioned; 3) the tax does not discriminate against interstate commerce; 4) the tax is fairly related to the services provided by the state. *Complete Auto Transit, Inc. v. Brady*, 430 U.S. 274 (1977). In the Taxpayer’s situation, all four requirements are met. First, the Taxpayer has substantial nexus to this state as it is an Indiana business with its principal place business and the park at issue here within the state of Indiana. Second, the withholding tax is fairly apportioned to all Indiana residents who fall under

IC 6-2.1-6-1. Third, the tax does not discriminate against interstate commerce because Indiana residents are required to collect the same tax for work done by Indiana residents. Fourth, the tax is fairly related to the services provided by Indiana.

Therefore, without proof that the ride manufacturer's workmen were present for the mere purpose of assembly the Taxpayer's constitutional argument must fail. Additionally, the facts meet the requirements set out in *Complete Auto* for a state's taxing without offending the Commerce Clause.

FINDING

Taxpayer's protest is denied as to the Indiana labor costs and sustained as to withholding on the out-of-state labor costs.

II. Sales/Use Tax – Application to Income from Lockers

DISCUSSION

Taxpayer protests the Department's assessment of the sales/use tax on the Taxpayer's rental lockers.

IC 6-2.5-2-1 provides in relevant part:

- (a) An excise tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana.
- (b) The person who acquires property in a retail transaction is liable for the tax on the transaction and, except as otherwise provided in this chapter, shall pay the tax to the retail merchant as a separate added amount to the consideration in the transaction. The retail merchant shall collect the tax as agent for the state.

IC 6-2.5-3-1 provides definitions and states in relevant part:

- (a) "Use" means the exercise of any right or power of ownership over tangible personal property.
- (b) "Storage" means the keeping or retention of tangible personal property in Indiana for any purpose except the subsequent use of that property solely outside Indiana.

IC 6-2.5-4-1 provides in relevant part:

- (a) A person is a retail merchant making a retail transaction when he engages in selling at retail.
- (b) A person is engaged in selling at retail when, in the ordinary course of his regularly conducted trade or business, he:
 - (1) acquires tangible personal property for the purpose of resale; and
 - (2) transfers that property to another person for consideration.
- (c) For purposes of determining what constitutes selling at retail, it does not matter whether:
 - (3) the property is transferred conditionally or otherwise.

IC 6-2.5-4-10 provides in relevant part:

- (a) A person, other than a public utility, is a retail merchant making a retail transaction when he rents or leases tangible personal property to another person.

IC 6-2.5-4-4 provides in relevant part:

- (a) A person is a retail merchant making a retail transaction when the person rents or furnishes rooms, lodgings, or other accommodations, such as booths, display spaces, banquet facilities, and cubicles or spaces used for adult relaxation, massage, modeling, dancing, or other entertainment to another person:
 - (1) if those rooms, lodgings, or accommodations are rented or furnished for periods of less than thirty (30) days; and
 - (2) if the rooms, lodgings, and accommodations are located in a hotel, motel, inn, tourist camp, tourist cabin, gymnasium, hall, coliseum, or other place, where rooms, lodgings, or other accommodations are regularly furnished for consideration.

The Taxpayer's argument regarding the imposition of sales tax upon the rental lockers is that the lockers are permanently attached to the Taxpayer's real estate and cannot be removed without causing damages to the premises or lockers. Thus, the lockers are not tangible personal property, which is the focus of the tax imposed by IC 6-2.5-4-10(a). The Department, while in no way conceding that the lockers are to be considered real property and only for the sake of illustration, would note that even if it accepted taxpayer's bare assertion-unsupported by statute, regulation, or case law- that the rental lockers are not tangible personal property, the underlying facts would demonstrate this to be a transaction involving the rental of accommodations for less than 30 days. Such activity would still be considered a retail transaction under, IC 6-2.5-4-4 thus rendering taxpayer's argument moot.

IC 6-2.5-4-1 is applicable to taxpayer's rental of these lockers, which is the rental of tangible personal property and which constitutes a taxable retail transaction. Therefore, the rental of the lockers is taxed pursuant to IC 6-2.5-2-1.

FINDINGS

Taxpayer's protest is denied.

III. Sales/Use Tax –Application to Shuttle Bus

DISCUSSION

Taxpayer protests the assessment of sales/use tax on the Taxpayer's purchase of a shuttle bus for use in Taxpayer's business.

IC 6-2.5-5-27 provides in relevant part:

Transactions involving tangible personal property and services are exempt from the state gross retail tax, if the persons acquiring the property or service directly uses or consumes it in providing public transportation for persons or property.

45 IAC 2.2-3-22 provides in relevant part:

No vehicle shall be licensed by Indiana for highway use in Indiana unless the registered owner thereof shall present to the

licensing agency at the time such vehicle is first licensed in his name proper evidence, as prescribed by the Department, of the payment of the state gross retail tax or use tax owing in respect to his acquisition of ownership of such vehicle, or shall then pay to such agency upon forms and receipts prescribed by the Department, the amount of any such tax owing and unpaid on the purchase of such vehicle.

45 IAC 2.2-5-61 provides in relevant part:

(a) The state gross retail tax shall not apply to the sale and storage or use in this state of tangible personal property which is directly used in the rendering of public transportation of persons or property.

(b) Definition: Public Transportation. Public transportation shall mean and include the movement, transportation, or carrying of persons and/or property for consideration by a common carrier, contract carrier, household goods carrier, carriers of exempt commodities, and other specialized carriers performing public transportation service for compensation by highway, rail, air, or water, which carriers operate under authority issued by, or are specifically exempt by statute or regulation from economic regulation of, the public service commission of Indiana,...; however, the fact that a company possesses a permit or authority... does not of itself mean that such a company is engaged in public transportation unless it is in fact engaged in the transportation of persons or property for consideration as defined above.

Taxpayer relies upon IC 6-2.5-5-27 for the proposition that the purchase of its bus is exempt from the sales/use tax. Taxpayer maintains this position despite not being in predominantly engaged in the business of transporting property. The Indiana Tax Court has expressed a position contrary to that of the Taxpayer in *Panhandle Eastern Pipeline Company v. Indiana Department of State Revenue*, 741 N.E.2d 816 (Ind. Tax Ct. 2001). There, in discussing the exemption provided by IC 6-2.5-5-27, it was held, "if a taxpayer acquires tangible personal property for predominate use in providing public transportation for third parties, then it is entitled to the exemption. If a taxpayer is not predominantly engaged in transporting the property of another, it is not entitled to the exemption." *Id.* at 819. Therefore, although the bus may be primarily used for the transportation of the taxpayer's guests, since the Taxpayer is not predominantly engaged in the transporting of the property of another, it is not entitled to the exemption.

FINDINGS

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

04990460.LOF

LETTER OF FINDINGS NUMBER: 99-0460

Gross Retail and Use Tax

For the Period 1995-97

NOTICE: Under IC § 4-22-7-7, this document is required to be published in the *Indiana Register* and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the *Indiana Register*. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

The Department restates the issue the taxpayer has raised into the following issues:

I. Gross Retail and Use Tax – Status of Personal Property as Tangible or Intangible – “Pre-Written,” “Canned” or “Off-the-Shelf” Software

Authority: 17 U.S.C. §§ 101 and 202 (1994 and 2000); I.R.C. (26 U.S.C.) § 38 (1988 and 1994); IC §§ 6-2.5-3-1(a), -2(a) (1993); *Stephens v. Cady*, 55 U.S. (14 How.) 528 (Dec. Term 1852); *Williams Elecs., Inc. v. Arctic Int'l, Inc.*, 685 F.2d 870 (3d Cir. 1982); *Norwest Corp. v. Commissioner*, 108 T.C. 358 (U.S. Tax Ct. 1997); *Wal-Mart Stores, Inc. v. City of Mobile*, 696 So.2d 290 (Ala. 1996); *Bernstein v. Glavin*, 725 N.E.2d 455 (Ind. Ct. App.), *trans. denied* 741 N.E.2d 1248 (Ind. 2000); *South Cent. Bell Tel. Co. v. Barthelmy*, 643 So.2d 1240 (La. 1994); *Comptroller of the Treasury v. Equitable Tr. Co.*, 464 A.2d 459 (Md. 1983); *First Data Corp. v. Nebraska Dep't of Revenue*, 639 N.W.2d 898 (Neb. 2002); *A & D Tech. Supply Co. v. Nebraska Dep't of State Revenue*, 607 N.W.2d 857 (Neb. 2000); *Hasbro Indus., Inc. v. Norberg*, 487 A.2d 124 (R.I. 1985); *Citizens and S. Sys., Inc. v. South Carolina Tax Comm'n*, 311 S.E.2d 717 (S.C. 1984); *South Cent. Utah Tel. Ass'n, Inc. v. Auditing Div.*, 951 P.2d 218, 224 (Utah 1997); *Chittenden Tr. Co. v. King*, 465 A.2d 1100 (Vt. 1983); *Pennsylvania and W. Va. Supply Corp. v. Rose*, 368 S.E.2d 101 (W. Va. 1988); Sales Tax Information Bulletin # 8 (1990)

The taxpayer argues that the software transactions in issue involved nontaxable licenses of intangible personal property, rather than leases of taxable tangible personal property.

II. Gross Retail and Use Tax – Retail Unitary Transactions – “Pre-Written,” “Canned” or “Off-the-Shelf” Software

Authority: 17 U.S.C. §§ 101, 202 and 204(a) (1994 and 2000); IC §§ 6-2.5-1-1, -1-2, 3-2(a), -4-1 (1993); *ProCD, Inc. v. Zeidenberg*, 86 F.3d 1447 (7th Cir. 1996); *Effects Assocs., Inc. v. Cohen*, 908 F.2d 555 (9th Cir. 1990); *RRX Indus., Inc. v. Lab-Con*,

Inc., 772 F.2d 543 (9th Cir. 1985); *Earman Oil Co. v. Burroughs Corp.*, 625 F.2d 1291 (5th Cir. 1980); *Shugrue v. Continental Airlines, Inc.*, 977 F. Supp. 280 (S.D.N.Y. 1997); *Microsoft Corp. v. Harmony Computers & Elecs., Inc.*, 846 F. Supp. 208 (E.D.N.Y. 1994); *Colonial Life Ins. Co. v. Electronic Data Sys. Corp.*, 817 F. Supp. 235 (D. N.H. 1993); *Applications, [sic] Inc v. Hewlett-Packard Co.*, 501 F. Supp. 129 (S.D.N.Y. 1980), *aff'd* 672 F.2d 1076 (2nd Cir. 1982); *Chatlos Sys., Inc. v. National Cash Register Corp.*, 479 F. Supp. 738 (D. N.J. 1979), *aff'd and remanded* 635 F.2d 1081 (3rd Cir. 1980); *Investors Premium Corp. v. Burroughs Corp.*, 389 F. Supp. 39 (D. S.C. 1974); *Neilson Bus. Equip. Ctr., Inc. v. Monteleone*, 524 A.2d 1172 (Del. 1987); *Bernstein v. Glavin*, 725 N.E.2d 455 (Ind. Ct. App.), *trans. denied* 741 N.E.2d 1248 (Ind. 2000); *Cowden & Sons Trucking, Inc. v. Indiana Department of State Revenue*, 575 N.E.2d 718 (Ind. Tax Ct. 1991); *South Cent. Bell Tel. Co. v. Barthelmy*, 643 So.2d 1240 (La. 1994); *Austin's of Monroe, Inc. v. Brown*, 474 So.2d 1383 (La. Ct. App. 1985); *Comptroller of the Treasury v. Equitable Tr. Co.*, 464 A.2d 459 (Md. 1983); *USM Corp. v. Arthur D. Little Sys., Inc.*, 546 N.E.2d 888 (Mass. Ct. App. 1989); *Communications Groups, Inc. v. Warner Communications, Inc.*, 527 N.Y.S.2d 341 (N.Y. Civ. Ct. 1988); *Hasbro Indus., Inc. v. Norberg*, 487 A.2d 124 (R.I. 1985); *Crescent Amusement Co. v. Carson*, 213 S.W.2d 27 (Tenn. 1948); *Camara v. Hill*, 596 A.2d 349 (Vt. 1991); *Chittenden Tr. Co. v. King*, 465 A.2d 1100 (Vt. 1983); *Pennsylvania and W. Va. Supply Corp. v. Rose*, 368 S.E.2d 101 (W. Va. 1988); 45 IAC § 2.2-4-2 (1992 and 1996)

The taxpayer contends that the true object of the assessed transactions was the licensing of software, not the leasing of the tangible personal property on which the software was located.

STATEMENT OF FACTS

During calendar years 1995-97 ("the audit period") the taxpayer, an Indiana-chartered corporate manufacturer, changed the software it used at its Indiana headquarters. The taxpayer obtained copies of two non-customized software application programs (commonly referred to as "pre-written," "canned" or "off-the-shelf" software) from the same transferor, which also provided the taxpayer with consulting and training services and maintenance agreements. As evidence of the terms of the transaction, the taxpayer has tendered in evidence a "Software License Agreement" (hereinafter "the Agreement") for the copies of the applications obtained from the taxpayer's transferor, together with the addenda and attachments to that agreement. The taxpayer paid no gross retail tax at the time it obtained the copies of the software.

Relying in part on Sales Tax Information Bulletin # 8, the field auditor assessed use tax on everything obtained from the software transferor except the consulting and training charges, which the transferor had stated separately on its invoices to the taxpayer. The taxpayer timely protested the part of the proposed assessment levied on the copies of the canned software. The Department will provide additional facts below in the Discussion if and as needed.

SUMMARY OF FINDINGS

For the reasons set out below, the Department finds that the pre-written software the taxpayer obtained was tangible personal property, and as such the taxpayer's use of it was subject to tax. Accordingly, the Department sustains the assessment and denies the taxpayer's protest.

I. Gross Retail and Use Tax – Status of Personal Property as Tangible or Intangible – "Pre-Written," "Canned" or "Off-the-Shelf" Software

DISCUSSION

A. INTRODUCTION: THE TAXPAYER'S ARGUMENT

The taxpayer argues that the assessed software transactions are excluded from imposition of gross retail (i.e., sales) and use taxes. It bases its position on three propositions: first, that the Gross Retail and Use Tax Act applies only to tangible, not intangible, personal property; second, that canned software programs, and licenses of such applications, are intangible personal property; and third, that canned software programs therefore are not subject to imposition of Indiana sales or use taxes by virtue of being intangible personal property.

The taxpayer supports the first proposition by pointing to the references to tangible, and the lack of any references to intangible, personal property in several sections of the Gross Retail and Use Tax Act as evidence that it does not apply to intangible personal property. *See, e.g.*, IC § 6-2.5-3-2(a) (the use tax imposition statute). The taxpayer also construes "tangible" as being a synonym of "corporeal," and "intangible" as being a synonym of "incorporeal," citing to legal dictionary definitions of "corporeal" and "corporeal property" to support its interpretation. *See BLACK'S LAW DICTIONARY* 310 (5th ed. 1979) (defining "corporeal" and "corporeal property," and contrasting corporeal and incorporeal property). In addition, the taxpayer contends that a statute imposing a listed tax must be construed against the Department (i.e., against taxability) and in favor of the taxpayer. As authority for this position it cites *Lincoln National Life Insurance Company v. Department of State Revenue*, [1955-1986 Transfer Binder] Ind. Tax Rep. (CCH) ¶ 200-460 (Noble County Cir. Ct. Oct. 20, 1981), [1955-1986 Transfer Binder] Ind. Tax Rep. (CCH) ¶ 200-460, Conclusion of Law 3, at 10,773.

In support of its second proposition, the taxpayer submits that off-the-shelf software programs are not corporeal, and therefore are incorporeal and intangible, as distinguished from the packages containing them. In the taxpayer's view software programs are intangible partly because they are intellectual property and partly because they are not perceivable by any of the senses. The Department infers from the latter argument that the taxpayer is referring to the unaided senses.

The taxpayer's third proposition is based on the second. Based on the premise that, in the taxpayer's view, the canned software applications and the licenses of those programs are intangible rather than tangible personal property, it contends that they are therefore also not subject to imposition of Indiana gross retail and use taxes. The taxpayer further submits that the Department made an unauthorized attempt to expand the sales and use tax imposition statutes to apply to off-the-shelf software applications by issuing Sales Tax Information Bulletin # 8, which the taxpayer submits the decision in *Lincoln National* issued shortly thereafter superseded in any case.

As supporting authority for its argument, the taxpayer cites to *Lincoln National* and to *Manpower International, Inc. v. Wisconsin Department of Revenue*, [1993-1998 Transfer Binder], Wis. Tax Rep. (CCH) ¶400-240 (Wis. Ct. App. Aug. 22, 1996). These opinions, of an Indiana trial court and the Wisconsin Court of Appeals, respectively, neither of which is published in the respective official state reports, each held that canned computer software is intangible rather than tangible personal property and as such not subject to sales tax. The taxpayer also cites to statutory definitions of "tangible personal property" or "corporeal personal property," all of which explicitly include computer software (usually canned, off-the-shelf or non-customized), from the gross retail and use tax laws of nine other states. The taxpayer argues that these definitions support the idea that pre-written software applications are tangible personal property, and as such are subject to state sales and use taxes, only if the legislature in question has explicitly so defined the term "tangible personal property." Since, in the taxpayer's view, the Indiana General Assembly has not done so, canned software is not "tangible personal property" the use of which is subject to Indiana use tax. The taxpayer refers to IC § 6-2.5-3-1(d), which refers to both tangible and intangible personal property, as evidence that the legislature understands the difference between them. Lastly, the taxpayer cites to IC § 6-1.1-10-39 and 50 IAC § 4.2-4-3(g)(3), and to Rev. Proc. 69-21, 1969-2 C.B. 303, all of which the taxpayer contends treat software programs as being intangible personal property or an intangible asset. The Department will refer in the following Discussion to additional details of the taxpayer's argument if and as needed.

B. THE GROSS RETAIL AND USE TAX ACT APPLIES TO TANGIBLE PERSONAL PROPERTY.

The taxpayer's first proposition, i.e. that the Gross Retail and Use Tax Act applies only to tangible personal property, is correct. IC § 6-2.5-3-2(a) in particular imposes the use tax "on the storage, use, or consumption of tangible personal property in Indiana," *Id.* IC § 6-2.5-3-1(a) defines "use" as "the exercise of any right or power of ownership over tangible personal property." *Id.* However, the taxpayer's second and third underlying propositions, i.e. that canned software recorded on a tangible medium is not tangible personal property and not subject to Indiana gross retail and use taxes, are wrong, as the Department will explain below.

C. COPIES OF PRE-WRITTEN SOFTWARE ARE TANGIBLE PERSONAL PROPERTY AND SUBJECT TO GROSS RETAIL AND USE TAXES.

1. "Tangible" Means Perceptible by Any Sense, Aided or Unaided.

The taxpayer's argument that things that are imperceptible to the senses are incorporeal is incorrect. It does not follow from the fact that the *unaided* senses cannot perceive something that it is incorporeal and therefore intangible. Things that cannot be so perceived are nevertheless tangible to humans because they can correct or enhance their senses with appliances and devices such as eyeglasses and contact lenses, machines such as computers, and even computer programs. For example, a personal computer user who is blind or severely visually impaired can buy or lease a software program designed to aid such people.

It therefore follows that the aided, and not just the unaided senses, determine what things are or are not corporeal and tangible to human beings. Reported sales and use tax opinions on computer software from several other states recognize this point. In *South Central Bell Telephone Co. v. Barthelmy*, 643 So.2d 1240 (La. 1994), the court observed:

In defining tangible, "seen" is not limited to the unaided eye, "weighed" is not limited to the butcher or bathroom scale, and "measured" is not limited to a yardstick. ... *That we use a read/write head to read the magnetic or unmagnetic spaces [on media containing a computer program] is no different than any other machine that humans use to perceive those corporeal things which our naked senses cannot perceive.*

Id. at 1246 (internal quotation marks omitted; emphasis added). The court then went on to hold that a copy of a canned computer software program is corporeal, and as such is tangible personal property subject to use tax. *Id.* at 1246 and 1250, respectively. At least four other state courts of last resort had already held copies of off-the-shelf software to be tangible and taxable. *Hasbro Indus., Inc. v. Norberg*, 487 A.2d 124, 128-29 (R.I. 1985); *Citizens and S. Sys., Inc. v. South Carolina Tax Comm'n*, 311 S.E.2d 717, 719 (S.C. 1984); *Chittenden Tr. Co. v. King*, 465 A.2d 1100, 1101 (Vt. 1983); and *Pennsylvania and W. Va. Supply Corp. v. Rose*, 368 S.E.2d 101, 104 (W. Va. 1988). They did so by construing statutory definitions of "tangible personal property" essentially the same as the definition of "corporeal" the present taxpayer cites, but without the "unaided-senses" gloss that the taxpayer has implied. In addition, since the Louisiana Supreme Court issued *South Central Bell*, the supreme courts of three other states have followed it to reach the same result that opinion did. *Wal-Mart Stores, Inc. v. City of Mobile*, 696 So.2d 290, 291 (Ala. 1996), overruling *State v. Central Computer Servs., Inc.*, 349 So.2d 1160 (Ala. 1977); *First Data Corp. v. Nebraska Dep't of Revenue*, 639 N.W.2d 898, 904 (Neb. 2002), construing *A & D Tech. Supply Co. v. Nebraska Dep't of State Revenue*, 607 N.W.2d 857, 866 (Neb. 2000); *South Cent. Utah Tel. Ass'n, Inc. v. Auditing Div.*, 951 P.2d 218, 224 (Utah 1997). There is thus a significant body of persuasive judicial precedent from other states, contrary to the taxpayer's position, that holds that pre-written software is corporeal and tangible for sales and use tax purposes.

Neither *Lincoln National* nor *Manpower International* is valid authority to the contrary. As previously noted, neither opinion has appeared in the official court reporters of Indiana or Wisconsin, respectively. *Lincoln National* is a trial court judgment from which no appeal was taken. Although the Indiana Supreme Court has not ruled on the question, a majority of the panels of the Indiana Court of Appeals have held that a cited unpublished judgment has no effect as precedent. “[A] conclusion of law by a circuit court in a case from which no appeal has been taken is not binding precedent . . .” *Indiana Dep’t of Natural Resources v. United Minerals, Inc.*, 686 N.E.2d 851, 857 (Ind. Ct. App. 1st Dist. 1997). *Accord, Hartford Acc. & Indem. Co. v. Dana Corp.*, 690 N.E.2d 285, 294 n.10 (Ind. Ct. App. 2d Dist. 1997) (quoting *United Minerals*) and *Indiana High School Athletic Ass’n v. Durham*, 748 N.E.2d 404, 413 n.5 (Ind. Ct. App. 5th Dist. 2001) (citing *United Minerals*). By the same logic, an unpublished trial court decision in a tax case could not overrule Sales Tax Information Bulletin # 8. Nor does an unpublished opinion of an appeals court of another jurisdiction, cited as precedent contrary to policies embodied in the Indiana Rules of Appellate Procedure and the rules of the issuing court. See Ind. R. App. P. 65D (2001), former Ind. R. App. P. 15(A)(3) (1972) (repealed 2001) and Wis. Stat. § 809.23(3) (Cum. Supp. 2001) (each stating in substance that unpublished opinions may only be cited by the parties to that case to establish claim or issue preclusion or law of the case). See also *Miller Brewing Co. v. Best Beers of Bloomington, Inc.*, 579 N.E.2d 626, 633 n.4 (Ind. Ct. App. 1st Dist. 1991) (stating that citing an unpublished federal district court opinion was inappropriate under both the Indiana Rules of Appellate Procedure and the local appellate rules for the circuit covering the district court). Citing to such authorities on appeal is inappropriate. *United Minerals*, 686 N.E.2d at 857 n.1; *Hartford Acc. & Indem. Co.*, 690 N.E.2d at 294 n.10, citing *United Minerals*.

Nor do the taxpayer’s citation to IC § 6-1.1-10-39 or 50 IAC § 4.2-4-3(g)(3), or its selective citations to statutory definitions of “tangible personal property” in the sales and use tax laws of other states support its argument. As regards IC § 6-1.1-10-39 and 50 IAC § 4.2-4-3(g)(3), it is important to emphasize that the issue in this protest is whether this Department is correct in levying use tax on the taxpayer under IC § 6-2.5-3-2(a) on its use of the copies of the software in question. The issue is not whether the taxpayer’s possession of those copies subjected it to property tax, which this Department does not even administer.

The fact that a few states may have statutorily defined “tangible personal property” to explicitly include computer software has no relevance whatever to resolving the question of whether the Indiana legislature, by failing to do so in recodifying the Gross Retail and Use Tax Act, intended to exclude software from the scope of that term. As far as the Department’s research reveals, the Indiana rule of statutory interpretation that the legislature is presumed, in passing a statute, to have been aware of other laws on the same subject, applies only to other statutes of the Indiana legislature, statutes of the United States, and reported opinions interpreting those laws. The Department has not found any reported Indiana opinion that has held that the rule also includes statutes of other states. Since the General Assembly cannot be presumed to have been aware of such laws, it follows that the Department has no duty to consider them in interpreting the Gross Retail and Use Tax Act.

Authority or lack of authority aside, if the definition of “tangible” were restricted to “perceptible by the unaided senses alone,” applying that definition would, taken to its logical conclusion, lead to subjective, inconsistent, arbitrary and absurd results. Perceptible to whose unaided senses? Only to those of people with 20/20 vision? If that were the case, then packaging that includes printed, pictorial or other graphic material, would be tangible and taxable only to buyers and lessees with perfect eyesight who can see and read the package, but intangible and non-taxable to visually impaired buyers and lessees who cannot.

The taxpayer’s distinction of the allegedly intangible copy of the program from the tangible packaging containing it does not advance its argument. Copies of the actual pre-written computer programs would be tangible and taxable if written in human-readable or “source code” form in a book or manual. However, if the copies were written on or copied to a disk in binary “object code” they would be intangible and non-taxable. This would be the case notwithstanding the fact that a computer—which, among other functions, acts as a sense-enhancing device—could read and execute the object code. The computer thereby enables the buyer or lessee not just to use that program, but also to see or (if the buyer or lessee has a sensory impairment) to at least experience it, in operation.

The taxpayer’s thesis that things are intangible if they are incorporeal is thus unsustainable in fact, law, and application. The Department cannot administer the practical, workaday, nuts-and-bolts aspects of the Gross Retail and Use Tax Act on the basis of such metaphysical, what-is-real, how-many-angels-can-stand-on-the-head-of-a-pin distinctions. The only realistic way to administer these taxes is to apply a standard of tangibility that uniformly applies to every retail purchaser and lessee, regardless of the uncorrected sensory acuity of any given natural person. Defining “tangible” as meaning anything that can be perceived by any sense, aided or unaided, provides that standard.

2. Copies of “Canned” Software Are Not Intellectual Property, But Are Instead Tangible Personal Property.

i. Introduction—The Distinction Between Intellectual Property and a Copy of Intellectual Property

The taxpayer has also contended that the copies of the software programs in issue are intangible because they are intellectual property. It is clear to the Department from the Agreement that the transferor considered the programs to be trade secrets, both when it created them and when the parties entered into that agreement. However, the Agreement also states that the copies of the programs transferred to the taxpayer bore copyright legends. It is therefore unclear whether the transferor disclosed and published these programs, and if so to what extent and when publication occurred, or whether the programs remained unpublished and secret.

However, if the programs did remain trade secrets, the taxpayer nevertheless had the right under the Agreement to, and in fact did, employ in its business the specific copies of the programs transferred to it. That action was a “use” as IC § 6-2.5-3-1(a) defines that word, and was also the taxable event that triggered liability for, and supported the auditor’s assessment of, use tax. *See also Comptroller of the Treasury v. Equitable Tr. Co.*, 464 A.2d 248, 252-53 (Md. 1983) (holding that use of copies of software programs the court characterized as trade secrets nevertheless was a sale of those copies for sales tax purposes).

The taxpayer would also be liable if the copies of the programs in fact were, or became, protected by copyright, for the same reason. Copyright law draws an explicit distinction between a copyright and a copy, as the Department will explain below. That distinction also provides a complete response to the taxpayer’s contention that Sales Tax Information Bulletin #8 was an unauthorized expansion of the sales and use tax imposition statutes.

ii. The Copyright Act of 1976, the Copyright-Copy Distinction and the Definition of “Copies”

In 1980, the General Assembly recodified the Gross Retail and Use Tax Act, chapter 30 (Special Session), 1963 Indiana Acts 60, into what is now IC article 6-2.5. Pub. L. No. 52, § 1, 1980 Ind. Acts 590, 590-620. Four years before that, Congress had recodified and updated the law of copyright in the Copyright Act of 1976, Pub. L. No. 94-553, Title I, § 101, 90 Stat. 2541, codified as Title 17 U.S.C. (1976 and Supp. III 1979). That act draws a distinction between a copyright and a copy in 17 U.S.C. § 202, which read in 1980, and still reads, as follows:

Ownership of a copyright, or of any of the exclusive rights under a copyright, is distinct from ownership of any material object in which the work is embodied. Transfer of ownership of any material object, including the copy or phonorecord in which the work is first fixed, does not of itself convey any rights in the copyrighted work embodied in the object; nor, in the absence of an agreement, does transfer of ownership of a copyright or of any exclusive rights under a copyright convey property rights in any material object.

Id. (emphasis added by the Department), *quoted in Bernstein v. Glavin*, 725 N.E.2d 455, 460-61 (Ind. Ct. App.), *trans. denied* 741 N.E.2d 1248 (Ind. 2000). A copy thus is not the same as the copyright. Rather, a copy is the product of the idea the copyright memorializes.

A copy may consist of any substance and may be perceived with either the unaided or aided senses. The Copyright Act of 1976 defined, and still defines, “copies” as being

material objects, other than phonorecords, in which a work is fixed by any method now known or later developed, and from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term “copies” includes the material object, other than a phonorecord, in which the work is first fixed.

17 U.S.C. § 101, *quoted in Williams Elecs., Inc. v. Arctic Int’l, Inc.*, 685 F.2d 870, 877 (3d Cir. 1982) (first and last emphases added by the Department; all other emphases added by the court). Concerning this definition, the legislative history stated that “it makes no difference what the form, manner, or medium of fixation may be[.]” H.R. REP. NO. 94-1476, at 52, *reprinted in* 1976 U.S.C.C.A.N. 5659, 5665 *and in Williams Electronics*, 685 F.2d at 877 n.8. There is thus no distinction under copyright law between a copy of a computer program and a copy of any other copyrighted work, at least as far as the copyright owner’s exclusive rights to reproduce and make the initial distribution of copies of that work are concerned. *See* 17 U.S.C. § 106(1) (granting the copyright owner the exclusive right to reproduce copies of the protected work). *See also* 17 U.S.C. §§ 106(3) and 109(a) (respectively granting the copyright owner the exclusive right to distribute copies of the protected work but permitting the lawful owner of a copy to sell or dispose of it without the copyright owner’s authorization (commonly called the “first sale” doctrine)). As long as the copyright holder has authorized its creation and initial distribution (i.e., if infringement is not an issue), a copy is a copy is a copy.

At least one use tax opinion, *South Central Bell*, has used the copyright-copy distinction to indicate that it is the latter, and not the former, that is subjected to tax when canned software is involved. 643 So.2d at 1248. *See also Equitable Trust*, 464 A.2d at 252 n.5 (quoting 17 U.S.C. § 202 and observing in dicta that “[i]f the programs are in fact copyrighted, no intangible rights would be involved in the sale by the proprietors....” *Id.*). The United States Tax Court has also recognized the distinction as one justification for its holding copies of pre-written software to be tangible personal property eligible for the investment tax credit of I.R.C. (26 U.S.C.) § 38 (1988). *Norwest Corp. v. Commissioner*, 108 T.C. 358, 375 (1997), discussed in *First Data*, 639 N.W.2d at 902. (The present taxpayer’s citing of Rev. Proc. 69-21, 1969-2 C.B. 303, as analogous authority supporting its position, is therefore misplaced. Rev. Proc. 69-21 deals with the expensing or amortization of a taxpayer’s costs of developing software, not the investment tax credit for the price of copies of software already developed by someone else.)

ii. Effect of the Copyright-Copy Distinction and the Definition of “Copies” on Interpreting the Term “Tangible Personal Property” in the Gross Retail and Use Tax Act

Under the Indiana rules of statutory interpretation, a statute must be construed in the light of the factual and legal situation existing at the time of its enactment. *State ex rel. Glenn v. Smith*, 87 N.E.2d 813, 815 (Ind. 1949). The Copyright Act of 1976, which took effect on January 1, 1978, had been in effect for just over twenty-six months on the date of the Indiana sales and use tax recodification. *Compare* Copyright Act § 102, 90 Stat. at 2598 (setting January 1, 1978 effective date) *with* Pub. L. No. 52, § 1, 1980 Ind. Acts 590, 590 (showing act approved March 3, 1980) *and id.* § 6 at 621 (declaring the existence of an emergency and that the act took effect on passage). At that time the copyright-copy distinction had existed in case law and statute for over one hundred

twenty-five years. *See generally Stephens v. Cady*, 55 U.S. (14 How.) 528, 529 and 531 (Dec. Term 1852) (respectively discussing the distinction and holding that a copyright of a map was not subject to execution, that the successful bidder at an execution sale of an engraved printing plate of the map did not also thereby acquire the copyright, and that the buyer should be enjoined from printing the map). *See also* Copyright Act of 1909, ch. 320, § 41, 35 Stat. 1075, 1084, formerly codified as 17 U.S.C. § 27 (1976) by the Copyright Act of 1947, ch. 391, § 27, 61 Stat. 652, 660. It is therefore reasonable to presume that the legislature, in recodifying the Gross Retail and Use Tax Act, was generally aware of the Copyright Act of 1976. It is also reasonable to presume that the it was aware in particular of the copyright-copy distinction, both historically and as codified in 17 U.S.C. § 202, and that the definition of “copies” in 17 U.S.C. § 101 drew no distinctions among lawful copies of the various kinds of copyrightable works.

Contemporaneous legislation, not precisely *in pari materia* (i.e., on the same subject), may be referred to in order to discern the intent of the legislature of the use of particular terms, or in the enactment of particular provisions. *Stout v. Board of Comm’rs of Grant County*, 8 N.E.222, 224 (Ind. 1886). “Statutes [also] are not to be considered as isolated fragments of law, but as parts of one great system.” *Walgreen Co. v. Gross Income Tax Div.*, 75 N.E.2d 784, 785 (Ind. 1947) “ ‘Statutes are to be construed in connection and in harmony with the existing law and as a part of a general and uniform system of jurisprudence.’ ” *State Bd. of Accounts v. Indiana Univ. Found.*, 647 N.E.2d 342, 348 (Ind. Ct. App. 1995), quoting *Schwartz v. Castleton Christian Church, Inc.*, 594 N.E.2d 473, 476 (Ind. Ct. App. 1992). In light of the previously described state of copyright law, it is reasonable to presume that the General Assembly therefore would have understood, and intended, the phrase “tangible personal property” in the Gross Retail and Use Tax Act to exclude copyrights, but to include copies of the protected work capable of transfer from entity to entity, regardless of whether the copies could be perceived with the unaided or the aided senses.

iii. Sales Tax Information Bulletin # 8

In 1981, the year after the recodification of the Gross Retail and Use Tax Act and three years after the Copyright Act of 1976 took effect, the Department issued Sales Tax Information Bulletin # 8 (revised 1983, 1990 and 2002). In that bulletin the Department announced a policy of treating non-customized software as being tangible personal property, and therefore subject to Indiana gross retail and use taxes. However, the taxpayer was wrong to cite the original version of this bulletin as being the one in effect during the audit period. It is not the original Sales Tax Information Bulletin # 8, but rather the 1990 revision of this bulletin, that bears on this protest. That revision read in relevant part as follows:

As a general rule, transactions involving computer software are not subject to Indiana Sales or Use Tax provided the software is in the form of a custom program specifically designed for the purchaser.

Pre-written programs, not specifically designed for one purchaser, developed by the seller for sale or lease on the general market in the form of tangible personal property and sold or leased in the form of tangible personal property are subject to tax irrespective of the fact that the program may require some modification for a purchaser’s particular computer. *Pre-written or canned computer programs are taxable because the intellectual property contained in the canned program is no different than the intellectual property in a videotape or a textbook.*

Id. at 3 (emphasis added). (The 2002 version of Sales Tax Information Bulletin # 8 repeats the above quotation with no change other than to formatting.)

The above-emphasized language makes it clear that Sales Tax Information Bulletin # 8 is consistent with the expansive definition of “copies” and the copyright-copy distinction found in 17 U.S.C. §§ 101 and 202, respectively. The Indiana legislature is legally presumed to have been familiar with both of these matters, for the reasons previously discussed above, and to have taken them into account in imposing taxes on the sale or use of “tangible personal property.” It follows that the taxpayer is incorrect in asserting that the Department engaged in an unauthorized expansion of the sales and use tax imposition statutes in promulgating Sales Tax Information Bulletin # 8, including the 1990 version of that bulletin. In addition, although unnecessary to uphold the validity of that bulletin, it is significant that other jurisdictions, both before and after the Department promulgated the 1990 version and its above-quoted analogy of a copy of a computer program to a copy of other intellectual property, have judicially recognized the validity of such an analogy. *South Central Bell*, 643 So.2d at 1247; *Equitable Trust*, 464 A.2d at 254; *Hasbro Industries*, 487 A.2d at 128-29; *Chittenden Trust*, 465 A.2d at 1102. *See also Citizens and Southern Systems*, 311 S.E.2d at 718 (noting the trial court’s use of the analogy). Contrary to the taxpayer’s assertion, it is not entitled to have the term “tangible personal property” construed in its favor and against the Department. That term, in light of the above-described legal context in which it was enacted, is not ambiguous. Since there is no ambiguity, the rule of statutory interpretation that tax imposition statutes must be construed in favor of a taxpayer and against the Department does not apply.

FINDING

The taxpayer’s protest is denied as to this issue.

II. Gross Retail and Use Tax – Retail Unitary Transactions – “Pre-Written,” “Canned” or “Off-the-Shelf” Software

A. THE TAXPAYER’S ARGUMENT

The taxpayer contends that assessing use tax on the copies of the software is invalid because the physical media on which the software was transferred to it were not the essence or true object of the transaction. It argues that object was to license the allegedly intellectual, intangible, incorporeal property constituting the canned software programs, rather than to acquire the tangible, corporeal

media on which they were recorded and stored. The taxpayer has not cited any authority in support of its argument. However, that argument clearly refers to the “true object” test set out in *Cowden & Sons Trucking, Inc. v. Indiana Department of State Revenue*, 575 N.E.2d 718, 724 n.5 (Ind. Tax Ct. 1991), and the opinions there discussed. The Department will refer in the following Discussion to additional details of the taxpayer’s argument if and as needed.

B. THE INDIANA COURTS HAVE NOT HELD THAT THE “TRUE OBJECT” TEST OR UNITARY TRANSACTION ANALYSIS APPLY TO MIXED TRANSACTIONS OF GOODS AND INTELLECTUAL PROPERTY.

The taxpayer bases its argument on two unstated assumptions: first, that the “true object” test applies to mixed transactions of intellectual property and tangible personal property, and second, that the transaction in issue in this protest is such a transaction. Neither of these assumptions is correct.

The Indiana courts developed the “true object” test to analyze the gross income tax or sales and use tax consequences, and the Department promulgated 45 IAC § 2.2-4-2 to analyze the sales and use tax consequences, of mixed or unitary transactions that include goods and services. However, since the Department did not propose to levy use tax on the consulting services the transferor rendered the taxpayer, there is no factual foundation for applying either the “true object” test or unitary transaction analysis to the copies of the software alone. There is certainly no legal basis for doing so, even if the content of the copies is protected intellectual property. As far as the Department’s research shows, the Indiana courts have never applied the “true object” test or unitary transaction analysis to such goods. Nor could either the “true object” test or 45 IAC § 2.2-4-2, according to their literal terms, apply to such a transaction, since a service is different from the intellectual property of which a copyright, patent or trade secret consists. “To be a service, work must be performed for the benefit of a particular customer. Designing a generally marketable product is not a service because the cost of design is spread among all customers, and their identity is unknown at the time the product is designed.” *Hasbro Industries*, 487 A.2d at 128 n.5, quoting Robert L. Cowdrey, Note, Software and Sales Taxes: The Illusory Intangible, 63 B.U.L. REV. 181, 212 (1983).

C. THE TRANSFERS OF THE SOFTWARE COPIES IN ISSUE ARE NOT MIXED TRANSACTIONS OF GOODS AND INTELLECTUAL PROPERTY.

Even if the “true object” test or unitary analysis did apply to such transactions, however, the transfers in issue in this protest are not of that type. The Copyright Act of 1976 includes a statute of frauds that governs copyright transfers. “A transfer of copyright ownership, other than by operation of law, is not valid unless an instrument of conveyance, or a note or memorandum of the transfer, is in writing and signed by the owner of the rights conveyed or such owner’s duly authorized agent.” 17 U.S.C. § 204(a), *quoted in Bernstein*, 725 N.E.2d at 459. *See generally* 17 U.S.C. § 101 (defining “transfer of copyright ownership”). “The rule is really quite simple: If the copyright holder agrees to transfer ownership to another party, that party must get the copyright holder to sign a piece of paper saying so. It doesn’t have to be the Magna Charta; a one-line pro forma statement will do.” *Id.* at 460, quoting *Effects Assocs., Inc. v. Cohen*, 908 F.2d 555, 557 (9th Cir. 1990). For example, language transferring “all right, title and interest...in and to all programs and software” “is sufficient. *Shugrue v. Continental Airlines, Inc.*, 977 F. Supp. 280, 285-86 (S.D.N.Y. 1997), *quoted in Bernstein*, 725 N.E.2d at 460. However, there is no language whatever in the present Agreement, simple or elaborate, indicating that the transferor of the copies of the software also intended to transfer, or that the taxpayer intended to acquire, any interest in the software copyrights or trade secrets (if they were trade secrets) of which the copies were examples.

Therefore, the taxpayer’s “true object” test argument fails by virtue of what the Department has said previously on the legal distinction between a copy of intellectual property and the property itself. It follows from this distinction that if the “true object” test applies at all, then the object of the present transaction was to transfer property interests in the copies of the software, not any ownership rights in the programs copied. This result is consistent with those reached by courts that have rejected taxpayers’ arguments that under the applicable test, however described, the point of a transaction in copies of software is the transfer of intellectual property. *South Central Bell*, 643 So.2d at 1246-47 (“essence or real object of the transaction”); *Chittenden Trust*, 465 A.2d at 1101-02 (“focus of the transaction”); *Pennsylvania and West Virginia Supply*, 368 S.E.2d at 104 (“essence of the transactions”).

The fact that the Agreement uses license terminology is not to the contrary. “[T]he license to use the software, without transferring the software, would be of no use to [the taxpayer], and the license to use the software is inseparable from the physical manifestation of the software in recorded form.” *South Central Bell*, 643 So.2d at 1249. In this federal circuit, whatever the effect of license language in a software agreement might be in an intellectual property dispute, for day-to-day legal purposes the subject of such contracts is treated, as between the parties, as being goods. *See ProCD, Inc. v. Zeidenberg*, 86 F.3d 1447, 1450 (7th Cir. 1996) (holding software “shrinkwrap” licenses to be enforceable under the common law of contract and the Uniform Commercial Code (“U.C.C.”)), citing *Microsoft Corp. v. Harmony Computers & Elecs., Inc.*, 846 F. Supp. 208 (E.D.N.Y. 1994). This position is consistent with those of opinions of other courts that have held canned software to be goods subject to U.C.C. Article 2, which governs the sale of goods. Those opinions include: *RRX Indus., Inc. v. Lab-Con, Inc.*, 772 F.2d 543, 546-47 (9th Cir. 1985); *Earman Oil Co. v. Burroughs Corp.*, 625 F.2d 1291, 1293 n.5 (5th Cir. 1980); *Colonial Life Ins. Co. v. Electronic Data Sys. Corp.*, 817 F. Supp. 235, 238-39 (D. N.H. 1993); *Applications, [sic] Inc v. Hewlett-Packard Co.*, 501 F. Supp. 129, 133 (S.D.N.Y. 1980), *aff’d* 672 F.2d 1076 (2nd Cir. 1982); *Chatlos Sys., Inc. v. National Cash Register Corp.*, 479 F. Supp. 738, 742-43 (D. N.J. 1979), *aff’d and*

remanded 635 F.2d 1081 (3rd Cir. 1980); *Investors Premium Corp. v. Burroughs Corp.*, 389 F. Supp. 39, 44-45 (D. S.C. 1974); *Neilson Bus. Equip. Ctr., Inc. v. Monteleone*, 524 A.2d 1172, 1174 (Del. 1987); *Austin's of Monroe, Inc. v. Brown*, 474 So.2d 1383, 1388 (La. Ct. App. 1985); *USM Corp. v. Arthur D. Little Sys., Inc.*, 546 N.E.2d 888, 894 (Mass. Ct. App. 1989); *Communications Groups, Inc. v. Warner Communications, Inc.*, 527 N.Y.S.2d 341, 343-44 (N.Y. Civ. Ct. 1988); and *Camara v. Hill*, 596 A.2d 349, 351 (Vt. 1991).

D. IT WOULD BE IMPOSSIBLE AND UNDESIRABLE TO APPLY THE “TRUE OBJECT” TEST OR UNITARY TRANSACTION ANALYSIS TO TRANSACTIONS OF GOODS DESIGNED FROM INTELLECTUAL PROPERTY.

There are two additional reasons why it would be impossible to apply the “true object” test or 45 IAC § 2.2-4-2 to transactions involving copies of computer software. Under either the “true object” test or unitary transaction analysis, it is at least possible to separate and quantify the goods and services elements of a transaction, although it often does not occur in fact. However, it is impossible to do so as between the raw materials and the intellectual property components of a copy of that property: As *South Central Bell* noted regarding software in particular:

One cannot escape the fact that software, recorded in physical form, becomes inextricably intertwined with, or part and parcel of the corporeal object upon which it is recorded, be that a disk, tape, hard drive, or other device.... That the information can be transferred and then physically recorded on another medium is of no moment, and does not make computer software any different than any other type of recorded information that can be transferred to another medium such as film, video tape, audio tape, or books.

643 So.2d at 1247. Even if such a separation were possible, however, giving it administrative or legal recognition would have a devastating effect on the sales and use tax laws. As stated in *Equitable Trust*:

There is scarcely to be found any article susceptible to sale or rent that is not the result of an idea, genius, skill and labor applied to a physical substance.... If these elements should be separated from the finished product and the sales [or use] tax applied only to the cost of the raw material, the sales [and use] tax act would, for all practical purposes, be entirely destroyed.

464 A.2d at 258, quoting *Crescent Amusement Co. v. Carson*, 213 S.W.2d 27, 29 (Tenn. 1948).

FINDING

The taxpayer's protest is denied as to this issue.

DEPARTMENT OF STATE REVENUE

04990583.LOF

LETTER OF FINDINGS NUMBER: 99-0583

For the Period: 1995 through 1998

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Sales/Use Tax – Diagnostic Analyzers

Authority: IC 6-2.5-3-5(a); 45 IAC 2.2-3-16; Information Bulletin #31; IC 6-2.5-3-2; Information Bulletin #20; IC 6-2.5-1-2; IC 6-2.5-4-1; IC 6-2.5-3-1

The taxpayer protests the assessment of use tax on diagnostic analyzers.

STATEMENT OF FACTS

Taxpayer is a global manufacturer of laboratory diagnostic equipment and supplies. The taxpayer provides its customers with diagnostic equipment without charge. The taxpayer's customers then buy items (e.g., reagents) used in performing medical diagnostic tests. The taxpayer has no location in Indiana but does have “seeded” diagnostic equipment that it owns at various customer locations in Indiana. More facts will be provided as needed.

I. Sales/Use Tax – Diagnostic Analyzers

DISCUSSION

Two types of diagnostic equipment are at issue. The first type involves what will be called “S” instruments which were manufactured in Florida. The second type, which will be referred to as “X, Y, and Z” analyzers, were purchased by the taxpayer from Company D. Thus the taxpayer's arguments can be broken out as follows:

- (1) Regarding “S” instruments, the taxpayer argues that the items were made in Florida and that use tax was paid to Florida;
- (2) Regarding the “X, Y, and Z” analyzers, taxpayer argues that it bought the diagnostic division of Company D. The acquisition included the three types of analyzers (namely—X, Y, and Z—which were already placed at medical facilities in Indiana, per the taxpayer) and various other business assets. The taxpayer states that the acquisition of the medical diagnostic

division of Company D does not constitute a retail transaction, it is in fact a casual sale, since Company D is not in the business of selling off its divisions.

“S” Instruments

The taxpayer states that it “self-constructed [S] assets manufactured in Florida for [its own] use” and that “use tax from the [S] instruments manufactured in Florida and seeded in Indiana is due and paid to the state of Florida.” Further, the taxpayer says:

Florida requires use tax to be calculated on tangible personal property removed from inventory for your [*sic.*] own use. Indiana Regulation, Rule 45 IAC 2.2-3-16 reads “Liability for Indiana use tax shall be reduced by a credit for the amount of any sales, purchase, or use tax paid to any other state ... with respect to the tangible personal property on which Indiana use tax applies.” The “S” seeded instruments were manufactured in Florida and capitalized on [the taxpayer’s] books. These instruments were then placed at medical facilities in Indiana. Once these instruments were removed from inventory, Florida use tax was due and paid to Florida.

As alluded to in the taxpayer’s quote above a credit is provided for sales/use tax paid to another state. The Indiana Code, Indiana Administrative Code, and Information Bulletin #31 (Sec. II-B) each deal with the credit.

IC 6-2.5-3-5(a) provides:

A person is entitled to a credit against the use tax imposed on the use, storage, or consumption of a particular item of tangible personal property equal to the amount, if any, of sales tax, purchase tax, or use tax paid to another state, territory, or possession of the United States for the acquisition of that property.

45 IAC 2.2-3-16 reads in full,

Liability for Indiana use tax shall be reduced by a credit for the amount of any sale, purchase, or use tax paid to any other state, territory or possession of the United States with respect to the tangible personal property on which Indiana use tax applies.

And finally the relevant part of Information Bulletin #31, Sec. II-B:

A person is entitled to a credit against the Indiana use tax which is equal to the amount of sales tax, purchase tax, or use tax properly and validly paid to another state

The taxpayer at hearing submitted documentation showing that use tax was paid to Florida on the “S” instruments at issue.

To recapitulate: the “S” instruments are “self-constructed assets manufactured in Florida for [the taxpayer’s] own use” and “seeded” without charge (i.e., free) at customer locations “with the understanding the customer will buy from the taxpayer the supplies called reagents that are used in performing medical diagnostic tests” Also, the taxpayer capitalized the “S” instruments on the taxpayer’s books. Documentation was provided showing that use tax was paid to Florida.

“X, Y, and Z” Analyzers

Turning to the Company D division acquired analyzers (X, Y, and Z), the taxpayer states:

For the tax year 1996, [taxpayer] acquired the medical diagnostic division of [Company D]. Included in this purchase were X, Y, and Z analyzers already placed at medical facilities located in Indiana. ...

The acquisition of the Company D medical diagnostic division by [taxpayer] would not meet the definition of a retail transaction. ...

[Company D] is not in the business to sell off their business assets. Therefore this transaction would meet the definition of an isolated or occasional sale which would be exempt from Indiana sales and use tax.

A retail transaction is defined in relevant part by IC 6-2.5-1-2 and IC 6-2.5-4-1 as:

IC 6-2.5-1-2 (a) “Retail transaction” means a transaction of a retail merchant that constitutes selling at retail as described in IC 6-2.5-4-1, that constitutes making a wholesale sale as described in IC 6-2.5-4-2, or that is described in any other section of IC 6-2.5-4.

(b) “Retail unitary transaction” means a unitary transaction that is also a retail transaction.

IC 6-2.5-4-1 (a) A person is a retail merchant making a retail transaction when he engages in selling at retail.

(b) A person is engaged in selling at retail when, in the ordinary course of his regularly conducted trade or business, he:

- (1) acquires tangible personal property for the purpose of resale; and
- (2) transfers that property to another person for consideration.

(c) For purposes of determining what constitutes selling at retail, it does not matter whether:

- (1) the property is transferred in the same form as when it was acquired;
- (2) the property is transferred alone or in conjunction with other property or services; or
- (3) the property is transferred conditionally or otherwise.

The pertinent parts of the Indiana Code regarding use tax are as follows:

IC 6-2.5-3-1 (a) “Use” means the exercise of any right or power of ownership over tangible personal property.

(b) “Storage” means the keeping or retention of tangible personal property in Indiana for any purpose except the subsequent use of that property solely outside Indiana.

(c) “A retail merchant engaged in business in Indiana” includes any retail merchant who makes retail transactions in which a person acquires personal property for use, storage, or consumption in Indiana and who maintains:

- (1) an office, place of distribution, sales location, sample location, warehouse, storage place, or other place of business which is located in Indiana and which the retail merchant maintains, occupies, or uses, either permanently or temporarily, either directly or indirectly, and either by himself or through an agent or subsidiary; or
- (2) a representative, agent, salesman, canvasser, or solicitor who, while operating in Indiana under the authority of and on behalf of the retail merchant or a subsidiary of the retail merchant, sells, delivers, or takes orders for sales of tangible personal property to be used, stored or consumed in Indiana.

And IC 6-2.5-3-2(a), which states:

An excise tax, known as the use tax, is imposed on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction.

Taxpayer argues that it was a “casual sale” and that Company D is not in the business of selling off entire divisions. Information Bulletin #20 is of import in this context. It states in part:

Indiana Sales Tax is not imposed upon transactions involving casual sales (except for sales of vehicles, aircraft, or watercraft where use tax is paid upon licensing).

A “casual sale” is an isolated or occasional sale of tangible personal property when:

- (1) Such property was originally acquired by the seller for the seller’s own use or consumption; and
- (2) The seller, in the ordinary course of his or her regularly conducted business, does not acquire such property for the purpose of resale. ...

The taxpayer provided documents showing that purchase of Company D’s division included business assets such as real property, machinery and equipment, office equipment, permits/licenses, contracts/sales orders, business records, computer software assets, and inventory. Company D’s ordinary and regular course of business is not to sell off all of these items.

FINDING

The taxpayer’s protest is sustained.

DEPARTMENT OF STATE REVENUE

0220000272.LOF

LETTER OF FINDINGS NUMBER: 00-0272

Adjusted Gross Income Tax – Business/Non-Business Income

Tax Administration—Penalty

For Tax Years 1992-1994

NOTICE: Under Ind. Code § 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUES

I. Adjusted Gross Income Tax – Business Versus Non-Business Income: Gains from the Sale of Stock

Authority: IC § 6-3-1-20; 45 IAC 3.1-1-29; IC § 6-3-1-21; 45 IAC 3.1-1-30; IC § 6-8.1-5-1(b); 45 IAC 3.1-1-31; *May Department Stores v Indiana Department of Revenue*, 749 N.E.2d 651 (Ind.Tax, 2001)

Taxpayer protests the auditor’s reclassification of gains from the sale of stock in foreign corporations from non-business to business income.

II. Adjusted Gross Income Tax – Business Versus Non-Business Income: Litigation Settlements

Taxpayer protests the auditor’s reclassification of litigation settlement amounts from non-business to business income.

III. Adjusted Gross Income Tax – Business Versus Non-Business Income: Joint Venture

Authority: IC § 6-3-1-19; IC § 6-2.1-5-10

Taxpayer protests the auditor’s reclassification of taxpayer’s interest in a joint venture from non-business to business income.

IV. Adjusted Gross Income Tax – Business Versus Non-Business Income: Interest Income and Management Fees

Taxpayer protests the auditor’s reclassification of interest income and income from management fees from non-business to business income.

V. Tax Administration – Penalty

Authority: IC § 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests the imposition of the 10% negligence penalty.

STATEMENT OF FACTS

Taxpayer is a diversified, worldwide producer of chemical and related products in two different industries, chemical specialties and food and functional products. Taxpayer sells its products directly to customers from plants and warehouses. Taxpayer also uses

distributors to sell its products, particularly in markets outside the United States. During the audit period, taxpayer had a chemical manufacturing plant in Indiana. Taxpayer closed this plant in 1995. Taxpayer had no other Indiana facilities during the audit period.

Taxpayer produces rosin and resins for the writing, printing, tissue, towel and packaging markets; fibers and textile yarns for the hygiene, furnishings, and auto markets; rosin, hydrocarbons, resins and peroxides for the tape, label, packaging, ink, insulation, construction and household products markets. Taxpayer also produces celluloses for the paint, adhesives, cosmetics, pharmaceuticals, food and beverage, oil well and smokeless powder industries. Taxpayer also produces food gums, aroma chemicals, and photopolymer resins.

The audit made numerous adjustments to taxpayer's gross and adjusted gross income tax. Taxpayer protested the following: the reclassification of the following items from non-business to business income: gains from the sale of stock in foreign corporations; litigation settlements; interest in a joint venture; interest income and management fees. Taxpayer also protested the 10% negligence penalty. Additional facts will be added as necessary.

I. Adjusted Gross Income Tax – Business/Non-Business Income: Gains from Sale of Stock

DISCUSSION

Taxpayer protests the recharacterization of gains from the sale of stock in foreign corporations from non-business to business income.

Under IC § 6-8.1-5-1(b), a "notice of proposed assessment is *prima facie* evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made."

IC § 6-3-1-21 defines "nonbusiness income" as "all income other than business income." *See also*, 45 IAC 3.1-1-31. Secondly, IC § 6-3-1-20 defines "business income" as "income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitutes integral parts of the taxpayer's regular trade or business operations." *See also*, 45 IAC 3.1-1-29:

"Business Income" Defined. "Business Income" is defined in the Act as income from transactions and activity in the regular course of the taxpayer's trade or business, including income from tangible and intangible property if the acquisition, management, or disposition of the property are integral parts of the taxpayer's regular trade or business.

Nonbusiness income means all income other than business income.

The classification of income by the labels occasionally used, such as manufacturing income, compensation for services, sales income, interest, dividends, rents, royalties, gains, operating income, non-operating income, etc., is of no aid in determining whether income is business or nonbusiness income. Income of any type or class and from any source is business income if it arises from transactions and activity occurring in the regular course of a trade or business. Accordingly, the critical element in determining whether income is "business income" or "nonbusiness income" is the identification of the transactions and activity which are the elements of a particular trade or business.

The Indiana Tax Court in *May Department Stores v. Indiana Department of Revenue*, 749 N.E.2d 651 (Ind. Tax 2001), 2001 Ind. Tax Lexis 32, clarified the statutory and regulatory language cited above, and outlined the transactional and functional tests the Department must apply to distinguish business from non-business income.

In *May*, the Indiana Tax Court construed the definitions of "business income" under IC §§ 6-3-1-20 and 6-3-1-21 (non-business income). As the court noted, the "distinction between business and nonbusiness income is important in calculating a taxpayer's tax liability... whether income is deemed business or nonbusiness income determines whether it is allocated to a specific state or whether it is apportioned between Indiana and other states wherein the taxpayer is conducting its trade or business." *May*, 749 N.E.2d 651 at 656. The court found that "... in passing IND. CODE § 6-3-1-20, the General Assembly provided two tests for defining business income... the 'transactional' and 'functional' tests." *Id.* at 662. The court goes on to say that IC § 6-3-1-20 "requires that not only the property's disposition but also its acquisition and management must be integral parts of the taxpayer's regular trade or business." *Id.* at 664.

Under the transactional test, the nature of the particular transaction generating the income is the controlling factor the Department uses to identify business income pursuant to *May*. Three considerations enter into the Department's identification process: the frequency and regularity of similar transactions; the former practices of the business; and taxpayer's subsequent use of the income.

Under the functional test, gain from the disposition of a capital asset is considered business income if the asset disposed of was used by the taxpayer in its regular trade or business operations. According to the court in *May*, the regulation found at 45 IAC 3.1-1-30 requires the Department to consider the following in determining the scope of a taxpayer's trade or business:

1. The nature of taxpayer's trade or business.
2. The substantiality of the income derived from activities and transactions and the percentage of that income which forms taxpayer's total income for a given tax period.
3. The length of time the property producing income was owned by taxpayer.
4. The taxpayer's purpose in acquiring and holding the property producing income.

Under the functional test, the Department must focus on the property being disposed of and the relationship between the property at issue and taxpayer's business operations. The question to be asked is whether the property, its use and/or disposition, forms an integral part of taxpayer's business.

Taxpayer owned 50% of the stock of a Japanese corporation, and 62% of the stock of an Australian corporation, allegedly holding both stock portfolios as investments. Taxpayer sold all of its stock in the Japanese corporation in 1992 and all of its stock in the Australian corporation in 1993. Taxpayer's protest stated that taxpayer's interests in these corporations were merely investments. At the hearing, taxpayer's representative argued that taxpayer did not have any of the legal hallmarks of a unitary relationship with either corporation; Japanese and/or Australian nationals staffed each, and each corporation was organized and managed pursuant to Japanese and/or Australian laws and customs. Taxpayer also argued that the activities of these two corporations had nothing to do with the Indiana chemical manufacturing plant's activities. The Indiana plant, until its closure in 1995, manufactured packaging materials, such as cellophane, for CD cases, VHS tape boxes, and the like.

In assessing whether or not income is business or non-business, the Department looks at a taxpayer's entire business operations. In this particular taxpayer's case, its worldwide diversity of interests and its prominence in chemical manufacturing in particular have created a sufficient connection between the two foreign corporations and the Indiana chemical manufacturing plant.

Taxpayer's reliance on the absence of indicators for a unitary relationship between itself and the two foreign corporations is misplaced. It is immaterial and too formulaic that foreign nationals staffed the corporations and that they were organized pursuant to the laws of the country where each was located. A sweeping generalization that the percentage of stock ownership was for investment purposes only does not clear the bar of the Audit Division's finding that the gain from the stock sale was business income. Under the totality of the circumstances—taxpayer and the two foreign corporations are all chemical manufacturers, the Japanese corporation's name was hyphenated with taxpayer's, the lack of information provided about the transactions surrounding the acquisition, management, and disposition of the funds acquired in the sale, and taxpayer's failure to explain how 50% and 62% ownership percentages do not constitute management presence—the Department finds that the gain from the sale of stock is business income.

FINDING

Taxpayer's protest concerning the reclassification of gain from the sale of stock in foreign corporations from non-business income to business income is denied.

II. Adjusted Gross Income Tax – Business versus Nonbusiness Income: Litigation Settlements

DISCUSSION

Taxpayer protests the reclassification of litigation settlement amounts from non-business to business income. *See* legal discussion *supra*, under Issue I. During the tax years at issue, specifically 1993, there were three areas of litigation that produced substantial dollar settlements for taxpayer. One of the suits was an insider trading action against a brokerage house and a bank. Taxpayer sued both institutions for damages taxpayer incurred as a result of the unlawful disclosure of information causing the target corporation's stock price to increase. Taxpayer has failed to provide sufficient information, i.e., solid facts, about the business of the target company, the purpose behind the acquisition, and how the target company would have functioned within taxpayer's overall business operations. Since taxpayer has failed to meet its burden of proof on this issue, the Audit Division's proposed assessment stands.

The second legal action concerned a patent infringement suit. Taxpayer's patent was for systems and processes involved in the manufacturing of polymers. Taxpayer testified that the settlement payment was "over and above the main object of the lawsuit, which was to stop" the defendants from infringing on taxpayer's patent. Since taxpayer is in the business of manufacturing polymers, any legal action taken to protect that manufacturing process, and any monies received due to that protective legal action, is business income and directly related to taxpayer's operations. Taxpayer's protest on this issue is denied.

The third legal action concerned the specific performance of a prime contractor in a government contract. Taxpayer was the subcontractor to aid development of the Titan IV rocket. The prime contractor controlled everything about the project, and a dispute arose about cost reimbursements. Taxpayer sued the prime contractor in the state where all work was performed, Utah. The litigation settled when the prime contractor agreed to pay taxpayer's costs pursuant to the contract, taxpayer's contract price for its work, plus damages for losses incurred as a result of untimely cost reimbursements. Since development of rocket components is very closely tied to chemical manufacturing, any monies gained through a protective contract enforcement action at law would be business income to taxpayer. Nonpayment injures business operations; successfully seeking legal redress against a breaching or non-performing party to a contract necessarily results in business income. Taxpayer's protest on this issue is denied.

FINDING

Taxpayer's protest concerning the reclassification of dollar amounts received in settlement of litigation from non-business to business income is denied.

III. Adjusted Gross Income Tax – Business versus Non-Business Income: Joint Venture

DISCUSSION

Taxpayer protests the reclassification of its interest in an alleged joint venture from non-business to business income. Taxpayer entered into an arrangement with another company as subcontractors to a third to develop and manufacture rocket components. All activities associated with this effort took place in Utah. The Indiana Code includes joint ventures in its definition of partnerships at IC § 6-3-1-19. IC § 6-2.1-5-10 imposes on such entities the following duty:

- (a) Every individual, partnership, corporation...shall file an information return with the department if he has the control or custody of, receives, or makes payment of:

- (1) dividends of six hundred dollars (\$600) or more;
- (2) interest of six hundred dollars (\$600) or more;
- (3) rents, premiums, annuities, compensations, or other fixed or determinable annual or periodic amounts, which are subject to the tax imposed by this article and must be reported by the taxpayer under federal income tax law;
- (4) salaries, wages, or compensation of one hundred dollars (\$100) or more;

which are paid, payable, or credited to another taxpayer and are subject to the gross income tax.

There is no evidence that taxpayer had ever filed such information returns. As noted by the auditor, taxpayer, at a strategic point in the audit process, refused to provide any information or documents supporting its position that income from the joint venture was non-taxable in the state of Indiana. The manufacturing of rocket components is very closely tied to chemical manufacturing. The assessment was based on the best information available at the time of the audit; taxpayer offered nothing at the hearing to overcome the presumption that the assessment was and is correct. Taxpayer has failed to meet its burden of proof on this issue.

FINDING

Taxpayer's protest concerning the reclassification of taxpayer's interest in a joint venture from non-business to business income is denied.

IV. Adjusted Gross Income Tax – Interest Income and Management Fees

DISCUSSION

Taxpayer protests the reclassification of interest income and income from management fees from non-business to business income. The interest payments were payments on long-term loans to entities in which taxpayer held minority stock interests. These entities were not functional parts of taxpayer's business; the transactions themselves were made for investment purposes. Pursuant to the legal discussion set forth in Issue I *supra*, taxpayer did not receive business income. Taxpayer's protest on this issue is sustained.

The other issue concerns management fees from one of taxpayer's subsidiaries. This subsidiary manages properties of aqueous systems and has plants in Missouri, New Jersey, Texas, Virginia, and several European countries. Taxpayer did not provide sufficient facts about what the subsidiary does, nor what the properties consist of, and their purpose, for the Department to discern the exact nature of the management fees and the services taxpayer provided to the subsidiary. Therefore, taxpayer has not met its burden of proof on this issue. Taxpayer's protest on this issue is denied.

FINDING

Taxpayer's protest concerning the reclassification of interest income from non-business to business income is sustained. Taxpayer's protest concerning the reclassification of management fees from non-business to business income is denied.

V. Tax Administration – Penalty

Taxpayer protests the imposition of the 10% negligence penalty. Taxpayer argues that its failure to pay the appropriate amount of tax due was based solely on taxpayer's interpretation of the relevant statutes, regulations, and case law.

Indiana Code Section 6-8.1-10-2.1(d) states that if a taxpayer subject to the negligence penalty imposed under this section can show that the failure to file a return, pay the full amount of tax shown on the person's return, timely remit tax held in trust, or pay the deficiency determined by the department was due to reasonable cause and not due to willful neglect, the department shall waive the penalty. Indiana Administrative Code, Title 45, Rule 15, section 11-2 defines negligence as the failure to use reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence results from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by Indiana's tax statutes and administrative regulations.

In order for the Department to waive the negligence penalty, taxpayer must prove that its failure to pay the full amount of tax due was due to reasonable cause. Taxpayer may establish reasonable cause by "demonstrat[ing] that it exercised ordinary business care and prudence in carrying or failing to carry out a duty giving rise to the penalty imposed...." In determining whether reasonable cause existed, the Department may consider the nature of the tax involved, previous judicial precedents, previous department instructions, and previous audits.

Taxpayer's failure to pay the proper amount of adjusted gross income tax was based on its interpretation of the difference between business and non-business income under United States Supreme Court case law concerning issues of nexus and sufficient minimum contacts with Indiana—i.e., Indiana's power to tax. Taxpayer should have ascertained what Indiana's statutes, regulations, and case law delineated at the time of the failure to pay the tax. All the *May* case, *supra*, did was pull together the threads of the business versus non-business tangle into one piece of fabric. Indiana's statutes and regulations regarding business versus non-business income are well within the Constitutional strictures of the cases taxpayer cited in the protest of these proposed assessments.

Given the totality of the circumstances, the Department finds taxpayer was negligent in carelessly construing the applicable statute and regulations. A careful and thoughtful review would have revealed taxpayer's duty to pay the adjusted gross income tax this Letter of Findings has determined taxpayer must pay.

FINDING

Taxpayer's protest concerning the abatement of the 10% negligence penalty is denied.

DEPARTMENT OF STATE REVENUE

0120010204.LOF

LETTER OF FINDINGS NUMBER: 01-0204**Individual Income Tax****For Tax Years 1998 through 1999**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE**I. Income Tax – County Tax**

Authority: IC 6-3.5-6-1; IC 6-3.5-7-1; 45 IAC 3.1-1-109

Taxpayer protests the Department's assessment of county income tax.

STATEMENT OF FACTS

Taxpayers are nonresident shareholders in an Indiana business located in a county adopting a county income tax. As the result of an investigation, the Indiana Department of Revenue ("Department") issued assessments for county income taxes for the years in question. Taxpayer protests these assessments. Further facts will be supplied as necessary.

I. Income Tax – County Tax**DISCUSSION**

Taxpayers own shares in an Indiana business, and received distributions from the business. The Department conducted an investigation of the business and discovered that the business had underreported commissions received for January 1998 and December 1999, resulting in understatement of Adjusted Gross Income. Also, the Department decided that the business had not withheld the proper amounts of county income tax on the distributions to shareholders, in this case the taxpayers. The Department based its decision on IC 6-3.5-6-1, IC 6-3.5-7-1 and 45 IAC 3.1-1-109. IC 6-3.5-6-1 states in relevant part:

"Adjusted gross income" has the same definition that the term is given in IC 6-3-1-3.5. However, in the case of a county taxpayer who is not treated as a resident county taxpayer of a county, the term includes only adjusted gross income derived from his principal place of business or employment.

...

IC 6-3.5-7-1 states in relevant part:

(a) Except as otherwise provided in this section, as used in this chapter, "adjusted gross income" has the meaning set forth in IC 6-3-1-3.5(a).

(b) In the case of a county taxpayer who is not a resident of a county that has imposed the county economic development income tax, the term "adjusted gross income" includes only adjusted gross income derived from the taxpayer's principal place of business or employment.

...

45 IAC 3.1-1-109 states:

Subchapter S Corporations-Withholding Requirements. Small business corporations electing Subchapter S status under Internal Revenue Code section 1372 are required to withhold adjusted gross income tax and county adjusted gross income tax on any nonresident shareholder's share of taxable income of the corporation, whether distributed or undistributed, and pay such amounts to the Department in the manner described in Regulation 6-3-4-12(010) [45 IAC 3.1-1-108]. Such corporations shall make monthly (or quarterly) and annual returns as provided in Regulation 6-3-4-12(020) [45 IAC 3.1-1-108] and furnish a copy of form WH-18 to each nonresident shareholder as provided in that regulation.

The additional county tax assessed by the Department was based on distributions from the corporation to the taxpayers as shareholders. While the Department is correct that 45 IAC 3.1-1-109 holds S Corporations responsible for collecting county adjusted gross income tax, IC 6-3.5-7-1(b) explains that county income tax includes only adjusted gross income derived from the taxpayer's principal place of business or employment.

Taxpayers did not have a place of business or employment in an Indiana county during the audit period. The distributions taxpayers received as shareholder of the corporation are not subject to county taxes as explained in IC 6-3.5-7-1(b). In this case, taxpayers were only subject to Indiana adjusted gross income tax, which were properly paid, not county taxes.

FINDING

Taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0420010356.LOF

LETTER OF FINDINGS NUMBER: 01-0356 ST**Sales and Use Tax****For Tax Periods: 1999**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning specific issues.

ISSUE**Sales and Use Tax – Imposition**

Authority: IC 6-8.1-5-1(b), IC 6-8.1-5-1(b), IC 6-2.5-3-2(a), 45 IAC 2.2-3-12(c)

The taxpayer protests the imposition of use tax on two items.

STATEMENT OF FACTS

The taxpayer is a storage tank painting contractor that does work for both industrial and governmental entities. After an audit, the Indiana Department of Revenue, hereinafter, referred to as the "department," assessed additional use tax, interest, and penalty. The taxpayer protested a portion of the assessment and a hearing was held on the imposition of the use tax.

Sales and Use Tax – Imposition**DISCUSSION**

All tax assessments are presumed to be accurate and the taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1(b).

Indiana imposes an excise tax on tangible personal property stored, used, or consumed in Indiana. IC 6-2.5-3-2(a) The taxpayer protests the imposition of the use tax in two situations. The first situation concerns the imposition of use tax on tangible personal property in the provision of a service. During the audit period, the taxpayer purchased both equipment and supplies that it used in sandblasting the storage tanks prior to painting the storage tanks. The department assessed use tax on the equipment and supplies. The taxpayer protests the assessment on the supplies of slag abrasive.

The taxpayer bases this protest on two premises. First, the taxpayer contends that the slag abrasive was used in a contract furnishing a service to an exempt organization, a governmental entity. The sales and use taxability of supplies used to perform a service contract for an exempt organization is stated at 45 IAC 2.2-3-12(c) as follows:

Utilities, machinery, tools, forms, supplies, equipment, or any other items used or consumed by the contractor and which do not become a part of the improvement to real estate are not exempt regardless of the exempt status of the person for whom the contract is performed.

In this case, the taxpayer used the slag abrasive in sandblasting the storage tanks and preparing them for the application of paint. The slag abrasive is clearly a supply used by the taxpayer that did not become a part of the storage tank. Therefore, pursuant to the above-cited Regulation, the slag abrasive is not granted exempt status because it was used on storage tanks owned by an exempt governmental entity.

Alternatively, the taxpayer argues that the slag abrasive is not taxable because the governmental entity is required to dispose of the slag and the taxpayer cannot take it with him or reuse it. No exemption to imposition of the use tax exists for tangible personal property used in performing a service contract because the contractor cannot take the used material with him or reuse it.

The taxpayer also protests the assessment of use tax on the tangible personal property listed in the audit as reference #655835. The taxpayer contends that the department inadvertently assessed use tax on a quotation of a price for certain material that the taxpayer never actually purchased. The taxpayer offered adequate evidence that it never purchased or used the subject equipment. Therefore, use tax was improperly imposed on that reference number.

FINDING

The taxpayer's first protest is denied and the second protest is sustained.

DEPARTMENT OF STATE REVENUE

0420010242

0420020091

0420020054.LOF

LETTER OF FINDINGS NUMBERS: 01-0242; 02-0091; 02-0054**Indiana Sales and Use Tax****For the Tax Years 1994 through 1997**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana

Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Transportation Equipment Used to Move Work-in-Process

Authority: IC 6-2.5-1-1 et seq.; IC 6-2.5-5-3(b); IC 6-2.5-5-27; IC 6-8.1-5-1(b); Indiana Dept. of State Revenue v. Cave Stone, Inc., 457 N.E.2d 520 (Ind. 1983); Panhandle Eastern Pipeline Co., v. Indiana Dept. of State Revenue, 741 N.E.2d 816 (Ind. Tax Ct. 2001); General Motors Corp. v. Indiana Dept. of State Revenue, 578 N.E.2d 399 (Ind. Tax Ct. 1991); 45 IAC 2.2-3-8; 45 IAC 2.2-5-8(f)(3); 45 IAC 2.2-5-8(f)(4)

According to taxpayer, the audit erred when it determined that equipment – used to transport work-in-process within its production facility and to move work-in-process to third-party processors – was subject to the gross retail tax. Alternatively, taxpayer maintains that it is engaged in “public transportation” and that certain of its equipment is entitled to the associated exemption.

II. Monitoring Equipment Used Within the Steel Production Process

Authority: 45 IAC 2.2-5-8(b), (c); 45 IAC 2.2-5-8(g)

Taxpayer maintains that three categories of specialized equipment used within its steel production process – a data collection system, chart recorder and charts; and video camera and monitor – are integral to the control of that production process. According to taxpayer, the equipment is not subject to the state's gross retail tax.

III. Strapping Dispenser and Banding Tool

Authority: 45 IAC 2.2-5-8(b); 45 IAC 2.2-5-8(d)

Taxpayer maintains that its strapping dispenser and associated banding tool, used to secure coils of steels, are exempt from sales and use tax.

IV. Materials and Equipment Used to Meet Environmental Control Requirements

Authority: IC 6-2.5-5-30; 45 IAC 2.2-5-70; The American Heritage Dictionary of the English Language (4th ed. 2000)

Taxpayer protests the audit's determination that the purchase of tangible personal property used to meet environmental control requirements is subject to sales and use tax.

V. Gross Retail and Use Tax on Materials Incorporated Into Realty – Direct Payment Permits Issued to Contractors

Authority: IC 6-2.5-8-9(b); 45 IAC 2.2-4-22(e)

Taxpayer argues that, having permitted various contractors to use its “direct pay permit,” it is not responsible for sales or use taxes on those purchases.

VI. Abatement of the Ten Percent Negligence Penalty

Authority: IC 6-8.1-10-2.1; IC 6-8.1-10-2.1(d); 45 IAC 15-11-2(b); 45 IAC 15-11-2(c)

Taxpayer asks that the Department exercise its discretion to abate the ten percent negligence penalty.

STATEMENT OF FACTS

Taxpayer manufactures rolled steel sheets at three locations. One of the three manufacturing sites is located within Indiana. An audit investigation was conducted resulting in an additional assessment of sales and use tax. Taxpayer protested a number of those additional assessments. An administrative hearing was conducted, and this Letter of Findings follows.

DISCUSSION

I. Transportation Equipment Used to Move Work-in-Process.

Taxpayer argues that certain of its transportation equipment is entitled to an exemption from the state's sales and use taxes.

In Indiana, a sales tax is imposed on retail transactions and a complementary use tax is imposed on tangible personal property that is stored, used, or consumed in the state. IC 6-2.5-1-1 et seq. In this instance, taxpayer invokes a regulatory exemption, 45 IAC 2.2-5-8(f)(3), which states as follows: “Transportation equipment used to transport work-in-process or semi-finished materials to or from storage is not subject to tax if the transportation is within the production process.”

Taxpayer purchased certain equipment which is employed in transporting coils of finished and semi-finished steel. According to taxpayer, because this equipment is used in transporting “work-in-process,” it is not subject to sales or use tax.

A. Railroad Turnouts:

Taxpayer maintains that its purchase of material used to construct “railroad turnouts” comes within the purview of the exemption. The “railroad turnouts” are sections of railroad track located at taxpayer's Indiana manufacturing site. According to taxpayer, the turnouts are exclusively used to transport unfinished steel from its out-of-state manufacturing sites to the Indiana location.

The dispute was originally framed as an issue of whether the turnouts are taxable “transportation equipment” under 45 IAC 2.2-5-8(f)(3) or – as taxpayer contends – exempt “real property.” However, classification of the turnouts as either real or personal property is irrelevant because, inter alia, taxpayer is responsible for use tax on the materials used to construct the turnouts. As set out in 45 IAC 2.2-3-8:

The conversion of tangible personal property into realty does not relieve the taxpayer from a liability for any owing and unpaid state gross retail tax or use tax with respect to such personal property. All construction material purchased by a contractor is taxable either at the time of purchase, or if purchased exempt (or otherwise acquired exempt) upon disposition unless the ultimate recipient could have purchased it exempt.

Taxpayer is the “ultimate recipient” of the materials used to construct the railroad turnouts. Because there is no indication taxpayer was “exempt” at the time it acquired the turnouts, and because there is no indication that the contractor paid sales tax at the time *it* acquired the materials, taxpayer is subject to use tax under 45 IAC 2.2-3-8.

In addition, taxpayer has failed to demonstrate that the railroad turnouts are used to transport “work-in-process.” Even if – as taxpayer contends – the turnouts are exclusively used to transport unfinished steel from its out-of-state manufacturing sites to its Indiana facility, the exemption is not available for “[t]ransportation equipment used to work-in-process, semi-finished, or finished goods between plants... if the plants are not part of the same integrated production process.” 45 IAC 2.2-5-8(f)(4). Taxpayer has failed to establish that its out-of-state manufacturing sites and the Indiana facility operate in such a way as to form a seamless manufacturing operation sufficient to justify exempting each and every item of equipment found within that integrated operation.

B. Over-the-Road Transportation Vehicles:

One of taxpayer’s operating divisions acquired a number of trucks and, thereafter, operated as a transportation company. Taxpayer uses these trucks to transport its steel coils from its Indiana manufacturing facility to third-party processors. The third-party processors perform various operations required by the taxpayer’s customers. These operations include cutting, slitting, and coating the steel coils. After these operations are complete, the third-party processors then package the coils and ship them to customers.

The audit concluded that the trucks were not entitled to an exemption because they were not transporting work-in-process. Specifically, the audit report stated that, “The movement of these rolls to a third-party processor for completion or further processing places the goods outside of [taxpayer’s] integrated production process and into a third-party processor’s production process.”

Taxpayer disagrees taking the position that its “integrated production process” is not complete until the steel coils are transported to the third-party processors and that the work performed by the third-party processors is an “essential and integral part” of its production of rolled carbon steel. According to taxpayer, its own production process is not complete until the “most marketable product” is produced. To that end, taxpayer cites a number of authorities including Indiana Dept. of State Revenue v. Cave Stone, Inc., 457 N.E.2d 520 (Ind. 1983) and General Motors Corp. v. Indiana Dept. of State Revenue, 578 N.E.2d 399 (Ind. Tax Ct. 1991). Taxpayer is correct in that both cases deal with issues associated with transporting work-in-process between different stages of the appellant taxpayers’ manufacturing process. However, in Cave Stone, the court found that appellant taxpayer’s transportation equipment was exempt because the equipment was being used *within* that taxpayer’s own production process whereby it manufactured crushed stone. Cave Stone 457 N.E.2d at 521, 523. Similarly, in General Motors, the court found that packaging materials – used to transport automobile parts from the manufacturer’s component plants to its own final assembly plants – was entitled to the exemption, because the materials were employed within the manufacturer’s integrated manufacturing process. General Motors, 578 N.E.2d at 402, 404.

The production equipment exemption is found at IC 6-2.5-5-3(b) which states as follows:

Transactions involving manufacturing machinery, tools, and equipment are exempt from the state gross retail tax if the person acquiring that property acquires it for direct use in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property.

Taxpayer argues for an interpretation of the exemption statute which would allow it to claim an exemption for equipment used to deliver its steel coils to third-party processors. Taxpayer maintains that to deny the exemption is “illogical.”

There is no dispute that taxpayer is involved in the manufacture and production of steel products and that certain equipment used *within* its manufacturing facilities is entitled to the exemption. It may even be reasonably assumed that the third-party processors are also entitled to claim an exemption for equipment used to transport work-in-process within *its* manufacturing process. However, the regulation does not permit the application of the exemption to include trucks used to transport taxpayer’s steel to its third-party processors once that steel leaves taxpayer’s own facility.

Specifically, 45 IAC 2.2-5-8(f)(3) states that “[t]ransportation equipment used to transport work-in-process or semi-finished materials to or from storage is not subject to tax if the transportation is within the production process.” The taxpayer’s trucks are not entitled to this exemption because there is no indication that the trucks are used to move the steel within taxpayer’s “production process.” Even if the third-party processors were not independent vendors but were one of taxpayer’s own remote facilities, there is still no assurance that the trucks would be entitled to the exemption because there is no indication that taxpayer’s manufacturing plant and the remote processors would together form “one continuous integrated production process for the purpose of exemption from sales/use tax.” General Motors, 578 N.E.2d at 402. As specified in 45 IAC 2.2-5-8(f)(4), “Transportation equipment used to transport work-in-process, semi-finished, or finished goods between plants is taxable, *if the plants are not part of the same integrated production process.*” (*Emphasis added*).

Alternatively, taxpayer argues that the trucks are exempt from tax under IC 6-2.5-5-27 which states that “[t]ransactions involving tangible personal property and services are exempt from the state gross retail tax, if the person acquiring the property or service directly uses or consumes it in providing public transportation or property.” In interpreting that exemption, the Indiana Tax Court has stated that, “If a taxpayer acquires tangible personal property for predominate use in providing public transportation for third parties, then it is entitled to the exemption. If a taxpayer is not predominately engaged in transporting the property of another, it is not entitled to the exemption.” Panhandle Eastern Pipeline Co., v. Indiana Dept. of State Revenue, 741 N.E.2d 816, 819 (Ind. Tax Ct. 2001).

Taxpayer is not entitled to claim the exemption because it is simply transporting its own steel coils and because taxpayer, as a steel manufacturer, is not predominantly engaged in the business of providing “public transportation.” Nonetheless, taxpayer counters by arguing that the trucks are owned by an independent division which services the vehicles and maintains its own books and records. Perhaps so. In which case, taxpayer fails to explain on what basis it is entitled to claim the sales and use tax exemption for trucks belonging to an entirely independent entity.

C. Crane and Flatbed Trucks.

Taxpayer argues that a crane and two of its flatbed trucks are used to move work-in-process and are entitled to an exemption from sales and use tax.

The audit performed a “crane study” to determine the extent to which taxpayer’s cranes were used in a taxable and exempt manner. The audit report stated, “Cranes that move finished goods, raw materials, or perform maintenance duties are taxable, while those that move work-in-process are exempt.” In addition, the audit conducted a “mobile equipment study” to determine both the taxable and exempt usage for taxpayer’s vehicles. According to the audit report, “This study indicated that taxpayer’s trucks and tractors were being used in various ways,” and concluded that taxpayer’s trucks and tractors “moving work-in-process were exempted or partially exempted pursuant to 45 IAC 2.2-5-8. However, those pieces of equipment performing maintenance duties or movement of furnished goods are fully or partially taxable.” For example, the audit concluded that one of taxpayer’s “Semi-Tractors” was 95 percent exempt and that a particular “Mobile Crane” was 80 percent exempt.

The results of both the crane study and the mobile equipment were reviewed by the taxpayer. In both instances, the audit report indicates that the taxpayer “agree[s] with the percentages determined by the study.”

In its protest, taxpayer cites to a “crane and two flatbed trucks” indicating that this equipment “is used 100% of the time to transport exempt work-in-process.” Taxpayer maintains that it has “verified that the crane and flatbed trucks are used to transport work-in-process goods from the [taxpayer’s] facility to its own vehicles or, in less frequent instances, between production steps on [taxpayer’s] property.”

Taxpayer has failed to meet the burden of proof necessary to overcome the presumption of correctness attached to the original audit report and consequent assessment pursuant to IC 6-8.1-5-1(b). “The notice of proposed assessment is prima facie evidence that the department’s claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made.” *Id.* The audit report indicates that the proposed assessment is based on a detailed and rational consideration of the exempt and non-exempt use of taxpayer’s transportation equipment. The report also indicates that – at least initially – taxpayer agreed with the report’s conclusions concerning each specific piece of equipment. Taxpayer’s bare assertion, that it later verified that the crane and flatbed trucks are exclusively used in a tax exempt manner, does not permit the Department to set aside the conclusions reached in the original audit report.

FINDING

Taxpayer’s protest is respectfully denied.

II. Monitoring Equipment Used Within the Steel Production Process

Taxpayer purchased certain equipment used to monitor its steel production process. The audit determined that this equipment was not directly employed in the direct production of the steel and denied taxpayer’s claim that the monitoring equipment was exempt from sales and use tax.

Taxpayer argues that the regulations permit the equipment to be classified as “exempt.” To that end, taxpayer cites to 45 IAC 2.2-5-8(b), (c) which states as follows:

The state gross retail tax does not apply to sales of manufacturing machinery, tools, and equipment to be directly used by the purchaser in the direct production, manufacture, fabrication, assembly, or finishing of tangible personal property. The state gross retail tax does not apply to purchases of manufacturing machinery, tools, and equipment to be directly used by the purchaser in the production process provided that such machinery, tools, and equipment are directly used in the production process; i.e., they have an immediate effect on the article being produced. Property has an immediate effect on the article being produced if it is an essential and integral part of an integrated process which produces tangible personal property.

Taxpayer seeks the manufacturing exemption for three categories of monitoring equipment. The first category consists of a chart recorder and paper for the chart recorder. This equipment is used to monitor production along taxpayer’s galvanized steel manufacturing line. The recorder is attached to the production line and provides the operators with information on the speed of the line as well as the electricity used in the production process. According to taxpayer, the operators use this information to adjust the galvanized steel production line.

The second category consists of video equipment. The video camera is located over the steel production line and transfer images to video monitors visible to the production line personnel. According to taxpayer, the production line personnel use the monitoring equipment to control the speed of the production line, ensure that the coil is moving properly through the production process, and ensure that the steel is free from defects.

The third category consists of a data collection system which tracks information on utilities – primarily water and steam – consumed in the steel production process. The data collection system gathers information on the ph, flow, and temperature of the

water and steam. Taxpayer's personnel monitor this data and adjust the production line to ensure that the steel being produced meets certain quality specifications. According to taxpayer, without the data collection system, it would be unable to produce marketable steel.

Taxpayer has failed to demonstrate that this monitoring equipment has a direct and immediate effect on the steel being produced. It would appear that the monitoring equipment operates in a manner removed at least one step from the actual production of the steel; the monitoring equipment does not directly function to change the form, composition, or marketability of the steel. Undoubtedly, all of the monitoring equipment plays an important part in the production of taxpayer's steel. However, as noted in 45 IAC 2.2-5-8(g), "The fact that particular property may be considered essential to the conduct of the business of manufacturing because its use is required... by practical necessity does not itself mean that the property 'has an immediate effect upon the article being produced.'"

FINDING

Taxpayer's protest is respectfully denied.

III. Strapping Dispenser and Banding Tool

Taxpayer purchased a strapping dispenser and a banding tool. This equipment is used to wrap a band of steel strapping around coils of steel in order to ensure that the steel remains coiled during shipping and delivery.

Taxpayer maintains that the strapping dispenser and banding tool operate within its continuous production process and, under 45 IAC 2.2-5-8(b), (d), the equipment is exempt from sales and use tax. The regulation provides in relevant part:

The state gross retail tax does not apply to sales of manufacturing machinery, tools, and equipment to be directly used by the purchaser in the direct production, manufacture, fabrication, assembly, or finishing of tangible personal property.

Pre-production and post-production activities. "Direct use in the production process" begins at the point of the first operation or activity constituting part of the integrated production process and ends at the point that the production has altered the item to its completed form, including packaging, if required.

Taxpayer is in the business of producing steel coils, and its customers are interested in obtaining that steel. Therefore, the object of a taxpayer/customer transaction is the transfer of the steel coils from manufacturer to consumer. The steel strapping facilitates the transfer of the steel but is not the *object* of the transaction. The fact that steel strapping accompanies the coils of steel is entirely tangential to the purchase of the steel. Whether the coils of steel were bound with chains, contained in a wooden crate, or even tack-welded in a "closed" position is irrelevant to the customer.

Accordingly, the application of the steel strapping occurs after taxpayer's production activity "has altered the [steel coil] to its completed form..." 45 IAC 2.2-5-8(d). Because the taxpayer uses the strapping dispenser and banding tool after taxpayer's production activity is complete, taxpayer was not entitled to claim the exemption at the time taxpayer acquired that equipment.

FINDING

Taxpayer's protest is respectfully denied.

IV. Materials and Equipment Used to Meet Environmental Control Requirements

Taxpayer made certain purchases associated with its environmental regulation compliance efforts. Specifically, taxpayer purchased slag used to build roads located within its landfill. Taxpayer purchased a tank to hold the sodium bisulfate used to treat contaminated lake water. The audit determined that neither the purchase of the slag or tank was exempt from sales and use tax.

The Indiana Code exempts the purchase of certain environmental control equipment from the state's sales and use tax. IC 6-2.5-5-30 provides as follows:

Sales of tangible personal property are exempt from the state gross retail tax if: (1) the property constitutes, is incorporated into, or is consumed in the operation of a device, facility, or structure predominantly used and acquired for the purpose of complying with any state, local, or federal environmental quality statutes, regulations, or standards; and (2) the person acquiring the property is engaged in the business of manufacturing, processing, refining, mining, or agriculture.

The Department promulgated a regulation to assist in the application of the statute. 45 IAC 2.2-5-70 states, in relevant part, as follows:

The state gross retail tax does not apply to sales of tangible personal property which constitutes, is incorporated into, or is consumed in the operation of, a device, facility, or structure predominately used and acquired for the purpose of complying with any state, local or federal environment [quality] statutes, regulations or standards; and the person acquiring the property is engaged in the business of manufacturing, processing, refining, mining, or agriculture. (1) Consumed as used in this regulation... means the dissipation or expenditure by combustion, use or application and does not mean or include the obsolescence, discarding, disuse, depreciation, damage, wear or breakage of tools, machinery, devices or furnishings. (2) Incorporated as used in this regulation... means the material must be physically combined into and become a component of the environmental quality device, facility, or structure. The material must constitute a material or integral part of the finished product.

Taxpayer builds roads into its landfill site in order to make possible the disposal of certain waste products associated with the production of steel. It is not disputed that, in order to operate this landfill, taxpayer must adhere to regulations and guidelines established by the Environmental Protection Agency and the Indiana Department of Environmental Management. For example, the landfill must be constructed in such a way as to insure that groundwater is not contaminated. There is no contention that the roads

are used in a dual capacity, i.e. the roads are used to transport material to the landfill and also used to transport raw material to taxpayer's production facility.

The audit denied the exemption because the "slag for the roads [did] nothing for the functionality of the landfill... the roads [did] not directly affect how wastes are disposed of."

The term "facility" is defined as, "Something created to serve a particular function." The American Heritage Dictionary of the English Language (4th ed. 2000). Taxpayer's landfill is an environmental "facility" built and operated in order to comply with state and federal environmental regulations. The landfill was not built as an expedient means for disposing of unwanted or hazardous materials. But for the state and federal regulations, taxpayer would not have built the landfill or would not have built the landfill in the manner it which was actually constructed. Taxpayer's roads are an integral part of the landfill facility, are physically "incorporated" into that facility, and form a "component part of the environmental... facility." Therefore, under IC 6-2.5-5-30 and 45 IAC 2.2-5-70, taxpayer's purchase of the slag is exempt from sales and use tax.

Taxpayer purchased a storage tank which, pursuant to the environmental equipment exemption, taxpayer argues is exempt from sales and use tax. Taxpayer maintains that it purchased the tank in order to comply with state and federal environmental regulations.

During the steel manufacturing process, taxpayer uses quantities of chlorinated lake water to cool its production equipment and its work-in-process steel coils. Before taxpayer returns the lake water to its original source, taxpayer is required to remove the chlorine. Taxpayer mixes the wastewater with sodium bisulfate to neutralize the chlorine. Prior its use in this treatment process, the sodium bisulfate is stored in a tank. It is this particular storage tank which is the subject of taxpayer's protest.

It is not disputed that the chlorine removal is mandated by state and federal environmental regulations. It is not disputed that the tank is used only for the storage of sodium bisulfate and that the sodium bisulfate is used exclusively for the treatment of wastewater. However, the audit denied the exemption because the tank was "merely a storage tank holding raw chemicals for eventual introduction into the wastewater treatment process...."

Taxpayer operates an elaborate system of pipes, equipment, and structures in order to process and treat lake water both at the time the water is first introduced into its manufacturing plant and at the time the wastewater is returned to the lake. It is apparent that the sodium bisulfate tank is "incorporated into" the taxpayer's treatment facility and that the treatment facility is operated predominately "for the purpose of complying with... state, local, or federal environmental quality statutes, regulations or standards...." IC 6-2.5-5-30. Accordingly, taxpayer's purchase of the sodium bisulfate storage tank is exempt from sales and use tax under IC 6-2.5-5-30 and 45 IAC 2.2-5-70.

FINDING

Taxpayer's protest is sustained.

V. Gross Retail and Use Tax on Materials Incorporated Into Realty – Direct Payment Permits Issued to Contractors

Taxpayer protests the assessment of sales tax on materials incorporated into its real property.

During the period of time covered by the audit report, taxpayer maintains that it issued its direct pay permit to various contractors hired to make improvements to taxpayer's realty. The direct pay permit is issued by the state and allows the taxpayer to acquire tangible personal property without the immediate necessity of paying sales tax. IC 6-2.5-8-9(b). Thereafter, at the time when taxpayer determines the use and taxability of the tangible personal property, the taxpayer "must then pay the tax on that purchase directly to the department." *Id.*

Taxpayer's direct pay permit reads in part as follows: "Direct pay permits may be issued to contractors on lump sum contracts for the improvements of realty if the contractor supplies a breakdown of the costs of the materials. If no breakdown of the cost of the materials is available, the contractor will be liable for tax on the materials."

Taxpayer argues that it is not subject to use tax liability for those transactions for which taxpayer either issued a purchase order or contracted for an improvement to taxpayer's realty on the basis of lump sum contracts. 45 IAC 2.2-4-22(e) states as follows:

With respect to construction material a contractor acquired tax-free, the contractor is liable for the use tax and must remit such tax (measured on the purchase price) to the Department of Revenue when he disposes of such property in the following manner: (1) He converts construction material into realty on land he owns and then sells the improved real estate; (2) He utilizes the construction material for his own benefit; or (3) Lump sum contract. He converts the construction material into realty on land he does not own pursuant to a contract that includes all elements of cost in the total contract price. A disposition under [(3) Lump sum contract] will be exempt from the use tax if the contractor received a valid exemption certificate from the ultimate purchaser or [recipient] of the construction material (as converted), provided such person could have initially purchased such property exempt from the state gross retail tax.

The taxpayer issued the direct pay permit to its contractors in order to permit the contractors to acquire various building materials tax-free. In each of the transactions at issue, the contractor – having received taxpayer's direct pay permit – purchased the material tax free. However, there is no indication that taxpayer ever established that any of the materials would be used in a tax-free manner. Taxpayer may not employ its direct pay permit – issued entirely for taxpayer's convenience – in a manner for which it was never intended.

FINDING

Taxpayer's protest is respectfully denied.

VI. Abatement of the Ten Percent Negligence Penalty

Taxpayer protests the assessment of the ten percent negligence penalty on the amount of tax deficiency determined at the time of the original audit.

IC 6-8.1-10-2.1 requires that a ten percent penalty be imposed if the tax deficiency results from the taxpayer's negligence. Departmental regulation 45 IAC 15-11-2(b) defines negligence as "the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer." Negligence is to "be determined on a case-by-case basis according to the facts and circumstances of each taxpayer." *Id.*

IC 6-8.1-10-2.1(d) allows the Department to waive the penalty upon a showing that the failure to pay the deficiency was based on "reasonable cause and not due to willful neglect." Departmental regulation 45 IAC 15-11-2(c) requires that in order to establish "reasonable cause," the taxpayer must demonstrate that it "exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed...."

Taxpayer has presented evidence sufficient to establish to establish that its failure to pay the deficiency was due to reasonable cause and not due to willful neglect.

FINDING

Taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0420020057.LOF

LETTER OF FINDINGS NUMBER: 02-0057**Indiana Gross Retail Tax****For the Tax Years 1997, 1998, and 1999**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES**I. Taxpayer's Ammonia Cooling System – Gross Retail Tax**

Authority: IC 6-2.5-1-1 et seq.; IC 6-2.5-5-3(b); *Indianapolis Fruit Co. v. Dept. of State Revenue*, 691 N.E.2d 1379 (Ind. Tax Ct. 1998); *Mid-America Energy Resources v. Dept. of State Revenue*, 681 N.E.2d 259 (Ind. Tax Ct. 1997); 45 IAC 2.2-5-8(c); 45 IAC 2.2-5-8(d); 45 IAC 2.2-5-8(e)

Taxpayer argues that the audit erred when it determined that taxpayer's purchase of an ammonia cooling system was subject to the state's gross retail (sales and use) tax. Taxpayer maintains that the cooling system is used within its manufacturing process and, because the cooling system has an immediate effect on its product, it is entitled to the manufacturing exemption.

II. Abatement of the Ten Percent Negligence Penalty

Authority: IC 6-8.1-10-2.1; IC 6-8.1-10-2.1(d); 45 IAC 15-11-2(b); 45 IAC 15-11-2(c)

Taxpayer urges the Department of Revenue (Department) to exercise its discretion to abate the ten percent negligence penalty imposed at the time of the original audit. Taxpayer believes it is entitled to abatement of the penalty because any errors it made in calculating its sales and use tax liability were not due to its own negligence.

STATEMENT OF FACTS

Taxpayer produces refrigerated, ready-to-bake, dough products at an Indiana manufacturing facility. A tax audit was conducted resulting in additional assessments of use tax. Taxpayer disagreed with a number of those additional assessments and submitted a protest. An administrative hearing was conducted, and this Letter of Findings follows.

DISCUSSION**I. Taxpayer's Ammonia Cooling Systems – Gross Retail Tax**

After taxpayer's products have been individually packaged and palletized, the products are transferred to a refrigerated "finished goods storage area" (taxpayer's terminology). In that storage area, the products are cooled to a pre-determined temperature – between 33 and 40 degrees F. – before being transferred to an off-site shipping warehouse. Taxpayer was assessed use tax on the purchase price of an ammonia refrigeration system used to cool the finished goods storage area; the audit concluded that the ammonia refrigeration system was not part of taxpayer's production activities and imposed an additional use tax assessment. Taxpayer disagrees arguing that its manufacturing process is not complete until after the products leave the finished goods storage area.

In Indiana, a sales tax is imposed on retail transactions and a complementary use tax is imposed on tangible personal property that is stored, used, or consumed in the state. IC 6-2.5-1-1 et seq. In this instance, taxpayer relies on the tax exemption found at IC 6-2.5-5-3(b). That particular exemption states that: "Transactions involving manufacturing machinery, tools, and equipment are

exempt from the state gross retail tax if the person acquiring that property acquires it for direct use in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property.” It is taxpayer’s contention that the ammonia refrigeration equipment falls within the definition of “direct use” as provided in 45 IAC 2.2-5-8(c). That regulation reads as follows:

The state gross retail tax does not apply to purchases of manufacturing machinery, tools, and equipment to be directly used by the purchaser in the production process provided that such machinery, tools, and equipment are directly used in the production process; i.e., they have an immediate effect on the article being produced. Property has an immediate effect on the article being produced if it is an essential and integral part of an integrated process which produces tangible personal property.

Taxpayer’s refrigerated dough products are mixed to specific temperature. It is taxpayer’s contention that its products are not complete until the products reach a certain temperature in its refrigerated finished goods storage area. According to taxpayer, the temperature in the refrigerated storage area is critical in controlling the amount of carbon dioxide gas within the product. If the temperature is too high, too much carbon dioxide gas will be produced resulting in low density, low weight product. If the temperature is too low, too little carbon dioxide will produce a high density, high weight product. In addition, maintenance of the proper temperature is needed to achieve and maintain an optimum pressure within the individual dough containers.

There is no question that taxpayer is involved in the production of tangible personal property and is entitled to claim the exemption for equipment directly involved in the direct production of that personal property. The issue is whether the ammonia refrigeration system, used to cool taxpayer’s finished goods area, is employed *within* taxpayer’s production process.

As used within the exemption statute, “production” is broadly defined and “focuses on the creation of a marketable good.” Mid-America Energy Resources v. Dept. of State Revenue, 681 N.E.2d 259, 264 (Ind. Tax Ct. 1997). In Indianapolis Fruit Co. v. Dept. of State Revenue, 691 N.E.2d 1379 (Ind. Tax Ct. 1998), the court held that appellant taxpayer’s equipment involved in the production of ripened bananas was entitled to the sales and use tax exemption. *Id.* at 1386. The court found that appellant taxpayer’s introduction of ethylene gas into the banana ripening process was “sufficient to constitute production.” *Id.* at 1385. In contrast, the court held that appellant taxpayer’s tomato ripening equipment was not entitled to the exemption because that particular ripening activity “was essentially passive in nature.” *Id.* at 1386. The court summarized the distinction as follows: “With respect to the bananas, [taxpayer] actively induced the ripening; it did no such thing with respect to the tomatoes. In other words, the difference is that, with respect to the bananas, [taxpayer] made something happening; with respect to the tomatoes, [taxpayer] let something happen.”

Taxpayer’s production of refrigerated dough products is not complete until the most marketable product is achieved. That marketable product is not obtained until the individual product items have reached a desired consistency, density, and pressure. Those particular qualities are not realized until the products have been cooled to a particular temperature and then maintained at the temperature for a specified amount of time.

None of this occurs spontaneously because taxpayer’s cooling activities are analogous to the banana ripening activities in Indianapolis Fruit. In that particular case, the appellant taxpayer would not have obtained saleable bananas without the introduction of ethylene gas because the bananas would not have satisfactorily ripened on their own. Similarly, taxpayer would not have obtained a marketable refrigerated dough product without acting to cool that product for a pre-determined time and to a pre-determined temperature. Taxpayer’s dough product, as it comes immediately off the production line, is unmarketable and unusable. Although unrefrigerated dough would have produced carbon dioxide even without the cooling equipment, unless taxpayer had acted upon the dough in such a way as to directly control the carbon dioxide level, taxpayer’s room temperature dough products would be as unmarketable as unripened or spoiled bananas. As set out in 45 IAC 2.2-5-8(d), “‘Direct use in the production process’ begins at the point of the first operation or activity constituting part of the integrated production process and ends at the point that the production has altered the item to its completed form...” Taxpayer’s dough products have not achieved their “completed form” at the time the products first leave taxpayer’s production line. However, after 48 hours in the “finished goods storage area,” the dough products are ready to be marketed to the ultimate consumer. As in Indianapolis Fruit, during the 48 hours the products are maintained in the finished goods storage area, taxpayer is “[making] something happen.”

However, taxpayer errs when it claims that its production “is not complete until after the products leave the finished goods storage area.” Taxpayer’s exemption claim is limited to the extent that the ammonia refrigeration system was acquired for “direct use in the direct production, manufacture... of other tangible personal property.” IC 6-2.5-5-3(b). After 48 hours of cooling, the product has achieved the proper amount of carbon dioxide, the individual product containers have achieved the desired amount of pressure, and the previously unfinished products can be purchased and used by the consumer. It is at this point that “direct production” ceases and the finished product is simply being preserved in a saleable condition. There is nothing within IC 6-2.5-5-3(b) or 45 IAC 2.2-5-8(c) which permits a manufacturer to claim the exemption for equipment being used to preserve an otherwise finished product. To the contrary, 45 IAC 2.2-5-8(e), Example One, specifically provides that “Purchases of refrigeration equipment used in milk production during the production process are exempt. However, refrigeration equipment used to store milk products *subsequent* to production is taxable.” (*Emphasis added*). Accordingly, to the extent that the ammonia refrigeration equipment is directly used for 48 hours in the direct production of its refrigerated dough products, taxpayer is entitled to the exemption available

under IC 6-2.5-5-3(b) and 45 IAC 2.2-5-8(c). However, to the extent the ammonia refrigeration equipment is used to maintain the finished product in a saleable condition before transfer to taxpayer's shipping warehouse, the exemption is unavailable.

FINDING

Taxpayer's protest is sustained.

II. Abatement of the Ten Percent Negligence Penalty

Taxpayer protests the assessment of the ten percent negligence penalty on the amount of use tax deficiency determined at the time of the original audit.

IC 6-8.1-10-2.1 requires that a ten percent penalty be imposed if the tax deficiency results from the taxpayer's negligence. Departmental regulation 45 IAC 15-11-2(b) defines negligence as "the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer." Negligence is to "be determined on a case-by-case basis according to the facts and circumstances of each taxpayer." Id.

IC 6-8.1-10-2.1(d) allows the Department to waive the penalty upon a showing that the failure to pay the deficiency was based on "reasonable cause and not due to willful neglect." Departmental regulation 45 IAC 15-11-2(c) requires that in order to establish "reasonable cause," the taxpayer must demonstrate that it "exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed...."

Taxpayer has offered evidence sufficient to establish that it exercised "ordinary business care" and that its failure to pay the use tax deficiency was due to reasonable cause and not due to willful neglect. The audit report indicated that taxpayer maintained a "very extensive and highly utilized use tax accrual system in place" and that taxpayer's sales tax records and procedures "were found to be substantially correct."

FINDING

Taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

2820020185.LOF

LETTER OF FINDINGS NUMBER: 02-0185

**Controlled Substance Excise Tax
For Tax Period 1998**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Controlled Substance Excise Tax – Validity of Assessment

Authority: IC 6-8.1-5-1; 45 IAC 15-5-3

Taxpayer protests the validity of the Department's assessment of Controlled Substance Excise Tax.

STATEMENT OF FACTS

Police reports were provided to the Indiana Department of Revenue ("Department"). The reports explained that taxpayer was found to be in possession of Psilocyn (Hallucinogenic Mushrooms). After the dismissal of criminal charges, the Department issued an assessment of Controlled Substance Excise Tax ("CSET"). Taxpayer protests this assessment. Taxpayer failed to attend the scheduled administrative hearing. Further facts will be supplied as necessary.

I. Controlled Substance Excise Tax – Validity of Assessment

DISCUSSION

Taxpayer protests the Department's assessment of CSET. Taxpayer states that the criminal charges for possession of Psilocyn against him were dropped due to mishandling of evidence by a lab technician, who was in turn charged with criminal conduct. Taxpayer believes that the inadmissibility of the evidence in the criminal courts strips the Department of its ability to use the evidence in its assessment.

The Department reminds taxpayer that the administrative hearing is not a court of law, and refers to 45 IAC 15-5-3(b)(7), which states: The hearing will be conducted in an informal manner. The purpose of the hearing is to clearly establish the taxpayer's specific objections to the assessment and the reasoning for these objections. The hearing is not governed by any rules of evidence. The department is expressly excluded from the requirements of the Administrative Adjudication Act.

Next, the Department refers to IC 6-8.1-5-1(a), which states in relevant part:

If the department reasonably believes that a person has not reported the proper amount of tax due, the department shall make a proposed assessment of the amount of the unpaid tax on the basis of the best information available to the department.

Also, the Department refers to IC 6-8.1-5-1(b), which states in relevant part:

The notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made.

After reviewing the police reports, the Department issued its assessment. The Department routinely assesses excise taxes on items other than controlled substances, without physically examining the goods. In the instant case, the police reports are sufficient for the Department to issue its assessment.

Taxpayer's only other argument is that assessment of the CSET is inequitable due to his status as a student. Taxpayer explains that he is working as a graduate student and is saving his money to pursue a doctoral degree, and payment of the CSET would hamper the achievement of this goal. Taxpayer provides no citation to any court decision, statute, regulation or other legal source to support the use of a taxpayer's financial status as grounds for dismissing an assessment.

Therefore, the Department may base its assessment of CSET on the police reports, as explained in IC 6-8.1-5-1(a) and 45 IAC 15-5-3(b)(7). Taxpayer has not met the burden of proving the proposed assessment wrong, as required by IC 6-8.1-5-1(b). Taxpayer's status as a student and income level are irrelevant.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0120020365.LOF

LETTER OF FINDINGS NUMBER: 02-0365

Individual Income Tax For the Tax Year 1998

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Constitutionality of the Federal Income Tax

Authority: U.S. Const. amend. XVI; I.R.C. § 61; IC 6-3-1-9; IC 6-3-1-12; IC 6-3-1-15; Cheek v. United States, 498 U.S. 192 (1991); Stanton v. Baltic Mining Co., 240 U.S. 103 (1916); Brushaber v. Union Pacific R.R. Co., 240 U.S. 1 (1916); Pollock v. Farmers' Loan & Trust Co., 158 U.S. 601 (1895); Springer v. United States, 102 U.S. 586 (1880); Hylton v. United States, 3 U.S. 171 (1796); United States v. Connor, 898 F2d 942 (3rd Cir. 1990); Wilcox v. Commissioner of Internal Revenue, 848 F2d 1007 (9th Cir. 1988); Coleman v. Commissioner of Internal Revenue, 791 F2d 68 (7th Cir. 1986); United States v. Koliboski, 732 F2d 1328 (7th Cir. 1984); United States v. Romero, 640 F2d 1014 (9th Cir. 1981); Snyder v. Indiana Dept. of State Revenue, 723 N.E.2d 487 (Ind. Tax Ct. 2000); Thomas v. Indiana Dept. of State Revenue, 675 N.E.2d 362 (Ind. Tax Ct. 1997); Cooper Industries, Inc. v. Indiana Dept. of State Revenue, 673 N.E.2d 1209 (Ind. Tax Ct. 1996); Richey v. Indiana Dept. of State Revenue, 634 N.E.2d 1375 (Ind. Tax Ct. 1994).

Taxpayer argues that the federal income tax system – and by derivation, Indiana's individual income tax – is unconstitutional and that application of the income tax system to ordinary citizens is the result of a vast, decades-long, conspiracy to obfuscate the original intent and extent of the Sixteenth Amendment and the Internal Revenue Code.

STATEMENT OF FACTS

The Department of Revenue (Department) sent the taxpayer a "Demand Notice for Payment" on June 19, 2002. The notice indicated that taxpayer owed unpaid "Individual Income" taxes for the year ending December 31, 1998.

On July 25, 2002, taxpayer submitted a protest to the Department. The protest contained a heading indicating that the protest was an "Administrative Notice of Debt Not Owed and Violation of Agent's Authority and Denial of Administrative Due Process." The taxpayer's protest outlined a series of complaints: taxpayer complained that the Department's "Demand Notice" was unsigned; the United States Constitution did not authorize imposition of an income tax on individual income; and only corporate income was subject to the state's taxing authority. Contained within the letter was a request that the amount of unpaid income taxes, otherwise ascribed to the taxpayer, be immediately abated. Taxpayer stated that "If [Department representatives] do not rescind threats of a tax warrant and lien on my property, or if your office sends me any more unsigned, threatening letters, [taxpayer] will make a claim for damages against you in your personal capacity...." Taxpayer requested that the taxes be abated or the taxpayer "[would] file a lawsuit for... damages in US District Court."

Substantiating the taxpayer's protest, taxpayer attached a copy of her 1998 U.S. Individual Income Tax Return. The return was noticeably absent information concerning the taxpayer's 1998 income because it simply contained eighteen sets of "zeroes."

The Department notified taxpayer by means of a July 29 letter (signed) indicating that her protest would be reviewed and assigned to a hearing officer. The protest was duly assigned, and an initial contact letter (signed) was sent to the taxpayer on July 29 indicating that the taxpayer would be given an opportunity to explain the basis for her protest during an administrative hearing. Taxpayer declined the opportunity to respond. A second letter (signed, certified) was sent to the taxpayer again offering taxpayer the opportunity to explain the basis for her protest. Taxpayer responded on September 14 stating the initial "Demand Notice" was "a complete falsehood" and requesting "an explanation in writing." The Department replied on September 19 by means of a letter (signed) stating that taxpayer's bare "falsehood" explanation was somewhat inadequate and that taxpayer's September 14 letter "did not resolve [the] issue of the protested state taxes." Again, taxpayer was invited to take advantage of the available administrative hearing process and to further explain the basis for her protest. Taxpayer responded on October 6 stating that the reason she did not pay state income taxes was because she "declared my taxable income as -0-." Taxpayer stated that she was enclosing a video tape – "Theft by Deception: Deciphering the Federal Income Tax" – which would explain the basis for taxpayer's claim that she owed no state income tax. Taxpayer requested that the Department view the tape "in its entirety." The Department responded by means of an October 10 letter (signed) stating that the Hearing Office would view the video tape and asking if the taxpayer intended to "take part in an administrative hearing either in person or by phone." Taxpayer responded with October 24 letter stating that she "[did] not want to take part in an administrative hearing."

Based upon the taxpayer's initial protest letter, subsequent correspondence, and the contents of the "Theft by Deception" video tape, the Department has attempted to frame the issues raised by taxpayer, and responds to those issues by means of this Letter of Findings.

DISCUSSION

I. Constitutionality of the Federal Income Tax

Taxpayer argues that the current federal and state income tax system is unconstitutional and that numerous court decisions support this proposition. According to taxpayer, only "non-resident aliens and foreign corporations" are subject to federal or state income taxes. The current tax structure is predicated on a "fraud unrivaled in history." Further, by "digging through" the Constitution, the tax statutes, and the tax regulations, an "ordinary citizen" will discover that the "conventional wisdom is incorrect," that the income tax laws do not apply to the "income of average Americans," that ordinary people who lose their "blind faith" and abandon "conventional wisdom" will escape the taxing authorities' conspiratorial efforts subjecting them to the burden of federal and state income taxes.

Taxpayer's first argument is that the income tax is an unapportioned tax, repugnant to the Constitution, and that the U.S. Const. amend. XVI "granted no new taxing authority to the U.S. government." Taxpayer's argues that the individual income tax is a "direct tax" that must be apportioned in accordance with the Constitution. Taxpayer errs. There is nothing in the Constitution which states that wages or income cannot be taxed. From the founding of the republic, it has been the consistent opinion of the Supreme Court, that the phrase "direct tax" refers to a tax on real property. *Hylton v. United States*, 3 U.S. 171 (1796); *Springer v. United States*, 102 U.S. 586 (1880); *Pollock v. Farmers' Loan & Trust Co.*, 158 U.S. 601 (1895); *Brushaber v. Union Pacific R.R. Co.*, 240 U.S. 1 (1916).

Taxpayer cites to *Brushaber*, 240 U.S. 1 (1916) for support of the proposition that the federal income tax is an unapportioned tax and is offensive to the Constitution. The case permits no such conclusion. Rather, the Court rejected an argument to contrary and stated as follows:

Nothing could serve to make this clearer than to recall than in the *Pollock* Case, in so far as the law taxed incomes from other classes of property than real estate and invested personal property, that is income from "professions, trades, employments or vocations," its validity was recognized; indeed it was expressly declared that no dispute was made upon that subject, and attention was called to the fact that taxes on such income had been sustained as excise taxes in the past. *Id.* at 17. (Internal citations omitted).

Taxpayer's reliance on the *Brushaber* opinion is unwarranted. The Court clearly stated that, "[T]he command of the Amendment [is] that all income taxes shall not be subject to apportionment by a consideration of the sources from the taxed income may be derived..." *Brushaber*, 240 U.S. at 18.

Taxpayer may be legitimately entitled to argue that the tax statutes and accompanying regulations are overly complicated. However, the language and effect of the enabling constitutional amendment is plain. "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration." U.S. Const. amend. XVI.

Taxpayer cites to *Stanton v. Baltic Mining Co.*, 240 U.S. 103 (1916) for support of the proposition that the federal income tax is unconstitutional as an encroachment of the limitations placed upon the federal government. Specifically, taxpayer cites to the text in the case which states that "as the Sixteenth Amendment authorizes only an exceptional direct income tax without apportionment, to which the tax in question does not conform, it is therefore not within the authority of that Amendment." *Id.* at 112 Taxpayer takes the quotation entirely out of context. The cited above statement is not a holding of the court; rather it is the petitioner's argument thereafter directly rejected by the Court. A few lines later the Court states that the cited proposition "is plainly in conflict with the meaning of the Sixteenth Amendment as interpreted in the *Brushaber* Case, it may also be put out of view." *Id.*

Taxpayer relies on the videotape presentation purporting to establish that she was not subject to federal and state individual income tax. The premise of the videotape is that only non-resident aliens and foreign corporations are subject to income tax. By means of the videotape presentation, taxpayer asserts that the income tax system, as originally established, is constitutionally limited to non-resident aliens and foreign corporations. Taxpayer argues that the current “conventional wisdom” to the contrary is incorrect and that a vast “cover-up” has been implemented over the years by attorneys, tax experts, government officials, and others of that ilk in order perpetuate a “premeditated fraud” on the unsuspecting citizenry. According to taxpayer’s presentation, if the ordinary person would only research the statutes and regulations, that person would discover that the income tax “does not include the income of average Americans.”

Taxpayer contends that – given the constitutional limitations on federal and state taxing authority – the income tax was originally imposed only on non-resident aliens and foreign corporation, and that through the conspiratorial machinations of tax professionals, the tax was gradually extended to average citizens. Taxpayer’s contention is totally without merit, and the Department will not expend its resources in addressing each and every detail of this unfounded, convoluted, and illogical proposition.

Taxpayer’s argument does not comport with the law or with ordinary common sense. There is not a single state or federal court decision which remotely supports taxpayer’s argument. To the contrary, federal and state courts have consistently, repeatedly, and without exception determined that the average citizen’s wages – no matter in what form the taxpayers have attempted to characterize, define, or label those wages – are income subject to taxation. United States v. Connor, 898 F2d 942, 943 (3rd Cir. 1990) (“Every court which has ever considered the issue has unequivocally rejected the argument that wages are not income”); Wilcox v. Commissioner of Internal Revenue, 848 F2d 1007, 1008 (9th Cir. 1988) (“First, wages are income.”); Coleman v. Commissioner of Internal Revenue, 791 F2d 68, 70 (7th Cir. 1986) (“Wages are income, and the tax on wages is constitutional.”); United States v. Koliboski, 732 F2d 1328, 1329 n. 1 (7th Cir. 1984) (“Let us now put [the question] to rest: WAGES ARE INCOME. Any reading of tax cases by would-be tax protesters now should preclude a claim of good-faith belief that wages – or salaries – are not taxable.”) (Emphasis in original); United States v. Romero, 640 F2d 1014, 1016 (9th Cir. 1981) (“Compensation for labor or services, paid in the form of wages or salary, has been universally held by the courts of this republic to be income, subject to the income tax laws currently applicable.... [Taxpayers] seems to have been inspired by various tax protesting groups across the land who postulate weird and illogical theories of tax avoidance all to the detriment of the common weal [sic] and of themselves.”). As recently as 1991, the Supreme Court characterized as “frivolous” the notion that “the income tax law is unconstitutional.” Cheek v. United States, 498 U.S. 192, 205 (1991).

In addressing taxpayer’s argument, the Indiana Tax Court has held that, “Common definition, an overwhelming body of case law by the United States Supreme Court and federal circuit courts, and this Court’s opinion... all support the conclusion that wages are income for purposes of Indiana’s adjusted gross income tax.” Snyder v. Indiana Dept. of State Revenue, 723 N.E.2d 487, 491 (Ind. Tax Ct. 2000). See also Thomas v. Indiana Dept. of State Revenue, 675 N.E.2d 362 (Ind. Tax Ct. 1997); Richey v. Indiana Dept. of State Revenue, 634 N.E.2d 1375 (Ind. Tax Ct. 1994).

Taxpayer’s contention, that she was entitled to declare “0” as Indiana adjusted gross income because she filled the corresponding federal return with a string of zeroes, is meritless. The statute is unambiguous. Indiana adjusted gross income begins with federal taxable income as defined by I.R.C. § 62 not simply as whimsically reported by the taxpayer. See Cooper Industries, Inc. v. Indiana Dept. of State Revenue, 673 N.E.2d 1209, 1213 (Ind. Tax Ct. 1996). Notwithstanding the brief instructions contained on the Indiana tax return, taxpayer is required to actually perform the calculations necessary to determine taxpayer’s liability for Indiana adjusted gross income tax. Given that taxpayer received gross income (I.R.C. § 61) in 1998, is an “individual” under IC 6-3-1-9, was a resident of Indiana for during that year (IC 6-3-1-12), and is a “taxpayer” as defined within (IC 6-3-1-15), the statutes imposing the Indiana individual income tax apply with full force to taxpayer’s 1998 income.

FINDING

Taxpayer’s protest is denied.

DEPARTMENT OF STATE REVENUE

0120020389.LOF

LETTER OF FINDINGS NUMBER: 02-0389

Income Tax Calendar Year 2001

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE

I. Tax Administration – Bad Check Penalty

Authority: IC 6-8.1-10-5

The taxpayer protests the bad check penalty.

STATEMENT OF FACTS

The bad check penalty was assessed on a returned check resulting from an income tax return filed for the calendar year 2001. The taxpayer is an individual.

I. Tax Administration – Bad Check Penalty**DISCUSSION**

The taxpayer requests waiver or reduction of the 100% bad check penalty as the error was unintentional.

The taxpayer was victimized by embezzlement. During the investigation of the embezzlement, the taxpayer closed the existing checking account and opened a new checking account to prevent the cashing of any more fraudulent checks. Before closing the checking account, the taxpayer issued a check to the Department for the payment of 2001 income taxes in the amount of \$246. As the checking account was closed before the Department could present the check for payment to the bank, the check “bounced”. The Department sent notices of liability to the taxpayer concerning the returned check on June 18, 2002 and July 10, 2002. The taxpayer did not respond to the notices until July 19, 2002 as the taxpayer was out-of-town and unable to access their mail.

The statute for bad checks, IC 6-8.1-10-5(c) reads: “If the person subject to the penalty under this section can show that there is reasonable cause for the check not being honored, the department may waive the penalty imposed under this section.”

Reasonable cause is defined in 45 IAC 15-11-2(b) as: “Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer’s carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.”

The Department finds the taxpayer was inattentive to tax duties as the taxpayer did not respond to Department notices until mid-July. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

FINDING

The taxpayer’s penalty protest is denied.

DEPARTMENT OF STATE REVENUE

2820020428.LOF

LETTER OF FINDINGS NUMBER: 02-0428 CSET**Controlled Substance Excise Tax****For Tax Period: 1996**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE**1. Controlled Substance Excise Tax – Imposition**

Authority: IC 6-7-3-5. IC 6-8.1-5-1 (b), Hurst v. Department of Revenue, 720 N.E.2d 370 (Ind. Tax. 1999), Hall v. Department of Revenue, 720 N.E.2d 1287 (Ind. Tax. 1999)

Taxpayer protests the imposition of the Controlled Substance Excise Tax.

STATEMENT OF FACTS

As the result of a sting operation, the taxpayer was arrested on November 19, 1996 for possession of marijuana and cocaine. On April 12, 2002, the appropriate County Prosecuting Attorney sent the Indiana Department of Revenue, hereinafter referred to as the “department,” a request for the assessment of controlled substance excise tax relating to the defendant’s possession of marijuana. The department issued a Record of Jeopardy Finding, Jeopardy Assessment, Notice and Demand on May 9, 2002 in a base tax amount of \$15, 339.45. The taxpayer filed a protest to the assessment. A hearing on the protest to the imposition of the controlled substance excise tax was held on October 23, 2002.

1. Controlled Substance Excise Tax – Imposition**DISCUSSION**

IC 6-7-3-5 imposes the Controlled Substance Excise Tax on the possession of marijuana in the State of Indiana. Departmental assessments are presumed to be correct and the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1 (b).

Possession of marijuana subject to the imposition of the tax can be either actual or constructive. Hurst v. Department of Revenue, 720 N.E.2d 370 (Ind. Tax. 1999), Hall v. Department of Revenue, 720 N.E.2d 1287 (Ind. Tax. 1999). Although both direct and circumstantial evidence may prove constructive possession, proof of presence in the vicinity of drugs, presence on property where drugs are located, or mere association with the possessor is not sufficient. Hurst at 374-375. To prove constructive possession, there must be a showing that Taxpayer had not only the requisite intent but also the capability to maintain dominion and control over the substance. Hurst at 374.

The issue to be determined in this case is whether or not Taxpayer had possession of the marijuana. The taxpayer contends that he never had actual or constructive possession of the marijuana because the marijuana was thrown in the back of his car and he was arrested before he ever had access to the marijuana. The taxpayer contends that since he was under arrest, he had no capability to maintain dominion and control over the marijuana.

The police officer's report and Affidavit For Probable Cause contradict the taxpayer's version of the transaction. The texts of these documents indicate that the taxpayer and confidential informant exchanged the marijuana for the money inside the taxpayer's house. When he was arrested, the taxpayer was holding a trash bag filled with the marijuana. After the taxpayer's arrest outside of his house, the police discovered the brown wrapping paper inside the defendant's residence. The taxpayer's transfer of the marijuana from the brown packaging paper to the trash bag and carrying the marijuana filled trash bag outside the house indicate that the taxpayer had actual possession of the marijuana.

The controlled substance excise tax was properly imposed on the taxpayer.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0220020492P.LOF

LETTER OF FINDINGS NUMBER: 02-0492P

Adjusted Gross Income Tax

For Calendar Year Ended December 31, 2000

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE(S)

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer protests the proposed penalty assessment for the late payment of its income tax. The due date of the return was April 15, 2001. Taxpayer filed its return late on October 10, 2001 with payment of sixty-one percent (61%) of its tax liability. The Department issued its late payment assessment on January 2, 2002.

Taxpayer filed a penalty protest letter dated January 18, 2002. Taxpayer states that its CPA firm did not advise that it would have a tax liability until almost the end of the extension period. It had anticipated a zero liability on all of its 2000 returns.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer protests the penalty assessed and states that it did not become apparent that significant tax liabilities would be due for Indiana until it filed its return.

Taxpayer did not make payment by the original due date of the return as required under IC 6-8.1-10-2.1 (a)(2). The penalty is ten percent (10%) of the amount of the tax not paid, if the person fails to pay the full amount of tax shown on the person's return on or before the due date for the return or payment.

Taxpayer made payment after the due date of the return and has not provided reasonable cause to allow the Department to waive the penalty.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0220020513P.LOF

LETTER OF FINDINGS NUMBER: 02-0513P

Gross and Adjusted Gross Income Tax

For Calendar Years 1998 and 1999

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE(S)**I. Tax Administration – Penalty****Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer protests the proposed penalty assessment for the underpayment of estimated tax. Taxpayer states that it relied exclusively upon its independent outside accountants to calculate and advise on the timing of all federal and state estimated tax payments. A substantial miscalculation of estimated Gross Receipts Tax by those advisors resulted in underpayments of estimated Indiana taxes for both 1998 and 1999.

I. Tax Administration – Penalty**DISCUSSION**

Taxpayer protests the penalty assessed for the underpayment of estimated income taxes for 1998 and 1999. Taxpayer states that it relied upon its independent outside accountants to calculate the estimated taxes and the miscalculation did not come to light until September 2000 when the 1999 Indiana return, as prepared by the outside accountants, was being reviewed by its own personnel. Taxpayer further states that the failure to properly calculate and timely remit estimated payments was inadvertent and not the result of idle carelessness.

To avoid the penalty, the quarterly estimate must equal at least twenty percent (20%) of the total income tax liability for the current taxable year or twenty-five percent (25%) of the final income tax liability for the prior taxable year. Taxpayer failed to make the quarterly estimated payments and has not provided reasonable cause to allow a penalty waiver. Procedures should have been in effect to assure that taxes were timely paid.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0120020514P.LOF

LETTER OF FINDINGS NUMBER: 02-0514P**Individual Income Tax****Calendar Year 2001**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE(S)**I. Tax Administration – Penalty****Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer, in a letter dated October 15, 2002 states that it remitted its first quarter estimated tax payment in the same envelope as its 2000 Indiana tax return mailed on April 15, 2001. The envelope contained two checks, one that was cashed, and one that was not. Taxpayer states he is certain that the check was enclosed and requests an abatement of penalty.

Taxpayer was assessed a penalty for the underpayment of estimated taxes.

I. Tax Administration – Penalty**DISCUSSION**

Taxpayer states that it timely remitted its estimated payment for the first quarter 2001 taxes with its 2000 tax return which the Department lost. In addition, the Department cashed the check for the 2000 return and he is certain that the first quarter estimated tax payment was in the same envelope.

IC 6-8.1-10-2.1 states that a person is subject to a penalty if he "fails to pay the full amount of tax shown on the person's return on or before the due date for the return or payment.

IC 6-3-4-4.1 (c) states that "In the case of an underpayment of the estimated tax as provided in Section 6654 of the Internal Revenue Code, there shall be added to the tax a penalty in an amount prescribed by IC 6-8.1-10-2.1 (b)".

Taxpayer has not provided reasonable cause; therefore, the Department finds the penalty appropriate.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0220020517P.LOF

LETTER OF FINDINGS NUMBER: 02-0517P**Gross Income Tax****For Calendar Year 2001**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE(S)**I. Tax Administration – Penalty**

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer is a late filer. Taxpayer states it has no business function and was merely incorporated for the purpose of outlining bylaws by which its group abides and also for liability protection. It has no business function. The department issued a penalty billing for failure to file the IT-20 timely.

I. Tax Administration – Penalty**DISCUSSION**

Taxpayer's letter states that it has no business function and generates no taxable income. Taxpayer further states it was formed for the outlining of bylaws and for liability protection. It believes this is the first late filing penalty assessed.

Based upon the above information, taxpayer requests that the penalty be waived.

IC 6-8.1-10-2.1(g) states:

A person who fails to file a return for a listed tax that shows no tax liability for a taxable year, other than an information return (as defined in section 6 of this chapter), on or before the due date of the return shall pay a penalty of ten dollars (\$10) for each day that the return is past due, up to a maximum of two hundred fifty dollars (\$250).

Taxpayer failed to file its return timely and has not provided reasonable cause. The department finds that a penalty is proper.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420020519P.LOF

LETTER OF FINDINGS NUMBER: 02-0519P**Sales Tax****For July 2002**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE(S)**I. Tax Administration – Penalty**

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer was assessed a late payment penalty.

Taxpayer, in a letter dated October 21, 2002 requests that the department waive the late payment penalty because it has never been late and was busy with insurance/police reports after a thief broke into its business.

I. Tax Administration – Penalty**DISCUSSION**

Taxpayer was assessed a ten percent (10%) penalty because it paid its tax after the due date.

Taxpayer states it was busy with insurance and police reports after a break-in and has never been late. Taxpayer requests a penalty waiver.

Taxpayer has not provided reasonable cause to allow a waiver of the penalty assessed and the taxpayer had another late filed return previously.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0220020523P.LOF

LETTER OF FINDINGS NUMBER: 02-0523P**Adjusted Gross Income Tax****For Calendar Year 1999**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE(S)**I. Tax Administration – Penalty**

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer failed to remit its entire tax liability by the due date of the return for calendar year 1999. The department issued a penalty billing and interest billing.

I. Tax Administration – Penalty**DISCUSSION**

Taxpayer's representative in a letter dated July 2, 2002 states that the taxpayer's 1998 return resulted in an overpayment amount of \$2,486 that was recorded on Line 17. And on line 18 for the "Amount from line 17 to be refunded: it recorded "none" because it wished to have the overpayment applied to the following year's return. The instructions did not indicate that an overpayment could not be applied to the following year. When it prepared the taxpayer's 1999 Form IT-10S, it carried over the 1998 overpayment credit. At the time, it was not aware that the Department had refunded the taxpayer the 1998 overpayment. This discrepancy caused a late payment of the 1999 tax liability of \$1,823 in addition to a penalty of \$182.20 and interest of \$181.30. After the tax notice was received the taxpayer issued a check in the amount of \$1,823 for the 1999 tax liability. Taxpayer requests a penalty and interest waiver.

Taxpayer was issued a refund for the amount of tax overpaid in 1998 because there is no provision to carry an overpayment forward. The result was a shortage in the 1999 tax year. The taxpayer has not provided reasonable cause to allow a penalty waiver and the Department has no authority to waive interest.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420020541P.LOF

LETTER OF FINDINGS NUMBER: 02-0541P**Use Tax****For Calendar Years 1999, 2000, and 2001**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE(S)**I. Tax Administration – Penalty**

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer was audited for calendar years 1999, 2000, and 2001. Upon audit it was discovered that the taxpayer failed to remit use tax on sixty-eight percent (68%), seventy-five percent (75%), and ninety-six percent (96%) of its non-taxed taxable purchases for calendar years 1999, 2000, and 2001 respectively.

Taxpayer requests abatement of the penalty because this was not taxpayer negligence but a misunderstanding of Indiana Use Tax law. The year 2000 had no other liability with the exception of the extended warranty issue and the prior audit for 1993 through 1996 did not address the extended warranty issue.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer protests the penalty assessed and states that it has attempted to pay its use tax liability and was not aware that tax was due on its extended warranty sales.

Information Bulletin #2 clearly states that the warranties that contain the right to have property supplied in the event it is needed are not subject to sales tax. However, any parts or tangible personal property supplied pursuant to this type of agreement are subject to use tax.

45 IAC 15-11-2(b) states, “Negligence, on behalf of the taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer’s carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.”

Taxpayer has not provided reasonable cause to allow the department to waive the penalty.

FINDING

Taxpayer’s protest is denied.

DEPARTMENT OF STATE REVENUE

0220010063.SLOF

SUPPLEMENTAL LETTER OF FINDINGS: 01-0063 SLOF

Adjusted Gross Income Tax

For the Tax Periods Ending in 1996, 1997, and 1998

NOTICE: Under 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE

I. Disallowance of Royalty and Interest Expense Deductions – Adjusted Gross Income Tax

Authority: IC 6-3-2-2(l); Horn v. Commissioner of Internal Revenue, 968 F.2d 1229 (D.C. Cir. 1992); Park 100 Dev. Co. v. Indiana Dept. of State Revenue, 429 N.E.2d 220 (Ind. 1981)

Taxpayer argues that the conclusion reached in the original Letter of Findings – whereby the Department disallowed the deduction of certain interest and royalty payments – was erroneous because it was based upon a misunderstanding of the parties’ business relationships.

STATEMENT OF FACTS

There are three parties relevant to this Supplemental Letter of Findings; taxpayer, parent company, and Delaware holding company. The taxpayer is an out-of-state company in the business of selling industrial, medical, and specialty gases.

The parent company is an out-of-state entity which owns both the taxpayer and Delaware holding company. The parent company is not an Indiana taxpayer. Over a period of time, the parent company had acquired taxpayer and a number of entities all of which were engaged in a similar business. At some point, the parent company realized that – along with taxpayer and the other related entities – it had also acquired and developed certain intellectual property. The intellectual property consisted of trademarks, trade names, trade dress, and the like. It is not disputed the taxpayer and parent company’s other affiliated members had unrestrained access to and use of the intellectual property before the intellectual property was transferred to Delaware holding company.

In 1996, the parent company formed Delaware holding company. The parent company exchanged the intellectual property for Delaware holding company’s stock in an I.R.C. § 351 exchange. According to taxpayer, Delaware holding company is governed by a board of directors consisting of two parent company officers and two independent officers.

Thereafter, Delaware holding company arranged for an independent appraisal of the value of the intellectual property. Having made a determination of the value of the intellectual property, Delaware holding company entered into a series of 17 licensing agreements which permitted taxpayer – along with 16 other similarly situated entities owned by the parent company – continued use of the intellectual property. In exchange for the right to use of the intellectual property, taxpayer made royalty payments to Delaware holding company. In certain circumstances, pursuant to the terms of the royalty agreement, taxpayer also made interest payments to Delaware holding company.

Having received taxpayer’s royalty and interest payments, Delaware holding company, together with similar payments received from the 16 different other affiliated entities, loaned those amounts to the parent company. The loans were made to the parent at the market rate of 8.75%. There is no indication that these loans have been repaid to Delaware holding company.

Taxpayer points out that Delaware holding company incurred certain expenses related to the maintenance of the intellectual property. Delaware holding company had a full-time employee. Delaware holding company employed a specialized law firm to assist in the management and protection of the intellectual property assets.

On their face, the state tax consequences of this three-way arrangement are as follows; taxpayer claims a deduction for the royalty and interest payments from its Indiana Adjusted Gross Income; Delaware holding company has no state tax liability because Delaware does not tax income attributable to intellectual property; parent company does not pay state income tax on those amounts received as loans from Delaware holding company.

The original Letter of Findings found that taxpayer was not entitled to deduct from its Indiana adjusted gross income the royalty and interest payments made to Delaware holding company. Taxpayer challenges that conclusion arguing that the original Letter of Findings misstated the factual circumstances surrounding the payments. A rehearing was granted, and this Supplemental Letter of Findings results.

DISCUSSION

I. Disallowance of Royalty and Interest Expense Deductions – Adjusted Gross Income Tax

The original Letter of Findings agreed with the audit that taxpayer should not be permitted to deduct the royalty and interest payments from its Indiana source income. It arrived at the conclusion pursuant to IC 6-3-2-2(l). The statutory provision states that “[i]f the allocation and apportionment provisions of this article do not fairly represent the taxpayer’s income derived from sources within the state of Indiana... the department may require in respect to all or any part of the taxpayer’s business activity... the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer’s income.”

The original Letter of Findings concluded that permitting the taxpayer to deduct the royalty and interest expenses distorted taxpayer’s Indiana income. Disallowance of the deductions would more “fairly represent” the amount of taxpayer’s income apportioned to Indiana and would effectuate a more equitable apportionment of the taxpayer’s Indiana income.

In addition, the original Letter of Findings justified its conclusion on the basis of the “sham transaction” doctrine based on a determination that the transfer of the intellectual property to Delaware holding company and taxpayer’s consequent royalty payment lacked a legitimate business purpose.

Taxpayer disagrees. Taxpayer points out that the intellectual property/royalty payments were not the typical two-party circular transactions designed wholly to elude state tax liability; e.g. (1) original owner transfers its intellectual property to wholly-owned holding company, (2) wholly-owned holding company charges original owner royalties, (3) wholly-owned holding company promptly “loans” the royalties back to original owner.

Taxpayer is correct in pointing out that these are not “two-party” transactions. Rather, the transactions involve three distinct participants; parent company, taxpayer, and Delaware holding company. The taxpayer is also correct in pointing out that the parties have taken unto themselves certain trappings of business legitimacy. Delaware holding company arranged for an independent evaluation of the intellectual property’s value; the amount of royalty payments was established by reference to the independent evaluation; Delaware holding company has an employee; Delaware holding company engaged a law firm to “police” the intellectual property; the corporate governance of Delaware holding company is at least partially independent.

In addition, taxpayer argues that the Department’s conclusion was “entirely contrary” to Department’s conclusion in an earlier Letter of Findings published June 1, 2002. According to taxpayer, the June 2002 Letter of Findings (*Hereinafter* June 2002 LOF) “recognize[d] that the licensing of the trademarks and corporate logos to affiliated subsidiaries was a bona fide transaction” and that to allow the deduction in the June 2002 LOF and thereafter to deny it to taxpayer “is arbitrary and discriminatory.” However, taxpayer overlooks the particular circumstances surrounding the June 2002 LOF. In that particular Letter of Findings, the holding company performed substantive activities for the petitioning taxpayer other than simply “holding” the petitioning taxpayer’s intellectual property. The holding company controlled the operation of the petitioning taxpayer’s Indiana retail stores. The holding company performed the taxpayer’s asset and inventory purchases, accounting, payroll, invoicing, payables, property tax payments. The holding company “charge[d] and administrative fee to each store based on sales volume; allocate[d] a charge for rent to each store; charge[d] a service fee for inventory items purchased by the stores from the [holding company]; and charge[d] a one percent (1%) royalty fee for use of the trademarks and logos.” The June 2002 LOF concluded that the petitioning taxpayer, the parent company, and the holding company possessed a separate and distinct economic vitality; their existence was based on more than simple tax avoidance. Taxpayer’s contention – that the relationship between itself, Delaware holding company, and parent company is analogous to the parties described in the June 2002 LOF – is unwarranted. There is little indication that the taxpayer’s own Delaware holding company performed services or possessed an economic substance similar to that of the holding company described within the June 2002 LOF.

The Department has no quarrel with and does not challenge the validity of the value placed on the intellectual property subsequent to the transfer of that property to Delaware holding company. The Department does not challenge the amount of royalties Delaware holding company charged taxpayer – along with the 16 other affiliates – for the right to use that intellectual property. Similarly, the Department does not challenge the propriety of the interest charges levied against taxpayer. The Department does not challenge Delaware holding company’s unrestrained right to loan its assets to the parent company with, apparently, little or no

expectation that those amounts will be repaid. The Department certainly does not quarrel with Delaware's decision not to tax holding companies' income derived from the management of intellectual property.

However, the Department does maintain that, under IC 6-3-2-2(l), allowing taxpayer to claim the royalty and interest expenses as a deduction from its Indiana adjusted gross income "do[es] not fairly represent the taxpayer's income derived from sources within the state of Indiana." Taxpayer's parent company is certainly free to transfer its intellectual property to whomever it wants. However, *for purposes of determining taxpayer's adjusted gross income*, there is little or no economic or business justification for the formation of the Delaware holding company other than for allowing taxpayer to obtain the attendant tax benefits. The parent's company's decision to transfer the intellectual property – previously freely accessible to taxpayer and the other affiliated companies – allowed the taxpayer to shift a portion of its Indiana income to Delaware for no other readily discernible reason than to allow that income shift. Taxpayer has not shown that the transfer of the intellectual property to Delaware holding company served any other significant purpose other than tax avoidance – circumstances falling squarely within the "sham transaction" doctrine. "Transactions that are invalidated by the [sham transaction] doctrine are those motivated by nothing other than the taxpayer's desire to secure the attached tax benefit" but are devoid of any economic substance. Horn v. Commissioner of Internal Revenue, 968 F.2d 1229, 1236-37 (D.C. Cir. 1992). *See also Park 100 Dev. Co. v. Indiana Dept. of State Revenue*, 429 N.E.2d 220 (Ind. 1981). It was such circumstances that IC 6-3-2-2(l) was plainly intended to reach. The Department was entitled to ignore the effect of the federal royalty and interest deductions and to allocate the royalty and interest income to Indiana.

FINDING

Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0220010114.SLOF

SUPPLEMENTAL LETTER OF FINDINGS NUMBER: 01-0114SLOF

Responsible Officer – Bingo Penalty and Withholding Tax

For Tax Years 1999 through 2000

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

Withholding Tax – Responsible Officer Liability

Authority: IC 6-3-4-8

Taxpayer protests the assessment of responsible officer liability for withholding taxes.

STATEMENT OF FACTS

Taxpayer was the president of a not-for-profit organization. After an investigation, the Department of Revenue (the "Department") found that the not-for-profit organization had not withheld Indiana adjusted gross income tax and county adjusted gross income tax from wages paid to an employee who worked for the not-for-profit organization. Taxpayer was personally assessed for the taxes because she was listed as the president of the not-for-profit organization. Taxpayer protested the finding and the subsequent assessment of withholding tax liability.

A Letter of Findings was issued on December 20, 2001. The Department denied taxpayer's protest and determined taxpayer (1) failed to provide evidence that the employee for which withholding tax was previously withheld was no longer an employee during the assessment periods; and (2) failed to provide evidence that she was not the responsible officer during the assessment periods.

In November of 2002, additional information was supplied to the hearing officer assigned to this case.

Withholding Tax – Responsible Officer Liability

DISCUSSION

IC 6-3-4-8 provides in pertinent part:

(a) Except as provided in subsection (d), every employer making payments of wages and subject to tax under IC 6-3, regardless of the place where such payment is made, who is required under the provisions of the Internal Revenue Code to withhold, collect and pay over income tax on wages paid by such employer to such employee, shall at the time of the payment of such wages, deduct and retain therefrom the amount prescribed in withholding instructions issued by the department.... Such employer making payments of any wages:

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and withheld under this section and shall not be liable to any individual for the amount deducted from his wages and paid over in compliance or intended compliance with this section; and

Nonrule Policy Documents

(2) shall make return of and payment to the department monthly of the amount of tax which, under IC 6-3 and IC 6-3.5, he is required to withhold.

This additional information supports taxpayer's assertion that the employee for which withholding tax was previously withheld was no longer an employee during the assessment periods.

FINDING

The taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE TAX POLICY DIRECTIVE #8 JANUARY 2003

(Replaces Tax Policy Directive #8 dated September 1994)

PURPOSE: Tax Policy Directives are intended to provide the general public with information concerning the Department's official position in regard to a specific issue. These directives may be relied upon by taxpayers until superseded by another policy directive, a change in statute or regulation, or a court decision that would render the policy directive void.

SUBJECT: Application of Sales and Use Tax to Demonstrator Automobiles

REFERENCES: IC 6-2.5-3-2; U.S. Treasury Reg. 1.132-5(o)(2);
Revenue Procedure 2001-56; IC 9-13-2-42

INTRODUCTION

The purpose of this Directive is to provide interpretation of the Indiana Sales and Use Tax as it applies to the use of demonstrator automobiles, both new and used. This Directive is applicable to Indiana automobile dealers as defined in IC 9-13-2-42. Dealers that title and register automobiles are not affected by this Directive. This Directive is applicable to all persons operating a vehicle under a dealer license plate.

DISCUSSION

The following instructions are effective as of the date of issuance of this Directive.

1. Vehicles made available to school driver education programs or not-for-profit organizations are not subject to the Indiana sales and use tax.
2. Vehicles provided to other than full-time salespersons (for example, family members, part-time salespersons, mechanics, managers of the dealership and other individuals) are subject to use tax at the rate of twenty (20) cents per mile times the Indiana sales tax rate. The vehicle dealer will pay the tax annually. Dealers are required to keep records of each vehicle, the miles driven, and when use tax was paid for the miles driven.
3. In lieu of accounting for the miles driven, the dealer may elect to report the use tax on two (2) percent of the dealer's cost of purchasing the vehicle for each month (or fraction of a month) that the vehicle is used as a demonstrator times the Indiana sales tax rate.
4. The definition of full-time salesperson is synonymous with the definition provided in U.S. Treasury Reg. 1.132-5(o)(2), which provides that the salesperson spend at least one half (1/2) of a normal business day performing the function of a floor salesperson, work at least one thousand (1,000) hours per year, and derive twenty five percent (25%) of his/her gross income from sales activities. Vehicles used by full-time salespersons for "qualified automobile demonstration use" are not subject to sales and use tax. "Qualified automobile demonstration use means a vehicle:
 - a. That is currently in the inventory of the dealership;
 - b. That is available for test drives by customers during the normal business hours of the employer;
 - c. In which the salesperson has no personal possessions stored;
 - d. That must be driven within the dealer's sales area. For the purposes of this directive, dealer's sales area means an area within a radius of 75 miles from the dealership;
 - e. That is not used by individuals other than the full-time sales person (for example, family members); and
 - f. That may not be used for personal vacation trips.
5. Personal use of automobile demonstrators by full-time salespersons will be the value reportable to the Internal Revenue Service or charged to the full-time salesperson in accordance with the provisions of Revenue Procedures 2001-56 times the sales tax rate.

CONCLUSION

The above instructions are intended to be all inclusive. However, the Department recognizes and acknowledges that events unanticipated by this Directive may arise and in such case the Tax Policy Division of the Department should be contacted for guidance.

Kenneth L. Miller
Commissioner

**DEPARTMENT OF STATE REVENUE
TAX POLICY DIRECTIVE #11
JANUARY 2003**

(Replaces Directive #11 dated August 1999)

PURPOSE: Tax Policy Directives are intended to provide the general public with information concerning the Department's official position in regard to a specific issue. These directives may be relied upon by taxpayers until superseded by another policy directive, a change in statute or regulation, or a court decision that would render the policy directive void.

SUBJECT: Other Tobacco Products Tax

REFERENCE: IC 6-7-2

INTRODUCTION:

The purpose of this tax policy directive is to provide interpretation of the Other Tobacco Products Tax as it applies to the wholesale price of tobacco products, and who is a tobacco distributor that is liable for the tax. This directive applies to other tobacco product distributors as defined in IC 6-7-2-2.

DISCUSSION:

The other tobacco products tax is imposed on tobacco distributors per IC 6-7-2-7, which reads:

A tax is imposed on the distribution of tobacco products in Indiana at the rate of eighteen percent (18%) of the wholesale price of the tobacco products. The distributor of the tobacco products is liable for the tax. The tax is imposed at the time the distributor:

- (1) brings or causes tobacco products to be brought into Indiana for distribution;
- (2) manufactures tobacco products in Indiana for distribution; or
- (3) transports tobacco products to retail dealers in Indiana for resale by those retail dealers.

An unlicensed wholesaler/retailer purchasing tobacco products through a catalogue or other media from a person not licensed as an Indiana distributor must register as a distributor and pay the eighteen percent (18%) tax on the wholesale price of the other tobacco products. A wholesaler/retailer failing to register and comply with the law commits a Class B misdemeanor. However, the offense is a Class D felony if it is committed with intent to evade the tax imposed or to defraud the state.

The term "wholesale price" is defined at IC 6-7-2-6: "As used in this chapter, 'wholesale price' means the price at which the manufacturer of the tobacco products sells tobacco products to distributors, excluding any discount or other reduction."

The Department's position is that temporary reduction or discounts for the purpose of promoting certain tobacco products are deductible from the original price in determining the "wholesale price" of tobacco products if the finished tobacco product(s) container is prepackaged indicating a monetary discount. The "wholesale price" for other tobacco products prepackaged in multiple units is the actual price paid and not on an imputed cost based on the manufacturer's price per single unit. Purchase discounts, quantity discounts, trade discounts, or any other reduction are not deductible when determining the "wholesale price" of tobacco products for purposes of imposing the Other Tobacco Products Tax.

A manufacturer, importer, broker, or shipper of other tobacco products into Indiana for the purpose of giving such products away for any type of promotional purpose must pay the tax due on all such products. In applying the Other Tobacco Products Tax to samples, the "wholesale price" is the standard price charged for the single unit tobacco product before deduction of any discount, including temporary promotional discounts.

Kenneth L. Miller
Commissioner

Rules Affected by Volumes 25 and 26

TITLE 10 OFFICE OF ATTORNEY GENERAL FOR THE STATE

10 IAC 2	RA 01-311	25 IR 183	25 IR 897
10 IAC 4	N 01-264	25 IR 128	25 IR 2208

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

11 IAC	N 01-265	25 IR 130	*CPH (25 IR 403) 25 IR 1854
11 IAC 1-1-3.5	N 02-238	26 IR 420	*AROC (26 IR 883)
11 IAC 2-2-5	N 02-18	25 IR 2281	*AROC (25 IR 3884) 25 IR 3702
11 IAC 2-5-1	A 02-18	25 IR 2281	*AROC (25 IR 3884) 25 IR 3702
11 IAC 2-5-2	A 02-18	25 IR 2281	*AROC (25 IR 3884) 25 IR 3702
11 IAC 2-5-3	A 02-18	25 IR 2281	*AROC (25 IR 3884) 25 IR 3702
11 IAC 2-5-4	N 02-18	25 IR 2281	*AROC (25 IR 3884) 25 IR 3702 *ERR (26 IR 35)
11 IAC 2-5-5	N 02-324	26 IR 1598	
11 IAC 2-6-1	A 02-110	25 IR 3213	26 IR 6
11 IAC 2-6-5	A 02-110	25 IR 3213	26 IR 6
11 IAC 2-6-6	N 02-110	25 IR 3213	26 IR 6
11 IAC 2-9	N 02-19	25 IR 2282	25 IR 3703

TITLE 20 STATE BOARD OF ACCOUNTS

20 IAC 1	RA 01-192	25 IR 183	25 IR 897
20 IAC 2	RA 01-192	25 IR 183	25 IR 897

TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION

25 IAC 1.1	RA 01-125	24 IR 3788	25 IR 1265
25 IAC 1.5	RA 01-125	24 IR 3788	25 IR 1265
25 IAC 2	RA 01-125	24 IR 3788	25 IR 1265
25 IAC 2-19	R 02-150	26 IR 86	
25 IAC 2-20	R 02-150	26 IR 86	
25 IAC 4	RA 01-125	24 IR 3788	25 IR 1265
25 IAC 5	N 02-150	26 IR 67	

TITLE 31 STATE PERSONNEL DEPARTMENT

31 IAC 1-9-3	A 02-10	25 IR 3214	
31 IAC 1-9-4	A 02-10	25 IR 3215	
31 IAC 1-9-4.5	A 02-10	25 IR 3215	
31 IAC 1-12.1	R 02-10	25 IR 3219	
31 IAC 2-11-3	A 02-10	25 IR 3216	
31 IAC 2-11-4	A 02-10	25 IR 3217	
31 IAC 2-11-4.5	A 02-10	25 IR 3217	
31 IAC 2-17.1	R 02-10	25 IR 3219	
31 IAC 4	R 02-10	25 IR 3219	
31 IAC 5	N 02-10	25 IR 3218	

TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND

35 IAC 1.2-1-1	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-1-2	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-1-3	RA 01-217	24 IR 4201	25 IR 1265
35 IAC 1.2-2	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-3	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-3-10	RA 01-217	24 IR 4202	25 IR 1265
35 IAC 1.2-3-11	RA 01-216	25 IR 897	25 IR 897
35 IAC 1.2-3-12	RA 01-216	25 IR 897	25 IR 897
35 IAC 1.2-4-1	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-4-2	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-4-3	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-4-4	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-4-5	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-5-1	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-5-2	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-5-4	RA 01-216	24 IR 4201	25 IR 897

35 IAC 1.2-5-5	RA 01-217	24 IR 4202	25 IR 1265
35 IAC 1.2-5-6	RA 01-217	24 IR 4202	25 IR 1265
35 IAC 1.2-5-7	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-5-8	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-5-9	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-5-10	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-5-11	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-5-12	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-5-13	RA 01-217	24 IR 4202	25 IR 1266
35 IAC 1.2-5-14	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-5-15	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-5-16	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-5-17	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-5-18	RA 01-217	24 IR 4203	25 IR 1266
35 IAC 1.2-5-19	RA 01-217	24 IR 4203	25 IR 1266
35 IAC 1.2-5-20	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-6	RA 01-216	24 IR 4201	25 IR 897
35 IAC 1.2-6-3	RA 01-217	24 IR 4203	25 IR 1267
35 IAC 1.2-6-7	N 01-196	24 IR 4017	25 IR 1488
35 IAC 1.2-7	RA 01-216	24 IR 4201	25 IR 897
35 IAC 2	RA 01-218	24 IR 4204	25 IR 898
35 IAC 4	RA 01-218	24 IR 4204	25 IR 898
35 IAC 6	RA 01-218	24 IR 4204	25 IR 898
35 IAC 8	RA 01-218	24 IR 4204	25 IR 898
35 IAC 8-1-1	A 02-163	25 IR 4134	
35 IAC 8-1-2	A 02-163	25 IR 4134	
35 IAC 8-2-1	A 02-163	25 IR 4135	
35 IAC 9-1-1	A 02-163	25 IR 4136	
35 IAC 9-1-2	A 02-163	25 IR 4136	
35 IAC 9-1-3	A 02-163	25 IR 4136	
35 IAC 9-1-4	A 02-163	25 IR 4136	
35 IAC 10	N 02-163	25 IR 4137	

TITLE 45 DEPARTMENT OF STATE REVENUE

45 IAC 3.1-1-99.1	N 02-305	26 IR 817	
45 IAC 18-1-2	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-3	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-4	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-5	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-6	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-7	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-8	R 02-40	25 IR 3238	*CPH (25 IR 4129)
45 IAC 18-1-9	N 02-40	25 IR 3220	*CPH (25 IR 4129)
45 IAC 18-1-10	N 02-40	25 IR 3220	*CPH (25 IR 4129)
45 IAC 18-1-11	N 02-40	25 IR 3220	*CPH (25 IR 4129)
45 IAC 18-1-12	N 02-40	25 IR 3220	*CPH (25 IR 4129)
45 IAC 18-1-13	N 02-40	25 IR 3220	*CPH (25 IR 4129)
45 IAC 18-1-14	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-15	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-16	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-17	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-18	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-19	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-20	N 02-40	25 IR 3221	*CPH (25 IR 4129)
45 IAC 18-1-21	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-22	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-23	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-24	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-25	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-26	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-27	N 02-40	25 IR 3222	*CPH (25 IR 4129)
45 IAC 18-1-28	N 02-40	25 IR 3223	*CPH (25 IR 4129)
45 IAC 18-1-29	N 02-40	25 IR 3223	*CPH (25 IR 4129)
45 IAC 18-1-30	N 02-40	25 IR 3223	*CPH (25 IR 4129)
45 IAC 18-1-31	N 02-40	25 IR 3223	*CPH (25 IR 4129)
45 IAC 18-1-32	N 02-40	25 IR 3223	*CPH (25 IR 4129)
45 IAC 18-1-33	N 02-40	25 IR 3224	*CPH (25 IR 4129)
45 IAC 18-1-34	N 02-40	25 IR 3224	*CPH (25 IR 4129)
45 IAC 18-1-35	N 02-40	25 IR 3224	*CPH (25 IR 4129)

Rules Affected by Volumes 25 and 26

45 IAC 18-1-36	N	02-40	25 IR 3224	*CPH (25 IR 4129)	50 IAC 4.2-11	R	00-284	24 IR 4054	*AROC (24 IR 4240)
45 IAC 18-1-37	N	02-40	25 IR 3224	*CPH (25 IR 4129)					25 IR 1528
45 IAC 18-1-38	N	02-40	25 IR 3224	*CPH (25 IR 4129)	50 IAC 4.2-12	R	00-284	24 IR 4054	*AROC (24 IR 4240)
45 IAC 18-1-39	N	02-40	25 IR 3224	*CPH (25 IR 4129)					25 IR 1528
45 IAC 18-1-40	N	02-40	25 IR 3225	*CPH (25 IR 4129)	50 IAC 4.2-14	R	00-284	24 IR 4054	*AROC (24 IR 4240)
45 IAC 18-1-41	N	02-40	25 IR 3225	*CPH (25 IR 4129)					25 IR 1528
45 IAC 18-1-42	N	02-40	25 IR 3225	*CPH (25 IR 4129)	50 IAC 4.2-15	R	00-284	24 IR 4054	*AROC (24 IR 4240)
45 IAC 18-1-43	N	02-40	25 IR 3225	*CPH (25 IR 4129)					25 IR 1528
45 IAC 18-2-1	A	02-40	25 IR 3225	*CPH (25 IR 4129)	50 IAC 4.2-16	R	00-284	24 IR 4054	*AROC (24 IR 4240)
45 IAC 18-2-2	A	02-40	25 IR 3226	*CPH (25 IR 4129)					25 IR 1528
45 IAC 18-2-3	A	02-40	25 IR 3227	*CPH (25 IR 4129)	50 IAC 4.3	N	00-284	24 IR 4018	*AROC (24 IR 4240)
45 IAC 18-2-4	A	02-40	25 IR 3228	*CPH (25 IR 4129)					25 IR 1489
45 IAC 18-3-1	A	02-40	25 IR 3228	*CPH (25 IR 4129)	50 IAC 5.1	R	01-347	25 IR 435	25 IR 1875
45 IAC 18-3-2	A	02-40	25 IR 3229	*CPH (25 IR 4129)	50 IAC 5.2	N	01-347	25 IR 417	25 IR 1859
45 IAC 18-3-3	R	02-40	25 IR 3238	*CPH (25 IR 4129)	50 IAC 12-16-30				*ERR (26 IR 793)
45 IAC 18-3-4	N	02-40	25 IR 3231	*CPH (25 IR 4129)	50 IAC 14	N	00-283	25 IR 1930	25 IR 4048
45 IAC 18-3-5	N	02-40	25 IR 3232	*CPH (25 IR 4129)					*ERR (26 IR 382)
45 IAC 18-3-6	N	02-40	25 IR 3232	*CPH (25 IR 4129)	50 IAC 15-1-1.5	N	01-266		26 IR 1516
45 IAC 18-3-7	N	02-40	25 IR 3232	*CPH (25 IR 4129)	50 IAC 15-1-2.5	N	01-266	25 IR 410	*AROC (25 IR 2591)
45 IAC 18-3-8	N	02-40	25 IR 3233	*CPH (25 IR 4129)					26 IR 1516
45 IAC 18-4-1	A	02-40	25 IR 3233	*CPH (25 IR 4129)	50 IAC 15-1-2.6	N	01-266	25 IR 410	*AROC (25 IR 2591)
45 IAC 18-4-2	A	02-40	25 IR 3234	*CPH (25 IR 4129)					26 IR 1516
45 IAC 18-5-2	A	02-40	25 IR 3235	*CPH (25 IR 4129)	50 IAC 15-1-3	R	01-266	25 IR 416	*AROC (25 IR 2591)
45 IAC 18-6-1	R	02-40	25 IR 3238	*CPH (25 IR 4129)					26 IR 1522
45 IAC 18-6-2	R	02-40	25 IR 3238	*CPH (25 IR 4129)	50 IAC 15-1-5	R	01-266	25 IR 416	*AROC (25 IR 2591)
45 IAC 18-6-3	A	02-40	25 IR 3235	*CPH (25 IR 4129)					26 IR 1522
45 IAC 18-7	N	02-40	25 IR 3236	*CPH (25 IR 4129)	50 IAC 15-1-6	N	01-266	25 IR 410	*AROC (25 IR 2591)
45 IAC 18-8	N	02-40	25 IR 3236	*CPH (25 IR 4129)	50 IAC 15-3-1	A	01-266	25 IR 410	*AROC (25 IR 2591)
TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE					50 IAC 15-3-2	A	01-266	25 IR 410	*AROC (25 IR 2591)
50 IAC 2.3-1-1	A	01-305	25 IR 835	26 IR 6	50 IAC 15-3-3	A	01-266	25 IR 411	*AROC (25 IR 2591)
	A	01-402	26 IR 86	*AROC (26 IR 183)					26 IR 1517
				*AROC (26 IR 184)	50 IAC 15-3-4	A	01-266	25 IR 411	*AROC (25 IR 2591)
	A	02-240	26 IR 88						26 IR 1517
50 IAC 2.3-1-2	A	01-366	25 IR 1200	*ARR (25 IR 3760)	50 IAC 15-3-5	A	01-266	25 IR 411	*AROC (25 IR 2591)
				*AWR (26 IR 39)					26 IR 1517
	A	01-402	26 IR 87	*AROC (26 IR 183)	50 IAC 15-3-6	N	01-266	25 IR 411	*AROC (25 IR 2591)
				*AROC (26 IR 184)					26 IR 1518
50 IAC 3.1-1	R	01-367	25 IR 2550	26 IR 328	50 IAC 15-4-1	A	01-266	25 IR 412	*AROC (25 IR 2591)
50 IAC 3.1-2-1	R	01-367	25 IR 2550	26 IR 328					26 IR 1518
50 IAC 3.1-2-5	R	01-367	25 IR 2550	26 IR 328	50 IAC 15-5-1	A	01-266	25 IR 413	*AROC (25 IR 2591)
50 IAC 3.1-2-6	R	01-367	25 IR 2550	26 IR 328					26 IR 1519
50 IAC 3.1-2-7	R	01-367	25 IR 2550	26 IR 328	50 IAC 15-5-2	A	01-266	25 IR 414	*AROC (25 IR 2591)
50 IAC 3.1-2-8	R	01-367	25 IR 2550	26 IR 328					26 IR 1520
50 IAC 3.1-2-9	R	01-367	25 IR 2550	26 IR 328	50 IAC 15-5-4	A	01-266	25 IR 414	*AROC (25 IR 2591)
50 IAC 3.2	N	01-367	25 IR 2548	26 IR 326					26 IR 1520
				*ERR (26 IR 382)	50 IAC 15-5-5	A	01-266	25 IR 414	*AROC (25 IR 2591)
50 IAC 4.2-1	R	00-284	24 IR 4054	*AROC (24 IR 4240)					26 IR 1520
				25 IR 1528	50 IAC 15-5-6	A	01-266	25 IR 415	*AROC (25 IR 2591)
50 IAC 4.2-2	R	00-284	24 IR 4054	*AROC (24 IR 4240)					26 IR 1521
				25 IR 1528	50 IAC 15-5-7	A	01-266	25 IR 415	*AROC (25 IR 2591)
50 IAC 4.2-3-1	R	00-284	24 IR 4054	*AROC (24 IR 4240)					26 IR 1521
				25 IR 1528	50 IAC 15-5-8	A	01-266	25 IR 415	*AROC (25 IR 2591)
50 IAC 4.2-3-2	R	00-284	24 IR 4054	*AROC (24 IR 4240)					26 IR 1521
				25 IR 1528	50 IAC 17-5-1	A	00-188	24 IR 705	*AROC (24 IR 2590)
50 IAC 4.2-3-3	R	00-284	24 IR 4054	*AROC (24 IR 4240)	50 IAC 17-6-2	A	00-188	24 IR 705	*AROC (24 IR 2590)
				25 IR 1528	50 IAC 17-7-1	A	00-188	24 IR 705	*AROC (24 IR 2590)
50 IAC 4.2-4	R	00-284	24 IR 4054	*AROC (24 IR 4240)	50 IAC 17-10.5	N	00-188	24 IR 706	*AROC (24 IR 2590)
				25 IR 1528	50 IAC 18	N	02-81	26 IR 1117	*AROC (26 IR 1263)
50 IAC 4.2-5	R	00-284	24 IR 4054	*AROC (24 IR 4240)	TITLE 52 INDIANA BOARD OF TAX REVIEW				
				25 IR 1528	52 IAC 1	N	02-206	26 IR 89	
50 IAC 4.2-6	R	00-284	24 IR 4054	*AROC (24 IR 4240)	TITLE 55 DEPARTMENT OF COMMERCE				
				25 IR 1528	55 IAC 1	RA	01-239	25 IR 518	25 IR 1267
50 IAC 4.2-8	R	00-284	24 IR 4054	*AROC (24 IR 4240)	55 IAC 2	RA	01-239	25 IR 518	25 IR 1267
				25 IR 1528	55 IAC 3.1	RA	01-239	25 IR 518	25 IR 1267
50 IAC 4.2-9	R	00-284	24 IR 4054	*AROC (24 IR 4240)	55 IAC 4	RA	01-239	25 IR 518	25 IR 1267
				25 IR 1528	55 IAC 5	RA	01-239	25 IR 518	25 IR 1267
50 IAC 4.2-10	R	00-284	24 IR 4054	*AROC (24 IR 4240)	55 IAC 6	RA	01-239	25 IR 518	25 IR 1267
				25 IR 1528	55 IAC 8	RA	01-239	25 IR 518	25 IR 1267

Rules Affected by Volumes 25 and 26

TITLE 58 ENTERPRISE ZONE BOARD

58 IAC 1	RA 01-267	25 IR 518	25 IR 1267
58 IAC 2	RA 01-267	25 IR 518	25 IR 1267

TITLE 60 OVERSIGHT COMMITTEE ON PUBLIC RECORDS

60 IAC 1.1	RA 01-318	25 IR 519	25 IR 1268
60 IAC 2	RA 01-318	25 IR 519	25 IR 1268
60 IAC 2-1-1	A 02-261	26 IR 1118	
60 IAC 2-1-2	R 02-261	26 IR 1121	
60 IAC 2-1-3	R 02-261	26 IR 1121	
60 IAC 2-2-1	A 02-261	26 IR 1118	
60 IAC 2-2-2	A 02-261	26 IR 1118	
60 IAC 2-2-3	A 02-261	26 IR 1119	
60 IAC 2-2-3.1	N 02-261	26 IR 1120	
60 IAC 2-2-4	A 02-261	26 IR 1120	
60 IAC 2-2-5	A 02-261	26 IR 1120	
60 IAC 2-2-5.1	N 02-261	26 IR 1121	
60 IAC 2-2-6	R 02-261	26 IR 1121	
60 IAC 2-2-7	R 02-261	26 IR 1121	

TITLE 65 STATE LOTTERY COMMISSION

65 IAC 1	RA 01-286	25 IR 184	25 IR 1268
65 IAC 2	RA 01-286	25 IR 184	25 IR 1268
65 IAC 3	RA 01-286	25 IR 184	25 IR 1268
65 IAC 3-3-3	A 02-252		*ER (26 IR 40)
65 IAC 3-3-10	A 02-252		*ER (26 IR 40)
65 IAC 3-4-4	A 02-252		*ER (26 IR 41)
65 IAC 3-4-5	A 02-252		*ER (26 IR 42)
65 IAC 4-1	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-2	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-2-4	A 02-253		*ER (26 IR 42)
65 IAC 4-2-8	A 02-253		*ER (26 IR 43)
65 IAC 4-3	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-205	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-248	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-248-10	N 01-379		*ER (25 IR 816)
65 IAC 4-248-11	N 01-379		*ER (25 IR 816)
65 IAC 4-279	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-287	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-287-9	N 01-380		*ER (25 IR 816)
65 IAC 4-287-10	N 01-380		*ER (25 IR 816)
65 IAC 4-332	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-354	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-441	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-442	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-443	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-444	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-446	RA 01-286	25 IR 184	25 IR 1268
65 IAC 4-447	N 01-325		*ER (25 IR 109)
65 IAC 4-448	N 02-65		*ER (25 IR 2269)
65 IAC 4-450	N 02-102		*ER (25 IR 2531)
65 IAC 4-451	N 02-228		*ER (25 IR 4125)
65 IAC 4-452	N 02-353		*ER (26 IR 1585)
65 IAC 4-453	N 02-350		*ER (26 IR 1580)
65 IAC 5-1	RA 01-286	25 IR 184	25 IR 1268
65 IAC 5-2	RA 01-286	25 IR 184	25 IR 1268
65 IAC 5-2-4	A 02-253		*ER (26 IR 43)
65 IAC 5-2-8	A 02-253		*ER (26 IR 43)
65 IAC 5-3	RA 01-286	25 IR 184	25 IR 1268
65 IAC 5-5	RA 01-286	25 IR 184	25 IR 1268
65 IAC 5-6	RA 01-286	25 IR 184	25 IR 1268
65 IAC 5-7	RA 01-286	25 IR 184	25 IR 1268
65 IAC 5-9	RA 01-286	25 IR 184	25 IR 1268
65 IAC 5-10	RA 01-286	25 IR 184	25 IR 1268
65 IAC 5-12	RA 01-286	25 IR 184	25 IR 1268
65 IAC 5-12-2	A 02-254		*ER (26 IR 44)
65 IAC 5-12-3	A 02-254		*ER (26 IR 45)
65 IAC 5-12-4	A 02-254		*ER (26 IR 45)
65 IAC 5-12-5	A 02-254		*ER (26 IR 46)

65 IAC 5-12-6	A 02-254		*ER (26 IR 46)
65 IAC 5-12-7	A 02-254		*ER (26 IR 47)
65 IAC 5-12-9	A 02-254		*ER (26 IR 47)
65 IAC 5-12-10	A 02-254		*ER (26 IR 47)
65 IAC 5-12-11	A 02-254		*ER (26 IR 48)
65 IAC 5-12-12	A 02-254		*ER (26 IR 49)
65 IAC 5-12-12.5	A 02-254		*ER (26 IR 49)
65 IAC 5-12-14	A 02-254		*ER (26 IR 51)
65 IAC 5-15	N 02-26		*ER (25 IR 1909)
65 IAC 6-1	RA 01-286	25 IR 184	25 IR 1268
65 IAC 6-1-1.1	N 02-255		*ER (26 IR 51)
65 IAC 6-1-1.2	N 02-255		*ER (26 IR 51)
65 IAC 6-1-2.1	N 02-255		*ER (26 IR 51)
65 IAC 6-1-2.2	N 02-255		*ER (26 IR 51)
65 IAC 6-1-4.1	N 02-255		*ER (26 IR 51)
65 IAC 6-1-10	N 02-255		*ER (26 IR 52)
65 IAC 6-2	RA 01-286	25 IR 184	25 IR 1268
65 IAC 6-2-3	A 02-255		*ER (26 IR 52)
65 IAC 6-2-4	A 02-255		*ER (26 IR 52)
65 IAC 6-2-5	A 02-255		*ER (26 IR 52)
65 IAC 6-2-8	A 02-255		*ER (26 IR 53)
65 IAC 6-2-9	A 02-255		*ER (26 IR 53)
65 IAC 6-3	RA 01-286	25 IR 184	25 IR 1268
65 IAC 6-3-2	A 02-255		*ER (26 IR 53)
65 IAC 6-3-3	R 02-255		*ER (26 IR 54)
65 IAC 6-4-6	R 02-255		*ER (26 IR 54)
65 IAC 6-4-7	R 02-255		*ER (26 IR 54)
65 IAC 6-4-8	R 02-255		*ER (26 IR 54)
65 IAC 6-4-9	R 02-255		*ER (26 IR 54)
65 IAC 6-4-10	R 02-255		*ER (26 IR 54)
65 IAC 6-4-11	R 02-255		*ER (26 IR 54)
65 IAC 6-4-12	R 02-255		*ER (26 IR 54)

TITLE 68 INDIANA GAMING COMMISSION

68 IAC 1	RA 01-24	24 IR 2202	25 IR 898
68 IAC 2	RA 01-24	24 IR 2202	25 IR 898
68 IAC 2-2-1	A 01-23	24 IR 2728	25 IR 1060
68 IAC 2-2-9.5	N 01-23	24 IR 2729	25 IR 1061
68 IAC 2-3-5	A 01-23	24 IR 2729	25 IR 1061
68 IAC 2-6-6	A 01-23	24 IR 2732	25 IR 1064
68 IAC 3	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			26 IR 1261
			25 IR 1065
68 IAC 3-3-6	A 01-23	24 IR 2732	*CPH (25 IR 3208)
68 IAC 4	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
68 IAC 5	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			26 IR 1261
			25 IR 898
68 IAC 6	RA 01-24	24 IR 2202	25 IR 898
68 IAC 7	RA 01-24	24 IR 2202	25 IR 898
68 IAC 8	RA 01-24	24 IR 2202	25 IR 898
68 IAC 9	RA 01-24	24 IR 2202	25 IR 898
68 IAC 10	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			26 IR 1261
			25 IR 1065
68 IAC 10-2-1	A 01-23	24 IR 2733	*CPH (25 IR 3208)
68 IAC 11	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			26 IR 1261
			25 IR 1066
68 IAC 11-2-7	A 01-23	24 IR 2734	25 IR 1066
68 IAC 11-5-1	A 01-23	24 IR 2734	*CPH (25 IR 3208)
68 IAC 12	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			26 IR 1261
			*CPH (25 IR 3208)
68 IAC 13	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			26 IR 1261
			*CPH (25 IR 3208)
68 IAC 14	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			26 IR 1261
			25 IR 1066
68 IAC 14-2-2	A 01-23	24 IR 2734	25 IR 1067
68 IAC 14-3-8	N 01-23	24 IR 2735	25 IR 1067
68 IAC 14-10-2	A 01-23	24 IR 2735	25 IR 1067
68 IAC 14-11-2	A 01-23	24 IR 2736	25 IR 1068
68 IAC 14-12-2	A 01-23	24 IR 2736	25 IR 1068
68 IAC 15	RA 01-418	25 IR 2589	*CPH (25 IR 3208)
			26 IR 1261

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68 IAC 15-2-3	A	01-23	24 IR 2736	25 IR 1069	71 IAC 12	RA	01-38	24 IR 3788	25 IR 899
68 IAC 15-2-6	A	01-23	24 IR 2737	25 IR 1069	71 IAC 12-2-15	A	01-410		*ER (25 IR 1189)
68 IAC 15-4-2	A	01-23	24 IR 2738	25 IR 1070		A	02-251		*ER (26 IR 58)
68 IAC 15-4-3	A	01-23	24 IR 2739	25 IR 1071		A	02-282		*ER (26 IR 394)
68 IAC 15-7-3	A	01-23	24 IR 2739	25 IR 1071	71 IAC 12-2-17	R	01-410		*ER (25 IR 1190)
68 IAC 15-8-1	A	01-23	24 IR 2740	25 IR 1072	71 IAC 12-2-18	A	01-410		*ER (25 IR 1190)
68 IAC 15-8-2	A	01-23	24 IR 2740	25 IR 1072	71 IAC 12-2-19	A	01-410		*ER (25 IR 1190)
68 IAC 15-14	N	01-23	24 IR 2740	25 IR 1073		A	02-251		*ER (26 IR 59)
68 IAC 16	RA	01-418	25 IR 2589	*CPH (25 IR 3208)					*ERR (26 IR 382)
				26 IR 1261	71 IAC 12-2-20	N	01-410		*ER (25 IR 1190)
68 IAC 17	RA	01-418	25 IR 2589	*CPH (25 IR 3208)		A	02-282		*ER (26 IR 395)
				26 IR 1261	71 IAC 13.5	RA	01-38	24 IR 3788	25 IR 899
68 IAC 18	RA	01-418	25 IR 2589	*CPH (25 IR 3208)	71 IAC 13.5-1-1	A	01-322		*ER (25 IR 122)
				26 IR 1261	71 IAC 13.5-2-1	A	01-322		*ER (25 IR 122)
68 IAC 19	RA	01-418	25 IR 2589	*CPH (25 IR 3208)	71 IAC 14.5	RA	01-38	24 IR 3788	25 IR 899
				26 IR 1261	71 IAC 14.5-1-1	N	01-322		*ER (25 IR 123)
						A	01-411		*ER (25 IR 1190)
					71 IAC 14.5-1-2	A	01-411		*ER (25 IR 1191)
TITLE 71 INDIANA HORSE RACING COMMISSION					71 IAC 14.5-1-3	A	02-97		*ER (25 IR 2538)
71 IAC 1	RA	01-38	24 IR 3788	25 IR 899	71 IAC 14.5-2-1	N	01-322		*ER (25 IR 123)
71 IAC 1-1-41.5	N	02-282		*ER (26 IR 394)		A	01-411		*ER (25 IR 1191)
71 IAC 1.5	RA	01-38	24 IR 3788	25 IR 899	71 IAC 14.5-2-2	A	02-97		*ER (25 IR 2539)
71 IAC 1.5-1-37.5	N	02-282		*ER (26 IR 394)	71 IAC 14.5-3-2	A	02-97		*ER (25 IR 2539)
				*ERR (26 IR 793)	71 IAC 14.5-3-3	A	02-97		*ER (25 IR 2539)
				25 IR 899					
71 IAC 2	RA	01-38	24 IR 3788	25 IR 899	TITLE 80 STATE FAIR COMMISSION				
71 IAC 3	RA	01-38	24 IR 3788	25 IR 899	80 IAC 1	RA	01-126	24 IR 3789	25 IR 528
71 IAC 3-2-9	A	02-96		*ER (25 IR 2534)	80 IAC 2	RA	01-126	24 IR 3789	25 IR 528
71 IAC 3-10-1	A	02-96		*ER (25 IR 2534)	80 IAC 3	RA	01-126	24 IR 3789	25 IR 528
71 IAC 3.5	RA	01-38	24 IR 3788	25 IR 899	80 IAC 4	RA	01-126	24 IR 3789	25 IR 528
71 IAC 4	RA	01-38	24 IR 3788	25 IR 899	80 IAC 4-3-3	A	02-200	26 IR 420	
71 IAC 4.5	RA	01-38	24 IR 3788	25 IR 899	80 IAC 4-3-5	A	02-200	26 IR 420	
71 IAC 4.5-2-7	N	01-322		*ER (25 IR 118)	80 IAC 5	RA	01-126	24 IR 3789	25 IR 528
71 IAC 4.5-3-9	A	01-322		*ER (25 IR 118)	80 IAC 6	RA	01-126	24 IR 3789	25 IR 528
71 IAC 5	RA	01-38	24 IR 3788	25 IR 899					
71 IAC 5-3-3	A	02-96		*ER (25 IR 2535)					
71 IAC 5.5	RA	01-38	24 IR 3788	25 IR 899	TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION				
71 IAC 5.5-1-12	A	01-322		*ER (25 IR 118)	105 IAC 1	RA	01-234	25 IR 184	25 IR 899
71 IAC 5.5-1-13	A	01-322		*ER (25 IR 118)	105 IAC 2	RA	01-234	25 IR 184	25 IR 899
71 IAC 5.5-2-1	A	01-322		*ER (25 IR 118)	105 IAC 3	RA	01-234	25 IR 184	25 IR 899
71 IAC 5.5-3-6	A	01-322		*ER (25 IR 119)	105 IAC 4	RA	01-234	25 IR 184	25 IR 899
71 IAC 5.5-5-3	A	02-250		*ER (26 IR 55)	105 IAC 5	RA	01-234	25 IR 184	25 IR 899
71 IAC 6	RA	01-38	24 IR 3788	25 IR 899	105 IAC 5-10-1	A	01-390	25 IR 1673	25 IR 4051
71 IAC 6-1-2	A	02-96		*ER (25 IR 2536)	105 IAC 5-10-2	A	01-390	25 IR 1674	25 IR 4052
71 IAC 6.5	RA	01-38	24 IR 3788	25 IR 899	105 IAC 6-1	RA	01-234	25 IR 184	25 IR 899
71 IAC 6.5-1-4	A	02-250		*ER (26 IR 55)	105 IAC 6-2	RA	01-234	25 IR 184	25 IR 899
71 IAC 7	RA	01-38	24 IR 3788	25 IR 899	105 IAC 7	RA	01-234	25 IR 184	25 IR 899
71 IAC 7-1-26	A	02-96		*ER (25 IR 2536)	105 IAC 9	RA	01-234	25 IR 184	25 IR 899
71 IAC 7-1-28	A	02-96		*ER (25 IR 2536)	105 IAC 9-2-1	A	02-231	26 IR 421	
71 IAC 7-3-9	A	02-96		*ER (25 IR 2536)	105 IAC 9-4-4	A	01-374	25 IR 836	25 IR 2438
71 IAC 7-3-13	A	02-96		*ER (25 IR 2537)	105 IAC 9-4-5	A	01-374	25 IR 836	25 IR 2438
71 IAC 7-3-16	A	02-96		*ER (25 IR 2537)	105 IAC 9-4-6	A	01-374	25 IR 837	25 IR 2439
71 IAC 7-3-25	A	02-96		*ER (25 IR 2537)	105 IAC 9-4-7	A	01-374	25 IR 837	25 IR 2439
71 IAC 7.5	RA	01-38	24 IR 3788	25 IR 899	105 IAC 9-4-8	A	01-374	25 IR 837	25 IR 2439
71 IAC 7.5-3-4	A	01-322		*ER (25 IR 119)	105 IAC 9-4-9	A	01-374	25 IR 838	25 IR 2440
71 IAC 7.5-4-2	A	01-322		*ER (25 IR 120)	105 IAC 9-4-10	A	01-374	25 IR 838	25 IR 2440
71 IAC 7.5-10	N	02-250		*ER (26 IR 56)	105 IAC 9-4-11	A	01-374	25 IR 839	25 IR 2441
71 IAC 8	RA	01-38	24 IR 3788	25 IR 899	105 IAC 9-4-12	A	01-374	25 IR 840	25 IR 2442
71 IAC 8-5-7	A	02-96		*ER (25 IR 2538)	105 IAC 9-4-13	A	01-374	25 IR 840	25 IR 2442
71 IAC 8-11-3	A	02-96		*ER (25 IR 2538)	105 IAC 10	RA	01-234	25 IR 184	25 IR 899
71 IAC 8.5	RA	01-38	24 IR 3788	25 IR 899	105 IAC 11	RA	01-234	25 IR 184	25 IR 899
71 IAC 8.5-3-1	A	01-322		*ER (25 IR 121)	105 IAC 12	RA	01-234	25 IR 184	25 IR 899
71 IAC 8.5-3-2	A	01-322		*ER (25 IR 121)	105 IAC 12-1-6	A	00-248	24 IR 3664	25 IR 366
71 IAC 8.5-4-5	A	01-322		*ER (25 IR 121)	105 IAC 12-1-9	A	00-248	24 IR 3664	25 IR 366
71 IAC 8.5-4-8	N	02-250		*ER (26 IR 57)	105 IAC 12-1-10	A	00-248	24 IR 3664	25 IR 366
71 IAC 8.5-5-2	N	02-250		*ER (26 IR 57)	105 IAC 12-1-12	A	00-248	24 IR 3664	25 IR 366
71 IAC 8.5-10-5	A	01-322		*ER (25 IR 122)	105 IAC 12-1-13	A	00-248	24 IR 3664	25 IR 366
71 IAC 8.5-10-6	A	02-250		*ER (26 IR 58)	105 IAC 12-1-14	A	00-248	24 IR 3664	25 IR 366
71 IAC 9	RA	01-38	24 IR 3788	25 IR 899	105 IAC 12-1-16	A	00-248	24 IR 3665	25 IR 367
71 IAC 10	RA	01-38	24 IR 3788	25 IR 899	105 IAC 12-1-20	A	00-248	24 IR 3665	25 IR 367
71 IAC 11	RA	01-38	24 IR 3788	25 IR 899					

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105 IAC 12-1-20.1	N	00-248	24 IR 3665	25 IR 367	135 IAC 2-8-5	A	02-171	25 IR 4150	
105 IAC 12-1-21	A	00-248	24 IR 3665	25 IR 367	135 IAC 2-8-7	A	02-171	25 IR 4150	
105 IAC 12-1-23	A	00-248	24 IR 3665	25 IR 367	135 IAC 2-8-11	A	02-171	25 IR 4150	
105 IAC 12-1-24	A	00-248	24 IR 3665	25 IR 367	135 IAC 2-10-1	A	02-171	25 IR 4151	
105 IAC 12-1-25	A	00-248	24 IR 3665	25 IR 367	135 IAC 2-10-2	A	02-171	25 IR 4151	
105 IAC 12-1-26	A	00-248	24 IR 3665	25 IR 367	135 IAC 3	RA	02-175	25 IR 4219	26 IR 882
105 IAC 12-2-4	A	00-248	24 IR 3666	25 IR 368	TITLE 140 BUREAU OF MOTOR VEHICLES				
105 IAC 12-2-6	A	00-248	24 IR 3666	25 IR 368	140 IAC 1-1-7	RA	01-75	24 IR 2862	25 IR 900
105 IAC 12-2-7	A	00-248	24 IR 3666	25 IR 368	140 IAC 1-1-11	RA	01-75	24 IR 2863	25 IR 901
105 IAC 12-2-9	A	00-248	24 IR 3666	25 IR 368	140 IAC 1-2-2	RA	01-75	24 IR 2864	25 IR 902
105 IAC 12-2-14	A	00-248	24 IR 3666	25 IR 368	140 IAC 1-2-3	RA	01-75	24 IR 2864	25 IR 902
105 IAC 12-2-16	A	00-248	24 IR 3666	25 IR 369	140 IAC 1-4-5-4	RA	01-75	24 IR 2865	25 IR 902
105 IAC 12-3-1	A	00-248	24 IR 3667	25 IR 369	140 IAC 1-4-5-6	RA	01-75	24 IR 2865	25 IR 903
105 IAC 12-3-2	A	00-248	24 IR 3667	25 IR 369	140 IAC 1-4-5-10	RA	01-75	24 IR 2866	25 IR 903
105 IAC 12-3-3	R	00-248	24 IR 3670	25 IR 372	140 IAC 1-5-3	RA	01-75	24 IR 2871	25 IR 909
105 IAC 12-3-4	A	00-248	24 IR 3667	25 IR 370	140 IAC 1-8-1	RA	01-75	24 IR 2872	25 IR 910
105 IAC 12-3-5	A	00-248	24 IR 3668	25 IR 370	140 IAC 2-4-3	RA	01-77	24 IR 2873	25 IR 910
105 IAC 12-3-7	A	00-248	24 IR 3668	25 IR 370	140 IAC 2-4-4	RA	01-77	24 IR 2873	25 IR 910
105 IAC 12-3-8	A	00-248	24 IR 3669	25 IR 371	140 IAC 2-4-9	RA	01-77	24 IR 2874	25 IR 911
105 IAC 12-4-1	A	00-248	24 IR 3669	25 IR 371	140 IAC 3-3-6	RA	01-79	24 IR 2875	25 IR 911
105 IAC 12-4-3	A	00-248	24 IR 3669	25 IR 371	140 IAC 3.5-2-4	RA	01-81	24 IR 2877	25 IR 912
105 IAC 12-4-4	A	00-248	24 IR 3669	25 IR 371	140 IAC 3.5-2-9	RA	01-81	24 IR 2878	25 IR 913
105 IAC 12-4-6	A	00-248	24 IR 3670	25 IR 372	140 IAC 3.5-2-11	RA	01-81	24 IR 2879	25 IR 914
TITLE 130 INDIANA PORT COMMISSION					140 IAC 3.5-2-13	RA	01-81	24 IR 2879	25 IR 914
130 IAC 1	RA	01-319	25 IR 185	25 IR 900	140 IAC 3.5-2-15	RA	01-81	24 IR 2879	25 IR 914
	R	01-395	25 IR 1683	*ARR (25 IR 2523)	140 IAC 4-1-4	RA	01-83	24 IR 2881	25 IR 915
				*CPH (25 IR 2542)	140 IAC 4-1-5	RA	01-83	24 IR 2881	25 IR 915
				*AROC (25 IR 3884)	140 IAC 4-1-11	RA	01-83	24 IR 2881	25 IR 916
				25 IR 3712	140 IAC 4-1-13	RA	01-83	24 IR 2882	25 IR 916
130 IAC 2	N	01-395	25 IR 1674	*ARR (25 IR 2523)	140 IAC 4-3-1	RA	01-83	24 IR 2883	25 IR 917
				*CPH (25 IR 2542)	140 IAC 5-1-2	RA	01-85	24 IR 2884	25 IR 918
				*AROC (25 IR 3884)	140 IAC 5-1-3	RA	01-85	24 IR 2884	25 IR 918
				25 IR 3703	140 IAC 5-1-4	RA	01-85	24 IR 2885	25 IR 919
130 IAC 3	N	01-395	25 IR 1676	*ARR (25 IR 2523)	140 IAC 6-1-7	RA	01-87	24 IR 2886	25 IR 920
				*CPH (25 IR 2542)	140 IAC 7-2-5	RA	01-89	24 IR 2888	25 IR 920
				*AROC (25 IR 3884)	140 IAC 7-2-6	RA	01-89	24 IR 2888	25 IR 920
				25 IR 3705	140 IAC 7-3-5	RA	01-89	24 IR 2888	25 IR 921
130 IAC 4	N	01-395	25 IR 1679	*ARR (25 IR 2523)	140 IAC 7-3-9	RA	01-89	24 IR 2889	25 IR 921
				*CPH (25 IR 2542)	140 IAC 7-3-10	RA	01-89	24 IR 2889	25 IR 921
				*AROC (25 IR 3884)	140 IAC 7-3-11	RA	01-89	24 IR 2889	25 IR 922
				25 IR 3708	140 IAC 7-3-13	RA	01-89	24 IR 2890	25 IR 922
TITLE 135 INDIANA TRANSPORTATION FINANCE AUTHORITY					140 IAC 7-3-17	RA	01-89	24 IR 2890	25 IR 922
135 IAC 2	RA	02-175	25 IR 4219	26 IR 882	140 IAC 8-1-1	RA	01-155	24 IR 3221	25 IR 922
135 IAC 2-1-1	A	02-171	25 IR 4138		140 IAC 8-1-2	RA	01-155	24 IR 3221	25 IR 922
135 IAC 2-2-1	A	02-171	25 IR 4140		140 IAC 8-1-3	RA	01-118	24 IR 3209	25 IR 923
135 IAC 2-2-3	A	02-171	25 IR 4140		140 IAC 8-2-1	RA	01-118	24 IR 3210	25 IR 924
135 IAC 2-2-5	A	02-171	25 IR 4140		140 IAC 8-2-2	RA	01-118	24 IR 3210	25 IR 924
135 IAC 2-2-10	A	02-171	25 IR 4141		140 IAC 8-2-3	RA	01-118	24 IR 3211	25 IR 925
135 IAC 2-2-12	A	02-171	25 IR 4141		140 IAC 8-2-4	RA	01-118	24 IR 3211	25 IR 925
135 IAC 2-3-1	A	02-171	25 IR 4141		140 IAC 8-3-1.1	RA	01-118	24 IR 3215	25 IR 929
135 IAC 2-3-2	A	02-171	25 IR 4141		140 IAC 8-3-2	RA	01-118	24 IR 3220	25 IR 929
135 IAC 2-4-1	A	02-171	25 IR 4141		140 IAC 8-3-3	RA	01-118	24 IR 3215	25 IR 935
135 IAC 2-4-4	A	02-171	25 IR 4142		140 IAC 8-3-4	RA	01-118	24 IR 3216	25 IR 930
135 IAC 2-5-1	A	02-171	25 IR 4142		140 IAC 8-3-5	RA	01-118	24 IR 3216	25 IR 930
135 IAC 2-5-2	A	02-171	25 IR 4142		140 IAC 8-3-6	RA	01-155	24 IR 3221	25 IR 930
135 IAC 2-6-1	A	02-171	25 IR 4148		140 IAC 8-3-7	RA	01-155	24 IR 3221	25 IR 930
135 IAC 2-7-1	A	02-171	25 IR 4148		140 IAC 8-3-8	RA	01-118	24 IR 3216	25 IR 930
135 IAC 2-7-3	A	02-171	25 IR 4148		140 IAC 8-3-9	RA	01-155	24 IR 3221	25 IR 930
135 IAC 2-7-7	A	02-171	25 IR 4148		140 IAC 8-3-10	RA	01-155	24 IR 3221	25 IR 930
135 IAC 2-7-11	A	02-171	25 IR 4149		140 IAC 8-3-11	RA	01-155	24 IR 3221	25 IR 930
135 IAC 2-7-15	A	02-171	25 IR 4149		140 IAC 8-3-12	RA	01-118	24 IR 3216	25 IR 931
135 IAC 2-7-18	A	02-171	25 IR 4149		140 IAC 8-3-13	RA	01-118	24 IR 3217	25 IR 931
135 IAC 2-7-19	R	02-171	25 IR 4151		140 IAC 8-3-14	RA	01-118	24 IR 3217	25 IR 931
135 IAC 2-7-20	A	02-171	25 IR 4149		140 IAC 8-3-15	RA	01-118	24 IR 3217	25 IR 931
135 IAC 2-7-23	A	02-171	25 IR 4149		140 IAC 8-3-16	RA	01-118	24 IR 3217	25 IR 932
135 IAC 2-8-1	A	02-171	25 IR 4149		140 IAC 8-3-17	RA	01-118	24 IR 3218	25 IR 932
135 IAC 2-8-3	A	02-171	25 IR 4150		140 IAC 8-3-18	RA	01-118	24 IR 3218	25 IR 932
					140 IAC 8-3-19	RA	01-118	24 IR 3218	25 IR 933

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140 IAC 8-3-20	RA	01-118	24 IR 3219	25 IR 933	TITLE 205 INDIANA CRIMINAL JUSTICE INSTITUTE				
140 IAC 8-3-21	RA	01-118	24 IR 3219	25 IR 933	205 IAC 1	RA	01-219	25 IR 185	*CPH (25 IR 831)
140 IAC 8-3-22	RA	01-118	24 IR 3219	25 IR 933					25 IR 3462
140 IAC 8-3-23	RA	01-118	24 IR 3219	25 IR 934	205 IAC 2	RA	01-219	25 IR 185	*CPH (25 IR 831)
140 IAC 8-3-24	RA	01-118	24 IR 3219	25 IR 934					25 IR 3462
140 IAC 8-3-25	RA	01-118	24 IR 3220	25 IR 934					
140 IAC 8-3-26	RA	01-118	24 IR 3220	25 IR 934	TITLE 210 DEPARTMENT OF CORRECTION				
140 IAC 8-3-27	RA	01-118	24 IR 3220	25 IR 935	210 IAC 1	RA	01-292	25 IR 186	25 IR 1269
					210 IAC 1-6-1	A	01-358	25 IR 1200	*ARR (25 IR 4114)
TITLE 170 INDIANA UTILITY REGULATORY COMMISSION									*SPE
170 IAC 1-1.1-1	A	01-9	24 IR 1690	*ARR (24 IR 3653)		A	02-259	26 IR 817	
			24 IR 4055	*CPH (25 IR 403)	210 IAC 1-6-2	A	01-358	25 IR 1201	*ARR (25 IR 4114)
				25 IR 1875					*SPE
170 IAC 4-1-26	A	02-44	25 IR 2751	26 IR 328		A	02-259	26 IR 818	
170 IAC 4-4.1-9				*ERR (25 IR 2521)	210 IAC 1-6-3	R	01-358	25 IR 1212	*ARR (25 IR 4114)
170 IAC 7-1.1-1	R	00-213	24 IR 716	*AWR (25 IR 107)					*SPE
	R	01-341	25 IR 1945	25 IR 4065		R	02-259	26 IR 829	
170 IAC 7-1.1-2	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 1-6-4	A	01-358	25 IR 1201	*ARR (25 IR 4114)
	R	01-341	25 IR 1945	25 IR 4065					*SPE
170 IAC 7-1.1-3	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	02-259	26 IR 818	
				*AWR (25 IR 107)	210 IAC 1-6-5	A	01-358	25 IR 1202	*ARR (25 IR 4114)
	R	01-341	25 IR 1945	25 IR 4065					*SPE
170 IAC 7-1.1-4	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	02-259	26 IR 819	
				*AWR (25 IR 107)	210 IAC 1-6-6	A	01-358	25 IR 1203	*ARR (25 IR 4114)
	R	01-341	25 IR 1945	25 IR 4065					*SPE
170 IAC 7-1.1-5	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	02-259	26 IR 820	
				*AWR (25 IR 107)	210 IAC 1-6-7	A	01-358	25 IR 1204	*ARR (25 IR 4114)
	R	01-341	25 IR 1945	25 IR 4065					*SPE
170 IAC 7-1.1-6	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	02-259	26 IR 821	
				*AWR (25 IR 107)	210 IAC 1-10	N	01-358	25 IR 1204	*ARR (25 IR 4114)
	R	01-341	25 IR 1945	25 IR 4065					*SPE
170 IAC 7-1.1-7	R	00-34	23 IR 2035	*ARR (24 IR 1671)		N	02-259	26 IR 821	
				*AWR (25 IR 107)	210 IAC 2	RA	01-292	25 IR 186	25 IR 1269
	R	01-341	25 IR 1945	25 IR 4065	210 IAC 3	RA	01-292	25 IR 186	25 IR 1269
170 IAC 7-1.1-8	R	00-34	23 IR 2035	*ARR (24 IR 1671)	210 IAC 5	RA	01-292	25 IR 186	25 IR 1269
				*AWR (25 IR 107)	210 IAC 5-1-1	A	01-358	25 IR 1206	*ARR (25 IR 4114)
	R	01-341	25 IR 1945	25 IR 4065					*SPE
170 IAC 7-1.1-9	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	02-259	26 IR 823	
				*AWR (25 IR 107)	210 IAC 5-1-2	A	01-358	25 IR 1207	*ARR (25 IR 4114)
	R	01-341	25 IR 1945	25 IR 4065					*SPE
170 IAC 7-1.1-10	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	02-259	26 IR 824	
				*AWR (25 IR 107)	210 IAC 5-1-3	A	01-358	25 IR 1207	*ARR (25 IR 4114)
	R	01-341	25 IR 1945	25 IR 4065					*SPE
170 IAC 7-1.1-11	R	00-34	23 IR 2035	*ARR (24 IR 1671)		A	02-259	26 IR 824	
				*AWR (25 IR 107)	210 IAC 5-1-4	A	01-358	25 IR 1210	*ARR (25 IR 4114)
	R	01-341	25 IR 1945	25 IR 4065					*SPE
170 IAC 7-1.1-12	R	00-213	24 IR 716	*AWR (25 IR 107)		A	02-259	26 IR 827	
	R	01-342	25 IR 1954	25 IR 4074	210 IAC 6-1-1	A	02-173	25 IR 4152	26 IR 1064
170 IAC 7-1.1-13	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 6-2-1	RA	02-174	25 IR 4219	26 IR 882
	R	01-342	25 IR 1954	25 IR 4074	210 IAC 6-2-2	RA	02-174	25 IR 4219	26 IR 882
170 IAC 7-1.1-14	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 6-2-3	A	02-173	25 IR 4152	26 IR 1064
	R	01-342	25 IR 1954	25 IR 4074	210 IAC 6-2-4	A	02-173	25 IR 4152	26 IR 1064
170 IAC 7-1.1-15	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 6-2-5	A	02-173	25 IR 4152	26 IR 1064
	R	01-342	25 IR 1954	25 IR 4074	210 IAC 6-2-6	RA	02-174	25 IR 4219	26 IR 882
170 IAC 7-1.1-16	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 6-2-7	RA	02-174	25 IR 4219	26 IR 882
	R	01-342	25 IR 1954	25 IR 4074	210 IAC 6-2-8	RA	02-174	25 IR 4219	26 IR 882
170 IAC 7-1.1-17	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 6-2-9	RA	02-174	25 IR 4219	26 IR 882
	R	01-342	25 IR 1954	25 IR 4074	210 IAC 6-2-10	RA	02-174	25 IR 4219	26 IR 882
170 IAC 7-1.1-18	R	00-213	24 IR 716	*AWR (25 IR 107)	210 IAC 6-2-11	RA	02-174	25 IR 4219	26 IR 882
	R	01-342	25 IR 1954	25 IR 4074	210 IAC 6-2-12	RA	02-174	25 IR 4219	26 IR 882
170 IAC 7-1.1-19	A	01-236	25 IR 135	25 IR 2209	210 IAC 6-2-13	A	02-173	25 IR 4152	26 IR 1064
170 IAC 7-1.2	N	00-34	23 IR 2025	*ARR (24 IR 1671)	210 IAC 6-3-1	A	02-173	25 IR 4152	26 IR 1064
				*AWR (25 IR 107)	210 IAC 6-3-2	A	02-173	25 IR 4153	26 IR 1065
	N	01-341	25 IR 1933	25 IR 4053	210 IAC 6-3-3	A	02-173	25 IR 4153	26 IR 1065
				*ERR (26 IR 382)	210 IAC 6-3-4	A	02-173	25 IR 4154	26 IR 1066
170 IAC 7-1.3	N	00-213	24 IR 707	*AWR (25 IR 107)	210 IAC 6-3-5	A	02-173	25 IR 4155	26 IR 1067
	N	01-342	25 IR 1946	25 IR 4066	210 IAC 6-3-6	RA	02-174	25 IR 4219	26 IR 882
				*ERR (26 IR 382)	210 IAC 6-3-7	RA	02-174	25 IR 4219	26 IR 882
170 IAC 7-1.3-2				*ERR (26 IR 1565)	210 IAC 6-3-8	RA	02-174	25 IR 4219	26 IR 882

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210 IAC 6-3-9	A	02-173	25 IR 4155	26 IR 1067
210 IAC 6-3-10	A	02-173	25 IR 4155	26 IR 1068
210 IAC 6-3-11	A	02-173	25 IR 4155	26 IR 1068
210 IAC 6-3-12	RA	02-174	25 IR 4219	26 IR 882

TITLE 220 PAROLE BOARD

220 IAC 1.1	RA	01-291	25 IR 186	25 IR 935
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TITLE 240 STATE POLICE DEPARTMENT

240 IAC 1-4-1	RA	01-185	24 IR 4204	25 IR 935
240 IAC 1-4-2	RA	01-185	24 IR 4204	25 IR 935
240 IAC 1-4-4	RA	01-185	24 IR 4204	25 IR 936
240 IAC 1-4-5	RA	01-185	24 IR 4204	25 IR 936
240 IAC 1-4-18	RA	01-185	24 IR 4204	25 IR 936
240 IAC 1-4-22	RA	01-185	24 IR 4204	25 IR 936
240 IAC 1-5-1	RA	01-185	24 IR 4204	25 IR 936
240 IAC 1-5-2	RA	01-185	24 IR 4204	25 IR 936
240 IAC 1-5-3	RA	01-185	24 IR 4204	25 IR 936
240 IAC 1-5-4	RA	01-185	24 IR 4204	25 IR 936
240 IAC 1-5-5	RA	01-185	24 IR 4204	25 IR 936
240 IAC 1-5-6	RA	01-185	24 IR 4204	25 IR 936
240 IAC 1-5-7.1	RA	01-185	24 IR 4204	25 IR 936
240 IAC 1-5-8	RA	01-185	24 IR 4204	25 IR 936
240 IAC 1-5-23	RA	01-185	24 IR 4204	25 IR 936
240 IAC 3	RA	01-185	24 IR 4204	25 IR 936
240 IAC 5	RA	01-185	24 IR 4204	25 IR 936
240 IAC 6	RA	01-185	24 IR 4204	25 IR 936
240 IAC 7	RA	01-185	24 IR 4204	25 IR 936
240 IAC 7-1-6	RA	02-139	25 IR 3882	26 IR 546

TITLE 250 LAW ENFORCEMENT TRAINING BOARD

250 IAC 1-1.1	RA	02-149	25 IR 3882
250 IAC 1-2	RA	02-149	25 IR 3882
250 IAC 1-3-1	RA	02-149	25 IR 3882
250 IAC 1-3-3	RA	02-149	25 IR 3882
250 IAC 1-3-6	RA	02-149	25 IR 3882
250 IAC 1-3-7	RA	02-149	25 IR 3882
250 IAC 1-3-8	RA	02-149	25 IR 3882
250 IAC 1-3-9	RA	02-149	25 IR 3882
250 IAC 1-3-10	RA	02-149	25 IR 3882
250 IAC 1-3-11	RA	02-149	25 IR 3882
250 IAC 1-3-12	RA	02-149	25 IR 3882
250 IAC 1-3-13	RA	02-149	25 IR 3882
250 IAC 1-5	RA	02-149	25 IR 3882
250 IAC 1-5.1	RA	02-149	25 IR 3882
250 IAC 1-5.2	RA	02-149	25 IR 3882
250 IAC 1-5.3	RA	02-149	25 IR 3882
250 IAC 1-5.4	RA	02-149	25 IR 3882
250 IAC 1-5.5	RA	02-149	25 IR 3882
250 IAC 1-6-1	RA	02-149	25 IR 3882
250 IAC 1-6-2	RA	02-149	25 IR 3882
250 IAC 1-6-3	RA	02-149	25 IR 3882
250 IAC 1-6-4	RA	02-149	25 IR 3882
250 IAC 1-6-5	RA	02-149	25 IR 3882
250 IAC 1-6-6	RA	02-149	25 IR 3882
250 IAC 1-7	RA	02-149	25 IR 3882

TITLE 260 STATE DEPARTMENT OF TOXICOLOGY

260 IAC 1.1-2-3	RA	02-77	25 IR 2853	25 IR 4221
260 IAC 1.1-3-1	RA	02-77	25 IR 2853	25 IR 4221

TITLE 270 ADJUTANT GENERAL

270 IAC 1	RA	01-320	25 IR 186	25 IR 1269
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TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

305 IAC 1-2-6	A	02-328	26 IR 1598
305 IAC 1-3-4	A	02-328	26 IR 1599
305 IAC 1-4-1	A	02-328	26 IR 1599
305 IAC 1-4-2	A	02-328	26 IR 1599
305 IAC 1-5	N	02-328	26 IR 1600

TITLE 312 NATURAL RESOURCES COMMISSION

312 IAC 2	RA	02-72	25 IR 3461	26 IR 546
312 IAC 2-3-3	A	01-124	24 IR 4057	25 IR 1542
312 IAC 2-4-1	A	02-236	26 IR 1126	
312 IAC 2-4-2	A	02-236	26 IR 1126	
312 IAC 2-4-3	A	01-359	25 IR 1214	25 IR 3046
312 IAC 2-4-4	A	02-236	26 IR 1127	
312 IAC 2-4-6	A	02-236	26 IR 1127	
312 IAC 2-4-7	A	02-236	26 IR 1127	
312 IAC 2-4-8	R	02-236	26 IR 1131	
312 IAC 2-4-9	A	02-236	26 IR 1128	
312 IAC 2-4-9.5	N	01-295	25 IR 842	25 IR 3045
	A	02-236	26 IR 1128	
312 IAC 2-4-10	R	02-236	26 IR 1131	
312 IAC 2-4-12	A	02-236	26 IR 1128	
312 IAC 2-4-13	N	02-236	26 IR 1129	
312 IAC 3	RA	02-72	25 IR 3461	26 IR 546
312 IAC 3-1-1	A	02-2	25 IR 2552	26 IR 7
312 IAC 3-1-2	A	01-124	24 IR 4057	25 IR 1543
	A	02-2	25 IR 2553	26 IR 8
312 IAC 3-1-3	A	01-124	24 IR 4058	25 IR 1543
	A	02-2	25 IR 2553	26 IR 8
312 IAC 3-1-8	A	02-2	25 IR 2553	26 IR 8
312 IAC 3-1-12	A	02-294	26 IR 1131	
312 IAC 3-1-14	A	01-124	24 IR 4058	25 IR 1543
	A	02-2	25 IR 2554	26 IR 9
312 IAC 3-1-18	A	01-124	24 IR 4058	25 IR 1544
	A	02-2	25 IR 2554	26 IR 9
312 IAC 5-3-1	A	02-236	26 IR 1130	
312 IAC 5-3-2	A	02-236	26 IR 1130	
312 IAC 5-3-3	A	02-236	26 IR 1130	
312 IAC 5-6-6	A	01-293	25 IR 3239	
	A	02-162	25 IR 4165	
312 IAC 5-9-2	A	01-283	25 IR 1213	25 IR 3044
312 IAC 5-9-4	N	01-282	25 IR 1212	25 IR 3044
312 IAC 8-1-4	A	01-124	24 IR 4059	25 IR 1544
	A	01-412	25 IR 1954	25 IR 3713
312 IAC 8-2-2	A	01-34	24 IR 4055	
312 IAC 8-2-3	A	01-412	25 IR 1955	25 IR 3714
312 IAC 8-2-6	A	01-34	24 IR 4056	25 IR 1074
	A	01-412	25 IR 1956	25 IR 3715
312 IAC 8-2-8	A	01-412	25 IR 1957	25 IR 3715
312 IAC 8-2-11	A	01-412	25 IR 1957	25 IR 3716
312 IAC 8-5-3	A	01-34	24 IR 4056	25 IR 1074
312 IAC 9-2-7	R	01-359	25 IR 1217	25 IR 3049
312 IAC 9-2-13	A	02-68	25 IR 2751	26 IR 1068
312 IAC 9-3-2	A	01-102	24 IR 3671	25 IR 1528
312 IAC 9-3-3	A	01-102	24 IR 3672	25 IR 1530
312 IAC 9-3-4	A	01-102	24 IR 3673	25 IR 1530
312 IAC 9-3-5	A	01-102	24 IR 3673	25 IR 1531
312 IAC 9-3-7	A	01-102	24 IR 3674	25 IR 1532
312 IAC 9-3-8	A	01-102	24 IR 3675	25 IR 1532
312 IAC 9-3-19	A	01-359	25 IR 1214	25 IR 3046
312 IAC 9-4-11	A	01-102	24 IR 3675	25 IR 1533
312 IAC 9-4-14	A	01-102	24 IR 3677	25 IR 1535
	A	01-359	25 IR 1214	25 IR 3046
312 IAC 9-5-4	A	01-359	25 IR 1215	25 IR 3047
312 IAC 9-5-7	A	01-102	24 IR 3677	25 IR 1535
312 IAC 9-6-1	A	01-359	25 IR 1215	25 IR 3047
312 IAC 9-6-3	A	01-102	24 IR 3679	25 IR 1537
312 IAC 9-6-6	A	01-102	24 IR 3679	25 IR 1537
312 IAC 9-6-9	A	01-359	25 IR 1216	25 IR 3048
312 IAC 9-7-2	A	01-102	24 IR 3680	25 IR 1537
				*ERR (25 IR 2254)
312 IAC 9-7-3	A	01-102	24 IR 3681	25 IR 1539
312 IAC 9-7-6	A	01-102	24 IR 3681	25 IR 1539
312 IAC 9-7-12	A	01-102	24 IR 3682	25 IR 1540
312 IAC 9-7-13	A	01-102	24 IR 3682	25 IR 1540
312 IAC 9-7-17	A	01-102	24 IR 3682	25 IR 1540

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312 IAC 9-7-18	A	01-102	24 IR 3683	25 IR 1541	326 IAC 2-1.1-7	A	01-215	24 IR 4067	25 IR 3057
312 IAC 9-9-4	A	01-359	25 IR 1217	25 IR 3049	326 IAC 2-1.1-9.5	N	00-267	24 IR 3115	*CPH (25 IR 124)
312 IAC 9-10-4	A	02-232	26 IR 1602						25 IR 1557
312 IAC 9-10-6	A	02-68	25 IR 2752	26 IR 1069	326 IAC 2-2-1	A	00-267	24 IR 3115	*CPH (25 IR 124)
312 IAC 9-10-11	A	01-444	25 IR 2551	26 IR 692					25 IR 1557
312 IAC 9-10-17	A	01-102	24 IR 3683	25 IR 1541	326 IAC 2-2-2	A	00-267	24 IR 3121	*CPH (25 IR 124)
312 IAC 9-11-14	A	02-322	26 IR 1603						25 IR 1564
312 IAC 10-3-1				*ERR (25 IR 1644)	326 IAC 2-2-3	A	00-267	24 IR 3122	*CPH (25 IR 124)
312 IAC 10-5-4	A	01-124	24 IR 4060	25 IR 1545					25 IR 1564
				*ERR (25 IR 2521)	326 IAC 2-2-4	A	00-267	24 IR 3122	*CPH (25 IR 124)
312 IAC 10-5-8	A	01-124	24 IR 4061	25 IR 1546					25 IR 1565
				*ERR (25 IR 1906)	326 IAC 2-2-5	A	00-267	24 IR 3123	*CPH (25 IR 124)
312 IAC 11-2-17	A	01-124	24 IR 4062	25 IR 1547					25 IR 1566
312 IAC 11-4-4	A	01-124	24 IR 4062	25 IR 1547	326 IAC 2-2-6	A	00-267	24 IR 3124	*CPH (25 IR 124)
312 IAC 12-3-2				*ERR (26 IR 1565)					25 IR 1567
312 IAC 13-4-1	A	01-106	24 IR 3102	25 IR 708	326 IAC 2-2-7	A	00-267	24 IR 3125	*CPH (25 IR 124)
312 IAC 13-6-2	A	01-106	24 IR 3102	25 IR 709					25 IR 1568
312 IAC 16-3-2	A	02-73	25 IR 4156		326 IAC 2-2-9	A	00-267	24 IR 3125	*CPH (25 IR 124)
312 IAC 16-3.5	N	02-73	25 IR 4158						25 IR 1568
312 IAC 16-4-1	A	02-73	25 IR 4158		326 IAC 2-2-12	A	00-267	24 IR 3126	*CPH (25 IR 124)
312 IAC 16-4-2	A	02-73	25 IR 4159						25 IR 1569
312 IAC 16-4-5	A	02-73	25 IR 4159		326 IAC 2-2-13				*ERR (26 IR 1565)
312 IAC 18	RA	02-72	25 IR 3461	26 IR 546	326 IAC 2-2-14	A	00-267	24 IR 3126	*CPH (25 IR 124)
312 IAC 18-3-8	A	02-202	26 IR 1123						25 IR 1569
312 IAC 18-3-12	A	01-360	25 IR 1217	25 IR 3049	326 IAC 2-2-16				*ERR (26 IR 1565)
	A	02-201	26 IR 1121		326 IAC 2-2.5	N	00-267		†† 25 IR 1571
312 IAC 22.5	N	01-361	25 IR 2283	25 IR 4074	326 IAC 2-3-1	A	00-137		†† 25 IR 6
				*ERR (26 IR 383)					*ERR (25 IR 1183)
312 IAC 23-3-5	N	01-91	24 IR 3670	25 IR 708					*ERR (26 IR 1565)
312 IAC 25				*ERR (25 IR 106)	326 IAC 2-3-2	A	00-137		†† 25 IR 11
				*ERR (25 IR 1182)	326 IAC 2-3-3	A	00-137		†† 25 IR 12
312 IAC 25-1-45.5	N	02-104	25 IR 4160	*AROC (26 IR 1736)	326 IAC 2-4.1-1	A	01-215	24 IR 4068	25 IR 3058
312 IAC 25-1-60.5	N	02-104	25 IR 4160	*AROC (26 IR 1736)	326 IAC 2-5.1-3	A	01-215	24 IR 4069	25 IR 3059
312 IAC 25-4-43	A	02-104	25 IR 4160	*AROC (26 IR 1736)	326 IAC 2-6-1	A	01-249	24 IR 3700	*CPH (24 IR 4012)
312 IAC 25-4-47	A	02-104	25 IR 4161	*AROC (26 IR 1736)	326 IAC 2-6-2	A	01-249	24 IR 3700	*CPH (24 IR 4012)
312 IAC 25-4-85	A	02-104	25 IR 4162	*AROC (26 IR 1736)	326 IAC 2-6-3	A	01-249	24 IR 3702	*CPH (24 IR 4012)
312 IAC 25-4-93	A	02-104	25 IR 4163	*AROC (26 IR 1736)	326 IAC 2-6-4	A	01-249	24 IR 3703	*CPH (24 IR 4012)
312 IAC 25-6-12.5	N	02-104	25 IR 4164	*AROC (26 IR 1736)					*ERR (26 IR 1566)
312 IAC 25-6-76.5	N	02-104	25 IR 4164	*AROC (26 IR 1736)	326 IAC 2-6-5	N	01-249	24 IR 3705	*CPH (24 IR 4012)
312 IAC 26-1-13	A	01-124	24 IR 4062	25 IR 1547	326 IAC 2-6.1-2	A	00-267	24 IR 3128	*CPH (25 IR 124)
312 IAC 26-2-3	A	01-124	24 IR 4062	25 IR 1548					25 IR 1572
				*ERR (25 IR 2521)	326 IAC 2-6.1-3	A	01-215	24 IR 4072	25 IR 3062
312 IAC 26-3-4	A	01-124	24 IR 4063	25 IR 1548	326 IAC 2-6.1-5	A	00-267	24 IR 3128	*CPH (25 IR 124)
312 IAC 26-4-5	A	01-124	24 IR 4063	25 IR 1549					25 IR 1572
					326 IAC 2-6.1-6	A	01-215	24 IR 4072	25 IR 3062
TITLE 326 AIR POLLUTION CONTROL BOARD					326 IAC 2-7-1	A	00-267	24 IR 3129	*CPH (25 IR 124)
326 IAC 1-1-3	A	01-215	24 IR 4065	25 IR 3054					25 IR 1573
326 IAC 1-1-3.5	N	01-215	24 IR 4065	25 IR 3055	326 IAC 2-7-2	A	00-267	24 IR 3139	*CPH (25 IR 124)
326 IAC 1-2-20.5	N	01-215	24 IR 4065	25 IR 3055					25 IR 1584
326 IAC 1-2-48	A	01-215	24 IR 4065	25 IR 3055	326 IAC 2-7-3				*ERR (26 IR 1566)
326 IAC 1-2-82.5	N	00-267	24 IR 3107	*CPH (25 IR 124)	326 IAC 2-7-4	A	00-267	24 IR 3140	*CPH (25 IR 124)
326 IAC 1-3-4	A	01-215	24 IR 4066	25 IR 3055					25 IR 1585
326 IAC 1-4-1	A	01-215	24 IR 4067	25 IR 3056	326 IAC 2-7-5	A	00-267	24 IR 3143	*CPH (25 IR 124)
	A	02-88	25 IR 3240	26 IR 1077					25 IR 1588
326 IAC 1-5-2				*ERR (26 IR 1565)	326 IAC 2-7-8				*ERR (26 IR 1566)
326 IAC 1-6-1	RA	00-44	24 IR 2752	*CPH (25 IR 2542)	326 IAC 2-7-10.5	A	01-215	24 IR 4075	25 IR 3065
				*CPH (25 IR 3208)	326 IAC 2-7-11	A	00-267	24 IR 3146	*CPH (25 IR 124)
326 IAC 1-6-2	RA	00-44	24 IR 2752	*CPH (25 IR 2542)					25 IR 1591
				*CPH (25 IR 3208)	326 IAC 2-7-12	A	00-267	24 IR 3147	*CPH (25 IR 124)
326 IAC 1-6-3	RA	00-44	24 IR 2753	*CPH (25 IR 2542)					25 IR 1591
				*CPH (25 IR 3208)	326 IAC 2-7-16	A	00-267	24 IR 3149	*CPH (25 IR 124)
326 IAC 1-6-4	RA	00-44	24 IR 2753	*CPH (25 IR 2542)					25 IR 1593
				*CPH (25 IR 3208)	326 IAC 2-7-18				*ERR (26 IR 1566)
326 IAC 1-6-5	RA	00-44	24 IR 2753	*CPH (25 IR 2542)	326 IAC 2-7-19	A	01-215	24 IR 4079	25 IR 3069
				*CPH (25 IR 3208)	326 IAC 2-7-20	A	00-267	24 IR 3150	*CPH (25 IR 124)
326 IAC 1-6-6	RA	00-44	24 IR 2754	*CPH (25 IR 2542)					25 IR 1594
				*CPH (25 IR 3208)	326 IAC 2-7-24	A	00-267	24 IR 3150	*CPH (25 IR 124)
326 IAC 2-1.1-3	A	00-267	24 IR 3107	*CPH (25 IR 124)	326 IAC 2-7-25	R	00-267	24 IR 3160	*CPH (25 IR 124)
				25 IR 1550					25 IR 1604

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326 IAC 2-8-3				*ERR (26 IR 1566)	326 IAC 6-1-13	A	99-218	24 IR 437	*ARR (24 IR 3071)
326 IAC 2-8-10	A	01-215	24 IR 4081	25 IR 3071					25 IR 754
326 IAC 2-8-11.1	A	01-215	24 IR 4083	25 IR 3072	326 IAC 6-1-14	A	99-218	24 IR 439	*ARR (24 IR 3071)
326 IAC 2-9-4	A	01-215	24 IR 4085	25 IR 3075					25 IR 756
326 IAC 2-9-7				*ERR (26 IR 1566)		A	02-122	26 IR 98	*CPH (26 IR 811)
326 IAC 2-9-8				*ERR (26 IR 1566)	326 IAC 6-1-15	A	99-218	24 IR 440	*ARR (24 IR 3071)
326 IAC 2-9-9				*ERR (26 IR 1566)					25 IR 758
326 IAC 2-9-10				*ERR (26 IR 1566)	326 IAC 6-1-16	A	99-218	24 IR 442	*ARR (24 IR 3071)
326 IAC 2-9-13				*ERR (26 IR 1566)					25 IR 759
326 IAC 3-4-1				*ERR (26 IR 1566)	326 IAC 6-1-17	A	99-218	24 IR 443	*ARR (24 IR 3071)
326 IAC 3-4-3				*ERR (26 IR 1566)					25 IR 761
326 IAC 3-5-1	A	00-267	24 IR 3152	*CPH (25 IR 124)	326 IAC 6-1-18	A	99-218	24 IR 444	*ARR (24 IR 3071)
				25 IR 1596					25 IR 762
				*ERR (25 IR 1644)	326 IAC 6-2-1	A	00-267	24 IR 3154	*CPH (25 IR 124)
326 IAC 3-5-2				*ERR (26 IR 1566)					25 IR 1598
326 IAC 3-5-3				*ERR (26 IR 1567)	326 IAC 6-2-3				*ERR (26 IR 1567)
326 IAC 3-5-4				*ERR (26 IR 1567)	326 IAC 6-3-1	A	99-265	24 IR 2748	*CPH (24 IR 4012)
326 IAC 3-5-5				*ERR (26 IR 1567)					*CPH (25 IR 1195)
326 IAC 3-6-1				*ERR (26 IR 1567)					*CPH (25 IR 1668)
326 IAC 3-6-3				*ERR (26 IR 1567)					25 IR 3051
326 IAC 3-6-5				*ERR (26 IR 1567)	326 IAC 6-3-1.5	N	99-265		† 25 IR 3052
326 IAC 3-7-2				*ERR (26 IR 1567)	326 IAC 6-3-2	A	99-265	24 IR 2749	*CPH (24 IR 4012)
326 IAC 3-7-4				*ERR (26 IR 1567)					*CPH (25 IR 1195)
326 IAC 4-1-4.1	A	02-88	25 IR 3240	26 IR 1077					*CPH (25 IR 1668)
326 IAC 4-1-8				*ERR (26 IR 1567)					25 IR 3052
326 IAC 4-2-1	A	00-267	24 IR 3153	*CPH (25 IR 124)	326 IAC 6-4-1	RA	01-184	24 IR 2800	25 IR 1605
				25 IR 1597	326 IAC 6-4-2	RA	01-184	24 IR 2800	25 IR 1605
	A	00-44	24 IR 2754	*CPH (25 IR 2542)	326 IAC 6-4-3	RA	01-184	24 IR 2800	25 IR 1605
				*CPH (25 IR 3208)	326 IAC 6-4-4	RA	01-184	24 IR 2801	25 IR 1606
				26 IR 1071	326 IAC 6-4-5	RA	01-184	24 IR 2801	25 IR 1606
326 IAC 4-2-2	A	00-44	24 IR 2754	*CPH (25 IR 2542)					*ERR (26 IR 1567)
				*CPH (25 IR 3208)	326 IAC 6-4-6	RA	01-184	24 IR 2801	25 IR 1606
				26 IR 1071	326 IAC 6-4-7	RA	01-184	24 IR 2801	25 IR 1606
326 IAC 5-1-1	A	00-267	24 IR 3153	*CPH (25 IR 124)	326 IAC 6-5-1	A	00-267	24 IR 3154	*CPH (25 IR 124)
				25 IR 1597					25 IR 1599
326 IAC 5-1-2				*ERR (26 IR 1567)	326 IAC 6-5-7				*ERR (26 IR 1568)
326 IAC 5-1-4				*ERR (26 IR 1567)	326 IAC 6-6-1	A	00-267	24 IR 3155	*CPH (25 IR 124)
326 IAC 5-1-5				*ERR (26 IR 1567)					25 IR 1600
326 IAC 6-1-1	A	99-218	24 IR 395	*ARR (24 IR 3071)	326 IAC 6-6-2				*ERR (26 IR 1568)
				25 IR 710	326 IAC 6-6-4				*ERR (26 IR 1568)
	A	00-267	24 IR 3154	*CPH (25 IR 124)	326 IAC 7-1.1-1	A	00-267	24 IR 3156	*CPH (25 IR 124)
				25 IR 1598					25 IR 1600
				*ERR (25 IR 1644)	326 IAC 7-1.1-2	A	00-267	24 IR 3156	*CPH (25 IR 124)
				*ERR (26 IR 383)					25 IR 1600
326 IAC 6-1-1.5	N	99-218	24 IR 395	*ARR (24 IR 3071)	326 IAC 7-2-1				*ERR (25 IR 813)
				25 IR 710					*ERR (26 IR 1565)
326 IAC 6-1-2	A	99-218	24 IR 395	*ARR (24 IR 3071)	326 IAC 7-3-1	A	00-267	24 IR 3156	*CPH (25 IR 124)
				25 IR 710					25 IR 1600
326 IAC 6-1-3	A	99-218	24 IR 397	*ARR (24 IR 3071)	326 IAC 7-4-10				*ERR (26 IR 1568)
				25 IR 713	326 IAC 7-4-14				*ERR (26 IR 1568)
326 IAC 6-1-4	A	99-218	24 IR 398	*ARR (24 IR 3071)	326 IAC 8-1-1	A	00-267	24 IR 3156	*CPH (25 IR 124)
				25 IR 713					25 IR 1601
326 IAC 6-1-5	A	99-218	24 IR 398	*ARR (24 IR 3071)	326 IAC 8-1-2	A	01-251	25 IR 2754	26 IR 1073
				25 IR 713	326 IAC 8-1-4				*ERR (26 IR 1565)
326 IAC 6-1-6	A	99-218	24 IR 399	*ARR (24 IR 3071)	326 IAC 8-2-9	A	02-88	25 IR 3241	26 IR 1078
				25 IR 714	326 IAC 8-4-7		98-40		*ERR (25 IR 1183)
326 IAC 6-1-8.1	A	99-218	24 IR 399	*ARR (24 IR 3071)	326 IAC 8-4-9				*ERR (25 IR 1906)
				25 IR 714					*ERR (26 IR 1568)
326 IAC 6-1-9	A	99-218	24 IR 400	*ARR (24 IR 3071)	326 IAC 8-7-1	RA	00-44	24 IR 2754	*CPH (25 IR 2542)
				25 IR 715					*CPH (25 IR 3208)
326 IAC 6-1-10.1	A	99-218	24 IR 401	*ARR (24 IR 3071)	326 IAC 8-7-2	RA	00-44	24 IR 2755	*CPH (25 IR 2542)
				25 IR 716					*CPH (25 IR 3208)
	A	99-73	25 IR 1959	25 IR 4077	326 IAC 8-7-3	RA	00-44	24 IR 2755	*CPH (25 IR 2542)
326 IAC 6-1-11.1	A	99-218	24 IR 425	*ARR (24 IR 3071)	326 IAC 8-7-4	RA	00-44	24 IR 2756	*CPH (25 IR 3208)
				25 IR 741					*CPH (25 IR 2542)
326 IAC 6-1-11.2	A	99-218	24 IR 430	*ARR (24 IR 3071)	326 IAC 8-7-5	RA	00-44	24 IR 2758	*CPH (25 IR 2542)
				25 IR 746					*CPH (25 IR 3208)
326 IAC 6-1-12	A	99-218	24 IR 432	*ARR (24 IR 3071)	326 IAC 8-7-6	RA	00-44	24 IR 2758	*CPH (25 IR 2542)
				25 IR 748					*CPH (25 IR 3208)

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326 IAC 8-7-7	RA	00-44	24 IR 2758	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1568)	326 IAC 10-0-5 326 IAC 10-1-1	N 98-235 A 98-235 A 00-267	24 IR 81 24 IR 83 24 IR 3157	*AWR (25 IR 107) *AWR (25 IR 107) *CPH (25 IR 124)
326 IAC 8-7-8	RA	00-44	24 IR 2758	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1568)	326 IAC 10-1-2	R 98-235	24 IR 91	25 IR 1602 *AWR (25 IR 107) *ERR (26 IR 1569)
326 IAC 8-7-9	RA	00-44	24 IR 2758	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 10-1-4 326 IAC 10-1-5 326 IAC 10-1-6			*ERR (26 IR 1569) *ERR (26 IR 1569) *ERR (26 IR 1569)
326 IAC 8-7-10	RA	00-44	24 IR 2759	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1568)	326 IAC 10-2 326 IAC 10-3	N 98-235 N 00-137	24 IR 84 24 IR 2143	*AWR (25 IR 107) *CPH (24 IR 2722)
326 IAC 8-8-2	A	01-215	24 IR 4087	25 IR 3077				25 IR 14
326 IAC 8-8-3	A	01-215	24 IR 4087	25 IR 3077				*ERR (25 IR 1183)
326 IAC 8-8.1-1				*ERR (26 IR 1568)				
326 IAC 8-8.1-2	A	01-215	24 IR 4087	25 IR 3077	326 IAC 10-3-1	A 02-54	26 IR 1134	
326 IAC 8-8.1-3	A	01-215	24 IR 4088	25 IR 3078	326 IAC 10-3-3			*ERR (26 IR 1569)
326 IAC 8-9-1	RA	00-44	24 IR 2760	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 10-4	N 00-137	24 IR 2146	*CPH (24 IR 2722)
326 IAC 8-9-2	RA	00-44	24 IR 2760	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1568)				25 IR 18 *ERR (25 IR 1183)
326 IAC 8-9-3	RA	00-44	24 IR 2760	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1568)	326 IAC 10-4-1 326 IAC 10-4-2	A 02-54 A 02-54	26 IR 1134 26 IR 1136	
326 IAC 8-9-4	RA	00-44	24 IR 2761	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1568)	326 IAC 10-4-3 326 IAC 10-4-4 326 IAC 10-4-8			*ERR (26 IR 1569) *ERR (26 IR 1569) *ERR (26 IR 1569)
326 IAC 8-9-5	RA	00-44	24 IR 2763	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1568)	326 IAC 10-4-9 326 IAC 10-4-10 326 IAC 10-4-12	A 02-54 A 02-54	26 IR 1142 26 IR 1148	
326 IAC 8-9-6	RA	00-44	24 IR 2765	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1568)	326 IAC 10-4-13 326 IAC 10-4-14 326 IAC 10-4-15 326 IAC 11-1-1	A 02-54 A 02-54 A 02-54 A 00-267	26 IR 1152 26 IR 1155 26 IR 1156 24 IR 3158	*CPH (25 IR 124)
326 IAC 8-10-5				*CPH (25 IR 3208) *ERR (26 IR 1568)	326 IAC 11-2-1	A 00-267	24 IR 3158	25 IR 1602 *CPH (25 IR 124)
326 IAC 8-10-6				*ERR (26 IR 1568)				25 IR 1603
326 IAC 8-10-7				*ERR (26 IR 1568)	326 IAC 11-3-1	A 00-267	24 IR 3158	*CPH (25 IR 124)
326 IAC 8-11-1	RA	00-44	24 IR 2767	*ERR (26 IR 1568) *CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 11-3-4 326 IAC 11-4-1			25 IR 1603 *ERR (26 IR 1569)
326 IAC 8-11-2	RA	00-44	24 IR 2767	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1568)		A 00-267	24 IR 3159	*CPH (25 IR 124)
326 IAC 8-11-3	RA	00-44	24 IR 2769	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1568)	326 IAC 11-4-5 326 IAC 11-5 326 IAC 11-5-1	A 00-43 R 99-177 A 00-267	25 IR 2285 25 IR 1984 24 IR 3159	25 IR 1603 26 IR 10 26 IR 10 *CPH (25 IR 124)
326 IAC 8-11-4	RA	00-44	24 IR 2770	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 11-6-1 326 IAC 11-6-2	A 01-215 A 01-215	24 IR 4088 24 IR 4089	25 IR 1603 25 IR 3078
326 IAC 8-11-5	RA	00-44	24 IR 2771	*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 11-6-4 326 IAC 11-6-5	A 01-215 A 01-215	24 IR 4089 24 IR 4089	25 IR 3079 25 IR 3079
326 IAC 8-11-6	RA	00-44	24 IR 2771	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1568)	326 IAC 11-6-6 326 IAC 11-6-7 326 IAC 11-6-8	A 01-215 A 01-215 A 01-215	24 IR 4089 24 IR 4090 24 IR 4090	25 IR 3079 25 IR 3080 25 IR 3080
326 IAC 8-11-7	RA	00-44	24 IR 2775	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1569)	326 IAC 11-7-2 326 IAC 11-7-4 326 IAC 11-7-5	A 01-215 A 01-215 A 01-215	24 IR 4090 24 IR 4090 24 IR 4091	25 IR 3081 25 IR 3081 25 IR 3081
326 IAC 8-11-8	RA	00-44	24 IR 2775	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1569)	326 IAC 11-7-6 326 IAC 11-7-7 326 IAC 11-7-8	A 01-215 A 01-215 A 01-215	24 IR 4091 24 IR 4091 24 IR 4092	25 IR 3081 25 IR 3081 25 IR 3082
326 IAC 8-11-9	RA	00-44	24 IR 2776	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1569)	326 IAC 11-7-9 326 IAC 11-8 326 IAC 12-1-1	A 01-215 N 01-375 A 00-267	24 IR 4092 25 IR 1986 24 IR 3159	25 IR 3082 25 IR 4100 *CPH (25 IR 124)
326 IAC 8-11-10	RA	00-44	24 IR 2777	*CPH (25 IR 2542) *CPH (25 IR 3208) *ERR (26 IR 1569)				25 IR 1603
326 IAC 8-12-3				*ERR (26 IR 1565)	326 IAC 12-1-2	A 01-215	24 IR 4092	25 IR 3083
326 IAC 8-12-5				*ERR (26 IR 1569)	326 IAC 12-1-3	A 01-215	24 IR 4093	25 IR 3083
326 IAC 8-12-6				*ERR (26 IR 1569)	326 IAC 13-1.1-1 326 IAC 13-1.1-8			*ERR (26 IR 1570) *ERR (26 IR 1570)
326 IAC 8-13-5				*CPH (25 IR 2542) *CPH (25 IR 3208)	326 IAC 13-1.1-10 326 IAC 13-1.1-13 326 IAC 13-1.1-14			*ERR (26 IR 1570) *ERR (26 IR 1570) *ERR (26 IR 1570)
326 IAC 9-1-1	A	00-44	24 IR 2777	26 IR 1072 *CPH (25 IR 124)	326 IAC 13-1.1-16 326 IAC 13-1.1-17.1 326 IAC 13-2.1-3			*ERR (26 IR 1570)
326 IAC 9-1-2	A	00-267	24 IR 3157	25 IR 1601 *ERR (25 IR 1644) *CPH (25 IR 2542) *CPH (25 IR 3208)		A 01-215	24 IR 4093	25 IR 3083 *ERR (26 IR 1570)

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326 IAC 13-3-1	A	02-88	25 IR 3242	26 IR 1079	326 IAC 20-4-1	A	01-215	24 IR 4100	25 IR 3090
326 IAC 13-3-2				*ERR (26 IR 1570)	326 IAC 20-5-1	A	01-215	24 IR 4100	25 IR 3091
326 IAC 13-3-5				*ERR (26 IR 1570)	326 IAC 20-6-1	A	01-215	24 IR 4100	25 IR 3091
326 IAC 13-3-6				*ERR (26 IR 1570)	326 IAC 20-7-1	A	01-215	24 IR 4101	25 IR 3091
326 IAC 14-1-3	A	00-267	24 IR 3159	*CPH (25 IR 124)	326 IAC 20-8-1	A	01-215	24 IR 4101	25 IR 3092
				25 IR 1604	326 IAC 20-9-1	A	01-215	24 IR 4102	25 IR 3092
326 IAC 14-2-1	A	01-215	24 IR 4093	25 IR 3084	326 IAC 20-10-1	A	01-215	24 IR 4102	25 IR 3093
326 IAC 14-3-1				*ERR (26 IR 1570)	326 IAC 20-11-1	A	01-215	24 IR 4102	25 IR 3093
326 IAC 14-4-1				*ERR (26 IR 1571)	326 IAC 20-12-1	A	01-215	24 IR 4103	25 IR 3093
326 IAC 14-5-1				*ERR (26 IR 1571)	326 IAC 20-13-1	A	01-215	24 IR 4103	25 IR 3093
326 IAC 14-6-1				*ERR (26 IR 1571)	326 IAC 20-13-2	A	01-215	24 IR 4103	25 IR 3094
326 IAC 14-7-1				*ERR (26 IR 1571)	326 IAC 20-13-4	A	01-215	24 IR 4104	25 IR 3094
326 IAC 14-9-7				*ERR (26 IR 1571)	326 IAC 20-13-5	A	01-215	24 IR 4104	25 IR 3095
326 IAC 14-9-9				*ERR (26 IR 1571)	326 IAC 20-13-6	A	01-215	24 IR 4104	25 IR 3095
326 IAC 14-10-1				*ERR (26 IR 1571)	326 IAC 20-13-7	A	01-215	24 IR 4105	25 IR 3096
326 IAC 14-10-2				*ERR (26 IR 1571)	326 IAC 20-13-8	A	01-215	24 IR 4106	25 IR 3097
326 IAC 14-10-3				*ERR (26 IR 1571)	326 IAC 20-14-1	A	01-215	24 IR 4107	25 IR 3098
326 IAC 14-10-4				*ERR (26 IR 1571)	326 IAC 20-15-1	A	01-215	24 IR 4108	25 IR 3098
326 IAC 15-1-1	A	00-267	24 IR 3159	*CPH (25 IR 124)	326 IAC 20-16-1	A	01-215	24 IR 4108	25 IR 3099
				25 IR 1604	326 IAC 20-17-1	A	01-215	24 IR 4108	25 IR 3099
326 IAC 15-1-2				*ERR (26 IR 1565)	326 IAC 20-18-1	A	01-215	24 IR 4109	25 IR 3099
326 IAC 15-1-4				*ERR (26 IR 1571)	326 IAC 20-19-1	A	01-215	24 IR 4109	25 IR 3099
326 IAC 16-2-3				*ERR (26 IR 1571)	326 IAC 20-20-1	A	01-215	24 IR 4109	25 IR 3100
326 IAC 16-3-1				*ERR (26 IR 1571)	326 IAC 20-21-1	A	01-215	24 IR 4109	25 IR 3100
326 IAC 17.1-1-2	A	01-215	24 IR 4094	25 IR 3084	326 IAC 20-22-1	A	01-215	24 IR 4110	25 IR 3101
326 IAC 18-1-2				*ERR (26 IR 1572)	326 IAC 20-23-1	A	01-215	24 IR 4110	25 IR 3101
326 IAC 18-1-5				*ERR (26 IR 1572)	326 IAC 20-24-1	A	01-215	24 IR 4110	25 IR 3101
326 IAC 18-1-7				*ERR (26 IR 1572)	326 IAC 20-25-1	A	02-55	26 IR 92	*CPH (26 IR 811)
326 IAC 18-2-1	RA	00-44	24 IR 2778	*CPH (25 IR 2542)	326 IAC 20-25-3	A	02-55	26 IR 92	*CPH (26 IR 811)
				*CPH (25 IR 3208)	326 IAC 20-25-4	A	02-55	26 IR 94	*CPH (26 IR 811)
326 IAC 18-2-2	RA	00-44	24 IR 2778	*CPH (25 IR 2542)	326 IAC 20-25-5	A	02-55	26 IR 94	*CPH (26 IR 811)
				*CPH (25 IR 3208)	326 IAC 20-25-7	A	02-55	26 IR 95	*CPH (26 IR 811)
				*ERR (26 IR 1572)	326 IAC 20-26-1	A	01-215	24 IR 4111	25 IR 3101
326 IAC 18-2-3	RA	00-44	24 IR 2779	*CPH (25 IR 2542)	326 IAC 20-28				*ERR (25 IR 813)
				*CPH (25 IR 3208)	326 IAC 20-30-1	A	01-215	24 IR 4111	25 IR 3102
				*ERR (26 IR 1572)	326 IAC 20-31-1	A	01-215	24 IR 4111	25 IR 3102
326 IAC 18-2-4	RA	00-44	24 IR 2786	*CPH (25 IR 2542)	326 IAC 20-32-1	A	01-215	24 IR 4112	25 IR 3102
				*CPH (25 IR 3208)	326 IAC 20-33-1	A	01-215	24 IR 4112	25 IR 3103
326 IAC 18-2-5	RA	00-44	24 IR 2786	*CPH (25 IR 2542)	326 IAC 20-34-1	A	01-215	24 IR 4112	25 IR 3103
				*CPH (25 IR 3208)	326 IAC 20-35-1	A	01-215	24 IR 4112	25 IR 3103
326 IAC 18-2-6	RA	00-44	24 IR 2787	*CPH (25 IR 2542)	326 IAC 20-36-1	A	01-215	24 IR 4113	25 IR 3103
				*CPH (25 IR 3208)	326 IAC 20-37-1	A	01-215	24 IR 4113	25 IR 3104
326 IAC 18-2-7	RA	00-44	24 IR 2787	*CPH (25 IR 2542)	326 IAC 20-38-1	A	01-215	24 IR 4113	25 IR 3104
				*CPH (25 IR 3208)	326 IAC 20-39-1	A	01-215	24 IR 4114	25 IR 3105
326 IAC 18-2-8	RA	00-44	24 IR 2789	*CPH (25 IR 2542)	326 IAC 20-40-1	A	01-215	24 IR 4114	25 IR 3105
				*CPH (25 IR 3208)	326 IAC 20-41-1	A	01-215	24 IR 4114	25 IR 3105
326 IAC 18-2-9	RA	00-44	24 IR 2789	*CPH (25 IR 2542)	326 IAC 20-42-1	A	01-215	24 IR 4114	25 IR 3106
				*CPH (25 IR 3208)	326 IAC 20-43-1	A	01-215	24 IR 4115	25 IR 3106
326 IAC 18-2-10.1	RA	00-44	24 IR 2789	*CPH (25 IR 2542)	326 IAC 20-44-1	A	01-215	24 IR 4115	25 IR 3106
				*CPH (25 IR 3208)	326 IAC 20-45-1	A	01-215	24 IR 4115	25 IR 3107
326 IAC 18-2-11	RA	00-44	24 IR 2790	*CPH (25 IR 2542)	326 IAC 20-46-1	A	01-215	24 IR 4115	25 IR 3107
				*CPH (25 IR 3208)	326 IAC 20-47-1	A	01-215	24 IR 4116	25 IR 3107
326 IAC 18-2-12	RA	00-44	24 IR 2790	*CPH (25 IR 2542)	326 IAC 20-48	N	02-55	26 IR 95	*CPH (26 IR 811)
				*CPH (25 IR 3208)	326 IAC 21-1-1	A	01-215	24 IR 4116	25 IR 3107
326 IAC 18-2-13	RA	00-44	24 IR 2790	*CPH (25 IR 2542)	326 IAC 22-1-1				*ERR (26 IR 1572)
				*CPH (25 IR 3208)	326 IAC 23-2-4	A	01-215	24 IR 4116	25 IR 3108
326 IAC 18-2-14	RA	00-44	24 IR 2791	*CPH (25 IR 2542)	326 IAC 23-2-7	A	01-215	24 IR 4118	25 IR 3109
				*CPH (25 IR 3208)					
326 IAC 19-1	R	00-44	24 IR 2791	*CPH (25 IR 2542)	TITLE 327 WATER POLLUTION CONTROL BOARD				
				*CPH (25 IR 3208)	327 IAC 2-1-7	R	99-263	23 IR 871	*CPH (24 IR 3658)
				26 IR 1073					25 IR 1882
326 IAC 19-2-1	A	01-215	24 IR 4094	25 IR 3085	327 IAC 2-1.5-9	R	99-263	23 IR 871	*CPH (24 IR 3658)
326 IAC 19-3-2	A	01-215	24 IR 4095	25 IR 3085					25 IR 1882
326 IAC 19-3-3	A	01-215	24 IR 4097	25 IR 3088	327 IAC 2-11	N	99-263	23 IR 865	*CPH (24 IR 3658)
326 IAC 19-3-5	A	01-215	24 IR 4098	25 IR 3088					25 IR 1876
326 IAC 20-1-1	A	01-215	24 IR 4099	25 IR 3089					*ERR (25 IR 1906)
326 IAC 20-1-3	A	01-215	24 IR 4099	25 IR 3089	327 IAC 5-2-9	A	00-136	26 IR 427	
326 IAC 20-2-1	A	01-215	24 IR 4099	25 IR 3090	327 IAC 5-2.1	N	00-136	26 IR 427	
326 IAC 20-3-1	A	01-215	24 IR 4100	25 IR 3090	327 IAC 5-4-6	A	01-96	26 IR 845	*CPH (26 IR 1113)

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327 IAC 6.1-1-1	A	01-238	26 IR 1165	327 IAC 6.1-8-6	A	01-238	26 IR 1200	
327 IAC 6.1-1-3	A	01-238	26 IR 1166	327 IAC 6.1-8-7	A	01-238	26 IR 1200	
327 IAC 6.1-1-4	A	01-238	26 IR 1166	327 IAC 6.1-8-8	A	01-238	26 IR 1201	
327 IAC 6.1-1-5	A	01-238	26 IR 1167	327 IAC 7-1	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-1-7	A	01-238	26 IR 1167	327 IAC 7-2-1	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-3	A	01-238	26 IR 1167	327 IAC 7-2-2	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-6	A	01-238	26 IR 1167	327 IAC 7-2-3	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-7	A	01-238	26 IR 1167	327 IAC 7-2-4	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-7.5	N	01-238	26 IR 1167	327 IAC 7-2-5	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-8	A	01-238	26 IR 1168	327 IAC 7-2-7	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-10	R	01-238	26 IR 1201	327 IAC 7-3	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-12	R	01-238	26 IR 1201	327 IAC 7-4-1	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-13	A	01-238	26 IR 1168	327 IAC 7-4-2	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-14	A	01-238	26 IR 1168	327 IAC 7-4-3	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-20.5	N	01-238	26 IR 1168	327 IAC 7-4-4	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-28	A	01-238	26 IR 1169	327 IAC 7-4-5	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-30	A	01-238	26 IR 1169	327 IAC 7-4-6	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-31.5	N	01-238	26 IR 1169	327 IAC 7-4-7	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-35	A	01-238	26 IR 1169	327 IAC 7-4-8	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-42	A	01-238	26 IR 1169	327 IAC 7-4-10	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-43	A	01-238	26 IR 1170	327 IAC 7-4-11	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-54	A	01-238	26 IR 1170	327 IAC 7-5	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-55	A	01-238	26 IR 1170	327 IAC 7-6	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-55.5	N	01-238	26 IR 1170	327 IAC 7-7	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-2-61	R	01-238	26 IR 1201	327 IAC 7-8	R	01-429	25 IR 1241	25 IR 3739
327 IAC 6.1-3-1	A	01-238	26 IR 1170	327 IAC 7.1	N	01-429	25 IR 1221	25 IR 3717
327 IAC 6.1-3-2	A	01-238	26 IR 1171					*ERR (25 IR 4113)
327 IAC 6.1-3-3	A	01-238	26 IR 1172	327 IAC 8-2-1	A	00-266	24 IR 3706	25 IR 1075
327 IAC 6.1-3-4	A	01-238	26 IR 1172		A	01-348	26 IR 101	*CPH (26 IR 812)
327 IAC 6.1-3-7	A	01-238	26 IR 1172	327 IAC 8-2-2	A	00-266	24 IR 3710	25 IR 1079
327 IAC 6.1-3-8	N	01-238	26 IR 1173	327 IAC 8-2-4	A	00-266	24 IR 3710	25 IR 1079
327 IAC 6.1-4-1	A	01-238	26 IR 1173	327 IAC 8-2-4.1	A	00-266	24 IR 3711	25 IR 1080
327 IAC 6.1-4-3	A	01-238	26 IR 1173	327 IAC 8-2-5	A	01-348	26 IR 105	*CPH (26 IR 812)
327 IAC 6.1-4-4	A	01-238	26 IR 1174	327 IAC 8-2-5.1	A	00-266	24 IR 3716	25 IR 1084
327 IAC 6.1-4-5	A	01-238	26 IR 1175	327 IAC 8-2-5.3	A	00-266	24 IR 3718	25 IR 1086
327 IAC 6.1-4-5.5	N	01-238	26 IR 1175		A	01-348	26 IR 107	*CPH (26 IR 812)
327 IAC 6.1-4-6	A	01-238	26 IR 1176	327 IAC 8-2-5.5	A	00-266	24 IR 3720	25 IR 1089
327 IAC 6.1-4-7	A	01-238	26 IR 1177	327 IAC 8-2-6	R	01-348	26 IR 152	*CPH (26 IR 812)
327 IAC 6.1-4-8	A	01-238	26 IR 1178	327 IAC 8-2-7	A	00-266	24 IR 3723	25 IR 1092
327 IAC 6.1-4-9	A	01-238	26 IR 1179	327 IAC 8-2-8.4	A	00-266	24 IR 3724	25 IR 1092
327 IAC 6.1-4-10	A	01-238	26 IR 1181					*ERR (25 IR 2254)
327 IAC 6.1-4-11	A	01-238	26 IR 1182	327 IAC 8-2-8.5	A	01-348	26 IR 109	*CPH (26 IR 812)
327 IAC 6.1-4-13	A	01-238	26 IR 1182	327 IAC 8-2-10.2	A	00-266	24 IR 3726	25 IR 1094
327 IAC 6.1-4-16	A	01-238	26 IR 1184					*ERR (25 IR 2254)
327 IAC 6.1-4-17	A	01-238	26 IR 1186	327 IAC 8-2-13	A	00-266	24 IR 3727	25 IR 1096
327 IAC 6.1-4-18	A	01-238	26 IR 1187					*ERR (25 IR 2254)
327 IAC 6.1-4-19	A	01-238	26 IR 1187		A	01-348	26 IR 110	*CPH (26 IR 812)
327 IAC 6.1-5-1	A	01-238	26 IR 1187	327 IAC 8-2-14	A	00-266	24 IR 3728	25 IR 1096
327 IAC 6.1-5-2	A	01-238	26 IR 1187	327 IAC 8-2-15	R	00-266	24 IR 3755	25 IR 1123
327 IAC 6.1-5-3	A	01-238	26 IR 1188	327 IAC 8-2-16	R	00-266	24 IR 3755	25 IR 1123
327 IAC 6.1-5-4	A	01-238	26 IR 1188					*ERR (25 IR 2254)
327 IAC 6.1-6-1	A	01-238	26 IR 1189	327 IAC 8-2-17	R	00-266	24 IR 3755	25 IR 1123
327 IAC 6.1-6-2	A	01-238	26 IR 1189					*ERR (25 IR 2254)
327 IAC 6.1-6-3	A	01-238	26 IR 1190	327 IAC 8-2-18	R	00-266	24 IR 3755	25 IR 1123
327 IAC 6.1-7-1	A	01-238	26 IR 1191	327 IAC 8-2-20	A	00-266	24 IR 3729	25 IR 1097
327 IAC 6.1-7-2	A	01-238	26 IR 1191	327 IAC 8-2-29	R	01-348	26 IR 152	*CPH (26 IR 812)
327 IAC 6.1-7-3	A	01-238	26 IR 1192	327 IAC 8-2-30	A	01-348	26 IR 110	*CPH (26 IR 812)
327 IAC 6.1-7-4	A	01-238	26 IR 1193	327 IAC 8-2-31	A	01-348	26 IR 111	*CPH (26 IR 812)
327 IAC 6.1-7-5	A	01-238	26 IR 1193	327 IAC 8-2-37	A	00-111	24 IR 1062	25 IR 764
327 IAC 6.1-7-6	A	01-238	26 IR 1194					*ERR (25 IR 813)
327 IAC 6.1-7-9	A	01-238	26 IR 1195					*ERR (25 IR 2254)
327 IAC 6.1-7-10	A	01-238	26 IR 1195	327 IAC 8-2-38	A	00-111	24 IR 1068	25 IR 770
327 IAC 6.1-7-11	A	01-238	26 IR 1196					*ERR (25 IR 813)
327 IAC 6.1-7.5	N	01-238	26 IR 1197					*ERR (25 IR 2254)
327 IAC 6.1-8-1	A	01-238	26 IR 1198	327 IAC 8-2-39	A	00-111	24 IR 1071	25 IR 772
327 IAC 6.1-8-2	A	01-238	26 IR 1199	327 IAC 8-2-40	A	00-111	24 IR 1072	25 IR 774
327 IAC 6.1-8-3	A	01-238	26 IR 1199					*ERR (25 IR 2254)
327 IAC 6.1-8-4	A	01-238	26 IR 1199	327 IAC 8-2-41	A	00-111	24 IR 1074	25 IR 776
327 IAC 6.1-8-5	A	01-238	26 IR 1200	327 IAC 8-2-43	A	00-111	24 IR 1076	25 IR 778

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327 IAC 8-2-44	A	00-111	24 IR 1077	25 IR 779	TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD			
				*ERR (25 IR 813)	328 IAC 1-1-1	A	00-135	24 IR 2501 25 IR 787
				*ERR (25 IR 2254)	328 IAC 1-1-2	A	00-135	24 IR 2501 25 IR 787
327 IAC 8-2-46	A	00-111	24 IR 1082	25 IR 783	328 IAC 1-1-3	A	00-135	24 IR 2501 25 IR 787
				*ERR (25 IR 813)	328 IAC 1-1-3.1	N	00-135	24 IR 2501 25 IR 788
				*ERR (25 IR 2254)	328 IAC 1-1-4	A	00-135	24 IR 2502 25 IR 787
327 IAC 8-2-48	N	01-348	26 IR 111	*CPH (26 IR 812)	328 IAC 1-1-5	R	00-135	24 IR 2514 25 IR 803
327 IAC 8-2.1-3	A	00-266	24 IR 3729	25 IR 1098	328 IAC 1-1-5.1	N	00-135	24 IR 2502 25 IR 788
	A	01-348	26 IR 112	*CPH (26 IR 812)	328 IAC 1-1-6	A	00-135	24 IR 2502 25 IR 788
327 IAC 8-2.1-4	A	01-348	26 IR 114	*CPH (26 IR 812)	328 IAC 1-1-7	A	00-135	24 IR 2502 25 IR 788
327 IAC 8-2.1-6	A	00-266	24 IR 3732	25 IR 1100	328 IAC 1-1-8	A	00-135	24 IR 2502 25 IR 788
	A	01-348	26 IR 115	*CPH (26 IR 812)	328 IAC 1-1-8.5	N	00-135	24 IR 2502 25 IR 788
327 IAC 8-2.1-7	N	00-266	24 IR 3741	25 IR 1109	328 IAC 1-1-9	A	00-135	24 IR 2502 25 IR 789
327 IAC 8-2.1-8	N	00-266	24 IR 3741	25 IR 1110	328 IAC 1-1-10	A	00-135	24 IR 2503 25 IR 789
	A	01-348	26 IR 121	*CPH (26 IR 812)	328 IAC 1-1-11	R	00-135	24 IR 2514 25 IR 803
327 IAC 8-2.1-9	N	00-266	24 IR 3742	25 IR 1110	328 IAC 1-2-1	A	00-135	24 IR 2503 25 IR 789
327 IAC 8-2.1-10	N	00-266	24 IR 3743	25 IR 1111	328 IAC 1-2-2	A	00-135	24 IR 2503 25 IR 789
327 IAC 8-2.1-11	N	00-266	24 IR 3744	25 IR 1112	328 IAC 1-2-3	A	00-135	24 IR 2503 25 IR 789
327 IAC 8-2.1-12	N	00-266	24 IR 3745	25 IR 1113	328 IAC 1-3-1	A	00-135	24 IR 2503 25 IR 790
327 IAC 8-2.1-13	N	00-266	24 IR 3745	25 IR 1113	328 IAC 1-3-2	A	00-135	24 IR 2504 25 IR 790
				*ERR (25 IR 2254)	328 IAC 1-3-3	A	00-135	24 IR 2504 25 IR 790
327 IAC 8-2.1-14	N	00-266	24 IR 3746	25 IR 1114				
327 IAC 8-2.1-15	N	00-266	24 IR 3746	25 IR 1114	328 IAC 1-3-4	A	00-135	24 IR 2505 25 IR 792
327 IAC 8-2.1-16	N	00-266	24 IR 3746	25 IR 1114	328 IAC 1-3-5	A	00-135	24 IR 2505 25 IR 792
				*ERR (25 IR 2254)				
	A	01-348	26 IR 122	*CPH (26 IR 812)				
327 IAC 8-2.1-17	N	00-266	24 IR 3750	25 IR 1118	328 IAC 1-3-6	A	00-135	24 IR 2511 25 IR 798
				*ERR (25 IR 2254)	328 IAC 1-4-1	A	00-135	24 IR 2511 25 IR 799
	A	01-348	26 IR 126	*CPH (26 IR 812)	328 IAC 1-5-1	A	00-135	24 IR 2512 25 IR 801
327 IAC 8-2.5	N	01-348	26 IR 133	*CPH (26 IR 812)	328 IAC 1-5-2	A	00-135	24 IR 2513 25 IR 801
327 IAC 8-2.6	N	01-348	26 IR 146	*CPH (26 IR 812)	328 IAC 1-5-3	N	00-135	24 IR 2513 25 IR 802
327 IAC 15-2-3	A	01-95	26 IR 1615		328 IAC 1-6-1	A	00-135	24 IR 2513 25 IR 802
327 IAC 15-2-6	A	01-95	26 IR 1615		328 IAC 1-6-2	A	00-135	24 IR 2513 25 IR 802
327 IAC 15-2-8	A	01-95	26 IR 1615		328 IAC 1-7-1	A	00-135	24 IR 2514 25 IR 802
327 IAC 15-2-9	A	01-95	26 IR 1615		328 IAC 1-7-2	A	00-135	24 IR 2514 25 IR 803
327 IAC 15-3-1	A	01-95	26 IR 1616		328 IAC 1-7-3	A	00-135	24 IR 2514 25 IR 803
327 IAC 15-3-2	A	01-95	26 IR 1616		328 IAC 2	R	00-135	24 IR 2514 25 IR 803
327 IAC 15-3-3	A	01-95	26 IR 1617					
327 IAC 15-5-1	A	01-95	26 IR 1617		TITLE 329 SOLID WASTE MANAGEMENT BOARD			
327 IAC 15-5-2	A	01-95	26 IR 1617		329 IAC 3.1-1-7			*ERR (25 IR 813)
327 IAC 15-5-3	A	01-95	26 IR 1618			A	01-289	25 IR 843 25 IR 3111
327 IAC 15-5-4	A	01-95	26 IR 1619			A	02-235	26 IR 1240
327 IAC 15-5-5	A	01-95	26 IR 1620		329 IAC 3.1-4-1	A	02-235	26 IR 1240
327 IAC 15-5-6	A	01-95	26 IR 1621		329 IAC 3.1-4-9.1	R	01-289	25 IR 847 25 IR 3114
327 IAC 15-5-6.5	N	01-95	26 IR 1622		329 IAC 3.1-4-17.1	R	01-289	25 IR 847 25 IR 3114
327 IAC 15-5-7	A	01-95	26 IR 1625		329 IAC 3.1-6-6	N	00-255	24 IR 2516 25 IR 372
327 IAC 15-5-7.5	N	01-95	26 IR 1627		329 IAC 3.1-7-2	A	01-289	25 IR 844 25 IR 3112
327 IAC 15-5-8	A	01-95	26 IR 1628			A	02-235	26 IR 1240
327 IAC 15-5-10	A	01-95	26 IR 1629		329 IAC 3.1-9-2	A	01-289	25 IR 845 25 IR 3112
327 IAC 15-5-11	R	01-95	26 IR 1646			A	02-235	26 IR 1241
327 IAC 15-5-12	N	01-95	26 IR 1629		329 IAC 3.1-10-2	A	01-289	25 IR 846 25 IR 3113
327 IAC 15-6-1	A	01-95	26 IR 1629			A	02-235	26 IR 1242
327 IAC 15-6-2	A	01-95	26 IR 1629		329 IAC 7-2-6	A	00-173	24 IR 2803 25 IR 1124
327 IAC 15-6-4	A	01-95	26 IR 1632		329 IAC 7-11-1	A	00-173	24 IR 2803 25 IR 1124
327 IAC 15-6-5	A	01-95	26 IR 1635		329 IAC 7-11-2	A	00-173	24 IR 2804 25 IR 1125
327 IAC 15-6-6	A	01-95	26 IR 1635		329 IAC 7-11-3	A	00-173	24 IR 2804 25 IR 1125
327 IAC 15-6-7	A	01-95	26 IR 1635		329 IAC 9-1-1	A	01-161	26 IR 1209
327 IAC 15-6-7.3	N	01-95	26 IR 1641		329 IAC 9-1-4	A	01-161	26 IR 1209
327 IAC 15-6-7.5	N	01-95	26 IR 1643		329 IAC 9-1-10.1	R	01-161	26 IR 1239
327 IAC 15-6-8.5	N	01-95	26 IR 1643		329 IAC 9-1-10.2	R	01-161	26 IR 1239
327 IAC 15-6-10	N	01-95	26 IR 1643		329 IAC 9-1-10.4	N	01-161	26 IR 1209
327 IAC 15-6-11	N	01-95	26 IR 1643		329 IAC 9-1-10.6	N	01-161	26 IR 1209
327 IAC 15-6-12	N	01-95	26 IR 1644		329 IAC 9-1-10.8	N	01-161	26 IR 1210
327 IAC 15-13	N	01-96	26 IR 847	*CPH (26 IR 1113)	329 IAC 9-1-14	A	01-161	26 IR 1210
327 IAC 16	N	00-235	24 IR 512	*CPH (24 IR 1686)	329 IAC 9-1-14.1	R	01-161	26 IR 1239
				*ARR (24 IR 3071)	329 IAC 9-1-14.3	N	01-161	26 IR 1210
				*CPH (24 IR 3098)	329 IAC 9-1-14.5	N	01-161	26 IR 1210
				*ARR (25 IR 385)	329 IAC 9-1-14.7	N	01-161	26 IR 1210
				25 IR 1883	329 IAC 9-1-25	A	01-161	26 IR 1210

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329 IAC 9-1-27	A	01-161	26 IR 1210	329 IAC 10-2-109	A	00-185	26 IR 436
329 IAC 9-1-29.1	R	01-161	26 IR 1239	329 IAC 10-2-111.5	N	00-185	26 IR 436
329 IAC 9-1-36	A	01-161	26 IR 1210	329 IAC 10-2-112	A	00-185	26 IR 436
329 IAC 9-1-39.5	N	01-161	26 IR 1211	329 IAC 10-2-115	A	01-288	26 IR 1654
329 IAC 9-1-41	R	01-161	26 IR 1239	329 IAC 10-2-116	A	01-288	26 IR 1654
329 IAC 9-1-41.1	R	01-161	26 IR 1239	329 IAC 10-2-117	A	01-288	26 IR 1654
329 IAC 9-1-41.5	N	01-161	26 IR 1211	329 IAC 10-2-121.1	A	00-185	26 IR 437
329 IAC 9-1-42.1	R	01-161	26 IR 1239	329 IAC 10-2-127	R	00-185	26 IR 511
329 IAC 9-1-47	A	01-161	26 IR 1211	329 IAC 10-2-128	R	00-185	26 IR 511
329 IAC 9-1-47.1	A	01-161	26 IR 1211	329 IAC 10-2-130	A	01-288	26 IR 1655
329 IAC 9-2-1	A	01-161	26 IR 1211	329 IAC 10-2-132.2	N	00-185	26 IR 437
329 IAC 9-2-2	A	01-161	26 IR 1214	329 IAC 10-2-132.3	N	00-185	26 IR 437
329 IAC 9-2.1-1	A	01-161	26 IR 1215	329 IAC 10-2-135.1	R	01-288	26 IR 1674
329 IAC 9-3-1	A	01-161	26 IR 1216	329 IAC 10-2-135.5	N	01-288	26 IR 1655
329 IAC 9-3-2	N	01-161	26 IR 1218	329 IAC 10-2-142.5	N	00-185	26 IR 437
329 IAC 9-3.1-1	A	01-161	26 IR 1218	329 IAC 10-2-147.2	N	00-185	26 IR 437
329 IAC 9-3.1-2	A	01-161	26 IR 1219	329 IAC 10-2-149	R	00-185	26 IR 511
329 IAC 9-3.1-3	A	01-161	26 IR 1219	329 IAC 10-2-158	A	00-185	26 IR 437
329 IAC 9-3.1-4	A	01-161	26 IR 1219	329 IAC 10-2-165.5	N	00-185	26 IR 438
329 IAC 9-4-3	A	01-161	26 IR 1220	329 IAC 10-2-172.5	N	00-185	26 IR 438
329 IAC 9-4-4	A	01-161	26 IR 1221	329 IAC 10-2-174	A	01-288	26 IR 1655
329 IAC 9-5-1	A	01-161	26 IR 1221	329 IAC 10-2-177	R	00-185	26 IR 511
329 IAC 9-5-2	A	01-161	26 IR 1223	329 IAC 10-2-179	R	01-288	26 IR 1674
329 IAC 9-5-3.1	R	01-161	26 IR 1239	329 IAC 10-2-181.2	N	00-185	26 IR 438
329 IAC 9-5-3.2	N	01-161	26 IR 1223	329 IAC 10-2-181.5	N	00-185	26 IR 438
329 IAC 9-5-4.1	R	01-161	26 IR 1239	329 IAC 10-2-181.6	N	00-185	26 IR 438
329 IAC 9-5-4.2	N	01-161	26 IR 1224	329 IAC 10-2-187.5	N	00-185	26 IR 438
329 IAC 9-5-5.1	A	01-161	26 IR 1224	329 IAC 10-2-197.1	A	01-288	26 IR 1656
329 IAC 9-5-6	A	01-161	26 IR 1226	329 IAC 10-2-199.1	R	01-288	26 IR 1674
329 IAC 9-5-7	A	01-161	26 IR 1227	329 IAC 10-2-201.1	R	01-288	26 IR 1674
329 IAC 9-6-1	A	01-161	26 IR 1229	329 IAC 10-2-203	R	00-185	26 IR 511
329 IAC 9-6-2	R	01-161	26 IR 1239	329 IAC 10-2-205	R	00-185	26 IR 511
329 IAC 9-6-2.5	N	01-161	26 IR 1230	329 IAC 10-3-1	A	00-185	26 IR 438
329 IAC 9-6-3	A	01-161	26 IR 1234	329 IAC 10-3-2	A	00-185	26 IR 439
329 IAC 9-6-4	A	01-161	26 IR 1234	329 IAC 10-3-3	A	00-185	26 IR 439
329 IAC 9-6-5	A	01-161	26 IR 1235	329 IAC 10-5-1	A	01-288	26 IR 1656
329 IAC 9-7-1	A	01-161	26 IR 1235	329 IAC 10-6-4	A	00-185	26 IR 440
329 IAC 9-7-2	A	01-161	26 IR 1236	329 IAC 10-7-1	R	01-288	26 IR 1674
329 IAC 9-7-4	A	01-161	26 IR 1237	329 IAC 10-7-2	N	01-288	26 IR 1656
329 IAC 9-7-6	R	01-161	26 IR 1239	329 IAC 10-8-1	R	01-288	26 IR 1674
329 IAC 10-1-4	A	00-185	26 IR 432	329 IAC 10-8-2	N	01-288	26 IR 1657
329 IAC 10-1-4.5	N	00-185	26 IR 433	329 IAC 10-9-2	A	01-288	26 IR 1659
329 IAC 10-2-6	R	00-185	26 IR 511	329 IAC 10-9-4	A	01-288	26 IR 1659
329 IAC 10-2-11	A	00-185	26 IR 433	329 IAC 10-10-1	A	00-185	26 IR 440
329 IAC 10-2-29	R	00-185	26 IR 511	329 IAC 10-10-2	A	00-185	26 IR 440
329 IAC 10-2-29.5	N	01-288	26 IR 1653	329 IAC 10-11-2.1	A	00-185	26 IR 440
329 IAC 10-2-32	A	01-288	26 IR 1653	329 IAC 10-11-2.5	A	00-185	26 IR 441
329 IAC 10-2-33	R	00-185	26 IR 511	329 IAC 10-11-5.1	A	00-185	26 IR 443
329 IAC 10-2-41	A	00-185	26 IR 433	329 IAC 10-11-6	A	00-185	26 IR 443
329 IAC 10-2-41.1	A	00-185	26 IR 434	329 IAC 10-12-1	A	00-185	26 IR 443
329 IAC 10-2-53	R	00-185	26 IR 511	329 IAC 10-13-1	A	00-185	26 IR 445
329 IAC 10-2-60	R	00-185	26 IR 511	329 IAC 10-13-5	A	00-185	26 IR 445
329 IAC 10-2-63.5	N	00-185	26 IR 434	329 IAC 10-13-6	A	00-185	26 IR 446
329 IAC 10-2-64	A	00-185	26 IR 434	329 IAC 10-14-1	A	00-185	26 IR 446
329 IAC 10-2-66.1	N	00-185	26 IR 434	329 IAC 10-14-2	A	01-288	26 IR 1661
329 IAC 10-2-66.2	N	00-185	26 IR 434	329 IAC 10-15-1	A	00-185	26 IR 447
329 IAC 10-2-66.3	N	00-185	26 IR 434	329 IAC 10-15-2	A	00-185	26 IR 448
329 IAC 10-2-69	A	00-185	26 IR 435	329 IAC 10-15-5	A	00-185	26 IR 449
329 IAC 10-2-72.1	A	01-288	26 IR 1654	329 IAC 10-15-8	A	00-185	26 IR 450
329 IAC 10-2-74	A	00-185	26 IR 435	329 IAC 10-15-12	N	00-185	26 IR 451
329 IAC 10-2-75	A	00-185	26 IR 435	329 IAC 10-16-1	A	00-185	26 IR 452
329 IAC 10-2-75.1	N	00-185	26 IR 435	329 IAC 10-16-8	A	00-185	26 IR 453
329 IAC 10-2-76	R	00-185	26 IR 511	329 IAC 10-17-2	A	00-185	26 IR 453
329 IAC 10-2-96	A	00-185	26 IR 435	329 IAC 10-17-7	A	00-185	26 IR 454
329 IAC 10-2-97.1	A	00-185	26 IR 435	329 IAC 10-17-9	A	00-185	26 IR 456
329 IAC 10-2-99	A	00-185	26 IR 436	329 IAC 10-17-12	A	00-185	26 IR 457
329 IAC 10-2-100	A	00-185	26 IR 436	329 IAC 10-17-18	A	00-185	26 IR 458
329 IAC 10-2-105.3	N	00-185	26 IR 436	329 IAC 10-19-1	A	00-185	26 IR 458
329 IAC 10-2-106	A	00-185	26 IR 436	329 IAC 10-20-3	A	00-185	26 IR 459

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329 IAC 10-20-8	A	00-185	26 IR 460	329 IAC 11-9-5	A	01-207	24 IR 3165	25 IR 1129
329 IAC 10-20-11	A	00-185	26 IR 461	329 IAC 11-9-6	N	01-288	26 IR 1667	
329 IAC 10-20-12	A	00-185	26 IR 462	329 IAC 11-10-1				*ERR (25 IR 2741)
329 IAC 10-20-13	A	00-185	26 IR 463	329 IAC 11-11-1	A	01-207	24 IR 3166	25 IR 1129
329 IAC 10-20-14.1	A	01-288	26 IR 1662	329 IAC 11-11-2	A	01-207	24 IR 3166	25 IR 1130
329 IAC 10-20-20	A	00-185	26 IR 463	329 IAC 11-11-3	A	01-207	24 IR 3166	25 IR 1130
329 IAC 10-20-24	A	00-185	26 IR 464	329 IAC 11-11-4	A	01-207	24 IR 3167	25 IR 1130
329 IAC 10-20-26	A	00-185	26 IR 464	329 IAC 11-11-5	A	01-207	24 IR 3167	25 IR 1130
329 IAC 10-20-28	A	00-185	26 IR 464	329 IAC 11-11-6	A	01-207	24 IR 3167	25 IR 1131
329 IAC 10-20-29	R	01-288	26 IR 1674	329 IAC 11-13-4	A	01-288	26 IR 1667	
329 IAC 10-21-1	A	00-185	26 IR 465	329 IAC 11-13-6	A	01-288	26 IR 1668	
329 IAC 10-21-2	A	00-185	26 IR 468	329 IAC 11-14-1	A	01-207	24 IR 3167	25 IR 1131
329 IAC 10-21-4	A	00-185	26 IR 474	329 IAC 11-15-1				*ERR (25 IR 2741)
329 IAC 10-21-6	A	00-185	26 IR 477		A	01-288	26 IR 1668	
329 IAC 10-21-7	A	00-185	26 IR 479	329 IAC 11-15-3				*ERR (25 IR 2741)
329 IAC 10-21-8	A	00-185	26 IR 480	329 IAC 11-15-5				*ERR (25 IR 2741)
329 IAC 10-21-9	A	00-185	26 IR 481	329 IAC 11-17-1				*ERR (25 IR 2741)
329 IAC 10-21-10	A	00-185	26 IR 482	329 IAC 11-19-2	A	01-288	26 IR 1669	
329 IAC 10-21-13	A	00-185	26 IR 484	329 IAC 11-19-3	A	01-288	26 IR 1670	
329 IAC 10-21-15	A	00-185	26 IR 488	329 IAC 11-20-1	A	01-288	26 IR 1670	
329 IAC 10-21-16	A	00-185	26 IR 488	329 IAC 11-21-1				*ERR (25 IR 2741)
329 IAC 10-22-2	A	00-185	26 IR 493	329 IAC 11-21-2				*ERR (25 IR 2741)
329 IAC 10-22-3	A	00-185	26 IR 494	329 IAC 11-21-4	A	01-288	26 IR 1671	
329 IAC 10-22-5	A	00-185	26 IR 494	329 IAC 11-21-5	A	01-288	26 IR 1671	
329 IAC 10-22-6	A	00-185	26 IR 494	329 IAC 11-21-6	A	01-288	26 IR 1671	
329 IAC 10-22-7	A	00-185	26 IR 495	329 IAC 11-21-7	A	01-288	26 IR 1671	
329 IAC 10-22-8	A	00-185	26 IR 496	329 IAC 11-21-8	A	01-288	26 IR 1672	
329 IAC 10-23-2	A	00-185	26 IR 496	329 IAC 12-8-4	A	01-288	26 IR 1672	
329 IAC 10-23-3	A	00-185	26 IR 497	329 IAC 13-3-1	A	01-288	26 IR 1673	
329 IAC 10-23-4	A	00-185	26 IR 498					
329 IAC 10-24-4	A	00-185	26 IR 499	TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH				
329 IAC 10-28-21	R	01-288	26 IR 1674	345 IAC 1-3-1.5	A	01-413	25 IR 1996	
329 IAC 10-28-24	A	01-288	26 IR 1664	345 IAC 1-3-3	A	02-107	25 IR 4170	26 IR 1523
329 IAC 10-29-1	A	00-185	26 IR 499	345 IAC 1-3-4	A	02-107	25 IR 4171	26 IR 1524
329 IAC 10-30-4	A	00-185	26 IR 500	345 IAC 1-3-8	R	02-107	25 IR 4182	26 IR 1535
329 IAC 10-36-19	A	01-288	26 IR 1665	345 IAC 1-3-11	A	02-107	25 IR 4171	26 IR 1524
329 IAC 10-37-4	A	00-185	26 IR 501	345 IAC 1-3-12	A	02-107	25 IR 4172	26 IR 1525
329 IAC 10-39-1	A	00-185	26 IR 501	345 IAC 1-3-13	A	02-107	25 IR 4172	26 IR 1525
329 IAC 10-39-2	A	00-185	26 IR 502	345 IAC 1-3-14	A	02-107	25 IR 4173	26 IR 1526
329 IAC 10-39-3	A	00-185	26 IR 508	345 IAC 1-3-15	A	02-107	25 IR 4173	26 IR 1527
329 IAC 10-39-7	A	00-185	26 IR 509	345 IAC 1-3-16	R	02-107	25 IR 4182	26 IR 1535
329 IAC 10-39-9	A	00-185	26 IR 509	345 IAC 1-3-16.5	N	02-107	25 IR 4174	26 IR 1527
329 IAC 10-39-10	A	00-185	26 IR 510	345 IAC 1-3-30	A	01-413	25 IR 1997	26 IR 345
329 IAC 11-1-1			*ERR (25 IR 2741)				25 IR 2774	
329 IAC 11-1-2			*ERR (25 IR 2741)	345 IAC 1-4-1	R	01-391	25 IR 1995	25 IR 3742
329 IAC 11-1-4			*ERR (25 IR 2741)	345 IAC 1-4-2	N	01-391	25 IR 1995	25 IR 3742
329 IAC 11-2-1			*ERR (25 IR 2741)	345 IAC 1-4-3	N	01-391	25 IR 1995	25 IR 3742
329 IAC 11-2-5			*ERR (25 IR 2741)	345 IAC 1-5-1	A	01-1	24 IR 2805	25 IR 374
329 IAC 11-2-7			*ERR (25 IR 2741)	345 IAC 1-5-2	A	01-1	24 IR 2806	25 IR 375
329 IAC 11-2-9			*ERR (25 IR 2741)	345 IAC 1-5-3	A	01-1	24 IR 2806	25 IR 375
329 IAC 11-2-19.5	N	01-288	26 IR 1665	345 IAC 1-6-1	R	01-37	24 IR 4121	25 IR 1608
329 IAC 11-2-26			*ERR (25 IR 2741)	345 IAC 1-6-1.5	N	01-37	24 IR 4120	25 IR 1607
329 IAC 11-2-39			*ERR (25 IR 2741)	345 IAC 1-6-2	A	01-37	24 IR 4120	25 IR 1607
	A	01-288	26 IR 1666	345 IAC 1-6-3	A	01-37	24 IR 4120	25 IR 1607
329 IAC 11-2-44	R	01-288	26 IR 1674	345 IAC 2-6-8	A	01-333	25 IR 1989	25 IR 3740
329 IAC 11-3-1			*ERR (25 IR 2741)	345 IAC 2-7-1	A	01-413	25 IR 1998	26 IR 346
329 IAC 11-3-2	A	01-288	26 IR 1666				25 IR 2775	
329 IAC 11-4-4			*ERR (25 IR 2741)	345 IAC 2-7-3	A	01-413	25 IR 1999	26 IR 347
329 IAC 11-6-1	R	01-288	26 IR 1674				25 IR 2776	
329 IAC 11-7	R	01-288	26 IR 1674	345 IAC 2-7-4	A	01-413	25 IR 2000	26 IR 348
329 IAC 11-8-2	A	01-288	26 IR 1666				25 IR 2777	
329 IAC 11-8-2.5	N	01-288	26 IR 1666	345 IAC 2-7-5	A	01-413	25 IR 2001	26 IR 349
329 IAC 11-8-3	A	01-288	26 IR 1667				25 IR 2778	
329 IAC 11-9-1	A	01-207	24 IR 3162	345 IAC 3-5.1-1.2	A	02-107	25 IR 4175	26 IR 1528
329 IAC 11-9-2	A	01-207	24 IR 3163	345 IAC 3-5.1-1.5	A	02-107	25 IR 4176	26 IR 1529
			25 IR 1126	345 IAC 3-5.1-2	A	02-107	25 IR 4176	26 IR 1529
			*ERR (25 IR 1906)	345 IAC 3-5.1-3	A	02-107	25 IR 4176	26 IR 1530
			*ERR (25 IR 2255)	345 IAC 3-5.1-3.5	N	02-107	25 IR 4177	26 IR 1530
329 IAC 11-9-3	A	01-207	24 IR 3164	345 IAC 3-5.1-4	A	02-107	25 IR 4177	26 IR 1530
329 IAC 11-9-4	A	01-207	24 IR 3165					
			25 IR 1128					

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345 IAC 3-5.1-6	A	02-107	25 IR 4177	26 IR 1531	345 IAC 8-2-1.9	N	01-392	25 IR 2761	26 IR 332
345 IAC 3-5.1-7	A	02-107	25 IR 4178	26 IR 1531	345 IAC 8-2-2	A	01-392	25 IR 2762	26 IR 333
345 IAC 3-5.1-8.5	A	02-107	25 IR 4179	26 IR 1533	345 IAC 8-2-3	A	01-392	25 IR 2764	26 IR 335
345 IAC 3-5.1-8.7	A	02-107	25 IR 4180	26 IR 1533	345 IAC 8-2-3.5	N	01-392	25 IR 2766	26 IR 337
345 IAC 3-5.1-8.8	R	02-107	25 IR 4182	26 IR 1535	345 IAC 8-2-4	A	01-392	25 IR 2767	26 IR 338
345 IAC 3-5.1-8.9	R	02-107	25 IR 4182	26 IR 1535	345 IAC 8-3-1	A	01-392	25 IR 2769	26 IR 340
345 IAC 3-5.1-9	R	02-107	25 IR 4182	26 IR 1535	345 IAC 8-3-2	A	01-392	25 IR 2770	26 IR 341
345 IAC 3-5.1-10	A	02-107	25 IR 4181	26 IR 1535	345 IAC 8-3-3	N	01-392	25 IR 2770	
345 IAC 3-5.1-12	R	02-107	25 IR 4182	26 IR 1535	345 IAC 8-3-4	N	01-392	25 IR 2771	
345 IAC 3-5.1-14	R	02-107	25 IR 4182	26 IR 1535	345 IAC 8-3-9	N	01-392		†† 26 IR 341
345 IAC 3-5.1-15	R	02-107	25 IR 4182	26 IR 1535					*ERR (26 IR 793)
345 IAC 5-1-3	R	01-333	25 IR 1990	25 IR 3742	345 IAC 8-3-10	N	01-392		†† 26 IR 342
345 IAC 5-1-4	R	01-333	25 IR 1990	25 IR 3742					*ERR (26 IR 793)
345 IAC 7-3.5-1	R	01-166	24 IR 4125		345 IAC 8-4-1	A	01-392	25 IR 2771	26 IR 342
345 IAC 7-3.5-2	A	01-166	24 IR 4122	25 IR 1609	345 IAC 9-2.1-1	A	02-127	25 IR 4187	26 IR 1540
345 IAC 7-3.5-3	A	01-166	24 IR 4123	25 IR 1610	345 IAC 10-2.1-1	A	02-127	25 IR 4188	26 IR 1541
345 IAC 7-3.5-5	A	01-166	24 IR 4123	25 IR 1610					
345 IAC 7-3.5-5.5	N	01-166	24 IR 4124	25 IR 1611	TITLE 355 STATE CHEMIST OF THE STATE OF INDIANA				
345 IAC 7-3.5-6	A	01-166	24 IR 4124	25 IR 1611	355 IAC 4-0.5	RA	01-48	24 IR 3221	25 IR 1269
345 IAC 7-3.5-8	A	01-166	24 IR 4125	25 IR 1612	355 IAC 4-1	RA	01-48	24 IR 3221	25 IR 1269
345 IAC 7-3.5-8.5	N	01-166	24 IR 4125	25 IR 1612	355 IAC 4-2	RA	01-48	24 IR 3221	25 IR 1269
345 IAC 7-3.5-13	A	01-333	25 IR 1989	25 IR 3740	355 IAC 4-2-1	A	01-71	24 IR 2807	25 IR 376
345 IAC 7-3.5-14	A	01-333	25 IR 1990	25 IR 3741	355 IAC 4-2-2	A	01-71	24 IR 2807	25 IR 376
345 IAC 7-5-1	A	02-126	25 IR 4182	26 IR 1535	355 IAC 4-2-3	A	01-71	24 IR 2807	25 IR 376
345 IAC 7-5-2.1	N	02-126	25 IR 4183	26 IR 1536	355 IAC 4-2-4	R	01-71	24 IR 2809	25 IR 378
345 IAC 7-5-2.5	A	02-126	25 IR 4183	26 IR 1536	355 IAC 4-2-5	A	01-71	24 IR 2808	25 IR 377
345 IAC 7-5-3	R	02-126	25 IR 4187	26 IR 1540	355 IAC 4-2-6	A	01-71	24 IR 2808	25 IR 377
345 IAC 7-5-4	R	02-126	25 IR 4187	26 IR 1540	355 IAC 4-2-7	N	01-71	24 IR 2808	25 IR 377
345 IAC 7-5-5	R	02-126	25 IR 4187	26 IR 1540	355 IAC 4-2-8	N	01-71	24 IR 2808	25 IR 377
345 IAC 7-5-6	A	02-126	25 IR 4184	26 IR 1537	355 IAC 4-3	RA	01-48	24 IR 3221	25 IR 1269
345 IAC 7-5-7	A	02-126	25 IR 4184	26 IR 1537	355 IAC 4-4	RA	01-48	24 IR 3221	25 IR 1269
345 IAC 7-5-8	R	02-126	25 IR 4187	26 IR 1540	355 IAC 4-5	RA	01-48	24 IR 3221	25 IR 1269
345 IAC 7-5-9	A	02-126	25 IR 4184	26 IR 1538	355 IAC 4-6	RA	01-48	24 IR 3221	25 IR 1269
345 IAC 7-5-11	A	02-126	25 IR 4185	26 IR 1538	355 IAC 5	RA	01-48	24 IR 3221	25 IR 1269
345 IAC 7-5-15.1	A	02-126	25 IR 4185	26 IR 1539	355 IAC 5-1-1	A	01-294	25 IR 435	25 IR 2212
345 IAC 7-5-16	R	02-126	25 IR 4187	26 IR 1540	355 IAC 5-1-1.5	N	01-294	25 IR 435	25 IR 2212
345 IAC 7-5-16.1	R	02-126	25 IR 4187	26 IR 1540	355 IAC 5-1-2	R	01-294	25 IR 442	25 IR 2220
345 IAC 7-5-21	R	02-126	25 IR 4187	26 IR 1540	355 IAC 5-1-3	A	01-294	25 IR 435	25 IR 2212
345 IAC 7-5-22	A	02-126	25 IR 4186	26 IR 1539	355 IAC 5-1-4	A	01-294	25 IR 436	25 IR 2213
345 IAC 7-5-24	A	02-126	25 IR 4186	26 IR 1539	355 IAC 5-1-5	A	01-294	25 IR 436	25 IR 2213
345 IAC 7-5-25.7	R	02-126	25 IR 4187	26 IR 1540	355 IAC 5-1-6	A	01-294	25 IR 436	25 IR 2213
345 IAC 7-5-26	R	02-126	25 IR 4187	26 IR 1540	355 IAC 5-1-7.5	N	01-294	25 IR 436	25 IR 2213
345 IAC 7-5-27	R	02-126	25 IR 4187	26 IR 1540	355 IAC 5-1-10	R	01-294	25 IR 442	25 IR 2220
345 IAC 7-5-28	A	02-126	25 IR 4186	26 IR 1540	355 IAC 5-1-11	A	01-294	25 IR 436	25 IR 2213
345 IAC 7-7-1.5	N	01-377	25 IR 1991	*ARR (25 IR 3770)	355 IAC 5-1-13	A	01-294	25 IR 436	25 IR 2213
			25 IR 4166	26 IR 693	355 IAC 5-1-14	A	01-294	25 IR 437	25 IR 2214
345 IAC 7-7-2	A	01-377	25 IR 1991	*ARR (25 IR 3770)	355 IAC 5-1-15	A	01-294	25 IR 437	25 IR 2214
			25 IR 4166	26 IR 694	355 IAC 5-2-2	A	01-294	25 IR 437	25 IR 2214
345 IAC 7-7-3	A	01-377	25 IR 1992	*ARR (25 IR 3770)	355 IAC 5-2-3	A	01-294	25 IR 437	25 IR 2214
			25 IR 4167	26 IR 694	355 IAC 5-2-4	A	01-294	25 IR 437	25 IR 2214
345 IAC 7-7-3.5	N	01-377	25 IR 1993	*ARR (25 IR 3770)	355 IAC 5-2-5	A	01-294	25 IR 437	25 IR 2215
			25 IR 4168	26 IR 695	355 IAC 5-2-6	A	01-294	25 IR 438	25 IR 2215
345 IAC 7-7-4	A	01-377	25 IR 1993	*ARR (25 IR 3770)	355 IAC 5-2-7	A	01-294	25 IR 438	25 IR 2215
			25 IR 4168	26 IR 695	355 IAC 5-2-8	A	01-294	25 IR 438	25 IR 2215
345 IAC 7-7-5	A	01-377	25 IR 1993	*ARR (25 IR 3770)	355 IAC 5-2-9	A	01-294	25 IR 438	25 IR 2215
			25 IR 4168	26 IR 696	355 IAC 5-2-10	A	01-294	25 IR 438	25 IR 2216
345 IAC 7-7-6	R	01-377	25 IR 1994	*ARR (25 IR 3770)	355 IAC 5-2-11	A	01-294	25 IR 438	25 IR 2216
			25 IR 4169	26 IR 696	355 IAC 5-2-12	A	01-294	25 IR 439	25 IR 2216
345 IAC 7-7-7	A	01-377	25 IR 1994	*ARR (25 IR 3770)	355 IAC 5-2-13	R	01-294	25 IR 442	25 IR 2220
			25 IR 4169	26 IR 696	355 IAC 5-3-1	A	01-294	25 IR 439	25 IR 2216
345 IAC 7-7-8	R	01-377	25 IR 1994	*ARR (25 IR 3770)	355 IAC 5-3-2	R	01-294	25 IR 442	25 IR 2220
			25 IR 4169	26 IR 696	355 IAC 5-4-1	A	01-294	25 IR 440	25 IR 2217
345 IAC 7-7-9	R	01-377	25 IR 1994	*ARR (25 IR 3770)	355 IAC 5-4-2	A	01-294	25 IR 440	25 IR 2217
			25 IR 4169	26 IR 696	355 IAC 5-4-3	A	01-294	25 IR 440	25 IR 2218
345 IAC 7-7-10	A	01-377	25 IR 1994	*ARR (25 IR 3770)	355 IAC 5-4-4	A	01-294	25 IR 441	25 IR 2218
			25 IR 4169	26 IR 696	355 IAC 5-4-5	R	01-294	25 IR 442	25 IR 2220
345 IAC 8-2-1.1	A	01-392	25 IR 2758	26 IR 329	355 IAC 5-4-6	R	01-294	25 IR 442	25 IR 2220
345 IAC 8-2-1.5	N	01-392	25 IR 2760	26 IR 331	355 IAC 5-4-7	A	01-294	25 IR 441	25 IR 2218
345 IAC 8-2-1.7	N	01-392	25 IR 2760	26 IR 331	355 IAC 5-4-8	A	01-294	25 IR 442	25 IR 2219

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355 IAC 5-4-9	R	01-294	25 IR 442	25 IR 2220	405 IAC 1-10	R	00-249	24 IR 1386	*NRA (24 IR 3097) 25 IR 59
355 IAC 5-5-1	A	01-294	25 IR 442	25 IR 2219	405 IAC 1-10.5-1	A	00-249	24 IR 1382	*NRA (24 IR 3097) 25 IR 55
355 IAC 5-5-2	R	01-294	25 IR 442	25 IR 2220	405 IAC 1-10.5-2	A	00-249	24 IR 1382	*NRA (24 IR 3097) 25 IR 55
355 IAC 5-6	R	01-294	25 IR 442	25 IR 2220	405 IAC 1-10.5-3	A	00-249	24 IR 1384	*NRA (24 IR 3097) 25 IR 57
355 IAC 5-7	R	01-294	25 IR 442	25 IR 2220	405 IAC 1-10.5-4	A	00-249	24 IR 1386	*ERR (25 IR 1906) *NRA (24 IR 3097) 25 IR 59
355 IAC 5-8-1	A	01-294	25 IR 442	25 IR 2219	405 IAC 1-11	R	00-249	24 IR 1386	*NRA (24 IR 3097) 25 IR 59
355 IAC 5-8-2	R	01-294	25 IR 442	25 IR 2220	405 IAC 1-12-1	A	02-16	25 IR 2791	*NRA (25 IR 4128) 26 IR 718
355 IAC 6	N	01-335	25 IR 443	*ARR (25 IR 1907) 25 IR 2444 *ERR (25 IR 2521)	405 IAC 1-12-2	A	01-420	25 IR 1690	*NRA (25 IR 2541) 25 IR 3121
TITLE 357 INDIANA PESTICIDE REVIEW BOARD					405 IAC 1-12-4	A	02-16	25 IR 2791	*NRA (25 IR 4128) 26 IR 718
357 IAC 1-1	RA	01-49	24 IR 3222	25 IR 936	405 IAC 1-12-5	A	01-420	25 IR 1691	*NRA (25 IR 2541) 25 IR 3123
357 IAC 1-3	RA	01-49	24 IR 3222	25 IR 936	405 IAC 1-12-6	A	02-16	25 IR 2794	*NRA (25 IR 4128) 26 IR 721
357 IAC 1-4	RA	01-49	24 IR 3222	25 IR 936	405 IAC 1-12-7	A	02-16	25 IR 2795	*NRA (25 IR 4128) 26 IR 722
357 IAC 1-5	RA	01-49	24 IR 3222	25 IR 936	405 IAC 1-12-8	A	02-16	25 IR 2796	*NRA (25 IR 4128) 26 IR 723
357 IAC 1-6	RA	01-49	24 IR 3222	25 IR 936	405 IAC 1-12-9	A	01-420	25 IR 1693	*NRA (25 IR 2541) 25 IR 3124
357 IAC 1-7	RA	01-49	24 IR 3222	25 IR 936	405 IAC 1-12-10	A	02-16	25 IR 2797	*NRA (25 IR 4128) 26 IR 724
357 IAC 1-10	N	02-292	26 IR 1243		405 IAC 1-12-11	A	02-16	25 IR 2797	*NRA (25 IR 4128) 26 IR 724
TITLE 360 STATE SEED COMMISSIONER					405 IAC 1-12-12	A	02-16	25 IR 2797	*NRA (25 IR 4128) 26 IR 724
360 IAC 1	RA	01-233	25 IR 519	25 IR 1269	405 IAC 1-12-13	A	02-16	25 IR 2798	*NRA (25 IR 4128) 26 IR 725
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365 IAC 2-1-4				*ERR (25 IR 384)	405 IAC 1-12-15	A	02-16	25 IR 2799	*NRA (25 IR 4128) 26 IR 726
365 IAC 2-1-6				*ERR (25 IR 384)	405 IAC 1-12-16	A	02-16	25 IR 2800	*NRA (25 IR 4128) 26 IR 727
365 IAC 2-1-13				*ERR (25 IR 384)	405 IAC 1-12-17	A	02-16	25 IR 2801	*NRA (25 IR 4128) 26 IR 728
365 IAC 2-1-14				*ERR (25 IR 384)	405 IAC 1-12-19	A	02-16	25 IR 2802	*NRA (25 IR 4128) 26 IR 729
365 IAC 2-1-19				*ERR (25 IR 384)	405 IAC 1-12-22	A	01-420	25 IR 1693	*NRA (25 IR 2541) 25 IR 3125
365 IAC 2-1-22				*ERR (25 IR 384)	405 IAC 1-12-24	A	01-172	24 IR 3179	*NRA (25 IR 401) 25 IR 381
365 IAC 2-2-1				*ERR (25 IR 384)	405 IAC 1-14.5-13	A	02-144	25 IR 3826	*NRA (25 IR 4128) 26 IR 730
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370 IAC 1-1-1	A	01-419	26 IR 153	26 IR 1542	405 IAC 1-14.6-2	A	00-277	24 IR 3169 24 IR 4126	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) 25 IR 2462
370 IAC 1-1-2	A	01-419	26 IR 153	26 IR 1542					*NRA (26 IR 61) 26 IR 707
370 IAC 1-1-3	A	01-419	26 IR 153	26 IR 1542					
370 IAC 1-1-4	A	01-419	26 IR 153	26 IR 1542					
370 IAC 1-1-5	A	01-419	26 IR 153	26 IR 1542					
370 IAC 1-2	RA	01-317	25 IR 187	25 IR 937					
370 IAC 1-2-1	A	01-419	26 IR 154	26 IR 1543					
370 IAC 1-2-2	A	01-419	26 IR 154	26 IR 1543					
370 IAC 1-2-3	N	01-419	26 IR 154	26 IR 1543					
370 IAC 1-3	RA	01-317	25 IR 187	25 IR 937					
370 IAC 1-3-1	A	01-419	26 IR 154	26 IR 1543					
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370 IAC 1-3-3	A	01-419	26 IR 154	26 IR 1543					
370 IAC 1-3-4	A	01-419	26 IR 155	26 IR 1544					
370 IAC 1-4	RA	01-317	25 IR 187	25 IR 937					
370 IAC 1-4-1	A	01-419	26 IR 155	26 IR 1544					
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370 IAC 1-5	RA	01-317	25 IR 187	25 IR 937					
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370 IAC 1-6	RA	01-317	25 IR 187	25 IR 937					
370 IAC 1-6-1	A	01-419	26 IR 156	26 IR 1545					
370 IAC 1-8	RA	01-317	25 IR 187	25 IR 937					
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370 IAC 1-9	RA	01-317	25 IR 187	25 IR 937					
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405 IAC 1-14.6-5	A	00-277	24 IR 3174 24 IR 4131	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) 25 IR 2467	405 IAC 1-19	N	02-184	26 IR 511	
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405 IAC 1-14.6-7	A	00-277	24 IR 3175 24 IR 4132	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) 25 IR 2468	405 IAC 2-3-17	A	02-234	26 IR 516	*ERR (25 IR 3769)
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405 IAC 1-14.6-9	A	00-277	24 IR 3176 24 IR 4133	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) 25 IR 2470	405 IAC 2-8-1.1	N	02-87	25 IR 2805	*NRA (26 IR 61) 26 IR 732
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405 IAC 1-14.6-16	A	02-13	25 IR 2788	*NRA (26 IR 61) 26 IR 716	405 IAC 4-1-1				*ERR (26 IR 383)
405 IAC 1-14.6-20	A	00-277	24 IR 3177 24 IR 4134	*ARR (24 IR 3992) *AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) 25 IR 2470	405 IAC 5-2-17	A	01-58	24 IR 2518	*ARR (24 IR 3992) *NRA (24 IR 4011) *NRA (25 IR 401) 25 IR 378
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405 IAC 1-14.6-22	A	02-13	25 IR 2788	*NRA (26 IR 61) 26 IR 716	405 IAC 5-3-10	A	01-22	24 IR 2180	*NRA (24 IR 4011) *NRA (25 IR 830) 25 IR 1613
405 IAC 1-15-1	A	00-277	24 IR 4134	*AROC (25 IR 533) *NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) 25 IR 2471	405 IAC 5-3-11	A	01-58	24 IR 2519	*ARR (24 IR 3992) *NRA (24 IR 4011) *NRA (25 IR 401) 25 IR 378
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405 IAC 5-12-1	A	02-49	25 IR 2555	*AROC (26 IR 884)		A	01-372	25 IR 1242	
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405 IAC 5-12-6	R	02-49	25 IR 2556	*AROC (26 IR 884)	405 IAC 5-24-8.5	N	01-22	24 IR 2181	*NRA (24 IR 4011) *NRA (25 IR 830) 25 IR 1613
405 IAC 5-12-7	R	02-49	25 IR 2556	*AROC (26 IR 884)					
405 IAC 5-14-1	A	02-50	25 IR 2556	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 415) 26 IR 1546	405 IAC 5-24-8.6	N	01-22		†† 25 IR 1614 *ERR (25 IR 2255) †† 25 IR 1614 †† 25 IR 1614
405 IAC 5-14-2	A	02-140	25 IR 3823	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 809) *ARR (26 IR 1573)	405 IAC 5-24-11	N	01-22		
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405 IAC 5-14-2.5	N	02-140	25 IR 3823	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 809) *ARR (26 IR 1573)	405 IAC 5-31-4	A	02-207	26 IR 515	
					405 IAC 5-31-8	A	01-214	24 IR 3756	*NRA (25 IR 401) *ARR (25 IR 814) *NRA (25 IR 1666) 25 IR 2475
405 IAC 5-14-3	A	02-140	25 IR 3824	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 809) *ARR (26 IR 1573)					
					405 IAC 5-34-1	A	02-214	26 IR 159	
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405 IAC 5-14-4	A	02-140	25 IR 3824	*NRA (26 IR 61) *ARR (26 IR 384) *NRA (26 IR 809) *ARR (26 IR 1573)	405 IAC 5-34-4	A	02-214	26 IR 160	
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405 IAC 5-14-10	R	02-277	26 IR 866		405 IAC 5-37-3	A	01-58	24 IR 2523	*ARR (24 IR 3992) *NRA (24 IR 4011) *NRA (25 IR 401) 25 IR 380
405 IAC 5-14-11	A	02-277	26 IR 865						
405 IAC 5-14-15	A	02-277	26 IR 865						
405 IAC 5-14-16	A	02-277	26 IR 866		405 IAC 6-2-3	A	01-373	25 IR 3813	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 697
405 IAC 5-14-17	A	02-277	26 IR 866						
405 IAC 5-14-18	A	02-277	26 IR 866		405 IAC 6-2-5	A	01-373	25 IR 3813	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 697
405 IAC 5-19-1	A	01-301	25 IR 3811	*NRA (26 IR 809)					
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405 IAC 5-19-7	A	01-58	24 IR 2521	*ARR (24 IR 3992) *NRA (24 IR 4011) *NRA (25 IR 401) 25 IR 379					
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405 IAC 5-19-10	A	01-58	24 IR 2521	*ARR (24 IR 3992) *NRA (24 IR 4011) *NRA (25 IR 401) 25 IR 379					
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405 IAC 5-20-8	A	01-59	24 IR 2524	*NRA (24 IR 3657) 25 IR 61 *ERR (25 IR 1184) *ARR (24 IR 3992) *ARR (24 IR 3992) *NRA (24 IR 4011) 25 IR 60	405 IAC 6-2-12	A	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 698
405 IAC 5-23-4	A	01-58	24 IR 2521						
405 IAC 5-23-5	A	01-58	24 IR 2522		405 IAC 6-2-12.5	N	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 698
405 IAC 5-24-4	A	01-22	24 IR 2180	*NRA (24 IR 4011) 25 IR 60 *NRA (25 IR 830) *NRA (25 IR 2276) *ARR (25 IR 2523) *NRA (25 IR 2276) *ARR (25 IR 2523) *NRA (25 IR 2541) 25 IR 2727 *ERR (26 IR 35)	405 IAC 6-2-14	A	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 698
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405 IAC 6-2-20.5	N	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 699	410 IAC 6-7.2	N	01-243	25 IR 2007	
405 IAC 6-2-21	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 699	410 IAC 7-21	N	01-7	24 IR 2809	
405 IAC 6-2-22.5	N	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 699	410 IAC 7-22	N	02-266	26 IR 1245	
405 IAC 6-3-2	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 699	410 IAC 15-1.5-4	A	02-43	26 IR 164	26 IR 1550
405 IAC 6-3-3	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 699	410 IAC 15-1.5-5	A	02-43	26 IR 166	26 IR 1551
405 IAC 6-4-2	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 699	410 IAC 15-1.5-8	A	01-169	25 IR 154	25 IR 1135
405 IAC 6-5-1	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 700	410 IAC 15-1.7-1	A	01-169	25 IR 156	25 IR 1137
405 IAC 6-5-2	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 700	410 IAC 15-2.5-7	A	01-168	25 IR 152	25 IR 1133
405 IAC 6-5-3	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 700	410 IAC 15-2.7-1	A	01-168	25 IR 153	25 IR 1134
405 IAC 6-5-4	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 701	410 IAC 16.2-1-0.5	R	02-89	25 IR 3276	
405 IAC 6-5-5	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 701	410 IAC 16.2-1-1	R	02-89	25 IR 3276	
405 IAC 6-5-6	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 701	410 IAC 16.2-1-2	R	02-89	25 IR 3276	
405 IAC 6-6-2	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 701	410 IAC 16.2-1-2.1	R	02-89	25 IR 3276	
405 IAC 6-6-3	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 701	410 IAC 16.2-1-2.2	R	02-89	25 IR 3276	
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405 IAC 6-8	N	01-373	25 IR 3818	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 702	410 IAC 16.2-1-3.5	R	02-89	25 IR 3276	
405 IAC 6-9	N	01-373	25 IR 3818	*AROC (25 IR 3885) *NRA (26 IR 61) 26 IR 702	410 IAC 16.2-1-5	R	02-89	25 IR 3276	
405 IAC 7	N	02-234	26 IR 518		410 IAC 16.2-1-6	R	02-89	25 IR 3276	
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					410 IAC 16.2-1-23	R	02-89	25 IR 3277	
					410 IAC 16.2-1-24	R	02-89	25 IR 3277	
					410 IAC 16.2-1-25	R	02-89	25 IR 3277	
					410 IAC 16.2-1-26	R	02-89	25 IR 3277	
					410 IAC 16.2-1-26.1	R	02-89	25 IR 3277	
					410 IAC 16.2-1-27	R	02-89	25 IR 3277	
					410 IAC 16.2-1-27.1	R	02-89	25 IR 3277	
					410 IAC 16.2-1-28	R	02-89	25 IR 3277	
					410 IAC 16.2-1-29	R	02-89	25 IR 3277	
					410 IAC 16.2-1-29.1	R	02-89	25 IR 3277	
					410 IAC 16.2-1-30	R	02-89	25 IR 3277	
					410 IAC 16.2-1-31	R	02-89	25 IR 3277	
					410 IAC 16.2-1-31.1	R	02-89	25 IR 3277	
					410 IAC 16.2-1-32	R	02-89	25 IR 3277	
					410 IAC 16.2-1-32.1	R	02-89	25 IR 3277	

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410 IAC 16.2-1-32.2	R	02-89	25 IR 3277		412 IAC 2-1-2.2	N	02-41	25 IR 4198	
410 IAC 16.2-1-33	R	02-89	25 IR 3277		412 IAC 2-1-6	A	02-41	25 IR 4199	
410 IAC 16.2-1-34	R	02-89	25 IR 3277		412 IAC 2-1-8	A	02-41	25 IR 4199	
410 IAC 16.2-1-35	R	02-89	25 IR 3277		412 IAC 2-1-10	N	02-41	25 IR 4199	
410 IAC 16.2-1-36	R	02-89	25 IR 3277		412 IAC 2-1-11	N	02-41	25 IR 4200	
410 IAC 16.2-1-37	R	02-89	25 IR 3277		412 IAC 2-1-12	N	02-41	25 IR 4200	
410 IAC 16.2-1-38	R	02-89	25 IR 3277		412 IAC 2-1-13	N	02-41	25 IR 4200	
410 IAC 16.2-1-39	R	02-89	25 IR 3277		412 IAC 2-1-14	N	02-41	25 IR 4200	
410 IAC 16.2-1-39.1	R	02-89	25 IR 3277		TITLE 431 COMMUNITY RESIDENTIAL FACILITIES COUNCIL				
410 IAC 16.2-1-41.1	R	02-89	25 IR 3277		431 IAC 1.1	RA	00-298	24 IR 1948	25 IR 528
410 IAC 16.2-1-42	R	02-89	25 IR 3277		431 IAC 1.1-1-2	A	01-422	25 IR 1694	25 IR 3126
410 IAC 16.2-1-44	R	02-89	25 IR 3277						*ERR (26 IR 36)
410 IAC 16.2-1-45	R	02-89	25 IR 3277		431 IAC 2.1	RA	00-298	24 IR 1948	25 IR 528
410 IAC 16.2-1-46	R	02-89	25 IR 3277			R	01-299	25 IR 866	*NRA (25 IR 2745)
410 IAC 16.2-1-47	R	02-89	25 IR 3277						25 IR 3145
410 IAC 16.2-1-48	R	02-89	25 IR 3277		431 IAC 3.1	RA	00-298	24 IR 1948	25 IR 528
410 IAC 16.2-1.1	N	02-89	25 IR 3244		431 IAC 4	RA	00-298	24 IR 1948	25 IR 528
410 IAC 16.2-3.1-21				*ERR (25 IR 2522)	431 IAC 5	RA	00-298	24 IR 1948	25 IR 528
410 IAC 16.2-5-0.5	N	02-89	25 IR 3252			R	01-299	25 IR 866	*NRA (25 IR 2745)
410 IAC 16.2-5-1.1	A	02-89	25 IR 3252						25 IR 3145
410 IAC 16.2-5-1.2	A	02-89	25 IR 3254		431 IAC 6	RA	00-298	24 IR 1948	25 IR 528
410 IAC 16.2-5-1.3	A	02-89	25 IR 3259			R	01-299	25 IR 866	*NRA (25 IR 2745)
410 IAC 16.2-5-1.4	A	02-89	25 IR 3261						25 IR 3145
410 IAC 16.2-5-1.5	A	02-89	25 IR 3263		TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION				
410 IAC 16.2-5-1.6	A	02-89	25 IR 3265		440 IAC 1-1.5	R	02-42	25 IR 3289	*NRA (26 IR 62)
410 IAC 16.2-5-1.7	R	02-89	25 IR 3277						26 IR 745
410 IAC 16.2-5-2	A	02-89	25 IR 3269		440 IAC 1.5	N	02-42	25 IR 3277	*NRA (26 IR 62)
410 IAC 16.2-5-3	R	02-89	25 IR 3277						26 IR 733
410 IAC 16.2-5-4	A	02-89	25 IR 3270		440 IAC 4-3-1	A	02-218	26 IR 519	
410 IAC 16.2-5-5	R	02-89	25 IR 3277		440 IAC 4.1-2-1	A	02-218	26 IR 519	
410 IAC 16.2-5-5.1	N	02-89	25 IR 3271		440 IAC 4.1-2-4	A	02-218	26 IR 520	
410 IAC 16.2-5-6	A	02-89	25 IR 3272		440 IAC 4.1-2-5	A	02-218	26 IR 521	
410 IAC 16.2-5-7	R	02-89	25 IR 3277		440 IAC 4.1-2-9	A	02-218	26 IR 521	
410 IAC 16.2-5-7.1	N	02-89	25 IR 3274		440 IAC 4.1-3	N	02-218	26 IR 522	
410 IAC 16.2-5-8	R	02-89	25 IR 3277		440 IAC 4.1-3	N	02-218	26 IR 522	
410 IAC 16.2-5-8.1	N	02-89	25 IR 3274		440 IAC 4.4-1-1	A	01-263	25 IR 157	25 IR 2220
410 IAC 16.2-5-9	R	02-89	25 IR 3277		440 IAC 4.4-2-1	A	01-263	25 IR 158	25 IR 2221
410 IAC 16.2-5-10	R	02-89	25 IR 3277		440 IAC 4.4-2-2	A	01-263	25 IR 158	25 IR 2221
410 IAC 16.2-5-11	R	02-89	25 IR 3277		440 IAC 4.4-2-3	A	01-263	25 IR 159	25 IR 2222
410 IAC 16.2-5-11.1	N	02-89	25 IR 3275		440 IAC 4.4-2-3.5	N	01-263	25 IR 159	25 IR 2222
410 IAC 16.2-5-12	N	02-89	25 IR 3276		440 IAC 4.4-2-4	A	01-263	25 IR 160	25 IR 2223
410 IAC 17-1.1	R	01-159	25 IR 151	25 IR 2490	440 IAC 4.4-2-4.5	N	01-263	25 IR 160	25 IR 2223
410 IAC 17-2	R	01-159	25 IR 151	25 IR 2490	440 IAC 4.4-2-5	A	01-263	25 IR 161	25 IR 2224
410 IAC 17-3	R	01-159	25 IR 151	25 IR 2490	440 IAC 4.4-2-6	A	01-263	25 IR 162	25 IR 2225
410 IAC 17-4	R	01-159	25 IR 151	25 IR 2490	440 IAC 4.4-2-7	A	01-263	25 IR 162	25 IR 2225
410 IAC 17-5	R	01-159	25 IR 151	25 IR 2490	440 IAC 4.4-2-8	A	01-263	25 IR 162	25 IR 2225
410 IAC 17-6	R	01-159	25 IR 151	25 IR 2490	440 IAC 4.4-2-9	A	01-263	25 IR 163	25 IR 2226
410 IAC 17-7	R	01-159	25 IR 151	25 IR 2490	440 IAC 4.4-2-11	N	01-263	25 IR 163	25 IR 2226
410 IAC 17-8	R	01-159	25 IR 151	25 IR 2490	440 IAC 5-1-1	A	02-105	25 IR 3289	*NRA (26 IR 62)
410 IAC 17-9	N	01-159	25 IR 140	25 IR 2477					26 IR 745
				*ERR (25 IR 2522)	440 IAC 5-1-2	A	02-105	25 IR 3290	*NRA (26 IR 62)
410 IAC 17-10	N	01-159	25 IR 143	25 IR 2481					26 IR 746
410 IAC 17-11	N	01-159	25 IR 144	25 IR 2482	440 IAC 5-1-3.5	N	02-105	25 IR 3290	*NRA (26 IR 62)
410 IAC 17-12	N	01-159	25 IR 145	25 IR 2483					26 IR 747
410 IAC 17-13	N	01-159	25 IR 148	25 IR 2486	440 IAC 6-1-1	A	01-356	25 IR 867	*NRA (25 IR 2745)
410 IAC 17-14	N	01-159	25 IR 149	25 IR 2487					25 IR 3145
				*ERR (25 IR 2522)	440 IAC 6-2-1	A	01-356	25 IR 867	*NRA (25 IR 2745)
410 IAC 17-15	N	01-159	25 IR 151	25 IR 2489					25 IR 3146
410 IAC 17-16	N	01-159	25 IR 151	25 IR 2489	440 IAC 6-2-2	A	01-356	25 IR 868	*NRA (25 IR 2745)
410 IAC 21-3	N	01-280	25 IR 2016	25 IR 3757					25 IR 3146
410 IAC 23-1	R	01-339	25 IR 2020	25 IR 3761	440 IAC 6-2-3	A	01-356	25 IR 868	*ERR (26 IR 1572)
410 IAC 23-2	N	01-339	25 IR 2018	25 IR 3759					*NRA (25 IR 2745)
									25 IR 3147
TITLE 412 INDIANA HEALTH FACILITIES COUNCIL					440 IAC 6-2-4	A	01-356	25 IR 869	*NRA (25 IR 2745)
412 IAC 2	N	01-281	25 IR 1244	25 IR 2728	440 IAC 6-2-5	A	01-356	25 IR 869	*NRA (25 IR 2745)
				*ERR (26 IR 36)					25 IR 3147
				*ERR (26 IR 1572)	440 IAC 6-2-6	A	01-356	25 IR 869	*NRA (25 IR 2745)
412 IAC 2-1-1	A	02-41	25 IR 4198						25 IR 3148
412 IAC 2-1-2.1	N	02-41	25 IR 4198						

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440 IAC 6-2-7	A	01-356	25 IR 870	*NRA (25 IR 2745) 25 IR 3148	460 IAC 1-5	RA	00-301	24 IR 1961	25 IR 528
440 IAC 6-2-8	A	01-356	25 IR 870	*NRA (25 IR 2745) 25 IR 3149	460 IAC 1-6	RA	00-301	24 IR 1961	25 IR 528
440 IAC 6-2-9	A	01-356	25 IR 870	*NRA (25 IR 2745) 25 IR 3149	460 IAC 1-8	N	01-337	25 IR 2557	26 IR 350
440 IAC 7	R	01-299	25 IR 866	*NRA (25 IR 2745) 25 IR 3145	460 IAC 2-1	R	00-215	24 IR 2545	*NRA (24 IR 4011) 25 IR 82
440 IAC 7-2-16	R	01-357	25 IR 2024	*NRA (25 IR 3207) 25 IR 3765	460 IAC 2-3-1	A	02-9	25 IR 2286	26 IR 747
440 IAC 7-2-17	R	01-357	25 IR 2024	*NRA (25 IR 3207) 25 IR 3765	460 IAC 2-3-2	A	02-9	25 IR 2286	26 IR 747
440 IAC 7-2-18	R	01-357	25 IR 2024	*NRA (25 IR 3207) 25 IR 3765	460 IAC 2-3-3	A	02-9	25 IR 2287	26 IR 748
440 IAC 7.5	N	01-299	25 IR 849	*NRA (25 IR 2745) 25 IR 3127	460 IAC 2-4	N	00-215	24 IR 2526	*NRA (24 IR 4011) 25 IR 62
440 IAC 9-2-4	N	01-53	24 IR 3757	*NRA (25 IR 401) 25 IR 1138	460 IAC 2-5	N	01-334	25 IR 871	*ERR (25 IR 1645) *NRA (25 IR 1925) 25 IR 3765
440 IAC 9-2-5	N	01-53	24 IR 3757	*NRA (25 IR 401) 25 IR 1138	460 IAC 3.5-2-1	A	01-204	25 IR 163	*NRA (25 IR 1666) 25 IR 2226
440 IAC 9-2-6	N	01-53	24 IR 3758	*NRA (25 IR 401) 25 IR 1138	460 IAC 5-1-13	A	02-151	26 IR 524	
440 IAC 9-2-7	N	01-357	25 IR 2020	*NRA (25 IR 3207) 25 IR 3762	460 IAC 6	N	02-46	25 IR 3832	26 IR 749
440 IAC 9-2-8	N	01-357	25 IR 2022	*NRA (25 IR 3207) 25 IR 3763	460 IAC 7	N	02-210	26 IR 525 26 IR 1247	*AROC (26 IR 883) *ARR (26 IR 1110)
440 IAC 9-2-9	N	01-357	25 IR 2023	*NRA (25 IR 3207) 25 IR 3764	TITLE 470 DIVISION OF FAMILY AND CHILDREN				
440 IAC 9-2-10	N	02-106	25 IR 4201	*NRA (26 IR 1112)	470 IAC 2-5-1	RA	01-60	24 IR 2571	*NRA (25 IR 401) 25 IR 1281
440 IAC 9-2-11	N	02-106	25 IR 4202	*NRA (26 IR 1112)	470 IAC 2-5-2	RA	01-60	24 IR 2572	*NRA (25 IR 401) 25 IR 1284
440 IAC 9-2-12	N	02-106	25 IR 4203	*NRA (26 IR 1112)	470 IAC 2-5-3	RA	01-60	24 IR 2572	*NRA (25 IR 401) 25 IR 1284
440 IAC 9-2-13	N	02-265	26 IR 867		470 IAC 2-5-4	R	01-60	24 IR 2576	*NRA (25 IR 401) 25 IR 1288
TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES					470 IAC 2-5-5	RA	01-60	24 IR 2572	*NRA (25 IR 401) 25 IR 1284
460 IAC 1-1-1	RA	00-299	24 IR 1949	25 IR 1270	470 IAC 2-5-6	RA	01-60	24 IR 2573	*NRA (25 IR 401) 25 IR 1285
460 IAC 1-1-2	RA	00-299	24 IR 1949	25 IR 1270	470 IAC 2-5-7	RA	01-60	24 IR 2573	*NRA (25 IR 401) 25 IR 1285
460 IAC 1-1-3	RA	00-299	24 IR 1949	25 IR 1271	470 IAC 2-5-8	R	01-60	24 IR 2576	*NRA (25 IR 401) 25 IR 1288
460 IAC 1-1-4	RA	00-299	24 IR 1949	25 IR 1271	470 IAC 2-5-9	R	01-60	24 IR 2576	*NRA (25 IR 401) 25 IR 1288
460 IAC 1-1-5	RA	00-299	24 IR 1949	25 IR 1272	470 IAC 2-5-10	RA	01-60	24 IR 2574	*NRA (25 IR 401) 25 IR 1286
460 IAC 1-1-6	RA	00-299	24 IR 1949	25 IR 1273	470 IAC 2-5-11	R	01-60	24 IR 2576	*NRA (25 IR 401) 25 IR 1288
460 IAC 1-1-7	RA	00-299	24 IR 1949	25 IR 1273	470 IAC 2-5-12	RA	01-60	24 IR 2574	*NRA (25 IR 401) 25 IR 1286
460 IAC 1-1-8	RA	00-299	24 IR 1949	25 IR 1274	470 IAC 2-5-13	RA	01-60	24 IR 2574	*NRA (25 IR 401) 25 IR 1286
460 IAC 1-1-9	RA	00-299	24 IR 1949	25 IR 1274	470 IAC 2-5-14	RA	01-60	24 IR 2575	*NRA (25 IR 401) 25 IR 1287
460 IAC 1-1-10	RA	00-299	24 IR 1949	25 IR 1274	470 IAC 2-5-15	RA	01-60	24 IR 2575	*NRA (25 IR 401) 25 IR 1287
460 IAC 1-1-11	RA	00-299	24 IR 1949	25 IR 1275	470 IAC 2-5-16	R	01-60	24 IR 2576	*NRA (25 IR 401) 25 IR 1288
460 IAC 1-1-12	RA	00-299	24 IR 1949	25 IR 1276	470 IAC 2-5-17	R	01-60	24 IR 2576	*NRA (25 IR 401) 25 IR 1288
460 IAC 1-1-13	RA	00-299	24 IR 1949	25 IR 1276	470 IAC 2-5-18	R	01-60	24 IR 2576	*NRA (25 IR 401) 25 IR 1288
460 IAC 1-1-14	RA	00-299	24 IR 1949	25 IR 1276	470 IAC 2-5-19	R	01-60	24 IR 2576	*NRA (25 IR 401) 25 IR 1288
460 IAC 1-1-15	RA	00-299	24 IR 1949	25 IR 1277	470 IAC 2-5-20	RA	01-60	24 IR 2576	*NRA (25 IR 401) 25 IR 1288
460 IAC 1-1-16	RA	00-299	24 IR 1949	25 IR 1277	470 IAC 2-5-21	R	01-60	24 IR 2576	*NRA (25 IR 401) 25 IR 1288
460 IAC 1-2-1	RA	00-300	24 IR 1956	25 IR 1278	470 IAC 2-5-22	RA	01-60	24 IR 2576	*NRA (25 IR 401) 25 IR 1288
460 IAC 1-2-2	RA	00-300	24 IR 1956	25 IR 1278	470 IAC 3-4.1	R	01-205	24 IR 4181	*AWR (25 IR 2524)
460 IAC 1-2-3	RA	00-300	24 IR 1956	25 IR 1278		R	02-298	26 IR 1719	
460 IAC 1-2-4	RA	00-300	24 IR 1956	25 IR 1279	470 IAC 3-4.2	R	01-205	24 IR 4181	*AWR (25 IR 2524)
460 IAC 1-2-5	RA	00-300	24 IR 1956	25 IR 1279		R	02-298	26 IR 1719	
460 IAC 1-2-6	RA	00-300	24 IR 1956	25 IR 1280					
460 IAC 1-2-7	RA	00-300	24 IR 1956	25 IR 1280					
460 IAC 1-2-8	RA	00-300	24 IR 1956	25 IR 1280					
460 IAC 1-2-9	RA	00-300	24 IR 1956	25 IR 1281					
460 IAC 1-2-10	RA	00-300	24 IR 1956	25 IR 1281					
460 IAC 1-2-11	RA	00-300	24 IR 1956	25 IR 1281					
460 IAC 1-2-12	RA	00-300	24 IR 1956	25 IR 1282					
460 IAC 1-3-3	RA	02-262	26 IR 544	26 IR 1261					
460 IAC 1-3-6	RA	02-262	26 IR 544	26 IR 1261					
460 IAC 1-3-7	RA	02-262	26 IR 544	26 IR 1261					
460 IAC 1-3-12	RA	02-262	26 IR 544	26 IR 1261					
460 IAC 1-3.6	N	00-286	24 IR 3759	25 IR 1140					
460 IAC 1-4	RA	00-301	24 IR 1961	25 IR 528					

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470 IAC 3-4.7	N	01-205	24 IR 4140	*AWR (25 IR 2524)	511 IAC 6-6	RA	01-164	24 IR 3790	25 IR 937
	N	02-298	26 IR 1675		511 IAC 6-7-6.5	A	02-177	25 IR 4205	
470 IAC 3-10-1	RA	01-61	24 IR 2577	*NRA (24 IR 3097)	511 IAC 6-7-9	RA	01-164	24 IR 3790	25 IR 937
				25 IR 202	511 IAC 6-8-4	RA	01-164	24 IR 3790	25 IR 937
470 IAC 3-10-2	RA	01-61	24 IR 2577	*NRA (24 IR 3097)	511 IAC 6-10	RA	01-164	24 IR 3790	25 IR 937
				25 IR 202	511 IAC 6.1-0.5	N	01-212	24 IR 3769	25 IR 2231
470 IAC 3-10-3	RA	01-61	24 IR 2577	*NRA (24 IR 3097)	511 IAC 6.1-1-1	RA	01-164	24 IR 3790	25 IR 938
				25 IR 202		A	01-212	24 IR 3770	25 IR 2231
470 IAC 3-10-5	RA	01-61	24 IR 2577	*NRA (24 IR 3097)	511 IAC 6.1-1-2	A	01-212	24 IR 3770	25 IR 2231
				25 IR 202	511 IAC 6.1-1-3	RA	01-164	24 IR 3790	25 IR 938
470 IAC 3-10-6	RA	01-61	24 IR 2577	*NRA (24 IR 3097)		A	01-212	24 IR 3771	25 IR 2233
				25 IR 202	511 IAC 6.1-1-4	RA	01-164	24 IR 3790	25 IR 938
470 IAC 3-10-7	RA	01-61	24 IR 2577	*NRA (24 IR 3097)		A	01-212	24 IR 3772	25 IR 2233
				25 IR 202	511 IAC 6.1-1-5	RA	01-164	24 IR 3790	25 IR 938
470 IAC 3-10-8	RA	01-61	24 IR 2577	*NRA (24 IR 3097)		A	01-212	24 IR 3772	25 IR 2233
				25 IR 202	511 IAC 6.1-1-6	RA	01-164	24 IR 3790	25 IR 938
470 IAC 3.1-12-2	A	02-74	26 IR 167	*NRA (26 IR 1112)		A	01-212	24 IR 3773	25 IR 2234
				*AROC (26 IR 1264)	511 IAC 6.1-1-7	A	01-212	24 IR 3773	25 IR 2235
470 IAC 3.1-12-7	N	02-74	26 IR 168	*NRA (26 IR 1112)	511 IAC 6.1-1-8	RA	01-164	24 IR 3790	25 IR 938
				*AROC (26 IR 1264)		A	01-212	24 IR 3773	25 IR 2235
470 IAC 8.1-2-12	A	02-152	26 IR 530		511 IAC 6.1-1-9	RA	01-164	24 IR 3790	25 IR 938
470 IAC 10.1-1-2	A	01-173	24 IR 3760			A	01-212	24 IR 3774	25 IR 2235
470 IAC 10.2	N	01-174	24 IR 3762		511 IAC 6.1-1-10	RA	01-164	24 IR 3790	25 IR 938
470 IAC 11.1-1-5	A	02-203	26 IR 169	*NRA (26 IR 1112)	511 IAC 6.1-1-11	RA	01-164	24 IR 3790	25 IR 938
						A	01-212	24 IR 3774	25 IR 2235
TITLE 480 VIOLENT CRIME COMPENSATION DIVISION					511 IAC 6.1-1-11.5	A	01-212	24 IR 3774	25 IR 2236
480 IAC 1-1-1	A	01-194	25 IR 164	*CPH (25 IR 831)					*ERR (26 IR 36)
480 IAC 1-1-2	A	01-194	25 IR 164	*CPH (25 IR 831)	511 IAC 6.1-1-12	RA	01-164	24 IR 3790	25 IR 938
480 IAC 1-1-3	A	01-194	25 IR 165	*CPH (25 IR 831)		R	01-212	24 IR 3777	25 IR 2239
480 IAC 1-1-4.1	A	01-194	25 IR 165	*CPH (25 IR 831)	511 IAC 6.1-1-13	RA	01-164	24 IR 3790	25 IR 938
480 IAC 1-1-5	A	01-194	25 IR 165	*CPH (25 IR 831)		A	01-212	24 IR 3775	25 IR 2236
480 IAC 1-1-6	A	01-194	25 IR 166	*CPH (25 IR 831)	511 IAC 6.1-1-13.5	A	01-212	24 IR 3775	25 IR 2236
480 IAC 1-1-7	A	01-194	25 IR 167	*CPH (25 IR 831)	511 IAC 6.1-1-14	RA	01-164	24 IR 3790	25 IR 938
480 IAC 1-1-8	A	01-194	25 IR 167	*CPH (25 IR 831)		A	01-212	24 IR 3775	
480 IAC 1-1-9	A	01-194	25 IR 167	*CPH (25 IR 831)	511 IAC 6.1-1-15	RA	01-164	24 IR 3790	25 IR 938
480 IAC 1-1-10	A	01-194	25 IR 169	*CPH (25 IR 831)		A	01-212	24 IR 3775	25 IR 2237
480 IAC 1-2-1	A	01-194	25 IR 169	*CPH (25 IR 831)	511 IAC 6.1-2-1	RA	01-164	24 IR 3790	25 IR 938
480 IAC 1-2-2	A	01-194	25 IR 169	*CPH (25 IR 831)		A	01-212	24 IR 3775	25 IR 2237
480 IAC 1-2-3	A	01-194	25 IR 170	*CPH (25 IR 831)	511 IAC 6.1-2-3	RA	01-164	24 IR 3790	25 IR 938
					511 IAC 6.1-2-4	RA	01-164	24 IR 3790	25 IR 938
TITLE 511 INDIANA STATE BOARD OF EDUCATION					511 IAC 6.1-2-5	RA	01-164	24 IR 3790	25 IR 938
511 IAC 1-1	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-2-6	RA	01-164	24 IR 3790	25 IR 938
511 IAC 1-2	RA	01-164	24 IR 3790	25 IR 937		A	01-212	24 IR 3776	25 IR 2237
511 IAC 1-2.5	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-3	RA	01-164	24 IR 3790	25 IR 938
511 IAC 1-3	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-3-1	A	01-212	24 IR 3776	25 IR 2237
511 IAC 1-6-1	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-4	RA	01-164	24 IR 3790	25 IR 938
511 IAC 1-6-5	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-4-1	A	01-212	24 IR 3777	25 IR 2238
511 IAC 1-7	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-0.5	RA	01-164	24 IR 3790	25 IR 938
511 IAC 1-8	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-1	RA	01-164	24 IR 3790	25 IR 938
511 IAC 2-5	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-2.5	RA	01-164	24 IR 3790	25 IR 938
511 IAC 3	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-5	RA	01-164	24 IR 3790	25 IR 938
511 IAC 4-2	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-6	RA	01-164	24 IR 3790	25 IR 938
511 IAC 4-4-1	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-7	RA	01-164	24 IR 3790	25 IR 938
511 IAC 4-4-2	RA	01-164	24 IR 3790	25 IR 937		A	01-212	24 IR 3777	25 IR 2238
511 IAC 4-4-5	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-8	RA	01-164	24 IR 3790	25 IR 938
511 IAC 4-4-6	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-9	N	01-212	24 IR 3777	25 IR 2238
511 IAC 4-4-7	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5-10	N	01-212	24 IR 3777	25 IR 2238
511 IAC 5-1-2	A	02-67	25 IR 2807	26 IR 786	511 IAC 6.1-5.1-1	A	01-33	24 IR 2182	*CPH (24 IR 2724)
511 IAC 5-1-3.5	A	02-67	25 IR 2807	26 IR 787					25 IR 1141
511 IAC 5-1-5	A	02-67	25 IR 2807	26 IR 787	511 IAC 6.1-5.1-5	A	02-177	25 IR 4206	
511 IAC 5-1-6	A	02-67	25 IR 2807	26 IR 787		A	02-178	25 IR 4207	
511 IAC 5-2	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-5.1-8	A	02-274	26 IR 1252	
511 IAC 5-2-1	A	01-203	24 IR 3768	25 IR 1147	511 IAC 6.1-5.1-9	A	01-33	24 IR 2182	*CPH (24 IR 2724)
511 IAC 5-2-3	A	01-203	24 IR 3769	25 IR 1148					25 IR 1141
	A	02-170	25 IR 4204		511 IAC 6.1-5.1-10.1	A	01-33	24 IR 2183	*CPH (24 IR 2724)
511 IAC 5-2-4	A	01-162	24 IR 3764	25 IR 1147					25 IR 1143
	A	02-170	25 IR 4205		511 IAC 6.1-5.1-11	RA	01-164	24 IR 3790	25 IR 938
511 IAC 6-2	RA	01-164	24 IR 3790	25 IR 937	511 IAC 6.1-6	RA	01-164	24 IR 3790	25 IR 938
511 IAC 6-2-1	R	01-212	24 IR 3777	25 IR 2239	511 IAC 6.1-7	R	01-212	24 IR 3777	25 IR 2239

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511 IAC 6.1-7-2	RA	01-164	24 IR 3790	25 IR 938	540 IAC 1-1-9	A	01-428	25 IR 2025	*ARR (25 IR 3183)
511 IAC 6.1-8	RA	01-164	24 IR 3790	25 IR 938					25 IR 4105
511 IAC 6.1-9	RA	01-164	24 IR 3790	25 IR 938	540 IAC 1-1-10.5	N	01-428	25 IR 2025	*ARR (25 IR 3183)
511 IAC 6.1-10	RA	01-164	24 IR 3790						25 IR 4105
511 IAC 6.2-4	N	00-163	24 IR 1915	25 IR 82	540 IAC 1-1-11.5	A	01-428	25 IR 2025	*ARR (25 IR 3183)
511 IAC 6.2-6	N	01-163	24 IR 3765	25 IR 2227					25 IR 4105
511 IAC 6.2-6-4	A	02-264	26 IR 1719		540 IAC 1-1-11.6	N	01-428	25 IR 2025	*ARR (25 IR 3183)
511 IAC 6.2-6-6.1	N	02-264	26 IR 1720						25 IR 4105
511 IAC 6.2-6-8	A	02-264	26 IR 1720		540 IAC 1-1-12	A	01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 6.2-6-12	A	02-264	26 IR 1720						25 IR 4105
511 IAC 6.2-7	N	02-264	26 IR 1720		540 IAC 1-1-13	A	01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-17-10	A	01-433	25 IR 1696	25 IR 3149					25 IR 4105
511 IAC 7-18-3	A	01-433	25 IR 1696	25 IR 3150	540 IAC 1-1-14	A	01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-19-1	A	01-433	25 IR 1697	25 IR 3150					25 IR 4106
511 IAC 7-19-2	A	01-433	25 IR 1698	25 IR 3152	540 IAC 1-1-16	A	01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-22-1	A	01-433	25 IR 1699	25 IR 3153					25 IR 4106
511 IAC 7-23-2	A	01-433	25 IR 1700	25 IR 3154	540 IAC 1-1-16.5	N	01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-25-3	A	01-433	25 IR 1701	25 IR 3155					25 IR 4106
511 IAC 7-25-4	A	01-433	25 IR 1702	25 IR 3156	540 IAC 1-3-2	R	01-428	25 IR 2029	*ARR (25 IR 3183)
511 IAC 7-25-5	A	01-433	25 IR 1704	25 IR 3158					25 IR 4109
511 IAC 7-25-6	A	01-433	25 IR 1705	25 IR 3158	540 IAC 1-5-1	A	01-428	25 IR 2026	*ARR (25 IR 3183)
511 IAC 7-25-7	A	01-433	25 IR 1706	25 IR 3159					25 IR 4106
511 IAC 7-27-4	A	01-433	25 IR 1706	25 IR 3160	540 IAC 1-5-2	R	01-428	25 IR 2029	*ARR (25 IR 3183)
511 IAC 7-27-5	A	01-433	25 IR 1707	25 IR 3161					25 IR 4109
511 IAC 7-27-7	A	01-433	25 IR 1707	25 IR 3161	540 IAC 1-6-1	A	01-428	25 IR 2027	*ARR (25 IR 3183)
511 IAC 7-27-9	A	01-433	25 IR 1708	25 IR 3162					25 IR 4106
511 IAC 7-27-12	A	01-433	25 IR 1709	25 IR 3163	540 IAC 1-6-2	R	01-428	25 IR 2029	*ARR (25 IR 3183)
511 IAC 7-28-3	A	01-433	25 IR 1711	25 IR 3164					25 IR 4109
511 IAC 7-29-5	A	01-433	25 IR 1712	25 IR 3165	540 IAC 1-7-1	A	01-428	25 IR 2027	*ARR (25 IR 3183)
511 IAC 7-29-6	A	01-433	25 IR 1712	25 IR 3166					25 IR 4106
511 IAC 7-29-8	A	01-433	25 IR 1713	25 IR 3167	540 IAC 1-7-2	A	01-428	25 IR 2027	*ARR (25 IR 3183)
511 IAC 7-30-1	A	01-433	25 IR 1714	25 IR 3168					25 IR 4107
511 IAC 7-30-3	A	01-433	25 IR 1715	25 IR 3169		A	02-287	26 IR 1257	*CPH (26 IR 1593)
511 IAC 7-30-4	A	01-433	25 IR 1717	25 IR 3171	540 IAC 1-7-3	R	01-428	25 IR 2029	*ARR (25 IR 3183)
511 IAC 7-30-6	A	01-433	25 IR 1719	25 IR 3173					25 IR 4109
511 IAC 9	RA	01-164	24 IR 3790	25 IR 938	540 IAC 1-8-1	A	01-428	25 IR 2027	*ARR (25 IR 3183)
511 IAC 10-6	RA	01-164	24 IR 3790	25 IR 938					25 IR 4107
511 IAC 11	RA	01-164	24 IR 3790	25 IR 938	540 IAC 1-8-2	A	01-428	25 IR 2027	*ARR (25 IR 3183)
511 IAC 12	RA	01-164	24 IR 3790	25 IR 938					25 IR 4107
511 IAC 12-2-7	A	01-6	24 IR 1917	25 IR 84		A	02-287	26 IR 1258	*CPH (26 IR 1593)
TITLE 515 PROFESSIONAL STANDARDS BOARD					540 IAC 1-8-3.5	N	01-428	25 IR 2027	*ARR (25 IR 3183)
515 IAC 1	RA	01-97	24 IR 2892	25 IR 529					25 IR 4107
515 IAC 1-2-19	A	00-254	24 IR 1103	*CPH (25 IR 124)	540 IAC 1-8-4	A	01-428	25 IR 2027	*ARR (25 IR 3183)
				25 IR 1148					25 IR 4107
515 IAC 1-3	R	02-314	26 IR 1257		540 IAC 1-8-5	R	01-428	25 IR 2029	*ARR (25 IR 3183)
515 IAC 1-4-1	A	02-75	25 IR 4207						25 IR 4109
515 IAC 1-4-2	A	02-75	25 IR 4208		540 IAC 1-8-6	R	01-428	25 IR 2029	*ARR (25 IR 3183)
515 IAC 1-6	N	01-171	25 IR 2288	25 IR 3174					25 IR 4109
				*ERR (26 IR 36)	540 IAC 1-8-7	R	01-428	25 IR 2029	*ARR (25 IR 3183)
515 IAC 1-7	N	02-314	26 IR 1254						25 IR 4109
515 IAC 2	RA	01-97	24 IR 2892	25 IR 529	540 IAC 1-9-1	A	01-428	25 IR 2028	*ARR (25 IR 3183)
515 IAC 3	N	02-7	25 IR 2290	25 IR 3176					25 IR 4107
				*ERR (26 IR 37)	540 IAC 1-9-2	R	01-428	25 IR 2029	*ARR (25 IR 3183)
515 IAC 4	N	02-8	25 IR 2292	*ARR (25 IR 3183)					25 IR 4109
				*ARR (25 IR 3770)	540 IAC 1-9-2.5	N	01-428	25 IR 2028	*ARR (25 IR 3183)
515 IAC 5	N	02-80	25 IR 2808						25 IR 4108
					540 IAC 1-9-2.6	N	01-428	25 IR 2028	*ARR (25 IR 3183)
TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY									25 IR 4108
540 IAC 1-1-3	A	01-428	25 IR 2024	*ARR (25 IR 3183)		R	02-287	26 IR 1258	*CPH (26 IR 1593)
				25 IR 4104	540 IAC 1-9-2.7	N	01-428	25 IR 2028	*ARR (25 IR 3183)
540 IAC 1-1-4	A	01-428	25 IR 2024	*ARR (25 IR 3183)					25 IR 4108
				25 IR 4104	540 IAC 1-9-3	A	01-428	25 IR 2028	*ARR (25 IR 3183)
540 IAC 1-1-6	A	01-428	25 IR 2025	*ARR (25 IR 3183)					25 IR 4108
				25 IR 4104	540 IAC 1-10-1	A	01-428	25 IR 2029	*ARR (25 IR 3183)
540 IAC 1-1-7	A	01-428	25 IR 2025	*ARR (25 IR 3183)		A	02-287	26 IR 1258	*CPH (26 IR 1593)
				25 IR 4104	540 IAC 1-10-1.5	R	01-428	25 IR 2029	*ARR (25 IR 3183)
540 IAC 1-1-7.5	N	01-428	25 IR 2025	*ARR (25 IR 3183)					25 IR 4109
				25 IR 4105	540 IAC 1-10-1.6	R	01-428	25 IR 2029	*ARR (25 IR 3183)
									25 IR 4109

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540 IAC 1-10-3	R	01-428	25 IR 2029	*ARR (25 IR 3183) 25 IR 4109	585 IAC 5-2-4	RA	01-147	24 IR 3802	
540 IAC 1-10-4	N	01-428	25 IR 2029	*ARR (25 IR 3183) 25 IR 4109	585 IAC 5-3-1	RA	01-147	24 IR 3791	25 IR 529
540 IAC 1-12-2	A	01-428	25 IR 2029	*ARR (25 IR 3183) 25 IR 4109	585 IAC 5-3-2	RA	01-147	24 IR 3791	25 IR 529
TITLE 550 BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND					585 IAC 5-3-3	RA	01-147	24 IR 3791	25 IR 529
550 IAC 2-1	RA	01-287	25 IR 188	25 IR 1731	585 IAC 5-3-4	RA	01-147	24 IR 3791	25 IR 529
550 IAC 2-2	RA	01-287	25 IR 188	25 IR 1731	585 IAC 5-3-5	RA	01-147	24 IR 3791	25 IR 529
550 IAC 2-3	RA	01-287	25 IR 188	25 IR 1731	585 IAC 5-3-6	RA	01-147	24 IR 3802	25 IR 1299
550 IAC 2-4	RA	01-287	25 IR 188	25 IR 1731	585 IAC 5-3-7	RA	01-147	24 IR 3791	25 IR 529
550 IAC 2-5	RA	01-287	25 IR 188	25 IR 1731	585 IAC 5-4-1	RA	01-147	24 IR 3802	25 IR 1299
550 IAC 2-6	RA	01-287	25 IR 188	25 IR 1731	585 IAC 5-4-2	RA	01-147	24 IR 3791	25 IR 529
550 IAC 2-7	RA	01-287	25 IR 188	25 IR 1731	585 IAC 5-5-1	RA	01-147	24 IR 3791	25 IR 529
550 IAC 2-8	RA	01-287	25 IR 188	25 IR 1731	585 IAC 5-5-2	RA	01-147	24 IR 3791	25 IR 529
550 IAC 2-9	RA	01-287	25 IR 188	25 IR 1731	585 IAC 5-5-3	RA	01-147	24 IR 3791	25 IR 529
550 IAC 3	RA	01-287	25 IR 188	25 IR 1731	585 IAC 5-5-4	RA	01-147	24 IR 3791	25 IR 529
TITLE 560 INDIANA EDUCATION EMPLOYMENT RELATIONS BOARD					585 IAC 5-5-5	RA	01-147	24 IR 3791	25 IR 529
560 IAC 2	RA	01-119	24 IR 3222	25 IR 529	585 IAC 5-5-7	RA	01-147	24 IR 3792	25 IR 529
TITLE 570 INDIANA COMMISSION ON PROPRIETARY EDUCATION					585 IAC 8-1-1	RA	01-147	24 IR 3792	25 IR 529
570 IAC 1	RA	01-285	25 IR 519	25 IR 1731	585 IAC 8-1-2	RA	01-147	24 IR 3802	25 IR 1299
570 IAC 1-14	N	02-233	26 IR 867		585 IAC 8-1-3	RA	01-147	24 IR 3792	25 IR 529
TITLE 575 STATE SCHOOL BUS COMMITTEE					585 IAC 8-1-4	RA	01-147	24 IR 3802	25 IR 1299
575 IAC 1-1-1	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-1-5	R	01-147	24 IR 3792	25 IR 1303
575 IAC 1-1-2	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-1-6	RA	01-147	24 IR 3802	25 IR 1299
575 IAC 1-1-4	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-1-7	RA	01-147	24 IR 3792	25 IR 529
575 IAC 1-1-4.5	N	01-213	24 IR 3777	25 IR 1150	585 IAC 8-1-8	RA	01-147	24 IR 3792	25 IR 529
575 IAC 1-1-4.6	N	02-315	26 IR 1723		585 IAC 8-1-9	RA	01-147	24 IR 3802	25 IR 1299
575 IAC 1-1-5	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-1-10	RA	01-147	24 IR 3792	25 IR 529
	A	01-213	24 IR 3778	25 IR 1150	585 IAC 8-1-10.1	RA	01-147	24 IR 3803	
575 IAC 1-2	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-1-11	RA	01-147	24 IR 3803	25 IR 1300
575 IAC 1-2.5	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-1-12	RA	01-147	24 IR 3803	25 IR 1300
575 IAC 1-3	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-1-13	RA	01-147	24 IR 3803	25 IR 1300
575 IAC 1-4	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-2-1	RA	01-147	24 IR 3804	25 IR 1301
575 IAC 1-5	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-2-2	RA	01-147	24 IR 3804	25 IR 1301
575 IAC 1-5.5-1	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-2-3	RA	01-147	24 IR 3804	25 IR 1301
575 IAC 1-5.5-2	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-2-4	RA	01-147	24 IR 3804	25 IR 1301
575 IAC 1-5.5-5	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-2-5	RA	01-147	24 IR 3804	25 IR 1301
575 IAC 1-5.5-6	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-2-6	RA	01-147	24 IR 3792	25 IR 529
575 IAC 1-5.5-7	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-2-7	RA	01-147	24 IR 3805	25 IR 1302
575 IAC 1-5.5-8	RA	01-165	24 IR 3791	25 IR 938	585 IAC 8-2-8	RA	01-147	24 IR 3805	25 IR 1302
575 IAC 1-5.5-9	RA	01-165	24 IR 3791	25 IR 938	TITLE 590 INDIANA LIBRARY AND HISTORICAL BOARD				
575 IAC 1-5.5-10	RA	01-165	24 IR 3791	25 IR 938	590 IAC 1-1-0.5	RA	01-208	24 IR 4205	25 IR 1303
575 IAC 1-5.5-11	RA	01-165	24 IR 3791	25 IR 938	590 IAC 1-1-0.6	RA	01-208	24 IR 4205	25 IR 1303
575 IAC 1-7	RA	01-165	24 IR 3791	25 IR 938	590 IAC 1-1-1	RA	01-208	24 IR 4205	25 IR 1303
575 IAC 1-8	N	01-140	24 IR 3180	25 IR 1149	590 IAC 1-1-2.5	RA	01-208	24 IR 4205	25 IR 1303
TITLE 585 STATE STUDENT ASSISTANCE COMMISSION					590 IAC 1-2	R	01-208	24 IR 4206	25 IR 1303
585 IAC 1-9-1	RA	01-147	24 IR 3792	25 IR 1289	590 IAC 1-2.5-1	RA	01-208	24 IR 4205	25 IR 1303
585 IAC 1-9-2	RA	01-147	24 IR 3794	25 IR 1291	590 IAC 1-2.5-2	RA	01-208	24 IR 4205	25 IR 1303
585 IAC 1-9-3	RA	01-147	24 IR 3792	25 IR 1291	590 IAC 1-2.5-3	RA	01-208	24 IR 4206	25 IR 1304
585 IAC 1-9-4	RA	01-147	24 IR 3794	25 IR 1292	590 IAC 1-3	RA	01-208	24 IR 4205	25 IR 1303
585 IAC 1-9-5	RA	01-147	24 IR 3795	25 IR 1293	590 IAC 4	N	01-108	24 IR 2826	25 IR 1151
585 IAC 1-9-6	RA	01-147	24 IR 3796	25 IR 1293	TITLE 595 LIBRARY CERTIFICATION BOARD				
585 IAC 1-9-7	RA	01-147	24 IR 3797	25 IR 1294	595 IAC 1	R	01-108	24 IR 2831	25 IR 1156
585 IAC 1-9-8	RA	01-147	24 IR 3797	25 IR 1295	TITLE 610 DEPARTMENT OF LABOR				
585 IAC 1-9-9	RA	01-147	24 IR 3798	25 IR 1295	610 IAC 4	RA	01-313	25 IR 188	25 IR 1305
585 IAC 1-9-10	RA	01-147	24 IR 3798	25 IR 1295	610 IAC 4-4	R	01-340	25 IR 891	*ARR (25 IR 3770) 26 IR 370
585 IAC 1-9-11	RA	01-147	24 IR 3798	25 IR 1296					*AROC (26 IR 547)
585 IAC 1-9-13	RA	01-147	24 IR 3791	25 IR 529	610 IAC 4-5-11				*ERR (25 IR 106)
585 IAC 1-9-14	RA	01-147	24 IR 3799	25 IR 1296	610 IAC 4-6	N	01-340	25 IR 874	*ARR (25 IR 3770) 26 IR 353
585 IAC 1-9-16	RA	01-147	24 IR 3801		TITLE 615 BOARD OF SAFETY REVIEW				
585 IAC 5-1-1	RA	01-147	24 IR 3801	25 IR 1298	615 IAC 1-2	RA	01-314	25 IR 188	25 IR 1305
585 IAC 5-2-2	RA	01-147	24 IR 3801	25 IR 1298	615 IAC 1-2-7				*ERR (25 IR 106)
					615 IAC 1-2-8				*ERR (25 IR 106)
					615 IAC 1-2-11				*ERR (25 IR 106)

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TITLE 620 OCCUPATIONAL SAFETY STANDARDS COMMISSION 620 IAC 1-3 RA 01-315 25 IR 189 **25 IR 1305**

TITLE 631 WORKER'S COMPENSATION BOARD OF INDIANA

631 IAC 1-1-1	RA 01-182	24 IR 3807	*AWR (25 IR 1186)
631 IAC 1-1-1.1	N 01-424	25 IR 2030	
631 IAC 1-1-2	RA 01-178	24 IR 3806	25 IR 1305
631 IAC 1-1-3	RA 01-178	24 IR 3806	25 IR 1305
631 IAC 1-1-4	RA 01-178	24 IR 3806	25 IR 1305
631 IAC 1-1-5	RA 01-178	24 IR 3806	25 IR 1305
631 IAC 1-1-6	RA 01-178	24 IR 3806	25 IR 1305
631 IAC 1-1-7	RA 01-178	24 IR 3806	25 IR 1306
631 IAC 1-1-8	RA 01-178	24 IR 3806	25 IR 1306
631 IAC 1-1-9	RA 01-178	24 IR 3806	25 IR 1306
631 IAC 1-1-10	RA 01-178	24 IR 3806	25 IR 1306
631 IAC 1-1-11	RA 01-178	24 IR 3806	25 IR 1306
631 IAC 1-1-12	RA 01-178	24 IR 3806	25 IR 1306
631 IAC 1-1-13	RA 01-178	24 IR 3806	25 IR 1306
631 IAC 1-1-14	RA 01-178	24 IR 3806	25 IR 1306
631 IAC 1-1-15	RA 01-178	24 IR 3806	25 IR 1306
631 IAC 1-1-16	RA 01-178	24 IR 3806	25 IR 1306
631 IAC 1-1-17	RA 01-178	24 IR 3806	25 IR 1306
631 IAC 1-1-18	RA 01-178	24 IR 3806	25 IR 1306
631 IAC 1-1-19	RA 01-178	24 IR 3807	25 IR 1306
631 IAC 1-1-20	RA 01-178	24 IR 3807	25 IR 1306
631 IAC 1-1-21	RA 01-178	24 IR 3807	25 IR 1306
631 IAC 1-1-22	RA 01-178	24 IR 3807	25 IR 1306
631 IAC 1-1-23	RA 01-178	24 IR 3807	25 IR 1306
631 IAC 1-1-24	RA 01-182	24 IR 3807	*AWR (25 IR 1186)
631 IAC 1-1-24.1	N 01-424	25 IR 2030	
631 IAC 1-1-25	RA 01-178	24 IR 3807	25 IR 1306
631 IAC 1-1-26	RA 01-178	24 IR 3807	25 IR 1306
631 IAC 1-1-27	RA 01-178	24 IR 3807	25 IR 1306
631 IAC 1-1-28	RA 01-178	24 IR 3807	25 IR 1306
631 IAC 1-1-29	RA 01-178	24 IR 3807	25 IR 1306
631 IAC 1-1-30	RA 01-178	24 IR 3807	25 IR 1306
631 IAC 1-1-31	RA 01-178	24 IR 3807	25 IR 1306

TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT

646 IAC 1	RA 01-11	24 IR 2579	25 IR 203
646 IAC 2	RA 01-11	24 IR 2579	25 IR 203
646 IAC 3	RA 01-11	24 IR 2579	25 IR 203
646 IAC 4	RA 01-11	24 IR 2579	25 IR 203

TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION

655 IAC 1-1	RA 00-302	24 IR 2579	*CPH (24 IR 3098) 25 IR 203
			*ERR (26 IR 383)
655 IAC 1-1-1.1	A 01-121	24 IR 3181	*AROC (24 IR 3825) 25 IR 1156
			*ERR (25 IR 1645)
655 IAC 1-1-4	A 01-121	24 IR 3182	*AROC (24 IR 3825) 25 IR 1157
655 IAC 1-1-5.1	A 01-121	24 IR 3182	*AROC (24 IR 3825) 25 IR 1157
655 IAC 1-1-7	A 01-121	24 IR 3184	*AROC (24 IR 3825) 25 IR 1159
655 IAC 1-1-13	A 01-121	24 IR 3184	*AROC (24 IR 3825) 25 IR 1160
655 IAC 1-2.1	RA 02-128	25 IR 3883	*CPH (26 IR 416) 26 IR 1262
655 IAC 1-2.1-2	A 01-121	24 IR 3185	*AROC (24 IR 3825) 25 IR 1160
655 IAC 1-2.1-6	A 01-121	24 IR 3185	*AROC (24 IR 3825) 25 IR 1161
655 IAC 1-2.1-6.1	N 01-121	24 IR 3185	*AROC (24 IR 3825) 25 IR 1161
655 IAC 1-2.1-6.2	N 01-121	24 IR 3186	*AROC (24 IR 3825) 25 IR 1161

655 IAC 1-2.1-6.3	N 01-121	24 IR 3186	*AROC (24 IR 3825) 25 IR 1161
655 IAC 1-2.1-6.4	N 01-121	24 IR 3186	*AROC (24 IR 3825) 25 IR 1162
655 IAC 1-2.1-7	A 01-121	24 IR 3186	*AROC (24 IR 3825) 25 IR 1162
655 IAC 1-2.1-16	A 01-121	24 IR 3187	*AROC (24 IR 3825) 25 IR 1162
655 IAC 1-2.1-17	A 01-121	24 IR 3187	*AROC (24 IR 3825) 25 IR 1162
655 IAC 1-2.1-18	A 01-121	24 IR 3187	*AROC (24 IR 3825) 25 IR 1162
655 IAC 1-2.1-19.1	N 01-121	24 IR 3187	*AROC (24 IR 3825) 25 IR 1162
655 IAC 1-2.1-22	A 01-121	24 IR 3187	*AROC (24 IR 3825) 25 IR 1163
			*ERR (25 IR 1645)
655 IAC 1-2.1-75	A 01-121	24 IR 3188	*AROC (24 IR 3825) 25 IR 1163
655 IAC 1-2.1-75.1	N 01-121	24 IR 3188	*AROC (24 IR 3825) 25 IR 1163
655 IAC 1-2.1-75.2	N 01-121	24 IR 3188	*AROC (24 IR 3825) 25 IR 1164
655 IAC 1-2.1-75.3	N 01-121	24 IR 3188	*AROC (24 IR 3825) 25 IR 1164
655 IAC 1-2.1-75.4	N 01-121	24 IR 3188	*AROC (24 IR 3825) 25 IR 1164
655 IAC 1-2.1-75.5	N 01-121	24 IR 3189	*AROC (24 IR 3825) 25 IR 1164
655 IAC 1-2.1-76	R 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1166
655 IAC 1-2.1-76.1	N 01-121	24 IR 3189	*AROC (24 IR 3825) 25 IR 1164
655 IAC 1-2.1-76.2	N 01-121	24 IR 3189	*AROC (24 IR 3825) 25 IR 1165
655 IAC 1-2.1-76.3	N 01-121	24 IR 3189	*AROC (24 IR 3825) 25 IR 1165
655 IAC 1-2.1-77	R 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1166
655 IAC 1-2.1-78	R 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1166
655 IAC 1-2.1-79	R 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1166
655 IAC 1-2.1-80	R 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1166
655 IAC 1-2.1-81	R 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1166
655 IAC 1-2.1-82	R 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1166
655 IAC 1-2.1-83	R 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1166
655 IAC 1-2.1-84	R 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1166
655 IAC 1-2.1-85	R 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1166
655 IAC 1-2.1-86	R 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1166
655 IAC 1-2.1-87	R 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1166
655 IAC 1-2.1-93	N 01-121	24 IR 3189	*AROC (24 IR 3825) 25 IR 1165
655 IAC 1-2.1-94	N 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1165
655 IAC 1-2.1-95	N 01-121	24 IR 3190	*AROC (24 IR 3825) 25 IR 1165
655 IAC 1-3	RA 00-302	24 IR 2579	*CPH (24 IR 3098) 25 IR 203
655 IAC 1-4	RA 00-302	24 IR 2579	*CPH (24 IR 3098) 25 IR 203

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TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

675 IAC 12	RA	00-303	24 IR 1962	25 IR 530	675 IAC 14-4.2-194.3	N	01-376	25 IR 1251	26 IR 15
675 IAC 12-3-2	A	01-250	25 IR 461	*ARR (25 IR 2523)	675 IAC 14-4.2-194.4	N	01-376	25 IR 1252	26 IR 15
				25 IR 2731	675 IAC 14-4.2-194.5	N	01-376	25 IR 1252	26 IR 15
675 IAC 12-3-3	A	01-250	25 IR 462	*ARR (25 IR 2523)	675 IAC 14-4.2-194.6	N	01-376	25 IR 1252	26 IR 15
				25 IR 2732	675 IAC 14-4.2-194.7	N	01-376	25 IR 1252	26 IR 15
675 IAC 12-3-4	A	01-250	25 IR 462	*ARR (25 IR 2523)	675 IAC 15-1	RA	00-303	24 IR 1962	25 IR 530
				25 IR 2732	675 IAC 15-1-22	A	01-250	25 IR 464	*ARR (25 IR 2523)
675 IAC 12-3-5	A	01-250	25 IR 462	*ARR (25 IR 2523)					25 IR 2734
				25 IR 2733	675 IAC 15-2	RA	01-209	24 IR 3808	25 IR 1306
675 IAC 12-3-6	A	01-250	25 IR 462	*ARR (25 IR 2523)	675 IAC 17-1.5	R	01-376	25 IR 1255	26 IR 19
				25 IR 2733	675 IAC 17-1.6	N	01-376	25 IR 1252	26 IR 15
675 IAC 12-3-7	A	01-250	25 IR 463	*ARR (25 IR 2523)	675 IAC 18-1.3	R	02-116	25 IR 3381	
				25 IR 2733	675 IAC 18-1.4	N	02-116	25 IR 3366	
675 IAC 12-3-8	A	01-250	25 IR 463	*ARR (25 IR 2523)	675 IAC 19-3	RA	00-303	24 IR 1962	25 IR 530
				25 IR 2733	675 IAC 20	RA	00-303	24 IR 1962	25 IR 530
675 IAC 12-3-10	A	01-250	25 IR 463	*ARR (25 IR 2523)	675 IAC 20-2-17	A	02-52	25 IR 2566	26 IR 1100
				25 IR 2734	675 IAC 20-2-20	A	02-52	25 IR 2566	26 IR 1101
675 IAC 12-3-12	A	01-250	25 IR 463	*ARR (25 IR 2523)	675 IAC 20-2-24	A	02-52	25 IR 2567	26 IR 1102
				25 IR 2734	675 IAC 20-2-26	A	02-52	25 IR 2567	26 IR 1102
675 IAC 12-3-13	N	02-90	25 IR 2573	26 IR 1556	675 IAC 20-3-5	A	02-52	25 IR 2568	26 IR 1102
675 IAC 12-3-14	N	02-90	25 IR 2574	26 IR 1557	675 IAC 20-3-6	A	02-52	25 IR 2568	26 IR 1103
675 IAC 12-3-15	N	02-90		†† 26 IR 1558	675 IAC 20-3-7	A	02-52	25 IR 2569	26 IR 1103
675 IAC 13-1-8	A	00-261	24 IR 1925	25 IR 1166	675 IAC 21	RA	00-303	24 IR 1962	25 IR 530
	A	02-51	25 IR 2561	26 IR 1095	675 IAC 21-1-1	A	01-430	25 IR 2031	*ARR (26 IR 38)
675 IAC 13-1-9	A	00-261	24 IR 1929	25 IR 1170					26 IR 1083
675 IAC 13-1-10	A	00-261	24 IR 1932	25 IR 1172	675 IAC 21-1-1.5	N	01-430	25 IR 2031	*ARR (26 IR 38)
	A	02-51	25 IR 2564	26 IR 1098					26 IR 1084
675 IAC 13-1-21	RA	00-303	24 IR 1962	25 IR 530	675 IAC 21-1-2	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 13-1-22	RA	00-303	24 IR 1962	25 IR 530					26 IR 1095
675 IAC 13-1-23	R	00-290	24 IR 1936	*AWR (25 IR 107)	675 IAC 21-1-2.1	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 13-1-25	A	00-261	24 IR 1934	25 IR 1174					26 IR 1095
675 IAC 13-1-27	RA	00-303	24 IR 1962	25 IR 530	675 IAC 21-1-3	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 13-2.3	R	02-115	25 IR 3366						26 IR 1085
675 IAC 13-2.3-102	A	00-261	24 IR 1935	25 IR 1175	675 IAC 21-1-3.1	A	01-430	25 IR 2032	*ARR (26 IR 38)
675 IAC 13-2.3-103	A	00-261	24 IR 1935	25 IR 1175					26 IR 1085
675 IAC 13-2.4	N	02-115	25 IR 3291		675 IAC 21-1-4	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 14-4.2-181.1	N	01-376		†† 26 IR 11					26 IR 1095
675 IAC 14-4.2-182.1	N	01-376	25 IR 1248	26 IR 11	675 IAC 21-1-6	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 14-4.2-185.1	N	01-376	25 IR 1248	26 IR 11					26 IR 1095
675 IAC 14-4.2-187	A	01-376	25 IR 1248	26 IR 11	675 IAC 21-1-7	A	01-430	25 IR 2033	*ARR (26 IR 38)
675 IAC 14-4.2-187.1	N	01-376	25 IR 1248	26 IR 12					26 IR 1085
675 IAC 14-4.2-187.2	N	01-376	25 IR 1248	26 IR 12	675 IAC 21-1-8	R	01-430		†† 26 IR 1095
675 IAC 14-4.2-187.3	N	01-376	25 IR 1248	26 IR 12	675 IAC 21-1-9	A	01-430	25 IR 2033	*ARR (26 IR 38)
675 IAC 14-4.2-187.4	N	01-376	25 IR 1248	26 IR 12					26 IR 1086
675 IAC 14-4.2-190.1	N	01-376	25 IR 1249	26 IR 12	675 IAC 21-1-10	N	01-430	25 IR 2034	*ARR (26 IR 38)
675 IAC 14-4.2-190.2	N	01-376	25 IR 1249	26 IR 12					26 IR 1086
675 IAC 14-4.2-190.3	N	01-376	25 IR 1249	26 IR 12	675 IAC 21-2	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 14-4.2-190.4	N	01-376	25 IR 1249	26 IR 12					26 IR 1095
675 IAC 14-4.2-190.5	N	01-376	25 IR 1249	26 IR 13	675 IAC 21-3-1	A	01-430	25 IR 2034	*ARR (26 IR 38)
675 IAC 14-4.2-191.1	N	01-376	25 IR 1249	26 IR 13					26 IR 1087
675 IAC 14-4.2-191.2	N	01-376	25 IR 1249	26 IR 13	675 IAC 21-3-2	A	01-430	25 IR 2034	*ARR (26 IR 38)
675 IAC 14-4.2-191.3	N	01-376	25 IR 1249	26 IR 13					26 IR 1087
675 IAC 14-4.2-191.4	N	01-376		†† 26 IR 13	675 IAC 21-4-1	A	01-430	25 IR 2037	*ARR (26 IR 38)
675 IAC 14-4.2-191.5	N	01-376		†† 26 IR 13					26 IR 1090
675 IAC 14-4.2-192.1	N	01-376	25 IR 1250	26 IR 13	675 IAC 21-4-2	A	01-430	25 IR 2037	*ARR (26 IR 38)
675 IAC 14-4.2-192.2	N	01-376	25 IR 1251	26 IR 13					26 IR 1090
675 IAC 14-4.2-192.3	N	01-376	25 IR 1250	26 IR 14	675 IAC 21-5-1	A	01-430	25 IR 2039	*ARR (26 IR 38)
675 IAC 14-4.2-192.4	N	01-376	25 IR 1250	26 IR 14					26 IR 1092
675 IAC 14-4.2-192.5	N	01-376	25 IR 1250	26 IR 14	675 IAC 21-5-3	N	01-430	25 IR 2039	*ARR (26 IR 38)
675 IAC 14-4.2-192.6	N	01-376	25 IR 1250	26 IR 14					26 IR 1092
675 IAC 14-4.2-193.1	N	01-376	25 IR 1251	26 IR 14	675 IAC 21-6	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 14-4.2-193.2	N	01-376	25 IR 1251	26 IR 14					26 IR 1095
675 IAC 14-4.2-193.3	N	01-376	25 IR 1251	26 IR 14	675 IAC 21-7	R	01-430	25 IR 2042	*ARR (26 IR 38)
675 IAC 14-4.2-193.4	N	01-376	25 IR 1251	26 IR 14					26 IR 1095
675 IAC 14-4.2-193.5	N	01-376	25 IR 1251	26 IR 14	675 IAC 21-8	N	01-430	25 IR 2040	*ARR (26 IR 38)
675 IAC 14-4.2-194.1	N	01-376	25 IR 1251	26 IR 15					26 IR 1093
675 IAC 14-4.2-194.2	N	01-376	25 IR 1251	26 IR 15	675 IAC 22-2.2	R	02-117	25 IR 3442	
					675 IAC 22-2.2-14	A	02-53	25 IR 2569	26 IR 1553
					675 IAC 22-2.2-19	R	00-261	24 IR 1935	25 IR 1176

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675 IAC 22-2.2-20	R	00-261	24 IR 1935	25 IR 1176	760 IAC 1-14	RA	01-130	24 IR 3224	25 IR 531
675 IAC 22-2.2-104	A	01-19	24 IR 2546	25 IR 1176		R	01-181	25 IR 472	*AWR (25 IR 815)
675 IAC 22-2.2-134.5	N	01-19	24 IR 2546	25 IR 1177		R	01-399	25 IR 2582	*AROC (26 IR 183)
675 IAC 22-2.2-145	A	01-19	24 IR 2546	25 IR 1177					*ARR (26 IR 38)
675 IAC 22-2.2-221.5	N	01-19	24 IR 2547	25 IR 1177					26 IR 26
675 IAC 22-2.2-245.2	N	01-19	24 IR 2547	25 IR 1177	760 IAC 1-15.1	RA	01-130	24 IR 3224	25 IR 531
675 IAC 22-2.2-245.5	N	01-19	24 IR 2547	25 IR 1177	760 IAC 1-16.1	RA	01-130	24 IR 3224	25 IR 531
675 IAC 22-2.2-338	A	01-19	24 IR 2547	25 IR 1177	760 IAC 1-18	RA	01-130	24 IR 3224	25 IR 531
675 IAC 22-2.2-365	A	01-19	24 IR 2547	25 IR 1178	760 IAC 1-19	RA	01-130	24 IR 3224	25 IR 531
675 IAC 22-2.2-365.2	N	01-19	24 IR 2548	25 IR 1178	760 IAC 1-20	RA	01-130	24 IR 3224	25 IR 531
675 IAC 22-2.2-369.5	N	01-19	24 IR 2548	25 IR 1178	760 IAC 1-21	RA	01-130	24 IR 3224	25 IR 531
675 IAC 22-2.2-373	A	01-19	24 IR 2548	25 IR 1178	760 IAC 1-21-2	A	02-299	26 IR 1724	
675 IAC 22-2.2-412.5	N	01-19	24 IR 2548	25 IR 1179	760 IAC 1-21-5	A	02-299	26 IR 1724	
675 IAC 22-2.2-443.5	N	01-19	24 IR 2548	25 IR 1179	760 IAC 1-21-8	A	02-299	26 IR 1724	
675 IAC 22-2.2-499	A	01-19	24 IR 2548	25 IR 1179	760 IAC 1-23	RA	01-130	24 IR 3224	25 IR 531
675 IAC 22-2.2-535	A	00-261	24 IR 1935	25 IR 1176	760 IAC 1-24	RA	01-130	24 IR 3224	25 IR 531
675 IAC 22-2.2-536	A	00-261	24 IR 1935	25 IR 1176	760 IAC 1-27	RA	01-130	24 IR 3224	25 IR 531
675 IAC 22-2.3	N	02-117	25 IR 3382		760 IAC 1-31	RA	01-130	24 IR 3224	25 IR 531
675 IAC 23	RA	00-303	24 IR 1962	25 IR 530	760 IAC 1-32	RA	01-130	24 IR 3224	25 IR 531
675 IAC 23-1-63	A	01-250	25 IR 464	*ARR (25 IR 2523)	760 IAC 1-33	RA	01-130	24 IR 3224	25 IR 531
				25 IR 2735	760 IAC 1-34	RA	01-130	24 IR 3224	25 IR 531
675 IAC 24	RA	00-303	24 IR 1962	25 IR 530	760 IAC 1-35	RA	01-130	24 IR 3224	25 IR 531
675 IAC 25	N	02-118	25 IR 3444		760 IAC 1-36	RA	01-130	24 IR 3224	25 IR 531
					760 IAC 1-37	RA	01-130	24 IR 3224	25 IR 531
TITLE 710 SECURITIES DIVISION					760 IAC 1-38.1	RA	01-130	24 IR 3224	25 IR 531
710 IAC 1-8	RA	01-107	24 IR 3223	25 IR 203	760 IAC 1-39	RA	01-130	24 IR 3224	25 IR 531
710 IAC 1-9	RA	01-107	24 IR 3223	25 IR 203	760 IAC 1-40	RA	01-130	24 IR 3224	25 IR 531
710 IAC 1-10	RA	01-107	24 IR 3223	25 IR 203	760 IAC 1-41	RA	01-130	24 IR 3224	25 IR 531
710 IAC 1-11	RA	01-107	24 IR 3223	25 IR 204	760 IAC 1-46	RA	01-130	24 IR 3224	25 IR 531
710 IAC 1-12	RA	01-107	24 IR 3223	25 IR 204	760 IAC 1-48	RA	01-130	24 IR 3224	25 IR 531
710 IAC 1-13	RA	01-107	24 IR 3223	25 IR 204	760 IAC 1-49	RA	01-130	24 IR 3224	25 IR 531
710 IAC 1-14	RA	01-107	24 IR 3223	25 IR 204	760 IAC 1-50-2	A	02-23	25 IR 2582	
710 IAC 1-15	RA	01-107	24 IR 3223	25 IR 204	760 IAC 1-50-3	A	02-23	25 IR 2582	
710 IAC 1-16	RA	01-107	24 IR 3223	25 IR 204	760 IAC 1-50-4	A	02-23	25 IR 2583	
710 IAC 1-17	RA	01-107	24 IR 3223	25 IR 204	760 IAC 1-50-5	A	02-23	25 IR 2583	
710 IAC 1-18	RA	01-107	24 IR 3223	25 IR 204	760 IAC 1-50-7	A	02-23	25 IR 2584	
710 IAC 1-19	RA	01-107	24 IR 3223	25 IR 204	760 IAC 1-50-13	A	02-23	25 IR 2584	
710 IAC 1-20	RA	01-107	24 IR 3223	25 IR 204	760 IAC 1-50-13.5	A	02-23	25 IR 2585	
710 IAC 1-21	RA	01-107	24 IR 3223	25 IR 204	760 IAC 1-51	RA	01-130	24 IR 3224	25 IR 531
710 IAC 2	RA	02-4	25 IR 2314	25 IR 3462	760 IAC 1-52	RA	01-130	24 IR 3224	25 IR 531
710 IAC 3	RA	02-4	25 IR 2314	25 IR 3462	760 IAC 1-53	RA	01-130	24 IR 3224	25 IR 531
					760 IAC 1-54	RA	01-130	24 IR 3224	25 IR 531
TITLE 750 DEPARTMENT OF FINANCIAL INSTITUTIONS					760 IAC 1-55	RA	01-130	24 IR 3224	25 IR 531
750 IAC 1-1-1	A	02-94		*ER (25 IR 2540)	760 IAC 1-56	RA	01-130	24 IR 3224	25 IR 531
750 IAC 3	RA	01-343		25 IR 939	760 IAC 1-59-1	A	02-124	26 IR 170	
750 IAC 6	RA	01-343		25 IR 939	760 IAC 1-59-2	A	02-124	26 IR 170	
750 IAC 7	RA	01-343		25 IR 939	760 IAC 1-59-3	A	02-124	26 IR 171	
					760 IAC 1-59-4	A	02-124	26 IR 171	
TITLE 760 DEPARTMENT OF INSURANCE					760 IAC 1-59-5	A	02-124	26 IR 171	
760 IAC 1-1	RA	01-130	24 IR 3224	25 IR 530	760 IAC 1-59-6	A	02-124	26 IR 172	
760 IAC 1-3	RA	01-130	24 IR 3224	25 IR 530	760 IAC 1-59-7	A	02-124	26 IR 172	
760 IAC 1-5	RA	01-130	24 IR 3224	25 IR 530	760 IAC 1-59-8	A	02-124	26 IR 173	
	R	01-181	25 IR 472	*AWR (25 IR 815)	760 IAC 1-59-9	A	02-124	26 IR 174	
	R	01-399	25 IR 2582	*AROC (26 IR 183)	760 IAC 1-59-10	A	02-124	26 IR 174	
				*ARR (26 IR 38)	760 IAC 1-59-11	A	02-124	26 IR 174	
				26 IR 26	760 IAC 1-59-12	A	02-124	26 IR 175	
760 IAC 1-5.1	N	01-181	25 IR 465	*AWR (25 IR 815)	760 IAC 1-59-13	R	02-124	26 IR 177	
	N	01-399	25 IR 2575	*AROC (26 IR 183)	760 IAC 1-59-14	A	02-124	26 IR 175	
				*ARR (26 IR 38)	760 IAC 1-67	N	01-94	24 IR 2832	25 IR 85
				26 IR 19	760 IAC 1-68	N	02-137	26 IR 531	*AROC (26 IR 883)
760 IAC 1-6.2	RA	01-130	24 IR 3224	25 IR 530	760 IAC 2-1	RA	01-130	24 IR 3224	25 IR 531
760 IAC 1-7	RA	01-130	24 IR 3224	25 IR 530	760 IAC 2-2	RA	01-130	24 IR 3224	25 IR 531
760 IAC 1-8	RA	01-130	24 IR 3224	25 IR 530	760 IAC 2-3	RA	01-130	24 IR 3224	25 IR 531
760 IAC 1-9	RA	01-130	24 IR 3224	25 IR 531	760 IAC 2-4	RA	01-130	24 IR 3224	25 IR 531
760 IAC 1-10	RA	01-130	24 IR 3224	25 IR 531	760 IAC 2-5	RA	01-130	24 IR 3224	25 IR 531
760 IAC 1-11	RA	01-130	24 IR 3224	25 IR 531	760 IAC 2-6	RA	01-130	24 IR 3224	25 IR 531
760 IAC 1-12	RA	01-130	24 IR 3224	25 IR 531	760 IAC 2-7	RA	01-130	24 IR 3224	25 IR 531
760 IAC 1-13	RA	01-130	24 IR 3224	25 IR 531	760 IAC 2-8	RA	01-130	24 IR 3224	25 IR 531
					760 IAC 2-9	RA	01-130	24 IR 3224	25 IR 531

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760 IAC 2-10	RA	01-130	24 IR 3224	25 IR 531	TITLE 825 INDIANA GRAIN INDEMNITY CORPORATION			
760 IAC 2-10-1	A	01-93	24 IR 2832	25 IR 382	825 IAC 1	RA	02-176	25 IR 4220 26 IR 1262
760 IAC 2-11	RA	01-130	24 IR 3224	25 IR 531	825 IAC 1-1-5	R	02-179	25 IR 4211
760 IAC 2-12	RA	01-130	24 IR 3224	25 IR 531	825 IAC 1-5-1	R	02-179	25 IR 4211
760 IAC 2-13	RA	01-130	24 IR 3224	25 IR 531	825 IAC 1-5-2	R	02-179	25 IR 4211
760 IAC 2-14	RA	01-130	24 IR 3224	25 IR 531	TITLE 828 STATE BOARD OF DENTISTRY			
760 IAC 2-15	RA	01-130	24 IR 3224	25 IR 531	828 IAC 0.5-2-1	R	01-197	24 IR 4185 25 IR 1181
760 IAC 2-16	RA	01-130	24 IR 3224	25 IR 531	828 IAC 0.5-2-2	R	01-197	24 IR 4185 25 IR 1181
760 IAC 2-17	RA	01-130	24 IR 3224	25 IR 531	828 IAC 0.5-2-3	N	01-197	24 IR 4185 25 IR 1180
760 IAC 2-18	RA	01-130	24 IR 3224	25 IR 531		A	02-114	25 IR 3452 26 IR 376
760 IAC 2-19	RA	01-130	24 IR 3224	25 IR 531	828 IAC 0.5-2-4	N	01-197	24 IR 4185 25 IR 1181
760 IAC 2-20	RA	01-130	24 IR 3224	25 IR 531		A	02-114	25 IR 3453 26 IR 376
760 IAC 3-1	RA	01-130	24 IR 3224	25 IR 531	828 IAC 0.5-2-5	N	01-307	25 IR 1723 25 IR 2736
760 IAC 3-2	RA	01-130	24 IR 3224	25 IR 531	828 IAC 0.5-2-6	N	02-112	25 IR 3447 26 IR 371
760 IAC 3-3	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-1-2	A	01-241	25 IR 171 *CPH (25 IR 831) 25 IR 2239
760 IAC 3-4	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-1-3	A	01-241	25 IR 171 *CPH (25 IR 831) 25 IR 2239
760 IAC 3-5	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-1-4	R	01-241	25 IR 177 *CPH (25 IR 831) 25 IR 2246
760 IAC 3-6	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-1-6	A	01-241	25 IR 171 *CPH (25 IR 831) 25 IR 2240
760 IAC 3-7	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-1-8	A	01-241	25 IR 172 *CPH (25 IR 831) 25 IR 2240
760 IAC 3-8	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-1-9	A	01-241	25 IR 172 *CPH (25 IR 831) 25 IR 2240
760 IAC 3-9	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-1-10	A	01-241	25 IR 172 *CPH (25 IR 831) 25 IR 2240
760 IAC 3-10	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-1-11	R	01-241	25 IR 177 *CPH (25 IR 831) 25 IR 2246
760 IAC 3-11	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-1-12	A	01-241	25 IR 172 *CPH (25 IR 831) 25 IR 2240
760 IAC 3-12	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-1-18	A	01-241	25 IR 172 *CPH (25 IR 831) 25 IR 2241
760 IAC 3-13	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-1-21	A	01-241	25 IR 174 *CPH (25 IR 831) 25 IR 2242
760 IAC 3-14	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-1-23	A	01-241	25 IR 174 *CPH (25 IR 831) 25 IR 2242
760 IAC 3-15	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-2-1	A	01-241	25 IR 174 *CPH (25 IR 831) 25 IR 2243
760 IAC 3-16	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-2-2	A	01-241	25 IR 175 *CPH (25 IR 831) 25 IR 2243
760 IAC 3-17	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-2-3	A	01-241	25 IR 175 *CPH (25 IR 831) 25 IR 2244
760 IAC 3-18	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-2-4	R	01-241	25 IR 177 *CPH (25 IR 831) 25 IR 2246
760 IAC 3-19	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-2-6	A	01-241	25 IR 175 *CPH (25 IR 831) 25 IR 2244
760 IAC 3-20	RA	01-130	24 IR 3224	25 IR 531	828 IAC 1-2-8	A	01-241	25 IR 176 *CPH (25 IR 831) 25 IR 2244
TITLE 762 INDIANA POLITICAL SUBDIVISION RISK MANAGEMENT COMMISSION					828 IAC 1-2-9	A	01-241	25 IR 176 *CPH (25 IR 831) 25 IR 2244
762 IAC 2	N	02-24	25 IR 2301	*ARR (25 IR 4114) 26 IR 27	828 IAC 1-2-10	A	01-241	25 IR 176 *CPH (25 IR 831) 25 IR 2244
TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS					828 IAC 1-2-11	R	01-241	25 IR 177 *CPH (25 IR 831) 25 IR 2246
804 IAC 1.1-1-1	A	01-57	24 IR 4182	*CPH (25 IR 404) 25 IR 1903	828 IAC 1-2-12	A	01-241	25 IR 176 *CPH (25 IR 831) 25 IR 2244
804 IAC 1.1-2-2	A	01-57	24 IR 4183	*CPH (25 IR 404) 25 IR 1904	828 IAC 1-2-14	A	01-241	25 IR 176 *CPH (25 IR 831) 25 IR 2245
804 IAC 1.1-2-4.1	R	01-103	24 IR 4184	*CPH (25 IR 404) 25 IR 1905	828 IAC 1-3-1	A	01-241	25 IR 176 *CPH (25 IR 831) 25 IR 2245
804 IAC 1.1-3-1	A	02-20	25 IR 3446	26 IR 370 *ERR (26 IR 793)	828 IAC 1-3-1.1	N	02-113	25 IR 3452 26 IR 375
TITLE 808 STATE BOXING COMMISSION					828 IAC 1-3-1.5	N	02-113	25 IR 3451 26 IR 374
808 IAC 1-4-8	A	00-256	24 IR 3200	25 IR 382	828 IAC 1-3-2	A	02-113	25 IR 3452 26 IR 375
808 IAC 2-1-9	A	00-256	24 IR 3200	25 IR 382	828 IAC 1-3-3	A	02-113	25 IR 3452 26 IR 375
808 IAC 2-5-1	A	00-256	24 IR 3200	25 IR 383				
808 IAC 2-6-1	A	02-120	25 IR 4210	26 IR 1104				
808 IAC 2-33-2	N	00-256	24 IR 3200	25 IR 383				
808 IAC 4	R	01-104	24 IR 3201	25 IR 383				
TITLE 812 INDIANA AUCTIONEER COMMISSION								
812 IAC 2	RA	02-84	25 IR 2853	25 IR 4221				
812 IAC 3	RA	02-84	25 IR 2853	25 IR 4221				
TITLE 816 BOARD OF BARBER EXAMINERS								
816 IAC 1-3-1	A	02-320	26 IR 1725					
TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS								
820 IAC 4-4-5	A	01-345	25 IR 1720	25 IR 3178 *ERR (26 IR 1109)				
820 IAC 4-4-14	A	01-345	25 IR 1721	25 IR 3179 *ERR (26 IR 1109)				
820 IAC 6	RA	02-92	25 IR 2854	25 IR 4221				
820 IAC 6-2-1	A	01-345	25 IR 1722	25 IR 3180 *ERR (26 IR 1109)				

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828 IAC 1-3-4	A	01-241	25 IR 177	*CPH (25 IR 831) 25 IR 2246	836 IAC 3-3-5	A	01-296	25 IR 485	25 IR 2503
828 IAC 1-3-5	A	01-241	25 IR 177	*CPH (25 IR 831) 25 IR 2246	836 IAC 3-3-6	A	02-91	25 IR 2837	*CPH (25 IR 3807) 25 IR 2503
828 IAC 1-5-1	A	02-112	25 IR 3448	26 IR 371	836 IAC 3-3-7	A	01-296	25 IR 486	25 IR 2504
828 IAC 1-5-1.5	N	02-112	25 IR 3448	26 IR 371	836 IAC 3-3-8	N	01-296	25 IR 487	25 IR 2505
828 IAC 1-5-2	A	02-112	25 IR 3448	26 IR 372	836 IAC 3-4-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
828 IAC 1-5-2.5	N	02-112	25 IR 3449	26 IR 372	836 IAC 3-5-1	A	01-296	25 IR 487	*CPH (25 IR 3807)
828 IAC 1-5-4	RA	01-193	24 IR 4207	25 IR 1306	836 IAC 3-6-1	R	01-296	25 IR 487	25 IR 2505
828 IAC 1-5-5	RA	01-193	24 IR 4207	25 IR 1307	836 IAC 4	RA	01-40	24 IR 2580	
828 IAC 1-6-1	A	02-112	25 IR 3449	26 IR 373	836 IAC 4-1-1	A	02-91	25 IR 2838	*CPH (25 IR 3807)
828 IAC 1-7-1	A	02-114	25 IR 3453	26 IR 376	836 IAC 4-2-1	A	02-91	25 IR 2840	*CPH (25 IR 3807)
828 IAC 1-7-2	N	02-114	25 IR 3453	26 IR 377	836 IAC 4-2-2	A	02-91	25 IR 2841	*CPH (25 IR 3807)
828 IAC 4	N	01-307	25 IR 1723	25 IR 2736	836 IAC 4-2-5	R	02-91	25 IR 2848	*CPH (25 IR 3807)
TITLE 832 STATE BOARD OF FUNERAL AND CEMETERY SERVICE					836 IAC 4-3-2	A	02-91	25 IR 2841	*CPH (25 IR 3807)
832 IAC 2-1-2	A	02-147	26 IR 870		836 IAC 4-4-1	A	02-91	25 IR 2842	*CPH (25 IR 3807)
832 IAC 3-2-2	RA	01-56	24 IR 3225	25 IR 532	836 IAC 4-5-2	A	02-91	25 IR 2843	*CPH (25 IR 3807)
TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION					836 IAC 4-6-1	N	02-91	25 IR 2843	*CPH (25 IR 3807)
836 IAC 1	RA	01-40	24 IR 2580		836 IAC 4-7-2	A	02-91	25 IR 2844	*CPH (25 IR 3807)
836 IAC 1-1-1	A	02-91	25 IR 2810	*CPH (25 IR 3807)	836 IAC 4-7-3.5	N	01-297	25 IR 499	25 IR 2517
836 IAC 1-1-2	N	02-91	25 IR 2812	*CPH (25 IR 3807)	836 IAC 4-7.1	N	02-91	25 IR 2844	*CPH (25 IR 3807)
836 IAC 1-1-3	N	02-91	25 IR 2812	*CPH (25 IR 3807)	836 IAC 4-9-2.5	N	01-297	25 IR 499	25 IR 2517
836 IAC 1-2-1	A	01-297	25 IR 488	25 IR 2506	836 IAC 4-9-3	A	02-91	25 IR 2847	*CPH (25 IR 3807)
	A	02-91	25 IR 2813	*CPH (25 IR 3807)	836 IAC 4-10-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)
836 IAC 1-2-2	A	02-91	25 IR 2814	*CPH (25 IR 3807)	TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD				
836 IAC 1-2-3	A	02-91	25 IR 2815	*CPH (25 IR 3807)	839 IAC 1-1-1	RA	01-156	24 IR 4207	25 IR 939
836 IAC 1-2-4	R	02-91	25 IR 2848	*CPH (25 IR 3807)	839 IAC 1-1-3.2	N	01-160	24 IR 4186	25 IR 1633
836 IAC 1-3-5	A	01-297	25 IR 489	25 IR 2507	839 IAC 1-1-3.3	N	01-160	24 IR 4186	25 IR 1633
	A	02-91	25 IR 2818	*CPH (25 IR 3807)	839 IAC 1-1-3.5	RA	01-158	25 IR 189	25 IR 1308
836 IAC 1-3-6	N	02-91	25 IR 2819	*CPH (25 IR 3807)	839 IAC 1-1-3.6	RA	01-156	24 IR 4207	25 IR 939
836 IAC 1-8-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)	839 IAC 1-1-3.7	RA	01-156	24 IR 4207	25 IR 939
836 IAC 1-11-1	A	01-297	25 IR 490	25 IR 2508	839 IAC 1-1-3.8	RA	01-156	24 IR 4207	25 IR 939
	A	02-91	25 IR 2819	*CPH (25 IR 3807)	839 IAC 1-1-4	RA	01-158	25 IR 189	25 IR 1308
836 IAC 1-11-2	A	01-297	25 IR 491	25 IR 2509	839 IAC 1-2-1	RA	01-158	25 IR 190	25 IR 1308
	A	02-91	25 IR 2820	*CPH (25 IR 3807)	839 IAC 1-2-2	RA	01-158	25 IR 190	25 IR 1308
836 IAC 1-11-3	A	01-297	25 IR 492	25 IR 2510	839 IAC 1-2-2.1	N	01-160	24 IR 4186	25 IR 1633
836 IAC 1-11-4	A	02-91	25 IR 2821	*CPH (25 IR 3807)		A	02-271	26 IR 874	
836 IAC 1-11-5	R	02-91	25 IR 2848	*CPH (25 IR 3807)	839 IAC 1-2-3	RA	01-156	24 IR 4207	25 IR 939
836 IAC 2	RA	01-40	24 IR 2580		839 IAC 1-2-4	R	01-160	24 IR 4186	25 IR 1634
836 IAC 2-1-1	A	02-91	25 IR 2821	*CPH (25 IR 3807)	839 IAC 1-2-5	RA	01-157	24 IR 4208	25 IR 1307
836 IAC 2-2-1	A	01-297	25 IR 494	25 IR 2512		A	02-271	26 IR 875	
	A	02-91	25 IR 2824	*CPH (25 IR 3807)	839 IAC 1-3-1	RA	01-158	25 IR 190	25 IR 1309
836 IAC 2-4-1-2	A	01-297	25 IR 496	25 IR 2514	839 IAC 1-3-2	RA	01-158	25 IR 191	
836 IAC 2-7-1-1	A	01-297	25 IR 497	25 IR 2515		A	02-270	26 IR 871	
	A	02-91	25 IR 2826	*CPH (25 IR 3807)	839 IAC 1-3-2.5	RA	01-158	25 IR 191	25 IR 1309
836 IAC 2-7-2	N	02-91	25 IR 2828	*CPH (25 IR 3807)	839 IAC 1-3-3.5	RA	01-158	25 IR 192	25 IR 1309
836 IAC 2-12-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)	839 IAC 1-3-4	RA	01-158	25 IR 192	25 IR 1310
836 IAC 2-13-1	R	02-91	25 IR 2848	*CPH (25 IR 3807)	839 IAC 1-3-4.5	RA	01-158	25 IR 193	25 IR 1310
836 IAC 2-14-5	A	02-91	25 IR 2833	*CPH (25 IR 3807)	839 IAC 1-3-5	N	01-160	24 IR 4186	25 IR 1634
836 IAC 3	RA	01-40	24 IR 2580		839 IAC 1-4-4	RA	01-156	24 IR 4207	25 IR 939
836 IAC 3-1-1	A	01-296	25 IR 472	25 IR 2490	839 IAC 1-4-5	RA	01-158	25 IR 193	
836 IAC 3-2-1	A	01-296	25 IR 473	25 IR 2491		A	02-270	26 IR 871	
836 IAC 3-2-2	A	01-296	25 IR 475	25 IR 2492	839 IAC 1-4-6	RA	01-158	25 IR 193	25 IR 1310
836 IAC 3-2-3	A	01-296	25 IR 475	25 IR 2493	839 IAC 1-4-7	RA	01-156	24 IR 4207	25 IR 939
836 IAC 3-2-4	A	01-296	25 IR 476	25 IR 2494	839 IAC 1-5-1	RA	01-158	25 IR 193	25 IR 1311
	A	02-91	25 IR 2834	*CPH (25 IR 3807)		A	02-270	26 IR 872	
836 IAC 3-2-5	A	01-296	25 IR 478	25 IR 2496	839 IAC 1-5-1.5	N	02-270	26 IR 874	
	A	02-91	25 IR 2835	*CPH (25 IR 3807)	839 IAC 1-5-2	RA	01-158	25 IR 195	25 IR 1313
836 IAC 3-2-6	A	01-296	25 IR 479	25 IR 2497	839 IAC 1-5-3	RA	01-158	25 IR 196	25 IR 1313
836 IAC 3-2-7	A	01-296	25 IR 480	25 IR 2498	839 IAC 1-5-4	RA	01-156	24 IR 4207	25 IR 939
836 IAC 3-2-8	N	01-296	25 IR 480	25 IR 2498	839 IAC 1-5-5	RA	01-156	24 IR 4207	25 IR 939
	R	02-91	25 IR 2848	*CPH (25 IR 3807)	839 IAC 1-5-6	R	01-160	24 IR 4186	25 IR 1634
836 IAC 3-3-1	A	01-296	25 IR 480	25 IR 2498	839 IAC 1-6-1	RA	01-158	25 IR 196	25 IR 1313
836 IAC 3-3-2	A	01-296	25 IR 482	25 IR 2499	839 IAC 1-6-2	RA	01-158	25 IR 197	25 IR 1314
836 IAC 3-3-3	A	01-296	25 IR 482	25 IR 2500	839 IAC 1-6-3	RA	01-158	25 IR 198	25 IR 1316
836 IAC 3-3-4	A	01-296	25 IR 483	25 IR 2501	839 IAC 1-6-4	RA	01-156	24 IR 4207	25 IR 939
	A	02-91	25 IR 2836	*CPH (25 IR 3807)	839 IAC 1-6-5	RA	01-158	25 IR 199	25 IR 1316
					839 IAC 1-6-6	R	01-160	24 IR 4186	25 IR 1634

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TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS

840 IAC 1-1-1	R	01-242	25 IR 526	25 IR 2861
840 IAC 1-1-2	RA	01-242	25 IR 520	25 IR 2855
840 IAC 1-1-3	RA	01-242	25 IR 520	25 IR 2855
840 IAC 1-1-4	RA	01-242	25 IR 521	25 IR 2856
	A	02-219	26 IR 540	
840 IAC 1-1-5	RA	01-242	25 IR 521	25 IR 2856
840 IAC 1-1-6	RA	01-242	25 IR 522	25 IR 2857
840 IAC 1-1-11	RA	01-242	25 IR 522	25 IR 2857
840 IAC 1-1-12	RA	01-242	25 IR 522	25 IR 2857
840 IAC 1-1-13	RA	01-242	25 IR 522	25 IR 2857
840 IAC 1-1-14	RA	01-242	25 IR 523	25 IR 2858
840 IAC 1-1-15	RA	01-242	25 IR 523	25 IR 2858
840 IAC 1-1-16	RA	01-242	25 IR 523	25 IR 2858
840 IAC 1-1-17	RA	01-242	25 IR 524	25 IR 2859
840 IAC 1-1-18	RA	01-242	25 IR 524	25 IR 2859
840 IAC 1-2-1	RA	01-242	25 IR 524	25 IR 2859
840 IAC 1-2-2	RA	01-242	25 IR 525	25 IR 2860
840 IAC 1-2-4	RA	01-242	25 IR 525	25 IR 2860
840 IAC 1-2-5	RA	01-242	25 IR 525	25 IR 2861
840 IAC 1-2-6	RA	01-242	25 IR 526	25 IR 2861
840 IAC 1-2-7	RA	01-242	25 IR 526	25 IR 2861
840 IAC 1-3-1	R	01-244	25 IR 500	25 IR 1634
840 IAC 1-3-2	N	01-244	25 IR 500	25 IR 1634

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

844 IAC 2.2-2-1	A	02-180	26 IR 177	26 IR 1558
844 IAC 2.2-2-2	A	02-180	26 IR 178	26 IR 1559
844 IAC 2.2-2-5	A	02-180	26 IR 179	26 IR 1560
844 IAC 2.2-2-8	A	02-180	26 IR 179	26 IR 1560
844 IAC 4-1-1	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-2-1	R	01-183	24 IR 3778	*CPH (25 IR 405) 25 IR 2246
844 IAC 4-2-2	N	01-183	24 IR 3778	*CPH (25 IR 405) 25 IR 2246
844 IAC 4-3	RA	01-220	25 IR 526	25 IR 1731
844 IAC 4-4.1-1	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-4.1-2	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-4.1-3.1	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-4.1-4.1	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-4.1-5	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-4.1-6	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-4.1-7	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34

844 IAC 4-4.1-8	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-4.1-9	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-4.1-10	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-4.1-11	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-4.5	N	01-228	24 IR 4187	*CPH (25 IR 405) *SPE
	N	02-12	25 IR 2302	*CPH (25 IR 2746) 26 IR 28
844 IAC 4-5-1	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-6-1	RA	01-312	25 IR 527	25 IR 1732
844 IAC 4-6-2	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-6-2.1	N	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	N	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-6-3	RA	01-312	25 IR 527	25 IR 1732
844 IAC 4-6-4	RA	01-312	25 IR 527	25 IR 1732
844 IAC 4-6-5	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-6-6	RA	01-312	25 IR 527	25 IR 1732
844 IAC 4-6-7	RA	01-312	25 IR 527	25 IR 1732
844 IAC 4-6-8	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 4-6-9	RA	01-312	25 IR 527	25 IR 1732
844 IAC 4-6-10	RA	01-312	25 IR 527	25 IR 1732
844 IAC 4-7-1	RA	01-220	25 IR 526	25 IR 1731
844 IAC 4-7-2	RA	01-220	25 IR 526	25 IR 1731
844 IAC 4-7-3	RA	01-220	25 IR 526	25 IR 1731
844 IAC 4-7-4	RA	01-220	25 IR 526	25 IR 1731
844 IAC 4-7-5	R	01-228	24 IR 4192	*CPH (25 IR 405) *SPE
	R	02-12	25 IR 2308	*CPH (25 IR 2746) 26 IR 34
844 IAC 5	RA	01-170	24 IR 4209	25 IR 1325
844 IAC 6-1	RA	01-170	24 IR 4209	25 IR 1325
844 IAC 6-1-4	A	01-431	25 IR 3454	26 IR 377
844 IAC 6-2-1	R	01-245	25 IR 501	25 IR 2247
844 IAC 6-2-2	N	01-245	25 IR 501	25 IR 2247
844 IAC 6-3	RA	01-170	24 IR 4209	25 IR 1325
844 IAC 6-3-5	A	01-432	25 IR 3455	26 IR 378
844 IAC 6-4	RA	01-170	24 IR 4209	25 IR 1325
844 IAC 6-4-1	A	02-181	26 IR 541	
844 IAC 6-5	RA	01-170	24 IR 4209	25 IR 1325
844 IAC 6-6	RA	01-170	24 IR 4209	25 IR 1325
844 IAC 6-7	RA	01-170	24 IR 4209	25 IR 1325
844 IAC 7	RA	01-170	24 IR 4209	25 IR 1325
844 IAC 9-1-1	RA	01-120	24 IR 3809	25 IR 1317

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844 IAC 9-2-1	RA	01-120	24 IR 3809	25 IR 1317	848 IAC 1-1-7	RA	01-127	24 IR 3232	25 IR 1327
844 IAC 9-2-2	RA	01-120	24 IR 3809	25 IR 1317	848 IAC 1-1-8	RA	01-127	24 IR 3231	25 IR 939
844 IAC 9-2-3	RA	01-120	24 IR 3809	25 IR 1317	848 IAC 1-1-10	RA	01-127	24 IR 3233	25 IR 1328
844 IAC 9-2-4	RA	01-120	24 IR 3809	25 IR 1317	848 IAC 1-1-11	RA	01-127	24 IR 3231	25 IR 939
844 IAC 9-2-5	RA	01-120	24 IR 3809	25 IR 1318	848 IAC 1-1-13	RA	01-127	24 IR 3233	25 IR 1328
844 IAC 9-2-6	RA	01-120	24 IR 3809	25 IR 1317	848 IAC 1-1-14	RA	01-105	24 IR 2893	
844 IAC 9-3-1	RA	01-120	24 IR 3809	25 IR 1318	848 IAC 1-1-15	RA	01-127	24 IR 3231	25 IR 939
844 IAC 9-3-2	RA	01-120	24 IR 3809	25 IR 1317	848 IAC 1-2	RA	01-127	24 IR 3231	25 IR 939
844 IAC 9-3-3	RA	01-120	24 IR 3809	25 IR 1317	848 IAC 2-1	RA	01-127	24 IR 3231	25 IR 939
844 IAC 9-4-1	RA	01-120	24 IR 3810	25 IR 1318	848 IAC 2-2	RA	01-127	24 IR 3231	25 IR 939
844 IAC 9-4-2	RA	01-120	24 IR 3810	25 IR 1319	848 IAC 2-3	RA	01-127	24 IR 3231	25 IR 939
844 IAC 9-4-3	RA	01-120	24 IR 3809	25 IR 1317	848 IAC 3-1	RA	01-127	24 IR 3231	25 IR 939
844 IAC 9-4-4	RA	01-120	24 IR 3809	25 IR 1317	848 IAC 3-2-1	RA	01-127	24 IR 3231	25 IR 939
844 IAC 9-4-5	RA	01-120	24 IR 3809	25 IR 1317	848 IAC 3-2-2	RA	01-127	24 IR 3233	25 IR 1328
844 IAC 9-5-1	RA	01-120	24 IR 3810	25 IR 1319	848 IAC 3-2-3	RA	01-127	24 IR 3231	25 IR 940
844 IAC 9-5-2	R	01-120	24 IR 3811	25 IR 1320	848 IAC 3-2-4	RA	01-127	24 IR 3231	25 IR 940
844 IAC 9-6-1	RA	01-120	24 IR 3811	25 IR 1319	848 IAC 3-2-5	RA	01-127	24 IR 3233	25 IR 1329
844 IAC 9-6-2	RA	01-120	24 IR 3809	25 IR 1317	848 IAC 3-2-6	RA	01-127	24 IR 3231	25 IR 940
844 IAC 9-6-3	RA	01-120	24 IR 3811	25 IR 1319	848 IAC 3-2-7	RA	01-127	24 IR 3231	25 IR 940
844 IAC 9-6-4	RA	01-120	24 IR 3809	25 IR 1317	848 IAC 3-2-8	RA	01-127	24 IR 3231	25 IR 940
844 IAC 10-1	RA	01-170	24 IR 4209	25 IR 1325	848 IAC 3-3	RA	01-127	24 IR 3231	25 IR 940
844 IAC 10-2-1	R	01-246	25 IR 501	25 IR 2247	848 IAC 3-4-1	R	01-127	24 IR 3234	25 IR 1329
844 IAC 10-2-2	N	01-246	25 IR 501	25 IR 2247	848 IAC 4-1-1	RA	01-127	24 IR 3231	25 IR 940
844 IAC 10-3	RA	01-170	24 IR 4209	25 IR 1325	848 IAC 4-1-2	RA	01-127	24 IR 3231	25 IR 940
844 IAC 10-4	RA	01-170	24 IR 4209	25 IR 1325	848 IAC 4-1-3	RA	01-127	24 IR 3234	25 IR 1329
844 IAC 10-5	RA	01-170	24 IR 4209	25 IR 1325	848 IAC 4-1-4	RA	01-127	24 IR 3231	25 IR 940
844 IAC 11-1-1	RA	01-41	24 IR 2892	25 IR 532	848 IAC 4-1-5	RA	01-127	24 IR 3231	25 IR 940
844 IAC 11-1-2	RA	01-131	24 IR 3226	25 IR 1320	848 IAC 4-1-6	RA	01-127	24 IR 3234	25 IR 1329
844 IAC 11-1-3	RA	01-41	24 IR 2892	25 IR 532	848 IAC 4-2	RA	01-127	24 IR 3231	25 IR 940
844 IAC 11-1-4	RA	01-41	24 IR 2892	25 IR 532	848 IAC 4-3	RA	01-127	24 IR 3231	25 IR 940
844 IAC 11-1-5	RA	01-41	24 IR 2892	25 IR 532	848 IAC 4-4-1	R	01-127	24 IR 3234	25 IR 1329
844 IAC 11-1-6	RA	01-41	24 IR 2892	25 IR 532	848 IAC 5-1	RA	01-127	24 IR 3231	25 IR 940
844 IAC 11-2-1	R	01-248	25 IR 179	25 IR 1636	848 IAC 5-2-1	RA	01-127	24 IR 3234	25 IR 1329
844 IAC 11-2-1.1	N	01-248	25 IR 179	25 IR 1635	TITLE 852 INDIANA OPTOMETRY BOARD				
844 IAC 11-3-2	RA	01-131	24 IR 3226	25 IR 1321	852 IAC 1-1.1-4	A	02-131	25 IR 3869	
844 IAC 11-3-3	RA	01-131	24 IR 3226	25 IR 1321	852 IAC 1-10-1	RA	01-253	25 IR 200	25 IR 1732
844 IAC 11-3-3.1	N	01-235	25 IR 178	25 IR 1635	852 IAC 1-10-2	RA	01-253	25 IR 200	25 IR 1732
844 IAC 11-3-4	RA	01-131	24 IR 3227	25 IR 1321	852 IAC 1-13-1	A	02-132	25 IR 3869	
844 IAC 11-3-4.1	N	01-235	25 IR 178	25 IR 1635	852 IAC 1-13-2	A	02-132	25 IR 3870	
844 IAC 11-4-1	RA	01-41	24 IR 2892	25 IR 532	852 IAC 1-17	N	02-133	25 IR 3870	26 IR 1561
844 IAC 11-4-2	RA	01-41	24 IR 2892	25 IR 532	TITLE 856 INDIANA BOARD OF PHARMACY				
844 IAC 11-4-3	RA	01-41	24 IR 2892	25 IR 532	856 IAC 1-1	RA	01-150	24 IR 4210	25 IR 1330
844 IAC 11-4-4	RA	01-41	24 IR 2892	25 IR 532	*ERR (25 IR 1645)				
844 IAC 11-4-5	RA	01-131	24 IR 3227	25 IR 1322	856 IAC 1-2-1	RA	01-150	24 IR 4211	25 IR 1331
844 IAC 11-4-6	RA	01-131	24 IR 3228	25 IR 1322	856 IAC 1-2-2	RA	01-150	24 IR 4211	25 IR 1331
844 IAC 11-4-7	RA	01-41	24 IR 2892	25 IR 532	856 IAC 1-2-3	RA	01-150	24 IR 4211	25 IR 1331
844 IAC 11-4-8	RA	01-131	24 IR 3228	25 IR 1323	856 IAC 1-2-4	RA	01-150	24 IR 4210	25 IR 1330
844 IAC 11-4-9	RA	01-41	24 IR 2892	25 IR 532	856 IAC 1-3.1-1	RA	01-150	24 IR 4210	25 IR 1330
844 IAC 11-5-1	RA	01-131	24 IR 3228	25 IR 1323	856 IAC 1-3.1-2	RA	01-150	24 IR 4210	25 IR 1330
844 IAC 11-5-3	RA	01-131	24 IR 3228	25 IR 1323	856 IAC 1-3.1-3	RA	01-150	24 IR 4211	25 IR 1331
844 IAC 11-5-4	RA	01-131	24 IR 3229	25 IR 1323	856 IAC 1-3.1-4	RA	01-150	24 IR 4211	25 IR 1331
844 IAC 11-5-5	RA	01-131	24 IR 3229	25 IR 1324	856 IAC 1-3.1-5	RA	01-150	24 IR 4210	25 IR 1330
844 IAC 12-2-1	R	01-247	25 IR 502	25 IR 2248	856 IAC 1-3.1-6	RA	01-150	24 IR 4211	25 IR 1331
844 IAC 12-2-2	N	01-247	25 IR 502	25 IR 2248	856 IAC 1-3.1-7	RA	01-150	24 IR 4212	25 IR 1332
844 IAC 13	N	01-47	24 IR 2554	25 IR 803	856 IAC 1-3.1-9	RA	01-150	24 IR 4210	25 IR 1330
TITLE 845 BOARD OF PODIATRIC MEDICINE					856 IAC 1-3.1-10	R	01-150	24 IR 4220	25 IR 1340
845 IAC 1-5-2	R	01-363	25 IR 3456	*I (26 IR 1104)	856 IAC 1-3.1-11	RA	01-150	24 IR 4210	25 IR 1330
845 IAC 1-5-2.1	N	01-363	25 IR 3455	*I (26 IR 1104)	856 IAC 1-3.1-12	RA	01-150	24 IR 4212	25 IR 1332
845 IAC 1-6-8	R	01-229	24 IR 4193	*ARR (25 IR 1185)	856 IAC 1-3.1-13	RA	01-150	24 IR 4210	25 IR 1330
845 IAC 1-6-9	N	01-229	24 IR 4193	*ARR (25 IR 1185)	856 IAC 1-4-1	RA	01-150	24 IR 4213	25 IR 1333
TITLE 846 BOARD OF CHIROPRACTIC EXAMINERS					856 IAC 1-4-2	RA	01-150	24 IR 4213	25 IR 1333
846 IAC 1-4-7	RA	01-221	24 IR 4209	25 IR 1325	856 IAC 1-4-4	RA	01-150	24 IR 4213	25 IR 1333
TITLE 848 INDIANA STATE BOARD OF NURSING					856 IAC 1-5-1	R	01-150	24 IR 4220	25 IR 1340
848 IAC 1-1-2.1	RA	01-127	24 IR 3231	25 IR 939	856 IAC 1-7-1	RA	00-323	24 IR 1965	*ARR (24 IR 3992)
848 IAC 1-1-5	RA	01-127	24 IR 3231	25 IR 1326				24 IR 2581	25 IR 532
848 IAC 1-1-6	RA	01-127	24 IR 3231	25 IR 1326				24 IR 4210	25 IR 1330

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856 IAC 1-7-2	RA 00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 1-34-5	RA 01-150	24 IR 4211	25 IR 1330
		24 IR 2581	25 IR 532	856 IAC 1-35	RA 01-150	24 IR 4211	25 IR 1330
	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 1-35-1	A 02-172	25 IR 4211	26 IR 1561
856 IAC 1-7-3	RA 00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 1-35-4	A 02-172	25 IR 4212	26 IR 1562
		24 IR 2581	25 IR 532	856 IAC 1-35-6	R 02-172	25 IR 4212	26 IR 1562
	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 1-36-1	RA 01-150	24 IR 4211	25 IR 1330
856 IAC 1-7-4	RA 00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 1-36-2	RA 01-150	24 IR 4211	25 IR 1330
		24 IR 2581	25 IR 532	856 IAC 1-36-3	RA 01-150	24 IR 4211	25 IR 1330
	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 1-36-4	RA 01-150	24 IR 4211	25 IR 1330
856 IAC 1-7-5	RA 00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 1-36-5	RA 01-150	24 IR 4220	25 IR 1340
		24 IR 2581		856 IAC 1-36-6	RA 01-150	24 IR 4211	25 IR 1330
856 IAC 1-7-6	RA 00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 1-36-7	RA 01-150	24 IR 4211	25 IR 1330
		24 IR 2581		856 IAC 1-36-8	RA 01-150	24 IR 4211	25 IR 1330
856 IAC 1-7-7	RA 00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 1-36-9	RA 01-150	24 IR 4211	25 IR 1330
		24 IR 2581		856 IAC 2-1	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-12	R 01-150	24 IR 4220	25 IR 1340	856 IAC 2-2	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-13-3	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-1	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-13-4	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-2	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-15-1	RA 01-150	24 IR 4213	25 IR 1333	856 IAC 2-3-3	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-20-1	RA 01-150	24 IR 4213	25 IR 1333	856 IAC 2-3-4	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-21-1	RA 01-150	24 IR 4214	25 IR 1334	856 IAC 2-3-5	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-23-1	RA 01-150	24 IR 4215	25 IR 1335	856 IAC 2-3-6	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-26-1	RA 01-150	24 IR 4215	25 IR 1335	856 IAC 2-3-7	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-27-1	RA 01-148	24 IR 3812	*AWR (25 IR 1186)	856 IAC 2-3-8	RA 01-151	24 IR 4221	25 IR 1341
	A 01-434	25 IR 2042	25 IR 2739	856 IAC 2-3-9	RA 01-149	24 IR 3813	25 IR 940
856 IAC 1-28	RA 00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 2-3-10	R 01-151	24 IR 4223	25 IR 1344
		24 IR 2581		856 IAC 2-3-11	RA 01-151	24 IR 4221	25 IR 1341
	R 01-298	25 IR 509	*AROC (25 IR 1734)	856 IAC 2-3-12	RA 01-151	24 IR 4221	25 IR 1341
			25 IR 1643	856 IAC 2-3-13	RA 01-151	24 IR 4222	25 IR 1342
856 IAC 1-28.1	RA 00-323	24 IR 1965	*ARR (24 IR 3992)	856 IAC 2-3-14	R 01-151	24 IR 4223	25 IR 1344
		24 IR 2581		856 IAC 2-3-15	R 01-151	24 IR 4223	25 IR 1344
	N 01-298	25 IR 502	*AROC (25 IR 1734)	856 IAC 2-3-16	RA 01-151	24 IR 4221	25 IR 1341
			25 IR 1636	856 IAC 2-3-17	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-1	RA 01-150	24 IR 4216	25 IR 1337	856 IAC 2-3-18	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-2	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-19	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-3	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-20	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-4	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-21	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-5	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-22	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-6	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-23	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-29-7	R 01-150	24 IR 4220	25 IR 1340	856 IAC 2-3-24	RA 01-151	24 IR 4222	25 IR 1343
856 IAC 1-29-9	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-25	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-1	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-26	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-2	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-27	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-3	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-28	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-4	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-29	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-5	RA 01-150	24 IR 4217	25 IR 1337	856 IAC 2-3-30	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-6	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-31	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-7	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-32	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-8	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-33	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-9	RA 01-150	24 IR 4217	25 IR 1337	856 IAC 2-3-34	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-10	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-3-35	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-11	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-4	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-12	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-5	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-13	RA 01-150	24 IR 4217	25 IR 1337	856 IAC 2-6-1	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-14	RA 01-150	24 IR 4217	25 IR 1338	856 IAC 2-6-2	RA 01-151	24 IR 4223	25 IR 1343
856 IAC 1-30-15	RA 01-150	24 IR 4218	25 IR 1338	856 IAC 2-6-3	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-16	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-6-4	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-17	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-6-5	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-30-18	RA 01-150	24 IR 4218	25 IR 1338	856 IAC 2-6-6	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-31	RA 01-150	24 IR 4210	25 IR 1330	856 IAC 2-6-7	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-32-1	RA 01-150	24 IR 4218	25 IR 1339	856 IAC 2-6-8	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-32-2	RA 01-150	24 IR 4219	25 IR 1339	856 IAC 2-6-9	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-32-3	RA 01-150	24 IR 4219	25 IR 1339	856 IAC 2-6-10	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-32-4	RA 01-150	24 IR 4219	25 IR 1339	856 IAC 2-6-11	R 01-151	24 IR 4223	25 IR 1344
856 IAC 1-33	RA 01-150	24 IR 4211	25 IR 1330	856 IAC 2-6-12	RA 01-151	24 IR 4223	25 IR 1343
856 IAC 1-34-1	RA 01-150	24 IR 4211	25 IR 1330	856 IAC 2-6-13	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-34-2	RA 01-150	24 IR 4219	25 IR 1340	856 IAC 2-6-14	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-34-3	RA 01-150	24 IR 4211	25 IR 1330	856 IAC 2-6-15	RA 01-151	24 IR 4221	25 IR 1341
856 IAC 1-34-4	RA 01-150	24 IR 4211	25 IR 1330	856 IAC 2-6-16	RA 01-151	24 IR 4221	25 IR 1341

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856 IAC 2-6-17	RA	01-151	24 IR 4221	25 IR 1341	876 IAC 3-2-5	A	02-148	25 IR 4213	26 IR 1107
856 IAC 2-6-18	RA	01-151	24 IR 4221	25 IR 1341	876 IAC 3-2-7	A	02-148	25 IR 4213	26 IR 1107
856 IAC 2-7	N	01-306	25 IR 3871	*SPE	876 IAC 3-3-6				*ERR (26 IR 1109)
	N	02-258	26 IR 1725		876 IAC 3-3-21	A	01-346	25 IR 2310	25 IR 4111
856 IAC 3-2-2	RA	01-153	24 IR 3813	25 IR 941					*ERR (26 IR 1109)
TITLE 857 INDIANA OPTOMETRIC LEGEND DRUG PRESCRIPTION ADVISORY COMMITTEE					876 IAC 3-3-22	A	02-148	25 IR 4214	26 IR 1107
857 IAC 1-4-1	RA	02-78	25 IR 3883	26 IR 546	876 IAC 3-6-2	A	01-403	25 IR 1726	25 IR 3181
857 IAC 2-3-16	A	02-123	25 IR 3873	26 IR 1104		A	02-246	26 IR 1728	
TITLE 858 CONTROLLED SUBSTANCES ADVISORY COMMITTEE					876 IAC 3-6-3	A	01-403	25 IR 1727	25 IR 3181
858 IAC 2	RA	01-63	24 IR 4224	25 IR 1344		A	02-246	26 IR 1729	
TITLE 860 INDIANA PLUMBING COMMISSION					876 IAC 3-6-9	A	02-148	25 IR 4214	26 IR 1108
860 IAC 1-1-2.1	A	01-425	25 IR 2309	*ARR (25 IR 2523)	876 IAC 4-1-3	A	00-260	24 IR 2850	25 IR 103
			25 IR 2585	25 IR 4109		A	01-427	25 IR 3876	26 IR 791
				*ERR (26 IR 1109)	876 IAC 4-2-1	A	00-260	24 IR 2850	25 IR 103
860 IAC 1-1-8	A	01-425	25 IR 2586	25 IR 4110	876 IAC 4-2-2	A	01-369	26 IR 180	26 IR 788
TITLE 862 PRIVATE DETECTIVES LICENSING BOARD					876 IAC 4-2-3	A	01-369	26 IR 180	26 IR 788
862 IAC 1-1-6	A	02-302	26 IR 1728		876 IAC 4-2-3.5	N	02-300	26 IR 1730	
TITLE 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS					876 IAC 4-2-4	A	00-260	24 IR 2851	25 IR 104
864 IAC 1.1-2-2	A	01-405	25 IR 2848	26 IR 379	876 IAC 4-2-5	A	00-260	24 IR 2851	25 IR 104
864 IAC 1.1-2-4	A	01-405	25 IR 2849	26 IR 380	876 IAC 4-2-9	A	00-260	24 IR 2851	25 IR 104
864 IAC 1.1-12-1	A	01-405	25 IR 2850	26 IR 380		A	01-369	26 IR 180	26 IR 788
TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS					TITLE 880 SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD				
865 IAC 1-4-8	A	02-56	25 IR 3456	26 IR 1105	880 IAC 1-1-1	RA	00-326	24 IR 2210	*CPH (24 IR 3658)
865 IAC 1-11-1	A	01-426	25 IR 2043	*CPH (25 IR 2543)					25 IR 1345
				25 IR 4110	880 IAC 1-1-2	RA	00-326	24 IR 2210	*CPH (24 IR 3658)
865 IAC 1-12-28	A	02-56	25 IR 3456	26 IR 1105					25 IR 1345
865 IAC 1-13-5	A	01-426	25 IR 2044	*CPH (25 IR 2543)	880 IAC 1-1-3.1	RA	00-326	24 IR 2210	*CPH (24 IR 3658)
				25 IR 4111					25 IR 1345
TITLE 868 STATE PSYCHOLOGY BOARD					880 IAC 1-1-5	RA	01-222	24 IR 4224	*CPH (24 IR 3658)
868 IAC 1.1-3-1	RA	01-154	24 IR 3814	*CPH (25 IR 124)					25 IR 1345
				25 IR 1344	880 IAC 1-1-6	RA	00-326	24 IR 2210	*CPH (24 IR 3658)
868 IAC 1.1-5-4	RA	01-154	24 IR 3814	*CPH (25 IR 124)					25 IR 1345
				25 IR 1344	880 IAC 1-1-7	RA	00-326	24 IR 2210	*CPH (24 IR 3658)
868 IAC 1.1-5-7	RA	01-154	24 IR 3814	*CPH (25 IR 124)					25 IR 1345
				25 IR 1344	880 IAC 1-2	RA	00-326	24 IR 2210	*CPH (24 IR 3658)
868 IAC 1.1-12-1	R	01-210	24 IR 4194	25 IR 1181		R	02-269	26 IR 879	25 IR 1345
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				25 IR 2518	888 IAC 1.1-3-2	RA	01-223	24 IR 4225	25 IR 1346
872 IAC 1-1-8.1	R	01-310	25 IR 893	*ARR (25 IR 2256)	888 IAC 1.1-3-3	RA	01-321	25 IR 201	25 IR 1733
				25 IR 2520	888 IAC 1.1-6-1	A	02-134	25 IR 3877	26 IR 1563
872 IAC 1-1-8.3	A	01-310	25 IR 892	*ARR (25 IR 2256)	888 IAC 1.1-6-3	A	02-135	25 IR 3878	
				25 IR 2519	888 IAC 1.1-11	N	02-136	25 IR 3879	26 IR 1563
872 IAC 1-1-8.4	A	01-310	25 IR 892	*ARR (25 IR 2256)	TITLE 896 BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS				
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872 IAC 1-1-10	A	01-310	25 IR 893	*ARR (25 IR 2256)	TITLE 898 INDIANA ATHLETIC TRAINERS BOARD				
				25 IR 2520	898 IAC 1-1-1.5	N	01-46	24 IR 2562	*CPH (24 IR 2724)
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876 IAC 1-1-3	A	00-260	24 IR 2848	25 IR 101	898 IAC 1-1-2.5	RA	01-44	24 IR 2588	*CPH (24 IR 2724)
876 IAC 1-1-23	A	00-260	24 IR 2849	25 IR 102					25 IR 204
	A	01-427	25 IR 3874	26 IR 789	898 IAC 1-1-3.5	RA	01-44	24 IR 2589	*CPH (24 IR 2724)
876 IAC 1-1-24	A	00-260	24 IR 2849	25 IR 102					25 IR 204
876 IAC 1-1-26	A	00-260	24 IR 2849	25 IR 102	898 IAC 1-2-6	N	01-198	24 IR 4194	25 IR 1643
876 IAC 1-4-2	A	01-427	25 IR 3874	26 IR 789	898 IAC 1-2-7	N	01-198	24 IR 4194	25 IR 1643
876 IAC 2-17-3	A	00-260	24 IR 2849	25 IR 102	898 IAC 1-3-1	A	01-199	24 IR 4195	25 IR 1347
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905 IAC 1-5.1	RA 01-225	24 IR 3815	25 IR 941
905 IAC 1-5.2-1	RA 01-225	24 IR 3815	25 IR 941
905 IAC 1-5.2-2	RA 01-225	24 IR 3815	25 IR 941
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N 02-316

*ETR (26 IR 794)

Water Pollution Control Board

N 02-193

*ETR (25 IR 3778)

*Key:

A:	Amended Text
AGA:	Attorney General's Action
AROC:	Administrative Rules Oversight Committee Notice
ARR:	Agency Recalls Rule
AWR:	Agency Withdrew Rule
CPH:	Change in Public Hearing
DAG:	Disapproved by Attorney General
DG:	Disapproved by Governor
ER:	Emergency Rule
ERR:	Errata
ETR:	Emergency Temporary Rule
ETS:	Emergency Temporary Standard
GRAT:	Governor Requires Additional Time
I:	Document Ineffective
N:	New Text
NRA:	Notice of Rule Adoption
OAC:	Objection to Errata
ON:	Other Notices of Administrative Action
R:	Repealed Text
RA:	Readopted Rule
SAC:	Solicitation of Advance Comment
SPE:	Statutory Period for Promulgation Expired
SPE-SE:	Statutory Period for Promulgation Expired; Signed After Expiration
††:	Renumbered or Added in Final Rule

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

*The index is cumulative for all proposed and final rulemaking actions published after September 1, 2001. Final rules published before that date have been incorporated into the 2001 edition of the Indiana Administrative Code and the 2002 Supplement. Indiana Register citations in roman type are to the volume and page on which the proposed version of the rule appears. Entries in **bold type** indicate the page on which a final rule filed with the Secretary of State appears.

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Advanced degree as experience		COMMISSION, INDIANA)	24 IR 2777
872 IAC 1-1-8.4	25 IR 892		26 IR 1072
	25 IR 2519	AIR AMBULANCES	Emission limitations for specific type of operations
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872 IAC 1-1-8	25 IR 891	Acid deposition control	Commercial and industrial solid waste incineration units
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	25 IR 803	326 IAC 18-2-1 24 IR 2778	25 IR 1602
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844 IAC 13-4	24 IR 2557	326 IAC 18-2-12 24 IR 2790	Applicability
	25 IR 807	Approval revocation	326 IAC 11-4-1 24 IR 3159
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844 IAC 13-2	24 IR 2555	Course notification and record submittal	Shelby County
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Applicability		Applicability; incorporation by reference of			25 IR 3101
326 IAC 11-2-1	24 IR 3158	federal standards		General provisions	
	25 IR 1603	326 IAC 20-15-1	24 IR 4108	Definitions	
Emission standards for hazardous air pollutants			25 IR 3098	326 IAC 20-1-3	24 IR 4099
Asbestos listed in section 1 of this rule		Boat manufacturing; emission standards for			25 IR 3089
Applicability; incorporation by reference of		hazardous air pollutants		Incorporation by reference	
federal standards		Applicability; incorporation by reference of		326 IAC 20-1-1	24 IR 4099
326 IAC 14-2-1	24 IR 4093	federal standards			25 IR 3089
	25 IR 3084	326 IAC 20-48	26 IR 95	Generic maximum achievable control technology	
General provisions		Bulk gasoline distribution facilities		standards	
More stringent limitations apply		Applicability; incorporation by reference of		Applicability; incorporation by reference of	
326 IAC 14-1-3	24 IR 3159	federal standards		federal standards	
	25 IR 1604	326 IAC 20-10-1	24 IR 4102	326 IAC 20-44-1	24 IR 4115
General provisions			25 IR 3093		25 IR 3106
Ambient air quality standards		Closed vent systems, control devices, recovery		Group I polymers and resins	
Standards		devices, and routing to a fuel gas systems or a		Applicability; incorporation by reference of	
326 IAC 1-3-4	24 IR 4066	process		federal standards	
	25 IR 3055	Applicability; incorporation by reference of		326 IAC 20-19-1	24 IR 4108
Definitions		federal standards			25 IR 3099
Compilation of air pollution emission factors		326 IAC 20-39-1	24 IR 4113	Group IV polymers and resins	
AP-42			25 IR 3104	Applicability; incorporation by reference of	
326 IAC 1-2-20.5	24 IR 4065	Coke oven batteries		federal standards	
	25 IR 3055	Applicability; incorporation by reference of		326 IAC 20-21-1	24 IR 4109
Nonphotochemically reactive hydrocarbons or		federal standards			25 IR 3100
negligibly photochemically reactive com-		326 IAC 20-3-1	24 IR 4100	Halogenated solvent cleaning	
pounds			25 IR 3090	Applicability; incorporation by reference of	
326 IAC 1-2-48	24 IR 4065	Containers		federal standards	
	25 IR 3055	Applicability; incorporation by reference of		326 IAC 20-6-1	24 IR 4100
Title I conditions		federal standards			25 IR 3091
326 IAC 1-2-82.5	24 IR 3107	326 IAC 20-36-1	24 IR 4113	Hard and decorative chromium electroplating and	
			25 IR 3103	chromium anodizing tanks	
Malfunctions		Emissions from reinforced plastics composites		Applicability; incorporation by reference of	
Applicability		fabricating emission units		federal standards	
326 IAC 1-6-1	24 IR 2752	Applicability		326 IAC 20-8-1	24 IR 4101
Conditions under which malfunction not con-		326 IAC 20-25-1	26 IR 92		25 IR 3092
sidered violation		Emission standards		Individual drain systems	
326 IAC 1-6-4	24 IR 2753	326 IAC 20-25-3	26 IR 92	Applicability; incorporation by reference of	
Excessive malfunctions; department actions		Reporting requirements		federal standards	
326 IAC 1-6-5	24 IR 2753	326 IAC 20-25-7	26 IR 95	326 IAC 20-38-1	24 IR 4113
Malfunction emission reduction program		Testing requirements			25 IR 3104
326 IAC 1-6-6	24 IR 2754	326 IAC 20-25-5	26 IR 94	Industrial process cooling towers	
Preventive maintenance plans		Work practice standards		Applicability; incorporation by reference of	
326 IAC 1-6-3	24 IR 2753	326 IAC 20-25-4	26 IR 94	federal standards	
Records; notice of malfunction		Epoxy resins and non-nylon polyamides		326 IAC 20-4-1	24 IR 4100
326 IAC 1-6-2	24 IR 2752	Applicability; incorporation by reference of			25 IR 3090
Nonattainment/attainment/unclassifiable area		federal standards		Magnetic tape manufacturing operations	
designations for sulfur dioxide; total suspended		326 IAC 20-20-1	24 IR 4109	Applicability; incorporation by reference of	
particulates, carbon monoxide; ozone; and			25 IR 3100	federal standards	
nitrogen dioxides		Equipment leaks—control level 1		326 IAC 20-9-1	24 IR 4102
Designations		Applicability; incorporation by reference of			25 IR 3092
326 IAC 1-4-1	24 IR 4066	federal standards			
	25 IR 3056	326 IAC 20-40-1	24 IR 4114		
	25 IR 3240		25 IR 3105		
	26 IR 1077				

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Marine tank vessel loading operations		Publicly owned treatment works		Wool fiberglass manufacturing	
Applicability; incorporation by reference of federal standards		Applicability; incorporation by reference of federal standards		Applicability; incorporation by reference of federal standards	
326 IAC 20-17-1	24 IR 4108	326 IAC 20-32-1	24 IR 4112	326 IAC 20-47-1	24 IR 4116
	25 IR 3099		25 IR 3102		25 IR 3107
Mineral wool production		Pulp and paper production; noncombustion		Lead-based paint	
Applicability; incorporation by reference of federal standards		Applicability; incorporation by reference of federal standards		Licensing	
326 IAC 20-46-1	24 IR 4115	326 IAC 20-33-1	24 IR 4112	Application	
	25 IR 3107		25 IR 3102	326 IAC 23-2-4	24 IR 4116
Natural gas transmission and storage		Secondary lead smelters			25 IR 3108
Applicability; incorporation by reference of federal standards		Applicability; incorporation by reference of federal standards		License revocation; denial	
326 IAC 20-31-1	24 IR 4111	326 IAC 20-13-1	24 IR 4103	326 IAC 23-2-7	24 IR 4118
	25 IR 3102		25 IR 3093		25 IR 3109
Off-site waste and recovery operations		Bag leak detection system requirements		Lead rules	
Applicability; incorporation by reference of federal standards		326 IAC 20-13-8	24 IR 4106	Lead emissions limitations	
326 IAC 20-23-1	24 IR 4110		25 IR 3097	Applicability	
	25 IR 3101	Compliance requirements		326 IAC 15-1-1	24 IR 3159
Oil and natural gas production		326 IAC 20-13-7	24 IR 4105		25 IR 1604
Applicability; incorporation by reference of federal standards			25 IR 3095	Mobile source rules	
326 IAC 20-30-1	24 IR 4111	Compliance testing		Clean fuel fleet vehicles	
	25 IR 3102	326 IAC 20-13-6	24 IR 4104	Definitions	
Oil-water separators and organic-water separators			25 IR 3095	326 IAC 19-3-2	24 IR 4095
Applicability; incorporation by reference of federal standards		Emission limitations			25 IR 3085
326 IAC 20-42-1	24 IR 4114	Other secondary lead smelters		General purchase requirements	
	25 IR 3106	326 IAC 20-13-4	24 IR 4104	326 IAC 19-3-3	24 IR 4097
Perchloroethylene dry cleaning facilities			25 IR 3094		25 IR 3088
Applicability; incorporation by reference of federal standards		Quemetco, Incorporated		Registration and record keeping requirements	
326 IAC 20-7-1	24 IR 4101	326 IAC 20-13-2	24 IR 4103	326 IAC 19-3-5	24 IR 4098
	25 IR 3091		25 IR 3094		25 IR 3088
Pesticide active ingredient		Operational and work practice standards		Transportation conformity to federal and state implementation plans	
Applicability; incorporation by reference of federal standards		326 IAC 20-13-5	24 IR 4104	Applicability; incorporation by reference of federal standards	
326 IAC 20-45-1	24 IR 4115		25 IR 3095	326 IAC 19-2-1	24 IR 4094
	25 IR 3107	Shipbuilding and ship repair surface coating operations			25 IR 3085
Petroleum refineries		Applicability; incorporation by reference of federal standards		Monitoring requirements	
Applicability; incorporation by reference of federal standards		326 IAC 20-26-1	24 IR 4111	Continuous monitoring of emissions	
326 IAC 20-16-1	24 IR 4108		25 IR 3101	Monitoring requirements for applicable pollutants; applicability	
	25 IR 3099	Storage vessels (tanks)—control level 2		326 IAC 3-5-1	24 IR 3152
Phosphoric acid manufacturing and phosphate		Applicability; incorporation by reference of federal standards			25 IR 1596
Applicability; incorporation by reference of federal standards		326 IAC 20-43-1	24 IR 4115	Motor vehicle emission and fuel standards	
326 IAC 20-34-1	24 IR 4112		25 IR 3106	Control of gasoline Reid vapor pressure	
	25 IR 3103	Surface impoundments		Applicability	
Primary aluminum reduction plants		Applicability; incorporation by reference of federal standards		326 IAC 13-3-1	25 IR 3242
Applicability; incorporation by reference of federal standards		326 IAC 20-37-1	24 IR 4113		26 IR 1079
326 IAC 20-24-1	24 IR 4110		25 IR 3104	Motor vehicle inspection and maintenance requirements	
	25 IR 3101	Synthetic organic chemical manufacturing industries		On-board diagnostic check	
Printing and publishing operations		Applicability; incorporation by reference of federal standards		326 IAC 13-1.1-17.1	24 IR 4093
Applicability; incorporation by reference of federal standards		326 IAC 20-11-1	24 IR 4102		25 IR 3083
326 IAC 20-18-1	24 IR 4109		25 IR 3093	New source performance standards	
	25 IR 3099	Tanks—level 1		General provisions	
Process subject to the negotiated regulation for equipment leaks		Applicability; incorporation by reference of federal standards		Applicability	
Applicability; incorporation by reference of federal standards		326 IAC 20-35-1	24 IR 4112	326 IAC 12-1-1	24 IR 3159
326 IAC 20-12-1	24 IR 4103		25 IR 3103		25 IR 1603
	25 IR 3093	Wood furniture manufacturing operations		Availability of regulations	
		Compliance testing		326 IAC 12-1-3	24 IR 4093
		326 IAC 20-14-1	24 IR 4107		25 IR 3083
			25 IR 3098	Definitions	
				326 IAC 12-1-2	24 IR 4092
					25 IR 3083
				Nitrogen oxide rules	
				Nitrogen oxides budget trading program	
				326 IAC 10-4	24 IR 2146
					25 IR 18

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Applicability		Emission limitations		Process operations	
326 IAC 10-4-1	26 IR 1134	326 IAC 6-4-2	24 IR 2800	Applicability	24 IR 2748
Compliance supplement pool			25 IR 1605	326 IAC 6-3-1	25 IR 3051
326 IAC 10-4-15	26 IR 1156	Exceptions		Definitions	
Definitions		326 IAC 6-4-6	24 IR 2800	326 IAC 6-3-1.5	25 IR 3052
326 IAC 10-4-2	26 IR 1136		25 IR 1606	Particulate emission limitations	
Individual opt-ins		Measurement processes		326 IAC 6-3-2	24 IR 2749
326 IAC 10-4-13	26 IR 1152	326 IAC 6-4-5	24 IR 2800		25 IR 3052
NO _x allowance allocations			25 IR 1606	State implementation plan revisions	
326 IAC 10-4-9	26 IR 1142	Motor vehicle fugitive dust sources		326 IAC 6-1-6	24 IR 399
NO _x allowance banking		326 IAC 6-4-4	24 IR 2800		25 IR 714
326 IAC 10-4-14	26 IR 1155		25 IR 1606	St. Joseph County	
NO _x allowance tracking system		Multiple sources of fugitive dust		326 IAC 6-1-18	24 IR 444
326 IAC 10-4-10	26 IR 1148	326 IAC 6-4-3	24 IR 2800		25 IR 762
Nitrogen oxides control in Clark and Floyd Counties			25 IR 1605	Vanderburgh County	
Applicability		Fugitive particulate matter emission limitations		326 IAC 6-1-16	24 IR 442
326 IAC 10-1-1	24 IR 3157	Applicability			25 IR 759
	25 IR 1602	326 IAC 6-5-1	24 IR 3154	Vigo County	
Nitrogen oxides reduction program for specific			25 IR 1599	326 IAC 6-1-13	24 IR 437
source categories		Nonattainment area limitations			25 IR 754
326 IAC 10-3	24 IR 2143	Applicability		Wayne County	
	25 IR 14	326 IAC 6-1-1	24 IR 3154	326 IAC 6-1-14	24 IR 439
Applicability			25 IR 1598		25 IR 756
326 IAC 10-3-1	26 IR 1134		25 IR 710		26 IR 98
Opacity regulations		Clark County		Source specific and facility emission limitations	
Limitations		326 IAC 6-1-17	24 IR 443	for TSP in Porter County	
Applicability			25 IR 761	Applicability	
326 IAC 5-1-1	24 IR 3153	Compliance schedules		326 IAC 6-6-1	24 IR 3155
	25 IR 1597	326 IAC 6-1-4	24 IR 398		25 IR 1600
Part 70 permit program			25 IR 713	Sources of indirect heating; particulate emission	
Administrative permit amendments		Control strategies		limitations	
326 IAC 2-7-11	24 IR 3146	326 IAC 6-1-5	24 IR 398	Applicability	
	25 IR 1591		25 IR 713	326 IAC 6-2-1	24 IR 3154
Applicability		Dearborn County			25 IR 1598
326 IAC 2-7-2	24 IR 3139	326 IAC 6-1-8.1	24 IR 399	Permit review rules	
	25 IR 1584		25 IR 714	Construction of new sources	
Definitions		Dubois County		Permits	
326 IAC 2-7-1	24 IR 3129	326 IAC 6-1-9	24 IR 400	326 IAC 2-5.1-3	24 IR 4069
	25 IR 1573		25 IR 715		25 IR 3059
Emergency provision		Howard County		Emission offset	
326 IAC 2-7-16	24 IR 3149	326 IAC 6-1-15	24 IR 440	Applicability	
	25 IR 1593		25 IR 758	326 IAC 2-3-2	25 IR 11
Operational flexibility		Lake County fugitive particulate matter control		Applicable requirements	
326 IAC 2-7-20	24 IR 3150	requirements		326 IAC 2-3-3	25 IR 12
	25 IR 1594	326 IAC 6-1-11.1	24 IR 425	Definitions	
Permit application			25 IR 741	326 IAC 2-3-1	25 IR 6
326 IAC 2-7-4	24 IR 3140	Lake County particulate matter contingency		Emission reporting	
	25 IR 1585	measures		Applicability	
Permit content		326 IAC 6-1-11.2	24 IR 430	326 IAC 2-6-1	24 IR 3699
326 IAC 2-7-5	24 IR 3143		25 IR 746	Compliance schedule	
	25 IR 1588	Lake County PM ₁₀ emission requirements		326 IAC 2-6-3	24 IR 3702
Permit modification		326 IAC 6-1-10.1	24 IR 401	Definitions	
326 IAC 2-7-12	24 IR 3147		25 IR 716	326 IAC 2-6-2	24 IR 3700
	25 IR 1591		25 IR 1959	Requirements	
Units subject to multiple requirements; establish-		Marion County		326 IAC 2-6-4	24 IR 3703
ment of streamlined requirements		326 IAC 6-1-12	24 IR 432	Violations	
326 IAC 2-7-24	24 IR 3150		25 IR 748	326 IAC 2-6-5	24 IR 3705
	25 IR 1595	Nonattainment area particulate		Federally enforceable state operating permit	
Particulate rules		compliance determination		program	
Fugitive dust emissions		326 IAC 6-1-3	24 IR 397	Administrative permit amendments	
Applicability			25 IR 713	326 IAC 2-8-10	24 IR 4081
326 IAC 6-4-1	24 IR 2800	Particulate emission limitations; fuel combus-			25 IR 3071
	25 IR 1605	tion steam generators, asphalt concrete plant,		Permit revisions	
Compliance date		grain elevators, foundries, mineral aggregate		326 IAC 2-8-11.1	24 IR 4082
326 IAC 6-4-7	24 IR 2800	operations; modification by commissioner			25 IR 3072
	25 IR 1606	326 IAC 6-1-2	24 IR 395		
			25 IR 710		

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General provisions		Source specific operating agreement program		General record keeping and reports	
Exemptions		Woodworking operations		326 IAC 8-7-8	24 IR 2758
326 IAC 2-1.1-3	24 IR 3107	326 IAC 2-9-4	24 IR 4085	Test methods and procedures	
	25 IR 1549		25 IR 3075	326 IAC 8-7-7	24 IR 2758
Fees		Public records; confidential information; confidentiality agreements		Surface coating emission limitations	
326 IAC 2-1.1-7	24 IR 4067	Purpose and applicability		Miscellaneous metal coating operation	
	25 IR 3057	Applicability		326 IAC 8-2-9	25 IR 3241
Term of permit		326 IAC 17.1-1-2	24 IR 4094		26 IR 1078
326 IAC 2-1.1-9.5	24 IR 3115		25 IR 3084	Volatile organic liquid storage vessels	
	25 IR 1557	Sulfur dioxide rules		Applicability	
Major sources of hazardous air pollutants		Ambient monitoring		326 IAC 8-9-1	24 IR 2760
New source toxics control		Applicability		Definitions	
326 IAC 2-4.1-1	24 IR 4068	326 IAC 7-3-1	24 IR 3156	326 IAC 8-9-3	24 IR 2760
	25 IR 3058		25 IR 1600	Exemptions	
Minor source operating permit program		Emission limitations		326 IAC 8-9-2	24 IR 2760
Applicability		Applicability		Record keeping and reporting requirements	
326 IAC 2-6.1-2	24 IR 3128	326 IAC 7-1.1-1	24 IR 3156	326 IAC 8-9-6	24 IR 2765
	25 IR 1572		25 IR 1600	Standards	
Compliance schedule		Sulfur dioxide emission limitations		326 IAC 8-9-4	24 IR 2761
326 IAC 2-6.1-3	24 IR 4072	326 IAC 7-1.1-2	24 IR 3156	Testing and procedures	
	25 IR 3062		25 IR 1600	326 IAC 8-9-5	24 IR 2763
Operating permit content		Volatile organic compounds		Wood furniture coatings	
326 IAC 2-6.1-5	24 IR 3128	General provisions		Applicability	
	25 IR 1572	Applicability		326 IAC 8-11-1	24 IR 2767
Permit revisions		326 IAC 8-1-1	24 IR 3156	Compliance procedures and monitoring	
326 IAC 2-6.1-6	24 IR 4072		25 IR 1601	326 IAC 8-11-6	24 IR 2771
	25 IR 3062	Compliance methods		Continuous compliance plan	
Part 70 permit program		326 IAC 8-1-2	25 IR 2754	326 IAC 8-11-5	24 IR 2771
Fees			26 IR 1073	Definitions	
326 IAC 2-7-19	24 IR 4079	Municipal solid waste landfills located in Clark, Floyd, Lake, and Porter Counties		326 IAC 8-11-2	24 IR 2767
	25 IR 3069	Definitions		Emission limits	
Source modifications		326 IAC 8-8-2	24 IR 4087	326 IAC 8-11-3	24 IR 2769
326 IAC 2-7-10.5	24 IR 4075		25 IR 3077	Provisions for sources electing to use emissions averaging	
	25 IR 3065	Incorporation by reference		326 IAC 8-11-10	24 IR 2777
Pollution control projects		326 IAC 8-8-3	24 IR 4087	Record keeping requirements	
326 IAC 2-2.5	25 IR 1571		25 IR 3077	326 IAC 8-11-8	24 IR 2775
Prevention of significant deterioration		Municipal solid waste landfills not located in Clark, Floyd, Lake, and Porter Counties		Reporting requirements	
Additional analysis; requirements		Definitions		326 IAC 8-11-9	24 IR 2776
326 IAC 2-2-7	24 IR 3125	326 IAC 8-8.1-2	24 IR 4087	Test procedures	
	25 IR 1568		25 IR 3077	326 IAC 8-11-7	24 IR 2775
Air quality analysis; requirements		Incorporation by reference		Work practice standards	
326 IAC 2-2-4	24 IR 3122	326 IAC 8-8.1-3	24 IR 4088	326 IAC 8-11-4	24 IR 2770
	25 IR 1565		25 IR 3078		
Air quality impact; requirements		Specific VOC reduction requirements for Lake, Porter, Clark, and Floyd Counties		ALCOHOL AND TOBACCO COMMISSION	
326 IAC 2-2-5	24 IR 3123	Applicability		Brands, labels, and trademarks	
	25 IR 1566	326 IAC 8-7-2	24 IR 2755	Registration	
Applicability		Certification, record keeping, and reporting requirements for coating facilities		905 IAC 1-23-1	24 IR 3819
326 IAC 2-2-2	24 IR 3121	326 IAC 8-7-6	24 IR 2758		25 IR 1351
	25 IR 1564	Compliance methods		Dancing	
Control technology review; requirements		326 IAC 8-7-4	24 IR 2756	Dancing permitted	
326 IAC 2-2-3	24 IR 3122	Compliance plan		905 IAC 1-16.1-1	24 IR 3819
	25 IR 1564	326 IAC 8-7-5	24 IR 2758		25 IR 1350
Definitions		Control system monitoring, record keeping, and reporting		Floor plans	
326 IAC 2-2-1	24 IR 3115	326 IAC 8-7-10	24 IR 2759	Beer and wine dealer permits for grocery stores	
	25 IR 1557	Control system operation, maintenance, and testing		905 IAC 1-49	25 IR 513
Increment consumption; requirements		326 IAC 8-7-9	24 IR 2758	Pharmacy permits	
326 IAC 2-2-6	24 IR 3124	Definitions		905 IAC 1-29.5	25 IR 509
	25 IR 1567	326 IAC 8-7-1	24 IR 2754	Letter of extension; issuance	
Innovative control technology		Emission limits		905 IAC 1-46	25 IR 511
326 IAC 2-2-9	24 IR 3125	326 IAC 8-7-3	24 IR 2755	Obtaining proof of age required; exceptions	
	25 IR 1568			905 IAC 1-48	25 IR 512
Permit rescission				Package alcoholic beverages by retail permittee; selling	
326 IAC 2-2-12	24 IR 3126			Floor plan of sale area	
	25 IR 1569			Approved by commission	
Sources impacting federal Class I areas; additional requirements				905 IAC 1-29-4	24 IR 3820
326 IAC 2-2-14	24 IR 3126				25 IR 1352
	25 IR 1569				

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Change of plan 905 IAC 1-29-7	24 IR 3820 25 IR 1352	ANIMAL HEALTH, INDIANA STATE BOARD OF	Grade A milk production and storage 345 IAC 8-3-2	25 IR 2770 26 IR 341
Restrictions on floor space used for sale 905 IAC 1-29-3	24 IR 3820 25 IR 1351	Cattle, goats, and other tuberculosis of brucellosis carrying animals	Incorporation by reference; standards 345 IAC 8-3-1	25 IR 2769 26 IR 340
Sales restrictions 905 IAC 1-29-1	24 IR 3820 25 IR 1351	Cattle Brucellosis control and eradication Sale of cattle; testing required; exceptions; owner responsibilities 345 IAC 2-6-8	Labeling 345 IAC 8-3-10	25 IR 2771 26 IR 342
Sold in bar, storage, or dispensing area only 905 IAC 1-29-2	24 IR 3820 25 IR 1351	Chronic wasting disease Certified herd status 345 IAC 2-7-4	Domestic animal disease control LSA Document #02-34(E) LSA Document #02-216(E)	25 IR 1919 25 IR 4126
Violation 905 IAC 1-29-6	24 IR 3820 25 IR 1352	CWD positive, CWD suspect, and CWD exposed animals 345 IAC 2-7-5	Importation of domestic animals Breeding swine; tests for Brucellosis and Pseudorabies 345 IAC 1-3-13	25 IR 4172 26 IR 1525
Permittee qualifications and public nuisance Public nuisance 905 IAC 1-27-2	24 IR 3819 25 IR 1351	Definitions 345 IAC 2-7-1	Certificate of veterinary inspection and permit required for importation 345 IAC 1-3-4	25 IR 4171 26 IR 1524
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Change of employment; surrender of permit; notification 905 IAC 1-8-6	24 IR 3819 25 IR 1350	Production, handling, processing, packaging, and distribution of milk and milk products Bulk milk collection; pick-up tankers 345 IAC 8-2-4	Interstate movement of swine within a production system 345 IAC 1-3-16.5	25 IR 4174 26 IR 1527
Inspection 905 IAC 1-8-3	24 IR 3818 25 IR 1349	Definitions 345 IAC 8-2-1.1	Slaughter swine; consignment 345 IAC 1-3-15	25 IR 4173 26 IR 1527
Permit required; qualifications; application for permit; fee; violations 905 IAC 1-8-1	24 IR 3817 25 IR 1349	"General requirement; permits" defined 345 IAC 8-2-1.9	Swine identification, certificate of veterinary inspection, and permit 345 IAC 1-3-11	25 IR 4171 26 IR 1524
Permittee's duty 905 IAC 1-8-4	24 IR 3818 25 IR 1350	Manufactured grade dairy farms; construction; operation; sanitation 345 IAC 8-2-3	Swine herd infected with Pseudorabies; transportation into Indiana prohibited 345 IAC 1-3-12	25 IR 4172 26 IR 1525
Salesman's permit; form and contents 905 IAC 1-8-2	24 IR 3818 25 IR 1349	Manufactured grade milk products plants; construction; operation; sanitation 345 IAC 8-2-2	Reportable diseases Definitions and general provisions 345 IAC 1-6-1.5	24 IR 4119 25 IR 1607
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Livestock dealers

Disposal of dead animals	
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345 IAC 7-7-3.5	25 IR 1993
	25 IR 4168
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Definitions	
345 IAC 7-7-1.5	25 IR 1991
	25 IR 4166
	26 IR 693
Disposal methods	
345 IAC 7-7-3	25 IR 1992
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	26 IR 694
Exemptions or license required	
345 IAC 7-7-2	25 IR 1991
	25 IR 4166
	26 IR 693
Inspections of carnivore feeding licensees	
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410 IAC 16.2-5-11.1	25 IR 3275	LSA Document #01-409(E)	25 IR 1192	Definitions	
Personnel		LSA Document #02-29(E)	25 IR 1922	840 IAC 1-1-2	25 IR 520
410 IAC 16.2-5-1.4	25 IR 3261	Reporting		Display of license	
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410 IAC 16.2-5-6	25 IR 3272	410 IAC 21-3	25 IR 2016		25 IR 2857
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410 IAC 16.2-5-1.6	25 IR 3265	Campgrounds		840 IAC 1-1-12	25 IR 522
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410 IAC 16.2-5-0.5	25 IR 3252	410 IAC 6-7.2	25 IR 2007	840 IAC 1-1-6	25 IR 522
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410 IAC 17-14	25 IR 149	412 IAC 2-1-2.1	25 IR 4198	840 IAC 1-1-15	25 IR 523
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	25 IR 2486	412 IAC 2-1-8	25 IR 4199		25 IR 2859
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410 IAC 17-16	25 IR 151	412 IAC 2-1-13	25 IR 4200	840 IAC 1-1-4	25 IR 521
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410 IAC 17-11	25 IR 144	Reciprocity		840 IAC 1-1-18	25 IR 524
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329 IAC 10-2-63.5	26 IR 434	329 IAC 10-2-172.5	26 IR 438	329 IAC 10-22-6	26 IR 494
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329 IAC 10-2-64	26 IR 434	329 IAC 10-2-174	26 IR 1655	329 IAC 10-22-8	26 IR 496
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329 IAC 10-2-66.1	26 IR 434	329 IAC 10-2-181.2	26 IR 438	329 IAC 10-22-3	26 IR 494
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329 IAC 10-2-66.2	26 IR 434	329 IAC 10-2-181.5	26 IR 438	Assessment ground water monitoring program	
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329 IAC 10-2-96	26 IR 435	329 IAC 10-3-3	26 IR 439	Ground water monitoring well and piezometer construction and design	
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329 IAC 10-2-97.1	26 IR 435	Electronic submission of information		Sampling and analysis plan and program	
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329 IAC 10-2-100	26 IR 436	Generator responsibilities for waste identification		Verification of a statistically significant increase in constituent concentration	
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329 IAC 10-2-105.3	26 IR 436	Industrial on-site activities needing permits		Location restrictions	
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329 IAC 10-2-106	26 IR 436	329 IAC 10-5-1	26 IR 1656	329 IAC 10-16-8	26 IR 453
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329 IAC 10-15-12	26 IR 451	Application procedure for all solid waste processing facilities		329 IAC 9-1-10.8	26 IR 1210
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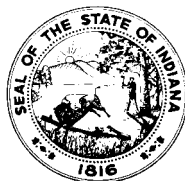
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